

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 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, Dorothy Anderson, Jerry Long and John Fagot. Councilman Robert Hawks was absent. City Officials present were: City Clerk Leon E. Malzahn City Manager Bill Podraza and City Attorney Willard Weinhold. Department Heads present were: Vance Bricker, Charles Clark, Francine Canfield and Neldene Skwarek. Also present were: Dana Daniels and Bob Blankenship representing Miller and Associates, Jim Fox, Skip Wolf and Doug Goodwater representing Shearson's, DeEtta Hartman representing Dawson Area Development and Jim Lauby. The press was represented by the Kearney Hub, Lexington Publishing, and KRVN.

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 02/28/95: The minutes of the regular council meeting held February 28, 1995 were presented for council's consideration and approval. Moved by Anderson, seconded by Fagot to approve the minutes of the regular meeting as presented. Roll call. Voting "aye" were: Long, Fagot, Anderson, Wightman. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$542,523.09 were presented for Council's consideration and approval.

Moved by Long, seconded by Anderson to approve the claims and bills as listed and authorized the City Treasurer to transfer \$75,428.06 from the General Fund, \$421,844.49 from LEXUS Funds, \$10,000.00 from City Sanitation Fund, \$11,477.31 from the Landfill Fund, \$298.92 from Library Memorial, \$17,197.40 from the Health Fund, \$4,402.18 from Meals on Wheels and \$1,107.73 from CDBG 90-HD-010, and 767.00 from CDBG 85-ED-028 to the City of Lexington Operating Account. Roll call. Voting "aye" were: Fagot, Anderson, Long, Wightman. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
March 14, 1995

Ackerman, Thad	Meeting expense	62.50
AFLAC	Cancer insurance	110.38
AT & T	Service	77.71
AT & T	Service	44.35
Barmore's	Film processing, voltmeter	57.97
Baker & Taylor Co.	Book leasing	149.00
Bashlin Industries	Hot stick bag, disconnect stick, ratchet assembly	586.77
Berntson Oil	Diesel, gas, grease	2,343.72
Becker Fire Equipment Co.	Wrench, bulbs, hose	785.14
Brown, Harold	Tool allowance	50.00
Cash-Wa Distributing	Food, foil	442.32
Central Garage Fund	Gas, labor, parts, oil	6,572.53
Coast to Coast	Cleaning supplies	51.59
Country Magazine	Subscription	22.50
Conney Safety Products	Advil, first aid kits	121.89
Coca Cola/Dr. Pepper of Krny	Pop	26.85
Corporate Diversified Serv.	Life insurance - Fire Dept.	60.00
CBSA	Insurance claims	2,974.94
CBSA	Reinsurance	13,945.83
Compu Soft	Computer software	56.88
Culligan Water Conditioning	Serviec - WWTP	30.00
Dawson Co. Register of Deeds	Filing fees	11.00
Dawson Co Clerk	Dispatch services - March	3,917.33
Dan's Sanitation	Service	10,194.00
DAS Central Stores	Motor Vehicle Law books	66.04
DEMCO	Tape, polyfit	40.55
Donna's Cafe	Meals on Wheels	655.11
Dutton Lainson Co.	Loadbreak elbow	1,249.74

Egan Supply Co.	Cleaning supplies, mat	392.05
Electric Fixture	Electric Supplies	1,558.13
Emery Pratt Co.	Books	14.05
Fairbanks International	Parts	65.61
Family Eyewear	Safety glasses	112.25
Fagot Refrigeration	Well repair	270.69
Farm Plan Corp.	Chain link, filter element	164.16
Fischer Scientific	Cylinders, chemicals	284.27
Five Star Flooring	Glue, remnant	17.99
Fox Bros. Hay Co.	Grinding	1,800.00
Gillette/NE Dairies	Dairy products	207.82
Hipp Wholesale	Food, trays, bags	744.66
Holiday Inn	Room - Haines	102.00
I.C.M.A.	City Mgr. pension	133.85
Int. Assoc. of Elec. Inspec.	Family dwelling book	21.75
International Paper Co.	Poles	75.16
Ingram Library Service	Books	370.06
Interstate Structure Inc.	Pay estimate #5	3,375.00
International Transformer Co.	Transformers	1,135.78
Jones Plumbing	Plumbing parts	27.92
K N Energy	Service	1,640.40
Kriz Davis co.	Supplies	5,031.12
Lexington Animal Clinic	Service	242.70
Lex Area Chamber of Commerce	Mtg. expense	4.25
Lexington Coop	Snow pusher	17.98
Lexington Laundry	Service	36.00
Lexington Postmaster	Postage	1,500.00
Lexington Public Library	Postage, coffee	58.99
Lexington Public School	Duplex charges - 2/95	1,107.73
Lexington Newspaper	Service	549.22
City of Lexington	Franchise fee, Misc. charge	24,940.75
Lexington Postmaster	Newsletter postage - GGC	80.00
City of Lexington	Landfill charges	80.00
Lieh's Drilling	Landfill wells	1,198.20
Loos Electric Supply Co.	Bulbs, voltage transformer	1,558.11
Luther, Ann	Mileage	49.50
Malzahn, Leon	Gas	16.01
May, Sue	Service - February	200.00
MCI	Service	169.78
Mead/Big Valley	Plywood	127.90
Meyer Welding	Repair manhole lid	8.00
Meridian Library Service	Class registration	40.00
Midway Supply	Machine bolts, gasket, light	160.80
Miller & Assoc.	Service	1,850.00
	Landfill	2,372.35
	New Landfill	435.75

	13 Street Project	9,096.37
Morris Press	Paper, tape, supplies	70.53
Morry's Body Shop	Repair radiator	30.00
Mr. Automotive	Spark plug, filter	46.19
Municipal Supply	Meters, gasket, wire, clamp	643.36
Nebraska Machinery	Loader payments	2,646.00
Nebraskaland Magazine	Subscription	14.00
Nebraska Dept. of Revenue	Sales tax - February	18,701.15
Nebraska Mun. Power Pool	Registration - Podraza	60.00
Nebraska Public Power	Power bill, training	328,012.77
Nebraska Safety Council	Membership dues	100.00
State of Nebraska	Swim Pool Permit	3.00
Nebraskaland Conf of Bldg	Registration - Nelson	65.00
Nebraska Cellular	Service	66.90
Nebr. Dept of Health	Class - Tom Nelson	130.00
O K Tire	Alignment, tire repair, tires	331.35
Old Dominion Brush	Gutter broom	605.00
Omaha World Herald	Subscription	104.00
Payroll Account	2/15 - 2/28/95	58,155.34
Paulsen Development	Pay Est #3	2,007.35
Paulsen Bldg. & Supply	Concrete	1,271.55
Patty's Hallmark	Supplies	1.76
Petty Cash	Misc expense	205.37
Platte Valley Auto Mart	Swag bar, repairs to Unit 71	168.49
Platte Valley Communication	Maint. agreement, radio battery	240.00
Platte Valley ExterminatingService		20.00
Podraza, Bill	Mtg. expense	211.13
Protective Life Insurance	Cancer insurance	166.25
Quill Corporation	Fax paper	37.59
Reach Electronics	Pager repair	54.98
Roper's Radiator Service	Radiator repair	15.00
Schnieber Fine Food	Strainer, food	230.33
Sixth Street Market	Food, UPS	86.95
Social Security Fund	2/15 - 2/28/95	4,358.97
S & W Auto Parts	Auto Supplies	434.55
The Travelers	Pension	1,778.13
The Travelers	Police pension	776.28
Unisys Corporation	Maint. agreement	1,266.00
U S West Communication	Service	1,628.72
Utility Equipment	Couplings	199.57
Virtual Technology	Processor, keyboard	567.00
Wal-Mart	Misc. Supplies	145.89
Wattier, Darryl	Lineman School	214.78
Waterpro	Handyhorns	286.23
WESCO	Supplies	5,847.80
Weber & Weinhold	Service	1,996.50

Wheeler's

Misc. Supplies

222.58

TOTAL

542,523.09

**G.O. ANTICIPATION
NOTES:**

Mr. Jim Fox, representing Shearson Lehman, addressed the Lexington City Council stating that the bond issue before the council for this evening would be to pay for the general obligation part of the 13th Street project. He further stated that upon completion of this project, these notes would be converted to long term bonds. Mr. Fox also stated that the first six months interest on these bonds had been capitalized in the principal amount. This being the end of his presentation,

Whereupon, Council member Anderson introduced Ordinance No. 2017 entitled: "AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES OF THE CITY OF LEXINGTON, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION ONE HUNDRED NINETY THOUSAND DOLLARS (\$1,190,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE COSTS OF CONSTRUCTING STREET IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 94-03, AND STORM SEWER IMPROVEMENTS IN STORM SEWER DISTRICT NO. 94-04 OF SAID CITY PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION VARIOUS PURPOSE BONDS OF THE CITY; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE THE CITY'S GENERAL OBLIGATION VARIOUS PURPOSE BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM."

Said Ordinance was fully and distinctly read, and by motion of Council member Anderson, seconded by Council member Long, it was designated as Ordinance No. 2017 and the title thereof was approved. The roll was called on the passage of said motion and the following voted "AYE": Fagot, Long,

Anderson, Wightman. The following voted "NAY":
None.

Council member Anderson moved that the statutory rule requiring ordinances to be fully and distinctly read on three different days be suspended, seconded by Council member Long. The roll was called and the following voted "AYE": Fagot, Long, Anderson, Wightman; "NAY": None. The motion to suspend the statutory rule having been concurred in by three-fourths of all members of the Council was declared passed and adopted.

Whereupon Ordinance No. 2017 was read by title and thereafter Council member Long moved for final passage of said Ordinance. Council member seconded the motion. The Mayor stated: "The question is, shall Ordinance No. 2017 be passed and adopted?" The roll was called and the following voted "AYE": Fagot, Anderson, Long, Wightman. The following voted "NAY": None.

The passage and adoption of said Ordinance having been concurred with by a majority of all members elected to the Council, was by the Mayor declared passed and adopted, and the Mayor, in the presence of the Council, signed and approved said Ordinance, and the Clerk attested the passage and approval of the same and affixed the seal of the City thereto.

A true and complete copy of said Ordinance No. 2017 is attached hereto.

City Clerk of
Lexington, Nebraska

**REVENUE
ANTICIPATION**

Mr. Jim Fox addressed the Lexington City Council stating that these revenue anticipation bonds in

BONDS:

the amount of \$775,000.00 are being issued as interim financing for the utilities part of the 13th Street project and purchase of the service area snnexed form Dawson Public Power. These bonds are issued like the G.O. Bonds, with interest capitalized in these bonds. Upon completion of his presentation,

Whereupon, Council member Fagot introduced Ordinance No. 2018 entitled: "AN ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA, AUTHORIZING THE ISSUANCE AND SALE OF COMBINED UTILITIES REVENUE BOND ANTICIPATION NOTES OF THE CITY OF LEXINGTON, NEBRASKA, IN THE PRINCIPAL AMOUNT OF SEVEN HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$775,000), FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE COST OF EXTENDING, ENLARGING AND IMPROVING THE CITY'S SEWAGE DISPOSAL PLANT AND SYSTEM, WATERWORKS PLANT AND SYSTEM AND ELECTRICAL LIGHT AND POWER PLANT AND DISTRIBUTION SYSTEM PENDING THE ISSUANCE OF PERMANENT COMBINED REVENUE BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE THE CITY'S COMBINED REVENUE BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM."

Said Ordinance was fully and distinctly read, and by motion of Council member Fagot, seconded by Council member Anderson it was designated as Ordinance No. 2018 and the title thereof was approved. The roll was called on the passage of said motion and the following voted "AYE": Long, Anderson, Fagot, Wightman. The following voted "NAY": None.

Council member Anderson moved that the statutory rule requiring ordinances to be fully and distinctly read on three different days be suspended, seconded by

Council member Long. The roll was called and the following voted "AYE": Fagot, Long, Anderson, Wightman; "NAY": None. The motion to suspend the statutory rule having been concurred in by three-fourths of all members of the Council was declared passed and adopted.

Whereupon Ordinance No. 2018 was read by title and thereafter Council member Anderson moved for final passage of said Ordinance. Council member seconded the motion. The Mayor stated: "The question is, shall Ordinance No. 2018 be passed and adopted?" The roll was called and the following voted "AYE": Fagot, Long, Anderson, Wightman. The following voted "NAY": None.

The passage and adoption of said Ordinance having been concurred with by a majority of all members elected to the Council, was by the Mayor declared passed and adopted, and the Mayor, in the presence of the Council, signed and approved said Ordinance, and the Clerk attested the passage and approval of the same affixed the seal of the City thereto.

A true and complete copy of said Ordinance No. 2018 is attached hereto.

City Clerk of
Lexington, Nebraska

**DAWSON AREA
DEVELOPMENT:**

Ms. DeEtta Hartman, representing Dawson Area Development, presented a report to the Lexington City Council highlighting the expansion of the existing business recruitment, tourism, aid with start-up businesses, legislative activities, leadership class, consolidation committee and general activities for the past six months. Upon completion of her report, the Lexington City Council thanked her for appearing before them with her report. No action was taken.

**CONTINUATION OF
LAUBY PUBLIC
HEARING:**

Prior to the continuation of this public hearing, Councilman Wightman stated that he would disqualify himself from entering into the discussion or voting on this matter and therefor relinquished control of this meeting to Councilperson Anderson. Councilperson

Anderson opened the public hearing. Mr. Jim Lauby addressed the Lexington City Council reviewing a memo he had prepared stating standards to be used when constructing the road in the trailer park. At this time, City Manager Podraza addressed the council stating that if Miller & Associates were to develop specifications for a gravel or white rock road as proposed by Jim Lauby, the cost of this road would well exceed or match that of the hard surface road as Miller & Associates have certain standards which they must comply with. Upon completion of this discussion, the public hearing was closed. Moved by Fagot, seconded by Long to issue a special use permit to Jim Lauby for the expansion of his trailer court and allowing him to construct a gravel and white road according to the specifications presented at this meeting. Roll call. Voting "aye" were: Long, Fagot, Anderson. Motion carried.

ZONING ORDINANCE

An ordinance entitled, "AN ORDINANCE TO REZONE A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 9 NORTH, RANGE 21 WEST OF THE 6TH P.M., IN THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, FROM C-3 HIGHWAY COMMERCIAL TO R-4, MOBILE HOME DWELLING DISTRICT; 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 to be considered on second reading. Moved by Fagot, seconded by Long that said ordinance be passed on second reading. Roll call. Voting "aye" were: Long, Fagot, Anderson. Motion carried.

At this time, control of the meeting was returned to Mayor John Wightman.

LIBRARY COMPUTER GRANT:

Ms. Francine Canfield addressed the Lexington City Council requesting application for a grant from LSCA Title II for computers at the Lexington Library. Ms. Canfield reviewed the application which would be submitted stating that the total project expenditures are estimated to be \$15,235 with \$7,500 being supplied from the grant and \$7,735 from the City of

Lexington. This money would be used for \$1,500 in building repair, \$700 for staff development, \$4,035 for capital and \$1,500 for software. Upon completion of her presentation, moved by Anderson, seconded by Fagot to authorize the City of Lexington to apply for a grant for a computer, hardware and software at the library. Roll call. Voting "aye" were: Long, Fagot, Anderson, Wightman. Motion carried.

**JUNK CAR
ORDINANCE:**

The Lexington City Council reviewed an ordinance pertaining to the removal of junk cars in the City of Lexington. An indepth discussion was held concerning the ownership of the cars and the rotation used for establishments in the business of towing vehicles, how a title is obtained for these vehicles and later on, the vehicles being destroyed or salvaged. Upon completion of the discussion, an ordinance entitled, "AN ORDINANCE TO AMEND SECTIONS 18-2, 18-2.1, AND 16-91 OF THE LEXINGTON CITY CODE; TO DEFINE UNLICENSED MOTOR VEHICLES AS A NUISANCE, AND TO PROVIDE FOR REMOVAL OF SAID VEHICLES FROM PRIVATE PROPERTY; TO REPEAL ORIGINAL SECTIONS 18-2, 18-2.1, AND 16-91, 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 Anderson, seconded by Fagot that said ordinance be passed and approve don first reading. Roll call. Voting "aye" were: Fagot, Anderson, Wightman. Voting "nay" was: Long. Motion carried.

**PAY ESTIMATE
FILLMORE ST.:**

Mr. Bob Blankenship, representing Miller and Associates, addressed the Lexington City Council with a pay estimate to Paulsen Development of Lexington, Nebraska in the amount of \$2,007.35. Upon review of the pay estimate and the question concerning the amount of retainage, moved by Anderson, seconded by Long to approve the pay estimate to Paulsen Development of Lexington, Nebraska in the amount of \$2,007.35 for construction on Fillmore Street. Roll call. Voting "aye" were: Fagot, Long, Anderson, Wightman. Motion carried.

EXECUTIVE SESSION: Moved by Long, seconded by Fagot to recess the regular session to executive session at 9:20 p.m. to consider negotiations for the sale of city property. Roll call. Voting "aye" were: Anderson, Fagot, Long, Wightman. Motion carried. Moved by Fagot, seconded by Anderson to reconvene the regular session from executive session at 9:30 p.m. Roll call. Voting "aye" were: Long, Anderson, Fagot, 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