

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, January 28, 1992, at the Municipal Building, 406 East 7th Street, Lexington, Nebraska, at 7:30 P.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: Charles Clark. Also present were: Dana Daniels representing Miller and Associates, Mike Toukan representing Wendy's, Dick Carpenter representing Amigo's, Mr. and Mrs. Kenneth Beans, and Keith Goerhing. The Press was represented by Lexington Publishing and 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 1/14/92: Moved by Councilperson VerMaas, seconded by Wightman, to approve the minutes of the Regular Council Meeting held Tuesday, January 14, 1992, as presented. Roll call. Voting "aye" were Anderson, Weeder, VerMaas, Wightman, and Hawks. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$159,352.60 were presented for Council's consideration and approval. Moved by Councilperson Wightman, seconded by VerMaas, to approve the Claims and Bills as presented and authorize the City Treasurer to transfer \$80,087.28 from the General Fund, \$315.23 from Block Grant 84-283-11, \$1,000.00 From Block Grant R-89-SG-31-0167,

\$4,723.95 from Meals on Wheels, \$187.34 from C.E.D. Funds, \$2,647.82 from the Health Fund, \$66,833.90 Lexington Utilities Fund, and \$3,557.89 from Landfill to the City of Lexington Operating Account. Roll call. Voting "aye" were Weeder, Anderson, VerMaas, Wightman, and Hawks. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 JANUARY 28, 1992

Ace Equipment & Supply Co.	Elgin main broom	1,040.00
Air Products & Chemicals	Cylinder Service Agreement	100.80
A & L Laboratories Inc.	Sampling supplies	5.35
American Charter	Energy loan payment	78.81
Anderson Electronics Service	Pager repair	130.15
Barmore's	Folders, tape, sewing kit, masking tape, bags	36.89
B & D Office Supply	Toner	113.40
Berntson Oil	Oil, gas, diesel	2,290.22
Bishop, Pete	Meeting expense	80.00
Bliven, Jess	Medicine	13.00
Boyd, Janet	Electric rebate	1,200.00
Brandenberg, Kenneth	Medicine	6.93
B & P Credit Management	Service	102.76
Cash-Wa Distributing	Cups, tissue	69.19
Central Garage Fund	Labor, parts, oil	2,254.71
Century Lumber Center	Steel wool	2.01
City Directory Inc.	City Directory	12.00
Clement Communication Inc.	Poster program service	355.68
Clark, Dan	Electric rebate	150.00
Coast to Coast	Pipe, firealarm, blades, bolt	83.57
Dawson Co. Register of Deeds	Register ordinances	90.00
Dawson County Clerk	Female Prisoner housing	5,475.00
Donna's Cafe	Meals on Wheels - Overton	872.83
Dugan Business Forms	Meter sheets, payroll checks	540.92
Egan Supply Co.	Cor Aire gel	57.66
Electric Fixture	Flashlights, clamp, bulbs, triplex, lamps, parts	1,001.06
Electric Meter Service	Meter cleaned & tested	12.75
Emergency Medical Products	Cases, medical kits, supplies	64.57
Environmental Resource Assoc.	Lab test - WWTP	143.70
Eustis Body Shop	Tow charge	25.00
The Executive Program	Book	20.54

Farmers State Bank	Energy loan payment	78.81
Family Life Center & Barta	Doctor	100.00
Family Life Center & Podraza	Doctor	75.00
Five Star Flooring	Vacuum belt	3.49
First Continental	Aggregate fee	1,858.00
Five Points Bank of G.I.	Landfill loader payment	1,400.00
Fire & Emergency TV Network	Service	288.00
Graybar Electric Co.	Adhesive numbers	127.37
Grt Plains Medical & Malzahn	Hospital	591.60
Hawks, Robert	Meeting expense	46.88
HDR	Service - December	2,266.47
Hi-Ranger Midwest	Repair boom truck - 2 trips	970.28
Home Federal	Energy Loan payment	78.80
H-T-M Sales Inc.	Float switch	163.39
I.C.M.A.	1/8 - 1/21/92	119.37
Insurance & Personnel Serv.	125 Admin. Fee	46.00
Jason's Body Shop	Fender & hood repair	165.40
J & S Oil	Diesel	8.50
Karre's City Bakery	Cake - Holtz	24.60
Keim, Jo	Medicine	9.48
Kiffin-Murphy Agency	Package Policy	20,017.00
King's Pharmacy	Labels, cards, UPS charge	109.80
K N Energy	Service	607.67
Kriz - Davis Company	Insulators, bolts, bracket	2,389.27
Kwik Stop Food Stores	Electric Rebate	1,305.00
Lakota	Meeting expense	38.50
Lex Area Chamber of Commerce	State Chamber Meeting	50.00
Lexington Communication	Radio Repair	82.75
Lexington Coop	Car wash, kerosene, calcium chloride, sm. engine parts	176.45
Lexington Truck & Auto	Motor	100.00
LEXUS	Service - December	14,890.54
City of Lexington	Franchise fee	21,446.09
Lexington State Bank	Energy loan payment	78.81
Lease America Corp.	Lease agreement	308.19
Lieh's Drilling	Well #7 repair	925.43
Little Paris Cafe	Meeting expense	19.11
Loos Electric Supply	Photo cell, transformer	685.12
Malzahn, Leon	Medicine, meeting expense	31.30
Mead/Big Valley Lumber	Keys, paint, file set, siding, nails, putty, screws, parts	400.34
Midway Supply	Glass cleaner, screws, filters, brake fluid, floor dry, muffler	315.35
Morris Press & Office Supply	Paper, meter deposit receipts, cards, money receipts, stamp	129.42
Mr. Automotive	Holder, filter, muffler, hose,	

	belt, cap, oil dry, parts	297.22
SD Myers	Gas in Oil test	60.00
National Fire Protection	Membership	75.00
State of Nebraska	Handicap parking permits	6.00
State of Nebraska	Water testing	440.90
Nebraska Planning & Zoning	Membership fees	40.00
Nelson, Thomas	Doctor, medicine	158.96
Nelson Harkins Industries	Enamel letters	102.60
O K Tire	Tire repair - loader	99.90
Omaha World Herald	Subscription	104.00
Payroll Account	1/8 - 1/21/92	48,809.04
Pamida #137	Cutter, blades	6.46
Petty Cash	Meeting expense, postage, misc.	117.00
Platte Valley Auto Mart	Boot	17.74
Plum Crk Med Grp & Hawks	Doctor	48.90
Plum Crk Med Grp & Barta	Doctor	55.00
Plum Crk Med Grp & Wolf	Doctor	14.00
Plum Crk Med Grp & Hill	Doctor	27.00
Plum Crk Med Grp & Gallington	Doctor	88.80
Podraza, Bill	Meeting expense	71.78
Prairie View Estates	Electric rebates	500.00
Reiber, Diane	Doctor	157.85
Riege, Ivan	Medicine	51.54
Rodeo Road Equipment	Switch, loader repair	62.70
Sandra Shreves & LSB	Rental rehab final payment	1,000.00
Sixth Street Market	Towels, coffee, filters, napkins, pop, groceries	252.24
Skwarek, Neldene	Doctor, medicine	19.46
Smith & Loveless Inc.	Filter	61.37
Social Security Fund	1/8 - 1/21/92	3,663.59
Sund, William Jr.	Electric rebate	1,200.00
S & W Auto Parts Inc.	Filter, muffler, clamp	59.84
Tri-County Hospital	Meals on Wheels, blood draw	3,505.82
The Travelers	1/8 - 1/21/92	1,560.51
Tri-County Hosp. & Malzahn	Hospital	810.00
The Travelers	1/8 - 1/21/92	643.04
Tri-County Hosp. & Gallington	Hospital	64.00
Tri-Co. Hospital & Hill	Hospital	27.50
U S West Communications	Service	29.89
VerMaas, Lola	Training seminar	116.30
Virtual Technology	Software	174.00
Wal-Mart	Film, antifreeze, first aid kit, sandpaper, wipes, cleaner	69.60
Westinghouse Electric	Machine bolts, fixtures, washers, armor rods, lamps, parts	4,439.13
Wheeler's	Seat covers, tool box, gloves,	

	bed mat, ball, coupler, parts	279.74
Wiley, Jan	Medicine	3.99
Wortman, Margaret	Medicine	211.11
Bliven, Jess	Support Personnel	792.00
	GRAND TOTAL	\$159,352.60

**OVERNIGHT
CAMPING
ORDINANCE:**

An Ordinance 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 to be considered on second reading. At this time Councilperson VerMaas was the only one to submit comments and those were from people who lived close to the parks stating that they object to this ordinance.

Moved by Wightman, seconded by Anderson that said Ordinance be passed on second reading. Roll call. Voting "aye" were Weeder, Anderson, Wightman, and Hawks. Voting "nay" was VerMaas. Motion carried.

**A CHANGE OF
MEETING DATE:**

City Manager Podraza requested the Lexington City Council change the time of the regular meeting on February 11th from 7:30 PM to 7:00 a.m. to afford him the opportunity to attend a function in which his daughter would participate.

Moved by Councilperson Wightman, seconded by Anderson to change the time of the regular meeting held February 11, 1992 from 7:30 p.m. to 7:00 a.m. Roll call. Voting "aye" were VerMaas, Weeder, Anderson Wightman, and Hawks. Motion carried.

**VACATE PROPERTY
GREATER LEXINGTON
ADDITION:**

City Manager Podraza addressed the City Council stating that Wendy's and Amigo's had constructed signs in the City's right-of-way in the Greater Lexington Addition with what had been interpreted with the blessing of the State of Nebraska. However, it later turned out that the State through an agreement with the City of Lexington objected to the signs and ordered them to be removed. Mr. Mike Toukan and Dick Carpenter representing Wendy's and Amigo's respectfully confirmed the narrative of events as depicted by the City Manager to be true and correct. They further stated

considerable money had been expended by their firms to install these signs and wish not to have to remove them.

Mr. Dana Daniels representing Miller & Associates stated that the vacating of this right-of-way and the reversion of the property to the previous owners would require those owners to give the City of Lexington an easement for water mains in that area. No further comments.

An ordinance entitled "AN ORDINANCE TO VACATE A PORTION OF FRONTAGE STREET RIGHT-OF-WAY; TO 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. Moved by Wightman, seconded by Anderson that said Ordinance be passed on first creading. Roll call. Voting "aye" were Weeder, VerMaas, Anderson, Wightman, and Hawks. Motion carried.

**POWER BAY
AGREEMENT:**

City Manager Podraza introduced a Agreement between The City of Lexington and Nebraska Public Power District for an additional bay out of the Westminster Substation resulting in a third feed into Lexington. Upon reviewing the costs and the matters substantiating a like cost for Dawson Public Power for the same service Councilperson Wightman moved that the Mayor be authorized to enter into an agreement with Nebraska Public Power District for the construction of a second bay in the Westminster Sub for The City of Lexington, seconded by Weeder. Roll call. Voting "aye" were VerMaas, Anderson, Weeder, Wightman, and Hawks. Motion carried.

**D.E.C. GRANT
HEARING:**

City Manager Podraza presented an outline containing costs to purchase a composting machine for use by the City of Lexington. City Manager Podraza explained that the current compost pile was located on a triangular piece of ground East of the Lexington Livestock yards, with the compost being stirred by the use of a front end loader. This machine would allow the City to become more efficient when performing this operation plus the ability of mixing sludge from the disposal plant with the grass and leaves. He further stated that the end product could be sold or given away

to fertilize agricultural ground . In summary Mr. Podraza presented an outline of the total cost of the project the amount covered by the grant and the in kind contribution by the City.

Moved by Councilperson Anderson, seconded by VerMaas that the City Administration be allowed to apply for a grant to purchase a composting machine. Roll call. Voting "aye" were Wightman, Weeder, VerMaas, Anderson, and Hawks. Motion carried.

MANAGER PIZZA HUT: The City Council considered the application of Steven D. Schwartzkopf as Manager of Pizza Hut of America Inc. dba Pizza Hut 701 South Bridge Street, Lexington, Dawson County, License #A2022. Hearing no objections to this request, Councilperson Wightman moved that the application for Steven D. Schwartzkopf for a manager's license at the Pizza Hut 701 South Bridge Street, Lexington be approved. Seconded by VerMaas Roll call. Voting "aye" were Weeder, Anderson, VerMaas, Wightman and Hawks. Motion carried.

**ASSESSMENT
APPEAL:**

City Manager Podraza explained that an assessment district had been formed to construct a sanitary sewer line abutting the Beans property. This district had been formed and advertised during a period of time when the family was having a crisis which accounted for them not requesting a deferral during the allotted time. The City Manager further stated that this property is just north of Sav-A-Lot Food Store is agricultural in nature which qualifies it for the exemption and requested the collection of the assessment should be deferred as provided by statute.

Mr. Kenneth Beans then addressed the Council requesting the deferral of the assessment and interest until the property develops. Upon conclusion of the discussion Councilperson Wightman moved that the City Attorney prepare a resolution deferring the payment of assessment principal for Mr. Kenneth Beans seconded by Weeder. Roll call. Voting "aye" were Anderson, VerMaas, Weeder, Wightman 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.

City Clerk