

**CITY COUNCIL  
CITY OF LEXINGTON, NEBRASKA  
February 13, 2024**

A Regular Meeting of the Lexington City Council was held Tuesday, February 13, 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. 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 1-23-2024:** Minutes of the Regular meeting held Tuesday, January 23, 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.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$933,095.00 were presented for Council consideration and approval. Upon review of the Claims and Bills as listed, moved by Smith, seconded by Roberts, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$230,167.35 from General Fund, \$142,657.48 from Street Fund, \$123,336.70 from TIF, \$274,851.69 from LEXUS, \$10,000.00 from Sanitation, \$70,014.15 from Ambulance, \$60,408.80 from American Rescue Plan Act, \$15,099.92 from Health Fund, and \$6,558.91 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  
February 13, 2024**

|  |  |          |
|--|--|----------|
| Alexander, Michael / Mikes Sprinklers          | LB / Maintenance Package                 | 218.50   |
| B & H Services / Service Master                | EL / OC / Cleaning Service               | 5,811.59 |
| Baker & Taylor                                 | LB / Books                               | 1,059.15 |
| Bauer Built Inc                                | ST / Tire Repair                         | 289.50   |
| Black Hills Energy                             | Natural Gas Service                      | 6,443.06 |
| Bound Tree Medical LLC                         | AMB / Medical Supplies                   | 1,004.05 |
| Bowen, Nicholas / Change Clothing              | REC/Tennis Tournament Shirts             | 1,316.58 |
| Brouillette Troshynski Kingston&Jackson PC LLO | East Lex Viaduct/Professional Svcs/Legal | 5,110.87 |
| C A Enterprises Inc                            | EL / Office Supplies                     | 1,348.39 |
| Cash-Wa Distributing Co of Kearney Inc         | MOW / Food & Supplies                    | 3,949.01 |
| Cengage Learning                               | LB / Books                               | 99.71    |
| Center Point Inc                               | LB / Books                               | 189.96   |
| Chesterman Company                             | FH / Beverages                           | 371.00   |

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|---|---|------------|
| City of Lexington                             | Interdepartmental Service Fees              | 55,749.00  |
|   | Utility Franchise Fees                      | 492.27     |
| City of Lexington / Street                    | SW / WR / Interdepartmental Service Fees    | 6,876.23   |
|   | Fuel  | 10,377.03  |
| Community Development Agency                  | TIF / HNB 1-4 / Levander                    | 123,336.70 |
| Core & Main LP                                | WR / Meters / Retrofit Kits / Parts         | 8,883.88   |
| Dana F Cole & Company LLP                     | Audit Expenses / Tax Service Support        | 2,600.00   |
| Danko Emergency Equipment Co                  | FD / Leather Fire Boots                     | 2,790.00   |
| Dan's Sanitation                              | Sanitation Fees                             | 14,120.20  |
| Davis Energy Inc                              | FD / ST / Fuel / Fuel Purchase              | 4,115.70   |
| Dawson Public Power District                  | Power Purchase                              | 110.98     |
| Demco Inc                                     | LB / Supplies                               | 173.26     |
| Downey Drilling Inc                           | WR / Hardware                               | 69.74      |
| Dutton-Lainson Company                        | EL / Meter Sockets / Hubs                   | 650.76     |
| Eilers Machine & Welding Inc                  | WR / Material                               | 57.09      |
| Electrical Engineering & Equipment Company    | FH / PK / Hardware                          | 694.13     |
| Eustis Body Shop Inc                          | PD / Auto Body Repair                       | 402.12     |
| Fagot Refrigeration & Electric Inc            | Repairs/Filters                             | 9,999.42   |
| Fastenal Company                              | SW / Supplies                               | 149.52     |
| Fremarek Inc                                  | FH / Janitorial Supplies                    | 234.20     |
| Fyr-Tek Inc                                   | FD / Parts                                  | 1,286.22   |
| Galls Parent Holdings LLC                     | PD / Uniform Expense                        | 693.88     |
| GB Auto Service Inc                           | PK / ST / Oil & Lube / Tire Repair          | 119.84     |
| Great Plains Communications                   | City / DAD / Internet Services              | 569.74     |
| Greater Nebraska Cities                       | Monthly Lobbying Services                   | 667.00     |
| Health Claims                                 | Claims                                      | 11,936.57  |
| Heather C Linden DC Inc                       | WR / Medical Claim                          | 475.00     |
| Heldt McKeone & Copley                        | Professional Fee                            | 2,700.00   |
| Hiland Dairy Foods                            | MOW / Dairy Products                        | 290.02     |
| Holbein Lawn Service                          | ST / Snow Removal / Downtown                | 470.00     |
| Homeier Ventures LLC / Bob's True Value       | PK / WR / Hardware / Tools                  | 128.63     |
| Hydro Optimization & Automation Solutions Inc | WWTP / VT SCADA Upgrade                     | 60,408.80  |
| Ideal Laundry & Cleaners Inc                  | Rug Service                                 | 725.16     |
| Ingram Library Services Inc                   | LB / Books                                  | 228.47     |
| Intellicom Computer Consulting Inc            | Tech Support / Software                     | 4,900.88   |
| Intermedia.com                                | Web Phone Charges                           | 284.53     |
| Iowa Pump Works                               | WWTP Facility Imps/Complete Station         | 7,562.00   |
| John Deere Financial / Bomgaars / Landmark    | Parts / Supplies                            | 13,760.53  |
| Jones Plumbing & Heating Inc                  | GGC / LB / PK / WR / Repairs / Parts        | 6,615.14   |
| Kearney Printing LLC / LIPS                   | AMB / Office Supplies                       | 221.52     |
| Kirk's Trenching & Septic Service LLC         | CEM / Portable Rental                       | 75.00      |
| Landmark Implement Inc                        | PK / Grasshopper Mower                      | 16,966.00  |
| Lawson Products Inc                           | ST / Tools                                  | 128.52     |
| LEE Enterprises Inc / Clipper Herald          | Publications                                | 1,520.00   |
| Leibert, Vince                                | Reimbursement/Training Manual/Workbook      | 118.88     |
| Lexington Area Chamber of Commerce            | Chamber Banquet Tix/Fagot/Salem/Smith/Vivas | 240.00     |
| Lexington Area Solid Waste Agency             | Special Waste Disposal                      | 589.04     |
| Lexington, City Payroll Account:              |   |            |
| Payroll                                       | Wages                                       | 162,300.36 |
| Social Security                               | Employer Portion / FICA Med                 | 12,067.27  |
| Union Bank & Trust                            | Employer Portion / Pension                  | 0.00       |
| Union Bank & Trust                            | Police Pension                              | 3,094.76   |
| ICMA  | City Manager Pension                        | 1,104.49   |
| Lincoln Winwater Works Company                | WR / Hardware / Parts / Tools               | 531.83     |
| Matt Friend Truck Equipment Inc               | ST / Parts                                  | 265.37     |
| McCormack Distributing Company Inc            | GGC / Equipment Repair                      | 142.53     |
| Mead Holding Company Inc / Mead Lumber        | FH / GGC / PK / REC / Lumber / Supplies     | 614.46     |

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| Melson, Dane / Anytime Fitness              | Fitness Memberships                      | 187.20    |
| Menard Inc                                  | ST / Refrigerator                        | 699.00    |
| Midwest Laboratories Inc                    | WWTP / Postage                           | 15.00     |
| Morris Printing Group Inc                   | GGC / Newsletter                         | 149.69    |
| Nebraska Department of Environment & Energy | AC / Swimming Pool Permit Renewal        | 80.00     |
| Nebraska Department of Revenue              | Sales and Use Tax                        | 66,373.38 |
| Nebraska Diplomats Inc                      | CC / Membership Dues / McFarland, B      | 350.00    |
| Nebraska Law Enforcement Training Center    | PD / TABE Testing Fees                   | 19.65     |
| Nebraska Library Association                | LB / Conference Registration / Norton, J | 45.00     |
| Nebraska Machinery Company                  | ST / Parts                               | 551.60    |
| Nebraska Safety & Fire Equipment Inc        | OC/Install Communicator/ Monitoring Acct | 1,317.00  |
| Nebraska Tech & Telecommunications          | Phone Service                            | 1,315.56  |
| Nebraska Water Experts / Culligan           | Soft Water Supplies                      | 554.33    |
| Nebraskaland Tire                           | EL / Tires                               | 425.81    |
| Nebraskalink                                | LB / Internet Service                    | 30.00     |
| NSG Logistics LLC                           | ST / Ice Slicer (179.89 Ton)             | 30,311.50 |
| O'Hara Lindsay and Associates               | Monthly Lobbying Services                | 333.00    |
| Oliver Consulting Services Inc              | LB / Data Backup                         | 45.00     |
| One Call Concepts Inc                       | Locates                                  | 31.08     |
| O'Reilly Auto Enterprises LLC               | ST / WR / Parts / Supplies               | 69.02     |
| Patton, Janelle                             | AMB / FD / Record Keeping                | 500.00    |
| Paulsen Inc                                 | Limestone/Barriers/Heat/Calcium/Gravel   | 3,470.89  |
| Platte Valley Auto Mart Inc                 | PD / ST / Oil & Lube / Auto Repairs      | 365.82    |
| Platte Valley Communications Inc            | PD / Equipment Maintenance               | 90.00     |
| Plumbing & Heating Wholesale Inc            | WR / Tools                               | 104.86    |
| Polydyne Inc                                | WWTP / Dewatering Polymer                | 15,364.00 |
| Prophet Corporation, The / Gopher           | REC / Indoor Soccer Balls                | 567.84    |
| Quadient Finance USA Inc                    | Postage                                  | 3,000.00  |
| Ramos, Saul / Saul Ramos Construction Inc   | ST / Ditch Liner / Box Culvert Clean Up  | 31,466.80 |
| Rapid Fire Protection Inc                   | FD/Fire Sprinkler & Backflow Inspection  | 250.00    |
| Rentokil NA Inc                             | WWTP / Pest Control                      | 69.61     |
| S & W Auto Parts Company                    | Equipment Parts / Hydraulic Oil          | 200.53    |
| Sandoval, Noe                               | ST / Reimbursement / Work Boots          | 58.85     |
| Schwarz, Mataya / Madeline's Café & Bakery  | CM / Meeting Meal                        | 80.28     |
| Sirchie Acquisition Company LLC             | PD / Supplies                            | 119.94    |
| SiteOne Landscape Supply Holding LLC        | ST / Snow Shovels                        | 179.94    |
| Spectrum                                    | Cable Service                            | 37.13     |
| Titan Machinery Inc- Lexington              | Service Call / Repairs / Parts           | 8,653.07  |
| TLC Lawn Care of Central Nebraska LLC       | Pre-paid Spraying                        | 12,073.00 |
| U Save Pharmacy / Business Equipment        | Medical / Office / Supplies              | 477.65    |
| Union Bank & Trust Company                  | LVFD Service Award Program Contribution  | 14,500.00 |
| Union Pacific Railroad Company              | PK / Lease Rent                          | 100.00    |
| Vak, Joseph / Lexington Animal Clinic       | PD / Animal Care                         | 838.40    |
| Village Cleaners Inc                        | GGC / Janitorial Supplies                | 64.06     |
| Vogel West Inc / Diamond Vogel              | ST / Traffic Paint                       | 3,625.00  |
| Walmart Stores Inc                          | Supplies                                 | 883.84    |
| Werner's Sprinklers / Dawson Pest Control   | FD / GGC / OC / Pest Control             | 167.05    |
| WAM Inc / Center Nebraska Bobcat            | ST / Hydraulic Fluid                     | 157.86    |
| American Family Life Assurance Co/AFLAC     | Premiums                                 | 1,612.66  |
| American Public Works Association           | ST / Membership Dues                     | 397.00    |
| Briones, Armando                            | ST / Reimbursement / Work Boots          | 48.13     |
| Cash-Wa Distributing Co of Kearney Inc      | MOW / OC / PK / ST / Food / Supplies     | 5,303.63  |
| Central Septic Tank Pumping & Plumbing      | SW / Remove Blockage                     | 550.00    |
| Core & Main LP                              | WR / Tools / Repair Parts                | 1,220.75  |
| Davis Energy Inc                            | FD / WWTP / Fuel / Grease / Oil          | 794.90    |
| Electric Systems Inc                        | GGC / Fire Alarm Inspection              | 212.40    |
| Fagot Refrigeration & Electric Inc          | WWTP / Install Heat Pump Systems (2)     | 22,397.72 |

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| Fastenal Company                           | ST / Ice Melt                               | 727.50            |
| First Interstate Bank                      | PD / LB / ST / Petty Cash / Office Expenses | 323.41            |
| Fyr-Tek Inc                                | AMB / 2024 Ford F-450 / Chassis             | 68,500.00         |
| Galls Parent Holdings LLC                  | PD / Uniform Expense                        | 337.53            |
| Health Claims                              | Claims                                      | 1,550.69          |
| Homeier Ventures LLC / Bob's True Value    | PK / Supplies                               | 23.40             |
| Kohl, Patrick J/Kohl Welding&Machining LLC | ST / Snowplow Blade Repairs                 | 80.00             |
| Landmark Implement Inc                     | ST / Grasshopper Mower                      | 18,000.00         |
| Mead Lumber                                | GGC / PK / Supplies                         | 108.82            |
| Mid-Iowa Solid Waste Equipment Company     | ST / Sweeper Parts                          | 274.36            |
| Midwest Petroleum Equipment LLC            | ST / Gas Pump Repairs                       | 1,604.79          |
| Municipal Supply                           | WR / Parts / Hardware                       | 3,201.85          |
| NE Department of Health & Human Services   | EL / Energy Assistance Returns              | 3,151.27          |
| Nebraska Machinery Company                 | ST / Parts                                  | 221.77            |
| Nebraska Safety & Fire Equipment           | FH / Annual Monitoring Fee                  | 360.00            |
| Paulsen Inc                                | ST / WR / Road Gravel / Limestone           | 675.53            |
| Platte Valley Auto Mart Inc                | PD / Oil & Lube                             | 71.34             |
| Platte Valley Communications Inc           | ST / Install Truck Radio                    | 489.05            |
| Plumbing & Heating Wholesale Inc           | WR / Pump                                   | 238.75            |
| Ryde Transit                               | GGC / Riders (63)                           | 189.00            |
| S & W Auto Parts Company                   | PK / Supplies                               | 10.49             |
| Sepulveda, Daina                           | EL / Utility Return / Overpayment           | 291.20            |
| Sirchie Acquisition Company LLC            | PD / Supplies                               | 32.45             |
| Stout, Robby B / Stout Construction        | ST / WR / Concrete Repairs                  | 15,207.00         |
| Village Cleaners Inc                       | GGC / Janitorial Supplies                   | 64.06             |
| W W Grainger Inc                           | WWTP / Hardware / Supplies                  | 833.89            |
| Wesco Distribution Inc                     | ST / Supplies                               | 724.39            |
|  | <b>TOTAL CLAIMS:</b>                        | <b>933,095.00</b> |

**BOARD OF EQUALIZATION:** The Council sat as a Board of Equalization to consider assessments for delinquent property maintenance abatement fees. Peplitsch reviewed the outstanding fees. Ordinance No. 2460 entitled “**AN ORDINANCE TO ASSESS THE COST OF PROPERTY MAINTENANCE AGAINST CERTAIN PROPERTIES; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM**” was presented. Following discussion, moved by Salem, seconded by Smith, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

Ordinance No. 2460 was presented on final reading. Moved by Salem, seconded by Roberts, to approve Ordinance No. 2460 on final reading. Roll call. Voting “aye” were Vivas, Smith, Salem, Roberts, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider an Application for Rezoning submitted by Terry and Judith Geiser for property located at 75741 Road 431 from A-1 Agricultural to R-1 Single Family Residential. Brecks explained the applicants plan to construct a new home on half of the existing lot and a rezoning designation must be completed after a lot split leaves an area less than 5 acres each. There were no public comments, and the public hearing was closed.

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider an Application for a Class B-125766 Liquor License for Family Dollar LLC dba Family Dollar 23089. Peplitsch noted there are no known issues with this application. There being no public comments, the public hearing was closed. Moved by Roberts, seconded by Smith, to recommend approval to the Liquor Control Commission of the application for Liquor License B-125766 for Family Dollar LLC dba Family

Dollar 23089 as presented. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

**RESOLUTION:** Resolution No. 2024-03 was presented. Peplitsch explained the conveyed property will be used for future community development purposes. Following discussion, moved by Salem, seconded by Vivas, to approve Resolution No. 2024-03 as presented. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

**RESOLUTION NO. 2024 – 03**

**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 community development; and

WHEREAS, the Community Development Agency of Lexington, Nebraska is 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 City Manager 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:

Lot 1 and Lot 2, Northeast Second Addition, being a Part of Northeast First Addition to the City of Lexington, Being a Part of the North One-Half of Section 32, Township 10 North, Range 21 West of the Sixth Principal Meridian, Dawson County, Nebraska.

**Passed and approved February 13, 2024.**

**RESOLUTION:** Resolution No. 2024-04 was presented. Peplitsch explained the proposed permitting/license fees are based on City costs of materials, filing fees, and employee time. Following discussion, moved by Vivas, seconded by Salem, to approve Resolution No. 2024-04 as presented. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

**RESOLUTION NO. 2024- 04**

WHEREAS, Lexington City Code authorizes the City Council to establish by Resolution various fees and charges;

BE IT THEREFORE RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the following fees and charges are established and shall take effect immediately.

**Section 1.** Building Department Fees.

|                          |                       |                 |          |
|--------------------------|-----------------------|-----------------|----------|
| Building Permits:        | \$100,001 and above   | \$500.00        |          |
|                          | \$50,001 to \$100,000 | \$250.00        |          |
|                          | \$10,001 to \$50,000  | \$150.00        |          |
|                          | \$10,000 and below    | \$50.00         |          |
|                          | Reinspection          | \$25.00         |          |
| Fence Permit             |                       | \$50.00         |          |
| Mechanical System Permit |                       | \$50.00         |          |
| Mobile Home Inspection   |                       | \$250.00        |          |
| Roofing Permit           |                       | \$50.00         |          |
| Sign Permit              |                       | \$50.00         |          |
| Sewer Service Tap        |                       | \$100.00+Actual | Expenses |
|                          |                       | Incurred        |          |
| Water Service Tap        |                       | Actual Expenses | Incurred |

**Section 2. Licensing Fees.**

|                                   |                 |          |
|-----------------------------------|-----------------|----------|
| Burn Permit                       |                 | \$10.00  |
| Mobile Home Park Operating Permit |                 | \$200.00 |
| Street Vendor:                    | 6 months        | \$200.00 |
|                                   | 12 months       | \$350.00 |
|                                   | Duplicate Badge | \$25.00  |

**Section 3. Zoning Fees**

|   |  |                         |
|---|--|-------------------------|
| Administrative Survey                     |  | \$100.00                |
| Board of Adjustment Appeal                |  | \$100.00                |
| Certificate of Occupancy—Commercial Reuse |  | \$35.00                 |
| Conditional Use Permit                    |  | \$100.00                |
| Rezoning Application                      |  | \$100.00                |
| ROW Encroachment                          |  | \$35.00 plus filing fee |
| Subdivision Application                   |  | \$100.00                |

**PASSED AND APPROVED February 13, 2024.**

**PROJECT CLOSEOUT:** Peplitsch presented Close-Out documents for the Standby Power Improvements project to include Final Pay Request and Certificate of Substantial Completion. Following an update of the project, moved by Smith, seconded by Vivas, to approve Pay Request #2-Final to Red Fern Electric LLC in the amount of \$52,773.37 and the Certificate of Substantial Completion. Roll call. Voting “aye” were Salem, Roberts, Vivas, Smith, Fagot. Motion carried.

**EXECUTIVE SESSION:** Moved by Roberts, seconded by Smith, to enter Executive Session to discuss contractual negotiations at 5:44 p.m. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts. Fagot. Motion carried.

Moved by Roberts, seconded by Salem, to enter Open Session at 6:22 p.m. Roll call. Voting “aye” were Vivas, Smith, Salem, Roberts, Fagot. Motion carried.

**ROUNDTABLE:** There were no items of 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