

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
December 10, 2024**

A Regular Meeting of the Lexington City Council was held Tuesday, December 10, 2024, at Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Dora Vivas, Jared Jacob, and Jeremy Roberts. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Finance Director Derek Haines, Community Development Director Bill Brecks, and City Clerk Pamela Baruth. The press was represented by Clipper-Herald. Also in attendance were Travis Maloley, Nick Reynolds, and Juan Buzo.

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 11-26-2024: Minutes of the Regular meeting held Tuesday, November 26, 2024, were presented. Moved by Salem, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Jacob, Roberts, Vivas, Salem, Fagot. Motion carried.

MINUTES – ORGANIZATIONAL MEETING 12-3-2024: Minutes of the Organizational Meeting held Tuesday, December 3, 2024, were presented. Moved by Roberts, seconded by Salem, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Jacob, Salem, Roberts, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$861,464.64 were presented for Council consideration and approval. Moved by Salem, seconded by Jacob, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$191,609.01 from General Fund, \$51,292.52 from Street Fund, \$584,808.77 from LEXUS, \$10,000.00 from Sanitation, \$4,487.80 from Ambulance, \$2,709.54 from American Rescue Plan Act Fund, \$13,217.42 from Health Fund, and \$3,339.58 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Roberts, Jacob, Salem, Fagot. Motion carried.

**ACCOUNTS PAYABLE
December 10, 2024**

Atlas Copco USA Holdings Inc	WWTP / Pumping Equipment Repairs	8,777.70
Baker & Taylor	LB / Books	88.11
Black Hills Energy	Natural Gas Service	1,746.67
Border States	EL / Meter Seals	704.68
Cengage Learning	LB / Books	343.26
Center Point Inc	LB / Books	149.05
City of Lexington	Interdepartmental Service Fees	70,032.09

	Utility Franchise Fees	49.50
City of Lexington / Street	SW / WR / Interdepartmental Service Fees	6,876.23
	Fuel	6,771.63
Civic Plus LLC	DS / 2024-2025 Online Code Hosting	1,187.50
Column Software	Publications	224.30
Country Partners Cooperative	FD / Fuel	63.08
Dan's Sanitation	Sanitation Fees	14,873.72
Davis Energy	FD / ST / Fuel / Equipment / Lubricant	2,138.43
Dawson Public Power District	Power Purchase	84.47
Dones, Angel / Handyman Plumbing	WR / Leak Repair	1,327.14
Dutton-Lainson Company	ST / Caution Tape	224.18
Eakes Inc	EL/PD/DocMgmt Support/Copier Expense	1,659.46
Fagot Refrigeration & Electric Inc	FD / Equipment Repair	184.96
Fremarek Inc	ST / Supplies	203.54
Great Plains Communications	City/DAD/Internet Service	598.62
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Health Claims	Claims	9,630.09
Heldt McKeone & Copley	Professional Fee	2,700.00
Homeier Ventures Inc / Bob's True Value	PK / Supplies	34.26
Ideal Laundry & Cleaners	Rug Service	824.20
Ingram Library	LB / Books	102.46
Intellicom Computer Consulting Inc	Tech Support / Software	6,958.58
Intermedia.com	Web Phone Charges	297.73
John Deere Financial / Bomgaars / Landmark	Supplies	693.05
Jones Plumbing & Heating	EL/LB/OC/PD/PK/Service/Parts/Repairs	1,261.36
Kirk's Trenching & Septic Service LLC	CEM / PK / Portable Rental / Cleaning	125.00
Kohl, Patrick J / Kohl Welding & Machining	ST / Welding / Repairs	42.50
Lee Enterprises Inc	LB / Omaha World Herald Subscription	1,124.99
Lexington EMS	AMB / Refund / Payment Made in Error	2,439.82
Lincoln Winwater Works	WR / Tap Machine	2,428.47
Mead Lumber	PK / Tools	15.83
Melson, Dane / Anytime Fitness	Fitness Memberships	187.20
Midland Scientific Inc	WWTP / Lab Supplies	217.94
Midwest Laboratories Inc	WWTP / Shipping	15.00
Morris Printing Group Inc	GGC / Newsletter	150.39
Municipal Supply Inc	WR / Parts / Hardware	3,385.94
Nebraska Dept of Environment & Energy	WWTP / NDEQ 2013 Loan	389,679.85
Nebraska Dept of Revenue	Sales and Use Tax	52,945.26
Nebraska Water Experts / Culligan	Soft Water Supplies	603.85
Nebraskalink	LB / Internet Service	25.00
Oliver Consulting Services Inc	LB / Data Backup	32.00
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
One Call Concepts Inc	Locates	110.92
O'Reilly Auto Parts	ST / Supplies	139.94
Paper Tiger Shredding	Document Destruction	465.00
Patton, Janelle	AMB / FD / Record Keeping	500.00
Platte Valley Auto Mart Inc	FD / PD / Oil & Lube / Repairs	763.69
Prado, Arturo	WWTP / Travel Expenses	120.60
S & W Auto Parts	ST / Parts	122.41
Silva, Juan F / S.B. Auto Detailing	FD / Full Interior Detail	140.00
Spectrum	Cable Service	84.88
Titan Machinery - Lexington	PK / Equipment Repairs	573.78
US Postal Service	EL / LB / PO Box Annual Fees	540.00
W W Grainger	WWTP / Supplies	265.20
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	167.05
B & H Services / Service Master	EL / OC / Cleaning Service	5,981.59
Baker & Taylor	LB / Books	140.84

Bauer Built Inc	PK / ST / Equipment Repair / Tire Repair	172.95
Boarder States Industries Inc	EL / Meter Seals	1,397.59
Cash-Wa Distributing	MOW / Food & Supplies	2,830.26
Central Community College	AMB / EMT Classes / Laguna, A	1,220.00
Chesterman Company	FH / Beverages	1,309.00
Core & Main LP	WR / Meters	86.29
County of Dawson - Treasurer	2024 Drainage Ditch Property Tax	126.06
Davis Energy	ST / WR / Fuel Purchase / Propane Refill	2,816.63
Eilers Machine & Welding Inc	GGC / Material / Fabrication	64.00
Fagot Refrigeration & Electric Inc	WWTP / Underground Repairs	2,709.54
First Interstate Bank	LB / Petty Cash	189.59
Health Claims	Claims	3,557.33
Hiland Dairy	MOW / Dairy Products	318.94
Hydro Optimization&Automation Solutions	WWTP / VFD Key Pad	190.05
Ideal Laundry & Cleaners Inc	Rug Service	113.23
Jones Plumbing & Heating	FD / Parts	72.15
League of Nebraska Municipalities	CM / Membership Dues / Peplitsch, J	580.00
Lexington Area Solid Waste Agency	Special Waste Disposal	1,151.81
Lexington, City Payroll Account		
Payroll	Wages	176,319.83
Social Security	Employer Portion / FICA Med	13,116.13
Union Bank & Trust	Employer Portion / Pension	5,731.50
Union Bank & Trust	Police Pension	4,319.51
ICMA	City Manager Pension	1,111.41
Liebert, Vince / 308 Tint N Wrap	REC / Tint Application	750.00
McFadden, Ryan / McFadden Auto Repair	WWTP / Fuel Pump Replacement	1,270.71
Mead Lumber	PK / ST / Paint / Tools	90.80
Nebraska Interactive	DS / TLR Interactive	3.00
Nebraska Tech & Telecommunications	Phone Service	1,163.59
Nebraskaland Tire	WWTP / Tires	736.00
NSG Logistics LLC	ST / Ice Slicer / 126.14 Tons	21,254.61
O'Reilly Auto Parts	SW / Parts	148.14
Platte Valley Communications Inc	PD / Maintenance	90.00
Quick Med Claims	AMB / Billing Fees	577.98
S & W Auto	WWTP / Parts	49.64
State of NE / DHHS / Public Health Lab	PD / Testing	171.20
Statewide Collections LLC	EL / Collection Fees	602.21
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	135.40
W W Grainger Inc	WWTP / Terminal Block	24.57
Weathercraft Company of North Platte	GGC / Roof Repairs	7,890.00
Western Pathology Consultants Inc	Random Drug Screens	30.00
YMCA of the Prairie	Fitness Memberships	1,628.00
	TOTAL CLAIMS:	861,464.64

PUBLIC HEARING: Mayor Fagot opened a public hearing to discuss a proposed Workforce Housing Tax Increment Financing Incentive Plan. Peplitsch explained, with updates to the Nebraska Community Development Law, TIF may now be used to incentivize construction of workforce housing. He reviewed a TIF Incentive Plan for Lexington, outlining requirements for use of the plan. There were no public comments, and the public hearing was closed. Resolution No. 2024-27 was presented. Moved by Vivas, seconded by Roberts, to Resolution No. 2024-27. Roll call. Voting “aye” were Jacob, Salem, Roberts, Vivas, Fagot. Motion carried.

RESOLUTION NO. 2024-27

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, ADOPTING AND APPROVING A “WORKFORCE HOUSING TAX INCREMENT FINANCING INCENTIVE PLAN,” PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW.

WHEREAS, pursuant to the Nebraska Community Development Law, Nebraska Revised Statutes Sections 18-2101 et seq. (the "Act"), the Mayor and City Council of the City of Lexington, Nebraska (the "City"), designated portions of the City as blighted, substandard, and in need of redevelopment under the Act (each, a “Community Redevelopment Area, and collectively, the “Community Redevelopment Areas”); and

WHEREAS, redevelopment of the Community Redevelopment Areas will result in the elimination and prevention of blight and substandard conditions, and aligns with the purposes of the Act and the City’s comprehensive plan for land use and development; and

WHEREAS, the City has, within the prior five years of this Resolution, received a housing study detailing the current condition and future needs of the City in relation to housing; and

WHEREAS, the housing study identifies a need for additional workforce housing; and

WHEREAS, pursuant to the Act, the City may authorize the administration of certain heightened tax increment financing incentives to promote and facilitate the construction of workforce housing (“Workforce Housing TIF”); and

WHEREAS, prior to such authorization, the City must adopt an “incentive plan”, pursuant to Section 18-2142.05 of the Act; and

WHEREAS, in accordance with the foregoing, attached hereto as Exhibit 1 is a proposed incentive plan entitled, “Workforce Housing Tax Increment Financing Incentive Plan” (the "Incentive Plan"), authorizing the use and administration of Workforce Housing TIF for eligible redevelopment projects located within a Community Redevelopment Area, and setting forth the criteria and guidelines related thereto; and

WHEREAS, on December 10, 2024, the Mayor and City Council held a duly-noticed public hearing on the Incentive Plan, in conformance with the Act; and

WHEREAS, after public hearing and review of the Incentive Plan, the Mayor and City Council determined that the Incentive Plan complies with the requirements of the Act and will result in the elimination and prevention of blight.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY:

Section 1. The Incentive Plan attached as Exhibit 1 hereto complies with, and furthers the objectives of, the Act, and addresses the needs of the City related to the construction of workforce housing for both existing and new workers.

Section 2. The City has received a housing study within the prior five years from the date hereof.

Section 3. Based on the substantial evidence in the record of this proceeding, the Mayor and City Council find as follows:

- (a) The Incentive Plan is necessary to prevent the spread of blighted and substandard conditions within the City;
- (b) The Incentive Plan will promote additional safe and suitable housing for individuals and families employed in the City; and
- (c) The Incentive Plan and/or the use of Workforce Housing TIF will not result in the unjust enrichment of any individual or company.

Section 4. Based on the foregoing and substantial evidence in the record of this proceeding, the Mayor and City Council hereby approve and adopt the Incentive Plan; and therefore, the City and/or Community Development Agency of the City may administer and approve the use of Workforce Housing TIF for eligible redevelopment projects, in accordance with the terms of the Incentive Plan and the Act.

PASSED AND ADOPTED THIS 10TH DAY OF DECEMBER, 2024.

DEVELOPMENT AGREEMENT: Pepplitsch reviewed a proposed development agreement between Community Development Agency, City of Lexington, and Lexington Event Center LLC. He indicated the developers would renovate the vacant building and property at 402 N Grant Street for a commercial event center with acquisition assistance from the CDA and the City. Travis Maloley, Lexington Event Center, LLC, presented plans for the \$1 million renovation project and answered questions regarding improvement plans. Following discussion, moved by Salem, seconded by Roberts, to approve the development agreement and the City Manager to execute necessary documents. Roll call. Voting “aye” were Vivas, Jacob, Roberts, Salem, Fagot. Motion carried.

MICRO TIF APPLICATION: Pepplitsch presented an application for Expediated Review of Community Redevelopment Plan TIF project by Lexington Event Center LLC. The plan includes revitalization of the building and property located at 402 N Grant Street for a commercial event center in a Redevelopment Area #3 and qualifies for expedited approval per state statute. He also explained the responsibilities of the developer and the city for the project. Following discussion, moved by Roberts, seconded by Vivas, to approve the application for expediated review of community redevelopment plan TIF project as presented. Roll call. Voting “aye” were Jacob, Salem, Vivas, Roberts, Fagot. Motion carried.

RESOLUTION: Resolution No. 2024-28 was presented. Pepplitsch reviewed the resolution to convey property to the Community Development Agency for development purposes. Following discussion, moved by Vivas, seconded by Salem, to approve Resolution No. 2024-28. Roll call. Voting “aye” were Jacob, Roberts, Salem, Vivas, Fagot. Motion carried.

RESOLUTION NO. 2024 – 28

A RESOLUTION OF THE CITY OF LEXINGTON, NEBRASKA, AUTHORIZING AND DIRECTING THE TRANSFER OF REAL ESTATE TO THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA.

WHEREAS, the City of Lexington owns certain real estate for the purpose of commercial development; and

WHEREAS, the City of Lexington and Community Development Agency of Lexington, Nebraska are preparing a development project involving the same real estate, and it is in the best interest of the City to aid and cooperate in the planning, undertaking and carrying out of said development project by transferring title to said real estate to the Community Development Agency.

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, as follows:

That the Mayor is hereby directed and authorized on behalf of the City of Lexington, to execute a Deed, transferring to the Community Development Agency of Lexington, Nebraska, the following described real estate, to-wit:

The North Half (N½) of Lots Seven (7) and Eight (8) and all Lots Nine (9), Eleven (11) and Twelve (12), Block Fifty-five (55), Original Town of Plum Creek, now the City of Lexington, Dawson County, Nebraska.

Passed and approved December 10, 2024.

PAY REQUEST: Pepplitsch reviewed Pay Request #1 from Van Kirk Brothers Contracting for the Polk Street Lift Station project in the amount of \$176,555.66. Following a project update, moved by Salem, seconded by Jacob, to approve Pay Request #1 as presented. Roll call. Voting “aye” were Vivas, Roberts, Jacob, Salem, Fagot. Motion carried.

RESOLUTION: Resolution No. 2024-29 was presented. Pepplitsch indicated the NDOT is requesting Council approval of a supplemental agreement for additional engineering services for the Lexington East Viaduct project, and the resolution would authorize the Mayor to sign the agreement. Moved by Roberts, seconded by Vivas, to approve Resolution No. 2024-29 as presented. Roll call. Voting “aye” were Salem, Jacob, Vivas, Roberts, Fagot. Motion carried.

**PRELIMINARY ENGINEERING SERVICES AGREEMENT SUPPLEMENTAL
AGREEMENT NO. 7 - BK2052**

**CITY OF LEXINGTON
Resolution No. 2024 -29**

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

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 supplemental Preliminary Engineering services 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. 7 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 10th day of December, 2024, at Lexington Nebraska.

EXECUTIVE SESSION: Moved by Salem, seconded by Roberts, to enter into Executive Session at 5:51 p.m. to discuss property negotiations. Roll call. Voting “aye” were Vivas, Jacob, Roberts, Salem, Fagot. Motion carried.

Moved by Salem, seconded by Vivas, to enter into Open Session at 6:45 p.m. Roll call. Voting “aye” were Jacob, Roberts, Vivas, Salem, Fagot. Motion carried.

ROUNDTABLE: Peplitsch reminded Council and Staff the next council meeting has been moved to Monday, December 23, 2024, at 12:00 p.m. due to the holidays.

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