

**CITY OF LEXINGTON
LEXINGTON, NEBRASKA**

A Regular Meeting of the Lexington City Council was held Tuesday, August 27, 1996, at the Municipal Building, 406 East 7th Street, Lexington, Nebraska, at 7:30 P.M. Members of the City Council present were: Mayor Robert Hawks, John Wightman, Dorothy Anderson, Jerry Long, and John Fagot. City Official present was: Interim City Manager Vance Bricker, City Clerk Leon E. Malzahn, and City Attorney Willard Weinhold. Department Heads present were: Charles Clark, and Kerry Rader. Also present were: Dana Daniels representing Miller & Associates, and approximately 33 citizens with an interest in items on the agenda. The press was represented by the Clipper Herald, Tri-City Trib, 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 Hawks.

MINUTES REGULAR MEETING 8/13/96: The minutes of the regular council meeting held August 13, 1996 were presented for Council's consideration and approval. Moved by Wightman, seconded by Long to approve the minutes of the regular meeting held August 13, 1996. Roll call. Voting "aye" were: Anderson, Fagot, Long, Wightman, Hawks. Motion carried.

MINUTES SPECIAL MEETING 8/19/96: The minutes of the special council meeting held August 19, 1996 were presented for Council's consideration and approval. Moved by Wightman, seconded by Anderson to approve the minutes of the special meeting held August 19, 1996. Roll call.

Voting "aye" were: Fagot, Long, Anderson, Wightman, Hawks. Motion carried.

CLAIMS AND BILLS:

Claims and Bills in the amount of \$750,671.19 were presented for Council's consideration and approval. Moved by Wightman, seconded by Fagot to approve the claims as listed and authorized the City Treasurer to transfer \$102,877.62 from the General Fund, \$572,429.04 from LEXUS Funds, \$11,830.19 from City Sanitation Fund, \$19,652.57 from the Landfill Fund, \$29,223.92 from Urban Renewal, \$5.59 from CDBG 90-HD-010, \$6,842.32 from the Health Fund, and \$7,809.94 from Meals on Wheels to the City of Lexington Operating Account. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman, Hawks. Motion carried.

CITY OF LEXINGTON
 ACCOUNTS PAYABLE
 AUGUST 27, 1996

AFLAC	CANCER INSURANCE	149.74
ALAMAR UNIFORM CO.	UNIFORMS	167.83
ALMETEK INDUSTRIES, INC.	TAG HOLDER	134.83
BARRETT-HOUSEL-GRAFTON	STREET VEHICLE INS.	29.00
BACON, MICHAEL TRUST ACCT.	BOND PROCEEDS	2500.00
BERNTSON OIL	DIESEL/FUEL	2689.45
BSN SPORTS	TENNIS POST REEL	116.55
BULLER FIXTURE CO.	OVERTON MOW SUPPLIES	410.58
BURBACH ENGINEERS	PHASE III NEW POOL CONTRACT	12500.00
CASH-WA DISTRIBUTING	FOOD/NON-FOOD ITEMS	549.50
CALIFORNIA LANGUAGE LABS	LANGUAGE PROGRAMS	158.84
C.J. SMALL ENGINE REPAIR	TRIMMER HEAD & LINE	43.63
CENTRAL GARAGE FUND	PARTS/LABOR/OIL	4241.18
CENTRAL TIRE & TREAD	TIRE REPAIR	6.00
COAST TO COAST	SAWZALL BLADES	12.59
CONNEY SAFETY PRODUCTS	HAT RACK/MOUNT KIT	33.69
COCA COLA/DR. PEPPER	COCA COLA PRODUCTS	71.60
COUNTRY GENERAL	PAINT/BLDG SUPPLIES	582.73
C.B.S.A.	EMPLOYEE MEDICAL CLAIMS	2490.51
COZAD SERVICES	BLDG. REPAIR	42.00
DAWSON CO. PUBLIC POWER	GAS SERVICE	2130.16
DAWSON CO. WEED CONTROL	WEED SPRAYING	20.56
DAN'S SANITATION	2ND HALF OF BILLING	11640.50
DAAKE, AUGUST	REFUND ELECTRIC PERMIT	15.00

DEMCO	BOOK TAPE	30.76
DUTTON-LAINSON CO.	CONDUIT STAND/BRACKET	309.85
EAKE'S OFFICE PRODUCTS	TONER/OFFICE SUPPLIES	77.54
ELECTRIC FIXTURE SUPPLY	ELECTRIC SUPPLIES/WIRE	4206.62
ELECTRONIC SYSTEMS	FIRE ALARM INSPECTION	25.00
EL HISPANO NEWSPAPER	ANNUAL SUBSCRIPTION	18.00
EUSTIS BODY SHOP	DESK REPAIR	150.00
FAIRBANKS INTERNATIONAL	HITCH PIN/OIL FILTERS	49.15
FARM PLAN	BUSHINGS/BEARINGS/IDLER/SWITCH	103.49
FOX BROS. HAY CO., INC.	GRINDING SERVICE	3431.25
GENERAL TRAFFIC CONTROLS	TRAFFIC LIGHT	940.00
GILLETTE NE. DAIRIES	MILK	332.53
GREAT PLAINS ONE-CALL	JULY LOCATES	67.91
G & V EXCAVATING, INC.	HAULING CHIPS	1000.00
HAWKS, ROBERT	TRAVEL EXPENSE	118.40
HIPP WHOLESALE COMPANY	FOOD/NON-FOOD ITEMS	632.80
HOBBY LOBBY STORES, INC.	CRAFT SUPPLIES	40.97
HOLTZ, MARCIA	OVERTON MOW TRAVEL EXPENSE	19.14
I.A.E.I.	MEMBERSHIP FEE	40.00
INGRAM LIBRARY SERVICES	BOOKS	208.93
JELCO CARPET CLEANING	CLEAN C/H AND GGC CARPETS	214.80
JONES PLUMBING & HEATING	TUBE CUTTERS	30.98
KAPCO	EASY BINDERS	28.44
KAR PRODUCTS	PARTS	288.45
KEY GROUP	INVERTERS FOR POLICE DEPT.	319.50
KLINE, NANCY	CLEANING CITY HALL	500.00
KN ENERGY	JULY BILLINGS	1234.18
KN ENERGY	RELOCATE GAS LINES	5282.20
KRIZ-DAVIS COMPANY	MARKING TAPE/ADAPTERS/FUSES	560.70
LEX CHAMBER OF COMMERCE	CECED MEMBERSHIP FEE	50.00
LEXINGTON COMMUNICATIONS	MODEM REPAIR	35.00
LEXINGTON COOP	ELECTRICAL SUPPLIES	62.20
LEXINGTON LAUNDRY	TOWEL SERVICE	44.00
LEXINGTON PUBLIC LIBRARY	PETTY CASH/POSTAGE	39.60
LEXINGTON NEWSPAPERS, INC.	NOTICE OF MEETINGS ADS	525.28
CITY OF LEXINGTON	FRANCHISE FEE	24201.77
CITY OF LEXINGTON	LANDFILL MTG. EXPENSE	59.60
LINCOLN TELEPHONE	NAVIX CHARGES	39.80
LUTHER, ANN	TRAVEL EXPENSE	12.76
LUCENT TECHNOLOGIES	QUARTERLY PHONE CHARGES	62.10
MALZAHN, LEON	TRAVEL EXPENSES	134.25

MEAD LUMBER	BUILDING SUPPLIES	244.20
MEYER WELDING	PARTS	12.05
MIDWAY SUPPLY	AUTOMOTIVE PARTS	187.99
MISKO SPORTING GOODS	VOLLEYBALLS	247.92
MILLER & ASSOCIATES	CONTRACTUAL SERVICES	23123.89
MIDWEST LABORATORIES, INC.	LAB SERVICES	7233.00
MILBROOK PRESS, INC. THE	BOOKS	131.82
MR. AUTOMOTIVE	AUTOMOTIVE SUPPLIES	134.52
MUNICIPAL SUPPLY	AUTOMOTIVE PARTS	921.88
MURPHY TRACTOR & EQUIP. CO.	AUTOMOTIVE PARTS	92.98
MUTUAL FUNDS	ANNUAL MAG. SUBSCRIPTION	9.97
NE. TRUCK & EQUIP. CO.	BOND PROCEEDS	26723.92
NEBRASKA MACHINERY CO.	NUTS/BOLTS/PARTS/FILTERS	666.37
NE. LIBRARY COMMISSION	JULY SERVICE CONTRACT/SKILLS	111.48
NE SPINE SURGEONS, P.C.	EMPLOYEE WORKMAN'S COMP	3952.20
NELSON, THOMAS R.	REFUND CONFERENCE EXP.	261.92
OVERTON SAND & GRAVEL	FILLER SAND/ROCK	627.00
PAYROLL ACCOUNT	EMPLOYEE PAYROLL	72426.57
PATTY'S HALLMARK	OPC KIT FOR LASER/BINDER	177.99
PAYMASTER CORP.	CONTRACTUAL SERVICES	499.50
PITNEY-BOWES	SERVICE CONTRACT	135.00
PLATTE VALLEY AUTO MART	AUTO REPAIRS	555.02
PLUM CREEK TELEPHONE SYSTEMS	PHONE LINE REPAIR	45.00
PRECISION INDUSTRIES	RIVET CHAIN	42.50
REACH ELECTRONICS	PAGER BATTERIES	275.00
RENTALL RENTALS	MOWER RENTAL	57.00
SCHUCKMAN, MARSHA	LIBRARY CLEANING SERVICE	200.00
SIXTH STREET MARKET	FOOD/NON-FOOD ITEMS	104.41
SOCIAL SECURITY FUND	EMPLOYER'S SHARE OF FICA	5482.21
THE TRAVELERS	POLICE PENSION	850.71
THE TRAVELERS	EMPLOYEE PENSION	2025.48
UNITED NE. BANK	1991 BOND/INTEREST/PAYING	450132.50
DONNA'S CAFE'	MOW (OVERTON)	120.10
FRANSYL EQUIPMENT CO.	LABOR/PARTS/FREIGHT	2926.58
LEXUS	CITY UTILITIES	19178.60
MILLER, MARK	REIMBURSE PRESC. COST	9.01
NE DEPT. OF REVENUE	EXEMPT CERTIFICATION	1000.00
PAULSEN BLD & SUPPLY	GRAVEL & CONCRETE	1903.00
PLUM CREEK MEDICAL GROUP	W/C CLAIMS	60.00
PROTECTIVE LIFE INS.	CANCER INS.	180.86
SCHNIEBER FINE FOODS	FOOD/NON-FOOD ITEMS	1386.97
STANDARD & POORS	BOOKS	173.07
SUPERIOR SIGNALS INC.	STROBE/LENS/COVER	156.80
SUND, T.L.	FENCING/BRICK	42.63

S&W AUTO PARTS	AUTO PARTS	713.55
TELEGRAPH	SUBSCRIPTION RENEWAL	92.60
TEXACO	GAS CARD CHARGES	7.20
TRI-CITY TRIBUNE	FREE LANDFILL DAY AD	171.00
TRAUTMAN'S MEAT CENTER	FOOD ITEMS	284.63
VALENTINO'S	LANDFILL MTG. EXPENSE	18.69
WAL-MART	OFFICE SUPPLIES/FILM/PROCESS	166.15
WESCO DISTRIBUTION, INC.	TRANS. POLES/METERS/WIRE	38123.33
	TOTAL	\$750,671.19

**ASSESSMENT
DIST 94-01:**

Mayor Robert Hawks informed the citizens in attendance that a public hearing was set at a previous council meeting where the council set as a Board of Equalization for the assessments on this property and therefore is prepared to pass an ordinance levying these assessments and ask for any comments. Dana Daniels addressed the citizens in attendance stating that there was a question with the distribution of the \$8,000 credit at the previous meeting and reviewed the costs of the district and how the \$8,000 was applied to those people on Fillmore Street south of 14th Street. He also explained that the map previously presented had some errors and a new map was presented with updated costs and property sizes. Mr. Bob Reed had questions concerning the length of the assessment and questioned when payment would be due. After his question was answered, the council reviewed the ordinance to be passed and after discussing a rate of interest, moved by Wightman, seconded by Long that the interest rate of 8% would be levied along with these assessments. Roll call. Voting "aye" were: Fagot, Long, Wightman, Hawks. Voting "nay" was Anderson. Motion carried.

An ordinance entitled, "AN ORDINANCE LEVYING A SPECIAL ASSESSMENT UPON THE LOTS, PARTS OF LOTS, LANDS AND REAL ESTATE SPECIALLY BENEFITED BY THE IMPROVEMENTS IN IMPROVEMENT DISTRICT NO. 94-01, OF THE CITY OF LEXINGTON, NEBRASKA; TO DEFRAY THE COSTS OF SAID IMPROVEMENTS TO THE EXTENT OF THE SPECIAL BENEFIT TO SUCH LOTS, PARTS OF LOTS, LANDS AND REAL ESTATE BY REASON OF SUCH IMPROVEMENTS

AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM." was read before the council. Moved by Wightman, seconded by Long that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were: Fagot, Long, Wightman, Hawks. Voting "nay" was Anderson. Motion carried. Said ordinance was then read by title. Moved by Wightman, seconded by Long that Ordinance No. 2061 be passed on final reading. Roll call. Voting "aye" were: Fagot, Long, Wightman, Hawks. Voting "nay" was Anderson. Motion carried. The passage and adoption of said ordinance having been concurred by a majority of the Council, the President declared said ordinance be adopted and signed the same. The Municipal Clerk attested to the passage and adoption of the ordinance by affixing his signature and the Seal of the City of Lexington in declaring Ordinance No. 2061 to be published in pamphlet form.

CURFEW ORDINANCE: The Lexington City Council reviewed the curfew ordinance as rewritten according to the comments received at the previous meeting. Sec. B of the ordinance had blanks to be filled in by the City Council and Sec. B read as follows: "It shall be unlawful for any person _____ or less years of age to be or remain in or upon a public place within the City of Lexington, Nebraska during the period of beginning at ___ p.m. and ending at 5:00 a.m. on any day of the week, and it shall be unlawful for any person ____ or less years of age to be or remain in or upon a public place within the City of Lexington, Nebraska during the period and beginning at _____ p.m. and ending at 5:00 a.m. on any day of the week."

After a discussion and additional input from the public in attendance, it was suggested that the blanks be filled in as follows: "15", "10:30", "16-17", "12:00". Additional changes resulted in Sec. C-3 where the words, "until the hour of 10:30 p.m." be stricken" and Sec. C-6 the words "When a juvenile is returning home by a direct route (without any unnecessary detour or stop) from/and" be stricken making that paragraph read, "When a juvenile is returning home within one (1) hour of the termination of a school

activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event." Moved by Fagot, seconded by Wightman to incorporate the suggested changes into Sec. B of the curfew ordinance. Roll call. Voting "aye" were: Wightman, Fagot, Hawks. Voting "nay" were: Anderson, Long. Motion carried. Moved by Wightman, seconded by Fagot that in Sec. C-3 the words, "until the hour of 10:30 p.m." be stricken. Roll call. Voting "aye" were: Anderson, Fagot, Wightman, Hawks. Voting "nay" was Long. Motion carried. Moved by Wightman, seconded by Fagot that the words, "by direct route without any unnecessary detour or stop from/and" be stricken from Sec. C-6. Roll call. Voting "aye" were: Fagot, Anderson, Wightman, Hawks. Voting "nay" was Long. Motion carried.

An ordinance entitled, "AN ORDINANCE TO AMEND SECTION 19-28 OF THE LEXINGTON CITY CODE; TO AMEND PROVISIONS RELATING TO CURFEW; TO REPEAL THE ORIGINAL SECTION 19-28 OF THE LEXINGTON CITY CODE, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM." was read before the council. Moved by Wightman, seconded by Fagot that said ordinance be passed on first reading. Roll call. Voting "aye" were: Anderson, Fagot, Wightman, Hawks. Voting "nay" was Long. Motion carried.

PARKING ORDINANCE: The Lexington City Council considered the ordinance limiting the parking on 13th and 15th Streets around the high school. With some problems existing with the ordinance as presented, no action was taken on the ordinance, however, the city administration was requested to contact the high school with some changes in this ordinance concerning different parking boundaries. No further action was taken.

PARKING ORDINANCE: Interim City Manager Bricker addressed the Lexington City Council stating that turning lanes needed to be established on 13th Street between Jackson and Grant and at 13th and Adams Streets. In order to

establish these turning lanes, parking needs to be prohibited on either side of 13th Street in that area.

An ordinance entitled, "AN ORDINANCE TO AMEND SECTION 16-45 OF THE LEXINGTON CITY CODE; TO PROHIBIT PARKING ON 13TH STREET IN THE AREA OF TURNING LANES FOR JACKSON, GRANT, WASHINGTON AND ADAMS STREETS; TO REPEAL ORIGINAL SECTION 16-45, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR ANEFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM." was read before the council. Moved by Wightman, seconded by Fagot that said ordinance be passed on first reading. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman, Hawks. Motion carried.

PUBLIC HEARING:

The Lexington City Council held a public hearing to consider the application of Lexington Co-op for a liquor license to sell beer and wine off-sale only at the Ampride Station at 2700 Plum Creek Parkway. With no one in attendance to represent the Co-op Oil Company, moved by Anderson, seconded by Fagot to continue the public hearing until the next regular council meeting on September 10, 1996. Roll call. Voting "aye" were: Wightman, Long, Fagot, Anderson, Hawks. Motion carried.

**REZONING
DON PRICE:**

The Lexington City Council considered the application of Don Price to rezone the property at 707 Spruce Street from R-2 to R-4. After a review of the property and the use that this property would be placed under, Interim City Manager Bricker advised the council that the property would be used for a trailer park and hearing no further comments, Mayor Hawks declared the public hearing closed. Since the item on the agenda did not specifically state that an ordinance was being considered, Councilperson Wightman did not feel right in advancing this to the ordinance stage. Therefore, no further action was taken on this item.

**REZONING -
RANDY CHAPMAN:**

The Lexington City Council held a public hearing to consider a request by Randy Chapman to rezone the property at 911 N Adams from R-4 to C-3. Mr.

Chapman was on hand to explain to the audience and city council that he is constructing two duplexes on this property. The driveways would come from 9th Street and the houses would face the north. There was some question concerning the alley and possible uses for driving into the property. Mr. Chapman stated that it is not his intent for these alleys to be used as access to the property. Hearing no further comments, the public hearing was closed. The council then asked Mr. Chapman if this was an emergency item and Mr. Chapman stated that he would like to start as soon as possible. Therefore, moved by Wightman, seconded by Long that an emergency exists where undo hardship would be placed upon the builder if this were postponed for a period of two weeks and therefore is declaring an emergency. Roll call. Voting "aye" were: Anderson, Fagot, Long, Wightman, Hawks. Motion carried.

An ordinance entitled, "AN ORDINANCE TO REZONE A TRACT OF LAND AT 911 NORTH ADAMS STREET FROM R-4 MOBILE HOME DISTRICT TO C-3 HIGHWAY COMMERCIAL DISTRICT; to repeal all ordinances or sections of ordinances in conflict herewith; to provide for an effective date and for publication in pamphlet form." was read before the council. Moved by Anderson, seconded by Long that the rules requiring the reading of said ordinance on three separate days be suspended. Roll call. Voting "aye" were: Wightman, Fagot, Long, Anderson, Hawks. Motion carried. Said ordinance was then read by title. Moved by Anderson, seconded by Fagot that Ordinance No. 2062 be passed on final reading. Roll call. Voting "aye" were: Long, Wightman, Fagot, Anderson, Hawks. Motion carried. The passage and adoption of said ordinance having been concurred by a majority of the Council, the President declared said ordinance be adopted and signed the same. The Municipal Clerk attested to the passage and adoption of the ordinance by affixing his signature and the Seal of the City of Lexington in declaring Ordinance No. 2062 to be published in pamphlet form.

SUBDIVISION

The Lexington City Council reviewed the subdivision

REQUEST:

of Bourke/Nitsch as requested accepted by the council. Mr. Steve Heldt addressed the Lexington City Council stating that this request was a legal matter so that they may have a clear title to the property. Hearing no further comments, moved by Wightman, seconded by Fagot that the following resolution be passed and approved. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman, Hawks. Motion carried.

RESOLUTION NO. 96-29

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

That the plat of BOURKE/NITSCH SUBDIVISION, of a part of the West One-Half of Section Ten (10), Township Nine (9) North, Range Twenty-One (21) West of the 6th P.M., in Dawson County, Nebraska, duly made out, acknowledged and certified be and the same hereby is approved, accepted and ordered filed and recorded in the office of the Register of Deeds of Dawson County, Nebraska.

Passed and approved this 27th day of August, 1996.

CITY OF LEXINGTON, NEBRASKA

BY: _____

ATTEST: Mayor

City Clerk

CHANGE ORDER 13TH STREET PHASE II:

Mr. Dana Daniels addressed the Lexington City Council presenting them with Change Order No. 1 for the contract of 13th Street Phase II from Midlands Contracting for the additional excavating on 13th Street, the addition of a six (6) inch fitting required by the lowering of water main, a manhole which was deleted from the project and the installation of a storm sewer tie-in. The total amount of changes on this order resulted in an increase of \$6,496.70. Moved by Wightman, seconded by Long to accept Change Order No. 1 for the 13th Street Phase II project from Midlands Contracting, Inc. in the amount of

\$6,496.70. Roll call. Voting "aye" were: Anderson, Fagot, Long, Wightman, Hawks. Motion carried.

PAY ESTIMATE 13TH STREET:

Mr. Dana Daniels addressed the Lexington City Council presenting them with Application No. 5 from Midlands Contracting for progress work on 13th Street Improvements Phase II. After reviewing the contract and the progress for remaining work on the street, Mr. Daniels than stated that the retainage had been moved from 10% down to 5%. After a brief discussion, moved by Wightman, seconded by Fagot to approve Application No. 5 from Midlands Contracting for work on 13th Street Improvements Phase II in the amount of \$362,979.22, and authorize the City Treasurer to transfer \$243,769.75 from the General Fund, and \$119,209.47 from Lexus to the City of Lexington Operating Account. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman, Hawks. Motion carried.

CHANGE ORDER LAKE STREET:

Mr. Dana Daniels addressed the Lexington City Council regarding a change order for work on Lake Street Improvements. These improvements included six items. They were: a six (6) inch fire hydrant , a six (6) inch x six (6) inch tee, a six (6) inch plug, install a six (6) inch valve, a ten (10) inch sewer, and ten (10) inch sewer plug. The total amount on this change order was an additional \$5,118. Hearing no further discussion, moved by Fagot, seconded by Long that a change order to Paulsen, Inc. in the amount of \$5,118 for the Lake Street Improvements be approved. Roll call. Voting "aye" were: Wightman, Anderson, Long, Fagot, Hawks. Motion carried.

LAKE STREET PAY ESTIMATE:

Mr. Dana Daniels addressed the Lexington City Council presenting a pay estimate from Paulsen, Inc. for work on Lake Street. Mr. Daniels stated that the work had progressed on time and this pay estimate represents the amount of materials on hand and work completed. Moved by Long, seconded by Fagot that Pay Estimate No. 2 from Paulsen, Inc. for work on Lake Street and 20th and Cleveland Intersection in the amount of \$42,321.61 be approved, and authorize the City Treasurer to transfer \$33,842.18 from the General Fund, and \$8479.43 from Lexus to the City of Lexington Operating Account. Roll call. Voting

"aye" were: Anderson, Wightman, Fagot, Long, Hawks. Motion carried.

**PROGRESS PAYMENT
AQUATIC CENTER:**

The progress payment from Associated Pool Builders for the mechanical contract was presented to the Lexington City Council. Interim City Manager Bricker stated to the Council that Mr. Burbach had certified that the amount of work and stored materials in this project were accurately represented by this progress payment. Moved by Anderson, seconded by Long that Progress Payment No. 2 to Associated Pool Builders for mechanical contract in the amount of \$94,500 be approved and the city treasurer be authorized to transfer \$94,500 from The Aquatic Center Fund to the City of Lexington Operation Account. Roll call. Voting "aye" were: Wightman, Fagot, Long, Anderson, Hawks. Motion carried.

**PROGRESS PAYMENT
AQUATIC CENTER:**

Progress Payment No. 2 from Associated Pool Builders for pool construction was presented to the City Council. Interim City Manager Vance Bricker stated that Mr. Burbach had certified that this was an appropriate payment for the work completed. Moved by Wightman, seconded by Fagot that Application No. 2 from Associated Pool Builders, Inc. in the amount of \$37,800 for pool construction be approved and the city treasurer be authorized to transfer \$37,800 from The Aquatic Center Fund the City of Lexington Operating Account. Roll call. Voting "aye" were: Anderson, Long, Fagot, Wightman, Hawks. Motion carried.

**PROGRESS PAYMENT
PAULSEN, INC.:**

Interim City Manager Bricker informed the Lexington City Council that a progress payment for Paulsen, Inc. had been copied on the back side of another progress payment and therefore had not been included on the agenda and is recommending this be added to the agenda. Moved by Fagot, seconded by Wightman that an emergency exists whereby a contractor may be harmed financially if the progress payment were not added to the agenda and stated that an item should be added to the agenda for a progress payment to the Aquatic Center. Roll call. Voting "aye" were: Long, Anderson, Wightman, Fagot, Hawks. Motion carried. Progress Payment No. 3 from Paulsen, Inc. for the Aquatic Center was

presented to the Lexington City Council. Interim City Manager Bricker stated that Mr. Burbach and the architect for the Aquatic Center had reviewed the progress payment and attest to the validity of the payment. Moved by Fagot, seconded by Wightman that Application No. 3 to Paulsen, Inc. in the amount of \$62,335.80 for construction of the Aquatic Center general construction contract be awarded to Paulsen, Inc. and the city treasurer be authorized to transfer \$62,335.80 from The Aquatic Center Fund to the City of Lexington Operating Account. Roll call. Voting "aye" were: Long, Anderson, Wightman, Fagot, Hawks. Motion carried.

**BIDS -
ADMINISTRATIVE
VEHICLE:**

Interim City Manager Bricker addressed the Lexington City Council stating that two bids had been received from one company. The first bid was for a used 1995 Ford Windstar with 20,000 miles in the amount of \$16,500. The second bid was for a new 1996 Ford Windstar van in the amount of \$19,500. He is advising the city purchase the new van as opposed to the used van. Moved by Wightman, seconded by Long that city administration be allowed to purchase the 1996 Windstar as bid by Platte Valley Auto in the amount of \$19,500. Roll call. Voting "aye" were: Anderson, Fagot, Long, Wightman, Hawks. Motion carried.

**REAL ESTATE
PURCHASE:**

Moved by Anderson, seconded by Wightman to enter into executive session at 9:18 p.m. to discuss the possibility of real estate purchase. Moved by Anderson, seconded by Wightman to reconvene the regular session from executive session at 9:30 p.m. Roll call. Voting "aye" were: Long, Anderson, Wightman, Fagot, Hawks. Motion carried.

Moved by Wightman, seconded by Fagot to allow the City Manager to place a \$1,500 option on a property at the landfill site. Roll call. Voting "aye" were: Long, Anderson, Fagot, Wightman, Hawks. Motion carried.

ADJOURNMENT:

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

Robert Hawks

Mayor

Leon E. Malzahn
City Clerk

I, the undersigned City Clerk of 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
City Clerk