

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

The Regular Meeting of the Lexington City Council was held Tuesday, May 23, 1995, at the Municipal Building, 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 Will Weinhold. Department Heads present were: Vance Bricker, and Charlie Clark. Also present were: Dana Daniels and Bob Blankenship representing Miller & Associates. The press was represented by the Clipper Herald, the Tri-City Tribune and the Kearney Hub, 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 SPECIAL MEETING 04/29/95: The minutes of the special council meeting held April 29, 1995 were presented for Council's consideration and approval. Moved by Fagot that these minutes be amended to correct the paragraph regarding Jim Lundgren and the second paragraph correcting the report on 911, seconded by Anderson, to approve the corrections of the special meeting. Roll call. Voting "aye" were: Hawks, Long, Anderson, Fagot, Wightman. Motion carried. Moved by Hawks, seconded by Long to approve the minutes of the special meeting as amended held April 29, 1995. Roll call. Voting "aye" were: Anderson, Fagot, Long, Hawks, Wightman. Motion carried.

**MINUTES REGULAR
MEETING 05/09/95:**

The minutes of the regular council meeting held May 9, 1995 were presented for Council's consideration and approval. Moved by Hawks, seconded by Fagot to approve the minutes of the regular meeting as presented. Roll call. Voting "aye" were: Long, Anderson, Fagot, Hawks, Wightman. Motion carried.

CLAIMS AND BILLS:

Claims and Bills in the amount of \$168,923.35 were presented for Council's consideration and approval. Moved by Fagot, seconded by Hawks to approve the claims and bills as listed and authorized the City Treasurer to transfer \$66,844.99 from the General Fund, \$76,717.20 from LEXUS Funds, \$9,567.75 from City Sanitation Fund, \$6,651.14 from the Landfill Fund, \$370.61 from the Library Memorial, \$1,425.16 from the Health Fund, \$109.85 from CDBG 90HD010, \$728.99 from Lexington CED and \$6,507.66 from Meals on Wheels to the Lexington Operating Account. Roll call. Voting "aye" were: Anderson, Long, Hawks, Fagot, Wightman. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
May 23, 1995

AFLAC	Cancer insurance	110.38
American Red Cross	Book for CPR	65.00
AT & T	Service	54.70
AT & T	Service	45.92
Barmores	Brushes, markers, film	65.03
Baker & Taylor	Leasing service	149.00
B & D Office	Toner	118.80
Berntson Oil	Diesel, grease, gas	3,421.05
Cash-Wa Distributing	Food, liners, bleach, bags	1,094.43
C.J. Small Engine	Cap, line	17.92
Central Garage Fund	Labor, parts, oil	2,932.33
Classic Pool & Spa	Hose	113.92
Coast to Coast	Brooms, pump parts, hammer	109.26
Coca Cola/Dr Pepper of Krny	Pop	71.60
CBSA	Insurance claims	1,047.09
CBSA	Insurance premium	7,220.72
Curtis Industries	Nuts & bolts	203.70
Dawson Co. Public Power	Service	2,071.66
Dawson Co. Weed Control	Spray water tower	41.92

DEMCO	ID Cards, tape	55.10
Ditch Witch of NE	Insert, clamps	144.50
Donna's Cafe	Meals, cartons	766.24
Dutton-Lainson Co.	Deadends, machine bolts, bulbs	781.78
Eake's Office Products	Toner	51.70
Eiler's	Iron	6.96
Electric Fixture	Test blocks, breakers, bulbs	5,283.75
Emery Pratt	Books	87.61
Fischer-Scientific	Ether, tools	626.90
Financial Research Center	Grant Source book	59.00
Flowers of Joy	Mugs, plant	46.27
Gillette/NE Dairies	Dairy products	196.51
Grolier Education Group	Books	94.96
Hach Chemical	Buffer pillows	93.80
Halogen Supply Co.	Hydrostream, block	51.93
Heaven's Best	Service - police dept.	80.00
Hipp Wholesale Co.	Lids, container, food, cups	1,083.47
Hofaker's Iron & Metal	Handles	42.50
I.C.M.A.	City Mgr. Pension	133.85
International Paper Co.	Poles	9,396.90
Information Plus	Books	98.02
Ingram Library Service	Books	351.79
Karre's City Bakery	Rolls - Council retreat	10.00
KN Energy	Service	283.90
Kriz-Davis Co.	Returned wire	-370.62
Lawson Products	Nuts, screws, spades	399.97
League of NE Municipalities	Registration	100.00
Lexington Postmaster	Postage	750.00
Lexington Public Library	Postage, supplies	51.49
Lexington Public Schools	Duplex charges	28.04
Lexington Truck & Auto	Hood latch, rear end, parts	551.00
LEXUS	Service	16,474.95
Lieh's Drilling	Pump parts	15.50
Martin Electric	Repair pump motor, capacitor	37.44
Mason Motors	Windshield	179.34
Richard Maturi	Books	30.00
Mead/Big Valley	Shelves, cement, tarp, nails	597.65
Midway Supply	Misc. Supplies	88.97
Miracle Recreation Equip.	Park equipment	408.86
Mike's Pharmacy	Work comp - Bill Haines	31.92
Mid Nebr. Food Bank	Food	33.32
Midwest Laboratories	Sludge analysis	178.25
Mr. Automotive	Battery, cable	43.55
Municipal Supply	Reducers, repair clamp	41.45
National Fire Protection	Safety code book	39.50
National School Products	CD-Rom	37.95

Nebraska Library Comm.	OCCLC Charges	30.35
Nebraska Public Power	Data Entry	250.00
OK Tire	Tire repair, tires	103.44
Old Dominion Brush	Plate, shoe, retainer	355.71
Otte, Bonnie	Tuition	288.00
Overton Sand & Gravel	Gravel	784.80
Payroll Account	4/26 - 5/9/95	58,768.93
Patty's Hallmark	Staples	7.02
Petty Cash	Misc.	134.60
Platte Valley Communication	Pager repair	51.50
Plum Creek Recycling	Service	1,660.20
Protective Life Insurance	Cancer insurance	206.21
Reliable Office Supply	Envelopes, clipboards	61.68
Sav A Lot	Coffee, filters	37.70
Schnieber Fine Food	Food, cleaner	616.32
Sixth Street Market	UPS, Food	38.78
Social Security Fund	4/26 - 5/9/95	4,405.95
S & W Auto Parts	Auto Supplies	298.00
Michael Todd Co.	Letters, sign	570.77
The Travelers	Pension	1,758.93
The Travelers	Police pension	737.52
Ulverscroft	Books	154.37
Wal-Mart	Misc. Supplies	762.48
Waterpro	Washers, meters	720.26
WESCO	Armor rod, bolt cutters	1,448.22
Wheeler's	Batteries, oil, sledge hammer	193.52
Bliven, Jess	Meeting expense	137.58
CLassic Pool & Spa	Pool chemicals	4,166.99
CBSA	Insurance claims	29.56
Dan's Sanitation	Service	9,567.75
GE Capital	Lease agreement	309.64
Hawks, Robert	Mtg. expense	48.25
Lex Area Chamber of Commerce	CED Bills	728.99
City of Lexington	Franchise fee	18,995.93
Lexington Recreation Program	Support personnel	1,938.00
Nebraska Library Commission	Registration	25.00
	TOTAL	168,923.35

**ORDINANCE ON
ABANDONED
VEHICLES:**

City Manager Podraza informed the Lexington City Council that this ordinance is being considered on second reading with the amendments as requested by the city council and legal counsel. 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 Hawks, seconded by Anderson that said ordinance be passed on second reading. Roll call. Voting "aye" were: Fagot, Long, Hawks, Anderson, Wightman. Motion carried.

**ORDINANCE FOR
MOBILE HOME PARKS:**

City Manager Podraza stated that this ordinance is presented to the council with the amendments as requested by the building and zoning officials in granting special use permits to mobile home parks. An ordinance entitled, "AN ORDINANCE TO PROVIDE FOR RULE EXCEPTIONS IN GRANTING MOBILE HOME PARK PERMITS AND SPECIAL USE PERMITS; TO REPEAL ANY 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 Hawks, seconded by Long that said ordinance be passed on second reading. Roll call. Voting "aye" were: Anderson, Fagot, Long, Hawks, Wightman. Motion carried.

PUBLIC HEARING:

The Lexington City Council held a public hearing to discuss the request of City Administration to make application for a grant for construction of storm and sanitary sewer lines from 18th and Ridgeway to the storm sewer at Park and 13th Streets, and the removal of a lift station at 15th and Hampton street.

Assistant City Manager Bricker informed the Council that this request is for a public works grant to relieve the flooding in the northwest part of Lexington which occurred during the spring of 93. He further explained that \$350,925.00 of this grant would be used for storm sewer improvements while \$500,875.00 will be used for sanitary sewer improvements. The last category covered by the

grant would be administrative costs which are budgeted at \$29,800.00.

Favorable comments for this project were received from the citizens in attendance.

Hearing no further comments either for or against the project Mayor Wightman declared the public hearing closed.

Moved by Hawks seconded by Anderson to authorize the city administration to apply for a grant to improve the drainage of water in the north west part of town. Voting "aye" were: Hawks, Anderson, Fagot, Long, Wightman. Motion carried.

PAY ESTIMATE:

The Lexington City Council reviewed the pay estimate from Midland Contractors as being application No. 2 in the amount of \$107,417.90. Mr. Bob Blankenship, representing Miller & Associates addressed the Lexington City Council stating that this pay estimate also included a change order of \$18,206.15. Upon completion of the consideration of this pay estimate, moved by Fagot, seconded by Hawks to approve application No. 2 to Midlands Contracting, Inc. in the amount of \$107,417.90 for construction of 13th Street Improvements, Phase 1. Roll call. Voting "aye" were: Long, Anderson, Hawks, Fagot, Wightman. Motion carried.

**SPECIAL MEETING
DATE:**

City Manager Podraza stated that he had arranged a meeting with school officials to be televised on June 6, 1995 at the library located in the Lexington High School at which time the sales tax, school and swimming pool options will be discussed. Moved by Anderson, seconded by Long to set a special meeting of the Lexington City Council for June 6, 1995 at the Lexington High School at 13th & Adams. Roll call. Voting "aye" were: Hawks, Fagot, Long, Anderson, Wightman. Motion carried.

**STORM SEWER TAP
FEES:**

The Lexington City Council reviewed the charges for the tapping of the storm sewer for discharge from sump pumps or geothermal heat pumps. Lacking a clear definition of the charge that would be levied for each, moved by Hawks, seconded by Anderson to table any action on this ordinance until the next

regular meeting of June 13, 1995. Roll call. Voting "aye" were: Long, Fagot, Anderson, Hawks, Wightman. Motion carried.

ADVERTISEMENT FOR BIDS:

City Manager Podraza stated that the roof over the fire barn on the east end of the city building needs to be redone and is asking that the city administration be allowed to advertise for bids. Moved by Hawks, seconded by Anderson to allow the city administration to advertise for bids for the replacement of the roof over the fire hall truck garage. Roll call. Voting "aye" were: Fagot, Long, Anderson, Hawks, Wightman. Motion carried.

UNION PACIFIC RAILROAD EASEMENT:

City Manager Podraza addressed the Lexington City Council stating that this easement for power line encroachments for the Union Pacific Railroad would be for a period of time greater than the annual fee that has been paid normally by the City of Lexington and is therefore requesting the city council to approve the attached resolution and the payment of \$700. Moved by Long, seconded by Hawks that the following resolution be passed and approved. Roll call. Voting "aye" were: Anderson, Fagot, Hawks, Long, Wightman. Motion carried.

RESOLUTION NO. 95-06

WHEREAS, Union Pacific Railroad Company has tendered a SUPPLEMENTAL AGREEMENT covering the continued maintenance and operation of an overhead power wire line encroachment across the right-of-way and tracks of the Union Pacific Railroad Company at Lexington, Nebraska; and

WHEREAS, said Agreement should be approved.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA that the President of the Council is hereby directed and authorized on behalf of the City to execute said Agreement, a copy of which is attached to this Resolution.

PASSED AND APPROVED this 23rd day of May, 1995.

CITY OF LEXINGTON, NEBRASKA

BY: _____

John M. Wightman, Mayor

ATTEST:

City Clerk

**ORDINANCE FOR SALE
OF PROPERTY:**

City Manager Podraza stated that he had received two offers for the sale of property in Southaven. The first one was through BHA and the second one privately sold to Cadwell Construction. An ordinance entitled, "AN ORDINANCE DIRECTING THE SALE OF LOT 10, BLOCK 4, SOUTHAVEN ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE." was read before the council. Moved by Hawks, seconded by Long that the statutory rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were: Fagot, Anderson, Long, Hawks, Wightman. Motion carried. Said ordinance was then read by title. Moved by Hawks, seconded by Long that Ordinance No. 2020 be passed on final reading. Roll call. Voting "aye" were: Fagot, Anderson, Long, Hawks, Wightman. Motion carried. The passage and adoption of said ordinance having been concurred by a majority of the Council, the President declared said ordinance b e 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. 2020 to be published in pamphlet form.

SALE OF PROPERTY:

An ordinance entitled, "AN ORDINANCE DIRECTING THE SALE OF LOT A OF THE REPLAT OF LOT 1 OF THE REPLAT OF LOTS 1-12, BLOCK 8, SOUTHAVEN ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; AND LOT 2, BLOCK 1, SOUTHAVEN ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE." was read before the council. Moved by Hawks, seconded by Long that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were: Fagot, Anderson, Long, Hawks,

Wightman. Motion carried. Said ordinance was then read by title. Moved by Hawks, seconded by Long that Ordinance No. 2021 be passed on final reading. Roll call. Voting "aye" were: Anderson, Fagot, Long, Hawks, Wightman. 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. 2021 to be published in pamphlet form.

EXECUTIVE SESSION: City Manager Podraza then requested the City Council go into executive session to discuss a personnel matter. Moved by Hawks, seconded by Long that an emergency exists and thereby the City Council go into executive session at 8:17 p.m. to discuss a personnel matter. Roll call. Voting "aye" were: Fagot, Anderson, Long, Hawks, Wightman. Motion carried.

Moved by Hawks, seconded by Fagot to reconvene the regular session from executive session at 8:26 p.m. Roll call. Voting "aye" were: Long, Anderson, 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
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