

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 25, 1997 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 Peplitsch, Charles Clark, Ruth Seward, Barb Mills, and Chris Huff. Also present was Dana Daniels representing Miller and Associates, Jim O'Donnell, Mr. & Mrs. Ryan Bauer, Mr. & Mrs. Larry Bauer, Bill Doughty, and other citizens with an interest in items on the agenda. Representing the press was KRVN and Kearney Hub.

**NOTICE:** Notice of the meeting was given in advance, thereof by publication in the Lexington Clipper-Herald, the designated methods 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 11/12/97:** Moved by Mandelko, seconded by Klamm to approve the minutes of the Regular Meeting held November 12, 1997 as presented. Roll call. Voting "aye" were Fagot, Kohl, Klamm, Mandelko, Wightman. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$382,676.88 was presented for Council's consideration and approval. Moved by Kohl, seconded by Mandelko, to approve the claims and bills as listed, and authorize the City Treasurer to transfer \$136,884.22 from the General Fund, \$189,409.51 from LEXUS Fund, \$17,447.25 from the City Sanitation Fund, \$2,916.40 from the

Landfill Fund, \$30,569.36 from the Health Fund, \$157.73 from Library Memorial Fund, \$5,253.29 from Meals On Wheels, and \$39.12 from Housing Reuse to the City of Lexington Operating Account. Roll call. Voting "aye" were Klamm, Fagot, Mandelko, Kohl, Wightman. Motion carried.

CITY OF LEXINGTON  
 ACCOUNTS PAYABLE  
 November 25, 1997

ADVANCED CONTROL SYS.	HARD & SOFTWARE SUPPORT	2,012.00
ALAMAR UNIFORM CO	POLICE UNIFORM	89.18
AMWELL	PARTS	100.00
BARMORE'S	OFFICE SUPPLIES	52.28
BARRETT-HOUSEL-GRAFTON	ADD 1998 GMC TRUCK	130.00
BERNTSON OIL	FUEL & OIL	2,453.19
BESTWAY INC	SAFETY GOGGLES	35.66
BERNTSON , PAUL	ELECTRIC REBATE	150.00
BRICKER, VANCE	MILEAGE-GERING&NPPD	223.20
BUSINESS & PROF. CREDIT	OCT UTL CREDIT COLLECTION	56.17
CASH-WA DISTRIBUTING	FOOD & SUPPLIES	1,015.57
CARLSON, BRUCE	ELECTRIC REBATE	1,300.00
CENTRAL GARAGE FUND	PARTS & LABOR	3,698.10
CENTRAL TIRE & TREAD	USED TIRES	40.00
CHILDS WORLD, THE	BOOKS	113.02
COMPUTER MGT SERVICE	SOFTWARE SETUP & MAINT.	7,305.00
COOK, NANCY	FITNESS WEEK SUPPORT	30.00
COUNTRY GENERAL	TOOLS	45.55
C.B.S.A	EMPLOYEE HEALTH CLAIMS	5,188.75
DAN'S SANITATION	OCTOBER SANITATION CHGS	17,447.25
DEMCO	SUPPLIES	73.26
DEPOSITORY TRUST CO	96 POOL/SCHOOL BOND	60,321.25
DITCH WITCH OF NEBRASKA	TRAILER FOR DITCH WITCH	4,715.00
DUTTON-LAINSON COMPANY	SUPPLIES	587.47
DUGAN BUSINESS FORMS	COMPUTER PAPER	213.80
EGAN SUPPLY COMPANY	CLEANING SUPPLIES	108.23
ELECTRIC FIXTURE	SUPPLIES	539.42
ELFRING SOFT FORMS INC	SIGNATURE FOR LASER	79.00
FADALE, CHUCK	VINYL FOR CAR REPAIR	29.50
FAIRBANKS INTERNATIONAL	FUSES	1.30
FAGOT REFRIGERATION	SEWAGE PLANT SERVICE	100.00
FAGOT, JOHN	NLC CONF. MEALS, ANCIL.	450.00
FRIEND, MATT TRUCK EQUIP.	PARTS	31.95
GENERAL FIRE & SAFETY	ROTATOR ASMBLY-LIGHT BAR	255.00
GILLETTE/NEBRASKA DAIRIES	DAIRY PRODUCTS	166.95

T.O. HAAS TIRE CO	TRUCK TIRE	170.00
HARLEQUIN RETAIL	BOOKS	10.52
HIPP WHOLESAL	FOOD & SUPPLIES	329.30
HOLIDAY INN SELECT	BAL. LODGING FOR RICK KLAMM	762.75
HOLIDAY INN CENTRAL	ROOM EXP. RUTH SEWARD	233.29
HUFF, CHRIS	SUPPORT PERSONNEL	1,640.00
INFORMATION PLUS	PERIODICALS	147.45
INGRAM LIBRARY SERVICES	BOOKS	1,661.62
JELCO CARPET CLEANING	CARPET CLEANING	81.00
JOY BOOK NOOK	BOOKS	113.93
KARRE'S CITY BAKERY	ROLLS	29.35
KLAMM, RICK	NLC CONF. MEALS & ANCIL.	275.00
K N ENERGY INC	FUEL	264.14
KRIZ-DAVIS COMPANY	ELBOWS	643.25
LEXINGTON COOP	MISC. SUPPLIES	280.74
LEXINGTON VOLUNTEER FIRE	DEPT ELECTRIC REBATE	1,084.20
LEXINGTON LAUNDRY	MOPS	10.00
LEXINGTON NEWSPAPERS	NOTICES	264.35
LEXUS	NOVEMBER UTL BILLING	15,313.97
LEXINGTON, CITY OF	FRANCHISE FEES	21,052.72
LEXINGTON SOLID WASTE AGENCY	SOLID WASTE	83.25
LEXINGTON POLICE DEPART.	DINNER INVESTIGATION TEAM	32.54
LIEH'S DRILLING	CHECK VALVE	1,140.23
LUCENT TECHNOLOGIES	QTRLY INDOOR NON-CONT.	74.40
MC MAHON, KIM	FIRE HALL CLEANING	166.83
MEAD-BIG VALLEY LUMBER	LUMBER MATERIAL	62.82
MEYER WELDING	WELDING & IRON PRODUCTS	251.58
MEYER, MARTIN	ELECTRIC REBATE	900.00
MISKO SPORTS-KEARNEY	BASKETBALLS	291.00
MIDWAY SUPPLY	MISC. SUPPLIES	148.45
MISKO SPORTING GOODS-ORDS	SCOREBOOKS & BASKETBALLS	150.80
MILLER & ASSOCIATES	LNDFL. CLOSURE/WR. QUALITY	4,495.70
MUNICIPAL SUPPLY	VALVES	832.75
NEBRASKA DEPT OF ROADS	FINAL-PROJECT #STPP 283-2 104	3,234.08
NEBRASKA , STATE OF	NITRATE WATER ANALISYS	54.30
NE DEPT OF REG. & LICENSE	RENEW LICENSE TOM NELSON	10.00
OK TIRE	TIRE REPAIRS	538.70
OMAHA LIFE INSURANCE CO	LVFD LIFE INSURANCE	68.00
OVERTON SAND & GRAVEL	FILL SAND	271.32
OVERTON COMM. CENTER	RENT FOR G.G.C.	100.00
PAULSEN INC	CONCRETE	570.31
PATTY'S HALLMARK	MISC. OFFICE SUPPLIES	607.29
PETTY CASH	REPLENISH PETTY CASH	96.98
PHILADELPHIA MARRIOTT	BAL LODGING-JOHN FAGOT	824.90
PHYSIO-CONTROL CORP	PAPER	37.67

PITNEY-BOWES	SERVICE MAIL MACHINE	343.00
PLUM CREEK MED. GROUP	EMPLOYEE FLU SHOTS	628.00
PLUM CREEK MOTORS	PARTS	47.10
PRECISION INDUSTRIES	ROLLER BEARING	46.51
PROTECTIVE LIFE INSURANCE	EMPLOYEE CANCER POLICY	
180.86		
RENT ALL RENTALS	DRILL RENTS	96.87
SCANTRON	LIGHTNING ARRESTOR	195.00
SCHUCKMAN, MARSHA	ADDITIONAL CLEANING OCT.	25.00
SCHNIEBER FINE FOODS	FOOD & SUPPLIES	281.07
SELK, DAVID	ELECTRIC REBATE	1,050.00
SEWARD, RUTH	WORKSHOP-RUTH SEWARD	30.38
SIXTH STREET MARKET	FOOD & SUPPLIES	122.33
SIMON & SCHUSTER	BOOKS	71.72
SKARSHAUG TESTING	GLOVE TESTING	49.37
SOUTH CENTRAL DEV. SERVICES	MARY BARLOW LABOR	287.50
STEVE'S LOCK & KEY	CHANGE LOCK SERVICE	45.00
S & W AUTO PARTS	PARTS-TOOLS-SUPPLIES	570.71
TELEGRAPH	RENEW PAPER SUBSC.	108.00
TERRYBERRY	ANNUAL SERVICE AWARDS	427.40
TRIGG IND. INT. INC.	ROAD TUBING	304.80
US FILTER/WATERPRO	WATER ,METERS & SUPPLIES	96,757.48
VIDEO BREAD	VIDEOS	98.90
WAL-MART	MISC. SUPPLIES	494.18
WESCO DISTRIBUTING	ELECTRICAL SUPPLIES	1,874.61
WORLD ALMANAC ED.	BOOKS	14.84
ZEP MANUFACTURING	GLOVES AND TOWELS	69.20
AMERICAN FUNDS	POLICE PENS. 11/18 PAYROLL	
1,033.29		
BABUKEK METAL PRES. CORP	PROJ. #127-C1-000 WR TOWER	1,302.00
C.B.S.A.	HEALTH CLAIMS 11/19-20/97	24,627.75
DUGAN BUSINESS FORMS	UTL DISCONNECT NTC FORMS	1,942.29
E & L METER INSTALLATION	11/3-10 METER INSTALLATION	680.00
ELECTRIC FIXTURE	MISC FOR NEW COUNCIL ROOM	122.52
FALES, TERRY	MUSIC FOR AWARDS BANQUET	250.00
FIRST NATIONAL BANK	EMP. PENSION 11/18 PAYROLL	1,944.21
I.C.M.A.	PEPPLITSCH PENS. 11/18 P/R	91.59
LEXINGTON COMMUNICATIONS	RADIO REPAIRS	546.04
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	56.07
MULTI-CULTURAL BOOKS & VIDEOS	BOOKS & VIDEOS-LIBRARY	
		248.75
NEBRASKA STATEWIDE ARB.	DOUG MONTER-FORESTRY CONF	60.00
PAYROLL ACCOUNT	EMP. PAYROLL 11/18	71,394.91
PLUM CREEK PLAYERS	ENTERT. 12/5 BANQUET	100.00
SOCIAL SECURITY FUND	EMP. PAYROLL 11/18	5,403.09
SIMON & SCHUSTER	BOOKS - LIBRARY	86.01

GRAND TOTAL: \$382,676.88

**CITIZEN'S COMMENTS:** During the citizen's comments, an unidentified citizen addressed the Lexington City Council stating that there's a problem at 11<sup>th</sup> & Jackson Street with the pedestrian crosswalk whereby cars are not slowing down for children to cross the street. She is asking that there be a pedestrian activated crosswalk light placed at this street to alleviate this problem. City Manager Bricker stated that he would look into the state regulations concerning this type of a crosswalk control light, and report at the next Council meeting. No further action was taken.

**96-04 ASSESSMENT:** An Ordinance entitled "An Ordinance levying a special assessment upon the lots, parts of lots, lands and real estate specially benefited by the improvements in street improvement district no. 96-04, of the city of Lexington, Nebraska; to defray the costs of said improvements to the extent of the special benefit to such lots, parts of lots, lands and real estate by reason of such improvements and providing for publication in pamphlet form" was read before the Council. Upon completion of the reading of the Ordinance, City Manager Bricker informed the Council that he had not heard any comments from Harold Kirkpatrick, who is the only private individual to be assessed in this district. Upon the completion of his report, moved by Klamm, seconded by Mandelko, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting "aye" were Fagot, Kohl, Mandelko, Klamm, Wightman. Motion carried. Said Ordinance was then read by title. Moved by Klamm, seconded by Mandelko that Ordinance No. 2087 be passed on final reading. Roll call. Voting "aye" were Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried.

The passage and adoption 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

**SCHOOL MANAGEMENT AGREEMENT:** Mr. Chris Huff addressed the Lexington City Council stating that amendments have been made to the management agreement between the City Schools and the City of Lexington for the Recreation Facilities. The changes to the agreement were mainly to remove the verbiage that dealt with bond payments which was in the previous document. Upon completion of his presentation, moved by Kohl, seconded by Klamm to authorize the Mayor to sign the amended management agreement between the City of Lexington and the Lexington City Schools for management of their combined facilities. Roll call. Voting "aye" were Mandelko, Fagot, Klamm, Kohl, Wightman. Motion carried.

**REZONING HEARING:** The Lexington City Council held a public hearing to consider a request from Ryan Bauer to rezone a tract of land on East 13<sup>th</sup>. Address is from 801 through 807, from R-3 (multi-family) to C-0 (Office Commercial District). Mr. Bauer addressed the Lexington City Council stating that his intent for the use of this ground was to construct a funeral home. He understands that a special use permit could be applied for, however, if he were to pass his business on to an heir, a special use permit would not accommodate such action, therefore, he is requesting a rezoning. Mr. Bauer explained the proposed sight, how it is to be constructed, and how the building would be placed upon the ground, and other amenities such as parking lots would be used. Upon the completion of his presentation, Mr. Bill Doughty addressed the Council, stating that he lives in that area, and is totally in favor of the rezoning for the use of a funeral home. There being no further comments, or negative comments, concerning this matter, Mayor Wightman declared the public hearing closed.

**REZONING ORDINANCE:** An ordinance entitled "An ordinance to rezone a tract of land at 801-807 East 13<sup>th</sup> Street from R-3 Multi Family Residential District to C-0 Office Commercial District; 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. Moved by Klamm, seconded by Mandelko, that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting “aye” were Fagot, Kohl, Mandelko, Klamm, Wightman. Motion carried. Said ordinance was then read by title. Moved by Fagot, seconded by Klamm, that ordinance no. 2088 be passed on final reading. Roll call. Voting “aye” were Mandelko, Kohl, Klamm, Fagot, Wightman. Motion carried.

The passage and adoption 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

**CLOSING OF PIERCE  
STREET:**

Mr. Ryan Bauer requested the City Council pass an Ordinance vacating the portion of Pierce Street that lies north of 13<sup>th</sup> Street, and vacate the alley to accommodate his building. He further stated that he would grant a 10 foot utility easement so City Utilities would have no problems gaining an easement. Upon completion of discussion, and ordinance entitled “An ordinance to vacate that portion of Pierce Street lying north of 13<sup>th</sup> Street, together with the alley in block three of O’Donnell addition; to provide for reversion of the vacated street and alley to adjoining property owners; to provide for an effective date and for publication in pamphlet form” 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. Voting “aye” were Klamm, Kohl, Mandelko, Fagot, Wightman. Motion carried. Said ordinance was then read by title. Moved by Fagot, seconded by Kohl, that Ordinance No. 2089 be passed on final reading. Roll call. Voting “aye” were Klamm, Mandelko, Kohl, Fagot, Wightman. Motion carried. The passage and adoption 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

**CERTIFICATE OF COMPLETION:**

The Lexington City Council considered a certificate of substantial completion for the Cedar Street Water Improvements from Midlands Contracting. City Manager Bricker stated that later on in the Agenda, an item addressing a change order to this contract. The city Manager stated that this certificate of substantial completion should be approved as the water main is being used as intended, and asked for authorization to sign. After the completion of this presentation, moved by Klamm, seconded by Mandelko, to authorize the City Manager to sign a certificate of substantial completion to Midlands Contracting for the Cedar Street Water Improvement, in the amount of \$123,387.00. Roll call. Voting "aye" were Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried.

**TREASURER'S REPORT:** Barb Mills presented the Treasurer's Report for the month of August, 1997. After a discussion of the report, moved by Kohl, seconded by Mandelko, to accept the Treasurer's Report for August, 1997. Roll call. Voting "aye" were Fagot, Klamm, Kohl, Mandelko, Wightman. Motion carried.

**FIRE DEPT. ROSTER:** The Lexington City Council reviewed the roster containing the names of the Lexington Volunteer Fire Department. City Manager informed the City Council that they need to accept this list of names that will entitle them to Workman's Compensation insurance if injured in the line of duty. Upon completion of a presentation, moved by Kohl, seconded by Mandelko, to accept the roster of the Lexington Fire Department as presented. Roll call. Voting "aye" were Fagot, Klamm, Mandelko, Kohl, Wightman. Motion carried.



**MEETING DATES:**

Due to a conflict with the December 9<sup>th</sup> Regular Council Meeting being at 7:30 p.m., moved by Kohl, seconded by Mandelko that the regular meeting for December 9<sup>th</sup> normally held at 7:30 PM., will be held at 7:00 AM. Roll call. Voting “aye” were Klamm, Fagot, Mandelko, Kohl, Wightman. Motion carried.

**CHANGE ORDER:**

The Lexington City Council considered a change order of \$12,725.00 for the Cedar Street Water Improvement. City Manager Bricker informed the City Council that this improvement included the modifications to the Polk Street Sewer, which is meant to alleviate the problem caused last year. Upon completion of the review, moved by Klamm, seconded by Fagot, to approve the change order of \$12,725.00 to the Cedar Street Water Improvement Projects for Midland Contracting Incorporated. Roll call. Voting “aye” were Mandelko, Kohl, Fagot, Klamm, Wightman. Motion carried.

Moved by Klamm, seconded by Kohl, to recess the regular session to executive session at 8:15 p.m. to discuss negotiations on the land sale. Roll call. Voting “aye” were Fagot, Mandelko, Kohl, Klamm, Wightman. Motion carried.

Moved by Kohl, seconded by Mandelko, to reconvene the regular session from executive session at 8:25 p.m. Roll call. Voting “aye” were Klamm, Fagot, Mandelko, Kohl, Wightman. Motion carried.

**LAND SALE ORDINANCE:** An ordinance entitled “An ordinance directing the sale of a tract of land in section twenty, township eleven north, range twenty-one west of the 6<sup>th</sup> 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 Klamm, that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting “aye” were Mandelko, Kohl, Klamm, Fagot, Wightman. Motion carried. Said ordinance was then read by title. Moved by Fagot, seconded by Klamm, that Ordinance No. 2090 be passed on final reading. Roll call. Voting “aye” were Mandelko, Kohl, Fagot, Klamm, Wightman. Motion carried. The passage and adoption 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

**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.

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Lexington City Clerk