

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, July 14, 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, Police Chief Charles Clark, Head Librarian Ruth Seward, and Recreation Director Chris Huff. Also present were Dana Daniels representing Miller and Associates, approximately 50 citizens in attendance at the meeting. The press was represented by the Clipper-Herald, KRVN, KNOP, NTV, North Platte Telegraph, Tri-City Tribune, and Kearney Hub.

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 - JUNE 23,
1998:**

Minutes of the regular council meeting held June 23, 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 23, 1998 as presented. Roll call. Voting "aye" were Fagot, Kohl, Klamm, Mandelko, Wightman.

**MINUTES - JUNE 26,
1998:**

Minutes of the special council meeting held June 26, 1998 were presented for Council's consideration and approval. Moved by Kohl, seconded by Mandelko, to approve the minutes of the special meeting held June 26, 1998 as presented. Roll call. Voting "aye" were

Klamm, Fagot, Mandelko, Kohl, Wightman. Motion carried.

MINUTES - JULY 1, 1998:

Minutes of the special council meeting held July 1, 1998 were presented for Council's consideration and approval. Moved by Klamm, seconded by Mandelko to approve the minutes of the special meeting held July 1, 1998 as presented. Roll call. Voting "aye" were Fagot, Kohl, Mandelko, Klamm, Wightman. Motion carried.

MINUTES - JULY 8, 1998:

Minutes of the special council meeting held July 8, 1998 were presented for Council's consideration and approval. Moved by Mandelko, seconded by Kohl, to approve the minutes of the special meeting held July 8, 1998 as presented. Roll call. Voting "aye" were Klamm, Fagot, Kohl, Mandelko, Wightman. Motion carried.

CLAIMS & BILLS:

Claims and bills in the amount of \$758,540.16 was presented for Council's consideration and approval. Upon review of the claims and bills, and a question concerning payment from the Aquatic Center, moved by Klamm, seconded by Mandelko to approve the claims and bills as listed and authorize the City Treasurer to transfer \$139,918.36 from the General Fund, \$562,735.10 from LEXUS funds, \$10,000.00 from City Sanitation Fund, \$4,775.36 from the Landfill Fund, \$5,657.79 from Health Fund, \$7,453.39 from Meals on Wheel Fund, \$2,607.16 from the Miller Funds, \$5,393.00 from Heartland Military Fund, \$20,000.00 from Block Grant 90-HD-010 to the City of Lexington Operating Account. Roll call. Voting "aye" were Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
July 14, 1998

ALAMAR UNIFORM CO	UNIFORMS	266.91
ALIAMT COMMUNICATIONS	MONTHLY EQUIP. CHARGES	19.95
ALIAMT CELLULAR	JUNE CELLULAR CHARGES	122.75
ARNOLD POOL COMPANY	PARTS AND SUPPLIES	129.70
AWARDS PLUS	TROPHIES AND MEDALS	87.00
BARMORES	COMPUTER & OFC SUPPLIES	102.61

BARCO MUNICIPAL PROD.	NO LEFT TURN SIGNS	72.05
BARGHMAN, LISA A	SUMMER CRAFT SUPPLIES	12.42
BEE OFFICE SOLUTIONS	ORGANIZER STAND	42.19
BERNTSON OIL	OIL AND FUEL	51.36
BESTWAY INC	AMERICAN FLAG	95.45
BECKER FIRE EQUIP. CO.	PAINT AND FOAM	840.19
BROWN TRANSFER	FREIGHT FROM ACE EQUIP.	81.19
BUS. & PROF. CREDIT	JUNE UTILITY COLLECTIONS	204.64
CASH-WA	FOOD AND SUPPLIES	2,514.96
CENTRAL GARAGE FUND	PARTS/LABOR/OIL	6,195.69
CENTURY LABORATORIES INC	DEODORIZOR AND LOW ACID	111.76
CENTRAL TIRE	TIRE REPAIR	4.00
CHIEF SUPPLY CORP	GLOVES AND HOODS-FIRE	271.13
CINDY'S HEAVENLY COOKIES	COOKIES FOR POOL	131.15
CLINE'S SMALL ENG. RPR	CHAIN SAW & TRIMMER PTS	83.01
COAST TO COAST	SHOP VAC	49.99
COCA COLA/DR PPR OF KRNY.	POOL POP	644.25
COUNTRY GENERAL	PARTS AND SUPPLIES	50.81
C.B.S.A.	EMP. MEDICAL CLAIMS	5,283.12
C.B.S.A.	MEDICAL AND LIFE PREMIUMS	7,157.73
COZAD SERVICE	SWR JETTING SVC & REPAIRS	265.27
CREDIT BUREAU OF LEX.	ANNUAL BULLETIN	120.00
CULLIGAN WATER COND.	SALT & WATER TREATMENT	75.00
DAW. CO. PUBLIC POWER	JUNE POWER FEES	2,383.30
DAWSON COUNTY WEED CONTROL	SPRAY MUSK THISTLE	208.99
DAW. COUNTY ROAD DEPT.	SIGN POST	21.50
DAWSON COUNTY CLERK	DISPATCH FEES	4,607.30
DAN'S SANITATION	SOLID WASTE FEES	10,732.20
DEMCO	LIBRARY SUPPLIES	122.61
DITCH WITCH OF NEBRASKA	BUCKET AND REPAIRS	881.70
DTN CORPORATION	WEATHER CENTER SERVICE	1,289.28
EAKE'S OFFICE PRODUCTS	OFFICE SUPPLIES	1,394.29
ECLIPSE COMMUNICATIONS	LONG DISTANCE FEES	215.47
EGAN SUPPLY COMPANY	CLEANING SUPPLIES	81.88
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	1,236.63
ELECTRIC METER SERVICE	TEST-CLEAN-CALIBRATE MTR	14.90
FAIRBANKS INT. INC	BATTERY	55.95
FAGOT REFRIG. & ELECTRIC	SERVICE ICE MACHINE	32.50
FOX VALLEY SYSTEMS	PAINT	236.68
GAYLORD BROS, INC.	DATA LABEL SET	35.50
GILLETTE/NEBR. DAIRIES, INC.	DAIRY PRODUCTS-GGC	284.37
GONZALEZ, ANDREA B.	LIBRARY CLEANING	200.00
GREAT PLAINS ONE-CALL SVC	JUNE LOCATES	103.42
GREY HOUSE PUBLISHING	RARE DISORDER DIRECTORY	155.00
T.O. HAAS TIRE CO	TIRES	79.67
HARLEQUIN RETAIL, INC	LIBRARY BOOKS	10.52

HEARTLAND MILIT. MUSEAM	ED - CDBG GRANT FUNDS	5,393.00
HILL-HOLDREGE INTER-LIBRARY	2 BOOK LOANS	2.00
HOMETOWN BRAND CENTER	REVOLVING LOAN	20,000.00
HOLIDAY TRAVEL & CRUISES	BRICKER/ORLANDO/OCT. 1998	277.69
H-T-M SALES, INC.	ALTERNATOR	217.91
I.C.M.A.	BUDGETING	76.50
INS. & PERSONNEL SRVS.	ADMINISTRATION FEES	374.67
INT. CONF. OF BLDG. OFFICE	97 DWELLING CONST.	34.95
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	241.24
INTERN. TRANSFORMER CO	TRANSFORMERS	4,765.12
JMS MILLWRIGHT & REPAIR	FOUND. CONCRETE-EL. BLDG.	3,047.98
JONES PLUMBING & HEATING	SUPPLIES	251.39
KIRK'S	GRADE SEPARATION MTGS	53.77
K N ENERGY	JUNE ENERGY CHARGES	5,686.12
KNAPP ELECTRIC	REPAIRS	315.40
KRIZ-DAVIS COMPANY	SUPPLIES AND PARTS	1,633.35
KYLER COMPANY, THE	RESURF. - MEM. PRK. TNS. CRTS.	7,318.00
LEXINGTON ANIMAL CLINIC	ANIMAL CARE	464.70
LEXINGTON HEALTH FUND	SELF-FUNDING	14,112.88
LEXINGTON COOP	CAR WASHES	11.00
LEXINGTON LAUNDRY	JUNE LAUNDRY CHARGES	34.00
LEXINGTON POSTMASTER	POST. FOR UTILITY DEPT.	1,500.00
LEXINGTON POSTMASTER	POSTAGE FOR GGC	150.00
LEXINGTON PUBLIC LIBRARY	POST. & SPLIES(PETTY CASH)	51.84
LEXINGTON NEWSPAPERS	MEETING ADS	328.30
LEXINGTON, CITY OF	MONTHLY CHARGES	23,901.12
LEX. AREA SOLID WASTE	SOLID WASTE FEES	382.23
LEX. RECREATION PROGRAM	JULY 4TH & LTL LEAG. TOURN.	290.00
LIEHS DRILLING	TEST HOLES	2,587.00
LIGHT AND SIREN	STROBE SYSTEM	304.95
LUTHER, ANN	REGION MTG-GOTHENBURG	24.55
MARTIN ELECTRIC	REPAIR ROOF TOP UNIT	110.67
MC MAHON, KIM	FIRE-HALL CLEANING	50.00
MEAD/BIG VALLEY LUMBER	MISC. SUPPLIES	679.04
MEYER WELDING	ALUMINUM PLATE-PIPE	725.66
MIDWAY SUPPLY	PARTS AND SUPPLIES	131.57
MILLER AND ASSOCIATES	PROFESSIONAL FEES	11,623.92
MORRIS PRESS & OFC SUPPLY	OFFICE SUPPLIES	77.29
MULLENDORE, ROBERT A., P.E.	PROJECT 125.002	1,762.90
MUNICIPAL SUPPLY	HYDRANT	512.72
NASHBAR, SPIKE	V-BALLS	89.60
NEBRASKA UNEMPLOYMENT	PRASCH, RICHARD	92.00
NEBRASKA TRANSPORT	FREIGHT FROM DITCH WITCH	31.50
NEBR. DEPT OF REVENUE	JUNE TAXES	24,804.79
NEBRASKA PUBLIC POWER	JUNE ENERGY CHARGES	443,781.53
NELSON, THOMAS R.	CITY HALL CLEANING	500.00

NEBRASKA WATER ENVIRON.	13TH ANNUAL CONFERENCE	50.00
NEBR. SAFETY & FIRE EQUIP.	INSPECTION FEES	74.00
NICKMAN BROTHERS	CLEAN SNAILS - SLD WST. BIN	1,168.75
OMAHA LIFE INSURANCE CO	FIREMAN INSURANCE	64.00
OVERTON SAND & GRAVEL	GRAVEL	526.50
OVERHEAD DOOR CO.	REPAIR FIRE HALL DOOR	154.13
PAYROLL ACCOUNT	WAGES PAYROLL FOR 7/2/98	87,228.73
SOCIAL SECURITY	SOC. SEC.(EMPLOYER PORT.)	6,620.40
FIRST NATIONAL BANK	EMP. PENS.(EMPLOYER PORT)	2,131.63
AMERICAN FUNDS	POLICE PENS.(EMPL. PORT)	936.06
I.C.M.A.	EMPL. PENS.(EMPL. PORT)	95.09
PAULSEN INC.	CONCRETE	3,210.63
PATTY'S HALLMARK	OFFICE SUPPLIES	197.79
PETTY CASH FUND	REPLENISH PETTY CASH	101.35
PLATTE VALLEY AUTO MART	LOCK OPENER	2.80
PLATTE VALLEY COMMUN.	REPAIR PAGERS AND RADIOS	2,252.50
PLATTE VALLEY EXTERMIN.	MONTHLY SERVICE-GGC	24.00
PLUM CREEK MOTORS	PARTS	6.91
PRESTIGE BUSINESS FORMS	4TH OF JULY FLYERS	207.68
REACH ELECTRONICS	PAGER BATTERIES	264.00
REAMS SPRINK. SUPPLY CO	TRANSFORMER	27.82
ROCKMOUNT RES. & ALLOYS	WELDING ROD AND HELMET	716.96
SAX ARTS & CRAFTS	SUPPLIES	139.97
SAV A LOT DISCOUNT FOODS	FOOD	28.09
SCHNIEBER FINE FOODS INC	FOOD AND SUPPLIES	1,873.15
SEWARD, RUTH	NEBASE MTG. IN HASTING	62.00
SHOE MART	METER READER SHIRTS	21.92
SIXTH STREET MARKET	FOOD AND SUPPLIES	125.20
SIGN PRO	2-SIDED YELLOW PARKING	20.00
H.O. SMITH COMPANY	TITLE CERTIFICATE	40.00
SPECIALITY STORE SVCS, INC	OFFICE SUPPLIES	55.36
S & S ARTS AND CRAFTS	CRAFT SUPPLIES	119.30
STEINWART, DON	ELECTRIC REBATE	900.00
SUPERTEL HOSPITALITY, INC.	NELSON-MOTEL-6-4-98	43.32
S & W AUTO PARTS INC.	PARTS AND SUPPLIES	371.93
TIME LIFE BOOKS	LIBRARY BOOKS	29.68
TODD, MICHAEL & CO. INC.	BARRICADE FLASHERS	504.62
TRI-COUNTY HOSPITAL	35 MBRS HEALTH PROGRAM	280.00
U.S. FILTER/WATERPRO	REPAIR KITS	777.25
US WEST COMMUNICATIONS	JUNE PHONE CHARGES	1,996.68
UTILITY EQUIPMENT	SUPPLIES	1,441.79
WAL-MART	MISC. SUPPLIES	673.23
WATER SAFETY PROD., IN	SUNSCREEN	70.61
WESCO DISTRIBUTION, INC.	COPPER WIRE & PEDESTALS	4,663.11
WEBER AND WEINHOLD	PROFESSIONAL SERVICES	2,371.50

ZEP MANUFACTURING CO	URINAL	47.50
ADVANCED CONTROL SYST.	SUPPORT AGREEMENT	2012.00
ALIAANT COMMUNICATIONS	MONTHLY CHGS-EQUIPMENT	19.95
BERNTSON OIL	FUEL & OIL CENTRAL GARAGE	1892.38
E&L METER INSTALLATION	8 METERS INSTALLED	320.00
EGGLESTON, DEB	RFND - MISSING ITMS - POOL	40.00
FISCHER-SCIENTIFIC	WWTP SUPPLIES	559.74
FLOOR SHINE	FIRE DEPT. FLOOR CARE	75.00
INT. INST. OF MUNIC. CLERKS	ANL MEMBERSHIP FEES-LEWIS	70.00
LEAGUE OF NE. MUNIC.	SFTY TRAINING MTG-EL DEPT	880.00
MIDWEST LABORATORIES	WWTP SUPPLIES	375.00
NPPD	BILLING ERROR-ADDT'L. CHG	440.02
SUBWAY OF LEXINGTON	GRADE SEPARATION MTG	26.77
SUND, DENNIS	MILE. & FOOD EXP.- LINC. MTG	127.69
US WEST	PHONE CHARGES	420.00
VALENTINO'S	GRADE SEPARATION MTG	43.63
VIKING OFFICE PRODUCTS	LIBRARY SUPPLIES	55.25
VINTON VITAL SYSTEMS INC.	O'2 FINGER PROBE-FIRE DEPT	190.00
TOTAL CLAIMS 6/9/98		758540.16

RAILROAD CROSSING: Mayor John Wightman addressed the citizens in attendance stating that if someone had additional comments that were not received at the special meeting of July 8, 1998, he would like them to address them after this presentation, and the City Manager's presentation, but he did not feel it was necessary to review the comments that were made at that meeting. Upon the completion of the opening statement, Mayor Wightman then reviewed the reasons for the City, and the benefits the City would receive by closing the railroad crossings here in town, namely Washington Street, and Madison Street. He then stated that a plan had been devised that would allow the closing of Washington Street, with the rerouting of traffic through Madison Street whereby the City of Lexington would not receive the full amount that was available, but would only lose approximately \$250,000 by this option. He then asked City Manager Bricker to present the plan to the citizens in attendance. At this time, City Manager Bricker addressed the City Council and those in attendance by displaying a map of the rerouting of traffic through the Madison Street crossing and back to Washington Street. He reviewed the improvements that would be required on Madison,

Elm, Washington Street, and Washington Boulevard to allow the uninterrupted flow of traffic. Upon the completion of this report, he also outlined improvements that are planned for Jackson Street from 11th to 13th, and Plum Creek Parkway from the base of the overpass south to the interstate. Mr. Bricker stated that the total cost of the overpass could result in more options, the least amount of the cost to the citizens of Lexington would be, if all crossings were closed resulting in approximately a 9 cents per \$100 increase on taxes. If Washington only were closed, the result would be an approximately 10 cents increase on property taxes, or \$100 on a \$100,000 home, and \$60 on a \$60,000 home. Upon the completion of his presentation, Mr. Scott Sarnes, representing the Lexington Chamber of Commerce said that they had issued approximately 244 surveys with 70 responses. Of those, 25 were in favor, 20 were not, 9 were neutral, and 16 had no comment. Additional questions were asked concerning the routing of traffic. Upon completion of answering these questions, comments from the audience ranged to the fact that they should close both crossings and proceed with making Lexington a town where everyone works together. Additional comments included the construction of a route between the employee's gate of IBP and Adams street would result in the opening of additional commercial property along that route and the feeling was this should be done. Upon completion of the discussion and the input from the public, moved by Klamm, seconded by Kohl, that the following resolution be passed and approved. Roll call. Voting "aye" were Mandelko, Fagot, Kohl, Klamm, Wightman. Motion carried.

RESOLUTION NO 98-10

WHEREAS, the Mayor and City Council have determined that it is in the best interest of the City to improve a roadway and close railroad crossings described as public road crossings, located at Union Pacific Railroad Mile Post 224.22, DOT No. 816898Y (Washington Street,).

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

In the interest of safety and out of its concern for its citizens agree to the closure of City Street Crossing on the Union Pacific Railroad main line, at DOT No. 816898Y at RRMP 224.22, known as Washington Street in the City of Lexington, Dawson County, Nebraska.

BE IT FURTHER RESOLVED, that the City will enter into an agreement with the Nebraska Department of Roads, and with the Union Pacific Railroad, subject to the agreement providing that:

1. The Union Pacific Railroad (UPRR) will pay City \$250,000.00 upon receiving an invoice from the City in consideration for the closure of the crossings and after the crossings are closed.
1. UPRR will pay City any additional \$150,000.00 to be used for engineering cost, as soon as City has contracted for the design of an Adams Street viaduct.
2. UPRR further agrees to pay an additional amount equivalent to 10% of the approved and accepted bid for construction of the Adams Street viaduct, 5% of said amount to be used as the City's matching funds and the balance to be applied as City shall determine for the cost of related road construction, right-of-way acquisition and other related costs.
3. The Nebraska Department of Roads (DOR) will agree to provide Federal Highway funds of up to \$200,000.00 (subject to 20% match by City) for safety improvements related to closing of crossings.
4. DOR will pay an additional \$5,000.00 for the closed crossings.

Passed and approved this 14th day of July, 1998.

The City of Lexington, Nebraska

John M. Wightman, President of the Council

ATTEST:

City Clerk

Upon passage of the resolution, moved by Kohl, seconded by Klamm, that the administration be authorized to cause the closing of the Washington Street crossing, and reroute traffic as needed. Roll call. Voting "aye" were Fagot, Mandelko, Klamm, Kohl, Wightman. Motion carried.

Moved by Mandelko, seconded by Klamm, to authorize City Administration to reroute the traffic over Madison Street from the closed Washington Street according the plan that was presented this evening. Roll call. Voting "aye" were Kohl, Fagot, Klamm, Mandelko, Wightman. Motion carried.

CEDAR STREET WATER IMPROVEMENTS:

Mr. Dana Daniels, representing Miller and Associates addressed the Lexington City Council stating that two bids had been received for construction of the Cedar Street Water Main Improvements. Those two bids were opened and evaluated. The low bidder being Cement Products Incorporated of North Platte in the amount of \$85,110.00. It is therefore recommended to the City Council that they award the bid to the low bidder. Moved by Klamm, seconded by Kohl, to award the bids for the Cedar Street Water Improvements to Cement Products Incorporated of North Platte, Nebraska, in the amount of \$85,110.00. Roll call. Voting "aye" were Mandelko, Fagot, Kohl, Klamm, Wightman. Motion carried.

WATER TOWER BIDS:

City Manager Bricker addressed the Lexington City Council stating that the bids for the water tower which had been received were too high and is requesting the Administration be allowed to negotiate the bids. Upon the completion of this request, moved by Fagot, seconded by Mandelko, to allow City Administration to negotiate for bids for restoration of the North Water Tower. Roll call. Voting "aye" were Klamm, Kohl, Mandelko, Fagot, Wightman. Motion carried.

AQUATIC CENTER FEES:

Mr. Chris Huff, the Recreation Director for the City of Lexington addressed the Council, stating the problem that existed with a person who did not care to pay the fee for entering the Aquatic Center, as his grandson would be the only one using the Aquatic Center, and he would not be using the facilities. After a brief discussion, it was decided that this should be placed

on the next agenda of the Regular Meeting held July 28, 1998. No further action was taken.

CRA FUNDS:

City Manager Bricker addressed the Lexington City Council stating that the CRA Board had been created and they do need some funds to operate on. That the City of Lexington has any funds, monies from the Urban Renewal which could be redesignated as CRA Funds, as the Urban Renewal is a similar board to the Community Redevelopment Authority. Upon completion of his presentation, moved by Klamm, seconded by Kohl, to establish a CRA Fund, and transfer the monies held in the Urban Renewal Fund, to the Community Redevelopment Authority. Roll call. Voting "aye" were Fagot, Mandelko, Kohl, Klamm, Wightman. Motion carried.

MAINTENANCE CONTRACT:

City Manager Bricker presented the maintenance contract 16 to the City Council requesting approval to sign this contract, as this is a renewal of the contract for maintenance of state highways within the City of Lexington. The monies would be given to the City of Lexington by the State of Nebraska. Upon completion of his request, moved by Klamm, seconded by Fagot, to authorize the City Manager to sign maintenance contract 16 with the State of Nebraska Department of Roads. Roll call. Voting "aye" were Mandelko, Kohl, Fagot, Klamm, Wightman. Motion carried.

ADJOURNMENT:

There being no further business to come before the City 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