

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, February 22, 2000 at the Lexington Municipal Building, 406 East 7<sup>th</sup> 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 E. Malzahn, City Attorney Willard Weinhold, City Manager Vance Bricker. Department Heads present were Assistant City Manager Joe Pepplitsch, Charles Clark, Ruth Seward, Barb Mills. Also present were Dana Daniels representing Miller and Associates. Citizens in attendance were Mike Schulte, Dorothy Millican, Frank Hennigan, Juan Lazo, Bill Ashmore, Steve Tomesek, David Selk, Chuck Mooberry, Greg Lauby, Nola Reed, and other citizens with an interest in the Items on the Agenda. The Press was represented by Clipper-Herald, KRVN, Tri-City Tribune, and 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 – 2-8-00:** Minutes of the Regular Meeting held February 8, 2000 was presented for Council’s consideration and approval. Moved By Klamm, seconded by Wightman, to approve the minutes of the Regular Meeting held February 8, 2000 as presented. Roll call. Voting “aye” were Cook, Kohl, Wightman, Klamm, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$247,816.68 was presented for Council’s consideration and approval. Upon review of the claims and bills as listed, moved by Wightman, seconded by Klamm, to approve the claims and bills as listed, and authorize the City Treasurer to transfer \$74,868.15 from the General Fund, \$140,657.90 from LEXUS, \$19,457.75 from City Sanitation Fund, \$6,936.18 from Health Fund, \$5,896.70 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Cook, Kohl with the exception of Mr. Automotive, Klamm, Wightman, Fagot. Motion carried

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
FEBRUARY 22, 2000 COUNCIL

|                        |                         |          |
|------------------------|-------------------------|----------|
| ABC APPLIANCE REPAIR   | PUMP REPAIR             | 53.92    |
| AFLAC                  | CANCER PREMIUM          | 732.08   |
| AWARDS PLUS            | LEAGUE EXPENSES         | 325.00   |
| AXIS CAPITAL, INC.     | POSTAGE MACHINE         | 283.31   |
| BARMORE'S              | COMPUTER SUPPLIES       | 25.97    |
| BERNTSON OIL           | GAS AND DIESEL          | 2,293.92 |
| BRICKER, VANCE         | LEAGUE EXPENSES         | 458.10   |
| BUSINESS & PROF CREDIT | MONTHLY REIMBURSEMENT   | 266.37   |
| C.B.S.A.               | EMPLOYEE MEDICAL CLAIMS | 3,107.32 |
| CASH-WA                | FOOD AND SUPPLIES       | 814.22   |
| CENTRAL GARAGE         | LABOR-PARTS-OIL         | 3,626.94 |
| CERTIFIED LABORATORIES | LAB SUPPLIES            | 205.21   |

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| CLARK ENERSEN PRTRNS, THE   | PROFESSIONAL SERVICE        | 1,381.63  |
| COAST TO COAST              | MISC. SUPPLIES              | 20.86     |
| COUNTRY GENERAL             | TOOLS AND SUPPLIES          | 301.70    |
| CRESCENT ELEC SUPPLY CO.    | EMBOSSSED METAL SEALS       | 989.10    |
| DAN'S SANITATION            | SOLID WASTE CHARGES         | 444.44    |
| DANKO EMERG EQUIP CO        | FIRE EQUIPMENT              | 173.80    |
| DEPOSITORY TRUST CO.        | 1997 A & B COMB UTL         | 62,340.00 |
| DENVER POST, THE            | CITY MANAGER AD             | 864.60    |
| EDM EQUIPMENT CO            | SUPPLIES                    | 60.43     |
| EGAN SUPPLY CO              | SUPPLIES                    | 33.50     |
| ELECTRIC FIXTURE            | ELECTRICAL SUPPLIES         | 169.29    |
| ELECTRIC METER SERVICE      | METER TESTING               | 42.00     |
| ELLIOT EQUIPMENT CO         | TITLE FOR SEWER             | 65.00     |
| FAGOT, JOHN                 | MLG EXP. ADV-LEAGUE CONF.   | 110.36    |
| FAIRBANKS INTERNATIONAL INC | TRANSFILTERS                | 35.24     |
| FISHER-SCIENTIFIC           | SUPPLIES                    | 261.25    |
| FLOOR SHINE                 | MONTHLY SERVICE             | 135.00    |
| GILLETTE/NEBR DAIRIES INC.  | DAIRY                       | 137.33    |
| HAAS, T.O. TIRE CO. INC.    | VALVE STEM                  | 2.12      |
| HIPP WHOLESALE COMPANY      | FOOD AND SUPPLIES           | 794.96    |
| HOMIER DISTRIBUTING INC     | OCC TAX REFUND              | 10.00     |
| INGRAM LIBRARY SERVICES     | LIBRARY BOOKS               | 685.11    |
| INS & PERSONNEL SERVICES    | EMPLOYEE 125                | 823.39    |
| K N ENERGY, INC.            | ENERGY CHARGES              | 3,633.71  |
| KRIZ-DAVIS COMPANY          | MACHINE BOLTS               | 2,547.25  |
| LAKOTA                      | MEAL - AUDIT COMMITTEE MTG  | 51.92     |
| LEXINGTON PAYROLL ACCT      | WAGES                       | 74,679.22 |
| SOCIAL SECURITY             | SOCIAL SEC(EMPLYR PORTION)  | 5,633.20  |
| FIRST NATIONAL BANK         | EMP PENS(EMPLOYER PORT)     | 2,307.98  |
| AMERICAN FUNDS              | POLICE PENS(EMPLOYER PORT)  | 1,004.86  |
| I.C.M.A.                    | EMP PENS(EMPLOYER PORT)     | 99.70     |
| LASW                        | SOLID WASTE CHARGES         | 141.16    |
| LEXINGTON COOP              | CAR WASH                    | 7.00      |
| LEXINGTON GLASS CO          | REPAIRS AT AQUATIC CENTER   | 259.95    |
| LEXINGTON NEWSPAPER INC.    | MEETING NOTICES             | 28.35     |
| LEXINGTON PUBLIC LIBRARY    | REPLENISH PETTY CASH        | 59.49     |
| LEXINGTON COMMUNICATIONS    | SUPPLIES AND LABOR          | 47.96     |
| LEXINGTON TRUCK AND AUTO    | DOOR HANDLE                 | 20.00     |
| LEXINGTON REC PROGRAM       | LEAGUE EXPENSE              | 80.00     |
| LOCAL GOV INSTITUTE         | ADVERTISEMENT               | 49.00     |
| LUCENT TECHNOLOGIES         | QUARTERLY CHARGES           | 95.22     |
| LUTHER, ANN                 | MILEAGE EXPENSE             | 88.47     |
| MEAD/BIG VALLEY LUMBER      | PAINT, CEILING TILES & SPLS | 85.20     |
| MIDWAY SUPPLY               | GLASS CLEANER               | 14.25     |
| MORRIS PRESS & OFC SPLS     | OFFICE SUPPLIES             | 9.17      |
| MR AUTOMOTIVE               | SUPPLIES                    | 11.52     |
| NEBRASKA LIBRARY ASSOC      | SEMINAR FEES                | 25.00     |
| NEBRASKA LIBRARY COMM       | SEMINAR FEES                | 45.00     |
| NE DEPT OF HHS              | ANNUAL PRMT SWIMMING POOL   | 3.00      |
| NORTHERN TOOL & EQUIP       | BRIGGS ENGINE               | 221.89    |
| PATTY'S HALLMARK            | OFFICE SUPPLIES/POSTAGE     | 482.78    |
| PAULSEN INC.                | CONCRETE                    | 240.42    |
| PEAK INTEREST               | LUNCH - BD OF ADJSTMNT MTG  | 40.47     |
| PLATTE VALLEY AUTO MART     | SPEEDOMETER                 | 447.21    |
| PLUM CREEK MEDICAL GROUP    | FLU SHOTS                   | 11.00     |
| PRECISION INDUSTRIES        | SUPPLIES                    | 132.42    |

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| PRIMEDIA                    | VIDEO SUBSCRIPTION          | 936.00      |
| PROTECTIVE LIFE INSURANCE   | CANCER PREMIUM              | 35.62       |
| REACH ELECTRONICS           | PAGER REPAIR                | 35.81       |
| REPubL VALLEY LIBR SYSTEM   | SEMINAR FEES                | 36.00       |
| SEWARD, RUTH                | BOOKS REIMBURSEMENT         | 45.96       |
| SIXTH STREET PHARMACY       | FILM DEVELOPMENT            | 3.27        |
| S & W AUTO PARTS            | SUPPLIES                    | 332.24      |
| TRAUTMAN'S MEAT CENTER      | GROCERIES                   | 102.66      |
| UNIQUE BOOKS INC            | BOOKS                       | 147.16      |
| US FILTER                   | SUPPLIES                    | 1,427.35    |
| U-SAVE FOODS INC            | GROCERIES                   | 58.46       |
| WAL-MART                    | OFFICE AND PAINT SUPPLIES   | 200.52      |
| WESCO DISTRIBUTION INC.     | SUPPLIES/TRANSFORMER        | 1,901.53    |
| ZEP MANUFACTURING CO        | SUPPLIES                    | 39.72       |
| ALLTEL                      | CELLULAR PHONE SVC          | 94.26       |
| BURKLAND, D. L.             | ELECTRIC REBATE             | 500.00      |
| C.B.S.A.                    | EMPLOYEE MEDICAL CLAIMS     | 2,226.77    |
| DAN'S SANITATION            | SLD WST UTL BILLING CHARGES | 19,457.75   |
| ELECTRIC FIXTURE            | SUPPLIES                    | 1,069.00    |
| FAGOT REFRIG & ELECTRIC     | ELECTRIC REBATE/FITZGERALD  | 1,100.00    |
| GLAZE CREATIONS             | COUNCIL CHAMBERS CABINET    | 924.99      |
| LEAGUE OF NE MUNICIPALITIES | SNOWBALL WST WATER CONF     | 150.00      |
| LEXINGTON NEWSPAPERS        | MEETING NOTICES/MINUTES     | 1,018.93    |
| LEXINGTON, CITY OF          | FRANCHISE FEES              | 23,357.80   |
| LEXINGTON, CITY OF          | ELECT REBATE/LIBRARY HOUSE  | 100.00      |
| LEXUS                       | UTILITY BILLING             | 14,925.75   |
| OVERTON COMMUNITY CENTER    | RENT-OCC                    | 100.00      |
| PETTY CASH FUND             | REPLENISH PETTY CASH        | 73.57       |
| SEWER EQUIP CO OF AMERICA   | SUPPLIES                    | 355.32      |
| SOFLIN, JOHN A              | ELECTRIC REBATE             | 1,100.00    |
| WATER ENVIRON FEDERATION    | MBRSHp RNWL/BLIVEN, JESS    | 83.00       |
| WEBER, DAVE                 | ELECTRIC REBATE             | 1,200.00    |
|                             | TOTAL CLAIMS                | 247,816.68. |

**CITIZENS COMMENTS:**

During the Citizens Comments, Mr. David Selk addressed the Lexington City Council, inquiring if there was a private agreement between IBP and the City of Lexington that would exclude them from the City Limits. Mayor Fagot stated that there is no agreement between the City of Lexington and IBP. Mr Selk then stated that if they were in the City of Lexington, the money collected in property tax, from them would be able to support Economic Development. After a discussion concerning the amount of money that would be raised, Mr. Selk was informed that the property tax levy that he was quoting was in error, and should be just that of the City's. Mr. Selk then stated that he agreed with the article in USA Today about the condition of Lexington and inquired if anything is being done to correct it. The Mayor informed him that the article unjustly stated conditions in Lexington. This ended the Citizens Comments.

**LIQUOR ORDINANCE:**

Mayor Fagot stated that the ordinance for sale of liquor for on sale establishments is to be considered by the Council, and asked if there was anyone who wished to speak on this ordinance. At this time, Mrs. Millican addressed the Council stated that they opposed the Ordinance allowing the on-sale of liquor in bottle clubs on Sunday. She also stated that there was four associated organizations similar to Al-Anon that meet every week in Lexington, and that City Government, should help these people by not allowing additional sales of alcohol. Mr. William Ashmore addressed the City Council that he was against the ordinance for the

sale of alcohol on premises. At this time, Ms. Nola Reed addressed the Council also reflecting her opposition to the sale of alcohol on premises on Sunday. Mr. Ashmore then addressed the Council stating that if they did pass this ordinance, he would hope that the hours of sale would be from 6:00 p.m. to 1:00 a.m. Mr. Frank Hennigan addressed the City Council stating that he would hope the hours on this ordinance, when considered, would be longer than 6:00 p.m. to 1:00 a.m. He thought that Noon to 1:00 a.m. may be helpful to the owners of the establishments that would be affected. Mr. Greg Lauby then addressed the Council stating that the ordinance, as it is, does not allow equal treatment for people that have on-sale alcohol, comparing to those that have off-sale alcohol. He requested that the time of the Ordinance be set according to state statute. Mr. Lauby also presented a petition to the City Council with names from the owners of On-Sale and Off-Sales Licenses. These petitions represented people who are in favor of the passage of the Ordinance, with the hours set from Noon to 1:00 a.m. Additionally, Mr. Lauby presented the City Council with a section of the City Code relating to Alcoholic Beverages and the time of the sale thereof. Upon completion of his presentation, Mr. Juan Lazo addressed the Council saying that his customers usually work on Saturday and do not have an opportunity to arrange their celebrations until Sunday. He also stated that he hires bands for these celebrations from far away, and that the sale of alcoholic beverages helps defray the cost of the entertainment. In closing he wished the Ordinance would be passed to help his business. Nola Reed addressed the Council speaking against the passage of the Ordinance, and the hours set in the Ordinance. Mr. Chuck Mooberry then addressed the Council requesting the passage of the Ordinance with the expanded hours. Upon the completion of these presentations, and discussion by the Council, Councilperson Cook moved to amend the Ordinance so the hours of operations would comply with the state statutes. After an appropriate amount of time and hearing no second to the motion, Mayor Fagot declared the motion dead for a lack of a second. Moved by Klamm, seconded by Kohl, that the hours of 12:00 Noon to 1:00 a.m. be placed in the Ordinance. Roll call. Voting "aye" were Cook, Kohl, Klamm, Fagot. Voting "nay" was Wightman. Motion carried.

An Ordinance entitled "AN ORDINANCE TO AMEND SECTION 3-6 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR SUNDAY SALES OF ALCOHOLIC LIQUOR FOR CONSUMPTION ON THE PREMISES; 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. Moved by Klamm, seconded by Kohl, that said Ordinance be passed on first reading. Roll call. Voting "aye" were Cook, Kohl, Klamm, Fagot. Voting "nay" was Wightman. Motion carried.

**ONE & SIX YEAR PLAN:**

The Lexington City Council held a Public Hearing to consider the One & Six Year Road Plan for the City of Lexington. Mr. Dana Daniels, representing Miller and Associates, addressed the Council outlining specific projects that would be included in the plan, and how these projects were scheduled. Upon conclusion of the input, Mayor Fagot declared the Public Hearing closed. Moved by Wightman, seconded by Klamm, that the following Resolution be passed and approved. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

**RESOLUTION NO. 99-04**

**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:

United Nebraska Bank  
Farmers State Bank & Trust  
Lexington City Offices  
Dawson County Court House  
Plum Creek Bank

PASSED AND APPROVED this 22<sup>nd</sup> day of February, 2000.

CITY OF LEXINGTON, NEBRASKA

Mayor John Fagot

ATTEST: Leon E. Malzahn, City Clerk

**FINANCIAL REPORT:**

The Financial Report for January 2000 was presented for Council's consideration. Upon review of the receipts and expenditures percentages for the year, and sales tax revenues, moved by Wightman, seconded by Klamm, to accept the Financial Report for January, 2000. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

**HWY 21 RELOCATION  
RESOLUTION:**

City Manager Bricker addressed the Council outlining the relocation of Hwy 21 for construction of the overpass. He stated that this relocation would go west on 8<sup>th</sup> Street to Ontario Street, and then back south to Highway 30. Mr. Frank Hennigan addressed the Council inquiring as to why the overpass traffic is not routed to the east and then back to Highway 30, as there is no residential in that area. He was then informed that the overpass would touch down approximately two blocks north of the intersection that he was referring to, and that would reroute traffic through the residential area. A question was then asked about left handed turn signals. Assistant City Manager Peplitsch stated that there would be stop lights at the base of the overpass with turning lanes at that location. There being no further discussion on this item, Council Person Klamm moved that the following Resolution be passed and approved. Seconded by Wightman. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

**RESOLUTION 00-04**

WHEREAS: the City of Lexington, Nebraska has performed planning and studies for the purpose of constructing a grade separation structure over the Union Pacific Railroad and

WHEREAS: the City has conducted public meetings and sought the input of the public, the Nebraska Department of Roads and the Union Pacific Railroad and

WHEREAS: the City selected Adams Street as the location for the proposed grade separation structure and

WHEREAS: a portion of the proposed grade separation construction is in conflict with the existing Nebraska Highway 21 (N21) and

WHEREAS: the City has considered alternatives for the reroute of N21 and has submitted the alternatives and a recommended alternative to the Department of Roads for consideration and

WHEREAS: the Department of Roads has reviewed and concurred with the route and has provided the City with guidance for the design of this route and

WHEREAS: the City has prepared preliminary designs and drawings for the proposed grade separation and the reroute of N21 and

WHEREAS: the City has conducted a "Location and Design" public hearing for the proposed grade separation and the reroute of N21 and have prepared a transcript of said public hearing including oral public comments made at the hearing and written comments received after said hearing and

WHEREAS: the City Council has reviewed the preliminary designs and drawings, reviewed the public hearing transcript and considered the comments offered by the public.

NOW BE IT RESOLVED the City Council, City of Lexington, Nebraska reaffirms their support of the project as shown in the preliminary drawings and respectfully requests the approval from the State of Nebraska Highway Commission for the reroute of N21 as shown on the preliminary drawings and the attached map.

PASSED AND APPROVED this 22<sup>nd</sup> day of February, 2000.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST: Leon E. Malzahn, City Clerk

**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.

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Lexington City Clerk