

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

The Regular Meeting of the Lexington City Council was held Tuesday, April 11, 1995, at the Grand Generation Center, 407 East 6th Street, Lexington, Nebraska, at 7:30 P.M. Members of the City Council present were: Mayor John Wightman, Robert Hawks, Dorothy Anderson, John Fagot and Jerry Long. City Officials present were: Deputy City Clerk Neldene Skwarek, City Manager Bill Podraza and City Attorney Will Weinhold. Department Heads present were: Vance Bricker and Glenn Hawks. Also present were: Dana Daniels, representing Miller and Associates, Jim Fox, Richard Peterson. and Skip Wolf, representing Smith Barney, Lexington School Board Members, Carolyn Fairbanks, Jeff Richardson, Wes Lubberstedt and others with an interest in the agenda items. The press was represented by the Lexington Clipper Herald, the Tri-City Tribune, the Kearney Hub 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 03/28/95: The minutes of the regular council meeting held March 28, 1995 were presented for Council's consideration and approval. Moved by Hawks, seconded by Fagot, to approve the minutes of the regular meeting as presented. Roll call. Voting "aye" were: Anderson, Long, Fagot, Hawks, Wightman. Motion carried.

MINUTES SPECIAL The minutes of the special council meeting held

MEETING 04/10/95:

April 10, 1995 were presented for Council's consideration and approval. Moved by Fagot, seconded by Hawks, to approve the minutes of the regular meeting as presented. Roll call. Voting "aye" were: Long, Anderson, Hawks, Fagot, Wightman. Motion carried.

CLAIMS AND BILLS:

Claims and Bills in the amount of \$710,398.38 were presented for Council's consideration and approval. Moved by Fagot, seconded by Anderson, to approve the claims and bills as listed and authorized the City Treasurer to transfer \$194,409.45 from the General Fund, \$473,269.32 from LEXUS Funds, \$10,000.00 from City Sanitation Fund, \$11,819.26 from the Landfill Fund, \$530.53 from Library Memorial, \$15,113.01 from the Health Fund, \$5,227.31 from Meals on Wheels, and \$29.50 from CDBG 90-HD-010, to the Lexington Operating Account. Roll call. Voting "aye" were: Long, Hawks, Anderson, Fagot, Wightman. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
April 11, 1995

Automatic Systems	Annual service charge	2,120.00
AT & T	Service	41.58
AT & T	Service	52.23
AT & T	Service	29.94
Barmore's	Film	5.54
Berntson Oil	Diesel, gas, oil	1,917.66
Bricker, Vance	Meeting expense	29.50
BSB	Haul & stockpile dirt	5,000.00
Cash-Wa	Food, gloves	411.40
Canfield, Francine	Postage, dry markers	41.28
Central Garage	Labor, parts, oil	8,130.95
Century Laboratories	Wood handle	16.68
Century Lumber	Lumber, washers, door closures	439.13
Coast to Coast	Chain saw repair, Misc. Supplies	31.07
The Cornhusker	Meeting expense	1,109.29
Computer Pros	Network connection - Police	90.00
Corp. Diversified Service	Life insurance - Fire	60.00
CBSA	Insurance claims	11,779.04
CBSA	Reinsurance claim - Barnes	1,516.71
Cozad Service	Remove freon, service	81.00
Curtis Industries	Round washer	109.08

Culligan Water Conditioning	Service	50.25
Dawson County Clerk	Dispatch service	3,917.33
DEMCO	Laminate, cards	142.66
Diamond Vogel Paint	Paint - Street, Pool	3,644.20
D & M Security	Police connection	90.00
Dutton - Lanson Co.	Misc. Supplies	2,981.19
Dugan Business Forms	Misc. Forms and Bills	2,717.34
Eake's Office	Copier rent	155.92
Egan Supply Co.	Cleaning supplies	230.46
Electric Fixture	Electric Supplies	542.37
Emery Pratt Co.	Books	69.12
Fairbanks International	Bolts, post hole digger, disk	2,423.29
Fagot Refrigeration	Check compressor	25.00
Farm & Ranch Service	Grass seed	49.20
Farm & Home Publishers	Book	26.50
Farm Plan Corp.	Switch	9.65
Fox Bros. Hay Co.	Grinding	1,766.65
Fremont National Bank	Bond payment	43,007.50
Gary's Implement	Used connector rods	144.35
Gall's Inc.	Latex gloves	70.87
Gillette/NE Dairies	Dairy products	111.97
Grey House Publishing	Book	123.50
Halmar Robicon Group	Circuit board	205.23
Hipp Wholesale Co.	Food, trays, cups	1,067.15
Hofaker's Iron	Handles	21.25
Interstate Holiday Inn	Room - Bricker	92.40
Holiday Inn	Room - Malzahn	81.34
Holmes Plumbing	Coupling	35.12
HTM Sales Inc.	Float switch cables	340.24
Husker Electric	Blackburn elbow	76.16
I.C.M.A.	City Mgr. pension	133.85
Insurance & Personnel Serv.	125 Admin Fees	546.48
Int. Conference of Bldg.	UBC Code Book	23.30
Ingram Library Service	Books	97.74
Interstate Structure	Pay est. #6 - Service Bldg	27,514.80
Jones Plumbing	Parts	118.92
Kids Discover	Subscription	17.95
K & K Chemical	Lift station cleaner	139.70
K N Energy	Service	2,044.80
Kriz - Davis co.	Misc. Supplies	19,575.44
League of NE Municipalities	Registration	405.00
Lexington Animal Clinic	Service	165.15
Lex Area Chamber of Commerce	Comcor bulletin	400.00
Lexington Coop	Fertilizer	158.20
Lexington Postmaster	Postage	1,500.00
Lexington Public Library	Postage, subscription	70.59

Lexington Newspaper	Service	411.64
Lexington Truck & Auto	Brake booster, drive shaft	192.69
City of Lexington	Franchise fee, Misc. charges	24,812.06
Lexington State Bank	Printed checks	127.15
Lexington Postmaster	Newsletter postage - GGC	80.00
City of Lexington	Landfill	116.00
May, Sue	Service	200.00
Mead/Big Valley	Misc. Supplies	265.31
Midway Supply	Misc. Supplies	193.22
Miller & Associates	Service - March	1,850.00
Mikes Pharmacy	Film processing	9.74
Morris Press	Misc. Supplies	293.23
Mr. Automotive	Auto Supplies	241.79
Municipal Supply	Parts	20.42
Nebraska Machinery	Loader payments	2,646.00
Nebraska Dept. of Revenue	Sales tax - March	20,176.73
State of Nebraska	Water analysis, testing	926.10
NE. State Historical Soc.	Microfilm	350.00
NE Assoc. of Sr. Centers	Dues - Luther	15.00
Nebraska Cellular	Service	89.57
NIMLO	Membership - Weinhold	362.00
Olsson Associates	IBP Rate Data	240.62
Old Dominion Brush	Suspension cable	30.66
Overton Sand & Gravel	Gravel, sand	291.00
Payroll Account	3/15 - 3/28/95	58,607.88
Paulsen Development	Pay est #4 - Fillmore St.	55,349.41
Paulsen Bldg. & Supply	Concrete, mud rock	1,232.37
Patty's Hallmark	Misc. Supplies	356.76
Platte Valley Communication	Install equipment, Maint.	435.60
Plum Creek Promotions	Flag repair, hat	18.50
Podraza, Bill	Meeting expense	123.88
Prentice Hall	Book	37.04
Protective Life Insurance	Cancer insurance	39.96
Quality Books Inc.	Tape	18.35
Schnieber Fine Foods	Food, towels, liners, cleaner	1,056.89
Service Supply	Couplings	35.74
Seamax	Rod end	36.79
Sixth Street	Food, coffee	63.65
Social Security Fund	3/15 - 3/28/95	4,393.63
S & W Auto Parts	Auto Supplies	625.26
Texaco Inc.	Fuel	11.72
The Travelers	Pension	1,811.83
The Travelers	Police pension	744.64
Unisys Corp.	Maint. agreement	1,266.00
US West Communication	Service	1,603.75
Utility Equipment	Valve kit, repair clamps	120.79

Valley Bargain Barn	Platform wood	88.80
Viking Office Products	Ribbons, adding tape	39.62
Vondras Construction	Install door	67.50
Wal-Mart	Misc. Supplies	316.91
Waterpro	Couplings, meter	819.34
WESCO	Misc. Supplies	1,962.07
Weber & Weinhold	Service	1,357.50
Wheeler's	Misc. Supplies	236.90
Wolverine Sports	Whistles, megaphone	202.11
Mead/Big Valley	Fence	20,553.09
CBSA	Insurance claims	1,230.82
Dan's Sanitation	Service	10,000.00
Donna's Cafe	Service	741.67
NPPD	Power bill - March	340,543.66
Petty Cash	Misc. Expenses	164.81
	TOTAL	710,398.38

**JOINT MEETING
BOND ISSUES:**

Mayor John Wightman addressed the members of the Lexington City Council and of the Lexington School Board stating that the citizens of the community voted in November for the approval of an additional 1/2 cent sales tax to be used for funding of a new city pool and help with the school facility. The revenues from this 1/2 cent sales tax could support a 4.3 million bond issue of which 1.8 would be designated for the aquatic center and 2.5 million for the school's use. The funding for the school could be used for the purchase of the middle school gym, renovation of the auditorium, cafeteria, the new high school gym and parking facilities. Mayor Wightman also stated that the 2.5 million would be split according to the size of the school bond issue which would be 62% for the middle school and 38% for the high school.

An item discussed was how the value of the middle school gym would be determined if the City were to purchase it with bond proceeds. Mr. Richard Peterson responded that the probable method to be used would be appraisal based on depreciated replacement cost. Another concern addressed was what happens if the sales tax bond issue fails. Mr. Jim Doyle stated that if the sales tax bond did not pass then it would be impossible for the school to do the entire project. If the high school bond passed and

the sales tax use passed then you would continue with the high school project and like wise with the middle school so the real key is the sales tax use bond issue.

It was also addressed to the Council and the School Board that if a joint entity is formed then there would be joint ownership of the property. If there is joint ownership, then the facility would have to be available for public use, the entities would share the facilities. This is done many times in political subdivisions to share resources for economical reasons. The main function of this group would be to determine how this is going to be used and who is going to maintain it. Another idea discussed was entering into a 25 year contract which would ensure all the going ons and then using this board as an oversight committee to make sure that the contract was being enacted.

Other discussion pertained to the foundation's contributions. Some of the proceeds would be bonded in with the City's sale tax use bond issue as many of the donations would not be collected up front.

Councilperson Hawks moved that the concept of an interlocal agency agreement between the City and the Schools be adopted and that the two entities meet to work out an agreement for presentation for final approval at the April 25th meeting. Seconded by Fagot. Roll call. Voting "aye" were Anderson, Long, Fagot, Hawks and Wightman. Motion carried.

Councilperson Fagot moved that 2.7 million be bonded for the schools with 2.5 million from sales tax and to be split 62% of the middle school and 38% for the high school and the \$200,000 for the auditorium. Seconded by Hawks. Voting "aye" were Long, Anderson, Hawks, Fagot and Wightman. Motion carried.

**WAIVER OF
OBJECTION:**

Mr. Vance Bricker presented to the Lexington City Council a waiver of objection for a lot split at 510 West 7th Street which has two residents on one piece of property and in order to sell these the property needs to be split. Hearing no objections,

Councilperson Hawks moved that the waiver of objection for a lot split at 510 West 7th Street be approved. Seconded by Anderson. Roll call. Voting "aye" were Long, Fagot, Anderson, Hawks and Wightman. Motion carried.

**SIDEWALK
INSTALLATION:**

City Manager Podraza addressed the Lexington City Council stating that there are requirements that when a house is built a sidewalk must be in place. Some years ago some houses or facilities were built and sidewalks were not installed, so the City is going to start to enforce this requirement. He also stated that in the past that if person ordered to install a sidewalk and if they didn't, the city would install it and then assessed the person. No action was taken.

**MITIGATION GRANT
APPLICATION:**

Mr. Vance Bricker addressed the Lexington City Council that the Federal government has \$16 million for elimination of flooding and for mitigating processes to make sure flooding does not reoccur. This would work into the 13th Street project on sanitary sewer improvement from Adams Street to Hampton Street and also would include storm sewer improvements on 13th Street from Adams 850 feet west which would take it to intercept the storm drain coming across the school from 15th Street and then include Lake Street North to 18th Street. This would be in the amount of \$750,000.

Councilperson Hawks moved that the administration be authorized to submit a mitigation grant application for a project related to storm water runoff in Northwest Lexington. Seconded by Long. Roll call. Voting "aye" were Fagot, Anderson, Long, Hawks and Wightman. Motion carried.

**PUBLIC HEARING
PIZZA HUT:**

Mayor John Wightman declared the public hearing open. City Manager Podraza stated that Pizza Hut has an absenteeism owner who has requested to have the liquor license issued in his name. Hearing no further comments Mayor Wightman closed the public hearing. Councilperson Fagot moved that the application from Joseph M. Aragon for Peak Interests L.L.C. for a liquor license be approved. Seconded by Long. Roll call. Voting "aye" were Anderson, Hawks, Long, Fagot and Wightman. Motion carried.

PAY ESTIMATE

Mr. Dana Daniels presented to the Lexington City Council Pay Estimate No. 4 from Paulsen Development Construction, Inc., in the amount of \$55,349.41. This reflects a reduction in retainage to 5% and with a retainage of \$7,629.82. At this point Paulsens are substantial complete. All the concrete is in place and they have not done the grinding work or removal to eliminate the ponding of water. Mr. Daniels reviewed the diagram of Fillmore Street which highlights the areas holding water.

After further discussion, Councilperson Long moved that Pay Estimate No. 4 from Paulsen Development Construction, Inc. for the Fillmore Street Project in the amount of \$45,000 be approved. Seconded by Hawks. Roll call. Voting "aye" were Fagot, Hawks, Long, and Wightman. Voting "na" were Anderson. Motion carried.

ADJOURNMENT:

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

John Wightman
Council President

Neldene Skwarek
Lexington 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.

Neldene Skwarek
Lexington Deputy City Clerk