

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
January 12, 2021**

A Regular Meeting of the Lexington City Council was held Tuesday, January 12, 2021, at Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Dora Vivas, and Steve Smith. Jeremy Roberts was excused. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Finance Director Barb Hodges, 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 12-22-2020: Minutes of the Regular meeting held Tuesday, December 22, 2020, were presented. Moved by Smith, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Salem, Vivas, Smith, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$908,820.89 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Vivas, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$356,396.25 from General Fund, \$73,777.96 from Street Fund, \$75,425.47 from TIF, \$329,181.16 from LEXUS, \$10,000.00 from Sanitation, \$2,119.73 from Ambulance, \$57,188.13 from Health Fund, and \$4,732.19 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Smith, Salem, Vivas, Fagot. Motion carried.

**ACCOUNTS PAYABLE
January 12, 2021**

American Public Works Association	WR / Membership Dues / Nelson, T	360.00
American Water Works Association	WR / Membership Dues / Thompson, R	328.00
Ask Supply Company	ST / Parts / Supplies	88.48
Axon Enterprise	PD / Taser Battery Packs / Cartridges	1,433.00
B & H Services / Service Master	EL / OC / Cleaning Service	5,121.47
Baird Holm	CM / Professional Services / Land Bank	1,883.00
Baker & Taylor	LB / Books	465.24
Bamford	REC/Fieldhouse/Fire Alarm Inspection	200.00
Barco Municipal Products	ST / Handicap Parking Signs	224.99
Bauer Built Tires	WWTP / Tractor Tire Repair	139.83
Bauer Underground	E Walnut Feeder/Underground Work	12,532.58
Bennett, Curtis W / Sign Pro	OC / Sign	90.00
Bill's Volume Sales	WWTP / Parts	308.03
Black Hills Energy	Natural Gas Service	4,550.79

Cash-Wa Distributing	MOW / Food & Supplies	1,377.84
Cengage Learning	LB / Books	100.45
Citibank NA / CNH / Titan Machine	Equipment Repairs/Parts	841.23
City of Lexington	Interdepartmental Service Fees	55,749.00
	Utility Franchise Fees	618.92
City of Lexington / Street	SW/WR/Interdepartmental Service Fees	5,651.89
Country Partners Cooperative	FD / Fuel	62.08
County of Dawson - Register of Deeds	Filing Fees	50.00
D & M Security	GGC/OC/Fire Alarm Inspection/ Repair	658.00
Dan's Sanitation	Sanitation Fees	13,905.20
Davis Energy	Empty Drums/Install Fuel Nozzle/Grease	287.74
	ST / Fuel Purchase	2,813.49
	Power Purchase	81.92
Dawson Public Power District	Well #13/Pump Test/Video Inspection	2,458.25
Downey Drilling	Underground Conduit/Tube Lights	237.91
Electrical Engineering & Equipment	Annual Software License / Maintenance	1,022.43
Envisionware	EL / ND / ST / Repairs	946.10
Fagot Refrigeration & Electric	FD / Equipment Repairs	2,943.61
FYR-TEK	LB / Petty Cash / Postage / Supplies	98.08
Great Western Bank	Monthly Lobbying Services	667.00
Greater Nebraska Cities	WWTP / Spectrophotometer	3,307.84
Hach Co	PK/Reimbursement/Computer Repairs	234.33
Hansen, Logan M	Claims	19,491.68
Health Claims	FD / Thermal Camera Battery	571.05
Heiman Fire Equipment	Professional Fee	2,700.00
Heldt McKeone & Copley	MOW / Dairy Products	404.81
Hiland Dairy Foods	WR / Transducers	3,226.82
Hydro Optimization&Automation Solutions	Rug Service	915.58
Ideal Laundry & Cleaners	LB / Books	86.48
Ingram Library	ND / Web Phone Charges	298.26
Intermedia.com	EL / MOW / Hams / Food / Supplies	1,792.67
Invest Plus / Plum Creek Market Place	Parts/Tools/Supplies	1,125.94
John Deere Financial	OC / Service / Repairs	1,350.00
Jones Plumbing & Heating	ND / OC / Pleated Filters	616.20
KBC Inc / Johnstone Supply	WWTP / Pump Motor Rebuild	890.65
Knapp Electric	Publications	1,896.33
LEE BHM / Lexington Clipper Herald	Waste Removal	1,017.30
Lexington Area Solid Waste		
Lexington, City Payroll Account:		
Payroll	Wages	157,186.99
Social Security	Employer Portion / FICA Med	11,384.90
Union Bank & Trust	Employer Portion / Pension	4,637.69
Union Bank & Trust	Police Pension	3,610.72
ICMA	City Manager Pension	923.51
Martin Electric	WWTP / Fluorescent Lamps	189.60
McCall's Quilting	LB / Annual Subscription	20.00
Mead Lumber	DS/PK/REC/Fieldhouse/Parts/Supplies	902.10
Meritain Health	Health Premium	35,849.03
Midland Scientific	WWTP / Testing Supplies	279.22
Midlands Contracting	Reline Sewer/Freedom & Constitution	23,218.00
Mid-States Automation & Control	OC / Replace Thermostat Controller	1,132.00
Mid-States Organized Crime Information Ctr PD / 2021 Annual Membership Dues		150.00

Midwest Connect	EL/Annual Svc Agrmt/Postage Machine	1,221.94
Miller & Associates	SW / WR / Professional Service	18,263.00
Mobotrex	EL / Traffic Light Switches	150.00
Morris Press	GGC / Newsletter	85.00
Municipal Supply	WR / Tools	30.12
Nebraska Dept of Revenue	Sales and Use Tax	59,895.34
Nebraska Rural Radio Association / KRVN	PD / Holiday Greetings	50.00
Nebraska Tech & Telecommunications	Phone Service	1,192.88
Nebraska Water Experts / Culligan	Soft Water Supplies	399.32
Nebraskaland Tire	WR / Oil & Lube	47.19
Nebraskalink	LB / Internet Service	15.00
O'Hanlon Seed	PK/WWTP/Grass Seed/Disk 73 Acres	2,093.05
O'Hara Lindsay and Associates	Lobbying Services / 2021 Registration	533.00
Oliver Consulting Services	LB / Monthly Backup / Support	795.00
O'Reilly Auto Parts	ST / Parts / Supplies / Tools	245.34
Paulsen Inc	PK/WR/Curb Stops/Crushed Concrete	1,273.02
Phillips, Jim	ST / WR / Cement Work / Repairs	16,133.00
Platte Valley Communications	FD/PD/Parts/Tower Rent/Maintenance	1,706.04
Polydyne	WWTP / Dewatering Polymer	8,556.00
Precision Detail / Julie Thalman	FD / Firehall Cleaning Service	300.00
Primary Electric	EL / Wire Solar Carport	4,887.07
Rentokil NA / Presto-X	WWTP / Pest Control	52.00
RR Donnelley & Sons Company	PD / Citation Books	111.30
Rose Holdings / Equipment	ST / Street Sweeper Repairs	322.44
Ryde Transit	GGC/Oct to Dec 2020 / Riders	110.00
S & W Auto Parts	PD / ST / Parts	125.65
Spectrum	Cable Service	26.93
State of Nebraska Library Commission	LB / Annual WebDewey Subscription	265.20
Storey Kenworthy	Tax Forms / Envelopes	342.61
TASC	Administration Fees	187.21
US Foods	MOW / Food & Supplies	990.26
USA Communications	City Internet Services	345.60
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	338.50
Village Uniform	GGC / Janitorial Supplies	113.96
Watchguard	PD / Parts	45.00
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	159.10
Axxent Buildings & Doors	WWTP / Installation / Control Board	262.00
Baird Holm	CM / Professional Services / Land Bank	2,468.50
C&S Truck Salvage	WR / Oil Filter	9.64
Cash-Wa Distributing	MOW / OC / ST / Food & Supplies	1,527.86
Chesterman Company	MOW / Beverages	88.00
City of Lexington / Street	Fuel	7,469.36
Community Development Agency	TIF/Dollar Tree/Bauer Built/Hibbet/HNB	75,425.47
Core & Main	EL / Remote Disconnect Meters	4,314.28
Davis Energy	ST / Solvent	168.00
Electrical Engineering & Equipment	PK / REC / LED Bulbs / Parts	330.18
Great Western Bank	City / Petty Cash	75.55
Health Claims	Claims	37,509.24
Hiland Dairy Foods	MOW / Dairy Products	126.31
Holbein Lawn Service	ST / Snow Removal / Downtown	450.00
Hydro Optimization&Automation Solutions	WWTP/Screen Connect Hosting/2021	250.00

Intellicom	Tech Support / Software	21,975.98
John Deere Financial/Landmark Implement	PK / Equipment Repairs	437.39
Lexington City Payroll Account:		
Payroll	Wages	155,542.30
Social Security	Employer Portion / FICA Med	11,612.18
Union Bank & Trust	Employer Portion / Pension	4,991.87
Union Bank & Trust	Police Pension	3,396.21
ICMA	City Manager Pension	951.23
Lexington Health Fund	Self-Funding	44,204.35
Lexington Volunteer Fire Department	AMB/1st Qtr/EMS Billing Revenue	1,388.75
Mead Lumber	PK / REC / Parts / Supplies	225.66
Micromarketing	LB / Books	1,258.44
Miller & Associates	EL / Surveying Services	149.00
Nebraska Recreation & Park Association	Memberships/Johnson/Luther/Saulsbury	180.00
North Platte Publishing / Telegraph	LB / Annual Subscription	435.55
OCLC	LB/Cataloging/Metadata/Worldshare	146.86
Platte Valley Auto Mart	PD / Oil & Lube / Repairs	2,372.93
Police Officers' Association of Nebraska	PD / 21 Memberships	315.00
Quadient	Postage	3,000.00
Quick Med Claims	AMB / Ground Trips Revenue	676.89
S & W Parts Company	ST / Tools	3.29
Tyler Technologies	Util Billing Notifications/Insite Transaction Fees	5,378.45
US Foods	MOW / Food & Supplies	505.25
Young, Dustin	Employee Reimbursement/Safety Boots	85.60
	TOTAL CLAIMS:	908,820.89

RESOLUTION: Peplitsch presented a resolution which would authorize the City to enter into a supplemental agreement with Nebraska Department of Transportation for the Highway 21 North Construction Project No. STP-21-2(118). He explained costs associated with the city's portion of the project were higher than estimated in the original agreement. Following discussion, moved by Salem, seconded by Smith, to approve Resolution No. 2021-01 as presented. Roll call. Voting "aye" were Vivas, Smith, Salem, Fagot. Motion carried.

RESOLUTION NO. 2021-01

WHEREAS: The City of Lexington desires to enter into an Agreement with the State of Nebraska Department of Transportation, to proceed with construction of Project No. STP-21-2(118) Control No. 61647, for improving Highway N-21.

NOW BE IT RESOLVED by the City of Lexington that the Agreement for the above-described Project, attached hereto, is hereby approved, and that the City Mayor is hereby directed and authorized to sign said Agreement on behalf of the City of Lexington.

PASSES AND APPROVED this 12th day of January, 2021.

RESOLUTION: Peplitsch reviewed a resolution authorizing the use of expedited reviews of redevelopment plans per Section 18-2155(2) of Nebraska State Statutes. He explained the process could be used for simple redevelopment projects which meet certain requirements. Resolution No. 2021-02 was presented. Following discussion, moved by Smith, seconded by Vivas, to approve

Resolution No. 2021-02 as presented. Roll call. Voting “aye” were Salem, Vivas, Smith, Fagot. Motion carried.

RESOLUTION NO. 2021-02

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

WHEREAS, according to L.B. 1021 (Neb. Laws 2020), now codified in the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.* (the “Act”), the City Council may elect by resolution to allow expedited reviews of redevelopment plans that meet the requirements of Section 18-2155 (2) of the Act (“Eligible Redevelopment Plans”).

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

1. The City of Lexington shall allow expedited reviews of Eligible Redevelopment Plans according to the Act.
2. The City shall charge an application fee for Eligible Redevelopment Plans in the amount of \$50 per application.
3. The City Manager or his or her designee shall conduct expedited reviews of the Eligible Redevelopments Plan applications and submit the Eligible Redevelopment Plans to the City Council for review and approval according to the Act.
4. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Act.
5. This Resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED this 12th day of January, 2021

RESOLUTION: Pepplitsch reviewed Supplemental Agreement No. 1 - BK 2052 to the Preliminary Engineering Services Agreement for Lexington East Viaduct. He noted the supplement agreement is for additional work and costs related to Union Pacific Railroad requirements. Resolution No. 2021-03 was presented. Following discussion, moved by Vivas, seconded by Salem, to approve Resolution No. 2021-03 as presented. Roll call. Voting “aye” were Smith, Salem, Vivas, Fagot. Motion carried.

**RESOLUTION
PRELIMINARY ENGINEERING SERVICES AGREEMENT
SUPPLEMENTAL AGREEMENT NO. 1 – BK2052**

CITY OF LEXINGTON
Resolution No. 2021-03

Whereas: City of Lexington and WSP USA, Inc. have previously executed a Preliminary Engineering Services Agreement (BK2052) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: City of Lexington understands that it must continue to strictly follow all Federal, State, and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

Whereas: City of Lexington and WSP USA, Inc. wish to enter into a preliminary engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the City council of the City of Lexington, Nebraska that:

John Fagot, Mayor of the City of Lexington, is hereby authorized to sign the attached Preliminary Engineering Services Supplemental Agreement No 1 between the City of Lexington and WSP USA Inc.

NDOT Project Number: RRZ-TMT-1705(3)
NDOT Control Number: 61457
NDOT Project Description: Lexington East Viaduct

Adopted this 12th day of January, 2021 at Lexington, Nebraska.

PAY REQUEST: Pepplitsch reviewed Pay Request #1 from Van Kirk Brothers for the East Addition Phase I Improvements project in the amount of \$77,418.09. Following discussion, moved by Smith, seconded by Vivas, to approve Pay Request #1 to Van Kirk Brothers as presented. Roll call. Voting “aye” were Salem, Vivas, Smith, Fagot. Motion carried.

CLOSING DOCUMENTS: Pepplitsch reviewed closing documents for Well #19 project from Downey Drilling. For consideration was Pay Request #4-Final in the amount of \$35,123.40, Change Order #1, and Certificate of Substantial Completion. Following an update on the project, moved by Salem, seconded by Smith, to approve closing documents for Well #19 project from Downey Drilling as presented. Roll call. Voting “aye” were Vivas, Smith, Salem, Fagot. Motion carried.

LVFD ROSTER – Pepplitsch reviewed the current LVFD membership roster and recommended approval. Moved by Vivas, seconded by Salem, to approve the current LVFD roster for 2021 as presented. Roll call. Voting “aye” were Smith, Salem, Vivas, Fagot. Motion carried.

ROUNDTABLE DISCUSSION: Pepplitsch gave an update on current projects.

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