

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, April 22, 1997, at the Lexington Municipal Offices, 406 East 7th Street, Lexington, Nebraska, at 7:30 P.M. Present were: , Mayor 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 Kerry Rader, and Joe Peplitsch. Also in attendance were: DeEtta Hartman representing Dawson Area Development, Jim Fox representing Ameritas, Patty Johnson representing Habitat for Humanity, and Jo Kiem. The press was represented by the KRVN, Kearney Hub, 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 Mayor Wightman.

MINUTES REGULAR MEETING 3/25/97: The minutes of the regular meeting held April 8, 1997 were presented for Council's consideration and approval. Moved by Klamm, seconded by Fagot to approve the minutes of the regular meeting held April 8, 1997 as presented. Roll call. Voting "aye" were: Kohl Fagot, Klamm, , Wightman. Motion carried.

MINUTES SPECIAL MEETING 3/15/97: The minutes of the special meeting held April 15, 1997 were presented for Council's consideration and approval. Moved by Kohl, seconded by Klamm to approve the minutes of the regular meeting held April 15, 1997 as presented. Roll call. Voting "aye" were: Fagot, Klamm, Kohl, Wightman. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$224,787.44 were presented for Council's consideration and approval. Moved by Kohl seconded by Klamm to approve the claims as listed and authorized the City Treasurer to transfer \$76,713.76 from the General Fund, \$80,501.09 from LEXUS Funds, \$16,999.25 from City Sanitation Fund, \$31,341.44 from the Landfill Fund, \$6,661.92 from the Health Fund, \$6,394.63 from CDBG 90-HD-010, and \$6,175.35 from the Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were: Fagot (with the exception of Fagot Electric) Klamm, Kohl, (With the exception of Mr. Automotive) Wightman. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 APRIL 22, 1997

ACE EQUIPMENT & SUPPLY CO.	SUPPLIES	200.20
AFLAC	CANCER INS.	160.24
ALAMAR UNIFORM CO.	UNIFORM EXP.	307.66
ALIAN COMMUNICATIONS	NAVIX	39.90
BARMORE'S	PRINTER SUPPLIES	34.08
BARCO	SIGN	57.19
BERNTSON OIL	FUEL	2560.65
BESTWAY, INC.	RAINSUITS	98.58
BOTTOM LINE BUSINESS	SUBSCRIPTION	44.00
BRIN, BERNITA	TRAVEL EXP.	6.82
BRUMMETT, ELBERTA	BOOK REFUND	13.00
CASH-WA DISTRIBUTING	FOOD	880.90
CENTRAL GARAGE FUND	PARTS/LABOR	3205.95
CENTURY LUMBER CENTER	PAINT	81.20
COAST TO COAST	SUPPLIES	38.33
COCA COLA/DR. PEPPER	COKE	17.90
COUNTRY GENERAL	HAND TOOLS	53.90
C.B.S.A	CLAIMS	1816.64
CURTIS INDUSTRIES	HACKSAW	98.74
DAWSON CO. PUBLIC POWER	POWER	2043.60
D.C. SERVICES/LARRY SMITH	FUSE/LABOR	26.30
DITCH WITCH OF NE., INC.	SWITCH	15.25
D & M SECURITY	WATER ALARMS	210.00
EAKE'S OFFICE PRODUCTS	OFFICE SUPPLIES	178.00
EGAN SUPPLY CO.	BOWL CLEANER	44.73
ELECTRIC FIXTURE & SUPPLY	EL SUPPLIES	1906.43
EMERY PRATT CO.	BOOKS	16.70
FAGOT ELECTRIC & REFRIG.	MOTOR CONTROLS/LABOR	3752.27

FARM PLAN CORPORATION	BUSHINGS/IDLERS	71.45
FIVE STAR FLOORING	DUPLEX CARPETING	4361.30
FIRST NAT'L BANK OF OMAHA	EMPL. PENSION	1993.37
GAYLORD BROS., INC.	LABEL SET	30.85
GALLS, INC.	UNIFORM EXP.	53.70
GILLETTE/NE. DAIRIES	MILK	122.58
GREAT PLAINS ONE-CALL	LOCATES	49.52
HARLEQUIN RETAIL, INC.	BOOKS	10.48
HIPP WHOLESALE, CO.	FOOD	745.44
HILL-HOLDREGE INTER-LIBRARY SERVICE		9.00
I.C.M.A	ASST. MGR. PENSION	40.38
IMLA	MEMBERSHIP	406.00
INGRAM LIBRARY SERVICES	BOOKS	251.31
INT'L TRANSFORMER CO.	TRANSFORMERS	2178.75
JONES PLUMBING & HEATING	PLUGS	18.67
KARRE'S CITY BAKERY	CAKE	30.00
KEIM, JO	MTG. EXP.	18.00
K N ENERGY, INC.	GAS BILLINGS	946.67
LAW ENFORCEMENT EQUIP. CO.	BULLET PROOF VEST	460.95
LEAGUE OF NE. MUNICIPALITIES	SCHOOL EXP.	70.00
LEXINGTON COMMUNICATIONS	BATTERIES	123.90
LEXINGTON COOP	MOWER/SNOW THROWER	3929.57
LEXINGTON PUBLIC LIBRARY	PETTY CASH	26.49
LEXINGTON NEWSPAPERS, INC.	ADS/MINUTES	585.97
LEXUS	PHOTOCOPIES	18.00
LEX SOLID WASTE AGENCY	LANDFILL EXP.	56.25
LIBRARY BOOK SELECTION	BOOKS	210.96
MARTIN ELECTRIC	SERVICE	465.52
MALZAHN, LEON	MILAGE/MEAL EXP.	161.40
MARKS, JIMMY	PAINTING DUPLEXES	1750.00
MEAD/BIG VALLEY LUMBER	SUPPLIES	342.29
MEYER WELDING	SERVICE	109.73
MIDWAY SUPPLY	PARTS	249.20
MIRACLE RECREATION EQUIP.	PARK EQUIP.	10788.60
MIDWEST LABORATORIES	SLUDGE TESTS	30.00
MORRIS PRESS & OFFICE SUPPLY	OFFICE SUPPLIES	68.00
MORRY'S BODY SHOP	REPAIRS	32.00
MR. AUTOMOTIVE	PARTS	9.37
N T I	PHONE	139.02
NE. ASSOC. OF SR. CENTERS	DUES	20.00
NE. DEPT. OF ENVIR. QUALITY	QRTLY FEE	8521.09
NE. MACHINERY	FILTER	48.48
NE. PLANNING & ZONING ASSOC.	CONF. EXP.	50.00
O.K. TIRE	TIRES	120.38
OVERTON COMMUNITY CENTER	BLDG RENTAL	100.00
PAYROLL ACCOUNT	PAYROLL	65332.06

PATTY'S HALLMARK	PRINTER RIBBONS	153.95
PETTY CASH FUND	PETTY CASH	44.74
PLATTE VALLEY COMMUNICATIONS	RADIOS	1172.00
PLATTE VALLEY EXTERMINATING SERVICE		24.00
PRECISION INDUSTRIES	BUSHINGS	5.30
PRECISION COMPUTER SYSTEMS	SOFTWARE AGRMT.	725.00
PROTECTIVE LIFE INSURANCE	INSURANCE	180.86
REACH ELECTRONICS	BATTERIES	184.75
READ ALL ABOUT IT	BOOKS	42.51
ROURKE PUBLISHING GROUP	VIDEO/MOVIE	23.90
RODALE PRESS, INC.	BOOKS	31.63
SCANTRON FPC	EQUIPMENT	157.68
SCHNIEBER FINE FOODS	FOOD	689.26
SHOE MART	HATS/LETTERING	19.62
SIXTH STREET MARKET	FOOD	128.85
SOCIAL SECURITY FUND	FICA	4936.54
SUPER 8 MOTEL	MOTEL EXP.	78.24
STECK-VAUGHN CO.	BOOKS	446.52
S & W AUTO PARTS, INC.	PARTS	278.87
TIME LIFE BOOKS	BOOK	23.48
TRAVELERS, THE	POLICE PENSION	874.88
ULTRAMAX	BULLET PROOF JACKET	204.00
UNIV. OF NE. - LINCOLN	SCHOOL EXP.	60.00
U S WEST COMMUNICATIONS	PHONE	1838.38
WAL-MART	SUPPLIES	246.36
WAREHOUSE SURPLUS	SUCKERS	24.00
WESCO DISTRIBUTING, INC.	EL SUPPLIES	1198.13
WEBER & WEINHOLD	MTG. EXP.	620.87
B S B CONSTRUCTION	COVER DIRT	9900.00
C.B.S.A	CLAIMS	4504.18
DAN'S SANITATION	2ND 1/2 SA MAR.	16999.25
EMERGENCY MEDICAL PRODUCTS	INFECTON CNTR. KITS	807.50
FAIRBANKS INT'L, INC.	PARTS	127.58
FAMILY CLUBHOUSE	POOL DIAPERS	134.75
GILLETTE/NE. DAIRIES	MILK	58.92
HACH CHEMICAL	CHEMICALS	191.10
KOMLINE-SANDERSON ENGINEERING	PACKINGS/PLUNGER	1292.24
KRIZ-DAVIS COMPANY	EL SUPPLIES	259.86
LEXUS	UTILITIES	18495.14
LEXINGTON, CITY OF	FRANCHISE FEE	20496.02
MILLER & ASSOCIATES	SERVICE	11365.55
NE. DEPT. OF HEALTH LAB	WATER ANALYSES	649.02
NELSON, THOMAS R.	MILAGE EXP.	23.56
OVERHEAD DOOR CO.	DOOR REPAIR	1531.00
PRICES TREE SERVICE	SNOW REMOVAL	405.00

TEXACO CUSTOMER SERV. CENTER GAS	43.03
WEST, CHARLENE MILAGE EXP.	23.56

TOTAL \$224,787.44

15TH STREET PARKING: An ordinance entitled, "AN ORDINANCE TO AMEND SECTION 16-45 OF THE LEXINGTON CITY CODE; TO LIMIT PARKING ON 15TH STREET FROM LAKE STREET TO ADAMS STREET; TO REPEAL ORIGINAL SECTION 16-45, 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 Fagot, seconded by Klamm that said Ordinance as amended be passed on third reading. Roll call. Voting "aye" were: Kohl, Klamm, Fagot, Wightman. Motion carried.

CAMPER TRAILER PARKS REGULATION: An ordinance entitled, "AN ORDINANCE TO AMEND SECTIONS 25-6 AND 25-12 OF THE LEXINGTON CITY CODE; TO MAKE PROVISION FOR REGULATION AND SPECIAL USE PERMITS FOR TRAILER CAMPGROUNDS; TO REPEAL 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. The City Manager stated that he had not heard of any objections to this Ordinance. Moved by Klamm, seconded by Kohl that ordinance NO. 2076 be passed on third reading. Roll call. Voting "aye" were: Fagot, Kohl, 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. 2076 to be published in pamphlet form.

AQUATIC FEES: City Manager Bricker reported to City Council That the Resolution before them is the result of a survey of charges from other Municipalities who operate a swimming pool or aquatic center. The Resolution was

reviewed with some opposition and questions concerning the costs and regulations regarding children under the age of four (4). After a lengthy discussion the proposed Resolution was referred back to the City Manager for further study.

LIQUOR LICENSE: The City Council reviewed an application from Investplus for an expansion of their existing liquor license. The application outlined that an addition to their store prompted the request for modification to their license. Upon the conclusion of the review Councilperson Fagot moved for approval of the expansion of the liquor license for Investplus dba SAV A LOT Discount Food Store, Seconded by Kohl. Roll call. Voting "aye" were: Klamm, Kohl, Fagot, Wightman. Motion carried.

TRAILER PARK PUBLIC HEARING: The City Council held a public hearing to consider amending the City Code allowing Camper Trailer parks by Special Use Permits. Vice President Wightman opened the hearing . City manager Bricker stated that he has not received any comments in opposition to this amendment. Hearing no further comments Vice President Wightman declared the Hearing Closed.

CAMPER TRAILER PARKS AMENDMENT: An ordinance entitled, "AN ORDINANCE TO AMEND SECTIONS 28-19.5 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR TRAILER PARKS AS A SPECIAL USE IN C-3 HIGHWAY COMMERCIAL DISTRICT; TO REPEAL 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 Klamm, seconded by Kohl that said ordinance passed on first reading. Roll call. Voting "aye" were: Fagot, Kohl, Klamm, Wightman. Motion carried.

THIRD STREET: City Attorney Weinhold addressed the Council stating that this portion of third street is located in from of a store directly west of the overpass. The store owner has requested to cover this triangular piece with concrete and cannot accomplish this with out ownership of the real estate. City Manager Vance Bricker stated that this triangle amounted to about one hundred (100) square feet. An Ordinance entitled AN ORDINANCE TO VACATE A PORTION OF THIRD STREET LYING

WEST OF JACKSON STREET; TO PROVIDE FOR THE REVERSION OF THE VACATED STREET TO ADJOINING PROPERTY OWNERS; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM. was read before the council. Moved by Kohl, seconded by Fagot that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were: Klamm, Fagot, Kohl, Wightman. Motion carried. Said ordinance was then read by title. Moved by Fagot, seconded by Klamm that Ordinance NO. 2077 be passed on final reading. Roll call. Voting "aye" were: Kohl, Klamm Fagot, 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. 2077 to be published in pamphlet form.

TREASURER REPORT:Kerry Rader Lexington City Treasurer presented Her report to the City Council for the Month of December 1996. After a review of the financial data. Moved by Fagot seconded by Kohl to accept the Treasurers Report for the month of December 1996. Roll Call voting "AYE" were Klamm, Kohl, Fagot , Wightman. Motion carried.

PENSION RIDER: City Clerk Malzahn informed the Lexington City Council that the rider presented tonight was prepared by The Travelers to remove the Civilian Pension from the pension plan with the Police Pension remaining. Moved by Klamm seconded by Fagot to authorize the Vice President to sign the rider from Travelers removing the Civilian Pension from contract GR918A. Roll Call voting "AYE" were Kohl, Klamm, Fagot , Wightman. Motion carried.

PAY ESTIMATE: The Lexington City Council considered Pay Estimate NO. 9 from Associated Pool Builders Inc. for pool construction at the Aquatic Center. After review of the pay estimate, moved by Kohl, seconded by Klamm to approve pay estimate No. 9 from Associated Pool Builders Inc. of Bismarck ND. for completion of pool construction at the Aquatic Center in the amount of \$8,000.00 and authorized the City Treasurer to transfer \$8,000.00 from the Aquatic Center funds to the City of Lexington

Operating Account. Roll call. Voting "aye" were: Fagot, Klamm, Kohl, Wightman. Motion carried.

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

John Wightman
Vice President

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