

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 8, 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 Fagot, Neal Kohl, John Wightman, Rick Klamm, Ted Cook. City Officials present were City Clerk Leon Malzahn, City Manager Vance Bricker, City Attorney Willard Weinhold. Also present was Assistant City Manager Joe Pappitsch. Department Heads present were Charles Clark, Ruth Seward, Barb Mills, Chris Huff, Dana Daniels and Stan Johnson representing Miller and Associates. Two Scouts were also in attendance. The Press was represented by the Clipper-Herald, KRVN, and the 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 - REGULAR
MEETING 11-24-98:**

Minutes of the Regular Council Meeting held November 24, 1998 was presented for Council's consideration and approval. Moved by Klamm, seconded by Wightman to approve the minutes of the regular meeting held November 24, 1998 as presented. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

**MINUTES -
ORGANIZATIONAL
MEETING 12-1-98:**

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

CLAIMS AND BILLS:

Claims and Bills in the amount of \$972,516.58 was presented for Council's consideration and approval. After questions concerning the claims on the Meter Reading equipment and the Tennis Courts Fence, moved by Klamm, seconded by Wightman, to approve the claims and bills as listed and authorize the City Treasurer to transfer \$231,119.69 from the General Fund, \$704,367.30 from LEXUS Fund, \$10,115.00 from the City Sanitation Fund, \$1,903.08 from the Landfill Fund, \$888.00 from Heartland Museum Grant, \$141.00 from the Library Memorial Fund, \$7,921.82 from Meals on Wheels, and \$16,060.69 from the Health Fund to the City of Lexington's Operating Account. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
December 8, 1998

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| ALIAN T CELLULAR | NOVEMBER CELLULAR CHARGES | 115.50 |
| AM. PLANNING ASSOC. | BOOKS AND MATERIALS | 108.95 |
| ANB SERVICES INC. | NEW METER READING EQUIPMENT | 68,350.00 |
| AWARDS PLUS | TURKEY TROT TROPHIES | 70.00 |
| BARMORE'S | CABLE FOR LIBRARY | 9.99 |
| BEE OFC SOLUTIONS | OFFICE SUPPLIES | 83.81 |
| BERNTSON OIL | FUEL | 1,928.64 |
| BRUMMET, ELBERTA | LIBRARY BOOKS | 141.00 |
| BUS. & PROF. CREDIT | UTILITY CREDIT COLLECTIONS | 187.21 |
| C & S TR. & SALV. INC | REPAIR STREET SWEEPER | 203.59 |
| C.B.S.A. | EMPLOYEES MEDICAL CLAIMS | 16,031.69 |
| C.B.S.A. | NOVEMBER PREMIUM CHARGES | 7,891.67 |
| CASH-WA DISTR. | FOOD AND SUPPLIES | 689.40 |
| CENT. GARAGE FUND | GAS & DIESEL | 2,670.01 |
| COAST TO COAST | COFFEE BREWER/CITY OFFICE | 89.99 |
| COUNTRY GENERAL | PAINT-TAPE-TOWELS | 65.93 |
| CUL. WATER COND. | WATER TREATMENT | 115.86 |
| CURTIS IND., INC. | WATER SUPPLIES | 189.99 |
| D & R COMPUTING | FIX INTERNET | 25.00 |
| DAN'S SANITATION | SOLID WASTE FEES | 10,421.44 |
| DAWSON CO. CLERK | DISPATCH FEES | 5,067.67 |
| DAW. CO. REG. OF DEEDS | FILING FEES | 22.00 |
| EAKE'S OFC PROD. | OFC SUPPLIES/COPIER PMT | 1,272.78 |
| ECLIPSE COMM. | LONG DISTANCE CHARGES | 76.48 |
| ELECTRIC FIXTURE | ELECTRICAL SUPPLIES | 5,598.63 |
| ENG. SEAL PRODUCTS | SLEEVE | 92.57 |
| FAGOT, JOHN | NATIONAL LEAGUE EXPENSES | 250.00 |
| FIVE STAR FLOORING | WALLPAPER | 421.04 |
| FLOOR SHINE | SERVICE BUILDING-CLEAN FLOORS | 70.00 |
| GIL/NE DAIRIES, INC. | DAIRY PRODUCTS-GGC | 142.18 |
| GONZALEZ, ANDREA B. | LIBRARY CLEANING | 200.00 |
| HACH CHEMICAL | WWTP SUPPLIES | 178.90 |
| HRTLND MILIT. MUSEUM | CDBG DRAWDOWN #10 | 888.00 |
| INGRAM LIBR. SVCS | LIBRARY BOOKS | 666.53 |
| INT. PAPER COMPANY | POLES | 8,889.21 |
| JELCO CPT CLEANING | CLEAN CITY HALL | 30.00 |
| JONES PLUMBING & HEATING | WWTP & WATER SUPPLIES | 39.47 |
| K.R.V.N. - FM | NOVEMBER AD CONTRACT | 132.00 |
| KLAMM, RICK | NATIONAL LEAGUE EXPENSES | 125.00 |
| KLEIN'S | REPAIR BATON HOLDER | 8.50 |
| KRIZ-DAVIS COMPANY | LENS FOR FIXTURE | 881.71 |
| LAKOTA | CIVIL SERVICE MEETING FOOD | 27.03 |
| LARSON SPORTS, GREG | STOPWATCH W/PRINTOUT | 331.36 |
| LAWSON PROD., INC. | ELECTRICAL SUPPLIES | 893.67 |
| LEX. ANIMAL CLINIC | ANIMAL CARE | 363.95 |
| LEX. AREA SOL. WASTE | SOLID WASTE FEES | 239.94 |
| LEX. COMMUNICATIONS | RADIO/ANTENNA-NEW FORD-INSP. | 581.25 |
| LEXINGTON COOP | CAR WASH | 7.00 |
| LEX. HEALTH FUND | SELF-FUNDING | 14,678.31 |
| LEXINGTON LAUNDRY | NOVEMBER LAUNDRY CHARGES | 58.75 |
| LEX. NEWSPAPER | NOVEMBER NOTICES | 723.98 |
| LEX. POSTMASTER | POSTAGE FOR UTILITY DEPT | 1,500.00 |
| LEX. POSTMASTER | POSTAGE FOR GGC | 150.00 |
| LEX. PUBLIC LIBRARY | REPLENISH PETTY CASH | 65.20 |

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| LEXINGTON, CITY OF | DECEMBER MONTHLY CHARGES | 23,851.79 |
| LEXIS LAW PUBLISHING | NE LABOR & EMPLOYMENT MANUAL | 52.72 |
| LEXINGTON CITY PAYROLL ACCT. | 12/3/98 | |
| PAID TO: | WAGES | 73,762.13 |
| SOCIAL SECURITY | SOC. SEC.(EMPLOYER PORTION) | 5,594.29 |
| FIRST NATIONAL BANK | EMP. PENSION(EMPLOYER PORT) | 2,183.96 |
| AMERICAN FUNDS | POLICE PENSION(EMPLOYER PORT) | 1,188.92 |
| I.C.M.A. | EMP. PENSION(EMPLOYER PORT) | 97.74 |
| LUTHER, ANN | NICA MEETING-MILEAGE | 15.60 |
| MEAD/BIG VALLEY LMBR | BUILDING MATERIAL | 66.10 |
| MILLER & ASSOCIATES | PROFESSIONAL SERVICES | 4,272.95 |
| MORRIS PRESS & OFC SPLS | OFFICE SUPPLIES | 721.80 |
| NE PUBLIC POWER DIST. | NOVEMBER POWER BILL | 318,390.34 |
| NE RECREATION | WORKSHOP AND LUNCHEON | 20.00 |
| NE STATEWIDE ARBOR. | MEMBERSHIP FEES | 25.00 |
| NELSON, THOMAS R. | NOVEMBER CITY HALL CLEANING | 500.00 |
| OMAHA LIFE INS. CO | FIREMAN INSURANCE | 62.00 |
| OVERTON SND & GRAV. | GRAVEL | 292.50 |
| PATTY'S HALLMARK | OFFICE SUPPLIES | 46.25 |
| PAULSEN INC. | CONCRETE | 300.51 |
| PEAK INT.(PIZZA HUT) | CRA MEETING FOOD | 35.50 |
| PEPLITSCH, JOE | NATIONAL LEAGUE EXPENSES | 125.00 |
| PICTURE THIS | PHOTO PROCESSING | 10.56 |
| PL. VALLEY AUTO MART | LATCH ASSEMBLY | 29.47 |
| PL. VALLEY COMM. | RADIOS-SIRENS-SCANNER REPAIRS | 1,012.00 |
| PLUM CREEK MOTORS | LOCK | 2.70 |
| PLUM CREEK PROM. | VOLLEYBALL SHIRTS | 1,050.00 |
| REACH ELECTRONICS | PAGER REPAIRS | 67.47 |
| RENT ALL RENTALS | HAMMER DRILL | 20.00 |
| S & W AUTO PARTS | TAILGATE PROTECTOR AND MATS | 48.98 |
| SCHNIEB. FN FOODS INC. | FOOD AND SUPPLIES | 547.68 |
| SEWARD, RUTH | LIBRARY BOOKS | 30.95 |
| SHOE MART | SAFETY SHOES-EMPLOYEE | 129.31 |
| SIGN PRO | LETTERING AND STRIPES | 143.28 |
| SIXTH STREET MARKET | SUPPLIES AND UPS CHARGES | 87.12 |
| SKARSHAUG TESTING | GLOVE CLEAN & TEST | 43.55 |
| SPORTS ILLUSTRATED | RENEWAL FOR LIBRARY | 79.96 |
| STEFFEN | TRIGGER GUARD | 46.67 |
| STEWART TREE SVC | MOVE TREES | 200.00 |
| U.S. FILTER/DISTR/OMAHA | WATER METERS | 8,148.11 |
| UNIQUE BOOKS, INC. | LIBRARY BOOKS | 69.29 |
| VERANDA COMM., INC. | ICMA VIDEOS | 108.00 |
| WAL-MART | FILM-SHIRTS-OFFICE SUPPLIES | 402.14 |
| WAREHOUSE SURPLUS | SUCKERS FOR UTILITY DEPT. | 16.00 |
| WEBER & WEINHOLD | PROFESSIONAL SERVICES | 1,351.50 |
| WESTERN ENG. CO. INC | ASPHALTIC COMPOUND | 247.30 |
| ADV. CONTROL SYS. | REPLACE NEW BOARD-SCADA | 477.00 |
| BERNTSON OIL | FUEL AND OIL | 293.60 |
| BARMORE'S | LETTERING AND VIDEO CASSETTE | 13.37 |
| BLIVEN, JESS | EXPENSES TO MINNESOTA | 57.50 |
| CAMPUS BKSTORE #256 | BOOK FOR BRENT SMETS | 97.15 |
| CASH-WA DISTR. | FOOD AND SUPPLIES-GGC | 257.69 |
| CENT. GARAGE FUND | LABOR-PARTS-OIL-GREASE | 3,158.04 |
| CENTURY LMBR CNTR | LUMBER AND TRASH BAGS | 202.98 |
| CLINE'S SM. ENG. RPR | WACKER PACKER | 775.00 |

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| DAWSON COUNTY PPD | NOVEMBER ENERGY BILLS | 317.78 |
| DEPOSIT. TRUST CO. | SALES TAX 95 GO BOND | 129,402.50 |
| EGAN SUPPLY CO. | CLEANING SUPPLIES | 172.62 |
| ELECTRIC FIXTURE | CONDUIT | 54.36 |
| FAGOT, JOHN | NAT. LEAGUE OF CITIES EXP. | 652.01 |
| FAGOT REFR. & ELEC. | REPAIR FURNACE-MARGRITZ | 73.66 |
| GILL./NE DAIRIES, INC. | DAIRY-GGC | 132.58 |
| GONZALEZ, ANDREA B | 1 WEEK DEC. LIB. CLEANING-FINAL | 50.00 |
| GR. PL. ONE-CALL SVC | NOVEMBER UTILITY LOCATES | 46.00 |
| JELCO CARPET CL. | CLEAN GGC | 82.00 |
| K N ENERGY, INC. | NOVEMBER ENERGY BILLS | 1,698.32 |
| LEXINGTON, CITY OF | NOV. FRANCHISE FEES 2ND HALF | 16.20 |
| LEX. PUBLIC SCHOOLS | TENNIS COURTS FENCE | 1,500.00 |
| MARTIN ELECTRIC | ELECTRIC FOR NEW FIRE OFFICE | 331.94 |
| MEYER WELDING | STRAPING | 66.55 |
| MINDEN EXCHG BANK | 94 COMBINED UTILITY BOND PMT | 204,020.00 |
| NE DEPT OF ROADS | FINAL ON 13TH STREET | 2,073.25 |
| NE DEPT OF REVENUE | NOVEMBER UTILITY SALES TAX | 19,915.59 |
| NEBRASKA MACHINERY | PARTS | 444.06 |
| PEPPLITSCH, JOE | NTL. LEAGUE EXP. INCLUDES KLAMM | 1,275.49 |
| PETTY CASH FUND | REPLENISH PETTY CASH | 62.32 |
| PL VALLEY AUTO MART | HANDLE ASSEMBLY | 46.92 |
| PLATTE VALLEY COMM. | WELL MONITORING | 525.00 |
| PLUM CREEK MOTORS | KEYS | 36.66 |
| PROTECTIVE LIFE INS. | CANCER PREMIUM | 29.00 |
| S&W AUTO PARTS, INC. | ALTERNATOR AND SUPPLIES | 339.98 |
| SCHNIEBER FINE FOODS INC. | FOOD AND SUPPLIES-GGC | 1,393.07 |
| SIXTH STREET MARKET | FOOD AND SUPPLIES-GGC | 161.14 |
| TRI-COUNTY HOSPITAL | 35 MEMBERS - HLTH FITNESS CNTR | 280.00 |
| TRI-CITY TRIBUNE | WINTER REC AD | 160.00 |
| U S WEST COMMUN. | NOVEMBER PHONE CHARGES | 2,121.97 |
| WEST GROUP | PERIOD. FOR WEBER & WEINHOLD | 85.86 |
| YOUNG, DON | EXPENSES TO MINNESOTA | 57.50 |
| | TOTAL | \$972,516.58 |

**SPEED LIMIT
ORDINANCE:**

City Manager Bricker addressed the Lexington City Council stating that this Ordinance would adjust the speed limit for the cross walks on Adams Street as requested by the schools a few months ago. An Ordinance entitled "AN ORDINANCE TO AMEND SECTION 16-41 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR AMENDED SPEED LIMITS ON ADAMS STREET; TO REPEAL ORIGINAL SECTION 16-41, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before the Council. Moved by Wightman, seconded by Klamm, that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Said Ordinance was then read by Title. Moved by Klamm, seconded by Wightman that Ordinance No. 2104 be passed on final reading. Roll call. Voting "aye" were Cook, Kohl, Wightman, Klamm, Fagot. 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

PAY ORDINANCE:

Mayor John Fagot addressed the Public in attendance stating that after consideration the City Council has agreed to adjust the pay of the City Manager by approximately 3%. An Ordinance entitled "AN ORDINANCE TO ESTABLISH COMPENSATION FOR THE LEXINGTON CITY MANAGER. TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before the Council. Moved by Wightman, seconded by Kohl, to suspend the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were Klamm, Cook, Kohl, Wightman, Fagot. Motion carried. Said Ordinance was then read by Title. Moved by Wightman, seconded by Klamm, that Ordinance No. 2105 be passed on final reading. Roll call. Voting "aye" were Cook, Kohl, Klamm, Wightman, Fagot. 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 by 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

**CONTRACT
AMENDMENT:**

Mr. Stan Johnson, representing Miller and Associates, addressed the Lexington City Council, requesting an amendment to the Engineering Contract for the overpass study to include a pedestrian cross-walk on Madison Street. Council person Kohl, questioned paragraph 2.2 of the contract, and the need for the 400 ft. of ramp that was in that quote. Mr. Johnson stated that in order to raise the pedestrians above the railroad tracks a sufficient height, that it would require a ramp of that distance. After completion of the review of the contract, moved by Kohl, seconded by Wightman, to amend the contract with Miller and Associates for engineering of the overpass study to include a pedestrian crossing over Madison Street. Roll call. Voting "aye" were Klamm, Cook, Wightman, Kohl, Fagot. Motion carried.

PAY ESTIMATE:

Mr. Dana Daniels, representing Miller and Associates, addressed the Lexington City Council stating that due to some quirk of the process, the pay estimates were not in front of the Council, however, Reed Miller is verifying that the amount of the final pay request is \$51,125.93 which represents the amount of work completed on the Cedar Street Water Main Project, and that Red Miller and he are

recommending payment of this amount. City Manager Vance Bricker also stated that he is recommending approval of this pay estimate as City Manager. After completion of the discussion, moved by Wightman, seconded by Klamm, to approve Pay Request No. 2 from Cement Products of North Platte in the amount of \$51,125.93 for construction of the Cedar Street Water Main project, and authorize the City Treasurer to transfer \$51,125.93 from the water funds to the City of Lexington Operating Account. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

Mr. Dana Daniels then stated that along with that pay request was the Certificate of Final Completion and is not exactly sure why those have not been received in the mail. Mr. Daniels stated that the total contract price was \$75,731.30 with the bid being \$85,110.00, approximately \$10,000.00 under the bid cost. He recommending the City Council approve the Certificate of final completion. Upon completion of discussion, moved by Wightman, seconded by Klamm, to approve the certificate of final completion for the Cedar Street Water Main project for Cement Products, Inc. in the amount of \$75,731.30. Roll call. Voting "aye" were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

COUNCIL RETREAT:

The Lexington City Council discussed a date to be set for a Council Retreat. City Manager Bricker suggested that maybe the 23rd of January at 8:00 a.m. with the meeting to continue possibly until 1:00 p.m. Upon completion of his recommendation, moved by Wightman, seconded by Klamm, that the Council hold a retreat on the 23rd of January, 1999 at 8:00 a.m. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. 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 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

