

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
April 9, 2024**

A Regular Meeting of the Lexington City Council was held Tuesday, April 9, 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, Community Development Director Bill Brecks, Finance Director Derek Haines, 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 3-26-2024: Minutes of the Regular meeting held Tuesday, March 26, 2024, were presented. Moved by Vivas, seconded by Smith, to approve the minutes as presented. Roll call. Voting “aye” were Salem, Roberts, Smith, Vivas, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$719,468.68 were presented for Council consideration and approval. Moved by Roberts, seconded by Vivas, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$260,787.67 from General Fund, \$121,802.84 from Street Fund, \$7,091.76 from TIF, \$303,793.59 from LEXUS, \$10,000.00 from Sanitation, \$2,050.00 from Ambulance, \$10,617.07 from Health Fund, and \$3,325.75 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE
April 9, 2024**

B & H Services / Service Master	EL / Cleaning Service	614.09
Baker & Taylor	LB / Books	910.69
Black Hills Energy	Natural Gas Service	3,514.18
Cash-Wa Distributing	MOW / OC / PK / ST / Food & Supplies	3,662.32
Cengage Learning	LB / Books	387.30
Center Point Inc	LB / Books	150.97
Central Septic Tank Pumping & Plumbing	SW / Rotor Rooter / Camera / City Line	550.00
City of Lexington	Interdepartmental Service Fees	55,749.00
	Utility Franchise Fees	276.96
City of Lexington / Street	SW / WR / Interdepartmental Service Fees	6,876.23
	Fuel	10,737.04
Core & Main LP	WR / Meters / Meter Registers	8,226.20
Country Partners Cooperative	PK / Herbicide	112.00
Cummins Inc	WWTP / Block Heater Replacement	298.84
Dan's Sanitation	Sanitation Fees	14,818.63

Davis Energy	ST / Fuel / Fuel Purchase	5,365.41
Dawson County Communications	Dispatch Fees	29,750.00
Dawson Public Power District	Power Purchase	95.88
Depository Trust	18 CURRB/21 Hwy Allocation/Bonds/Interest	11,958.75
Eakes Inc	EL / LB / Copier Expense / Office Supplies	864.55
Electrical Engineering & Equipment Company	AC / Lights	15.45
Fagot Refrigeration & Electric Inc	LB / Service Call	417.42
Fastenal Company	ST / Supplies	82.61
Fremarek Inc	PK / Herbicide	1,714.94
GB Auto Service Inc	PD / PK / Tires	255.00
Great Plains Communications	DAD Internet Services	184.67
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Health Claims	Claims	4,091.32
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	425.20
HO Smith Company	ND / Title Search	250.00
Homeier Ventures Inc / Bob's True Value	PK / ST / Supplies / Hardware	67.44
Ideal Laundry & Cleaners	Rug Service	729.91
IGS Orix Solar I LLC	EL / 2023 Capacity Tax	12,559.00
Ingram Library Services	LB / Books	105.05
Intellicom Computer Consulting Inc	Tech Support / Software	4,397.61
Intermedia.com	Web Phone Charges	284.53
John Deere Financial / Bomgaars / Landmark	GGC/PK/ST/WR/WWTP/Supplies/Parts	716.65
Jones Plumbing & Heating Inc	OC / WR / Parts	226.50
Kirk's Nebraskaland Restaurant Inc	Employee Appreciation Dinner	2,235.45
Kirk's Trenching & Septic Service LLC	CEM / Portable Rental	75.00
Kohl, Patrick J/Kohl Welding&Machining LLC	ST / Equipment Repairs	47.50
La Vista Public Library	LB / Books	23.99
Landmark Implement Inc	PK / John Deere 1600 / Mower	57,500.00
LEE Enterprises Inc / Clipper Herald	Publications	345.50
Lexington, City Payroll Account		
Payroll	Wages	165,037.15
Social Security	Employer Portion / FICA Med	12,254.33
Union Bank & Trust	Employer Portion / Pension	5,878.75
Union Bank & Trust	Police Pension	3,091.99
ICMA	City Manager Pension	1,104.49
Martin's Flag Company	ST / POW MIA / State Of NE / Flags	686.09
Mead Lumber	GGC / PK / ST / Supplies / Parts	116.40
Melson, Dane / Anytime Fitness	Fitness Memberships	149.76
Midland Scientific Inc	WWTP / Lab Supplies	386.11
Midlands Contracting Inc / Johnson Service Co	SW/Clean/Vac/Lift Stations/MRK/Tyson	5,076.25
Midwest Laboratories Inc	WWTP / Lab Supplies	26.00
Morris Printing Group Inc	GGC / Newsletter	205.11
Motorola Solutions Inc	PD / Equipment Repair	500.00
Municipal Supply Inc	WR / Parts	806.71
Nebraska Dept of Revenue	Sales and Use Tax	59,491.05
Nebraska Interactive / NIC	GGC / Central Registry	5.00
Nebraska Water Experts / Culligan	Soft Water Supplies	489.53
Nebraskaland Tire	ST / Oil & Lube	118.28
Nebraskalink Holdings	LB / Internet Service	30.00
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
Oliver Consulting Services Inc	LB / Data Backup	45.00
One Call Concepts Inc	Locates	102.88
Patton, Janelle	AMB / FD / Record Keeping	500.00
Paulsen Inc	ST / Taft Street Paving / Limestone	66,382.38
Platte Valley Auto Mart	WWTP / Repairs	1,062.96
Platte Valley Communications Inc	PD / Maintenance / Equipment	231.00

Priority Medical Transport	AMB / Non-Billable Runs	1,800.00
Quadient Finance USA Inc	Postage	3,000.00
Rentokil NA	WWTP / Pest Control	69.61
S & W Auto Parts	FH / WWTP / Parts	160.26
Schroeder, Mickey L / Platte Valley Glass	LB / Door Repair	140.00
South Central Nebraska Baseball League	REC / 2024 Team Registration	700.00
Spectrum	Cable Service	37.11
Statewide Collections	EL / Collection Fees	277.66
Titan Machinery - Lexington	ST / Equipment Repair	3,238.05
Tyler Technologies Inc	EL/Trans Fees/Utility Billing Notifications	5,485.45
U Save Pharmacy / Business Equipment	EL / Paper Pallet	1,878.92
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	1,025.80
W W Grainger Inc	WWTP / Parts / Supplies	409.85
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	167.05
Wesco Distribution Inc	WWTP / Janitorial Supplies	334.70
YMCA of the Prairie	CM / Job Fair / Promotion & Printing	500.00
B & H Services / Service Master	DAD / OC / SW / Cleaning Service	6,098.45
Baker & Taylor	LB / Books	801.39
Brick Markers USA Inc	PK / Brick Wall / Veterans Pavilion	3,375.61
Center Point Inc	LB / Books	189.36
Community Development Agency	TIF / Pentad - True Value	7,091.76
Demco Inc	LB / Supplies	218.50
Designer Craft Woodworking Inc	PD / Cabinets	2,986.00
Eustis Body Shop	PD / Repairs	88.33
First Interstate Bank	PD / REC / Petty Cash	90.00
Health Claims	Claims	6,525.75
Homeier Ventures Inc / Bob's True Value	PK / Hardware	5.99
Lexington Area Solid Waste Agency	Special Waste Disposal	1,092.24
Lexington Recreation Program	AC / REC / Summer Start-Up Funds	6,250.00
McCormack Distributing Company Inc	MOW / Supplies	62.33
Miller & Associates Consulting Engineers PC	ST / Professional Services / Survey / Design	5,818.00
Municipal Supply Inc	PK / WR / Hardware / Parts	893.11
Nebraska Safety & Fire Equipment	WR / Fire System / Backflow Service	230.00
Nebraska Tech & Telecommunications	Phone Service	1,329.33
Nebraskaland Tire	ST / Oil & Lube	64.78
O'Reilly Auto	CEM / Parts	134.42
Paulsen Inc	ST / Gravel / Limestone	1,289.56
Platte Valley Auto Mart	PD / Repairs / Oil & Lube	305.34
Perez, Isaac / Lex Party Rentals	DAD / Table / Chair / Rental	320.00
Resource Management Company Inc	ST / Waste Tire Disposal	1,517.50
South Central Nebraska Baseball League	REC / 2024 Team Registration	100.00
Stout, Robby B / Stout Construction	ST / Parking Lot Repairs	4,930.00
T & R Electric Supply Company Inc	EL / Transformers	77,507.34
Titan Machinery Inc - Lexington	ST / Equipment Repairs	1,398.07
Village Cleaners Inc	GGC / Janitorial Supplies	64.06
VVS Inc	PD / Door Repairs	320.00
	TOTAL CLAIMS:	719,468.68

ORDINANCE: Ordinance No. 2463 entitled “AN ORDINANCE TO AMEND SECTIONS 28-417, 28-418, 28-439, AND 28-440 OF THE LEXINGTON CITY CODE; TO REPEAL ORIGINAL SECTIONS 28-417, 28-418, 28-439, AND 28-440, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN ELECTRONIC FORM” was presented on second reading. Following discussion, moved by Smith, seconded by

Roberts, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

Ordinance No. 2463 was read on final reading. Moved by Smith, seconded by Roberts, to approve Ordinance No. 2463 on final reading. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

ORDINANCE: Ordinance No. 2465 entitled “**AN ORDINANCE PROVIDING FOR AGREEMENT TO THE ESTABLISHMENT OF AN ENHANCED EMPLOYMENT AREA BUSINESS OCCUPATION TAX; THE LEVY OF AN ENHANCED EMPLOYMENT AREA BUSINESS OCCUPATION TAX; PROVIDING FOR THE ADMINISTRATION, COLLECTIONS, RETURNS, DELINQUENCIES AND RECOVERY OF UNPAID AMOUNTS RELATED TO SUCH OCCUPATION TAX; SPECIFYING HOW SUCH TAX REVENUE WILL BE USED; PROVIDING A SUNSET PROVISION FOR THE TAX; AND RELATED MATTERS**” was presented on first reading. Peplitsch explained the Enhanced Employment Area Business Occupation Tax would be established for the Lexington HIE Project as part of a funding package. Following discussion, moved by Vivas, seconded by Salem, to approve Ordinance No. 2465 on first reading. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

RESOLUTION: Resolution No. 2024-09 was presented. Following discussion, moved by Salem, seconded by Smith, to approve Resolution No. 2024-09. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

SIGNING OF CONSTRUCTION ENGINEERING AGREEMENT – BK2406

CITY OF LEXINGTON Resolution No. 2024 -09

Whereas: City of Lexington is developing a transportation project for which it intends to obtain Federal fund; and

Whereas: City of Lexington, as a sub-recipient of Federal-Aid funding, is charged with the responsibility of expending said funds in accordance with Federal, State, and local laws, rules, regulations, policies, and guidelines applicable to the funding of the Federal-Aid project; and

Whereas: City of Lexington and Olsson wish to enter into a Construction Engineering Agreement to provide Construction Engineering Services for the Federal-Aid project.

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

John Fagot, Mayor of Lexington, is hereby authorized to sign the attached Construction Engineering Services agreement between the City of Lexington, Nebraska, and Olsson.

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

Adopted this 9th day of April, 2024, at Lexington Nebraska.

PAY REQUESTS: Peplitsch reviewed Pay Request #8 for \$187,137.39 from TL Sund Constructors Inc for the Lexington Racquet Center project. Following a project update, moved by Roberts, seconded by Vivas, to approve Pay Request #8 as presented. Roll call. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

PAY REQUEST: Peplitsch reviewed Pay Request #31 from Walters Morgan Construction for the 2021 Wastewater Facility Improvements project in the amount of \$37,194.40. Following a project update, moved by Smith, seconded by Roberts, to approve Pay Request #31 as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

LVFD: Peplitsch 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, Smith, Roberts, Fagot. Motion carried.

EXECUTIVE SESSION: Moved by Roberts, seconded by Vivas, to enter Executive Session to discuss real estate negotiations and personnel at 5:45 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 6:24 p.m. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, 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