

**CITY COUNCIL  
CITY OF LEXINGTON, NEBRASKA  
October 11, 2022**

A Regular Meeting of the Lexington City Council was held Tuesday, October 11, 2022, at Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Dora Vivas, and Jeremy Roberts. Steve Smith was absent. City Officials present were City Manager Joe Pepplitsch, City Attorney Brian Copley, Finance Director Barb Hodges, Community Development Director Bill Brecks and City Clerk Pamela Baruth. 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 9-27-2022:** Minutes of the Regular meeting held Tuesday, September 27, 2022, were presented. Moved by Salem, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Roberts, Vivas, Salem, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,304,907.22 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$323,274.66 from General Fund, \$346,995.06 from Street Fund, \$13,832.32 from TIF, \$43,218.00 from Housing Reuse, \$477,829.99 from LEXUS, \$10,000.00 from Sanitation, \$6,957.11 from Ambulance, \$75,912.97 from Health Fund, and \$6,887.11 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Salem, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
October 11, 2022**

ARK I CEA Holdco LLC / Solsystems	Solar Power Purchase / Airport Road	12,266.22
B & H Services / Service Master	EL / OC / Cleaning Service	5,470.17
Baker & Taylor	LB / Books	1,354.76
Benson, John Kevin	ST / Tree Clearance Trimming	4,000.00
Black Hills Energy	Natural Gas Service	196.73
Bound Tree Medical	AMB / Medical Supplies	720.81
Camacho, Victor A	EL / Overpayment / Utility Account	66.53
Cash-Wa Distributing	MOW / Food & Supplies	3,012.48
Cengage Learning	LB / Books	216.02
Center Point Inc	LB / Books	375.12
CivicPlus LLC	DS / Municipal Code / Support Fees	350.00
City of Lexington	Interdepartmental Service Fees	55,749.00
	Utility Franchise Fees	266.17

City of Lexington / Street	SW/WR/Interdepartmental Service Fees	6,876.23
	Fuel	11,694.43
Consolidated Management Company	PD/Training Meals/Sarmiento/Schwarz	120.00
Country Partners Cooperative	PK / Herbicide	264.15
County of Dawson - Register of Deeds	Filing Fees	42.00
County Of Dawson - Surveyor	ND / Surveying Service / Drafting	1,000.00
Dan's Sanitation	Sanitation Fees	13,880.53
Davis Energy	FD / WWTP / Fuel / Lubricant	226.61
Dawson County Communications	Dispatch Fees / 4th Quarter	29,750.00
Dawson Public Power District	Power Purchase	83.13
Depository Trust Company	2015 General Obligation Bond	102,155.00
	2018 CU Revenue Refunding Bond	255,127.50
	2021 Highway Allocation Bond	303,576.25
Ditch Witch / Undercon	ST / Equipment Repairs	1,440.58
Downey Drilling Inc	OC / Annual Service on Loops	1,310.00
Dutton-Lainson Company	EL / Meter Sockets	654.84
E F Incorporated / Hobart Sales & Service	GGC / Dishwasher Repairs	535.80
Eakes Inc	EL/LB/Copier Expense/Office Supplies	643.81
Electric Pump Inc	SW / O-Rings	243.77
Electrical Engineering & Equipment	EL / Hardware	68.43
Fagot Refrigeration & Electric Inc	REC/WWTP/Driving Range/Wiring/Svc Furnace	528.33
First Interstate Bank	LB / Petty Cash	237.97
FNLLC, LLC / Choice Paint & Supply	ST / Paint Rollers	89.77
GB Auto Service Inc	CEM / Tire	120.98
Great Plains Communications	City Internet Services	345.60
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Health Claims	Claims	52,278.26
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	312.83
Holbein Lawn Service	DS / FD / Abatement / Lawn Care	420.00
Homeier Ventures Inc / Bob's True Value	OC / Supplies	12.49
Ideal Laundry & Cleaners	Rug Service	772.13
Ingram Library	LB / Books	340.29
Intellicom Computer Consulting Inc	Tech Support / Software	5,593.75
Intermedia.com	Web Phone Charges	283.01
Invest Plus / Plum Creek Market Place	MOW / REC / Food	246.03
Jones Plumbing & Heating	PK / ST / WR / Parts / Repairs	632.52
League Of Nebraska Municipalities	League Conference/Baruth/Salem/Vivas	1,185.00
LEE BHM / Lexington Clipper Herald	Publications	876.93
Lexington Area Chamber of Commerce	2022-2023 Membership Dues	4,500.00
Lexington Area Solid Waste Agency	Special Waste Disposal	1,302.72
Lexington, City Payroll Account		
Payroll	Wages	163,448.08
Social Security	Employer Portion / FICA Med	12,213.91
Union Bank & Trust	Employer Portion / Pension	5,765.70
Union Bank & Trust	Police Pension	3,505.22
ICMA	City Manager Pension	1,001.92
Lexington Public Schools	Final Liquor License Fee	300.00
Lexington Volunteer Fire Department	AMB / Quarterly Billing	1,840.31
Marriott Hotels / Lincoln Cornhusker	Lodging/League Conf/Baruth/Salem/Vivas	1,434.00
MAS Modern Marketing	LB / Books	246.12

Mead Holding Company Inc	PK / REC / Hardware / Supplies	158.73
Melson Fitness / Anytime Fitness	Fitness Memberships	209.94
Midwest Laboratories Inc	WWTP / Testing Supplies	55.19
Miller, Trever	FD / Record Keeping	250.00
Morris Printing Group Inc / Morris Press	GGC / Newsletter	121.50
Municipal Supply Inc	WR / Valve Box Riser	76.49
Nebraska Dept of Revenue	Sales and Use Tax	70,757.19
Nebraska Planning & Zoning Association	DS / 2022 NPZA Conference / Harris, J	105.00
Nebraska Tech & Telecommunications	Phone Service	1,314.94
Nebraska Water Experts / Culligan	Soft Water Supplies	415.34
Nebraskalink	LB / Internet Service	150.00
OCLC	LB/Cataloging/Metadata/Worldshare	156.68
O'Hanlon Seed Inc	PK / Dura Turf Plus	453.00
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
One Call Concepts Inc	Locates	90.00
Optimist Club of Lexington	Membership Dues / Peplitsch, J	80.00
O'Reilly Auto Parts	WWTP / Parts	9.86
Paulsen Inc	PK / ST / Sand & Gravel	1,552.00
Platte Valley Auto	FD / PD / Parts / Repairs / Oil & Lube	402.97
Platte Valley Communications	PD / Maintenance	90.00
Priority Medical Transport LLC	Non-Billable Transports/July-Sept 2022	3,650.00
Quick Med Holdings LLC	AMB / Billing Fees	452.13
Rentokil NA / Presto-X	LB / WWTP / Pest Control	168.37
Resource Management Co Inc	ST / Waste Tire Disposal	1,003.75
Roemmich, Austin	AMB / Record Keeping	250.00
S & W Auto Parts	CEM / WWTP / Parts	16.53
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	CDBG Grant	43,218.00
Taste Of Home Books	LB / Books	38.50
Thalman, Julie	FD / Cleaning Service	300.00
U Save Pharmacy	AMB / Medications / Supplies	43.86
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	751.00
Vermeer Equipment of Nebraska Inc	ST / Equipment Repairs	1,199.44
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	167.05
Bowen, Nicholas / Change Clothing	REC / Shirts / Halloween Hustle	1,756.80
Cash-Wa Distributing	MOW / OC / PK / ST / Food / Supplies	3,207.51
CNH Industrial America LLC / Titan	ST/WWTP/Equipment Repairs/Parts	2,189.96
Community Development Agency	TIF/Lex Dvlpmt Grp I&II/Hibbett Sports/Dollar Tree	13,832.32
Complete Underground LLC	Directional Boring/Underground Reps	4,807.79
Consolidated Management Company	PD/Training Meals/Sarmiento / Schwarz	149.25
Davis Energy	ST / Fuel Purchase	6,217.62
Dawson Area Economic Development Cncl	Industry Appreciation Day	290.00
Easy Picker Golf Products	REC / Golf Balls	5,270.15
Eustis Body Shop Inc	WR / Auto Body Repairs	2,867.17
Health Claims	Claims	23,634.71
Heldt McKeone & Copley	Wire Fees	24.00
Hiland Dairy Foods	MOW / Dairy Products	269.41
Homeier Ventures Inc / Bob's True Value	CEM / Supplies	10.65

Ingram Library	LB / Books	94.41
John Deere Financial/Orscheln/Landmark	CEM/LB/PK/ST/SW/Supplies/Parts	4,009.19
Kirk's Trenching & Septic Service	CEM / PK / Portable Rental / Cleaning	295.00
League Of Nebraska Municipalities	WR/Workshop	275.00
Lincoln Winwater Works Co	PK / ST / Saw Blades	458.62
Mead Lumber	GGC / PK / Supplies	117.59
Nebraskaland Tire	WR / Oil & Lube	66.35
O'Hanlon Seed Inc	PK / Dura Turf Plus	226.50
Oliver Consulting Services Inc	LB / Data Backup / Support	185.00
O'Reilly Auto Parts	SW / Parts	27.35
Paulsen Inc	ST / WR / Limestone	1,231.00
Quadiant Finance USA Inc	Postage	3,000.00
Richardson, Calvin / Richardson Mowing	LB / Lawn Care	200.00
RYDE Transit	GGC/Monthly Riders/July/Aug/Sept	146.00
S & W Auto Parts	PK / Parts	146.72
Salem, John	CC/Exps/Conf/Mileage/Meals/Parking	314.45
Stout, Robby B	ST / WR / Repairs	4,794.00
Tyler Technologies Inc	Trans Fees/Util Billing Notification Calls	4,983.15
U Save Pharmacy / Business Equipment	DS/EL/GGC/LB/ST/WWTP/Office Spls	2,154.51
US Foods	MOW / Food & Supplies	784.87
Utility Service Company Inc	WR/Tower Maint/S Tank/DT Tank	11,060.17
Village Cleaners Inc	GGC / Janitorial Supplies	61.00
Vivas, Dora	CC/Exps/Conf/Mileage/Meals/Parking	361.79
VSL Brookstone Home Health & Hospice	GGC/Foot Clinic Vouchers/July-Sept'22	150.00
	<b>TOTAL CLAIMS:</b>	<b>1,304,907.22</b>

**RESOLUTION:** Resolution No. 2022-21 was presented. Following discussion, moved by Vivas, seconded by Salem, to approve Resolution No. 2022-21. Roll call. Voting “aye” were Roberts, Salem, Vivas, Fagot. Motion carried.

### **RESOLUTION NO. 2022 - 21**

#### **A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR FISCAL YEAR 2022-2023 AT A DIFFERENT AMOUNT THAN THE PRIOR YEAR REQUEST.**

WHEREAS, Nebraska Revised Statute 77-1632 and 77-1633 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 2022-2023 property tax request be set at \$1,623,977.99.
2. The total assessed value of property differs from last year’s total assessed value by 9.26%.
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 \$ .330852 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 decrease last year's by .19 percent.
6. A copy of this resolution shall be certified and forwarded to the Dawson County Clerk on or before October 15, 2022.

**PASSED AND APPROVED this 11<sup>th</sup> day of October 2022.**

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider a subdivision application by Stewart Properties LLC for property located near 2701 North Adams. Brecks stated the owners intend to sell Lot 1 of the proposed subdivision. He noted the Planning Commission recommended approval at a recent meeting. There were no public comments, and the public hearing was closed. Resolution No. 2022-22 was presented. Following discussion, moved by Salem, seconded by Roberts, to approve Resolution No. 2022-22. Voting "aye" were Vivas, Roberts, Salem, Fagot. Motion carried.

**RESOLUTION NO. 2022 -22**

**W.A.S. SECOND SUBDIVISION**

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

The plat of W.A.S. SECOND SUBDIVISION, being a part of the south half of Section 30, 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 11<sup>th</sup> day of October, 2022.**

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider a rezoning application for Lot 2, W.A.S. Second Subdivision, from A-1 Agricultural to R-1 Single Family Residential. Brecks noted the change will meet city zoning requirements. There were no public comments, and the public hearing was closed. Ordinance No. 2449 entitled "**AN ORDINANCE TO REZONE A CERTAIN TRACT OF REAL ESTATE TO R-1; 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. Moved by Vivas, seconded by Roberts, to suspend the reading of an ordinance on three separate occasions. Roll call. Voting "aye" were Salem, Roberts, Vivas, Fagot. Motion carried.

Ordinance No. 2449 was read on final reading. Moved by Vivas, seconded by Roberts, to approve Ordinance No. 2449 on final reading. Roll call. Voting "aye" were Salem, Roberts, Vivas, Fagot. Motion carried.

**RESOLUTION:** Resolution No. 2022-23 was presented. Peplitsch explained an agreement between Nebraska Department of Transportation and the city regarding an access drive from Cutler Drive to Highway 283 in the Auto Haus Second Subdivision. Following discussion, moved by Roberts, seconded by Vivas, to approve Resolution No. 2022-23. Roll call. Voting "aye" were Salem, Vivas, Roberts, Fagot. Motion carried.

**RESOLUTION NO. 2022 – 23**

**WHEREAS:** The City of Lexington desires to enter into an Agreement with the State of Nebraska Department of Transportation, to proceed with Auto Haus Second Addition, Cutler Drive Access to US-283.

**NOW BE IT RESOLVED** by the City of Lexington that the Agreement for the above-described Project, attached hereto, is hereby approved, and that the City Manager is hereby directed and authorized to sign said Agreement on behalf of the City of Lexington.

**PASSED AND APPROVED this 11<sup>th</sup> day of October, 2022.**

**RESOLUTION:** Resolution No. 2022-24 was presented. Following discussion, moved by Vivas, seconded by Salem, to approve Resolution No. 2022-24. Roll call. Voting “aye” were Roberts, Salem, Vivas, Fagot. Motion carried.

**RESOLUTION NO. 2022-24**

**WHEREAS,** the Federal Disaster Mitigation Act of 2000 was signed into law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

**WHEREAS,** a Multi-Jurisdictional Hazard Mitigation Plan was prepared by the Central Platte Natural Resources District, with assistance from JEO Consulting Group, Inc. of Lincoln, NE, which includes City of Lexington; and

**WHEREAS,** the purpose of the mitigation plan was to lessen the effects of disasters by increasing the disaster resistance of the Natural Resources District and participating jurisdictions located within the planning boundary by identifying the hazards that affect City of Lexington and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards; and

**WHEREAS,** FEMA regulations require documentation that the plan has been formally adopted by the governing body of City of Lexington in the form of a resolution and further requesting approval of the plan at the Federal Level;

**NOW, THEREFORE,** the City Council of City of Lexington does herewith adopt the Central Platte Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan Update in its entirety.

**PASSED AND APPROVED this 11<sup>th</sup> day of October 2022.**

**CHANGE ORDER:** Pepplitsch requested Council concurrence on Change Order #1 for the St. Ann’s Parish Council CDBG #20-EMCV-008 project. Following discussion, moved by Salem, seconded by Roberts, to concur with Change Order #1 as presented. Roll call. Voting “aye” were Vivas, Roberts, Salem, Fagot. Motion carried.

**PAY REQUEST:** Pepplitsch reviewed Pay Request #2 for the Veterans Pavilion at Kirkpatrick Memorial Park project from Lacy Construction in the amount of \$37,323.00. Following project

update, moved by Roberts, seconded by Salem, to approve Pay Request #2 as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Fagot. Motion carried.

**PAY REQUEST:** Pepplitsch reviewed Pay Request #13 for the 2021 Wastewater Facility Improvements project from Walters-Morgan Construction in the amount of \$304,572.64. Following project update, moved by Salem, seconded by Vivas, to approve Pay Request #13 as presented. Roll call. Voting “aye” were Roberts, Vivas, Salem, Fagot. Motion carried.

**ROUNDTABLE:** Pepplitsch 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