CITY OF LEXINGTON LEXINGTON, NEBRASKA

A Regular Meeting of the Lexington City Council was held Tuesday, April 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. Council person Patty Mandelko was absent. City Officials present were City Clerk Leon Malzahn, City Manager Vance Bricker, City Attorney Willard Weinhold. Department Heads present were Assistant City Manager Joe Pepplitsch, Charles Clark, Ruth Seward, Barb Mills, Other present were Dana Daniels, representing Miller and Tom Nelson. Associates. The press was represented by the Clipper-Herald, KRVN, Tri-City Tribune, Kearney Hub. Citizens in attendance were approximately 32, which included Don and Linda Mins, John Knapple, Donna Linn, Dr. Roger Pentz, Marvin Bogner, Terry Trueblood, Marsha Schuckman, Bob Capple, Charles Nichols, Ken Krings, Liz Richardson, Don Price, and Bruce Smith representing Don Price.

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.

MEETING 3-24-98:

MINUTES OF REGULAR Minutes of the regular council meeting held March 24, 1998 were presented for Council's consideration and approval. Moved by Kohl, seconded by Klamm to approve the minutes of the regular meeting held March 24, 1998 as presented. Roll call. Voting "aye" were Fagot, Klamm, Kohl, Wightman. Motion carried.

CLAIMS & BILLS:

Claims and bills in the amount of \$741,758,43 was presented for Council's consideration and approval. Upon review of the claims and bills, moved by Klamm, seconded by Fagot, to approve the claims and bills as listed, and authorize the City Treasurer to transfer \$174,786.63 from the General Fund, \$536,896.13 from the LEXUS Fund, \$10,000.00 from City Sanitation, \$1,412.86 from the Landfill Fund, \$5,891.43 from the Health Fund, \$40.90 from the Library Memorial Fund, and \$12,730.48 from the Meals on Wheels fund to the City of Lexington Operating Account. Roll call. Voting "aye" were Kohl, Fagot with the exception of Fagot Electric, Klamm, Wightman. Motion carried.

CITY OF LEXINGTON ACCOUNTS PAYABLE April 14, 1998

ALAMAR UNIFORM CO	UNIFORM PANTS-POLICE 71.80
ALIANT COMMUNICATIONS	APRIL MONTHLY CHARGES 39.90
ALIANT CELLULAR	MARCH MONTHLY CHARGES 116.00
AMERICAN FUNDS	POL. PEN. 3/26 & 4/9 PR. 1,903.09
AMERICAN GIRL	LIBRARY MAGAZINE RENEWAL19.95
BARMORE'S	MARCH MONTHLY CHARGES 116.00 POL. PEN. 3/26 & 4/9 PR. 1,903.09 LIBRARY MAGAZINE RENEWAL19.95 OFFICE SUPPLIES 22.56
BARCO MUNICIPAL PROD.	CANTILEVER ARM BRACKET 52.84
BERNTSON OIL	OIL AND FUEL 2,468.29
BISHOP, PETE	NMPP CONF. EXP IN LINCOLN 199.12
BERNTSON OIL BISHOP, PETE BOTTOM LINE BUSINESS	LIBRARY MAGAZINE RENEWAL44.00
BOTTOM LINE PERSONAL	LIBRARY MAGAZINE RENEWAL39.00
BUREAU OF BUSI. PRACTICE	BUSINESS GUIDE TO EMP. 68.11
BUSINESS & PROF. CREDIT	FEBR. COLLECTION FEES 56.30
CASH-WA	FOOD AND SUPPLIES 1,633.12
CAVENDISH CORP., MARSHAL	LLIBRARY BOOKS 25.39 PARTS/LABOR/OIL 6,991.51
CENTRAL GARAGE FUND	PARTS/LABOR/OIL 6,991.51
CENTURY LUMBER CENTER	CEMETERY & PARK MAT. 665.87
CHURCHICH REC. DESIGN	PARK GRILLS & BENCHES 3,308.94
COAST TO COAST	BATTERIES 5.69
COMPUTER ASSISTANCE	WORK AT LIBRARY 87.50
CONSUMER RPTS ON HEALTH	LIBRARY MAGAZINE RENEWAL24.00
COMPUTER MGT. SERVICES	UTIL. BILLING ACH SOFTWARE
	600.00
COUNTRY GENERAL	PAINT AND SUPPLIES 174.21 EMPLOYEE CLAIMS 4,139.49
C.B.S.A.	EMPLOYEE CLAIMS 4,139.49
C.B.S.A.	LIFE AND MEDICAL PAYMENT 7,377.73
CONTRACTORS SUPPLY CO	CHEMICAL FIRE EXTING.S 380.60
CRESCENT ELECT. SPLY CO	METAL SEALS AND WIRE 1,211.36
CULLIGAN WATER COND.	GGC & WWTP WATER TRTMNT60.00
DAWSON COUNTY PPD	CROSS-ARMS & ENGY SERV. 1,928.14

DAWSON CO. WEED CONTRO! DAWSON CO. REG. OF DEEDS DAWSON CO. ROAD DEPT. DAWSON COUNTY CLERK DAN'S SANITATION DAWSON CO. AREA ECON.DEV DEMCO D & M SECURITY DRAWING BOARD, THE DURA WAX CO., INC. DUTTON-LAINSON CO. EAKE'S OFFICE PRODUCTS EGAN SUPPLY COMPANY EILER'S MACHINE & WELDING ELECTRIC FIXTURE ENGINEERING SEAL PROD. EZ LINER INDUSTRIES FAIRBANKS INTERN. INC FAGOT REFRIG. & ELECTRIC FARM PLAN CORPORATION FISCHER-SCIENTIFIC FIVE STAR FLOORING FIRST NATIONAL BANK FLOOR SHINE FRIEND, MATT TRUCK EQUIP. GALL'S INC. GENERAL FIRE & SAFETY GENERAL ELECTRIC CORP. GILLETTE/NEBR. DAIRIES, INC GONZALEZ, ANDREA B GR. PLAINS ONE-CALL SERV.	FAIRBANKS ADDITION PLAT SIGN POSTS DISPATCH FEES MARCH SOLID WASTE /.MEMBERSHIP LIBRARY OFFICE SUPPLIES WATER ALARM CONNECTION PURCHASE ORDERS CLEANING SUPPLIES CROSSARMS AND BRACES OFFICE SUPPLIES CLEANING SUPPLIES CLEANING SUPPLIES ALUMINUM ELECTRICAL SUPPLIES SEAL REPLACEMENT PARTS GUARD ASSEMBLY PARTS WORK ON LIFT STATION OIL AND LOCK FREIGHT ON LAB SUPPLIES CARPET AND INSTALLATION EMPLOYEE PENSION 3/26 PR WORK ON FLOORS - SRV BLDG HARDWARE BAG POLICE SUPPLIES WORM GEARS TRANSFORMER DAIRY PRODUCTS-GGC MARCH LIBRARY CLEANING	2,698.17 33.50 60.00 4,607.30 10,169.48 10,000.00 65.30 105.00 387.05 45.00 2,527.36 1,129.74 364.20 29.11 2,011.76 372.00 145.90 16.62 485.61 16.55 14.73 547.94 2,080.84 G64.00 141.45 127.88 27.32 70.00 352.29 200.00 38.74
GONZALEZ, ANDREA B	MARCH LIBRARY CLEANING	200.00
HARLEQUIN RETAIL INC HIPP WHOLESALE COMPANY HILL-HOLDREGE INTER-LIBR. HOFAKER'S IRON & METAL HUNT CLEANERS, INC. HUSKER AG SALES		10.52 382.84 8.00 144.00 125.77
I.C.M.A. INGRAM LIBRARY SERVICES JONES PLUMBING & HEATING JOHNSON CONTROLS K N ENERGY INC. KRIZ-DAVIS COMPANY LAIDLAW ENV. SERV, INC.	PEPPLITSCH PEN. 3/26 & 4/9 P LIBRARY BOOKS	R186.68 1,010.74 328.80 656.72 2,307.62 11,846.36 30.00

LEAGUE OF NE MUNIC.	WORKSHOPS	550.00
LEXINGTON ANIMAL CLINIC	MARCH ANIMAL CARE	240.60
LEXINGTON HEALTH FUND	SELF-FUNDING APRIL	14,591.27
LEXINGTON COMM.	RADIO REPAIRS	55.00
LEXINGTON COOP	FERTILIZER FOR PARK	1,036.58
LEXINGTON LAUNDRY	CITY & GGC LAUNDRY	38.00
LEXINGTON POSTMASTER	UTILITY POSTAGE	1,500.00
LEXINGTON POSTMASTER	GGC POSTAGE	150.00
LEXINGTON PUBLIC LIBRARY	POSTAGE AND SUPPLIES	54.82
LEXINGTON NEWSPAPERS	NOTICES	425.21
LEXINGTON, CITY OF	MONTHLY CHARGES	24,311.36
LEXINGTON SOLID WASTE	SOLID WASTE FEES	156.96
LIEH'S DRILLING	WORK DONE ON WELLS	22,531.70
LUTHER, ANN	MEETING EXPENSE-N.P. NICA	•
MEAD/BIG VALLEY LUMBER	EXHAUST FAN AND SUPPLIES	
MICK'S PL. VALLEY GLASS	WINDOW 1987 DODGE MINIVA	
MIDWAY SUPPLY	PARTS AND SUPPLIES	70.42
MIDWEST COMPUTER SYST.	BNC TERMINATORS	70.42 14.18
MID-NEBRASKA FOOD BANK	APRIL FOOD ORDER	19.04
MILLS, BARBARA	BLDG A BETTER BUS./CLASS I	
MILLER, MARK	POLICE TRAINING AND SHIRTS	
MORRIS PRESS & OFFICE	OFFICE SUPPLIES	83.44
MOORE BUSINESS FORMS	UNIFORM CITATIONS	431.10
	METER PIT COVERS	
MUNICIPAL SUPPLY		2,192.70 337.90
NAT. BUSINESS FURNITURE NE ASSOC. OF SR. CENTERS	CONFERENCE CHAIR	
	ANNUAL DUES-ANN LUTHER	20.00
NEBRASKA MACHINERY	LOADER PAYMENT	1,637.00
	INTOXILYZER MOUTHPIECES	23.00
NEBRASKA UNEMPL. INS.	PMT FOR RICHARD PRASCH	1,104.00
NEBR. DEPT OF REVENUE	MARCH SALES TAXES	21,450.57
NEBR. MUNIC. POWER POOL		120.00
N.P.P.D.	MARCH POWER BILL	343,472.01
NE. DEPT. OF WTR RESOURCESREG. FEE FORGE LUBE OIL DISP.60.00		
NELSON, THOMAS R.	CLEANING CITY HALL	500.00
OMAHA LIFE INSURANCE CO		66.00
OMAHA WORLD HEARLD	PAPER BILL	32.50
OMNIGRAPHICS, INC.	BOOKS	38.00
PAYROLL ACCOUNT	3/26/98 PAYROLL	74,305.98
PAULSEN BLDG & SUPPLY	CONCRETE AND TOOLS	902.94
PATTY'S HALLMARK	OFC SUPPLIES & FURNITURE	,
PETTY CASH	MTG EXPENSE & POSTAGE	208.50
PLATTE VALLEY AUTO MART		
PLATTE VALLEY COMM.	RADIO/SCANNER FOR NEW A	
D		1,760.40
PLUM CREEK MEDICAL GR.	IMMUNIZATION-WWTP EMP.	56.00
PLUM CREEK PROMOTIONS	DESIGN SHIRTS	60.00

PLATTE VALLEY EXTERM. PRECISION INDUSTRIES PRENTICE HALL PROTECTIVE LIFE INSURANCE RENT ALL RENTALS	SEALS AND BELTING LIBRARY BOOKS	24.00 95.79 49.57 LICY 67.96 75.70
RECORDED BOOKS RELIABLE OFFICE SUPPLY	LIBRARY RECORDED BOOKS	3.55 60.67
ROBICON	CIRCUIT BOARD	386.23
ROAD TEC	RADAR CERTIFICATION	31.50
SCHNIEBER FINE FOODS	FOOD AND SUPPLIES	2,304.55
SCHOLASTIC INC.	BOOKS	39.50
SCIENTIFIC-ATLANTA, INC.	DCU ASSEMBLY	16,166.17
SEWARD, RUTH	TELE CONF. & SUPPLIES	58.50
SIXTH STREET MARKET	FOOD	157.09
SOCIAL SECURITY FUND	3/27 PAYROLL	5,629.26
S&W AUTO PARTS INC	AUTO PARTS AND SUPPLIES	459.46
TEXACO CUSTOMER SERVICE		10.66
TRI-COUNTY HOSPITAL	MARCH EMPL. MEMBERSHIP	417.62
ULTRAMAX	AMMUNITION	329.00
UPSTART	BOOKS	62.38
U.S. FILTER/WATERPRO	METER BOXES	1,316.31
U S WEST COMMUNICATIONS	PHONE SERVICES	1,976.23
UTILITY EQUIPMENT	PRESSURE GAUGE	60.41
WAL-MART	WEED EATERS & OFF, SPLS	496.59
WAREHOUSE SURPLUS	OFFICE SUPPLIES	16.00
WEBER & WEINHOLD	MARCH PROF. SRVS	1,404.00
WESTERN ENGINEERING CO.		287.23
C.B.S.A.	EMPLOYEE CLAIMS 4/9/98	1,683.98
E&L METER INSTALLATION	33 METERS INSTALLED	1,320.00
ECLIPSE	LONG DISTANCE CHARGES	279.76
FIRST NATIONAL BANK	EMPL. PENS. 4/9/98 PAYROLL	2,056.47
HUFF, CHRIS	POOL OPER. CERT. CLASS	9.00
JELCO CLEANING SERVICE	CLEAN CARPETS-SRV BLDG/C	
. =		210.00
LEXINGTON GLASS COMPANY		25.00
NE. MUNICIPAL POWER POOL		1,948.36
PAYROLL ACCOUNT	4/9/98 PAYROLL	67,010.26
PLATTE VALLEY AUTO MART	1996 CHEVY LUMINA	5,200.00
PLUM CREEK MOTORS INC.	1997 CHEVY LUMINA	8,400.00
SCHNIEBER FINE FOODS	MERCHANDISE RETURNED	(305.25)
SOCIAL SECURITY FUND U.S. WEST	SOCIAL SECURITY CL. ON CUT UNDERRGROUND	5,073.10
U.U. VVLUI	CL. ON COT UNDERROUND	435.58
		₹33.30

GRAND TOTAL:

\$741,758.43

PUBLIC HEARING:

Prior to any action on this and the following item Council person Klamm stated that he had a conflict and would no be entering in the discussion or voting. The Lexington City Council held a public hearing to consider the request of Don Price to rezone Tract F and H of a subdivision of the East ½ section 6 from R-3 Multi-family, to R-4 Mobil-Home district. Bruce Smith representing Don Price addressed the Lexington City Council stating approximately 11 acres in the area that has been requested to be rezoned. In the rezoning that is requested would not prohibit the building of any type of housing as Mr. Price is also wishing to have the lots up for sale, and allowing mobile home type development or stick built houses in the area. Upon his completion of his presentation, Mayor Wightman asked for comments from those people against the Mr. Mike Schimmell addressed the rezoning. Lexington City Council stating that the rezoning of this subdivision could have n overcrowding impact on Morton School, as Morton School is full at this time. He further reported that at this time, Lexington does not bus students, as reported earlier, and hopes Lexington not to have to bus students. Linda Mins addressed the City Council in opposition to the rezoning, stating that there were no play areas in the design, and that it would ruin their view, as they would be looking out onto a trailer park rather than an open field. She also had questions as to the maintenance of Jamel Road. Mr. John Knapple addressed the City Council stating that he does not feel that the property is suitable for rezoning, as it would cause traffic problems. He further stated that he did not feel the rezoning is needed as his statistics from the Chamber of Commerce indicated that the population in Lexington has stabilized, and there are various vacant lots available for building. Lisa Yokum expressed concern of changes that would happen in the neighborhood, as did LuAnn Hyatt, and Marsha Schuckman. Sharon Anderson stated that she wants to maintain the privacy that they have enjoyed, and also feels the rezoning is not good for the neighborhood. Additionally she expressed concerns about trash blowing in their lots from this subdivision. Mr. Allan Easterday stated that he agreed with all the

previous presentation, and added that because of the lengths of the streets, there would probably be speeding in that area, which would need to be controlled by the Police Department. Sue Kulhanek expressed major concerns about traffic on Walnut Street if this subdivision was added. She also wanted to know if Jamel would be annexed. Anderson addressed the Council stating that she did not wish to see a subdivision, or the rezoning, as this would affect her neighborhood. Upon the completion of these presentations, Mayor Wightman declared the hearing closed. At this point, members of the Council and Mayor Wightman stated that they did not feel that there were adequate number of Council persons at this meeting, since Council person Mandelko was absent, and Council person Klamm stated that he has a conflict, for the Council to make a decision on this, after some inquiry as to the urgency to this ordinance, Council person Fagot moved to table any further action on this ordinance, until additional information is obtained about this subdivision, and other Council members are present. Seconded by Kohl. Roll call. Voting "aye" were Kohl, Fagot, Wightman. Council member Klamm abstained. Motion carried.

ABANDONED AND JUNK VEHICLE ORDINANCE NO. 2097:

Mayor Wightman stated that Item No. 9 would be moved to Item No. 6 as the majority of the crowd was here for the vehicle ordinance. An Ordinance entitled "AN ORDINANCE TO AMEND SECTIONS 18-2, 18-2.1, AND 18-3 OF THE LEXINGTON CITY CODE: TO PROVIDE FOR CHANGES OF DEFINITION AND REMOVAL OF JUNK VEHICLES: TO REPEAL ORIGINAL SECTIONS 18-2, 18-2.1, AND 18-3, AND ALL OTHER ORDINANCES OR SECTIONS OR ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read Speaking in favor of the before the Council. Ordinance was Terry Trueblood, Liz Richardson, and other members of Keep Lexington Beautiful. With no opposition to the ordinance, moved by Klamm, seconded by Kohl, that said ordinance be passed on final reading. Roll call. Voting "aye" were Fagot, Kohl, Klamm, Wightman. Motion carried.

The passage and adoption of said ordinance having been concurred by a majority of the Council, the President declared said ordinance be adopted and signed the same. The Municipal Clerk attested to the passage and adoption of the ordinance by affixing his signature and the Seal of the City of Lexington in declaring Ordinance No. 2097 to be published in pamphlet form.

Leon E. Malzahn, City Clerk Lexington, Nebraska

WATER STUDY:

Mr. Dana Daniels, representing Miller and Associates made a presentation to the Lexington City Council on the amount of water that had been pumped by the City of Lexington for Commercial and Residential use by the north water system. Mr. Daniels stated that the south system had showed a relatively stable increase, as had the north system. He further stated that the City of Lexington is at this time, pumping in the summer time, all of their wells to their capacity, and placing abnormal use on their pumps. This should be alleviated with the new well, and plans should be made to add new wells every two to three years. With no comments, or action needed on this item, no further action was taken.

WATER TOWER RESTORATION:

Mr. Dana Daniels, representing Miller and Associates addressed the Lexington City Council with a presentation on the restoration of the water tower connected to the north water system. He stated to the Council that there were 125 places in the interior of the water tower that needed to be replace. He further stated that the cathodic protection has masked some of these problems and stated that City Administration have issued orders to remove the cathodic protection from the City of Lexington's water tower. Mr. Daniels then stated that most of the water towers in place at this time do not have cathodic protection. Upon completion of his presentation, moved by Klamm, seconded by Fagot, to allow City Administration to advertise for bids for restoration for the Water Tower connected to the north system. Roll Voting "aye" were Kohl, Klamm, Fagot, Wightman. Motion carried.

AUDIT REPORT:

A report of the fiscal year 1996-97 audit was presented to the City Council. Barb Mills addressed the Council stating that most of the recommendations had been implemented, or are being implemented. Upon completion of her report, moved by Kohl, seconded by Klamm, to accept the audit of the City of Lexington of Contryman & Associates for fiscal year 1996-97. Roll call. Voting "aye" were Fagot, Klamm, Kohl, Wightman. Motion carried.

FINANCIAL REPORT:

Barb Mills presented the financial report for the City of Lexington for the Month of February, 1998. She stated that she would be revising this report to be a more meaningful report for the next meeting. Upon completion of this report, moved by Klamm, seconded by Fagot, to accept the financial report for the City of Lexington for February 1998. Roll call. Voting "aye" were Kohl, Fagot, Klamm, Wightman. Motion carried.

EXECUTIVE SESSION:

Moved by Klamm, seconded by Kohl to recess the regular session to executive session at 9:38 p.m. to discuss the sale of real estate to Union Pacific Rail Roll call. Voting "aye" were Fagot, Kohl, Road. Klamm, Wightman. Motion carried. Moved by Kohl. seconded by Klamm, to reconvene the regular session from executive session at 9:55 p.m. Roll call. Voting "aye" were Fagot, Klamm, Kohl, Wightman. Motion carried. At this time, Mayor Wightman stated that the item concerning the sale of land ordinance would not be considered at this meeting.

MEMBER RESOLUTION: Moved by Fagot, seconded by Kohl, that the following resolution be passed and approved. Roll call. Voting "aye" were Klamm, Kohl, Fagot, Wightman. Motion carried.

RESOLUTION NO. 98-04

BE IT RESOLVED by the Mayor and Council of the City of Lexington, Nebraska as follows:

The City of Lexington is authorized to remain a member of the Nebraska Municipal Power Pool and to do all things necessary and proper to such membership:

- 2. That City Manager Vance Bricker is hereby appointed as the representative of the City of Lexington, Nebraska to the Members' Council of the Nebraska Municipal Power Pool.
- 3. That Pete Bishop is hereby appointed as the alternate representative of the City of Lexington, Nebraska to the Members' Council of the Nebraska Municipal Power Pool.

PASSED AND APPROVED this 14th day of April, 1998.

CITY OF LEXINGTON, NEBRASKA

BY: John M. Wightman, Mayor

ATTEST: Leon E. Malzahn

City Clerk

GOAL SETTING:

Council Person Rick Klamm said that he requested this be on the Agenda. He felt that the City Council needed to sit down and outline some goals for the upcoming year. Upon completion of his request, moved by Klamm, seconded by Fagot that the City of Lexington set a meeting date of May 16th for a goal setting session. Roll call. Voting "aye" Kohl, Fagot, Klamm, Wightman. 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.

Leon E. Malzahn Lexington City Clerk