

**CITY COUNCIL  
CITY OF LEXINGTON, NEBRASKA  
March 14, 2023**

A Regular Meeting of the Lexington City Council was held Tuesday, March 14, 2023, at 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 Peplitsch, Assistant City Manager Dennis Burnside, Finance Director Barb Hodges, Community Development Director Bill Brecks, 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 2-28-2023:** Minutes of the Regular meeting held Tuesday, February 28, 2023, were presented. Moved by Vivas, seconded by Salem, to approve the minutes as presented. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

**MINUTES – WORK SESSION 3-4-2023:** Minutes of the Work Session held Saturday, March 4, 2023, 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 \$719,930.94 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Salem, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$216,957.87 from General Fund, \$53,614.34 from Street Fund, \$143,354.24 from TIF, \$253,500.72 from LEXUS, \$10,000.00 from Sanitation, \$325.72 from Ambulance, \$1,599.80 from American Rescue Plan Act Fund, \$34,674.19 from Health Fund, and \$5,904.06 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Smith, Salem, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
March 14, 2023**

American Family Life Assurance Company	Premiums	1,679.89
ARK I CEA Holdco LLC / Solsystems	Solar Power Purchase / Airport Road	10,052.06
B & H Services / Service Master	EL / OC / Cleaning Service	5,570.31
Baker & Taylor	LB / Books	1,308.77
Bauer Built Inc	PK / Equipment Tires	221.88
Black Hills Energy	Natural Gas Service	4,393.10
Byrns Floor Covering & Installation	Carpet/Tile/Chambers/Restrooms/Deposit	17,399.81
Cash-Wa Distributing	MOW / Food & Supplies	3,741.21
Cengage Learning	LB / Books	146.96

Center Point Inc	LB / Books	189.96
Community Development Agency	TIF / Orthman 2014 Bond	143,354.24
County of Dawson - Register of Deeds	Filing Fees	42.00
City of Lexington	Interdepartmental Service Fees	55,749.00
	Utility Franchise Fees	4.00
City of Lexington / Street	SW / WR / Interdepartmental Service Fees	6,876.23
Dan's Sanitation	Sanitation Fees	13,775.09
Davis Energy	FD / Fuel	90.03
Dawson Public Power District	Power Purchase	76.69
Depository Trust	2016 Combined Utilities Bond / Interest	1,275.00
Doran Post & Associates Inc	CM / Surety Bond / Baruth, P	40.00
Downey Drilling Inc	WR/VFD RepWell15/Rebuild VHS Motor	15,594.56
Eakes Inc	LB / Office Supplies	25.97
Eilers Machine & Welding Inc	PK / Fabrication	115.00
Electrical Engineering & Equipment Company	OC / PK / LEG Lighting / Hardware	216.52
Electronic Systems Inc	GGC / Fire Alarm Inspection	140.40
Fagot Refrigeration & Electric Inc	ND / WWTP / Heater Repair / Service Call	317.90
First Interstate Bank	LB / Petty Cash	223.92
Fremarek Inc	PK / Janitorial Supplies	168.79
Galls Parent Holdings LLC	PD / Uniform Expense / Trousers	163.83
GB Auto Service Inc / TO Haas	WR / WWTP / Tire Repair / Oil & Lube	469.04
GEA Mechanical Equipment Inc	WWTP / Decanter Repairs	10,500.00
Great Plains Communications	City Internet Services	345.60
Greater Lexington Corporation	COOP Refund	149.50
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Hach Company	WWTP / Lab Supplies	85.49
Health Claims	Claims	15,527.99
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	212.00
Homeier Ventures LLC / Bob's True Value	PK / WWTP / Supplies / Hardware	45.60
Hydro Optimization & Automation Solutions Inc	WWTP / Remote Service / Support	375.00
Ideal Laundry & Cleaners Inc	Rug Service	725.72
Ingram Library Services	LB / Books	105.54
Intellicom Computer Consulting Inc	Tech Support / Software	3,100.50
Intermedia.com	Web Phone Charges	282.70
Invest Plus / Plum Creek Market Place	MOW / Food	187.21
John Deere Financial / Bomgaars / Landmark	FD/ND/PK/ST/WWTP/Supplies /Hardware	497.59
Jones Plumbing & Heating	GGC / PK / WR / WWTP / Parts	412.48
Kirk's Trenching & Septic Service LLC	CEM / Portable Rental	75.00
Lakeside Golf Club	CM / Membership / Peplitsch, J	1,392.00
League Of Nebraska Municipalities	CC/CM/Conference	2,526.00
LEE Enterprises Inc / Clipper Herald	Publications	2,003.00
Lexington Area Solid Waste Agency	Special Waste Disposal	915.25
Lexington, City Payroll Account		
Payroll	Wages	160,285.95
Social Security	Employer Portion / FICA Med	11,944.05
Union Bank & Trust	Employer Portion / Pension	5,728.58
Union Bank & Trust	Police Pension	3,489.36
ICMA	City Manager Pension	1,078.84
Leibert, Vince	FD / Mid-Winter Conference Registration	55.00
Lexington Lions Club	2023 Pancake Feed Tickets	210.00
Marriott Hotels - Cornhusker Lincoln	CC/CM/Lodging/Conference	1,100.00
Mead Lumber	FH/PK/WWTP/Supplies/Hardware/Lumber	410.56
Melson, Dane / Anytime Fitness	Fitness Memberships	187.20
Miller & Associates Consulting Engineers PC	WR/Standby Power Imps/Engineering Svcs	1,599.80
Miller, Trever	FD / Record Keeping	250.00
Morris Printing Group Inc	GGC / Newsletter	121.50

Motorola Solutions Inc	PD / Duty Belt Clips	200.00
Municipal Supply Inc	WR / Hardware	1,451.77
Nebraska Dept of Revenue	Sales and Use Tax	69,861.33
Nebraska Machinery Company	ST / Parts	331.43
Nebraska Secretary of State	Notary Bond / Baruth, P	30.00
Nebraska Tech & Telecommunications	Phone Service	1,339.52
Nebraska Water Experts / Culligan	Soft Water Supplies	495.75
Nebraskalink Holdings LLC	LB / Internet Service	150.00
OCLC	LB / Cataloging / Metadata / Worldshare	156.68
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
Oliver Consulting Services Inc	LB / Data Backup	45.00
One Call Concepts Inc	Locates	49.98
Overton Sand & Gravel	White Rock/Walnut Sub Station/NPPD Shop	2,358.30
Patton, Janell	FD/Conference Registration / Expenses	77.50
Paulsen Inc	Limestone/Crushed Concrete/Gravel	1,526.57
Pepplitsch, Joe	CM / Travel Expenses / League Conference	439.96
Platte Valley Auto Mart	PD/WR/Oil/Lube/Power Steering Repairs	801.36
Platte Valley Communications	GGC/FD/PD/Cord/Repairs/Maintenance	4,074.61
Police Officers' Association of Nebraska	PD / Memberships (3)	60.00
Quick Med Claims	AMB / Billing Service	60.56
Rasmussen Mechanical Services	WWTP / Boiler Repairs	1,012.50
Rentokil NA / Presto-X	WWTP / Pest Control	63.28
Roberts, Jeremy	CC / Travel Expenses / League Conference	217.46
Roemmich, Austin	AMB / Record Keeping	250.00
Rose Holding Inc	ST / SW / Equipment Service / Repairs	2,954.04
S & W Auto Parts	CEM / Parts	83.50
Salem, John	CC / Travel Expenses / League Conference	294.96
Schroeder, Stephan R / J & S Repair Services	Boiler Replacement/Hitting Bldg/50% Down	9,153.00
Smith, Steve	CC / Travel Expenses / League Conference	239.96
TL Sund Constructors Inc	WWTP / Crushed Concrete	141.68
TLC Lawn Care of Central Nebraska LLC	GGC/FD/LB/ND/PK/Pre-Paid Spraying	7,651.00
U Save Pharmacy / Business Equipment	AMB/EL/GGC/LB/ST/Medical/Office Spls	978.04
US Foods	MOW / Food & Supplies	762.06
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	527.50
Vivas, Dora	CC / Travel Expenses / League Conference	283.27
W W Grainger	WWTP / Supplies	197.05
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	167.05
Wesco Distribution Inc	WWTP / Supplies	93.73
Wilkins Architecture Design Planning LLC	Services/Vets Pavilion/Racquet Center	9,972.83
YMCA Of the Prairie	Fitness Memberships	1,384.00
Axxent Buildings LLC	WWTP / Overhead Door Repairs	222.95
Cash-Wa Distributing	OC / PK / ST / Janitorial Supplies	3,766.35
Chesterman Company	FH / Beverages	928.80
City of Lexington / Street	Fuel	8,212.00
CNH Industrial America LLC / Titan	ST / WWTP / Equipment Repairs / Parts	3,097.78
Complete Underground LLC	Boring/Trenching/Underground/St Lights	22,225.33
Davis Energy	ST / Fuel Purchase	4,653.58
Electrical Engineering & Equipment Co	PK / Supplies	13.79
GB Auto Service Inc / TO Haas	ST / Tire Repair	24.87
Harris, Jason	Meals/International Code Council	165.00
Health Claims	Claims	17,466.31
Hiland Dairy Foods	MOW / Dairy Products	197.20
Homeier Ventures LLC / Bob's True Value	ST / WWTP / Equipment Parts / Hardware	66.51
JEO Consulting Group Inc	NW Drainage Imps/Spring Creek/Pro Svcs	14,119.00
Kohl, Patrick J / Kohl Welding & Machining LLC	PK / ST / Welding / Fabrication	3,697.14
Lexington Regional Health Center	PD / Physical / Castaneda, A	158.00
McCormack Distributing Company Inc	MOW / Supplies	35.75

Mead Lumber	Cement Blocks/Bricks/Hardware/Tools/Spls	137.85
Midland Scientific Inc	WWTP / Lab Supplies	371.36
Mid-State Engineering & Testing	WWTP/ Plant Imps/Construction Testing	708.00
O'Reilly Auto	CEM / ST / Filters / Tools	195.94
Paulsen Inc	WR / Limestone / Heat	1,392.61
S & W Auto Parts	CEM / ST / Hardware / Parts	65.13
Sirchie Acquisition Company LLC	WWTP / Lab Supplies	185.31
Stout, Robby B	WR / Street Repairs	4,064.00
US Foods	MOW / Food & Supplies	578.19
Village Cleaners Inc	GGC / Janitorial Supplies	61.00
Vitito, Dale / Jack's Uniforms & Equipment	PD / Uniform Expense	136.79
	<b>TOTAL CLAIMS:</b>	<b>719,930.94</b>

**AUDIT REPORT:** Barb Hodges, Finance Director, presented the 2022 Audit Report, stating an unqualified opinion was issued. Following her presentation, moved by Salem, seconded by Vivas, to accept the 2022 Audit Report as presented. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried. The council congratulated Hodges and her staff for a job well done.

**RESOLUTION:** Resolution No. 2023-06 was presented. Pepplichtsch reviewed a request from Dan’s Sanitation for an adjustment in fees for increased costs related to wages, insurance, fuel, and landfill tipping fees. Following discussion, moved by Vivas, seconded by Roberts, to approve Resolution No. 2023-06 as presented. Roll call. Voting “aye” were Smith, Salem Roberts, Vivas, Fagot. Motion carried.

**RESOLUTION NO. 2023- 06**

**WHEREAS,** Section 28-467 of the Lexington City Code authorizes the City Council to establish by resolution the charges and fees for collection of refuse and garbage, and;

**WHEREAS,** an increase in operating expenses justifies an increase in existing rates.

**BE IT THEREFORE RESOLVED,** that effective April 1, 2023, the charge to be collected for residential garbage pickup within the City of Lexington shall be \$16.50 per month, plus an administrative charge of \$1.00, for a total of \$17.50 per month.

**BE IT FURTHER RESOLVED,** that effective April 1, 2023, the charge for residential customers who are single and 65 years of age or older and living alone shall be \$14.50, plus administrative charge of \$1.00, for a total of \$15.50 per month.

**PASSED AND APPROVED this 14th day of March, 2023.**

**ACTION PLAN:** Pepplichtsch presented a final draft of the 2023 Development Action Plan. Following discussion, moved by Smith, seconded by Salem, to approve the 2023 Development Action Plan as presented. Roll call. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

**PAY REQUEST:** Pepplichtsch reviewed Pay Request #7 in the amount of \$66,915.00 from Lacy Construction for the Veterans Pavilion at Kirkpatrick Memorial Park project. Following a project update, moved by Salem, seconded by Smith, to approve Pay Request #7 as presented. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

**PAY REQUEST:** Pepplichtsch reviewed Pay Request #1 from Trillium Pumps USA Inc. for the 2020 Wastewater Equipment Procurement Project-Bid B in the amount of \$54,715.50. Following a project

update, moved by Smith, seconded by Salem, to approve Pay Request #1 as presented. Roll call. Voting “aye” were Vivas, Roberts, Salem, Smith, Fagot. Motion carried.

**PAY REQUEST:** Pepplitsch reviewed Pay Request #18 for the 2021 Wastewater Facility Improvements project from Walters-Morgan Construction in the amount of \$126,817.91. Following a project update, moved by Roberts, seconded by Vivas, to approve Pay Request #18 as presented. Roll call. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

**EXECUTIVE SESSION:** Moved by Roberts, seconded by Vivas, to enter Executive Session at 5:42 p.m. to discuss the annual job performance of the City Manager. Roll call. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

Moved by Salem, seconded by Roberts, to enter Open Session at 6:07 p.m. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

**ROUNDTABLE:** There were no items for 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