

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, October 26, 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 Clerk Leon Malzahn, City Manager Vance Bricker, City Attorney Willard Weinhold. Department Heads present were Assistant City Manager Joe Peplitsch, Charles Clark, Ruth Seward, Barb Mills. Also present were Rick Walton, Tom Mooberry, Lem Boninsky, Chuck Hatfield, Marvin Bogner, Nova Workman, John Redding, Terry Unterseher, Jim VanMark. The Press was represented by the Clipper-Herald, KRVN, Tri-City Tribune, 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 - 10-12-99:** Minutes of the Regular Meeting held October 12, 1999 was presented for Council's consideration and approval. Moved by Klamm, seconded by Kohl, to approve the minutes of the Regular Meeting held October 12, 1999 as presented. Roll call. Voting "aye" were Wightman, Cook, Kohl, Klamm, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$198,009.57 was presented for Council's consideration and approval. Upon review of the claims and bills as listed, moved by Klamm, seconded by Cook, to approve the claims and bills as listed, and authorize the City Treasurer to transfer \$86,568.28 from the General Fund, \$78,366.56 from the LEXUS Fund, \$19,714.96 from City Sanitation, \$1,514.50 from the Landfill Fund, \$4,282.53 from the Health Fund, and \$7,562.74 from Meals on Wheels, to the City of Lexington's Operating Account. Roll call. Voting "aye" were Kohl, Wightman, Cook, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
OCTOBER 26, 1999 COUNCIL

AFLAC	OCTOBER CANCER PREMIUM	545.92
ALAMAR UNIFORM CO.	UNIFORM SHIRTS - POLICE	161.45
ALFAX WHOLESALE FURN, INC.	FOLDING TABLE COUNCIL ROOM	178.00
AMERICAN LIBRARY ASSOC	LIBRARY SUPPLIES	36.00
AM WATER WORKS ASSOC.	MEMBERSHIP DUES	225.00
AXIS CAPITAL, INC.	POSTAGE MACHINE LEASE	283.31
BARCO MUNICIPAL PRODUCTS	STEEL SEWER ROD	261.28
BARMORE'S	OFFICE SUPPLIES	45.96
BARRETT-HOUSEL-GRAFTON	BOND RENEWAL	60.00
BERNTSON OIL	OIL AND SOLVENT	596.20
BUS & PROFESSIONAL CREDIT	UTILITY CREDIT COLLECTIONS	19.27
C.B.S.A.	EMPLOYEES MEDICAL CLAIMS	3,069.69
CASH-WA DISTRIBUTING	FOOD AND SUPPLIES	569.14
CINDY'S HEAVENLY COOKIES	COOKIES FOR POOL JUNE 1999	54.00
COAST TO COAST	SPRINKLER	26.98

COOPERATIVE EXTENSION	FOOD SAFETY COURSE	15.00
COUNTRY GENERAL	PARTS AND SUPPLIES	440.33
D & M SECURITY	POLICE CONNECTIONS	105.00
DAWSON COUNTY CLERK	DISPATCH FEES-RATE INCRS	556.10
DAWSON COUNTY ROAD DEPT.	CULVERT	144.00
EAKE'S OFFICE PRODUCTS	COPIER MAINT & SUPPLIES	197.92
EGAN SUPPLY COMPANY	BOWL CLEANER	53.14
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	1,217.21
EUSTIS BODY SHOP	TRAINING VEHICLE-FIRE DEPT.	40.00
FAMILY EYEWEAR	EMPLOYEE SAFETY GLASSES	97.00
FISCHER-SCIENTIFIC	GLOVES	69.91
FIVE STAR FLOORING	WALLPAPER-UTILITY OFFICE	118.20
FYR-TEK	EQUIPMENT SUPPLIES	900.10
GALE GROUP, THE	LIBRARY BOOKS	164.60
GILLETTE/NE DAIRIES, INC.	DAIRY PRODUCTS-GGC	226.54
GREY HOUSE PUBLISHING	LIBRARY BOOKS	175.00
GROLIER PUBLISHING CO., INC.	LIBRARY BOOKS	222.56
HARLEQUIN RETAIL, INC.	LIBRARY BOOKS	10.52
HOLIDAY INN	ANNUAL NE. LEAGUE CONF EXP.	384.67
H-T-M SALES, INC.	PUMP CONTROL PANEL	861.96
INGRAM LIBRARY SERVICES	LIBRARY BOOKS	1,164.72
INVENTORY TRADING CO	EMPLOYEE SHIRTS	71.00
K N ENERGY, INC.	ENERGY SERVICE	6.92
KNAPP ELECTRIC	REPAIR ELECTRIC MOTOR	40.16
KRIZ-DAVIS COMPANY	METERS	1,865.88
LAUBY, JIM	REF DUP PMT-MO HOME PRMT	25.00
LAW ENFORCEMENT	POLICE VESTS AND SUPPLIES	1,157.85
LEXINGTON COMMUNICATIONS	RADIO REPAIR	43.70
LEXINGTON NEWSPAPER	NOTICES AND MINUTES	441.46
LEXINGTON PUBLIC LIBRARY	REPLENISH PETTY CASH	77.79
LEX CITY PAYROLL ACCT.	PAYROLL FOR 10/21/1999	72,786.46
SOCIAL SECURITY	SOCIAL SEC(EMPLOYER PORT)	5,490.06
FIRST NATIONAL BANK	EMP PENSION(EMPLR. PORT)	2,304.86
AMERICAN FUNDS	POLICE PENS(EMPLYR PORT)	981.90
I.C.M.A.	EMP PENSION(EMPLR. PORT)	99.70
LIBEL, GENE	FALL SEEDING AND RENTAL	1,080.50
LIBERTY MARKETING	DISPLAY AD	189.52
MEAD/BIG VALLEY LUMBER	BUILDING MATERIAL	284.10
MID-STATES UNITS	PORTA POTTY RENTAL	1,620.00
MORRIS PRSS & OFC SUPPLIES	NOTORY STAMP	24.50
MORRY'S BODY SHOP	REPLACE 'L' DOOR VENT	156.50
MUNICIPAL SUPPLY	CURB BOX	625.66
NATIONAL LEAGUE OF CITIES	NLC CONFERENCE REGIST	420.00
NE. DEPT. OF REG. & LIC.	WATER TOWER REVIEW FEES	248.94
NE. STATE RECYCLING ASSOC	MUNICIPALITY MEMBERS	75.00
OVERTON COMMUNITY CENTER	BUILDING RENT	100.00
OVERTON SAND & GRAVEL	SALT AND ROAD GRAVEL	722.50
PATTY'S HALLMARK	OFFICE SUPPLIES	262.47
PAULSEN INC.	CONCRETE	1,873.11
PLUM CREEK MOTORS	CHEVY CELEBRITY FOR POLICE	8,300.00
PLUM CREEK PROMOTIONS	UNIFORM SHIRTS-SRV. BLDG	2,726.00
PRICE'S TREE SERVICE	STUMP REMOVAL	75.00
QA BALANCE SERVICES	BALANCED METTLER BALANCE	85.00
QWAL LABORATORIES, INC.	LAB ANALYSIS	1,514.50
RIEGE, IVAN	MILEAGE EXPENSE TO OMAHA	143.90
S & W AUTO PARTS, INC.	TOOLS	62.32
SCHNIEBER FINE FOODS INC.	FOOD AND SUPPLIES	1,809.68
SIXTH STREET MARKET	UPS CHARGES AND SUPPLIES	39.77

SKARSHAUG TESTING	CLEAN & TEST GLOVES	48.19
STAR COMPUTER	COMPUTER MAINTENANCE KIT	110.63
TIME LIFE BOOKS	LIBRARY BOOKS	68.94
TODD, MICHAEL & CO. INC.	SPEED LIMIT SIGN	51.68
TRAUTMAN'S MEAT CENTER	FOOD	27.56
U S WEST	PHONE REQUESTS-POLICE DEPT	1.80
WAL-MART	OFFICE SUPPLIES	270.40
WIGHTMAN, JOHN	LEAGUE OF CITIES EXPENSES	1,117.40
WILSON CO., THE H.W.	LIBRARY BOOKS	358.00
WILSON PUBLIC LIBRARY	LIBRARY BOOKS	8.97
WORLD ALAMAC EDUCATION	LIBRARY BOOKS	173.77
YAHOO! INTERNET LIFE	12 ISSUE SUBSCRIPTION	19.97
ALAMAR UNIFORM CO.	UNIFORMS FOR POLICE DEPT.	238.24
ALLTEL	CELLULAR CHARGES SEPT/OCT	136.62
ASSOCIATED SUPPLY CO., INC.	WINTERIZE POOL	822.98
AT&T	LONG DISTANCE CHARGES	11.07
BERNTSON OIL	GAS & DIESEL	2,333.72
BUSINESS & PROF CREDIT	UTILITY CLCTN FEES (JULY 1999)	54.62
CASH-WA DISTRIBUTING	FOOD AND SUPPLIES	240.58
CENTRAL GARAGE FUND	LABOR, PARTS & OIL	4,365.37
C.B.S.A.	EMPLOYEE MEDICAL CHARGES	666.92
DAN'S SANITATION	SOLID WASTE CHARGES	19,714.96
GILLETTE/NE DAIRIES, INC.	DAIRY - GGC	89.95
HALL'S SAFETY EQUIPMENT	EMPLOYEE SAFETY BOOTS	122.10
HEINZ, GLORIA	ELECTRIC REBATE	1,300.00
JELCO CARPET CLEANING	CLEAN CARPETS CITY HALL	60.00
LEXINGTON NEWSPAPERS, INC.	SUBSCRIPTION RENEWAL 10/99	36.00
LEXUS	UTILITY BILLING	11,831.98
LEXINGTON, CITY OF	FRANCHISE FEES	23,900.04
M W SALVAGE	REMOVE FREON	45.00
OLERICH, KURT	ELECTRIC REBATE	1,100.00
PETTY CASH FUND	REPLENISH PETTY CASH	37.54
PFIEFFER, CHAD	TREE & GRASS REMOVAL	300.00
SCHNEIBER FINE FOODS INC.	FOOD AND SUPPLIES	573.92
SIGN PRO	WELCOME TO LEX SIGNS	94.56
STONE, JAMES	ELECTRIC REBATE	1,200.00
S & W AUTO PARTS, INC.	PARTS AND SUPPLIES	740.72
U S FILTER DISTR GROUP	WATER METER AND SETTERS	4,306.98
	TOTAL CLAIMS	\$198,009.57

**CITIZEN'S COMMENTS:**

At this time, Mr. Chuck Hatfield addressed the Lexington City Council regarding his concerns about the graffiti ordinance. He expressed a strong concern to pass this ordinance, and try to have some control to eliminate graffiti in the City of Lexington. Mr. Hatfield was informed that this would be an item on the Agenda at which time he could express more of his concerns.

Mr. Jim VanMark addressed the City Council concerning the adjustments to the water rates. Mr. VanMark was also advised that this is an item on the Agenda, and would be addressed later in the meeting.

**CERTIFICATE OF SUBSTANTIAL COMPLETION:**

Certificate of Substantial Completion for the restoration of the North Water Tower was presented to the City Council. The Certificate was from W.S. Bunch Company in the amount of \$111,745.00 and had been approved by the City Engineer. Upon completion of the review, moved by Wightman, seconded by Klamm, to approve the Certificate of Substantial

Completion, and authorize the City Manager to sign same. Roll call. Voting “aye” were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

**GRAFFITI ORDINANCE:**

The Ordinance was reviewed by the City Council. Council Person Wightman voiced his objections of having the merchants of Lexington penalized for selling paint and graffiti related items to minors. He felt that the restriction was too great. Ms. Cindy Smith addressed the City Council with a representation of Ordinances collected from other Cities relating to the graffiti in their town, whereby they made the merchants responsible for the sale of items that could be used to produce graffiti. She also stated that Wal-Mart has voluntarily posted a sign stating that no spray paint sales will be made to persons that are not an adult. Further discussion of this item was held, and also an idea of a registration for anyone purchasing spray paint in a voluntary basis would be a good project for KLB. After further discussion, moved by Kohl, seconded by Cook, to refer this Ordinance and recommend changes to City Administration, and have this item placed on the next Agenda. Roll call. Voting “aye” were Klamm, Wightman, Cook, Kohl, Fagot. Motion carried.

**LIQUOR ORDINANCE:**

The Lexington City Council considered an Ordinance that would amend the Lexington City Code, allowing for the sale of off-sale liquor on Sunday. Nova Workman addressed the Lexington City Council to oppose liquor sales on Sunday saying she has a problem with neighbors discarding bottles in yards, and that Sunday, to her, was considered a holy day, and did not believe passage of this Ordinance would be in the best interest of the City. Pastor Duane Russell, also addressed the Council, delivering statistics on alcohol and tobacco administration, and the problems that alcohol has caused. Also speaking against the Ordinance was Jim Van Mark. In favor of the Ordinance, Tom Mooberry addressed the Council, and requested the passage of the Ordinance. He stated that in North Platte, after the Ordinance was passed, all the stores had opened, and three weeks later, all but three were closed on that day, and no significant change was noticed in the crime rate after the ordinance was passed. Also speaking in favor of the ordinance was John Redding. After receiving comments from the audience, and 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. Council Person Klamm stated that there was a small representation of the Lexington Population at this meeting, and if this ordinance were passed, maybe a larger portion of the citizens would attend voicing their opinion of this ordinance, and therefore he moved that the Ordinance be passed on first reading. Seconded by Cook. Roll call. Voting “aye” were Kohl, Cook, Klamm, Fagot. Voting “nay” was Wightman. Motion carried.

**WATER RATES:**

Assistant City Manager Peplitsch stated to the City Council that if this Resolution would pass, there would be adjustment to the multi-family water rate. Upon completion of this discussion, moved by Wightman, seconded by Klamm, that the following resolution be passed and approved. Roll call. Voting “aye” were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

RESOLUTION NO. 99-31

WHEREAS, Lexington City Code Section 27-34, authorizes the City Council to establish by Resolution a schedule of rates and charges for water use.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that Resolution No. 97-16 is amended to provide water rates as follows:

Multi-family Service Fee: \$4.25 per dwelling unit, where more than one dwelling unit is served by a single metered service.

That the rates herein established shall take effect November 1, 1999. That all other water rates previously established shall remain unchanged.

PASSED AND APPROVED this 26<sup>th</sup> day of October, 1999.

John Fagot, Mayor

ATTEST:

Leon E. Malzahn, City Clerk

**PENSION PLAN:**

City Manager Bricker informed the City Council that this resolution would modify the selections an employee has when investing their money in the current pension plan, and approximately that is all that it would do as far as modification of the plan. After completion of his presentation, moved by Klamm, seconded by Wightman, that the following resolution be passed and approved. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

RESOLUTION 99-32

BE IT RESOLVED, by the Mayor and Council of the City of Lexington, Nebraska, that Article IV(e) of the Money Accumulation Pension Plan for Employees of the City of Lexington, originally adopted February 2, 1972, as previously amended, is hereby amended to read as follows:

(e) an International Fund, in which sums received for investment in such fund shall be invested in a diversified portfolio or portfolios of primarily common stocks of foreign and domestic issuers, with an objective of diversification of common stock investments.

That except as herein amended, the remaining terms of said Money Accumulation Pension Plan for Employees of the City of Lexington, shall remain in full force and effect.

Passed and approved this 26<sup>th</sup> day of October, 1999.

City of Lexington, Nebraska

John Fagot, Mayor

ATTEST:

City Clerk

**FINANCIAL REPORT:**

The Financial Report for September, 1999 was presented for the City Council. Moved by Kohl, seconded by Wightman, that the Treasurer's Report for September, 1999 be accepted as presented. Roll call. Voting "aye" were Klamm, Cook, Wightman, Kohl, Fagot. Motion carried.

**EXECUTIVE SESSION:**

Moved by Wightman, seconded by Klamm, to recess the Regular Session to Executive Session at 8:19 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 Kohl, seconded by Wightman, to reconvene the Regular Session from Executive Session at 8:56 p.m. Roll call. Voting "aye" were Klamm, Cook, Wightman, Kohl, 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