

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 28, 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. City Officials present were City Clerk Leon Malzahn, City Attorney Willard Weinhold, Assistant City Manager Joe Peplitsch. Department Heads present were Charles Clark, Ruth Seward, Barbara Mills. Also present were Bob Blankenship representing Miller and Associates, Dr. Pentz representing Neighborhood Watch. The Press was represented by KRVN, 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 - 9-14-99: Minutes of the Regular Meeting held September 14, 1999 was presented for Council's consideration and approval. Moved by Klamm, seconded by Wightman to approve the minutes of the Regular Meeting held September 14, 1999 as presented. Roll call. Voting "aye" were Kohl, Wightman, Klamm, Fagot. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$239,802.51 was presented for Council's consideration and approval. Upon review of the claims and bills as listed, moved by Wightman, seconded by Klamm, to approve the claims and bills as listed, and authorize the City Treasurer to transfer \$86,836.36 from the General Fund, \$122,379.21 from LEXUS Fund, \$19,649.27 from City Sanitation Fund, \$1,288.35 from Landfill Fund, \$22.68 from Library Memorial, \$3,169.79 from the Health Fund, \$6,456.85 from Meals on Wheels to the City of Lexington's Operating Account. Roll call. Voting "aye" were Kohl, Klamm, Wightman, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
SEPTEMBER 28, 1999

ALIAN T CELLULAR	CELLULAR CHARGES	151.09
AT&T	LONG DISTANCE CHARGES	11.07
AXIS CAPITAL, INC.	POSTAGE MACHINE LEASE	283.31
BARRETT-HOUSEL-GRAFTON	CITY EMPLOYEE BONDS	581.00
BERNTSON OIL	FUEL AND OIL	2,237.16
BLIVEN, JESS	ELECTRIC REBATE	1,300.00
BOTTOM LINE/TOMORROW	LIBRARY MAGAZINE	39.00
BUS TELECOMMUN SYSTEM, C.B.S.A.	PHONES FOR EOC	102.00
	EMPLOYEE MEDICAL	1,799.73

CASH-WA	FOOD AND SUPPLIES	507.73
CENTRAL TIRE & TREAD	REPAIR FLAT	7.50
COAST TO COAST	FILTERS	3.36
COMPTON'S ENCYCLOPEDIA	LIBRARY BOOKS	508.95
CONNY SAFETY PRODUCTS	MEDICAL SUPPLIES	272.50
CONSUMER GUIDE	LIBRARY MAGAZINE	99.00
CONTRYMAN & ASSOCIATES	CONF-CITY DEPT. HEADS	229.50
COUNTRY GENERAL	WD EATER HDS - GRS AERTR	144.81
CRESCENT ELEC SUPPLY CO.	FREIGHT ON STEP DRILLS	9.52
DUTTON-LAINSON COMPANY	CONDUCTOR	60.07
EAKE'S OFFICE PRODUCTS	SHARP PMT-CPR LS - MISC	660.90
EGAN SUPPLY COMPANY	TRASH BAGS	99.55
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	366.84
FAGOT REFRIG & ELECTRIC	AIR DUCT SERVICE	94.97
FAMILY EYEWEAR	EMPLOYEE SAFETY GLASSES	109.00
FARM & RANCH SERVICES	GRASS SEED	190.00
FISCHER-SCIENTIFIC	HYDROCHLORIC ACID	138.51
FIVE STAR FLOORING	CARPET FOR UTILITY OFFICE	1,078.29
FRANSSSEN, PAUL	ELECTRIC REBATE	1,100.00
GILLETTE/NE DAIRIES, INC.	DAIRY FOR GGC	220.07
GROLIER PUBL CO., INC.	LIBRARY BOOKS	715.72
HACH CHEMICAL	WWTP SUPPLIES & CHEM	114.25
HARLEQUIN RETAIL INC.	LIBRARY BOOKS	10.52
H-T-M SALES, INC.	GRNDR PUMP & ACCESS	2,065.00
HUSKER AG SALES	HOSE & FITTINGS	259.94
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	827.68
KRIZ-DAVIS COMPANY	INSLTRS-CLMPS-ANCHRS	3,492.09
LEX AREA CHMBR OF COMM	MEMBERSHIP DUES	3,604.00
LEXINGTON COMMUN	REPLACE BAD SPEAKER	106.73
LEXINGTON COOP	CAR WASHES	7.00
LEX NEWSPAPERS, INC.	MEETING NOTICES & MIN	388.14
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	69.35
LIEHS DRILLING	TST HLS S. ADAMS / WELL #13	11,311.75
LEXINGTON, CITY OF	9/21/1999 PAYROLL	72,139.80
SOCIAL SECURITY	EMPLYR PORTION FICA/MED	5,440.67
FIRST NATIONAL BANK	EMPLYR PORTION PENSION	2,285.62
AMERICAN FUNDS	POLICE PENSION	977.54
ICMA	PEPPLITSCH PENSION	99.70
MARTIN ELECTRIC	ELECTRIC REBATE	1,592.00
MEAD/BIG VALLEY LUMBER	SHLTR LMBR / MARBLE DUST	967.32
MICRO-MARKETING, LLC.	LIBRARY BOOKS	18.90
MIDWEST LABS INC.	LAB TESTING	165.00
MILLER AND ASSOCIATES	PROFESSIONAL SERVICES	24,189.25
MORRIS PRSS & OFC SPLS	PERMITS-BLDG INSPECTOR	269.75
MUNICIPAL SUPPLY	WATER & SEWER SUPPLIES	1,398.81
N C B O & I	CONF REGIS - NELSON, TOM	20.00
NAT AUTOMOBILE DEALERS	NADA SUBSC FOR LIBRARY	52.00
NE DEPT. OF WTR RSCS	REGIS-WELL 6A,7A,8A,9A,33A	300.00
NE MUNIC CLERK'S ASSOC.	CLERK'S DUES - MALZAHN	30.00
NPPD	RPLC MNFLD WSTMNSTR SUB	430.50
NBRSKLND TIRE TRK CNTR	TIRE REPAIR	10.00
OLD DOMINION BRUSH	NOZZLES	64.19
OVERTON COMMUNITY CNTR	BUILDING RENT	100.00
OVERTON SAND & GRAVEL	GRAVEL	39.00
PATTY'S HALLMARK	MISC. OFFICE SUPPLIES	378.18

PAULSEN INC.	CONCRETE AND WHITE ROCK	948.96
PEOPLE WEEKLY	LIBRARY MAGAZINE	99.96
PETTY CASH FUND	REPLENISH PETTY CASH	29.55
PFIEFFER, CHAD	YARD CLEAN UP	20.00
PLT VALLEY COLLECTIONS	COLLECTION FEES	16.00
PLT VLY SEAMLESS GUTTER	EXTERIOR LIGHT	133.63
PLUM CR MEDICAL GROUP	EMPLOYEE INJURY	140.00
PLUM CREEK PROMOTIONS	NAMES FOR SHIRTS	12.00
PLUM CR TELE SYSTEMS	16 BUTTON SET	80.00
PRECISION INDUSTRIES	ADHESIVE	20.66
PROTECTIVE LIFE INSURANCE	CANCER POLICY	35.62
PRYOR RESOURCES, INC.	VIDEO AND WORKBOOKS	243.40
PBLC EMP COMPL LAW BLTN.	INSPECTION BULLETIN	69.00
ROSACKER, BRIAN CONST	RPRS-CONC STAND - POOL	100.00
ROURKE PUBLISHING GR	LIBRARY BOOKS	449.95
SCHMIDT, DICK	ELECTRIC REBATE	1,700.00
SCHNIEBER FINE FOODS INC.	FOOD AND SUPPLIES	1,537.74
SIXTH STREET MARKET	FOOD AND SUPPLIES	36.81
TIME LIFE BOOKS	LIBRARY BOOKS	44.96
US FILTER DISTRIB GROUP	WATER METERS & SUPPLIES	2,176.74
WAL-MART	MISC. OFFICE SUPPLIES	220.87
WESCO DISTRIBUTION, INC.	DPU METERS-RPRS - SPLIES	1,891.04
WIZE, ALYNNE	ELECTRIC REBATE	1,100.00
ZEP MANUFACTURING CO.	CLEANING SUPPLIES	50.94
AM PUBLIC WORKS ASSOC.	MBRSHP RENEW-HAWKS	190.00
BARCO MUNICIPAL PROD	CONCRETE BLADES	429.25
C.B.S.A.	EMPLOYEE MEDICAL	1,194.44
CASH-WA DISTRIBUTING	FOOD AND SUPPLIES	395.56
CHIEF SUPPLY	FIRE GLOVES AND HOODS	484.84
COUNTRY GENERAL	GRASS THATCHER	49.99
COZAD FLORAL & NURSERY	PLNTGS-TRIANGLE-TREE BRD	5,192.43
CRESCENT ELECT SPLY CO.	CRDT-INV LISTED ABOVE	-3.46
DAN'S SANITATION	SEPTEMBER UTILITY BILLING	19,649.27
DUTTON-LAINSON COMPANY	SECURITY LIGHTS	792.05
ERL MAY NRSRY -GRDN CNTRPLNTGS	TRIANGLE-TREE BRD	1,471.46
ELECTRIC FIXTURE	20 AMP PLUG RECEPTICAL	1.45
FARM & RANCH SERVICES	GRS-TRIANGLE-TREE BOARD	6.40
FISCHER-SCIENTIFIC	WWTP SUPPLIES	283.11
FIVE STAR FLOORING	WALL PAPER-UTILITY OFFICE	40.04
IDEALS PUBLICATIONS, INC.	LIBRARY BOOKS	17.95
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	168.82
INT ASSOC. OF EL. INSPCTRS.	MBRSHP FEES-NELSON, TOM	60.00
JELCO CARPET CLEANING	CLEAN CARPET CITY HALL	60.00
KAR PRODUCTS	SHOP SUPPLIES	252.43
KN ENERGY	SEPTEMBER FUEL FOR POOL	878.41
LANDMARK AUDIOBOOKS	AUDIOBOOK LEASE	686.00
LEX AREA ARTS COUNCIL	DONATION	1,000.00
LEX NEWSPAPERS, INC.	MEETING NOTICE	10.45
LEXINGTON, CITY OF	SEPT FRANCHISE FEES	27,828.00
LEXUS	SEPTEMBER UTILITY BILLING	15,951.65
LUTHER, ANN	MEAL EXP-NASC CONF	15.00
MEAD/BIG VALLEY LUMBER	SHEETGOODS FOR GGC	14.28
MID-AMERICA FOOD BANK	FOOD	21.28
PAULSEN INC.	CONCRETE	119.00
WAL-MART	OFFICE SUPPLIES	57.11

WAREHOUSE SURPLUS	SUCKERS-UTIL DEPT	16.80
WEBER & WEINHOLD	PROFESSIONAL SERVICES	1,230.00
WESCO DISTRIBUTION, INC.	PEDESTALS - CONNECTORS	3,688.80
ZEP MANUFACTURING CO.	TOWELS	46.04
	TOTAL CLAIMS	239,802.51

**NEIGHBORHOOD
WATCH:**

Dr. Roger Pentz addressed the Lexington City Council requesting that the Council look at a graffiti removal ordinance for the City of Lexington as there has been a considerable amount of graffiti appearing on buildings in Lexington. Dr. Pentz was informed that there had been a graffiti ordinance presented to the Council, and the ordinance had not been approved, so therefore, it is on the books, and action could be reinitiated on that ordinance. Council Person Wightman stated that the ordinance presented last time was over-restrictive in selling products to the public, and could not be in favor of that ordinance as it is written. After a discussion of this item, Administration was instructed to distribute the ordinance to the City Council, and that this item be placed on the next Agenda, at which time the Council and City Administration would receive comments and suggestions, concerning modification of this ordinance. No further action was taken.

**PEDESTRIAN
CROSSING:**

Assistant City Manager Peplitsch addressed the Lexington City Council stating that the following resolution was presented to the Council at the request of IBP, who has built a sidewalk up to the stop light at the Wal-Mart driveway, and is requesting a pedestrian activated crossing light at that location. Upon the conclusion of the discussion pertaining to the procedure for submission of this request to the State of Nebraska, Council Person Wightman moved that the following resolution be passed and approved. Seconded by Klamm. Roll call. Voting "aye" were Kohl, Klamm, Wightman, Fagot.

RESOLUTION 99-29

WHEREAS, increased pedestrian traffic at the intersection of Highway #283 (Plum Creek Parkway) and the Wal-Mart entrance presents a hazard to pedestrians 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 pedestrian activated traffic signals are warranted at the intersection of highway #283 and the Wal-Mart entrance.

Passed and approved this 28th day of September, 1999.

John Fagot, President of the Council

ATTEST:

LEON E. MALZAHN City Clerk

PROGRESS PAYMENT:

Assistant City Manager Peplitsch presented Pay Estimate Number 2 to the Lexington City Council for work completed on the North Water

Tower. Mr. Peplitsch advised the Council that the amount of this request is \$39,633.60 leaving a warranty retainage of \$2,500.00 which will be paid after one year of warranty completion. Upon completion of the discussion, moved by Wightman, seconded by Klamm to approve application number 2 from W.S. Bunch Company for restoration of the north water tower in the amount of \$39,633.60, and authorize the City Treasurer to transfer the same from the Water Department to the City of Lexington Operating Account. Roll call. Voting "aye" were Kohl, Klamm, Wightman, Fagot. Motion carried.

SUBDIVISION PLAT:

City Attorney Weinhold explained to the City Council that on June 8, 1999, the resolution was probably considered by the City Council, however, at that time, the Minutes did not reflect the passage of this resolution, and the tape for it was not saved as the Deputy Clerk was handling the meeting at that time, therefore he is recommending that this resolution be passed at this time. Moved by Klamm, seconded by Kohl, that the following resolution be passed and approved. Roll call. Voting "aye" were Wightman, Kohl, Klamm, Fagot. Motion carried.

RESOLUTION NO. 99-30
HOLIDAY PLAZA SUBDIVISION

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

The plat of HOLIDAY PLAZA SUBDIVISION, a part of the North Half of the Southwest Quarter of Section 17, Township 9 North, Range 22 West of the 6th P.M., in Dawson County, Nebraska, duly made out, acknowledged and certified to be and the same hereby is approved and ordered, filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED this 28th day September, 1999.

CITY OF LEXINGTON, NEBRASKA

BY: JOHN FAGOT Mayor

ATTEST:

LEON E. MALZAHN City Clerk

FINANCIAL REPORT:

The Financial Report for the City of Lexington was presented to the Lexington City Council for the month of August, 1999. After discussion of the standings at the end of August, moved by Wightman, seconded by Kohl, to accept the Treasurer's Report for August, 1999. Roll call. Voting "aye" were Klamm, Kohl, Wightman, Fagot. Motion carried.

**ACCOUNTS
RECEIVABLE:**

A list of Accounts Receivable for Merchandise billing was presented to the City Council with recommendations for writing off balances that were uncollectable. Upon completion of the review of the list, moved by Wightman, seconded by Klamm, that the City write the recommended Accounts Receivable off. Roll call. Voting "aye" were Kohl, Klamm, Wightman, Fagot. Motion carried.

POLICE REPORT:

Chief of Police Charles Clark presented the 1998 Crime Statistics to the City Council noting that the City of Lexington was not first in the statistics as presented to him. Chief Clark also reviewed various individual items on there, such as drunk driving and the clearance rate. Upon completion of his report, no further action was taken.

DAMAGE CLAIM:

Assistant City Manager Peplitsch presented a claim from Casper Oil that had previously be rejected by our insurance company for damages caused by an electrical outage. After review of the history of this claim, moved by Wightman, seconded by Klamm, that the City of Lexington deny payment of this claim. Roll call. Voting "aye" were Kohl, Klamm, Wightman, Fagot. Motion carried.

PAY REQUEST:

Assistant City Manager Peplitsch presented the Lexington City Council with the final pay request for Municipal Water Well Number 16 in the amount of \$10,000.00 from Liehs Drilling. Mr. Peplitsch stated that all items on the check list have been completed to the City's satisfaction except for the lock on the door, which will be changed by Glenn Hawk's crew tomorrow. With no further explanation, moved by Kohl, seconded by Wightman, that pay request number 16 in the amount of \$10,000.00 from Liehs Drilling be approved for the final payment for Municipal Water Well Number 16 and that the City Treasurer transfer that amount from the Water Department to the City of Lexington Operating Account. Roll call. Voting "aye" were Klamm, Wightman, Kohl, Fagot. Motion carried.

**COMPLETION
CERTIFICATE:**

A Certificate of Substantial Completion was presented to the Lexington City Council for Municipal water well number 16 to Liehs Drilling. The Assistant City Manager pointed out that the contract was for \$165,000 and final construction costs came in at \$148,840.00. Upon completion of his presentation, moved by Wightman, seconded by Klamm, that the certificate of substantial completion be approved and accepted by the City of Lexington in the amount of \$148,840.00. Roll call. Voting "aye" were Kohl, Klamm, Wightman, 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