

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Rescheduled Meeting of the Lexington City Council was held Tuesday, December 30, 2002, at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 7:00 a.m. Members of the Council present were Mayor John Fagot, Rick Klamm, John Salem, Steve Tomasek. Councilman Ted Cook was absent. City Officials present were City Manager Joe Peplitsch, City Attorney Willard Weinhold, Deputy City Clerk Shirley Lewis. Department Head present was Barb Mills.

**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 – 12-10-02:** Minutes of the Regular Meeting that was held Tuesday, December 10, 2002 was presented for Council’s consideration and approval. Moved by Salem, seconded by Klamm, to approve the Minutes of the Regular Meeting held Tuesday, December 10, 2002 as presented. Roll call. Voting “aye” were Tomasek, Klamm, Salem, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$384,151.79 was presented for Council’s consideration and approval. Upon the 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 \$175,455.73 from the General Fund, \$143,600.03 from LEXUS, \$21,172.36 from City Sanitation, \$3,000.61 from Landfill, \$30,122.90 from Health Fund, \$10,800.16 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Tomasek, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
December 30, 2002

Alamar Uniform Co.	Police Uniforms	319.46
All-Points	Wash/Propane	24.22
Alltel	Cellular Charges	156.50
Baird,Holm, McEachen,Pedersen	Police Pension Plan	500.00
Barco Municipal Products	Sign/Cutoff Blade	377.56
Berntson Oil	Gasoline/Diesel/Supplies	3,066.80
Bob's Auto Repair & Service	Replace Transmission	396.00
Brown Harold	Tool Allotment	50.00
Card Center	Hardware/Bolts	152.37
Cash-Wa Distributing	Food & Supplies	1,171.36
Central Community College	Training	220.00

Central Garage Fund	Labor/Parts/Service	2,833.29
Charter Communications	Internet	114.90
Chesterman Co.	Beverages	37.20
City Directory	City Directories	278.00
Clark Enersen Partners, The	Professional Svc	1,100.65
Consumer Guide	Subscription	99.00
Corp. Benefit Services of America	Medical Claims	28,235.14
Curtis Industries	Tape, Blades	196.26
D&M Security	Alarm Service	84.00
D&R Computing	Copier Service	37.50
Dan's Sanitation	Sanitation Service	21,172.36
Debban Esther	Acquisition Contract	1,450.00
Demco	Library Supplies	56.73
Dutton-Lainson Co.	Electric Supplies	1,553.55
Eakes Office Products	Office Supplies	179.84
Easterday Barb	Electric Rebate	1,400.00
Editorial Televisa	Subscription	21.95
Eiler's Machine & Welding	Central Garage Supplies	29.32
Electric Fixture	Electrical Supplies	917.26
Fagot John	Conference	394.97
Farmer Brothers Coffee	Coffee Supplies	119.24
Farwest Line Specialties	Electric Supplies	441.69
Follett Software Co	Service Agreement	380.00
Fread Betty	Refund Services	47.99
Gale Group, The	Library Supplies	620.69
Gall's Inc.	Police Supplies	172.18
Gary's Detail Shop	Car Wash	40.00
Gillette Dairy	Dairy	416.20
Hall's Safety Equipment	Safety Supplies	1,299.80
Harker's	Food & Supplies	253.65
Harmony Marvel	Electric Rebate	1,025.00
Heartland Clerks Association	Dues	10.00
Hernandez Joe	Fence Repair	100.00
Hipp Wholesale Foods, Inc	Food & Supplies	728.61
Hokom Gene	Electric Rebate	900.00
Husker Ag Sales	Repairs	71.45
Huss Melvin	Electric Rebate	1,525.00
Ingram Library Services	Library Supplies	78.69
Insurance & Personnel Services	Cafeteria Plan	987.76
International Paper Co.	Poles	9,317.82
Island Supply Company	Street Supplies	48.00
Keller Debra	ROW	7,500.00
Kinder Morgan	Gas Svc	551.09
Knapp Electric	Motor Repair	49.10
Kriz-Davis Co.	Electrical Supplies	14,808.22
Law Enforcement	Uniform	24.79
Lawson Products	Misc. Supplies	226.20
Lexington Boy Scout Troop #88	Recycling	90.00
Lexington Girl Scout Troop #212	Recycling	90.00
Lexington Newspapers Inc	Publications	874.55
Lexington Public Library	Replenish Petty Cash	33.85
Lexington, City of	Franchise Fees	25,199.48
LEX CITY PAYROLL ACCT	WAGES	82,686.73
SOCIAL SECURITY	SOC SEC(EMPLR PRTN)	6,235.90
FIRST NATIONAL BANK	EMP PNSN(EMPLR PRT)	2,635.06
AMERICAN FUNDS	PLC PNSN(EMPLR PRT)	1,214.91

I.C.M.A.	EMP PNSN(EMPLR PRT)	215.38
LEX CITY PAYROLL ACCT.	WAGES	76,851.15
SOCIAL SECURITY	SOC SEC(EMPLR PRTN)	5,789.48
FIRST NATIONAL BANK	EMP PNSN(EMPLR PRT)	2,572.46
AMERICAN FUNDS	PLC PNSN(EMPLR PRT)	1,053.83
I.C.M.A.	EMP PNSN(EMPLR PRT)	215.38
Lextron Animal Health	Fire Dept Supplies	28.00
LEXUS	Utility Billing	20,416.12
Lieh's Drilling	Water Supplies	1,477.67
Luther Ann	Training	98.02
Martin's Flag Co	Flags	1,535.25
Mead/Big Valley Lumber	Misc Supplies	374.53
Micro-Marketing	Books	171.00
Mid-Nebraska Food Bank	Food & Supplies	56.82
Midwest Laboratories	Metal Analysis	1,761.50
Milco Environmental Services	Water Monitoring	1,239.11
Miles Kimball	Library Supplies	15.48
Miller & Associates	Retainer Services	800.00
Mr. Automotive	Central Garage Supplies	2.71
Municipal Supply	Water Supplies	54.85
National Waterworks	Water Supplies	173.65
Ne Dept of HHS	Well Tests	2,435.00
NE Economic Developers Assn	Annual Dues	100.00
Nebraska Library Commission	Ocls Services	5.90
Nebraska Municipal Clerks Assoc	Dues	180.00
Nebraska Public Power District	Meter Testing	337.00
Nebraska Softball Association	NASA Fee/Bid	105.00
Nebraska State Historical Society	Membership	35.00
Neopost	Postage	1,500.00
Oclc, Inc.	Library Supplies	369.50
Omnigraphics, Inc.	Library Supplies	37.55
Overton Community Center	Rent	100.00
Patty's Hallmark	Misc Office Supplies	432.99
Paulsen, Inc	Concrete	350.00
Petty Cash Fund	Reimburse Petty Cash	34.84
Platinum Plus	Lodging	524.55
Plum Creek Medical Group	Flu Shots	675.00
Precision PC	Commercial Repair	240.50
Quill Corp	Misc Office Supplies	171.41
Recorded Books	Library Supplies	153.90
S&W Auto Parts	Central Garage Supplies	397.47
Service Master Mid Nebraska	Carpet Clean	48.00
Skarshaug Testing	Electric Supplies	77.39
South Central Nebraska	Membership	30.00
Sund Tim	Electric Rebate	425.00
Sunmart #763	Food & Supplies	84.25
TASC	Cafeteria Plan	100.00
THK Associates	Contracts	2,016.40
Thornburg Frank	Electric Rebate	825.00
Utility Equipment	Water Supplies	134.38
Viking Office Products	Office Supplies	11.69
Wal-Mart	Misc Supplies	766.49
Ward Laboratories	Water Testing	36.00
Wesco Distribution Inc	Electric Supplies	8,954.35
WPCI	Drug Testing	125.00
Ziebell Don	Relocation Payment	20,000.00

TOTAL: 384,151.79

**SOUTH WATER SYSTEM:** Dana Daniels, representing Miller and Associates, addressed the City Council, requesting their approval of a bid in the amount of \$484,643.60 for the South Water System Improvement Project, and award the contract to Starostka Group Co., from Grand Island, Nebraska. Following discussion, moved by Klamm, seconded by Tomasek, to approve the bid in the amount of \$484,643.60 for the South Water System Improvement Project, and award the contract to Starostka Group Company, from Grand Island, Nebraska. Roll call. Voting “aye” were Salem, Tomasek, Klamm, Fagot. Motion carried.

**RESOLUTION:** Pepplitsch addressed the City Council requesting approval of a Resolution naming a public street located in the Fertitta Addition from South Adams Street to Highway 283. Following discussion, moved by Klamm, seconded by Tomasek, to approve Resolution Number 02-25. Roll call. Voting “aye” Salem, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NO. 02-25

BE IT RESOLVED by the Mayor and Council of the City of Lexington, Nebraska, that the proposed street located in the Fertitta Addition linking South Adams Street to Highway 283, be named Frontier Street.

PASSED AND APPROVED this 30<sup>th</sup> day of December, 2002.

BY: John Fagot, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**PUBLIC HEARING:** Mayor Fagot opened the Public Hearing. Pepplitsch, representing the Citizen Advisory Review Committee, addressed the City Council, presenting them with the Report on the Lexington Economic Development Program. Following discussion, Mayor Fagot closed the Public Hearing. Moved by Klamm, seconded by Salem, to approve the Report from the Citizen Advisory Review Committee on the Lexington Economic Development Program. Roll call. Voting “aye” were Tomasek, Salem, Klamm, Fagot. Motion carried.

**RESOLUTION:** Treasurer Barb Mills addressed the City Council requesting their approval of a Resolution adopting amendments to the Police and City Employee’s Pension Plans. Following discussion, moved by Klamm, seconded by Tomasek, to approve Resolution No. 02-26. Roll call. Voting “aye” were Salem, Tomasek, Klamm, Fagot. Motion carried.

RESOLUTION NO. 02-26

A RESOLUTION ADOPTING AMENDMENTS TO THE CITY OF LEXINGTON, NEBRASKA POLICE OFFICERS’ PENSION PLAN AND THE MONEY ACCUMULATION PENSION PLAN FOR

EMPLOYEES OF THE CITY OF LEXINGTON, NEBRASKA  
REGARDING IRS TAX QUALIFICATIONS:

1. Adoption of Amendment of the City of Lexington, Nebraska Police Officers' Pension Plan: NOW, BE IT RESOLVED, that the City shall amend and it hereby does adopt an amendment of the City of Lexington, Nebraska 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 adopt the amendments required for tax-qualified retirement plans under the Economic Growth and Tax Relief Reconciliation Act of 2001, and to adopt Internal Revenue Service model amendments relating to the minimum distribution requirements of Internal Revenue Code Section 401(a)(9).
2. Adoption of Amendment of the Money Accumulation Pension Plan for Employees of the City of Lexington: NOW, BE IT RESOLVED, that the City shall amend and it hereby does adopt an amendment of the Money Accumulation Pension Plan for Employees of the City of Lexington (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 adopt the amendments required for tax-qualified retirement plans under the Economic Growth and tax Relief Reconciliation Act of 2001, and to adopt Internal Revenue Service model amendments relating to the minimum distribution requirements of Internal Revenue Code Section 401(a)(9).
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 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 30<sup>th</sup> day of December, 2002.

By: John Fagot  
Its: Mayor

By: Shirley Lewis  
Its: Deputy City Clerk

**APPOINTMENTS:**

Mayor Fagot reported to the City Council that appointments to the Lexington Boards and Commissions would be made at the next Regular Meeting in January, 2003. Pepplitsch announced his recommendation of Jeff Post to serve again on the CRA Committee. Following discussion, moved by Klamm, seconded by Tomasek, that Jeff Post be reappointed to the Community Redevelopment Authority Committee for a five-year term. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Fagot. Motion carried.

**APPOINTMENT OF  
CITY OFFICIALS:**

An Ordinance entitled "AN ORDINANCE APPOINTMENT CITY OFFICIALS: 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 Tomasek, Salem, Klamm, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Salem, seconded by Tomasek to approve Ordinance Number 2165 on Final Reading. Roll call. Voting "aye" were Klamm, Tomasek, Salem, Fagot. Motion carried.

**MEETING DATE:**

Discussion was held regarding rescheduling January 28, 2003 City Council Meeting to accommodate the special election. Moved by Klamm, seconded by Salem, to reschedule the January 28, 2003 City Council Meeting to January 27, 2003 at 7:30 p.m. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Fagot. Motion carried.

**FINANCIAL REPORT:**

The Financial Report for October, 2002 was presented to Council. Following discussion, moved by Salem, seconded by Tomasek, to accept the Financial Report for October, 2002. Roll call. Voting "aye" were Klamm, Tomasek, 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.

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Lexington Deputy City Clerk