

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Joint Meeting of the Lexington City Council and Dawson County Commissioners was held Tuesday, May 27, 2008, at the Lexington Municipal Building, located at 406 E. 7th Street, Lexington, Nebraska at 5:00 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 Pepplitsch, Assistant City Manager Dennis Burnside, City Attorney Will Weinhold, and Deputy City Clerk Pamela Berke. Dawson County officials included Commissioners Dean Kugler, Roger Bauer, Linda Benjamin, Bill Stewart, Everett Hagan, and County Clerk Karla Zlatkovsky. The press was represented by the Lexington Clipper-Herald, KNOP-TV, and Kearney Hub.

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 Municipal building, located at 406 East 7th Street, Lexington, Nebraska.

RTSD: Pepplitsch presented background on the formation and functions of a Railroad Transportation Safety District to Council and Commissioners. Items discussed included the ability to form the district; the formation, governance and administrative duties of the board of directors; powers of the district; procedures needed before exercising powers; and the issuance of bonds and warrants. Following discussion, Resolution 08-13 was read. Moved by Salem, seconded by Miller, to approve Resolution 08-13. Roll call. Voting "aye" were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

Resolution No. 08-13

BE IT RESOLVED by the Mayor and Council of the City of Lexington, as follows:

Section 1. The Mayor and Council hereby find and determine that it will be conducive to the public health, safety, convenience and welfare of the general public of the City of Lexington to provide for one or more of the following projects:

- (a) To move, relocate, or remove any railroad tracks or railroad right-of-way, including improvements.
- (b) To relocate or remove any railroad yard, switch yard, or switch tracks.
- (c) To change, construct, eliminate, or reconstruct, including the use of protective devices of any kind or nature, any highway or street crossing of a railroad property.

- (d) To move, construct, or reconstruct any railroad bridge, viaduct, or subway.
- (e) To acquire, negotiate, sell, or eliminate any joint trackage operating rights or any rights of other individuals or entities over, in , or on any railroad tracks, rights-of-way, switch yards, or switch tracks, or
- (f) To do any two or more of the activities listed above.

Section 2. For the reason and purposes set forth in Section 1 of this Resolution, there is hereby ordered created the Railroad Transportation Safety District of Dawson County, Nebraska, (the "District") to come into existence as of June 1, 2008.

Section 3. The following members of the Council of the City of Lexington are hereby designated to serve on the initial Board of Directors of the District:

Steve Tomasek
John Salem
Linda Miller

Section 4. This resolution shall be in force and effect from and after its adoption as provided by law.

PASSED AND APPROVED this 27th day of May, 2008.

John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City 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