

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Monday, November 10, 2008, at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 5:00 p.m. Members of the Council present were Mayor John Fagot, Steve Tomasek, Joni Bennett, John Salem and Linda Miller. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold and Deputy City Clerk Pamela Berke. Finance director Barb Mills was also in attendance. The press was represented by the Lexington Clipper-Herald.

**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. Fagot informed the public that the Open Meetings Act is posted in the Meeting Room at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 10-28-08** Minutes of the Regular meeting held Tuesday, October 28, 2008, were presented for Council approval. Moved by Salem, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,164,531.03 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$343,662.42 from the General Fund, \$2,547.33 from TIF Fund, \$8,077.00 from Housing Reuse, \$759,670.20 from LEXUS, \$10,000.00 from Sanitation, \$3,993.26 from Ambulance Fund, \$33,045.45 from Health Fund, and \$3,535.37 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
November 10, 2008

|                                   |                      |           |
|-----------------------------------|----------------------|-----------|
| Alltel                            | Cellphone Service    | 199.75    |
| Axis Capital                      | Mail Machine Payment | 527.37    |
| Better Homes and Gardens          | Subscription         | 19.97     |
| Brown Traffic Products            | EL Repair            | 535.00    |
| Brownells, Inc.                   | Ammunition           | 306.50    |
| Business Card                     | Book/Freight         | 232.06    |
| Card Center/Orscheln              | Supplies             | 79.97     |
| Cash-Wa Distributing              | Food/Supplies        | 1,448.33  |
| Central Garage Fund               | Repairs/Service/Fuel | 13,101.96 |
| Comfort Inn                       | Seminar              | 64.76     |
| Community Redevelopment Authority | TIF-Lex. Investors   | 2,547.33  |
| Crafts N Things                   | Subscription         | 21.97     |

|                                   |                             |           |
|-----------------------------------|-----------------------------|-----------|
| Culligan Water Conditioner Co.    | Soft Water Supplies         | 237.00    |
| D & R Computing                   | Supplies                    | 49.99     |
| Dakota Supply Group               | Meter Electronic Board      | 1,024.78  |
| Dan's Sanitation                  | Sanitation Fees             | 11,265.64 |
| Davis Energy, Inc.                | Fuel/Supplies               | 6,969.15  |
| Dawson County Court               | Court Fees                  | 28.00     |
| Dawson County Register of Deeds   | Filing Fees                 | 13.00     |
| Dawson Public Power District      | Power Purchase              | 326.69    |
| Delta Dental of Nebraska          | Premium                     | 1,412.85  |
| Demars Gordon Olson & Zalewski    | Professional Service        | 2,355.88  |
| Dept HHS/Regulation & Licensure   | WR Operator Licenses        | 188.00    |
| Diamond Sales                     | Books                       | 103.25    |
| Diamond Vogel Paint               | ST Supplies                 | 181.80    |
| Donnelson, Gary                   | Travel Expense              | 187.20    |
| Ebsco Subscription Service        | Books                       | 1,421.56  |
| Electric Fixture                  | Lib.Supplies                | 161.68    |
| EMS Billing Services, Inc.        | Ambulance Service           | 2,766.68  |
| Fastenal                          | WWTP Supplies               | 220.46    |
| Follett Software Co.              | Lib.Supplies                | 84.60     |
| Gale Group, The                   | Books                       | 46.09     |
| Gempler's, Inc.                   | ST Supplies                 | 198.75    |
| Great Plains One-Call Service     | Locates                     | 49.13     |
| Halsen Products Company           | Uniform Expense             | 247.63    |
| HD Supply Waterworks              | WR Supplies                 | 51.22     |
| Health Claims Fund                | Claims                      | 14,534.57 |
| Hometown Leasing                  | Copier Payments             | 561.94    |
| Ingram Library Services           | Books                       | 295.84    |
| Jones Plumbing & Heating          | Supplies/Service            | 2,488.81  |
| Keim, Bob                         | Freon Removal               | 285.00    |
| Knapp Electric                    | WR/Central Garage Supplies  | 390.23    |
| Kratzer Electric, Inc.            | WR Service                  | 235.57    |
| Lexington Animal Clinic           | Animal Care                 | 1,364.60  |
| Lexington Area Solid Waste Agency | Landfill                    | 1,184.04  |
| Lexington Health Fund             | Self-funding                | 31,921.01 |
| Lexington Newspapers, Inc.        | Publications                | 1,003.66  |
| Lexington Postmaster              | Postage                     | 150.00    |
| Lexington True Value              | Supplies                    | 21.15     |
| Lexington Volunteer Fire Dept.    | Conference/Seminars         | 2,116.32  |
| Lexington, City of                | Franchise/Service Fees      | 47,791.17 |
| Payroll                           | Wages                       | 97,924.23 |
| Social Security                   | Employer Portion / FICA Med | 7,282.41  |
| First National Bank               | Employer Portion / Pension  | 3,233.87  |
| First National Bank               | Police Pension              | 1,542.60  |
| ICMA                              | City Manager Pension        | 399.23    |
| Linda's Stitches & Creations      | ST/WR/PK Supplies           | 1,125.03  |
| Linden's Plumbing                 | Aquatic Center Service      | 49.98     |
| Linweld                           | Ambulance Supplies          | 171.38    |
| Lips Printing Service             | GGC Copies                  | 153.68    |
| McCookNet Internet Service        | Service/Repair              | 982.32    |
| Mead Lumber & Rental-Lexington    | WWTP/PK/ST Supplies         | 173.83    |
| Meritain Health                   | Premium                     | 20,000.00 |
| Mid-Nebraska Food Bank            | Food                        | 22.91     |
| Midwest Living Magazine           | Subscription                | 9.99      |
| Miller & Associates               | WalMart Remodel/13th St.Imp | 3,850.00  |
| Milyard, Lisa                     | Seminar                     | 83.35     |
| Money Handling Machines, Inc.     | Service Agreement           | 475.00    |
| Morton Business                   | OOR Housing                 | 3,142.00  |

|  |                                    |                     |
|--|------------------------------------|---------------------|
| Mr. Automotive                         | Police Supplies                    | 124.64              |
| Murphy Tractor & Equipment Co.         | Compost Screen                     | 103,810.00          |
| NE Economic Developers Assn            | Membership Dues                    | 75.00               |
| Nebraska Machinery                     | Central Garage Supplies            | 274.77              |
| Nebraska Public Power District         | Power Purchase                     | 602,403.72          |
| Nebraska Waste Handlers                | Sludge Removal                     | 4,869.10            |
| Nelson, Margie L.                      | Cleaning Service                   | 500.00              |
| Overton Sand & Gravel                  | Gravel                             | 103.56              |
| Paulsen, Inc.                          | Concrete/Gravel                    | 435.93              |
| Peak Interest                          | Food                               | 31.98               |
| Platte Valley Communications           | Fire Pagers/Headset/Repairs/Maint. | 5,062.55            |
| Plum Creek Cleaners                    | Supplies                           | 437.50              |
| Plum Creek Market Place                | Food                               | 78.60               |
| Plum Creek Promotions                  | Shirts                             | 1,088.44            |
| Precision Industries                   | PK Supplies                        | 20.86               |
| Roberts Dairy Company                  | Beverages                          | 453.32              |
| Run-N-Iron                             | Police Supplies                    | 778.00              |
| S & W Auto Parts, Inc.                 | WWTP/WR/CG Supplies                | 316.54              |
| Schwarz, Jeff                          | Seminar                            | 122.16              |
| Service Master Mid Nebraska            | Cleaning Service                   | 1,265.37            |
| Source Gas, Inc.                       | Gas Service                        | 5,774.39            |
| South Central Nebraska R C & D Council | Membership Dues                    | 35.00               |
| Sports Illustrated                     | Subscription                       | 89.04               |
| Steve's Lock & Key                     | Repair                             | 60.09               |
| Team Detail & Quicklube                | Uniform Expense/Car Washes         | 260.00              |
| Thomas Bouregy & Company, Inc.         | Books                              | 139.50              |
| Thompson Co., The                      | Food & Supplies                    | 1,608.76            |
| TierOne-Lib. Petty Cash                | Postage/Food/Seminars/Supplies     | 78.05               |
| Total Lawn Care                        | Lawn Care                          | 4,302.50            |
| Tri-City Tribune                       | Publications                       | 691.47              |
| Tri-County Hospital                    | Wellness/Ambulance Supplies        | 385.00              |
| U-Save Business Equipment              | Postage/Supplies                   | 254.33              |
| Wal-Mart                               | Supplies                           | 510.65              |
| Wesco Distribution, Inc.               | EL Supplies                        | 196.88              |
| Blythe, Lance                          | Certification Fee                  | 50.00               |
| Central Garage Fund                    | Repair                             | 893.14              |
| Dawson Public Power District           | Power Purchase                     | 5,974.92            |
| Electric Fixture                       | WWTP Supplies                      | 108.40              |
| HD Supply Waterworks                   | WR Supplies                        | -25.68              |
| Health Claims Fund                     | Claims                             | 15,544.03           |
| Longly, Jim                            | Electric Rebate                    | 1,025.00            |
| Matt Friend Truck Equipment            | Central Garage Supplies            | 533.10              |
| Mead Lumber & Rental-Lexington         | PK Supplies                        | 35.18               |
| Morton Business                        | OOR Housing                        | 4,935.00            |
| Nebraska Department of Revenue         | Sales & Use Tax                    | 35,379.69           |
| Nebraska Tech & Telecomm, Inc.         | Telephone Expense                  | 1,329.51            |
| Platte Valley Auto Mart                | 2008 Ford Taurus                   | 13,250.00           |
| Plum Creek Bank                        | Fire Truck Payment                 | 50,573.61           |
| Plum Creek Medical Group               | Flu Shots                          | 2,257.00            |
| Schoneman, Tim                         | Electric Rebate                    | 425.00              |
| Taylor, Jon                            | Electric Rebate                    | 1,925.00            |
| TierOne-City Petty Cash                | Postage/Food/Car Title             | 38.71               |
|  | <b>TOTAL CLAIMS:</b>               | <b>1,164,531.03</b> |

**ORDINANCE:**

An ordinance entitled "AN ORDINANCE TO REZONE LOTS 1 AND 2, NELSON SUBDIVISION, FROM A-1 AGRICULTURAL TO R-1 SINGLE

FAMILY RESIDENTIAL DISTRICT; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read by title on second reading. Following discussion, moved by Salem, seconded by Tomasek, to suspend the rules regarding the reading of ordinances on three separate readings. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2255 was read by title. Moved by Salem, seconded by Bennett, to approve Ordinance No. 2255 on final reading. Roll call. Voting “aye” were Miller, Tomasek, Bennett, Salem, Fagot. Motion carried.

## **PENSION PLAN**

Pepplitsch requested Council approval of amendments to the city’s pension plans. Barb Mills explained that the amendments would bring the pension plans into compliance with tax qualification laws through December 31, 2007. Following discussion, Resolution No. 08-21 was read. Moved by Salem, seconded by Miller, to approve Resolution No. 08-21. Roll call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

### **RESOLUTION NO. 08-21**

#### **A RESOLUTION ADOPTING THE AMENDED AND RESTATED PENSION PLANS FOR THE MONEY ACCUMULATION PLAN FOR EMPLOYEES OF THE CITY OF LEXINGTON AND THE CITY OF LEXINGTON, NEBRASKA POLICE OFFICERS’ PENSION PLAN, WHICH INCLUDE APPLICABLE CHANGES IN THE TAX QUALIFICATION LAWS THROUGH DECEMBER 31, 2007.**

1. Adoption of Amendment and Restatement of the Money Accumulation Pension Plan for Employees of the City of Lexington: NOW, BE IT RESOLVED, that the City shall amend and restate and it hereby does adopt, the amended and restated Money Accumulation Pension Plan for Employees of the City of Lexington (the “Money Accumulation Plan”), in the form of the Plan document attached hereto and by this reference fully incorporated herein. The purpose of said amendment is to adopt the amendments for tax-qualified government retirement plans under the Economic Growth and Tax Relief Reconciliation Act of 2001, the Pension Funding Act of 2004, the American Jobs Creation Act of 2004, the Gulf Opportunity Zone Act of 2005, certain changes under the Pension Protection Act of 2006, and such other changes required by applicable law or as otherwise determined to be necessary and appropriate by the City.
2. Adoption of Amendment and Restatement of the City of Lexington, Nebraska Police Officers’ Pension Plan: NOW, BE IT RESOLVED, that in order to adopt the amendments required for tax-qualified retirement plans under the Economic Growth and Tax Relief Reconciliation Act of 2001, the Pension Funding Act of 2004, the American Jobs Creation Act of 2004, the Gulf Opportunity Zone Act of 2005, certain changes under the Pension Protection Act of 2006, and all other tax laws enacted since the City of Lexington, Nebraska Police Officers’ Pension Plan (“the Plan”) was last amended, as such laws apply to government plans, and to make certain other amendments to the Plan as required by applicable tax laws and regulations, the Plan shall be, and it hereby is, amended and restated effective January 1, 2008 in the form of

the Plan document submitted at this meeting and by this reference made a part of this resolution.

3. 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 and administer the amended and restated pension 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, as said sections apply to government plans.

**PASSED AND APPROVED THIS 10<sup>th</sup> DAY OF NOVEMBER, 2008.**

CITY OF LEXINGTON, NEBRASKA

By: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

**LVFD MEMBERSHIP:**

A current roster of the Lexington Volunteer Fire Department was presented for Council consideration. Peplitsch reported that there have been a few changes and the revised list would need to be approved. Moved by Miller, seconded by Salem, to accept the LVFD membership roster as presented. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

**CDBG RE-USE FUNDING:**

Peplitsch requested Council consideration of pledging funds from the CDBG Re-use fund to assist Cozad in a business retention effort; the Tenneco plant. He explained this is a cooperative effort across the county, as well as assistance from the state level. The economic impact of losing the Tenneco facility was discussed, from a local and regional perspective. Following discussion, moved by Miller, seconded by Tomasek, to approve a pledge of \$100,000.00 of CDBG Re-use funds toward the Tenneco retention project. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**ORGANIZATION MEETING:**

Council discussed scheduling an organizational meeting for the first Tuesday of December. Following discussion, moved by Bennett, seconded by Tomasek, to schedule an organizational meeting for December 2, 2008, at 7:30 a.m. Roll call. Voting “aye” were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

**PLANNING SESSION:**

Council discussed scheduling a planning session, as well as possible agenda items. Following discussion, moved by Miller, seconded by Tomasek, to schedule a planning session for December 6, 2008, at 8 a.m. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**ROUNDTABLE:**

Burnside reported that the installation of new playground equipment in Oak Park will begin this week.

Berke noted that the annual awards banquet will be held on Saturday, January 10, 2009, at the Holiday Inn Express. More information will follow.

**ADJOURNMENT:**

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

John Fagot  
Mayor

Pamela Berke  
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.

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Deputy City Clerk