

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, February 9, 1999 at the Lexington Municipal Building, 406 East 7<sup>th</sup> 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. Department Heads present were Assistant City Manager Joe Pepplitsch, Charles Clark, Jess Bliven, Barb Mills. Also present was Dana Daniels, Bob Blankenship, and Chris Miller representing Miller and Associates, Jim Florke representing Nebraska Public Power District, Larry Leman and Doug Cunningham representing KN Energy, Dave Smith representing Heartland Military Museum. The Press was represented by the Clipper-Herald, KRVN, Tri-City Tribune, 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 Fagot.

**MINUTES - REGULAR MEETING - 1-26-99:** Minutes of the Regular Council Meeting held January 26, 1999 was presented for Council's consideration and approval. Moved by Wightman, seconded by Klamm, to approve the minutes of the Regular Meeting held January 26, 1999 as presented. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$686,550.77 was presented for Council's consideration and approval. Upon review of the claims and bills as listed, moved by Klamm, seconded by Wightman, that the claims and bills be approved as listed and authorize the City Treasurer to transfer \$145,860.45 from the General Fund, \$507,550.76 from the LEXUS Fund, \$10,000.00 from City Sanitation, \$10.07 from the Landfill Fund, \$7,260.43 from the Meals on Wheels Fund, and \$15,869.06 from the Health Fund to the City of Lexington Operating Account. Roll call. Voting "aye" were Cook, Kohl, Wightman, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
FEBRUARY 9, 1999 COUNCIL

ACE EQUIP. & SUPPLY CO.	PLOW MARKERS	160.67
ALIAN CELLULAR	JAN. CELLULAR CHARGES	60.92
AMERICAN FENCE CO., INC.	WIRE AND TIES	240.37
BADER INSUL. & SNDBLSTG	SANDBLAST TANK	60.00
BEE OFFICE SOLUTIONS	BOOK ENDS & FILE GUIDES	41.52
BERNTSON OIL	DIESEL AND OIL	232.60

BUSI. & PROF. CREDIT	UTILITY COLLECTIONS	94.24
BUSI. & TELECOMM. SYS.	TELEPHONE SYSTEM	12,398.25
C&S TRUCK & SALVAGE INC.	HINGE	79.48
C.B.S.A.	INSURANCE PREMIUMS	20,074.69
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	3,470.80
CASH-WA DISTRIBUTING	FOOD AND SUPPLIES	953.29
CENTRAL COMM. COLLEGE	SMETS, BRENT SCHOOL FEES	85.40
CENTRAL GARAGE FUND	LABOR, PTS, TIRES, GAS & OIL	8,201.27
CENTRAL TIRE AND TREAD	TIRE REPAIRS	20.00
CLINE'S SMALL ENG. REPAIR	HOUSING AND IMPELLER	408.42
COAST TO COAST	KEY	0.99
COOK, NANCY	AERO. INSTR.-LEX FIT. WEEK	30.00
COUNTRY GENERAL	PARTS AND SUPPLIES	176.58
COZAD SERVICE	SEWER JETTING SERVICE	100.00
CULLIGAN WATER COND. CO.	WWTP WATER TREATMENT	76.50
DAN'S SANITATION	SOLID WASTE FEES	10,599.44
DAWSON COUNTY CLERK	DISPATCH FEES	5,067.67
DAWSON CO. PUBLIC POWER	JANUARY ELECTRIC SERVICE	1,134.14
DEMCO	LIBRARY SUPPLIES	112.09
DIRECT SAFETY COMPANY	TRAFFIC SAFETY VESTS	169.36
DOYLE, PAT	REFND DUPL. PMT/M.H. PARK PRMT	25.00
DUGAN BUSINESS FORMS	UTILITY BILLS	1,134.53
EAKE'S OFFICE PRODUCTS	OFC SUPPLIES/COPIER PMT	760.09
EBSCO SUBSCR. SERVICE	LIBR. MAG.-NEW YORK TIMES	39.00
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	360.98
FAGOT REFRIG. & ELECTRIC	BAD RELAY ON PUMP #2	34.47
FAIRBANKS INTERN., INC.	REPAIRS AND PARTS	920.76
FARMERS STATE BANK	PRINC. & INT. LOAN #5144	15,245.47
FENCE POST, THE	1 YEAR SUBSCRIPTION	27.00
FISCHER-SCIENTIFIC	WTR BATH & MEMBRANE KIT	804.48
FLOOR SHINE	STRIP & WAX & RESTR FLRS	1,341.00
FLOWERS OF JOY	FL. ARRANG./AWARDS BANQ.	46.59
FORD, JOHN	ELECTRIC REBATE	1,200.00
GEN. TRAFFIC CONT., INC.	FLASHER UNIT	55.00
GILLETTE/NE. DAIRIES, INC	DAIRY PRODUCTS-GGC	305.12
GR PLAINS ONE-CALL SVC	LOCATE REQUESTS	17.92
GYDESEN, BARB	BOOK PURCH. FOR TREE BD	119.80
H-T-M SALES, INC.	SEALS	68.51
HAAS, T.O., TIRE CO., INC.	TIRES	171.83
HUNT CLEANERS	GLOVES	125.90
HUSKER AG SALES	CHAIN SAW AND BLADE	588.72
IDEALS PUBLICATIONS, INC.	SUBSCRIPTION RENEWAL	19.95
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	153.85
JELCO CARPET CLEANING	CLEAN CARPET/CITY HALL	60.00
JONES PLUMBING & HEATING	WWTP & WATER SUPPLIES	72.42
JOY BOOK NOOK	LIBRARY BOOKS	73.46
K.R.V.N. - FM	CONTRACT #2287501	132.00
KELLY SUPPLY COMPANY	FLANGES	101.58
KIDS DISCOVER	SUBSCRIPTION RENEWAL	19.95
KIRK'S NEBRSKLND REST.	BRICKER-MEETING-LUNCH	20.25
KLEPPINGER, JIM	ELECTRIC REBATE	1,300.00
KRIZ-DAVIS COMPANY	ELECTRICAL SUPPLIES	4,519.27
LAKOTA	CIVIL SERVICE LUNCH	18.02
LAW ENFORCEMENT	BLOOD COLLECTION KITS	29.75
LEAGUE OF NE MUNIC.	DIRECTORY & CONFERENCE	240.00

LEXINGTON ANIMAL CLINIC	JANUARY ANIMAL CARE	540.10
LEX AREA SOL. WST AGENCY	SOLID WASTE FEES	233.28
LEXINGTON COMMUN.	REPAIR RADIOS	127.13
LEXINGTON COOP	WTR TANK/PROP./CAR WASH	501.00
LEXINGTON GLASS CO.	LOADER WINDSHIELD	99.95
LEXINGTON HEALTH FUND	SELF-FUNDING	14,917.50
LEXINGTON LAUNDRY	JAN. LAUNDRY CHARGES	59.75
LEX NEWSPAPERS, INC.	JANUARY NOTICES	720.93
LEXINGTON POSTMASTER	UTILITY POSTAGE	1,500.00
LEXINGTON POSTMASTER	GGC POSTAGE	150.00
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	68.50
LEXINGTON, CITY OF	MO. FEES & FRANCHISE FEES	23,878.11
LEX CITY PAYROLL ACCNT	28-Jan-99 WAGES	71,088.17
SOCIAL SECURITY	SOC. SEC.(EMPLOYER PORT)	5,359.28
FIRST NATIONAL BANK	EMP. PENS(EMPLOYER PORT)	2,168.21
AMERICAN FUNDS	POLICE PENS(EMPL PORT)	986.29
I.C.M.A.	EMP PENS(EMPLOYER PORT)	97.74
MEAD/BIG VALLEY LUMBER	MISC. SUPPLIES	259.97
MEYER WELDING	SCRAP IRON	45.22
MICRO-MARKETING ASSOC	LIBRARY BOOKS	143.45
MIDWAY SUPPLY	PARTS AND SUPPLIES	89.77
MILLER & ASSOCIATES	PROFESSIONAL SERVICES	24,480.00
MUNICIPAL CLERKS SCHOOL	REGIS. FEE/LEWIS, SHIRLEY	300.00
MUNICIPAL SUPPLY	CLAMPS AND GATE VALVE	4,063.86
NE DEPT OF REVENUE	UTILITY BILLING TAXES	24,214.37
NE DEPT. OF HHS LAB	HERBICIDES	972.50
NE PUBLIC POWER DISTRICT	JANUARY POWER BILL	359,838.17
NELSON, THOMAS R	JAN CITY HALL CLEANING	500.00
OMAHA LIFE INSURANCE CO	FIREMAN INSURANCE	64.00
OVERTON SAND & GRAVEL	GRAVEL	146.25
PARROTT, MATT & SONS CO.	LASER CHECKS & ENVELOPES	825.78
PATH MASTER INC. - SYST.	MOVEABLE SIGNALS	96.00
PATTY'S HALLMARK	OFFICE SUPPLIES	1,117.04
PAULSEN INC.	CEMENT	56.71
PEAVEY, LYNN COMPANY	ASSULT KITS	36.90
PEOPLE BOOKS	LIBRARY BOOKS	34.30
PETTY CASH FUND	REPLENISH PTY CASH (CITY)	64.16
PLATTE VALLEY AUTO MART	LATCH ASSEMBLY	103.95
PLATTE VALLEY COMMUN.	RADIO REPAIRS	216.09
PLUM CREEK MOTORS	PARTS AND SUPPLIES	166.41
PRECISION IND.	ROLLER BEARINGS	222.11
PRINTING PRESS, THE	TIME SHEETS-POLICE	142.43
QA BALANCE SERVICES	BALANCE SCALES AT WWTP	85.00
REACH ELECTRONICS	PAGER REPAIR	24.67
RODRIQUEZ, VICTORIA	ELECTRIC REBATE	500.00
S&W AUTO PARTS, INC.	PARTS AND SUPPLIES	1,095.22
SCHNIEBER FINE FOODS INC.	FOOD AND SUPPLIES	1,455.78
SEWARD, JASON	JANUARY LIBRARY CLEANING	200.00
SHEET MUSIC	SUBSCRIPTION RENEWAL	18.97
SIXTH STREET MARKET	FOOD AND SUPPLIES	102.28
SKARSHAUG TESTING	CLEAN AND TEST GLOVES	51.75
SUMMIT SPORTS & EVENTS	SPONSOR 3-ON-3 BSKTBALL	5,000.00
TIME LIFE BOOKS	LIBRARY BOOKS	63.94
TODD, MICHAEL & CO. INC.	STREET SUPPLIES	795.68
U.S. FILTER/DISTR/OMAHA	CONVERS. KITS/LCKING LIDS	1,066.32

U.S. WEST COMMUNICATIONS	PHONE CHARGES	2,115.69
U.S. WEST COMMUNICATIONS	REPAIR SERVICE WIRE	95.30
UNION PACIFIC RAILROAD	CONSTR. FEE/ROW-MADSN ST1,	600.00
UTILITY EQUIPMENT	GATE VALVES	948.00
UTILITY PROD. SUPPLY CO.	FUSE UNIT	3,361.69
VALENTINO'S	CITY COUNCIL RETREAT	61.96
VIKING OFFICE PRODUCTS	LIBRARY SUPPLIES	51.71
WAL-MART	OFFICE SUPPLIES	89.50
WALLING CO, INC. THE	SEAL ASSEMBLY	57.73
WATER ENVIRON. FED.	MEMBERSHIP FEES	83.00
WEBER & WEINHOLD	PROFESSIONAL SERVICES	2,356.50
WESCO DISTRIBUTION, INC.	ELECTRICAL SUPPLIES	22,843.66
WEST GROUP	WEINHOLD ROM	85.86
WOLF, TRACY	MILEAGE & MEALS/RECERT.	85.90
ALAMAR UNIFORM CO.	POLICE UNIFORMS	92.18
BARMORE'S	OFFICE SUPPLIES	9.34
BURKLAND, DL	ELECTRIC REBATE	500.00
BUSINESS OFFICE SYSTEMS	POSTAGE-NEW MAIL MACH	50.00
DAWSON COUNTY SHERIFF	GANG OFFICER SVC CONT	4,160.00
ELECTRONIC SYSTEMS	FIRE ALARM SYS INSPEC GGC	25.00
LUBBERSTEDT, WESLEY	ELECTRIC REBATE	1,900.00
MUNICIPAL CLERKS SCHOOL	REGISTRATION-MALZAHN	165.00
NE. DEPT. OF ENV QUALITY	OPERATOR CERT RENEWAL	50.00
NELSON, THOMAS R.	NCBO&I EXPENSES-LINCOLN	117.10
PHOTOGRAPHY BY DEE ANN	EMP OF THE YEAR PICTURE	58.30
PLATTE VALLEY EXTERM	SPRAY BUGS GGC BUILDING	24.00
SHOE MART	ECO-CHALLENGE T-SHIRTS	159.00
UNION PACIFIC RAILROAD	ADDIT CONST. FEE-MDSN ST.	48.00
	GRAND TOTAL:	\$686,550.77

#### **ENERGY SERVICES**

Mr. Jim Florke representing Nebraska Public Power District stated that NPPD has formed a company called ESCO which will be totally independent of the Nebraska Public Power District, however, will be able to perform services for the customer that Nebraska Public Power would not have been able to do, such as, energy audits, transformer loadings, motor capacity, and cycling of loads. These types of studies could be performed by ESCO, and not by NPPD, therefore taking the cost of performing those studies out of the rate base and making NPPD much more competitive in marketing. City Manager Bricker further recommended that the Lexington City Council join the ESCO organization, which would be approximately a cost of \$3.00 per meter to the City of Lexington. This membership would give us one vote in the organization. It was the recommendation of the Council that this item be placed on the Agenda for February 23, 1999 with a resolution for membership.

#### **KEEP LEXINGTON BEAUTIFUL FUNDING:**

This item on the Agenda was withdrawn, and the request from Heartland Museum was transferred to its place.

#### **GRANT REQUEST:**

Mr. Dave Smith, representing the Heartland Military Museum, requested the City Council grant permission for the Military Museum to apply for additional grants. Mr. Smith said there would be absolutely no cost to the City for this grant, and all that is needed would be a letter from the City authorizing Heartland Museum to make this application.

Upon completion of his presentation, moved by Wightman, seconded by Klamm, that the Mayor of Lexington be authorized to proceed with a letter authorizing the Heartland Military Museum to apply for a grant, and that the Mayor be authorized to enter into the proper agreements with the State of Nebraska for the application of this grant, seconded by Klamm. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

**RATE STUDY**

City Manager Bricker addressed the Council presenting a resolution from the League Of Nebraska Municipalities to join in a study of the rates charged for P0802 gas by KN Energy. Upon the completion of his presentation Mr. Larry Lehman from KN Energy addressed the Council with an explanation of the source of the gas sold under the P0808 rate. He further reviewed the past history of rates studies and their cost allocations to the customers in an area. Upon completion of his presentation no further action was taken.

**SALE OF PROPERTY:**

An Ordinance entitled "AN ORDINANCE DIRECTING THE SALE OF LOTS 1 & 2, BLOCK 6, SOUTHAVEN ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY NEBRASKA; TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE" was read before the Council. At this time, City Manager Bricker stated that this had been considered at the last meeting, and the Council had ordered this be placed on the Agenda for the sale of these two lots to Charles Cadwell, or Cadwell Construction. Upon reading of the title of the Ordinance, moved by Wightman, seconded by Kohl, that 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. 2108 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 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

**ONE & SIX YEAR  
REVIEW:**

Mr. Bob Blankenship, representing Miller and Associates, reviewed the One and Six Year Plan for the City of Lexington's Street Construction. Mr. Blankenship further stated that the public hearing for this plan would be at the next Regular Council Meeting on February 23, 1999, however, at this point, it has been the policy of the council to review it before the hearing. Mr. Blankenship stated that in the one year design, was the viaduct for \$6,500,000.00, Taft Street Improvement which is basically the removal and replacement of pavement on Taft Street is \$250,000.00, 13<sup>th</sup> Street Paving west on 13<sup>th</sup> Street at approximately \$25,000.00. Mr.

Blankenship stated that this project was the overlayment of black top west to the airport road. The next item was the Hwy 283 link road approximately \$450,000, and this would be the link road between Plum Creek Parkway, and Adams Street. The final item in the one-year plan was the Pedestrian crossing at \$1,050,000.00. This would be the Pedestrian crossing on Madison Street over the Rail Road. Other items in the Six-Year Plan included the City Drain Bridge, South Jefferson Street Paving, Hwy No. 283 Hike/Bike Trail, Grant Street overlay, Spring Creek Bridge, Maple and spruce Street Paving, Jackson & Walnut Street Radius Reconstruction, Paulsen's Subdivision Hike/Bike Trail, South Plum Creek Parkway & Washington Street Reconstruction, 17<sup>th</sup> Street Improvements, 14<sup>th</sup> Street Improvements, Taft Street Improvements, and East Walnut Paving. Upon completion of the review of the projects, no further action was taken.

**SANITARY SEWER  
RATES:**

The Lexington City Council discussed the current sanitary sewer rates for the City of Lexington in their relationship to the ability of the sanitary sewer system to pay its current debts and operating expenses in return, money for future construction of the plant. After a brief discussion of the rates and what may be needed in the future, the Council determined that the rates for the residential sanitary sewer should be set at \$19.00, that the minimum of 0-5 days should be set at \$8.50, that the charge for commercial sewer should be placed at \$1.65 per 1,000 gallons of the average water in the three winter months, and that the minimum charge for commercial sewer should be \$10.00. Upon completion of these directives, moved by Wightman, seconded by Klamm, that the following resolution be passed and approved. Roll call. Voting "aye" were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

RESOLUTION NO. 99-03

WHEREAS, Lexington City Code Section 23-13, authorizes the City Council to establish by Resolution a schedule of rates and charges for sanitary sewer use.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following sanitary sewer use charges shall take effect April 1, 1999. That all other sewer use charges previously established shall remain unchanged..

Flat Rate Residential	\$19.00 per month
0-5 day minimum charge	\$8.50
Commercial	\$1.65 per 1000 gallons
	\$10.00 minimum

PASSED AND APPROVED this 9<sup>th</sup> day of February, 1999.

CITY OF LEXINGTON, NEBRASKA

John Fagot  
President of Council

ATTEST:

Leon E. Malzahn  
City Clerk

**WATER STUDY:**

Mr. Chris Miller representing Miller and Associates, addressed the Lexington City Council reviewing information that had been passed on to the City Council in the retreat concerning the amount of draw-down our current wells has, and how one of our wells affects the other well in a severe dry condition. Mr. Miller also stated that in order to compensate for this, the City of Lexington should look outside the City limits for possible well fields, not to exclude the Platte River, and should plan in the future to incorporate these into the operation of the water system. No further action was taken on this report.

**LINK ROAD  
SPECIFICATION:**

Mr. Dana Daniels, representing Miller and Associates, addressed the Lexington City Council, presenting preliminary drawings and specifications for the Link Road between Plum Creek Parkway, and Adams Street just south of the existing drainage ditch. Mr. Daniels explained that part of the road would be a 60 ft. right-of-way with, what is considered, rural road construction, which would eliminate additional storm drains. He further explained that there would not be access to this road coming from the south, as most of that would probably be considered residential and this would not be a road that would be linking up with those streets. Discussion on this road that followed included the possibility of assessment, if someone would want to join this road with the subdivision, and considering a different width in the road, placement of utilities, etc. Upon completion of discussion, no further action was taken.

**MAINTENANCE  
CONTRACT:**

The Lexington City Council considered renewing a contract with the State of Nebraska for the City of Lexington, doing maintenance on their roads within the City limits. City Manager Bricker stated that this is just a renewal of an existing contract that had been renewed for quite a few years. The State controls the price of it, and the only time there is an increase in it, is when the number of lane miles inside the City limits increases, or the State of Nebraska decides to raise the refund cost per mile. Upon completion of his recommendation, moved by Klamm, seconded by Kohl, to approve Maintenance Contract No. 16 for renewal with the State of Nebraska. Roll call. Voting "aye" were Wightman, Cook, Kohl, Klamm, Fagot. Motion carried.

**AIRPORT AUTHORITY  
APPOINTMENT:**

Mayor Fagot announced that Steve Moseley's resignation to the Airport Authority had left a vacancy, and the Airport Authority had recommended that Mr. Steve Atwood be nominated to fill the unexpired term of Steve Moseley, and therefore, that is his recommendation to the Council. Upon completion of his recommendation, moved by Wightman, seconded by Klamm, to approve the Mayor's nomination of Steve Atwood to fill the unexpired term of Steve Moseley on the Airport Authority. 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 Fagot  
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.

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Lexington City Clerk