

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 P.M. on October 6, 2020 at the Nielsen Community Center, 200 Anna Stalp Ave, West Point, Nebraska.

Present were: Mayor Schlecht; Councilmembers: Stokely, Swenson, Buse, Hugo, and Smith. Absent: Penrose.

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 south wall of the room 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:
 - (a) LB 840 Economic Development Citizens Advisory Review Committee: reappointment of Norma Emanuel and Gene Peatrowsky (4 year terms).
 - (b) Library Board: appointment of Nicki White (4 year term).
2. Fire & rescue departments – accept the resignation of Jim Perry from West Point Volunteer Fire Dept.
3. Approval of minutes of previous meeting.
4. Treasurer's report.
5. Claims.

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

<u>CLAIMS</u>		
Payroll		160,737.03
Hugo Plumbing & Heating	Serv/Supplies	516.08
Rutjens Construction	Water Treatment Plant Project	8,456.80
City of West Point Payroll Tax Fund	Employer FICA	5,798.27
First National Bank Fremont	Retirement Contributions	3,670.49
Central Valley Ag	Service	878.31
PetroMart	Service	22.96
Sapp Bros.	Service	887.11
Wagner Tire	Service	945.64
West Point Travel Plaza	Service	1,906.09
Black Hills Energy	Service	66.73
NE Department of Revenue	Sales Tax - Sanitation	24.99
NE Department of Revenue	Sales Tax - Park	109.06

NE Department of Revenue	Sales Tax	38,992.65
City of West Point Payroll Tax Fund	Employer FICA	6,651.90
First National Bank Fremont	Retirement Contributions	3,718.74
United Healthcare	Health Ins.	58,482.93
MEAN	Power	339,343.53
Madison National Life	Life Ins.	187.03
Companion Life	Life Ins.	260.31
Advanced Consulting	Prof Services	2,251.87
Auto Value Parts	Supplies	697.99
Black Hills Energy	Service	363.76
Bomgaars Supply	Supplies	460.76
Border States Industries	Supplies	10,623.12
Bound Tree Medical	Supplies	615.21
Cardmember Service	Service	1,073.04
Century Link	Service	1,015.95
Center Point Large Print	Books	1,553.04
Constellation NewEnergy	Service	636.62
Creative Xpressions	Supplies	1,458.38
Cuming County Clerk	Recording Fees	222.00
Cuming County Public Power	Wheeling Service	5,509.07
Danko Emergency Equipment	Supplies	4,764.50
Dinslage Small Engine	Serv/Supplies	174.53
Dutton Lainson Co.	Supplies	5,009.60
Electronic Contracting Co.	Service	282.00
Floor Maintenance	Supplies	409.13
Gale/Cengage Learning	Books	59.22
Gall's Inc.	Supplies	534.25
Garratt Callahan Co.	Supplies	1,633.50
L. P. Gill Inc.	Tipping Fee	15,508.92
Gill Hauling	Hauling Fee	3,784.93
Grainger	Supplies	3,403.12
Graybeal's Food	Supplies	205.49
Hawkins Inc.	Supplies	1,580.14
Heiman Fire Equipment	Supplies	4,006.00
The Home Depot Pro	Supplies	2,441.35
Ingram Library Services	Books	1,414.40
Jackson Services	Uniform Service	894.14
John A Stahl Library	Cash Adv	104.67
Leisure Lawn Care	Service	737.84
Leslie's Poolmart Inc.	Supplies	222.81
Logemann Auto Parts	Supplies	631.70
Lou's Sporting Goods	Supplies	47.00
Mahaska	Supplies	327.62
Matheson Tri-Gas	Supplies	235.92

MicroMarketing LLC	Supplies	773.85
Midwest Labs	Service	106.35
Midwest Tape	Supplies	115.69
NE Public Health Environmental Lab	Service	511.00
OCLC, Inc.	Service	269.10
OfficeNet	Copier/Supplies	5,471.23
One Call Concepts	Service	92.38
Overhead Door Co.	Service	174.50
Presto X	Service	309.00
Quadient Finance	Postage	600.00
Quality Printing & Supplies	Supplies	558.05
Quick Med Claims	Service	693.76
S & W Welding	Serv/Supplies	6,503.75
St. Joseph's Hillside Villa	Meal Service	3,133.00
Seals and Service	Service	488.60
Skywave Wireless	Service	263.10
Smidt's Sanitation	Service	177.00
Sparklight	Service	123.17
Special Road Funds	Mechanic Chgs	440.74
Stalp Gravel	Serv/Supplies	616.26
USA Blue Book	Supplies	215.77
Verizon Business	Service	76.34
Verizon Wireless	Broadband	120.03
Verizon Wireless	Service	409.64
Welch Law Firm	Prof Services	2,695.00
West Point Implement	Supplies	129.04
West Point Library Foundation	Cash Adv	1,374.56
WPLW	Service	37,119.71
West Point News	Publication Costs	738.53
West Point Rescue	Ambl Charges/Training	862.32
West Point True Value	Supplies	598.15
Woerner's Garbage Service	Service	267.00
John Adams	Travel Expense	173.65
Affordable Overhead Door	Service	457.00
Brodart Co.	Supplies	2,786.70
Consolidated Management	Service	422.79
Custom Glass	Service	920.00
Dell Marketing	Computers (Library)	15,431.40
DEMCO	Supplies	460.24
ELM USA	Supplies	4,895.00
Franciscan Healthcare	Supplies	123.80
GSB - Inspro	Life Ins. (Fire/Rescue)	2,222.52
HTM Sales	Supplies	136.75
J. P. Cooke Co.	Supplies	59.15

Jack's Uniforms	Supplies	904.04
Chris Kreikemeier	Supplies	29.95
Lazer Alignment	Supplies	252.00
McGill Contracting	Service	2,570.40
McKinnis, Inc.	Service	508.30
Modern Marketing	Supplies	762.95
MPH Industries Inc.	Supplies	318.95
NDEE - Fiscal Services	Operating Fee	500.00
NE Law Enforcement Training	Training	360.00
NE Municipal Clerks Assoc.	Dues	35.00
NE State Fire Marshall	Boiler Inspection	36.00
Nebraska Auto Repair	Service	364.46
Norfolk Daily News	Ad	37.50
P & H Electric	Service	1,171.76
Miguel Pena	Travel Expense	641.00
Peterson Body & Paint	Service	444.06
Redfield Direct	Supplies	191.53
Road Builders	Supplies	2,972.97
Seed Enterprises	Supplies	1,000.00
Sewer Equipment	Supplies	364.14
Siffring Landscaping	Service	130.00
Silver State Consulting	Training	125.00
Vessco, Inc.	Service	3,475.30

The Mayor open a public hearing on the 1 Year & 6 Year Street Improvement Program. John Zwingman of Advanced Consulting Engineering Services, appeared before the Council to review the plan. He stated the one year plan is basically maintenance and the six-year plan is paving of 18th Road from Washington Street to Hwy 32. Swenson suggested that the paving of Kaup Street between Park Street and Grove Street be placed in the 6 year plan. His reasoning for this was that there is only one way into that subdivision. Currently this portion of Kaup Street is not an open street. The Council had no objection. Moved by Smith and seconded by Swenson to approve the 1 Year and 6 Year Street Improvement Plan as presented and to include the paving of Kaup Street between Park Street and Grove Street to the 6 Year plan. Voting Yea: Stokely, Swenson, Buse, Hugo, and Smith. Nay: None. Absent: Penrose. Motion carried

The Mayor then opened a public hearing to rezone Addition O, an addition to the City of West Point, Cuming County, Nebraska, from Agriculture Residential District (AGR) to Residential Single Family District (R-2). The City Administrator stated that this property had recently been

annexed into the city and now needs to be rezoned. 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. The Mayor then closed the public hearing. Stokely introduced Ordinance No. 1417 entitled:

AN ORDINANCE OF THE CITY OF WEST POINT, NEBRASKA, AMENDING ZONING ORDINANCE NO. 1401 TO REZONE THE AREA DESCRIBED HEREIN FROM AGRICULTURE RESIDENTIAL DISTRICT (AGR) TO RESIDENTIAL SINGLE FAMILY DISTRICT (R-2); 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. Buse seconded the motion. Voting Yea: Stokely, Swenson, Buse, Hugo, and Smith. Nay: None. Absent: Penrose. Motion carried. Statutory rule suspended. Buse moved for final passage of the ordinance, which motion was seconded by Stokely. Voting Yea: Stokely, Swenson, Buse, Hugo, and Smith. Nay: None. Absent: Penrose. Ordinance adopted.

The Mayor opened a public hearing on the LB 840 Economic Development program six-month report. The City Administrator, on behalf of the Economic Development Citizen Advisory Review Committee, reported that all loans and grants are current and that in the past six months a loan/grant was given to Core Health Club, LLC. He then explained the LB 840 issue that will be on the November ballot. If passed, it would allow all funds collected under the program to be eligible to be used. If not passed, some of the funds in the program will not be accessible for any type of use. There were no public comments and the Mayor closed the hearing.

In addition to approving a 1 Year & 6 Year Street Improvement Program, the City must also do an annual certification of program compliance. Swenson introduced a resolution that the Mayor of the City of West Point is hereby authorized to sign the Municipal Annual Certification of Program Compliance Form for the Nebraska Board of Public Roads Classifications and Standards. Hugo seconded the motion. Voting Yea: Stokely, Swenson, Buse, Hugo, and Smith. Nay: None. Absent: Penrose. Motion carried and said resolution adopted.

The City Administrator and John Zwingman of Advanced Consulting Engineering Services gave an update on the water treatment plant project and water main project. Work is continuing to improve the filters performance at the plant. The installation of the third filter will probably start the middle of November. Because of the drought that we are experiencing, water usage is still over a million gallons a day and thereby not allowing the City to flush the system at

this time. The water main and sewer work is being done in the Wilderness Ridge Subdivision and once completed, the crew will move out for two week for another job and then come back to start the water main project, probably the first of November.

At the August Council meeting, Sue Krogman with Nebraska Emergency Management Agency and Jeff McGill, the Cuming County Emergency Manager, discussed with the Council the Nebraska Regional Interoperability Network (NRIN) and the placing of equipment on the City's water tower. A Memorandum of Understanding was now presented to the Council granting permission to located 3 microwave dishes on the West Point Water Tower and whereby Cuming County would be responsible for the insurance on the equipment and the NRIN Governance Board would be responsible for the maintenance of the equipment. It was moved by Swenson and seconded by Hugo the approve the Memorandum of Understanding. Voting Yea: Stokely, Swenson, Buse, Hugo, and Smith. Nay: None. Absent: Penrose. Motion carried.

The Council then considered the request from Erv Eisenmenger for the subdivision of part of Block 17, Original Plat of the City of West Point regarding a sale to Cuming County. The Planning Commission was forwarding a favorable recommendation. Smith introduced a resolution to approve the subdivision of part of Block 17, Original Plat of the City of West Point and that the conveyance of the tract described in a survey of the real estate is hereby approved. Swenson seconded the motion. Voting Yea: Stokely, Swenson, Buse, Hugo, and Smith. Nay: None. Absent: Penrose. Motion carried and said resolution adopted.

Maria Janata with Ortmeier Realty appeared before the Council concerning the request for the subdivision of Lot 8, Block 11, Kountze's Addition to the City of West Point. It has been discovered that the house on Lot 7, Block 11, Kountze's Addition to the City of West Point owned by Terry and Ruth Ann Saner is partly on Lot 8 and in order to sell this property a portion of Lot 8 needs to be conveyed to the Saners. The Planning Commission was forwarding a favorable recommendation. Smith introduced a resolution to approve the subdivision of part of Lot 8, Block 11, Kountze's Addition to the City of West Point and that the conveyance of the tract described in a survey of the real estate is hereby approved. Stokely seconded the motion.

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

Also in regard to this same property, being Lot 7, Block 11, Kountze's Addition to the City of West Point, the garage/greenhouse on this property encroaches onto the alley of said Block 11, approximately 6 inches. Terry and Ruth Ann Saner were requesting an easement from the City for this encroachment. Stokely introduced a resolution stating that a survey has been completed in contemplation of the sale of such real estate; that said survey discloses that the garage/greenhouse located on the Saner real estate, encroaches onto the alley in said Block 11; that an easement is hereby granted; and that the Mayor and City Clerk be authorized to execute said Easement. Swenson seconded the motion. Voting Yea: Stokely, Swenson, Buse, Hugo, and Smith. Nay: None. Absent: Penrose. Motion carried and said resolution adopted.

The Council considered the request to install two 500 gallon propane tanks at Callies Industry locate at 340 E. Elk Street. Black Hills Energy removed the gas lines when West Point Dairy relocated. The Fire Chief has given his approval for these tanks. Moved by Smith and seconded by Stokely, to allow the installation of two 500 gallon propane tanks at 340 E. Elk Street. Voting Yea: Stokely, Buse, Hugo, and Smith. Nay: Swenson. Absent: Penrose. Motion carried.

The Council reviewed the agreement between the Nebraska Department of Transportation and the City concerning the improvements of Highway 275 within the corporate limits of the City describing the roles and responsibilities of each party. Buse introduced a resolution approving the execution of an agreement with the Department of Transportation of the State of Nebraska for Project No. S-275-6(1050), Control No. 32302, Agreement No. XL2018, and Project Name: Scribner-West Point and the Mayor is hereby authorized to execute said Agreement on behalf of the City of West Point. Stokely seconded the motion. Voting Yea: Stokely, Swenson, Buse, Hugo, and Smith. Nay: None. Absent: Penrose. Motion carried and said resolution adopted.

Next on the agenda was to discuss the buildings previously decided by the Council to be unsafe and proceed with abatement on two properties: 226 N. Lincoln Street and 143 N. Monroe Street. Steve Preston, the City Attorney, appeared before the Council to explain the procedure to proceed. Following discussion, Smith introduced the following resolution and moved its adoption:

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF WEST POINT, NEBRASKA, FINDING THE STRUCTURE LOCATED AT 226 N LINCOLN STREET TO BE AN UNSAFE BUILDING AND DECLARING THE SAME A NUISANCE FOR THE PURPOSES OF SECTION 8-301 OF THE WEST POINT MUNICIPAL CODE; AUTHORIZING AND DIRECTING THE CITY CLERK, PURSUANT TO SECTION 8-303 OF THE MUNICIPAL CODE, TO POST NOTICE OF SUCH DETERMINATION AT THE STRUCTURE AND TO FILE A COPY OF SUCH DETERMINATION IN THE OFFICE OF THE COUNTY REGISTER OF DEEDS; AND AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO PROCEED WITH ABATEMENT OF SAID NUISANCE BY APPROPRIATE ACTION FILED IN THE CUMING COUNTY DISTRICT COURT.

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

None. Absent: Penrose. Motion carried and said resolution adopted.

Stokely introduced the following resolution and moved its adoption:

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF WEST POINT, NEBRASKA, FINDING THE STRUCTURE LOCATED AT 143 N. MONROE STREET TO BE AN UNSAFE BUILDING AND DECLARING THE SAME A NUISANCE FOR THE PURPOSES OF SECTION 8-301 OF THE WEST POINT MUNICIPAL CODE; AUTHORIZING AND DIRECTING THE CITY CLERK, PURSUANT TO SECTION 8-303 OF THE MUNICIPAL CODE, TO POST NOTICE OF SUCH DETERMINATION AT THE STRUCTURE AND TO FILE A COPY OF SUCH DETERMINATION IN THE OFFICE OF THE COUNTY REGISTER OF DEEDS; AND AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO PROCEED WITH ABATEMENT OF SAID NUISANCE BY APPROPRIATE ACTION FILED IN THE CUMING COUNTY DISTRICT COURT.

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

None. Absent: Penrose. Motion carried and said resolution adopted.

The City Administrator then gave an update on the other properties the City considers to be unsafe:

1. Building located at 546 E. Walnut Street -- the owners are clearing the contents out of the building and will be put up for sale;
2. Building located at 238 N. Lincoln Street -- have received no response since the certified letter was sent to the owners (the return receipt card has not been returned);
3. Building on 1019 N. Main Street -- the owners were fixing some of the issues, but the electricity has now been disconnected.

He will continue to monitor these properties to see if further action will be needed.

The City Administrator advised the Council that Chris Kreikemeier, manager of the Nielsen Center, would like to replace 100 chairs at the Nielsen Center that are either stained or damaged and was seeking authorization to dispose or sell these chairs and order replacements. Buse introduced a resolution authorizing the sale of 100 chairs, having a value of less than \$5,000, by auction, bid, or scrap/salvage; and that following passage of this resolution directing the sale of

said surplus property, that notice of sale shall be posted in three prominent places within the City for a period of not less than seven days prior to the sale and that the property shall then be sold. Swenson seconded the motion. Voting Yea: Stokely, Swenson, Buse, Hugo, and Smith. Nay: None. Absent: Penrose. Motion carried and said resolution adopted.

West Point Rescue recently purchased a new ambulance and is seeking authorization to sell the 1992 International unit which is jointly owned with the West Point Rural Fire Protection District. Swenson introduced a resolution, authorizing the sale of the 1992 International unit, having a value greater than \$5,000, by auction, bid, or scrap/salvage; and that following passage of this resolution directing the sale of said property, that notice of sale shall be published once in a legal newspaper in or of general circulation in the City of West Point, Nebraska at least seven days prior to the sale of said property. Hugo seconded the motion. Voting Yea: Stokely, Swenson, Buse, Hugo, and Smith. Nay: None. Absent: Penrose. Motion carried and said resolution adopted.

Moved by Swenson and seconded by Buse to appoint Tom Goulette as the City's representative on the Cuming County Economic Development Board. Voting Yea: Stokely, Swenson, Buse, Hugo, and Smith. Nay: None. Absent: Penrose. Motion carried.

Moved by Swenson, seconded by Stokely, to approve the claim of Hugo Plumbing & Heating for services and supplies in the amount of \$1,102.70. Voting Yea: Stokely, Swenson, Buse, and Smith. Nay: None. Abstaining: Hugo. Absent: Penrose. Motion carried.

Moved by Swenson, seconded by Stokely, to approve the claim of Buse Machine, Inc. for services in the amount of \$700.00. Voting Yea: Stokely, Swenson, Hugo, and Smith. Nay: None. Abstaining: Buse. Absent: Penrose. Motion carried.

Moved by Swenson, seconded Stokely, to adjourn at 6:27 P.M. Voting Yea: Stokely, Swenson, Buse, Hugo, and Smith. Nay: None. Absent: Penrose. Motion carried.

Mary Kempf, MMC
City Clerk