

CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
June 27, 2023

A Regular Meeting of the Lexington City Council was held Tuesday, June 27, 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 excused. 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 6-13-2023: Minutes of the Regular meeting held Tuesday, June 13, 2023, were presented. Moved by Smith, seconded by Roberts, to approve the minutes as presented. Roll call. Voting “aye” were Salem, Roberts, Smith, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,973,954.93 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 \$331,657.20 from General Fund, \$118,492.06 from Street Fund, \$1,411,220.08 from LEXUS, \$40,688.76 from Sanitation, \$1,962.65 from Ambulance, \$65,382.86 from Health Fund, and \$4,551.32 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
June 27, 2023

Abundiz, Maria	Electric Rebate	2,325.00
AFLAC	Premiums	1,679.89
American Playground Company	PK / Equipment / Rubber Mulch	3,700.00
Arredondo, Rogelio	Electric Rebate	1,750.00
B & H Services / Service Master	Cleaning Service	6,110.00
Baird Holm LLP	Professional Services / Pension	351.00
Baker & Taylor	LB / Books	1,385.44
Bauer Built Inc	ST / Tire Repair	292.29
Beachy, Mark	Electric Rebate	1,875.00
Beverly Bogle Louthan PC	Professional Fees	1,200.00
Bound Tree Medical LLC	AMB / Medical Supplies	1,200.77
Business Card / Bank of America		
American Red Cross	AC / Lifeguard Training & Certification	2,613.00
Aquatrol Inc	CEM / Relief Valves	843.98
Facebook / META	REC / Advertisements / 4th of July 5K	23.48
Glowforge	CM / Blank Plaques	146.39
LinkedIn	CT / Job Posting / Finance Director	524.56

Mead Lumber	CM / Plywood	12.71
Menards	FD / Supplies	20.84
Microsoft	LB / Software	9.75
NE Dept. of Environment & Energy	AC / Pool Operators Certificates	120.00
NE League of Municipalities	CT / Conference Registration / Hodges, B	438.00
Raising Canes - Grand Island	PD / Travel Meals	30.60
U Save Business Equipment	PD / Certificate Frame	40.65
United States Postal Service	WR / Postage	158.39
Veridesk	EL / Standing Desk / Mats	504.24
Walmart	AMB / Router	52.43
Cash-Wa Distributing	Food/Supplies/Concessions	6,644.20
Castaneda, Allen	PD / Training Mileage	235.80
Cengage Learning	LB / Books	319.32
Chesterman Company	AC / REC / Beverages	874.50
CNH Industrial America LLC / Titan	ST / Parts / Repairs	2,218.46
Consolidated Management Company	PD / Training Meals / Castaneda, A	219.50
Country Partners Cooperative	REC / ST / WWTP / Propane / Herbicide	318.41
County Of Dawson - Treasurer	WR / Vehicle Sales Tax	2,583.30
Crouch Recreation Inc	PK / Parts / Splashpad	137.62
Danko Emergency Equipment	FD / Hook & Fork	233.85
Davis Energy	FD / ST / Fuel / Grease	545.99
Demco Inc	LB / Supplies	325.00
Eakes Inc	Supplies/Copier Exp/DocManagment Support	2,275.02
Evans, Nancy	Electric Rebate	1,650.00
Fagot Refrigeration & Electric Inc	WWTP / Freon	255.00
Fagot, Tom	Electric Rebate	140.00
Fremarek Inc	PK / Janitorial Supplies	1,443.83
GB Auto Service Inc	CEM / Tire Repair	39.99
Great Plains Uniforms LLS SCORP	PD/Tactical/Ballistics Vests/Uniform Exp	12,185.00
Haines, Derek	Electric Rebate	30.00
Health Claims	Claims	36,212.91
Hiland Dairy Foods	MOW / Dairy Products	295.10
Homeier Ventures LLC / Bob's True Value	PK / WWTP / Supplies	74.60
Holbein, Dahlas	AMB/FD/Truck Maint/Fueling/Cleaning	1,500.00
Hydro Optimization&Automation Solutions Inc	WWTP / Decanter Controls	4,819.28
IGS ORIX Solar I	Solar Power Purchase	49,040.78
Ingram Library Services	LB / Books	159.83
J & A Traffic Products	ST / SW / Sign Anchors / Paint	788.00
JEO Consulting Group	PK / ST / Professional Services	10,705.00
Lacy Construction Company	Electric Rebate	13,725.00
Lexington Health Fund	Self-Funding	54,436.25
Lexington Housing Authority	Electric Rebate	180.00
LEXUS	Utilities	46,197.18
Lo, Ling	Electric Rebate	1,650.00
Mead Holding Company / Mead Lumber	AC / DS / ST / Supplies / Hardware	50.65
Meritain Health	Health Premium	32,677.92
Mid-States Automation & Control Inc	OC / Preventative Maintenance	3,625.00
Moritz, Gary	Electric Rebate	540.00
National Assoc Of School Resource Officers Inc	NASRO Training Registration / Kinney, J	500.00
Nebraska Dept Of Environment & Energy	Class II Operator Certification Test/ Philippi	125.00
Nebraska Rural Radio Association	EL / NPPD Cooperative Ads	132.50
Nebraskaland Tire	WWTP / Equipment Tire	55.89
Northeast Nebraska Tire & Trailer Sales LLC	ST / 28' Tandem Trailer	15,723.00
O'Reilly Auto Parts	ST / Auto Parts	1,028.29
Paulsen Inc	ST / Limestone / Sand & Gravel	825.29
Platte Valley Auto Mart	ST / WR / 2023 Ford F-150 Pickup (2)	72,985.00
Principal	Dental Premium	3,977.22
Purple Wave Inc / Purple Wave Auction	PK / 2020 Genie Z-45-25J Boom Lift	45,237.64

Quick Med Holdings LLC	AMB / Billing Service	210.65
S & W Auto Parts	PD / PK / ST / Parts / Supplies	161.92
Schroeder, Mickey / Platte Valley Glass	ST / Install Glass	125.00
Smith, Kelly R / Smith Irrigation	CEM / Sprinkler Parts	313.92
Souчек, Ron	Electric Rebate	1,650.00
Standard Insurance Company	Life Insurance Premiums	998.19
State of NE / Public Health Environmental Lab	WR / Testing	121.00
TASC	Administration Fees	175.62
Verizon Wireless	Cellular Service	416.93
Village Cleaners Inc	GGC / Janitorial Supplies	64.06
Vontz, Kimberlyn	Electric Rebate	140.00
VSP / Vision Service Plan	Vision Premium	1,104.63
W W Grainger Inc	WWTP / Traction Devices	69.44
YMCA of the Prairie	Fitness Memberships	1,446.00
Axxent Buildings LLC	CEM / WWTP / Repairs / Overhead Door	243.88
Cash-Wa Distributing	AC/MOW/Food/Supplies/Concessions	1,969.91
Center Point Inc	LB / Books	189.96
City of Lexington	Utility Franchise Fees	92,619.44
Dan's Sanitation	Sanitation Fees	40,688.76
Davis Energy	ST / Fuel Purchase	4,733.17
Follett School Solutions Inc	LB / Supplies	623.07
Health Claims	Claims	26,893.15
Hiland Dairy Foods	MOW / Dairy Products	221.21
Holmes Plumbing & Heating Supply Company	ST / 6" Metal Blades	317.46
Kohl, Patrick J/Kohl Welding & Machining LLC	CEM / Water Tank Repairs	144.56
Lexington City Payroll Account		
Payroll	Wages	207,207.79
Social Security	Employer Portion / FICA Med	15,529.43
Union Bank & Trust	Employer Portion / Pension	5,630.27
Union Bank & Trust	Police Pension	3,362.83
ICMA	City Manager Pension	1,078.84
Matheson Trigas Inc	AMB / Medical Oxygen	83.30
Mead Lumber	ND / PK / Supplies / Tools	118.15
Nebraska Machinery Company	ST / Equipment Parts	1,008.76
Nebraska Public Power District	O & M	144,904.62
	Power Purchase	948,752.28
O'Hanlon Seed Inc	PK / Grass Seed	195.00
O'Reilly Auto Parts	ST / Pickup Toolboxes	1,336.96
Primary Electric Inc	WWTP/Demo/Replace Vent Fan/UV Beds	5,372.01
Richardson, Calvin N / Richardson Mowing	LB / Lawn Care	200.00
S & W Auto Parts	WWTP / Battery	149.98
Stout, Robby B	ST/Replace Curb/Sidewalk/1011 N Monroe	4,548.00
United States Treasury	2023 PCORI Fees	421.29
Walmart / Capital One	AC/CM/LB/PD/PK/ST/WWTP/Supplies	1,062.96
	TOTAL CLAIMS:	1,973,954.93

FINANCIAL REPORT: Moved by Smith, seconded by Roberts, to accept the financial report for May 2023 as presented. Roll call. Voting “aye” were Salem, Roberts, Smith, Fagot. Motion carried.

ORDINANCE: Ordinance No. 2453 entitled “AN ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA, AMENDING SECTIONS 26-1 and 26-195 OF THE LEXINGTON CITY CODE, RELATING TO VEHICLE PARKING; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE AND FOR PUBLICATION IN ELECTRONIC FORM” was presented on final reading. Peplitsch noted that no public comments have been received. Following discussion, moved by

Salem, seconded by Roberts, to approve Ordinance No. 2453 on final reading. Roll call. Voting “aye” were Smith, Roberts, Salem, Fagot. Motion carried.

RESOLUTION: Resolution No. 2023-12 was presented. Following discussion, moved by Roberts, seconded by Smith, to approve Resolution 2023-12. Roll call. Voting “aye” were Salem, Smith, Roberts, Fagot. Motion carried.

RESOLUTION NO. 2023-12

WHEREAS, the Lexington Airport Authority has requested an allocation of a portion of the City of Lexington property tax levy for budget purposes.

BE IT RESOLVED, by the Mayor and Council of the City of Lexington, Nebraska, that \$165,882 of the City of Lexington Property Tax Levy Authority is hereby allocated to the Lexington Airport Authority for the fiscal year 2023-2024.

Passed and approved this 27th day of June 2023.

RESOLUTION: Resolution No. 2023-13 was presented. Pepplitsch explained the transfer is necessary to the development of Vintage Rows Inc. housing project. Following discussion, moved by Smith, seconded by Roberts, to approve Resolution No. 2023-13 as presented. Roll call. Voting “aye” were Salem, Roberts, Smith, Fagot. Motion carried.

RESOLUTION NO. 2023 – 13

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 residential housing development; and

WHEREAS, the Community Development Agency of Lexington, Nebraska is preparing a housing 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:

Lots 2, 3, 4, 5, and 6, Wycoff 2nd Addition, a replat of Lot 3 Wycoff Addition to the City of Lexington, Dawson County, Nebraska.

Passed and approved June 27, 2023.

RESOLUTION: Resolution No. 2023-14 was presented. Pepplitsch explained assignment of the purchase agreement is necessary to the further development of the housing development project. Following discussion, moved by Salem, seconded by Roberts, to approve Resolution No. 2023-14 as presented. Roll call. Voting “aye” were Smith, Roberts, Salem, Fagot. Motion carried.

RESOLUTION NO. 2023-14

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA ASSIGNING A PURCHASE CONTRACT TO THE COMMUNITY DEVELOPMENT AGENCY OF LEXINGTON, NEBRASKA

WHEREAS, the City of Lexington, Nebraska, a municipal corporation and city of the first class (the “City”), has determined it to be in the best interests of the City to convey the real estate set forth on **Attachment 1** to the Community Development Agency of Lexington, Nebraska for the purposes of redevelopment, specifically, housing development; and

WHEREAS, the City has previously entered into a purchase contract for the sale of said real estate, the form of which is attached hereto as **Attachment 2** attached hereto (the “**Purchase Agreement**”); and

WHEREAS, it is necessary to assign the Purchase Agreement to the Community Development Agency of Lexington, Nebraska;

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

Section 1. The Purchase Agreement attached hereto as Attachment 2, related to the real estate legally described on Attachment 1, is hereby assigned to the Community Development Agency of Lexington, Nebraska

PASSED AND APPROVED this 27th day of June, 2023.

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. 2454 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 Roberts, Smith, Salem, Fagot. Motion carried.

Ordinance No. 2454 was presented on final reading. Moved by Roberts, seconded by Salem, to approved Ordinance No. 2454 on final reading. Roll call. Voting “aye” were Smith, Salem, Roberts, Fagot. Motion carried.

PAY REQUEST: Peplitsch reviewed Pay Request #10 from Lacy Construction for the Veteran’s Pavilion at Kirkpatrick Memorial Park project in the amount of \$71,540.01. Following a project update, moved by Roberts, seconded by Salem, Fagot. Roll call. Voting “aye” were Smith, Salem, Roberts, Fagot. Motion carried.

ROUNDTABLE: Peplitsch gave an update on local 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