

July 5, 2016

The Seward City Council met at 7:00 p.m. on Tuesday, July 5, 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, Karl Miller, Chris Schmit, John Singleton, and Dick Hans. Other officials present: City Administrator Bruce Smith and Attorney Patti Vannoy filling in for 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.

Mayor Eickmeier also announced that the audio/video recording equipment was not working properly and therefore, a complete audio/video recording of the meeting may not be available.

1. APPROVAL OF MINUTES OF JUNE 21, 2016 COUNCIL MEETING

Councilmember Singleton moved, seconded by Councilmember Wilken, that the minutes of the June 21, 2016 City Council meeting be approved.

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

Nay: None

Absent: None. Motion carried.

2. CONSENT AGENDA CONSIDERATION ITEMS

Councilmember Beck moved, seconded by Councilmember Fritz, 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
7-5-16
COUNCIL MEETING

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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.

Alamar Uniforms	Uniforms		464.11
American Red Cross	Trng		562.00
Ameritas Life Ins Co	Ins		5,756.76
Aqua-Chem Inc	Su		1,300.55
Art On Display	Se		655.00
Baldwin Alan	Trng		350.00
Barcel Landscape Products	Ma		738.50
Capital Business-Cheyenne	Ma		90.00
Caterpillar Financial	Lease		12,923.98
Chase Card Service			3,498.53
DLT Solutions	Software/Se	1,046.37	
WalMart	Su, Ma, Bu, Re, Misc, Equip	867.93	
Amazon.com	Trng	64.48	
Lou & Mary Anne's	Meals	152.35	
Sherwin Williams	Ma	174.68	
Glow Store	Su	600.25	
SHRM Nebraska	Conf	299.00	
Zoomshift	Se	132.00	
SuperSaas	Su	61.60	
DNH Domain Hosting	Se	40.68	
Runza	Meals	49.95	
E-Replacement Parts	Re	9.24	
City Seward Buildings/Gr	Operations		3,000.00
City Seward Electric Fund	Ut		54,010.68
City Seward Library Petty	Su		84.83
City Seward Payroll Acc	Payroll		146,065.73
Constellation NewEnergy	Ut		214.94
Core Robert	Misc		26.50
Delta Dental	Ins		1,333.80
Emergency Medical Product	Su		427.95
Fast Mart	Su		6.08
Fastenal Company	Su, Tools		420.82
G & P Dev Landfill	Se		157.65
Geidel Jeremy	Ex		90.00
General Code	Se		2,570.40
General Fire & Safety Eq	Bu		3,464.15
Gerhold Concrete Co Inc	Ma		7,564.86
Gonzalez Antonio	Ex		70.00
Great Plains Comm	Se		586.00
H & S Plumbing Heating &	Bu		3.90
Hamilton Equipment Co	Re		466.87
Helmlink Printing Inc	Su		522.00
Hireright LLC	Se		172.70
Holiday Inn-Kearney	Conf		166.00
Hydraulic Equipment Ser	Re		681.57
Ideus David	Ex		100.00
Internal Revenue Service	Misc		106.33
Jackson Services Inc	Ma		34.00
Janicek Gary M	Ex		90.00
Johner Randy	Ex		90.00
Komenda Matt	Ex		60.00
Kriz-Davis Co	Uniforms, Re, Si, Inventory		22,993.83
Laminated Wood Systems	Ci		5,024.72
Last Mile Network Consult	Se		145.30
Latsch's	Su		63.96

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League Ne Municipalities	Conf	650.00
Lincoln Winwater Works	Gu	276.88
Matheson Tri-Gas Inc	Su	40.07
Matzke Tom	Refnd	100.00
Memorial Health-Meals	Meals	2,579.62
Menards	Bu	47.94
Merchant Job Training	Trng	550.00
Merle's Garden Center	Ma, Re	100.95
Mid-American Benefits Inc	Ins	637.10
Midwest Turf & Irrigation	Re	1,208.39
Morse Laurie	Equip	75.00
Myers Ben	Ex	90.00
Nebraska American Legion	Su	45.00
Nebraska Equipment Inc	Re	280.92
Nebraska Financial Ser	Refnd	461.33
Nebraska Health Env	Se	229.00
Nebraska Roads Dept	Su	597.00
Nebraska Sports	Su	13.49
Net-Tech Technology Inc	Re	972.64
Northern Safety Co Inc	Su	301.13
Office Depot Inc	Su	83.46
O'Kief John F	Ex	90.00
Olsson Associates	Se	16,215.25
O'Reilly Automotive Inc	Su, RE	186.65
Orscheln Farm & Home	Re, Bu, Gu, Su	367.01
Otte Bonnie J	Conf, Mi	138.49
Pavers Inc	Su	861.10
Peery Max	Ex	70.00
Plains Equipment Group In	Re, Equip	12,605.48
Policky Brandon A	Ex	90.00
Pollak Douglas W	Ex	90.00
Precision Tool & Machine	Su	129.01
Principal Financial Group	Ins	690.66
Reimers Katerina	Ex	30.00
Richtig Tim L	Ex	90.00
S & S Design	Signs	350.00
Sam's Club (Lib-Rec-Pool)	Su	319.11
Sam's Club (Sen Center)	Su, Meals	350.65
Sargent Drilling	Se	225.00
Schemmer Architects	Ci	12,184.26
Seward Fourth Of July Com	Fees	2,000.00
Simmerman Jaxson	Ex	90.00
Smith Bruce	Ex, Conf	138.28
Smith Michael	Ex	90.00
Spickelmier & Son Inc	Se	1,540.00
Sports Express	Su	230.00
St P J Supply Inc	Su	364.95
Supplyworks	Su	1,586.28
Time Warner Cable	Se	92.51
U S Cellular	Se	228.45
U S Postal Service	Permit	4,500.00
United Health Care	Ins	48,541.10
Verizon Wireless	Se	30.48
Zimco Supply Co	RE	195.00
Claims Total		<u>\$391,204.64</u>

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

Nay: None

Absent: None. Motion carried.

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3. PUBLIC HEARING - 7:00 P.M. - LIQUOR LICENSE APPLICATION OF H & H RECREATION, INC dba SPARETIME LOUNGE & GRILL/SEWARD BOWL

Thomas Rief, 105 Wildwood Road, addressed the City Council stating he was available for any questions.

Mayor Eickmeier asked if the Council or any members of the public had any questions or comments. Hearing none, Mayor Eickmeier called for introduction of the resolution.

Councilmember Schmit introduced the following resolution:

RESOLUTION NO. 2016-17

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

WHEREAS, Notice of Application for a Class CK Liquor License for H & H Recreation, Inc, dba Sparetime Lounge & Grill/Seward Bowl, 123 South 4th Street, Seward, Nebraska was published in the Seward County Independent on June 22, 2016; cost of such publishing fee being \$12.60, and,

WHEREAS, a public hearing was held before the Mayor and Council of the City of Seward on July 5, 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 CK Liquor License be granted to H & H Recreation, Inc, dba Sparetime Lounge & Grill/Seward Bowl, 123 South 4th Street, Seward, Nebraska.

Councilmember Singleton moved, seconded by Councilmember Beck, that the resolution be adopted.

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

Nay: None

Absent: None. Motion carried.

The Mayor declared the resolution adopted.

Dated: July 5, 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 Wilken, that

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Thomas M. Rief be approved as manager of the Class CK liquor license for H & H Recreation, Inc., dba Sparetime Lounge & Grill/Seward Bowl, 123 South 4th Street.

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

4. PRESENTATION BY ALLO COMMUNICATIONS

Brad Moline, 610 Broadway, Imperial, NE presented information on Allo Communications and their intent to bring fiber into the Seward Community within the next year. He stated the company has been in business since 2005 and is currently serving Scottsbluff, Gering, Alliance, Bridgeport, North Platte, and most recently, Lincoln. He stated they will have a storefront in Seward as part of their operations/customer service. No action was required or taken.

5. CONSIDERATION OF A WELL PERMIT APPLICATION FOR MARK JAMES BIANCO, II, 2241 NO 2ND

City Administrator Smith stated the application from Mark James Bianco, II meets all of the code requirements for the permit.

Councilmember Singleton moved, seconded by Councilmember Beck, that the well permit application of Mark James Bianco, II for a residential well on Lot 20, Seward Heights Fifth Addition be approved.

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

6. CONSIDERATION OF AN ORDINANCE SUSPENDING SEWARD MUNICIPAL CODE SECTION 3-141 FOR A PERIOD OF TWO YEARS AND ISSUING A STAY FOR THIS TIME FOR DIGGING, DRILLING OR CONSTRUCTION OF PRIVATE WELLS WITHIN THE CORPORATE LIMITS OF THE CITY

City Administrator Smith stated many towns are limiting or eliminating the residential wells allowed to be installed within their City limits. He listed reasons why communities are eliminating the ability to install private wells; 1) private wells provide a path for contaminants into the City water supply, 2) there is the potential for property owners to share the well, 3) inability to monitor the well and its use (could be used for drinking water, but have nitrates or metals in the water; 4) inability to monitor whether the wells are sealed; 5) loss of revenue for the City; and 6) increased rates for those who cannot afford to install the private well to cover the loss of revenue of the private wells. He stated the City is suggesting amending Municipal Code Section 3-141 with a two-year moratorium on the installation of private wells to allow for more research and information on private well installation within the City. He stated that at the end of the two-year moratorium period, if no changes are made, the laws would revert back to prior to the moratorium being issued. Mr. Smith stated the City decided to invest significant funds into the water plant and is providing good quality water to the residents. Allowing the installation of the private wells impacts the integrity of the system.

There was considerable discussion. While there was some support for the moratorium, some of the points brought up for holding off were: determining the risk of continued installations; reviewing inspection records; determining how many private wells are currently within the City; the number of requests made over the past couple years; and, the number of private wells being shared. A suggestion was allowing the private wells to be installed, but to require annual water testing at a cost to the property owner. Another comment was to do the

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research, but to continue to allow the installation of private wells during the research period. Discussion was also heard about monitoring current wells to make sure they are not being shared and that they are only used for irrigation (not drinking), which is stated in the approved permit.

Mayor Eickmeier stated that allowing the private wells to be installed during the research and study period may provide for an awkward position by the City Council should there be a "rush" of well permit applications.

Councilmember Schmit introduced said ordinance, which was fully and distinctly read by title and on motion, was designated as Ordinance No. 2016-12, AN ORDINANCE TO SUSPEND SEWARD MUNICIPAL CODE SECTION 3-141 FOR A PERIOD OF TWO YEARS, AND TO ISSUE A STAY FOR THE SAME PERIOD OF TIME FOR THE DIGGING, DRILLING OR CONSTRUCTION OF PRIVATE WELLS WITHIN THE CORPORATE LIMITS OF THE CITY; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM AND TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Thereupon, Councilmember Kamprath moved that the statutory rule requiring the reading of ordinances by title on three different days be dispensed with, which motion was seconded by Councilmember Schmit. The roll was called on the adoption of said motion, and the Councilmembers present voted as follows:

Aye: Beck, Fritz, Schmit, Hans

Nay: Wilken, Kamprath, Miller, Singleton

Absent: None. Motion failed for not having passed by three-fourths vote.

Ordinance No. 2016-12 will be considered on second reading on July 19, 2016.

7. CITY ADMINISTRATOR REPORT

City Administrator Smith stated no major problems were reported by the City Departments for the July 4th celebration. He stated the estimated attendance, as announced by the July 4th Committee was 43,822.

Councilmember Kamprath moved, seconded by Councilmember Fritz, that the City Administrator's Report dated July 5, 2016 be accepted.

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

Nay: None

Absent: None. Motion carried.

8. FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION

None

9. MOTION TO ADJOURN

Councilmember Singleton moved, seconded by Councilmember Fritz, that the July 5, 2016 City Council Meeting be adjourned.

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

Nay: None

Absent: None. Motion carried.

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

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