

**CITY COUNCIL  
CITY OF LEXINGTON, NEBRASKA  
February 28, 2023**

A Regular Meeting of the Lexington City Council was held Tuesday, February 28, 2023, at Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Dora Vivas, Steve Smith and Jeremy Roberts. 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 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 2-14-23:** Minutes of the Regular meeting held Tuesday, February 14, 2023, were presented. Moved by Smith, seconded by Salem, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$2,162,676.88 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Vivas, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$223,846.41 from General Fund, \$138,172.94 from Street Fund, \$22,854.84 from CDBG Programs, \$1,643,665.79 from LEXUS, \$35,974.54 from Sanitation, \$2,264.91 from Ambulance, \$77,384.33 from American Rescue Plan Act Fund, \$14,387.71 from Health Fund, and \$4,125.41 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Smith, Roberts, Vivas, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
February 28, 2023**

Alcohol Countermeasure Systems Inc	PD / Reference Solution	129.80
American Family Life Assurance Company	Premiums	1,679.89
Asphalt Research Technology Inc	ST / Cold Pack Asphalt	2,380.00
B & H Services / Service Master	Cleaning Service	5,806.72
Barrios, Karla	Electric Rebate	2,875.00
Beverly Bogle Louthan PC	Professional Fees	1,200.00
Bound Tree Medical LLC	AMB / Medical Supplies	828.91
Business Card / Bank of America		
ADOBE	ST / Software	256.67
Amazon	DS/EL/WR/Uniform Exp/Prime Mbrshp/Prts	514.42
BA Shields	FD / Hardware	212.00
Bass Pro Catalog US	WR / Hip Waders	676.15
Bomgaars - Lexington	EL / Employee Banquet Supplies	390.46
Casey's General Store - Lexington	CC / Civil Service Meeting / Meals	45.48
Central Community College	AMB/Les Lukert Winter Conf	550.00

Hampton Inn - Kearney NE	FD / Conference Lodging	762.76
League of Nebraska Municipalities	CT / Conference Registration / Hodges, B	438.00
Let's Stick Together	LB / Promotional Supplies	169.39
Mac's Short Stop	ST / Meals / Snow Removal	55.70
McFadden Auto Repair	PK / Deposit / Truck Transmission	4,100.00
Microsoft	AMB / LB / Software	116.74
Nebraska Municipal Utilities - Lincoln	WWTP/Snowball Conf/Glaze, D	119.00
Nebraska Secretary of State	CM/Filing Fees/Lex Main Street Renewal	28.00
Runza - Grand Island	PD / Meals / Travel	22.34
Sam's Club	ND / Breakroom Supplies	64.33
United States Postal Service	WR / Postage	119.40
University of Nebraska- Omaha	CM/Clerk School Registration/Baruth, P	223.00
Cash-Wa Distributing	MOW / Food & Supplies	2,893.73
Cengage Learning	LB / Books	197.02
Chesterman Company	MOW / Beverages	91.00
City of Lexington / Street	Vintage Row Housing Project	10,134.37
Colvin, Don	Electric Rebate	135.80
Davis Energy	ST / Fuel / Fuel Purchase	445.11
Double I Farms Inc / J & N Sales	WWTP / Sludge Tanker Repairs	1,559.67
Eakes Inc	EL / PD / Copier Expense	958.66
Ediger, Marlee	Electric Rebate	1,525.00
Fagot Refrigeration & Electric Inc	EL/GGC/LB/Repairs/Parts/Installation	5,465.70
Franz, Christy	Electric Rebate	1,350.00
GB Auto Service Inc / TO Haas	ST / Tire Repair	24.87
Gonzalez, Anthony	Electric Rebate	1,525.00
Hach Company	WWTP / Lab Supplies	904.46
HD Supply Facilities Maintenance LTD	WWTP / Lab Supplies	346.70
Health Claims	Claims	7,791.29
Hiland Dairy Foods Company LLC	MOW / Dairy Products	298.36
Holbein, Dahlas	AMB/FD/Truck Maint/Fueling/Cleaning	1,500.00
Homeier Ventures LLC / Bob's True Value	GGC/ND/OC/PK/Hardware/Supplies	106.79
Hydro Optimization&Automation Solutions	WWTP / Decanter Controls	1,502.60
IGS ORIX Solar I	Solar Power Purchase	16,905.77
Ingram Library Services	LB / Books	53.45
Kohl, Patrick J/Kohl Welding&Machining	PK / ST / Wear Plates	1,650.00
Lexington Area Chamber of Commerce	CM / Banquet Ticket / Baruth, P	35.00
Lexington City Payroll Account:		
Payroll	Wages	162,006.12
Social Security	Employer Portion / FICA Med	12,078.20
Union Bank & Trust	Employer Portion / Pension	5,685.00
Union Bank & Trust	Police Pension	3,380.58
ICMA	City Manager Pension	1,078.84
Lexington Health Fund	Self-Funding	58,036.25
Lexington Housing Authority	Electric Rebate	271.80
LEXUS	Utilities	50,162.24
Linn, Pat	Electric Rebate	1,250.00
Lopez-Gomez, Laureano	Electric Rebate	1,050.00
Martin Electric Inc	WWTP / Ballast	66.19
Matt Friend Truck Equipment Inc	PK / Plow Edges	1,026.52
Mead Lumber	FH / PK / Hardware / Lumber / Supplies	648.87
Meritain Health	Health Premium	31,649.18
Midlands Contracting Inc/Johnson Service Co	SW/Clean/Vac/Tyson/MRK/Cedar St	3,725.00
Miller & Associates Consulting Engineers PC	WWTP/2021 Facility Imps/Pro Services	81,426.60
Municipal Supply Inc	WR / 1" Curb Stops	819.83
Nebraska Dept. of Environment & Energy	AC / Pool Permit	80.00
Nebraska Public Power District	O & M	178,390.08

Nebraskaland Tire Inc	Power Purchase	1,126,792.48
Odeys Inc	WWTP / Tire Repair	11.50
Olsson Inc	REC / White Line Chalk / Ball Fields	3,598.00
O'Reilly Auto Enterprises LLC	ST/SW/WR/Hoppe Sub/Hike&Bike Trail/Svcs	8,715.00
Platte Valley Auto Mart	ST / WWTP / Parts / Supplies	56.01
Principal	PD / Brake Repairs	1,039.26
Quick Med Claims	Dental Premium	4,003.46
Rivera, Roberto	AMB / Billing Fees	191.25
Romero-Velazquez, Sergio	Electric Rebate	1,650.00
Rose Holdings Inc	Electric Rebate	1,650.00
S & W Auto Parts	ST / 500 Gallon Vacuum Trailer	83,676.00
St Ann's Church	PK / ST / WWTP / Parts / Supplies	143.15
Standard Insurance Company	St Ann's Remodel / CDBG Grant	12,720.47
State Of NE Public Health Environmental Lab	Life Insurance Premiums	986.69
Statewide Collections LLC	WR / Testing	352.00
Stone, Jim	EL / Collection Fees	56.35
TASC	Electric Rebate	1,250.00
TBDS LLC	Administration Fees	175.62
U Save Pharmacy / Business Equipment	SW/Auto Haus Sub/Developer Rmbrsmt	77,384.33
Verizon Wireless	EL / Paper	1,878.92
Village Cleaners Inc	Cellular Service	417.01
VSP / Vision Service Plan	GGC / Janitorial Supplies	61.00
Ask Supply Company LLC	Vision Premium	1,088.49
Baker & Taylor	ST / Supplies	88.80
Cengage Learning	LB / Books	1,245.30
Chesterman Company	LB / Books	171.32
City of Lexington	FH / Beverages	658.80
Core & Main LP	Utility Franchise Fees	97,149.57
Dan's Sanitation	WR / Meters	4,587.38
Davis Energy	Sanitation Fees	35,974.54
Demco Inc	ST / Fuel Purchase	3,903.85
Eakes Inc	LB / Office Supplies	335.94
Electronic Systems Inc	LB / Copier Expense	920.40
Fagot Refrigeration & Electric Inc	LB / Fire Alarm Inspection	132.00
Fastenal Company	LB/Retrofit Lighting/Compressor Reps	658.58
Health Claims	WR / Drill Bits	106.23
Ingram Library Services	Claims	4,740.91
Integrated Security Solutions	LB / Books	36.42
Martin Electric Inc	OC / Fire Extinguishers	956.00
Matheson Tri-Gas Inc	WWTP / Pilot Indicator Lamps	69.50
Mead Lumber	AMB / Medical Oxygen	172.20
Menard Inc	PK / Lumber	110.25
Nebraska Safety & Fire Equipment	ST / Silt Socks	188.72
Nebraskaland Tire Inc	LB / Replace Compressor Air Line	572.25
Spectrum	WR / Brake Repairs	1,537.96
State of NE/Cornhusker State Industries	Cable Service	37.13
Stout, Robby B	LB / Furniture	2,586.00
Village Cleaners Inc	WR/Repairs/120 W 6th/500 S Harrison	2,275.00
W W Grainger	GGC / Janitorial Supplies	148.52
Wal-Mart Stores Inc	WWTP / Supplies	98.63
Wesco Distribution Inc / Conney Safety	DS / LB / PD / ST / WR / Supplies	647.45
	WWTP / Supplies	674.43
	TOTAL CLAIMS:	2,162,676.88

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

**PUBLIC HEARING:** Fagot opened a public hearing to consider using CDBG funds to make infrastructure improvements in south Lexington: Oak Street from Adams to Washington Streets; Harrison Street from Oak Street to Oregon Trail; and Wagon Wheel Lane from Oregon Trail to Santa Fe Drive. Peplitsch and Burnside reviewed the infrastructure improvements to the area to include storm sewer upgrades and handicap-accessible sidewalk ramps. Burnside noted the improvements would benefit the low-to-moderate income residents within the city, and would not displace any person or business. Peplitsch stated the budget for the project would be \$982,157, with \$433,000 CDBG funds and city match for the balance. There were no public comments and the public hearing was closed.

**RESOLUTION:** Resolution No. 2023-04 was presented. Moved by Smith, seconded by Vivas, to approve Resolution No. 2023-04. Roll call. Voting “aye” were Salem, Roberts, Vivas, Smith, Fagot. Motion carried

#### **RESOLUTION NO. 2023-04**

##### **A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR CDBG FUNDS.**

WHEREAS, the City of Lexington, Lexington, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program; and,

WHEREAS, the City of Lexington, Nebraska, has obtained its citizens’ comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$433,000 for Oak Park Area Storm Water Improvement Project and,

NOW, THEREFORE BE IT RESOLVED BY

The City Council of the City of Lexington, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Lexington and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

**Passed and approved this 28th day of February 2023.**

**LIQUOR LICENSE MANAGER APPLICATION:** Peplitsch requested Council consideration of a manager application for Casey’s Retail Store #1747 and Casey’s Retail Store #2068. Smith had some concerns regarding names and other documentation in the application. Following discussion, moved by Salem, seconded by Roberts, to recommend approval of the manager applications for Casey’s Retail Stores with amendments. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

**ST. ANN’S PROJECT:** Jen McKeone, Cozad Development Corp., requested Council consideration of items related to the St. Ann’s Parish Center CDBG project that included roofing contract with Spartan Commercial Roofing and an Administration Agreement Amendment. She reviewed both

documents, noting the parish council has approved both. Following discussion, moved by Roberts, seconded by Vivas, to authorize the execution of documents as requested. Roll call. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

**PUBLIC TRANSIT:** Peplitsch presented information provided by Charles McGraw, Executive Director of RYDE-Transit, requesting Council support of an application for public transportation assistance funds for RYDE Transit for FY 2023-2024. Resolution No. 2023-05 was presented. Following an update of the program and discussion, moved by Roberts, seconded by Smith, to approve Resolution No. 2023-05 as presented. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

### **RESOLUTION NO. 2023-05**

**WHEREAS,** there are federal funds available under Section 5311 of the Federal Transit Act and for the Nebraska Public Transportation Assistance Program, and

**WHEREAS,** the RYDE Transit-Community Action Partnership of Mid Nebraska desires to apply for said funds to provide public transportation in Dawson County.

**NOW THEREFORE, BE IT RESOLVED:** The City Council of Lexington, Nebraska hereby instructs the RYDE Transit-Community Action Partnership of Mid Nebraska to apply for said funds.

Said funds are to be used for the RYDE Transit-Community Action Partnership of Mid Nebraska transportation operations in the FY 2023-2024 Application for Public Transportation Assistance.

**Passed and approved this 28<sup>th</sup> day of February, 2023.**

**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