

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Rescheduled Regular Meeting of the Lexington City Council was held Friday, December 21, 2001 at the Lexington Municipal Building, located at 406 E. 7th Street, Lexington, Nebraska at 7:00 a.m. Members of the Council present were Mayor John Fagot, Ted Cook, Rick Klamm, John Salem, Steve Tomasek. City Officials present were City Manager Joe Pepplichtsch, City Attorney Willard Weinhold, Deputy City Clerk Shirley Lewis.

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 Acknowledgement 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.

MINUTES – REGULAR MEETING – 12-11-01: Minutes of the Regular Meeting that was held Tuesday, December 11, 2001 was presented for Council’s consideration and approval. Moved by Salem, seconded by Klamm, to approve the Minutes of the Regular Meeting held December 11, 2001 as presented. Roll call. Voting “aye” were Cook, Tomasek, Klamm, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$229,780.12 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Klamm, seconded by Tomasek, to approve the Claims and Bills as listed and authorize the City Treasurer to transfer \$112,282.23 from the General Fund, \$85,777.55 from LEXUS, \$20,600.64 from City Sanitation, \$21.77 from Library Memorial, \$3,907.60 from Library House Fund, \$7,190.33 from Meals on Wheels to the City of Lexington’s Operation Account. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
DECEMBER 21, 2001 COUNCIL

Alltel	Cellular Charges	49.78
American Library Preview	Library Supplies	318.77
Awards Plus	Service Awards	186.30
Barmore's	Emp Banquet Supplies	177.73
Barrett-Housel-Grafton	WC Audit	140.00
Berntson Oil	Diesel	20.50
Bill's Farm & Ranch Services	Safety Boots	86.00
Book Farm Inc., The	Library Supplies	592.43
C.B.S.A.	Employee Medical Claims	1,760.92
Cash-Wa Distributing	Food & Supplies	586.15
Central Garage Fund	Labor/Parts/Oil/Tires	3,143.80

Clark Enersen Partners, The	Professional Svc	1,588.52
D&M Security	Police Connection	84.00
Dawson County Clerk	Bal Oct/Nov/Dec	2,505.42
Dawson County Sheriff	Matching/CODE Officer	785.21
Dawson County Treasurer	Property/Drainage Tax	184.97
Demco	Library Supplies	46.38
Doran Post & Associates	Notary/Metzger	30.00
Eakes Office Products	Office Supplies	30.99
Egan Supply Company	Cleaning Supplies	176.10
Eiler's Machine & Welding	Central Garage Supplies	27.00
Electric Fixture	Electrical Supplies	21.27
Elf Hydraulic Repair	Central Garage Supplies	108.27
Epperly, Dick	Router Bits	25.00
Follett Software Co	Service Agreement	180.00
Gale Group, The	Library Supplies	53.88
General Binding Corp	Library Supplies	84.75
Gerken, Ron	Electric Rebate	800.00
Gillette Dairy	Dairy	317.53
Grayek, Larry	Electric Rebate	580.00
Halsen Products Co.	Street Supplies	74.44
Hipp Wholesale Foods, Inc	Food & Supplies	659.77
Ingram Library Services	Library Supplies	64.42
KN Energy	Gas Svc	2,694.97
Ladwig, Bill	Electric Rebate	1,150.00
Landmark Audiobooks	Library Supplies	5.00
Latina	Library Supplies	17.00
Lex Area Solid Waste Agency	Construction Waste	190.44
Lexington Newspapers Inc	Publications	254.42
Lexington Postmaster	Box Rental Fees	370.00
Lexington Public Library	Replenish Petty Cash	31.46
Lexington True Value	Misc Supplies	35.58
LEX CITY PAYROLL ACCT	WAGES	77,562.50
SOCIAL SECURITY	SOC SEC(EMPLR PORT)	5,844.78
FIRST NATIONAL BANK	EMP PENS(EMPLR PORT)	2,434.03
AMERICAN FUNDS	PLC PENS(EMPLR PORT)	1,051.91
I.C.M.A.	EMP PENS(EMPLR PORT)	180.00
McCandless, Don	Electric Rebate	1,150.00
Mead/Big Valley Lumber	Misc Supplies	160.65
Mid-States Units	Park Unit Rental	4,150.00
Midwest Laboratories	Sludge Study	148.49
Miller & Associates	Adams St Viaduct Svc	14,100.00
Misko Sporting Goods	Whistles	23.00
Mr. Automotive	Central Garage Supplies	25.10
Nebraska Secretary of State	Notary Bond/Metzger	30.00
Nebraskaland Conf of Bldg Insps	Registration	150.00
Nebraskaland Tire	Tires	72.71
Neopost	Postage	1,500.00
Olsson Associates	Electric Studies	9,236.55
Overton Community Center	Rent	100.00
Oxford University Press Inc	Library Supplies	142.79
Patty's Hallmark	Misc Office Supplies	45.08
Paulsen, Inc	Concrete	61.24
Plum Creek Motors	Central Garage Supplies	18.53
Precision Industries	Central Garage Supplies	29.81
Quill Corp	Misc Office Supplies	60.29
Qwest	Repair Svc Wire	95.30

Recorded Books	Library Supplies	7.55
Reiman Publications	Library Supplies	29.98
S&W Auto Parts	Central Garage Supplies	1,007.28
Spring Creek Embroidery Works	Jackets Logo	48.00
Subway of Lexington	Meals	36.10
Sunmart #763	Food & Supplies	83.53
T.L. Sund Constructors	Storm Sewer/Van Buren	9,730.80
T.O. Haas Tire Co.	Tires	198.00
Taste of Home	Library Supplies	28.94
U.S. Dept of Treasury	Pension Plan Applications	1,400.00
Veteran's Club	Meals/Emp Banquet	1,656.25
Wal-Mart	Misc Supplies	287.98
Wesco Distribution Inc	Electrical Supplies	2,243.53
Wescoat, Patrick	Electric Rebate	150.00
World Book Inc	Library Supplies	697.00
Berntson Oil	Unleaded/Diesel	1,690.84
Block, Brent	CPR Class	33.50
C.B.S.A.	Employee Medical	1,173.77
Dan's Sanitation	Sanitation Chgs	20,600.64
Dawson County Sheriff	Summons Svc	15.00
Eiler's Machine & Welding	Channel Iron	394.40
Electric Fixture	Electric Supplies	486.47
Farmer Brothers Coffee	Coffee Paks	95.34
Fransyl Equipment	Electric Truck Repairs	11,879.85
Gall's Inc	Police Uniform	136.98
Gateway Companies	Computers	8,696.00
Gillette Dairy	Dairy	32.07
Hach Company	WWTP Supplies	128.50
Hipp Wholesale Foods, Inc.	Food & Supplies	1,034.57
Insurance & Personnel Service	Employee 125 Acct	972.91
League of Nebraska Municipalities	Conf Registration	100.00
Lexington Newspapers	Publications	264.76
Lexington, City of	Franchise Fees	20,550.11
Lexus	Utility Billing	3,367.69
Mead/Big Valley Lumber	Misc Supplies	449.06
Municipal Supply	Street Supplies	1,038.99
Nebraska Softball Association	Tournament Bids	70.00
Petty Cash Fund	Replenish Petty Cash	76.00
Service Master Mid Nebraska	Carpet Cleaning	48.00
Wesco Distribution	Electric Supplies	227.80
	TOTAL CLAIMS	229,780.12

**ELECTRIC RATE
EVALUATION:**

Ken Fairchild representing Olsson Associates addressed the City Council presented a broad overview of the Municipal Electric Rates, which includes a significant increase from NPPD, in January 2002. Following Mr. Fairchild's presentation, moved by Klamm, seconded by Salem, to approve Resolution Number 01-21 as presented. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

RESOLUTION NO. 01-21

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, 2002, to be reflected on billings received during the month of February, 2002. That all other electric rates previously established shall remain unchanged.

Summer Rate: Effective May through September;
 Winter rate: Effective October through April;

Residential – Basic:	Summer	Winter
First 100 kWh @ \$/kWh	\$0.1236	\$0.1230
Next 400 kWh @ \$/kWh	\$0.0890	\$0.0764
Over 500 kWh @ \$/kWh	\$0.0484	\$0.0338
Minimum Bill--\$5.80		

Residential – All Electric:	Summer	Winter
First 100 kWh @ \$/kWh	\$0.1183	\$0.1236
Next 400 kWh @ \$/kWh	\$0.0890	\$0.0735
Over 500 kWh @ \$/kWh	\$0.0484	\$0.0312
Minimum Bill--\$5.80		

Commercial – Small	Summer	Winter
First 100 kWh @ \$/kWh	\$0.1625	\$0.1578
Next 400 kWh @ \$/kWh	\$0.0991	\$0.0962
Next 500 kWh, per kWh	\$0.0935	\$0.0908
Over 1000 kWh @ \$/kWh	\$0.0534	\$0.0519
Minimum Bill - \$5.80		

Commercial – Heat:	Summer	Winter
First 500 kWh @ \$/kWh	\$0.1481	\$0.1211
Next 500 kWh @ \$/kWh	\$0.0902	\$0.0638
Next 4000 kWh @ \$/kWh	\$0.0868	\$0.0389
Over 5000 kWh @ \$/kWh	\$0.0512	\$0.0319
Minimum Bill -	\$5.80	\$16.30

Commercial – Large:	Summer	Winter
Base Charge per Month	\$14.10	\$14.10
Plus Demand Charge per kW	\$9.36	\$9.09
Plus Energy Charge per kWh	\$0.0284	\$0.0276

Minimum bill shall be \$8.2 per kW for 65% of highest demand during the summer period, but less than \$60.00 per month.

Industrial – Non-Interruptible:	Summer	Winter
Base Charge per Month	\$41.20	\$41.20
Plus Demand Charge per kW	\$8.93	\$8.44
Plus Energy Charge per kWh	\$0.0263	\$0.0251

Minimum Bill shall be \$8.25 per kW for 65% of highest demand during the summer period, but less than \$60.00 per month.

Irrigation – Non-Interruptible:	
Horsepower Charge, per HP	\$41.51
Plus All kWh, per kWh	\$0.0422

Yard Lights:	Metered	Unmetered
175 watt, Mercury Vapor	\$5.70	\$7.10
250 watt, Mercury Vapor	\$6.30	\$7.60
400 watt, Mercury Vapor	\$7.40	\$9.00
175 watt, HP Sodium Vapor	\$5.70	\$7.10
250 watt, HP Sodium Vapor	\$6.30	\$7.60
400 watt, HP Sodium Vapor	\$7.40	\$9.00
High Tension service (HTS1)	Summer	Winter
Demand Charge per kW	\$13.89	\$10.15
Plus the energy Charge of:		
All kWh's @ \$/kWh	\$0.01729	\$0.01624

Power Factor penalty applies for a power factor less than 90%.

Municipal Street Lights:
Base Charge per Month \$1,900.00
Plus All kWh, per kWh \$0.0361

Municipal Power & Light:
Charge per Month per meter \$9.00
Plus All kWh, per kWh \$0.0375

PASSED AND APPROVED this 21st day of December, 2001.

CITY OF LEXINGTON, NEBRASKA

President of Council

ATTEST:

Deputy City Clerk

ELECTRIC SYSTEM STUDY:

Ken Fairchild representing Olsson Associates, addressed the City Council, presenting them with the results of the Electrical Distribution System Study conducted for the City of Lexington. Following Mr. Fairchild's presentation, no action was taken.

NPPD OCB PURCHASE:

Peplitsch addressed the City Council requesting approval of a proposal from NPPD for purchase of Oil Circuit Breakers at the East Lexington and Westminster Substations. Following discussion, moved by Klamm, seconded by Tomasek, to approve the purchase of OCB's by NPPD, at the East Lexington and Westminster Substations, in the amount of \$93,284. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

AMEND CITY CODE:

City Attorney Willard Weinhold addressed the City Council requesting their consideration in amending Section 5-3 of the Lexington City Code regarding Dog At Large Penalties. Following discussion, an Ordinance entitled "AN ORDINANCE TO AMEND SECTION 5-3 OF THE LEXINGTON CITY CODE; TO ELIMINATE SPECIFIC PENALTY PROVISIONS; TO REPEAL ORIGINAL SECTION 5-3, 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 read before Council. Moved by Klamm, seconded by Salem, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting “aye” were Tomasek, Cook, Salem, Klamm, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Salem to adopt Ordinance Number 2150 on Final Reading. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

APPOINTMENTS:

Mayor Fagot addressed the City Council stating that Dick Haines has resigned from his position on the Housing Authority, and is requesting nominations for a replacement. Following Mayor Fagot’s request, Deputy City Clerk Shirley Lewis read the list of recommended appointments for the following Boards and Commissions:

Board of Adjustment – Margaret Nielsen, Deb Stuchlik, Larry Williams

Civil Service – Donna Soflin

Community Redevelopment Authority – Wes Lubberstedt

Board of Health – Mayor: John Fagot, City Manager: Joe Pepptlitsch, Chief of Police: Charles Clark, City Physician: Dr. Acosta-Carlson, Environmental Health Officer: Thomas R. Nelson

Library Board – Sally Margritz, Marilyn Hersh

Planning Commission – Steve Smith, Jim Macias, Nova Workman

Tree Board – Alvin Zimmerman, Darrell Bliven

Moved by Klamm, seconded by Tomasek, to accept and ratify the nominations for the Boards and Commissions. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

APPOINTMENT OF CITY OFFICIALS:

An Ordinance entitled “AN ORDINANCE APPOINTING CITY OFFICIALS: TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was read before the Council. Moved by Salem, seconded by Klamm, to suspend the rules requiring the reading of said Ordinance on three separate days. Roll call. Voting “aye” were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Tomasek, to approve Ordinance Number 2151 on Final Reading, and that the following people be appointed as City Officials: Joe Pepptlitsch – City Clerk, Willard Weinhold – City Attorney, Reed Miller of the Engineering Firm of Miller and Associates – City Engineer, Dr. Francisca Acosta-Carlson – City Physician. Roll call. Voting “aye” were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

FINANCIAL REPORT:

Pepptlitsch presented the City Council with the Financial Report for October, 2001. Following discussion, moved by Klamm, seconded by

Salem to accept the Financial Report for October, 2001. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

ROUNDTABLE:

Councilman Rick Klamm welcomed Jake Zlatkowsky to the Council Meeting. Jake is a Boy Scout and attended the Meeting as a requirement for a Badge.

ADJOURNMENT:

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

John Fagot
Mayor

Shirley Lewis
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.

Lexington Deputy City Clerk