

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 26, 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, Dave Burbach, representing Burbach Engineering, Rick Klamm, Byron Falleson, Sergio Rico, Rick Barmore, Terry Farrell, Carolyn Fairbanks and Neal Kohl. The press was represented by the Clipper Herald 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 11/12/96:** The minutes of the regular council meeting held November 12, 1996 were presented for Council's consideration and approval. Moved by Wightman seconded by Long to approve the minutes of the regular meeting held November 12, 1996. Roll call. Voting "aye" were: Anderson, Fagot, Long, Wightman, Hawks. Motion carried.

**CLAIMS AND BILLS:** Claims and Bills in the amount of \$256,888.55 were presented for Council's consideration and approval. Moved by Anderson, seconded by Fagot to approve the claims as listed and authorized the City Treasurer

to transfer \$117,530.32 from the General Fund, \$106,762.13 from LEXUS Funds, \$11,827.75 from City Sanitation Fund, \$8,348.62 from the Landfill Fund, \$5,138.70 from the Health Fund, \$5.59 from CDBG 90-HD-010, and \$7,275.44 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were: Wightman, Long, Fagot, Anderson, Hawks. Motion carried.

CITY OF LEXINGTON  
 ACCOUNTS PAYABLE  
 NOVEMBER 26, 1996

AFLAC	CANCER PREMIUM	149.74
ALIAN COMMUNICATIONS	NAVIX CHGS.	19.95
ALIAN CELLULAR	CELLULAR CHGS	54.63
AMERICAN LIBRARY PREVIEW BOOKS		557.79
AMERICAN BUSINESS DIRECTORIES CD ROM MEDIA		310.00
BARMORES	BATTERIES	16.30
BARRETT-HOUSEL-GRAFTON	VEHICLE INS.	97.00
BERNTSON OIL	FUEL	3154.13
H.L. BOGGS	TRANSFORMER SUPPLIES	477.50
BOTTOM LINE/HEALTH	SUBSCRIPTION	29.95
CASH-WA DISTRIBUTING	TOILET TISSUE	123.97
CCP INDUSTRIES, INC.	GLOVES	103.88
CENTURY LUMBER CENTER	BLDG SUPPLIES	219.43
CENTRAL COMM. COLLEGE	CLASS REGISTRATION	70.00
COAST TO COAST	BRUSH	9.25
COMPUTER PROS	HARDWARE SERVICE	82.50
COMPUTER ASSISTANCE	COMPUTER/SERVICE	2152.26
COCA-COLA/DR. PEPPER	COKE	53.70
COUNTRY GENERAL	SUPPLIES	303.49
COZAD SERVICES	SERVICE	60.02
CONTRACTORS MACH., INC.	ROCKER SWITCH	56.28
COUNTRY	SUBSCRIPTION	12.98
CRESCENT ELECTRIC SUPPLY	ELECTRIC SUPPLIES	171.89
CURTIS INDUSTRIES, INC.	TOOLS/LAMP	70.87
DAWSON CO. PUBLIC POWER	BILLING	2326.11
DAWSON CO. REGISTER OF DEEDS	SURVEYS	34.50
DUTTON-LAINSON COMPANY	HPS FIXTURES	952.11
EAKE'S OFFICE PRODUCTS	TONER	115.59
EGAN SUPPLY CO.	AIR FRESHENERS	28.50
ELECTRIC FIXTURE	EL SUPPLIES	655.22
ELECTRIC PUMP	ALARM SENSOR	102.81
FAIRBANKS INTERNATIONAL	PARTS	431.81
FARM PLAN CORP.	PARTS	218.57

FOLLETT SOFTWARE CO.	LABELS	177.83
F & S SUPPLY CO.	CLEANING SUPPLIES	95.95
GENERAL FIRE & SAFETY	WORM GEAR	30.15
GILLETTE/NE. DAIRIES	MILK	63.12
GREAT PLAINS ONE-CALL	LOCATES	105.44
HANDEE CO., THE	BARRICADE TAPE	19.05
HOLIDAY INN	LODGING	90.00
INT. ASSOC. OF BLDG INSP.	NEC CODE BOOKS	45.95
INGRAM LIBRARY SERVICES	BOOKS	61.53
JOHNSON JEWELRY	GOLD WATCHES	607.05
KAR PRODUCTS	TOOL ACCESSORIES	208.34
KIRK'S NEBRASKALAND	MTG. EXP.	39.43
KLINE, NANCY	C/H CLEANING	500.00
KRIZ-DAVIS COMPANY	EL SUPPLIES	4267.06
LEAGUE OF NE. MUNICIPAL.	EL TRAINING	980.00
LEXINGTON COOP	FLOOR FINISH	42.51
LEX LAUNDRY	TOWEL SERVICE	32.00
LEX PUBLIC LIBRARY	PETTY CASH	10.00
LEXINGTON NEWSPAPERS	ADS	90.63
LEXINGTON TRUCK & AUTO	GAS TANK	50.00
C.E.D	BUS. DEV. PROMO	
3000.00		
LEX. RECREATION PROGRAM	MEN'S BASKETBALL	420.00
LEXINGTON, CITY OF	LANDFILL EXP.	25.00
LUTHER, ANN	MILAGE EXP.	39.15
MARTIN'S FLAG CO.	POW/MIA FLAGS	83.78
MC CLAIN, DONALD	457 PLAN PROCEEDS	294.74
MCGRAW-HILL CO., THE	BOOKS	116.01
MEAD/BIG VALLEY LUMBER	BLDG SUPPLIES	202.31
MEYER WELDING	CHANNEL/STRAP	120.64
MERIDIAN LIBRARY SYSTEM	VIDEO LICENSE	45.00
MIDWAY SUPPLY	AUTO SUPPLIES	21.50
MISKO SPORTING GOODS	BASKETBALLS/SCOREBOOKS	334.05
MINE SAFETY APPLIANCES	GASKET/UV VALVE	7.82
MORRIS PRESS	OFFICE SUPPLIES	38.31
MR. AUTOMOTIVE	AUTO SUPPLIES	47.36
MULLENDORE CONSULTANTS, R.	EL ENGINEERING EXP.	883.19
MUNICIPAL SUPPLY CO.	REPAIR CLAMPS	293.19
O.K. TIRE	TIRES	155.81
OVERTON COMM. CENTER	BLDG RENT	300.00
PAULSEN BLDG & SUPPLY	CONCRETE	837.00
PATTY'S HALLMARK	OFFICE SUPPLIES	403.37
PC COMPUTING	SUBSCRIPTION	16.94
PLATTE VALLEY AUTO MART	PARTS	32.61
PLUM CREEK MEDICAL GROUP	FLUVAX & W/C INJURY	547.39
PLUM CREEK ELECTRONICS	REPAIRS	184.00

PLUM CREEK MOTORS	PARTS	5.21
PROTECTIVE LIFE INS.	CANCER PREMIUMS	180.86
SCHNIEBER FINE FOODS	FOOD	630.35
SEWARD, RUTH	REIMBURSEMENT	17.00
SHEET MUSIC	SUBSCRIPTION	18.97
SIXTH STREET MARKET	FOOD	182.75
SIMON & SCHUSTER	BOOKS	40.61
SIGN PRO	ALUMINUM SIGNS	370.00
SIXTH STREET PHARMACY	PHOTO FINISHING	3.25
SKARSHAUG TESTING	GLOVES	421.75
SNELL SERVICES, INC.	SUPPLIES	638.25
STATE ELECTRICAL DIV.	LICENSE RENEWAL	30.00
SUBWAY OF LEXINGTON	MTG. EXP.	30.78
SUPERIOR SIGNALS, INC.	PARTS	113.80
S & W AUTO PARTS	PARTS	447.19
TERRYBERRY	EMPLOYEE RECOGNITION	158.35
TRAVELERS, THE	POLICE PENSION	742.64
WORLD BOOK DIRECT MARKETING	SUBSCRIPTION	26.44
BURBACH ENGINEERS	SERVICES	14610.15
BURKLUND, D.L.	EL REBATE	450.00
C.B.S.A	CLAIMS	4260.71
DAN'S SANITATION	SA SERVICE	
11827.75		
FIRST NATIONAL BANK	EMPLOYEE PENSION	4049.07
FROST, DONALD	EL REBATE	450.00
LEXINGTON FIRE DEPT.	CONFERENCE EXP.	1401.15
LEXINGTON, CITY OF	FRANCHISE FEE	20775.23
LEXUS	OCTOBER UTILITIES	19490.62
MIDLANDS CONTRACTING	JEFFERSON/HEARTLAND	4973.57
MILLER, JAMES	EL REBATE	900.00
PAYROLL ACCOUNT	11/7 & 11/21 PAYROLL	125908.87
SOCIAL SECURITY FUND	11/7 & 11/21 FICA	9518.23
TELEGRAPH	AD	14.05
TRAVELERS, THE	POLICE PENSION 11/21/96	828.19
TRI-CITY TRIBUNE	AD	21.50
TRI-COUNTY HOSPITAL	MTG. EXP.	17.90
TRUECO	EL MOTOR	313.91
UPSTART	BOOKS	89.94
U S WEST CONF. SERVICES	CONF. CALLS	60.42
UTILITY EQUIPMENT CO.	POLY TUBE	75.00
VALENTINO'S	MTG. EXP.	14.95
WALMART	SUPPLIES	70.25
WATERPRO	FIRE HYDRANT	793.63
WESTERN AUTO	CLEANING SUPPLIES	6.99
WESCO	EL SUPPLIES	2400.36
WINDOWS SOURCES	SUBSCRIPTION	19.97

ZLATKOVSKY, FRANK

EL REBATE

300.00

GRAND TOTAL

\$256,888.55

**BURBACH  
ENGINEERING  
REPORT:**

Mr. Dave Burbach, representing Burbach Engineering addressed the Lexington City Council with a progress report on the Aquatic Center. Mr. Burbach reviewed the applications for payment which had been submitted and how the numbers on these pay estimates were determined. Mr. Burbach also presented slides to the City Council depicting the progress of the pool from the time they started until present time. Upon completion of his report, no further action was taken.

**CERTIFICATE OF  
VOTES:**

The Lexington City Council reviewed the Certificate of Votes as submitted by the Dawson County Election Commissioner. This certificate from the Election Commissioner revealed John Wightman had received 1,502, Neal Kohl 1,630, Mark Sarratt 1,241, and Rick Klamm 1,794 votes. Upon completion of the review, moved by Anderson, seconded by Fagot that Rick Klamm with 1,794 votes, Neal Kohl with 1,630 votes and John Wightman with 1,502 votes be declared the winners of the City of Lexington Election for City Council Member. Roll call. Voting "aye" were: Long, Wightman, Fagot, Anderson, Hawks. Motion carried.

**PUBLIC HEARING  
LIQUOR LICENSE:**

The Lexington City Council held a public hearing to consider the request of Sergio Rico dba Rodriguez Meat Market at 113 E 6th for a Class "M" Liquor License. In reviewing the site plan for the liquor license, Mayor Hawks questioned the seating space and the amount of activity that would be in that building. He was informed that there would be four tables and a bar with sixteen stools for a total seating capacity of thirty-two. Additionally, there would be two pool tables in the establishment. Mr. Rick Barmore addressed the Lexington City Council opposing the issuance of this license as it does not fit with the neighborhood and wishes not to have a store with a liquor license next to his establishment. Mr. Byron Falleson, representing Barmore Drug Store stated that the quarters in the building were cramped and should have at least a fifty foot front for the license. This would lead to cramped areas. Upon his

summation, he asked that the City Council deny the license. Hearing no further input, Mayor Hawks declared the public hearing closed. Moved by Long, seconded by Anderson that the liquor license for Sergio Rico, dba Rodriguez Meat Market be awarded. Roll call. Voting "aye" were: Wightman, Long, Fagot. Voting "nay" were: Hawks, Anderson. Motion carried.

**ORDINANCE  
MODIFYING SPEED  
LIMITS:**

City Manager Bricker informed the City Council that this ordinance would be to align the speed limits on Plum Creek Parkway with those of the state. He further stated that the 40 MPH speed limit would be lengthened between Maple Street and Ash Street would be extended south to the drainage ditch in accordance with the State's request. Hearing no further comments, an Ordinance entitled, "AN ORDINANCE TO AMEND SECTION 16-41 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR REDUCED SPEED LIMITS ON 13TH STREET FROM FILLMORE STREET TO TAFT STREET, AND TO PROVIDE FOR REDUCED SPEED IN SCHOOL ZONES; TO REPEAL ORIGINAL SECTION 16-41, AND ALL OTHER 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 Wightman, seconded by Anderson that said ordinance be passed on first reading. Roll call. Voting "aye" were: Long, Fagot, Anderson, Wightman, Hawks. Motion carried.

**LAKE STREET  
IMPROVEMENTS:**

Mr. Bob Blankenship addressed the Lexington City Council submitting Pay Request No. 3 for construction of Lake Street Improvements. Mr. Blankenship stated that this request was the third and final from Paulsens for these improvements. Upon completion of his review, moved by Wightman, seconded by Long that Pay Request No. 3 from Paulsen, Inc. for construction of Lake Street Improvements in the amount of \$121,174.38 be approved and that the City Treasurer be authorized to transfer \$2,918.05 from LEXUS and \$118,256.33

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

**LAKE STREET  
CHANGE ORDER:**

Mr. Bob Blankenship presented Change Order No. 2 for the Lake Street Improvements at 20th & Cleveland intersection which he stated would be a balancing change order so the quantities on the bid price and the pay estimates reconcile. Moved by Fagot, seconded by Wightman to approve Change Order No. 2 for Lake Street and 20th & Cleveland Street intersection. Roll call. Voting "aye" were: Long, Anderson, Wightman, Fagot, Hawks. Motion carried.

**CERTIFICATE OF  
SUBSTANTIAL  
COMPLETION -LAKE  
STREET:**

The Lexington City Council reviewed a Certificate of Substantial Completion as presented by Bob Blankenship for work completed on the Lake Street and 20th & Cleveland Street intersections. Mr. Blankenship stated that this was a Certificate of Substantial Completion which means that the improvements in these areas can be used for their intention. Upon completion of his presentation, moved by Long, seconded by Wightman to approve the Certificate of Substantial Completion for Lake Street and 20th & Cleveland Street intersections. Roll call. Voting "aye" were: Fagot, Anderson, Wightman, Long, Hawks. Motion carried.

**SHOTKOSKI SEWER  
MAIN:**

The Lexington City Council considered Application No. 1 and final from Midland Contracting, Inc. for a gravity flow sewer and force main in the Shotkoski Subdivision in the amount of \$32,422. City Manager Bricker stated that upon payment of this bill, Nebraska Truck and Equipment would receive a bill for \$12,422 which would bring the City's contribution down to the \$20,000 as stated before. Upon hearing no further comments, moved by Wightman, seconded by Long to approve the first and final Pay Estimate to Midland Contracting, Inc. in the amount of \$32,422 for a sewer force main and lift station at the Shotkoski Subdivision. Roll call. Voting "aye" were: Fagot, Anderson, Long, Wightman, Hawks. Motion carried.

**CERTIFICATE OF  
SUBSTANTIAL**

The Lexington City Council reviewed a Certificate of Substantial Completion for the Shotkoski

**COMPLETION:**

Subdivision gravity sewer and force main. Mr. Bob Blankenship stated that the force main and lift station were in and operating. He also stated that the force main was oversized, backflow preventers were in place and the lift station was also oversized for future expansion. Hearing no further comments, moved by Wightman, seconded Fagot to approve the Certificate of Substantial Completion for the construction of gravity sewer and force main at Shotkoski Subdivision in the amount of \$32,422. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman, Hawks. Motion carried.

**OUTSTANDING BANS:**

City Manager Bricker informed the Lexington City Council that the BANS would be called that were issued for construction of a sewer main and would be replaced by bonds paying off the money borrowed from the electric department for interim construction. Upon completion of his presentation, moved by Wightman, seconded by Long that the following resolution be passed and approved. Roll call. Voting "aye" were: Fagot, Anderson, Long, Wightman, Hawks. Motion carried.

**RESOLUTION NO. 96-36**

BE IT RESOLVED by the Mayor and Council of the City of Lexington, Dawson County, State of Nebraska:

Section 1. The following notes, in accordance with their option provisions are hereby called for payment on December 27, 1996, after which date interest on the notes will cease:

Combined Utilities Revenue Bond Anticipation Notes, 1995 Series A, of the City of Lexington, Nebraska, date of original issue - January 1, 1995, in the principal amount of Eight Hundred Thousand Dollars (\$800,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 or integral multiples thereof, becoming due and bearing interest as follows:

Principal Rate	Amount	Maturity Date	Interest
	\$800,000	December 1, 1997	5.50%



Said notes are hereinafter referred to as the "Refunded Notes."

Said notes are subject to redemption at any time on or after January 1, 1996, at the principal amount thereof and accrued interest, and said interest is payable semiannually. Said notes were authorized by Ordinance No. 2009 dated December 6, 1994, and were issued for the purpose of providing interim financing for the cost of extending, enlarging and improving the City's sewage disposal plant and system, water works plant and system and electrical light and power plant and distribution system pending the issuance of Combined Revenue Bonds.

Section 2. Said notes are to be paid off at the office of the City Treasurer of Lexington, Nebraska, Paying Agent and Registrar, in Lexington, Nebraska.

Section 3. A true copy of this resolution shall be filed immediately with the City Treasurer of Lexington, Nebraska, Paying Agent and Registrar for the Refunded Notes, and said paying Agent and Registrar is hereby instructed to mail notice to each registered owner of said notes not less than thirty days prior to the date fixed for redemption, all in accordance with Section 6 of the Ordinance authorizing said called notes.

PASSED AND APPROVED this 26th day of November, 1996.

CITY OF LEXINGTON

by \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**ISSUANCE OF BONDS:** City Manager Bricker informed the Lexington City Council that the following ordinance would produce the desired revenue to pay off the warrants which

would also refund the money to the utilities. With no further comment, Council Member Wightman then introduced Ordinance No. 2070 entitled: AN ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA, AUTHORIZING THE ISSUANCE OF A JUNIOR LIEN COMBINED UTILITIES REVENUE BOND IN THE PRINCIPAL AMOUNT OF EIGHT HUNDRED TWENTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$828,500) FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF IMPROVEMENTS TO THE CITY'S SEWAGE DISPOSAL PLANT AND SANITARY SEWER SYSTEM; PRESCRIBING THE FORM OF SAID BOND; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE SEWER, WATER AND ELECTRIC SYSTEMS OWNED BY THE CITY ON A JUNIOR LIEN BASIS FOR THE PAYMENT OF SAID BOND AND THE INTEREST THEREON; ESTABLISHING THE TERMS AND CONDITIONS ON WHICH ADDITIONAL BONDS OF EQUAL OR SUPERIOR LIEN MAY BE ISSUED; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE REGISTERED OWNER OF SAID BOND; SELLING SAID BOND AND AUTHORIZING THE DELIVERY THEREOF TO THE UNITED STATES OF AMERICA, ACTING THROUGH THE UNITED STATES DEPARTMENT OF AGRICULTURE, AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. and moved that the statutory rule requiring reading on three different days be suspended. Council Member Fagot seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Anderson, Long, Fagot, Wightman, Hawks. The following voted NAY: None. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Council Member Wightman moved for final passage of the ordinance, which motion was seconded by Council Member Fagot. The Mayor then stated the question was "Shall Ordinance No. 2070 be passed and adopted?" Upon roll call vote, the following

Council Members voted YEA: Long, Anderson, Fagot, Wightman, Hawks. The following voted NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto and ordered the Ordinance to be published as provided therein.

**CHANGE MEETING  
DATES:**

City Manager Bricker stated that the meeting dates for December, which would normally be December 10 and December 24 have a conflict where three members of the Council will be absent on the 10th and the 24th is Christmas Eve. He is recommending that the meetings be held on December 3 as the organizational meeting be held prior to the regular council meeting and December 17 to be substituted for December 24. Hearing no further comments, moved by Wightman, seconded by Fagot that the regular council meetings for the Lexington City Council be held on December 3 at 7:30 p.m. after the organizational meeting and on December 17 at 7:30 p.m. Roll call. Voting "aye" were: Long, Anderson, 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 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.

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Leon E. Malzahn  
City Clerk