

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, November 1, 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, Mark Buse, Jerry Hugo, and Rusty Smith. 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 west wall of 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. Appointments to the Board of Directors of Municipal Energy Agency of Nebraska (MEAN): Tom Goulette, City Administrator, Director and Ron Doggett, Electrical Supervisor, Alternate (3 year terms).
2. Fire & rescue departments – accept memberships and resignations - none.
3. Approval of minutes of previous meeting.
4. Treasurer's report.
5. Claims.

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

CLAIMS		
	PAYROLL	193,084.79
HUGO PLUMBING & HEATING	SERVICE/REPAIR	1,515.48
CITY PAYROLL TAX FUND	EMPLOYER FICA	7,345.81
KANSAS CITY LIFE	FIRE/RESCUE INSURANCE	2,379.00
BLACK HILLS ENERGY	GAS SERVICE	629.43
ASCENSUS LLC	EMPLOYER RETIRE CONTRIBUTION	3,937.33
CHAMBER OF COMMERCE	EC DEV SER - 4TH QTR	5,000.00
WESTERN AREA POWER ADMIN	ELEC - POWER	8,912.59
WAGNER TIRE & REPAIR LLC	FUEL/SERVICE/REPAIR	1,879.41
CENTRAL VALLEY AG	POLICE FUEL	1,088.22
PETROMART	SR CNTR FUEL	41.80
PORT-A-JOHN'S	RESTROOM RENTAL-CARSHOW	1,000.00
SBT, INC.	FUEL	3,944.93
NEBRASKA DEPT. OF REVENUE	SALES TAX	37,937.89
NEBRASKA DEPT. OF REVENUE	PARK SALES TAX	117.24
NEBRASKA DEPT. OF REVENUE	NIELSEN/POOL/LIBRARY SALES TAX	757.93
CUMING COUNTY PUBLIC POWER	ELEC POWER	199.69
CITY PAYROLL TAX FUND	EMPLOYER FICA	7,489.69
ASCENSUS LLC	EMPLOYER RETIRE CONTRIBUTION	4,026.99
DOSTALS CONSTRUCTION	NELIGH PARK-SIDEWALK	3,375.00
MEAN	ELEC POWER	316,297.76

BCBS OF NEBRASKA	HEALTH INSURANCE	52,322.79
AUTO VALUE PARTS	REPAIR/SUPPLY/MAINTENANCE	1,080.05
BOMGAARS SUPPLY	SUPPLIES	6,747.72
BORDER STATES INDUSTRIES	REPAIR/SUPPLY/MAINTENANCE	2,337.60
CARDMEMBER SERVICE	CASH ADV/TRAINING/SUPPLIES	1,206.97
CENTURY LINK	PHONE SERVICE	1,033.24
CIVICPLUS, LLC.	ADMIN SERVICE	4,325.00
CONSTELLATION NEWENERGY	GAS SERVICE	816.36
CORE & MAIN LP	WATER METERS	1,206.94
CORE HEALTH CLUB, LLC	POLICE TRAINING	273.00
CREATIVE XPRESSIONS	ADMIN/PLC/COMM CNTR UNIFORMS	133.80
CUMING CO ECONOMIC DEV	TRAINING	550.00
CUMING COUNTY RURAL WATER	PARK SERVICE	126.00
CUMING COUNTY PUBLIC POWE	ELEC WHEELING	5,791.80
DINSLAGE SMALL ENGINE	PARK/ELEC REPAIR/SERVICE	92.65
DUGAN BUSINESS FORMS	SUPPLIES	2,038.15
DUTTON LAINSON CO.	ELEC SUPPLY	1,335.15
EAKES OFFICE SOLUTIONS	LIBRARY-REP/SERVICE	97.52
ELITE COMPUTERS	ELEC REPAIR	70.25
ENGELMEYER REPAIR LLC	SAN REPAIR	38.95
THE GALE GROUP/CENGAGE	LIBRARY BOOKS	134.19
L. P. GILL INC.	SAN TIPPING FEE	8,838.44
GILL HAULING	SAN HAULING FEE	3,484.40
GRAYBEAL'S FOOD	SUPPLIES	201.87
HAWKINS INC.	WATER SUPPLIES	4,145.32
HOME DEPOT PRO	SUPPLIES	1,477.92
INGRAM	LIBRARY BOOKS	1,616.98
JEO CONSULTING GROUP INC	PROF SERVICE-LEVEE	83,682.50
JACKSON SERVICES INC.	SUPPLIES/UNIFORMS/SERVICE	978.67
JOHN A. STAHL LIBRARY	LIBRARY POSTAGE	94.02
LEISURE LAWN CARE	ADMIN/PARK/LIBRARY SERVICE	2,030.00
LOGEMANN AUTO PARTS	REPAIR/SUPPLY/MAINTENANCE	740.30
LOU'S SPORTING GOODS	PARK SPONSOR PANEL	3,000.00
MAHASKA	COMM CNTR CONCESSIONS	338.00
TERRY MARTIN	CEMETERY SERVICE	300.00
MATHESON TRI-GAS INC.	RESCUE SUPPLY	296.54
MICROMARKETING LLC	LIBRARY BOOKS	1,088.21
MIDWEST LABORATORIES	SWR TRMT SERVICE	360.42
MIDWEST SERVICE & SALES	STREET SUPPLY	6,575.00
MIDWEST TAPE	LIBRARY AUDIO/BOOKS	176.66
MUNICIPAL SUPPLY INC.	WATER DIST SUPPLY	11,112.18
NEBRASKA LIBRARY COMMISSION	LIBRARY SUBSCRIPTIONS	1,233.76
NEBRASKA PUBLIC HEALTH	WTR SERVICES	3,237.00
NEBRASKA TOURISM COMM	COMM CNTR CONF	175.00
NEBRASKA VET SERVICES	POLICE SERVICE	200.00
NORTHEAST NE ECONOMIC DEV	PROF SERVICES	180.00
OCLC, INC.	LIBRARY SERVICE	47.69
ONE CALL CONCEPTS, INC.	WTR/ELEC SERVICE	77.28
ONE OFFICE SOLUTION	SUPPLIES	239.23
OVERDRIVE, INC.	LIBRARY BOOKS	279.99
PRESTO X	LIBRARY REP/MAINT BUILDING	80.23
QUADIENT FINANCE USA	SUPPLIES	153.01
QUALITY PRINTING & SUPPLIES	WTR/ELEC SUPPLIES	15.84
QUICK MED CLAIMS	RESCUE SERVICES	1,286.17

S2 ROLL-OFFS LLC	PARK SERVICE	260.00
S & W WELDING INC.	STREET-REPAIR SUPPLY	257.52
ST. JOSEPH'S HILLSIDE VILLA	SR CNTR MEALS	4,161.75
SPECIAL ROADS FUND	MECHANIC CHARGES	234.16
STAN HOUSTON EQUIPMENT CO	STREET REP/MAINT	440.00
VERIZON	PHONE SERVICE	95.52
VERIZON BROADBAND	POLICE MOBILE BROADBAND	120.03
VERIZON WIRELESS	CELL PHONE SERVICE	588.98
WELCH LAW FIRM P.C.	PROF SERVICES	1,002.39
WEST POINT LIBRARY FOUND	SUPPLY/BOOKS/SUB/SOFTWARE	732.55
WEST POINT LIGHT AND WATER	ELEC/WTR/SWR/LANDFILL	30,278.74
WEST POINT LIGHT & WATER	CASH ADV/TRAINING/SUPPLIES	1,272.87
WEST POINT NEWS	PRINTING/PUBLICATIONS	660.93
WEST POINT RESCUE	RESCUE/AMBULANCE SERVICE	750.00
WEST POINT TRUE VALUE	SUPPLIES	760.26
WOERNER'S GARBAGE SERVICE	GARBAGE/SERVICE	267.00
AQUA-AEROBIC SYSTEMS INC.	SWR TRMT SUPPLIES	218.25
MARK BENNE	ELEC PLANT REPAIR/SUPPLY	67.54
THOMAS BLACK	ADMIN TRAVEL EXP	18.75
BLACKSTRAP, INC.	STREET SUPPLY	1,664.87
CONSOLIDATED MANAGEMENT	POLICE TRAINING/TRAVEL	29.20
CUMING COUNTY SHERIFF	POLICE SERVICE	37.00
FASTENAL	ELEC SUPPLY	177.00
J.P. COOKE CO.	POLICE SUPPLY	67.75
MERCHANT JOB TRAINING	ELEC DIST TRAINING	550.00
NE DEPT ENVIRONMENTAL	SWR TRMT-LICENSE FEE	450.00
NE LAW ENFORCEMENT TRAINING	POLICE TRAINING	75.00
NETWORK PARTNERS, INC.	POLICE REP/MAINT	382.55
NORTHEAST COMM COLLEGE	ELEC TRAINING	1,850.00
PORT-A-JOHN'S	PARK SUPPLY	75.00
POSTMASTER	PERMIT FEE	275.00
SCOTT'S HARDWARE, LLC	ADMIN EQUIP	514.93
STRYKER SALES CORP.	RESCUE REP/MAINT EQUIP	266.00
SUDBECK UNDERGROUND	WTR DIST REPAIR	13,440.00
TARGETS ONLINE	POLICE SUPPLY	211.35
THE SHERWIN WILLIAMS CO.	STREET REP/MAINT	331.79
WT COX INFORMATION SERVICE	LIBRARY SUBSCRIPTION	1,248.78

The Mayor opened a public hearing on amending the revolving loan fund program guidelines and discontinuing the program. The City Administrator gave the background on the revolving loan program and the proposal of forgiving the balance of the three existing loans that are being paid to the City and in turn paid to the DED and to discontinue the program. Following discussion, Smith introduced the following resolution and moved its adoption:

A RESOLUTION OF THE CITY OF WEST POINT, NEBRASKA AMENDING THE ECONOMIC DEVELOPMENT REVOLVING LOAN FUND GUIDELINES, DISCONTINUING THE PROGRAM AND CEASING ANY ECONOMIC DEVELOPMENT ACTIVITIES IN REGARD TO THE REVOLVING LOAN FUND PROGRAM.

RESOLVED BY THE MAYOR AND COUNCIL that the three existing loans made prior to

2015 under the CDBG Economic Development Revolving Loan Fund Program are hereby made forgivable and that the CDBG Revolving Loan Fund Program is hereby discontinued ceasing any economic development activities in regard to the Revolving Loan Fund Program.

Buse seconded the motion. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith.

Nay: None. Motion carried and said resolution adopted.

Drew Wimer with West Point Rescue appeared before the Council stating the State of Nebraska is making American Rescue Plan Act funds available in the amount of \$20,000,000 for rural fire and rescue departments. Rescue has an ambulance 20 years old which qualifies for funding with a \$150,000 maximum. They have applied for these funds and if received, will proceed with a purchase agreement for a new ambulance by December, 2023. A new ambulance is probably two to three years out at a cost of \$275,000-\$325,000. The West Point Rural Fire Protection District would also be involved in this purchase paying half of the cost. He also reported that West Point Rescue is applying for \$50,000 for secondary equipment from these same funds. The State advised that it may do a second round of funding if the \$20,000,000 is not utilized in the first round.

The Council then considered the request from Kevin Klitz to vacate East Street located between Block 2 and Block 3 in Hughe's Addition to the City of West Point a/k/a Hughes First Addition to the City of West Point. Kevin Klitz, Pine Estates, LLC and KVCB Investments, LLC, are the owners of property adjacent to this street. In accordance with State Statute 17-558, the City can specifically reserve title to a vacated street or alley and then sell it under the terms determined to be in the City's best interest. Proper notice had been given to the abutting property owners by certified mail concerning this proposed action. Following discussion, Stokely introduced Ordinance No. 1437 entitled:

AN ORDINANCE OF THE CITY OF WEST POINT, NEBRASKA VACATING EAST STREET LOCATED BETWEEN BLOCK 2 AND BLOCK 3 IN HUGHE'S ADDITION TO THE CITY OF WEST POINT A/K/A HUGHES FIRST ADDITION TO THE CITY OF WEST POINT, CUMING COUNTY, NEBRASKA, AS DESCRIBED HEREIN AND PROVIDING THAT THE CITY RETAIN THE TITLE THERETO; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM,

and moved that the statutory rule requiring reading on three different days be suspended. Smith seconded the motion. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried. Statutory rule suspended. Stokely moved for final passage of the ordinance, which motion was seconded by Penrose. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Ordinance adopted.

The Council then considered the request of Kevin Klitz to purchase the vacated street and discussed the selling price which was determined to be \$3,076.50. Stokely then introduced a resolution that the City of West Point sell the real estate described as follows: East Street located between Block 2 and Block 3 in Hughe's Addition to the City of West Point a/k/a Hughes First Addition to the City of West Point, Cuming County, Nebraska, to Kevin Klitz for the sum of \$3,076.50 and that the Mayor and City Clerk are authorized to execute all necessary documents relating to the sale of said real estate. Penrose seconded the motion. Voting Yea: Stokely, Penrose, Swenson, Buse, and Smith. Nay: Hugo. Motion carried and said resolution adopted.

The next item on the agenda was to amend the city code book to allow for the sale and discharge of fireworks to celebrate the New Year. This was discussed at the last meeting and an ordinance was approved on its first reading. However, that ordinance has been revised to include the application process and the timeframe for selling and discharging fireworks which would be December 29 through December 31 during the hours of 8:00 a.m. through 10:00 p.m., except that on December 31, fireworks may be sold until 11:59 p.m. and discharged through 12:30 a.m. of the immediately following January 1. Smith introduced Ordinance No. 1435 entitled:

AN ORDINANCE OF THE CITY OF WEST POINT, NEBRASKA, AMENDING ARTICLE 4 OF CHAPTER 7 OF THE MUNICIPAL CODE RELATING TO THE SALE AND USE OF FIREWORKS BY ALLOWING THE SAME FOR THE CELEBRATION OF THE NEW YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN 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. Buse seconded the motion. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried. Statutory rule suspended. Buse moved for final passage of the ordinance, which motion was seconded by Penrose. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Ordinance adopted.

The City Administrator advised that each year the City must certify to the Nebraska Department of Transportation its licensed street superintendent which is John A. Zwingman of Advanced Consulting Engineering Services. Hugo introduced a resolution that the Mayor is hereby authorized to sign the Year-End Certification of City Street Superintendent form. Swenson seconded the motion. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried and said resolution adopted.

Moved by Swenson and seconded by Smith to accept the Professional Service Proposal of MDT, LLC, for the 2021-2022 Independent Municipal Audit. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried.

Moved by Swenson, seconded by Penrose, to approve the following applications for Special Designated Liquor Permits:

- (a) Feyerherm Enterprises L.L.C., dba Roadhouse Lounge for the West Point Auditorium Foundation fundraiser on November 23, 2022.
- (b) Win or Lose We Still Booze, LLC, dba Rush's Liquor Store for the West Point Community Theatre for a Christmas Concert on December 3, 2022.
- (c) Feyerherm Enterprises L.L.C., dba Roadhouse Lounge for the Ducks Unlimited Banquet on January 27, 2023.

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

Moved by Buse, seconded by Swenson, to approve the claim of Hugo Plumbing & Heating for services and supplies in the amount of \$8,983.96. Voting Yea: Stokely, Penrose, Swenson, Buse, and Smith. Nay: None. Abstaining: Hugo. Motion carried.

Ryan Kuester appeared before the Council on behalf of the Eagles Club and presented an accounting of the negotiations that have taken place over the past year with the City regarding the acquisition of the property owned by the Eagles Club being the residential house located to the west of their facility and adjacent to City Hall. The City wishes to acquire this property to expand the existing fire and rescue areas. The Eagles Club offered several options. No action was taken.

The next item on the agenda was to discuss potential litigation which would be in closed session. It was also decided to discuss the Eagles Club real estate matter in closed session. Moved by Hugo, seconded by Smith to go into closed session at 6:30 PM for the protection of the public interest to discuss real estate matters and potential litigation. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. 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 real estate matters and potential litigation. At 6:49 PM the Mayor stated that the closed session had ended and that the only items discussed during the closed session was real estate matters and potential litigation and that the Council was back in regular session.

The last agenda item was to consider the second reading of the ordinance concerning

the increase in the salaries of the Mayor and Council. The mayor's salary increasing from \$6,000 to \$6,600 and the council's salary increasing from \$3,600 to \$3,960. Swenson introduced Ordinance No. 1436 entitled:

AN ORDINANCE OF THE CITY OF WEST POINT, NEBRASKA FIXING THE SALARIES OF THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF WEST POINT; PROVIDING FOR NO INCREASE OR REDUCTION DURING TERMS OF OFFICE EXCEPT AS PROVIDED BY LAW; PROVIDING FOR THE FIXING OF COMPENSATION OF OTHER OFFICERS, OFFICIALS, AND EMPLOYEES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDING THE TIME WHICH 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 a third reading be suspended. Hugo seconded the motion. Voting Yea: Swenson, Buse, and Hugo. Nay: Stokely, Penrose, and Smith. The motion to suspend the rules failed as it was not adopted by three-fourths of the Council. Then motion was made by Buse and seconded by Hugo to approve Ordinance No.1436 on its second reading. Voting Yea: Swenson, Buse and Hugo. Nay: Stokely, Penrose and Smith. The result of the vote being a tie with 3 Yeas and 3 Nays. The Mayor then cast the deciding vote of yes and declared Ordinance No. 1436 approved on its second reading.

It was reported from JEO Engineering that the Army Corp of Engineers has received funding so it can proceed with the plan review of the levee improvement project and that bidding for the next phase should start in a couple of months which is to increase the height of the levee.

Moved by Swenson, seconded by Smith, to adjourn at 7:00 P.M. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried.

Mary Kempf, MMC
City Clerk