

**SPECIAL
CITY COUNCIL MEETING
JULY 8, 1998, 7:00 P.M.
CITY COUNCIL CHAMBERS
LEXINGTON, NEBRASKA**

Meeting was brought to order by Mayor John Wightman.

Mayor John Wightman - Public Hearing was then opened. Mayor Wightman opened the meeting by stating, We know that there are people that will probably have property values affected if we close Washington Street, and of course, that's been a concern, and I think that anyone that thinks we have not been concerned over that, is misinformed, because we have certainly been concerned over it. At the same time, I want to explain to all of you, that we are looking at a real attempt to balance the various issues that are involved here, and the three issues that we have identified as a Council are: No. 1 - is the potential of depreciation of value along Washington Street, if we close Washington Street. No. 2 - The one with the highest price tag for the City is the tax issue, and I know there have been those that have said there are other sources of money available, and quite frankly, if administration or anybody on Council, knows where those sources are, they're one up on me, and I think any members of the Council who have sat in on the negotiations meetings with the Rail Road and the Department of Roads. When we started talking about this project, it's been on the one and six year plan for many, many years, we wondered how the City was going to pick up its share of the cost, without a tremendous increase, as far as the City's portion of that was concerned, and initially we began thinking it would be approximately \$2 million, and realistically more like \$1 ½ million, and most of the money we are talking about, the \$1,360,000, probably all but about \$250,000 will be paid for an early closing. Now that sounds like a tremendous amount to a lot of you, but what that would amount to if we were to bond that issue over a 20 year period, and if we weren't getting the money from any other sources to pay for it, we would probably be increasing your property taxes probably anywhere from 40% to 75% of the City portion. Now I don't want to leave you with the impression that your property taxes would go up that much, because a very small portion, of the total taxes really come from the City's levy. I think about 15% or 16% of that, but, never-the-less, it would be a substantial increase. So that's an issue, and another issue, is one of safety, and leaving those crossings open, with regard to the additional train traffic that will go by. Now, we have been informed that somewhere between 120 and 130 trains, at about 140 cars per train, at the present time. Our understanding is that within 4-5 years, that will increase to about 160 trains, and we think that if more people go across Bridge Street, or Jackson Street, that there's probably less danger from that crossing, so if we sound like we are taking one side of the issue, we are trying to balance all three of these. We are not strictly looking at business loss, or business gain, or anything that anyone might have, although that is certainly one of the issues we are considering, but we do think that the citizens should be allowed to state their

positions, and we could hear their comments, before any action is taken by the City Council. I'm sure many questions will come up. Vance, do you have anything you want to add?

Vance Bricker - When we ran the numbers as far as the future impact on the call on taxes, that is a general fund item, and the call on the taxes to service that amount of money over a 20 year period of time, would equal about \$200,000 per year. And that means that it would have to be on a general fund call on taxes, and as the Mayor said, we have tried to balance all of these things, and looked at all of the issues, primarily in the potential for the decrease in the vehicles, train, and pedestrian accidents. And also provide for emergency response for our Police Force, the Fire and Rescue, to being sure that they have adequate access over Union Pacific Rail Road. So those things were all taken into consideration. We started the planning on this over a year ago, in the budgeting process, when we asked the Council for \$100,000 to fund the study that was done by Miller and Associates, and it was presented to Council here a few weeks ago. The Council accepted the study and also approved the recommendation of the Engineers for the siting of the overpass at Adams Street.

John Wightman - Since there aren't enough copies of the study for everyone, there are a few things I would like to point out that appear in the study. One of them, they did a traffic count, and they did it at two different times. One, I think, they did in the spring, sometime while school was in session. And then one, I think on a Saturday. The numbers that come over the various crossings at the present time are these. Over the Bridge Street Crossing, it was 11,000 over a 24 hour period. Over Washington Street, it was 5,000 over a 24 hour period. Over Madison Street, it was 1,800. And over Adams Street, it was 6,600. They also did a pedestrian and bicycle count. They show about 160 a day go over all the crossings. It does not include the overpass. Out of the 160, I think about 60 of them are bicycle. That is kind of the figures we are looking at, and is the best count we have on anything. Anything else that the Council would like to add before we take public contact? I think we have Les O'Donnell from the State of Nebraska Department of Roads here, and since they certainly have been involved in the negotiations, I would like him to address us first, and tell us about the safety issues, and the issues of the Highway Department. I might say he is the Engineer for the State of Nebraska for the Department of Roads.

Les O'Donnell - Engineer - State Department of Roads- Primarily, what a lot of communities in my district are looking at is the safety factor of the citizens, the number of cars using the at grade crossings, and the accident potential with the ever increasing number of trains. Everyone has heard on the media that we live in the busiest freight quarter in the world, and that is nice to think of on one hand, but creates a lot of problems as well. The City of Lexington is addressing the problem. It has long been discussed, for many years, about a second viaduct in town. Kearney has addressed the problem. They're looking at additional viaducts in North Platte. The Village of Sutherland has done a viaduct study.

They passed a resolution to put a viaduct up there. I was in Hershey last night. They're looking at a viaduct in their village. There will be a meeting on the 30th in Brady to put a viaduct in their town. I had a meeting with the Village of Overton about a viaduct. Studies are all underway. The safety of the citizens, because of the impact, of the coal train traffic, and the building of the third main lines on the UP system, with a centralized traffic control, the trains can go either direction on any track. It creates a major safety problem for not only cars, but also pedestrian traffic across the rail system. Another thing to think about, is how effective is a crossing, can you actually use a crossing, how safe is a crossing, especially with the increased flow of train traffic. You think, that won't happen to me. I'm not going to have an accident at that crossing, but when it hits home, and it is one of your citizens, or one of your family, then I guarantee you, you'll have a different outlook on that crossing. I really feel sorry for these officials having to deal with these local issues, but they're really looking toward the future and the safety of the citizens. The reason for me being here, is because when you build a viaduct, generally somebody is wanting to have some other funds available, other than just local. Not too many communities are financially responsible enough to be able to afford a project like this, themselves. They generally would like to have some outside financial help, and that's what I'm here for. If they decide to do it, I want to help them as much as I can. Not only these people, but you. To not only serve you, but to offer as much financial assistance as I can get for you. I want to state again, it's not an easy decision that these people have to make. It's very emotional. But I am sincere when I say to you, they are elected officials, that are out for the best interest of all the citizens of Lexington, not today, but also the future, and the safety of those people using the crossings. Thank you.

Mayor John Wightman - Before we open this up, I have two or three things. One of the things I've heard, and I think there's some truth to it, is that there may be a trade off in the six year period, as far as the safety factor, because we are going to be moving more of them onto Adams Street, probably both pedestrian and vehicular traffic, and maybe our safety factor goes down. We would hope that most of them would use the overpass, if we did close the two. We know it will be very difficult for people to use them until such time we get the signalizations at a couple of locations, one north and one south of the overpass on Jackson and Bridge Street. So that is a concern about the safety factor.

Les O'Donnell - State Engineer-Department of Roads - Nobody has a magic crystal ball. I've visited the several people at the City here, and we've played a lot of what-if games. And we're trying to get ourselves to react, one the Council decides what they want to do. And then have a discussion with out Lincoln traffic people as to what we would have to do to be able to be in a position to accommodate more traffic on the highway system. The City here has been thinking about some of the things they would like to see accomplished. Well, all those are what-if games, because we don't know what you are going to do. Now once you've made the decision on what you want to do, we can get things into

motion. We can actually have concrete facts and figures and tell you this is what is going to happen.

Mayor John Wightman - Two other items of discussion that I have heard, is what is going to happen if we do close both of them, and then construction starts. There have been a lot of concern that a lot of traffic will be going over the overpass. And I think we have your assurance, as well as the Rail Road's assurance, that there will be a crossing either with a route around the Adams Street crossing, or reopen Madison Street. My understand is that is as near an assurance as you can give us.

Les O'Donnell - State Engineer - Department of Roads - Well, I can't given any assurance in that at all, because you aren't dealing at all with the Highway Department on those issues. The is the Rail Road system that you are wanting to cross, and not the highway issue. So what happens there, is a negotiation between you and the Rail Road. But you also have to keep in mind, that the Rail Road is wanting to get that viaduct constructed. So, they have an investment. They want to see that viaduct constructed as quickly as possible. And they are going to quite concerned about the redirection of the traffic using Adams Street. But basically, that is between you and the Rail Road, and how you want the viaduct constructed.

Mayor John Wightman - Then the last question I would like to ask you before we throw it open , is, my understanding right now is that the fastest track right now that we can be on, is approximately six years to completion?

Les O'Donnell - State Engineer - Department of Roads - Well, if it's a normal situation, that would probably be true. You know, records are made to be broken. You have to remember that you are not the only one that would like to have the viaduct constructed in the State of Nebraska. I think I heard that the City of Kearney is wanting 5 viaducts. City of North Platte is looking for another one. Village of Sutherland is wanting one. There are well over 100 priority locations of rail road crossings in the State of Nebraska that all qualify for these funds. Now you've taken a giant step in committing Adams Street as the second viaduct location in the City, but you can't really talk to anybody until you get a set of plans on the drawing board, and say I want to push the button, spend the money in our town. I've been to many, many viaduct meetings, and they are highly emotionally charged, and they never get any easier.

Mayor John Wightman - To keep it more orderly, we ask that if there's anyone that is a proponent for closing, we would listen to them to them first, and I'm assuming that the large group of those here this evening are opposed. If we have anybody that wants to give a positive comment, we would taken them at this time.

Nova Workman - If the Rail Road crossings are closed, will there be a walk-way for those on foot so people won't have to walk over the overpass?

Mayor John Wightman - We talked a little about that at our last Wednesday morning meeting. But, that has not yet been decided.

Nova Workman - As you probably know, the children that go to Morton school, will probably not go over the viaduct, they will probably cross over the tracks. The second questions, in the paper, it read that July 15 would possibly be the closing of the tracks. Is this correct?

Mayor John Wightman - That is the date the Rail Road has given us, that if we want most of the up-front money, we would have to make a decision on the closure by that date. But it has not been said that that is the exact date it would have to be closed, but we would have to inform them.

Nova Workman - And then, what about all of the traffic that would be going over the overpass. As I understand, I read in the paper, you will be putting up lights, but it seemed like it was in a longer distance of time.

Mayor John Wightman - And that is probably correct. Les O'Donnell could probably answer that better than we, but they have certain regulations that they have to follow. You've got to realize that the Department of Roads would make the decision on the one on the south end, because it strictly on a state highway. On the north one, it is somewhat if a hybrid, that there has been some agreement that the State would share in the cost at 6th and Jackson, and we realize that there is already quite a congestion of traffic there between the hours of 2:00 and 3:30 p.m., and this would made worse by this project. That had to be done based on the decision made by the Department of Roads, particularly the Walnut and Bridge Street intersection. We do have some input with regard to the intersection of 6th and Jackson, but we're going to be looking at a substantial amount of matching funds if we do that, but we're still going to be at the mercy of the Department of Roads.

Nova Workman - And here is a very important question. What kind of a statement do we have that those engineers will stop blowing those whistles when everything is closed. The noise level is just horrid. What would be the object of closing them, if we have to contend with the inconvenience of going over the overpass, and we also have to listen to the noise pollution.

Mayor John Wightman - If you want to know what we're looking at, I stated though that out of \$1,350,000, probably about \$1,100,000 of that is contingent upon an earlier closing, which gets into the tax issue. If you ask what the reason would be, is the \$1,100,000 and the fear of having to bond that for five or six years. That's a fairly big incentive, in and of itself. I think they have some

regulations regarding the blowing of the whistles. I think it is a legitimate question, and one we should ask the Rail Road officials.

Vance Bricker - It is our assumption that it would reduce the number of whistles by 480 a day.

Les O'Donnell - If we do nothing, they are going to be there. If we don't do anything, the whistles are going to be there one way or another. I agree with what you're saying, but if you don't change anything, they're still going to keep going by.

Mayor John Wightman - Again, I would ask if there's anyone that would want to address the Council in favor of closing the crossings.

Scott Sarnes - I represent the Chamber Board of Directors, and I emphasize that the Board of Directors only, not the Chamber membership, as the time span was not enough to survey those folks. The Board met at 7:30 on July 7th, to establish its position on the proposed closing of the Madison and Washington Street crossings by the Union Pacific Rail Road. At this time, the data gathered by the study commissioned by the City Council during the last year was reviewed. Additional information was reviewed concerning early closing bonus funds and the related impact it would have upon the Adams Street grade separation project. Traffic control and safety issues were discussed at length, as well as the financial impact it would have on area businesses, and the population of Lexington in general. The Board objected to the short amount of time, the Union Pacific Rail Road allowed based upon such an important decision as this. The Board felt that additional amount of time to complete a survey of its membership and study the traffic rerouting proposals and implementation of a time table was necessary. Unfortunately, to our understanding, the deadline for this decision was nonnegotiable, and imminent, so we had to make some kind of determination. After determining the closings of the crossing was inevitable, the discussion turned toward the benefit of delaying the closings as opposed to agreeing to the Rail Road's deadline. The Board did not have the luxury of allowing a motion to overrule logic. When the total impact of business, safety, and economic issues were weighed, along with the continued growth of Lexington, the only decision left to the Board was to support the crossings at this time under protest to the time constraints imposed by the Rail Road. Thank you.

Mayor John Wightman - Do we have anyone else to speak in favor. One person here that was invited to address the public with regard to the safety issue is Charlie Clark. Charlie, would you care to address us?

Police Chief Charlie Clark - Vance asked me to do this, and I'm not sure what you wanted in the way of information. Our computers have been down for two days, probably as a result of that storm we had. I can tell you in the last eight years, we have three incidents along the rail road right-of-way, between

Washington and Madison, resulting in the death of four people. Eight years previous to that, we had none. One of those was a car-pedestrian accident, one was not at a crossing, the other one was at Washington Street. Three of those deaths involved alcohol. As far as any other data, I am unable to get it for you at this time.

Mayor John Wightman - Charlie, do you see, as far as a safety issue, a gain, from closing at the present time, the two crossings, or will we more than off-set that at the Adams Street crossing?

Police Chief Charlie Clark - That's not my area of expertise. It's going to have to take a traffic safety engineer to take a look at traffic studies, and develop an answer to that, John. I do know that any time you change driving patterns of people, you affect the overall rate of accidents for a period of time, and then they plateau, or level out. There were no suicides.

Mayor John Wightman - Is there any one else that would speak somewhat favorably towards the closing. It doesn't look like a balanced group, as far as numbers. We'll go ahead and take comments.

Janet Henderson - I was born and raised in Lexington. I see a lot of people like myself that lived on the south side for years. If we were just addressing just the safety issue, I think it would be a pretty easy decision, because we have a park and a school on the south side. And I'd hate to see a loved one killed or injured. Many people walk across the rail road on their way to get groceries. They can't be expected to go clear out of their way to get the groceries. There are a lot of unsupervised children, who won't go clear out of their way, to go over the overpass. Families riding bikes. It's hard for them to get on the overpass. So if we're going to consider only the money and safety issue, I don't think it would be that difficult of a decision to make.

Frank Hennigan - I own Lakota downtown. The first thing I want to say is I do believe we need a viaduct. I don't think any one is questioning that. The trains are a problem. They've always been a problem. The UP is wanting us to close the two crossings, but they want an immediate response, with minimal public discussion. That's the way it appears. And I think this is what has everyone up in arms at the moment. This is our town, and we must talk about other repercussions other than monetary ones. Our elected officials, I believe, shouldn't be quite so quick to grab a fistful of dollars, without considering what the people think. A whole town on the south side is being threatened to be severed from the north side, basically. I listened to Vance on KRVN. His primary talk was about finance. It wasn't about people, it wasn't about convenience, and it wasn't about continuity of our City. I appreciate his efforts. He's doing his job. His job is to find money, spend money, and save money. He found Rail Road money, he wants to build a viaduct, and he's saving the City a bundle. So you can't fault Vance there. He'd done what he's suppose to do.

Now let the people help decide. This is a big decision, and it's too big for five people to make. The project that they have to do are the 283 signals, and as I understand it, the signal you want to do is on 6th & Jackson, and widening a turn-out area is one of those signals. The other signal is probably the most important one, and down on Walnut and 283. As I understand, to get a signal on a state highway, traffic has to warrant it, in both directions, not just one. We have that adequate traffic north and south. We don't have adequate traffic east and west. So, we're at the mercy of Mr. O'Donnell to give us the light, if he sees fit. If he doesn't see it, he doesn't have to give it to us. The next project is building a road across from IBP to Adams Street. This is a very important road. Whatever happens, this needs to be built. We're looking at approximately two years in having this road built. In that two year time, that traffic stays in town. And then we're looking at a minimum of five to six years for the viaduct. In that five year time, we're going to have some real fun times on Adams Street. Up to six years of congested south-side traffic. The pedestrians that will be walking across while these two crossings are closed are going to be the kids going to school, and like was mentioned, the people going shopping, especially the hispanic community that have so many that do not drive. They are going to go across these tracks, and they are going to drag their bikes across those tracks. And it's been mentioned, that a fence might possibly be built to route these people over to use the viaduct. Well, if you do that, you will completely sever the town in two. One Chamber Board Member mentioned that it didn't make any difference, because the town is already severed. Think of congestion on Adams street during harvest time. Between IBP let off, the school letting out, the harvest trucks, the cattle trucks coming in and out of the hills, it's going to be a real fun time over there. All the money being spent on the business district. We planted the trees, we laid the bricks, we thought everyone would come downtown and sit on the benches, and watch the sun go down. We begged everyone to come downtown and shop. Now we want to cut the main artery from the south side off. Tell those people, in so many words, to go somewhere else, or if you want to come see us, climb the fence, or jump over the hill. This town is basically going to be held together with two band-aids. A bad band-aid on Adams Street, and a very congested band-aid with the viaduct. You'll have to excuse me here, just a little bit, because I'm pretty !?!?! School dismisses at 3:15 p.m. IBP lets out both shifts at 3:00. The traffic heading north without the cross street, most of the traffic that wants to go to the North west side of town, will cut across Walnut Street, thereby putting them right by Morton School. It was suggested that we will make that a no parking street, so it will handle that traffic. No parking doesn't slow traffic down, in my opinion, it speeds it up, because they can see further. Now why they want to route them to Adams Street, I don't know, because you can keep in mind, that the trains are going to have the crossings blocked at Madison and Bridge over 50% of the time. But we're going to route them over to Adams Street where they can get across right away. What happens when we get this shift change, the school, and whatever else might be going on and we have train blockage on Adams Street. We're talking about having this situation for six years! It's not a good workable situation. Business and residents on the south side, I think

deserve and should demand a convenient access to the rest of the City. Someplace, in all of this, common sense should dictate a little bit of policy somewhere. Most people agree that one crossing could be closed. Madison Street is not a problem because it passes by the Morton School. We get that traffic away from there. There's no signals on Highway 30 either to direct traffic, once it comes off Madison Street to Highway 30. And I can't believe by leaving one crossing open, that we would forfeit all these monies involved. In fact, if safety is an issue, why would they take the money away. I'm confident that these funds are available for other sources, then money is the exact issue here, and not safety. And I think the Rail Road is thinking money, and are trying to relieve themselves from some of the liability by closing these crossings. The less people they can keep away from the track, the better for them, the faster they can go, and more power to them. But it's our town, and we need to keep that in mind all the time. This is our town. Partial funding, as I understand it, would still be available if close just one crossing. Some of those funds would still be available. They would still pay 250 for one crossing, and they would still pay 5% of the study. All the ton mile taxes on the Rail Road, would those funds disappear? We assume not. We've picked up the slack before and lived through it, and I think maybe on this issue, we can bring the Rail Road around to our way of thinking, and hopefully the highway department, and get along with us. Don't cut our town up. According to some people I've talked to, that work for the Rail Road, that have experience with the three track system, do you think they are doing this to slow trains down, or to park them, they're not! They're building this so they have more continuity across the country, more speed. Faster delivery. Make more money. These people that are working on this track, don't believe we will see any more closing or down time at the closings now or later, and we do probably right now. Sure they'll be longer. What are we talking? Seconds, in crossing? Three minutes for a long train? But the thing of it is, you can wait, and get conveniently across town. Even with the Washington Street crossing open, all these alternate streets we talk about are needed. The development of Beans, the lights on Highway 283, those things are needed irregardless of whether the Rail Road comes in. So I don't see why we're tying it to the Rail Road. Future southern developments hinges on that road going across Beans. The other thing that was mentioned was that we don't need to worry about closing that crossing, because those businesses are destination businesses. Same way with the residences. They become destination residences. We are not destination residences on the south side. We are invested in this town. We would like to keep the freedom and maneuverability as much as possible. It would be a shame for the people of Lexington to lose another choice to money and bureaucracy. Most of the years I've lived here, most of the town has talked about closing a crossing. It's been going on for 30 some years. Now the wolf is at the door, and he wants an answer. I don't think we have an answer, and I don't think we can cut this town up. I think everyone here should say why they're here, whether they're observers, whether they're against, or whether they're for, because I know people that don't speak have no vote. You don't know why they're here. That's all I have to say on the subject.

Mayor John Wightman - Anyone else? I'm sure some do want to address the Council.

Dove Weber - I'd just like to give my opinion on something that was already mentioned. You said before that maybe 5000 cars across the tracks on Washington Street in a 24 hour period, and 1,800 cars on Adams Street. What you're going to have is 6,500 to 6,800 cars driving through residential areas trying to get someplace. They're going to get there either this way, or that way. Also, when traffic is congested, people are going to take the side streets to get where they're going to go, and you're going to have accidents there too. I think that not having a way for people to get from the east to the west on the south side without having people drive through residential areas, is a very safe way to get across. We all agree that the safety of people at the rail road crossings is an important issue, but we also need to consider the safety of people in the residential areas too.

Luna Hennigan - I've lived on the south side almost all my life, outside of the time, when I was married. I think that if you want to close your crossings, get your viaduct built first, and then think about closing the crossings. Then you're not blocking people out from coming in to town.

Nova Workman - You City Council people do not live on the South Side. You don't have to deal with this traffic situation. Try it!

Mayor John Wightman - I would like to ask you if this is a problem all day long, or is it mostly a problem for two or three hours.

Nova Workman - It's all day long. It's very consistent. And I'm finding it's much easier to forget the rail road track, and go over the overpass. But then you take your life in your hands trying to get on the overpass. It's a very dangerous situation. You talk about the rail road is a dangerous situation, I think that Plum Creek Parkway is a dangerous situation. And another thing that you brought up, you said that it would make our property value go down, if you divide the north side from the south side. I own a building on Washington Street, and I see no reason why my property value should go down, because we cannot leave that Washington Street crossing open. And also, the merchants are saying they're needing the business. What are they going to do when that crossing is closed. If these things happen, how much better are we going to be?

Hap Hardesty- I think the Rail Road is trying to bamboozle us with a quick and get away with it, and it's a ?!?!? mistake. As far as I'm concerned, they can take their million and a half bucks and stick it in their hind end, because this is our community. It doesn't belong to Union Pacific. You talked about roads in Lexington since I came here in 1959. You're going to make the trucks go on Adams Street, you're going to make the trucks go in out here by the cemetery.

You're not going to do that because Biehls, and Fellers are going to run their bull truck and put manure in the street right in front of my house 10 times a day. You aren't going to make those guys go out where they're suppose to go out. I don't think you need to close these crossings. I think they need to be improved. You need the bars on them. So they're going to run 45 trains a day. If they're going 45 mph, it'll take you 2 minutes to run 150 cars by that crossing. It won't take any longer than that. Two or three minutes maximum. And they're surely not going to run three trains at the same time, I don't think. I don't care if you close Washington or any of them, but I think if you close those two streets now, and wait for five or six years to build an overpass on Adams, I think Lexington is going to take it in the shorts so bad, that you will not realize in six years what you've done to this town. It just doesn't make since to me that Union Pacific will give you all of this money. ?!?!?! if they're going to give it to you, let them give it to you. But they give it to when you build the overpass. I think the overpass out there has got to come before you close either one of them two crossings. And that's all I got to say.

Joe Jeffrey - I'm vice president for the Dawson County Public Power District, and we are also having a meeting this evening, and about an hour ago, we passed this resolution. Hopefully you will listen as I read it. A Resolution on Lexington Rail Crossing Closings. Whereas, the City of Lexington in cooperation with Union Pacific Rail Road is proposing the closing of the Washington and Madison Street Rail crossings, and whereas, the Dawson Public Power District Headquarters Building is adjacent to the Washington Street Rail Crossing, and this crossing is used extensively by the district's crews in normal course of district business, and whereas, the Dawson Public Power requires access to appropriate rail crossings to provide service to our customers in a timely manner, and whereas the customers of the District for the most part are rural people who use the rail crossings for conducting retail trade in the business community or to bring produce or livestock to market. Now be it resolved, that the Dawson County Public Power District Board of Directors establishes the following position with regard to the proposed closing of the Madison and Washington Street crossings. 1. Immediate installation of electric traffic control signals at the corner of Plum Creek Parkway and Walnut Street. 2. Oppose the closing of Washington Street Rail Road crossing until such time as the Adams Street is complete. 3. We have no opposition to the closing the Madison Street Rail crossing. Thank you.

Steve Bruns - I'm with Husker Ag Sales and there's a couple of things I'd like to address. It's about the overpass itself. I think you gotta be thinking four lanes. With agriculture machinery being wider than what we're use to, we can be up to 18 - 20 feet wide, when we're trying to cross the rail road tracks, so that's why I'd like to see the overpass 4 lanes wide. To address the money situation, I did a little calculation. If the railroad takes away your \$1.1 million, if you would collect 14 hundreths of a cent per thousand for five years on property tax, you would make up that \$1.1 million, or better said, if a person is paying a thousand dollars

in taxes right now, it would cost an additional \$12.00 per year for five years to make up that \$1.1 million. And I think that if you put it to a vote, most people would be willing to pay that \$12.00. In regards to Madison and Washington Street, I have to go along with Dawson Public Power. You gotta keep at least one of them open, because I was trying to cross on Road 435, and the crossing was closed for a good 20 minutes. If we can't get a piece of farm machinery over the overpass now, and if they're working on Adams, either Madison or Washington has got to stay open until you get the overpass built. Thank you.

John Ostrom - I am in favor of a viaduct. It sounds like a lot of dollars, and it is to an individual. You've got to make a decision that is very permanent. We have had one week to get prepared for this, or a little better, but I would like Lars to come up and would appreciate if you would listen.

Lars Ostrom - When we're talking safety, like you, I don't want anybody to have an accident. Accidents happen all the time. What is so unsafe about a rail road crossing. When was Union Pacific negligent for the cause of an accident here in Lexington. Has there ever been a problem. In most cases, as drivers, we usually create our own problems. What it comes down to, is when they talk safety, are we suppose to protect those that choose to go around the bars.

Frank Hennigan - The reason we shouldn't pass this, is because all we're getting is, I guess, and I think, and because by-golly, and because by-god, we don't know nothing. We need more time. We mustard this in a week, and you guys have kept it under wraps for some reason for over a year! O.K. maybe I'm exaggerating a little bit. I'm trying to say the five of you can't make this decision along. And that's why we're here. To help.

Nova Workman - Why must the taxpayers take all this burden. Why can't we raise the sales tax $\frac{1}{2}$ percent?

Mayor John Wightman - Partly because we are already on the maximum for sales tax Nova. That's why you have the property tax that you have, which I know everyone thinks is too high, but I will tell you that it had been the second lowest, if probably the third lowest, of all first class cities in the State of Nebraska. Eight or nine years, the citizens of Lexington decided they would just as soon have a portion of the tax call from the City be in the form of a 1% sales tax, and that's in place now, which reduces the property tax. We used 1% then, and then another $\frac{1}{2}$ % for the school facilities.

Jim Cudabeck - I wasn't going to talk on this issue, but I just couldn't help myself here. I just think that at this time, its just unrealistic of the Rail Road to put these members here on the spot in such a short time not knowing the ramifications. I just think it's not good business. This is a major, major, major issue here. I just think you should go back to the Rail Road, and say this is much too big of an issue here. Ramifications may haunt us down the road. If

they put a fence up, that really will tear your town apart. That really will divide your town. Thank you.

Mayor John Wightman - I assure you we have negotiated, and their reasoning, is that they will do the signalization, and I don't know what that will cost, approximately somewhere between approximately \$100,000 and \$150,000 at each intersection, and that is why they are saying they are willing to pass on the \$250,000, but believe me, if the decision was already made, we wouldn't be subjecting ourselves to this tonight. We certainly had this hearing to give people the chance to input. As to why we didn't come before the public earlier, we were in the process of negotiation at that point, so I don't want you to think we are totally insensitive. We'll never know the exact cost of this project. I don't that there is any way to determine it.

From here on out, since we might want to type this up, and make it available to the Rail Road, and I know I have been very loose, as far as requiring, and it's very difficult to get to the podium, but if we're going to type it up, obviously, we're not going to be able to do that without you're addressing us from the podium. So, I think from here on out, I wish I had caught this earlier, because we might want some of these remarks available, and I assume they will not be available, with them speaking there, because the tape will not pick that up.

Lila Wood - I live on Madison and Elm Street, and I've been in Lexington for 45 years, and I have lived very close to the railroad tracks all of those years. We lived on Elm and Adams, and now I live on Elm and Madison. The only time the noise bothers me is when I'm trying to talk to somebody out on my patio, as the whistle blows. I can be out in my year working, and I don't even hear those trains. The noise is not personally a problem for me. And I would rather put up with the noise and not close the crossings. Thank you.

Karen Darby - I am co-owner of a retail shoe store downtown. We have had our business for 10 years, and business is good at our store, but I think we get so much business from the small towns around us, that if you close access, whether it be two years or six years, it can be devastating downtown. I resent Mr. O'Donnell trying to scare the law abiding citizens. We go across those railroad tracks every day safely. Thank you.

Harlan Anderson - It seems to me that there's got to be a compromise somewhere. The Council should really consider their decision. I feel the concensus of everyone in this room wants a viaduct, and I think everybody wants Washington Street open until it's built, and I think you could negotiate a little. Thank you.

Tom Mooberry - I'm from Tom's Midwest Liquor, and I just want to add something to Harlan. When we close Adams, we're giving up on crossing for a viaduct. We don't want to give up two. That just doesn't add up. When you

build the viaduct, you're giving up a road for a road. We don't want to give up another road. Looking down the road, there will only be two viaducts, no crossings. That can't be. Thank you.

Jim O'Donnell - I've lived here since I was born. I've seen many good and bad decisions. At this point, I agree 100% with Mr. Hennigan, and Mr. Jeffrey of the Power District, and Mr. Anderson, and Senator Cudabeck, and 90% with Hap Hardesty. To reiterate what I am agreeing with, I think the majority of the people in this room, agree that a viaduct is needed and Washington Street should remain open. The tax consequences would be minimal as far as raising the million dollars. I don't think my tax burden would increase very much if the levy went up a slight amount. I just want to blend by support with the people that have already spoken this evening.

Joe (?) - I have talked to many hispanics, and many of the children walk to school, and they don't like to see Washington or any of those streets close. Thank you.

Jeannie Hampton - I just want to say I was born in Lexington. For four years I didn't live on the south side, but the rest of them I did. And I have walked across the rail road crossings four times every day to go to school. I've driven across it. I've driven my children across it. And if you abide by the law, and the crossings are down, and you don't go around them, there won't be any accidents. I can get my groceries and prescriptions by not going over the rail road tracks, but I can't go to the bank, the post office, the library, the Dr's office, or the hospital. And if you sit and wait for maybe three minutes compared to sitting at the Pizza Hut for maybe ten to fifteen to get access to the viaduct, there's just no choice. You just have to leave them open. Thank you.

Jim O'Donnell - You talk about 45 mph trains going through here, the last report I've heard the average speed between North Platte, and Grand Island, is 16.9 mph.

Hap Hardesty - I really believe that if push comes to shove, that Lexington can raise their million and a half bucks or whatever Union Pacific thought they were going to give us. We know that when we went to build a pool and a school house, and all that stuff we have in Lexington, if we got to put up a million bucks for an overpass, that we can't get any money from the State, or Union Pacific, tell them to keep their money. The people of Lexington have enough guts, ambition, money, fortitude, to put up the money themselves, to build the overpass. We raise all kind of dollars for the school and pool. We can do it again if we have to. Now I hate to think that we ask these five people to take the blame for all this. I know that John has negotiated. If we want a rail road crossing here in Lexington, I think the people can afford it. They'll buy it, they'll put it in, and tell the Rail Road to stuff it, it that's what it comes to it. We've got to get off our duff, we've got to tell them what we think. We can tell them to take their million and a half,

and go back to Omaha where they belong, and then take care of your rail road any way you can.

Rob Jeffrey - I hope a bunch of people would come to my funeral, if I went around the crossing arm, but people, it would be my fault. I always try to take the Washington Street crossing, if there's not a train coming. I hate the traffic we have on that overpass, even though it gets me to town so much faster. We're responsible adults. We can take care of ourselves. Don't close that Washington Street crossing. Thank you.

LaJean Bosung - Something no one has mentioned, is how are the rescue units and the fire department going to get to the south side if those crossings are closed. If you've got all this traffic on the viaduct, and you have an accident at the top of the viaduct, how are they going to get there. You have to have something else open until the second viaduct is completed. You will have a lot of people taking a lot of unnecessary chances trying to take alternate routes.

Dwayne Phillipi - How long is it going to take to build that third track through Lexington. It would really be interesting if you close a crossing for a length of time during the construction of the third track, and see what happens to that traffic during that time span. I think there would be the dangest traffic fender benders you've ever seen! The rail road can't use the hammer on you. They will be back at the table again. Thank you.

Dawn Henderson - I would like to see someone enforce the safety between Washington and South Bridge where the base of the viaduct is. There are people that live there that can't get out of their driveways because of the traffic that is backed up. The safety of the children are also a concern.

Lief Ohstrom - I started up an antique store on the south side. I see this as being only a money issue. If the rail road wasn't offering you money, you wouldn't even consider it. Kids will cross the tracks anywhere if they are running late for school. I see this splitting the town.

Mayor John Wightman - At this time, we will close the public hearing. I do want to thank all of you for coming. I know most of you probably think the Council's mind is made up. I can tell you that if it was totally made up, we wouldn't have subjected ourselves to this tonight, so I can tell you that it is still an open issue. We appreciate your coming out. We will have this issue on the Council Agenda on the 14th, so I want you all to know. Again, thank you for coming and for your comments.