

## 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 March 6, 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: None.

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 Hugo, 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.

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

### CLAIMS

Payroll		144,991.45
Western Area Power Administration	Power	8,218.14
City of West Point Payroll Tax Fund	Employer FICA	5,441.50
First National Bank Fremont	Retirement Contributions	3,223.35
Central Valley Ag	Service	721.62
Wagner Tire	Service	70.82
West Point Travel Plaza	Service	149.31
Sapp Bros.	Service	3,670.78
Hugo Plumbing & Heating	Serv/Supplies	1,621.79
Schmader Electric	Housing Development	17,677.85
Black Hills Energy	Service	72.08
PetroMart	Service	86.95
City of West Point Payroll Tax Fund	Employer FICA	5,806.53
First National Bank Fremont	Retirement Contributions	3,333.22
NE Dept of Revenue	Sales Tax	28,123.49
Constellation NewEnergy	Service	223.88
United Healthcare	Health Ins.	49,675.24
MEAN/NMPP	Power	361,999.81

Madison National Life Ins.	Life Ins.	194.46
Companion Life	Life Ins.	266.55
Advanced Consulting	Prof Services	1,455.00
Auto Value Parts	Supplies	956.32
Black Hills Energy	Service	3,898.85
Bomgaars Supply	Supplies	207.63
Border States Industries	Supplies	1,565.56
Bound Tree Medical	Supplies	934.65
Bracht Law	Prof Services	1,269.77
Cardmember Service	Service	415.41
Century Link	Service	1,007.29
Core & Main	Supplies	2,060.88
Cuming County Public Power	Wheeling Service	5,630.10
Danko Emergency Equipment	Supplies	2,582.12
Dinslage Small Engine	Service	140.65
Dugan Business Forms	Supplies	1,638.65
Dutton Lainson Co.	Supplies	22.48
EMS Billing Services	Prof Services	692.62
Engelhardt TV	Serv/Supplies	255.41
Floor Maintenance	Supplies	1,631.44
Franciscan Care Services	Meal Service	2,135.40
Gale/Cengage Learning	Books	310.65
Gall's Inc.	Supplies	88.57
Gerhold Concrete Co.	Service	1,105.00
L. P. Gill Inc.	Tipping Fee	7,714.20
Gill Hauling	Hauling Fee	3,041.19
Graybeal's Food	Supplies	99.39
Hawkins Inc.	Supplies	417.50
Ingram	Books	1,012.76
Jackson Services	Uniform Service	807.88
John A Stahl Library	Cash Adv	114.97
Kriz Davis Co.	Supplies	98.98
Logemann Auto Parts	Supplies	51.36
Mahaska	Supplies	479.18
Mail Finance	Service	282.00
Matheson Tri-Gas	Supplies	239.89
MicroMarketing LLC	Books	832.04
Midwest Labs	Service	156.40
Midwest Tape	Supplies	218.72
Municipal Supply Inc.	Supplies	38.72
OfficeNet	Supplies	50.24
One Call Concepts	Service	14.43
Overhead Door Co.	Service	236.50
Quality Printing	Supplies	330.51
S & W Welding	Supplies	588.90

Seals and Service	Supplies	109.74
Skywave Wireless	Service	326.50
Smidt's Sanitation	Service	177.00
Special Roads Fund	Mechanic Chgs	396.25
NE Public Health Environmental Lab	Service	300.00
Sunrise Excavating Co.	Snow Removal	1,417.50
Total Funds	Postage	600.00
USA Blue Book	Supplies	67.64
Verizon Business	Service	74.40
Verizon Wireless	Service	293.45
West Point Home Center	Supplies	554.32
West Point Implement	Supplies	508.01
West Point Library Foundation	Cash Adv	758.17
WPLW	Service	36,188.36
WPLW Operating Fund	Cash Adv	2,925.71
West Point News	Publication Costs	1,460.98
West Point Rescue	Cash Adv	3,059.73
West Point True Value	Supplies	372.38
WP Volunteer Fire Dept.	Cash Adv	1,048.08
Woerner's Garbage Service	Service	230.00
Axon Enterprise Inc.	Supplies	630.00
Dave's Drycleaning	Service	47.00
DHHS	Pool Permit	40.00
Electronic Contracting	Supplies	1,049.77
Elite Computers	Serv/Supplies	1,793.40
Grainger	Supplies	148.64
Hanna-Keelan Associates	Prof Services	6,500.00
Jack's Uniforms	Supplies	125.95
Jensen Plumbing	Supplies	753.41
JR Tools	Supplies	47.25
Kaup Electric	Service	238.40
Chris Kreikemeier	Travel Expense	50.00
Modern Marketing	Supplies	227.52
NE Dol/Boiler Inspection	Service	72.00
NE Dept of Roads	Maint Agreement	4,570.40
OCLC, Inc.	Service	41.67
Olympia Book Corp.	Books	118.32
Overdrive, Inc.	Service	29.97
Peterson Body and Paint	Service	47.50
Sandry Fire Supply	Supplies	681.01
Sewer Equipment	Supplies	65.52
Vessco, Inc.	Supplies	350.57
West Point Design	Service	617.50

It was then moved by Ell, seconded by Schlecht that the Mayor and City Council convene as a Board of Equalization for the purpose of considering objections for Street Improvement District No. 2017-1. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo and Black. Nay: None. Motion carried. The Mayor and Council upon motion duly made, seconded and passed then convened as a Board of Equalization. The Mayor then opened the public hearing and asked the City Clerk if any written objections had been filed in her office relative to the assessments within said district.

The City Clerk reported that no written objections were filed.

The Mayor then asked if there were any persons present who wished to be heard concerning the special assessments proposed to be levied in said district. No one appeared in person or by their representatives. The City Administrator reported that he was contacted by Keith Backer who objected to his assessment and that this improvement has minimal advantage for him.

There being no other persons wishing to be heard concerning the improvements and the proposed levy of special assessments within said district, the Mayor declared the hearing closed.

It was moved by Swenson, seconded by Paus, that the Board of Equalization adjourn. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo and Black. Nay: None. Motion carried. The Mayor and Council upon motion duly made, seconded and passed adjourned as a Board of Equalization and reconvened as Mayor and Council.

After having fully considered the objections and the adjustment and equalizing of assessments relative to said District, Paus introduced the following resolution and moved its adoption:

**BE IT RESOLVED BY THE MAYOR AND COUNCIL** of the City of West Point, Nebraska that the special assessments are adjusted as follows: None.

**BE IT FURTHER RESOLVED**, that the said assessments against said lots, parts of lots and parcels of land are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements and not in excess of such benefits or of the cost of the improvements in said District; and

BE IT FURTHER RESOLVED, that all special assessments above provided for shall become due in fifty (50) days after the date of the passage of this resolution and may be paid within that time without interest, but if not so paid, to bear interest thereafter at the rate of seven percent (7%) per annum from the date of this resolution until delinquent; such assessments shall become delinquent as follows: One tenth of the total amount shall become delinquent fifty days after such levy; one tenth in one year; one tenth in two years; one tenth in three years; one tenth in four years; one tenth in five years; one tenth in six years; one tenth in seven years; one tenth in eight years; and one tenth in nine years.

AND BE IT FURTHER RESOLVED that a certified copy of said assessment schedules be filed by the City Clerk with the City Treasurer and with the County Treasurer and the County Clerk of Cuming County as provided by law.

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

Woerner Garbage was the only proposal received for the waste removal at the Municipal Building, Nielsen Community Center, John A. Stahl Library, and Wastewater Treatment Plant. Woerner Garbage is currently providing this service and this bid is an increase of \$5.00 from the current rate. Moved by Ell and seconded by Schlecht to accept the proposal of Woerner Garbage for a two year period commencing April 1, 2018 in the amount of \$235.00 per month. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

Next the Council discussed the construction of an education and training facility on city owned real estate and the terms and conditions that need to be met prior to the commencement of construction. Following discussion, Schlecht introduced the following resolution and moved its adoption:

**A RESOLUTION PROVIDING FOR AUTHORIZATION OF CONSTRUCTION OF AN EDUCATION AND TRAINING CENTER ON CITY-OWNED REAL ESTATE IN WEST POINT, NEBRASKA.**

WHEREAS, the West Point Community Foundation, Inc. (WPCF) and Northeast Community College (NECC) have been working on a project which includes building an Education and Training Center (“Education Center”) in West Point, Nebraska;

WHEREAS, WPCF and NECC desire to locate the Education Center on real estate owned by the City of West Point;

WHEREAS, the City of West Point understands the intended purpose of the Education Center is to allow for career and technical training;

WHEREAS, the City of West Point understands the proposed structure would consist of approximately 16,000 square feet;

WHEREAS, the City of West Point desires to give authorization for the construction of the Education Center, so long as the certain conditions are met prior to construction.

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

Authorization is given to WPCF to construct an approximately 16,000 square foot Education Center structure upon the real estate owned by the City of West Point, legally described as:

Lots 2, 3, 4, 5, 6, 7 and 8, in Block 13, of Coburn's Addition to the City of West Point, together with all right, title and interest of seller in and to the property reserved in the Deed recorded in Book 28 at Page 225 of the Deed Records of said County and which is described in the Warranty Deed recorded in Book 30 at Page 310 of the Deed Records of Cuming County, Nebraska,

SO LONG AS the following conditions are met prior to commencement of construction:

- a. WPCF agrees to pay for 100% of the cost of construction of the Education Center and all associated construction costs, less any amounts specifically authorized by the City Council by separate resolution;
- b. WPCF makes a showing to City Council that WPCF has secured 100% of the cost set out in any construction contract entered into by WPCF which provides for the construction of the Education Center;
- c. NECC enters into a long-term lease with City of West Point for no less than fifteen (15) years in duration which will provide for NECC to use and occupy the Education Center for its intended purpose, and which shall provide for the allocation of costs, insurance, maintenance, and other matters agreeable to both parties;
- d. WPCF agrees to relinquish all control and ownership of the Education Center to the City of West Point upon the completion of the Education Center;
- e. WPCF agrees the Education Center structure will become the sole property of the City of West Point upon completion; and
- f. WPCF, NECC, and City of West Point enter into an agreement which provides for the obligations set out above and which addresses each party's obligations and liability with regard to the construction of the Education Center.

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

The Council then discussed paving the parking area around the new education and training center. Leanne Ritter of Advanced Consulting Engineering Services, presented plans and specifications for the project. Hugo introduced the following resolution and moved its adoption:

BE IT RESOLVED by the Mayor and City Council of the City of West Point, Nebraska, that the estimate of costs for paving improvements of the parking lot at the Nielsen Career and Technical Training Facility is \$280,000 and that the plans and specifications as prepared by the City's Engineer, Advanced Consulting Engineering Services, be approved.

BE IT FURTHER RESOLVED that the City Clerk is directed to advertise for bids on said paving improvements in the West Point News, which bids will be opened at 1:00 PM on April 25, 2018 and then considered by the City Council on May 1, 2018 at 7:00 PM at the Municipal Building, 444 S. Main Street in said City.

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

As mentioned at the last Council meeting, the Mount Hope Cemetery Association has requested that the City take over the operations and maintenance of Mount Hope Cemetery.

Following discussion, Ell introduced the following resolution and moved its adoption:

BE IT RESOLVED BY THE MAYOR AND COUNCIL of the City of West Point, Nebraska as follows:

1. That the Mayor and City Council of the City of West Point shall accept the ownership of Mount Hope Cemetery from the Mount Hope Cemetery Association and manage and operate said cemetery as a municipal cemetery.
2. That all property and money under the control of the Mount Hope Cemetery Association shall vest to the City of West Point and all money in control of the Mount Hope Cemetery Association shall be turned over to the City of West Point.
3. That deeds to all burial lots and other property of the Mount Hope Cemetery Association shall be transferred to the City of West Point.
4. That after the transfer of the cemetery from the Mount Hope Cemetery Association to the City of West Point is complete, the Mount Hope Cemetery Association shall be deemed to be disbanded.
5. That the Mayor and City Clerk are hereby authorized to sign all necessary documents relating to the acquisition and operation of Mount Hope Cemetery as a municipal cemetery.

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

The Council discussed holding a special meeting to consider the design phase of the trails and pathways project. Moved by Schlecht, seconded by Paus, to hold a special council meeting on Thursday, March 15, 2018 at 7:00 PM. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

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

- (a) The Office Bar & Grill for a wedding reception on April 7, 2018.
- (b) Rush's Liquor Store for West Point Community Theatre Production on April 6, 7, & 8, 2018.
- (c) Rush's Liquor Store for West Point Community Theatre Production on April 13 & 14, 2018.
- (d) Roadhouse Lounge for Cuming County Fair Foundation Dance on April 15, 2018.
- (e) Roadhouse Lounge for Cuming County Development Awards Dinner on April 29, 2018.
- (f) Lincoln Street Market for the West Point-Beemer High School Alumni Banquet on May 26, 2018.
- (g) Petromart for the Jayfest GACC Fundraiser on June 8, 2018.
- (h) Petromart for the GACC Alumni Banquet on June 9, 2018.

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

Moved by Schlecht, seconded by Paus, to approve the claim of Hugo Plumbing & Heating for services and supplies in the amount of \$1,267.52. Voting Yea: Paus, Ell, Swenson, Schlecht, and Black. Nay: None. Abstaining: Hugo. Motion carried.

The Council then considered the second reading of ordinance No. 1394 for the annexation and dedication of approximately one acre of land directly north of the travel plaza.

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

Jim Sherwood appeared before the Council stating he attended the meeting thinking that the Power Drive Race was on the agenda. He was proposing to close a portion of 18<sup>th</sup> Road and Grove Street for the race which is scheduled for Saturday, April 7. The Council was not in favor of closing 18<sup>th</sup> Road and recommended that the race be in Neligh Park as in previous years. It was suggested that Mr. Sherwood attend the Park Board meeting Monday, March 12<sup>th</sup> regarding this and then the matter would be on the City Council agenda at the special meeting on March 15<sup>th</sup>.

The City Administrator stated that he is checking into the possible development of a solar farm in West Point but is in the very preliminary stages and is also looking at the renewal energy rates. He will keep the Council advised on this matter.

Moved by Swenson, seconded by Paus, to adjourn at 6:22 P.M. Carried.

Mary Kempf, MMC  
City Clerk

March 21, 2018