

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

The Regular Meeting of the Lexington City Council was held Tuesday, October 10, 1995, 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, Dorothy Anderson, and John Fagot. Councilperson Long was absent. City Officials present were: City Manager Bill Podraza, City Clerk Leon E. Malzahn and City Attorney Will Weinhold. Department Heads present were: Vance Bricker, Glenn Hawks and Kerry Rader. Also present were Scott Latter, John Redding, Chuck Mooberry and Len Bonczynski. The press was represented by the Clipper Herald, KRVN, 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 09/26/95:**

The minutes of the regular council meeting held September 26, 1995 were presented for Council's consideration and approval. Moved by Wightman, seconded by Anderson to approve the minutes of the regular meeting held September 26, 1995. Roll call. Voting "aye" were: Fagot, Anderson, Wightman, Hawks. Motion carried.

CLAIMS AND BILLS:

Claims and Bills in the amount of \$756,324.86 were presented for Council's consideration and approval. Moved by Anderson, seconded by Fagot to approve the claims as listed and authorized the City Treasurer to transfer \$99,301.72 from the General Fund, \$620,050.44 from LEXUS Funds, \$10,000.00 from City Sanitation Fund, \$14,001.46 from the Landfill Fund, \$986.18 from the Health Fund, \$4,921.24 from CDBG 90-HD-010, \$1,909.69 from Haven House Grant and

\$5,154.13 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were: Wightman, Fagot, Anderson, Hawks. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 October 10, 1995

Alamar Uniform Co.	Uniforms - Police Dept.	916.05
All American Lib. Preview	Books	167.90
American Public Works Assoc.	Membership	171.00
Americana Resource Tech.	Consulting agreement-Landfill	2,500.00
Applied Electronics	Intoxilyzer repair	72.95
AT & T	Service	53.10
Barmore's	film, camcorder battery, frames	66.00
Berntson Oil	Diesel, unleaded fuel	2,898.31
Becker Fire Equipment	Hinges, bulbs	48.88
Bricker, Vance	Mileage	82.10
Bryant, Clyde	Duplex work	1,910.00
Buller Fixture Co.	Utility carts, silverware	227.65
Burbach Engineers	Service - Aquatic project	7,787.11
Cash-Wa Distributing	Food, bleach, oven mitt	523.87
Central Garage Fund	Parts, labor, oil	8,689.56
Century Laboratories	Cleaning supplies	736.39
Clark Boardman Callaghan	Employment Alert	199.42
Coast to Coast	Screws, sealant	33.79
Corp. Diversified Services	Life insurance - Fire	60.00
CBSA	Insurance claims	419.93
Culligan Water Conditioning	Salt, rental	43.50
Dawson Co. Weed Control	Service	1,729.13
Dawson Co. Clerk	Dispatch Service	3,917.33
Dan's Sanitation	Service	10,000.00
DEMCO	Laminate gloss, frame	92.31
Donna's Cafe	Meals on Wheels - Overton	798.03
Dozier Equipment	Straight wall containers	276.10
Egan Supply	Cleaning supplies	184.69
Electric Fixture	Connectors, conduit, couplings	
	bolt cutters, wrench sets	1,132.93
Emergency Medical Products	Safety gloves	221.84
Emery Pratt Co.	Books	246.12
Epperly, Dick	Leather work gloves	63.50
Fairbanks International	Shreader weed cutter, blade	1,448.01
Fox Bros. Hay Co.	Grinding service	2,100.00
Fremont National Bank	Interest payment	1,597.50
Furst Group	Service	26.93
Gillette/NE Dairies	Dairy products	81.58
Govt. Finance Officers	Book	15.00
Heartland Clerks Assoc.	Dues - Malzahn	10.00

Hipp Wholesale Co.	Food, trays, gloves	452.44
Hofaker's Iron & Metal	Handles	18.45
Holdrege Public Library	Interlibrary loans	12.00
Hydraulic Equipment Service	Repair unit 25	151.13
Insurance & Personnel Serv.	125 Admin. fees	409.86
Ingram Library Services	Books	173.67
Interstate Structures	Pay Est 12 - Service Bldg.	36,158.66
Jerry's Electric	Transformers	2,940.00
Jones Plumbing & Heating	Supplies	161.31
Kendall & Sons Ltd.	Liftstation cleaner	235.80
K N Energy	Service	479.95
Lexington Animal Clinic	Service	581.80
Lexington Laundry	Service	44.00
Lexington Public Library	Postage, supplies	31.70
Lexington Public Schools	Duplex charges - 9/95	3,011.24
Lexington Newspaper	Service	353.80
Lexington Truck & Auto	Oil filter adapter, parts	30.00
City of Lexington	Franchise Fee, Misc. charges	32,721.62
Lexington Postmaster	Bulk Mail Rate	85.00
City of Lexington	Landfill	72.00
Maturi, Richard	Books	41.95
MCI	Service	207.50
Mead/Big Valley Lumber	Lumber, drywall, stakes	328.35
Meyer Welding	Iron	16.94
Midway Supply	Drill bits, hose, water pump, shuts, link, parts	152.18
Miller & Associates	Service - September	1,850.00
Morris Press	Sheets	1.20
Mr. Automotive	Seal, struts, switch, rotors	188.79
Municipal Supply	Dresser couplings	825.40
Nebraska Machinery	Loader payments, repair bucket truck, replace thermostat	5,330.28
Nebraska Law Enforcement	Classes	265.30
Nebr. Dept of Revenue	Sales tax - September	28,371.39
NPPD	Annual support fee	545.00
State of Nebraska	Water tests	612.82
New World Inn	Room - Bricker	91.39
Nelson, Tom	Meeting expense	37.50
Newman Traffic Signs	Stop signs	379.00
Nebraska Cellular	Service	100.42
Olsson Associates	Engineering Service	604.39
O K Tire	Alignment, tire repair	191.95
OCT Inc.	Training material - WWTP	196.00
Overton Sand & Gravel	Gravel, fill sand, ice control gravel, mud rock	1,805.10
Payroll Account	9/13 - 9/26/95	62,783.64
Panhandle Library System	Registration	50.00
Patty's Hallmark	Minute book binders, calculator chairs, pens, legal pads	714.49

Platte Valley Communication	Lift station alarm, service	2,055.84
Plum Crk. Medical Grp.	Work Comp - Otte	156.39
Platte Valley Exterminating	Service	24.00
Prasch, Dick	Meeting expense	37.50
Reed Reference Publishing	Books	482.84
Regional Books Inc.	Books	355.70
Robicon	Circuit board	204.93
Rocheter Instrument System	Volt meters	2,921.18
Schuckman, Marsha	Service	200.00
Schnieber Fine Foods	Food, foil	529.44
Seamax	Axle	43.14
Shoe Mart	Lettering	12.46
Simone Engineering	7 day charts	41.30
Sixth Street Market	Food	39.51
Simon & Schuster	Books	49.24
Sign Pro	Lettering - Recycling trailer	288.13
Social Security Fund	9/13 - 9/26/95	4,724.46
Standard & Poors	Books	66.40
S & W Auto Parts	Filters, brakes, spark plugs, coupler, fuse, lamp, ignition	630.46
Michael Todd & Co.	Flasher batteries	109.80
The Travelers	Pension	1,773.60
Unisys Corp.	Contract	1,266.00
US West Communications	Service	1,238.81
Valentino's	Meeting expense	43.99
Walker Roofing	Roof on firehall	15,331.00
Wal-Mart	Film, paper, receipts, tape, level, folders, supplies	220.03
Charles R Watts Co.	Carrying case, pump	77.45
Waterpro	Metersetter, meters	1,084.20
Weichel, Mark	Electric rebate	1,050.00
Wesco Distributing	Meter, bolts, lamps, wire	4,050.11
Wheelers	Flashlite, saw, battery, bulb	91.17
World Book Encyclopedia	Encyclopedias	559.00
Haven House	Grant bills - September	1,909.69
JC Penny's	Shades - New service bldg.	71.72
Malzahn, Leon	Meeting expense	89.42
Mine Safety Appliances	Supplies - Fire dept.	45.62
NPPD	Power bill	472,792.95
Nelson, Thomas R.	Meeting expense	45.24
Petty Cash	Misc. expense	206.93
The Travelers	Admin Fees	5,043.76
US West Communications	Service	45.37
Weber & Weinhold	Service - September	1,200.00
Wolfe, Leslie	Meeting expense	52.16
	TOTAL	\$756,624.86

ZONING ORDINANCE:

Prior to the consideration and reading of this ordinance, John Wightman and John Fagot stated that they had a conflict of interest and would not enter into the discussion or voting on this matter. This left the council with a deficient number of votes with Jerry Long absent. No further action was taken.

**SALE OF LIQUOR
ORDINANCE:**

Mr. John Redding addressed the Lexington City Council requesting the ordinance in the city code be changed to allow sale of liquor on Christmas and New Year's Eve when these holidays fall on a Sunday. Mr. Tom Mooberry and Len Bonczynski's testimony to the council was along the same line as Mr. Redding's. Upon completion of their presentation and request, the council discussed their personal feelings of allowing alcohol other than beer to be sold on these days. Upon completion of the discussion, an ordinance entitled, "AN ORDINANCE TO AMEND SECTION 3-6 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR SALE OF LIQUOR ON NEW YEARS EVE WHEN THE SAME FALLS ON SUNDAY; TO REPEAL ORIGINAL SECTION 3-6, 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 that said ordinance be passed on first reading. Hearing no second after an appropriate amount of time, Mayor Hawks declared the motion dead for lack of a second. After further discussion relating to the sale of liquor on Christmas Eve, moved by Wightman, seconded by Hawks to amend the ordinance to allow the sale of liquor and alcoholic beverages when December 31 falls on a Sunday removing the clause for December 25. Roll call. Voting "aye" were: Fagot, Wightman, Hawks. Voting "nay" was Anderson. Motion carried. Said ordinance was then read by title. Moved by Wightman, seconded by Hawks that this ordinance be passed on first reading. Roll call. Voting "aye" were: Fagot, Hawks, Wightman. Voting "nay" was: Anderson. Motion carried.

**PUBLIC HEARING
WARDS SUBDIVISION:**

The Lexington City Council held a public hearing to consider the request of Don Ward to change his zoning from A-2 Agriculture to R-1. Mr. Vance Bricker stated that this had been approved by the Planning Commission and is requesting the council rezone this property for the construction of residential homes. Hearing no objections to the rezoning, Mayor Hawks

declared the public hearing closed. An ordinance entitled, "AN ORDINANCE TO REZONE WARD'S SUBDIVISION FROM A-2 AGRICULTURE TO R-1 SINGLE FAMILY RESIDENTIAL; to repeal all ordinances or sections of ordinances in conflict herewith; 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 reading. Roll call. Voting "aye" were: Fagot, Anderson, Wightman, Hawks. Motion carried.

SIGN ORDINANCE:

City Manager Podraza addressed the Lexington Council requesting an ordinance be passed which would prohibit the posting of notices on traffic control signs within the city limits of Lexington. Upon completion of the City Manager's request, an ordinance entitled, "AN ORDINANCE PROHIBITING THE POSTING OF NOTICES OR ADVERTISING ON TRAFFIC CONTROL STRUCTURES IN THE CITY OF LEXINGTON, NEBRASKA; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM." was read before the council. Moved by Wightman, seconded by Anderson that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were: Fagot, Anderson, Wightman, Hawks. Motion carried. Said ordinance was then read by title. Moved by Wightman, seconded by Fagot that said ordinance be passed on final reading. Roll call. Voting "aye" were: Anderson, Fagot, 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. 2036 to be published in pamphlet form.

CREATION OF PAVING DISTRICT:

City Manager Podraza informed the Lexington City Council that according to the subdivision agreement, streets in the Paulsen's Addition to the City of Lexington should have been paved at this time. This has not happened and therefore is polling the council to see if they would be in favor of creating a paving district in that part of town to hard surface these streets. Mayor Hawks informed City Manager Podraza to have the ordinance prepared for the next meeting and the council would take it under advisement at that time.

PARKING BAN:

City Manager Podraza stated that there are two parking stalls between the driveways of the public parking lot on the south side of the courthouse. These parking stalls are dangerous to ingress and egress from that parking lot. He stated that this ordinance would abandoned two parking stalls. He further stated that this ordinance would allow for controlled parking on the southwest corner of 7th and Grant making those parking stalls available to compact cars only. Upon completion of his request, an ordinance entitled, "AN ORDINANCE TO AMEND SECTION 16-45 OF THE LEXINGTON CITY CODE; TO RESTRICT PARKING BETWEEN THE COURT HOUSE DRIVEWAYS ON 7TH STREET, AND TO PROVIDE FOR LIMITED PARKING IN CONGESTED AREAS; 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 Wightman, seconded by Anderson that said ordinance be passed on first reading. Roll call. Voting "aye" were: Fagot, Anderson, Wightman, Hawks. Motion carried.

NAMING OF DEPOSITORIES:

City Manager Podraza informed the Lexington City Council that the Lexington State Bank and the Farmers State Bank have been previously named as depositories for city funds. Since that time, statutes have been changed and there has been addition of a new bank in Lexington and is requesting the ordinance allowing the City of Lexington to deposit in these financial institutions be passed. Moved by Wightman, seconded by Fagot that the following resolution be passed and approved. Roll call. Voting "aye" were: Anderson, Fagot, Wightman, Hawks. Motion carried.

RESOLUTION NO. 95-16

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA as follows:

Section 1. That the Plum Creek Bank and Home Federal Savings & Loan Association of Lexington, Nebraska, are both designated as depositories of the funds of the City, and all checks, drafts, or other orders for payment of money may be endorsed for deposit by stamp or personal endorsement of any officer or employee and deposited in said account.

Section 2. That any 2 of the following: Mayor, Treasurer, Deputy Treasurer and City Manager be and hereby are authorized to draw checks, drafts or other orders for the payment of money on said account, and the bank is authorized to honor the same.

Section 3. BE IT FURTHER RESOLVED that the power and authority granted in the Resolution shall continue in full force and effect until notice in writing is given to said banks of the cancellation or modification thereof.

PASSED AND APPROVED this 10th day of October, 1995.

CITY OF LEXINGTON, NEBRASKA

Robert Hawks, Mayor

ATTEST:

City Clerk

RENTAL INSPECTION:

City Manager Podraza informed the Council that he had been requested to bring the procedure of inspecting rentals before the Council to obtain their opinion of the procedure. The City Manager stated that if the council would be in favor of this type of a program he would call a meeting of city administration, housing authority, and rental owners to pursue the program . Mr. Podraza stated that the City would not inspect a rental property unless a request or complaint had been received to do so. Questions pertained to inspection of utilities including electric, water, and gas. Mr. Vance Bricker said that inspection would be according to Section 8 procedures.

CALL FOR BIDS:

City Manager Podraza requested the City Council allow City Administration to advertise for bids for a pickup truck to be used in the Street Department. He further stated that this truck would replace the 4-wheel drive unit used to push snow in the parking lots and difficult places for snow plows to reach. After a discussion pertaining to the specifications for this truck, Councilman Fagot requested that the specifications be listed in a poundage rather than just stating heavy duty. Upon completion of the discussion, moved by Wightman, seconded by Anderson to authorize City Administration to advertise for bids for a 4-wheel drive heavy duty pickup to be used by the Street Department. Roll call. Voting "aye" were: Fagot, Anderson, Wightman, Hawks. Motion carried.

**RESOLUTION -
PROPERTY TRANSFER:**

Moved by Anderson, seconded by Wightman that the following resolution be passed and approved. Roll call. Voting "aye" were: Fagot, Wightman, Anderson, Hawks. Motion carried.

RESOLUTION NO. 95-13

WHEREAS, the City has by Ordinance No. 2031 approved the sale of the following described real estate owned by the City, to-wit:

Lots 1-3, Block 55, Original Town of Lexington, Dawson County, Nebraska.

Whereas, notice of such Ordinance has been duly published and the time for remonstrance has passed, and no petition against such sale has been filed.

BE IT THEREFORE RESOLVED by the Council and President of the Council of the City of Lexington, Nebraska, that Robert Hawks, as President of the Council is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to the purchaser thereof.

Passed and approved this 10th day of October, 1995.

CITY OF LEXINGTON, NEBRASKA,

BY: _____

Robert Hawks, Mayor

ATTEST:

City Clerk

PROPERTY TRANSFER:

Moved by Wightman, seconded by Fagot that the following resolution be passed and approved. Roll call. Voting "aye" were: Anderson, Fagot, Wightman, Hawks. Motion carried.

RESOLUTION NO. 95-14

WHEREAS, the City has by Ordinance No. 2030 approved the sale of the following described real estate owned by the City, to-wit:

Lot 19, Block 8, Southaven Addition to the City of Lexington, Dawson County, Nebraska

WHEREAS, notice of such Ordinance has been duly published and the time for remonstrance has passed, and no petition against such sale has been filed.

BE IT THEREFORE RESOLVED by the Council and President of the Council of the City of Lexington, Nebraska, that Robert Hawks, as President of the

Council is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to the purchaser thereof.

Passed and approved this 10th day of October, 1995.

CITY OF LEXINGTON, NEBRASKA,
BY: _____
Robert Hawks, Mayor

ATTEST:

City Clerk

EXECUTIVE SESSION: Moved by Fagot, seconded by Wightman to recess the regular to executive session at 8:22 p.m. to discuss possible litigation facing the City of Lexington. Roll call. Voting "aye" were: Anderson, Wightman, Fagot, Hawks. Motion carried. Moved by Wightman, seconded by Fagot to reconvene the regular session from executive session at 8:42 p.m. Roll call. Voting "aye" were: Anderson, Fagot, Wightman, Hawks. Motion carried.

ADJOURNMENT: There being no further business to come before the Council, Mayor Robert 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.

Leon E. Malzahn
City Clerk