

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
November 28, 2023**

A Regular Meeting of the Lexington City Council was held Tuesday, November 28, 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, Community Development Director Bill Brecks 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 11-14-2023: Minutes of the Regular meeting held Tuesday, November 14, 2023, were presented. Moved by Smith, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Salem, Roberts, Vivas, Smith, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,071,908.44 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$316,111.57 from General Fund, \$62,836.44 from Street Fund, \$1,638,533.98 from LEXUS, \$40,690.33 from Sanitation, \$535.58 from Ambulance, \$12,111.47 from Health Fund, and \$1,089.07 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Smith, Salem, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE
November 28, 2023**

Arrow Seed Company Inc	PK / DuraTurf / Veterans Pavilion	2,050.50
B & H Services / Service Master	Cleaning Service	6,110.00
Baker & Taylor	LB / Books	338.54
Barco Municipal Products Inc	ST / Barricades / Street Signs	2,179.05
Bennett, Constance J / Bennett Advertising	ND / PD / Office Supplies / Business Cards	3,150.74
Beverly Bogle Louthan PC	Professional Fees	1,200.00
Business Card / Bank of America		
Amazon.com	PK/ND/ST/Holiday Walk Spls/Parts/Spls	2,736.12
Canva	LB / Software	14.99
Casey's General Store	PD / Meeting Meal	36.60
Galls	PD / Uniform Expense	244.81
Goodwill	PK / Holiday Walk Supplies	40.57
Microsoft	LB / Software	9.75

NE Water Environment Association	WWTP/Conference Registration/Glaze, D	115.00
Sams Club	FD / Batteries	264.24
Survey Monkey	ST / Software	468.00
Tacticalgear.com	PD / Uniform Expense	1,918.00
The Webstaurant Store	ND / Breakroom Table / Chairs	600.67
United States Postal Service	WR / Postage	198.80
University of Nebraska	CM / Summit Registration / Foster, S	100.00
Walmart	PK / Holiday Walk Supplies	3,668.86
Cash-Wa Distributing	OC / PK / ST / Janitorial Supplies	3,129.50
Cengage Learning	LB / Books	508.08
Central Septic Tank Pumping & Plumbing	OC / Hydro Jet Sewer	275.00
Copper, Al	Electric Rebate	57.60
Core & Main LP	WR / Meter Repair Parts	1,003.64
County of Dawson - Courts	PD / Court Fees	17.00
Dana F Cole & Company LLP	CT / FY 2022-2023 Audit Fees	2,000.00
Electrical Engineering & Equipment	PK / Supplies	10.14
Fagot Refrigeration & Electric Inc	FH / Locate Valves / Install Switch	161.02
GB Auto Service Inc	PD / Tire Repair	24.87
Health Claims	Claims	1,861.34
Heiman Fire Equipment Inc	FD / Equipment Repair	800.00
Hiland Dairy Foods	MOW / Dairy Products	127.92
Holbein, Dahlas	AMB/FD/Truck Maint/Fueling/Cleaning	1,500.00
Homeier Ventures LLC	ND / Supplies	18.99
IGS ORIX Solar I	Solar Power Purchase	26,684.94
Ingram Library Services	LB / Books	78.58
Lee Enterprises Inc	LB / Kearney Hub Subscription	563.99
Leibert, Vince	FD / Reimbursement / Training Manual	87.60
Lexington Area Chamber of Commerce	2023-2024 Membership/Ambassador Dues	4,525.00
Lexington Health Fund	Self-Funding	53,890.80
LEXUS	Utilities	45,773.92
Lien Inc	PK/UG Sprinklers/Sod/Installation/Oak Park	9,100.00
Martin Electric Company	WWTP / Lamps	254.25
Matt Friend Truck Equipment Inc	ST / Parts	293.00
McMaster-Carr Supply Company	REC/Lighting Hardware/Racquet Center	2,546.52
Mead Lumber	DS / PK / ST / Hardware / Supplies	170.85
Mid Nebraska Ice Inc	GGC / Ice Machine	5,303.60
Miller & Associates Consulting Engineers PC	ST/WWTP/Services E Viaduct/Facility Imps	50,428.73
Midwest Connect LLC	EL / Office Supplies	326.36
Naylor, Norman	Electric Rebate	66.00
Nebraska Public Power District	O & M	156,778.12
	Power Purchase	1,055,992.53
O'Reilly Auto Parts	CEM / PK / Parts	113.51
Paulsen Inc	GGC / WR / Sand & Gravel / Limestone	1,708.50
Platte Valley Auto Mart	PD / Oil & Lube	68.64
Police Officers' Association of Nebraska	PD / 2023-2024 Membership Dues	380.00
Principal	Dental Premium	3,656.22
S & W Auto Parts	CEM / Parts	3.31
Standard Insurance Company	Life Insurance Premiums	932.55
State of NE / Public Health Environmental Lab	WR / Testing	613.00
TASC	Administration Fees / Renewal Fee	423.74
Titan Machinery Inc - Lexington	REC/Lighting Hardware/Racquet Center	73.50
Verizon Wireless	Cellular Service	391.59
VSP / Vision Service Plan	Vision Premium	967.69
W Bar Fire Extinguishers LLC	FD / Service Call / Fire Extinguishers	857.15
Walmart	AMB/CM/LB/ND/PD/PK/WWTP/Supplies	1,055.41
Accurate Environmental LLC	WR / Shipping Fees	100.00
B & H Services / Service Master	Cleaning Service	720.00

Bauer Built Inc	ST/SW/Tire Repair/Installation/Rotation	4,407.22
Bowen, Nicholas / Change Clothing	PD / Uniform Shirts	143.94
Cengage Learning	LB / Books	372.50
Central Septic Tank Pumping & Plumbing	ND / City Hall Sewer Line Repair	825.00
Chali, Anthony	ST / Reimbursement / Work Boots	66.87
City of Lexington	Utility Franchise Fees	90,052.31
CivicPlus LLC	DS/Online Code Book/Code Book Updates	1,990.36
Complete Underground LLC	EL / Directional Boring	2,250.36
Dan's Sanitation	Sanitation Fees	40,690.33
Davis Energy Inc	ST / Fuel Purchase	4,279.68
DES PP LLC	LB / Pizza / Family Night	50.00
Eakes Inc	EL / LB / Copier Expense / Supplies	313.33
Electric Pump Inc	WWTP / Wet Well Pump Repair	13,646.20
Electrical Engineering & Equipment	ND / Lighting / Flag Pole	22.28
Fagot Refrigeration & Electric Inc	LB / Service Call / Filters	1,439.50
Health Claims	Claims	9,826.39
Ingram Library Services Inc	LB / Books	60.49
Lexington City Payroll Account		
Payroll	Wages	168,021.61
Social Security	Employer Portion / FICA Med	12,582.26
Union Bank & Trust	Employer Portion / Pension	0.00
Union Bank & Trust	Police Pension	3,596.93
ICMA	City Manager Pension	1,085.25
Lien Inc	PK/UG Sprinkler Installation/Vet's Pavilion	64,474.32
MAS Modern Marketing Inc	LB / Supplies	369.66
Mead Lumber	Cement Blocks/City Hall Sewer Line Repair	32.90
Menard Inc	PK / Holiday Walk Supplies	1,681.53
Meritain Health	Health Premium	35,882.28
National Association of School Resource Officers	PD / Training Course / Perdomo, E	550.00
Nebraska Department of Environment & Energy	NDEQ 2013 Loan Payment	134,491.83
Nebraskaland Tire	ST / Oil & Lube / Brake Inspection	102.95
Police Chiefs Association of Nebraska	PD / Membership Dues / Schwarz, P	100.00
Richardson, Calvin N / Richardson Mowing	LB / Lawn Care / Final	100.00
S & W Auto Parts	ST / Tools	20.07
Sirchie Acquisition Company LLC	PD / Supplies	189.58
Spectrum	Cable Service	37.13
Stout, Robby B	GGC/ST/SW/Parking Lot/Street Repairs	9,940.00
T & R Service Company	EL / Transformer Disposal	2,240.00
WAM Inc	ST / Tires	4,103.44
	TOTAL CLAIMS:	2,071,908.44

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

PUBLIC COMMENTS: DeeAnn Sage addressed the Council regarding her separation from the city. Fagot directed her to meet with Peplitsch following grievance guidelines. Ellen Priel questioned the ability for seniors to drive through Kirkpatrick Memorial Park for the holiday light display. She was directed to contact Peplitsch to discuss. Nola Reed commented on cemetery operations and recycling trailers being removed from school locations.

PUBLIC HEARING: Mayor Fagot opened a public hearing to review a 1&6 Year Street Improvement Plan. Peplitsch reviewed the plan and projects. There were no public comments, and the public hearing was closed. Resolution No. 2023-23 was presented. Following discussion, moved

by Salem, seconded by Smith, to approve Resolution No. 2023-23 as presented. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

RESOLUTION OF ADOPTION 2023-23

BE IT RESOLVED by the Mayor and City Council of Lexington, Nebraska that the attached One- and Six-Year Street Improvement Programs are hereby adopted by said City Council.

BE IT FURTHER RESOLVED, this Program was approved: Approved as presented.

Date: November 28, 2023

RESOLUTION: Peplitsch presented Resolution No. 2023-24 setting utility fees. Following discussion, moved by Smith, seconded by Roberts, to approve Resolution No. 2023-24 as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

RESOLUTION NO. 2023 – 24

WHEREAS Lexington City Code Sections 28-232 and 28-439 authorizes the City Council to establish by Resolution a schedule of rates and charges for water service and sanitary sewer service.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following rates and charges are established and shall take effect January 1, 2024, to be reflected on billings following such date. That all other electric rates, water rates, and sanitary sewer rates and charges previously established shall remain unchanged.

Section 1. Water Rates

Residential Metered:	The first 5,000 gallons	\$20.75 monthly minimum
	> 5,000 gallons	\$1.05 per 1,000 gallons
Residential Flat Rate:	\$27.75 per dwelling unit per month	
Commercial Metered:	The first 5,000 gallons	\$20.75 monthly minimum
	> 5,000 gallons	\$1.05 per 1,000 gallons
Multi-unit Service Fee:	\$13.75 per dwelling/commercial unit, where more than one dwelling/commercial unit is served by a single metered service.	
Industrial Metered:	Base Charge per Month -- \$2,530 \$0.380 per 1,000 gallons metered use	
Automated Meter Reading Fee:	\$1.00 per month per metered or unmetered service.	

Section 2. Sanitary Sewer Rates

Flat Rate Residential:	\$27.35 per month.
Flat Rate Commercial:	\$27.35 per month

Commercial Metered: \$2.74 per 1,000 gallons
 \$27.35 minimum

PASSED AND APPROVED this 28th day of November, 2023.

LOAN AMENDMENT: Pepplitsch reviewed a proposed amendment to ED Loan 2022-01 with Greater Lexington Corp to assist in the completion of the Concord Condominium project. The amendment would provide a line of credit up to \$900,00.00 at 1% interest with a maturity date of April 1, 2024. Following discussion, moved by Salem, seconded by Vivas, to approve an amendment to ED Loan 2022-01 as presented. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

PAY REQUEST: Pepplitsch reviewed Pay Request #4 from TL Sund Constructors for the Lexington Raquet Center project in the amount of \$139,500.00. Following a project update, moved by Roberts, seconded by Smith, to approve Pay Request #4 to TL Sund Constructors as presented. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

RESOLUTION: Resolution No. 2023-25 was presented. Following discussion, moved by Roberts, seconded by Salem, to approve Resolution No. 2023-25 as presented. Roll call. Voting “aye” were Vivas, Smith, Salem, Roberts, Fagot. Motion carried.

RESOLUTION NO. 2023-25
A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE
NEBRASKA DEPARTMENT OF TRANSPORTATION FOR:

Installation and Operation of Automated License Plate Reader on State Highway

Whereas: The City and State wish to enter into an Agreement for the Installation and Operation of Automated License Plate Readers (ALPRs) on State Highway within City; and

Whereas: This Agreement is intended to set out the various responsibilities and duties of the City and State regarding the installation, operation and maintenance of the ALPRs; and

Whereas: The City understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the installation, operation and maintenance of ALPRs.

Be it resolved: the following is the official action taken by the City Council Lexington, Nebraska:

1. The Mayor is hereby authorized and directed to execute said Agreement on behalf of the City of Lexington and the City Clerk is authorized to attest said execution.
2. This resolution will be marked Attachment A, and a copy attached to the Agreement.

PASSED AND APPROVED THIS 28th DAY OF NOVEMBER, 2023.

ROUNDTABLE DISCUSSION: Pepplitsch reminded Council and Staff of the work session scheduled for Saturday, December 2, 2023, at 8:00 a.m. He also requested Council consideration of moving the December 26, 2023, council meeting to Wednesday, December 27, due to the holidays.

Moved by Salem, seconded by Smith, to move the last meeting in December to Wednesday, December 27, 2023, at 5:30 p.m. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried. Vivas noted that she will be absent from the December 27 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