

**CITY COUNCIL
CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 10, 2019, at the Lexington City Hall, 406 E. 7th Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Dora Vivas, Steve Smith, and Jeremy Roberts. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Finance Director Barb Hodges, Community Development Director Bill Brecks and City Clerk Pamela Baruth. The press was represented by Clipper-Herald.

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 City Hall, 406 E. 7th Street, Lexington, Nebraska.

MINUTES – REGULAR MEETING 11-26-19: Minutes of the Regular meeting held Tuesday, November 26, 2019, were presented. Moved by Smith, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Salem, Roberts, Vivas, Smith, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,338,608.80 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$235,262.90 from General Fund, \$473,586.71 from Street Fund, \$1,542,342.94 from LEXUS, \$10,000.00 from Sanitation, \$2,745.28 from Ambulance, \$71,480.86 from Health Fund, and \$3,190.11 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Smith, Salem, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE
December 10, 2019**

Allfasteners	ST / Supplies	160.90
Anytime Fitness	Memberships	139.75
Baker & Taylor	LB / Books	190.88
Black Hills Energy	Gas Service	3,454.85
Bob's True Value	FD / Supplies	11.99
Cash-Wa Distributing	MOW / Food & Supplies	1,446.19
Consolidated Management	PD / Training Meals	89.37
Core & Main	EL / WR / Meters	7,810.02
Culligan	Soft Water Supplies	373.90
Cummins Sales & Service	WWTP / Generator Service	370.95
Dan's Sanitation	Sanitation Fees	13,431.60
Dawson County Sheriff	Annual Firearm Range Fee	500.00
Dawson County Surveyor's Office	Surveying Services	450.00

Dawson Pest Control	FD / GGC / OC / Pest Control	159.10
Dawson Public Power District	Power Purchase	10,805.29
Depository Trust	2014 CURRB Bonds	290,033.75
	2016 GO Highway Allocation Bonds	224,450.00
	2017 Highway Allocation Bonds	204,642.50
Dones, Angel	Electric Rebate	100.00
Dutton-Lainson Company	EL / Meter Sockets	443.73
Eakes Office Solutions	EL / PD / Copier Expenses	1,620.31
Eilers Machine & Welding	WWTP / Parts	267.36
Fagot Refrigeration & Electric	ND/OC/SW/WWTP/Service & Repairs	2,169.26
Fastenal	ST / Supplies	192.26
Felix, Augusto	Electric Rebate	100.00
Fyr-Tek	FD / Equipment Repairs	3,449.25
Galvan, Wally	Electric Rebate	100.00
Gnirk Lawn Care	Ground Sterilant Application	1,032.00
Grainger	WWTP / Parts	13.68
Great Western Bank	LB / Petty Cash	251.12
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Health Claims	Claims	19,753.07
Heldt McKeone & Copley	Professional Fee	3,620.00
Hiland Dairy Foods	MOW / Dairy Products	340.74
Hydro Optimization&Automation Solutions	WWTP / VFD Replacement	5,366.00
Ideal Laundry & Cleaners	Rug Services	263.47
Ingram Library Services	LB / Books	464.17
Intellicom	Tech Services / Support	9,063.70
Jim Phillips	ST / Repairs	6,657.00
Johnson Service Company	SW/Clean&Vac/Tyson/MRK/Platte Valley Auto	4,522.50
Jones Plumbing & Heating	GGC/PK/OC/WR/WWTP/Part&Repairs	689.56
Komline-Sanderson	WWTP / Parts	1,129.09
League of Nebraska Municipalities	2019-2020 Membership Dues	13,696.00
Leigh Environmental Equipment	WWTP / Digester Pump	11,598.00
Lexington Animal Clinic	Animal Care	607.00
Lexington, City of	Interdepartmental Service Fees	67,984.75
Lexington, City Street Department	Fuel	67.50
Lexington, City Street Department	SW/WR/Interdepartmental Service Fees	5,651.89
Lexington, City Payroll Account		
Payroll	Wages	159,688.10
Social Security	Employer Portion / FICA Med	11,568.79
Union Bank & Trust	Employer Portion / Pension	4,846.80
Union Bank & Trust	Police Pension	3,376.63
ICMA	City Manager Pension	940.29
Lexington Newspapers	Publications	34.35
Lien Inc	OC / PK / Landscape Maintenance	6,496.67
Martin Electric	WWTP / Lamps	199.10
McKesson	AMB / Medical Supplies	369.76
Mead Lumber	ST / Parts	36.77
Mid-American Research Chemical	PK / Supplies	280.70
Midland Scientific	WWTP / Testing Supplies	497.53
Midwest Laboratories	WWTP / Lab Testing	20.25
Nebraska Dept of Revenue	Sales and Use Tax	54,896.11

Nebraska Public Power District	Power Purchase	1,016,807.31
Nebraskaland Tire	SW / Oil & Lube	54.59
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
One Call Concepts	Locate Fees	49.25
O'Reilly Auto Parts	ST / Parts & Supplies	35.94
Paper Tiger Shredding	Paper Shredding	260.00
Paulsen Inc	WR / Limestone	623.88
Platte Valley Communications	PD / Maintenance on Equipment	90.00
Platte Valley Excavating	ND / ST / Demolition / Snow Removal	7,525.00
Platte Valley Laboratories	WWTP / Testing	727.50
Presto-X	LB / Pest Control	83.00
Renderos, Joe	PD / Mileage / Training	164.72
S & W Auto Parts	PK / WWTP / Parts & Supplies	76.24
Service Master of Mid Nebraska	Janitorial Services	9,455.92
Spectrum	Cable Service	26.95
TO Haas Tire Co	ST / Tire / Repairs	156.47
Total Funds by Hasler	Postage	3,000.00
Total Lawn Care	AC / Mowing / Trimming	915.00
US Foods	MOW / Food & Supplies	1,008.95
US Postal Service	Box Rental	150.00
USA Communications	City Internet Services	345.60
U-Save Business Equipment	Office Supplies	492.50
Ward Laboratories	WR / Testing	38.50
Wesco	EL / Meter Cans	227.70
WPCI	Drug Testing/Policy Assurance Update	75.00
AcroMat	PK / OC / Supplies	1,457.00
Aflac	Premiums	1,404.44
Bob's True Value	PK / WR / Supplies	86.66
Chesterman Coca-Cola	MOW / REC / Beverages	144.80
Con, Elder	Electric Rebate	800.00
Dawson County Register of Deeds	Filing Fees	92.00
Davis Energy	Fuel	8,111.50
Downey Drilling	WR / Supplies	145.80
Dutton-Lainson Company	EL/WR/SW/Supplies/Meter Socket	727.01
Fyr-Tek	FD / Annual Maintenance	584.95
Great Plains Gov Finance Officers Assn	CT / Dues	50.00
Gomez, Jose	Electric Rebate	1,825.00
Hach	WWTP / Testing	912.87
Hall, Barb	Electric Rebate	800.00
Health Claims	Claims	49,829.14
Hinrichs, Gordon	Electric Rebate	1,250.00
Holbein Lawn Service	FD / ST / Mowing / Snow Removal	280.00
Intellicom	REC / Fieldhouse Wireless Upgrades	1,779.25
John Deere Financial	FD/PK/ST/WWTP/Parts & Supplies	272.85
Johnny on the Spot	Cemetery / Portable Rentals	75.00
Jones Plumbing & Heating	FD / Boiler Repairs	705.87
Kumar, Shail	Electric Rebate	75.00
Lexington Area Solid Waste Agency	Waste Removal	872.70
Lexington Health Fund	Self-Funding	42,728.63
Lexington Newspapers Inc	Publications	211.46
McCandless Backhoe	PK / Excavation	687.50

McKesson	AMB / Medical Supplies	89.80
Mead Lumber	AC/ST/WR/WWTP/ Parts & Supplies	313.48
Nebraska Tech & Telecom	Phone Service	1,463.47
Optimist Club of Lexington	CM / Dues	80.00
Platte Valley Communications	FD / Pager Batteries	21.50
Platte Valley Auto Mart	FD / PD / Oil & Lube / Diagnostics	216.47
Platte Valley Glass & Trailers	ND / Lock Repairs	105.00
Perez, Andres	Electric Rebate	800.00
Precision Detail	FD / Cleaning Service	240.00
Quick Med Claims	AMB / Billing	1,009.03
S & W Auto Parts	ST / Supplies	22.95
Saldivar, Carmen	Electric Rebate	800.00
Service Master of Mid Nebraska	Janitorial Services	85.25
Smith, Steve	Travel Reimburse/National League of Cities	1,600.13
Statewide Collections	EL / Collections	266.45
TASC	Administration Fees	419.21
Titan Access	AMB/CEM/FD/ST/Equipment Repairs	6,004.51
Titan Machinery	FD / Parts & Service	1,071.09
Village Uniform	GGC / Supplies	56.96
Vu, Thao	Electric Rebate	800.00
Ward Laboratories	WR / Testing	57.75
Wisdom, Tom	Electric Rebate	800.00
TOTAL CLAIMS:		2,338,608.80

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a Conditional Use Permit application by Barbara Reeser for a daycare center to be located at 907 West 8th Street. Brecks reviewed zoning code requirements including number of children allowed and parking allowance. He also reviewed the draft CUP agreement and stated the Planning Commission recommends approval after their review. He noted the applicant is working with HHS on state requirements. Barbara Reeser stated she initially plans to accommodate 12 children and will increase employees as numbers warrant. There were no public comments, and the public hearing was closed. Following discussion, moved by Roberts, seconded by Smith, to recommend approval of the conditional use permit and execution of an agreement. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

BOND ORDINANCE: Ordinance No. 2424 entitled “AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF COMBINED UTILITIES REVENUE BONDS, 2020 SERIES, OF THE CITY OF LEXINGTON, NEBRASKA, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000) FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CERTAIN IMPROVEMENTS TO THE CITY’S COMBINED UTILITIES; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM, TERMS AND DETAILS OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE SEWER, WATER AND ELECTRIC SYSTEMS OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS AND INTEREST THEREON; ESTABLISHING THE TERMS UPON WHICH ADDITIONAL BONDS OF EQUAL LIEN UPON REVENUES MAY BE ISSUED; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE OWNERS OF SAID BONDS; SELLING THE BONDS AND AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM” was presented. Brad Slaughter, Piper Jaffray & Co., reviewed the bond issuance and payment schedule. Peplitsch explained the bond funds would be used for anticipated water system

improvement projects. Following discussion, moved by Salem, seconded by Smith, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

Ordinance No. 2424 was presented on final reading. Moved by Salem, seconded by Roberts, to approve Ordinance No. 2424 on final reading. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

RESOLUTION: Resolution No. 2019-19 was presented. Pepplitsch explained this is part of the revised NDOT annual certification process. Moved by Smith, seconded by Vivas, to approve Resolution No. 2019-19. Roll call. Voting “aye” were Salem, Roberts, Vivas, Smith, Fagot. Motion carried.

**RESOLUTION NO. 2019-19
SIGNING OF THE YEAR-END CERTIFICATION OF
CITY STREET SUPERINTENDENT FORM
2019**

WHEREAS: State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment;

WHEREAS: The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent form;

WHEREAS: The NDOT requires that such certification shall also include a copy of the meeting minutes showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e. employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

WHEREAS: The NDOT also requires the such Year-End Certification of City Street Superintendent form shall be signed by the Mayor and shall include a copy of a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor.

BE IT RESOLVED that the Mayor of Lexington is hereby authorized to sign the attached Year-End Certification of City Street Superintendent form.

Adopted the 10th day of December, 2019.

WELL #19: Pepplitsch reviewed plans and specifications for the proposed Well #19 Improvement project. Following discussion, moved by Salem, seconded by Vivas, to approve the plans and specification as presented and to authorize solicitation of bids. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

RESOLUTION: Resolution No. 2019-20 was presented. Following discussion, moved by Vivas, seconded by Smith, to approve Resolution No. 2019-20. Roll call. Voting “aye” were Salem, Roberts, Smith, Vivas, Fagot. Motion carried.

RESOLUTION NO. 2019 – 20

WHEREAS, Lexington City Code Sections 28-100, 28-232, and 28-439 authorizes the City Council to establish by Resolution a schedule of rates and charges for electric service, water service, and sanitary sewer service.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following water rates and charges are established and shall take effect January 1, 2020, to be reflected on billings following such date. That all other electric rates, water rates, and sanitary sewer rates and charges previously established shall remain unchanged.

Section 1. Electric Rates

NET Metering Service Rider:

Applicable to any Customer that has a generation facility that uses as its energy source wind or solar resources and that is interconnected behind their service meter with an aggregate nameplate capacity of 25 kW or less.

The Customer will be allowed to use the electrical output of their applicable generation facility (or facilities) to supply all or a portion of their own load and deliver any surplus to the City. If over the billing period there is a net flow of energy from the City to the Customer, the Customer will be billed for the net use at rates included in their applicable standard rate schedule. If over the billing period there is a net flow of energy from the Customer to the City (Net Excess Energy, “NEG”) the monetary credit for the NEG will be determined and credited against other non-energy charges billed to the customer pursuant to their applicable standard rate schedule for that billing period. Any remaining credit that exists after application of the monetary credit for NEG for that billing period will be carried forward to the subsequent billing period as an offset to future charges.

The monetary credit for NEG will be determined based on the following purchase rates:

Summer: for the period May 1 through September 30, the purchase rate for NEG shall be as follows:

Wind and Photo-voltaic generation: \$0.052 per kWh

Winter: for the period October 1 through April 30, the purchase rate for NEG shall be as follows:

Wind and Photo-voltaic generation: \$0.052 per kWh

Section 2. Water Rates

Residential Metered:	The first 5,000 gallons	\$19.75 monthly minimum
	> 5,000 gallons	\$1.00 per 1,000 gallons

Residential Flat Rate:	\$26.70 per dwelling unit per month	
Commercial Metered:	The first 5,000 gallons	\$19.75 monthly minimum
	> 5,000 gallons	\$1.00 per 1,000 gallons
Multi-unit Service Fee:	\$13.00 per dwelling/commercial unit, where more than one dwelling/commercial unit is served by a single metered service.	
Industrial Metered:	Base Charge per Month -- \$2,370 \$0.35 per 1,000 gallons metered use	
Automated Meter Reading Fee:	\$1.00 per month per metered or unmetered service.	

Section 3. Sanitary Sewer Rates

Flat Rate Residential:	\$26.00 per month.
Flat Rate Commercial:	\$26.00 per month
Commercial Metered:	\$2.45 per 1,000 gallons \$26.00 minimum

PASSED AND APPROVED this 10th day of December, 2019.

APPOINTMENTS: The following appointments to boards and commissions were proposed for Council approval:

Board of Adjustment – Deb Stuchlik, Michael Maguire, Rod Zeigler, Ron Balthazor;
Housing Authority – Kyle Ferguson;
Library Board – Amanda Barkmeier;
Planning Commission – Cameron Smith, Barb Margritz, Elifonsa Quintero, Nic Van Cura;
Tree Board – Marty Smith, Tom Nelson;
Community Development Agency – Seth McFarland, Chris Denker, Steve Smith;
Citizen Advisory Review Committee – Steve Tomasek;
Civil Service Commission – Donna Soflin;
Special Prosecutor – Beverly Bogle Louthan;
Street Superintendent – Darold Tagge.

Following discussion, moved by Salem, seconded by Roberts, to approve the appointments as presented. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

RESCHEDULE MEETING: Moved by Smith, seconded by Vivas, to schedule the next regular city council meeting on Monday, December 23, 2019, at 12:00 p.m. Roll call. Voting “aye” were Salem, Roberts, Vivas, Smith, Fagot. Motion carried.

ROUNDTABLE: There were no items for announcement.

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

John Fagot, Mayor

Pamela Baruth 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.

/s/ Pamela Baruth, City Clerk