

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
February 8, 2022**

A Regular Meeting of the Lexington City Council was held Tuesday, February 8, 2022, at Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, and Dora Vivas. Jeremy Roberts and Steve Smith were excused. City Officials present were City Manager Joe Peplitsch, 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 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 1-25-2022: Minutes of the Regular meeting held Tuesday, January 25, 2022, were presented. Moved by Vivas, seconded by Salem, to approve the minutes as presented. Roll call. Voting “aye” were Salem, Vivas, Fagot. Motion carried.

MINUTES – WORK SESSION 1-29-2022: Minutes of the Work Session held Saturday, January 29, 2022, were presented. Moved by Salem, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$785,715.26 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 \$246,906.89 from General Fund, \$108,828.38 from Street Fund, \$160,146.22 from TIF, \$202,331.65 from LEXUS, \$10,000.00 from Sanitation, \$1,184.77 from Ambulance, \$120.73 from American Rescue Plan Act Fund, \$52,236.54 from Health Fund, and \$3,960.08 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Vivas, Fagot. Motion carried.

**ACCOUNTS PAYABLE
February 8, 2022**

B & H Services Inc/ServiceMaster of Mid NE	EL / Cleaning Service	140.17
Baker & Taylor	LB / Books	1,018.09
Black Hills Energy	Natural Gas Service	4,524.94
Blackstone Audio	LB / Books	430.16
Bowen, Nicholas / Change Clothing	WWTP / City Shirts	117.00
Cash-Wa Distributing	MOW / Food & Supplies	915.86
Cengage Learning	LB / Books	354.77
Chesterman Company	MOW / Beverages	48.00

City of Lexington	Interdepartmental Service Fees	55,749.00
	Utility Franchise Fees	352.58
	Close TIF #2-GLC #2/Park Imps	160,146.22
City of Lexington / Street	SW/WR/Interdepartmental Svc Fees	6,876.23
	Fuel	8,933.60
Consolidated Management Co	PD / Training Meals / Lauby, B	88.87
Core & Main LP	WR / Meters / Parts	3,734.96
County of Dawson - Register of Deeds	Filing Fees	52.00
Danko Emergency Equipment	FD / Gear Cleaner / Supplies	95.20
Dan's Sanitation	Sanitation Fees	12,979.12
Davis Energy	AMB/FD/ST/Fuel/Fuel Purchase	5,231.01
Eakes Inc	Copier Exp/DocMgmt Software Setup	1,884.50
Eilers Machine & Welding Inc	WR / Parts Repair	22.47
Fagot Refrigeration & Electric Inc	Install Thermostats/ Stoplight Repairs	900.84
Fyr-Tek	FD / Annual Compressor Service	596.90
GB Auto Services Inc / TO Haas Tire & Auto	PD / ST / Tire Repairs	115.60
Glaze, Gary	AC / Labor / Cut Parts	160.00
Great Western Bank	LB / Petty Cash	102.78
Greater Nebraska Cities	Monthly Lobbying Services	667.00
HD Supply Facilities Maint/USA Bluebook	ST / Supplies	10.09
Health Claims	Claims	22,394.05
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	288.16
Holbein Lawn Service	ST / Snow Removal / Downtown	175.00
Homeier Ventures Inc / Bob's True Value	PK / Supplies	10.99
Homestead Bank	Beans 77Acres SW Lex/Loan Pymt	46,275.31
Ingram Library Services	LB / Books	105.43
Intermedia.com	Web Phone Charges	267.81
Lauby, Brylee	PD / Mileage / Training	210.60
LEE BHM / Lexington Clipper Herald	Publications	1,825.86
Mead Lumber	PK/REC/Fieldhouse/Tools/Paint	183.71
MidStates Organized Crime Information Center	PD/2022 Annual Membership Fees	150.00
Miller & Associates Consulting Engineers PC	Services/NDEE Fee Reimbursement/Well #8	770.73
Morris Printing Group Inc / Morris Press	GGC / Newsletter	121.00
Municipal Supply Inc	WR / Parts	240.77
Nebraska Dept of Revenue	Sales and Use Tax	69,068.49
Nebraska Water Experts / Culligan	Soft Water Supplies	414.25
Nebraskaland Tire	WR / Oil & Lube / Transmission Repairs	728.02
Nebraskalink Holdings LLC	LB / Internet Service	15.00
OCLC	LB / Cataloging / Metadata / Worldshare	149.80
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
One Call Concepts Inc	Locates	33.90
O'Reilly Auto Parts	ST / Parts / Supplies	100.01
Patton, Janell	AMB / NEMSA Conference Expenses	565.48
Paulsen Inc	Limestone/Sand/Gravel/Calcium/Heat	898.00
Precision Detail / Julie Thalman	FD / Firehall Cleaning Service	300.00
Rentokil NA / Presto-X	LB / WWTP / Pest Control	149.00
Rose Holdings Inc / Rose Equipment Inc	Equipment / Preventative Maintenance	877.20
Spectrum	Cable Service	30.26
Statewide Collections LLC	EL / Collection Expense	59.18
TASC	Administration Fees	187.21
Union Bank & Trust Company	2021 LVFD Service Award Program	15,000.00
US Foods	MOW / Food	535.06
USA Communications	City Internet Services	345.60
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	642.50
Vermeer High Plains	ST / Equipment Repairs	8,441.17
Village Cleaners Inc	GGC / Janitorial Supplies	61.00

Vitito, Dale / Jack's Uniforms & Equipment	PD / Flashlights / Batteries	842.83
W W Grainger	WWTP / Motor / Grit Separator	783.93
Walmart	LB / PD / PK / ST / Supplies	662.34
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	159.10
Yung, Mark	DS / Reimbursement / Safety Boots	85.60
Alexander, Michael	LB / Sprinkler Maintenance / 2022	190.00
B & H Services Inc / ServiceMaster of Mid NE	OC / Cleaning Service	5,330.00
Baker & Taylor	LB / Books	109.00
Cash-Wa Distributing	MOW / OC / PK / ST / Food & Supplies	3,818.53
Center Point Inc	LB / Books	185.16
Consolidated Management Co	PD / Training Meals / Lauby, B	76.44
Danko Emergency Equipment	FD / Fire Boots	2,534.00
Davis Energy	FD / Fuel	50.80
Dawson Public Power District	Power Purchase	84.08
Dutton-Lainson Company	WR / Supplies	370.94
Electrical Engineering & Equipment Co	PK / REC / Hardware / Supplies	25.26
Five Start Flooring Inc	GGC / Adhesive	61.99
Fremarek Inc	PK / ST / Herbicide / Janitorial Supplies	2,390.28
GB Auto Services Inc / TO Haas Tire & Auto	PD / Tire Repair	21.60
Gibbens Tree & Lawn Service	PK / Treated Trees / Japanese Beetles	400.00
Great Western Bank	PD / WWTP / Petty Cash / Training Meals	48.31
Health Claims	Claims	29,655.28
Holmes Plumbing & Heating Supply Co	WR / Tools	34.72
Homeier Ventures LLC / Bob's True Value	WWTP / Hardware	15.98
Intellicom Computer Consulting Inc	Tech Support / Software	2,974.63
Invest Plus Inc / Plum Creek Market Place	CC / MOW / Food	171.46
JEO Consulting Group Inc	PK / Professional Services / Design	7,575.00
Jones Plumbing & Heating Inc	OC / PK / WWTP / Repairs / Parts	624.00
Lexington Area Solid Waste Agency	Mixed Solid Waste Disposal	425.14
Lexington Health Fund	Self-Funding	42,102.06
Lexington City Payroll Account		
Payroll	Wages	149,774.10
Social Security	Employer Portion / FICA Med	11,154.64
Union Bank & Trust	Employer Portion / Pension	5,361.63
Union Bank & Trust	Police Pension	3,102.49
ICMA	City Manager Pension	995.69
Mead Lumber	LB / PD / PK / Hardware / Supplies	23.45
Miller & Associates Consulting Engineers PC	Revere & Prescott / Hike & Bike Phase II	62,122.63
Moseley, Theresa / Plum Creek Promotions	CEM / ST / WR / Uniform Expense	1,348.00
Nebraska Law Enforcement Training Center	PD / Training Fees / Lauby, B	175.00
Nebraska State Fire Marshal	WWTP / Annual Boiler Certificate	36.00
Nebraska Technology & Telecommunications	Telephone / Long Distance / Services	1,229.45
Nebraskaland Tire	ST / Oil & Lube	58.29
O'Reilly Auto Parts	CEM / ST / Parts / Supplies	373.13
Paper Tiger Shredding	Document Destruction	383.85
Platte Valley Auto	PD / Auto Repairs / Oil & Lube	577.83
Platte Valley Communications	PD / Equipment Maintenance	90.00
Quadient Finance USA Inc	Postage	3,000.00
Quick Med Claims	AMB / Billing Fees	554.59
Rasmussen Mechanical Services	LB / Preventative Maintenance	1,290.25
US Foods	MOW / Food	544.40
Vermeer Equipment of Nebraska Inc	ST / Equipment Parts	199.79
Vessco Inc	WWTP / Equipment Parts	610.08
	TOTAL CLAIMS:	785,715.26

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a liquor license application by Preet Hospitality DBA Thrifty's Gas & Liquor for property located at 201 East 6th Street. Peplitsch reviewed the application and a few words were given by Prahladbhai Chaudhari who is purchasing the current business. There being no public comments, the public hearing was closed. Following discussion, moved by Salem, seconded by Vivas, to recommend approval of the liquor license application by Preet Hospitality DBA Thrifty's Gas & Liquor to the Nebraska Liquor Control Commission. Roll call. Voting "aye" were Vivas, Salem, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider the amendment of Redevelopment Area #1 in the City of Lexington NE and the declaration or re-declaration of said area as blighted and substandard. Peplitsch reviewed the re-evaluation of Redevelopment Area #1, the suggested additions and deletions of land parcels, and the past and current blight and substandard conditions. There being no public comments, the public hearing was closed. Resolution No. 2022-03 was presented. Moved by Salem, seconded by Vivas, to approve Resolution No. 2022-03. Roll call. Voting "aye" were Vivas, Salem, Fagot. Motion carried.

RESOLUTION NO. 2022 - 03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, APPROVING THE AMENDMENT OF REDEVELOPMENT AREA #1 OF THE CITY OF LEXINGTON, NEBRASKA, AND DECLARING OR RE-DECLARING SAID AREA TO BE BLIGHTED AND SUBSTANDARD, PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW.

WHEREAS, on January 14, 2003, pursuant to Resolution No. 03-01, the City Council of the City of Lexington, Nebraska (the "City") declared an area of the City of Lexington, Nebraska to be blighted and substandard and in need of redevelopment, which area is identified as Redevelopment Area #1;

WHEREAS, the City desires to add one (1) parcel to Redevelopment Area #1 (the "New Parcel"), which is identified and legally described on Exhibit "A" attached hereto;

WHEREAS, the City desires to remove fifteen (15) parcels from Redevelopment Area #1 (the "Subject Parcels"), which are identified and legally described on Exhibit "B" attached hereto;

WHEREAS, the Lexington Planning Commission recommended that the City Council approve the amendment of Redevelopment Area #1 to add the New Parcel and to remove the Subject Parcels, as depicted on the map attached hereto as Exhibit "C" (the "Amendment"), pursuant to the Community Development Law, Neb. Rev. Stat. § 18-2101 et seq., as amended (the "Act");

WHEREAS, the Lexington Planning Commission also recommended that the City Council declare or re-declare Redevelopment Area #1, as amended by the Amendment (the "Revised Redevelopment Area #1"), blighted and substandard and in need of redevelopment, as defined in and pursuant to the Act;

WHEREAS, Hanna:Keelan Associates, P.C. ("Hanna:Keelan") prepared a Blight/Substandard Determination Study in December, 2002 for Redevelopment Area #1 (the "2002 Study"). A copy of the 2002 Study is on file with the City Clerk;

WHEREAS, Hanna:Keelan has prepared an analysis dated December 29, 2021 (the “2021 Analysis”) on whether the Revised Redevelopment Area #1 would remain blighted and substandard, as documented in the 2002 Study. A copy of the 2021 Analysis is on file with the City Clerk;

WHEREAS, the Notice of Public Hearing relating to the question of whether the Amendment to Redevelopment Area #1 should approved, and the question of whether the Revised Redevelopment Area #1 should be declared or re-declared blighted and substandard and in need of redevelopment, was provided in conformity with Sections 18-2109 and 18-2115.01 of the Act; and

WHEREAS, the City Council has reviewed the Planning Commission’s recommendations after review pursuant to Section 18-2109 of the Act and has duly considered all statements made and material submitted related to the submitted questions.

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

1. That the Amendment to Redevelopment Area #1 is hereby approved pursuant to the Act.
2. That the Revised Redevelopment Area #1 is hereby declared or re-declared to be blighted and substandard and in need of redevelopment.
3. That the conditions set forth in the 2021 Analysis demonstrate sufficient evidence that the Revised Redevelopment Area #1 would remain a blighted and substandard area within the meaning of the Act.
4. That such substandard and blighted condition is beyond the remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Act, and the elimination of said substandard and blighted condition under the authority of the Act is hereby found to be a public purpose declared to be in the public interest.
5. That it is hereby found and determined that said area is an eligible site for a redevelopment project under the provisions of the Act.
6. That any Resolution passed and approved prior to the passage, approval and publication of this Resolution which is in conflict with the terms and provision of this Resolution is/are hereby repealed.

PASSED AND APPROVED this 8th day of February, 2022.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider the final plat of the Auto Haus Second Subdivision. Pepplitsch reviewed the plat and the proposed subdivision agreement. There being no public comments, the public hearing was closed. Resolution No. 2021-24 was presented. Moved by Vivas, seconded by Salem, to approve Resolution No. 2021-24. Roll call. Voting “aye” were Salem, Vivas, Fagot. Motion carried.

Moved by Salem, seconded by Vivas, to approve the subdivision agreement for Auto Haus Second Subdivision as presented. Roll call. Voting “aye” were Vivas, Salem, Fagot. Motion carried.

RESOLUTION NO. 2021 - 24

AUTO HAUS SECOND SUBDIVISION

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

The plat of AUTO HAUS SECOND SUBDIVISION, a Replat of Lot 1, Auto Haus Addition, an Addition to the City of Lexington, 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 8th day of February, 2022.

AUDIT REPORT: Barb Hodges, Finance Director, presented the 2021 Audit Report, stating an unqualified opinion was issued. Following her report, moved by Vivas, seconded by Salem, to accept the 2021 Audit Report. Roll call. Voting “aye” were Salem, Vivas, Fagot. Motion carried.

ACTION PLAN: Peplitsch presented a final draft of the 2022 Development Action Plan. Following discussion, moved by Vivas, seconded by Salem, to approve the 2022 Development Action Plan as presented. Roll call. Voting “aye” were Salem, Vivas, Fagot. Motion carried.

COMMUNITY TREE PLAN: Burnside presented a final draft of the Emerald Ash Borer Readiness and Response Plan. He explained that this plan is a requirement for grant funds through The Arbor Day Foundation in anticipation of inevitable ash tree problems within the city’s tree inventory. Following his review, moved by Salem, seconded by Vivas, to approve the Emerald Ash Borer Readiness and Response Plan as presented. Roll call. Voting “aye” were Vivas, Salem, Fagot. Motion carried.

APPOINTMENT: Moved by Salem, seconded by Vivas, to appoint Brad Worthing to fulfill the remaining term held by Riley Gruntorad on the Lexington Airport Authority. Roll call. Voting “aye” were Vivas, Salem, Fagot. Motion carried.

PAY REQUEST: Peplitsch reviewed Pay Request #5 from Walters-Morgan Construction for the 2021 Wastewater Facility Improvements project in the amount of \$261,032.02. Following discussion, moved by Vivas, seconded by Salem, to approve the pay request as presented. Roll call. Voting “aye” were Salem, Vivas, Fagot. Motion carried.

ROUNDTABLE: Peplitsch gave an update on current projects. Salem commented on a recent open house by Lacy Construction and positive comments received on Lexington’s readiness for future housing development.

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