

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 23, 1998 at the Lexington Municipal Building, 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 Assistant City Manager Joe Peplitsch, Chief of Police Charles Clark, Ann Luther, Ruth Seward, Barb Mills. Also present were Reed Miller, Dana Daniels, Bruce Grupe, and Tom Kellogg, representing Miller and Associates, Mr. Don Price, Mr. and Mrs. John Knappe, Bruce Smith, Alan Easterday, and Bob Cappel.

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 6-9-98: Minutes of the regular council meeting held June 9, 1998 were presented for Council's consideration and approval. Moved by Mandelko, seconded by Klamm to approve the minutes of the regular meeting held June 9, 1998 as presented. Roll call. Voting "aye" were Fagot, Kohl, Klamm, Mandelko, Wightman.

CLAIMS & BILLS: Claims and bills in the amount of \$980,719.36 were presented for Council's consideration and approval. Upon review of the claims and bills, moved by Klamm, seconded by Mandelko, to approve the claims and bills as listed and authorize the City Treasurer to transfer \$290,446.15 from the General Fund, \$2,046.00 from the Heartland Military Museum

Fund, \$664,607.16 from LEXUS, \$10,000.00 from the City Sanitation Fund, \$5,975.19 from the Landfill Fund, \$1,441.64 from the Health Fund, \$6,203.22 from Meals On Wheels to the City of Lexington Operating Account. Roll call. Voting "aye were Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 June 23, 1998

ABINGDON PRESS	NEW INTERNATIONAL BIBLE-LIBRARY	49.15
AFLAC	EMPLOYEE CANCER POLICY	302.32
ALIAANT COMMUN.	MONTHLY EQUIPMENT CHARGES	39.90
ASSOC. SUPPLY CO.	CHEMICALS	389.69
BARMORE'S	COMPTR CABLE AND FILM PROCESS	17.01
BARRETT-HOUSEL-GRAFTON	1998 FORD F150 P/U INS.	44.00
BARCO MUNIC. PROD.	SIGNS	93.34
BERNTSON OIL	OIL AND FUEL	48.80
BECKER FIRE EQUIP. CO.	.50' HOSE	704.46
BERENS-TATE CONS.	GR.POLICE PENSION ANALYSIS	750.00
CASH-WA	FOOD AND SUPPLIES	3,357.52
CENTRAL GAR. FUND	PARTS/LABOR/OIL	126.00
CENTURY LMBR CNTR	PAINT AND THINNER	7.96
CHESTERMAN CO.	POP FOR GGC	89.63
CINDY'S HEAVENLY COOKIES	COOKIES FOR POOL	141.90
CLINE'S SMALL ENG. RPR.	MOWER BAGS AND BRACE	44.86
COAST TO COAST	STRAPS	6.76
CONNEY SAFETY PROD.	FIRST AID SUPPLIES	157.14
COMMEMORATIVE PUBL.	LIBRARY BOOKS	42.95
COCA COLA/DR PEPPER OF KRNY.	POP FOR POOL	235.75
COUNTRY GENERAL	PARTS AND SUPPLIES	623.30
C.B.S.A.	EMPLOYEES MEDICAL CLAIMS	3,286.39
DAWSON CO. JUDGE	GARCIA DISMISSAL FEE	1.00
DAW. CO. ROAD DEPT.	POSTS	81.00
DAW. CO. RED CROSS	INSTRUCTOR AIDE	9.00
DAW. CO. DEV.	APPREC. DAY REGISTRATIONS	150.00
DANKO EMERG. EQUIP.	FOAM BACKPACKS	352.00
DEMCO	LIBRARY SUPPLIES	89.57
DUTTON-LAINSON CO.	ARRESTORS	883.74
EAKE'S OFC PROD.	COPY MACHINE EXPENSE	243.22
EGAN SUPPLY CO.	JANITORIAL SUPPLIES	205.55
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	2,440.79
ENVIRON. RSRC ASSOC.	QUARTERLY SUBSCRIPTION	760.00
FISCHER-SCIENTIFIC	TUBING-PIPETS & FILTERS	126.25

FLOOR SHINE	SERVICE BLDG FLOOR CLEANING	64.00
4 SEASONS SWIMWEAR INC	SWIMSUITS AND CAPS	1,566.10
GILLETTE/NEBR. DAIRIES, INC.	DAIRY PRODUCTS-GGC	181.86
HACH CHEMICAL	CHEMICALS	133.00
HATTING, BILL	ELECTRIC REBATE	300.00
H-T-M SALES, INC.	O-RING	10.62
IMPACT COMP. SOLUT.	COMPUTER SUPPLIES	109.41
INGRAM LIBR. SRVCS	LIBRARY BOOKS	1,005.96
ISCO, INC.	WWTP SUPPLIES	240.33
JELCO CARPET CLEAN.	GGC,SRV BLD, CITY HALL	292.00
JONES PLUMB. & HTG	QUICK FLUSH TOILET	133.12
K N ENERGY INC.	ENERGY CHARGES	649.24
KRIZ-DAVIS COMPANY	CRSARMS,BRACES,FUSES,INSULTR.	4,162.56
LAERDAL MED. CORP.	POCKET MASK AND VALVE	197.45
LEX AREA CHBR OF COM.	CITY DIRECTORIES	36.00
LEXINGTON COMM.	ATENNA AND SPEAKER	68.95
LEXINGTON COOP	PROPANE	8.70
LEX. PUBLIC LIBRARY	POSTAGE & SUPPLIES(PETTY CASH)	41.69
LEX. NEWSPAPERS	MEETING ADS	9.55
LEXINGTON GLASS CO.	PLEXIGLASS	10.00
LEX. AREA SLD WASTE	SOLID WASTE FEES	201.60
LIBR. ADM. DIGEST	1 YEAR RENEWAL	39.00
LONG, JERRY	ELECTRIC REBATE	150.00
MC INTOSH, DONALD	ELECTRIC REBATE	900.00
MC MAHON, KIM	FIRE-HALL CLEANING	108.33
MEAD/BIG VALLEY LMBR	MISC. SUPPLIES	142.34
MEYER WELDING	WELD HOOK	67.47
MISKO SPORTS	HATS BALL/STRIKE COUNTERS	1,400.07
MIDWAY SUPPLY	GLASS CLEANER & TOWELS	71.41
MILLER & ASSOCIATES	AIR QUALITY TESTING	2,841.70
MILLS, BARBARA	TRAVEL EXP. KRNY & GI-SEMINARS	66.15
MORRIS PR. & OFC SPLY	OFFICE SUPPLIES	422.02
MUNICIPAL SUPPLY	METER PITS AND SETTERS	13,494.17
NEBR. DEPT OF REV.	ADDITIONAL APRIL TAX	0.53
OMAHA WORLD HEARLD	PAPER SUBSCR. THRU SEPT. 98	32.50
OVERTON SAND & GR.	GRAVEL	149.50
OVERTON COMM. CNTR	BUILDING RENT	100.00
PAYROLL ACCOUNT	WAGES PAYROLL FOR 6/16/98	80,000.32
SOCIAL SECURITY	SOCIAL SEC.(EMPLOYER PORTION)	6,063.76
FIRST NATIONAL BANK	EMPLOYEE PENS.(EMPLOYER PORT)	2,159.87
AMERICAN FUNDS	POLICE PENSION(EMPLOYER PORT)	945.46
I.C.M.A.	EMPLOYEE PENS.(EMPLOYER PORT)	95.09
PAULSEN INC.	CONCRETE	957.87
PATTY'S HALLMARK	OFFICE SUPPLIES	358.72

PETTY CASH FUND	REPLENISH PETTY CASH	42.30
PLUM CR. MED. GR.	HEPATITIS IMMUNIZATION-WWTP	56.00
PLATTE VALLEY EXTER.	MONTHLY SERVICE-GGC	24.00
PRECISION INDUSTRIES	BALL BEARINGS	11.12
PRINTING PRESS, THE	LIBRARY ENVELOPES	43.70
PROTEC. LIFE INS.	CANCER PREMIUM	67.96
RELIABLE RACING	NUMBERS	71.79
SAV A LOT DISC. FOODS	HOT DOG BUNS	5.40
SCHNIEBER FINE FOODS INC	FOOD AND SUPPLIES	850.05
SIXTH STREET MARKET	FOOD AND SUPPLIES	167.02
SUNDRELLA CASUAL	ORBITRON BASES	130.00
S & W AUTO PARTS, INC.	PARTS AND SUPPLIES	26.48
TASTE OF HOME	MAGAZINE RENEWAL LIBRARY	29.98
TEXACO CUST. CRD CNTR	FUEL PURCH.-CITY MNGR-YORK	14.93
TIME LIFE BOOKS	LIBRARY BOOKS	23.48
TRI-CITY TRIBUNE	1 YEAR SUBSCRIPTION	21.50
U.S. FILTER/WATERPRO	METERS	276.96
VAN WATERS & ROGERS, INC.	ACIDS AND CHEMICALS	1,585.90
WAL-MART	OFFICE SUPPLIES	267.27
WAREHOUSE SURPLUS	UTILITY SUPPLIES	12.00
WATER SPLY PROD., INC.	FANNY PACKS	21.00
WESCO DISTRIBUTION, INC.	IMPACT WRENCH HOLDER	478.19
BERNTSON OIL	FUEL AND OIL CENTRAL GARAGE	2379.93
CENT. GARAGE FUND	PARTS/LABOR/OIL	4417.47
CIRCLE SEED HYBRIDS	ALFALFA AND MILLET SEED	752.48
CLINE'S SM. ENG. RPR	RADIATOR & CHAIN SAW REPAIRS	242.17
CONTR. MACH. INC.	BEARINGS	27.83
DAN'S SANITATION	SOLID WASTE FOR MAY BILLING	19240.50
DAYS INN HASTINGS	BLIVEN & BARNETT CONFERENCE	159.80
E&L METER INSTALL.	8 METERS INSTALLED	320.00
FAIRBANKS INT., INC.	PARTS	79.71
FRANSYL EQUIP. CO.	ELECTRIC EQUIP. PARTS & LABOR	2016.37
HEARTLAND MILIT. MUS.	CDBG GRANT FUNDS	746.00
LEXUS	MAY UTILITY CHARGES	18500.18
LEXINGTON, CITY OF	FRANCHISE FEES	23304.59
NE. DEPT. OF ENV. QLTY	CERTIFICATION EXAM APPLICATION	75.00
S&W AUTO PARTS, INC.	PARTS AND SUPPLIES	495.98
	TOTAL CLAIMS 6/9/98	212874.41

AGING CONTRACT:

The Lexington City Council reviewed a contract from Central Nebraska Agency on Aging which funds Meals on Wheels for the Grand Generation Center and for those people that can not afford the full price of a dinner. Upon review of the contract, City Manager Bricker stated that this contract had been in

affect for a number of years and is nothing more than a renewal of an existing contract. Upon the completion of that statement, moved by Mandelko, seconded by Klamm, to authorize the Mayor to sign the contract with the Central Nebraska Agency on Aging for subsidized meals. Roll call. Voting "aye" were Fagot, Kohl, Klamm, Mandelko, Wightman.

**WATER RATE:
ANALYSIS:**

Mr. Dana Daniels, representing Miller and Associates, addressed the Lexington City Council stating that an addendum needed to be made to their contract for the water study to include the analysis of rate, so the City of Lexington could have a fair and equitable return on their investment in the water department. Upon completion of his presentation, moved by Klamm, seconded by Kohl, that the contract with Miller and Associates is hereby amended, and that the Mayor be authorized to sign said contract including a analysis of the water rates charge for the use of water in the City of Lexington. Roll call. Voting "aye" were Mandelko, Fagot, Kohl, Klamm, Wightman.

PRICE'S SUBDIVISION:

The Lexington City Council reviewed the Subdivision Agreement for Price's Subdivision. At this time, Mr. Bruce Smith, representing Don Price, addressed the Lexington City Council, stating that they had redone the subdivision agreement stating that the pavement could be done in sections rather than all at one time, or as the houses are developed, and requesting the City to form a paving district to pay for this. At this time, Mr. John Knapple addressed the City Council stating that he could not understand why the rush on this project, why everybody was in a hurry to get this project through, as there seemed to be no hurry. He also questioned why a need for a paving district, and if the City of Lexington would be financing, would that not be a burden on the tax payers. He also questioned whether the easement for roads and utilities had been in place. He could not understand why he did not wait for the overpass study. Also addressing the City Council was Mr. Alan Easterday, who wanted to know which way the water was going to drain, if it was going to drain down past his house, because that's the only storm sewer in the round, and why all of a sudden, is the City of Lexington

considering creating a paving district. Getting back to the water problem, Assistant City Manager Joe Peplitsch said that there would be no problem with it, that the water should drain to the west end of the subdivision and south to Dawson County drainage ditch. Mr. Easterday questioned how the water could drain south. Mr. Dana Daniels stated that the master plan, for drainage in the City of Lexington, the elevations indicate that water could drain south to the drainage ditch and then to Spring Creek. Mr. Easterday then questioned whether the water off of the subdivision would cause excess flooding in the drainage ditch no. one, as he has seen that ditch run full after some rains. Upon completion of the citizens comment part of this item, moved by Mandelko, seconded by Kohl, to approve the subdivision agreement for Don Price. Roll call. Voting "aye" were Kohl, Mandelko, Wightman. Voting "nay" was Fagot. Council person Klamm abstained. Motion carried.

FINANCIAL REPORT:

A Financial Report for May, 1998, was presented to the City Council by Barb Mills who stated that expenses for this month had outpaced the revenues, only due to the fact that bond payments had come due, and this had escalated the expenses far above those of previous months. She also presented a comparison of the sales tax revenue for this year compared to the last three years with a statement that they have one year's worth of sales tax receipts in reserve for payment of the bond issue that the sales tax was obligated for. Upon completion of this study, moved by Mandelko, seconded by Klamm to approve the Financial Report for May, 1998. Roll call. Voting "aye" were Kohl, Fagot, Klamm, Mandelko, Wightman.

GRADE SEPARATION STUDY:

Mr. Dana Daniels, representing Miller and Associates gave his presentation to the Lexington City Council on the areas that were studied for the Grade Separation, which included the project goals and objectives, and the scope and schedule of things that were considered in the entire study. Upon the completion of the study, Mr. Tom Kellogg addressed the Lexington City Council relating a traffic study count that was performed by his firm, and incorporated into the Grade Separation Study, for the City of Lexington.

Upon the completion of that report, Mr. Bruce Gruppe addressed the Council reviewing four possible locations for the new overpass. One being Washington Street, the next being Madison Street, and then reviewing the West Adams Street, and finally reviewing the Adams Street Crossing. Mr. Gruppe reviewed these projects one at a time, not only in location, but incorporating the Traffic Count Study and the cost of placement of the overpass at each of these locations. Upon the completion of his presentation, and a discussion period on other items relating to the overpass, such as a collectors street from the North entrance of IBP to Adams Street to help disperse the traffic, and other improvements as may be needed, plus the financing of this project. Moved by Fagot, seconded by Klamm, that the following resolution be passed and approved. Roll call. Voting "aye" were Mandelko, Kohl, Klamm, Fagot, Wightman. Motion carried.

RESOLUTION NO. 98-06

WHEREAS, a grade separation study has been completed, determining that public safety will be improved by construction of an additional overpass over the Union Pacific Railroad tracks within the City; and,

WHEREAS, the Lexington City Council agrees with the study recommendation that an overpass be located at the Adams Street crossing of the Union Pacific Railroad.

BE IT THEREFORE RESOLVED by the mayor and council of the City of Lexington, Nebraska as follows:

1. That the grade separation study is hereby approved, including the recommendation for construction of an overpass at the Adams Street intersection with the Union Pacific Railroad;
2. That the Union Pacific Railroad Company and the State of Nebraska Department of Roads is hereby notified of such finding, and is requested to determine the necessity for construction of such overpass and determine the priority for funding of such construction.

Passed and approved this 23rd day of June, 1998.

The City of Lexington, Nebraska

John M. Wightman, President of the
Council

ATTEST:

Leon E. Malzahn, City Clerk

**SPECIAL MEETING
DATE:**

Mr. Vance Bricker stated that a person would like to open a business in the downtown area and is requesting use of Community Development Block Grant Funds to guarantee and also finance some of his capitol. This requires a public hearing, and would like to open it on the 6th of July, and is requesting a special meeting prior to the next Council Meeting. Moved by Klamm, seconded by Mandelko, that the City Council hold a special meeting on July 1, 1998 at 7:00 a.m. Roll call. Voting "aye" were Fagot, Kohl, Mandelko, Klamm, Wightman. Motion carried.

Moved by Kohl, seconded by Mandelko, to recess the Regular Session to Executive Session at 9:22 p.m. for the purpose of discussing negotiations with Union Pacific Rail Road on the Grade Separation. Roll call. Voting "aye" were Klamm, Fagot, Mandelko, Kohl, Wightman. Motion carried.

Moved by Klamm, seconded by Mandelko, to reconvene the Regular Session from Executive Session at 10:35 p.m. Roll call. Voting "aye" were Fagot, Kohl, Mandelko, Klamm, Wightman. Motion carried.

GENERAL DISCUSSION: Mr. Vance Bricker informed the City Council that the City of Lexington will be purchasing the service of DWN Incorporated for a Radar Screen to be installed in the City Building. That in the event of tornadic conditions such as existed twice this year, the Employees of the City of Lexington would be able to identify this action by the radar screen. Other points of interest, the City Clerk informed the City Council that his anniversary date had passed on June 16th,

which is the normal time for the City Council to evaluate the performance of the 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