

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was rescheduled and held Tuesday, February 11, 2003 at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 7:30 p.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 Peplitsch, 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 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 -** Minutes of the Regular Meeting that was held Monday, January 27, 2003 was presented for Council’s consideration and approval. Moved by Klamm, seconded by Salem, to approve the Minutes of the Regular Meeting held Monday, January 27, 2003 as presented. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

**CLAIMS AND BILLS:** Claims and Bills in the amount of \$1,191,108.93 was presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$316,462.74 from the General Fund, \$6.00 from Ed Reuse, \$748,832.14 from LEXUS, \$10,560.00 from City Sanitation \$2,000.00 from Landfill, \$35.10 from Library Memorial, \$103,410.34 from Health Fund, \$9,802.61 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Klamm, Cook, Tomasek, Salem, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
February 11, 2003

Access Data Corp	Software	1,500.00
All Points Cooperative	Tire Repair	12.00
Alltel	Cellular Charges	52.92
American Girl	Subscription	19.95
Ampride	Meals	24.98
AMS Corp	Bldg Repair	3,200.00
B&D Office Supply	Office Supplies	36.99
Barco Municipal Products	Locator	734.41
Berntson Oil	Fuel	2,684.56
Bob's Auto Repair	Repairs	635.51

Broadwing Telecommunications	Long Distance Phone	320.16
BSB Construction	Sewer Improvements	12,147.00
C.B.S.A.	Emp Med Claims/Refunds	73,804.57
C.B.S.A.	Premiums	11,564.32
Cash-Wa Distributing	Food & Supplies	703.75
Central Community College	CPR Classes	1,013.74
Central Garage Fund	Service/Supplies/Repairs	5,223.14
Champlin Tire Recycling Inc	Tire Recycling	222.50
Criticas	Subscription	39.95
Culligan Water Conditioning	Water Treatment	139.45
Dan's Sanitation	Sanitation Svc	11,925.08
Dawson County Clerk	Dispatch Fees	7,465.94
Dawson County Court	Appraisers-ROW	3,825.00
Dawson County Election Office	Special Election	1,279.70
Dawson County Register of Deeds	Filing Fees	78.00
Demco	Library Supplies	138.17
Eakes Office Products	Library Supplies	292.13
EDM Equipment Co	Central Garage Supplies	660.00
Eilers Machine & Welding	Service & Supplies	1,364.00
Election Systems & Software Inc	Special Election	1,310.87
Electric Fixture	Electric Supplies	3,603.20
Fagot Refrigeration & Electric	Repairs	683.36
Fagot, Anita	ROW Acquisition	43,450.00
Farmer Brothers Coffee	GGC Supplies	71.57
Fed Ex	Shipping	22.81
Five Point Bank	Copier Pymt	205.12
Furgo, Inc	Newspaper Ad	20.80
Fyr-Tek	Service Unit	503.79
Geostat Environmental LLC	Landfill Study	2,000.00
Gillette Dairy	Dairy	140.24
Great Plains One-Call Svc	Locates	30.66
Haines, Bill	CDL License	50.00
Harker's	Food & Supplies	487.70
Hipp Wholesale Foods	Food & Supplies	1,169.27
Holbein, Steve	Key	37.00
Hometown Leasing	Copier Pymt	544.60
Husker Ag Sales	Central Garage Supplies	121.53
Ingram Library Services	Library Supplies	81.83
Jensen, Deb	Conference	46.70
Jones Plumbing & Heating	WR Supplies	50.76
K&K Parts Co	Batteries	94.56
Kantola Productions	Videos	490.50
Kar Products	Central Garage Supplies	127.96
Keim, Bob	Remove Freon	165.00
Koen Book Distributor	Library Supplies	572.26
Kriz-Davis Co.	Electric Supplies	6,681.94
Leisure Arts	Subscription	20.91
Lex Area Chamber of Commerce	Banquet Tickets	140.00
Lexington Animal Clinic	Animal Care	466.00
Lex Area Solid Waste Agency	Waste Service	548.64
Lexington Glass Co	Window Replacement	178.00
Lexington Health Fund	Self-Funding	25,681.01
Lexington Newspapers Inc	Publications	165.85
Lexington Postmaster	Postage/GGC	150.00
Lexington Public Library	Replenish Petty Cash	67.50
Lexington Truck & Auto	Central Garage Supplies	20.00

Lexington True Value	Misc Supplies	68.33
Lexington Volunteer Fire Dept	Fire School	117.60
Lexington, City of	Monthly Chgs	47,712.02
Linweld	Oxygen	99.43
LEX CITY PAYROLL ACCT.	WAGES	78,835.82
SOCIAL SECURITY	SOC SEC(EMPLR PRTN)	5,921.79
FIRST NATIONAL BANK	EMP PNSN(EMPLR PRT)	2,634.89
AMERICAN FUNDS	PLC PNSN(EMPLR PRT)	1,068.54
I.C.M.A.	EMP PNSN(EMPLR PRT)	215.38
Matt Friend Truck Equipment	Central Garage Supplies	144.70
Matt Parrott and Sons	Office Supplies	115.01
Mead/Big Valley Lumber	Misc Supplies	506.67
Meridian Library System	Library Supplies	20.00
Mid-American Research Chemical	Office Supplies	7.59
Midwest Right of Way Svcs, Inc.	Relocation Svc	2,505.00
Miller & Associates	Anrbc Dsgn/Rtnr/Viaduct	68,322.25
Mr. Automotive	LVFD Supplies	23.41
Municipal Supply	Water Meter Pit	4,570.82
National Waterworks	Water Supplies	9,541.98
Nebraska Library Association	Conf Registration	24.00
Nebraska National Bank	Mail Machine Lease	361.56
Nebraska Public Power District	Power Service	477,021.86
Nebraska Safety Council	Videos	5.00
Nebraska Waste Handlers	Sludge Removal	2,847.00
Nebraska, State of	UCC Filing	6.00
Nelson, Margie	Cleaning Svc	500.00
Neopost	Postage/Rental	2,005.58
Newman Traffic Signs	Signs	55.68
Olsson Associates	Professional Svc	8,350.72
Orschlen	Misc Supplies	13.74
Overton Sand & Gravel	Fill Sand	60.00
Patty's Hallmark	Misc Office Supplies	74.18
Paulsen Inc	Concrete	416.51
People Books	Library Supplies	34.90
Pinnacle Bank	Loan Payoff	15,247.64
Platte Valley Auto Mart	Central Garage Supplies	31.54
Platte Valley Communications	Radio Repair/Maint	412.25
Plum Creek Auto Spa	Carwash	13.50
Plum Creek Cleaners	Laundry Svc	179.00
Plum Creek Motors	Central Garage Supplies	142.67
Precision Industries	Central Garage Supplies	74.97
Precision PC	Computer Replacement	11,700.00
Qwest	Phone Service	319.95
Reiber, Diane	Conf Expense	7.50
S&W Auto Parts	Misc Supplies	366.46
Seward, Randall	Cleaning	400.00
Skarshaug Testing	Clean Hose	52.50
Skiles, Kenneth	Conf Expense	7.50
Specialty Store Svc	Library Supplies	53.58
Summit Sports	Park Supplies	2,126.00
Sunmart #763	Food & Supplies	47.31
Tasc	125 Plan	140.00
Taste of Home	Library Supplies	23.90
TL Sund Constructors	ROW Acquisition	75.00
TO Haas Tire Co	Tire Repair	108.07
Tri-City Tribune	Advertising	78.00

Tri-County Hospital	Wellness/Fitness	290.00
Unique Books Inc	Library Supplies	1,462.08
Usher Pest Control	Pest Control	27.00
Utility Equipment	Water Supplies	487.97
Veetronix, Inc	Batteries	28.50
Wal-Mart	Misc Supplies	289.47
Ward Laboratories	Water Testing	52.00
Wesco Distribution Inc	Electrical Supplies	1,686.75
Willard Weinhold Law Office	Lawyer Services	2,399.15
Wolf, Tracy	Conf Expense	7.50
Aguilera, Antonio	Relocation Payment	47,888.06
Anderson Graphic, Inc.	Tournament Supplies	545.00
Aqua-Tronics, Inc.	Repair Expenses	164.49
Berntson Oil	Diesel/Fuel	485.00
Bischoff, John	Reimburse Expenses	9.49
Cash-Wa Distributing	Food Supplies	280.55
Central Garage Fund	Service/Repair	7,855.82
Chief Supply Corp.	Fire Dept Supplies	3,551.92
Cindy's Heavenly Cookies	Food Supplies	11.49
Contryman Associates, P.C.	Audit Services	27,000.00
Corp. Benefit Services of America	Claims	29,341.57
Dawson County Public Power	Power Service	1,939.23
Dawson County Treasurer	Vehicle Taxes	913.00
Fisher Scientific	Sewer Supplies	781.02
Gall's Inc.	Police Dept Supplies	28.48
Gillette Dairy	Food Supplies	212.88
Hach Co.	Testing Supplies	180.90
Harker's	Food Supplies	370.19
Health & Human Services	Permit Renewal	3.00
Kinder Morgan	Gas Service	5,186.23
Lexington True Value	Building Repair	4.32
Mead/Big Valley Lumber	Water Expenses	20.37
Mid-Nebraska Printing	Office Supplies	3.20
Nebraska Dept of Revenue	Jan-Sales Tax	32,482.77
Olsson Associates	EL Rate Study	7,584.27
Patty's Hallmark	Office Supplies	8.17
Petty Cash	Petty Cash Reimb	87.17
Platte Valley Laboratories	Testing Supplies	80.00
Rogers USA, Inc.	Park Supplies	4,720.39
Sanchez, Jose Manuel	Relocation Payment	20,459.38
Sav-a-lot Discount Foods	Food Supplies	37.42
SunSource	Central Garage Supplies	1,720.30
T.O. Haas Tire Co.	Central Garage Supplies	316.57
Underwood, James	Janitorial Services	100.00
W.P.C.I.	Drug Screening	54.20
Yerg, Darrell & Kathryn	Relocation Payment	12,798.50
Zimmerman, Kayleen	Reimburse Expenses	28.00
	<b>TOTAL CLAIMS</b>	<b>1,191,108.93</b>

**PUBLIC COMMENT SECTION:**

Boys Scouts Jason Dillard, and Fabian Andablo introduced themselves to the Council. Jason and Fabian are working toward obtaining new Badges.

Sara Chapman Gomez addressed the Council inquiring about the status of the recent dog incident. Mayor Fagot informed her that the incident is being investigated, and a report will be made to the Public.

**ORDINANCE:**

Discussion was held regarding an Ordinance directing the sale of property to T.L. Sund Constructors, Inc. An Ordinance entitled "AN ORDINANCE DIRECTING THE SALE OF THE SOUTHWEST QUARTER OF BLOCK 8, IN MACCOLL'S ADDITION TO THE TOWN OF PLUM CREEK, NOW CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; TO PROVIDE FOR PUBLICATION AND THE RIGHT OF REMONSTRANCE" was read before the Council. Moved by Klamm, seconded by Tomasek, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting "aye" were Salem, Tomasek, Klamm, Fagot. Voting "nay" was Cook. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Salem, to approve Ordinance No. 2166 on Final Reading. Roll call. Voting "aye" were Tomasek, Salem, Klamm, Fagot. Voting "nay" was Cook. Motion carried.

**ORDINANCE:**

Peplitsch addressed the City Council requesting an alley in Lexington, be vacated. Following discussion, an Ordinance entitled "AN ORDINANCE TO VACATE THE ORIGINALLY PLATTED ALLEY IN BLOCK 32, LEXINGTON HEIGHTS ADDITION TO THE CITY OF LEXINGTON; TO PROVIDE FOR REVERSION OF THE VACATED ALLEY TO ADJOINING PROPERTY OWNERS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was read before the Council. Moved by Klamm, seconded Salem, to suspend the rules requiring the reading of said ordinance on three separate days. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm, Fagot. Motion carried.

Said Ordinance was read by title. Moved by Klamm, seconded by Tomasek, to approve Ordinance No. 2167 on Final Reading. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**ELECTRIC RATE STUDY:**

Ken Fairchild, representing Olsson Associates, presented the results of an Electric Rate Study for the City of Lexington. Following Mr. Fairchild's presentation, no action was taken.

**RESOLUTION:**

Following discussion, the following Resolution was read, by title, to the Council. Moved by Salem, seconded by Klamm, to approve Resolution Number 03-02. Roll call. Voting "aye" were Tomasek, Cook, Klamm, Salem, Fagot. Motion carried.

RESOLUTION NO. 03-02

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 February 1, 2003, to be reflected on billings received during the month of March, 2003. That all other electric rates previously established shall remain unchanged.

<u>Residential – Basic:</u>	Summer <u>May 1-Sep 30</u>	Winter <u>Oct 1-Apr 30</u>
First 100 kWh @ \$/kWh	\$0.1306	\$0.1261
Next 400 kWh @ \$/kWh	\$0.0940	\$0.0783
Over 500 kWh @ \$/kWh	\$0.0511	\$0.0347
Minimum Bill	\$6.00	\$6.00

<u>Residential – All Electric:</u>	Summer <u>May 1-Sep 30</u>	Winter <u>Oct 1-Apr 30</u>
First 100 kWh @ \$/kWh	\$0.1250	\$0.1267
Next 400 kWh @ \$/kWh	\$0.0940	\$0.0754
Over 500 kWh @ \$/kWh	\$0.0511	\$0.0320
Minimum Bill	\$6.00	\$6.00

<u>Commercial – Small:</u>	Summer <u>May 1-Sep 30</u>	Winter <u>Oct 1-Apr 30</u>
First 100 kWh @ \$/kWh	\$0.1716	\$0.1618
Next 400 kWh @ \$/kWh	\$0.1047	\$0.0986
Next 500 kWh, per kWh	\$0.0988	\$0.0931
Over 1000 kWh @ \$/kWh	\$0.0564	\$0.0532
Minimum Bill	\$6.00	\$6.00

<u>Commercial – Heat:</u>	Summer <u>May 1-Sep 30</u>	Winter <u>Oct 1-Apr 30</u>
First 500 kWh @ \$/kWh	\$0.1564	\$0.1242
Next 500 kWh @ \$/kWh	\$0.0953	\$0.0654
Next 4000 kWh @ \$/kWh	\$0.0917	\$0.0399
Over 5000 kWh @ \$/kWh	\$0.0541	\$0.0327
Minimum Bill	\$6.00	\$17.00

<u>Commercial – Large:</u>	Summer <u>May 1-Sep 30</u>	Winter <u>Oct 1-Apr 30</u>
Base Charge per Month	\$14.70	\$14.70
Plus Demand Chg per kW	\$9.89	\$9.32
Plus Energy Chg per kWh	\$0.0300	\$0.0283

Minimum bill shall be \$9.00 per kW for 65% of highest demand during the summer period, but not less than \$60.00 per month.

<u>Industrial – Non-Interruptible:</u>	Summer <u>May 1-Sep 30</u>	Winter <u>Oct 1-Apr 30</u>
Base Charge per Month	\$42.80	\$42.80
Plus Demand Chg per kW	\$9.00	\$8.55
Plus Energy Chg per kWh	\$0.0290	\$0.0261

Minimum Bill shall be \$8.44 per kW for 65% of highest demand during the summer period, but not less than \$60.00 per month.

<u>Irrigation – Non-Interruptible:</u>	<u>All Year Rate</u>
Horsepower Charge, per HP	\$43.17
Plus All kWh, per kWh	\$0.0439

Seasonal Irrigation – Interruptible:

	<u>All Year Rate</u>
Horsepower Charge, per HP	\$27.34
Plus All kWh, per kWh	\$0.0406

Yard Lights:

	<u>Metered</u>	<u>Unmetered</u>
175 watt, Mercury Vapor	\$5.90	\$7.40
250 watt, Mercury Vapor	\$6.60	\$7.90
400 watt, Mercury Vapor	\$7.70	\$9.40
175 watt, HP Sodium Vapor	\$5.90	\$7.40
250 watt, HP Sodium Vapor	\$6.60	\$7.90
400 watt, HP Sodium Vapor	\$7.70	\$9.40

High Tension Service:

	<u>Summer</u>	<u>Winter</u>
	<u>Jun 1-Sep 30</u>	<u>Oct 1-May 31</u>
Demand Charge per kW	\$13.28	\$9.99
On-Peak kWh @\$/kWh	\$0.0274	\$0.0234
Mid-Peak kWh @\$/kWh	\$0.0219	\$0.0183
Off-Peak kWh @\$/kWh	\$0.0123	\$0.0112

Energy time periods are as follows:

Summer	On-Peak	Mon.-Sat. 1201-2000
	Mid-Peak	Mon.-Sat. 0801-1200 & 2001-2300
	Off-Peak	Sun. 1201-2000 All other Hours
Winter	On-Peak	Mon.-Sat. 0801-1100 & 1701-2200
	Mid-Peak	Mon.-Sat. 1101-1700
	Off-Peak	All other Hours

All hours on New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day shall be considered Off-Peak hours.

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

Municipal Street Lights:

	<u>All Year Rate</u>
Base Charge per Month	\$1,980.00
Plus All kWh, per kWh	\$0.0375

Municipal Power & Light:

	<u>All Year Rate</u>
Charge per Month per meter	\$9.40
Plus All kWh, per kWh	\$0.039

PASSED AND APPROVED this 11<sup>th</sup> day of February, 2003.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of Council

ATTEST:

Shirley Lewis, Deputy City Clerk

**TAFT STREET  
IMPROVEMENTS:**

Peplitsch addressed the City Council requesting their approval of plans and specifications for Taft Street Improvement Project and authorization to advertise for bids. Following discussion, moved by Klamm, seconded by Tomasek, to approve the plans and specifications for Taft Street Improvement Project, and authorize the advertisement of bids. Roll call. Voting "aye" were Cook, Salem, Tomasek, Klamm, Fagot. Motion carried.

**2002 AUDIT:**

Linda Erickson, representing Contryman's, addressed the City Council, presenting them with the Audit for Fiscal Year 2002. Following her presentation, moved by Klamm, seconded by Tomasek, to accept the annual Audit for Fiscal Year 2002. Roll call. Voting "aye" were Salem, Cook, Tomasek, Klamm, Fagot. Motion carried.

**ABSTRACT OF VOTES:**

Peplitsch addressed the City Council, presenting them with the Certification of Abstract of Votes for the City of Lexington Municipal Library Election, which states the following:

January 29, 2003

I, Donna M. Linn, duly elected and qualified Dawson County Clerk, do hereby certify the following abstract of votes for City of Lexington Municipal Library Election held January 28, 2003.

FOR: 341  
AGAINST: 527

Certified this 29<sup>th</sup> day of January, 2003

Donna M. Linn  
Dawson County Clerk

Following discussion, moved by Salem, seconded by Cook, to accept the Certification of Abstract of Votes for the City of Lexington Municipal Library Election, and make them a part of the official set of Minutes. Roll call. Voting "aye" were Klamm, Tomasek, Cook, Salem, Fagot. Motion carried.

**RESCHEDULE MEETING  
DATE:**

Following discussion, Council recommended keeping the Regular Meeting Date of February 25, 2003, rather than reschedule, due to other meeting conflicts. The Meeting Date shall remain February 25, 2003.

**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.

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Lexington Deputy City Clerk