

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

The Regular Meeting of the Lexington City Council was held Tuesday, July 25, 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, Kerry Rader and Charlie Clark. Also present were Dana Daniels and Bob Blankenship representing Miller & Associates, Deputy Clerk Designee Bonnie Otte, Patti Johnson representing BHA Realty, Marvin Reynolds, Jeff Richardson and Linda Benjamin representing the Dawson County Commissioners. The press was represented by the Tri-City Tribune 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 07/11/95:**

The minutes of the regular council meeting held July 11, 1995 were presented for Council's consideration and approval. Moved by Anderson, seconded by Fagot to approve the minutes of the regular meeting held July 11, 1995. Roll call. Voting "aye" were: Hawks, Long, Anderson, Fagot, Wightman. Motion carried.

**MINUTES SPECIAL  
MEETING 07/18/95:**

The minutes of the special council meeting held July 18, 1995 were presented for Council's consideration and approval. Moved by Hawks,

seconded by Long to approve the minutes of the special meeting held July 18, 1995. Roll call. Voting "aye" were: Anderson, Fagot, Long Hawks, Wightman. Motion carried.

**MINUTES SPECIAL BUDGET 07/25/95:**

The minutes of the special budget meeting held July 25, 1995 were presented for Council's consideration and approval. Moved by Fagot, seconded by Anderson to approve the minutes of the special budget meeting held July 25, 1995. Roll call. Voting "aye" were: Long, Hawks, Fagot, Anderson, Wightman. Motion carried.

**CLAIMS AND BILLS:**

Claims and Bills in the amount of \$337,411.06 were presented for Council's consideration and approval. Moved by Hawks, seconded by Long to approve the claims as listed and authorized the City Treasurer to transfer \$223,333.96 from the General Fund, \$86,571.37 from LEXUS Funds, \$9,514.00 from City Sanitation Fund, \$6,411.64 from the Landfill Fund, \$260.10 from the Library Memorial, \$5,278.16 from the Health Fund, and \$6,030.61 from Meals on Wheels and \$11.22 from CDBG 90-HD-010 to the City of Lexington Operating Account. Roll call. Voting "aye" were: Anderson, Fagot, Long, Hawks, Wightman. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
July 25, 1995

Advanced Control System	Hardware - Load control	1,924.00
AFLAC	Cancer insurance	110.38
Adle, Virg	Ground probe, cable	436.32
AT & T	Service	13.80
AT & T	Service	5.00
Barmore's	Film, sunblock, batteries	32.77
Barrett-Housel-Grafton	Insurance	17,562.00
Baker & Taylor	Leasing service	149.00
Berntson Oil	Diesel, unleaded gas, grease	2,671.87
Bricker, Vance	Meeting expense	95.70
Cash-Wa Distributing	Cups, food, onions, oil	449.99
C.J. Small Engine Repair	Used weed mower	275.00
Century Laboratories	O'ring, cleaning supplies	166.61
Century Lumber	Oxboard	23.90
The Cornhusker	Mtg. expense	90.00

Corporate Diversified Serv.	Life insurance - Fire	360.00
CBSA	Insurance claims	4,852.57
Creative Markings	Police designs - Car	170.00
Dawson Co. Public Power	Service	2,463.17
Dawson Co. Register of Deeds	Easement	11.00
Dan's Sanitation	Service	9,514.00
Dawson Co. Area Econ. Dev.	Tuition - Malzahn	100.00
Donna's Cafe	Meals on Wheels - Overton	697.53
Dutton Lainson Co.	Anchors	372.22
Eake's Office	Toner	55.45
Egan Supply Co.	Mats	60.80
Electric Fixture	Misc. Supplies	2,395.88
Farm Plan Corp.	Tractor seat	193.11
GE Capital	Copier lease	309.64
Gillette/NE Dairies	Dairy products	152.89
Hawks, Robert	Meeting expense	50.20
Hipp Wholesale Co.	Food, trays	548.74
Hobby Lobby Stores	Craft supplies	87.90
Hodges Auto World	Repair A/C	148.35
Hydraulic Equipment Serv.	Repair truck #25	209.25
ICMA	City Mgr. pension	267.70
Intern. Inst. of Mun. Clerk	Membership	80.00
Ingram Library Services	Books	303.30
Interstate Structures	Pay Est 10 -Service Bldg.	113,368.68
K N Energy	Service	461.52
Knapp Electric	Repair vacuum pumps	120.90
Kriz-Davis Co.	Wire, tools	3,808.27
Lawson Products	Nuts, bolts, screws	94.80
Lexington Health Fund	Side fund - insurance	10,030.90
Lexington Coop	Pramitol	133.25
Lexington Postmaster	Postage	750.00
Lexington Public Schools	Ref. liq. & tobacco license	5,145.00
LEXUS	Service	18,504.56
City of Lexington	Franchise fee	23,363.87
City of Lexington	Landfill charges	74.00
Luther, Ann	Meeting expense	69.52
Malzahn, Leon	Meeting expense	42.30
Mead/Big Valley	Lumber, & Misc. Supplies	288.46
Midway Supply	Mirror	2.00
Midwest Laboratories	Groundwater testing	2,713.38
Mid Nebr. Restaurant Supply	Turntable, seal kit	320.40
Morris Press	Stamper, ink, binders, clips	50.69
Mr. Automotive	Alternator, clutch	224.61
Nebraska Machinery	Electrical system, repair	557.13
State of Nebraska	Handicap parking permits	28.50
Nebraska Rural Water Assoc.	Sewer smoke bombs	112.00

State of Nebraska	Mouth pieces	26.00
NE Safety & Fire Equip.	Ck fire equipment	74.00
OK Tire	Tire repair, tube	191.85
Overton Sand & Gravel	Gravel	105.00
Payroll Account	7/5 - 7/18/95	71,486.08
Patty's Hallmark	Chairs	198.00
Platte Valley Auto Mart	Repair unit 24	346.55
Plum Crk Medical Group	Work Comp - Riege	109.00
Podraza, Bill	ICMA Conference	485.00
The Printing Press	Tickets	29.26
Protective Life Insurance	Cancer insurance	206.21
Rent all Rentals	Pump rental	25.56
Recorded Books	Books	260.10
Recreonics Corp.	Rescue tubes	152.16
Reed Veach Wurdeman	Engineering service	1,733.45
Schnieber Fine Foods	Food, cleaning supplies	724.10
Sixth Street Market	Food, bags	87.99
Skillpath Inc.	Seminar	69.00
Social Security Fund	7/5 - 7/18/95	5,378.86
S & S Arts & Crafts	Craft supplies	107.54
S & W Auto Parts	Auto Supplies	4,717.76
Time Subscription Service	Subscription	59.80
US West Communications	Service	430.85
Utility Equipment	Cut in valve, elbow	1,013.26
Valentino's	Meeting expense	27.05
Virtual Technology	Printer, processor	895.00
Wal-Mart	Trees, & Office Supplies	354.73
WESCO	Misc. Supplies	6,788.42
Wheeler's	Nipples, sprinklers, paint	152.92
Zep Manufacturing	Cleaning supplies, trash bags	443.82
Barrett-Housel-Grafton	Bond coverage	255.00
Dawson County Clerk	Dispatch June & July	7,834.66
Travelers	Admin & service Fees	4,967.30
	TOTAL	\$337,411.06

**DAWSON COUNTY  
LOTTERY:**

Mr. Jeff Richardson addressed the Lexington City Council outlining the rules that regulate lotteries in Dawson County. Mr. Richardson went on to state the feelings of elected officials in other towns which is that the proceeds of these games should be returned to the communities where they were generated. Additionally he reviewed the outcome of the special election in Cozad. In closing, he stated that the Dawson County Commissioners would like to have this question of a division of lottery funds turned over

to a committee headed by Commissioner Linda Benjamin with additional representatives from Dawson Area Development Consolidation Committee serving as members to this committee. No further action was taken at this time.

**TOWING ORDINANCE:** Ordinance No. 2027 entitled, "AN ORDINANCE TO AMEND SECTION 16-91 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR TOWING AND STORAGE FEES; TO REPEAL ORIGINAL SECTION 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 Fagot that said ordinance be passed on final reading. Roll call. Voting "aye" were: Anderson, Long, Fagot, 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. 2027 to be published in pamphlet form.

**HEALTH CARE COSTS:** Mr. Vance Bricker addressed the Lexington City Council outlining coverages and premiums the City of Lexington would be required to pay to sustain the health insurance coverage currently in effect. He went on to state that these costs were lower than premiums for other governmental units. City Manager Podraza then addressed the Lexington City Council requesting the city join a Preferred Provider's Organization for the employee health insurance. The organization recommended by the City Manager would be Midland's Choice. This Organization would require Tri-County Hospital as the first provider on that policy. A discussion followed regarding the choice of the employee to use a specialist in Kearney or the doctors in Lexington and if that specialist would be included in the PPO. The City Manager replied that the employee may go to any doctor they choose however the coverage would become less if those doctors were not in the organization. He concluded

by saying that the City of Lexington could possibly save \$10,000 in premium costs by joining the PPO through the discounts offered given by the health care providers. Upon conclusion of the discussion, moved by Fagot, seconded by Anderson to approve Midland's Choice as the PPO for the City of Lexington for a trial period of one year with a review. Roll call. Voting "aye" were: Long, Anderson, Fagot, Wightman. Voting "nay" was: Hawks. Motion carried.

**FISCAL YEAR BUDGET  
ORDINANCE:**

City Manager Podraza informed the Lexington City Council that an ordinance allowing the City of Lexington to expend monies in the month of August and September to facilitate the new state law which would move the fiscal year from August 1 to October 1 which requires passage by the city council prior to adoption of a budget. Upon completion of the budget document and a public hearing, the city would then pass a 14 month budget to accommodate this change.

An ordinance entitled, "AN ORDINANCE RELATING TO MUNICIPAL EXPENDITURES; TO AUTHORIZE EXPENDITURES PRIOR TO ADOPTION OF BUDGET; TO PROVIDE FOR AN EFFECTIVE DATE." was read before the council. Moved by Anderson, seconded by Long that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were: Hawks, Fagot, Long, Anderson Wightman. Motion carried. Said ordinance was then read by title. Moved by Anderson, seconded by Fagot that Ordinance No. 2026 be passed on final reading. Roll call. Voting "aye" were: Long, Hawks, Fagot, Anderson, Wightman. Motion carried.

**LIFT STATION  
REPAIR:**

City Manager Podraza presented the cost estimates for repair of the lift station No. 1 on South Plumcreek Parkway. These estimates included charges for labor rather than a total cost stating the estimated charge for labor is approximately \$25,000 with the same amount of money for the replacement of the pumps for a total estimated cost of \$50,000. He further stated that the low quote was from Midland Contracting, however they are requesting a 7-day

extension on the 13th Street Project to accommodate the days they would need to be absent while replacing this lift station. Upon completion of this discussion, moved by Hawks, seconded by Fagot to approve awarding of the bid to Midlands Contracting for repair of the Sanitary Lift Station No. 1 on South Plumcreek Parkway. Roll call. Voting "aye" were: Long, Anderson, Fagot, Hawks, Wightman. Motion carried.

**SERVICE BUILDING  
CHANGE ORDER:**

City Manager Podraza addressed the Lexington City Council asking to increase a concrete apron on the south side of the service building for the full length of this building. After discussing the alternatives, it was moved by Fagot, seconded by Hawks to build a 20 foot wide apron between the driveway for the Community Services Director and the Storekeeper which is approximately one-half of the building, and construct a sidewalk the remaining distance to the east end of the building. Roll call. Voting "aye" were: Anderson, Long, Hawks, Fagot, Wightman. Motion carried.

**13TH STREET  
CHANGE ORDERS:**

Dana Daniels, representing Miller & Associates addressed the Lexington City Council requesting approval of changeorder No. 2 in the amount of \$933.00. This \$933.00 is composed of the installation of an 8"-90 degree bend for water main, removal of a 24" culvert near Taft Street and installation of flowable fill at the Monroe intersection. Moved by Long, seconded by Anderson to approve changeorder No. 2 in the amount of \$933 for construction of the 13th Street project. Roll call. Voting "aye" were: Hawks, Fagot, Anderson, Long, Wightman. Motion carried.

Mr. Daniels then presented changeorder No. 3 which requested an extension of days due to the rainy weather and the amount of time required to install

lift station No. 1. A discussion concerning the contractor's requirement to return and finish the project when weather conditions allow, resulted in an explanation from City Manager Podraza who stated that when Miller & Associates informed the contractor that they believe it is suitable weather to continue construction, the remaining days begin to decrement at that point. Seemingly satisfied with that explanation, moved by Hawks, seconded by Long to approve changeorder No. 3 increasing the number of days on the 13th Street project by 52. Roll call. Voting "aye" were: Anderson, Hawks, Fagot, Long, Wightman. Motion carried.

**PAY ESTIMATE:**

Pay Estimate No. 4 from Midlands Contracting for the 13th Street Project was presented for council's consideration. Upon review of the project and the application, moved by Hawks, seconded by Long to approve No. 4 to Midlands Contracting in the amount of \$156,156.20 for the 13th Street Improvements Phase I and authorized the city treasurer to transfer \$151,981.76 from the General Fund, and \$4,174.44 from the City of Lexington Utilities to the City of Lexington Operating Account. Roll call. Voting "aye" were: Fagot, Anderson, Long, Hawks, Wightman. Motion carried.

**APPOINTMENT OF DEPUTY CLERK:**

An ordinance entitled, "AN ORDINANCE APPOINTING A DEPUTY CITY CLERK; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM." was read before the council. Moved by Anderson, seconded by Hawks that the rules requiring the reading of said ordinances on three separate days be suspended. Roll call. Voting "aye" were: Fagot, Long, Hawks, Anderson, Wightman. Motion carried. Said ordinance was then read by title. Moved by Hawks, seconded by Long that Ordinance No. 2028 be passed on final reading. Roll call. Voting "aye" were: Anderson, Fagot, Long, Hawks, Wightman. Motion carried.

**EXECUTIVE SESSION:**

Moved by Hawks, seconded by Anderson to recess the regular session to executive session at 8:47 p.m. to discuss negotiations of real estate sale. 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 9:05 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  
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.

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Leon E. Malzahn  
City Clerk