

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday September 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, and Patty Mandelko. City Officials present were City Clerk Leon Malzahn, City Manager Vance Bricker, City Attorney Willard Weinhold. Department Heads present were Charles Clark, Ruth Seward, Barb Mills, Joe Peplitsch. Citizens in attendance were Susie Root, Tim Wozny, Brian Eilers, Ken Graus, Dale Nielsen, Jeff Richardson, Scott Knapp, Deaetta Hartman, Terry Lauby, Todd McKeone. The Press was represented by the Clipper-Herald, KRVN, Tri-City Tribune, and Kearney Hub. There was also approximately seven scout present.

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 8-26-97: After review of the minutes of August 26, 1997, moved by Mandelko, seconded by Klamm, to approve the minutes of said meeting. Roll call. Voting "aye" were: Fagot, Kohl, Klamm, Mandelko, Wightman. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$751,210.03 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 \$128,788.76 from the General Fund, \$580,103.73 from LEXUS Funds, \$10,000.00 from the City Sanitation Fund, \$11,056.57 from the Landfill Fund, \$15,373.33 from the Health Fund, \$63.90 from Library Memorials, and \$5,823.74 from the Meals on Wheels Funds to the City of

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

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 SEPTEMBER 9, 1997

ABINGDON PRESS	NEW INT BIBLE	44.75
ALIAN T CELLULAR	MONTHLY CHARGES	56.18
AMERICAN LIBRARY ASSOCIATION	PROGRAMS	32.00
ARNOLD POOL COMPANY	POOL SUPPLIES	335.05
AWARDS PLUS	MEDALS, RIBBONS	568.00
BARCO MUNICIPAL PRODUCTS	BATTERIES	123.02
BERNTSON OIL COMPANY	FUEL	4,741.08
BROWN, HAROLD	QUARTERLY ALLOWANCE	50.00
BUS. & PROF. CREDIT	COLLECTIONS	155.44
CASH-WA DISTRIBUTING	FOOD, SUPPLIES	878.09
CENTRAL GARAGE FUND	LABOR, PARTS, OIL	8,045.98
CENTURY LABORATORIES, INC.	CLEANING SUPPLIES	201.65
CENTURY LUMBER CENTER	TRASH BAGS	9.45
CENTRAL TIRE AND TREAD	TIRE AND CHANGE	171.23
CINDY'S HEAVENLY COOKIES	FOOD, SUPPLIES	82.00
CLARK, CHARLES	COMPUTER HUB	100.00
CLINE'S SMALL ENGINE REPAIR	BLADES AND FILTERS	66.46
COAST TO COAST	VACUUM, BAGS, STOOL	248.18
CONSUMER REPORTS ON HEALTH	SUBSCRIPTION	20.00
CORNHUSKER CASUALTY COMPANY	INSURANCE	
1,448.00		
COMPUTER MANAGEMENT SERV	SHIPPING	25.00
COCA COLA / DR PEPPER	POP	107.55
COUNTRY GENERAL	BRUSHES	10.68
C.B.S.A.	CLAIMS	15,123.18
C.B.S.A.	PREMIUMS	7,023.96
COZAD SERVICES	COUPLINGS	35.55
CULLIGAN WATER COND	RENTAL, SALT	67.50
DAWSON COUNTY PUBLIC POWER	POLE	336.40
DAWSON COUNTY CLERK	DISPATCH FEE	4,607.30
DAN'S SANITATION	FEES	10,260.48
DAWSON COUNTY AREA DEVEL	REGISTRATION	105.00
DEMCO	FOIL, TAPE	146.06
DUGAN BUSINESS FORMS	PAPER, ENVELOPES	620.86
EAKE'S OFFICE PRODUCTS	COPIER PAYMENT	352.84
EDUCATION RECORD CENTER	VIDEOS	53.85
EGAN SUPPLY COMPANY	CLEANING SUPPLIES	194.83
EILER'S MACHINE	SERVICE	65.00
ELECTRIC FIXTURE	SOLVENT, BULBS, ETC.	2,592.76

FAIRBANKS INTERNATIONAL	TRACTOR REPAIR	1,101.76
FAGOT ELECTRIC	REWIRE STARTER	50.00
FISCHER-SCIENTIFIC	PIPETS	135.14
FIRST NATIONAL BANK	EMPLOYEE PENSION	1,985.98
GAYLORD BROTHERS	DATA LABEL SET	34.75
GILLETTE / NE DAIRIES	FOOD, SUPPLIES	98.44
GOOD HOUSEKEEPING	SUBSCRIPTION	24.00
GOTHENBURG TIMES	ADVERTISING	143.00
HARLEQUIN RETAIL	BOOKS	10.52
HASKERS	BEEF PATTIES	26.00
HIPP WHOLESAL	FOOD, SUPPLIES	471.33
HOFAKER'S IRON AND METAL	ANGLE IRON	14.04
HOLIDAY TRAVEL AND CRUISES	AIRFARE	511.00
I.C.M.A.	PEPPLITSCH PENSION	91.59
INGRAM LIBRARY SERVICES	BOOKS	383.92
KANSAS ELECTRIC CO-OP	TESTING SERVICE	733.88
K N ENERGY	SERVICE	6.00
KRIZ-DAVIS COMPANY	TERMINATORS, FUSE LINKS	856.02
LEXINGTON ANIMAL CLINIC	BOARDING	385.15
LEXINGTON HEALTH FUND	SELF FUNDING	14,199.93
LEXINGTON CO-OP	ADAPTERS	85.98
LEXINGTON GLASS CO	INSTALL WINDSHIELD	194.05
LEXINGTON LAUNDRY	MOPS AND TOWELS	34.00
LEXINGTON LIBRARY	POSTAGE	34.35
LEXINGTON NEWSPAPERS	PUBLICATIONS	481.42
LEXINGTON, CITY OF	MONTHLY CHARGES	23,851.79
LEXINGTON SOLID WASTE AGENCY	FEES	114.75
LEXINGTON POSTMASTER	POSTAGE	150.00
MC LAUGHLIN MANUFACTURING	PARTS	236.10
MEAD / BIG VALLEY LUMBER	SUPPLIES	194.62
MEYER WELDING	SHARPEN BLADES	82.15
MERIDIAN LIBRARY SYSTEM	MEETING EXPENSE	5.00
MISKO SPORTS	HOME PLATES	79.96
MIDWAY SUPPLY	BITS, OIL, JOINTS	42.76
MISKO SPORTING GOODS	VOLLEYBALLS	243.70
MID-STATES UNITS	PORTA TOILETS	80.00
MILLER AND ASSOCIATES	SERVICE, LANDFILL	10,917.25
NEBRASKA TRUCK CENTER	98 GMC TRUCK	24,028.00
NEBRASKA MACHINERY	PARTS, LOADER PMT	1,755.96
NEBRASKA LIBRARY COMMISSION	FEES, BOOKS	30.00
NEBRASKA DEPT OF REVENUE	AUGUST SALES TAX	26,531.44
NEBRASKA PUBLIC POWER	AUGUST POWER	475,784.05
NEBRASKA DEPT OF MOTOR VEH	VEHICLE REGISTRATION	3.00
NELSON, THOMAS R	AUGUST CLEANING	500.00
NELSON'S FURNITURE	COMPUTER CART	201.29
O K TIRE	TIRES, WHEELS	196.86

OLLIS BOOK CORP	BOOKS	187.25
OMAHA LIFE INSURANCE	VFD PREMIUM	70.00
OVERTON SAND AND GRAVEL	GRAVEL	16.58
PAYROLL ACCOUNT	8/26 PAYROLL	76,111.49
PAULSEN BUILDING AND SUPPLY	CONCRETE	2,760.11
PATTY'S HALLMARK	OFFICE SUPPLIES, UPS	105.35
PETTY CASH	MEETING EXPENSE, ETC	84.93
PLATTE VALLEY AUTO MART	PARTS	344.80
PLATTE VALLEY COMMUNICATIONS	REPAIRS, MONTHLY SERV	115.00
PLUM CREEK PROMOTION	SHIRTS	252.00
PLATTE VALLEY EXTERMINATING	MONTHLY SERVICE	24.00
PLUM CREEK MOTORS	SWITCH	7.60
REACH ELECTRONICS	PAGER REPAIR	102.10
SAULSBURY, GERDA	ELECTRIC REBATE	1,050.00
SCANTRON	PRINTER PARTS	22.64
SCHUCKMAN, MARSHA	AUGUST CLEANING - LIB	200.00
SCHNIEBER FOODS	FOOD, SUPPLIES	405.10
SHOE MART	SHIRTS	444.11
SIXTH STREET MARKET	FOOD, SUPPLIES	79.93
SIMON AND SCHUSTER	BOOKS	63.90
SIGN PRO	LIBRARY SIGN	20.00
SOCIAL SECURITY FUND	8/26 SOCIAL SECURITY	5,761.95
S & W AUTO PARTS	AUTO PARTS	808.71
TELEGRAPH	PUBLICATIONS	9.00
TIME-LIFE	SUBSCRIPTION	23.48
TRI-COUNTY HOSPITAL	DRUG TEST, WORK COMP	263.90
TRAVELERS	POLICE PENSION	884.69
ULTRAMAX	AMMO	98.00
UNISYS CORP	SERVICE CONTRACT	4,220.55
UTILITY PRODUCTS SUPPLY	BUSHINGS	288.00
U S WEST	SERVICE	925.04
WAL-MART	SUPPLIES	37.85
WAREHOUSE SURPLUS	CANDY - UTILITIES	17.00
WESCO DISTRIBUTION	BOLTS, COVERS, , ETC	3,775.75
WEBER AND WEINHOLD	SERVICE	1,230.52
WESTERN ENGINEERING	ASPHALT COMPOUND	231.02
YOUNG, EUGENE	ELECTRIC REBATE	450.00
YUNG CONSTRUCTION	SHELTER - POOL	2,272.31
	TOTAL	\$749,990.95

BUDGET HEARING:

The Lexington City Council held a public hearing to consider the Fiscal Year 1997-98 Budget as presented to the Council. Upon review of the proposed figures and no comments

being forwarded to the Council, Mayor Wightman declared the public hearing closed.

TAX LID RESOLUTION: The Lexington City Council considered the following action allowing the City to exceed restricted funds by one percent (1%). Assistant City Manager, Joe Peplitsch informed the Lexington City Council that a favorable vote would allow the City, to exceed the one percent (1%) limit which would be passed to the ensuing year and not effect this year's call on taxes. Upon completion of his presentation, moved by Klamm, seconded by Mandelko that the City of Lexington exceed their restricted fund allowance for the fiscal year 97-98 by one percent (1%). Roll call. Voting "aye" were: Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried.

APPROPRIATIONS ORDINANCE: An ordinance entitled AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE was read before the Council. Moved by Fagot, seconded by Mandelko, that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Those voting "aye" were: Klamm, Kohl, Mandelko, Fagot, Wightman. Motion carried. Said Ordinance was then read by title. Moved by Fagot, seconded by Klamm, that Ordinance No. 2086 be passed on final reading. Roll call. Voting "aye" were Mandelko, Kohl, Klamm, Fagot, Wightman. Motion carried.

The passage 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

ORDINANCE NO. 2086

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FICAL YEAR 1997-98. TO PROVIDE AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL
OF THE CITY OF LEXINGTON, NEBRASKA:

SECTION 1: That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 1997 through September 30, 1998. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Lexington. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Dawson County, Nebraska, for use by the levying authority.

SECTION 2: This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND ADOPTED THIS 9TH DAY OF
SEPTEMBER, 1997.

John M. Wightman
Mayor

ATTEST:

Leon E. Malzahn
City Clerk

**PUBLIC HEARING
SETTING LEVY:**

The Lexington City Council held a public hearing to consider the City of Lexington setting their tax levy at \$.12872 per one hundred which is different than the levy set by Dawson County. The Council held a discussion concerning the 45 cent tax lid, and the City of Lexington was well below that 45 cents at this time. Upon completion of discussion and no further input on this item, Mayor Wightman declared the public hearing closed.

**RESOLUTION-
TAX LEVY:**

Moved by 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. 97-17

WHEREAS, Nebraska Revised Statutes Section 77-1601-02 authorizes the governing body to set a final property tax levy at a different amount than the preliminary levy certified by the County Clerk; and

WHEREAS, the Mayor and Council of the City of Lexington, Nebraska has conducted a public hearing as prescribed by law and heard and considered comments concerning the propriety of the preliminary levy and the need to establish a different levy;

WHEREAS, the Mayor and the Council of the City of Lexington, Nebraska hereby finds and determines that it is in the best interests of the Municipality that a levy be set at a different amount than that of the preliminary levy;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the final levy of the Municipality for the fiscal year 1997-1998 is set at \$.12872 per one hundred dollars of actual valuation.

PASSED AND APPROVED THIS 9th DAY OF SEPTEMBER, 1997.

CITY OF LEXINGTON, NEBRASKA

John M. Wightman
Mayor

ATTEST:

Leon E. Malzahn
City Clerk

**RESOLUTION OF
SUPPORT:**

Ms. Deaetta Hartman and Todd McKeone addressed the Lexington City Council requesting that they pass a resolution supporting the Dawson Area Development's efforts to have the Minimum Security Prison, planned by the State of Nebraska, to be located in Dawson County somewhere close to Cozad. Mr. Todd McKeone addressed the Lexington City Council stating the type of prison it would be, and the approximate number of inmates that would be housed at this facility. The job opportunities that would be available with this facility to the citizens in Dawson County,

and the estimated total cost of this facility. Upon the completion of his presentation, moved by Klamm, seconded by Kohl, that the following resolution be passed and approved. Roll call. Those voting "aye" were: Mandelko, Kohl, Klamm, Fagot, Wightman. Motion carried.

RESOLUTION 97-18

WHEREAS, the State of Nebraska, department of Correctional Services is accepting proposals for site selection of a new 960 bed correctional facility; and

WHEREAS, the Cozad Development Corporation is proposing a site for such facility adjacent to Cozad, Nebraska; and

WHEREAS, it has been determined that the siting of such a facility in Dawson County would be in the best economic interest of the City of Lexington.

BE IT THEREFORE RESOLVED that the Mayor and Council of the City of Lexington, Dawson County, Nebraska do hereby pledge the support of the City of Lexington to the Cozad Development Corporation in its proposal to site the new medium-maximum security adult correctional facility in Dawson County.

HEARTLAND MUSEUM:

Mr. Dale Nielsen was present who introduced Mr. Terry Lauby to speak on behalf of the Heartland Museum. Mr. Lauby stated to the City Council that there are funds available from the Community Development Block Grant for places that could be developed for tourists who could stop and review these facilities. Tourism Invitation Development Grants are available and is requesting that the City act as a vehicle for receiving the funds, and dispersing the funds to the Heartland Museum, who would use these funds to construct a Visitor's Center. Mr. Lauby stated that there was approximately \$105,000 which the Heartland Museum Group would need to match in order to receive these funds. Upon completion of his presentation, moved by Mandelko, seconded by Kohl, that the City of Lexington act as a vehicle by which the Heartland Museum Group could apply for tourism development funds to construct a Visitor's Center. Roll call. Voting "aye" were: Klamm, Fagot, Kohl, Mandelko, Wightman. Motion carried.

**CERTIFICATE OF
RESOLUTION:**

The Lexington City Council considered a resolution authorizing changes in the Police Pension Plan for the investment of funds. Upon a presentation by Chief Charles Clark, concerning this procedure, moved by Klamm, seconded by Mandelko, that the following resolution be passed and approved. Roll call. Voting "aye" were: Fagot, Kohl, Mandelko, Klamm, Wightman. Motion carried.

Resolution 97-19

BE IT RESOLVED by the Mayor and City Council of the City of Lexington, Nebraska, that the City of Lexington, Nebraska Police Officers' Pension Plan shall be, and it hereby is, amended and restated in the form of the attached Plan and Trust document;

BE IT FURTHER RESOLVED by the Mayor and City Council that the Retirement Committee of the Police Officers' Pension Plan is hereby authorized to establish and effectuate the directed investment features of the amended and restated Pension Plan, including the selection, from time to time, of the investment mediums for the directed investment accounts of the participating officers under the Pension Plan;

BE IT FURTHER RESOLVED by the Mayor and City Council that the appropriate officers of the City of Lexington shall be, and they hereby are, authorized to do any and all things, including the execution of any document or amendment which may be necessary or appropriate to amend and administer the aforesaid Pension Plan, and as may otherwise be necessary to continue and maintain the tax qualification of the Pension Plan, as amended, under Section 401 (a) of the Internal Revenue Code of 1986.

Passed and approved this 9th day of September, 1997.

CITY OF LEXINGTON

By: _____
Mayor

By: _____
City Clerk

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