

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City council was held Tuesday, February 23, 1999 at the Lexington Municipal Building, 406 East 7th Street, Lexington, Nebraska at 7:30 p.m. Members of the Council present were Mayor John Fagot, Neal Kohl, Rick Klamm, Ted Cook. Council Person John Wightman was absent. City Officials present were City Clerk Leon Malzahn, City Manager Vance Bricker, City Attorney Willard Weinhold. Department Heads present were Assistant City Manager Joe Peplitsch, Charles Clark, Ruth Seward, Barb Mills, Chris Huff. Citizens in attendance were Kathy Fagot, Kenneth and Angela Beans, Jim Jones, Wes Lubberstedt. The Press was represented by the Clipper-Herald, KRVN, and the Kearney Hub.

NOTICE:

Notice of the meeting was given in advance, thereof by publication in the Lexington clipper-Herald, the designated method for giving notice, as shown by the Affidavit of Publication attached to these Minutes. Notice of this meeting was simultaneously given to the Mayor and all members of the Council, and a copy of their Acknowledgment of Receipt of Notice and the Agenda is attached to these Minutes. Availability of the Agenda was communicated in advance notice and in the notice to the Mayor and Council of this Meeting. The proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. All items presented and discussed on the Agenda were available for public inspection.

CALL TO ORDER:

The meeting was called to order by Mayor Fagot.

**MINUTES - REGULAR
MEETING - 2-9-99:**

Minutes of the Regular Council Meeting held February 9, 1999 was presented for Council's consideration and approval. Moved by Klamm, seconded by Kohl, to approve the minutes of the Regular Meeting held February 9, 1999 as presented. Roll call. Voting "aye" were Cook, Kohl, Klamm, Fagot. Motion carried.

CLAIMS & BILLS:

Claims and Bills in the amount of \$273,647.97 was presented for Council's consideration and approval. Upon the review of the claims and bills as listed, moved by Kohl, seconded by Klamm, that the claims and bills be approved as listed and authorize the City Treasurer to transfer \$74,760.55 from the General Fund, \$171,278.12 from the LEXUS Fund, \$19,119.30 from City Sanitation, \$686.56 from the Library Memorial Fund, \$1,867.45 from the Health Fund, \$5,935.99 from the Meals on Wheels Fund to the City of Lexington Operating Account. Roll call. Voting "aye" were Cook, Klamm, Kohl, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
FEBRUARY 23, 1999 COUNCIL

AFLAC	CANCER PREMIUM	572.42
ALFAX	FOLDING TABLE-SRV. BLDG	164.00
ALIAN COMMUNICATIONS	INTERNET CHGS - LIBRARY	71.43
BARCO MUNIC. PRODUCTS	BOOTS	174.63
BARMORE'S	FUSES	1.29
BECKER FIRE EQUIP. CO.	FIRE DEPARTMENT SUPPLIES	119.54
BERNTSON OIL	GAS AND DIESEL	1,598.67
BYRNS, JIM	PATCH CARPET	45.00

C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	399.86
CASH-WA	FOOD AND SUPPLIES	849.36
CDWG	64 MB UPGRADES	495.00
COAST TO COAST	MISC. SUPPLIES	54.75
COCA COLA/DR PPR-KRNY	POP - GGC	62.65
COLO PARKS & RECREATION	MBRSHIP RENEWAL - HUFF	35.00
COUNTRY GENERAL	TOOLS AND SUPPLIES	144.10
DAWSON CO. ELECTION BRD	PUBLICATION AND BALLOT	121.51
DAWSON CO. REG. OF DEEDS	FILING FEES	27.50
DEPOSITORY TRUST CO.	1997 A & B COMB UTL	70,940.00
DUGAN BUSINESS FORMS	DISCONNECT NOTICES	2,718.37
DUNRITE	TAPE	56.28
ECLIPSE COMMUNICATIONS	LONG DISTANCE CHARGES	196.55
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	5.66
FAGOT REFRIG. & ELECTRIC	RPR LIFT STATION STARTER	32.50
FAGOT, JOHN	MILG EXP. ADV-LEAG. CONF.	120.00
FISHER-SCIENTIFIC	PETRI DISH	39.07
FIVE STAR FLOORING	VINYL PASTE	13.98
GAYLORD BROS, INC.	LIBRARY SUPPLIES	50.11
GILLETTE/NE DAIRIES INC.	DAIRY	291.35
GOV. FINANCE OFCRS ASSN.	MBRSHIP RENEWAL - MILLS	130.00
GREY HOUSE PUBLISHING	LIBRARY BOOKS	325.00
HAAS, T.O. TIRE CO. INC.	4 TIRES	225.92
HARLEQUIN RETAIL, INC.	LIBRARY BOOKS	10.52
HIPP WHOLESALE COMPANY	FOOD AND SUPPLIES	194.97
HOING, GREGORY	ELECTRIC REBATE	1,300.00
HOLIDAY TRAVEL & CRUISES	AIRTRANS-SEWARD & MILLER	190.00
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	592.99
INS. & PERSONNEL SERVICES	REPLENISH RESERVE ACCNT	705.60
INTL. CONF. OF BLDG. OFCLS	REFERENCE BOOK	35.00
ISCO, INC.	EPA EQUIPMENT	10,484.26
ISLAND SUPPLY CO., THE	TEMPERATURE GAUGE	90.53
JELCO CARPET CLEANING	CLEAN CARPET GGC	82.00
K N ENERGY, INC.	ENERGY CHARGES	3,475.66
KARRE'S CITY BAKERY	COUNCIL RETREAT ROLLS	13.16
KRIZ-DAVIS COMPANY	MACHINE BOLTS	91.80
LEX CITY PAYROLL ACCT.	WAGES	72,134.67
SOCIAL SECURITY	SOC SEC(EMPL PORTION)	5,439.33
FIRST NATIONAL BANK	EMP PENS(EMPLOYER PORT)	2,188.29
AMERICAN FUNDS	POLICE PENS(EMPL PORT)	987.69
I.C.M.A.	EMP PENSION(EMPL PORT)	97.74
LEX AREA SOLID WASTE	SOLID WASTE CHARGES	74.16
LEXINGTON COOP	CAR WASH	7.00
LEXINGTON NEWSPAPER INC.	MEETING NOTICES	224.85
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	36.79
LIEHS DRILLING	ELECTRIC MOTOR MAINT	75.26
LORMAN EDUCATION SVCS	WORKSHOP REGIS-LEWIS, S.	179.00
LUCENT TECHNOLOGIES	QUARTERLY LEASE	94.76
LUTHER, ANN	MILEAGE EXPENSE	79.50
MEAD/BIG VALLEY LUMBER	PAINT, CEILING TILES & SPLS	158.19
MERIDIAN LIBRARY SYSTEM	REGIST-SEWARD & JURGENS	40.00
MEYER WELDING	METAL STRIPPING	14.00
MICRO-MARKETING ASSOC	LIBRARY BOOKS	40.50
MID-NEBRASKA FOOD BANK	GGC FOOD ORDER	25.46
MIDLANDS CONTRAC INC.	RIGHT-OF-ENTRY	500.00

MIDWAY SUPPLY	GLASS CLEANER	53.24
MIDWEST LAB INC.	WATER TESTING	5,102.45
MORRIS PRESS & OFC SPS	ADDRESS LABELS	52.00
NE DEPT. OF HHS LAB	CHEMICAL TESTING	470.10
NEBRASKA DEPT. OF LABOR	BOILER INSPEC FEE - POOL	30.00
NE LAW ENFORCEMENT	DEFENSIVE TACTICS-WRKSH	92.52
NE PUBLIC POWER DISTRICT	400 AMP CT'S	210.00
NE STATE HISTORICAL SOC	COPIES OF CLIPPER-HERALD	490.00
NEWSWEEK	SUBSCRIPTION RENEWAL	29.15
OLD COMINION BRUSH	SWEEPER BROOMS	595.00
OMNIGRAPHICS, INC.	LIBRARY BOOKS	37.30
OVERTON COMM CENTER	FEBRUARY RENT	100.00
OVERTON SAND & GRAVEL	SALT GRAVEL	220.00
PATTY'S HALLMARK	OFC SLPS/LASERJET CART	175.03
PAULSEN INC.	CONCRETE	1,558.13
PETTY CASH FUND	REPLENISH PETTY CASH	85.52
PITNEY BOWES	EQUIP MAINT AGREEMENT	686.00
PLT VALLEY COLLECTIONS	COLLECTION FEES	150.00
PRICE'S TREE SERVICE	STUMP REMOVAL	90.00
PRIMEDIA	1 YEAR SUBSCRIPTION	936.00
PROTECTIVE LIFE INSURANCE	CANCER PREMIUM	29.00
RECORDED BOOKS	LIBRARY BOOKS	70.80
SCHNIEBER FINE FOODS INC.	FOOD AND SUPPLIES	659.02
SIXTH STREET MARKET	FOOD AND SUPPLIES	106.90
TERRYBERRY	TWO 5-YEAR PINS	72.25
TRI-COUNTY HOSPITAL	MEMBERS - FITNESS CENTER	186.00
UTILITY EQUIPMENT	WATER SUPPLIES	1,077.04
WAL-MART	MISC. SUPPLIES	244.53
WESCO DISTRIBUTION INC.	TRANSFORMER	846.41
AXIS CAPITAL, INC.	LEASE ADV-PSTGE MACHINE	566.62
BERNTSON OIL	FUEL	1,173.92
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	160.57
DAN'S SANITATION	SOLID WST UTL BILLING CHGS	19,119.30
DANKO EMERG EQUIP CO.	UNIFORM EXPENSE FIREMAN	511.59
FIVE STAR FLOORING	COPY ROOM REPAIRS	133.29
ISLAND SUPPLY CO, THE	ASPHALT CRACK FILLER	921.84
LEXUS	UTILITY BILLING	17,418.53
LEXINGTON, CITY OF	FRANCHISE FEES	22,210.47
MALZAHN, LEON	LEAGUE MEETING EXPENSES	138.50
MULLENDORE, ROBERT, P.E.	JANUARY SCADA SYSTEM	2,811.50
N.P.P.D.	400 AMP CT'S-CLERK	210.00
OVERTON SAND AND GRAVEL	GRAVEL	392.55
PAULSEN DEV COMPANY	MINI BACKHOE	12,500.00
U.S. FILTER DISTRIB GROUP	WATER METERS	1,179.72
	GRAND TOTAL:	\$273,647.97

WASTEWATER STUDY:

The Lexington City Council considered a proposal from Miller and Associates as presented by the City Manager for a study of the Wastewater Treatment Plant to determine what extent the City needs to update their current operations at that plant to meet the new licensing requirements from the Department of Environmental Quality. Upon the review of the proposal for the study, moved by Kohl, seconded by Klamm, that the City Manager, or Mayor, be authorized to enter into an agreement with Miller and Associates for a study of the Wastewater

Treatment Plant. Roll call. Voting "aye" were Cook, Kohl, Klamm, Fagot. Motion carried.

**PUBLIC HEARING
ONE & SIX YEAR ROAD**

Mr. Bob Blankenship representing Miller and Associates, addressed the Lexington City Council presenting them with the One and Six Year Plans that had presented as a preliminary to them at the regular meeting on February 9, 1999. Mr. Blankenship said that nothing had changed on the plan, and is therefore asking for Council's approval. Mayor Fagot asked if there were any citizens in attendance that would like to speak to the plan. After a period of time, no one came forward, and therefore, Mayor Fagot declared the public hearing closed. Moved by Klamm, seconded by Cook, that the following resolution be passed and approved. Roll call. Voting "aye" were Kohl, Cook, Klamm, Fagot. Motion carried.

RESOLUTION NO. 99-04

BE IT RESOLVED by the Lexington City Council of Lexington Nebraska that the attached one and six-year Street Improvement Programs are hereby adopted by said City council. The said City Council attests that Notice of Public Hearing was posted in the following public places:

United Nebraska Bank
Farmers State Bank & Trust
Lexington City Offices
Dawson County Court House
Plum Creek Bank

PASSED AND APPROVED this 23rd day of February, 1999.

CITY OF LEXINGTON, NEBRASKA

Mayor John Fagot

ATTEST:
Leon E. Malzahn, City Clerk

**ENERGY SERVICES
COMPANY:**

City Manager Bricker addressed the Lexington City Council stating they request the City Council to enter a Memorandum of Understanding with ESCO. This Company would then provide services that the City of Lexington could not provide as a distribution company. The Council inquired as to whether the City would be selling retail appliances and services through this company. The City Manager answered to the negative on that question. That being the end of the discussion, moved by Klamm, seconded by Cook, to allow the City of Lexington to enter into a Memorandum of Understanding with ESCO for membership in that organization. Roll call. Voting "aye" were Kohl, Cook, Klamm, Fagot. Motion carried.

PUBLIC HEARING:

The Lexington City Council held a public hearing to consider updating the blighted and substandard study of 1993. During the public hearing, the City Manager explained that the area to be added to this study would include the proposed Holiday Plaza at the approximate location of the Husky Station on South Plum Creek Parkway. Upon completion of the City Manager's presentation, Mayor Fagot requested that any citizen in attendance be able to address the Council at this time with their comments. Hearing from Mr. Wes Lubberstedt, and representing the Lexington School Board, he addressed the City Council stating that there was no objections from the School Board to this addition as a blighted and substandard area of town. Hearing no further comments from the public, Mayor Fagot declared the public hearing closed.

RESOLUTION OF ADOPTION:

Moved by Klamm, seconded by Fagot, that the following resolution be passed as presented to the Council. Roll call. Voting "aye" were Cook, Kohl, Klamm, Fagot. Motion carried.

RESOLUTION NO. 99-05

A RESOLUTION FOR CITY OF LEXINGTON, NEBRASKA, MAKING A DETERMINATION OF A BLIGHTED AND SUBSTANDARD AREA IN THE CITY PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT ACT.

WHEREAS, the Mayor and City Council of the City of Lexington, Nebraska, (the "City") by its Ordinance passed and approved, created the Community Redevelopment Authority of the City of Lexington, Nebraska (the "Authority") pursuant to Sections 18-2101 through 18-2153, Reissue Revised Statutes of Nebraska, as amended (the "Act");

WHEREAS, the City has adopted and has in place a Comprehensive Plan, which includes a general plan for development of the City, within the meaning of Section 18-2110 of the Act;

WHEREAS, the City has received the recommendation of the Lexington Planning Commission after review pursuant to Section 18-2109 of the Act; and

WHEREAS, the Notice of Public Hearing has been published two (2) consecutive weeks in the legal newspaper for the City, the second publication being at least ten (10) days prior to the Public Hearing held February 23, 1999 before the Lexington City Council, and copies of said notice have been sent by certified mail to the president or chairperson of the governing body of Dawson County, Dawson County School District #1, Central Community College, Educational Service Unit #13, and the Central Platte Natural Resource District; and

WHEREAS, after public hearing, it is hereby determined that the area described as Holiday Plaza Subdivision, formerly a tract in the North ½ of the Southwest ¼ of Section 17, Township 9 North, Range 21 West of the 6th P.M. in the City of Lexington, Dawson County, Nebraska, is substandard and blighted as defined by Section 18-2103 of the Act, and is in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

1. RESOLVED, that the area described as Holiday Plaza Subdivision, formerly a tract in the North ½ of the Southwest ¼ of Section 17, Township 9 North, Range 21 West of the 6th P.M. in the City of Lexington, Dawson County, is hereby found and declared to be a blighted and substandard area as defined by Section 18-2103, R.R.S. 1943, subsections (10) and (11), in that said area meets the criteria described in subsection (10) and meets one or more of the factors set forth in (i) through (iv) of subsection (11)(b) and that said area is in need of redevelopment
2. That such substandard and blighted condition is beyond the remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Community Development Law. The elimination of said substandard and blighted condition under the authority of the Community Development Law is found to be a public purpose and in the public interest.
3. That it is hereby found and determined that said area is an eligible site for a redevelopment project under the provisions of Chapter 18, Article 21, Nebraska Revised Statutes of 1943 as amended.
4. That any Resolution passed and approved prior to the passage, approval and publication of this Resolution which is in conflict with the terms and provisions of this Resolution is hereby repealed. This Resolution shall take effect and be in full force and effect from and after its passage, approval and publication as required by law. The provisions of this Resolution are separable, and invalidity of any phrase, clause or part of this Resolution shall not affect the validity or effectiveness of the remainder of this Resolution.

PASSED AND APPROVED, this 23rd day of February, 1999.

CITY OF LEXINGTON, NEBRASKA

John Fagot
Mayor

ATTEST:

Leon E. Malzahn
Lexington City Clerk

**TRAFFIC CONTROL
REQUEST:**

City Manager Bricker stated that IBP has requested a traffic study be done at the intersection of Prospect Road and Plum Creek Parkway for the purpose of installing traffic control devices. After a brief discussion on this, and the intersection of Walnut and Plum Creek Parkway, moved by Klamm, seconded by Cook, that the following resolution be passed and approved. Roll call. Voting "aye" were Kohl, Cook, Klamm, Fagot. Motion carried.

RESOLUTION 99-06

WHEREAS, increased traffic and truck traffic at the intersection of Highway #283 (Plum Creek Parkway) and Prospect Road may require automated traffic signals at said intersection.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the State of Nebraska Department of Roads is hereby requested to conduct traffic studies to determine whether automatic traffic signals are warranted at the intersection of highway #283 and Prospect Road.

Passed and approved this 23rd day of February, 1999.

City of Lexington

John Fagot,
President of the Council

ATTEST:

Leon E. Malzahn
Lexington City Clerk

**LINK ROAD DESIGN
CONCEPTS:**

Assistant City Manager Joe Peplitsch addressed the Lexington City Council presenting an overhead projection of the road and its widths as it proceeded from Plum Creek Parkway to Adams Street. On hand, also, to address the Council, concerning the cost of this road was Mr. Dana Daniels of Miller and Associates. Upon completion of the discussion, moved by Klamm, seconded by Kohl, that the City Council accept the concept of the link road from Plum Creek Parkway to Hwy 283 as engineered by Miller and Associates, and presented by Assistant City Manager Peplitsch. Roll call. Voting "aye" were Cook, Kohl, Klamm, Fagot. Motion carried.

FINANCIAL REPORT:

The Lexington City Council received the Financial Report for the City of Lexington for January, 1999. Upon review of the report, and comparison of bank balances and receipts to the previous year, moved by Klamm, seconded by Kohl, to accept the Financial Report for January, 1999. Roll call. Voting "aye" were Kohl, Cook, Klamm, Fagot. Motion carried.

ADJOURNMENT:

There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot
Mayor

Leon E. Malzahn
City Clerk

I, the undersigned City Clerk for the City of Lexington, Nebraska, hereby certify that all of the subjects included in the foregoing proceedings were contained in the Agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk during regular business hours prior to said meeting; that the Minutes of the Mayor and Council of the City of Lexington,

Nebraska, from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Lexington City Clerk