

**CITY COUNCIL  
CITY OF LEXINGTON, NEBRASKA  
September 8, 2020**

A Regular Meeting of the Lexington City Council was held Tuesday, September 8, 2020, 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 KRVN Radio.

**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 8-25-20:** Minutes of the Regular meeting held Tuesday, August 25, 2020, were presented. Moved by Smith, seconded by Salem, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$676,860.57 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Vivas, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$178,452.82 from General Fund, \$79,046.29 from Street Fund, \$385,319.10 from LEXUS, \$10,000.00 from Sanitation, \$728.70 for Landfill, \$2,366.50 from Ambulance, \$18,031.84 from Health Fund, and \$2,915.32 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
September 8, 2020**

|  |                              |          |
|--|------------------------------|----------|
| Aire-Master                                  | AMB / Disinfectant Spray     | 378.00   |
| Anytime Fitness                              | Fitness Memberships          | 149.95   |
| Association for Rural & Small Libraries, The | LB / Conference Registration | 65.00    |
| Baker & Taylor                               | LB / Books                   | 869.37   |
| Barco Municipal Products                     | ST / WR / Tools              | 210.34   |
| Black Hills Energy                           | Natural Gas Service          | 1,044.88 |
| Cash-Wa Distributing                         | MOW / Food / Supplies        | 905.59   |
| Cengage Learning                             | LB / Books                   | 118.87   |
| CNH Industrial                               | ST / WWTP / Parts / Supplies | 393.05   |
| Community Development Agency                 | Downey Lot Buy Back          | 5,000.00 |
| Consolidated Management                      | PD / Training Meals          | 63.51    |
| Copycat Printing                             | DS / Specialty Paper         | 72.44    |
| Country Partners Coop                        | ST / Herbicide               | 201.50   |

|                                       |   |            |
|---------------------------------------|---|------------|
| Culligan                              | Soft Water Supplies                       | 376.20     |
| Dan's Sanitation                      | Sanitation Fees                           | 19,537.40  |
| Davis Energy                          | FD/ST/Fuel/Fuel Purchase/Exhaust Fluid    | 3,558.21   |
| Dawson County Register of Deeds       | Filing Fees                               | 82.00      |
| Dawson Pest Control                   | FD / GGC / OC / Pest Control              | 159.10     |
| Dawson Public Power District          | Power Purchase                            | 81.21      |
| Depository Trust Company              | 2016 CURRB Bond Payment                   | 149,396.25 |
| Eakes Office Solutions                | LB / PD / Supplies / Copier Expense       | 1,241.93   |
| Eilers Machine & Welding              | OC / Plate Covers                         | 153.55     |
| Electrical Engineering & Equipment    | WWTP / Parts                              | 151.20     |
| Fagot Refrigeration & Electric        | GGC/Install Heat Pump System              | 5,633.50   |
| Felsburg Holt & Ullevig               | DS / Professional Services / Storm Water  | 3,651.00   |
| GEA Mechanical Equipment              | WWTP / Decanter Controls                  | 997.83     |
| Gonzalez-Garcia, Reyna Luz            | EL / Credit on Closed Utility Account     | 46.62      |
| Great Western Bank                    | LB/Petty Cash / Postage / Covid Supplies  | 154.89     |
| Greater Nebraska Cities               | Monthly Lobbying Services                 | 667.00     |
| Health Claims                         | Claims                                    | 5,163.98   |
| Heartland Scuba Center                | FD / Dive Rescue Training / Certification | 6,087.24   |
| Heldt McKeone & Copley                | Professional Fee                          | 2,700.00   |
| Hiland Dairy Foods                    | MOW / Dairy Products                      | 216.03     |
| Holbein Lawn Service                  | FD / Lawn Care                            | 220.00     |
| Ideal Linen & Uniform                 | Rug Maintenance                           | 215.76     |
| Ingram Library Services               | LB / Books                                | 51.95      |
| Integrated Security Solutions         | City Fire Extinguisher Inspections        | 4,941.00   |
| JEO Consulting                        | PK / Professional Fees                    | 2,550.00   |
| Jones Plumbing & Heating              | PK / WWTP / Parts                         | 29.50      |
| J-Spot Services                       | EL / Hydro Vac / Street Light             | 578.75     |
| Lawson Products                       | SW / Supplies                             | 156.00     |
| League of Nebraska Municipalities     | Utilities Section / Membership Dues       | 5,605.00   |
| Lexington Animal Clinic               | Animal Care                               | 308.00     |
| Lexington Newspapers                  | Publications / Subscription               | 595.21     |
| Lexington Public Schools              | Annual Refund to Schools                  | 4,465.00   |
| Lexington, City of                    | Interdepartmental Service Fees            | 67,984.75  |
|                                       | Utility Franchise                         | 276.35     |
| Lexington, City Street Department     | SW/WR/Interdepartmental Service Fees      | 5,651.89   |
| Lift Solutions                        | ST/Preventative Maint/Stock Picker        | 94.50      |
| Mead Lumber                           | OC / Supplies                             | 5.79       |
| Meritain Health                       | Health Premium / August / September       | 71,365.20  |
| MicroMarketing                        | LB / Books                                | 491.35     |
| MILCO Environmental Services          | Pro Srvcs/Closed Municipal Landfill       | 728.70     |
| Miller & Associates                   | Professional Fees / Well #19              | 10,990.55  |
| Nebraska Dept of Agriculture          | Annual Animal Control Fees                | 175.00     |
| Nebraska Dept of Revenue              | Sales and Use Tax                         | 72,195.15  |
|                                       | NE Waste Reduction & Recycling Fee        | 25.00      |
| Nebraska Law Enforcement Training Ctr | PD / Training / Recertification           | 72.00      |
| Nebraska Life Magazine                | LB / Annual Subscription                  | 24.00      |
| Nebraska Rural Water Association      | 2020-2021 Membership Renewal              | 275.00     |
| O'Hara Lindsay and Associates         | Monthly Lobbying Services                 | 333.00     |
| One Call Concepts                     | Locate Fees                               | 117.29     |
| O'Reilly Auto Parts                   | CEM / ST / Parts / Supplies               | 165.79     |
| Paulsen Inc                           | ST / WR / Sand / Gravel / Limestone       | 2,525.79   |

|                                   |                                       |                   |
|-----------------------------------|---------------------------------------|-------------------|
| Pinnacle Agency, The              | New Vehicle Insurance                 | 23.00             |
| Platte Valley Auto Mart           | CM / PD / WWTP / Auto Repairs         | 5,497.47          |
| Platte Valley Communications      | PD/FD/ Maintenance Fee/Locks/Parts    | 1,067.59          |
| Platte Valley Glass & Trailers    | AC / Parts                            | 245.00            |
| Polydyne Inc                      | WWTP / Dewatering Chemicals           | 8,556.00          |
| Precision Detail                  | FD / Cleaning                         | 240.00            |
| Pro Track & Tennis                | Tennis Court Resurfacing / Completion | 49,700.00         |
| S & W Auto Parts                  | ST / Parts / Supplies                 | 101.03            |
| Silver State Consulting Group     | PD / Required Anti-Bias Training      | 475.00            |
| Stryker                           | AMB / Defibrillator                   | 1,988.50          |
| Taste of Home Books               | LB / Books                            | 77.00             |
| TO Haas Tire Co                   | ST / Tires                            | 78.20             |
| Total Lawn Care                   | AC / Mowing / Trimming                | 1,625.00          |
| Traffic Logix Corporation         | ST / Traffic Radar Signs              | 5,667.00          |
| Tri City Sign Company             | OC / Sign Repairs                     | 340.00            |
| Tyler Technologies                | Annual Maintenance/Software & Service | 44,559.87         |
| Unitech                           | ST / Covid Supplies / Supplies        | 506.50            |
| US Foods                          | MOW / Food & Supplies                 | 570.16            |
| USA Communications                | City Internet Services                | 345.60            |
| Village Uniform                   | GGC / Janitorial Supplies             | 55.84             |
| YMCA                              | Fitness Memberships                   | 1,234.00          |
| Aflac                             | Premiums                              | 1,648.55          |
| Cash-Wa Distributing              | MOW / Food / Supplies                 | 635.27            |
| Corona, Jasmine                   | PD / Mileage / Training               | 103.50            |
| Galls                             | PD / Supplies                         | 257.00            |
| Great Western Bank                | LB / Petty Cash / August              | 77.50             |
| Health Claims                     | Claims                                | 11,219.31         |
| Hiland Dairy Foods                | MOW / Dairy Products                  | 160.95            |
| Ingram Library Services           | LB / Books                            | 108.38            |
| Intellicom                        | EL / ND / Tech Support / Software     | 2,984.50          |
| Jones Plumbing & Heating          | CEM / WR / Parts / Supplies           | 35.37             |
| Lexington Area Solid Waste Agency | Mixed Solid Waste Disposal            | 1,436.75          |
| Lincoln Winwater Works Co         | WR / Parts                            | 565.43            |
| Municode                          | DS / Online Code Book / Fee           | 350.00            |
| Nebraska Tech & Telecom           | Phone Service                         | 780.72            |
| Platte Valley Communications      | WR / Well #19 Software / Truck Radio  | 4,767.23          |
| Platte Valley Glass & Trailers    | DS / Covid / Sneeze Guard             | 411.00            |
| Plum Creek Market Plate           | CC / MOW / Produce / Supplies         | 56.51             |
| S & W Auto Parts                  | WR / Parts                            | 683.72            |
| Scarborough Construction          | Roofing/Glenn Hawks Community Bldg    | 54,240.00         |
| Service Master                    | EL/GGC/LB/ND/OC/Cleaning Service      | 10,236.77         |
| US Foods                          | MOW / Food                            | 408.44            |
|                                   | <b>TOTAL CLAIMS:</b>                  | <b>676,860.57</b> |

**PUBLIC HEARING:** Mayor Fagot opened a public hearing for Council to sit as a Board of Equalization to consider assessments for delinquent property maintenance abatement fees. There were no public comments and the public hearing was closed. Ordinance No. 2429 entitled “**AN ORDINANCE TO ASSESS THE COST OF PROPERTY MAINTENANCE AGAINST CERTAIN PROPERTIES; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM**” was presented on First reading. Moved by Salem

seconded by Vivas, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

Ordinance No. 2429 was presented on Final reading. Moved by Salem, seconded by Vivas, to approve Ordinance No. 2429 on Final reading. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

**BUDGET HEARING:** Mayor Fagot opened a public hearing on the proposed 2020-2021 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. Following discussion, moved by Roberts, seconded by Smith, to increase the base of restricted funds by an additional 1% for FY 2021. 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 2021 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. 2020-12 was presented. Moved by Salem, seconded by Roberts, to approve Resolution No. 2020-12. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

## **RESOLUTION NO. 2020 - 12**

### **A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR FISCAL YEAR 2020-2021 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 2020-2021 property tax request be set at \$1,462,195.00.
2. The total assessed value of property differs from last year’s total assessed value by 6%.
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 \$ .340976 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 .361503 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 8%.
6. A copy of this resolution shall be certified and forwarded to the Dawson County Clerk on or before October 13, 2020.

**PASSED AND APPROVED this 8th day of September 2020.**

**APPROPRIATION ORDINANCE:** Ordinance No. 2430 entitled “AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2020-2021. TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented. Moved by Smith, seconded by Vivas, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Salem, Roberts, Vivas, Smith, Fagot. Motion carried.

Ordinance No. 2430 was presented on final reading. Moved by Smith, seconded by Salem, to approve Ordinance No. 2430 on final reading. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

**PROJECT BIDS:** Peplitsch reviewed plans and specifications for the East Addition Utility Improvements project and East Addition Paving Improvements project. He stated the infrastructure improvements will be bid as two separate packages to accelerate the timeline and gain efficiency. Following discussion, moved by Roberts, seconded by Smith, to approve plans and specifications for the East Addition Utility Improvements project and the East Addition Paving Improvements as presented and to authorize solicitation of bids. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

**PROJECT BID:** Peplitsch reviewed plans and specifications for the Hike/Bike Trail Northwest Phase II project. Following a review of the plans, moved by Salem, seconded by Roberts, to approve plans and specifications for the Hike/Bike Trail Northwest Phase II project as presented and to authorize solicitation of bids. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

**PROJECT CLOSEOUT DOCUMENTS:** Peplitsch reviewed documents from Midlands Contracting Inc. to close out the 2020 Water System Improvement project. Documents included Pay Request #3-Final in the amount of \$130,975.07, Change Order #1 – Deduct of \$13,395.00, and Certificate of Substantial Construction. Following discussion, moved by Salem, seconded by Smith, to approve all closeout documents related to the 2020 Water System Improvements project as presented. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

**RESOLUTION:** Resolution No. 2020-13 was presented. Peplitsch reviewed lease-purchase agreements for two loaders and a road grader. Following discussion, moved by Vivas, seconded by Salem, to approve Resolution No. 2020-13. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

### **RESOLUTION NO. 2020-13**

**WHEREAS,** Nebraska State Law authorize the City of Lexington, Nebraska (“City”) a municipal corporation, to purchase, acquire and lease personal property for the benefit of City and its inhabitants and to enter into any necessary contracts; and

**WHEREAS,** the City desires to lease, purchase and/or finance equipment (“Equipment”) from Caterpillar Financial Services Corporation and /or an authorized Caterpillar dealer (“Caterpillar”) by entering into certain Governmental Equipment Lease-Purchase Agreements (the “Agreements”) with Caterpillar.

**NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA,** that: (1) the Agreements, including

all schedules and exhibits attached to the Agreements, is approved in substantially the form presented at the meeting, (2) the City enter into the Agreements with Caterpillar and (3) the Agreements are approved as a binding obligation of the City; and

That changes may later be made to the Agreements if the changes are approved by the City Council (the "Approved Changes") and that the signing of the Agreements and any related documents is conclusive evidence of the approval of the changes; and

Joe Pepplictsch, City Manager, is authorized and directed to (1) sign and deliver to Caterpillar, and its successors and assigns, the Agreements and any related documents, and (2) take or cause to be taken all actions deemed necessary or advisable to acquire the Equipment, including the signing and delivery of the Agreements and related documents; and

That nothing in this resolution, the Agreements or other document imposes a pecuniary liability or charge upon the general credit of the City or against its taxing power, except to the extent that the payments payable under the Agreements are special limited obligations of the City as provided in the Agreements; and

That a breach of this resolution, the Agreements or any related document will not impose any pecuniary liability upon the City, any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Agreements are special limited obligations of the City as provided in the Agreements.

**PASSES AND APPROVED this 8<sup>th</sup> day of September, 2020.**

**EXECUTIVE SESSION:** Moved by Salem, seconded by Roberts, to enter into executive session at 6:11 p.m. to discuss negotiations for the purchase of land. Roll call. Voting "aye" were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

Moved by Salem, seconded by Vivas, to enter into open session at 6:35 p.m. Roll call. Voting "aye" were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

**ROUNDTABLE DISCUSSION:** 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