City of Seward, NE

Tuesday, February 9, 2016

Regular Session

Item G1

CONSIDERATION OF APPROVAL OF DRAFT MINUTES OF JANUARY 19, 2016 - Bonnie Otte

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

Staff Contact:

January 19, 2016

The Seward City Council met at 7:00 p.m. on Tuesday, January 19, 2016, 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, Dean Fritz, Barbara Pike, John Singleton, and Chris Schmit. Other officials present: City Administrator Bruce Smith and Attorney City Attorney Kelly Hoffschneider. Absent: Dick Hans.

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 AMENDED MINUTES OF DECEMBER 21, 2015 COUNCIL MEETING

Councilmember Pike moved, seconded by Councilmember Singleton, that the minutes of the December 21, 2015 City Council meeting be approved, as amended.

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

2. APPROVAL OF MINUTES OF JANUARY 5, 2016 COUNCIL MEETING

Councilmember Pike moved, seconded by Councilmember Singleton, that the minutes of the January 5, 2016 City Council meeting be approved.

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

3. CONSENT AGENDA CONSIDERATION ITEMS

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

A. Claims & Payables Reports
B. City Clerk-Treasurer Report

C. Police Department Report
D. Refuse Hauler's Licenses
E. Infrastructure Cost Items Reimbursable Back to the City.

CLAIMS LIST
1-19-16
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.

Altec Industries Inc	Re	339.12
Amazon.Com Credit Service	Su	1,115.32
Ameritas Life Insurance Co	Ins	5,748.56
Baker & Taylor	Su	1,649.86
Baldinger Charlotte	Mi	25.63
Bierbaum Randy/Jill	Ex	25.00
Black Hills Energy	Ut	1,312.00
Bloebaum Nickalas	Refnd	302.00
Bollwitt Richard / Sue	Ex	25.00
Brunckhorst Kent	Ex	90.00
Capital Business-Cheyenne	Ma	91.00
Capital Business-Dallas	Ma	225.00
Cash-Wa Distributing Co	Su	4.60
Cihal Alan F	Ex	90.00
City Seward Library Petty	Su, Bu	75.04
City Seward Merchant Serv	Ex	1,086.20
City Seward Payroll Account	Payroll	112,057.25
Commonwealth Electric Co	Eq	1,954.27
Continental Fire/Alarm/De	Se, Ma	1,615.00
Core Robert	Ex	90.00
Cornhusker International	Re	3,580.56
Cross & Sons Inc	Sign	912.00
Cross Dillon Tire Lincoln	Equip	1,671.00
Culp Jerry	Se	300.00
Danko Emergency Equipment	Equip	2,472.21
Davisson Furniture Center	Ma	384.00
Demco Inc	Equip	361.74
Diamond Vogel Paint Center	Bu	349.69
Duer Bryan	Ex	90.00
Duffek Daniel D	Ex	90.00
Dugan Business Forms	Su	2,451.63
E M C Insurance Companies	Ins	1,576.00
Ehlers Electronics	Su	8.50
Electronic Contracting Co	Bu	172.50
Farmers Coop Seward	Su, Re	2,163.90
Fastenal Company	Su, Ma, Re	97.39
Ferguson Steven C	Ex	90.00
Foltz Fred	Ex	225.00
French Matthew	Ex	90.00
Gabriel Burger Else CPA	Se	7,500.00
Gonzalez Edward	Ex	90.00
Gottschalk Cohl	Ex	50.00
Great Plains Appraisal	Se	4,000.00
H & S Plumbing Heating & Plmbg	Bu	95.00
Hach Company	Se	324.60
Hamilton Equipment Company	Re	1,006.89
Hochstein Glen	Ex	30.00

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Hochstein Jared	Ex	90.00
Hughes John	Ex	90.00
Hughes John/Jana	Ex	30.00
I E S Commercial Inc	Ci	28,354.81
Interstate All Battery Ce	Bu	92.69
J 4 K Cleaning Company	Se	1,345.13
J K Energy Consulting LLC	Se	8,458.66
J-14 Magazine	Su	14.97
Jackson Services Inc	Ma	78.75
Janicek Gary M	Ex	90.00
Janousek Tim	Ex	25.00
Johner Randy	Ex	90.00
Johnson Brady / Jill	Ex	25.00
Last Mile Network Consult	Se	90.00
Lee'S Refrigeration	Re	95.07
Matheson Tri-Gas Inc	Su	97.06
Mechanical Sales Inc	Bu	556.00
Metering & Technology Sol	Eq	2,527.57
Mid-American Benefits Inc	Ins	575.76
Midwest Auto Parts	Re, Su, Ma	1,134.08
Midwest Automotive	Re	150.36
Midwest Laboratories Inc	Se	741.10
Miller Greg / Mindy	Ex	25.00
Mohrhoff Power Equipment	Re	218.86
Municipal Supply Nebraska	Ma	1,679.78
N M C Exchange Inc	Re	551.00
Nebraska Cemetery Association	Dues	40.00
Nebraska City/County Man	Dues	408.00
Nebraska Equipment Inc	Re	254.01
Nebraska Pub Pow-DesMoine	Ut, Re	453,419.21
Nebraska Recycling Association	Dues	120.00
Nebraska Revenue	Lodging Tax	213.67
Niemann'S Port-A-Pot LLC	Bu	130.00
Northern Safety Co Inc	Uniform	494.01
O C L C Inc	Su	180.69
O'Kief John F	Ex	90.00
Olsson Associates	Se	121.14
One Call Concepts Inc	Se	52.95
Opfer Jamie/Shanna	Ex	25.00
O'Reilly Auto Parts	Su	98.92
Orscheln Farm & Home	Bu, Su	316.05
Otte Donna	Mi	37.38
Pac 'N' Save Discount Foods	Su	289.09
Pankoke Henry W	Se	275.00
Pedersen Brent	Ex	90.00
Placke Jeff	Ex	25.00
Plains Equipment Group Inc	Re	151.21
Plunkett'S Pest Control	Bu	57.32
Policky Brandon A	Ex	90.00
Pollak Cody	Misc	15.00
Pollak Douglas W	Ex	90.00
Precision Tool & Machine	Su	313.84
Quill Corp	Su	133.97
Richtig Tim L	Ex	90.00
Ruether Larry L	Ex	90.00
Sack Lumber Company	Su	25.44
Salyer Justin	Ex	25.00
Sam'S Club (Lib-Rec-Pool)	Dues	316.92
Sam'S Club (Sen Center)	Su	47.99
Sanley Patricia	Ex	90.00

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Seward Area Chamber Commerce	Ma, Misc	1,906.60
Seward County Clerk/Reg Deeds	Ex	60.00
Seward County Independent	Se	1,649.16
Seward County Public Power	Ut	1,691.54
Seward County Treasurer	Se, Ex	16,262.50
Seward Electronics	Re	54.25
Seward Lumber & Home Cent	Su, Re, Gu	917.75
Seward School District	Fines, Fees	175.00
Sleight Austin	Ex	50.00
Slepicka Max	Ex	50.00
Sloup Shane	Ex	50.00
Smith Michael	Ex	90.00
St Louis Michelle	Ex	90.00
Total Tool Supply Inc	Su	99.00
U S Postal Service	Su	266.00
University Nebraska Extension	Ex	20.00
Upstart	Su	291.38
Verizon Wireless	Se	118.77
Visa - Pinnacle Bank (Walmart)	Su, Bu	66.38
Wattier Mark	Ex	90.00
Wesco Distribution Inc	Su	2,940.36
Windstream Nebraska Inc	Se	2,386.71
Claims Total		$692,872.32

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

4. CONFIRMATION OF MAYOR'S APPOINTMENTS

Councilmember Schmit moved, seconded by Councilmember Singleton, that the Mayor's appointment of Ken Baldinger (replace Dave Besse) and Gary Rolf (replace Ben Chaffin) to each serve a two-year term on the Aging Services Commission be approved.

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

Councilmember Singleton moved, seconded by Councilmember Kamprath, that the Mayor's reappointment of Councilmember Dean Fritz and Councilmember Barbara Pike to each serve a one-year term on the Seward Foundation be approved.

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

5. PUBLIC HEARING - 7:00 P.M. - CONSIDERATION OF PRELIMINARY AND FINAL PLAT OF UNDERWOOD COMMERCIAL ADDITION (SE CORNER OF S 7TH ST AND SOUTH ST

Public Facilities/Capital Improvements & GIS Director John Hughes stated the plat involves 3 parcels, with the owner only moving one property line. The area is currently located in the Central Business District Zoning, with no zoning change at this time. The Planning Commission unanimously approved the Preliminary and Final plat.

Mayor Eickmeier opened the public hearing.

Don Whittemore, 212 Bradford St, relayed concerns of the loss of single-family dwellings in his neighborhood and the concern that additional

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multi-plex properties will rely on the street for parking. He stated a duplex or tri-plex would be ok, but a six-plex has too many units.

Al Underwood, 535 Chestnut Circle stated that he has no intention of building on these properties. He stated he is using the buildings for his business and is replatting for the purpose of possibly selling one of the buildings in the future.

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

Ordinance No. 2016-09 approving the Final Plat of the Underwood Commercial Addition was adopted.

Councilmember Schmit moved, seconded by Councilmember Singleton, 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. 2016-09**, "AN ORDINANCE TO APPROVE THE PLAT ENTITLED "UNDERWOOD COMMERCIAL ADDITION", CITY OF SEWARD, SEWARD COUNTY, NEBRASKA," AS HEREINAFTER SET FORTH, LOCATED AT THE SOUTHEAST CORNER OF SOUTH 7TH STREET AND SOUTH 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: Pike, Singleton, Schmit, Wilken, Beck, Kamprath, Fritz
Nay: None
Absent: Hans. Motion carried.

6. CONSIDERATION OF APPROVAL OF STAR STREET PROJECT

City Administrator Smith stated the City submitted an easement proposal to the Seward School District. Their attorney made some changes and City Attorney Hoffschneider is reviewing the changes. He stated the homeowners and the School District have come to an agreement that they would split the approximate $8,000 engineering cost for improvements and the City would provide in-kind labor and equipment at a cost of approximately $13,000. Mr. Smith stated the project includes building a ditch to a holding pond.

Councilmember Beck stated the agreement with the School District is that each of the homeowners will contribute $250 toward the project, (construct ditch North of Pinewood to West of Star Street) with the School District paying the remainder of the $8,000. She thanked the homeowners for stepping up and contributing toward the solution.

Councilmember Singleton asked if there should be liability concerns with the amount of water that will be running down this ditch.

City Attorney Hoffschneider stated he would prefer it documented in some type of settlement agreement for release of liability, since there is no release of liability within the easement documents.

Councilmember Singleton moved, seconded by Councilmember Schmit, that the Star Street Project be tabled until the attorneys (School District and City) work up a release of liability agreement.

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

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7. CONSIDERATION OF APPROVAL OF LEASE AGREEMENT WITH WAKE FAMILY FOR SEWARD COMMUNITY GOLF COURSE LAND

City Attorney Hoffschneider stated the lease agreement with the Wake Family for the Seward Community Golf Course land is consistent with the negotiations and has a 7-year term. He added that this lease includes the current driving range.

City Administrator Smith stated the lease payment does not include the property taxes, which he thought to be approximately $7,000/year.

Councilmember Beck moved, seconded by Councilmember Fritz, that the lease agreement between Thomas H. Wake, III and James Stephen Wake and the City of Seward for the Seward Community Golf Course Land be approved.

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

8. CONSIDERATION OF APPROVAL OF CLOSING DOCUMENTS FOR THE PURCHASE OF SEWARD COUNTRY CLUB ASSETS

City Attorney Hoffschneider stated the closing documents for the purchase of the Seward Country Club Assets were prepared by the Title Services of Blue Valley. He stated the first contingency is the finalized lease agreement with the Wake Family, which was just approved. The second contingency is a completed appraisal, which is also completed. He stated the Attorney General must also approve the transaction since the Country Club is a non-profit organization, and the City is waiting on that approval.

Councilmember Schmit moved, seconded by Councilmember Kamprath, that the closing documents for the purchase of the Seward Country Club Assets be approved and that Mayor Eickmeier be authorized to execute all documents related to the purchase of Seward Country Club Assets.

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

9. CONSIDERATION OF A RESOLUTION FOR THE SALE OF SURPLUS PROPERTY

Councilmember Fritz introduced the following resolution:

RESOLUTION NO. 2016-02

WHEREAS, the City of Seward, Nebraska has the authority to sell personal property owned by the City; and

WHEREAS, as outlined under Section 1-926 of the City Code, in order for the City to sell property having a value of $5,000 or more, the City Council shall declare said property as surplus property and approve its disposal; and

WHEREAS, the Governing Body determines that the City Administrator should act and that items should be sold and disposed of by the City of Seward; and

WHEREAS, the City of Seward, Nebraska has the following described property:

City of Seward - Surplus Property Auction Items

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Trailer Running Gear (steering froze)
(Electric)
100 watt HPS Street Light Heads "Post
Top"(Electric)
30 Ft. Street Light Poles -1 lot (Electric)

76 Ford Dump Truck (Electric)

96 Chevy 1/2 Ton Pick up (white)(Electric)

1994 Chevy Passenger Astro Van
(Blue)(Building)
Ford Blue Tractor (Parks)

Toro Mower 16 Ft. (Parks)

Tommy Lift Tail gate unit (Parks)

1993 Dodge 1/2 ton (white) (W/Water)

1995 Ford work Van (White) (W/Water)

Garage door (w/Water)

Ford Back hoe (W/Water)

1996 Chevy work Van (White) (W/Water)

Ariens 3210 Snow Blower (Parks)

82 Ford Dump Truck (yellow) w/snow plow
(Street)
Stainless Salt spreader (Street)

Stainless Salt spreader (Street)

Fuel tank & Stand (250 gal)(Cem)

Score Boards (x2) (Parks)

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

That the above described property be sold or destroyed by the City of Seward in accordance with the procedures set forth in Section 1-926 of the Seward City Code.

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

The Mayor declared the resolution adopted.

Dated: January 19, 2016

THE CITY OF SEWARD, NEBRASKA

ATTEST:

_____
Joshua Eickmeier, Mayor

_____
Bonnie Otte
Assistant Administrator/
Clerk-Treasurer/
Budget & Human Resource Director

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10. CITY ADMINISTRATOR REPORT

Councilmember Pike moved, seconded by Councilmember Kamprath, that the City Administrator's Report dated January 19, 2016 be accepted.

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

11. FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION

None.

12. ANNOUNCEMENT OF UPCOMING EVENTS

February 5 – Annual City Employee Recognition Event – Nate's on the Nine – 6:00 p.m.
February 22 & 23 – League of Nebraska Municipalities Midwinter Conference

13. MOTION TO ADJOURN

Councilmember Singleton moved, seconded by Councilmember Schmit, that the January 19, 2016 City Council Meeting be adjourned.

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

THE CITY OF SEWARD, NEBRASKA

_____
Joshua Eickmeier, Mayor

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

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