

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Wednesday, November 12, 1997 at the Lexington Municipal Offices, 406 East 7th Street, Lexington, Nebraska at 7:00 A.M. Members of the Council present were Mayor John Wightman, John Fagot, Neal Kohl, Rick Klamm, Patty Mandelko. 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, Ruth Seward, Barb Mills, and Tom Nelson. Dana Daniels and Bob Blankenship were also present representing Miller and Associates. The press was represented by KRVN, Tri-City Tribune, and Kearney Hub.

NOTICE: Notice is 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 Wightman.

MINUTES OF REGULAR MEETING 10-28-97: Moved by Mandelko, seconded by Kohl, to approve the minutes of the Regular Meeting held October 28, 1997 as presented. Roll call. Voting "aye" were Fagot, Klamm, Kohl, Mandelko, Wightman. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$587,126.34 was presented for Council's consideration and approval. Moved by Klamm, seconded by Kohl, to approved the claims and bills as listed, and authorize the City Treasurer to transfer \$93,309.68 from the General Fund, \$451,350.70 from LEXUS Fund, \$10,000.00 from the City Sanitation Fund, \$1,662.52 from the Landfill Fund, \$23,631.69 from the Health Fund,

\$7,171.75 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were Fagot, with the exception of Fagot Electric, Mandelko, Kohl, with the exception of Mr. Automotive, Klamm, Wightman. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 November 12, 1997

AFLAC	MONTHLY CHARGES	160.24
ALIAN T COMMUNICATIONS	MONTHLY CHARGES	19.95
ARNOLD POOL COMPANY	CHEMICALS	684.00
AUTOMATIC SYSTEMS	REPAIR AUTOMOD CONTROL	3,360.43
BARMORE'S	SCANNER & ANTENNA	142.97
BARCO MUNICIPAL PROD.	"NO U TURN" SIGNS	259.62
BERNTSON OIL	FUEL	1,848.16
CASH-WA DISTRIBUTING	FOOD & SUPPLIES	608.52
MARSHALL CAVENDISH CORP.	BOOKS	82.47
CENTRAL GARAGE FUND	REPAIRS AND FUEL	10,463.13
COUNTRY GENERAL	MISC. SUPPLIES	76.19
CORP. BENEFIT SVCS OF AMER.	EMPLOYEE MEDICAL CLAIMS	
23,471.45		
CORP. BENEFIT SVCS OF AMER.	HEALTH PREMIUMS	7,145.03
C&S TRUCK & SALVAGE CO	TRUCK PARTS	227.60
CULLIGAN WATER COND.	WATER TREATMENT	82.50
DAWSON CO. PUBLIC POWER	OCTOBER POWER	1,602.59
DAWSON COUNTY CLERK	DISPATCH FEES	4,607.30
DAN'S SANITATION	SOLID WASTE	10,169.48
DEMCO	OFFICE SUPPLIES	156.68
DOBI PUBLISHING	DIRECTORY OF BUYERS	17.95
DUTTON-LAINSON COMPANY	MISC. SUPPLIES	503.80
DURKIN	REPAIR MAG CONVERTER	760.90
DYNAMIC SYSTEMS INC.	SERVICE VISIT 12-3-92	1,346.50
EGAN SUPPLY COMPANY	OFFICE SUPPLIES	225.60
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	2,298.66
EMERGENCY MED. PRODUCTS	GLOVES	118.48
FAIRBANKS INTERN. INC	MISC REPAIR PARTS	52.90
FAGOT REFRIGERATION	SERVICE FURNACE & PARTS	191.10
FARM PLAN CORPORATION	SWITCHES	30.90
FISCHER-SCIENTIFIC	MISC SUPPLIES	173.53
FOLLETT SOFTWARE CO	SUPPORT & SUPPLIES	1,956.11
GRAND ISLAND HOLIDAY INN	TOM NELSON CONFERENCE	94.00
GILLETTE/NEBR. DAIRIES, INC	DAIRY GGC	259.25
GREAT PLAINS ONE-CALL SERVICE	UTILITY LOCATES	69.70
GUMDROP BOOKS	LIBRARY MATERIAL	550.06

HACH CHEMICAL	CHEMICALS	212.00
HIPP WHOLESALE COMPANY	FOOD & SUPPLIES	364.22
INGRAM LIBRARY SERVICE	BOOKS	64.26
JELCO CARPET CLEANING	CLEAN ENTERTAINMENT	24.50
JONES PLUMBING & HEATING	PLUMBING SUPPLIES	39.76
KAPCO	LIBRARY MATERIAL	61.61
KEARNEY HUB	PAPER RENEWAL LIBRARY	91.00
KEY MOTORS	TIRES	220.00
K N ENERGY INC	GAS SERVICE	11.60
KRIZ-DAVIS COMPANY	ELBOWS	958.51
LEXINGTON ANIMAL CLINIC	EUTHANASIA & BOARDING	499.80
LEXINGTON HEALTH FUND	HEALTH FUNDING	13,895.62
LEXINGTON COMMUN,	REPAIR RADIOS	124.24
LEXINGTON VOLUNTEER FIRE	DEPT EXPENSE VOUCHER	1,425.00
LEXINGTON LAUNDRY	CLEANING & PATCHING	54.50
LEXINGTON POSTMASTER	NOVEMBER POSTAGE LEXUS	1,500.00
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	39.25
LEXINGTON NEWSPAPERS INC	PUBLICATION NOTICES	273.72
LEXINGTON TRUCK & AUTO	POWER STEERING FITTING	5.00
LEXINGTON, CITY OF	MONTHLY CHARGES	23,851.79
LEXINGTON SOLID WASTE AGENCY	SOLID WASTE	27.00
LEXINGTON POSTMASTER	NOV. POSTAGE LIBRARY	150.00
MEAD/BIG VALLEY LUMBER	MISC. SUPPLIES	286.68
MEYER WELDING	MISC. WELDING	56.54
MIDWAY SUPPLY	MISC. SUPPLIES	36.23
MID-NEBRASKA FOOD BANK	FOOD FOR FOOD BANK	11.62
MORRIS PRESS & OFC. SUPPLIES	OFFICE SUPPLIES	8.96
MR. AUTOMOTIVE	REPAIR PARTS	20.46
MUNICIPAL SUPPLY	DRESSERS	2,714.05
NEBRASKA ASSOC OF SR CENTERS	CERT. RENEWAL	15.00
NEBRASKALAND TIRE	FRONT END ALIGNMENT	39.95
NEBRASKA MACHINERY	LOADER PAYMENT	1,637.00
NEBR. LAW ENFORCEMENT	FIELD TRAINING	99.59
NEBR. LIBRARY COMMISSION	CERTIFICATION RENEWAL	5.00
NEBR. DEPT OF REVENUE	UTL SALES TAX	20,730.86
NEBR. PUBLIC POWER DIST.	OCTOBER POWER BILL	321,265.99
NEBR. DEPT OF MOTOR VEH.	UNDERCOVER LICENSE	3.00
NELSON, THOMAS R	CLEANING & TRAVEL EXP.	677.60
OLD DOMINION BRUSH	MISC. SUPPLIES	185.96
OVERTON SAND & GRAVEL	GRAVEL	72.00
PAULSEN INC.	CONCRETE	1,534.23
PACK-O-FUN	RENEWAL MAGAZINE	14.97
PATTY'S HALLMARK	OFFICE SUPPLIES	108.57
PETTY CASH	REPLENISH PETTY CASH	50.36
PLATTE VALLEY AUTO MART	ENGINE AND REPAIR PARTS	1,744.27
PLATTE VALLEY COMMUN.	ANTENNAS AND BATTERIES	681.35

PLATTE VALLEY EXTERM.	MONTHLY SERVICE	24.00
PRICE'S TREE SERVICE	TRUCK FOR SNOW REMOVAL	112.50
RELIABLE RACING	100-200 NUMBERS	37.95
SCHUMACHER, KENNETH	TRAVEL TO SCOTTSBLUFF	64.30
SCHUCKMAN, MARSHA	LIBRARY CLEANING OCTOBER	200.00
SCHNIEBER FINE FOODS INC	FOOD	953.15
SEWARD, RUTH	NLA CONVENTION/OMAHA	195.10
SIXTH STREET MARKET	FOOD & SUPPLIES	167.56
SIRCHIE	BAGS	55.24
S&W AUTO PARTS, INC.	REPAIR PARTS	663.83
TIME LIFE BOOKS	MR. EDWARD BOOK	23.48
TRI-CITY TRIBUNE	WINTER RECREATION ADS	721.35
UNIV. PRESS OF COLORADO	MARI BOOK	21.73
UTILITY PROD. SUPPLY CO	ELECTRICAL SUPPLIES	6,960.25
U.S. FILTER/WATERPRO	WATER METER & FLANGES	1,039.61
U S WEST COMMUNICATIONS	PHONE CHARGES OCTOBER	1,666.95
UTILITY EQUIPMENT	SUPPLIES	449.06
WALKER ROOFING COMPANY	CLEAN & REPAIR ROOF	233.00
WAL-MART	MISC. SUPPLIES	212.78
WARD LABORATORIES	WATER ANALYSIS	12.00
WESCO DISTRIBUTION, INC	ELECTRICAL SUPPLIES	19,702.98
WEBER & WEINHOLD	OCTOBER PROFESSIONAL	1,729.50
YOUNG & MODERN	10 ISSUES RENEWAL	13.97
ALIAN T COMMUNICATIONS	OCT MONTHLY EQUIP. CHARGE	19.95
ALIAN T CELLULAR	OCT CELLULAR PHONE SRV.	56.49
AMERICAN FUNDS	POLICE PENSION 11/4 P.R.	
920.84		
CASH-WA DISTRIBUTING	OCTOBER FOOD	356.01
E & L METER INSTALLATION	LABOR/19 WATER METERS	760.00
FIRST NATIONAL BANK	EMP. PENSION 11/4 P.R.	1,992.29
GROLIER EDUCATION CORP.	SEPTEMBER BOOK ORDER	1,247.62
HIPP WHOLESALE	FOOD	200.93
I.C.M.A	PEPPLITSCH PENSION 11/4 PR	91.59
K N ENERGY INC	GAS SERVICE OCTOBER	
788.21		
NATIONAL TELESERVICE INC	OCTOBER LONG DISTANCE	253.97
PAYROLL ACCOUNT	11/4 PAYROLL	69,329.15
SCHNIEBER FINE FOODS	FOOD	342.71
SOCIAL SECURITY FUND	SOCIAL SECURITY 11/4 P.R.	5,246.77
U S WEST COMMUNICATIONS	OCTOBER PHONE SERVICE	383.67
MIDLANDS CONTRACTING	POLK STREET-W/O 1298510	12,725.00
MIDLANDS CONTRACTING	CEDAR ST.-W/O 1398505	111,665.55
GRAND TOTAL:		\$711,352.41

CEDAR STREET WATER The Lexington City Council reviewed a first and final

IMPROVEMENT:

application for the improvements to the Cedar Street Water Main Project. Mr. Dana Daniels representing Miller and Associates stated that the project is 100% complete and is satisfactorily done to their specifications. After a discussion pertaining to retainage, which City Manager Bricker explained, it would not be their census as a first and final payment. Council member Fagot moved that the first and final application to Midland Contracting in the amount of \$124,390.55 for Cedar Street Water Main Improvements be approved and authorize the City Treasurer to transfer \$124,390.55 from the water funds to the City of Lexington Operating Account. Seconded by Mandelko. Roll call. Voting "aye" were Kohl, Klamm, Mandelko, Fagot, Wightman. Motion carried.

BOARD OF EQUALIZATION:

The Lexington City Council sitting as a Board of Equalization considered the assessments on Improvement District 96-04. City Manager Bricker informed the Council that this was to be presented at a Council Meeting, however, the plat needed to be redrawn showing the amount of the intersection and the frontage of the water well, which would be paid for by the City of Lexington. He further stated that this amounted to an assessment to Mr. Kirkpatrick of approximately \$82,000.00. Upon the completion of the discussion, Mayor Wightman declared the public hearing closed.

ASSESSMENT ORDINANCE:

An ordinance entitled "An ordinance levying a special assessment upon the lots, parts of lots, lands and real estate specially benefitted by the improvements in street improvement district no. 96-04, of the City of Lexington, Nebraska; to defray the costs of said improvements to the extent of the special benefit to such lots, parts of lots, lands and real estate by reason of such improvements and providing for publication in pamphlet form" was read before the Council. Moved by Fagot, seconded by Klamm that said ordinance be passed on first reading with a 9% interest rate. Roll call. Voting "aye" were Mandelko, Kohl, Klamm, Fagot, Wightman. Motion carried.

FRANCHISE

The Lexington City Council discussed a request from

AGREEMENT: TCI for a waiver of a increase in a franchise agreement. Upon a thorough discussion of this matter, no further action was taken.

CONTRACTOR'S CERTIFICATION: The Lexington City Council reviewed a memo from the City Attorney outlining the towns that use contractor registration and how they go about using this registration, as far as bonds. Since the matter did not render itself a good solution for the City Council, it was, by direction of the mayor, that the City Staff further refine the regulations for contractors in the City of Lexington, and work with Council person Fagot when formulating these requirements. No further action was taken.

RAILROAD AGREEMENT: City Manager Bricker stated that the Union Pacific Railroad had requested an agreement whereby the City would be required to move a power pole allowing the third rail to be built through Lexington, and is requesting a resolution be passed authorizing an individual to sign this agreement. Upon completion of this discussion, moved by Klamm, seconded by Fagot, that the following resolution be passed and approved. Roll call. Voting "aye" were Kohl, Mandelko, Fagot, Klamm, Wightman. Motion carried.

RESOLUTION 97-22

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the Lexington City Manager is hereby directed and authorized to execute on behalf of the City of Lexington a "Supplemental Agreement" with Union Pacific Railroad Company providing for relocation of overhead power wireline crossing of the railroad right-of-way.

Passed and approved this 12th day of November 1997.

John Wightman, President of the Council

ATTEST: Leon E. Malzahn City Clerk

REQUEST TO AMMEND Mr. Dana Daniels representing Miller and Associates,

AGREEMENT:

addressed the Council stating that the Nebraska Department of Roads had requested additional studies be done for the grade separation in Lexington. These additional studies would require stopping people that were entering the City of Lexington on Highway 21 from the North, and on Highway 283 from the South. The reason to stop this traffic would be to conduct a survey as to where they are going, what their destination is, and how they would get there. Mr. Daniels stated that this data would then be given to their associates that are helping them with this grade separation study to make a determination of traffic flow in the city. He further stated that the cost of this additional study would be approximately \$4,100.00 plus in-kind labor by the city. He is also requesting that three or four city employees be assigned to Miller and Associates staff to conduct this study. Upon completion of the presentation, moved by Klamm, seconded by Mandelko, authorizing the addition of \$4,100.00 to perform a destination study in the grade separation. Roll call. Voting "aye" were Fagot, Kohl, Mandelko, Klamm, Wightman. Motion carried.

EXECUTIVE SESSION:

Moved by Fagot, seconded by Mandelko to recess the regular session to executive session at 7:50 a.m. for the purpose of discussing negotiating sale of land and personnel. Roll call. Voting "aye" were Kohl, Klamm, Mandelko, Fagot, Wightman. Motion carried.

Moved by Klamm, seconded by Mandelko to reconvene the regular session from executive session at 8:20 a.m. Roll call. Voting "aye" were Fagot, Kohl, Mandelko, Klamm, Wightman. Motion carried.

ADJOURNMENT:

There being no further business to come before the Council, Mayor Wightman declared the meeting adjourned.

John Wightman
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 of the time and place of said meeting and the subjects to be discussed at said meeting.

Lexington City Clerk