

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 10, 2013, at the Lexington City Hall, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Linda Miller, Dora Vivas, and Jeremy Roberts. City Officials present were City Manager Joe Pepplichtsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Hodges, Development Services Director Bill Brecks and City Clerk Pamela Baruth. The press was represented by Lexington Clipper-Herald, Kearney Hub, and KRVN Radio.

**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 City Hall, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 11-26-2013** Minutes of the Regular meeting held Tuesday, November 26, 2013, were presented for Council consideration. Moved by Roberts, seconded by Miller, to approve Minutes as presented. Roll call. Voting “aye” were Vivas, Salem, Miller, Roberts, Fagot. Motion carried.

**MINUTES – WORK SESSION 12-07-2013** Minutes of the Work Session held Saturday, December 7, 2013, were presented for Council consideration. Moved by Vivas, seconded by Salem, to approve Minutes as presented. Roll call. Voting “aye” were Miller, Roberts, Salem, Vivas, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$2,459,180.71 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$346,189.72 from the General Fund, \$51,200.51 from Street Fund, \$60,000.00 Lex Revolving Loan Fund, \$1,980,703.74 from LEXUS, \$10,000.00 from Sanitation, \$2,393.41 from Ambulance, \$5,807.44 from Health Fund, and \$2,885.89 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

**CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
December 10, 2013**

Alamar Uniforms	Ammunition	781.75
All Points Cooperative	Fuel / WWTP Supplies	221.03
American Public Works Association	Membership Dues	292.00
Barco Municipal Products, Inc.	ST Sign Posts	2,301.39
Berke, David	Yard Clean-up	100.00
Cash-Wa Distributing	Food & Supplies	1,921.58
CCP Industries, Inc.	WWTP Supplies	125.68

Central Garage Fund	Fuel	8,803.35
Central Tire & Tread, Inc.	WWTP Tire Repair	98.60
Consolidated Management Co.	Police School Meals	194.50
Consumer Reports Money Adviser	Library Subscription	49.00
Cornhusker State Industries	ST Signs	747.20
Cozad Services, Inc.	GGC Repair	76.50
Culligan Water Conditioning Co.	Softwater Supplies	320.79
Dan's Sanitation	Sanitation Fees	11,435.16
Davis Energy, Inc.	Fuel	4,658.70
Dawson Pest Control	GGC Service	36.75
Do It Yourself Magazine	Library Subscription	19.97
Eakes Office Plus	Library/Police/Muni Bldg Copies	1,809.48
Electric Fixture & Supply	WWTP / EL Supplies	738.85
Gale Group, The	Library Books	223.45
Gardner Media LLC	Library Book	113.06
Gnirk Lawn Care, Inc.	Weed Killer at Opt Fields	380.00
HD Supply Waterworks	Supplies/WR Meters/Radios for AMI PJ	70,514.06
Health Claims Fund	Claims	5,143.44
Holbein, Dahlas	Lawn Care / Yard Clean-up	155.00
Ingram Library Services	Library Books	433.87
Island Supply Company, The	ST Supplies	193.26
Jones Plumbing & Heating, Inc.	Library / GGC Repair	400.00
Kearney Crete & Block Company	SW Supplies	506.50
Kids Reference Company, Inc.	Library Books	226.73
Lexington Animal Clinic	Animal care	476.35
Lexington Area Solid Waste Agency	Landfill	794.56
Lexington Health Fund	Self-Funding	46,571.21
Lexington Newspapers, Inc.	Publication	71.14
Lexington Postmaster	GGC Postage	165.00
Lexington Regional Health Center	Match for USDA Grant	60,000.00
Lexington Regional Health Center	Wellness / Laundry	325.00
Linda's Stitches & Creations	Police Uniform Expense	337.63
Mac's Short Stop	GGC Food	29.70
Matheson Tri-Gas Inc.	Ambulance Supplies	70.04
Mead Lumber & Rental-Lexington	WWTP Supplies	286.97
Meritain Health	Health Premium	20,107.56
Michael Todd & Company, Inc.	ST Supplies	173.00
MicroMarketing LLC	Library Books	225.44
Midwest Laboratories, Inc.	WWTP Testing Supplies	190.00
Midwest Restaurant Supply	GGC Supplies	53.90
Miller & Associates	Lexington East Viaduct PJ	21,303.89
Morgan Winds	Park Fountain Supplies	1,266.00
Morris Press	GGC Supplies	244.00
Mr. Automotive	Fire Dept Supplies	28.99
Municipal Supply, Inc.	SW / WR Supplies	1,444.56
NE Department of Environmental Quality	NDEQ WWTP Loan Interest	4,263.49
NE Dept of Health & Human Services	UTL Refunds	306.19
NE Law Enforcement Training Center	TABE Tests	50.00
Nebraska Main Street Network, Inc.	Membership Dues	450.00
Nebraska Public Power District	Power Purchase	954,959.66
Nebraska Public Power District	O & M	83,447.92
Nebraska Public Power District	Capital PJ's	374,600.73
National Fire Protection Association	Membership Dues	165.00
Oliver Consulting Services, Inc.	Library Service	60.00
One Call Concepts, Inc.	Locates	58.20
Overton Sand & Gravel Co.	Fill Sand/CDA First Addition PJ	361.34

Oxmoor House, Inc.	Library Book	42.91
Principal	Dental Premium	2,332.65
Quick Quilts	Library Subscription	21.98
Roberts Dairy Company	Beverages	138.78
S & W Auto Parts	Fire Dept Supplies	44.46
Service Master Mid Nebraska	Cleaning Service	4,192.87
Sirchie Fingerprint Laboratories	Police Supplies	36.00
Source Gas, LLC	Gas Service	5,909.67
Standard Life Insurance Company	Premium	695.72
Tasc - Client Invoices	Fees	664.00
Thalman, Julie	Cleaning Service	160.00
Thompson Co., The	Food & Supplies	1,329.66
Total Lawn Care	LFAC Lawn Care	365.00
Unisan Products	ST / Muni Bldg Supplies	182.22
Village Uniform	GGC Supplies	50.20
Vision Service Plan	Premium	575.71
Walmart	Supplies	310.46
Berke, David	Yard Clean-up	150.00
Consolidated Management Co.	Police School Meals	139.50
Dan's Sanitation	Sanitation Fees	1,777.62
Depository Trust Company	09 Combined UTL Bond/08 GO Bond Pymts	541,195.00
Electric Fixture & Supply	EL Supplies	71.04
EMS Billing Service, Inc.	Ambulance Billing Service	1,987.03
Eustis Body Shop	Towing Expense	160.00
Gardner Media LLC	Library Book	185.25
Ingram Library Services	Library Books	50.11
Intellicom Computer Consulting, Inc.	Computer Service	123.75
JCI Industries, Inc.	WWTP Pump	4,623.34
John Deere Financial	Central Garage Supplies	130.84
Jones Plumbing & Heating, Inc.	DCOC Rep/WWTP/WR Supplies	762.63
Lexington Newspapers, Inc.	Publications	308.07
Lexington City Payroll Account		
Payroll	Wages	132,203.91
Social Security	Employer Portion / FICA Med	9,817.06
Union Bank & Trust	Employer Portion / Pension	4,062.45
Union Bank & Trust	Police Pension	2,364.32
ICMA	City Manager Pension	836.93
Madeline's Café & Bakery	Food	18.95
MicroMarketing LLC	Library Books	76.98
Mid-State Units	Rental	100.00
Mr. Automotive	Police Supplies	24.20
NE Economic Developers Association	Membership Dues	100.00
Nebraska Department of Revenue	Sales & Use Tax	48,983.60
NebraskaLink	City / Library Service	395.00
North Platte Telegraph, The	Library Subscription	152.00
O'Hara Lindsay and Associates, Inc.	Lobbying Services	833.33
Oxbow Construction LLC	WWTP Repairs	1,017.00
Platte Valley Auto Mart	Vehicle Repair / Service	93.19
Primary Electric, Inc.	WWTP Service / Repair	1,166.41
Roberts Dairy Company	Beverages	78.45
Thompson Company, The	Food	-86.46
U S Postal Service	City / GGC Annual Box Fees	380.00
U-Save Business Equipment	UPS/ST/Bus Ofc/Muni Bldg/Lib Spls	1,937.80
	TOTAL CLAIMS:	2,459,180.71

**CITIZEN COMMENTS:**

Danny Gruber, Clipper-Herald, addressed Council and Staff with appreciation of the working relationship between him and the council and staff as he leaves for a new job. The Council and Staff thanked Mr. Gruber for his service and wished him well in his new endeavor.

**UTILITY RATES:**

Resolution No. 2013-34 was presented. Peplitsch reviewed the proposed utility rates, including a 1% increase in electric rates due to a wholesale power cost increase for 2014, a 50 cent per month increase to residential and commercial water customers to offset rising operating costs, as well as a comparable increase in water rates for industrial users. Following discussion, moved by Miller, seconded by Roberts to approve Resolution No. 2013-34 as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

RESOLUTION NO. 2013 – 34

WHEREAS, Lexington City Code Sections 28-100 and 28-232, authorize the City Council to establish by Resolution a schedule of rates and charges for electric service and water service.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following electric and water rates for the following use classifications are established and shall take effect January 1, 2014, to be reflected on billings following such date. That all other electric and water rates previously established shall remain unchanged.

Section 1. Electric Rates

Residential – Basic:	Summer	Winter
	May 1 – Sept. 30	Oct. 1 – Apr. 30
Base Charge per Month	\$16.00	\$16.00
First 500 kWh @ \$/kWh	\$0.1144	\$0.1101
Over 500 kWh @ \$/kWh	\$0.0936	\$0.0562
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	\$0.1144	\$0.0996
Over 500 kWh@\$/kWh	\$0.0912	\$0.0515
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	\$0.1425	\$0.1348
Over 1000 kWh@\$/kWh	\$0.0923	\$0.0809
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	\$0.1425	\$0.1338
Next 4000 kWh@\$/kWh	\$0.0923	\$0.0760
Over 4000 kWh@\$/kWh	\$0.0923	\$0.0575

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	\$0.0683	\$0.0683
Commercial - Large:	Summer	Winter
	May 1 – Sept. 30	Oct. 1 – Apr. 30
Base Charge per Month	\$21.00	\$21.00
Plus Demand @ \$/kW	\$14.71	\$13.72
Plus All kWh @ \$/kWh	\$0.0469	\$0.0449
Industrial:	Summer	Winter
	May 1 – Sept. 30	Oct. 1 – Apr. 30
Base Charge per Month	\$53.00	\$53.00
Plus Demand @ \$/kW	\$13.56	\$12.50
Plus All kWh @ \$/kWh	\$0.0447	\$0.0416

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	\$70.17
Plus All kWh @ \$/kWh	\$0.0672

Municipal Street Lights:

All Year	
Base Charge per Month	\$2,272.50
Plus All kWh @ \$/kWh	\$0.0683

Yard Lights:

All Year	
Base Charge per Month	\$13.13

Automated Meter Reading Adder: \$1.00 per month per electric meter.

Section 2. Water Rates

Residential Metered:

The first 5,000 gallons	\$14.75 monthly minimum
> 5,000 gallons	\$0.90 per 1,000 gallons

Residential Flat Rate:

\$21.25 per dwelling unit per month

Commercial Metered:

The first 5,000 gallons	\$14.75 monthly minimum
> 5,000 gallons	\$0.90 per 1,000 gallons

Multi-unit Service Fee: \$8.50 per dwelling/commercial unit, where more than one dwelling/commercial unit is served by a single metered service.

Industrial Metered: \$0.2559 per 1,000 gallons

Automated Meter Reading Adder: \$1.00 per month per water meter, or unmetered service.

PASSED AND APPROVED this 10<sup>th</sup> day of December, 2013.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of Council

ATTEST: Pamela Baruth, City Clerk

**PUBLIC HEARING:**

Mayor Fagot opened a public hearing to receive a report from the Citizens Advisory Review Committee on the operation of the Lexington Economic Development Program. Peplitsch reviewed program activities and noted the committee did not issue any specific findings or recommendations, and is supportive of the activities undertaken to date. Following discussion, the public hearing was closed. Moved by Miller, seconded by Salem, to accept the committee report as presented. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

**PAY REQUEST:**

Peplitsch reviewed Pay Request #9 from BRB Contractors Inc for the WWTP Improvements project in the amount of \$354,338.06. Following a project update and discussion, moved by Roberts, seconded by Vivas, to approve PR #9 as presented. Roll call. Voting “aye” were Miller, Salem, Vivas, Roberts, Fagot. Motion carried.

**ADA/CIVIL RIGHTS POLICY:**

Resolution No. 2013-35 was presented. Burnside reviewed a draft ADA/Civil Rights policy required by federal funding entities. Following discussion, moved by Salem, seconded by Roberts to approve Resolution No. 2013-35 as presented. Roll call. Voting “aye” were Miller, Vivas, Roberts, Salem, Fagot. Motion carried.

RESOLUTION NO. 2013-35

Whereas: Certain transportation facilities (roads, streets, trails, and others) in the City of Lexington have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto; and

Whereas: The City of Lexington desires to continue to participate in Federal-Aid transportation construction programs; and

Whereas: The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds; and

Whereas: The City of Lexington, as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights Policy of the City of Lexington; and

Whereas: The City of Lexington understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in the City of Lexington being required to repay some or all of the federal funds expended for a project(s).

Therefore, Be It Resolved: The City of Lexington City Council does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights Policy of the City of Lexington.

Be It Further Resolved: The City of Lexington City Council does hereby designate Dennis Burnside as responsible for the management of the Americans with Disabilities/Section 504 – Civil Rights process.

Adopted this 10<sup>th</sup> day of December 2013.

CITY OF LEXINGTON, NEBRASKA

John Fagot, Mayor

Attest: Pamela Baruth, City Clerk

**ROUNDTABLE DISCUSSION:** Peplitsch stated that potential dates for a Council work session will be forwarded to council members and staff. He also noted that a workshop for public comments on the CIS Study has been scheduled for Thursday, December 19.

Burnside noted that an open house for public input on an Adams Street (Hwy 21) Improvement project will be conducted by NDOR on January 7, 2014, at the library.

Weinhold invited council and staff to an open house for Edie Zetterman in honor of her retirement after 35 years of service.

Vivas stated she will be absent from the December 23 council meeting.

**ADJOURNMENT:** There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot  
Mayor

Pamela Baruth  
City Clerk

I, the undersigned 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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City Clerk