

September 20, 2016

The Seward City Council met at 7:00 p.m. on Tuesday, September 20, 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 SEPTEMBER 6, 2016 BUDGET WORK SESSION

Councilmember Singleton moved, seconded by Councilmember Wilken, that the minutes of the September 6, 2016 City Council meeting be approved.

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

2. CONSENT AGENDA CONSIDERATION ITEMS

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

- A. Claims & Payables Reports
- B. City Clerk-Treasurer Report
- C. City Codes Director Report
- D. Police Department Report
- E. Infrastructure Cost Items Reimbursable Back to the City

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CLAIMS LIST  
9-20-16  
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.

Action Battery Wholesaler	Su	7,051.67
Aegerter Phyllis Mae	Misc	2,030.00
Aegerter, Jeff	Misc	30.00
Alamar Uniforms	Uniforms	227.72
Alert-All Corp	Su	1,662.00
Amazon.Com Credit Service	Su	647.99
American Library Assoc	Dues	270.00
Ameritas Life Insurance Co	Ins	12,002.76
Baker & Taylor	Su	3,056.75
Baldinger Charlotte	Mi	28.08
Benes Service	Re	1,445.91
Benge Dan	Ex	25.00
Bizco Technologies	Se	4,308.87
Black Hills Energy	Ut	832.27
Buell Tom	Ex	30.00
Burhoop Jon	Ex	25.00
Burns Franklin	Ex	25.00
Burt Mike	Ex	25.00
Capital Business-Cheyenne	Ma	105.00
Cash-Wa Distributing Co	Su	240.75
Center Point Large Print	Su	162.00
City Seward Electric Fund	Incentive	12,820.00
City Seward Library Petty	Su	143.46
City Seward Merchant Serv	Se, Fees	2,372.78
City Seward Payroll Account	Payroll	244,708.44
Collins Jill / Corey	Ex	30.00
Comfort Inn	Trng	169.90
Continental Fire/Alarm/De	Bu	190.00
Demco Inc	Eq	186.15
Discovery Girls Magazine	Su	19.95
Ditch Witch Omaha	Re	1,079.63
Dowding Pool	Misc	80.00
Dowling Adam	Ex	25.00
Drewel's Used Cars & E-Z	Eq	380.00
Durre Plumbing	Bu	3,086.50
Dutton-Lainson Co	Su	1,603.28
Electronic Contracting Co	Eq	6,330.00
Faller Landscape	Gu	220.00
Farmers Coop Seward	Su, Re	4,162.34
Fast Mart	Su	21.75
Fastenal Company	Su, RE, Bu	427.25
Ford Motor Credit Co LLC	Eq	10,732.57
Fred's Auto Electric Inc	Re	143.50
Fyr-Tek	Re	1,081.05
G & P Development Landfill	Gu	59.99

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Gabriel Burger Else CPA	Se	5,875.00
Geidel Amanda / Jeremy	Ex	25.00
Golf Products Inc	Su	140.10
Gray Corey	Ex	25.00
Great Plains Nursery	Gu	490.00
Grit Magazine	Su	16.95
H D Supply Waterworks LTD	Eq	2,439.60
Hach Company	Se	94.89
Hamilton Equipment Company	Re	76.25
Husker Electric Supply Co	Bu, Re, Su	6,460.73
Hydraulic Equipment Service	Re	1,008.19
Jackson Services Inc	Ma	51.88
Johnson Controls Inc	Ma	438.00
Juranek Jeff	Ex	25.00
Justine Magazine	Su	32.95
Kahler Daniel S	Ma	30.40
Knott Nate	Ex	30.00
Koch Lacey	Ex	25.00
Kreutzer Jennifer	Ex	25.00
Kriz-Davis Co	Su, Re	15,607.89
Langner Michael	Ex	25.00
Last Mile Network Consult	Se	435.00
League Ne Municipalities	Dues	15,945.00
League Ne Mun-Utilities	Dues	3,530.00
Lee's Refrigeration	Bu	107.00
Lincoln Journal-Star	Su	338.71
Lincoln Tree Service Inc	Se	5,875.00
Lincoln Winwater Works	Re	856.00
Lindau Brandon	Ex	30.00
Loos Josh	Ex	25.00
Matheson Tri-Gas Inc	Su	140.19
Matt Andersen	Ex	30.00
Mattson Ricketts Law Firm	Se	4,000.00
McMeekin, Tim	Ex	45.00
Memorial Health-Drug	Se	31.00
Menards	Su	107.97
Merle's Garden Center	Gu	140.25
Metschke Amy	Ex	30.00
Mid-American Benefits Inc	Ins	29.37
Midwest Auto Parts	Su, Re	158.56
Midwest Laboratories Inc	Se	846.73
Midwest Turf & Irrigation	RE	3,567.73
Miller Greg / Mindy	Ex	25.00
Miller Karl / Rachel	Ex	25.00
Mohrhoff Power Equipment	Re	70.53
Mountain Plains Library A	Dues	55.00
Nate's On The Nine	League	
Nat'l Audio Company	Meals	2,040.00
Nat'l Geographic Kids	Su	214.00
Nebraska Equipment Inc	Su	34.00
Nebraska Library Assoc	Re	21.32
Nebraska Planning & Zoning	Dues	180.00
Nebraska Pub Pow-DesMoine	Trng	70.00
	Ut,	621,134.29

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	Incentive	
	s	
Northern Safety Co Inc	Su	162.26
O C L C Inc	Se	186.97
Odeys Inc	Gu	308.00
Omaha World Herald	Su	270.40
One Call Concepts Inc	Se	101.10
O'Reilly Automotive Inc	Re	160.73
Orscheln Farm & Home	Su, Bu	277.86
Otte, Timothy	Misc	400.00
Pac 'N' Save Discount Foods	Su	368.11
Pankoke Henry W	Ma	275.00
Peters Brian	Su	36.59
Pfabe Jerrald	Ex	25.00
Plains Equipment Group In	Re	304.22
Plunkett's Pest Control	Bu	59.32
Potter Bruce/Jess	Ex	30.00
Quill Corp	Su	219.67
Rasmussen Jason	Ex	25.00
Rodale's Organic Life Mag	Su	15.00
Sagehorn Kevin	Ex	25.00
Salyer Justin / Tammy	Ex	25.00
Sam's Club (Lib-Rec-Pool)	Eq, Su	597.93
Sam's Club (Sen Center)	Su	155.36
Scholl Cam/Amber	Ex	25.00
Seward County Chamber & D	Misc	2,185.00
Seward County Clerk/Reg D	Ex	16.00
Seward County Independent	Ex	286.95
Seward County Public Power	Ut	2,920.25
Seward County Treasurer	Se	15,188.50
Seward Kiwanis Club	Su	42.00
Seward Library Foundation	Se	125.00
	Bu Re, Su,	
Seward Lumber & Home Cent	Gu	613.69
Seward Municipal Band	Misc	5,500.00
Seward School District	Fines	220.00
Siteone Landscape Supply	Su	875.86
Southeast Nebraska Dev Dist	Dues	4,500.00
St P J Supply Inc	Su	14.95
Steinmeyer Zach	Ex	25.00
Three Rivers Library System	Trng	30.00
U S A Bluebook - Cust 812	Su	706.71
Vanwall Equipment	Re	71.90
Verizon Wireless	Se	216.60
Visa - Pinnacle Bank		853.06
Walmart	Su, Bu	134.90
Uline	Su	178.16
Nebraska Library Assn	Trng	490.00
Orscheln	Su	50.00
Wesco Distribution Inc	Su	813.20
Windstream Nebraska Inc	Se	2,304.38
World Book Inc	Su	569.00
Yost, Mo	Misc	30.00
CLAIMS TOTAL		<u>\$1,059,547.36</u>

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

3. CONSIDERATION OF APPROVAL OF CAPITAL IMPROVEMENT PROJECT PLAN FOR 2016-2017

Public Facilities/Capital Improvement & GIS Director John Hughes presented the 2016-2017 Capital Improvement Project Plan.

Councilmember Singleton moved, seconded by Councilmember Hans, that the 2016-2017 Capital Improvement Project Plan be approved.

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

4. CONSIDERATION OF A RESOLUTION FOR THE SALE OF SURPLUS PROPERTY

Councilmember Schmit introduced the following resolution:

RESOLUTION NO. 2016-20

WHEREAS, the City of Seward, Nebraska has the authority to sell personal property owned by the City; and

WHEREAS, as outlined under Section 1-926 of the City Code, in order for the City to sell property having a value of \$5,000 or more, the City Council shall declare said property as surplus property and approve its disposal; and

WHEREAS, the Governing Body determines that the City Administrator should act and that items should be sold and disposed of by the City of Seward; and

WHEREAS, the City of Seward, Nebraska has the following described property:

City of Seward - Surplus Property Auction Items:

Bonnell 252 (1985) 9 Ft. wide multi-blade road planer  
(12) 8-Ft long tables

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA THAT:

That the above described property be sold or destroyed by the City of Seward in accordance with the procedures set forth in Section 1-926 of the Seward City Code.

Councilmember Wilken moved, seconded by Councilmember Kamprath, that the resolution be adopted.

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

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The Mayor declared the resolution adopted.

Dated: September 20, 2016

THE CITY OF SEWARD, NEBRASKA

ATTEST:

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

\_\_\_\_\_  
Bonnie Otte  
Assistant Administrator/  
Clerk-Treasurer/  
Budget & Human Resource Director  
(SEAL)

5. CONSIDERATION OF AN ORDINANCE INCREASING THE ELECTRIC UTILITY OCCUPATION TAX TO 10% AND ESTABLISHING QUARTERLY PAYMENTS

City Administrator Smith stated the adopted budget includes an increase of 5% (total 10%) in Occupation Tax from the Electric utility. He stated these funds go to the City's General Fund and a quarterly payment will assist with the General Fund cash flow. He added that Nebraska Public Power pays their retail customers 12%, so the 10% is in-line with other utility providers.

Ordinance No. 2016-16 was passed, increasing the electric utility occupation tax to 10% and establishing quarterly payments.

Councilmember Fritz moved, seconded by Councilmember Kamprath, 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. 2016-16, "AN ORDINANCE TO AMEND ARTICLE 10-901 AND ARTICLE 10-904 OF THE SEWARD CITY CODE RELATING TO MUNICIPAL ELECTRICAL SYSTEM; OCCUPATION TAXES; TO ESTABLISH THAT THE PAYMENT DATE IS QUARTERLY DURING THE FISCAL YEAR; 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: Beck, Fritz, Miller, Singleton, Schmit, Hans, Wilken, Kamprath  
Nay: None  
Absent: None. Motion carried.

6. UPDATE ON CITIZEN COMPLAINT PROPERTIES ON S COLUMBIA AVENUE

City Administrator Smith stated Councilmember Singleton requested an update on the Property Code Maintenance violations and conditions of properties listed in the S. Columbia Ave. neighborhood: 451 S. Columbia Ave. - demolition completed; 429 S. Columbia Ave. - no visible exterior Property Maintenance Code violations; 57 Ash St. - no visible exterior Property Maintenance Code violations; 411/413 S. Columbia Ave. - gas company disconnected service and City staff conducted a structural assessment and determined it is a dangerous and unsafe building, unfit for human occupancy, and is dangerous to the life, health, and safety of the public and/or

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occupants of the structure. A new Condemnation Notice & Order has been drafted and is under legal review prior to serving the owner.

Mayor Eickmeier stated he spoke with the owner of 411/413 S. Columbia Ave. and understands he is in the process of trying to sell the property. City Administrator Smith added that he is aware of another potential buyer of the property, who understands the property would have to be demolished.

Public Facilities/Capital Improvement & GIS Director John Hughes stated, if an owner is served with a condemnation order, the owner has 30 days to present the City with a plan to repair the property, which must include the sign-off of a structural engineer. He said there is also a requirement to include a payment with the plan to place an amount of money into escrow that equals the project costs. Mr. Hughes stated there is a current unpaid fine on the 411/413 S. Columbia Ave. property in the amount of \$300 for violation notice.

Darrell Zabrocki, 427 S. 1<sup>st</sup> St, addressed the City Council expressing concern over the unsightly vegetation on several properties, including 57 Ash St., 434 S. 2<sup>nd</sup> St., and 107 S. 1<sup>st</sup> St.

Sandy Ahrens, 439 S. Columbia Ave., addressed the City Council about the property at 429 S. Columbia Ave. She stated she considered purchasing this property, but at the time, the basement wall was falling in and the property also had interior mold issues. She stated there is a large crack in the foundation that is visible from the exterior.

Building and Codes Director Ed Gonzalez, stated the City adopted the International Property and Maintenance Code several years prior, which is more aggressive in nature than other standard codes. This code addresses weeds and grasses as a violation higher than 12 inches. Trees cannot encroach on the street, sidewalk or site triangle (for the motoring public). There is no code that addresses trees on personal property, so while properties may seem unsightly to some, it is not addressed as a code violation. He stated the City works off of reports/complaints. Following a complaint, the Building and Zoning department investigates to confirm or deny a code violation and then contacts the owner of the property by telephone, personal contact, or sends a letter if owner is not local. Mr. Gonzalez stated the code does not address mold.

Mayor Eickmeier stated property maintenance and nuisance issues are difficult. Condemnation proceedings on the 411/413 S. Columbia Ave. property were triggered by the gas company determining it to be an unsafe structure, which then resulted in the City inspecting the interior of the property.

Cathy Zabrocki, 427 S. 1<sup>st</sup>t St., addressed the City Council stating this neighborhood has been labeled blighted, which leaves a negative impression for resale values. She stated she would like to get the neighborhood cleaned up so the label is removed.

Mayor Eickmeier explained the blighted term and how it is used as an economic development tool for obtaining Tax Increment Financing funding and other grant funding for projects. He stated the downtown area and several blocks around the downtown area are also designated as blighted. No action was taken on this item.

7. CITY ADMINISTRATOR'S REPORT

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Moved by Councilmember Singleton, seconded by Councilmember Kamprath, that the City Administrator's Report for September 20, 2016 be accepted.

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

Nay: None

Absent: None. Motion carried.

8. FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION

None

9. ANNOUNCEMENT OF UPCOMING EVENTS

- A. September 23, 2016 (1:30 p.m.) - Seward Student Council Homecoming Parade- East of High School on Pinewood Ave. to Elementary School and back to High School
- B. September 30, 2016 (6:00-9:00 p.m.) - Kasey's Quest Zombie Walk - Begins at 5th St. between Highway 34 and Seward St., north on 5th St. to Roberts St., east on Roberts St. to 3rd St., south on 3rd St. to Bradford St., east on Bradford St. to 1st St., South on 1st St. to Seward St., west on Seward St. to 3rd St.
- C. November 26, 2016 (5:30 p.m.) - Annual Holiday Lighted Parade - 1st and Seward Streets, west to 13th St.
- D. November 26, 2016 (1:00 - 3:00 p.m.; Human Sled Race - 4<sup>th</sup> & South St west to 5<sup>th</sup> Street, north on 5<sup>th</sup> St ending at alley.

10. MOTION TO ADJOURN

Councilmember Singleton moved, seconded by Councilmember Wilken, that the September 20, 2016 City Council Meeting be adjourned.

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

Nay: None

Absent: None. Motion carried.

THE CITY OF SEWARD, NEBRASKA

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Joshua Eickmeier, Mayor

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