

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

A Regular Meeting of the Lexington City Council was held Tuesday, August 24, 2021, at the Lexington City Hall, 406 E. 7th 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. 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 8-11-2021: Minutes of the Regular meeting held Wednesday, August 11, 2021, 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 \$2,438,080.47 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 \$394,567.28 from General Fund, \$327,235.31 from Street Fund, \$810 from TIF, \$1,592,815.54 from LEXUS, \$69,464.99 from Sanitation, \$460.98 from Ambulance, \$24,300.99 from Health Fund, and \$28,425.38 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
August 24, 2021**

Aguirre, Maria	Electric Rebate	1,250.00
American Family Life Assurance Co/AFLAC	Premiums	1,959.62
Andrade, Jose	Electric Rebate	2,500.00
ARK I CEI Holdco LLC / Sol Systems	Solar Power Purchase	16,984.37
B & H Services / Service Master	Cleaning Service	5,364.00
Baker & Taylor	LB / Books	560.99
Bank of America		
Broyhill Company, The	REC / Equipment Parts	395.78
Galco Industrial	WWTP / Frequency Converter	491.12
Divers Supply	FD / Scuba Supplies / Gear	737.81
Gallery Collections, The	CM / Holiday Cards	316.30
Casey's General Store	CC / Civil Service Meeting / Meal	44.03

United States Postal Service	CM / WR / Postage	116.85
Sprinkler Warehouse	PK / Sprinkler Parts	1,130.95
Hurtco Technologies Inc	WR / Equipment Parts / Tools	392.96
Barco Municipal Products Inc	ST / Portable Stop Signs	176.18
Bennett, Curtis W / Sign Pro	PD / Lettering & Graphics / Police Unit	160.00
Beverly Bogle Louthan PC	Professional Fees	1,200.00
Blackburn MFG Co	LB / Custom Banners	101.00
Cash-Wa Distributing	AC / MOW / Food & Supplies	1,924.61
Caterpillar Financial Services Corporation	Equipment Lease/2 Loaders/Motor Grader	65,727.74
Cengage Learning	LB / Books	335.67
Center Point Inc	LB / Books	180.36
Central States Aggregate LLC	REC / Crushed Rock	1,245.22
City of Lexington - General Fund	Interdepartmental Service Fee- Meals	25,000.00
City of Lexington - Landfill	Annual Landfill Fund Transfer	30,000.00
City of Lexington - Street Department	Sales Tax Transfer	150,000.00
Community Development Agency	Annual Funding	50,000.00
Complete Underground LLC	Fiber Network	102,684.53
Country Partners Coop	FD / Fuel	164.83
Davis Energy	AMB / FD / Fuel / Fuel Purchase	6,312.27
Dell Marketing LP	DS / EL / Computer / Monitors / Laptop	2,284.35
Dutton-Lainson Company	EL / Meter Socket Hubs	41.09
Eakes	EL / LB / Copier Expense	1,867.29
Edgewater Insurance	Auto Insurance	38.00
Electrical Engineering & Equipment	EL/OC/Underground Parts/Tube Lights	105.35
Fagot Refrigeration & Electric	OC / Replace Blower Motor	877.74
Fastenal Company	WWTP / Hardware	253.90
Fyr-Tek	FD / Equipment Parts	46.00
Great Plains Uniforms LLC	PD / Uniform Expenses	2,960.00
Great Western Bank	LB / Petty Cash	112.11
H & H Auto Parts- Team PRP	PD / Auto Parts	130.00
Hach Company	WWTP / Lab Supplies	475.58
HD Supplies Facilities Maintenance/USA Bluebook	SW / WWTP / Parts / Supplies	3,292.51
Health Claims	Claims	10,173.62
Hiland Dairy Foods	MOW / Dairy Products	189.34
Holbein, Dahlas	AMB/FD/Truck Maint/Fueling/Cleaning	1,500.00
Homeier Ventures LLC	WWTP / Tools	19.99
IGS ORIX Solar I	Solar Power Purchase	54,113.15
Ingram Library Services	LB / Books	85.74
Knapp Electric	WWTP / AC Motor Parts / Repairs	262.34
Kohl, Patrick J/Kohl Welding&Machining LLC	ST / Equipment Repair	20.00
Komline-Sanderson	WWTP / Equipment Parts	3,579.46
LEE BHM / Lexington Clipper Herald	LB / Annual Subscription	98.59
LEXUS	Utilities	44,927.82
Mead Lumber	PK / Hardware / Supplies	278.09
Micromarketing	LB / Books	143.98
Miller & Associates Consulting Engineers PC	Hike&Bike Trail Plan/DHHS Fee/Well #8	17,509.90
Municipal Supply	WR / Parts / Tools	2,064.13
Nebraska Dept of Health & Human Services	EL / LIHEAP Payment Returns	1,286.90
Nebraska Public Power District	O & M	138,464.11
	Power Purchase	1,103,735.78
Nebraskalink Holdings LLC	LB / Internet Service	15.00

OCLC	LB/Cataloging/Metadata/Worldshare	149.80
Oliver Consulting	LB/Computer Hardware/ Cloud Backup	1,655.00
Paulsen Inc	Fill Dirt/Limestone/ Road Gravel	13,551.66
Platte Valley Auto Mart	PD / Auto Repairs	224.68
Platte Valley Excavating	ST / Transport Fill Dirt	16,138.98
Precision Detail / Julie Thalman Principal	FD / Cleaning Service	350.00
Ramirez, German	Dental Premium	3,443.40
Rose Holdings / Rose Equipment	Electric Rebate	1,825.00
S & W Auto Parts	ST / Sweeper Parts	76.65
Sandry Fire Supply LLC	PK / WWTP / Equipment Parts	32.66
Shindle, Eleanor	FD / Equipment Testing / Repairs	1,656.00
Standard Insurance Company	Electric Rebate	1,250.00
TO Haas Tire Co	Life Insurance Premiums	1,025.20
US Foods	CEM/PD/PK/ST/WR/Tires/Tire Repairs	1,421.69
Verizon Wireless	MOW / Food & Supplies	450.02
Village Uniform	Cellular Service	370.18
Vogel West Inc	GGC / Janitorial Supplies	58.12
VSP / Vision Service Plan	ST / Equipment Cleaner	84.60
Vu, Nguyen	Vision Premium	1,057.60
VVS Inc	Electric Rebate	1,250.00
Complete Underground LLC	PD / Install Security / New Door	419.60
Cash-Wa Distributing	EL / Underground Boring / Trenching	4,443.50
City of Lexington	ST / Janitorial Supplies	392.25
Community Development Agency	Utility Franchise Fees	102,047.82
Dan's Sanitation	Sund Investments/Haul Dirt Levander Prjct	810.00
Davis Energy	Sanitation Fees	32,383.52
Dawson County	FD / Fuel	163.94
Downey Drilling Inc	Interlocal-Dawson Co Box Culvert Rd 435	132,680.99
Eakes	ST/St. Ann's East Addition/ Dewatering	5,830.00
Health Claims	PD / Copier Expense	629.53
Hiland Dairy Foods	Claims	11,980.54
Holbein Lawn Service	MOW / Dairy Products	269.21
Holmes Plumbing & Heating Supply Co	DS / Abatement / Mowing	300.00
Lexington City Payroll Account	SW / Sump Pump	155.61
Payroll	Wages	167,132.68
Social Security	Employer Portion / FICA Med	12,485.17
Union Bank & Trust	Employer Portion / Pension	4,922.02
Union Bank & Trust	Police Pension	3,075.66
ICMA	City Manager Pension	951.23
Miller & Associates Consulting Engineers PC	AC/ND/PK/SA/Professional Services	26,652.62
O'Reilly Auto Parts	CEM / Parts	19.75
Paulsen Inc	PK / Limestone	4,071.00
Phillips, Jim / Jim Phillips Construction	EL/ST/WR/Street/Sidewalk/Repairs	20,980.00
S & W Auto Parts	PK / Parts	5.64
TASC	Administrative Fees	187.21
Tri City Printers Inc / Tri-City Tribune	LB / Annual Subscription	31.50
Union Bank & Trust	2021 Fee Notices	167.00
US Foods	MOW / Food & Supplies	412.19
	TOTAL CLAIMS:	2,438,080.47

FINANCIAL REPORT: Moved by Salem, seconded by Roberts, to accept the financial report for July 2021. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

RESOLUTION: Resolution No. 2021-20 was presented. Pepplitsch reviewed the Land and Water Conservation Fund application process. Following discussion, moved by Salem, seconded by Smith, to approve Resolution 2021-20. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

RESOLUTION NO. 2021 – 20

A RESOLUTION OF THE CITY OF LEXINGTON, NEBRASKA, ON ACQUISITION OR DEVELOPMENT FOR OUTDOOR RECREATION.

The City of Lexington, Nebraska proposes to apply for federal assistance from the Land and Water Conservation Fund program for the purpose of developing a new nature-based 7-acre neighborhood park featuring a 1.3-acre groundwater fed ADA accessible fishing pond. Other amenities include a walking trail connected to the existing trail network, wetland-based native vegetative buffer around the shore, and native vegetation throughout the park to protect water quality and maintain access.

The Mayor is authorized to sign documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service.

The City of Lexington, Nebraska will, within thirty (30) days following federal approval, obtain the necessary consultant or appraisal service for this project as directed and as required by Nebraska Game and Parks Commission staff.

The City of Lexington, Nebraska has budgeted or currently has available its 50 percent match of the proposed total project funds and will allocate these funds toward this project upon project approval by the Nebraska Game and Parks Commission.

The City of Lexington, Nebraska has the financial capability to operate and maintain the completed project and park property in a safe, attractive and sanitary manner.

The City of Lexington, Nebraska will not discriminate against any person on the basis of race, color, age, religion, disability, sex or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354 (1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the interior and contained in 43 CFR 17.

No property acquired and/or developed under this project shall, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to other than public outdoor recreation use. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.

The City of Lexington, Nebraska will replace the land in the event of a conversion in use in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended.

The City of Lexington, Nebraska agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future projects, accessible to and usable by the disabled.

This is to certify that this resolution is a true copy of the original document that was adopted and passed by the City of Lexington, Nebraska at a duly advertised public meeting held this 24th day of August, 2021.

ORDINANCE: Ordinance No. 2437 entitled “**AN ORDINANCE AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION BONDS OF THE CITY OF LEXINGTON, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$1,525,000) FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN STREET IMPROVEMENTS AND RELATED IMPROVEMENTS WITHIN THE CITY OF LEXINGTON, NEBRASKA; PRESCRIBING THE FORM OF SUCH BONDS TO BE ISSUED AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE INTEREST ON AND PRINCIPAL OF SUCH BONDS IF NECESSARY; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND RELATED MATTERS**” was presented. Brad Slaughter, Piper Sandler & Co., reviewed details of Highway Allocation Bonds in the amount of \$1.525 million for 5 years at a rate of under 1%. Following discussion, moved by Salem, seconded by Vivas, to suspend the requirement of reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

Ordinance No. 2437 was presented on Final reading. Moved by Vivas, seconded by Salem, to approve Ordinance No. 2437 on final reading. Roll call. Voting “aye” were Smith, Roberts, Salem Vivas, Fagot. Motion carried.

BUDGET HEARING: Moved by Roberts, seconded by Smith, to schedule a hearing for the FY 2021-2022 budget on Tuesday, September 7, 2021, at 5:30 p.m. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

CDBG GRANT PACKAGE: Peplitsch reviewed documents related to CDBG #20-EMCV-008 St. Ann’s Catholic Church Parish Center Renovations Project for Council consideration. These documents included Memorandum of Understanding, Subrogation Agreement, and CDBG Grant Agreement. Following discussion, moved by Roberts, seconded by Smith, to approve the Memorandum of Understanding, Subrogation Agreement, and CDBG Grant Agreement as presented, and authorize execution of all required documents. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

CDBG ADMINISTRATIVE SERVICES: Peplitsch reviewed the selection committee recommendation on proposals submitted for grant administrative and construction management services for CDBG #20-EMCV-008. Following discussion, moved by Salem, seconded by Roberts, to award grant administrative and construction management services for Grant #20-EMCV-008 to Cozad

Development Corporation and authorize execution of necessary documents. Roll call. Voting “aye” were Vivas, Smith, Roberts, 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