

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, 2019 in the Council Chambers at the Municipal Building in West Point, Nebraska.

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

Absent: Smith. (Ell arrived at 5:33 PM)

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 Swenson, seconded by Buse, to approve the following consent agenda:

1. City appointed volunteer boards and commissions: Revolving Loan Application Review Board – appointment of Rusty Smith to fill the unexpired term of Roger Paus (5-2019) and appointment of Tom Swenson to fill the unexpired term of Bruce Schlecht (5-2019).
2. Fire & rescue departments – accept the membership of Jordan Breitreutz to West Point Volunteer Fire Dept. Company #1.
3. Approval of minutes of previous meeting.
4. Treasurer's report.
5. Claims.

Voting Yea: Stokely, Swenson, Buse, and Hugo. Nay: None. Absent: Ell and Smith. Motion carried.

<u>CLAIMS</u>		
Payroll		219,533.23
City of West Point Payroll Tax Fund	Employer FICA	5,611.60
First National Bank - Fremont	Retirement Contributions	3,564.89
Western Area Power Administration	Power	9,027.96
Companion Life	Life Ins.	266.55
Central Valley Ag	Service	111.77
PetroMart	Service	60.90
Sapp Bros.	Service	592.84
Wagner Tire	Service	182.02
West Point Travel Plaza	Service	2,206.11
Black Hills Energy	Service	62.83

City of West Point Payroll Tax Fund	Employer FICA	5,698.73
First National Bank - Fremont	Retirement Contributions	3,587.28
NE Department of Revenue	Sales Tax	27,648.24
United Healthcare	Health Ins.	53,049.39
Madison National Life	Life Ins.	192.04
MEAN/NMPP	Power	346,205.15
City of West Point Payroll Tax Fund	Employer FICA	5,960.08
First National Bank - Fremont	Retirement Contributions	3,555.41
Companion Life	Life Ins.	266.55
Advanced Consulting	Prof Services	1,250.00
Auto Value Parts	Supplies	263.13
Barco Municipal Products	Supplies	1,088.50
Black Hills Energy	Service	1,132.28
Bomgaars Supply	Supplies	217.92
Border States Industries	Supplies	4,310.18
Bound Tree Medical	Supplies	63.99
Bracht Law	Prof Services	464.00
Cardmember Service	Service	97.70
Century Link	Service	1,162.12
Constellation New Energy	Service	2,114.13
Core & Main	Supplies/Meters	1,189.44
Cuming County Clerk	Election Costs	476.11
Cuming County Rural Water	Service	120.00
Cuming County Public Power	Wheeling Service	5,620.30
Data Technologies	Service	1,392.50
Dinslage Small Engine	Serv/Supplies	348.49
EMS Billing Service	Prof Services	851.05
Engelhardt TV	Service	79.27
Express Distribution	Supplies	324.70
Floor Maintenance	Supplies	2,123.52
Gale/Cengage	Books	117.69
Gall's Inc.	Supplies	1,004.54
Garratt Callahan Co.	Supplies	1,570.50
L. P. Gill Inc.	Tipping Fee	7,033.78
Gill Hauling	Hauling Fee	2,772.95
Graybeal's Food	Supplies	291.52
Hawkins Inc.	Supplies	490.13
Ingram Library Services	Books	1,150.92
Jackson Services Inc.	Uniform Service	1,094.02
John A Stahl Library	Cash Adv	99.80
League of NE Municipalities	Training	90.00
Logemann Auto Parts	Supplies	42.44
Mahaska	Supplies	355.42
Matheson Tri-Gas	Supplies	181.29

Michael Todd & Co.	Supplies	702.15
MicroMarketing LLC	Books	968.83
Midwest Labs	Service	150.35
Midwest Tape	Supplies	117.47
Nebraska Library Commission	Supplies	1,112.80
NE Public Health Environmental Lab	Service	63.00
NE Municipal Power Pool	Training	500.00
OfficeNet	Supplies	148.93
One Call Concept	Service	27.18
Overdrive, Inc.	Service	73.84
Presto X	Service	177.00
Quality Printing & Supplies	Supplies	234.62
St. Joseph's Hillside Villa	Meal Service	2,165.80
Schmader Electric	Serv/Supplies	199.22
Seals and Service	Supplies	167.00
Skywave Wireless	Service	225.00
Smidt's Sanitation	Service	177.00
Special Roads Fund	Mechanic Chgs	563.05
USA Blue Book	Supplies	601.04
Verizon Business	Service	80.85
Verizon Wireless	Service	235.81
West Point Library Foundation	Cash Adv	325.21
WPLW	Service	35,657.47
WPLW Operating Fund	Cash Adv	1,833.72
West Point News	Publication Costs	510.48
West Point Rescue	Supplies/Ambul Charges	1,895.50
West Point True Value	Supplies	706.77
Woerner's Garbage Service	Service	235.00
Atlas Copco Compressors	Service	1,099.69
Core & Main	Service/Analytics	27,392.00
Creative Notions	Service	56.00
Dell Marketing	Computer	1,207.23
Ditch Witch Undercon	Supplies	705.14
Don's Pioneer Uniforms	Supplies	751.84
Electronic Contracting Co.	Service	1,497.61
Gerald Asplin	Service	122.00
Grainger	Supplies	1,450.05
Hydro Optimization	Service	991.60
Mary Janes Farm	Subscription	19.95
Mid-States Organized Crime	Membership	100.00
Midwest Meetings	Service	350.00
Modern Marketing	Supplies	189.05
NE Environmental Products	Supplies	99.40
NE Loess Hills	Membership	200.00

OCLC, Inc.	Service	43.23
Scott-Merriman	Supplies	810.00
Stan Houston Equipment	Supplies	116.00
Uline	Supplies	228.17
Vessco, Inc.	Supplies	1,040.11
Diane White	Mileage	49.30
Wisner News	Subscription	39.00
WT Cox Information	Subscriptions	1,567.06

The Mayor then opened a public hearing at 5:33 PM on the One and Six Year Street Improvement Plan for a period of no less than one hour. John Zwingman with Advanced Consulting Engineering Services appeared before the Council and advised that the One Year plan showed maintenance only and the Six Year plan showed improvement of County Road 18 from Washington Street south to Highway 32. 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 7:49 PM the Mayor closed the public hearing. Swenson 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, 2019 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, 2019 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. No objections to the plan were heard at the public hearing and no objections were filed with the City Clerk.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council do hereby approve the presented One and Six Year Plan as filed with the City Clerk.

Stokely seconded the motion. Voting Yea: Stokely, Ell, Swenson, Buse, and Hugo. Nay: None.

Absent: Smith. Motion carried and said resolution adopted.

The Mayor then opened a public hearing on the annexation and dedication of part of the SW1/4 SW1/4 of Section 23, Township 22 North, Range 6, East of the 6th P.M. in Cuming County,

Nebraska being approx. 1.34 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. 1404 entitled:

AN ORDINANCE TO ANNEX A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4 SW1/4) OF SECTION TWENTY-THREE (23) 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 N, 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 N, AN ADDITION TO THE CITY OF WEST POINT, CUMING COUNTY, NEBRASKA; 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 Stokely to approve Ordinance No. 1404 on its first reading. Voting Yea: Stokely, Ell, Swenson, Buse, and Hugo. Nay: None. Absent: Smith. Motion carried. Whereupon the Mayor declared Ordinance No. 1404 approved on its first reading.

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

John Zwingman with Advanced Consulting Engineering Services then appeared before the Council to give an update on the water quality issue and what the city has done over the past month. He reported that the media in filters 5 and 6 were cleaned but are not showing improvement and are not reseeding. He has been in contact with Vessco (who is the company representative for General Filters who actually supplied the filters) concerning this issue. At this point he is suggesting that the city proceed with replacing the media in these filters. Other action the city will be taking is directional flushing of all the water mains this spring which means opening every fire hydrant in town which process could take 2 – 3 weeks to complete and notifying the public when this will happen. Mr. Zwingman answered questions from those in attendance. Following

discussion, Mr. Zwingman was instructed to prepare the plans and specifications for the replacement of the media in filters 5 and 6 and present the same at the next council meeting so the city can proceed to go out for bids.

Police Chief Mike Fisher and Police Sergeant Brett Vance appeared before the Council concerning two items. The first being a request to apply for a grant to the Donald E. Nielsen Foundation for 2 to 4 new vehicles. Sergeant Vance outlined the benefit of more vehicles for the department and the additional costs that would be incurred. Moved by Ell and seconded by Hugo to apply for a grant through the Donald E. Nielsen Foundation for four fully equipped vehicles for the police department. Voting Yea: Stokely, Ell, Swenson, Buse, and Hugo. Nay: None. Absent: Smith. Motion carried.

The second item Sergeant Vance addressed was the requirement of issuing e-citations and the software needed to do so. The State is mandating all police departments that issue over 500 citations a year to go to e-citations. There is grant money available through the State but at this time, it is uncertain as to the amount allocated for this program. The Council was shown three vendors who can supply the software for e-citations and records management to comply with this requirement and the costs associated with each. Following the recommendation of the police department, it was moved by Swenson and seconded by Ell to approve the purchase of the Zuercher Software for e-citations and records management and to include the costs of this software in the grant application to the Donald E. Nielsen Foundation. Voting Yea: Stokely, Ell, Swenson, Buse, and Hugo. Nay: None. Absent: Smith. Motion carried.

At the last City Council meeting, the Council approved the filing of a Letter of Intent with the Nebraska Department of Economic Development for a planning grant for a new recreation facility in the amount of \$12,000 through the Community and Civic Center Financing Fund (CCCFF) with the City providing the matching funds of \$12,000. The City Administrator advised the the Letter of Intent was approved. Patrick Hutchinson with MS Construction was present to answer any questions and stated that an Advisory Board had been formed to proceed with the

planning of this project. Moved by Stokely and seconded by Buse to authorize the City Administrator to proceed with the filing of an application for a planning grant through the CCCFF. Voting Yea: Stokely, Ell, Swenson, Buse, and Hugo. Nay: None. Absent: Smith. Motion carried

The next agenda item being the replacing of the Chamber sign along Highway 275 which includes a new Lease Agreement with Charter West Bank and a Digital Sign Agreement with the Chamber of Commerce was tabled as Charter West Bank was still reviewing the lease.

The City Administrator advised the Council that the Municipal Energy Agency of Nebraska (MEAN) has pulled together six communities that have expressed an interest in a solar project and stated the benefits of a volume purchased installation. Along with the project is the possibility of purchase power agreements to ownership. The Council would need to pass a resolution to allow the process to proceed and once the bids and contracts are submitted, it would come back to the individual communities for review and possible award. Stokely introduced the following resolution and moved its adoption

WHEREAS, the Municipal Energy Agency of Nebraska (MEAN) is coordinating and guiding the issuance of a request for proposal to acquire solar energy on behalf of six MEAN Participants; and

WHEREAS, this request for proposal is structured to provide lower cost energy through the economies of scale of material acquisition than any one of the Participants could realize alone; and

WHEREAS, the City of West Point, is interested in acquiring solar energy up to its Cap under the MEAN Renewable Distributed Generation Policy, which Cap will allow for the City's purchase of energy associated with a 700 kW facility subject to review and approval of the MEAN Board of Directors; and

WHEREAS, the City of West Point, Nebraska, will consider locating a solar energy facility within City limits under a Purchase Power Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Point, Nebraska, that the City hereby agrees to be a party to the request for proposal for solar energy issued by MEAN on West Point's behalf.

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

The Council considered the lot split request from Jim Stalp to subdivide Lots 1 and 2, Block

7, Elkhorn Land and Town Lot Company's Second Addition to the City of West Point, together with the east one-half of the vacated alley adjoining the west line of said lots. The Planning Commission had considered the request and was forwarding a favorable recommendation. Buse introduced the following resolution and moved its adoption:

WHEREAS, James L. Stalp desires to divide real estate into two tracts described as follows:

The East 85 feet of Lots 1 and 2, Block 7, Elkhorn Land and Town Lot Company's Second Addition to the City of West Point, Cuming County, Nebraska, and

Lots 1 and 2, Block 7, Elkhorn Land and Town Lot Company's Second Addition to the City of West Point, Cuming County, Nebraska, together with the east one-half of the vacated alley adjoining the west line of said lots, less the East 85 feet of said Lots 1 and 2.

WHEREAS, the transfer and conveyance of such tracts will subdivide land within the corporate limits of the City of West Point, Cuming County, Nebraska.

NOW THEREFORE, IT IS RESOLVED by the Mayor and City Council of the City of West Point, Nebraska that the subdivision of the above described property be and the same is hereby approved.

Ell seconded the motion. Voting Yea: Stokely, Ell, Swenson, Buse, and Hugo. Nay: None.

Absent: Smith. Motion carried and said resolution adopted.

The City Administrator stated that it was discussed during the budget process to do a lease purchase for a new street sweeper. The current unit is over 20 years old and has almost 10,000 hours. A new unit is approximately \$210,000 and once the order is place, it will take approximately 90 days for delivery. Moved by Stokely and seconded by Swenson to proceed with a 5 year lease purchase for a new street sweeper. Voting Yea: Stokely, Ell, Swenson, Buse, and Hugo. Nay: None. Absent: Smith. Motion carried.

In 2016 the Legislature passed LB 886 which provides for an income tax credit for volunteer emergency responders. The Council must approve and certify those volunteers who have qualified under the bill by February 10th and then file the names with the Department of Revenue for the preceding calendar year no later than February 15th. The Council was then presented with a list of members of the West Point Volunteer Fire Department and West Point Rescue who have qualified. Moved by Hugo and seconded by Stokely to approve and certify the

lists of members of the West Point Volunteer Fire Department and West Point Rescue as presented who have met the requirements of LB 886 for the year 2018. Voting Yea: Stokely, Ell, Swenson, Buse, and Hugo. Nay: None. Absent: Smith. Motion carried.

The Mayor stated his reappointment of Tom Black as the City's representative to the Goldenrod Regional Housing Agency. Moved by Swenson and seconded by Buse to approve said appointment. Voting Yea: Stokely, Ell, Swenson, Buse, and Hugo. Nay: None. Absent: Smith. Motion carried.

The Mayor then announced his appointment of Councilmember Stokely as the elected representative on the Northeast Nebraska Economic Development District's Council of Officials. Moved by Swenson and seconded by Ell to approve said appointment. Voting Yea: Stokely, Ell, Swenson, Buse, and Hugo. Nay: None. Absent: Smith. Motion carried.

The Council reviewed the budget of the Sunshine Center for fiscal year 2020. Following discussion, it was moved by Hugo, seconded by Swenson, to approve the budget for fiscal year 2020 to be submitted to the Northeast Nebraska Area Agency on Aging. Voting Yea: Stokely, Ell, Swenson, Buse, and Hugo. Nay: None. Absent: Smith. Motion carried.

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

- (a) The Greenhorn, Stanton, NE for a wedding reception on March 16, 2019.
- (b) Roadhouse Lounge for the Chamber Ag Appreciation Dinner on March 19, 2019.
- (c) Rush's Liquor Store for the West Point Community Theatre Production on March 15, 16 & 17, 2019.
- (d) Rush's Liquor Store for the West Point Community Theatre Production on March 22, & 23, 2019.

Voting Yea: Stokely, Ell, Swenson, Buse, and Hugo. Nay: None. Absent: Smith. Motion carried.

Moved by Swenson, seconded by Ell, to approve the claim of Hugo Plumbing & Heating for services and supplies in the amount of \$13,032.93. Voting Yea: Stokely, Ell, Swenson, and Buse. Nay: None. Absent: Smith. Abstaining: Hugo. Motion carried.

It was then moved by Swenson and seconded by Buse to go into closed session at 7:41 PM

for the purpose of discussing potential litigation. Voting Yea: Stokely, Ell, Swenson, Buse and Hugo. Nay: None. Absent: Smith. Motion carried. The Mayor then restated for the record the limitation of the subject matter of the closed session was to discuss potential litigation.

At 7:48 PM the Mayor declared the closed session had ended and that the only item discussed during the closed session was potential litigation and that the Council was back in regular session.

Moved by Swenson, seconded by Stokely, to adjourn at 7:51 P.M. Voting Yea: Stokely, Ell, Swenson, Buse, and Hugo. Nay: None. Absent: Smith. Motion carried.

Mary Kempf, MMC
City Clerk