

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 9, 2008, at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 5:30 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 Peplitsch, 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. Ronda Jaeschke and Charlie Block, SourceGas, were also in attendance.

**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 11-25-08** Minutes of the Regular meeting held Tuesday, November 25, 2008, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

**MINUTES – ORGANIZATION MEETING 12-2-08** Minutes of the Organization meeting held Tuesday, December 2, 2008, were presented for Council approval. Moved by Miller, seconded by Bennett, to approve Minutes as presented. Roll call. Voting “aye” were Tomasek, Salem, Bennett, Miller, Fagot. Motion carried.

**MINUTES – PLANNING SESSION 12-6-08** Minutes of the Planning Session held Saturday, December 6, 2008 were presented for Council approval. Moved by Salem, seconded by Bennett, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Tomasek, Bennett, Salem, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,763,813.58 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$378,529.06 from the General Fund, \$4,042.50 from ED Reuse, \$36,645.88 from Housing Reuse, \$1,213,273.12 from LEXUS, \$10,000.00 from Sanitation, \$1,973.50 from Landfill, \$2,624.88 from Ambulance Fund, \$111,079.23 from Health Fund, and \$5,645.41 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
December 9, 2008

All Points Cooperative	Fuel	75.78
Alltel	Cellphone Service	214.31
Axis Capital, Inc.	Mail Machine Pmt.	527.37
Bob's Auto Repair & Service	Repair	796.58
Card Center/Orscheln	Supplies	9.04
Career Services, Inc.	ABLE House Project	36,645.88
Cash-Wa Distributing	Food/Supplies	1,008.54
Central Fire & Safety, Inc.	Service/Repair	207.50
Central Garage Fund	Fuel	4,996.25
Culligan Water Conditioning Co.	Soft Water Supplies	254.32
Dan's Sanitation	Sanitation Fees	11,265.64
Dawson County Election Office	General Election Costs	1,557.80
Dawson County Register of Deeds	Filing Fees	27.50
Dawson Pest Control	GGC Service	27.00
Delta Dental of Nebraska	Premium	1,412.85
Demco	Library Supplies	78.88
Depository Trust Co.	2008 GO Bond Pmt.	169,366.25
Eakes Office Plus	Lib. Supplies	29.99
Farmer Brothers Coffee	Food & Supplies	215.85
Fastenal WWTP	Supplies	320.66
Follett Software Company	Lib. Supplies	660.00
Fox Bros. Hay Co., Inc.	Tree Grinding	2,900.63
Frederick, Michael	Books	32.00
Gale Group, The	Books	324.85
Gnirk Lawn Care, Inc.	Weed Spraying	675.00
Great Plains One-Call Service	Locates	61.07
HD Supply Waterworks	WR Supplies	493.72
Health Claims Fund	Claims	104,724.37
Holbein, Dahlas	Lawn Care	110.00
Hometown Leasing	Copier Payments	561.94
Ingram Library Services	Books	625.50
Jones Plumbing & Heating	WR/WWTP Supplies	329.99
Knapp Electric	Lift Station Repair	947.04
Lexington Animal Clinic	Animal Care	1,156.70
Lexington Area Solid Waste Agency	Landfill	1,163.88
Lexington Health Fund	Self-funding	32,537.08
Lexington Newspapers, Inc.	Publications/Subscription	745.00
Lexington Postmaster	Postage/Box Fee	256.00
Lexington True Value	Fire Dept. Supplies	51.72
Lexington, City of	Franchise/Service Fees	47,693.54
Payroll	Wages	106,621.70
Social Security	Employer Ptn/FICA Med	7,949.67
First National Bank	Employer Ptn/Pension	3,256.81
First National Bank	Police Pension	1,801.95
ICMA	City Manager Pension	399.23
Master Pitching Machine, Inc.	Rec Supplies	1,147.00
Matt Parrott And Sons Co.	Office Supplies	272.38
MC2, Inc.	WWTP Supplies	183.23
McCookNet Internet Service	Service	139.00
McFarland & Company, Inc.	Book	34.95
Mead Lumber & Rental-Lexington	Police/PK/WWTP Spls	109.74
Meritain Health	Premium	20,363.60
Mid-State Units	Rental	108.00
Midwest Laboratories, Inc.	WWTP Testing Supplies	1,645.60
Miller & Associates	Handicap Ramp Imp	3,728.30
Municipal Supply	WWTP Supplies	241.93
National Arbor Day Foundation	Membership Dues	15.00

Nebraska Dept. of Economic Development	Orthman's CDBG Pmt.	4,042.50
Nebraska Machinery	ST/WWTP Supplies	2,394.63
Nebraska Public Power District	O&M/Service	67,000.00
Nebraska Public Power District	Power Purchase	645,352.81
Nebraska Public Power District	Tri-Co Hospital Exp UG	32,348.55
Nebraska Waste Handlers	Sludge Removal	3,942.00
Nelson, Margie L.	Cleaning Service	575.00
Office Depot	Library Supplies	153.13
Overton Community Center	Meals On Wheels	100.00
Overton Sand & Gravel	Gravel	236.09
Paulsen, Inc.	Concrete/WWTP Spls	438.22
Peak Interest	Food	40.47
Roberts Dairy Company	Beverages	279.83
S & W Auto Parts, Inc.	ST Supplies	48.72
Service Master Mid Nebraska	Cleaning Service	1,503.62
SourceGas, Inc.	Gas Service	8,613.71
Steve's Lock & Key	Repair	63.00
T. O. Haas Tire Co., Inc.	Tires	185.50
The Mailbox Magazine	Subscription	29.95
Thompson Co., The	Food & Supplies	837.30
TierOne-Lib. Petty Cash	Postage	19.20
Total Lawn Care	Lawn Care	1,685.00
Tri-County Hospital	Wellness/Ambulance Spls	397.00
U-Save Business	Equipment Supplies	49.97
Wal-Mart	Supplies	486.05
Archambault, Robert	Ambulance Refund	96.11
Automotive Sales & Service Company	Central Garage Supplies	6.50
B & D Office City	Office Supplies	212.09
Barco Municipal Products	WR Supplies	787.03
Bert Gurney & Associates, Inc.	WWTP Supplies	184.29
Career Services, Inc.	EL Rebate	1,025.00
Cash-Wa Distributing	Food & Supplies	1,192.83
Central Garage Fund	Service/Repair	3,653.51
Central Tire & Tread	Tires	1,209.12
Davis Energy, Inc.	Fuel/Oil	2,772.15
Dawson County Public Power	Power Purchase	329.87
Deere Credit, Inc	Skid Steer Down Pmt.	8,385.00
Demars Gordon Olson & Zalewski	Professional Service	4,641.72
Depository Trust Co.	2003 Comb UTL Bond Pmt	255,932.50
Dutton-Lainson Company	Transformer Bases	2,437.50
Eilers Machine & Welding	WWTP Supplies	132.20
EMS Billing Services, Inc.	Ambulance Service	1,893.21
Fagot Refrigeration & Electric	Service/Repair	2,412.27
Fastenal	WWTP Supplies	110.16
Grand Island Independent, The	Subscription	172.00
HD Supply Waterworks	WR/EL Supplies	1,160.65
Health Claims Fund	Claims	4,585.26
Jack's Uniforms And Equipment	Ammunition	348.99
Lexington Health Fund	Self-funding	32,537.08
Lexington Newspapers, Inc.	Publications	255.62
Lexington Postmaster	Box Fee	208.00
Lundeen-Isaacson, Inc.	Premium	2,398.50
Matt Parrott And Sons Co	Office Supplies	215.70
Mead Lumber & Rental-Lexington	WWTP Supplies	150.67
Meier, Betty	Ambulance Refund	73.79
Midwest Laboratories, Inc.	WWTP Testing/Landfill Exp	2,125.10
Misko Sports	Rec Supplies	232.69

Municipal Supply	WR/ST Supplies	1,467.04
Nebraska Amateur Softball Association	State Softball Bid Fees	140.00
Nebraska Department of Revenue	Sales & Use Tax	33,606.72
Nebraska Environmental Product	Central Garage Supplies	542.84
Nebraska Machinery	Central Garage Supplies	367.77
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,279.78
Neopost	Postage	1,500.00
Paulsen, Inc.	Concrete	86.50
Platte Valley Auto Mart	Central Garage Supplies	89.80
Platte Valley Communications	Service/Repair	610.97
Plum Creek Bank	Wesleyan Land Pmt.	42,268.44
Plum Creek Market Place	Food	59.19
Quinteros, Maria	Electric Rebate	1,025.00
Reynolds, Shirley	Ambulance Refund	125.00
Roberts Dairy Company	Beverages	199.34
S & W Auto Parts, Inc.	CG/Police Spls	365.26
TASC	Premium	356.75
Thompson Co., The	Food & Supplies	1,040.99
TierOne-City Petty Cash	Food	20.00
TierOne-Lib. Petty Cash	Postage/Food	39.58
Treat America Food Service	Food	10.37
U-Save Business Equipment	Postage	22.46
Ultramax	Ammunition	2,220.00
Vinny's Hometown Auto Care	Service	220.99
Wal-Mart	Supplies	114.96
Wolf, Tracy	Travel Expense	105.30
Zoll Data Systems	Fire Dept. Supplies	123.06
	<b>TOTAL CLAIMS:</b>	<b>1,763,813.58</b>

**ORDINANCE:**

An ordinance entitled "AN ORDINANCE GRANTING TO SOURCEGAS DISTRIBUTION LLC, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM, INCLUDING MAINS, PIPES, CONDUITS, SERVICES AND OTHER STRUCTURES, IN, UNDER, UPON, OVER, ACROSS AND ALONG THE STREETS, ALLEYS, BRIDGES AND PUBLIC PLACES WITHIN THE PRESENT AND FUTURE CORPORATE LIMITS OF THE CITY OF LEXINGTON, NEBRASKA FOR THE FURNISHING, TRANSMISSION, DISTRIBUTION AND SALE OF GAS WHETHER ARTIFICIAL, NATURAL, MIXED OR OTHERWISE, FOR LIGHTING, HEATING, DOMESTIC, INDUSTRIAL AND OTHER USES IN SAID CITY AND ELSEWHERE, LIMITING THE TERM OF SAID GRANT, PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID COMPANY MAY OPERATE, AND REPEALING ORDINANCE NOS. 1761 AND 2096." 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.2257 was read by title. Moved by Salem, seconded by Miller, to approve Ordinance No. 2257 on final reading. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

**ELECETRIC RATES:**

Resolution No. 08-23 was read by title. Following discussion, moved by Miller, seconded by Tomasek, to approve Resolution No. 08-23 as presented. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

## RESOLUTION NO. 08-23

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, 2009, to be reflected on billings following such date.

<u>Residential – Basic:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$8.40	\$8.40
Plus All kwh, per kwh	\$0.0874	\$0.0677
Minimum Bill	\$8.40	\$8.40
<u>Residential – All Electric:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$8.40	\$8.40
Plus All kwh, per kwh	\$0.0854	\$0.0538
Minimum Bill	\$8.40	\$8.40
<u>Commercial – Small:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$12.60	\$12.60
Plus All kwh, per kwh	\$0.0874	\$0.0822
Minimum Bill	\$12.60	\$12.60
<u>Commercial – Heat:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$12.60	\$12.60
Plus All kwh, per kwh	\$0.112	\$0.0641
Minimum Bill	\$12.60	\$12.60
<u>Commercial – Large:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$19.00	\$19.00
Plus Demand Charge per KW	\$12.05	\$11.50
Plus Energy Charge per kwh	\$0.0397	\$0.0363
<u>Industrial – Non-Interruptible:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$50.00	\$50.00
Plus Demand Charge per KW	\$10.90	\$10.47
Plus Energy Charge per kwh	\$0.0380	\$0.0320
<u>Irrigation – Non-Interruptible:</u>	<u>All Year Rate</u>	
Horsepower Charge, per HP	\$55.75	
Plus All kwh, per kwh	\$0.0570	

Yard Lights:

Charge per Month \$9.50

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.

Municipal Street Lights:

	<u>All Year Rate</u>
Base Charge per Month	\$2,490.00
Plus All kwh, per kwh	\$0.0485

Municipal Power & Light:

	<u>All Year Rate</u>
Charge per Month per meter	\$12.00
Plus All kwh, per kwh	\$0.0513

PASSED AND APPROVED this 9<sup>th</sup> day of December, 2008.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of Council

ATTEST: Pamela Berke, Deputy City Clerk

**WATER/SEWER RATES:**

Resolution No. 08-24 was read by title. Following discussion, moved by Tomasek, seconded by Bennett, to approve Resolution No. 08-24 as presented. Roll call. Voting "aye" were Miller, Salem, Bennett, Tomasek, Fagot. Motion carried.

RESOLUTION NO. 08-24

WHEREAS, Lexington City Code Sections 27-34 and 23-13, authorize the City Council to establish by Resolution a schedule of rates and charges for water use and sanitary sewer use, respectively.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following water and sanitary sewer rates for the following use classifications are established and shall take effect January 1, 2009, to be reflected on billings following such date. That all other water and sanitary sewer rates previously established shall remain unchanged:

Water Rates:

Residential Metered: The first 5,000 gallons \$12.50 monthly minimum  
> 5,000 gallons \$0.85 per 1,000 gallons

Residential Flat Rate: \$19.50 per dwelling unit per month

Commercial Metered: The first 5,000 gallons \$12.50 monthly minimum  
> 5,000 gallons \$0.85 per 1,000 gallons

Multi-family Service Fee: \$6.50 per dwelling unit, where more than one dwelling unit is served by a single metered service.

Industrial Metered: \$0.220 per 1,000 gallons

**Sanitary Sewer Rates:**

Flat Rate Residential: \$23.00 per month.

Flat Rate Commercial: \$23.00 per month

Commercial Metered: \$2.10 per 1,000 gallons  
\$16.00 minimum

PASSED AND APPROVED this 9<sup>th</sup> day of December, 2008.

John Fagot, President of Council

ATTEST: Pamela Berke, Deputy City Clerk

**CHANGE ORDER # 1:** Peplitsch presented Change Order #1 for the Pedestrian/Bike Trail project and explained this was for piping to connect an existing service to the storm water line. Following discussion, moved by Miller, seconded by Bennett, to approve the change order as presented. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

**CHANGE ORDER # 2:** Peplitsch presented Change Order #2 for the Pedestrian/Bike Trail project and explained this was for drainage issues discovered in the field. Following discussion, moved by Tomasek, seconded by Salem, to approve the change order as presented. Roll call. Voting “aye” were Miller, Bennett, Salem, Tomasek, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch presented Pay Request # 7 from Cement Products Inc for the Pedestrian/Bike Trail project in the amount of \$75,509.87. Following an update of the project, moved by Bennett, seconded by Tomasek, to approve the pay request as presented. Roll call. Voting “aye” were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

**ROUNDTABLE:** Peplitsch updated Council on recent fire department operations and requested input to formally recognize the department’s efforts.

**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