

**City of Seward, NE**  
**Tuesday, May 19, 2015**  
**Regular Session**

**Item G1**

**CONSIDERATION OF APPROVAL OF DRAFT MINUTES OF  
MAY 5, 2015 - Bonnie Otte**

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

**Staff Contact:**

May 5, 2015

The Seward City Council met at 7:00 p.m. on Tuesday, May 5, 2015, with Council President Chris Schmit 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, Dick Hans. Other officials present: City Attorney Kelly Hoffschneider and Interim City Administrator Jack Vavra. Absent: Mayor Joshua Eickmeier.

Notice of the meeting was given in advance thereof by the method of communicating advance notice of the regular and special meetings of the City Council of the City of Seward, Nebraska, as stated in Ordinance No. 16-11, which was adopted on the 16th day of August, 2011; said method stating that the notice of such meeting, with the agenda thereon, be posted in the following places: City Hall, Seward County Courthouse, Municipal Building, and Seward Public Library. The certificate of posting notice is attached to these minutes. Notice of this meeting was simultaneously given to the Mayor and all members of the City Council and a copy of their acknowledgment of receipt of notice and the agenda are attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

THE PLEDGE OF ALLEGIANCE

Council President Schmit 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 APRIL 21, 2015 COUNCIL MEETING

Councilmember Fritz moved, seconded by Councilmember Pike, that the minutes of the April 21, 2015 City Council meeting be approved.

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

Nay: None

Absent: None. Motion carried.

2. CONSENT AGENDA CONSIDERATION ITEMS

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

- A. Claims & Payables Reports
- B. Infrastructure Cost Items Reimbursable Back to the City.

CLAIMS LIST  
5-5-15  
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

126,662.37

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Burlington Northern Santa Fe Railway, Permit	3,960.00
Alliance Technologies, Se	9,186.70
American Fence Co, Su	23.60
Nickalas Bloebaum, Refnd	30.00
American Water Works, Ex	74.00
Carroll Dist, Su	566.28
Calibre Press, Trng	249.00
Bolte Oil & Supply, Su	1,138.37
Time Warner Cable, Se	79.38
Chase Card, Su	2,013.99
Amazon, Su	39.39
Wal-Mart, Su	485.59
Linns Restaurant, Meals	28.68
Red Lobster, Meals	49.76
Cheddars, Meals	25.00
Sq Retail Nebraska, Su	142.47
Ptouchdirect, Su	47.64
Paypal, Re	520.00
UNL Agron & Hort, Trng	60.00
Nebraska Arborists Assn, Ex	65.00
Kearney Parks & Rec, Trng	160.00
GoDaddy, Se	216.31
New China Express, Meal	9.71
Jimmy Johns, Meal	10.00
Whiskey Creek, Meal	17.36
Super 8 Motel, Trng	137.08
Capital Business Systems, Re	799.00
Constellation NewEnergy, Ut	1,261.58
Library Petty Cash	160.86
Danko Emergency Equipment, Su	122.71
Dutton-Lainson, Su	8,926.79
Endress & Hauser, Ci	5,676.09
Electric Fund, Op	33,497.40
Buildings & Grounds, Op	2,000.00
Emergency Medical Products, Su	494.65
Fastenal Co, Re, Su	177.60
Hach Company, Se	522.31
Hydraulic Equipment Service, Re	1,437.12
Husker Electric Supply, Re, Ci	1,943.67
Jackson Services, Se	123.12
Lincoln Winwater Works, Re, Su	972.76
Kriha Fluid Power, Re	5.11
Kriz-Davis, Re	3,988.53
Windstream Nebraska, Se	48.77
Matheson Tri-Gas, Su	15.45
Capital Business Systems, Ma	306.81
Midwest Service & Sales, Su	2,962.50
Mid-American Benefits, Ins	1,462.47
Nebraska Planning & Zoning, Conf	360.00
Supplyworks, Su	1,453.60
Orscheln Farm & Home, Su, Bu	52.24
O'Reilly Auto Parts, Re	127.48
Norhthern Safety Co, Su	273.11
Nebraska Wastewater Operators, Ex	30.00
Pitney Bowes, Se	105.00
Campbell Cleaning & Restoration, Se	19.98
Brandon Policky, Refnd	30.00
Quill Corp, Su	229.41
Memorial Health-Meals, Su	2,884.62

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Rumery Lawn & Landscape, Gu	210.00
Sam's Club, Bu, Su	349.28
Sam's Club, Su, Bu	244.99
Schmader Electric, Ma	480.00
Nebraska Public Health, Se	588.00
Farmers Coop, Su, Re	13,279.86
Hireright Solutions, Se	68.30
Seward Electronics, Su	39.00
Gerhold Concrete, Su, Ma	5,847.81
Allison Sommerfeld, Meals	241.65
Nebraska Workforce Development, Se	54.00
St P J Supply, Su	16.50
Salt Creek Software, Ex	1,358.29
Sports Express, Misc	200.00
Nebraska Equipment, Eq	12,500.00
Ultramax, Su	470.00
US Cellular, Se	183.68
Wesco Distribution, Ci, Se	12,347.80
Andrea Baack, Refnd	30.00
Chasee/Lacey Koch, Refnd	30.00
Jerod/Sara Olson, Refnd	30.00
Daniel Hicks, Su	310.45
Chris/Lori Read, Refnd	30.00
Doug Theobald, Renfd	30.00
Todd Lance, Refnd	35.00
Sam Schluckebier, Refnd	30.00
Jodi Hibbert, Refnd	35.00
Joe Halhoff, Refnd	30.00
Charles Cook, Refnd	30.00
Jacob/Stacey Parr, Refnd	30.00
Rich Eber, Refnd	30.00
Josh Fields, Refnd	30.00
Adam/Kimberly Hanson, Refnd	8.85
Taylor Baumeister, Trng	100.00
Union Equipment Finance, Eq	31,074.44
Darrin Goracke, Refnd	30.00
Vance Winter, Refnd	30.00
Tabitha Phillips, Refnd	30.00
Michael Langner, Refnd	30.00
Eugene Hasbrouck, Refnd	30.00
Trent/April Bartels, Refnd	30.00
Kyle Royuk, Refnd	30.00
Michael Moore, Refnd	35.00
Tuning Guy, Se	100.00
Greg/Mindy Miller, Refnd	30.00
Total	<u>297,202.33</u>

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

Nay: None

Absent: None. Motion carried.

3. CONSIDERATION OF AN INTERLOCAL COOPERATION AGREEMENT WITH SEWARD COUNTY FOR NATURAL DISASTER EMERGENCY MUTUAL AID ASSISTANCE

County Commissioner Diana Garske addressed the City Council stating an interlocal cooperation agreement was drafted and is being presented to each city/village within the county as a result of the Beaver Crossing tornado in 2014. She stated the interlocal provides for a plan for cooperative efforts for mutual aid should such an event happen within the City.

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City Attorney Hoffschneider stated he had no concerns with the agreement.

Councilmember Beck introduced the following resolution:

RESOLUTION NO. 2015-09

WHEREAS, both of the parties hereto are political subdivisions of the State of Nebraska, and

WHEREAS, the Interlocal Cooperative Act, Neb. Rev. Stat. §13-801 to §13-827, permits local governmental units to make the most efficient use of their powers to enable them to cooperate with other governmental units in an effort to provide services and facilities in a manner that will accord with the needs of their local communities; and

WHEREAS, the Parties desire to enter into an Interlocal Cooperation Agreement to secure for each party the benefit of mutual aid and protection of life in the event of a disaster and/or civil emergency.

WHEREAS, the Interlocal Cooperation Agreement pertains to a Natural Disaster Emergency in Seward County, Nebraska where mutual aid for purposes of cleanup between the County and City of Seward is beneficial to both parties.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA THAT the aforementioned agreement be approved.

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

Council President Schmit declared the resolution adopted.

Dated: May 5, 2015

THE CITY OF SEWARD, NEBRASKA

ATTEST:

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Chris Schmit  
Council President

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

(SEAL)

4. CONSIDERATION OF LIMITING PARKING TO ONE SIDE ON EASTRIDGE DRIVE NORTH FROM HILLCREST DRIVE

Amy Lobmeyer addressed the Council stating that when Concordia University has an event, people park on both sides of Eastridge Drive, making it almost impossible to turn off of or onto Hillcrest. She said both she and her husband have almost had accidents at this intersection due to the congestion. She requested the Council consider restricting the parking to one side of Eastridge Drive to approximately one hundred feet back of the Eastridge/Hillcrest intersection.

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Public Facilities/Capital Improvement & GIS Director John Hughes suggested the City consider reviewing limiting the parking on adjacent streets (not just Eastridge Drive) and bring back a proposal for the City Council to review.

Councilmember Singleton moved, seconded by Councilmember Kamprath, that staff be directed to draft a resolution restricting parking to one side of the street one hundred feet back of the intersection on all streets intersecting with Hillcrest Drive from Columbia Ave East to Eastridge Dr.

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

5. PRESENTATION BY BLUESTEM ENERGY SOLUTIONS ON RENEWAL ENERGY OPTIONS

Adam Herink with Bluestem Energy Solutions, presented information on renewable energy options, in particular, wind and solar energy. He stated the main advantage of a community considering the renewable energy option is they can lock in the prices for 25 years. He briefly reviewed the company's history, community siting process, and relationship with current energy suppliers.

Public Facilities/Capital Improvement & GIS Director John Hughes stated he wants to visit with NMPP to determine how this may impact current rate structures and bring the information back to the Council. He stated he thought a potential site may be in the area of Tenneco and thought the site could handle two wind generators, but there are factors such as noise levels, airport clearance, and maintenance to consider. No action was taken.

\*\*\*Council President Schmit stated he was skipping agenda item #6, waiting for Mayor Eickmeier to enter the meeting.

7. CONSIDERATION OF A RESOLUTION AUTHORIZING AN EQUIPMENT LEASE AGREEMENT WITH UNION BANK & TRUST

Public Facilities/Capital Improvement & GIS Director John Hughes presented a resolution for approval of a lease agreement with Union Bank & Trust for two mowers; one for the Street Department and the other for the Recreation Department, both included in the current budget.

Mayor Eickmeier entered the meeting at 7:38 p.m. and took his place in presiding over the remainder of the meeting.

Councilmember Singleton introduced the following resolution:

Resolution No. 2015-10

Schedule of Equipment No. 01, dated 5/5/2015, to Master Equipment Lease Purchase Agreement, dated as of 5/5/2015, between Union Bank & Trust Company, as Lessor, and City of Seward, as Lessee.

I, the undersigned, the duly appointed, qualified and acting City Clerk of the City of Seward do hereby certify this 5<sup>th</sup> day of May, 2015, as follows:

- (1) Lessee did, at a meeting of the governing body of the Lessee held on May 5, 2015, by motion duly made, seconded and carried, in accordance with all requirements of law, approve and authorize the execution and delivery of the above referenced Schedule of Equipment No. 01 on its behalf by the following named representative of the Lessee, to witness:

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Joshua Eickmeier, Mayor

- (2) The above named representative of the Lessee held at the time of such authorization and holds at the present time the office set forth above.
- (3) The meeting of the governing body of the Lessee at which the Schedule of Equipment No. 1 was approved and authorized to be executed was duly called, regularly convened and attended throughout by the requisite majority of the members thereof or by other appropriate official approval and that the action approving the Schedule of Equipment No. 01 and authorizing the execution thereof has not been altered or rescinded.
- (4) No event or condition that constitutes, or with the giving of notice or the lapse of time or both would constitute, an Event of Default (as such term is defined in the above referenced Master Equipment Lease Purchase Agreement) exists at the date hereof.
- (5) All insurance required in accordance with the above referenced Master Equipment Lease Purchase Agreement is currently maintained by the Lessee.
- (6) Lessee has, in accordance with the requirements of law, fully budgeted and appropriated sufficient funds for the current budget year to make the Rental Payments scheduled to come due during the Original Term and to meet its other obligations for the Original Term (as such terms are defined in the above referenced Master Equipment Lease Purchase Agreement) and such funds have not been expended for other purposes.
- (7) The fiscal year of Lessee is from October 1 to September 30.

The signatures below from the designated individuals from the Governing Body of the Lessee evidence the adoption by the Governing Body of this resolution.

Councilmember Singleton 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.

The resolution is hereby adopted.

Dated this 5<sup>th</sup> day of May, 2015.

CITY OF SEWARD

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Joshua Eickmeier, Mayor

ATTEST:

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

6. UPDATE ON EFFORTS OF CITY OF SEWARD AND/OR SEWARD SCHOOL DISTRICT TO ADDRESS WATER RUNOFF/DRAINAGE ISSUES ON STAR STREET PROPERTIES THAT BORDERS THE SEWARD ELEMENTARY SCHOOL AND SEWARD MIDDLE SCHOOL

Mayor Eickmeier stated the City has been assisting with facilitating discussion about the water runoff in the Star Street area by gathering and providing information. He stated the City obtained a proposal from Jeff Wagner, Mainelli Wagner & Associates, Inc., in the amount of \$26,210, for costs relating to surveying, conducting hydraulic analysis to size the channel needed to handle the runoff and a grading plan. He stated this development occurred over 20 years ago. He said, based on a memo that was found in City records, it looked

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as though the developer was to get an easement, but it had never been filed. In this case, it appears the school district did not fail to follow the plan, but the developer failed to follow through. That developer is no longer in the area. He said he does not see the City as being responsible, but does not know if the school district is responsible either. He stated the school district has a copy of the engineer's proposal.

Councilmember Lieske stated there is an assumption that an easement filed by the developer would have addressed the water runoff; however, that is an assumption.

Public Facilities/Capital Improvement & GIS Director John Hughes presented the City Council with a memo from Roger Van Ooyen, dated 1993.

Councilmember Kamprath commented that the memo from Mr. Van Ooyen had a comment that SCHC (Seward County Housing Corporation) will need to negotiate a storm water drainage agreement with the school district, but the memo also refers to asking the City to create an improvement district.

Mr. Hughes stated there was a district created, but was for water, sewer and street, not storm water.

Councilmember Singleton stated he was on the City Council at the time and the development was designed to handle the runoff for the current project, but not for any future development or extension. No action was taken.

8. CONSIDERATION OF A CHANGE OF WORK ORDER ADDING THE WETLAND MITIGATION REPORT AND DESIGN SERVICES TO THE KAROL KAY BLVD AGREEMENT

Public Facilities/Capital Improvement & GIS Director John Hughes stated it has been determined, in consultation with the NDOR and Federal officials, that the Karol Kay Blvd, Bader-Hillcrest project be moved to the west side of the gully, which involves wetland mitigation. He stated the attached amendment allows for the mitigation.

Councilmember Singleton moved, seconded by Councilmember Pike, that the change of work order adding the wetland mitigation report and design services with JEO Consulting Group, Inc. be approved in the amount of \$9,263.52.

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

Nay: Kamprath

Absent: None. Motion carried.

9. CONSIDERATION OF AN ORDINANCE ESTABLISHING A DEADLINE FOR REQUESTING ITEMS BE PLACED ON THE CITY COUNCIL AGENDA

Councilmember Singleton stated he is requesting approval of an ordinance specifying that agenda requests can be received up until 12:00 noon on the Wednesday prior to the next City Council meeting; however, the Mayor has the authority to change or add items to the agenda up to the 24 hours prior to the time of the City Council meeting.

Ordinance NO. 2015-08 establishing a deadline for requesting items be placed on the City Council agenda was adopted.

Councilmember Schmit moved, seconded by Councilmember Pike, that the minutes of the proceedings of the Mayor and Council of the City of Seward, Seward County, Nebraska in the matter of passing and approving Ordinance No. 2015-08, "AN ORDINANCE TO AMEND AND REVISE SEWARD MUNICIPAL CODE SECTION



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1-600, CITY COUNCIL AGENDAS, POSTING NOTICES & ITEMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE" 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: Hans, Schmit, Kamprath, Lieske, Beck, Pike, Fritz, 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 5/5/15.

Councilmember Singleton moved, seconded by Councilmember Kamprath, that the Capital Projects Report dated May 5, 2015 be accepted.

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

11. FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION

None

12. ANNOUNCEMENT OF UPCOMING EVENTS

- A. May 15 - Annie Adamek Retirement Celebration - 1:00-3:00 p.m. - Civic Center, West Fireplace Room
- B. July 4<sup>th</sup> Celebration

13. MOTION TO ADJOURN

Councilmember Singleton moved, seconded by Councilmember Fritz, that the May 5, 2015 City Council Meeting be adjourned.

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

THE CITY OF SEWARD, NEBRASKA

\_\_\_\_\_  
Joshua Eickmeier, Mayor

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