

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, February 25, 1992, 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, 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: Charles Clark, Glenn Hawks, Neldene Skwarek, and Dana Daniels representing Miller and Associates. Also present were: Betty Stuckey, Marty O'Haus, Zickie Maloley, Lavonne Maloley, Percy Borges representing KN Energy, Butch Hagan Representing The County of Dawson, Pastor Henry Mohn, Wayne and Hazel Hall, Roger and Judy Klooz, Gary Schultz, Galen Morris, Bob Wallace, Bruce Stuart, Charlton Stuart, Julia Stuart, Dave Smith, and Fred Dickson. The Press was represented by Lexington Publishing and The Kearney Hub.

**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 02/11/92:** Moved by VerMaas, seconded by Anderson to approve the minutes of the Regular Council Meeting held Tuesday, February 11, 1992, as presented. Roll call. Voting "aye" were Wightman, Weeder, Anderson, VerMaas, and Hawks. Motion carried.

**CLAIMS AND BILLS:** Claims and Bills in the amount of \$391,889.32 were presented for Council's consideration and approval. Moved by VerMaas seconded by Weeder,

to approve the Claims and Bills as presented and authorize the City Treasurer to transfer \$50,812.77 from the General Fund, \$5,075.54 from Meals on Wheels, \$98.00 from Block Grant Fund R-89-SG-31-0167, \$93.50 from Block Grant Fund 91-PW-021, \$646.78 from Health Fund, \$237,370.44 from Lexington Utilities Fund, and \$7,792.29 from Landfill to the City of Lexington Operating Account. Roll call. Voting "aye" were Anderson, Wightman, Weeder, VerMaas, and Hawks. Motion carried.

CITY OF LEXINGTON  
 ACCOUNTS PAYABLE  
 FEBRUARY 25, 1992

Ackerman, Terry	Medicine	121.20
A & L Laboratories	Water analysis, sludge analysis	1,605.15
Alamar Uniform Co.	Trousers	75.76
American Fence Co. Inc.	clamps, ties, bolt	336.52
Anderson Electronics Service	Repair pagers	182.26
Aptus	Gas in oil analysis	895.00
AT & T Information System	Service	59.55
Automatic Systems	Voice chip	1,149.22
Barmore's	Adaptor, power plug, film	45.59
Bee Line Motor Freight	Freight - fence	47.15
Berntson Oil	Diesel, oil, gas	2,086.52
Becker Fire Equipment Co.	Gloves, trad pant	362.42
Bliven, Jess	Doctor	26.00
Brummet, Elberta	Medicine	33.79
Business World Products	Yearly contract - Copy machine	281.50
Business & Professional Credit	Service	126.77
Cash-Wa Distributing	Towels, tissue	112.10
Central Garage Fund	Labor, parts, oil	777.73
Century Lumber Center	Roller cover, tape, sealer	37.07
Clark, Charles	Doctor, medicine	70.13
Craftique	Trophies	300.00
Dawson Co. Public Power	Service	431.54
Dawson Co. Register of Deeds	Mortgage registrations	98.00
Dawson Co. Highway Dept.	Posts	26.00
Ditch Witch of Nebraska	Bolt, locknut, pin	33.33
Donna's Cafe	Meals on Wheels - Overton	990.76
Dugan Business Forms	Checks	325.03
Egan Supply co.	Mop, mats	48.44
Eiler's Machine	Iron, shaft	28.21
Electric Fixture	Couplings, pliers, elbow, triplex, washer, locknut, clamp, parts	789.88

Eustis Body Shop	Repair window roller	14.00
Farmers State Bank	Annual fee bonds	
	Principal & Interest	242,558.88
Five Points Bank of GI	Payloader payment	1,400.00
Govt. Finance Officers Assn.	Membership - Malzahn	5.00
Hawks, Robert	Meeting expense	46.88
Hawks, Glenn	Doctor	14.00
HDR	Service - January	2,012.24
Hodges Auto World	Refills, blades, parts	43.28
I.C.M.A.	2/5 - 2/18/92	119.37
The Island Supply Co.	Diamond blade	338.40
J & S Oil, Inc.	Wipers, diesel	24.00
Kiffin-Murphy Agency	Notary bond - Wiley	30.00
King's Pharmacy	Printwheel, index set, rubber band	39.78
K N Energy	Service	568.82
Law Enforcement Equip. Co.	Investigation kits	27.90
The League of NE Municipalities	Registration	316.00
Lexington Coop	Car wash	3.00
LEXUS	Service	13,123.31
City of Lexington	Franchise fee	17,516.18
Lease America Corp.	Lease agreement	308.19
Lieh's Drilling	Static water meter	375.24
Loos Electric Supply Co.	Photo cell, tape	522.58
Martin Electric	Brushes	57.84
Malzahn, Leon	Medicine	29.67
Mead/Big Valley Lumber	Sand paper, hinges, splicer, paint, lumber, screws, parts	480.96
Midway Supply	Catalyst, hose, oxygen, parts	194.27
Miller & Assoc.	Service	3,051.54
Mike's Pharmacy	Film processing	7.02
Morris Press	Clips, notepads, stamp, binder, folders, time sheets, mileage sheets, ribbon, tape, supplies	435.35
MPH Industries	Radar repair	207.35
Mr. Automotive	Wiper refill, keys, blade, bearing, clutch, lamp, parts	203.24
R.A. Mullendore Consultant	Service	4,168.26
Municipal Clerks School	Clerks academy	145.00
Nebraska Machinery	Repair loader	208.54
Nebraska Dept. of Revenue	Sales tax - January	26,656.70
Nebraska Planning & Zoning	Registration	585.00
State of Nebraska	Notary Renewal - Wiley	20.00
Nelson, Thomas	Doctor, medicine	56.74
O K Tire	Tire repair	6.00
Payroll Account	2/5 - 2/18/92	49,013.54
Pamida #137	Paint, brushes	16.97

Platte Valley Auto Mart	Parts	34.89
Plum Crk Med Grp & Rupke	Doctor	31.51
Plum Crk Med Grp & Hill	Doctor	14.00
Platte Valley Med & Bailey	Doctor	17.00
Podraza, Bill	Landfill meeting	53.25
Precision Bearing	Chain	10.29
Radiology Service & Luther	Doctor	26.82
Radiology Service & Hawks	Doctor	19.00
Rodeo Road Equipment	Oil Scan kit	147.07
Sands, Jean	Medicine	32.51
Sixth Street Market	Supplies	82.49
Social Security Fund	2/5 - 2/18/92	3,679.20
S & W Auto Parts	Wiper blades, visecrips	44.95
3-D Ammunition Inc.	Semi Wadcutter	101.35
Michael Todd & Co.	Dirt Shoe	220.00
The Travelers	2/5 - 2/18/92	1,550.51
Tri Co. Hospital & MalzahnHospital		50.00
Tri Co. Hospital & Nelson	Hospital	26.00
The Travelers - Police	2/5 - 2/18/92	630.11
Tri Co. Hospital & Hill	Hospital	23.58
Tuxall Uniform & Equipment	Battery sticks	116.11
U S West Communications	Service	458.89
Valentino's	Meeting expense	24.80
Water Products of Nebraska	Lead seals, meter coupling	510.72
Wal-Mart	Film processing, film, lantern, plates, towels, phone, camera bag, hearing protector, supplies	174.70
Westinghouse Electric	Fixtures, wire, transformer pad	1,380.65
Wheeler's	Rope, chain, files, tools	165.98
Eulen Whitten & Luther	Doctor	13.00
Wiley, Jan	Doctor, medicine	37.33
Wolf, Tracy	Doctor	4.50
Zep Manufacturing Co.	Cleaning supplies	202.95
Blodgett, Marvin Jr.	Electric rebate	250.00
Bricker, Vance	Mileage	93.50
Schukar, Russell	Electric rebate	250.00
Tri-County Hospital	Meals on Wheels - January	3,758.00
Young, Donald	Electric rebate	1,200.00
	TOTAL	\$391,889.32

**CITIZEN'S  
COMMENTS:**

During Citizen's Comments Mr. Percy Borges representing KN Energy distributed a list containing names of people employed by the firm in Lexington, Nebraska can be reached in the case of an

emergency. Mr. Borges further stated that KN Energy has a disaster plan in case of flood, fire, or tornado or any other natural disaster for discontinuing gas service and resuming service.

In closing Mr. Borges said this was a requirement of the Department of Transportation that he address not only the Lexington City Council but will be addressing the Lexington Police Department at a separate meeting. There being no further comments, no further action was taken.

**CDBG RULES:**

Mr. Marty O'Haus addressed the Lexington City Council stating that in order for the City of Lexington to qualify for the Grand Generation Center Grant the statements guaranteeing a code of standards and conduct for housing, a procurement policy when grant funds are involved, and a fair housing statement must be reaffirmed by the City Council.

After reviewing the affirmative action efforts towards fair housing practices for the citizens of Lexington Nebraska, which declared discriminatory practices in housing to be against The City Of Lexington's public policy, Councilperson Anderson moved that the fair housing policy adopted by the City Council on January 23, 1990 be reaffirmed, seconded by Weeder. Roll call. Voting "aye" were Wightman, VerMaas, Weeder, Anderson, and Hawks. Motion carried.

After reviewing the procurement policies and procedures, and Code and Standards of Conduct, Councilperson Anderson moved that these two policies be reaffirmed to govern the performance of employees and/or agents of the City Of Lexington engaged in the award and administration of contracts supported by federal funds, seconded by VerMaas. Roll call. Voting "aye" were Weeder, Wightman, VerMaas, Anderson, and Hawks. Motion carried.

**ALLEY CLOSURE  
13TH & ADAMS**

Pastor Mohn addressed the Lexington City Council stating that the alley that divides their church property from their business office is carrying traffic that has become a danger to the pedestrians crossing this

alley. He also informed the Council that he was totally aware of the alley when the land was purchased, however, recently it has become a hazard as motorists use this alley to avert facing the stop sign on 13th and Adams. The additional traffic in this alley results from patrons of the bowling alley. He further stated that they have checked around Lexington and found that there are several alleys that dead end. Realizing that there are both utilities underground and overhead in the alley and that it would be required that easements be maintained and access be given to the City at anytime.

Upon the further discussion of this item it was suggested that Administration contact the people to the North of this proposed alley closing for their comments and that the Church be encouraged to dedicate a strip of land from the point of closure to Adams Street to serve as an outlet onto Adams Street from the East.

City Administration was then instructed to place this item on the agenda for the next Council Meeting on March 10, 1992. No further action was taken.

**ONE AND SIX YEAR  
PUBLIC HEARING:**

The Lexington City Council held a Public Hearing to consider the Road Projects included in the one year plan for the City of Lexington and the six year extended plan. Mr. Dana Daniels representing Miller and Associates addressed the Lexington City Council reviewing the projects that had been outlined in the workshop conducted on the February 11, 1992 Council Meeting relating to the One and Six Year Plan.

With no comments being offered from the Public at this time, Mayor Hawks declared the Public Hearing closed.

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

RESOLUTION NO. 92-4

RESOLUTION OF ADOPTION

BE IT RESOLVED by the Lexington City Council of Lexington Nebraska that the attached one and six year Street Improvement Programs are hereby adopted by said City Council. The said City Council attests that Notice of Public Hearing was posted in the following public places:

Lexington State Bank & Trust  
Farmers State Bank & Trust  
Lexington City Offices  
Dawson County Court House

PASSED AND APPROVED this 25th day of February, 1992.

CITY OF LEXINGTON, NEBRASKA

\_\_\_\_\_  
Mayor

ATTEST:

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

**PURCHASE OF  
CEMETERY LAND:**

Mr. Dana Daniels representing Miller and Associates addressed the Lexington City Council with an outline of the proposed land purchase at Greenwood Cemetery. Exhibit I displayed to the City Council the amount of acres that would be lost if water would accumulate to an 18 inch depth on the south end of this ditch which is the height the water would be required to accumulate before it could entering a drain pipe.

Reviewing Exhibit II Mr. Daniels explained the amount of land that would be lost to formation of cemetery lots if the existing channel were not excavated which revealed a total area of 4 acres lost in the approximate 12 acres to be purchased.

Land View B revealed that 2.8 acres of land would be lost if the channel was excavated to a width of 10 feet at the bottom with a 5 and 1 slope for maintenance and mowing of that ditch. He further stated that the approximate cost for this work if allowable by the NRD and the Corp of Engineers, could cost approximately \$39,840.00 in addition to any other costs for developing this plot.

Upon the conclusion of his report Mr. Zickie Maloley addressed the Council stating that he felt the purchase price for this ground was outrageous and the ground was not worth \$2,500.00 per acre being asked. He believes the City should pay the assessed value for the ground and if that is too high the City should exercise their power of eminent domain and condemn the ground as the County suggested to obtain his store.

After further discussion pertaining to the total cost of this 12 acre site and the net yield of lots for this cemetery the Council agreed to hear a proposal from Administration on the cost of improvements to Evergreen Cemetery which would include construction of a building and replacement of a fence with a chain link fence. As proposal to be presented at the March 10, 1992 Council Meeting. No further action was taken on this item.

**SPRING CREEK  
CHANNEL WORK:**

Mr. Dana Daniels representing Miller and Associate presented the engineers estimate for construction of box culverts under the road at the intersection of the county road and Nebraska By Products. Mr. Daniels reported that the size of these culverts were adequate for carrying the estimated run off to the current channel of spring creek. Additional discussion pertaining to this subject related to the down stream flow from those structure and a review of previous reports. Mr. Butch Hagan representing The County Of Dawson voiced his concerns about the scouring that may occur if a box culvert were to be installed at this location. Mr. Dave Smith representing Charlton Stuart stated that he is happy with the progress the City is making however his client and engineer feel that the water would not be a problem to down stream



residence if it would not be restrained by the current structure in question.

Upon conclusion of the discussion Miller and associates were directed to prepare two estimates, one for box culverts and the other for metal tube culverts. No further action was taken.

**FINANCIAL REPORT:** The city treasurer presented the January Financial Report to the City Council. With no recommended changes Councilperson Weeder moved the acceptance of the January Financial Report, seconded by Wightman. Roll call voting "aye" were VerMaas, Anderson, Wightman, Weeded, and Hawks. Motion carried

**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.

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City Clerk