

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 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 with permission from the Council. 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, Ruth Seward, Barb Mills, Chris Huff. Also present was Dana Daniels, Bob Blankenship, and Stan Johnson, representing Miller and Associates, Randy Chapman, Barry Carpenter, and Jeff Konen representing Sav-A-Lot, and Bruce Bonini. The Press was represented by the Clipper-Herald, KRVN, Tri-City Tribune, and 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 - 3-9-99:**

Minutes of the Regular Council Meeting held March 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 March 9, 1999 as presented. Roll call. Voting "aye" were Cook, Kohl, Klamm, Fagot. Motion carried.

CLAIMS & BILLS:

Claims and Bills in the amount of \$179,669.44 was presented for Council's consideration and approval. Upon the review of the claims and bills as listed, moved by Cook, seconded by Klamm, that the claims and bills be approved as listed and authorize the City Treasurer to transfer \$67,207.47 from the General Fund, \$82,087.17 from the LEXUS Fund, \$19,384.75 from the City Sanitation Fund, \$190.84 from the Library Memorial Fund, \$4,521.55 from Meals on Wheels, \$6,277.66 from the Health Fund, to the City of Lexington Operating Account. Roll call. Voting "aye" were Cook, Kohl, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
MARCH 23, 1999 COUNCIL

AFLAC	CANCER PREMIUM	\$572.42
ALDAN SAFETY PROD.	CLASS 2 BLANKET	168.08
ALIAN T CELLULAR	LIBRARY INTERNET	19.95
BEE OFC SOLUTIONS	OFFICE SUPPLIES	10.53
BERNTSON OIL	DIESEL AND GREASE	250.88
BRICKER, VANCE	MTG EXPENSE/N.P. AND HASTINGS	95.40
BUSI. TELECOM. SYS.	PHONE	302.75

CASH-WA	FOOD AND SUPPLIES	138.81
CHIEF SUPPLY	FIRE SUPPLIES	277.82
COAST TO COAST	CLEANING SUPPLIES	12.78
COUNTRY GENERAL	MISC. SUPPLIES	58.39
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	3,868.93
DELP, TERRY	ELECTRIC REBATE	1,200.00
DEMCO	LIBRARY SUPPLIES	101.18
DYEKMAN TROPH., INC.	RECREATION AWARDS	240.00
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	350.30
ENG. SEAL PRODUCTS	MECHANICAL SEAL	1,074.75
FAIRBANKS INT., INC.	PARTS	91.84
FLOW CONTROL, INC.	SCADA VIATRAN TRANSMITTERS	1,582.19
FRANSYL EQUIP. CO.	TRUCK REPAIRS	389.51
GILTE/NE DAIRIES INC.	DAIRY	38.95
HAINS, BILL	LINEMAN SCHOOL/NORTH PLATTE	37.50
HARLEQUIN RETAIL, INC	LIBRARY BOOKS	10.52
HOLIDAY TRVL & CRSES	SEWARD/MILLER RESERVATIONS	76.15
HUSKER AG SALES	NUTS & BOLTS	1.42
IMPACT COMP SOL	COMPUTER SUPPLIES	215.92
INGRAM LIBR SRVCS	LIBRARY BOOKS	77.67
JACOBO, BULMARO	ELECTRIC REBATE	100.00
KAPCO	LIBRARY SUPPLIES	50.06
K N ENERGY, INC.	ENERGY CHARGES	442.73
KOVAR, KENT	LINEMAN SCHOOL/NORTH PLATTE	37.50
KRIZ-DAVIS COMPANY	ELECTRICAL SUPPLIES	608.77
LEAGUE OF NE MUNIC	LINEMAN SCHOOL/NORTH PLATTE	405.00
LEX CITY PAYROLL ACT.	WAGES	72,190.77
SOCIAL SECURITY	SOCIAL SEC(EMPLOYER PORTION)	5,443.35
FIRST NATIONAL BANK	EMP PENSION(EMPLOYER PORT)	2,209.24
AMERICAN FUNDS	POLICE PENSION(EMPLOYER PORT)	1,047.09
I.C.M.A.	EMPLOYEE PENS(EMPLOYER PORT)	97.74
LASWA	SOLID WASTE	30.96
LEXINGTON COOP	CAR WASHES	11.00
LEX PUBLIC LIBRARY	REPLENISH PETTY CASH	82.47
LEX REC PROGRAM	SPT PERSONNEL/SUMMER BALL	400.00
LIEHS, WESLEY	LAND LEASE-15 ACRES	2,250.00
MEAD/BIG VALLEY LMBR	LUMBER AND SUPPLIES	146.60
MIDWAY SUPPLY	DRILL BIT	49.69
MRS PR & OFC SPLS	LIBRARY SUPPLIES	43.40
MR. AUTOMOTIVE	DRILL BIT	7.06
NE. DEPT. OF HHS LAB	CHEMICAL TESTING	35.60
NE STATE HISTOR SOC	MICROFILM	98.00
PAULSEN INC.	CONCRETE	447.19
PATTY'S HALLMARK	OFFICE SUPPLIES	142.94
PEPPLITSCH, JOE	MILEAGE/NPZA/MILLER & ASSOC.	24.30
PFIEFFER, CHAD	CDL LICENSE FEES	50.00
PLUM CR MED GROUP	HEPITITIS SHOTS	168.00
PRECISION IND	SEALS	59.52
PROTECTIVE LIFE INS	CANCER PREMIUM	35.62
QUINLAN PUBLISHING	BLDG. PRMT. LAW BULLETIN RENEW	74.78
RAZO, MANUEL	ELECTRIC REBATE	1,200.00
RDO FINAN SRVCS CO.	ELECTRIC LIFT WHEEL	76.80
RENT ALL RENTALS	GAS SAW RENTAL	55.12
RECORDED BOOKS	LIBRARY BOOKS	80.40
ROTH, HOWARD	LINEMAN SCHOOL/NORTH PLATTE	37.50

SCHNIEBER FN FDS INC	FOOD AND SUPPLIES	461.82
SEWARD, JASON	LIBR CLEANING(FEBRUARY RAISE)	25.00
SIXTH STREET MARKET	FOOD AND UPS CHARGES	47.67
SIXTH STR PHARMACY	FILM DEVELOPING	7.16
S & W PARTS, INC.	PARTS	5.02
TEXACO CUST CRD CTR	SEWARD-CONFERENCE-COLORADO	17.80
TOMAHAWK LV TRAP COLIVE	CAT TRAPS	67.62
U.S. FILTER DISTR GR	WATER METERS	958.40
UTILITY EQUIPMENT	CURB STOPS & FLANGES	1,294.36
VET'S CLUB OF LEX	PLANNING COMMISSION MEETING	236.00
WAL-MART	MISC. SUPPLIES	165.18
W CEN AREA AG- AGING	GOV'S CONFERENCE/LUTHER	60.00
WESCO DISTRIB INC.	CROSSARMS AND BRACKETS	4,998.43
WRLD ALM ED	LIBRARY BOOKS	193.66
YOUNG, EUGENE	ELECTRIC REBATE	500.00
BEE OFFICE SOLU	COPY PAPER FEBRUARY INVOICE	410.00
BERNTSON OIL	DIESEL AND GAS	1,853.66
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	1,800.69
CHURCHICH REC DSGN	PARK BENCHES	1,345.14
DAN'S SANITATION	SOLID WASTE-UTILITY BILLING	19,384.75
ECLIPSE COMMUN	LONG DISTANCE CHARGES	175.80
EGAN SUPPLY CO	CLEANING SUPPLIES	279.99
ELECTRIC FIXTURE	LAMPS-TAKE DISCOUNT BY E.O.M.	18.40
INT. INSTI-MUNIC CLRKS	MEMBERSHIP FEES-LEWIS, SHIRLEY	70.00
JELCO CRPT CLEANING	CLEAN SERVICE BUILDING OFFICES	150.00
LEAGUE OF NE. MUNIC	CONFERENCE LEAGUE FEES	1,215.48
LEWIS, SHIRLEY	EXP-CLERK'S SCHOOL - KEARNEY	20.90
LEX NEWSPAPERS, INC.	NOTICES	346.06
LEXINGTON, CITY OF	FRANCHISE FEES	21,776.13
LEXUS	UTILITY BILLING	18,002.57
MALZAHN, LEON	EXP-CLERK'S SCHOOL - KEARNEY	117.00
MULLENDORE, BOB A.,	SKADA BILLING - FEBRUARY	3,929.19
PETTY CASH FUND	REPLENISH PETTY CASH	63.72
STOCKMAN INN (N PLT)	LINEMAN SCHOOL/ROOM EXPENSE	168.00
	GRAND TOTAL:	\$179,669.44

ZONING ORDINANCE:

An Ordinance entitled "AN ORDINANCE TO REZONE THE WEST 100 FEET OF THE EAST 200 FEET OF THE NORTH 140 FEET, OF BLOCK 1, MACCOLLS ADDITION TO THE CITY OF LEXINGTON, FROM R-4 MOBILE HOME DWELLING DISTRICT TO C-3 HIGHWAY COMMERCIAL DISTRICT; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before the Council. Moved by Kohl, seconded by Klamm, that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were Cook, Klamm, Kohl, Fagot. Motion carried.

Said Ordinance was then read by title. Moved by Klamm, seconded by Kohl, that ordinance No. 2109 be passed on final reading. Roll call. Voting "aye" were Cook, Kohl, Klamm, Fagot. Motion carried.

The passage and adoption of said Ordinance having been concurred with by a majority of all members elected to the Council, was by the

Mayor declared passed and adopted, and the Mayor, in the presence of the Council, signed and approved said Ordinance, and the Clerk attested the passage and approval of the same and affixed the seal of the City hereto.

Leon E. Malzahn, City Clerk
Lexington, Nebraska

LIQUOR LICENSE:

The Lexington City Council held a Public Hearing to consider the request of Investplus, dba Sav-A-Lot Foods for a Class D Liquor License. Mr. Jeff Konen addressed the Lexington City Council stating that they would like to expand their liquor license to a Class D, so they may handle liquor also. Hearing no objections to this License, Mayor Fagot declared the Public hearing closed. Moved by Klamm, seconded by Cook to recommend approval of the liquor license for Investplus, dba Sav-A-Lot Discount Foods, for a class D Liquor License. Roll call. Voting "aye" were Kohl, Cook, Klamm, Fagot. Motion carried.

**ENVIRONMENTAL
ASSESSMENT
AGREEMENT:**

Mr. Stan Johnson, representing Miller and Associates addressed the Lexington City Council stating an Environmental Assessment had to be performed for the overpass study and this agreement before them would expand the Engineer's contract to include that service. Included Function to be performed would include the Environmental Hearing, to be conducted with citizens, and a Public Hearing. Upon completion of his presentation, moved by Klamm, seconded by Kohl, to authorize the Mayor to sign an agreement with Miller and Associates, including the Environmental Assessment of the overpass. Roll call. Voting "aye" were Cook, Kohl, Klamm, Fagot. Motion carried.

SPECIAL ASSESSMENT:

City Attorney Willard Weinhold addressed the Lexington City Council stating that the original resolution would have accelerated the payments on Assessments that had become one year delinquent making the entire assessment delinquent, however, most people had paid their assessments, and only one remained unpaid. He further stated that due to the payment of these assessments, no resolution would be needed, however, he feels that foreclosure proceedings should start on the one remaining assessment due. Upon completion of his presentation, moved by Cook, seconded by Klamm, to instruct the City Administration to start foreclosure proceedings on the property described as Lot 7 & 8, Block 61, Original Town of Lexington, Dawson County Nebraska for Improvement District No. 86-2. Roll call. Voting "aye" were Kohl, Klamm, Cook, Fagot. Motion carried.

**MEMORANDUM OF
UNDERSTANDING:**

City Manager Bricker addressed the Lexington City Council requesting the approval of the Council to enter into a Memorandum Agreement for the purchase of wholesale power. Mr. Bricker stated that this agreement for NPPD to furnish wholesale power to Lexington, Lexington will take and pay for such power and energy to meet electrical requirements of Lexington. After further review of the Memorandum of Understanding, moved by Kohl, second by Klamm, to authorize the City Manager to sign Memorandum of Understanding with Nebraska Public Power District for the purchase of wholesale power. Roll call. Voting "aye" were Cook, Klamm, Kohl, Fagot. Motion carried.

**FINANCIAL
STATEMENT:**

The Financial Statement for February, 1999 was presented to Council. Upon review of the Financial Statement, moved by Kohl, seconded by Klamm, to accept the Financial Statement for February, 1999. Roll call. Voting "aye" were Cook, Kohl, Klamm, Fagot.

ADJOURNMENT:

There being no further business to come before the Council, Mayor Wightman 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