

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 10, 1997 at the Lexington Municipal Offices, 406 East 7th Street, Lexington, Nebraska at 7:30 P.M. Members of the Council present were Mayor John Wightman, John Fagot, Rick Klamm, Neal Kohl, and Patty Mandelko. City Officials present were City Clerk Leon Malzahn, City Manager Vance Bricker, and City Attorney Willard Weinhold. Department Heads present were Glenn Hawks, Charles Clark, Ann Luther, Kerry Rader, Joe Pepplitsch, Chris Huff and Barb Mills. Also present was Ron Johnson, Nick Ewold, Jeff Bourke, Debby Schmitt, and Scott Truesdale. The Press was represented by the Clipper-Herald, KRVN, Tri-City Tribune and 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 Wightman.

**MINUTES OF
REGULAR
MEETING 5/27/97:** The minutes of the regular meeting held May 27, 1997 were presented for Council's consideration and approval. Moved by Kohl, seconded by Klamm to approve the minutes of the regular meeting held May 27, 1997 as presented. Roll call. Voting "aye" were: Fagot, Mandelko, Klamm, Kohl, Wightman. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$852,143.14 were presented for Council's consideration and approval. Upon review of the claims and bills. Moved by Klamm, seconded by Fagot to approve the claims and bills as listed and authorize the City Treasurer to transfer \$175,415.69 from the General Fund, \$649,451.59 from LEXUS funds, \$10,000.00 from City Sanitation fund, \$6,752.03 from the Landfill fund, \$2,484.09 from the Health fund, \$180.50 from Block Grant 90-HD-010, \$7,859.24 from Meals on Wheels to

the City of Lexington Operating Account. Roll call. Voting "aye" were Mandelko, Kohl, Fagot, Klamm, Wightman. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 June 10, 1997

AIRCAD	EL MOTOR	\$91.00
ALIAN T CELLULAR	PHONE	\$63.84
AMERICAN GIRL	SUBSCRIPTION	\$19.95
ARNOLD POOL CO.	ALGAECIDE	\$141.30
AQUA-TRONICS, INC.	REPAIRS	\$99.13
BARMORE'S	MURATIC ACID	\$21.24
BAIRD, HOLM, MC EACHEN	SERVICES	\$468.52
BERNTSON OIL	FUEL	\$3,037.95
BETTER BOOKS CO.	BOOKS	\$1,310.86
BISHOP, PETE	CONF. EXP.	\$59.00
BRUMMET, ELBERTA	REIMBURSEMENT SOFTWARE	\$29.98
BRICKER, VANCE	MILAGE	\$276.20
BROWN, HAROLD	TOOL ALLOWANCE	\$50.00
CASH-WA	FOOD	\$3,483.08
CENTRAL GARAGE FUND	LABOR/PARTS/OIL	\$6,801.61
CENTURY LABORATORIES	POOL SUPPLIES	\$492.35
CENTURY LUMBER	SAW BLADES	\$13.24
COAST TO COAST	MURATIC ACID	\$77.05
CONNEY SAFETY PRODUCTS	FIRST AID SUPPLIES	\$300.76
COCA COLA/DR. PEPPER	COKE	\$316.90
CORNHUSKER HARDWARE	MURATIC ACID	\$11.45
COUNTRY GENERAL	SUPPLIES	\$208.26
C.B.S.A	CLAIMS	\$2,328.06
COZAD SERVICES	ICE MAKER & INSTALLED	\$2,655.44
CURTIS INDUSTRIES	CABLE TIES	\$73.79
CULLIGAN	SERVICES	\$75.00
DAN'S SANITATION	SERVICES	\$10,169.48
DAWSON CO. HIGHWAY DEPT.	CHANNEL IRON	\$126.50
DAWSON CO CLERK	DISPATCH FEE	\$4,607.30
DANKO EMERGENCY EQUIP	FIRE SWATTER	\$67.66
DEPOSITORY TRUST CO.	BOND INTEREST	\$75,247.50
DUGAN BUSINESS FORMS	ENVELOPES	\$473.13
EAKE'S OFFICE PRODUCTS	SERVICE AGREEMENT	\$461.69
EGAN SUPPLY	SUPPLIES	\$78.30
EILER'S MACHINING	GRINDING WHEELS	\$62.25
ELECTRIC FIXTURE & SUPPLY	EL SUPPLIES	\$2,195.62
ELECTRIC METER SERVICE	METER REPAIRS	\$14.51
EMERGENCY MEDICAL PRODUCTS	PAGER CASES	\$154.11
EPPERLY, DICK	TOOLS	\$10.00
FARM PLAN	LAWN MOWER	\$7,257.50
FISCHER-SCIENTIFIC	TRICHLOR	\$154.92
FRY & ASSOCIATES	E-Z DIGGER	\$324.00
GABRIEL SERVICE & SUPPLY	CLEANING SUPPLIES	\$232.79
GILLETTE/NE. DAIRIES	MILK	\$241.48
HIGH VALLEY GARDENS	TREES	\$445.00
HIPP WHOLESALE	FOOD	\$1,000.69
HOBBY LOBBY	CRAFT SUPPLIES	261.54
HOLIDAY INN	CONF. EXP.	\$2,018.00

I.C.M.A	ASST C/M PENSION	\$40.38
I.P.S	ADMIN FEE	\$60.03
INGRAM LIBRARY SERVICES	BOOKS	\$424.06
JELCO	CARPET CLEANING	\$75.00
JONES PLUMBING & HEATING	PLMBG SUPPLIES	\$503.64
KEEP LEXINGTON BEAUTIFUL	TRAP MAINT.	\$42.00
KN ENERGY	GAS BILLS	\$202.11
KRIZ-DAVIS	EL SUPPLIES	\$13,610.25
LEAGUE OF NE MUNICIPALITIES	REGISTRATION/CLASSES	\$507.00
LEX ANIMAL CLINIC	ANIMAL SERVICES	\$399.90
LEXINGTON COOP	EL FENCE POSTS	\$89.00
LEXINGTON GLASS CO.	MIRRORS	\$173.00
LEXINGTON LAUNDRY	TOWEL SERVICES	\$32.00
LEXINGTON POSTMASTER	POSTAGE	\$1,500.00
LEXINGTON POSTMASTER	POSTAGE	\$150.00
LEXINGTON PUBLIC LIBRARY	PETTY CASH	\$45.54
LEXINGTON NEWSPAPERS	ADS & MINUTES	\$621.22
LEXINGTON, CITY OF	MO CHGS & FRANCHISE	\$36,145.68
LEXINGTON SWIM ASSOCIATION	SERVICE AGREEMENT	\$1,200.00
LEX SOLID WASTE AGENCY	LANDFILL EXP.	\$238.01
LEX RECREATION PROGRAM	SUPPORT PERSONNEL	\$550.00
GRAND GENERATION CENTER	COFFEE FOR B. HAWKS	\$57.84
LINDEN'S PLUMBING	PUMP SNAILS	\$1,280.00
MALZAHN, LEON	CONF. EXP.	\$48.50
MEAD/BIG VALLEY LUMBER	BLDG SUPPLIES	\$591.74
MEYER WELDING	IRON	\$25.63
MERCHANDISE MART	TABLE & CHAIRS	\$92.00
MIDWAY SUPPLY	PARTS	\$138.83
MISKO SPORTING GOODS	SOFTBALLS	\$182.97
MILLER & ASSOCIATES	SERVICE AGREEMENT	2,100.00
MID-NEBRASKA RESTAURANT	SHELVING & TABLES	\$689.08
MINDEN EXCHANGE BANK	BOND PRINC. & INT.	\$206,550.00
MISTER ANDERSON'S CO.	MAGIC SET	\$35.90
MORRIS PRESS	OFFICE SUPPLIES	\$91.40
NEBRASKA PACKAGE, THE	BOOKS	\$24.90
NEBRASKA MACHINERY	LOADER PMTS	\$2,646.00
NE. LIBRARY COMMISSION	MONTHLY SERVICES	\$21.02
N.P.P.D	POWER BILL	\$298,047.42
NELSON, THOMAS R.	CLEANING	\$500.00
NE. SAFETY & FIRE EQUIP	SERVICE	\$74.00
O.K. TIRE	TIRES	\$86.85
OMAHA LIFE INS.	FIREMENS' INS.	\$72.00
PAULSEN BLDG & SUPPLY	CONCRETE	534.78
PACE, D.H.	CONTROLS	\$355.00
PATTY'S HALLMARK	OFFICE SUPPLIES	\$347.41
PEPPLITSCH, JOSEPH	MILAGE	\$39.06
PLATTE VALLEY COMMUNICATIONS	RADIOS	\$7,334.51
PLATTE VALLEY EXTERMINATING	SERVICE	\$24.00
RADIOLOGY SERVICES	W/C CLAIM	\$31.00
RED LION HOTEL	CONF. EXP.	\$353.86
SAV-A-LOT DISCOUNT FOODS	FOOD	\$122.36
SCHUCKMAN, MARSHA	CLEANING	\$200.00
SCHNIEBER FINE FOODS	FOOD	1,456.68
SIXTH STREET FOOD	FOOD	\$102.90
SIGN PRO	SIGNS	\$874.80
SUND, T.L.	BLDG SUPPLIES	\$959.43

S & W AUTO PARTS	PARTS	\$742.24
TEXACO CUSTOMER SERVICE	FUEL	\$27.71
TRI-COUNTY HOSPITAL	DRUG SCREENING	\$65.00
TRAVELERS, THE	POLICE PENSION	\$932.65
UNISYS CORPORATION	SERVICE AGREEMENT	\$2,782.80
U S WEST COMMUNICATIONS	PHONE	\$45.21
VAN WATERS & ROGERS, INC.	CHLORINE TABLETS	\$1,657.50
WALKER ROOFING CO., INC.	ROOF REPAIRS	\$407.23
WAL-MART	SUPPLIES	\$1,986.92
WAREHOUSE SURPLUS	NACHO CHIPS & CHEESE	\$63.00
WATER SAFETY PRODUCTS	HIP PAKS	\$179.67
WESCO DISTRIBUTION, INC.	EL SUPPLIES	\$979.80
WEBER & WEINHOLD	LEGAL SERVICES	\$1,417.50
WHEELED COACH	IDLER	\$141.92
C.B.S.A	ADMIN FEE/PREMIUMS	\$6,971.99
DAWSON CO. AREA ECONOMIC DEV	REGISTRATION	\$210.00
FAGOT, JOHN	CONF. EXP.	\$104.06
FIRST NAT'L BANK	EMPLOYEE PENSION	\$2,099.24
JELCO	CARPET CLEANING	\$96.00
LEXINGTON HEALTH FUND	SELF FUNDING	\$14,591.27
NAT'L COUNCIL ON AGING	MEMBERSHIP RENEWAL	\$150.00
NE. DEPT. OF REVENUE	UTL SALES TAX	\$19,260.48
OFFICE OF SECR. OF STATE	NOTARY FEE	\$30.00
PAYROLL ACCOUNT	PAYROLL	\$80,235.65
PETTY CASH FUND	PETTY CASH	\$76.15
SOCIAL SECURITY FUND	EMPLOYER'S FICA	\$6,078.53
GRAND TOTAL:		\$852,143.14

TRUCK BIDS: City Manager Vance Bricker, and Community Services Director Glenn Hawks addressed the City Council requesting Administration's authority to advertise for bids for a dump truck for the Street Department. The specifications were presented to the Council and review by the Council. Upon completion of the review. Moved by Fagot, seconded by Mandelko to authorize the City Administration to advertise for a dump truck for the Street Department. Roll call. Voting "aye" were Kohl, Klamm, Mandelko, Fagot, Wightman. Motion carried.

WCAA CONTRACT:The West Central Agency on Aging contract for Meals on Wheels was presented for the Council's review. Ms. Ann Luther, Director of the Grand Generation Center addressed the City Council, and reviewed the statistics for the previous year, and the part this contract plays in paying for part of the meals. Upon completion and review of the report. Moved by Klamm, seconded by Fagot to authorize the Mayor to sign the contract with the West Central Agency on Aging for subsidy of Meals program. Roll call. Voting "aye" were Mandelko, Kohl, Fagot, Klamm, Wightman. Motion carried.

BOURKE/ The Lexington City Council held a public hearing to receive

**NITSCH
SUBDIVISION:**

input on the proposed subdivision presented by Bourke and Nitsch on the north edge of their current property. Mr. Jeff Bourke was present and addressed the City Council stating that this property would be located north of their property, between them and the John Deere dealership. Also present was Debby Schmitt, representing a company that is planning to locate there, stating that the company sells feed delivery equipment. They have a store in Dodge City, Kansas, as well as their main office in, Brush, Colorado. Upon completion of the presentation, there were no comments in opposition to the subdivision, Mayor Wightman declared the public hearing closed. An ordinance entitled "**An Ordinance to rezone a tract of land in Bourke/Nitsch Subdivision from A-1 Agricultural District to M-2 Heavy Industrial District**", was read before the Council. Moved by Fagot, seconded by Klamm, that the rules requiring the reading of said ordinances on three separate days be suspended. Roll call. Voting "aye" were Kohl, Mandelko, Klamm, Fagot, Wightman. Motion carried. Said ordinances was then read by title. Moved by Klamm, seconded by Fagot that Ordinance 2080 be passed on final reading. Roll call. Those voting "aye" were Mandelko, Kohl, Fagot, Klamm, 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. 2080 to be published in pamphlet form.

**LIQUOR LICENSE
EL TROPICO:**

The Lexington City Council held a public hearing to consider the request of Juan Rene Lazo for a bottle club and beer off-sale only license at the El Tropicco, 201 E. 5th Street, Lexington, Nebraska. Mr. Scott Truesdale, on behalf of Juan Lazo, addressed the Lexington City Council, stating that Mr. Lazo is making application for this liquor license so this may be served during the activities scheduled at his place of business. Mr. Lazo stated that current activities at this business would include dancing however he wishes to add a pool table, and then a kitchen at a later date. Mr. Truesdale stated that he felt Mr. Lazo was operating his business to fulfill requests by a segment of our population. The City Council then inquired the Chief of Police if there had been any complaints concerning previous activities at this establishment. Mr. Clark advised the Council that the only complaints that he had received was about littering.

The Council directed questions at Mr. Lazo concerning his previous activities in this building. Mr. Lazo stated his previous activities where alcohol was consumed was allowed because the parties were private parties by invitation only, or special designated permits for serving liquor. Hearing no further comments concerning this license, Mayor Wightman declared the public hearing closed. It was moved by Kohl, seconded by Klamm to recommend approval of this liquor license to Juan Lazo at 201 East 5th Street for a Class M Bottle Club and Class B, Beer Off-Sale License. Roll call. Voting "aye" were Klamm, Kohl, Wightman. Voting "nay" was Fagot and Mandelko. Motion carried.

AQUATIC CENTER: Mr. Chris Huff addressed the Lexington City Council reporting on the first week's activities on the Aquatic Center, which included number of occupants, the types of passes that were sold, and activity at the concession stand. Mr. Huff also reported on other recreation programs and other activities planned for the future. Upon completion of the report, no further action was taken.

POLICY APPROVAL: City Manager Bricker presented a policy for competitive proposals for services. Mr. Bricker stated that this policy would be in force for procuring services such as engineering, accounting, and legal fees. It is required by a community development block grant program in order to qualify for grants. Upon completion of the review, moved by Klamm, seconded by Mandelko to approve the procurement of this policy as presented by the City Manager. Roll call. Voting "aye" were Fagot, Kohl, Mandelko, Klamm, Wightman. Motion carried.

FINANCIAL REPORT: Ms. Kerry Rader addressed the Lexington City Council reviewing the Financial Report for the City of Lexington for March, 1997. Upon the completion of her review, moved by Mandelko, seconded by Kohl, to accept the Financial Report for March, 1997. Roll call. Voting "aye" were Fagot, Klamm, Kohl, Mandelko, Wightman. Motion carried.

PAY ESTIMATE NO 8-M: The Lexington City Council reviewed pay estimate No. 8-M from Associated Pool Builders for pool mechanical contract at the Aquatic Center. Upon completion of this review and the discussion of retainage. Moved by Klamm, seconded by Fagot, to approve application No. 8-M from Associated Pool Builders, Inc. of Bismark, N.D. in the amount of \$26,900.00

and authorize the City Treasurer to transfer \$26,900.00 from the Aquatic Funds to the City of Lexington Operating Account. Roll call. Voting "aye" were Mandelko, Kohl, Fagot, Klamm, Wightman. Motion carried.

**PAY ESTIMATE
NO. 10-C:**

The Lexington City Council reviewed Pay Estimate No. 10-C from Associated Pool Builders, Inc., Bismark, North Dakota, for pool construction. Upon review of this contract. Moved by Kohl, seconded by Mandelko, that Pay Estimate No. 10-C in the amount of \$57,200.00 from Associated Pool Builders, Inc. of Bismark, N.D. be approved, and authorize the City Treasurer to transfer \$57,200.00 from Aquatic Funds to the City of Lexington Operating Account. Roll call. Voting "aye" were Klamm, Fagot, Mandelko, Kohl, Wightman. Motion carried.

**PAY ESTIMATE
NO. 11:**

Pay Estimate No. 11 from Paulson Incorporated for the general construction of the Aquatic Center was presented for Council's consideration and approval. Upon review of Pay Estimate No. 11. Moved by Fagot, seconded by Mandelko, that pay estimate from Paulson Inc., of Cozad, NE for general construction of the Aquatic Center, in the amount of \$71,293.00 be approved, and the City Treasurer be authorized to transfer \$71,293.00 from the Aquatic Funds to the City of Lexington Operating Account. Roll call. Voting "aye" were Klamm, Kohl, Mandelko, Fagot, Wightman. Motion carried.

ADJOURNMENT:

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

John Wightman
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