

City of Seward, NE
Tuesday, April 7, 2015
Regular Session

Item G1

**CONSIDERATION OF APPROVAL OF DRAFT MINUTES OF
MARCH 17, 2015 - Bonnie Otte**

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

Staff Contact:

March 17, 2015

The Seward City Council met at 7:00 p.m. on Tuesday, March 17, 2015, with Mayor Joshua Eickmeier presiding and Assistant Administrator/Clerk-Treasurer/Budget & Human Resources Director Bonnie Otte recording the proceedings. Upon roll call, the following Councilmembers were present: Charles Lieske, Ellen Beck, Sid Kamprath, Dean Fritz, Barbara Pike, John Singleton, Chris Schmit, Dick Hans. Other officials present: Interim City Administrator Jack Vavra and City Attorney Kelly 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 MARCH 3, 2015 COUNCIL MEETING

Councilmember Pike moved, seconded by Councilmember Singleton, that the minutes of the March 3, 2015 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

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. City Codes Director Report
- D. Police Department Report
- E. Seward County Economic Development Corporation Director's Report
- F. Infrastructure Cost Items Reimbursable Back to the City.

CLAIMS LIST
3-17-15
COUNCIL MEETING

March 17, 2015

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	130,100.93
Seward County Treasurer, Sales Tax, Fees	722.25
PDS, Inc, Software	802.50
Burlington Northern SF, Fees	750.00
A-J Roofing & Waterproofing, Re	38,600.00
Alliance Technologies, Se	712.50
American Safety Utility, Eq	210.37
Advanced Floor Care, Ma	250.00
Amazon.Com, Su	727.54
Advantage Companies, Se	1,355.00
Awards Unlimited, Se	12.35
Baker & Taylor, Su	2,919.26
Blue River Jewelry, Se	18.19
Alan Baldwin, Mi	211.60
Bookpage, Su	300.00
Burlington Northern SF, Fees	562.75
Time Warner Cable, Se	79.38
Capital Business Systems, Ma	79.00
Control Services, Bu	404.00
Chapters Books & Gifts, Su	43.12
Cross Dillon Tire Lincoln, Re	203.50
Cash-Wa Distributing, Su	383.98
Chargepoint, Software	840.00
Library Petty Cash, Su	142.46
Cornhusker International Truck, Re	133.35
Electronic Contracting, Software	149.00
City-Merchant Services, Ex	1,117.37
Fastenal Company, Su	634.53
Gabriel Burger & Else, Se	2,000.00
One Call Concepts, Se	22.55
Glamour Magazine, Su	24.00
Galls, Uniform	342.89
Glass Doctor, Re	210.27
Gale/Cengage Learning, Su	46.88
Hobson Automotive & Tire, Re	80.00
Harding & Shultz, Se	1,690.00
Hawkins, Su	865.85
Hydraulic Equipment Service, Re	218.94
Husker Electric Supply, Re, Bu	177.66
Intl Assoc Law Enforcement, Dues	55.00
Jackson Services, Se	123.12
Lincoln Winwater Works, Re	3,426.87
Midwest Auto Parts, Re, Su	422.38
Windstream Nebraska, Se	2,469.23
Last Mile Network, Se	230.00
Lees Refrigeration, Su	35.32
Matheson Tri-Gas, Su	148.75
Capital Business Systems, Ma	225.00
Midwest Laboratories, Se	835.46
Midwest Automotive, Re	3,656.06
RR Donnelley, Su	205.62
Midwest Turf & Irrigation, Eq	2,950.00
Municipal Supply Inc of Nebraska, Re, Su	5,721.00
Midwest Service & Sales, Su	594.82
Midwest Industrial Tanks, Eq	4,830.00

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Mid-American Benefits, Ins		2,270.61
Verizon Wireless, Se		117.83
Nebraska Pub Power, Ut		511,584.83
Niemann's Port-A-Pot, Bu		80.00
Nebraska Treasurer, Fees		53.35
Orscheln Farm & Home, Su, Re		83.29
O'Reilly Auto Parts, Su, Re		154.78
Odey's, Su		1,926.83
Overdrive, Su		214.97
Fast Mart, Su		105.64
OCLC, Se		174.61
Prevention Magazine, Su		32.00
Pac N Save, Su		734.11
Quill Corp, Su		277.46
Memorial Health-Meals, Su		602.00
Visa		434.34
Nova Solutions, Su	294.84	
Oriental Trading, Su	24.66	
DNH*GoDaddy.com, Se	18.17	
Walmart, Su	66.64	
Gotprint.com, Su	30.03	
Racom Corporation, Re		359.50
Rumery Lawn & Landscape, Ma		705.28
Rolling Stone Magazine, Su		29.95
Sack Lumber Co, Su		33.98
Richters, Inc, Bu		3,375.13
Olsson Associates, Su		270.25
Seward County Road Dept, Se, Su		3,745.71
Seward Lumber & Home, Su, Re, Bu		527.72
Nebraska Public Health, Se		210.00
Farmers Coop-Seward, Su		4,785.14
Seward School Dist, Misc		80.00
Memorial Health-Drug, Se		30.00
Seward County Independent, Se		616.35
Seward County Public Power, Ut		2,261.05
Seward County Treasurer, Se		14,959.33
ST PJ Supply, Su		112.87
Helmlink Printing, Su		601.00
Salt Creek Software, Su		5,310.36
Precision Tool & Machine, Su, Ma		477.00
Taste of the South Magazine, Su		22.98
US Postal Service, Su		166.00
USA Bluebook, Su		462.14
Upstart, Su		514.60
Tinius Plumbing, Su		472.50
Titan Machinery, Re, Su		621.56
Tiger Direct, Eq, Su		421.97
HD Supply Waterworks, Eq		14,239.56
Wesco Distribution, Re		595.99
John/Jana Hughes, Ex		25.00
Reed Electric, Bu		147.23
Plunkett's Pest Control, Bu		55.12
Gary & Erika Rolf, Ex		25.00
Jack Vavra, Se		6,083.76
Leadership Resources, Se		1,990.00
York County emergency Mgmt, Su		6.40
Delta Star, Ci		20,551.55
Southern Seven Clerk Assoc, Conf		25.00
Ellen Beck, Mi, Misc		72.95

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Barbara Pike, Mi, Meal, Misc	71.42
Grafix Shoppe, Su	159.23
Friend Matt Truck Equip, Eq	8,782.88
David Mackie, Ex	412.70
Hastings Public Library, Ex	30.00
Arden Nitz, Su	121.88
Seward Kiwanis Club, Bu	47.00
Orville Pearson, Se	120.00
Body Basics Lincoln, Re	155.00
Henry Pankoke, Se	220.00
Total	<hr/> 828,029.29

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

3. PUBLIC HEARING - 7:00 p.m. - CONSIDERATION OF A PRELIMINARY PLAT TITLED
WEB 4TH ADDITION

Bill Kuhlman, 2054 Holdrege Rd, Pleasant Dale, representing Web Development Corporation addressed the Council requesting approval of a preliminary plat titled Web 4th Addition. The development includes 24 lots bounded by Waverly Rd, East Maple Street, North Columbia Avenue and Star Street, with the total development area being 7.51 acres. Mr. Kuhlman stated that he is aware of water drainage issues in the area and flow rates from the 1991 Drainage Study, prepared by JEO, as well as the drainage computations from The Schemmer Associates for Web First Addition were used as a guide in developing the proposed drainage system for the new development. All computations and comparisons are based on the 10-year design discharge. Mr. Kuhlman stated this development project includes a significant amount of additional grading and upsized storm sewer pipes (increased to 24") in an effort to delay the peak water flow as much as possible. He stated this will not solve the downstream issues, but hopefully will help.

When asked if he has used this type of remedial piping to curb drainage problems, Mr. Kuhlman stated he has not been met with these types of drainage issues in other developments.

Another question related to whether code or statute would require a retaining pond. Public Facilities/Capital Improvement & GIS Director John Hughes stated there is a detention cell behind the school; however, the proposed development site does not have enough area to construct such a detention cell. The oversized drainage piping is the proposed holding area, similar to a detention cell. Mr. Hughes also commented that just today the City met with Dr. Greg Barnes from the Seward School District to discuss the water runoff from the elementary and middle school properties, and particularly from the soccer fields. He said Dr. Barnes is interested in resolving the issues, but has to take the problems to his school board and engineers. Mr. Hughes stated it is premature to talk about any of the possible solutions.

A question was asked if there were any hydrology reports to stand behind the proposed development piping system.

Jeff Wagner, 6920 Van Dorn Street, Lincoln, NE of Mainelli, Wagner & Associates, Inc, engineer for the development, spoke stating the developer is not just installing larger storm water piping, but is flattening the piping system so the pipes become a very large storage system for the water. He stated the piping should reduce the peak flow by 15-18%. He added that currently, the drainage is 103 cfs (cubic feet per second). The planned drainage should be reduced to around 78 cfs.

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Mayor Eickmeier opened the public hearing.

Jared Hochstein, 357 Star Street, Seward spoke as a homeowner concerned about rain water drainage. Mr. Hochstein provided photos of the May 11, 2014 rain event and the street and backyard flooding. He stated there have been several times where the manhole cover has "blown off" from the force of rushing water. He questioned whether diverting water to the storm sewer with a 52" outlet that is already running at capacity is the best plan. He stated there has not been a water study conducted since 1991 and indicated an independent engineering study may be worth considering prior to adding another development.

David Rathje, 1987 Star Street, Seward spoke with regard to drainage concerns, stating that a lot of water is coming off of the school property. He indicated that even a smaller rain (not the magnitude of the May 11, 2014 rainstorm), causes a "river" between his house and the house to the south of his property.

Lanny Hans, 2332 Star Street, Seward raised concern about the amount of water coming off of the middle school property. He stated he agrees with Jared (Hochstein) in that there has not been enough forethought into this development and how it will affect the surrounding properties. He stated there was poor planning on the school development and is concerned about the amount of water coming from the back of these properties. He added that the retention pond does nothing; it collects the water, overflows and runs onto the property.

Dave Besse, 2356 Star Street, Seward stated his property backs up to the middle school property. He agrees that the drainage and flooding is a school problem, but appreciates Web Development's efforts. He added he has concerns with the electrical in his back yard because it goes under water every time it rains.

Helen Hild, 2005 Star Street, Seward stated she lives to the north of Mr. Rathje and has had water in her basement three times. She said the homeowners should not have to babysit their property and worry every time it rains that they will have water in the basement. She said it could be just 2 or 3 inches OF rainfall that cause problems. She said it is the water from the soccer fields that causes the flooding.

Jim Hilde, 2005 Star Street, Seward stated their property is not as bad as some. There is one property where the owner has to open the back door of her house and garage door on the front to allow the flood waters to run through so it doesn't fill up the egress window and flood her basement. He stated Star Street does not need to have more water directed onto it. He asked why the water can't be directed to the north. He said they are being told these enlarged pipes will divert the water or hold the water for a while. But if the plan doesn't work, there will just be more problems for the current residents.

Mr. Kuhlman stated that he has been in the Seward community for twenty years and leaving this land vacant will not solve the drainage issues. He stated there is no way to grade the property to drain the water to the north without creating a huge hump in the middle of the development property, due to being bounded on three sides. He stated there is a 9' grade difference from the north to the south line of the development area. He then explained that the development is set up into six cells with each graded so the cells would drain different directions. He said, as is now, all the water sheet drains to the southeast.

Karen Thege, 333 Star Street, stated the inlet is too small and there is no barrier; kids could get sucked into the inlet. She said there are bars on this inlet, but with the amount of water that comes through, it is a safety concern. She added that she too appreciates all that Web Development is doing, but more roof and driveway/concrete area means more run-off. She said their property values are not good because of the flooding. She would like to see the City do their

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due diligence and have another study rather than approve the plan and that no one can guarantee will work.

Mayor Eickmeier closed the public hearing.

Public Facilities/Capital Improvement & GIS Director John Hughes stated there are three issues: 1) the proposed subdivision - doing nothing will not help the drainage issues; 2) water running off the middle school property - City is undergoing conversations with the school to come up with a plan to address the drainage; and 3) go with an engineer's study/recommendation. He stated the soccer fields appear to be the main issue.

Councilmember Kamprath stated, based on the information, the preliminary plat plan for drainage appear to help the drainage, but the bigger issue is working with the school to mitigate the problems.

Councilmember Singleton stated he feels a water study for the whole City would be good.

Councilmember Lieske inquired about a detention cell behind the school that is not in use. Mr. Hughes stated he thought the swail was to drain to the detention cell. However, the assumption was incorrect. This detention cell is for the runoff of the school buildings and parking lot; it was not meant to be the detention cell for the swail.

Councilmember Beck, 2300 Star Street, Seward stated it is not just the 5-inch/hour rain that causes Star Street to flood; it happens with lesser rainfalls. She stated she is not against the development, but it seems the school district has not come to the plate and it makes her uncomfortable to approve the plat/plan without a deal with the school. She stated the Summary of Drainage Study for Web Fourth Addition states, "Seward Staff have indicated that the storm sewer system is overloaded downstream." She asked if the developer's plan does not work, is the City open for litigation? Mr. Hughes stated that the streets do handle a 10-year event; not a 5" per hour rain.

Karen Thege asked if the City has the right to force (litigation) the school to do something. She also asked if the City could require special plantings to help slow down the water run-off.

Mayor Eickmeier commented that school issues are separate from the developer's plat request, but the City is undergoing discussions with the school. He added that landscaping/plantings may be something the developer would consider, depending on how it fit into the development plan.

City Attorney Hoffschneider stated, as a courtesy, John Hughes and staff have met with the school. There is no legal obligation by the City to pursue legal action against another developer or land owner. The citizens could choose to take legal action as a civil matter.

When asked how much time would pass between approval of this preliminary plat and a final plat and if there would be some resolution with the school drainage issues by this time, Mr. Hughes stated he anticipated 30-45 days to return to Council with the final plat. He added that he did not feel it appropriate to hold the development hostage for the school mediation matter. Dr. Barnes has a process to go through with the School Board.

Councilmember Pike moved, seconded by Councilmember Hans, that the preliminary plat titled Web 4th Addition be approved.

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

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Nay: Beck, Schmit
Absent: None. Motion carried.

4. PUBLIC HEARING - 7:00 P.M. - CONSIDERATION OF A VOLUNTARY ANNEXATION OF WEB 4TH ADDITION

Bill Kuhlman, 2054 Holdrege Rd, Pleasant Dale, representing Web Development Corporation presented the voluntary annexation request for Web 4th Addition.

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

Mayor Eickmeier read Ordinance No. 2015-05 on first reading by title: AN ORDINANCE DECLARING THE ANNEXATION OF CERTAIN CONTIGUOUS AND ADJACENT TRACTS OF LAND, URBAN AND SUBURBAN IN CHARACTER, MORE SPECIFICALLY THE LAND INCLUDED IN WEB 4TH ADDITION TO THE CITY OF SEWARD, TO THE CORPORATE LIMITS OF THE CITY OF SEWARD, NEBRASKA, AND EXTENDING THE LIMITS THEREOF ACCORDINGLY; TO DESCRIBE THE REAL ESTATE TO BE ANNEXED AND ITS BOUNDARIES; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

No action was taken; the annexation requires three separate readings. The Ordinance will be considered on second reading on April 7, 2015.

5. CONSIDERATION OF ENGAGEMENT LETTER WITH WOODS & AITKEN LAW FIRM TO ALLOW JERRY PIGSLEY TO CONTINUE AS CITY'S LABOR ATTORNEY

Attorney Jerry Pigsley addressed the Council stating the Harding & Shultz Law firm dissolved effective March 16, 2015. He stated he was with the firm for 31 years and has served as the City's legal counsel. He stated he has moved his practice to the law firm of Woods & Aitken and offered to continue serving as the City's legal counsel. He added that the City's file, which was developed over many years is still retained at the Harding & Shultz office, but the City could choose to transfer this file to another law firm. He offered the services of Woods & Aitken, recommending the file be transferred to this firm.

Councilmember Hans moved, seconded by Councilmember Schmit, that the City retain Woods & Aitken Law Firm as the City's law firm for labor matters and that the City's file be transferred from Harding & Shultz to Woods & Aitken.

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

6. CONSIDERATION OF A RESOLUTION REDUCING THE SPEED LIMIT THROUGH BLUE VALLEY CAMPGROUND TO 15 MILES PER HOUR

Public Facilities/Capital Improvement & GIS Director John Hughes stated the Safety Committee submitted a request to lower the speed limit in the Blue Valley Campground to 15 miles per hour. He added that Centennial Park also has a 15 mile per hour speed limit.

Mayor Eickmeier commented that just a few years ago the speed limit in the Fairgrounds area was increased to 25 miles per hour.

Councilmember Kamprath introduced the following resolution:

RESOLUTION NO. 2015-05

March 17, 2015

WHEREAS, Section 5-229 of the City Code of the City of Seward, Nebraska provides that the governing body may, by resolution, designate and place signs on any street for the purpose of regulating traffic thereon, and;

WHEREAS, it is necessary to designate the speed of vehicles on certain streets and portions of streets hereinafter designated and to install signs designating such speeds to vehicular traffic entering the city limits where reduced speeds begin.

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

1. The speed limit is hereby established at 15 miles per hour on the roadway through the Blue Valley Campground, beginning 225 feet southeast of drive entrance off of Highway 15 and signs shall be placed at appropriate locations to identify to persons entering said location that the speed limit has been established at 15 miles per hour as set forth herein.
2. All previous resolutions in conflict herewith are specifically repealed.

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

The Mayor declared the resolution adopted.

Dated: March 17, 2015

THE CITY OF SEWARD, NEBRASKA

ATTEST:

Joshua Eickmeier, Mayor

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

(SEAL)

7. CONSIDERATION OF A RESOLUTION AUTHORIZING THE LEASE/PURCHASE AND/OR FINANCE OF EQUIPMENT THROUGH CATERPILLAR FINANCIAL SERVICES CORPORATION

Councilmember Pike introduced the following resolution:

RESOLUTION NO. 2015-06

WHEREAS, the laws of the State of Nebraska (the "State") authorize City of Seward (the "Governmental Entity"), a duly organized political subdivision, municipal corporation or similar public entity of the State, to purchase, acquire and lease personal property for the benefit of the Governmental Entity and its inhabitants and to enter into any necessary contracts; and

The Governmental Entity wants to lease, purchase and/or finance equipment ("Equipment") from Caterpillar Financial Services Corporation and/or an authorized Caterpillar dealer ("Caterpillar") by entering into that certain

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Governmental Equipment Lease-Purchase Agreement (the "Agreement") with Caterpillar; and

the form of the Agreement has been presented to the governing body of the Governmental Entity at this meeting.

BE IT THEREFORE RESOLVED, that: (i) the Agreement, including all schedules and exhibits attached to the Agreement, is approved in substantially the form presented at the meeting, with any Approved Changes (as defined below), (ii) the Governmental Entity enter into the Agreement with Caterpillar and (III) the Agreement is adopted as a binding obligation of the Governmental Entity; and

that changes may later be made to the Agreement if the changes are approved by the Governmental Entity's counsel or members of the governing body of the Governmental Entity signing the Agreement (the "Approved Changes") and that the signing of the Agreement and any related documents is conclusive evidence of the approval of the changes; and

that the persons listed below, who are the incumbent officers of the Governmental Entity (the "Authorized Persons"):

Joshua Eickmeier, Mayor

be, and each is authorized, directed and empowered, on behalf of the Governmental Entity, to (i) sign and deliver to Caterpillar, and its successors and assigns, the Agreement and any related documents, and (ii) take or cause to be taken all actions he/she deems necessary or advisable to acquire the Equipment, including the signing and delivery of the agreement and related documents; and

that the City Clerk of the Governmental Entity is authorized to attest to these resolutions and affix the seal of the governmental Entity to the Agreement, these resolutions, and any related documents; and

that nothing in these resolutions, the Agreement or any other document imposes a pecuniary liability or charge upon the general credit of the Governmental Entity or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the Governmental Entity as provided in the Agreement; and

that a breach of these resolutions, the Agreement or any related document will not impose any pecuniary liability upon the governmental Entity or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligation of the Governmental Entity as provided in the Agreement; and

that the authority granted by these resolutions will apply equally and with the same effect to the successors in office of the Authorized Persons.

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

The Mayor declared the resolution adopted.

Dated: March 17, 2015

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THE CITY OF SEWARD, NEBRASKA

ATTEST:

Joshua Eickmeier, Mayor

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

(SEAL)

8. CONSIDERATION OF A RESOLUTION APPROVING A LEASE/PURCHASE AND/OR FINANCE AGREEMENT WITH HAMILTON EQUIPMENT COMPANY FOR EQUIPMENT

Councilmember Fritz introduced the following resolution:

RESOLUTION NO. 2015-07

WHEREAS, CITY OF SEWARD ("Lessee") is a validly existing political subdivision of the State of NE (the "State"), existing as such under and by virtue of the Constitution, statutes and laws of the State;

WHEREAS, the Mayor of the Lessee (the "Governing Body") has the power under the laws of the State to lease or purchase personal property for use by the Lessee; and the Governing Body has determined, and hereby determines, that it is in the best interests of the Lessee to enter into a Municipal Lease Agreement with HAMILTON EQUIPMENT COMPANY ("Lessor") which lease will be assigned to General Electric Credit Corporation of Tennessee ("Assignee") pursuant to an assignment by Lessor to Assignee (such Municipal Lease Agreement and Assignment are herein together referred to as the "Lease") for the purpose of financing the acquisition of the equipment (the "Equipment") described in Exhibit A to the Lease, and that the use of such Equipment is essential to the Lessee's proper, efficient and economic operation;

WHEREAS, the governing body has taken the necessary and appropriate steps under the applicable law, including, without limitation, and any public bidding requirements, to arrange for the acquisition and financing of the Equipment under the Lease;

WHEREAS, the Lease terminates, and the Lessee's obligations thereunder are extinguished, if the Governing Body fails to appropriate money for the ensuring fiscal year for the payment of the amounts due in such fiscal year;

WHEREAS, there has been presented to the Governing Body the form of the Lease, including Exhibit A thereto, which the Lessee proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing of the Equipment; and it appears that the Lease and its Exhibit A are in appropriate form and are appropriate instruments for the purposes intended.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY AS FOLLOWS:

Section 1. That all actions of the Lessee in effectuating the Lease are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Lease.

Section 2. That sums be and hereby are allocated from the budget of the Governing Body for the fiscal year ending on September 30, 2015, sufficient

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to meet all obligations of the Lessee under the Lease, including without limitation Monthly Rent in the amount of \$928.10 per month.

Section 3. The Governing Body hereby approves the acquisition by the Lessee of the Equipment described in Exhibit A to the Lease, such acquisition to be financed by Lessor/Assignee pursuant to and in accordance with the terms of the Lease, which will be a valid, legal and binding obligation of the Lessee enforceable in accordance with its terms. The form and content of the Lease are in all respects authorized approved and confirmed and the Mayor of the Lessee, or his designee is authorized, empowered and directed to execute and deliver the Lease and the other Documents (as defined in the Lease) for and on behalf of the Lessee in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as shall to him seem necessary, desirable or appropriate.

BE IT FURTHER RESOLVED THAT this Resolution take effect from and after its passage.

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

The Mayor declared this resolution adopted.

Approved this 17th day of March, 2015.

THE CITY OF SEWARD, NEBRASKA

ATTEST:

Joshua Eickmeier, Mayor

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

(SEAL)

9. CONSIDERATION OF A RESOLUTION FILING A PROPERTY LIEN FOR UNPAID WATER AND WASTEWATER SERVICES

Assistant Administrator/Clerk-Treasurer/Budget & HR Director Bonnie Otte addressed the Council stating per Section 16-682 of the Nebraska Revised Statutes authorizes cities of the First Class to place a lien upon the premises of real estate upon which water and sewer bills remain unpaid for a period of three months after they become due. Otte stated, in addition to billing notices, two letters were sent to the property owners (December 2014 and March 2015) indicating a lien would be filed against the property if the bill were not paid.

Councilmember Lieske stated he received a call from a landlord who received a notice naming renters (incurred the billing) that he did not know. Councilmember Lieske stated he would like to make sure that there wasn't an error in the City's database system before filing the lien.

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Councilmember Lieske moved, seconded by Councilmember Singleton, that the resolution filing a property lien for unpaid water and wastewater services located at 1140 South Street, Seward be tabled.

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

Nay: None.

Absent: None. Motion carried.

10. CAPITAL PROJECTS REPORT

Public Facilities/Capital Improvement & GIS Director John Hughes provided an update and Capital Projects Report dated 3/17/15.

Councilmember Fritz moved, seconded by Councilmember Kamprath, that the Capital Projects Report dated March 17, 2015 be accepted.

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

Nay: None.

Absent: None. Motion carried.

11. FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION

12. ANNOUNCEMENT OF UPCOMING EVENTS

- A. Chamber of Commerce - Professional Development Seminar - March 25, 2015, 12:00 p.m. - 5:30 p.m. - Seward Memorial Library
- B. Arbor Day Celebration - Independence Landing - April 23, 2015 @ 1:00 p.m.
- C. July 4th Celebration

12. MOTION TO ADJOURN

Councilmember Singleton moved, seconded by Councilmember Pike, that the March 17, 2015 City Council Meeting be adjourned.

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

Nay: None

Absent: None. Motion carried.

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

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