

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 9, 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 Pepplitsch, Barb Mills, Chris Huff. Also present were Bob Blankenship representing Miller and Associates, Ruth Smith, Marilyn Sabin, Bob Cappel, Doug Cunningham, representing KN Energy. The press was represented by the 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 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 11/25/97: Moved by Mandelko, seconded by Klamm to approve the minutes of the regular council meeting held November 25, 1997 as presented. Roll call. Voting "aye" were Fagot, Kohl, Klamm, Mandelko, Wightman. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$877,135.90 was 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 \$217,871.03 from the General Fund, \$641,729.41 from the LEXUS fund, \$10,000.00 from the City Sanitation Fund, \$1,649.00 from the Landfill, \$357.38 from the Health Fund, \$176.28 from

Library Memorials, and \$5,352.80 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were Fagot, with the exception of Fagot Electric, Kohl, Mandelko, Klamm, Wightman. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 December 9, 1997

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| AFLAC | DECEMBER CANCER PREMIUM | 147.38 |
| ALIAN T COMM. | DECEMBER EQUIP. CHARGES | 19.95 |
| ALIAN T CELLULAR | NOVEMBER MOBILE CHARGES | 57.92 |
| AWARDS PLUS | MEDALS & TROPHIES | 227.50 |
| BARMORE'S | FILM & OFFICE SUPPLIES | 41.26 |
| BERNTSON OIL | FUEL & OIL | 1,659.55 |
| BRICKER, VANCE | MEETING EXPENSES | 49.61 |
| BROWN, BRIT | ELECTRIC REBATE | 1,050.00 |
| BROWN, HAROLD | TOOL ALLOWANCE | 50.00 |
| CASH-WA DISTR. | FOOD & SUPPLIES | 245.38 |
| CARR, DOROTHY | ELECTRIC REBATE | 150.00 |
| CENT. GARAGE FUND | PARTS & LABOR & FUEL CHARGES | 6,514.74 |
| CENTURY LAB. INC | CLEANING SUPPLIES | 172.08 |
| CENTRAL COMM. COLLEGE | BACKFLOW SEMINAR | 120.00 |
| COAST TO COAST | JANITORIAL SUPPLIES | 2.79 |
| COUNTRY GENERAL | PAINT AND SUPPLIES | 187.43 |
| C.B.S.A | EMPLOYEE INSURANCE CLAIMS | 15.00 |
| C.B.S.A | EMPLOYEE MEDICAL FEES | 7,653.24 |
| COZAD SERVICE | REPAIR HEATING SYSTEM | 76.26 |
| CULLIGAN WATER | WATER TREATMENT | 67.50 |
| DAWSON CO. ROAD DEPT. | WIRE TIES | 85.00 |
| DAWSON CO. CLERK | DISPATCH FEES DECEMBER | 4,607.30 |
| DAN'S SANITATION | SOLID WASTE | 10,169.48 |
| DAY-TIMERS, INC | SOLUTION SET | 50.90 |
| DEPOSITORY TRUST CO. | 1995 2.2 SCHOOL BOND | 125,872.50 |
| D & M SECURITY | QUARTERLY WATER ALARM | 105.00 |
| DUTTON-LAINSON CO. | AERIAL TOOL | 130.23 |
| EAKE'S OFFICE PROD. | MONTHLY SHARP PAYMENT | 352.84 |
| EGAN SUPPLY CO. | CLEANING SUPPLIES | 106.30 |
| EILERS MACHINE & WELDING | WELDING SERVICE | 81.57 |
| ELECTRIC FIXTURE | ELECTRIC SUPPLIES | 927.42 |
| ENERGY SOLUTIONS | LOAD MANAGEMENT SWITCHES | 1,500.00 |
| FAGOT REFRIG. & EL. | REPAIRS | 301.40 |
| FLOOR SHINE | STRIP, SEAL & WAX SRV. BLDG. | 250.00 |
| FRANSYL EQUIP. CO | ELECTRICAL MAINTENANCE | 3,371.71 |
| GILLETTE/NEBRASKA DAIRIES | DAIRY PRODUCTS | 189.50 |

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| GROLIER PUBL. CO | BOOKS | 406.66 |
| HACH CHEMICAL | CHEMICALS | 42.00 |
| HARLEQUIN RETAIL | LIBRARY MATERIAL | 10.52 |
| HIPP WHOLESALE | FOOD & SUPPLIES | 165.30 |
| HUTCHESON ENGIN. PROD. | FLOW RECORDER | 5,045.61 |
| INGRAM LIBR. SVCS | BOOKS | 303.22 |
| THE ISLAND SUPPLY CO. | TAR | 840.00 |
| JONES PLUMB. & HEATING | PLUMBING SUPPLIES | 317.64 |
| KAPCO | OFFICE SUPPLIES | 29.07 |
| KIRK'S | MEETING EXPENSES | 42.21 |
| KNAPP ELECTRIC | REPAIR MOTOR | 686.73 |
| KRIZ-DAVIS COMPANY | ELECTRICAL SUPPLIES | 605.05 |
| LEX. ANIMAL CLINIC | MONTHLY ANIMAL SERVICES | 553.55 |
| LEX. HEALTH FUND | DECEMBER SELF-FUNDING | 14,591.27 |
| LEXINGTON COOP | PROPANE & CAR WASH | 27.50 |
| LEXINGTON LAUNDRY | NOVEMBER CLEANING | 24.00 |
| LEX. POSTMASTER | DEC. UTILITY POSTAGE FEES | 1,500.00 |
| LEX. PUBLIC LIBRARY | REPLENISH PETTY CASH | 24.91 |
| LEX. NEWSPAPERS | MEETING NOTICES | 74.20 |
| LEXINGTON CITY OF | DECEMBER MONTHLY CHARGES | 23,651.46 |
| LEX. SOLID WASTE AGENCY | SOLID WASTE | 27.00 |
| LEX. LIONS CLUB | PANCAKE FEED-TURKEY TROT | 78.00 |
| LEX. POSTMASTER | DEC. LIBRARY POSTAGE FEES | 150.00 |
| MEAD/BIG VALLEY LUMBER | CEILING TILE & LADDER | 688.12 |
| MEYER WELDING | SUPPLIES | 42.08 |
| MIDWAY SUPPLY | BOOSTER CABLE | 49.81 |
| MILLER & ASSOCIATES | NOVEMBER MONTHLY SERVICE | 2,100.00 |
| MID-NEBR. RESTR. SPLY. | PARTS & SUPPLIES | 41.00 |
| MICHIE | NE LABOR & EMP ISSUES | 47.12 |
| MINDEN EXCHANGE BANK | LEX REVENUE & REFUND 1994A | 203,805.00 |
| MORRIS PRESS & OFC. | SUPPLIES PAPER SUPPLIES | 18.75 |
| NEBR. BUS. DEV. CNTR. | BUSINESS CALENDAR | 14.11 |
| NEBRASKA MACHINERY | LOADER PAYMENT DECEMBER | 1,637.00 |
| NEBR. LIBR. COMM. | BOOKS & PERIODICALS | 334.92 |
| NEBR. DEPT. OF REV. | NOV UTILITY SALES TAX | 21,561.46 |
| NE. PUBLIC POWER DIST. | NOVEMBER POWER BILL | 337,908.80 |
| NEBRASKA, STATE OF | MONITORING CHARGES | 576.62 |
| NEBRASKALAND TIRE TRUCK CENTER | TIRE REPAIR | 49.95 |
| NELSON, THOMAS R. | OFFICE CLEANING NOVEMBER | 500.00 |
| NE. SAFETY & FIRE EQUIP. | FIRE EXT. SYSTEM INSURANCE | 74.00 |
| PAULSEN INC | CONCRETE | 1,200.41 |
| PATTY'S HALLMARK | MISC. OFFICE SUPPLIES | 153.02 |
| PETTY CASH | REPLENISH PETTY CASH | 71.54 |
| PICTURE THIS.. | PHOTO PROCESSING | 19.95 |
| PLATTE VALLEY AUTO MART | RELAY | 9.13 |

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| PLATTE VALLEY COMM. RADIO MNT. & SIREN MOVE | 446.75 |
| PLUM CREEK PROMO. DESIGN SHIRTS | 500.00 |
| PROGRESSIVE BUS. PUB.SUBSCRIPTION RENEWAL | 195.50 |
| SCHUCKMAN, MARSHA NOVEMBER LIBRARY CLEANING | 225.00 |
| SCHNIEBER FINE FOODSFOOD & SUPPLIES | 358.63 |
| SEWARD, RUTH UNK CONF. & OFFICE FURNITURE | 122.30 |
| SIXTH STREET MARKET FOOD & SUPPLIES | 66.14 |
| SUPERIOR SIGNALS INC.STROBE | 216.70 |
| S & W AUTO PARTS SUPPLIES FOR RESALE | 631.31 |
| TRI-COUNTY HOSPITAL DRUG SCREENING-DIETARY LNCH | 211.61 |
| UNITY MUTUAL LIFE INS. CO. GROUP TERM LIFE INS. | 737.20 |
| U.S. FILTER/WATERPRO WATER METERS | 957.51 |
| US WEST COMM. NOVEMBER PHONE CHARGES | 1,807.50 |
| VETERANS CLUB MEALS-ANNUAL BANQUET | 1,644.50 |
| WAL-MART MISC. OFFICE SUPPLIES | 639.67 |
| WEINBERG, DR. MICHAEL D.D.S. FED-EX-INVEST. CHGS. | 17.50 |
| WEBER & WEINHOLD PROFESSIONAL SERVICE NOV. | 1,290.00 |
| WHITMAN, ALBERT & CO.BOOK | 12.95 |
| WINDOWS SOURCES 12 ISSUE RENEWAL | 19.97 |
| AMERICAN FUNDS POLICE PENSION 12/04 PAYROLL | 1,116.27 |
| E & L METER INSTALL. INSTALL 23 WATER METERS | 920.00 |
| FAGOT, JOHN TRAVEL EXPENSES | 85.80 |
| FIRST NATIONAL BANK EMP PENSION 12/04 PAYROLL | 2,014.25 |
| I.C.M.A. PEPPLITSCH PENSION 12/04 PR | 91.59 |
| PAYROLL ACCOUNT 12/04 PAYROLL | 70,744.77 |
| SOCIAL SEC. FUND 12/04 SOCIAL SECURITY | 5,355.05 |
| ASSOCIATED POOLS PROJECT #968 APPLICATION 11M | 5,000.00 |
| ASSOCIATED POOLS PROJECT #968 APPLICATION 14C | 5,000.00 |
| GRAND TOTAL: | \$887,135.90 |

CHAMBER OF

COMMERCE REPORTS:

Mr. Bob Cappel, representing the Chamber of Commerce, presented the City Council with a report on the vacant buildings downtown. Mr. Cappel said that they are conducting surveys of needs of services in the downtown area, and are planning to hold seminars for people who would like to get into business. These seminars would be on marketing and the requirements to operate a business. He further reported that Country Kitchen is still interested in building a restaurant in Lexington, however, they have a need for capital to reduce the interest rates. As a second note, Chamber Manager Cappel presented awards from the NCIP activities that were presented to Lexington at the NCIP banquet. Additionally, he presented a check for \$300.00 to the City of Lexington. In return, he asked that signs be

placed at the four entrances into town. No further action was taken at this time.

SCHOOL CROSSING: City Manager Bricker reported on the lights that were in place and the cost of placing amber flashing lights at the 11th and Jackson crossing. Upon the completion of his report, Councilman Fagot wanted to know the foot traffic, east and west, at that intersection. Councilman Klamm requested to be informed be informed about the traffic and time study at that intersection.

KN ENERGY REQUEST: City Manager Bricker informed the City Council that KN Energy had requested that ordinances be passed by the City of Lexington allowing Simple Choice. He further stated that these ordinances would not only give the people Simple Choice, where they can select their gas supplier, however, would allow KN Energy access to the City electric lines, but not allow the City access to cash distribution lines. He is therefore stating that the City Council take no action on this until a further study is performed by the Nebraska Municipal Power Pool, and the League of Nebraska Municipalities into a compromise on the ordinance. After completion of the report from the City Manager, moved by Klamm, seconded by Kohl, to place this item on the table until called up for further action. Roll call. Voting "aye" were Mandelko, Fagot, Kohl, Klamm, Wightman. Motion carried.

PENSION PLAN: Assistant City Manager Peplitsch addressed the Council with a request to allow new employees entry into the Pension Plan upon completion of three (3) months service as opposed to one (1) year. The Council inquired as to the cost of this change and other elated matters. The council was informed that these questions will be studied and reported back to them.

PAY REQUEST 11M: The Lexington City Council reviewed Pay Request No. 11M from Associated Pools for the Pool Mechanical Contract. City Manager Bricker stated that all items on the list had been completed, and Burbach Engineering is recommending the payment of the \$5,000 retainage. Upon completion of his presentation, moved by Mandelko, seconded by

Klamm, that Pay Estimate No. 11M from Associated Pool of Bismark, North Dakota, be approved in the amount of \$5,000, and authorize the City Treasurer to transfer \$5,000 from the Pool funds to the City of Lexington Operating Account. Roll call. Voting "aye" were Kohl, Fagot, Klamm, Mandelko, Wightman. Motion carried.

PAY REQUEST 14C:

City Manager Bricker stated that Pay Request No. 14C from Associated Pools for pool construction had been approved by Burbach Engineering and is recommending the City Council approve payment of retainage. Upon completion of his presentation, moved by Kohl, seconded by Fagot, to approve payment of \$5,000 retainage to Associated Pools of Bismark, North Dakota, and authorize the City Treasurer to transfer \$5,000 from the pool construction funds to the City of Lexington Operating Account. Roll call. Voting "aye" were Mandelko, Klamm, Fagot, Kohl, Wightman. Motion carried.

SANITATION RATE:

Mr. Bruce Smith, representing Dan's Sanitation, addressed the Lexington City Council stating that the tipping fee had increased at the Landfill from \$31.50 to \$36.00 per ton, effective January 1, 1998. Since the automatic increase have been removed, he is requesting a 50 cent per customer increase to regain the loss. He also stated that the increase in these tipping fees had cost his client approximately \$15,000 more for his residential collections. Mr. Smith was informed that this item would be placed on the next agenda for consideration by a resolution. No further action was taken.

EXECUTIVE SESSION:

Moved by Klamm, seconded by Fagot, to recess the regular meeting to executive session at 7:52 a.m. for the purpose of an employee evaluation. Roll call. Voting "aye" were Kohl, Mandelko, Fagot, Klamm, Wightman. Motion carried.

Moved by Kohl, seconded by Mandelko, to reconvene the regular session from executive session at 8:18 a.m. Roll call. Voting "aye" were Klamm, Fagot, Mandelko, Kohl, Wightman. Motion carried.

CITY MANAGER PAY

An ordinance entitled "An ordinance to establish

ORDINANCE:

compensation for the Lexington City Manager. To provide for an effective date and for publication in pamphlet form” was read before the council. Moved by Klamm, seconded by Kohl, that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting “aye” were Fagot, Mandelko, Kohl, Klamm, Wightman. Motion carried.

Moved by Klamm, seconded by Mandelko, that Ordinance No. 2091 be passed on final reading. Roll call. Voting “aye” were Fagot, Kohl, Mandelko, Klamm, 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

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