

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 September 4, 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 Black, to approve the following consent agenda:

1. City appointed volunteer boards and commissions.
2. Fire & Rescue Departments: Fire Dept.--accept the membership of Daniel Osuna and Jose Ramon Osuna and accept the resignation of Cory Schinstock.
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		240,261.51
City of West Point Payroll Tax Fund	Employer FICA	6,416.83
First National Bank Fremont	Retirement Contributions	3,270.18
Madison National Life	Life Ins.	193.25
West Point Travel Plaza	Service	41.65
Central Valley Ag	Service	1,281.10
Western Area Power Administration	Power	13,099.35
Sunrise Excavating Co.	Drainage Project	23,685.87
Hugo Plumbing & Heating	Serv/Supplies	13,960.63
City of West Point	Administrative Fees	2,025.00
PetroMart	Service	155.21
Sapp Bros.	Service	1,521.38
Wagner Tire	Service	2,633.99

Black Hills Energy	Service	62.83
City of West Point Payroll Tax Fund	Employer FICA	6,321.31
First National Bank Fremont	Retirement Contributions	3,337.64
MEAN	Power	352,076.47
Companion Life Ins.	Life Ins.	266.55
NE Dept of Revenue	Sales Tax	35,948.54
West Point Ford	2018 Ford Edge	21,500.00
City of West Point Payroll Tax Fund	Employer FICA	6,052.70
First National Bank Fremont	Retirement Contributions	3,246.59
United Healthcare	Health Ins.	49,329.39
Advanced Consulting Engineering Service	Prof Services	1,250.00
Auto Value Parts	Supplies	658.28
Barco Municipal Products	Supplies	296.08
Black Hills Energy	Service	1,064.02
Bomgaars Supply	Supplies	495.55
Border States Industries	Supplies	12,903.19
Bound Tree Medical	Supplies	641.21
Cardmember Services	Service	1,240.07
Century Link	Service	1,141.42
Core & Main	Supplies	354.27
Cuming County Public Power	Wheeling Service	5,620.30
Danko Emergency Equipment	Supplies	417.00
Dutton Lainson Co.	Supplies	1,036.18
EMS Billing Services	Service	888.29
Express Distribution	Supplies	430.76
Franciscan Care Services	Meal Service	2,415.60
Gale/Cengage Learning	Books	186.25
Gall's Inc.	Supplies	1,505.99
Gerhold Concrete Co.	Serv/Supplies	2,048.20
L. P. Gill Inc.	Tipping Fee	10,811.84
Gill Hauling	Hauling Fee	4,262.40
Graybeal's Food	Supplies	156.44
Hawkins Inc.	Supplies	985.78
Ingram Library Services	Books	656.37
Jackson Services Inc.	Uniform Service	1,005.60
John A Stahl Library	Cash Adv	92.11
Kaup Seed & Fertilizer	Supplies	130.00
League of NE Municipalities	Dues/Conference	8,572.00
League of NE Municipalities/Utilities Section.	Membership Dues	1,916.00
Leisure Lawn Care	Service	515.00
Logemann Auto Parts	Supplies	118.38
Mahaska	Supplies	573.62
Mail Finance	Service	282.00
Terry Martin	Services	700.00

Matheson Tri-Gas Inc.	Supplies	30.50
Michael Todd & Co.	Supplies	703.80
MicroMarketing LLC	Books	790.39
Midwest Labs	Service	165.90
Midwest Tape	Supplies	308.86
Municipal Supply Inc.	Supplies	368.15
Nebraska Public Power District	Service	67.50
Nebraska Vet Services	Service	326.50
Office Systems Co.	Service	2,331.18
Overhead Door Co.	Service	1,434.00
Quality Printing & Supplies	Supplies	457.78
S & W Welding Inc.	Supplies	371.90
Schmader Electric	Service	456.25
Seals and Service Inc.	Supplies	167.82
Skywave Wireless	Service	13,629.00
Smidt's Sanitation	Service	177.00
Special Roads Fund	Mechanic Chgs	295.80
State of NE Public Health Environmental Lab	Service	78.00
Verizon Business	Service	82.94
Verizon Wireless	Service	260.20
Vrbicky Computer Service	Service	107.50
West Point Library Foundation	Cash Adv	349.63
WPLW	Service	39,369.19
WPLW Operating Fund	Cash Adv	1,914.55
West Point News	Publication Costs	38.58
West Point Rescue	Ambl Charges/Training	1,702.24
Woerner's Garbage Service	Service	235.00
American Library Association	Membership	213.00
Arbor Day Foundation	Membership	15.00
Asphalt & Concrete Materials	Supplies	562.74
Credit Bureau Services	Service	75.00
Custom Glass LLC	Service	4,785.00
Dave's Drycleaning	Service	94.00
DEMCO	Supplies	138.44
Elite Computers	Serv/Supplies	257.12
Engelmeyer Repair	Supplies	79.55
Hach Company	Supplies	156.79
Hayes Automation	Service	835.21
Heiman Fire Equipment	Supplies	1,770.00
Husqvarna Construction Products	Supplies	247.65
Jensen Plumbing & Heating	Service	300.00
Marlene Johnson	Travel Expense	90.47
Mahoney Fire Sprinkler	Supplies	150.00
Midcontinent Testing Labs	Service	274.50

Chad Miller	Travel Expense	83.93
National Assoc. Chiefs of Police	Membership	110.00
NDEQ-Fiscal Services	Fees	500.00
Norfolk Daily News	Subscription	182.00
Northeast Comm College	Training	1,160.00
Northeast NE Economic Dev	Prof Services	45.00
OCLC, Inc.	Subscription	43.23
Overdrive, Inc.	Service	123.99
Stepp Mfg.	Supplies	3,123.77
Strachan Sales	Service	518.05
Utility Equipment Co.	Supplies	511.84
Tom Wellman	Supplies	70.53
Ziegler, Inc.	Supplies	991.68
Floor Maintenance	Supplies	2,777.69

The Mayor then opened a public hearing on the proposed 2018-2019 Budget. All parties were given an opportunity to be heard. No one appeared to speak in opposition of the proposed budget and no correspondence had been filed. The Mayor then closed the public hearing. Schlecht introduced Ordinance No. 1398 entitled:

AN ORDINANCE OF THE CITY OF WEST POINT, IN CUMING COUNTY, NEBRASKA APPROPRIATING THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL EXPENSES AND LIABILITIES OF SAID CITY FOR THE FISCAL YEAR COMMENCING ON THE FIRST DAY OF OCTOBER, 2018 AND ENDING THE LAST DAY OF SEPTEMBER, 2019; DESIGNATING THE PURPOSES FOR WHICH SAID APPROPRIATION SHALL BE USED AND APPROPRIATING THE UNEXPENDED BALANCES FOR THE VARIOUS FUNDS; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT, AND PROVIDE 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: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried. Statutory rule suspended. Schlecht moved for final passage of the ordinance, which motion was seconded by Swenson. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Ordinance adopted.

Moved by Ell, seconded by Hugo, to approve the State Budget Lid Computation Form showing the 2018-2019 Restricted Funds to be \$3,144,990.00 and the Total Unused Restricted Funds Authority to be \$798,160.36. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

It was further moved by Schlecht, seconded by Black, to approve the increase in the total restricted funds authority by an additional 1%. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

The Mayor opened a public hearing on the Property Tax Request for the fiscal year beginning October 1, 2018. All parties were given an opportunity to be heard. No one appeared to speak in opposition of the tax request and no correspondence had been filed. The Mayor then closed the public hearing. Hugo introduced a resolution that the 2018-2019 property tax request be set at \$979,424.00 and that a copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2018. Ell seconded the motion. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried and said resolution adopted.

The Mayor then opened a public hearing upon the request of Tyler Slagle to rezone Lot 4, Block 3, Hughes Addition to the City of West Point, Cuming County, Nebraska, from Residential Single Family District (R-1) to Industrial District (I). The Planning Commission was forwarding a favorable recommendation. All parties were given an opportunity to be heard. No one appeared to speak in opposition of the rezoning and no correspondence had been filed. The Mayor then closed the public hearing. Schlecht introduced Ordinance No. 1399 entitled:

AN ORDINANCE OF THE CITY OF WEST POINT, NEBRASKA, AMENDING ZONING ORDINANCE NO. 1338 TO REZONE THE AREA DESCRIBED HEREIN FROM RESIDENTIAL SINGLE FAMILY DISTRICT (R-1) TO INDUSTRIAL DISTRICT (I); 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. Swenson 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.

Hugo then introduced a a solution that the Comprehensive Plan of the City of West Point be amended to include the following described real estate in the Industrial District (I): Lot 4, Block 3, Hughes Addition to the City of West Point, Cuming County, Nebraska, and to ratify

said Comprehensive Plan in its entirety as so amended. Black seconded the motion. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried and said resolution adopted.

Lana Wolf appeared before the Council concerning the rental fee for the Nielsen Community Center for the Red Cross bloodmobiles. At the September 5, 2017 Council meeting, the Council approved waiving the rental fee for the Nielsen Community Center for the bloodmobiles scheduled for 2018. She is now requesting that the rental fee again be waived for the 2019 bloodmobiles (2/4/19, 4/1/19, 6/3/19, 8/5/19 & 10/7/19) and that the bloodmobile scheduled for October 15, 2018 be held at City Hall because of a rental issue at the Nielsen Center. Moved by Swenson, seconded by Schlecht, to waive the rental fee for the Nielsen Community Center for the Red Cross bloodmobiles scheduled for 2019 and allow the use of City Hall for the bloodmobile on October 15, 2018. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

The Council then considered the request from the West Point Optimists for a reduced rate for use of one-fourth of the Nielsen Community Center for the Clothing Community-Share Project. It was moved by Ell, seconded by Schlecht, to reduce the rate for the use of the Nielsen Community Center by the West Point Optimists for the Clothing Community-Share Project on November 7th & 8th from \$200 per day to \$100 per day. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

The Council considered the request from GACC to use city streets for a 5K Run on Saturday, October 13, 2018 from 9:00-10:00 AM with all proceeds going to benefit local veterans. The route would be the same as the last two years. Moved by Black and seconded by Hugo, to approve the request of GACC for a 5K Run using city streets on Saturday, October 13, 2018. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

The Council considered a request from Chris and Tiffany Kreikemeier for a parking stall

on the public right-of-way on the north side of their residence. Moved by Schlecht, seconded by Paus, to approve the request of Chris and Tiffany Kreikemeier to construct one on-street parking stall at 104 S. Niphon Street. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

The Council then considered a request from Ken Hugo for a parking stall on the public right-of-way by his residence. Moved by Paus, seconded by Ell, to approve the request of Ken Hugo to construct one on-street parking stall at 731 N. Main Street. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

Leanne Ritter, representing the West Point Trails and Pathways Committee, appeared before the Council and presented the plans and specification for the construction of Phase 3 of the Trails and Pathways Project. This phase will consist of the trail west of the existing trail in Neligh Park to the dike and on the east side of the city, from County Road 18 west along the south side of the high school and then crossing Grove Street to the Lindberg Loop (being the old landfill). Following discussion, 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 of construction for Phase 3 of the Trails and Pathways Project is as follows: Engineer's Estimate of Costs -- \$375,000. And that the plans and specifications as prepared by the City's Engineer, Advanced Consulting Engineering Services, and filed in the office of the City Clerk for the construction of said Phase 3 of the trails and pathways in the City of West Point, Nebraska, be and the same are hereby approved.

BE IT FURTHER RESOLVED that the City Clerk is directed to advertise for bids on said project in the West Point News, which bids will be opened at 11:00 AM on September 25, 2018 and then considered by the City Council on October 2, 2018 at 7:00 PM at the Municipal Building, 444 S. Main Street in said City.

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

The City Administrator then stated to the Council that Haase Construction was contracted to construct a new shed at Timmerman Park at a cost of \$25,222.00 with the City agreeing to pay \$20,222.00 with two ball associations contributing \$2,500 each. He further advised that the

project cost is \$9,100 over the original estimate and the main reason for this was the addition of an overhang around the building. Haase Construction has agreed to reduce the amount owing by \$600.00 thereby leaving a balance owing of \$8,500.00. The Park Board had considered the matter and is requesting the City pay the additional balance. It was moved by Swenson and seconded by Ell, that the City pay Haase Construction the amount of \$8,500.00 for the additional construction cost in connection with the shed constructed at Timmerman Park. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

The City Administrator advised that the Department of Transportation had contacted him regarding the replacing of crosswalks along Highway 275. They inquired if the City would like to keep the crosswalk at the intersection of Sherman Street and Hwy 275 which lines have not been painted indicating a crosswalk since the late 1980's or early 1990's. It was moved by Swenson and seconded by Hugo to keep the crosswalk at Sherman Street and Hwy 275 and that the lines be painted to so designate it as a crosswalk. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

During the budget process, it was discussed to replace the sewer jetter and trailer vac with a truck mounted sewer jet cleaning machine. The City Administrator stated he now has the specifications required for the cab and chassis and suggested that the City go out for bids to area dealers. The cab and chassis would be shipped for assembly of the mounted sewer cleaning machine. The new machine could cost approximately \$285,000; would take 6-8 months to get and would be on a 5-year lease purchase. Hugo introduced a resolution that the City proceed with going out for bids for a cab and chassis for a new truck mounted sewer jet cleaning machine, and that the City Clerk be authorized to advertise for bids in the West Point News, which bids will be opened at 1:00 PM on September 26, 2018 and then considered by the City Council on October 2, 2018 at 7:00 P.M. at the Municipal Building, 444 S. Main Street in said City. Paus seconded the motion. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried and said resolution adopted.

The City Administrator reviewed with the Council a revised pay plan taking into consideration a cost of living adjustment of 2.5% and also adding the positions of a cemetery worker and a deputy clerk. Black introduced Ordinance No. 1400 entitled:

AN ORDINANCE OF THE CITY OF WEST POINT, NEBRASKA ADOPTING A PAY PLAN FOR CERTAIN OFFICERS AND ALL EMPLOYEES; REPEALING ORDINANCE NO. 1392 AND ALL OTHER MOTIONS, RESOLUTIONS AND ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT; AND TO PROVIDE 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: 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 Swenson. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Ordinance adopted.

The City Administrator presented a form to the Council by which individuals or companies would need to complete the form when requesting open public records. He suggested that the Council officially approve said form. It was moved by Swenson and seconded by Black that the form presented "Request for Open Public Records" is hereby approved. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

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

- (a) Graybeal's Foods for the St. Paul Lutheran Church Oktoberfest on October 7, 2018.
- (b) Rebuilding Together, Platte Valley East for a BBQ and fundraiser in Neligh Park on September 29, 2018.

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

Moved by Ell, seconded by Schlecht, to approve the claim of Hugo Plumbing & Heating for services and supplies in the amount of \$27,269.22. Voting Yea: Paus, Ell, Swenson, Schlecht, and Black. Nay: None. Abstaining: Hugo. Motion carried.

Wendy Ridder, the city attorney, appeared before the Council concerning the current rental agreement for the Nielsen Community Center. Two lessees, being Wayne State College

and NWEA (Northwest Evaluation Association), have a problem with the language contained in paragraph 18 of the agreement being the Indemnify/Hold Harmless clause. She then distributed copies of the agreements as revised by each lessee and reviewed them with the Council. It was her recommendation to approve the revised contracts by each lessee and then she will change the language in the original rental agreement for future rentals so this would not be a problem again. She will have the proposed revision ready for the next meeting. It was moved by Paus and seconded by Schlecht, to approve the revisions to paragraph 18 in the rental agreements for use of the Nielsen Community Center with Wayne State College and NWEA. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried.

Schlecht introduced a resolution to approve Payment No. 4 to Sunrise Excavating Co. for South Highway 275 Drainage Improvement Project and authorize payment in the amount of \$63,267.75. Ell seconded the motion. Voting Yea: Paus, Ell, Swenson, Schlecht, Hugo, and Black. Nay: None. Motion carried and said resolution adopted.

Moved by Paus, seconded by Schlecht, to adjourn at 8:40 PM. Carried.

Mary Kempf, MMC
City Clerk