

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 9, 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 Manager Vance Bricker, City Attorney Willard Weinhold. Department Heads present were Assistant City Manager Joe Pepplitsch, Ruth Seward, Charlie Clark, Barb Mills. Also present was Deputy Clerk Shirley Lewis. Citizens in attendance were Harlan Lueck, Don Mins, Don and Carol Price, Bruce Smith, Marilyn Sabin, Mr. and Mrs. John Knappel, Sue Kulhanek.

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 5-26-98: Minutes of the regular council meeting held May 26, 1998 were presented for Council's consideration and approval. Moved by Klamm, seconded by Mandelko to approve the minutes of the regular meeting held May 28, 1998 as presented. Roll call. Voting "aye" were Fagot, Kohl, Mandelko, Klamm, Wightman. Motion carried.

CLAIMS & BILLS: Claims and bills in the amount of \$903,371.94 were presented for Council's consideration and approval. Moved by Klamm, seconded by Kohl, to approve the claims and bills as listed, and authorize the City Treasurer to transfer \$213,098.73 from the General Fund, \$2,046.00 from the Heartland Military Fund, \$664,607.16 from LEXUS, \$10,000.00 from City

Sanitation, \$5,975.19 from the Landfill Fund, \$1,441.64 from the Health Fund, and \$6,203.22 from Meals on Wheels to the City of Lexington Operation Account. Roll call. Voting "aye" were Fagot, Mandelko, Kohl, Klamm, Wightman. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 June 9, 1998

AMERICAN LIBRARY PREVIEW LIBRARY BOOKS	236.67
ALIAN T CELLULAR MAY MONTHLY CHARGES	234.60
ASSOCIATED POOL BUILDERS CLEAN SWIMMING POOL	1,520.00
ASSOCIATED SUPPLY CO. CHEMTROL PH & ORP SENSOR	825.00
AUDITOR OF PUBLIC ACNTS BASIC BUDGET BOOK	3.00
BARMORE'S COMPUTER SUPPLIES	9.99
BARCO MUNICIPAL PROD. SIGNS	73.61
BARNETT, MELINDA WORKSHOP/HASTINGS/EXP.	62.50
BERNTSON OIL OIL AND FUEL	2,020.06
BLAIR NCMA CONFERENCE REGIS.-BRICKER & PEPPLITSCH	110.00
BLIVEN, JESS WORKSHOP/HASTINGS/EXP.	62.50
BRUMMET, ELBERTA CDI DIRECTORY	14.00
BRICKER, VANCE NPPD & PLATTE RIVER CONF.	75.60
BUS. & PROF. CREDIT APRIL UTILITY COLLECTIONS	241.43
CASH-WA FOOD AND SUPPLIES	1,715.16
CENTRAL GARAGE FUND PARTS/LABOR/OIL	7,125.54
CENTRAL COMM. COLLEGE NETC /BLIVENS & BARNETT	300.00
CINDY'S HEAVENLY COOKIES POOL CONCESSION	53.75
COAST TO COAST MISC. SUPPLIES	51.73
COMPUTER ASSISTANCE LIBRARY SVC AND SUPPLIES	83.18
COMP. MGT SERVICES MONTHLY SOFTWARE MAINT.	10.00
COCA COLA/DR PEPPER OF KRNY. POP FOR POOL	826.25
CONS. ED. RESEARCH CTR LIBRARY BOOK	22.95
COUNTRY GENERAL MISC. SUPPLIES	446.38
C.B.S.A. EMPLOYEE CLAIMS	1,441.64
C.B.S.A. MED. & LIFE INS. PREM.	6,885.03
CREATIVE MARKETING VINYL LETTERING	165.00
C & S TRUCK & SALVAGE INC BRAKES/PADS/NUTS/BOLTS	315.65
CULLIGAN WATER COND. SOFT WATER TREATMENT	60.00
DAWSON CO. PUBLIC POWER MAY POWER CHARGES	1,776.94
DAW. CO. WEED CONTROL SPRAY AT LANDFILL	4,314.51
DAWSON COUNTY CLERK DISPATCH FEES	4,607.30
DAWSON CO. RED CROSS RED CROSS CLASSES	66.00
DAN'S SANITATION SOLID WASTE FEES	10,221.44
DEPOSITORY TRUST CO JUNE 1998 INTEREST	54,402.50
DUTTON-LAINSON CO. ARREST. & RUBBER GLOVES	375.55

EAKE'S OFFICE PRODUCTS	OFFICE SUPPLIES	387.79
E&L METER INSTALLATION	15 WATER METERS	600.00
EILERS MACHINE & WELDING	STEEL PLATES	31.69
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	3,197.71
FAIRBANKS INTERN. INC	REPAIR CHARGING SYSTEM	197.98
FAGOT REFRIG. & ELEC	REPAIR POOL MOTOR	28.50
FARM PLAN CORPORATION	KEY AND PIN	18.73
FIVE STAR FLOORING	VERTICAL BLINDS	369.00
GFOA	FINANCE MATERIALS	45.00
GILLETTE/NEBRASKA DAIRIES, INC.	DAIRY PRODUCTS-GGC	255.15
GONZALEZ, ANDREA B	LIBRARY CLEANING	200.00
T.O. HAAS CO. INC.	TIRES	913.32
HARLEQUIN RETAIL INC	LIBRARY BOOKS	10.52
HEARTLAND MILIT. MUSEUM	CDBG GRANT FUNDS	2,046.00
HIPP WHOLESALE COMPANY	FOOD AND SUPPLIES	339.20
HOBBY LOBBY STORES INC	SUMMER CRAFT SUPPLIES	145.04
HOFAKER'S IRON & METAL	DISC BLADES	11.00
HOLEN SPRAYING SERVICE	SPRAY DOWNTOWN TREES	720.00
I PLAY	SWIM POOL DIAPERS	306.66
IMPACT COMP. SOLUTIONS	COMP. MAINT. & SUPPLIES	7,311.00
INT. CONF. OF BLDG. OFFICE.	CONTRACTORS GUIDE	53.35
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	114.39
INTERN. TRANSFORMER CO	TRANSFORMERS	2,817.63
INTERN. CITY/COUNTY	BRICKER ANNUAL DUES	485.00
JELCO CARPET CLEANING	CLEAN LIBRARY CARPET	275.00
JONES PLUMBING & HEATING	URINALS AND SUPPLIES	1,388.00
KAPCO	OFFICE SUPPLIES	54.78
KRIZ-DAVIS COMPANY	LOCKNUTS	367.43
LEXINGTON ANIMAL CLINIC	MAY ANIMAL CARE	328.60
LEXINGTON HEALTH FUND	SELF-FUNDING	14,112.88
LEXINGTON COOP	FERTILIZER	243.10
LEXINGTON LAUNDRY	LAUNDRY FEES	38.00
LEXINGTON POSTMASTER	POSTAGE FOR UTILITIES	1,500.00
LEXINGTON POSTMASTER	POSTAGE FOR GGC	150.00
LEXINGTON PUBLIC LIBRARY	POSTAGE & OFFICE SUPPLIES	15.73
LEXINGTON NEWSPAPERS	MINUTES/NOTICES/MEETINGS	1,412.40
LEXINGTON, CITY OF	FRANCH. FEES & MO. CHGS	23,881.86
LEX. SOLID WASTE AGENCY	SOLID WASTE FEES	132.57
LEXINGTON BASEBALL COMM.	PONYBALL SUPPORT PERS.	1,000.00
LIEH'S DRILLING	DRILLING-CASING-TESTING	10,001.15
LOU'S SPORTING GOODS	SCOREBOOKS	103.25
MALZAHN, LEON	A/B SWITCH AND CABLE	49.93
MEAD/BIG VALLEY LUMBER	GRIDMARKERS/PAINT/NAILS	211.79
MIDWAY SUPPLY	MISC. SUPPLIES AND PARTS	239.45
MILLER AND ASSOCIATES	PROFESSIONAL SERVICE	2,100.00
MISTER ANDERSON'S CO.	LIBRARY BOOKS	22.90

MILLER, MARK	TRAINING IN GRAND ISLAND	311.52
MINDEN EXCHANGE BANK	SERIES 1994 BOND	207,050.00
MORRIS PRESS & OFC SPY	OFFICE SUPPLIES	79.78
NAT. WILDLIFE FEDERATION	LIBR.-RANGER RICK NATURE	17.00
NEBR. HEALTH & HUMAN SRV.	REVIEW PROJ. #127-C1-029	525.00
NEBRASKA MACHINERY	FINAL LOADER PAYMENT	1,637.00
NEBR. DEPT OF REVENUE	UTILITY SALES TAX	19,649.35
NEBR. PUBLIC POWER DISTR.	MAY POWER CHARGES	336,240.42
NEBRASKA HHS LABORATORY	NITRATE TESTING	54.30
NELSON, TOMAS R.	CITY HALL CLEANING	500.00
OVERTON COMM. CENTER	RENT SENIOR CENTER	100.00
PAYROLL ACCOUNT	PAYROLL FOR 6/2/98	77,001.37
	SOC. SEC.(EMPLOYER PORT.)	5,838.42
	EMP. PENS.(EMPLOYER PORT)	
	2,118.26	
	EMP. PENS.(EMPLOYER PORT)	
	1,040.96	
	EMP. PENS.(EMPLOYER PORT)	95.09
PAULSEN INC.	CONCRETE	264.45
PATTY'S HALLMARK	OFFICE SUPPLIES	618.99
PETTY CASH FUND	REPLENISH CITY PETTY CASH	76.66
PHILLIPPI, DUANE	REF. UNUSED LANDFILL PERM.	15.00
PITNEY BOWES	MAIL MACHINE SUPPLIES	152.38
PLATTE VALLEY AUTO MART	1998 FORD F150 FOR STREET	13,910.00
PLATTE VALLEY COMM.	RADIO MAINTENANCE	134.00
PRESTIGE BUSINESS FORMS	TRIATHLON FLYERS	189.04
RON'S SPAS AND POOLS	TEST KITS	67.22
SCHNIEBER FINE FOODS	FOOD AND SUPPLIES	1,144.74
SIXTH STREET MARKET	FOOD AND SUPPLIES	130.64
SIGN PRO	LETTERING	190.00
SUNDRELLA CASUAL	POOL FURNITURE	1,717.00
S&W AUTO PARTS INC	PARTS AND SUPPLIES	362.47
TIME LIFE BOOKS	LIBRARY BOOKS	44.42
TODD, MICHAEL & CO. INC.	LABLES	132.92
TRI-COUNTY HOSPITAL	35 MBRS WELLNESS CENTER	280.00
U. S. NEWS & WORK REPORT	1 YEAR SUBSCRIPTION	22.50
U S WEST COMMUNICATIONS	MAY PHONE CHARGES	1,623.56
WAL-MART	OFFICE AND POOL SUPPLIES	718.19
WALL STREET JOURNAL	1 YEAR SUBSCRIPTION	175.00
WESCO DISTRIBUTION, INC.	TRANS. AND INSULATORS	17,879.75
WEBER & WEINHOLD	MAY PROFESSIONAL FEES	1,998.00
WILMOT, BILL	LIBRARY BOOKS	88.78
COZAD SERVICES	RPR WATER HEATER @ GGC	1649.36
E&L METER INSTALLATION	13 METERS THRU 6/8/98	520.00
ECLIPSE COMMUNICATIONS	MAY LONG DISTANCE CHGS	225.10
GR. PLAINS ONE-CALL SVC	MAY LOCATES	128.21

MIDLANDS CONTR. INC.	AQUA. CNTR. STORM SEWER	17553.00
	WATER-MAIN IMPROVEMENTS	7559.00
MULLENDORE, ROBERT A.	WELL PUMP CONT. AGREE.	1952.58
NELSON, THOMAS R.	NCBO&I CONF. EXP.	153.90
OMAHA LIFE INSURANCE CO.	FIREMAN LIFE INS. JUNE	64.00
US WEST COMMUNICATIONS	PHONE CHRGS-PUMP. EQUIP.	383.67
	GRAND TOTAL:	\$903,371.94

CITIZEN'S COMMENTS: Marilyn Sabin addressed the Lexington City Council, and thanked the City and Keep Lexington Beautiful for the good job they did for the City clean-up. She further stated that Dan's Sanitation is having a lot of trouble with grass in the dumpsters, and would like to see this problem resolved. Old tires and grass seem to be the biggest problems right now.

Harlan Lueck addressed the Lexington City Council, about the rules and regulations at the Lexington Aquatic Center. He brought his grandson to the pool, and was suppose to pay \$3.20 to take him in and watch him. He was told that everyone that goes through the gate must pay, and he feels this is ridiculous. He would like to see the City provide a way for people to go in and supervise the children, without paying the \$3.20.

PRICE'S SUBDIVISION APPROVAL:

Mr. Bruce Smith, counsel for Don Price, addressed the Lexington City Council, stating that he and City Attorney, Will Weinhold, have worked together a Subdivision Agreement. He further stated that Mr. Price would prefer to put the subdivision in without paving. He does understand, though, that the City Council would prefer to have the area paved, or have a plan in place for the paving of that area. A plan has been established to pave the project in three phases. The first would be Lots 19 - 38. Tentatively, within three years, from the time the first lot is sold, in the first phase, it will be paved. The second phase would be Lots 15 - 43, and also 41-43. The final stage would be Lots 44 - 51. At the time these go into paving, they would like to have the City create a paving district so that the cost could be apportioned out to the owners of the lots that are in the project. Mr. Price will put curb and gutter on all of the streets and will gravel them. He will also get the water, gas, and sanitary sewer put in the areas that are going to

be developed. A question was raised about drainage. Mr. Price is quite positive that surface drainage will continue to be effective for the area, as it has been in the past. Although, rather than committing themselves to either surface drainage, or storm sewer drainage, they are requesting that they wait until it is time for paving and by then, they will have an engineeringly sound method of storm drainage and can then decide whether it is surface or storm sewer. Council person Fagot and Kohl stated that they are against creating a paving district. Further discussion was also made about the paving district, and financing for the buyers of the lots. Mr. Price addressed Assistant City Manager Joe Peplitsch with regard to the drainage problem. Assistant City Manager Peplitsch responded by stating that procurement of an engineer had not been obtained as of last week, and nothing had been pursued regarding this by Mr. Price. City Attorney Weinhold informed the Council that he would like to bring the Subdivision Agreement back, with the changes, to the next meeting for approval. The following Resolution No. 98-05 was read for approval. Before approval was made, John Knappel voiced his opposition of the subdivision plat for safety and traffic factors. Moved by Kohl, seconded by Fagot to approve Price's Subdivision Plat and Resolution No. 98-05 as read. Roll call. Voting "aye" were Mandelko Fagot, Kohl, Wightman. Abstaining was Council Person Klamm. Motion carried.

RESOLUTION NO. 98-05
Price's Addition

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

That the plat of PRICE'S ADDITION to the City of Lexington, Dawson County, Nebraska, duly made out, acknowledged and certified be and the same hereby is approved, accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska, and hereafter the Addition shall be and remain a part of the City of Lexington, Nebraska, and shall be included within the corporate limits of the

City and be and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED this 9th day of June, 1998.

CITY OF LEXINGTON, NEBRASKA

BY: John Wightman Mayor

ATTEST: Shirley Lewis Deputy City Clerk

**SUBDIVISION
AGREEMENT:**

Mayor Wightman informed the Council that they will omit at this time, and have available, a revised Subdivision Agreement the next Council meeting.

ZONING ORDINANCE:

The Lexington City Council reviewed the ordinance to re-zone tracts "F and H" of subdivision of East ½ Section 6 from "R-3 (multi-family) to R-4 (mobile home)" District. Upon the reading the following ordinance, moved by Fagot, seconded by Mandelko to approve Ordinance No. 2099 subject to the approval of the Subdivision Agreement, and will delay it's effectiveness until that day. Roll call. Voting "aye" were Kohl, Mandelko, Wightman. Abstaining was Council Person Klamm. Motion carried.

ORDINANCE NO. 2099

AN ORDINANCE TO REZONE TRACTS F AND H OF THE SUBDIVISION OF THE E ½ OF SECTION 6-9-21, FROM R-3 MULTI-FAMILY RESIDENTIAL DISTRICT TO R-4 MOBILE HOME DWELLING DISTRICT; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. That the following described property, to-wit:

Tracts F and H of the Subdivision of the E ½ of Section 6-9-21 in Dawson County, Nebraska;

is hereby rezoned from R-3 Multi-family Residential District to R-4 Mobile Home Dwelling District.

Section 2. That all ordinances or sections of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 6th day of June, 1998.

CITY OF LEXINGTON, NEBRASKA

BY: John Wightman Mayor

ATTEST: Shirley Lewis Deputy City Clerk

CEDAR STREET WATER PROJECTS: Mr. Dana Daniels, representing Miller and Associates addressed the Lexington City Council, informing them that this project entails completion of the Cedar Street Water Improvements, from Harrison Street, to tie-in at Adams Street. The Engineer's opinion of construction cost is estimated to range from around \$90,000 and \$100,000. City Manager Bricker stated that traffic control shouldn't be a problem. There will be access to the homes through the alleys. Motion by Mandelko, seconded by Klamm, to authorize Administration to authorize for bids for Phase II of Cedar Street Water Project. Roll call. Voting "aye" were Kohl, Fagot, Klamm, Mandelko, Wightman. Motion carried.

SALE OF PROPERTY TO UPRR: City Manager Vance Bricker addressed the Lexington City Council, stating that he had a discussion with Mary Jackson, Real Estate Agent for Union Pacific Rail Road. Their engineer's had erred in working with this by 387 square feet, which amounts to .008842 acres. He further stated that he would recommend to Council that they request from Union

Pacific Rail Road \$200.00 for this 387 square feet of property, plus legal fees, \$50.00 option fee, and publishing expenses.

An Ordinance entitled "AN ORDINANCE DIRECTING THE SALE OF A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 9 NORTH, RANGE 21 WEST OF THE 6TH P.M. IN DAWSON COUNTY, NEBRASKA; TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE" was read before the Council. Moved by Fagot, seconded by Kohl, that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were Klamm, Mandelko, Kohl, Fagot, Wightman. Motion carried.

The passage and adoption of said Ordinance No. 2100 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. 2100, and the Clerk attested the passage and approval of the same and affixed the seal of the City thereto.

Shirley Lewis, Deputy City Clerk
Lexington, Nebraska

**APPOINTMENT TO
COMMUNITY
REDEVELOPMENT
AUTHORITY BOARD:**

City Manager Vance Bricker addressed the Lexington and recommends the appointment of Clark Cunningham, Jeff Post, Patti Johnson, Rob Waterman, and Gail Hall to the Board of the Community Redevelopment Authority. A question rose about the qualification of residence for Mr. Post. After discussion, it was decided that this will be investigated. Moved by Fagot, seconded by Kohl, to approve the appointments to the Community Redevelopment Authority Board by the City Manager. Roll call. Voting "aye" were Klamm, Mandelko, Kohl, Fagot, Wightman. Motion carried.

**CURB CUT PARKING
REQUEST:**

City Manager Vance Bricker addressed the Lexington City Council with a plan by the School District to install curb cut parking at Sandoz Elementary School. Motion by Klamm, seconded by Mandelko to approve

the curb cut parking plan at Sandoz Elementary School. Roll call. Voting “aye” were Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried.

**ELECTRIC HEAT
INCENTIVE:**

City Manager Vance Bricker addressed the Lexington City Council with a marketing plan for the Electric Heat Incentive. He stated that this will give people a choice to choose between gas and electricity. He further stated that previously the City had been working with NPPD and participating at 50% of what the incentive was that NPPD provided. Now the City is looking at the possibility of moving into a plan where they can match that particular incentive by NPPD, and if they find that that is not working, they will have the opportunity to change their portion of that incentive plan. City Manager Bricker feel this is an excellent plan. Motion by Fagot, seconded by Mandelko, to approve the new Electric Heat Incentive plan. Roll call. Voting “aye” were Klamm, Kohl, Mandelko, Fagot, Wightman.

**PAY ESTIMATE -
PARKING LOT -
AQUATIC CENTER:**

Mr. Dana Daniels, representing Miller and Associates, addressed the Lexington City Council, by stating that Paulson’s Inc. was awarded the contract for asphalt paving of the parking lot. The original contract amount was \$73,394.20. The final amount was over-run by approximately \$3,953.00, which brings the total project cost to \$77,347.42. Moved by Klamm, seconded by Mandelko, to approve the final pay estimate for the Aquatic Center Parking Lot, and authorize the City Treasurer to transfer \$3,953.00 from the Lexington Aquatic Center Account to the City of Lexington operating account. Roll call. Voting “aye” were Fagot, Kohl, Mandelko, Klamm, Wightman. Motion carried.

POINT OF INTEREST:

City Manager Bricker reported the Choice Gas results to the Lexington City Council. Pace received 14,980 customers, KN Services received 38,623, KN Energy received 2,234. Those that did not select a gas supplier were 26,000, and will be put on the default gas.

ADJOURNMENT:

There being no further business to come before the Council, Mayor Wightman declared the meeting adjourned.

John Wightman
Mayor

Deputy Clerk
Shirley Lewis

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.

Shirley Lewis
Lexington Deputy City Clerk