

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

A Regular Meeting of the Lexington City Council was held Tuesday, September 11, 2018, at the Lexington City Hall, 406 E. 7<sup>th</sup> Street, 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. Press present were Clipper-Herald and KRVN.

**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. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 8-28-18:** Minutes of the Regular meeting held Tuesday, August 28, 2018, were presented. Moved by Salem, seconded by Vivas, 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 \$830,059.08 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Vivas, seconded by Smith, to approve the Claims and Bills as listed and to authorize the City Treasurer to transfer \$303,032.02 from General Fund, \$46,578.82 from Street Fund, \$42,142.08 from TIF, \$4,692.00 from Housing Reuse, \$386,298.01 from LEXUS, \$10,000.00 from Sanitation, \$4,811.53 from Ambulance, \$28,620.18 from Health Fund, and \$3,884.44 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Roberts, Vivas, Smith, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
September 11, 2018**

Anytime Fitness	Memberships	195.65
Baker & Taylor	LB / Books	283.80
Barco Municipal Products	ST / Barricade Flasher	216.34
Black Hills Energy	Gas Service	2,742.54
Bob's True Value	City Hall/PK/ST/Glue/Chainsaw Bar/Auger	68.45
Boling, Michael	Ambulance / Training Mileage	41.58
Cash-Wa Distributing	MOW / Food & Supplies	1,586.21
Community Development Agency	Annual Funding	50,000.00
Consolidated Management Co	PD / Academy Meals	21.42
Country Partners Coop	PK / WWTP / Fertilizer / Hose / Clamp	98.02
Culligan	Soft Water Supplies	362.83
Dan's Sanitation	Sanitation Fees	11,894.00
Davis Energy	Ambulance / FD / PK / ST / Fuel	5,531.12
Dawson Pest Control	FD / GGC / OC / Pest Control	159.10
Depository Trust Co	2016 CURRB Bond Payment	145,901.25
Dutton-Lainson Co	WR / Vinyl Flags	140.72
Eakes Office Solutions	LB/ST/Copier Expenses/Office Supplies	156.98
Easy Picker Golf Products	PK / Range Balls	2,556.05
Electrical Engineering & Equipment	EL / Conduit / Cement	65.20
Fagot Refrigeration & Electric	WWTP / AC Repair	120.00

Gale/Cengage Learning	LB / Books	84.73
Grainger	WWTP / PVC / Connections	304.24
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Great Western Bank-Lib Petty Cash	LB / Postage	166.64
Green, Michael	ST / CDL License	57.50
Health Claims Fund	Claims	27,454.21
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	390.05
Holbein Lawn Service	DV SRV / Lawn Care	100.00
Ingram Library Services	LB / Books	129.43
Intellicom Computer Consulting	Computer Services	125.00
JEO Consulting	PK / Professional Fees	8,145.00
Johnson Service Co	SW/Clean/Vac/Lift Station/Sewer Mains	3,680.00
Jones Plumbing & Heating	OC / PK / WR / WWTP / Repairs/ Supplies	732.47
Lexington Animal Clinic	Animal Care	852.84
Lexington, City Street Department	Fuel	10,402.37
Lexington, City Street Department	ST / Interdepartmental Service Fees	19,728.88
Lexington, City of	Interdepartment Service Fees	64,444.40
Lexington Health Fund	Self-funding	48,046.93
Lexington Newspapers	Publications	216.08
Lexington Postmaster	GGC / Postage	165.00
Lexington Public Schools	Refunds to School	4,890.00
Lien Inc	PK / Sprinkler Repair	1,350.01
Lift Solutions	EL / Equipment Maintenance	115.12
Mead Lumber & Rental	GGC / Filter	16.45
Meritain Health	Health Premium	30,084.05
MicroMarketing	LB / Books	86.73
Mid-American Research Chemical Corp	ST / Lubricant / Deodorizer	215.16
Mid-States Automation & Control Inc	OC / Heat Pump Service	1,187.90
Morris Press	GGC / Newsletter	309.46
Municipal Automation & Control	WWTP / Equipment Installation	2,287.36
Municipal Supply	WR / Repairs / Parts	1,827.66
Nebraska Dept of Agriculture	Animal Shelter License Annual Fee	175.00
Nebraska Dept of Revenue	Sales and Use Tax	62,519.63
Nebraska Dept of Revenue	Waste Reduction / Recycling Fee	25.00
Nebraska Environmental Products	ST / Sweeper Brooms	474.29
Nebraska Rural Water Association	Membership Renewal	275.00
Nebraskaland Tire	GGC / ST / WR / Maintenance / Filters	344.59
New Horizons	OOR / Lead Paint Inspections	4,692.00
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
Ollis Book Corporation	LB / Books	74.80
One Call Concepts	Locate Fees	73.23
O'Reilly Auto Parts	ST / Battery	124.74
Overton Sand & Gravel	EL / White Rock	837.97
Paulsen Inc	WR / SW / WWTP / Concrete / Rock	3,432.94
Platte Valley Excavating Inc	ST / WR / Tree Removal	1,890.00
Plum Creek Motors	WWTP / Mower Blade	50.85
Plum Creek Promotions	PD / Uniforms	21.00
Principal	Dental Premium	3,491.75
Reader's Digest	LB / Periodical	22.98
Richardson Mowing	LB / Lawn Care	270.00
S & W Auto Parts	DV SRV / PK / Oil Dry / Fuses	101.04
Service Master of Mid Nebraska	EL / GGC / OC / Janitorial Services	4,334.12
Standard Insurance Company	Life Insurance Premiums	1,031.76
Statewide Collections	Utility Collections	1,179.42
Subway	Civil Service Meeting Lunch	32.34
Taste of Home	LB / Periodical	33.98

Titan Access	ST/WWTP/Bushings/Seals/Caster/Switch	380.21
Titan Machinery	ST / Tar Kettle Maintenance	406.15
TO Haas	PK / ST / Tire Repair	52.71
Total Funds by Hasler	Postage	3,000.00
Total Lawn Care	AC / Mowing / Trimming	1,060.00
USA Communications	City Internet Services	345.60
US Foods	MOW / Food & Supplies	1,099.09
Village Uniform	GGC / Janitorial Supplies	55.84
VSP / Vision Service Plan	Vision Premium	951.64
Walmart	PD / ST / Supplies	137.79
WatchGuard Inc	PD / Car Cameras	34,770.00
Aflac	Premiums	1,165.97
American Family Insurance	Ambulance / Refund	923.00
Dan's Sanitation	Sanitation Fees	2,204.80
Dawson County Register of Deeds	Filing Fees	86.00
Dawson Public Power District	Power Purchase	11,515.31
Dutton-Lainson Co	EL / WR / Paint / Meter Cover Plate	156.99
EMS Billing Services	Ambulance Billing	2,803.49
Fagot Refrigeration & Electric	City Hall/GGC/ST/WWTP/Equipment Rep	1,014.51
Fasse, Eleanor	EL / Refund	53.92
Fyr-Tek	FD / Annual Pump Tests	1,050.00
Galls	PD / Uniforms	3,675.00
Holbein Lawn Service	FD / Lawn Care	275.00
John Deere Financial / Orscheln	PK / ST / WR / WWTP / Boots / Supplies	440.45
John Deere Financial	Cemetery/PK/WWTP/Equip Parts/Repairs	597.97
Lexington Area Solid Waste Agency	Waste Removal	1,542.40
Lexington City Payroll Account:		
Payroll	Wages	145,883.36
Social Security	Employer Portion / FICA Med	10,866.92
Union Bank & Trust	Employer Portion / Pension	4,603.91
Union Bank & Trust	Police Pension	2,961.74
ICMA	City Manager Pension	881.89
Lexington, City Street Department	CED Addition / Reimburse Street	42,142.08
Lexington Newspapers Inc	Publications	334.30
Lien Inc	PK / OC / Landscape Maintenance	5,631.68
Matheson Tri-Gas	Ambulance / Medical Supplies	39.88
Midland Scientific	WWTP / Testing Supplies	789.46
Midwest Laboratories	WWTP / Testing Supplies	180.00
Nebraska Machinery	ST / Repair / Maintenance	1,830.24
Nebraska Technology & Telecom	Phone Service	1,367.72
Nebraskaland Tire	ST / Maintenance / Filter	93.80
O'Reilly	ST / Booster Cable	49.99
Overton Sand & Gravel	St / Gravel	42.21
Platte Valley Auto Mart	ST / Battery	134.35
Platte Valley Communications	PD / Monthly Maintenance Fee / Repairs	494.55
Precision Detail	FD / Cleaning	300.00
Publishers Prime	LB / Books	16.73
S & W Auto Parts	ST / Grease	135.20
S & D Contractors	DV SRV / Yard Care	600.00
Scholastic Library Publishing	LB / Books	152.10
Union Bank & Trust	Fee Disclosure	55.00
Unitech	WR / Grease	120.38
United Healthcare	Ambulance / Refund	872.80
U-Save Business Equipment	DV SRV/EL/LB/PD/ST/WWTP/Supplies	760.35
Walmart	Employee Recognition Supplies	9.24
	TOTAL	830,059.08

**STREET PROJECT:** Peplitsch reviewed of bids received for the Commerce Road and Frontage Road Paving project. Following discussion, moved by Smith, seconded by Salem, to accept the bids as presented and to award the contract to TL Sund Constructors in the amount of \$218,494.00. Roll call. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

**BUDGET HEARING:** Mayor Fagot opened a public hearing on the proposed 2018-2019 fiscal year budget. Peplitsch reviewed the proposed budget and property tax request. Following discussion and there being no public comments received, the public hearing was closed.

**RESTRICTED FUNDS:** Peplitsch reviewed the option to increase the allowable restricted funds budget authority for flexibility. Following discussion, moved by Roberts, seconded by Smith, to increase the base of restricted funds by an additional 1% for FY 2019. 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 2018-2019 final tax request at a different amount than the prior year request. Following discussion and no public comment received, the public hearing was closed. Resolution No. 2018-10 was presented. Moved by Salem, seconded by Vivas, to approve Resolution No. 2018-10. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

#### **RESOLUTION NO. 2018-10**

##### **A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR FISCAL YEAR 2018-2019 AT A DIFFERENT AMOUNT THAN THE PRIOR YEAR REQUEST.**

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the city of Lexington passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the Municipality that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the city of Lexington by a majority vote resolves that:

1. The 2018-2019 property tax request is set at \$1,272,990.87.
2. A copy of this resolution shall be certified and forwarded to the County Clerk prior to October 13, 2018.

**PASSED AND APPROVED this 11<sup>th</sup> day of September 2018.**

**APPROPRIATION ORDINANCE:** Ordinance No. 2411 entitled “AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2018-2019; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented. Moved by Roberts, seconded by Smith, 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. 2411 was presented on final reading. Moved by Roberts, seconded by Vivas, to approve Ordinance No. 2411 on final reading. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

**CDBG OOR PROGRAM:** Burnside reviewed an extension request to Nebraska Department of Economic Development for CDBG project #15-HO-33075. He reviewed the application and cover letter to extend the

project completion date to October 1, 2019. Following discussion, move by Roberts, seconded by Vivas, to approve the extension request to be submitted to NDEQ for CDBG project #15-HO-33075. Roll call. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

**ROUNDTABLE:** Peplitsch gave an update on current projects and noted he will send out potential dates for a council work session to be held in October. Roberts stated he will be absent from the September 25 council meeting.

**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