

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Friday, December 13, 2011, at the Lexington Municipal Building, located at 406 E. 7th Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, Steve Tomasek, Joni Bennett, Linda Miller and John Salem. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Hodges and Deputy City Clerk Pamela Berke. The press was represented by Kearney Hub. Marlin Teel was 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. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 11-22-2011 Minutes of the Regular meeting held Tuesday, November 22, 2011, 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 12-2-2011 Minutes of the Planning Session held Saturday, December 3, 2011 were presented for Council approval. Moved by Miller, seconded by Bennett, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,269,959.77 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 \$549,463.11 from the General Fund, \$1,621,779.61 from LEXUS, \$10,000.00 from Sanitation, \$7,272.23 from Ambulance Fund, \$77,299.81 from Health Fund, and \$4,145.01 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
December 13, 2011**

Abdo-Spotlight-Magic Wagon	Library Books	1,769.40
Alamar Uniform Co.	Bullet Proof Vests	5,365.00
All Points Cooperative	Fuel / Weed Spray	583.84
American Casting & Manufacturing Corp.	EL Meter Supplies	1,550.70
Anderson Graphics	Library Service	67.50
Audio Editions	Library CD Books	22.80
Best Books Inc.	Library Books	395.96
Better Homes and Gardens	Library Book	31.91

Case Credit Advantage	WWTP Supplies	11.42
Cash-Wa Distributing	Food & Supplies	1,935.09
Centurion Technologies, Inc.	Library Supplies	112.00
Consolidated Management Company	Police Training Meals	134.25
Consumer Reports Money Adviser	Library Subscription	29.00
CopyCat Printing	Bldg Insp Supplies	69.55
Cozad Services, Inc.	Service Bldg Heater Repair	596.86
Culligan Water Conditioning Co.	Soft Water Supplies	205.26
Dan's Sanitation	Sanitation Fees	12,722.74
Data-Pac Mailing Machine	Postage	1,500.00
Davis Energy, Inc.	Fuel	8,600.80
Dawson Public Power Dist.	Power Purchase	3,787.72
Demco, Inc.	Library Supplies	61.98
Depository Trust Co.	08 GO Bond Pmt/09 CU Bond Pmt	535,316.25
Designer Craft Woodworking, Inc.	Reception Area Counter	85.00
Diaz, Able	EL Rebate	900.00
Do it Yourself	Library Subscription	19.97
Dugan Business Forms	UTL / AP Supplies	1,042.67
Eakes Office Plus	Library/UTL Printer Rep/Copies	407.29
Egan Supply Company	ST Supplies	70.30
Electric Fixture & Supply	WWTP/WR/DCOC/EL Supplies	2,141.94
Eustis Body Shop, Inc.	Towing Expense	900.00
Fagot, John	Natl League Conf Travel Expense	631.46
Fagot Refrigeration & Electric, Inc.	Library Service	55.00
Fastenal	WWTP / Opp Cntr / ST Supplies	91.29
Fireguard, Inc.	SCBA / Jaws Testing	1,490.58
Flynn, Jeff	EL Rebate	1,050.00
FYR-TEK, Inc.	Fire Dept Service	83.93
Gale Group, The	Library Books	427.57
Garden Lawn & Landscaping	Yard Clean-up	450.00
Gnirk Lawn Care, Inc.	Weed Spraying	765.00
Grand Island Independent, The	Library Subscription	208.00
Hach Company	WWTP Testing Supplies	845.95
Health Claims Fund	Claims	72,588.59
Ingram Library Services	Library Books	691.90
Intellicom Computer Consulting	Server Equipment	11,890.95
Jones Plumbing & Heating, Inc.	Muni Bldg Service	60.00
Kam, Khamta	EL Rebate	550.00
Knapp Electric, Inc.	WWTP Pump Repair	1,571.64
Lexington Animal Clinic	Animal Care	679.50
Lexington Glass Co., Inc.	Svc Bldg/Muni Bldg Spls/Repair	425.00
Lexington Health Fund	Self-Funding	31,430.30
Lexington Newspapers, Inc.	Publications / Subscriptions	343.68
Lexington Postmaster	Postage	150.00
Lexington Public Schools	EL Refund	2,200.00
Lexington Regional Health Center	Wellness / Ambulance Supplies	506.00
Lexington Rural Fire Protection District	Building Pmt	25,634.55
Lexington, City of	UTL Portion Server Equipment	9,512.76
Lexington, City of	Franchise Fees	99.75
Payroll	Wages	118,705.96
Social Security	Employer Portion / FICA Med	8,755.22
First National Bank	Employer Portion / Pension	3,721.36
First National Bank	Police Pension	2,154.50
ICMA	City Manager Pension	454.62
LexisNexis Matthew Bender	Police Supplies	56.49
Lincoln Journal Star	Library Subscription	237.45
Lincoln Winwater Works	Water Supplies	1,723.90

Madeline's Café & Bakery	Food	17.95
Matheson Tri-Gas, Inc.	Ambulance Supplies	72.00
McFarland, Seth	EL Rebate	550.00
Mead Lumber & Rental-Lexington	ST/WR/PK/WWTP/Bldg Insp Spls	598.45
Metadata Service Bureau	Ambulance Refund	1,347.20
Meritain Health	Health Premium	23,499.04
Mick's Platte Valley Glass	WWTP Repair	1,822.40
Mid-State Units	Rental	100.00
Midwest Laboratories, Inc.	WWTP Testing Supplies	309.10
Midwest Radar & Equipment	Police Service	240.00
Morris Press	GGC Service	73.00
National Wildlife Federation	Library Subscription	17.95
NE Public Health Environmental Lab	WR Testing	672.90
NE Dept of Health & Human Services	13th St PJ Review Fee	73.54
NE Law Enforcement Training Center	Police Tests	30.00
Nebraska Public Power District	O & M	65,000.00
Nebraska Public Power District	Power Purchase	874,810.59
Nebraska Public Power District	North ACB 106 13.8kv Conversion	100,000.00
Nebraska Tech & Telecomm, Inc.	Telephone Service	1,174.02
North Platte Bulletin	Library Subscription	39.95
Oliver Consulting Services, Inc.	Library Equipment	640.00
Oxmoor House	Library Book	36.91
Paulsen, Inc.	Gravel / Concrete	366.46
PDR Distribution LLC	Library Book	59.95
Peak Interests LLC	Meals	78.00
Platte Valley Auto Mart, Inc.	Fire Dept Repair / Service	1,498.90
PV Communications of Kearney	Fire Dpt Pagers/Svc Bldg Cameras/Rep	3,794.42
Plum Creek Cleaners	Rug Service	253.00
Primary Electric, Inc.	WWTP Heater / Boiler Repair	1,164.30
Principal	Dental Premium	1,860.56
Pumpkin Books	Library Books	52.68
Rinker Materials	NW Sr Housing PJ Supplies	1,832.20
Roberts Dairy Company	Beverages	173.68
Salas, Enrique	EL Rebate	900.00
Service Master Mid Nebraska	Cleaning Service	4,114.12
Source Gas, LLC	Gas Service	3,971.89
Statewide Collections LLC	Collection Fees	507.12
T. L. Sund Constructors, Inc.	13th ST Urban Construction PJ	5,200.25
Thalman, Julie	Cleaning Service	200.00
Thompson Co., The	Food & Supplies	531.94
Tomasek, Steve	Natl League Conf Travel Expense	392.95
Total Lawn Care	End of Yr Lawn Service	625.00
Tri-City Tribune	Rec Advertisement	176.00
U-Save Business Equipment	Postage/UPS/Muni Bldg/Libr/ST Spls	357.51
Univar USA, Inc.	Caustic Soda / Ferric Chloride	16,512.47
Village Uniform	GGC Supplies	119.90
Wal-Mart	Supplies	264.68
Zubiria, Fernando	EL Rebate	900.00
Allied Systems, Inc.	WWTP Pump	9,860.00
American Water Works Association	Membership Dues	85.00
Bert Gurney & Associates, Inc.	WWTP Repair Supplies	1,756.98
Bliven, Mike	DTR - 514 N Washington	7,900.00
Case Credit Advantage	WWTP Tractor Repair	75.44
Central Garage Fund	Service / Repair / Fuel	31,041.81
Central Tire & Tread, Inc.	Loader Tires	2,285.94
Consolidated Management Company	Police Training Meals	102.50
Eilers Machine & Welding, Inc.	CG/WWTP Supplies / Service	832.76

EMS Billing Services, Inc.	Ambulance Service	1,334.53
Fagot Refrigeration & Electric	Muni Bldg/ Lift Stn/DCOC Rep/Svc	5,514.08
Fastenal	Central Garage Supplies	61.22
FYR-TEK	Central Garage Supplies	42.78
Gale Group, The	Library Books	94.88
Great Plains One-Call Service	Locates	135.09
HD Supply Waterworks	WR Meters / Supplies	3,682.66
Health Claims Fund	Claims	2,850.66
Ingram Library Services	Library Books	126.44
John Deere Credit	Skid Steer Pmt	7,331.28
Jones Plumbing & Heating, Inc.	WR / SW Supplies	322.33
Lexington Area Solid Waste Agency	Landfill	897.48
Lexington Newspapers, Inc.	Publications	1,361.25
Lexington Postmaster	Box Fee	220.00
Lexington Truck & Auto, Inc.	Central Garage Supplies	475.00
Payroll	Wages	123,828.10
Social Security	Employer Portion / FICA Med	9,146.51
First National Bank	Employer Portion / Pension	3,965.22
First National Bank	Police Pension	1,712.99
ICMA	City Manager Pension	454.62
Linden's Plumbing	SW Line Repair	244.61
Matt Friend Truck Equipment	Central Garage Repair	500.75
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	Central Garage / Fire Supplies	59.45
Michael Todd & Co., Inc.	Central Garage Supplies	129.00
MicroMarketing, Inc.	Library DVD's	161.00
Miller & Associates, Inc.	Pro Service / Well 12 & 15	268.70
Municipal Supply	WR Supplies	702.78
Nebraska Amateur Softball Association	2012 & 2013 Bid Fees	315.00
Nebraska Department of Revenue	Sales & Use Tax	39,075.43
Nebraska Environmental Products	Central Garage Supplies	1,072.00
Nick & Lynn's Welding & Repair	Central Garage Repair Service	3,089.76
OCLC, Inc.	Library Subscription	24.28
Platte Valley Communications of Kearney	Central Garage Repair Service	28.00
Plum Creek Market Place	Food & Supplies	40.76
Price's Tree Service, Inc.	Snow Removal	1,780.00
Primary Electric, Inc.	WWTP Repair	1,234.51
S & W Auto Parts, Inc.	Central Garage / WWTP Supplies	983.17
Sargent Drilling Co.	Well 12 Pump Motor Repair	4,262.63
T. O. Haas Tire Co., Inc.	Tire Repairs	149.07
U-Save Business Equipment	ST Supplies / Postage / UPS Chgs	12.67
Vision Internet Providers, Inc.	Monthly Hosting Fee	210.00
Wal-Mart	Supplies	226.57
Ward Laboratories, Inc.	WR Testing	40.00
	TOTAL CLAIMS:	2,269,959.77

PUBLIC COMMENTS:

Marlin Teel appeared before the Council to voice his concerns regarding the Lexington School's conceptual plans for renovations to the Middle School and the closing of Grant Street. Mayor Fagot thanked him for sharing his concerns.

LIQUOR LICENSE CHANGE:

As applicant and legal counsel were unable to attend the meeting, consideration of a Liquor License Change of Location application for Rodgriguez Restaurante Inc. dba Premier Club will be considered at the next city council meeting. Moved by Miller, seconded by Salem, to table the application until the December 27, 2011, council meeting. Roll call. Voting "aye" were Bennett, Tomasek, Salem, Miller, Fagot. Motion carried.

ORDINANCE:

Ordinance No. 2309 entitled “AN ORDINANCE TO AMEND SECTIONS 28-10.5, 28-11.4 and 28-20.5; TO REPEAL ORIGINAL SECTIONS 28-10.5, 28-11.4 and 28-20.5, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented. Following a brief review, Staff indicated that the Ordinance needs further amendment and will be brought back at a later date. No action was taken.

RESOLUTION:

Resolution No. 2011-38 was presented. Peplitsch reviewed a proposed annual retail electric rate increase of 5%, on average, for all customer classes, due to a wholesale cost increase of 7% effective January 1, 2012. Following discussion, moved by Miller, seconded by Tomasek, to approve Resolution No. 2011-38 as presented. Roll call. Voting “aye” were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

RESOLUTION NO. 2011-38

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, 2012, to be reflected on billings following such date.

Residential – Basic:	Summer	Winter
	May 1 – Sept. 30	Oct. 1 – Apr. 30
Base Charge per Month	\$16.00	\$16.00
First 500 kWh @ \$/kWh	\$0.1100	\$0.1058
Over 500 kWh @ \$/kWh	\$0.0900	\$0.0540
Minimum Bill	\$16.00	\$16.00
Residential – All-Electric:	Summer	Winter
	May 1 – Sept. 30	Oct. 1 – Apr. 30
Base Charge per Month	\$14.00	\$14.00
First 500 kWh @ \$/kWh	\$0.1100	\$0.0957
Over 500 kWh @ \$/kWh	\$0.0877	\$0.0495
Minimum Bill	\$14.00	\$14.00
Commercial - Small:	Summer	Winter
	May 1 – Sept. 30	Oct. 1 – Apr. 30
Base Charge per Month	\$16.00	\$16.00
First 1000 kWh @ \$/kWh	\$0.1370	\$0.1296
Over 1000 kWh @ \$/kWh	\$0.0887	\$0.0778
Minimum Bill	\$16.00	\$16.00
Commercial – Heat:	Summer	Winter
	May 1 – Sept. 30	Oct. 1 – Apr. 30
Base Charge per Month	\$16.00	\$16.00
First 1000 kWh @ \$/kWh	\$0.1370	\$0.1286
Next 4000 kWh @ \$/kWh	\$0.0887	\$0.0730
Over 4000 kWh @ \$/kWh	\$0.0887	\$0.0552
Minimum Bill	\$16.00	\$16.00
Municipal Power & Light:	Summer	Winter

	May 1 – Sept. 30	Oct. 1 – Apr. 30
Base Charge per Month	\$16.00	\$16.00
Plus All kWh @ \$/kWh	\$0.0610	\$0.0610
Commercial - Large:	Summer	Winter
	May 1 – Sept. 30	Oct. 1 – Apr. 30
Base Charge per Month	\$21.00	\$21.00
Plus Demand @ \$/kW	\$14.14	\$13.18
Plus All kWh @ \$/kWh	\$0.0450	\$0.0432
Industrial:	Summer	Winter
	May 1 – Sept. 30	Oct. 1 – Apr. 30
Base Charge per Month	\$53.00	\$53.00
Plus Demand @ \$/kW	\$13.01	\$11.99
Plus All kWh @ \$/kWh	\$0.0429	\$0.0399

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.

Irrigation – Non-Interruptible:

All Year	
Horsepower Charge @ \$/HP	\$67.46
Plus All kWh @ \$/kWh	\$0.0645

Municipal Street Lights:	All Year
	May 1 – Sept. 30
Base Charge per Month	\$2,250.00
Plus All kWh @ \$/kWh	\$0.0610

Yard Lights:	All Year
	May 1 – Sept. 30
Base Charge per Month	\$12.00

PASSED AND APPROVED this 13th day of December, 2011.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of Council

ATTEST: Pamela Berke, Deputy City Clerk

ORDINANCE:

Ordinance No. 2310 entitled “AN ORDINANCE APPOINTING CITY OFFICIALS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented for Council consideration. Moved by Salem, seconded by Miller, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

Ordinance No. 2310 was presented on Final reading. Moved by Salem, seconded by Tomasek, to approve Ordinance No. 2310 as presented. Roll call. Voting “aye” were Miller, Bennett, Tomasek, Salem, Fagot. Motion carried.

APPOINTMENTS:

The following appointments to boards and commissions were proposed for Council approval:

- Board of Adjustment – John Knapple;
- Planning Commission – Nancy Evans, Doug Heineman, Rusty Sutton;
- Housing Authority – Carlos Saiz;
- Tree Board – Dave Stenberg;
- Library Board – Ella Herrate;
- Civil Service Commission – Jim Macias.

Following discussion, moved by Miller, seconded by Tomasek, to approve the proposed appointments. Roll call. Voting “aye” were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

LCFA:

Mayor Fagot requested that the re-appointment of representatives to the Lexington Community Facilities Agency be tabled until Council and Staff can thoroughly review the operating agreement of the Agency, including the current responsibilities of City and School District organizations. Moved by Miller, seconded by Bennett, to table the appointments pending further review of the Agency documents. Roll call. Voting “aye” were Salem, Tomasek, Bennett, Miller, Fagot. Motion carried.

PUBLIC HEARING:

Mayor Fagot opened a public hearing to consider a report from the Citizens Advisory Review Committee. Peplitsch reviewed activity in the Economic Development Programs. He noted that a financial report for both programs will be forwarded to Council for review. He noted there were no committee recommendations or comments on the programs at this time. The public hearing was closed. Moved by Tomasek, seconded by Bennett, to accept the Citizens Advisory Review Committee report as presented. Roll call. Voting “aye” were Miller, Salem, Bennett, Tomasek, Fagot. Motion carried.

ROUNDTABLE:

Peplitsch noted that he will send potential dates for a January planning session to 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