

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 22, 2009, 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, Joni Bennett, Linda Miller, and John Salem. 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 the Kearney Hub.

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 12-8-09 Minutes of the Regular meeting held Tuesday, December 8, 2009, were presented for Council approval. Moved by Bennett, seconded by Tomasek, to approve Minutes as presented. Roll Call. Voting “aye” were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$590,954.43 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Tomasek, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$200,347.20 from the General Fund, \$114,371.19 from TIF, \$4,166.67 from ED Reuse, \$206,686.46 from LEXUS, \$25,390.72 from Sanitation, \$3,606.01 from Ambulance Fund, \$33,281.04 from Health Fund, and \$3,105.14 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Bennett, Miller, Tomasek, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
December 22, 2009

AFLAC	Premium	925.17
Barnes & Noble Inc.	Book	15.16
Bibliographical Center for Research	Subscription	12.76
Blue Cross Blue Shield of Nebraska	Ambulance Refund	305.07
Business Card	Conference/Supplies/Books	1,719.52
Card Center/Orscheln	WWTP / PK / WR / ST Supplies	501.80
Cash-Wa Distributing	Food	279.19
Consolidated Plastics Company	Fire Dept Supplies	439.79
Consumer Reports Money Adviser	Subscription	29.00
Copper, Michael	Yard Clean-up	150.00
Culligan Water Conditioning Co.	Soft Water Supplies	84.08
Davis Energy, Inc.	Fuel	1,942.16

Dawson County Clerk	Dispatch Fees	24,329.70
Dawson County Treasurer	Personal PropTax/Drainage Tax	195.14
Dawson Public Power District	Power Purchase	5,825.51
Dell Marketing L P	Ambulance Laptop	2,929.87
Demco	Lib Supplies	73.50
Doran Post & Associates, Inc.	Surety Bond Renewal	40.00
Electric Fixture & Supply	WR Supplies	88.11
Fagot Refrigeration & Electric	Service/Repair	504.02
Farmer Brothers Coffee	Food & Supplies	361.34
Fisher Scientific	WWTP Supplies	172.02
Five Star Flooring	Supplies	25.31
Follett Software Co.	Lib Supplies	77.26
Gale Group, The	Books	407.04
Gallery Collection, The	Office Supplies	323.78
Hach Company	WWTP Supplies	27.94
HD Supply Waterworks	Meters	1,926.00
Health Claims Fund	Claims	32,130.96
Holbein, Dahlas	Maint & Cleaning	1,000.00
Ingram Library Services	Books	181.47
Jones Plumbing & Heating	Repair	726.78
Kratzer Electric, Inc.	Repair	734.46
Landmark Implement, Inc.	WWTP Equipment	1,299.00
Lawson Products, Inc.	WWTP Supplies	366.57
Lee Booksellers	Book	17.56
Lexington Newspapers, Inc.	Publications	1,366.71
Lexington True Value	ST / Cem Supplies	34.00
Lexington, City of	Service Fees	54,857.75
Payroll	Wages	105,509.80
Social Security	Employer Portion / FICA Med	7,831.48
First National Bank	Employer Portion / Pension	3,454.62
First National Bank	Police Pension	1,586.95
ICMA	City Manager Pension	414.23
LexisNexis Matthew Bender	Book	51.47
Linweld	Ambulance Supplies	85.00
Lundeen-Isaacson, Inc.	Fire Dept Life Ins Premium	4,095.00
Mast's Fire Extinguisher Sales	Service	20.35
McDonald's	Food	76.50
Mead Lumber & Rental-Lexington	Fire Dept / WWTP Supplies	255.72
Midwest Laboratories, Inc.	WWTP Supplies	145.60
Midwest Radar & Equipment	Police Radar Service	120.00
Miller & Associates	Service / Monroe Street	1,788.00
Mr. Automotive	Fire Dept Supplies	6.40
NADA Used Car Guide	Subscription	90.00
National Wildlife Federation	Subscription	19.95
NE Dept. of Health & Human Services	Aquatic Center Review Fee	100.00
NE Dpt Labor-Boiler Inspection Program	WWTP Service	72.00
Nebraska Economic Developers Assn	Membership Dues	150.00
Nebraska Secretary of State	Notary Bond	30.00
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,256.41
Overton Community Center	Meals on Wheels	100.00
Paulsen, Inc.	White Rock / Concrete	2,576.20
Physicians' Desk Reference	Book	64.95
Plum Creek Market Place	Food	49.33
Presto-X LLC	Fire Dept Service	75.00
Price's Tree Service	Snow Removal	1,040.00
Roberts Dairy Company	Beverages	180.62
Roger L. Hood Construction	Tyson Substation Berm	25,200.00

S & W Auto Parts	WWTP Supplies	92.38
Service Master Mid Nebraska	Lib / GGC Cleaning Service	2,950.00
T. O. Haas Tire Co., Inc.	Tires	396.90
Thompson Co., The	Food & Supplies	1,036.39
TierOne-Lib. Petty Cash	Postage / Supplies	69.22
Tri-County Hospital	Wellness	165.00
U-Save Business Equipment	Lib/GGC/Rec/EL/ST/WR Spls	493.39
Verizon Wireless	Cellphone Service	51.07
Village Uniform	GGC Supplies	28.40
Wal-Mart	Supplies	553.72
World Chamber of Commerce Directory	Book	49.00
Baird Holm LLP	Professional Service	100.00
Bob's Auto Repair & Service	Repair	60.00
Central Garage Fund	Service/Repair	9,567.87
Community Redevelopment Authority	Kirkpatrick Land Pmt.	114,371.19
Contryman Associates, P.C.	Audit Services	2,000.00
Cornhusker Energy Lexington, LLC	WWTP Supplies	128.38
Dan's Sanitation	Sanitation Fees	25,390.72
Davis Energy, Inc.	Central Garage Supplies	110.00
Dawson County Handibus	Transportation	222.00
Dawson Estates, L P	EL Rebates	4,125.00
Electric Fixture & Supply	Supplies	4.70
Galls	Police Supplies	38.98
Gempler's, Inc.	ST Supplies	278.95
Health Claims Fund	Claims	224.91
John Deere Credit	Loader Pmt.	7,331.28
Landmark Implement, Inc.	Central Garage Supplies	553.01
Lexington Boy Scout Troop #88	Recycling	5.50
Lexington Boy Scout Troop #144	Recycling	5.50
Lexington Girl Scouts	Recycling	11.00
Lexington Truck & Auto	Central Garage Supplies	1,907.05
Lexington, City of	Franchise	57,388.22
Lexington Utilities System	Utilities	34,752.63
Miller & Associates	Retainer/Monroe St Paving Imp	14,942.96
Miller, Linda	Conference	803.05
Mr. Automotive	Central Garage Supplies	145.75
McCookNet Internet Service	Server	4,546.83
Naumann, Sondra	Cleaning Service	150.00
Nebraska Dept. of Economic Development	Mid Plains CDBG Pmt.	4,166.67
Nebraska Machinery	Central Garage Supplies	196.77
Northern Tool & Equipment Co.	Generator	1,218.36
Platte Valley Communications	Radio Repair	45.50
Plum Creek Motors	Repair	591.26
Post, Doran G	EL Rebate	125.00
S & W Auto Parts, Inc.	Central Garage Supplies	883.92
Sioux City Foundry Co.	Central Garage Supplies	1,161.00
T. O. Haas Tire Co., Inc.	Repair/Tires	357.11
Verizon Wireless	Cellphone Service	65.63
Vinny's Hometown Auto Care	Repair	15.00
Wal-Mart	Supplies	95.18
Will Weinhold Trust Account	Property Purchase	4,111.00
	TOTAL CLAIMS:	590,954.43

AGREEMENT:

Pepplitsch presented Council with a sub-recipient agreement with Dawson Area Development for the use of Neighborhood Stabilization grant funds. These funds will be used for consulting and capital costs for the Dawson

County Opportunity Center Phase II project. Following discussion, moved by Miller, seconded by Tomasek, to approve the sub-recipient agreement with DAD and authorize the mayor to execute the required documents. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

CONSULTING SERVICES:

Pepplitsch presented Council with a contract with BCDM for architectural service for the Opportunity Center Phase II project. He explained that DAD had recently completed the required consultant selection process for the use of NSP funds, and recommended the City use the same consultant for continuity for the remainder of phase II improvements. Following discussion, moved by Miller, seconded by Tomasek, to authorize the city manager to enter into a contract with BCDM for the Dawson County Opportunity Center Phase II project at the price presented. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

ELECTRIC RATES:

Resolution No. 09-31 was presented for Council consideration. Pepplitsch proposed an electric rate increased of 3.75% for all customer classes, due to a wholesale cost increasing of 6%. Following discussion, moved by Salem, seconded by Bennett, to approve Resolution No. 09-31 as presented. Roll call. Voting “aye” were Tomasek, Miller, Bennett, Salem, Fagot. Motion carried.

RESOLUTION NO. 09-31

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, 2010, to be reflected on billings following such date.

Residential – Basic:	Summer	Winter
	May 1-Sep 30	Oct 1-Apr 30
Base Charge per Month	\$15.00	\$15.00
First 500 kwh @ \$/kwh	\$0.1140	\$0.0979
Over 500 kwh @ \$/kwh	\$0.0694	\$0.0474
Minimum Bill	\$15.00	\$15.00
Residential – All Electric:	Summer	Winter
	May 1-Sep 30	Oct 1-Apr 30
Base Charge per Month	\$12.00	\$12.00
First 500 kwh @ \$/kwh	\$0.1124	\$0.0836
Over 500 kwh @ \$/kwh	\$0.0673	\$0.0427
Minimum Bill	\$12.00	\$12.00
Commercial – Small:	Summer	Winter
	May 1-Sep 30	Oct 1-Apr 30
Base Charge per Month	\$15.00	\$15.00
First 1,000 kwh @ \$/kwh	\$0.1320	\$0.1228
Over 1,000 kwh @ \$/kwh	\$0.0750	\$0.0703
Minimum Bill	\$15.00	\$15.00
Commercial – Heat:	Summer	Winter
	May 1-Sep 30	Oct 1-Apr 30
Base Charge per Month	\$15.00	\$15.00
First 1,000 kwh @ \$/kwh	\$0.1324	\$0.1131

Next 4,000 kwh @ \$/kwh	\$0.1108	\$0.0523
Over 5,000 kwh @ \$/kwh	\$0.0673	\$0.0436
Minimum Bill	\$15.00	\$15.00
Commercial – Large:	Summer	Winter
	May 1-Sep 30	Oct 1-Apr 30
Base Charge per Month	\$19.00	\$19.00
Plus Demand Charge per KW	\$12.50	\$11.93
Plus Energy Charge per kwh	\$0.0412	\$0.0377
Industrial – Non-Interruptible:	Summer	Winter
	May 1-Sep 30	Oct 1-Apr 30
Base Charge per Month	\$50.00	\$50.00
Plus Demand Charge per KW	\$11.31	\$10.86
Plus Energy Charge per kwh	\$0.0394	\$0.0332
Irrigation – Non-Interruptible:		All Year Rate
Horsepower Charge, per HP		\$55.75
Plus All kwh, per kwh		\$0.0591

Yard Lights:

Charge per Month	\$10.00
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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:	All Year Rate
Base Charge per Month	\$2,500.00
Plus All kwh, per kwh	\$0.0503

Municipal Power & Light:	All Year Rate
Base Charge per Month per meter	\$12.00
Plus All kwh, per kwh	\$0.0532

PASSED AND APPROVED this 22nd day of December, 2009.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of Council

ATTEST: Pamela Berke, Deputy City Clerk

WATER RATES:

Resolution No. 09-32 was presented for Council consideration. Following discussion, moved by Salem, seconded by Tomasek, to approve Resolution No. 09-32 as presented. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

RESOLUTION NO. 09-32

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

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following water rates for the following use classifications are established and shall take effect January 1, 2010, to be reflected on billings following such date. That all other water rates previously established shall remain unchanged:

Water Rates:

Residential Metered:

The first 5,000 gallons	\$12.75 monthly minimum
> 5,000 gallons	\$0.85 per 1,000 gallons

Residential Flat Rate: \$19.75 per dwelling unit per month

Commercial Metered:

The first 5,000 gallons	\$12.75 monthly minimum
> 5,000 gallons	\$0.85 per 1,000 gallons

Multi-family Service Fee: \$6.75 per dwelling unit, where more than one dwelling unit is served by a single metered service.

Industrial Metered: \$0.2244 per 1,000 gallons

PASSED AND APPROVED this 22nd day of December, 2009.

John Fagot, President of Council

ATTEST: Pamela Berke, Deputy City Clerk

MUNICIPAL BUILDING:

Pepplitsch reviewed the bid tabulation for the Municipal Building Improvements projects. He noted that Paulsen Inc. was the low bidder. Following discussion, moved by Salem, seconded by Tomasek, to accept the bids for the Municipal Building Improvements project and award the contract to Paulsen Inc. Roll call. Voting "aye" were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

SOCCER BUILDING:

Pepplitsch reported that negotiation of a contract for the Soccer Field Restroom Facility was ongoing. He will bring a proposal to Council at the next regular meeting.

PAY REQUEST:

Pepplitsch presented Pay Request #3 from Paulsen Inc. for the Opportunity Center Phase I project in the amount of \$190,584.00. Following discussion, moved by Salem, seconded by Miller, to approve the pay request as presented. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

LAND SALE:

An ordinance entitled "AN ORDINANCE DIRECTING THE SALE OF LOT 2, BLOCK 6, MacCOLL AND LEFLANG'S SECOND ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE" was read. Pepplitsch noted that the City obtained ownership of the lot through property maintenance activities, and a structure was removed. The adjoining property owner has presented an offer to purchase. Following discussion, moved by Tomasek, seconded by Bennett, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

Ordinance No. 2276 was read by title. Moved by Miller, seconded by Tomasek, to approve Ordinance No. 2276 on final reading. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

FINANCIAL REPORT:

Pepplitsch presented the financial report for November 2009. Following discussion, moved by Salem, seconded by Miller, to accept the report as presented. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

ROUNDTABLE:

Pepplitsch requested available dates for a planning session in January. Following discussion, moved by Bennett, seconded by Tomasek, to schedule a council planning session for Saturday, January 16, 2010, at 8 a.m. Roll call. Voting "aye" were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

Pepplitsch requested two Council members to be involved in a retail marketing group with community members. Salem and Bennett will serve with this group.

Burnside announced a pending officer vacancy in the Police Department, and noted the hiring process will begin soon. He also reported that RFPs for consulting on the Downtown Revitalization Study are due on January 19, 2010.

Berke reported that the tentative schedule for the Mid Winter League conference have been forwarded to all council members.

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