

**CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, December 14, 2010, at the Lexington Municipal Building, located at 406 E. 7<sup>th</sup> Street, Lexington, Nebraska at 5:30 p.m. Members of the Council present were 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. The press was represented by the Kearney Hub, Lexington Clipper-Herald and KRVN Radio. Also in attendance was Kevin Richardson.

**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 E. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 11-23-10** Minutes of the Regular meeting held Tuesday, November 23, 2010, were presented for Council approval. Moved by Salem, seconded by Miller, to approve Minutes as presented. Roll Call. Voting “aye” were Tomasek, Bennett, Miller, Salem, Fagot. Motion carried.

**MINUTES – SPECIAL MEETING 12-7-10** Minutes of the Organizational meeting held Tuesday, December 7, 2010, were presented for Council approval. Moved by Bennett, seconded by Tomasek, to approve Minutes as presented. Roll call. Voting “aye” were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

**CLAIMS & BILLS:** Claims and Bills in the amount of \$2,492,866.98 were presented for Council’s consideration and approval. Upon review of the Claims and Bills as listed, moved by Bennett, seconded by Tomasek, to approve the Claims and Bills as listed, and authorize the City Treasurer to transfer \$509,760.42 from the General Fund, \$1,921,709.91 from LEXUS, \$10,000.00 from Sanitation, \$3,142.19 from Ambulance Fund, \$42,955.39 from Health Fund, and \$5,299.07 from Meals on Wheels to the City of Lexington’s Operating Account. Roll call. Voting “aye” were Salem, Miller, Tomasek, Bennett, Fagot. Motion carried.

**CITY OF LEXINGTON  
ACCOUNTS PAYABLE  
December 14, 2010**

Alamar Uniform Co.	Uniform Expense	97.96
All Points Cooperative	Fuel	133.67
Anderson Graphics	Lib Supplies	67.50
Annie's Attic Books	Book	18.94
Awards Plus	Cemetery Supplies	14.50
Barco Municipal Products, Inc.	ST Supplies	2,176.59
Barmore Drug Store, Inc.	Supplies	28.33

Beringer Ciaccio Dennell Mabrey	DC Opportunity Center-Phase II	1,666.38
Bob's Auto Repair & Service	Central Garage Supplies	149.66
Business Office Systems, Inc.	Copies	124.59
Card Center/Orschel	WR / WWTP Supplies	271.83
Case Credit Advantage	WWTP Repair	624.25
Cash-Wa Distributing	Food & Supplies	1,568.78
Central Community College	CPR Classes	594.00
Central Garage Fund	Fuel / Repair / Service	20,226.64
Consumer Reports Money Adviser	Subscription	29.00
Cozad Services, Inc.	Fire Service	100.50
Culligan Water Conditioning Co.	Soft Water Supplies	194.83
D & R Computing	Fire Supplies	94.00
Dan's Sanitation	Sanitation Fees	11,178.00
Davis Energy, Inc.	Fuel / Oil	3,942.05
Dawson County Election Office	General Election Cost	50.00
Dawson County Handibus	Transportation	32.00
Dawson Pest Control	GGC Service	35.00
Dawson Public Power District	Power Purchase	3,420.87
Demco	Lib Supplies	155.06
Department of HHS / Licensure Unit	WR Operator License Renewal	31.00
Diamond Vogel Paint	ST Supplies	299.80
Doran Post & Associates, Inc.	Surety Bond Renewal	40.00
Eilers Machine & Welding	Central Garage Supplies	22.80
Electric Fixture & Supply	ST / EL / WWTP Supplies	1,004.95
EMS Billing Services, Inc.	Ambulance Service	1,500.02
Eustis Body Shop	Towing Expense	430.00
Evans, Jesse	Travel Expense	540.00
Fagot Refrigeration & Electric, Inc.	GGC Service & Repair	1,812.82
Farmer Brothers Coffee	Food & Supplies	393.63
Fastenal	ST / Municipal Bldg Supplies	76.10
Fireguard, Inc.	Fire Fees	12.97
Gale Group, The	Books	242.49
Galls	Uniform Expense / Supplies	88.72
Garden, Lawn & Landscaping	Yard Clean-up	200.00
Grand Island Independent, The	Subscription	198.00
Great Plains One-Call Service	Locates	61.25
Guideposts	Book	17.74
Hach Company	WWTP Supplies	581.27
HD Supply Waterworks	WR Meters / Supplies	4,126.77
Health Claims Fund	Claims	26,783.46
Holbein, Dahlas	Lawn Care	55.00
Homestead Bank	Wesleyan Land Pmt	42,263.19
Ingram Library Services	Books	370.09
Jim Phillips Const.	ST / Sidewalk Repair	13,745.00
JK Energy Consulting, LLC	EL Rate Study	4,900.00
John Deere Credit	Skid Steer Pmt	7,331.28
Jones Plumbing & Heating	GGC / WR / WWTP Service & Supplies	1,475.62
Kids Discover	Subscription	19.95
Kimbo Educational	Lib Supplies	143.40
Lexington Animal Clinic	Animal Care	808.00
Lexington Glass Co.	Repair	257.25
Lexington Health Fund	Self-Funding	33,080.08
Lexington Newspapers, Inc.	Publications	554.41
Lexington Postmaster	Postage / Box Fees	480.00
Lexington, City of	Franchise Fees	103.75
Payroll	Wages	108,007.21
Social Security	Employer Portion / FICA Med	7,927.85

First National Bank	Employer Portion / Pension	3,436.64
First National Bank	Police Pension	1,844.46
ICMA	City Manager Pension	433.84
LexisNexis Matthew Bender	Police Supplies	53.47
Linweld, Inc.	Ambulance Supplies	114.35
Lundeen-Isaacson, Inc.	Fire Dept Group Life Insurance	3,900.00
Mac's Short Stop	Food	26.91
Matt Parrott and Sons Co.	Business Office Supplies	184.74
McCookNet Internet Service	Service	139.00
Mead Lumber & Rental-Lexington	WWTP/Pol/Admin/Bldg Insp/PK/WR Spl	1,321.03
Meritain Health	Premium	23,582.72
Mid-State Units	Rental	572.00
Midwest Laboratories, Inc.	WWTP Supplies	7.80
Midwest Radar & Equipment	Police Supplies	240.00
Miller & Associates	NW Paving Imp/WR Storage Fac Restoration	19,759.95
Money Handling Machines, Inc.	Service Agreement Renewal	495.00
Moore Medical	Ambulance Supplies	626.95
Morris Press	GGC Supplies	75.43
Mountain Plains Library Association	Membership Dues	55.00
Mr. Automotive	Police Supplies	41.58
Municipal Supply, Inc.	WR Supplies	2,650.59
Nebraska Environmental Products	Central Garage Supplies	22.58
Nebraska Library Commission	Class Registrations	160.00
Nebraska Machinery	Central Garage Supplies	2,180.75
Nebraska National Bank	Copier Pmts	1,195.44
Nebraska Public Power District	Power Purchase	773,009.33
Nebraska Public Power District	O & M	65,500.00
Nebraska Secretary of State	Notary Bond	30.00
Nebraska Tech & Telecom, Inc.	Telephone Expense	1,202.68
North Platte Bulletin	Subscription	39.95
Oriental Trading Company, Inc.	Lib Supplies	40.94
Oxmoor House	Book	36.91
Paulsen, Inc.	Concrete	563.50
PDR Distribution, LLC	Book	59.95
Peak Interests, Inc.	Food	22.00
People	Subscription	116.07
Platte Valley Communication of Kearney	Repair / Maintenance / Phone	1,880.48
Plum Creek Cleaners	Supplies	278.00
Plum Creek Market	Food & Supplies	58.93
Plum Creek Medical Group	Flu Shots	74.00
Primary Electric, Inc.	WWTP Service & Repair	793.00
Principal	Dental Premium	1,821.46
Rasmussen Mechanical Services	Lib Service / Repair	455.00
Roberts Dairy Company	Beverages / Food	277.21
S & W Auto Parts, Inc.	WR / ST / Central Garage Supplies	1,737.02
Scholastic Library Publishing	Books	70.20
Service Master Mid Nebraska	Cleaning Service	1,598.88
Sign Pro	D C Opportunity Center Sign Pmt	5,987.50
Source Gas, LLC	Gas Service	4,263.52
So. Central NRC&DC	Membership Dues	40.00
Subway Sandwiches & Salads	Food	34.44
Super 8 Chadron	Conference	1,005.60
T. O. Haas Tire Co., Inc.	Tires / Repair	325.18
TASC	Fees	367.62
Team Detail & Quicklube	Uniform Expense	5.00
Thompson Co., The	Food & Supplies	495.98
Tri-County Hospital	Wellness / Ambulance Supplies	283.00

U-Save Business Equipment	Postage/UPS/EL/GGC/ST/Lib Supplies	530.40
Unitech	WWTP Supplies	219.00
Verizon Wireless	Cell phone Service	133.44
Vermeer High Plains	Central Garage Supplies	752.84
Wal-Mart	Supplies	517.43
Ward Laboratories	WR Testing	104.00
Zoll	Maintenance Fees	105.00
Awards Plus	Lib Supplies	56.50
Barco Municipal Products, Inc.	ST Supplies	126.33
Beringer Ciaccio Dennell Mabrey	DC Opportunity Center-Phase III	138.02
Bert Gurney & Associates, Inc.	WWTP Supplies-Mechanical Seal Kits	6,322.05
Card Center/Orscheln	ST Supplies	3.59
Cash-Wa Distributing	Food & Supplies	915.25
Dan's Sanitation	Sanitation Fees	1,750.00
Data-Pac Mailing Systems	Postage	1,500.00
Davis Energy, Inc.	Fuel	3,954.44
Depository Trust Co.	'08 GO Bond /'09 Combined UTL Refunding Bond Pmt	525,855.00
Diamond Sales	Books	76.65
Ditch Witch of Nebraska, Inc.	Valve Turning Machine	10,774.90
Eustis Body Shop	Towing Expense	130.00
Fisher Scientific	Testing Supplies	745.87
Follett Software Co.	Lib Support	660.00
Gale Group, The	Books	92.28
Garcia, Silke	EL Rebate	1,050.00
Health Claims Fund	Claims	13,945.85
Hunt Cleaners, Inc.	ST / WR / PK / Cem Supplies	699.41
Ingram Library Services	Books	554.18
Lexington Area Solid Waste Agency	Landfill	502.56
Lexington Newspapers, Inc.	Publication	60.12
Lexington, City of	Service Fees	477,981.60
Payroll	Wages	117,715.42
Social Security	Employer Portion / FICA Med	8,670.03
First National Bank	Employer Portion / Pension	4,017.09
First National Bank	Police Pension	1,651.24
ICMA	City Manager Pension	433.84
Martinez, Sonia	EL Rebate	1,050.00
Mead Lumber & Rental-Lexington	Fire / St / Cem Supplies	405.77
Mesner Development	EL Rebate	18,025.00
MicroMarketing, LLC	Books	155.95
Miller & Associates	WWTP Service	1,281.60
Mr. Automotive	Fire Supplies	40.60
Naumann, Sondra	Cleaning Service	91.00
Nebraska Department of Revenue	Sales & Use Tax	36,142.48
North Platte Telegraph, The	Subscription	146.00
OCLC, Inc.	Subscription	21.18
Paulsen Inc.	Concrete	1,945.75
Plum Creek Market Place	Food	49.28
Roberts Dairy Company	Food & Beverages	135.94
Sanchez, Rafael	EL Rebate	1,175.00
Service Master of Mid Nebraska	Cleaning Service	374.43
Team Detail & Quicklube	Car Wash	21.99
Thompson Co., The	Food & Supplies	753.06
Tyler Technologies	Service	138.00
U-Save Business Equipment	Lib / Municipal Bldg / Rec Supplies / UPS	197.79
V V S Surveillance Systems	Security System - Municipal Bldg	13,178.88

Village Uniform	GGC Supplies	101.49
Wadkins, Doug	EL Rebate	775.00
Wal-Mart	Supplies	167.08
Wescott, Rick	EL Rebate	1,175.00

TOTAL CLAIMS: 2,492,866.98

**PUBLIC HEARING:**

Mayor Fagot opened a public hearing to consider a report from the Citizens Advisory Review Committee. Peplitsch reviewed the activity in the 2000 and 2010 Lexington Economic Development Programs. Schroeder echoed Peplitsch's statements and is encouraged by the opportunities these funds could provide in the future. There were no committee recommendations at this time. The public hearing was closed. Moved by Miller, seconded by Tomasek, to accept the Citizens Advisory Review Committee report as presented. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

**RICHARDSON SUBDIVISION:**

Peplitsch reviewed a subdivision application by Kevin Richardson at 950 W. Walnut. Peplitsch and Richardson explained items related to the proposed subdivision. Following the discussion, Resolution No. 2010-28 was read. Moved by Salem, seconded by Miller to approve Resolution No. 2010-28 as presented. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

RESOLUTION NO. 2010-28  
RICHARDSON SUBDIVISION

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

The plat of RICHARDSON SUBDIVISION, being a part Tract J in the Southwest Quarter of the Southeast Quarter of Section 6, Township 9 North, Range 21 West of the 6th P.M., Dawson County, Nebraska, duly made out, acknowledged and certified to be, and the same hereby is approved, ordered, filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

PASSED AND APPROVED December 14, 2010.

CITY OF LEXINGTON, NEBRASKA

BY: John Fagot, Mayor

ATTEST: Pamela Berke, Deputy City Clerk

A draft subdivision agreement was also presented. Following review, moved by Salem, seconded by Miller, to approve the agreement and to authorize the city manager to execute. Roll call. Voting "aye" were Bennett, Tomasek, Miller, Salem, Fagot. Motion carried.

**CONSERVATION EASEMENTS:**

Resolution No. 2010-29 was presented. Following a review by Peplitsch, moved by Salem, seconded by Bennett, to approve Resolution No. 2010-29 as presented. Roll call. Voting "aye" were Tomasek, Miller, Bennett, Salem, Fagot. Motion carried.

RESOLUTION NO. 2010-29

A RESOLUTION APPROVING CONSERVATION EASEMENT FOR THE  
CENTRAL PLATTE NATURAL RESOURCES DISTRICT

WHEREAS, JOHN M. FORD and JEAN FORD, husband and wife, are the owners of the following described real estate, to-wit:

A part of the East Half (E½) of Section Twenty-Five (25), in Township Nine (9) North, Range Twenty-Two (22) West of the 6th P.M., in Dawson County, Nebraska, described as follows, to wit: Commencing at a point on the North section line of said Section Twenty-Five (25), 749.5 feet East of the Northwest corner of the Northeast Quarter (NE¼) of said Section (also described as the quarter corner of the North line of said Section, a distance of 1,877.0 feet to the Northeast (NE) corner of said Section Twenty-Five (25); Thence South Zero degrees Seventeen minutes East (S 0°17'E), a distance of 2,815.5 feet along the East line of said Section; Thence North Seventy-Six degrees Forty-Two and one-half minutes West (N76°42½'W), a distance of 710.5 feet; Thence North Four degrees Two-Hundredths minute West (N4°.02'W), a distance of 514.4 feet; Thence North Eighteen degrees Fifty-Six minutes West (N18°56'W), a distance of 769.7 feet; Thence North Three degrees One-Hundredths minute East (N3°.01'E), a distance of 549.5 feet; Thence North Seven degrees Thirty-Three minutes West (N7°33'W), a distance of 230.6 feet; Thence North Thirteen degrees Twenty-Four minutes West (N13°24'W), a distance of 257.0 feet; Thence North Twenty-Nine degrees Fifty-Seven minutes West (N29°57'W), a distance of 54.3 feet; Thence West parallel with the North line of said Section a distance of 825.3 feet; Thence North a distance of 340.0 feet to the North line of said Section and to the place of beginning; Containing a total of 62.209 acres, of which the North 5.342 acres are included in the highway right-of-way, leaving a net total acreage of 56.867 acres; EXCEPT a tract of land located in the Northeast quarter of Section Twenty-Five (25), Township Nine (9) North, Range Twenty-Two (22) West of the 6th P.M., Dawson County, Nebraska, described as follows: REFERRING to the Northwest corner of the Northeast Quarter (NE¼) of Section Twenty-Five (25); Thence Southerly, along the West line of said Northeast Quarter (NE¼), a distance of 90.00 feet to a point on the South right-of-way line of U.S. Highway No. 283; Thence Easterly deflecting 90 degrees 00 minutes 00 seconds left, along the South right-of-way line of U.S. Highway No. 283, a distance of 774.74 feet to the true point of beginning; Thence continuing along the last described line, along the South right-of-way line of U.S. Highway No. 283, a distance of 40.26 feet to a point; Thence Southerly deflecting 90 degrees 00 minutes 00 seconds right, along the South right-of-way line of said U.S. Highway No. 283, a distance of 35.00 feet to a point; Thence Northwesterly deflecting 95 degrees 27 minutes 06 second West, a distance of 40.45 feet to a point; Thence Northerly deflecting 84 degrees 32 minutes 54 seconds right, a distance of 31.16 feet to the point of beginning, containing 0.03 acres more or less.

WHEREAS, the Central Platte Natural Resources District is desirous of obtaining a conservation easement from JOHN M. FORD and JEAN FORD, husband and wife, on the real estate legally described hereinabove and JOHN M. FORD and JEAN FORD, husband and wife, is desirous of selling a conservation easement to the Central Platte Natural Resources District on the real estate legally described hereinabove; and

WHEREAS, Central Platte Natural Resources District and JOHN M. FORD and JEAN FORD, husband and wife, have submitted a request to The City of Lexington, Nebraska for the approval of a conservation easement on the real estate legally described hereinabove; and

WHEREAS, pursuant to NEB. REV. STAT. §76-2,112 (2009), on November 9, 2010, the City of Lexington forwarded the easement request to the City of Lexington Planning and Zoning Commission for their review and recommendations regarding the conformity of the proposed acquisition to comprehensive planning for the area; and

WHEREAS, also pursuant to NEB. REV. STAT. §76-2,112 (2009) on December 1, 2010, the City of Lexington Planning and Zoning Commission recommended approval of the easement at their regularly scheduled meeting; and

NOW, BE IT RESOLVED by the City of Lexington that the designated conservation easement on the real estate legally described hereinabove and more specifically set forth in the Deed of Conservation Easement attached hereto as Exhibit "A" and incorporated herein by this reference, should be, and hereby is, approved.

PASSED AND ADOPTED this 14<sup>th</sup> day of December, 2010.

CITY OF LEXINGTON

John Fagot, Mayor

Pam Berke, Deputy City Clerk

Resolution No. 2010-30 was presented. Following a review by Peplitsch, moved by Miller, seconded by Tomasek, to approve Resolution No. 2010-30 as presented. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

#### RESOLUTION NO. 2010-30

#### A RESOLUTION APPROVING CONSERVATION EASEMENT FOR THE CENTRAL PLATTE NATURAL RESOURCES DISTRICT

WHEREAS, JOHN R. SNIDER, a single person, and JOHN R. SNIDER, PERSONAL REPRESENTATIVE OF THE ESTATE OF LINDA SNIDER, are the owners of the following described real estate, to-wit:

All that portion of Government Lots Two (2) and Three (3) of Section Twenty-nine (29), Township Nine (9) North, Range Twenty-one (21) West of the 6th P.M. in Dawson County, Nebraska, described more particularly as follows: Commencing at the Northwest corner of Lot Two (2); thence East along the North line of Lots Two (2) and Three (3) to the Northeast corner of Lot Three (3); thence South along the East line of Lot Three (3), a distance of approximately One Thousand Three Hundred Seventy feet (1370.0') to an established fence line; thence West, a distance of approximately One Thousand One Hundred feet (1100.0') to a point where the fence line makes a right angle to the North; thence North along said fence line, a distance of approximately Sixty-five feet (65.0') to a point where the fence line makes a right angle to the West; thence West along said fence line, a distance of approximately Eight Hundred Ninety feet (890.0') to a point where the fence line makes a right angle to the South; thence South along said fence line, a distance of approximately Sixty-five feet (65.0') to a point where the fence line makes a right angle to the West; thence West along said fence line to a point on the West line of

Government Lot Two (2); thence North along the West line of Government Lot Two (2) to the place of beginning.

The Northwest Quarter of the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>) and Lot One (1) of Section Twenty-Nine (29), Township Nine (9) North, Range Twenty-One (21) West of the 6th P.M., Dawson County, Nebraska, EXCEPT part of the Northwest Quarter of the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>) of Section Twenty-Nine (29), Township Nine (9) North, Range Twenty-One (21) West of the 6th P.M., more particularly described as follows: Commencing at a point on the West line of said Section Twenty-Nine (29), 281 feet South of the Northwest Corner of said Section as a place of beginning; Thence East at right angles 267 feet; Thence South at right angles for a distance of 200 feet; Thence West at right angles for a distance of 267 feet to the West line of said Section Twenty-Nine (29); Thence North on the West line of said Section Twenty-Nine (29) for a distance of 200 feet to the place of beginning; and EXCEPT a tract conveyed to the State of Nebraska by instrument recorded at Book 107, Page 397 of the Deed Records of Dawson County, Nebraska.

A tract of land located in the Northwest Quarter of Section 29, Township 9 North, Range 21 West of the Sixth Principal Meridian, Dawson County, Nebraska, described as follows: Referring to the Northwest Corner of said Quarter Section; thence easterly a distance of 13.46 feet along the North Line of said Quarter Section to the point of beginning; thence easterly deflecting 000 degrees, 00 minutes, 00 seconds a distance of 215.59 feet along said line; thence westerly on a 1220.92 foot radius curve to the right, deflection to the initial tangent being 159 degrees, 48 minutes, 47 seconds right, a distance of 213.56 feet, subtending a central angle of 010 degrees, 01 minutes 19 seconds; thence northerly deflecting 090 degrees, 16 minutes, 13 seconds, right, a distance of 56.68 feet to the point of beginning containing 0.15 acres, more or less.

WHEREAS, the Central Platte Natural Resources District is desirous of obtaining a conservation easement from JOHN R. SNIDER, a single person, and JOHN R. SNIDER, PERSONAL REPRESENTATIVE OF THE ESTATE OF LINDA SNIDER, on the real estate legally described hereinabove and JOHN R. SNIDER, a single person, and JOHN R. SNIDER, PERSONAL REPRESENTATIVE OF THE ESTATE OF LINDA SNIDER, are desirous of selling a conservation easement to the Central Platte Natural Resources District on the real estate legally described hereinabove; and

WHEREAS, Central Platte Natural Resources District and JOHN R. SNIDER, a single person, and JOHN R. SNIDER, PERSONAL REPRESENTATIVE OF THE ESTATE OF LINDA SNIDER, have submitted a request to The City of Lexington, Nebraska for the approval of a conservation easement on the real estate legally described hereinabove; and

WHEREAS, pursuant to NEB. REV. STAT. §76-2,112 (2009), on November 9, 2010, the City of Lexington forwarded the easement request to the City of Lexington Planning and Zoning Commission for their review and recommendations regarding the conformity of the proposed acquisition to comprehensive planning for the area; and

WHEREAS, also pursuant to NEB. REV. STAT. §76-2,112 (2009) on December 1, 2010, the City of Lexington Planning and Zoning Commission recommended approval of the easement at their regularly scheduled meeting; and

NOW, BE IT RESOLVED by the City of Lexington that the designated conservation easement on the real estate legally described hereinabove and more specifically set forth in the Deed of Conservation Easement attached hereto as Exhibit "A" and incorporated herein by this reference, should be, and hereby is, approved.

PASSED AND ADOPTED this 14<sup>th</sup> day of December, 2010.

CITY OF LEXINGTON

John Fagot, Mayor

Pam Berke, Deputy City Clerk

**DTR PROGRAM GUIDELINES:** Burnside presented Program Guidelines for assistance to businesses under the downtown revitalization program. Following the review, moved by Tomasek, seconded by Miller, to approve the Program Guidelines as presented. Roll call. Voting "aye" were Salem, Bennett, Miller, Tomasek, Fagot. Motion carried.

**SUPPLEMENTAL AGMT:** Peplitsch presented Supplemental Agreement No. 1 for the US Highway 283 Improvements project – Ash to Jefferson and Jackson Streets, with NDOR. Following his review of the parking restrictions for this project as outlined in the agreement, moved by Miller, seconded by Salem, to approve Supplemental Agreement No. 1 as presented and to authorize execution of the documents. Roll call. Voting "aye" were Tomasek, Bennett, Salem, Miller, Fagot. Motion carried.

**ELECTRIC CAPITAL PROJ:** Peplitsch presented an electric system capital improvement project with NPPD; which involves the acquisition of a new 13.8 kv transformer to upgrade the Adams Substation according to system conversion planning. Following discussion, moved by Miller, seconded by Tomasek, to approve the capital project as presented and to authorize the city manager to execute the agreement. Roll call. Voting "aye" were Salem, Bennett, Tomasek, Miller, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch reviewed Pay Request #7 from Simon Contractors for the Opportunity Center Phase 2 project in the amount of \$92,096.50. He indicated the project is substantially complete and a 5% retainage remains to be paid on the project following completion of punch list items. Following discussion, moved by Bennett, seconded by Salem, to approve the pay request as presented. Roll call. Voting "aye" were Tomasek, Miller, Salem, Bennett, Fagot. Motion carried.

**PAY REQUEST:** Peplitsch presented Pay Request #1 from Weathercraft Companies for the Opportunity Center Roof & Insulation project in the amount of \$248,060.39. He reported that the project is 85% complete and a request for funds has been submitted to the Nebraska Energy Office for grant funds related to the project. Following discussion, moved by Miller, seconded by Tomasek, to approve the pay request as presented. Roll call. Voting "aye" were Bennett, Salem, Tomasek, Miller, Fagot. Motion carried.

**ROUNDTABLE:** Peplitsch provided an update on the police chief search, anticipating the position to be filled by March 2011.

Weinhold reported that police officers have been issuing warning citations for parking restrictions in the downtown area to educate the public on the newly adopted restrictions.

Miller reported that she will be unable to attend the December 28 and January 11 council meetings.

Fagot requested potential dates for a planning session in January 2011.

**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.

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Deputy City Clerk