

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
November 8, 2022**

A Regular Meeting of the Lexington City Council was held Tuesday, November 8, 2022, 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, and Finance Director Barb Hodges. The press was represented by the 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 10-25-2022: Minutes of the Regular meeting held Tuesday, October 25, 2022, 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 \$945,949.69 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 \$476,820.63 from General Fund, \$42,923.77 from Street Fund, \$39,940.00 from TIF, \$54,300.10 from Housing Reuse, \$289,926.48 from LEXUS, \$10,000.00 from Sanitation, \$637.45 from Landfill, \$575.70 from Ambulance, \$26,085.38 from Health Fund, and \$4,740.18 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
November 8, 2022**

B & H Services / Service Master	EL / Cleaning Service	140.17
Baker & Taylor	LB / Books	815.36
Benson, John Kevin	ST / Tree Clearance Trimming	4,000.00
Black Hills Energy	Natural Gas Service	426.37
Blue360 Media	EL / Overpayment / Utility Account	90.75
Cash-Wa Distributing	MOW / Food & Supplies	2,049.40
Cengage Learning	LB / Books	146.89
Central Septic Tank Pumping & Plumbing	ND / Rotor Rooter / Men's Room	190.00
Chesterman Company	FH / Beverages	336.00
City of Lexington	Interdepartmental Service Fees	55,749.00
	Utility Franchise Fees	364.64
City of Lexington / Street	Fuel	11,473.15
	SW/WR/Interdepartmental Service Fees	6,876.23

Community Development Agency	TIF / Legend Oaks I / Legend Oakes II	39,940.00
Consolidated Management Company	PD/Training Meals/Sarmiento/Schwarz	120.00
Core & Main LP	WR / Meter Registers	2,240.33
Country Partners Cooperative	PK / Fertilizer / Dry Spreader Rental	7,865.35
Cozad Development Corporation	St Ann's Remodel / CDBG Grant	6,700.00
Dan's Sanitation	Sanitation Fees	15,421.83
Davis Energy	ST / Fuel	174.13
Dawson Public Power District	Power Purchase	78.06
Dell Marketing LP	PD / Computer	743.84
Depository Trust Company	2020 Combined Utilities Bond	96,657.50
Eakes Inc	LB / Office Supplies	455.63
Edgewater Insurance LLC	2022-2023 Insurance Premiums	271,489.00
Eilers Machine & Welding Inc	PK / Fabrication	150.00
Electrical Engineering & Equipment Co	OC / PK / Hardware / Lights	270.70
Eustis Body Shop	PK / Install Trailer Hitch	545.80
Fagot Refrigeration & Electric Inc	OC / REC / Parts / Repairs	556.37
Fastenal Company	SW / Hardware	90.99
First Interstate Bank	LB / Petty Cash	323.43
GB Auto Service Inc	PD / Tire Repair	20.00
Great Plains Communications	City Internet Services	345.60
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Health Claims	Claims	18,270.91
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	185.42
Holbein Lawn Service	FD / Lawn Care	165.00
Holmes Plumbing & Heating Supply Co	WR / Saw	200.09
Homeier Ventures Inc / Bob's True Value	CEM/OC/PK/ST/Tools/Hardware/Spls	258.15
Hydro Optimization&Automation Solutions	WR / Remote Support / Service	240.76
Ideal Laundry & Cleaners	Rug Service	725.72
Ingram Library	LB / Books	152.68
Intermedia.com	Web Phone Charges	279.47
Invest Plus Inc / Plum Creek Market Place	LB / MOW / Food / Supplies	138.16
Jones Plumbing & Heating Inc	PK / Stool Tank / Golf Building	112.50
Kohl, Patrick J/Kohl Welding & Machining	ST / Platform Construction / Seeder	49.47
LEE BHM / Lexington Clipper Herald	Publications	1,236.40
Lexington Area Chamber of Commerce	LB / Membership Dues / Norton, J	25.00
Lexington, City Payroll Account		
Payroll	Wages	163,139.18
Social Security	Employer Portion / FICA Med	12,202.08
Union Bank & Trust	Employer Portion / Pension	5,836.56
Union Bank & Trust	Police Pension	3,410.37
ICMA	City Manager Pension	1,001.92
Martin Electric Company	FH / Vacuum Belts	86.85
Matheson Trigas Inc	AMB / Medical Oxygen	138.00
Mead Lumber	PK / ST / Hardware / Lumber	223.93
Midwest Laboratories Inc	WWTP / Reference Testing	215.00
Milco Environmental Services Inc	Municipal Landfill (Closed) Pro Svcs	637.45
Miller & Associates	ND/ST/Pro Design Svcs/Liberty Drive	7,533.00
Miller, Trever	FD / Record Keeping	250.00
Morris Printing Group	GGC / Newsletters	121.50
Municipal Supply Inc	WR / Hardware	1,037.90

Nebraska Dept of Revenue	Sales and Use Tax	55,619.66
Nebraska Machine	ST / Equipment Repair / Service	627.36
Nebraska Water Experts / Culligan	Soft Water Supplies	446.95
Nebraskaland Tire	DS / ST / WR / Oil & Lube	133.82
Nebraskalink	LB / Internet Service	150.00
OCLC	LB/Cataloging/Metadata/WorldShare	156.68
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
One Call Concepts Inc	Locates	92.50
One Stop LLC	REC / Event Food	18.98
Paulsen Inc	PK / ST / Ballast Rock / Limestone	2,108.54
Platte Valley Auto	PD / Oil & Lube	61.02
Platte Valley Communications	PD / Equipment Maintenance	90.00
Plum Creek Medical Group PC	Employee Flu Shots	4,784.00
Rentokil NA / Presto-X	WWTP / Pest Control	63.28
Roemmich, Austin	AMB / Record Keeping	250.00
S & W Auto Parts	CEM / PK / ST / Battery / Parts	208.91
Sarmiento, Juan	PD / Mileage / NLETC / Training	112.50
Schwarz, Caleb	PD / Mileage / NLETC / Training	112.50
Spectrum	Cable Service	33.81
St Ann's Church	St Ann's Remodel / CDBG Grant	47,600.10
Thalman, Julie / Precision Detail	FD / Firehall Cleaning Service	375.00
Unitech	WR / Marking Paint	597.06
US Foods	MOW / Food	663.02
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	643.25
Vollmer, James L / Jamie's Garage	WR / Auto Repairs	246.67
Walmart	EL/LB/PD/PK/REC/ST/WWTP/Spls	1,345.06
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	167.05
Wilkins Architecture Design Planning LLC	PK/Veterans Pavilion/Professional Svcs	4,427.69
B & H Services / Service Master	OC / Cleaning Service	5,330.00
Bound Tree Medical LLC	AMB / Medical Supplies	187.70
Center Point Inc	LB / Books	189.96
Central Community College	FD / BLS Training	304.00
Chesterman Company	MOW / Beverages	90.00
Church of Latter-Day Saints, The	2022 Community Cleanup	450.00
Consolidated Management Company	PD/Training Meals/Sarmiento/Schwarz	118.80
Core & Main LP	WR / Meter Radios / Registers	6,227.99
County of Dawson - Register of Deeds	Filing Fees	88.00
Davis Energy	FD / ST / Fuel / Fuel Purchase	5,044.98
Eakes Inc	LB/PD/Copier Supplies/Office Supplies	334.01
Fyr-Tek Inc	FD/Equipment/Labor/Cascade System	15,979.00
Galdamez Zacarias, Jackeline / Quadem	PD / Certificate Plaque	30.00
Health Claims	Claims	3,030.47
Hiland Dairy Foods	MOW / Dairy Products	138.53
Holbein Lawn Service	DS / Abatements	500.00
Ingram Library Services Inc	LB / Books	74.52
Intellicom Computer Consulting Inc	Tech Support / Software	3,458.59
James, Deb	PK/Reimbursement Spls/Hobby Lobby	106.05
JEO Consulting Group Inc	NW Drainage Improvements	96.25
Jones Plumbing & Heating Inc	FD / WR / Filters / Hardware	120.95
Keep Lexington Beautiful	2022 Community Cleanup	600.00
Kirk's Trenching & Septic Service LLC	CEM / PK / Portable Rentals / Cleaning	215.00

Kohl, Patrick J/Kohl Welding & Machining	ST / Ball Hitch Installation	183.20
Lexington Area Solid Waste Agency	Special Waste Disposal	1,266.20
Lexington Public Schools	2022 Community Cleanup	600.00
Lexington Public Schools-Activity Accounts	2022 Community Cleanup	1,800.00
McCormack Distributing Company Inc	GGC / Ice Cream Machine Repairs	597.36
Mead Lumber	PK / Supplies	60.63
Milco Environmental Services Inc	Industrial Storm Water Pollution Prevention Plan	3,500.00
NE Law Enforcement Training Center	Certification Fees/Sarmiento/Schwarz	150.00
Nebraska Tech & Telecommunications Inc	Phone Service	1,308.49
Nebraskaland Tire	WR / Vehicle Repairs	543.44
O'Hanlon Seed Inc	PK / Dura Turf Plus II	226.50
O'Reilly Auto	ST / Parts	40.78
Platte Valley Auto Mart	PD/ST/WWTP/Oil/Lube/Repairs	540.45
Polydyne Inc	WWTP / Dewatering Polymer	15,364.00
Raices De Me Tierra	2022 Community Cleanup	600.00
S & W Auto Parts	WWTP / Tools / Supplies	33.42
Stout, Robby B	ST / Street Repairs	4,640.00
Uni-Fut Youth Soccer	2022 Community Cleanup	600.00
United By Culture	2022 Community Cleanup	600.00
US Food	MOW / Food & Supplies	816.38
Village Cleaners Inc	GGC / Janitorial Supplies	61.00
W W Grainger	WWTP / Circulating Pump Coupler	147.64
	TOTAL CLAIMS:	945,949.69

PUBLIC COMMENTS: Brian Neben addressed the Council regarding planning for the 150-year celebration of Lexington in 2024.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a Liquor License Application by MET Shortstop LLC dba Mac's Short Stop for a Class D liquor license. Jeff Tappan outlined his application with the current purchase of Mac's Short Stop. The public hearing was closed. Following discussion, moved by Roberts, seconded by Salem, to recommend approval to the Liquor Control Commission of the Class D license application by MET Shortshop LLC dba Mac's Short Stop. Roll call. Voting "aye" were Vivas, Smith, Salem, Roberts, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing on a general redevelopment plan for Redevelopment Area #6. Pepplitsch reviewed the general plan, and also noted the Planning Commission reviewed the proposed plan and recommends approval. Being no public comments, the public hearing was closed. Resolution No. 2022-25 was presented. Following discussion, moved by Salem, seconded by Smith, to approve Resolution No. 2022-25. Roll call. Voting "aye" were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

RESOLUTION NO. 2022-25

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, APPROVING THE CITY OF LEXINGTON GENERAL REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA #6; AND APPROVAL OF RELATED ACTIONS

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

Recitals:

- a. The Mayor and Council of the City of Lexington, Nebraska (the “**City**”), upon the recommendation of the City Planning Commission (the “**Planning Commission**”), and in compliance with all public notice requirements imposed by the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “**Act**”), has previously declared an area, including an area legally described on the attached **Exhibit A** (the “**Redevelopment Area**”), to be blighted and substandard and in need of redevelopment; and
- b. The Community Development Agency of Lexington, Nebraska (the “**Agency**”) has prepared a redevelopment plan (the “**Redevelopment Plan**”) a copy of which is attached hereto as **Exhibit B**; and
- c. The Agency submitted the Redevelopment Plan to the Planning Commission for its recommendation on the Redevelopment Plan after holding a public hearing in compliance with the provisions of the Act; and
- d. The Planning Commission has reviewed the Redevelopment Plan, held a public hearing thereon and recommended its approval by the Mayor and Council of the City;
- e. The Agency has recommended approval of the Redevelopment Plan by the Mayor and Council of the City;
- f. The City, in compliance with all public notice requirements imposed by the Act, published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan pursuant to the Act, and has on the date of this Resolution held a public hearing on the proposal to approve the Redevelopment Plan and received extensive public comment thereon; and
- g. The City Council has reviewed the Redevelopment Plan and determined that the proposed land uses and building requirements described in it are designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

Resolved that:

1. The Redevelopment Plan is determined to be feasible and in conformity with the general plan for the development of the City as a whole, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act. Section 18-2102 of the Act establishes the legislative declarations and

determinations for the Act. The Redevelopment Plan clearly demonstrates that the criteria declarations have been satisfied. The Redevelopment Area (the “Site”) constitutes an economically and socially undesirable land use in its current state. The Site contains numerous buildings and infrastructure in a state of deterioration and is not properly subdivided. The Site is not designed for proper utilization, is undesirable for economic and social purposes and constitutes a barrier to the sound growth of the City. Given the foregoing, the conditions of the Site are beyond the remedy and control of normal regulatory processes and police power and due to the high cost of development and cannot be dealt with effectively by the ordinary operations of private enterprise. Further documentation of these findings is set forth in **Exhibit B**.

The City Council acknowledges receipt of the recommendations of the Agency and the Planning Commission with respect to the Redevelopment Plan.

2. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.
3. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on November 8, 2022.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider the proposed South Lexington First Subdivision plat. Peplitsch reviewed the subdivision. Being no public comments, the public hearing was closed. Resolution No. 2022-26 was presented. Following discussion, moved by Roberts, seconded by Vivas, to approve Resolution No. 2022-26. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

RESOLUTION NO. 2022 -26

SOUTH LEXINGTON FIRST SUBDIVISION

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

The plat of SOUTH LEXINGTON FIRST SUBDIVISION, in the City of Lexington, 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 8th day of November, 2022.

PAY REQUEST: Peplitsch reviewed Pay Request #14 for the 2021 Wastewater Facility Improvements project from Walters-Morgan Construction in the amount of \$303,134.52. Following discussion, moved by Smith, seconded by Salem, to approve Pay Request #14 as presented. Roll call. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

RESOLUTION: Resolution No. 2022-27 was presented. Following discussion, moved by Salem, seconded by Roberts, to approve Resolution No. 2022-27. Roll call. Motion carried.

RESOLUTION NO. 2022-27
SIGNING OF THE YEAR-END CERTIFICATION OF
CITY STREET SUPERINTENDENT
2022

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; and

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; and

WHEREAS: The NDOT requires that such certification shall also include a copy of the documentation of the city street superintendent's appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number (if applicable), 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 that 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 8th day of November 2022.

RESOLUTION: Resolution No. 2022-28 was presented for Council consideration. Peplitsch reviewed proposed utility rate adjustments. Following discussion, moved by Vivas, seconded by Smith, to approve Resolution No. 2022-28 as presented. Roll call. Voting "aye" were Salem, Roberts, Smith, Vivas, Fagot. Motion carried.

RESOLUTION NO. 2022 – 28

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

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following rates and charges are established and shall take effect January 1, 2023, 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. Water Rates

Residential Metered: The first 5,000 gallons \$20.50 monthly minimum
 > 5,000 gallons \$1.05 per 1,000 gallons

Residential Flat Rate: \$27.50 per dwelling unit per month

Commercial Metered: The first 5,000 gallons \$20.50 monthly minimum
 > 5,000 gallons \$1.05 per 1,000 gallons

Multi-unit Service Fee: \$13.50 per dwelling/commercial unit, where more than one dwelling/commercial unit is served by a single metered service.

Industrial Metered: Base Charge per Month -- \$2,500
 \$0.375 per 1,000 gallons metered use

Automated Meter Reading Fee: \$1.00 per month per metered or unmetered service.

Section 2. Sanitary Sewer Rates

Flat Rate Residential: \$27.00 per month.

Flat Rate Commercial: \$27.00 per month

Commercial Metered: \$2.70 per 1,000 gallons
 \$27.00 minimum

PASSED AND APPROVED this 8th day of November, 2022.

WORK SESSION: Moved by Salem, seconded by Vivas, to schedule a council work session for Saturday, November 19, 2022, at 8:00 a.m. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

ROUNDTABLE: Peplitsch gave an update on 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