

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 22, 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 Pepplichtsch, Ruth Seward, Barb Mills, and Chris Huff. Also present were approximately 100 people. The Press was represented by the Clipper-Herald, KRVN, NTV, Tri-City Tribune, KNOP-TV 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 - 6-8-99:** Minutes of the Regular Meeting held June 8, 1999 was presented for Council's consideration and approval. Moved by Wightman, seconded by Klamm, to approve the minutes of the Regular Meeting held June 8, 1999 as presented. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$259,990.82 was presented for Council's consideration and approval. Upon 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 \$112,434.61 from the General Fund, \$99,586.06 from LEXUS Fund, \$19,558.78 from City Sanitation, \$10,610.04 from the Landfill, \$78.74 from Library Memorial Fund, \$10,824.78 from the Health Fund, \$6,897.81 from Meals on Wheels to the City of Lexington's Operating Account. Roll call. Voting "aye" were Kohl with the exception of Mr. Automotive, Cook, Wightman, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
JUNE 22, 1999 COUNCIL

ALIAN T CELLULAR	CELLULAR CHARGES	\$54.35
AM PUBLIC POWER ASSOC.	SAFETY MANUAL	55.00
ASSOC POOL BUILDERS, INC.	CLN PL & INSTL PUREX PUMP	10,487.75
AUDITOR-PUBLIC ACCOUNTS	CITY/VILLAGE REF MATERIAL	7.00
AWARDS PLUS	MEDALS AND TROPHIES	85.00
BEE OFFICE SOLUTIONS	PLATE DIVIDERS	21.10
BERNTSON OIL	DIESEL AND GAS	1,662.84
BISHOP, PETE	NMPP BRD MTG EXPENSES	42.90

BRICKER, VANCE	MEETING EXPENSES	105.30
BUSINESS & PROF CREDIT	UTILITY COLLECTION FEES	49.04
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	3,521.28
CASH-WA	FOOD AND SUPPLIES	1,171.06
CCP INDUSTRIES, INC.	TOWELS AND GLOVES	346.07
CENTRAL GARAGE FUND	PARTS, LABOR AND OIL	6,640.08
CENTRAL TIRE & TREAD	TUBE AND TIRE CHANGE	13.93
CENTURY LABS, INC.	CLEANING SUPPLIES	57.49
CINDY'S HEAVENLY COOKIES	COOKIES FOR POOL	67.50
CLINE'S SMALL ENG REPAIR	BRIGGS ENGINE AND COIL	697.95
COAST TO COAST	VACUUM BAGS	3.99
COCA COLA/DR PEPR-KRNY	POOL POP	229.50
COUNTRY GENERAL	PARTS AND SUPPLIES	629.39
COZAD SERVICES, INC.	REPAIR MATERIALS	61.94
CULLIGAN WTR COND CO.	WTRSFTRN SALT & SVC-GGC	38.75
CURTIS INDUSTRIES, INC.	JANITORIAL SUPPLIES	145.10
DAN'S SANITATION	CNTNR DUMP-503 EAST 3RD	45.00
DAWSON AREA DEV	REG FEES/IND APPREC	155.00
DAWSON CO PUBLIC POWER	POWER BILLS AND POLE	1,817.83
DEMCO	LIBRARY SUPPLIES	39.06
DINH, THU BA THI	RFND UTIL CREDIT BALANCE	27.92
DTN CORPORATION	WEATHER CENTER SERVICE	1,002.72
EAKE'S OFFICE PRODUCTS	TONER AND PAPER	57.40
ECLIPSE COMMUNICATIONS	APRIL LONG DISTANCE	235.14
ECONOMY HANDICRAFTS	ART SUPPLIES	267.85
EGAN SUPPLY COMPANY	GLOVES	21.47
EILERS MACHINE & WELDING	WELDING FOR REPAIRS	211.13
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	1,027.62
FAIRBANKS INTERN, INC.	PARTS AND SUPPLIES	590.63
FIREHOUSE MAGAZINE	RENEWAL FOR FIRE DEPT	25.97
FISCHER-SCIENTIFIC	FILTERS AND TESTER	154.45
FOX VALLEY SYSTEMS, INC.	TRAFFIC PAINT	75.89
GERING, CITY OF	NCMA CONF - BRICKER	75.00
GILLETTE/NEBR DAIRIES, INC.	DAIRY FOR GGC	253.34
HAAS TIRE CO., INC.	TIRE REPAIR	35.00
HALOUSKA, ED	SHARPEN BLADES	9.75
HARLEQUIN RETAIL, INC.	LIBRARY BOOKS	10.52
HIPP WHLSLE FOODS, INC.	FOOD AND SUPPLIES	287.50
HUSKER AG SALES	TRANSMISSION & FAN	803.97
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	903.34
INT. ASSOC-EL. INSPECTORS	FREIGHT ON RETURNED ITEM	8.00
INT. CONF OF BLDG. OFCLS	MEMBERSHIP FEE - NELSON	85.00
K N ENERGY, INC.	NATURAL GAS CHARGES	2,359.65
KIRK'S	MEETING - BRICKER	33.23
LEWIS, SHIRLEY	MILG & MLS -MTNG-KEARNEY	29.07
LASWA	SOLID WASTE	112.32
LEXINGTON COOP	CAR WASH	7.00
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	9.71
LEX VOLUNTEER FIRE DEPT	FIRE SCHOOL	3,516.90
LEXINGTON, CITY OF	CITY DIRECTORIES	84.00
PAYROLL 17-Jun-99	WAGES	90,068.97
SOCIAL SECURITY	EMPLOYER PORT FICA/MED	6,811.19
FIRST NATIONAL BANK	EMPLOYER PORT PENSION	2,360.14
AMERICAN FUNDS	POLICE PENSION	962.42
ICMA	PEPLITSCH PENSION	99.70

M & S SALVAGE	REMOVE FREON	12.00
MAC TEAM SPORTS	BASEBALL UNIFORMS	82.15
MARTIN ELECTRIC	TOGGLE SWITCH	11.25
MEAD/BIG VALLEY LUMBER	SCRNDRS, GRDMRKR, BRSHS	867.96
MEYER WELDING & REPAIR	SHTFF RDS & BRCKT PLATES	287.55
MICK'S PLT VALLEY GRASS	REPLACE WINDSHIELD	183.79
MICRO-MARKETING, LLC	LIBRARY BOOKS	98.80
MIDWAY SUPPLY	VALVE GRINDING	75.00
MILLER & ASSOCIATES	WTRSTDY-DRMDSPSL-WL#16	31,079.76
MRIS PRSS & OFC SUPPLIES	OFFICE SUPPLIES	6.10
MR. AUTOMOTIVE	ADAPTERS	18.76
MUNICIPAL SUPPLY	SPLIT SLEEVES	3,032.79
NATIONAL FIRE PROT ASSOC.	MBRSHF FEE - MARTIN, BOB	115.00
NEBRASKA CRIME COMM	JUSTICE DIRECTORIES	30.00
NE LAW ENFORCEMENT	TAB TESTS	32.00
NEBRASKA LIBRARY ASSOC	MEMBERSHIP DUES	15.00
NE SAFETY & FIRE EQUIP	FIRE EXTINGUISHER SYSTEM	74.00
OSCAR'S GARAGE	REPLACE CLUTCH ASSEMBLY	310.43
OVERTON COMMUNITY CNTR	BUILDING RENT	200.00
OVERTON SAND & GRAVEL	GRAVEL AND SAND	51.00
PARSONS TECHNOLOGY	LIBRARY COMP SUPPLIES	34.00
PATTY'S HALLMARK	MISC. OFFICE SUPPLIES	27.73
PAULSEN INC.	CONCRETE	117.66
PLATTE VALLEY AUTO MART	SRVC A/C UNIT & SUPPLIES	350.01
PLATTE VALLEY COMMUN	BATTERY	58.13
PLATTE VALLEY EXTERM	EXTERMINATIONG FEES-GGC	24.00
PRESTIGE BUSINESS FORMS	TRIATHLON POSTERS	83.74
PROTECTIVE LIFE INS	CANCER PREMIUM	35.62
RON'S SPAS & POOLS	POOL SUPPLIES	20.67
S & W AUTO PARTS, INC.	PARTS AND SUPPLIES	821.33
SAV A LOT DISCOUNT FOODS	CONCESSION FOOD	5.60
SCHNIEBER FINE FOODS INC.	FOOD AND SUPPLIES	1,782.32
SIGN PRO	AQUATIC CENTER SIGN	30.00
SIXTH STR MARKET	FOOD AND SUPPLIES	104.13
SKILL PATH SEMINARS	ADMIN ASST. CONFERENCE	149.00
STOBBE WELDING	REPAIR ON LOADER	110.00
SUBWAY OF LEXINGTON	PLANNING COMM MEAL	52.74
TIME LIFE BOOKS	LIBRARY BOOKS	43.97
TODD, MICHAEL & CO., INC.	BATTERY	77.40
TRI-COUNTY HOSPITAL	FITNESS CENTER	200.00
VALENTINO'S	TRATHLON BUFFET	82.35
VAN WATERS & ROGERS INC.	CHEMICALS	1,680.60
WAL-MART	MISC. OFFICE SUPPLIES	335.38
WENBURG, FLOYD	MOW&CLEAN YRD-507 E. 3RD	70.00
WESCO DISTRIBUTION, INC.	ELECTRICAL SUPPLIES	52.47
WRLD CHMBR-CMMRCE DIR.	LIBRARY BOOKS	30.00
ADVANCED CONTROL SYSTS	WTR WELL CONTROL RPRS	1,431.00
AFLAC	EMPLOYEE CANCER POLICY	572.42
AXIS CAPITAL, INC.	MAIL MACHINE LEASE	283.31
CASH-WA DISTRIBUTING	POOL CONC SPLS & FOOD	2,119.14
COCA COLA/DR PEP-KRNY	POOL POP	231.50
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	6,695.46
DAN'S SANITATION	UTILITY SANITATION CHRGS	19,558.78
DISPLAY SALES	NEBRASKA FLAG	259.20
FLOOR SHINE	RSTR FLOORS AT SRV. BLDG.	70.00

FRANSYL EQUIPMENT CO.	ANNUAL INSPEC-ELECTRICAL	2,245.69
I.C.M.A.	ANNUAL MBRSH - BRICKER	485.00
LEAGUE OF NE. MUNIC	ANNUAL MBR-BRIC & PEPP	292.50
LEXINGTON, CITY OF	JUNE FRANCHISE FEES	22,444.75
LEXUS	JUNE UTILITY BILLING	17,218.73
MILLER & ASSOCIATES	REVIEW FEES-NE. DEPT-H.H.S	1,216.38
MILLS, BARBARA	LEAGUE CONF EXPENSES	55.50
NELSON, THOMAS R.	NCBO&I CONF EXPENSES	129.60
PETTY CASH FUND	REIMBURSE PETTY CASH	96.06
WILLCO, INC.	CHECK VALVES	748.50
	GRAND TOTAL:	\$259,990.82

**DECENCY COMMITTEE:**

Four Members for the Citizens For Decency addressed the Lexington City Council. Those four members being Dr. Wayne Weston, John Shields, Wanda Kjar, and Pastor Ralph Guetersloh. The thrust of their message was the problems that have been caused by pornography and the presence of that in a community. These problems ranged from family problems to occupational problems. Dr. Weston presented the case of Jeffrey Dahmer, and the affects pornography had on him. Wanda Kjar related the story of an eight year old boy in Lincoln that was a victim of a person who used pornography, and also related that the U.S. is now known as the porn capital of the world. Pastor Ralph Guetersloh talked about the serious issues of pornography in the community saying that if not checked, it will invade churches, schools, and the moral fiber of the community. Mr. Cleon Hanson also requested to address the Council stating that he is president of Neighborhood Watch, and that he is personally against pornography, and the Neighborhood Watch does not agree with the pornography store being open. He also stated that the law protects Jason Anderson, and the Pornography Store from any destruction or threat on personal life and property. The Neighborhood Watch would not condone those actions. Mr. Jason Anderson then addressed the Lexington City Council relating that he does not force people to enter his store, but when they do, he does check that they are 21 years of age, or older. He stated that he has also taken other precautions such as darkening the windows so that the items in the store would not be visible from the outside. Upon the completion of these presentations and additional discussion by the Council, moved by Kohl, seconded by Wightman, that the following Resolution be passed and approved. Roll call. Voting "aye" were Klamm, Cook, Wightman, Kohl, Fagot. Motion carried.

**Resolution 99-14**

WHEREAS, the Council finds that the sale, distribution and use of some sexually oriented materials may affect the public health, safety and welfare of the community.

WHEREAS, the group known as the "Citizens for Decency" has formed for the purpose of dealing with the problems of sexually oriented businesses and distribution and use of sexually oriented materials.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the

City of Lexington hereby will receive material or information and use what is deemed useful.

Passed and approved this 22<sup>nd</sup> day of June, 1999.

John Fagot, Mayor

ATTEST:

Leon E. Malzahn Lexington City Clerk

**PUBLIC HEARING:**

The Lexington City Council held a public hearing to consider the redevelopment proposal on the Holiday Plaza Subdivision. Mr. Mike Bacon addressed the City Council and presented them with a schedule that depicted the increased revenue that is estimated through sales tax returns with the construction of the Holiday Inn Plaza on South Highway 283. Mr. Bacon stated that this was a formula used by the University of Nebraska, and has been used to determine benefits to Cities. Upon the completion of Mr. Bacon's presentation, Mr. Wilkensen addressed the Lexington City Council outlining the schedule for construction of the Holiday Inn Plaza. He also reviewed the problems that existed with environmental clean-up of the area, namely an old service station, and this is making the purchase of the land almost prohibitive for his development. However, with Tax Increment Financing and the reuse money currently on deposit with the City, the project could come to fruition. Hearing no comments in opposition, Mayor Fagot declared the public hearing closed.

**TIF RESOLUTIONS:**

Moved by Klamm, seconded by Wightman that the following Resolution be passed and approved. Roll call. Voting "aye" were Cook, Kohl, Wightman, Klamm, Fagot. Motion carried.

RESOLUTION  
99-15

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, APPROVING A REDEVELOPMENT PLAN AS CONTAINED IN A REDEVELOPMENT CONTRACT; MAKING FINDINGS WITH REGARD TO SUCH PLAN AND APPROVING OTHER ACTION THEREON.**

**WHEREAS**, the City of Lexington, Nebraska a municipal corporation has determined it to be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

**WHEREAS**, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

**WHEREAS**, The City has previously declared an areas of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

**WHEREAS**, The Community Redevelopment Authority of the City of Lexington, Nebraska (the "Authority"), has prepared a Redevelopment Plan as contained in a Redevelopment Contract pursuant to Section 18-2111 of the Act; and

**WHEREAS**, the Planning Commission reviewed the Redevelopment Plan pursuant to the Act and, pursuant to Section 18-2114 of the Act, recommended approval of the Redevelopment plan to the City; and

**WHEREAS**, following consideration of the recommendations of the Planning Commission to the City, the Mayor and City Council held a public hearing, pursuant to notice as required by law; and

**WHEREAS**, there has been presented for approval a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan.

**NOW, THEREFORE**, be it resolved by the Mayor and City Council of the City of Lexington, Nebraska:

1. The Redevelopment Plan as contained in the Redevelopment Contract in the form attached to this Resolution as Exhibit A is hereby determined to be feasible and in conformity with the general plan for the development of the City of Lexington as a whole and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act;
2. The Mayor and City Council specifically find, as follows:
  - (a) The project described in the redevelopment contract and plan attached thereto, would not be economically feasible without the use of tax-increment financing;
  - (b) The project would not occur in the Redevelopment Area without the use of tax-increment financing; and
  - (c) The costs and benefits of the Project including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long term best interests of the community impacted by the project.
3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed and the Authority is hereby directed to execute the Redevelopment contract and implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, any ad valorem tax levied upon real property in the redevelopment project specified in the plan, namely Lot 3, Holiday Plaza Addition as surveyed, platted and recorded, now being a part of the City of Lexington, all in Dawson County, Nebraska, shall be divided, for the period not to exceed 15 years after the effective date of the provision, which effective date shall be January 1, 2001.
  - a. That portion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and
  - b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, a redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.
5. The Mayor of the City Council is directed to execute the Redevelopment Contract on behalf of the City of Lexington with such corrections additions and deletions as may be deemed necessary by the Mayor and to execute and deliver to the County Treasurer and Assessor, the Notice of Allocation of Taxes which is attached hereto and marked as exhibit B. Passed and approved this 22nd day of June, 1999.

Mayor John Fagot

Attest:

Leon E. Malzahn, Lexington City Clerk

After reading the first resolution in full, moved by Klamm, seconded by Wightman that the reading of the entire resolution on the two remaining resolutions be waived. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

Resolution 99-16

"RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, APPROVING A REDEVELOPMENT PLAN AS CONTAINED IN A REDEVELOPMENT CONTRACT; MAKING FINDINGS WITH REGARD TO SUCH PLAN AND APPROVING OTHER ACTION THEREON" was read by title. After

which, Council person Klamm moved for passage of the resolution. Seconded by Wightman. Roll call. Voting “aye” were Cook, Kohl, Wightman, Klamm, Fagot. Motion carried.

The resolution for lot three was read by title, whereupon Council person Wightman moved for passage of the resolution. Seconded by Kohl. Roll call. Voting “aye” were Klamm, Cook, Kohl, Wightman, Fagot. Motion carried.

#### Resolution 99-17

“RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, APPROVING A REDEVELOPMENT PLAN AS CONTAINED IN A REDEVELOPMENT CONTRACT; MAKING FINDINGS WITH REGARD TO SUCH PLAN AND APPROVING OTHER ACTION THEREON” .

#### **ESCO RESOLUTION:**

City Manager Bricker addressed the Lexington City Council stating that this resolution was requested at the last Council meeting, and is presented so the City of Lexington could become members of ESCO. 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.

#### RESOLUTION 99-18

WHEREAS, public agencies within the meaning of Neb. Rev. Stat. Section 13-803 (1997) will enter into the Interlocal Cooperation Agreement for Nebraska Energy Services Company effective July 15, 1999; and

WHEREAS, the City of Lexington, Nebraska, desires to be a party to the Interlocal Cooperation Agreement for Nebraska Energy Services Company effective July 15, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF LEXINGTON, NEBRASKA, that

1. The City of Lexington, Nebraska, shall enter into the Interlocal Cooperation Agreement for Nebraska Energy Services Company effective July 15, 1999.
2. The appropriate representative or representatives of the City of Lexington, Nebraska, are authorized to execute the Interlocal Cooperation Agreement for Nebraska Energy Services Company effective July 15, 1999, on behalf of the City of Lexington, Nebraska.
3. The appropriate representative or representatives of the City of Lexington, Nebraska, are authorized to take all action necessary on behalf of the City of Lexington, Nebraska, so that the Interlocal Cooperation Agreement for Nebraska Energy Services Company effective July 15, 1999, may enter into force consistent with the provisions of Neb. Rev. Stat. Section 13-804 (2) (1997).



4. City Manager Vance Bricker is appointed as representative and Assistant City Manager Joe Peplitsch is appointed alternate representative to act on behalf of the City of Lexington, Nebraska, at any meeting of the Board of Directors of the Joint Entity created by the Interlocal Cooperation Agreement for Nebraska Energy Services Company effective July 15, 1999.

Dated this 22<sup>nd</sup> day of June, 1999.

John Fagot, Mayor

Attest:

Leon Malzahn, Lexington City Clerk

**FINANCIAL REPORT:**

The Financial Report for May, 1999 was presented to the Council. Such items as Investments, and Sales Tax Revenue, were reviewed. After said review, moved by Klamm, seconded by Kohl, to accept the Treasurer's report for May, 1999. Roll call. Voting "aye" were Wightman, Cook, Kohl, Klamm, Fagot. Motion carried.

**VACATING ALLEY:**

Mr. Alan Anderson was present with his Architect for the Methodist church requesting that closure of the alley on the north side of the Methodist church, so they may start their construction project which would

cover that alley. Mr. Anderson explained that he is fully aware that the Methodist church would need to maintain and reroute the sewer, water, electric, and gas lines in this alley that are used for their building. After no further discussion, an ordinance entitled "AN ORDINANCE TO VACATE THE ALLEY IN BLOCK SEVENTEEN IN THE ORIGINAL TOWN OF LEXINGTON; TO PROVIDE FOR REVERSION OF THE VACATED ALLEY TO ADJOINING PROPERTY OWNERS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before the Council. Moved by Klamm, seconded by Cook, that said ordinance be passed on first reading. Roll call. Voting "aye" were Wightman, Kohl, Cook, Klamm, Fagot. Motion carried.

**VACATING STREETS:**

City Manager Bricker informed the Lexington City Council that back in the early 1900's, streets were vacated down here, and this street, for some reason, was not vacated, however, it has been used by the property owners, and therefore as a clean-up procedure, need to pass the following ordinance, and have it recorded. Upon completion of his presentation, an ordinance entitled "AN ORDINANCE TO VACATE STREETS ADJOINING BLOCK THREE, JOSEPH SMITH ADDITION TO THE CITY OF LEXINGTON; TO PROVIDE FOR REVERSION OF THE VACATED STREET TO ADJOINING PROPERTY OWNER; 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 days be suspended. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot.

Said Ordinance was then read by title. Moved by Klamm, seconded by Wightman, that said ordinance No. 2111 be passed on final reading. Roll call. Voting "aye" were Cook, Kohl, 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

**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.

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Lexington City Clerk