

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, February 10, 1998 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 Willard Weinhold. Department Heads present were Assistant City Manager Joe Peplitsch, Police Chief Charles Clark, Head Librarian Ruth Seward, and Recreation Director Chris Huff. Also present were Dana Daniels representing Miller and Associates, Brad Larson, Doug Cunningham, Four Boy Scouts, Michelle Roberts.

**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 1-27-98:** Minutes of the regular council meeting held January 27, 1998 were presented for Council's consideration and approval. Moved by Klamm, seconded by Mandelko to approve the minutes of the Regular Meeting held January 27, 1998 as presented. Roll call. Voting "aye" were Fagot, Kohl, Mandelko, Klamm, Wightman. Motion carried.

**MINUTES OF SPECIAL MEETING 1-29-98:** Minutes of the special meeting held January 29, 1998 were presented for Council's consideration and approval. Moved by Mandelko, seconded by Kohl to approve the minutes of the Special Meeting held January 29, 1998 as presented. Roll call. Voting

“aye” were Klamm, Fagot, Kohl, Mandelko, Wightman. Motion carried.

**CLAIMS & BILLS:**

Claims and Bills in the amount of \$623,940.25 were presented for Council’s consideration and approval. Upon review of the claims and bills, the Mayor questioned the claim from Strike and Spare Bowl for loss of revenue and damage to equipment. At this time, Mr. Brad Larson addressed the Lexington City Council stating that this bill is being presented to the City due to a power outage that occurred on a Friday evening, and caused damages to relays in his bowling alley. Additionally, he is claiming approximately \$550.00 in lost revenue as the electric crew did not fix the problem until the following Saturday morning. He is claiming this loss due the cancellation of two leagues. Mayor Wightman explained to Mr. Larson that the City of Lexington cannot settle a claim such as this without previous denials by our insurance carrier, his insurance carrier, and a court of law. He was advised that his next recourse would be Small Claims Court. Upon completion of discussion, moved by Klamm, seconded by Mandelko to deny the claim from Strike and Spare Bowl in the amount of \$2,757.25. Roll call. Voting “aye” were Fagot, Mandelko, Klamm, Wightman. Councilman Kohl abstained.

Moved by Kohl, second by Mandelko to approve the claims and bills as listed and authorize the City Treasurer to transfer \$106,119.89 from the General Fund, \$492,245.88 from LEXUS, \$10,000.00 from City Sanitation, \$10,287.42 from the Landfill, \$23.43 from Library Memorial, \$14,410.77 from Health Fund, \$6,436.91 from Meals on Wheels, to the City of Lexington Operating Account. Roll call. Voting “aye” were Klamm, Fagot with the exception of Fagot Electric, Mandelko, Kohl with the exception of Mr. Automotive, Wightman. Motion carried.

CITY OF LEXINGTON

ACCOUNTS PAYABLE

February 10, 1998

ACE EQUIPMENT

PLOW MARKERS

268.86

ALAMAR UNIFORMS

POLICE UNIFORM PANTS

69.98

ALIAN T CELLULAR

JANUARY CELLULAR SERVICE

109.10

ALIAN T COMMUNICATIONS

FEBRUARY EQUIPMENT MAINT

19.95

ALIAN T COMMUNICATIONS	LIBRARY EQUIPMENT RENTAL	19.95
AMERICAN FUNDS	POLICE PENSION 1/28/98 PAYROLL	937.87
AWARDS PLUS	BASKETBALL PLAQUES	240.00
BARMORES DRUG STORE	SUPPLIES	25.96
BECKER FIRE EQUIPMENT CO.	FIRE EQUIPMENT	570.84
BERNTSON OIL	FUEL	1,886.37
BEST WESTERN INN	5 NIGHTS-R. SEWARD-CONF.	410.70
BRICKER, VANCE	MEETINGS-YORK/HOLDREGE	90.80
BRIGHTON PUBLICATIONS	LIBRARY MATERIAL	8.45
BUS. & PROF. CREDIT	CREDIT COLLECTIONS	83.37
C&S TRUCK & SALVAGE	PARTS	361.67
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	21,417.97
CASH-WA DISTRIBUTING	FOOD & SUPPLIES	758.55
CATHODIC PROTECTION SVCS	MAINT. SRVC. STANDPIPE	2,115.00
CENTRAL GARAGE FUND	PARTS-LABOR-FUEL CHGS	6,461.64
CENTRAL STATES IND. SUPPLY	SUPPLIES	38.28
CENTRAL TIRE AND TREAD	REPAIR TIRE	6.50
CENTURY LABORATORIES INC	CHOLE PATCHING GRAVEL	227.60
CENTURY LUMBER	BUILDING MATERIAL	551.73
CLINE'S SMALL ENG. REPAIR	REPAIRS AND PARTS	337.29
COMPUTER ASSISTANCE	SOFTWARE SUPPORT-LIBRARY	50.00
CONNEY SAFETY PRODUCTS	BACK SUPPORTS	155.60
CONSOLIDATED PLASTICS CO. INC	CHARCOAL MATS	159.43
COUNCIL FOR ECONOMIC DEVELOP.	DEVELOPMENT ACTIVIT	3,500.00
COUNTRY GENERAL	SUPPLIES	83.24
CULLIGAN WATER CONDIT.	WATER SOFTENING	75.00
DAMARK INTERNATIONAL INC	LIBRARY MATERIAL	37.98
DANGLER, CLARK	ELECTRIC REBATE	1,050.00
DAN'S SANITATION	PARTIAL JAN. SOLID WASTE	10,169.48
DAWSON COUNTY CLERK	DISPATCH FEE	4,607.30
DAWSON COUNTY PUBLIC POWER	JANUARY ENERGY BILL	1,719.54
DAY-TIMERS INC	OFFICE SUPPLIES	55.85
DESIGNER CRAFT WOODWORKING	NEW COUNCIL ROOM	7,180.00
DUTTON-LAINSON COMPANY	SUPPLIES	2,618.47
E&L METER INSTALLATION	26 METERS INSTALLED	1,040.00
EAKE'S OFFICE PRODUCTS	FEBRUARY SHARP PAYMENT	352.84
EGAN SUPPLY COMPANY	CLEANING SUPPLIES	288.90
ELECTRIC FIXTURE	SUPPLIES	3,319.62
FAGOT REFRIG. & ELECTRIC	SUPPLIES	40.00
FAGOT REFRIG. & ELECTRIC	SRV. & REWIRE WELL HOUSES	11,027.78
FAIRBANKS INTERN. INC	BATTERY CABLE	19.94
FAMILY EYEWEAR	SAFETY GLASSES	94.75
FARM PLAN CORPORATION	SUPPLIES	401.34
FIRST NATIONAL BANK	EMPLOYEE PENSION 1/28 PR	2,086.80
FISCHER-SCIENTIFIC	SUPPLIES	294.25
FIVE STAR FLOORING	COMMERCIAL VACUUM	179.00

FOLLETT SOFTWARE CO	LIBRARY SUPPLIES	498.08
FOREVER NEW UPHOLSTERY	REPAIR BODY HARNESS	15.00
GILLETTE/NEBRASKA DAIRIES	DAIRY PRODUCTS	235.47
GREAT PLAINS ONE-CALL SERVICE	JANUARY LOCATES	13.03
HACH CHEMICAL	CHEMICAL TESTING	88.75
HARLEQUIN RETAIL	LIBRARY MATERIAL	10.52
HOFAKER'S IRON & METAL	2 WHEEL TRAILER	200.00
I.C.M.A.	PEPPLITSCH PENSION 1/15 PR	91.59
INS. & PERSONNEL SRVS.	ADMINISTRATIVE FEES	370.53
INTERNATIONAL PAPER CO.	POSTS	8,415.63
INT'L. CONF. OF BLDG OFFIC.	COMPUTER MATERIAL	516.55
JC PENNEY	LIBRARY MATERIAL	177.78
JELCO CARPET CLEANING	CLEANING BUILDINGS	260.00
JONES PLUMBING & HEATING	SUPPLIES	781.90
KRINGS, REVA	ELECTRIC REBATE	150.00
KRIZ-DAVIS COMPANY	SUPPLIES	6,265.45
LEXINGTON ANIMAL CLINIC	ANIMAL CARE	506.40
LEXINGTON COOP	SUPPLIES	791.15
LEXINGTON GLASS CO	DESK TOP GLASS	52.50
LEXINGTON HEALTH FUND	SELF-FUNDING MEDICAL	14,591.27
LEXINGTON LAUNDRY	LAUNDRY	38.00
LEXINGTON NEWSPAPERS	LEGAL NOTICES	386.63
LEXINGTON POSTMASTER	UTILITY POSTAGE	16,500.00
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	14.90
LEX. SOLID WASTE AGENCY	SOLID WASTE	90.81
LEXINGTON, CITY OF	MONTHLY CHARGES	23,851.20
LINDEN'S PLUMBING	PARTS AND PUMPING	298.02
MARRIOTT, THE	TOM NELSON CONFERENCE	552.00
MEAD/BIG VALLEY LUMBER	SUPPLIES	114.05
MERIDIAN LIBRARY SYSTEM	LIBRARY MEETING	45.00
MID NEBR. RESTAUR. SUPPLY CO	FAUCET HANDLE	12.78
MIDWAY SUPPLY	PARTS	62.26
MIDWEST LABORATORIES INC	WELL MONITORING & TESTING	6,381.20
MILLER AND ASSOCIATES	WELL 16-LANDFILL-JAN. SVCS	8,406.06
MISTER ANDERSON'S CO.	LIBRARY MATERIAL	28.95
MORRIS PRESS	SUPPLIES	2.75
NAT. INF. DATA CNTR	POST OFFICE DIRECTORY	48.90
NAUMANN, RONNY	ELECTRIC REBATE	450.00
NEBR. DEPT. OF REVENUE	UTILITY SALES TAX	24,335.79
NEBRASKA MACHINERY	LOADER PAYMENT	1,637.00
NEBRASKA PPD	POWER BILL JANUARY	352,635.74
NE STATEWIDE ARBORETUM	LIBRARY MATERIAL	61.25
NELSON, THOMAS A.	REFINISH DOOR	75.00
NELSON, THOMAS R.	NCBO&I MTG, JAN. CLEANING	611.12
OMAHA LIFE INSURANCE CO	FEBRUARY LVFD LIFE INS.	66.00
OMIGRAPHICS INC.	LIBRARY MATERIAL	36.40

OVERTON SAND & GRAVEL	SALT GRAVEL	140.00
PARROTT, MATT & SONS	OFFICE SUPPLIES	890.18
PATH MASTER INC.	SUPPLIES	273.00
PATTY'S HALLMARK	OFFICE SUPPLIES	7,156.64
PAYROLL ACCOUNT	1/28/98 PAYROLL	68,843.70
PETTY CASH FUND	REPLENISH PETTY CASH	117.34
PLATTE VALLEY AUTO MART	PARTS	7.06
PLATTE VALLEY COMMUN.	JANUARY MAINTENANCE	250.13
PLATTE VALLEY EXTERM.	MONTHLY CHARGES	24.00
PLUM CREEK MOTORS	PARTS	32.35
PRICE'S TREE SERVICE	STUMP REMOVAL	375.00
PUBLIC LIBRARY ASSOC.	NAT'L LIBRARY CONFERENCE	344.00
RELIABLE OFFICE SUPPLY	LIBRARY MATERIAL	76.84
REUTLINGER, ROGER	ELECTRIC REBATE	1,500.00
S & W AUTO PARTS, INC.	PARTS & SUPPLIES	314.02
SAV A LOT DISCOUNT FOODS	FOOD & SUPPLIES	34.58
SCHNIEBER FINE FOODS INC	FOOD & SUPPLIES	1,055.20
SCHUCKMAN, MARSHA	LIBRARY CLEANING	225.00
SEWARD, RUTH	KEARNEY MEETING	32.30
SIMON & SCHUSTER	LIBRARY MATERIAL	182.12
SIXTH STREET MARKET	FOOD & SUPPLIES	81.69
SOCIAL SECURITY	1/28/98 PAYROLL	5,206.16
STRIKE & SPARE BOWL	POWER OUTAGE CHARGES	2,757.25
STRIKE & SPARE BOWL	POWER OUTAGE CHARGES	(2,757.25)
TIME LIFE BOOKS	LIBRARY MATERIAL	23.48
TREE TOPS MEDIA	LIBRARY MATERIAL	120.58
TRI-COUNTY HOSPITAL	JANUARY FITNESS CENTER	126.00
U.S. FILTER/WATERPRO	SUPPLIES	762.13
UNIV. OF NEBRASKA OMAHA	MALZAHN-CONFERENCE	150.00
UNTERSEHER,. PAT	ELECTRIC REBATE	900.00
US WEST	JANUARY PHONE SERVICES	2,067.76
UTILITY EQUIPMENT	PARTS & SUPPLIES	677.39
WAL-MART	SUPPLIES	848.28
WATER ENVIRON. FEDER.	OPERATIONS FORUM	79.00
WAX SHOP	WINDSHIELD REPAIR	85.00
WEBER & WEINHOLD	PROFESSIONAL SERVICES	2,065.50
WESCO DISTRIBUTION INC	SUPPLIES	178.92
WOODWORKS	REFINISH DOORS	730.00
	GRAND TOTAL:	\$654,374.30

**FAIRBANKS REZONING:** An ordinance entitled "AN ORDINANCE TO REZONE A TRACT OF LAND AT EAST HIGHWAY 30 FROM A-1 AGRICULTURAL TO M-1 INDUSTRIAL; to repeal all ordinances or sections of ordinances in conflict herewith; to provide for an effective date and for publication in pamphlet form" was read before the

Council on second reading. Upon discussion in which the City Manager reported that no one had appeared to object to this rezoning, Councilperson Fagot moved that the statutory rules according to reading of said ordinance on three separate days be suspended. Seconded by Kohl. Roll call. Voting "aye" were Mandelko, Klamm, Kohl, Fagot, Wightman. Motion carried. Said ordinance was then read by title. Moved by Klamm, seconded by Mandelko, that Ordinance No. 2093 be passed on final reading. Roll call. Voting "aye" were Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried. The passage and adoption of said Ordinance No. 2093 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 No. 2093, 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

**APPOINTMENT TO  
BOARDS:**

Mayor Wightman announced his appointment of Jim Doyle to the Library Board. Moved by Fagot, seconded by Mandelko to approve the Mayor's appointment of Jim Doyle to serve the unexpired term of Steve Smith on the Library Board. Roll call. Voting "aye" were Klamm, Kohl, Mandelko, Fagot, Wightman. Motion carried.

**KN ENERGY RATE  
ORDINANCE:**

An ordinance entitled "AN ORDINANCE RELATING TO THE SCHEDULE OF RATES FOR THE DELIVERY OF NATURAL GAS IN THE CITY OF LEXINGTON, NEBRASKA; REPEALING ORDINANCE NO. 1989 AND PROVIDING FOR AN EFFECTIVE DATE" was read before the Council. Moved by Klamm, seconded by Mandelko that said Ordinance be read on second reading. Roll call. Voting "aye" were Fagot, Kohl, Mandelko, Klamm, Wightman. Motion carried.

**KN ENERGY  
FRANCHISE**

An ordinance entitled "AN ORDINANCE AMENDING THE EXISTING FRANCHISE AGREEMENT BY AND

**ORDINANCE:** BETWEEN THE CITY OF LEXINGTON, NEBRASKA, AND KN ENERGY, INC., A KANSAS CORPORATION, ITS SUCCESSORS AND ASSIGNS AND PROVIDING FOR AN EFFECTIVE DATE” was read before the Council. Moved by Klamm, seconded by Mandelko that said Ordinance be read on second reading. Roll call. Voting “aye” were Fagot, Koh, Mandelko, Klamm, Wightman. Motion carried.

**KN ENERGY CHOICE GAS ORDINANCE:** An ordinance entitled “AN ORDINANCE ESTABLISHING STANDARDS APPLICABLE TO THE UNBUNDLING OF NATURAL GAS SERVICE; SUPPLY COST ADJUSTMENT PROVISIONS WITH A BALANCING ACCOUNT TO PROVIDE FOR THE COLLECTION OF VARIOUS UNBUNDLED GAS SUPPLY COST OF KN ENERGY, INC., FROM RESIDENTIAL, COMMERCIAL AND NONCONTRACT CUSTOMERS AND REPEALING ORDINANCE NO. 1988, AND PROVIDING FOR AN EFFECTIVE DATE”. Moved by Klamm, seconded by Mandelko, that said Ordinance be passed on second reading. Roll call. Voting “aye” were Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried.

**INTERLOCAL AGREEMENT:** The next three items dealing with the possibility of the City of Lexington joining the Public Alliance for Community Energy was addressed by the City Manager who stated that not as many communities as had been expected signed the agreement to join this alliance, and that the dues for joining this alliance would be approximately \$8,000.00. and could be as high as \$10,000.00. He is therefore, recommending that the City of Lexington do not join this alliance. After a continued discussion, no further action was taken on these three items.

**HEARTLAND MUSEUM RELEASE OF FUNDS:** Assistant City Manager Pepplitsch addressed the Lexington City Council stating that the Council needed to approve a release of funds for the Heartland Museum Grant, so they will be able to accept the money and continue with their construction. Upon completion of his presentation, moved by Mandelko, seconded by Kohl, to authorize the Mayor to sign a release of funds for the Heartland

Museum Grant. Roll call. Voting “aye” were Klamm, Fagot, Kohl, Mandelko, Wightman. Motion carried.

**GRANT CONTRACT  
PP97-026:**

Assistant City Manager Pepplitsch informed the Council that the enclosed contracts needed to be signed by the Mayor, for the City to complete the Planning Grant, and proceed with the project. Upon completion of his presentation, moved by Klamm, seconded by Mandelko, that the Mayor be authorized to sign contracts and documents pertaining to Planning Grant PP97-026 for the Comprehensive Plan update. Roll call. Voting “aye” were Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried.

**CASEY’S MANAGER  
APPLICATION:**

At this time, Mayor Wightman stated that he would take Item #17 out of order, as the next items after that may take considerable time. The Lexington City Council considered the request for Casey’s General Store for a change of Manager for their Liquor License. Michelle Roberts was on hand and answered questions directed to her by the Council pertaining to the liquor license. In replying to some of the questions, Ms. Roberts stated that she had managed other stores that had liquor in them and that the State of Nebraska has some differences compared to the State of Iowa, where he had managed before. With no further comments, and no opposition, moved by Kohl, second by Fagot, to approve the application of Casey’s General Store to have Michelle Roberts as Manager of their Liquor License No. B-28926. Roll call. Voting “aye” were Mandelko, Klamm, Fagot, Kohl, Wightman. Motion carried.

**ONE & SIX YEAR PLAN:** The Lexington City Council reviewed a One and Six Year Road Plan as presented by Dana Daniels of Miller and Associates. Mr. Daniels reviewed the individual projects, their costs, and their status ranging from year one through year six. Upon completion of his presentation, no further action was taken, except a statement by the City Manager, that the public hearing for the one and six year plan would be held at the next meeting.

**AQUATIC PARK**

Mr. Dana Daniels representing Miller and Associates



**PARKING LOT:**

presented a plan for the plans, specifications, and engineer's estimate for the parking lot at the Aquatic Center. Mr. Daniels stated that the parking lot would be covered with a layer of lower grade asphaltic concrete and then cover it with another 4 inches of high grade asphaltic concrete. He further stated that a water main laying under the proposed parking lot needed to be replaced, prior the paving project, as they have experienced a considerable amount of problem with that main. Upon completion of his presentation, moved by Klamm, seconded by Mandelko to authorize the City Administration to advertise for bids on the Aquatic Center Parking Lot. Roll call. Voting "aye" were Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried.

**RAILROAD CASING EXTENSION:**

Mr. Dana Daniels of Miller and Associates presented the plans and specifications to the City Council for the casing extension under the railroad crossing. City Manager Bricker stated that this extension is necessitated by the addition of a third rail going through the City of Lexington, and needed to be completed with the utmost haste. Upon completion of the discussion, moved by Fagot, second by Klamm to authorize the City Administration to advertise for bids for a railroad casing extension. Roll call. Voting "aye" were Mandelko, Kohl, Klamm, Fagot, 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 of the time and place of said meeting and the subjects to be discussed at said meeting.

Leon E. Malzahn

Lexington City Clerk