

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, February 14, 1995, at the Lexington Municipal Offices, 406 East 7th Street, Lexington, Nebraska, at 7:30 P.M. Members of the City Council present were: Mayor John Wightman, Robert Hawks, Dorothy Anderson, Jerry Long and John Fagot. City Officials present were: City Manager Bill Podraza, City Clerk Leon E. Malzahn and City Attorney Willard Weinhold. Department Heads present were: Glenn Hawks, Charles Clark, Vance Bricker, and Neldene Skwarek. Also present were: Dana Daniels and Bob Blankenship representing Miller and Associates. Citizens in attendance were Gary Schultz and Todd Booth. The press was represented by 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 John Wightman.

MINUTES REGULAR MEETING 01/24/95: The minutes of the regular council meeting held January 24, 1995 were presented for council's consideration and approval. Moved by Hawks, seconded by Anderson to approve the minutes of the regular meeting as presented. Roll call. Voting "aye" were: Fagot, Long, Anderson, Hawks, Wightman. Motion carried.

MINUTES SPECIAL MEETING 01/27/95: The minutes of the special meeting held January 25, 1995 were presented for council's consideration and approval. Moved by Long, seconded by Anderson to approve the minutes of the special

meeting as presented. Roll call. Voting "aye" were: Hawks, Fagot, Anderson, Long, Wightman. Motion carried.

CLAIMS AND BILLS:

Claims and Bills in the amount of \$810,395.64 were presented for Council's consideration and approval. Upon discussion of a claim from Forrester Dodge City for a used car for the Police Department and the submittal of a quote for a car that was less expensive than the one quoted by Forrester's and after this claim had been processed for the list of bills, moved by Hawks, seconded by Long that the claim for Forrester's Dodge City for a 1994 Plymouth to be used by the Police Department be tabled and removed from the claims. Roll call. Voting "aye" were: Anderson, Fagot, Hawks, Wightman. Voting "nay" was: Long. Motion carried. It was then moved by Hawks, seconded by Fagot to approve the claims and bills as listed and authorized the City Treasurer to transfer \$90,676.91 from the General Fund, \$519,141.45 from LEXUS Funds, \$10,000.00 from City Sanitation Fund, \$21,790.10 from the Landfill Fund, \$29,543.06 from the Health Fund, \$6,099.77 from Meals on Wheels, \$1,075.00 from CDBG 90-HD-010, \$414.35 from Lexington CED, and \$123,225.00 from CDBG 85-ED-028 to the City of Lexington Operating Account. Roll call. Voting "aye" were: Long, Anderson, Fagot, Hawks, Wightman. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 February 14, 1995

AT&T	Service	87.55
AT& T	Service	14.55
AT&T	Service	27.03
AT&T	Service	10.75
Barmore's	Film, Jacks, wire	29.78
Barrett-Housel-Grafton	Casualty Insurance	848.00
Barco Municipal Products	Locator	1,500.00
Baker & Taylor Company	Books, book lease	193.85
Backwood Home	Subscription	17.95
Berntson Oil	Diesel, gas, oil, parts	4,578.52
B & S Industries, Inc.	Helmet	134.77
Cash-Wa Distributing	Oil, food, supplies	742.44

Catholic Protection Serv.	Annual service	2,143.00
Beverly Carmack	Comp Training	29.25
C.J. Small Engine Repair	Chainsaw Repair	106.65
Central Garage Fund	Gas, labor, parts,	10,550.00
Champion America, Inc.	Signs	311.47
Cleveland Cotton Products	Gloves, towels	382.12
Coast to Coast	Supplies	38.34
Contryman & Associates	Audit	17,450.00
Computer Assistance	Install Software	25.00
Corporate Diversified Serv	Fireman Insurance	60.00
Corporate Benefit Services	Doctor, medicine, hospital	29,267.39
Culligan Water Conditioning	Service-WWTP, salt	43.50
Dawson County Public Power	Bolts	140.14
Dawson County Clerk	Dispatch Services-Feb	3,917.33
Dan's Sanitation	Sanitation Service	10,000.00
Dawson County Area Economic	Membership, meal	10,021.86
Designer Craft Woodworking	CDBG94ED019	120,000.00
Donna's Cafe	MOW-Overton	1,034.20
Dragon Restaurant	Mtg expense	26.71
Dutton-Lainson Co	Transformer, lamp, etc	1,255.59
Dugan Business Forms	Comp paper	190.83
Egan Supply Co.	Stripping	86.39
E.I.S.	Repair Radar	57.65
Electric Fixture	Lamp, supplies, wire, sockets	4,021.29
Emery Pratt Co.	Books	188.75
EMI Motor Hotels-Ramada	Room	42.71
Fairbanks Intl	Hardware, kit	64.79
Family Eyeware	Ritgarn-glasses	82.35
Fagot Refrigeration	Service	374.63
Five Star Flooring	Wallpaper	19.46
Forever New Upholstery	Repair Furniture	77.40
Forrester's	'94 Plymouth	8,430.00
First Group	Phone	12.12
General Traffic Controls	Traffic Sign equip	2,810.00
GFOA Career Devel	Membership	115.00
Gillette/Nebraska Dairies	Dairy Products	277.69
Hipp Wholesale Co.	Food, trays, supplies	894.21
I.C.M.A.	ICMA Retirement	133.85
Int. Conference of Bldg Off	Books	254.45
Int'l Paper Co.	Pine Poles	7,891.80
Ingram Library Services	Books	415.28
Interstate Structures, Inc	Lex Maint	12,709.80
Int'l Transformer Co	Transformer repair	780.60
Jones Plumbing, Heating	Hardware	24.44
Joy Book Nook	Books	49.44
KN Energy	Nat gas	2,285.59

Kriz-Davis Co.	Wire, crossarms, supplies	6,058.41
The League of Ne. Municipal	Conference	80.00
Lexington Animal Clinic	Services	376.50
Lexington Area Chamber	State Mtg, salary, postage	469.35
Lexington Coop	Car wash, supplies	14.65
Lexington Glass Co.	Mirror	5.00
Lexington Laundry	Towel cab, service, mops	52.00
Lexington Newspapers	Legal notice	11.22
Lexington Truck & Auto	Booster, heater	154.50
LEXUS	Elec	1,000.14
City of Lexington	Franc Fee	3,266.51
Lexington Recreation Program	Support personnel	342.00
Lexington Postmaster	Postage	70.00
City of Lexington	Landfill	56.00
Ann Luther	Conference	75.00
Mac's Short Stop	Carpet Cleaner	3.17
Sue Maya	Service-January	200.00
Meyer Welding	Iron	22.68
Midway Supply	Towels, supplies	108.65
Miller & Associates	Service Fee	1,850.00
Midwest Laboratories	Analysis	1,365.96
Mine Safety Appliance	Air mask repair	87.70
Morris Press & Office	Supplies	1,085.45
Mr. Automotive	Spark Plug	65.70
Municipal Supply	Cplgs, water meter remote	2,976.51
National Information Data	Directory	46.90
National Technical Info	Manual	31.00
Nebraskaland Tire	Tire repair	37.00
Nebraska Machinery	Hardware, parts	879.63
Nebraska Dept of Motor Veh	License application	6.00
Nebraska Library Comm	Membership	36.14
Nebraska Dept of Revenue	December sales tax	22,624.26
Nebraska Municipal Power	Electric dist service	150.00
Nebraska Public Power	Service	358,448.26
Nebraska Dept of Health	Nitrate tests	612.82
Nebraska Public Power	Outage assistance	228.00
Nebraska Secretary of State	Report	20.00
Nelson, Thomas	NCBO & I Conf	100.50
NE Dept of Env. Control	Solid Waste Disp	10,805.30
NE Assn of Sr. Centers	Training	15.00
Nebraska Cellular	Cellular	29.98
Northern Hydraulics	Parts,	141.92
Olsson Associates, Inc.	El rate report	476.44
O K Tire	Tire repair	181.61
Old Dominion Brush	Motor, bearings	1,076.46
Omaha World Herald	Subscription	59.80

Overton Sand & Gravel	Gravel	144.00
Payroll Account	Payroll	57,801.06
Patty's Hallmark	Office supplies	357.40
Pathmaster Inc	Relay	84.00
Petty Cash	Misc expense	181.14
Platte Valley Auto Mart	Cable, core, switch	1,183.75
Platte Valley Communications	Repair and maint	2,165.00
Plum Creek Medical Group	Doctor	14.50
Plum Creek Promotions	Repair flags	70.00
Platte Valley Exterm.	Service	20.00
Podraqza, Bill	Travel expenses	69.60
Percision Ind.	Parts	343.50
Protective Life Ins	Life ins	246.17
Reiman Publications	Subscription	12.98
Rodeo Road Equip	Parts	78.49
Saulsbury Photo	Employee of year	42.40
Sav-A-Lot	Supplies	37.63
Sauber Manufacturing	Jumper cord	63.35
Schnieber Fine Foods	Food, supplies	790.58
Sixth Street	Food, UPS	107.06
Simon & Schuster Inc	Dictionary	92.00
Sirchie	Print supplies	97.50
Social Security	Social security	4,331.90
S & W Auto Parts	Parts, filters, fuses	724.28
Telegraph	Newspaper	11.36
Travelers	Pension	1,801.49
Travelers	Police pension	754.87
Unitech	Cleaner	140.79
U S West	Telephone	1,660.71
Utility Equipment	Valves, sleeves	2,935.82
Valentino's	Meals	50.03
Virtual Technology	Computer equip	595.00
Wal-Mart	Supplies	157.62
Ward Laboratories	Analysis	25.00
Water Environmental	Membership, subscription	70.00
Warren Gorham Lamont	Manual	335.97
Wesco Distribution	Meters, transformers	30,214.03
Weber & Weinhold	Legal service	1,357.50
Wheeler's	Supplies	46.96
City of Lexington	Misc. charges	24,912.92
Nebraska Machinery	Loader payments	2,646.00
Smith Barney Inc.	Register fees	538.90
	TOTAL	810,395.64

WAIVER OF

Mr. Vance Bricker addressed the Lexington City

OBJECTION:

Council stating that a waiver of objection from the City Council is requested for a split in a rural subdivision east and north of Lexington. Mr. Bricker stated that the property is being divided into three separate lots with Lot 1 being sold off at the present time. After further review of the plot presented with a request for a waiver, moved by Hawks, seconded by Fagot to approve the waiver of objection for a replat for a rural subdivision north and east of Lexington formerly owned by Kevin Bartels. Roll call. Voting "aye" were: Anderson, Long, Fagot, Hawks, Wightman. Motion carried.

ONE & SIX YEAR ROAD PLAN:

Mr. Dana Daniels, representing Miller & Associates, addressed the Lexington City Council presenting a map and documentation outlining the proposed projects in the one and six year street improvement program for the City of Lexington. Mr. Daniels, in reviewing his report, stated that in the one year plan is Phase I and II of the 13th Street improvements. Project No. 3 would be signalization at the 13th and Adams Street intersection. Project No. 4 for the current year would be the Nebraska Department of Roads paving project which would pave a road going east and west from Plum Creek Parkway to Jefferson Street with a frontage road proceeding north from that to cover the front of the motel. Additionally, there would be engineering on South Jefferson Street from this proposed paved road to the entrance of the military museum. Proceeding to the six year plan, Mr. Daniels stated that there would be a project for a grade separation study over the Union Pacific Railroad, south of Jefferson Street paving from the Greater Lexington Addition to the Nebraska Department of Roads maintenance yards, Phase III of 13th Street improvements which would extend the storm sewer from Adams Street to the West, the hike and bike trail on South Plum Creek Parkway, signalization of pedestrian lights at 10th and Harrison, an overlay project for Grant Street

between 10th and 11th Streets, Spring Creek Bridge construction at the intersection east of town by the Nebraska By-Products, an intersection at 20th and Cleveland, paving of Maple and Spruce Streets west of Adams Street, Jackson and Walnut radius reconstruction to facilitate truck traffic at these intersections, paving of a road from Adams Street east to Plum Creek Parkway north of the Beans Addition and south of the Southaven division or the drainage ditch, a hike and bike trail in Paulsen's Subdivision and the last item being a bridge over the city drain east of Lexington to service a resident on the north side of the road. Hearing no further comments, City Manager Podraza informed the City Council that the formal public hearing for the one and six year road plan would be at the next council meeting on February 28, 1995. No further action was taken.

**ORDINANCE FOR
MANUFACTURED
HOMES:**

An ordinance entitled, "AN ORDINANCE TO AMEND SECTIONS 25-1, 25-2 AND 28-9 OF THE LEXINGTON CITY CODE; TO MAKE PROVISION FOR LOCATION OF MANUFACTURED HOMES; TO REPEAL ORIGINAL SECTION 25-1, 25-2, AND 28-9 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. The council was informed that this ordinance had been passed on first reading in December, 1994 and awaits their decision. Moved by Hawks, seconded by Long to approve said ordinance on second reading. Roll call. Voting "aye" were: Fagot, Anderson, Long, Hawks, Wightman. Motion carried.

AWARD OF BIDS:

Mr. Dana Daniels, representing Miller & Associates, addressed the Lexington City Council stating that five bids had been received for Phase I construction of 13th Street. After a tabulation of the bids, it was determined that the apparent low bidder was Midland Contracting of Kearney, Nebraska in the amount of \$1,773,549.20. After considerable consideration concerning the possibilities that could exist for problems during the construction period, moved by Fagot, seconded by Anderson to award the bid for

construction of the 13th Street Improvement project, Phase I to Midland Contracting, Inc. of Kearney, Nebraska in the amount of \$1,773,549.20. Roll call. Voting "aye" were: Hawks, Long, Anderson, Fagot, Wightman. Motion carried.

**DISCUSSION OF
LEGISLATIVE BILLS:**

City Manager Podraza addressed the Lexington City Council informing them of three bills, those bills being LB66, LB606 and LB648 which relates to the elimination of the local sales tax option. He stated that in the passage of these bills, if the sales tax option was removed from the cities and given to the states who would in turn redistribute the sales tax based upon population rather than on actual sales to these political subdivisions, some political subdivisions such as those with higher retail sales would stand to lose revenue and those with lower sales would stand to gain additional revenue above the amount currently produced by property taxes. The next bill that the City Manager discussed was the possibility of amending the constitution allowing counties to adopt an administrative form of government after a vote of the people allowing them to do so. Upon conclusion of his report no further action was taken at this time.

EXECUTIVE SESSION:

City Manager Podraza informed the council that the city had an offer to sell some city property and therefore needed an executive session to discuss this matter. Moved by Hawks, seconded by Anderson to recess the regular session to executive session at 8:40 p.m. for the purpose of negotiating the sale of real estate currently owned by the city. Roll call. Voting "aye" were: Fagot, Long, Anderson, Hawks, Wightman. Motion carried. Moved by Hawks, seconded by Fagot to reconvene the regular session from executive session at 8:55 p.m. Roll call. Voting "aye" were: Anderson, Long, Fagot, Hawks, Wightman. Motion carried.

ADJOURNMENT:

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

John Wightman
Council President

Leon E. Malzahn
Lexington 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
Lexington City Clerk