

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

The Regular Meeting of the Lexington City Council was held Tuesday, September 26, 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, Deputy City Clerk Bonnie Otte and City Attorney Will Weinhold. Department Heads present were: Vance Bricker, Charles Clark and Kerry Rader. Also present was Dana Daniels and Bob Blankenship representing Miller & Associates, Mel Uphoff, Darlene Teetor, Diane Adams, Terry Delp, Dan Nielsen, Bill Linn, Jim Murphy and John Redding. The press was represented by the Clipper Herald and Tri-City Tribune.

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 Hawks.

MINUTES REGULAR MEETING 09/12/95: The minutes of the regular council meeting held September 12, 1995 were presented for Council's consideration and approval. Moved by Wightman, seconded by Anderson to approve the minutes of the regular meeting held September 12, 1995. Roll call. Voting "aye" were: Long, Fagot, Wightman, Anderson, Hawks. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$520,227.43 were presented for Council's consideration and approval. Moved by Wightman, seconded by Long to approve the claims as listed and authorized the City Treasurer to transfer \$289,849.56 from the General Fund,

\$192,956.55 from LEXUS Funds, \$9,549.00 from City Sanitation Fund, \$17,216.24 from the Landfill Fund, \$174.38 from the Library Memorial, \$1,971.78 from the Health Fund, \$696.23 from CED, \$1,064.68 from CDBG 90-HD-010, and \$6,749.01 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were: Fagot, Anderson, Long, Wightman, Hawks. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 September 26, 1995

Advanced Control System	Software support agreement	964.00
Alexander Hamilton Inst.	Legal liability audit	77.80
All American Lib. Preview	Boxes	16.45
Automatic Systems	Furnas lamp transformer	116.48
Awards Plus	Plaque	48.20
Barmore's	Computer paper	34.00
Barco Municipal Products	Sign	35.13
Berntson Oil	Diesel, lead free gas	3,044.06
Becker Fire Equipment	ABC Chemicals	40.82
BSB	Scraper - Landfill work	7,050.00
Cash-Wa Distribution	Tape, food, towels, cleaner	577.07
Central Garage Fund	Labor, parts, oil	2,752.73
Century Lumber	Mortar patch, screws, lumber	154.43
The Childs World	Books	174.38
Coast to Coast	Sump pump, tape, keys, misc.	215.60
Coca Cola/Dr. Pepper	Pop	62.65
Comfort Inn - Lexington	Room - Skwarek	133.05
Cornhusker State Industries	Cleaning supplies	85.70
CBSA	Insurance claims	1,971.78
CBSA	Premium	6,251.24
Dawson Co. Public Power	Service	2,361.11
Dawson Co. Weed Control	Service	1,351.26
Dan's Sanitation	Service	9,549.00
Daylight Donuts	Meeting - Water Conf.	26.63
DEMCO	Signs, frame, cards, tape	160.41
Ditch Witch	Reamer, shaft, bolt, yoke	1,299.27
Donna's Cafe	Meals on Wheels - Overton	857.76
Dutton Lainson Co.	Bracket	190.42
Dugan Business Forms	Envelopes, paper, bills	2,185.50
Eake's Office Products	Toner, cart	121.35
EBSCO Subscription Service	Books	1,202.84
Electric Fixture	Fuse, cable, fixtures	794.04
Emergency Medical Products	Splints	56.99

Emery Pratt co.	Books	159.23
Fairbanks International	C & B Kit	37.36
Fagot Refrigeration	Parts	43.00
Farm & Ranch Service	Grass seed	165.00
Fischer-Scientific	Filter paper	48.96
Matt Friend Truck Equip.	Duralift switches	86.00
GE Capital	Lease agreement	309.64
Gillette/NE Dairies	Dairy products	152.42
Hipp Wholesale Co.	Food, trays, table cover	588.84
Hodges Auto World	Door jam switch	1.84
Hutt Plumbing	Repair leak - WWTP	28.00
Ingram Library Service	Books	197.53
K N Energy	Service	52.81
Kriz Davis Co.	ACSR, standoff, junction	2,530.24
League of NE Municipalities	League membership, conference	6,543.00
Lex Area Chamber or Commerce	CED Bills, Membership	4,465.73
Lexington Communications	Repair mics	37.50
Lexington Public Library	Postage	1.53
Lexington Public Schools	Duplex charges	506.89
Lexington Truck & Auto	Backing plate	30.00
LEXUS	Service	21,426.75
City of Lexington	Franchise Fee	27,087.98
Lexington Arts Council	Donation	1,000.00
City of Lexington	Landfill	190.00
Luther, Ann	Mileage	24.65
Martin Electric	Lamp	5.95
Mason Motors	Windshield	134.89
Mead/Blg Valley	Stakes, stud, key, towel bars, chime, home fogger	290.61
Meyer Welding	Channel	36.67
Midway Supply	Oil, carburetor kit, primer, oil seal, u joint, screws	80.66
Misko Sporting Goods	Scorebooks, volleyballs	251.85
Mike's Pharmacy	Film Processing	3.46
Mid Nebraska Food Bank	Food	42.74
Mid NE Restraunt Supply Co.	Repair disposer	147.00
Morris Press	Pens, binders, cover sheets	42.63
Mr. Automotive	Auto Supplies	137.01
Municipal Supply	Tube cutter	71.85
National Auto Dealers	Subscription	47.00
Nebraska Library Comm.	OCLC Charges	34.75
State of Nebraska	Specimen kits	33.60
Nebraska Power Assoc.	Registration - Bishop	85.00
Nebraska Hydraulics & Equip.	Bushings	30.33
Nebraska Public Power	Install transformer	748.80
NAPM Of Central Nebraska	Membership	85.00

Nebraska Recycling Assn.	Subscription	75.00
Olsson Associates	Engineering service	643.69
O K Tire	Tires, tire repair	1,464.34
Old Dominion Brush	Sprocket	47.70
Omaha Slings Inc.	Chain endless sling	453.99
Osborne, Cyndi	Mileage	42.66
Otte, Bonnie	Tuition	152.00
Overton Sand & Gravel	Rock, Gravel	566.00
Payroll Account	8/30 - 9/12/95	66,093.06
Panhandle Library System	Registration & Meals	183.00
Paulsen Bldg. & Supply	Concrete, rebar	4,356.25
Patty's Hallmark	Calculator, staplers, paper	86.41
People Magazine	Subscription	89.57
Pitney Bowes	Contract	135.00
Platte Valley Auto Mart	Seal	10.75
Platte Valley Communication	Service, Load monitoring repair	361.48
Podraza, Bill	Motel room, parking	589.87
Precision Industries	Sprocket, bushing, insert	87.99
Quality Books	Books	1,866.53
Rader, Kerry	Mileage	24.65
Reach Electronics	Pager repair	17.50
Red Lion Hotel	Rooms - Conference	557.15
Rent All Rentals	Tractor rental	110.25
Rodeo Road Equipment	Tips, pins	53.71
Schnieber Fine Foods	Food, detergent	1,004.36
Sheet Music	Subscription	16.97
Sixth Street Market	UPS, Food	59.71
Simon & Schuster	Books	40.61
Skwarek, Neldene	Audit expenses	199.70
Social Security Fund	8/30 - 9/12/95	4,969.19
S & W Auto Parts	Auto Parts	469.68
The Travelers	Pension	1,793.00
Trueco	Skid mount	9,500.00
Ultramax	Ammunition	175.00
Unisys Corp.	Maint. Agreement	2,557.80
US West Communications	Service	316.03
Utility Equipment	Elbow, coupling, flange	315.82
Valentino's	Meeting expense	18.26
Virtual Technology	Ribbons, printer, monitor	1,561.40
Wal-Mart	Misc. Supplies	168.36
Waterpro	Water meter	419.72
Western Auto	Vacuum cleaner	189.99
WESCO	Fixtures, brackets	1,641.70
Wheelers	Misc. Supplies	340.24
Xerox Corp.	Copy cartridge	346.00
Zep Manufacturing Co.	Towels	34.10

Bricker, Vance	Travel expense	117.80
BSB	Dirt work - Landfill	5,000.00
Central Community College	Registration - Wolfe, Bliven	130.00
GE Capital	Lease agreement	116.80
Gillette	Dairy Products	78.94
ICMA	City Mgr Pension	133.85
Int. Conference of Bldg Off.	Code book	23.30
Nebraska Dept. of Revenue	Recycling fee	25.00
Nebraskaland Conf of Bldg.	Registratiion	15.00
Veranda Communications	ICMA Videotape	42.00
	TOTAL	\$242,362.45

ZONING ORDINANCE: An ordinance entitled, "AN ORDINANCE TO REZONE LOT TWO (2) OF UPHOFF SUBDIVISION OF A TRACT OF LAND IN THE FRACTIONAL SOUTHEAST QUARTER (SE1/4) 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. Council members Fagot and Wightman stated that they would not enter into the discussion or voting due to a conflict of interest. Moved by Anderson, seconded by Long that said Ordinance be passed on second reading. Roll call. Voting "aye" were: Long, Anderson, Hawks. Motion carried.

TEMPORARY LIQUOR PERMIT: Mr. John Redding addressed the Lexington City Council requesting a change in the ordinance or a granting a special permit to allow off-sale liquor to be sold on December 24, 1995 and December 31, 1995 as these days fall on Sunday and the current ordinance does not allow off-sale liquor sales on Sunday. After a brief discussion, the council requested City Attorney Weinhold draft an ordinance allowing the off-sale sale of liquor on these two days and to place the item on the next agenda. No further action was taken.

HOUSING AUTHORITY Ms. Diane Adams of the Lexington Housing Authority

UPDATE:

addressed the Lexington City Council reviewing the progress of the 32 scattered site housing units and the rules and criteria utilized in determining occupancy of the units. She stated that the units are available to very low income residents based on Dawson County's income guidelines. There are approximately 20 finished units which will be occupied within the next two to three weeks following the final application process and income verifications. The Housing Authority will make monthly inspections of all units for the first six months of occupancy.

INSURANCE BINDS:

Mr. Vance Bricker addressed the Lexington City Council presenting bid tabulations for the City liability/workers compensation insurance package. The three agencies presenting bids were: Kiffin-Murphy representing Employers Mutual with a bid of \$100,793; Barret-Housel-Grafton representing Cornhusker Casualty with a bid of \$86,380; and Meadowbrook representing the League Pool with a bid of \$96,029. Moved by Wightman, seconded by Anderson to accept the bid for the liability and workers compensation insurance package from Barret-Housel-Grafton representing Cornhusker Casualty in the amount of \$86,380. Roll call. Voting "aye" were: Fagot, Long, Wightman, Anderson, Hawks. Motion carried.

RESOLUTION RELATED TO TAX RECEIPTS:

City Attorney Weinhold addressed the Lexington City Council stating that the following resolution needed to be passed to comply with LB 122. Moved by Wightman, seconded by Fagot that the following resolution be passed and approved. Roll call. Voting "aye" were: Long, Anderson, Fagot, Wightman, Hawks. Motion carried.

RESOLUTION NO. 95-12

WHEREAS, LB 122, adopted by the 1995 Legislature, changes the procedure for receiving property tax funds from the County Treasurer.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, as follows:

Section 1: that the Dawson County Treasurer is hereby requested and authorized to issue a check for

the City's share of property tax receipts to the City of Lexington on or before the 15th day of each month. The county Treasurer shall at that same time provide a statement detailing the source and amount of collections and disbursements as of the close of business on the last day of the previous month.

Section 2: Upon receipt of said check for property taxes, the City Treasurer shall sign and return a receipt to the Dawson County Treasurer.

Dated this 27th day of September, 1995.

CITY OF LEXINGTON, NEBRASKA

BY: _____
Mayor

ATTEST:

City Clerk

PAY ESTIMATE:

Mr. Bob Blankenship representing Miller & Associates, addressed the Lexington City Council with a request for pay estimate No. 6 to Midlands Contracting, Inc in the amount of \$318,838.42. He stated that the contractor is requesting a decrease from 10% to 5% retainage fee due to the portion of contract which has been completed as outlined in the bid specifications. Mr. Blankenship stated that the Monroe Street intersection is open and paving preparation for the remainder of this phase should begin the middle of October. Moved by Wightman, seconded by Fagot to approve pay request No. 6 to Midlands Contracting in the amount of \$298,351.70 which includes a 7% retainage fee and authorize the City Treasurer to transfer \$207,727.80 from the General Fund and \$90,623.90 from Lexus funds to the City of Lexington Operating Account. Roll call. Voting "aye" were: Long, Anderson, Fagot, Wightman, Hawks. Motion carried.

YOUTH LEADERSHIP:

Councilman Fagot addressed the council asking for input on developing a youth leadership advisory group consisting of a cross section of area youth to assist the council and administration in community activity and information from their perspectives. Mr. Fagot presented results of a pole taken by the Lexington teachers, Police Chief Clark and the high

school students. The survey tabulated results of who each of these three groups would like to see represent them on this advisory group. He further suggested that this group could come before the council every other month as an agenda item to discuss their concerns and information. After a brief discussion and with council approval, John Fagot and Dottie Anderson agreed to contact the students on the survey and invite them to be a part of this advisory group. No further action was taken.

**INTERLOCAL
AGREEMENT:**

The Lexington City Council discussed an Interlocal Cooperation Agreement between Dawson County and the City of Lexington whereby the city would receive 30% of all net proceeds generated from approved lottery outlets within the city's jurisdiction. This agreement is in connection with the Nebraska County and City Lottery Act which permits County, City and Village governments in the State of Nebraska upon approval of their respective electorates to operate a lottery scheme for the purpose of community betterment. After a brief discussion, council asked City Attorney Weinhold to research the distribution time frame for the monies and how other lottery monies such as video slots would affect the agreement. No action was taken.

CITY MANAGER PAY:

The Lexington City Council reviewed an ordinance to establish compensation for the City Manager and to establish a \$275 per month car allowance. An ordinance entitled, "AN ORDINANCE TO ESTABLISH COMPENSATION FOR THE LEXINGTON CITY MANAGER; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM." was read before the council. Moved by Anderson, seconded by Wightman that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were: Fagot, Long, Wightman, Anderson, Hawks. Motion carried. Said ordinance was then read by title. Moved by Anderson, seconded by Wightman that Ordinance No. 2035 be passed on final reading. Roll call. Voting "aye" were: Fagot, Long, Wightman, Anderson, Hawks. 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. 2035 to be published in pamphlet form.

ADJOURNMENT:

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

Robert Hawks
Mayor

Bonnie Otte
Deputy City Clerk

I, the undersigned Deputy 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.

Bonnie Otte
Deputy City Clerk