

June 7, 2016

The Seward City Council met at 7:00 p.m. on Tuesday, June 7, 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, Dean Fritz, Karl Miller, Chris Schmit, John Singleton, and Dick Hans. Other officials present: City Administrator Bruce Smith and City Attorney Kelly Hoffschneider. Absent: Sid Kamprath.

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 MAY 17, 2016 COUNCIL MEETING

Councilmember Hans moved, seconded by Councilmember Fritz, that the minutes of the May 17, 2016 City Council meeting be approved.

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

2. CONSENT AGENDA CONSIDERATION ITEMS

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

- A. Claims & Payables Reports
- B. City Clerk-Treasurer Report
- C. Infrastructure Cost Items Reimbursable Back to the City
- D. Seward Volunteer Firefighters - Jeffery Neihardt, Travis Pollak

CLAIMS LIST  
6-7-16  
COUNCIL MEETING

Abbreviations: Bu, Building Upkeep; Eq, Equipment; Ex, Expense; Ma, Maintenance; Mi, Mileage; Misc, Miscellaneous; Re, Repairs; Sa, Salaries, Se,

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Services; Su, Supplies; Ut, Utilities, CI, Capital Improvements; GU, Grounds Upkeep.

A 1 Janitorial Supply	Supplies	400.00
Alliance Technologies	Se	698.28
Alamar Uniforms	Eq	2,644.65
Allied Surveying & Mappin	Se	402.50
American Red Cross	Trng	70.00
Ameritas Life Insurance C	Ins	5,642.25
Barcel Landscape Products	Ma	359.00
Bizco Technologies	Se	32.52
Capital Business-Cheyenne	Ma	90.00
Carroll Dist/Const Supply	Eq, Su	2,724.00
Chase Card Service		6,152.02
Time Warner Cable	Se	329.59
WalMart	Su, Bu, Eq, Re	1,024.24
Fantasticdi	Banners	250.59
Sherwin Williams	Su	307.01
Farwest Line Specialti	Sales Tax	584.48
Lou & Mary Annes Bee	Meals	168.65
Runza	Meals	68.67
Home Depot	Equip, Su	160.78
Amazon.com	Su	164.97
American Legion Natl	Ins	915.00
American Red Cross	Trng	500.00
Elifeguard	Su, Uniforms	1,678.04
City Seward Buildings/Gr	Operations	3,000.00
City Seward Library Petty	Su, Bu	127.32
City Seward Payroll Accou	Payroll	120,810.18
Continental Fire/Alarm/De	Se	190.00
Control Services Inc	Bu	750.00
Dan'S Custom Works	Su	28.00
Delta Dental	Ins	1,387.10
Dutton-Lainson Co	Ci	17,499.86
Ehlers James	Su	67.36
Elkins Lisa	Uniform	43.85
Express Corporation	Su	458.72
Family Handyman Mag	Su	24.98
Fast Mart	Su	62.26
	Su, Re, Bu,	
Fastenal Company	Tools	541.93
Ford Motor Credit Co Llc	Eq Lease	8,637.79
G E Capital	Eq Lease	10,711.61
General Fire & Safety Equ	Bu	107.00
Gerhold Concrete Co Inc	Su, Ma	6,375.36
Getz Paige	Trng	60.00
Great Plains Communicatio	Se	586.00
H & S Plumbing Heating &	Bu	14.25
Hach Company	Su	182.38
Hamilton Equipment Compan	Re	1,073.55
Hireright Llc	Se	35.85
Hydraulic Equipment Servi	Re	3,018.01
Int'L Public Management	Su	244.00
J W C Environmental	Re	12,870.03
Jackson Services Inc	Ma	33.00
Jaco Analytical Lab Inc	Se	1,706.25
Kriz-Davis Co	Re	5,614.84
Kuss Garrett	Trng Rfnd	50.00
Latsch'S	Su	11.21
Lupien April	Util Refnd	54.38

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Macneil Automotive Produc	Su	94.79
Mahalek Todd	Se	12.00
Mccoy Jordan	Trng Rfnd	50.00
Memorial Health-Drug	Se	93.00
Memorial Health-Meals	Meals	2,371.33
Merchant Job Training & S	Trng	550.00
Merle'S Garden Center	Gu	100.00
Mid-American Benefits Inc	Ins	1,471.75
Midwest Turf & Irrigation	Re	49.47
Municipal Supply Omaha	Re	1,340.30
Nebraska Arborists Associ	Trng	175.00
Nebraska Health Environme	Se	453.00
Nebraska Health Human Wtr	Se	1,600.00
Nebraska Mosquito/Vector	Trng	105.00
Nebraska Municipal Power	Se	325.00
Nebraska Natural Resource	Misc	20.00
Nebraska Roads Dept	Ci	11,744.04
Office Depot Inc	Su	159.99
Olsson Associates	Se	2,236.59
O'Reilly Automotive Inc	Su	32.86
Orscheln Farm & Home	Gru, Re, Su, Bu	268.37
Pitney Bowes Reserve Acco	Su	4,000.00
Plains Equipment Group In	Re, Su	176.99
Prestige Flag	Su	477.24
Principal Financial Group	Ins	667.86
Quill Corp	Su	971.09
Racom Corporation	Eq	51.60
Rood Jesse	Trng	60.00
Rood Shelby	Trng	60.00
Rose Equipment Inc	Su	377.00
Sam'S Club (Lib-Rec-Pool)	Su, Bu, Ma	525.23
Sam'S Club (Sen Center)	Su, Meals	297.85
Seward County Chamber & D	Misc	620.00
Siteone Landscape Supply	Gu	708.16
Smith Bruce	Ex	100.00
Snap-On Tools Wendt Steve	Re	267.85
Sports Express	Su, Uniforms	2,116.70
Suhr & Lichty Insurance A	Ins	22.00
Supplyworks	Su	427.80
Time Warner Cable	Se	144.98
U S A Bluebook - Cust 812	Su	131.41
U S Cellular	Ex	228.45
United Health Care	Ins	50,960.80
Woods & Aitken Llp	Se	1,290.24
Wright Roy	Rfnd Fees	80.00
	CLAIMS TOTAL	<u>\$303,608.03</u>

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

Nay: None

Absent: Kamprath. Motion carried.

### 3. CONFIRMATION OF MAYOR'S APPOINTMENTS

Councilmember Singleton moved, seconded by Councilmember Beck, that Mayor Eickmeier's reappointment of Stephanie Croston, Robert Dahms, and Bruce Creed to the Library Board for a 4-year term, be approved.

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

Nay: None

Absent: Kamprath. Motion carried.

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4. PROJECT UPDATE AND DISCUSSION REGARDING THE PROPOSED BLUE RIVER PET RESCUE ANIMAL SHELTER

Dr. Dan Ellis, 1187 Augusta Dr., addressed the City Council updating them on the progress so far in a proposal to build and operate the Blue River Pet Rescue Animal Shelter. He stated he met with the Seward County Commissioners and it appears there is interest in pursuing the project. Based on a prior meeting with the City Council and with the Commissioners, it appears the government interest is with year-to-year financial support rather than continued operational support, however; no level of support has been determined. He stated Blue River has a \$100,000 matching donation for construction of the estimated \$600,000 facility and they have obtained \$30,000 in private donations. He stated they have the lot purchased, but just recently found a building that may work as a shelter with some remodeling. They are planning a fund drive and will also be seeking grant dollars to reach the goal for construction. He said they are requesting a combined \$50,000 from the City and County. They will also be requesting an additional combined \$10,000 support from each of the communities within the County (total of \$60,000). He stated the next step is for the City and County to determine the type of support they would provide and the partnership arrangement. He said they would like to have some direction within the next three to four months.

City Administrator Smith stated the City currently budgets \$5,000 for strays taken to the Staplehurst Veterinary impound. The current arrangement is not an animal rescue. He said the Police Department is having good luck using social media and locating owner's animals, limiting the number taken to the impound. No action was taken.

5. CONSIDERATION OF CLAIM FROM SHARON HARTMANN, REPRESENTING PROPERTY LOCATED AT 453 S 1<sup>ST</sup> ST, FOR ALLEGED SEWER DAMAGE

Councilmember Singleton moved, seconded by Councilmember Hans, that the claim in the amount of \$738.13 for alleged sewer backup damage from Sharon Hartmann, representing property located at 453 S 1<sup>st</sup> Street, be denied and forwarded to the City's insurance carrier.

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

Nay: None

Absent: Kamprath. Motion carried.

6. CONSIDERATION OF CLAIM FROM SHARON HARTMANN, REPRESENTING PROPERTY LOCATED AT 453 S 1<sup>ST</sup> STREET FOR TREE REPLACEMENT

Councilmember Singleton moved, seconded by Councilmember Beck, that the claim from Sharon Hartmann, representing property located at 453 S 1<sup>st</sup> Street for replacement of a tree in the City right-of-way, be denied and forwarded to the City's insurance carrier.

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

Nay: Miller

Absent: Kamprath. Motion carried.

7. CONSIDERATION SPECIAL DESIGNATED LIQUOR PERMIT FOR BOTTLE ROCKET BREWING, LLC, 230 S 5<sup>TH</sup> STREET, FOR A BEER GARDEN ON JULY 1 THROUGH JULY 5 IN THE PUBLIC PARKING LOT LOCATED SOUTH OF 230 S 5<sup>TH</sup> STREET

Councilmember Beck moved, seconded by Councilmember Singleton, that the Special Designated Liquor permit for Bottle Rocket Brewing, LLC, 230 S 5<sup>th</sup> Street for an outdoor beer garden on July 1 through July 5, 2016, to be located on the public parking lot located directly south of 230 S 5<sup>th</sup> Street, be approved.

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

8. CONSIDERATION SPECIAL DESIGNATED LIQUOR PERMIT FOR BOTTLE ROCKET BREWING, LLC, 230 S 5<sup>TH</sup> STREET, FOR AN OUTDOOR BEER GARDEN ON JULY 1 THROUGH JULY 5

Gerald Homp, Bottle Rocket Brewing, LLC, President, addressed the City Council stating that the agenda item lists the Special Designated Liquor Permit request for an "outdoor" beer garden. He stated the request is partially outdoor, but will also include the large addition in the back, which is currently under construction and to be completed enough to get an occupancy permit.

Councilmember Hans moved, seconded by Councilmember Singleton, that the Special Designated Liquor permit for Bottle Rocket Brewing, LLC, 230 S 5<sup>th</sup> Street for a beer garden on July 1 through July 5, 2016, to be located on their private property located at 230 S 5<sup>th</sup> Street, be approved.

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

9. CONSIDERATION OF POTENTIAL ACQUISITION OF TEMPORARY OR PERMANENT CONSTRUCTION AND GRADING EASEMENT FROM SEWARD SCHOOL DISTRICT FOR REAL ESTATE LOCATED WEST OF STAR STREET

Dr. Greg Barnes, Seward Public Schools Superintendent, 1611 Augusta Dr., addressed the City Council stating the Seward Public School Board is interested in working with the homeowners on Star Street and with the City; however, the Board has not taken any official action on this item. The School Board is interested in a permanent easement, but not sure of a temporary easement due to the potential for responsibility of the project into the future. The School Board would be willing to mow the swale, if that is what is proposed, but does not want the responsibility of liability should there be a "blow-out" or if there is future flooding. He said the School Board is interested in hiring an engineer and paying the costs and deciding later if this could be handled through a temporary or permanent easement. If the City decides to not follow the engineer's recommendation, then the City would reimburse the Seward Public Schools for the engineering costs. He said the School Board feels there needs to be a decision if the City is interested in moving forward with the engineering.

Dr. Barnes stated the Seward Public Schools owns the ground where the project is proposed; however, the School owned this ground prior to the installation of Star Street.

Councilmember Schmit moved, seconded by Councilmember Beck, that the City Council go into Closed Session with the City Attorney, Mayor, City Administrator, and Capital Projects/GIS/Facilities Director John Hughes, to discuss the possible acquisition of a temporary or permanent construction and grading easement from the Seward Public School District for a period not to exceed 30 minutes.

Mayor Eickmeier repeated there is a motion and second to go into Closed Session with the City Attorney, Mayor, City Administrator, and Capital Projects/GIS/Facilities Director John Hughes, to discuss the possible acquisition of a temporary or permanent construction and grading easement from the Seward Public School District for a period not to exceed 30 minutes.

Aye: Fritz, Wilken, Beck, Hans, Miller, Singleton, Schmit  
Nay: None

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Absent: Kamprath. Motion carried.

Mayor Eickmeier announced that the motion to go into Closed Session with the City Attorney, Mayor, City Administrator, Capital Projects/GIS/Facilities Director John Hughes, to discuss the possible acquisition of a temporary or permanent construction and grading easement from the Seward Public School District for a period not to exceed 30 minutes has been adopted.

The Closed Session began at 7:25 p.m. At 7:43 p.m., the Closed Session ended and the following Councilmembers and Mayor Eickmeier returned to the Council Chambers to Open Session: Wilken, Beck, Fritz, Miller, Singleton, Hans, Schmit. Mayor Eickmeier announced that no formal action was taken while the City Council was in Closed Session.

10. CITY ADMINISTRATOR REPORT

Councilmember Beck moved, seconded by Councilmember Schmit, that the City Administrator's Report dated June 7, 2016 be accepted.

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

11. FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION

Councilmember Beck requested information on the golf course use and demographic information. Administrator Smith stated he will have an update on the next City Council agenda.

12. MOTION TO ADJOURN

Councilmember Singleton moved, seconded by Councilmember Schmit, that the June 7, 2016 City Council Meeting be adjourned.

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

THE CITY OF SEWARD, NEBRASKA

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

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