

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, November 13, 2001 at the Lexington Municipal Building, located at 406 E. 7th Street, Lexington, Nebraska at 7:30 p.m. Members of the Council present were Mayor John Fagot, Ted Cook, Rick Klamm, John Salem, Steve Tomasek. City Officials present were City Manager Joe Peplitsch, City Attorney Willard Weinhold, Deputy City Clerk Shirley Lewis. Also present was Dana Daniels representing Miller and Associates.

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 Acknowledgement 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 – 10-23-01: Minutes of the Regular Meeting that was held Tuesday, October 23, 2001 was presented for Council’s consideration and approval. Moved by Salem, seconded by Tomasek, to approve the Minutes of the Regular Meeting held October 23, 2001 as presented. Roll call. Voting “aye” were Cook, Klamm, Tomasek, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$951,860.13 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Klamm, seconded by Tomasek, to approve the Claims and Bills as listed and authorize the City Treasurer to transfer \$270,016.74 from the General Fund, \$140,000.00 from Housing Reuse, \$502,820.10 from LEXUS, \$10,047.05 from City Sanitation, \$996.89 from Landfill, \$275.00 from Library Memorial, \$17,928.29 from Health Fund, \$9,776.06 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
November 13, 2001

ABC Audiobooks	Library Supplies	39.60
Aflac	Supplemental Ins	962.56
All Points Cooperative	Car Washes	10.00
Allstate Imaging Inc.	Ink Cartridges	348.39
Alltel	Cellular Charges	123.12
Amer, Travis	Training School Mileage	242.88
Barco Municipal Products	Electric Supplies	146.46
Barmore Drug	Cables/Electric Rebate	2,401.46
Berntson Oil	Fuel	3,327.89
Bethphage Mission	Park Clean-up Program	300.00
Bill's Farm & Ranch Svc	Grass Seed	324.00
Books on Wings	Library Supplies	81.75

Briones, Armando	Electric Rebate	350.00
Broadwing Telecommunications	Telephone Svc	289.73
Business & Professional Credit Mgmt	Utility Collections	47.78
C.B.S.A	Employee Medical	13,019.07
C.B.S.A	Premiums	9,279.23
Cash-Wa Distributing	Food & Supplies	1,577.03
CCP Industries Inc	WWTP Supplies	290.00
Central Community College	Training	1,464.00
Central Garage Fund	Parts/Labor/Oil/Gas & Diesel	8,093.45
Certified Laboratories	Central Garage Supplies	270.74
Charter Pipeline	Internet Svc	99.90
Childs World, The	Library Supplies	119.60
Cindy's Heavenly Cookies & Bakery	Rolls	44.77
Clark Enersen Partners, The	Additional Library Study	1,074.84
Community Redevelopment Authority	Admin Fee/PC Care Center	6,000.00
Computer Pros	Computer Supplies	16.45
Conney Safety Products	Medical Supplies	138.08
Consumer Guide	Subscription	99.00
Culligan Water Conditioning	Water Treatment	173.40
D&R Computing	Ink Cartridges	55.99
Dan's Sanitation	Sanitation Charges	10,985.32
Dawson County Clerk	Dispatch Fees	6,380.62
Dawson County Weed Control	Spray Weeds	309.20
Demco	Library Supplies	881.34
Depository Trust Co.	97 GO Bond Int Pymt	45,953.75
Dog Gone Dogs 4-H Club	Park Clean-up Program	300.00
Dutton-Lainson Co.	Electric Supplies	310.45
Eakes Office Products	Misc Supplies/Copier Pymt	725.35
Electric Fixture	Electric Supplies	604.78
Fagot Refrigeration & Electric	Optimist Rec Complex Svcs	12,911.21
Fagot, John	Per Diem/Congress of Cities	792.00
Fischer-Scientific	WWTP Supplies	552.72
Five Points Bank	Copier Pymt	205.12
Fyr-tek	LVFD Supplies	884.77
Gale Group, The	Library Supplies	254.85
Gempler's	Uniforms	923.83
Gillette Dairy of Black Hills	Dairy	213.68
Gillette/Nebraska Dairies	Dairy	79.99
Great Plains One-Call Svc	Locates	54.49
Greg Larson Sports	Recreation Supplies	272.48
Guerrero, Hector	Electric Supplies	1,150.00
Hach Company	WWTP Supplies	150.80
Hall's Safety Equipment	Electric Supplies	132.40
Harlequin Retail Inc.	Library Supplies	10.52
Helvey, Richard	Electric Rebate	1,500.00
Hipp Wholesale Foods Inc.	Food & Supplies	2,220.58
Holtz, Marcia	Meals	7.50
Hometown Brand Center	TV/DVD/VCR	899.98
Hundley, Nancy (Broker Trust)	Earnest Money	1,000.00
Husker Ag Sales	WWTP Supplies	67.08
Husker Outdoor Power Equipment	Power Saw Chains	302.54
Ingram Library Svc	Library Books	342.91
Insurance & Personnel Svc	Employee 125	972.91
Jensen, Debra	Reimburse Fuel	7.50
Job Publications	Code Book	23.50
Job's Daughters	Park Clean-up Program	300.00

Jones Plumbing & Heating	Repairs	691.65
Kearney Hub	Subscription	103.70
Keim, Bob	Mow/Clean up Yd	100.00
Kelly, Ryan	Electric Rebate	1,150.00
Kriz-Davis Company	Electric Supplies	75.73
League of Nebraska Municipalities	Workshop	225.00
Lexington Animal Clinic	Animal Care	628.05
Lexington Area Solid Waste Agency	Mixed Solid Waste	1,231.56
Lexington Baseball Commission	Park Clean-up Program	300.00
Lexington Cosmos Club	Park Clean-up Program	300.00
Lexington Eagles Club	Park Clean-up Program	200.00
Lexington Health Fund	Self-Funding	26,380.00
Lexington Investors, LLC	Plum Creek Care Cntr Proj	134,000.00
Lexington Lions Club	Park Clean-up Program	300.00
Lexington Newspapers	Publications	21.25
Lexington Postmaster	Postage/GGC	150.00
Lexington Public Library	Replenish Petty Cash	63.87
Lexington Recreation Program	Support Personnel	1,200.00
Lexington Truck & Auto	Central Garage Supplies	48.11
Lexington Volunteer Fire Dept	Annual Mtg Reimbursement	1,858.20
Lexington, City of	Monthly/Franchise Fees	23,880.16
Liehs Drilling	WR Supplies	17.04
Lien Lawn Care	Lawn Care/Pool	1,876.00
Linweld	Oxygen	33.00
Lopez, Luis	Electric Rebate	1,150.00
Luther, Ann	Mileage/Meals	51.58
Lynch, Robert	Electric Rebate	1,150.00
Lexington City Payroll Account	Wages	72,483.17
Social Security	Employer Portion/FICA Med	5,456.13
First National Bank	Employer Portion/Pension	2,345.35
First National Bank	Police Pension	1,063.84
ICMA	Pepplitsch Pension	180.00
M W Salvage	Appliance/Freon Removal	41.00
McClain, Don DBA Mac's Repair	Mow Lawns	50.00
Mead/Big Valley Lumber	Misc Supplies	929.22
Mid-Nebraska Printing	Printing	384.33
Milco Environmental Svc	Professional Svc	687.69
Miller & Associates	Professional Svc	28,200.00
National Council on the Aging	Membership Fees	170.00
Ne Dept of Motor Vehicles	UC License	3.50
Nebraska Association of Sr Centers	Renewal Certificate	15.00
Nebraska Dept of HHS Laboratory	WR Testing	420.00
Nebraska Dept of Revenue	Sales & Use Tax	25,299.86
Nebraska National Bank	Mail Machine Lease Pymt	361.56
Nebraska Public Power District	Power Purchased	347,418.34
Nebraska Recreation & Park Assn	Registration	20.00
Nebraska Salt & Grain	Ice Control	670.45
Nebraska State Treasurer	Unclaimed Property	6,641.86
Nebraska Waste Handlers	Sludge Removal	3,650.00
Nelson, Thomas R.	Cleaning	500.00
New World Inn	Lodging	56.14
Norfolk Country Inn	Lodging	858.42
Office Equipment Center Inc.	Annual Maintenance	295.00
Omaha Life Insurance	LVFD Group Ins Prem	58.05
Overton Sand & Gravel	Gravel	256.25
Oxford University Press	Library Supplies	38.50

Patty's Hallmark	Office Supplies	366.25
Paulsen Inc	Concrete	941.81
Pepplitsch, Joe	Mileage/Meals	75.29
Pinnacle Bank	WWTP Land Pymt	16,741.77
Platte Valley Auto Mart	Central Garage Supplies	66.40
Platte Valley Communications	Repairs	273.99
Plum Creek Bank	Fire Truck Loan Pymt	19,971.52
Plum Creek Medical Group	Shots	56.00
Precision Industries	WWTP Supplies	63.96
QA Balance Services	Calibration	85.00
Quality Stores Inc	Misc Supplies	244.93
Qwest	Telephone Charges	217.34
Rourke Publishing Group	Library Supplies	235.20
S&W Auto Parts	Central Garage/Elec Supplies	703.02
Service Master Mid Nebraska	Carpet Cleaning	48.00
Seward, Randall	Cleaning	300.00
Skarshaug Testing	Test Gloves	54.46
Specialty Store Services Inc.	Library Supplies	53.24
Spring Creek Embroidery Works	Youth BB Shirts	1,530.00
Steve's Lock & Key	Key Locks	162.89
Subway of Lexington	Meals	42.00
Sunmart/Sixth Street	Food & Supplies	85.82
T.O. Haas Tire Co.	Tire Repair	18.50
Telegraph	Subscription	115.00
Terryberry	Awards	282.71
Texaco Customer Card Center	Credit Card	26.83
Total Lawn Care	Lawn Care	560.00
Tri County Hospital	Wellness Cntr Memberships	162.00
U S Filter Distribution Group	WR Supplies	33.02
Underwood, James DBA Jelco	Carpet Cleaning	100.00
Usher Pest Control	Monthly Svc	24.00
Value Line Publishing Inc.	Subscription	598.00
Village Cleaners	Laundry Svc	44.00
Walker Roofing Company	Roof Repair	177.00
Wal-Mart	Misc Supplies	535.31
Wesco Distribution Inc	Electric Supplies	83.07
Willard Weinhold Law Office	Professional Svc	1,200.00
World Book Inc	Library Supplies	314.00
Zep Manufacturing	Cleaning Supplies	62.34
C.B.S.A	Employee Medical Claims	2,973.75
Cash-Wa Distributing	Food & Supplies	769.70
Computers By Hampton	Library Supplies	150.00
Dawson County Public Power	Traffic Lights/Lightng	774.46
Electric Fixture	Electric Supplies	250.56
Gengenbach, Kevin	Unit Rental	270.00
Hinds Electric	Wiring	354.19
Liehs Drilling	Test Drills	8,337.50
Martin Electric	WWTP Boiler Repairs	60.00
Municipal Supply	WR Supplies	681.14
Neopost	Postage	1,500.00
Newman Traffic Signs	Brackets	244.75
NT&T	Telephone Svc	1,183.11
Olsson Associates	Electric Study	10,795.50
Petty Cash Fund	Replenish Petty Cash	50.74
S&W Auto Parts	Electric Supplies	287.45
Paulsen Inc	Aqtc Ctr Prkg Lt Phs II Final	37,288.71

GRAND TOTAL: 951,860.13

ORDINANCE: Pepplitsch addressed the City Council requesting adoption of an Ordinance amending various sections of the Lexington City Code pertaining to permits and fees. Following discussion, an Ordinance entitled “AN ORDINANCE TO AMEND SECTIONS 6-17, 9-3, 12-3, 24A-24, AND 24A-26; TO REPEAL SECTION 6-3, 6-3.1, 6-3.2, 6-3.3, 6-3.4, 6-33; TO REPEAL ORIGINAL SECTIONS 6-17, 9-3, 12-3, 24A-24, AND 24A-26, 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 Salem, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Tomasek, to approve Ordinance Number 2149 on Final Reading. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

CHANGE ORDER: Dana Daniels requested approval of Change Order Number 1 on Phase II of the Lexington Aquatic Center Parking Lot. Moved by Klamm, seconded by Salem, to approve Change Order Number 1 on Phase II of the Lexington Family Aquatic Center Parking Lot. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

PAY REQUEST: Dana Daniels requested approval of the Application and Certificate of Payment No. 1 (Final) for the Aquatic Center Parking Lot, Phase II. Moved by Cook, seconded by Tomasek, to approve the Application and Certificate of Payment No. 1 (Final) for the Lexington Family Aquatic Center Parking Lot, Phase II. Roll call. Voting “aye” were Klamm, Salem, Tomasek, Cook, Fagot. Motion carried.

CERTIFICATE OF SUBSTANTIAL COMPLETION: Dana Daniels requested approval of the Certificate of Substantial Completion for the Aquatic Center Parking Lot, Phase II. Moved by Klamm, seconded by Salem, to approve the Certificate of Substantial Completion for the Lexington Family Aquatic Center Parking Lot, Phase II, and authorize the City Manager to execute the document. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

RESOLUTION: Pepplitsch addressed the City Council requesting approval a Resolution setting permit fees. Moved by Klamm, seconded by Tomasek to approve the following Resolution effective December 1, 2001. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NO. 01-17

WHEREAS, Lexington City Code authorizes the City Council to establish by Resolution a schedule of rates and fees for various permits, inspections, and services;

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following schedule of rates and fees are established and shall take effect December 1, 2001. That all other rates and fees previously established shall remain unchanged.

Building Permits:

<u>Total Project Valuation</u>	<u>Permit Fee</u>
\$1 to \$500	\$12
\$501 to \$2,000	\$12 for the first \$500 plus \$1.50 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$35 for the first \$2,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$196 for the first \$25,000 plus \$5 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$322 for the first \$50,000 plus \$3.50 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,000 and up	\$500 for the first \$100,000 plus \$0.50 for each additional \$1,000.

Miscellaneous Permits:

Electrical Permit:	\$35
Plumbing Permit:	\$35
Sign Permit:	\$5 per \$100 value of sign, max of \$35
Fence Permit:	\$25, with City Easement Add \$35
Change in Occupancy:	\$25
Food Handlers	\$25
House Moving	\$100

Miscellaneous Fees:

Special Use Permit	\$100
Rezoning Application	\$100
Subdivision Process	\$100
Administrative Survey Plats	\$75
Variance/Appeal	\$75
Mobile Home Location Permit	\$35

PASSED AND APPROVED this 13th day of November, 2001.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

ATTEST:

Shirley Lewis
Deputy City Clerk

ORDINANCE:

Peplitsch addressed the City Council requesting approval of an Ordinance amending Section 3-14 and 10-9 of the Lexington City Code, dealing with occupation taxes. Following discussion, an Ordinance entitled "AN ORDINANCE TO AMEND SECTION 3-14 AND 10-9 OF THE LEXINGTON CITY CODE DEALING WITH SCHEDULE OF OCCUPATION TAXES; TO REPEAL ORIGINAL SECTIONS 3-14 AND 10-9, 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 Council. Moved by Cook, seconded by Klamm, to suspend the rules requiring the reading of said Ordinance on three separate days. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Cook, Fagot. Motion carried.

Said Ordinance was read by Title. Moved by Klamm, seconded by Salem, to approve Ordinance Number 2150 on Final Reading. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

POLICE PENSION PLAN:

Finance Director Barbara Mills addressed the City Council requesting approval of an amendment to the Police Pension Plan allowing daily investment direction of participant accounts. Following discussion, moved by Klamm, seconded by Salem, to approve Resolution Number 01-18. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

RESOLUTION NO. 01-18

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF LEXINGTON, NEBRASKA:

1. Adoption of Amendment of the City of Lexington, Nebraska Police Officers' Pension Plan: NOW, BE IT RESOLVED, that effective November 13, 2001, the City shall amend and it hereby does adopt an amendment of the City of Lexington, Nebraska Police Officers' Pension Plan and Trust (the "Plan"), in the form of the Plan amendment attached hereto and by this reference fully incorporated herein. The purpose of said amendment is to amend the Plan provisions to allow daily valuation of participants' accounts, and to permit participants to change their investment directions on a daily basis pursuant to rules and procedures established by the Trustee, City, and Retirement Committee.
2. Authorizations: NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and other appropriate elected officials and officers of the City of Lexington shall be, and they hereby are, authorized to do all things necessary to carry out and accomplish the foregoing Resolution, including the execution of any document or amendment which may be necessary or appropriate to amend the administer the aforesaid Plan, including such actions as may be necessary or appropriate to achieve and maintain qualification of the aforesaid Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended.

PASSED AND APPROVED THIS 13TH DAY OF NOVEMBER, 2001.

CITY OF LEXINGTON, NEBRASKA

By: John Fagot
Mayor

Joe Peplitsch
City Clerk

EXECUTIVE SESSION:

Moved by Klamm, seconded by Salem, to go from Regular Session into Executive Session at 7:50 p.m. to discuss purchase of land. Roll call. Voting "aye" were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

Moved by Salem, seconded by Klamm, to reconvene Regular Session from Executive Session at 8:50 p.m. Roll call. Voting "aye" were Cook, Tomasek, Klamm, Salem, 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