

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, January 11, 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 Peplitsch, Charles Clark, Ruth Seward, Barb Mills. Representing Miller and Associates was Bob Blankenship. Citizens in attendance were Brad Larson, Keith Schwartz, Dale Mooberry, Diane Lauby, Alvin Zimmerman, Greg Lauby, Connie Pfeiste, and approximately 10 other unidentified citizens with an interest on items on the Agenda. The Press was represented by the Clipper-Herald, KRVN, 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 – 12-28-99:** Minutes of the Regular Meeting held December 28, 1999 was presented for Council’s consideration and approval. Moved by Wightman, seconded by Klamm, to approve the minutes of the Regular Meeting held December 28, 1999 as presented. Roll call. Voting “aye” were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$585,143.95 were presented for Council’s consideration and approval. Upon review of the claims and bills as listed, moved by Kohl, seconded by Klamm, to approve the claims and bills as listed, and authorize the City Treasurer to transfer \$87,566.12 from the General Fund, \$466,535.72 from the LEXUS fund, \$10,000.00 from City Sanitation Fund, \$2,100.99 from Landfill Fund, \$38.92 from Library Memorial Fund, \$11,461.41 from Health Fund, \$7,012.09 from Meals On Wheels, \$428.70 from Library House Fund to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Wightman, Cook, Klamm, Kohl, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
JANUARY 11, 2000 COUNCIL

ALAMAR UNIFORM CO.	UNIFORM SHIRTS	73.25
ALLTEL	CELLULAR CHARGES	63.18
AMERICAN LIBR PREVIEW	LIBRARY BOOKS	610.24
ASSOC SUPPLY COMPANY, INC.	MANHOLE GASKET/PAINT	553.81
BERNTSON OIL	FUEL AND OIL	1,735.97
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	7,117.00
C.B.S.A.	INSURANCE PREMIUMS	8,051.14
CASH-WA DISTRIBUTING	FOOD AND SUPPLIES	332.35
CENTRAL GARAGE FUND	LBR, PRTS, TIRES, GAS AND OIL	6,979.20
CENTURY LABORATORIES, INC.	DRAIN OPENER	147.97
CLINE'S SMALL ENGINE REPAIR	RAD REPAIR AND CHAIN SAWS	459.45

COAST TO COAST	MISC. PARTS AND SUPPLIES	71.10
COUNTRY GENERAL	MISC. PARTS AND SUPPLIES	178.24
CULLIGAN WATER COND CO.	SOFT WATER SERVICE	30.00
D & M SECURITY	POLICE CONNECTION	105.00
DAN'S SANITATION	UTILITY SOLID WASTE	10,000.00
DEMCO	LIBRARY SUPPLIES	106.51
DIAMOND VOGEL PAINT	PAINT	452.10
DUGAN BUSINESS FORMS	DISCONNECT TAGS	317.25
EAKE'S OFFICE PRODUCTS	COPIER PAYMENT	575.40
ECLIPSE COMMUNICATIONS	LONG DISTANCE CHARGES	228.80
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	1,248.49
E-Z BOOK COMPANY	LIBRARY BOOKS	66.75
FAGOT REFRIG & ELECTRIC	GGC RNG & LIBR WTR HEATER	643.51
FAMILY EYEWEAR	SFTY GLS-SMETS & MONTER	262.00
FISCHER-SCIENTIFIC	WWTP SUPPLIES	107.61
FIVE POINTS BANK	COPIER PAYMENT	205.12
FRANSYL EQUIPMENT CO.	ELECTRIC UNIT REPAIR	1,256.57
FYR-TEK	FOAM AND DIAPHRAGMS	499.65
GALE GROUP, THE	LIBRARY BOOKS	823.80
GILLETTE/NE DAIRIES, INC.	DAIRY PRODUCTS-GGC	187.44
GREEN THUMB, INC.	CONTRBTN FOR WORK DONE	250.00
GREY HOUSE PUBLISHING	LIBRARY BOOKS	69.95
HACH COMPANY	BUFFER PILLOW	32.30
HIPP WHOLESALE COMPANY	FOOD AND SUPPLIES	284.24
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	214.23
INS & PERSONNEL SERVICES	ADMINISTRATION FEES	492.66
INT TRANSFORMER CO INC	TRANSFORMERS	5,513.25
INTERNET USA, LLC	INTERNET SERVICE LIBRARY	109.90
JONES PLUMBING & HEATING	WATER AND SEWER SUPPLIES	1,205.88
K.R.V.N. - FM	MO CONTR & HOLIDAY GRNG.	209.00
KNAPP ELECTRIC	REPAIR LIFT STATION	1,313.35
KOEN BOOK DISTR, INC.	LIBRARY BOOKS	781.57
KRIZ-DAVIS COMPANY	FUSES-SPLICE KITS-BRACKETS	1,644.14
LEXINGTON ANIMAL CLINIC	ANIMAL CARE	274.70
LASWA	SOLID WASTE FEES	361.44
LEXINGTON COMMUNICATION	RADIO REPAIR	40.00
LEXINGTON COOP	KEROSENE AND PROPANE	21.69
LEXINGTON HEALTH FUND	SELF-FUNDING	14,352.08
LEXINGTON LAUNDRY	DECEMBER LAUNDRY SERVICE	58.25
LEXINGTON NEWSPAPERS INC.	MINUTES & MEETING NOTICES	191.95
LEXINGTON POSTMASTER	POSTAGE	150.00
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	42.94
LEXINGTON, CITY OF	MO CHRGS & FRANCHISE FEES	23,860.74
LEX CITY PAYROLL ACCOUNT	30-Dec-99 WAGES	74,171.95
SOCIAL SECURITY	SOC SEC(EMPLOYER PORTION)	5,596.04
AMERICAN FUNDS	POLICE PENS(EMPLOYER PORT)	1,068.52
I.C.M.A.	EMP PENS(EMPLOYER PORT)	99.70
LIEHS DRILLING	WELL 17 AND WELL 18	9,253.00
MEAD/BIG VALLEY LUMBER	PAINT & CONCRETE SUPPLIES	58.42
MEYER WELDING & REPAIR	IRON	22.32
MIDWAY SUPPLY	ENGINE PARTS	359.97
MORRIS PRS & OFC SUPPLIES	OFFICE SUPPLIES	32.46
MR. AUTOMOTIVE	CLAMPS	24.57
MUNICIPAL CLERKS SCHOOL	REGIST FEES-MALZAHN & LEWIS	500.00
NE. DEPT. OF HHS LAB	COLIFORM TESTS	26.25
NE. DEPT. OF MOTOR VEHICLES	UNDERCOVER LICENSES	6.00

NE DEPARTMENT OF REVENUE	DECEMBER SALES TAX	23,633.83
NEBRASKA LAW ENFORCEMENT	RADAR TRAINING	44.19
NE STATE READING ASSOC.	CONF REG - JURGENS	12.00
NE STATEWIDE ARBORETUM	MEMBERSHIP FEE	26.63
NELSON, THOMAS R	CITY HALL CLEANING	500.00
NEWMAN TRAFFIC SIGNS	HANDICAP PARKING SIGN	64.95
OLSSON ASSOCIATES	RATE STUDY	775.00
OVERHEAD DR CO-NO PLATTE	RPR OVERHEAD DR FIRE HALL	272.60
PRSNS TECHN/BRODERBUND	QUICKEN LAWYER 2000	24.95
PATTY'S HALLMARK	OFFICE SUPPLIES	817.60
PAULSEN INC.	CONCRETE	262.29
PICTURE THIS	PHOTO PROCESSING	5.28
PLATTE VALLEY AUTO MART	VAN RENTAL-CAR WSHS-PRTS	88.10
PLATTE VALLEY COMMUN	RADIO AND RADIO REPAIRS	960.80
PLUM CREEK MOTORS	IGNITION KEY	19.19
PRENTICE HALL	LANGUAGE SUCCESS	44.34
PUBLIC LIBRARY ASSOCIATION	CONF REGIST - SEWARD	303.00
RAND McNALLY	COMMERCIAL ATLAS 2000	350.40
S & W AUTO PARTS	MISC. PARTS AND SUPPLIES	536.50
SEWARD, JUSTIN	LIBRARY CLEANING	225.00
TIME LIFE BOOKS	LIBRARY BOOKS	23.98
TODD, MICHAEL & CO. INC.	BATTERIES	147.32
TRI-CITY TRIBUNE	KIDZ RUN ADVERTISEMENT	44.00
TRI-COUNTY HOSPITAL	FITNESS CENTER FEES	170.00
U S WEST COMMUNICATIONS	DECEMBER PHONE CHARGES	1,775.95
UNIQUE BOOKS, INC.	LIBRARY VIDEOS AND BOOKS	2,053.53
UNITES STATES POSTAL SRVC	UTILITY POSTAGE FEES	1,500.00
USHER PEST CONTROL	SPRAY BUGS	24.00
WAL-MART	MISC. SUPPLIES AND SHOP VAC	219.15
WARD LABORATORIES	TESTING	56.00
WAREHOUSE SURPLUS	SUCKERS	8.95
WEBER & WEINHOLD	DEC PROF SERVICE	1,258.50
WESCO DISTRIBUTION, INC.	INSLTRS AND CABLE CUTTERS	1,640.88
BARMORE'S	COMP CABLES (DEC. INVOICE)	16.98
CASH-WA DISTRIBUTING	FOOD AND SUPPLIES - GGC	1,100.75
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	3,816.13
CENTURY LABORATORIES, INC.	CHUCK HOLE PATCH	206.51
CULLIGAN WATER COND CO.	SFTWTR TRTMNT - DEC. INV	45.90
DAWSON CO PUBLIC POWER	DECEMBER POWER	259.48
FALES, TERRY	AWARDS BANQ ENTERTAIN	225.00
HIPP WHOLESALE FOODS, INC.	FOOD AND SUPPLIES - GGC	377.37
KRIZ-DAVIS COMPANY	CABLE SPACERS	3,119.92
MIDWEST LABORATORIES INC.	TESTING - LANDFILL AND WWTP	2,256.25
NE PUBLIC POWER DISTRICT	DECEMBER POWER	349,232.60
PEAK INTEREST (PIZZA HUT)	CED NOON MEETING	26.48
PROTECTIVE LIFE INSURANCE	CANCER POLICY	35.62
U S WEST COMMUNICATIONS	PHONE CHARGES	353.69
	TOTAL CLAIMS	585,143.95

**SPECIAL USE PERMIT:**

The Lexington City Council held a Public Hearing to consider a special use permit from Connie Foster and Joe Rios to place a Trailer House on the Northwest corner of Road 436, and Highway 30. Ms. Foster was present to explain to the Council the size of the Trailer that would be placed there, and the use of the Trailer. Upon the end of her presentation, the City Council informed her of the Regulations that are included in the Special Use Permit, and that the

violation of these Regulations, or unsightly conditions, the Special Use Permit could be suspended, and a new application would be required. She was further informed that the Special Use Permit is not transferable to others and if the ground was sold, and that if someone else wished to own the and live in the house, then a new Special Use Permit would be required. Mr. Rios inquired as to whether the Special Use Permit could be transferred to children, and the reply was that he could not. With no further comments, Mayor Fagot declared the Public Hearing closed. Moved by Wightman, seconded by Klamm, to grant a Special Use Permit to Connie Foster, and Joe Rios, to locate a Trailer House on the Northwest corner of Road 436, and Highway 30. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

**PUBLIC HEARING:**

The Lexington City Council held a Public Hearing to consider a request of Teodora Montiel-Guarneros, dba Antojitas Mexicanos & La Cabana Bar at 501 Plum Creek Parkway for a Class I Spirits, Wine, Beer on Sale Liquor License. At this time, Mayor Fagot declared the Public Hearing open, and requested anyone in favor of the application to please step forward. Hearing none, City Attorney Willard Weinhold addressed the Lexington City Council stating that a Class I license is not valid in the City of Lexington, as the City of Lexington has not voted in a Liquor by the Drink, and this is what a Class I license covers, and that he possibly may have made an error in applying. He should have applied for a Class M license. After a discussion concerning the license, moved by Wightman, seconded by Kohl, to deny the request for a Class I license to Teodora Montiel-Guarneros, dba Antojitas Mexicanos & LaCabana Bar, located at 501 Plum Creek Parkway, due to the fact that he did not appear at the Public hearing and that his application for a license was a Class that could not be considered in Lexington. Roll call. Voting "aye" were Klamm, Cook, Kohl, Wightman, Fagot. Motion carried.

**SUNDAY LIQUOR  
REQUEST:**

Mr. Greg Lauby representing various establishments that dispensed liquor by the drink through a Class M Bottle Club License. In his presentation, Mr. Lauby presented facts about establishments that were allowing liquor to be sold by the drink on Sundays at various times. These establishments were in the surrounding area, from the size of Kearney, on down, which included Johnson Lake. Upon the completion of his presentation, the Council advised him that they would like to see more detail statistics of the towns, their opening times, and further detail of ordinances that he presented at that time. With that, no further action was taken.

**TREE BOARD REPORT:**

Alvin Zimmerman representing the Lexington Tree Board addressed the Lexington City Council, explaining a grant that is available to the citizens of Lexington, for the removal and replacement of trees. Upon the completion of his presentation, no further action was taken.

**SPECIAL DESIGNATED  
PERMITS:**

Mr. Brad Larson the owner of Strike and Spare Bowl addressed the Council stating that he would be hosting the American Legion Bowling tournament on the days described and would like to serve alcoholic beverages on those days. He further stated that he would be open between the hours of 9:00 AM and 9:00 PM After review of the application, moved by Cook, seconded by Klamm that four (4) special designated liquor licenses be granted to Strike and Spare Bowl at 1408 North Adams Street Lexington NE for March 12, 19, 26, and April 2, 2000. from 9:00 AM to 9:00 PM Roll call. Voting "aye" were: Wightman, Kohl, Klamm, Cook, Fagot.. Motion carried.

**OTHER BUSINESS:**

Council Person Cook requested that he be excused from the special meeting on Saturday, January 15, 2000. Mayor Fagot granted him the absence.

**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