

## MINUTES OF MEETING

A special meeting of the Mayor and City Council of the City of West Point, Nebraska was convened in open and public session at 12:00 o'clock PM on August 24, 2020 at the Nielsen Community Center, 200 Anna Stalp Ave, West Point, Nebraska.

Present were: Mayor Schlecht; Councilmembers: Stokely, Penrose, Swenson, Buse, Hugo, and Smith.

The Mayor called the meeting to order and stated that in accordance with State Statute Section 84-1412 the Open Meetings Act is posted on the back wall for public information.

The Mayor opened a public hearing on the proposed amendments to the City's Economic Development Program, including an amended Economic Development Plan and to direct that the amendments be submitted to the qualified electors of the City for their approval or disapproval. The City Administrator reviewed the proposed changes stating that in 2012 the electors approved the Economic Development Program which allocated 50% of the collections from the ½ of 1% sales and use tax to fund eligible activities pursuant to the Economic Development Program. At that time, the projected annual average collected was \$134,500. And the revised projected annual average collected is \$222,714. The changes in the annual limitation on the amount of sales tax revenues available for use under the Program can only be increased by submitting the matter to the electors of the City. Amendments to the Economic Development Plan can be done by action of the Council. After discussion, the public hearing was closed. Buse introduced the following resolution and moved its adoption:

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF WEST POINT, NEBRASKA, ADOPTING AMENDMENTS TO THE CITY'S ECONOMIC DEVELOPMENT PROGRAM, INCLUDING AN AMENDED ECONOMIC DEVELOPMENT PLAN, AND DIRECTING THAT THE AMENDMENTS OF THE ECONOMIC DEVELOPMENT PROGRAM BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY FOR THEIR APPROVAL OR DISAPPROVAL AT THE 2020 GENERAL ELECTION.**

WHEREAS, in 2012, the qualified electors and the City Council of West Point, Nebraska, approved a ½ of 1% sales and use tax pursuant to the Local Option Revenue Act, Sections 77-27,142 to 77-27,148 of the Nebraska Revised Statutes;

WHEREAS, in 2012, the qualified electors and the City Council also approved an Economic Development Program, including an Economic Development Plan, pursuant to the Local Option Municipal Economic Development Act, Sections 18-2701 through 18-2738 of the Nebraska Revised Statutes, and allocated 50% of the collections from the ½ of 1% sales and

use tax to fund eligible activities pursuant to the Economic Development Program;

WHEREAS, the City's Citizens Advisory Review Committee recommended certain changes to the Economic Development Program, including the adoption of an amended Economic Development Plan, at its meeting held July 30, 2020;

WHEREAS, a public hearing on amending the Economic Development Program, including the amended Economic Development Plan, was held at a special meeting of the Mayor and City Council on August 24, 2020; and

WHEREAS, the Mayor and the City Council have determined to adopt the amendments to the Economic Development Program, including the amended Economic Development Plan, and to direct the same for submission to the qualified electors of the City for their approval or disapproval at the 2020 Statewide General Election.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF WEST POINT, NEBRASKA, THAT:

Section 1. An election is hereby called to be held in conjunction with the Statewide General Election on Tuesday, November 3, 2020, at which there shall be submitted to the qualified electors of the City of West Point, Nebraska, the following ballot question:

BALLOT QUESTION  
OFFICIAL BALLOT  
AMENDMENT OF ECONOMIC DEVELOPMENT PROGRAM  
CITY OF WEST POINT, NEBRASKA  
TUESDAY, NOVEMBER 3, 2020

BALLOT QUESTION NO. 1

Shall the governing body of the City of West Point, Nebraska, amend its Economic Development Program to reflect the terms, conditions, and goals described below?

Goals, Terms, and Conditions of the West Point Economic Development Program

- a. Goals. The goals of the Economic Development Program shall remain unchanged and shall continue to be to create jobs/generate employment opportunities; to expand labor markets; to broaden the tax base; to expand retail opportunities; to increase households in the City of West Point in Cuming County; to attract new capital investment to the community; and to establish stability and vitality for the community of West Point.
- b. Duration of the Program. The duration of the Program shall remain unchanged and the Program shall continue to be in existence from October 1, 2012 until September 30, 2027, fifteen years.
- c. Years of Collection of Funds. Years of collection of funds shall remain unchanged, and collection of funds for the Program shall continue to be for fifteen (15) years on all taxable sales, beginning on October 1, 2012 and ending on September 30, 2027.
- d. Source of Funds. The source of economic development funds shall remain unchanged and shall continue to be 50% of the one half of one percent (1/2 of 1%) City Sales and Use Tax approved by the qualified electors in 2012.
- e. Amount to be Collected. The estimate for the total amount to be collected from the City Sales and Use Tax over the remainder of the Program term (fiscal years 2021-2027) has been increased from \$941,500 to \$1,559,000 based on higher than projected collections of Sales and Use Tax for fiscal years 2012-2020 and revised projected collections for the remainder of the Program term. For fiscal years 2021

through 2027, the estimated amount of funds available for Program use has been increased from the original projected annual average of \$134,500 provided in the Economic Development Program adopted in 2012 to the current projected annual average of \$222,714.

- f. Annual Limitation. The \$134,500 annual cap on allocations provided in the Economic Development Program adopted in 2012 will be eliminated at the end of fiscal year 2020. Beginning with fiscal year 2021, the full amount collected on the 50% of ½ of 1% Sales and Use Tax allocated to the Program will be available for Program use. The City shall retain the authority to issue bonds to provide funds to carry out the Program if a business opportunity or other economic development project requires initial funds which exceed the single year proceeds of the local option sales and use tax. Future local option sales and use revenues would be appropriated to retire these bonds.
- g. Adoption of Amended Economic Development Plan. The Economic Development Plan adopted by the City in 2012 shall be amended and restated in the form adopted by City Resolution No. 2020-36 and available for public inspection at City Offices during regular business hours.

- FOR amending said Economic Development Program
- AGAINST amending said Economic Development Program

*If the majority of the votes cast upon such question shall be in favor of amending the Economic Development Program, then the governing body of the City of West Point shall be empowered as provided by Section 18-2714 and shall forthwith proceed to implement such amendments. If a majority of those voting on the question shall be opposed to amending the Economic Development Program, then the governing body of the City of West Point shall not implement such amendments and the Economic Development Program adopted in 2012 shall remain in force according to its terms.*

The ballots to be voted upon and cast at said election shall have printed thereon the foregoing proposition followed by the words: "For said Amendments to the Economic Development Program and Against said Amendments to the Economic Development Program" following said proposition.

Section 2. The West Point, Nebraska Economic Development Plan (Amended 2020) January 1, 2021 – September 30, 2027 ("Amended Plan") is adopted by this Resolution. A copy of the Amended Plan has been filed with the City Clerk, who shall make it available for public review at City Offices during regular business hours and on the City's website ([www.ci.west-point.ne.us](http://www.ci.west-point.ne.us)).

Section 3. Notice of said election shall be given to the qualified electors of the City by publication as provided by law prior to such election and a copy of the sample ballot shall be published one time not more than ten days nor less than three days prior to the election, such notice and sample ballot to be published in the West Point News, and the City Clerk is hereby directed in cooperation with the County Clerk/Election Commission of Cuming County to cause such notice and sample ballot to be published.

Section 4. The City Clerk is hereby authorized and directed to certify a copy of this Resolution to the County Clerk/Election Commission of Cuming County, who shall designate the polling places, appoint the election offices, and otherwise conduct the election as provided by law. The City does hereby agree to reimburse said County Clerk/Election Commission for the expenses of conducting the election. As required by Section 32-802 of the Nebraska Revised Statutes, the County Clerk shall provide for publication of the Notice of Election in a newspaper designed by the County Clerk no later than forty-two days prior to the day of said election and such notice shall be posted in the office of the County Clerk no later than forty-two days prior to

such date of election.

Swenson seconded the motion. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried and said resolution adopted.

The Council then reviewed the addendum to the purchase agreement with Danny Johnson allowing him to remove a structure from the real property which the City is purchasing. It was moved by Swenson and seconded by Penrose to approve the Purchase Agreement Addendum with Danny Johnson for the removal of a 36' x 60' building from the property and authorize the Mayor to sign said addendum. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried.

Moved by Swensen, seconded by Penrose, to adjourn at 12:11 P.M. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried.

Mary Kempf, MMC  
City Clerk