

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 11, 2000 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, John Wightman, Rick Klamm, Ted Cook. Council Person Neal Kohl was absent. City Officials present were City Clerk Leon E. Malzahn, City Attorney Willard Weinhold, City Manager Vance Bricker. Department Heads present were Assistant City Manager Joe Peplitsch, Charles Clark, Ruth Seward, Barb Mills. Also present was Bob Blankenship representing Miller and Associates. Citizens in attendance were Glenda Debban, Marilyn Sabin, and David Selk. 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 – 3-28-00:** Minutes of the Regular Meeting held Tuesday, March 28, 2000 was presented for Council’s consideration and approval. Moved by Wightman, seconded by Klamm, to approve the minutes of the Regular Meeting held March 28, 2000 as presented. Roll call. Voting “aye” were Cook, Klamm, Wightman, Fagot. Motion carried.

**MINUTES – SPECIAL MEETING – 4-5-00:** Minutes of the Special Meeting held Wednesday, April 5, 2000 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Wightman to approve the minutes of the Special Meeting held April 5, 2000 as presented. Roll call. Voting “aye” were Cook, Wightman, Klamm, Fagot. Motion carried.

**MINUTES – SPECIAL MEETING – 4-7-00:** Minutes of the Special Meeting held Friday, April 7, 2000 was presented for Council’s consideration and approval. Moved by Wightman, seconded by Klamm, to approve the minutes of the Special Meeting held April 7, 2000 as presented. Roll call. Voting “aye” were Cook, Klamm, Wightman, Fagot. Motion carried.

**MINUTES – SPECIAL MEETING – 4-10-00:** Minutes of the Special Meeting held Monday, April 10, 2000 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Wightman, to approve the minutes of the Special Meeting held April 10, 2000 as presented. Roll call. Voting “aye” were Cook, Wightman, Klamm, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$651,708.35 was presented for Council’s consideration and approval. Upon review of the claims and bills as listed, moved by Klamm, seconded by Cook, to approve the claims and bills as listed, and authorize the City Treasurer to transfer \$101,638.03 from the General Fund, \$529,623.86 from LEXUS, \$10,000.00 from City Sanitation fund, \$70.85 from the Landfill Fund, \$310.90 from Library Memorial Fund, \$2,855.82 from Health Fund, \$7,208.89 from Meals on Wheels Fund to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Wightman, Cook, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
APRIL 11, 2000 COUNCIL

ALAMAR UNIFORM CO	WOMEN UNIFORM SHIRTS	251.95
ALLTEL	CELLULAR CHARGES	42.46
BAIRD HOLM	PROFESSIONAL SVC/PENSION PLAN	402.76
BEST WAY INC	UTILITY SUPPLIES	153.03
BROADWING TELE	TELEPHONE CHARGES	275.58
BRICKER, VANCE	STAPLETON MTG EXPENSES	62.10
BUSINESS TELECOMM.	HANDSET	24.00
BUS & PROF CREDIT	COLLECTIONS	59.26
CDBG CERTIFICATION	REGISTRATION FEE/MILLS	40.00
C.B.S.A.	INSURANCE PREMIUMS	368.50
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	1,657.45
CASH-WA DISTRIBUTING	FOOD AND SUPPLIES	1,752.28
CENTRAL GARAGE FUND	LABOR, PARTS, TIRES, GAS AND OIL	5,057.15
CENT COMM COLLEGE	REGISTRATION FEE/BLIVEN/FIRE DEPT	115.00
CENTRAL NE CLEANERS	CITY OFFICE CARPETS	178.00
CENTURY LUMBER CNTR	LUMBER AND MATERIALS	30.32
CERTIFIED LABORATORIES	CENTRAL GARAGE SUPPLIES	271.47
COAST TO COAST	LIGHTBULBS/SHOPVAC FILTERS	14.18
COMPS BY HAMPTON	TELEDATA SYSTEM	2,025.00
CRNHSCR HOTEL, THE	NMPP CONFERENCE LODGING	252.00
CLGN WTR COND CO.	WWTP & GGC WATER TREATMENT	91.20
DAN'S SANITATION	SOLID WASTE FEES	10,000.00
DAWSON COUNTY CLERK	DISPATCH FEES	5,623.73
DAW CO PUBLIC POWER	ELECTRIC CHARGES & SUPPLIES	363.63
DAWSON AREA DEV	MEMBERSHIP FEE 99-00	10,000.00
DIAMOND VOGEL PAINT	TRAFFIC PAINT	2,222.00
DITCH WITCH OF NE	DIGGING CHAIN TEETH	232.60
DUTTON-LAINSON CO	ELECTRICAL SUPPLIES	784.05
EAKES OFFICE PROD	OFFICE SUPPLIES/COPIER PAYMENT	839.16
EGAN SUPPLY CO	CLEANING SUPPLIES	113.15
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	5,739.27
FAGOT REFRIG & ELEC	CIRCCUIT REPAIR/LIBRARY	244.01
FAIRBANKS INTERN INC	HARDWARE SUPPLIES	35.82
FIVE POINTS BANK	COPIER PAYMENT	205.12
FLOOR SHINE	MONTHLY FLOOR CLEANING	65.00
GILLETTE/NE DAIRIES, INC	DAIRY PRODUCTS-GGC	365.86
GOV FIN OFCRS ASSN	WORKBOOKS	41.00
GROLIER PUBLISHING INC	LIBRARY BOOKS	222.56
HAINES, BILL	TRANSFORMER CLASS PER DIEM	25.50
HARLEQUIN RETAIL, INC.	LIBRARY BOOKS	10.52
HIPP WHOLESALE CO	GROCERIES & SUPPLIES/GGC	1,352.79
HOLIDAY TRAVEL & CRUS	LODGING BOOKING/SEWARD	273.21
HUSKER AG SALES	GRASSHOPPER MOWER	6,930.00
INGRAM LIBRARY SRVCS	LIBRARY BOOKS	113.65
INS & PERSONNEL SRVCS	ADMINISTRATIVE FEES	405.72
INTL CONF OF BLG OFCLS	UBC CODE BOOK	99.20
INTERNET USA LLC	INTERNET SVC	99.90
JONES PLUMBING & HTG	SUPPLIES FOR SEWER AND WATER	499.02
JOY BOOK NOOK	LIBRARY BOOKS	7.19
K.R.V.N. - FM	CONTRACT 2287502	173.25
KRIZ-DAVIS COMPANY	ELECTRICAL SUPPLIES	2,114.41
LANDMARK AUDIOBOOKS	REPLACEMENT TAPES	10.00
LEX ANIMAL CLINIC	MARCH ANIMAL CARE	434.90
LASWA	SOLID WASTE FEES	455.13
LEXINGTON COOP	MISC. CAR CARE AND FERTILIZER	1,121.08
LEX HEALTH FUND	SELF-FUNDING	14,504.23
LEXINGTON LAUNDRY	LAUNDRY CRGS. & UNIFORM REPAIRS	84.75
LEX NEWSPAPERS, INC.	MARCH NOTICES	38.20

LEX POSTMASTER	GGC POSTAGE/GENERAL POSTAGE	202.65
LEX PUBLIC LIBRARY	PETTY CASH-MAIL AND POSTAGE	38.94
LEX PUBLIC SCHOOLS	COMPUTER CLASS	23.00
LEXINGTON, CITY OF	MONTHLY FEES AND FRANCHISE FEES	23,872.37
LEX CITY PAYROLL ACNT	WAGES 06-Apr-00	71,610.99
SOCIAL SECURITY	SOCIAL SEC (EMPLOYER PORTION)	5,398.46
FIRST NATIONAL BANK	EMP PENSION (EMPLOYER PORTION)	2,296.90
AMERICAN FUNDS	POLICE PENS (EMPLOYER PORTION)	1,006.24
I.C.M.A.	EMP PENSION (EMPLOYER PORTION)	99.70
MEAD/BIG VALLEY LMBR	PAINT AND SUPPLIES	252.37
MEYER WELDING & RPR	METAL BENDING AND CUT HOLES	23.40
MIDWAY SUPPLY	MISC. SHOP SUPPLIES	260.94
MILLER & ASSOCIATES	RETAINER	2,300.00
MORRIS PRS & OFC SPLS	SVC BLDG FORMS	120.93
MUNICIPAL SUPPLY	ELECTRIC SUPPLIES	1,835.52
NE LIBRARY COMM	CONFERENCE EXPENSES	20.00
NE DEPT. OF HHS LAB	SAMPLE TESTING	239.54
NE DEPT. OF REVENUE	UTILITY BILLING TAXES	22,627.79
NE MUNIC POWER POOL	MEMBERSHIP DUES	1,179.40
NELSON, THOMAS R	MARCH CITY HALL CLEANING	500.00
OLLSON ASSOCIATES	PROFESSIONAL SVC/PROJ 99-08-11	6,975.00
OMAHA LIFE INS CO	FIREMAN INSURANCE	77.40
OVERTON SND & GRAVEL	GRAVEL	305.00
PATTY'S HALLMARK	MISC OFFICE SUPPLIES	191.30
PAULSEN INC.	CONCRETE	256.79
PEAK INTEREST	CIVIL SVC MTG	22.48
PLATTE VALLEY COMM	MAINT. AGREEMENT	90.00
POLKAROBICS INC	PROGRAM MATERIAL/GGC	32.75
PROCESS MEAS CO	CHART PAPER	21.57
QUAL STRS(CNTRY GEN)	ELEC/PARK/WATER SUPPLIES	519.14
RENTAL RENT-ALL	JACK HAMMER RENTAL	18.00
RECORDED BOOKS	RECORDED BOOK ORDER	310.90
REFORMA	MEMBERSHIP DUES	25.00
ROTH, HOWARD	TRANSFORMER COURSE PER DIEM	25.50
S&W AUTO PARTS, INC.	PARTS AND SUPPLIES	427.70
SAFETY KEEN INC	OIL SAMPLE TESTS	1,000.00
SERVICE SUPPLY	PLUMBING SUPPLIES	62.90
SEWARD, JUSTIN	MARCH CLEAN LIBRARY	225.00
SEWARD, RUTH	CONFERENCE EXPENSES	162.50
STEWART TREE SERVICE	TREE AND STUMP REMOVAL	2,107.14
T L SUND CNSTRCTRS	FENCING	8.63
TIME LIFE BOOKS	LIBRARY BOOKS	20.98
TRI-COUNTY HOSPITAL	WELLNESS MEMBERSHIPS	180.00
UPSTART	READING PROGRAM SUPPLIES	41.50
USHER PEST CONTROL	MONTHLY PEST CONTROL	24.00
US FILTER DISTR GROUP	WIRE SUPPLIES/METER	12,678.01
U.S. WEST COMMUN	PHONE CHARGES	1,612.19
US GOV BOOKSTORE	ZIP CODE DIRECTORY	25.00
U-SAVE FOODS	GROCERIES & SUPPLIES	24.22
WAL-MART	MISC. SUPPLIES	286.68
WALKER RFG CO INC	ROOF REPAIR	177.00
WEATHERCRAFT CO	MD SIDEMOUNT 1/2 HP	529.00
WEBER & WEINHOLD	PROFESSIONAL SERVICES	2,010.00
WESCO	ELECTRIC SUPPLIES	2,162.88
ANTHONY'S	REFUND ON UTILITY ACCT	1,712.05
BERTINSON OIL	GAS AND DIESEL	2,596.34
CBSA	EMPLOYEE MEDICAL	107.15
CENTRAL GARAGE FUND	VEHICLE/EQUIPMENT MAINTAINANCE	2,731.29
CHESTERMAN CO	GGC SUPPLIES	35.80

DAN'S SANITATION	MONTHLY SERVICES	844.44
DAW CO PUBLIC POWER	POWER PURCHASED	1,553.75
FISCHER-SCIENTIFIC	TESTING SUPPLIES/WWTP	254.23
FLOOR SHINE	MONTHLY SERVICES/SVC BLDG	300.00
GR PLNS ONE-CALL SRVC	LOCATING SERVICES	69.92
INS & PERSONNEL SVCS	EMPLOYEE 125 ACCT	685.50
K N ENERGY	GAS CHARGES	2,369.24
LEAGUE OF NE MUNIC	LIBRARY LOAN	1.58
LEXINGTON COOP	KEROSENE	26.01
LIEHS DRILLING	COUPLING (OLD BILLING)	3.70
MIDWAY SUPPLY	VEHICLE/EQUIPMENT MAINTAINANCE	71.55
MOORE MEDICAL CORP	MEDICAL SUPPLIES	531.20
N.P.P.D.	POWER PURCHASED	389,743.65
PAULSENS INC	CONCRETE	281.70
PETTY CASH FUND	REPLENISH PETTY CASH	56.39
PLATTE VALLEY COMM	SPEAKER INSTALLATION	51.00
QUALITY STORES INC	HARDWARE SUPPLIES	19.31
S & W AUTO PARTS INC	VEHICLE/EQUIPMENT MAINTAINANCE	222.87
UNIV INSP LTD	SFTY INSP OF BUCKET TRUCKS	1,340.00
WATER SAFETY PROD	AQUATIC CENTER SUPPLIES	581.08
	TOTAL CLAIMS	651,708.35

**ZONING:**

An Ordinance entitled "AN ORDINANCE TO AMEND SECTIONS 28-9, 28-10.2, 28-10.5, 28-10.8, 28-11.2, 28-11.7, 28-12.2, 28-12.4, 28-12.8, 28-13.2, 28-13.4, 28-13.8, 28-14.2, 28-14.5, 28-14.9, 28-15.2, 28-15.5, 28-15.9, 28-16.2, 28-16.9, 28-17 through 28-17.9, 28-18.2, 28-18.8, 28-19.2, 28-19.3, 28-20.3, 28-20.9, 28-21.3, 28-29.1, 28-31, 28-31.4, 28-37, and 28-38.2, OF THE LEXINGTON CITY CODE; TO PROVIDE FOR CHANGES IN THE ZONING CODE; TO REPEAL ORIGINAL SECTIONS 28-9, 28-10.2, 28-10.5, 28-10.8, 28-11.2, 28-11.7, 28-12.2, 28-12.4, 28-12.8, 28-13.2, 28-13.4, 28-13.8, 28-14.2, 28-14.5, 28-14.9, 28-15.2, 28-15.5, 28-15.9, 28-16.2, 28-16.9, 28-17 through 28-17.9, 28-18.2, 28-18.8, 28-19.2, 28-19.3, 28-20.3, 28-20.9, 28-21.3, 28-29.1, 28-31, 28-31.4, 28-37, and 28-38.2, 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, to pass said ordinance on third reading. Roll call. Voting "aye" were Cook Klamm, Wightman, Fagot. Motion carried.

The passage and adoption of said Ordinance No. 2124 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 No. 2124, 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

**WASTE HAULING RATES:**

City Manager Bricker stated that Council person Cook, and Mayor Fagot had met with Marilyn Sabin about the increased cost of fuel for the garbage collection, and that this raise in garbage collection. Council Person Cook stated that the last increase, which was in 1996, involved increased tipping fees at the landfill, but did not include a price increase due to the cost of operations. Upon the completion of the discussion, moved by Cook, seconded by Wightman, to increase the landfill rates to \$12.25. Roll call. Voting "aye" were Klamm, Wightman, Cook, Fagot. Motion carried.

**JEFFERSON STREET WATER:**

Mr. Bob Blankenship, representing Miller and Associates addressed the Council requesting approval of plans, specifications, engineer's estimate, and authorization to advertise for bids for the Jefferson Street Water Project. Assistant

City Manager Peplitsch informed the Council that the water project was one that is a continuation of a replacement of mains in problem areas for distribution of water in the City of Lexington. He further stated that some of the water main would be replaced behind the curb, while others needed to go out into the street to connect to an existing main. Upon the completion of his explanation, moved by Klamm, seconded by Wightman, to approve the engineer's plans, specifications, and estimate for Jefferson Street Water Main Project, and authorize Administration to advertise for bids. Roll call. Voting "aye" were Cook, Wightman, Klamm, Fagot. Motion carried.

**MFO:**

Assistant City Manager Peplitsch addressed the City Council, stating that there had been money collected by the State for the Fire Department, through a mutual aid for the entire state, and the formation of this organization would allow the City of Lexington access to approximately \$30,000 of these funds. Upon completion of his explanation, moved by Wightman, seconded by Klamm, that the following Resolution be passed and approved. Roll call. Voting "aye" were Klamm, Cook, Wightman, Fagot. Motion carried.

RESOLUTION NO. 00-07

RESOLUTION FOR PARTICIPATION IN  
MUTUAL FINANCE ORGANIZATION

BE IT RESOLVED BY THE CITY OF LEXINGTON, AS FOLLOWS:

1. That the undersigned hereby agrees to participate as a member in the Interlocal Agreement creating a Dawson County Mutual Finance Organization, and Joe Peplitsch, is hereby directed and authorized to execute such Agreement on behalf of the undersigned.
2. That Joe Peplitsch is hereby designated as the person to represent the undersigned on the governing board of the said Dawson County Mutual Finance Organization.

Adopted this 11<sup>th</sup> day of April, 2000, by the City of Lexington, Nebraska.

John Fagot, Mayor

ATTEST:

Leon E. Malzahn, City Clerk

**DEPOSITORY  
DESIGNATION:**

Barb Mills informed the council that having the banks change some of their names have caused the necessity of passage of the resolution stating places where the City of Lexington could deposit funds. Upon the completion of her presentation, moved by Wightman, seconded by Klamm, that the following resolution be passed and approve. Roll call. Voting "aye" were Cook, Klamm, Wightman, Fagot. Motion carried.

RESOLUTION NO. 00-08

BE IT RESOLVED by the Mayor and Council of the City of Lexington, Nebraska, as follows:

Sec. I That the Pinnacle Bank, United Nebraska Bank of Lexington, Plum Creek Bank, and Home Federal Savings and Loan of Nebraska are hereby designated as depositories of the funds of the City, including checking accounts, certificates of deposit or time deposits. All checks, drafts or other orders for payment of money may be endorsed for deposit by stamp or personal endorsement of any officer or employee of the City for deposit in said accounts.

Sec. II That any two of the following persons, including the Mayor, City Treasurer, Deputy City Treasurer, City Clerk, or City Manager, be and hereby are authorized to draw checks, drafts or other orders for the payment of money on said accounts, and the bank is authorized to honor the same.

Sec. III. That the above named depository banks shall provide security for deposits as provided by law, and in the event security is provided by deposit guarantee bond, the Lexington City Manager is hereby authorized on behalf of the City to approve the form of such deposit guarantee bond.

Sec. IV. BE IT FURTHER RESOLVED, that the power and authority granted in this Resolution shall continue in full force and effect until notice in writing is given to said banks of the cancellation or modification hereof.

PASSED AND APPROVED this 11th day of April, 2000.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST:

City Clerk

**ASSESSMENT  
FORECLOSURE:**

At this time that the Council was informed that due to a conflict in dates, the Assessment Resolution would be forwarded to the next Agenda.

**AUDITOR APPOINTMENT:**

Barb Mills informed the Council that the Resolution having the City Manager appoint an auditing firm for the next three years would bring the City of Lexington within requirements of the Department of Economic Development and Grants. Upon completion of her presentation, moved by Klamm, seconded by Cook, that the following Resolution be passed and approved. Roll call. Voting "aye" were Wightman, Cook, Klamm, Fagot. Motion carried.

RESOLUTION 00-09

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

1. That the proposed letter of engagement for services of Contryman Associates, P.C. as City Auditor through September 2002, is hereby approved.
2. That Vance Bricker, City Manager, is hereby directed and authorized on behalf of the City of Lexington, Nebraska to sign said engagement letter.

Passed and approved this 11<sup>th</sup> day of April, 2000.

John Fagot, Mayor

ATTEST:

Leon E. Malzahn, City Clerk

**MANAGER APPLICATION:**

The application of Ampride to have Jacque Cantrell, as Manager of the Ampride Liquor License was presented to the Council. After discussion, moved by Klamm, seconded by Wightman, that the application of Lexington Co-op Oil to have Cantrell as Manager of their Liquor License be approved. Roll call. Voting "aye" were Wightman, Cook, Klamm, Fagot. Motion carried.

**EXECUTIVE SESSION:**

Moved by Wightman, seconded by Klamm, to recess the Regular Session to Executive Session at 7:59 p.m. for the purpose of discussing personnel and purchase of real estate. Roll call. Voting "aye" were Cook, Klamm, Wightman, Fagot. Motion carried.

Moved by Wightman, seconded by Klamm, to reconvene the Regular Session from Executive Session at 8:17 p.m. Roll call. Voting "aye" were Cook, 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.

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Lexington City Clerk