

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday August 12, 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. Department Heads present were Glenn Hawks, Charles Clark, Ruth Seward, Barb Mills, Joe Peplitsch, Chris Huff. Also present was Reed Miller, Dana Daniels, Jim Fox, Mark Yung, Jeff Konen. City Employees present was Tom Nelson, Jr. Press was represented by Clipper-Herald and KRVN.

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 7-22-97: Moved by Mandelko, seconded by Klamm to approve the minutes of the regular meeting held July 22, 1997 as presented. Roll call. Voting "aye" were Fagot, Kohl, Klamm, Mandelko, Wightman. Motion carried.

MINUTES OF SPECIAL SPECIAL MEETING 8-5-97: Moved by Klamm, seconded by Mandelko to approved the minutes of the special meeting held August 5, 1997 as presented. Roll call. Voting "aye" were Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried.

CLAIMS & BILLS: Claims and bills in the amount of \$807,190.65 was presented for Council's consideration and approval. Upon review of the claims and bills, moved Klamm, seconded by Mandelko to approve the claims and bills as listed, and authorize the City Treasurer to transfer \$128,266.68 from the General Fund, \$639,748.29 from the LEXUS Funds, \$10,000.00 from City Sanitation, \$11,545.51 from the Landfill, \$11,477.31 from the Health Fund, \$7.50 from Block Grand 90-HD-010, and \$6,145.36 from Meals on Wheels to

the City of Lexington Operating Account. Roll call. Voting
 "aye" were: Fagot, Kohl, Mandelko, Klamm, Wightman.
 Motion carried.

ACCOUNTS PAYABLE
 AUGUST 12 1997

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| AIRCAD INC | FAN | 150.00 |
| ALL AMERICAN LIB PREVIEW | BOOKS | 204.44 |
| ALIAN T COMMUNICATIONS | MONTHLY CHARG | 19.95 |
| ALIAN T CELLULAR | MONTHLY CHARGES | 51.82 |
| AMERICAN CANCER SOCIETY | CHRIS HUFF SPON | 75.00 |
| ANCESTRY | RENEWAL | 21.00 |
| ARAPAHOE PUBLIC MIRROR | ADVERTISING | 57.56 |
| AT&T | MONTHLY CHARGES | 14.73 |
| AUTOMATIC SYSTEMS CO | LAB SERVICE | 168.56 |
| BARMORES | FILM & LETTERING | 55.07 |
| BARCO MUNICIPAL PRODUCTS | TRAFFIC CONES | 382.78 |
| JOSH BAUGHMAN | SUPPORT PERSONNEL | 35.06 |
| BERNSTON OIL | FUEL | 2,797.08 |
| THE BEACON-OBSERVER | ADVERTISING | 53.29 |
| BLACKBURN MFG. VO | WHISKERS | 113.38 |
| BOTTOM LINE PERSONAL | RENEWAL | 39.00 |
| VANCE BRICKER | ICMA CONFERENCE | 1,816.00 |
| BUSINESS & PROF. CREDIT | SERVICE AGREEMENT | 91.16 |
| DL BURKLUND | ELECTRIC REBATE | 450.00 |
| CASH-WA | CONCESSION FOOD | 2,612.68 |
| OPHELIA CARDENAS | REFUND SESSION FEE | 10.00 |
| CAPITAL CREDIT CORP. | BALANCE OF PREV INV. | 18.70 |
| CCP INDUSTRIES INC | GLOVES & WIPER | 370.79 |
| CENTRAL GARAGE FUND | PARTS/LABOR/OIL | 10,126.13 |
| CENTURY LUMBER CENTER | SIDING & LAWN BAGS | 512.99 |
| CENTRAL TIRE & TREAD | FLAT REPAIR | 9.00 |
| CENTRAL VALLEY ELEC INC | CONCRETE BLADES | 534.00 |
| CHURCHICH REC. DESIGN | TABLES | 1,017.00 |
| CINDY'S HEAVENLY COOKIES | CONCESSION FOOD | 248.00 |
| COAST TO COAST | COFFEEMAKER/TOOLS | 110.07 |
| CONNEY SAFETY PRODUCTS | SAFETY SUPPLIES | 118.28 |
| COMPUTER MGT. SERVICES | UNISYS SYSTEM | 28,748.08 |
| COCA COLA/DR PEPPER | CONCESSION FOOD | 753.25 |
| COUNTRY GENERAL | TOOLS & SUPPLIES | 200.33 |
| COUNTRY INNS & SUITES | FIREMEN CONFERENCE | 459.54 |
| C.B.S.A. | HOSPITAL/MEDICAL/PHARM | 10,666.52 |
| C.B.S.A. | HIPAA CERTIFICATES | 12.00 |
| COZAD SERVICE | WATER FILTER & LABOR | 278.37 |
| CURTIS INDUSTRIES | TAPE | 157.26 |
| CULLIGAN WATER CONDITIONING | SALT & RENTAL | 67.50 |
| DAWSON COUNTY CLERK | DISPATCH FEES | 4,607.30 |
| DAN'S SANITATION | LANDFILL & SA CHARGES | 10,260.48 |

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| DIAMOND VOGEL PAINT | PAINT | 1,636.10 |
| EAKE'S OFFICE PRODUCTS | OFFICE SUPPLIES | 603.70 |
| EILER'S MACHINING | PUMP & GRATE REPAIR | 305.00 |
| ELECTRIC FIXTURE | EL SUPPLIES | 1,973.35 |
| ELECTRIC METER SERVICE | METER TEST | 15.26 |
| ELECTRONIC SYSTEMS | FIRE ALARM INSPECT | 25.00 |
| ELECTRIC PUMP | BATTERY | 28.28 |
| EMERGENCY MEDICAL PRODUCTS | GLOVES | 136.45 |
| FAIRBANKS INTER. INC | MOWER & SUPPLIES | 891.59 |
| FAMILY CLUBHOUSE | CONCESSION SUPPLIES | 160.00 |
| FIFTH ST. AUTOMOTIVE | LABOR | 16.00 |
| FIRST NATIONAL BANK | EMPLOYEE PENSION | 1,992.52 |
| GILLETTE/NEB. DAIRIES INC | MILK | 249.84 |
| KENNETH L. GRAUS | ELECTRIC REBATE | 900.00 |
| GREAT PLAINS ON-CALL SERVICE | DIGGER HOTLINE LOCATES | 48.54 |
| HACH CHEMICAL | CHEMICALS WWTP | 229.30 |
| HANDICAPPED ASSOCIATE | CLEANER | 365.00 |
| THE HANDEE CO | BANNER TAPE | 20.64 |
| HARLEQUIN RETAIL INC | LIBRARY SUPPLIES | 10.48 |
| HIPP WHOLESALE COMPANY | MEALS ON WHEELS | 859.32 |
| HUTCHESON ENGINEERING PROD. | REBUILD PISTON | 680.85 |
| HUTCHESON ENGINEERING PROD. | PARTS/LABOR/OIL | 202.93 |
| I.C.M.A | PENSION/ASST. MGR | 87.23 |
| I.C.M.A | CONF. FEES BRICKER | 885.00 |
| NE CHAPTER IAEI SECRETARY | CONFERENCE-NELSON | 70.00 |
| INSURANCE & PERSONNEL SERV. | ADMIN. FEES | 405.72 |
| INTERNATIONAL PAPER COMPANY | POLES | 8,437.35 |
| INGRAM LIBRARY SERVICES | LIBRARY BOOKS | 678.99 |
| JENSEN TOOLS. INC | COMPUTER TOOLS | 129.90 |
| JONES PLUMBING & HEATING | PLUMBING SUPPLIES | 572.37 |
| LEON E. JONES | ELECTRIC REBATE | 450.00 |
| KARRE'S CITY BAKERY | CAKE | 30.00 |
| KEY MOTORS | 1994 PLYMOUTH-POLICE | 6,900.00 |
| KIRK'S | LUNCHEON WATER DEPT | 53.50 |
| ADOLPH KIEFER | LIFEGUARD SUITS | 538.90 |
| KENDALL & SONS LDT. | CLEANER | 238.89 |
| KN ENERGY | GAS SERVICE | 1,059.42 |
| KQKY-FM RADIO | REMOTE BROADCAST | 700.00 |
| KRIZ-DAVIS COMPANY | SUPPLIES | 830.23 |
| KRVN-FM | ADVERTISING | 243.60 |
| LADIES HOME JOURNAL | RENEWAL | 25.46 |
| LAKOTA | CIVIL SVC. COMM. MTG. | 25.81 |
| LEAGUE OF NE MUNICIPALITIES | 1997 ANNUAL CONV. | 228.00 |
| LEXINGTON ANIMAL CLINIC | ANIMAL SERVICES | 321.90 |
| LEX CHAMBER OF COMMERCE | CITY DIRECTORY | 15.00 |
| LEXINGTON COMMUNICATIONS | ANTENNA | 525.85 |
| LEXINGTON COOP | CLEANING SUPPLIES | 7.17 |
| LEXINGTON FIRE DEPT. | EXPENCE VOUCHERS | 777.65 |
| LEXINGTON GLASS CO | WINDOWSHIELDS | 156.00 |

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| LEXINGTON LAUNDRY | GGC | 64.00 |
| LEXINGTON POSTMASTER | POSTAGE | 1,735.00 |
| LEXINGTON PUBLIC LIBRARY | POSTAGE EXPENSE | 42.11 |
| LEXINGTON NEWSPAPERS | ADVERTISING | 1,739.28 |
| LEXINGTON, CITY OF | MONTHLY CHARGES | 23,920.76 |
| LEXINGTON SOLID WASTE | SOLID WASTE FEES | 316.63 |
| LEXINGTON LAWN CARE | TREE REMOVAL | 200.00 |
| LIEH'S DRILLING | CHECK VALVE | 86.90 |
| LEON MALZAHN | NT SERVER BOOK | 37.26 |
| SAMIA MALOLEY | SUPPORT PERSONNEL | 30.50 |
| MEAD/BIG VALLEY LUMBER | SUPPLIES | 380.30 |
| MICK'S PLATTE VALLEY GLASS | WINDOWSHIELDS | 874.89 |
| MIDWAY SUPPLY | SHOP TOWEL & CLAMP | 80.55 |
| MISKO SPORTS/KEARNEY | LIFEGUARD SUITS | 422.13 |
| MISKO SPORTS/ORD | PAINT | 45.55 |
| MILLER & ASSOCIATES | PROFESSIONAL SERVS. | 2,100.00 |
| MARK MILLER | W/C PHARMACY BILL | 34.15 |
| MORRIS PRESS & OFFICE | OFFICE SUPPLIES | 114.50 |
| MR AUTOMOTIVE | SUPPLIES | 188.05 |
| MUNICIPAL SUPPLY | CLAMPS & COUPLINGS | 1,943.28 |
| NAPM OF CENTRAL NEBRASKA | MEMBERSHIP DUES | 85.00 |
| NE. DEPT OF ENVIRONMENTAL | WASTE TONNAGE | 8,242.24 |
| NEBRASKA MACHINERY | LOADER PAYMENT & SEAL | 2,111.75 |
| NEBRASKA LIBRARY COMMISSION | OCLC CHARGES & FEES | 93.86 |
| NEBRASKA DEPT OF REVENUE | JULY SALES TAX | 24,253.14 |
| NEBRASKA PUBLIC POWER DIST. | ENERGY CHARGES | 486,302.01 |
| STATE OF NEBRASKA | WATER ANALYSIS | 54.30 |
| N.C.B.O. & I. | CONFERENCE-NELSON | 16.00 |
| NE VOLUNTEER FIRE TRUST | TRUST FEES | 1,081.54 |
| THOMAS R. NELSON | CLEANING | 500.00 |
| NPPD | ELECTRIC REBATE | 276.68 |
| TOM NELSON | NCBO&I CONFERENCE | 187.54 |
| OIL DEALERS SUPPLY CO | WRENCH | 35.69 |
| OK TIRES | TIRE REPAIRS & SUPPLIES | 397.66 |
| OMAHA LIFE INSURANCE CO | PREMIUM | 70.00 |
| OSCAR'S GARAGE | REPAIR A/C | 231.26 |
| OVERTON SAND & GRAVEL | FILL SAND | 74.75 |
| PAYROLL ACCOUNT | PAYROLL | 85,964.68 |
| PAULSEN BLDG & SUPPLY | CONCRETE AND TOOLS | 6,277.95 |
| PATTY'S HALLMARK | OFFICE SUPPLIES | 701.02 |
| PETTY CASH | REPL. PETTY CASH FUND | 40.32 |
| PITNEY-BOWES | 6/30-7/03 CHARGES | 686.00 |
| PLATTE VALLEY AUTO MART | AUTO REPAIR PARTS | 46.71 |
| PLATTE VALLEY COMMUNICATIONS | RADIO REPAIRS | 304.35 |
| PLUM CREEK MEDICAL GROUP | W/C ARDEN & MILLER | 85.39 |
| PLUM CREEK ELECTRONICS | SCANNER UNIDEN | |
| | 134.72 | |
| PLATTE VALLEY EXTERMINATING | MONTHLY SERVICE | 73.00 |
| PLUM CREEK MOTORS | FIX A/C | 314.93 |

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| PLUM CREEK TELEPHONE SYSTEMS | SERVICE INTERCOM | 45.00 |
| PRECISION INDUSTRIES | SUPPLIES | 940.55 |
| PRICE'S TREE SERVICE | TREE REMOVAL | 1,540.00 |
| PRESTIGE BUSINESS FORMS | AQUATIC CENTER FLYER | 184.91 |
| KERRY RADER | JULY SERVICE FEES | 395.01 |
| REAMS SPRINKLER SUPPLY | SPRINKLER HEAD | 223.92 |
| RECORDED BOOKS | RECORDED BOOKS-LIBR. | 202.80 |
| SAV A LOT | CONCESSION FOOD | 48.09 |
| SAFETY KLEEN | OIL | 45.50 |
| SCANTRON | WIRELESS NETWORK | 9,415.00 |
| MARSHA SCHUCKMAN | JULY LIBRARY CLEAN | 200.00 |
| SCHNIEBER FINE FOODS | POOL & M.O.W. FOOD | 994.71 |
| THORA SHIELDS | ELECTRIC REBATE | 900.00 |
| SIXTH STREET MARKET | CONCESSION FOOD | 176.55 |
| SIXTH STREET PHARMACY | W/C TRACY WOLF | 104.67 |
| SKARSHAUG TESTING | LABELS | 51.57 |
| KAMIE S. SMITH | ELECTRIC REBATE | 1,050.00 |
| SOCIAL SECURITY FUND | SOCIAL SECURITY TAXES | 6,517.44 |
| DONALD L STEINWART | ELECTRIC REBATE | 900.00 |
| MARK STEWART | DAMAGES | 200.00 |
| S&W AUTO PARTS INC | AUTO REPAIR PARTS | 563.23 |
| TELEGRAPH | NOTICES | 286.46 |
| TEXACO CUSTOMER SERVICE | FUEL | 60.71 |
| TIGAR PAK INC | POSTAL STRAP KIT | 77.86 |
| TIME LIFE BOOKS | RENEWAL | 23.48 |
| TIME SUBSCRIPTION SERVICE | TIME MAGAZINE RENEWAL | 89.91 |
| TRI-CITY TRIBUNE | NOTICES | 357.00 |
| TRI-COUNTY HOSIPTAL | ADVISORY MEETING | 15.07 |
| TRI-COUNTY HOSIPTAL | DIETARY LUNCHEONS | 44.68 |
| THE TRAVELERS | POLICE PENSION | 893.89 |
| UNISYS CORPORATION | 8/1-21 CONTRACT | 2,782.80 |
| US WEST COMM. | PHONE SERVICES | 2,057.56 |
| UTILITY EQUIPMENT | BADGER METER | 488.89 |
| VALENTINO'S | LANDFILL MEETING | 27.88 |
| WAL-MART | MISC. SUPPLIES | 700.25 |
| CHARLES R WATTS CO. | GAUGE | 91.17 |
| WESCO DISTRIBUTION | TRANSFORMER & SIGN | 3,256.77 |
| ZEP MANUFACTURING CO. | CLEANING SUPPLIES | 103.00 |
| COCA COLA/DR PEPPER | 7/11 INVOICE GGC | 62.65 |
| DAWSON COUNTY PPD | JULY POWER | 2,177.19 |
| ELECTRIC FIXTURE & SUPPLY | CREDIT INVOICE ABOVE | (153.65) |
| N.T.I. | JULY LONG DISTANCE | 170.23 |
| PITNEY BOWES | JULY SERVICE INVOICE | 195.00 |
| PLATTE VALLEY COMMUNICATION | 7/2 INVOICE | 25.00 |
| PROTECTIVE LIFE INS. CO. | 8/1 CANCER PREMIUMS | 180.86 |
| US WEST COMM. | LATE ARRIVAL JULY BILL | 40.47 |
| WEBER & WEINHOLD | JULY INVOICE | 1,200.00 |
| ASSOCIATED POOL BUILDERS INC. | 10M-MECHANICAL POOL | 16,804.60 |
| ASSOCIATED POOL BUILDERS INC. | 13C-CONSTRUCTION POOL | 27,750.00 |

GRAND TOTAL: \$851,745.25

**CONVEYANCE OF
PROPERTY:**

The Lexington City Council reviewed the following resolution conveying property from the City of Lexington to Habitat For Humanity, so they may construct a house. Resolution 97-13 was read before the Council. Moved by Fagot, seconded by Kohl, that the following resolution be passed. Roll call. Voting "aye" were: Mandelko, Klamm, Kohl, Fagot, Wightman. Motion carried.

RESOLUTION NO. 97-13

WHEREAS, the City has by Ordinance No. 2075 approved the sale of the following described real estate owned by the City, to-wit:

Lot F, in the Replat of Lot 1 of the Replat of Lots 1-12, Block 8, Southaven Addition to the City of Lexington, Dawson County, Nebraska,

WHEREAS, Notice of such Ordinance has been duly published and the time for remonstrance has passed, and no petition against such sale has been filed.

BE IT THEREFORE RESOLVED by the Council and President of the Council of the City of Lexington, Nebraska, that John M. Wightman, as President of the Council is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to the purchaser thereof.

PASSED AND APPROVED this 12th day of August, 1997.

CITY OF LEXINGTON, NEBRASKA

BY: John M. Wightman, Mayor

ATTEST: Leon E. Malzahn City Clerk

BOND RESOLUTION:

Mr. Jim Fox representing Ameritas addressed the Lexington City Council stating that the City of Lexington should, by this resolution, call bonds of 1991 Series A Revenue Bonds and later on, by ordinance, issue refunding bonds in their place. The net result of this would be a reduction in interest rate, and a savings to the City. Councilmember Klamm offered the following resolution and moved its passage and adoption:

RESOLUTION 97-14

BE IT RESOLVED by the Mayor and City Council of the City of Lexington, Nebraska:

Section 1. The following bonds, in accordance with their option provisions are hereby called for payment on September 18, 1997, after which date interest on the bonds will cease:

Combined Revenue and Refunding Bonds, 1991 Series A, of the City of Lexington, Nebraska, date of original issue - November 1, 1991, in the principal amount of One Million Eight Hundred Twenty-five Thousand Dollars (\$1,825,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

| <u>Principal Amount</u> | <u>Maturity Date</u> | <u>Interest Rate</u> |
|-------------------------|----------------------|----------------------|
| \$415,000 | September 1, 1998 | 5.70% |
| 440,000 | September 1, 1999 | 5.80 |
| 470,000 | September 1, 2000 | 5.90 |
| 500,000 | September 1, 2001 | 6.00 |

Said bonds are hereinafter referred to as the "Refunded Bonds."

Said bonds are subject to redemption at any time on or after September 1, 1996, at par and accrued interest, and said interest is payable semiannually. Said bonds were authorized by ordinance and were issued for the purpose of providing for payment of certain outstanding note indebtedness incurred to pay the costs of certain utility improvements and extensions.

Section 2. Said bonds are to be paid off at the office of Minden Exchange Bank and Trust Company, Minden, Nebraska, as successor paying agent and registrar (previously, Lexington State Bank and Trust Company, Lexington, Nebraska).

Section 3. A true copy of this resolution shall be filed immediately with Minden Exchange Bank and Trust Company, Minden, Nebraska, as Paying Agent and Registrar for the Refunded Bonds, and said Paying Agent and Registrar is hereby instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the Ordinance authorizing said called bonds.

Leon E. Malzahn
City Clerk

John Wightman
Mayor

Councilmember Mandelko seconded the motion for adoption of said resolution, and upon roll call vote the following voted AYE: Kohl, Fagot, Mandelko, Klamm, Wightman. NAY: none.

The passage of said resolution having been consented to by more than a majority, the Mayor declared the resolution duly passed and adopted.

Leon E. Malzahn
City Clerk

John Wightman
Mayor

BOND ORDINANCE:

Councilmember Klamm introduced an Ordinance entitled:

An ordinance authorizing and providing for the issuance of combined utilities revenue refunding bonds, 1997 Series B, of the City of Lexington, Nebraska, in the aggregate principal amount of one million six hundred thirty thousand dollars (\$1,630,000) for the purpose of providing for the payment and redemption of the City's outstanding combined utilities revenue and refunding bonds, 1991 Series A, in the Principal amount of \$1,825,000; directing the application of the proceeds of said bonds; prescribing the form, terms and details of said bonds; pledging and hypothecating the revenue and earnings of the sewer, water and electric systems owned by the City for the payment of said bonds and interest thereon; establishing the terms upon which additional bonds of equal lien upon revenues may be issued; entering into a contract on behalf of the city with the owners of said bonds; selling the bonds and authorizing the delivery of the bonds to the purchaser; and providing for publication of this ordinance in pamphlet form.

Said Ordinance was fully and distinctly read, and by motion of Councilmember Klamm, seconded by Councilmember Kohl, it was designated as Ordinance No. 2084 and the title thereof was approved. The roll was called on the passage of said motion and the following voted "AYE": Mandelko, Fagot, Kohl, Klamm, Wightman. The following voted "NAY": none. Councilmember Klamm moved that the statutory rule requiring ordinances to be fully and distinctly read on three

different days be suspended, seconded by Councilmember Kohl. The roll was called and the following voted "AYE"; Kohl, Mandelko, Klamm, Fagot, Wightman. The following voted "NAY": none. The motion to suspend the statutory rule having been concurred in by three-fourths of all members of the Council was declared passed and adopted.

Whereupon Ordinance No.2084 was read by title and thereafter Councilmember Klamm moved for final passage of said Ordinance. Councilmember Kohl seconded the motion. The Mayor stated: "The question is, shall Ordinance No. 2084 be passed and adopted?" The roll was called and the following voted "AYE": Fagot, Mandelko, Kohl, Klamm, Wightman. The following voted "NAY": none.

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.

A true and complete copy of said Ordinance No. 2084 is attached hereto.

Leon E. Malzahn City Clerk
Lexington, Nebraska

**RECREATION
COMPLEX:**

Mr. Jeff Konen and Mark Yung representing the Lexington Optimist's Club was present at the meeting. Mr. Jeff Konen addressed the Lexington City Council, outlining the progress that had been made on the Recreation Complex, and stated at this time, he would ask for the City's endorsement for the Management and Maintenance of the Complex, upon it's completion, and also the installation of some services provided by the City. After a discussion pertaining to the possibility of the cost of this maintenance and the activities that would occur, and the competition that would be scheduled at this Complex, the City Council assured Mr. Konen that the City of Lexington would be willing to assume the maintenance responsibility of the Complex upon its completion, and stated it's intent of the installation of utility services for this complex.

ASSESSMENT

An ordinance entitled "Ordinance No. 96-03" An ordinance

ORDINANCE:

levying a special assessment upon the lots, parts of lots, lands and real estate specially benefitted by the improvements in improvement district No. 96-03, 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. Upon the completion of the reading, moved by Klamm, seconded by Mandelko, that the rules requiring the reading of said ordinance of three days be suspended. Roll call. Voting "aye" were: Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried. Said ordinance was then read by title. Moved by Kohl, seconded by Klamm, that Ordinance No. 22085 be passed on final reading. Roll call. Voting "aye" were: Mandelko, Fagot, Klamm, Kohl, 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.

**EVERGREEN
CEMETARY
RATES:**

City Manager Bricker addressed the Lexington City Council stating that a resolution had been prepared and presented to the City Council reflecting their wishes at the last meeting. Upon completion of his presentation, moved the Klamm, seconded by Kohl, that the following resolution be passed and approved. Roll call. Voting "aye" were: Fagot, Mandelko, Kohl, Klamm, Wightman. Motion carried.

RESOLUTION NO. 97-15

WHEREAS, it is necessary to revise the charges for use of City cemeteries. BE IT, THEREFORE, RESOLVED, that the following schedule of charges for City cemeteries shall be applicable immediately upon adoption of the Resolution:

| | GREENWOOD | |
|---------------|-----------|--------------|
| | RESIDENT | NON-RESIDENT |
| One (1) Space | \$200.00 | \$400.00 |
| Baby Space | \$100.00 | \$200.00 |
| | EVERGREEN | |
| | | NON- |

| | | |
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| | RESIDENT | RESIDENT |
| One (1) Space | \$100.00 | \$200.00 |
| Baby Space | \$60.00 | \$120.00 |

GRAVE OPENINGS

| | | |
|--------------|----------|----------------------|
| | WEEKDAY | WEEKEND/ HOLIDAYS |
| Adult | \$200.00 | \$250.00 |
| Baby | \$100.00 | \$125.00 |
| Cremation | \$100.00 | \$125.00 |
| Disinterment | \$200.00 | \$250.00 |

PASSED AND APPROVED this 12th day of August, 1997

CITY OF LEXINGTON, NEBRASKA

John Wightman President of Council

ATTEST:

Leon E. Malzahn
City Clerk

**WATER SYSTEM
STUDY:**

Mr. Dana Daniels, representing Miller and Associates, addressed the Lexington City Council, outlining the subjects that would be covered in the water system study for the City of Lexington. Mr. Daniels went into detail on the computer animation of the water system that would be performed to achieve the highest efficiency in the design. Mr. Daniels also stated that the questions of development of well fields and the possibility of treating water which would be a federal regulation that would be worked into the plan. Concluding his presentation, Mr. Daniels stated that this study would cost approximately \$48,000.00, and would layout a plan of work which could be followed for the next 10 to 20 years. Upon the completion of his presentation, the City Council wished to hold off on approval of this presentation until the budgets for the City could be reviewed one more time prior to final adoption. No further action was taken.

MEETING CHANGE:

City Manager Vance Bricker, stated that the next regular Council meeting would be held at the same time as the Dawson Area Development Annual Meeting, and therefore, in order to attend that, the Council Meeting needed to be moved. Upon the completion of his presentation, moved by Mandelko, seconded by Kohl, that the next regular meeting of the Lexington City Council be held August 26, 1997 at 7:00 a.m. Roll call. Voting "aye" were: Klamm, Fagot, Kohl, Mandelko, Wightman. Motion carried.

City Manager Bricker then stated that a budget meeting would need to be set. Moved by Kohl, seconded by Fagot, that a budget meeting be set for Tuesday, August 19, 1997 at 7:00 a.m. Roll call. Voting "aye" were: Mandelko, Klamm, Fagot, Kohl, Wightman. Motion carried.

WATER RATES:

City Manager Vance Bricker started off the presentation by stating that with the increased cost of wells and the conditions that existed this summer, the City would need to increase water rates to make capitol available to invest in production equipment for the water department. He further stated that Assistant City Manager Joe Peplitsch had worked on the water rates and would carry on the presentation from this point. Assistant City Manager Joe Peplitsch presented a resolution to the City Council with the proposed water rate increase, stating that this increase would make the move from flat rate to metered water revenue neutral and allow the City of Lexington to obtain capitol for the construction projects that will be required to pour an adequate supply of water to the citizens of Lexington. After a discussion pertaining to a \$2.00 flat charge for customers who aren't able to buy water that is distributed among multi-family residential users containing a flat rate charge to make it a fair and equitable rate between the rate customers. The following resolution was read before the Council. Moved by Mandelko, seconded by Klamm that the following resolution be passed and approved. Roll call. Voting "aye" were: Fagot, Kohl, Klamm, Mandelko, Wightman. Motion carried.

RESOLUTION NO. 97-16

WHEREAS, Lexington City Code Section 27-34, authorizes the City Council to establish by Resolution a schedule of rates and charges for water use.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that Resolution No. 84-13 is amended to provide water rates as follows:

Residential and Commercial Metered:

| | | |
|---------------------|-------------------------|---------------|
| First 5,000 gallons | \$1.40 per 1,000 gallon | \$7.00 |
| monthly minimum | | |
| Next 5,000 gallons | \$.50 per 1,000 gallon | Max of \$9.50 |
| for 10,000 gal. Use | | |

Next 10,000 gallons \$.40 per 1,000 gallon Max of
\$13.50 for 20,000 gal. Use

Next 30,000 gallons \$.30 per 1,000 gallon Max of \$22.50 for
50,000 gal. Use

>50,000 gallons \$.25 per 1,000 gallon

Residential Flat Rate: \$10.00 per dwelling unit
per month.

That all other water rates previously established shall remain
unchanged.

PASSED AND APPROVED this 12 th day of August, 1997.
CITY OF LEXINGTON, NEBRASKA

John Wightman
President of Council

ATTEST:

Leon E. Malzahn
City Clerk

PAY ESTIMATES:

The Lexington City Council reviewed Pay Estimate No. 10M and 13C, from Associated Pools for construction at the Aquatic Center. Upon review of the pay estimate and a discussion of the retainage, moved by Klamm, seconded by Mandelko that Pay Estimate No. 10M in the amount of \$16,804.60 from Associated Pools for the construction of the Aquatic Center be approved, and authorize the City Treasurer to transfer \$16,804.60 to the City of Lexington Operating Account. Roll Call. Voting "aye" were: Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried.

Upon a review of Pay Estimate No. 13C from Associated Pools. Moved by Mandelko, seconded by Klamm to approve Pay Estimate No. 13C from Associated Pools for construction of the Aquatic Center in the amount of \$ 27,750.00 and authorize the City Treasurer to transfer \$27,750.00 from the Aquatic Funds to the City of Lexington Operating Account. Roll call. Voting "aye" were: Fagot, Kohl, Klamm, Mandelko, Wightman. Motion carried.

PAY ESTIMATE:

The Lexington City Council reviewed Pay Estimate No. 13 and 14, from Paulson Inc. of Cozad, Nebraska for the general contract at the Pool. At this time, there were questions raised about the drainage problem in the pool and the on the grounds at the pool, and that water had been puddling, and a remedy to this needed to be addressed prior

to approval. Upon completion of discussion, moved by Klamm, seconded by Kohl, to table the Pay Estimate until the regular meeting on August 26, 1997. Roll call. Voting "aye" were: Mandelko, Fagot, Kohl, Klamm, Wightman. Motion carried.

SANITARY SEWER REPORT:

Mr. Dana Daniels representing Miller and Associates presented a report to the Lexington City Council outlining their findings on the 20th Street Sanitary Sewer Line and the possibilities that may exist with the sewage back-up which occurred in three houses in that area. Also in this study was a recommendation for modifications to the existing lines which represented an effort to alleviate this problem. City Manager Bricker stated that Midlands Construction would be in town to construct the Cedar Street Water Main Project and at that time, can do an addendum to their contract, adding this 8 inch main which would remedy a problem that could exist. No further action was taken.

EXECUTIVE SESSION:

Moved by Fagot, seconded by Kohl to recess the Regular to Executive Session at 10:00 p.m. in order to discuss personnel. Roll call. Voting "aye" were: Mandelko, Klamm, Kohl, Fagot, Wightman. Motion carried.

Moved by Kohl, seconded by Mandelko to reconvene the Regular Session at 10:16 p.m. Roll call. Voting "aye" were: Fagot, Klamm, Mandelko, Kohl, 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