

July 19, 2016

The Seward City Council met at 7:00 p.m. on Tuesday, July 19, 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 and Dick Hans. Other officials present: City Administrator Bruce Smith and Attorney Ryan McIntosh filling in for City Attorney Kelly Hoffschneider. Absent: Councilmembers Sid Kamprath and John Singleton.

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 JULY 5, 2016 COUNCIL MEETING

Councilmember Hans moved, seconded by Councilmember Fritz, that the minutes of the July 5, 2016 City Council meeting be approved.

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

Nay: None

Absent: Singleton, Kamprath. Motion carried.

2. CONSENT AGENDA CONSIDERATION ITEMS

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

- 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

CLAIMS LIST
7-19-16
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.

Advantage Companies	Se, Su	740.00
Ahern Fire Protection	Bu	135.00
Alamar Uniforms	Uniforms	26.48
Aldrich Melvin L	Ex	90.00
Amazon.Com Credit Service	Su, Bu	802.39
Ameritas Life Insurance Co	Ins	5,774.88
Aqua-Chem Inc	Su	1,284.25
Archi + Etc Llc	Se	1,602.50
Baker & Taylor	Su	1,792.00
Baldinger Charlotte	Mi	34.02
Baldwin Alan	NPPD Incentive	30.00
Bear Service Termite Contr	Bu	288.00
Berens-Tate Consulting	Se	2,000.00
Bizco Technologies	Se	5,346.02
Black Hills Energy	Ut	1,585.88
Bloebaum Nickalas	Ex	90.00
Brunckhorst Kent	Ex	90.00
Bruning State Bank	Lease	3,550.00
Capital Business-Cheyenne	Ma	91.00
Cash-Wa Distributing Co	Su	158.75
Cihal Alan F	Ex	90.00
City Seward Library Petty	Su	105.92
City Seward Merchant Serv	S, Se, Fees	1,810.09
City Seward Payroll Account	Payroll	146,084.29
City Seward Petty Cash	Su, Re, Se	268.82
Control Services Inc	Bu	1,089.95
Core Robert	Se	90.00
D & D Communications	Eq	23,194.00
Davis Dean	Ex	385.00
Demco Inc	Su	110.49
Dittmer Chlancey	Ex	90.00
Dowding Pool	Misc	100.00
Duer Bryan	Ex	90.00
Duffek Daniel D	Ex	90.00
Dutton-Lainson Co	Su, Re	3,611.03
E M C Insurance Companies	Ins	1,005.06
Emergency Medical Product	Su	389.67
Farmers Coop Seward	Su, Gu, Re	5,159.73
Fast Mart	Su	29.74
Fastenal Company	Su	199.24
Foley Nathan	Ex	385.00
French Matthew	Ex	90.00
Fyr-Tek	Re	1,560.67
Geidel Jeremy	Ex	120.00
General Fire & Safety Eq	Bu	239.45
Gerhold Concrete Co Inc	Re	114.95
Glass Edge Inc	Bu	1,025.00
Gonzalez Edward	Ex	90.00
Good Life Magazine	Su	55.94
Hach Company	Su	347.03
Hamilton Equipment Company	Re	144.06
Hans Jared	Ex	30.00
Hansen Dan	Ex	90.00
Hartmann Custom Service	Se	2,238.75
Hemphill Electric LLC	Re	70.00

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Heyen's Service & Custom	Re	171.23
Hochstein Jared	Ex	90.00
Hughes John	Ex	90.00
Hydraulic Equipment Service	Re	773.90
J & J Diesel Service Inc	Re	1,677.49
J 4 K Cleaning Company	Se	175.00
J R Welding Inc	Bu	75.44
Jackson Services Inc	Ma	33.00
Komenda Matt	Ex	120.00
Kriz-Davis Co	Re	954.17
Last Mile Network Consult	Se	90.00
Lincoln Journal-Star	Ex	589.00
Lincoln Winwater Works	Re	492.61
Matheson Tri-Gas Inc	Su	99.70
Mattson Ricketts Law Firm	Se	4,000.00
Memorial Health-Drug	Se	31.00
Merle's Garden Center	Gu	305.38
Meyer Automotive	Su	121.10
Mid-American Benefits Inc	Ins	480.40
Midwest Auto Parts	Re, Su	517.90
Midwest Automotive	Re	1,205.66
Midwest Door & Hardware	Bu	756.00
Midwest Laboratories Inc	Se	836.03
Midwest Service & Sales	Su	1,175.95
Midwest Turf & Irrigation	Re, Equip	7,668.54
Miers Robert M	Se	90.00
Nagel Kim	Refnd	35.00
Nebraska Equipment Inc	Re	50.04
Nebraska Pub Pow-DesMoine	Ut, Incentives	621,475.75
Niemann's Port-A-Pot LLC	Misc, Gu	350.00
O C L C Inc	Su	180.69
Office Depot Inc	Ma	179.99
Olsson Associates	Ma	228.74
Omaha World Herald	Ex	272.03
One Call Concepts Inc	Se	123.39
O'Reilly Automotive Inc	Re, Su	104.52
Orscheln Farm & Home	Re, Gu, Su	280.23
P C M - G Inc	Eq	1,288.00
Pac 'N' Save Discount Food	Su, Re	942.97
Pankoke Henry W	Se	440.00
Pavers Inc	Su	655.09
Pedersen Brent	Ex	90.00
Plains Equipment Group In	Gu, Re	647.72
Plunkett's Pest Control	Bu	59.32
Pollak Cody	Ex	90.00
Precision Tool & Machine	Re, Ma	333.70
Prestige Flag	Misc	93.90
Quill Corp	Su	400.84
Radar Road Tec	Se	140.00
Ruether Larry L	Ex	90.00
S & S Design	Su	369.00
Sam's Club (Lib-Rec-Pool)	Su	168.24
Sam's Club (Sen Center)	Su	58.15
Sanley Patricia	Ex	90.00
Schaefer Concrete LLC	Re	1,980.00
Schaefer Troy	Ex	90.00
Seward County Independent	Ex	974.06
Seward County Public Power	Ut	2,428.18
Seward County Treasurer	Se	15,188.50
Seward Lumber & Home Cent	Su, Re, Gu, Bu	687.24

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Seward School District	Fees		40.00
Siteone Landscape Supply	Gu, Re		1,719.77
Smoking Gun Jerky Inc	Su		460.80
Sports Express	Su		74.00
St Louis Michelle	Ex		90.00
St P J Supply Inc	Su		129.87
Supplyworks	Su		284.97
Verizon Wireless	Se		137.55
Visa - Pinnacle Bank			323.54
Menards	Bu	26.73	
The Learning Station	Su	18.50	
AmazonPrime Membership	Misc, Gu	99.00	
DNH*GoDaddy.com	Misc	36.34	
Discountmugs.com	Su	142.97	
Wattier Mark	Ex		90.00
Wesco Distribution Inc	Su		406.60
Windstream Nebraska Inc	Se		2,577.70
			<hr/>
			\$895,644.64

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

3. CONFIRMATION OF MAYOR'S APPOINTMENTS

Councilmember Schmit moved, seconded by Councilmember Hans, that Mayor Eickmeier's reappointment of Pat Ohlmann to the Civil Service Commission for a 5-year term be approved.

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

Councilmember Wilken moved, seconded by Councilmember Schmit, that Mayor Eickmeier's appointment of Jeremy Tonniges (replace David Kumm) to the LB 840 Sales Tax Application Review Board for Economic Development for a 3-year term be approved.

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

Councilmember Hans moved, seconded by Councilmember Wilken, that Mayor Eickmeier's reappointment of Claudia Horton to the Cemetery Board for a 3-year term be approved.

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

Councilmember Fritz moved, seconded by Councilmember Beck, that Mayor Eickmeier's reappointment of Juanita Goings to the Civic Center Commission for a 3-year term be approved.

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

Councilmember Schmit moved, seconded by Councilmember Miller, that Mayor Eickmeier's reappointment of Ron Wallman to the Planning Commission for a 3-year

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term be approved.

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

Nay: None

Absent: Singleton, Kamprath. Motion carried.

Councilmember Fritz moved, seconded by Councilmember Wilken, that Mayor Eickmeier's reappointment of Matt Stryson and Larry Goldsmith to the Tree Board for a 3-year term be approved.

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

Nay: None

Absent: Singleton, Kamprath. Motion carried.

4. CONSIDERATION OF CLAIM FROM DOUGLAS TUTTY, 344 SEWARD STREET FOR PERSONAL PROPERTY DAMAGE

City Administrator Smith stated the City received a claim in the amount of \$2,892.88 from Douglas Tutty, 344 Seward Street, for damage to a vehicle as the result of several tree limbs falling on his vehicle following a windstorm on 7-7-16. Mr. Tutty's claim is the tree limbs falling on the vehicle were from a tree located on City property.

Councilmember Fritz moved, seconded by Councilmember Schmit, that the claim of Douglas Tutty, 344 Seward Street, for personal property damage in the amount of \$2,892.88 be denied and forwarded to the City's insurance carrier for review and disposition.

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

Nay: None

Absent: Singleton, Kamprath. Motion carried.

5. CONSIDERATION OF A CLAIM FROM JODI BREES, 141 E SEWARD STREET FOR PERSONAL PROPERTY DAMAGE

City Administrator Smith stated the City received a claim in the amount of \$3,900.00 from Jodi Brees, 141 E Seward Street, for damage to her vehicle as the result of a tree falling on her vehicle following a windstorm on 7-7-16. Ms. Brees is claiming the tree that fell on her vehicle was located on City property. He added that the City does inspect the trees on City property and trims and removes trees if it is obvious the tree is diseased or dying. The termite issue was not visible from the outside and the tree was still bearing leaves.

Jodi Brees, 141 E Seward, stated the tree was severely damaged by termites and her insurance will not cover the damages as the tree was not located on her property.

Councilmember Schmit moved, seconded by Councilmember Fritz, that the claim of Jodi Brees, 141 E Seward Street, for personal property damage in the amount of \$3,900 be denied and forwarded to the City's insurance carrier for review and disposition.

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

Nay: None

Absent: Singleton, Kamprath. Motion carried.

** Mayor Eickmeier rearranged the order of the agenda, as the presenter for item 6 had not arrived for the meeting.**

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7. PRESENTATION ON MARKETING HOMETOWN AMERICA AND CONSIDERATION OF APPOINTING A REPRESENTATIVE TO PARTICIPATE ON A STEERING COMMITTEE

Jonathan Jank, President and CEO of the Seward County Chamber & Development Partnership, presented information on Marketing Hometown America with the goal of helping rural communities develop action plans to better market themselves to new residents. He stated the program is funded by Great Plains Communications. Mr. Jank asked that a representative of the community of Seward be appointed to serve on a Steering Committee (does not have to be a Council Member), which will meet two times in August to assist in identifying ways for effectively recruiting new residents and businesses to each of the ten Seward County communities.

Mayor Eickmeier asked that the Council Members forward names of members in the community or Council Members names who they would like considered to represent the Seward community. He will then appoint the person at the August 2 City Council meeting. No action was taken.

8. PRESENTATION OF INFORMATION ON NEW SEWARD COUNTY EVENTS CALENDAR AND MARKETING HOMETOWN AMERICA

Jonathan Jank, President and CEO of the Seward County Chamber & Development Partnership provided information on the new Seward County Events calendar. He stated each community is asked to post their events on the countywide events calendar. The URL is: SewardCountyEvents.com. No action was needed or taken.

6. PRESENTATION ON WAGE AND BENEFIT SURVEY

Mr. Paul Essman, Capital City Concepts, LLC, presented the results of the wage and benefit study dated July 1, 2016. Mr. Essman stated he has been conducting wage and benefit studies for thirty-plus years and is considered an expert witness by the Nebraska Commission of Industrial Relations CIR (state agency designed to resolve public sector labor controversies with jurisdiction over state and local government employees, including public utilities). He stated he has testified in two cases under the new CIR legislative rules.

Mr. Essman stated this study included ten communities and two utilities (Aurora, Beatrice, Blair, Crete, Nebraska City, Nebraska City Utilities, Plattsmouth, Schuyler, South Sioux City, Wahoo, Wayne and York). The review covered job descriptions, wage data and benefit data. Some interviews were conducted on location and others via telephone.

He stated wage review is important for comparability and retention and to see what other communities are doing to recruit and retain employees (through wages and benefits). Some communities are looking at age-rated health insurance, which in some cases, lowers the costs. He stated some communities are scrambling to afford the cost of health care for their employees, with some looking toward Health Savings Account (HSA) plans and non-smoker/smoker plans. Others are turning to deductibles and reviewing prescription plans and wellness plans to assist employees in catching health issues proactively. He stated vision is not a usual coverage in a plan; however, some communities offer it as an employee paid benefit.

Law enforcement positions are seeing the fastest growing wage increases due to retention. Once an officer is trained and has obtained the skills and certification, wages and benefits are key to retention. The next group under review for retention/replacement are the retirees because of the knowledge and skill base that may be difficult to replace.

Mr. Essman stated the wage increases ranged from as low as 2% to as high as 4.5% across the communities surveyed.

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He stated that overall, there is nothing glaring in the City's wages or benefits as compared to the other communities surveyed. Some communities are moving days (adding or subtracting) between vacation and personal or sick leave. The benefits offered by the City are similar and he does not see the wages or benefits offered as a detriment to recruiting; however, certain positions may be harder to fill or retain.

He stated that part-time and summer/seasonal labor should not rely as heavily on the study as it is typically the local market that determines what has to be paid to recruit or retain the positions (lifeguards, park laborers, etc).

A question was raised about moving to Paid Time Off (PTO). Mr. Essman stated this is not comparable and the City of Crete, under the CIR ruling, had to move back to separate vacation and sick leave and had to backpay individuals for PTO balances.

Another question was raised about including the private sector when comparing positions. Mr. Essman stated that the private sector can be used; however, certain positions, such as law enforcement do not have a private sector comparison. He stated that even comparing a secretarial position can be difficult because the City would have to prove continuity or similar employment (personnel rules, community interest). He stated in the past 30 years, the private sector has been used for comparison, but the private sector can typically react quicker to market conditions than the public sector, thus making comparability more difficult. No action was taken.

9. CONSIDERATION OF AN ORDINANCE (SECOND READING) 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

Mayor Eickmeier read on second reading 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.

City Administrator Smith stated the City currently has 83 registered private wells and staff is contacting owners of wells that are being shared, which is against the regulations, to cease and desist the sharing. He stated approximately 4 private wells have been approved in the past couple of years. He said he does not know if contamination has occurred by any of the private wells. He said he talked with five communities that do not allow the private wells and the Natural Resources District placed a moratorium on well drilling a few years back while they were undergoing regulation review. He added that there were comments at the last meeting that the homeowner has the rights to the water under their property, which is incorrect. The water belongs to the State of Nebraska. He stated he has not gathered any other information as it was not clear what the City Council wanted him to provide.

Tony Vrana, 131 N 1st Street addressed the City Council stating there are pros and cons for allowing private wells within the City, but doesn't see any harm in a moratorium to allow time to study the productivity and dependability of the water supply, which could be affected by private well use. He stated that when a municipality invests a lot of money in water treatment, they should expect the citizens to use the facility's water. The two-year moratorium would be logical.

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Mr. Vrana provided a brief history of his career in working for the Department of Agriculture and the Natural Resources District in soil and water conservation for more than thirty-three years.

There was a question as to whether a private wells could be shut down if there was a water shortage, at which City Administrator Smith stated the City can restrict use by persons connected to the City system, but not sure about restrictions on a private well.

Thereupon, Councilmember Hans moved that the statutory rule requiring the reading of the ordinance by title on one additional day (three different days total) 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: Fritz, Schmit, Hans

Nay: Wilken, Beck, Miller

Absent: Kamprath, Singleton. Motion failed for not having passed by three-fourths vote of the elected officials.

Ordinance No. 2016-12 will be considered on third and final reading on August 2, 2016.

10. CITY ADMINISTRATOR REPORT

Councilmember Wilken moved, seconded by Councilmember Schmit, that the City Administrator's Report dated July 19, 2016 be accepted.

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

Nay: None

Absent: Singleton, Kamprath. Motion carried.

11. FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION

None

12. MOTION TO ADJOURN

Councilmember Fritz moved, seconded by Councilmember Wilken, that the July 19, 2016 City Council Meeting be adjourned.

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

Nay: None

Absent: Singleton, Kamprath. Motion carried.

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

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