

**CITY COUNCIL  
CITY OF LEXINGTON, NEBRASKA  
April 13, 2021**

A Regular Meeting of the Lexington City Council was held Tuesday, April 13, 2021, 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, Finance Director Barb Hodges, Community Development Director Bill Brecks, and City Clerk Pamela Baruth. The press was represented by Clipper-Herald and Tri-City Trib.

**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 3-23-2021:** Minutes of the Regular meeting held Tuesday, March 23, 2021, were presented. Moved by Smith, seconded by Salem, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$767,126.94 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Vivas, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$226,963.73 from General Fund, \$110,325.03 from Street Fund, \$352,127.39 from LEXUS, \$10,000.00 from Sanitation, \$4,221.32 from Ambulance, \$57,541.11 from Health Fund, and \$5,948.36 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 13, 2021**

Abdo Publishing	LB / Books	20.95
B & H Services / Service Master	EL / OC / Cleaning Service	5,292.07
Baker & Taylor	LB / Books	707.14
Barco Municipal Products	ST / Sign Lettering	240.46
Black Hills Energy	Natural Gas Service	2,666.68
Blue to Gold	PD / On-Demand Officer Training	2,322.00
Boling, Michael	Reimburse/Mileage/Meals/Training/Lodging	410.15
Bound Tree Medical	AMB / Medical Supplies	58.45
BSN Sports	REC / Volleyball Net	81.74
Cash-Wa Distributing	MOW /PK / Food & Supplies	1,994.79
Cengage Learning	LB / Books	214.33
Central Community College	PD / CPR Classes / Robb, W	71.00
Central Septic Tank Pumping/Area Svcs	SW/Pump Lift Station/Soccer Field	350.00

Citibank NA / CNH / Titan Machine	ST/WR/WWTP/Repairs/Parts	4,819.80
City of Lexington / General Fund	Interdepartmental Service Fees	55,749.00
City of Lexington / Street	SW/WR/Interdepartmental Service Fees	5,651.89
	Fuel	10,428.82
City of Lexington/Utility Franchise Fees	Fees	414.02
Core & Main	WR / Water Meters / Parts	5,118.12
Country Partners Coop	CEM / FD / PK / Fertilizer Blend / Fuel	1,372.75
County of Dawson - Register of Deeds	Filing Fees	10.00
Danko Emergency Equipment	FD/Rescue Rope/Helmet Visor/Bracket	1,520.50
Dan's Sanitation	Sanitation Fees	14,325.60
Davis Energy	FD/PK/ST/Fuel Purchase/Lubrication	4,048.23
Dawson Public Power District	Power Purchase	79.47
Depository Trust Company	15 GO Bond/18 CU Bond/Interest	20,586.25
Diaz, Salomon / S & D Contractors	WR/Concrete Repair/Water Main Leaks	4,712.28
Eakes Inc	LB / Supplies	22.47
Electrical Engineering & Equipment	EL / GGC / Conduit / Parts / Supplies	597.44
Energy Pioneer Solutions	Payments	65.15
Fitzgerald, Matthew	FD/Reimburse/Mileage/Meals/Training	66.51
FYR-TEK	FD / Equipment Parts / Hose	4,430.45
Galls	PD / Uniform Expense	160.04
Government Finance Officers Assn	CT / Membership Renewal / Hodges, B	190.00
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Health Claims	Claims	55,029.57
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	408.87
Homeier Ventures / Bob's True Value	GGC / REC / Fieldhouse / Parts	91.98
Ideal Laundry & Cleaners	Rug Service / March 2021	732.32
Infodynamics	Annual Support Agreement	1,139.00
Ingram Library	LB / Books	105.15
Intellicom Computer Consulting	Tech Support / Software	7,565.50
Intermedia	Digital Phone Service	284.77
Invest Plus / Plum Creek Market Place	LB / MOW / Covid Supplies / Food	151.19
Iowa Pump Works	NW East Addition/Packaged Pump Station	98,400.00
John Deere Financial	Parts/Tools/Supplies	1,083.60
Jones Plumbing & Heating	Parts/Service/Repairs	2,484.01
J-Spot Services	EL/Hydro-Vac/S Adams/Commerce Rd	2,858.75
Kirk's Trenching & Septic / Johnny On the Spot	CEM / Portable Rental	75.00
Lawson Products	ST / Drill Bits	28.02
LEE BHM / Lexington Clipper Herald	Publications	1,942.67
Lexington Area Solid Waste Agency	Waste Removal	1,490.10
Lexington, City Payroll Account		
Payroll	Wages	151,680.64
Social Security	Employer Portion / FICA Med	11,318.44
Union Bank & Trust	Employer Portion / Pension	4,837.98
Union Bank & Trust	Police Pension	3,219.35
ICMA	City Manager Pension	951.23
Lexington Recreation Program	Concessions/Admissions/Baseball/StartUp	2,000.00
McFadden, Ryan/McFadden Auto Rep	CEM / Automobile Repairs	795.43
Mead Lumber	Parts/Supplies/Lumber	614.50
Melson, Dane / "Anytime Fitness"	Fitness Memberships	149.95
Meritain Health	Health Premium	35,996.60

Midlands Contracting	Clean/Vac/Sewer Lines/Taft/MRK/Tyson	5,250.00
Morris Press	GGC / Newsletter	97.00
Municipal Supply	WR / Encapsulation Sleeve	843.27
Nebraska Dept of Revenue	Sales and Use Tax	73,895.26
Nebraska Dept of Transportation	Turning Lane/Hwy 21&20th/City Cost	58,316.59
Nebraska Rural Radio / KRVN	EL/NPPD Cooperative Advertisements	208.80
Nebraska Safety & Fire Equipment	REC/Fieldhouse Fire Alarm Inspection	145.00
Nebraska Tech & Telecommunications	Phone Service	1,190.08
Nebraska Water Experts / Culligan	Soft Water Supplies	564.81
Nebraskaland Tire	ST / Auto Repairs	246.40
O'Hara Lindsay and Associates	Lobbying Services/2021 Registration	333.00
Oliver Consulting Services	LB / Tech Support / Data Backup	562.50
One Call Concepts	Locates	211.21
O'Reilly Auto Parts	ST / Parts / Supplies / Tools	503.50
Overton Golf Club	CM / Membership	872.00
Paper Tiger Shredding	Document Destruction	302.00
Paulsen Inc	ST / Road Gravel	139.52
Platte Valley Auto	Parts/Repairs/Oil/Lube	2,471.71
Platte Valley Communications	Maintenance / Camera Maintenance	205.70
Precision Detail / Julie Thalman	FD/Firehall Cleaning Svc/March 2021	280.00
Precision Plumbing	OC / Faucet Installation	512.00
RailPros	EL/Flagging/New Line Over Railroad	1,423.00
Rentokil NA / Presto-X	WWTP / Pest Control	139.00
RuralMed Management Resources	GGC / Foot Clinic	155.00
Ryde Transit	GGC / Riders / January - March 2021	86.00
S & W Auto Parts	CEM / PK / ST / WWTP / Parts	224.81
Sandry Fire Supply	FD / Air Mask Testing / Repairs	1,398.00
Scheppy, Charles / Best Books Inc	LB / Books	1,406.21
Schroeder, Mickey / Platte Valley Glass	ST / Windshield Replacement	245.00
Spectrum	Cable Service	26.90
Taste of Home Books	LB / Books	38.50
Trejo, Alejandra	FD/Reimburse/Mileage/Meals/Training	44.01
Tri City Printers / Tri City Tribune	REC / Baseball Sign-Up Publication	247.50
Unitech	ST / Lubricant	195.50
US Foods	MOW / Food & Supplies	1,441.70
USA Communications	Internet Service	360.59
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	606.00
Village Uniform	GGC / Janitorial Supplies	58.12
Vogel West Inc / Diamond Vogel	ST / Traffic Paint / Brushes	1,127.36
Werner's Sprinklers/Dawson Pest Control	FD / GGC / OC / Pest Control	159.10
Wesco Distribution	EL/ST/LED Photo Control / Raincoats	191.75
YMCA of the Prairie	Fitness Memberships	1,219.03
Baker & Taylor	LB / Books	83.12
Cash-Wa Distributing	MOW / Food & Supplies	627.74
Country Partners Coop	PK / Herbicide	15.76
Danko Emergency Equipment	FD / Bunker Gear	2,840.29
Davis Energy	ST / Fuel Purchase	5,265.47
Dutton-Lainson Company	EL / Meter Socket / Meter Socket Hubs	264.70
Fremarek	SW / Jetter Foam	216.86
Health Claims	Claims	2,511.54
Hiland Dairy Foods	MOW / Dairy Products	255.08

League of Nebraska Municipalities	WR / Virtual Conference / Nelson, T	325.00
Lexington Health Fund	Self-Funding	44,204.35
Lexington Volunteer Fire Department	AMB/Qtrly Ground Services Revenue	2,725.26
Mead Lumber	PK / Parts / Supplies	2.49
Micromarketing	LB / Books	29.99
Nebraskaland Tire	ST / Oil & Lube	50.63
Nebraskalink Holdings	LB / Internet Service	15.00
Plum Creek Medical Group	PD / Physical / Robb, W	183.00
Quick Med Claims	AMB / Billing Services	1,027.46
RuralMed Management Resources	GGC / Foot Clinic	70.00
TO Haas	ST / Tires	171.04
US Foods	MOW / Food	391.92
Utility Service Company	WR / Water Tower Tank Service	9,964.12
Village Uniform	GGC / Janitorial Supplies	58.12
Vogel West Inc / Diamond Vogel	ST / Tools	114.72
Watch Guard	PD / Transmitter	45.00
Weathercraft Company	LB / Roof Leak Repair	124.68
	<b>TOTAL CLAIMS:</b>	<b>767,126.94</b>

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider a Community Development Block Grant application. Fr. Matt Koperski, St Ann’s Catholic Church, explained the requested grant funds of \$485,000 would be used to upgrade the St Ann’s Parish Center for pandemic and disaster response. The city would sponsor the application and administer an award, with no fiscal obligation to the project. There were no public comments and the public hearing was closed. Following discussion, Resolution No. 2021-09 was presented. Moved by Salem, seconded by Smith, to approve Resolution No. 2021-09. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

**RESOLUTION NO. 2021-09**

**A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR CDBG FUNDS.**

WHEREAS, the City of Lexington, Lexington, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and,

WHEREAS, the City of Lexington, Lexington, Nebraska, has obtained its citizens’ comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application for an amount of \$485,000 for the St. Ann’s Parish Hall facility improvements, and general administration and construction management. These funds will be used in the prevention, preparedness and response to the COVID-19 Pandemic; and,

NOW, THEREFORE BE IT RESOLVED BY the Council of the City of Lexington, Nebraska that John Fagot, Mayor, be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Lexington and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

**Passed and Approved this 13<sup>th</sup> day of April 2021.**

Moved by Salem, seconded by Vivas, to approve a Certification of Chief Elected Official for Application, Statement of Assurances and Certifications, Citizen Participation Plan, Residential Anti-Displacement and Relocation Assistance Plan, and Four Factor Analysis Assessing Limited English Proficiency and Language Assistance Plan as presented. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider the proposed Service Master Redevelopment Contract for a project in Redevelopment Area #1. Pepplitsch reviewed the redevelopment contract, noting B & H Services Inc is seeking to construct an 8,000 square foot facility for customer related services and includes public parking, access, and landscaping. He also reviewed TIF funding details, noting there is no monetary responsibility of the CDA or the City. There were no public comments, and the public hearing was closed. Resolution No. 2021-10 was presented. Following discussion, moved by Vivas, seconded by Salem, to approve Resolution No. 2021-10. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

**RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA APPROVING A REDEVELOPMENT PLAN, INCLUDING A REDEVELOPMENT CONTRACT; AND RELATED MATTERS.**

**WHEREAS**, the City of Lexington, Nebraska, a municipal corporation and city of the first class (the “**City**”), has determined it to be desirable to undertake and carry out urban redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment; and

**WHEREAS**, the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “**Act**”), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

**WHEREAS**, the City has previously declared the area legally described in **Attachment 1** attached hereto (the “**Redevelopment Project Area**”) to be blighted and substandard and in need of redevelopment pursuant to the Act; and

**WHEREAS**, the Community Development Agency of Lexington, Nebraska (the “**Agency**”) has prepared or caused to be prepared a Redevelopment Plan, including a Redevelopment Contract (collectively, the “**Redevelopment Plan**”), in the form attached hereto as **Attachment 2**, for the redevelopment of the Redevelopment Project Area; and

**WHEREAS**, the Agency and the Planning Commission of the City (the “**Planning Commission**”) have both reviewed the Redevelopment Plan and recommended its approval by the Mayor and Council of the City; and

**WHEREAS**, the City published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing on the proposal to approve the Redevelopment Plan; and

**WHEREAS**, the City has reviewed the Redevelopment Plan and determined that the proposed land uses and building requirements described therein are designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

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

**Section 1.** The Redevelopment Plan is hereby determined to be feasible and in conformity with the general plan for the development of the City as a whole, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act; and it is hereby found and determined, based on the analysis conducted by the Agency, that the plan uses funds authorized in Section 18-2147 of the Act; (i) the redevelopment project in the plan would not be economically feasible without the use of tax-increment financing; (ii) the redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing; and (iii) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long-term best interest of the community impacted by the redevelopment project.

The City acknowledges receipt of notice of intent to enter into the redevelopment contract included within the Redevelopment Plan in accordance with Section 18-2119 of the Act, and the recommendations of the Agency and the Planning Commission with respect to the Redevelopment Plan.

**Section 2.** The Redevelopment Plan is hereby approved in substantially the form attached hereto, with such immaterial changes, additions, or deletions thereto as may be determined to be necessary by the Agency. The Agency is hereby authorized to execute the redevelopment contract contained within the Redevelopment Plan and to take all actions necessary and convenient to implement the Redevelopment Plan.

**Section 3.** In accordance with Section 18-2147 of the Act, the City hereby provides that any ad valorem tax on real property in the Redevelopment Area for the benefit of any public body be divided as follows for a period of 15 years after the effective date as provided in Section 18-2147 of the Act, which effective date shall be set forth in the Redevelopment Contract. Said tax shall be divided as follows:

- (a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the Redevelopment Project Valuation (as defined in the Act) shall be paid into the

funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and

(b) That proportion of the ad valorem tax on real property in the Project Area in excess of such amount (the Redevelopment Project Valuation), if any, shall be allocated to, is pledged to, and, when collected, paid into a special fund of the Agency to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Agency for financing or refinancing, in whole or in part, the Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Agency shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in the Project Area shall be paid into the funds of the respective public bodies.

**Section 4.** The City Manager is hereby authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

**PASSED AND APPROVED** this 13<sup>th</sup> day of April, 2021.

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider an Application for Conditional Use Permit for a meeting facility to be located at 110 East 6<sup>th</sup> Street. Brecks outlined occupancy codes, parking requirements, and the standards for conditional uses. Jesus Tamaya-Ramirez, daughter of Lorena Ramirez, stated that she intends to make the property available for meetings and small social gatherings. There were no public comments and the public hearing was closed. Following discussion, moved by Salem, seconded by Smith, to approve a Conditional Use Permit and agreement for property located at 110 East 6<sup>th</sup> Street as presented. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

**PUBLIC HEARING:** Mayor Fagot opened a public hearing to consider a liquor license application by Casey’s Store #2068, D-124248. Baruth explained the change in liquor license type would give consistency to types of alcohol sold at local stores. There were no public comments and the public hearing was closed. Moved by Roberts, seconded by Smith, to recommend to the Liquor Control Commission approval of the application. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

**WASTEWATER PLAN IMPROVEMENTS:** Peplitsch reviewed plans for the 2021 Wastewater Plant Improvements project and requested authorization to solicit bids. Project construction improvements include new headworks facilities, primary clarifiers, and associated piping and control systems. Following discussion, moved by Roberts, seconded by Salem, to approve plans and specifications for the Wastewater Plant Improvements project and to authorize the solicitation of bids. Roll call. Voting “aye” were Vivas, Smith, Salem, Roberts, Fagot. Motion carried.

**WORK SESSION:** Moved by Roberts, seconded by Vivas, to schedule a Work Session for Saturday, May 1, 2021, at 8:00 a.m. Roll call. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

**ROUNDTABLE DISCUSSION:** Peplitsch gave an update of current projects.

**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