

**CITY COUNCIL  
CITY OF LEXINGTON, NEBRASKA  
July 12, 2022**

A Regular Meeting of the Lexington City Council was held Tuesday, July 12, 2022, at Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Dora Vivas, and Jeremy Roberts. Steve Smith was excused. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, Finance Director Barb Hodges and City Clerk Pamela Baruth. The press was represented by the Clipper-Herald 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. 7th Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 6-28-2022:** Minutes of the Regular meeting held Tuesday, June 28, 2022, were presented. Moved by Vivas, seconded by Roberts, to approve the minutes as presented. Roll call. Voting “aye” were Salem, Roberts, Vivas, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$998,395.26 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 \$351,621.81 from General Fund, \$83,025.57 from Street Fund, \$276,584.82 from LEXUS, \$10,000.00 from Sanitation, \$2,820.65 from Landfill, \$3,952.22 from Ambulance, \$68,011.00 from American Rescue Plan Act, \$197,443.00 from Health Fund, and \$4,936.19 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Salem, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
July 12, 2022**

ARK I CEA Holdco LLC / Solsystems	Solar Power Purchase / Airport Road	17,286.36
Associated Supply Company Inc	AC / Pool Chemicals	1,562.50
B & H Services / Service Master	EL / OC / Cleaning Service	5,470.17
Baker & Taylor	LB / Books	777.23
Bauer Built Inc	WWTP / Tires	4,499.89
Benson, John Kevin/Benson Tree Service	EL/Tree Trimming/Powerline Clearance	19,500.00
Black Hills Energy	Natural Gas Service	209.66
Bowen, Nicholas / Change Clothing	REC/Pullover/Tees/Triathlon/5K Run	2,452.33
Cash-Wa Distributing	Concessions/Food/Supplies	4,398.37
Cengage Learning	LB / Books	291.34
Citibank NA / CNH / Titan Machine	FD / ST / Equipment Repairs / Parts	3,155.26
City of Lexington	Interdepartmental Service Fees	55,749.00
City of Lexington	Utility Franchise Fees	104.50

City of Lexington / Street	SW/WR/Interdepartmental Service Fees	6,876.23
City of Lexington / Street	Fuel	18,718.36
Community Action Partnership/Ryde Transit	Local Funding Match 2022-2023	24,900.00
Core & Main LP	WR/Hardware/Meter Radios/Registers	11,385.55
County Partners Cooperative	Pesticides/Herbicide/Propane	3,967.45
Dan's Sanitation	Sanitation Fees	15,139.31
DARCA Inc / Arnold Pool Company	AC / Testing Supplies / Chemicals	514.00
Davis Energy	FD / ST / Fuel / Fuel Purchase	8,208.25
Dawson County Communications	Dispatch Fees	29,750.00
Dawson Public Power District	Power Purchase	89.87
Downey Drilling Inc	REC/Heater Repairs/Hitting Complex	6,033.31
Eakes Inc	EL / PD / Copier Expense / Toner	1,489.71
Electrical Engineering & Equipment Co	EL / Conduit	143.96
Fagot Refrigeration & Electric Inc	Svc Call/Remove Damaged Controller	252.72
First Interstate Bank	LB / Petty Cash	245.29
GB Auto Service Inc	PD / ST / Tire Repair	45.89
Great Plains Communications	City Internet Services	345.60
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Health Claims	Claims	115,182.51
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	355.19
Holbein Lawn Service	DS / FD / Abatement / Lawn Care	525.00
Homeier Ventures LLC/Bob's True Value	PK / Oil	26.32
Hydro Optimization&Automation Solutions Inc	WWTP / Service Call / Repairs	10,921.14
Ideal Laundry & Cleaning	Rug Service	1,166.70
Ingram Library Services Inc	LB / Books	86.84
Intermedia.com	Web Phone Charges	274.97
Invest Plus / Plum Creek Market Place	AC / MOW / Concessions / Food	166.07
John Deere Financial / Orscheln	Supplies/Parts	2,568.45
Jones Plumbing & Heating	Hardware/Unit Cover	1,510.26
Kearney Printing LLC / LIPS Print Service	Water Report Mailer/Printing/Mailing	2,477.49
Kohl, Patrick J/Kohl Welding&Machining	PK / Fabrication	275.08
Komline-Sanderson	WWTP / Hardware / Supplies	2,407.96
LEE BHM / Lexington Clipper Herald	Publications	1,221.68
Lexington Regional Health Center	PD / Physical / Sarmiento, J	277.00
Lexington Volunteer Fire Department	AMB / Quarterly Billing	2,129.99
Mead Lumber	PK / Supplies	4.88
Melson, Dane	Fitness Memberships	209.94
Meredith Corp/Southern Living Books	LB / Books	40.56
Midlands Contracting Inc	SW / CIPP / Lining Sanitary Sewer	68,011.00
Midwest Laboratories Inc	WWTP / Lab Supplies	20.69
Miller, Trever	FD / Record Keeping	250.00
Morris Printing Group Inc / Morris Press	GGC / Newsletter	125.25
Nebraska Dept of Revenue	Sales and Use Tax	58,548.69
Nebraska Tech & Telecommunications	Phone Service	1,323.63
Nebraskaland Tire	WR / Oil & Lube	91.56
OCLC Inc	LB/Cataloging/Metadata/Worldshare	156.68
Omer, Habibo	Utility Overpayment	1,000.00
One Call Concepts Inc	Locates	126.76
One Stop LLC / Mac's Short Stop	REC / Concessions	523.91
O'Reilly Auto Parts	WR / Parts	148.59

Paulsen Inc	WR / Limestone	383.75
Platte Valley Auto	PD / ST / Oil & Lube / Repairs	731.25
Platte Valley Communications	Programing Pagers/Maint/Chargeguard	617.42
Precision Detail / Julie Thalman	FD / Firehall Cleaning Service	300.00
Quick Med Claims	AMB / Billing Service	1,545.74
Roemmich, Austin	AMB / Record Keeping	250.00
Rural Health Development	Facility Development Agmt/1811 Ridgeway	10,000.00
RYDE Transit	GGC / May-July 2022 / Riders	106.00
S & W Auto Parts	PD / PK / Parts / Tools	32.25
State Of Nebraska	Power Review Board	2,284.94
Statewide Collections	EL / Collection Expense	304.59
TL Sund Constructors Inc	ST/PK/Curb Repairs/Crushed Cement	1,739.56
Tyler Technologies	EL / Email Billing Fees	145.85
US Foods	MOW / Food	1,426.97
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	549.05
Village Cleaners Inc	GGC / Janitorial Supplies	148.52
Vollmer, James L / Jamie's Garage	WR / Auto Repairs	142.38
Walmart	AC / DS / PD / PK / ST / Supplies	1,032.64
Weathercraft of North Platte	OC/Storm Damage/Roof Inspection/Reps	947.16
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	167.05
Werth Aerial Spraying /Johnson Lake Flying	Closed Landfill/ST/Spraying/Herbicide	3,331.60
Wilkins Architecture Design Planning LLC	PK / Services / Veteran's Pavilion	1,485.00
Amazon Capital Services Inc	LB / Books / Promotional Items	314.32
Baker & Taylor	LB / Books	414.28
Cash-Wa Distributing	AC / Food & Supplies	600.20
Center Point Inc	LB / Books	185.16
Central Community College	PD / Heartsaver Classes	1,278.00
Chesterman Company	AC / REC / Beverages	1,056.00
Country Partners Cooperative	ST / Herbicide	279.10
County of Dawson - Register of Deeds	Filing Fees	16.00
Davis Energy	CEM / FD / ST / Grease / Fuel	302.06
Eakes Inc	DocManagment / Support	455.00
Galls Parent Holdings LLC	PD / Uniform Expense	143.80
Health Claims	Claims	82,260.49
Hiland Dairy	MOW / Dairy Products	140.63
Holmes Plumbing & Heating Supply	AC / Backflow Parts	612.84
Integrated Security Solutions	Fire Extinguisher Inspections	2,725.00
Intellicom Computer Consulting Inc	Tech Support / Software	3,340.44
JEO Consulting Group Inc	ST / Professional Services	168.75
John Deere Financial / Landmark	CEM / PK / Parts / Repairs	5,669.09
Kirk's Trenching & Septic Service	CEM / Portable Rental / Cleaning	220.00
Lexington Area Solid Waste Agency	Mixed Solid Waste Disposal	1,852.30
Lexington, City Payroll Account:		
Payroll	Wages	197,531.81
Social Security	Employer Portion / FICA Med	14,818.49
Union Bank & Trust	Employer Portion / Pension	5,359.26
Union Bank & Trust	Police Pension	3,556.61
ICMA	City Manager Pension	995.69
Lexington Health Fund	Self-Funding	122,463.60
Miller&Associates Consulting Engineers PC	ND / Professional Services	1,827.50
Nebraska Interactive LLC / NIC	GGC / DHHS Central Registry Fees	38.00

Nebraska Rural Radio Assn / KRVN	EL / NPPD Coop Advertisements	288.00
Nebraska Water Experts / Culligan	Soft Water Supplies	498.88
NSA / POAN Law Enforcement Conf	Registration/Wolf, T/Schwarz, P	260.00
Odeys Inc	REC / Ballfield Chalk	448.00
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
Paulsen Inc	WR / Limestone	540.00
Sirchie Acquisition Company LLC	PD / Evidence Supplies	296.93
U-Save Pharmacy / Business Equipment	AMB / EL / GGC / LB / ST / Supplies	350.41
	<b>TOTAL CLAIMS:</b>	<b>998,395.26</b>

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to receive an update of St. Ann’s Parish Council CDBG #20-EMCV-008 project. Jen McKeone, Cozad Development Corp, updated that contracts have been signed by all entities, and a pre-construction meeting has been scheduled. There were no public comments and the public hearing was closed.

**VETERANS PAVILION:** Peplitsch reviewed plans and specifications for the Veterans Pavilion at Kirkpatrick Memorial Park project and requested authorization to solicit bids. Following discussion, moved by Roberts, seconded by Salem, to approve plans and specifications for the Veterans Pavilion as presented and to authorize the solicitation of bids. Roll call. Voting “aye” were Vivas, Salem, Roberts, Fagot. Motion carried.

**PURCHASE AGREEMENT:** Peplitsch presented a purchase agreement for property located southwest of the intersection of 13<sup>th</sup> Street and Liberty Drive and requested authorization to execute necessary documents. Following discussion, moved by Salem, seconded by Vivas, to approve the purchase agreement as presented and to authorize the execution of necessary documents. Roll call. Voting “aye” were Roberts, Vivas, Salem, Fagot. Motion carried.

**RESOLUTION:** Resolution No. 2022-15 was presented. Peplitsch indicated the 72-acre parcel in Beans 2<sup>nd</sup> Subdivision would be conveyed to the Community Development Agency for redevelopment activities including housing projects. Following discussion, moved by Vivas, seconded by Salem, to approve Resolution No. 2022-15. Roll call. Voting “aye” were Roberts, Salem, Vivas, Fagot. Motion carried.

**RESOLUTION NO. 2022 – 15**

**A RESOLUTION OF THE CITY OF LEXINGTON, NEBRASKA, AUTHORIZING AND DIRECTING THE TRANSFER OF REAL ESTATE TO THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA.**

WHEREAS, the City of Lexington owns certain real estate for the purpose of residential housing development; and

WHEREAS, the Community Development Agency of Lexington, Nebraska is preparing a housing development project involving the same real estate, and it is in the best interest of the City to aid and cooperate in the planning, undertaking and carrying out of said development project by transferring title to said real estate to the Community Development Agency.

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

That the Mayor is hereby directed and authorized on behalf of the City of Lexington, to execute a Deed, transferring to the Community Development Agency of Lexington, Nebraska, the following described real estate, to-wit:

Block One (1), Beans 2<sup>nd</sup> Subdivision, being a part of the Southwest Quarter (SW1/4) of Section Eight (8), Township (9) North, Range Twenty-one (21) West of the Sixth Principal Meridian, Dawson County, Nebraska.

**Passed and approved July 12, 2022.**

**ACCOUNTS RECEIVABLE:** Peplitsch reviewed delinquent account receivable balances that have been deemed uncollectible. Following discussion, moved by Roberts, seconded by Vivas, to authorize Staff to remove uncollectible account receivable balances as presented. Roll call. Voting “aye” were Salem, Vivas, Roberts, Fagot. Motion carried.

**LEASE AGREEMENT:** Peplitsch reviewed a lease agreement with LEXCARES Inc for property located at 1811 Ridgeway Drive to be operated as Ridgeway Senior Living. Following discussion, moved by Salem, seconded by Vivas, to enter in the lease agreement with LEXCARES Inc. as presented. Roll call. Voting “aye” were Vivas, Salem, Fagot. Roberts abstained. Motion carries.

**LOAN AGREEMENT:** Peplitsch presented a loan agreement with LEXCARES Inc. for short-term operating capital. He explained the short-term loan of \$50,000 from the Economic Program is for 12 months at 2% interest. Following discussion, moved by Vivas, seconded by Salem, to approve the loan agreement with LEXCARES Inc. as presented. Roll call. Voting “aye” were Salem, Vivas, Fagot. Roberts abstained. Motion carries.

**PAY REQUEST:** Peplitsch reviewed Pay Request #10 from Walters-Morgan Construction for the 2021 Wastewater Facility Improvements project in the amount of \$356,109.01. Following a project update, moved by Roberts, seconded by Vivas, to approve the pay request as presented. Roll call. Voting “aye” were Salem, Vivas, Roberts, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch reviewed Pay Request #1 from Paulsen Inc. for the Revere Circle and Prescott Circle Improvements Project in the amount of \$323,311.50. Following a project update, moved by Roberts, seconded by Salem, to approve the pay request as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Fagot. Motion carried.

**RESOLUTION:** Resolution No. 2022-16 was presented. Peplitsch reviewed a blight and substandard study completed by Hanna:Keelan for land between West 13<sup>th</sup> and Highway 30, and gave an update on the process to complete the declaration. Following discussion, moved by Vivas, seconded by Roberts, to approve Resolution No. 2022-16. Roll call. Voting “aye” were Salem, Roberts, Vivas, Fagot. Motion carried.

#### **RESOLUTION NO. 2022-16**

**RESOLUTION OF THE LEXINGTON CITY COUNCIL SUBMITTING TO THE LEXINGTON PLANNING COMMISSION THE QUESTION OF WHETHER THE AREA DESCRIBED IN A BLIGHT AND SUBSTANDARD STUDY IS BLIGHTED AND SUBSTANDARD FOR PURPOSES OF THE NEBRASKA COMMUNITY DEVELOPMENT LAW AND FOR PURPOSES OF ITS REVIEW AND RECOMMENDATION**

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

Recitals:

a. The Mayor and Council of the City of Lexington, Nebraska (the “City”), have received a Blight & Substandard Determination Study (the “Study”) prepared by the Hanna: Keelan Associates, P.C., dated May, 2022, documenting that the areas described in the Study are substandard and blighted and in need of redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”). A copy of the Study is attached hereto as Exhibit A; and

b. Pursuant to §18-2109(1) of the Act, prior to a redevelopment plan being prepared for the area described in the Study, the City Council, after a conducting a public hearing pursuant to the Act must declare (the “Declaration”) such area substandard and blighted and in need of redevelopment; and

c. Pursuant to §18-2109(2) of the Act, prior to making the Declaration the City Council shall submit the question to the Planning Commission of the City whether the area described in the Study is substandard and blighted and for its review and recommendation:

Resolved that:

1. The City Council hereby refers to the Planning Commission of the City the question of whether the area described in the Study is substandard and blighted and for its review and recommendations.

2. Pursuant to §18-2109(2) of the Act, the Planning Commission is required to hold a public hearing on the question with notice as provided in §18-2115.01 of the Act and make such recommendations as the Planning Commission shall deem appropriate.

**PASSED AND APPROVED on July 12, 2022.**

**WORK SESSION:** Moved by Salem, seconded by Roberts, to schedule a work session for Saturday, August 13, 2022, at 8:00 a.m. Roll call. Voting “aye” were Vivas, Roberts, Salem, Fagot. Motion carried.

**ROUNDTABLE:** Peplitsch gave an update on several current projects and noted the Budget process has begun.

**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