

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
June 25, 2024**

A Regular Meeting of the Lexington City Council was held Tuesday, June 25, 2024, at Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, Dora Vivas, Steve Smith, and Jeremy Roberts. John Salem was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Community Development Director Bill Brecks, Finance Director Derek Haines, 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 6-11-24: Minutes of the Regular meeting held Tuesday, June 11, 2024, were presented. Moved by Vivas, seconded by Smith, to approve the minutes as presented. Roll call. Voting “aye” were Roberts, Smith, Vivas, Fagot. Motion carried.

MINUTES – WORK SESSION 6-22-2024: Minutes of the Work Session held Saturday, June 22, 2024, were presented. Moved by Smith, seconded by Roberts, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Roberts, Smith, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$2,075,915.51 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 \$394,636.03 from General Fund, \$73,999.07 from Street Fund, \$1,538,871.39 from LEXUS, \$43,809.90 from Sanitation, \$1,450.88 from Ambulance, \$18,555.19 from Health Fund, and \$4,593.05 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Smith, Vivas, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE
June 25, 2024**

4Imprint	WWTP / Uniform Expense / Shirts	354.72
Alva, Hilda	Electric Rebate	1,650.00
American Family Life Assurance Co/AFLAC	Premiums	1,593.86
Associated Supply Company Inc	AC / Chemicals	1,149.97
B & H Services / Service Master	Cleaning Service	6,254.00
Baker & Taylor	LB / Books	1,189.29
Benjamin, Lloyd W / CBS Constructors	REC / Bleacher Unit / Rec-Racquet Center	26,510.00
Beverly Bogle Louthan PC	Professional Fees	1,200.00
Bliven, Matt	Electric Rebate	4,200.00

Bound Tree Medical LLC	AMB / Medical Supplies	924.21
Bowen, Nicholas / Change Clothing	Youth Tennis/Uniform Exp/Shirts	1,053.66
Brooks, Gary E & Cheryl L/Meridian Rentals	PK / Weed Eaters	599.98
Buezo, Hector	Electric Rebate	2,100.00
Business Card / Bank of America		
Amazon	AC/ST/Head Immobilizer/Trimmer Parts	473.21
American Red Cross	AC / 2024 Lifeguard Certifications	1,024.00
Canva	LB / Software	14.99
Casey's General Store	CC / Meeting Meal	48.42
Facebook / META	REC / Plum Creek 5K Advertisements	75.33
Little Caesars	CM / Meeting Meal	46.69
Microsoft	LB / Software	9.75
MIRA Safety	PD / Safety Equipment	1,414.01
National Assn of School Resource Officers	PD / Membership Renewal / Pinkelman, L	50.00
Nebraska Secretary of State	CT / Notary Renewal / Allen, M	30.00
Nebraska Water Environment Association	WWTP / Certification Training / Prado, A	550.00
Square Signs	REC / Aluminum Signs	90.01
United States Postal Service	WR / Postage	168.63
Vista Print	PD / Business Cards	73.81
Cash-Wa Distributing	AC / MOW / REC / Food & Supplies	6,050.42
Cengage Learning	LB / Books	402.03
Center Point Inc	LB / Books	116.09
Chesterman Company	AC / REC / Beverages	1,908.00
City Of Lexington / GF	Electric Rebate	130.00
Complete Underground LLC	WWTP / Repairs	548.98
Copley, Brian	Electric Rebate	76.80
Core & Main LP	EL/WR/Meters/Radios/Registers/Parts	8,949.85
Country Partners Cooperative	REC / Propane	29.90
Criminal Addictions Inc	PD / Criminal Interdiction Class	1,750.00
Davis Energy	FD / ST / Fuel	117.92
Deterdings Inc	AC / Chemicals / Test Kits	370.70
Eakes Inc	Copier Exp/DocMgmt Support/Spls	1,293.47
Electrical Engineering & Equipment Co	EL / Parts	486.60
Esquivel, Luis	Electric Rebate	1,650.00
Fagot Refrigeration & Electric Inc	Install Heat Pump System/Cooling Repairs	13,708.12
First Interstate Bank	LB / Petty Cash	363.39
Fitzgerald, Matthew	FD / Travel Expenses / Fire School	151.40
GB Auto Service Inc	CEM / PK / ST / Equipment Tires / Repairs	510.14
Hach Company	WWTP / Lab Supplies	699.60
HD Supply Inc	CEM / WR / Parts	403.80
Health Claims	Claims	15,140.89
Holbein, Dahlas	AMB/FD/Truck Maint/Fueling/Cleaning	1,500.00
Homeier Ventures LLC	PK / REC / Cleaning Supplies / Hardware	166.53
Ingram Library Services	LB / Books	106.61
Invest Plus Inc / Plum Creek Market Place	DAD / MOW / Food	425.75
Jones Plumbing & Heating Inc	SW / Auger / Roto Rooter	410.00
Lexington Health Fund	Self-Funding	53,890.80
Lexington Housing Authority	Electric Rebate	1,050.00
LEXUS	Utilities	47,949.29
Madison Energy Holdings LLC	Solar Power Purchase	53,938.34
Matheson Tri Gas Inc	AMB / Medical Oxygen	110.95
Maung, Joseph	Electric Rebate	1,200.00
Mead Lumber	DS / PK / REC / ST / Supplies	194.06
Midland Scientific Inc	WWTP / Lab Supplies	136.38
Miller & Associates Consulting Engineers	WWTP/Facility Improvements/Pro Services	152,723.00
Molina, David	FD / Travel Expenses / Fire School	143.90
Municipal Supply	WR / Parts	647.73

Nebraska Public Power District	O & M	170,652.56
	Power Purchase	904,045.48
Nebraska Machinery Company	ST / Equipment Set Up	2,361.59
Nebraskaland Tire	ST / WR / Repairs / Oil & Lube	632.91
Olsson Inc	ST / SW / WR / Professional Services	3,898.41
Paulsen Inc	PK/ST/WR/Limestone/Sand/Rock/Rebar	2,256.42
Platte Valley Excavating	Demolition/Land Leveling/1208NAirport Rd	14,000.00
Platte Valley Laboratories Inc	WWTP / Lab Supplies	819.75
Plum Creek Medical Group	PD / Office Visit	225.00
Plumbing & Heating Wholesale Inc	PK / Sprinkler Parts	1,120.00
Principal	Dental Premium	4,392.45
Ramada Midtown	FD / Lodging / Fire School (13)	4,132.70
Rentokil N A / Presto-X	WWTP / Pest Control	69.61
S & W Auto Parts	CEM / PK / WWTP / Parts / Tools	447.28
Schumacher, Dan / Schumacher Fencing LLC	PK / Fencing / Veterans Pavilion	9,277.00
Schwarz, Kenneth	FD / Travel Expenses / Fire School	143.90
SCP Distributors LLC	AC / Equipment / Parts	913.33
Sirchie Acquisition Company LLC	PD / Supplies	56.30
Stahla, Mary	Electric Rebate	1,200.00
Standard Insurance Company	Life Insurance Premiums	983.59
State of NE/Public Health Environmental Lab	WR / Testing	1,512.00
Straight-Line Striping Inc	ST / White & Yellow Paint Applied	10,148.00
TASC	Administration Fees	175.62
T & R Electric Supply Company Inc	EL / 3 Phase Pad Mount Transformer	21,806.93
Trejo, Alejandra	FD / Travel Expenses / Fire School	157.97
United Industries Incorporated	AC / Equipment Parts	1,808.88
Vargas Carrasco, Guillermo	Electric Rebate	86.00
Verizon Wireless	Cellular Service	436.58
Village Cleaners Inc	GGC / Janitorial Supplies	67.31
VSP / Vision Service Plan	Vision Premium	1,042.74
Zuniga Sandoval, Manuel	Electric Rebate	1,750.00
YMCA of the Prairie	Fitness Memberships	1,620.00
Associated Supply Company Inc	AC / Chemicals	14,451.40
Baker & Taylor	LB / Books	65.73
Brouillette, Troshynski, Kingston&Jackson PC	ST/Professional Services/East Viaduct	270.35
Cash-Wa Distributing	AC / REC / ST / Food & Supplies	3,391.36
Cengage Learning	LB / Books	207.68
City of Lexington	Utility Franchise Fees	92,262.05
Country Partners Cooperative	PK / Fertilizer	153.00
County of Dawson - Surveyor	ND / Survey / Replat Auto Haus Third	450.00
Dan's Sanitation	Sanitation Fees	43,809.90
Davis Energy	FD / Fuel	312.54
Eakes Inc	LB / Supplies	79.60
Fagot Refrigeration & Electric Inc	SW / Replace Liftstation Motor	320.27
Haines, Derek	CT/Travel Exp/Municipal Accounting Conf	286.64
HD Supply Facilities Maintenance	WWTP / Lab Supplies	395.20
Health Claims	Claims	1,311.82
Hiland Dairy Foods Company LLC	MOW / Dairy Products	234.28
League of Nebraska Municipalities	CT/Municipal Accounting Conf/Haines, D	505.00
Lexington City Payroll Account		
Payroll	Wages	207,596.78
Social Security	Employer Portion / FICA Med	15,511.09
Union Bank & Trust	Employer Portion / Pension	5,983.27
Union Bank & Trust	Police Pension	3,103.62
ICMA	City Manager Pension	1,104.49
Marcus Lincoln Hotel LLC/Lincoln Marriott	Logging/Municipal Accounting Conf/Haines	390.75
Mead Lumber	WWTP / Pleated Filters	31.45

Meritain Health	Health Premium	36,333.10
Obermiller Seamless Inc	ND/Install Steel Soffit Panels / City Hall	46,800.00
PPG Architectural Finishes Inc	WR / Paint	389.75
Quality Flow Systems	WWTP / Service Call / Mixers / Lift Station	1,300.00
Richardson, Calvin N	LB / Lawn Care	850.00
S & W Auto Parts	PK / Parts	11.20
Sirchie Acquisition Company LLC	PD / Supplies	165.83
Statewide Collections LLC	EL / Collection Fees	128.91
Stout, Robby B / Stout Construction	ST / Repairs	11,414.00
United States Treasury	PCORI Fees	333.00
W W Grainger Inc	WWTP / Parts / Supplies	486.72
Wal-Mart Stores Inc	AC/DS/GGC/LB/ND/PD/PK/ST/Supplies	934.44
	TOTAL CLAIMS:	2,075,915.51

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

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider an application by Industrial Tower West LLC for a conditional use permit to construct an 80-foot monopole communications tower in a C-3 Highway Commercial Zone at the southwest corner of Frontier Street and Plum Creek Parkway. Brecks stated this application is a refresh of a CUP agreement approved for the communication tower in June 2020. Chris Riha, representative, stated the communications tower would be part of a retail development project. There were no public comments, and the public hearing was closed. Following discussion, moved by Smith, seconded by Roberts, to approve the CUP agreement with Industrial Tower West LLC as presented and authorize execution of documents. Roll call. Voting “aye” were Vivas, Roberts, Smith, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a subdivision application by Rebecca Ouellette for property located at 43371 Road 757, the proposed Johnson Subdivision. Brecks explained the applicant would like to separate the homestead and farm ground which will be sold. There were no public comments, and the public hearing was closed. Resolution No. 2024-12 was presented. Moved by Roberts, seconded by Smith, to approve Resolution No. 2024-12. Roll call. Voting “aye” were Vivas, Smith, Roberts, Fagot. Motion carried.

RESOLUTION NO. 2024-12

JOHNSON SUBDIVISION

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

The plat of JOHNSON SUBDIVISION, being a part of the south one-half of Section 29, Township 10 North, Range 21 West of the Sixth Principal Meridian, Dawson County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved, accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED this 25th day of June, 2024.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a rezoning application for Johnson Subdivision from A-1 Agricultural to R-1 Single Family Residential. Brecks noted the rezone change is necessary per zoning code requirements. There were no public comments, and the

public hearing was closed. Ordinance No. 2468 entitled “AN ORDINANCE TO REZONE A CERTAIN TRACT OF REAL ESTATE TO R-1; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN ELECTRONIC FORM” was presented. Moved by Smith, seconded by Vivas, to suspend the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Roberts, Vivas, Smith, Fagot. Motion carried.

Ordinance No. 2468 was presented on final reading. Moved by Smith, seconded by Vivas, to approve Ordinance No. 2468 on final reading. Roll call. Voting “aye” were Roberts, Vivas, Smith, Fagot. Motion carried.

CONTRACT: Peplitsch reviewed an annual operating contract with West Central Area Agency on Aging for the Meals Program for FY 2025. Following a review of the contract, moved by Roberts, seconded by Smith, to approve the operating contract as presented and to authorize execution of documents. Roll call. Voting “aye” were Vivas, Smith, Roberts, Fagot. Motion carried.

PAY REQUEST: Peplitsch reviewed Final Pay Request from TL Sund Constructors Inc for the Lexington Racquet Center project in the amount of \$44,951.03. Peplitsch noted these pay requests would close out the financial obligation of the project and that 5% of the contract cost would be retained in an escrow account for punch list completion. Moved by Roberts, seconded by Vivas, to approve Final Pay Request from TL Sund Constructors Inc. as presented and authorize staff to establish an escrow account for final completion. Roll call. Voting “aye” were Smith, Vivas, Roberts, Fagot. Motion carried.

ROUNDTABLE: Peplitsch reminded Council and Staff of the Governor’s Townhall meeting on June 28 and the Veteran’s Pavilion dedication and celebration on June 29.

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