

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 22, 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, Pete Bishop, Vance Bricker, Kerry Rader and City Intern Nathan Brown. Also present was Bob Blankenship representing Miller & Associates, Mel Uphoff, Terry Trueblood and Bill Fattig. The press was represented by the Kearney Hub, 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 Robert Hawks.

MINUTES REGULAR MEETING 08/08/95: The minutes of the regular council meeting held August 8, 1995 were presented for Council's consideration and approval. Moved by Wightman, seconded by Long to approve the minutes of the regular meeting held August 8, 1995. Roll call. Voting "aye" were: Fagot, Anderson, Long, Wightman, Hawks. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$677,056.31 were presented for Council's consideration and approval. Moved by Wightman, seconded by Fagot to approve the claims as listed and authorized the City Treasurer to transfer \$93,473.34 from the General Fund, \$543,685.55 from LEXUS Funds, \$9,384.00 from City Sanitation Fund, \$8,147.17 from the Landfill Fund, \$206.46 from the Library Memorial, \$12,151.89 from the Health Fund, and \$3,049.12 from CDBG

90HD010 and \$6,958.78 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman, Hawks. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 August 22, 1995

AFLAC	Cancer insurance	110.38
Anderson, Beverly	Election wages	70.00
AT & T	Service	51.75
AT & T	Service	12.04
Avalos, Maria	Electric rebate	150.00
Barmore's	Scanner, adapter	106.98
Berntson Oil	Gas, diesel	2,495.19
Benak, Dave	Travel expense	15.00
Brock, Marlene	Election wages	59.50
BSB	Grading - Service Bldg.	800.00
Cash Wa Distributing	Food, foil, bags, gloves	845.83
Central Garage	Labor, parts	1,259.20
Century Laboratories	Soap, cleaning supplies	158.18
Classic Pool & Spa	Meter	93.23
Coast to Coast	Batteries	5.99
CBSA	Insurance claims	4,189.79
Culligan Water Conditioning	Salt	13.50
Dawson Co. Public Power	Service	2,364.60
Dawson Co. Highway Dept.	18" culvert	784.00
Dan's Sanitation	Service	9,384.00
DEMCO	Label sets, laminate	124.70
Denker, Marion	Election wages	57.38
Diamond Vogel Paint	Paint	621.10
Diamond Lake Book Co.	Books	82.18
Egan Supply Co.	Cleaning supplies	95.50
Electric Fixture	Electric Supplies	672.69
Fairbanks International	Belt	11.73
Family Eyewear	Safety glasses	90.75
Ford, Jean	Election wages	57.38
Fox, Rose	Election wages	57.38
Fox Bros.	Grinding	1,950.00
Fransyl Equipment	Truck repair	4,981.30
GE Capital	Lease agreement	309.64
Gillette/NE Dairies	Dairy products	229.69
Grey House Publishing	Encyclopedia handbook	98.50
Hagan, Dorothy	Election wages	74.15
Hipp Wholesale Co.	Food, gloves, bags, cups	904.20

Hodges Auto World	AC Compressor	482.18
ICMA	City Mgr retirement	133.85
Ingram Library Services	Books, card sets	304.49
International Transformer Co.	Transformer	4,197.60
Klein's	Repair radio case	5.00
KN Energy	Service	47.38
Kriz-Davis Co.	Arrester, clamp, cutout	3,330.18
Lexington Coop	Propane	10.00
Lexington Fire Dept.	EMS Conference	1,467.70
Lexington Public Library	Stamps	20.00
Lexington Public Schools	Duplex expenses	3,037.84
Lexington Truck & Auto	Bolt, rear spring	67.26
LEXUS	Service	19,660.52
City of Lexington	Franchise fee	25,012.41
Lexington State Bank	Bond payment	439,451.25
Mc Cormick, Marie	Election wages	72.50
Mead/Big Valley Lumber	Siding, lumber, & supplies	611.69
Meyer, Jessie	Election wages	57.38
Midway Supply	Oxygen, shop towels, parts	115.75
Morris Press	Adding machine tape	4.31
Municipal Supply	Dresser clamps	1,077.82
NE Chapter of I.A.E.I.	Registration - Nelson	66.00
Nebraskaland Tire	Tire	94.10
Occupational Center/Catalogs	Subscription	30.00
OK Tire	Tire repair	50.00
Old Dominion Brush	Main broom - Elgin	585.00
Overton Sand & Gravel	Rock, gravel	1,043.50
Payroll Account	8/2 - 8/15/95	69,811.00
Patty's Hallmark	Folders, cash box, binders	119.02
Platte Valley Auto Mart	Key	6.22
Plum Creek Medical Group	Work comp - Riege	30.00
Platte Valley Exterminating Service		24.00
Protective Life Insurance	Cancer insurance	206.21
Recreonics Corp.	Rescue Tube, whistle, supplies	223.75
Schnieber Fine Foods Inc.	Food	506.60
Sixth Street Foods	Food, UPS, dog bisquits	77.16
Social Security Fund	8/2 - 8/15/95	5,260.19
The Solid Waste Assoc.	Annual membership	210.00
Soundy, Patricia	Election wages	57.38
S & W Auto Parts	EMG Lite	130.22
Telegraph	Subscription	25.00
Michael Todd & Co.	Hose ends	21.67
The Travelers	Pension	1,814.51
US West Communications	Service	361.65
Utility Equipment	Ck valve, elbow	1,648.34
Wal-Mart	Phone cord, hedge trimmer,	

	paint, roller handle, timer	257.25
WESCO Distribution	Plug, ACSR, parts	4,886.28
Wheeler's	Bolt, hook, saw blade	33.13
Berntson Oil	Diesel, oil	258.46
Brown Transfer	Freight	60.17
Canfield, Francine	Postage	40.64
Central Garage	Labor, parts, oil	2,416.17
CBSA	Insurance claims	7,462.89
CBSA	Insurance premium	6,252.31
Dawson Co. Area Econ. Dev.	Registration	75.00
Donna's Cafe	MOW	646.14
Eake's Office Products	Toner	55.45
Egan Supply Co.	Cleaning supplies	67.15
Electric Fixture	Terminal crimper	351.49
Electric Meter Service	Clean & test meter	13.58
Electric Pump	Pump - Liftstation	9,722.55
Fairbanks International	Switch	10.80
Hawks, Robert	Meeting expense	100.30
Johnson Jewellery	Clock - Skwarek	59.57
Joy Book Nook	Books	71.27
Lex Area Chamber of Commerce	Teachers breakfast	8.50
Lexington Health Fund	Side fund	13,511.33
Lexington Glass Co	Glass, plexiglass	45.00
Library Admin. Digest	Book	39.00
Lincoln Journal Star	Subscription	161.20
Mead/Big Valley	Lumber	127.05
Midway Supply	U joint, power str kit	29.12
Midwest Service & Sales	Flared end section	76.55
Midwest Laboratories	Sample testing - Landfill	2,150.24
NASC Prarie Region	Registration	65.00
Nebraska Machinery	Parts	14.92
Nebraska Library Comm.	OCLC Charges	72.79
Nebraska Mun. Clerk Assoc.	Membership	30.00
Newsweek	Subscription	20.97
OK Tire	Tire	84.90
Otte, Bonnie	Work Comp - Medicine	7.97
Patty's Hallmark	Labels, pens	26.17
Pitney Bowes	Lease	135.00
Platte Valley Auto Mart	Fuel pump, manual, sheet	241.74
Podraza, Bill	Meeting expense	92.00
The Printing Press	Receipt books	291.55
S & W Auto Part	Alternator, power steering hose, pump, filters, parts	254.29
Telegraph	Subscription	85.45
Tri-County Hospital	Work comp - Riege	144.65
Upstart	Banners, posters	83.64

Wal-Mart	Film, envelopes	39.94
WESCO	Bail	314.18
Wheeler's	Parts	4.04
Wilson Concrete	Manhole section	421.00
Yant Equipment	Tanks - Service Bldg.	10,681.46
	TOTAL	677,056.31

PUBLIC HEARING:

The Lexington City Council held a public hearing to consider the request of Bill Fattig for a change in zoning from A-1 to C-3. Mr. Fattig addressed the Lexington City Council stating that this property is located on the south side of I-80 and approximately one mile east of the Lexington interchange . After describing the property, he stated that he requested the rezoning of this property to construct a warehouse and showroom for his equipment. He further stated that drive-in traffic would not be a factor as 90% of the sales would occur away from the building. He then stated that his product line consisted of portable unloading pits and two designs of feedlot scrapers and that he would have an outside display of approximately 8 units. After completion of Mr. Fattig's presentation, Mr. Mel Uphoff presented a plot plan of the area that would be rezoned and its location relevant to other properties in the area.

Also speaking in favor of Mr. Fattig was Mr. Terry Trueblood who vouched for his method of operation, the cleanliness of his business, and the character of Mr. and Mrs. Fattig.

Speaking in opposition to the rezoning was Kerry Rader. Her objections to the rezoning was the placement of commercial property next to residential property in the A-1 zone that has been established and the increased traffic that it may cause.

Upon completion of the presentations for and against the rezoning of this property, Mayor Hawks declared the public hearing closed. An ordinance entitled, "AN ORDINANCE TO REZONE LOT TWO (2) OF UPHOFF SUBDIVISION OF A TRACT OF LAND IN THE FRACTIONAL SOUTHEAST QUARTER (SE 1/4) 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 herewith; to provide for an effective date and for publication in pamphlet form." was read before the council. Moved by Fagot, seconded by Long that said ordinance be passed on first reading. Roll call. Voting "aye" were: Fagot, Anderson, Long, Wightman, Hawks. Motion carried.

ZONING CHANGE:

The Lexington City Council held a public hearing to consider the input on the change in the zoning ordinance concerning the regulations in the C-3 zones. Speaking in favor of the ordinance was Assistant City Manager Vance Bricker who stated to the Council that the passage of this ordinance would bring into compliance already existing conditions in the C-3 zoning by allowing office buildings within that zone. With no further comments and no objections to this ordinance, Mayor Hawks declared the public hearing closed. An ordinance entitled, "AN ORDINANCE TO AMEND SECTION 23-19.2 OF THE LEXINGTON CITY CODE; TO MAKE PROVISION FOR OFFICES AS A PERMITTED USE IN C-3 HIGHWAY COMMERCIAL ZONE; TO REPEAL ORIGINAL SECTION 28-19.2 AND ANY 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 Anderson that said ordinance be passed on first reading. Roll call. Voting "aye" were: Long, Fagot, Anderson, Wightman, Hawks. Motion carried.

MANAGER APPLICATION:

The Lexington City Council considered a request from the Eagle's Club to have Becky Fagot as its manager in accordance with the liquor license laws for the State of Nebraska. Upon reviewing the application with no negative comments, moved by Wightman, seconded by Long to approve the application of the Eagle's Club for Becky Fagot as manager of their liquor license. Roll call. Voting

"aye" were: Anderson, Long, Wightman, Hawks. Motion carried. Councilman Fagot abstained.

PAY ESTIMATE:

Mr. Bob Blankenship, representing Miller & Associates addressed the Lexington City Council and presented them with Application No. 5 from Midlands Contractors for work completed on 13th Street. Mr. Blankenship then gave a progress report on the amount of construction that has been completed and stated that the current payment requested is in accordance with the amount of work completed. Upon completion of his presentation, moved by Wightman, seconded by Anderson that Application No. 5 to Midland Contracting in the amount of \$124,206.42 for construction work on 13th Street improvements Phase I be approved by the council and authorized the City Treasurer to transfer \$85,420.94 from LEXUS funds and \$38,785.48 from the General fund to the City of Lexington operating account for payment of the bill from Midland Contracting. Roll call. Voting "aye" were: Fagot, Long, Anderson, Wightman, Hawks. Motion carried.

MITIGATION GRANT CONTRACT:

City Manager Podraza presented a contract to the Lexington City Council for administration of the mitigation grant for improvements in the northwest part of town. Mr. Podraza stated that West Central Nebraska would be administering this grant and would receive a sum of \$21,800 for that service. With no further comments, moved by Wightman, seconded by Fagot to authorize the Mayor to enter into an agreement with West Central Nebraska Development District for administration of the Mitigation Grant. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman, Hawks. Motion carried.

BUDGET DISCUSSION:

City Manager Podraza reviewed the budget as presented to the City Council and would be considered in a hearing at 7:30 a.m. on August 29, 1995. Reviewing the budget, a question was raised concerning the revenues received for property taxes and the sales of lots and a recommendation was given that these would be included in this fiscal year's budget. Upon completion of the discussion and recommendations, no further action was taken.

**CERTIFICATE OF
VOTES:**

The Lexington City Council reviewed the Certificate of Votes as reported by the election commissioner of Dawson County. Councilmember Wightman offered the following resolution and moved for its adoption.

RESOLUTION NO. 95-11

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

Section 1. The Mayor and Council hereby find and determine that pursuant to a resolution previously adopted, there was submitted to the electors of the City the question of issuing bonds in the amount of \$1,600,000 (Proposition No. 1) for the purpose of constructing a new swimming pool facility and related aquatic park improvements; that said question was duly submitted to the electors of the City at a special election held on August 8, 1995; that the County Clerk and County Canvassing Board for the County of Dawson have submitted their report of canvass with respect to said election, reflecting that the following votes were cast with respect to said proposition:

Ballots for said bonds and tax: 891

Ballots against said bonds and tax: 801

Ballots rejected and not counted: 0

That more than a majority of the electors of the City have authorized the issuance by the City of said bonds.

Section 2. The Mayor and Council of the City of Lexington, Nebraska, further find and determine that pursuant to a resolution previously adopted, there was submitted to the electors of the City the question of issuing bonds in the amount of \$2,900,000 (Proposition No. 2) for the purpose of purchasing an existing building or buildings, including related site, acquiring a site or sites including leasehold interests, constructing on such site or sites a public building or buildings and remodeling existing buildings for the

purpose of providing indoor athletic facilities, public auditorium facilities, including related parking facilities (either directly by the city or through the Lexington Community Facilities Agency) and providing furnishings and equipment for such public buildings; that said question was duly submitted to the electors of the City at a special election held on August 8, 1995; that the County Clerk and County Canvassing Board for the County of Dawson have submitted their report of canvass with respect to said election, reflecting that the following votes were cast with respect to said proposition:

Ballots for said bonds and tax: 917

Ballots against said bonds and tax: 782

Ballots rejected and not counted: 0

That more than a majority of the electors of the City have authorized the issuance by the City of said bonds.

PASSED AND APPROVED this _____ day of August, 1995.

CITY OF LEXINGTON

by _____
Mayor

ATTEST:

City Clerk

The foregoing resolution having been read, Councilmember Anderson seconded the motion for passage and adoption. After consideration, the roll was called and the following councilmembers voted in favor of the passage and adoption of said resolution: Long, Fagot, Anderson, Wightman, Hawks. The following councilmembers voted against: None. The passage of said resolution having been consented to by more than a majority of the members elected to the council. The mayor declared the resolution duly passed and adopted this 22nd day of August, 1995.

SPECIAL MEETING: The mayor stated that a special meeting of the Lexington City Council should be held August 29, 1995 at 7:30 a.m. and the Municipal Building for the purpose of conducting a public hearing for the fiscal year 95-96 budget. Moved by Wightman, seconded by Fagot that a special meeting of the Lexington City Council be held Tuesday, August 29, 1995 at 7:30 a.m. for the purpose of holding a public hearing on the fiscal year 1995-1996 budget. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman, Hawks. Motion carried.

AWARD OF BIDS: City Manager Podraza stated that two bids had been received for the digger derrick truck for use by the electric department. He stated that a bid from Trueco, Inc. was for \$36,300 and a bid from Cerco, Inc. in the amount of \$21,500. Mr. Pete Bishop of the electric department stated that the truck from Cerco would meet his requirements and requested this bid be accepted. Moved by Anderson, seconded by Wightman that the bid from Cerco, Inc. for a digger derrick truck for the City of Lexington in the amount of \$21,500 plus freight of \$350 be accepted and awarded. Roll call. Voting "aye" were: Fagot, Long, Wightman, Anderson, Hawks. Motion carried.

TREASURERS REPORT: Kerry Rader, Lexington City Treasurer, reported the Treasurers Report for June, 1995 to the City Council. Upon completion of her report, moved by Wightman, seconded by Fagot to accept the Treasurers Report as presented. Roll call. Voting "aye" were: Long, Anderson, Fagot, Wightman, Hawks. Motion carried.

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

Robert Hawks
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