

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 11, 2012, at the Lexington City Hall, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Linda Miller, Dora Vivas and Jeremy Roberts. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, Finance Director Barb Hodges, Chief Building Inspector Bill Brecks and City Clerk Pamela Berke. The press was represented by Kearney Hub, Lexington Clipper-Herald and KRVN Radio. Dana Daniels, Miller & Associates, was also present.

**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 Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 11-27-2012** Minutes of the Regular meeting held Tuesday, November 27, 2012, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll call. Voting “aye” were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

**MINUTES-ORGANIZATIONAL: MEETING 12-04-2012** Minutes of the Organizational meeting held Tuesday, December 4, 2012, were presented for Council approval. Moved by Miller, seconded by Vivas, to approve Minutes as presented. Roll call. Voting “aye” were Roberts, Salem, Vivas, Miller, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$2,295,052.57 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Miller, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$370,049.42 from the General Fund, \$92,052.14 from Street Fund, \$225,000.00 from Economic Development, \$1,560,885.45 from LEXUS, \$10,000.00 from Sanitation, \$1,885.64 from Landfill, \$3,093.57 from Ambulance, \$26,759.34 from Health Fund, and \$5,327.01 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
December 11, 2012

Abdo-Spotlight Magic Wagon	Library Books	488.70
Alamar Uniform Co.	Police Uniform Expense	139.37
All Points Cooperative	Fuel	425.25
Annie's Attic Books	Library Book	19.94
Awards Plus	Council Plaques	171.50
Barco Municipal Products, Inc.	ST Supplies	236.36

Capitol Celebrations LLC	Library Book	43.96
Cash-Wa Distributing	Food & Supplies	1,193.46
Central Garage Fund	Fuel	8,673.17
Culligan Water Conditioning Co.	Soft Water Supplies	177.86
Dan's Sanitation	Sanitation Fees	13,291.96
Data-Pac Mailing System	Postage	1,500.00
Davis Energy, Inc.	Fuel / Oil / Supplies / Repair	3,521.60
Dawson Area Development	Admin Fees SE Business PK	3,000.00
Dawson County Register of Deeds	Filing Fees	27.00
Dawson County Transit Bus	Transportation	32.00
Dawson Pest Control	GGC / DCOC Service	91.35
Demco, Inc.	Library Supplies	105.77
Depository Trust Co.	08 GO/09 Comb UTL Bond Pmts	533,671.25
Do-It-Yourself	Library Book	19.97
Dutton-Lainson Company	EL Supplies	248.78
Eakes Office Plus	Muni Bldg Copies	401.35
Electronic Systems, Inc.	GGC Service	40.00
EMS Billing Services, Inc	Ambulance Billing Service	2,265.01
Eustis Body Shop, Inc.	Vehicle Repair	1,484.80
Fagot Refrigeration & Electric	Muni Bldg A/C Repair / Service	866.73
Fairbanks International, Inc.	WWTP Tractor Repair	1,016.64
Farmer Brothers Coffee	Food & Supplies	743.54
Fastenal	ST Supplies	269.60
Fed-Ex	Shipping Charges	44.00
FireGuard, Inc.	Fire Dept Supplies	14.51
FYR-TEK, Inc.	Equipment Rep/Uniform Expense	3,597.40
Gale Group, The	Library Books	57.74
Gardner Media LLC	Library Books	174.91
Grand Island Independent, The	Library Subscription	216.00
Graphic Arts Shop	Police Supplies	1,110.00
Health Claims Fund	Claims	10,601.89
HOA Solutions, Inc.	WWTP Equipment Repair	1,300.00
Holbein, Dahlas D.	Yard Clean-up	575.00
Ingram Library Services	Library Books	690.78
JEO Consulting Group, Inc.	Comprehensive Plan Study	18,753.21
Jim Phillips Const	Main Breaks / ST Repairs	13,333.00
Jones Plumbing & Heating, Inc.	GGC Rep/WR/WWTP Supplies	367.50
Knapp Electric, Inc.	WWTP Pump Service / Repair	3,648.88
Lexington Animal Clinic	Animal Care	485.87
Lexington Area Solid Waste Agency	Landfill	633.60
Lexington Health Fund	Self-Funding	32,735.51
Lexington Newspapers, Inc.	Publications / City Subscription	542.61
Lexington Postmaster	GGC Postage / Box Fees	495.00
Lexington, City of	Franchise Fees	77.94
Lien, Inc.	Tree Stump Removal/New Trees	15,164.50
Martin Electric, Inc.	Fire Dept Supplies	46.75
Mason Crest	Library Books	184.60
Matheson Tri-Gas Inc.	Ambulance Supplies	124.81
Mead Lumber & Rental-Lexington	ST / PK Supplies	793.12
Menards-Kearney	Library Supplies	95.88
Meritain Health	Premium	20,845.04
MicroMarketing, LLC	Library Books	49.97
Midwest Restaurant Supplies LLC	GGC Equipment Repair	391.58
Milco Environmental Services, Inc.	WR Analysis/Landfill Disposal	1,885.64
Morris Press	GGC Supplies	73.00
Municipal Supply	WR Supplies	1,346.32
National Wildlife Federation	Library Subscription	19.95

Nebraska Library Commission	Library Subscription	205.00
Nebraska Main Street	Membership Dues	450.00
Nebraska Public Power District	O & M	64,860.61
Nebraska Public Power District	Power Purchase	892,324.09
NebraskaLink	Library / City Service	395.00
North Platte Bulletin	Library Subscription	39.95
North Platte Telegraph, The	Library Subscription	149.95
Nur, Ibrahim A	UTL Refund	4.87
Oliver Consulting Services, Inc.	Library Computer Service/Repair	420.00
Overton Sand & Gravel	Gravel	184.97
Paulsen, Inc.	Concrete	357.38
Platte Valley Seamless Gutter	Library Repair	150.00
Plum Creek Medical Group	Employment Physical	276.00
Presto-X	Fire Dept Service	87.66
Principal	Dental Premium	2,232.01
Pumpkin Books	Library Books	362.33
Rainbow Printing	Library Supplies	405.00
Roberts Dairy Company	Beverages	342.92
Service Master Mid Nebraska	Cleaning Service	4,114.12
Source Gas, LLC	Gas Service	4,053.29
Statewide Collections LLC	Collection Fees	378.35
Steve's Lock & Key	GGC Bldg Repair / Keys	574.16
T. O. Haas Tire Company, Inc.	Tire / Repair	120.40
Thalman, Julie	Cleaning Service	160.00
Thompson Company, The	Food & Supplies	1,633.43
Univar USA, Inc.	Caustic Soda	8,401.49
Village Uniform	GGC Supplies	174.28
Vulcan Industries, Inc.	WWTP Hydraulic Press Parts	3,532.19
Wal-Mart	Supplies	333.59
Wal-Mart Vision Center #637	Safety Glasses	87.00
Anderson Graphics	Library Service	67.50
Baker, Michael	Mileage to School	199.80
Barco Municipal Products, Inc.	ST Supplies	816.40
Berke, David	Yard / House Clean-up	1,145.00
Bert Gurney & Associates, Inc.	WWTP Supplies	139.00
Commercial Maintenance Chemical Corp	SW Degreaser	844.34
Consolidated Management Company	Police School Meals	87.75
Culligan Water Conditioning Co.	Soft Water Supplies	75.93
Dawson Area Development	DTR Admin Fees	2,500.00
Dawson Public Power District	Power Purchase	7,040.89
Endress-Hauser, Inc.	Biothane Sensor / Electronics	1,230.65
Fairbanks International, Inc.	ST Supplies	23.92
Gnirk Lawn Care, Inc.	Spray Weeds	435.00
Great Western Bank-City Petty Cash	Stamps / Postage / Meals	217.91
Greater Lexington Corp	Concord EL Rebates	5,300.00
Health Claims Fund	Claims	13,925.44
Intellicom Computer Consulting	Computer Service	4,526.52
John Deere Credit	Skid Steer Pmt	7,331.28
John Deere Financial	Central Garage Supplies	1,814.34
Johnson Service Company	SW / Lift Station Service	2,026.65
Knapp Electric, Inc.	WWTP Supplies	418.06
Kratzer Electric, Inc.	EL Service / Repair	237.53
LaserTec of Nebraska, Inc.	Postage Machine Service / Repair	647.02
Lexington Regional Health Center	Wellness	168.00
Lexington, City of	Budget Transfer/SE Business Park	225,000.00
Lexington City Payroll Account		
Payroll	Wages	122,786.66

Social Security	Employer Portion / FICA Med	9,025.18
Union Bank & Trust	Employer Portion / Pension	3,833.37
Union Bank & Trust	Police Pension	1,885.71
ICMA	City Manager Pension	372.69
Lincoln Winwater Works	WR Supplies	256.80
Lundeen-Isaacson, Inc.	Fire Dept Group Life Ins Premium	4,200.00
Luther, Ann	Meeting Expense	178.20
Master Pitching Machine, Inc.	PK Supplies	60.51
Mead Lumber & Rental-Lexington	ST Supplies	125.99
Meritain Health	Ambulance Refund	537.92
Midwest Laboratories, Inc.	WWTP Testing Supplies	1,700.65
Miller & Associates, Inc.	NW Sr Housing/So Lex UTL Imp/Frontier & Hwy 283	52,769.50
Municipal Supply	WR Supplies	1,555.24
Nebraska Dept. of Revenue	Sales & Use Tax	44,782.28
Nebraska Public Power District	Large Projects	70,834.16
Nebraska Tech & Telecomm, Inc.	Telephone Expense	1,061.57
Paulsen, Inc.	Concrete / ST Repair	5,545.90
Plum Creek Market Place	Food	139.49
Price's Tree Service, Inc.	Haul Debris	1,000.00
QuickLink Pages for Business	Online Advertising	499.00
Scharff, Chad	EL Rebate	1,225.00
Service Master Mid Nebraska	Cleaning Service	555.00
Team Detail & Quicklube	Car Wash / Police Uniform Repair	32.25
U-Save Business Equipment	Supplies/Postage	2,012.36
Uncle Neals	EL Incentive Rebate	194.74
Vision Internet Providers, Inc.	Monthly Hosting Fee	210.00
	<b>TOTAL CLAIMS:</b>	<b>2,295,052.57</b>

**RESOLUTION:**

Resolution No. 2012-28 was presented. Following discussion, moved by Salem, seconded by Vivas, to approve Resolution No. 2012-28. Roll call. Voting "aye" were Miller, Roberts, Vivas, Salem, Fagot. Motion carried.

**RESOLUTION NO. 2012 - 28**

WHEREAS, the City has by Ordinance No. 2323, approved the sale of the following described real estate owned by the City, to-wit:

Part of Tract 1, Wal-Mart Subdivision, according to the recorded plat thereof, City of Lexington, Dawson County, Nebraska, and described by metes and bounds as follows:

Commencing at the Northeast corner of said Tract 1, Wal-Mart Subdivision (as platted); thence South 89°08'00" West, 15.00 feet along the North line of said Tract 1 (as platted) to the West right of way of Plum Creek Parkway (US Highway 283) as defined in Book 140, Page 10; thence South 0°00'00" West, 20.1 feet along said West right of way to the point of beginning; thence continuing South 0°00'00" West, 25.00 feet along said West right of way; thence South 89°08'00" West, 185 feet; thence North 0°00'00" East, 25.00 feet; thence North 89°08'00" East, 185 feet to the point of beginning.

Containing 4,625 square feet or 0.106 acres of land, more or less.

Basis of bearings: Assumed North line of Tract 1, Wal-Mart Subdivision to be South 89°08'00" West as shown on recorded plat.

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 O'REILLY AUTOMOTIVE STORES, INC., a Missouri Corporation, the purchaser thereof.

PASSED AND APPROVED this 11<sup>th</sup> day of December, 2012.

CITY OF LEXINGTON, NEBRASKA.

BY: John Fagot, Mayor

ATTEST: Pamela Berke, City Clerk

**WWTF BIDS:**

Peplitsch reviewed bids received for the Municipal Wastewater Treatment Improvement project. He noted that the nine bids received all exceeded the engineer's estimate, the lowest by 26%. He outlined the options regarding the bids, and requested authorization to negotiate a contract. Following discussion, moved by Miller, seconded by Roberts, to authorize the city manager to negotiate a contract for the Wastewater Treatment Improvements project. Roll call. Voting "aye" were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

**RESOLUTION:**

Resolution No. 2012-29 was presented. Following discussion, moved by Miller, seconded by Vivas, to approve Resolution No. 2012-29. Roll call. Voting "aye" were Roberts, Salem, Vivas, Miller, Fagot. Motion carried.

RESOLUTION NO. 2012 - 29

WHEREAS, Lexington City Code authorizes the City Council to approve by Resolution subsequent editions of building codes.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the 2009 Edition of the International Building Code, the 2009 Edition of the International Residential Code, and the 2009 Edition of the International Property Maintenance Code are hereby adopted, and shall replace the previous editions, Provided, that Section 404.4.1 of the current edition of the International Property Maintenance Code shall be retained as follows:

404.4.1 Area for sleeping purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

That the building codes herein adopted shall take effect upon the adoption of this Resolution and the filing of one copy with the City clerk.

PASSED AND APPROVED this 11th day of December, 2012

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of Council

ATTEST: Pamela Berke, City Clerk

**RESOLUTION:**

Resolution No. 2012-30 was presented. Following discussion, moved by Miller, seconded by Salem, to approve Resolution No. 2012-30.

**RESOLUTION NO 2012-30**

Whereas, Nebraska Revised Statutes Section 60-680 authorizes the City of Lexington to designate the location of stop signs;

**BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA AS FOLLOWS:**

That the Lexington City Manager is hereby authorized and directed to install stop signs at the following locations:

1. Intersection of South Taft Street and Prospect Road to stop north bound traffic on South Taft Street.
2. Intersection of Commerce Road and South Taft Street to stop east bound traffic on Commerce Road.
3. Intersection of South Taft Street and East Frontier Street to stop south bound traffic on South Taft Street.
4. Intersection of Heartland Road and Heartland Drive to stop north bound traffic on Heartland Road.
5. Intersection of Heartland Drive and East Frontier Street to stop east bound traffic on Heartland Drive.
6. Intersection of South Jefferson Street and East Frontier Street to stop south bound traffic on South Jefferson Street.

Passed and approved December 11, 2012.

**CITY OF LEXINGTON, NEBRASKA**

John Fagot, Mayor

ATTEST: Pamela Berke, City Clerk

**UTILITY RATES:**

Resolution No. 2012-31 was presented. Peplitsch provided background on the proposed utility rates. Following discussion, moved by Vivas, seconded by Salem, to approve Resolution No. 2012-31. Roll call. Voting “aye” were Miller, Roberts, Salem, Vivas, Fagot. Motion carried.

**RESOLUTION NO. 2012-31**

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

**BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA,** that the following electric and water rates for the following use classifications are established and shall take effect January 1, 2013, to be reflected on billings following such date. That all other electric and water rates previously established shall remain unchanged.

**Section 1. Electric Rates**

Residential – Basic:	Summer	Winter
	May 1 – Sept. 30	Oct. 1 – Apr. 30

Base Charge per Month	\$16.00	\$16.00
First 500 kWh @ \$/kWh	\$0.1133	\$0.1090
Over 500 kWh @ \$/kWh	\$0.0927	\$0.0556
Minimum Bill	\$16.00	\$16.00
Residential – All-Electric:		
	Summer	Winter
	May 1 – Sept. 30	Oct. 1 – Apr. 30
Base Charge per Month	\$14.00	\$14.00
First 500 kWh @ \$/kWh	\$0.1133	\$0.0986
Over 500 kWh @ \$/kWh	\$0.0903	\$0.0510
Minimum Bill	\$14.00	\$14.00
Commercial - Small:		
	Summer	Winter
	May 1 – Sept. 30	Oct. 1 – Apr. 30
Base Charge per Month	\$16.00	\$16.00
First 1000 kWh @ \$/kWh	\$0.1411	\$0.1335
Over 1000 kWh @ \$/kWh	\$0.0914	\$0.0801
Minimum Bill	\$16.00	\$16.00
Commercial – Heat:		
	Summer	Winter
	May 1 – Sept. 30	Oct. 1 – Apr. 30
Base Charge per Month	\$16.00	\$16.00
First 1000 kWh @ \$/kWh	\$0.1411	\$0.1325
Next 4000 kWh @ \$/kWh	\$0.0914	\$0.0752
Over 4000 kWh @ \$/kWh	\$0.0914	\$0.0569
Minimum Bill	\$16.00	\$16.00
Municipal Power & Light:		
	Summer	Winter
	May 1 – Sept. 30	Oct. 1 – Apr. 30
Base Charge per Month	\$16.00	\$16.00
Plus All kWh @ \$/kWh	\$0.0676	\$0.0676
Commercial - Large:		
	Summer	Winter
	May 1 – Sept. 30	Oct. 1 – Apr. 30
Base Charge per Month	\$21.00	\$21.00
Plus Demand @ \$/kW	\$14.56	\$13.58
Plus All kWh @ \$/kWh	\$0.0464	\$0.0445
Industrial:		
	Summer	Winter
	May 1 – Sept. 30	Oct. 1 – Apr. 30
Base Charge per Month	\$53.00	\$53.00
Plus Demand @ \$/kW	\$13.43	\$12.38
Plus All kWh @ \$/kWh	\$0.0443	\$0.0412

#### 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:

All Year	
Horsepower Charge @ \$/HP	\$69.48
Plus All kWh @ \$/kWh	\$0.0665

Municipal Street Lights:  
All Year  
Base Charge per Month \$2,250.00  
Plus All kWh @ \$/kWh \$0.0676

Yard Lights:  
All Year  
Base Charge per Month \$13.00

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

Section 2. Water Rates

Residential Metered:  
The first 5,000 gallons \$14.25 monthly minimum  
> 5,000 gallons \$0.90 per 1,000 gallons

Residential Flat Rate: \$21.25 per dwelling unit per month

Commercial Metered:  
The first 5,000 gallons \$14.25 monthly minimum  
> 5,000 gallons \$0.90 per 1,000 gallons

Multi-unit Service Fee: \$8.00 per dwelling/commercial unit, where more than one dwelling/commercial unit is served by a single metered service.

Industrial Metered: \$0.2509 per 1,000 gallons

Automated Meter Reading Adder: \$1.00 per month per water meter, or unmetered service.

PASSED AND APPROVED this 11<sup>th</sup> day of December, 2012.

CITY OF LEXINGTON, NEBRASKA

John Fagot, President of Council

ATTEST: Pamela Berke, City Clerk

**CARC REPORT:**

Mayor Fagot opened a public hearing to receive a report from the Citizens Advisory Review Committee on the operation of the Lexington Economic Development Program. On behalf of the committee, Peplitsch reviewed program activities and indicated that there were no committee comments at this time. Following discussion, the public hearing was closed. Moved by Miller, seconded by Salem, to accept the committee report as presented. Roll call. Voting "aye" were Vivas, Roberts, Salem, Miller, Fagot. Motion carried.

**PAY REQUEST:**

Daniels reviewed Pay Request #3 for the Southeast Business Park Improvements project from Blessing LLC in the amount of \$709,412.13. Following discussion, moved by Salem, seconded by Roberts, to approve the pay request as presented. Roll call. Voting "aye" were Miller, Vivas, Roberts, Salem, Fagot. Motion carried.

**PAY REQUEST:**

Peplitsch reviewed Pay Request #1(Final) for the Downtown Improvement project from Paulsen Inc. in the amount of \$186,024.00. Following discussion, moved by Vivas, seconded by Salem, to approve the pay request as presented. Roll call. Voting "aye" were Miller, Roberts, Salem, Vivas, Fagot. Motion carried.



**ELECTION RESULTS:** The 2012 general election results as certified by the Dawson County Clerk were reviewed. Moved by Salem, seconded by Miller, to accept and acknowledge the results from November 6, 2012, general election as certified. Roll call. Voting "aye" were Vivas, Roberts, Miller, Salem, Fagot. Motion carried.

**MEETING DATES:** Council and Staff discussed rescheduling the next regular Council meeting. Following discussion, moved by Miller, seconded by Roberts, to reschedule the next regular council meeting to Friday, December 21, 2012, at 12:00 Noon. Roll call. Voting "aye" were Vivas, Salem, Roberts, Miller, Fagot. Motion carried.

**ROUNDTABLE DISCUSSION:** Burnside reminded Council and Staff of the open house for the 6<sup>th</sup> and Grant Street project that is to be held on Wednesday, December 12<sup>th</sup> at 5:30 pm in the Council Chambers.

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

John Fagot  
Mayor

Pamela Berke  
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.

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City Clerk