

## 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 7:00 o'clock P.M. on May 1, 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 Hugo, seconded by Ell, to approve the following consent agenda:

1. City appointed volunteer boards and commissions:
  - (a) Library Board: reappointment Al Courser and appointment of Melissa Nielsen (4 year terms).
  - (b) Planning Commission: reappointment of Erv Renner, Mark Schlickbernd and JoAnn Lewis (3 year terms).
  - (c) Revolving Loan Application Review Board: reappointment of Rick Wimer, Mark Svec, Roger Paus, Bruce Schlecht and Tom Goulette (1 year terms).
  - (d) Nielsen Community Center Advisory Board: appointment of Kacie Borchers (4 year term).
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.

<u>CLAIMS</u>		
Payroll		149,117.97
Western Area Power Administration	Power	8,022.24
Sapp Bros.	Service	1,058.42
Wagner Tire	Service	3,080.76
West Point Travel Plaza	Service	158.67
Madison National Life Ins.	Life Ins.	193.25
Central Valley Ag	Service	452.45
Black Hills Energy	Service	63.86
PetroMart	Service	51.14

City Payroll Tax Fund	Employer FICA	5,600.37
First National Bank Fremont	Retirement Contributions	3,204.66
Constellation NewEnergy	Service	18.23
NE Department of Revenue	Sales Tax	31,120.34
MEAN/NMPP	Power	339,416.21
City Payroll Tax Fund	Employer FICA	5,957.06
First National Bank Fremont	Retirement Contributions	3,270.80
United Healthcare	Health Ins.	49,675.24
Companion Life	Life Ins.	266.55
Auto Value Parts	Supplies	769.09
Black Hills Energy	Service	2,357.59
Bomgaars Supply	Supplies	174.30
Border States Industries	Supplies	1,366.64
Bracht Law	Prof Services	2,998.50
Cardmember Services	Service	1,958.32
Century Link	Service	1,102.10
Core & Main	Serv/Supplies	13,945.21
Cuming County Public Power	Wheeling Service	5,630.10
Danko Emergency Equipment	Serv/Supplies	1,096.78
Dinslage Small Engine	Serv/Supplies	531.63
EMS Billing Services	Prof Services	1,772.75
The Farner Co. Inc.	Supplies	259.18
Floor Maintenance	Supplies	1,155.02
Franciscan Care Services	Meal Service	2,258.05
Gale/Cengage Learning	Books	253.83
Gall's Inc.	Supplies	512.66
Garratt Callahan Co.	Supplies	1,570.50
Gerhold Concrete Co.	Supplies	597.57
L. P. Gill Inc.	Tipping Fee	9,523.54
Gill Hauling	Hauling Fee	3,754.50
Graybeal's Food	Supplies	111.71
Hawkins Inc.	Supplies	981.29
Ingram Library Services	Books	1,064.34
Inspro Ins.	Premium	70.00
Jackson Services Inc.	Uniform Service	967.41
John A Stahl Library	Postage	88.49
Leslie's PoolMart Inc.	Supplies	2,051.76
Logemann Auto Parts	Supplies	62.10
Mahaska	Supplies	406.12
Matheson Tri-Gas Inc.	Supplies	125.51
MicroMarketing LLC	Books	685.00
Midwest Labs	Service	93.85
Midwest Tape	Supplies	208.17
Municipal Supply Inc.	Supplies	668.60

Nebraska Municipal Power Pool	Dues/Service	2,445.56
Nebraska Vet Services	Service	37.50
OfficeNet	Service	224.00
One Call Concepts Inc.	Service	44.58
Quality Printing & Supplies	Supplies	571.17
Seals and Service Inc.	Supplies	24.58
Skywave Wireless	Service	225.00
Smidt's Sanitation	Service	177.00
Special Roads Fund	Mechanic Chgs	296.63
Stalp Gravel	Supplies	1,765.65
NE Public Health Environmental Lab	Service	93.00
Total Funds	Postage	600.00
Verizon Business	Service	95.81
Verizon Wireless	Service	389.28
Vrbicky Computer Service	Service	237.50
West Point Library Foundation	Cash Adv	2,041.81
WPLW	Service	32,139.85
WPLW Operating Fund	Cash Adv	2,233.05
West Point News	Publication Costs	298.17
West Point Rescue	Ambulance Charges	600.00
West Point True Value	Supplies	319.21
Woerner's Garbage Service	Service	235.00
John Adams	Travel Expense	163.27
Jamileth Alvarado	Interperter	200.00
Asphalt & Concrete Materials	Supplies	780.88
Dave's Drycleaning	Service	70.00
Demco	Supplies	348.02
Elite Computers	Serv/Supplies	357.00
Ernesti Tree Service	Service	1,108.80
Hanna-Keelan Associates	Prof Services	6,500.00
Inland Truck Parts & Service	Supplies	2,708.33
JEO Consulting Group	Prof Services	4,502.50
Nalco Co.	Supplies	1,081.13
NE Environmental Products	Supplies	2,760.76
NE Law Enforcement Training	Training	70.00
Northeast Community College	Rescue Training	1,920.00
Northeast Instant Rain	Service	200.00
OCLC, Inc.	Service	41.67
Pilger Concrete Recycling	Service	615.56
Rodick's Repair Service	Cemetery Lawn Mower	2,880.00
Seed Enterprises	Supplies	37.00
Sherman Township	Gravel	250.00
Sleuth	Annual Renewal	2,711.00
Strachan Sales Inc.	Supplies	262.12

Tendaire Industries Inc.	Supplies	519.04
Watchguard Video	Supplies	399.00

The Mayor then opened a public hearing on the request of Hal E. Wagner and Carol F. Wagner, husband and wife, and Deweese Sand and Gravel, Inc. for a special use permit to allow for the operation of mineral extraction, which shall include sand and gravel extraction and quarries, located within a Agriculture Residential District and within the City's one mile jurisdiction. This would also allow to temporarily locate an asphalt/concrete plant for road projects. Dan Hansen, general manager of Deweese Sand and Gravel, Terry Wilhelm, Safety Director for Werner Construction and Hal Wagner appeared before the Council to address any concerns on this request. The City Administrator advised that the Planning Commission was forwarding a favorable recommendation. Those in attendance were given the opportunity to speak. No correspondence had been filed. The Mayor then closed the public hearing. Swenson introduced a resolution that a Special Use Permit be granted to allow for mineral extraction, which shall include sand and gravel extraction and quarries on the real estate described as Part of SE1/4 SW1/4 and Tax Lots 2, 3, 4, 6 & 7, all in Section 22, Township 22, Range 6, East of the 6<sup>th</sup> P.M., Cuming County, Nebraska (903 Mill Road), located within the Agriculture Residential District and to temporarily locate an asphalt/concrete plant for road projects. Schlecht seconded the motion. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried and said resolution adopted.

The next agenda item was to consider the bids for the catering of meals at the Senior Citizens Center. Only one bid was received which was from Franciscan Care Services, Inc. (who currently caters the meals) showing a rate of \$4.80 per meal being an increase of 15 cents and the delivery charge of \$5.00 per day remaining the same. Ell introduced a resolution to accept the bid of Franciscan Care Services, Inc. to provide catered meals for the Senior Citizens Center at a rate of \$4.80 per meal for the period from July 1, 2018 to June 30, 2019. Swenson seconded the motion. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black.

Nay: None. Motion carried and said resolution adopted.

The bids for paving improvements of the parking lot at the Donald E. Nielsen Career and Technical Training Facility were opened and tabulated on April 26, 2018 in accordance with the published notice and the following are the bids received:

ENGINEER'S ESTIMATE OF COST: Base Bid \$240,000  
Alternate #1 \$ 45,000  
Alternate #2 \$ 15,000

<u>BIDDER</u>		<u>AMOUNT</u>
Platte Valle Precast Columbus, NE	Base Bid	\$226,345.13
	Alternate #1	\$ 40,749.50
	Alternate #2	<u>\$ 13,954.00</u>
	TOTAL	\$281,048.63

Anticipated Starting Date: June 25, 2018  
Anticipated Completion Date: August 15, 2018

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Elkhorn Paving Norfolk, NE	Base Bid	\$229,372.50
	Alternate #1	\$ 36,570.00
	Alternate #2	<u>\$ 12,831.00</u>
	TOTAL	\$278,773.50

Anticipated Starting Date: September 1, 2018  
Anticipated Completion Date: November 1, 2018

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Laser Pro Platte Center, NE	Base Bod	\$236,264.00
	Alternate #1	\$ 41,340.00
	Alternate #2	<u>\$ 13,818.00</u>
	TOTAL	\$291,422.00

Anticipated Starting Date: September 1, 2018  
Anticipated Completion Date: November 1, 2018

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The City Administrator advised that Advanced Consulting Engineering Services is recommending to award the project to Elkhorn Paving. Black introduced a resolution that the bid for the furnishing of labor, tools, materials and equipment required to construct improvements and such other work as may be incidental thereto in the paving improvements of the parking lot at the Donald E. Nielsen Career and Technical Training Facility as submitted by

Elkhorn Paving for \$278,773.50 is the lowest and best bid received and is hereby accepted and the Mayor and City Clerk are authorized to execute such contract documents as may be necessary to complete the award of the contract and to order the commencement of the work. Hugo seconded the motion. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried and said resolution adopted.

Tom Stratman, Fire Chief, appeared before the Council and presented the annual report from the West Point Volunteer Fire Department. Mr. Stratman reported that the fire department has 35 members and responded to 64 calls (being more than 780 man hours) and with 1300 hours of training. The Fire Dept. also issued approximately 250 burn permits.

Jay Vogltance, of the Road Gems, appeared before the Council requesting the use of the streets in the downtown area for the “Last Fling til Spring” car show to be held on Sunday, September 16, 2018 (29<sup>th</sup> year). Moved by Schlecht and seconded by Hugo, as follows:

1. That Road Gems have control of the Main Street area from Cedar to Washington Streets and from Mill to Lincoln Streets for their annual car show on September 16, 2018 from 6:00 AM until 6:00 PM be approved including the overseeing of the display cars.
2. The closing of Anna Stalp Avenue from Lincoln Street west to Neligh Park and for the closing of Mill Street from its intersection with Anna Stalp Avenue north to Washington Street on September 16, 2018 from 6:00 AM until 6:00 PM be approved.
3. That Road Gems control the vending and sales within these event areas.
4. That the City furnish portable toilets for the event (up to \$1,000).
5. That the City contact the Nebraska Department of Roads for the closing of Highway 32 for the event.
6. That the request of the Road Gems for assistance in funding the 29<sup>th</sup> “Last Fling til Spring” car show be approved for \$2,500.00.

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

Larry Toelle appeared before the Council concerning the water drainage on his property (1999 Hwy 275) since the development across the highway to the east, being Elaine’s 275 Subdivision. He stated that the housing development has added more concrete and therefore more water is coming upon his property. He has contacted the Nebraska Department of Roads and has received no response from them. The City Administrator presented slides showing rainfalls of various past years before the development and the number of acres covered with

water. The Council asked for a month to review the matter. He stated that he would be willing to wait a month but wanted a solution to this problem at no expense to him.

The Council then considered a request from St. Mary's Catholic Church and Guardian Angels Central Catholic for parking stalls on the public right-of-way on the north side of the parish office and the high school. Moved by Schlecht, seconded by Hugo, to approve the request from St. Mary's Catholic Church and Guardian Angels Central Catholic to construct on-street parking stalls on the south side of the 400 Block of East Walnut Street in front of the high school and the parish office. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

Jerry Wordekemper of the LB 840 Citizens Advisory Review Committee appeared before the Council concerning an application for funds from Alicia Nebuda dba Glitter Grooming, who desires funding to relocate her business by purchasing the former veterinary clinic at 909 W. Grove Street. This would involve a loan and a grant for a total of \$69,906. The LB 840 Citizens Advisory Review Committee has reviewed this applications and is recommending such application be approved. Moved by Ell and seconded by Black to approve the application of Alicia Nebuda dba Glitter Grooming for a loan and a grant from the LB 840 Economic Development Funds. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

The City Administrator advised that Quality Pork International, Inc. wishes to apply for a grant for \$500,000 through the Nebraska Department of Economic Development for the Site and Building Development Funds for the acquisition of the land and building from Unified Pet Products. The application must be submitted by the City. Moved by Schlecht and seconded by Hugo that the City make application to the Nebraska Department of Economic Development for a \$500,000 grant through the Site and Building Development Funds and that the Mayor be authorized to sign all documents required to obtain said funding for the Quality Pork International, Inc. project. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay:

None. Motion carried.

Following discussion, Paus introduced a resolution whereas on October 7, 2014 the City Council passed Resolution 2014-35 relating to establishing electrical rates and charges for electrical service for customers within the city's electric service area; and whereas Section 1(h) of said resolution states as follows: For customers receiving electric service beyond the corporate limits, the net bill shall be equal to one hundred twenty percent (120%) of the amount computed under the applicable net monthly rate; and whereas it is the desire of the City Council to eliminate this increased rate for service outside of the corporate limits. It is therefore resolved by the Mayor and City Council that Section 1(h) of Resolution 2014-35 passed on October 7, 2014 be and the same is hereby repealed and that this resolution shall become effective for the electric services billed in the next billing cycle. Swenson seconded the motion. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried and said resolution adopted.

The City Administrator advised the Council that the City has received notice that Skywave Wireless, Inc. intends to terminate its existing franchise agreement with the City. He further advised that Skywave now holds a Certificate of Public Convenience and Necessity and therefore, the City is not now allowed to impose a franchise fee. Ryan Kuester with Skywave was present at the meeting to answer any questions. Following discussion, Schlecht introduced Ordinance No. 1397 entitled:

AN ORDINANCE OF THE CITY OF WEST POINT, NEBRASKA TO REPEAL ORDINANCE NO. 1342 IN THAT WAY TERMINATING THE NON-EXCLUSIVE FRANCHISE GRANTED TO SKYWAVE WIRELESS, INC., A NEBRASKA CORPORATION; PRESCRIBING 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. Ell seconded the motion. Voting Yea: Ell, Swenson, Schlecht, Hugo, and Black. Nay: Paus. Motion carried. Statutory rule suspended. Ell moved for final passage of the ordinance, which motion was seconded by Schlecht. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Ordinance adopted.

Next the Council considered the request from the West Point Chamber of Commerce



for the City's continued assistance for the annual July 4<sup>th</sup> fireworks display. Moved by Schlecht and seconded by Ell to contribute \$5,000 for the July 4<sup>th</sup> fireworks display. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

The Council then discussed the closing of a portion of Bridge Street by the south entrance of Neligh Park during the 4<sup>th</sup> of July celebration and fireworks show. Hugo stated that the Fire Dept. would take care of putting up the barricades. Moved by Swenson and seconded by Schlecht, 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 4<sup>th</sup> from 3:00 PM until after the fireworks show. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

Motion made by Swenson and seconded by Hugo that the additional following assets pledged by Charter West Bank as security for all deposits of the City in said Bank be approved:

<u>Custody No.</u>	<u>Due Date</u>	<u>Amount</u>	<u>Type of Security</u>
9128282W9	09/30/2022	\$300,000.00	U.S. Treasury Notes

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

The Council discussed changing the date of the July Council meeting but decided to meet on the regular meeting date, being July 3, 2018 at 7:00 PM.

Moved by Ell, seconded by Schlecht, to approve the following application for a Special Designated Liquor Permit under the Nebraska Liquor Control Act:

- (a) American Veterans Park, Inc. for a fundraiser on June 2, 2018 from 3:00 PM to 12:00 AM.

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 \$13,217.85. Voting Yea: Paus, Ell, Swenson, Schlecht, and Black. Nay: None. Abstaining: Hugo. Motion carried.

The City Administrator advised the Council that he has been talking to the City of Fremont concerning their solar energy program. Fremont has a Community Solar Farm wherein

residents can purchase solar panels or solar energy shares. He further stated that the City of Wisner has expressed an interest to do a joint venture in a solar energy project in order to obtain better pricing. He also stated that there is a group, called “Nebraska Community Energy Alliance”, whereby the City can join for a fee and which enhances the city’s opportunity for grant funds through the Nebraska Environmental Trust. These matters will be discussed further at upcoming Council meetings.

Swenson suggested that speed bumps be placed in Neligh Park on the newly paved road to slow traffic. It was decided to place this matter on the agenda for the next Council meeting.

Moved by Swenson, seconded by Paus, to adjourn at 8:57 o'clock P.M. Carried.

Mary Kempf, MMC  
City Clerk