

City of Seward, NE
Tuesday, August 4, 2015
Regular Session

Item G1

**CONSIDERATION OF APPROVAL OF DRAFT MINUTES OF
JULY 21, 2015 - Bonnie Otte**

Administrative Report: A motion to approve the minutes as written or with modifications would be in order.

Staff Contact:

July 21, 2015

The Seward City Council met at 7:00 p.m. on Tuesday, July 21, 2015, with Mayor Joshua Eickmeier presiding and Assistant Administrator /Clerk-Treasurer /Budget & Human Resources Director Bonnie Otte recording the proceedings. Upon roll call, the following Councilmembers were present: Ellen Beck, Dean Fritz, Barbara Pike, John Singleton, Dick Hans. Other officials present: City Administrator Bruce Smith and City Attorney Kelly Hoffschneider. Absent: Councilmembers Jon Wilken, Sid Kamprath, and Chris Schmit.

Notice of the meeting was given in advance thereof by the method of communicating advance notice of the regular and special meetings of the City Council of the City of Seward, Nebraska, as stated in Ordinance No. 2015-08, which was adopted on the 5th day of May, 2015; said method stating that the notice of such meeting, with the agenda thereon, be posted in the following places: City Hall, Seward County Courthouse, Municipal Building, and Seward Public Library. The certificate of posting notice is attached to these minutes. Notice of this meeting was simultaneously given to the Mayor and all members of the City Council and a copy of their acknowledgment of receipt of notice and the agenda are attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

THE PLEDGE OF ALLEGIANCE

Mayor Eickmeier announced that a copy of the Agenda for this meeting is posted on the north wall of the Municipal Building and copies are available on the north wall where a copy of the Open Meetings Act is also posted for public inspection. He also noted that any citizen wishing to address the Council should come to the podium, state their name and address and limit their comments to five minutes. All remarks should be directed to the Mayor/Chairperson, who will then determine who will make any appropriate response. The City of Seward reserves the right to adjust the order of items on this agenda if necessary and may elect to take action on any of the items listed.

1. APPROVAL OF MINUTES OF JULY 7, 2015 COUNCIL MEETING

Councilmember Pike moved, seconded by Councilmember Singleton, that the minutes of the July 7, 2015 City Council meeting be approved.

Aye: Hans, Beck, Pike, Fritz, Singleton

Nay: None

Absent: Wilken, Kamprath, Schmit. Motion carried.

2. CONSENT AGENDA CONSIDERATION ITEMS

Councilmember Singleton moved, seconded by Councilmember Pike, that the following Consent Agenda items be approved in one single motion:

- A. Claims & Payables Reports
- B. City Clerk-Treasurer Report
- C. City Codes Director Report
- D. Police Department Report
- E. Infrastructure Cost Items Reimbursable Back to the City.

CLAIMS LIST
7-21-15
COUNCIL MEETING

Abbreviations: Bu, Building Upkeep; Eq, Equipment; Ex, Expense; Ma, Maintenance; Mi, Mileage; Misc, Miscellaneous; Re, Repairs; Sa, Salaries, Se,

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Services; Su, Supplies; Ut, Utilities, CI, Capital Improvements; GU, Grounds Upkeep.

Payroll	144,709.73
Mattson Ricketts Law Firm, Se	4,140.00
Advanced Floor Care, Ma	250.00
Eric Ahrens, Ex	45.00
Alamar Uniforms, Uniforms	177.31
Melvin Aldrich, Ex	90.00
All Road Barricades, Su	200.00
Alliance Technologies, Se	682.50
Amazon.Com Credit, Su, Bu	453.01
Aqua Chem, Su	2,263.20
Armor Systems, Se	66.57
TJ Austin, Ex	180.00
Baker & Taylor, Su	2,975.21
Charlotte Baldinger, Mi	27.60
Barcel Landscape Product, Su	179.50
Bill/Barbara Bird, Misc	600.00
Black Hills Energy, Ut	1,918.81
Robert Blevens, Misc	1,200.00
Nickalas Bloebaum, Ex	90.00
Blue River Electric, Bu	126.00
Blue River Jewelry, Misc	48.00
Blue River Umpires Assn, Ex	155.00
Blue Valley Contracting, Se	464.00
Kent Brunckhorst, Ex	90.00
CLIA Laboratory, Se	150.00
Zach Cambier, Ex	170.00
Capital Business Systems, Ma	79.00
Capital Business Systems, Ma	225.00
Cash-Wa Distributing, Su	473.04
Alan Cihal, Ex	90.00
Library Petty Cash, Su	86.63
City-Merchant Services, Se	1,050.30
Water Dept, Ex	2,400.00
Cline Williams Law Firm, Se	962.00
ME Collins Contracting, CI	47,601.97
Commonwealth Electric, Re, Gu	722.02
Company Care, Se	22.00
Concordia University, Ex	1,950.00
Consolidated Mgmt, Su	185.00
Country Woman Magazine, Su	29.98
Cummins Central Power, Re	118.29
DX Enterprise, Re	72.79
Danko Emergency Equipment, Su	69.27
Dean Davis, Ex	110.00
Davisson Furniture, Bu	39.01
John Deere Landscapes, Su	413.60
Diamond Vogel, Su	443.80
Clayton Dredge, Ex	90.00
Bryan Duer, Ex	90.00
Dan Duffek, Ex	90.00
EMC Insurance, Ins	1,220.54
Electronic Contracting, Se	240.00
Elifeguard, Su	263.47
Engineered Controls, Bu	240.00
Environmental Resource, Su	161.21
Faller Landscape, Su	821.75

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Farmers Coop, Su	4,583.39
Fast Mart, Su	84.84
Fastenal Company, Su, Re	343.00
Steve Ferguson, Ex	90.00
Nathan Foley, Ex	55.00
Matthew French, Ex	90.00
Jeremy Geidel, Ex	55.00
General Fire & Safety Equip, Bu	561.00
Jared Gerdes, Mi	92.00
Gerhold Concrete, Gu, Su	1,686.93
Edward Gonzalez, Ex	90.00
Grainger, Su	113.52
H & S Plumbing, Heating, AC, Bu	121.85
Hamilton County Sheriff, Se	47.79
Dan Hansen, Ex	90.00
Hemphill Electric, Gu	826.87
Hireright Solutions, Se	34.15
Jared Hochstein, Ex	90.00
John Hughes, Ex	90.00
Husker Electric, Re	223.63
Huskers Illustrated, Su	62.95
JC Repair & Service, Re	189.35
Jackson Services, Ma	183.93
Janway Company, Su	121.31
Randy Johner, Ex	90.00
Jerry/Marcy Kremer, Ex	30.00
Kriz-Davis, Re	8,151.43
Last Mile Network, Se	90.00
Lee's Refrigeration, Bu	223.11
Lincoln Tree Service, Se	6,525.00
Matheson Tri-Gas, Su	118.50
Mead Lumber & Rental, Re	83.75
Memorial Health-Drug, Se	60.00
Menards, Gu, Su	334.92
Merle's Garden Center, Gu	40.00
Metering & Technology Solution, Su	2,811.67
Brian Meyer, Ex	60.00
Mid-American Benefits, Ins	416.33
Midwest Auto Parts, Re, Su	305.33
Midwest Automotive, Re	1,532.47
Midwest Laboratories, Se	717.08
Midwest Turf & Irrigation, Re	525.12
Robert Miers, Ex	90.00
John Moody, Ex	220.00
Municipal Automation & Control, Re	970.50
Nebraska Crime Commission, Su	32.00
Nebraska State Historical, Ex	32.00
Nebraska Workforce Development, Ex	54.00
Nebraska Library Commission, Se	1,548.00
Nebraska Power Review Board, Dues	1,201.90
Nebraska Pub Power, Ut	564,385.76
Nebraska Sports, Su	71.09
Niemann's Port-A-Pot, Gu	350.00
OCLC, Su	174.61
John O'Kief, Ex	90.00
O'Reilly Auto Parts, Su, Re	44.14
Odeys, Su	239.25
Olsson Associates, Eq	1,145.55
One Call Concepts. Se	133.40

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Orscheln Farm & Home, Su, Re	379.63
Donna Otte, Ex, Mi	67.71
Pac N Save, Su	134.59
Henry Pankoke, Se	220.00
Brent Pedersen, Ex	90.00
Dylan Penas, Ex	45.00
Logan Penas, Ex	45.00
Plains Equipment Group, Re	10.77
Brandon Policky, Ex	90.00
Cody Pollak, Ex	90.00
Douglas Pollak, Ex	149.00
Precision Tool & Machine, Re	105.50
Quill Corp, Su	334.71
Reams Sprinkler, Re, Ci	5,967.45
Record Automatic Doors, Bu	409.62
Tim Richtig, Ex	90.00
Larry Ruether, Ex	90.00
Patricia Sanley, Ex	90.00
Schaefer Concrete, Re	2,985.74
Troy Schaefer, Ex	90.00
Seward County Clerk, Se	54.00
Seward County Independent, Misc, Ex	1,114.89
Seward County Public Power, Ut	1,431.49
Seward County Sheriff, Ex	18.50
Seward County Treasurer, Se	14,959.33
Seward Lumber & Home, Su, Re, Gu	1,157.29
Seward School District, Ex	75.00
Cameron Smith, Ex	60.00
Michelle St. Louis, Ex	90.00
Stutzman Digging, Re	465.00
Suhr & Lichty Ins, Ins	475.00
Supplyworks, Su	143.96
Sysco Lincoln, Su	377.25
Dan Thurber, Ex	30.00
Tiger Direct, Eq	1,007.94
US Postal Service, Su	238.00
Upstart, Su	88.97
Jack Vavra, Se	4,085.78
Verizon Wireless, Se	50.08
Visa	137.30
Gotprint.com, Su	46.43
Walmart, Su	34.91
RS*Name.com, Se	49.99
Hobby-Lobby, Su	5.97
Jennifer Waller, Ex	75.00
Mark Wattier, Ex	90.00
Week Magazine, Su	198.90
Windstream Nebraska, Se	2,611.16
Brandon Wood, Ex	135.00
Woods & Aitken, Se	2,533.30
Total	<u>867,823.39</u>

Aye: Hans, Beck, Pike, Fritz, Singleton
Nay: None
Absent: Wilken, Kamprath, Schmit. Motion carried.

3. CONSIDERATION OF MAYOR'S APPOINTMENTS

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Councilmember Beck moved, seconded by Councilmember Pike, that Mayor Eickmeier's appointment of Councilmember Jonathon Wilken to the Community Redevelopment Authority (CRA) for Tax Increment Financing to replace Councilmember Lieske be approved.

Aye: Hans, Beck, Pike, Fritz, Singleton
Nay: None
Absent: Wilken, Kamprath, Schmit. Motion carried.

Councilmember Fritz moved, seconded by Councilmember Pike, that Mayor Eickmeier's appointment of Councilmember Jonathon Wilken to the Community Development Block Grant (CDBG) Application Review Board for Economic Development (Program Loan Reuse) to replace Councilmember Lieske be approved.

Aye: Hans, Beck, Pike, Fritz, Singleton
Nay: None
Absent: Wilken, Kamprath, Schmit. Motion carried.

4. PUBLIC HEARING - 7:00 P.M. - REVIEW THE FUNCTIONING AND PROGRESS OF THE SEWARD ECONOMIC DEVELOPMENT PROGRAM (LB840) FUNDED BY LOCAL CITY SALES TAX

Greg Walz, Citizen Advisory Review Committee Member, 726 Bader Avenue, addressed the City Council presenting the semi-annual report in response to review and progress of the Seward Economic Development Plan. The report indicated the Committee met on June 24, 2015 and the Committee felt the Economic Development Plan is operating as intended and the Committee had no comments or recommendations.

Mayor Eickmeier opened the public hearing. Hearing no comments, Mayor Eickmeier closed the public hearing.

Councilmember Hans moved, seconded by Councilmember Singleton, to accept the semi-annual report from the Citizens Advisory Review Committee dated June 24, 2015 on the functioning and progress of the Seward Economic Development Program (LB840) funded by local City sales tax.

Aye: Hans, Beck, Pike, Fritz, Singleton
Nay: None
Absent: Wilken, Kamprath, Schmit. Motion carried.

5. PUBLIC HEARING - 7:00 P.M. - CONSIDERATION OF AMENDING THE AREA WITHIN THE CITY TO BE SUBSTANDARD AND BLIGHTED AND IN NEED OF REDEVELOPMENT

Building/Zoning & Codes Enforcement Director Ed Gonzalez addressed the City Council stating this amended blighted area now includes the Lincoln/Seward Rail Campus development area. The property must be determined to be blighted and substandard to qualify for Tax Increment Financing. The Planning Commission considered the amended blighted area at a public hearing on July 13, 2015 with unanimous approval of the amended area. Mr. Gonzalez stated, if approved, the City will have 29% of total City acres declared blighted; the maximum is 35%. He also added that the western portion of the proposed development site would need to be annexed into the City for Tax Increment Financing consideration. He stated, while not required by law, the property owners affected by this proposed amended blighted area were notified of the proposed amendment and the public hearing. He stated he is not aware of any other areas that are being proposed for development that would need to be blighted.

Mayor Eickmeier opened the public hearing. Hearing no comment, Mayor Eickmeier closed the public hearing.

Councilmember Pike introduced the following resolution:

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RESOLUTION NO. 2015-18

WHEREAS, the Mayor and City Council of the City of Seward, Nebraska, have by ordinance created the Community Redevelopment Authority of the City of Seward as authorized by the Community Development Act; and

WHEREAS, the Mayor and City Council of the City of Seward, Nebraska have identified an area within the City to be substandard and blighted and in need of redevelopment, such area described as follows:

Legal Description of Blighted Area - Seward, NE

Beginning at the NE corner of Lot 1, Block 85, Cloyds Addition, and heading west to the NW corner of Block 85 Cloyds Addition, then south to the NW corner of Lot 12, Block 85 Cloyds Addition, then west to the NW corner of Lot 12, Block 84, Cloyds Addition, then south to the SW corner of Block 41, Cloyds Addition, then west to the NW corner of Lot 1, Block 39, Cloyds Addition, then south to the NW corner of Lot 10, Block 39, Cloyds Addition, then west to the NW corner of Lot 7, Block 39, Cloyds Addition, then south to the NW corner of Block 8, Seward Original Town, then west to the NW corner of Block 57, Seward HM & R Addition, then south to the SW corner of Block 55, Seward HM & R Addition, then west to the SW corner of Block 52, Seward HM & R Addition, then south to the SW corner of Block 45, Seward HM & R Addition, then west to the SW corner Block 46, Seward HM & R Addition, then north to the NE corner of Block 47, Seward Miers Subdivision, then west to the NW corner of Block 47, Seward HM & R Addition, then north to the NE corner of Block 49, Seward HM & R Addition, then west to the NW corner of Lot 4, Block 49, Seward HM & R Addition, then south to the NW corner of Lot 4, Block 48, Seward HM & R Addition, then east to the NW corner of Lot 3, Block 48, Seward HM & R Addition, then south to the SW corner of Lot 10, Block 33, Seward HM & R Addition, then west to the SW corner of Block 33, Seward HM & R Addition, then south to the SW corner of Block 16, Seward HM & R Addition, then east to the SE corner of Lot 9, Block 16, Seward HM & R Addition, then north to the NE corner of Lot 4, Block 16, Seward HM & R Addition, then east to the NE corner of Block 15, Seward HM & R Addition, then south to the SW corner of Block 14, Seward HM & R Addition, then east to the SE corner of Block 12, Seward HM & R Addition, then north to the NW corner of Block 27, Seward HM & R Addition, then east to the NW corner of Lot 5, Block 27, Seward HM & R Addition, then north to the NW corner of Lot 8, Block 38, Seward HM & R Addition, then east to the NW corner of Lot 10, Block 38, Seward HM & R Addition, then north to the SW corner of Lot 10, Block 43, Seward HM & R Addition, then east to the SW corner of Block 23, Seward Original Town Addition, then south to the SW corner of Block 12, Burlington Addition, then east to the SW corner of Block 11, Missouri Addition, then east to the SE corner of Block 11, Missouri Addition, then south to the SW corner of Block 10, Missouri Addition, then east to the SE corner of Block 10, Missouri Addition, follow Highway 15 south to Walker Rd, then west to the SW corner of the SE ¼ NE ¼ SEC 29 T11N R3E, then north to the NE corner of the SE ¼ NE ¼ SEC 29 T11N R3E, then west to the NW corner of the SW ¼ NW ¼ SEC 29 T11N R3E, then south to the SW corner of the SW ¼ SEC 29 T11N R3E, then east to 280th Street, then south to the NE corner of the South Crest 4th Addition, then west to the NW corner of the South crest 4th Addition, then south to the SW corner of the South Crest 2nd Addition, then east to the SE corner of the South Crest 2nd Addition, then south to the SW corner of South Crest 3rd Addition, then east to Highway 15, then north to the SW corner of the NPPD SUB, then east to the SE corner of the NPPD SUB, then north to the NE corner of the NPPD SUB, then west to the NW corner of the NPPD SUB, then north to Lot 1, Plaza South Subdivision, then west to the NW corner of the Twin Oaks 1st Addition, then north to NW corner of the SW ¼ SE ¼ SEC 29 T11N R3E, then east to Highway 15, then follow Highway 15 north to the SW corner of Block 7, Railroad Addition,

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then east to the SE corner of Block 4, Boyes Addition, then north to the NW corner of Lot 7, Block 18, Seward Original Town, then east to the NE corner of Lot 8, Block 16, Seward Original Town, then south to South St, then east to Highway 34, then follow Highway 34 to the SE corner of Block 15, Seward Original Town, then north to the NE corner of Lot 8, Block 15, Seward Original Town, then west to the SE corner of Lot 5, Block 13, Seward Original Town, then north to the NE corner of Block 34, Seward Cloyd's Addition, then west to the SW corner of Lot 6, Block 43, Seward Cloyd's Addition, then north to the NW corner of Lot 2, Block 43, Seward Cloyd's Addition, then east to the NE corner of Lot 2, Block 43, Seward Cloyd's Addition, then north to the NE corner of Block 43, Seward Cloyd's Addition, then west to the SE corner of Block 85, Seward Cloyd's Addition, then north to the NE corner of Block 85, Seward Cloyd's Addition, arriving back to the point of beginning.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA as follows:

1. The City Council of the City of Seward hereby declares the afore-described area to be a substandard and blighted area in need of redevelopment

All previous resolutions in conflict with this resolution are hereby revoked.

Councilmember Fritz moved, seconded by Councilmember Pike, that the resolution be adopted. Upon vote, the following Councilmembers voted Aye: Beck, Fritz, Pike, Singleton, Hans. Nay: None. Absent: Wilken, Kamprath, Schmit.

The Mayor declared the resolution adopted.

Dated this 21st day of July, 2015.

THE CITY OF SEWARD, NEBRASKA

ATTEST:

Joshua Eickmeier, Mayor

Bonnie Otte
Assistant Administrator
Clerk-Treasurer
Budget & HR Director

(SEAL)

6. CONSIDERATION OF A PLAN FOR STORM WATER RUNOFF AND SANITARY SEWER IMPROVEMENTS FOR ST. JOHN'S NEW DAYCARE CENTER TO BE LOCATED AT HILLCREST DR. AND COLUMBIA AVE

- A. Consideration of financial participation in the relocation of sanitary sewer line and improvements
- B. Consideration of financial participation in the relocation of storm sewer and consideration of constructing a new storm sewer line

City Administrator Bruce Smith addressed the City Council stating St. John's Church came to the City Council June 2, 2015 requesting financial participation in the relocation and replacement of a sewer line and financial participation in constructing a new storm sewer line. On July 7, 2015, the City Council approved payment for replacing the north/south sewer line to the west of the new development, at a cost of \$52,000. Mr. Smith stated

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Water/Wastewater Director Tim Richtig does not believe the City should assist with the relocation of the existing 8" sanitary sewer line that runs under the private property. Mr. Smith stated, with regard to participating with building a new 48" storm sewer and accepting land from St. John's for a retention cell, additional review/study needs to be done. He added that none of these projects are included in the current budget.

Additional discussion was held on dollar amounts requested from St. John's Church, whether the project consideration should be included in upcoming budget discussions, the actual dollar amount requested by St. John's Church, and how the cost share would be applied, including the proposed retention cell property.

Councilmember Singleton moved, seconded by Councilmember Beck, that consideration of financial participation in the relocation of sanitary sewer line and improvements, relocation of storm sewer, and construction of a new storm sewer line be tabled until the City Administrator can meet with St. John's Church to clarify the City's participation in these projects and the funding requested.

Aye: Hans, Beck, Pike, Fritz, Singleton

Nay: None

Absent: Wilken, Kamprath, Schmit. Motion carried.

7. CONSIDERATION OF A NON-BINDING LETTER OF INTENT REGARDING PROJECT HOT MILL

Darl Naumann of Ayars & Ayars, 2436 N 48th St, Lincoln, addressed the City Council stating letters of intent are common tools for economic development projects and he has been involved with them when he worked for the State of Nebraska and City of Lincoln. He stated he prepared the proposed letter of intent and added that this is a non-binding document. He added that he contacted the developer regarding proposed language change in the first sentence, which the developer approved. The language read, "The City of Seward is ~~committed~~ determined to ~~having~~ have your company become the flagship industry of the Seward/Lincoln Regional Rail Campus." Mr. Naumann stated, if approved, he believes Mr. Havens can take this to his investors to assist in moving forward to the next stages of the project.

City Attorney Kelly Hoffschneider stated, that he agrees the letter is a non-binding letter of intent and he does not have a concern with how the letter is written or with the proposed language change.

Mayor Eickmeier reiterated the non-binding intent of the letter and added that the City Council will have several opportunities for voting on moving forward with the project, which includes a Tax Increment Financing application, redevelopment agreement and plan, annexation, and bonding.

Jessica Kolterman, 1059 Plainview, Seward, stated she is a business owner, a member of the Seward County Economic Development Corporation and the Chamber of Commerce and is very interested in opportunities to grow the City of Seward. She stated she supports the proposed Letter of Intent. She said she fears that if the City chooses to not sign the letter, it may appear to this company and other potential developers that the community is not interested in developing the rail campus.

Gerald Homp, 1210 Eastridge, Seward, stated he is one of the owners of Bottle Rocket Brewing and as a new business owner, feels this is a great opportunity for the community. He stated the letter of intent indicates the community is excited about the project and will not only bring in a projected 150 employees, but their families as well.

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Diana Garske, 432 S Columbia Ave, Seward, stated she is a Seward County Commissioner and she and other Commission Members had the opportunity to attend one of the meet and greet sessions with the proposed developer and the feedback on the project has been positive. She stated, as a member of the SCEDC, she also is excited for the opportunities.

Councilmember Beck moved, seconded by Councilmember Singleton, that the proposed nonbinding Letter of Intent regarding Project Hot Mill be approved, contingent upon the wording changed in the first sentence from "...committed to having..." to "...determined to have..." as this wording is more consistent with the remainder of the letter.

Aye: Hans, Beck, Pike, Fritz, Singleton

Nay: None

Absent: Wilken, Kamprath, Schmit. Motion carried.

8. CONSIDERATION OF SUPPLEMENTAL AGREEMENT NO. 1 WITH JEO CONSULTING GROUP, INC FOR NEBRASKA DEPARTMENT OF ROADS (NDOR) KAROL KAY BLVD, BADER-HILLCREST PROJECT FOR ENGINEERING AND DESIGN OF MITIGATION PLAN AND SITE

Councilmember Singleton introduced the following resolution:

RESOLUTION NO. 2015-19

Whereas: City of Seward and JEO consulting Group, Inc., have previously executed a Preliminary Engineering Services Agreement (BK1329) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: City of Seward understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

Whereas: City of Seward and JEO Consulting Group, Inc. wish to enter into a preliminary engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the City Council of the City of Seward, Nebraska that:

Joshua Eickmeier, Mayor of the City of Seward, is hereby authorized to sign the attached Preliminary Engineering Services Supplemental Agreement No. 1 between the City of Seward, and JEO Consulting Group, Inc.

NDOR Project Number: URB-6763(1)

NDOR Control Number: 13161

NDOR Project Description: Karol Kay Blvd., Bader-Hillcrest

Councilmember Hans moved, seconded by Councilmember Singleton, that the resolution be adopted. Upon vote, the following Councilmembers voted Aye: Beck, Fritz, Pike, Singleton, Hans. Nay: None. Absent: Wilken, Kamprath, Schmit.

Adopted this 21st day of July, 2015 at Seward, Nebraska.

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THE CITY OF SEWARD, NEBRASKA

ATTEST:

Joshua Eickmeier, Mayor

Bonnie Otte
Assistant Administrator/
Clerk-Treasurer
Budget & HR Director

(SEAL)

9. CONSIDERATION AND APPROVAL OR DISAPPROVAL OF PROPOSED SETTLEMENT OF ALL PENDING CLAIMS BY BRETT BAKER AGAINST THE CITY OF SEWARD

City Attorney Kelly Hoffschneider stated this agenda item is for the City Council to consider a settlement agreement for all pending claims with former City Administrator Brett Baker. He recommended the Council consider going into executive closed session to review the details of the proposed settlement.

Councilmember Fritz moved, seconded by Councilmember Hans, that the City Council, Mayor, City Attorney Hoffschneider, and Attorney Randall Goyette (hired by Employer's Mutual Insurance - City's insurance carrier) enter into executive closed session for the protection of the public interest and pursuant to Neb. Rev. Stat. Section 84-1410(1) to discuss a proposed settlement agreement of all pending claims by Brett Baker against the City, which constitutes pending litigation or litigation which is imminent as evidenced by communication of a claim or threat of litigation against the City of Seward, with the closed session lasting no more than thirty minutes.

Aye: Hans, Beck, Pike, Fritz, Singleton
Nay: None
Absent: Wilken, Kamprath, Schmit. Motion carried.

Mayor Eickmeier stated the City Council voted to enter into executive closed session for the protection of the public interest and pursuant to Neb. Rev. Stat. Section 84-1410(1) to discuss the a proposed settlement of all pending claims by Brett Baker against the City, which constitutes pending litigation or litigation which is imminent as evidenced by communication of a claim or threat of litigation against the City of Seward, with the closed session lasting no more than thirty minutes, and to include City Council, Mayor, City Attorney Hoffschneider, and Attorney Randall Goyette.

The executive closed session began at 7:43 p.m.

At 8:01 p.m., Councilmember Fritz moved, seconded by Councilmember Singleton, that the Council return to open session and stated no formal action was taken by the City Council during the closed session.

Aye: Hans, Beck, Pike, Fritz, Singleton
Nay: None
Absent: Wilken, Kamprath, Schmit. Motion carried.

The following Councilmembers were present: Ellen Beck, Dean Fritz, Barbara Pike, John Singleton, Dick Hans. Other officials present: City Administrator Bruce Smith and City Attorney Kelly Hoffschneider. Absent: Councilmembers Jon Wilken, Sid Kamprath, and Chris Schmit.

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Councilmember Singleton moved, seconded by Councilmember Fritz, that the City agrees to pay Brett Baker the sum of \$50,000, less all customary and usual withholdings, and the City's insurance carrier will pay to or on behalf of Brett Baker the sum of \$50,000, a portion of which will be paid directly to his attorneys, as settlement of Brett Baker's contract claims, tort claims, civil rights claims, Department of Labor claims and any and all other claims asserted against the City of Seward, and that the Mayor be directed to execute any and all documents relevant to the settlement of said claims.

Aye: Hans, Beck, Fritz, Pike, Singleton
Nay: None
Absent: Schmit, Wilken, Kamprath. Motion carried.

10. CITY ADMINISTRATOR REPORT

Bruce Smith presented an update on City projects. Mr. Smith reported that the grant application for purchase of the building to the north of the Civic Center, was not successful.

Mayor Eickmeier stated, the City will likely not pursue obtaining this property until there is a clear revenue source or other ideas for obtaining this property.

Councilmember Singleton moved, seconded by Councilmember Pike, that the City Administrator's Report dated July 21, 2015 be accepted.

Aye: Hans, Beck, Fritz, Pike, Singleton
Nay: None
Absent: Schmit, Wilken, Kamprath. Motion carried.

11. FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION

None

12. ANNOUNCEMENT OF UPCOMING EVENTS

None

13. MOTION TO ADJOURN

Councilmember Singleton moved, seconded by Councilmember Pike, that the July 21, 2015 City Council Meeting adjourn.

Aye: Hans, Beck, Fritz, Pike, Singleton
Nay: None
Absent: Schmit, Wilken, Kamprath. Motion carried.

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

Bonnie Otte
Assistant Administrator
Clerk-Treasurer
Budget & Human Resources Director