

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
September 12, 2023**

A Regular Meeting of the Lexington City Council was held Tuesday, September 12, 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 Derek Haines, 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 8-22-2023: Minutes of the Regular meeting held Tuesday, August 22, 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 \$1,059,946.03 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 \$308,290.76 from General Fund, \$70,676.91 from Street Fund, \$84,484.54 from TIF Fund, \$42,741.40 from CDBG Fund, \$471,796.48 from LEXUS, \$10,000.00 from Sanitation, \$2,290.27 from Ambulance, \$63,356.25 from Health Fund, and \$6,309.42 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE
September 12, 2023**

ACE Irrigation & Manufacturing Company	SW / Storm - Culvert Pipe	877.80
Advantage Archives LLC	LB / Historical Digitization	2,000.00
Alternative LED LLC	PK/50% Lighting/Indoor Racquet Center	22,864.7
ARK I CEA Holdco LLC / Solsystems	Solar Power Purchase / Airport Road	16,135.08
ASK Supply Company LLC	ST / Supplies	455.82
Atlas Copco USA Holdings Inc	WWTP / Touch Screen Programing / Filters	8,950.82
B & H Services / Service Master	EL / OC / Cleaning Service	5,923.81
B2 Environmental Inc	Asbestos Survey/Analysis/Old Downey Bldg	1,105.00
Baird Holm LLP	Pension Work	651.00
Baker & Taylor	LB / Books	1,801.53
Barco Municipal Products Inc	ST / Yield Signs	224.91
Bauer Built Inc	WWTP / Tire Repairs	333.75
Black Hills Energy	Natural Gas Service	322.10

Bound Tree Medical LLC	AMB / Medical Supplies	1,286.79
Cash-Wa Distributing	OC / MOW PK / ST / Food & Supplies	6,715.81
Castaneda, Nazario	ND / Install Cabinets / City Hall	980.00
Cengage Learning	LB / Books	150.70
City of Lexington	Interdepartmental Service Fees	55,749.00
	Utility Franchise Fees	554.14
City of Lexington / Street	SW / WR / Interdepartmental Service Fees	6,876.23
	Fuel	15,271.68
City of Lexington / Meals on Wheels	PD / Cookies / Employee Recognition	144.00
Consolidated Management Company	PD / Training Meals / Castaneda, A	16.25
Country Partners Cooperative	PK / Herbicide	133.95
County of Dawson - Register of Deeds	Filing Fees	38.00
County of Dawson - Surveyor	ND / Survey Work	650.00
Cozad Development Corporation	Administration / CDBG Grant / Final	2,000.00
Dana F Cole & Company LLC	Audit / Preliminary Risk Assessment	4,000.00
Danko Emergency Equipment Company	FD / Emergency EV Safety Plug / Flares	1,915.00
Dan's Sanitation	Sanitation Fees	14,614.63
Davis Energy	Fuel Purchase/Grease/Well Generator Fuel	8,909.10
Dawson Public Power District	Power Purchase	78.94
Debban, Kermit	Cemetery Space Buy Back	600.00
Demco	LB / Supplies	223.01
Depository Trust Company	2016 Combined Utilities Bond/ Final Pymt	151,275.00
Eakes Inc	EL / PD / Copier Expense	995.71
Electrical Engineering & Equipment	CEM / EL / ND / Hardware / Conduit	7,883.77
Fagot Refrigeration & Electric Inc	PK / ST / WWTP / Freon / Service Call	2,310.63
Fastenal Company	ST / Supplies	47.36
Fremarek Inc	ST / WR / SW / Supplies	1,000.35
Galls Parent Holdings LLC	PD / Uniform Expense	154.79
GB Auto Service Inc	ST / Tire Repair	24.87
Governmentjobs.com Inc	CM / Human Resources Software	16,531.00
Great Plains Communications	City Internet Services	346.10
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Health Claims	Claims	56,604.69
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	646.26
Holbein Lawn Service	FD / Lawn Care	330.00
Homeier Ventures Inc / Bob's True Value	ST / Supplies	8.16
Ideal Laundry & Cleaners Inc	Rug Service	724.45
Ingram Library	LB / Books	161.74
Intellicom Computer Consulting Inc	Tech Support / Software	3,348.00
Intermedia.com	Web Phone Charges	279.73
J & A Traffic Products	ST / Traffic Cones	1,004.40
JEO Consulting Group Inc	PK/Professional Services/Patriot Park/Pond	8,600.00
Jones Plumbing & Heating	CEM / OC / PK / Parts	981.16
Kirk's Trenching & Septic Service LLC	CEM / PK / Portable Rental / Cleaning	175.00
LEE Enterprises Inc / Clipper Herald	Publications	508.80
Lexington Area Solid Waste Agency	Special Waste Disposal	1,186.85
Lexington, City Payroll Account		
Payroll	Wages	174,177.61
Social Security	Employer Portion / FICA Med	13,033.52
Union Bank & Trust	Employer Portion / Pension	6,359.80
Union Bank & Trust	Police Pension	3,054.75
ICMA	City Manager Pension	1,085.25
Lien Inc	REC / Sprinkler Repairs	4,749.77
McFadden, Ryan / McFadden Auto Repair	PK / Repairs	369.49
Mead Lumber	Hardware / Supplies / Tools / Conduit	289.09
Melson, Dane / Anytime Fitness	Fitness Memberships	187.20

Meritain	Premiums	72,918.46
Midland Scientific Inc	WWTP / Lab Supplies	202.64
Miller, Trever	FD / Record Keeping	250.00
Municipal Supply Inc of Nebraska	WR / Hardware / Fire Hydrants / Parts	11,155.58
Nebraska Dept of Health & Human Services	LIHEAP Energy Assistance Pymt Returns	4,185.65
Nebraska Dept of Revenue	Sales and Use Tax	65,893.14
	Annual Waste Reduction & Recycling Fee	25.00
Nebraska Machinery Company	ST / Equipment Maintenance	348.30
Nebraska Water Experts / Culligan	Soft Water Supplies	458.25
Nebraskaland Tire	PK / Service / Repairs	94.15
Nebraskalink	LB / Internet Service	30.00
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
One Call Concepts Inc	Locates	135.28
O'Reilly Auto Parts	PD / ST / Parts	673.87
Paper Tiger Shredding	Document Shredding	163.28
Paulsen Inc	Limestone/ Rock/Sand/Gravel/Fiber Mesh	7,387.14
Platte Valley Auto Mart Inc	PD / Oil & Lube	217.23
Platte Valley Communications Inc	PD / Equipment Maintenance	90.00
Police Officers Association of Nebraska	PD/Membership/Castaneda/Manzo	40.00
Rentokil NA / Presto-X	WWTP / Pest Control	63.28
Richardson, Calvin N / Richardson Mowing	LB / Lawn Care	300.00
Roemmich, Austin	AMB / Record Keeping	250.00
Rose Holdings Inc / Rose Equipment	ST / Sweeper Parts / Repairs	3,550.00
S & W Auto Parts	PK / SW / Supplies	53.93
Schwarz, Mataya / Madeline's Café & Bakery	PD / Meeting Meals	48.72
Spectrum	Cable Service	37.13
St. Ann's Church	St. Ann's Remodel / CDBG Grant / Final	40,741.40
University of Nebraska - Lincoln	ServSafe FoodHandlers Class/Doughty/Sage	50.00
US Foods	MOW / Food	866.41
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	1,326.13
Village Cleaners Inc	GGC / Janitorial Supplies	64.06
W W Grainger	WWTP / Supplies	168.86
Walmart	AC / CEM / EL / LB / PD / ST / Supplies	737.27
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	167.05
Wilkins Architecture Design Planning LLC	ND / Professional Services	2,898.33
Amazon Capital Services Inc	LB / Books / Supplies	2,255.02
American Family Life Assurance Company	Premiums	1,601.18
Baird Holm LLP	Pension Work	767.00
Baker & Taylor	LB / Books	288.95
Boling, Michael	Reimbursement/Expenses/EMS Conference	719.77
Center Point Inc	LB / Books	189.96
City of Lexington / ST	TIF / Reimbursement / CED Addition	30,225.01
Community Development Agency	TIF/Bauer Built/Designer Craft/Hibbett/HNB/The Row	54,259.53
Complete Underground LLC	Underground Boring/Trenching/Excavation	21,911.84
Core & Main LP	EL / Meters	862.76
Danko Emergency Equipment Company	FD / Hoods	269.34
Davis Energy	ST / Fuel	80.65
Dutton-Lainson Company	EL / Street Light Poles	38,413.00
Eakes Inc	EL / DocManagement / Software / Support	455.00
Electrical Engineering & Equipment	PK / Hardware	35.39
Fagot Refrigeration & Electric Inc	SW / Service Call / Liftstation Repair	172.71
First Interstate Bank	LB / PD / PK / Petty Cash	464.44
GIS Workshop LLC	Annual Software Subscription	3,780.00
Gomez Vazquez, Eduardo	DS / Abatements	500.00
Health Claims	Claims	5,150.38
Ingram Library Services	LB / Books	56.41

John Deere Financial / Bomgaars	Supplies / Parts	1,456.49
John Deere Financial / Landmark	CEM / PK / WWTP / Parts / Repairs	1,447.62
Komline-Sanderson	WWTP / Parts / Supplies	3,484.03
Lawson Products	ST / Tools	36.73
LEE Enterprises Inc / Clipper Herald	LB / Annual Subscription	98.59
Mead Lumber	ND / Tools / Cabinets / Countertop	6,541.79
Morris Printing Group Inc	GGC / Newsletter	146.63
Nebraska Tech & Telecommunications	Phone Service	1,962.95
Nebraskaland Tire	CEM / Tire Repair	16.45
Oliver Consulting Services Inc	LB / Tech Support / Data Backup	97.50
Platte Valley Auto	WR / Repairs	448.05
Quadient Finance USA Inc	Postage	3,000.00
Quick Med Claims	AMB / Billing Fees	33.71
Stout, Robby B	PK / ST / WR / Repairs	16,915.00
Union Bank & Trust	FD/ND/PD/2023 Participant Fee Disclosures	141.00
W W Grainger	WWTP / Supplies	47.71
YMCA of the Prairie	Memberships	1,334.00
	TOTAL CLAIMS:	1,059,946.03

RESOLUTION: Resolution No. 2023-16 was presented for Council consideration. Following discussion, moved by Salem, seconded by Vivas, to approve Resolution No. 2023-16 as presented. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

RESOLUTION NO. 2023 - 16

A RESOLUTION GRANTING AUTHORIZATION FOR STOCK, BOND, OR OTHER SECURITIES TRANSACTIONS.

Be it resolved by the Mayor and Council of the City of Lexington, Nebraska, as follows:

That Joe Peplitsch, City Manager of Lexington, Nebraska and / or Derek Haines, City Treasurer of Lexington, Nebraska are hereby authorized to sell, assign, and endorse for transfer certificates representing stocks, bonds, or other securities now registered or hereafter registered in the name of the City of Lexington, Nebraska.

PASSED AND APPROVED this 12th day of September 2023.

RESOLUTION: Resolution No. 2023-17 was presented for Council consideration. Following discussion, moved by Smith, seconded by Roberts, to approve Resolution No. 2023-17 as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

RESOLUTION NO. 2023 - 17

A RESOLUTION DESIGNATING DEPOSITORIES FOR CITY FUNDS.

Be it resolved by the Mayor and Council of the City of Lexington, Nebraska, as follows:

Sec. I. That First Interstate Bank; Home Federal Bank; Homestead Bank; and Pinnacle Bank are hereby designated as depositories of the funds of the City, including checking accounts, certificates of deposit, or time deposits. All checks, drafts, or other orders for payment of money may be endorsed for deposit by stamp or personal endorsement of any officer or employee of the City for deposit in said accounts.

Sec. II. That any two of the following persons, including the City Treasurer, Deputy City Treasurer, City Clerk, or City Manager be and hereby are authorized to draw checks, drafts, or other orders for the payment of money on said accounts, and the bank is authorized to honor the same.

Sec. III. That the above named depository banks shall provide security for deposits as provided by law, and in the event security is provided by deposit guarantee bond, the Lexington City Manager is hereby authorized on behalf of the City to approve the form of such deposit guarantee bond.

Sec. IV. Be it further resolved that the power and authority granted in this Resolution shall continue in full force and effect until notice in writing is given to said banks of the cancellation or modification hereof.

PASSED AND APPROVED this 12th day of September 2023.

RESOLUTION: Resolution No. 2023-18 was presented for Council consideration. Following discussion, moved by Vivas, seconded by Salem, to approve Resolution No. 2023-18 as presented. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

RESOLUTION

PRELIMINARY ENGINEERING SERVICES AGREEMENT SUPPLEMENTAL AGREEMENT NO. 4 - BK2052

CITY OF LEXINGTON
Resolution No. 2023-18

Whereas: City of Lexington and WSP USA, Inc. have previously executed a Preliminary Engineering Services Agreement (BK2052) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds

Whereas: City of Lexington understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

Whereas: City of Lexington and WSP USA, Inc. wish to enter into a preliminary engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the City Council of the City of Lexington, Nebraska that:

John Fagot, Mayor of City of Lexington, is hereby authorized to sign the attached Preliminary Engineering Services Supplemental Agreement No. 4 between the City of Lexington and WSP USA, Inc.

NDOT Project Number: RRZ-TMT-1705(3) NDOT Control Number: 61457
NDOT Project Description: Lexington East Viaduct

Adopted this 12th day of September 2023 at Lexington, Nebraska.

PAY REQUEST: Pepplitsch reviewed Pay Request #24 from Walters Morgan Construction for the 2021 Wastewater Facility Improvements project in the amount of \$260,280.03. Following a project update, moved by Smith, seconded by Roberts, to approve Pay Request #24 as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

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