

AGENDA

SEWARD CITY COUNCIL MEETING

Tuesday, January 6, 2015 @ 7:00 PM

NOTICE IS HEREBY GIVEN that a meeting of the City Council of the City of Seward, Nebraska will be held at 7:00 PM on Tuesday, January 6, 2015, in the Municipal Building Council Chambers, 142 North 7th Street, Seward, Nebraska, which meeting will be open to the public. The Mayor and City Council reserve the right to adjourn into Closed Session as per Section 84-1410 of the Nebraska Revised Statutes. An Agenda for such meeting, kept continually current, is available at the Office of the City Clerk, 537 Main Street, Seward, Nebraska, during normal business hours. Individuals requiring physical or sensory accommodations, who desire to attend or participate, please contact the City Clerk's Office at 402.643.2928 no later than 3:30p.m. on the Friday preceding the Council Meeting.

City financial claims and related invoices will be available for Councilmember review, audit and voluntary signatures at Council Chambers beginning 30 minutes prior to the scheduled meeting time.

AGENDA ITEMS

CALL TO ORDER – Mayor Eickmeier

PLEDGE OF ALLEGIANCE-MOMENT OF SILENCE - Mayor Eickmeier

DISCLOSURE OF OPEN MEETINGS ACT & OTHER NOTIFICATIONS - Mayor Eickmeier

This is an Open Meeting of the Seward Nebraska Governing Body. The City of Seward abides by the Nebraska Open Meetings Act in conducting business. A copy of the Nebraska Open Meetings Act is displayed on the north wall of this meeting room facility as required. Disclosure of meeting recording processes is posted in the Meeting Room. A participant sign-in sheet is available for use by any Citizen addressing the Council. Presenters shall approach the podium, state their name & address for the Clerk's record and are asked to limit remarks to five minutes. All remarks shall be directed to the Mayor who shall determine by whom any appropriate response shall be made. 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.

ROLL CALL - Mayor Eickmeier

- 1. INTRODUCTIONS, SPECIAL PRESENTATIONS & PROCLAMATIONS** - Mayor Eickmeier
- 2. CONSIDERATION OF APPROVAL OF DRAFT MINUTES OF DECEMBER 16, 2014** - Bonnie Otte
- 3. CONSENT AGENDA CONSIDERATION ITEMS**
 - A. Claims & Payables Reports
 - B. Add Ron E. Sova to the list of Volunteer Firefighters
 - C. Infrastructure Cost Items Reimbursable Back to the City
- 4. CONSIDERATION OF SPECIAL DESIGNATED LIQUOR PERMIT FOR HEARTFELT INCORPORATED** - Diane Krieser

- 5. CONSIDERATION OF SPECIAL DESIGNATED LIQUOR PERMIT FOR C & H ADVENTURES, LLC- Clay & Heidi Schutz**
- 6. CONSIDERATION OF SPECIAL DESIGNATED LIQUOR PERMIT FOR ASPIRE CELLARS, LLC, dba CELLAR 426 - Richard Hilske**
- 7. CONSIDERATION OF A SUPPLEMENTAL AGREEMENT WITH ALFRED BENESCH & CO - NDOR COLUMBIA AVENUE PROJECT NO. STPAA-6759(2) - John Hughes**
 - A. Consideration of a Resolution Approving Supplemental Agreement No. 1-BK1413
- 8. CONSIDERATION OF AN ORDINANCE 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) - John Hughes**
- 9. PROJECT STATUS - John Hughes**
- 10. CITY ADMINISTRATOR'S REPORT - Jack Vavra**
- 11. FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION - Mayor Eickmeier**
- 12. ANNOUNCEMENT OF UPCOMING EVENTS - Mayor Eickmeier**
- 13. MOTION TO ADJOURN**

I, Bonnie Otte, the duly appointed, qualified and acting Assistant Administrator/Clerk-Treasurer/Budget & Human Resource Director of the City of Seward, Nebraska, hereby certify:

That the foregoing Notice of Meeting and Agenda for such meeting has been posted in the following places: Seward City Hall, Seward County Courthouse, Seward Memorial Library and CityofSewardNE.com

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City this 2nd day of January, 2015.

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

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

Item G1

**INTRODUCTIONS, SPECIAL PRESENTATIONS &
PROCLAMATIONS - Mayor Eickmeier**

Staff Contact:

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

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

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

Item G3

CONSENT AGENDA CONSIDERATION ITEMS

Claims & Payables Reports

Add Ron E. Sova to the list of Volunteer Firefighters

Infrastructure Cost Items Reimbursable Back to the City

Administrative Report: After review of listed Consent Agenda items and supporting documents/reports, one motion to approve the consent agenda would be in order. Council may choose to pull any item from the Consent Agenda and consider/act on it separately.

Staff Contact:

CLAIMS LIST
1-6-15
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.

Payroll	163,714.55
Siemer Auto Center, Auto	9,300.00
Alliance Technologies, Se	7,580.00
Black Hills Energy, Ut	1,640.05
Alamar Uniforms, Se	56.98
Beckler Farm Service, Re	312.50
Nickalas Bloebaum, Ex	26.50
Matthew Bender & Co, Misc	227.50
Battery Universe, Su	499.50
Butler Machinery, Re	100.00
Boerger, Re	13,275.00
Time Warner Cable, Se	79.38
Chase Card Service	3,263.16
Budget Car Rental, Conf	-5.17
Whataburger, Conf	8.60
Champions Rest, Conf	15.00
Lincoln Airport Parking, Conf	24.00
Hills Café, Conf	21.00
Embassy Suites, Conf	574.05
Budget Rent-a-Car, Conf	103.47
Eagle Engraving, Se	48.75
Walmart, Eq, Su, Eq, Bu	424.66
Amazon, Eq	149.99
El Portal Mexican Rest, Conf	22.22
Burger King, Conf	17.66
Mendards, Su	109.15
Home Depot, Su, Eq	244.60
Lied Conference Center, Conf	425.56
OWPACSTATE, Su	112.00
Nebraska Turfgrass, Conf	327.00
National Recreation, Bu	240.63
Westlake Hardware, Su	179.99
NNLA Milford, Conf	220.00
Constellation Newenergy Gas, Ut	2,179.39
Petty Cash, Su	180.54
Continental Fire Sprinkler, Bu, Ex	354.25
Danko Emergency Equipment, Eq, Su	10,821.97
Durre Plmbg, Bu	247.25
Nebraska Environmental Quality, Ex	125.00
Electric Fund, Ut	39,400.14
Buildings & Grounds, Ex	2,000.00
Fastenal Company, Su, Re	475.56
Gabriel Burger & Else, Se	4,000.00
General Excavating, Se	4,800.00
General Fire & Safety Equip, Bu, Su	131.00
GIS Workshop, Se	7,500.00
Glass Doctor, Re	255.00
Grainger, Bu	1,219.25
Ryan Hurst, Continuing Ed	3,029.35

Halls Safety Equipment Corp, Eq	188.55
Hobson Automotive & Tire, Re	560.69
Hach Company, Se	105.58
Husker Electric Supply, Re, Eq	1,042.10
Intl City Mgmt Assoc, Dues	450.00
Interstate All Battery, Re	94.47
Lincoln Journal Star, Se	488.37
Kiefer, Eq	499.44
Jackson Services, Se	184.68
JEO Consulting, Se	4,491.00
Lincoln Winwater Works, Su	242.00
Lincoln Patio & Awning, Re	275.00
Kriz-Davis, Re, Eq	1,171.18
Latschs, Su	6.79
Last Mile Network, Se	230.00
Lees Refrigeration, Bu	333.36
Capital Business Systems, Ma	337.26
Mattson Ricketts Law Firm, Se	4,450.00
Metering & Technology Solution, Re	380.80
Municipal Supply, Ma	40.98
Menards, Su, Bu, Eq	416.26
Midland Scientific, Su	503.01
Midwest Service & Sales, Su	1,867.00
Mid-American Benefits, Ins	1,612.34
Nebraska Water Environment, Ex	350.00
Merles Garden Center, Su	39.99
Nebraska Rural Electric Assoc, Conf	860.00
Verizon Wireless, Se	\$157.32
Nebraska Machinery Co, Re	598.77
Orscheln Farm & Home, Su, Re, Eq	1,392.88
O'Reilly Auto Parts, Re, Su	103.60
Northern Safety Co, Su	252.72
Quill Corp, Su, Ma	822.89
Sam's Club, Su	30.35
Sack Lumber, Bu	122.58
Olsson Associates, Se	5,552.49
Nebraska Public Health Env Lab, Se	248.00
Farmers Coop, Su	11,100.00
Plains Equipment Group, Su, Re	617.35
Gerhold Concrete Co, Su	173.00
Seward county Treasurer, Prop Tax	2,792.20
Helmlink Printing, Su	400.27
Precision Tool & Machine, Su	90.00
US Postal Service, Su	220.00
USA Bluebook, Su	619.95
US Cellular, Se	58.22
Vermeer High Plains, Su	67.80
Tiger Direct, Eq	1,844.60
Wesco Distribution, Eq	1,189.31
Randy/Jill Bierbaum, Ex	25.00
EDM Publishers, Su	99.49
Daryl Hackbart, Ex	30.00
Gerald/Michelle Homp, Refnd	25.00
Travis Schaefer, Ex	30.00
Jamie/Shannon Opfer, Ex	25.00
John/Jana Hughes, Ex	30.00
Intl Assoc Property & Evidence, Dues	50.00
Electronic Engineering, Re	95.00
Todd Lance, Ex	25.00
Pavers Inc, Su	526.05
Austin Sleight, Ex	40.00
Cohl Gottschalk, Ex	40.00
Nathan Bierbaum, Ex	40.00

Britton Goldsmith, Ex	20.00
Regan Karel, Ex	20.00
Accountemps, Se	796.16
Seward County Bridges, Ind Lndg Project	25,000.00
Spencer/April Whitney, Ex	25.00
Beth Nemec, Refnd	30.00
Noah Lliterus, Ex	40.00
Josh Fields, Ex	25.00
Greg/Mindy Miller, Ex	25.00
	<hr/>
	\$353,530.67

City of Seward, NE

Tuesday, January 6, 2015

Regular Session

Item G4

CONSIDERATION OF SPECIAL DESIGNATED LIQUOR PERMIT FOR HEARTFELT INCORPORATED - Diane Krieser

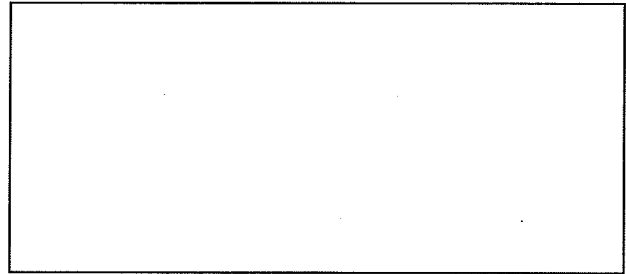
Administrative Report: This is the first Special Designated Liquor License request for this non-profit organization. Per Ordinance, SDL requests from license holder's who have not previously been given approval for an SDL by the City, must come before the Council for review and consideration.

After review and discussion, a motion to approve the SDL would be in order.

Staff Contact:

**APPLICATION FOR SPECIAL
DESIGNATED LICENSE**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov/



DO YOU NEED POSTERS? YES ☐ NO ☐

RETAIL LICENSE HOLDERS ☐

NON PROFIT APPLICANTS ☒

Non Profit Status (check one that best applies)

Municipal ☐ Political ☐ Fine Arts ☐ Fraternal ☐ Religious ☐ Charitable ☒ Public Service ☐

COMPLETE ALL QUESTIONS

1. Type of alcohol to be served and/or consumed: Beer ☒ Wine ☒ Distilled Spirits ☒

2. Liquor license number and class (i.e. C-55441)
(If you're a nonprofit organization leave blank)

3. Licensee name (last, first,), corporate name or limited liability company (LLC) name
(As it reads on your liquor license)

NAME: Heartfelt Incorporated

ADDRESS: P O Box 201

CITY Seward, ZIP 68434

4. Location where event will be held; name, address, city, county, zip code

BUILDING NAME Seward Ag Pavillon

ADDRESS: 430 N. 15th Road CITY Seward

ZIP 68434 COUNTY and COUNTY # Seward - 16

a. Is this location within the city/village limits? YES ☒ NO ☐

b. Is this location within the 150' of church, school, hospital or home
for aged/indigent or for veterans and/or wives? YES ☐ NO ☒

c. Is this location within 300' of any university or college campus? YES ☐ NO ☒

FORM 108
REV Jun-13
Page 2 of 5

5. Date(s) and Time(s) of event (no more than six (6) **consecutive** days on one application)

Date <u>2-21-15</u>	Date	Date	Date	Date	Date
Hours From <u>8:00 PM</u>	Hours From	Hours From	Hours From	Hours From	Hours From
To <u>12:00 AM</u>	To	To	To	To	To

- a. Alternate date: Ø
- b. Alternate location: Ø
(Alternate date or location must be specified in local approval)

6. Indicate type of activity to be carried on during event:

☐ Dance ☐ Reception ☒ Fund Raiser ☐ Beer Garden ☐ Sampling/Tasting

Other _____

7. Description of area to be licensed

Inside building, dimensions of area to be covered **IN FEET** 100 x 150
(not square feet or acres)

*Outdoor area dimensions of area to be covered **IN FEET** _____ x _____

***SKETCH OF OUTDOOR AREA (or attach copy of sketch) (sample sketch)**

If outdoor area, how will premises be enclosed?

___ Fence; ___ snow fence ☐ chain link ☐ cattle panel
___ other _____

___ Tent

8. How many attendees do you expect at event? 400

9. If over 150 attendees. Indicate the steps that will be taken to prevent underage persons from obtaining alcohol beverages. (Attach separate sheet if needed)

Band/bracelets for minors. Off duty Seward County Sheriff Dept.

10. Will premises to be covered by license comply with all Nebraska sanitation laws? YES ☒ NO ☐

a. Are there separate toilets for both men and women? YES ☒ NO ☐

11. **Retailer:** Will you be purchasing your alcohol from a wholesaler? YES ☒ NO ☐
Non-Profit: Where will you be purchasing your alcohol?

Wholesaler ☐ Retailer ☒ Both ☐ BYO ☐
(includes wineries)

12. Will there be any games of chance operating during the event? YES ☒ NO ☐

If so, describe activity raffle with profit less than \$5K

NOTE: Only games of chance approved by the Department of Revenue, Charitable Gaming Division are permitted. All other forms of gambling are prohibited by State Law. There are no exceptions for Non Profit Organizations or any events raising funds for a charity. This is only an application for a Special Designated License under the Liquor Control Act and is not a gambling permit application.

13. Any other information or requests for exemptions: No

14. Name and telephone number/cell phone number of immediate supervisor. This person will be at the location of the event when it occurs, able to answer any questions from Commission and/or law enforcement before and during the event, and who will be responsible for ensuring that any applicable laws, ordinances, rules and regulations are adhered to. **PLEASE PRINT LEGIBLY**

Print name of Event Supervisor Diane Krieser

Signature of Event Supervisor Diane Krieser

Event Supervisor phone: Before 402-641-3908 During 402-641-3908

Email address dmkrieser@yahoo.com

Consent of Authorized Representative/Applicant

15. I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

sign
here

Diane Krieser
Authorized Representative/Applicant

President
Title

12-23-14
Date

Diane Krieser
Print Name

This individual must be listed on the application as an officer or stockholder unless a letter has been filed appointing an individual as the catering manager allowing them to sign all SDL applications.

The law requires that no special designated license provided for by this section shall be issued by the Commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the city or village within which the particular place for which the special designated license is requested is located, or if such place is not within the corporate limits of a city or village, then the local governing body shall be the county within which the place for which the special designated license is requested is located.

This page is required to be completed by Non Profit applicants only.

**Application for Special Designated License
Under Nebraska Liquor Control Act
Affidavit of Non-Profit Status**

I HEREBY DECLARE THAT THE CORPORATION MAKING APPLICATION FOR A SPECIAL DESIGNATED LICENSE UNDER THE NEBRASKA LIQUOR CONTROL ACT IS EITHER A MUNICIPAL CORPORATION, A FINE ARTS MUSEUM INCORPORATED AS A NONPROFIT CORPORATION, A RELIGIOUS NONPROFIT CORPORATION WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES, A POLITICAL ORGANIZATION WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES, OR ANY OTHER NONPROFIT CORPORATION, THE PURPOSE OF WHICH IS FRATERNAL, CHARITABLE, OR PUBLIC SERVICE AND WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES AS PER §53-124.11(1).

AS SIGNATORY I CONSENT TO THE RELEASE OF ANY DOCUMENTS SUPPORTING THIS DECLARATION AND ANY DOCUMENTS SUPPORTING THIS DECLARATION WILL BE PROVIDED TO THE NEBRASKA LIQUOR CONTROL COMMISSION, THE NEBRASKA STATE PATROL OR ANY AGENT OF THE LIQUOR CONTROL COMMISSION IMMEDIATELY UPON DEMAND. I ALSO CONSENT TO THE INVESTIGATION OF THIS CORPORATE ENTITY TO DETERMINE IT'S NONPROFIT STATUS.

I AGREE TO WAIVE ANY RIGHTS OR CAUSES OF ACTION AGAINST THE NEBRASKA LIQUOR CONTROL COMMISSION, THE NEBRASKA STATE PATROL OR ANY PARTY RELEASING INFORMATION TO THE AFOREMENTIONED PARTIES.

Heartfelt Inc.

NAME OF CORPORATION

46 - 3146054

FEDERAL ID NUMBER

Diane Kreser

SIGNATURE OF TITLE OF CORPORATE OFFICERS

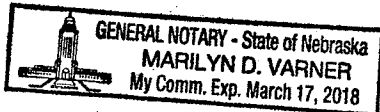
THE ABOVE INDIVIDUAL STATES THAT THE STATEMENT ABOVE IS TRUE AND CORRECT: IF ANY FALSE STATEMENT IS MADE ON THIS APPLICATION, THE APPLICANT SHALL BE DEEMED GUILTY OF PERJURY AND SUBJECT TO PENALTIES PROVIDED BY LAW. (SEC. §53-131.01) NEBRASKA LIQUOR CONTROL ACT

SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME THIS 26th DAY OF

December, 2014

Marilyn D. Varner

NOTARY PUBLIC SIGNATURE & SEAL



INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUN 17 2014

HEARTFELT INC
1425 182ND
SEWARD, NE 68434

Employer Identification Number:
46-3146054
DLN:
17053253313033
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
509(a)(2)
Form 990 Required:
Yes
Effective Date of Exemption:
September 13, 2012
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Sincerely,



Director, Exempt Organizations

Enclosure: Publication 4221-PC

Letter 947

City of Seward, NE

Tuesday, January 6, 2015

Regular Session

Item G5

CONSIDERATION OF SPECIAL DESIGNATED LIQUOR PERMIT FOR C & H ADVENTURES, LLC- Clay & Heidi Schutz

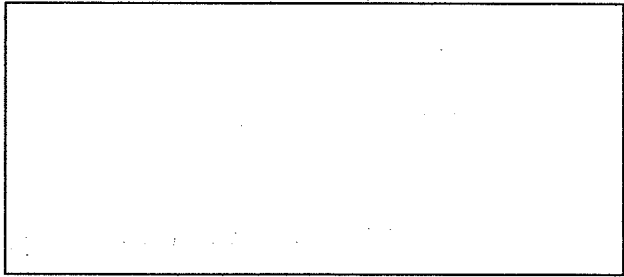
Administrative Report: This is the first Special Designated Liquor License request for this non-resident license holder. Per Ordinance, SDL requests from license holder's who have not previously been given approval for an SDL by the City, must come before the Council for review and consideration.

After review and discussion, a motion to approve the SDL would be in order.

Staff Contact:

**APPLICATION FOR SPECIAL
DESIGNATED LICENSE**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov/



DO YOU NEED POSTERS? YES ☐ NO ☒

RETAIL LICENSE HOLDERS ☒

NON PROFIT APPLICANTS ☐

Non Profit Status (check one that best applies)

Municipal ☐ Political ☐ Fine Arts ☐ Fraternal ☐ Religious ☐ Charitable ☐ Public Service ☐

COMPLETE ALL QUESTIONS

1. Type of alcohol to be served and/or consumed: Beer ☐ Wine ☒ Distilled Spirits ☐

2. Liquor license number and class (i.e. C-55441)
(If you're a nonprofit organization leave blank)

Class YK Farm Winery/Catering

3. Licensee name (last, first,), corporate name or limited liability company (LLC) name
(As it reads on your liquor license)

NAME: C+H Adventures, L.L.C.

ADDRESS: 2408 Cottonwood Road

CITY Grand Island, NE. ZIP 68801

4. Location where event will be held; name, address, city, county, zip code

BUILDING NAME Harvest Hall, Seward County Fairgrounds

ADDRESS: 1625 Fairgrounds Circle
500 North 14th Street

CITY Seward

ZIP 68423 COUNTY and COUNTY# 16

a. Is this location within the city/village limits?

YES ☒ NO ☐

b. Is this location within the 150' of church, school, hospital or home
for aged/indigent or for veterans and/or wives?

YES ☐ NO ☒

c. Is this location within 300' of any university or college campus?

YES ☐ NO ☒

FORM 108
REV 5/12
Page 2 of 5

5. Date(s) and Time(s) of event (no more than six (6) **consecutive** days on one application)

Date <u>2/7/15</u>	Date	Date	Date	Date	Date
Hours From <u>5:00 p.m.</u>	Hours From	Hours From	Hours From	Hours From	Hours From
To <u>9:00 p.m.</u>	To	To	To	To	To

a. Alternate date: _____

b. Alternate location: _____
(Alternate date or location must be specified in local approval)

6. Indicate type of activity to be carried on during event:

☐ Dance
 ☐ Reception
 ☐ Fund Raiser
 ☐ Beer Garden
 ☒ Sampling/Tasting
☒ Other Auction Event at Harvest Hall, for Habitat for Humanity

7. Description of area to be licensed

Inside building, dimensions of area to be covered **IN FEET** 70' x 120'
(not square feet or acres)

*Outdoor area dimensions of area to be covered **IN FEET** _____ x _____

*SKETCH OF OUTDOOR AREA (or attach copy of sketch)

No outdoor Area.

If outdoor area, how will premises be enclosed?

☐ Fence; snow fence ☐ chain link ☐ cattle panel ☐ other _____

☐ Tent

8. How many attendees do you expect at event? 250

9. If over 150 attendees. Indicate the steps that will be taken to prevent underage persons from obtaining alcohol beverages. (Attach separate sheet if needed)

All attendees will be required to provide identification, and have a wristband upon entering the event.

10. Will premises to be covered by license comply with all Nebraska sanitation laws? YES ☒ NO ☐

a. Are there separate toilets for both men and women? YES ☒ NO ☐

11. **Retailer:** Will you be purchasing your alcohol from a wholesaler? YES ☐ NO ☒
Non-Profit: Where will you be purchasing your alcohol?

Wholesaler ☐ Retailer ☐ Both ☐ BYO ☐
(includes wineries)

12. Will there be any games of chance operating during the event? YES ☐ NO ☒

If so, describe activity _____

NOTE: Only games of chance approved by the Department of Revenue, Charitable Gaming Division are permitted. All other forms of gambling are prohibited by State Law. There are no exceptions for Non Profit Organizations or any events raising funds for a charity. This is only an application for a Special Designated License under the Liquor Control Act and is not a gambling permit application.

13. Any other information or requests for exemptions: None

14. Name and **telephone number/cell phone number** of immediate **supervisor**. This person will be at the location of the event when it occurs, able to answer any questions from Commission and/or law enforcement before and during the event, and who will be responsible for ensuring that any applicable laws, ordinances, rules and regulations are adhered to. **PLEASE PRINT LEGIBLY**

Print name of Event Supervisor Clay and Heidi Schutz

Signature of Event Supervisor Clay Schutz Heidi Schutz

Phone of Event Supervisor: Before 308-452-3181 During 308-452-3181

Consent of Authorized Representative/Applicant

15. I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

sign
here

Clay E. Schutz
Authorized Representative/Applicant

Mrs. C & H Adventures 12/3/14
Title Date

Clay E. Schutz
Print Name

This individual must be listed on the application as an officer or stockholder unless a letter has been filed appointing an individual as the catering manager allowing them to sign all SDL applications.

The law requires that no special designated license provided for by this section shall be issued by the Commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the city or village within which the particular place for which the special designated license is requested is located, or if such place is not within the corporate limits of a city or village, then the local governing body shall be the county within which the place for which the special designated license is requested is located.

FORM 108
REV 5/12
Page 4 of 5

City of Seward, NE

Tuesday, January 6, 2015

Regular Session

Item G6

CONSIDERATION OF SPECIAL DESIGNATED LIQUOR PERMIT FOR ASPIRE CELLARS, LLC, dba CELLAR 426 - Richard Hilske

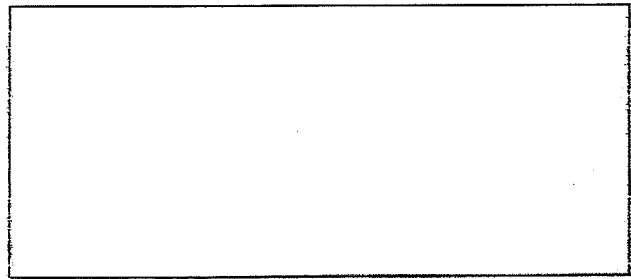
Administrative Report: This is the first Special Designated Liquor License request for this non-resident license holder. Per Ordinance, SDL requests from license holder's who have not previously been given approval for an SDL by the City, must come before the Council for review and consideration.

After review and discussion, a motion to approve the SDL would be in order.

Staff Contact:

**APPLICATION FOR SPECIAL
DESIGNATED LICENSE**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov/



DO YOU NEED POSTERS? YES ☐ NO ☒

RETAIL LICENSE HOLDERS ☒

NON PROFIT APPLICANTS ☐

Non Profit Status (check one that best applies)

Municipal ☐ Political ☐ Fine Arts ☐ Fraternal ☐ Religious ☐ Charitable ☐ Public Service ☐

COMPLETE ALL QUESTIONS

1. Type of alcohol to be served and/or consumed: Beer ☐ Wine ☒ Distilled Spirits ☐

2. Liquor license number and class (i.e. C-55441)
(If you're a nonprofit organization leave blank)

YK 093897

3. Licensee name (last, first,), corporate name or limited liability company (LLC) name
(As it reads on your liquor license)

NAME: Aspire Cellars LLC DBA Cellar 426

ADDRESS: 1402 Dennis Dean Rd.

CITY Ashland ZIP 68003

4. Location where event will be held; name, address, city, county, zip code

BUILDING NAME Harvest Hall - Seward County Fairgrounds

ADDRESS: 500 N. 14th St. CITY Seward

ZIP 68423 COUNTY and COUNTY # 16

a. Is this location within the city/village limits? YES ☒ NO ☐

b. Is this location within the 150' of church, school, hospital or home
for aged/indigent or for veterans and/or wives? YES ☐ NO ☒

c. Is this location within 300' of any university or college campus? YES ☐ NO ☒

FORM 108
REV 5/12
Page 2 of 5

5. Date(s) and Time(s) of event (no more than six (6) **consecutive** days on one application)

Date 2/7/2015	Date	Date	Date	Date	Date
Hours From 4 PM	Hours From	Hours From	Hours From	Hours From	Hours From
To 10PM	To	To	To	To	To

a. Alternate date: _____

b. Alternate location: _____
(Alternate date or location must be specified in local approval)

6. Indicate type of activity to be carried on during event:

☐ Dance ☐ Reception ☐ Fund Raiser ☐ Beer Garden ☒ Sampling/Tasting

☐ Other Potential to purchase wine by bottle

7. Description of area to be licensed

Inside building, dimensions of area to be covered **IN FEET** 70 x 120
(not square feet or acres)

*Outdoor area dimensions of area to be covered **IN FEET** x

***SKETCH OF OUTDOOR AREA (or attach copy of sketch)**

If outdoor area, how will premises be enclosed?

☐ Fence; snow fence ☐ chain link ☐ cattle panel ☐ other _____

☐ Tent

8. How many attendees do you expect at event? 200 - 250

9. If over 150 attendees. Indicate the steps that will be taken to prevent underage persons from obtaining alcohol beverages. (Attach separate sheet if needed)
All attendees will be ID'ed and have wrist band upon entering event

10. Will premises to be covered by license comply with all Nebraska sanitation laws? YES ☒ NO ☐

a. Are there separate toilets for both men and women? YES ☒ NO ☐

11. **Retailer:** Will you be purchasing your alcohol from a wholesaler? YES ☐ NO ☒
Non-Profit: Where will you be purchasing your alcohol?

Wholesaler ☐ Retailer ☐ Both ☐ BYO ☐
(includes wineries)

12. Will there be any games of chance operating during the event? YES ☐ NO ☒

If so, describe activity _____

NOTE: Only games of chance approved by the Department of Revenue, Charitable Gaming Division are permitted. All other forms of gambling are prohibited by State Law. There are no exceptions for Non Profit Organizations or any events raising funds for a charity. This is only an application for a Special Designated License under the Liquor Control Act and is not a gambling permit application.

13. Any other information or requests for exemptions: _____

14. Name and telephone number/cell phone number of immediate supervisor. This person will be at the location of the event when it occurs, able to answer any questions from Commission and/or law enforcement before and during the event, and who will be responsible for ensuring that any applicable laws, ordinances, rules and regulations are adhered to. **PLEASE PRINT LEGIBLY**

Print name of Event Supervisor Richard Hilske

Signature of Event Supervisor

Phone of Event Supervisor: Before 402.944.8109 During 402.203.1722

Consent of Authorized Representative/Applicant

15. I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

sign
here

[Signature]

Authorized Representative/Applicant

Owner
Title

12/19/14
Date

Richard Hilske
Print Name

This individual must be listed on the application as an officer or stockholder unless a letter has been filed appointing an individual as the catering manager allowing them to sign all SDL applications.

The law requires that no special designated license provided for by this section shall be issued by the Commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the city or village within which the particular place for which the special designated license is requested is located, or if such place is not within the corporate limits of a city or village, then the local governing body shall be the county within which the place for which the special designated license is requested is located.

FORM 108
REV 5/12
Page 4 of 5

City of Seward, NE

Tuesday, January 6, 2015

Regular Session

Item G7

CONSIDERATION OF A SUPPLEMENTAL AGREEMENT WITH ALFRED BENESCH & CO - NDOR COLUMBIA AVENUE PROJECT NO. STPAA-6759(2) - John Hughes

Consideration of a Resolution Approving Supplemental Agreement No. 1-BK1413

Administrative Report: Based on the construction schedule, there was a gap of approximately 10 days in which no work was scheduled to be performed during the sanitary sewer main observation period. Additional construction inspection was needed due to an increase in the number of sanitary sewer services added to the original contract and the addition of water services to the water main installation. The additional work was considered a non controlling operation and no working days were charged, but required construction inspection.

Staff Contact:

SUPPLEMENTAL AGREEMENT #1

CITY OF SEWARD
ALFRED BENESCH & COMPANY
PROJECT NO. STPAA-6759(2)
CONTROL NO. 12693
COLUMBIA AVE., SEWARD

THIS SUPPLEMENTAL AGREEMENT is between the City of Seward ("LPA") and Alfred Benesch & Company ("Consultant"), collectively referred to as the "Parties".

WHEREAS, Consultant and LPA entered into an agreement ("Original Agreement") BK1413 providing for Consultant to provide construction engineering for LPA's Federal Aid project, and

WHEREAS, it is necessary that additional working days for sanitary sewer inspection and services be added under this Supplemental Agreement, and

WHEREAS, it is necessary to increase Consultant's compensation by this Supplemental Agreement for the additional work necessary to complete the project.

WHEREAS, it is the desire of LPA that the project be constructed under the designation of Project No. STPAA-6759(2), as evidenced by the Resolution of LPA, attached as EXHIBIT "A" and incorporated herein by this reference, and

NOW THEREFORE, in consideration of these facts and mutual promises, the Parties agree as follows:

SECTION 1. SCOPE OF SERVICES

Consultant will perform the additional work as set out in Exhibit "B" Consultant Work Order 1, attached and incorporated herein by this reference.

SECTION 2. NOTICE TO PROCEED AND COMPLETION SCHEDULE

The State issued Consultant a written Notice-to-Proceed on October 31, 2014. Any work or services performed by Consultant on the project prior to the date specified in the written Notice-to-Proceed is not eligible for reimbursement.

Consultant will complete all work as set out in the Original Agreement, and this Supplemental Agreement.

SECTION 3. FEES AND PAYMENTS

For the work required, **SECTION 7 FEES AND PAYMENTS** of the Original Agreement is hereby amended in accordance with Exhibit "B" so that the fixed-fee-for-profit is increased from \$7,711.18 to \$9113.10, an increase of \$1,401.92. Actual costs are increased from \$59,157.26 to \$70,348.69, an increase of \$11,191.43. The total agreement amount is increased from \$66,868.44 to \$79,461.79, an increase of \$12,593.35 which Consultant must not exceed without the prior written approval of LPA.

Project No. STPAA-6759(2)
Control No. 12693
Columbia Ave., Seward

Page 1 of 3
AGREEMENT # BK1413 Sup # 1

SECTION 4. ENTIRE AGREEMENT

The Original Agreement, any and all other previous supplements thereto, and this Supplemental Agreement, constitute the entire agreement ("The Agreement") between the Parties. The Agreement supersedes any and all other previous communications, representations, or other understandings, either oral or written; all terms and conditions of the Original Agreement and all previous supplements thereto, to the extent not superseded, remain in full force and effect, and are incorporated herein as if set forth in their entirety.

SECTION 5. CONSULTANT CERTIFICATION AND REAFFIRMATION

The undersigned duly authorized representative of Consultant, by signing this Supplemental Agreement, hereby reaffirms, under penalty of law, the truth of the certifications set out in the Original Agreement and all Supplements thereto, including this Supplement. Further, Consultant has a duty to inform LPA of any material changes in the accuracy of all assertions set out in the Original Agreement and all Supplements thereto.

SECTION 6. CERTIFICATION OF LPA

By signing this Supplemental Agreement, I do hereby certify that, to the best of my knowledge, Consultant or its representative has not been required, directly or indirectly as an express or implied condition in connection with obtaining or carrying out this agreement to:

- (a) employ or retain, or agree to employ or retain, any firm or person, or
- (b) pay or agree to pay to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind.

I acknowledge that this certification is to be furnished to the FHWA, upon their request, in connection with this agreement involving participation of Federal-Aid highway funds and is subject to applicable LPA and federal laws, both criminal and civil.

Consultant Work Order (Local Projects)

Project No.: STPAA - 6759 (2)		Control No.: 12693																																		
Consultant: (Name and Representative) Alfred Benesch & Company		Agreement No.: 1293X	Work Order No.: 1																																	
LPA: (Name and Representative) City of Seward - Malvin Aldrich		Constr. Change Order No.: (If applicable)																																		
<p>All parties agree the following described work needs to be performed by the consultant as part of the referenced project. All parties concur and hereby give notice to proceed based on the following: justification to modify contract, scope of services, deliverables, schedule, and estimated total fee. All other terms of existing agreements between the parties are still in effect. It is understood by all parties that the work described herein will become part of a future supplement to the agreement indicated above.</p> <p>Justification to modify agreement: (Include scope of services, deliverables, and schedule) Based on the construction schedule there was a gap of approximately 10 days in which no work was scheduled to be performed during the sanitary sewer main observation period. Additional Construction inspection was needed due to an increase in the number of sanitary sewer services added to the original contract and the addition of water services to the water main installation. The additional work was considered a non controlling operation and no working days were charged, but required construction inspection.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Work Title</th> <th colspan="3">Summary of Fee</th> </tr> </thead> <tbody> <tr> <td rowspan="4">Additional Construction Engineering Services</td> <td>A. Total Direct Labor Cost</td> <td>=</td> <td>3,868.50</td> </tr> <tr> <td>B. Overhead (Factor * x A)</td> <td>=</td> <td>6,181.09</td> </tr> <tr> <td>C. A + B</td> <td>=</td> <td>10,049.59</td> </tr> <tr> <td>D. Profit/Fee (Factor ** x C)</td> <td>=</td> <td>1,401.92</td> </tr> <tr> <td>*Overhead Factor:</td> <td>159.78%</td> <td>E. Direct Non-Labor Cost</td> <td>= 1,141.84</td> </tr> <tr> <td>**Profit/Fee Factor:</td> <td>13.95%</td> <td>F. Subconsultant Services</td> <td>=</td> </tr> <tr> <td colspan="2">Total Fee Notes: 1 project manager, 1 Inspector, 1 surveyor - Total hours 179.5 including travel for 13 days.</td> <td>TOTAL FEE: C + D + E + F</td> <td>= \$12,593.35</td> </tr> <tr> <td colspan="2"></td> <td colspan="2"> <input type="checkbox"/> ESTIMATED TOTAL FEE: <input checked="" type="checkbox"/> FINAL TOTAL FEE: \$12,593.35 </td> </tr> </tbody> </table>				Work Title	Summary of Fee			Additional Construction Engineering Services	A. Total Direct Labor Cost	=	3,868.50	B. Overhead (Factor * x A)	=	6,181.09	C. A + B	=	10,049.59	D. Profit/Fee (Factor ** x C)	=	1,401.92	*Overhead Factor:	159.78%	E. Direct Non-Labor Cost	= 1,141.84	**Profit/Fee Factor:	13.95%	F. Subconsultant Services	=	Total Fee Notes: 1 project manager, 1 Inspector, 1 surveyor - Total hours 179.5 including travel for 13 days.		TOTAL FEE: C + D + E + F	= \$12,593.35			<input type="checkbox"/> ESTIMATED TOTAL FEE: <input checked="" type="checkbox"/> FINAL TOTAL FEE: \$12,593.35	
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Work Order Authorization – May be granted by email and attached to this document.

Consultant:
Jeffery A. Sackel [Signature] 10/29/14
 Name Signature Date

LPA:
Malvin Aldrich [Signature] 10/29/14
 Name Signature Date

LPS PC (for Preliminary Engineering) and State Rep. (for Construction Engineering):
ERNEST L. MURILLO [Signature] 31 OCT 2014
 Name Signature Date

LPS Unit Head Review (for PE Phase):

 Name Signature Date

LPS Engineer or Construction Engineer (Construction Phase):
Greg Wood [Signature] 10/31/2014
 Name Signature Date

FHWA: (FHWA Approval on Full Oversight Projects Only)

 Name Signature Date

Notice to Proceed will be granted by email by:
 LPS PC for Preliminary Engineering & CD PC for Construction Engineering.

Notice to Proceed Date:
9/20/14
10/31/2014

Distribution: Consultant, LPA – RC, State Rep., FHWA, LPS PC, NDOR Agreements Engineer, Highway Funds Manager, CD PC
 DR Form 250, March 2014

EXHIBIT "B"

RESOLUTION
CONSTRUCTION ENGINEERING SERVICES AGREEMENT
SUPPLEMENTAL AGREEMENT NO. 1 – BK1413

CITY OF SEWARD

Resolution No. _____

Whereas: City of Seward and Alfred Benesch & Company, have previously executed a Construction Engineering Services Agreement (BK1413) 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 Alfred Benesch & Company wish to enter into a construction 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 Eckmeier, Mayor of City of Seward is hereby authorized to sign the attached Construction Engineering Services Supplemental Agreement No. 1 between the City of Seward and Alfred Benesch & Company.

NDOR Project Number: STPAA-6759(2)

NDOR Control Number: 12693

NDOR Project Description: Columbia Ave., Seward

Adopted this _____ day of _____, 20__ at _____ Nebraska.

The City Council of City of Seward, Nebraska:

Board/Council Member _____

Moved the adoption of said resolution

Member _____ Seconded the Motion

Roll Call: _____ Yes _____ No _____ Abstained _____ Absent

Resolution adopted, signed and billed as adopted

Attest:

Signature City Clerk

EXHIBIT "A"

Councilmember introduced the following resolution:

RESOLUTION NO. 2015-

Whereas: City of Seward and Alfred Benesch & Company, have previously executed a Construction Engineering Service Agreement (BK1413) 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 Alfred Benesch & Company wish to enter into a construction 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 Construction Engineering Services Supplemental Agreement No. 1 between the City of Seward, Nebraska and Alfred Benesch & Company.

NDOR Project Number: STPAA-6759(2)

NDOR Control Number: 12693

NDOR Project Description: Columbia Ave., Seward

Councilmember moved, seconded by Councilmember , that the resolution be adopted. Upon vote, the following Councilmembers voted Aye: . Nay: None. Absent: .

Adopted this 6th day of January, 2015 at Seward, Nebraska.

THE CITY OF SEWARD, NEBRASKA

ATTEST:

Joshua Eickmeier, Mayor

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

(SEAL)

City of Seward, NE

Tuesday, January 6, 2015

Regular Session

Item G8

CONSIDERATION OF AN ORDINANCE 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) - John Hughes

Administrative Report: This rezone involves 2 parcels located on the corner of Pinewood Ave. and Hwy 15. Currently residential structures are located on the properties. The rezoning is applied for with the intent to demolish the current structure located at 1766 N 8th St. and convert the 707 Pinewood Ave structure into a dentist office. Per Article 4 Zoning District regulations Table 11.403 Use Matrix, the current R-1 Zoning District does not allow a dentist office however, an R-4 Zoning District would allow for a medical office occupancy under a Special Use permit. The land use on the north side of Pinewood is zoned R-4 so the new zoning would be contiguous in the new application for the land use area. Should the rezoning of the property be passed the owners will have to submit plans for a Building permit for the renovation of the residential structure to convert it to a Dentist office.

The City of Seward Planning Commission recommended approval by unanimous vote at the Dec. 8, 2014 meeting.

The Public Hearing to consider the proposed zoning change was held on December 16.

Staff Contact:

ORDINANCE NO. 2014-29

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SEWARD, NEBRASKA; TO REZONE CERTAIN PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF SEWARD, NEBRASKA NOW ZONED "R-1 RESIDENTIAL" TO "R-4 RESIDENTIAL"; TO DESCRIBE THE PROPERTY REZONED; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA:

Section 1. PROPERTY REZONED. The following described property located within the corporate limits of the City of Seward, Nebraska is hereby rezoned from " R-1 Residential to R-4 Residential to wit:

Seward Kudlacek Addition, Lot 1, 1766 N 8th Street, & Lot 2, 707 Pinewood Avenue, Seward Nebraska, Seward County, Nebraska

Section 2. USES PERMITTED . Uses permitted by the ordinances of the City of Seward, Nebraska for "R-4 Residential District" are hereby and herein authorized for said area and land described in Section 1 of this ordinance.

Section 3. ZONING MAP AMENDED. The official map of the City of Seward, Nebraska is amended and it is ordered that the above described land heretofore shown as "R-1 Residential" upon the official zoning map shall now be shown as "R-4 Residential District."

Section 4. PAMPHLET FORM; PUBLICATION; WHEN OPERATIVE. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval, and publication or posting as provided by law and city ordinance.

Passed and approved this 6th day of January, 2015.

THE CITY OF SEWARD, NEBRASKA,

Joshua Eickmeier, Mayor

ATTEST:

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

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

Item G9

PROJECT STATUS - John Hughes

Administrative Report: The Council will receive an update on capital and on-going projects.

Staff Contact:

City Project Report

1. Great Plains Fiber – Contract signed for the Fiber ring build out in the downtown district. This is a CIP project with LB 840 funding. The build out will go out from the Court House Square approximately two blocks surrounding the square and will make fiber hooks ups available to the downtown business.
2. TIF Projects
 - a) Roger Lindner TIF agreement – Finalize agreement which will finance the paving and sanitary sewer for the Twin Oaks 5th Addition.
 - b) Rattlesnakeboys - True Value - – CRA meeting set up for True Value Hardware Store Extension of time for loan value.
3. Planning Department – Subdivision Developments
 - a) Seward Lumber Developers – Working with Seward Lumber and Jeff Spotansky on bringing in 20 plus new lots for sale to the north of Augusta drive.
 - b) WEB Developers – Reviewing layout for WEB 4th Subdivision at the corner of Maple Street and Hawthorn Street which will contain 25 new lots for sale
4. Planning & Zoning -Comprehensive Plan Update Energy portion of the JEO Update to the Comprehensive plan sent for review.
5. Seward Trail – Working with the Seward County Ag Society to finalize the leg of the trail that runs through the fairgrounds to the north which will be accessible to trail users at all times and not be a burden to attendees of the Fair or other activities in the area. The proposed alignment will run to the west of the levee and the east of the pond then along the west side of Fairgrounds Road north to the rail crossing.
6. CIP procurement – Working with departments on equipment leasing or bid buy on the following:
 - a) Cemetery – 2005 dodge 4wd pickup. Budget was \$10,000 spent \$9,300.
 - b) All departments – Computer upgrades 13 machines bought at \$299 each on bulk buy.
 - c) Electric – Ditch Witch vacuum unit, bought demo unit with less than 80 hours for a saving of \$7,500 off new machine. Budget was \$53,000 bought at \$45,188.
 - d) Street – 2014 Bobcat. Notice to lese. Budget was \$9,000 yearly lease price \$7,000 year
7. Water Department – Working on notification of surrounding land owners that the City intends to proceed with location of Well #3.
8. Police Department – New officer Jared Gerdes to start on Monday January 5th 2015.
9. Administration –

- a) Robotham Insurance Claim – Claim was denied by City's insurance carrier.
- b) Municipal Code Codification RFP completed, reviewed by legal, distributed to 4 vendors
- c) Continue to gather information for wage and benefit comparability
- d) In contact with Data Technologies (accounting software provider) to continue with Chart of Accounts conversion process

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

Item G10

CITY ADMINISTRATOR'S REPORT - Jack Vavra

Administrative Report: After review and discussion, a motion to approve the report would be in order.

Staff Contact:

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

Item G11

**FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR
ADMINISTRATIVE ACTION - Mayor Eickmeier**

Administrative Report: This item is to allow Council members an opportunity to request future agenda items. To remain in compliance with the open meetings law, no discussion of an item will be allowed beyond what is necessary to clarify the request.

Staff Contact:

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

Item G12

**ANNOUNCEMENT OF UPCOMING EVENTS - Mayor
Eickmeier**

Administrative Report: Upcoming events are listed on the Agenda. Some of the events will be occurring during the upcoming week before our Tuesday night meeting, but are listed for Councilmember pre-event information only.

Staff Contact:

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

Item G13

MOTION TO ADJOURN

Staff Contact: