

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
March 26, 2024**

A Regular Meeting of the Lexington City Council was held Tuesday, March 26, 2024, at Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Dora Vivas, and Steve Smith. Jeremy Roberts was absent. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Finance Director Derek Haines, and City Clerk Pamela Baruth.

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 3-12-24: Minutes of the Regular meeting held Tuesday, March 12, 2024, were presented. Moved by Salem, seconded by Smith, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Smith, Salem, Fagot. Motion carried.

CLAIMS & BILLS: Claims and Bills in the amount of \$1,844,841.57 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Smith, seconded by Vivas, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$242,100.92 from General Fund, \$58,688.46 from Street Fund, \$1,454,129.63 from LEXUS, \$43,741.39 from Sanitation, \$1,383.24 from Ambulance, \$38,879.97 from Health Fund, and \$5,917.96 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Vivas, Smith, Fagot. Motion carried.

**ACCOUNTS PAYABLE
March 26, 2024**

Adams, Rex	AMB/Travel Expenses/EMT Conference	53.06
B & H Services / Service Master	Cleaning Service	4,542.00
Baker & Taylor	LB / Books	613.76
Barco Municipal Products Inc	ST / Barricades / Sign Parts	1,996.77
Bennett, Curtis W / Sign Pro	PK / ST / Park Rules Sign / Logo Decals	597.50
Beverly Bogle Louthan PC	Professional Fees	1,200.00
Bound Tree Medical	AMB / Medical Supplies	454.42
Business Card / Bank of America		
Amazon.com	EL / PD / PK / ST / WR / Supplies / Tools	957.86
American Red Cross	AC / Lifeguard Training Materials	1,175.20
Canva	LB / Software	14.99
Casey's General Store - Lexington NE	CC / Meeting Meal	33.64
Embassy Suites - Loveland CO	DS/Lodging/ Conference/Harris/Ramirez	1,963.60
Graduate Hotel - Lincoln NE	CT / Lodging / League 2024 / Haines, D	128.42
International Code Council	DS / Books / Ramirez, J	130.55

Kearney Powersports	FD / Repairs	14.93
Kearney Winnelson Company	FD / Equipment Parts	137.20
Loaf & Jug - Loveland CO	EL / Fuel	30.25
Microsoft	LB / Software	9.75
Mining Auger Inc	WR / Drill Stems / Bits	702.00
North American Rescue	PD / First Aid Supplies	169.10
OTC Brands Inc	EL / Employee Banquet Supplies	113.41
PPCT Management Systems Inc	PD / Training Materials	454.32
United States Postal Service	CM / WR / Postage	173.50
UNL Marketplace	ST / Training Materials	116.05
Vincenzo's Ristorante	CT/Travel Meals / League 2024 / Haines, D	44.35
Zoro.com	PD / Equipment Batteries	58.86
Cash-Wa Distributing	MOW / Food & Supplies	2,140.86
Cengage Learning	LB / Books	409.09
Chesterman Company	MOW / Beverages	120.00
Core & Main LP	EL / WR / Meters / Registers	24,316.34
Davis Energy	FD / ST / Fuel / Fuel Purchase	5,211.77
Downey Drilling Inc	CEM / Sprinkler Well Motor Replacement	30,216.00
Eakes Inc	GGC / Copy Machine	3,869.00
Eilers Machine & Welding Inc	ST / Steel Plate	279.74
Electrical Engineering & Equipment Co	EL / Parts	115.69
Family Dollar LLC	Electric Rebate	425.00
GB Auto Service Inc	ST / Tire Repair	24.87
Gnirk Lawn Care Inc	EL / Ground Sterilant	2,250.00
Hach Company	WWTP / Lab Supplies	89.85
Health Claims	Claims	5,286.99
Hiland Dairy Foods	MOW / Dairy Products	77.92
Holbein, Dahlas	AMB/FD/Maintenance/Fueling/Cleaning	1,500.00
Homier Ventures LLC	PK / Hardware	2.58
IGS ORIX Solar I	Solar Power Purchase	24,635.98
Ingram Library Services	LB / Books	304.77
Lakeside Golf Club	CM / Membership Dues / Pepplitsch, J	1,420.00
Lexington City Payroll Account		
Payroll	Wages	165,387.89
Social Security	Employer Portion / FICA Med	12,283.89
Union Bank & Trust	Employer Portion / Pension	5,691.04
Union Bank & Trust	Police Pension	3,087.35
ICMA	City Manager Pension	1,104.49
Lexington Health Fund	Self-Funding	52,145.35
Lexington Regional Health Center	AMB / Laundry Service	460.00
LEXUS	Utilities	47,412.79
Lincoln Winwater Works Company	WR / Hardware	27.82
Mead Lumber	Hardware/Supplies/Tools	345.79
Meritain Health	Health Premium	37,936.22
Mid-States Automation & Control Inc	OC / Preventative Maintenance	1,125.00
Municipal Supply Inc	WR / Parts	478.32
Nebraska Machinery Company	ST / Equipment Repairs	5,695.86
Nebraska Public Power District	O & M	103,631.41
	Power Purchase	1,077,469.45
Norton, Jennifer	LB/ Expenses/Poetry Out Loud State Finals	223.78
O'Reilly Auto Parts	CEM / ST / Mower Parts / Battery	803.36
Paulsen Inc	ST / WR / Limestone	2,298.88
Platte Valley Auto Mart Inc	PD / Oil & Lube	71.34
Plum Creek Medical Group	ST / Vaccination	103.00
Plumbing & Heating Wholesale Inc	SW / WR / Parts / Tools	909.02
Pollution Control Systems Inc	SW / Liftstation Pump	5,764.00
Principal	Dental Premium	4,377.40

Quadient Inc	EL / Postage Machine / Rental Agreement	1,155.60
S & W Auto Parts	PK / WWTP / Parts / Tools	313.16
Salem, John	CC/ Expenses / League Conference 2024	307.49
Schroeder, Dave	Electric Rebate	1,650.00
Standard Insurance Company	Life Insurance Premiums	975.32
State of NE/Public Health Environmental Lab	WR / Testing	150.00
Titan Machinery - Lexington	FD / WWTP / Parts / Repairs	2,729.33
U Save Pharmacy / Business Equipment	EL / LB / ST / Office Supplies	1,019.89
Verizon Wireless	Cellular Service	391.61
VSP / Vision Service Plan	Vision Premium	1,108.40
Walmart	EL / GGC / LB / ND / PD / ST / Supplies	638.16
Warriner, David Glenn / Arborist Anon	ST / Equipment Repairs	132.65
YMCA of the Prairie	Fitness Memberships	1,586.00
Cash-Wa Distributing	MOW / Food & Supplies	2,082.35
Cengage Learning	LB / Books	72.63
Center Point Inc	LB / Books	86.88
Central Community College	DS / Classes / Ramirez, Jose	49.00
City of Lexington	Utility Franchise Fees	90,626.37
Dan's Sanitation	Sanitation Fees	43,741.39
Davis Energy	ST / Fuel	92.80
Eakes Inc	DocMgmt Support	490.00
First Interstate Bank	LB / Petty Cash	135.70
GB Auto Service Inc	PD / Tire Repair	24.87
Health Claims	Claims	33,417.36
Hiland Dairy Foods	MOW / Dairy Products	219.07
Ingram Library Services	LB / Books	106.49
Invest Plus Inc / Plum Creek Market Place	DAD / MOW / Food	264.37
K-Lawn of Lexington	FD / Ground Sterilant	65.00
Nebraska Machinery Company	ST / Equipment Repairs	193.00
Nebraskaland Tire	ST / Oil & Lube	243.99
Platte Valley Communications	ST / Radio Repairs	142.50
S & W Auto Parts	PK / REC / Parts	38.56
Stout, Robby B / Stout Construction	ST / WR / Repairs	10,753.00
TASC	Administration Fees	175.62
United Tactical Systems LLC	PD / Pepperball Equipment	1,619.00
Village Cleaners Inc	GGC / Janitorial Supplies	64.06
W W Grainger Inc	WWTP / Utility Cart	564.56
	TOTAL CLAIMS:	1,844,841.57

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

PUBLIC COMMENTS: Nola Reed appeared before Council to express her opinions regarding floral arrangements on monuments at the cemeteries.

ACTION PLAN: The final draft of the 2024 Development Action Plan was presented for Council consideration. Following discussion, moved by Salem, seconded by Smith, to approve the 2024 Development Action Plan as presented. Roll call. Voting “aye” were Vivas, Smith, Salem, Fagot. Motion carried.

ORDINANCE: Ordinance No. 2463 entitled **AN ORDINANCE TO AMEND SECTIONS 28-417, 28-418, 28-439, AND 28-440 OF THE LEXINGTON CITY CODE; TO REPEAL ORIGINAL SECTIONS 28-417, 28-418, 28-439, AND 28-440, AND ALL OTHER ORDINANCES OR**

SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN ELECTRONIC FORM” was presented. Peplitsch reviewed amendments to the City Code related to Sanitary Sewer regulations. Moved by Salem, seconded by Smith, to approve Ordinance No. 2463 on first reading. Roll call. Voting “aye” were Vivas, Smith, Salem, Fagot. Motion carried.

RESOLUTION: Resolution No. 2024-08 was presented. Peplitsch reviewed a Supplemental Agreement for additional engineering services for the East Viaduct project. Following discussion, moved by Vivas, seconded by Smith, to approve Resolution No. 2024-08. Roll call. Voting “aye” were Salem, Smith, Vivas, Fagot. Motion carried.

**PRELIMINARY ENGINEERING SERVICES
AGREEMENT SUPPLEMENTAL AGREEMENT NO. 5 -
BK2052**

CITY OF LEXINGTON
Resolution No. 2024 -08

Whereas: City of Lexington and WSP USA, Inc. have previously executed a Preliminary Engineering Services Agreement for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: City of Lexington understands that it must continue to strictly follow all Federal, State, and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

Whereas: City of Lexington and WSP USA, Inc. wish to enter into a supplemental Preliminary Engineering services agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the City Council of the City of Lexington, Nebraska that:

John Fagot, Mayor of City of Lexington, is hereby authorized to sign the attached Preliminary Engineering Services Supplemental Agreement No. 5 between the City of Lexington and WSP USA, Inc.

NDOT Project Number: RRZ-TMT-
1705(3) NDOT Control Number: 61457
NDOT Project Description: Lexington East Viaduct

Adopted this 26th day of March, 2024, at Lexington Nebraska.

ORDINANCE: Ordinance No. 2464 entitled “**AN ORDINANCE APPOINTING A CITY MANAGER; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN ELECTRONIC FORM”** was presented. Moved by Salem, seconded by Vivas, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Smith, Vivas, Salem, Fagot. Motion carried.

Ordinance No. 2464 was presented on final reading. Moved by Smith, seconded by Vivas, to approve Ordinance No. 2464 on final reading. Roll call. Voting “aye” were Salem, Vivas, Smith, Fagot. Motion carried.

EXECUTIVE SESSION: Moved by Salem, seconded by Smith, to enter Executive session at 5:47 p.m. to discuss real estate negotiations. Roll call. Voting “aye” were Vivas, Smith, Salem, Fagot. Motion carried.

Moved by Smith, seconded by Vivas, to enter Open session at 5:59 p.m. Roll call. Voting “aye” were Salem, Vivas, Smith, Fagot. Motion carried.

ROUNDTABLE: There were no topics of discussion.

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