

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, January 26, 1999 at the Lexington Municipal Building, 406 East 7th Street, Lexington, Nebraska at 7:30 p.m. Members of the Council present were Mayor John Fagot, Neal Kohl, John Wightman, Rick Klamm, Ted Cook. City Officials present were City Clerk Leon Malzahn, City Manager Vance Bricker, City Attorney Willard Weinhold. Department Heads present were Assistant City Manager Joe Pepplitsch, Charles Clark, Ruth Seward, Barb Mills, Chris Huff. Also present were Dana Daniels representing Miller and Associates, and many citizens in attendance. Some of those being Dave Smith, Ivan and Jean Henderson, Greg and Deb Stucklik, Hap Hardesty, and four or five other unidentified citizens. The Press was represented by the Clipper-Herald, Tri-City Tribune, and 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 Fagot.

MINUTES - REGULAR MEETING 1-12-99: Minutes of the Regular Council Meeting held January 12, 1999 was presented for Council's consideration and approval. Moved by Wightman, seconded by Klamm, to approve the minutes of the regular meeting held January 12, 1999 as presented. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

MINUTES - COUNCIL RETREAT MEETING: Minutes of the Special Retreat Meeting held January 23, 1999 was presented for Council's consideration and approval. Moved by Klamm, seconded by Wightman, to approve the minutes of the special retreat meeting held January 23, 1999 as presented. Roll call. Voting "aye" were Cook, Kohl, Wightman, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$215,727.96 was presented for Council's consideration and approval. Upon review of the claims and bills as listed, moved by Kohl, seconded by Klamm, that the claims and bills be approved and authorize the City Treasurer to transfer \$71,091.06 from the General Fund, \$89,546.76 from LEXUS, \$18,347.00 from City Sanitation, \$10.09 from the Landfill fund, \$155.10 from Library Memorial Fund, \$37.66 from Housing Reuse Fund, \$5,550.15 from Meals on Wheels Fund, and \$30,990.14 from the Health Fund to the City of Lexington Operating Account. Roll call. Voting "aye" were Wightman, Cook, Klamm, Kohl, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE

JANUARY 26, 1999 COUNCIL

ADV. CONTROL SYSTEMS	SUPPORT AGREEMENT	2,112.00
AFLAC	CANCER PREMIUM	511.92
AIR PROD. & CHEMICALS, INC.	CYLINDER SVC AGREEMENT	250.00
ALAMAR UNIFORM CO.	UNIFORMS	63.99
ALIAN T COMMUNICATIONS	SVC & EQUIP. - LIBRARY	30.90
AWARDS PLUS	PLAQUES - AWARDS BANQ.	158.90
BECKER FIRE EQUIP. CO.	FOAM - FIRE DEPARTMENT	374.40
BEE OFFICE SOLUTIONS	FILE CABINETS - ADMIN.	930.00
BERNTSON OIL	GAS AND DIESEL	1,558.29
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	5,591.35
CASH-WA	FOOD AND SUPPLIES	498.76
COAST TO COAST	TR. CANS-HOSE-PAINT BR.	112.08
COCA COLA/DR PEPP. - KRNY	POP - GGC	17.90
CORNHUSKER STATE IND.	LIQUID AUTO WASH	48.00
COUNTRY GENERAL	FLOOR MATS - TAPE	50.05
D & M SECURITY	POLICE CONNECTION	105.00
DAWSON CO. PUBLIC POWER	JANUARY POWER	1,380.32
DIRECT SAFETY COMPANY	BIG BEAM HELMET LIGHT	40.08
EAKE'S OFFICE PRODUCTS	DESKJET CARTRIDGES	105.29
ECLIPSE COMMUNICATIONS	LONG DISTANCE CHARGES	219.87
FAGOT REFRIG. & ELECTRIC	WWTP AND WELL REPAIRS	2,566.27
FAIRBANKS INTERN., INC.	TRANSMISSION FLUID	26.45
GALL'S INC.	DUTY BELT	60.98
GILLETTE/NE DAIRIES INC.	DAIRY	244.63
GR ISLAND INDEPENDENT	RENEW PAPER FOR LIBRARY	134.00
GREEN THUMB, INC.	PARTICIPANT SERVICES	200.00
HAAS, T.O. TIRE CO. INC.	TIRE REPAIR	7.50
HACH CHEMICAL	WWTP CHEMICALS	117.85
HARLEQUIN RETAIL, INC.	LIBRARY BOOKS	10.52
HILL-HOLDREGE INTER-LIBR.	LIBRARY REFERRAL CHGS	1.00
HIPP WHOLESALE COMPANY	FOOD AND SUPPLIES	123.79
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	809.17
INTL. CONF. OF BLDG. OFFIC.	REFERENCE BOOK	35.00
JOHN DAY COMPANY	ENDLESS SLINGS	121.55
K N ENERGY, INC	GAS ENERGY CHARGES	3,405.98
KRIZ-DAVIS COMPANY	INSULATORS & MTR SOCKETS	2,478.83
WAGES	PAYROLL FOR 1/14/1999	74,619.00
SOCIAL SECURITY	SOC. SEC.(EMPLOYER PORT)	5,629.38
FIRST NATIONAL BANK	EMP. PENS.(EMPLOYER PORT)	2,230.01
AMERICAN FUNDS	POLICE PENS.(EMPL. PORT)	1,045.28
I.C.M.A.	EMP. PENS.(EMPLOYER PORT)	97.74
LEXINGTON COOP	TIRE REPAIR AND CAR WASH	14.00
LEXINGTON NEWSPAPER INC.	MEETING NOTICES	227.99
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	71.03
LEX RECREATION PROGRAM	5TH & 6TH GR. WNTR BSKTBAL	320.00
MALZAHN, LEON	KEARNEY MEETING EXPENSE	44.00
MARTIN ELECTRIC	MOTOR AND BLOWERS	219.95
MEAD/BIG VALLEY LUMBER	LUMBER AND SCREWS	147.36
MICRO-MARKETING ASSOC.	LIBRARY MATERIAL	27.95
MID-NEBRASKA FOOD BANK	GGC FOOD ORDER	14.28
MIDWAY SUPPLY	OXYGEN AND CHAIN/LINKS	30.64
MISKO SPORTS	BASKETBALLS	73.00
MORRIS PR & OFC SUPPLIES	MISC. OFFICE SUPPLIES	104.00

MR. AUTOMOTIVE	MISC. PARTS AND SUPPLIES	143.61
MULLENDORE, ROBERT A., PE	DATABASE CONTRACT	1,076.04
NE. CONF.-BLDG. OFFICLS & INSP.	MBRSHIP RENEW. & MTG	35.00
NEBEN, SHERILL	RFND 5TH & 6TH GR. WNTR B.B	10.00
NE DEPT. OF REVENUE	UTL BILLING TAX COLLECTION	7.89
NE DEPT. OF WTR RSORCES	REG.-SINGLE GR. WTR WELL	60.00
NEWMAN TRAFFIC SIGNS	PRESSURE SENITIVE LETTERS	119.85
OVERTON COMM. CENTER	JANUARY RENT	100.00
PATTY'S HALLMARK	OFC SPLS/LASERJET CART.	749.61
PC CONNECTION INC.	OFFICE PRO '97 UPGRADE	294.95
PEAK INTEREST (PIZZA HUT)	BOARD OF ADJ. MEETING	31.98
PETTY CASH FUND	REPLENISH PETTY CASH	86.75
PITNEY BOWES	SFTGRD AGRT.-MACH.MAINT	635.00
PLATTE VALLEY COMM.	RADIO REPAIRS	50.32
PLUM CREEK MOTORS	HAZARD KNOB	3.31
PRECISION INDUSTRIES	O RING	3.33
PROTECTIVE LIFE INS.	CANCER PREMIUM	29.00
READER'S DIG. ASSOC. INC	US EDITION-MAGAZINE	24.76
RENT-ALL RENTALS	PRT-A-PWR & PWR PIPE SAW	97.00
S & W AUTO PARTS, INC.	LIGHTER	2.12
SCHNIEBER FINE FOODS INC.	FOOD AND SUPPLIES	472.35
SIMON & SCHUSTER	LIBRARY BOOKS	103.00
SIXTH STREET MARKET	FOOD AND SUPPLIES	91.00
SIXTH STREET PHARMACY	FILM PROCESSING	3.07
SKARSHAUG TESTING	GLOVE TESTS	30.21
SMART APPLE MEDIA	LIBRARY BOOKS	296.33
SUBWAY OF LEXINGTON	LASWA LUNCH	22.21
TEX. CUST. CARD CENTER	FUEL	14.02
TIME LIFE BOOKS	HTG & CLG-LIBRARY BOOK	20.94
U S WEST COMMUNICATIONS	PHONE CHARGES	383.48
U.S. FILTER DISTR/OMAHA	METERS & PLATES & LINERS	5,722.40
UNIQUE BOOKS, INC.	LIBRARY BOOKS	23.13
UTILITY EQUIPMENT	SAMPLING STATION	350.89
WAL-MART	MISC. SUPPLIES	271.65
WEST GROUP	NE CD ROM/WEINHOLDS OFC	85.86
WESTERN PATH. CONSUL.	RANDOM DRUG TESTING POOL	50.00
YOUNG & MODERN	MAGAZINE RENEWAL	13.97
ALIAANT CELLULAR	CELLULAR CHGS (ADMIN)	58.90
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	24,807.87
DAN'S SANITATION	UTIL. BILLING SOLID WASTE	18,347.00
DAWSON CO. PUBLIC POWER PL	BND & GY LNK(DEC. INV)	79.91
FRANSYL EQUIPMENT CO.	RPRS TO THIERMAN DOLLY	2,399.96
JELCO CARPET CLEANING	CL. CARPETS AT SVC BLDG	150.00
LEXINGTON, CITY OF	FRANCHISE FEES	25,430.05
LEXUS	JANUARY UTILITY CHARGES	22,367.48
LUTHER, ANN	NASC MTG EXPENSE IN G.I.	61.80
NE. DEPT. OF REGUL. & LIC.	E.WILLIAMS, CORRES. CRS	50.00
SCHRIEBER FINE FOODS INC.	FOOD AND SUPPLIES GGC	653.73
VETERANS CLUB	ADDIT. BANQUET EXPENSE	388.00
	TOTAL	\$215,727.96

LIQUOR LICENSE:

The Lexington City Council held a public hearing to consider the application of the Dragon Garden for a wine and beer on-sale only liquor license. Mr. Dave Smith, representing the Woo Family,

addressed the Lexington City Council, introduced the members of the family to the City Council, requesting that they could have a license like this to sell their beer and wine with their meals. Upon the conclusion of his presentation, and no further comments to be received, Mayor Fagot declared the public hearing closed. Moved by Wightman, seconded by Klamm, that the City Council forward a recommendation of approval to the Nebraska Liquor Control Commission with regard to the application of the Dragon Garden Inc. for a Class J Retail Liquor License. Roll call. Voting “aye” were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

PUBLIC HEARING:

The Lexington City Council held a public hearing to consider the application of El Farol for a Class M Bottle Club Restaurant at 501 Plum Creek Parkway. Mr. Feliciano Vasquex addressed the Lexington City Council stating that he is requesting a Bottle Club License so that he may serve alcohol with the meals if requested by his patrons. After a review of the application, Mayor Fagot declared the public hearing closed. Moved by Kohl, seconded by Klamm that the City Council forward a recommendation of approval to the Nebraska Liquor Control Commission with regard to the application of El Farol Restaurant for a Class M Retail Liquor License. Roll call. Voting “aye” were Wightman, Cook, Klamm, Kohl, Fagot. Motion carried.

BLUE BEACH LIQUOR LICENSE:

The Lexington City Council held a public hearing to consider the application of Bueno Gonzalez for a Bottle Club Liquor License for the Blue Bleach at 501 Plum Creek Parkway, Suite B. Upon review of his application, Council person Wightman questioned the lack of information on the license and how the Liquor Control Commission could have forwarded this, in this manner. Also, Council Person Wightman asked Mr. Gonzalez whether he had previous experience operating a restaurant, and the number of years that he had been in Lexington, and also requested where he had lived prior to becoming a resident in Lexington. Prior to living in Lexington, Mr. Gonzalez he had been in California. Additional questions were, if a wall between the Blue Beach and the El Farol Restaurant were constructed, if this were a separate business, he answered to the affirmative on that. Also related was the fact that there was a door between the two which would remain locked. Hearing no further comments, Mayor Fagot declared the public hearing closed. Moved by Kohl, seconded by Klamm, that the City Council forward a recommendation of approval to the Nebraska Liquor Control Commission with regard to the application from Blue Beach for a Bottle Club Retail Liquor License. Roll call. Voting “aye” were Wightman, Cook, Klamm, Kohl, Fagot. Motion carried.

UPRR AGREEMENT:

City Manager Bricker addressed the Lexington City Council stating that we needed to have this agreement signed with Union Pacific Rail Road in order to proceed with the replacement with the water main casing under the Madison Street crossing. Upon completion of his presentation, moved by Wightman, seconded by Kohl, that the following resolution be passed and approved. Roll call. Voting “aye” were Cook, Klamm, Kohl, Wightman, Fagot. Motion carried.

WHEREAS, UNION PACIFIC RAILROAD COMPANY has tendered to CITY OF LEXINGTON an agreement covering a pipeline crossing at Lexington, Dawson County, Nebraska; and

WHEREAS, the City Council of CITY OF LEXINGTON has said proposed agreement before it and has given it careful review and consideration; and

WHEREAS, it is considered that the best interests of said City will be subserved by the acceptance of said agreement;

THEREFORE, BE IT RESOLVED by City Council of CITY OF LEXINGTON:

That the terms of the agreement submitted by UNION PACIFIC RAILROAD COMPANY as aforesaid be, and the same are hereby, accepted on behalf of said City;

That the Mayor of said City is hereby authorized, empowered and directed to execute said agreement on behalf of said City and that the City Clerk of said City is hereby authorized and directed to attest said agreement and to attach to each duplicate original of said agreement a certified copy of this Resolution.

STATE OF NEBRASKA)

) ss

COUNTY OF DAWSON)

I, Leon E. Malzahn, City Clerk of CITY OF LEXINGTON, hereby certify that the above and foregoing is a true, full and correct copy of a resolution adopted by the City Council of CITY OF LEXINGTON at a meeting held according to law at Lexington, Nebraska, on the 26th day of January, 1999, as the same appears on file and of record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 26th day of January, 1999.

Leon E. Malzahn
City Clerk of CITY OF LEXINGTON

State of Nebraska

**13th STREET
ORDINANCE:**

The Lexington City Council considered an Ordinance that would increase the speed on 13th Street from 25 to 30 m.p.h. and reduced parking in certain areas along that street. Testifying in opposition to this ordinance were Greg Stucklik, Ivan Henderson, Hap Hardesty, and approximately two other citizens, all stating that the control of the speed is not there, and people drive upwards to 50 m.p.h. on that street. After hearing all the objections from the citizens for not passing this ordinance, moved by Klamm that said Ordinance be passed on first reading. Hearing no second in motion, Mayor Fagot declared the motion dead for lack of second. Moved by Wightman, seconded by Klamm, that the Ordinance be placed on the next regular council meeting agenda for February 9, 1999. Roll call. Voting "aye" were

Klamm, Wightman. Voting "nay" were Cook, Kohl, Fagot. Motion failed.

BLIGHTED AREA STUDY:

City Manager Bricker informed the Council that a time and place for a blighted hearing study needed to be set and the following resolution would do that. This would be to pave the way for the Community Redevelopment Authority to act upon the Holiday Inn Express which is planned to be built along Plum Creek Parkway. After the completion of his presentation, moved by Wightman, seconded by Kohl, that the following resolution be passed and approved. Roll call. Voting "aye" were Klamm, Cook, Kohl, Wightman, Fagot. Motion carried.

RESOLUTION 99-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, FORWARDING A REPORT TO THE PLANNING AND ZONING COMMISSION OF THE CITY FOR ITS RECOMMENDATION UNDER SECTION 18-2109 OF THE COMMUNITY DEVELOPMENT LAW AND SETTING A TIME AND DATE FOR A PUBLIC HEARING ON WHETHER PROPERTY WITHIN THE CITY LIMITS SHOULD BE DECLARED BLIGHTED AND SUBSTANDARD.

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

The City Clerk is hereby directed to forward to the Planning and Zoning Commission of the City of Lexington, the blight and substandard report presented to the City Council dated December, 1993, by Hanna:Keelan Associates, P.C., together with correspondence therefrom updating such report, dated September 2, 1998.

The Planning and Zoning Commission is directed to make its recommendations to the Council regarding whether the area described in the report is substandard and blighted within the meaning of the community development law.

A hearing on the question of whether the area described in the report should be declared blighted and substandard shall be held in the City Council chambers on February 23, 1999, at the hour of 7:30 P.M..

the City Clerk is directed to publish notice of the hearing once each week for two weeks prior to said hearing.

The City Clerk is further directed to mail notice after the first publication thereof by certified mail to the president or chairperson of the governing body of the county, school district, community college, educational service unit and natural resource district.

Passed and approved this 26th day of January, 1999.

CITY OF LEXINGTON, NEBRASKA

By: John Fagot
President of the Council

Attest: Leon E. Malzahn
City Clerk

FINANCIAL REPORT:

The Financial Report for December, 1998, was presented to the City Council. Upon review of the Financial Report, and the sales tax receipts, moved by Klamm, seconded by Wightman, that the Financial Report for December of 1998 be accepted. Roll call. Voting "aye" were Cook, Kohl, Wightman, Klamm, Fagot. Motion carried.

SALE OF PROPERTY:

City Manager Bricker reported to the Council that Mr. Charles Cadwell, had made an offer, on the two lots in Block 6 of the Southaven addition to the City of Lexington, and that the price of these two lots were set at \$5,500 a piece. Mr. Charles Cadwell then addressed the Lexington City Council stating that this price was acceptable to him and that he was willing to complete that sale. Additional items of discussion on this particular subject related to the City of Lexington deeding the property to the Community Redevelopment Authority for them to improve and sell, and therefore raising revenues for their operation. Upon the completion of the discussion relating to that item, Council Person Wightman moved that the City of Lexington accept the offer from Charles Cadwell for these two lots, and that an Ordinance be placed on the next regular scheduled agenda. Seconded by Cook. Roll call. Voting "aye" were Klamm, Kohl, Cook, Wightman, Fagot. Motion carried.

ADJOURNMENT:

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

John Fagot
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.

Lexington City Clerk

