

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

The Regular Meeting of the Lexington City Council was held Tuesday, October 24, 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, Jerry Long and John Fagot. City Officials present were: City Manager Bill Podraza, City Clerk Leon E. Malzahn and City Attorney Will Weinhold. Department Heads present were: Charles Clark, Vance Bricker, and Kerry Rader. Also present were John Redding, DeEtta Hartman, Mel Uphoff, Tom Mooberry, Len Bonczynski, and Bob Blankenship representing Miller and Associates. 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 10/10/95:**

The minutes of the regular council meeting held October 10, 1995 were presented for Council's consideration and approval. Moved by Wightman, seconded by Anderson to approve the minutes of the regular meeting held October 10, 1995. Roll call. Voting "aye" were: Fagot, Long, Anderson, Wightman, Hawks. Motion carried.

CLAIMS AND BILLS:

Claims and Bills in the amount of \$254,216.30 were presented for Council's consideration and approval. Moved by Anderson, seconded by Wightman to approve the claims as listed and authorized the City Treasurer to transfer \$89,399.12 from the General

Fund, \$114,767.73 from LEXUS Funds, \$9,538.25 from City Sanitation Fund, \$31,466.03 from the Landfill Fund, \$3,984.79 from the Health Fund, \$164.32 from CDBG 90-HD-010, and \$4,896.06 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were: Long, Fagot, Wightman, Anderson, Hawks. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 October 24, 1995

Advanced Control System	Software Support Agreement	2,892.00
AFLAC	Cancer insurance	110.38
AIS, Inc.	Election expense	413.55
American Water Works Assoc.	Dues - Hawks	239.00
AT & T	Service	41.77
AT & T	Service	13.80
AT & T	Service	42.41
Barmore's	Medical supplies	114.80
Barco Municipal Products	Signs	428.50
Berntson Oil	Diesel, unleaded fuel	2,842.21
Buller Fixture	Chair gliders	30.03
Cash-Wa Distributing	Tissue, cups, food	468.06
Central Garage	Labor, parts, oil	3,486.97
Century Lumber	Rebar, wire, bits, screws	81.08
C & H Distrutors Inc.	Fork attachment	83.17
Coast to Coast	Surge protector	9.95
CBSA	Insurance claims	3,545.88
CBSA	Insurance premiums	6,630.26
Dawson Co. Public Power	Service	4,234.89
Dan's Sanitation	Service	9,547.00
DANKO Emergency Equipment	Maint. contract	350.00
DEMCO	Book cards, tape, supplies	81.94
Donna's Cafe	Meals, cartons	776.61
Eake's Office Products	Note pads, ink, copier agreement	170.97
Electric Fixture	Meter socket, plate, cable, coupling, elbow,	1,732.45
Emery Pratt Co.	Books	9.56
Eustis Body Shop	Parts, labor	6,319.82
Fagot Refrigeration	Motor, bushings	68.34
Gillette/NE Dairies	Dairy products	137.81
Hach Chemical	Sulfuric acid	97.15
Hipp Wholesale Co.	Food	277.21
Holen, Ken	Fertilize trees	222.00
ICMA Retirement	City Mgr Pension	279.70

ICMA	Registration - Mtg	295.00
International Paper Co.	Transformer	8,422.81
Ingram Library Services	Books, card sets	85.67
Jones Plumbing	Couplings	87.56
Joy Book Nook	Books	38.65
K N Energy	Service	255.25
Kriz-Davis co.	Spacer, short pin, ring tie	1,292.91
KRVN	Internet subscription	40.00
Lakota	Meeting expense	25.40
Law Enforcement Supply Co.	Porta clips	138.73
League of NE Municipalities	Registration	60.00
Lexington Postmaster	Postage	1,500.00
LEXUS	Service	18,048.97
City of Lexington	Franchise fee	21,419.45
Lexington Postmaster	Newsletter postage	80.00
Luther, Ann	Meeting expense	98.70
Malzahn, Leon	Meeting expense	177.60
Mead/Big Valley Lumber	Saw blades, lumber, paint	389.39
Midway Supply	Batteries, gasket, oil, starter, pipes, muffler	292.29
Mid-States Units	Units in Park	260.00
Miller & Assoc.	Service	32,742.43
Morris Press	Oak tag	1.50
Mr. Automotive	Belts, water pump, brakes rotors, lp gas	220.59
Municipal Supply	Bolt cutter	47.33
National Fire Protection	NEC Handbook	43.65
National League of Cities	Membership fees	499.00
Nebraska Rural Water Assoc.	Membership	150.00
Nebraska Pay Survey	Pay survey	220.00
NE Dept of Env Control	Quarterly disposal fee	11,752.20
OK Tire	Tire repair	14.00
Overton Sand & Gravel	Gravel, rock, fill sand	501.80
Payroll Account	9/27 - 10/10/95	61,433.75
Paulsen Bldg. & Supply	Concrete	898.50
Patty's Hallmark	Ink stamp, binder posts, scissors, balloons, folders	106.28
Pitney-Bowes	Maint. agreement	195.00
Pitney Bowes	Lease agreement	135.00
Platte Valley Auto Mart	Lighter, parts	19.47
Plum Creek Medical Group	Work Comp - Holtz	63.00
Podraza, Bill	Meeting expense	91.00
Precision Industries	Insert bearing	44.04
The Printing Press	Time sheets, election expense	418.57
Protective Life Insurance	Cancer insurance	179.64
Q A Balance Service	Balance scales	80.00

Quinlan Publishing	Zoning bulletin	81.81
Read Well Media	Books	176.34
Reed Reference Publishing	Subject guide	335.39
Reeves, Wayne	Refund overpayment	74.02
Roper's Radiator Service	Rebuild radiator	197.50
Schnieber Find Foods	Food, napkins	542.60
Sixth Street Market	UPS, Food, coffee	108.28
Social Security Fund	9/27 - 10/10/95	4,621.19
Strever, Mary	Meter socket	100.00
T.L. Sund	Racks, shelves for Serv. Bldg.	6,575.00
S & W Auto Parts	Belts, bearing, bulbs, filter, switch, bushing, tire patch	253.65
The Travelers	Pension	1,729.14
U S West Communications	Service	294.03
Utility Equipment	Meter	101.98
Veetronix	Desk	50.00
Virtual Technology	Processor	730.00
Wal-Mart	Duct tape, battery, film, . mini blinds, ammo, paint	125.27
Waterpro	Meters	1,935.70
WESCO	Lamps, brackets, meter, parts	4,162.98
Weber & Weinhold	Service - Maloley case	57.90
Wheeler's	Turbine, wheel barrow, battery	259.71
Wolf, Tracy	Recertification school	72.16
Zep Manufacturing	Supplies	34.10
Armstrong, Tammi	Support personnel	125.00
Central Community College	Registration	35.00
Hawks, Robert	Meeting expense	165.00
Lexington Housing Authority	Electric rebate	22,050.00
Luther, Ann	Meeting expense	88.95
Midwest Laboratories	Testing - Landfill	484.00
Social Security Bureau	Employers contribution	5.20
	TOTAL	\$254,216.30

SALE OF LIQUOR NEW YEARS & CHRISTMAS:

The Lexington City Council considered an ordinance as amended for the sale of liquor when New Years falls on Sunday. Mr. John Redding and Tom Mooberry addressed the Lexington City Council individually requesting that they reconsider and allow the stores to remain open when Christmas falls on a Sunday also. After a discussion among the council, moved by Fagot, seconded by Long to amend the ordinance to allow the sale of liquor on Sunday when Christmas and New Years fall on those days. Roll call. Voting "aye" were: Long, Fagot. Voting "nay"

were: Hawks, Wightman, Anderson. Motion failed. 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, seconded by Wightman that said ordinance be passed on second reading. Roll call. Voting "aye" were: Long, Fagot, Wightman, Hawks. Voting "nay" was Anderson. Motion carried.

UPHOFF REZONING:

Prior to the discussion on this item, Councilmen Wightman and Fagot declared a conflict of interest and individually stated that they would not enter into the discussion and/or voting on this item. An ordinance entitled, "AN ORDINANCE TO REZONE LOT TWO (2) OF UPHOFF SUBDIVISION OF A TRACT OF LAND IN THE FRACTIONAL SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY-ONE (21), TOWNSHIP NINE (9) NORTH, RANGE TWENTY-ONE (21), WEST OF THE 6TH P.M., DAWSON COUNTY, NEBRASKA, FROM A-1 AGRICULTURE TO C-3 HIGHWAY COMMERCIAL; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT WEREWITH; TO PROVIDE FOR AN EFFECCTIVE DATE AND FOR PUBLICATION IN PHAMPHLET FORM." was read before the council. Concerning this item, the council reviewed letters restating objections to the rezoning of this property. Upon conclusion of that review, Mayor Hawks inquired of Mr. Uphoff the reason for selling

his property. There being no reply from Mr. Uphoff and the conclusion of the discussion, Councilperson Anderson moved that the following ordinance be passed on second reading, seconded by Long. Roll call. Voting "aye" were: Long, Anderson. Voting "nay" was: Hawks. Motion failed.

ORDINANCE RELATED TO SIGNS:

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 Anderson, seconded by Fagot that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were: Long, Wightman, Fagot, Anderson, Hawks. Motion carried. Said ordinance was then read by title. Moved by Anderson, seconded by Wightman that said ordinance be passed on final reading. Roll call. Voting "aye" were: Fagot, Long, Wightman, Anderson, 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.

WARDS REZONING:

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 second reading. Roll call. Voting "aye" were: Long, Fagot, Anderson, Wightman, Hawks. Motion carried.

ORDINANCE RELATED TO PARKING:

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 Fagot that said ordinance be passed on second reading. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman, Hawks. Motion carried.

CDBG LOAN:

Ms. DeEtta Hartman addressed the Lexington City Council introducing Bob Strickland, Suzzette Gaudreault, and Tammy Hardesty who have purchased Teresa's Tortillas Bakery and is requesting a loan from the revolving loan fund in the amount of \$15,000. Ms. Hartman stated that the bakery began operation in 1993 and at this time has 7 employees. With this loan, she expects four additional employees and increased sales. When inquired about sales, Mr. Strickland stated that current sales started at approximately 4,000 per month this year and have increased to 7,000. The sales area includes North Platte, Lexington, and Kearney with hopes to expand to Grand Island, Scotts Bluff, and Omaha this year, and a nationwide market in the near future. Upon completion of the presentation for the loan request, moved by Wightman, seconded by Anderson to authorize the loan of \$15,000 to Teresa's Tortillas Bakery with the principals being Robert Strickland, Suzzette Gaudreault, Tammy Hardesty and Bobbette Sanchez. Roll call. Voting "aye" were: Fagot, Long, Anderson, Wightman, Hawks. Motion carried. Moved by Wightman, seconded by Fagot that the mayor of Lexington be authorized to sign any and all documents pertaining to the loan to Teresa's Tortillas Bakery. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman, Hawks. Motion carried.

BIDS:

City Manager Podraza requested authorization for the advertisement for bids for a pickup to replace the one at the Wastewater Treatment Plant. Inquiries from the council on this bid related to the need for air conditioning or if air conditioning were standard and if

the trucks should be a heavy duty. Upon completion of the questions and answer period, moved by Wightman, seconded by Fagot to authorize administration to advertise for bids for a new or used pickup at the Wastewater Treatment Plant. Roll call. Voting "aye" were: Long, Anderson, Fagot, Wightman, Hawks. Motion carried.

PAY REQUEST:

The Lexington City Council reviewed application No. 7 from Midlands Contracting, Inc. for construction of 13th Street Phase I improvements in the amount of \$385,564.70. Mr. Bob Blankenship addressed the Lexington City Council giving a quick review of the progress so far on 13th Street. Upon completion of his presentation, Mayor Wightman requested the retainage be raised from 5% to 7%. With no favorable comments to that arrangement, Mayor Wightman moved that application No. 7 from Midlands Contracting, Inc. in the amount of \$385,564.70 for construction of 13th Street Phase I improvements be approved, seconded by Anderson. Roll call. Voting "aye" were: Fagot, Long, Anderson, Wightman, Hawks. Motion carried.

LOTTERY AGREEMENT:

The Lexington City Council reviewed the lottery agreement which has been approved by the other communities in the county and would be forwarded to the county commissioners for their consideration at their next meeting. After reviewing the agreement, moved by Wightman, seconded by Long to authorize the execution of this agreement on behalf of the City of Lexington. Roll call. Voting "aye" were: Anderson, Fagot, Long, Wightman, Hawks. Motion carried.

MANAGEMENT AGREEMENT:

The Lexington City Council reviewed the management agreement between the City of Lexington and Lexington City Schools Dist. #1 for construction and division of responsibilities of the assets to be constructed by proceeds from bond sale. After trying to deal with confusion concerning the percentage of distribution of funds no further action was taken.

TREASURERS REPORT:

Ms. Kerry Rader addressed the Lexington City Council presenting them with the treasurer's report for July, 1995. Upon review and scrutinization of the

report and questions answered by Ms. Rader, moved by Wightman, seconded by Long to accept the Treasurer's Report for July, 1995. Roll call. Voting "aye" were: Fagot, Anderson, Long, Wightman, Hawks. Motion carried.

Additional discussion which followed the council meeting related to the write-off of bad debts which occurred during the audit period at which time the council was informed that a list of those were available for them to review at their convenience.

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