

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
February 14, 2023**

A Regular Meeting of the Lexington City Council was held Tuesday, February 14, 2023, at Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, Dora Vivas, Steve Smith, and Jeremy Roberts. John Salem was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, 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 1-24-2023: Minutes of the Regular meeting held Tuesday, January 24, 2022, were presented. Moved by Smith, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Roberts, Vivas, Smith, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$718,780.27 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Smith, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$231,316.64 from General Fund, \$97,139.11 from Street Fund, \$15,267.28 from TIF, \$55,740.00 from Housing Reuse, \$289,040.35 from LEXUS, \$10,000.00 from Sanitation, \$253.40 from Ambulance, \$13,225.76 from Health Fund, and \$6,797.73 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Smith, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE
February 14, 2023**

Amazon Capital Services Inc	LB / Books / Supplies	1,271.04
ARK I CEA Holdco LLC / Solsystems	Solar Power Purchase / Airport Road	6,311.31
Around The Block Catering LLC	Employee Appreciation Dinner/Rent/Meal	2,661.18
Auto-Graphics Inc	LB / Annual Subscription	862.75
B & H Services / Service Master	EL / OC / Cleaning Service	5,176.47
Baker & Taylor	LB / Books	1,578.46
Barco Municipal Products Inc	ST / Roadblocks	1,729.38
Bauer Built Tire	PK / ST / Tire Repairs	348.48
Berens-Tate Consulting Group	WR/Final Arbitrage Calculation/2014 Bond	2,500.00
Black Hills Energy	Natural Gas Service	5,361.35
Bowen, Nicholas / Change Clothing	REC / Wimbledon Tennis Shirts	706.23
Cash-Wa Distributing	MOW / Food & Supplies	3,625.42
Cengage Learning	LB / Books	127.44
Center Point Inc	LB / Books	189.96

City of Lexington	Interdepartmental Service Fees	55,749.00
	Utility Franchise Fees	521.82
City of Lexington / Street	Fuel	18,000.36
	SW / WR / Interdepartmental Service Fees	6,876.23
Collaborative Summer Library Program	LB / Promotional Supplies	288.45
Community Development Agency	TIF / HNB 2 / Area #5	15,267.28
Complete Underground LLC	Reps/Broken Fiber Lines frm Snow Removal	676.93
Core & Main LP	EL / WR / 12S Meters / Meter Cable	12,927.35
Cozad Development Corporation	St Ann's Remodel / CDBG Grant	4,800.00
Dan's Sanitation	Sanitation Fees	13,915.03
Davis Energy	FD/PK/ST/Fuel Purchase/Oil/Fuel Additive	4,908.66
Dawson Public Power District	Power Purchase	76.70
Des PP LLC / Little Caesars Pizza	LB / Promotions / Pizza	45.00
Eakes Inc	EL/LB/Office Spls/DOCMGMT Support	531.91
Electrical Engineering & Equipment Company	FH/ND/Lights/Emerg Lights/Backup Battery	241.34
Fagot Refrigeration & Electric Inc	Repairs/Upgrades/Heat Pumps	28,665.17
Fastenal Company	ST / WR / Supplies / Tools	524.71
First Interstate Bank	LB / Petty Cash	284.98
Fremarek Inc	FH / PK / Janitorial Supplies	890.21
Great Plains Communications	City Internet Services	345.60
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Hach Company	WWTP / Lab Supplies	66.79
Health Claims	Claims	12,505.30
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	537.31
Holbein Lawn Service	ST / Snow Removal	705.00
Homeier Ventures Inc / Bob's True Value	ND / PK / Hardware / Supplies	27.62
Hydro Optimization & Automation Solutions Inc	WWTP / Power Supply / Touchscreen	6,440.90
Ideal Laundry & Cleaners Inc	Rug Service	772.13
Ingram Library	LB / Books	143.83
Intellicom Computer Consulting Inc	Tech Support / Software	3,660.78
Intermedia.com	Web Phone Charges	282.68
Invest Plus / Plum Creek Market Place	LB / MOW / Food & Supplies	132.54
Jimenez, Juan	ST / Employee Reimbursement / Boots	82.23
John Deere Financial / Bomgaars	FD/PK/ST/WR/WWTP/Hardware/Spls/Parts	1,404.87
Jones Plumbing & Heating	GGC / ST / WR / Parts / Repairs	845.02
Kirk's Trenching & Septic Service LLC	CEM / Portable Rental	75.00
Komline-Sanderson	WWTP / Parts / Hardware	2,473.31
LEE BHM / Lexington Clipper Herald	Publications	1,491.10
Lexington Area Chamber of Commerce	CC/Banquet Tickets/Burnside/Smith/Vivas	175.00
Lexington Area Solid Waste Agency	Special Waste Disposal	805.35
Lexington, City Payroll Account		
Payroll	Wages	158,208.18
Social Security	Employer Portion / FICA Med	11,787.87
Union Bank & Trust	Employer Portion / Pension	5,720.77
Union Bank & Trust	Police Pension	3,447.41
ICMA	City Manager Pension	1,078.84
Lift Solutions Inc	ST / Equipment Repairs	152.25
Matt Friend Truck Equipment Inc	ST / Parts / Snowplow Edges	4,527.03
McFadden, Ryan / McFadden Auto Repair	PK / Truck Transmission Repair	1,090.86
Mead Lumber	FD/PK/ST/WWTP/Supplies/Hardware	454.29
Melson, Dane / Anytime Fitness	Fitness Memberships	224.64
Mid-American Supply Company	LB / Supplies	585.00
Mid-State Engineering & Testing	Geotechnical Testing/Indoor Racquet Center	3,382.00
Mid-States Automation & Control Inc	OC / HVAC Compressor Repairs	1,044.50
Midwest Laboratories Inc	WWTP / Testing	228.00
Miller, Trever	FD / Record Keeping	250.00

Money Handling Machines Inc	EL/ Service Agreement/Coin Counter	570.00
Morris Printing Group Inc	GGC / Newsletter	121.50
Mosley, Theresa / Plum Creek Promotions	DS / Embroidery / Uniform Expense	103.50
Municipal Supply Inc	WR / Curb Stop Wrench / Couplings / Plugs	1,141.55
National Fire Protection Association	DS / 2023 Safety Regulation Code Book	161.45
Nebraska Dept of Revenue	Sales and Use Tax	76,452.55
Nebraska Library Association	LB / Meeting Registration / Norton, J	35.00
Nebraska Machinery Company	ST / Equipment Parts / Hardware	4,078.10
Nebraska Safety & Fire Equipment Inc	LB/OC/ST/Fire Sprinkler Inspections	1,005.00
Nebraska Statewide Arboretum	CC / Tree Board / Membership Dues	100.00
Nebraska Tech & Telecommunications	Phone Service	1,347.25
Nebraska Water Experts / Culligan	Soft Water Supplies	494.75
Nebraskaland Tire	ST / Oil & Lube / Battery	383.00
Nebraskalink Holdings LLC	LB / Internet Service	150.00
Nichols, Robby	ST / Employee Reimbursement / Boots	84.53
OCLC	LB / Cataloging / Metadata / Worldshare	156.68
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
Olsson Inc	ST/WR/SW/Vintage Row Homes/Hike-Bike Trail	12,225.00
One Call Concepts Inc	Locates	30.36
O'Reilly Auto Parts	PK / ST / Parts	95.25
Paper Tiger Shredding Inc	Paper Shredding	364.00
Paulsen Inc	WR / Limestone	598.54
Platte Valley Auto	PD / ST / Oil & Lube / Repairs	735.52
Platte Valley Communications	PD / Equipment Maintenance	90.00
Platte Valley Excavating	ST / Snow Removal	13,690.00
Quadient Finance USA Inc	Postage Purchase	3,000.00
Rentokil NA / Presto-X	LB / WWTP / Pest Control	168.37
Roemmich, Austin	AMB / Record Keeping	250.00
S & W Auto Parts	PK / ST / WWTP / Parts / Supplies	192.93
Scheppy, Charles W / Best Books Inc	LB / Books	620.98
Spectrum	Cable Service	37.14
St Ann's Church	St Ann's Remodel / CDBG Grant	50,940.00
Terryberry Company LLC	Employee Recognition	1,537.13
TLC Lawn Care of Central Nebraska LLC	AC / Herbicide / Fertilizer Applications (4)	4,422.00
U Save Pharmacy / Business Office	AMB / CM / EL / Office Supplies	268.63
Union Bank & Trust Company	FD/2022 Service Award Program / Pension	15,500.00
Unitech	ST / Snowplow Silicone	212.50
US Foods	MOW / Food & Supplies	883.36
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	645.50
Village Cleaners Inc	GGC / Janitorial Supplies	61.00
YMCA of the Prairie	Fitness Memberships	1,326.00
W Bar Fire Extinguishers LLC	FD / Annual Fire Extinguisher Service	113.00
Walmart	LB / PK / ST / WR / WWTP / Supplies	1,108.54
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	167.05
Wilkins Architecture Design Planning LLC	Vet's Pavilion/Indoor Racquet Center/Svcs	23,033.61
Alexander, Michael / Mike's Sprinklers	LB/Service Agmt/Underground Sprinklers	223.75
Amazon Capital Services Inc	LB / Books / Supplies	444.62
Bamford Inc	FD / Annual Fire Sprinkler Inspection	225.00
Briones, Armando	ST / Employee Reimbursement / Boots	58.85
Cash-Wa Distributing	MOW / Food & Supplies	1,612.52
CNH Industrial America LLC / Titan	FD / ST / Oil & Lube / Repairs / Parts	6,895.37
Complete Underground LLC	EL/Set Pedestal/UG/Prescott/Revere Circle	35,831.73
Davis Energy	ST / Fuel Purchase	2,671.88
Fagot Refrigeration & Electric Inc	LB/Service/Repairs/Heat Pump Systems	2,315.50
Fastenal	ST / Supplies	384.93
First Interstate Bank	LB / PD / Petty Cash	110.81
Health Claims	Claims	720.46

Homeier Ventures Inc / Bob's True Value	GGC / PK / Hardware	38.41
JEO Consulting Group Inc	Pro Services/Patriot Park/Spring Creek	12,666.00
John Deere Financial / Landmark	PK / Parts / Repairs	553.18
KBC Inc / Johnstone Supply	OC / Pleated Filters	110.64
Lincoln Winwater Works Co	WR / Repair Clamps	1,211.94
Mead Lumber	PK / Tools	302.50
Mid-State Engineering & Testing	Construction Testing/WWTP Imps	708.00
Municipal Supply Inc	WR / Repair Clamps	3,043.12
Nebraskaland Tire	EL / Oil & Lube / Ford Fusion	85.35
Oliver Consulting Services Inc	LB/Tech Support/Software/Data Backup	365.00
O'Reilly Auto Parts	ST / Parts	40.96
Paulsen Inc	WR / Limestone	339.19
Platte Valley Auto	ST / Parts	163.74
Sandry Fire Supply	FD / Uniform Expense / Equipment	1,088.95
Stout, Robby B	WR / Repairs	1,277.00
Vollmer, James L / Jamie's Garage	ST / Repairs	95.00
	TOTAL CLAIMS:	718,780.27

CHANGE ORDER: Pepplichtsch reviewed Change Order #2 for the St. Ann's Catholic Parish Center CDBG project. He noted that the change order adds costs supported by supplemental project funding. Following discussion, moved by Roberts, seconded by Vivas, to concur with Change Order #2 St. Ann's Catholic Parish Center CDBG project as presented. Roll call. Voting "aye" were Smith, Vivas, Roberts, Fagot. Motion carried.

BIDS: Pepplichtsch reviewed bids received for the Lexington Racquet Center project, with the low bidder being T.L. Sund Constructors. He indicated that the low bid was 15 percent over project estimate and there is an opportunity to value engineer items to get the project under contract closer to original budget. Following discussion, moved by Smith, seconded by Vivas, to accept the project bids, award a contract to T.L. Sund Constructors, and authorize the city manager to negotiate and approve project amendments to reduce costs. Roll call. Voting "aye" were Roberts, Vivas, Smith, Fagot. Motion carried.

RESOLUTION: Resolution No. 2023-03 was presented. Following discussion, moved by Vivas, seconded by Smith, to approve Resolution No. 2023-03. Roll call. Voting "aye" were Roberts, Smith, Vivas, Fagot. Motion carried.

RESOLUTION NO. 2023-03
A RESOLUTION APPOINTING A REPRESENTATIVE TO THE
LEXINGTON AREA SOLID WASTE AGENCY

WHEREAS, the City of Lexington, Nebraska has previously approved and adopted an Interlocal Agreement, thereby becoming a member of the Lexington Area Solid Waste Agency; and

WHEREAS, it is necessary to adopt a Resolution to appoint a representative to serve on the governing body of the Lexington Area Solid Waste Agency.

BE IT THEREFORE RESOLVED that Jeremy Roberts, Lexington City Council Member, PO Box 194, Lexington, NE 68850, 308-325-5473, is hereby appointed as the representative of the undersigned political subdivision to serve on the Agency Board of the Lexington Area Solid Waste Agency. Such representation to be effective upon the date of this Resolution, and continue until a successor representative has been appointed.

PASSED AND APPROVED on this 14th day of February, 2023.

LIQUOR LICENSE: Mayor Fagot opened a public hearing to consider an application for addition to liquor license for Wilkinson Development Inc DBA Fat Dogs Lexington D-125208. Pepplitsch explained the application involves the expansion of the Fat Dogs licensed building footprint. Following discussion, moved by Roberts, seconded by Smith, to recommend approval of the Wilkinson Development Inc. DBA Fat Dogs Lexington D-125208 application to the Nebraska Liquor Control Commission. Roll call. Voting “aye” were Vivas, Smith, Roberts, Fagot. Motion carried.

LVFD: Pepplitsch reviewed the current Lexington Volunteer Fire Dept membership roster. Moved by Smith, seconded by Vivas, to approve the current LVFD roster as presented. Roll call. Voting “aye” were Roberts, Vivas, Smith, Fagot. Motion carried.

PAY REQUEST: Pepplitsch reviewed Pay Request #6 in the amount of \$72,450.00 from Lacy Construction for the Veterans Pavilion at Kirkpatrick Memorial Park project. Following a project update, moved by Roberts, seconded by Smith, to approve Pay Request #6 as presented. Roll call. Voting “aye” were Vivas, Smith, Roberts, Fagot. Motion carried.

PAY REQUEST: Pepplitsch reviewed Pay Request #17 for the 2021 Wastewater Facility Improvements project from Walters-Morgan Construction in the amount of \$249,422.10. Following a project update, moved by Vivas, seconded by Smith, to approve Pay Request #17 as presented. Roll call. Voting “aye” were Roberts, Smith, Vivas, Fagot. Motion carried.

WORK SESSION: Moved by Roberts, seconded by Vivas, to schedule a Work Session on Saturday, March 4, 2023, at 8:00 a.m. Roll call. Voting “aye” were Smith, Vivas, Roberts, Fagot. Motion carried.

EXECUTIVE SESSION: Moved by Smith, seconded by Roberts, to enter into Executive Session at 5:47 p.m. to discuss real estate negotiations. Roll call. Voting “aye” were Vivas, Roberts, Smith, Fagot. Motion carried.

Moved by Smith, seconded by Vivas, to enter into Open Session at 5:58 p.m. Roll call. Voting “aye” were Roberts, Vivas, Smith, Fagot. Motion carried.

ROUNDTABLE: Baruth noted that Amanda Barkmeier has tendered her resignation from the Library Board.

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.

City Clerk