

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 PM on Tuesday, June 7, 2022 in the Council Chambers at the Municipal Building, 444 S. Main Street, West Point, Nebraska.

Present were: Mayor Bruce A. Schlecht; Councilmembers: Shea Stokely, Ryan Penrose, Tom Swenson, Jerry Hugo and Rusty Smith. Absent: Mark Buse.

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

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

1. City appointed volunteer boards and commissions. Board of Adjustment -- reappointment of Jackie Blocher and Jim Perry and appointment of Roger Paus as alternate (3 year terms).
2. Fire & rescue departments – accept memberships and resignations - none.
3. Approval of minutes of the May 3, 2022 and May 25, 2022 meetings.
4. Treasurer's report.
5. Claims.

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

Payroll		170,081.69
Black Hills Energy	GAS SERVICE	1,042.20
Hugo Plumbing & Heating	SUPPLIES/SERVICE	1,014.71
City Payroll Tax Fund	EMPLOYER FICA	6,397.99
ASCENSUS LLC	RETIRE CONTRIB	3,582.41
Gill Hauling	HAULING FEE	10,723.36
Central Valley Ag	POLICE FUEL	912.09
PetroMart	SR CIT FUEL	47.13
WAGNER TIRE & REPAIR LLC	FUEL/SERVICE	1,159.06
Sapp Bros. Petroleum	FUEL SERVICE	1,714.75
Western Area Power Administration	ELEC POWER	7,831.70
Cuming County Public Power	ELEC POWER	105.26
Nebraska Dept. of Revenue	SALES TAX	30,096.57
Nebraska Dept. of Revenue	PARK SALES TAX	1.91
TAYLOR OIL COMPANY, INC.	FUEL	2,526.64
NEBRASKA DEPT OF	POOL-STATE PLAN REVIEW	7,600.00
ROAD GEMS	CAR SHOW CONTRIBUTION	2,500.00
Chamber of Commerce	FIREWORKS CONTRIBUTION	5,000.00
Municipal Energy Agency of	ELEC POWER	303,729.86
City Payroll Tax Fund	EMPLOYER FICA	6,760.20
ASCENSUS LLC	RETIRE CONTRIB	3,570.61
BCBS OF NEBRASKA	HEALTH INS	57,501.06

INDY EXPRESS, LLC	LB840 GRANT/EC DEV.	70,000.00
MUTUAL OF OMAHA	EMPLOYEE INS	1,764.96
AQUA-CHEM, INC.	POOL SUPPLIES	1,618.46
ARNOLD MOTOR SUPPLY	REPAIR/SUPPLIES	1,201.95
Barco Municipal Products	SUPPLIES	229.01
Black Hills Energy	GAS SERVICE	1,114.43
Bomgaars Supply	ELEC DIST REPAIR/SUPPLIES	685.31
BORDER STATES INDUSTRIES.	ELEC DIST MATERIAL	2,947.39
BOUND TREE MEDICAL	RESCUE SUPPLIES	517.91
BRACHT LAW	PROF SERVICE	325.00
Cardmember Service	REPAIR/SUPPLIES	802.98
Central Valley Ag	REPAIR/SUPPLIES	516.10
CENTURY LINK	PHONE SERVICE	1,029.90
Constellation NewEnergy	GAS SERVICE	2,310.36
Core & Main LP	ELEC DIST SERVICE	22,191.20
CORE HEALTH CLUB, LLC	POLICE TRAINING	273.00
CREATIVE XPRESSIONS	UNIFORMS	101.85
Cuming County Clerk	RECORDING FEE	112.00
Cuming County Public Power	ELEC WHEELING CHG	5,648.72
Danko Emergency Equipment	RESCUE SERVICE	775.24
DAVE'S DRYCLEANING	COMM CNTR SERVICE	86.00
ELITE COMPUTERS	REPAIR/SUPPLIES	74.00
Engelhardt TV & Communications	REPAIR/SUPPLIES	229.91
ERNESTI TREE SERVICE	CEMETERY SERVICE	650.00
Floor Maintenance	SUPPLIES	113.77
Gale/CENGAGE Learning	LIBRARY BOOKS	357.72
Gerhold Concrete Company Inc.	REPAIR/SUPPLIES	22.48
L. P. Gill Inc.	SAN TIPPING FEE	9,499.88
GRAINGER	SUPPLIES	181.60
Graybeal's Food	SUPPLIES	154.81
Hawkins Inc.	WTR TRT SUPPLIES	1,950.30
HILAND DAIRY	POOL CONCESSION/SUPPLIES	521.39
HD SUPPLY FACILITIES	SUPPLIES	3,467.12
Ingram Library Services	LIBRARY BOOKS	673.79
JEO CONSULTING GROUP INC	PROF SERVICES	13,253.75
Jackson Services Inc.	UNIFORMS/SUPPLIES/SERVICE	900.72
John A. Stahl Library	CASH ADVANCE	73.54
KAUP SEED & FERTILIZER	REPAIR/SUPPLIES	402.00
LESLIE'S POOLMART INC.	SWR TRT SUPPLIES	4,655.76
LOGEMANN AUTO PARTS	REPAIR/SUPPLIES	31.46
Lou's Sporting Goods	SUPPLIES	9,387.50
MAHASKA	CONC SUPPLIES	396.05
MATHESON TRI-GAS INC.	SUPPLIES	444.81
MicroMarketing LLC	LIBRARY BOOKS	493.83
Midwest Tape	LIBRARY AUDIO/BOOKS	85.21
NDEE	WTR TRT TRAINING	380.00
Nebraska Public Health	WTR DIST LAB SERVICES	93.00
Nebraska Public Power District	ELEC DIST (JAN-MAR 22)	67.50
NEBRASKA VET SERVICES	POLICE SERVICE	200.00
OCLC, INC.	LIBRARY SERVICE	45.75
ONE CALL CONCEPTS, INC.	ELEC/WATER/SEWER SERVICE	197.16
OVERDRIVE, INC.	LIBRARY BOOKS	127.99
PRESTO X	SERVICE	335.00
Quality Printing & Supplies	SUPPLIES	349.84

Quick Med Claims	RESCUE SERVICE	444.77
REIMERS WELDING	PARK REPAIR/SUPPLIES	258.00
S2 ROLL-OFFS LLC	PARK WASTE SERVICE	260.00
St. Joseph's Hillside Villa	SNR CNTR MEALS	3,542.50
Schmader Electric	ELEC DIST SERVICE	8,375.00
SKYWAVE WIRELESS INC.	SERVICE	12,526.52
Special Roads Fund	MECH CHARGES	306.16
Stalp Gravel	REPAIR/SUPPLIES	6,503.18
TJ CONSTRUCTION	LIBRARY SERVICE	2,015.15
Verizon Business	PHONE SERVICE	85.03
VERIZON WIRELESS	POLICE MOBILE BROADBAND	120.03
VERIZON WIRELESS	CELL PHONE SERV	598.18
Welch Law Firm P.C.	ADMIN PROF SERV	1,803.52
WEST POINT LIBRARY FOUNDATION	CASH ADVANCE	731.72
West Point Light and Water	UTILITIES	28,435.96
West Point Light & Water	CASH ADVANCE	2,438.78
West Point News	PUBLICATION COSTS	1,628.57
West Point Rescue	TRAINING/AMBL CARGES	2,887.10
WEST POINT TRUE VALUE	SUPPLY	282.26
West Point Volunteer Fire Dept	MISC CASH ADV	6,987.77
WOERNER'S GARBAGE SERVICE	GARBAGE SERVICE	267.00
ADVANTAGE ARCHIVES, LLC	LIBRARY SERVICE	298.50
AQUA-AEROBIC SYSTEMS INC.	SWR TRT SUPPLIES	5,059.92
AIR REGULATIONS CONSULTING	ELEC REPAIR/SERVICE	5,696.44
CARDIAC AND PULMONARY SERVICE	POOL TRAINING (7)	315.00
CLIA LABORATORY PROGRAM	RESCUE LAB FEES	180.00
KATHLEEN CUE	LIBRARY TRAVEL REIMBURSE	39.55
CUMMINS SALES & SERVICE	SWR TRT SERVICE	488.51
KATHY DOESCHER	LIBRARY TRAVEL REIMBURSE	70.20
ELM USA	LIBRARY SUPPLIES	128.60
FRANCISCAN HEALTHCARE	SR CIT CNTR SUPPLIES	140.34
GRAHAM TIRE FREMONT	REPAIR/SUPPLIES	652.64
HYDRAULIC EQUIPMENT SERVICE	ELEC SERVICE	3,125.00
HYDRO OPTIMIZATION & AUTOMATIO	ARPA FUNDS	6,644.00
IOWA PUMP WORKS	SWR TRT REPAIR/SUPPLIES	3,843.93
JENSEN PLUMBING & HEATING	COMM CNTR SERVICE	1,279.47
JONES AUTOMOTIVE	POLICE EQUIPMENT	437.44
LAW ENFORCEMENT SEMINARS LLC	POLICE TRAINING	395.00
MELLEN & ASSOCIATES	SWR TRT SUPPLIES	2,020.00
MPH INDUSTRIES, INC.	POLICE REPAIR/SUPPLIES	270.45
NATIONWIDE	ADMIN SURETY BOND	198.00
NE LAW ENFORCEMENT TRAINING	POLICE TRAINING	72.00
NE RURAL WATER ASSOCIATION	WTR ADMIN DUES	225.00
NEBRASKA SPORTS	POOL SUPPLIES	33.15
OMAHA WORLD HERALD	LIBRARY SUBSCRIPTION	405.39
PETERSEN LAWN SERVICE	WATER SERVICE	75.00
PETERSON BODY & PAINT	REPAIR/SUPPLIES	107.90
QUADIENT LEASING INC.	ELECTRIC SERVICE	441.09
RANDEL JEWELRY	COMM CTR SUPPLY	224.90
SANDRY FIRE SUPPLY	FIRE EQUIP	8,101.00
THE WALLING COMPANY	REPAIR/SUPPLIES	326.57
THREE RIVERS LIBRARY SYSTEM	LIBRARY TRAINING	10.00
USA TODAY	LIBRARY SUBSCRIPTION	338.81
WOERMAN CONSTRUCTION	ELEC DIST SERVICE	150.00

The Mayor opened a public hearing on determining a nuisance to be found at 831 North Main Street. The City Administrator stated that several complaints have been received about the litter and rubble at this house and he has had several discussions with the owner about this matter. Following discussion, Smith introduced the following resolution and moved its adoption:

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF WEST POINT, NEBRASKA, DETERMINING A NUISANCE TO BE FOUND AT 831 NORTH MAIN STREET AND DIRECTING ABATEMENT OF SAME.

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

The Mayor then opened a public hearing on determining a nuisance to be found at 643 South Niphon Street. The City Administrator stated that junk vehicles, debris, and appliances are in the front and back yards. The owners have attempted to clean up some. Following discussion, Swenson introduced the following resolution and moved its adoption:

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF WEST POINT, NEBRASKA, DETERMINING A NUISANCE TO BE FOUND AT 643 SOUTH NIPHON STREET AND DIRECTING ABATEMENT OF SAME.

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

The Mayor stated that the next item on the agenda was the consideration of an ordinance authorizing the issuance of the City's Pool Bonds (Sales Tax and General Obligation), as approved by the voters at the May 10th election an increase the local options sales tax to fund the construction of a new swimming pool. Andy Forney with D.A. Davidson was present and stated that it is necessary to get all the documents in place for the bonds in order to be ready to lock in the interest rate as soon as a definite amount is known, not to exceed \$6,400,000. This ordinance would give the Mayor, City Administrator or City Clerk the authority to do so. Swenson introduced Ordinance No. 1429 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF POOL BONDS (SALES TAX AND GENERAL OBLIGATION), SERIES 2022, OF THE CITY OF WEST POINT, NEBRASKA IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,400,000 TO THE COSTS OF CONSTRUCTING, IMPROVING, EQUIPPING, AND FURNISHING A MUNICIPAL SWIMMING POOL AND RELATED FACILITES; AUTHORIZING CERTAIN OFFICIALS TO DETERMINE THE AGGREGATE PRINCIPAL AMOUNT, MATURITY DATES,

THE INTEREST RATES, THE REDEMPTION PROVISIONS, AND OTHER TERMS RELATING TO THE BONDS, TO SELL THE BONDS ON BEHALF OF THE CITY AND EXECUTE ALL NECESSARY CONTRACTS AND AGREEMENTS RELATING THERETO, AND TO DESIGNATE A REGISTRAR AND PAYING AGENT WITH RESPECT TO THE BONDS, ALL AS PROVIDED AND SUBJECT TO THE TERMS HEREIN; IMPOSING AND PLEDGING A PORTION OF THE CITY'S SALES AND USE TAX AND DEDICATING A PORTION OF THE CITY'S PROPERTY TAX LEVY FOR THE PURPOSE OF PAYING THE PRINCIPAL OF, PREMIUM, IF ANY, AND THE INTEREST ON THE BONDS AS THEY BECOME DUE; DESIGNATING THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; ADOPTING CERTAIN POST-ISSUANCE TAX COMPLIANCE AND DISCLOSURE PROCEDURES WITH RESPECT TO THE BONDS; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; 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. Penrose seconded the motion. Voting Yea: Stokely, Penrose, Swenson, Hugo, and Smith. Nay: None. Absent: Buse. Motion carried. Statutory rule suspended. Smith moved for final passage of the ordinance, which motion was seconded by Stokely. Voting Yea: Stokely, Penrose, Swenson, Hugo, and Smith. Nay: None. Absent: Buse. Ordinance adopted.

The next item on the agenda was the invoice from Aquatic Design Consultants, Inc. for \$343,742.00 for design phase services for the new swimming pool and seeking authorization to pay this invoice. The City Administrator asked Mr. Forney if the design phase expenses can be reimbursed. Mr. Forney stated that there is reimbursement language included in Ordinance 1429. Following discussion, it was moved by Penrose, seconded by Smith, to authorize payment. Voting Yea: Stokely, Penrose, Swenson, Hugo, and Smith. Nay: None. Absent: Buse. Motion carried.

The Council then considered the request from Ruth Nagengast for a variance from the requirements for the subdivision of a tract of land located within the City's one mile jurisdiction. Logan Hoyt, attorney for Ruth Nagengast, appeared before the Council concerning this request. Following discussion, it was moved by Smith, seconded by Stokely, to authorize a variance from the requirements of Subdivision Ordinance No. 1339 of said City, as recommended by the Planning Commission, waiving the subdivision platting of a portion of the SE¼ of Section 26, Township 22 North, Range 6, East of the 6th PM, Cuming County, Nebraska and to permit the division of said tract into two tracts as described in a survey, which will be filed in the real estate records of Cuming County, Nebraska. Voting Yea: Stokely, Penrose, Swenson, Hugo, and Smith. Nay: None. Absent: Buse. Motion carried.

David Branch, the Cuming County Economic Development Director, appeared before the Council and reported that with a \$480,000 grant, 27 owner-occupied housing rehab projects have

been completed in Cuming County. He also reported on the Rural Workforce Housing Project being the construction of a duplex in West Point. He further explained about Project Connect which involves the Randel's Jewelry building and to repurpose it into 4 to 5 new offices along with a common area. Rent would be \$50, \$100 and \$200 depending on the size of the space. He will be submitting an application for LB840 funds for the costs of the remodeling and furnishings. Next, he presented information on the proposed Cuming County Economic Development budget and that the funding from each community be by percentage instead of a set dollar amount. A new Interlocal Agreement will be presented at the next meeting.

The Council was informed that for several years the League of Nebraska Municipalities has been trying to form a group of municipalities for health coverage and other benefits which would offer better rates. By joining, the City would see a savings of approximately 8.4% on the health coverage and still be with Blue Cross Blue Shield, who is the City's current carrier, have better coverage and still use our local agent. The new plan would eliminate the rate aged premiums that the City currently has. Following discussion, Smith introduced the following resolution and moved its adoption:

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WEST POINT, NEBRASKA, AUTHORIZING MEMBERSHIP IN THE LEAGUE INSURANCE GOVERNMENT HEALTH TEAM (LIGHT).

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

The League of Nebraska Municipalizes has asked Tom Goulette, City Administrator, to set on the Board of Directors of the newly formed League Insurance Government Health Team. Smith introduced the following resolution and moved its adoption:

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WEST POINT, NEBRASKA, DESIGNATING AN OFFICIAL TO SERVE ON THE LEAGUE INSURANCE GOVERNMENT HEALTH TEAM (LIGHT) BOARD OF DIRECTORS.

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

The Nebraska Department of Transportation has requested that the speed limits at the west and east corporate limits on Highway 32 be changed as follows: 45 mph from the west corporate limits located 790 feet west of Water Street to Dean Street and create a new 55 mph speed limit on

N-32 east of US-275 to the east corporate limits being County Road 18. Swenson introduced Ordinance No. 1430 entitled:

AN ORDINANCE OF THE CITY OF WEST POINT, NEBRASKA, AMENDING SECTION 3-118(2) OF ARTICLE I CHAPTER III OF MUNICIPAL CODE OF THE CITY OF WEST POINT, NEBRASKA, RELATING TO TRAFFIC REGULATIONS – SPEED ZONES WITHIN THE CITY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES PASSED AND APPROVED PRIOR TO THE PASSAGE AND APPROVAL OF THIS ORDINANCE AND IN CONFLICT HEREWITH; SPECIFYING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND 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. Stokely seconded the motion. Voting Yea: Stokely, Penrose, Swenson, Hugo, and Smith. Nay: None. Absent: Buse. Motion carried. Statutory rule suspended. Smith moved for final passage of the ordinance, which motion was seconded by Swenson. Voting Yea: Stokely, Penrose, Swenson, Hugo, and Smith. Nay: None. Absent: Buse. Ordinance adopted.

The Council then discussed the closing of a portion of Bridge Street by the south entrance of Neligh Park during the 4th of July celebration and fireworks show as has been done for the past several years. The Street Department puts the barricades along the side of the streets and alleys and the Fire Dept. sees that they get put up. Moved by Smith and seconded by Swenson, that the portion of Bridge Street from the west side of Oak Street to the west side of King Street and the alleys adjoining thereto be closed on July 4th for the annual fireworks show. Voting Yea: Stokely, Penrose, Swenson, Hugo and Smith. Nay: None. Absent: Buse. Motion carried.

Native 32 Winery made application to the Nebraska Liquor Control Commission for a Farmers Market Special Designated License Endorsement and the Liquor Control Commission issued a liquor license effective for a specific market location, being the West Point Farmers Market. In order for this license to be valid, the City must issue of permit. Moved by Smith and seconded by Stokely, to authorize the issuance a City Permit allowing Native Winery 32 use of the Special Designated License Endorsement during the West Point Farmers Markets. Voting Yea: Stokely, Penrose, Swenson, Hugo and Smith. Nay: None. Absent: Buse. Motion carried.

Moved by Smith, seconded by Swenson, to approve the claim of Hugo Plumbing & Heating for services and supplies in the amount of \$8,406.82. Voting Yea: Stokely, Penrose, Swenson and Smith. Nay: None. Absent: Buse. Abstaining: Hugo. Motion carried.

The next agenda item was to discuss the potential purchase of real estate and personnel matters. It was moved by Swenson, seconded by Stokely to go into closed session at 6:18 PM for

the protection of the public interest to discuss the potential purchase of real estate and personnel matters. Voting Yea: Stokely, Penrose, Swenson, Hugo, and Smith. Nay: None. Absent: Buse. Motion carried. The Mayor then restated for the record the limitation of the subject matter of the closed session was for the protection of the public interest to discuss the potential purchase of real estate and personnel matters. At 6:40 PM the Mayor stated that the closed session had ended and that the only items discussed during the closed session was the potential purchase real estate and personnel matters and that the Council was back in regular session.

Moved by Penrose, seconded by Smith, to adjourn at 6:43 PM Voting Yea: Stokely, Penrose, Swenson, Hugo and Smith. Nay: None. Absent: Buse. Motion carried.

Mary Kempf, MMC
City Clerk