

**CITY COUNCIL  
CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, June 28, 2022, at the Lexington City Hall, 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were John Fagot, John Salem, Dora Vivas, Steve Smith, and Jeremy Roberts. City Officials present were City Manager Joe Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, Community Development Director Bill Brecks 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 John Fagot. Fagot informed the public that the Open Meetings Act is posted in the Meeting Room at the Lexington City Hall, 406 E. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 6-14-2022:** Minutes of the Regular meeting held Tuesday, June 14, 2022, were presented. Moved by Smith, seconded by Roberts, to approve the minutes as presented. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$ 2,405,671.23 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Vivas, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$427,258.07 from General Fund, \$104,478.91 from Street Fund, \$27,767.14 from Housing Reuse, \$1,435,269.59 from LEXUS, \$35,873.31 from Sanitation, \$493.61 from Ambulance, \$370,404.49 from Health Fund, and \$4,126.11 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
June 28, 2022**

Amazon Capital Services Inc	LB / Books / Supplies	128.02
B & H Services / Service Master	Cleaning Service	5,702.00
Baker & Taylor	LB / Books	972.63
Beverly Bogle Louthan PC	Professional Fees	1,200.00
Bowers, Daniel	Electric Rebate	1,750.00
Brown, Harold	Electric Rebate	850.00
Business Cards / Bank of America		
AED US	PD / Tourniquets	183.57
Amazon.com	CEM / DS / FD / PK / Parts / Supplies	618.77
Camp World	WR / Fuel Tank	276.99
Cenex	FD / Fuel	196.29
CEU Plan	WWTP/Continuing Education / Philippi S	196.35
Facebook	REC / Advertisements	6.37

Faronics	LB / Software	1,819.23
Home Depot	WR / Ice Machine	1,600.26
League of Nebraska Municipalities	CT / Finance Conference / Hodges, B	361.00
Magnum	WWTP / Decanter Parts	1,230.78
Nebraska Water Association	WWTP/Conference/Glaze D / Philippi S	190.00
Parts Town	PK / Parts	39.99
Raising Cain's	PD / Meeting Meal	10.58
Swimoutlet.com	AC / Lifeguard Swimsuits / Accessories	2,591.35
United States Postal Service	CM / PD / WR / Postage	190.15
Cash-Wa Distributing	AC/MOW/REC/Concessions/Food/Spls	7,129.89
Cengage Learning	LB / Books	122.95
Chesterman Company	AC / GGC / REC / Beverages	1,408.80
Country Partners Cooperative	FD/ST/REC/Fuel/Herbicide/Propane	1,286.70
Davis Energy	ST / Fuel / Fuel Purchase	9,028.99
Demco	LB / Supplies	139.13
Dore, Dave	Electric Rebate	1,250.00
Dutton-Lainson Company	EL / Meters	676.36
Eakes Inc	EL / DocManagment	455.00
EI Electronics	EL / Software Support	131.04
Electrical Engineering & Equipment	EL / Hardware	127.38
Fagot Refrigeration & Electric Inc	GGC/SW/Shotkoski Lift Station / Repairs	331.34
Fastenal	CEM / PK / ST / Supplies	74.27
Galls Inc	PD / Uniform Expense	70.48
GB Auto Services Inc / TO Haas Tires	PK / WR / Repairs / Parts	592.95
Health Claims	Claims	4,303.71
Heldt McKeone & Copley Real Estate Trust	Earnest Money/Purchase 1811 Ridgeway/Avamere	10,000.00
Hiland Dairy Foods	MOW / Dairy Products	157.77
Holbein, Dahlas	AMB/FD/Truck Maint/Fueling/Cleaning	1,500.00
Holmes Plumbing & Heating Supply Co	WR / Tools	426.93
Homeier Ventures LLC / Bob's True Value	FD / PK / WWTP / Hardware / Supplies	27.60
IGS ORIX Solar I	Solar Power Purchase	46,832.67
Ingram Library Services	LB / Books	102.53
LEXUS	Utilities	40,006.92
Lien Inc	AC / REC / Sprinkler Repairs	4,631.24
Lincoln Winwater Works Co	WR / Parts	489.56
Matheson Tri-Gas	AMB / Medical Oxygen	77.95
Mead Lumber	FD / PK / Supplies	31.51
Meritain Health	Health Premium	33,892.77
Mid-American Supply Co/ Coast to Coast	LB / Supplies	272.28
Midland Scientific	WWTP / Lab Supplies	651.06
Miller & Associates Consulting Engineers	ND / Surveying Services	276.00
Nebraska Dept Of Environment & Energy	WWTP / Operator Renewal Fee / Philippi	150.00
Nebraska Machine Company	ST / ADA Sign Panels	8,345.75
O'Reilly Auto Parts	WR / Supplies	22.98
Ortiz, Amador	Electric Rebate	1,250.00
Paulsen Inc	ST / WR / Limestone	1,361.25
Platte Valley Auto Mart	PD / Repairs	527.64
Principal	Dental Premium	3,689.31
Quality Flow Systems Inc	WWTP / Service Check	1,300.00
Ramada Midtown - Grand Island	FD / Lodging / 2022 Fire School	4,803.45
Ramirez, Nuno	Electric Rebate	1,650.00
S & W Auto Parts	PK / Supplies	4.31
Sorensen, Nancy	Electric Rebate	1,250.00

St. Ann's Church	CDBG Grant / Remodel	27,767.14
Standard Insurance Company	Life Insurance Premiums	1,012.22
State of NE/Public Health Environmental Lab	WR / Testing	387.00
State of Nebraska/Cornhusker State Industries	LB / Supplies	8.79
TASC	Administration Fees	187.21
US Foods	MOW / Food & Supplies	526.96
Verizon Wireless	Cellular Service	417.23
Village Cleaners	GGC / Janitorial Supplies	61.00
VSP / Vision Service Plan	Vision Premium	1,027.78
Alexander, Michael/ Mike's Sprinkler Service	LB / Sprinkler Service	262.24
Brooks, Gary E & Cheryl L/Meridian Rentals	PK / Equipment	366.09
Cash-Wa Distributing	AC/OC/PK/REC/ST/Concessions/Spls	3,860.68
Cengage Learning	LB / Books	74.57
Chesterman Company	REC / Beverages	192.00
City of Lexington	Utility Franchise Fees	91,620.28
Complete Underground LLC	EL / Underground Boring / Fat Dog's	4,972.48
COX Subscription Inc	LB / Periodical Subscriptions	849.07
Dan's Sanitation	Sanitation Fees	35,873.31
Davis Energy	FD / ST / Fuel	514.88
Demco	LB / Supplies	748.29
Eakes Inc	EL / Office Printers	4,155.88
Fagot Refrigeration & Electric Inc	AC/ST/REC/WWTP/Repairs/Supplies	5,690.23
Fastenal	CEM / PK / ST / Safety Glasses	117.94
Health Claims	Claims	365,506.59
Heritage Landscape Supply Group/REAMS	PK / Sprinkler Parts	109.33
Homeier Ventures LLC / Bob's True Value	PK / Supplies	29.96
Lexington City Payroll Account		
Payroll	Wages	194,016.76
Social Security	Employer Portion / FICA Med	14,549.64
Union Bank & Trust	Employer Portion / Pension	5,312.82
Union Bank & Trust	Police Pension	3,252.70
ICMA	City Manager Pension	995.69
Lexington Health Fund	Self-Funding	333,141.04
Mead Lumber	PK / REC / Tools / Lumber	109.74
Midlands Contracting / Johnson Service Co	Clean/Jet/MRK/Tyson/Lift Stations/Lines	2,037.50
Nebraska Public Power District	O & M	197,466.20
	Power Purchase	895,975.64
Platte Valley Laboratories Inc	WWTP / Lab Supplies	762.50
Rentokil NA Inc / Presto-X	WWTP / Pest Control	56.00
Spectrum	Cable Service	67.62
United States Treasury	2022 PCORI Fees	406.98
Weekly Bulletin, The	EL / Annual Subscription	165.00
Weston, Judy	AC/Reimbursement / Pool Operator Fees	41.45
	<b>TOTAL CLAIMS:</b>	<b>2,405,671.23</b>

**FINANCIAL REPORT:** Moved by Vivas, seconded by Roberts, to accept the financial report for May 2022. Roll call. Voting “aye” were Smith, Salem, Roberts, Vivas, Fagot. Motion carried.

**LEVY REQUEST:** Resolution No. 2022-13 was presented. Following discussion, moved by Salem, seconded by Smith, to approve Resolution 2022-13. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

**RESOLUTION NO. 2022-13**

WHEREAS, the Lexington Airport Authority has requested an allocation of a part 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 \$162,000.00 of the City of Lexington Property Tax Levy Authority is hereby allocated to the Lexington Airport Authority for the fiscal year 2022-2023.

**Passed and approved this 28th day of June 2022.**

**PURCHASE AGREEMENT:** Peplitsch reviewed a purchase agreement for property located at 1811 Ridgeway Drive. Keith Sladky, Lantis Enterprises, voiced his concerns about the city competing with their facility for residents, employees, and resources in a period of hardship for care facilities. Fagot stated the assisted living facility will be run by a board as a non-profit entity and the city is an intermediate owner of the property. He suggested Mr. Sladky contact the city to discuss any assistance that may be available for their facility. Following discussion, moved by Roberts, seconded by Salem, to approve the purchase agreement for property located at 1811 Ridgeway Drive and to authorize the City Manager to execute closing documents. Roll call. Voting “aye” were Vivas, Smith, Salem, Roberts, Fagot. Motion carried.

**DEVELOPMENT AGREEMENT:** Copley reviewed a development agreement with Dawson County to exchange various properties. He noted the agreement has been approved by the Dawson County Commissioners. Resolution No. 2022-14 was presented. Following discussion, moved by Smith, seconded by Vivas, to approve Resolution No. 2022-14. Roll call. Voting “aye” were Salem, Roberts, Vivas, Smith, Fagot. Motion carried.

**RESOLUTION NO. 2022-14**

**A RESOLUTION OF THE CITY OF LEXINGTON, NEBRASKA APPROVING A DEVELOPMENT AGREEMENT WITH DAWSON COUNTY.**

WHEREAS, pursuant to Neb. Rev. Stat. §16-201 the City of Lexington has the power to sell and convey, exchange, or lease any real or personal property owned by the City in such manner and upon such terms and conditions as may be deemed in the best interests of the City; and

WHEREAS, the City desires to enter into a Development Agreement with Dawson County whereby certain real estate would be exchanged pursuant to the terms and conditions of said Development Agreement.

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

Section 1. That the City of Lexington finds the attached Development Agreement to be in the best interests of the City of Lexington.

Section 2. That the Mayor is hereby directed and authorized on behalf of the City of Lexington to enter into the Development Agreement and further authorized to execute any and all documents which may be necessary to effectuate the terms and conditions of said agreement.

**Passed and approved June 28, 2022**

**LIQUOR LICENSE MANAGER APPLICATION:** Peplitsch reviewed a Manager Application for Walmart Store #637. Following discussion, moved by Salem, seconded by Roberts, to recommend approval of the manager application to the Liquor Control Commission. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

**CDBG PROJECT BIDS:** Peplitsch reviewed bids received for the St. Ann’s Parish Center CDBG #20-EMCV-008 project. Following discussion, moved by Roberts, seconded by Smith, to concur with the acceptance of the low bid from Lacy Construction in the amount of \$452,000 and to authorize the Mayor to execute contract documents as needed. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

**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. 2446 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 Vivas, to suspend the rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

Ordinance No. 2446 was presented on final reading. Moved by Salem, seconded by Smith, to approved Ordinance No. 2446 on final reading. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

**EXECUTIVE SESSION:** Moved by Salem, seconded by Roberts, to enter into executive session to discuss real estate negotiations at 5:51 p.m. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

Moved by Salem, seconded by Vivas, to enter into open session at 6:08 p.m. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

**ROUNDTABLE DISCUSSION:** Peplitsch gave an update on current projects. Copley and Smith noted that they will be absent from the July 12 council meeting.

**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