

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, May 13, 1997, at the Lexington Municipal Offices, 406 East 7th Street, Lexington, Nebraska, at 7:30 P.M. Present were: , Mayor John Wightman, John Fagot, Rick Klamm, and Neal Kohl. City Officials present were: City Manager Vance Bricker, City Clerk Leon E. Malzahn and City Attorney Willard Weinhold. Department Heads present were: Glenn Hawks, Charles Clark, Ruth Seward Kerry Rader, Joe Peplitsch, and Chris Huff. Also in attendance were: Reed Miller, Dana Daniels, and Bruce Grupe of Miller and Associates. The press was represented by KRVN, Clipper Herald, Tri-City Trib, and KNOP.

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 Wightman.

MINUTES REGULAR MEETING 4/22/97: The minutes of the regular meeting held April 22, 1997 were presented for Council's consideration and approval. Moved by Klamm, seconded by Fagot to approve the minutes of the regular meeting held April 22, 1997 as presented. Roll call. Voting "aye" were: Kohl, Fagot, Klamm, and Wightman. Motion carried.

MINUTES SPECIAL MEETING 5/5/97: The minutes of the special meeting held May 5, 1997 were presented for Council's consideration and approval. Moved by Kohl, seconded by Fagot to approve the minutes of the special meeting held May 5, 1997 as presented. Roll call. Voting "aye" were: Klamm, Fagot, Kohl, Wightman. Motion carried.

CLAIMS AND BILLS:

Claims and Bills in the amount of \$3,379,986.99 were presented for Council's consideration and approval. Moved by Fagot, seconded by Klamm to approve the claims as listed and authorized the City Treasurer to transfer \$230,382.72 from the General Fund, \$562,185.19 from LEXUS Funds, \$10,000.00 from City Sanitation Fund, \$11,231.41 from the Landfill Fund, \$9,602.85 from the Health Fund, \$25,353.60 from CDBG 90-HD-010, \$10,329.45 from the Meals on Wheels, and \$2,520,901.77 from the Debt Service Fund to the City of Lexington Operating Account. Roll call. Voting "aye" were: Kohl, Klamm, Fagot, and Wightman. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
APRIL 22, 1997

ACE EQUIPMENT & SUPPLY CO.	SUPPLIES	200.20
AFLAC	CANCER INS.	160.24
ALAMAR UNIFORM CO.	UNIFORM EXP.	307.66
ALIAANT COMMUNICATIONS	NAVIX	39.90
BARMORE'S	PRINTER SUPPLIES	34.08
BARCO	SIGN	57.19
BERNTSON OIL	FUEL	2560.65
BESTWAY, INC.	RAINSUITS	98.58
BOTTOM LINE BUSINESS	SUBSCRIPTION	44.00
BRIN, BERNITA	TRAVEL EXP.	6.82
BRUMMETT, ELBERTA	BOOK REFUND	13.00
CASH-WA DISTRIBUTING	FOOD	880.90
CENTRAL GARAGE FUND	PARTS/LABOR	3205.95
CENTURY LUMBER CENTER	PAINT	81.20
COAST TO COAST	SUPPLIES	38.33
COCA COLA/DR. PEPPER	COKE	17.90
COUNTRY GENERAL	HAND TOOLS	53.90
C.B.S.A	CLAIMS	1816.64
CURTIS INDUSTRIES	HACKSAW	98.74
DAWSON CO. PUBLIC POWER	POWER	2043.60
D.C. SERVICES/LARRY SMITH	FUSE/LABOR	26.30
DITCH WITCH OF NE., INC.	SWITCH	15.25
D & M SECURITY	WATER ALARMS	210.00
EAKE'S OFFICE PRODUCTS	OFFICE SUPPLIES	178.00
EGAN SUPPLY CO.	BOWL CLEANER	44.73
ELECTRIC FIXTURE & SUPPLY	EL SUPPLIES	1906.43
EMERY PRATT CO.	BOOKS	16.70
FAGOT ELECTRIC & REFRIG.	MOTOR CONTROLS/LABOR	3752.27

FARM PLAN CORPORATION	BUSHINGS/IDLERS	71.45
FIVE STAR FLOORING	DUPLEX CARPETING	4361.30
FIRST NAT'L BANK OF OMAHA	EMPL. PENSION	1993.37
GAYLORD BROS., INC.	LABEL SET	30.85
GALLS, INC.	UNIFORM EXP.	53.70
GILLETTE/NE. DAIRIES	MILK	122.58
GREAT PLAINS ONE-CALL	LOCATES	49.52
HARLEQUIN RETAIL, INC.	BOOKS	10.48
HIPP WHOLESALE, CO.	FOOD	745.44
HILL-HOLDREGE INTER-LIBRARY SERVICE		9.00
I.C.M.A	ASST. MGR. PENSION	40.38
IMLA	MEMBERSHIP	406.00
INGRAM LIBRARY SERVICES	BOOKS	251.31
INT'L TRANSFORMER CO.	TRANSFORMERS	2178.75
JONES PLUMBING & HEATING	PLUGS	18.67
KARRE'S CITY BAKERY	CAKE	30.00
KEIM, JO	MTG. EXP.	18.00
K N ENERGY, INC.	GAS BILLINGS	946.67
LAW ENFORCEMENT EQUIP. CO.	BULLET PROOF VEST	460.95
LEAGUE OF NE. MUNICIPALITIES	SCHOOL EXP.	70.00
LEXINGTON COMMUNICATIONS	BATTERIES	123.90
LEXINGTON COOP	MOWER/SNOW THROWER	3929.57
LEXINGTON PUBLIC LIBRARY	PETTY CASH	26.49
LEXINGTON NEWSPAPERS, INC.	ADS/MINUTES	585.97
LEXUS	PHOTOCOPIES	18.00
LEX SOLID WASTE AGENCY	LANDFILL EXP.	56.25
LIBRARY BOOK SELECTION	BOOKS	210.96
MARTIN ELECTRIC	SERVICE	465.52
MALZAHN, LEON	MILAGE/MEAL EXP.	161.40
MARKS, JIMMY	PAINTING DUPLEXES	1750.00
MEAD/BIG VALLEY LUMBER	SUPPLIES	342.29
MEYER WELDING	SERVICE	109.73
MIDWAY SUPPLY	PARTS	249.20
MIRACLE RECREATION EQUIP.	PARK EQUIP.	10788.60
MIDWEST LABORATORIES	SLUDGE TESTS	30.00
MORRIS PRESS & OFFICE SUPPLY	OFFICE SUPPLIES	68.00
MORRY'S BODY SHOP	REPAIRS	32.00
MR. AUTOMOTIVE	PARTS	9.37
N T I	PHONE	139.02
NE. ASSOC. OF SR. CENTERS	DUES	20.00
NE. DEPT. OF ENVIR. QUALITY	QRTLY FEE	8521.09
NE. MACHINERY	FILTER	48.48
NE. PLANNING & ZONING ASSOC.	CONF. EXP.	50.00
O.K. TIRE	TIRES	120.38
OVERTON COMMUNITY CENTER	BLDG RENTAL	100.00
PAYROLL ACCOUNT	PAYROLL	65332.06

PATTY'S HALLMARK	PRINTER RIBBONS	153.95
PETTY CASH FUND	PETTY CASH	44.74
PLATTE VALLEY COMMUNICATIONS	RADIOS	1172.00
PLATTE VALLEY EXTERMINATINGSERVICE		24.00
PRECISION INDUSTRIES	BUSHINGS	5.30
PRECISION COMPUTER SYSTEMSSOFTWARE	AGRMT.	725.00
PROTECTIVE LIFE INSURANCE	INSURANCE	
	180.86	
REACH ELECTRONICS	BATTERIES	184.75
READ ALL ABOUT IT	BOOKS	42.51
ROURKE PUBLISHING GROUP	VIDEO/MOVIE	23.90
RODALE PRESS, INC.	BOOKS	31.63
SCANTRON FPC	EQUIPMENT	157.68
SCHNIEBER FINE FOODS	FOOD	689.26
SHOE MART	HATS/LETTERING	19.62
SIXTH STREET MARKET	FOOD	128.85
SOCIAL SECURITY FUND	FICA	4936.54
SUPER 8 MOTEL	MOTEL EXP.	78.24
STECK-VAUGHN CO.	BOOKS	446.52
S & W AUTO PARTS, INC.	PARTS	278.87
TIME LIFE BOOKS	BOOK	23.48
TRAVELERS, THE	POLICE PENSION	874.88
ULTRAMAX	BULLET PROOF JACKET	204.00
UNIV. OF NE. - LINCOLN	SCHOOL EXP.	60.00
U S WEST COMMUNICATIONS	PHONE	1838.38
WAL-MART	SUPPLIES	246.36
WAREHOUSE SURPLUS	SUCKERS	24.00
WESCO DISTRIBUTING, INC.	EL SUPPLIES	1198.13
WEBER & WEINHOLD	MTG. EXP.	620.87
B S B CONSTRUCTION	COVER DIRT	9900.00
C.B.S.A	CLAIMS	4504.18
DAN'S SANITATION	2ND 1/2 SA MAR.	16999.25
EMERGENCY MEDICAL PRODUCTS	INFECTION CNTR. KITS	807.50
FAIRBANKS INT'L, INC.	PARTS	127.58
FAMILY CLUBHOUSE	POOL DIAPERS	134.75
GILLETTE/NE. DAIRIES	MILK	58.92
HACH CHEMICAL	CHEMICALS	191.10
KOMLINE-SANDERSON ENGINEERING	PACKINGS/PLUNGER	
	1292.24	
KRIZ-DAVIS COMPANY	EL SUPPLIES	259.86
LEXUS	UTILITIES	18495.14
LEXINGTON, CITY OF	FRANCHISE FEE	20496.02
MILLER & ASSOCIATES	SERVICE	11365.55
NE. DEPT. OF HEALTH LAB	WATER ANALYSES	649.02
NELSON, THOMAS R.	MILAGE EXP.	23.56
OVERHEAD DOOR CO.	DOOR REPAIR	1531.00

PRICES TREE SERVICE	SNOW REMOVAL	405.00
TEXACO CUSTOMER SERV. CENTER	GAS	43.03
WEST, CHARLENE	MILAGE EXP.	23.56
	TOTAL	\$224,787.44

**CAMPER TRAILER
PARKS AMENDMENT:**

An ordinance entitled, "AN ORDINANCE TO AMEND SECTIONS 28-19.5 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR TRAILER PARKS AS A SPECIAL USE IN C-3 HIGHWAY COMMERCIAL DISTRICT; TO REPEAL ANY 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. Upon reading of the ordinance, City Manager Bricker, stated that no comments had been received against or for this ordinance. Moved by Fagot, seconded by Kohl that ordinance NO2079 be passed on third reading. Roll call. Voting "aye" were: Klamm, Kohl, Fagot, Wightman. Motion carried. The passage and adoption of said ordinance having been concurred by a majority of the Council, the President declared said ordinance be adopted and signed the same. The Municipal Clerk attested to the passage and adoption of the ordinance by affixing his signature and the Seal of the City of Lexington in declaring Ordinance No. 2079 to be published in pamphlet form.

EMERGENCY MANAGER The following resolution was read before the Council. Upon completion of the reading, it was moved by Fagot, seconded by Klamm, that said resolution be passed. Roll call voting "aye" were Kohl, Klamm, Fagot, Wightman. Motion carried.

RESOLUTION NO. 97-09

CITY OF LEXINGTON
EMERGENCY MANAGEMENT ORGANIZATION
NAME CHANGE &
NAMING OF DIRECTOR

WHEREAS, the ninety-fourth session of the Nebraska Legislature enacted into law the Nebraska Emergency Management Act of 1996, which authorizes and directs that all elected officers of local

government shall be responsible for ensuring that emergency management services are provided to their citizens and for coordinating emergency operations in their respective jurisdictions, and

WHEREAS, each local government shall be within the jurisdiction of and served by the Nebraska Emergency Management Agency and shall participate in a city, village, county or interjurisdictional organization, and

WHEREAS, such action is not only required by law, but that it appears in the best interest of the City of Lexington and of the citizens thereof to participate in the benefits and responsibilities of said act, and

WHEREAS, it is the desire and intent of the City Council of Lexington, Nebraska to recognize the name change from Civil Defense Agency to Emergency Management Agency, and

WHEREAS, the local organization shall be the primary organization serving the city of Lexington with the responsibilities of emergency management services, and

WHEREAS, the Dawson County Emergency Management Agency is supportive of the local organization with emergency management functions.

NOW, THEREFORE, BE IT RESOLVED BY THE SAID CITY BOARD:

1. That there is hereby established within the city, a city organization for Emergency Management to be operated in conformity with the Nebraska Emergency Management Act of 1976, as amended.

This organization will be known as the Lexington Emergency Management Agency.

2. That the jurisdictional region of the Lexington Emergency Management Agency will parallel the boundaries of the Lexington Rural Fire District.

3. That, reposing great confidence in his integrity and ability, Joseph Peplitsch whose business address is 406 East 6th Street, Lexington, Nebraska, is hereby appointed Director for the City of Lexington, Nebraska Emergency Management Agency, to serve during the pleasure of this City Board or until a successor is duly appointed.
4. That, reposing great confidence in his integrity and ability Richard L. Klauz whose business address is 709 N. Grant, Lexington, Nebraska, is hereby appointed Deputy Director of Emergency Management for said city organization to serve during the pleasure of this City Council or until a successor is duly appointed.
5. That the Lexington City Clerk will be responsible for the receipt and disbursement of all Emergency Management funds, where funds are provided for Emergency Management purposes.

LEON E. MALZAHN City Clerk

AQUATIC CENTER:

City Manager Bricker addressed the City Council stating that a change order for addition of sprinkler system for the Aquatic Center was before the Council with the deletion of sodding and the cost of the sprinkler made the change order approximately \$13,800.00. With no further comment, it was moved by Klamm, seconded by Kohl, that a change order to the Aquatic Center for the addition of a sprinkler system to be approved. Roll call voting "aye" were Fagot, Kohl, Klamm, Wightman. Motion carried.

**GRADE
SEPARATION:**

Mr. Dana Daniels, represented Miller and Associates, addressed the City Council. He in turn, introduced Mr. Bruce Grupe to the Lexington City Council, who gave a report on the steps needed to begin the process of acquiring a second overpass in Lexington. Mr. Grupe related to the Council the processes that Kearney had gone through with Union Pacific and the Department of Roads to obtain their second overpass. Upon the completion of his presentation, Mayor Wightman appointed Neil Kohl and John Fagot to a committee to meet with the Department of

Roads, Union Pacific Railroad and City Administration to discuss the possibility of a second grade separation in the City of Lexington. No further action was taken at this time.

**HYDROGEN-SULFIDE:
REPORT:**

Mr. Dana Daniels, representing Miller and Associates, presented a report to the City Council regarding the results of Hydrogen-Sulfide testing in and around the IBP Processing Plant. Mr. Daniels reported that the patches used were normally used in a closed situation for a period of time and would not be a complete report of the presence of Hydrogen-Sulfide in the atmosphere. He further stated that other companies have used these patches, however, they were in a closed environment. Mr. Daniels went on to state that the City Staff will have a meeting with the Department of Environmental Quality regarding a sampling station that records more than just the presence of Hydrogen-Sulfide, in that it gives the particulate matter over a period of time. This would also include the direction of the wind, the temperature and the humidity in the air. He stated that this is needed to produce a valid report of these conditions. Upon the completion of his report, no further action was taken.

GRANT APPLICATIONS:

Assistant City Manager, Joe Peplitsch, addressed the Lexington City Council stating that he is requesting the City Council to give authority to apply for a planning grant to facilitate a comprehensive plan update in the City of Lexington, since our comprehensive plan has not been updated for a number of years. He feels this needs to be completed. He further stated that if the City of Lexington is the recipient of this grant, the grant would be substantial enough to hire a consulting firm that does planning within cities to formulate a comprehensive plan. Upon completion of his request, it was moved by Klamm, seconded by Kohl to allow city administration to apply for a planning grant to revise the existing comprehensive plan. Roll call voting "aye" were Fagot, Kohl, Klamm, Wightman. Motion carried.

REPORTS TO THE

The Lexington City Council received operational

COUNCIL: reports from the Chief of Police and the Recreation Director on their programs, and the progress of the upcoming year's activities. Upon completion of these two reports, no further action was taken.

TREASURER'S REPORT: Kerry Rader Lexington City Treasurer presented the Treasurer's report for February, 1997 to the Lexington City Council. After a review of the report, it was moved by Mandelko,, seconded by Fagot to accept the Treasurer's Report for the month of February, 1997. Roll Call voting "AYE" were Kohl, Klamm, Fagot, Mandelko, Wightman. Motion carried.

TREASURER REPORT: Kerry Rader Lexington City Treasurer presented the Treasurer's report for February, 1997 to the Lexington City Council. After a review of the report, it was moved by Mandelko,, seconded by Fagot to accept the Treasurers Report for the month of February, 1997. Roll Call voting "AYE" were Kohl, Klamm, Fagot, Mandelko, 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 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