

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 24, 1997 at the Lexington Municipal Offices, 406 East 7<sup>th</sup> 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 Will Weinhold. Department Heads present were Ruth Seward, Barb Mills, Joe Pepplitsch. Also present were Dana Daniels representing Miller and Associates, Chuck and Charlene Wiley, Bill and Linda Motzner, Barb Geddison, Gayle Hall, Marge and Don Bader, and other citizens with an interest in the items on the agenda.

**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 OF  
REGULAR  
MEETING 6/10/97:** The minutes of the regular meeting held June 10, 1997 were presented for Council's consideration and approval. Moved by Kohl, seconded by Mandelko to approve the minutes of the regular meeting held June 10, 1997 as presented. Roll call. Voting "aye" were: Fagot, Klamm, Mandelko, Kohl, Wightman. Motion carried.

**MINUTES OF  
SPECIAL  
MEETING 6/21/97:** The minutes of the meeting held June 21, 1997 were presented for Council's consideration and approval. Moved by Klamm, seconded by Mandelko to approve the minutes of the special meeting held June 21, 1997. Roll call. Voting "aye" were: Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried.

**CLAIMS AND  
BILLS:** Claims and Bills in the amount of \$584,419.78 was presented for Council's consideration and approval. Upon review of the claims and bills by the City Council, moved by Klamm, seconded by Fagot, to approve the Claims and Bills listed, and authorize the City Treasurer to transfer

\$104,171.44 from the General Fund, \$530.84 from Block Grant 90-HD-010, \$308,477.48 from LEXUS, \$17,216.25 from City Sanitation, \$144,642.33 from Landfill, \$21.65 from Library Memorial, \$4,468.10 from the Health Fund, \$4,891.69 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were Mandelko, Kohl, Fagot, Klamm, Wightman. Motion carried.

CITY OF LEXINGTON  
 ACCOUNTS PAYABLE  
 June 24, 1997

ALAMAR UNIFORM CO.	UNIFORM EXPENSE	54.38
ALIAN T COMMUNICATIONS	NAVIX CHGS	39.90
ASSEMBLY OF GOD CAMPGROUND	POOL RENTAL	260.00
BARMORE'S	JACK/ADAPTOR	10.48
BERNTSON OIL	FUEL	235.56
BILL'S FARM & RANCH SVCS.	GRASS SEED	156.00
BRUMMETT, ELBERTA	BOOK REIMBURSED	37.76
B & S INDUSTRIES	HELMET LGT/BLANKET	112.11
BUSINESS & PROF. CREDIT	SERVICE CONTRACT	122.97
CASH-WA DISTRIBUTING	FOOD	1,696.62
CAVENDISH, MARSHALL	BOOKS	87.37
COAST TO COAST	SUPPLIES	11.63
CONNEY SAFETY PRODUCTS	FIRST AID SUPPLIES	133.14
COCA COLA/DR. PEPPER	COKE PRODUCTS	132.00
CORNHUSKER HOTEL	CONF. EXP.	93.83
COUNTRY GENERAL	SUPPLIES	83.52
C.B.S.A	CLAIMS	1,353.15
DAWSON CO. PUBLIC POWER	POWER	1,648.61
DUGAN BUSINESS FORMS	PAYROLL CHECKS	310.72
ELECTRIC FIXTURE & SUPPLY	EL SUPPLIES	3,460.70
GILLETTE/NE. DAIRIES	MILK	183.94
HARLEQUIN RETAIL, INC.	BOOKS	10.48
HIGH VALLEY GREENHOUSE	SHRUBS	161.89
HIPP WHOLESALE	FOOD	177.06
HOFFERBER, DAVID	EL REBATES	2,175.00
ICMA	ASST C/M PENSION	40.38
ICMA	C/M ANNUAL DUES	440.00
INT'L CONF. OF BLDG OFFICIALS	MEMBERSHIP	195.00
INGRAM LIBRARY SERVICES	BOOKS	655.07
JASON'S BODY SHOP	TOWING	35.00
JONES PLMB & HEATING	SUPPLIES	11.80
KARRE'S CITY BAKERY	CAKE	30.00
KN ENERGY	GAS BILLS	493.49
LEAGUE OF NE. MUNICIPALITIES	CONF. EXP.	909.00
LEXINGTON COOP	SPRINKLER	20.58
LEXINGTON PUBLIC LIBRARY	PETTY CASH	21.05
LEXINGTON NEWSPAPERS	ADS	8.03

LEX. SOLID WASTE AGENCY	DIRT REMOVAL	137,155.20
LEX. RECREATION PROGRAM	SUPPORT PERSONNEL	40.00
LEWIS, NATE	MOWING	50.00
LUTHER, ANN	CONF. EXP.	49.35
MARTIN ELECTRIC	EL SERVICE	36.00
MEAD/BIG VALLEY LUMBER	BLDG SUPPLIES	1,077.69
MINDEN EXCHANGE BANK	1994 NDEQ BOND	206,055.00
MORRIS PRESS & OFFICE SUPPLIES	OFFICE SUPPLIES	61.18
NAT'L TELESERVICE, INC.	PHONE	199.06
NE ASSOC. OF SR. CENTERS	REGISTRATION	75.00
NE OFFICE OF HWY SAFETY	INTOXYLIZER SUPPLIES	71.00
NE MUNICIPAL POWER POOL	FOCUS WORKSHOP	100.00
NELSON, THOMAS R.	CONF. EXP.	64.54
OVERTON COMM. CENTER	BLDG RENTAL	100.00
PAULSEN BLDG & SUPPLY	CONCRETE & REBAR	2,230.77
PATTY'S HALLMARK	OFFICE SUPPLIES	428.22
PLUM CREEK ELECTRONICS	PARTS	215.39
PRECISION INDUSTRIES	SNAP RING	1.96
PROTECTIVE LIFE INS.	PREMIUMS	180.86
QUEZADA, ESTER	EL REFUND	263.00
RENT ALL RENTALS	TILLER RENTAL	116.96
RECREONICS CORP.	POOL SUPPLIES	1,504.68
SARNES, LOWELL	EL REBATE	1,050.00
SAX ARTS & CRAFTS	CRAFT SUPPLIES	66.96
SAV-A-LOT DISCOUNT FOODS	FOOD	27.53
SCANTRON FPC	COMPUTER HARDWARE	23,835.83
SCHNIEBER FINE FOODS	FOOD	998.00
SEWARD, RUTH	CONF. EXP.	145.38
SIXTH STREET MARKET	FOOD	96.06
SNELL SERVICES, INC.	EL SERVICE	418.00
S & S ARTS AND CRAFTS	CRAFT SUPPLIES	39.61
S & W AUTO PARTS	PARTS	25.64
TIME LIFE BOOKS	BOOK	23.48
TRI-CITY TRIBUNE	SUBSCRIPTION	21.50
U.S. WEST	PHONE	2,390.76
UTILITY EQUIPMENT CO.	REMOTE MTR READER	1,668.76
VANGUARD CRAFTS	CRAFT SUPPLIES	66.80
VALENTINO'S	MTG EXP.	46.30
WAL-MART	SUPPLIES	529.48
WALL STREET JOURNAL	SUBSCRIPTION	175.00
WAREHOUSE SURPLUS	CONCESSION FOOD	44.00
WESCO	EL SUPPLIES	3,429.31
AFLAC	PREMIUMS	160.24
BURBACH ENGINEERS	SERVICES	7,000.00
CENTRAL GARAGE FUND	LABOR/PARTS/OIL	5,497.35
C.B.S.A	CLAIMS	2,773.85
DAN'S SANITATION	SERVICES	17,216.25
FIRST NAT'L BANK OF OMAHA	EMPLOYEE PENSION	2,050.95
GALL'S, INC.	BATTERY	25.01

KN ENERGY, INC.	GAS BILLS	3,547.85
LEXINGTON HOUSING AUTHORITY	APPLIANCES	1,065.00
LEXINGTON PUBLIC LIBRARY	PETTY CASH	24.30
LEXUS	UTL BILLS	20,574.32
LEXINGTON, CITY OF	FRANCHISE FEE	21,095.30
LEX COUNCIL OF ECON. DEVELOP.	BUSINESS DEV.	3,500.00
MILLER & ASSOCIATES	SERVICES	6,189.65
NAT'L BUSINESS FURNITURE	ORGANIZER	164.00
PAYROLL ACCOUNT	PAYROLL	85,394.47
SOCIAL SECURITY FUND	EMPLOYER'S FICA	6,471.50
TRAVELERS, THE	POLICE PENSION	887.26
	GRAND TOTAL:	584,419.78

**APPOINTMENTS  
TO BOARDS:**

Mayor Wightman stated that the City Ordinance allows for the appointment and terms in the Tree Board and is making the following five recommendations for appointments to this Board. Barb Geddison for a three year term. Dave Stenberg and Glenn Hawks for a two year term, Alvin Zimmerman and Darryl Bliven for a one year term. Moved by Kohl, seconded by Klamm to approve the appointments of the Mayor to the City Tree Board. Roll call. Voting "aye" were Fagot, Mandelko, Klamm, Kohl, Wightman. Motion carried.

**ANIMAL  
ORDINANCE:**

Mayor Wightman stated that several people had requested that the animal ordinance be reviewed by the City Council, as there have been several noise complaints concerning the chickens in the City of Lexington. City Manager Bricker reviewed the section of the City Code that pertains to control of animals and fowl. City Attorney Weinhold also advised the Council that this problem may be handled under the noise ordinance as a suggestion for control. At this time, several citizens who were in attendance expressed their concerns and difficulties they are experiencing with chickens crowing in the morning and by a large number of fowl being kept by residents. Upon the completion of their presentation, various situations were presented to the Council by the City Manager, where the City is keeping ducks in the Park, and where animals and fowl may be kept by youngsters who are involved in 4-H or FFA. Upon completion of the discussion, the City Attorney was directed to draft an ordinance which would control the animals and fowl being kept by citizens and exempting the City Parks and qualified educational programs. No further action was taken.

**WATER  
IMPROVEMENTS:**

Mr. Dana Daniels, representing Miller and Associates, addressed the Lexington City Council with the plan specifications and engineer's estimate for repair and replacement of the Cedar Street water main. Mr. Daniels had stated to the Council that this water main is two (2) feet below the surface of the street in

some places causing the main to break in the winter time. He further stated that this was the result of paving the street some years ago. It was reported that this project would replace this water main with a new water main to alleviate the problem of the breaks and also lower the water main in the ground. There being no further comments. Moved by Klamm, seconded by Kohl to accept the engineer's plan specifications and estimate, and authorize the advertising of bids for the water main on Cedar Street. Roll call. Voting "aye" were Mandelko, Fagot, Kohl, Klamm, Wightman. Motion carried.

**TREASURER'S  
REPORT:**

Ms. Barb Mills addressed the Lexington City Council reporting on the finances of the City, that was contained in the Treasurer's Report. Upon completion of her report, moved by Kohl, seconded by Mandelko to accept the Treasurer's Report for April, 1997. Roll call. Those voting "aye" were Fagot, Klamm, Kohl, Mandelko, Wightman. Motion carried.

**PAY ESTIMATE:**

The Lexington City Council considered payment for Pay Estimate No. 12-C from Associated Pool Builders, Bismark, N.D. for pool construction of the Aquatic Center. Upon review of the pay estimate, it moved by Mandelko, seconded by Fagot to approve Pay Estimate No. 12-C from Associated Pool Builders, Bismark, N.D. in the amount \$35,840.00 and authorize the City Treasurer to transfer \$35,840.00 from the Aquatic Center Funds to the City of Lexington Operating Account. Roll call. Voting "aye" were Kohl, Klamm, Fagot, Mandelko, Wightman. Motion carried.

**PAY ESTIMATE:**

The Lexington City Council reviewed Application No. 9-M from Associated Pool Builders Inc. of Bismark, N.D. for pool mechanical contract in the amount of \$6,807.00. Upon review of the pay estimate, moved by Kohl, seconded by Klamm to approve pay estimate No. 9-M from Associated Pool Builders Inc. of Bismark, N.D. for pool mechanical in the amount of \$6,807.00 and authorize the City Treasurer to transfer \$6,807.00 from the Aquatic Center Funds to the City of Lexington Operating Account. Roll call. Voting "aye" were Fagot, Mandelko, Klamm, Kohl, Wightman. Motion carried.

**GRADE  
SEPARATION:**

Mayor Wightman stated that this item had been forwarded from the Council Retreat, and is included in Item No. 8 on the Agenda. Mr. Dana Daniels representing Miller and Associates, addressed the Lexington City Council concerning the traffic study which would be a starting point for a grade separation in the City of Lexington. Mr. Daniels reviewed the schedule that would precede the negotiations for the grade separation with Union Pacific Railroad prior to its construction. Mr. Daniels stated that this traffic study in the entire area would be one of the

requirements of these negotiations, and also would point out the placement of the overpass. Upon completion of his report, moved by Fagot, seconded by Klamm to have Miller and Associated proceed with a study for a grade separation in Lexington. Roll call. Voting "aye" were Kohl, Klamm, Mandelko, Fagot, Wightman. Motion carried.

**BUDGET MTGS:** City Manager Bricker stated that this item was also forwarded from the Retreat Agenda. He stated that the City Council needs to schedule some budget meetings. After a review, the suggested dates and time of meetings moved by Fagot, seconded by Kohl that the budget meetings will be scheduled for July 15<sup>th</sup> and 22<sup>nd</sup> at 7:00 A.M. Roll call. Those voting "aye" were Mandelko, Klamm, Kohl, Fagot, Wightman. Motion carried.

**WATER PLAN:** Mr. Dana Daniels representing Miller and Associates addressed the Lexington City Council stating that at the Retreat Agenda they had discussed with the Council the possibility of having a plan formulated for the water department, which would include placement of wells, main-sizing, and repairs that would need to be required both in the short term and long term. It is expected that this plan of operation to be effective approximately the next 10 to 15 years. Upon completion of this discussion, moved by Kohl, seconded by Klamm to authorize Miller and Associates to prepare a plan of operation and maintenance of new construction for the water department as discussed. Roll call. Voting "aye" were Fagot, Mandelko, Klamm, Kohl, Wightman. Motion carried.

**EXECUTIVE SESSION:** It was moved by Kohl, seconded by Klamm, to recess the regular meeting to executive session to discuss personnel at 8:33 P.M. Roll call. Those voting "aye" were Mandelko, Fagot, Klamm, Kohl, Wightman. Motion carried.

It was then moved by Klamm, seconded by Fagot, to reconvene the regular session to executive session at 9:16 P.M. Roll call. Voting "aye" were Kohl, Mandelko, Fagot, 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 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.

Leon E. Malzahn  
Lexington City Clerk