

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 27, 1999 at the Lexington Municipal Building, 406 East 7<sup>th</sup> Street, Lexington, Nebraska at 7:30 p.m. Members of the Council present were Mayor John Fagot, Neal Kohl, John Wightman, Rick Klamm, Ted Cook. City Officials present were City Clerk Leon Malzahn, City Manager Vance Bricker, City Attorney Willard Weinhold. Department Heads present were Assistant City Manager Joe Pepplitsch, Charles Clark, Ruth Seward, Barb Mills, Chris Huff. Also present was Bob Blankenship representing Miller and Associates. The press was represented by the Clipper-Herald, KRVN, Tri-City Tribune, and Kearney Hub. Citizens in attendance were Jeannie Homan, Maria Knaggs, Nancy Price, and Terry Casper.

**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 - 4-13-99:** Minutes of the Regular Council Meeting held April 13, 1999 was presented for Council's consideration and approval. Councilperson Cook requested a change be made regarding his request to lower the family rates to 100.00 from 106.25. The Clerk reported that the change will be made prior to publication of the Minutes. Moved by Klamm, seconded by Wightman to approve the minutes of the Regular Meeting held March 23, 1999 as amended. Roll call. Voting "aye" were Cook, Kohl, Wightman, Klamm, and, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$222,113.53 was presented for Council's consideration and approval. Upon the review of the claims and bills as listed, moved by Klamm, seconded by Wightman, that the claims and bills be approved as listed and authorize the City Treasurer to transfer \$76,048.50 from the General fund, \$107,992.24 from the LEXUS fund, \$19,459.50 from City Sanitation fund, \$64.70 from Landfill fund, \$7,381.37 from Meals on Wheels, and \$11,167.22 from the Health Fund, to the City of Lexington Operating Account. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
APRIL 27, 1999 COUNCIL

AFLAC	CANCER PREMIUM	\$572.42
BARCO MUNICIPAL PRODUCTS	NO PARKING SYMBOLS	211.63
BEE OFFICE SOLUTIONS	PLATE DIVIDERS FOR FILES	20.00
BERNTSON OIL	OILS	291.20

BEST WAY, INC.	SAFETY GLASSES	115.10
BISHOP, PETE	LEAGUE CONFERNECE EXP	194.87
BRICKER, VANCE	ELECTRIC REBATE	1,200.00
C&S TRUCK AND SALVAGE, INC.	FUEL SENDING UNIT	88.71
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	7,479.47
CASH-WA	FOOD AND SUPPLIES	742.88
CNTR-APPLIED RESRCH. IN EDUC.	LIBRARY BOOKS	67.28
CENTRAL GARAGE	LABOR/PARTS/OIL	4,415.87
CHANUTE RADAR SERVICE	RADAR AND RADAR REPAIRS	655.75
CLINE'S SMALL ENGINE REPAIR	RADIATOR REPAIR	25.00
COCA COLA/DR. PEPPER-KEARNEY	GGC POP	44.75
COUNTRY GENERAL	WD EATER/WET & DRY VAC	478.19
CURTIS INDUSTRIES, INC.	TOOLS	82.64
DANKO EMERGENCY EQUIP CO.	HANDLE	17.92
DIVERSIFIED PUBLICATION	PRPR IDEAS-ECON TYPE AD	2,014.00
DUGAN BUSINESS FORMS	LETTERHEAD PAPER	385.07
ECLIPSE COMMUNICATIONS	LONG DISTANCE SERVICE	280.14
EILERS MACHINE & WELDING	SCRAP IRON	45.90
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	1,339.97
ELF HYDRAULIC REPAIR	CYLINDER FOR SNOW PLOW	26.87
FIVE STAR FLOORING	CLEANING SUPPLIES	21.99
FLOOR SHINE	FLRS-FIRE HALL/SRV. BLDG.	130.00
FOX VALLEY SYSTEMS, INC.	POWER PAINT	34.24
FRANKLIN COVEY	CALENDAR RENEWAL	24.38
GANGWISH TURF	SOD FOR CEMETERY	219.78
GENERAL FIRE & SAFETY	AMBER LENS-POLICE CAR	13.09
GENERAL TRAFFIC CONTROLS, INC.	SIGNAL POLE PEDESTAL	278.16
GILLETTE/NEBRASKA DAIRIES, INC.	DAIRY FOR GGC	352.17
GREAT LAKES SPORTS	SAFETY BALLS-REC DEPT.	332.64
GROLIER PUBLISHING CO., INC.	LIBRARY BOOKS	207.07
H-T-M SALES, INC.	SWITCH FLOAT CORD	190.66
HAAS TIRE CO., INC.	TUBE	30.72
HACH CHEMICAL	CHEMICAL SOLUTIONS	86.50
HIPP WHOLESALE FOODS, INC.	GGC SUPPLIES	277.29
HOLIDAY INN	LEAGUE CONF EXPENSES	210.01
HUNT CLEANERS, INC.	GLOVES	126.04
HUSKER AG SALES	WASHER, CAP & OIL	14.80
I.C.M.A.	PEPPLITSCH MEMBERSHIP	365.25
IMPACT COMPUTER SOLUTIONS	NETWORK SERVER & EXTRAS	2,170.00
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	220.56
INSURANCE & PERSONNELSERVICES	INCREASE RESERVE MONEY	1,000.00
J & R SALVAGE	REMOVE FREON FROM FRIG	16.00
K N ENERGY, INC.	ENERGY CHARGES	2,142.04
KIRBY SALES & SERVICE	VACUUM CLEANER LINER	28.25
KRIZ-DAVIS COMPANY	GUY CLIPS	33.49
LAUBY, JUDY	ELECTRIC REBATE	1,400.00
LASWA	CONSTRUCTION RUBBLE	27.00
LEXINGTON COMMUNICATIONS	REPAIR RADIO	60.00
LEXINGTON COOP	KEROSENE AND FERTILIZER	185.62
LEXINGTON GLASS CO	GLASS RPRS & LOCK ASMBLY	229.95
LEXINGTON NEWSPAPERS, INC.	NOTICES AND LEGALS	696.69
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	68.42
LEXUS	APRIL UTILITY CHARGES	18,682.57
LEX CITY PAYROLL ACCT.	PAYROLL FOR 4/22/1999	
PAID TO:	WAGES	71,859.44

SOCIAL SECURITY	SOC SEC(EMPLOYER PORT)	5,418.17
FIRST NATIONAL BANK	EMP PENS(EMPLOYER PORT)	2,238.05
AMERICAN FUNDS	POLICE PENS(EMPLYR PORT)	974.57
I.C.M.A.	EMP PENS(EMPLOYER PORT)	99.70
LIEHS DRILLING	WTR ANAL & WRK ON WELLS	13,372.30
LUTHER, ANN	MIELAGE FIELD HEARING N.P	39.60
MALZAHN, LEON	PRNTR SFTWR/LEAGUE MTG	180.45
MID-NEBRASKA FOOD BANK	GGC FOOD	27.23
MIDWAY SUPPLY	BTRY CABLES - ACETYLENE	88.80
MIDWEST LABORATORIES INC.	SAMPLING SUPPLIES	64.70
MILLER & ASSOCIATES	RETAINER SERVICES	2,100.00
MR. AUTOMOTIVE	LITHIUM GREASE	52.08
NAT INSTITUTE OF SEN. CENTERS	SELF-ASSESSMENT MAT	80.00
NAT SML FLOWS CLEARINGHOUSE	BOOK	30.70
NEBRASKA ASSOC. OF SR. CENTERS	ANNUAL DUES-LUTHER	20.00
NEBRASKA DEPT. OF HHS LABTESTINGS		52.50
NEBRASKALAND TIRE	TIRE REPAIR	5.00
OVERTON COMMUNITY CENTER	GGC RENT	100.00
OVERTON SAND & GRAVEL	GRAVEL	19.50
PATTY'S HALLMARK	OFC SUPPLIES AND PRINTER	671.44
PAULSEN INC.	CONCRETE	241.91
PICTURE THIS	DEVELOP FILM	6.48
PITNEY-BOWES	MAIL MACH/SCALE MAINT	343.00
PLATTE VALLEY AUTO MART	PARTS AND SUPPLIES	84.33
PRESTIGE BUSINESS FORMS	TRIATHLON FLYER '99'	391.14
PROTECTIVE LIFE INSURANCE	CANCER PREMIUM	35.62
PRS ASSOCIATES	SPACE SHTL & BIKE RK-POOL	2,603.00
RDO FINANCIAL SERVICES CO.	WHEEL FOR ELECTRIC LIFT	76.45
RECORDED BOOKS	LIBRARY BOOKS	346.80
S & W PARTS, INC.	PARTS AND SUPPLIES	1,124.80
SCHNIEBER FINE FOODS INC.	FOOD AND SUPPLIES	1,877.42
SCHUMACHER, KENNETH	MTG IN OMAHA & LINCOLN	20.00
SIXTH STREET MARKET	FOOD AND SUPPLIES	134.77
STALEY SPRINKLER, INC.	REPAIR SPRINKLER HEADS	61.95
TELEGRAPH	AD FOR POLICE OFFICER	88.89
TEXACO CUSTOMER CARD CENTER	FUEL EXPENSE	11.35
TIME LIFE BOOKS	LIBRARY BOOKS	23.98
TODD, MICHAEL AND CO., INC.	FIBERGLASS PROBES	75.89
U.S. FILTER DISTRIBUTION GROUP	METERS	1,851.58
UTILITY EQUIPMENT	FIRE HYDRANT AND PIPE	5,107.90
VIKING OFFICE PRODUCTS	LIBRARY SUPPLIES	122.11
WAL-MART	OFC & MAINT SUPPLIES	139.20
WESCO DISTRIBUTION, INC.	SWTBNDS & GRND SLEEVES	967.78
ZONES	SCANNER FOR OFFICE	378.28
ALIAN T CELLULAR	CELL CHRGS. JUNE/ADMIN	64.16
C.B.S.A.	EMPLOYEE MEDICAL	2,079.71
DAN'S SANITATION	JUNE UTIL BILLING SLD WST	19,459.50
JELCO CARPET CLEANING	CLEAN CARPET CITY HALL	60.00
LEXINGTON, CITY OF	JUNE UTIL BLG FRANCH FEES	22,116.13
MULLENDORE, ROBERT A., P.E.	SKADA EXPENSE CHARGES	393.15
NEBRASKA ESCO	ASSESS-START-UP COSTS OF	
	THE ENERGY SERVICES CO	10,722.00
PETTY CASH FUND	REPLENISH PTY CSH CTY OFC	51.29
U.S. FILTER DISTRIBUTION GROUP	WATER METERS	2,887.72

TOTAL CLAIMS

\$222,113.53

**SPECIAL DESIGNATED PERMIT**

The Lexington City Council considered the request of Mr. Doug Hoos dba Tubs Pub, Sumner NE, requested Special Designated Liquor Permit for May 22 and June 12, 1999 at The Knights of Columbus Hall 6<sup>th</sup> & Taft Street, Lexington NE 5:00 PM to 1:00 AM. Mr. Hoos was not in attendance this evening and the Council after reviewing the written application from Mr Hoos Councilperson Wightman moved for approval of the Special designated permits, seconded by Kohl. Roll call. Voting "aye" were: Cook, Klamm, Wightman,. Kohl, and Fagot. Motion carried.

**ELECTRID CODE**

City Manager Bricker informed the Council that the National Electrical Code is updated from time to time and when this happens the City adopts the updates to stay current. Upon completion of his presentation Council person Klamm Moved that the following Resolution be passed and approved. Seconded by Wightman. Roll Call voting Aye were Kohl, Cook, Wightman, Klamm and Fagot. Motion carried.

RESOLUTION NO. 99-10

WHEREAS, by virtue of LB 91, passed by the Nebraska State Legislature, and effective March 13, 1999, the 1999 National Electric Code has been adopted as a state minimum wiring standard; and WHEREAS, Lexington City Code Section 6-23, authorizes the City Council to approve by Resolution subsequent editions of electric codes.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the 1999 National Electric Code is hereby adopted.

That the electric code herein adopted shall take effect upon the adoption of this Resolution and the filing of one copy with the City clerk.

PASSED AND APPROVED this 27<sup>th</sup> day of April, 1999.

CITY OF LEXINGTON, NEBRASKA  
John Fagot President of Council

ATTEST:

Leon E. Malzahn Lexington City Clerk

**PASTURE RENT:**

Mr. Tom Nelson Jr. Addressed the City Council stating that he is willing to rent approximately 100 acres of land South of the Landfill which belongs to the city for the amount mentioned in the memo. Given to Council and is asking Council approval of this Lease. Questions regarding this lease referred to the price per acre in the lease and the crop that exists on this land at the present time. The comments were that the price was not enough for Alfalfa ground. City Manager Bricker stated that that Mr. Nelson would be constructing a fence that should be taken into consideration as part of the cost of leasing the land as the improvements such as the fence and the well, will remain with the property when the lease expires in 5 years. After the discussion concluded Councilperson Wightman moved that the City manager advertise this property as being for

lease by the City and receive proposals after a period of 10 days. Seconded by Cook. Roll Call Voting “AYE” were Klamm, Kohl, Cook, Wightman, and Fagot. Motion Carried.

**RECREATION REPORT:**

Mr. Chris Huff addressed the Lexington City Council reviewing the recommendation by the Recreation Board. Mr. Huff stated that most of the fees had remained as stated in the previous meeting except for the Season Passes. These were adjusted by removing the age classes for these passes and making the price \$50.00 for individuals and \$110.00 for Family Passes. Speaking in opposition to the increase in fees were Jeannie Holman, Maria Knaggs, Nancy Price, Terry Casper. Most of their comments were that the Family Pass of \$140.00 was too much and needed to be reduced to allow families to afford this fee. Upon completion of the arguments for and against the admissions to the Swimming Pool, Councilperson Kohl moved for the rates as presented to the City Council. Seconded by Councilperson Wightman. Roll call. Voting “aye” were Klamm, Wightman, Kohl, Fagot. Voting “nay” was Cook. Motion carried.

**LANDFILL REPORT:**

City Manager Bricker addressed the City Council with a report of the Landfill Board Meeting on Monday evening. His presentation also included a forecast of the remaining capacity of the current cell if the inflow of waste continued at the current rate. Mr. Bricker then reviewed the financial structure and Impact the closing of the recycling center would have upon the operation of this facility. Mr. Bricker concluded his report on outstanding bonds at the Landfill, and what could possibly happen with the calling of these bonds to refinance, and change the landfill into a true landfill, rather than a landfill with a MRF. No further action was taken.

**WATER RATES:**

City Manager Vance Bricker informed the Lexington City Council that the Assistant City Manager has requested the reduced need for capital outlay in the water department, therefore adjusting the water rates as presented in the resolution. Upon review of the water rates, moved by Wightman, seconded by Klamm, that the following resolution be passed and approved. Roll call. Voting “aye” were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

**RECREATION REPORT:**

Mr. Chris Huff addressed the Lexington City Council reviewing the recommended by the Recreation Board. Mr. Huff stated that most of the fees had remained as stated in the previous meeting except for the Season Passes. These were adjusted by removing the age classes for these passes and making the price \$50.00 for individuals and \$110.00 for Family Passes. Additional his report. Speaking in opposition to the increase in fees were Jeannie Holman, Maria Knaggs, Nancy Price, Terry Casper. Most of their comments were that the Family Pass of \$140.00 was too much and needed to be reduced to allow families to afford this fee.

**RESOLUTION NO. 99-11**

WHEREAS, Lexington City Code Section 27-34, authorizes the City Council to establish by Resolution a schedule of rates and charges for water use.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that Resolution No. 97-16 is amended to provide water rates as follows:

Residential and Commercial Metered:

First 5,000 gallons	\$8.50 monthly minimum
next 25,000 gallons	\$ .60 per 1,000 gallons
>30,000 gallons	\$ .45 per 1,000 gallons

Multi-family Service Fee: \$4.25 per every dwelling unit over 1 per meter—meter

Residential Flat Rate: \$13.00 per dwelling unit per month

Industrial Metered: \$ .135 per 1,000 gallons

That the rates herein established shall take effect May 1, 1999. That all other water rates previously established shall remain unchanged.

PASSED AND APPROVED this 27th day of April, 1999

CITY OF LEXINGTON, NEBRASKA

Mayor John Fagot

ATTEST:

Leon E. Malzahn  
Lexington City Clerk

**LANDFILL REPORT:**

City Manager Bricker addressed the City Council relating the past history of the Lexington Area Solid Waste Disposal Facility and the reason for the size of the physical structure the site. His presentation also included a forecast of the remaining capacity of the current cell if the inflow of waste continued at the current rate. Mr. Bricker then reviewed the financial structure and Impact the closing of the recycling center would have upon the operation of this facility. Mr. Bricker concluded his report on the ability of the solid waste agency to meet their bond payments and alternative actions that need to occur if this situation were to come to pass.

**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