

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

A Regular Meeting of the Lexington City Council was held Tuesday, July 27, 2021, at the Lexington City Hall, 406 E. 7th Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, Dora Vivas, Steve Smith, and Jeremy Roberts. John Salem was absent. 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.

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 7-13-2021: Minutes of the Regular meeting held Tuesday, July 13, 2021, were presented. Moved by Smith, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Roberts, Vivas, Smith, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,078,776.39 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Smith, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$290,422.53 from General Fund, \$69,040.57 from Street Fund, \$1,579,857.08 from LEXUS, \$33,525.97 from Sanitation, \$465.33 from Ambulance, \$101,694.40 from Health Fund, and \$3,770.51 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Smith, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE
July 27, 2021**

911 Custom LLC	PD / Auto Parts	71.75
AFLAC	Premiums	1,959.62
Ask Supply Co. LLC	ST / Supplies	268.72
Associated Supply Company Inc	AC / Chemicals	991.91
B & H Services / Service Master	Cleaning Service	5,493.00
Baker & Taylor	LB / Books	473.98
Bank of America		
Amazon	REC / ST / WR / Marking Flags / Tools	551.84
American Red Cross	AC / Lifeguard Training	2,152.00
CDW-Government	ND / Ink Cartridges / Map Printer	519.22
City Of Lexington	Test Vending Machine/Driving Range	12.00
Columbia Sportswear	REC / Triathlon / Shirts	860.88
Facebook	REC / 4th of July 5K Marketing	102.83

Galco	WWTP / Parts / Power Supply	134.58
Nebraska Forest Service	CC / Tree Board / Webinar	40.00
Nebraska Water Environment Assn	Conference/Continuing Education/Philippi	90.00
Sprinkler Warehouse	PK / Sprinkler Parts	179.12
United States Postal Service	WR / Postage	252.00
Bauer Built Tire & Service	PK / ST / Tire Repairs	127.88
Bowen, Nicholas / Change Clothing	REC / Screen-printing / Triathlon	270.00
Beverly Bogle Louthan PC	Professional Fees	1,200.00
Cash-Wa Distributing	AC / MOW / Food & Supplies	1,199.12
Cengage Learning	LB / Books	196.72
Central States Aggregate LLC	PK / Crushed Rock / Plum Creek Park	2,028.00
Chavez de Florez, Blanca E	Electric Rebate	2,700.00
Chesterman Company	AC / Beverages	184.00
Country Partners Cooperative	PK / ST / Herbicide	332.48
Cummins Inc	WWTP / Equipment Maintenance	542.18
Davis Energy Inc	FD / ST / Fuel / Fuel Purchase	5,705.34
Demco	LB / Supplies	638.25
Downey Drilling Inc	Well 16/Rec Complex Irrigation Well/Reps	12,842.32
Eakes Inc	ST / Copier Expense	210.87
General Traffic Controls Inc	EL / Traffic Signal Equipment	184.00
Hach Company	WWTP / Lab Supplies	148.37
Health Claims	Claims	77,958.61
Hiland Dairy Foods Company LLC	MOW / Dairy Products	154.62
Holbein, Dahlas	AMB/FD/Maintenance/Fueling/Cleaning	1,500.00
Homeier Ventures LLC/Bobs True Value	PK / WWTP / Parts / Supplies	24.73
IGS ORIX Solar I	Solar Power Purchase	57,781.75
IIMC/International Institute of Municipal	Clerks CM/Membership/Baruth, P	200.00
KBC Inc / Johnstone Supply	ND / OC / Pleated Filters	350.80
Landmark Implement Inc/Lexington NE	PK / Grasshopper 900D Mower	23,900.00
LEXUS	Utilities	55,085.88
Lexington Health Fund	Self-Funding	43,382.92
Lopez-Gomez, Laureano	Electric Rebate	1,050.00
Mead Holding Co Inc/Mead Lumber	PK / WWTP / Hardware / Supplies	86.20
Meador, Justin / GPM	WWTP / Annual Calibration Service	618.00
Micromarketing LLC	LB / Books	367.91
Municipal Supply Inc	PK / WR / Parts	2,204.44
Nebraska Public Power District	O & M	153,066.16
	Power Purchase	1,043,303.51
Nebraskaland Tire Inc	ST / WR / Repairs	372.23
OCLC Inc	LB/Cataloging/Metadata/Worldshare	146.86
Odeys Inc	AC / Parts	152.66
O'Hanlon Seed Inc	CEM / Grass Seed	1,209.45
O'Reilly Auto Enterprises LLC	CEM / ST / Equipment Parts / Tools	58.39
Polydine Inc	WWTP / Dewatering Polymer	2,852.00
Paulsen Inc	ST / WR / Limestone / Road Gravel	7,095.19
Principal	Dental Premium	3,419.55
Quadient Finance USA Inc	Postage	3,000.00
Ramos, Saul/Saul Ramos Construction	Construction/St Ann's East Addition	94,052.00
Region 12 American Backflow Prevention Assn	WR / Conference / Landa, L	85.00
RYDE Transit	GGC / April-June 2021 Riders	104.00
S & W Auto Parts Company	FD / WWTP / Parts / Supplies	106.34

Salem, Joe	Electric Rebate	100.00
Standard Insurance Company	Life Insurance Premiums	1,010.63
State of NE/Public Health Environmental Lab	WR / Testing	150.00
TASC	Administration Fees	187.21
Thornburg, Larry	Electric Rebate	1,875.00
TO Haas LLC	ST/WR/Equipment Tires/Tire Repairs	327.57
Tyler Technologies	EL/Maintenance Fees/Transaction Fees	6,860.16
U Save Pharmacy/Business Equipment	AMB/DS/EL/FD/LB/ST/Supplies/Postage	369.06
US Foods	MOW / Food & Supplies	751.58
Verizon Wireless	Cellular Service	370.30
Village Cleaners Inc	GGC / Janitorial Supplies	58.12
Vitito, Dale/Jack's Uniforms&Equipment	PD / Auto Parts	556.89
VSP / Vision Service Plan	Vision Premium	1,051.02
Associated Supply Company Inc	AC / Pool Chemicals	15,689.68
B & H Services / Service Master	Cleaning Service	93.31
Baker & Taylor	LB / Books	56.19
Bauer Built Tire & Service	CEM / PK / Tire Repairs / Tires	704.67
Border States Industries Inc	EL / Meters Seals	1,178.21
Cash-Wa Distributing	MOW / Food & Supplies	1,181.02
City of Lexington	Utility Franchise Fees	105,612.13
Country Partners Cooperative	PK / Herbicide	282.13
Dan's Sanitation	Sanitation Fees	33,525.97
Electrical Engineering & Equipment Co	PK / Parts	21.01
Fagot Refrigeration & Electric Inc	AC / GGC / Service Calls / Repairs	160.50
Health Claims	Claims	21,588.96
Hiland Dairy Foods Company LLC	MOW / Dairy Products	152.18
History Nebraska	LB / Annual Subscription	35.00
Lexington City Payroll Account		
Payroll	Wages	190,783.81
Social Security	Employer Portion / FICA Med	14,315.19
Union Bank & Trust	Employer Portion / Pension	4,974.85
Union Bank & Trust	Police Pension	3,101.97
ICMA	City Manager Pension	951.23
Lexington Health Fund	Self-Funding	43,382.92
Lincoln Winwater Works Company	WR / Fire Hydrant Meters	1,391.00
Lindens Plumbing&Septic Tank Service	LB / Repairs	97.50
McCormack Distributing Company Inc	GGC / Equipment Maintenance	363.02
Mead Holding Company /Mead Lumber	PK / WWTP / Hardware / Lumber	60.34
O'Reilly Auto Enterprises LLC	ST / Supplies	53.88
Rose Holdings Inc	ST / Sweeper Repairs / Parts	1,530.55
S & W Auto Parts Company	CEM / PK / ST / Parts / Supplies	34.39
TL Sund Constructors Inc	PD / Replace South Door	4,985.00
TO Haas LLC	ST / Tire Repairs	193.28
US Foods	MOW / Food & Supplies	448.62
Walmart	AC/DS/LB/PD/PK/ST/WWTP/Supplies	574.16
YMCA of the Prairie	Fitness Memberships	1,234.00
	TOTAL CLAIMS:	2,078,776.39

FINANCIAL REPORT: Moved by Vivas, seconded by Roberts, to accept the financial report for June 2021. Roll call. Voting “aye” were Smith, Roberts, Vivas, Fagot. Motion carried.

PUBLIC COMMENTS: Donna Soflin and Sandy Goodrich appeared before the Council to submit concerns about storm water management within the housing development and trail construction adjacent to their properties on Liberty Drive.

RESOLUTION: Resolution No. 2021-18 was presented. Pepplitsch explained the scattered sites would be conveyed to the Community Development Agency for future housing development. Following discussion, moved by Roberts, seconded by Smith, to approve Resolution 2021-18. Roll call. Voting “aye” were Vivas, Smith, Roberts, Fagot. Motion carried.

RESOLUTION NO. 2021- 18

WHEREAS, the City of Lexington owns certain real estate for the purpose of residential development; and

WHEREAS, the Community Development Agency of Lexington, Nebraska is preparing a redevelopment project involving the same real estate, and it is in the best interest of the City to aid and cooperate in the planning, undertaking and carrying out of said redevelopment project by transferring title to said real estate to the Community Development Agency.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, as follows:

That the City Manager is hereby directed and authorized on behalf of the City of Lexington, to execute a Deed, transferring to the Community Development Agency of Lexington, Nebraska, the following described real estate, to-wit:

The South 70 feet of Lots 17 and 18, Block 4, in Ervin’s Subdivision of the North Half of the West Half of the Northwest Quarter of Section 8, Township 9 North, Range 21 West of the 6th P.M., in the City of Lexington, Dawson County, Nebraska; and

The East 3 feet of the North 97 feet of Lot 4, and all of Lot 3, Block 22, in MacColl and Leflang’s Second Addition to the Original Town of Plum Creek, now City of Lexington, Dawson County, Nebraska; and

The West 195.9 Feet of Lot 3, Block A, Kutz Park Addition to the City of Lexington, Dawson County, Nebraska; and

Lot 10, Block 5, John L. Mays Addition to the City of Lexington, Dawson County, Nebraska.

Passed and approved July 27, 2021

ORDINANCE: Ordinance No. 2436 entitled “**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A COMBINED UTILITIES REVENUE BOND, 2021 SERIES, OF THE CITY OF LEXINGTON, NEBRASKA, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED TEN MILLION THREE HUNDRED FIVE THOUSAND DOLLARS (\$10,305,000) IN THE FORM OF A PROMISSORY NOTE ISSUED TO EVIDENCE INDEBTEDNESS TO THE NEBRASKA DEPARTMENT OF ENVIRONMENT**”

AND ENERGY; APPROVING THE FORM OF SAID BOND (ISSUED AS A SINGLE PROMISSORY NOTE) AND RELATED LOAN AGREEMENT; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BOND; PRESCRIBING THE FORM AND CERTAIN TERMS AND DETAILS OF SAID BOND AND AUTHORIZING THE OFFICERS OF THE CITY TO SET CERTAIN 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; PROVIDING FOR THE ISSUANCE AND SALE OF SAID BOND; AUTHORIZING THE DELIVERY OF SAID BOND TO THE NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY; DETERMINING THAT INTEREST ON SAID BOND SHALL NOT BE EXCLUDABLE FROM GROSS INCOME FOR PURPOSES OF FEDERAL INCOME TAXATION; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS OF SAID BOND AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.” was presented for Council consideration. Peplitsch noted the funding is being utilized for the 2021 Wastewater Treatment Plant Facility Improvements project. Following discussion, moved by Vivas, seconded by Smith, to suspend the requirement of reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Roberts, Smith, Vivas, Fagot. Motion carried.

Ordinance No. 2436 was presented on Final reading. Moved by Smith, seconded by Roberts, to approve Ordinance No. 2436 on final reading. Roll call. Voting “aye” were Vivas, Roberts, Smith, Fagot. Motion carried.

MANAGER APPLICATION: Peplitsch presented a manager change application for Casey’s General Store #1747 and Casey’s General Store #2068 liquor licenses. Baruth noted this application is required due to area personnel changes for the Casey’s stores. Moved by Roberts, seconded by Vivas, to recommend approval of the manager change application as presented. Roll call. Voting “aye” were Smith, Vivas, Roberts, Fagot. Motion carried.

RESCHEDULE MEETING: Moved by Smith, seconded by Roberts, to reschedule the regular council meeting on August 10 to Wednesday, August 11, 2021, at 5:30 p.m. to ensure a quorum of members. Roll call. Voting “aye” were Vivas, Roberts, Smith, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: There were no items for discussion.

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