

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, September 24, 1996, at the Municipal Building, 406 East 7th Street, Lexington, Nebraska, at 7:30 P.M. Members of the City Council present were: Vice President John Wightman, Dorothy Anderson, Jerry Long, and John Fagot. Mayor Hawks was absent with permission from the Council. 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, and Kerry Rader. Also present were: Gary Lay representing Nebraska Municipal Power Pool, John Cox, Don Price, and Bob Blankenship representing Miller & Associates. The press was represented by the Clipper Herald, KRVN and KNOP TV.

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 Vice President Wightman.

MINUTES REGULAR MEETING 9/10/96: The minutes of the regular council meeting held September 10, 1996 were presented for Council's consideration and approval. Moved by Long, seconded by Anderson to approve the minutes of the regular meeting held September 10, 1996. Roll call. Voting "aye" were: Fagot, Anderson, Long, Wightman. Motion carried.

MINUTES SPECIAL MEETING 9/17/96: The minutes of the special council meeting held September 17, 1996 were presented for Council's consideration and approval. Moved by Anderson, seconded by Fagot to approve the minutes of the

special meeting held September 10, 1996. Roll call. Voting "aye" were: Long, Fagot, Anderson, Wightman. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$285,725.99 were presented for Council's consideration and approval. Considerable discussion was held concerning the purchase of the work station for the SCADA load management and water well controls. Upon completion of the discussion, moved by Fagot, seconded by Long to approve the claims as listed and authorized the City Treasurer to transfer \$113,712.80 from the General Fund, \$130,308.55 from LEXUS Funds, \$11,439.25 from City Sanitation Fund, \$18,124.70 from the Landfill Fund, \$5,211.98 from the Health Fund, \$27.34 from CDBG 90-HD-010, and \$6,901.37 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
SEPTEMBER 24, 1996

ADVANCED CONTROL SYSTEMS	WORKSTATION	20,842.05
AFLAC	INSURANCE	149.74
ALMETEK	LABELS	45.70
AQUA-TRONICS, INC.	RADIO REPAIR	435.28
BARMORE'S	SURGE PROTECTOR	27.98
BERNTSON OIL	FUEL	2,268.36
BECKER FIRE EQUIPMENT CO.	SUPPLIES	62.80
BRICKER, VANCE	MEETING EXP.	1,058.75
BULKLEY, D.R. CO. INC.	RESURFACING	11,458.00
B&P CREDIT	COLLECTIONS	146.64
CASH-WA DISTRIBUTING	FOOD	1,096.23
CCP INDUSTRIES	PAPER TOWELS	254.32
CENTRAL GARAGE FUND	FUEL	4,514.15
CENTURY LUMBER CENTER	TOOLS	14.90
COAST TO COAST	SPRINKLERS	46.34
CORNHUSKER HOTEL	CONFERENCE EXP.	160.00
COUNTRY GENERAL	SUPPLIES	96.68
C.B.S.A	CLAIMS	2,586.68
COZAD SERVICES	SERVICE	435.93
CULLIGAN WATER CONDITIONING	RENTAL	67.50
DAWSON CO. PUBLIC POWER	UTILITIES	2,484.56

DAWSON CO. HIGHWAY DEPT.	POSTS	659.50
DUGAN BUSINESS FORMS	SUPPLIES	1,136.01
EAKE'S OFFICE PRODUCTS	SUPPLIES	.98
EBSCO SUBSCRIPTION SERVICE	SUBSCRIPTIONS	1,241.69
EGAN SUPPLY CO.	CLEANERS	225.50
ELECTRIC FIXTURE	ELECTRIC SUPPLIES	2,335.40
ELF HYDRAULIC REPAIR	PARTS	3.15
EMERGENCY MEDICAL PRODUCTS	GLOVES	209.88
FARM & HOME PUBLISHERS	AD	102.00
FAGOT, JOHN	TRAVEL EXP.	1,583.00
FISCHER-SCIENTIFIC	SCALE	140.75
FRIEND, MATT TRUCK EQUIP	PUMP	331.88
GILLETTE/NE. DAIRIES	MILK	173.94
GREAT PLAINS ONE-CALL SERV.	LOCATES	60.07
HAWKS, ROBERT	TRAVEL EXP.	1,083.20
HACH CHEMICAL	CLEANERS	72.40
HIPP WHOLESALE	FOOD	986.28
H-T-M SALES, INC.	PARTS	258.62
INGRAM LIBRARY SERVICES	BOOKS	102.09
INTERNATIONAL UTILITY STRUC.	POLES	725.00
JONES PLUMBING	SUPPLIES	1,457.63
KLINE, NANCY	CLEANING	500.00
KN ENERGY	UTILITIES	3,385.38
KONEN, JEFFREY	EL REBATE	1,500.00
KRIZ-DAVIS COMPANY	EL SUPPLIES	2,309.99
LAWSON PRODUCTS, INC.	TOOLS	79.90
LAKOTA	MEETING EXP.	40.73
LEAGUE OF NE MUNICIPALITIES	MEMBERSHIP	183.75
LEXINGTON COMMUNICATIONS	REPAIRS	35.00
LEXINGTON PUBLIC LIBRARY	POSTAGE	41.83
LEXINGTON NEWSPAPERS, INC.	ADS	738.76
LEXINGTON ARTS COUNCIL	PROMO	1,000.00
LEXINGTON, CITY OF	LANDFILL EXP.	228.45
MALZAHN, LEON	MTG. EXP.	45.00
MEAD/BIG VALLEY LUMBER	SUPPLIES	161.30
MERIDIAN LIBRARY SYSTEM	SEMINAR	55.00
MILLER & ASSOCIATES	SERVICES	18,996.83
MIDWEST LABORATORIES, INC.	LAB SERVICE	114.00
MORRIS PRESS & OFFICE SUPP.	AWARD	8.50
MURPHY TRACTOR & EQUIP.	PARTS	113.53
NATIONAL AUTOMOBILE DEALERS	SUBSCRIPTION	52.00
NAPM OF CENTRAL NEBRASKA	MEMBERSHIP	85.00
NLC CONFERENCE	CONFERENCE	538.00
NE DEPT. OF ENVIRONMENTAL	ANNUAL FEE	7,500.00
NEBRASKA MACHINERY	PARTS	1,939.52
NEBRASKA CLERKS ASSOCIATION	MEMBERSHIP DUES	60.00

NEBRASKA LIBRARY COMMISSION	CONFERENCE	53.00
NE. DEPT. OF REVENUE	RECYCLING FEE	25.00
NE MUNICIPAL POWER POOL	SCHOOL COURSE	125.00
NE RURAL WATER ASSOC.	MEMBERSHIP	150.00
NEBRASKA PAY SURVEYS	PROMO	220.00
NEBRASKA LIBRARY ASSOC.	MEMBERSHIP	43.75
NEBRASKA CELLULAR	PHONE	190.54
OMAHA WORLD HERALD	AD	274.56
OTTE, BONNIE	TUITION REIMBURSEMENT	
		369.00
OXFORD UNIV. PRESS, INC.	BOOK	60.83
PAYROLL ACCOUNT	PAYROLL	65,992.27
PAULSEN'S BLDG. & SUPPLY	CONCRETE	1,481.20
PATTY'S HALLMARK	SUPPLIES	908.43
PHYSIO-CONTROL CORP.	LABOR	155.00
PITNEY-BOWES, INC.	SERVICE	270.00
PLUM CREEK MEDICAL GROUP	W/C CLAIM	12.50
PLATTE VALLEY EXTERMINATING	SERVICE	24.00
PRAIRIE SCHOONER	ANNUAL SUBSCRIPTION	22.00
PROTECTIVE LIFE INS.	INSURANCE	180.86
QUILL CORPORATION	SUPPLIES	129.72
REACH ELECTRONICS	REPAIRS	17.50
RENT ALL RENTALS	RENTAL SERVICE	50.30
SCHUCKMAN, BYRON	EL REBATE	1,050.00
SCHNIEBER FINE FOODS	FOOD	1,487.54
SCIENTIFIC ATLANTA	TRANSFORMERS	9,725.54
SEWARD, LOUISE	TRAVEL	89.32
SEWARD, RUTH	CONFERENCE	30.12
SIXTH STREET MARKET	FOOD	101.34
SKARSHAUG TESTING	LAB SUPPLIES	48.23
SOCIAL SECURITY FUND	EMPLOYER'S FICA	4,990.00
SOLOMON ELECTRIC	TRANSFORMERS	4,440.00
S & W AUTO PARTS	PARTS	141.61
SYMCO GROUP, INC.	DRUM KIT	1,337.00
TELEGRAPH	ADS	107.06
TEXACO, INC.	FUEL	39.88
TRI-CITY TRIBUNE	ADS	173.57
TRAVELERS, THE	PENSION	1,960.35
UNISYS CORPORATION	SERVICE	4,994.29
U S WEST COMMUNICATIONS	PHONE	46.22
UTILITY EQUIP. CO.	EL SUPPLIES	119.80
VALENTINO'S	MEETING EXP.	18.69
WAL-MART	SUPPLIES	265.04
WATERPRO	WIRE	1,560.68
WESCO DISTRIBUTION, INC.	EL SUPPLIES	1,363.85
WESTERN PATHOLOGY CONSULTANTS	DRUG TESTS	81.30

WESTERN ENGINEERING CO. INC.	ASPHALT	305.66
WIGHTMAN, JOHN	TRAVEL EXP.	1,359.00
YANT EQUIPMENT CO.	PARTS	32.37
CENTRAL GARAGE FUND	PARTS/LABOR	3,615.27
CONNEY SAFETY PRODUCTS	IBUPROFEN	28.51
C.B.S.A.	CLAIMS	2,200.90
DAWSON CO. LAW ENFORCEMENT	GANG OFFICER	4,159.68
DAWSON CO. TREASURER	SALES TAX	1,267.50
DAN'S SANITATION	SERVICES	11,439.25
HASTINGS FIBERGLASS PRODUCTS	COMMUNICATION EQUIP	248.68
H-T-M SALES, INC.	PARTS	3.10
KRIZ-DAVIS COMPANY	EL SUPPLIES	1,176.30
LEAGUE OF NE. MUNICIPALITIES	MEMBERSHIPS	6,954.00
LEX CHAMBER OF COMMERCE	INVESTMENT DUES	3,604.00
LEXINGTON NEWSPAPERS, INC.	SUBSCRIPTION	34.00
LEXUS	UTILITIES	18,425.90
LEXINGTON, CITY OF	FRANCHISE FEE	23,721.77
LUTHER, ANN	CONFERENCE	183.31
PLATTE VALLEY LABORATORIES	MONITOR EXPENSE	100.00
SEWARD, LOUISE	TRAVEL EXP.	25.52
TOMAS, FRANCISCO JUAN	LEXUS REFUND	79.82
TRAVELERS, THE	POLICE PENSION	948.05
WALMART	BOOTS	32.48
	GRAND TOTAL	\$285,725.99

**REZONING
ORDINANCE:**

An ordinance entitled, AN ORDINANCE TO REZONE A TRACT OF LAND AT 707 SPRUCE STREET FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-4 MOBILE HOME 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. Upon completion of the reading, moved by Fagot, seconded by Long that the rules requiring the reading of said ordinance on three separate readings be suspended. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman. Motion carried. Said ordinance was then read by title. Moved by Long, seconded by Anderson that Ordinance No. 2064 be passed on final reading. Roll call. Voting "aye" were: Fagot, Anderson, Long, 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. 2064 to be published in pamphlet form.

PARKING ORDINANCE: Interim City Manager Vance Bricker addressed the Lexington City Council stating that the ordinance before them dealt with the parking on Adams Street around 13th Street. He stated that this ordinance is necessary to eliminate the parking as turning lanes at this intersection require no parking limitations around the intersection. Upon completion of the discussion, an ordinance entitled, "AN ORDINANCE TO AMEND SECTION 16-45 OF THE LEXINGTON CITY CODE; TO PROHIBIT PARKING ON 13TH STREET IN THE AREA OF TURNING LANES FOR ADAMS STREET; TO REPEAL ORIGINAL SECTION 16-45, 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 Fagot, seconded by Long that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman. Said Ordinance was then read by title. Moved by Anderson, seconded by Long that Ordinance No. 2065 be passed on third reading. Roll call. Voting "aye" were: Fagot, Long, Anderson, 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. 2065 to be published in pamphlet form.

RETAIL SERVICES: Mr. Gary Lay, representing the Nebraska Municipal Power Pool, addressed the Lexington City Council presenting them with a slide presentation of how the purchase of gas would work if the City of Lexington were allowed to expand their services into gas sales. Upon completion of his presentation, moved by Anderson, seconded by Fagot to authorize the administration to further negotiate for the purchase

and sale of natural gas. Roll call. Voting "aye" were: Long, Fagot, Anderson, Wightman. Motion carried.

**13TH STREET PHASE
II PAY ESTIMATE:**

The Lexington City Council considered pay estimate No. 6 from Midland Contracting, Inc. for completion of work on 13th Street Improvements Phase II. Mr. Bob Blankenship addressed the Lexington City Council giving a progress report on the activity of this project stating that the sodding is the last job to be completed and as of this date, they are working on completing the sodding. Hearing no further discussion, moved by Fagot, seconded by Long that application No. 6 from Midland Contracting, Inc. in the amount of \$62,049.58 for work completed on the 13th Street Improvements Phase II project be approved and the City Treasurer be authorized to transfer \$60,116.33 from the General Fund, \$1,933.25 from Lexus Funds to the City of Lexington Operating Account. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman. Motion carried.

**CHANGE MEETING
DATES:**

The Lexington City Council requested that all members be present for the discussion of the curfew ordinance. The date of October 8, the regular meeting date, needs to be moved. A discussion of the date was held by the council. Moved by Wightman, seconded by Long to change the regular meeting date from October 8 to October 10 so all members of the council could be present. Roll call. Voting "aye" were: Fagot, Long, Anderson, Wightman. Motion carried.

EMPLOYEE BENEFITS:

Interim City Manager Bricker addressed the Council with the changes in form for insertion into the employee's manual. A memorandum from City Attorney Weinhold outlined the procedures that would be followed for insertion into the employee manual and these procedures were being followed at this meeting. Following a review of the change to city employee manual which would allow continuation of the health insurance for people retiring at age 62. Moved by Long, seconded by Fagot that this benefit should be added to the employee's manual. Roll call. Voting "aye" were: Anderson, Fagot, Long, Wightman. Motion carried.

**BUDGET
MODIFICATION:**

City Clerk Leon E. Malzahn addressed the Lexington City Council stating that upon completion of the budget that was passed at the last meeting and a re-estimation of capital outlay in the addition of interlocal agreements changed the amount of carry over taxing authority in the budget statement. Since this figure, which will be included on the state form, is different than that published in the paper prior to the budget hearing, the council needs to review it and adopt it by motion so the state auditor will know that it has been presented to the council and discussed at a public meeting. Upon completion of the review, moved by Long, seconded by Anderson, to modify the budget statement to reflect the changes in the taxing authority carry over for fiscal year 1997-1998. Roll call. Voting "aye" were: Fagot, Anderson, Long, Wightman. Motion carried.

The following agenda items were added to the agenda 24 hours prior to the meeting. The Lexington City Council considered the following items:

LOAN RESOLUTION:

A loan resolution between FmHA and the City of Lexington for the sanitary sewer system in the northwest part of town was considered by the Lexington City Council. The loan resolution was read by title. Moved by Fagot, seconded by Long that the following resolution be passed and approved. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman. Motion carried.

LOAN RESOLUTION 96-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEXINGTON AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS SANITARY SEWER SYSTEM FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

GRANT AGREEMENT:

The grant agreement for the work that had been completed in the northwest part of town was presented to the Lexington City Council. Moved by

Fagot, seconded by Anderson that the Mayor be authorized to sign the grant agreement on behalf of the City of Lexington. Roll call. Voting "aye" were: Long, Anderson, Fagot, Wightman. 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.

Leon E. Malzahn
City Clerk