

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, October 22, 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, Jerry Long, and John Fagot. Mayor Hawks and Dottie Anderson were absent. City Official present were: Interim City Manager Vance Bricker, Deputy City Clerk Bonnie Otte, and City Attorney Willard Weinhold. Department Head present was: Kerry Rader. Also present were: Dana Daniels representing Miller & Associates. The press was represented by the Clipper Herald, Kearney Hub, KRVN and Tri-City Trib.

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

CLAIMS AND BILLS: Claims and Bills in the amount of \$460,896.74 were presented for Council's consideration and approval. Moved by Fagot, seconded by Long to approve the claims as listed and authorized the City Treasurer to transfer \$350,582.57 from the General

Fund, \$67,525.37 from LEXUS Funds, \$11,246.75 from City Sanitation Fund, \$20,576.14 from the Landfill Fund, \$5,220.33 from the Health Fund, \$8.70 from CDBG 90-HD-010, and \$5,736.88 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were: Long, Fagot, Wightman. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 OCTOBER 22, 1996

ALAMAR UNIFORM COMPANY	INSIGNIA	12.54
ALIAMT COMMUNICATIONS	PHONE CHGS.	39.90
AT&T	PHONE CHGS.	136.40
BARMORE'S	FILM/SUPPLIES	48.22
BARRETT-HOUSEL-GRAFTON	INSURANCE	97517.00
BARCO MUNICIPAL PRODUCTS	SIGNS	122.28
BERNTSON OIL	FUEL	2726.61
BEST WESTERN AIRPORT INN	CONF. EXP.	93.62
BOTTOM LINE BUSINESS	SUBSCRIPTION	36.00
BRICKER, VANCE	CONF. EXP.	49.70
BUSINESS TELECOMMUNICATIONS	COMPUTER EQUIP.	113.40
CADWELL CONSTRUCTION	NPPD/CITY EL REBATE	900.00
CASH-WA DISTRIBUTING	FOOD	716.22
C.J. SMALL ENGINE REPAIR	BEARINGS	46.76
CENTRAL GARAGE FUND	LABOR/PARTS	3133.37
CENTURY LUMBER CENTER	BLDG SUPPLIES	602.73
21ST CENTURY PUBLISHERS	BOOK	15.00
COAST TO COAST	HOSE/EL CORD	23.88
CONSUMER CENTER	BOOK	22.95
COUNTRY GENERAL	SUPPLIES	51.72
C.B.S.A	CLAIMS	4854.75
DAWSON CO. PUBLIC POWER	POWER BILLS	4003.64
DAN'S SANITATION	SA CHGS.	17.50
DEMCO	BOOK SUPPLIES	159.09
DIAMOND VOGEL PAINT	STREET PAINT	848.00
DOBBINS, DAVID	NPPD/CITY EL REBATE	1050.00
DRAGON RESTAURANT, THE	MTG. EXP.	35.78
EAKE'S OFFICE PRODUCTS	COPIES USED	114.64
EILER'S MACHINING	IRON PLATE	36.93
ELECTRIC FIXTURE & SUPPLY	EL SUPPLIES	2357.92
FAIRBANKS INT'L, INC.	HARDWARE/PARTS	143.55
FARM PLAN CORPORATION	PARTS	215.84
FISCHER-SCIENTIFIC	LAB EQUIP.	36.36
FOX BROS. HAY CO. INC.	GRINDING SERVICE	2925.00

F & S SUPPLY CO., INC.	CLEANING SUPPLIES	40.74
GILLETTE/NEBRASKA DAIRIES MILK		249.11
GRAY, RONNIE	NPPD/CITY EL REBATE	1050.00
GREAT PLAINS ONE-CALL SERV.	LOCATES	52.98
HACH CHEMICAL	LAB SUPPLIES	142.95
HANK'S PLUMBING & HTG.	NPPD/CITY EL REBATE	1140.00
HIPP WHOLESALE CO.	FOOD	803.20
HILL-HOLDREGE LIBRARY SERV.	SERVICES	10.00
INGRAM LIBRARY SERVICES	BOOKS	94.15
INT'L TRANSFORMER CO., INC.	REPAIRS	312.60
JELCO CARPET CLEANING	CLEANING	96.00
JONES PLMG. & HTG.	PLMG. SUPPLIES	89.38
JOY BOOK NOOK	BOOKS	32.36
KAPCO	BOOK SUPPLIES	56.32
KLINE, NANCY	CLEANING	500.00
K N ENERGY, INC.	GAS SERVICE	647.08
KRIZ-DAVIS CO.	EL SUPPLIES	684.56
LEAGUE OF NE MUNICIPALITIES	CONF. EXP.	700.00
LEXINGTON COMMUNICATIONS	RADIO REPAIRS	62.50
LEXINGTON POSTMASTER	BULK MAILING FEE	85.00
LEXINGTON PUBLIC LIBRARY	PETTY CASH	34.23
LEXINGTON PUBLIC SCHOOLS	TRAINING COURSE	41.00
LEXINGTON NEWSPAPERS, INC.	ADS	485.38
LEXINGTON TRUCK & AUTO	PARTS	220.00
LEXUS	REIMBURSE CITIZEN'S ACCT.	22.00
LEXINGTON, CITY OF	LANDFILL EXP.	105.00
LEININGER, RONALD	NPPD/CITY EL REBATE	1050.00
LUTHER, ANN	TRAVEL EXP.	23.49
LUCENT TECHNOLOGIES	PHONE CHGS.	16.50
MARTIN ELECTRIC	EL SUPPLIES	105.45
MEAD/BIG VALLEY LUMBER	SUPPLIES	328.24
MEYER WELDING	METAL	69.45
MIDWAY SUPPLY	PARTS	100.58
MID-NEBRASKA FOOD BANK	FOOD	9.22
MIDWEST LABORATORIES	LAB SERVICES	45.00
MORRIS PRESS & OFFICE SUPP.	SUPPLIES	21.82
MR. AUTOMOTIVE	PARTS	13.55
MUNICIPAL SUPPLY	CLAMPS	358.26
NEBASE - CD-ROM	CD ROM DISCS	321.18
NE. DEPT. OF ENVIRONMENTAL	QRTLY DISPOSAL FEE	13281.98
STATE OF NEBRASKA	HANDICAPP PERMIT FEES	24.00
NE. LIBRARY COMMISSION	SERVICE CONTRACT	30.92
O K TIRE	TIRES	161.92
OMAHA WORLD HERALD	SUBSCRIPTION	29.25
OVERTON SAND & GRAVEL	GRAVEL/SAND	690.05
PAYROLL ACCOUNT	PAYROLL	60530.52

PATTY'S HALLMARK	SUPPLIES	89.79
PLATTE VALLEY AUTO MART	PARTS/LABOR	112.00
PLATTE VALLEY COMMUNICATIONS	SERVICE AGREEMENT	723.00
PLUM CREEK MEDICAL GROUP	W/C CLAIMS	98.50
PROTECTIVE LIFE INS.	CANCER INS.	180.86
Q A BALANCE SERVICE	LAB FEES	80.00
REACH ELECTRONICS	PAGER REPAIRS	90.03
RODALE PRESS, INC.	SUBSCRIPTION	32.12
SCHNIEBER FINE FOODS, INC.	FOOD	1059.17
SIXTH STREET MARKET	FOOD	91.45
SIXTH STREET PHARMACY	W/C CLAIMS	86.22
SOCIAL SECURITY FUND	EMPLOYER'S FICA	4573.72
SPECIALTY STORE SERVICES	SUPPLIES	55.03
ST. MARTIN'S PRESS	BOOK	100.00
SUPERIOR SIGNALS, INC.	SAFETY LIGHT	212.60
SULZMAN, DARIUS	NPPD/CITY EL REBATE	1050.00
S & W AUTO PARTS, INC.	PARTS	215.39
TELEGRAPH	SUBSCRIPTION	86.05
TRAVELERS, THE	POLICE PENSION	765.82
TRAVELERS, THE	EMPLOYEE PENSION	1954.92
UNITED NEBRASKA BANK	WARRANTS/INT. PAYABLE	204291.37
WAL-MART	SUPPLIES	347.23
WALCO INTERNATIONAL	REIMBURSE OVERPAYMENT	48.32
WESCO DISTRIBUTION, INC.	EL SUPPLIES	1215.15
DAN'S SANITATION	SA SERVICES	11246.75
CITY OF LEXINGTON	FRANCHISE FEE	17975.17
MILLER & ASSOCIATES	SERVICES	4794.86
NEBASE - CD ROM	CONFERENCE FEE	
240.00		
NE. DEPT. OF MOTOR VEHICLES	PLATE FEE	6.00
PLUM CREEK PROMOTIONS	VOLLEYBALL SHIRTS	900.00
	GRAND TOTAL	\$460,896.74

**ZONING
ORDINANCE:**

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 Long, seconded by Fagot to approve said

ordinance on second reading. Roll call. Voting "aye" were: Fagot, Long, Wightman. Motion carried.

**INTERLOCAL
AGREEMENT:**

Interim City Manager Bricker presented the City Council with an Interlocal Agreement between the Lexington City Council and the Lexington Area Solid Waste Agency for an orderly transition from the existing licensed sanitary landfill to the proposed solid waste disposal facility. In summary, the agreement called for an effective date of November 1, 1996, whereby the transition of all management functions which relate to receiving solid waste material, gate keeping, enforcement and collection of tipping fees, billing and bookkeeping shall be to the Agency. The City will continue to be responsible for deposit of solid waste, daily cover, and all functions relating to closure and post-closure requirements for current licensed sanitary landfill. The agreement calls for the Agency to pay \$5/yard tipping fees to the City for operation costs; employees currently working at the landfill will remain City employees; all equipment at the site will remain property of the City of Lexington. After a brief discussion, moved by Long, seconded by Fagot to approve the Interlocal Agreement with the Lexington Area Solid Waste Agency and authorized the Mayor to sign said agreement. Roll call. Voting "aye" were: Fagot, Long, Wightman. Motion carried.

**EMPLOYEE PENSION
PLAN RESOLUTION:**

Interim Manager Bricker presented a resolution for First Amendment to the Money Accumulation Plan which provides for City Manager approval of the activities of the Administrative Committee. He continued that the language of Section 10.5 of the Plan was also amended to provide for claims appeals to be reviewed by the City Council. Mr. Bricker then read the amendment to the Plan. Following a brief discussion, moved by Fagot, seconded by Long that the following resolution be passed and approved. Roll call. Voting "aye" were: Long, Fagot, Wightman. Motion carried.

RESOLUTION NO.

WHEREAS, the City sponsors and maintains the Money Accumulation Plan for Employees of the City of Lexington (the "Plan"); and

WHEREAS, the City desires to amend the Plan with respect to certain powers, duties and responsibilities of the Administrative Committee;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

1. That the attached First Amendment to The Money Accumulation Plan for employees of the City of Lexington shall be, and it hereby is, adopted by the City of Lexington, Nebraska, said Amendment to be effective as of February 1, 1995.

2. That the Mayor and appropriate officers of the City of Lexington, Nebraska, shall be, and they hereby are, authorized to do any and all things, including the execution of any document or amendment which may be necessary or appropriate to amend the Plan in the form of the Amendment attached hereto and to achieve and continue the tax-qualification of the Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended.

PASSED AND APPROVED this 22nd day of October, 1996.

CITY OF LEXINGTON, NEBRASKA

BY: _____
Vice President

ATTEST:

Deputy City Clerk

**INTERLOCAL
AGREEMENT CHODO:**

Interim City Manager Bricker addressed the Lexington City Council stating that the City of Lexington has the opportunity to become a part of a Comprehensive Housing Development Organization (CHODO) to address the housing needs of all of Dawson County. The Interlocal Agreement is between the Cities of Gothenburg, Cozad, Lexington, Villages of Farnam, Overton, Sumner, Eddyville, County of Dawson and the Dawson County Housing Development Corporation. This agreement will permit

the governmental entities, jointly and cooperatively, to make efficient use of their powers by enabling them to participate in the corporation. Mr. Bricker continued that the nine member board will consist of three officials from cities, three housing directors from the cities to represent low-moderate income people and three members at large from within Dawson County. Mr. Bricker continued that the corporation does not anticipate any funds to come from any of the governmental members. Funding will come from DED planning grant monies. Following a brief discussion, moved by Fagot, seconded by Long to approve entering into an Interlocal Agreement with other governmental entities and the Dawson County Housing Development Corporation to become the Dawson County Housing Development Corporation and to authorize the mayor to sign said agreement. Roll call. Voting "aye" were: Long, Fagot, Wightman, Motion carried.

**ORDINANCE - CITY
COMPENSATION:**

An ordinance entitled, "AN ORDINANCE TO ESTABLISH COMPENSATION FOR THE LEXINGTON CITY CLERK. TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM." was read before the council. Moved by Long, seconded by Fagot that said ordinance be passed on first reading. Roll call. Voting "aye" were: Fagot, Long, Wightman. Motion carried.

**CHANGE ORDER
AQUATIC CENTER:**

Interim City Manager Bricker addressed the Council with a change order from Paulsen, Inc. for an extension of time from May 1, 1997 to May 10, 1997 for completion of the aquatic center. Mr. Bricker stated that the purpose for the extension was for days lost due to inclement weather during construction to date. Mr. Bricker continued that the work crews have done very well in getting caught up, but work for days lost are difficult to recapture. The Council discussed the necessity of an extension at this time as opposed to waiting until spring to make the extension, especially since the completion date is already close to the date the facility is to open. Mr. Daniels stated that it is general practice for a contractor to request an extension at the time of the delay, if weather related. Mr. Bricker suggested tabling this item until the next meeting when Mr. Dave Burbach could

address the progress of the project and explain any delays or requests for the extension. Moved by Long, seconded by Fagot to table the request for an extension of time until the next regular council meeting. Roll call. Voting "aye" were: Fagot, Long, Wightman. Motion carried.

Mr. Bricker reported the City has received \$150,000 from the Lexington Foundation/Thanks A Million Campaign to be used toward aquatic center construction with another \$110,000 to be awarded in the spring.

**CHANGE ORDER
13TH STREET:**

Dana Daniels stated that the purpose of the change order was to balance out the as-built quantities to the bid quantities for the project and create an audit trail. There are no funds to be approved. Moved by Long, seconded by Fagot to approve the balancing change order for the 13th Street project, Phase II. Roll call. Voting "aye" were: Fagot, Long, Wightman. Motion carried.

**FINAL PAY
ESTIMATE:**

Dana Daniels addressed the Council stating that Midlands Contracting, Inc. is requesting \$104,291.21 as a final pay estimate for work completed on Phase II of the 13th Street Project. He continued that the final project amount paid was \$31,044.75 below the original bid price. Mr. Daniels continued that Paulsen's had a few minor punch list items to complete and suggested the check be held by the City Treasurer until the items have been resolved. Moved by Fagot, seconded by Long that Pay Estimate No. 7 Final, from Midland Contracting, Inc. in the amount of \$104,291.21 be approved and authorized the City Treasurer to transfer \$33,165.99 from LEXUS and \$71,125.22 from the General Fund to the City of Lexington Operating Account. Roll call. Voting "aye" were: Long, Fagot, Wightman. Motion carried.

**CERTIFICATE OF
SUBSTANTIAL
COMPLETION-13TH
STREET:**

Mr. Daniels stated that the contractor has signed off of the project stating that he has completed the project according to specifications and will guarantee the project the project for one year with payment and performance bond. Moved by Long, seconded by Fagot to approve the Certificate of

Substantial Completion to Midlands Contracting, Inc. for 13th Street Project, Phase II. Roll call. Voting "aye" were: Fagot, Long, Wightman. Motion carried.

LANDFILL UPDATE: Interim City Manager Bricker stated that the Solid Waste Agency has received a six-month extension to the consent agreement which allows use of the current landfill until May 1, 1997. Mr. Bricker continued that the Agency has hired Jeff Richardson as the manager of the operation. Construction will begin around November 1 with a completion date mid-April. The project will employ from 12-16 people.

TREASURER REPORT: City Treasurer Kerry Rader presented the Lexington City Council with financial reports for July and August for review. Upon completion of the review, no action was taken.

SPECIAL MEETING DATE: The Lexington City Council discussed a date to discuss the City Manager position. After a review of personal schedules, November 1, 1996, 5:30 p.m. was set as a tentative date for a special meeting to discuss the City Manager position. Mayor Hawks and Councilperson Anderson would be notified of the meeting.

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

John Wightman
Vice President

Bonnie Otte
Deputy City Clerk

I, the undersigned Deputy 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.

Bonnie Otte
Deputy City Clerk