

**CITY OF LEXINGTON, NEBRASKA**  
**PLANNING COMMISSION**  
**November 7, 2007**

A Regular Meeting of the Lexington Planning Commission was held Wednesday, November 7, 2007, at the Lexington Municipal Building, 406 E. 7th Street, Lexington, Nebraska, at 5:30 p.m. Commissioners present were Chairman Toby Owens, Jim Hain, Curt Bennett, Ellie Vazquez, and Steve Smith. Cathy Fagot, Jim Macias, Rusty Sutton and Mark Yung were absent. City Officials present were Assistant City Manager Dennis Burnside, City Manager Joe Peplitsch, Building Inspector Tom R. Nelson, City Attorney Will Weinhold and Secretary Pamela Berke. Chris Riha, Lysle and Velma McClellan, and Mark Czaplewski were also in attendance.

**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 the meeting was simultaneously given to the Chairman and all Members of the Planning Commission. 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 Chairman Toby Owens. The Chairman 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.

**MINUTES – MEETING  
10-3-2007** Minutes of the Regular Meeting held Wednesday, October 3, 2007, were presented to the Lexington Planning Commission for consideration and approval. Moved by Smith, seconded by Hain, to approve Minutes of the Regular meeting on Wednesday, October 3, 2007, as presented. Roll call. Voting “aye” were Vazquez, Hain, Bennett, Smith, Owens. Motion carried.

**PUBLIC HEARING:** Chairman Owens opened the Public Hearing to consider a special use permit application by Viaero Wireless to construct a 150-foot cellular phone tower in a C-3 Highway Commercial Zone at 1500 N Adams. Chris Riha, Site Acquisition Manager for Viaero Wireless, presented a Power Point presentation highlighting company history and plans for property at 1500 North Adams, which include

construction of a 150 foot tower and equipment house. He presented letters from two neighbors in support of the tower placement. Concerns of the commission included size and construction of the tower, hazards to neighbors, and conflicts with flight patterns at the local airport. The public hearing was closed. Following discussion, moved by Smith, seconded by Hain, to recommend approval of special use application to council contingent on receiving supportive comments from surrounding residents and property owners within 150 ft of proposed tower placement. Roll call. Voting "aye" were Vazquez, Bennett, Hain, Smith, Owens. Motion carried.

**CONSERVATION  
EASEMENT:**

Mark Czaplewski, Central Platte Natural Resources District, appeared before the commission to request consideration and recommendation of a conservation easement on property located within the corporate zoning jurisdiction. He gave a background of the need for such easements as it relates to water issues. He noted this would be a perpetual easement on property located on South Highway 283. Following his presentation and discussion regarding compliance with the comprehensive plan by the members of the commission, moved by Hain, seconded by Bennett, to recommend approval of the conservation easement be forwarded to the city council for consideration. Roll call. Voting "aye" were Vazquez, Smith, Bennett, Hain, Owens. Motion carried.

**REDEVELOPMENT  
PLAN/CONTRACT:**

Pepplitsch requested consideration of a redevelopment plan/contract from the Lexington Council for Economic Development for Redevelopment Area #5, specifically housing lots in CED Addition.

**RESOLUTION:**

Resolution 07-03 was presented and reviewed. Following discussion, moved by Bennett, seconded by Smith, to approve Resolution 07-03 as presented. Roll call. Voting "aye" were Hain, Vazquez, Smith, Bennett, Owens. Motion carried.

**RESOLUTION NO. 07-03**

A RESOLUTION OF THE LEXINGTON PLANNING COMMISSION, MAKING RECOMMENDATIONS WITH RESPECT TO A REDEVELOPMENT PLAN FOR AN AREA IN THE CITY OF LEXINGTON PURSUANT

TO THE NEBRASKA COMMUNITY DEVELOPMENT ACT.

WHEREAS, the Mayor and City Council of the City of Lexington, Nebraska, (the "City") by its Ordinance, created the Community Redevelopment Authority of the City of Lexington, Nebraska (the "Authority") pursuant to Sections 18-2101 through 18-2153, Reissue Revised Statutes of Nebraska, as amended (the "Act");

WHEREAS, the City has adopted and has in place a Comprehensive Plan, which includes a general plan for development of the City, within the meaning of Section 18-2110 of the Act;

WHEREAS, the City adopted a resolution declaring an area of the City of Lexington as blighted and substandard in accordance with Section 18-2103 of the Act, after notice and hearing, as required by law;

WHEREAS, the Authority has published notice inviting proposals for Redevelopment Contracts for consideration by the Authority pursuant to Section 18-2111 of the Act;

WHEREAS, the Lexington Council for Economic Development, has submitted a proposed Redevelopment Plan as contained in the Redevelopment Contract (a copy of which is identified as "Redevelopment Contract" attached hereto as Exhibit A) to this Planning Commission of the City of Lexington for recommendations with respect to the proposed Redevelopment Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE LEXINGTON PLANNING COMMISSION AS FOLLOWS:

RESOLVED, that the Planning Commission hereby makes the following findings with respect to the Redevelopment Plan:

1. The planning commission has reviewed the Redevelopment Plan as to its conformity with the general plan for the development of the City as a whole; and
2. The Planning Commission confirms that the area described in the Redevelopment Plan and the

Redevelopment Contract is blighted and substandard as defined in the Nebraska Community Development Law.

3. The Planning Commission finds that the Redevelopment Contract and Redevelopment Plan, if implemented will help eliminate blight and substandard conditions in the area affected by the Plan.

4. The Planning Commission recommends the adoption and approval of the Redevelopment Plan, as contained in the Redevelopment Contract attached hereto as Exhibit A, with such amendments, additions and deletions as are deemed necessary by the Authority.

PASSED AND APPROVED by the Lexington Planning Commission this 7th day of November, 2007.

LEXINGTON PLANNING COMMISSION

Tobin Owens  
Commission Member

Curtis W. Bennett  
Commission Member

Steven H. Smith  
Commission Member

Elifonsa Vasquez  
Commission Member

James Hain  
Commission Member

**ADJOURNMENT:**

There being no further business to come before the Lexington Planning Commission, Chairman Owens declared the meeting adjourned.

Respectfully submitted,  
Pamela Berke  
Planning Commission Secretary