

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 9, 2014, at the Lexington City Hall, located at 406 E. 7th Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Linda Miller, and Dora Vivas. Jeremy Roberts was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Hodges, Police Chief Tracy Wolf and City Clerk Pamela Baruth. The press was represented by KRVN.

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. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 11-25-2014: Minutes of the Regular meeting held Tuesday, November 25, 2014, were presented. Moved by Miller, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Salem, Vivas, Miller, Fagot. Motion carried.

MINUTES – WORK SESSION 12-02-2014: Minutes of the Work Session held Saturday, December 2, 2014, were presented. Moved by Salem, seconded by Miller, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Miller, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,363,051.86 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Miller, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$419,236.64 from the General Fund, \$104,373.61 from Street Fund, \$1,793,797.48 from LEXUS, \$10,000.00 from Sanitation, \$2,247.91 from Ambulance, \$30,326.30 from Health Fund, and \$3,069.92 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Miller, Salem, Fagot. Motion carried.

**CITY OF LEXINGTON
ACCOUNTS PAYABLE
December 9, 2014**

All Points Cooperative	Fuel / Kerosene	452.45
Calvary Assembly of God - Youth Group	PK Clean-up	300.00
Card Center/Orscheln	EL Supplies	6.35
Cash-Wa Distributing	Supplies	617.90
Central Garage	Fuel / Service / Repair	22,119.64
Certified Laboratories	Central Garage Supplies	841.50
Church of Jesus Christ Latter Day Saints	PK Clean-up	300.00
Culligan Water Conditioning Co.	Soft Water Supplies	209.98
Dan's Sanitation	Sanitation Fees	12,939.30
Davis Energy, Inc.	Fuel / Filters / Propane	4,904.17
Dawson Pest Control	GGC Service	36.75
Dawson Public Power District	EL Service to Volvo Trucks/Dollar Tree	24,592.67
Depository Trust Company	2014 CURRB / 2008 GO Bond Pmts	563,163.89
Do It Yourself Magazine	Library Subscription	19.97
Eakes Office Solutions	Police / Admin Copies / Library Supplies	1,378.20

Ebsco Information Services	Library Books	890.87
Eilers Machine and Welding, Inc.	PK Supplies	102.40
Fagot Refrigeration & Electric, Inc.	DCOC / WWTP Repairs	788.22
Fastenal	ST Supplies	89.35
First Presbyterian Church	PK Clean-up	300.00
First United Methodist Church - Youth	PK Clean-up	300.00
Friedrichsen, Leon	1/2 of Boots	115.00
Gale/Cengage Learning	Library Books	109.55
Grace Lutheran Church - Youth	PK Clean-up	300.00
HD Supply Waterworks	WR Meter Supplies	36,539.44
Health Claims Fund	Claims	19,742.30
Hiland Dairy Foods Company, LLC	Beverages	262.59
Intellicom Computer Consulting, Inc.	Computer Service	63.13
Island Supply Company, The	ST Tar	2,094.00
Jones Plumbing & Heating, Inc.	WR / WWTP Supplies	42.20
Lerner Publishing Group	Library Book	19.95
Lexington Animal Clinic	Animal Care	420.00
Lexington Boy Scout Troop #88	PK Clean-up	300.00
Lexington Health Fund	Self-funding	46,473.78
Lexington Kiwanis	PK Clean-up	300.00
Lexington Newspapers, Inc.	Publications	111.30
Lexington Postmaster	GGC Postage / Box Fees	577.00
Lexington Public Schools	CDBG / Majestic Theatre PJ	30,725.00
Lexington Regional Health Center	Ambulance Supplies	165.00
LexisNexis Matthew Bender	Police Book	66.08
Lien, Inc.	Trees for Nebraska Towns Grant	15,298.00
Lundeen-Isaacson, Inc.	Fire Dept Vehicle / Life Insurance	4,936.00
Mast's Fire Extinguisher Service LLC	Fire Dept Service / Repairs	162.89
Matheson Tri-Gas, Inc.	Oxygen Supplies	70.60
Matt Friend Truck Equipment, Inc.	Snow Plow Repairs / Supplies	5,480.00
McCandless Backhoeing, Inc.	DCOC Snow Removal	280.00
Mead Lumber & Rental-Lexington	Ambulance / PK Supplies	62.53
Meritain Health	Health Premium	20,201.71
Midwest Connect	Mail Labels	37.46
Midwest Laboratories, Inc.	WWTP Testing Supplies	1,760.00
Midwest Service & Sales Co.	ST Supplies	840.00
Miller & Associates	Lexington East Viaduct PJ	54,709.64
Municipal Supply, Inc.	MRK WR Service	6,274.61
Nebraska Dept of Environmental Quality	Loan Interest / Principal / Admin Fee	162,600.68
Nebraska Public Power District	Power Purchase	1,038,564.41
North Platte Telegraph, The	Library Subscription	166.40
One Call Concepts, Inc.	Locates	69.20
Overton Sand & Gravel	WR Dept Sand	539.41
Paulsen, Inc.	Concrete	396.09
Principal	Dental Premium	2,722.82
Ryde Transit	Transportation	24.00
S & W Auto Parts, Inc.	Central Garage / WWTP Supplies	877.01
Service Master of Mid Nebraska	Cleaning Service	4,989.12
Sign Pro	Admin Sign	150.00
Simonsen Construction, Inc.	Library Repair	700.00
Source Gas, LLC	Gas Service	5,464.46
Standard Life	Life Premium	709.56
Subway @ Walmart	Meals	40.50
T. O. Haas Tire & Service	Tire Repair	19.74
Thompson Co., The	Food & Supplies	1,711.29
Titan Access Account	Central Garage Supplies	8.97
Tyler Technologies, Inc.	Maintenance Fee	350.00

U. S. Department of HHS CMS	Transitional Reinsurance Fee	8,820.00
Unisan Nebraska LLC	Library Supplies	204.18
VSP / Vision Service Plan	Vision Premium	652.11
Wal-Mart	Supplies	151.88
Welcome Center Advisory Council	PK Clean-up	75.00
YMCA Of Lexington	Membership Dues	231.20
Area Services	WWTP Repair	177.50
Berke, David	Ambulance Bldg Repairs	413.00
D. P. Sawyer, Inc.	ST Paint	4,000.00
Danko Emergency Equipment	Fire Dept Supplies	201.55
Davis Energy, Inc.	Tar / Fuel	112.19
Dawson County Court	Court Fees	17.00
Dawson Pest Control	DCOC Service	54.60
Dawson Public Power	Power Purchase	8,763.14
Dugan Business Forms	UTL Bills	1,529.76
Eakes Office Solutions	Library Supplies	80.31
EMS Billing Service	Ambulance Billing	1,275.73
Eustis Body Shop	Towing Expense	100.00
Fagot Refrigeration and Electric, Inc.	Libr/Pol Reps/Opt Maint Bldg Final EL	4,864.65
Fox Bros. Hay Co., Inc.	Wood Grinding	4,500.00
Gnirk Lawn Care, Inc.	Spray Ball Fields	625.00
Great Western Bank-City Petty Cash	Mileage/NPPD Incentives/Meal/Supplies	97.90
Holbein, Dahlas	Snow Removal	175.00
Holmes Plbg & Htg Supply Co.	WR Supplies	139.96
Jim Phillips Const.	Yard Clean-up	1,990.00
John Deere Financial	Central Garage Supplies	687.97
LaserTec of Nebraska, Inc.	Postage Machine Service & Parts	1,168.82
Lexington Newspapers	Publications	70.00
Lexington City Payroll Account		
Payroll	Wages	141,302.06
Social Security	Employer Portion / FICA Med	10,231.24
Union Bank & Trust	Employer Portion / Pension	4,307.57
Union Bank & Trust	Police Pension	2,622.75
ICMA	City Manager Pension	841.84
Linda's Stitches and Creations	ST / WR Uniform Expense	1,056.04
Luther, Ann	Mileage	140.00
Mac's Short Stop	GGC Food	58.58
Morris Press	GGC Supplies	244.00
Municipal Supply, Inc.	WR Supplies	286.57
Nebraska Department of Revenue	Sales & Use Tax	47,155.56
Nebraska Economic Developers Assn	Membership Dues	200.00
NebraskaLink	City / Library Service	395.00
Neopost USA, Inc.	Postage Meter Rent / Maintenance	577.80
O'Hara Lindsay and Associates, Inc.	Lobbying Services	1,000.00
Paulsen, Inc.	Concrete	428.54
Platte Valley Auto Mart	Police/City Vehicles Svc & Reps/ST Spls	1,928.50
Plum Creek Market Place	GGC Food	125.68
Randy's Body Shop	Towing Expense	100.00
Rose Equipment, Inc.	ST Sweeper Brooms	655.04
Thalman, Julie	Cleaning Service	120.00
Total Lawn Care	LFAC Lawn Care	225.00
Totalfunds by Hasler	Postage	3,000.00
U. S. Department of HHS CMS	Transitional Reinsurance Fee	1,764.00
Walmart	Supplies	110.61
	TOTAL CLAIMS:	2,363,051.86

RESOLUTION: Resolution No. 2014-39 was presented. Peplitsch reviewed proposed utility rate and fee adjustments to become effective January 1, 2015. Following discussion, moved by Miller, seconded by Vivas, to approve Resolution No. 2014-39. Roll call. Voting “aye” were Salem, Vivas, Miller, Fagot. Motion carried.

RESOLUTION NO. 2014 – 39

WHEREAS, Lexington City Code Sections 28-23, 28-100, 28-232, and 28-439 authorize the City Council to establish by Resolution a schedule of rates and charges for utility service deposits, electric service, water service, and sanitary sewer service.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following utility deposit fees and rates are established and shall take effect January 1, 2015, to be reflected on billings following such date. That all other utility deposit fees, electric rates, water rates, and sanitary sewer rates previously established shall remain unchanged.

Section 1. Utility Deposit Fee

Residential Utility Services: \$200.00

Commercial Utility Services: as determined by the City Manager up to a maximum of \$2,000.00.

Industrial Utility Services: as determined by the City Manager.

Section 2. Electric Rates

<u>Residential – Basic:</u>	Summer	Winter
	<u>May 1 – Sept. 30</u>	<u>Oct. 1 – Apr. 30</u>
Base Charge per Month	\$16.00	\$16.00
First 500 kWh @ \$/kWh	\$0.1155	\$0.1112
Over 500 kWh @ \$/kWh	\$0.0945	\$0.0568
Minimum Bill	\$16.00	\$16.00

<u>Residential – All-Electric:</u>	Summer	Winter
	<u>May 1 – Sept. 30</u>	<u>Oct. 1 – Apr. 30</u>
Base Charge per Month	\$14.00	\$14.00
First 500 kWh @ \$/kWh	\$0.1155	\$0.1006
Over 500 kWh @ \$/kWh	\$0.0921	\$0.0520
Minimum Bill	\$14.00	\$14.00

<u>Commercial - Small:</u>	Summer	Winter
	<u>May 1 – Sept. 30</u>	<u>Oct. 1 – Apr. 30</u>
Base Charge per Month	\$16.00	\$16.00
First 1000 kWh @ \$/kWh	\$0.1439	\$0.1361
Over 1000 kWh @ \$/kWh	\$0.0932	\$0.0817
Minimum Bill	\$16.00	\$16.00
	Summer	Winter

Commercial – Heat:

	<u>May 1 – Sept. 30</u>	<u>Oct. 1 – Apr. 30</u>
Base Charge per Month	\$16.00	\$16.00
First 1000 kWh @ \$/kWh	\$0.1439	\$0.1351
Next 4000 kWh @ \$/kWh	\$0.0932	\$0.0768
Over 5000 kWh @ \$/kWh	\$0.0932	\$0.0581
Minimum Bill	\$16.00	\$16.00

<u>Municipal Power & Light:</u>	Summer <u>May 1 – Sept. 30</u>	Winter <u>Oct. 1 – Apr. 30</u>
Base Charge per Month	\$16.00	\$16.00
Plus All kWh @ \$/kWh	\$0.0690	\$0.0690

<u>Commercial - Large:</u>	Summer <u>May 1 – Sept. 30</u>	Winter <u>Oct. 1 – Apr. 30</u>
Base Charge per Month	\$21.00	\$21.00
Plus Demand @ \$/kW	\$14.86	\$13.86
Plus All kWh @ \$/kWh	\$0.0474	\$0.0453

<u>Industrial:</u>	Summer <u>May 1 – Sept. 30</u>	Winter <u>Oct. 1 – Apr. 30</u>
Base Charge per Month	\$53.00	\$53.00
Plus Demand @ \$/kW	\$13.70	\$12.63
Plus All kWh @ \$/kWh	\$0.0451	\$0.0420

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:

	<u>All Year</u>
Horsepower Charge @ \$/HP	\$70.87
Plus All kWh @ \$/kWh	\$0.0679

Municipal Street Lights:

	<u>All Year</u>
Base Charge per Month	\$2,295.23
Plus All kWh @ \$/kWh	\$0.0690

Yard Lights:

	<u>All Year</u>
Base Charge per Month	\$13.26

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

Section 3. Water Rates

Residential Metered:	The first 5,000 gallons > 5,000 gallons	\$15.75 monthly minimum \$0.90 per 1,000 gallons
Residential Flat Rate:	\$23.00 per dwelling unit per month	
Commercial Metered:	The first 5,000 gallons > 5,000 gallons	\$15.75 monthly minimum \$0.90 per 1,000 gallons
Multi-unit Service Fee:	\$9.50 per dwelling/commercial unit, where more than one dwelling/commercial unit is served by a single metered service.	
Industrial Metered:	\$0.2733 per 1,000 gallons	
Automated Meter Reading Adder:	\$1.00 per month per water meter, or unmetered service.	

Section 4. Sanitary Sewer Rates

Flat Rate Residential:	\$24.00 per month.
Flat Rate Commercial:	\$24.00 per month
Commercial Metered:	\$2.20 per 1,000 gallons \$16.00 minimum

PASSED AND APPROVED this 9th day of December, 2014.

RESOLUTION: Resolution No. 2014-40 was presented. Following discussion, moved by Salem, seconded by Miller to approve Resolution No. 2014-40. Roll call. Voting "aye" were Vivas, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 2014 - 40

WHEREAS, the City has by Ordinance No. 2353 approved the sale of the following described real estate owned by the City, to-wit:

Lots 8, 9, 10, 11, and 12, Block 6, Southaven Addition to the City of Lexington, Dawson County, Nebraska; together with all of Vacated Pioneer Drive lying South of and contiguous to said Block 6, having been vacated by Ordinance No. 1901, dated June 12, 1990 and recorded April 20, 2004 as Inst. 2004-1751.

WHEREAS, Notice of such Ordinance has been duly published and the time for remonstrance has passed, and no petition against such sale has been filed.

BE IT THEREFORE RESOLVED by the Council and President of the Council of the City of Lexington, Nebraska, that John Fagot, as President of the Council is hereby directed and authorized on behalf of the City to execute a deed conveying the above described property to COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA, the purchaser thereof.

PASSED AND APPROVED December 9, 2014.

BIDS: Peplitsch reviewed the bid tabulation for the Wastewater Treatment Support Facility project, with the low bid from TL Sund Constructors at \$983,948. He noted the low bid was 29% over the Engineer's Estimate, and above project budget. He recommended the Council authorize the city manager to negotiate a contract with the low bidder to bring the project closer to budget. Following discussion, moved by Miller, seconded by Vivas, to leave the bids open and authorize the city manager to negotiate a contract with the low bidder. Roll call. Voting "aye" were Salem, Vivas, Miller, Fagot. Motion carried.

BOARD OF EQUALIZATION: Mayor Fagot opened a public hearing for Council to sit as a Board of Equalization to consider assessments for delinquent property maintenance abatement fees. Peplitsch noted that property owners were duly notified of the hearing. As there were no public comments received, the public hearing was closed. Ordinance No. 2355 entitled "AN ORDINANCE TO ASSESS THE COST OF PROPERTY MAINTENANCE AGAINST CERTAIN PROPERTIES; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was presented. Moved by Salem, seconded by Vivas, to suspend the rules regarding reading of ordinances on three separate occasions. Roll call. Voting "aye" were Miller, Vivas, Salem, Fagot. Motion carried.

Ordinance No. 2355 was presented on final reading. Moved by Salem, seconded by Miller, to approve Ordinance No. 2355 on final reading. Roll call. Voting "aye" were Vivas, Miller, Salem, Fagot. Motion carried.

PAY REQUEST: Peplitsch reviewed Pay Request #1 from Paulsen Inc. for the Liberty Drive Improvements project in the amount of \$143,053.20. Following discussion, moved by Salem, seconded by Miller, to approve Pay Request #1 as presented. Roll call. Voting "aye" were Vivas, Miller, Salem, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: Peplitsch reminded Council and Staff of the grand opening ceremony for the Middle School/YMCA scheduled for Friday, December 12. He stated he would send out dates for a possible work session in January.

Baruth will send an email requesting dates for a photo session for council and city department heads.

Miller noted she will be absent from the December 23 council meeting.

Vivas noted she will be absent from the January 13 council meeting.

Fagot requested council members to review and comment on possible board and commission appointments scheduled for the December 23 council meeting.

ADJOURNMENT: There being no further business to come before the Council, 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.

/s/ Pamela Baruth
City Clerk