

CITY OF LEXINGTON  
LEXINGTON, NEBRASKA

A Regular Meeting of the Lexington City Council was held Tuesday, January 10, 1995, at the Lexington Municipal Offices, 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 Willard Weinhold. Department Head present was: Charles Clark, Vance Bricker, Neldene Skwarek. Also present were Dana Daniels and Bob Blankenship representing Miller and Associates. The press was represented by Clipper-Herald, KRVN and 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 Mayor John Wightman.

MINUTES REGULAR The minutes of the regular council meeting held MEETING 12/27/94: December 27, 1994 were presented for council's consideration and approval. Moved by Anderson, seconded by Hawks to approve the minutes of the regular meeting as presented. Roll call. Voting "aye" were: Long, Fagot, Hawks, Anderson, Wightman. Motion carried.

MINUTES SPECIAL The minutes of the special council meeting held MEETING 12/29/94: December 29, 1994 were presented for council's consideration and approval. Moved by Hawks, seconded by Fagot to approve the minutes of the special meeting as presented. Roll call. Voting "aye" were: Anderson, Long, Fagot, Hawks, Wightman. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$631,006.97 were presented for Council's consideration and approval. Upon review of the claims as listed, moved by Hawks, seconded by Long to approve the claims and bills as listed and authorized the City Treasurer to transfer \$187,867.47 from the General Fund, \$415,933.64 from LEXUS Funds, \$10,000.00 from City Sanitation Fund, \$9,648.39 from the Landfill Fund, \$43.45 from Library Memorial, \$3,329.34 from the Health Fund, \$3,728.50 from Meals on Wheels and \$456.18 from CDBG 93-HDL-001, to the City of Lexington Operating Account. Roll call. Voting "aye" were: Fagot, Anderson, Long, Hawks, Wightman. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
January 10, 1995

AT & T Information System	Service	44.35
Barmore's	Wire, modular, film	39.67
B & D Office Supply	Toner	118.26
Berntson Oil Co.	Diesel, gas	1,573.75
B & S Industries Inc.	Duffle bags - Fire dept.	135.91
Cash-Wa Distributing	Food	205.71
Carmack, Beverly	Computer training - Library	36.00

Central Garage Fund	Labor, parts, oil	5,917.53	
Century Laboratories Inc.	Urinal block, Odor be gone		85.63
Century Lumber Center	Wooden stakes - Landfill	10.77	
Children's Press	Books	8.95	
Coast to Coast	Caulking, propane torch, shovel handles, supplies	166.09	
Conney Safety Products	Medical supplies	66.20	
Corporate Diversified Serv.	Life insurance - Fire dept.		60.00
CBSA	Insurance claims	1,151.15	
Cozad Police Dept.	Refund intoxylizer	25.00	
Cozad Chamber of Commerce	Annual banquet ticket - Podraza	15.00	
Curtis Industries	Hose clamp	19.80	
Culligan Water Conditioning	Service	30.00	
Dawson Co. Treasurer	Drainage tax - Landfill	5.93	
Dawson County Clerk	Dispatch service - January	3,917.33	
Dan's Sanitation	Service	10,000.00	
Davidson Titles Inc.	Books	14.95	
Ditch Witch of NE	Maint work on Trencher	769.87	
D & M Security	Police connection - wells	90.00	
Donna's Cafe	Meals on Wheels	695.73	
Dugan Business Forms	Meter sheets, W2's	913.30	
Eake's Office Products	Copy paper	29.50	
Egan Supply Company	Cleaning supplies	97.40	
Electric Fixture	Light, batteries, pole bracket, wire, heater switch, parts	1,165.93	
Emery Pratt Co.	Books, cataloging kits	57.48	
Fairbanks International	Bolts	5.96	
Fagot Refrigeration	Ck heater in well	135.69	
Fehr Tractor & Equipment	Dust shield	82.99	
Ferrellgas Inc.	Propane torch, hose, fittings	97.34	
Fransyl Equipment	Equipment repairs - Elec.	1,599.24	
Matt Friend Truck Equipment	Washers, nut, labor		117.99
Furst Group	Telephone service	8.21	
Gillette/NE Dairies	Dairy products	198.62	
Grolier Electronic Pub.	Encyclopedia	55.95	
Heritage House Publishing	History book	43.45	
Hydraulic Equipment Serv.	Repair winch - Unit 25		279.00
I.C.M.A.	City Mgr. pension	133.85	
Ingram Library Service	Books	18.94	
Interstate Structures	Pay estimate 3 - Serv. Bldg.	95,525.82	
Jones Plumbing & Heating	Repair rooftop unit - WWTP		3,313.75
K N Energy	Service - shop	393.80	
Kriz Davis Co.	Universal fuse link	120.58	
KRVN - FM	Christmas greeting - Police		20.00
Lawson Products	Screws, kits, insulator	137.69	
Lauby, Marie	Electric rebate	40.00	
Lee's Flowers	Arrangement - Awards Banquet		25.00
Lexington Animal Clinic	Service	239.85	
Lex Area Chamber of Commerce	Cash bucks		20.00
Lexington Coop	Kerosene, soil samples	136.56	
Lexington Laundry	Service	100.00	
Lexington Postmaster	Box rent	104.00	
Lexington Public Library	Stamps	3.80	
City of Lexington	Franchise fee, Misc. charges		24,974.67

Lexington State Bank	Coupon payment	30,237.50	
Lexington Postmaster	Newsletter postage - GGC	70.00	
City of Lexington	Landfill charges	102.00	
Lieh's Drilling	Backhoe rental	25.00	
Victor Loose Construction	Central office remodeling	266.00	
Luther, Ann	Milage	23.10	
May, Sue	Service - Library	200.00	
Mead/Big Valley	Screws, doorlock	31.42	
Meyer Welding	Pipe	37.91	
Midway Supply	Wiperblades	12.54	
Miller & Assoc.	Service		
	Water quality sampling	2,569.57	
	WWTP Diesel underground	2,425.99	
	Service - December	1,850.00	
Mike's Pharmacy	Film processing	2.89	
Mid-Nebraska Food Bank	Food - MOW	17.22	
Morris Press & Office	Tape	6.13	
Mr. Automotive	Clamp, muffler, pipe, polish	132.31	
Municipal Supply	Bolt cutter, repair clamps	675.81	
Nebraska Machinery	Loader payments, oil sample bottles	3,022.69	
State of Nebraska	License plate, handicap parking permits	27.00	
Nebraska Dept. of Revenue	Sales tax - December	18,871.29	
State of Nebraska	Water analysis, specimen collection kits	340.80	
NE Conf. of Bldg. Inspec.	Registration - Nelson	15.00	
Nebraska Cellular	Service	33.11	
Olsson Associates Inc.	IBP Rate study	948.59	
O K Tire	Tire repair, valve stems	17.00	
Otte, Bonnie	School tuition	90.00	
Overton Sand & Gravel	Gravel	67.20	
Payroll Account	12/21 - 1/3/95	61,513.56	
Paulsen Bldg. & Supply	Concrete	520.85	
Patty's Hallmark	Bookends, calendars, cable, ribbons, copier cartridge	159.74	
Petty Cash	Mtg. expense, postage, misc.	250.59	
Platte Valley Exterminating	Service - December	20.00	
Precision Industries	Hand chain hoist, lever tool	480.19	
Quality Book Inc.	Books	373.49	
Reliable Office Supply	Tape, notepads, supplies	23.15	
Schnieber Fine Foods	Food, trays	695.18	
Seamax	Sprocket, connector link	202.07	
Sixth Street Market	Food, supplies	113.72	
Social Security Fund	12/21 - 1/3/95	4,615.91	
T.L. Sund	Fence	112.00	
S & W Auto Parts	Battery, terminal, blade, filter, hose, cable, parts	209.60	
The Travelers	Pension	1,850.62	
The Travelers	Police pension	864.52	
Unisys	Maint. agreement	1,082.09	
Unitech	Hand cleaner, chemicals	130.00	
U S West Communications	Service	1,567.71	
Utility Equipment	Registration fee - School	36.00	

Video Store Services	Insta seal - Library	42.92
Wal-mart	Bags, tape, trailer light kit, headlamp, mops, ribbon, filters	204.94
Wesco Distribution	HPS Lamp	61.48
Weber & Weinhold	Legal service - December	1,200.00
Wheeler's	Socket, paint	152.41
Zep Manufacturing	Cleaning supplies, liners	255.36
Bishop, Pete	League meeting, school expense	104.65
CBSA	Insurance claims	1,778.17
Insurance & Personnel Serv.	125 Admin. fees	385.02
Lexington Public Schools	Duplex expenses	456.18
Lexington Newspaper	Nov & Dec Services	1,240.55
National Fire Protection	Membership - Martin	95.00
NPPD	Power bill	332,298.85
Nebraska Cellular	Service	39.17
Platte Valley Communication	Maint. agreement	90.00
Sund, T.L.	Fire school expense	___263.27
TOTAL		631,006.97

**SALVAGE YARD ZONING:** An ordinance entitled, "AN ORDINANCE TO AMEND SECTION 28-21.2 AND SECTION 28-21.5 OF THE LEXINGTON CITY CODE; TO ALLOW JUNK OR SALVAGE YARDS IN AN M-2 ZONE ONLY WITH SPECIAL USE PERMIT; TO REPEAL ORIGINAL SECTIONS 28-21.2 AND 28-21.5, 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. After some brief comments concerning definitions regarding body shops in a C-3 zone, moved by Long, seconded by Hawks that said ordinance be passed on second reading. Roll call. Voting "aye" were: Anderson, Fagot, Hawks, Long, Wightman. Motion carried.

**STOP WORK ORDER:** Mr. Dana Daniels, representing Miller & Associates, informed the Lexington City Council that his discussions with Paulsen Development lead to insurance that they would resume work on Fillmore Street as soon as the weather permitted them to establish the hiring of a working crew. He further stated that the project had been shut down since December 12, 1994 due to weather conditions and is requesting the city council to authorize a shutdown order. Upon completion of the discussion, moved by Hawks, seconded by Fagot to issue a stop work order to Paulsen Development during the winter months on Fillmore Street. Roll call. Voting "aye" were: Long, Anderson, Fagot, Hawks, Wightman. Motion carried.

**ZONING SET-BACKS:** An ordinance entitled, "AN ORDINANCE TO AMEND SECTION 28-19.9 OF THE LEXINGTON CITY CODE; TO CHANGE SET-BACK REQUIREMENTS FOR PREVIOUSLY PLATTED LOTS; TO REPEAL ORIGINAL SECTION 28-10.9, 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. Discussion followed which pertained to the possibility of buildings being built very close to homes in a C-3 District which would exist along Adams Street and Hwy 30. Upon completion of the discussion, moved by Hawks, seconded Long that said ordinance be passed on second reading. Roll call. Voting "aye" were: Long. Voting "nay" were: Anderson, Fagot, Hawks, Wightman. Motion failed.

**BOARDS AND COMMISSIONS:** Mayor Wightman announced the appointment of Dr. Larry Moomey to the Housing Authority and Jack Maxcy as an alternate to the Board of Adjustment. Upon completion of these appointments, moved by Hawks, seconded by Anderson to approve the appointments of Mayor Wightman. Roll call. Voting "aye" were: Fagot, Long, Anderson, Hawks, Wightman. Motion carried.

CIVIL DEFENSE Moved by Hawks, seconded by Anderson that the  
RESOLUTION: following resolution be passed and approved. Roll call. Voting "aye" were: Long,  
Fagot, Anderson, Hawks, Wightman. Motion carried.

RESOLUTION NO. 95-01

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

That in order to provide for a coordinated response to a disaster or emergency in Dawson  
County, the City of Lexington and other cities and villages of Dawson County, the Lexington City Council  
deems it advisable and in the best interests of the community and Dawson County to approve the attached  
Dawson county Local Emergency Operations Plan.

PASSED AND APPROVED this 10th day of January, 1995.

\_\_\_\_\_  
Mayor  
ATTEST:  
\_\_\_\_\_  
City Clerk

CIVIL DEFENSE Moved by Hawks, seconded by Fagot that the  
APPOINTMENTS: following resolution be passed and approved. Roll call. Voting "aye" were:  
Anderson, Long, Fagot, Hawks, Wightman. Motion carried.

RESOLUTION NO. 95-02

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

WHEREAS, the eighty-third session of the Nebraska Legislature  
enacted into law the Nebraska Civil Defense Act of 1973, which authorizes and direct each county, and  
each city or village which is desirous, within the State of Nebraska to establish a local organization for Civil  
Defense, and to do certain other acts in the connection therewith, and

WHEREAS, each political subdivision, except those directly managing  
a local civil defense agency, shall have a liaison officer to facilitate the cooperation and protection of that  
subdivision, and

WHEREAS, such action is not only required by law, but that it appears in the best interest of  
the City of Lexington and of the citizens thereof to participate in the benefits and responsibilities of said act,  
and

WHEREAS, it is the desire and intent of the City Council of Lexington, Nebraska to  
establish a Civil Defense Organization.

NOW, THEREFORE, BE IT RESOLVED BY THE SAID CITY COUNCIL:

1. That there is hereby established within the city, a city organization for Civil Defense to be  
operated in conformity with the Nebraska Civil Defense Act of 1973, as amended.

This organization will be known as the Lexington Civil Defense Agency.

2. That, reposing great confidence in his integrity and ability, Vance M. Bricker whose address  
is 304 Cherokee Road, Lexington, is hereby appointed Director for City of Lexington, Nebraska Civil  
Defense Agency, to serve during the pleasure of this City Council or until a successor is duly appointed.

3. That, reposing great confidence in his integrity and ability Richard L. Klauz whose address is 400 North Monroe, Lexington, Nebraska, is hereby appointed Deputy Director of Civil Defense for said city organization, to serve during the pleasure of this City Council or until a successor is duly appointed.

4. That the Lexington city clerk will be responsible for the receipt and disbursement of all Civil Defense funds, where funds are provided for Civil Defense purposes.

PASSED AND APPROVED this 10th day of January, 1995.

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Mayor  
ATTEST:

\_\_\_\_\_  
City Clerk

STREET IMPROVEMENT Councilmember Hawks introduced an ordinance  
DISTRICT: entitled: ORDINANCE NO. 2012

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 94-03 IN THE  
CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, AND DESCRIBING SAID STREET  
IMPROVEMENT DISTRICT AND IMPROVEMENTS TO BE CONSTRUCTED THEREIN.

Said ordinance was fully and distinctly read, and by motion Councilmember Hawks, seconded by Councilmember Anderson, it was designated as Ordinance No. 2012 and the title thereof was approved. The roll call was called on the passage of said motion and the following voted "AYE": Fagot, Long, Anderson, Hawks, Wightman. Voting "NAY": None. Councilmember Hawks moved that the statutory rule requiring reading on three different days be suspended, which motion was seconded by Councilmember Anderson. The roll was called on the passage of said motion and the following voted "AYE": Fagot, Long, Anderson, Hawks, Wightman. "NAY": None. The motion to suspend the statutory rule having been concurred in by three-fourths of all members of the Council was declared passed and adopted.

Whereupon Ordinance No. 2012 was read by title thereafter Councilmember Hawks moved for final passage of said Ordinance. Councilmember Anderson seconded the motion. The Mayor stated: "The question is, shall Ordinance No. 2012 be passed and adopted?" The roll was called and the following voted "AYE": Fagot, Long, Anderson, Hawks, Wightman; the following voted "NAY": None. The passage and adoption of said Ordinance having been concurred with by a majority of all members elected to the Council, was by the Mayor declared passed and adopted, and the Mayor, in the presence of the Council, signed and approved said Ordinance, and the Clerk attested the passage and approval of the same and affixed the seal of the City thereto. A true and complete copy of said Ordinance No. 2012 is as follows: ORDINANCE NO. 2012

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 94-03 IN THE  
CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, AND DESCRIBING SAID STREET  
IMPROVEMENT DISTRICT AND IMPROVEMENTS TO BE CONSTRUCTED THEREIN.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON,  
NEBRASKA:

Section 1. That Street Improvement District No. 94-03 be and the same is hereby created within the City of Lexington, Nebraska, the outer boundaries of which District shall include the street described below together with all lots and lands directly abutting upon said street.

The street to be improved is described as follows:

Thirteenth Street from 180 feet east of the center line of Taft Street west to the alley running north and south between Lincoln Street and Washington Street.

Section 2. The improvements to be constructed in Street Improvement District No. 94-03, shall include grading, paving and repaving (including street widening), curbing, guttering, storm sewer improvements, sidewalks and other necessary or incidental appurtenances to the improvements.

Section 3. All of said improvements shall be constructed to the established grades as fixed by ordinance of said City and shall be constructed in accordance with plans and specifications to be made by Reed Miller & Associates employed by the City, to be approved by the City Council. The Mayor and Council hereby determine that the improvements in said district are of general benefit, and that special assessments shall not be levied against owners of abutting property.

Section 4. That this ordinance shall be known as Ordinance No. 2012 and shall be in effect from and after its passage, approval and publication according to law.

Passed and approved this 29th day of December, 1994.

ATTEST:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor

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

John Wightman  
Council President

Leon E. Malzahn  
Lexington 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  
Lexington City Clerk