

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 12, 1996, at the Municipal Building, 406 East 7th Street, Lexington, Nebraska, at 7:30 P.M. Members of the City Council present were: Mayor Robert Hawks, John Wightman, Dorothy Anderson, Jerry Long, and John Fagot. City Official present was: 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 were: Bob Blankenship, representing Miller & Associates, Karla Scheffe, Laurie Lauby, John Fritton, Neal Kohl, and Rick Klamm. The press was represented by the Clipper Herald, Tri-City Trib, KNOP-TV 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 10/22/96: The minutes of the regular council meeting held October 22, 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 22, 1996. Roll call. Voting "aye" were: Anderson, Fagot, Long, Hawks. Motion carried.

MINUTES SPECIAL MEETING 11/01/96: The minutes of the special council meeting held November 1, 1996 were presented for Council's consideration and approval. Moved by Anderson, seconded by Long to approve the minutes of the special meeting held November 1, 1996. Roll call.

Voting "aye" were: Fagot, Long, Anderson, Hawks.
Motion carried.

CLAIMS AND BILLS:

Claims and Bills in the amount of \$594,803.67 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 \$100,593.78 from the General Fund, \$433,927.52 from LEXUS Funds, \$10,000.00 from City Sanitation Fund, \$28,700.64 from the Landfill Fund, \$9,362.74 from the Health Fund, \$4,972.49 from CDBG 90-HD-010, \$7,246.50 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were: Anderson, Long, Fagot, Hawks. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
NOVEMBER 12, 1996

AFLAC	UNIFORMS	149.74
ALAMAR UNIFORM CO.	UNIFORMS	137.72
AT&T	PHONE	103.21
AUDIO EDITIONS	CASSETTES	303.66
BERNTSON OIL	FUEL	887.63
BECKER FIRE EQUIPMENT CO.	POLY TANK	94.64
BILL'S KIRBY	BELTS	12.00
BORTH, INEZ	HANDICAPP REFUND	3.00
BRIN, BERNITA	REIMBURSE FOR BOOK	54.70
BRICKER, VANCE	CONF. EXP.	95.70
BSB	HAUL DIRT	9850.00
BUSINESS & PROF. CREDIT	SERVICES	194.48
CASH-WA DISTRIBUTING	FOOD	840.21
MARSHALL CAVENDISH CORP.	BOOK	158.95
CENTRAL GARAGE FUND	FUEL/PARTS/LABOR	8404.02
CENTURY LUMBER	TOOLS	33.60
21ST CENTURY PUBLISHERS	SCHOOL EXP.	40.00
COAST TO COAST	MICROWAVE	130.08
COMMUTERS LIBRARY	BOOKS	64.50
COUNTRY GENERAL	SUPPLIES	203.75
C.B.S.A	CLAIMS	9156.42
C.B.S.A.	PREMIUM/ADMIN FEES	6489.01
CRANE REPAIR CO.,INC.	PARTS	75.80
CULLIGAN WATER COND.	WATER SERVICE	30.00
DAWSON CO. WEED SERVICE	SPRAYING	2369.67
DAWSON CO. HIGHWAY DEPT.	FENCE TIES	80.00

DAWSON CO. CLERK	DISPATCH FEE	3870.50
DAN'S SANITATION	SA FEE	10138.92
DARLEY, W.S. & CO.	SONOSCOPE	51.06
DEMCO	SPINE LABELS	28.38
DUTTON-LAINSON CO.	TRANSFORMER HANGER	227.81
DUGAN BUSINESS FORMS	FORMS	1424.26
EAKE'S OFFICE PRODUCTS	SERVICE CONTRACT	352.84
EGAN SUPPLY CO.	CLEANING SUPPLIES	50.25
ELECTRIC FIXTURE & SUPPLY	EL SUPPLIES	2181.00
FARM PLAN CORP.	PARTS	3.29
F&S SUPPLY CO., INC.	MOP/CLEANERS	90.09
FURST GROUP	PHONE SERVICE	4.54
GILLETTE/NE. DAIRIES	MILK	329.12
GROLIER EDUCATION CORP.	ENCYCLOPEDIAS	762.14
HAWKS, ROBERT	CONF. EXP.	112.30
HACH CHEMICAL	LAMP ASSY	113.50
HIPP WHOLESALE CO.	FOOD	826.81
HUNT CLEANERS	GLOVES	122.18
INGRAM LIBRARY SERVICES	BOOKS	540.01
JELCO CARPET CLEANING	CLEAN CARPETS	73.50
JONES PLMB & HTG.	PLMB SUPPLIES	45.08
JUNIOR LIBRARY GUILD	SUBSCRIPTIONS	441.00
KEARNEY HUB	SUBSCRIPTION	91.00
KN ENERGY, INC.	GAS SERVICE	10.25
KRIZ-DAVIS CO.	EL SUPPLIES	122.05
LEXINGTON ANIMAL CLINIC	ANIMAL SERVICES	326.85
LEX CHAMBER OF COMMERCE	PROMO EXP.	102.00
LEX HEALTH FUND	SELF FUNDING	13547.47
LEXINGTON COOP	PROPANE	21.78
LEX FIRE DEPT.	CONF. EXP.	2033.00
LEXINGTON POSTMASTER	POSTAGE	1650.00
LEXINGTON PUBLIC LIBRARY	PETTY CASH	70.55
LEXINGTON NEWSPAPERS, INC.	ADS	24.05
LEXUS	UTILITIES	18511.94
LEXINGTON, CITY OF	MO. CHGS	27585.87
LIFE BOOKS	SUBSCRIPTION	23.91
LUTHER, ANN	TRAVEL EXP.	47.27
LUCENT TECHNOLOGIES	PHONE SERVICE	63.70
MAYO CLINIC HEALTH LETTER	SUBSCRIPTION	24.00
MCI	PHONE	503.54
MEAD/BIG VALLEY LUMBER	BLDG. SUPPLIES	5018.85
MIDWAY SUPPLY	PARTS	69.69
MILLER & ASSOCIATES	SERVICE AGREEMENT	1850.00
MIDLANDS RENTAL & MACHINERY	TIP KIT	113.85
MILLER, MARK	W/C CLAIM	11.58
MORRIS PRESS & OFFICE SUPP.	OFFICE SUPPLIES	60.90

MR. AUTOMOTIVE	PARTS	8.14
NEBRASKA MACHINERY	PARTS	5654.78
NEBR. LAW ENFORCEMENT	TABE TESTS	36.00
N.P.P.D.	POWER BILL	317248.72
NEBRASKA, STATE OF	MONITORING EXP.	594.72
NE PLANNING & ZONING ASSOC.	MEMBERSHIP FEE	40.00
NELSON, THOMAS R.	CONF. EXP.	35.00
NE. CONF. OF BLDG. INSP.	CONFERENCE EXP.	15.00
NEW WORLD INN	CONF. EXP.	43.74
O.K. TIRE	TIRES	207.87
OMAHA LIFE INS.	FIREMENS INS.	64.00
PAYROLL ACCOUNT	PAYROLL	60318.00
PAULSEN BLDG & SUPPLY	FILL SAND	180.00
PACK-O-FUN	SUBSCRIPTION	14.97
PARKER LIVESTOCK	MARKER	4.43
PATTY'S HALLMARK	OFFICE SUPPLIES	908.78
PETTY CASH	PETTY CASH	128.25
PEOPLE MAGAZINE	SUBSCRIPTION	89.57
PLATTE VALLEY AUTOMART	FORD PICKUP	9900.00
PLATTE VALLEY COMMUNICATIONS	SERVICES	838.00
PLATTE VALLEY EXTERMINATING	EXTERMINATING	24.00
SCHUCKMAN, MARSHA	CLEANING	400.00
SCHNIEBER FINE FOODS INC.	FOOD	1003.15
SEWARD, RUTH	CONF. EXP.	60.75
SIXTH STREET MARKET	FOOD	58.03
SMITH, H.O. CO.	INS. PREMIUM	227.50
SOCIAL SECURITY FUND	FICA	4557.43
SUND, T.L.	FENCE	10534.32
S & W AUTO PARTS, INC.	PARTS	252.09
TIME BOOKS	SUBSCRIPTION	23.90
TRI-CO. HOSPITAL	DRUG SCREENS	45.00
TRAVELERS, THE	POLICE PENSION	757.64
TRAVELERS, THE	EMPLOYEE PENSION	1978.30
TRAVELERS INS., THE	ADMIN COSTS	5328.36
UNISYS CORPORATION	SERVICE CONTRACT	1806.00
US WEST COMMUNICATIONS	PHONE	1547.45
WALMART	SUPPLIES	276.74
WAREHOUSE SURPLUS	SUCKERS	16.80
WESCO DISTRIBUTION, INC.	WIRE	102.24
WEBER & WEINHOLD	RETAINER FEE	1200.00
WILSON, H.W. THE	SUBSCRIPTION/CATALOG	404.00
LEXINGTON, CITY OF	FRANCHISE FEE	2757.55
MALZAHN, LEON	CONF. EXP.	139.85
MIDWEST LABORATORIES	LAB TESTS AT NEW LF	10739.00
N.C.B.O.	MEMBERSHIP	10.00
NE. DEPT. OF REVENUE	UTILITY SALES TAX	20588.43

GRAND TOTAL

\$594,803.67

**REZONING
ORDINANCE:**

City Manager Bricker informed the Lexington City Council that this ordinance would modify the types of businesses allowed in a C-3 Zone and that this was the third reading. An ordinance entitled, "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 Anderson that Ordinance NO. 2067 be passed on final reading. Roll call. Voting "aye" were: Fagot, Anderson, Long, Hawks. 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. 2067 to be published in pamphlet form.

LIQUOR LICENSE:

The Lexington City Council held a public hearing to consider the request of Sergio Rico Rodriguez dba Rodriguez Meat Market at 113 E 6th St for a Class "C" Liquor License. During the public hearing, City Attorney Willard Weinhold stated that he did not believe the City of Lexington could approve a Class "C" Liquor License as this would be liquor by the drink and a vote of the people is required before liquor by the drink could be allowed in the City of Lexington. Upon conclusion of his discussion, Mr. Rodriguez was informed to meet with city officials the following morning to remedy this situation. Moved by Wightman, seconded by Anderson to deny the request for a Class "C" Liquor License in the City of Lexington. Roll call. Voting "aye" were: Fagot, Long, Anderson, Wightman, Hawks. Motion carried.

**CONVEYANCE OF
PROPERTY:**

The Mayor and Lexington City Council were informed that the following resolution needed passage in order to convey the deed for the sale of a lot in Southaven Subdivision to Cadwell Construction. Upon completion of the explanation, moved by Wightman, seconded by Fagot that the following resolution be passed and approved. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman, Hawks. Motion carried.

RESOLUTION NO. 96-34

WHEREAS, the City has by Ordinance No. 2056 approved the sale of the following described real estate owned by the City, to-wit:

Lot One (1), Block One (1), Southaven Addition to the City of Lexington, Dawson County, Nebraska.

WHEREAS, Notice of such Ordinance has been duly published and the time for remonstrance has passed, and no petition against such sale has been filed.

BE IT THEREFORE RESOLVED by the Council and President of the Council of the City of Lexington, Nebraska, that Robert Hawks, as President of the Council is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to the purchaser thereof.

PASSED AND APPROVED this 12th day of November, 1996.

CITY OF LEXINGTON, NEBRASKA

BY: _____
Robert L. Hawks, Mayor

ATTEST:

City Clerk

**CITY CLERK
COMPENSATION
ORDINANCE:**

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 Wightman, seconded by Fagot to suspend the rules requiring reading of said ordinance on three separate days. Roll call. Voting "aye" were: Anderson,

Long, Fagot, Wightman, Hawks. Motion carried. Said ordinance was then read by title. Moved by Long, seconded by Wightman that Ordinance No. 2068 be passed on final reading. Roll call. Voting "aye" were: Fagot, Anderson, Wightman, Long, Hawks. 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. 2068 to be published in pamphlet form.

**APPOINTMENT AND
COMPENSATION CITY
MANAGER:**

An Ordinance entitled, "AN ORDINANCE TO APPOINT A CITY MANAGER AND ESTABLISH COMPENSATION; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM." was read before the council. Moved by Anderson, seconded by Long that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were: Wightman, Fagot, Long, Anderson, Hawks. Motion carried. Said ordinance was then read by title. Moved by Long, seconded by Fagot that Ordinance NO. 2069 be passed on final reading. Roll call. Voting "aye" were: Anderson, Wightman, Fagot, Long, Hawks. 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. 2069 to be published in pamphlet form.

**PAY ESTIMATE
AQUATIC CENTER:**

The Lexington City Council considered Pay Estimate No. 6 from Paulsen, Inc. of Cozad, NE for general construction of the aquatic center in the amount of \$145,801.95. City Manager Bricker stated that this pay estimate has been approved by Dave Burbach to be true and correct. Moved by Fagot, seconded by Wightman to approve pay estimate NO. 6 to Paulsen, Inc. of Cozad, NE in the amount of \$145,801.95 for general construction of the aquatic center and authorized the city treasurer to transfer \$145,801.95

from the Aquatic fund to the City of Lexington Operating Account. Roll call. Voting "aye" were: Long, Anderson, Wightman, Fagot, Hawks. Motion carried.

**PAY ESTIMATE
AQUATIC CENTER:**

The Lexington City Council considered Pay Estimate No. 4 from Associated Pool Builders, Inc. for the pool mechanical contract in the amount of \$15,300. City Manager Bricker stated that Mr. Burbach had contested to the accuracy of this pay estimate. Upon completion of the discussion, moved by Wightman, seconded by Fagot to approve pay estimate No. 4 to Associated Pool Builders in the amount of \$15,300 for pool mechanical contract. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman, Hawks. Motion carried.

**PAY ESTIMATE
ASSOCIATED POOLS:**

City Manager Vance Bricker presented Application No. 4 from Associated Pool Builders, Inc. for pool construction in the amount of \$198,000. The Lexington City Council reviewed the document for this payment noting that it had been certified by Dave Burbach as being correct. Moved by Long, seconded by Wightman to approve pay estimate No. 4 from Associated Pool Builders, Inc. in the amount of \$198,000 for pool construction and authorized the City Treasurer to transfer \$198,000 from the Aquatic Fund to the City of Lexington Operating Account. Roll call. Voting "aye" were: Fagot, Anderson, Wightman, Long, 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 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