

**CITY COUNCIL  
CITY OF LEXINGTON, NEBRASKA  
August 8, 2023**

A Regular Meeting of the Lexington City Council was held Tuesday, August 8, 2023, at Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Steve Smith, and Jeremy Roberts. Dora Vivas was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Finance Director Barb Hodges, and City Clerk Pamela Baruth. The press was represented by The 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 7-25-2023:** Minutes of the Regular meeting held Tuesday, July 25, 2023, were presented. Moved by Smith, seconded by Salem, to approve the minutes as presented. Roll call. Voting “aye” were Roberts, Salem, Smith, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,043,774.44 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Salem, seconded by Roberts, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$666,535.03 from General Fund, \$43,096.89 from Street Fund, \$1,613.40 from TIF Fund, \$269,853.97 from LEXUS, \$25,000.00 from Sanitation, \$24,060.72 from Ambulance, \$4,433.79 from Health Fund, and \$9,180.64 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Smith, Roberts, Salem, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
August 8, 2023**

American Playground Company	PK / Swing Seat	143.00
Associated Supply Company Inc	AC / Chemicals	148.24
B & H Services / Service Master	EL / GGC / Cleaning Service	254.31
Baker & Taylor	LB / Books	1,293.82
Black Hills Energy	Natural Gas Service	333.61
Bowen, Nicholas / Change Clothing	REC / Triathlon Shirts	497.84
Brooks, Gary E & Cheryl L / Meridian Rentals	Blower/Trimmer Heads/Charger/Pole Saw	637.95
Cash-Wa Distributing	AC/MOW/Concessions/Food/Supplies	2,979.55
Castaneda, Allen	PD / Training Mileage	235.80
Cengage Learning	LB / Books	128.20
Chesterman Company	AC / REC / Beverages	344.50
City of Lexington	Interdepartmental Service Fees	55,749.00
	Utility Franchise Fees	371.95
City of Lexington / Economic Development	OC / Repayment / Funds Used 2010-2011	300,000.00

City of Lexington / General Fund	Service Fees / Wages & Benefits / Glaze, D	21,809.96
	Interdepartmental Service Fees / Meals	5,000.00
City of Lexington / Landfill	Annual Transfer	15,000.00
City of Lexington / Street	SW / WR / Interdepartmental Service Fees	6,876.23
	Fuel	12,080.52
Community Development Agency	Annual Funding	50,000.00
	Refund/2019 Duplicate Pymts from Mead	1,677.39
Consolidated Management Company	PD / Training Meals / Castaneda, Allen	169.25
Core & Main LP	WR / Meters	8,558.15
County of Dawson - Register of Deeds	Filing Fees	26.00
Country Partners Cooperative	REC / Propane Refill	14.95
Dan's Sanitation	Sanitation Fees	14,894.47
Davis Energy	FD / ST / Fuel	314.76
Dawson Public Power District	Power Purchase	80.96
Eakes Inc	LB / Supplies	66.86
Electrical Engineering & Equipment Co	FH / Hardware / Lights	77.98
Fagot Refrigeration & Electric Inc	REC / Repairs	252.54
Florell, Kelly T / Kelly's Sales & Ag Service	ST / Flatbed / Installation	4,413.35
First Interstate Bank	LB / Petty Cash	222.67
Fremarek Inc	PK / Herbicide	251.58
Galls Parent Holdings LLC	PD / Uniform Expense	193.99
Galdamez Zacarias, Jackeline / Quadem	PD / Plaque	50.00
GB Auto Service Inc	Equipment Tire/Tires/Repairs	693.97
Great Plains Communications	City Internet Services	346.10
Greater Nebraska Cities	Monthly Lobbying Services	667.00
HD Supply Inc	CEM / Discharge Hose	199.45
Health Claims	Claims	4,403.79
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	338.17
Homesports LLC	REC / Equipment Parts	40.00
Ideal Laundry & Cleaners	Rug Service	757.10
Ingram Library	LB / Books	202.91
Intermedia.com	Web Phone Charges	279.72
Jones Plumbing & Heating	ND / OC / PK / Parts	182.75
Kirk's Trenching & Septic Service LLC	CEM / PK / Portable Rental / Cleaning	175.00
League of Nebraska Municipalities	2023-2024 Membership Dues / Utilities	6,302.00
LEE Enterprises Inc / Clipper Herald	Publications	914.90
Lexington Health Fund	Quest Testing	8,666.40
Martin Electric Company	FD / Lamps	31.90
Mead Lumber	ND / PK / Tools	145.93
Midland Scientific Inc	WWTP / Lab Testing	351.44
Mid-States Automation & Control Inc	OC/Preventative Maint/Heat Pump Repairs	3,776.50
Midwest Laboratories Inc	WWTP / Testing	251.50
Miller, Trever	FD / Record Keeping	250.00
Morris Printing Group Inc	GGC / Newsletter	138.76
Nebraska Dept of Revenue	Sales and Use Tax	63,580.80
Nebraska Water Experts / Culligan	Soft Water Supplies	468.45
Nebraskaland Tire	DS / Brake Service	824.94
Nebraskalink	LB / Internet Service	30.00
Odeys Inc	REC / Tools / Grass Seed	903.77
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
O'Reilly Auto Parts	ST / Tools	27.99
Paulsen Inc	PK/ST/Sand/Gravel/Mesh/Veterans Pavilion	4,438.00
Platte Valley Auto	PD / Oil & Lube / Brake Service	548.65
Platte Valley Communications	Equipment Transfer/Maint on Fixed Equipmen	6,161.15
Plumbing & Heating Wholesale Inc	CEM / Parts	336.16
Polydyne Inc	WWTP / Dewatering Polymer	15,364.00

Rentokil NA / Presto-X	LB / WWTP / Pest Control	168.37
Richardson, Calvin N / Richardson Mowing	LB / Lawn Care	300.00
Roemmich, Austin	AMB / Record Keeping	250.00
S & W Auto Parts	CEM / PD / PK / Parts	80.13
Schwarz, Mataya / Madeline's Café & Bakery	CM / Meeting Meal	101.01
Spectrum	Cable Service	37.13
State of Nebraska - Department of Labor	Unemployment Insurance	2,808.00
Tappan, Jeffery / Mac's Shortstop	REC / Supplies	101.38
Terryberry	PD / Retirement Recognition	208.24
TL Sund Constructors Inc	PK / Re-Grade Dirt Work	3,050.00
Travelers-RMD	FD/2023-2024 Workers Compensation Prem	3,015.00
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	1,353.25
Village Cleaners Inc	GGC / Janitorial Supplies	64.06
W W Grainger	WWTP / Parts	38.91
Walmart	AC/LB/ND/PD/REC/ST/WWTP / Supplies	1,017.26
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	167.05
ARK I CEA Holdco LLC / Solsystems	Solar Power Purchase / Airport Road	16,043.86
B & H Services / Service Master	OC / Cleaning Service	5,428.00
Baker & Taylor	LB / Books	296.41
Bennett, Curtis W / Sign Pro	ST / Vinyl Decal / City Truck	35.00
Byrns Floorcovering Inc	Carpet Council Chamber/Tile Restrooms/Final	26,691.95
Cash-Wa Distributing	AC / REC / Concessions	1,601.82
Cengage Learning	LB / Books	23.25
Center Point Inc	LB / Books	189.96
Community Development Agency	TIF / HNB 2 / Area #5	1,613.40
Complete Underground LLC	EL/Service/Repair Bad Underground Lines	13,721.97
Davis Energy	ST / Fuel Purchase	7,067.97
Electrical Engineering & Equipment Co	EL / PK / Hardware / Parts	122.05
Fagot Refrigeration & Electric Inc	CEM / Service Call / Parts	186.10
GB Auto Service Inc / TO Haas	PK / Tire Repair	33.98
Grimm's Gardens	CC / Linden Tree / Tree Board	205.71
Holbein Lawn Service	FD / Lawn Care	220.00
Homeier Ventures LLC	PK / Keys	5.58
Intellicom Computer Consulting Inc	Tech Support / Software	5,535.50
Invest Plus / Plum Creek Market Place	CM / MOW / Food & Supplies	70.58
John Deere Financial / Bomgaars	AC/CEM/FD/PK/ST/WWTP/Parts/Supplies	752.16
Jones Plumbing & Heating	CEM / Parts	943.61
League of Nebraska Municipalities	2023-2024 Annual Dues	20,231.00
Lexington Area Solid Waste Agency	Special Waste Disposal	1,144.15
Lexington, City Payroll Account		
Payroll	Wages	192,276.05
Social Security	Employer Portion / FICA Med	14,424.26
Union Bank & Trust	Employer Portion / Pension	5,419.52
Union Bank & Trust	Police Pension	3,885.01
ICMA	City Manager Pension	1,085.25
Matt Friend Truck Equipment Inc	ST / Safety Light Mount	429.45
Mead Lumber	ND/PK/ST/WR/Cabinets/Hardware/Lumber	3,500.62
Melson, Dane / Anytime Fitness	Fitness Memberships	187.20
Mid-State Engineering & Testing	2021 Wastewater Facility Imps/Testing	370.00
Nebraska Department of Agriculture	PD / Annual Animal Control Fees	175.00
Nebraska Rural Radio Association	ST / WR / Classified Advertisements	250.00
Nebraska Tech & Telecommunications	Phone Service	1,683.10
Odeys Inc	REC / Mound Clay / Field Marking Paint	953.90
One Call Concepts Inc	Locates	96.40
O'Reilly Auto Parts	ST / Supplies / Parts	139.62
Paulsen Inc	ST / Sand & Gravel / Fiber Mesh	445.00
Platte Valley Auto	PD / Oil & Lube	67.97

S & W Auto Parts	ST / Parts	17.37
State of Nebraska / Public Health Lab	PD / Testing	105.00
Stout, Robby B	PK/ST/Vets Pavilion Sidewalk/Curb Repairs	9,190.00
TextMyGov	ND / Software Management / Support	3,500.00
Tyler Technologies	Annual Maint/Software/Service Fees	59,015.58
U Save Pharmacy / Business Equipment	EL / GGC / LB / ST / Supplies	638.07
US Foods	MOW / Food & Supplies	883.70
Vitito, Dale / Jack's Uniforms & Equipment	PD / Badge	100.99
Western Pathology Consultants Inc	Lab Testing	30.00
	<b>TOTAL CLAIMS:</b>	<b>1,043,774.44</b>

**ORDINANCE:** Ordinance No. 2456 entitled “AN ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA, AMENDING SECTION 22-23 OF THE LEXINGTON CITY CODE, RELATING TO THE SALE AND DISCHARGE OF FIREWORKS WITHIN THE CORPORATE LIMITS; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE AND FOR PUBLICATION IN ELECTRONIC FORM.” was presented on Second Reading. Fagot stated he has received numerous calls from citizens regarding concerns of shift work disturbance, firework costs, times for discharge and general nuisance. Troy Wuehler, Ryan Shotkoski, and Bernie Valish expressed their concerns regarding limited sale days hurting retailers. They also questioned limiting days of sales to one day during the winter season. Following discussion, moved by Salem, seconded by Roberts, to approve Ordinance No. 2456 on second reading. Roll call. Voting “aye” were Smith, Salem, Roberts, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch reviewed Pay Request #2 for the Lexington Racquet Center project from TL Sund Constructors Inc. in the amount of \$593,537.40. Following a project update, moved by Smith, seconded by Roberts, to approve Pay Request #1 as presented. Roll call. Voting “aye” were Salem, Roberts, Smith, Fagot. Motion carried.

**PAY REQUESTS:** Peplitsch reviewed Pay Requests #11, #12, and #13 from Lacy Construction for the Veteran’s Pavilion at Kirkpatrick Memorial Park project in the amounts of \$30,366.32, \$6,231.59, and \$114,338.23 respectively. Following a project update, moved by Salem, seconded by Roberts, to approve Pay Requests #11, #12, and #13, as presented. Roll call. Voting “aye” were Smith, Roberts, Salem, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch reviewed Pay Request #23 from Walters Morgan Construction for the 2021 Wastewater Facility Improvements project in the amount of \$364,949.53. Following a project update, moved by Roberts, seconded by Smith, to approve Pay Request #23 as presented. Roll call. Voting “aye” were Salem, Smith, Roberts, Fagot. Motion carried.

**AWARD OF BID:** Peplitsch reviewed bids received for the Well #10 Water Main project. Following discussion, moved by Smith, seconded by Salem, to accept bids and award a contract for the Well #10 Water Main project to Van Kirk Brothers Co. at the price of \$59,563.00 and to authorize the execution of necessary documents. Roll call. Voting “aye” were Roberts, Salem, Smith, Fagot. Motion carried.

**BUDGET:** Council and Staff discussed a draft of the FY 2024 budget proposal, focusing on General Fund and Enterprise Fund.

**ROUNDTABLE DISCUSSION:** Peplitsch gave an update on current projects. Burnside noted the Veteran Memorial Committee has a website for the sale of bricks for the Memorial Wall at the Veterans Pavilion at Kirkpatrick Memorial Park.

**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