

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

The Special Meeting of the Lexington City Council was held Monday, June 12, 1995, at the Municipal Building, 406 East 7th Street, Lexington, Nebraska, at 7:30 A.M. Members of the City Council present were: Mayor John Wightman, Robert Hawks, Dorothy Anderson, and Jerry Long. Councilman Fagot was absent. City Officials present were: City Clerk Leon E. Malzahn, City Manager Bill Podraza and City Attorney Will Weinhold. Department Head present was: Vance Bricker. Also present was: Bob Cappel. The press was represented by 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.

RESOLUTION BONDS: The following resolution was read before the Lexington City Council. Upon completion of reading this resolution, Councilperson Anderson moved that said resolution be passed and approved, seconded by Hawks. Roll call. Voting "aye" were: Long, Hawks, Anderson, Wightman. Motion carried.

RESOLUTION NO. 95-07

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 August 8, 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 August 8, 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 August 8, 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 August 8, 1995.

Section 3. A special election is hereby called and shall be held in the City of Lexington, Nebraska, on August 8, 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.

Section 9. The Special Election previously called by Resolution adopted April 25, 1995 to be held June 20, 1995 is hereby canceled due to the failure in publication of election notice.

PASSED AND ADOPTED this 12th day of June, 1995.

Mayor

City Clerk

ADJOURNMENT:

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

John Wightman
Council President

Leon E. Malzahn
Lexington 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.

Leon E. Malzahn
Lexington City Clerk