

**CITY COUNCIL  
CITY OF LEXINGTON  
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, March 22, 2022, at the Lexington City Hall, 406 E. 7<sup>th</sup> Street, 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, and City Clerk Pamela Baruth. The press was represented by the Clipper-Herald and Tri-City Tribune.

**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 John Fagot. Fagot informed the public that the Open Meetings Act is posted in the Meeting Room at the Lexington City Hall, 406 E. 7<sup>th</sup> Street, Lexington, Nebraska.

**MINUTES – REGULAR MEETING 3-8-2022:** Minutes of the Regular meeting held Tuesday, March 8, 2022, 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 \$ 1,872,519.99 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 \$226,617.81 from General Fund, \$100,798.64 from Street Fund, \$1,454,296.28 from LEXUS, \$35,584.40 from Sanitation, \$1,420.52 from Ambulance, \$49,370.50 from Health Fund, and \$4,431.84 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  
March 22, 2022**

AFLAC	Premiums	2,169.82
Amazon Capital Services	LB / Books / Supplies	356.10
Axxent Buildings LLC	ST/Overhead Door Adjustment / SB	405.95
B & H Services / Service Master	Cleaning Service	5,597.00
Baker & Taylor	LB / Books	926.19
Barco Municipal Products Inc	ST / Street Sign Hardware	886.30
Beverly Bogle Louthan PC	Professional Fees	1,200.00
Blackstone Audio Inc	LB / Books	93.18
BSN Sports LLC	REC / Equipment	175.00
Business Cards / Bank of America		
Amazon.com	ND / PK / SW / Parts / Supplies	553.00
City of Lexington	Test Driving Range Vending Machine	3.00

City of Lincoln	CM / Parking Permits	25.00
Embassy Suites/Lincoln NE/Loveland CO	CC / CM / DS / Conference Lodging	2,672.50
Government Finance Officers Association	CT / Professional Dues / Hodges, B	190.00
Home Depot	PK / Parts	146.91
International Code Council	DS/Conference Registration/Class Fees	216.00
Kearney Winnelson Company	FD / Parts	309.04
Microsoft Store	CM/Surface Pro/Hardware/Software	1,986.97
Raising Cane's Grand Island	PD / Meals	9.80
Sprinkler Warehouse	PK / Parts	1,788.87
United States Postal Service	CM / WR / Postage	336.38
Water Environment Federation	WWTP / Professional Dues / Glaze, D	150.00
Cash-Wa Distributing	MOW / Food & Supplies	1,917.47
Cengage Learning	LB / Books	294.44
Center Point Inc	LB / Books	185.16
Chesterman Company	REC / Beverages	233.50
City of Scottsbluff	ND/Stormwater Web Site/ Lex Portion	174.38
Consolidated Management Co	PD / Training Meals / Lauby, B	60.68
Danko Emergency Equipment	FD / Fire Gloves	1,326.23
Davis Energy	ST / Fuel / Fuel Purchase	4,748.72
Double I Farms Inc / J & N Sales	WWTP / Parts	234.90
Dutton-Lainson Company	EL / ST / Meter Sockets / Supplies	593.56
Eakes Inc	LB / Supplies	96.80
Electrical Engineering & Equipment	PK/EL/Hardware/Cedar St Apts/Lights	3,853.43
Fagot Refrigeration & Electric Inc	Liftstation/Svc/Reps/Parts	8,403.60
Fastenal	ST / Supplies	262.07
Five Star Flooring Inc	PK / Flooring	65.93
Friedrichsen, Leon	ST / Boots	115.02
Galls Parent Holdings LLC	PD / Uniform Expense	157.95
Garcia, Christian	Electric Rebate	1,525.00
GB Auto Service Inc / TO Haas	PD / Tire Repair	20.00
Gnirk Lawn Care Inc	EL / Ground Sterilant / NPPD Shop	2,160.00
Hach Company	WWTP / Lab Supplies	1,445.95
Health Claims	Claims	32,304.59
Holbein, Dahlas	AMB/FD/Truck Maint/Fueling/Cleaning	1,500.00
Homeier Ventures LLC / Bob's True Value	PK / WR / Supplies	148.56
Hydro Optimization&Automation Solutions	Screen Connect Hosting Licenses	267.50
IGS ORIX Solar I	Solar Power Purchase	31,541.90
Intellicom Computer Consulting Inc	Tech Support & Software	755.00
Jensen, Chris	Electric Rebate	1,050.00
JEO Consulting Group	ND / PK / Professional Services	6,943.75
Kirk's Trenching & Septic Service LLC	CEM / Portable Rental	75.00
Lakeside Golf Club	CM / Membership / Pepplitsch, J	1,355.00
Lauby, Brylee	PD / Training Mileage	210.60
League of Nebraska Municipalities	CC/CM Midwinter Conference	1,950.00
Lexington Lions Club	Pancake Feed Tickets	210.00
LEXUS	Utilities	48,170.63
Matt Friend Truck Equipment Inc	ST / Parts	309.60
McFadden, Ryan / McFadden Auto Repair	PK / Repairs	757.81
Mead Holding Company Inc/Mead Lumber	GGC / ST / REC / Tools / Hardware	91.83
Mellen & Associates Inc	WWTP / Parts	1,656.00
Mid Nebraska Ice	OC / Ice Machine Repairs	380.00

Municipal Supply Inc	WR / Hardware	48.16
Neben, Wade	Electric Rebate	2,700.00
Nebraska Law Enforcement Training Center	PD/Instructor Recertification/Pinkelman	216.00
Nebraska Public Power District	O & M	93,795.84
	Power Purchase	1,107,922.09
Nebraskaland Tire	WR / Repairs / Oil & Lube	430.71
Novoa, Veronica	Electric Rebate	1,525.00
Oliver Consulting Services	LB / Tech Support / Software	330.00
Paulsen Inc	ST / Dirt	16,950.00
Platte Valley Auto Mart	PD / Oil & Lube	59.50
Platte Valley Excavating	ST/Haul Fill Dirt/Grass Clippings	24,544.00
Platte Valley Laboratories Inc	WWTP / Lab Supplies	782.50
Quick Med Claims	AMB / Billing Service	1,004.84
Ramirez, Jose	Electric Rebate	50.00
Rasmussen Mechanical Services	LB / HVAC Repairs	6,590.28
S & W Auto Parts	PK / Supplies	16.84
Taste Of Home	LB / Books	38.50
The Library Store	LB / Office Supplies	653.97
US Foods	MOW / Food & Supplies	600.79
USA Communications	Internet Service	345.60
Verizon Wireless	Cellular Service	417.27
YMCA of the Prairie	Fitness Memberships	1,224.00
Yung, Mark	DS/Expenses/Continuing Education	482.91
Zamora, Jose	Electric Rebate	1,525.00
Baker & Taylor	LB / Books	918.49
City of Lexington	Utility Franchise Fees	90,310.85
Cengage Learning	LB / Books	74.07
Consolidated Management Co	PD / Training Meals / Lauby, B	60.43
Core & Main	WR / Meter Hardware	2,834.62
Danko Emergency Equipment	FD / Batteries	192.26
Dan's Sanitation	Sanitation Fees	35,584.40
Davis Energy	FD / Fuel /	210.45
Downey Drilling Inc	WR / Troubleshoot VFD Fault	270.00
Dutton-Lainson Company	ST / Supplies	19.99
Eakes Inc	LB / Copier Expense	297.54
Fastenal	ST / WR / Supplies	266.97
GB Auto Service Inc/TO Haas Tire & Auto	PD / PK / Tire Repair	60.47
Great Western Bank	PD / Petty Cash	46.91
Health Claims	Claims	14,708.88
Hiland Dairy Foods Company LLC	MOW / Dairy Products	328.08
Lexington City Payroll Account		
Payroll	Wages	151,966.08
Social Security	Employer Portion / FICA Med	11,324.05
Union Bank & Trust	Employer Portion / Pension	5,467.02
Union Bank & Trust	Police Pension	3,135.01
ICMA	City Manager Pension	995.69
Lexington Health Fund	Self-funding	42,102.06
Meritain Health	Health Premium	35,585.58
Mid-State Engineering & Testing	WWTP/Pro Services/2021 Facility Imp	1,209.50
Midwest Radar & Equipment	PD / Books	320.00
Paulsen Inc	ST / Sand & Gravel	928.00

Phillips, Jim / Jim Phillips Construction	ST / WR / Repairs	25,158.00
Principal	Dental Premium	3,931.80
Sayler Screenprinting LLC	PD/Training Uniform Exp/Lauby	83.50
Standard Insurance Company	Life Insurance Premiums	1,055.45
State Of NE/DHHS/Environmental Lab	WR / Testing	928.00
Statewide Collections LLC	Collection Service	85.47
TASC	Administration Fees	187.21
US Foods	MOW / Food	797.96
VSP / Vision Service Plan	Vision Premium	1,071.83
	<b>TOTAL CLAIMS:</b>	<b>1,872,519.99</b>

**FINANCIAL REPORT:** Moved by Vivas, seconded by Salem, to accept the financial report for February 2022. Roll call. Voting “aye” were Roberts, Smith, Salem Vivas, Fagot. Motion carried.

**PUBLIC COMMENTS:** Mark Montgomery and Kaitlyn Woltemath introduced themselves to the city council as candidates for county sheriff and county treasurer, respectively.

**REDEVELOPMENT PLAN:** Mayor Fagot opened a public hearing to review the proposed Fat Dogs Travel Center redevelopment plan. Mike Bacon, representing Wilkinson Companies, stated the \$5.4 million plan would include extended convenience store with updated façade, extended fuel pumps and awning, new restaurant, new diesel pumps, and paving improvements. Peplitsch noted the Lexington the Planning Commission and CDA have recommended approval of the proposed redevelopment plan following their reviews. Clarine Eickhoff, Wilkinson Companies, answered questions regarding future development in the area. There were no public comments and the public hearing was closed. Resolution No. 2022-05 was presented. Following discussion, moved by Salem, seconded by Smith, to approve Resolution No. 2022-05. Roll call. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

**RESOLUTION NO. 2022-05**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, APPROVING THE CITY OF LEXINGTON REDEVELOPMENT PLAN FOR THE FAT DOGS TRAVEL CENTER PROJECT; APPROVAL OF A REDEVELOPMENT PROJECT OF THE CITY OF LEXINGTON; AND APPROVAL OF RELATED ACTIONS**

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

**Recitals:**

a. The Mayor and Council of the City of Lexington, Nebraska (the “City”), upon the recommendation of the City Planning Commission (the “Planning Commission”), and in compliance with all public notice requirements imposed by the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”), has previously declared an area, including an area legally described on the attached Exhibit “A” (the “Redevelopment Area”), to be blighted and substandard and in need of redevelopment; and

b. Pursuant to and in furtherance of the Act, the City of Lexington Redevelopment Plan for

the Fat Dogs Travel Center Project (the “**Redevelopment Plan**”) has been prepared and submitted to the Agency by the Redeveloper, a copy of which is on file in the office of the Lexington City Clerk, and is incorporated herein by this reference, for the purpose of redeveloping the Redevelopment Area; and

c. The Planning Commission conducted a public hearing on the Redevelopment Plan, in compliance with notice requirements of the Act, reviewed the Redevelopment Plan and recommended its approval by the Mayor and Council of the City;

d. Pursuant to Section 18-2113 of the Act, the Agency conducted a cost benefit analysis of the redevelopment project set forth in the Redevelopment Plan (the “Redevelopment Project”), reviewed the Redevelopment Plan, and recommended approval of the Redevelopment Plan by the Mayor and Council of the City;

e. The City, in compliance with all public notice requirements imposed by the Act, published and mailed notices of a public hearing regarding the consideration of the approval of the Redevelopment Plan pursuant to the Act, and has on the date of this Resolution held a public hearing on the proposal to approve the Redevelopment Plan and received extensive public comment thereon; and

f. The City Council has reviewed the Redevelopment Plan and determined that the proposed land uses and building requirements described in it are designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency in economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight.

**Resolved that:**

1. The Redevelopment Plan is determined to be feasible and in conformity with the general plan for the development of the City as a whole, and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act. Section 18-2102 of the Act establishes the legislative declarations and determinations for the Act. The Redevelopment Plan clearly demonstrates that the criteria declarations have been satisfied. The Redevelopment Area (the “Site”) constitutes an economically and socially undesirable land use in its current state. The Site contains obsolete buildings and lacks facilities to serve the traveling public, specifically the semitrailer cattle trucks serving the local packing plant. The Site is not designed for proper utilization. The substantial cost to prepare the Site for development to make it useful for improved commercial purposes is significant. Given the foregoing, the conditions of the Site are beyond the remedy and control of normal regulatory processes and police power and due to the high cost of development and cannot be dealt with effectively by the ordinary operations of private enterprise.

The City Council further finds and documents that: the Redevelopment Project described in the Redevelopment Plan would not be economically feasible without the use of funds from tax-increment financing and would not occur in the Redevelopment Area without the use of funds from tax-increment financing; the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City and have been found to be in the long-term best interest of the community impacted by the redevelopment project. The Cost Benefit Analysis incorporated into the Redevelopment Plan and adopted by the Agency provides significant documentation of the benefit to the City. Documentation of the fact that the Redevelopment Project is not financially feasible and would not occur at the Site, without tax increment financing, is provided by correspondence of the Redeveloper's lender indicating that that tax increment financing is needed to make the Redevelopment Project occur. The City Council acknowledges receipt of the recommendations of the Agency and the Planning Commission with respect to the Redevelopment Plan.

2. The Redevelopment Plan is approved in the form filed with the Lexington City Clerk.
3. In accordance with Section 18-2147 of the Act, the City provides that any ad valorem tax on real property in the City of Lexington, Nebraska, more fully described on Exhibit A, attached hereto, for the benefit of any public body be divided for a period of 15 years after the effective date as provided in Section 18-2147 of the Act, which effective date shall be determined in a Redevelopment Contract entered into between the Redeveloper and the Agency. Said tax shall be divided as follows:
  - (a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the Redevelopment Project Valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and
  - (b) That proportion of the ad valorem tax on real property in the Project Area in excess of such amount (the Redevelopment Project Valuation), if any, shall be allocated to, is pledged to, and, when collected, shall be paid into a special fund of the Agency to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Agency for financing or refinancing, in whole or in part, the Redevelopment Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premium due have been paid, the Agency shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in the Redevelopment Project Area shall be paid into the funds of the respective public bodies.
4. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.
5. This Resolution shall become effective immediately upon its adoption.

**PASSED and APPROVED** on March 22, 2022.

**LOAN AMENDMENT:** Peplitsch reviewed a proposed amendment to a loan agreement with McFarland Family Farms, LLC under the Lexington Economic Development Program. He stated this would be an extension and restructure of the existing note to assist current development plans. Following discussion, moved by Roberts, seconded by Vivas, to approve the amendment to a loan agreement with McFarland Family Farms, LLC. Voting “aye” were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

**LOAN AGREEMENT:** Peplitsch reviewed a proposed loan agreement with McFarland Family Farms, LLC under the Lexington Revolving Loan Fund program. Max McFarland reviewed his plans to improve and expand his facilities for business sustainability and growth. Peplitsch stated the loan would be for \$220,000 for 10 years at 2% interest rate. Following discussion, moved by Salem, seconded by Smith, to approve the loan agreement with McFarland Family Farms, LLC, under the Lexington Revolving Loan Fund program and to authorize execution of necessary documents. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

**LOAN AGREEMENT:** Peplitsch reviewed a proposed loan agreement with Irish Lads, LLC under the Lexington Revolving Loan Fund program. He stated the loan of \$110,000 would be for 10 years at 2% interest rate. Barry McFarland, Irish Lads LLC, explained the project would consist of cottages for short-term lodging along the perimeter of Mac’s Creek Vineyard to expand tourism opportunities in the area. Following discussion, moved by Smith, seconded by Roberts, to approve the loan agreement with Irish Lads, LLC, under the Lexington Revolving Loan Fund program and to authorize the execution of necessary documents. Voting “aye” were Vivas, Salem, Roberts, Smith, Fagot. Motion carried.

**LOAN AGREEMENT:** Peplitsch reviewed a proposed loan agreement with Greater Lexington Corporation under the Lexington Economic Development program. He explained the loan for \$250,000 for 1 year at 1% interest would assist in the completion of the Concord Condominium housing project, being 8 new housing units. Following discussion, moved by Salem, seconded by Smith, to approve the loan agreement with Greater Lexington Corp under the Lexington Revolving Loan Fund program and to authorize the execution of necessary documents. Voting “aye” were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

**ORDINANCE:** Ordinance No. 2444 entitled “**AN ORDINANCE APPOINTING A CITY MANAGER; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM**” was presented. Moved by Vivas, seconded by Salem, to suspend the reading of an ordinance on three separate occasions. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

Ordinance No. 2444 was presented on final reading. Moved by Smith, seconded by Vivas, to approve Ordinance No. 2444 on final reading. Voting “aye” were Salem, Roberts, Vivas, Smith, Fagot. Motion carried.

**RESOLUTION:** Peplitsch reviewed a resolution approving Preliminary Engineering Services Supplemental Agreement No. 2 for NDOT Project No. RRZ-TMT-1705(3), CN 61457, Lexington East Viaduct. He indicated that design engineers are being tasked to reevaluate several areas of the project design for minor revisions; NDOT is requesting Council approval of the agreement. Resolution No. 2022-06 was presented. Moved by Salem, seconded by Roberts, to approve Resolution No. 2022-06. Roll call. Voting “aye” were Vivas, Smith, Roberts, Salem, Fagot. Motion carried.

**RESOLUTION 2022-06**

**PRELIMINARY ENGINEERING SERVICE AGREEMENT  
SUPPLEMENTAL AGREEMENT NO 2 – BK2052**

**Whereas:** City of Lexington and WSP USA, Inc. have previously executed a Preliminary Engineering Services Agreement (BK2052) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

**Whereas:** City of Lexington understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

**Whereas:** City of Lexington and WSP USA Inc. wish to enter into a preliminary engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

**Be it Resolved:** by the City Council of the City of Lexington, Nebraska that:

John Fagot, Mayor of the City of Lexington, is hereby authorized to sign the attached Preliminary Engineering Services Supplemental Agreement No. 2 between the City of Lexington and WSP USA, Inc.

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

**Adopted this 22<sup>nd</sup> day of March, 2022, at Lexington, Nebraska.**

**CONSERVATION EASEMENT:** Peplitsch reviewed a resolution approving a conservation easement for Central Platte Natural Resource District. He explained this would be an amendment to an existing conservation easement within the city’s zoning jurisdiction. Resolution No. 2022-07 was presented. Following discussion, moved by Vivas, seconded by Salem, to approve Resolution No. 2022-07. Roll call. Voting “aye” were Smith, Roberts, Salem, Vivas, Fagot. Motion carried.

**RESOLUTION # 2022-07**

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

**WHEREAS,** Buell, LLC, a Nebraska Corporation, is the owner of the following described real estate, to-wit:

A survey of a tract of land located in part of Government Lots 1 and 2 and accretion thereof, of Section 15, Township 9 North, Range 22 West of the Sixth Principal Meridian, Dawson County, Nebraska and more particularly described by metes and bounds as follows:

Beginning at a found rebar, being the West one-quarter corner of Section 15, Township 9 North, Range 22 West of the Sixth Principal Meridian, Dawson County, Nebraska; thence North 04 Degrees, 13 Minutes, 15 Seconds East and on the West line of said Section 15, a



distance of 582.21 feet to a set, capped  $\frac{5}{8}$ " rebar; thence South 52 Degrees, 26 Minutes, 46 Seconds East, a distance of 183.75 feet to a set, capped  $\frac{5}{8}$ " rebar; thence South 56 Degrees, 41 Minutes, 37 Seconds East, a distance of 156.72 feet to a set, capped  $\frac{5}{8}$ " rebar; thence South 73 Degrees, 24 Minutes, 53 Seconds East, a distance of 198.99 feet to a set, capped  $\frac{5}{8}$ " rebar; thence South 44 Degrees, 43 Minutes, 23 Seconds East, a distance of 172.79 feet to a set, capped  $\frac{5}{8}$ " rebar; thence South 68 Degrees, 09 Minutes, 43 Seconds East, a distance of 338.22 feet to a set, capped  $\frac{5}{8}$ " rebar; thence South 58 Degrees, 51 Minutes, 21 Seconds East, a distance of 131.32 feet to a set, capped  $\frac{5}{8}$ " rebar; thence South 70 Degrees, 41 Minutes, 27 Seconds East, a distance of 199.25 feet to a set, capped  $\frac{5}{8}$ " rebar; thence South 58 Degrees, 25 Minutes, 12 Seconds East, a distance of 224.56 feet to a set, capped  $\frac{5}{8}$ " rebar; thence South 61 Degrees, 16 Minutes, 52 Seconds East, a distance of 136.62 feet to a set, capped  $\frac{5}{8}$ " rebar; thence North 85 Degrees, 23 Minutes, 04 Seconds West, a distance of 1,570.79 feet to a set, capped  $\frac{5}{8}$ " rebar, being a point on the West line of said Section 15; thence North 04 Degrees, 13 Minutes, 41 Seconds East and on the West line of said Section 15, a distance of 113.77 feet to the point of beginning and containing a calculated area of 517,928.40 square feet or 11.89 acres, more or less, subject to easements and restrictions of record.

**WHEREAS**, Central Nebraska Natural Resources District (CPNRD) is desirous of obtaining a conservation easement from Buell, LLC to the above described real estate for the reason that the CPNRD will relinquish its conservation easement on 11.89 acres also owned by Buell, LLC on adjoining lands;

**WHEREAS**, Buell, LLC desires to move the number of acres under a conservation easement on its property to facilitate more efficient irrigation of crops;

**WHEREAS**, CPNRD is required to obtain the approval of the Dawson County Planning and Zoning Commission and the Lexington City Council and is seeking such approval;

**NOW, BE IT RESOLVED** by the Lexington City Council, that it approves the conservation easement as set forth.

**Dated: March 22, 2022**

**PROJECT CLOSEOUT:** Peplitsch reviewed closeout documents for the East Addition Phase I Improvements project with Paulsen, Inc. The documents included Pay Request #5-Final, Change Order #2, and Certificate of Substantial Completion for paving and storm sewer installation. Following a review of the documents and an update of the project, moved by Salem, seconded by Smith, to approve the project closeout documents as presented. Roll call. Voting "aye" were Vivas, Roberts, Smith, Salem, Fagot. Motion carried.

**PROJECT CLOSEOUT:** Peplitsch reviewed closeout documents for the East Addition Phase I Improvements project with Van Kirk Brothers Contracting. The documents included Pay Request #4-Final, Change Order #1, and Certificate of Substantial Completion for sanitary sewer infrastructure. Following a review of the documents and an update of the project, moved by Roberts, seconded by Vivas, to approve the project closeout documents as presented. Roll call. Voting "aye" were Smith, Salem, Vivas, Roberts, Fagot. Motion carried.

**ROUNDTABLE DISCUSSION:** There were no items for discussion.

**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