

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 28, 2000 at the Lexington Municipal Building, 406 East 7th Street, Lexington, Nebraska at 7:30 p.m. Members of the Council present were Mayor John Fagot, Neal Kohl, John Wightman, Rick Klamm, Ted Cook. City Officials present were City Clerk Leon E. Malzahn, City Attorney Willard Weinhold, City Manager Vance Bricker. Department Heads present were Assistant City Manager Joe Peplitsch, Charles Clark, and Barb Mills. Also present was Bob Blankenship representing Miller and Associates. Citizens in attendance were Kermit and Glenda Debban, Dale Mooberry, Mike Schulte, DeEtta Hartman, Ken Fairchild representing Olsson and Associates, Marilyn Sabin, Lori Weston, Rudolph Pensky, Chuck Mooberry, Verlie Welliver, Juan Lazo, Pat Samway, and other citizens with items of interest on the Agenda. The Press was represented by the Clipper-Herald, KRVN, Tri-City Tribune, and the Kearney Hub.

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.

MINUTES – REGULAR MEETING – 3-14-00: Minutes of the Regular Meeting held Tuesday, March 14, 2000 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Wightman, to approve the minutes of the Regular Meeting held March 14, 2000 as presented. Roll call. Voting “aye” were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$277,132.84 was presented for Council’s consideration and approval. Upon review of the claims and bills as listed, moved by Wightman, seconded by Klamm, to approve the claims and bills as listed, and authorize the City Treasurer to transfer \$112,767.18 from the General Fund, \$9,600.00 from Ed Reuse Fund, \$99,516.02 from LEXUS Fund, \$19,710.50 from City Sanitation Fund, \$11,076.59 from Landfill Fund, \$137.83 from Library Memorial Fund, \$17,676.43 from Health Fund, \$6,648.29 from Meals on Wheels, to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried.

CITY OF LEXINGTON
ACCOUNTS PAYABLE
MARCH 28, 2000 COUNCIL

AFLAC	CANCER PREMIUM	704.18
ALLTEL	CELLULAR CHARGES	105.32
AXIS CAPITAL	MAIL MACHINE	283.31
BARMORE DRUG	SUPPLIES	235.69
BARET-HOUSEL-GRFTN	ADDITIONS TO VEHICLE POLICY	160.00
BERNTSON OIL	DIESEL AND GREASE	3,269.30
BISHOP, PETE	MNPP ANNUAL CONF REIMBURSEMENT	81.56
BILL'S FRM & RNCH SVCS	GRASS SEED	160.00
BURR, HOWARD	SUPPLIES	45.00
CD EXPRESS	AWARDS BANQUET 2001 DEPOSIT	50.00

CASH-WA	FOOD AND SUPPLIES	2,068.93
CNTR POINT PUBLISHING	BOOKS	137.83
CENTRAL GARAGE	VEHICLE MAINTAINENCE	3,165.04
COAST TO COAST	MISC. SUPPLIES	7.38
COBALT DEVPMENT INC	CDBG REUSE PROJECT	9,600.00
COMPTR GAMING WORLD	YEARLY SUBSCRIPTION	24.97
CNSMR RPTS ON HEALTH	YEARLY SUBSCRIPTION	24.00
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	14,651.19
D-5 INC	SUPPLIES	119.48
D & R COMPUTING	PRINTER SERVICE	25.00
DANKO EMERG EQUIP	SUPPLIES	91.54
EGAN SUPPLY COMPANY	SUPPLIES	47.95
EILERS MACH & WELDING	SUPPLIES	21.75
ELECTRIC FIXTURE	ELECTRICAL SUPPLIES	1,666.29
FAIRBANKS INT, INC.	PARTS	35.82
FAGOT REFRIG & ELEC	SERVICE CALL/SUPPLIES	71.45
FRANSYL EQUIP CO.	SUPPLIES	25.88
FYR-TEK	EXTINGUISHER	7.99
GEOSTATE ENVIRON LLC	STATISTICAL ANALYSIS/LANDFILL	2,000.00
GILLETTE/NE DAIRIES INC	DAIRY PRODUCTS	262.95
GROLIER PUBLISHING INC	BOOKS	342.20
T.O. HAAS TIRE CO INC	REPAIR/SUPPLIES	135.50
HIPP WHLESALE FDS INC	GROCERIES/SUPPLIES	1,003.95
HOLIDAY INN	CLERK SCHOOL LODGING	349.45
HUSKER AG SALES	SUPPLIES	252.59
HUTCHESON ENG PROD	CHART PAPER	50.31
IIMC	ANNUAL MEMBERSHIP	80.00
INGRAM LIBRARY SRVCS	LIBRARY BOOKS	293.40
INTERN CITY/COUNTY	NEWSLETTER AD/CITY MGR	98.90
INVENTORY TRADING CO	CITY SHIRTS	35.50
JOHN DAY COMPANY	SUPPLIES	345.08
KAPCO	LIBRARY SUPPLIES	63.26
KEEP LEX BEAUTIFUL	ANNUAL MEMBERSHIP	125.00
KIEFER AND ASSOCIATES	SUPPLIES	134.00
LEAGUE OF NE MUNIC	CONFERENCE FEES	2,034.00
LEX PAYROLL ACCT.	PAYROLL FOR 3/23/00	74,431.60
SOCIAL SECURITY	SOC SEC(EMPLOYER PORTION)	5,614.27
FIRST NATIONAL BANK	EMP PENSION(EMPLOYER PORT)	2,314.37
AMERICAN FUNDS	POLICE PENSION(EMPLOYER PORT)	1,083.09
I.C.M.A.	EMP PENSION(EMPLOYER PORT)	99.70
LASWA	SOLID WASTE	50.76
LEXINGTON COOP	CAR WASHES	346.55
LEX PUBLIC LIBRARY	REPLENISH PETTY CASH	31.26
LEX NEWSPAPERS INC	PUBLICATIONS	279.36
LEXUS	UTILITY BILLING	17,243.35
LIEHS, WESLEY	LAND LEASE-15 ACRES	2,250.00
MARTIN ELECTRIC	SUPPLIES	57.00
MEAD/BIG VALLEY LMBR	LUMBER AND SUPPLIES	120.53
MIDWAY SUPPLY	SUPPLIES	14.75
MILLER & ASSOCIATES	PROFESSIONAL SERVICES	60,701.59
MPLA NEWSLETTER	YEARLY SUBSCRIPTION	28.00
MUNICIPAL SUPPLY	METER AND COVER	8,727.12
NE LIBRARY ASSOC	REGISTRATION FEE	20.00
NTHRN TOOL & EQUIP CO	SUPPLIES	274.85
OLD DOMINION BRUSH	SUPPLIES	226.08
OVERTON COMM CNTR	RENT FOR MOW	100.00

PAULSEN INC.	CONCRETE	660.39
PATTY'S HALLMARK	OFFICE SUPPLIES	399.56
PHTGRAPHY BY DEEANN	EMP OF YR PHOTO	69.23
QUAL STRS (CNTRY GEN)	SUPPLIES	241.80
SKARSHAUG TESTING	GLOVES	47.55
STEVE'S LOCK & KEY	KEYS	5.00
S & W PARTS, INC.	PARTS	546.33
US POSTAL SERVICE	POSTAGE	2,250.00
U-SAVE FDS (6TH STRT)	GROCERIES	18.45
VIKING OFFICE PROD	SUPPLIES	58.92
WAL-MART	MISC. SUPPLIES	299.29
WESCO DISTRIB INC.	CROSSARMS AND BRACKETS	2,575.80
ALLTEL	CELLULAR CHARGES	19.65
BRICKER, VANCE	REIMBURSEMENT FOR LINCOLN MTG	125.40
CBSA	EMPLOYEE MEDICAL BENEFITS	1,004.03
DAN'S SANITATION	SOLID WASTE SERVICE-BALANCE	19,710.50
EILERS MACH & WELDING	LABOR/SHIMS	32.00
ELEC FIXTURE & SUPPLY	ELECTRIC SUPPLIES	110.03
FARWEST LINE SPECLTS	LINEMAN WORK BOOTS/ROTH	239.73
FYR-TEK	EQUIPMENT	387.81
GLOBAL COMP SUPPLIES	HP DESKJET PRINTER/ADMIN ASST	422.09
INS & PERSONNEL SRVC	EMPLOYEE 125 ACCT	1,317.03
LEX POSTMASTER	STAMPS	66.00
LEX NEWSPAPERS INC	PUBLICATION OF MEETINGS	288.05
LEXUS	TREE BOARD/POSTAGE	22.40
CITY OF LEXINGTON	FRANCHISE FEE	23,199.88
LUTHER, ANN	REIMBURSEMENT /NCAAA MTG	47.80
MILLER & ASSOCIATES	WELLS 17 & 18 REVIEW FEE	1,100.00
MULLENDORE, ROBERT	SCADA SYS-REMOTE PRINTER ADD	1,815.64
NE MUNIC POWER POOL	ANNUAL MTG/BISHOP	100.00
PETTY CASH FUND	REIMBURSEMENT	77.64
WESCO DISTRIB INC	FIXTURE W/BALLAST	1,367.67
	TOTAL CLAIMS	277,132.84

CITIZENS COMMENTS:

During the Citizens Comments, Lori Weston, addressed the Council, speaking against the Ordinance for Sunday Liquor, and other projects where she felt the City Council and various Boards, were acting unfairly.

At this time, Item Number Nine, the Electric Rate Study, was considered.

ELECTRIC RATE STUDY REPORT:

Mr. Ken Fairchild, representing Olsson and Associates presented his report to the Council explaining various methods used to determine rates which would produce adequate revenue for operations and replacement of facilities in the Electric Department.. Upon the conclusion of his report, no further action was taken.

SUNDAY LIQUOR REQUEST:

An Ordinance entitled "AN ORDINANCE TO AMEND SECTION 3-6 OF THE LEXINGTON CITY CODE; TO PROVIDE FOR SUNDAY SALES OF ALCOHOLIC LIQUIR FOR CONSUMPTION ON THE PREMISES; TO REPEAL ORIGINAL SECTION 3-6, 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 the Council. Speaking on behalf of the passage of the Ordinance, was Greg Lauby who represented owners of establishments with on-sale Liquor Licenses. Also

speaking against this Ordinance was the Pastor of the United Methodist Church. Upon completion of the citizens comments part of this item, moved by Klamm, seconded by Kohl, that said Ordinance be passed on third reading. Roll call. Voting "aye" were Cook, Kohl, Klamm, Fagot. Voting "nay" was Wightman. Motion carried. The passage and adoption of said Ordinance No. 2122 having been concurred with by a majority of all members elected to the Council, was by the Mayor declared passed and adopted, and the Mayor, in the presence of the Council, signed and approved said Ordinance No. 2122, and the Clerk attested the passage and approval of the same and affixed the seal of the City thereto.

Leon E. Malzahn, City Clerk
Lexington, Nebraska

ZONING ORDINANCE:

An Ordinance entitled "AN ORDINANCE TO AMEND SECTIONS 28-9, 28-10.2, 28-10.5, 28-10.8, 28-11.2, 28-11.7, 28-12.2, 28-12.4, 28-12.8, 28-13.2, 28-13.4, 28-13.8, 28-14.2, 28-14.5, 28-14.9, 28-15.2, 28-15.5, 28-15.9, 28-16.2, 28-16.9, 28-17 THROUGH 28-17.9, 28-18.2, 28-18.8, 28-19.2, 28-19.3, 28-20.3, 28-20.9, 28-21.3, 28-29.1, 28-31, 28-31.4, 28-37, AND 28-38.2, OF THE LEXINGTON CITY CODE; TO PROVIDE FOR CHANGES IN THE ZONING CODE; TO REPEAL ORIGINAL SECTIONS 28-9, 28-10.2, 28-10.5, 28-10.8, 28-11.2, 28-11.7, 28-12.2, 28-12.4, 28-12.8, 28-13.2, 28-13.4, 28-13.8, 28-14.2, 28-14.5, 28-14.9, 28-15.2, 28-15.5, 28-15.9, 28-16.2, 28-16.9, 28-17 through 28-17.9, 28-18.2, 28-18.8, 28-19.2, 28-19.3, 28-20.3, 28-20.9, 28-21.3, 28-29.1, 28-31, 28-31.4, 28-37, and 28-38.2, AND ALL OTHER ORDINANCES OR SECTIONS OR ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before the Council. Moved by Klamm, seconded by Wightman, that said Ordinance be passed on second reading. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried.

**ECONOMIC
DEVELOPMENT
ORDINANCE:**

An Ordinance entitled "AN ORDINANCE ESTABLISHING AN ECONOMIC DEVELOPMENT PROGRAM; TO CREATE A CITIZENS ADVISORY REVIEW COMMITTEE; TO DESIGNATE A MUNICIPAL OFFICIAL AS PROGRAM ADMINISTRATOR; TO PROVIDE FOR MEETINGS OF THE CITIZENS ADVISORY REVIEW COMMITTEE; TO PROVIDE FOR AMENDMENT OF THE ORDINANCE; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before the Council. Moved by Wightman, seconded by Klamm, that the rules requiring the reading of said Ordinance on three separate days be suspended. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot. Motion carried. Said Ordinance was then read by title. Moved by Wightman, seconded by Klamm, that Ordinance Number 2123 be passed on final reading. Roll call. Voting "aye" were Cook, Kohl, Klamm, Wightman, Fagot. Motion carried. The passage and adoption of said Ordinance No. 2123 having been concurred with by a majority of all members elected to the Council, was by the Mayor declared passed and adopted, and the Mayor, in the presence of the Council, signed and approved said Ordinance No. 2123, and the Clerk attested the passage and approval of the same and affixed the seal of the City thereto.

Leon E. Malzahn, City Clerk
Lexington, Nebraska

DAD REPORT:

DeEtta Hartman presented the Dawson Area Development presented their Semi-Annual Report to the Lexington City Council. Her report included the effects the

census may have on the City of Lexington, and Dawson County. She further reviewed contacts that had been made, and possibilities of industries moving to Dawson County. No further action was taken.

**ELECTRIC RATE
RESOLUTION:**

Upon the reading of the following Resolution, moved by Klamm, seconded by Wightman, that said resolution be passed. Roll call. Voting "aye" were Kohl, Cook, Wightman, Klamm, Fagot.

RESOLUTION NO. 99-06

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 April 1, 2000, to be reflected on billings received during the month of May, 2000. That all other electric rates previously established shall remain unchanged.

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

Residential – Basic & Large:	Summer	Winter
First 100 kWh @ \$/kWh	\$0.1166	\$0.1160
Next 400 kWh @ \$/kWh	\$0.0840	\$0.0721
Over 500 kWh @ \$/kWh	\$0.0457	\$0.0319
Minimum Bill	\$5.50	\$5.50

Residential – All Electric:	Summer	Winter
First 100 kWh @ \$/kWh	\$0.1166	\$0.1166
Next 400 kWh @ \$/kWh	\$0.0840	\$0.0693
Over 500 kWh @ \$/kWh	\$0.0457	\$0.0294
Minimum Bill	\$5.50	\$5.50

Business – Small	Summer	Winter
First 100 kWh @ \$/kWh	\$0.1533	\$0.1489
Next 400 kWh @ \$/kWh	\$0.0935	\$0.0908
Next 500 kWh, per kWh	\$0.0882	\$0.0857
Over 1000 kWh @ \$/kWh	\$0.0504	\$0.0490
Minimum Bill	\$5.50	\$5.50

Commercial – Heat:	Summer	Winter
First 500 kWh @ \$/kWh	\$0.1397	\$0.1142
Next 500 kWh @ \$/kWh	\$0.0851	\$0.0602
Next 4000 kWh @ \$/kWh	\$0.0819	\$0.0367
Over 5000 kWh @ \$/kWh	\$0.0483	\$0.0301
Minimum Bill	\$5.50	\$16.10

Commercial – Large:	Summer	Winter
Base Charge per Month	\$13.30	\$13.30
Plus Demand Chg per kW	\$8.83	\$8.58
Plus Energy Chg per kWh	\$0.0268	\$0.0260

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	\$38.90	\$38.90
Plus Demand Chg per kW	\$8.42	\$7.96
Plus Energy Chg per kWh	\$0.0248	\$0.0237

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

Industrial – Interruptible:	Summer	Winter
Demand Charge per kW	\$6.80	
Plus All kWh, per kWh	\$0.0248	\$0.0541

Irrigation – Non-Interruptible:	
Horsepower Charge, per HP	\$39.16
Plus All kWh, per kWh	\$0.0398

Yard Lights:	Metered	Unmetered
175 watt, Mercury Vapor	\$5.40	\$6.70
250 watt, Mercury Vapor	\$5.90	\$7.20
400 watt, Mercury Vapor	\$7.00	\$8.50
175 watt, HP Sodium Vapor	\$5.40	\$6.70
250 watt, HP Sodium Vapor	\$5.90	\$7.20
400 watt, HP Sodium Vapor	\$7.00	\$8.50

High Tension service (HTS1)	Summer	Winter
Demand Charge per kW	\$13.28	\$9.34
Plus the energy Charge of:		
All kWh's @ \$/kWh	\$0.0176	\$0.0148

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

Municipal Street Lights:	
Base Charge per Month	\$1,790.00
Plus All kWh, per kWh	\$0.0341

Municipal Power & Light:	
Charge per Month per meter	\$8.50
Plus All kWh, per kWh	\$0.0354

Production Cost Adjustment:

When the P.C.A. is charged to the City of Lexington by N.P.P.D., the rate per kWh shall be multiplied by a factor of 1.10 for billings to customers of the City of Lexington.

When the P.C.A. is refunded to the City of Lexington by N.P.P.D., the rate per kWh shall be multiplied by a factor of .90 for refunds to customers of the City of Lexington.

PASSED AND APPROVED this 28th day of March, 2000.

CITY OF LEXINGTON, NEBRASKA

John Fagot
President of Council

ATTEST:
Leon E. Malzahn
City Clerk

FINANCIAL REPORT:

Lexington City Council received the Financial Report for February, 2000 from Barb Mills. Hearing no objections to this report, moved by Klamm, seconded by Wightman, to accept the Financial Report for February, 2000. Roll call. Voting "aye" were Cook, Kohl, Wightman, Klamm, Fagot. Motion carried.

**WASTE HAULERS
RATE INCREASE:**

Council person Ted Cook requested there be further information presented to either himself, or the City Council before an increase in the sanitation rates can be considered. No further action was taken.

EXECUTIVE SESSION:

Moved by Wightman, seconded by Klamm, to recess the Regular Session to Executive Session at 8:44 p.m. to discuss personnel and purchase of land. Roll call. Voting "aye" were Kohl, Cook, Klamm, Wightman, Fagot. Motion carried.

Moved by Klamm, seconded by Kohl, to reconvene Regular Session from Executive Session, at 9:50 p.m. Roll call. Voting "aye" were Wightman, Cook, Kohl, Klamm, Fagot. Motion carried.

ADJOURNMENT:

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

John Fagot
Mayor

Leon E. Malzahn
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.

Lexington City Clerk