

MINUTES OF MEETING

A meeting of the Mayor and City Council of the City of West Point, Nebraska was convened in open and public session at 5:30 o'clock P.M. on February 7, 2018 in the Council Chambers at the Municipal Building in West Point, Nebraska.

Present were: Mayor Johnson; Councilmembers: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Absent: Ell.

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 north wall in the Council Chambers for public information. The Pledge of Allegiance was then recited.

Moved by Hugo, seconded by Swenson, to approve the following consent agenda:

1. City appointed volunteer boards and commissions.
2. Approval of minutes of previous meeting.
3. Treasurer's report.
4. Claims.
5. Accept the resignation of Robert Hansen from West Point Volunteer Fire Dept.

Voting Yea: Paus, Swenson, Schlecht, Hugo, and Black. Nay: None. Absent: Ell. Motion carried.

<u>CLAIMS</u>		
Payroll		144,493.63
Hugo Plumbing & Heating	Serv/Supplies	2,168.68
Elkhorn Paving Construction Co.	Neligh Park Improvements	32,845.35
Western Area Power Administration	Power	10,592.86
City of West Point Payroll Tax Fund	Employer FICA	5,535.47
First National Bank Fremont	Retirement Contributions	3,278.24
Central Valley Ag	Service	372.06
PetroMart	Service	55.51
Sapp Bros.	Service	7,392.69
Wagner Tire and Repair	Service	64.00
West Point Travel Plaza	Service	2,407.03
Black Hills Energy	Service	205.83

City of West Point Payroll Tax Fund	Employer FICA	5,722.77
First National Bank Fremont	Retirement Contributions	3,275.44
United Healthcare	Health Ins.	50,309.42
NE Department of Revenue	Sales Tax	27,227.37
MEAN/NMPP	Power	350,529.51
Madison National Life Ins.	Life Ins.	194.46
Constellation New Energy	Service	182.40
Black Hills Energy	Service	4,104.84
Bomgaars Supply	Supplies	246.28
Bound Tree Medical	Supplies	534.44
Cardmember Service	Service	525.14
Century Link	Service	1,007.29
Core & Main	Serv/Supplies	4,098.16
Cuming County Public Power	Wheeling Service	5,630.10
Danko Emergency Equipment	Supplies	478.00
Data Technologies	License Fee/Support	1,392.50
Dinklage Medical Clinic	Service	60.00
Dinslage Small Engine	Service	164.41
Dugan Business Forms	Supplies	182.98
EMS Billing Service	Prof Services	633.65
Floor Maintenance	Supplies	1,510.04
Franciscan Care Services	Meal Service	2,466.95
Gale/Cengage Learning	Books	23.99
Gall's Inc.	Supplies	259.64
Garratt Callahan Co.	Supplies	1,570.50
L. P. Gill Inc.	Tipping Fee	7,826.78
Gill Hauling	Hauling Fee	3,085.57
Graybeal's Food	Supplies	36.40
Ingram	Books	1,018.61
Jackson Services	Uniform Service	809.88
Kriz Davis Co.	Serv/Supplies	1,894.41
Leslie's Poolmart	Supplies	2,051.76
Mahaska	Supplies	97.65
Matheson Tri-Gas Inc.	Supplies	153.68
Michael Todd and Co.	Supplies	760.69
MicroMarketing LLC	Supplies	420.39
Midwest Labs	Serv/Supplies	83.85
Midwest Tape	Supplies	67.81
Nebraska Library Commission	Subscriptions	1,070.00
OfficeNet	Service	194.91
One Call Concepts	Service	33.63
Presto X	Service	168.04
Quality Printing & Supplies	Supplies	389.37
S & W Welding	Serv/Supplies	348.40

Skywave Wireless	Service	229.00
Smidt's Sanitation	Service	177.00
Special Roads Fund	Mechanic Chgs	217.44
NE Public Health Environmental Lab	Service	93.00
Sunrise Excavating	Service	3,375.00
USA Blue Book	Supplies	309.75
Verizon Business	Service	62.55
Verizon Wireless	Service	293.29
West Point Home Center	Supplies	149.42
WPLW	Service	40,043.22
West Point News	Publication Costs	645.58
West Point Rescue	Ambl Charges/Cash Adv	2,516.74
West Point True Value	Supplies	945.54
Woerner's Garbage Service	Service	230.00
AAA Garage Door	Supplies	75.00
Jamileth Alrarado	Translator	125.00
Chief Tom Lordino, PCAN Treasurer	Membership	30.00
Cuming County Treasurer	Service	600.00
Dave's Drycleaning	Service	35.00
Electronic Contracting Co.	Service	1,003.72
Elkhorn Paving Construction Co.	Service	52,998.00
Kaup Electric	Service	585.00
Mechanical Sales	Supplies	3,590.00
Mid-States Organized Crime	Membership	100.00
Midwest Meetings	Service	575.00
NE Dept of Environmental Quality	Renewal Fee	150.00
NE Environmental Products	Supplies	39.19
NE Rural Water Association	Membership	225.00
OCLC, Inc.	Service	41.67
Omaha World Herald	Ad	944.48
Overdrive, Inc.	Service	242.56
Peterson Body and Paint	Supplies	230.00
Road Builders	Supplies	344.14
Schuetze Plumbing & Heating	Supplies	58.00
Gary Sila	Service	120.00
Stan Ortmeier & Co.	Serv/Supplies	3,495.42
Stryker Sales Corp.	Service	5,163.60
Uline	Supplies	245.63
Utility Equipment Co.	Supplies	222.85
Vermeer High Plains	Service	47.48
Vessco, Inc.	Supplies	398.59
West Point Design	Supplies	249.50
Wisner News	Subscription	39.00
Companion Life	Life Ins.	266.55

Advanced Consulting	Prof Services	4,000.00
Auto Value Parts	Supplies	688.19
Engelhardt TV	Serv/Supplies	371.48
John A Stahl Library	Cash Adv	122.78
League of NE Municipalities	Conference	350.00
Logemann Auto Parts	Supplies	134.74
Nebraska Public Power District	Service	67.50
Nebraska Vet Services	Service	325.75
Overhead Door Co.	Service	91.00
Seals and Service Inc.	Supplies	235.20
Sunrise Excavating	Ditch Maintenance	11,964.87
West Point Implement	Serv/Supplies	4,886.58
West Point Library Foundation	Cash Adv	851.45
WPLW Operating Fund	Cash Adv	2,899.88
Creative Notions	Service	40.00
Sandry Fire Supply	Supplies	103.63
Web Boy Design	Annual Fee	300.00
JEO Consulting Group	Prof Services	2,335.00
NWOD-Wastewater Operators Div	Membership	30.00

The Mayor then opened a public hearing at 5:32 P.M. on the One and Six Year Street Improvement Plan for a period of no less than one hour. Leanne Ritter with Advanced Consulting Engineering Services appeared before the Council and reviewed the plan. All parties were given an opportunity to be heard. No one appeared to speak in opposition of the plan and no correspondence had been filed. At approximately 6:38 P.M. the Mayor closed the public hearing. Paus introduced the following resolution and moved its adoption:

WHEREAS, Section 39-2115 and Section 39-2119, 1969, C.S.-R.S. of Nebraska, 1943, require that each County and Municipality prepare a one and six year, specific road or street improvement plan and to file same with the State Highway Commission on or before March 1, 2018 and,

WHEREAS, the Mayor and City Council of the City of West Point in compliance with the statutes and Chapter 3, Title 428 – Board of Public Roads Classifications and Standards of the State Highway Commission, did hold a public hearing on the proposed One and Six Year Street Improvement Plan in City Hall on February 7, 2018 at 5:30 PM in conjunction with the regularly scheduled City Council meeting, and,

WHEREAS, the One and Six Year Plan was presented to the City Council and the public at the public hearing and there were no objections filed.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council do hereby

approve the presented One and Six Year Plan.

Swenson seconded the motion. Voting Yea: Paus, Swenson, Schlecht, Hugo, and Black. Nay: None. Absent: Ell. Motion carried and said resolution adopted.

The Mayor then opened a public hearing on the annexation and dedication of part of the SE1/4 SE1/4 of Section 22 and the SW1/4 SW1/4 of Section 23, all Township 22 North, Range 6, East of the 6th P.M. in Cuming County, Nebraska, being 1.04 acres. The City Administrator advised that the Planning Commission considered this matter and was recommending approval. All parties were given an opportunity to be heard. No objections were expressed and no correspondence had been filed in opposition of the annexation and dedication. The Mayor then closed the public hearing. Ordinance No. 1394 entitled:

AN ORDINANCE TO ANNEX A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4) OF SECTION TWENTY-TWO (22) AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4 SW1/4) OF SECTION TWENTY-THREE (23), ALL IN TOWNSHIP TWENTY-TWO (22) NORTH, RANGE SIX (6), EAST OF THE 6TH P.M., CUMING COUNTY, NEBRASKA AS PARTICULARLY DESCRIBED HEREIN TO BE KNOWN AND DESIGNATED AS ADDITION M, AN ADDITION TO THE CITY OF WEST POINT, CUMING COUNTY, NEBRASKA; TO ACCEPT AND APPROVE THE ANNEXATION PLAT; TO ACCEPT THE PLAT AND DEDICATION OF ADDITION M, AN ADDITION TO THE CITY OF WEST POINT, CUMING COUNTY, NEBRASKA; ACCEPTING THE DEDICATION OF THE STREET THEREIN FOR PUBLIC USE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM,

was then read by title only. Motion was made by Hugo and seconded by Black to approve the annexation portion of Ordinance No. 1394 on its first reading. Voting Yea: Paus, Swenson, Schlecht, Hugo, and Black. Nay: None. Absent: Ell. Motion carried. Motion was then made by Schlecht and seconded by Swenson to approve the dedication portion of Ordinance No. 1394 on its first reading. Voting Yea: Paus, Swenson, Schlecht, Hugo, and Black. Nay: None. Absent: Ell. Motion carried. Whereupon the Mayor declared Ordinance No. 1394 approved on its first reading.

The Mayor then opened a public hearing to rezone a portion of the S1/2 NW1/4 SW1/4

of Section 2, Township 21 North, Range 6, East of the 6th P.M., Cuming County, Nebraska said tract of land located in Addition "G" to the City of West Point, from Highway Commercial District (C-2) to Agriculture Residential District (AGR). The City Administrator stated that this tract of land is 19.31 acres. The Planning Commission was forwarding a favorable recommendation. All parties were given an opportunity to be heard. No one appeared to speak in opposition of the rezoning and no correspondence had been filed. The Mayor then closed the public hearing. Schlecht introduced Ordinance No. 1395 entitled:

AN ORDINANCE OF THE CITY OF WEST POINT, NEBRASKA, AMENDING ZONING ORDINANCE NO. 1338 TO REZONE THE AREA DESCRIBED HEREIN FROM HIGHWAY COMMERCIAL DISTRICT (C-2) TO AGRICULTURE RESIDENTIAL DISTRICT (AGR); TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM,

and moved that the statutory rule requiring reading on three different days be suspended. Black seconded the motion. Voting Yea: Paus, Swenson, Schlecht, Hugo, and Black. Nay: None. Absent: Ell. Motion carried. Statutory rule suspended.

Schlecht moved for final passage of the ordinance, which motion was seconded by Swenson. Voting Yea: Paus, Swenson, Schlecht, Hugo, and Black. Nay: None. Absent: Ell. Ordinance adopted.

Schlecht then introduced a resolution that the Comprehensive Plan of the City of West Point be amended to include the above described real estate in the Agriculture Residential District (AGR) and to ratify said Comprehensive Plan in its entirety as so amended. Swenson seconded the motion. Voting Yea: Paus, Swenson, Schlecht, Hugo, and Black. Nay: None. Absent: Ell. Motion carried and said resolution adopted.

The Mayor then opened a public hearing on the request of David Steffensmeier and Joan Steffensmeier for a special use permit to allow for the raising and caring of animals for 4-H, Future Farmers of America or other rural/school organizations located within a Agriculture Residential District (AGR). Keith Meiergerd, the purchaser of the property which was just rezoned to AGR, appeared before the Council to address any concerns on this request. The City Administrator advised that the Planning Commission was forwarding a favorable

recommendation. All parties were given an opportunity to be heard. No one appeared to speak in opposition of the special permit and no correspondence had been filed. The Mayor then closed the public hearing. Black introduced a resolution that a Special Use Permit is hereby granted to allow for the raising and caring of animals for 4-H, Future Farmers of America or other rural/school organizations on the real estate above described located within the Agriculture Residential District. Schlecht seconded the motion. Voting Yea: Paus, Swenson, Schlecht, Hugo, and Black. Nay: None. Absent: Ell. Motion carried and said resolution adopted.

Mary Jo Mack, Library Director, appeared before the Council and presented the annual report on the John A. Stahl Library.

The next item on the agenda was the consideration of funding from the LB 840 Economic Development Program for infrastructure regarding the Nielsen training facility. The City Administrator advised that this matter would be tabled until the next meeting.

The City Administrator then advised the Council that holding reservation deposits for the Nielsen Community Center should be adjusted as the current amount of \$75 is too low and the cancellation of a reservation should be 90 days prior to the event and if less, the reservation deposit is forfeited. Paus introduced the following resolution and moved its adoption:

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

Section 1. That pursuant to Section 1-1402 of the Municipal Code of the City of West Point, the following rental fees are to be charged for use of the Nielsen Community Center effective February 7, 2018:

Holding Reservation Deposit: \$500.00 Full Ballroom
 \$250.00 1/2 Ballroom
 \$ 75.00 all other areas
 (subject to 90 days notice)

Damage and/or Cleanup Deposit Equal to Rent

	Events/ Receptions/ Meetings	Commercial/ Business	County-Non- profit/ Charitable/ Funerals
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Full Ballroom	\$1,100.00	\$1,400.00	\$550.00
Ballroom A (N1/2)	\$700.00	\$900.00	\$350.00
Ballroom B-E (S1/2)	\$550.00	\$700.00	\$275.00
Ballrooms B&D or C&E (1/4 of Facility)	\$275.00	\$375.00	\$200.00
Ballrooms B or C	\$225.00	\$300.00	\$150.00
Ballrooms D or E	\$175.00	\$225.00	\$125.00
Large Meeting Room	\$100.00	\$110.00	\$70.00
Small Meeting Room	\$85.00	\$95.00	\$55.00
Both Meeting Rooms	\$155.00	\$175.00	\$125.00
Kitchen A (S1/2)	\$125.00	\$125.00	\$125.00
Kitchen B (N1/2)	\$175.00	\$175.00	\$175.00
Foyer area	\$225.00	\$300.00	\$225.00
Setup Rates --- \$150 per half or \$350 for Full Ballroom			

 ♦ Out of County Non-profit -- rental rate is a 10% reduction of the Events/Receptions/Meetings Rates. (excludes kitchen & foyer rent and setup rates)

Northeast Community College – Hourly Rates: effective February 7, 2018	
Full Ballroom	Not Available
Ballroom A (N1/2)	\$35.00/hr
Ballroom B-E (S1/2)	\$35.00/hr
Ballrooms B&D or C&E (1/4 of Facility)	\$35.00/hr
Ballrooms B or C	\$20.00/hr
Ballrooms D or E	\$20.00/hr
Large Meeting Room	\$20.00/hr
Small Meeting Room	\$20.00/hr
Both Meeting Rooms	\$20.00/hr
Kitchen A (S1/2)	\$20.00/hr
Kitchen B (N1/2)	\$20.00/hr

Other Rentals: Projector \$75
 Screen \$50
 Portable stage: \$25/platform 6'x 8'(total of 6)
 \$15/platform 4'x 8'(total of 8)

Section 2. That all resolutions or parts of resolutions passed and approved prior to the passage and approval of this resolution and in conflict herewith are hereby repealed.

Swenson seconded the motion. Voting Yea: Paus, Swenson, Schlecht, Hugo, and Black. Nay: None. Absent: Ell. Motion carried and said resolution adopted.

The Council then reviewed the revised Rental Agreement for the Nielsen Community

Center and it was moved by Black and seconded by Paus to approve said revised rental agreement. Voting Yea: Paus, Swenson, Schlecht, Hugo, and Black. Nay: None. Absent: Ell. Motion carried.

In 2016 the Legislature passed LB 886 which provides for an income tax credit for volunteer emergency responders and that the Council must certify those volunteers who have qualified under the bill. The Council was then presented with a list of members of the West Point Volunteer Fire Department and West Point Rescue who have qualified and who have met the 50 points or more required by LB 886 for the year 2017. Moved by Paus and seconded by Swenson to approve and certify the lists of members of the West Point Volunteer Fire Department and West Point Rescue as presented to the Council and that the same be filed with the Department of Revenue. Voting Yea: Paus, Swenson, Schlecht, Hugo, and Black. Nay: None. Absent: Ell. Motion carried.

The Council considered the lot split request from Vince and Elaine Maly to subdivide a tract of land located in Addition I. The Planning Commission had considered the request and was forwarding a favorable recommendation. Hugo introduced the following resolution and moved its adoption:

WHEREAS, Vincent W. Maly and Elaine A. Maly, husband and wife, own a tract of real estate located in Addition "I" being approximately 14.56 acres, and

WHEREAS, said Vincent W. Maly and Elaine A. Maly desire to divide such tract in order to complete the sale of a tract approximately 5.16 acres.

NOW THEREFORE, IT IS HEREBY RESOLVED by the Mayor and City Council of the City of West Point, Nebraska that the conveyance of said tract of real estate be approved.

Schlecht seconded the motion. Voting Yea: Paus, Swenson, Schlecht, Hugo, and Black. Nay: None. Absent: Ell. Motion carried and said resolution adopted.

The Council then considered the lot split request from Norma Emanuel and Ken Emanuel to subdivide a tract of land located in Addition K. The Planning Commission had considered the request and was forwarding a favorable recommendation. Hugo introduced the following resolution and moved its adoption:

WHEREAS, Norma L. Emanuel and Kenneth F. Emanuel own a tract of real estate in Addition K being approximately 5.11 acres.

WHEREAS, said Norma L. Emanuel and Kenneth F. Emanuel desire to divide such tract in order to complete the sale of a tract approximately 4.41 acres

NOW THEREFORE, IT IS HEREBY RESOLVED by the Mayor and City Council of the City of West Point, Nebraska that the conveyance of said tract of real estate be approved.

Schlecht seconded the motion. Voting Yea: Paus, Swenson, Schlecht, Hugo, and Black. Nay: None. Absent: Ell. Motion carried and said resolution adopted.

Mt. Hope Cemetery Association has requested that the City take over the operations and maintenance of Mt. Hope Cemetery. For over 50 years the cemetery has been managed by Pliny Moodie (now deceased) and Dick Moodie. Dick Moodie no longer wishes to have this responsibility. The Council discussed several concerns regarding the cemetery and tabled the matter until the next meeting when further information could be provided.

The Council reviewed the budget of the Sunshine Center for fiscal year 2019 to be submitted to the Area Agency. Moved by Schlecht, seconded by Paus, to approve the budget for fiscal year 2019 to be submitted to the Northeast Nebraska Area Agency on Aging. Voting Yea: Paus, Swenson, Schlecht, Hugo, and Black. Nay: None. Absent: Ell. Motion carried.

Moved by Swenson, seconded by Hugo, to approve the following applications for Special Designated Liquor Permits under the Nebraska Liquor Control Act:

- (a) Quenchers Bar for a wedding reception on March 10, 2018.
- (b) Roadhouse Lounge for the West Point Baseball Fish Fry on March 30, 2018.
- (c) Lincoln Street Market for the Knights of Columbus Fish Frys on March 2, 9, 16, and 23, 2018.

Voting Yea: Paus, Swenson, Schlecht, and Hugo. Nay: Black. Absent: Ell. Motion carried.

Moved by Paus, seconded by Swenson, to approve the claim of Hugo Plumbing & Heating for services and supplies in the amount of \$1,621.79. Voting Yea: Paus, Swenson, Schlecht, and Black. Nay: None. Abstaining: Hugo. Absent: Ell. Motion carried.

The date of the April council meeting was discussed and it was decided to change the date of the meeting to Wednesday, April 4, 2018 at 5:30 PM.

Paus introduced a resolution to approve Payment No. 4 (final) to Schmader Electric Construction Co., Inc. for the URD Housing Developments Project in the amount of \$17,677.85. Schlecht seconded the motion. Voting Yea: Paus, Swenson, Schlecht, Hugo, and Black. Nay: None. Absent: Ell. Motion carried and said resolution adopted.

The City Administrator informed the Council of a possible Small Cell Agreement with Verizon Wireless and once the details become more defined, he will again inform them.

Moved by Paus, seconded by Swenson, to adjourn at 6:56 P.M. Carried.

Mary Kempf, MMC
City Clerk