

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
September 24, 2024**

A Regular Meeting of the Lexington City Council was held Tuesday, September 24, 2024, at Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Steve Smith, and Jeremy Roberts. Dora Vivas was absent. 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, Library Director Jennifer Norton and City Clerk Pamela Baruth. The press was represented by 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 9-10-2024: Minutes of the Regular meeting held Tuesday, September 10, 2024, were presented. Moved by Smith, seconded by Salem, to approve the minutes as presented. Roll call. Voting “aye” were Roberts, Salem, Smith, Fagot. Motion carried.

MINUTES – BUDGET HEARING 9-10-2024: Minute of the Budget hearing held Tuesday, September 10, 2024, were presented. Moved by Salem, seconded by Smith, to approve the minutes as presented. Roll call. Voting “aye” were Roberts, Smith, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,199,583.02 were presented for Council 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 \$314,882.47 from General Fund, \$116,628.55 from Street Fund, \$1,525,558.84 from LEXUS, \$44,158.37 from Sanitation, \$510.98 from Ambulance, \$170,014.55 from American Rescue Plan Act Fund, \$23,899.21 from Health Fund, and \$3,930.05 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Smith, Salem, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE
September 24, 2024**

American Family Life Assurance Company	Premiums	1,593.86
Ark I CEI HoldCo LLC	Solar Power Purchase	13,086.83
B & H Services / Service Master	Cleaning Service	6,254.00
Baker & Taylor	LB / Books	570.24
Bauer Built Inc	PK / Tire Repair	47.00
Beverly Bogle Louthan PC	Professional Fees	1,200.00
Bowers, Whitney	GGC / Reimbursement / Supplies	302.59
Brouillette,Troshynski,Kingston&Jackson PC	Professional Services / East Viaduct	1,062.52

Business Card / Bank of America		
Amazon.com	OC/PD/REC/Parts/Supplies/Cleaner	98.33
Bomgaars	FD / Direct Drive Fan	160.49
Canva	LB / Software	14.99
Casey's General Store	LB / Fuel	25.35
Facebook	REC / Halloween Hustle Ads	44.98
Liberty Flag	LB / Flags	149.24
Library Management	LB / Training / Norton, J	430.44
Microsoft	LB / Software	9.75
Sports Unlimited	AMB / Helmet Tool	29.89
Teachers Pay Teachers	LB / Books	16.06
United States Postal Service	WR / Postage	503.80
Walmart	ST / Supplies	102.81
Zoom	LB / Software	159.90
Cash-Wa Distributing	MOW / REC / Food & Supplies	1,599.33
Cengage Learning	LB / Books	335.13
Chavez, Mirelle	Electric Rebate	1,650.00
Chesterman Company	GGC / Beverages	60.00
City of Lexington / Operating	Bank Account Analysis Fees	3,346.04
Community Action Partnership of Mid-NE	Local Funding Match / 2024-2025	35,258.00
Complete Underground LLC	Directional Boring/Excavation/Auto Haus	12,462.66
Davis Energy	PK/ST/WWTP/Lubrication/Fuel	5,242.23
Eakes Inc	DAD/EL/LB/Copier Exp/DocMgmt Support	1,068.69
Eustis Body Shop	ST / Vehicle Towing	207.00
GB Auto Service Inc	WR / Tires	161.47
GIS Workshop LLC / gWorks	Annual Subscription	3,780.00
Global Industrial Equipment Company Inc	WWTP / Scissor Lift Table	825.05
Gomez Vazquez, Eduardo	DS / Abatements	1,200.00
HD Supply Inc	WWTP / Parts	196.29
Health Claims	Claims	11,725.54
Hiland Dairy Foods	MOW / Dairy Products	407.53
Holbein, Dahlas	AMB/FD/Truck Maint/Fuel/Clean	1,500.00
Hydro Optimization&Automation Solutions	WR / WWTP / Parts / Hardware	2,123.93
Ingram Library Services	LB / Books	87.03
Iowa Pump Works	WWTP / Freight & Startup	170,014.55
JEO Consulting Group	ST / Professional Services	292.50
Jones Plumbing & Heating Inc	FD / Water Heater Repairs	125.00
KBC Inc	REC / Thermostat Covers	83.44
Legacy Construction Services Group Inc	PK / Playground Mulch	3,799.00
Lexington City Payroll Account		
Payroll	Wages	201,344.81
Social Security	Employer Portion / FICA Med	15,028.79
Union Bank & Trust	Employer Portion / Pension	7,361.26
Union Bank & Trust	Police Pension	3,726.07
ICMA	City Manager Pension	1,111.41
Lexington Health Fund	Self-Funding	54,545.35
Lexington Public Schools	Annual Refund/Tobacco/Liquor License Fees	4,907.50
Lexington Regional Health Center	DOT Drug Screen	70.00
LEXUS	Utilities	48,730.21
Maciel, Miguel	Electric Rebate	1,650.00
Madison Energy / IGS Orix Solar I LLC	Solar Power Purchase	39,782.08
Mead Lumber	PK / WR / Lumber / Hardware / Supplies	306.98
Menard Inc	DS / Supplies	359.27
Meritain Health	Health Premium	40,585.98
Midlands Contracting Inc/Johnson Service	SW / Clean & Vacuum	9,143.75
Municipal Supply Inc	WR / Couplings	161.93
Nebraskaland Tire	FD/ST/WR/Tires/Brake Repairs/Parts	2,376.18

Olsson Inc	ST/SW/WR/Professional Svcs/Vintage Row	3,508.87
Paulsen Inc	ST / WR / Limestone	1,931.50
Platte Valley Auto Mart	PD / ST / Oil & Lube / Repairs	679.71
Platte Valley Communications	PD / Radio Repairs	332.50
Platte Valley Laboratories Inc	WWTP / Outside Testing	819.75
Principal	Dental Premium	4,506.40
Ramos, Saul / Saul Ramos Construction Inc	Manhole Removal/Svc Reconnect/EVIaduct	15,043.07
S & W Auto Parts	CEM / PK / ST / Battery / Oil / Tools	182.66
Standard Insurance Company	Life Insurance Premiums	1,003.59
TASC	Administration Fees	175.62
True North Agency LLC	FD / 2024-2025 Insurance Package	22,450.00
Titan Machinery - Lexington	ST / Parts	11.15
TL Sund Constructors Inc	REC / Gutter Repairs / Batting Building	1,475.30
U Save Pharmacy / Business Equipment	AMB / EL / LB / Office Supplies	223.71
Varona-Munoz, Sonia	Electric Rebate	1,650.00
Verizon Wireless	Cellular Service	436.78
Village Cleaners Inc	GGC / Janitorial Supplies	67.31
VSP / Vision Service Plan	Vision Premium	1,044.61
W W Grainger Inc	WWTP / Hardware / Supplies	260.36
YMCA of the Prairie	Fitness Memberships	1,646.00
B & H Services Inc	Cleaning Service	115.00
Baker & Taylor	LB / Books	37.26
Bauer Built Tire	WR / Tire Repairs	39.00
Cash-Wa Distributing	MOW / Food & Supplies	1,304.04
Cengage Learning	LB / Books	30.74
City of Lexington	Utility Franchise Fees	105,621.76
Conney Safety Products LLC	WWTP / Supplies	124.46
Dan's Sanitation	Sanitation Fees	44,158.37
Fagot Refrigeration & Electric Inc	FD / WWTP / Equipment Repairs	1,163.81
First Interstate Bank	LB / Petty Cash	213.29
Health Claims	Claims	10,334.19
Kohl, Patrick J/Kohl Welding & Machining	ST / Gate Repair	547.99
Kosmicki, Christy L	LB / CAAP Classes	1,095.00
MAS Modern Marketing Inc	LB / Promotional Supplies	1,188.45
Mead Lumber	DS / WR / Supplies	71.48
Nebraska Interactive	DS / Data Access Fee	2.00
Nebraska Law Enforcement Training Center	PD / TABE Testing Fees	24.50
Nebraska Public Power District	Power Purchase	1,141,535.54
Paulsen Inc	ST / WR / Rebar / Limestone	2,018.75
Platte Valley Communications	New Patrol Units/Radio/Lght Bars/Computers	17,153.33
Polydyne Inc	WWTP / Dewatering Polymer	15,364.00
Pupuseria El Rinconsito	LB / Promotional Supplies	64.13
Rose Holding Inc	ST / Parts	1,541.43
State of NE/DHHS/Public Health Lab	WR / Testing	3,989.00
Stout, Robby B/Stout Construction	ST / WR / Repairs	10,367.00
Titan Machinery - Lexington	ST / WWTP / Parts / Equipment Repairs	7,089.66
Tyler Technologies Inc	2024-2025 Maintenance/Software Agmt	61,100.39
Uline Inc	ST / Supplies	376.60
Village Cleaners Inc	GGC / Janitorial Supplies	67.31
Walmart	GGC / LB / ND / PD / WWTP / Supplies	736.52
WAM Inc	PK / Parts	54.08
	TOTAL CLAIMS:	2,199,583.02

FINANCIAL REPORT: Moved by Smith, seconded by Roberts, to accept the financial report for August 2024 as presented. Roll call. Voting “aye” were Salem, Roberts, Smith, Fagot. Motion carried.

PUBLIC COMMENTS: Jennifer Norton, Library Director, appeared to thank John Fagot, John Salem, and Joe Peplitsch for speaking with El Camino’s Leadership Development class recently. She also stated her appreciation to Council and Staff for the library budget. Abiba Alice Shomari appeared to report on the recent revival at the fairgrounds and thank the Council for their support.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a liquor license application by Pinedo Enterprises LLC dba Toro Tom’s Sports Bar & Grill for property located at 405 East Pacific. Alejandro Pinedo, owner of Pinedo Enterprises, LLC, appeared before Council to outline the plans for a sports bar and grill. There were no public comments, and the public hearing was closed. Following discussion, moved by Roberts, seconded by Salem, to recommend approval of a liquor license application for Toro Tom’s Sports Bar & Grill. Roll call. Voting “aye” were Smith, Salem, Roberts, Fagot. Motion carried.

RESTRICTED FUNDS: Peplitsch reviewed the option to increase the allowable restricted funds budget authority. Following discussion, moved by Salem, seconded by Smith, to increase the base of restricted funds by an additional 1% for FY 2024-2025 budget. Roll call. Voting “aye” were Roberts, Smith, Salem, Fagot. Motion carried.

RESOLUTION: Resolution No. 2024-21 was presented. Moved by Smith, seconded by Roberts, to approve Resolution No. 2024-21. Roll call. Voting “aye” were Salem, Roberts, Smith, Fagot. Motion carried.

RESOLUTION NO. 2024-21

A RESOLUTION SETTING THE PROPERTY TAX REQUEST FOR FISCAL YEAR 2024-2025

WHEREAS, Nebraska Revised Statute 77-1632 and 77-1633 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 2024-2025 property tax request be set at \$1,796,504.17.
2. The total assessed value of property differs from last year’s total assessed value by 6.35%.
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 \$0.306166 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 \$0.321682 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 decrease last year’s by 2.71 percent.

6. A copy of this resolution shall be certified and forwarded to the Dawson County Clerk on or before October 15, 2024.

PASSED AND APPROVED this 24th day of September 2024.

APPROPRIATIONS ORDINANCE: Ordinance No. 2470 entitled “AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2024-2025. TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN ELECTRONIC FORM” was presented. Moved by Smith, seconded by Roberts, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Salem, Roberts, Smith, Fagot. Motion carried.

Ordinance No. 2470 was presented on final reading. Moved by Smith, seconded by Roberts, to approve Ordinance No. 2470 on final reading. Voting “aye” were Salem, Roberts, Smith, Fagot. Motion carried.

RESOLUTION: Resolution No. 2024-22 was presented. Following discussion, moved by Salem, seconded by Roberts, to approve Resolution No. 2024-22. Roll call. Voting “aye” were Smith, Roberts, Salem, Fagot. Motion carried.

RESOLUTION NO. 2024-22

**SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM
COMPLIANCE FORM
2024**

WHEREAS: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

WHEREAS: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

BE IT RESOLVED that the Mayor of Lexington is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance Form.

Adopted the 24th day of September, 2024.

ROUNDTABLE: 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.



Pamela Baruth

City Clerk