

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

A Regular Meeting of the Lexington City Council was held Tuesday, September 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 and City Clerk Pamela Baruth. The press was represented by Clipper-Herald, Tri-City Tribune and KRVN.

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 8-27-19: Minutes of the Regular meeting held Tuesday, August 27, 2019, were presented. Moved by Vivas, seconded by Salem, to approve the minutes as presented. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$639,449.39 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Smith, seconded by Roberts, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$165,537.22 from General Fund, \$46,246.90 from Street Fund, \$50,438.74 from Housing Reuse, \$349,926.70 from LEXUS, \$10,000.00 from Sanitation, \$940.25 from Ambulance, \$14,475.13 from Health Fund, and \$1,884.45 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

**ACCOUNTS PAYABLE
September 10, 2019**

Anytime Fitness	Memberships	139.75
Beverly Bogle Louthan PC	Professional Fee	1,200.00
Black Hills Energy	Gas Service	1,319.67
Bob's True Value	PK / Parts	27.99
BSN Sports	PK / Equipment	76.44
Cash-Wa Distributing	MOW / Food & Supplies	1,451.16
Cengage Learning	LB / Books	122.80
Culligan	Soft Water Supplies	350.80
Dan's Sanitation	Sanitation Fees	10,000.00
	Regular Waste Removal	2,009.00
Dawson Pest Control	FD / GGC / OC / Pest Control	159.10
Dawson Public Power District	Power Purchase	399.36
Dell Marketing	CC/ND/PK/Computer Hardware	2,989.38

Demco	LB / Supplies	111.26
Depository Trust Co	2016 CURRB / Principal & Interest	145,201.25
Eakes	EL / Repairs	170.67
Eilers Machine & Welding	WWTP / Repairs	59.92
Fastenal	WWTP / Parts	150.76
Galls	PD / Uniforms	70.93
GIS Workshop LLC	2019-2020 Website Subscription	3,600.00
Great Western Bank	LB / Petty Cash	168.97
Greater Nebraska Cities	Lobbying Services	667.00
Health Claims	Claims	2,798.83
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	246.39
Holbein Lawn Service	FD / Lawn Care	275.00
Ingram Library Services	LB / Books	561.45
Intellicom	ND / Services / Support	2,214.50
Jack's Uniforms & Equipment	PD / Uniforms	62.89
JEO Consulting	ST / Feasibility Study	3,461.50
Jones Plumbing & Heating	OC / PK / WR / WWTP / Parts	395.42
Latter Repair & Irrigation	CEM / Mower Parts	112.28
League of Nebraska Municipalities	Membership Dues 2019-2020	5,605.00
Lexington Animal Clinic	Animal Care	1,118.04
Lexington, City General Fund	EL/SW/WR/Interdepartmental Svc Fees	67,984.75
Lexington, City Street Department	Fuel	3,140.51
	Interdepartmental Service Fees	5,651.89
Lexington, City	Franchise/Interdepartmental Svc Fees	120.86
Lexington Family Eyecare	ST / Safety Glasses	330.00
Lexington Newspapers	Publications	397.42
Lexington Public Schools	Refund to Schools	4,440.00
Lien Inc	PK / Sprinkler Repairs / Plant Material	999.21
Linden's Plumbing	LB / OC / Repairs	739.93
Mac's Short Stop	PK / Concession	5.16
Mead Lumber	DS / PK / Supplies	26.06
Mid-American Research Chemical	PK / Supplies	305.34
Mid-Iowa Solid Waste Equipment	SW / Nozzles / Tyson Lift Station #1	2,563.61
Miller & Associates	Admin / PK / Professional Fees	9,141.86
Morris Press	GGC / Newsletter	261.51
Nebraska Dept of Revenue	Sales and Use Tax	64,646.57
	NE Water Reduction & Recycling Fee	25.00
Nebraska Machinery	ST / Equipment Service / Repair	1,363.33
Nebraska Municipal Clerks' Assn	2019-2020 Membership Dues	45.00
Nebraskaland Tire	ST / Parts	178.95
Nebraskalink	LB / Telephone Service	15.00
One Call Concepts	Locate Fees	122.83
O'Reilly Auto Parts	ST / Parts	19.09
Paper Tiger Shredding	Paper Shredding	52.00
Paulsen Inc	PK/ST/WR/Sand & Gravel/Limestone	1,020.60
Platte Valley Glass & Trailers	WR / Truck Window Repair	60.00
Precision Detail	FD / Fire Hall Cleaning	300.00
Qualification Targets Inc	PD / Training Supplies	270.20
Quality Flow Systems	WWTP / Equipment Repairs	1,438.33

Richardson Mowing	LB / Lawn Care	180.00
Rose Equipment	ST / Street Sweeper Repairs	2,331.24
S & W Auto Parts	CEM / FD / PD / WWTP / Parts / Tools	76.92
Sandry Fire Supply	FD / Equipment Testing	1,567.64
Service Master of Mid Nebraska	GGC / EL / OC / Janitorial Services	78.75
Titan Machinery	ST / WWTP / Parts	515.63
Total Lawn Care	AC / Mowing / Trimming	1,525.00
US Foods	MOW / Food & Supplies	608.92
USA Communications	City Internet Services	345.60
Village Uniform	GGC / Supplies	127.84
Weekly Bulletin, The	2019-2020 Subscription	160.00
Werner's Sprinklers	FD / Repairs	267.56
ABC Partnership	Owner Occupied Rehab Work	1,511.31
Aflac	Premiums	1,404.44
Barco Municipal Products	ST / Signs	484.14
Bob's True Value	WWTP / Pesticides	30.48
City Directory	ND / Advertisement	1,019.00
Curt Harkless Construction	Owner Occupied Rehab Work	24,996.79
Dan's Sanitation	Roll Off Fees	2,480.40
Davis Energy	Fuel	3,123.01
Dawson Public Power District	Power Purchase	11,176.95
Downey Drilling	WWTP / Parts	24.38
EMS Billing	AMB / Billing Service	829.64
Fastenal	PK / ST / Supplies / Safety Glasses	131.97
FEH	FD / Fire Equipment Fees	50.00
Grainger	WWTP / Supplies	137.02
Health Claims	Claims	10,271.86
John Deere / Orscheln	CEM/DS/PK/ST/WWTP/Supplies	465.68
Lexington Area Solid Waste Agency	Waste Removal	1,562.37
Lexington City Payroll Account		
Payroll	Wages	151,223.28
Social Security	Employer Portion / FICA Med	11,283.68
Union Bank & Trust	Employer Portion / Pension	4,660.63
Union Bank & Trust	Police Pension	3,110.54
ICMA	City Manager Pension	940.29
Lexington Family Eyecare	ST / Safety Glasses	354.00
Mid-West Plastering & Construction	ST / Stucco Application	4,500.00
Nebraska Tech & Telecommunications	Phone Service	1,467.51
O'Hara Lindsay & Associates	Lobbying Service	333.00
Peque Roofing	Owner Occupied Rehab Work	23,930.64
Platte Valley Communications	PD / Maintenance	90.00
Plum Creek Market Place	MOW / Food & Supplies	21.04
Plum Creek Motors	WWTP / Parts	50.85
Renderos, Joe	PD / Mileage	82.36
Service Master	Cleaning Services	9,626.42
Sign Pro	PK / Sign Repairs	17.50
Total Funds	Postage	3,000.00
Titan Machinery	ST / Repairs / Hydraulics	1,207.34
Union Bank & Trust	Disclosure Notice Fees	54.00
U-Save Business Equipment	LB / ST / Office Supplies	349.25

TOTAL CLAIMS:

639,449.39

BUDGET HEARING: Mayor Fagot opened a public hearing on the proposed 2019-2020 fiscal year budget. Pepplitsch reviewed the proposed budget and property tax request. Following discussion and there being no public comments received, the public hearing was closed.

RESTRICTED FUNDS: Pepplitsch reviewed the option to increase the allowable restricted funds budget authority. Following discussion, moved by Roberts, seconded by Salem, to increase the base of restricted funds by an additional 1% for FY 2020. Roll call. Voting “aye” were Vivas, Smith, Salem, Roberts, Fagot. Motion carried.

TAX REQUEST HEARING: Mayor Fagot opened a public hearing to discuss setting the FY 2020 final tax request at a different amount than the prior year request. Following discussion and no public comments received, the public hearing was closed. Resolution No. 2019-15 was presented. Moved by Smith, seconded by Roberts, to approve Resolution No. 2019-15. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

RESOLUTION NO. 2019-15

A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR FISCAL YEAR 2019-2020 AT A DIFFERENT AMOUNT THAN THE PRIOR YEAR REQUEST.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the Governing Body of the city of Lexington passes by a majority vote a resolution setting the tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request;

NOW, THEREFORE, the Governing Body of the city of Lexington resolves that:

1. The 2019-2020 property tax request be set at \$1,379,167.00.
2. The total assessed value of property differs from last year’s total assessed value by 8%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.333672 per \$100 of assessed value.
4. The city of Lexington proposes to adopt a property tax request that will cause its tax rate to be .361502 per \$100 of assessed value.
5. Based on the proposed tax request and changes in other revenue, the total operating budget of the city of Lexington will be less than last year’s by 2%.
6. A copy of this resolution shall be certified and forwarded to the Dawson County Clerk on or before October 13, 2019.

PASSED AND APPROVED this 10th day of September 2019.

APPROPRIATION ORDINANCE: Ordinance No. 2418 entitled “AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2019-2020. TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented. Moved by Salem, seconded by Vivas, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

Ordinance No. 2418 was presented on final reading. Moved by Salem, seconded by Roberts, to approve Ordinance No. 2418 on final reading. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider an Application by Tyson Foods, Inc. to rezone property located at 801 East Prospect Road from M-1 Light Industrial to M-2 Heavy Industrial. Peplitsch reviewed the application and stated the Planning Commission has recommended approval. There were no public comments, and the public hearing was closed. Ordinance No. 2419 entitled “AN ORDINANCE TO REZONE A CERTAIN TRACT OF REAL ESTATE FROM M-1 TO M-2; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented for Council consideration. Moved by Vivas, seconded by Salem, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

Ordinance No. 2419 was presented on final reading. Moved by Smith, seconded by Roberts, to approve Ordinance No. 2419 on final reading. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a Conditional Use Permit application by Tyson Foods, Inc. to operate a private water treatment and storage facility to be located at 801 East Prospect Road. Peplitsch reviewed the application and a draft conditional use agreement. He indicated the Planning Commission recommended approval. There were no public comments, and the public hearing was closed. Following discussion, moved by Salem, seconded by Roberts, to approve the Conditional Use Permit application by Tyson Foods, Inc. as presented and authorize execution of an agreement. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

MANAGER APPLICATION: Peplitsch reviewed a manager change application for the Liquor License # 47407-D, Fat Dogs-Lexington. Baruth stated the change is due to personnel changes within the company. There were no adverse comments or reports received. Following discussion, moved by Roberts, seconded by Vivas, to recommend approval of the manager change application as presented. Roll call. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

MANAGER APPLICATION: Peplitsch reviewed a manager change application for the Liquor License # 47439-D, Holiday Inn Express Hotel and Suites. Baruth stated the change is due to personnel changes within the company. There were no adverse comments or reports received. Following discussion, moved by Roberts, seconded by Smith, to recommend approval of the manager change application as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

ED PROGRAM FUNDS: Peplitsch requested Council authorization to utilize up to \$200,000 in funding from the Lexington Economic Development Program to support the Workforce Training

Space project. He explained the funds were budgeted to be used for the project and will be repaid over the next 5 years. Following discussion, moved by Smith, seconded by Salem, to approve the use of ED Program funds for the Workforce Training Space project as requested and to authorize the execution of necessary documents. Roll call. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

PAY REQUEST: Peplitsch reviewed Pay Request #2 from TL Sund Constructors for the Workforce Training Space project in the amount of \$41,136.12. Following an update of the project, moved by Salem, seconded by Roberts, to approve the pay request as presented. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

PAY REQUEST: Peplitsch reviewed Pay Request #3 from TL Sund Constructors for the Workforce Training Space project in the amount of \$101,801.88. Moved by Roberts, seconded by Smith, to approve the pay request as presented. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

ROUNDTABLE: Burnside reminded Council and Staff of the open house scheduled for Thursday, September 12, 2019, 4-6 p.m. for the East Viaduct Project. Hodges announced that a refund of \$26,025.00 has been received from a workers compensation audit for FY 2017.

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