

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Joint Meeting of the Lexington City Council and Dawson County Commissioners was held Tuesday, April 15, 2008, at the Grand Generation Center meeting room, located at 407 East 6th Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were Mayor John Fagot, Steve Tomasek, Joni Bennett, Linda Miller and John Salem. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, and Deputy City Clerk Pamela Berke. Dawson County officials included Commissioners Roger Bauer, Linda Benjamin, Bill Stewart, Butch Hagan, and County Clerk Karla Zlatkovsky. The press was represented by the Lexington Clipper-Herald, KNOP-TV, and Kearney Hub. Also present were numerous citizens.

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 Grand Generation Center meeting room, located at 407 East 6th Street, Lexington, Nebraska.

PUBLIC HEARING:

Mayor Fagot opened the public hearing to jointly consider, with the Dawson County Commissioners, the findings and recommendations of Kirkham Michael on the East Lexington Rural Viaduct Location Study. Randy Eldorado presented the final draft of the study and the final recommendations. He also outlined possible financing options and the ensuing process regarding possible construction of a viaduct. Following public comment and discussion, the public hearing was closed.

RESOLUTION:

Joint Resolution No. 08-09 was read. Moved by Tomasek, seconded by Salem, to approve Resolution No. 08-09. Roll call. Voting "aye" were Bennett, Miller, Salem, Tomasek, Fagot. Motion carried.

JOINT RESOLUTION NO. 08-09

WHEREAS, the City of Lexington and Dawson County jointly authorized a location study of a rural viaduct within a one mile radius of the intersection of County Road 435 and the Union Pacific Railroad; and

WHEREAS, a rural viaduct location study has been completed, determining that public safety will be improved by construction of a viaduct over the Union Pacific Railroad near County Road 435 east of Lexington, Nebraska; and,

WHEREAS, the Lexington City Council and the Board of Commissioners of Dawson County agrees with the study recommendation that a viaduct be located near County Road 435 crossing of the Union Pacific Railroad.

The Mayor and Council of the City of Lexington, Nebraska, and the Board of Commissioners of Dawson County, Nebraska, therefore jointly resolve as follows:

1. That the rural viaduct location study is hereby approved, including the recommendation for construction of an overpass near County Road 435 crossing of the Union Pacific Railroad;
2. That the Union Pacific Railroad Company and the State of Nebraska Department of Roads is hereby notified of such finding, and is requested to determine the necessity for construction of such overpass and determine the priority for funding of such construction

This Joint Resolution PASSED AND APPROVED by the City Council of the City of Lexington, Nebraska, on the 15th day of April, 2008.

John Fagot, Mayor
ATTEST: Pamela Berke, Deputy City Clerk

APPROVED by the Board of Commissioners of Dawson County, Nebraska, on this 15th day of April, 2008.

Roger Bauer, Chairman of County Board
ATTEST: Karla Zlatkovsky, County Clerk

ADJOURNMENT:

There being no further business to come before the Council, Mayor Fagot declared the meeting adjourned.

John Fagot
Mayor

Pamela Berke
Deputy City Clerk

I, the undersigned Deputy 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.

Deputy City Clerk