

City of Seward, NE
Tuesday, November 3, 2015
Regular Session

Item G1

**CONSIDERATION OF APPROVAL OF DRAFT MINUTES OF
OCTOBER 20, 2015 - Bonnie Otte**

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

Staff Contact:

October 20, 2015

The Seward City Council met at 7:00 p.m. on Tuesday, October 20, 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, Sid Kamprath, Barbara Pike, John Singleton, Chris Schmit, Dick Hans. Other officials present: City Administrator Bruce Smith and Attorney Christina Usher, filling in for City Attorney Kelly Hoffschneider. Absent: Dean Fritz.

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. INTRODUCTIONS, SPECIAL PRESENTATIONS & PROCLAMATIONS

Mayor Eickmeier welcomed Katrina Goldsmith as the newly-hired Aging Services Commission Assistant.

2. APPROVAL OF MINUTES OF OCTOBER 6, 2015 COUNCIL MEETING

Councilmember Singleton moved, seconded by Councilmember Pike, that the minutes of the October 6, 2015 City Council meeting be approved.

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

3. CONFIRMATION OF MAYOR'S APPOINTMENTS

Councilmember Schmit moved, seconded by Councilmember Pike, that the resignation of Thomas Spunaugle from the Planning Commission and Seward Community Redevelopment Authority be accepted.

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

October 20, 2015

Councilmember Beck moved, seconded by Councilmember Pike, that the resignation of David Kumm from the LB840 Sales Tax Application Review Board for Economic Development be accepted.

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

Councilmember Pike moved, seconded by Councilmember Schmit, that the resignation of Mary Meyer from the Civil Service Commission be accepted.

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

4. 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. Seward County Economic Development Corporation Director's Report
- F. Infrastructure Cost Items Reimbursable Back to the City.

CLAIMS LIST
10-20-15
COUNCIL MEETING

Abbreviations: Bu, Building Upkeep; Eq, Equipment; Ex, Expense; Ma, Maintenance; Mi, Mileage; Misc, Miscellaneous; Re, Repairs; Sa, Salaries, Se, Services; Su, Supplies; Ut, Utilities, CI, Capital Improvements; GU, Grounds Upkeep.

Advanced Floor Care Inc	Ma	250.00
Aldrich Melvin L	Ex	90.00
Alliance Technologies	Se	3,823.60
Allied Surveying & Mapping	Se	200.00
Ameritas Life Insurance Co	Ins	8,466.56
Anderson Brock	Misc	70.00
Austin T J	Misc	70.00
Awards Unlimited Inc	Su	5.00
Baker & Taylor	Su	626.07
Baldwin Alan	Mi, Su, Meals	216.87
Beehive Industries LLC	Se	33,600.00
Black Hills Energy	Ut	123.05
Bloebaum Nickalas	Ex	90.00
Brunckhorst Kent	Ex	90.00
C N A Surety	Ins	100.00
Capital Business-Cheyenne	Su	103.00
Capital Business-Dallas	Ma	225.00

October 20, 2015

Car & Driver Magazine	Su	12.00
Cihal Alan F	Ex	90.00
City Seward Electric Fund	Ut	44,682.93
City Seward Library Petty	Su	138.43
City Seward Merchant Services	Fees	1,441.77
City Seward Payroll Account	Payroll	229,526.39
Consolidated Management	Meals	85.50
Core Robert	Ex	160.00
Cross & Sons Inc	Su	215.00
Ditch Witch Omaha	Re	59.15
Dredge Clayton	Ex	90.00
Duer Bryan	Ex	90.00
Duffek Daniel D	Ex	90.00
Dutton-Lainson Co	Su	2,702.82
E M C Insurance Companies	Ins	1,114.44
Farmers Coop Seward	Gu, Su, Re	2,654.65
Fast Mart	Su	17.51
Fastenal Company	Su, Re	590.99
Ferguson Steven C	Ex	90.00
Fisher Zachary G	Misc	375.00
French Matthew	Ex	90.00
Fritz Dean	Trees	150.00
Fyr-Tek	Re	87.80
G I S Workshop Inc	Se	7,725.00
Garbage Company 3057	Se	6,480.51
Garcia Carol	Incentive	400.00
General Fire & Safety Eq	Bu	51.75
Gerhold Concrete Co Inc	Re, Su	3,087.66
Gonzalez Edward	Ex	90.00
Graybar	Ci	2,589.40
H & S Plumbing Heating & AC	Bu	187.50
Hansen Dan	Ex	90.00
Health Magazine	Su	30.00
Hecker Jeanie	Su	32.00
Helmlink Printing Inc	Su	895.10
Hemphill Electric LLC	Su	334.24
Hobson Automotive & Tire	Re	941.32
Hochstein Jared	Ex	90.00
Holiday Inn-Kearney	Trng	263.85
Hughes John	Ex	90.00
Husker Electric Supply Co	Re, Su	3,556.33
Internal Revenue Service	Fees	9.48
Int'L Institute Municipal	Dues	250.00

October 20, 2015

Jackson Ron	Misc	70.00
Jackson Services Inc	Ma	162.32
Janicek Gary M	Meals	9.08
Johner Randy	Ex	121.01
Jones National Bank & Trust	Eq	278.20
Kriz-Davis Co	Re, Su, Ci	38,957.76
Languein Connie	Se	920.00
Last Mile Network Consult	Se	223.60
Latsch'S	Su	80.25
League Ne Municipalities	Conf	373.00
Lincoln Winwater Works	Re	661.26
Love Of Quilting Magazine	Su	32.97
Mailand'S Clothing	Uniforms	38.50
Matheson Tri-Gas Inc	Su	94.30
Mattson Ricketts Law Firm	Se	4,001.00
Memorial Health-Meals	Meals	2,113.02
Mid-American Benefits Inc	Ins	397.22
Midwest Auto Parts	Su, Re, Bu	592.78
Midwest Automotive	Re	2,850.26
Midwest Laboratories Inc	Se	1,406.37
Miers Robert M	Ex	90.00
Miller Greg / Mindy	Misc	325.00
Mueller Ronald	Incentive	30.00
Municipal Supply Nebraska	Re	758.44
Nat'L Audio Company	Su	343.92
Nebraska Equipment Inc	Re	2,494.19
Nebraska Health Environment	Se	469.00
Nebraska Mun Clerks' Asso	Dues	70.00
Nebraska Pub Pow-DesMoine	Incentive, Ut	581,911.11
Nebraska Safety Council	Dues	350.00
Nebraska Sports	Eq	278.95
Niemann'S Port-A-Pot LLC	Gu	400.00
Nitz Arden A	Bu	160.74
O C L C Inc	Se	180.69
Office Depot Inc	Bu, Su	179.98
O'Kief John F	Ex	90.00
One Call Concepts Inc	Se	104.05
One Source Background Check	Se	19.00
O'Reilly Auto Parts	Re, Su	459.36
Orscheln Farm & Home	Su, Bu, Re	273.67
Otte Donna	Mi	37.38
Pac 'N' Save Discount Foods	Su	682.30
Page My Cell	Se	500.00

October 20, 2015

Pedersen Brent	Ex	90.00
Pfeil Heather	Misc	250.00
Pitney Bowes Reserve Acco	Su	3,200.00
Plains Equipment Group Inc	Re	14.84
Policky Brandon A	Ex	90.00
Pollak Cody	Ex	90.00
Pollak Douglas W	Ex	100.30
Porter Norman	Incentive	35.00
Precision Tool & Machine	Re, Su	57.00
Quill Corp	Su	711.18
Regulatory Compliance Ser	Se	395.00
Regulatory Software Ser	Se	948.00
Richtig Tim L	Ex	90.00
Ri-Tec Industrial Product	Su	125.00
Ruether Larry L	Ex	90.00
Sam'S Club (Lib-Rec-Pool)	Su	447.68
Sam'S Club (Sen Center)	Dues, Ex	132.17
Sanley Patricia	Ex	90.00
Schaefer Concrete LLC	Su	3,646.00
Schaefer Troy	Ex	90.00
Schindler Elevator Corp	Ma	843.72
Schranz Jacquelyn	Su	39.52
Seward County Independent	Su	636.02
Seward County Public Power	Ut	1,346.46
Seward County Treasurer	Se	15,188.50
Seward High Cross Country	Misc	300.00
Seward Lumber & Home Center	Su, Bu, Re	606.18
Seward School District	Ex	195.05
Smith Bruce	Meals, Misc	200.07
Smith Michael	Ex, Glasses	283.19
Spickelmier & Son Inc	Re	7,315.00
Sports Express	Su	289.00
St Louis Michelle	Ex	90.00
Suhr & Lichty Insurance A	Ins	260,678.00
Taser Training Academy	Trng	200.00
Taste Of The South Magazine	Su	32.00
Time Warner Cable	Se	79.38
U S A Bluebook - Cust 812	Su	1,091.75
U S Postal Service	Su	168.00
Ultramax	Su	1,073.00
Vancura Brad	Misc	140.00
Verizon Wireless	Se	189.03
Visa - Pinnacle Bank	Misc	43.76

October 20, 2015

Wattier Mark	Ex	90.00
Wesco Distribution Inc	Ci	107,614.52
Windstream Nebraska Inc	Se	2,318.94
Wolter Gary	Ex	171.88
	CLAIMS TOTAL	\$1,415,403.49

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

5. PUBLIC HEARING - 7:00 P.M. - CONSIDERATION OF PRELIMINARY AND FINAL PLAT OF PITSCH ADDITION

Public Facilities/Capital Improvement/GIS Director John Hughes presented the application from Betty Pitsch for a replat of two existing lots located at 864 N 5th St and 916 N 5th St. The subdivision involves moving the middle property line, making one lot larger and one smaller. The property is currently zoned Residential (R-3) and proposed subdivision conforms with the City's Comprehensive Plan.

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

Ordinance No. 2015-16 approving the Final Plat of Pitsch Addition was adopted.

Councilmember Pike moved, seconded by Councilmember Kamprath, that the minutes of the proceedings of the Mayor and Council of the City of Seward, Seward County, Nebraska in the matter of passing and approving Ordinance No. 2015-16, "AN ORDINANCE TO APPROVE THE PLAT ENTITLED "PITSCH ADDITION", CITY OF SEWARD, SEWARD COUNTY, NEBRASKA," AS HEREINAFTER SET FORTH, LOCATED ON 5TH STREET BETWEEN HILLCREST DRIVE AND CEDAR STREET; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT" be preserved and kept in a separate and distinct volume known as "Ordinance Record, City of Seward, Nebraska" and that said separate and distinct volume be incorporated in and made a part of these proceedings the same as though it were spread at large herein.

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

6. PUBLIC HEARING - 7:00 P.M. - CONSIDERATION OF A SPECIAL USE PERMIT FROM PAMELA HAMPL, 1075 AUGUSTA DRIVE, TO OPERATE A HAIR SALON AT RESIDENCE

Public Facilities/Capital Improvement/GIS Director John Hughes presented the application of Pamela and Michael Hampl for a Special Use Permit to operate a Hair Salon in their residence. The City's Unified Land Use Ordinance allows for Hair Salon occupancy under a Special Use Permit.

Pamela Hampl provided some brief comments on the desire to have this business from her home.

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

Councilmember Hans moved, seconded by Councilmember Singleton, that a Special Use Permit be issued to Pamela and Michael Hampl to operate a Hair Salon

October 20, 2015

at their residence of 1075 Augusta Drive.

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

Nay: None

Absent: Fritz. Motion carried.

7. CITIZEN CONCERNS REGARDING CELL TOWER SETUP AND LOCATION

Councilmember Singleton stated Norm Porter of 104 N 1st Street was not able to attend the meeting; however, he (Mr. Porter) expressed concern that the cell tower located near his home is interfering with his day-to-day lifestyle. The agenda item statement prepared and submitted by Mr. Porter indicated trouble sleeping, headaches, backaches, nausea, and skin irritation.

Mayor Eickmeier stated that cell towers are regulated by the FCC and there is not much a community can do with regard to their location other than with landscaping around them.

Public Facilities/Capital Improvement/GIS Director John Hughes stated he visited with Mr. Porter about the City's limitations with regard to cell tower placement or setup. Mr. Hughes added that Verizon contacted the Building and Zoning Department with regard to modifying their tower emissions and equipment on the tower; however, their inquiry was prior to the City receiving the concerns from Mr. Porter and he is not aware of any changes at this point.

No action was taken.

8. CONSIDERATION OF STREET CLOSURE CROSSING HWY 15 FOR CHAMBER OF COMMERCE ANNUAL HOLIDAY PARADE PERMIT ON NOVEMBER 28, 2015

Kathy Evert, Chamber of Commerce Interim Executive Director presented the request for a parade permit for the annual holiday parade to be held on November 28.

Mayor Eickmeier stated that since the parade route crosses Hwy 15, the Council must take action on the request, which is submitted to the State Department of Roads.

Councilmember Singleton moved, seconded by Councilmember Schmit, that a Parade Permit for the Chamber of Commerce annual holiday parade to be held on November 28, 2015 be approved.

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

Nay: None

Absent: Fritz. Motion carried.

9. CONSIDERATION OF REJECTION OF BID FOR ROBERTS STREET AREA DISTRIBUTION LINE UPGRADES

Garrett Klein of Olsson Associates addressed the Council stating only one bid was received on the Roberts Street Area Distribution Line Upgrade project at a price of \$692,875. The project estimate was \$450,000. He stated they reviewed their estimate and made some adjustments, but not to the level of the bid which was received. He stated they contacted some of the contractors that did not bid and found that the contractors were working on other projects at the time and could not meet the proposed timeline in the bid specs. He stated he feels that if the project were to be rebid with the completion date adjusted, the City would likely receive additional bids. Mr. Klein recommended the City reject the bid and readvertise the project.

October 20, 2015

A question was raised if there was concern that the project was budgeted at \$450,000 and the new engineer's estimate was \$504,000. City Administrator Smith stated he was not concerned with the budgeted amount and slightly higher engineer's estimate and concurred to move forward with the readvertising the project.

Councilmember Singleton moved, seconded by Councilmember Wilken, that the bid from IES Commercial, Inc, PO Box 27, Holdrege, NE in the amount of \$692,875 for the Roberts Street Area Distribution Line Upgrade project be rejected, due to the bid being significantly higher than the engineer's estimate and that the project be readvertised for bids.

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

Nay: None

Absent: Fritz. Motion carried.

10. PRESENTATION BY NEBRASKA PUBLIC POWER DISTRICT ON WHOLESALE POWER CONTRACT

Pat Pope with Nebraska Public Power District (NPPD) presented information on NPPD's power generation, assets, history of rates, cost of purchasing power, and contract options. He stated NPPD is proposing a new 20-year wholesale contract with their power purchasers, which would begin January 1, 2016. Under this new contract, NPPD is proposing a 0.6% rate increase for 2016. The City has 5 years remaining on the current contract; however, if they choose to not renew with the new contract prior to January 1, there will be a 3.8% rate increase for 2016. Mr. Pope explained that the reasoning for the increase for those customers choosing to not renew the contract is the need to collect a portion of retiree healthcare obligations associated with past service. He stated it is more difficult to fund the healthcare obligations within this short-term (5 years remaining in current contract) than under a 20-year contract obligation.

There was some discussion about the potential of NPPD coming back at year 10 or 15 of the new contract and requesting a new contract again, without getting the full benefit of the full 20 years. There was also concern expressed that the cities remaining with NPPD (some have given notice they are terminating their contract) are being penalized to make up for those who have chosen to end the relationship. When asked why there was no mechanism in place to adjust for those exiting the contract, Mr. Pope stated there has always been the assumption that the wholesale customers would stay with NPPD. He said that was incorrect; however, he said he did not feel it would be appropriate to only charge an increase to those who are leaving the contract and the only option that seemed to work was to what is being presented. When asked why NPPD didn't begin working on a plan earlier to correct the shortfall for funding the retiree healthcare, Mr. Pope stated if they would have started collecting for the retiree healthcare earlier, it would have put pressure on rates, and since there was the assumption that all of the wholesale customers would continue with the contract, NPPD did not want to raise the rates.

Mayor Eickmeier stated the citizens expect the City to maintain and not increase the utility rates and there have been times when NPPD has increased the cost of the service and the City did not pass it along to the citizens but covered the costs through delay on infrastructure or other cost-cutting measures.

No action was taken.

11. CONSIDERATION OF A CONSULTING SERVICES AGREEMENT WITH JK CONSULTING FOR PROVIDING A COMPLETE POWER SUPPLY EVALUATION

October 20, 2015

John Krajewski, P.E. with JK Energy Consulting, LLC presented an agreement to provide consulting services to complete a Power Supply Evaluation for the City and its municipal electric utility at a cost of \$12,000-\$15,000, with the project to be completed by the end of December, 2015.

City Administrator Smith stated he has known and worked with Mr. Krajewski for 25 years and believes he will provide a neutral opinion and recommendation for the Council. He stated he feels this would provide the Council with options to make an informed decision.

Councilmember Singleton moved, seconded by Councilmember Schmit, that an agreement with John Krajewski, P.E. with JK Energy Consulting, LLC, 650 J Street, Suite 108, Lincoln, NE to provide consulting services to complete a Power Supply Evaluation for the City and its municipal electric utility at a cost of \$12,000-\$15,000 be approved.

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

Nay: None

Absent: Fritz. Motion carried.

12. CONSIDERATION OF AN AGREEMENT WITH EARTH NETWORKS, INC FOR PLACEMENT OF A WEATHER CAMERA, WEATHER STATION, AND RELATED HARDWARE AND SOFTWARE ON THE WATER TOWER

Mayor Eickmeier stated that legal counsel has some concerns with the agreement with Earth Networks, Inc and would like to propose some changes prior to Council consideration and asked that the item be tabled.

Councilmember Schmit moved, seconded by Councilmember Singleton, that an agreement with Earth Networks, Inc, 12410 Milestone Center Drive, Suite 300, Germantown, MD for placement of a weather camera, weather station, and related hardware and software to be placed on the water tower be tabled for further review by the City's legal counsel.

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

Nay: None

Absent: Fritz. Motion carried.

13. CITY ADMINISTRATOR REPORT

Councilmember Pike moved, seconded by Councilmember Singleton, that the City Administrator's Report dated October 20, 2015 be accepted.

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

Nay: None

Absent: Fritz. Motion carried.

14. FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION

None.

15. ANNOUNCEMENT OF UPCOMING EVENTS

- A. October 25 from 10:00 a.m. - 5:00 p.m. - Seward Youth Center Fundraiser - 4th Street between Hwy 34 & South Street
- B. October 31 from 4:30-7:00 - United Methodist Church - Halloween Trunk N Treat -Northern Heights to Crestwood on N 5th Street
- C. November 28 at 5:30 p.m. - Annual Holiday Lighted Parade

October 20, 2015

16. MOTION TO ADJOURN

Councilmember Pike moved, seconded by Councilmember Singleton, that the October 20, 2015 City Council Meeting adjourn.

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

Nay: None

Absent: Fritz. Motion carried.

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

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

DRAFT