

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 10, 1992, 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 who entered the meeting at 7:35 P.M., John Wightman, John Weeder, Dorothy Anderson, and Kenneth VerMaas. City Officials present were: City Manager Bill Podraza, City Clerk Leon E. Malzahn, and City Attorney Willard Weinhold. Department Heads present were: Charles Clark, Glenn Hawks, Vance Bricker, Tom Nelson, and Dana Daniels representing Miller and Associates. Also present were: Fred Dickson, Marty O'Haus, Lonnie Bliven, Byron Schuckman, Rev. and Mrs. Paul Wagner, Dave Smith, Charlton Stuart, Steve Hay, and Bruce Stuart. The Press was represented by Lexington Publishing and The Kearney Hub.

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 John Wightman.

MINUTES REGULAR MEETING 02/24/92: Moved by VerMaas, seconded by Weeder to approve the minutes of the Regular Council Meeting held Tuesday, February 25, 1992, as presented. Roll call. Voting "aye" were Anderson, Weeder, VerMaas, and Wightman. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$461,967.49 were presented for Council's consideration and approval. Moved by VerMaas seconded by Anderson, to approve the Claims and Bills as presented and authorize the City Treasurer to transfer

\$59,630.65 from the General Fund, \$1,534.25 from Meals on Wheels, \$16.66 from C.E.D, \$2,801.75 from the Health Fund, \$394,077.59 from Lexington Utilities Fund, \$11.60 from the Library Memorial Fund, \$3,894.99 from the Landfill to the City of Lexington Operating Account. Roll call. Voting "aye" were Weeder, Anderson, VerMaas, and Wightman. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 MARCH 10, 1992

Aratex & Means Services	Hand soap	49.49
AT & T Information	Service	25.55
AT & T Information	Service	77.71
Barmore's	Books, supplies, wire	287.33
Baker & Taylor	Lease service	138.00
Barta, Lloyd	Medicine	381.53
Barnes, Raymond	Doctor	6.28
Berntson Oil	Diesel, oil, gas	1,171.86
Bishop, Pete	Meeting expense	70.00
Bischoff, John	Medicine	5.98
Bliven, Jess	Doctor	13.00
Bottom Line Personal	Subscription	29.95
Brandenberg, Kenneth	Medicine	7.43
Brummet, Elberta	Readers digest book	19.27
Cash-Wa Distributing	Cups	47.00
Central Garage Fund	Labor, parts, oil, fuel	3,720.70
Central Community College	CPR Class	70.00
Clark, Charles	Med., Dispatcher training	52.93
Coast to Coast	Pipe fittings, broom	48.82
Corporate Diversified Serv.	Life insurance - Fire dept.	60.00
Davidson Titles Inc.	Book	14.01
Dial-Net Systems	Service - 3 months	529.13
Diamond Sales	Books	135.45
Donna's Cafe	Meals on Wheels - Overton	909.80
Downtown Book Center Inc.	Books	129.75
Egan Supply Co.	Liners, aire-gel	118.05
Electric Fixture	Bulbs, lamps, batteries, knife, elastic, pliers, coupling, parts	652.82
Fairbanks International	Oil filters	12.38
Farmer Stockman of Midwest	Subscription	17.00
Farmers State Bank	Annual fee payable, interest	8,615.00
Farm Plan Corporation	Kit seal, parts	89.41

Five Star Flooring	Bldg. repair - Haven House	255.84
First Continental	Insurance	3,605.18
Friends of the Library	Nebraska Humanities	120.00
Good Samaritan Hosp. & Pierce	Hospital	673.26
Grand Generation Center	Newsletter postage	25.00
Grace Lutheran Church	Electric rebate	135.00
Highway Equipment	Heater core	122.90
High, Rhonda	Electric rebate	1,200.00
Hodges Auto World	Adjust door, deductible	117.50
Holtze, Velma	Books	94.11
I.C.M.A.	Pension	119.37
Insurance & Personnel Serv.	Admin. fee	569.00
Intercomputer Communication	Relicense fee	154.51
Jensen, Jan M.D. & Barta	Doctor	630.32
Jones Plumbing	Supplies for February	59.79
J & S Oil	Diesel	17.00
Karre's City Bakery	Rolls - Water meeting	19.80
King's Pharmacy	Dividers, lead, calculator,	
	ribbons, files, supplies	256.38
K N Energy	Service - shop	306.20
Kriz - Davis Company	Wire, clamp, insul., parts	3,220.66
Law Enforcement Equipment	Crime investigation kits	33.40
Lexington Animal clinic	Service - February	417.75
Lexington Health Fund	Side Fund	12,805.95
Lexington Coop	Car wash, hip boots	53.96
Lexington Glass Co.	Glass	2.00
Lexington Laundry	Service	42.00
Lexington Postmaster	Postage	1,500.00
Lexington Public Library	Petty cash	61.39
Lexington Newspaper	Service	521.31
Lexington Truck & Auto	Gear, seal, gasket, clamp	296.83
LEXUS	Service	281.98
City of Lexington	Franchise fee, misc. chgs	18,572.24
Lexington Postmaster	Newsletter postage	50.00
City of Lexington	Landfill charges	90.00
Loos Electric Supply	Transformers	467.33
MacMillan Publishing Co.	Books	34.76
May, Sue	Service - February	188.00
McDonald, Merrilyn	Book	9.95
Mead/Big Valley	Spade, drain, wire, supplies	108.12
Meyer Welding	Stress bars	17.86
Media Source	Books	54.91
Midway Supply	Oxygen, gasket, pump, bearing,	
	oil filter, bundy flex, parts	188.10
Morris Press & Office	Clipboards, landfill tickets,	
	cards, colored bond , pens	541.82

Mr. Automotive	Spark plugs, sprocket, wire,	
	cylinder repair kit, parts	98.44
NBLA	Registration - Skwarek	69.00
State of NE	Telecomm. rental	385.00
Nebraska Library Commission	Membership	47.87
Nebraska Dept. of Revenue	Sales Tax - February	27,185.60
Nebraska Dept. of Social Serv.	Medicine - Fischer	275.22
Nelson, Thomas	Medicine	3.94
O K Tire	Tube, loader tire	215.00
Payroll Account	2/19 - 3/3/92	50,619.06
Paulsen Bldg. & Supply	Pay estimate - WWTP	25,184.10
Paulsen Bldg. & Supply	Gravel, cement	807.90
Petty Cash	Mtg. exp., postage, parts	90.04
Pierce, Hubert	Medicine	79.61
Pitney-Bowes Inc.	Rental - Postage machine	135.94
Plum Crk Med Grp & Wiley	Doctor	28.00
Plum Crk Med Grp & Podraza	Doctor	185.82
Plum Crk Med Grp & Fischer	Doctor	14.00
Plum Crk Med Grp & Skwarek	Doctor	14.00
Police Officers Assoc. of NE	Fillers, revisions	87.50
Prairie View Estates	Electric rebate	250.00
Reference/Interloan Center	Interloans	27.00
Royball, Ruby	Doctor	14.00
Shoe Mart	Reletter jacket	6.89
Sixth Street Market	Cleaner, supplies	59.40
Social Security Bureau	2/19 - 3/3/92	3,802.04
Todd, Loren	Meeting expense	70.00
The Travelers	2/19 - 3/3/92	1,539.58
Tri-Co. Hospital & Malzahn	Hospital	100.00
Tri-Co. Hospital & O'Con	Hospital	27.95
Tri-Co. Hospital & Hawks	Hospital	27.50
Tri-Co. Hospital & Fischer	Hospital	31.00
Tri-Co. Hospital & Ourada	Hospital	119.00
The Travelers - Police	2/19 - 3/3/92	620.33
Tri-Co. Hospital & Wattier	Hospital	49.05
Unisys Corporation	Maint. Agreement	810.35
U S West Communications	Service	1,322.59
Valentino's	Meeting expense	10.34
Village Laundry	Clean neckties	3.00
Water Products of NE	Conversion kit, meters	4,102.77
Walker Roofing Company	Insulation - WWTP	3,301.00
Wal-Mart	Filters, coffee, car wash,	
	boots, supplies	69.10
Wattier, Darryl	Meeting expense	70.00
Westinghouse Electric	Meters, tool, holder	2,166.96
Weber & Weinhold	Legal service - February	1,000.00

Weekend Handyman Service	Bldg. repair - Haven House	487.00
Wheeler's	Battery terminal, oxygen refill,	
	rainsuits	146.19
Wiley, Jan	Medicine	10.43
Wolf, Tracy	Doctor	4.50
Hipp Wholesale Co.	Containers - MIs on Whls	222.36
Nebraska Public Power Dist.	Power bill - February	270,424.01
	TOTAL	\$461,967.49

At this time the Lexington City Council considered a claim from the Rev. Paul Wagner for a service call from Kirby Plumbing to unclog the sewer. Rev. Wagner addressed the Lexington City Council stating that their sanitary sewer had backed up which resulted in a call to Kirby Plumbing who in turn called the City of Lexington which flushed their main line and corrected the problem. He did not feel that this was his bill as the problem existed on the City of Lexington's line and is requesting the City to pay this bill. He was informed that the normal procedure was for the citizen to call the City first and the plumber second, however in this case he should submit this bill to the City Insurance carrier and if denied by the carrier the bill could be submitted to the City Council. No further action was taken at this time.

MANAGER APPLICATION:

The Council considered the request of Bosselman's Inc. d/b/a Pump and Pantry for a change in managers for license #B-13010. The only objection to this application was that the resident manager was not present at the Council meeting. After which the Council directed the Clerk to send a notice to each applicant hereafter, informing them of the date of their appearance before the Council.

Moved by Councilperson Wightman, seconded by Anderson to approve the application of Kandy K. Flynn as Manager of Liquor License #B-13010 for Bosselman's Inc. d/b/a Pump and Pantry #21, Lexington, Nebraska. Roll call. Voting "aye" were Anderson, Wightman, and Hawks. Voting "nay" were VerMaas and Weeder. Motion carried.

WAIVER OF

The Lexington City Council considered the request

OBJECTION: from Frank Snyder for a Waiver of Objection to a replat for a lot at 1402 Gillan.

Moved by Councilperson Wightman, seconded by VerMaas to approve said Waiver of Objection. Roll call. Voting "aye" were Anderson, Weeder, VerMaas, Wightman, and Hawks. Motion carried.

**REQUEST TO
CONSTRUCT FENCE
1610 N. MONROE:**

The Lexington City Council reviewed a video of a location of a fence for Steve Hay at 1610 N. Monroe. Upon conclusion of the discussion it was moved by Councilperson Anderson, seconded by Weeder to approve the granting of an easement for the construction of this fence. Roll call. Voting "aye" were Wightman, VerMaas, Weeder, Anderson, and Hawks. Motion carried.

**CONSTRUCTION OF
FENCE CITY RIGHT-
OF-WAY 1010 N.
TYLER:**

The Lexington City Council reviewed a video of this location. Upon completion of this viewing and discussion Councilperson Wightman moved that an easement be granted to Lonnie Bliven to construct a fence in City Right-of-Way at 1010 N. Tyler Street, seconded by VerMaas. Roll call. Voting "aye" were Weeder, Anderson, VerMaas, Wightman, and Hawks. Motion carried.

CEMETERY RATES:

The Lexington City Council discussed a resolution changing rates at Greenwood and Evergreen for spaces and grave openings. After a lengthy discussion pertaining to the costs of lots and the current charges and charges for the surrounding area, Councilperson Wightman suggested the prices for lots at Greenwood Cemetery be \$100.00 for a baby space, \$200.00 for one space, \$375.00 for two spaces, and \$700.00 for four spaces. With the nonresident prices starting at \$400.00 for one space and incriminating in accordance. No further action was taken.

**INTERLOCAL
AGREEMENT:**

City Manager Podraza introduced an Interlocal Agreement between the City of Lexington and the County of Dawson for the construction of a structure across Spring Creek. This structure will be located at an intersection on a County Road approximately 1 mile East of Lexington by the Nebraska By-Products

Plant. The City Manager informed the Council that the acceptance of this agreement would authorize the County of Dawson to construct these structures and bill the City of Lexington for the cost. Additionally the City will retain responsibility for maintenance and repair of this structure. Upon conclusion of this discussion Councilperson Wightman moved that the following Resolution be passed and approved, seconded by VerMaas. Roll call. Voting "aye" were Weeder, Anderson, VerMaas, Wightman, and Hawks. Motion carried.

RESOLUTION NO. 92-5

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA that Robert Hawks, as Mayor of the City, is hereby authorized and directed on behalf of the City of Lexington, Nebraska, to enter in to an Interlocal Cooperation Agreement with the County of Dawson for construction of two (2) Spring Creek structures, such Interlocal Agreement to authorize both of such structures to be designed and constructed by the County.

PASSED AND APPROVED this 10th day of March, 1992.

Mayor

ATTEST:

City Clerk

FENCE REPLACEMENT: City Manager Podraza presented a memo to the City Council stating that the cost for replacing the fence, moving of trees, and improvements to roads in Evergreen Cemetery. City Manager explains that since these items were not in the budget he is requesting he be allowed to construct these items in

this budget year as the General Fund Budget expenditures will come in below the budget.

Upon conclusion of the discussion of these items, moved by Councilperson Wightman, seconded by Weeder to allow the City Manager to construct a 5 foot high chain link fence at Evergreen Cemetery. Roll call. Voting "aye" were VerMaas, Anderson, Weeder, Wightman, and Hawks. Motion carried.

TRUCK BIDS:

The City Manager presented specifications for a new truck in the Street Department to the City Council. After reviewing these specifications Councilperson Weeder moved that the City Manager be authorized to advertise for bids until April 10, 1992 for the truck for the Street Department, seconded by Wightman. Roll call. Voting "aye" were VerMaas, Anderson, Wightman, Weeder, and Hawks. Motion carried.

WEED AND NUISANCE ORDINANCE:

The Lexington City Council reviewed an Ordinance changing the procedure for abatement of weeds and worthless vegetation in accordance with the recent legislative bill passed. Upon completion of this discussion Ordinance No. 1952 entitled "AN ORDINANCE TO AMEND SECTIONS 18-1 AND 18-4 OF THE LEXINGTON CITY CODE; TO CHANGE THE DEFINITION OF WEEDS CONSTITUTING A NUISANCE, AND TO CHANGE THE PROCEDURE FOR ABATEMENT OF WEEDS AND WORTHLESS VEGETATION; TO REPEAL ORIGINAL SECTIONS 18-1 AND 18-4, AND ALL OTHER ORDINANCES OR SECTIONS OR ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before the Council. Moved by Councilperson Wightman, seconded by VerMaas that the rules requiring the reading of said Ordinance on three separate days be suspended. Roll call. Voting "aye" were Anderson, Weeder, VerMaas, Wightman, and Hawks. Motion carried.

Said Ordinance was then read by title moved by Councilperson Wightman, seconded by VerMaas that Ordinance No. 1952 be passed on final reading. Roll call. Voting "aye" were Weeder, Anderson, VerMaas, Wightman, and 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. 1952 to be published in pamphlet form.

**PAY ESTIMATE
WASTE WATER
TREATMENT PLANT:**

The Lexington City Council reviewed Pay Request Number 22 from Paulsen Building and Supply for construction of the Waste Water Treatment Plant. City Manager Podraza explained to City Council that all values on the Pay Estimate were in proper order. Moved by Councilperson Weeder, seconded by Wightman to approve Pay Estimate No. 22 from Paulsen Building and Supply in the amount of \$25,184.10. Roll call. Voting "aye" were VerMaas, Anderson, Wightman, Weeder, and Hawks. Motion carried.

**PENSION PLAN
AMENDMENT:**

City Clerk Leon Malzahn informed the Lexington City Council that at the point and time in which the Police Officers were allowed to join the City Pension Plan we had sought and received Council approval to do the same, however, the Travelers had not sent out the amendment to allow this to be acted upon therefore we are requesting the Council act upon it at this time. Councilperson Wightman moved that Amendment No. 4 be approved by the Lexington City Council and authorize the Mayor to sign same, seconded by Anderson. Roll call. Voting "aye" were Weeder, VerMaas, Anderson, Wightman, and Hawks. Motion carried.

ADJOURNMENT:

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

Robert Hawks
President of the Council

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.

City Clerk