

**CITY COUNCIL  
CITY OF LEXINGTON, NEBRASKA  
September 13, 2022**

A Regular Meeting of the Lexington City Council was held Tuesday, September 13, 2022, 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 absent. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Finance Director Barb Hodges, Community Development Director Bill Brecks and City Clerk Pamela Baruth. The press was represented by the Clipper-Herald and KRVN.

**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 8-23-2022:** Minutes of the Regular meeting held Tuesday, July 26, 2022, 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.

**MINUTES – BUDGET HEARING 9-6-2022:** Minutes of the Budget Hearing held, Tuesday, September 6, 2022, were presented. Moved by Vivas, seconded by Smith, to approve the minutes as presented. Roll call. Voting “aye” were Salem, Smith, Vivas, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$765,456.41 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Vivas, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$250,650.58 from General Fund, \$42,480.07 from Street Fund, \$419,554.86 from LEXUS, \$10,000.00 from Sanitation, \$758.61 from Ambulance, \$389.33 from American Rescue Plan Act Fund, \$38,212.19 from Health Fund, and \$3,410.77 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Smith, Vivas, Salem, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
September 13, 2022**

ARK I CEA Holdco LLC / Solsystems	Solar Power Purchase / Airport Road	16,573.70
B & H Services / Service Master	EL / OC / Cleaning Service	6,355.29
Baker & Taylor	LB / Books	1,159.18
Black Hills Energy	Natural Gas Service	203.90
Blackstone Audio Inc	LB / Books	76.08
Bound Tree Medical LLC	AMB / Medical Supplies	508.61
Cash-Wa Distributing	MOW/REC/Food/Supplies/Concessions	3,585.23
Cengage Learning	LB / Books	172.45
Center Point Inc	LB / Books	189.96

Central Community College	DS / Excel Classes / Harris, J	49.00
Century Link	WR / Repair / Underground Line	3,643.71
Chesterman Co	MOW / Beverages	48.00
Citibank NA / CNH / Titan Machine	ST / WWTP / Equipment Repairs / Parts	2,037.19
City of Lexington	Interdepartmental Service Fees	55,749.00
	Utility Franchise Fees	571.57
City of Lexington / Street	Fuel	13,779.70
	SW / WR / Interdepartmental Service Fees	6,876.23
Complete Underground LLC	EL / Directional Boring / Sandoz	6,621.79
Consolidated Management Company	PD / Training Meals / Sarmiento / Schwarz	266.80
Core & Main LP	WR / Meters / Meter Radios	5,138.06
Country Partners Cooperative	PK / Herbicide	411.25
Crouch Recreation Inc	PK / Oak Park Splash Pad / Final	16,276.50
Danko Emergency Equipment	FD / Respirator Filters	417.81
Dan's Sanitation	Sanitation Fees	14,719.55
Darka Inc / Arnold Pool Company	AC / Chemicals	174.60
Dash Medical Gloves Inc	PD / Exam Gloves	237.80
Davis Energy	FD/PK/ST/Grease/Fuel/Fuel Purchase	6,387.94
Dawson Public Power District	Power Purchase	92.85
Depository Trust CO	2016 Combined Utilities Bond	152,475.00
Downey Drilling Inc	CEM/Supplies/R&R VHS Motor Repairs	4,147.49
DXP Enterprises Inc	PK / Parts	56.86
Eakes Inc	LB / Supplies	891.42
Edgewater Insurance LLC	RSL/Insurance Endorsement/1811 Ridgeway	1,431.00
Eilers Machine & Welding Inc	WWTP / Parts Fabrication / Clarifiers	433.81
Electronic Systems Inc	GGC / LB / Fire Alarm Inspection	262.40
Fagot Refrigeration & Electric Inc	GGC / LB / REC / Repairs / Driving Range	954.66
Fastenal	ST / Tools / Supplies	580.70
First Interstate Bank	LB / Petty Cash	283.01
Fremarek Inc	ST / Disinfectant	161.53
Galls Parent Holdings LLC	PD / Uniform Expense	223.88
GB Auto Service Inc / TO Haas Tire	PK / ST / Tire Repairs / Tire	89.98
Great Plains Communications	City Internet Services	345.60
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Hach Company	WWTP / Lab Supplies	78.23
HD Supply Facilities Maintenance LLC	WR / Tools	60.89
Health Claims	Claims	21,308.06
Heldt McKeone & Copley	Professional Fee / Wire Fee	2,712.00
Hiland Dairy Foods	MOW / Dairy Products	96.80
Holbein Lawn Service	FD / Lawn Care	275.00
Homeier Ventures Inc / Bob's True Value	PK / Supplies	47.46
Hunt Cleaners Inc	CEM / PK / ST / Gloves	442.68
Hydro Optimization&Automation Solutions Inc	WWTP / Support / Repairs / SCADA	723.00
Ideal Laundry & Cleaners	Rug Service	769.41
Ingram Library	LB / Books	200.02
Intellicom Computer Consulting Inc	Tech Support / Software	4,006.29
Intermedia.com	Web Phone Charges	283.01
Invest Plus / Plum Creek Market Place	CC / MOW / Food	216.07
John Deere Financial / Orscheln	CEM/DS/FD/PK/ST/SW/Hardware/Spplies	848.33
Jones Plumbing & Heating Inc	GGC / PK / Repairs / Parts	668.04
Kirk's Trenching & Septic Service LLC	CEM / PK / Portable Rental	295.00
Kohl, Patrick J/Kohl Welding&Machining LLC	ST / Fabrication	150.00
League of Nebraska Municipalities	2022-2023 Membership Dues	17,267.00
League of Nebraska Municipalities / Utilities	22-23 Membership Dues/Backflow Wrkshp	5,770.00
Lee Enterprises Inc / Lex Clipper Herald	LB / Annual Subscription / Publications	1,250.80
Lexington Area Solid Waste Agency	Special Waste Disposal	1,605.34
Lexington, City Payroll Account		

Payroll	Wages	161,713.57
Social Security	Employer Portion / FICA Med	12,080.41
Union Bank & Trust	Employer Portion / Pension	5,702.34
Union Bank & Trust	Police Pension	3,398.99
ICMA	City Manager Pension	1,001.92
Lincoln Winwater Works Company	CEM / WR / Hardware	3,070.14
M & J Signs	OC / Sign Repairs	969.17
Mead Lumber	CEM / ND / SW / Supplies	135.85
Melson, Dane / Anytime Fitness	Memberships	209.94
Mid-American Supply Company	LB / Supplies	437.52
Midwest laboratories Inc	WWTP / Testing	215.00
Miller & Associates Consulting Engineers PC	PK / Professional Services / Splash Pad	1,733.60
Miller, Trever	FD / Record Keeping	250.00
Morris Printing Group Inc	GGC / Newsletter	121.50
Moseley, Theresa / Plum Creek Promotions	ST / Uniform Expense	216.00
Municipal Supply Inc of Nebraska	CEM / WR / Hardware / Clamps	4,432.50
Nebraska Dept of Revenue	Sales&Use Tax/Waste Reduction&Recycling Fee	65,861.55
Nebraska Municipal Clerks Association	2022-2023 Membership / Baruth, P	150.00
Nebraska Rural Water Association	WR / Membership Renewal 2022-2023	275.00
Nebraska Tech & Telecommunications	Phone Service	1,326.17
Nebraska Water Experts / Culligan	Soft Water Supplies	392.69
Nebraskalink	LB / Internet Service	150.00
OCLC Inc	LB / Cataloging / Metadata / Worldshare	313.36
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
Olsson Inc	SW/Pro Services/Line Extension/Auto Haus	389.33
One Call Concepts Inc	Locates	131.94
O'Reilly Auto Parts	ST / Supplies	58.73
Paulsen Inc	WR / Limestone	1,250.00
Platte Valley Auto	PD / Service / Repairs	270.28
Platte Valley Communications	PD / Maintenance / Hardware	133.20
Rasmussen Mechanical Services Inc	LB / Heat Pump Repairs	3,046.75
Rentokil NA / Presto-X	WWTP / Pest Control	56.00
Richardson, Calvin N / Richardson Mowing	LB / Lawn Care	300.00
Rockmount Research & Alloys Inc	ST / Welding Helmet / Supplies	315.30
Roemmich, Austin	AMB / Record Keeping	250.00
Rural Health Development Inc	RSL/Facility Development Agmt/Final	10,000.00
S & W Auto Parts	PK / WWTP / Parts / Supplies	94.21
Sarmiento-Borrego, Juan De Dios	PD / Mileage / NLETC Center	112.50
Schwarz, Paul Caleb Jameson	PD / Mileage / NLETC Center	112.50
Spectrum	Cable Service	33.81
State of NE / DHHS / Public Health Lab	WR / Testing	924.90
Taste of Home Books	LB / Books	38.50
US Foods	MOW / Food & Supplies	817.29
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	1,252.50
Van Kirk Sand & Gravel Inc	ST / East Addition Siphon Structure / Final	7,845.26
Village Cleaners Inc	GGC / Janitorial Supplies	61.00
Vogel West Inc	ST / WR / Paint	312.36
Walmart	AC / LB / ND / PD / ST / WWTP / Supplies	1,108.76
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	167.05
Wilkins Architecture Design Planning LLC	PK/Pro Services / Veterans Pavilion	2,394.29
Wilson Bohannon Company, The	PK / ST / SW / Padlocks	490.75
Amazon Capital Services Inc	LB / Books / Promotions / Supplies	359.00
American Family Life Assurance Company	Premiums	2,169.82
Cash-Wa Distributing	AC / PK / OC / ST / Janitorial Supplies	2,662.80
Complete Underground LLC	WR / Underground Boring	825.50
Davis Energy	ST / Fuel	110.71
Eakes Inc	EL / DocManagement	455.00

Electrical Engineering & Equipment Co	CEM / Hardware	1,270.91
Health Claims	Claims	14,734.31
Ingram Library Services Inc	LB / Books	86.60
John Deere Financial / Landmark	CEM / PK / Parts / Oil	1,665.17
Mead Lumber	CEM / Supplies	27.70
Stout, Robby B	EL / WR / Repairs	4,800.00
Tyler Technologies Inc	22-23 Annual Fees/Software/Hardware/Sprt	55,197.86
U Save Pharmacy / Business Equipment	EL / LB / ST / Office Supplies	232.08
	<b>TOTAL CLAIMS:</b>	<b>765,456.41</b>

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider a conditional use permit application from Crossroads Center Inc for a temporary shelter for the homeless at 907 West 8<sup>th</sup> Street. Brecks gave an overview of the property history and current use. Daniel Buller, Crossroads Mission Avenue Executive Director, appeared before the council to explain the mission of Crossroads Center, their facilities, programs, and staffing plans. There were no public comments, and the public hearing was closed. Peplitsch reviewed a draft conditional use permit agreement, stating there were no special requirements. Following discussion, moved by Salem, seconded by Smith, to approve the conditional use permit application by Crossroads Center Inc. Voting “aye” were Vivas, Smith, Salem, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider a rezoning application for the property at 907 West 8<sup>th</sup> Street from R-1 Single Family Residential to R-3 High Density Residential. Peplitsch noted the intended use of the property requires a change in the zoning. There were no public comments, and the public hearing was closed. Ordinance No. 2447 entitled “**AN ORDINANCE TO REZONE 907 W 8th, LEXINGTON, NEBRASKA FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-3 HIGH DENSITY RESIDENTIAL; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.**” was presented. Following discussion, moved by Salem, seconded by Vivas, to suspend the rules regarding the reading of an ordinance on three separate occasions. Voting “aye” were Smith, Vivas, Salem, Fagot. Motion carried.

Ordinance No. 2447 was presented on final reading. Moved by Salem, seconded by Vivas, to approve Ordinance No. 2447 on final reading. Roll call. Voting “aye” were Smith, Vivas, Salem, Fagot. Motion carried.

**RESTRICTED FUNDS:** Peplitsch reviewed the option to increase the allowable restricted funds budget authority. Following discussion, moved by Smith, seconded by Salem, to increase the base of restricted funds by an additional 1% for FY 2023. Roll call. Voting “aye” were Vivas, Salem, Smith, Fagot. Motion carried.

**APPROPRIATIONS ORDINANCE:** Ordinance No. 2448 entitled “**AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR FISCAL YEAR 2022-2023. TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.**” was presented. Moved by Vivas, seconded by Smith, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Salem, Smith, Vivas, Fagot. Motion carried.

Ordinance No. 2448 was presented on final reading. Moved by Vivas, seconded by Smith, to approve Ordinance No. 2448 on final reading. Voting “aye” were Salem, Smith, Vivas, Fagot. Motion carried.

**PAY REQUEST:** Pepplitsch reviewed Pay Request #12 for the 2021 Wastewater Facility Improvements project from Walters-Morgan Construction in the amount of \$543,445.91. Following project update, moved by Smith, seconded by Salem, to approve Pay Request #12 from Walters-Morgan Construction. Roll call. Voting “aye” were Vivas, Salem, Smith, Fagot. Motion carried.

**PAY REQUEST:** Pepplitsch reviewed Pay Request #1 for the Veterans Pavilion at Kirkpatrick Memorial Park from Lacy Construction in the amount of \$21,594.60. Following project update, moved by Salem, seconded by Smith, to approve Pay Request #1 from Lacy Construction. Roll call. Voting “aye” were Vivas, Smith, Salem, Fagot. Motion carried.

**APPOINTMENT:** Moved by Smith, seconded by Vivas, to appointment Crystal Zern to Lexington Library Board to complete the term of Pam Scott. Roll call. Voting “aye” were Smith, Vivas, Salem, Fagot. Motion carried.

**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.

/s/ Pamela Baruth  
City Clerk