

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

The Regular Meeting of the Lexington City Council was held Tuesday, June 27, 1995, at the Municipal Building, 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 Manager Bill Podraza, City Clerk Leon E. Malzahn and City Attorney Will Weinhold. Department Heads present were: Vance Bricker, Glenn Hawks, Neldene Skwarek, Kerry Rader and Charlie Clark. Also present were: Dana Daniels representing Miller & Associates. Citizens in attendance were: Don Ward and Mel Uphoff. The press was represented by 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 Mayor John Wightman.

**MINUTES REGULAR
MEETING 06/13/95:**

The minutes of the regular council meeting held June 13, 1995 were presented for Council's consideration and approval. Moved by Hawks, seconded by Anderson to approve the minutes of the regular meeting as held June 13, 1995. Roll call. Voting "aye" were: Fagot, Anderson, Hawks, Wightman. Motion carried.

Prior to consideration of the claims, Councilman Anderson requested the bill for Custom Creations be removed from the list of bills and considered separately. Moved by Fagot, seconded by Hawks

that the bill for Custom Creations be removed from the list of bills and considered separately. Roll call. Voting "aye" were: Anderson, Hawks, Fagot, Wightman. Motion carried.

CLAIMS AND BILLS:

Claims and Bills in the amount of \$208,221.98 were presented for Council's consideration and approval. Moved by Anderson, seconded by Hawks to approve the claims as listed and authorized the City Treasurer to transfer \$96,245.28 from the General Fund, \$73,957.47 from LEXUS Funds, \$9,536.75 from City Sanitation Fund, \$8,430.28 from the Landfill Fund, \$147.43 from the Library Memorial, \$8,216.56 from the Health Fund, and \$5,631.96 from Meals on Wheels, \$341.73 from Lexington CED and \$5,714.52 from CDBG 90-HD-010 to the Lexington Operating Account. Roll call. Voting "aye" were: Fagot, Hawks, Anderson, Wightman. Motion carried. The claim to Custom Creations was then considered by the City Council. Moved by Hawks, seconded by Fagot to approve the claim to Custom Creations in the amount of \$102.00 and authorized the City Treasurer to transfer \$102.00 from the General Fund to the City of Lexington Operation Account. Roll call. Voting "aye" were Fagot, Hawks, Wightman. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 June 27, 1995

| | | |
|-------------------------|----------------------|----------|
| AFLAC | Cancer insurance | 110.38 |
| AT & T | Service | 57.90 |
| AT & T | Service | 22.96 |
| Barmore's | Film, paper | 29.62 |
| Barco Municipal Prod. | Hose, handles | 447.29 |
| Berntson Oil | Gas, diesel | 2,789.08 |
| Blackburn Manufacturing | Flags | 83.40 |
| Bryant, Clyde | Duplex - Service | 1,600.00 |
| Buller Fixture | Wire grate | 26.46 |
| Cash-Wa Distributing | Food, liners, gloves | 499.66 |
| Central Garage | Labor, parts, oil | 4,718.65 |
| Classic Pool & Spa | Tubing | 121.51 |
| Coca Cola/Dr. Pepper | Pop | 44.75 |
| CBSA | Insurance claims | 7,899.97 |
| Curtis Industries | Ready jet blow gun | 48.53 |

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| Custom Creations | Uniforms - Police | 102.00 |
| Dan's Sanitation | Service | 9,536.75 |
| Davidson Titles | Books | 13.88 |
| Donna's Cafe | Meals on Wheels | 748.23 |
| Dutton Lainson Co. | Anchor | 252.41 |
| Dugan Business Forms | Paper, payroll cks | 551.29 |
| Electric Fixture | Electric Supplies | 694.24 |
| Emery Pratt Co. | Books | 134.01 |
| Farm Plan Corp. | Drum, gear, bearings, blade | 206.55 |
| Fischer - Scientific | Flask, replacement filter | 243.87 |
| Fox Valley System | Paint | 267.78 |
| Fox Bros. Hay Co. | Grinding | 2,400.00 |
| Gehring Electric | Duplex work | 1,462.00 |
| GE Capital | Lease | 309.64 |
| Gillette/NE Dairies | Food | 144.56 |
| Hipp Wholesale | Food, trays | 603.44 |
| Hodges Auto World | AC Repair | 148.35 |
| Holen Floral | Fertilize trees | 410.00 |
| Holtz, Marcia | Tuition | 232.00 |
| Holmes Plumbing | Pump | 585.46 |
| HTM Sales | Vacuum pump | 486.33 |
| Hunt Cleaners | Gloves | 122.18 |
| ICMA | Dues - Podraza | 435.00 |
| ICMA | City Mgr Pension | 133.85 |
| Ingram Library Service | Books | 36.93 |
| Jones Plumbing | Flush valve repair | 63.00 |
| Keim, Jo | Tuition | 96.25 |
| Kirk's | Meeting expense | 25.00 |
| Klein Survey Systems | Level repair | 64.60 |
| K N Energy | Service | 584.10 |
| League of NE Municipalities | Dues - V Bricker | 50.00 |
| Lex Area Chamber of Commerce | CED Expenses | 387.73 |
| Lexington Fire Dept. | Fire school | 3,273.30 |
| Lexington Postmaster | Box Fee, postage | 836.00 |
| Lexington Public Library | Postage, crafts | 26.16 |
| City of Lexington | Franchise fee | 21,107.94 |
| Luther, Ann | Mileage | 36.30 |
| Martin Electric | Service - Pool pump | 18.00 |
| Martin's Flag Co. | Flags | 608.97 |
| Mead/Big Valley Lumber | Circular saw, lumber, & Misc. | 829.49 |
| Meyer Welding | Flat iron | 19.96 |
| Midway Supply | Misc. Supplies | 116.42 |
| Misko Sporting Goods | Chest protector, helmets | 61.12 |
| Miller & Assoc. | WWTP | 5.31 |
| | 13th St. Lighting | 1,581.00 |
| | Landfill | 1,216.11 |

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| | New Landfill | 1,889.73 |
| | 13th ST | 11,424.08 |
| Mississippi Tool Supply | Insect repellent | 99.51 |
| Morris Press | Meter work orders, ribbons | 1,163.12 |
| Nebraska Library Commission | OCLC Charges | 18.27 |
| Nebraska Mun. Power Pool | Training | 75.00 |
| State of Nebraska | Water analysis | 36.20 |
| NIMLO | Membership - Weinhold | 50.00 |
| OK Tire | Tire repair | 40.80 |
| Old Dominion Brush | Flood light, sprocket, chain | 1,380.18 |
| Oscar's Garage | AC Repair | 91.64 |
| Paul A Otto Construction | Curb grinding | 264.00 |
| Overton Sand & Gravel | Gravel | 28.80 |
| Payroll Account | 6/7 - 6/20/95 | 71,398.28 |
| Patty's Hallmark | Office Supplies | 123.77 |
| Petty Cash | Misc. expenses | 243.69 |
| Pitney Bowes | Maint. agreement | 270.00 |
| Platte Valley Auto | Relay assembly | 7.80 |
| Podraza, Bill | Meeting exp. | 40.00 |
| Precision Industries | Bolts, bearings | 81.59 |
| Protective Life Ins. | Cancer insurance | 206.21 |
| Quinlan Publishing | Bulletin - Engineering | 81.81 |
| Quill Corp. | Toner, white out | 89.47 |
| Reach Electronics | Pager repair | 30.48 |
| Sargent Sowell | Measure master | 82.44 |
| Schnieber Fine Foods | Liners, glass cleaner, food | 633.77 |
| School Tech. Inc. | Megaphone, whistle | 172.85 |
| Sixth Street Market | Food, UPS, Misc. Supplies | 114.74 |
| Skarshaug Testing | Clean & Test gloves | 77.30 |
| Social Security Fund | 6/7 - 6/20/95 | 5,372.08 |
| S & W Auto Parts | Misc. Supplies | 654.42 |
| Telegraph | Subscription | 17.25 |
| Michael Todd & Co. | Signs | 478.03 |
| Tri City Tribune | Subscription | 21.00 |
| The Travelers | Pension | 1,769.38 |
| The Travelers | Police pension | 707.78 |
| US West Communications | Service | 30.03 |
| Utility Equipment | Inserts | 180.36 |
| Valentino's | Council retreat | 49.09 |
| Wal-mart | Misc. Supplies | 600.71 |
| WESCO | Misc. Supplies | 5,795.31 |
| Western Engineering Co. | Silvex | 237.31 |
| Wheeler's | Misc. Supplies | 512.84 |
| Zep Manufacturing | Cleaning supplies | 258.01 |
| Bricker, Vance | Mileage | 88.00 |
| Burklund, D L | Electric rebates | 300.00 |

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| CBSA | Insurance premium | 5,484.90 |
| Derickson, Christopher | Electric rebate | 150.00 |
| Hillers, Steve | Men's softball sanction fee | 75.00 |
| Lexington Public Schools | Duplex expenses | 2,377.30 |
| LEXUS | Utilities | 18,806.98 |
| Lex Recreation Program | Support personnel | 600.00 |
| Schroeder, Rodney | Electric rebate | 100.00 |
| West Central Ne Dev | Annual dues | 3,675.00 |
| | TOTAL | 208,323.98 |

TOWING ORDINANCE: City Manager Podraza addressed the Lexington City Council requesting a passage of this ordinance which would allow the City Manager to set the towing fees charged by the City of Lexington for abandoned vehicles. An ordinance entitled, "AN ORDINANCE TO AMEND SECTION 16-91 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR TOWING AND STORAGE FEES; TO REPEAL ORIGINAL SECTION 16-91, 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. Moved by Hawks, seconded by Anderson to approve said ordinance on first reading. Roll call. Voting "aye" were: Fagot, Anderson, Hawks, Wightman. Motion carried.

WARDS SUBDIVISION: Mr. Don Ward addressed the Lexington City Council stating that he is planning to subdivide the property into six lots for residential use in a reasonable range of \$80,000 to \$100,000. Upon completion of the review of the plat, moved by Hawks, seconded by Anderson that the following resolution be passed and approved. Roll call. Voting "aye" were: Anderson, Fagot, Hawks, Wightman. Motion carried.

RESOLUTION NO. 95-08

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

That the WARD SUBDIVISION of a part of the North one-half of the Northwest Quarter of section 32, Township 10 North, Range 21 West of the 6th P.M. in

Dawson County, Nebraska, duly made out and certified be and the same hereby is approved, and accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED this 27th day of June, 1995.

CITY OF LEXINGTON, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk

The subdivision agreement for Ward's Subdivision was presented to the council and reviewed. Upon completion of the review, moved by Hawks, seconded by Anderson to approve said agreement. Roll call. Voting "aye" were: Fagot, Anderson, Hawks, Wightman.

**UPHOFF
SUBDIVISION:**

The Lexington City Council reviewed the plat of the Uphoff Subdivision which would divide the parcel into two lots. Upon completion of the discussion, moved by Fagot, seconded by Anderson that the following resolution be passed and approved. Roll call. Voting "aye" were: Hawks, Anderson, Fagot, Wightman. Motion carried.

RESOLUTION NO. 95-09

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

That the UPHOFF SUBDIVISION of a tract of land in the fractional Southeast Quarter of Section 21, Township 9 North, Range 21 West of the 6th P.M. in Dawson County, Nebraska, duly made out and certified be and the same hereby is approved, and accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County,

PASSED AND APPROVED this 27th day of June, 1995.

CITY OF LEXINGTON, NEBRASKA

ATTEST: By _____
Mayor

City Clerk

The subdivision agreement was then reviewed for the Uphoff Subdivision. Moved by Anderson, seconded by Fagot to approve said agreement. Roll call. Voting "aye" were: Fagot, Hawks, Anderson, Wightman Motion carried.

COPS GRANT:

The Lexington City Council reviewed an application submitted for a grant from Office of Community Oriented Policing Services, U.S. Justice Dept. for a grant for an additional police officer for the City of Lexington. Mr. Charles Clark stated that this grant would be for an addition officer for a period of three years in the amount of \$65,499. After which time this grant runs out, a decision would need to be made whether this officer would be kept on force or the position cancelled. Upon completion of the discussion of this grant, moved by Hawks, seconded by Fagot to authorize the mayor to sign the appropriate documents applying for this grant. Roll call. Voting "aye" were: Anderson, Fagot, Hawks, Wightman. Motion carried.

PAY ESTIMATE:

Mr. Dana Daniels, representing Miller & Associates addressed the Lexington City Council with a pay estimate for pay request No. 3 from Midlands Contracting, Inc. for work completed on 13th Street. Mr. Daniels stated that the pay estimate does match the work completed and materials stored. Moved by Anderson, seconded by Hawks to approve pay estimate No. 3 to Midlands Contracting, Inc. in the amount of \$111,548.15 for work on 13th street and authorized the City Treasurer to transfer \$83,416.31 funds from the General Fund, and \$28,131.84 from the Water Department to the City of Lexington Operating Account. Roll call. Voting "aye" were: Fagot, Hawks, Anderson, Wightman. Motion carried.

LANDFILL CLOSURE:

Mr. Dana Daniels, representing Miller & Associates presented Application No. 4 to the Lexington City

Council from BSB Construction for closure of the landfill. Mr. Daniels further stated that a Certificate of Substantial Completion was attached as this request is the final request for payment. Upon reviewing the application for payment, Councilmember Hawks moved that Application No. 4 in the amount of \$8,700.24 for Phase I Closure of the Lexington Municipal Solid Waste Disposal Facility to BSB Construction be approved and authorize the City Treasurer to transfer \$8,700.24 from the Landfill to the City of Lexington Operating account. Roll call. Voting "aye" were: Anderson, Fagot, Hawks, Wightman. Motion carried.

On the Certificate of Final Completion, Mr. Daniels pointed out the contract price of \$22,079.00 and a total construction cost of \$117,133.99 representing approximate \$4,000.00 savings on the contract price. Moved by Fagot, seconded by Anderson to approve the engineer's Certificate of Final Completion for Phase I Closure of the Lexington Municipal Solid Waste Disposal Facility. Roll call. Voting "aye" were: Hawks, Anderson, Fagot, Wightman. Motion carried.

LIFT STATION:

City Manager Podraza stated that Lift Station No. 1 located by the Fairgrounds along Plum Creek Parkway has been failing recently and plugging due to the age of the pumps and the debris collected at that station. He further requested that an ordinance be passed declaring an emergency so that the City of Lexington could negotiate a price to replace these pumps. The reason for the emergency was explained by City Manager Podraza as being a situation that the sewer lift station would plug causing the lines to back up and overflow in stores and businesses in Southaven Addition to Lexington. An ordinance entitled, "AN ORDINANCE TO DECLARE AN EMERGENCY AND WAIVE THE COST ESTIMATES AND ADVERTISING FOR BIDS FOR REPAIRS OF LIFT STATION NO. 1 TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM." was read before the Council. Moved by Anderson, seconded by Hawks that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were: Fagot, Hawks, Anderson, Wightman. Motion carried. Said

ordinance was then read by title. Moved by Hawks, seconded by Anderson that Ordinance No. 2025 be passed on final reading. Roll call. Voting "aye" were: Anderson, Fagot, Hawks, Wightman. Motion carried.

SPECIAL MEETINGS: City Manager Podraza requested special meetings be held to review budgets for the upcoming year. He requested these meetings be held on July 11 and 18 at 7:00 a.m. Upon completion of his request, moved by Hawks, seconded by Fagot to set two special meetings for review of the budget for the City of Lexington, the first date being July 11 at 7:00 a.m. and the second on July 18 at 7:00 a.m. Roll call. Voting "aye" were: Anderson, Fagot, Hawks, Wightman. Motion carried.

CLAIMS: The City Manager requested item No. 3, claims and bills be reopened and a claim for a forklift be included. After reviewing the purpose and need of the forklift, the cost and sales tax liability, moved by Hawks, seconded by Fagot to approve the claim for a forklift for the Electric Department and authorized the City Treasurer to transfer \$16,500.00 plus sales tax from the Electric Department to the City of Lexington Operating Account. Roll call. Voting "aye" were: Fagot, Anderson, Hawks, 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
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