

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 11, 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, 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. Also present was Jeff Peterson representing Miller and Associates. The Press was represented by the Clipper-Herald, Tri-City Tribune, 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 - 4-27-99: Minutes of the Regular Council Meeting held April 27, 1999 was presented for Council's consideration and approval. Moved by Klamm, seconded by Wightman to approve the minutes of the Regular Meeting held April 27, 1999 as amended. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$795,604.30 was presented for Council's consideration and approval. Upon the review of the claims and bills as listed, moved by Wightman, seconded by Klamm, that the claims and bills be approved as listed and authorize the City Treasurer to transfer \$360,961.84 from the General Fund, \$414,568.24 from the LEXUS Fund, \$10,000.00 from City Sanitation, \$9.07 from the Landfill Fund, \$7,066.41 from Meals on Wheels, \$1,415.98 from the Health Fund, \$275.76 from Library Memorial, \$1,307.00 from the Fire Department Fund, to the City of Lexington Operating Account. Roll call. Voting "aye" were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
MAY 11, 1999 COUNCIL

ADOLPH KIEFER	POOL SUPPLIES	669.61
ADV CONTROL SYSTEMS	RPR STATEX EXT BOARDS	424.00
ALIAN T CELLULAR	APRIL CELLULAR CHARGES	53.35
ARNOLD POOL COMPANY	LEAF RAKE AND HANDLE	72.85
BARMORE'S	OFFICE SUPPLIES	25.06
BARRETT-HOUSEL-GRAFTON	EARNEST DEP.-LAND PURCH	1,000.00
BARRETT-HOUSEL-GRAFTON	NOTARY FEES/MALZAHN	30.00
BERNTSON OIL	FUEL AND OIL	1,921.97

BUSINESS & PROF CREDIT	UTILITY COLLECTION FEES	44.82
C.B.S.A.	INSURANCE PREMIUMS	7,898.87
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	1,415.98
CASH-WA DISTRIBUTING	FOOD AND SUPPLIES	817.05
CENTRAL GARAGE FUND	LBR, PRTS, TIRES, GAS & OIL	6,412.51
CENTRAL TIRE & TREAD	TRACTOR TIRE	721.00
CENTRURY LUMBER CENTER	CONSTRUCTION SUPPLIES	38.68
CLINE'S SMALL ENG REPAIR	CRANKSHAFT & WEEDEATER	395.05
COAST TO COAST	SCREWDRIVER AND KEYS	9.44
CONNEY SAFETY PRODUCTS	FIRST AID EQUIPMENT	254.21
COUNTRY GENERAL	SUPPLIES	10.10
CRESCENT ELEC SUPPLY CO.	DRILL SET	165.90
CULLIGAN WATER COND CO.	WTR TRTMNT GGC & WWTP	61.00
D & M SECURITY	APRIL-JUNE POLICE CONNEC	105.00
DAN'S SANITATION	SANITATION SERVICE	10,691.44
DAWSON COUNTY CLERK	DISPATCH FEES	5,067.67
DAWSON CO PUBLIC POWER	APRIL ELECTRIC SERVICE	274.77
DAW CO REGISTER OF DEEDS	EASEMENTS	5.50
DEPOSITORY TRUST CO.	1997 GO BOND PRINC & INT	244,911.25
DIAMOND VOGEL PAINT	TRAFFIC PAINT	1,613.60
DITCH WITCH-NE, INC.	DIGGER CHAIN	2,067.79
DUNRITE, INC.	SCRAPER & DECK BRUSH	104.51
EAKE'S OFFICE PRODUCTS	COPIER PAYMENT	575.40
ECONO-CLAD BOOKS	LIBRARY BOOKS	275.76
EGAN SUPPLY COMPANY	CLEANING SUPPLIES	148.82
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	600.17
F & S SUPPLY CO. INC.	CASE OF P&P POWER	74.75
FAGOT REFRIG & ELECTRIC	RPRS TO LIFT STA & WELL 13	307.63
FOLLETT SOFTWARE CO.	LABELS AND PROTECTOR	120.06
GILLETTE/NE DAIRIES, INC.	DAIRY PRODUCTS-GGC	264.35
GLOBAL COMP SUPPLIES	SCANNER	252.36
GOTH COMM DEV. OFFICE	BRICK & PEPP/GOTH MTG.	90.00
HAAS, T.O., TIRE CO., INC.	TIRE	31.67
HANNA:KEELAN ASSOC, P.C.	SRVCS FOR CDBG 97-PP026	2,955.00
HUSKER AG SALES	MOWER/72" DECK	7,900.00
INFORMATION PLUS	LIBRARY BOOKS	151.20
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	158.95
INT MUN. LAWYERS ASSOC.	MEMBERSHIP FEES	430.00
JONES PLUMBING & HEATING	SUPPLIES	331.38
K.R.V.N. - FM	CONTRACT #2287501	150.00
KRIZ-DAVIS COMPANY	WIRE. ANCHORS & LINE HOSE	1,434.62
LEAGUE-NE MUNICIPALITIES	ANNUAL CONFERENCE FEES	897.00
LEXINGTON ANIMAL CLINIC	ANIMAL CARE	393.60
LASWA	SOLID WASTE FEES	473.76
LEXINGTON COOP	TRUCK WASH	4.00
LEXINGTON HEALTH FUND	SELF-FUNDING	15,156.69
LEXINGTON LAUNDRY	LAUNDRY SERVICES	56.00
LEX NEWSPAPERS, INC.	LEGAL NOTICES AND ADS	29.33
LEXINGTON POSTMASTER	GGC POSTAGE	150.00
LEXINGTON PUBLIC LIBRARY	MAIL-REPLENISH PTY CASH	18.15
LEX RECREATION PROGRAM	START UP MONEY FOR POOL	150.00
LEXINGTON, CITY OF	MO FEES & FRANCHISE FEES	23,865.46
LEXUS	TREE BOARD EXPENSES	7.93
LEX CITY PAYROLL ACCOUNT	WAGES	71,408.21
SOCIAL SECURITY	EMPL PORTION FICA/MED	5,383.68

FIRST NATIONAL BANK	EMPLOYER PORT PENSION	2,240.34
AMERICAN FUNDS	POLICE PENSION	975.20
ICMA	PEPPLITSCH PENSION	99.70
LIEHS DRILLING	WELL & PUMP AT LIBRARY	10,645.30
MAGNOLIA GRAPHICS	COMM DIR CHAMBER AD	172.45
MEAD/BIG VALLEY LUMBER	PAINT	280.18
MICRO-DIRECT INTERN CORP.	DIGITAL CAMERA	818.45
MICRO-MARKETING ASSOC	LIBRARY BOOKS	161.90
MIDWAY SUPPLY	MISC. PARTS & SUPPLIES	471.06
MILLBROOK PRESS INC.	LIBRARY BOOKS	230.66
MISKO SPORTING GOODS	RECREATION EQUIPMENT	2,123.95
MISTER ANDERSON'S CO	LIBRARY MATERIAL	99.28
MORRIS PRESS & OFC SPLIES	RCPT BKS & COLORED PAPER	241.40
MPLA NEWSLETTER	MEMBERSHIP-SEWARD	25.00
NE. DEPT. OF HHS LAB	WATER TESTING	882.00
NE DEPT OF REVENUE	UTILITY SALES TAX APRIL	19,744.77
NE PUBLIC POWER DISTRICT	TEST RELAYS WESTMINSTER	484.10
NEBRASKALAND TIRE	TIRE REPAIR	10.00
NELSON, THOMAS R	CITY HALL CLEANING	500.00
NEOPOST	UTILITY POSTAGE	710.00
OMAHA WORLD HERALD	AD FOR POLICE OFFICER	236.25
OVERTON SAND & GRAVEL	GRAVEL	78.00
PATTY'S HALLMARK	FIRE HL FURN & MISC. SPLS	1,657.07
PAULSEN INC.	FINISH BROOM	75.79
PLATTE VALLEY AUTO MART	PARTS	21.47
PLATTE VALLEY COMMUN.	MAINTENANCE AGREEMENT	90.00
PLATTE VALLEY EXTER.	GGC SPRAY	24.00
REAMS SPRINKLER SPLY CO.	SPRINKLER HEADS	388.17
RECORDED BOOKS	LIBRARY BOOKS	43.20
S&W AUTO PARTS, INC.	PARTS AND SUPPLIES	406.42
SAV A LOT DISCOUNT FOODS	FOOD AND SUPPLIES	38.59
SCHNIEBER FINE FOODS INC.	FOOD AND SUPPLIES	1,372.99
SENSUS TECHNOLOGIES, INC.	ELECTRONIC INSTRUMENT	252.51
SERVICE SUPPLY, INC.	SUPPLIES	6.41
SEWARD, JASON	LIBRARY CLEANING	225.00
SIXTH STREET MARKET	FOOD AND SUPPLIES	87.15
SIXTH STREET PHARMACY	GLOVES-CL-UP/SCHL CHILD	52.40
SPECIALTY ST SRVCS, INC.	BUSINESS CARDS	44.35
TIME LIFE BOOKS	LIBRARY BOOKS	20.98
TODD, MICHAEL & CO., INC.	STREET SIGNS	510.97
U.S. FILTER/DISTR/OMAHA	METER GASKETS	16.07
U.S. WEST COMMUNICATIONS	PHONE CHARGES	2,078.33
UTILITY EQUIPMENT	COUPLINGS	1,037.00
WAL-MART	MISC. SUPPLIES	511.88
WAREHOUSE SURPLUS	SUCKERS AND PAPER	36.80
WEBER & WEINHOLD	PROFESSIONAL SERVICES	1,995.00
WENBURG, FLOYD	CLEAN UP AT 1005 N TYLER	35.00
WESCO DISTRIBUTION, INC.	COPPER WIRE	1,704.78
WILDWOOD TREE FARM	TREES	1,140.00
ZEP MANUFACTURING CO.	CLEANER	53.87
ACKERMAN, TERRY	REIMBURSE-CDL LICENSE	40.00
DAWSON CO PUBLIC POWER	APRIL POWER BILL	1,075.42
GR PLAINS ONE-CALL SRVC	APRIL UTILITY LOCATES	78.73
LEXINGTON NEWSPAPERS	APRIL NOTICES	86.68
LEXINGTON REC PROGRAM	SPRT PERS/SUMMER BALL	800.00

N C B O & I
NEB PUBLIC POWER DIST
PETTY CASH FUND
SOLOMON CORPORATION
TRI-COUNTY HOSPITAL
UNITED STS POSTAL SRVC
WAL-MART

CONF REGIS-TOM NELSON 40.00
APRIL POWER BILL 304,839.92
REPLENISH PETTY CASH 127.04
FILTER & DE-GAS SUBSTA 9,850.00
APRIL FITNESS CNTR CHRGS 221.00
UTILITY POSTAGE 1,500.00
OFFICE & SHOP SUPPLIES 260.41

GRAND TOTAL: \$795,604.30

**MOBILE FOOD
VENDORS:**

City Manager Bricker addressed the Lexington City Council, stating that per the request of the council, they have received state regulations on the Food Handlers Code, and the City Manager recommended the City Council pass this ordinance adopting this code which would be the similar procedure to adopt the other codes, such as the Uniform Building, Plumbing, and Electrical Codes. Upon the completion of the discussion, an Ordinance entitled “AN ORDINANCE TO AMEND SECTION 12-2 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR ADOPTION OF THE “NEBRASKA FOOD”; TO REPEAL ORIGINAL SECTION 12-2, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read before the Council. Moved by Wightman, seconded by Klamm, that the rules requiring the reading of said Ordinance on three separate be suspended. Roll call. Voting “aye” were Cook, Kohl, Klamm, Wightman, Fagot.

Said Ordinance was then read by Title. Moved by Klamm, seconded by Wightman, that Ordinance 2110 be passed on Final Reading. Roll call. Voting “aye” were Kohl, Cook, Wightman, 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 thereto.

Leon E. Malzahn, City Clerk
Lexington, Nebraska

SALE OF MERCHANDISE:

The Lexington City Council considered an Ordinance controlling the sale of merchandise on Public Property. After a discussion concerning this Ordinance, City Attorney Weinhold advised Council that this could also pertain to the Farmers Market, where home-grown products are sold on public property. After considerable discussion on the affects of this Ordinance, moved by Klamm, seconded by Wightman, to have Administration review this Ordinance for other alternatives. Roll call. Voting “aye” were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

**WATER IMPROVEMENT
DISTRICTS:**

Mr. Jeff Peterson, representing Miller and Associates, addressed the Lexington City Council stating that the only bids received for the water mains on Grant Street and 20th Street were from Midlands

Contracting of Kearney, Nebraska. The bid for Grant Street was \$112,476.20, and the bid for 20th Street was \$27,341.50. Mr. Peterson stated that the probable engineer's construction cost for this project was \$155,030.00, leaving the bid approximately 10% below the engineer's estimate. With no further discussion on this, moved by Wightman, seconded by Kohl that the bid for these projects be awarded to Midlands Contracting Inc. of Kearney, Nebraska, in the amount of \$112,476.20 for Grant Street, and \$27,341.50 for 20th Street. Roll call. Voting "aye" were Klamm, Cook, Kohl, Wightman, Fagot. Motion carried.

TELECOMMUNICATIONS: The Lexington City Council received a report from The City Manager concerning the proposed Ordinance setting franchise fees for services rendered to Citizens of Lexington. He stated that this fee will be partly used to defray the costs of construction when city facilities cause the moving of these utilities. He stated that an example of this was when during the 13th Street project the City was required to pay KN Energy \$90,000.00 to move a gas main that was in the right-of-way. Another question was if this would be an added tax revenue to which the City Manager replied that these funds would be deposited in the General Fund of the City and would be used to reduce the overall tax call. City Attorney Weinhold stated that the Ordinance in front of the Council tonight is a draft made in 1997 and requires some refinement before final consideration by the Council. After completion of the discussion Councilperson Wightman that the ordinance be tabled at this meeting and placed on the agenda for the next regular meeting in May. Seconded by Klamm Roll Call voting "aye" were Cook, Kohl, Klamm, Wightman and Fagot. Motion carried.

PURCHASE OF LAND: City Manager Bricker stated that a parcel of land may be available for purchase by the Sanitary Sewer Department to be used for land application of the sludge byproduct from the disposal plant. He further stated that he needs direction from the City Council pertaining to this negotiations . Upon completion of his request Councilperson Wightman moved to recess the regular session to executive session at 8:14 PM on May 11, 1999 to discuss negotiations for the purchase of real-estate .Second by Klamm. Roll Call voting "aye" were. Cook, Kohl, Klamm, Wightman and Fagot. Motion carried.
Moved by Klamm second by Kohl to reconvene the regular session from executive session at 8:54 PM on May 11, 1999. Roll Call voting "aye" were Wightman, Cook, Kohl, Klamm and Fagot. Motion carried.

DISCUSSION: The Council held a discussion regarding a date for the spring retreat and decided to call a special meeting on Saturday June 12, 1999 at 8.00 AM at the Grand Generation Center 407 East 6th.

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