

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

A Regular Meeting of the Lexington City Council was held Tuesday, November 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, City Attorney Brian Copley, Finance Director Derek Haines, 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 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 10-24-2023:** Minutes of the Regular meeting held Tuesday, October 24, 2023, were presented. Moved by Salem, seconded by Vivas, to approve the minutes as presented. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$1,284,295.82 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Roberts, seconded by Smith, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$374,603.57 from General Fund, \$145,189.93 from Street Fund, \$40,666.00 from TIF Fund, \$652,693.83 from LEXUS, \$10,000.00 from Sanitation, \$10,000.36 from Ambulance, \$44,722.09 from Health Fund, and \$6,420.04 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Salem, Smith, Roberts, Fagot. Motion carried.

**ACCOUNTS PAYABLE  
November 14, 2023**

ACE Irrigation & Manufacturing Company	REC / Culvert Flares / Rec-Racquet Center	1,328.04
Alternative LED LLC	PK/Final 50%/Lighting/Rec-Racquet Center	22,864.75
ARK I CEA Holdco LLC / Solsystems	Solar Power Purchase / Airport Road	9,299.75
ASP Enterprises Inc	PK / Hydromulch / Patriot Park	2,684.37
Asphalt Research Technology Inc	ST / Cold Patch Asphalt	2,408.00
B & H Services / Service Master	EL / GGC / OC / Cleaning Service	5,682.31
Baker & Taylor	LB / Books	4,067.15
Bauer Built Inc	ST / Tire Repairs	249.27
Black Hills Energy	Natural Gas Service	491.74
Blue360 Media	PD / Books	93.75
Bound Tree Medical LLC	AMB/FH/GGC/LB/Medical Spls/AED Units	11,144.62
Cash-Wa Distributing	MOW / Food & Supplies	5,072.59
Cengage Learning	LB / Books	246.05

Center Point Inc	LB / Books	189.96
Central Community College	AMB / CPR Training	498.00
Chesterman Company	FH / GGC / Beverages	1,634.50
City of Lexington	Interdepartmental Service Fees	55,749.00
	Utility Franchise Fees	416.55
City of Lexington / Street	SW / WR / Interdepartmental Service Fees	6,876.23
	Fuel	11,493.52
Community Development Agency	TIF / Legend Oaks	40,666.00
Core & Main LP	EL/WR/AMI/Metering Upgrade/5th Yr/Radios	51,658.72
Country Partners Cooperative	PK / Fertilizer / Dry Spreader Rental	6,149.78
County of Dawson- Register of Deeds	Filing Fees	20.00
Dan's Sanitation	Sanitation Fees	15,174.31
Davis Energy	FD / ST / Fuel / Fuel Purchase	6,393.52
Dawson Public Power District	Power Purchase	78.98
Depository Trust	2020 Combined Utilities Rev Bond Pymt	96,062.50
DES PP LLC / Little Caesars Pizza	CM / Meeting Meal / Senior Seminar	136.64
Downey Drilling Inc	CEM / Parts	373.12
Dutton-Lainson Company	EL / Meter Sockets	1,170.55
Easy Picker Golf Products Inc	REC / Parts	64.14
Electrical Engineering & Equipment Company	PK / Lights	12.36
Fagot Refrigeration & Electric Inc	AC / Winterization / Ice Machine	75.00
First Interstate Bank	LB / Petty Cash	292.16
Galls Parent Holding LLC	PD / Uniform Expense	30.85
Glaze, Doug	Reimbursement/Mileage/Conference	98.25
Gomez Vazquez, Eduardo / Supreme Lawncare	DS / Abatement / Lawn Care	250.00
Grand Island Independent	LB / Annual Subscription	563.99
Great Plains Communications	City Internet Services	346.10
Great Plains Uniforms	PD / Uniform Expense	847.29
Greater Nebraska Cities	Monthly Lobbying Services	667.00
Health Claims	Claims	34,069.85
Heldt McKeone & Copley	Professional Fee	2,700.00
Hiland Dairy Foods	MOW / Dairy Products	681.53
Holbein Lawn Service	FD / Lawn Care	220.00
Homeier Ventures LLC	PK / Supplies	77.21
Hunt Cleaners Inc	CEM / PK / ST / WR / Gloves	1,219.64
Ideal Laundry & Cleaners Inc	Rug Service	1,139.44
Ingram Library	LB / Books	247.05
Intellicom Computer Consulting Inc	Tech Support / Software	11,102.00
Intermedia.com	Web Phone Charges	284.44
John Deere Financial / Bomgaars / Landmark	AC/PK/ST/SW/WR/Parts/Hardware/Repairs	2,373.37
Jones Plumbing & Heating Inc	Parts/Repairs	1,927.41
Kirk's Trenching & Septic Service LLC	CEM / Portable Rental	75.00
Kohl, Patrick J / Kohl Welding & Machining LLC	PK / ST / Parts / Repairs	1,568.64
Komline-Sanderson	WWTP / Parts	2,219.13
LEE Enterprises Inc / Clipper Herald	Publications	454.80
Lexington Area Solid Waste Agency	Special Waste Disposal	1,404.20
Omaha World Herald	LB / Annual Subscription	1,109.99
Lexington, City Payroll Account		
Payroll	Wages	160,488.03
Social Security	Employer Portion / FICA Med	12,002.34
Union Bank & Trust	Employer Portion / Pension	0.00
Union Bank & Trust	Police Pension	3,082.09
ICMA	City Manager Pension	1,085.25
Mead Lumber	DS / ND / PK / Tools / Hardware / Supplies	1,796.60
Melson, Dane / Anytime Fitness	Fitness Memberships	187.20
Meritain Health	Health Premium	37,936.22
Mid-States Automation & Control Inc	OC / Preventative Maintenance	1,125.00

Midwest Laboratories Inc	WWTP / Testing	1,044.50
Miller, Trever	FD / Record Keeping	250.00
Morris Printing Group Inc	GGC / Newsletter	138.76
Moseley, Theresa, Plum Creek Promotions	PK / ST / WR / Uniform Shirts	875.70
Municipal Supply Inc	WR / Parts	1,351.19
National League of Cities	CM / Membership Dues	1,701.00
Nebraska Dept of Environment & Energy	WR / Operator License Renewals (6)	690.00
Nebraska Dept of Revenue	Sales and Use Tax	54,343.63
Nebraska Machinery Company	ST / Equipment Parts	288.49
Nebraska Tech & Telecommunications	Phone Service	1,276.90
Nebraska Water Experts / Culligan	Soft Water Supplies	491.33
Nebraskalink	LB / Internet Service	30.00
Novo Benefits LLC	ND / Booklets	413.01
O'Hara Lindsay and Associates	Monthly Lobbying Services	333.00
Oliver Consulting Services Inc	LB / Service Call / Data Backup	71.25
One Call Concepts Inc	Locates	125.64
O'Neill Wood Resources LLC	ST / Wood Grinding	19,500.00
O'Reilly Auto Parts	ST / Parts	49.63
Paulsen Inc	Sand/Gravel/Calcium/Heat/Fiber Mesh	9,369.50
Platte Valley Auto Mart	FD / PD / WR / Battery / Repairs	1,123.34
Platte Valley Communications	FD/PD/ST/Pagers/Maint/Repairs/Installation	3,894.08
Platte Valley Laboratories Inc	WWTP / Testing	792.50
Plum Creek Medical Group PC	Flu Shot	80.00
Quadient Finance USA Inc	Postage	3,000.00
Quick Med Claims	AMB / Billing Fees	358.12
Rentokil NA / Presto-X	WWTP / Pest Control	69.61
Roemmich, Austin	AMB / Record Keeping	250.00
RR Donnelley & Sons Company	PD / Citations	270.70
S & W Auto Parts	PK / ST / Parts / Supplies	119.43
Salem, John	CC / Travel Expenses / League Conference	265.57
Spectrum	Cable Service	37.13
Stallbaumer, Jacob	AMB / Reimbursement / CPR Course	36.38
T & R Electric	EL / Transformer	13,619.82
Tri State Oil Reclaimers Inc	ST / Used Oil Disposal	175.00
U Save Pharmacy / Business Equipment	AMB/DS/EL/GGC/LB/PD/ST/Supplies	1,911.98
Vak, Joseph / Lexington Animal Clinic	PD / Animal Care	1,002.00
Vetter, Jake	WR / Reimbursement / Work Boots	59.12
Village Cleaners Inc	GGC / Janitorial Supplies	64.06
VVS INC	PD / Service Call / Security Door Repair	503.58
W W Grainger	WWTP / Supplies	44.43
Werner's Sprinklers / Dawson Pest Control	FD / GGC / OC / Pest Control	167.05
Amazon Capital Services Inc	LB / Books / Supplies	552.69
American Family Life Assurance Co / AFLAC	Premiums	1,560.28
Axxent Buildings LLC	Overhead Door Parts/Adjustments	510.85
Baker & Taylor	LB / Books	328.77
Benson, John Kevin / Benson Tree Service	EL / Tree Trimming	15,600.00
Central Community College	AMB / Training	64.00
Core & Main	WR / Radios	10,911.26
Danko Emergency Equipment	FD / Equipment Parts	486.51
Davis Energy	ST / Fuel Purchase	3,498.29
First Interstate Bank	LB / Petty Cash	84.56
Fyr-Tek	FD / Equipment Repairs	180.00
Health Claims	Claims	9,011.96
Hoppe Homes LLC	Civil Development/Vintage Row	251,541.97
Hydro Optimization & Automation Solutions Inc	WWTP / Parts / Decanter Control Panel	923.72
Ingram Library Services	LB / Books	58.71
Invest Plus Inc / Plum Creek Market Place	LB / MOW / ND / Food / Supplies	280.22

JEO Consulting Group Inc	ND/Pro Services/Comprehensive Plan	1,423.50
Lexington, City Payroll Account		
Payroll	Wages	168,197.06
Social Security	Employer Portion / FICA Med	12,590.03
Union Bank & Trust	Employer Portion / Pension	0.00
Union Bank & Trust	Police Pension	3,328.83
ICMA	City Manager Pension	1,085.25
Matt Friend Truck Equipment Inc	ST / Equipment Parts	277.65
Municipal Supply Inc of Nebraska	WR / Parts / Curb Box Repair	4,146.94
Nebraska Machinery Company	ST / Equipment Repairs	1,365.67
Prophet Corporation, The	REC / Indoor Soccer Balls	442.85
Stout, Robby B / Stout Construction	ST / WR / Repairs	18,243.00
Titan Machinery - Lexington	PK / WWTP / Equipment Parts / Repairs	5,195.83
Treetop Products LLC	AC / Benches (10)	6,047.92
WAM Inc / Central Nebraska Bobcat	ST / Equipment Repairs	562.97
YMCA of the Prairie	Fitness Memberships	1,409.26
	<b>TOTAL CLAIMS:</b>	<b>1,284,295.82</b>

**RESOLUTION:** Peplitsch requested Council consideration of PS&E documents for the Lexington East Viaduct project (RRZ-TMT-1705(3), CN 61457). Following a project update, Resolution No. 2023-21 was presented for Council consideration. Moved by Roberts, seconded by Salem, to approve Resolution No. 2023-21 as presented. Roll call. Voting “aye” were Vivas, Smith, Salem, Roberts, Fagot. Motion carried.

**RESOLUTION  
APPROVAL OF PRELIMINARY PLANS, SPECIFICATIONS, AND ESTIMATES (PS&E)**

**City of Lexington  
Resolution No. 2023-21**

**Whereas:** City of Lexington and State entered into an LPA Program Agreement for State to assist City in the development and construction of an LPA Federal-aid transportation project;

**Whereas:** The State or the design consultant has developed the project plans to the point where they are ready to submit to State’s PS & E Section for final edits for a bid letting;

**Whereas:** The LPA Program Agreement requires the city to review the preliminary PS & E package and either request modification or approve them as acceptable at this stage.

**Whereas:** City wishes to approve the preliminary PS & E package as prepared.

**Be It Resolved by the City Council of the City of Lexington that:**

The Mayor, John Fagot, is hereby authorized to sign the bottom of this resolution and submit it to the State signifying the City’s approval of the preliminary PS & E package.

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

**Adopted this 14 day of November, 2023, at Lexington, Nebraska.**

**PAY REQUEST:** Pepplitsch reviewed Pay Request #26 from Walters Morgan Construction for the 2021 Wastewater Facility Improvements project in the amount of \$278,025.50. Following a project update, moved by Smith, seconded by Vivas, to approve Pay Request #26 as presented. Roll call. Voting “aye” were Salem, Roberts, Vivas, Smith, Fagot. Motion carried.

**PAY REQUEST:** Pepplitsch reviewed Pay Request #3 from TL Sund Constructors Inc. for the Lexington Racquet Center project in the amount of \$279,825.30. Following a project update, moved by Salem, seconded by Smith, to approve Pay Request #3 as presented. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

**RESOLUTION:** Resolution No. 2023-22 to authorize signatures of the annual street superintendent certification form was presented for Council consideration. Moved by Vivas, seconded by Smith, to approve Resolution No. 2023-22 as presented. Motion carried.

**RESOLUTION NO. 2023-22  
SIGNING OF THE YEAR-END CERTIFICATION OF  
CITY STREET SUPERINTENDENT  
2023**

**WHEREAS:** State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

**WHEREAS:** The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31<sup>st</sup> of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent form; and

**WHEREAS:** The NDOT requires that such certification shall also include a copy of the documentation of the city street superintendent’s appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number (if applicable), and Class of License (if applicable), and type of appointment, i.e. employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

**WHEREAS:** The NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor and shall include a copy of a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor.

**BE IT RESOLVED** that the Mayor of Lexington is hereby authorized to sign the attached Year-End Certification of City Street Superintendent form.

**Adopted the 14<sup>th</sup> day of November 2023.**

**WORK SESSION:** Moved by Salem, seconded by Vivas, to schedule a Work Session on Saturday, December 2, 2023, at 8:00 a.m. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

**ROUNDTABLE DISCUSSION:** Peplitsch gave an update of current 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