

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, January 13, 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 Kearney Hub. Dana Daniels, Miller & Associates, was also present.

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 12-23-08 Minutes of the Regular meeting held Tuesday, December 23, 2008, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

MINUTES – PLANNING SESSION 1-13-09 Minutes of the Planning Session held Saturday, January 10, 2009, were presented for Council approval. Moved by Tomasek, seconded by Bennett, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,399,711.97 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 \$331,560.10 from the General Fund, \$8,209.17 from ED Reuse, \$13,431.15 from Housing Reuse, \$971,333.74 from LEXUS, \$10,000.00 from Sanitation, \$2,540.00 from Landfill, \$9,585.66 from Ambulance Fund, \$47,877.47 from Health Fund, and \$5,174.68 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
January 13, 2009**

All Points Cooperative	Fuel	223.51
Allied Insurance	Security Bond Renewal	100.00
Alltel	Cellphone Service	183.42
Anderson, Jason	Utility Refund	4.10
Audio Editions	Books	956.90
Axis Capital, Inc.	Mail Machine Pmt.	527.37

B & D Office City	Supplies	100.93
Baird Holm LLP	Professional Services	202.87
Barco Municipal Products	WR Supplies	823.69
Bliven Construction	OOR Housing	7,257.50
Bob's Auto Repair & Service	Repair	60.00
Card Center/Orscheln	Supplies	72.06
Case Credit Advantage	WWTP Supplies	35.88
Cash-Wa Distributing	Food/Supplies	847.73
Central Garage Fund	Fuel	11,635.66
Central Tire & Tread	WWTP Supplies	243.96
City Directory, Inc.	Books	556.00
Culligan Water Conditioning Co.	Soft Water Supplies	267.04
Cummins Central Power	Central Garage Supplies	900.00
Dan's Sanitation	Sanitation Fees	14,920.22
Danko Emergency Equipment Company	Fire Dept. Supplies	455.92
Dawson Pest Control	GGC Service	27.00
Delta Dental of Nebraska	Premium	1,538.75
Demars Gordon Olson Zalewski	Professional Services	903.00
Electric Fixture	PK/WWTP/WR Supplies	3,184.63
Eustis Body Shop	Repair	50.00
Fagot Refrigeration & Electric	Service/Repair	1,008.68
Farmer Brothers Coffee	Food & Supplies	241.14
G & V Inc.	Haul Tree Grindings	990.00
G-Man Feed and Seed	WR Supplies	239.68
Gale Group, The	Books	68.81
Halsen Products Company	ST/WR Supplies	207.02
HD Supply Waterworks	WR Supplies	349.86
Health Claims Fund	Claims	36,880.63
Hometown Leasing	Copier Payments	561.94
Ingram Library Services	Books	332.27
Jones Plumbing & Heating	Service/Supplies/Repair	424.87
K & K Parts Co., Inc.	WR Supplies	188.94
K. R. V. N. - FM	Advertisements	70.00
Knapp Electric	Lift Station Repair	558.23
Kratzer Electric, Inc.	Repair	99.02
Lexington Animal Clinic	Animal Care	1,036.93
Lexington Area Solid Waste Agency	Landfill	930.28
Lexington Health Fund	Self-funding	33,769.22
Lexington Newspapers, Inc.	Publications/Advertisements	2,228.35
Lexington Postmaster	Postage	150.00
Lexington Truck & Auto, Inc.	Central Garage Supplies	518.70
Lexington True Value	Supplies	6.17
Lexington, City of	Franchise/Service Fees	47,931.68
Payroll	Wages	100,834.24
Social Security	Employer Portion / FICA Med	7,457.90
First National Bank	Employer Portion / Pension	3,344.07
First National Bank	Police Pension	1,644.29
ICMA	City Manager Pension	399.23
LexisNexis Matthew Bender	Book	48.80
Linden's Plumbing	Repair	346.53
Linweld	Ambulance Supplies	222.58
Mast's Fire Extinguisher Sales and Service	Police/Fire Service	163.15
Matt Friend Truck Equipment	Central Garage Supplies	61.00
McCookNet Internet Service	Service/Repair/Supplies	3,901.67
Mead Lumber & Rental-Lexington	PK/WWTP/WR Supplies	266.31
Meritain Health	Premium	21,081.30
Michael Todd & Co., Inc.	Ambulance/WR Supplies	999.21

Mid-State Units	Rental	135.00
Midwest Radar & Equipment	Service/Repair	147.50
Miller & Associates	Retainer Fee	800.00
Morton Business	OOR Housing	6,173.65
Mr. Automotive	Supplies	18.95
Municipal Supply	WR Supplies	1,478.98
Nebraska Association of Seniors	Membership Dues	20.00
Nebr. Conf Building Officials & Inspectors	Conference	150.00
Nebraska Dept. of Economic Development	Orthman's CDBG Pmt.	4,042.50
Nebraska Machinery	Central Garage Supplies	409.77
Nebraska Public Power District	Power Purchase	737,693.13
Nebraska Salt & Grain Co.	ST Supplies	1,197.52
Nebraska Waste Handlers	Sludge Removal	4,234.00
Nebraskaland Tire	Repair/Service	124.21
Nelson, Margie L.	Cleaning Service	500.00
Nelson, Tom A.	Safety Glasses	183.00
Neopost	Postage	1,500.00
Overton Sand & Gravel	Fill Sand	388.92
Oxbow Construction	Secondary Digester Rehab	27,072.00
Pace Analytical	Landfill Analysis	2,540.00
Paulsen, Inc.	Concrete	1,084.46
Plum Creek Cleaners	Supplies	298.00
Plum Creek Market Place	Food	59.25
Price's Tree Service	Snow Removal	770.00
Rainbow Book Company	Books	837.82
Resource Management Co., Inc.	Scrap Tire Collection	17,642.42
Roberts Dairy Company	Beverages/Food	380.64
Rodale Inc.	Book	50.90
S & W Auto Parts, Inc.	WR/WWTP Supplies	637.77
Service Master Mid Nebraska	Cleaning Service	2,359.12
SourceGas, Inc.	Gas Service	6,269.62
State Wide Collections	Collection Fees	145.08
Stobbe Welding	WWTP Service	352.00
T. O. Haas Tire Co., Inc.	Central Garage Supplies	1,595.84
TASC	Premium	156.75
Thompson Co., The	Food	1,189.95
Thomson Healthcare	Book	59.95
TierOne-Lib. Petty Cash	Postage	20.27
Tri-County Hospital	Wellness/Ambulance Supplies	557.00
U-Save Business Equipment	Supplies/Postage	164.95
University of Nebraska-Lincoln	Seminars	129.00
Utility Equipment	WR Supplies	139.63
Value Line Publishing, Inc.	Subscription	1,598.00
Wal-Mart	Supplies	521.79
Webball Baseball Instruction, Inc.	Rec Supplies	254.95
Wolsleben, Maxine	Fire Dept. Service	240.00
AFLAC	Premium	1,016.91
Anderson Graphics	Lib. Supplies	17.50
Bliven, Michael	EL Rebate	1,025.00
Blue Cross Blue Shield	Ambulance Refund	165.09
Cash-Wa Distributing	Food & Supplies	713.19
Cox, Clifford	Ambulance Refund	100.00
Dawson County Public Power	Power Purchase	6,738.26
Eakes Office Plus	Lib. Supplies	659.85
EMS Billing Services, Inc.	Ambulance Service	2,643.78
Follett Software Co.	Lib. Supplies	87.06
Great Plains One-Call Service	Locates	35.10

HD Supply Waterworks	WR Supplies	1,206.16
Health Claims Fund	Claims	8,284.43
Ingram Library Services	Books	254.41
Johnson, Alison	Book	18.00
Lerner Publishing Group	Books	228.27
Lexington Volunteer Fire Dept.	Ambulance Fees	4,926.77
Payroll	Wages	101,395.74
Social Security	Employer Portion / FICA Med	7,497.83
First National Bank	Employer Portion / Pension	3,228.95
First National Bank	Police Pension	1,751.98
ICMA	City Manager Pension	399.23
Lincoln Journal Star	Subscription	157.00
Nebraska Dept. of Economic Development	Mid Plains CDBG Pmt.	4,166.67
Nebraska Department of Revenue	Sales & Use Tax	46,474.62
Nebraska Library Association	Conference	40.00
Nebraska Public Power District	Power Purchase	1,341.37
Nebraska Safety Council	Membership Dues	340.00
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,325.64
Neopost, Inc.	Postage	278.20
Paraclete Press, Inc.	Books	100.88
Plum Creek Bank	Wightman Property Pmt.	45,133.48
Plum Creek Market Place	Food	16.78
Roberts Dairy Company	Beverages/Food	110.65
Source Gas, LLC	Gas Service	13,009.97
T. L. Sund Constructors, Inc.	PK Supplies	27.10
Terryberry	Service Awards	748.34
TierOne-City Petty Cash	Food/Postage	49.40
TierOne-Lib. Petty Cash	Postage/Food	28.30
Tri-County Hospital	Medical Care	771.55
U-Save Business Equipment	Postage	8.01
University of Northern Iowa-Heartland	Tuition Fee-Dennis B.	825.00
Wal-Mart	Supplies	46.35
WPS Medicare Part B	Ambulance Refund	304.02
Ziebell, Don	Awards Banquet	50.00
	TOTAL CLAIMS:	1,399,711.97

ADA TRANSITION PLAN: Pepplitsch presented a draft ADA Transition plan to improve the accessibility to the citizens for all new and renovation projects. More information will be provided in the future, no action was taken.

CHANGE ORDER: Dana Daniels presented Change Order #3 from Cement Products Inc. for the Hike/Bike Trail project. Moved by Miller, seconded by Tomasek, to approve the change order as presented. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

PAY REQUEST: Daniels presented Pay Request #8 from Cement Products Inc. for the Hike/Bike Trail project in the amount of \$63,735.21, and gave a project update. Moved by Tomasek, seconded by Bennett, to approve the pay request as presented. Roll call. Voting “aye” were Salem, Miller, Bennett, Tomasek, Fagot. Motion carried.

JOINT SCHOOL BD MTG:

Peplitsch requested Council availability for a joint meeting with the School Board. He will compile a list of possible dates for consideration.

ORDINANCE:

An ordinance entitled “AN ORDINANCE APPOINTING CITY OFFICIALS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read by title. Following discussion, moved by Salem, seconded by Tomasek, to suspend the rules regarding reading on three separate occasions. Roll call. Voting “aye” were Bennett, Miller, Tomasek, Salem, Fagot. Motion carried.

Ordinance No. 2258 was read by title. Moved by Miller, seconded by Salem, to approve Ordinance No. 2258 on final reading. Roll call. Voting “aye” were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

ELECTRIC RATES:

Resolution No. 09-01 was presented for Council consideration. Peplitsch explained the tier structure and noted that the rates will be retroactive to January 1, 2009. Following discussion, moved by Salem, seconded by Miller, to approve Resolution No. 09-01 as presented. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 09-01

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. That all other electric rates previously established shall remain unchanged.

<u>Residential – Basic:</u>	Winter
	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$15.00
First 500 kWh @ \$/kWh	\$0.0944
Over 500 kWh @ \$/kWh	\$0.0457
Minimum Bill	\$15.00

<u>Residential – All Electric:</u>	Winter
	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$12.00
First 500 kWh @ \$/kWh	\$0.0806
Over 500 kWh @ \$/kWh	\$0.0412
Minimum Bill	\$12.00

<u>Commercial – Small:</u>	Winter
	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$15.00
First 1,000 kWh @ \$/kWh	\$0.1184
Over 1,000 kWh @ \$/kWh	\$0.0678
Minimum Bill	\$15.00

<u>Commercial – Heat:</u>	<u>Winter Oct 1-Apr 30</u>
Base Charge per Month	\$15.00
First 1,000 kWh @ \$/kWh	\$0.1090
Next 4,000 kWh @ \$/kWh	\$0.0504
Over 5,000 kWh @ \$/kWh	\$0.0420
Minimum Bill	\$15.00

PASSED AND APPROVED this 13th day of January, 2009.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of Council

ATTEST: Pamela Berke, Deputy City Clerk

ROUNDTABLE:

Pepplitsch gave an update on the improvements that will need to be made at the Aquatic Center before next season. He also reminded Council members of the regional presentation scheduled for January 28 at the former Wal-Mart building.

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