

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 25, 2008, at the Lexington Municipal Building, located at 406 E. 7th Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were Mayor John Fagot, Steve Tomasek, John Salem, Linda Miller and Joni Bennett. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Mills, and Deputy City Clerk Pamela Berke. The press was represented by the Lexington Clipper-Herald and Kearney Hub. Also present were Marc Munford and Connie Bennett.

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. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 3-11-08 Minutes of the Regular meeting held Tuesday, March 11, 2008, were presented for Council approval. Moved by Tomasek, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Salem, Miller, Tomasek, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$358,001.98 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Bennett, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$172,720.91 from the General Fund, \$4,042.50 from ED Reuse, \$124,990.24 from LEXUS, \$25,500.46 from Sanitation, \$484.54 from Ambulance Fund, \$24,648.24 from Health Fund, and \$5,615.09 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Miller, Salem, Bennett, Tomasek, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
March 25, 2008**

AFLAC	Premium	844.16
Alamar Uniform Co.	Uniform Expense	146.73
Alltel	Service	147.31
Arrow Seed Company, Inc	PK Supplies	529.00
B & D Office City	Supplies	76.69
Bert Gurney & Associates, Inc.	WWTP Supplies	2,985.82
Bob's Auto Repair & Service	Police/ST Repairs	617.95
Burnside, Dennis	Conference	84.84
Business Card	Conference/Supplies	293.72
Card Center/Orscheln	EL Supplies	319.97
Cash-Wa Distributing	Food & Supplies	817.56
Central Community College	Seminar	37.00

Christian Book Distributors	Book	1.62
Davis Energy, Inc.	Fuel	5,340.60
Dawson County Clerk	Dispatch Fee	21,585.73
Dawson County Court	Fees	413.00
Ecolab	WWTP Supplies	1,375.17
Electronic Systems	Repair	104.00
Farmer Brothers Coffee	Food	81.54
FYR-TEK	Fire Supplies/Service	760.95
G & V Inc.	ST Service	722.50
HD Supply Waterworks	Meter Supplies	1,908.83
Health Claims Fund	Claims	23,202.48
Hobart	GGC Repair	239.80
Holbein, Dahlas D.	Maint. & Cleaning	850.00
Holtz, Marcia	Conference	37.37
Husker Ag Sales	WWTP Supplies	35.39
Ingram Library Services	Books	30.04
Kapco	Lib. Supplies	143.08
Knapp Electric	WWTP Supplies	126.75
Lakeside Country Club	Membership	942.00
Lexington Newspapers	Publications	1,438.90
Lexington True Value	PK Supplies	407.82
Luther, Ann	Conference	37.37
Lynn Peavey Company	Police Supplies	67.50
Matt Parrott And Sons Co.	Supplies	209.80
Mead Lumber & Rental-Lexington	WR/GGC/PK/WWTP Supplies	199.55
Menards-Kearney	WWTP/Fire Supplies	175.44
Midwest Automatic Fire Sprinkler.	Lib. Repair	372.99
Municipal Emergency Services	Fire Supplies	213.00
Municipal Supply	WR Supplies	481.50
National Wildlife Federation	Book	15.00
Nebraska Department of Labor	WWTP Inspections	72.00
Nebraska Library Association	Memberships	100.00
NE Public Health Environmental Lab.	WR Analysis	2,532.00
Neopost	Postage	1,500.00
Overton Community Center	Meals On Wheels	300.00
Paulsen, Inc.	Concrete/Gravel	1,944.56
Plum Creek Market Place	Food	15.25
Precision Industries	WWTP Supplies	123.60
Reiman Publications	Subscription	19.97
Roberts Dairy Company	Beverages	219.52
S & W Auto Parts, Inc.	WWTP/ST/WR/PK Supplies	211.51
Service Master Mid Nebraska	Lib./GGC Cleaning Service	2,027.50
Sign Pro	Fire Supplies	4.00
Simmerman Electric	WWTP Service	192.80
State Wide Collections	Collection Fees	239.42
T. O. Haas Tire Co., Inc.	Repair	15.00
Tapco	WR Supplies	346.09
TASC	Premium	174.80
Thompson Co., The	Food & Supplies	1,229.62
TierOne-Lib. Petty Cash	Postage	16.38
U-Save Business Equipment	Supplies/Postage	372.51
Univar USA, Inc.	WWTP Supplies	670.50
Wal-Mart	Supplies	440.74
Wolf, Tracy	Firearms Instructors Dues	10.00
All Points Cooperative	Propane	125.00
Berke, Pam	Conference	76.76
Bob's Auto Repair & Service	ST Repair	536.00

Blue Cross Blue Shield	Ambulance Refund	277.54
Business Card	Fuel	52.16
Country Sampler	Subscription	37.96
D & R Computing	Supplies	49.99
Dan's Sanitation	Sanitation Fees	25,500.46
Engel, Brian	EL Rebate	1,025.00
G & V Inc.	Demolition Clean-up	28,680.00
Health Claims Fund	Claims	426.80
Helvey, Richard	EL Rebate	900.00
Home Federal Savings & Loan	Loader Payment	15,145.58
Ingram Library Services	Books	842.36
Johnson, Kurtis	EL Rebate	1,475.00
Lexington, City of	Franchise Fees	50,862.69
Payroll	Wages	91,318.98
Social Security	Employer Portion / FICA Med	6,780.21
First National Bank	Employer Portion / Pension	0.00
First National Bank	Police Pension	1,313.23
ICMA	City Manager Pension	413.07
Lexington Newspapers, Inc.	Publications	204.50
Lexington Utilities System	Utilities	24,498.00
Lopez-Gomez, Laureano	EL Rebate	300.00
Mead Lumber & Rental-Lexington	PK Supplies	17.97
Michael Todd & Co., Inc.	Supplies	160.06
Milco Environmental Services, Inc.	EL Substations SPCC	3,105.00
Miller & Associates	Retainer/Professional Services	4,518.45
Municipal Supply	WR Supplies	1,381.12
National Arbor Day Foundation	Dues	15.00
NE Dept Economic Development	Orthman's CDBG Payment	4,042.50
Nebraska Municipal Clerk Institute	Conference	375.00
Nebraska Law Enforcement	TABE Tests	50.00
Office Depot	Supplies	63.22
Olsson Associates	EL Rate Study	2,350.00
Paulsen Inc.	Concrete	357.75
Salinas, Alfredo	EL Rebate	1,350.00
Tapco	WR Supplies	601.02
TierOne-City Petty Cash	Postage/Food	160.55
TierOne-Lib. Petty Cash	Food	3.00
Univar USA, Inc.	Ferric Chloride	6,078.24
U-Save Business Equipment	Postage	4.60
Valencia, Gustavo	EL Rebate	1,025.00
Wal-Mart	Supplies	64.17
Wingate Inn	Conference	239.80
	TOTAL CLAIMS:	358,001.98

REFINANCING RESOLUTION: Marc Munford, Ameritas, requested Council consideration of a resolution to call for redemption of Series 2001 General Obligation Refunding Bonds in the principal amount of \$2,465,000.00. He gave an update of the refinancing savings since the last council meeting. Following discussion, Resolution No. 08-06 was read. Moved by Salem, seconded by Miller, to approve Resolution No. 08-06 as presented. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

RESOLUTION 08-06

BE IT RESOLVED by the Mayor and City Council of the City of Lexington, Nebraska:

Section 1. The following bonds of the City of Lexington, Nebraska, in accordance with their option provisions are hereby called for payment on April 29, 2008, after which date interest on the bonds will cease:

General Obligation Refunding Bonds, Series 2001, of the City of Lexington, Nebraska, date of original issue - July 3, 2001, in the principal amount of Two Million Four Hundred Sixty-five Thousand Dollars (\$2,465,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
\$120,000	June 15, 2008	4.20%	529437 EG 6
125,000	December 15, 2008	4.20	529437 EH 4
130,000	June 15, 2009	4.35	529437 EJ 0
130,000	December 15, 2009	4.35	529437 EK 7
130,000	June 15, 2010	4.45	529437 EL 5
130,000	December 15, 2010	4.45	529437 EM 3
135,000	June 15, 2011	4.55	529437 EN 1
140,000	December 15, 2011	4.55	529437 EP 6
145,000	June 15, 2012	4.70	529437 EQ 4
145,000	December 15, 2012	4.70	529437 ER 2
150,000	June 15, 2013	4.85	529437 ES 0
155,000	December 15, 2013	4.85	529437 ET 8
160,000	June 15, 2014	4.95	529437 EU 5
160,000	December 15, 2014	4.95	529437 EV 3
170,000	June 15, 2015	5.05	529437 EW 1
170,000	December 15, 2015	5.05	529437 EX 9
170,000	June 15, 2016	5.10	529437 EY 7

Said bonds are hereinafter referred to as the "Refunded Bonds."

The Refunded Bonds are subject to redemption at any time on or after June 15, 2006, at par and accrued interest, and said interest is payable semiannually. The proceeds of the Refunded Bonds were used to 1) pay and redeem on July 3, 2001, \$1,830,000 of the City's General Obligation Bonds, Series 1995, date of original issue - December 15, 1995; 2) pay and redeem on July 3, 2001, \$1,915,000 of the City's General Obligation Bonds, Series 1996, date of original issue - June 1, 1996; and 3) pay the costs of issuance of the Series 2001 Bonds. The Series 1995 Bonds and Series 1996 Bonds were issued for the purpose of constructing a new swimming pool facility and related aquatic park improvements, paying a portion of the costs of purchasing an existing building or buildings, including related site, acquiring a site or sites including leasehold interests, constructing on such site or sites a public building or buildings and remodeling existing buildings for the purpose of providing indoor athletic facilities, public auditorium facilities, including related parking facilities (either directly by the City or through the Lexington Community Facilities Agency), and providing furnishings and equipment for such public buildings. The Series 1995 Bonds and the Series 1996 Bonds were authorized by a majority of electors of the City voting at a special election held in the City on August 8, 1995.

Section 2. Said bonds are to be paid at the office of the Treasurer of the City of Lexington, Lexington, Nebraska, as paying agent and registrar.

Section 3. A true copy of this resolution shall be filed immediately with the Treasurer of the City of Lexington in Lexington, Nebraska, as Paying Agent and Registrar for the Refunded Bonds, and said Paying Agent and Registrar is hereby instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing said Refunded Bonds.

Joe Peplitsch, City Clerk John Fagot, Mayor

BOND ORDINANCE:

An ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF LEXINGTON, NEBRASKA, IN THE PRINCIPAL AMOUNT OF TWO MILLION FOUR HUNDRED TWENTY THOUSAND DOLLARS (\$2,420,000) FOR THE PURPOSE OF PAYING AND REDEEMING \$2,465,000 OF THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS, DATE OF ORIGINAL ISSUE - JULY 3, 2001; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM" was read by title. Following discussion, moved by Salem, seconded by Miller, to suspend the rule regarding the reading of ordinances on three separate occasions. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2246 was read by title. Moved by Salem, seconded by Miller, to approve Ordinance No. 2246 as presented. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

ELECTRIC RATES:

Peplitsch requested Council consideration of a resolution setting electric rates to become effective April 1, 2008. Following discussion, moved Miller, seconded by Bennett, to approve Resolution No. 08-07 as presented. Roll call. Voting "aye" were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

RESOLUTION NO. 08-07

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 April 1, 2008, to be reflected on billings following such date.

<u>Residential – Basic:</u>	<u>Summer</u>	<u>Winter</u>
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$8.00	\$8.00
Plus All kwh, per kwh	\$0.0832	\$0.0645
Minimum Bill	\$8.00	\$8.00

<u>Residential – All Electric:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$8.00	\$8.00
Plus All kwh, per kwh	\$0.0813	\$0.0512
Minimum Bill	\$8.00	\$8.00

<u>Commercial – Small:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$12.00	\$12.00
Plus All kwh, per kwh	\$0.0835	\$0.0783
Minimum Bill	\$12.00	\$12.00

<u>Commercial – Heat:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$12.00	\$12.00
Plus All kwh, per kwh	\$0.1115	\$0.0620
Minimum Bill	\$12.00	\$12.00

<u>Commercial – Large:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$18.10	\$18.10
Plus Demand Charge per KW	\$11.49	\$10.96
Plus Energy Charge per kwh	\$0.0378	\$0.0346

<u>Industrial – Non-Interruptible:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$48.87	\$48.87
Plus Demand Charge per KW	\$10.39	\$9.97
Plus Energy Charge per kwh	\$0.0362	\$0.0316

<u>Irrigation – Non-Interruptible:</u>		<u>All Year Rate</u>
Horsepower Charge, per HP		\$53.10
Plus All kwh, per kwh		\$0.0540

<u>Yard Lights:</u>	
Charge per Month	\$9.00

High Tension Service:

The High Tension rate shall be based upon a cost-plus calculation obtained from real-time metering. The rate shall include the actual cost of wholesale electricity purchased plus a percentage added to cover the required electric utility margin. The High Tension rate will be calculated, charged, and managed by the City Manager.

<u>Municipal Street Lights:</u>		<u>All Year Rate</u>
Base Charge per Month		\$2,372.00
Plus All kwh, per kwh		\$0.0462

<u>Municipal Power & Light:</u>		<u>All Year Rate</u>
Charge per Month per meter		\$11.40
Plus All kwh, per kwh		\$0.0489

PASSED AND APPROVED this 25th day of March, 2008.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of Council

ATTEST: Pamela Berke, Deputy City Clerk

- ACTION PLAN:** Peplitsch presented the final draft of the 2008 City of Lexington Development Action Plan for council consideration. Following discussion, moved by Miller, seconded by Salem, to approve the final draft of the 2008 City of Lexington Development Action Plan. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.
- PURCHASE AGREEMENT:** Peplitsch presented Council with a purchase agreement with GJT, LLC for the purchase of the former Wal-Mart building for \$600,000.00. Following discussion, moved by Miller, seconded by Salem, to approve the purchase agreement with an amended closing date of May 30, 2008, and to authorize the City Manager to execute documents relating to the purchase. Roll call. Voting “aye” were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.
- FINANCIAL REPORT:** Peplitsch presented a financial report for February 2008. Following discussion, moved by Salem, seconded by Bennett, to accept the financial report as presented. Roll call. Voting “aye” were Tomasek, Miller, Bennett, Salem, Fagot. Motion carried.
- ROUNDTABLE:** Peplitsch updated Council on several city projects, including the Northwest Detention Cell, CED Addition infrastructure improvements, the Pedestrian/Bike Trail, SCADA installations, and electric system conversions.
- Burnside updated Council on new park equipment installation in Pioneer Park and on the park shelter construction in Plum Creek Park. He also announced that two new police officers have started employment with the city.
- Berke requested input on a joint meeting with the Dawson County commissioners regarding the rural viaduct study completed by Kirkham Michael.
- 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.

Deputy City Clerk