

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

The Regular Meeting of the Lexington City Council was held Tuesday, November 14, 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 and Jerry Long. Councilman John Fagot 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, Vance Bricker, and Kerry Rader. Also present were: Bob Cappel representing the Chamber of Commerce, Len Bonczynski, John Redding, Jim Fox, Skip Wolf and Dick Smith representing Chiles Heider, Marvin Goldsmith, Carl Ratcliff and Arvind M. Patel. The press was represented by the Clipper Herald, KRVN, Kearney Hub 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 10/24/95: The minutes of the regular council meeting held October 24, 1995 were presented for Council's consideration and approval. Moved by Wightman, seconded by Long to approve the minutes of the regular meeting held October 24, 1995. Roll call. Voting "aye" were: Anderson, Long, Wightman, Hawks. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$809,849.57 were presented for Council's consideration and approval. Moved by Wightman, seconded by Anderson to

approve the claims as listed and authorized the City Treasurer to transfer \$277,522.81 from the General Fund, \$466,781.15 from LEXUS Funds, \$10,000.00 from City Sanitation Fund, \$15,866.47 from the Landfill Fund, \$10,240.17 from the Health Fund, \$1,085.83 from CDBG 90-HD-010, and \$11,018.49 from Meals on Wheels, \$57.30 from Library Memorial, \$166.15 from CED, \$15,000.00 from Housing Reuse, \$2,111.20 from Haven House Grant to the City of Lexington Operating Account. Roll call. Voting "aye" were: Long, Anderson, Wightman, Hawks. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 November 14, 1995

Ackerman, Thad	CDL License	40.00
Ackerman, James	Electric rebate	900.00
Alfax Wholesale Furniture	Chairs, consoles, tables	1,353.90
Altec Industries	Seal	16.45
American Water Works	Corrected registration	40.00
AT & T	Service	68.92
AT & T	Service	53.10
AT & T	Service	103.01
Awards Plus	Signs	52.30
Barmores	Film, markers, paper punch	14.56
Barrett-Housel-Grafton	Insurance	88,815.00
Barco Municipal Products	Sign	65.50
Berntson Oil	Diesel, grease, unleaded fuel	2,698.34
Bricker, Vance	Meeting expense	118.00
Business & Prof. Credit	Service	64.18
Cash-Wa Distributing	Silverware, trays, food, gloves	851.12
Central Garage Fund	Labor, parts, oil	9,944.01
Century Lumber Center	Bolts, anchors, bit, drill	395.15
CERCO Inc.	Heat treated dirt tooth	38.62
Cleveland Cotton Products	Gloves	56.63
Coast to Coast	Plug end, screws	3.29
Coca Cola/Dr. Pepper	Pop	53.70
Corp. Diversified Services	Life insurance - Fire	60.00
CBSA	Claims	8,179.50
Cozad Services	Filter, Install thermostat	250.61
Culligan Water Conditioning	Install second tank, salt	217.50
Dan's Sanitation	Service	10,000.00
Data Technologies	Unix support, Media charge	1,820.00
Designer Craft Woodworking	Drawer slides	3.67

Design Associates of Lincoln	Architectural service	2,000.00
Dunrite Inc.	Deck brushes	138.35
Eake's Office	Toner, repair typewriter	115.45
EIS	Repair radar	45.00
Egan Supply Co.	Liners, cleaning supplies	177.55
Eiler's Machine	Driveshaft, motor mounts	354.88
Electric Fixture	Coupling, wire, hacksaw frame	468.52
Electric Meter Service	Clean & test meter	10.00
Electric Pump	Pump	727.65
Emery Pratt Co.	Books	78.16
Fairbanks International	Service work - tractor, pins	251.93
Fagot Refrigeration	Ck power - WWTP	25.00
Fehr Tractor & Equipment	Filter, bracket	138.40
Fine Things	Vertical blinds - Duplex	643.26
Fox Bros. Hay Co.	Grinding	800.00
Follett Software	Support agreement, supplies	477.12
Fransyl Equipment	Cable lube	89.15
Furst Group	Service	6.45
GE Capital	Lease agreement	309.64
Gillette/NE Dairies	Dairy products	349.31
Grayarc	Mailing labels	78.50
Gullion, Terry	Omaha World Herald	16.25
Hipp Wholesale Co.	Food, trays, towels	927.18
Hodges Auto World	Ck & Repair front drive	1,452.85
Houchen Bindery Ltd.	Books	139.30
Holiday Inn	Room - Nelson	86.00
Hot Springs Super 8	Rooms	138.66
I.C.M.A.	City Mgr. pension	279.70
Ingram Library Service	Books	201.26
Information/Reference Group	Books	125.00
International Transformer	Transformers, poles	5,127.84
Jerry's Electric	Transformers	2,940.00
Jones Plumbing	Water parts	96.60
Junior Library Guild	Books	441.00
Karre's City Bakery	Rolls	36.57
Kearney Hub	Subscription	91.00
K N Energy	Service	950.38
Kovar, Kent	CDL License	40.00
Kriz-Davis Co.	Connectors, transformers	4,814.21
Lawson Products	Terminals	63.81
Lexington Animal Clinic	Service	264.70
Lex Area Chamber of Commerce	CED Expenses	166.15
Lexington Health Fund	October & November	27,914.84
Lexington Communications	Radio repair	47.50
Lexington Coop	Kerosene	6.26
Lexington Glass Co.	Replace window	29.50

Lexington Laundry	Service	56.00
Lexington Postmaster	Postage	1,500.00
Lexington Public Library	Stamps	52.00
Lexington Public Schools	Duplex charges - October	442.57
Lexington Newspaper Inc.	Service	345.40
Lexington Truck & Auto	Heater core, bell housing	60.00
Lexus	Postage, envelopes	19.74
City of Lexington	Franchise fee, Misc.	24,909.14
Lexington Postmaster	Newsletter postage	80.00
City of Lexington	Landfill charges	40.00
Lieh's Drilling	Well repair	5,404.05
Malzahn, Leon	Cable, data selector	63.88
MCI	Service	235.37
Mead/Blg Valley	Lumber, keys, asphalt	521.38
Meyer Welding	Labor on motor mount	15.00
Midway Supply	Hose, fittings, pump, lamp	270.70
Miller & Assoc.	Service - October	1,850.00
Morris Press	Notary stamps, incident report	231.70
Mr. Automotive	Turn signal	32.35
Nebraska Machinery	Loader payments, seals, sleeve	5,782.58
Nebraska Salt & Grain	Ice control salt	637.31
Nebraska Library Commission	OCLC Charges	46.49
Nebraska Dept. of Revenue	Sales Tax - October	20,886.23
Nebraska Public Power Dist.	Power bill	320,675.96
State of Nebraska	Quarterly nitrate analysis	36.20
Nebraska Public Power	Remove voltage monitor	136.00
Nebraskaland Tire	Tire, tire change	29.15
State of Nebraska	Grade 3 exam - Water	100.00
Nelson, Thomas R	Meeting expense	67.74
New World Inn	Room - Malzahn	42.46
Nebraska Cellular	Service	81.77
Olsson Associates	Service	127.40
OK Tire	Tires, ck alignment	320.61
Old Dominion Brush	Bearings, seal, dirt shoe runner	629.70
Payroll Account	10/11 - 11/7/95	126,070.05
Paulsen Development	School parking lot	55,433.28
Paulsen Bldg. & Supply	Concrete	1,885.50
Patty's Hallmark	Folders, printer stand, toner	529.77
Petty Cash	Misc. expense	226.86
Platte Valley Auto Mart	Switch, battery, ck engine	170.22
Platte Valley Communications	Radio repair	310.25
Platte Valley ExterminatingService		24.00
Precision Industries	Hubs, element, seal	211.46
Reach Electronics	Batteries	160.50
Recorded Books	Tapes	282.20
Regional Books Inc.	Books	31.48

Roper's Radiator	Radiator	175.00
Rochester Instrument	Faceplate for attachment	24.36
Sav A Lot	Food	132.67
Schuckman, Marsha	Service	200.00
Schnieber Fine Foods	Food, cleanser, trays	1,394.60
Selectform	Employee record jackets	142.96
Seamax	Axle shaft	194.50
Simone Engineering	Chart range	130.78
Sixth Street Market	Food, coffee, towels, pop	204.61
Sign Pro	Signs	30.00
Skarshaug Cleaning	Clean & test gloves	58.72
Social Security Fund	10/11 - 11/7/95	9,487.39
Standard & Poors	Poors registration	173.07
Super 8 Motel	Room - Bliven	114.76
T.L. Sund	Fence ties	61.50
S & W Auto Parts	V Belt, parts	47.88
Telegraph	Notice, subscription	115.78
Texaco Inc.	Gas	27.04
TNT Dugan	Freight - Transformers	567.57
Tri City Tribune	Subscription	21.00
Tri County Hospital	Lunch	25.31
The Travelers	Pension	3,805.99
The Travelers - Police	Police Pension	1,168.79
The Travelers	Police	1,801.71
Unisys	Maint Agreement	1,266.00
US West Communications	Service	1,315.73
Utility Equipment	Tapping sleeve, valve, meter	843.67
Valentino's	Meeting expense	20.77
Wal-Mart	Batteries, paint, broom, markers, wiper blades, scrapers, gloves	277.57
Weinhold, Willard	Electric rebate	150.00
Western Auto	Vacuum bags	11.98
West Central NE Development	Service	2,180.00
WESCO	Meters, transformers, brace	5,397.43
Weber & Weinhold	Legal service	450.00
Wheelers	Wire rope, hooks, clevis, heater, tool box	245.19
HW Wilson Co.	Readers Guide	282.00
Wightman, John	Council travel	139.20
World Book Encyclopedia	Health & Medical books	26.44
Zep Manufacturing	Floor pads	49.33
ZZYZ Corp.	Electric rebate	150.00
AT & T	Service	51.75
Berntson Oil	Diesel	32.20
CBSA	Insurance claims	1,609.67
Donna's Cafe	Meals on Wheels	1,066.27

Hawks, Robert	Meeting expense	103.60
Haven House	Grant money	2,111.20
Service Master	Service - Library	1,520.00
KN Energy	Service	276.70
Lexington Fire Dept	School expense	1,953.06
Lexus	Postage, envelopes	20.16
Lincoln Telephone	Service	19.95
NE Dept of Motor Vehicles	License plate	3.00
Plum Creek Medical Group	Flu shots	451.00
Reliable Office Supplies	Supplies	159.10
Teresa's Tortillas	Loan	15,000.00
US West Communications	Service	338.22
Weber & Weinhold Service -	October	1,200.00
	TOTAL	\$809,849.57

LIQUOR ORDINANCE: An ordinance entitled, "AN ORDINANCE TO AMEND SECTION 3-6 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR SALE OF LIQUOR ON NEW YEARS EVE WHEN THE SAME FALLS ON SUNDAY; TO REPEAL ORIGINAL SECTION 3-6, 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. There being no objections or further comments on this ordinance, moved by Wightman, seconded by Long that said ordinance be passed on third reading. Roll call. Voting "aye" were: Long, Wightman, Hawks. Voting "nay" were: Anderson. 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. 2037 to be published in pamphlet form.

ZONING ORDINANCE WARDS: An ordinance entitled, "AN ORDINANCE TO REZONE WARD'S SUBDIVISION FROM A-2 AGRICULTURE TO R-1 SINGLE FAMILY RESIDENTIAL; 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. Hearing no comments

on this ordinance, moved by Anderson, seconded by Wightman that said ordinance be passed on third reading. Roll call. Voting "aye" were: 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. 2038 to be published in pamphlet form.

PARKING ORDINANCE: An ordinance entitled, "AN ORDINANCE TO AMEND SECTION 16-45 OF THE LEXINGTON CITY CODE; TO RESTRICT PARKING BETWEEN THE COURT HOUSE DRIVEWAYS ON 7TH STREET, AND TO PROVIDE FOR LIMITED PARKING IN CONGESTED AREAS; TO REPEAL ORIGINAL SECTION 16-45, 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. Speaking in favor of final passage of this ordinance was Mr. Bob Cappel, Director of Lexington Chamber of Commerce. Upon completion of his remarks, moved by Anderson, seconded by Long that Ordinance No. 2039 be passed on final reading. Roll call. Voting "aye" were Wightman, Long, 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. 2039 to be published in pamphlet form.

BOND ORDINANCE: Mr. Jim Fox, representing Chiles Heider division of Smith Barney, addressed the Lexington City Council stating that this is the first bond issue as directed by the vote of the people for high school and swimming pool improvements. Mr. Fox reviewed the series of events which led up to the passage of this ordinance and the municipal bond market relating that at this

time, bonds are at a very favorable rate of interest for the city as these bonds will carry an average of 5.9% interest. Upon completion of his presentation, an ordinance entitled, "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF LEXINGTON, NEBRASKA IN THE PRINCIPAL AMOUNT OF TWO MILLION TWO HUNDRED THOUSAND DOLLARS (\$2,200,00) FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS 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; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM." was read before the council. Said Ordinance was fully and distinctly read, and by motion of Councilmember Wightman, seconded by Councilmember Long, it was designated as Ordinance No. 2040 and the title thereof was approved. The roll was called on the passage of said motion and the following voted "AYE": Anderson, Long, Wightman, Hawks. The following voted "NAY": None. Councilmember Wightman moved that the statutory rule requiring ordinances to be fully and distinctly read on three different days be suspended, seconded by Councilmember Long. The roll was called and the following voted "AYE": Anderson, Long, Wightman, Hawks. The following voted "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. 2040 was read by title and thereafter Councilmember Wightman moved for final passage of said Ordinance. Councilmember Anderson seconded the motion. The Mayor stated: "The question is, shall Ordinance No. 2040 be passed and adopted?" The roll was called and the following voted "AYE": Long, Anderson, Wightman, Hawks. 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.

**MANAGEMENT
AGREEMENT:**

City Manager Podraza informed the Lexington City Council with the final figures of the management agreement have been arrived upon whereby the city agrees to provide at least \$2,700,000 of proceeds from bond sale with approximately \$2,200,000 being received by December, 1995 and the balance of \$500,000 in April, 1996. He further stated that the agreement states that sixty two percent (62%) of the proceeds are to be used by the Middle School and thirty eight percent (38%) to the High School. Mr. Podraza then went on to further define additional clauses in the management agreement. Upon completion of the review, moved by Wightman, seconded by Long to authorize the Mayor to sign said agreement. Roll call. Voting "aye" were: Anderson, Long, Wightman, Hawks. Motion carried.

SALE OF LOT:

Mr. Will Weinhold addressed the Lexington City Council stating that Mr. Arvind M. Patel wished to purchase a lot in the Southaven Addition. Since these were the replat of the replat of lots that were originally 70 foot wide and are now 82 foot wide, the price of the lot has increased to \$7,114. Upon completion of his presentation, an ordinance entitled, "AN ORDINANCE DIRECTING THE SALE OF LOT C OF REPLAT OF LOT 1 OF THE REPLAT OF LOTS 1-12, BLOCK 8, SOUTHAVEN ADDITION TO THE

CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE." was read before the council. Moved by Wightman, seconded by Long that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were: Anderson, Long, Wightman, Hawks. Motion carried. Said ordinance was then read by title. Moved by Wightman, seconded Long that Ordinance No. 2041 be passed on final reading. Roll call. Voting "aye" were: Anderson, Long, Wightman, 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. 2041 to be published in pamphlet form.

**PUBLIC HEARING
SPECIAL USE
PERMIT:**

Mr. Marvin Goldsmith addressed the Lexington City Council requesting their consideration of issuing a special use permit for a Bed and Breakfast and antique shop at 9th and Washington Streets. Mr. Goldsmith stated that the previous owner had this business and was operating under a special use permit and therefore, he is required to request a special use permit from the council. Upon completion of his request, moved by Wightman, seconded by Anderson to grant the issuance of a special use permit to Mr. Marvin Goldsmith for a Bed and Breakfast and antique shop at 9th & Washington. Roll call. Voting "aye" were: Long, Anderson, Wightman, Hawks. Motion carried.

**13TH STREET
AGREEMENT:**

City Manager Bill Podraza addressed the Lexington City Council requesting the council authorize the agreement between the City of Lexington and the State of Nebraska for the remainder of 13th Street from Lincoln to Hampton Street. He further stated that Miller & Associates would be doing the engineering and bid letting would occur some time after the first of the year. Hearing no further comments, moved by Wightman, seconded by Long to authorize the Mayor to execute the agreement between the State of Nebraska and the City of

Lexington for improvements to 13th Street from Hampton to Lincoln Streets. Roll call. Voting "aye" were: Anderson, Long, Wightman, Hawks. Motion carried.

COUNCIL YOUTH:

Representative Dottie Anderson stated that she, John Fagot and Bill Podraza had met with members of the youth committee and requested that a youth member be in attendance at the council meeting and allowed input with no voting privileges. She further reviewed the meeting that resulted in the nomination of the youth to sit on this committee and the selection process of these members. Upon completion of her presentation, moved by Anderson, seconded by Wightman to request that a youth member from this committee be in attendance at the council meeting and be invited to enter into discussion of items pertaining to city business. Roll call. Voting "aye" were: Long, Wightman, Anderson, Hawks. Motion carried.

ADVERTISEMENT FOR BIDS:

City Manager Podraza requested the Lexington City Council give authorization to advertise for bids for a sewer jetter machine to replace the existing one which was purchased in approximately 1973. Upon completion of the request, moved by Wightman, seconded by Long to authorize city administration to advertise for bids for one sewer jetter. Roll call. Voting "aye" were: Anderson, Long, Wightman, Hawks. Motion carried.

AWARD PICKUP BIDS:

City Manager Podraza reviewed the bids which had been received from Platte Valley Auto and Plum Creek Auto for a pickup to be used by the street department. The city manager stated that since there was such a slight difference between the two bids, he did not have a recommendation and therefore deferred it to the council. The city council inquired of Mr. Glenn Hawks, Community Service Director, his preference. Mr. Hawks stated the difference in the pickups being that one pickup had a transmission cooler on it and the other had an air conditioner. Upon his completion, moved by Wightman, seconded by Long to award the bid for one pickup to be used in the street department to Platte Valley Auto in the

amount of \$16,995. Roll call. Voting "aye" were:
Anderson, Long, Wightman, Hawks. Motion carried.

ADJOURNMENT:

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

Robert Hawks
Mayor

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