

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

The Regular Meeting of the Lexington City Council was held Tuesday, September 12, 1995, at the Municipal Building, 406 East 7th Street, Lexington, Nebraska, at 7:30 P.M. Members of the City Council present were: Vice-President John Wightman, Dorothy Anderson, Jerry Long and John Fagot. Mayor Robert Hawks was absent. City Officials present were: City Manager Bill Podraza, City Clerk Leon E. Malzahn and City Attorney Will Weinhold. Department Heads present were: Glenn Hawks, Charles Clark and Kerry Rader. Also present was Dana Daniels representing Miller & Associates and Mel Uphoff. The press was represented by the Clipper Herald, 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 Vice-President Wightman.

MINUTES REGULAR MEETING 08/22/95: The minutes of the regular council meeting held August 22, 1995 were presented for Council's consideration and approval. Moved by Anderson, seconded by Long to approve the minutes of the regular meeting held August 22, 1995. Roll call. Voting "aye" were: Fagot, Long, Anderson, Wightman. Motion carried.

MINUTES SPECIAL MEETING 08/29/95: The minutes of the special council meeting held August 29, 1995 were presented for Council's consideration and approval. Moved by Fagot, seconded by Long to approve the minutes of the special meeting held August 29, 1995. Roll call.

Voting "aye" were: Anderson, Long, Fagot, Wightman. Motion carried.

CLAIMS AND BILLS:

Claims and Bills in the amount of \$967,111.71 were presented for Council's consideration and approval. Moved by Fagot, seconded by Anderson to approve the claims as listed with the exception of Custom Creations and authorized the City Treasurer to transfer \$155,500.52 from the General Fund, \$726,670.16 from LEXUS Funds, \$10,000.00 from City Sanitation Fund, \$51,617.23 from the Landfill Fund, \$333.12 from the Library Memorial, \$5,049.79 from the Health Fund, and \$1.08 from CED and \$5,623.10 from CDBG 90-HD-010 \$4,322.50 from Haven House Grant, \$7,340.21 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were: Long, Anderson, Fagot, Wightman. Motion carried. In considering the claim from Custom Creations, Councilperson Anderson stated that she would not enter into the discussion or voting due to a conflict of interest. Moved by Long, seconded by Fagot to approve the bill from Custom Creations in the amount of \$654 and authorized the City Treasurer to transfer \$654 to the City of Lexington Operating Account from the General Fund. Roll call. Voting "aye" were: Fagot, Long, Wightman. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
September 12, 1995

Ace Equipment & Supply	Gutter brooms	456.00
Ancestry	Subscription	18.00
AT & T	Service	78.06
AT & T	Service	53.10
AT & T	Service	59.52
Barmore's	Flashlight, batteries	48.76
Barco Municipal Products	Hose, strainer, banding	527.19
B & D Office Supplies	Toner	118.80
Berntson Oil	Diesel, unleaded gas	2,114.54
Bishop, Pete	Meeting expense	233.36
RC Booth Enterprises	TAM of Dawson Co.	41.24
Bricker, Vance	Mtg expense, workshop	75.00
Brown, Harold	Tool allowance	50.00
BSB	Cover dirt, access road	13,972.00

Cash-Wa Distributing	Liners, mitt, food, bleach	751.55
C.J. Small Engine	Trimmer	258.96
Central Garage Fund	Labor, parts, oil, gas	6,448.44
Chapman, Randy	Electric rebate	1,050.00
Children's Book Council	Bookmarks, books	107.80
Computer Assistance	Install CD's	12.50
Cornhusker Casualty co.	Insurance deductible	250.00
City of Cozad	Special census	1,968.00
CBSA	Insurance claims	4,288.20
CBSA	Insurance premium	6,312.24
Curtis Industries	Tape, silicone	66.63
Custom Creations	Uniforms	654.00
Culligan Water Conditioning	Service	50.25
Dawson Co. Clerk	Dispatch Chg - August	3,917.33
Dan's Sanitation	Service	485.00
DEMCO	Books cards	29.06
Diamond Vogel Paint	Paint thinner	193.20
Ditch Witch of NE	Sprinkler heads	90.72
Diesel Power Equipment Co.	Grease seal, gasket	73.95
Donna's Cafe	MOW	1,044.87
Dutton - Lainson Co.	Connectors, support	677.94
Electric Fixture	Side cut, folding, URD, tape, fuseholders, sockets, parts	2,889.65
Fairbanks International	Bearings, cutting edge	68.42
Family eyewear	Glasses - Wattier	112.35
Five Star Flooring	Carpet, vinyl - Duplex	4,608.10
Follett Software Co.	Labels	33.12
F & S Supply Co.	Supplies - Library	287.05
Gillette/NE Dairies	Dairy products	245.29
Guth Laboratories	Simulator	404.30
Haven House	Expenses - Grant	4,322.50
Hipp Wholesale Co.	Food, cups, trays	886.70
I.A.E.I.	Membership - Nelson	36.00
Ingram Library Services	Books	542.61
Interstate Structures	Pay estimate #11	50,356.90
Jones Plumbing & Heating	Plug, adapter, pipe	112.43
Johnson Service Co.	TV Sewer line	600.00
Joy Book Nook	Books	16.13
K N Energy	Service	1,438.96
Kriz Davis	Transformers, clamp, wire, hotline clamp, junctions	58,604.90
Law Enforcement Equip.	Police Equipment	361.30
Lambert, Bob	Loss due to disconnection	44.47
Lexington Animal Clinic	Service	286.45
Lex Area Chamber of Commerce	Appreciation dinner	40.00
Lexington Coop	Stove, refrigerator - Duplex	978.00

Lexington Glass Co.	Windshield	62.50
Lexington Laundry	Service	44.00
Lexington Postmaster	Postage	1,500.00
Lexington Public Library	Postage, supplies	71.58
Lexington Newspaper	Service, subscription	756.46
City of Lexington	Franch. fee, Elec. rebate	1,422.15
Lexington Meals on Wheels	Meeting exp.	24.00
Life Skill Education	Books	59.00
Malzahn, Leon	Meeting expense	162.60
Mary Lou Productions	Video	23.00
MCI	Service	162.09
Mead/Big Valley Lumber	Construction Supplies	293.97
Meyer Welding	Bolts, nuts, steel, water keys	68.88
Midway Supply	Oxygen, cable	54.24
Miller & Associates	Landfill	3069.21
	New landfill	2933.61
	Landfill closure	1779.47
	13th street	17530.09
	Clean air act	340.00
	Water quality	2053.83
	Monthly billing	1850.00
		29,556.21
The Millbrook Press Inc.	Books	218.61
Morris Press	Nameplate	8.50
Mr. Automotive	Auto Supplies	369.03
Nebraska Machinery	Filter	64.96
Nebraska Dept. of Revenue	Sales tax - August	26,055.11
State of Nebraska	Water analysis	36.20
NE Dept of Economic Dev.	Conference	40.00
NE Dept of Environmental	Annual Operating Fee	7,500.00
New World Inn	Rooms	161.65
Nebraska Cellular	Service	74.06
O K Tire	Change tires	126.91
Overton Sand & Gravel	Rock, gravel	1,581.40
Payroll Account	8/16 - 8/29/95	64,306.61
Patty's Hallmark	Office Supplies	108.23
Petty Cash	Misc. expense	232.63
Pitney Bowes Inc.	Postage meter rental	204.00
Platte Valley Exterminating	Service	24.00
Plum Creek Recycling	Recycling report	3,351.80
Podraza, Bill	Meeting expense	262.50
The Printing Press	Envelopes - Library	68.83
Protrainer	Recycle trailer	8,595.00
Rainbow Industrial Products	Contact, penfoam	409.75
Reliable Office Supply	Tape, ribbons	53.78
Sav A Lot	Filters, coffee	41.98

Schuckman, Marsha	Service - August	200.00
Schnieber Fine Foods	Food, bleach, cups, towels	954.91
Seamax	Shaft	43.14
Sixth Street Market	Cards, food	131.93
Simon & Schuster	Books	193.93
Skarshaug testing	Clean & test gloves	48.02
Social Security Fund	8/16 - 8/29/95	4,839.16
S & W Auto Parts	Auto Supplies	256.93
The Travelers	Pension	1,780.97
University Press of Kansas	Book	38.00
US West Communications	Service	1,373.02
Virtual Technology	Cleaning kits	520.00
Video Store Service	Full sleeve case	55.61
Wal-mart	Paint, tissue, film, filters, clock, bowls, eraser, gloves	186.19
WESCO	Trainer bracket, adapter pin, fiberglass poles, hose	18,642.97
Weber & Weinhold	Service - August	2,031.00
Wheeler's	Coupler, chain, hooks, hammer, wrenches, chain saw, parts	466.10
Yant Equipment	Tanks, concrete	5,714.65
AFLAC	Cancer insurance	110.38
AT & T	Service	57.90
CERCO Inc.	Truck - Electric Dept.	21,850.00
Corp. Diversified Services	Life insurance - Fire Dept.	60.00
Dan's Sanitation	Service	10,000.00
I.C.M.A.	City Mgr. Pension	133.85
Lexington Health Fund	Side fund	13,511.33
City of Lexington	Monthly Misc. Charges	49,825.84
Lexington Postmaster	Newsletter postage	80.00
Nebraska Machinery	Loader payments	2,646.00
NPPD	Power bill	508,648.69
Protective Life Insurance	Cancer insurance	206.21
Schumacher, Ken	Meeting expense	51.92
	TOTAL	967,111.71

ORDINANCE AMENDING

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 Fagot, seconded by Anderson that the rules requiring reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were: Long, Anderson, Fagot, Wightman. Said ordinance was then read by title. Moved by Anderson, seconded by Long that ordinance No. 2033 be passed on final reading. Roll call. Voting "aye" were: Fagot, Long, Anderson, 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. 2033 to be published in pamphlet form.

**WAIVER OF
OBJECTION:**

Mr. Wes Lubberstedt addressed the Lexington City Council requesting consideration for the waiver of objection for a strip of land between the Valley Sales property and the county road east of Lexington in the industrial tract. After reviewing a plat and a drawing of the area, moved by Fagot, seconded by Long to approve the waiver of objection and the replat for a strip of land in the industrial area belonging to Valley Sales. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman. Motion carried.

CHANGE ORDER:

Mr. Dana Daniels, representing Miller & Associates, addressed the Lexington City Council outlining a problem which exists with the 13th Street project created by a sewer line in the alley between Washing and Grant Streets from 11th Street to 15th Street. Mr. Daniels further stated the problem which exists is that the current sanitary sewer runs under the junior high building has been requested to be changed by their architect. The second problem which exists is the sewer line in the alley serving the residences is at a shallow slope and does not drain properly. This has been a continuing problem for the City of Lexington and has had claims for damages as a result of sewer backup on this line. He is requesting a change order be approved allowing the replacement of the line from 12th to 13th Street and rerouting of the line from 15th Street to 13th Street. After discussing the difficulties

in laying this line while the services are still active to houses in the alley from 12th to 13th Street and the cost as quoted at approximately \$30 per foot, it was Mr. Daniels recommendation that the city council approve this change order. Other items that were discussed was the possibility of installing a lift station and not constructing the line which would result in approximately \$5,000 less in initial costs. However, maintenance and operation over the years and replacement of pumps, etc. would more than exhaust the \$5,000 savings. A discussion was held pertaining to the total cost of the project which was not available at this time causing some apprehension in the approval. Upon completion of that discussion, moved by Anderson, seconded by Long to allow the change order for the 13th Street project rerouting the sanitary sewer in the alley between Washington and Grant Street from 11th to 15th Street. Roll call. Voting "aye" were: Fagot, Long, Anderson, Wightman. Motion carried.

CLAIM FOR DAMAGES: A claim was presented to the Lexington City Council for damages and associated losses which occurred to a house when the electricity was disconnected as requested by the customer. However, the water and sanitary sewer were not discontinued. This resulted in the pipes freezing and breaking and when thawed caused water damage to the house. Mr. Vance Bricker informed the Lexington City Council that normal procedures had been followed with this claim and the documentation attached to his memo of September 8, 1995 shows that our insurance company had rejected the claim. He further stated that the claim for damages resulted in \$10,269.63 in repair, \$6,000 in depreciated value of the property and \$1,300 for mortgage payments incurred due to the damages. Upon completion of the presentation, moved by Anderson, seconded by Fagot that the City Council of Lexington should deny said claim. Roll call. Voting "aye" were: Long, Fagot, Anderson, Wightman. Motion carried.

GARAGE SALE SIGNS: City Manager Podraza informed the Lexington City Council that garage sale signs have been posted around town and have not been removed upon completion of the garage sale. Our current ordinance

does not cover the penalty for this type of littering and he is requesting guidance whether the City Council would like to have policies governing these signs. The City Manager was informed to include the penalties for nonremoval of these signs in the nuisance ordinance and present this at the next council meeting. No further action was taken.

CITY CLERK PAY:

Vice-President Wightman informed the City Council that he and Mayor Hawks had met with the City Clerk regarding salary and past year's performance and that the City Clerk had submitted a list of five goals for the ensuing year as requested. He is therefore recommending an ordinance for an increase in pay of 4.5% be passed. An ordinance entitled, "AN ORDINANCE TO ESTABLISH COMPENSATION FOR THE LEXINGTON CITY CLERK." 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: Fagot, Long, Anderson, Wightman. Motion carried. Said ordinance was then read by title. Moved by Anderson, seconded by Fagot that Ordinance No. 2034 be passed on final reading. Roll call. Voting "aye" were: Long, Fagot, Anderson, 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. 2034 to be published in pamphlet form.

EXECUTIVE SESSION:

Vice President Wightman stated that he felt it be in the best interest of the City to discuss the Maloley case decision and evaluation of the City Manager in executive session. Moved by Fagot, seconded by Anderson to recess the regular to executive session at 8:20 p.m. for the purpose of discussing litigation in the Maloley case and the evaluation of the City Manager. Roll call. Voting "aye" were: Long, Anderson, Fagot, Wightman. Motion carried. Moved by Anderson, seconded by Long to reconvene the regular session from executive session at 8:57 p.m.

Roll call. Voting "aye" were: Fagot, Long, Anderson, Wightman. Motion carried. Moved by Anderson, seconded by Fagot that an ordinance be drafted and presented at the next council meeting setting the compensation for the Lexington City Manager at \$61,000 per year. Roll call. Voting "aye" were: Long, Fagot, Anderson, Wightman. Motion carried.

ADJOURNMENT:

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

John Wightman
Vice 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