

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 28, 2004 at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 7:30 p.m. Members of the Council present were Mayor Ted Cook, Joni Bennett, John Fagot, Linda Miller, Steve Tomasek. City Officials present were City Manager Joe Peplitsch, City Attorney Willard Weinhold, and Deputy City Clerk Shirley Lewis. Department Heads present were Charles Clark, Deb Jensen, and 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 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 Cook.

**MINUTES – REGULAR MEETING – 12-14-04:** Minutes of the Regular Meeting scheduled for Tuesday, December 14, 2004 was presented for Council’s consideration and approval. Moved by Tomasek, seconded by Bennett, to approve the Minutes of the Regular Meeting held December 14, 2004 as presented. Roll call. Voting “aye” were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

**MINUTES – SPECIAL MEETING – 12-15-04:** Minutes of the Special Meeting scheduled for Wednesday, December 15, 2004 was presented for Council’s consideration and approval. Moved by Miller, seconded by Tomasek, to approve the Minutes of the Regular Meeting held December 15, 2004 as presented. Roll call. Voting “aye” were Fagot, Bennett, Tomasek, Miller, Cook. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$268,278.23 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Fagot, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$108,217.73 from the General Fund, \$112,359.11 from LEXUS, \$21,059.12 from Sanitation, \$63.90 from Ambulance Fund, \$20,937.16 from Health Fund, \$5,641.21 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
December 28, 2004

AFLAC	Premiums	942.36
Alltel	Cellphone Service	146.66
American Public Works Assoc	Membership Renewal	202.00
Analytical Products Group, Inc.	Waste Water Testing	637.00
Automotive Sales & Svc Co., Inc.	Central Garage Supplies	69.78

Barco Municipal Products	Street Supplies	186.83
Barmore Drug Store Inc.	Office Supplies	12.99
Beringer Ciaccio Dennell Mabrey	Architect/Library	320.00
Berntson Oil	Fuel	196.00
Business & Professional Credit	Collection Fees	39.22
Card Center/Orscheln	Supplies	54.49
Cash-Wa Distributing	Food & Supplies	560.70
Central Garage	Maint./Repairs/Fuel	1,950.64
Charter Communications	Internet Service	23.99
Corporate Benefit Svcs of America	Claims	12,503.19
D & R Computing	Office Supplies	49.99
Dawson County Election Office	General Election Fees	131.98
Dawson County Treasurer	Personal Property Tax/ Drainage Tax	251.80
Dutton-Lainson Company	Electric Supplies	283.76
Electric Fixture	Electric Supplies	117.50
Environmental Pest Control	Building Maintenance	30.00
Farmer Brothers Coffee	Food	142.98
Fed Ex	Delivery Service	9.66
Flowers of Joy	Electric Supplies	20.28
FYR-TEK	Fire Department Supplies	447.58
Gall's Inc.	Uniform Expense	43.00
Harker's	Food	508.46
Hipp Wholesale Foods, Inc.	Food & Supplies	587.25
Ingram Library Services	Books	327.44
Kemps-Gillette	Beverages	154.00
Komline-Sanderson	WWTP Supplies	740.70
Kriz-Davis Company	Electric Supplies	17,399.39
League of Nebraska Municipalities	Conference/Seminars	50.00
Lexington Boy Scout Troop #88	Recycling	84.00
Lexington Girl Scouts	Recycling	84.00
Lexington Newspapers, Inc.	Publications	279.96
Liehs Drilling	Pump Repair/ Swimming Pool	1,211.00
Little Ceasars	Food	38.97
Matt Parrott And Sons Company	Office Supplies	324.79
McCookNet Internet Service	Service	5.00
Mid-Nebraska Printing	Office Supplies	234.30
Miller & Associates	Retainer Service/Viaduct/ South Adams	13,623.47
Mr. Automotive	Car Wash	36.13
National Waterworks	Meter/Supplies	4,185.76
Ne. Economic Developers Assn.	Membership Renewal	100.00
Nebraska Dept. of Motor Vehicles	License Renewal	20.50
Newman Traffic Signs	Street Signs	99.74
Overton Community Center	MOW	100.00
Oxford University Press, Inc.	Books	246.25
Pinnacle Agency, The	Worker's Comp. Insurance	5,664.00
Qwest	Line Repair	367.55
Rivas, Alejcindro	Electric Rebate	125.00
Ross, Bill	Electric Rebate	1,025.00
S & W Auto Parts	Misc. Supplies	172.52
Snapshot Videos	Dubbing Fees	68.00
Steve's Lock & Key	Lock Repair	59.56
SunMart #763 / Sixth Street	Food	49.03
Superior Signals Inc.	Central Garage Supplies	265.10

T. O. Haas Tire Company, Inc.	Tire/ Repair	19.50
Team Detail & Quicklube	Car Wash	20.00
TierOne-Lib. Petty Cash	Petty Cash	3.53
U-Save Business Equipment	Office Supplies	546.06
Upstart	Book	27.65
Utility Equipment	Water Dept Supplies	1,193.00
Wal-Mart	Supplies	279.26
Ward Laboratories	Water Test	48.00
Wesco Distribution, Inc.	Electric Supplies/ Transformers	11,567.77
Wilson Bohannon Company, The	Street Supplies	36.49
Winter Equipment Company	Street Supplies	635.08
All Points Cooperative	Fuel	30.02
Berntson Oil	Fuel	3,133.90
Books On Tape, Inc.	Books	88.40
Card Center	Supplies	6.83
Central Community College	CPR Classes	1,177.50
Corporate Benefit Svcs of America	Claims	7,347.61
Dan's Sanitation	Sanitation Fees	22,249.12
Electric Fixture	Electric Supplies	63.45
Fransyl Equipment Co.	Electric Supplies	427.91
Gateway Companies, Inc.	Computer Monitor	989.94
International Code Council	Code Books	59.99
Ingram Library Services	Books	8.31
Lexington, City of	Monthly Fees	31,047.80
Lexington Newspapers	Publication Expense	67.02
Lexington Utilities System	Utilities	17,189.67
Lexington City Payroll Account	Wages	85,791.28
Social Security	Employer Portion/ FICA Med	6,456.75
First National Bank	Employer Portion/Pension	3,053.56
First National Bank	Police Pension	1,157.78
ICMA	City Manager Pension	275.31
Mead/Big Valley Lumber	Park Supplies	634.56
Mead Rental Center	WWTP Supplies	132.60
Michael Todd & Company, Inc.	Street Supplies	642.86
NE Habitat Conservation Coalition	Membership Fees	1,000.00
Nebraska Transport	Locates Repair	516.93
Nebraska Dept of HHS Laboratory	Test Analysis	150.00
Olsson Associates	Prof. Fees-RS Rate Study	1,760.00
Plum Creek Telephone Systems	Phone Repair	506.00
Recorded Books	Books	33.05
TASC	Flex Plan	144.00
Tierone-City Petty Cash	Petty Cash	48.36
Tierone-Lib. Petty Cash	Petty Cash	28.40
S & W Auto Parts, Inc.	Misc. Supplies	32.43
Team Detail & Quicklube	Car Wash	20.00
U-Save Business Equipment	Office Supplies	4.95
Warehouse Surplus	Supplies	14.35
	TOTAL:	268,278.23

**PUBLIC HEARING:**

Mayor Cook opened the public hearing. DeEtta Hartman, representing Dawson Area Development, requested Council's approval of an application to the CDBG Economic Development Re-use Fund, from Veatch Home and Hardware, Inc. Following Mrs. Hartman's

presentation, Mr. And Mrs. Veatch addressed Council reporting their plans for the Building, and their Business. Mayor Cook closed the Public Hearing. Moved by Fagot, seconded by Miller, to approve the application from Veatch Home and Hardware, Inc. to the CDBG Economic Development Re-use Fund, in the amount of \$74,500.00. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

Moved by Fagot, seconded by Miller, to authorize the Mayor to sign all appropriate documents regarding Veatch Home and Hardware, Inc. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Fagot, Cook. Motion carried.

**PUBLIC HEARING:**

Mayor Cook opened the Public Hearing. Derrick Mitchell, representing Rodriguez Restaurante, Inc., dba Premier Night Club, requested Council's recommendation to approve a Class "M" Liquor License Application. Following Mr. Mitchell's presentation, Police Chief Charles Clark presented a report of various violations that had occurred at Premier Night Club. Mayor Cook closed the Public Hearing. Moved by Fagot, seconded by Tomasek, to recommend denial of a Class "M" Liquor License Application, for Rodriguez Restaurante Inc., dba Premier Night Club, located at 501 Plum Creek Parkway, Lexington, NE 68850, for the following reasons: Liquor License Application has been found to be incomplete and inaccurate; there have been fourteen (14) incidents at Premier Night Club, eight (8) of which were not reported to the local Police, which included first degree assaults, second degree assaults, and open containers violations. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

**RESIDENTIAL SANITATION RATES:**

Marilyn Sabin, representing Dan's Sanitation, requested Council's approval of a Resolution to establish new Residential Sanitation Rates for the City of Lexington. Following discussion, moved by Fagot, seconded by Miller, to approve Resolution No. 04-25 to establish the charges and fees for collection of refuse and garbage. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook.

**RESOLUTION NO. 04-25**

WHEREAS, Section 22-7 of the Lexington City Code authorizes the City Council to establish by resolution the charges and fees for collection of refuse and garbage, and;

WHEREAS, an increase in operating expenses justifies an increase in existing rates.

BE IT THEREFORE RESOLVED, that effective January 1, 2005, the charge to be collected for residential garbage pickup within the City of Lexington shall be \$12.45 per month, plus an administrative charge of \$0.50, for a total of \$12.95 per month.

BE IT FURTHER RESOLVED, that effective January 1, 2005, the charge for residential customers who are single and 65 years of age or older shall be \$9.75, plus administrative charge of \$0.50, for a total of \$10.95 per month.

PASSED AND APPROVED this 28<sup>th</sup> day of December, 2004.

Ted Cook, Mayor

ATTEST:

Shirley Lewis, Deputy City Clerk

**ELECTRIC RATES:**

Ken Fairchild, representing Olsson Associates, presented the City Council with a Study of Lexington's Electrical Rates, and requested approval of a Resolution to establish a schedule of rates and charges for electric service. Following discussion, moved by Fagot, seconded by Miller, to approve Resolution No. 04-26 to establish a schedule of rates and charges for electric service. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Fagot, Cook. Motion carried.

RESOLUTION NO. 04-26

WHEREAS, Lexington City Code Section 8-19, authorizes the City Council to establish by Resolution a schedule of rates and charges for electric service;

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following electric rates for the following use classifications are established and shall take effect January 1, 2005, to be reflected on billings following such date. That all other electric rates previously established shall remain unchanged.

<u>Residential – Basic:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
First 100 kWh @ \$/kWh	\$0.1372	\$0.1337
Next 400 kWh @ \$/kWh	\$0.0988	\$0.0830
Over 500 kWh @ \$/kWh	\$0.0537	\$0.0368
Minimum Bill	\$6.40	\$6.40
<u>Residential – All Electric:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
First 100 kWh @ \$/kWh	\$0.1313	\$0.1343
Next 400 kWh @ \$/kWh	\$0.0988	\$0.0799
Over 500 kWh @ \$/kWh	\$0.0537	\$0.0339
Minimum Bill	\$6.40	\$6.40
<u>Commercial – Small:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
First 100 kWh @ \$/kWh	\$0.1803	\$0.1715
Next 400 kWh @ \$/kWh	\$0.1100	\$0.1045
Next 500 kWh, per kWh	\$0.1038	\$0.0987
Over 1000 kWh @ \$/kWh	\$0.0592	\$0.0563
Minimum Bill	\$6.40	\$6.70
<u>Commercial – Heat:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
First 500 kWh @ \$/kWh	\$0.1643	\$0.1316
Next 500 kWh @ \$/kWh	\$0.1001	\$0.0693
Next 4000 kWh @ \$/kWh	\$0.0963	\$0.0423

Over 5000 kWh @ \$/kWh	\$0.0569	\$0.0346
Minimum Bill	\$6.40	\$17.90

<u>Commercial – Large:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$15.50	\$15.50
Plus Demand Charge per Kw	\$10.27	\$9.79
Plus Energy Charge per kWh	\$0.0322	\$0.0304

Minimum bill shall be \$9.97 per kW for 65% of highest demand during the summer period, but not less than \$60.00 per month.

<u>Industrial – Non-Interruptible:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$45.00	\$45.00
Plus Demand Charge per kW	\$9.34	\$8.97
Plus Energy Charge per kWh	\$0.0311	\$0.0280

Minimum Bill shall be \$9.14 per kW for 65% of highest demand during the summer period, but not less than \$65.00 per month.

<u>Irrigation – Non-Interruptible:</u>	<u>All Year Rate</u>
Horsepower Charge, per HP	\$48.47
Plus All kWh, per kWh	\$0.0493

<u>Yard Lights:</u>	<u>Unmetered</u>
150 watt, HP Sodium Vapor	\$7.80

<u>High Tension Service:</u>	Summer	Winter
	<u>Jun 1-Sep 30</u>	<u>Oct 1-May 31</u>
Demand Charge per kW	\$13.50	\$10.40
On-Peak kWh @\$/kWh	\$0.0300	\$0.0229
Off-Peak kWh @\$/kWh	\$0.0154	\$0.0117

Energy time periods are as follows:

Summer	On-Peak	Mon.-Sat. 1001-2200
	Off-Peak	All other Hours
Winter	On-Peak	Mon.-Sat. 0801-2200
	Off-Peak	All other Hours

All hours on New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day shall be considered Off-Peak hours.

Power Factor penalty applies for a power factor less than 90%.

<u>Municipal Street Lights:</u>	<u>All Year Rate</u>
Base Charge per Month	\$2,090.00
Plus All kWh, per kWh	\$0.0396

Municipal Power & Light:

	<u>All Year Rate</u>
Charge per Month per meter	\$9.90
Plus All kWh, per kWh	\$0.0412

PASSED AND APPROVED this 28<sup>th</sup> day of December, 2004.

CITY OF LEXINGTON, NEBRASKA

Ted Cook, President of Council

ATTEST:

Shirley Lewis, Deputy City Clerk

**PARKS AND TRAILS:**

Chamber of Commerce Director, Vicki Gilpin, requested Council's approval of a Resolution establishing a Parks and Trails Steering Committee which would help research, develop and report to the Council a plan to help meet the goals for developing additional parks and trails in Lexington. Mrs. Gilpin reported that a Representative from the National Parks Service was obtained to help to facilitate this one-year planning project. Councilman Fagot had questions regarding the reasons for the establishment of this committee, if the committee would be reporting to the Community Development Advisory Board, if the committee would abide by the open meeting laws, whether the focus would be on all green space including existing parks, funding for the facilitator, costs that will be incurred for engineering following or during the study, and non-residents of Lexington serving on the committee. Gilpin and Cook assured Fagot that the process would be open to the public. Fagot asked if they were sure engineering would not be needed for any plan. Miller and Cook assured him that there would not be engineering needed in the initial stages and that the committee was capable of dealing with the matter should it become an issue. Peplitsch requested his name be replaced with "City Manager" as the project is scheduled to take a year and he might not be here the entire time. Following further discussion, moved by Tomasek, seconded by Miller, to amend the proposed Resolution by removing the word "design", replace the name "Joe Peplitsch" with "City Manager", that the City Manager shall serve as an ex-officio member, and that the Committee abide by the Nebraska State Open Meeting Laws. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

Moved by Tomasek, seconded by Miller, to adopt amended Resolution No. 04-27 establishing a Parks and Trails Steering Committee. Roll call. Voting "aye" were Bennett, Fagot, Miller, Tomasek, Cook. Motion carried.

RESOLUTION NO. 04-27

A RESOLUTION TO ESTABLISH A PARKS AND TRAILS STEERING COMMITTEE.

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

That a Parks and Trails Steering Committee, is hereby created, the purpose of which shall be to research, develop and report to the Lexington City Council a plan to meet the goals for developing additional parks and trails as set forth in the Comprehensive Plan. The plan would be due one year from today and contain recommendations for site, size, configuration, and how the plan is to be implemented and paid for. The Parks and Trails Committee is to consist of Chamber of Commerce Executive Director Vicki Gilpin, Chamber of Commerce Tourism Committee Chair Max McFarland, an additional Chamber of Commerce member, two Planning Commission members, Council for Economic Development members Bob Heinz and Dave Fairbanks, Lexington Community Foundation members Wes Lubberstedt and Bill Orthman, Lexington City Council Persons Linda Miller and Joni Bennett, and such at-large members as the committee will appoint. The Lexington City Manager shall serve as an ex-officio member. The committee will be co-chaired by one city council member and one Chamber of Commerce member, and shall abide by Nebraska State Open Meeting Laws. The committee may establish subcommittees consisting of its own members and individuals not on the committee. The council agrees it will accept or reject the recommendations within 45 days of the delivery of the recommendations.

Passed and approved this 28<sup>th</sup> day of December, 2004.

Ted Cook, Mayor

Attest:

Shirley Lewis, Deputy City Clerk

**ECONOMIC  
DEVELOPMENT SUMMIT:**

Bob Heinz, Chairman of Council for Economic Development, requested Council's approval of a Resolution to formulate a committee to develop plans for an Economic Development Summit. Councilman Fagot inquired about whether the entire community would be involved. Mayor Cook stated that everybody is going to be invited to the Summit. Fagot said that he would like to be involved in who the players are going to be at the table. Mayor Cook stated that we put two Councilmen on that Committee already. Fagot said, "no, You put two Councilmen on the Committee". Cook said "We put two Councilmen on the Committee". Fagot said, "a Committee of three, o.k. I understand." Fagot requested that this meeting be held after the Council has their Workshop. Cook stated that he had told him that they would do that, and they will. Heinz stated that he looks forward to everyone bringing to the table their views and concepts. Moved by Bennett, seconded by Miller, to adopt Resolution No. 04-28 to establish a Committee to plan an Economic Development Summit Meeting. Roll call. Voting "aye" were Tomasek, Miller, Bennett, Cook. Voting "nay" was Fagot, based on how the Committee was set up. Motion carried.

**RESOLUTION NO. 04-28**

**A RESOLUTION TO ESTABLISH A COMMITTEE TO PLAN AN  
ECONOMIC DEVELOPMENT SUMMIT MEETING.**



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

That a committee is hereby established to plan an economic development summit meeting. The committee shall consist of Joe Peplitsch, David Fairbanks, Vicki Gilpin, Joni Bennett, Ted Cook, and Robert Heinz. The committee is charged with planning an economic development summit which would examine all aspects of Lexington's economic development program. The committee will make a recommendation to the Lexington City Council as to the time, place, agenda, and participants of the economic development summit.

Passed and approved this 28<sup>th</sup> day of December, 2004.

Ted Cook, Mayor

Attest:

Shirley Lewis, Deputy City Clerk

**CHANGE ORDER:** Peplitsch requested Council's approval of Change Order No. 13 for the Adams Street Viaduct Project. Following discussion, moved by Fagot, seconded by Tomasek, to approve Change Order No. 13 for the Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$1,405.11. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

**CHANGE ORDER:** Peplitsch requested Council's approval of Change Order No. 14 for the Adams Street Viaduct Project. Following discussion, moved by Miller, seconded by Tomasek, to approve Change Order No. 14 for the Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$8,930.25. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

**CHANGE ORDER:** Peplitsch requested Council's approval of Change Order No. 15 for the Adams Street Viaduct Project. Following discussion, moved by Bennett, seconded by Tomasek, to approve Change Order No. 15 for the Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$503.80. Roll call. Voting "aye" were Miller, Fagot, Tomasek, Bennett, Cook. Motion carried.

**PAY REQUEST:** Peplitsch requested Council's approval of Pay Request No. 31 for the Lexington Viaduct Project. Following discussion, moved by Tomasek, seconded by Fagot, to approve Pay Request No. 31 for the Lexington Viaduct Project, to Paulsen, Inc., in the amount of \$120,776.11. Roll call. Voting "aye" were Bennett, Miller, Fagot, Tomasek, Cook. Motion carried.

**CHANGE ORDER:** Dana Daniels, representing Miller and Associates, requested Council's approval of Change Order No. 1 for the South Adams Street Improvements. Following discussion, moved by Tomasek, seconded by Miller, to approve Change Order No. 1 for the South Adams Street Improvements, to Paulsen, Inc., in the amount of \$46,843.73. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

**PAY REQUEST:**

Dana Daniels requested Council's approval of Pay Request No. 3 (Final) for the South Adams Street Improvements. Following discussion, moved by Tomasek, seconded by Miller, to approve Pay Request No. 3 (Final) for the South Adams Street Improvements, to Paulsen, Inc., in the amount of \$46,843.73. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

**CERTIFICATE OF SUBSTANTIAL COMPLETION:**

Dana Daniels requested Council's approval of the Certificate of Substantial Completion for the South Adams Street Improvements. Following discussion, moved by Tomasek, seconded by Bennett, to approve the Certificate of Substantial Completion for the South Adams Street Improvements. Roll call. Voting "aye" were Miller, Fagot, Bennett, Tomasek, Cook. Motion carried.

**ORDINANCE:**

Peplitsch requested Council's approval of an Ordinance to prohibit tree topping on public owned land. Following discussion, an Ordinance entitled "AN ORDINANCE TO PROHIBIT TREE TOPPING; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE" was read before Council. Moved by Fagot, seconded by Tomasek, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Fagot, Cook. Motion carried.

Said Ordinance was read by title. Moved by Tomasek, seconded by Miller, to approve Ordinance No. 2195 on Final Reading. Roll call. Voting "aye" were Fagot, Bennett, Miller, Tomasek, Cook. Motion carried.

**APPOINTMENTS OF CITY OFFICIALS:**

An Ordinance entitled "AN ORDINANCE APPOINTING CITY OFFICIALS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before Council. Moved by Fagot, seconded by Tomasek, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Fagot, Cook. Motion carried.

Said Ordinance was read by title. Moved by Tomasek, seconded by Bennett, to approve Ordinance No. 2196 on Final Reading. Roll call. Voting "aye" were Fagot, Miller, Bennett, Tomasek, Cook. Motion carried.

**APPOINTMENTS:**

Mayor Cook requested Council's approval of Appointments to the following Lexington Boards and Commissions:

- Board of Adjustment - Deb Stuchlik, Larry Williams
- Community Development Advisory Board (Three added at-large members) – Tom Feltes, Randy Veatch, Carmen Cadwell
- Deputy City Clerk – Shirley Lewis
- Environmental Health Officer – Thomas R. Nelson
- Board of Health – Mayor, City Manager, Chief of Police, City Physician, and Environmental Health Officer
- Housing Authority – Della Mae Corder, James Murphy
- Library Board – Theresa Wadkins
- Planning Commission – Steve Smith, Jim Macias, Nova Barmore
- Tree Board – Alvin Zimmerman, Darrell Bliven

Following discussion, moved by Fagot, seconded by Tomasek, to confirm the Mayor's appointments to the Lexington's Boards and Commissions, with the nominations for the Citizen's Advisory Review Committee to be held at a later date. Roll call. Voting "aye" were Miller, Bennett, Tomasek, Fagot, Cook. Motion carried.

**ROUNDTABLE  
DISCUSSION:**

Peplitsch reminded City Council Members of a Council Retreat that is scheduled for 9:00 a.m. on January 22, 2004, at the Grand Generation Center, located at 407 E. 6<sup>th</sup> Street. Lunch will be provided.

Councilman Fagot expressed his disappointment of the Council in allowing only certain people to serve on various committees, and that someone once said that three people should not control the City. He is now seeing that come true.

Mayor Cook presented a letter from Dr. Eisenhauer to the Lexington City Council, requesting a joint meeting with the Council, which refers to a continuing obligation of annual meetings to review and evaluate inter-local agreements. Following discussion, it was the recommendation of the Council to direct Administration to schedule a meeting for February 22, 2004 at 6:30 p.m. Peplitsch will report back to Council if this date will work with Dr. Eisenhauer.

**ADJOURNMENT:**

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

Ted Cook  
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.

---

Deputy City Clerk