

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, February 11, 1992, at the Municipal Building, 406 East 7th Street, Lexington, Nebraska, at 7:00 A.M. Members of the City Council present were: Robert Hawks, John Wightman, John Weeder, Dorothy Anderson, and Kenneth VerMaas. City Officials present were: City Manager Bill Podraza, City Clerk Leon E. Malzahn, and City Attorney Willard Weinhold. Department Heads present were: Glenn Hawks, Ann Luther, Vance Bricker, and Neldene Skwarek. Also present were: Dana Daniels representing Miller and Associates, DeEtta Hartman representing Dawson Area Development, Marty O'Haus representing West Center Nebraska Development District, Bob Cappel representing Lexington Area Chamber of Commerce, and Doll Nielsen. The Press was represented by Lexington Publishing, Kearney Hub, and Tri-City Tribune.

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 1/28/92: Moved by Councilperson VerMaas, seconded by Wightman, to approve the minutes of the Regular Council Meeting held Tuesday, January 28, 1992, as presented. Roll call. Voting "aye" were Anderson, Weeder, Wightman, VerMaas, and Hawks. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$535,527.40 were presented for Council's consideration and approval. Moved by Councilperson Wightman, seconded by Anderson, to approve the Claims and Bills as presented and authorize the City Treasurer

to transfer \$87,376.07 from the General Fund, \$3,326.00 from Block Grant 89-ED-009, \$521.96 From Block Grant R-89-SG-31-0167, \$687.50 from Grand Generation Center Building Fund, \$1,418.91 from Meals on Wheels, \$511.91 from C.E.D. Funds, \$1,044.77 from the Health Fund, \$432,760.17 from Lexington Utilities Fund, and \$7,880.11 from Landfill to the City of Lexington Operating Account. Roll call. Voting "aye" were VerMaas, Weeder, Anderson, Wightman, and Hawks. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 FEBRUARY 11, 1992

Allergy & Asthma Assoc. & Wiley Doctor		16.00
American Bindery	Books	74.25
Anderson Electronics Serv.	Pager repair	80.07
Araujo, Josephine	Deliver Meals on Weals	38.00
Aqua-Tronics, Inc.	AT 9 Power Pup	520.33
AT & T Information System	Service	25.55
AT & T Information	Service	41.58
Baker & Taylor	Book purchase & leasing	182.39
Barmore's	Books, supplies	135.91
Bantam Doubleday Dell	Subscription service	263.26
Baja Books	Spanish bks - Police Dept.	126.50
The BBQ Company	Meeting expense	15.90
Berntson Oil	Diesel, oil, lead free gas	2,400.46
Becker Fire Equipment Co.	Pike pole	43.60
Beckman, Don	Meal for fund raiser - GGC	312.50
Blackburn Manufacturing Co.	Red flags	77.08
Thomas Bouregy & Co.	Books	82.70
Brodart Company	Supplies	33.34
Brummet, Elberta	Readers digest book	19.27
Cash-Wa Distributing	Towels, tissue	6.73
Central Garage Fund	Labor, parts, oil, fuel	4,136.15
Century Laboratories Inc.	Cleaner	69.58
Coast to Coast	Solder	5.39
Contryman & Associates	Bookkeeping Service	125.00
The Cornhusker	Meeting expense	692.17
Corporate Diversified Serv.	Life ins. - Fire Dept.	60.00
Contemporary OB & GYN. & Streit	Doctor	28.70
Creighton University	Interlibrary loans	14.00
Curtis Industries Inc.	Screw assortment	118.12
Dawson County Area Economic	Assessments	10,000.00

DEMCO	Cards, laminate, bag	58.04
Diamond Sales	Books	85.50
Doc's Body Shop	Repair pickup	259.60
Dutton-Lainson Co.	Sleeve, arrestor	1,366.79
Eake's Office Products	Toner	52.00
Egan Supply Co.	Cng supplies, mats, rug	282.37
Eiler's Machine	Bottle oxygen, stress bar	23.97
Electric Fixture	Wire, lamp, screws, nipple, bushing, clamp, conduit, parts	5,922.82
Emergency Medical Products	Safety gloves	76.59
Family Eyewear	Glasses - Barta	82.45
Fagot Refrigeration	Install hour meters	179.30
Farm Plan Corp.	Fuel filter	15.90
Fischer-Scientific	Filter	76.38
First Continental	Health insurance	3,351.17
Fire & Emergency TV Network	Training	521.28
Grand Generation Ctr.	Band for fund raiser	375.00
Hach Chemical	Sulfuric Acid	245.43
Hipp Wholesale Co. Containers - Meals on Wheels		38.01
Hill, Wanda	Medicine	11.97
Hitchmough, Hattie	Electric rebate	1,200.00
Hofaker's Iron & Metal	Channel iron	203.65
Holen Floral	Arrangements	67.50
Holtz, Glen	Medicine, doctor	86.36
I.C.M.A.	City Mgr. Pension	119.37
Insurance & Personnel Serv.	Admin. fee	523.00
Jones Plumbing & Heating	Plumbing supplies	15.83
J & S Oil Co.	Diesel	11.75
Kerr, Wayne	Hospital	188.63
King's Pharmacy	Diary, markers, pens, cement, table cover, files, supplies	103.94
Kirk's	Meeting expense	30.00
Killion, Vern	Electric rebate	250.00
K N Energy	Service	2,507.97
Kriz Davis Co.	Insulator, wireholder, clamp	619.41
Lakota	Meeting expense	21.00
Lee's Flowers	Arrangement	22.27
Lexington Animal Clinic	Service - January	531.00
Lex Area Chamber of Commerce	CED Expense	461.88
Lexington Health Fund	Side fund	13,023.00
Lexington Coop	Gas can	12.49
Lexington Glass Co.	Truck mirrors, glass cut	17.90
Lexington Laundry	Service	44.00
Lexington Postmaster	Postage	1,500.00
Lexington Public Library	Petty cash	21.52
Lexington Newspaper Inc.	Service	705.52

City of Lexington	Admin. Fees, Misc. Chgs.	22,367.32
City of Lexington	Landfill charges	84.00
I Love My Library	Books	153.72
Luther, Ann	Mileage, medicine	46.86
Malzahn, Leon	Medicine, mtg exp.	38.29
Malton Equipment Co.	Enclosure, sleeve	15,624.00
May, Sue	January cleaning - Library	188.00
Mead/Big Valley Lumber	Fence stpls, plywood, bits	129.69
Meyer Welding	Steel bar	2.29
Meridian Library System	Workshop	60.00
Midway Supply	Oil dry, tire valve, patches	60.07
Miller & Associates	Service	33,952.88
Mike's Pharmacy	Film processing	3.01
Morris Press & Office	Misc. supplies	46.23
Mr. Automotive	Air filter, hose, belt, seal, thermostat, hand cleaner	206.07
National Automobile Dealers	Subscription	43.00
Nebraskaland Tire	Tire	85.52
Nebraska Machinery	Lbr, repairs, rebuild eng.	4,211.36
State of Nebraska	State Telecomm.	385.00
Nebraska Public Power Dist.	Power bill - January	287,489.92
Nelson, Thomas R	Medicine, doctor	29.82
Norlab	Powder tracing dye	568.80
Omaha World Herald	Subscription - library	59.80
Payroll Account	1/22 - 2/4/92	48,846.16
Paulsen Bldg. & Supply	Road gravel, cement	448.55
Pamida #137	Shotgun shells	54.95
Bill Saulsbury Photography	Empl. of the Year photo	40.00
Platte Valley Auto Mart	Rod end, key	69.49
Platte Valley Communication	Maint. agreement	90.00
Plum Crk Med Grp & Wiley	Doctor	28.00
Plum Crk Med Grp & Podraza	Doctor	14.00
Plum Crk Med Grp & Barta	Doctor	14.00
Plum Crk Med Grp & Sands	Doctor	11.96
Plum Crk Med Grp & O'Con	Doctor	38.65
Plum Crk Med Grp & Shultz	Doctor	28.00
Plum Crk Med Grp & Luther	Doctor	11.96
Podraza, Bill	League conference	12.50
Radiology Service & Gallington	Doctor	62.95
Radiology Service & Hill	Doctor	19.00
Rent All Rentals	Saw & Blade	20.00
Rupke, Wilbur	Tool allowance	50.00
Sav A Lot Foods	Meeting expense	34.13
St. Ann's Church	Electric rebate	540.00
Schmitt's Typewriter Service	Service	6.56
Schumacher, Kenneth	Uniform repairs	18.00

Schultz, Edna	Medicine	41.80
Sixth Street Market	Groceries	33.24
Skarshaug testing	Clean & test gloves	53.59
Social Security Fund	1/22 - 2/4/92	3,666.44
Sparling Instrument Co.	Gear Assy., bearings	181.90
Specialty Electric	Lift station repair	296.61
Streit, Theresa	Doctor, medicine	24.50
S & W Auto Parts, Inc.	Brakes, clamps	57.53
SWANA	Membership	100.00
Time Life Books	Books	35.28
The Travelers	1/22 - 2/4/92	1,549.32
Tri-County Hospital & Nelson	Hospital	140.00
The Travelers Insurance	Admin. Fees	3,690.22
Tri-County Hospital & Ourada	Hospital	35.40
Tri-County Hospital & Luther	Hospital	64.00
The Travelers	1/22 - 2/4/92	623.72
Unisys Corporation	Maint. Agreement	810.35
UNMC Library of Medicine	Interlibrary loan	55.00
U S WEST Communications	Service	1,994.33
Utility Equipment	Adaptor coupling	97.97
Virtual Technology Inc.	Ribbons, sftwr, cluster	935.00
Water Products of NE	Female adaptor	141.96
Wal-Mart	Film, soap, envelopes, mats, batteries, film processing	193.05
Westinghouse Electric	Swivel for portable, aluminum pipe	211.03
Weber & Weinhold	Legal service - January	1,000.00
Wheeler's	Bed mats, welding supplies, o rings, broom & handle	186.99
Wiley, Jan	Medicine	13.78
Wolf, Tracy	Medicine	15.45
Workman, Nova	Electric rebate	125.00
Donna's Cafe	Meals on Wheels - Overton	924.05
Paulsen Bldg. & Supply	WWTP - Pay estimate	46,715.12
Petty Cash	Misc. expense	163.17
	TOTAL	\$535,527.40

**OVERNIGHT
CAMPING
ORDINANCE:**

Ordinance No. 1950 entitled "AN ORDINANCE TO PERMIT TEMPORARY PARKING OF CAMPER TRAILERS IN CITY PARKS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before the Council. Councilperson VerMaas stated that he had not received additional objections to this ordinance whereupon Councilperson Wightman moved that

Ordinance No. 1986 be passed on final reading, seconded by Anderson. Roll call. Voting "aye" were VerMaas, Weeder, Anderson, 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. 1950 to be published in pamphlet form.

**DAWSON AREA
DEVELOPMENT
COUNCIL REPORT:**

DeEtta Hartman representing the DAD Council addressed the Lexington City Council with a report for a six month activities of this Council. Among the subjects of her report included business retention and recruitment, expansion of existing businesses, additionally she reported that the per capita and retail sales in the Dawson County Area have increased. That more manufacturing jobs are located in Dawson County and that our agricultural leads the State. She further explained that some of the projects worked on this past 6 months included the restructuring of Reach and various presentations to the Department of Economic Development for member cities. General activities included updating profiles for Cozad and Overton, inventory of available buildings in Dawson County, resource library for Dawson Area Chambers of Commerce, she also stated that she serves as a member of the Governor's Rural Development Commission and chairs the Community Development Task Force of that Commission. D.A.D. was instrumental in restructuring Cozad Development Corporation and revival of the Consolidation Committee throughout Dawson County.

Upon the completion of the discussion no further action was taken.

**ONE AND SIX YEAR
ROAD PLAN REVIEW:**

Mr. Dana Daniels representing Miller and Associates addressed the Lexington City Council defining the projects in the one year road plan which included the widening of U.S. Highway 283 from Ash Street to Washington. The installation of a box culvert or

bridge near the intersection of Nebraska By-Products and County Road. The paving and installation of storm sewer in Paulsen Subdivision on 18th Street and Plum Tree Road. The project of mudjacking the concrete to restore the crown on Monroe Street. The replacement of 450 foot of paving on Walnut Street. The study for a second grade separation over the Union Pacific Railroad Tracks. The frontage road south of McDonald's and the replacement of a wooden bridge over the City's drainage approximately 1/2 mile east of Taft Street. Pedestrian lights on 13th Street and Harrison and 13th Street and Tyler.

At this time Mayor Hawks stated that he had received a request from the planning commission to place a street from Adams to the stop light on south Bridge street in the plan. He also requested that the study of traffic lights or additional pedestrian crossings of the Morton School area be included on this list.

In the six year plan Mr. Daniels reviewed the south Jefferson Street paving, Walnut Street asphalt overlay, the Grant and 10th Street asphalt overlay, reconstruction of turning grades 5th and Jackson, 13th Street improvements, Maple and Spruce Street paving.

Being no further comments on this, City Manager Podraza stated that notices would be published and posted for a Public Hearing to be held at the Regular Council Meeting on the 25th of February.

No further action was taken.

**VACATING CITY
RIGHT-OF-WAY
TO
HIGHWAY 283:**

Ordinance No. 1951 entitled "AN ORDINANCE TO VACATE A PORTION OF FRONTAGE STREET RIGHT-OF-WAY; PROVIDE FOR REVERSION OF THE VACATED STREET TO ADJOINING PROPERTY OWNERS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before the Council to be considered on second reading.

Councilperson Wightman inquired if there had been any objections to this Ordinance, without hearing none Councilperson Wightman moved that the

statutory rules requiring a reading of said Ordinance on three separate days be suspended, seconded by Anderson. Roll call. Voting aye were: VerMaas, Weeder, Anderson, Wightman, and Hawks. Motion carried.

Said Ordinance was then read by title, moved by Councilperson Anderson, seconded by Wightman that Ordinance No. 1951 be passed on final reading. Roll call. Voting "aye" were: Weeder, VerMaas, Wightman, Anderson, 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. 1951 to be published in pamphlet form.

CALLING BONDS:

City Manager Podraza informed the City Council that the City of Lexington would be calling \$235,000.00 dollars of bonds in replacing this debt with money from the Revolving Loan Fund for construction of the Disposal Plant.

Upon the completion of the discussion, Councilperson Wightman offered the following Resolution and moved its passage and adoption:

RESOLUTION NO. 92-2

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

Section 1. The following notes, in accordance with their option provisions are hereby called for payment on March 2, 1992, after which date interest on the notes will cease:

Combined Revenue Bond Anticipation Notes, 1990 Series, date of original issue - March 15, 1990, in the principal amount of Two Hundred Thirty-five Thousand Dollars (\$235,000), numbered as shown on the records of the Paying Agent and Registrar, in

denomination of \$5,000 or integral multiples thereof, becoming due and bearing interest as follows:

Maturing on	Amount of Principal	Interest Rate to Maturity or Earlier Redemption
March 15 of Year	1993	\$235,000 6.20%

Said notes (hereinafter referred to as the "1990 Notes") are subject to redemption at any time on or after March 15, 1991, at par plus accrued interest to date set for redemption, and said interest is payable semiannually. Said notes were authorized and ordered issued by Ordinance No. 1884 which was passed and approved on the 13th day of February, 1990, 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, waterworks plant and system and electrical light and power plant and distribution system pending the issuance of Combined Revenue Bonds. The \$235,000 of 1990 Notes hereby called shall be selected from the current principal balance of said issue outstanding in the total principal balance of said issue outstanding in the total principal amount of \$500,000 by the Farmers State Bank & Trust Company in Lexington, Nebraska, by lot in such random method of selection as such Paying Agent and Registrar shall deem reasonable and appropriate.

Section 2. Said 1990 Notes in the principal amount of \$235,000 are to be paid off at the office of The Farmers State Bank & Trust Company, Lexington, Nebraska, Paying Agent and Registrar.

Section 3. A true copy of this resolution shall be filed immediately by the City Clerk with The Farmers State Bank & Trust Company, Lexington, Nebraska, Paying Agent and Registrar for the 1990 Notes. The Paying Agent and Registrar is hereby irrevocably instructed to mail notes to the registered owners of said called notes not less than fifteen days prior to the date fixed for redemption, all in accordance with Section 5 of the ordinance authorizing said called notes.

Councilmember Weeder seconded the motion for adoption of said resolution, and upon roll call vote the following voted AYE: Anderson, VerMaas, Weeder, Wightman, and Hawks.

The passage of said resolution having been consented to by more than a majority, the Mayor declared the resolution duly passed and adopted.

Mayor

City Clerk

**GRAND GENERATION
CENTER AGREEMENT:**

Mr. Vance Bricker addressed the Lexington City Council presenting them with an agreement whereby the City of Lexington and the Lexington Meals on Wheels enter into this agreement for the purchasing and construction of the Lexington Grand Generation Center using Block Grant Funds and local donations.

Mr. Bricker went on to highlight the activities of the fund raising projects, and reviewed the estimated cost of construction for this building.

Councilperson Wightman moved that the Mayor be authorized to sign a Subrecipient Agreement with Lexington Meals on Wheels and the City of Lexington pertaining to the new Grand Generation Center, seconded by Anderson. Roll call. Voting "aye" were: Weeder, VerMaas, Anderson, Wightman, and Hawks. Motion carried.

**PAY ESTIMATE
NO. 21 WASTE
WATER TREATMENT
PLANT:**

City Council reviewed Pay Estimate No. 21 from Paulsen Building and Supply for construction at the Waste Water Treatment Plant additionally the verification letter accompanying it from Tom Satchell verified the amounts on the Pay Estimate.

Moved by Councilperson Wightman, seconded by VerMaas to approved Pay Estimate No. 21 from Paulsen Building and Supply for the Waste Water Treatment Plant improvements in the amount of \$46,715.12. Roll call. Voting "aye" were: Anderson, Weeder, VerMaas, Wightman, and Hawks. Motion carried.

**ASSESSMENT
DEFERRAL KENNETH
BEANS PROPERTY:**

The Lexington City Council reviewed the Resolution making the assessment on the Kenneth Beans property deferred until such time as any part of it is sold.

Moved by Councilperson Wightman, seconded by Weeder that the following Resolution be passed and approved. Roll call. Voting "aye" were VerMaas, Anderson, Weeder, Wightman, and Hawks. Motion carried.

RESOLUTION NO. 92-3

WHEREAS, the City of Lexington has, by Ordinance, assessed benefits in Water Extension District 90-1 against the following described property, to-wit:

A tract of land in the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section Eight (8), Township Nine (9) North, Range Twenty-One (21), West of the 6th P.M. in the City of Lexington, Dawson County, Nebraska; and

WHEREAS, upon application of the owners, Mr. and Mrs. Kenneth Beans, the City Council finds that said property is currently zoned and used for agricultural purposes.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that pursuant to Nebraska Revised Statutes Section 19-2429 ff., payment of required assessments against the above described real estate from Water Extension District 90-1 are hereby deferred, effective as of the date of original assessment, such assessment to draw interest at the statutory rate of 6% during the time of deferral, and such deferral to terminate as provided by Nebraska Revised Statutes Section 19-2430, as the same may be amended from time to time.

PASSED AND APPROVED this 11th day of February, 1992.

CITY OF LEXINGTON, NEBRASKA

BY: _____
Mayor

ATTEST:

City Clerk

DISCUSSION:

City Manager Podraza informed the City Council that he has passed out reports from the Osmose Wood Preserving Company informing them know that 14% of the poles or 11 poles were rejected as unsafe. Additionally the City Manager stated that there was a report on the expenses for Rate Area No. 6 pertaining to the KN Energy Rate dispute. The annual report from Cable T.V. and a request from Calvary Assembly of God to close an alley, a letter from T.C.I. stating that they will print the franchise fee as a separate line on the bill, and a Financial Report for the City.

The City Clerk informed the incumbent members of the City Council that the deadline for filing for office is February 27, 1992.

ADJOURNMENT:

There being no further business to come before the Council, Mayor Hawks declared the meeting adjourned.

Robert Hawks
President of the Council

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.

City Clerk