

November 1, 2016

The Seward City Council met at 7:00 p.m. on Tuesday, November 1, 2016, with Mayor Joshua Eickmeier presiding and Assistant Administrator /Clerk-Treasurer /Budget & Human Resources Director Bonnie Otte recording the proceedings. Upon roll call, the following Councilmembers were present: Jonathon Wilken, Ellen Beck, Sid Kamprath, Dean Fritz, Karl Miller, John Singleton, Chris Schmit, Richard Hans. Other officials present: City Administrator Bruce Smith, 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 Ordinance No. 2015-08, which was adopted on the 5th day of May, 2015; said method stating that the notice of such meeting, with the agenda thereon, be posted in the following places: City Hall, Seward County Courthouse, Municipal Building, and Seward Public Library. The certificate of posting notice is attached to these minutes. Notice of this meeting was simultaneously given to the Mayor and all members of the City Council and a copy of their acknowledgment of receipt of notice and the agenda are attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

THE PLEDGE OF ALLEGIANCE

Mayor Eickmeier announced that a copy of the Agenda for this meeting is posted on the north wall of the Municipal Building and copies are available on the north wall where a copy of the Open Meetings Act is also posted for public inspection. He also noted that any citizen wishing to address the Council should come to the podium, state their name and address and limit their comments to five minutes. All remarks should be directed to the Mayor/Chairperson, who will then determine who will make any appropriate response. The City of Seward reserves the right to adjust the order of items on this agenda if necessary and may elect to take action on any of the items listed.

1. APPROVAL OF MINUTES OF OCTOBER 18, 2016 COUNCIL MEETING

Councilmember Singleton moved, seconded by Councilmember Fritz, that the minutes of the October 18, 2016 City Council meeting be approved.

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

2-3. CONSENT AGENDA CONSIDERATION ITEMS

The following Consent Agenda items were approved in one single motion made by Councilmember Singleton, seconded by Councilmember Wilken:

2. Claims & Payables Reports
3. Seward County Chamber & Development Partnership Report

CLAIMS LIST
11-1-16
COUNCIL MEETING

Abbreviations: Bu, Building Upkeep; Eq, Equipment; Ex, Expense; Ma, Maintenance; Mi, Mileage; Misc, Miscellaneous; Re, Repairs; Sa, Salaries, Se, Services; Su, Supplies; Ut, Utilities, CI, Capital Improvements; GU, Grounds Upkeep.

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All Road Barricades Inc	Su	77.40
American Fence Co Lincoln	Bu	198.92
Ameritas Life Insurance	Ins	6,150.98
Aqua-Chem Inc	Su	96.30
Bizco Technologies	Se	748.00
Callaway Golf	Merchandise	133.12
Capital Business-Cheyenne	Ma	90.00
Chase Card Service		2,213.91
Fairfield Inn & Suites	Trng	135.95
Amazon Mktplace	Equip, Su	413.29
Walmart	Su, Re, Bu	692.84
Pacific Coast Lab	Su	42.40
Lou & Mary Annes Bar	Meals	137.10
RBT Qaulity Inn Suites	Trng	-23.31
Quality Inn Suites	Trng	582.66
Applebees	Meals	68.50
GG*Nebraska Humanities	Su	75.00
Runza	Meals	89.48
Chemsearch	Su	790.00
City Seward Buildings/Gr	Ex	3,000.00
City Seward Library Petty	Su	122.85
City Seward Payroll Accou	Payroll	118,744.03
Constellation Newengergy	Ut	287.04
Cornhusker Press	Su	101.95
Danko Emergency Equipment	Eq	248.00
Dittmer Chlancey	Tools	861.00
Dutton-Lainson Co	Ci	1,351.94
Ehlers Electronics	Su	15.00
Ellingson Zach	Ex	110.00
Emergency Medical Product	Su	405.79
Fast Mart	Su	24.30
Fastenal Company	Su, Re, Bu	1,013.00
Fyr-Tek	Eq, Tools	1,712.63
G & P Development Landfil	Gu	195.32
G P Tech Solutions	Su	154.87
Galls Llc	Un	347.89
Gerhold Concrete Co Inc	Re	2,850.63
Graham Tire	Re	98.00
Great Plains Communication	Se	586.00
Hawkins Inc	Su	1,364.97
Hobson Automotive & Tire	Re	708.10
Husker Electric Supply Co	Su	5,449.27
Hydraulic Equipment Serv	RE	762.83
Inland Truck Parts Co	RE	4,196.93
Int'l City Management Ass	Dues	825.02
Jackson Services Inc	Ma	52.88
Jacobsen Rock & Gravel	Su	9,747.52
Jason Holeka	Re	157.00
Knisley Gabe	Ex	30.00
Kriz-Davis Co	Re, Ma	3,105.25
Last Mile Network Consult	Se	145.30
Latsch's	Su	22.87
Lee's Refrigeration	Su	38.50
Lenz Tyler	Ex	110.00
Lincoln Winwater Works	Re	136.59
Mead Lumber & Rental-York	Eq, Re	405.21
Menards	Bu	50.64
Meyer Automotive	Su	164.48
Mid-American Benefits Inc	Ins	834.24
Mid-Iowa Solid Waste Equi	Eq	325.00

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Midwest Automotive	Re	417.57
Midwest Service & Sales	Su	360.10
Municipal Supply Omaha	Re	52.43
Nebraska Health Envir	Se	1,168.00
Nebraska Recreation & Park	Dues	120.00
Odeys Inc	Su	11,951.92
Olsson Associates	Se	1,964.16
Orscheln Farm & Home	Re, Su, Bu	387.82
Plains Equipment Group	Gu	41.98
Police Chiefs Assoc Of Ne	Dues	50.00
Precision Tool & Machine	Re, Su	332.60
Principal Financial Group	Ins	2,029.39
Redfield & Company Inc	Su	531.02
Reeves Trevor	Ex	140.00
Richters Inc	Bu	451.13
Rumery Lawn & Landscape	Re	256.80
Safehorn Josh	Ex	30.00
Sam's Club (Sen Center)	Su	146.18
Seward County Chamber & D	Su, Annual Contribution	64,790.00
Siteone Landscape Supply	Gu	75.75
Skarshaug Testing Lab	Se	156.89
Smith Bruce	Ex	100.00
Soaring Group LLC	Re	750.00
Speece Lewis Engineers	Se	4,491.75
Spickelmier & Son Inc	Se	735.00
Time Warner Cable	Se	160.41
U S Cellular	Se	223.37
United Health Care	Ins	48,680.10
Wesco Distribution Inc	Ci, Re	1,219.80
	CLAIMS TOTAL	<u>\$313,175.64</u>

Aye: Beck, Miller, Singleton, Schmit, Hans, Kamprath, Wilken, Fritz

Nay: None

Absent: None. Motion carried.

4. CONSIDERATION OF THE GENERAL INTERCONNECTION AGREEMENT BY AND BETWEEN THE CITY OF SEWARD AND SEWARD WIND, LLC

Matt Robinette, Seward Wind, LLC (BlueStem Project Manager), addressed the City Council stating they completed the zoning process and obtained the zoning resolution from Seward County and have received approval from the Federal Aeronautics and Nebraska Department of Aeronautics for construction and operation of a wind turbine. They are currently waiting on the environmental approval and the K-450 Nebraska Public Power District Impact Study. He anticipates the approvals to be completed within the next few weeks with construction to begin the first or second quarter of 2017 and completed within three to four months.

Councilmember Hans moved, seconded by Councilmember Schmit, that the General Interconnection Agreement by and between the City of Seward and Seward Wind, LLC, be approved.

Aye: Beck, Miller, Singleton, Schmit, Hans, Kamprath, Wilken, Fritz

Nay: None

Absent: None. Motion carried.

5. CONSIDERATION OF REQUEST BY KEVIN BOND, 334 EAST BRADFORD, FOR CONSTRUCTION OF OFF-STREET PARKING

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Public Facilities/Capital Improvements/GIS Director John Hughes stated the City received a request from Kevin Bond, for property owned at 334 East Bradford, to construct a 25' wide X 25' deep off-street parking space in the City right-of-way with the intent to have three parking spaces. Mr. Hughes stated the construction had already begun before the City's Building & Zoning Department was aware of the project. The Department contacted the project contractor, Nicholas Kadavy, regarding the requirement of a building permit for the right-of-way area and at that time, determined the proposed project would not meet City Building Code. Mr. Hughes stated building code allows for an off-street right-of-way parking space with a maximum size of 18'6" deep. He also commented that allowing the construction as requested, would interfere with the placement of sidewalk for this area. The right-of-way area has an embankment from the street to the house. The proposed off-street area is dug out of the embankment leaving about a three foot drop and would require a railing for safety purposes.

Mayor Eickmeier commented the City has approved a similar off-street request in the past for a bed and breakfast. This request is coming to the City Council as the construction has already begun without the owner or contractor obtaining a permit.

Kevin Bond, 1332 N 8th St, addressed the City Council stating he hired a contractor to construct the space to get the vehicles off of the street. He stated he could work within the 18'6" depth; however, he has a 22' vehicle that he wanted to park in this space and wondered if it would create problems with it sticking into the street.

There was a brief discussion about the sidewalk referencing a lack of sidewalks in several areas of the City. Mayor Eickmeier stated some of the older neighborhoods may not have sidewalks.

Councilmember Hans moved, seconded by Councilmember Singleton, that the request by Kevin Bond, 1332 N 8th St, for construction of an off-street parking space at 334 East Bradford be approved for a 25' wide X 18'6" space and that a railing be installed for safety and ADA requirements.

Aye: Beck, Miller, Singleton, Schmit, Hans, Kamprath, Wilken, Fritz

Nay: None

Absent: None. Motion carried.

6. CONSIDERATION OF AMENDMENT NO. 1 TO THE AGREEMENT WITH SCHEMMER ASSOCIATES FOR WAVERLY ROAD, HIGHWAY 15 TO KAROL KAY BLVD

City Administrator Bruce Smith stated consideration of Amendment No. 1 to the Agreement with Schemmer Associates, which extends the Waverly Road (Highway 15 to Karol Kay Blvd) project east to the City/County line, was tabled at the October 18, 2016 City Council meeting following discussion of moving the trail to the south side of Waverly Road. Mr. Smith stated that the City Council received information at the March 1, 2016 Council meeting regarding moving the trail to the south side of Waverly Road. The amendment covers the engineering costs extending the project to the City/County line, because the County has expressed interest in joining the project for their portion of the improvements east of this line.

Doug Holle, Schmmmer Associates, reviewed the Waverly Road project and the alignment of the road and trail on the south side of the road. He stated the current road width is 22'-24' wide. The proposed road will have three lanes and be 44' wide. The curb and gutter and storm system will be a covered system on the south side of the road with the trail to run over the top. Because of the location of the cemetery, there will be about 5' between the roadway curb

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and the trail. He stated as the trail moves east, the distance between the curb and the trail will increase to 10'.

Moved by Councilmember Singleton, seconded by Councilmember Kamprath, that Amendment No. 1 to the Schemmer Associates for the Waverly Road, Highway 15 to Karol Kay Blvd project be approved.

Aye: Beck, Miller, Singleton, Schmit, Hans, Kamprath, Wilken, Fritz

Nay: None

Absent: None. Motion carried.

7. CONSIDERATION OF AN AGREEMENT WITH NEBRASKA DEPARTMENT OF ROADS FOR THE SEWARD TRAIL PROJECT AND AUTHORIZATION FOR THE MAYOR TO EXECUTE SAID AGREEMENT

Councilmember Singleton introduced the following resolution:

RESOLUTION NO. 2016-22

SIGNING OF THE PROJECT TRAIL AGREEMENT

Whereas: City of Seward is proposing a transportation project for which it would like to obtain Federal funds;

Whereas: City of Seward understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

Whereas: City of Seward and Nebraska Department of Roads (NDOR) wish to enter into a new Project Trail Agreement setting out the various duties and responsibilities for the Federal-aid trail project.

Be It Resolved: by the City Council of the City of Seward that:

Joshua Eickmeier, Mayor of the City of Seward, is hereby authorized to sign the attached Project Trail Agreement between the City of Seward, and the NDOR.

City of Seward is committed to providing local funds for the project as required by the Project Trail Agreement.

NDOR Project Number: ENH-80(33)

NDOR Control Number: 13225

NDOR Project Name: Seward Trail

Moved by Councilmember Wilken, seconded by Councilmember Schmit, that the resolution be adopted.

Aye: Beck, Miller, Singleton, Schmit, Hans, Kamprath, Wilken, Fritz

Nay: None

Absent: None. Motion carried.

Adopted this 1st day of November, 2016 at Seward, Nebraska.

THE CITY OF SEWARD, NEBRASKA

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ATTEST:

Joshua Eickmeier, Mayor

Bonnie Otte
Assistant Administrator
Clerk-Treasurer
Budget & HR Director

(SEAL)

8. CONSIDERATION OF LPA SUPPLEMENTAL AGREEMENT No. 1 WITH THE STATE OF NEBRASKA
DEPARTMENT OF ROADS DESIGNATING THE RESPONSIBLE CHARGE FOR THE TRAIL PROJECT

Larry Legg, Nebraska Department of Roads, explained that the supplemental agreement designates the State of Nebraska as the Responsible Charge and reviewed some of the responsibilities of the Responsible Charge and what the City is still responsible for with regard to the Trail Project. He stated that mainly, this agreement moves the project along at a quicker pace because the State can work directly with the engineers and federal managers. The City retains local control of the project.

** Councilmember Singleton left the meeting at 7:46 p.m.

Councilmember Kamprath introduced the following resolution:

RESOLUTION NO. 2016-23

SIGNING OF THE LPA SUPPLEMENTAL PROGRAM AGREEMENT - FEDERAL-AID FUNDING

Whereas: City of Seward (City) is proposing to develop and construct a transportation project for which it would like to obtain Federal funds;

Whereas: City understands that it must strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

Whereas: City and State of Nebraska, Department of Roads (State) wish to enter into an **LPA Supplemental Program Agreement - Federal-Aid Funds** which will set out the various duties and funding responsibilities for the Federal-aid project; and

Whereas: City wishes to designate its representative for this project.

Be It Resolved by the City Council of the City of Seward that:

The Mayor, Joshua Eickmeier, is hereby authorized to sign the attached **LPA Supplemental Program Agreement - Federal-Aid Funds** between the City and State.

City hereby designates Melvin Aldrich to serve as City's representative and Project Liaison (PL) with State for this project.

City of Seward is committed to providing local funds for the project as required by the **LPA Program Agreement - Federal Aid Funds**.

NDOR Project Number: ENH-80(33)

NDOR Control Number: 13225

NDOR Project Name: Seward Trail

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Moved by Councilmember Beck, seconded by Councilmember Schmit, that the resolution be adopted.

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

Adopted this 1st day of November, 2016 at Seward, Nebraska.

THE CITY OF SEWARD, NEBRASKA

ATTEST:

Joshua Eickmeier, Mayor

Bonnie Otte
Assistant Administrator
Clerk-Treasurer
Budget & HR Director

(SEAL)

9. CONSIDERATION OF AN AGREEMENT WITH OLSSON ASSOCIATES FOR PROFESSIONAL SERVICES FOR MISCELLANEOUS CONSULTING WORK ASSIGNMENTS

City Administrator Bruce Smith stated the Professional Services agreement covers consulting work by Olsson Associates for smaller projects at the water/wastewater facility that are typically under \$5,000. This is a renewal of an agreement the City has had in place for several years.

Moved by Councilmember Fritz, seconded by Councilmember Wilken, that the agreement with Olsson Associates for professional services for miscellaneous consulting work assignments at the Water/Wastewater Plant be approved

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

10. CITY ADMINISTRATOR REPORT

Moved by Councilmember Schmit, seconded by Councilmember Kamprath, that the City Administrator's Report dated November 1, 2016 be accepted.

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

FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION

None

ANNOUNCEMENT OF UPCOMING EVENTS

November 26, 2016 (1:00 - 3:00 p.m.); Human Sled Race - 4th & South St west to 5th Street, north on 5th St ending at alley.

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November 26, 2016 (5:30 p.m.); Annual Holiday Lighted Parade - 1st and Seward Streets, west to 13th St.

***Councilmember Singleton returned to the Council meeting at 7:50 p.m.

MOTION TO ADJOURN

Councilmember Singleton moved, seconded by Councilmember Schmit, that the November 1, 2016 City Council Meeting be adjourned.

Aye: Beck, Miller, Singleton, Schmit, Hans, Kamprath, Wilken, 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