

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
September 26, 2023**

A Regular Meeting of the Lexington City Council was held Tuesday, September 26, 2023, 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 Derek Haines, and City Clerk Pamela Baruth. The press was represented by 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 9-12-2023: Minutes of the Regular meeting held Tuesday, September 12, 2023, were presented. Moved by Smith, seconded by Roberts, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

MINUTES – BUDGET HEARING 9-12-2023: Minute of the Budget hearing held Tuesday, September 12, 2023, were presented. Moved by Roberts, seconded by Smith, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,302,423.34 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Vivas, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$315,964.62 from General Fund, \$73,842.54 from Street Fund, \$1,830,203.67 from LEXUS, \$40,705.20 from Sanitation, \$11,483.45 from Landfill, \$1,252.76 from Ambulance, \$24,366.77 from Health Fund, and \$4,604.33 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

**ACCOUNTS PAYABLE
September 26, 2023**

4IMPRINT	CM / City Shirts	281.05
B & H Services / Service Master	Cleaning Service	6,222.00
Baker & Taylor	LB / Books	585.74
Bennett, Curtis W / Sign Pro	DS / Signage	180.00
Beverly Bogle Louthan PC	Professional Fees	1,200.00
BSN Sports Inc	REC / Sporting Equipment	983.44
Business Card / Bank of America		
Amazon.com	EL / ND / ST / Supplies / Hardware	269.06
Canva	LB / Software	15.99
Casey's / Lexington NE	CC / PD / Meeting Meals	70.24
Facebook / Meta	REC / Halloween Hustle / Publications	15.65
Microsoft	LB / Software	9.75

Raising Caine's / Grand Island NE	PD / Travel Meals	10.35
Runza / Kearney Ne	PD / Travel Meals	11.49
Spartan / Tennis Supplies & Equipment	Tennis Equipment/Hardware/Racquet Cntr	4,189.49
Sprinkler Warehouse	PK / Sprinkler Parts	1,087.93
United States Postal Service	WR / Postage	209.85
Walmart	PD / Data Storage	56.00
Cash-Wa Distributing	MOW / Food & Supplies	3,280.90
Cengage Learning	LB / Books	130.05
Chesterman Company	MOW / Beverages	90.00
City of Lexington / Operating	First Interstate Account Analysis Charges	1,715.48
Core & Main LP	WR / Meters	503.43
Country Partners Cooperative	CEM / Fertilizer / Equipment Rental	2,537.18
Cox Subscriptions Inc	LB / Annual Periodical Subscriptions	1,037.47
Davis Energy	FD / PK / ST / Fuel / Fuel Purchase / Oil	6,440.16
Dutton-Lainson Company	EL / Meter Sockets / Plates	604.98
DXP Enterprises Inc	PK / Supplies	539.64
Eide Bailly LLP	Professional Svcs/Market Analysis Report	10,000.00
Eilers Machine & Welding Inc	AC / EL / FH / Metal Plate / Parts	651.81
Fagot Refrigeration & Electric Inc	Geothermal Heat Pump / Wiring / Repairs	18,262.79
Feeney, Audrey	Electric Rebate	50.00
Friedrichsen, Harlan Leon	ST/Employee Reimbursement/Boots	148.19
Galdamez Zacarias, Jackeline / Quadem	CT / PD / Name Plate / Plaques	174.00
GB Auto Service Inc	PK / Tire Repair	22.99
HD Supply Inc	WWTP / Tools	318.56
Health Claims	Claims	8,901.43
Hiland Dairy Foods	MOW / Dairy Products	267.66
Holbein, Dahlas	AMB/FD/Truck Maint/Fueling/Cleaning	1,500.00
Homeier Ventures LLC	AC / OC / PK / Hardware / Supplies	72.19
IGS ORIX Solar I	Solar Power Purchase	49,041.19
Ingram Library Services	LB / Books	70.38
JEO Consulting Group	ND / Professional Services	3,558.75
Lexington City Payroll Account		
Payroll	Wages	160,494.08
Social Security	Employer Portion / FICA Med	12,002.68
Union Bank & Trust	Employer Portion / Pension	0.00
Union Bank & Trust	Police Pension	3,146.31
ICMA	City Manager Pension	1,085.25
Lexington Health Fund	Self-Funding	52,690.80
Lexington Housing Authority	Electric Rebate	850.00
Lexington Public Schools	Refund to Schools	5,200.00
LEXUS	Utilities	55,937.97
Linch, Lauri	Electric Rebate	1,650.00
McCracken, Jared	Electric Rebate	159.80
Mead Lumber	AC/CEM/DS/PK/Tools/Hardware/Supplies	2,449.04
Meritain Health	Health Premium	37,126.91
Mid-State Engineering & Testing	2021 Wastewater Facility Imps/Pro Services	135.00
MILCO Environmental Services Inc	Municipal Landfill (Closed)/Pro Services	11,483.45
MindSet LLC	CM / Software License	3,887.00
Municipal Supply Inc	WR / Couplings	880.31
Nebraska Machinery Company	PK / Equipment Rental / Plum Creek Park	4,709.93
Nebraska Public Power District	O & M	278,060.91
	Power Purchase	1,234,754.61
Nebraskaland Tire	CEM/ST/WWTP/Brake Repairs/Oil/Lube	844.06
O'Hanlon Seed Inc	CEM / Grass Seed	8,075.00
O'Reilly Auto Parts	PD / ST / Parts / Toolbox	483.97
Olsson	ST / Hike Bike Trail	2,250.00
Paulsen Inc	Limestone/Fiber Mesh/Sand/Gravel	7,849.89
Platte Valley Auto Mart	PD / Oil & Lube	71.34

Platte Valley Laboratories, Inc	WWTP / Testing Supplies	792.50
Polydyne Inc	WWTP / Dewatering Polymer	15,364.00
Principal	Dental Premium	3,763.22
Realpe, Aida	Electric Rebate	3,100.00
S & W Auto Parts	WWTP / Parts / Oil	41.14
Standard Insurance Company	Life Insurance Premiums	954.73
State of NE / Public Health Environmental Lab	WR / Testing	446.00
TASC	Administration Fees	175.62
Titan Machinery Inc - Lexington	FD/ST/WWTP / Equipment Repairs / Parts	2,887.90
U Save Pharmacy / Business Equipment	GGC / LB / PK / WWTP / Supplies	927.69
Verizon Wireless	Cellular Service	417.25
Village Cleaners Inc	GGC / Janitorial Supplies	64.06
VSP / Vision Service Plan	Vision Premium	986.07
WAM Inc / Central Nebraska Bobcat	PK / Utility Vehicle	43,595.64
Wesco Distribution Inc	WWTP / Supplies	580.55
Bound Tree Medical LLC	AMB / Medical Supplies	837.08
Castaneda, Nazario	ND / Cabinet Installation	2,345.00
Cengage Learning	LB / Books	382.72
City of Lexington	Utility Franchise Fees	112,362.04
Complete Underground LLC	EL / Directional Boring / Perry Apartments	9,958.18
Dan's Sanitation	Sanitation Fees	40,705.20
Electrical Engineering & Equipment	ND / OC / Lighting / Hardware	419.90
Gibbens Tree & Lawn Service Inc	PK / Spray Linden Trees / Japanese Beetles	500.00
Global Equipment Company Inc	WWTP / Supplies	666.84
Health Claims	Claims	15,289.72
Homeier Ventures LLC / Bob's True Value	PK / WR / Tools / Supplies	87.28
Hydro Optimization&Automation Solutions Inc	Service Call/Repairs/Decanter Controls	9,308.32
J & A Traffic Products	ST / Signposts	1,750.00
Mead Lumber	ND / Ceiling Tiles	527.04
Miller & Associates Consulting Engineers PC	REC/Pro Services / Racquet Center	2,500.00
Motorola Solutions Inc	PD / Equipment / Repairs	610.00
Platte Valley Auto Mart	PD / Oil & Lube	96.29
Primary Electric Inc	Troubleshoot Electrical/VFD Switch Gear	150.00
RDO Truck Center Co	ST / Equipment Parts	96.92
Stout, Robby B	ST / Sidewalk Repairs	15,549.00
Village Cleaners Inc	GGC / Janitorial Supplies	64.06
Walmart Stores Inc	AC/CM/EL/ND/PD/PK/ST/Supplies	669.49
Winnelson Company	ND / Plumbing Supplies	1,856.32
	TOTAL CLAIMS:	2,302,423.34

FINANCIAL REPORT: Moved by Vivas, seconded by Salem, to accept the financial report for August 2023 as presented. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

RESTRICTED FUNDS: Pepplitsch reviewed the option to increase the allowable restricted funds budget authority. Following discussion, moved by Roberts, seconded by Vivas, to increase the base of restricted funds by an additional 1% for FY 2023-2024 budget. Roll call. Voting “aye” were Salem, Smith, Vivas, Roberts, Fagot. Motion carried.

RESOLUTION: Resolution No. 2023-19 was presented. Moved by Salem, seconded by Smith, to approve Resolution No. 2023-19. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

RESOLUTION NO. 2023-19

**A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR
FISCAL YEAR 2023-2024**

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 2023-2024 property tax request be set at \$1,709,848.19.
2. The total assessed value of property differs from last year's total assessed value by 16.89%.
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 \$.309253 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 \$.325605 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 9.14 percent.
6. A copy of this resolution shall be certified and forwarded to the Dawson County Clerk on or before October 15, 2023.

PASSED AND APPROVED this 26th day of September 2023.

APPROPRIATIONS ORDINANCE: Ordinance No. 2457 entitled "AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2023-2024. 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, Smith, Roberts, Fagot. Motion carried.

Ordinance No. 2457 was presented on final reading. Moved by Smith, seconded by Roberts, to approve Ordinance No. 2457 on final reading. Voting "aye" were Salem, Vivas, Roberts, Smith, Fagot. Motion carried.

RESOLUTION: Resolution No. 2023-20 was presented. Following discussion, moved by Vivas, seconded by Salem, to approve Resolution No. 2023-20. Roll call. Voting "aye" were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

RESOLUTION NO. 2023-20

**SIGNING OF THE
MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE
2023**

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson

and shall include the resolution of the governing body of the municipality authorizing the signing of the certification.

Be It Resolved that the Mayor of Lexington is hereby authorized to sign the Municipal Annual Certification of Program Compliance.

Adopted this 26th day of September, 2023, at Lexington, Nebraska.

PAY REQUEST: Pepplitsch reviewed Pay Request #1 from Red Fern Electric Inc. for the Standby Power Improvements project in the amount of \$146,726.63. Following a project update, moved by Smith, seconded by Roberts, to approve Pay Request #1 as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

ROUNDTABLE: 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