

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 9, 1999 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 Manager Vance Bricker, City Attorney Willard Weinhold, Assistant City Manager Joe Peplitsch, Deputy Clerk Shirley Lewis. Department Heads present were Barbara Mills. Also present were Reed Miller and Dana Daniels, representing Miller and Associates. Citizens in attendance were David Selk, Brocken J. Sheldon, Elaine Holliday, Nola Reed, Robert Reed, Len Bonczynski, Tom Mooberry, Mr. and Mrs. John Redding, and Todd C. Karges. The Press was represented by the Clipper-Herald, KRVN, 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 - 10-26-99:** Minutes of the Regular Meeting held October 26, 1999 was presented for Council's consideration and approval. Moved by Klamm, seconded by Wightman, to approve the minutes of the Regular Meeting held October 26, 1999 as presented. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$598,714.23 was 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 \$161,562.36 from the General Fund, \$414,165.43 from LESUS, \$10,000.00 from City Sanitation Fund, \$1,458.69 from the Landfill Fund, \$115.70 from the Library Memorial Fund, \$4,260.44 from the Health Fund, and \$7,151.61 from Meals on Wheels to the City of Lexington's Operation Account. Roll call. Voting "aye" were Wightman, Cook, Klamm, Kohl, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
NOVEMBER 11, 1999 COUNCIL

|                            |                             |          |
|----------------------------|-----------------------------|----------|
| ALLTEL                     | CELLULAR CHARGES            | 60.98    |
| AM BUSINESS DIRECTORIES    | NE. BUSINESS DIR - LIBRARY  | 420.00   |
| ASSOC SUPPLY COMPANY, INC. | BRUSH FOR VACUUM            | 51.46    |
| BARRETT-HOUSEL-GRAFTON     | NTRY FLG FEES (SKILES-WOLF) | 60.00    |
| BOSE, MICHAEL              | OCTOBER MILEAGE EXPENSE     | 218.24   |
| BRUMMET, ELBERTA           | CDI DIRECTORIES             | 14.00    |
| BUSINESS & PROF CREDIT     | UTILITY CREDIT COLLECTIONS  | 132.38   |
| CASH-WA DISTRIBUTING       | FOOD AND SUPPLIES           | 302.94   |
| CENTRAL GARAGE FUND        | GAS & DIESEL                | 3,746.63 |

|                             |                            |           |
|-----------------------------|----------------------------|-----------|
| CENTURY LUMBER CENTER       | TRASH BAGS                 | 38.43     |
| CENTRAL COMM COLLEGE        | FIREMAN TUITION FEES       | 105.00    |
| COAST TO COAST              | TRASH CANS                 | 30.55     |
| CORNHUSKER HOTEL, THE       | CONF EXP-SEWARD, RUTH      | 245.26    |
| COUNTRY GENERAL             | PAINT-TOOLS-SUPPLIES       | 229.54    |
| C.B.S.A.                    | EMPLOYEE MEDICAL           | 4,260.44  |
| C.B.S.A.                    | MEDICAL AND LIFE PREMIUMS  | 8,107.57  |
| CULLIGAN WATER COND         | WATER TREATMENT            | 101.40    |
| DAWSON CO REG OF DEEDS      | FILING FEES-ESMNT & SURVEY | 19.00     |
| DAWSON COUNTY CLERK         | DISPATCH FEES              | 5,623.73  |
| DAN'S SANITATION            | SOLID WASTE FEES           | 10,644.44 |
| DEMCO                       | LIBRARY SUPPLIES           | 43.12     |
| EAKE'S OFFICE PRODUCTS      | MISC. OFFICE SUPPLIES      | 644.44    |
| EGAN SUPPLY COMPANY         | TRASH BAGS                 | 87.11     |
| EILERS MACHINE & WELDING    | MISC. SUPPLIES             | 83.18     |
| ELECTRIC FIXTURE            | ELECTRICAL SUPPLIES        | 1,719.07  |
| ELECTRIC METER SERVICE      | TEST METER                 | 16.40     |
| EQUIPMENT CENTER, INC.      | COPIER & MAINT AGRMT-PLCE  | 1,530.00  |
| FAIRBANKS INT, INC.         | VALVES AND HARDWARE        | 219.00    |
| FAGOT REFRIG & ELECTRIC     | CHECK HEAT PUMPS           | 68.34     |
| FAGOT, JOHN                 | LEAGUE MEETING EXPENSE     | 68.33     |
| FISHER-SCIENTIFIC           | LENSES                     | 40.25     |
| FIVE POINTS BANK            | COPIER PAYMENT - LIBRARY   | 205.12    |
| FRIEND, MATT TRUCK & EQUIP  | MARKERS AND SEAL KITS      | 170.92    |
| FUEHRER'S LAWN CARE         | MOWING EXPENSE             | 60.00     |
| GALL'S                      | SECURITY HOLSTER           | 144.96    |
| GILLETTE/NE DAIRIES, INC.   | DAIRY PRODUCTS-GGC         | 139.92    |
| GOLDEN AURA PUBLISHING      | BASKETBALL BOOK SERIES     | 81.50     |
| GOODWIN TRUCKER GROUP       | DOOR GASKET                | 80.34     |
| GROLIER PUBLISHING CO INC.  | LIBRARY BOOKS              | 402.52    |
| HAAS, T.O., TIRE CO., INC.  | TIRES AND TIRE REPAIRS     | 1,237.21  |
| HAMPTON INN                 | ANNUAL STATE FIRE MTG EXP  | 1,158.02  |
| HARLEQUIN RETAIL, INC.      | LIBRARY BOOKS              | 10.52     |
| HOLIDAY INN                 | CONF EXP - NELSON, TOM     | 100.00    |
| HUNT CLEANERS, INC.         | GLOVES                     | 126.17    |
| INTRNL ASSOC-EL INSPECTORS  | CODE BOOK                  | 80.50     |
| INGRAM LIBRARY SERVICES     | LIBRARY BOOKS              | 205.43    |
| INTERNET USA, LLC           | INTERNET SERVICE           | 109.90    |
| JONES PLUMBING & HEATING    | OCTOBER SUPPLIES           | 1,294.58  |
| KEARNEY HUB                 | RENEWAL 1 YR PAPER LIBRARY | 96.00     |
| KRIZ-DAVIS COMPANY          | ELECTRICAL SUPPLIES        | 299.65    |
| K.R.V.N. - FM               | OCTOBER AD CONTRACT        | 157.50    |
| LEAGUE OF NE MUNICIPALITIES | ANNUAL CONFERENCE          | 2,101.00  |
| LEXINGTON ANIMAL CLINIC     | ANIMAL CARE                | 350.10    |
| LEX AREA CHAMBER OF COMM.   | ANNUAL MEETING TICKETS     | 150.00    |
| LEXINGTON HEALTH FUND       | SELF-FUNDING               | 14,504.23 |
| LEXINGTON COOP              | CAR WASHES AND TIRE REPAIR | 34.20     |
| LEXINGTON LAUNDRY           | OCTOBER LAUNDRY CHARGES    | 52.00     |
| LEXINGTON PUBLIC LIBRARY    | REPLENISH PETTY CASH       | 24.16     |
| LEXINGTON NEWSPAPER         | MEETING NOTICES            | 11.80     |
| LEXINGTON TRUCK AND AUTO    | GAS TANK                   | 50.00     |
| LEXUS                       | POSTAGE FOR LIBRARY        | 115.70    |
| LEXINGTON, CITY OF          | MO CHRGS & FRANCHISE FEES  | 23,861.83 |
| LASWA                       | SOLID WASTE FEES           | 465.48    |
| LEXINGTON POSTMASTER        | POSTAGE FOR GGC            | 150.00    |

|                             |                              |           |
|-----------------------------|------------------------------|-----------|
| LEX CITY PAYROLL ACCT.      | WAGES                        | 72,776.88 |
| SOCIAL SECURITY             | SOC SEC(EMPLOYER PORTION)    | 5,489.32  |
| AMERICAN FUNDS              | POLICE PENS(EMPLOYER PORT)   | 1,012.83  |
| I.C.M.A.                    | EMP PENSION(EMPLOYER PORT)   | 99.70     |
| LIBERTY MARKETING           | DAWSON COUNTY MAP            | 189.52    |
| MEAD/BIG VALLEY LUMBER      | BUILDING MATERIAL            | 903.18    |
| MIDWAY SUPPLY               | OXYGEN AND HOSE ENDS         | 49.72     |
| MISKO SPORTING GOODS        | PRO TYPE BASES               | 499.95    |
| MILLER AND ASSOCIATES       | PROFESSIONAL SERVICES        | 2,100.00  |
| MORRIS PRS & OFC SUPPLIES   | NOTARY STAMP                 | 24.50     |
| MUNICIPAL SUPPLY            | COUPLINGS                    | 143.24    |
| NEBRASKA SALT & GRAIN CO.   | ICE CONTROL                  | 674.97    |
| NEBRASKA DEPT. OF REVENUE   | UTILITY SALES TAX            | 22,916.31 |
| NE. DEPT. OF HHS LABORATORY | COLIFORM & NITRITE TESTING   | 217.80    |
| NELSON, THOMAS R.           | CITY HALL CLNG & MTG EXP     | 570.86    |
| OMAHA LIFE INSURANCE CO     | FIREMAN INSURANCE            | 58.00     |
| OTTO, PAUL A. CONSTRUCTION  | GRIND CURB UNDER OVERPASS    | 528.00    |
| OVERTON SAND & GRAVEL       | GRAVEL                       | 82.37     |
| PAULSEN INC.                | CONCRETE AND WHITE ROCK      | 561.67    |
| PATTY'S HALLMARK            | MISC. OFFICE SUPPLIES        | 640.40    |
| PLATTE VALLEY AUTO MART     | SWITCH                       | 27.39     |
| PLATTE VALLEY COMMUN        | RADIO MAINTENANCE            | 202.00    |
| PRINTING PRESS, THE         | ENVELOPES                    | 43.70     |
| QUILL CORPORATION           | LIBRARY SUPPLIES             | 49.64     |
| SENSUS TECHNOLOGIES, INC.   | REPAIR AUTO READER           | 96.52     |
| SEWARD, JUSTIN              | OCTOBER LIBRARY CLEANING     | 225.00    |
| SEWARD, RUTH                | CONFERENCE EXPENSE           | 154.87    |
| SIXTH STREET MARKET         | FOOD AND SUPPLIES            | 71.40     |
| SUBWAY OF LEXINGTON         | CIVIL SERVICE MEETING        | 22.31     |
| S & W AUTO PARTS, INC.      | OIL FILTERS                  | 23.75     |
| T-SHIRT FACTORY             | CHILDREN'S SERVICE - LIBRARY | 32.50     |
| TERRYBERRY                  | SERVICE AWARD PINS           | 610.60    |
| TRI-COUNTY HOSPITAL         | OCT CHGS FITNESS CENTER      | 212.50    |
| ULTRAMAX                    | AMMUNITION                   | 551.00    |
| UNIQUE BOOKS, INC.          | LIBRARY BOOKS                | 2,793.55  |
| UNITED STATES POSTAL SRVC   | POSTAGE UTILITY DEPT.        | 1,500.00  |
| UNITY MUTUAL LIFE INS. CO.  | LIFE INSURANCE FIREMEN       | 551.60    |
| U S WEST COMMUNICATIONS     | OCTOBER PHONE CHARGES        | 2,093.87  |
| UTILITY EQUIPMENT           | CURB STOPS-CPLGS-ADAPTERS    | 1,033.91  |
| WAL-MART                    | MISC. OFFICE SUPPLIES        | 362.51    |
| WESCO DISTRIBUTION, INC.    | LIGHT FIXTURES               | 1,736.28  |
| WEBER & WEINHOLD            | PROFESSIONAL SERVICES        | 1,635.00  |
| ADVANCED CONTROL SYSTEMS    | LD MNTRG SUPPORT AGRMT.      | 2,218.00  |
| BUSINESS & PROF CREDIT      | AUGUST UTIL CLCTN FEES       | 290.66    |
| CASH-WA                     | FOOD AND SUPPLIES            | 578.77    |
| CENTRAL GARAGE              | RPRS-EQUIPMENT AND TRUCKS    | 5,125.39  |
| DAWSON CO PUBLIC POWER      | OCTOBER POWER CHARGES        | 1,347.07  |
| DEPOSITORY TRUST CO.        | INTEREST ON 1997 GO BOND     | 55,656.25 |
| ECLIPSE COMMUNICATIONS      | LONG DISTANCE CHARGES        | 198.25    |
| FAIRBANKS INT, INC.         | PARTS AND HARDWARE           | 82.08     |
| GILLETTE/NE DAIRIES, INC.   | DAIRY FOR GGC                | 321.75    |
| GR PLAINS ONE-CALL SERVICE  | UTILITY LOCATE FEES          | 53.73     |
| HANNA:KEELAN ASSOC, P.C.    | SRV. FEES - CDBG 97-PP-026   | 1,970.00  |
| HAAS, T.O., TIRE CO. INC.   | TIRES AND TIRE REPAIRS       | 1,307.18  |
| HIPP WHOLESALE FOODS, INC.  | FOOD AND SUPPLIES            | 472.23    |

|                            |                             |              |
|----------------------------|-----------------------------|--------------|
| HUTCHESON ENG PRODUCTS     | RECORDER PINS               | 50.16        |
| K N ENERGY, INC.           | OCTOBER ENERGY CHARGES      | 1,393.41     |
| LEXINGTON NEWSPAPERS, INC. | ADVERTISEMENT AND MINUTES   | 616.44       |
| LEXINGTON TRUCK AND AUTO   | DRIVE SHAFT AND TAIL LIGHT  | 70.00        |
| LOGAN CONTR SUPPLY, INC.   | PARTS                       | 201.27       |
| LUTHER, ANN                | EXPENSES TO KEARNEY CONF    | 22.94        |
| MARTIN ELECTRIC            | FIX GARAGE DOOR OPENER      | 55.95        |
| MEAD/BIG VALLEY LMBR       | LUMBER AND PAINT            | 310.28       |
| MIDWAY SUPPLY              | PARTS                       | 236.30       |
| MILLER & ASSOCIATES        | PROFESSIONAL SERVICES       | 3,879.00     |
| MORRIS PRESS & OFC SPLS    | TIME SHEETS                 | 363.80       |
| NPPD                       | OCTOBER POWER CHARGES       | 309,887.65   |
| NE STATEWIDE ARBORETUM     | ANNUAL DUES                 | 50.00        |
| PETTY CASH FUND            | REPLENISH PETTY CASH (CITY) | 80.44        |
| PATH MASTER INC. - SYSTEMS | 110 VOLT MOTOR              | 162.00       |
| SCHNIEBER FINE FOODS INC.  | FOOD AND SUPPLIES-GGC       | 728.91       |
| S & W AUTO PARTS, INC.     | PARTS AND SUPPLIES          | 428.71       |
| USHER PEST CONTROL         | PEST CONTROL - GGC          | 24.00        |
|                            | TOTAL CLAIMS                | \$598,714.23 |

**CITIZENS COMMENTS:**

At this time, Mr. David Selk addressed the Lexington City Council regarding his concerns about a van that was operating out of an alley, selling T-Shirts. The alley was blocked, and access through the alley was not available. He stated that he has talked with Assistant City Manager Peplitsch, and the Police Department. Mr. Peplitsch informed the City Council that he has spoken to Police Chief Clark regarding this, and he was notified that it will be looked at on a complaint basis. Following further discussion, no action was taken.

Mr. David Selk then addressed the City Council about his opposition to what IBP has done to the City of Lexington. He stated that Drive-by shootings, and drug busts have increased since IBP arrived, and many people are moving away. Council Person Wightman informed Mr. Selk that the issues he has mentioned, are far beyond what the City Council can address. Following further discussion, no action was taken.

**GRAFFITI ORDINANCE:**

City Manager Vance Bricker addressed the Lexington City Council stating that there are two Ordinances being presented to the Council. One is the original one that had been previously considered, and the other one would be attached to the Nuisance Ordinance. Mayor Fagot stated that Cyndi Smith, from Keep Lexington Beautiful, met with him following the last Council Meeting. Following their discussion, it was determined that the Court System, and the Police Department, would handle the criminal aspect of defacing public and private property, and the City's responsibility would be to see that the defaced property would be cleaned up. Upon completion of this discussion, and comparison of the two different Ordinances, an Ordinance entitled "AN ORDINANCE TO AMEND SECTION 18-1 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR REMOVAL OF GRAFFITI AS A NUISANCE; TO REPAL ORIGINAL SECTION 18-1, 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 Wightman, seconded by Kohl, that Ordinance No. \_\_\_\_\_ be passed on first reading. Roll call. Voting "aye" were Klamm, Cook, Kohl, Wightman, Fagot. Motion carried.

**SUNDAY LIQUOR SALES:**

Rev. Todd Karges, representing the Lexington Ministerial Association addressed the City Council expressing his opposition to having Sunday Liquor Sales. Rev. Karges stated that he knows about the families that are destroyed, and how much physical abuse happens as a result of alcohol. He wants the Council to be aware of how many people will miss work on Monday morning, and how many people are going to be killed on our roads because of drinking and driving. He added that children are home on Sundays, and would be more accessible, or at risk, to alcohol on that day. Also speaking in opposition to Sunday Liquor Sales were Nola Reed, Elaine Holiday, and Brocken Sheldon. Those speaking on behalf of Sunday Liquor Sales were Tom Mooberry and John Redding. Mr. Mooberry stated that he doesn't believe that they should shut out the whole society for a few problems. He further stated that liquor is a legal product, and highly regulated. Mr. Redding stated that he has had many people request Sunday Liquor Sales. Upon conclusion of further discussion, 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 OFF THE PREMISES; TO REPEAL ORIGINAL SECTION 6-3, 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 Cook, that this Ordinance be passed on Second Reading. Roll call. Voting "aye" were Kohl, Cook, Klamm, Fagot. Voting "nay" was Wightman. Motion carried.

**CONTRACT FOR  
ENGINEERING SERVICES:**

City Manager Vance Bricker addressed the Lexington City Council requesting approval of the Contract between the City of Lexington, and Miller and Associates for Engineering Services. Mr. Bricker stated that he feels that the increases requested to service the City of Lexington are fair and reasonable, and meet the standards of the Engineering Community. Moved by Kohl, seconded by Wightman to enter into the contract between the City of Lexington, and Miller and Associates. Roll call. Voting "aye" were Klamm, Cook, Kohl, Wightman, Fagot. Motion carried.

**SOUTH WATER SYSTEM  
IMPROVEMENTS:**

Mr. Dana Daniels representing Miller and Associates, made a presentation to the Lexington City Council on three possible options for the South Water System Improvements. After reviewing the current water system, Mr. Daniels explained in detail, the three options. Following Mr. Daniels presentation, and further discussion, Assistant City Manager Pepplitsch addressed the Lexington City Council, stating that after Staff and Engineers' evaluation, he would like to recommend approval to proceed with further planning on Option 3. Motion by Klamm, seconded by Wightman, to authorize administration to proceed with development of wells 17 and 18 for the South Water System. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

**EXECUTIVE SESSION:**

Moved by Wightman, seconded by Klamm, to recess the Regular Session to Executive Session at 9:03 p.m. for the purpose of discussing Personnel and Purchase of Real Estate. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

Moved by Wightman, seconded by Klamm, to reconvene the Regular Session from Executive Session at 9:19 p.m. Roll call. Voting "aye" were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

**CITY MANAGER'S**

Mayor John Fagot announced City Manager Bricker's

**POSITION:**

decision to retire on June 1, 2000. Motion by Wightman, seconded by Klamm, to advertise and take applications on or before February 15, 2000 and fill the position by June 1, 2000. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

**ADJOURNMENT:**

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

John Fagot  
Mayor

Shirley Lewis  
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.

---

Lexington Deputy City Clerk