

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

A Regular Meeting of the Lexington City Council was held Tuesday, September 22, 2020, 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, and Steve Smith. Jeremy Roberts was excused. 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 and Tri-City Trib.

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 9-8-2020: Minutes of the Regular meeting held Tuesday, September 8, 2020, were presented. Moved by Salem, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Smith, Vivas, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,718,528.19 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Vivas, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$933,172.65 from General Fund, \$60,645.59 from Street Fund, \$146,948.49 from TIF, \$1,514,781.81 from LEXUS, \$41,904.65 from Sanitation, \$2,630.57 from Ambulance, \$14,196.66 from Health Fund, and \$4,247.77 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Smith, Salem, Vivas, Fagot. Motion carried.

**ACCOUNTS PAYABLE
September 22, 2020**

Amazon	LB / Covid 19 / Sneeze Guard	167.90
Ariaiza, Salvador	Electric Rebate	1,300.00
Baker & Taylor	LB / Books	981.53
Bank of America		
Aire-Master	AMB / Hospital Sanitizer	378.00
Amazon.com	ND/OC/ST/Equipment/Barrel Caddy/Supplies	313.67
Casey's General Store	CC / Council Meeting Meal	24.73
My LED Lighting Guide	EL / Solar LED Street Lights	540.00
Paypal / Ebay	PD / Batteries	64.91
Sam's Club	FD / Cleaning Supplies / Batteries	115.92
Unites States Postal Service	WR / Postage	145.55
Bauer Built Tire	ST / Repairs	89.00

Beverly Bogle Louthan PC	Professional Fees	1,200.00
Bliven, Mike	Electric Rebate	1,700.00
Brand, Dean	Electric Rebate	850.00
BSN Sports	REC / Tennis Nets	729.96
Cash-Wa Distributing	MOW / Food / Supplies	565.74
Cengage Learning	LB / Books	247.25
Center Point	LB / Books	180.36
Community Development Agency	TIF/HNB 1-2/Orthman/The Row/D Craft/Bauer Built	124,836.85
Consolidated Management	PD / Training Meals	173.55
Corona, Jasmin	PD / Mileage / Training	207.00
Davis Energy	FD / ST / Fuel / Fuel Purchase	2,665.64
Dell Marketing	CM/WWTP/Monitor/Desktop Computers	2,039.60
Demco	LB / Supplies	506.77
Dutton-Lainson Company	EL / 3 Phase Meters	318.71
Eakes Office Solutions	EL / LB / Printer Repairs / Supplies	196.17
Electrical Engineering & Equipment	EL / SW / Street Light Parts / Tools	399.33
Fagot Refrigeration & Electric	FD / GGC / SW / WR / Repairs / Lift Station #1	809.21
Fastenal	ST / SW / WR / Parts / Tools / Parts / Supplies	183.76
Fremarek Inc	ST / Covid 19 / Alcohol Wipes	211.03
Gomez, Arturo	Electric Rebate	850.00
GPM	WWTP / Effluent Flow Meter	4,743.00
Grand Island Independent, The	LB / 52 Week Subscription	559.31
Health Claims	Claims	1,454.29
Holbein, Dahlas D	AMB/FD/Truck Maintenance/Cleaning/ Fueling	1,500.00
Ideal Linen & Uniform	Rug Maintenance	325.18
IGS Solar	Solar Power Purchase	50,390.60
Ingram Library Services	LB / Books	87.40
Intellicom	Tech Support / Software / Phone System	26,342.08
Jerleen Corporation	LB / Books	20.89
Jim Phillips Construction	ST / SW / WR / Repairs	18,966.00
Jimenez, Juan	ST / Employee Safety Boots	43.00
John Deere Financial	AC / CEM / PK / ST / WR / Parts / Supplies	221.67
John Deere Financial/Landmark Implement	CEM / PK / Equipment Parts / Repairs	1,522.65
Lexington, City Landfill	Annual Landfill Fund Transfer	10,000.00
Lexington, City Operating	Account Analysis Charges	6,615.33
Lexington, City Payroll Account:		
Payroll	Wages	158,074.15
Social Security	Employer Portion / FICA Med	11,827.29
Union Bank & Trust	Employer Portion / Pension	5,087.82
Union Bank & Trust	Police Pension	3,106.07
ICMA	City Manager Pension	923.45
Lexington, City Street Department	Fuel	7,368.61
	Sales Tax Transfer	600,725.00
	TIF	22,111.64
LEXUS	Utilities	49,624.27
Lien Inc	WR / Lawn Repairs	120.00
McKesson	AMB / Medical Supplies	1,030.67
Mead Lumber	WR / Supplies	13.96
Meritain Health	Health Premium	35,286.12
MicroMarketing	LB / Books	1,578.58

Nebraska Public Power District	O&M	104,375.17
	Power Purchase	1,083,094.20
Nebraska Safety & Fire Equipment	REC / Fieldhouse / Service Call / Repairs	3,811.70
Nebraskaland Tire	PK / ST / WR / Truck Repairs	176.33
Nebraskalink OPTK Network	LB / Internet	15.00
OCLC	LB / Cataloging / Metadata / Worldshare	146.86
Oliver Consulting Services	LB / Monthly Backup / Tech Support	87.50
O'Reilly Auto Parts	ST / SW / Parts	124.91
Paulsen Inc	ST / Wash Sand / Limestone	272.45
Platte Valley Auto Mart	PD / Oil & Lube / Replace Starter	570.09
Platte Valley Laboratories	WWTP / Lab Reference Testing	782.50
Prasch, Stacey	Electric Rebate	850.00
Principal	Dental Premium	3,077.59
Quick Med Claims	AMB / Billing Service	629.63
Richardson Mowing	LB / Lawn Care	270.00
S & W Auto Parts	PK / ST / Parts	44.39
Society for Human Resource Management	CM / Annual Dues / Baruth, Pam	219.00
Standard Insurance Company	Life Insurance Premiums	983.94
TLCB Inc	PK / Fence Parts / Supplies	932.19
TO Haas Tire Co	CEM / PD / Tires / Alignment	656.65
Unitech	ST / Covid 19 / Disinfectant Wipes	165.00
US Foods	MOW / Food & Supplies	437.70
U-Save Pharmacy / Business Equipment	CM / ST / Office Supplies / Vinyl Numbers	224.70
Village Uniform	GGC / Janitorial Supplies	55.84
W W Grainger	WWTP / UV / Vent Fan	184.17
Baker & Taylor	LB / Books	85.23
Cash-Wa Distributing	MOW / Food / Supplies	1,389.79
CLIA Laboratory	AMB / CLIA Certification	180.00
Dan's Sanitation	Sanitation Fees	31,904.65
Fastenal	ST / Trimmer Head	41.21
Health Claims	Claims	12,555.16
Hiland Dairy Foods	MOW / Dairy Products	158.70
Knapp Electric	AV / Hydromatic 5HP Pump	6,874.49
Lexington, City of	Utility Franchise Fees	101,262.81
Lexington City Payroll Account:		
Payroll	Wages	157,662.41
Social Security	Employer Portion / FICA Med	11,794.80
Union Bank & Trust	Employer Portion / Pension	4,934.48
Union Bank & Trust	Police Pension	3,338.43
ICMA	City Manager Pension	923.45
Mead Lumber	AC / REC / Plywood / Parts	115.72
Midlands Contracting/Johnson Service	SW / Sewer Main Jetting	2,100.00
Municipal Pipe Service	WR / Underground / Water Main / Erie Street	7,800.00
Municipal Supply	WR / Parts	3,061.95
Nebraska Machine	ST / Loader Parts	850.37
NE Public Health Environmental Lab	WR / Testing	481.00
Nebraskaland Tire	WR / Oil & Lube / Repairs	520.49
O'Reilly Auto Parts	ST / WR / Auto Parts	155.53
Paulsen	ST / WR / Limestone / Gravel / Calcium	2,166.37
Scholastic	LB / Books	271.92
Statewide Collection	Collection Fees	95.92

TASC	Administration Fees	187.21
TO Haas Tire Co	PD / PK / Tire Repair / Mount	82.97
US Foods	MOW / Food	572.66
Verizon Wireless	Cellular Service	370.23
VSP Vision Care	Premiums	1,034.04
Walmart	CEM/GGC/LB/ND/PD/REC/ST/Supplies	707.52
	TOTAL CLAIMS:	2,718,528.19

FINANCIAL REPORT: Moved by Roberts, seconded by Vivas, to accept the financial report for August 2020. Roll call. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

PUBLIC COMMENTS: Nola Reed appeared before the Council asking why they have not passed a mask mandate during the pandemic. Fagot indicated that state health department guidelines for mask wearing are being recommended.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider the proposed Cunningham’s 1st Addition plat. Copley, on behalf of Dan and Sue Cunningham, reviewed the plat and indicated Planning Commission recommendation of approval. There were no public comments and the public hearing was closed. Resolution No. 2020-14 was presented. Moved by Salem, seconded by Smith, to Resolution No. 2020-14. Roll call. Voting “aye” were Vivas, Smith, Salem, Fagot. Motion carried.

RESOLUTION NO. 2020 - 14

CUNNINGHAM’S 1ST ADDITION

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

The plat of CUNNINGHAM’S 1ST ADDITION, Lot 1 of Jessen 1st Addition and part of the Northeast Quarter of Section 31, Township 10 North, Range 21 West of the Sixth Principal Meridian, Dawson County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved, accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED this 22nd day of September, 2020.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider the annexation of Cunningham’s 1st Addition into the corporate limits. Pepplitsch reviewed the small parcel of land that would be included in the corporate limits and indicated that no additional burden on public services is anticipated. There were no public comments, and the public hearing was closed. Resolution No. 2020-15 was presented. Moved by Salem, seconded by Vivas, to approve Resolution No. 2020-15. Roll call. Voting “aye” were Smith, Vivas, Salem, Fagot. Motion carried.

RESOLUTION NO. 2020-15

**CUNNINGHAM’S 1ST ADDITION
ANNEXATION**

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

That the CUNNINGHAM'S 1ST ADDITION, Lot 1 of Jessen 1st Addition and part of the Northeast Quarter of Section 31, Township 10 North, Range 21 West of the Sixth Principal Meridian, Dawson County, Nebraska, shall be included within the corporate limits of the City and become a part of the City for all purposes whatsoever and the inhabitants of the Addition shall be entitled to all the rights and privileges and be subject to all the laws, ordinances, rules and regulations of the City.

PASSED AND APPROVED this 22nd day of September, 2020.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a liquor license application by Lo Mejor de Michoachan. Peplitsch noted the owners have had a liquor license in the past in good standing and missed the annual renewal period. Following discussion, moved by Vivas, seconded by Smith, to recommend approval of the liquor license application by Lo Mejor de Michoachan to the Liquor Control Commission. Roll call. Voting "aye" were Salem, Smith, Vivas, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to discuss the proposed 1&6 Year Street Improvement Plan. Peplitsch reviewed the proposed plan, noting the plan is in line with planning discussions and budget. Following discussion, the public hearing was closed. Resolution No. 2020-16 was presented. Moved by Smith, seconded by Vivas, to approve Resolution No. 2020-16. Roll call. Voting "aye" were Salem, Vivas, Smith, Fagot. Motion carried.

RESOLUTION OF ADOPTION 2020-16

BE IT RESOLVED by the Mayor and City Council of Lexington, Nebraska that the attached One- and Six-Year Street Improvement Programs are hereby adopted by said City Council.

BE IT FURTHER RESOLVED, this Program was approved: Approved as presented

Date: September 22, 2020.

BOND ORDINANCE: Ordinance 2431 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF STREET BONDS OF THE CITY OF LEXINGTON, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$1,525,000) FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN STREET IMPROVEMENTS AND RELATED IMPROVEMENTS WITHIN THE CITY OF LEXINGTON, NEBRASKA; PRESCRIBING THE FORM OF SUCH BONDS TO BE ISSUED AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE INTEREST ON AND PRINCIPAL OF SUCH BONDS IF NECESSARY; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND RELATED MATTERS" was presented. Brad Slaughter, Piper Sandler & Co., reviewed the bond ordinance. Peplitsch noted that the bond proceeds are intended to fund budgeted capital improvements. 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, Salem, Fagot. Motion carried.

Ordinance No. 2431 was presented on final reading. Moved by Salem, seconded by Vivas, to approve Ordinance No. 2431 on final reading. Roll call. Voting “aye” were Smith, Vivas, Salem, Fagot. Motion carried.

AGREEMENT: Peplitsch reviewed an agreement with WSP USA Inc. for final design services related to the Lexington East Viaduct Project. NDOT is requesting Council approval of the agreement outlining project scope and costs. Following discussion, Resolution No. 2020-17 was presented. Moved by Vivas, seconded by Salem, to approve Resolution No. 2020-17. Roll call. Voting “aye” were Smith, Salem, Vivas, Fagot. Motion carried.

RESOLUTION

SIGNING OF FINAL DESIGN AGREEMENT - BK2052

City of Lexington Resolution No. 2020-17

Whereas: City of Lexington is developing a transportation project for which it intends to obtain Federal funds;

Whereas: City of Lexington as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

Whereas: City of Lexington and WSP USA Inc., wish to enter into a Professional Services Agreement to provide Final Design services for the Federal-aid project.

Be It Resolved: by the City Council of the City of Lexington that:

John Fagot, Mayor of the City of Lexington, is hereby authorized to sign the attached Final Design services agreement between City of Lexington, Nebraska and WSP USA Inc.

NDOT Project Number: RRZ-TMT-1705(3) NDOT Control Number: 61457

NDOT Project Description: Lexington East Viaduct

Adopted this 22nd day of September, 2020, at Lexington Nebraska.

ROUNDTABLE DISCUSSION: Peplitsch noted that bid openings for street and trail projects are scheduled for October 8. Burnside gave an update regarding tree planting in conjunction with Lexington High School students on September 29.

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