

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
July 25, 2023**

A Regular Meeting of the Lexington City Council was held Tuesday, July 25, 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, 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 7-11-2023: Minutes of the Regular meeting held Tuesday, July 11, 2023, were presented. Moved by Vivas, seconded by Salem, to approve the minutes as presented. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,995,905.01 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 \$263,295.83 from General Fund, \$86,462.93 from Street Fund, \$72,252.75 from CDBG Programs, \$1,509,208.15 from LEXUS, \$39,583.45 from Sanitation, \$4,029.76 from Ambulance, \$16,410.46 from Health Fund, and \$4,661.68 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

**ACCOUNTS PAYABLE
July 25, 2023**

Amazon Capital Services Inc	LB / Beverage Refrigerator / Supplies	86.25
American Family Life Assurance Co	Premiums	1,601.18
Associated Supply Company Inc	AC / Parts	176.29
B & H Services / Service Master	Cleaning Service	6,239.00
Baker & Taylor	LB / Books	694.26
Beverly Bogle Louthan PC	Professional Fees	1,200.00
Business Card / Bank of America		
Amazon	Pump/Office Spls/Tools/Drum Lifter	623.00
Bulova	EL / Retirement Recognition	401.26
City Of Lexington	REC / Driving Range Machine / Testing	16.00
Facebook	CM / REC / Publications	183.15
Global Equipment Company	ST / Drum Lifter	361.54
Hawthorn Jewelry	EL / Engraving	60.99
Lion Group	FD / Equipment Batteries	278.00
Marriott- Cornhusker Hotel - Lincoln NE	CT / Conference Parking / Hodges, B	40.00
Microsoft	LB / Software	9.75

Misty's Steakhouse - Lincoln NE	CT / Conference Meal / Hodges, B	48.14
Nebraska Water Environment Association	WWTP / Workshop / Glaze, D / Philippi, S	190.00
NJ Criminal - Street Cop Training	PD / Training Course / Renderos, J	199.00
Purple Wave Shipping	PK / Shipping Fees / Large Equipment	1,200.00
Raising Canes - Kearney NE	PD / Training Meals	11.87
Sprinkler Warehouse	PK / Hardware	735.48
Tennis Warehouse	REC / Tennis Supplies	1,676.69
United States Postal Service	WR / Postage	121.60
Vincenzo's - Lincoln NE	CT / Conference Parking / Hodges, B	29.90
Cash-Wa Distributing	AC/MOW/Concessions / Food & Supplies	4,327.01
Castaneda, Allen	PD / Training Mileage	235.80
Cengage Learning	LB / Books	255.55
Chesterman Company	AC / Beverages	291.50
CNH Industrial America LLC / Titan	PK / ST / WWTP / Parts	5,129.25
Community Action Partnership of Mid-NE	RYDE / Local Funding Match / 2023-2024	28,825.00
Complete Underground LLC	EL / Trenching / Boring / Revere Circle	4,360.46
Consolidated Management Company	PD / Training Meals / Castaneda, A	126.25
Country Partners Cooperative	PK / ST / Herbicide	405.83
Cozad Development Corporation	CDBG/Grant Admin/Construction Mgmt	2,900.00
Davis Energy	PK / ST / Oil / Fuel	89.45
Demco Inc	LB / Supplies	431.94
Dutton-Lainson Company	EL / Meter Sockets	1,538.34
Eakes Inc	DocMgmt Support/Spls/Copier Exp	835.01
Electrical Engineering & Equipment	AC / OC / Hardware / LED Lights	193.96
Electronic Systems Inc	LB / Fire Alarm Inspection	128.80
Fagot Refrigeration & Electric Inc	ND / Cooling System Repairs / City Hall	733.00
GB Auto Service Inc / TO Haas	PD / PK / Tire Repair	58.34
H & H Auto Parts	ST / Parts	197.00
HD Supply Inc / USA Blue Book	CEM / Parts	706.99
Health Claims	Claims	10,557.36
Hiland Dairy Foods	MOW / Dairy Products	122.27
Holbein, Dahlas	AMB/FD/Truck Maint/Fueling/Cleaning	1,500.00
	FD / Fire School Expenses	164.44
Homeier Ventures LLC	PK / Tools	91.86
IIMC/International Institute Of Municipal Clerks	Membership Fee / Baruth, P	185.00
IGS ORIX Solar I	Solar Power Purchase	51,952.43
Ingram Library Services	LB / Books	132.01
Iowa Pump Works	SW / Liftstation #5 / Parts	1,645.58
JEO Consulting Group	PK/ST/Spring Creek/Patriot Pond/Services	19,268.00
Kohl, Patrick J/Kohl Welding&Machining LLC	ST / Equipment Repair	91.98
Lawson Products	ST / Tools	173.72
Lex Truck & Auto	SW / Parts	165.00
Lexington Health Fund	Self-Funding	56,290.80
Lexington Housing Authority	Electric Rebate (33)	3,430.00
Lexington Volunteer Fire Department	AMB / 3rd Quarter Revenue	1,078.43
LEXUS	Utilities	48,136.34
Macqueen Equipment LLC	ST / Parts	1,662.08
Mead Lumber	AC / DS / PK / REC / Supplies / Tools	261.00
Mins, Garth	Electric Rebate	120.00
Nebraska Public Power District	O & M	99,952.60
	Power Purchase	1,143,182.86
Nebraska State Treasurer	Unclaimed Property	3,799.27
Olsson Inc	ST / Hike & Bike Trail / Pro Services	2,250.00
O'Reilly Auto Parts	CEM / ST / SW / Parts	568.99
Overton Golf Club	REC / Youth Golf Program	190.00
Paulsen Inc	PK/ST/White Rock/Limestone/Sand/Gravel	5,341.87
Platte Valley Auto Mart	PD / Oil & Lube	69.45
Principal	Dental Premium	3,508.84

Priority Medical Transport LLC	AMB / Non-Billable Runs	1,800.00
Quadient Finance USA Inc	Postage	3,000.00
Quick Med Claims	AMB / Billing Fees	735.81
S & W Auto Parts	PK / ST / Parts / Supplies	327.21
Sage, DeeAnn	GGC / Mileage / Training	85.15
Saiz, Carlos	Electric Rebate	1,750.00
SCP Distributors LLC/Recreation Supply Co AC / Lifeguard Stand		4,689.00
Sigma-Aldrich RTC	WWTP / Testing	134.45
St. Ann's Church	St. Ann's Remodel / CDBG Grant	69,352.75
Standard Insurance Company	Life Insurance Premiums	950.94
State of NE/Public Health Environmental Lab	WR / Testing	169.00
Verizon Wireless	Cellular Service	416.95
Village Cleaners Inc	GGC / Janitorial Supplies	64.06
Vogel West Inc	ST / Paint Supplies	71.10
W W Grainger	WWTP / Supplies	284.75
YMCA of the Prairie	Fitness Memberships	1,359.00
Arrow Seed Company Inc	PK/Dura Turf/Splash Pad/Veterans Pavilion	2,049.00
Atlas Automation LLC	WWTP / Repairs / Lift Station Controls	240.00
Baker & Taylor	LB / Books	518.30
Chesterman Company	MOW / Beverages	36.00
City of Lexington	Utility Franchise Fees	100,391.87
Consolidated Management Company	PD / Training Meals / Castaneda, A	115.50
Dan's Sanitation	Sanitation Fees	39,583.45
Davis Energy	FD / ST / Fuel / Fuel Purchase	5,956.76
Fagot Refrigeration & Electric Inc	FH / ND / Repairs / Cooling System	2,848.12
First Interstate Bank	AC / EL / PD / City Petty Cash	86.83
GB Auto Service Inc / TO Haas	ST/WWTP/Tire Repair/Fuel Injection Svc	253.78
Health Claims	Claims	4,076.30
Hiland Dairy Foods	MOW / Dairy Products	248.39
Homeier Ventures LLC	PK / Hardware	14.07
Lexington City Payroll Account		
Payroll	Wages	192,695.25
Social Security	Employer Portion / FICA Med	14,453.48
Union Bank & Trust	Employer Portion / Pension	5,402.34
Union Bank & Trust	Police Pension	3,376.69
ICMA	City Manager Pension	1,085.25
Mead Lumber	PK / Lumber	279.00
Mid-State Engineering & Testing	WWTF Improvements/Cylinder Testing	45.00
Moseley, Theresa / Plum Creek Promotions	CEM/PK/ST/WR/Safety Green Work Shirts	1,105.20
Nebraska Law Enforcement Training Center	PD / Certification Fees / Castaneda, A	75.00
Nebraskaland Tire	DS/EL/WR/Oil/Lube/Brake Inspection	291.25
O'Reilly Auto Parts	WR / Parts	28.48
Peavey Corporation	PD / Supplies	58.13
S & W Auto Parts	CEM / PK / Battery / Tools	156.14
Statewide Collections LLC	EL / Collection Fees	231.69
Stout, Robby B	PK / Veterans Pavilion / Sidewalks	10,037.00
TASC	Administration Fees	175.62
VSP / Vision Service Plan	Vision Premium	908.78
W W Grainger	WWTP / Trimmer Head	47.16
	TOTAL CLAIMS:	1,995,905.01

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

CONDITIONAL USE: Mayor Fagot opened a public hearing to consider a Conditional Use Permit application by Nuridin Nur for two apartments on the second level of the building located at 618 N.

Washington. Brecks stated the apartments will need to meet all building codes and does meet parking requirements with off-street parking. He stated the owner plans to occupy one apartment and rent the other. The Planning Commission recommended approval following their review of Section 6.08 Standards. There were no public comments, and the public hearing was closed. Following discussion, moved by Vivas, seconded by Salem, to approve the Conditional Use Permit application submitted by Nuridin Nur as presented. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

CONDITIONAL USE: Mayor Fagot opened a public hearing to consider a Conditional Use Permit application by Industrial Tower West LLC for cell tower replacement at 1709 N Erie. Brecks stated that the existing pole is to be replaced with a taller, metal pole. The Planning Commission recommended approval following their review of Section 6.08 Standards. 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 submitted by Industrial Tower West LLC as presented. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

REZONE: Mayor Fagot opened a public hearing to consider an application from Ramon Prado to rezone property located at 811 N Washington from R-3 High Density Residential to C-2 Core Commercial. Brecks stated the property is currently in a nonconforming designation and with improvements being made to the existing building, the zoning needed to be updated. There were no public comments, and the public hearing was closed. Ordinance No. 2455 entitled “**AN ORDINANCE TO REZONE THE NORTH 85 FEET OF LOT 1 AND THE NORTH 85 FEET OF THE EAST 15 FEET OF LOT 2, BLOCK 15, ORIGINAL TOWN OF LEXINGTON, FROM R-3 HIGH DENSITY RESIDENTIAL TO C-2 CORE COMMERCIAL DISTRICT; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN ELECTRONIC FORM.**” was presented for Council consideration. Moved by Salem, seconded by Vivas, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

Ordinance No. 2455 was presented on final reading. Moved by Salem, seconded by Vivas, to approve Ordinance No. 2455 on final reading. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

SUBDIVISION: Mayor Fagot opened a public hearing to consider the proposed Northeast Second Addition, a replat of portion of the Northeast First Addition. Peplitsch stated a land transfer within the subdivision would begin the process for housing development planning. Resolution No. 2023-15 was presented for Council consideration. Following discussion, moved by Vivas, seconded by Salem, to approve Resolution No. 2023-15 as presented. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

RESOLUTION NO. 2023 - 15

NORTHEAST SECOND ADDITION

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

The plat of NORTHEAST SECOND ADDITION, being a part of Northeast First 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 25th day of July, 2023.

ORDINANCE: Ordinance No. 2456 entitled “AN ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA, AMENDING SECTION 22-23 OF THE LEXINGTON CITY CODE, RELATING TO THE SALE AND DISCHARGE OF FIREWORKS WITHIN THE CORPORATE LIMITS; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE AND FOR PUBLICATION IN ELECTRONIC FORM” was presented on first reading. Fagot stated public comments have been received over the years regarding firework sales, times for discharge, shift work disturbance, and general nuisance. Following discussion, moved by Smith, seconded by Roberts, to approve Ordinance No. 2456 on first reading. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

PAY REQUEST: Peplitsch reviewed Pay Request #22 from Walters Morgan Construction for the 2021 Wastewater Facility Improvement project in the amount of \$228,067.03. Following a project update, moved by Roberts, seconded by Vivas, to approve Pay Request #22 as presented. Roll call. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

EXECUTIVE SESSION: Moved by Salem, seconded by Smith, to enter Executive Session at 5:46 p.m. to discuss real estate negotiations. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

Moved by Salem, seconded by Vivas, to enter Open Session at 6:07 p.m. Roll call. Voting “aye” were Smith, Roberts, 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