

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, January 14, 1997, at the Lexington Municipal Offices, 406 East 7th Street, Lexington, Nebraska, at 7:30 P.M. Present were: Mayor Robert Hawks, John Wightman, John Fagot, Rick Klamm, and Neal Kohl. City Officials present were: City Manager Vance Bricker, City Clerk Leon E. Malzahn and City Attorney Willard Weinhold. Department Heads present were: Charles Clark, Pete Bishop, Ruth Seward, and Kerry Rader. Also present was Dana Daniels representing Miller and Associates, Cloy Roth representing Bethphage Missions, Leo Lang representing IBP, Rose Bonini representing the Downtown Retail Merchants, David Selk, Al Sanger, Paul Matson representing CED, Trish Mooberry, Lori Weston, Dr. Wayne Weston, Rudolph Pinsky, Mr. and Mrs. Ted Boom, Paul Norden, and approximately 20 other unidentified citizens. 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 12/17/96: The minutes of the organizational meeting held December 17, 1996 were presented for Council's consideration and approval. Moved by Klamm seconded by Wightman to approve the minutes of the regular meeting held December 17, 1996. Roll call. Voting "aye" were: Fagot, Kohl, Wightman, Klamm, Hawks. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$1,678,937.90 were presented for Council's consideration and

approval. Moved by Wightman, seconded by Fagot to approve the claims as listed and authorized the City Treasurer to transfer \$205,609.31 from the General Fund, \$1,392,675.31 from LEXUS Funds, \$15,796.25 from City Sanitation Fund, \$37,081.81 from the Landfill Fund, \$14,716.52 from the Health Fund, \$830.55 from CDBG 90-HD-010, and \$12,148.15 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were: Klamm, Kohl, Fagot, Wightman, Hawks. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 JANUARY 14, 1997

ABINGDON PRESS	BIBLE	45.11
ACCUPOST	LAW POSTERS	159.65
AFLAC	INS. PREMIUM	160.24
ALAMAR UNIFORM CO.	UNIFORM SERVICE	245.32
AT&T	PHONE/LEASE AGRMT.	38.09
AWARDS PLUS	BANQUET EXPENSE	148.50
BARMORE'S	FILM	74.49
BARRETT-HOUSEL-GRAFTON	INSURANCE	982.00
BAKER & TAYLOR CO.	BOOKS	78.53
BAIRD, HOLM, & MC EACHEN	PREP FOR 1996 BOND	2000.00
BARNES & NOBLE	BOOKS	180.02
BERNTSON OIL	FUEL	3500.43
BECKER FIRE & EQUIP. CO.	PROPORTIONER	3201.87
BROWN, HAROLD	TOOL ALLOWANCE	50.00
BUSINESS TELECOMM. SYST.	COMPUTER REPAIR	101.80
BURKLUND, D.L.	EL REBATES	450.00
CASH-WA DISTRIBUTING	FOOD	881.98
CDBG CERTIFICATION	CONF. EXP.	30.00
CENTRAL GARAGE FUND	LABOR/PARTS	8108.99
CENTURY LUMBER CENTER	LUMBER/SUPPLIES	777.87
COAST TO COAST	FIRE SIGNS/SUPPLIES	116.91
CORNHUSKER CASUALTY CO.	PROPERTY INS.	42.00
COMMEMORATIVE PUBLICATIONS	BOOKS	40.95
COUNTRY GENERAL	SUPPLIES	811.38
C.B.S.A	CLAIMS	4271.47
CURTIS INDUSTRIES	STRAP TIE DOWN	32.02
DAN'S SANITATION	SANITATION FEES	15965.73
DAWSON CO. CLERK	DISPATCH FEE	6817.70
DEMCO	BOOK SUPPLIES	58.91
DEPOSITORY TRUST CO.	BOND PMT	803177.77

DUNRITE, INC.	BRUSH HEADS	122.18
EAKE'S OFFICE PRODUCTS	OFFICE SUPPLIES	72.70
ELECTRIC FIXTURE	EL SUPPLIES	1125.44
ELECTRIC PUMP	COIL	98.03
EMERY PRATT, CO.	BOOK	10.17
FAIRBANKS INT'L, INC.	TRACKS-SKID LOADER	5661.33
FARM PLAN CORP.	PARTS	13.04
FIRST NAT'L BANK	EMPLOYEE PENSION	4142.62
FOLLETT SOFTWARE CO.	SERVICE AGREEMENT	515.00
GILLETTE/NE. DAIRIES	MILK	346.42
HARTS AUTO SUPPLY	PARTS	79.59
HARLEQUIN RETAIL, INC.	BOOKS/TAPES	46.44
HELVEY, RICHARD	EL REBATES	150.00
HIPP WHOLESALE CO.	FOOD	1414.44
HILL, WANDA	MEDICINE CLAIMS	266.77
HOFAKERS IRON & METAL	HANDLES	36.90
HOLIDAY INN	CONF. EXP.	55.00
ICMA DIST. CENTER	BOOK	13.50
INFORMATION PLUS	BOOKS	127.99
INGRAMS LIBRARY SERVICE	BOOKS	239.05
INTERNATIONAL TRANSFORMER	TRANSFORMER	7426.01
JELCO	CARPET CLEANING	122.50
JONES PLUMBING & HEATING	PLMBG SUPPLIES	41.60
KARRE CITY BAKERY	CAKE	30.00
KAPCO	JACKET COVERS	50.22
KLINE, NANCY	CLEANING	500.00
KN ENERGY, INC.	GAS BILL	1511.07
KOVAR, KENT	CONF. EXP.	75.00
KRIZ-DAVIS CO.	EL SUPPLIES	10214.15
LAKOTA	MTG EXP.	40.74
LAW ENFORCEMENT EQUIP CO.	UNIFORM SUPPLIES	45.45
LEXINGTON COMMUNICATIONS	RADIO REPAIR	12.50
LEXINGTON GLASS CO.	GLASS	30.50
LEXINGTON HOUSING AUTHORITY	APPLIANCES	782.77
LEXINGTON POSTMASTER	BOX RENEWAL	104.00
LEXINGTON POSTMASTER	POSTAGE	1822.00
LEXINGTON PUBLIC LIBRARY	PETTY CASH	70.87
LEXINGTON NEWSPAPERS, INC.	ADS	1829.97
LEX. RECREATION PROGRAM	SUPPORT PERSONNEL	780.00
LEX SOLID WASTE AGENCY	TIPPING FEES	28883.62
LEXINGTON TRUCK & AUTO	AIR PUMP	45.00
LEXUS	UTL BILLS	18608.47
LEXINGTON, CITY OF	FRANCHISE/MO. CHGS	49095.42
LIEH'S DRILLING	PUMP REPAIRS	61.96
LIBRARY PLUS BOOKS	BOOKS	223.90
LUCENT TECHNOLOGIES	PHONE	195.40

LUTHER, ANN	CONF. EXP.	85.80
MARRIOTT RIVERCENTER	CONF. EXP.	316.00
MARICK, TIM	EL REFUND	3.69
MEAD/BIG VALLEY LUMBER	LUMBER	222.76
MEYER WELDING	ROD/LABOR	32.51
MERIDIAN LIBRARY SYSTEMS	CONF. EXP.	30.00
MIDWAY SUPPLY	PARTS	2390.50
MID-STATES UNITS	PORTA-POTTY SERVICE	825.00
MILLER & ASSOCIATES	SERVICE AGREEMENT	1850.00
MICHIE	BOOK	56.84
MORRIS PRESS & OFFICE SUPP.	SUPPLIES	135.83
MORRY'S BODY SHOP	RADIATOR REPAIR	32.00
MR. AUTOMOTIVE	SWITCH	37.47
MULLENDORE, R.A. CONSULTANTS	ENGINEERING COSTS	887.88
MUNICIPAL SUPPLY	REPAIR SLEEVES	985.45
MUNICIPAL CLERKS SCHOOL	SCHOOL EXP.	290.00
NE. DEPT. ENVIRON. QUALITY	MEMBERSHIP	50.00
NE. HEALTH LABORATORY	WATER ANALYSIS	18.10
NE. JOB SERVICE	CONF. EXP.	35.00
NEBRASKA MACHINERY	LOADER PMTS	2646.00
NE. LIBRARY COMMISSION	SERVICE CONTRACT	31.46
NELSON, TOM R.	CONF EXP.	67.79
NICHOLS, CHARLES II	CONF. EXP.	75.00
N.P.P.D	POWER BILL	386940.93
N.P.P.D	CONF. WORKSHOP	30.00
NE. LIBRARY ASSOCIATION	MEMBERSHIP	35.00
NE. FIRE & SAFETY EQUIP	INSPECTIONS	74.00
O.K. TIRE	TIRE REPAIRS	57.40
OMAHA WORLD HERALD	SUBSCRIPTION	45.50
OMAHA LIFE INS. CO.	FIREMEN'S INS.	128.00
OVERTON SAND & GRAVEL	CONCRETE/GRAVEL	329.50
OVERTON COMMUNITY CENTER	BLDG. RENTAL	100.00
PAYROLL ACCOUNT	PAYROLL	140546.11
PAULSEN BLDG. & SUPPLY	CONCRETE	254.00
PATTY'S HALLMARK	OFFICE SUPPLIES	1366.57
PLATTE VALLEY AUTO MART	PARTS/LABOR	184.83
PLUM CREEK PROMOTIONS	ATTACHE	11.65
PLATTE VALLEY EXTERMINATING	SERVICE	24.00
PLUM CREEK MOTORS	PARTS	23.54
REACH ELECTRONICS	PAGER REPAIR	17.50
RENT ALL RENTALS	RENTAL SERVICE	55.62
RECORDED BOOKS	RECORDED BOOK	14.40
REPUBLICAN VALLEY LIBRARY	PUPPETS	66.74
REIMAN PUBLICATIONS	SUBSCRIPTION	12.98
ROCKMOUNT RESEARCH & ALLOYS	PARTS	251.93
SANTANA, JAMES	EL REBATES	300.00

SAV-A-LOT DISCOUNT FOODS	FOOD	30.43
SCHNIEBER FINE FOODS, INC.	FOOD	1447.53
SCHUCKMAN, MARSHA	LIBRARY CLEANING	200.00
SELECT VIDEO	VIDEOS	28.70
SEWARD, RUTH	CONF. EXP.	38.20
SEWARD, LOUISE	TRAVEL EXP.	12.76
SIXTH STREET MARKET	FOOD	337.70
SIMON & SCHUSTER	BOOKS	146.05
SOCIAL SECURITY FUND	EMPLOYER'S FICA	10627.28
SPORTTIME	RECREATION SUPPLIES	10.88
STOBBE WELDING	WELDING SERVICE	92.50
STANDARD & POOR'S	BOOKS	179.72
S & W AUTO PARTS	PARTS	1918.51
TIME LIFE BOOKS	SUBSCRIPTION	8.48
TRAVELERS, THE	POLICE PENSION	1672.62
UNEMPLOYMENT INS. FUND	EMPLOYEE BENEFIT	194.82
UNITED NE. BANK	BOND INT.	25117.50
VETERANS CLUB	BANQUET EXP.	1595.00
WALMART	SUPPLIES	855.78
WEBER & WEINHOLD	LEGAL SERVICES	1843.50
WESCO	EL SUPPLIES	3663.98
WHY-USA DORAN POST	FILING FEE	5.50
ADVANCED CONTROL SYSTEMS	FREIGHT	190.11
ALIAN T CELLULAR	PHONE	41.76
ALIAN T COMMUNICATIONS	PHONE	39.90
AT&T	PHONE	41.77
AWARDS PLUS	BANQUET EXP.	148.50
BECKER FIRE EQUIP. CO.	EQUIPMENT	556.14
CENTRAL GARAGE FUND	FUEL	3577.67
C.B.S.A.	PREMIUMS/CLAIMS	15483.15
DAWSON CO. PUBLIC POWER	UTILITIES	1681.12
EAKES OFFICE PRODUCTS	SERVICE AGREEMENTS	457.53
I.P.S.	ADMIN FEES	753.48
KN ENERGY	GAS BILLS	1172.60
LEXINGTON HEALTH FUND	SELF FUNDING	13069.09
LEXINGTON COOP	CALCIUM	422.21
LEXINGTON, CITY OF	JAN. MO. CHGS.	12899.93
LUCENT TECHNOLOGIES	PHONE	142.30
MCI	PHONE	8.53
METLIFE (METROMATIC)	FLEXED PREMIUM	50.00
MILLER & ASSOCIATES	COMPUTER/SERVICE	2177.88
MURPHY TRACTOR & EQUIP. CO.	AIR COMPRESSOR	9850.00
STATE OF NE. DEPT MOTOR VEH.	HANDICAP PERMITS	18.00
STATE OF NE. DEPT. OF REVENUE	SALES TAX	22371.02
PATTY'S HALLMARK	FREIGHT	8.91
PITNEY BOWES	SERVICE CONTRACT	884.85

PLATTE VALLEY COMMUNICATIONS	MOBILE PHONES	3316.58
PLUM CREEK MEDICAL GROUP	FLU VACCINATION	11.00
THE TRAVELERS	ADMIN FEE	4200.51
UNISYS CORPORATION	SERVICE AGREEMENT	1806.00
U.S. WEST COMMUNICATIONS	PHONE	1474.93
WAREHOUSE SURPLUS	CANDY	16.00
WINKLER ESTATE	REFUND UTL	75.25
WORLD BOOK DIRECT MARKETING	BOOKS	299.00

GRAND TOTAL \$1,678,937.90

**TRAFFIC CONTROL
REQUEST:**

Trish Mooberry, representing the Sandoz PTO presented a request for flashing lights to slow traffic and warn of school children crossing 13th Street at Erie, and exiting at Sandoz School. During her presentation, she presented various situations that have happened in an array of locations concerning school children entering or departing Sandoz School. She stated that one of the problems is speeding vehicles in this area. Police Chief Charlie Clark was requested to perform some studies of the traffic situation in the areas Ms. Mooberry had identified as problem areas and report these findings to the council. No further action was taken at this time.

SALE OF LAND:

City Manager Bricker addressed the Lexington City Council stating that Bethphage Missions had approached the City and requested that they would purchase two lots on South Santa Fe for construction of a 4-plex. Mr. Cloy Roth then addressed the Lexington City Council stating that Bethphage Mission would like to purchase this property for construction of a 4-plex which would be used for environmentally disabled people and would give them a home setting rather than being institutionalized. Upon completion of his presentation, an ordinance entitled, "AN ORDINANCE DIRECTING THE SALE OF LOT H AND I, IN THE REPLAT OF LOT 1 OF THE REPLAT OF LOTS 1-12, BLOCK 8, SOUTHAVEN ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE." was read before the council. Moved by Wightman, seconded by Fagot that said ordinance be passed on first reading. Roll call. Voting "aye" were: Kohl, Klamm, Fagot, Wightman, Hawks. Motion carried.

CED REQUEST:

Mr. Paul Matson approached the Lexington City Council requesting the City investigate some of the problems that people are experiencing with the odors believed to be coming from the IBP lagoon system and processing plant. Also voicing their objections to the odors were Mr. and Mrs. Ted Boom, Dr. and Mrs. Wayne Weston, Roudolph Pinskey, Rose Bonini, Paul Norden, and other unidentified Citizens. Their complaints ranged from the odors generated by the processing of the product and the waste disposal site. A complaint also indicated that the gas emitted contained hydrogen sulfide which in heavy concentrations is poisons. Mr. Leo Lang addressed the Council stating that IBP had performed emission tests at this plant and the report has not been released to him at this time and he is not sure if it has been released to corporate headquarters. Mr. Lang did say that the report may be released to the City of Lexington. When asked if the report would be made public Mayor Hawks stated that if the report was given to the city it would be available for inspection at the City Office. City Manager Bricker reported to the Citizens in attendance that He has regular meetings with Mr. Lang to discuss the relationship of their plant to the well-being of the city. Upon the conclusion of the discussions no further action was taken.

TRENCHER BIDS:

Mr. Pete Bishop of the Lexington Electric Department addressed the Council explaining the bids which were received for the trencher. Mr. Bishop explained there were two bids received; one from Ditch Witch and the other from Vermeer. He also explained that further investigation of these bids revealed a deduction of \$5,000 from the Ditch Witch as they had bid an optional item in their bid which was not included in the specifications. He therefore recommended the bid be awarded to Ditch Witch in the amount of \$39,945. Moved by Wightman, seconded by Klamm to award the bid for a trencher to be used by the Electric Department to Ditch Witch in the amount of \$39,945. Roll call Voting "aye" were: Kohl, Fagot, Klamm, Wightman, Hawks. Motion carried.

MAINTENANCE

City Manager Bricker addressed the Lexington

AGREEMENT:

City Council stating that the maintenance agreement between the City of Lexington and the State of Nebraska Highway Department was for the lane miles which were included within the City of Lexington. He stated that this was a standard agreement which had been renewed several years. Upon completion of his presentation, moved by Wightman, seconded by Kohl to approve the maintenance agreement between the City of Lexington and the State of Nebraska Department of Roads for maintenance of highways inside the city limits. Roll call. Voting "aye" were: Fagot, Klamm, Kohl, Wightman, Hawks. Motion carried.

PROGRESS PAYMENT:

The Lexington City Council considered pay estimate No. 5 from Associated Pools for work completed on the pool contract. City Manager Bricker informed the council that this pay request had been forwarded to Burbach Engineering who had signed off as it had been the amount of work completed for the amount of pay requested. Hearing no further comments, moved by Wightman, seconded by Fagot to approve Pay Estimate No. 5 from Associated Pool Builders in the amount of \$65,000 for work on the pool construction and authorized the City Treasurer to transfer \$65,000 from the Aquatic Center funds to the City of Lexington Operating Account. Roll call. Voting "aye" were: Klamm, Kohl, Fagot, Wightman, Hawks. Motion carried. Motion carried.

PAY ESTIMATE:

The Lexington City Council considered pay estimate No. 8 from Paulsen, Inc. for construction of the pool. City Manager Bricker stated that this work had also been signed off by Dave Burbach, the constructing engineer for the pool, and recommends payment. Moved by Kohl, seconded by Wightman that pay estimate No. 8 from Paulsen, Inc. in the amount of \$30,245 for general construction of the aquatic center be approved and authorized the City Treasurer to transfer \$30,245 from the Aquatic Center funds to the City of Lexington Operating Account. Roll call. Voting "aye" were: Fagot, Klamm, Wightman, Kohl, Hawks. Motion carried.

**APPOINTMENTS TO
BOARDS AND**

Mayor Hawks announced the following appointments to fill vacancies or unexpired

COMMISSION:

terms of the following boards for the City of Lexington. Board of Adjustment for a three year term, John Knapple; Board of Health for a one year term, Mayor Robert Hawks, Vance Bricker, Charles Clark, Dr. Pat Unterseher; Housing Authority for a five year term, Dick Haines; Library Board for a four year term, Marilyn Hersch; Planning Commission for a three year term, Toby Owens and Charlene West; Recreation Board for a three year term, John Fagot, Neal Kohl, Dr. Ken Reynolds and Pat Samway; Police Pension Committee to fulfill the unexpired term of Leon Malzahn, Rick Klamm. Moved by Klamm, seconded Wightman to approve the appointments as made by the Mayor. Roll call. Voting "aye" were: Fagot, Kohl, Wightman, Klamm, Hawks. Motion carried.

**FINANCIAL REPORT
SEPTEMBER, 1996:**

Ms. Kerry Rader addressed the Lexington City Council presenting the financial report for the City of Lexington for September, 1996. Said report included various operating statements and progresses of certain accounting functions such as collections of property tax, highway allocation, and projects such as the aquatic center. Upon completion of the report, moved by Kohl, seconded by Klamm to accept the financial report for September, 1996. Roll call. Voting "aye" were: Wightman, Fagot, Klamm, Kohl, Hawks. Motion carried.

ADJOURNMENT:

There being no further business to come before the Council, Mayor Hawks declared the meeting adjourned.

Robert Hawks
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