

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 25, 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, Ruth Seward and Kerry Rader. Also present was Dana Daniels representing Miller & Associates. Citizens in attendance were: Steve Weides, Gary Donnelson, Butch Hagan, Robert Martin, Roger Reutlinger, Dale Holbein, Dale Fuqua, Patty Johnson, Steve Smith, Dan Clark, Jim Haines, Bruce Bonini and Paul Matson. The press was represented by the Tri-City Trib 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 3/11/97: The minutes of the regular meeting held March 11, 1997 were presented for Council's consideration and approval. Moved by Wightman, seconded by Kohl to approve the minutes of the regular meeting held March 11, 1997 as presented. Roll call. Voting "aye" were: Fagot, Klamm, Kohl, Wightman, Hawks. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$249,170.49 were presented for Council's consideration and approval. Moved by Klamm, seconded by Fagot to approve the claims as listed and authorized the City Treasurer to

transfer \$91,398.27 from the General Fund, \$107,356.55 from LEXUS Funds, \$17,274 from City Sanitation Fund, \$14,536.10 from the Landfill Fund, \$4,361.72 from the Health Fund, \$8,235.24 from CDBG 90-HD-010, and \$6,008.61 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were: Wightman, Kohl (with the exception of Mr. Automotive), Fagot (with the exception of Fagot Electric), Klamm, Hawks. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 MARCH 25, 1997

ACE EQUIPMENT & SUPPLY	PLOW EDGE	315.91
AFLAC	CANCER PREMIUMS	320.48
ALAMAR UNIFORM CO.	UNIFORM EXP.	91.74
ALIAN COMMUNICATIONS	NAVIX	71.06
BARMORE'S	CAMERA	47.93
BARRETT-HOUSEL-GRAFTON	AUDITS	6275.00
BERNTSON OIL	FUEL	2245.10
BISHOP, PETE	CONF. EXP.	29.36
BRUMMETT, NANCY	REFUND	15.00
B & S INDUSTRIES, INC.	HELMET LIGHTS	190.72
CASH-WA DISTRIBUTING	FOOD	559.24
CENTRAL GARAGE FUND	LABOR/PARTS/OIL	4062.62
CENTRAL COMMUNITY COLLEGE	CPR CLASSES	114.75
COAST TO COAST	BOLTS/NUTS/WASHERS	32.78
CONTRYMAN & ASSOCIATES	AUDIT SERVICES	24850.00
COUNTRY GENERAL	SUPPLIES	292.81
C.B.S.A.	CLAIMS	152.06
CRC PRESS, LLC	BOOKS	221.60
C & S TRUCK & SALVAGE	DIAPHRAMS	8.72
CUSTOM CREATIONS	ALTERATIONS	24.00
DAWSON CO. PUBLIC POWER	POWER BILLS	2114.70
DANKO EMERGENCY EQUIP. CO.	LENSES	15.11
DAY-TIMERS, INC.	REFILL	28.90
DUTTON-LAINSON CO.	SHORTING CAP	149.74
DUGAN BUSINESS FORMS	DISCONNECT TAGS	307.52
EAKE'S OFFICE PRODUCTS	TONER	55.45
EGAN SUPPLY CO.	SUPPLIES	42.50
ELECTRIC FIXTURE & SUPPLY	EL SUPPLIES	1409.05
FAIRBANKS INT'L, INC.	LAMP ASSY	36.58
FAGOT REFRIG. & ELECTRIC	SERVICE	29.25
FIRST NAT'L BANK OF OMAHA	EMPLOYEE PENSION	2029.60

FOX BROS. HAY CO., INC.	GRINDING	1975.00
GILLETTE/NE. DAIRIES	MILK	276.95
HALL, DAVE	W/C CLAIM	10.62
HIPP WHOLESALE, INC.	FOOD	739.35
HOFAKER'S IRON & METAL	DISPOSAL FEE	5.00
HOLTZ, MARCIA	SCHOOL REIMBURS.	57.00
HOLIDAY INN & CONF. CENTER	CONF. EXP.	142.36
INGRAM LIBRARY SERVICES	BOOKS	239.09
KAR PRODUCTS	MECH. VISE	480.24
K N ENERGY, INC.	GAS BILLS	1085.46
KRIZ-DAVIS, CO.	EL SUPPLIES	510.43
LEXINGTON COMMUNICATIONS	REPAIRS/RELAY	190.13
LEXINGTON COOP	SUPPLIES	10.16
LEXINGTON PUBLIC LIBRARY	PETTY CASH	2.94
LEXINGTON NEWSPAPERS, INC.	ADS	27.95
LEXUS	UTL BILLINGS	14921.24
LEX SOLID WASTE AGENCY	LF EXPENSE	27.00
LIBRARY VIDEO CO.	VIDEO BOOKS	335.58
LUTHER, ANN	MEETING EXP.	17.50
MALZAHN, LEON	SCHOOL EXP.	94.60
MCGRAW-HILL CO.	SERVICE CHG.	2.00
MEAD/BIG VALLEY LUMBER	BLDG SUPPLIES	43.69
MIDWAY SUPPLY CO.	AUTO SUPPLIES	139.91
MIDLAND AREA AGENCY ON AGING	CONF. EXP.	35.00
MILLBROOK PRESS, INC.	BOOKS	160.18
MR. AUTOMOTIVE	AUTO PARTS	112.46
NE SUPREME COURT PUBLICATIONS	PUBLICATION	17.55
NEBRASKA MACHINERY	INSTALL BUCKET	69.70
STATE OF NEBRASKA	EPA WELL SAMPLES	1556.10
STATE OF NEBRASKA	MEMBERSHIP RENEWAL	3.00
OMAHA WORLD HERALD	SUBSCRIPTION	29.25
OVERTON SAND & GRAVEL	FILL SAND	297.79
PAYROLL ACCOUNT	PAYROLL	65607.86
PAULSEN BLDG. & SUPPLY	CONCRETE	1176.75
PATTY'S HALLMARK	OFFICE SUPPLIES	292.07
PETTY CASH FUND	PETTY CASH	87.04
PLATTE VALLEY SEAMLESS GUTTER	GUTTERS	2425.00
PLUM CREEK MOTORS	AUTO PARTS	62.40
POLICE OFFICERS ASSOC.	HANDBOOK FILLERS	50.50
PRECISION INDUSTRIES	AUTO SUPPLIES	15.57
PRECISION COMPUTER SYSTEMS	HARDWARE/SOFTWARE EXP.	13478.54
PROTECTIVE LIFE INS.	CANCER PREMIUM	180.86
QED ENVIRONMENTAL SYSTEMS	WELL SUPPLIES	5918.70
SCANTRON FPC	DEPOSIT BALANCE	7380.00
SCHNIEBER FINE FOODS, INC.	FOOD	896.01

SIXTH STREET MARKET	FOOD	82.96
SKARSHAUG TESTING	TESTS	67.65
SOCIAL SECURITY FUND	FICA	4953.70
SPECIALTY TECHNICAL PUBLISHERS	SUBSCRIPTION	364.75
STOBBE WELDING	WELDING	75.00
S & W AUTO SUPPLY	PARTS	597.46
TRAVELERS, THE	POLICE PENSION	874.61
UTILITY EQUIP. CO.	HYDRANT WRENCH	92.50
WAL-MART	OFFICE SUPPLIES	174.42
WESCO DISTRIBUTION, INC.	EL SUPPLIES	10517.78
WHOLE PERSON ASSOC., INC.	AUDIOTAPES	15.95
AT&T	LEASE	29.84
BRICKER, VANCE	MILAGE	74.40
CCP INDUSTRIES, INC.	TOWELS	254.32
C.B.S.A	CLAIMS	3697.70
DAWSON CO. WEED CONTROL	SPRAYING	1419.40
DAN'S SANITATION	SANITATION	17274.00
KEIM, JO	MILAGE	13.95
KRIZ-DAVIS COMPANY	EL SUPPLIES	4127.09
LEXINGTON, CITY OF	FRANCHISE FEE	19361.49
LIEH'S DRILLING	SERVICES	10767.17
LUCENT TECHNOLOGIES	PHONE	133.30
MEAD/BIG VALLEY LUMBER	DUPLEX CHGS.	5701.14
OTTE, BONNIE	GAS	10.00
OVERTON COMMUNITY CENTER	RENT	100.00
PRICE'S TREE SERVICE	STUMP REMOVAL	1050.00
SIXTH STREET MARKET	SUPPLIES	14.10
	GRAND TOTAL	\$249,170.49

INTERLOCAL AGREEMENT:

The Lexington City Council reviewed the Interlocal Agreement between the City of Lexington and the Rural Fire District for sharing expenses of general operation and construction of the new fire barn located east of the Grand Generation Center. After various items related to this agreement were discussed including the Rural Department paying for a larger share of the maintenance and operation of the fire department, moved by Kohl, seconded by Wightman to approve the Interlocal Agreement between the Lexington Rural Fire Department and the City of Lexington Fire Department. Roll call. Voting "aye" were: Klamm, Fagot, Kohl, Wightman. Voting "nay" was: Hawks. Motion carried.

15TH STREET

An ordinance to prohibit parking on 15th Street

PARKING:

west of Adams Street was discussed by the City Council. In addition to the discussion of the ordinance, Councilman Klamm presented a map of what he felt would be an adequate "No Parking Zone". This included limited 2-hour parking on the north side for the first 330 feet and no parking on the north side from Lake Street for a distance of 510 feet East. Additionally there would be no parking on the south side of Fifteenth Street for a distance of 525 feet from Adams Street. The Council was advised by Attorney Weinhold that with these specific instructions, the ordinance should be rewritten, amended, and presented at the next meeting. Moved by Fagot, seconded by Klamm to table any further action on this ordinance until the next regular meeting of April 8, 1997. Roll call. Voting "aye" were: Kohl, Wightman, Klamm, Fagot, Hawks. Motion carried.

**CAMPER TRAILER
PARKS:**

An ordinance entitled, "AN ORDINANCE TO AMEND SECTIONS 25-6 AND 25-12 OF THE LEXINGTON CITY CODE; TO MAKE PROVISION FOR REGULATION AND SPECIAL USE PERMITS FOR TRAILER CAMPGROUNDS; TO REPEAL 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. After limited discussion pertaining to the amount of time a person would be allowed to stay in a trailer park, moved by Klamm, seconded by Wightman that said ordinance be passed on second reading. Roll call. Voting "aye" were: Fagot, Kohl, Wightman, Klamm, Hawks. Motion carried.

**NCIP
PARTICIPATION:**

Mr. Paul Matson addressed the Lexington City Council outlining the current NCIP program and urging the council to lend their support by allowing the City of Lexington membership in the NCIP program with passage of the following resolution. Moved by Wightman, seconded by Fagot that the following resolution be passed and approved. Roll call. Voting "aye: were: Kohl, Klamm, Fagot, Wightman, Hawks. Motion carried.

RESOLUTION NO.97-06
1997 NCIP GOVERNMENT RESOLUTION

WHEREAS, local municipal and county government must provide leadership for improving community and economic development efforts; and
WHEREAS, community and economic development needs can best be determined and solved through a cooperative effort between elected officials and the citizens they represent; and
WHEREAS, the Nebraska Community Improvement Program, administered by the Nebraska Department of Economic Development, has been reviewed and found to be a means to improve our community; and
WHEREAS, the city council of Lexington, Nebraska do herewith pledge their full support, endorsement, and cooperation in carrying out the requirements of the NCIP;

NOW THEREFORE BE IT RESOLVED, that the city, of Lexington, Nebraska urges its citizens to join this effort and hereby declares this city to be an official entrant in the NCIP for the year 1997.

PASSED AND APPROVED THIS 25th day of March, 1997.

City Elected Official

ATTEST:

City Clerk

**NDEQ POST
CLOSURE GRANT:**

City Manager Bricker addressed the City Council explaining the need for a grant for post closure monitoring of the landfill. Mr. Dana Daniels representing Miller and Associates presented an outline containing costs associated with post closure monitoring, and the reason why Lexington needs this type of monitoring. His report also contained the costs that the City would experience in addition to those covered by the grant.

Moved by Councilperson Wightman, seconded by Klamm that the City Administration be allowed to apply for a grant to be used for post closure

monitoring at the landfill. Roll call. Voting "aye" were: Fagot, Kohl, Klamm, Wightman, and Hawks. Motion carried.

**RECREATION CENTER
GRANT:**

City Manager Vance Bricker informed the Lexington City Council that the Optimist Club is not a tax exempt organization under the law and therefore is not allowed to apply for a grant under the Kewitt Foundation rules. He is therefore asking for approval from the Council for the Administration to apply for a grant from the Kewitt Foundation to assist the Optimist Club in the construction of a recreation complex. Upon completion of the discussion, moved by Klamm, seconded by Kohl to authorize the Administration to apply for a grant to assist the Optimist Club in the construction of a recreation complex. Roll call. Voting "aye" were: Fagot, Wightman, Kohl, Klamm, Hawks. Motion carried.

**AQUATIC CENTER
ADMISSION FEES**

The City Council reviewed the recommendations for admission fees to the Aquatic Center. Upon review of the proposal and considerable discussion it was recommended that the fees, as discussed, be placed in the form of a resolution, and brought before the Council at the regular meeting to be held April 8, 1997.

**HABITAT FOR
HUMANITY:**

Representatives of the Habitat for Humanity program addressed the Lexington City Council requesting the City of Lexington allow them to purchase a lot in the Southaven Addition at a reduced cost. They stated that the Cozad City Council had given this organization a lot for \$1 and was asking the Lexington City Council for a similar opportunity. The discussion which followed pertained to various houses which could be built which included single family and duplexes. Upon completion of the discussion, no further action was taken.

**LIQUOR LICENSE
MANAGER:**

The Lexington City Council considered the request of the Eagle's Club to have Gale Fuqua as manager of their liquor license. After review of the application, moved by Fagot, seconded by Kohl that Gale Fuqua be approved as manager of the Eagle's Club Liquor

License. Roll call. Voting "aye" were: Klamm, Kohl, Fagot, Wightman, Hawks. Motion carried.

AUDIT REPORT:

The Lexington City Council received a report from the audit committee pertaining to the fiscal year 95-96 audit. Upon completion of their report, moved by Kohl, seconded by Klamm to accept the audit report from Countryman Associates for the fiscal year 1995-1996. Roll call. Voting "aye" were: Wightman, Fagot, Klamm, Kohl, Hawks. Motion carried.

PAY ESTIMATE:

The Lexington City Council considered Pay Estimate NO. 10 from Paulsen, Inc. for construction at the Aquatic Center. After review of the pay estimate, moved by Wightman, seconded by Fagot to approve pay estimate No. 10 from Paulsen, Inc. of Cozad, NE. for completion of the Aquatic Center in the amount of \$32,143 and authorized the City Treasurer to transfer \$32,143 from the Aquatic Center funds to the City of Lexington Operating Account. Roll call. Voting "aye" were: Kohl, Klamm, Fagot, Wightman, Hawks. Motion carried.

TREASURER'S REPORT:

Ms. Kerry Rader presented the Treasurer's Report for November, 1996. After City Council review, moved by Wightman, seconded by Fagot to accept the Treasurer's Report for November, 1997. Roll call. Voting "aye" were: Klamm, Kohl, Fagot, Wightman, 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