

**CITY COUNCIL  
CITY OF LEXINGTON, NEBRASKA  
March 12, 2024**

A Regular Meeting of the Lexington City Council was held Tuesday, March 12, 2024, 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, Community Development Director Bill Brecks, Finance Director Derek Haines, and City Clerk Pamela Baruth.

**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 2-27-2024:** Minutes of the Regular meeting held Tuesday, February 27, 2024, 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.

**MINUTES – WORK SESSION 3-9-2024:** Minutes of the Work Session held Saturday, March 9, 2024, were presented. Moved by Smith, seconded by Roberts, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$866,904.71 were presented for Council consideration and approval. Moved by Smith, seconded by Roberts, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$280,849.41 from General Fund, \$208,031.10 from Street Fund, \$50,000.00 from Economic Development, \$295,914.82 from LEXUS, \$10,000.00 from Sanitation, \$934.95 from Landfill, \$2,979.03 from Ambulance, \$11,752.38 from Health Fund, and \$6,443.02 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  
March 12, 2024**

B & H Services / Service Master	OC / Cleaning Service	5,861.08
Baker & Taylor	LB / Books	426.90
Barco Municipal Products Inc	ST / Barricade Supplies	803.96
Baruth, Pam	CM/Travel Expenses/League Conference	222.44
Black Hills Energy	Natural Gas Service	5,106.26
C & S Truck & Salvage Inc	FD / Equipment Repair	5,112.97
Cash-Wa Distributing	MOW / Food & Supplies	3,170.89
Cengage Learning	LB / Books	205.43
Center Point Inc	LB / Books	189.96
Central Community College	DS / Classes / Harris, J	1,475.00
Central Septic Tank Pumping & Plumbing	EL / OC / Rotor Rooter / Camera Inspection	2,750.00

Chesterman Company	FH / Beverages	556.50
City of Lexington	Interdepartmental Service Fees	55,749.00
	Utility Franchise Fees	287.01
City of Lexington / Street	SW / WR / Interdepartmental Service Fees	6,876.23
	Fuel	8,520.81
Core & Main LP	WR / Retrofit Kits	962.19
County of Dawson - Register of Deeds	Filing Fees	42.00
Dan's Sanitation	Sanitation Fees	14,653.13
Davis Energy	FD/ST/WWTP/Fuel/Fuel Purchase/Gear Oil	5,585.38
Dawson Public Power District	Power Purchase	99.92
Dell Marketing LP	DS / Computer	1,765.35
Dutton-Lainson Company	ST / Electrical Tape	99.52
DXP Enterprises Inc	WWTP / Equipment Parts	2,599.30
Eakes Inc	DAD/GGC/LB/Copier Expense/Supplies	678.34
Edgewater Insurance LLC	2023 Worker's Compensation Audit	23,927.00
Electrical Engineering & Equipment Company	EL / Hardware / Conduit	20.70
Great Plains Communications	DAD / City / Internet Services	549.74
Greater Lex Corporation	Economic Development 2010 Loan	50,000.00
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Hach Company	WWTP / Lab Supplies	173.58
Haines, Derek	CT/Travel Expenses/League Conference	214.40
Health Claims	Claims	2,359.91
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	402.55
Homeier Ventures Inc / Bob's True Value	PK / Supplies	231.94
Ingram Library	LB / Books	134.49
Intellicom Computer Consulting Inc	Tech Support / Software	4,216.25
Intelligent Marking USA Inc	Turf Tank/Rental/Implementation Setup	17,700.00
Intermedia.com	Web Phone Charges	284.53
JEO Consulting Group Inc	ND/Lexington Comprehensive Plan Update	949.00
John Deere Financial / Bomgaars	AC/CEM/PK/ST/WR/WWTP/Supplies/Parts	926.85
Johnson Heater Corporation	Lex Racquet Center/Heating&Air/Final	11,635.88
Jones Plumbing & Heating	PK / WR / WWTP / Parts	1,420.24
Kirk's Trenching & Septic Services LLC	CEM / Portable Rental	75.00
Kohl, Patrick J/Kohl Welding&Machining LLC	ST / Equipment Repairs	200.00
League of Nebraska Municipalities	CC/CM/CT/Midwinter Conf Registration (5)	2,335.00
LEE Enterprises Inc / Clipper Herald	Publications	652.80
Lexington Area Solid Waste Agency	Special Waste Disposal	1,281.68
Lexington, City Payroll Account		
Payroll	Wages	166,243.69
Social Security	Employer Portion / FICA Med	12,364.94
Union Bank & Trust	Employer Portion / Pension	5,636.12
Union Bank & Trust	Police Pension	3,260.09
ICMA	City Manager Pension	1,104.49
Lift Solutions Inc	ST / Equipment Service	162.67
Marcus Lincoln Hotel LLC	Lodging/Roberts,Salem,Vivas,Baruth,Pepplitsch	1,210.00
Matheson Tri-Gas Inc	AMB / Medical Oxygen	70.56
Matt Friend Truck Equipment Inc	ST / Equipment Parts	276.61
McFadden, Ryan / McFadden Auto Repair	PD / Brake Replacement	472.84
Mead Lumber	AC / GGC / PK / Supplies / Lumber	374.72
Melson, Dane / Anytime Fitness	Fitness Memberships	187.20
Midwest Laboratories Inc	WWTP / Lab Supplies	236.50
MILCO Environmental Services Inc	Lex Municipal Landfill (Closed)/Monitoring	934.95
Miller & Associates Consulting Engineers PC	2021 Wastewater Facility Imps/Pro Svcs	65,180.40
Morris Printing Group Inc	GGC / Newsletter	149.69
Nebraska Department of Revenue	Sales and Use Tax	76,398.51

Nebraska Interactive LLC	DS / ND / TLR Interactive Access Fees	6.00
Nebraska Law Enforcement Training Center	PD / TABE Testing Fee / Materials	19.65
Nebraska Water Experts / Culligan	Soft Water Supplies	550.93
Nebraskaland Tire	EL / PK / WR / Oil & Lube / Tune Up	1,014.99
Nebraskalink	LB / Internet Service	30.00
Odeys	REC / Field Marking Paint	933.32
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
Oliver Consulting Services Inc	LB / Tech Support / Data Backup	412.50
One Call Concepts Inc	Locates	90.50
O'Reilly Auto Parts	ST / Parts	6.99
Paper Tiger Shredding	Document Shredding Services	372.00
Patton, Janelle	AMB / FD / Record Keeping	500.00
Paulsen Inc	PK/ST/WR/White Rock/Gravel/Limestone	3,794.45
Peplitsch, Joe	CM/Travel Expenses/League Conference	348.48
Platte Valley Auto Mart Inc	FD / PD / Parts / Oil & Lube	487.65
Platte Valley Communications Inc	FD/PD/Batteries/Equipment Maintenance	143.00
Quick Med Holdings LLC	AMB / Billing Fees	531.29
Region 12 American Backflow Prevention	WR/Classes/Landa,Maciel,Thompson	270.00
Rentokil NA / Presto-X	WWTP / Pest Control	69.61
S & W Auto Parts	FD / GGC / PK / Parts / Supplies	44.99
Schroeder, Mickey L / Platte Valley Glass	Window Replacement/North Side/City Hall	3,765.00
Spectrum	Cable Service	46.06
Stryker Sales Corporation	AMB / Equipment Parts	755.04
TEC Equipment Inc	ST / Transmission Repairs	4,397.54
Titan Machinery – Lexington	FD / ST / Parts / Equipment Repairs	469.62
TSR Towing LLC	FD / Towing / 06' Freightliner Break Down	300.00
United States Marshals Service	PD / Investigation Funds	2,394.00
United States Thermoamp Inc	AC / Heat Siphon Heaters / 50%	37,391.00
US Foods	MOW / Food & Supplies	1,464.18
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	2,286.70
Village Cleaners Inc	GGC / Janitorial Supplies	64.06
Vivas, Dora	CC/Travel Expenses/League Conference	300.04
W W Grainger	WWTP / Supplies	243.74
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	167.05
Amazon Capital Services Inc	LB / Books / Supplies / Promotions	663.74
American Family Life Assurance Company	Premiums	1,612.66
ARC I CEI Holdco LLC	Solar Power Purchase/Jan'24/Feb'24	15,870.08
B & H Services / Service Master	EL / Cleaning Service	146.59
Baker & Taylor	LB / Books	315.03
C A Enterprises Inc	EL / Accounts Payable Checks	463.36
Cash-Wa Distributing	MOW / Food & Supplies	1,227.27
Central Septic Tank Pumping & Plumbing	SW / Pump Liftstation	399.50
Complete Underground LLC	Directional Boring/UG Lines/Street Lights	6,261.01
Core & Main LP	WR / Flanges	236.31
Demco Inc	LB / Supplies	130.12
EI Electronics LLC	EL / Metering Software License	3,254.17
Electrical Engineering & Equipment Company	EL / Hardware / Conduit	880.83
First Interstate Bank	LB / Petty Cash	162.15
Galls Parent Holdings LLC	PD / Uniform Expense	222.41
Harris, Jason	DS/Travel Expenses/2024 ICC Conference	215.59
Health Claims	Claims	7,779.81
Homeier Ventures LLC	AC / Hardware	53.80
Ideal Laundry & Cleaners	Rug Service	760.49
Intellicom Computer Consulting Inc	DAD / Tech Support / Software	427.93
Johnson, Joshua Dusk / WLT Consulting	ND/Flood Mitigation/BRIC&FEMA Grants	1,000.00
Mead Lumber	GGC / Hardware	10.32
Municipal Supply Inc	WR / Parts / Hardware	2,654.50

Nebraska Tech & Telecommunications	Phone Service	1,331.45
Nebraskaland Tire	WWTP / Oil & Lube	111.10
Otto, Clay / Tri City Concrete	Repairs/Elm/Harrison/Madison/Spruce/Taylor	36,981.25
Paulsen Inc	ST / Taft Street Paving / Road Gravel	134,099.55
Platte Valley Auto Mart Inc	PD / Repairs	309.00
Quick Med Holdings LLC	AMB / Billing Fees	1,372.14
Ramirez, Jose	DS/Travel Expenses/2024 ICC Conference	770.07
Terryberry Company Inc	Employee Recognition	1,756.90
Titan Machinery - Lexington	EL / WR / Parts / Hardware	148.17
Village Cleaners Inc	GGC / Janitorial Supplies	151.94
	<b>TOTAL CLAIMS:</b>	<b>866,904.71</b>

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider a redevelopment plan entitled “Amendment to the Redevelopment Plan of the City of Lexington, Nebraska (Lexington HIE Project)” for Redevelopment Area #1. Conner Works, REV Development Project Manager, stated the project would consist of an 80-room facility, parking improvements, and landscaping. He noted that completion is slated for early 2026. There were no public comments, and the public hearing was closed. Resolution No. 2024-06 was presented. Moved by Salem, seconded by Smith, to approve Resolution No. 2024-06. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

**RESOLUTION NO. 2024 - 06**  
**(Amendment to the Redevelopment Plan and Cost-Benefit Analysis –**  
**Lexington HIE Redevelopment Project)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA APPROVING AN AMENDMENT TO THE REDEVELOPMENT PLAN #1 IN THE CITY OF LEXINGTON, NEBRASKA AND A COST-BENEFIT ANALYSIS FOR THE LEXINGTON HIE REDEVELOPMENT PROJECT.

WHEREAS, the Redevelopment Plan for Redevelopment Area #1 (the “Redevelopment Plan”), which covers certain portions of the City of Lexington, Nebraska that have been declared blighted and substandard and in need of redevelopment (the “Redevelopment Area”), was adopted by the City Council of the City of Lexington on April 8, 2003, pursuant to Resolution 03-03;

WHEREAS, an Amendment to the Redevelopment Plan (the “Amendment”) for the Lexington HIE Redevelopment Project (the “Project”) has been prepared pursuant to the Nebraska Community Development Law codified at Neb. Rev. Stat. §§ 18-2101, et seq. (the “Act”) to identify specific property within the Redevelopment Area that is in need of redevelopment to cause the removal of blight and substandard conditions (the “Project Site”), which is attached as Exhibit “A” and incorporated by this reference;

WHEREAS, the Project will use tax increment financing pursuant to Section 18-2147 of the Act to assist in paying for the cost of certain public improvements on the Project Site, as more particularly described in the Amendment;

WHEREAS, the Community Development Agency of the City of Lexington, Nebraska, as required under Section 18-2113(2) of the Act, has conducted a Cost-Benefit Analysis for the Project, which is attached as Exhibit “B” to the Amendment;

WHEREAS, on March 12, 2024, a meeting of the City Council of the City of Lexington, Nebraska was held at the Lexington City Council Chambers, 406 E 7th Street in Lexington, Nebraska in order to conduct a public hearing to determine whether the Amendment and the Cost-Benefit Analysis should be approved;

WHEREAS, a notice of public hearing was published for at least two (2) consecutive weeks, the last of which was at least ten (10) days prior to the time and date of the public hearing, which notice of public hearing described the time, date, place and purpose of the hearing;

WHEREAS, the City Council of the City of Lexington reviewed and discussed the recommendations received from the Planning Commission;

WHEREAS, the City Council has duly considered all statements made and materials submitted related to the submitted questions;

WHEREAS, the Amendment clarifies the scope of the Redevelopment Plan and incorporates the Project into the Redevelopment Plan and into compliance with the Act;

WHEREAS, Statements of the proposed method and estimated cost of the acquisition and preparation for redevelopment of the redevelopment project area and the estimated proceeds or revenue from its disposal to redevelopers, the proposed method of financing the redevelopment project, and a feasible method proposed for the relocation of families to be displaced from the redevelopment project area, if applicable, are set forth in the Amendment and the Cost-Benefit Analysis;

WHEREAS, the Project Site is in need of redevelopment to remove blight and substandard conditions identified pursuant to Section 18-2109 of the Act;

WHEREAS, the amended Redevelopment Plan will, in accordance with the present and future needs of the City of Lexington, promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community in conformance with the legislative declarations and determinations set forth in the Act;

WHEREAS, the Amendment is feasible and is in conformance with the general plan for development of the City of Lexington as a whole, as set forth in the City of Lexington Comprehensive Plan, as amended;

WHEREAS, the Project would not be economically feasible without the use of tax increment financing and would not occur in the Redevelopment Area without the use of tax increment financing;

WHEREAS, the costs and benefits of the Project, including the costs and benefits to other affected political subdivisions, the economy of the City of Lexington, and the demand for public and private services are in the long-term best interest of the City of Lexington; and

WHEREAS, pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the City Council desires to approve the Amendment and the Cost-Benefit Analysis.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Lexington, Nebraska, does hereby approve and adopt the Amendment and the Cost-Benefit Analysis.

**DATED THIS 12th day of March, 2024.**

**PUBLIC TRANSIT:** Charles McGraw, RYDE Transit, appeared before the Council to request Council support of an application for public transportation assistance funds for RYDE Transit for FY 2024-2025. He gave an update on ridership numbers and plans to hire more drivers to extend hours and routes. Resolution No. 2024-07 was presented. Moved by Vivas, seconded by Roberts, to approve Resolution No. 2024-07. Roll call. Voting “aye” were Smith, Salem, Roberts, Vivas, Fagot. Motion carried.

**RESOLUTION NO. 2024-07**

**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 2024-2025 Application for Public Transportation Assistance.

**Passed and approved this 12<sup>th</sup> day of March, 2024.**

Local Funding Amount Match for 2024-2025:                      \$35,258.00      COL

**PAY REQUEST:** Peplitsch reviewed Pay Request #30 from Walters Morgan Construction for the 2021 Wastewater Facility Improvements project in the amount of \$64,345.40. Following a project update, moved by Smith, seconded by Salem, to approve Pay Request #30 as presented. Roll call. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

**PAY REQUESTS:** Peplitsch reviewed Pay Request #6 for \$188,100.00 and Pay Request #7 for \$220,757.22 from TL Sund Constructors Inc for the Lexington Racquet Center project. Following a project update, moved by Roberts, seconded by Smith, to approve Pay Request #6 and #7 as presented. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

**PROJECT BIDS:** Peplitsch reviewed bids received for the Polk Street Lift Station and Force Main Improvements project. He explained the project was bid in three packages, with bids being received for packages #1 and #3 at this time. Following discussion, moved by Salem, seconded by Smith, to accept bids for the Polk Street Lift Station and Force Main Improvements and award a contract to Van Kirk Bros, and authorize execution of necessary documents. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

**EXECUTIVE SESSION:** Moved by Roberts, seconded by Vivas, to enter Executive Session to discuss the annual job performance of the City Manager at 5:58 p.m. Roll call. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

Moved by Roberts, seconded by Smith, to enter Open Session at 6:30 p.m. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

**ROUNDTABLE:** Pepplichtsch noted the yard waste site has been moved to 1202 East Industry Drive, and the driving range is set to open March 18.

**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