

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, February 28, 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, and John Fagot. Councilman Jerry Long was absent. City Officials present were: City Clerk Leon E. Malzahn and City Attorney Willard Weinhold. Department Heads present were: Vance Bricker, Charles Clark and Neldene Skwarek. Also present was: Bob Blankenship representing Miller and Associates, Jeff Konen, John Hines, Jim Lauby, Tony Casilla and Derrick Mitchell. The press was represented by the Kearney Hub, Lexington Publishing, 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 Mayor John Wightman.

MINUTES REGULAR MEETING 02/14/95: The minutes of the regular council meeting held February 14, 1995 were presented for council's consideration and approval. Moved by Hawks, seconded by Anderson to approve the minutes of the regular meeting as presented. Roll call. Voting "aye" were: Fagot, Anderson, Hawks, Wightman. Motion carried.

CLAIMS AND BILLS: Claims and Bills in the amount of \$334,182.55 were presented for Council's consideration and approval. Moved by Hawks, seconded by Anderson to approve the claims and bills as listed and authorized the City

Treasurer to transfer \$84,664.43 from the General Fund, \$183,639.75 from LEXUS Funds, \$9,347.25 from City Sanitation Fund, \$34,191.14 from the Landfill Fund, \$3,719.96 from the Health Fund, \$5,173.97 from Meals on Wheels and \$13,446.05 from CDBG 90-HD-010 to the City of Lexington Operating Account. Roll call. Voting "aye" were: Anderson, Fagot, Hawks, Wightman. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 February 28, 1995

Abood, Kayleen	Meeting expense	11.51
ALFAC	Cancer Insurance	110.38
Awards Plus	Trophies	254.85
Barmores	Batteries	34.95
Barco	Traffic cones	586.50
Berntson Oil Col	Gas, diesel	1,855.96
Benak, Dave	Lineman school	45.00
Bricker, Vance	Meeting expense	134.70
B & S Industries	Fire hood	25.28
BSB Dirt work -	Landfill	5,000.00
Business & Prof. Credit	Service	262.77
Cash Wa Distributing	Cups, food, foil, liners	224.90
Central Garage Fund	Labor, parts, oil	1,149.41
Century Laboratories	Urinal blocks	14.23
Century Lumber Center	Chair tips, door	435.13
Coast to Coast	Parts	42.44
Contryman & Associates	Service	160.00
CBSA	Insurance claims	3,591.58
CBSA	Insurance premiums	6,792.90
Cozad Service	Service - WWTP	34.21
Dawson Co. Public Power	Service	2,079.14
Dawson Co. Register of Deeds	Registration - Easement	16.50
Dan's Sanitation	Service	9,347.25
DEMCO	Tape, labels, lamante gloss	176.64
Donna's Cafe	MOW - Overton	724.36
Dutton-Lainson Co.	Machine bolts	89.89
Electric Fixture	Anchor kit, elbow, base, tape	118.05
ELE International	Soiltest - Slumpbase only	101.75
Fairbanks International	Cotter kit	12.98
Family Eyewear	Glasses - Nelson	82.35
Fischer Scientific	Chemicals	734.81
Follett Software Co.	Print labels	33.02
GE Capital	Lease agreement	308.19

Gillette/NE Dairies	Dairy products	247.88
G Neil Companies	Expandable file	133.96
Hawks, Robert	Meeting expense	48.25
Hach Chemical	Chemicals	185.20
Haines, Bill	Lineman school	45.00
Hipp Wholesale Co.	Food, towels, mitt	271.34
Hodges Auto World	Weather stripping	20.63
Hofaker's Iron & Metal	Used iron	9.00
Holday Inn	Room - Luther	43.20
H T M Sales Inc.	Profile gasket	29.67
I.C.M.A.	City Mgr Pension	133.85
Ingram Library Service	Books	111.38
Kiesler Police Supply	Baton, holder	107.04
K N Energy	Service	547.43
Knapp Electric	Lift station repair	2,171.47
Kriz-Davis Co.	Misc. Supplies	8,296.87
Lapoint, Edward	Water conference	30.00
Lakota	Mtg. expense	21.04
League of NE Municipalities	League conference	900.00
Lexington Health Fund	Side fund - 1/95 & 2/95	22,843.34
Lexington Communication	Repair antenna	20.00
Lexington Coop	Tile spade	20.99
Lexington Public Library	Postage	26.42
Lexington Public Schools	Duplex expenses	13,437.50
Lexington Newspaper	Service	1,049.96
LEXUS	Service	14,756.66
City of Lexington	Franchise fee	19,857.43
Luther, Ann	Mileage	22.28
Lynch, Bob	Electric rebate	450.00
MCI	Service	141.17
Mead/Big Valley	Stakes, forms, bolts	70.75
Meyer Welding	Service	9.00
Meridian Library System	Registration - Abood	15.00
Midway Supply	Flasher, shield, scrapers	83.69
Mike's Pharmacy	Film processing	5.42
Mid Nebraska Food Bank	Food	38.08
Morris Press	Misc. Forms, etc.	409.07
Mr. Automotive	Rotor, weather stripping	75.09
Municipal Supply	Gaskets, meters, couplings	2,488.50
Municipal Clerks' School	Registration - Malzahn	145.00
Nebraska Machinery	Gasket, seals, gear	71.31
Nebraska Library Comm.	OCLC Charges	36.78
New World Inn	Room - Bricker	50.95
Nelson, Tom	Water conference	30.00
Nebraska Cellular	Service	45.30
O K Tire	Tire	86.50

Omaha Sling Inc	Cable sling	32.46
Overton Sand & Gravel	Gravel	12.00
Payroll Account	2/1 - 2/14/95	59,627.54
Paulsen Bldg. & Supply	Concrete	54.00
Patty's Hallmark	Misc. Supplies, UPS	215.44
Pitney Bowes	Lease Agreement	135.00
Platte Valley Auto Mart	1994 Plymouth Acclaim	8,790.00
Plum Creek Medical Group	Claim - Ackerman	18.00
Podraza, Bill	Meeting expense	91.50
Polkarobics Inc.	Videos - Line dancing	54.84
Precision Industries	Roller bearings, belt, bearing	162.59
Pryor Resources	Class - Skwarek	99.00
Quill Corp.	Fax paper	62.46
Schnieber Fine Foods	Food, film wrap	639.40
Sixth Street Market	Food, UPS	100.28
Social Security Fund	2/1 - 2/14/95	4,471.64
Stevens, Harold	Easement	1,500.00
Sund, William Jr.	Electric rebate	420.00
S & W Auto Parts	Spot light, lamp, switch	89.90
Time Life Books	Books	18.48
The Travelers	Pension	1,872.28
The Travelers	Police pension	763.86
Unisys Corp.	Lease agreement	1,266.00
Viking Office Products	Paper, tape	44.82
Vondras Construction	Service - Library	411.14
Wal-mart	Misc. Supplies	218.26
WESCO	Misc. Supplies	13,559.96
Wheeler's	Chain, oil, grease	164.84
Husker Ag Sales	Front Mower	6,750.00
KN Energy	Service - shop	359.08
City of Lexington	Land purchase - Landfill	22,589.70
Lexington State Bank	Bond Payment	83,956.25
Miller & Assoc.	Service - WWTP	382.50
Plum Creek Recycling	Service	1,018.30
	TOTAL	334,182.55

**EXTENSION OF
SPECIAL USE
PERMIT:**

Mr. Derrick Mitchel, representing Stephen Potter, addressed the Lexington City Council stating that Mr. Potter would like to withdraw his request for a special use permit for his property at 909 N. Grant. Additional discussion pertained to this item related to the condition of the building and the possibility of the city condemning that building as a public health hazard. At this time, it was moved by Fagot, seconded by Hawks to withdraw the special use

permit granted to Stephen Potter for a house at 909 N. Grant. Roll call. Voting "aye" were: Anderson, Hawks, Fagot, Wightman. Motion carried.

Prior to the consideration of the next three items, Mayor Wightman requested item number 11 be considered directly after item number 6. He further declared a conflict of interest and stated that he would not enter into the discussion or voting concerning these matters. At this time, Mayor Wightman relinquished control of the meeting to Vice-President Hawks. Vice-President Hawks stated that item number 11 be considered after item number 5 and 6 as requested.

PUBLIC HEARING:

The Lexington City Council held a public hearing to consider a request to rezone a mobile home court at 1901 Plum Creek Parkway from C-3 Highway Commercial to R-4 Mobile Home Zone. Mr. Jim Lauby addressed the Lexington City Council stating he is requesting a rezoning of his mobile home court to place it in proper zoning. Mr. Vance Bricker addressed the city council stating that this request had been channeled through the Planning Commission and there was no opposition from the Planning Commission concerning this request as it would make the zoning in this area conform to the actual use of this area. Hearing no further comments, Vice President Hawks declared the public hearing closed.

An ordinance entitled, "AN ORDINANCE TO REZONE A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 9 NORTH, RANGE 21 WEST OF THE 6TH P.M., IN THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA, FROM C-3 HIGHWAY COMMERCIAL TO R-4, MOBILE HOME DWELLING DISTRICT; 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. Moved by Anderson, seconded by Fagot that said ordinance be passed on first reading. Roll call. Voting "aye" were: Fagot, Anderson, Hawks. Motion carried.

**SPECIAL USE
PERMIT:**

The Lexington City Council held a public hearing to consider a request from Jim Lauby for a special use permit to expand his current mobile home court at 1901 Plum Creek Parkway. Mr. Lauby presented a drawing of his mobile home court and the part that would be extended. During the hearing, it was brought to the attention of the council that an extension of a road in a mobile home court would need to be a hard surface road as required by the Lexington City Code. Considerable discussion pertained to the surfacing of this road versus a rock and gravel base was considered during the public hearing with no remedy to the problem at hand and upon completion of the discussion, Vice President Hawks declared the public hearing closed. Additional discussion of the situation regarding the road was continued after the public hearing with questions to Bob Blankenship, representing Miller & Associates, if specifications could be drawn for the rocking of a road as opposed to the black topping or hard surfacing the road. Mr. Blankenship replied that he could have some specifications ready for the council at the next meeting. It was then moved by Fagot, seconded by Anderson to continue the public hearing until the first regular council meeting in March of 1995. Roll call. Voting "aye" were: Anderson, Fagot, Hawks. Motion carried.

**REQUEST TO EXTEND
SUBDIVISION
AGREEMENT:**

The Lexington City Council considered a request from Jeff Konen to remove the twelve (12) month clause from the subdivision agreement for K & K Subdivision. Mr. Vance Bricker explained to council that at the time the subdivision agreement was passed, the clause was placed in that agreement whereby the plat would be vacated after a 12 month

period if no development had occurred. He further stated that this had been extended once before and they are now asking for the removal of this clause. Moved by Fagot, seconded by Anderson to approve the removal of the twelve (12) month limit in the subdivision agreement for K & K Subdivision. Roll call. Voting "aye" were: Anderson, Fagot, Hawks. Motion carried.

**ONE AND SIX YEAR
ROAD PLAN:**

The Lexington City Council held a public hearing to consider the one and six year road plan. Mr. Bob Blankenship, representing Miller & Associates, addressed the Lexington City Council stating that there had been no changes in the one and six year road plan from the workshop held at the last regular council meeting held February 14, 1995. Mr. John Hines addressed the Lexington City Council questioning the entrance road to the military museum and how the rerouting of this road would affect that entrance. Mr. Vance Bricker explained to Mr. Hines in detail where the road would be rerouted and how it would enter the military museum. Hearing no further comments, Mayor Wightman declared the public hearing closed. Moved by Hawks, seconded by Anderson that the following resolution be passed and approved. Roll call. Voting "aye" were: Fagot, Anderson, Hawks, Wightman. Motion carried.

RESOLUTION NO. 95-03

RESOLUTION OF ADOPTION

BE IT RESOLVED by the Lexington City Council of Lexington, Nebraska that the attached one and six-year Street Improvement Programs are hereby adopted by said City Council. The said City Council attests that Notice of Public Hearing was posted in the following public places:

Lexington State Bank & Trust
Farmers State Bank & Trust
Lexington City Offices
Dawson County Court House

PASSED AND APPROVED this 28th day of February, 1995.

CITY OF LEXINGTON, NEBRASKA

Mayor

ATTEST:

City Clerk

MANUFACTURED HOMES

An ordinance entitled, "AN ORDINANCE TO AMEND SECTIONS 25-1, 25-2 AND 28-9 OF THE LEXINGTON CITY CODE; TO MAKE PROVISION FOR LOCATION OF MANUFACTURED HOMES; TO REPEAL ORIGINAL SECTION 25-1, 25-2, AND 28-9 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. Upon completion of the reading, moved by Hawks, seconded by Anderson that said ordinance be passed on final reading. Roll call. Voting "aye" were: Anderson, Fagot, Hawks, Wightman. Motion carried. The passage and adoption of said ordinance having been concurred by a majority of the Council, the President declared said ordinance b e 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. 2016 to be published in pamphlet form.

FINANCIAL STATEMENT:

The financial report for the City of Lexington including a budget recap was presented to the Lexington City Council by City Treasurer, Neldene Skwarek. Upon completion of the presentation, it was moved by Hawks, seconded by Anderson to approve the financial report for the City of Lexington for January, 1995. Roll call. Voting "aye" were: Fagot, Anderson, Hawks, Wightman. Motion carried.

YOUTH COMMITTEE:

Mr. John Fagot addressed the Lexington City Council stating that he had, at a meeting in Lincoln, been inspired to recommend a committee made up of youths from schools that would serve on an advisory

committee to the Lexington City Council concerning youth activities and possibly recreation programs for the city. He stated that this committee could help with the decisions by giving their input for the swimming pool and recreation programs and possibly other activities involving the youth thereby making it more desirable for the youth to participation in activities. It was the consensus of the council that this idea should be pursued further and presented at the next regular council meeting. No further action was taken at this time.

EXECUTIVE SESSION: Moved by Hawks, seconded by Anderson to recess the regular session to executive session at 8:37 p.m. to discuss the negotiation for sale of real estate owned by the City of Lexington. Roll call. Voting "aye" were: Fagot, Anderson, Hawks Wightman. Motion carried. Moved by Anderson, seconded by Hawks to reconvene the regular scheduled session from executive session at 8:49 p.m. Roll call. Voting "aye" were: Fagot, Hawks, Anderson, Wightman. Motion carried.

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.

Leon E. Malzahn
Lexington City Clerk