

City of Seward, NE
Tuesday, January 6, 2015
Regular Session

Item G2

**CONSIDERATION OF APPROVAL OF DRAFT MINUTES OF
DECEMBER 16, 2014 - Bonnie Otte**

Staff Contact:

December 16, 2014

The Seward City Council met at 7:00 p.m. on Tuesday, December 16, 2014, 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: Charles Lieske, Ellen Beck, Sid Kamprath, Dean Fritz, Barbara Pike, John Singleton, Chris Schmit, Richard Hans. Other officials present were: Interim City Administrator Jack Vavra and Christine Usher, in place of City Attorney Hoffschneider. Absent: None.

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 Resolution Number 14-99, which was adopted on the 17th day of August, 1999; said method stating that the notice of such meeting, with the agenda thereon, be posted in the following places: City Hall, County Courthouse 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 in the front window 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 DECEMBER 2, 2014 COUNCIL MEETING

Councilmember Pike moved, seconded by Councilmember Singleton, that the minutes of the December 2, 2014 City Council meeting be approved.

Aye: Schmit, Hans, Lieske, Beck, Kamprath, Pike, Singleton, Fritz

Nay: None

Absent: None. Motion carried.

2. CONSENT AGENDA CONSIDERATION ITEMS

- A. Claims & Payables Reports
- B. City Clerk-Treasurer Report
- C. Building & Codes Director Reports
- D. Police Department Report
- E. Add Kent Auman, Johnette Shonk, Lucas Brettmann, Christopher Newton, and Kelby Nitz to list of Volunteer Firefighters
- F. Infrastructure Cost Items Reimbursable Back to the City.

CLAIMS LIST
12-16-14
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.

December 16, 2014

Payroll	115,768.02
Accu Cut, Su	141.25
Alliance Technologies, Se	60.00
Advanced Floor Care, Ma	250.00
Amazon.com, Su, Bu	983.59
Alamar Uniforms, Su	67.23
Barnes & Noble Booksellers, Su	15.96
Armor Systems, Se	24.86
Awards Unlimited, Se	24.70
Associated Bag Co, Su	600.90
Baker & Taylor, Su	1,831.75
Butler Machinery Co, Re	565.00
Charlotte Baldinger, Mi	30.24
Blue River Jewelry, Su	54.00
Bern's Body Shop, Re	191.00
Railroad Mgmt Co, Fees	579.63
Time Warner Cable, Se	87.26
Capital Business Systems, Ma	79.00
Seward Area Chamber, Support, Ex	21,237.02
Chapter Books & Gifts, Su	23.96
Cash-Wa Dist, Su	72.70
Seward County Clerk, Se	44.00
M. Collins Contracting, CI	66,165.30
Center Point Large Print, Su	70.00
Library Petty Cash, Su	139.95
Commonwealth Electric, Bu, Su	976.01
Danko Emergency Equip, Eq	2,000.36
Dutton-Lainson, Su	3,045.01
Everyday with Rachael Ray, Su	25.00
Electronic Contracting, Se	1,232.20
Endress + Hauser, Bu	1,642.95
City-Merchant Service, Ex	776.77
Emergeny Medical Products, Su	92.28
Fastenal Co, Su, Re	1,136.09
Global Equipment, Tables	2,948.80
Gabriel, Burger & Else, Se	5,000.00
Fyr-Tek, Uniforms	8,850.00
One Call Concepts, Se	69.10
General Fire & Safety Equip, Su	88.90
Glass Doctor, Bu	153.23
Gale/Cengage Learning, Su	75.00
Hemphill Electric, Bu	82.95
H&S Plumbing Heating & AC, Bu	155.00
Hach Company, Su	234.45
Harding & Shultz, Se	1,544.50
Hawkins, Su	758.19
Husker Electric Supply, Bu	19.95
J-14 mAgazine, Su	16.97
Jacobsen Rock & Gravel, Su	12,524.13
Jones Nat'l Bank & Trust, Incentive	19,244.18
Jackson Services, Se	184.70
Kelly Supply, Re	77.69
Latschs, Su	38.75
Midwest Auto, Re, Su	400.86
Windstream, Se	2,362.00
Last Mile Network, Se	140.00
Lees Refrigeration, Su	10.76
Matheson Tri-Gas, Su	160.05

2

December 16, 2014

Capital Business Systems, Eq	225.00
Midwest Laboratories, Se	566.33
Midwest Automotive, Re	2,143.09
Mattson Ricketts, Se	4,047.92
Mens Health Magazine, Su	25.97
Municipal Supply, Re	3,465.57
Mid-American Benefits, Ins	1,036.55
Merles Garden Center, Ex	105.00
Verison Wireless, Se	167.12
Nebraska Pub Power, Ut	454,898.68
Nebraska Fire Marshal, Ex	120.00
Orscheln Farm & Home, Su, Re, Bu	870.55
O'Reilly Auto Parts, Re, Su	34.58
Donna Otte, Mi	32.48
Lynn Peavey, Su	64.30
OCLC, Se	174.61
Campbell Cleaning & Resto, Bu	24.99
Pac N Save, Su	154.72
Perk & Co, Bu	\$413.86
Memorial Health, Su	2,648.80
Reminisce Magazine, Su	15.00
Sams Club, Su	12.74
Sams Club, Su	129.96
Sack Lumber, Bu	396.02
Seward Lumber	2,157.49
Nebraska Public Health, Se	302.40
Farmers Coop, Su	4,905.23
Plains Equipment Group, Re	387.21
Seward School District, Ex	190.00
Gerhold Concrete, Re	241.24
Seward County Independent, Ex	381.12
Seward County Public Power, Ut	1,634.50
Seward County Treasurer, Se	14,959.33
Nebraska Equipment, Su	107.88
aprecision Tool, Re	15.83
US Postal, Su	200.00
USA Bluebook, Su	358.61
Seward Veterans Foreign Wars, Su	85.00
Titan Machinery, Re	424.50
Tools Plus Industries, Su	360.64
Windustrial, Ma	60.02
Reed Electric, CI	3,608.00
Plunketts Pest Control, Bu	55.12
Nabers Locksmith Service, Bu	311.00
Bornkamp Technology, Bu	135.00
Accountemps, Se	1,140.50
Union Bank & Trust, Int Exp	7,905.60
Josh Schoepf, Se	100.00
Lincoln Human Resource Mngmt, Ex	50.00
Sunset Inn & Suites, Int	12.60
Delta Star, CI	41,103.00
Orville Pearson, Se	40.00
Gary Wolter, Se	171.88
Robert Core, Se	250.00
	<u>828,601.69</u>

Aye: Schmit, Hans, Beck, Kamprath, Pike, Singleton, Lieske
Nay: None

December 16, 2014

Absent: None. Motion carried

3. CONSIDERATION OF A RESOLUTION AMENDING THE REDEVELOPMENT AGREEMENT WITH THE SEWARD HOTEL GROUP, LLC PROPERTY) COBBLESTONE INN)

TIF Attorney Andrew Willis addressed the Council stating that after this project was approved for TIF, the site was replatted. The Hotel Group now wants to sell Lot 3A, which requires approval from the Community Redevelopment Authority (CRA) and the City Council as the original Redevelopment Agreement includes the parcel to be sold. He stated the sale of this lot will not affect the tax increment as all of the increment was based on Lot 1A where the Cobblestone Inn is currently located.

Councilmember Schmit introduced the following resolution:

CITY OF SEWARD, NEBRASKA

RESOLUTION #2014-36
(Approval of Amendment to Redevelopment Agreement -
Cobblestone Inn Project)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA,
AUTHORIZING AND APPROVING THE FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT.

RECITALS

- A. The Community Redevelopment Authority of the City of Seward, Nebraska ("CRA") and Seward Hotel Group, LLC, entered into that certain Redevelopment Agreement (Cobblestone Inn Project) dated March 13, 2013 (the "Redevelopment Agreement").
- B. Redeveloper desires to sell and convey a portion of the Project Site legally defined as Lot 3A, Plaza South Subdivision 1st Addition, City of Seward, Seward County, Nebraska (the "Excess Property").
- C. Upon the conveyance of the Excess Property, the project site shall consist of the property legally defined as Lot 1A, Plaza South Subdivision 1st Addition, City of Seward, Seward County, Nebraska (the "Revised Project Site").
- D. Attached hereto as Exhibit "A" is a copy of the First Amendment to Redevelopment Agreement, which amends the definition of the project site to be the Revised Project Site ("First Amendment").
- E. Pursuant to Section 4.05 of the Redevelopment Agreement, the Redeveloper cannot transfer or convey any part of the project site during the fifteen (15) year TIF period without the consent of the CRA.
- F. On December 10, 2014, the CRA consented to the conveyance of the Excess Property and approved the First Amendment.

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Seward, Nebraska hereby approves the form of the First Amendment and authorizes the CRA to execute and enter into the First Amendment.

The City Council hereby rescinds any other resolutions or actions that are contradictory or incompatible with this Resolution.

Dated this 16th day of December, 2014.

CITY OF SEWARD, NEBRASKA

December 16, 2014

By: _____
Mayor

ATTEST:

City Clerk

Exhibit "A"

First Amendment to Redevelopment Agreement

(See attached)

FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT
(Cobblestone Inn Project)

This First Amendment to Redevelopment Agreement ("First Amendment") is entered into by and between the the Community Redevelopment Authority of the City of Seward, Nebraska ("CRA") and Seward Hotel Group, LLC, a Nebraska limited liability company ("Redeveloper").

RECITALS

A. The CRA and Redeveloper entered into that certain Redevelopment Agreement dated March 13, 2012 ("Redevelopment Agreement") to implement the Cobblestone Inn tax increment financing project (the "Project").

B. Redeveloper desires to sell and transfer an excess portion of the Project Site that was not used to develop the Project.

NOW THEREFORE, in consideration of mutual promises contained herein and in the Redevelopment Agreement, the parties agree to amend the Redevelopment Agreement as follows:

1. Project Site. The definition of the Project Site as set forth in Exhibit "A" of the Redevelopment Agreement is hereby revised such that the definition of the Project Site is: Lot 1A, Plaza South Subdivision First Addition, City of Seward, Seward County, Nebraska (the "Project Site").
2. Reconfirm other Terms. The City and Redeveloper hereby reconfirm all other terms and conditions of the Redevelopment Agreement, except as expressly modified by the terms of this First Amendment.

This First Amendment to Redevelopment Agreement is effective as of the ____ day of December, 2014.

"CRA"

COMMUNITY REDEVELOPMENT AUTHORITY
OF THE CITY OF SEWARD, NEBRASKA

ATTEST:

By: _____
Secretary

By: _____
E. Thomas Spunaugle, Chairman

"REDEVELOPER"

December 16, 2014

SEWARD HOTEL GROUP, LLC, a Nebraska
limited liability company

By: _____
Shane Baack, Manager

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

4. CONSIDERATION OF A RESOLUTION ADOPTING THE MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Public Facilities/Capital Improvements/GIS Director John Hughes stated the Plan was last approved in 2008. He stated the updated plan identifies hazards and vulnerability to the community and lays out the plan to mitigate.

There was a question as to who is responsible to make sure the timeline is met for completion of certain aspects/projects within the plan of which Mr. Hughes stated, as Facilities Director and the Building Official, it would fall to him and his department.

Councilmember Pike introduced the following resolution:

RESOLUTION NUMBER 2014-37

WHEREAS, the Federal Disaster Mitigation Act of 2000 was signed into law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, a Multi-jurisdictional Hazard Mitigation Plan was prepared by Seward County, with assistance from JEO Consulting Group, Inc. of Lincoln, NE. which includes the jurisdiction of the City of Seward; and

WHEREAS, the purpose of the mitigation plan was to lessen the effects of disasters by increasing the disaster resistance of the County and participating jurisdictions located within the planning boundary by identifying the hazards that affect the City of Seward and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards; and

WHEREAS, FEMA regulations require documentation that the plan has been formally adopted by the governing body of the City of Seward in the form of a resolution and further requesting approval of the plan at the Federal Level.

NOW, THEREFORE, the governing body of the City of Seward, does herewith adopt the Seward County Multi-jurisdictional Hazard Mitigation Plan in its entirety.

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

PASSED AND APPROVED this 16th day of December, 2014.

December 16, 2014

Joshua Eickmeier, Mayor

ATTEST:

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

(SEAL)

*** Agenda item #7 was moved up on the agenda as it was not 7:15 p.m. **

7. CONSIDERATION OF COMPARABILITY RFP QUOTES

Assistant Administrator/Clerk-Treasurer/Budget & HR Director Otte stated that quotes were initially received from two firms for providing the wage and benefit comparability study. On November 18, the City Council reviewed the quotes and requested the City readvertise for the service. Otte stated she contacted five firms, which were suggested by Labor Attorney William Harding. She indicated the readvertisement resulted in only one firm responding (other firm withdrew quote due to time constraints).

Interim City Administrator Vavra stated the City contracted with two professional firms to conduct the comparability study the last two years and feels it could be done in-house this year. He stated that one of the persons who did not respond to the RFP could be a resource and may be able to assist, if needed.

Councilmember Kamprath moved, seconded by Councilmember Fritz to conduct the wage and benefit comparability study in-house using current staff.

Aye: Schmit, Hans, Lieske, Beck, Kamprath, Singleton, Pike, Fritz

Nay: None

Absent: None. Motion carried.

5. 7:15 P.M. - PUBLIC HEARING - COUNCIL TO REVIEW A TEXT AMENDMENT TO THE CITY OF SEWARD UNIFIED LAND DEVELOPMENT ORDINANCE, ARTICLE 15, CBD DOWNTOWN SEWARD MIXED USE DISTRICT - MAXIMUM BUILDING HEIGHT

Public Facilities/Capital Improvements/GIS Director John Hughes stated the current Code has a maximum building height of 45' for the Commercial Building Downtown area but feels it would be a good time to increase it to 60'. He stated the new jail proposal has a second floor and while it may still work within the current standards, feels increasing the maximum building height to 60' would be appropriate. He stated he contacted the Fire Department and they do have a 75' ladder, which could reach the top of a building at the proposed height. Mr. Hughes stated the Planning Commission reviewed the proposed change and the vote was five in favor with two opposed.

Mayor Eickmeier opened the public hearing.

County Commissioner Mike Luebbe, 1889 Waverly Rd, Garland, presented a brief overview of the jail plan stating the additional height request will allow for a second level to be used for mechanical needs and floor clearance.

December 16, 2014

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

Ordinance Number 2014-28 amending the text to the City of Seward Unified Land Development, Article 15, CBD Downtown Seward Mixed Use District allowing for a maximum building height of 60' 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. 2014-28, "AN ORDINANCE TO AMEND ARTICLE 15, CBD DOWNTOWN SEWARD MIXED USE DISTRICT, SECTION 11.1501, TABLE 11.1502 SITE DEVELOPMENT REGULATIONS OF THE CITY UNIFIED LAND DEVELOPMENT ORDINANCE RELATING TO SITE REGULATORS; TO AMEND MAXIMUM HEIGHT REQUIREMENTS; 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, Lieske, Beck, Kamprath, Singleton, Pike, Fritz
Nay: None
Absent: None. Motion carried.

6. 7:15 P.M. - PUBLIC HEARING - CONSIDERATION OF APPLICATION TO AMEND ZONING FROM R-1 RESIDENTIAL USE TO R-4 RESIDENTIAL USE - LOT 1 & 2, SEWARD KUDLACEK ADDITION (1766 N 8TH ST & 707 Pinewood Ave)

Public Facilities/Capital Improvement & GIS Director John Hughes addressed the Council stating the owner is looking at removing one house to make a parking lot and turning the other residence into a dental clinic. He stated an R-4 District allows for this type of business. Mr. Hughes added that the proposed use still requires a Special Use Permit, which would come before the Council for consideration. Mr. Hughes stated the Planning Commission unanimously approved the zoning change.

Mayor Eickmeier opened the public hearing.

Jeff Spahr, 2296 A Street, Milford addressed the Council stating he purchased these two lots with the plan to develop the one residence into a dental office and the other for parking.

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

The zoning Ordinance will be presented at the next City Council meeting.

8. CITY ADMINISTRATOR'S REPORT

Interim City Administrator Jack Vavra stated he is glad to be able to assist the City and the staff and added that the City has a strong group of people and working with the Department Heads has been fantastic. Everyone cares about the City.

The City Council requested ongoing updates on capital projects.

Councilmember Singleton moved, seconded by Councilmember Pike, that the Interim City Administrator's report (verbal report) be approved.

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

December 16, 2014

9. ANNOUNCEMENT OF UPCOMING EVENTS

January 12, 2015 - Chamber of Commerce Extravaganza

10. FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION

None

11. MOTION TO ADJOURN

Councilmember Singleton moved, seconded by Councilmember Fritz, that the December 16, 2014 City Council Meeting be adjourned.

Aye: Kamprath, Singleton, Pike, Schmit, Hans, Lieske, Beck, Fritz

Nay: None

Absent: None. Motion carried.

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

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