

**CITY COUNCIL  
CITY OF LEXINGTON, NEBRASKA  
May 9, 2023**

A Regular Meeting of the Lexington City Council was held Tuesday, May 9, 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, Building Inspector Jason Harris 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 4-25-2023:** Minutes of the Regular meeting held Tuesday, April 25, 2023, were presented. Moved by Smith, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Salem, Roberts, Vivas, Smith, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$956,803.84 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$502,378.23 from General Fund, \$33,723.24 from Street Fund, \$36,335.11 from TIF, \$124,546.00 from CDBG Programs, \$220,225.84 from LEXUS, \$10,000.00 from Sanitation, \$618.70 from Landfill, \$540.63 from Ambulance, \$25,186.26 from Health Fund, and \$3,249.83 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Smith, Salem, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
May 9, 2023**

Avila, Mark	EL / LEXUS Refund	144.13
B & H Services / Service Master	EL / Cleaning Service	5,682.31
B2 Environmental Inc	ND/Surveys/Analysis/Asbestos Abatement	820.00
Baker & Taylor	LB / Books	1,001.40
Bauer Built Inc	ST / Tire Repairs	61.00
Bennett, Curtis W / Sign Pro	OC / Office Signage	60.00
Black Hills Energy	Natural Gas Service	1,375.32
Blackstone Audio Inc	LB / Books	38.95
Bowen, Nicholas / Change Clothing	REC / 2023 Baseball Shirts	2,549.41
Cash-Wa Distributing	MOW / Food & Supplies	2,835.42
Castaneda, Allen	PD / NLETC Basic Training / Mileage	117.90
Cengage Learning	LB / Books	110.23

City of Lexington	Interdepartmental Service Fees	55,749.00
	Utility Franchise Fees	403.38
City of Lexington / Street	SW / WR / Interdepartmental Service Fees	6,876.23
	Fuel	14,672.40
Community Development Agency	TIF/HNB/Lex Dev Group/Levander/Orthman	36,335.11
Consolidated Management Company	PD / Training Meals / Castaneda, A	82.50
Country Partners Cooperative	PK/Fertilizer/Insecticide/Spreader Rental	7,061.42
County of Dawson - Register Of Deeds	Filing Fees	146.00
Cozad Development Corporation	Administration / CDBG Grant	8,100.00
Dan's Sanitation	Sanitation Fees	14,859.20
Davis Energy	ST / Fuel / Fuel Purchase / DEF	3,773.89
Dawson Public Power District	Power Purchase	77.01
Demco Inc	LB / Supplies	152.32
Depository Trust	2020 Combined Utilities Revenue Bond/Interest	11,062.50
Eakes Inc	LB / Supplies	212.99
Eilers Machine & Welding Inc	PK / Adapter Plate	280.00
Electrical Engineering & Equipment Company	PK / Hardware	18.55
First Interstate Bank	LB / Petty Cash	280.40
Fremarek Inc	ST / Janitorial Supplies	140.71
GB Auto Service Inc	CEM / Brake Service	442.77
Great Plains Communications	City Internet Services	345.60
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Hach Company	WWTP / Lab Supplies	673.65
HD Supply	CEM / Hardware	358.00
Health Claims	Claims	15,939.48
Heartland Chevrolet & Buick Inc	EL / Oil & Lube / Tire Rotation	74.62
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	332.09
Holbein Lawn Service	FD / Lawn Care	230.00
Holmes Plumbing & Heating Supply Co	CEM / Hardware	207.71
Home Federal Bank	Lehman Land Purchase	61,784.79
Homeier Ventures Inc / Bob's True Value	PK / Hardware / Supplies	37.23
Ideal Laundry & Cleaners Inc	Rug Service	780.94
Ingram Library	LB / Books	102.82
Intermedia.com	Web Phone Charges	279.56
Invest Plus / Plum Creek Market Place	MOW / Food	70.10
Johnson Heater Corp / Arizon Company	REC / Lex Racquet Center / Heating & Air	139,630.50
Jones Plumbing & Heating Inc	PK / Sprinkler Parts	1,163.83
Kirk's Trenching & Septic Service LLC	CEM / Portable Rentals	75.00
Kohl, Patrick J / Kohl Welding & Machining LLC	CEM / Hydrant Covers	4,264.02
LEE Enterprises Inc / Clipper Herald	Publications	2,554.46
Lexington, City Payroll Account:		
Payroll	Wages	166,047.13
Social Security	Employer Portion / FICA Med	12,400.69
Union Bank & Trust	Employer Portion / Pension	5,278.12
Union Bank & Trust	Police Pension	3,547.78
ICMA	City Manager Pension	1,078.84
Lien Inc	Arbor Day Tree Planting/Sprinkler Connects/Sod	9,240.00
MAS Modern Marketing Inc	LB / Promotional Magnets	722.38
Mead Lumber	CEM/ND/PK/Supplies/Lumber/Parts / Paint	751.10
Mid-State Engineering & Testing	WWTP / Facility Improvements / Testing	2,580.00
Midwest Petroleum Equipment LLC	ST / Support / Fuel Tank Readings	441.90
MILCO Environmental Services Inc	Lexington Municipal Landfill (Closed) Fees	618.70
Miller, Trever	FD / Record Keeping	250.00
Morris Printing Group Inc	GGC / Newsletters	121.50
Municipal Supply Inc	WR / Hardware / Hydrant Parts	1,129.71
Nebraska Dept of Health & Human Services	EL / LIHEAP Payment Returns (6)	2,200.29

Nebraska Dept of Revenue	Sales and Use Tax	64,124.15
Nebraska Machinery Company	Equipment Rental/Lex Patriot Park & Pond	21,154.28
Nebraska Rural Radio Association / KRVN	EL / NPPD Cooperative Ads	318.00
Nebraska Water Experts / Culligan	Soft Water Supplies	441.75
Nebraskaland Tire	PK / ST / WR / Inspection / Oil & Lube	327.57
Nebraskalink	LB / Internet Service	150.00
OCLC	LB / Cataloging / Metadata / Worldshare	156.68
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
One Call Concepts Inc	Locates	98.06
O'Reilly Auto Parts	PK / Parts	74.98
Paulsen Inc	WR / Limestone	635.58
Pedraza-Perez, Gerardo	ST / CDL Fee Reimbursement	60.00
Platte Valley Auto	PD/PK/Repairs/Oil/Lube/2023 Ford F-150	38,143.59
Platte Valley Communications	FD/PD/Equipment Maint/Repairs/Parts	1,178.96
Rentokil NA / Presto-X	WWTP / Pest Control	63.28
Roemmich, Austin	AMB / Record Keeping	250.00
Schwarz, Mataya / Madeline's Café & Bakery	CM / Meeting Meal	73.08
Spectrum	Cable Service	37.13
St. Ann's Catholic Church	CDBG Grant / Remodel	116,446.00
T & R Service Company	EL / Disposal / Bushings / Mineral Oil	3,044.00
Taste Of Home	LB / Books	38.50
U Save Pharmacy / Business Equipment	AMB/FD/GGC/LB/ST/WR/Supplies/Postage	1,131.50
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	866.25
W W Grainger	WWTP / Water Hose	823.70
Walmart	EL / LB / ND / PK / ST / Supplies	748.30
Wilkins Architecture Design Planning LLC	OC/PK/REC/Pro Services / Active Projects	10,189.16
ACE Irrigation & Manufacturing Company	CEM / Straw Mats	1,445.00
ARK I CEA Holdco LLC / Solsystems	Solar Power Purchase / Airport Road	16,587.81
Arrow Seed Company Inc	CEM / Grass Seed	10,509.50
Axxent Buildings LLC	WWTP / Overhead Door Repairs	249.93
Baker & Taylor	LB / Books	370.78
Cash-Wa Distributing	REC / Concessions	2,632.51
Center Point Inc	LB / Books	189.96
Complete Underground LLC	EL/Directional Boring / Underground Lines	7,868.55
Country Partners Cooperative	FD / Fuel	78.15
Creative Empire LLC / Mango Languages	LB / Subscription	1,000.00
Easy Picker Golf Products	REC / Golf Tees / Driving Range	70.96
Fagot Refrigeration & Electric Inc	AMB / Refill Freon	175.00
First Interstate Bank	PD / PK / Petty Cash	75.09
FNLLC LLC / Choice Paint & Supply	ST / Paint Brushes	212.55
Fremarek Inc	PK / Herbicide	994.66
Fyr-Tek Inc	FD / Equipment Repairs	4,790.65
Galls Parent Holdings LLC	PD / Uniform Expense	175.61
Health Claims	Claims	9,246.78
Homeier Ventures Inc / Bob's True Value	PK / Sprinkler Parts	10.99
Intellicom Computer Consulting Inc	Tech Support / Software	6,042.01
John Deere Financial / Bomgaars	Parts/Supplies/Hardware	1,790.31
John Deere Financial / Landmark	CEM/PK/WWTP/Parts/Equipment Repairs	7,648.89
Jones Plumbing & Heating	CEM / PK / Parts	438.72
Lien Inc	PK / Sprinkler Connects	313.51
Lexington Area Solid Waste Agency	Special Waste Disposal	1,557.10
Mead Lumber	CEM / ND / Tools / Hardware	204.19
Melson, Dane / Anytime Fitness	Fitness Memberships	187.20
Nebraska Tech & Telecommunications	Phone Service	1,325.75
Odeys Inc	REC / Mound Clay	733.00
Oliver Consulting Services Inc	Data Backup/Tech Support/Laptop Computer	830.00
O'Reilly Auto Parts	ST / Parts	23.99

Paulsen Inc	ST / Limestone	455.50
RDO Truck Center CO	CEM / Parts	8.05
S & W Auto Parts	PD / WWTP / Parts / Supplies	50.25
Schroeder, Mickey L / Platte Valley Glass	ST / Windshield	350.00
Sirchie Acquisition Company LLC	PD / Supplies	46.54
Stout, Robby B	ST / WR / Street / Sidewalk Repairs	2,652.00
Village Cleaners Inc	GGC / Janitorial Supplies	64.06
Vogel West Inc	ST / Paint Rollers / Machine Cleaner	288.80
	<b>TOTAL CLAIMS:</b>	<b>956,803.84</b>

**PUBLIC COMMENTS:** Jeremy Eschliman and Von Lutz, Two Rivers Public Health Department, presented an update of department services available in Lexington and Dawson County.

**CONDITIONAL USE:** Mayor Fagot revisited a tabled item from the April 25, 2023 Council meeting being a conditional use permit application by Diana Gonzalez for the property located at 520 North Washington Street. Edwin Perdomo assisted with interpretation. Brecks noted the fire marshal reinspected the property and issued a violation report. Discussion included adequate egress, ADA compliance, local building code, parking impact, continuous commercial garbage service, facility occupancy, and conditional use standards. Following discussion, moved by Smith, seconded by Roberts, to deny the conditional use permit application. Roll call. Voting “aye” were Salem, Smith, Roberts, Fagot. Voting “nay” was Vivas. Motion carries.

**CONDITIONAL USE:** Mayor Fagot revisited a tabled item from the April 25, 2023 Council meeting being a conditional use permit application by Diana Gonzalez for the property located at 520 North Washington Street. Brecks noted the fire marshal reinspected the property and issued a violation report. Discussion on the matter included adequate egress, ADA compliance, local building code, parking impact, continuous commercial garbage service, facility occupancy, and conditional use standards. Following discussion, moved by Vivas, seconded by Salem, to approve the conditional use permit application and authorize execution of the conditional use agreement. Roll call. Voting “aye” were Smith, Salem, Vivas, Fagot. Voting “nay” was Roberts. Motion carries.

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider a liquor license application by Manriquez LLC dba El Rancho Vijeo Mexican Restaurant. It was noted that a new license is required due to the change in ownership. Being no further public comments, the public hearing was closed. Following discussion, moved by Roberts, seconded by Smith, to recommend approval of the application to the Liquor Control Commission. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch reviewed Pay Request #20 for the 2021 Wastewater Facility Improvements project from Walters-Morgan Construction in the amount of \$179,015.28. Following a project update, moved by Salem, seconded by Vivas, to approve Pay Request #20 as presented. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch reviewed Pay Request #9 in the amount of \$218,918.70 from Lacy Construction for the Veterans Pavilion at Kirkpatrick Memorial Park project. Following a project update, moved by Vivas, seconded by Smith, to approve Pay Request #9 as presented. Roll call. Voting “aye” were Salem, Roberts, Smith Vivas, Fagot. Motion carried.

**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