

**CITY COUNCIL
CITY OF LEXINGTON, NEBRASKA
February 27, 2024**

A Regular Meeting of the Lexington City Council was held Tuesday, February 27, 2024, 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.

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 2-13-24: Minutes of the Regular meeting held Tuesday, February 13, 2024, 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.

CLAIMS & BILLS: Claims and Bills in the amount of \$3,757,520.67 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Smith, seconded by Roberts, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$265,161.00 from General Fund, \$1,736,910.39 from Street Fund, \$1,694,168.18 from LEXUS, \$40,767.95 from Sanitation, \$547.75 from Ambulance, \$16,063.26 from Health Fund, and \$3,902.14 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

**ACCOUNTS PAYABLE
February 27, 2024**

Amazon Capital Services Inc	LB / Books / Supplies / Promotions	415.19
American Library Association	LB / Membership Dues / Norton, J	123.00
Asphalt Research Technology Inc	ST / Cold Patch	2,520.00
Axxent Buildings LLC	ST / Overhead Door Repair	268.98
B & H Services / Service Master	Cleaning Service	6,254.00
Baker & Taylor	LB / Books	1,518.31
Barco Municipal Products Inc	ST / Speed Limit Signs	286.63
Bauer Built Inc	ST / Tire Repair	92.00
Becerra, David	Electric Rebate	2,200.00
Benson, John Kevin/Benson Tree Service	EL/Power Line Clearance/Tree Trimming	17,650.00
Beverly Bogle Louthan PC	Professional Fees	1,200.00
Brooks, Gary E&Cheryl L/Meridian Rentals	PK / Trimmer	189.99
Business Card / Bank of America		
Adobe Inc	ST / Software	256.67

Airsoft Station	PD / Training Equipment	1,418.33
Amazon.com	CM / EL / ND / PD / SW / WR / Supplies	2,039.56
Cabela's / Bass Pro	WR / Chest Waders	943.86
Canva	LB / Software	14.99
Delight Donuts	CM / WR / Meeting / Career Fair / Meal	88.58
Hampton Inn - Kearney Nebraska	FD / Lodging / Fire School	1,911.43
Harbor Freight	WR / Tools	628.85
Hurco Technologies Inc	WR / Parts	85.39
John E Reid & Associates	PD/Training Classes/Baker/Pinkelman	298.00
Microsoft	AMB / LB / Software	116.74
National Assn of School Resource Officers	Membership/Schooling/Roberts, M	550.00
NE Recreation & Park Assn	Membership /Luther/Saulsbury	140.00
United States Postal Service	WR / Postage	133.10
University of Nebraska	GGC / Food Handlers Class / Bowers, W	30.00
Water Environmental Federation	WWTP / Membership Dues / Glaze, G	136.00
Cash-Wa Distributing	MOW / Food & Supplies	1,413.20
Cengage Learning	LB / Books	581.81
Chesterman Company	MOW / Beverages	120.00
Contreras, Ana	Electric Rebate	2,225.00
Davis Energy	ST / Fuel Purchase	4,461.58
DELL Marketing LP	EL / PD / PK / Computers	3,254.72
DES PP LLC / Little Caesars	LB / Pizza / Volunteer Appreciation	23.96
Dutton-Lainson Company	EL / Meter Sockets	98.01
Eakes Inc	Copier Exp/Software/Office Chairs	3,237.58
Electronic Systems Inc	Annual Fire Alarm Inspection	132.40
Eustis Body Shop Inc	PD / Auto Body Repairs	5,003.30
Fagot Refrigeration & Electric Inc	LB / Filters	971.50
Fed Ex	WWTP / Delivery Fee	74.13
Galls Parent Holdings LLC	PD / Uniform Expense	341.94
Harris, Jason	Electric Rebate	149.80
Health Claims	Claims	9,770.01
Hiland Dairy Foods	MOW / Dairy Products	328.66
Holbein, Dahlas	Truck Maint/ Fueling / Cleaning	1,500.00
Homeier Ventures LLC/Bob's True Value	PK / WWTP / Parts / Hardware / Supplies	98.10
IGS ORIX Solar I	Solar Power Purchase	19,913.00
Ingram Library Services	LB / Books	231.16
Invest Plus / Plum Creek Market Place	DAD / LB / MOW / Food & Supplies	276.96
League of Ne Municipalities	WR / Workshop (6)	390.00
Lexington City Payroll Account		
Payroll	Wages	168,498.68
Social Security	Employer Portion / FICA Med	12,544.67
Union Bank & Trust	Employer Portion / Pension	5,650.00
Union Bank & Trust	Police Pension	3,114.67
ICMA	City Manager Pension	1,104.49
Lexington Health Fund	Self-Funding	50,945.35
LEXUS	Utilities	59,843.18
Macias, Keysha	Electric Rebate	1,050.00
Majestic Theatre	ND / Advertising	1,500.00
McCormack Distributing Company Inc	GGC / Equipment Repair	1,420.78
Mead Lumber	AC/FD/PK/ST/Flooring/Lumber/Supplies	350.21
Meritain Health	Health Premium	37,504.90
Mid-American Supply Co	LB / Supplies	741.88
Mobotrex Inc	ST / Parts	91.00
NE Dept of Environment & Energy	Operator Certificates/Luther/Saulsbury	80.00

Nebraska Department of Transportation	ST / Lexington East Viaduct Project	1,668,317.31
Nebraska Public Power District	O & M	155,846.08
	Power Purchase	1,247,417.45
Nebraska Safety & Fire Equipment Inc	LB/Fire Sprinkler System Inspection	440.00
Oestreich, Daniel	Electric Rebate	1,650.00
Olsson	ST/Pro Services / Hoppe Subdivision	8,783.13
O'Reilly Auto Parts	ST / Equipment Parts	108.97
Patton, Janell	Reimbursement / EMT License Renewal	25.00
Paulsen Inc	ST / WR / Limestone / Calcium / Gravel	4,848.57
Platte Valley Auto Mart	PD / ST / Oil & Lube / Repairs	1,760.02
Perreault, Charles	Electric Rebate	1,050.00
Plumbing & Heating Wholesale Inc	WR / Tools	49.22
Principal	Dental Premium	4,149.50
Plum Creek Medical Group PC	WR / Vaccinations	103.00
Rentokil N A / Presto-X	LB / Pest Control	113.50
Resource Management Company Inc	ST / Tire Disposal	698.75
Rose Holdings / Rose Equipment	ST / Equipment Service	2,313.99
S & W Auto Parts	PK / Supplies	20.98
Salois, Todd J/ProSource Specialties LLC	LB / Supplies	785.00
Saulsbury, Jake	Mileage Reimbursement/SCNBL Meeting	52.40
Standard Insurance Company	Life Insurance Premiums	955.32
Staples Ind / Quill Inc	LB / Supplies	209.99
State of NE/Public Health Environmental Lab	WR / Testing	262.00
Titan Machinery - Lexington	FD / ST / Service / Repairs	3,579.23
Vazquez, Enrique	Electric Rebate	2,200.00
Verizon Wireless	Cellular Service	391.61
VSP / Vision Service Plan	Vision Premium	1,047.62
W W Grainger Inc	WWTP / Parts / Supplies	496.00
Walmart	DS / LB / PD / PK / ST / Supplies	345.68
Wobbema, Chuck	Electric Rebate	300.00
YMCA of the Prairie	Fitness Memberships	1,581.86
Baker & Taylor	LB / Books	344.65
Central Septic Tank Pumping&Plumbing	Hydro Jet Sewer Lines/Camera Inspection	550.00
City of Lexington	Utility Franchise Fees	105,134.47
Core & Main LP	WR / Meter Registers / Parts	3,958.92
Dan's Sanitation	Sanitation Fees	40,767.95
Demco Inc	LB / Supplies	398.88
Eakes Inc	PD / Copier Expense	1,209.60
Electrical Engineering & Equipment	OC / Exit Lights	44.04
Electronic Systems Inc	LB / Fire Alarm Inspection	162.40
First Interstate Bank	LB / Petty Cash / Postage	110.47
Great Plains Asbestos Control Inc	Asbestos Abatement / 402 N Grant	29,060.00
Hach Company	WWTP / Testing Supplies	522.84
Health Claims	Claims	6,117.63
Kearney Public Library	LB / Books	27.00
Lexington Lions Club	Pancake Feed Tickets	210.00
Municipal Supply Inc	WR / Hardware / Parts	2,562.37
Platte Valley Excavating Inc	ST / Crushed Concrete	8,370.00
Rose Holdings / Rose Equipment	ST / Equipment Service	869.33
Statewide Collections LLC	EL / Collection Fees	47.09
Stout, Robby B / Stout Construction	WR / Street / Sidewalk / Alley / Repairs	6,429.00
TASC	Administration Fees	175.62

TOTAL CLAIMS:

3,757,520.67

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

ORDINANCE: Ordinance No. 2461 entitled “**AN ORDINANCE TO REZONE A CERTAIN TRACT OF REAL ESTATE TO R-1; TO REPEAL ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN ELECTRONIC FORM**” was presented. Peplitsch noted the ordinance had been carried over from the previous meeting. Moved by Vivas, seconded by Smith, to suspend rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Salem, Roberts, Smith, Vivas, Fagot. Motion carried.

Ordinance No. 2461 was presented on final reading. Moved by Vivas, seconded by Roberts, to approve Ordinance No. 2461. Roll call. Voting “aye” were Smith, Salem, Roberts, Vivas, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider an amendment to Section 5.13.06 of the Lexington Zoning Code. Peplitsch noted that the amendment is being proposed by staff to accommodate current development trends in the hotel/motel business for taller structures, raising the maximum height restrictions in the C-3 zone, and the Planning Commission has recommended Council approval. There being no public comments received or heard, the public hearing was closed. Ordinance No. 2462 entitled “**AN ORDINANCE TO AMEND SECTION 5.13.06 OF THE ZONING ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA; TO REPEAL ORIGINAL SECTION 5.13.06, 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. Moved by Salem, seconded by Roberts, to suspend rules regarding the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

Ordinance No. 2462 was presented on final reading. Moved by Salem, seconded by Smith, to approve Ordinance No. 2462. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

PUBLIC HEARING: Mayor Fagot opened a public hearing to consider a conditional use application by Alejandro Pinedo for a restaurant/bar located at 405 East Pacific. Brecks stated the use of the property as a bar requires a conditional use permit, and his office is working with the applicant to ensure parking and other requirements are met. He noted the Planning Commission has reviewed the application and recommended approval, and a draft agreement was available for review. There were no public comments, and the public hearing was closed. Following discussion, moved by Salem, seconded by Vivas, to approve a Conditional Use Permit for 405 East Pacific. Roll call. Voting “aye” were Smith, Roberts, Vivas, Salem, Fagot. Motion carried.

RESOLUTION: Resolution No. 2024-05 was presented. Peplitsch reviewed the requested rate increase. Following discussion, moved by Roberts, seconded by Vivas, to approve Resolution No. 2024-05. Roll call. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

RESOLUTION NO. 2024- 05

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 March 1, 2024, the charge to be collected for residential garbage pickup within the City of Lexington shall be \$17.50 per month, plus an administrative charge of \$1.00, for a total of \$18.50 per month.

BE IT FURTHER RESOLVED, that effective March 1, 2024, the charge for residential customers who are single and 65 years of age or older and living alone shall be \$15.50, plus administrative charge of \$1.00, for a total of \$16.50 per month.

PASSED AND APPROVED this 27th day of February, 2024.

PAY REQUEST: Peplitsch reviewed Pay Request #29 from Walters Morgan Construction for the 2021 Wastewater Facility Improvements project in the amount of \$102,566.32. Following a project update, moved by Roberts, seconded by Salem, to approve Pay Request #29. Roll call. Voting “aye” were Vivas, Smith, Salem, Roberts, Fagot. Motion carried.

PROJECT CLOSEOUT: Peplitsch reviewed Pay Request #1-Final for \$57,023.00 and the Certificate of Substantial Completion for the Well #10 Water Main project. Following an update, moved by Smith, seconded by Vivas, to approve Well #10 Water Main Project closeout documents for Van Kirk Bros. Contracting as presented. Roll call. Voting “aye” were Salem, Roberts, Smith, Vivas, Fagot. Motion carried.

WORK SESSION: Moved by Roberts, seconded by Vivas, to schedule a council work session for Saturday, March 9, 2024, at 8:00 a.m. Roll call. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

ROUNDTABLE: Peplitsch gave an update on current projects. Brecks introduced staff members Jason Harris and Jose Ramirez.

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.

City Clerk