

CITY OF LEXINGTON  
LEXINGTON, NEBRASKA

A Regular Meeting of the Lexington City Council was held Thursday, October 10, 1996, at the Municipal Building, 406 East 7th Street, Lexington, Nebraska, at 7:30 P.M. Members of the City Council present were: Mayor Robert Hawks, John Wightman, Dorothy Anderson, Jerry Long, and John Fagot. City Official present was: Interim City Manager Vance Bricker, City Clerk Leon E. Malzahn, and City Attorney Willard Weinhold. Department Heads present were: Charles Clark, Glenn Hawks, Ruth Seward and Kerry Rader. Also present were: Dana Daniels, representing Miller & Associates, Kent Guydesen, Jo Keim, Gerald Andre, Wilbur and Joan Ruepke, David Selk, and Greg Lauby. The press was represented by the Clipper Herald, Kearney Hub and KRVN.

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 Hawks.

MINUTES REGULAR MEETING 9/24/96: The minutes of the regular council meeting held September 24, 1996 were presented for Council's consideration and approval. Moved by Anderson, seconded by Wightman to approve the minutes of the regular meeting held September 24, 1996. Roll call. Voting "aye" were: Fagot, Long, Wightman, Anderson, Hawks. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$722,596.87 were presented for Council's consideration and approval. Moved by Wightman, seconded by Long to approve the claims as listed and authorized the City Treasurer to transfer \$120,883.01 from the General Fund, \$564,730.91 from LEXUS Funds, \$10,000.00 from City Sanitation Fund, \$8,457.16 from the Landfill Fund, \$9,278.45 from the Health Fund, \$4,120.00 from refund to Schools, and \$5,127.34 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were: Anderson, Fagot, Long, Wightman, Hawks. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
OCTOBER 10, 1996

AMERICAN PUBLIC WORKS ASSOC.	MEMBERSHIP	175.00
ARNOLD POOL COMPANY	CHEMICALS	1241.38
BARMORE'S	FILM	34.55
BERNTSON OIL	FUEL	2882.13
BROWN, HAROLD	TOOL ALLOWANCE	50.00
BURBACH ENGINEERS SERVICES		6500.00
BUREAU OF BUSINESS PRACTICE	BOOKS	207.51
CASH-WA DISTRIBUTING	FOOD	288.31
CENTRAL GARAGE FUND	FUEL/PARTS/LABOR	6045.41
CENTURY LUMBER CENTER	BLDG SUPPLIES	2067.63
COAST TO COAST	SUPPLIES	167.75
CONTRYMAN & ASSOCIATES	MGMT. STUDY	33845.60
CONNEY SAFETY PRODUCTS	IBUPROFEN	71.88
COUNTRY GENERAL	PUMP PARTS	147.09
C.B.S.A CLAIMS		9141.20
C.J. SMALL ENGINE REPAIR	CHAIN	74.43
CRESCENT ELECTRICAL SUPPLY	HPS LAMPS	192.34
CULLIGAN WATER CONDITIONING	SERVICE	152.46
DAWSON CO. CLERK	DISPATCH FEE	3870.50
DAWSON CO. REGISTER OF DEEDS	EASEMENTS	38.00
DAWSON CO. DEPT. OF ROADS	SIGN POSTS	176.00
DAWSON CO. SURVEYOR	LOT SPLIT	197.60
DAN'S SANITATION	SERVICE	10138.92
DAIRY QUEEN MEALS		19.12
DANKO EMERGENCY EQUIP. CO.	EQUIPMENT	138.38
EAKES OFFICE PLUS	SERVICE/SUPPLIES	612.12
ELECTRIC FIXTURE & SUPPLY EL	SUPPLIES	891.31
FAIRBANKS INTERNATIONAL	PARTS	216.98
FAGOT ELECTRIC & REFRIG.	EL SERVICE	590.46
FISCHER SCIENTIFIC	LAB EQUIP	2646.58
FRANSYL EQUIP. CO.	PARTS/LABOR	11674.52
GILLETTE/NE DAIRIES MILK		110.05
GGC SUPPORT GROUP	POSTAGE	70.00
HAWKS, ROBERT	MTG. EXP.	121.10
HACH CHEMICAL	SUPPLIES	56.00
HIPP WHOLESALE CO.	FOOD	275.91
HOFAKER'S IRON & METAL	IRON	8.00
HUTT PLUMBING	SERVICES	164.00
INGRAM LIBRARY SERVICES	BOOKS	86.58
INTERNAL REVENUE SERVICE	PAYROLL EXP.	377.02
INTERNATIONAL TRANSFORMER	PARTS	1771.77
JELCO CARPET CLEANING	CLEANING	73.50
KN ENERGY	SERVICE	6.00
KOVAR, KENT	CDL LICENSE	40.00
KRIZ-DAVIS	EL SUPPLIES	850.60
LAW ENFORCEMENT EQUIP CO.	KEY KEEPER	17.45
LEXINGTON ANIMAL CLINIC	SERVICES	538.20
LEXINGTON COMMUNICATIONS	RADIO REPAIR	29.75
LEXINGTON POSTMASTER	POSTAGE	1500.00

LEXINGTON PUBLIC LIBRARY PETTY CASH	26.82
LEXINGTON PUBLIC SCHOOLS REFUND	4120.00
LEXINGTON NEWSPAPERS ADS	938.63
LEXINGTON TRUCK & AUTO TRANSMISSION	150.00
LEXINGTON, CITY OF MONTHLY CHGS.	27527.28
LEXINGTON POSTMASTER POSTAGE	150.00
LUCENT TECHNOLOGIES SERVICE	63.70
MEAD/BIG VALLEY LUMBER SUPPLIES	435.32
MEYER WELDING IRON	186.32
MIDWAY SUPPLY PARTS	250.68
MILLER & ASSOCIATES SERVICES	1850.00
MISKO SPORTING GOODS SUPPLIES	105.86
MINE SAFETY APPLIANCES CO. BAND ASSY	51.35
MR. AUTOMOTIVE PARTS	110.68
MURPHY TRACTOR & EQUIPMENT PARTS	239.25
NATL ASSOC. OF PURCHASING BOOKS	135.20
NEBRASKA LIBRARY COMMISSION SERVICE	29.57
NEBRASKA MACHINERY LOADER PMTS.	2646.00
NEBR. PUBLIC POWER DIST. POWER BILL	437549.54
NEBR. PUBLIC POWER DIST. PARTS/LABOR	1476.41
OMAHA LIFE INSURANCE CO. INSURANCE	64.00
OMAHA WORLD HERALD SUBSCRIPTION	16.25
OVERTON SAND & GRAVEL ROCK	60.00
PAYROLL ACCOUNT WAGES	61412.57
PAULSEN BLDG & SUPPLY CONCRETE	505.00
PATTY'S HALLMARK SUPPLIES	123.48
PENWORTHY/AMERICAN MEDIA BOOKS	977.02
PEOPLE MAGAZINE SUBSCRIPTION	89.57
PLATTE VALLEY AUTO MART PARTS/LABOR	165.01
PLUM CREEK MEDICAL GROUP CLAIMS	60.00
PLUM CREEK PROMOTIONS MUGS	25.00
PLATTE VALLEY EXTERMINATING SERVICES	24.00
PRECISION INDUSTRIES PARTS	8.35
RENT ALL RENTALS RENTAL	133.16
SCHNIEBER FINE FOODS, INC. FOOD	388.99
SEAMAX SEAL KIT	37.81
SEWARD, RUTH CONF. EXP.	151.59
SIXTH STREET MARKET FOOD	25.40
SOCIAL SECURITY FUND FICA	4641.15
SOLOMON ELECTRIC TRANSFORMERS	2970.00
SOLID WASTE ASSOC., THE MEMBERSHIP	105.00
S & W AUTO PARTS PARTS	856.26
SYNCHRONIZED INSTRUMENTS METER REPAIR	386.37
TELEGRAPH AD	13.60
TODD, MICHAEL & CO. SUPPLIES	70.02
TRI-COUNTY HOSPITAL CLAIM	77.25
TRAVELERS, THE PENSION	1973.54
TRAVELERS, THE POLICE PENSION	824.32
UNISYS CORPORATION MONTHLY SERVICE	1806.00
U S WEST COMMUNICATIONS SERVICE	257.35
U S WEST CONFERENCING SERV. SERVICE	29.26
UTILITY EQUIP CO. CURB STOP	703.67
VALUE LINE PUBLISHING SUBSCRIPTION	570.00
WALMART SUPPLIES	218.92

WATERPRO	METER	711.37	
WATTIER, DARRYL	CDL LICENSE	40.00	
WESCOEL SUPPLIES		1315.49	
WEBER & WEINHOLD	SEPT. SERVICES	1200.00	
C.B.S.A PREMIUMS/ADMIN FEES		6489.01	
DAWSON CO. AREA ECONOMIC	MEMBERSHIP	10000.00	
DIVERSIFIED PUBLICATIONS	ADVERTISING	2014.00	
ELECTRIC METER SERVICE CO.	METER EXP.	14.25	
HOLIDAY INN	MTG. EXP.	327.54	
LEXINGTON HEALTH FUND	SELF FUNDING	13547.47	
LEXINGTON NEWSPAPERS, INC.	ADS	75.13	
NE. UNEMPLOYMENT INS.	CLAIM	2727.48	
NE. DEPT. OF REVENUE	SEPT. SALES TAX	23423.03	
STATE OF NE. DEPT. OF HEALTH	CERTIFICATION	10.00	
PETTY CASH FUND	PETTY CASH	148.60	
REED REFERENCE PUBLISHING	BOOKS	518.42	
TELEGRAPH	ADS	96.30	
US WEST COMMUNICATIONS	PHONE	1535.17	
	GRAND TOTAL		\$722,596.87

CURFEW ORDINANCE: An ordinance entitled, AN ORDINANCE TO AMEND SECTION 19-28 OF THE LEXINGTON CITY CODE; TO AMEND PROVISIONS RELATING TO CURFEW; TO REPEAL THE ORIGINAL SECTION 19-28 OF THE LEXINGTON CITY CODE; 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 and considered on third and final reading. Offering testimony against passage of this ordinance was Mr. Greg Lauby who presented data from various locations in the U.S., mainly Denver, and statistics from the Crime Commission that stated that since IBP moved to Lexington, the crime rate has not risen that much. Other people in attendance did not speak for the passage of the ordinance. Moved by Wightman, seconded by Long that Ordinance No. 2066 be passed on final reading. Roll call. Voting "aye" were: Long, Wightman, Hawks. Voting "nay" were: Fagot, Anderson. 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. 2066 to be published in pamphlet form.

PUBLIC HEARING The Lexington City Council held a public hearing to  
 ZONING CHANGE: consider the possibility of having an ordinance to change the zoning in the R-3 Zone to allow for antique shops as a permitted use. Hearing no input

on the ordinance, Mayor Hawks declared the public hearing closed. An ordinance entitled, "AN ORDINANCE TO AMEND ARTICLE 28-14.5 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR ANTIQUE SHOPS AS A PERMITTED SPECIAL USE IN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT; TO REPEAL ORIGINAL SECTION 28-14.5 AND ANY 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 Anderson that said ordinance be passed on first reading. Roll call. Voting "aye" were: Fagot, Long, Anderson, Wightman, Hawks. Motion carried.

AWARD BIDS: Mr. Dana Daniels addressed the Lexington City Council stating that they had accepted bids for the sanitary lift station at the Shotkoski Subdivision and one bid had been received from Midlands Contracting, Inc. in the amount of \$39,590 and is recommending the award of that bid. Upon completion of his presentation, moved by Wightman, seconded by Fagot that the Lexington City Council award the bid for the lift station at the Shotkoski Subdivision to Midlands Contracting, Inc. in the amount of \$39,590. Roll call. Voting "aye" were: Long, Anderson, Fagot, Wightman, Hawks. Motion carried.

LANDFILL TIPPING RATE: The Lexington City Council discussed the change in tipping fees at the Lexington Landfill. City Attorney Willard Weinhold addressed the Lexington City Council outlining the authorities governing the landfill as they are now and as they will be when the new landfill takes over. Interim City Manager Bricker stated that this was a request from the Lexington Area Solid Waste Agency, although they were going to be using the Lexington Landfill until the new landfill was constructed. Upon completion of these presentations, moved by Wightman, seconded by Long that the following resolution be passed and approved. Roll call. Voting "aye" were: Anderson, Long, Wightman, Hawks. Voting "nay" was Fagot. Motion carried.

#### RESOLUTION NO. 96-32

WHEREAS, Section 22-6 of the Lexington City Code authorizes the City Council to establish rates for the use of the Lexington Sanitary Landfill.

BE IT THEREFORE RESOLVED by the Mayor and Council of the City of Lexington, Nebraska, that effective November 1, 1996, the fees for use of the Lexington Sanitary Landfill shall be as follows:

Cars .....\$ 6.75 each  
 Pickups .....\$ 27.00 each  
 Cars & Pickups with  
 Small Trailers .....\$ 27.00 each  
 Trucks & Trailers .....\$ 56.25 each  
 Compactor Trucks:  
 Rated Capacity .....\$ 9.00/yard  
 Non-Resident .....\$ 9.00/yard

PASSED AND APPROVED this 10th day of October, 1996.

CITY OF LEXINGTON, NEBRASKA

BY: \_\_\_\_\_  
 Mayor

LANDFILL PURCHASE Interim City Manager Bricker informed the Lexington  
 OPTION: City Council that he would like to proceed with the purchase of 150 acres of land to the  
 south and east of the current landfill site. He further stated that this land would be purchased as a protection  
 measure for the old landfill. He also presented a outline of income from this land which could be earned  
 through this purchase stating that this purchase could be paid for in fourteen and one-half years. Hearing no  
 further comments, moved by Wightman, seconded by Long to allow City Administration to exercise the  
 option to purchase the 150 acres from Ken Smith Estate. Roll call. Voting "aye" were: Fagot, Anderson,  
 Long, Wightman, Hawks. Motion carried.

PAY ESTIMATES The Lexington City Council considered Application  
 AQUATIC CENTER: No. 4 from Paulsen, Inc. or the general construction of the Aquatic Center in the  
 amount of \$89,873.10 and Application No. 5 from Paulsen, Inc. for the same project in the amount of  
 \$95,302.35. Upon review of the projects completion and the fact that a 5% retainer was withheld on  
 Application No. 5, moved by Wightman, seconded by Anderson to approve Application No. 4 in the  
 amount of \$89,773.10 and Application No. 5 with a 10% retainage with the exact figure not available at this  
 time and authorized the City Treasurer to transfer said amount to the City of Lexington Operating Account.  
 Roll call. Voting "aye" were: Long, Fagot, Anderson, Wightman, Hawks. Motion carried.

AQUATIC CENTER The Lexington City Council considered Application  
 PAY ESTIMATE: No. 3 from Associated Pool Builders for the pool mechanical contract. After a  
 review of the contract and a statement that the work completed matches the pay estimate, moved by  
 Wightman, seconded by Long

to approve Application No. 3 from Associated Pool Builders, Inc. in the amount of \$46,800 and authorized the City Treasurer to transfer \$46,800 from the Pool Fund to the City of Lexington Operating Account. Roll call. Voting "aye" were: Anderson, Fagot, Long, Wightman, Hawks. Motion carried.

PAY ESTIMATE           The Lexington City Council considered Application  
AQUATIC CENTER:    No. 3 from Associated Pool Builders, Inc. for pool construction in the amount of \$90,000. Upon review of the pay application, moved by Long, seconded by Fagot to approve Application No. 3 from Associated Pool Builders, Inc. for pool construction in the amount of \$90,000. Roll call. Voting "aye" were: Wightman, Anderson, Fagot, Long, Hawks. Motion carried.

RECREATION   The Lexington City Council considered the  
DIRECTOR:       possibility of reviewing a job description and begin advertising for a recreation director. Mayor Robert Hawks stated that due to the proposed items on the ballot for November 5 which would limit property tax that cities would be allowed to collect for operation, this item be referred to the recreation board with their recommendations and depending on the outcomes of the election, be referred back to the Lexington City Council at that time. No further action was taken.

CITY MANAGER       Moved by Wightman, seconded by Fagot to recess the  
DISCUSSION:       regular session to executive session at 8:46 p.m. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman, Hawks. Motion carried. Moved by Long, seconded by Wightman to reconvene the regular session from executive session at 9:07 p.m. Roll call. Voting "aye" were: Fagot, Anderson, Wightman, Long, Hawks. Motion carried.

ADJOURNMENT:       There being no further business to come before the Council, Vice President Wightman declared the meeting adjourned.

John Wightman  
Vice President

Leon E. Malzahn  
City Clerk

I, the undersigned City Clerk of 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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Leon E. Malzahn  
City Clerk