

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
September 14, 2021**

A Regular Meeting of the Lexington City Council was held Tuesday, September 14, 2021, at 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 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 8-24-2021: Minutes of the Regular meeting held Tuesday, August 24, 2021, 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.

MINUTES – BUDGET HEARING 9-7-2021: Minutes of the Budget Hearing held Tuesday, September 7, 2021, were presented. Moved by Smith, seconded by Roberts, to approve minutes as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,102,414.26 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 \$274,007.54 from General Fund, \$169,392.00 from Street Fund, \$85,876.42 from TIF, \$449,646.93 from LEXUS, \$10,000.00 from Sanitation, \$5,132.75 from Landfill, \$3,971.52 from Ambulance, \$99,539.24 from Health Fund, and \$4,847.86 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE
September 14, 2021**

Acromat	ST / Janitorial Supplies	482.72
Ark I Cei Holdco LLC/Sol Systems	EL / Solar Power Airport	15,235.09
Atlas Copco	WWTP / Pumping Equipment Repairs	5,851.47
B & H Services / Service Master	EL/OC/GGC/Cleaning Svc/Kitchen Floor	5,529.57
Baker & Taylor	LB / Books	1,614.26
Bauer Built Inc	WWTP / Tires	360.86
Black Hills Energy	Natural Gas Service	164.10
Cash-Wa Distributing	MOW / Food & Supplies	3,448.89

Cengage Learning	LB / Books	146.95
Citibank NA / CNH / Titan Machine	ST / Equipment Repairs / Parts	1,574.72
City of Lexington	Interdepartmental Service Fees	55,749.00
City of Lexington	Utility Franchise Fees	394.57
City of Lexington / Street	Fuel	12,412.55
City of Lexington / Street	SW/WR/Interdepartmental Service Fees	5,651.89
City of Lexington / Operating	Account Analysis Fees	6,269.00
Community Development Agency	TIF / Area #1 / Paulsen Inv	729.00
Complete Underground LLC	EL / Fiber Network	10,235.82
Danko Emergency Equipment	FD / Boots / Equip	557.77
Dan's Sanitation	Sanitation Fees	13,491.80
Davis Energy	AMB / ST / Fuel / Fuel Purchase	5,347.35
Dawson County Register of Deeds	Filing Fees	122.00
Dawson Public Power District	Power Purchase	95.25
Dell Marketing	EL / Office Computers	3,217.98
Dept of Economic Development	CM/Continuing Education/Burnside, D	50.00
Depository Trust	2016 Comb Util Bond	148,490.00
Dutton-Lainson Company	EL / Meter Hubs	82.17
Eakes Inc	LB / Supplies	143.85
Electrical Engineering & Equipment	WWTP / LED Lights / Supplies	7.94
Electronic Systems Inc	GGC / LB / Fire Alarm Inspections	165.00
Fagot Refrigeration & Electric	EL/GGC/OC/SW/WWTP/Svc/Repairs	1,975.71
Fastenal	ST / SW / Supplies	100.52
Felsburg Holt & Ullevig	DS / Professional Services / Stormwater	4,810.00
Fremarek Inc/Mid-American Research Chem	ST / Supplies	116.09
FYR-TEK	FD / Equipment Repairs	152.00
G & V Inc	WWTP / Sludge Removal	5,851.70
Galdamez Zacarias, Jackeline/Quadem	LB / Name Plate	12.00
GIS Workshop	GIS Website Subscription	3,600.00
Great Western Bank	LB / Petty Cash	105.51
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Health Claims	Claims	63,698.11
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	159.81
Holbein Lawn Service	FD / Lawn Care	220.00
Holmes Plumbing & Heating Supply Co	WR / Parts	100.58
Homeier Ventures LLC	ND / PK / Hardware	31.46
Ingram Library	LB / Books	338.54
Intellicom	EL/Adobe/Backup/Filtering/License/Svcs	4,246.55
Intermedia.com	ND / Web Phone Charges	278.45
Invest Plus / Plum Creek Market Place	MOW / Food / Supplies	149.54
James, Deb	GGC/Reimbursement/WCAAA Meeting	72.24
John Deere Financial	Parts/Tools/Supplies	529.46
Jones Plumbing & Heating	PD / PK / OC / WR /Service / Repairs	401.59
Komline-Sanderson	WWTP / Parts	3,430.00
Lang, Robyn	Electric Rebate	1,650.00
League of Nebraska Municipalities	WR / Backflow Workshop	165.00
LEE BHM / Lexington Clipper Herald	Publications	925.84
Lexington Area Solid Waste Agency	Waste Removal	685.40
Lexington, City Payroll Account		
Payroll	Wages	158,691.64

Social Security	Employer Portion / FICA Med	11,880.29
Union Bank & Trust	Employer Portion / Pension	4,887.11
Union Bank & Trust	Police Pension	3,197.70
ICMA	City Manager Pension	975.23
Lexington Public Schools	Refund to Schools	4,420.00
Lexington Regional Health Center	AMB / Laundry Service	590.00
McKesson Medical-Surgical	AMB / Supplies	132.98
Mead Lumber	DS/PK/Parts/Supplies	157.41
Micromarketing	LB / Books	79.98
Mid West TLC Inc	PK / Equip Replacement	243.94
Midwest Laboratories Inc	WWTP / Testing Supplies	1,609.35
Milco Environmental Services	Landfill/Pro Services Closed Landfill	5,132.75
Miller & Associates	ST / Professional Service	28,748.77
Morris Press	GGC / Newsletter	109.00
Municipal Supply	PK / WR / Supplies	2,926.66
Nebraska Dept of Agriculture	ND / Annual Animal Shelter Fee	175.00
Nebraska Dept of Revenue	Sales and Use Tax	72,816.38
Nebraska Law Enforcement Training Center	PD / TABE Testing / Supplies	39.05
Nebraska Machinery Company	ST / Parts	500.85
Nebraska Rural Water Association	WR / Membership Dues 2021-2022	275.00
Nebraska Tech & Telecommunications	Phone Service	1,254.28
Nebraska Water Experts / Culligan	Soft Water Supplies	420.77
Nebraskalink	LB / Internet Service	15.00
O'Hanlon Seed	CEM / ST / Grass Seed	1,597.50
O'Hara Lindsay and Associates	Monthly Lobbying Svcs/2021 Registration	333.00
O'Neill Wood Resources LLC	ST / Tree Grinding	13,600.00
One Call Concepts	Locate Fees	153.45
O'Reilly Auto Parts	CEM / ST / Parts / Supplies / Tools	82.44
Patton, Janell	AMB / EMS Conference	168.68
Paulsen Inc	PK / ST / SW / Limestone & Sand	9,164.00
Platte Valley Auto Mart	PD / ST / Oil & Lube / Repairs	3,756.06
Platte Valley Communications	FD / PD / Equipment Maintenance	198.71
Platte Valley Glass	LB / Repair	325.00
Pony Express Chevrolet, Buick	EL / Electric Car Repairs	754.69
Precision Detail / Julie Thalman	FD / Firehall Cleaning Service	280.00
Priority Medical Transport	AMB/Unbillable Transports/April-June	1,500.00
Rasmussen Mechanical Services	LB / Maintenance / Repairs	2,125.33
Rentokil NA / Presto-X	WWTP / Pest Control	52.00
Richardson, Calvin N / Richardson Mowing	LB / Lawn Care	270.00
Rios, Jesse	CEM / Reimbursement / CDL License	60.98
Rose Holdings / Equipment	ST / Street Sweeper Repairs / Parts	4,939.99
S & W Auto Parts	PK / ST / Parts	312.78
Sandry Fire Supply	FD / Safety Lights	759.50
Society for Human Resource Management	CM / Annual Membership / Baruth, P	219.00
Spectrum	Cable Service	30.26
State Of NE Public Health Environmental Lab	WR / Testing	907.00
Statewide Collections LLC	EL / Collection Service	37.26
Summit Supply Corp	PK / Benches	1,581.90
TASC	Compliance Fee	250.00
Taste of Home Books	LB / Books	77.00
Terryberry	LB / Service Award	265.48

TextMyGov	ND / Annual Contract	4,800.00
TL Sund Constructors Inc	PK / Dirt / Crushed Concrete	629.12
U Save Business Equipment	EL / LB / ST / Office Supplies	389.03
Unitech Inc	WR / Lubricant	127.87
US Foods	MOW / Food & Supplies	735.37
USA Communications	City Internet Services	345.60
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	606.00
Van Kirk Sand & Gravel Inc	ST/East Addition Ph I/ Siphon Project	65,319.86
Village Uniform	GGC / Janitorial Supplies	58.12
Vollmer, James L / Jamie's Garage	ST / Auto Repairs	258.49
Walmart	AC/DS/GGC/LB/PD/PK/ST/Supplies	763.17
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	159.10
Werner's Sprinklers	FD / Sprinkler Repair	71.91
YMCA of the Prairie	Fitness Memberships	1,234.00
Aflac	Premiums	1,825.66
Amazon Capital Services Inc	LB / Books & Supplies	406.52
Boling, Michael	Amb / EMS Conference	461.67
Center Point Large Print	LB / Books	180.36
City of Lexington - Street	TIF / CED Addition	22,281.88
Community Development Agency	TIF / Bauer Built / HNB / The Row	62,865.54
Country Partners Coop	PK / Weed / Pest Control	269.33
Davis Energy	Fuel	5,310.81
Dutton-Lainson Co	EL / Meter Sockets	198.59
Fagot Electric	WWTP / AC Repair	189.00
Great Western Bank-City Petty Cash	PD/GGC/Meals/Postage/Dues/Uniform	72.96
Health Claims	Claims	33,765.47
Hiland Dairy Foods	MOW / Dairy Products	200.31
Ideal Laundry & Cleaners	Rug Service	696.65
Intellicom	Tech Support	119.25
John Deere Financial / Landmark Implement	PK / Equipment Repairs	81.88
Johnny on the Spot	Cemetery / PK / Rentals	200.00
Lexington Health Fund	Self-Funding	85,317.84
Lincoln Winwater Works Co	WR / Parts	774.15
McKesson Medical-Surgical	AMB / Supplies	553.27
Mead Lumber	DS / Field Supplies	35.29
Meritain Health	Health Premiums	72,011.31
Municode	DS / Annual Support	350.00
Platte Valley Auto Mart	PD / Oil & Lube	64.81
Quick Med Claims	AMB / Ground Trips Revenue	366.65
Rockmount	ST / Welding Rods	441.60
	TOTAL CLAIMS:	1,102,414.26

PUBLIC COMMENTS: Nola Reed appeared before the Council with inquiries regarding street signs and comments on cemetery rules and regulations. Andrea Gonzalez and Joselyn Landa appeared with comments regarding starting an inclusive social club for students that would incorporate service projects as part of their objective.

ORDINANCE: Ordinance No. 2438 entitled “AN ORDINANCE ESTABLISHING THE VACATION OF CERTAIN ALLEYS LOCATED IN O’DONNELL ADDITION and O’DONNELL SECOND ADDITION; RESERVING AN EASEMENT IN SAID O’DONNELL

ADDITION AND O'DONNELL SECOND ADDITION; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH: ESTABLISHING AN EFFECTIVE DATE" was presented on first reading. Pepplitsch reviewed the ordinance. Following discussion, moved by Salem, seconded by Roberts, 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. 2438 was presented of Final reading. Moved by Salem, seconded by Smith, to approve Ordinance No. 2438 on Final reading. Roll call. Voting "aye" were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

ORDINANCE: Ordinance No. 2439 entitled "**AN ORDINANCE TO CREATE THE OFFENSE OF FAILURE TO APPEAR; AND TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM**" was presented. Copley reviewed the ordinance at the request of the city prosecutor. Following discussion, moved by Vivas, seconded by Salem, to suspend the rules reading the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

Ordinance No. 2439 was presented on Final reading. Moved by Vivas, seconded by Salem, to approve Ordinance No. 2439 on Final reading. Roll call. Voting "aye" were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

RESTRICTED FUNDS: Pepplitsch reviewed the budget process and option to increase the allowable restricted funds budget authority. Following discussion, moved by Roberts, seconded by Smith, to increase the base of restricted funds by an additional 1% for FY 2022. Roll call. Voting "aye" were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

TAX REQUEST HEARING: Mayor Fagot opened a public hearing to discuss setting the FY 2022 final tax request at a different amount than the prior year request. Following discussion and there being no public comments, the public hearing was closed. Resolution No. 2021-21 was presented. Moved by Smith, seconded by Salem, to approve Resolution No. 2021-21. Roll call. Voting "aye" were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

RESOLUTION NO. 2021-21

A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR FISCAL YEAR 2021-2022 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 2021-2022 property tax request be set at \$1,486,289.00.
2. The total assessed value of property differs from last year's total assessed value by 1.65%.
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 \$.355642 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 more than last year's by 30%.
6. A copy of this resolution shall be certified and forwarded to the Dawson County Clerk on or before October 13, 2021.

PASSED AND APPROVED this 14h day of September 2021.

APPROPRIATIONS ORDINANCE: Ordinance No. 2440 entitled "AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2021-2022. TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM" was presented. Moved by Smith, seconded by Roberts, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

Ordinance No. 2440 was presented on final reading. Moved by Smith, seconded by Roberts, to approve Ordinance No. 2440 on final reading. Voting "aye" were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

CDBG #20-EMCV-008: Jen McKeone, Cozad Development Corp, presented documents related to the administration of CDBG #20-EMCV-008 St. Ann's Parish Center Renovations project. Following review and discussion, moved by Roberts, seconded by Smith, to approve the Grant Administration Contract, Sub-Recipient Agreement, Authorization to Request Grant Funds, and Special Conditions for CDBG Grant #20-EMCV-008 as presented, and to authorize the execution of necessary documents. Roll call. Voting "aye" were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to discuss the proposed 1&6 Year Street Improvement Plan for FY 2022. Pepplitsch reviewed the proposed plan, noting the plan is in line with planning discussions and the new budget. Following discussion and there being no public comments, the public hearing was closed. Resolution No. 2021-22 was presented. Moved by Salem, seconded by Vivas, to approve Resolution No. 2021-22. Roll call. Voting "aye" were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

RESOLUTION OF ADOPTION 2021-22

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 14, 2021.

PAY REQUEST: Pepplitsch reviewed Pay Request #3 from Paulsen Inc. for the East Addition Phase I Improvements project in the amount of \$127,496.57. Following an update, moved by Smith, seconded by Roberts, to approve Pay Request #3 for the East Addition Phase I Improvements project Paulsen Inc. as presented. Roll call. Voting "aye" were Roberts, Smith, Vivas, Salem, Fagot. Motion carried.

PAY REQUEST: Pepplitsch reviewed Pay Request #3 from Van Kirk Bros. Contracting for the East Addition Phase I Improvements project in the amount of \$287,188.78. Following an update, moved

by Roberts, seconded by Salem, to approve Pay Request #3 for the East Addition Phase I Improvements to Van Kirk Bros. Contracting as presented. Roll call. Voting “aye” were Vivas, Smith, Salem, Roberts, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: Peplitsch gave an update on several current projects.

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