

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 July 6, 2010 in the Council Chambers at the Municipal Building in West Point, Nebraska.

Present were: Mayor Johnson; Councilmembers: Paus, Ell, Smidt, Schlecht, Hugo, and Grovijohn. Absent: None.

Also present were City Clerk Kempf, City Administrator Goulette, City Attorney Moodie, and City Treasurer Luebbert.

Notice of the meeting was given in advance thereof by posting in three places in the City and advance notice of the meeting was also given to the Mayor and City Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

The Mayor 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 Mayor introduced Garry Clark, the new Cuming County Economic Development Director, who was in attendance at the meeting.

The Mayor asked if there were any citizens present with business not scheduled on the agenda. Hal Wagner appeared before the Council to express his concerns about the Elkhorn River showing a picture of the Elkhorn River by his cabin stating that there is no river in front of his cabin now but goes into Stalp Gravel. The City Administrator advised that the Army Corps of Engineers is looking into the situation.

Moved by Hugo, seconded by Schlecht, to approve the following consent agenda:

1. City appointed volunteer boards and commissions.
2. Dispense with reading of minutes.
3. Treasurer's report.
4. Claims.
5. Accept resignation of Pat Yosten from West Point Fire Dept. Co. #2.

Motion carried unanimously.

CLAIMS

Payroll		129,844.43
Hugo Plumbing & Heating	Serv/Supplies	1,229.32
City of West Point Payroll Tax Fund	Employer FICA	4,707.70
Fremont Natl Bank and Trust	Ret Contributions	2,085.84
Hladky Fire & Safety	Service	355.00
Cuming Co. Rural Water Dist.	Service	32.00
Echo Groups Inc.	Service	1,204.01
Western Area Power Administration	Power	14,688.70
Midwest Service & Sales	Snow Blower	60,900.00
Sapp Bros.	Service	3,764.29
Constellation New Energy	Service	162.49
Central Valley Ag	Service	1,121.54
Black Hills Energy	Service	57.45
PetroMart	Service	122.66
City of West Point Payroll Tax Fund	Employer FICA	5,293.41
Fremont Natl Bank and Trust	Ret Contributions	2,105.63
NE Dept of Revenue	Sales Tax	14,156.10
Blue Cross Blue Shield	Health Ins.	43,066.84
MEAN/NMPP	Power	163,577.15
Companion Life	Life Ins.	279.99
Advanced Consulting	Service	1,658.00
Alco	Supplies	118.82
Barco Municipal Products	Supplies	197.28
Black Hills Energy	Service	2,416.78
Bomgaars Supply	Supplies	456.60
CableOne	Service	99.95
Cardmember Service	Service	492.35
Chamber of Commerce	Prof Services	1,520.00
Computer Innovations LLC	Service	256.50
Cuming County Rural Water	Service	32.00
Cuming County Public Power	Wheeling Service	5,558.07
Dinklage Medical Clinic	Service	79.00
Dinslage Small Engine	Service	68.18
Dutton Lainson Co.	Supplies	579.60
Engelhardt TV	Serv/Supplies	171.00
FSH Communications LLC	Service	63.30
Floor Maintenance	Supplies	776.17
Franciscan Care Services	Meal Service	2,728.60
The Gale Group	Books/Mags	479.84
Gall's Inc.	Supplies	573.15
L. P. Gill Inc.	Tipping Fee	7,963.80
Gill Hauling	Hauling Fee	3,139.58

Graybeal's Food	Supplies	258.31
Great Plains One Call Service	Service	70.72
HD Supply Waterworks	Meters/Supplies	1,053.23
Hasler Total Funds	Postage	600.00
Hawkins Inc.	Supplies	581.80
Ingram	Books/Mags	689.13
JK Energy Consulting LLC	Service	2,000.00
Jackson Services Inc.	Uniform Service	967.78
John A Stahl Library	Postage/Cash Adv	142.23
K & R Equipment Inc.	Supplies	356.38
Kriz Davis Co.	Supplies	3,045.60
League of NE Municipalities	Conference Fees	1,092.00
Leisure Lawn Care	Service	173.74
Linweld Inc.	Supplies	228.49
Lou's Sporting Goods	Supplies	302.35
MicroMarketing LLC	Books/Mags	997.90
Midwest Labs	Service	96.08
Midwest Tape	DVD's	168.53
Moore Medical Corp.	Supplies	164.50
Nebraska Vet Services	Service	557.00
OMB's Express Police Supply	Supplies	49.99
OfficeNet	Service	57.82
Overhead Door Co. of Norfolk	Service	64.25
The Penworth Co.	Books/Mags	458.60
Pepsi Cola	Supplies	309.50
Quality Printing & Supplies	Supplies	712.09
Quartermaster	Supplies	211.01
Qwest Communications	Service	1,182.96
Robert's Dairy Co.	Supplies	1,329.56
Roeber Construction	Service	5,930.74
S & W Welding Inc.	Service	340.35
Schmader Electric	Service	565.00
Smidt's Sanitation	Service	177.00
Special Roads Fund	Mechanic Chgs	888.47
Stalp Gravel	Supplies	4,538.15
State Public Health Environmental Lab	Service	63.00
Stigge Machine & Supply	Supplies	63.68
Supplier's Inc.	Supplies	1,200.57
Verizon	Service	81.89
Verizon Wireless	Service	269.63
West Point Chevrolet	Supplies	66.43
West Point Home Center	Supplies	235.33
West Point Implement	Serv/Supplies	14,433.26
WPLW	Service	21,507.16
WPLW Operating Fund	Cash Adv	3,093.58

West Point News	Publ Costs	382.04
West Point Rescue	Ambl Chgs/Cash Adv	2,175.00
WP Volunteer Fire Dept.	Cash Adv	899.25
Yosten's True Value	Supplies	855.80
AAA Garage Door Inc.	Supplies	194.90
Allan Priebnow	Mileage	66.50
B & B Video Productions	DVD's	440.00
Bibliographical Center Research	Service	30.63
Center Point Large Point	Supplies	877.00
Chris Kreikemeier	Mileage/Supplies	205.50
Creative Xpressions	Supplies	159.65
Cuming County Treasurer	Election Costs	127.00
Diamond Vogel Paint Center	Supplies	1,389.30
Donner Industrial Developments	Service	68.00
Echo Group Inc.	Supplies	558.92
Elite Computers	Supplies	15.95
Equipment Services Inc.	Supplies	17.92
Erica Bischoff	Service	25.00
Fireguard Incorp.	Supplies	724.19
Grainger	Supplies	75.50
Heiman Fire Equipment	Supplies	5,500.15
HTC Inc.	Supplies	202.77
Jack's Uniforms & Equipment	Uniform Expense	125.09
Joe Franzluebbers	Service	100.00
Leslie's Pool Supplies	Supplies	436.71
Love Signs	Service	819.35
Midwest Distributing Corp.	Supplies	147.90
NE Iowa Industrial Fasteners	Supplies	43.96
NE Society Assoc Executives	Dues	100.00
Nebraska Crime Commission	Supplies	37.50
Nebraska Sports	Supplies	21.40
Olsson Associates	Prof Services	2,597.47
Ortmeier's Seed & Feed	Supplies	238.00
Peterson Body & Paint	Supplies	65.00
Rembolt Ludtke	Service	440.00
Scale Source	Service	300.00
Schulzkump Upholstery	Service	52.00
Sewer Equipment Co. of America	Supplies	176.04
Skywave	Supplies	33.97
St. Francis Memorial Hosp.	Service	184.00
Thomas Bouregy & Co.	Books/Mags	139.50
Traf-O-Teria System	Supplies	221.15
USA Blue Book	Supplies	1,283.81
Van Diest Supply Co.	Supplies	3,343.40
West Point Garden & Gift	Supplies	28.99

The City Administrator reviewed with the Council the purchase of a new ladder truck (quintuple combination pumper) for the Fire Department. This would be a shared cost with the West Point Rural Fire Protection District. Lyle Hansen, Fire Chief, appeared before the Council informing them that the quint is a smaller version of a ladder truck that serves as a pumper, holding 1,500 gallons, and as a ladder truck, which extends 75 feet, with an estimated cost of \$500,000 to \$600,000. This truck would serve as the primary pumper and the current City pumper would be secondary, thereby delaying the replacement of the City pumper. Smidt introduced a resolution that the City of West Point jointly purchase with the West Point Rural Fire Protection District a new ladder truck for the West Point Fire Department equally splitting the cost for said vehicle with each owning a one-half interest therein; and that the Fire Department shall prepare specifications for the new Ladder Truck and seek proposals. Seconded by Paus. Resolution adopted unanimously.

Don Roeber, President of the Park Board, and Hal Wagner of S & W Welding, appeared before the Council to discuss placing a pedestrian bridge in Neligh Park from the camper area over the drainage ditch to the park. They presented a preliminary design for an ADA approved bridge being a 40 foot free span bridge, 48 inches wide with handrails, and aluminum walkway floor (all steel structure galvanized) with an approximate weight of 6,000 lbs. The estimated cost of the bridge is \$16,350.00 plus the footings and sidewalk approaches and the engineering costs. The City Council will consider this project at the budget workshop later this month.

At the last meeting the Council had approved the closing of the 100 block of Main Street for Chamber events – being Dog Daze on July 22 & Sidewalk Sales on July 24. Tina Welding, Executive Director of the Chamber appeared before the Council stating the Small Business Council had decided to change the dates of these events as follows:

- (1) Dog Daze of Summer (dog show) on July 29, 2010 from 5 PM to 8 PM.

(2) Sidewalk Sales on July 31, 2010 from 7 AM to 1 PM

It was moved by Schlecht, seconded by Smidt, to approve the street closures on the revised dates. Motion carried unanimously.

It was moved by Ell and seconded by Smidt to approve the Acceptance of Grant Award Title III-E and Addendum to Nutrition Agreement with the Northeast Nebraska Area Agency on Aging. Motion carried unanimously.

The Mayor advised that at the last meeting, the Council acted on an ordinance to authorize on-sale liquor establishments to remain open until 2:00 AM. The vote on final passage of the ordinance resulted in a tie, so the Mayor cast the deciding vote of Yea and the ordinance was adopted. It was learned after the meeting that the new law requires that the extended hours must be approved by at least two-thirds of the members of the City Council. Therefore, this ordinance was not passed and adopted. It was also noted that Councilmember Grovijohn should not vote on the matter because he is an owner in one of the local bars. The Mayor then asked if the Council wanted to consider the ordinance again. Larry Feyerherm and Chad Feyerherm (Roadhouse Lounge) were present and spoke in support of extending the hours of sale to 2 AM. Due to concerns by some of the Council, it was decided to add a section to the ordinance stating that it would be reviewed in one year. Smidt introduced Ordinance No. 1319 entitled:

AN ORDINANCE OF THE CITY OF WEST POINT, NEBRASKA AMENDING SECTION 4-205 OF ARTICLE II OF CHAPTER IV OF THE MUNICIPAL CODE OF THE CITY OF WEST POINT, NEBRASKA, RELATING TO LIQUOR REGULATIONS - HOURS OF SALE; REPEALING SAID SECTION 4-205 OF ARTICLE II OF CHAPTER IV AND ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT,

and moved that the statutory rule requiring reading on three different days be suspended. Schlecht seconded the motion and upon roll call vote on the motion the following Councilmembers voted Yea: Paus, Ell, Smidt, Schlecht, and Hugo. Nay: None. Abstaining: Grovijohn. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Schlecht moved for final passage of the ordinance, which motion was seconded by Smidt. Upon roll call vote, the following Councilmembers voted Yea: Paus, Ell, Smidt, and Schlecht. Nay: Hugo. Abstaining: Grovijohn. The passage and adoption of said ordinance having been concurred in by a majority of two-thirds of all members of the Council, the Mayor declared the ordinance adopted.

The next agenda item was the placement of items on light poles along Anna Stalp Avenue. At the last meeting the Council gave approval for the placing of flower baskets on the light poles along one block of Anna Stalp Avenue for this summer only to see how it looks and to get public opinion. Since then flower baskets and flags were both hung on the light poles. Earl Boston appeared before the Council stating he thought that both items were approved. It was moved by Paus and seconded by Grovijohn to approve the placing of flags on the light poles along one block of Anna Stalp Avenue for this summer. Motion carried unanimously.

Ell introduced a resolution that the City Council appoint Tom Goulette, City Administrator, to serve as director and Marlene E. Johnson, Mayor, as alternate director, on the Board of Directors of the Municipal Energy Agency of Nebraska and appoint Tom Goulette, City Administrator, as representative, and Marlene E. Johnson, Mayor, as alternate representative, to the Municipal Energy Agency of Nebraska Management Committee. Seconded by Paus. Resolution adopted unanimously.

The City Administrator advised that Black Hills Energy has offered a contract for delivery of natural gas to the City's Power Plant. The City has had a service agreement since 1994 for delivery of natural gas to the Power Plant. Schlecht introduced a resolution to approve the Nebraska Transportation Service Agreement with Black Hills/Nebraska Gas Utility Company LLC for transportation service of natural gas to the City's Power Plant for a term of three years commencing December 1, 2010 and that the Mayor be authorized to sign said Agreement. Seconded by Hugo. Resolution adopted unanimously

Moved by Schlecht, seconded by Ell, to approve the claim of Hugo Plumbing & Heating for services and supplies in the amount of \$663.81. Voting Yea: Paus, Ell, Smidt, Schlecht, and Grovijohn. Nay: None. Abstaining: Hugo. Motion carried.

The Council decided to hold a budget workshop for the 2010-2011 budget on Tuesday, July 27, 2010 starting at 5:00 PM.

Moved by Schlecht, seconded by Smidt to go into closed session at 8:36 o'clock P.M. to discuss potential sale of real estate. Motion carried unanimously. The Mayor then restated for the record the limitation of the subject matter of the closed session is to discuss the potential sale of real estate. The Council went back into regular session at 8:51 o'clock PM.

Moved by Schlecht, seconded by Ell, to adjourn at 8:58 o'clock P.M. Carried.

Mary Kempf, MMC
City Clerk

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