

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 3, 2019 in the Council Chambers at the Municipal Building in West Point, Nebraska.

Present were: Mayor Schlecht; Councilmembers: Stokely, Penrose, Swenson, Buse, Hugo, and 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 north wall in the Council Chambers for public information. The Pledge of Allegiance was then recited.

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

1. City appointed volunteer boards and commissions – appointment of Austin Havranek to the LB 840 Economic Development Citizen Advisory Review Committee to fill the unexpired term of Jerry Wordekemper, being October 1, 2022.
2. Fire & rescue departments – accept memberships and resignations – none.
3. Approval of minutes of the following meetings: August 6, 2019 5:00 PM; August 6, 2019 7:00 PM; and August 27, 2019 7:00 PM.
4. Treasurer's report.
5. Claims.
6. Appointment of Councilmember Penrose to Council Standing Committees: Public Health & Safety, Public Works, and Community Development

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

<u>CLAIMS</u>		
Payroll		248,756.43
City of West Point Payroll Tax Fund	Employer FICA	6,684.80
First National Bank Fremont	Retirement Contributions	3,497.10
Central Valley Ag	Service	890.12
Sapp Bros.	Service	2,366.87
West Point Travel Plaza	Service	55.24
Love Signs	Sign	27,524.87
PetroMart	Service	116.16
Hugo Plumbing & Heating	Serv/Supplies	2,396.28
A & R Construction Co.	Trails/Pathways #1	27,731.73

City of West Point	RLF/Housing Admin Fees	908.00
Wagner Tire and Repair	Service	2,706.46
Black Hills Energy	Service	81.12
City of West Point Payroll Tax Fund	Employer FICA	6,358.09
First National Bank Fremont	Retirement Contributions	3,532.69
United Healthcare	Health Ins.	53,147.47
NE Dept of Revenue	Sales Tax	30,980.84
Best Point Web Design	Prof Services	2,125.00
MEAN/NMPP	Power	341,497.04
Madison National Bank	Life Ins.	189.62
Companion Life	Life Ins.	266.55
City of West Point Payroll Tax Fund	Employer FICA	6,429.16
First National Bank Fremont	Retirement Contributions	3,581.73
Auto Value Parts	Supplies	887.37
Black Hills Energy	Service	370.93
Bomgaars	Supplies	1,244.06
Border States Industries	Supplies	1,893.69
Bound Tree Medical	Supplies	1,317.31
Cardmember Service	Service	2,309.68
Century Link	Service	1,014.94
Constellation NewEnergy	Service	1,225.22
Cuming County Public Power	Wheeling	5,756.03
Danko Emergency Equipment	Supplies	380.20
Dinslage Small Engine	Service	49.29
Dutton Lainson Co.	Supplies	653.60
EMS Billing	Prof Services	851.64
Engelhardt TV	Service	139.39
Floor Maintenance	Supplies	636.25
Gale/Cengage Learning	Books	131.94
Gall's Inc.	Supplies	148.82
Gerhold Concrete	Service	150.50
L. P. Gill Inc.	Tipping Fee	9,768.46
Gill Hauling	Hauling Fee	3,851.05
Graybeal's Food	Supplies	140.53
Hawkins Inc.	Supplies	902.06
Hiland Dairy	Supplies	479.87
Ingram	Books	552.53
Inspro Ins.	Ins Premium	796.00
Jackson Services	Uniform Service	1,195.36
John A Stahl Library	Cash Adv	90.37
Kaup Seed	Supplies	21.00
League of NE Municipalities	Membership Dues	7,977.00
League of NE Mun./Utilities Section	Membership Dues	1,993.00
Leisure Lawn Care	Service	142.00

Leslie's PoolMart	Supplies	4,209.90
Logemann Auto Parts	Supplies	134.88
Lou's Sporting Goods	Supplies	152.95
Mahaska	Supplies	320.05
Mail Finance	Service	397.14
Matheson Tri-Gas	Supplies	31.57
MicroMarketing	Books	528.96
Midwest Labs	Service	6,304.90
Midwest Tape	Supplies	383.62
Municipal Supply Inc.	Supplies	11,684.93
Nebr. Public Health Environmental Lab	Service	220.00
Nebraska Public Power District	Service	67.50
Nebraska Vet Services	Service	278.00
OfficeNet	Supplies	107.70
Office Systems Co.	Service	13,006.96
One Call Concepts	Service	90.84
Overdrive, Inc.	Supplies	236.99
Overhead Door Co.	Service	38.00
Presto X	Service	355.00
Quality Printing	Supplies	560.18
Robert's Ins.	Ins Premium	581.65
St. Joseph's Hillside Villa	Meal Service	2,710.00
Scantron	Service	1,582.76
Schinstock Painting	Service	2,100.00
Schmader Electric	Service	175.00
Seals and Service	Serv/Supplies	994.46
Smidt's Sanitation	Service	177.00
Sparklight	Service	33.00
Special Roads Fund	Mechanic Chgs	580.17
Stalp Gravel	Supplies	1,239.88
USA Blue Book	Supplies	743.17
Verizon Business	Service	103.76
Verizon Wireless	Service	259.79
Vrbicky Computer Service	Service	572.50
Welch Law Firm	Service	472.50
West Point Library Foundation	Cash Adv	1,230.97
WPLW	Service	37,300.90
WPLW Operating Fund	Cash Adv	1,679.97
West Point News	Publication Costs	530.26
West Point Rescue	Ambulance Charges	400.00
Woerner's Garbage Service	Service	267.00
Arbor Day Foundation	Membership Dues	15.00
Blue to Gold	Training	705.00

Custom Glass	Service	1,485.17
Echo Group Inc.	Supplies	709.39
ELM USA	Supplies	369.95
Engelmeyer Repair	Service	357.95
Heiman Fire Equipment	Supplies	4,462.00
Jensen Plumbing	Service	906.58
Lynn Peavey Co.	Supplies	160.50
Midstates Granite Tile	Supplies	1,350.00
Miracle Recreation	Supplies	250.00
NDEQ-Fiscal Services	Operating Fee	500.00
NE Law Enforcement Training	Travel Expense	40.00
NE Society Assoc. Executives	Membership	110.00
Nebraska Harvestore Systems	Supplies	126.07
North American Truck & Trailer	Service	981.93
Northeast Community College	Training	972.50
Northeast NE Economic Dev.	Prof Services	105.00
Northern Tool	Supplies	190.48
OCLC, Inc.	Service	44.85

The Mayor then opened a public hearing on the proposed 2019-2020 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. Smith introduced Ordinance No. 1407 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, 2019 AND ENDING THE LAST DAY OF SEPTEMBER, 2020; 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. Stokely seconded the motion. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Statutory rule suspended. Buse moved for final passage of the ordinance, which motion was seconded by Swenson. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Ordinance adopted.

Moved by Hugo, seconded by Swenson, to approve the State Budget Lid Computation

Form showing the 2019-2020 Total Restricted Funds to be \$922,430.93 and the Total Unused Restricted Funds Authority to be \$875,464.89. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried.

It was further moved by Smith, seconded by Penrose, to approve the increase in the total restricted funds authority by an additional 1%. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried.

The Mayor opened a public hearing on the Property Tax Request for the fiscal year beginning October 1, 2019. 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 the following resolution and moved its adoption:

BE IT RESOLVED BY THE MAYOR AND COUNCIL of the City of West Point, Nebraska, by a majority vote, as follows:

1. That the 2019-2020 property tax request be set at \$1,040,058.00
2. That the total assessed value of property differs from last year's total assessed value by 8.77 percent.
3. That the tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$0.4407 per \$100 of assessed value.
4. That the City of West Point proposes to adopt a property tax request that will cause its tax rate to be \$0.4680 per \$100 of assessed value;
5. That based on the proposed property tax request and changes in other revenue, the total operating budget of the City of West Point will exceed last year's by 6.2 percent; and
6. That a copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2019.

Buse seconded the motion. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried and said resolution adopted.

Next on the agenda was to discuss the public drinking water recommendation issued by the Nebraska Department of Health and Human Services, Drinking Water Division (DHHS) last week which stated that all citizens of West Point were recommended to use filtered or bottled water for drinking because the levels of manganese shown in water samples collected by the City were at or above 1,000 micrograms per liter. Sue Dempsey, MS CPH| Administrator, Chin Chew, Engineering Services Manager, and Rick Koenig, Field Representative for northeast

Nebraska, all with DHHS, along with John Zwingman of Advanced Consulting Engineering Services, were present at the meeting to address concerns and questions from the Council and those in attendance. It was stated that manganese is a trace mineral that is not regulated and that cities under 10,000 are not required to test for it. Sue Dempsey stated she would like to see this change and is seeking grant funds to test all communities under 10,000 in population in the state. The City has ordered the LayneOx filters and is preparing the plans and specifications which when completed will need to be submitted to DHHS for approval. The estimated time frame for when the new filters will be installed and up and running may be January or February. The city will be applying for financing through the state revolving loan program. The City Administrator stated that he would like to flush the mains one or two more times this fall.

Nancy Steffen appeared before the Council concerning the rental fee for the Nielsen Community Center for the Red Cross bloodmobiles. She is requesting that the rental fee be waived for the 2020 bloodmobiles (02/03/20, 04/06/20, 06/01/20, 08/03/20, 10/05/20) as has been done in the past. Moved by Swenson, seconded by Smith, to waive the rental fee for the Nielsen Community Center for the Red Cross bloodmobiles scheduled for 2020. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried.

Nicki White appeared before the Council regarding the request of Cuming County Public Power District for use of city streets for a Fun Run on Saturday, September 21, 2019 with registration starting at 7:30 AM. The proposed route was reviewed. Moved by Swenson and seconded by Penrose to approve the request of Cuming County Public Power District. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried.

Next on the agenda was the sewer bill at Hwy 275 Homestead Park which was tabled from last month. Because of a water leak this past winter which was not found until the ground began to thaw, their water usage was high thereby resulting in a high sewer rate. Currently there are no provisions allowing for billing adjustments due to leaks. The City Attorney prepared a revised sewer user rate resolution to include language for billing adjustments by

reason of special and unusual conditions. Following discussion, Swenson introduced the following resolution and moved its adoption:

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WEST POINT, NEBRASKA ESTABLISHING SEWER USE RATES PURSUANT TO SECTION 6-304 OF THE MUNICIPAL CODE OF THE CITY OF WEST POINT; FIXING DATES FOR PAYMENT; AND REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT WITH THIS RESOLUTION,

with the following language added: BILLING ADJUSTMENTS: Whereby reason of special or unusual conditions, the Volume Usage Rate calculated significantly fails to reflect the quantity of sewage actually discharged by the user into the sanitary sewer system, the user may request an adjustment of the Volume Usage Rate applicable to any unbilled month. Any user seeking adjustment under this Section shall submit a written request for adjustment, along with supporting evidence, to the Utilities Superintendent. Such user shall bear the burden of establishing the need for adjustment by clear and convincing evidence. The Utilities Superintendent shall make a final and binding determination within 14 days after receiving the request for adjustment and supporting documents. Any Volume Usage Rate applicable to a user shall not be adjusted below the Average Monthly Residential Customer Rate.

Stokely seconded the motion. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried and said resolution adopted. The City Administrator advised that the sewer bill for Hwy 275 Homestead Park will be adjusted according to the resolution.

It was moved by Stokely to introduce the following resolution and moved its adoption: Whereas, David G. Wimmer and Constance M. Wimmer, husband and wife, propose to give to the City of West Point, Nebraska real estate which will be available for use as a part of the West Point Trails and Pathways located in West Point, Nebraska and that the City will accept a Deed to such property. Smith seconded the motion. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried and said resolution adopted

The Council reviewed the request of Fritz Feyerherm to convey a five-acre tract located in the Southeast Quarter of the Southeast Quarter of Section 23, Township 22 North, Range 6, East of the 6th PM, Cuning County, Nebraska, to Travis Streeter, which property is located within the city one-mile jurisdiction. In order to do so, a variance from the subdivision regulations is needed. The Planning Commission was forwarding a favorable recommendation. Moved by Hugo and seconded by Buse to authorize a variance from the requirements of the

Subdivision Ordinance No. 1402 and waiving the subdivision platting. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried.

Terri Lamplot, Executive Director of the Cuming County Economic Development, appeared before the Council concerning the Interlocal Agreement between Cuming County, the City of West Point, the City of Wisner, the Village of Beemer and the Village of Bancroft regarding the Cuming County Economic Development Board. The changes from the previous agreement entered into last year are that Cuming County will have control of personnel matters. Each community will continue to pay \$5,000 per year under this new agreement. Following review, it was moved by Swenson and seconded by Hugo, to terminate the 2018-2021 Interlocal Agreement. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried. It was then moved by Swenson and seconded by Buse to approve the 2019-2022 Interlocal Agreement. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried.

Next the Council reviewed the proposed Solid Waste Disposal Agreement between Cuming County, the City of West Point, the City of Wisner, and the Village of Beemer. The City Administrator reported that the present agreement expires 9/30/19 and the County has agreed to extend the agreement for another five-year period with the same provisions except a termination clause had been added. Moved by Hugo, seconded by Smith, authorizing the Mayor to sign the Solid Waste Disposal Agreement with Cuming County for a period of five-years commencing October 1, 2019 and ending September 30, 2024. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried.

The City Administrator informed the Council of the Nebraska Department of Transportation proceeding with construction of the Scribner-West Point US 275 Design-Build Project and how this will affect utilities the at north end and south end of the city. All costs and labor associated with the relocation of utilities will be incurred by the DOT. Moved by Stokely and seconded by Penrose, authorizing the City Administrator to sign the Utility Relocation

Agreement with the Nebraska Department of Transportation. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried.

The City Administrator stated that several parties have expressed an interest in removal of the sludge from the wastewater lagoons and he was advising that the city go out for bids on this. Buse introduced a resolution to have Advanced Consulting Engineering Services prepare the parameter requirements for the removal of sludge from the lagoons at the Wastewater Treatment Plant and the City Clerk is then authorized to advertise for bids in West Point News. Swenson seconded the motion. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried and said resolution adopted.

Next the Council considered the purchase of three 2020 Ford F-150 pickups from West Point Auto & Truck Center for \$28,520.00 each. The City Administrator advised this will replace two vehicles, one utilized by the janitor; one by the mechanic; and the other one will be designated for the Nielsen facilities. The unit currently used by the mechanic will be replacing the vehicle in the park department. It is proposed to put snow blades on two of the vehicles. These vehicles are included in the 2019-2020 budget and meet the state bid pricing. Moved by Smith and seconded by Stokely to authorize the purchase of three 2020 Ford F-150 pickups from West Point Auto & Truck Center. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried.

The City Administrator then sought authorization to purchase two 2020 Ford Police Interceptor Utility vehicles from West Point Auto & Truck Center for \$38,174.00 each. There is a rotation cycle in place whereby a vehicle is used by administration for a few years and then goes to the police department which has extended the service of the vehicle. The police are expanding to a third vehicle and that is the reason for the purchase of two vehicles. This is included in the 2019-2020 budget and meets the state bid pricing. Moved by Buse and seconded by Hugo to authorize the purchase of two 2020 Ford Police Interceptor Utility vehicles from West Point Auto & Truck Center. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and

Smith. Nay: None. Motion carried. If any grant funds are received, the funds would be placed in the general fund to offset the costs of these vehicles.

Swenson introduced the following resolution and moved its adoption:

BE IT RESOLVED by the City Council of the City of West Point, Nebraska, as follows:

1. Hereby appoints Tom Goulette, City Administrator, to serve as director on the Board of Directors of the Municipal Energy Agency of Nebraska (MEAN).
2. Hereby appoints Bruce A. Schlecht, Mayor, to serve as alternate director on the Board of Directors of the Municipal Energy Agency of Nebraska (MEAN).
3. Hereby appoints Tom Goulette, City Administrator, to serve as representative to the MEAN Management Committee.
4. Hereby appoints Bruce A. Schlecht Mayor, to serve as alternate representative to the MEAN Management Committee.
5. Hereby appoint Tom Goulette as the representative to the Member's Council of the Nebraska Municipal Power Pool.
6. Hereby appoint Bruce A. Schlecht, as the alternate representative to the Member's Council of the Nebraska Municipal Power Pool

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

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%. Following discussion Swenson introduced Ordinance No. 1408 entitled:

AN ORDINANCE OF THE CITY OF WEST POINT, NEBRASKA ADOPTING A PAY PLAN FOR CERTAIN OFFICERS AND ALL EMPLOYEES; REPEALING ORDINANCE NO. 1400 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. Buse seconded the motion. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Statutory rule suspended. Swenson moved for final passage of the ordinance, which motion was seconded by Smith. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Ordinance adopted.

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

- (a) Lincoln Street Market for the West Point Chamber Style Show on September 30, 2019.

- (b) Rebuilding Together Platte Valley East, Inc. for Oktoberfest Fundraiser on October 4, 2019.
- (c) Graybeal's Foods for the St. Paul Lutheran Church Oktoberfest on October 6, 2019
- (d) Lincoln Street Market for a Knights of Columbus Steak & Fish Fry on November 11, 2019.

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

Upon review of the new corporate manager application for GIPH Restaurants, LLC, dba Pizza Hut as submitted to the Nebraska Liquor Control Commission, it was moved by Hugo and seconded by Swenson to approve said application and to notify the Nebraska Liquor Control Commission of such approval. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried.

Moved by Stokely, seconded by Swenson, to approve the claim of Hugo Plumbing & Heating for services and supplies in the amount of \$5,883.68. Voting Yea: Stokely, Penrose, Swenson, Buse, and Smith. Nay: None. Abstaining: Hugo. Motion carried.

Stokely introduced a resolution to approve the following payments to A & R Construction Co. for the West Point Trails and Pathways Project: Payment No. 1 of Phase I in the amount of \$31,321.69 and Payment No. 2 of Phase III in the amount of \$113,942.68 and authorize payment in the total amount of \$145,264.37. Buse seconded the motion. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried and said resolution adopted.

Moved by Swenson, seconded by Smith, to adjourn at 8:40 P.M. Voting Yea: Stokely, Penrose, Swenson, Buse, Hugo, and Smith. Nay: None. Motion carried.

Mary Kempf, MMC
City Clerk