

**City of Seward, NE**  
**Tuesday, September 1, 2015**  
**Regular Session**

**Item G2**

**CONSIDERATION OF APPROVAL OF DRAFT MINUTES OF  
AUGUST 18, 2015 - Bonnie Otte**

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

**Staff Contact:**

August 18, 2015

The Seward City Council met at 7:00 p.m. on Tuesday, August 18, 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: Jon Wilken, Ellen Beck, Dean Fritz, Barbara Pike, John Singleton, Chris Schmit, Dick Hans. Other officials present: City Administrator Bruce Smith and City Attorney Kelly Hoffschneider. Absent: Sid Kamprath.

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 AUGUST 4, 2015 COUNCIL MEETING

Councilmember Pike moved, seconded by Councilmember Singleton, that the minutes of the August 4, 2015 City Council meeting be approved.

Aye: Hans, Beck, Pike, Fritz, Wilken, Singleton, Schmit

Nay: None

Absent: Kamprath. 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  
8-18-15  
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.

Advanced Floor Care Inc	Bu	\$250.00
Ahern Fire Protection	Bu	\$135.00
A-J Roofing & Waterproofing	Bu	\$781.66
Amazon.Com Credit Service	Su	\$221.00
American Water Works Assoc	Dues	\$295.00
Ameritas Life Insurance	Ins	\$5,612.62
Aqua-Chem, Inc	Su	\$1,481.20
Armor Systems Corp	Se	\$9.21
Awards Unlimited, Inc	Su	\$28.30
Baker & Taylor	Su	\$1,492.99
Baldinger, Charlotte	Mi	\$24.73
Baldwin Alan	Dues	\$150.00
Benes Service	Re	\$157.53
Berge Jean	Heat Pump Incentive	\$400.00
Black Hills Energy	Ut	\$283.00
Blue River Jewelry	Su	\$18.00
Blue Valley Pest Control	Bu	\$75.00
Blue Valley Youth Football	Fees	\$50.00
Burlington Northern Santa	Se	\$321.56
Capital Business-Cheyenne	Ma	\$79.00
Capital Business-Dallas	Ma	\$225.00
Carroll Dist/Const Supply	Su	\$400.00
Cash-Wa Distributing Co	Su	\$604.17
Cattle National Bank/Trust	Ci	\$12,957.84
City Seward General Fund	Light Incentive	\$125.00
City Seward Library Petty	Su	\$64.49
City Seward Merchant Serv	Se	\$1,327.36
City Seward Payroll Account	Payroll	\$198,230.63
Collins M E Contracting	Se	\$60,985.67
Consolidated Management	Meals	\$163.75
Control Services, Inc	Bu	\$162.00
Danko Emergency Equipment	Eq	\$1,693.31
Demco, Inc	Su	\$166.85
E D M Publishers, Inc	Su	\$99.00
Electric Pump	Ci	\$36,541.50
Electronic Contracting Co	Se	\$81.00
Emergency Medical Product	Su	\$244.78
Engineered Systems, Inc	Re	\$2,941.15
Farmers Coop Seward	Su, Re, Gu	\$5,127.35
Fast Mart	Se	\$31.25
Fastenal Company	Su, Re	\$144.62
Fireguard, Inc	Re	\$183.66
Gale/Cengage Learning	Su	\$91.50
General Fire & Safety Eq	Bu	\$123.85
George Alex	Se	\$1,152.40
Gerdes, Jared	Mi	\$125.35
Gerhold Concrete Co, Inc	Su, Re	\$3,454.35
H & S Plumbing Heating	Bu, Ma	\$785.00
Hach Company	Se	\$1,497.39
Hamilton Equipment Company	Su, Re	\$436.86
Helminck Printing, Inc	Su	\$43.00
Hemphill Electric, LLC	Bu, Re	\$406.19
Heyen'S Service & Custom	Ma	\$381.44
Highlights High Five Mag	Su	\$6.00
Husker Electric Supply Co	Re, Su, Ci	\$5,631.15
Interstate Power Systems	Re	\$2,720.47

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Int'l Assoc Chiefs Of Pol	Dues	\$150.00
Jackson Services, Inc	Ma	\$173.30
Kriz-Davis Co	Re, Ci, Su	\$17,971.26
Last Mile Network Consult	Se	\$90.00
Lincoln Journal-Star	Ex	\$696.00
Lincoln Tent, Inc	Re	\$135.00
Matheson Tri-Gas, Inc	Su	\$131.71
Mattson Ricketts Law Firm	Se	\$4,480.00
Memorial Health-Drug	Se	\$120.00
Menards	Su	\$11.97
Merle's Garden Center	Gu	\$1,121.65
Meyer Automotive	Ma	\$40.18
Mid-American Benefits, Inc	Ins	\$765.64
Midwest Auto Parts	Re, Su	\$170.32
Midwest Laboratories, Inc	Se	\$776.38
Midwest Turf & Irrigation	Re	\$231.40
My-Lor, Inc	Su	\$359.04
Nebraska Equipment Inc	Ma	\$171.72
Nebraska Library Commission	Ex	\$704.30
Nebraska Notary Association	Ex	\$200.00
Nebraska Pub Pow-Des Moine	Heat, Light Inc, Ut	\$615,097.75
Nebraska Roads Dept	Ma	\$1,152.00
Net-Tech Distributing, Inc	Re	\$337.88
Niemann's Port-A-Pot LLC	Gu	\$725.00
Northern Safety Co, Inc	Su	\$337.27
O C L C, Inc	Ex	\$180.69
Olsson Associates	Su	\$13,702.15
Omaha World Herald	Se	\$579.14
One Call Concept,s Inc	Ex	\$120.80
O'Reilly Auto Parts	Se	\$39.99
Orscheln Farm & Home	Su, Gu, Re	\$418.48
Otte, Donna	Mi	\$40.25
Overdrive	Su	\$451.56
Pac 'N' Save Discount Foo	Su	\$151.59
Pankoke, Henry W	Ma	\$275.00
Plains Equipment Group, Inc	Re, Su	\$571.40
Quill Corp	Su, Eq	\$749.57
Record Automatic Doors	Bu	\$504.50
Roehr, Ed Safety Products	Eq	\$243.99
Rumery, Jerry	Refnd	\$30.00
Rumery Lawn & Landscape	Gu	\$85.60
Sam'S Club (Sen Center)	Su	\$111.56
Seward County Clerk/Reg	Se	\$38.00
Seward County Independent	Ex	\$1,264.69
Seward County Public Power	Ut	\$2,396.03
Seward County Treasurer	Se	\$14,959.35
Seward Kiwanis Club	Bu	\$42.00
Seward Lumber & Home Center	Bu, Su, Re, Ma	\$512.01
Seward MHP, LLC	Int on Dep	\$20.00
Seward School District	Ex	\$35.00
Society Human Resource	Dues	\$190.00
Spickelmier & Son, Inc	Re	\$3,290.00
St P J Supply, Inc	Su	\$70.03
Supplyworks	By	\$278.02
Tutty, Doug	Misc	\$150.00
U S Postal Service	Su	\$203.00
Verizon Wireless	Se	\$141.30
Wesco Distribution, Inc	Su	\$31,574.90
Windstream Nebrask,a Inc	Se	\$2,781.27

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Woods & Aitken LLP	Se	\$1,743.93
World Book, Inc	Se	\$569.00
York County Emergency	Su	\$3.20
	CLAIMS TOTAL	<u>\$1,075,888.90</u>

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

3. CONSIDERATION OF NAMING NEW PATHWAY BETWEEN PARADE OF FLAGS AND THE PLUM CREEK TRAIL THE DON AND BARB SUHR FLAG PATHWAY AT THE REQUEST OF THE SEWARD KIWANIS FOUNDATION

Marvin Taylor, 435 Church Street, addressed the City Council on behalf of the Seward Kiwanis Foundation, requesting to name the pathway along Hwy 34 between the Parade of Flags and the Trail, the Don and Barb Suhr Pathway in recognition of their financial support. He stated this portion of the project would not have been possible without their support.

Mayor Eickmeier stated the exact language of the sign has not been determined, but the point of the agenda item is to seek approval of naming this portion of the pathway.

Councilmember Hans moved, seconded by Councilmember Singleton, to approve naming the new pathway on Hwy 34 between the Parade of Flags and the Plum Creek Trail, the Don and Barb Suhr Flag Pathway (or some variation, thereof) in honor of the Suhr's financial support.

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

4. CONSIDERATION OF A REQUEST BY THE SEWARD KIWANIS FOUNDATION TO INSTALL A NEW WATER LINE TO THE PARADE OF FLAGS

Marvin Taylor, 435 Church Street, addressed the City Council on behalf of the Seward Kiwanis Foundation, requesting a water line be installed to the Parade of Flags along Hwy 34.

City Administrator Bruce Smith stated a City water line does not exist close to this area. Based on Water/Wastewater Director Tim Richtig's research, the best option is to bore under Hwy 34 with a water line from the south at an estimated cost of \$4,500.

Councilmember Singleton asked if the City researched installing a well. He said he had a private well dug on his property (east of the Parade of Flags), a few years earlier and the cost was around \$4,500. He said this would save the City the electric expense associated with a water line.

Councilmember Singleton moved, seconded by Councilmember Fritz, to approve providing water to the Parade of Flags along Hwy 34 at a cost of up to \$5,000 based on City staff additional research and determining the best avenue for providing the water be it a new well or installing a water line by boring under Hwy 34.

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

5. CONSIDERATION OF REQUEST OF SEWARD MEMORIAL HEALTH CARE SYSTEMS FOR

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OFF-STREET PARKING ON EAST ROBERTS

Public Facilities/Capital Improvements & GIS Director John Hughes stated Memorial Health Care Systems has purchased the three properties to the east of N. Columbia Ave along East Roberts Street, removing two of the houses. They are requesting to use this space (approximately 100 feet) for eight off-street parking spaces. Mr. Hughes stated there are no concerns with the request.

Councilmember Fritz moved, seconded by Councilmember Schmit, that the request of Seward Memorial Health Care Systems to install off-street parking spaces to the east of N. Columbia Avenue on East Roberts Street be approved.

Aye: Hans, Beck, Pike, Fritz, Singleton, Wilken, Schmit

Nay: None

Absent: Kamprath. Motion carried.

6. CONSIDERATION FOLLOW-UP ON THE COST OF INSTALLING PEDESTRIAN ACTIVATED ILLUMINATED LIGHTING AT THE CROSSWALK BETWEEN JACKSON AVE AND BRADFORD ST., N. COLUMBIA AVENUE, PER COUNCILMEMBER KAMPRATH REQUEST

City Administrator Bruce Smith stated the Council approved a plan for additional lighting, reflective signage, and relocation of the crosswalk on N. Columbia Avenue at the June 16, 2015 City Council meeting. He stated the approval was conditional upon researching the cost of installing pedestrian activated illuminated signage. Mr. Smith stated Street Superintendent Mel Aldrich obtained a quote of \$1,495/per sign for solar flashing pedestrian signs for the crosswalk. He stated the plan was for two signs. The cost for the TFG Diamond Grade sign is \$84.51. Mr. Smith stated he contacted Roger Reamer with Memorial Health Care Systems and advised he was ok using the standard TFG Diamond Grade signage. Mr. Smith stated that unless Council is opposed to installing the standard diamond grade signage, this will be the plan. No opposition was made to the recommendation.

7. CONSIDERATION FOR APPROVAL OF ROBERTS STREET AREA DISTRIBUTION LINE UPGRADES

Garrett Klein, Olsson Associates, requested approval of the bid documents, advertising, and bid open date for the Roberts Street project which will provide a new 12.47 kV backbone circuit from the 14<sup>th</sup> Street Substation to and then along Roberts Street. He stated the project estimate is \$425,000, which does not include the cost of the poles at about \$55,000.

Councilmember Hans moved, seconded by Councilmember Pike, to approve the bidding documents for the Roberts Street Area Distribution Line Upgrade project.

Aye: Hans, Beck, Pike, Fritz, Singleton, Wilken, Schmit

Nay: None

Absent: Kamprath. Motion carried.

Councilmember Beck moved, seconded by Councilmember Fritz, to set the advertisement date of August 26, 2015 for the Roberts Street Area Distribution Line Upgrade project.

Aye: Hans, Beck, Pike, Fritz, Singleton, Wilken, Schmit

Nay: None

Absent: Kamprath. Motion carried.

Councilmember Fritz moved, seconded by Councilmember Pike, to set the bid opening date of September 24, 2015, 2:00 p.m., City of Seward, 537 Main Street, Seward, Ne for the Roberts Street Area Distribution Line Upgrade project.

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

Councilmember Singleton moved, seconded by Councilmember Pike, to approve the publication of advertisement on August 26, 2015, September 2, 2015 and September 9, 2015 in the Seward County Independent for the Roberts Street Area Distribution Line Upgrade project.

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

8. CONSIDERATION OF AWARDING BID FOR BUCKET TRUCK TO ALTEC HILINE, LLC IN THE AMOUNT OF \$218,189.00

Councilmember Singleton moved, seconded by Councilmember Fritz, to approve awarding the bid for one bucket truck to Altec HiLine, LLC in the amount of \$218,189.

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

9. ACKNOWLEDGE RECEIPT OF AIRPORT AUTHORITY RESOLUTION REQUESTING LEVY AUTHORITY

Councilmember Singleton moved, seconded by Councilmember Fritz, to acknowledge receipt of Airport Authority resolution requesting levy authority for the 2015-2016 fiscal budget year.

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

10. 2015-2016 BUDGET DISCUSSION

Councilmember Beck requested the City add back in the budget dollars for the intern position that was removed from the proposed draft budget. City Administrator Smith stated the 2014-2015 budget had approximately \$8,000 budgeted for interns. He said this amount would be added back in the budget.

Councilmember Singleton inquired about the location and the expenditure of \$5,000 budgeted in fixed assets for a dog park fence. He stated the last Council discussion he recalled was that it would be on Seward Street and the Council denied the project due to a lack of support. After a brief discussion, Councilmember Singleton requested the money for a dog park fence be removed from the budget.

Councilmember Schmit inquired about the 5% wage increase, which is included in the budgeted salaries. He stated the rate of inflation is only at about 3.4%. City Administrator Bruce Smith stated the City Council has to approve any change to the Pay Plan and any cost-of-living (comparability) increase. The current pay plan has a range for step increases from 1% to over 6%, depending on the step and position. He stated the 5% allows for the potential of a cost-of-living or comparability increase and for the step increase/bonus for those employees who will be eligible on April 1, 2016, following performance review. No changes to the proposed 5% budgetary increase for salaries were requested.

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11. CITY ADMINISTRATOR REPORT

Councilmember Singleton moved, seconded by Councilmember Pike, that the City Administrator's Report dated August 18, 2015 be accepted.

Aye: Hans, Beck, Fritz, Pike, Singleton, Wilken, Schmit

Nay: None

Absent: Kamprath. Motion carried.

\*\*\*\* Mayor Eickmeier skipped over agenda item #12, (STRATEGY SESSION WITH CITY ATTORNEY TO CONSIDER LEGAL REMEDIES AGAINST SOUTHERN CROSS INVESTMENTS, LLC FOR BREACH OF ITS CDBG LOAN OBLIGATION), at the recommendation of City Attorney Hoffschneider.

13. FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION

None

14. ANNOUNCEMENT OF UPCOMING EVENTS

None

12. STRATEGY SESSION WITH CITY ATTORNEY TO CONSIDER LEGAL REMEDIES AGAINST SOUTHERN CROSS INVESTMENTS, LLC FOR BREACH OF ITS CDBG LOAN OBLIGATION

Councilmember Singleton moved, seconded by Councilmember Beck, that the City Council, Mayor Eickmeier, City Attorney Hoffschneider, and City Administrator Smith enter into an executive closed session for the protection of the public interest to conduct a strategy session to consider legal remedies against Southern Cross Investments, LLC for breach of its Community Development Block Grant Loan obligation, with the session lasting no more than fifteen minutes.

Mayor Eickmeier stated there is a motion and second that the City Council, Mayor Eickmeier, City Attorney Hoffschneider, and City Administrator Smith enter into an executive closed session for the protection of the public interest to conduct a strategy session to consider legal remedies against Southern Cross Investments, LLC for breach of its Community Development Block Grant Loan obligation, with the session lasting no more than fifteen minutes.

Aye: Hans, Beck, Fritz, Pike, Singleton, Wilken, Schmit

Nay: None

Absent: Kamprath. Motion carried.

The executive closed session began at 7:42 p.m.

At 7:50 p.m., the executive closed session ended. Councilmember Fritz moved, seconded by Councilmember Singleton, that the City Council returns to regular session.

Aye: Hans, Beck, Fritz, Pike, Singleton, Wilken, Schmit

Nay: None

Absent: Kamprath. Motion carried.

Mayor Eickmeier stated that no formal action was taken during the executive closed session.

15. MOTION TO ADJOURN



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Councilmember Singleton moved, seconded by Councilmember Pike, that the August 18, 2015 City Council Meeting adjourn.

Aye: Hans, Beck, Fritz, Pike, Singleton, Wilken, Schmit

Nay: None

Absent: Kamprath. Motion carried.

THE CITY OF SEWARD, NEBRASKA

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Joshua Eickmeier, Mayor

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

DRAFT