

**CITY COUNCIL  
CITY OF LEXINGTON, NEBRASKA  
July 23, 2024**

A Regular Meeting of the Lexington City Council was held Tuesday, July 23, 2024, at Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, Dora Vivas, Steve Smith, and Jeremy Roberts. John Salem was absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, 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 7-9-24:** Minutes of the Regular meeting held Tuesday, July 9, 2024, were presented. Moved by Roberts, seconded by Smith, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Smith, Roberts, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$3,282,338.01 were presented for Council consideration and approval. Upon review of the Claims and Bills as listed, moved by Vivas, seconded by Smith, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$263,602.23 from General Fund, \$213,940.87 from Street Fund, \$100,000.00 from Economic Development, \$2,538,970.88 from LEXUS, \$43,923.95 from Sanitation, \$3,249.35 from Ambulance, \$106,045.00 from American Rescue Plan Act, \$7,165.00 from Health Fund, and \$5,440.73 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Roberts, Smith, Vivas, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
July 23, 2024**

ARK I CEI Holdco LLC	Solar Power Purchase	15,565.82
Atlas Copco USA Holding Inc	WWTP / Pleated Filters	7,334.62
B & H Services / Service Master	Cleaning Service	6,254.00
Baker & Taylor	LB / Books	1,390.30
Beverly Bogle Louthan PC	Professional Fees	1,200.00
Black Hills Utility Holdings Inc	ST / Underground / Transmission Main	108,286.52
Boling, Michael	AMB / Travel Expenses / EMS Conference	673.40
Bowen, Nicholas	REC / Triathlon Shirts	681.00
Brott, Robert / Patriotic Builders LLC	WWTP / Gate Repairs	855.85
Business Card / Bank of America		
Amazon	AMB/CEM/ND/OC/PD/PK/Parts/Supplies	772.60
Axon	PD / Training / Renderos, J / Schwarz, C	990.00
Bomgaars	FD / Equipment Parts / Supplies	84.48
Canva	LB / Software	14.99

Carl's Jr	PD / Travel-Training Meals / Roberts, M	12.58
Casey's General Store	CC / PD / Meeting Meal / Fuel	71.06
Chick-Fil-A	PD / Travel-Training Meals / Roberts, M	11.71
Circle K	PD / Fuel	44.00
Elevated Q	PD / Travel-Training Meals / Roberts, M	23.62
Exxon Eastlake	PD / Fuel	26.00
Facebook	REC / Publications	44.67
Glowforge	CM / Office Supplies	42.82
Holiday Inn	PD / Lodging / Roberts, M	776.65
HuHot Grill	PD / Travel-Training Meals / Roberts, M	21.00
Kearney Crete & Block	PK / Brick Mortar	60.24
McDonalds	PD / Travel-Training Meals / Roberts, M	10.62
Microsoft	LB / Software	9.75
NE Water Environment Assn	WWTP/Conference Registration / Glaze, D	100.00
Outback	PD / Travel-Training Meals / Roberts, M	26.69
Parry's Pizzeria	PD / Travel-Training Meals / Roberts, M	25.00
Pickleball Central	REC / Nets / Balls	2,173.58
Popeyes	PD / Travel-Training Meals / Roberts, M	12.90
Sam's Club	AMB / Cleaning Supplies	70.72
Sonic Drive In	PD / Travel-Training Meals / Roberts, M	12.55
Sprinkler Warehouse	PK / Parts	1,148.86
Tennis Warehouse	REC / Net Straps	128.34
United States Postal Service	WR / Postage	146.20
Cash-Wa Distributing	AC / MOW / OC / ST / Food & Supplies	6,940.99
Cengage Learning	LB / Books	743.46
Center Point Inc	LB / Books	59.92
Chesterman Company	REC / Beverages	196.00
City of Lexington / General Fund	EL / Transfer / Rec-Racquet Center	670,000.00
Country Partners Cooperative	PK / ST / Herbicide / Insecticide / Parts	661.25
Creatine Empire LLC	LB / Books / Annual Subscription	1,995.00
Davis Energy	FD / ST / Fuel	218.00
DES PP LLC / Little Caesars	LB / Promotions	17.97
Eakes Inc	Copier Exp/DocMgmt Support/Supplies	916.70
Easy Picker Golf Products Inc	REC / Shag Bag	180.53
Einspahr, Allison	Electric Rebate	100.00
Electrical Engineering & Equipment	EL / PK / FD / Hardware / Tools	401.98
Fagot Refrigeration & Electric Inc	AC/EL/GGC/ND/Parts/Repairs/Upgrades	4,222.79
Fyr-Tek Inc	FD / Annual Compressor Service	835.52
GB Auto Service Inc	CEM / Tire Repairs	54.99
Global Equipment Company Inc	WWTP / Ultraviolet Lamp Parts	256.47
Health Claims	Claims	3,123.05
Hiland Dairy Foods	MOW / Dairy Products	206.42
Holbein, Dahlas	FD/Truck Maintenance/Fueling/Cleaning	1,500.00
Homeier Ventures LLC	Supplies/Tools/Washing Machine	1,431.78
Ingram Library Services	LB / Books	99.78
Integrated Security Solutions	DAD / Portal Fees	256.80
Lam, Franion	Electric Rebate	1,300.00
Leibert, Vince	PD / Vinyl Lettering	800.00
Lexington Health Fund	Self-Funding	52,690.80
LEXUS	Utilities	48,079.40
Lien Inc	ST / Landscape Maintenance	239.08
Macqueen Equipment LLC	FD / Control Module	137.00
Madison Energy Holdings LLC	Solar Power Purchase	48,166.30
Matheson Tri-Gas Inc	AMB / Medical Oxygen	210.19
McFadden, Ryan / McFadden Auto Repair	ST / Fuel Pump Repairs	989.81
Mead Lumber	PK / WWTP / Tools / Lumber / Hardware	450.90
Municipal Supply	WR / Parts / Tools	601.66

Munoz, Elmira	Electric Rebate	1,650.00
National League of Cities	Membership Dues	1,752.00
Nebraska Interactive LLC	TLR Interactive/Central Registry/Fees	38.00
Nebraska Public Power District	O & M	167,095.06
	Power Purchase	1,134,314.55
Nebraskaland Tire	DS / Oil & Lube / Service	166.29
O'Reilly Auto Parts	ST / Parts	17.74
Paulsen Inc	ST / Limestone / Gravel	2,715.78
Platte Valley Auto Mart	FD / Parts	5.00
Platte Valley Communications Inc	PD / Belt Clips	242.84
PPG Architectural Finishes Inc	ST / Paint Supplies	70.11
Principal	Dental Premium	4,506.40
Ramos, Saul / Saul Ramos Construction	ST/WR/Force Main/Water Main Replacement	54,781.30
Rodriguez, Lesdi	Electric Rebate	1,650.00
Ryde Transit	GGC / Monthly Riders / April-June	234.00
S & W Auto Parts	PD / PK / Parts	17.72
Shotkoski, Ryan M / Shotkoski Fireworks	EL / 150th Firework Display / Final	3,000.00
Sirchie Acquisition Company LLC	PD / Supplies	40.20
Standard Insurance Company	Life Insurance Premiums	999.34
State Of Nebraska / Department of Labor	Unemployment	3,784.00
State of Nebraska / Power Review Board	EL / Annual Fees	2,410.87
Sund, Michele	Electric Rebate	1,650.00
TASC	Administration Fees	175.62
Titan Machinery - Lexington	ST / Parts	851.94
U Save Pharmacy / Business Equipment	AMB / CT / EL / LB / ST / WR / Supplies	575.21
Utility Service Company Inc	WWTP / Digester Renovations	106,045.00
Verizon Wireless	Cellular Service / Phones	1,196.67
Village Cleaners Inc	GGC / Janitorial Supplies	67.31
VVS Inc	REC / Access Control	1,360.00
VSP - Vision Care	Premiums	1,072.38
WAM Inc	WWTP / Equipment Repairs / Parts	750.72
Associated Supply Company Inc	AC / Chemicals / Supplies	6,852.07
B & H Services / Service Master	Cleaning Service	115.00
Baker & Taylor	LB / Books	92.31
Barco Municipal Products Inc	ST / Signs	1,201.29
Bound Tree Medical LLC	AMB / Medical Supplies	707.47
Cash-Wa Distributing	AC / MOW / Food & Supplies	1,176.05
Cengage Learning	LB / Books	121.46
City of Lexington	Utility Franchise Fees	100,403.27
Core & Main LP	WR / Meters / Parts	2,577.79
Dan's Sanitation	Sanitation Fees	43,923.95
Davis Energy	ST / Fuel Purchase	5,260.42
Diode Cable Company	ST / Compost Surveillance Expenses	8,588.37
Fagot Refrigeration & Electric Inc	EL / WR / Conduit / Wellhouse Repairs	8,897.12
First Interstate Bank	AC / LB / PD / Petty Cash	737.16
Greater Lexington Corporation	Economic Development 2010 Loan	100,000.00
Health Claims	Claims	3,866.33
Homeier Ventures LLC	GGC / PK / Hardware / Supplies	22.23
International Institute of Municipal Clerks	CM / Membership Dues / Baruth, P	185.00
Invest Plus Inc	DAD/LB/MOW/REC/Food & Supplies	328.25
Lexington City Payroll Account		
Payroll	Wages	215,584.67
Social Security	Employer Portion / FICA Med	16,119.66
Union Bank & Trust	Employer Portion / Pension	6,085.26
Union Bank & Trust	Police Pension	3,629.70
ICMA	City Manager Pension	1,118.33
Lexington Regional Health Center	AMB / Laundry Service	240.00

Mead Lumber	GGC / REC / Hardware / Supplies	116.19
Miller & Associates Consulting Engineers PC	Professional Services/Bridge Inspections	1,872.90
Norton, Jennifer	LB/Travel Expenses/CPLS Annual Meeting	51.59
Olsson Inc	ST / SW / WR / Professional Services	3,433.81
Prado, Arturo	WWTP/Travel Exp/Certification Classes	240.92
State of NE / DHHS / Public Health Lab	WR / Testing	1,475.00
Stout, Robby B / Stout Construction	ST/WR/Street/Sidewalk/Parking Repairs	16,522.00
W W Grainger Inc	WWTP / Electric Drum Pump	1,296.06
Walmart Stores Inc	Supplies	2,207.73
Walters-Morgan Construction Inc	2021 Wastewater Facility Improvements	236,864.92
	<b>TOTAL CLAIMS:</b>	<b>3,282,338.01</b>

**FINANCIAL REPORT:** Moved by Smith, seconded by Vivas, to accept the financial report for June 2024 as presented. Roll call. Voting “aye” were Roberts, Vivas, Smith, Fagot. Motion carried.

**RESOLUTION:** Resolution No. 2024-15 was presented. Peplitsch noted this is an annual consideration for the Airport Authority. Following discussion, moved by Smith, seconded by Roberts, to approve Resolution No. 2024-15. Roll call. Voting “aye” were Vivas, Roberts, Smith, Fagot. Motion carried.

**RESOLUTION NO. 2024-15**

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 \$167,000 of the City of Lexington Property Tax Levy Authority is hereby allocated to the Lexington Airport Authority for the fiscal year 2024-2025.

**Passed and approved this 23<sup>rd</sup> day of July, 2024.**

**RESOLUTION:** Resolution No. 2024-16 was presented. Peplitsch indicated the resolution would authorize participation in a public investment trust. Following discussion, moved by Vivas, seconded by Smith, to approve Resolution No. 2024-16. Roll call. Voting “aye” were Roberts, Smith, Vivas, Fagot. Motion carried.

**Resolution Authorizing Participation in the Nebraska CLASS  
Resolution No. 2024-16**

WHEREAS, Neb. Const. art. XV, § 18(1) authorizes local government entities to exercise their powers and functions, including financing, jointly or in cooperation with other governmental entities and Nebraska law express allows public agencies to invest surplus or excess funds;

WHEREAS, Neb. Rev. Stat. § 13-804 authorizes public agencies to enter into interlocal agreements in order for such agencies to take joint or cooperative action;

WHEREAS, this Public Agency desires to enter into an interlocal agreement pursuant to the provisions of the Interlocal Cooperation Act, Neb. Rev. Stat. §§ 13-801 to 13-827 to create the Nebraska Cooperative Liquid Assets Securities System Trust (“Nebraska CLASS Trust”) for the purpose of the joint investment of this Public Agency’s money with those other public agencies so as to enhance the investment earnings accruing to each such public agency;

**WHEREAS**, a proposed Declaration of Trust and Interlocal Agreement and an Information Statement relating to the Nebraska CLASS Trust have been presented to this Governing Body;

**WHEREAS**, the proposed Declaration of Trust authorizes public agencies to adopt and enter into the Declaration of Trust and become Participants of such trust;

**WHEREAS**, this Governing Body deems it advisable for this Public Agency to adopt and enter into the Declaration of Trust and become a founding participant of the Nebraska CLASS Trust,

**NOW THEREFORE**, be it resolved as follows:

1. This Public Agency shall and does hereby join with other Nebraska public agencies in accordance with the provisions of Nebraska law and in accordance with the Interlocal Cooperative Act, as applicable, to create and become a Participant of the Nebraska CLASS Trust.
2. The Declaration of Trust and Interlocal Agreement of the Nebraska CLASS Trust, as amended from time to time, is hereby adopted by this reference with the same effect as if it had been set out verbatim in this Resolution. A copy of the Declaration of Trust is attached hereto and incorporated herein by this reference and shall be filed with the minutes of the meeting at which this Resolution was adopted.
3. The Trustees of the Nebraska CLASS Trust are hereby designated as having official custody of this Public Agency's monies which are invested in accordance with the Declaration of Trust.
4. Authorization is hereby given for members of this Governing Body and officials of this Public Agency to serve as an Initial Trustee of the Nebraska CLASS Trust, as well as future Trustees from time to time if elected as such pursuant to the Declaration of Trust.
5. The Key Contact and Authorized Signatories are those persons listed on the Trust Registration Form attached hereto and incorporated herein. The Authorized Signatories are authorized by the Participant to direct the investment of such Participants' investment funds and to take all such actions deemed necessary or desirable to carry out the activities otherwise authorized by this Resolution, subject to the Authorized Signatories' obligation to take such actions only in the name of and for the benefit of this Participant.
6. The Key Contact and Authorized Signatories may be changed from time to time by written notice to Nebraska CLASS.
7. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution being the same are hereby rescinded.

Passed and adopted this 23<sup>rd</sup> day of July, 2024 by the City of Lexington, NE.

**RESOLUTION:** Resolution No. 2024-17 was presented. Peplitsch indicated that the resolution would authorize participation in a public investment trust. Following discussion, moved by Smith, seconded by Roberts, to approve Resolution No. 2024-17. Roll call. Voting “aye” were Vivas, Roberts, Smith, Fagot. Motion carried.

**NEBRASKA PUBLIC AGENCY INVESTMENT TRUST ENABLING RESOLUTION  
RESOLUTION NO. 2024-17**

**WHEREAS**, Nebraska law expressly allows public agencies to invest surplus or excess funds; and

**WHEREAS**, the Interlocal Cooperative Act, § 13-801 et seq. Neb. Rev. Stat. (Reissue 1991) provides that two or more public agencies may jointly cooperate in the exercise or in the performance of their respective governmental functions, powers or responsibilities and may enter into joint agreements as may be deemed appropriate for such purposes when such agreements have been adopted by appropriate action by the governing bodies of the participating public agencies; and

**WHEREAS**, the Declaration of Trust (Interlocal Agreement) and an Information Statement relating to the Nebraska Public Agency Investment Trust and the Fixed Term Investment Service have been presented to this Governing Body; and

**WHEREAS**, the Declaration of Trust authorizes public agencies to adopt and enter into the Declaration of Trust and become participants of such trust and to participate in the Fixed Term Investment Service; and

**WHEREAS**, this Governing Body deems it advisable for this Public Agency to adopt and enter into the Declaration of Trust and become a participant of the Nebraska Public Agency Investment Trust for the purpose of the joint investment of this Public Agency’s money with those other public agencies so as to enhance the investment earnings accruing to each such public agency and to participate in the Fixed Term Investment Service.

**NOW, THEREFORE**, be it resolved as follows:

1. This Public Agency shall and does hereby join with other Nebraska public agencies in accordance with the provisions of Nebraska law and in accordance with the Interlocal Cooperative Act, as applicable, by becoming a participant of the Nebraska Public Agency Investment Trust, and the Declaration of Trust and Interlocal Agreement is hereby adopted by this reference with the same effect as if it had been set out verbatim in this Resolution. A copy of the Declaration of Trust is attached hereto and incorporated herein by this reference and shall be filed with the minutes of the meeting at which this Resolution was adopted.
  
- 2a. This Public Agency hereby delegates all authority and duties which the law otherwise authorizes it to delegate in accordance with the Declaration of Trust. The following officers and officials of this Public Agency and the respective successors in office each are hereby designated as “Authorized Officials” and are authorized to take actions and execute any and all such documents and agreements as they deem necessary and appropriate to effectuate the entry by this Public Agency into the Declaration of Trust, to effectuate the investment and withdrawal of monies of the Public Agency from time to time in accordance with the Declaration of Trust, and to make use of the Fixed Term Investment Service through the intermediaries PMA Financial Network, LLC and PMA Securities, LLC, who are authorized to act on behalf of this Public Entity as its agent with respect to such agreements: Joe Peplitsch, City Manager and Derek Haines, Finance Director.

- 2b. The Authorized Officials of this Public Agency hereby authorize the following “Authorized Signers” to invest the Public Agency’s available funds from time to time and to withdrawal such funds from time to time in accordance with the provisions of the Declaration of Trust, including in the Fixed Term Investment Service: Joe Peplitsch, City Manager and Derek Haines, Finance Director.

An Authorized Official of this Public Agency shall advise the Nebraska Public Agency Investment Trust of any changes in the Authorized Signers in accordance with the procedures established by the trust.

3. The Trustees of the Nebraska Public Agency Investment Trust are hereby designated as having official custody of this Public Agency’s monies which are invested in accordance with the Declaration of Trust.
4. Authorization is hereby given for members of this Governing Body and officials of this Public Agency to serve as Trustees of the Nebraska Public Agency Investment Trust from time to time if elected as such pursuant to the Declaration of Trust.
5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution being the same are hereby rescinded.

The foregoing Resolution having been read in its entirety, and a motion having been duly made and seconded for its passage and adoption, the roll was called thereon and the following members voted in favor of passage and adoption of said Resolution: Vivas, Smith, Roberts, Fagot.

The following voted against the same: None

The following were absent or not voting: Salem

The above Resolution having been consented to by the required number of members of the Governing Body was declared, passed, and adopted by the Presiding Officer.

Dated this 23<sup>rd</sup> day of July, 2024.

**PAY REQUEST:** Peplitsch reviewed Pay Request #2 from TL Sund Constructors Inc for the Wycoff Drive project in the amount of \$124,158.82. Following a project update, moved by Roberts, seconded by Vivas, to approve Pay Request #2 as presented. Roll call. Voting “aye” were Smith, Vivas, Roberts, Fagot. Motion carried.

**ROUNDTABLE:** Peplitsch gave an update on current and future 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