

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 8, 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 Manager Vance Bricker, City Attorney Willard Weinhold. Department Heads present were Assistant City Manager Joe Peplitsch, Charles Clark, Ruth Seward, Barb Mills, Ann Luther. Also present was Deputy Clerk Shirley Lewis and many other local 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 - 5-25-99: Minutes of the Regular Meeting held May 25, 1999 was presented for Council's consideration and approval. Moved by Klamm, seconded by Wightman to approve the minutes of the Regular Meeting held May 25, 1999 as presented. Roll call. Voting "aye" were Cook, Kohl, Wightman, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$801,306.85 was presented for Council's consideration and approval. Upon review of the claims and bills as listed, moved by Kohl, seconded by Wightman, that the claims and bills be approved as listed and authorize the City Treasurer to transfer \$169,409.17 from the General Fund, \$613,686.50 from LEXUS, \$10,000.00 from City Sanitation Fund, \$39.00 from the Landfill Fund, \$55.44 from Library Memorial Fund, \$1,601.48 from the Health Fund, and \$6,515.26 from the Meals on Wheels Fund to the City of Lexington Operating Account. Roll call. Voting "aye" were Klamm, Cook, Wightman, Kohl, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
JUNE 8, 1999 COUNCIL

AMER. NAT. RED CROSS	RED CROSS TRAINING FEES	535.70
ASSEM. OF GOD CMPGRND	POOL AND ROOM RENTAL	195.00
BARCO MUNICIPAL PROD.	BARRICADE & TRASH PUMP	465.47
BARRETT-HOUSEL-GRAFTON	NOTARY FEES/MALZAHN	30.00
BERNTSON OIL	FUEL AND OIL	1,490.00
BEST WAY, INC.	AMER. FLAG & WASP SPRAY	251.06
C.B.S.A.	INSURANCE PREMIUMS	7,669.23
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	807.98
CASH-WA DISTRIBUTING	FOOD AND SUPPLIES	2,230.37

CENTRAL GARAGE FUND	LBR, PRTS, TRS, GAS & OIL	8,978.45
CENTURY LAB, INC.	DEODORIZER	57.49
CENTURY LUMBER	PLYWOOD	19.72
CINDY'S HEAVENLY COOKIES	COOKIES FOR POOL	56.25
CLINE'S SMALL ENG RPR	RAD AND FUEL PUMP REPAIR	409.05
COAST TO COAST	MISC. SHOP SUPPLIES	122.65
COCA COLA/DR PEP-KEARNEY	POP FOR POOL	943.25
COUNTRY GENERAL	MISC. SHOP SUPPLIES	214.17
COZAD SERVICES, INC.	PURGE WATER SYS AT POOL	51.00
CULLIGAN WATER COND CO.	WWTP WATER TREATMENT	30.00
DANKO EMERG EQUIP CO.	AIR MASK REGULATOR RPR	45.96
DAN'S SANITATION	SANITATION SERVICE	10,731.24
DAWSON COUNTY CLERK	DISPATCH FEES	5,067.67
DAWSON CO REG OF DEEDS	EASEMENTS	10.50
DAWSON CO WEED CONTROL	WEED SPRAYING	277.88
DAYS INN HASTINGS	BLIVEN - ROOM 5/11 CONF	89.90
DEPOSITORY TRUST CO.	1995 ISSUE BOND INT & PRINC	52,790.00
DUNRITE, INC.	SUPPLIES	53.19
DUTTON-LAINSON COMPANY	TERMINATOR	786.48
EAKE'S OFFICE PRODUCTS	COPIER PMT. AND SUPPLIES	811.34
ECONO-CLAD BOOKS	LIBRARY BOOKS	55.44
EGAN SUPPLY COMPANY	CLEANING SUPPLIES	146.43
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	1,120.88
EMERGENCY MED PRODUCTS	PAGER CASES	78.00
FAGOT REFRIG & ELEC	SERVICE LIFT PUMP	128.30
FAIRBANKS INT, INC.	FLAT WASHERS	1.99
FISHER-SCIENTIFIC	BOTTLES, CAPS, GLOVES	187.60
FIVE STAR FLOORING	NYLAC CLEANER-CARPETS	19.00
FUEHRER'S LAWN CARE	(2) LOT MAINTENANCES	80.00
GILLETTE/NE DAIRIES, INC.	DAIRY PRODUCTS-GGC	222.12
GROLIER PUBL CO., INC.	LIBRARY BOOKS	454.86
HOLIDAY INN - GRAND ISLAND	FIRE DEPARTMENT-TRAINING	2,630.07
HUNT, KERRY	ELECTRIC REBATE	200.00
HUSKER AG SALES	WHEEL/TIRE	138.00
I.C.M.A. DISTRIBUTION CNTR	REFERENCE BOOKS	125.30
INS & PERSONNEL SERVICES	INCREASE RESERVE MONEY	500.00
JELCO CARPET CLEANING	CRPT CLNG-LIBR-GGC-CTY HL	522.00
JONES PLUMBING & HEATING	SPLS & DEWINT AQUA CTR.	423.52
K.R.V.N. - FM	CONTRACT #2287501	132.00
KELLY SUPPLY COMPANY	SHOVEL	65.30
KRIZ-DAVIS COMPANY	FUSES	753.67
LASWA	SOLID WASTE FEES	1,160.28
LEXINGTON COOP	FERTILIZER AND PROMETON	339.32
LEXINGTON HEALTH FUND	SELF-FUNDING	14,678.31
LEXINGTON LAUNDRY	LAUNDRY SERVICES	56.00
LEX NEWSPAPERS, INC.	LEGAL NOTICES AND ADS	342.26
LEXINGTON POSTMASTER	GGC POSTAGE	150.00
LEXINGTON PUBLIC LIBRARY	MAIL-REPLENISH PTY CASH	30.44
LEXINGTON, CITY OF	MO FEES & FRANCHISE FEES	23,855.54
PAYROLL 03-Jun-99	WAGES	79,990.49
SOCIAL SECURITY	EMPLOYER PORT FICA/MED	6,040.28
FIRST NATIONAL BANK	EMPLOYER PORT PENSION	2,287.44
AMERICAN FUNDS	POLICE PENSION	1,057.19
ICMA	PEPPLITSCH PENSION	99.70
LIBRARY VIDEO COMPANY	LIBRARY BOOKS	445.10

LIEHS DRILLING	CEMETERY WATER SYSTEM	175.54
MAXIMUM PROMOTIONS, INC.	TRIAHLON T-SHIRTS	1,025.82
MEAD/BIG VALLEY LUMBER	MRBL DST-GRDMRKR-BRMS	248.36
MEWIS, KEITH	SPRAY AND FERT TREES	365.00
MEYER WELDING & REPAIR	WELDING STOCK	14.64
MICK'S PLT VALLEY GLASS	RESEAL WINDSHIELD	15.00
MID-STATES UNITS	PORTA POTTIES	1,785.00
MIDWAY SUPPLY	MISC. PARTS & SUPPLIES	153.00
MILLER & ASSOCIATES	PROFESSIONAL SERVICES	2,100.00
MINDEN EXCHANGE BANK	SERIES 1994 BOND PAYMENT	206,980.00
MOORE MEDICAL CORP.	SUPPLIES	512.27
MORRIS PRESS & OFC SPLS	LETTERHEAD-TREE BOARD	55.25
MUNICIPAL SUPPLY	DRESSER	529.81
NE. DEPT. OF HHS LAB	WATER TESTING	935.10
NEBRASKA DEPT OF REV	UTILITY SALES TAX APRIL	19,541.54
NEBRASKA MACHINERY	NUTS, BOLTS, BITS	448.86
NELSON, THOMAS R	CITY HALL CLEANING	500.00
OVERTON SAND & GRAVEL	GRAVEL AND FILL SAND	187.50
PATTY'S HALLMARK	MISC. OFFICE SUPPLIES	202.56
PAULSEN INC.	CONCRETE	490.66
PLATTE VALLEY AUTO MART	CAR WASHES FOR POLICE	20.00
PLATTE VALLEY COLL	A/R COLLECTION FEES	395.89
PLATTE VALLEY COMMUN	SIREN REPAIR & MO MAINT	246.00
PRESTIGE BUSINESS FORMS	PNCH CARDS & BROCH-POOL	321.71
S & S WORLDWIDE	ART SUPPLIES - REC. DEPT.	210.39
S & W AUTO PARTS, INC.	MISC. SHOP SUPPLIES	1,115.08
SCHNIEBER FINE FOODS INC.	FOOD AND SUPPLIES	786.50
SCHOLZ, HAROLD K. CO	COPPER BUS BAR	349.13
SEWARD, JASON	LIBRARY CLEANING	225.00
SIXTH STREET MARKET	FOOD AND SUPPLIES	41.81
SKARSHAUG TESTING	GLOVE CLEANING	46.99
SPECIALTY STRE SRVCS, INC.	LIBRARY SUPPLIES	55.49
TASTE OF HOME	LIBR MAGAZINE RENEWAL	17.45
TIME LIFE BOOKS	LIBRARY BOOKS	44.96
TRI-COUNTY HOSPITAL	RIB INJURY - MARK MILLER	293.50
U. S. NEWS & WORLD RPRT	LIBRARY MAGAZINE RENEWAL	22.50
US POSTAL SERVICE	POSTAGE FOR UTIL DEPT	1,500.00
VIDEO SAMPLER, THE	LIBRARY BOOKS	83.48
VIKING OFFICE PRODUCTS	LIBRARY SUPPLIES	18.59
WAL-MART	MISC. OFFICE SUPPLIES	860.01
WEBER & WEINHOLD	PROFESSIONAL SERVICES	1,628.30
WENBURG, FLOYD	MOW AND CLEAN YARD	50.00
WESCO DISTRIBUTION, INC.	ELECT SPLS & TRANSFR	10,204.62
ZEP MANUFACTURING CO.	CLEANING SUPPLIES	43.09
BENNER, JOHN	RECREATION BATS	125.97
CASH-WA DISTRIBUTING	CONCESSION FOOD	898.23
CINDY'S HEAVENLY COOKIES	CONCESSION FOOD	67.50
FOUR SEAS SWIMWEAR INC.	SWIMWEAR FOR LIFEGUARDS	1,668.93
GRT PLNS ONE-CALL SERV	UTILITY LOCATES	246.30
LEXINGTON ANIMAL CLINIC	ANIMAL CARE FOR MAY	406.70
LEX NEWSPAPERS, INC.	MAY ADVERTISING CHARGES	1,516.03
NE PUBLIC POWER DISTRICT	MAY POWER CHARGES	305,219.83
OMAHA LIFE INSURANCE CO.	LIFE INS FOR FIRE DEPT.	128.00
PRS ASSOCIATES	BIKE RACK	333.72
U.S. WEST	PHONE CHARGES MAY 1999	2,111.41

GRAND TOTAL:

\$801,306.85

CITIZEN'S COMMENTS:

Mr. Frank Hennigan addressed the Lexington City Council regarding the beer garden at the Old Fashioned 4th of July. Mr. Hennigan stated that every town around Lexington is a growing community, and that Lexington is completely stagnant. He believes Lexington needs to do something constructive to draw and keep people here. He further stated that the people of Lexington go else-where for entertainment because nothing is offered here. Chamber of Commerce Director John Whittington addressed the Lexington City Council stating that the Chamber would like to go ahead with the plans with a beer garden, but didn't want to offend anyone. Following Mr. Whittington's comments, Mr. Hennigan requested this topic be brought before the Council at the next meeting.

Ruth Magoon, representing the Evangelical Free Church, and other concerned citizens, addressed the Lexington City Council regarding the Adult Book Store that recently opened. She is concerned with what will happen next. Her question to the City Council was what the concerned citizens can do about it. She stated that she wants people to come to Lexington and be entertained, but not with the filth that is going on in that store. It was requested for permission to start a petition, and have it added as an Agenda Item for the next City Council meeting.

Nova Workman addressed the Lexington City Council stating that she went into the "BMT" (Adult Book Store), to see what was there, so she could talk about it. She stated that we have got to stop pornography, not only in BMT, but also in the other stores in town. The citizens elected the Council Members, and trust them to take care of our town and do what is right, and creating a City Code to prevent this would be the right thing.

Marcia Refior addressed the Lexington City Council inquiring as to the reason there is a gate at Memorial Park. Mayor Fagot stated that the traffic was an endangerment to the children playing there. Council Person Kohl added that there was a lot of traffic in the park late at night, and any business they had going on in the park that late at night, shouldn't be going on. Ms. Refior stated that her concern was handicap accessibility in the park. Mayor Fagot informed Ms. Refior that she can discuss this with Administration, and hopefully there could be a solution. Marcia also voiced her support for the beer garden.

Pastor Ralph Guetersloh, of Trinity Lutheran Church, addressed the Lexington City Council regarding the pornography book store. Pastor Guetersloh stated that he couldn't stand back and be silent. He stands before the Council as a person with moral objections to this. Pornography is a degenerative issue that breaks society down. He wants the Council to know that whatever direction they go, there are people who object to this kind of presence in the community.

Attorney Darrell Bryan addressed the Lexington City Council, on behalf of friends of "BMT". He has spoken with the owners to insure that they comply with all state and federal laws. His purpose in coming

before the Council is to explain some of the practices and procedures of the store. First of all, no one under 21 gets in. Every person is I.D.'d and carded. Second, the windows of the store have purposely been tinted to avoid loitering. Third, the owners do not want to draw any attention to the store. They haven't put up any neon signs, or flashing lights. Basically, if you want to come into the store, you are welcome, but at the same time, you are also welcome to not come in if you disagree with their ideas.

Bill Ashmore, representing the Evangelical Free Church, addressed the Lexington City Council inquiring how the City is going to stop a minor from giving money to an adult to buy this stuff for them. He asks the Council to please pass the petition to prevent pornographic material in our City.

Jonathan Roos, Student Body President of Lexington High School, informed the Lexington City Council that he has many friends that drink even though it is against the law. Stores are suppose card people, but many times it doesn't happen. Pornography is very destructive and very addictive. He believes that many criminals may not have been led to commit the crimes they committed, had it not been for the access they had to those base materials. Lexington is known as being high in crime and also a dangerous place to live. Once you let in materials of a certain nature into a town, you're going to open up even more doors. He would like the Council to do all that is legally possible to stop the pornography from coming to town.

Mayor Fagot thanked the citizens for their opinions, and informed them that they will look at what information the citizens, administration, and legal counsel bring to them. Both Mayor Fagot and Council Person John Wightman informed the citizens that this item will be on the next agenda.

LETTER OF SUPPORT:

Barb Vondras, member of the Scenic Management Committee, addressed the Lexington City Council, stating that they have the possibility of receiving a \$200,000 grant, that will be prorated out, for a scenic by-way between Overton and Sutherland along Highway 30. The state's commitment is that there would be markers put up, and maintained, every 8 to 10 miles. The Committee is asking for a letter of support from the City Council, and also from each Council Member by the end of June. Motion by Wightman, seconded by Klamm, to write a letter of support naming Highway 30 from Overton to Sutherland as a scenic by-way. City Attorney Weinhold informed Ms. Vondras and the City Council that one of the ramifications of the scenic by-way designation is control of outdoor advertising. This could possibly affect many billboards and other advertising structures in the area. Ms. Vondras stated that she would check into this. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

SUBDIVISION PLAT:

Assistant City Manager Joe Peplitsch presented the Lexington City Council with the Subdivision Plat for the Holiday Plaza. Mr. Peplitsch stated that this is a standard subdivision agreement that shows an access easement along the frontage road. Parking spaces will be determined by the occupancy of the buildings per code. Moved by Cook, seconded by Klamm, to approve this form of the Subdivision

Agreement for the Holiday Plaza Subdivision. Roll call. Voting “aye” were Wightman, Kohl, Klamm, Cook, Fagot. Motion carried.

FIREWORKS PERMITS:

City Manager Bricker informed the Lexington City Council that the expiration date of fireworks permits was put into place by the Legislature, and he is recommending that the City of Lexington follow State Law. The primary reason for this is for occupation tax. No action was required by City Council.

**WEST CENTRAL NE
AREA ON AGING
CONTRACT:**

City Manager Bricker addressed the Lexington City Council stating that the West Central NE Area on Aging Contract is an annual meals contract that comes before the Council that is entered into with the West Central Agency on Aging. This year, the contract showed an increase in funding to the Center, over previous years. The Grand Generation Center’s Director, Ann Luther, informed the Council that the Center averages 150 meals per day. She further stated that the evening meal, that is served once a month, is doing well, as they get in a lot of younger seniors that are still working. They are hoping that when these people stop working, they will then take advantage of the noon meals. Moved by Wightman, seconded by Kohl, to accept the West Central NE Area on Aging Contract and authorize the Mayor to execute the contract. Roll call. Voting “aye” were Klamm, Cook, Kohl, Wightman, Fagot. Motion carried.

**MEMBERSHIP
RESOLUTION:**

City Manager Bricker addressed the Lexington City Council stating that Council has already addressed, and has approved membership into the Energy Service Company. They had previously drafted a resolution on that. The resolution being brought before them now is the final resolution that was passed by ESCO. Following discussion regarding clarification of the timetable by the Lexington City Council, moved by Kohl, seconded by Wightman, to table the Membership Resolution with the Energy Services Company until the next Council meeting. 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 into executive session at 8:37 p.m. to discuss personnel and the negotiation for the 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 9:28 p.m. 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