

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 October 2, 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 - LB 840 Economic Development Citizen Advisory Review Committee: reappointment of Phil Burns, Dave Knievel and Jerry Wordekemper (4 year terms).
2. Fire & Rescue departments – accept the membership of Austin Throener to West Point Volunteer Fire Department Company #1.
3. Approval of minutes of previous meeting.
4. Treasurer's report.
5. Claims.

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

<u>CLAIMS</u>		
Payroll		157,510.58
Hugo Plumbing & Heating	Serv/Supplies	27,269.22
Sunrise Excavating Co.	Drainage Project	63,267.75
Western Area Power Administration	Power	12,387.69
Haase Construction	Final Payment	8,500.00
City of West Point Payroll Tax Fund	Employer FICA	5,748.73
First National Bank Fremont	Retirement Contributions	3,444.67
Central Valley Ag	Service	130.49
PetroMart	Service	152.92
Sapp Bros.	Service	2,098.37
Wagner Tire and Repair	Service	156.51
West Point Travel Plaza	Service	2,615.66
Black Hills Energy	Service	77.01
Constellation New Energy	Service	249.35
Nebraska Dept of Revenue	Sales Tax	36,389.87

Companion Life Ins.	Life Ins.	266.55
Madison National Life Ins.	Life Ins.	193.25
MEAN/NMPP	Power	355,159.28
City of West Point Payroll Tax Fund	Employer FICA	6,487.40
First National Bank Fremont	Retirement Contributions	3,477.57
United Healthcare	Health Ins.	49,329.39
Advanced Consulting	Prof Services	1,250.00
Auto Value Parts	Supplies	636.17
Barco Municipal Products	Supplies	822.91
Black Hills Energy	Service	363.88
Bomgaars Supply	Supplies	260.34
Border States	Supplies	397.61
Bracht Law	Prof Services	1,001.50
Cardmember Services	Service	250.80
Core & Main	Supplies	340.21
Cuming County Public Power	Wheeling Service	5,620.30
Danko Emergency Equipment	Supplies	666.20
Dutton Lainson co.	Supplies	115.82
EMS Billing Service	Prof Services	1,188.93
Engelhardt TV	Supplies	61.27
Floor Maintenance	Supplies	2,421.27
Franciscan Care Services	Meal Service	2,652.60
Gale/Cengage Learning	Supplies	59.22
Gall's Inc.	Supplies	811.00
Gerhold Concrete	Serv/Supplies	2,088.02
L. P. Gill Inc.	Tipping Fee	9,983.48
Gill Hauling	Hauling Fee	3,935.83
Graybeal's Food	Supplies	84.64
Hawkins Inc.	Supplies	1,019.46
Ingram Library Services	Books	2,770.70
Inspro Ins.	Premium	34.00
Jackson Services	Uniform Service	818.60
John A Stahl Library	Cash Adv	103.74
Kaup Seed & Fertilizer	Supplies	176.00
Leisure Lawn Care	Service	276.00
Leslie's Poolmart	Supplies	2,102.91
Logemann Auto Parts	Supplies	110.26
Lou's Sporting Goods	Supplies	42.00
Mahaska	Supplies	276.12
Matheson Tri-Gas	Supplies	181.29
MicroMarketing LLC	Books	649.37
Midwest Labs	Service	103.35
Midwest Tape	Supplies	121.45
Municipal Supply Inc.	Supplies	123.02

Nebraska Municipal Power Pool	Service	2,582.50
Nebraska Vet Services	Service	125.00
OfficeNet	Serv/Supplies	301.57
One Call Concepts	Service	84.33
Presto X	Service	168.00
Quality Printing	Supplies	325.42
Robert's Ins. Agency	Premium	581.66
Schinstock Painting	Service	3,000.00
Seals and Service	Supplies	51.40
Skywave Wireless	Service	225.00
Smidt's Sanitation	Service	177.00
Special Roads Fund	Mechanic Chgs	634.33
Stalp Gravel	Supplies	172.76
State Public Health Environmental Lab	Service	60.00
Total Funds	Postage	600.00
USA Blue Book	Supplies	513.84
Verizon Business	Service	82.02
Verizon Wireless	Service	260.20
West Point Implement	Supplies	48.72
West Point Library Foundation	Supplies	1,304.62
WPLW	Service	37,792.76
WPLW Operating Fund	Cash Adv	1,993.38
West Point News	Publication Costs	518.70
West Point Rescue	Ambulance Charges	900.00
West Point True Value	Supplies	734.68
Woerner's Garbage Service	Service	235.00
Advanced Graphix	Supplies	190.00
Jamileth Alvarado	Interpreter	50.00
AMC Rifle Range	Dues	100.00
Cardiac and Pulmonary Service	Training	55.00
Consolidated Management	Training	55.02
Ed Craig	Travel Expense	84.17
Elite Computers	Serv/Supplies	4,287.00
Frickenstein Pumping	Service	1,130.00
Graham Tire	Supplies	1,140.40
Grainger	Supplies	17.76
GSB - Inspro. Ins.	Premium	1,977.03
Heiman Fire Equipment	Supplies	132.08
JEO Consulting	Prof Services	965.00
Kaup Electric	Service	450.00
Lynn Peavey	Supplies	160.50
McGill Contracting	Service	49.00
MS Construction	Service	2,000.00
My-Lor Inc.	Supplies	81.85

NACO	Exhibit Booth	410.00
Norfolk Daily News	Ad	38.00
OCLC, Inc.	Service	43.23
Overdrive, Inc.	Books	196.96
Peterson Body and Paint	Service	587.23
Allan Prieбnow	Service	152.40
Sandry Fire Supply	Supplies	309.06
Seed Enterprises	Supplies	38.00
Stan Houston Equipment	Service	85.00
Stan Ortmeier	Service	1,025.42
Step 'N Wash	Supplies	929.90
The Walling Co.	Supplies	1,214.30
WICS Roofing	Serv/Supplies (Library)	23,040.00
Ziegler, Inc.	Supplies	92.39

The Mayor opened a public hearing on the adoption of the Updated Comprehensive Plan for the City. Keith Carl with Hanna:Keelan Associates, PC was present at the meeting and explained the updated comprehensive plan. The City Administrator advised that the Planning Commission has reviewed the Comprehensive Plan Update and is requesting the Council to adopt said plan. 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. Following discussion, Schlecht introduced a resolution that pursuant to the recommendation of the Planning Commission for the City of West Point and in order to accommodate anticipated long-range growth, and after notice given and public hearing held thereon as required, the City of West Point hereby adopts the Comprehensive Plan Update and its planning jurisdictional area as prepared by Hanna:Keelan Associates, P.C. A copy of said document shall be kept in the office of the City Clerk and available for inspection by any member of the public during office hours. Ell seconded the motion. Voting Yea: Paus, Ell, Schlecht, Hugo, and Black. Nay: Swenson. Motion carried and said resolution adopted.

The Mayor then opened a public hearing on the adoption of the revised Zoning Regulations and Official Zoning Map of the City. Mr. Carl again spoke to the council concerning the zoning regulations and the few changes that were made. The City Administrator

advised that the Planning Commission has reviewed the Zoning Regulations and Zoning Map and is requesting the Council to adopt said regulations and map. All parties were given an opportunity to be heard. No one appeared to speak in opposition of the regulations and no correspondence had been filed. Black then introduced Ordinance No. 1401 entitled:

AN ORDINANCE PERTAINING TO MUNICIPAL PLANNING; AMENDING ZONING REGULATIONS AND OFFICIAL ZONING MAP; INCORPORATING, BY REFERENCE, THE ZONING REGULATIONS; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT AND PROVIDING FOR THE THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM,

and moved that the statutory rule requiring reading on three different days be suspended. Hugo seconded the motion. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. 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.

The Mayor then opened a public hearing on the adoption of the revised Subdivision Regulations for the City. Mr. Carl again spoke to the Council stating that there were no substantial changes to the subdivision regulations for the City. The City Administrator advised that the Planning Commission has reviewed the Subdivision Regulations and is requesting the Council to adopt said regulations. All parties were given an opportunity to be heard. No one appeared to speak in opposition of the regulations and no correspondence had been filed. Hugo then introduced Ordinance No. 1402 entitled:

AN ORDINANCE PERTAINING TO MUNICIPAL PLANNING; TO INCORPORATE BY REFERENCE THE SUBDIVISION REGULATIONS; TO REPEAL 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,

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

The Mayor then opened a public hearing on the LB 840 Economic Development Citizen Advisory Review Committee six-month report. Jerry Wordekemper of the Committee presented

the report to the Council. He stated that 10 businesses and infrastructure projects have benefitted so far from these funds in the amount of approx. \$850,000. Recently, loans have been made to Good Earth Company and Glitter Grooming and an application is on the agenda tonight for Council approval to the West Point Dance Company. Also, an increase of \$2,500 was given to the West Point Chamber of Commerce for economic development.

The bids for the cost of furnishing all material, supplies, tools, equipment, labor, and other services necessary for Phase 3 in the Trails and Pathway Project were opened and tabulated on September 25, 2018 in accordance with the published notice and the following are the bids received:

Engineer's Estimate of Cost: \$375,000

A&R Construction Co. -- \$360,235.92

Plainview, NE

Starting Date: 11/01/2018 Completion Date: 11/01/2019

TR Harris Construction -- \$381,771.40

Homer, NE

Starting Date: 07/01/2019 Completion Date: 11/01/2019

Leanne Ridder of Advanced Consulting Engineering Services was present and answered questions regarding the bids and the project. Ell introduced a resolution that the Mayor and City Council find and determine 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 for the construction of Phase 3 in the Trails and Pathways Project in the City of West Point, Nebraska, as submitted by A&R Construction Co. is the lowest and best bid received and that the bid as set forth be accepted and that 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. Black seconded the motion. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried and said resolution adopted.

The City Administrator advised that the City advertised for a new cab and chassis for a truck mounted sewer cleaning machine and only one bid was received. That bid was from

West Point Implement and Design for the Sale Price of \$72,000.00. Swenson then introduced a resolution to accept the bid of West Point Implement and Design, Inc., West Point, Nebraska, for a new International truck for a truck mounted sewer cleaning machine in the amount of \$72,000.00. Schlecht seconded the motion. Voting Yes: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried and said resolution adopted.

Jerry Wordekemper of the LB 840 Citizens Advisory Review Committee appeared before the Council concerning an application for funds from West Point Dance Company (Michaela & Heath Graybeal). This is a new business and would be a loan/grant in the total amount of \$50,000 with a \$25,000 loan for 10 years with no interest and a \$25,000 grant prorated with the term of the loan. The Committee has reviewed this application and is recommending to the City Council that such application be approved. Moved by Schlecht and seconded by Swenson to approve the application of West Point Dance Company (Michaela & Heath Graybeal) for a loan and grant from the LB 840 Economic Development Funds. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

Next on the agenda were Chad and Lisa Eisenmenger concerning the water quality at their residence at 940 E. Beemer Circle. Lisa Eisenmenger spoke to the Council detailing the steps they have taken and the City has taken to improve the quality of water at their residence but the problem of murky brown water still exists. The discolored water started about in June, 2017 causing stains to their laundry and ruining their clothes, dishes, household fixtures and appliances. She stated that they had the water tested at Midwest Labs which showed high levels of iron and manganese. They brought in samples of their water and filters from their filtration system for the Council to see. She further stated that the City needs to correct this problem and asked the City to develop a plan of action; hire a water consultant/engineer to investigate the problem and hire a third party to do monthly water testing with the results to be made public. Scott Eisenmenger also appeared before the Council stating that the water at his residence being 320 Logan Circle is also discolored and showed a dirty filter from his filtration system. He

questioned the filtering process at the water treatment plant. Following discussion, the Council agreed to hire a water consultant/engineer to come in and see why this problem exists and help resolve the matter.

Phil Lorenzen with D.A. Davidson & Co. appeared before the Council with information on retiring the \$850,000 Bond Anticipation Notes, Series 2017. The notes were issued as interim financing for the Mill Street and 13th Street Improvement Project, being Street Improvement District No. 2017-1, and the Neligh Park Improvements, being Public Improvement District No. 2017-1. He stated permanent financing by the issuance of General Obligation Various Purpose Bonds should be done. Following discussion, Hugo introduced a resolution that the following Bond Anticipation Notes of the City shall be called for redemption on such date as shall be set forth in the Designation of Call Date: Bond Anticipation Notes, Series 2017 dated June 6, 2017, in the principal amount of \$850,000, maturing June 1, 2020, issued by the City for the purpose of providing interim financing for a portion of the costs of constructing improvements in Street Improvement District No. 2017-1 and Public Improvement District 2017-1 pending the issuance of permanent General Obligation Bonds. And the Mayor or City Administrator of the City are hereby authorized at any time on or after the date of this resolution to determine the call date for said notes on behalf of the City and such determination shall constitute the action of the City. The Call Date shall be set for any time on or before January 15, 2019, and after such date the Authorized Officers shall have no authority to make any such determination and this resolution shall be of no further force and effect. Schlecht seconded the motion. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried and said resolution adopted.

Black then introduced Ordinance No. 1403 entitled:

AN ORDINANCE OF THE CITY OF WEST POINT, NEBRASKA, AUTHORIZING THE ISSUANCE OF VARIOUS PURPOSE BONDS, SERIES 2018, OF THE CITY OF WEST POINT, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED EIGHT HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$885,000) TO PROVIDE PERMANENT FINANCING TO PAY A PORTION OF THE COST OF IMPROVEMENTS IN STREET

IMPROVEMENT DISTRICT NO. 2017-1, AND IN PUBLIC IMPROVEMENT DISTRICT NO. 2017-1, (INCLUDING THE INTERSECTIONS AND THE AREAS FORMED BY THE CROSSING OF STREETS, AVENUES AND ALLEYS); PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; DETERMINING THE ORDINANCE TO BE A MEASURE NECESSARY TO CARRY OUT CONTRACTUAL OBLIGATIONS OF THE CITY AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM

and moved that the statutory rule requiring reading on three different days be suspended. Hugo seconded the motion. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. 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.

The Council considered the lot split request from Franciscan Care Services, Inc. to subdivide a tract of land located in Outlot A of Addition B and Part of Lot 2, Block 1, Hillcrest Addition to the City of West Point. The Planning Commission had considered the request and was forwarding a favorable recommendation. Swenson introduced a resolution:

WHEREAS, Franciscan Care Services, Inc., owns the real estate described as follows: Lots 1 and 2 on a survey entitled "Survey of Outlet A of Addition B and Part of Lot 2, Block 1, Hillcrest Addition to the City of West Point, Cuming County, Nebraska" dated October 2, 2018; and,

WHEREAS, said Franciscan Care Services, Inc. desires to divide such real estate in order to complete the transfer of Lot 2 together with an easement, and said Franciscan Care Services, Inc. retaining ownership of Lot 1; all as described in said survey; and,

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

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

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

The Council then considered the lot split request from the Scott Groth Estate to subdivide a tract being part of Lots 1 and 2, Block 19, Original Plat of the City of West Point. The Planning Commission had considered the request and was forwarding a favorable recommendation. Schlecht introduced resolution:

WHEREAS, the Estate of Scott Groth, Deceased, owns the real estate described as follows:

1. Lots 1 and 2, Block 19, in the Original Plat of the City of West Point, Cuming County, Nebraska, except the East 64 feet thereof; and except the West 44 feet thereof; and,
2. The W 44 feet of Lots 1 and 2, and the N 18 feet of the W 44 feet of Lot 3, Block 19, Original Plat of the City of West Point, Cuming County, Nebraska; and

3. Lot Three (3), except the North 18 feet of the West 44 feet of Block Nineteen (19), Original Plat of the City of West Point, Cuming County, Nebraska; and,

WHEREAS, the Personal Representatives of the Estate of Scott Groth, Deceased, desire to divide such real estate in order to complete the transfer of the tracts described as follows: Lots 1 and 2, Block 19, in the Original Plat of the City of West Point, Cuming County, Nebraska, except the East 64 feet thereof and except the West 44 feet thereof; and, The W 44 feet of Lots 1 and 2, and the N 18 feet of the W 44 feet of Lot 3, Block 19, Original Plat of the City of West Point, Cuming County, Nebraska; and,

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

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

Ell seconded the motion. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay:

None. Motion carried and said resolution adopted.

The Council discussed the no parking restriction in the 700 and 800 block of East Sherman Street. Currently there are two signs in this block that state No Parking 8 AM to 4 PM School Days and one sign that states No Parking 8 AM to 4 PM. The Council felt that the no parking restriction should be extended to be 7 AM to 5 PM on school days. Schlecht introduced a resolution that it shall be unlawful for any vehicle to be parked or left standing on the portion of the public streets available for travel within the City as follows: On the North Side of East Sherman Street from the intersection of Bruner and Beemer Streets from 7:00 AM to 5:00 PM on School Days and that appropriate signs be erected and maintained along the portion of said street. Hugo seconded the motion. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried and said resolution adopted.

Following discussion, Swenson introduced a resolution that the City Clerk is authorized to pay the monthly vendors of Black Hills Energy and Century Link when such bills are owing and when said payments will not fall within the time frame of a council meeting. Schlecht seconded the motion. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried and said resolution adopted.

Following discussion regarding this year's holiday bonus and holiday leave, it was moved by Schlecht and seconded by Ell, that in lieu of the \$100.00 Holiday Bonus this year, all full-

time City employees be given a full day off on Monday, December 24th and a full day off on Monday, December 31st. Voting Yea: Paus, Ell, Swenson, Schlecht, and Black. Nay: Hugo. Motion carried.

Moved by Schlecht, seconded by Swenson, to approve the claim of Hugo Plumbing & Heating for services and supplies in the amount of \$5,473.39. Voting Yea: Paus, Ell, Swenson, Schlecht, and Black. Nay: None. Abstaining: Hugo. Motion carried.

Moved by Ell, seconded by Schlecht, to approve the claim of Tom Swenson Advertising for supplies in the amount of \$1085.28. Voting Yea: Paus, Ell, Schlecht, Hugo, and Black. Nay: None. Abstaining: Swenson. Motion carried.

Schlecht introduced a resolution to approve Payment No. 5 to Sunrise Excavating Co. for South Highway 275 Drainage Improvement Project in the amount of \$21,446.25. 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 that he has compared the City's natural gas rates with Constellation whose rates are cheaper than what is currently being paid to Black Hills Energy and inquired if anyone had a problem with switching to Constellation for the City's natural gas service. There was no objection.

Moved by Paus, seconded by Schlecht, to adjourn at 8:55 P.M. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

Mary Kempf, MMC
City Clerk