

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

A Regular Meeting of the Lexington City Council was held Tuesday, December 28, 2021, 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, Steve Smith, and Jeremy Roberts. John Salem and Dora Vivas were excused. 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, KRVN, and Tri-City Tribune.

**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 12-14-2021:** Minutes of the Regular meeting held Tuesday, December 28, 2021, were presented. Moved by Smith, seconded by Roberts, to approve the minutes as presented. Roll call. Voting “aye” were Roberts, Smith, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,777,668.13 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Smith, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$290,035.93 from General Fund, \$150,256.68 from Street Fund, \$1,208,608.79 from LEXUS, \$32,455.71 from Sanitation, \$2,882.75 from Ambulance, \$90,535.55 from Health Fund, and \$2,892.72 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Smith, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
December 28, 2021**

ARK I CEI HOLDCO LLC / Solsystems	Solar Power Purchase	6,625.97
B & H Services / Service Master	Cleaning Service	5,364.00
Baird Holm LLP	Professional Services	792.00
Baker & Taylor	LB / Books	570.80
Bank of America		
Amazon	Supplies/Car Parts/Promo Items	239.00
Casey's General Store	CC / Meeting Meals	79.54
ChargePoint Inc	EL / Charging Post Fobs	9.90
Dollar Fresh Lexington	CC / Meeting Supplies	23.46
Hobby Lobby	PK / Supplies	56.95
It Straps On Inc	ST / Parts / Tools	50.76
Quill Corporation	LB / Chair Mat	58.84

Smart Sign	PK / Signs	244.76
United States Postal Service	WR / Postage	109.60
USI ED Gov	CM / Office Supplies	40.74
Barco Municipal Products Inc	ST / SW / Supplies	446.87
Bauer Built Inc	PK / Tires	708.74
Beverly Bogle Louthan PC	Professional Fees	1,200.00
Blackstone Audio Inc	LB / Books	569.56
Blue360 Media	PD / Books	87.75
Bound Tree Medical LLC	AMB / Medical Supplies	266.29
Cash-Wa Distributing	MOW / Food & Supplies	902.32
Cengage Learning	LB / Books	24.69
Central Community College	PD / Heartsaver CPR / Lauby, B	24.00
Chesterman Company	MOW / REC / Beverages	617.00
Community Development Agency	Electric Rebates	1,700.00
Complete Underground LLC	EL / Directional Boring / Trenching	16,066.92
Country Partners Cooperative	WWTP / Parts	8.51
Davis Energy	FD / ST / Fuel / Fuel Purchase	2,952.16
Eakes Inc	EL / LB / ND / Supplies / Color Copier	12,907.94
Electrical Engineering & Equipment	EL / PK / Hardware	438.01
Fastenal	ST / Supplies	87.92
Fyr-Tek	FD / Parts / Pumper Repairs	4,632.13
Garcia, Esthefania	Electric Rebates	1,650.00
Health Claims	Claims	19,107.80
Hiland Dairy Foods	MOW / Dairy Products	313.83
Holbein Lawn Service	DS / Abatements	150.00
Holbein, Dahlas	AMB/FD/Truck Maint/Fueling/Cleaning	1,500.00
Homeier Ventures LLC/Bob's True Value	OC / PK / Hardware / Supplies	110.68
Hydro Optimization&Automation Solutions	WWTP / Replace Flow Meter	2,102.50
IGS ORIX Solar I	Solar Power Purchase	21,121.75
Isaacson, Spencer	Electric Rebates	1,650.00
Kirk's Nebraskaland Restaurant Inc	CC / Gift Certificates	250.00
Lauby, Phillip	PD / Uniform Expense	51.82
Lawson Products	ST / Work Lights	280.00
LEXUS	Utilities	46,331.25
Lien Inc	OC/PK/Repairs/Landscape Maint	11,289.24
Martinez, Abigail	Electric Rebate	2,225.00
Martinez, Sonia	Electric Rebate	1,650.00
McFadden, Ryan / McFadden Auto Repair	PK / Automobile Repairs	3,451.48
McKesson Medical Surgical Solutions	AMB / Medical Supplies	1,750.42
Mead Lumber	Parts/Hardware/Supplies	682.19
Meritain Health	Health Premium	34,172.82
Miller & Associates Consulting Engineers	PK / ST / Prof Services / Project Design	46,104.51
Mitchell, Patricia	Electric Rebate	1,250.00
Moseley, Theresa / Plum Creek Promotions	ST / Uniform Expense	336.00
Nebraska Commission on Law Enforcement	PD / Training Materials / Lauby, B	135.00
Nebraska Economic Developers Assn	Annual Dues/2022/Pepplitsch/Burnside	300.00
Nebraska Main Street Network Inc	2022 Annual Membership	300.00
Nebraska Public Power District	O & M	73,263.13
Nebraska Public Power District	Power Purchase	860,428.08
Nebraska Recreation & Park Association	Annual Dues/2022/Luther/Saulsbury	120.00
Nebraska State Arboretum	Tree Board Dues	100.00

Paulsen Inc	Limestone/Sand/Gravel/Fiber Mesh	1,580.88
Platte Valley Auto Mart	PD / ST / Oil & Lube / Repairs / Parts	528.32
Principal	Dental Premium	3,726.00
S & W Auto Parts	ST / Supplies	86.52
Schwarz, Mataya/Madeline's Café&Bakery	CC / Gift Certificates	75.00
Sirchie Acquisition Company LLC	PD / Evidence Supplies	201.99
Standard Insurance Company	Life Insurance Premiums	1,000.95
State of NE/Public Health Environmental Lab	WR / Testing	610.00
Three 21 Tavern LLC	CC / Gift Certificates	550.00
True North Agency LLC	FD / Group Life Insurance Premium	5,813.00
US Foods	MOW / Food	1,010.39
Van Pelt, Ron	Electric Rebate	1,650.00
Verizon Wireless	Cellular Service	409.83
Village Cleaners Inc	GGC / Janitorial Supplies	58.12
Vivas, Edgar	Electric Rebate	1,650.00
VSP / Vision Service Plan	Vision Premium	1,032.29
Walker, Dale	Electric Rebate	1,650.00
Weathercraft of North Platte	GGC / Roof Leak Repairs	514.27
Brown, Kevin / Kevin Brown Design	Annual Web Hosting / CityOfLex.com	5,000.00
Charge Point	Charging Station/Fees/Warranty/5 Yr Agmt	10,615.32
City Of Lexington	Utility Franchise Fees	84,196.97
Dan's Sanitation	Sanitation Services	32,455.71
Davis Energy	FD / WWTP / Fuel / Gear Oil	341.98
Dell Marketing	CM/EL/WWTP/Computers / Hardware	4,294.00
Eakes Inc	EL / Utility Printer Repairs	748.47
Edgewater Insurance LLC	Worker's Compensation/20-21 Audit	13,766.00
Fagot Refrigeration & Electric Inc	WWTP / Repairs	691.90
Great Western Bank	LB / PD / ST / Petty Cash	156.63
Health Claims	Claims	71,240.54
JEO Consulting Group	PK / Professional Services	1,515.00
Lexington Area Chamber of Commerce	2022 Membership Dues	4,500.00
Lexington City Payroll Account		
Payroll	Wages	156,249.14
Social Security	Employer Portion / FICA Med	11,316.85
Union Bank & Trust	Employer Portion / Pension	4,888.13
Union Bank & Trust	Police Pension	3,363.14
ICMA	City Manager Pension	957.23
Lexington Health Fund	Self-Funding	84,398.98
Linden's Plumbing	LB / Repairs	312.96
Mead Lumber	WR / Supplies	15.12
Midwest Connect	EL / Supplies	39.60
Miller & Associates Consulting Engineers	Professional Services	920.00
Municipal Supply Inc	WR / Hardware	143.71
O'Reilly Auto	ST / Parts	86.67
Ramos, Saul / Saul Ramos Construction	ST / Replace East Drainage Bridge	71,359.00
Spectrum	Cable Service	30.26
Stryker Medical	AMB / Medical Supplies	454.00
TASC	Administration Fees	187.21
US Postal Service	LB / Post Office Box Rent / #778	296.00
Walmart	LB / PK / REC / ST / WR / Supplies	895.42

TOTAL CLAIMS:

1,777,668.13

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

**ECONOMIC DEVELOPMENT CERTIFIED COMMUNITY:** Lt. Governor Mike Foley appeared before Council to recognize the recertification of the city in the Nebraska Economic Development Certified Community programs. Mr. Foley noted Lexington is one of 40 cities in Nebraska certified in the program and praised council and staff for continued work in developing businesses, workforce and housing.

**RESOLUTION:** Resolution No. 2021-30 was presented. Following discussion, moved by Roberts, seconded by Smith, to approve Resolution No. 2021-30. Roll call. Voting “aye” were Smith, Roberts, Fagot. Motion carried.

**RESOLUTION NO. 2021- 30**

**WHEREAS,** Section 28-467 of the Lexington City Code authorizes the City Council to establish by resolution the charges and fees for collection of refuse and garbage, and;

**WHEREAS,** an increase in operating expenses justifies an increase in existing rates.

**BE IT THEREFORE RESOLVED,** that effective January 1, 2022, the charge to be collected for residential garbage pickup within the City of Lexington shall be \$15.00 per month, plus an administrative charge of \$1.00, for a total of \$16.00 per month.

**BE IT FURTHER RESOLVED,** that effective January 1, 2022, the charge for residential customers who are single and 65 years of age or older and living alone shall be \$13.00, plus administrative charge of \$1.00, for a total of \$14.00 per month.

**PASSED AND APPROVED** this 28<sup>th</sup> day of December, 2021.

**BID AWARD:** Peplitsch reviewed bids received for the Revere Circle and Prescott Circle Improvements project. Moved by Smith, seconded by Roberts, to accept the bids received, award a contract to Paulsen Inc. at a cost of \$816,944, and authorize execution of necessary documents. Roll call. Voting “aye” were Roberts, Smith, Fagot. Motion carried.

**ORDINANCE:** An Ordinance entitled “AN ORDINANCE APPOINTING CITY OFFICIALS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM” was presented on First reading. Moved by Roberts, seconded by Smith, to approve Ordinance No. 2443 on First reading. Roll call. Voting “aye” were Smith, Roberts, Fagot. Motion carried.

**AMENDMENT:** Resolution No. 2021-31 was presented. Peplitsch reviewed proposed amendments to the Money Accumulation Pension Plan for Employees. Following discussion, moved by Smith, seconded by Roberts, to approve Resolution No. 2021-31. Roll call. Voting “aye” were Roberts, Smith, Fagot. Motion carried.

**RESOLUTION NO. 2021-31**

A RESOLUTION TO Adopt the First Amendment to the Money Accumulation Pension Plan for Employees of the City of Lexington; to Amend such plan to include employee contributions to the 457(b) plan; and Authorizations for Both Amendments.

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

1. Adoption of First Amendment to the Money Accumulation Pension Plan for Employees of the City of Lexington: NOW, BE IT RESOLVED, that the City shall amend and it hereby does adopt a First Amendment to the Money Accumulation Pension Plan for Employees of the City of Lexington (the “Civilian Plan”) in the form of the Amendment document attached hereto and by this reference fully incorporated herein. The purpose of said Amendment is to remove a participant’s ability to opt out of the Civilian Plan upon initial eligibility, to set mandatory contribution percentages for all new Participants in the Plan on or after January 1, 2022, at 6%, and to adopt certain changes enacted under the Setting Every Community Up for Retirement Enhancement Act of 2019.
2. Adoption of Amendment of the City of Lexington, Nebraska Deferred Compensation Plan: NOW, BE IT RESOLVED, that effective January 1, 2022, the City shall amend, and it hereby does adopt an amendment to, the City of Lexington Deferred Compensation Plan (the “457(b) Plan”). The purpose of said amendment is to provide that all eligible employees of the City shall be permitted to make employee salary reduction contributions under the 457(b) Plan.
3. Authorizations: NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and other appropriate elected officials and officers of the City of Lexington shall be, and they hereby are, authorized to do all things necessary to carry out and accomplish the foregoing Resolutions, including the execution of any document or amendment which may be necessary or appropriate to amend and administer the aforesaid Plans, and to complete and executive all documents required by ICMA / Mission Square to effectuate the amendment to the 457(b) Plan, including such actions as may be necessary or appropriate to achieve and maintain tax qualification of the aforesaid Plans under Sections 401(a) or 457(b), as applicable, of the Internal Revenue Code of 1986, as amended.

**PASSED AND APPROVED THIS 28<sup>th</sup> day of December, 2021.**

**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