

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 23, 1997 at the Lexington Municipal Offices, 406 East 7th Street, Lexington, Nebraska at 7:30 p.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, and Assistant City Manager Joe Pepplitsch. Department Heads present were Police Chief Charlie Clark, Head Librarian Ruth Seward, Finance Director Barb Mills, and Recreation Director Chris Huff. Also present was Dana Daniels representing Miller & Associates. Citizens in attendance were Terry Lauby, Marty O'Haus, Fred Evans, Marilyn Sabin, Dale Nielson, Deb Stuchlik. The press was represented by KRVN, Clipper Herald KNOP, 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 methods 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 12-9-97: Minutes of the Regular Council Meeting was held December 9, 1997, was presented for Council's consideration and approval. Moved by Mandelko, seconded by Klamm to approve the minutes of the regular meeting held December 9, 1997 as presented. Roll call. Voting "aye" were Fagot, Kohl, Klamm, Mandelko, Wightman. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$327,060.82 were presented for Council's consideration and approval. Moved by Klamm, seconded by Mandelko to approve the claims and bills as listed, and authorize the City

Treasurer to transfer, \$183,038.03 from the General Fund, \$87,210.13 from the LEXUS Fund, \$17,375.75 from the City Sanitation Fund, \$26,855.93 from Landfill, \$5,833.25 from the Health Fund, \$41.74 from Housing Reuse Fund, and \$6,705.99 from Meals On Wheels to the City Of Lexington's Operating Account. Roll call. Voting "aye" were Kohl, Fagot, Mandelko, Klamm Wightman. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 December 23, 1997

AFLAC	CANCER PREMIUM	147.38
ALAMAR UNIFORMS	POLICE UNIFORMS	47.24
ALIAANT COMMUNICATIONS	DECEMBER EQUIP. CHARGES	19.95
AMERICAN FUNDS	POLICE PENS. 12/18 PAYROLL	
956.14		
AWARDS PLUS	EMP. OF YEAR PLAQUE	52.25
ASBLY OF GOD CONF. GR.	REFUND	80.00
BAIRD, HOLM, MC EACHEN	PROFESSIONAL FEES	175.00
BARMORES DRUG STORE	SUPPLIES	29.99
BERNTSON OIL	FUEL	34.50
BRICKER, VANCE	MTG EXP YORK & GOTHNBRG	83.70
CASH-WA DISTRIBUTING	FOOD & SUPPLIES	1,021.20
CDW COMP. CENTERS INC	DESKJET PRINTERS-LIBRARY	414.37
CENTRAL GARAGE FUND	PARTS & LABOR & FUEL CHGS	3,011.19
CENTRAL COMM. COLLEGE	WORKSHOP TUITIONS	139.85
COAST TO COAST	SUPPLIES	49.28
COUNTRY GENERAL	PAINT AND SUPPLIES	103.42
C.B.S.A	EMPLOYEE INS. CLAIMS	5,342.41
DAN'S SANITATION	SOLID WASTE	17,375.75
DAWSON CO. PUBLIC POWER	POWER AND SUPPLIES	2,975.55
DAWSON COUNTY JUDGE	DISMISSED CASE CHARGE	1.00
DAWSON COUNTY SURVEYOR	CEMETERY BOOK COPIES	80.00
DANKO EMERG. EQUIP. CO	AIR QUALITY TESTING	29.10
DKFL	LIBRARY MATERIAL	81.59
DUGAN BUSINESS FORMS	UTILITY BILLS FORMS	949.99
EGAN SUPPLY COMPANY	CLEANING SUPPLIES	41.15
EILERS MACHINE & WELDING	SUPPLIES	14.12
ELECTRIC FIXTURE	ELECTRIC SUPPLIES	299.01
FAIRBANKS INTERN. INC	SUPPLIES	7.30
FAMILY EYEWEARE	EMPLOYEE GLASSES	96.35
FARM PLAN CORPORATION	HOSES & FITTINGS	4.95
FAGOT, JOHN	ADDIT. TRAVEL EXPENSE	49.80
FIRST NATIONAL BANK	EMPLOYEE PENSION 12/18 PR	2,076.86

FISCHER-SCIENTIFIC	CHEMICALS	207.26
FLOWERS OF JOY	BANQUET CENTERPIECE	40.00
FOLLETT SOFTWARE CO	LABELS & PROTECTOR	119.85
GAYLORD BROTHERS INC	CONTINUOUS LABELS	36.90
GILLETTE/NEBRASKA DAIRIES	DAIRY PRODUCTS	200.27
GROLIER PUBLISHING CO	LIBRARY MATERIAL	148.80
GREAT PLAINS ONE-CALL SERVICE	LOCATES	12.28
GUMDROP BOOKS	LIBRARY MATERIAL	15.95
T.O. HAAS TIRE CO	TIRE REPAIR	14.00
HACH CHEMICAL	WWTP SUPPLIES	439.50
HIPP WHOLESALE	FOOD & SUPPLIES	582.35
I.C.M.A.	SKILL STUDY COURSE	190.00
I.C.M.A.	PEPPLITSCH PENSION	91.59
INGRAM LIBRARY SERVICES	LIBRARY MATERIAL	64.09
JASON'S BODY SHOP	TOWING FEES POLICE	40.00
JELCO CARPET CLEANING	CITY HALL & SVC BUILDING	185.50
JONES PLUMBING & HEATING	PLUMBING SUPPLIES	7.50
K N ENERGY INC	ENERGY BILLS	2,558.69
KRIZ-DAVIS COMPANY	ELECTRICAL SUPPLIES	1,811.90
JOHNSON, TRACEY	REFUND ON OVRPMT UTL BILL	57.57
LEXINGTON CITY OF	FRANCHISE FEES	22,036.28
LEXINGTON CITY OF	UTILITY BILLS	20,577.95
LEXINGTON COMMUN.	RADIO REPAIR	35.00
LEXINGTON COOP	PROPANE	23.50
LEXINGTON POSTMASTER	ANNUAL BOX FEES	276.00
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	9.64
LEXINGTON NEWSPAPERS	MEETING NOTICES	880.65
LEXINGTON GLASS	BACK WINDOW PICKUP	65.00
LEXINGTON SOLID WASTE AGENCY	SOLID WASTE	28.35
MC MAHON, KIM	DEC. CLEANING FIRE-HALL	108.33
MEAD/BIG VALLEY LUMBER	SUPPLIES	98.78
MIDWAY SUPPLY	SUPPLIES	111.99
MILLER & ASSOCIATES	LANDFILL & WELL 16	6,036.50
MILLS, BARB	TRAVEL EXP. GRAND ISLAND	47.25
MORRIS PRESS & OFFICE SUPPLIES	TAGS & CUTTING	3.00
MR. AUTOMOTIVE	SUPPLIES	52.48
MUNICIPAL SUPPLY INC	#2 SHUTOFF KEY	315.19
NATIONAL TELESERVICE INC	LONG DISTANCE NOVEMBER	165.02
NEBRASKA MACHINERY	SUPPLIES	169.48
NEBRASKALAND TIRE SVC	4 TIRES	280.28
NEBRASKALAND TIRE AND TRUCK	TIRE REPAIR	109.80
STATE OF NEBRASKA	EPA METHOD	518.70
NEBR. DEPT OF HHS SERVICE	FEES FOR WELL 16	725.00
NEBR. DEPT OF SOCIAL SERV.	REFUND UTL PMT	298.00
NEBR. STATEWIDE ARBORETUM	MEMBERSHIP DUES	25.00
NEBR. REC. & PARK ASSOC.	WORKSHOP TUITIONS	28.00

NEBR. MUNIC. POWER POOL	MEMBER FEES	750.00
OMAHA SLINGS INC	NYLON WEB SLINGS	293.65
OMAHA WORLD HERALD	PAPER RENEWAL	32.50
OMAHA LIFE INSURANCE CO	DECEMBER INSURANCE PREM.	66.00
PATTY'S HALLMARK	MISC. OFFICE SUPPLIES	729.54
PAULSEN INC	CONCRETE	564.27
PERFORMANCE RESOURCE PRESS	LIBRARY MATERIAL	75.95
PAYROLL	PAYROLL 12/18	73,039.37
PHOTOGRAPHY BY DEE ANN	SETTING FEE EMP.OF YR. AWD	25.00
PITNEY-BOWES	MAIL MACHINE CHARGES	761.00
PICTURE THIS	FILM PROCESSING	10.38
PLATTE VALLEY AUTO MART	REPAIR PARTS	50.38
PLATTE VALLEY COMMUN.	COMM. EQUIP FIRE	1,181.50
PLATTE VALLEY EXTERM.	MONTHLY SERVICE	24.00
PLUM CR. HOLIDAY DE-LITES	LARGE WREATH	128.10
POLKAROBICS INC.	SENIORS AEROBICS	36.65
PROTECTIVE LIFE INSURANCE	DECEMBER CANCER	
PREMIUM		180.86
RENT ALL RENTALS	SCAFFLING	16.00
RICHARDSON, JEANETTE	BOOKS PURCHASED	125.85
ROURKE PUBLISHING GROUP	LIBRARY MATERIAL	310.80
SCANTRON SERVICE GROUP	8 PORT HUB	95.00
SCHNIEBER FINE FOODS	FOOD & SUPPLIES	1,543.69
SEWARD, RUTH	MILEAGE & LUNCH	32.30
SHEET MUSIC	LIBRARY MATERIAL	18.97
SIGN PRO	SERVICE BUILDING SIGN	170.00
SIXTH STREET MARKET	FOOD & SUPPLIES	107.89
SIXTH STREET PHARMACY	FILM PROCESSING	3.46
SOCIAL SECURITY FUND	SOCIAL SECURITY P/R 12/18	5,637.47
S & W AUTO PARTS	SUPPLIES FOR RESALE	360.01
TIME LIFE BOOKS	LIBRARY MATERIAL	23.48
TRI-COUNTY HOSPITAL	MEMBERSHIP FEES	449.00
TRIGG INDUSTRIES INTL	TOOL & SHOP MAINTENANCE	10.20
UTIL. PRODUCTS SUPPLY CO	SUPPLIES	1,103.40
U.S. FILTER/WATERPRO	WATER METERS	7,526.90
UTILITY EQUIPMENT	GASKETS	40.20
US WEST COMMUNICATIONS	NOVEMBER PHONE CHARGES	91.35
VALUE LINE PUBLISHING	LIBRARY MATERIAL	570.00
WAL-MART	MISC. OFFICE SUPPLIES	388.97
WARD LABORATORIES	WATER TESTING	12.00
WESCO DISTRIBUTION INC	SUPPLIES	70.18
W P C I	DOT DRUG TESTING	162.60
BARRETT-HOUSEL-GRAFTON	INSURANCE RENEWALS	108,806.00
E&L METER INSTALLATION	31 WATER METERS	1,240.00
LEXINGTON PUBLIC LIBRARY	ADD POSTAGE CLAIMS	34.33
MID-STATE ENG. & TEST. INC	LEX L.F./PROJECT #103-04-4	14,531.00

MIDWEST LABORATORIES INC	TESTING WELL SAMPLES	8,038.50
MULLENDORF, R.A.	WELL PUMP/PROJ. #125-002	722.56
NEBRASKA MACHINERY	ADDED FRT. CHG. PREV. INV.	30.00
WORKMAN, CHARLES	CEMETARY PLOTS RETURNED	1,200.00
B S B CONSTRUCTION	LANDFILL CLOSURE	162,844.44

GRAND TOTAL: \$489,905.26

**PUBLIC HEARING
CDBG GRANT:**

The Lexington City Council held a public hearing to receive input from the public with regard to the application and administration of a community development block Grant for the Heartland Museum of Military Vehicles. Mr Marty O’Haus addressed the Council stating the Grant being applied for is in the amount of \$108,635.00, which will be matched by the Heartland Museum of Military Vehicles in the same amount, for a total project cost of \$217,270.00. Mr O’Haus also stated the objectives which the Heartland Museum of Military Vehicles are expecting to accomplish are the construction of a Visitors Center and renovation of existing facilities. Upon completion of his presentation The public was allowed sufficient time to reply either for or against the project and the application for funds. Comments received were favorable toward construction of the addition to the building and the renovation of the existing structure. The comments also were in favor of the application for the Grant.

Upon completion of the public hearing, Mayor Wightman declared the public hearing closed. Moved by Fagot, seconded by Klamm that the following resolution be passed and approved. Roll call. Voting “aye” were Mandelko, Kohl, Klamm, Fagot, Wightman. Motion carried.

RESOLUTION 97-23

WHEREAS, the City of Lexington, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development act of 1974, as Amended, for Small Cities Community Development Block Grant Program; and,

WHEREAS, the City of Lexington, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearings upon the proposed application and received favorable public comment respecting the application which for an amount of \$108,635.00 in CDBG funds, with \$108,635.00 in matching funds provided, for a total project cost of \$217,270.00 toward the construction of the new Visitor Center addition and renovation of the existing structure of the Heartland Museum of Military Vehicles in Lexington, Nebraska; and,

NOW THEREFORE, BE IT RESOLVED BY, the Mayor and City Council of the City of Lexington, Nebraska, that John Wightman, Mayor of the City of Lexington, Nebraska, be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Lexington, Nebraska, and the Nebraska Department of Economic Development so as to effect acceptance of this grant application.

APPROVED THIS 23RD DAY OF DECEMBER, 1997.

John Wightman, Mayor

ATTEST:

Leon E. Malzahn, City Clerk

Moved by Kohl, seconded by Klamm, to approve the Citizens Participation Plan, the Residential Anti-Displacement and Relocation Assistance Plan and the Subrecipient Agreement between the City of Lexington and the Heartland Museum of Military Vehicles. Roll call. Voting "aye" were Fagot, Mandelko, Kohl, Klamm, Wightman. Motion carried.

TRAFFIC CONTROLS: City Manager Bricker reviewed reports presented to the Lexington City Council containing counts for pedestrians and traffic crossing at 11th Street and Jackson. It stated that the traffic count was high, however, the pedestrian count was not all that high, and therefore, was wondering about the justification of a signal. After further discussion pertaining to the

crossings, Mr. Fred Evans, representing Sandoz, addressed the Lexington City Council, stating that they would also like to have traffic control at the intersection of 13th & Erie for school crossings. The Council then asked if there were any standards from the State of Nebraska for school crossing intersection. The City Manager then requested these types of standards be researched by Miller and Associates, and report back at a later meeting. Councilman Fagot stated that he feels this would be a good idea to have these standards, or we may have school crossings and lights at every other intersection. No further action was taken.

APPOINTMENTS TO BOARDS &

Mayor Wightman stated that his appointments to fulfill expired and unexpired terms, and the following Boards and Commissions of the City of Lexington are as follows: Board of Adjustment Mr. Ken Graus, Board of Adjustment Alternate Mrs. Joni Bennett, Board of Health Mr. John Wightman, Mr. Vance Bricker, Mr. Charlie Clark, Dr. Pat Unterseher, Mr. Tom Nelson, Housing Authority Ms. Jeannie Guterrez, Planning Commission Ms. Margaret Nielsen, Mr. Mark Yung, Mr. Rob Waterman. Because of the recent resignation of Deloy Jahnke, Mayor Wightman would, therefore, like to appoint Steve Smith, from the Library Board, to the Planning Commission. Recreation Advisory Bd. Dr. Mark Jones, Mrs. Mary Maloley. Library Board - Mayor Wightman stated that he has the appointment for Jean King, which would be Sally Margritz, however, he needs to find someone to fill the unexpired term of Steve Smith.

Upon completion of his appointments, moved by Klamm, seconded by Mandelko, to approve the appointments of the various Boards and Commissions of the City of Lexington, as made by the Mayor. Roll call. Voting "aye" were Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried.

APPOINTMENT OF CITY OFFICIALS:

An Ordinance entitled "An Ordinance appointing City Officials: to provide for an effective date and for publication in pamphlet form" was read before the Council. Moved by Fagot, seconded by Kohl that the rules requiring the reading of said ordinance on three

separate days be suspended. Roll call. Voting "aye" were Klamm, Mandelko, Kohl, Fagot, Wightman. Motion carried. Said Ordinance was then read by title. Moved by Fagot, seconded by Kohl, that Ordinance No. 2092 be passed on the final reading. Roll call. Voting "aye" were Mandelko, Klamm, Kohl, Fagot, Wightman. 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

SANITATION RATES:

Mr. Bruce Smith, representing Dan's Sanitation, addressed the Lexington City Council stating that the Sabin's are requesting an increase of .50 per customer for sanitation rates since the tipping fees have gone to \$36.00 a yard. Marilyn Sabin was on hand to field questions from the audience, one being why the residences of Overton are paying less than the residences of Lexington for sanitation pick-up. Mrs. Sabin stated that she was not sure how that happened, but it has been that way for some period of time. Upon completion of the discussion, moved by Mandelko, seconded by Fagot, that the following resolution be passed and approved. Roll call. Voting "aye" were Klamm, Kohl, Fagot, Mandelko, Wightman. Motion carried.

RESOLUTION NO. 97-24

WHEREAS, increased tipping fees at the Lexington Area Solid Waste Agency landfill have increased, thereby increasing the cost of operating the trash collection service for The City of Lexington.

BE IT THEREFORE RESOLVED, that effective January 1, 1998, the charge to be collected for

residential garbage pickup within the City of Lexington shall be \$11.75 per month.

BE IT FURTHER RESOLVED, that charge for residential customers who are single and 65 years of age or older shall be \$9.75.

PASSED AND APPROVED this 23rd day of December, 1997.

John M. Wightman, Mayor

ATTEST:

Leon E. Malzahn, City Clerk

PAY REQUEST:

The Lexington City Council considered Pay Request No. 1 from BSB Construction for post-closure of the old landfill. Mr. Dana Daniels, representing Miller and Associates, addressed the Lexington City Council stating that the pay request in front of them had been reviewed by Miller and Associates, as far as work completed compared to the amount of dollars asked and that the pay request is reasonable and within limits. Mr. Daniels further stated that the \$162,844.44 requested contained a retainage of 5%, rather than a retainage of 10%. With no further questions, moved by Klamm, seconded by Mandelko to approve Pay Request No. 1 to BSB Construction for post-closure of the Lexington Solid Waste Landfill in the amount of \$162,844.44 and authorize the City Treasurer to transfer \$162,844.44 from the Landfill Department to the City of Lexington Operating Account. Roll call. Voting "aye" were Fagot, Kohl, Mandelko, Klamm, Wightman. Motion carried.

Mr. Daniels then stated that he is requesting a weather shut-down be ordered by the Lexington City Council as of November 21, 1997 since no further work can be completed at this time. Moved by Kohl, seconded by Mandelko that BSB Construction be issued a winter shut-down order as of November 21, 1997 for closure of the Lexington Landfill. Roll call. Voting "aye" were Klamm, Fagot, Mandelko, Kohl, Wightman. Motion carried.

**RETREAT MEETING
DATE:**

City Manager Bricker stated that the Lexington City Council needs to set a special meeting to have a mid-winter retreat for the Council. After a discussion of the dates, moved by Klamm, seconded by Mandelko that the Lexington City Council hold a special mid-winter retreat January 17, 1998 at 8:00 a.m. at the Grand Generation Center. 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