

March 1, 2016

The Seward City Council met at 7:00 p.m. on Tuesday, March 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: Jon Wilken, Ellen Beck, Sid Kamprath, Dean Fritz, Barbara Pike, John Singleton, and Chris Schmit. Other officials present: City Administrator Bruce Smith and Attorney Christina Usher in place of City Attorney Kelly Hoffschneider. Absent: Councilmember Dick Hans.

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 FEBRUARY 16, 2016 COUNCIL MEETING

Councilmember Pike moved, seconded by Councilmember Kamprath, that the minutes of the February 16, 2016 City Council meeting be approved.

Aye: Wilken, Pike, Fritz, Schmit, Beck, Singleton, Kamprath
Nay: None
Absent: Hans. 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. Police Department Report
- C. Infrastructure Cost Items Reimbursable Back to the City.

CLAIMS LIST
3-1-16
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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A 1 Janitorial Supply	Su		131.26
Aesseal Inc	Eq		780.37
Alamar Uniforms	Uniforms		7.50
Alarmlink USA	Se		383.40
Alliance Technologies	Su		2,890.00
Allied Surveying & Mapping	Se		689.00
Ameritas Life Insurance Co	Ins		5,614.80
Barco Municipal Products	Su		278.84
C N A Surety	Ins		100.00
Chargepoint Inc	Ex		1,546.03
Chase Card Service			3,125.70
Amazon Mktplace	Su	152.00	
Walmart	Su, Equip, Awards, Bu	1,213.62	
Amazon.com	Misc	109.99	
Colorado Chptr - Intl Code	Trng	325.00	
Workingpersonstore.com	Uniforms	69.70	
Automationdirect.com	Su	328.00	
Office Depot	Su	198.39	
Lou & Mary Annes, Bee	Su	629.00	
EB Tree Care Workshop	Trng	100.00	
City Seward Buildings/Ground	Operations		3,000.00
City Seward Electric Fund	Ut		37,461.03
City Seward Library Petty	Su		176.55
City Seward Payroll Account	Payroll		116,973.90
Commonwealth Electric Co	Bu		390.00
Constellation NewEnergy	Ut		2,287.53
Control Services Inc	Eq		708.00
Delta Dental	Ins		1,438.40
Durre Plumbing	Ma		375.48
Fastenal Company	Su		1,061.73
G E Capital	Eq		11,137.14
Great Plains Communication	Se		586.00
H D Supply Waterworks Ltd	Re		2,357.31
Hireright LLC	Se		102.45
Hydraulic Equipment Service	Re		118.98
I T Savvy	Eq		374.43
Jackson Services Inc	Ma		33.00
Kriz-Davis Co	Re, Su		1,976.01
Last Mile Network Consulting	Se		290.60
Latsch'S	Su		89.64
Matheson Tri-Gas Inc	Su		8.48
Mattson Ricketts Law Firm	Se		4,001.00
Memorial Health-Drug	Se		332.00
Menards	Bu, Re		143.51
Mid-American Benefits Inc	Ins		641.77
Midwest Service & Sales	Su, Re		1,998.72
Midwest Turf & Irrigation	Re		473.84
Mohrhoff Power Equipment	Re		43.10
Nebraska Equipment Inc	Re		46.86
Nebraska Health Environment	Se		138.00
Nebraska Health Human Wtr	Ex		40.00
Nebraska Labor Dept	Ex		18.00
Nebraska Roads Dept	Ex		50.00
Olsson Associates	Se		4,858.86
O'Reilly Automotive Inc	Su, Re		134.55
Orscheln Farm & Home	Su, Re		277.98
Plains Equipment Group Inc	Su		39.04
Power Delivery Services	Ma		401.26
Precision Tool & Machine	Su		17.00

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Principal Financial Group	Ins	692.99
Quill Corp	Su	166.40
R D J Specialties Inc	Su	231.21
Royuk Kyle	Re	56.81
Sack Lumber Company	Re	32.50
Sam'S Club (Lib-Rec-Pool)	Bu, Su	193.98
Sam'S Club (Sen Center)	Su	96.70
Seward Electronics	Re	238.16
Simonsen Mary	Re	30.46
Smith Bruce	Mi, Ex	140.50
Smoking Gun Jerky Inc	Su	460.80
Suhr & Lichty Insurance	Ins	7,693.00
Title Services Of Blue Valley	Se	125.00
U S Cellular	Se	228.49
United Health Care	Ins	54,738.41
Vahl Drug Company Partner	Re	175.00
Wesco Distribution Inc	Su, Re	642.00
White Judy	Re	21.37
Zwick Tom	Re	17.27
	CLAIMS TOTAL	<u>\$276,130.10</u>

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

3. CONSIDERATION OF MAYOR'S APPOINTMENTS

Councilmember Pike moved, seconded by Councilmember Schmit, that Mayor Eickmeier's reappointment of Cory Mueller and Gary Pomerence to the Community Development Block Grant (CDBG) Application Review Board for Economic Development (Program Loan Reuse) for a 3-year term be approved.

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

Councilmember Beck moved, seconded by Councilmember Kamprath, that Mayor Eickmeier's appointment of Scott Sloup to the Community Redevelopment Authority For Tax Increment Financing for a 5-year term (replace Tom Spunaugle) be approved.

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

Councilmember Fritz moved, seconded by Councilmember Wilken, that Mayor Eickmeier's reappointment of Greg Walz to the Citizen Advisory Review Committee (Economic Development Plan) for a 3-year term be approved.

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

4. PUBLIC HEARING - 7:00 P.M. LIQUOR LICENSE APPLICATION - FASTMART, INC dba FAST MART, 215 N 6TH STREET

Richard Gokie, 3003 Bluff Rd, addressed the Council stating he currently holds a Class B Retail Liquor License, which is off-sale beer only and is applying for a Class D Retail Liquor license, which is off-sale beer, wine and distilled spirits.

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

Councilmember Fritz introduced the following resolution:

RESOLUTION NO. 2016-04

BE IT RESOLVED by the Mayor and Council of the City of Seward, Nebraska, that,

WHEREAS, Notice of Application for a Class D Liquor License for Fastmart, Inc, dba Fast Mart, 215 N 6th Street, Seward, Nebraska was published in the Seward County Independent on February 17, 2016; cost of such publishing fee being \$12.15, and,

WHEREAS, a public hearing was held before the Mayor and Council of the City of Seward on March 1, 2016;

WHEREAS, no written protests were filed with the City, and no oral objections were heard by the Mayor and Council,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Seward, Nebraska, that a Class D Liquor License be granted to Fastmart, Inc, dba Fast Mart, 215 N 6th Street, Seward, Nebraska.

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

The Mayor declared the resolution adopted.

Dated: March 1, 2016

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier
Mayor

ATTEST:

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

(SEAL)

Councilmember Singleton moved, seconded by Councilmember Kamprath, that recommendation be made to the Nebraska Liquor Control Commission approving Richard Gokie as Manager of the Class D Liquor License for Fast Mart, 215 N 6th St.

Aye: Fritz, Wilken, Beck, Pike, Schmit, Kamprath, Singleton

Nay: None

Absent: Hans. Motion carried.

5. CONSIDERATION OF AN ORDINANCE DIRECTING THE CONVEYANCE OF REAL PROPERTY TO THE STATE OF NEBRASKA FOR NATIONAL GUARD MUSEUM

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Ordinance No. 2016-10 approving the conveyance of real property to the State of Nebraska for National Guard Museum was adopted.

6. CONSIDERATION OF AGREEMENT WITH SCHEMMER ASSOCIATES FOR PROFESSIONAL SERVICES RELATED TO THE WAVERLY ROAD DESIGN, HWY 15 TO KAROL KAY BOULEVARD

Schemmer Associates, Doug Holle, P.E., addressed the City Council regarding engineering services for the Waverly Road, Highway 15 to Karol Kay Boulevard project. He stated Schemmer is contracted for the Seward Trail design and since part of the proposed trail lies along Waverly Rd east of Hwy 15, and it is in the City's future plans to improve Waverly Road, it seemed appropriate to propose an agreement for professional services for the Waverly Road design from Hwy 15 to Karol Kay Blvd. The agreement includes survey, roadway design, and right-of-way design. He stated the design work should be complete by the end of 2016. The Trail project is scheduled for 2018/2019 construction, so construction of the Waverly Road project could be planned for 2017 or early 2018. He stated the County may be looking at making improvements to the east of this point and they will make every effort to coordinate the construction with the County.

There was brief discussion about how the project would affect the homeowners in the area (land acquisition) and how it may affect the infrastructure that is already in place to the north of Waverly Rd. John Hughes stated the current water lines are to the north of this road at a distance that should not be affected by the Waverly Road improvements. Mr. Holle stated that until the design work begins, it is difficult to determine the effect on the homeowners; however, other than obtaining right-of-way easements, he did not feel land acquisition would be required.

Water/Wastewater Director Tim Richtig addressed the City Council and stated that any further development to the north would need new sewer lines, which would need to be under Waverly Road or moved to the north, with the likelihood of a lift station.

Mike Luebbe, Seward County Commissioner stated the County is interested in making improvements from Karol Kay Blvd to Rd 238, but he was not speaking for the Commission and didn't know the timeline for these improvements.

Councilmember Kamprath requested references and information on projects completed by Schemmer Associates since they had not done this type of professional service for road construction work for the City of Seward in the past.

Mr. Holle stated the firm has completed multiple projects for First Class cities and has completed several urban widening projects for other communities. Mr. Holle stated he would be happy to provide the City with references.

Councilmember Kamprath moved, seconded by Councilmember Fritz, that the agreement with Schemmer Associates for Professional Services related to the Waverly Road design, Hwy 15 to Karol Kay Boulevard, be approved, contingent upon receiving the reference information from Schemmer Associates on prior projects.

Aye: Fritz, Wilken, Beck, Pike, Schmit, Kamprath, Singleton

Nay: None

Absent: Hans. Motion carried.

7. CONSIDERATION OF AN ORDINANCE APPROVING THE FINAL PLAT OF UNDERWOOD COMMERCIAL ADDITION

Ordinance No. 2016-11 approving the Final Plat of Underwood Commercial Addition was adopted.

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Councilmember Fritz 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. 2016-10**, "AN ORDINANCE TO DIRECT THE CONVEYANCE OF REAL PROPERTY TO THE STATE OF NEBRASKA IN ORDER FOR THE NEBRASKA ARMY NATIONAL GUARD TO COMPLETE THE RECONSTRUCTION OF THE STATE OF NEBRASKA ARMORY SITE INTO THE NEBRASKA NATIONAL GUARD MUSEUM; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT" and **Ordinance No. 2016-11**, "AN ORDINANCE TO APPROVE THE PLAT ENTITLED "UNDERWOOD COMMERCIAL ADDITION", CITY OF SEWARD, SEWARD COUNTY, NEBRASKA," AS HEREINAFTER SET FORTH, LOCATED AT THE SOUTHEAST CORNER OF SOUTH 7TH STREET AND SOUTH STREET; 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: Fritz, Wilken, Beck, Pike, Schmit, Kamprath, Singleton

Nay: None

Absent: Hans. Motion carried.

8. PRESENTATION BY BLUESTEM ENERGY SOLUTIONS ON RENEWABLE ENERGY/WIND TURBINE AND DISCUSSION OF POWER SUPPLY AGREEMENT

Bluestem Energy Solutions, Adam Herink and Matt Robinette provided an overview of the activities completed to this point, per the Developer's Agreement signed in June of 2015 on the potential of constructing a wind turbine within the area. He stated the company completed a wind assessment of the area, distribution analysis, landowner negotiations/signing of a lease agreement, environmental assessment, shadow/flicker & noise studies, budgeting pricing, and Public Utility Regulatory Policies Act Qualifying Facility preview. The proposal is to construct a 1.7 MW General Electric Turbine, located approximately 4.5 miles west of the City south of McKelvie Rd. The turbine would be interconnected into the City's distribution system at the Walker Substation. This would be under a 25-year fixed price contract. Mr. Herink stated they reviewed the City and County zoning regulations and believe they can meet all of the requirements. He stated there are no upfront costs (other than a meter) or future costs to the City for the construction or maintenance of the turbine, which means no additional debt to the City. The wind energy turbine would provide Green attributes for corporate recruitment, additional property tax revenue for Seward County, additional sales tax revenue and educational opportunities for local schools. Mr. Herink stated the Nebraska Tax Credits are currently available and once a project is constructed, they retain the tax credits as long as there is a project, even if the credits are eliminated. He stated they will have to complete a study and make application with Nebraska Public Power District to make sure the project will be approved. He stated that after 25 years, the City can choose to renew the agreement (minor upgrades to the turbine), or not renew it and the turbine will be dismantled at Bluestem's costs, including a portion of the concrete pad (returning the property to tillable land). He stated they will be applying for a permit through the County for the turbine. He stated the one turbine should not affect crop spraying for the leased land and the turbine could be shut down to accommodate the spraying, if needed.

Councilmember Schmit moved, seconded by Councilmember Singleton, that the City Council enter into executive closed session for the protection of the public interest and for the purpose of discussing confidential and proprietary rate information presented by Bluestem Energy Solutions with the Mayor, City Attorney, City Administrator, Adam Herink and Matt Robinette, for a period not to exceed 30 minutes.

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Mayor Eickmeier stated a motion has been made and seconded to go into executive closed session for the purpose of discussing confidential and proprietary rate information presented by Bluestem Energy Solutions, to include the Mayor, City Attorney, City Administrator, Adam Herink and Matt Robinette, for a period not to exceed 30 minutes.

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

The executive closed session began at 7:56 p.m.

At 8:03 p.m., Councilmember Pike moved, seconded by Councilmember Kamprath, that the City Council reconvene in open session.

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

Mayor Eickmeier stated no action was taken while in closed session.

Adam Herink stated the next step is to look at a power purchase agreement, which will require City Council action. He stated he thought he could have an agreement back to the City Council within 30-60 days and construction would begin during the current year. No other action was taken.

9. CONSIDERATION OF AN AGREEMENT WITH EARTH NETWORKS, INC FOR PLACEMENT OF A WEATHER CAMERA, WEATHER STATION, AND RELATED HARDWARE AND SOFTWARE ON THE WATER TOWER

Water/Wastewater Director Tim Richtig presented an agreement with Earth Networks, Inc for placement of a weather camera, weather station, and related hardware and software on the small downtown water tower. He stated Earth Networks partners with Channel 8 and would provide live feeds from the City. The camera would be directed toward the County Courthouse and would provide a nice view of the downtown. The City would provide the electricity for the equipment at a minimal cost. He stated it is a one-year agreement. Earth Networks will not be paying a fee for the use of the tower; however, the live feed will be a nice promotional tool for the community.

Councilmember Singleton moved, seconded by Councilmember Pike, that the agreement with Earth Networks, Inc for placement of a weather camera, weather station, and related hardware and software on the water tower be approved.

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

10. CITY ADMINISTRATOR REPORT

Councilmember Schmit moved, seconded by Councilmember Pike, that the City Administrator's Report dated March 1, 2016 be accepted.

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

11. FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION

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Councilmember Kamprath stated he like having a Police Officer present at the Council meetings. He said this request could be handled administratively.

12. ANNOUNCEMENT OF UPCOMING EVENTS

March 9-11 - Nebraska Annual Planning & Zoning Conference

13. MOTION TO ADJOURN

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

Aye: Fritz, Wilken, Beck, Pike, Schmit, Kamprath, Singleton

Nay: None

Absent: Hans. Motion carried

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

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