

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 12, 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.

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 – 5-22-01: Minutes of the Regular Meeting held Tuesday, May 22, 2001 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Tomasek, to approve the Minutes of the Regular Meeting held May 22, 2001 as presented. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,088,337.58 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Klamm, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$244,602.95 from the General Fund, \$62,000.00 from Ed Reuse, \$738,358.01 from LEXUS, \$10,000.00 from City Sanitation, \$3,971.83 from Landfill, \$16.35 from Library Memorial, \$14.40 from Library House Fund, \$17,652.08 from Health Fund, \$11,721.96 from Meals on Wheels to the City of Lexington’s Operating Account. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
MAY 22, 2001 COUNCIL

All Points Cooperative	Carwash	10.00
Alltel	Cellular Chgs/Phone Upgrade(Rec)	284.39
American Library Association	Membership	125.00
Barco Municipal Products	WWTP Supplies	152.80
Berntson Oil	Fuel	2,900.48
Bottom Line/Personal	Subscriptions	39.00
C.B.S.A.	Employee Medical Claims	13,950.03
Cash-Wa Distributing	Food & Supplies	1,293.28
Central Garage Fund	Labor/Parts/Oil/Tires	13,954.99
Chesterman Co	Soda	17.90
Clark Enersen Partners, The	Fund Raising Exp	39.68
ClassRoomDirect.Com	P&I Supplies	104.51
Dawson County Public Power	Power Purchased	2,129.85
Dawson County Register of Deeds	Filing Fees	5.50

Depository Trust Co	1996 GO Bond Pymt	140,486.25
Donnelson, Gary	County Plat Book	21.30
Dream Gardens Nursery Inc.	Replacement Trees	291.90
Dugan Business Forms	PR Checks/Disconnects	575.02
Eakes Office Products	Printer/Library	299.99
Egan Supply Co	Misc Supplies	116.55
Eilers Machine & Welding	Central Garage Supplies	18.25
Electric Fixture	Electric Supplies	754.36
Eustis Body Shop	Towing	45.00
Fagot Refrigeration & Electric	WWTP Repairs	787.47
Fairbanks International Inc	Central Garage Supplies	362.86
Floor Shine	LVFD Floors	67.00
Gale Group, The	Library Supplies	306.23
Gangwish Turf	Bluegrass Sod	75.60
Gengenbach, Kevin	Toilet Rental/Parks	270.00
Gillette/Nebraska Dairies	Dairy	172.80
Greg Larson Sports	Baseballs	140.75
Hipp Wholesale Foods Inc	Food & Supplies	1,046.21
Husker Ag Sales	Central Garage Supplies	8,545.02
Ingram Library Services	Library Books	172.80
Insurance & Personnel Svc	Employee 125 Acct	844.81
KN Energy Inc	Natural Gas Svc	2,109.30
Knapp Electric	Pump Repair	77.50
Kriz-Davis Co	Electric Supplies	359.45
League of Nebraska Municipalities	Registration	208.00
Lexington Communications	Radio Repair	29.49
Lexington Newspapers	Publications	218.12
Lexington Public Library	Replenish Petty Cash	37.87
Lexington Recreation Program	Rec Wages/Pool & Conc Start-up	2,405.00
Lexington True Value	Misc Supplies	171.64
Lexington City Payroll	Wages	72,250.92
Social Security	Employer Portion FICA/Med	5,435.37
First National Bank	Employer Portion Pension	2,205.93
American Funds	Police Pension	974.23
ICMA	Pepplitsch Pension	180.00
M W Salvage	Freon & Appl Removal	47.00
Mead/Big Valley Lumber	Misc Supplies	502.42
Meyer Welding & Repair	Park Supplies	14.90
Michael Todd & Co., Inc	Gutter Brooms/LVFD Supplies	1,100.96
Mid-Nebraska Food Bank	Food/GGC	28.14
Misko Sporting Goods	Baseball Supplies	124.70
Morris Press & Office Supplies	Office Supplies	29.81
Municipal Supply	Tapping Saddle	252.13
Northern Tool & Equipment	Washer/Dethatcher	118.31
Omnigraphics, Inc	Library Supplies	33.15
Patty's Hallmark	Office Supplies	932.19
Paulsen Inc	Concrete/Gravel	264.13
PC Mall	Hub Port	142.37
Pedersen Power Products	Adams Substation Supplies/Labor	32,759.54
Pepplitsch, Joseph	Mileage Reimbursement	61.41
Platte Valley Auto Mart	Central Garage Supplies	68.81
Platte Valley Communications	Radio Repair/Monthly Maintain	95.95
Price's Tree Svc	Plant Trees/Rec Complex	3,500.00
Protective Life Insurance	Supplemental Ins	43.90
Quality Stores	Misc Supplies	533.89
S&S Repair	Computer Repair	56.00

S&W Auto Parts	Central Garage Supplies	568.26
Sport Supply Group	Rec Supplies	197.40
Subway of Lexington	Meals	30.60
T.O. Haas Tire Co	Tires	515.24
Taste of Home	Library Supplies	17.90
Tri County Hospital	Wellness Ctr Memberships	180.00
U Save Foods	Food & Supplies	153.48
Unique Books Inc	Library Supplies	785.93
Wal Mart	Misc Supplies	734.60
Wesco Distribution Inc	Electric Supplies	2,880.83
West Group	Statute Internet Svc	95.00
Western Engineering Co Inc	Street Supplies	480.77
Wildwood Tree Farm	Trees	5,569.00
Allstate Imaging Inc	Office Supplies	125.90
Alltel	Cellular Charges	111.98
Angulo, Ciro	Electric Rebate	1,150.00
Barco Municipal Products	Street Signs	145.98
Bullis, Robert	Electric Rebate	1,150.00
CBSA	Employee Medical	8,445.80
Community Improvement Newsletter	Subscription	89.00
Dan's Sanitation	Solid Waste Charges	20,975.73
Earl May Nursery & Garden Center	Trees-Rec Complex	5,394.58
Electric Fixture	Electric Supplies	326.26
Fischer-Scientific	WWTP Testing Supplies	559.67
Greg Larson Sports	Recreation Supplies	199.97
Insurance & Personnel Svc	Employee 125 Acct	982.91
Kriz-Davis Company	Transformers/Supplies	5,757.34
Lexington Newspapers	Publications	227.32
Lexington, City of	Franchise Fees	19,939.56
McClain, Don DBA Mac's Repair	Mowing	100.00
NCK Software & Support Svc	Scada System Svc	1,100.00
NE Dept of HHS Laboratory	Water Tests	1,332.00
Petty Cash Fund	Replenish Petty Cash	33.37
Weber, Josh	LVFD Supplies	178.00
Wesco Distribution Inc	Electric Supplies	420.68
	TOTAL CLAIMS	\$398,735.17

ORDINANCE:

Pepplitsch addressed the Council presenting them with an Ordinance that would enforce certain nuisances on highway corridors within the zoning jurisdiction. Mr. Denzel Mills, a resident that lives outside the City Limits, but within the two mile zoning jurisdiction, also addressed the City Council, requesting their approval. Following Mr. Mill's statement, discussion was held by Council and the City Attorney. Mayor Fagot appointed Steve Tomasek and John Salem to work with the City Attorney, and the City Manager, on the nuisance standards within the zoning jurisdiction.

PUBLIC HEARING:

Mayor Fagot opened the Public Hearing. DeEtta Hartman, representing Dawson Area Development, addressed the City Council, requesting approval of an Application by Cindy's Heavenly Cookies and Bakery, for a CDBG Re-Use Application in the amount of \$60,000. Council was informed that the funds would be used for working capitol and the possible purchase of equipment. The owners, Scott and Cindy Holbrook explained their plans for the proposed business, which included bakery items, and a salad bar. Following their presentations, Mayor Fagot closed the Public Hearing. Moved by Klamm, seconded by Tomasek, to approve the CDBG Re-Use Application in the amount

of \$60,000 to Cindy's Heavenly Cookies & Bakery, and authorize the Mayor to sign the necessary documents. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION:

Pepplitsch addressed the City Council, presenting them with a Resolution amending the money accumulation pension plan for the Employees of the City of Lexington, and the Police Officers' Plan. Mr. Pepplitsch reviewed, and discussed, each item on the proposed Resolution with the Council. Following Mr. Pepplitsch's presentation, moved by Klamm, seconded by Cook, to adopt the following resolution, as presented, amending the money accumulation pension plan for the employees of the City of Lexington, and the Police Officers' Plan. Roll call. Voting "aye" were Salem, Tomasek, Cook, Klamm, Fagot. Motion carried.

RESOLUTION NO. 01-10

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

1. Adoption of Amendment and Restatement of The Money Accumulation Pension Plan For Employees of The city of Lexington; NOW, BE IT RESOLVED, that effective February 1, 2001 the City shall amend and it hereby does adopt, an amendment and restatement of The Money Accumulation Pension Plan for Employees of The City of Lexington (the "Plan") in the form of the Plan document attached hereto and by this reference fully incorporated herein. The purpose of said amendment and restatement is to:
 - a. comply with all provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994, Small business Job Protection Act of 1996, the Taxpayer Relief Act of 1997, the IRS Restructuring and Reform Act of 1998, and all other tax laws enacted since the Plan was last amended, as such laws apply to government plans;
 - b. change the Plan Year from a fiscal year to a calendar year;
 - c. provide that each Employee who is employed in a Covered Employment Classification shall be eligible to become a participant as of the first Entry Date coincident with or next following the date the Employee completes his or her probation period and attains age 19;
 - d. amend the Plan provisions to allow daily valuation of Participant's Accounts, to permit Participants to direct the investment of their Participant basic contributions Accounts and Employer Contributions Accounts, and to permit Participants to change their investment directions on a daily basis pursuant to rules and procedures established by the Trustee, Employer, and Administrative Committee;
 - e. amend the plan to allow Participants to change his or her Basic Contribution Election at least 30 days prior to the beginning of any plan year;
 - f. eliminate the specific number of funds and provide, instead, a general description of the Investment Options available to Participants;
 - g. allow the resignation of an individual member of the Administrative Committee to resign from his or her position by

filing written notice at least 30 days in advance of the resignation date.

2. Removal of Trustee: NOW, BE IT FURTHER RESOLVED, that pursuant to the power granted under Section 16-1004(2) of the Revised Statutes of Nebraska (Reissue 1997), the City Clerk and Treasurer of the City of Lexington are hereby removed as Trustee of the City of Lexington, Nebraska Police Officers' Plan (the "Police Officers' Plan"), effective June 12, 2001.
3. Appointment of Trustee: NOW, BE IT FURTHER RESOLVED, that First National Bank of Omaha is hereby appointed to serve as successor Trustee of the Police Officers' Plan, effective June 12, 2001.
4. Adoption of Amendment and Restatement of the City of Lexington, Nebraska Police Officers' Pension Plan: NOW, BE IT FURTHER RESOLVED, that effective January 1, 2001, the City shall amend and it hereby does adopt, an amendment and restatement of the Police Officers' Plan in the form of the Police Officers' Plan document attached hereto and by this reference fully incorporated herein. The purpose of said amendment and restatement is to:
 - a. comply with all provisions of the Uniformed Services Employment and Reemployment Rights of 1994, Small business Job Protection Act of 1996, the Taxpayer Relief Act of 1997, the IRS Restructuring and Reform Act of 1998, and all other tax laws enacted since the Police Officers' Plan was last amended, as such laws apply to government plans; and
 - b. amend the Police Officers' Plan in the form of the attached documents, naming First National Bank of Omaha as successor Trustee of the aforesaid Police Officers' Plan, effective as of June 12, 2001.
5. 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 the accomplish the foregoing Resolutions, including the execution of any document or amendment which may be necessary or appropriate to amend and administer the aforesaid Plans, including such actions as may be necessary or appropriate to achieve and maintain qualification of the aforesaid Plans under Section 401(a) of the Internal Revenue Code of 1986, as amended.

PASSED AND APPROVED this 12th day of June, 2001.

CITY OF LEXINGTON, NEBRASKA

By: John Fagot, Mayor

By: Shirley Lewis, Deputy City Clerk

PAY REQUEST:

Bob Blankenship, representing Miller and Associates, addressed the City Council, requesting approval of Pay Request #2, in the amount of \$232,248.19, for work completed on Cattlemen Drive by Paulsen, Inc., Cozad, Nebraska. The project, for all practical purposes, is complete, and should be opened for use within the week. Following discussion, moved by Cook, seconded by Salem, to

approve Pay Request No. 2, in the amount of \$232,248.19, for work completed on Cattlemen Drive, to Paulsen, Inc., Cozad, Nebraska. Roll call. Voting "aye" were Tomasek, Klamm, Salem, Cook, Fagot. Motion carried.

ORDINANCE:

Following discussion regarding property located at 1104 N. Harrison, an Ordinance entitled "AN ORDINANCE TO ASSESS THE COST OF DESTRUCTION AND REMOVAL OF WEEDS AGAINST CERTAIN PROPERTY; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before the Council. Moved by Klamm, seconded by Cook, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting "aye" were Salem, Tomasek, Cook, Klamm, Fagot. Motion carried.

Said Ordinance was then read by title. Moved by Klamm, seconded by Tomasek, to approve Ordinance No. 2145 on final reading. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

**WEST CENTRAL AREA
AGENCY ON AGING:**

Peplitsch addressed the City Council requesting approval of Operating Contracts for the Grand Generation Center Meals and Operations for Fiscal Year 2002. Following discussion, moved by Klamm, seconded by Tomasek, to approve the Operating Contracts with West Central Area Agency on Aging, and authorize signature on said documents. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, 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