

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 17, 1996, 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 Bob Blankenship representing Miller and Associates, Dan and Marilyn Sabin and Steve Heldt. 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 12/03/96:** The minutes of the organizational meeting held December 3, 1996 were presented for Council's consideration and approval. Moved by Wightman seconded by Kohl to approve the minutes of the regular meeting held December 3, 1996 with changes to the nomination for Vice-President and roll call on the ordinance. Roll call. Voting "aye" were: Fagot, Klamm, Kohl, Wightman, Hawks. Motion carried.

**CLAIMS AND BILLS:** Claims and Bills in the amount of \$1,077,902.71 were presented for Council's consideration and approval. A claim for \$685.49 to Jeff Richardson for mileage was questioned. City Manager Bricker stated that this should have been a charge to the Solid

Waste Agency rather than the City and will be removed. Upon removal of this bill, moved by Kohl, seconded by Klamm to approve the claims as listed and authorized the City Treasurer to transfer \$302,871.67 from the General Fund, \$696,789.24 from LEXUS Funds, \$20,000.00 from City Sanitation Fund, \$41,033.63 from the Landfill Fund, \$9,219.87 from the Health Fund, \$30.99 from CDBG 90-HD-010, and \$7,957.31 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were: Wightman, Fagot, Kohl, Klamm, Hawks. Motion carried.

CITY OF LEXINGTON  
 ACCOUNTS PAYABLE  
 DECEMBER 17, 1996

ALAMAR UNIFORM COMPANY	UNIFORMS	202.86
A.J. BOOK	BOOK	22.95
A T & T	LEASE SERVICES	14.46
BARMORE'S	BATTERIES/PHONE JACK	42.43
BARRETT-HOUSEL-GRAFTON	AUTO INS.	147.00
BAIRD, HOLM, & MC EACHEN	LEGAL SERVICES	709.49
BATTERY PATROL	RECHARGEABLE BATTERY	59.80
BERNTSON OIL	FUEL	3838.57
BEST WESTERN VILLAGER INN	CONF. EXP.	49.28
BUSINESS TELECOMM.	TELEPHONE & REPAIRS	499.00
B & P CREDIT BUREAU	SERVICES	337.08
CASH-WA DISTRIBUTING	FOOD	1303.59
CENTRAL GARAGE FUND	LABOR/PARTS	7774.70
CENTURY LUMBER CENTER	LUMBER/TOOLS	67.61
CENTRAL COMM. COLLEGE	SCHOOL EXP.	1858.80
CITY DIRECTORY, INC.	CITY DIRECTORY	211.00
COAST TO COAST	DOOR BELL	30.99
CONTRYMAN & ASSOCIATES	BOOKKEEPING SERVICES	260.00
COUNTRY GENERAL	SUPPLIES	294.83
C.B.S.A.	CLAIMS	9039.01
C & S TRUCK & SALVAGE	THERMOSTATS	33.41
CULLIGAN WATER COND.	WATER SERVICES	67.50
DAWSON CO. WEED CONTROL	SPRAYING WEEDS	166.10
DAN'S SANITATION	SANITATION SERVICES	169.48
DEMCO	BOOK SUPPLIES	55.46
DEPOSITORY TRUST COMPANY	BANS INTEREST	70530.00
DUTTON-LAINSON COMPANY	EL SUPPLIES	227.81
EAKE'S OFFICE SUPPLIES	SERVICE AGREEMENT	365.09
ELECTRIC FIXTURE & SUPPLY	EL SUPPLIES	2211.75

ELECTRIC METER SERVICE	TEST REPORTING	11.00
FAMILY EYEWEAR	SAFETY GLASSES	113.25
FAGOT REFRIG. & ELECT.	BLDG REPAIRS	32.50
FARM PLAN CORPORATION	BOLTS	13.60
FREMONT NAT'L BANK & TRUST	ANNUAL SERVICE FEE	110.02
FRIEND, MATT TRUCK & EQUIP.	SNOW PLOW	2914.50
GAYLORD BROS, INC.	DATA LABEL SET	34.75
GALL'S INC.	UNIFORM EXPENSE	104.89
GILLETTE NE. DAIRIES	MILK	331.71
GREAT PLAINS ONE-CALL	SERVICE LOCATES	31.19
HAWKS, ROBERT	CONF. EXP.	50.85
HIPP WHOLESALE	FOOD	1018.02
HOFAKER'S IRON & METAL	DROP OFF CHARGE	5.00
HOLIDAY TOUR & TRAVEL	AIRFARE FOR CONF.	354.00
HURAKAN PRESS	BOOK	9.00
INT. PAPER COMPANY	EL POLES	8378.78
INGRAM LIBRARY SERVICES	BOOKS	686.27
JONES PLUMBING & HEATING	PLUMBING SERVICE	227.64
JOY BOOK NOOK	BOOKS	64.75
KN ENERGY, INC.	GAS BILL	618.63
KNAPP ELECTRIC	SUMP PUMP PARTS	431.21
KRIZ-DAVIS COMPANY	EL SUPPLIES	9294.04
LEXINGTON ANIMAL CLINIC	ANIMAL SERVICES	242.70
LEXINGTON GLASS CO.	GLASS	5.00
LEXINGTON LAUNDRY	SEWING/REPAIRS	73.75
LEXINGTON PUBLIC LIBRARY	PETTY CASH	50.86
LEXINGTON NEWSPAPERS, INC.	ADS/MINUTES	279.04
MALZAHN, LEON	CONF. EXP.	991.28
MEAD/BIG VALLEY LUMBER	LUMBER/BLDG SUPPLIES	215.44
MEYER WELDING	IRON	219.93
MIDWAY SUPPLY	PARTS	236.19
MORRIS PRESS & OFC.	SUPPLY OFFICE SUPPLIES	11.32
MR. AUTOMOTIVE	MIRROR GLAZE	12.08
MUNICIPAL SUPPLY	EL SUPPLIES	558.48
NEBR. LIBRARY COMMISSION	SERVICE CONTRACT	31.86
N.P.P.D	LICENSE AGREEMENT	596.92
NEBR. LIBRARY ASSOCIATION	MEMBERSHIPS	105.00
NEBR. LIBRARY ASSOCIATION	CONF. EXP.	20.00
NELSON, TOM R.	CONF. EXP.	66.80
NELSON, TOM A.	CONF. EXP.	672.50
NICHOLS, CHARLES II	REIMBURSE SCHOOL EXP.	30.75
O.K. TIRE	TIRES	126.80
OLD DOMINION BRUSH	MOBILE SWEEPER BROOM	615.00
OMAHA WORLD HERALD	SUBSCRIPTION	70.20
OVERTON SAND & GRAVEL	SAND & GRAVEL	529.98
PAULSEN BLDG. & SUPPLY	REBAR/LIMESTONE	372.50

PATTY'S HALLMARK	OFFICE SUPPLIES	174.51
PLATTE VALLEY AUTO MART	SWITCH	22.41
PLATTE VALLEY EXTERMINATING	EXTERMINATING SERVICE	24.00
PLUM CREEK MOTORS	KNOB	2.89
PRECISION INDUSTRIES	PARTS	69.31
READING'S FUN	BOOKS	389.00
SCHNIEBER FINE FOODS, INC	FOOD 1	420.67
SEWARD, LOUISE	TRAVEL EXP.	6.38
SIXTH STREET MARKET	FOOD	73.37
SPORTS ILLUSTRATED	SUBSCRIPTION	80.46
SWANA	MTG. EXP.	60.00
TRAVELERS, THE	ADMIN FEE	266.42
UTILITY EQUIP. CO.	EL SUPPLIES	1030.89
WESCO	EL SUPPLIES	3166.79
WEBER & WEINHOLD	LEGAL SERVICES	1252.00
ALIAANT CELLULAR	SERVICES	82.43
AMERICAN WATER WORKS ASSOC.	MEMBERSHIP	170.00
AWARDS PLUS	PLAQUE	30.45
BRICKER, VANCE	MILAGE FOR CONF.	67.86
BRISTEL, BARB	REFUND LANDFILL CHG.	25.00
CENTRAL COMM. COLLEGE	CPR RECERT.	157.50
COMPUTER ASSISTANCE	REPAIRS	199.00
C.B.S.A.	PREMIUM/ADMIN FEE	6174.88
DAWSON CO. CLERK	DISPATCH/ELECTION	4034.72
DAN'S SANITATION	SERVICE CONTRACT	20000.00
DEPOSITORY TRUST CO.	BOND P&I	184475.00
ELECTRIC FIXTURE	EL SUPPLIES	807.33
EMERG. MED. PRODUCTS	GLOVES	209.39
FALES, TERRY	ENTERTAINMENT EXP.	250.00
FIRST NAT'L BANK	EMPLOYEE PENSION	1998.06
FOX BROS. HAY CO.	GRINDING	1350.00
HAINES, BILL	MTG. EXP.	25.00
JELCO	CARPET CLEANING	246.00
KLINE, NANCY	C/H CLEANING	500.00
KREJCI, BETTY	REFUND UTL OVERPMT	78.60
LEX HEALTH FUND	SELF FUNDING	12829.90
LEX POSTMASTER	POSTAGE (UTL)	1500.00
LEX POSTMASTER	POSTAGE (GGC)	150.00
LEXINGTON, CITY OF	FRANCHISE FEE	28.38
LEX SOLID WASTE AGENCY	TIPPING FEES	28113.18
LEX RECREATION PROGRAM	SUPPORT PERSONNEL	420.00
LOPEZ, AMELIA	REFUND UTL CREDIT	36.79
MALZAHN, LEON	CONF. EXP.	95.21
MCI	PHONE (FINAL)	5.48
MILLER & ASSOCIATES	SERVICES	10683.70
N.T.I	PHONE SERVICE	153.09

NEBRASKA MACHINERY	LOADER PMTS.	2646.00
NE. DEPT. OF REVENUE	UTILITY SALES TAX	20841.02
N.P.P.D	POWER BILL	354049.11
OMAHA LIFE INS. CO.	FIREMENS LIFE INS.	64.00
PAYROLL ACCOUNT	PAYROLL 12/5/96	66355.04
PETTY CASH FUND	PETTY CASH	142.51
PROTECTIVE LIFE INS.	CANCER INS.	180.86
RITTGARN, ROBERT	BOOTS	58.04
SCHUCKMAN, MARSHA	LIBRARY CLEANING	200.00
SOCIAL SECURITY FUND	EMPLOYEE FICA	5019.26
TRAVELERS, THE	POLICE PENSION	922.42
UNITED NE. BANK	BOND PMT.	208117.50
UNISYS CORP.	SERVICE CONTRACT	1806.00
U.S. WEST COMMUNICATIONS	PHONE CHGS.	2341.91
WESCO DIST., INC.	SUPPLIES	662.96

GRAND TOTAL \$1,077,902.71

**ORDINANCE  
MODIFYING SPEED  
LIMIT:**

An Ordinance entitled, "AN ORDINANCE TO AMEND SECTION 16-41 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR AMENDED SPEED ON PLUM CREEK PARKWAY; 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 Fagot that said ordinance be passed on final reading. Roll call. Voting "aye" were: Klamm, Kohl, Fagot, Wightman, and 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. 2071 to be published in pamphlet form.

**SABIN COST OF  
LIVING INCREASE:**

Mr. Dan Sabin addressed the Lexington City Council requesting a cost of living increase for the solid waste rates. City Manager Vance Bricker addressed the Lexington City Council stating that he did not feel it would be appropriate at this time as he questioned the limited amount of time Mr. Sabin had to consider the \$2 increase as a pass through from

the increase in tipping fees from the Area Landfill and how this would impact his revenues. Mr. Sabin stated that his cost of living including the repairs and labor cost and cost of fuel has increased and therefore, is asking for the increase. Upon further discussion, moved by Fagot, seconded by Wightman to table any further action on this until January 18 at which time Mr. Sabin should present financial data to the Lexington City Council justifying his request for an increase in sanitation rates. Roll call. Voting "aye" were: Kohl, Klamm, Wightman, Fagot, Hawks. Motion carried.

**BOYD'S  
SUBDIVISION:**

Mr. Steve Heldt addressed the Lexington City Council stating that the Boyd's wish to sell the house part of the farm and since this division is less than 10 acres, needed a subdivision agreement which is presented to the Council at this time. City Manager Vance Bricker stated that this has gone through the Planning Commission and received their approval. Hearing no further comments, moved by Wightman, seconded by Fagot that the following resolution be passed and approved. Roll call. Voting "aye" were: Klamm, Kohl, Fagot, Wightman, Hawks. Motion carried.

**APPOINTMENT OF  
CITY OFFICIALS:**

An ordinance entitled, "AN ORDINANCE APPOINTING CITY OFFICIALS: TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM." was read before the council. Moved by Wightman, seconded by Klamm that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were: Fagot, Kohl, Klamm, Wightman, Hawks. Motion carried. Said ordinance was then read by title. Moved by Wightman, seconded by Klamm that Ordinance No. 2072 be passed on final reading. Roll call. Voting "aye" were: Kohl, Fagot, Klamm, Wightman, 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. 2072 to be published in pamphlet form.

**SPECIAL MEETING  
DATE:**

City Manager Bricker stated that the Lexington City Council had requested a retreat and he is seeking a date which this retreat can be held. After considerable discussion, moved by Wightman, seconded by Fagot that the retreat shall be held January 18, 1997, 8:00 a.m., Grand Generation Center. Roll call. Voting "aye" were: Klamm, Kohl, Fagot, Wightman, Hawks. Motion carried.

**EXECUTIVE SESSION:**

Moved by Klamm, seconded by Wightman to recess the regular session to executive session at 8:03 p.m. Roll call. Voting "aye" were: Fagot, Kohl, Wightman, Klamm, Hawks. Motion carried. Moved by Wightman, seconded by Fagot to reconvene the regular session from executive session at 8:36 p.m. Roll call. Voting "aye" were: Klamm, Kohl, Fagot, Wightman, Hawks. Motion carried. Moved by Fagot, seconded by Wightman that the City pay Vance Bricker \$2,400 for vacation which he was not allowed to take due to job responsibilities during the interim city manager period. Roll call. Voting "aye" were: Klamm, Kohl, Wightman, Fagot, 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.

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Leon E. Malzahn  
Lexington City Clerk