

**CITY COUNCIL  
CITY OF LEXINGTON, NEBRASKA  
July 9, 2024**

A Regular Meeting of the Lexington City Council was held Tuesday, July 9, 2024, 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, Community Development Director Bill Brecks, Finance Director Derek Haines, City Attorney Brian Copley 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 6-25-2024:** Minutes of the Regular meeting held Tuesday, June 25, 2024, 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 \$742,798.10 were presented for Council consideration and approval. Moved by Salem, seconded by Roberts, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$429,456.40 from General Fund, \$45,361.90 from Street Fund, \$212,737.46 from LEXUS, \$10,000.00 from Sanitation, \$27,537.99 from Ambulance, \$12,851.72 from Health Fund, and \$4,852.63 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  
July 9, 2024**

4Imprint	WWTP / Uniform Shirts	212.23
Associated Supply Company Inc	AC / Equipment Repair	4,272.80
B & H Services / Service Master	EL / OC / Cleaning Service	9,000.57
Bauer Built Inc	PK / ST / Equipment Tire Repair	346.01
Black Hills Energy	Natural Gas Service	1,568.16
Bennett, Curtis W / Sign Pro	PK / Signage / Veterans Pavilion	1,687.50
Bound Tree Medical LLC	AMB / Medical Supplies	32.49
Bowen, Nicholas / Change Clothing	REC / 4th of July 5k Shirts / Tennis Shirts	2,403.93
Brecks, William	PK / Mileage / Veterans Pavilion / Supplies	50.92
Cash-Wa Distributing	AC/GGC/MOW/REC/ST/Food & Supplies	7,345.68
Cengage Learning	LB / Books	97.50
Central Septic Tank Pumping & Plumbing	PK / Locate	313.50
Chesterman Company	AC / GGC / REC / Beverages	540.50

City of Lexington	Interdepartmental Service Fees	55,749.00
	Service Fees / Wages & Benefits / Glaze, D	21,795.71
	Utility Franchise Fees	290.50
City of Lexington / Street	SW / WR / Interdepartmental Service Fees	6,876.23
	Fuel	11,401.51
CivicPlus	DS / Code Book / Support Fees	1,096.39
Commonwealth Electric Company	WWTP / Lighting	2,487.00
Core & Main LP	WR / Meter	1,044.72
Crouch Recreation Inc	PK / Splashpad Reprogramming	840.00
Dan's Sanitation	Sanitation Fees	15,611.23
Davis Energy	ST / Fuel / Fuel Purchase	6,173.26
Dawson County Communications	Dispatch Fees	29,750.00
Dawson Public Power District	Power Purchase	85.39
Dell Marketing LP	CM / Computer	1,335.58
Dutton-Lainson Company	EL / Covers / Meters	414.57
Eakes Inc	EL / GGC / LB / Copier Expense	990.55
Electrical Engineering & Equipment Company	PK / Conduit	24.67
Fagot Refrigeration & Electric Inc	WWTP / Repairs	95.00
Fremarek Inc	ST / SW / Supplies	831.46
Gibbens Tree & Lawn Service Inc	PK / Spray Linden Trees / Japanese Beetles	600.00
Great Plains Communications	DAD / FD / ND / Internet Services	598.47
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Gomez Vazquez, Eduardo / Supreme Lawncare	DS / Abatements / Mowing	600.00
Great Plains Uniforms LLC	PD / Uniform Expense	170.00
Hach Company	WWTP / Lab Supplies	662.00
HD Supply Inc	WR / Parts	35.98
Health Claims	Claims	9,400.67
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	418.18
Ideal Laundry & Cleaners	Rug Service	800.69
Ingram Library	LB / Books	62.81
Intellicom Computer Consulting Inc	Tech Support / Software	6,808.57
Intermedia.com	Web Phone Charges	293.88
Jones Plumbing & Heating Inc	LB / REC / WR / Service Calls / Parts	1,294.97
Kirk's Trenching & Septic Service LLC	CEM / PK / Portable Rental / Cleaning	125.00
LEE Enterprises Inc / Clipper Herald	Publications	463.30
Lexington Volunteer Fire Department	AMB / 3rd Quarter Billing	1,913.69
Mead Lumber	PK / Hardware / Supplies	270.17
Melson, Dane / Anytime Fitness	Employee Membership Dues	149.76
Midlands Contracting Inc / Johnson Service Co	Clean/Vac/Tyson/MRK/Lift Stations/Lines	3,825.00
Midwest Laboratories Inc	WWTP / Lab Supplies	93.83
Municipal Supply Inc	WR / Parts	140.64
Morris Printing Group Inc / Morris Press	GGC / Newsletter	149.69
National Telephone Message Corp / OMG	PD / Supplies	431.77
Nebraska Dept of Revenue	Sales and Use Tax	61,025.74
Nebraska Library Association	LB / Membership Dues / Norton, J	75.00
Nebraska Water Experts / Culligan	Soft Water Supplies	601.51
Nebraskalink Holdings LLC	LB / Internet Service	25.00
OCLC Inc	LB / Cataloging / Metadata / Worldshare	2,030.00
Oliver Consulting Services Inc	LB / Tech Support / Data Backup	202.50
On Target Ammunition LLC	PD / Supplies	394.69
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
One Call Concepts Inc	Locates	111.48
O'Reilly Auto Parts	ST / Supplies	16.98
Overton Golf Club	REC / 2024 Youth Golf Camp	250.00
Patton, Janelle	AMB / FD / Record Keeping	500.00
Paulsen Inc	ST / WR / Limestone	1,680.50

Platte Valley Auto Mart Inc	PD / 2024 Ford Explorer (2)	91,929.00
Platte Valley Communications	PD / Equipment Maintenance	90.00
Plumbing & Heating Wholesale Inc	ST / WR / Parts / Tools	535.80
Police Officers Association of Nebraska	PD/Conference Registration/Schwarz/Lauby	400.00
Polydyne Inc	WWTP / Dewatering Polymer	15,364.00
Quadient Finance USA Inc	Postage	3,000.00
Quick Med Holdings	AMB / Billing Fees	1,182.79
Rentokil NA / Presto-X	LB / Pest Control	113.50
S & W Auto Parts	PD / PK / Parts	19.99
Spectrum	Cable Service	46.06
Tappan, Jefferey / Macs Shortstop	AC / REC / Supplies	556.10
Titan Machinery - Lexington	PK/ST/WWTP/Parts/Equipment Repairs	4,542.34
US Foods	MOW / Food & Supplies	727.42
Village Cleaners Inc	GGC / Janitorial Supplies	46.35
Werth Aerial Spraying Inc	PK / Herbicide	288.00
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	167.05
Wilkins Architecture Design Planning LLC	REC/Professional Services/Racquet Center	1,897.72
Baker & Taylor	LB / Books	316.67
Barco Municipal Products Inc	ST / Traffic Cones	660.63
Bauer Built Inc	CEM / Mower Tire	31.00
Bowers, Whitney	GGC/Travel Expenses/West Central Mtg	83.48
Cash-Wa Distributing	AC / OC / REC / Food / Supplies	2,596.45
Center Point Inc	LB / Books	194.16
Country Partners Cooperative	REC / Propane	14.95
County of Dawson - Register of Deeds	Filing Fees	22.00
Danko Emergency Equipment Company	FD / Leather Boots / Coats / Pants	20,213.75
Davis Energy	FD / ST / Fuel / Fuel Purchase	4,800.91
Eakes Inc	LB / Supplies	81.26
Fagot Refrigeration & Electric Inc	WWTP / Repairs	195.00
First Interstate Bank	LB / Petty Cash / Postage	92.05
Galls Parent Holdings LLC	PD / Uniform Expense	385.03
GB Auto Service Inc	SW / Repairs	90.99
Health Claims	Claims	3,451.05
Holbein Lawn Service	FD / Lawn Care	232.00
Homeier Ventures LLC	ST / Supplies	45.26
JC Masonry Inc	REC / Brick Laying / Veterans Pavilion	3,235.00
John Deere Financial / Bomgaars / Landmark	CEM/PK/ST/SW/WWTP/Spls/Parts/Repairs	5,768.32
Lee Enterprises Inc	Publications	92.00
Lexington Area Solid Waste Agency	Special Waste Disposal	1,591.00
Lexington, City Payroll Account		
Payroll	Wages	206,631.16
Social Security	Employer Portion / FICA Med	15,433.73
Union Bank & Trust	Employer Portion / Pension	6,013.27
Union Bank & Trust	Police Pension	3,578.44
ICMA	City Manager Pension	1,104.49
Lien Inc	Maintenance/Tree Planting/Vets Pavilion	18,464.94
Nebraska State Treasurer	Unclaimed Property	2,125.64
Nebraska Tech & Telecommunications Inc	Phone Service	1,432.71
Placer Labs Inc	CM / Annual Platform Access	14,500.00
Platte Valley Auto Mart Inc	PD / Oil & Lube	145.10
Playcore Group Inc	Benches/Trash Receptacles/Racquet Center	10,504.75
Priority Medical Transport LLC	AMB / Non-Billable Runs	2,700.00
Rentokil NA / Presto-X	WWTP / Pest Control	69.61
Roberts, Matthew	PD / Travel Expenses / Meals / Training	23.44
S & W Auto Parts	REC / Hardware	19.48
Sirchie Acquisition Company LLC	PD / Supplies	40.20
T & R Electric Supply Company Inc	EL / Transformer Disposal	3,219.00

Tyler Technologies	Insite Transaction Fees/Billing Notification Calls	5,422.90
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	1,378.70
Werners Sprinklers Inc	FD / Sprinkler Repairs	204.43
TOTAL CLAIMS:		742,798.10

**ANNEXATION:** Resolution No. 2024-13 was presented. Pepplitsch gave an overview of the intent to annex industrial property contiguous to the corporate limits owned by Tyson Foods. He reviewed the plan for extending city services, and indicated that revenues realized by the annexation would be made available to support public safety and childcare needs in the community. He noted the resolution would set a public hearing for Tuesday, August 27, 2024, to receive comments on the issue. Following discussion, moved by Smith, seconded by Roberts to approve Resolution No. 2024-13. Roll call. Voting “aye” were Salem, Roberts, Smith, Fagot. Motion carried.

### **RESOLUTION NO. 2024- 13**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA STATING THAT THE CITY OF LEXINGTON IS CONSIDERING THE ANNEXATION OF PROPERTY CONTIGUOUS TO THE EXISTING CORPORATE LIMITS; AND PORTIONS OF ANY ADJOINING STREET RIGHT-OF-WAY; DESCRIBING BOUNDARIES OF THE LAND PROPOSED FOR ANNEXATION; APPROVING AND ADOPTING A PLAN FOR EXTENDING CITY SERVICES TO THE LAND PROPOSED FOR ANNEXATION, AND MAKING THE PLAN AVAILABLE FOR INSPECTION; PROVIDING FOR A PUBLIC HEARING DATE, TIME AND LOCATION ON THE PROPOSED ANNEXATION; PROVIDING FOR PUBLICATION OF NOTICE OF SUCH HEARING AND OF THE MAP DRAWN TO SCALE DELINEATING THE LAND PROPOSED FOR ANNEXATION; AND PROVIDING FOR THE DELIVERY OF A COPY OF THIS RESOLUTION TO ANY SCHOOL DISTRICT WITHIN THE AREA PROPOSED TO BE ANNEXED.

WHEREAS, the City of Lexington desires to annex certain land, and

WHEREAS, the Nebraska Revised Statutes, Section 16-117 requires the City Council to adopt a resolution stating that the City is considering the annexation of land and a plan for extension of City services to said land.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Lexington, Nebraska as follows:

1. The City of Lexington is considering the annexation of the following described real estate which is contiguous to the existing corporate limits, and portions of any adjoining street right-of-way, to wit:

The Southeast Quarter of Section 8, Township 9 North, Range 21 West of the 6<sup>th</sup> P.M., Dawson County, Nebraska;

EXCEPT three strips of land conveyed to the State of Nebraska by Warranty Deeds 3/24/53 and recorded 5/1/53, in Book 98, Page 13, dated 12/7/67 and recorded 2/1/68 in book 111, Page 112, and dated 10/8/86 and recorded 11/19/86 in Book 139, Page 620;

EXCEPT a tract of land beginning at the Northwest Corner of the Southeast Quarter (SE 1/4) of Section Eight (8), Township Nine (9) North, Range Twenty-One (21) West of the

6<sup>th</sup> P.M. in Dawson County, Nebraska; thence North 89 degrees 39 minutes 58 seconds East along the North line of said Southeast Quarter (SE 1/4) a distance of 1250.00 feet to the Point of Beginning; thence South 0 degrees 07 minutes 35 seconds West and parallel with the West line of said Southeast Quarter (SE 1/4) a distance of 867.98 feet; thence North 89 degrees 52 minutes 25 seconds West a distance of 176.82 feet; thence South 0 degrees 07 minutes 35 seconds West and parallel with the West Line of said Quarter (1/4) a distance of 143.87 feet; thence North 89 degrees 52 minutes 25 seconds West a distance of 111.06 feet; thence South 0 degrees 07 minutes 35 seconds West and parallel with the West line of said Quarter (1/4) a distance 161.32 feet; thence South 89 degrees 52 minutes 25 seconds East a distance of 522.83 feet; thence North 0 degrees 07 minutes 35 seconds East and parallel with the West line of said Quarter (1/4) a distance of 305.19 feet; thence North 89 degrees 52 minutes 25 seconds West a distance of 34.94 feet; thence North 0 degrees 07 minutes 35 seconds East and parallel with the West line of said Quarter (1/4) a distance of 869.59 feet to a point on the North line of said Quarter (1/4); thence South 89 degrees 39 minutes 58 seconds West along said North line a distance of 200.00 feet to the Point of Beginning and containing an area of 7.29 acres more or less;

EXCEPT Shotkoski's East Subdivision being the South 400 feet of East 1192.42 feet of the Southeast Quarter (SE 1/4) of Section 8, Township 9 North, Range 21 West of the 6<sup>th</sup> P.M. in Dawson County, Nebraska;

Together with the portion of road right-of-way for Prospect Road abutting the above described real estate, being a tract 33 feet wide on either side of the south line of the Southeast Quarter of Section 8, Township 9 North, Range 21 West of the 6<sup>th</sup> P.M. in Dawson County, Nebraska.

2. That the plan of the City for the extension of City services to the above land proposed for annexation, as presented at this meeting, and incorporated herein by this reference, be and the same hereby is, adopted and approved, subject to any changes by the City Council after public hearing on the proposed annexation, and is available for inspection during regular business hours in the office of the City Clerk, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska.

3. That a public hearing on the proposed annexation at which the City Council shall receive testimony from any interested persons shall be held on the 27<sup>th</sup> day of August, 2024, at the hour of 5:30 p.m. in the Council Chambers of the City of Lexington located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska.

4. That a copy of this Resolution and a map drawn to scale and delineating the area proposed to be annexed shall be published in the official newspaper of the City at least once not less than ten (10) days preceding the date of the public hearing.

5. That a copy of this Resolution be mailed by first class mail following its passage to the school board of any school district in the land proposed for annexation.

**PASSED AND APPROVED THIS 9<sup>th</sup> DAY OF July, 2024.**

**ACCOUNTS RECEIVABLE:** Peplitsch reviewed delinquent account receivable balances that have been deemed uncollectible. Following discussion, moved by Salem, seconded by Smith, to authorize Staff to remove uncollectible account receivable balances as presented. Roll call. Voting "aye" were Roberts, Smith, Salem, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch reviewed Pay Request #34 from Walters Morgan Construction for the 2021 Wastewater Facility Improvements project in the amount of \$132,100.12. Following a project update, moved by Roberts, seconded by Salem, to approve Pay Request #34 as presented. Roll call. Voting “aye” were Smith, Salem, Roberts, Fagot. Motion carried.

**RESOLUTION:** Resolution No. 2024-14 was presented. Following discussion, moved by Smith, seconded by Roberts, to approve Resolution No. 2024-14. Roll call. Voting “aye” were Salem, Roberts, Smith, Fagot. Motion carried.

### **RESOLUTION NO. 2024 - 14**

Whereas, Nebraska Revised Statutes Section 60-680 authorizes the City of Lexington to designate the location of stop signs;

**BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA AS FOLLOWS:**

That the Lexington City Manager is hereby authorized and directed to install a stop sign at the following location:

1. Intersection of Wycoff Drive and 13th Street, to stop north bound traffic on Wycoff Drive; and
2. Intersection of Hawks Lane and Liberty Drive, to stop east bound traffic on Hawks Lane.

**Passed and approved July 9, 2024.**

**ROUNDTABLE:** Fagot reported on a recent meeting with Nebraska National Guard personnel.

**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