

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 11, 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, Finance Director Barb Mills, and Recreation Director Chris Huff. Also present was Dana Daniels, representing Miller and Associates. Citizens in attendance were Frank and Glory Hennigan, Donna and Dean Linn, Tammy Vinzant representing Tuffy's Tavern, and Leif Ostrom. The press was represented by Clipper-Herald, KRVN, KNOP 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 7-28-98: Minutes of the regular council meeting held July 28, 1998 were presented for Council's consideration and approval. Moved by Klamm, seconded by Mandelko to approve the minutes of the regular meeting held July 28, 1998 as presented. Roll call. Voting "aye" were Fagot, Kohl, Mandelko, Klamm, Wightman. Motion carried.

MINUTES 7-30-98: Minutes of the special council meeting held July 30, 1998 were presented for Council's consideration and approval. Moved by Mandelko, seconded by Kohl to approve the minutes of the special council meeting

held July 30, 1998 as presented. Roll call. Voting "aye" were Klamm, Fagot, Kohl, Mandelko, Wightman. Motion carried.

MINUTES - 8-6-98:

Minutes of the special council meeting held August 6, 1998 were presented for Council's consideration and approval. Moved by Klamm, seconded by Mandelko to approve the minutes of the special meeting held August 6, 1998 as presented. Roll call. Voting "aye" were Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried.

CLAIMS AND BILLS:

Claims and bills in the amount of \$698,540.22 was presented for Council's consideration and approval. Upon review of the claims and bills, moved by Klamm, seconded by Kohl to approve the claims and bills as listed and authorize the City Treasurer to transfer \$101,860.88 from the General Fund, \$576,442.12 from LEXUS, \$10,000.00 from the City Sanitation Fund, \$1,943.37 from the Landfill Fund, \$2,069.55 from the Health Fund, \$6,224.30 from the Meals On Wheels Fund to the City of Lexington Operating Account. Roll call. Voting "aye" were Fagot, Mandelko, Klamm, Kohl with the exception of Mr. Automotive, Wightman. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
August 11, 1998

ACE EQUIP. & SUPPLY CO.	GUTTER BROOMS	441.00
ALTEC INDUSTRIES INC.	OUTRIGGER CONTROL	32.81
ALIAN T CELLULAR	JULY CELLULAR CHARGES	55.25
ARNOLD POOL COMPANY	TESTING CHEMICALS	27.80
ATWOOD, TRISHA	AQUATIC SWIM INCENTIVE	20.00
BARCO MUNICIPAL PROD.	CROSSWALK SIGNS	289.26
BEE OFFICE SOLUTIONS	OFFICE SUPPLIES	22.91
BERNTSON OIL	OIL AND FUEL	26.48
BECKER FIRE EQUIP. CO.	SUPER SWIVEL	80.00
BERENS, KIM	AQUATIC SWIM INCENTIVE	15.00
BUSER, COURTNEY	AQUATIC SWIM INCENTIVE	30.00
CASH-WA	FOOD AND SUPPLIES	1,546.93
CENTRAL GARAGE FUND	PARTS/LABOR/OIL	3,697.88
CENTURY LUMBER CENTER	BUILDING MATERIALS	312.57
CENTRAL TIRE	REPAIR TIRES	10.00
CINDY'S HEAVENLY COOKIES	COOKIES FOR POOL	34.40

CLINE'S SMALL ENG. REPAIR	SIDE-WALK EDGER	539.00
COASE	MISC. SUPPLIES	67.65
CONTRYMAN & ASSOCIATES	FINANCIAL STATEMENTS	750.00
CONNEY SAFETY PRODUCTS	GLOVES	51.25
COMPUTER PROS	COMPUTER WORK/POLICE	475.00
COCA COLA/DR PEPPER-KRNY.	POOL POP	21.50
COUNTRY GENERAL	PARTS AND SUPPLIES	285.67
C.B.S.A.	EMPLOYEES MEDICAL CLAIMS	2,040.55
COCHRAN, JESSICA	AQUATIC SWIM INCENTIVE	25.00
CURTIS INDUSTRIES, INC.	CABLE TIES AND LAG BOLTS	127.45
CULLIGAN WATER COND.	SALT & WATER TREATMENT	84.25
DAWSON CO. PUBLIC POWER	JULY POWER FEES	2,331.81
DAWSON COUNTY CLERK	DISPATCH FEES	4,607.30
DAN'S SANITATION	SOLID WASTE FEES	10,313.44
DEMCO	LIBRARY SUPPLIES	460.47
EAKE'S OFFICE PRODUCTS	SCAN./COP. PMT/ OFC SPLYS.	2,423.11
EASTERN LIBRARY SYSTEM	CONF. FEES (LIBRARY)	120.00
EGAN SUPPLY COMPANY	JANITORIAL SUPPLIES	103.44
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	410.66
EPPEPLY, DICK	DRILL BITS	121.85
EVANS, SADIE	AQUATIC SWIM INCENTIVE	20.00
FISCHER-SCIENTIFIC	VACUUM FILTER HOLDER	121.07
FOX BROS. HAY CO., INC.	HAY GRINDING	1,375.00
FOLLETT SOFTWARE CO.	COMP. PROGRAMS-LIBRARY	858.28
GALL'S INC.	BADGE WALLET (P&I)	18.98
GILLETTE/NEBR. DAIRIES, INC.	DAIRY PRODUCTS-GGC	306.70
GONZALEZ, ANDREA B.	LIBRARY CLEANING	200.00
GRAINGER IND. & COMM.	DIGITAL METER	703.38
GRAND JUNCTION HILTON	LODGING FEES-CONF.-HUFF	255.00
GYDESEN, BARB	KNB LUNCHEON TICKETS	30.00
HAAS, T.O., TIRE INC.	USED TIRES	69.90
HACH CHEMICALS	WWTP CHEMICALS	47.00
HAIN, SHELLY	AQUATIC SWIM INCENTIVE	30.00
HANDICAPPED ASSOCIATE	CLEANING SUPPLIES	227.00
HARLEQUIN RETAIL, INC	LIBRARY BOOKS	10.52
HIPP WHOLESALE CO	FOOD AND SUPPLIES	156.16
INT. ASSOC. OF ELEC. INSP.	MBR DUES & CONF.(NELSON)	110.00
IIMC	RENEWAL DUES/MALZAHN	100.00
IMPACT COMP. SOLUTIONS	BUS. CONSULT & CONFIGURE	1,215.00
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	465.54
J & R SALVAGE	REMOVE FREON	29.00
JELCO CARPET CLEANING	GGC & CITY HALL CARPET CL.	110.00
JONES PLUMBING & HEATING	WATER HEATER/SUPLS/MTCE.	772.42
JONES, MARK	ELECTRIC REBATE	1,200.00
KENDALL & SONS LDT.	LIFT STATION CLEANING	425.50

KRIZ-DAVIS COMPANY	ELECTRIC SUPPLIES	3,265.97
K.R.V.N. - FM	AD CONTRACT	99.00
LANS, NORMAN	ELECTRIC REBATE	1,800.00
LEAGUE OF NE. MUNIC.	9/1/98 THRU 8/31/99 MBR DUES	5,476.00
LEXINGTON ANIMAL CLINIC	ANIMAL CARE	512.80
LEXINGTON COOP	TIRES	401.80
LEXINGTON LAUNDRY	JULY LAUNDRY	36.00
LEXINGTON POSTMASTER	UTL POSTAGE	1,500.00
LEXINGTON POSTMASTER	GGC POSTAGE	150.00
LEXINGTON PUBLIC LIBRARY	POSTAGE & SPLS(PETTY CASH)	34.06
LEXINGTON NEWSPAPERS	JULY NOTICES	1,188.81
LEXINGTON, CITY OF	MONTHLY CHARGES	23,919.17
LEX. AREA SOLID WASTE	SOLID WASTE FEES	28.44
LUTHER, LARRY	ELECTRIC REBATE	1,300.00
MEAD/BIG VALLEY LUMBER	MISC. SUPPLIES	89.07
MEYER WELDING	MAKE 4 FENDERS	131.17
MERIDIAN LIBRARY SYSTEM	LIBRARY BOOKS	52.50
MILLER AND ASSOCIATES	PROFESSIONAL FEES	5,302.20
MR. AUTOMOTIVE	QUARTZ BULB	11.91
MULLENDORE, ROBERT A., P.E.	PROJECT 125.002	1,594.09
MUNICIPAL SUPPLY	METER LID COVERS	204.33
NEBRASKA LAW ENFORC.	TRAINING (MILLER, MARK)	60.45
NEBRASKA DEPT OF REV.	JULY SALES TAX	23,853.75
NEBRASKA DEPT OF HHS LAB.	BLOOD TESTING	93.80
NELSON, THOMAS R.	CITY HALL CLEANING	500.00
OMAHA LIFE INSURANCE CO	FIREMAN INSURANCE	64.00
ORTIZ, RAQUEL	ELECTRIC REBATE	1,200.00
OTTO, PAUL A. CONSTR.	GRIND CURBS	80.00
OVERTON SAND & GRAVEL	GRAVEL	292.50
PAULSEN INC.	CONCRETE AND SUPPLIES	1,839.33
PARROTT, MATT & SONS CO.	WINDOW ENVELOPES	678.60
PATTY'S HALLMARK	OFFICE SUPPLIES	198.91
PAYROLL ACCOUNT WAGES	PAYROLL FOR 7/30/98	82,830.46
SOCIAL SECURITY	SOC. SEC.(EMPLOYER PORT.)	6,284.31
FIRST NATIONAL BANK	EMP. PENSION(EMPLOYER PORT)	2,157.42
AMERICAN FUNDS	POLICE PENS.(EMPLOYER	
PORT)934.54		
I.C.M.A.	EMP. PENSION(EMPLOYER PORT)	95.09
PEREZ, JORGE	ELECTRIC REBATE	1,200.00
PETTY CASH FUND	REPLENISH PETTY CASH	51.13
PICTURE THIS	FILM AND REPRINTS	8.08
PLATTE VALLEY COMM.	SERVICE CONTRACT	90.00
QUILL CORPORATION	OFFICE SUPPLIES	221.66
REUTLINGER, TROY	AQUATIC SWIM INCENTIVE	25.00
SAX ARTS & CRAFTS	SUMMER CRAFT SUPPLIES	9.01
SCHNIEBER FINE FOODS INC	FOOD AND SUPPLIES	1,332.05

SIXTH STREET MARKET	FOOD AND SUPPLIES	95.39
SIMON & SCHUSTER	LIBRARY BOOKS	161.76
STALEY SPRINKLER INC.	PARK MAINTENANCE	153.69
SUPERIOR SIGNALS INC.	STROBES	338.10
S & W AUTO PARTS INC.	PARTS AND SUPPLIES	400.37
TEETOR, MINDY	AQUATIC SWIM INCENTIVE	15.00
TODD, MICHAEL & CO. INC.	FLAGS AND SUPPLIES	271.38
US WEST COMMUNICATIONS	JULY PHONE CHARGES	1,706.74
US WEST COMMUNICATIONS	WIRE DAMAGE	95.30
UTILITY EQUIPMENT	WATER SUPPLIES	1,820.92
VIKING OFFICE PRODUCTS	LIBRARY OFFICE SUPPLIES	29.22
WALKER ROOFING CO., INC.	REPAIR ROOF	545.25
WAL-MART	MISC. SUPPLIES	369.62
WESCO DISTRIBUTION, INC.	ELECTRICAL SUPPLIES	2,814.30
WEBER AND WEINHOLD	PROFESSIONAL SERVICES	2,350.00
ZEP MANUFACTURING CO	JANITORIAL SUPPLIES	61.73
ALIAN COMMUNICATIONS	SERVICE	81.65
ALPHA CODE MCWL(MC CANDLESS) CLEAN DIGESTER		1,800.00
ECLIPSE COMMUNICATIONS	LONG DISTANCE SERVICE	205.67
GREAT PL. ONE-CALL SVC	LOCATE SERVICE	55.17
INGRAM LIBRARY SERVICES	BOOKS	236.60
KN ENERGY	SERVICE - LIBRARY	17.75
LANDMARK AUDIOBOOKS	AUDIO SUPPLIES - LIBRARY	10.00
LEXUS	SERVICE - LIBRARY	235.74
NEBRASKA DEPT. OF HEALTH & HS	REFUND UTL PAYMENT	58.00
NEBRASKA PUBLIC POWER	JULY ELECT. PURCHASE	472,062.89
PROTECTIVE LIFE INSURANCE	AUGUST PREMIUMS	29.00
SENTIMENTAL PRODUCTIONS	VIDEOS - LIBRARY	79.95
US WEST	JULY SERVICE	383.48
BSB CONSTRUCTION	PHASE II CLOSURE	33170.76
	TOTAL CLAIM 8/11/98	\$731,710.98

REZONING ORDINANCE: The Lexington City Council discussed the rezoning ordinance brought before the Council at a public hearing at the last regular council meeting. Upon conclusion of the discussion, an ordinance entitled "AN ORDINANCE TO REZONE THE NORTH 480 FEET OF THE EAST 165 FEET OF TRACT G OF THE SUBDIVISION OF THE E1/2 OF SECTION 6-9-21, FROM R-1 SINGLE 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” 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 Mandelko, Klamm, Kohl, Fagot, Wightman. Motion carried.

Said ordinance was then read by title. Moved by Fagot, seconded by Mandelko, that Ordinance No. 2101 be passed on final reading. Roll call. Voting “aye” were Kohl, Klamm, Mandelko, 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

**OCCUPATION TAX
DISCUSSION:**

Mr. Bill Bailey addressed the Lexington City Council requesting the Council eliminate the tax on coin operated machines. Mr. Bailey stated that no town close to Lexington, according to his survey, charges the occupation tax, except for the town of North Platte, and would like to have it removed, saving him approximately \$100 per year on his coin operated pool tables. Upon the completion of his request, the Lexington City Council said they would take it under advisement, and request some reports from City Administration regarding the use of this tax. No further action was taken.

OVERPASS FUNDING:

During the discussion of the overpass funding, Mr. Frank Hennigan addressed the City Council voicing his dissatisfaction with the negotiations on the Rail Road Crossing and the building of the Overpass. The building of the overpass on Adams Street would therefore close Madison Street. After voicing his dissatisfaction with that agreement, Mayor Wightman stated that further negotiations would need to occur between the City of Lexington and the Union Pacific Rail Road and the State of Nebraska, concerning

keeping Madison Street open. Mr. Hennigan further stated that he felt that a petition should be started within the City of Lexington to the State of Nebraska so the City of Lexington could reopen the Washington Street crossing. After his presentation, and further discussion, moved by Kohl, seconded by Klamm, to table Item 7, Overpass Funding, and Item 8, Funding Resolution, until the next regular meeting. Roll call. Voting "aye" were Fagot, Mandelko, Klamm, Kohl, Wightman. Motion carried.

**ENGINEERING
PROPOSAL:**

Mayor Wightman stated that he would accept a motion to table this Item also until the next regular meeting, as it pertains to the overpass. Moved by Kohl, seconded by Mandelko, that Item 9, referring to Engineering Proposal, be tabled to the next Council Meeting. Roll call. Voting "aye" were Kohl, Fagot, Mandelko, Klamm, Wightman. Motion carried.

**UNIFORM BUILDING
CODE:**

City Manager Bricker stated that in order to update the Building Codes with the Uniform Building Code, there is a provision in the City Code that these updates be adopted by a resolution. Therefore the resolution is being presented to them. Moved by Klamm, seconded by Mandelko, that the following resolution be passed and approved. Roll call. Voting "aye" were Fagot, Kohl, Mandelko, Klamm, Wightman. Motion carried.

RESOLUTION NO. 98-12

WHEREAS, Lexington City Code Section 6-1.3, authorizes the City Council to approve by Resolution subsequent editions of building codes.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the 1997 Edition of the Uniform Building Code, the 1997 Edition of the International Plumbing Code, and the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings are hereby adopted.

That the building codes herein adopted shall take effect upon the adoption of this Resolution and the filing of one copy with the City Clerk.

PASSED AND APPROVED this 11th day of August, 1998.

CITY OF LEXINGTON, NEBRASKA

President of Council

ATTEST:

City Clerk

PAY ESTIMATE:

Mr. Dana Daniels, representing Miller and Associates, presented the City Council with a final Pay Estimate from BSB Construction in the amount of \$33,170.76. Mr. Daniels further stated that this included a change order in the amount of \$6,450.00 and would be the final payment for the closure of the Lexington Landfill. After a discussion of the change order, moved by Klamm, seconded by Kohl, to approve estimate No. 2 and the final estimate to BSB Construction, Eustis, Nebraska, in the amount of \$33,170.76 which includes a change order in the amount of \$6,450.00, a final payment for the closure of the Lexington Landfill, and authorize the City Treasurer to transfer that amount of money from the Landfill fund to the City of Lexington Operation Account. Roll call. Voting "aye" were Mandelko, Fagot, Kohl, Klamm, Wightman. Motion carried.

SPECIAL DESIGNATED LIQUOR PERMIT:

Tammy Vinzant presented a request to the Lexington City Council for a Special Designated Liquor Permit for August 29, 1998 at the Knights of Columbus Hall to hold a wedding dance. Upon review of the application, moved by Kohl, seconded by Mandelko, to recommend the issuance of the special designated liquor permit to Tammy Vinzant for August 29, 1998 at the Knights of Columbus Hall. Roll call. Voting "aye" were Fagot, Klamm, Mandelko, Kohl, Wightman. Motion carried.

CHANGE MEETING DATE:

City Manager Bricker addressed the Lexington City Council stating that the next regular meeting date of August 25, 1998 conflicts with the annual banquet for

the Dawson Area Development, and is requesting the Lexington City Council to change the meeting date. Moved by Mandelko, seconded by Fagot, to change the next regular meeting date from August 25, 1998 to August 26, 1998 at 7:30 p.m. Roll call. Voting "aye" were Kohl, Klamm, Fagot, Mandelko, 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.

Lexington City Clerk