

**CITY COUNCIL  
CITY OF LEXINGTON, NEBRASKA  
December 27, 2023**

A Regular Meeting of the Lexington City Council was held Wednesday, December 27, 2023, at Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Steve Smith, and Jeremy Roberts. Dora Vivas was excused. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Finance Director Derek Haines, Community Development Director Bill Brecks and City Clerk Pamela Baruth. The press was represented by The 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 12-12-2023:** Minutes of the Regular meeting held Tuesday, December 12, 2023, were presented. Moved by Roberts, seconded by Smith, to approve the minutes as presented. Roll call. Voting “aye” were Salem, Smith, Roberts, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,937,649.88 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Smith, seconded by Roberts, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$257,185.58 from General Fund, \$216,903.41 from Street Fund, \$11,100.00 from Economic Development, \$1,392,467.33 from LEXUS, \$40,838.25 from Sanitation, \$2,741.39 from Ambulance, \$11,372.83 from Health Fund, and \$5,041.09 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Roberts, Smith, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
December 27, 2023**

4Imprint	DS / Uniform Shirts	241.84
Amazon Capital Services Inc	LB / Books / Equipment / Supplies	313.54
American Water Works Association	2024 Membership Renewal/Thompson, R	358.00
B & H Services / Service Master	Cleaning Service	6,222.00
Baker and Taylor	LB / Books	298.75
Barco Municipal Products Inc	ST / Signs / Stencils	1,613.62
Bellevue Public Library	LB / Interlibrary Loan / Book Replacement	17.00
Beverly Bogle Louthan PC	Professional Fees	1,200.00
Brooks, Gary E & Cheryl L / Meridian Rentals	PK / Trimmer Line	132.20
Business Card / Bank of America		
Amazon.com	FD / FH / ND / PK / WR / Parts / Supplies	1,878.13
Bass Pro Catalog	WR / Neoprene Waders	823.90
Gallery Collection, The	CM / Holiday Greeting Cards	251.52
Canva	LB / Software	14.99

Casey's General Store	CC / Meeting Meal	33.64
Drainage Solutions	SW / Returned Parts / Shipping	24.79
Educational Institute	DS / ICC Conference / Harris, J	428.90
Galls	PD / Uniform Expense	10.74
Glowforge Store	CM / Supplies	146.60
Microsoft	LB / Software	9.75
Mining Auger & Tool Works Inc	WR / Rock Drill / Drill Parts	3,335.90
North American Rescue	PD / Supplies	695.60
Smartsign	ST / Roundabout Sign	128.11
United States Postal Service	WR / Postage	151.50
C A Enterprises / PIP Marketing	EL / Tax Forms	289.12
Cash-Wa Distributing	MOW / Food & Supplies	2,597.96
Cengage Learning	LB / Books	548.70
Center Point Inc	LB / Books	189.96
Complete Underground LLC	Directional Boring/St Lights/Vintage Row	30,575.65
Core & Main	WR / Meter	2,318.57
Cummins Inc	City Hall Generator / Maintenance / Repairs	1,539.18
Dana F Cole & Company LLP	FY 2022-2023 Audit Progress Billing	28,000.00
Davis Energy	ST / Fuel	878.66
Demco Inc	LB / Supplies	151.55
DGA Construction LLC	ST/Concrete Pads/Mailboxes 20th St/ Taft S	1,400.00
Downey Drilling Inc	OC / Annual GEO Loop Inspection	1,470.00
Dutton-Lainson Company	EL / Meter Hubs	49.01
Eakes Inc	EL / DocMgmt Support / Thermal Paper	507.42
Earl, Beth / Earls Auto Glass LLC	PD / Tinting	260.00
First Interstate Bank	LB / Petty Cash / Postage	174.90
GB Auto Service Inc / TO Haas	PK / SW / Tires / Service / Repairs	1,040.40
Greater Lexington Corp	Econ Dev 2010 Loan	11,100.00
HD Supply Inc	WR / Parts	384.95
Health Claims	Claims	5,418.72
Hiland Dairy Foods	MOW / Dairy Products	208.10
Holbein, Dahlas	AMB/FD/ Maintenance/Fueling/Cleaning	1,500.00
Homeier Ventures LLC	PD / Padlock	38.99
Hydro Optimization & Automation Solutions Inc	WWTP/Recycle Pump #1/Replacement	5,450.00
IGS ORIX Solar I	Solar Power Purchase	18,851.22
JEO Consulting Group Inc	ND / Professional Services	474.50
Kirk's Nebraskaland Restaurant Inc	CC / Gift Cards / Board Members (10)	250.00
Lee Enterprises Inc	LB / North Platte Telegraph / Subscription	602.99
Lexington Health Fund	Self-Funding	52,145.35
LEXUS	Utilities	46,271.26
Mariel, Gregory	Electric Rebate	1,200.00
Marshall Land Brokers & Auctioneers	ST / LRFD / Bobcat 3400 UTV	13,817.10
Matias, Estela	Electric Rebate	1,300.00
Mead Lumber	CEM / PK / Hardware / Tools / Supplies	375.59
Meritain Health	Health Premium	36,313.60
Miller & Associates Consulting Engineers PC	ST / Bridge Inspections	158.50
Municipal Supply	WR / Parts	91.06
Nebraska Machinery Company	ST / Equipment Rental	17,000.00
Nebraska Public Power District	O & M	93,152.14
	Power Purchase	1,029,594.13
Nebraskaland Tire	WR / Oil & Lube	71.78
Nguyen, Daniel	Electric Rebate	287.64
Paulsen Inc	CEM/GGC/ST/Road Gravel/Limestone	4,836.21
Platte Valley Communications Inc	AMB / Service Call / Replace Antenna	1,697.40
Principal	Dental Premium	4,152.12
Quadient Finance USA Inc	Postage	3,000.00
Quick Med Claims	AMB / Billing Fees	563.10

S & W Auto Parts	PK / WWTP / Parts / Supplies	64.43
Sandry Fire Supply LLC	FD / Supplies	135.95
Schoneman, Kim	Electric Rebate	1,799.80
Standard Insurance Company	Life Insurance Premiums	939.80
State of NE / DHHS / Public Health Lab	WR / Testing	137.00
Statewide Collections LLC	EL / Collection Fees	165.00
Tradebe Capital Corporation	ST / Barrel Transportation & Disposal Fees	14,107.82
U Save Pharmacy / Business Equipment	AMB/CM/GGC/LB/PD/PK/ST/Supplies	1,132.68
Verizon Wireless	Cellular Service	391.59
Village Cleaners Inc	GGC / Janitorial Supplies	151.94
VSP / Vision Service Plan	Vision Premium	1,055.87
W W Grainger Inc	WWTP / Supplies	460.79
American Fence Company of Kearney Inc	PD / Chain Link Fence / Gates	4,276.00
Cash-Wa Distributing	MOW / Food & Supplies	720.48
Chesterman Company	FH / Beverages	662.50
City of Lexington	Utility Franchise Fees	90,850.77
Country Partners Cooperative	FD / Fuel	85.73
Cummins Inc	FD / Equipment Repair	1,479.20
Dan's Sanitation	Sanitation Fees	40,838.25
Davis Energy	FD / ST / Fuel / Grease	141.27
DES PP LLC / Little Caesars	LB / Pizza / Family Night	55.50
Eakes Inc	DAD / PD / Copier Expense / Supplies	1,554.15
Electrical Engineering & Equipment Company	PK / Supplies	16.90
First Interstate Bank	LB / Petty Cash	89.00
Gonzalez, Reina	EL / Overpayment / Refund / LEXUS	234.28
Health Claims	Claims	5,778.49
Hiland Dairy Foods Company LLC	MOW / Dairy Products	266.35
Homeier Ventures LLC / Bob's True Value	PK / ST / Supplies	73.30
Ingram Library Services	LB / Books	25.35
Lexington City Payroll Account		
Payroll	Wages	163,890.14
Social Security	Employer Portion / FICA Med	11,865.47
Union Bank & Trust	Employer Portion / Pension	0.00
Union Bank & Trust	Police Pension	3,151.13
ICMA	City Manager Pension	1,085.37
Mead Lumber	DS / FH / PK / Hardware / Supplies	171.67
Midlands Contracting / Johnson Service Company	SW / Clean & Vac / Video / Wet Wells	4,216.25
Morris Printing Group Inc	GGC / Newsletter	138.76
Moseley, Theresa / Plum Creek Promotions	DS / Embroidery	31.00
Nebraska Rural Water Association	2023-2024 Membership Dues	550.00
Paulsen Inc	ST / Road Gravel	64.43
Price, Kami S / Route 30 Grafix	PK / Uniform Expense	899.57
Ramos, Saul / Saul Ramos Construction Inc	PK/ST/Ditch Liner/St Reps/Hike&Bike Trail	129,406.79
S & W Auto Parts	PK / Tools	4.14
Stout, Robby B / Stout Construction	GGC / ST / Parking Lot / Repairs	9,715.00
TASC	Administration Fees	175.62
Titan Machinery Inc - Lexington	FD / WWTP / Equipment Service / Repair	3,044.32
Walmart Stores Inc	CM/EL/LB/OC/PD/PK/ST/Supplies	921.48
	TOTAL CLAIMS:	1,937,649.88

**FINANCIAL REPORT:** Moved by Salem, seconded by Smith, to accept the financial report for November 2023 as presented. Roll call. Voting "aye" were Roberts, Smith, Salem, Fagot. Motion carried.

**APPOINTMENTS:** The following appointments to boards and commissions for CY 2024 were presented:

Board of Adjustment – Reappoint John Knapple,  
Library Board – Reappoint Reyna Mendoza,  
Planning Commission – Reappoint Sadie Worthing, Kristi Moyer, Curtis Roemmich,  
Tree Board – Appoint Kevin Zelaya, Reappoint Marty Smith,  
Civil Service Commission – Reappoint James Macias,  
Special Prosecutor – Reappoint Beverly Bogle Louthan, PC,  
Street Superintendent – Christopher Miller, License #1091-A.

Moved by Salem, seconded by Roberts, to approve the list of appointments for CY 2024 as presented. Roll call. Voting “aye” were Smith, Roberts, Salem, Fagot. Motion carried.

**ORDINANCE:** Ordinance No. 2459 entitled “AN ORDINANCE APPOINTING CITY OFFICIALS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN ELECTRONIC FORM” was presented for Council consideration. Moved by Salem, seconded by Smith, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Roberts, Smith, Salem, Fagot. Motion carried.

Ordinance No. 2459 was presented on final reading. Moved by Salem, seconded by Roberts, to approve Ordinance No. 2459 on final reading. Roll call. Voting “aye” were Smith, Roberts, Salem, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider an application by Casey’s Retail Company for Liquor License D-126169, 2700 Plum Creek Parkway. Peplitsch explained that Casey’s Retail Co recently acquired the Cenex/Ampride location and are currently operating on a temporary liquor license. There were no public comments, and the public hearing was closed. Following discussion, moved by Roberts, seconded by Smith, to recommend approval of application for Liquor License D-126169 Casey’s #4526 as presented. Roll call. Voting “aye” were Salem, Smith, Roberts, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider a Conditional Use Permit application by Nebraska District Council of the Assemblies of God for use of building at 1501 West Pacific Street as extension of an existing campground. Brecks reviewed plans for the campground to extend east to include the building to be used as a Welcome Center and district office. Scott Murrish, Executive Director of The Crossing, gave current statistics about the activity at the campground and a timeline for improvements. There were no public comments, and the public hearing was closed. Following discussion, moved by Salem, seconded by Smith, to approve the Conditional Use Permit as presented. Roll call. Voting “aye” were Roberts, Smith, Salem, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch reviewed an amended final pay request and change order for the Veteran’s Pavilion at Kirkpatrick Memorial Park project. Following a project update, moved by Smith, seconded by Salem, to approve close out documents for the Veteran’s Pavilion at Kirkpatrick Memorial Park project as presented. Roll call. Voting “aye” were Roberts, Salem, Smith, Fagot. Motion carried.

**RESOLUTION:** Peplitsch presented Resolution No. 2023-26. Following an update of the East Viaduct project, moved by Roberts, seconded by Smith, to approve Resolution No. 2023-26 as presented. Roll call. Voting “aye” were Salem, Smith, Roberts, Fagot. Motion carried.

**RESOLUTION NO. 2023 – 26**

WHEREAS, there has been signed by the CITY OF LEXINGTON on the 15<sup>th</sup> day of February, 2011, and the State on the 23<sup>rd</sup> day of February, 2011, an agreement providing for the construction of a Federal Aid City Project at the following location: LEXINGTON EAST VIADUCT, and

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified as RRZ-TMT-1705(3), AND

WHEREAS, the above-mentioned agreement provided that the City will pay costs as set forth in the agreement, and

WHEREAS, the State, on behalf of the City, received bids for the construction of this project based on the final plans and specifications on December 14, 2023, at which time 2 bid(s) were received for the construction of the proposed work, and

WHEREAS, the following Contractor(s) for the items of work listed has/have been selected as the low bidder(s) to whom the contract(s) should be awarded:

UNITED CONTRACTORS, INC., JOHNSTON, IA 50131-0347  
GRADING, MSE WALLS, CONCRETE PAVEMENT, CULVERTS, SEEDING, BRIDGE  
AT STATION 142+95, ELECTRICAL, SIGNING, GENERAL ITEMS: \$18,153,768.59

NOW THEREFORE, in consideration of the above facts, the City Council of the CITY OF LEXINGTON, by this resolution, takes the following official action:

1. If for any reason the Federal Highway Administration rescinds, limits its obligations, or defers payment of the Federal share of the cost of this project, the City hereby agrees to provide the necessary funds to pay for all costs incurred until and in the event such Federal funds are allowed and paid.
2. The Council hereby concurs in the selection of the above-mentioned Contractor(s) for the items of work listed, to whom the contract(s) should be awarded.
3. The Council hereby approves of the final plans and specifications that were used in the bidding process for this project.
4. The Council hereby authorizes the Mayor to sign the contract(s) with the above-mentioned Contractor(s) for the above-mentioned work on behalf of the City using State's standard contract signing process, including when applicable, an electronic or digital signing process such as DocuSign©.

**Dated this 27<sup>th</sup> day of December, 2023.**

**EXECUTIVE SESSION:** Moved by Salem, seconded by Roberts, to enter Executive Session at 5:42 p.m. to discuss property negotiations. Roll call. Voting "aye" were Smith, Roberts, Salem, Fagot. Motion carried.

Moved by Salem, seconded by Roberts to enter Open Session at 6:04 p.m. Roll call. Voting "aye" were Smith, Roberts, Salem, Fagot. Motion carried.

**ROUNDTABLE DISCUSSION:** 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