

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

The Regular Meeting of the Lexington City Council was held Tuesday, April 25, 1995, at the Municipal Building, 406 East 7th Street, Lexington, Nebraska, at 7:30 P.M. Members of the City Council present were: Mayor John Wightman, Robert Hawks, Dorothy Anderson, John Fagot and Jerry Long. City Officials present were: Deputy City Clerk Neldene Skwarek, City Manager Bill Podraza and City Attorney Will Weinhold. Department Heads present were: Vance Bricker, Glenn Hawks, and Charlie Clark. Also present were: Dana Daniels, representing Miller and Associates, Carolyn Fairbanks, Jo Keim, Gail Hall, Jim Doyle, Jim Lundgren, Bill Skinner, Jim and Marilyn Crawford, Robin Schultz, Liz Richardson and other citizens with an interest in the agenda items. The press was represented by the Lexington Clipper Herald, the Tri-City Tribune, the Kearney Hub and KRVN.

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 Wightman.

**MINUTES REGULAR
MEETING 04/11/95:**

The minutes of the regular council meeting held April 11, 1995 were presented for Council's consideration and approval. Moved by Anderson, seconded by Fagot, to approve the minutes of the regular meeting as presented. Roll call. Voting "aye" were: Long, Hawks, Fagot, Anderson, and Wightman. Motion carried.

CLAIMS AND BILLS:

Claims and Bills in the amount of \$234,874.51 were presented for Council's consideration and approval.

Moved by Hawks, seconded by Long, to approve the claims and bills as listed and authorized the City Treasurer to transfer \$79,274.64 from the General Fund, \$107,702.67 from LEXUS Funds, \$9,409.00 from City Sanitation Fund, \$4,151.52 from the Landfill Fund, \$21,223.50 from the Health Fund, \$5,693.55 from Meals on Wheels, and \$7,419.63 from CDBG 90-HD-010, to the Lexington Operating Account. Roll call. Voting "aye" were: Fagot, Anderson, Long, Hawks, and Wightman. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 April 25, 1995

Advanced Control System	Software support	2,886.00
AFLAC	Cancer insurance	110.38
Alexander Hamilton Inst.	Book	68.80
AT & T	Service	13.83
Barmores	Calculator, color ribbon	27.48
Baker & Taylor	Book leasing	149.00
Berntson Oil	Diesel, oil, gas	2,168.20
Becker Fire Equipment	Pump repair kit	22.33
H.L. Boggs Inc.	Ground rod	281.50
Bricker, Vance	Meeting expense	48.25
B & P Credit Mgmt.	Service	398.86
Cash-Wa Distributing	Food, foil	458.20
Central Garage Fund	Labor, parts, oil	2,770.18
Century Lumber	Saw blades	19.37
The Cornhusker	Room - Podraza	66.00
Conney Safety Products	Support belt	39.40
CBSA	Insurance claims	436.02
CBSA	Insurance premiums	6,684.00
Dawson Co. Law Enforcement	Refund intoxylizer	25.00
Dawson Co. Public Power	Service	2,005.52
Dawson Co. Highway Dept.	Posts	105.00
Dan's Sanitation	Service	9,409.00
Dodson, Pauline	Electric rebate	40.00
Donna's Cafe	MOW	826.48
Dunrite Inc.	Scrub brushes	96.28
Dutton - Lainson Co.	X Arms, rod, machine bolts	4,720.88
Eake's Office Products	Toner, printer repair	71.70
E.I.S.	Certify radar	45.00
Electric Fixture	Nipple, couplings, bulbs	149.78
ELE International	Soil sampling tube	67.00
Emergency Medical Products	Safety gloves	221.85

Emery Pratt Co.	Books, cataloging kits	70.28
Fagot, Paul	Electric rebate	150.00
Farm & Ranch Services	Grass seed, mole poison	71.45
GE Capital	Lease agreement	309.64
Gillette/NE Dairies	Dairy products	209.04
Hipp Wholesale Co.	Food, table covers, foil	1,002.44
Holdrege Public Library	Registration, referrals	104.00
I.C.M.A.	City Mgr. pension	133.85
Int. Conf. of Bldg. Offic.	Membership	85.00
Ingram Library Service	Card sets, books	131.49
Jones Plumbing & Heating	Remodel bathroom - Library	895.00
Johnson, Leon	Electric rebate	1,300.00
Joy Book Nook	Books	42.52
K N Energy	Service	232.46
Kriz-Davis co.	Misc. Supplies	4,867.33
Lex Area Chamber of Commerce	Luncheon, meeting exp.	66.94
Lexington Coop	Propane bottle, propane	29.74
Lexington Glass Co.	Windshield	185.00
Lexington Laundry	Service	46.00
Lexington Public Schools	Duplex charges, paint	7,491.27
Lexington Newspaper	Subscription	25.00
Lexington Truck & Auto	Leaf springs	170.00
LEXUS	Copies, envelopes, postage	58.76
City of Lexington	Franchise fee	20,288.08
Lexington Swim Association	Donation	1,200.00
Luther, Ann	Mileage, tape	101.71
Mead/Big Valley Lumber	Stakes, wall anchor, lumber	200.53
Meyer Welding	Rod, shaft	8.00
Midway Supply	Misc. Supplies	188.31
Miller & Associates	Service - New landfill	112.00
	Service - Fillmore St.	3,149.30
	Service - Lex Landfill	379.28
	Service - 13th ST.	6,679.63
Miracle Recreation Equip.	Playground equipment	4,299.00
Morris Press	Paper, copies, cards, labels	265.87
Moore Business Forms	Uniform citations	229.68
Mr. Automotive	Rotors, wiper refill	43.68
Nebraska Machinery	Ring, seals	8.85
Nebraska Unemployment	Unemployment - Pfeiffer	34.30
Nebr. Liquor Control Comm.	Law book	4.00
Nebraska Library Commission	OCLC Charges	40.73
NE Rural Water Assoc.	Registration	110.00
NE Planning & Zoning Assoc.	NPZA Conference Registration	175.00
Olsson Associates	Engineering service	3,174.29
Old Dominion Brush	Shaft, seal, hub	311.07
Omaha World Herald	AD - Police dept.	200.40

Payroll Account	3/29 - 4/11/95	57,135.60
Paulsen Bldg. & Supply	Cement	198.00
Patty's Hallmark	Copier cartridge	49.95
Pitney Bowes	Maint. agreement	135.00
Platte Valley Exterminating Service - GGC		24.00
Podraza, Bill	League mtg.	143.63
Precision Industries	Ball valve	80.00
Presco Sales & Service	Grader blades	518.58
Protective Life Ins.	Cancer insurance	206.21
Rivendell of Nebraska	Hospital	651.00
Schnieber Fine Foods	Food	483.28
Sixth Street Market	Food, UPS, supplies	176.45
Social Security Fund	3/29 - 4/11/95	4,280.97
S & W Auto Parts	Auto Supplies	658.03
The Travelers	Pension	1,795.41
The Travelers	Admin. fees	5,098.89
The Travelers	Police pension	711.72
Transit Works	Range pole, tape, reel	296.09
Unisys Corporation	Lease	1,266.00
U S West Comm.	Service	45.62
Utility Equipment	Valves, sleeves, pipe	4,673.82
Viking Office Products	Copier paper	40.77
Wal-Mart	Misc. Supplies	59.75
Water Products Co.	Meter, connectors	3,319.24
Waterpro	valve, coupling	520.91
WESCO	Misc. Supplies	597.58
Western Engineering	Silex	256.51
Wheeler's	Misc. Supplies	692.92
CBSA	Insurance claims	19,712.89
Lexus	Service	18,877.56
Matitas, Jose Carlos	Refund overpayment	59.92
Plum Creek Med Group	Work Comp - Kevin Baruth	107.00
T.L. Sund	Fence - WWTP	4,100.00
	Fence - Service bldg.	14,400.00
Vet's Club	Meal - Planning commission	189.00
	TOTAL	\$234,874.51

**PUBLIC HEARING
JIM CRAWFORD:**

Mayor Wightman opened the public hearing for a request for a special use permit to allow expansion of a feedlot. Mr. Jim Crawford addressed the Lexington City Council requesting approval to add an additional 4 pen on the West corner of the existing feedlot. This addition has been approved by the Planning Commission and EPA. He stated that there would be 200 head per pen for a total of 800 head. Mr. Vance

Bricker informed the Council that there were no comments pro or con on this project. Mayor Wightman declared the public hearing closed.

Councilperson Hawks moved that the special use permit be issued to Jim Crawford for the expansion of a feedlot. Seconded by Fagot. Roll call. Voting "aye" were Anderson, Long, Fagot, Hawks and Wightman. Motion carried.

WATER ISSUES:

Mr. Jim Lundgren addressed the Lexington City Council stating there are number of issues that are placing agriculture in particular and urban at risk. The risk is coming through the Endangered Species Act. This has been used to list the critical habitat areas in the Platte River Valley and has been used to seek additional habitat units for endangered species. Mr. Lundgren discussed with the Council the MOA, conjunctive use, bureau of reclamation irrigation projects, federal energy regularity. He reviewed the MOA (the Three State Memorandum of Agreement) stating that it suggests that the waters in the Platte River are 70% depleted from historic flows or predevelopment flows. It is also stated that to protect endangered species we need to back the usage up to about 450,000 acre feet of water in time. It will take alot of reduction of existing uses to obtain this amount of water. To resolve this proponents would like to reclaim water from agriculture for instream use which could deplete the reservoirs. He also discussed incrementalism which would result in a gradual taking away of the water usage. He then discussed the cost benefit analysis. Because of the dynamics you would have to take out of production twice as much irrigation crop land than what they need per acre foot in the Platte River, in other words if they need 1 acre foot of water you need to take out 2 acres of irrigated farm land to require that amount of water. So that means approximately 900,000 acres of crop land will have to come out of production to meet MOA required amount of water. Using the Bureau of Reclamation's figures of 1 foot of acre water value ranges from \$4,000 to \$10,000 per acre. If one uses the low side it would cost 1.8 billion dollars to acquire the 450,000 acre foot of water. They also claim that there needs to be another 30,000 acres restored for habitat

between Lexington and Chapman in the Platte River which would result in \$2,500 per acre for a total of \$75 million. He also stated that one the big kickers on all of this is the cap on depletion of future water which would limit new industries and crops which require large amounts of water. Upon further discussion, no action was taken.

**RESOLUTION
INTERLOCAL
AGREEMENT:**

Mr. Bill Podraza addressed the Lexington City Council stating that the only changes in the Interlocal Agreement were to the membership, which will consist of 2 city councilmembers, 2 school board members and 1 person from each administration, and the duration of the contract is 35 years instead of 25 years. The main function of this oversight committee will be to oversee the contractually arrangements. Also need to change the Agreement on page 5 to read "not to exceed the amount in accordance with Resolution No. 95-03 for the payment".

Councilperson Fagot offered the following Resolution and moved its adoption:

RESOLUTION NO. 95-03

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, that the City of Lexington, Nebraska, should enter into an agreement entitled "INTERLOCAL COOPERATION ACT AGREEMENT CREATING THE LEXINGTON COMMUNITY FACILITIES AGENCY" with Dawson County School District 001, that the form of said agreement is hereby approved and the Mayor is hereby authorized to execute and deliver for and on behalf of the City of Lexington said agreement in substantially the form presented but with such changes as shall be deemed by such officer appropriate for and on behalf of the City.

The foregoing resolution having been read, Councilmember Hawks seconded the motion for its passage and adoption. After consideration, the roll was called and the following Councilmembers voted in favor of the passage and adoption of said resolution: Wightman, Fagot, Hawks, Long and

Anderson. The following Councilmembers voted against the same: None.

The passage of said resolution having been consented to by more than a majority of the members elected to the Council, the Mayor declared the resolution duly passed and adopted.

PASSED AND ADOPTED this 25th day of April, 1995.

Mayor

Deputy City Clerk

RESOLUTION BONDS

Discussion pertained to items that could be eliminated or prices lowered on items on the family aquatic center. Also discussed was financing of the aquatic center which lead to a consensus of bonding \$1.6 million with an additional \$234,000 from accrued sales tax proceeds and at least \$66,000 coming from the Foundation for a total project of \$1.9 million.

Discussion pertaining to contributions to the Middle School and High School projects resulted in a decision of bonding \$2.9 million of which \$200,000 will be funded by the Foundation.

Councilperson Fagot offered the following Resolution and moved its adoption:

RESOLUTION NO. 95-04

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

Section 1. The Mayor and Council hereby find and determine that it is necessary that funds be provided for the purpose of constructing a new swimming pool facility and related aquatic park improvements; that a proposition to issue bonds for such purpose should be submitted to the electors of the City of Lexington at a special election to be held on June 20, 1995,

under the authority of Section 16-695, R.R.S. Neb. 1943; that the question of a bond issue for such purpose has not been submitted to the electors of the City within six months prior to June 20, 1995.

Section 2. The Mayor and Council further find and determine that it is necessary that funds be provided for the purpose of purchasing an existing building or buildings, including related site, acquiring a site or sites including leasehold interests, constructing on such site or sites a public building or buildings and remodeling an existing building or buildings for the purpose of providing indoor athletic facilities, public auditorium facilities, including related parking facilities, and providing furnishings and equipment for such public buildings, either directly or through the Lexington Community Facilities Agency; that a proposition to issue bonds for such purpose should be submitted to the electors of the City of Lexington at a special election to be held on June 20, 1995, under the authority of section 16-6100, R.R.S. Neb. 1943; that the question of a bond issue for such purpose has not been submitted to the electors of the City within six months prior to June 20, 1995.

Section 3. A special election is hereby called and shall be held in the City of Lexington, Nebraska, on June 20, 1995, at which special election there shall be submitted to the qualified electors of the City of Lexington, the following propositions:

Proposition No. 1

Shall the City of Lexington, Nebraska issue its negotiable bonds in the principal amount not to exceed One Million Six Hundred Thousand Dollars (\$1,600,000) for the purpose of constructing a new swimming pool facility and related aquatic park improvements, said bonds to bear interest at such rate or rates and to become due at such time or times, as may be determined by the Mayor and Council; and

"Shall the City cause to be levied and collected annually a special levy of taxes against all the taxable property in the City sufficient in rate and amount to

pay the interest and principal of said bonds as the same become due?"

_____ FOR said bonds and tax

_____ AGAINST said bonds and tax

Proposition No. 2

Shall the City of Lexington, Nebraska, issue its negotiable bonds in the principal amount not to exceed Two Million Nine Hundred Thousand Dollars (\$2,900,000) for the purpose of purchasing an existing building or buildings, including related site, acquiring a site or sites including leasehold interests, constructing on such site or sites a public building or buildings and remodeling existing buildings for the purpose of providing indoor athletic facilities, public auditorium facilities, including related parking facilities (either directly by the City or through the Lexington Community Facilities Agency), and providing furnishings and equipment for such public buildings; and

"Shall the City cause to be levied and collected annually a special levy of taxes against all the taxable property in the City sufficient in rate and amount to pay the interest and principal of said bonds as the same become due?"

_____ FOR said bonds and tax

_____ AGAINST said bonds and tax

The ballots to be voted upon and cast at said election shall have printed thereon the foregoing propositions, followed by the words: "FOR said bonds and tax" and "AGAINST" said bonds and tax" following the propositions.

Qualified electors voting in favor of each proposition shall blacken completely the oval opposite the words "FOR said bonds and tax" following said proposition, and qualified electors voting against each proposition shall blacken completely the oval opposite the words

"AGAINST said bonds and tax" following said proposition.

Section 4. The City Clerk is hereby directed to cause special notice of said election to be given by publication three successive weeks (four weekly publications) prior to such election in the Lexington Clipper-Herald, a newspaper published and printed and of general circulation in the City.

Section 5. The City Clerk is further directed to certify a copy of this resolution to the County Clerk of Dawson County, Nebraska, (not less than 50 days prior to election), who shall conduct the election as provided by law. General notice of election shall be published in the Lexington Clipper-Herald, as designated by the Mayor and Council, and posted by the County Clerk not less than 40 days prior to election. The City does hereby agree to reimburse said County Clerk for the expense of conducting the election.

Section 6. The form of Notice to be published and the form of ballot to be submitted to the County Clerk for use at said election are hereby approved as presented to the Mayor and Council and a copy of said form of notice and said form of ballot are hereby ordered attached to these Minutes and made a part of this Resolution. The City Clerk is hereby authorized and directed in conjunction with the County Clerk conducting the election, to arrange for the printing of the necessary ballots and publication of the sample ballot and to do all other things and take all other action appropriate or necessary in order to cause said propositions to be submitted to the qualified electors of the City as above provided.

Section 7. The polling places for such election shall be those polling places designated by the County Clerk of Dawson County for such election.

Section 8. The Mayor and Council of the City of Lexington hereby declare that it is their intention to issue bonds pursuant to Proposition No. 2 only if the qualified electors of Dawson County School District 001 (including affiliates, if appropriate) shall have also

approved the issuance of bonds by such school district to pay a portion of the costs of the facilities which are proposed to be financed pursuant to such Proposition No. 2.

The foregoing resolution having been read, Councilmember Hawks seconded the motion for its passage and adoption. After consideration, the roll was called the following Councilmembers voted in favor of the passage and adoption of said resolution: Wightman, Fagot, Hawks, Long and Anderson. The following Councilmembers voted against the same: None.

The passage of said resolution having been consented to by more than a majority of the members elected to the Council, the Mayor declared the resolution duly passed and adopted.

PASSED AND ADOPTED this 25th day of April, 1995.

Deputy City Clerk

Mayor

**TREASURER'S
REPORT:**

City Treasurer Neldene Skwarek presented to the Lexington Council the Financial Statements for the Month of March 1995. After reviewing the Financial Statements, Councilmember Hawks moved for the approval of March 1995 Financial Statement. Seconded by Fagot. Roll call. Voting "aye" were Fagot, Anderson, Long, Hawks and Wightman. Motion carried.

**PAY ESTIMATE NO.
1 MIDLANDS CON.:**

Mr. Dana Daniels, representing Miller & Associates, presented to the Lexington City Council Pay Estimate No. 1 from Midlands Contracting in the amount of \$154,952.14 for the 13th Street Project. Mr. Daniels stated that the majority of this claim is for stored materials on site and the progress has been limited due to the weather. After reviewing Pay Estimate No. 1, Councilmember Hawks moved that Pay Estimate No. 1 in the amount of \$154,952.14 to Midlands Contracting, Inc., be approved for payment. Seconded by Fagot. Roll call. Voting "aye" were

Anderson, Long, Fagot, Hawks and Wightman.
Motion carried.

ADJOURNMENT:

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

John Wightman
Council President

Neldene Skwarek
Lexington 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.

Neldene Skwarek
Lexington Deputy City Clerk