

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, January 27, 2004 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 Vice-President Rick Klamm, Ted Cook, John Salem, Steve Tomasek. Mayor John Fagot was excused. City Officials present were City Manager Joe Pepplitsch, 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 Vice-President Klamm.

**MINUTES – REGULAR MEETING – 1-12-04:** Minutes of the Regular Meeting that was held Tuesday, January 12, 2004 was presented for Council’s consideration and approval. Moved by Salem, seconded by Tomasek, to approve the Minutes from the Regular Meeting held January 12, 2004 as presented. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$300,953.98 were 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 \$217,078.71 from the General Fund, \$5,651.68 from Housing Reuse, \$47,867.30 from LEXUS, \$3,658.00 from Landfill, \$21,393.73 from Health Fund, \$5,304.56 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
January 27, 2004

Access Data Corporation	Software Support	500.00
Aflac	Supplemental Insurance	1,025.50
Alltel	Phone Service	189.30
Awards Plus	Recognition	441.00
Baird, Holm, McEachen, Pedersen	Utility Bond Issue	6,607.50
Berntson Oil	Fuel/Diesel	3,227.98
Brown Traffic Products	Electrical Supplies	1,416.00
Card Center-Orscheln	Central Garage Supplies	39.98
Cash-Wa Distributing	Food & Supplies	1,154.76
C.B.S.A	Claims	20,368.23
Central Garage Fund	Labor/Parts/Oil	4,616.02
Certified Laboratories	Central Garage Supplies	847.28

Charter Communications	Internet Service	16.25
Cosmos Club	Donation/Clean-Up Prog.	300.00
Dan's Sanitation	Sanitation Service	593.00
Dawson County Public Power	Electrical Service	283.44
Dog Gone Dogs 4-H Club	Donation/Clean-Up Prog.	300.00
Eakes Office Products	Office Supplies	6.96
Electric Fixture	Electrical Supplies	875.22
EMS Billing Services, Inc.	Ambulance Charges	94.84
Environmental Direct, Inc.	Vat Removal/Scale House	1,387.00
Eustis Body Shop	Painting Services	1,037.90
Farmer Brothers Coffee	Coffee Supplies	115.43
Flowers of Joy	Office Supplies	31.95
Franzen, Kent or Diane	Repairs	366.73
Gempler's, Inc.	Sewer Supplies	84.40
Geostat Environmental, LLC	Landfill Analysis	2,000.00
Gillette Dairy	Dairy	318.18
Grand Island Independent, The	Library Supplies	156.00
Harker's	Food & Supplies	342.26
Hipp Wholesale Foods, Inc.	Food & Supplies	634.64
Hunt Cleaners, Inc.	Electrical Supplies	360.94
Ingram Library Services	Library Supplies	91.51
Job's Daughters	Donation/Clean-Up Prog.	300.00
John's Liquor & Video	Rental Services	236.00
Kar Products	Central Garage Supplies	175.04
Kinder Morgan	Gas Service	2,142.73
Knapp Electric	Water Supplies	252.54
Kriz-Davis Company	Electrical Service	796.31
League of Nebraska Municipalities	Midwinter Conference Exp	1,620.00
Lewis, Shirley	Office Supplies	146.75
Lexington Baseball Commission	Conc/Clean Rec Complex	1,400.00
Lexington Eagles Club	Donation/Clean-Up Prog	300.00
Lexington Girl Scout Troop #212	Donation/Clean-Up Prog	300.00
Lexington Newspaper, Inc.	Publications	1,646.42
Lexington Public Library	Refund Petty Cash	37.50
Lexington Swim Association	Support/Cleaning Services	1,000.00
Lexington Truck & Auto	Central Garage Supplies	117.50
Lexington True Value	Cemetery Supplies	34.74
Lion's Club	Donation/Clean-Up Prog	300.00
Lexington City Payroll Account	Wages	80,397.06
Social Security	Employer Port/FICA Med	6,032.57
First National Bank	Employer Portion/Pension	2,801.01
First National Bank	Police Pension	1,133.10
ICMA	City Manager Pension	224.00
McCooknet Internet Service	Spam & Virus Software	5.00
Mead/Big Valley Lumber	Misc Supplies	186.70
Mick's Platte Valley Glass	Glass Repair	30.00
Midwest Laboratories, Inc.	Landfill/Analysis	1,658.00
Miller & Associates	Adams Street Viaduct	131,280.75
Moore	Uniform Citations	473.02
Morton, Allyn	OOR/Construction	2,846.68
National Arbor Day Foundation	Membership	50.00
National Waterworks	Water Supplies	3,339.75
Nebraska Library Association	Membership	75.00
Nelson, Margie L.	Cleaning Services	40.00
Nelson, Thomas	Meeting Expense	81.00
Neopost	Postage	1,500.00

Outdoor Recreation Products	Bench	1,005.00
Overton Sand & Gravel	Rental	100.00
Pack-O-Fun	Library Supplies	34.97
Patty's Hallmark	Office Supplies	128.49
Peak Interest	Meeting Expense	41.97
Peplitsch, Joe	Meeting Expense	213.37
Platte Valley Auto Mart	Parts & Service	44.10
Plum Creek Motors	Parts	87.36
Precision Industries	Grease	49.80
S&W Auto Parts, Inc.	Parts & Supplies	1,010.43
Sav-A-Lot	Food & Supplies	13.25
Sulzman Construction	OOB/Construction	2,805.00
Sunmart	Food & Supplies	38.06
T.O. Haas Tire Co. Inc.	Truck Mounting/Repair	19.50
Veteran's Club	Awards Banquet	1,827.56
Wal-Mart	Misc Supplies	143.43
Wesco Distribution, Inc.	Electrical Supplies	191.96
Wilson, John & Denise Wilkins	Library Supplies	89.85
Winter Equipment Company	Central Garage Supplies	320.51
Aether Systems, Inc.	Office Supplies/Fire	104.00
Alltel	Phone Service	52.85
American Library Preview	Library Supplies	160.49
Barnes Distribution	Electric Supplies	407.45
Bennett Advertising Specialties	Advertising Supplies	786.23
Best Western Villager	Lodging	100.00
Blackburn Manufacturing	Flags	191.44
Card Center-Orscheln	Misc Supplies	41.92
CBSA	Medical Expenses	3,596.91
Certified Laboratories	Central Garage Supplies	157.58
Dan's Sanitation	Sanitation Services	21,499.98
Dawson County Election Office	Special Election Expense	1,257.25
Dawson County Handibus	Transportation	170.00
Dawson County Treasurer	Copier Prop Tax	35.78
Dugan Business Forms	Office Supplies	176.57
Dunrite Inc.	Sewer Supplies	76.23
Dutton-Lainson Co	Misc Supplies	111.91
Eakes Office Products	Library Supplies	139.37
Electric Fixture	Library Supplies	34.85
Fagot Electric	OOB/Construction	2,579.00
Gerken, Ron	OOB/Construction	5,414.46
Hinds Electric	OOB/Construction	1,561.40
Holiday, Don	Electric Rebate	125.00
Ingram Library Svc	Library Supplies	32.64
Island Supply Co	Street Sealer	2,412.00
Knapp Electric	Repairs	1,747.50
Koen Book Distributors	Library Supplies	15.66
Lex Area Chamber of Commerce	Annual Banquet	160.00
Lexington Newspapers	Publications	330.17
Lexington Public Library	Replenish Petty Cash	22.88
Lexington Public Schools	Registration	65.00
Lexington, City of	Franchise Fees	38,895.49
Lexus	Utility Billing	19,229.18
Mead Lumber	Misc Supplies	23.53
Med-Tech Resources	Medical Supplies	155.64
Michael Todd & Co	Misc Supplies	2,639.68
Mid-Am Research Chemical Corp	Sewer Supplies	108.60

Mid-Nebraska Printing	Copies	7.92
National Waterworks	Water Supplies	7,805.68
NE Dept of HHS Lab	Water Tests	160.00
Nebraska National Bank	Copier Property Tax	224.01
Neopost	Postage	500.00
Olsson Associates	Professional Services	5167.93
OMB Police Supply	Uniform Expenses	9.99
Patty's Hallmark	Office Supplies	205.23
Petty Cash Fund	Petty Cash	91.04
Platinum Plus for Business	Misc Supplies/Services	484.71
Recorded Books	Library Supplies	39.20
Reiman Publications	Subscription	29.98
S&W Auto Parts	Central Garage Supplies	16.00
Subway of Lexington	Meeting Expense	29.83
Wal-Mart	Misc Supplies	86.96
Winter Equipment Co	Central Garage Supplies	579.23
	<b>TOTAL:</b>	<b>421,010.33</b>

**APPOINTMENTS:**

Vice-President Klamm requested Council approve the reappointment of Penny Knapp to the Lexington Library Board. Following discussion, moved by Cook, seconded by Salem, to reappoint Penny Knapp to the Lexington Library Board. Roll call. Voting “aye” were Tomasek, Salem, Cook, Klamm. Motion carried.

**PUBLIC HEARING:**

Vice-President Klamm opened the Public Hearing. Lexington Wal-Mart Manager Mike Millican requested Council’s approval of a Class “D” Liquor License Application for the new Wal-Mart Supercenter. Following discussion, Vice-President Klamm closed the Public Hearing. Moved by Salem, seconded by Tomasek, to recommend approval of a Class “D” Liquor License Application for the Wal-Mart Supercenter, located at 200 Frontier Street, Lexington, NE 68850. Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm. Motion carried.

**PAY REQUEST:**

Pepplitsch requested Council’s approval of Pay Request No. 3 for the High Rate Anaerobic Process Equipment. Following discussion, moved by Tomasek, seconded by Salem, to approve Pay Request No. 3 for the High Rate Anaerobic Process Equipment, to Biothane Corporation, in the amount of \$61,003.65. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm. Motion carried.

**PAY REQUEST:**

Pepplitsch requested Council’s approval of Pay Request No. 4 for Phase I Improvements of the Lexington Wastewater Treatment Plant. Following discussion, moved by Tomasek, seconded by Salem, to approve Pay Request No. 4 for Phase I Improvements of the Wastewater Treatment Plant, to Eriksen Construction Company, in the amount of \$61,179.40. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm. Motion carried.

**PAY REQUEST:**

Pepplitsch requested Council’s approval of Pay Request No. 11 for Adams Street Viaduct Project. Following discussion, moved by Salem, seconded by Tomasek, to approve Pay Request No. 11 for the Adams Street Viaduct Project, to Paulsen, Inc., in the amount of \$76,317.19.

Roll call. Voting “aye” were Cook, Tomasek, Salem, Klamm. Motion carried.

**RESOLUTION:**

Pepplichtsch requested Council’s approval of a Resolution setting the electric rates effective February 1, 2004. The Resolution was read by title. Following discussion, moved by Tomasek, seconded by Salem, to approve Resolution No. 04-01 setting electric rates effective February 1, 2004. Roll call. Voting “aye” were Cook, Salem, Tomasek, Klamm. Motion carried.

RESOLUTION NO. 04-01

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, 2004, to be reflected on billings following such date. That all other electric rates previously established shall remain unchanged.

<u>Residential – Basic:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
First 100 kWh @ \$/kWh	\$0.1322	\$0.1296
Next 400 kWh @ \$/kWh	\$0.0959	\$0.0806
Over 500 kWh @ \$/kWh	\$0.0521	\$0.0521
Minimum Bill	\$6.20	\$6.20
 <u>Residential – All Electric:</u>	 Summer	 Winter
	 <u>May 1-Sep 30</u>	 <u>Oct 1-Apr 30</u>
First 100 kWh @ \$/kWh	\$0.1275	\$0.1304
Next 400 kWh @ \$/kWh	\$0.0959	\$0.0776
Over 500 kWh @ \$/kWh	\$0.0521	\$0.0329
Minimum Bill	\$6.20	\$6.20
 <u>Commercial – Small:</u>	 Summer	 Winter
	 <u>May 1-Sep 30</u>	 <u>Oct 1-Apr 30</u>
First 100 kWh @ \$/kWh	\$0.1750	\$0.1665
Next 400 kWh @ \$/kWh	\$0.1068	\$0.1015
Next 500 kWh, per kWh	\$0.1008	\$0.0958
Over 1000 kWh @ \$/kWh	\$0.0575	\$0.0547
Minimum Bill	\$6.20	\$6.50
 <u>Commercial – Heat:</u>	 Summer	 Winter
	 <u>May 1-Sep 30</u>	 <u>Oct 1-Apr 30</u>
First 500 kWh @ \$/kWh	\$0.1595	\$0.1278
Next 500 kWh @ \$/kWh	\$0.0972	\$0.0673
Next 4000 kWh @ \$/kWh	\$0.0935	\$0.0411
Over 5000 kWh @ \$/kWh	\$0.0552	\$0.0336
Minimum Bill	\$6.20	\$17.40

<u>Commercial – Large:</u>	Summer	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$15.00	\$15.00
Plus Demand Charge per Kw	\$9.97	\$9.50
Plus Energy Charge per kWh	\$0.0313	\$0.0295

Minimum bill shall be \$9.20 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	Winter
	<u>May 1-Sep 30</u>	<u>Oct 1-Apr 30</u>
Base Charge per Month	\$43.70	\$43.70
Plus Demand Charge per kW	\$9.07	\$8.71
Plus Energy Charge per kWh	\$0.0302	\$0.0272

Minimum Bill shall be \$8.60 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	\$47.06
Plus All kWh, per kWh	\$0.0479

<u>Seasonal Irrigation – Interruptible:</u>	<u>All Year Rate</u>
Horsepower Charge, per HP	\$29.80
Plus All kWh, per kWh	\$0.0443

<u>Yard Lights:</u>	<u>Metered</u>	<u>Unmetered</u>
175 watt, Mercury Vapor	\$6.00	\$7.60
250 watt, Mercury Vapor	\$6.80	\$8.10
400 watt, Mercury Vapor	\$7.90	\$9.60
175 watt, HP Sodium Vapor	\$6.00	\$7.60
250 watt, HP Sodium Vapor	\$6.80	\$8.10
400 watt, HP Sodium Vapor	\$7.90	\$9.60

<u>High Tension Service:</u>	Summer	Winter
	<u>Jun 1-Sep 30</u>	<u>Oct 1-May 31</u>
Demand Charge per kW	\$13.37	\$10.31
On-Peak kWh @\$/kWh	\$0.02870	\$0.02260
Off-Peak kWh @\$/kWh	\$0.01300	\$0.01150

Energy time periods are as follows:

Summer	On-Peak	Mon.-Sat. 1001-2200
	Off-Peak	All other Hours
Winter	On-Peak	Mon.-Sat. 0801-2200
	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	\$2,030.00
Plus All kWh, per kWh	\$0.0384

Municipal Power & Light:

	<u>All Year Rate</u>
Charge per Month per meter	\$9.60
Plus All kWh, per kWh	\$0.0400

PASSED AND APPROVED this 27<sup>th</sup> day of January, 2004.

CITY OF LEXINGTON, NEBRASKA

Rick Klamm, Vice-President of Council

ATTEST:

Shirley Lewis, Deputy City Clerk

**ORDINANCE:**

Peplitsch requested Council's approval of an Ordinance to regulate the presence of minors in licensed liquor establishments. Following discussion, moved by Cook, seconded by Tomasek, to table this item until the next regular meeting, and direct Counsel to draw up new draft of proposed Ordinance including items discussed. Roll call. Voting "aye" were Salem, Tomasek, Cook, Klamm. Motion carried.

**ABSTRACT OF VOTES:**

Peplitsch requested Council's acceptance of the Certification of Abstract of Votes for the City of Lexington's Municipal Library Election. Following discussion, moved by Cook, seconded by Tomasek, to accept the Certification of Abstract of Votes for the City of Lexington's Municipal Library Election. Roll call. Voting "aye" were Salem, Tomasek, Cook, Klamm. Motion carried.

**LIBRARY DEVELOPMENT PLANS:**

Due to the absence of Mayor Fagot, this item was tabled until the next regular City Council meeting date.

**FINANCIAL REPORT:**

Peplitsch requested Council's acceptance of the Financial Report for December, 2003. Following discussion, moved by Salem, seconded by Tomasek, to accept the Financial Report for December, 2003. Roll call. Voting "aye" were Cook, Tomasek, Salem, Klamm. Motion carried.

**ADJOURNMENT:**

There being no further business to come before the Council, Vice-President Klamm declared the meeting adjourned.

Rick Klamm  
Vice-President of Council

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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Deputy City Clerk