

SEPTEMBER 18TH
CITY COUNCIL

September 18, 2007

2. RESOLUTION ON TRANSCANADA KEYSTONE PIPELINE PROJECT

City Attorney Larry Brauer prepared a draft Resolution for Council consideration based on the motion that was made at the last Council meeting. Discussion on the draft resolution ensued and it was noted that the Seward Citizens for Pipeline Route Committee did a great job with all of the work they completed and in presenting information, and that Transcanada Keystone also responded very well. As has been noted before, the City Council does not have the authority to stop the pipeline from going into the proposed location because it is not within the City limits or zoning jurisdiction. It was emphasized that the City's goal is to protect the water and that consideration of this resolution has provided an opportunity for the City and Transcanada to enter into positive negotiations for increased safety measures, liability issues, leak detection, testing costs, valving, etc. Transcanada has indicated that they are willing to do this and also noted that they have voluntarily committed to consider this area as a "high consequence area" even though it does not technically fall into that category according to Federal regulations. The "high consequence area" provides for additional safety measures, more frequent inspections and other additional measures of safety. Several suggestions for amendments were made, along with suggestions to simply pass a motion that staff be authorized to enter into negotiations with Transcanada Keystone.

During discussion, Councilmember Kamprath moved, seconded by Councilmember Smith to strike paragraph 1) in the resolution, and rephrase paragraphs 2) and 3) as suggested by City Attorney Brauer; and develop a second resolution that would oppose the proposed location. Upon continued discussion of the issue, this motion was withdrawn.

City Attorney Larry Brauer offered alternative language for the resolution that would direct city staff to negotiate with Transcanada Keystone and in the event that the negotiations are not successful, to express their opposition to the proposed route. Councilmember Vrana made a motion, seconded by Councilmember Fiala, to amend paragraphs 1), 2) & 3) of the resolution as suggested by the City Attorney. (In bold in the resolution below)

Aye: Smith, Kamprath, Eilers, Fiala, Singleton, Pogreba, Stewart
Nay: None
Absent: None. Motion carried.

Councilmember Kamprath introduced the following amended resolution:

RESOLUTION NO. 19-07

WHEREAS, TransCanada/Keystone Pipeline LP, a Limited Partnership, (hereinafter referred to as "Keystone") having its principal place of business in Calgary, Alberta, Canada, is actively pursuing a venture that would run approximately 435,000 barrels of crude oil per day through a pipeline running from the oil sand fields of Canada to Cushing, Oklahoma and southern Illinois; and

WHEREAS, the proposed route for the Keystone pipeline runs approximately two (2) miles west of the City of Seward through Seward County, Nebraska, and as proposed will pass within one (1) mile of three (3) municipal wells serving the City of Seward; and

WHEREAS, said proposed pipeline will cross approximately twelve (12) inches below four(4)of the water mains of the City of Seward and within one (1) mile of the Seward Water Treatment Plant and City of Seward wellhead protection areas; and

WHEREAS, Keystone is negotiating with landowners in the path of said proposed pipeline to obtain easements from said landowners for "one or more" pipelines which could not only carry crude oil, but also natural gas, hydrocarbons, petroleum products, and all by-products thereof; and

WHEREAS, the Seward County Pipeline Relocation Committee, consisting of concerned citizens of Seward County, has identified potential risks to the City of Seward drinking water system, wellfields, water mains, treatment plant, and wellhead protection areas; and

WHEREAS, the Seward County Pipeline Relocation Committee has proposed an alternative route for the Keystone pipeline which would run said pipeline east of the City of Seward

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and away from the aforementioned high consequence and environmentally sensitive areas which are vital to the health, welfare, and safety of the citizens of Seward, Nebraska; and

WHEREAS, the Seward County Pipeline Relocation Committee has made a request to the Mayor and City Council of the City of Seward, Nebraska to support its efforts to have Keystone relocate the proposed pipeline; and

WHEREAS, the Mayor and City Council of the City of Seward, Nebraska have had an opportunity to hear presentations from the proponents of the proposed pipeline regarding the alleged safety of said pipeline, and to hear presentations from the opponents of the proposed pipeline regarding the alleged environmental hazards and risks to the City of Seward water system from the proposed location of said pipeline;

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

Recognizing that no natural resource has a more vital role in providing for the health, welfare, and safety of the citizens of Seward, Nebraska than an abundant and safe drinking water supply and system, the Mayor and City Council of the City of Seward, Nebraska hereby 1) direct City staff to negotiate with Keystone to use the highest safety technology in the oil and pipeline industry to protect the interests of all residents of Seward County; and 2) direct City staff to negotiate with Keystone to provide financial assurances in a sufficient amount to protect the City of Seward and its' citizens from potential significant adverse financial impacts due to the pipeline placement or in the event of an accident/rupture; and 3) in the event that said negotiations with Keystone fail, express their opposition to the proposed location of the Keystone pipeline and their desire for Keystone to consider alternative routes which would not cross the City's water lines and wellhead protection areas and have the potential to adversely affect the water supply and system of the City.

Councilmember Stewart moved, seconded by Councilmember Vrana, that the resolution be adopted. Upon vote, the following Councilmembers voted Aye: Vrana, Smith, Kamprath, Eilers, Fiala, Singleton, Pogreba, Stewart. Nay: None. Absent: None.

The Mayor declared the resolution adopted.

Dated: September 18, 2007

THE CITY OF SEWARD, NEBRASKA

ATTEST:

Roger E. Glawatz, Mayor

Debra Schaefer
City Clerk-Treasurer/
Administrator Assistant

(SEAL)

3. UPDATE ON GIS SYSTEM

Building Director John Hughes provided the Council with an update on the progress of the Geographic Information System (GIS) project. He noted that Olsson Associates currently has 2 survey crews working in the City on information for the base map that will include electric, water, sewer and storm sewer information. He also noted that the City and the County are working together and will be sharing information that will be useful to both entities and that he felt this project was progressing well.

4. UPDATE ON TRANSPORTATION STUDY

Building Director John Hughes noted that the Transportation Study has been delayed

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public comment is running out. Mr. Berlowitz responded that the City's process in discussing zoning issues is that the Planning Commission meets first to discuss them and then they forward a recommendation on to the City Council, and this is what occurred. Mr. Herrold continued that he found NPPD triangulation markers in the county right-of-way in several areas of the proposed route already, and when he checked with the County Road Superintendent, he was told that he had not been made aware of them and should have been. He stated that he felt NPPD should put this line where their existing line is for the following reasons: they already own the easements, it would be cheaper, they could upgrade some of their poles and it would eliminate any new problems. He urged the Council to accept the Planning Commission's recommendation to keep this line out of the 2 mile zoning jurisdiction of the City.

Building Director John Hughes reported that the Planning Commission discussed this issue at their November 15 meeting. He noted that after review, the Planning Commission felt that any infringement by NPPD into the City's jurisdiction would have an undesirable effect on our growth pattern and therefore recommended that the Council request that the proposed route be modified to keep the power distribution line completely out of the City's 2 mile jurisdiction.

City Attorney Larry Brauer was asked what legal authority the Council had on stopping the line. Mr. Brauer responded that the City has no authority to stop the line, but they have the authority to express their opinion. City Administrator Daniel Berlowitz added that NPPD does have to get approval from the Power Review Board and the Public Service Commission.

Councilmember Kamprath noted that he had attended some of the public hearings on this issue and he commended NPPD because he felt they had looked at every angle and had tried to balance the effect.

Councilmember Vrana moved, seconded by Councilmember Singleton, to accept the Planning Commission's recommendation and request that Nebraska Public Power District (NPPD) modify their proposed route for the new transmission line so that it does not cross the City's 2 mile extraterritorial zoning jurisdiction as it could affect future rural residential development in this area.

Aye: Smith, Eilers, Fiala, Singleton, Pogreba, Stewart, Vrana

Nay: Kamprath.

Absent: None. Motion carried.

2. CONFIRMATION OF MAYOR'S APPOINTMENT OF PUBLIC WORKS SUPERINTENDENT

Mayor Glawatz announced his appointment of Melvin Aldrich as Public Works Superintendent for the City of Seward as recommended by City Administrator Daniel Berlowitz. He noted that Mr. Aldrich has been employed by the City for 22 years and has worked his way up over that time period. He recently passed the examination for a Class B Street Superintendent license which is a State requirement for this position.

A motion was made by Councilmember Fiala, seconded by Councilmember Singleton, to confirm the appointment of Melvin Aldrich as Public Works Superintendent for the City of Seward.

Aye: Singleton, Pogreba, Stewart, Vrana, Smith, Kamprath, Eilers, Fiala

Nay: None.

Absent: None. Motion carried.

Administrator Assistant/Clerk-Treasurer Debra Schaefer conducted the Oath of Office for Mr. Aldrich.

3. REPORT ON STATUS OF AGREEMENT WITH TRANSCANADA KEYSTONE

City Administrator Daniel Berlowitz reported that negotiations are

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continuing on the proposed agreement and TransCanada officials will be meeting tomorrow to review their proposal and will forward it to the City for consideration in the near future.

4. ORDINANCE - 2007-2008 PAY PLAN

Ordinance No. 38-08 adopting the 2007-2008 Classification & Pay Plan was passed and approved. The Pay Plan changes are based on the results of the 2007-2008 Comparability Study.

Councilmember Fiala moved, seconded by Councilmember Pogreba, 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. 38-08, "AN ORDINANCE TO PROVIDE FOR CLASSIFICATION OF OFFICERS AND EMPLOYEES OF THE CITY OF SEWARD, NEBRASKA; TO PROVIDE FOR LONGEVITY PAY AND PAYMENT OF PART-TIME EMPLOYEES; TO PROVIDE FOR A DATE SUCH CLASSIFICATION AND PAY RANGES OF COMPENSATION SHALL BE COME EFFECTIVE; TO PROVIDE FOR PUBLICATION 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: Singleton, Pogreba, Stewart, Vrana, Smith, Kamprath, Eilers, Fiala

Nay: None

Absent: None. Motion carried.

5. REPORT ON MEETINGS

Councilmember Stewart reported that the Seward Foundation met and approved grant requests for the Youth Center Get Healthy Program; the Skateboard Park and a Read Me program from the School District.

Councilmember Vrana reported that the Library Board met with representatives of the Chamber of Commerce to discuss how they could help facilitate some programs together. He also attended a Strategic Plan Downtown Committee meeting where discussion centered on the open buildings in the downtown area and what can be done about filling them.

Councilmember Fiala reported that the Seward Aging Services Commission met and conducted general business. He also attended a Seward Economic Development Application Review Board meeting. City Administrator Daniel Berlowitz explained that the Application Review Board reviewed and approved an application for a \$5,000 grant to fund a blight & substandard study of the downtown area.

Mayor Glawatz noted that he participated in the ground opening ceremony on workforce housing in the Graham development. They are building 10 homes for working families who will get assistance with down-payments.

6. CONSENT AGENDA

Councilmember Fiala moved, seconded by Councilmember Eilers, to approve the following consent agenda items:

- a. Minutes
- b. Claims
- c. Clerk-Treasurer's Report
- d. Building Director's Report

Aye: Singleton, Pogreba, Stewart, Vrana, Smith, Kamprath, Eilers, Fiala

Nay: None

Absent: None. Motion carried.

Tobin

*City Council minutes - Agreement
and the "Thank you"*

March 4, 2008

The Seward City Council met in regular session at 7:30 p.m. on Tuesday, March 4, 2008 in the Council Chambers at the Municipal Building, 142 North 7th Street, Seward, Nebraska, with Mayor Roger E. Glawatz presiding and Administrator Assistant Clerk-Treasurer Debra Schaefer recording the proceedings. Upon roll call, the following Councilmembers were present: Brett Smith, Mark Eilers, Robert Fiala, John Singleton, Loren Pogreba, David Stewart III. Other officials present were: City Administrator Daniel Berlowitz, City Attorney Larry Brauer, Building Director John Hughes and Chief of Police Alan Baldwin. Absent: Councilmembers Verlon Vrana, 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 Resolution Number 14-99, which was adopted on the 17th day of August, 1999; said method stating that the notice of such meeting, with the agenda thereon, be posted in the following places: City Hall, County Courthouse 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 take while the convened meeting was open to the attendance of the public.

THE PLEDGE OF ALLEGIANCE

Mayor Glawatz announced that a copy of the Agenda for this meeting is posted on the front window 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.

1. HIKER BIKER TRAIL - AGREEMENT WITH UBBNRD

As was discussed in full at the last Council meeting, the proposed agreement with the Upper Big Blue Natural Resources District (UBBNRD) is for the continuation of the hiker biker trail from the trail head on South Columbia Avenue to Dowding Pool. The length of this section is about 2.1 miles and is estimated to cost \$800,000. With grants from the Nebraska Department of Roads and Nebraska Game & Parks Commission and UBBNRD's 25% share of the local costs, the City's cost is estimated at \$180,000. December of 2011 is the estimated time frame for completion of the trail.

During discussion, City Administrator Daniel Berlowitz was asked to get information and a drawing on the proposed route to the Independent for publication. Chief of Police Alan Baldwin noted that he was not concerned about safety in regard to the trail as there have not been problems with the current trail. City Administrator Daniel Berlowitz also noted that any and all grants would be pursued for this project.

A motion to approve the inter-local agreement between the City of Seward and the Upper Big Blue Natural Resources District for the extension of the hiker biker trail from the trail head on South Columbia Avenue to Dowding Pool was made by Councilmember Eilers, seconded by Councilmember Fiala.

Aye: Eilers, Fiala, Singleton, Pogreba, Stewart, Smith

Nay: None.

Absent: Vrana, Kamprath. Motion carried.

2. TRANSCANADA PIPELINE PROJECT

City Administrator Daniel Berlowitz reported that he, City Attorney Larry Brauer and W/WWTW Superintendent David Lathrop negotiated an agreement with Transcanada on the provisions regarding the pipeline to be installed near the Water Treatment Plant. The agreement provides the following conditions: that the area will be designated as a High Consequence Area; that they will increase the size of the pipeline to 0.429 inches and that it will be installed at 48" depth of cover, which will leave a 24" minimum separation between their pipeline and our water lines; that the pipeline will have a thickness of 0.515 where it crosses the water lines; that they will employ additional protective measures to alert the public and excavators to the presence of the pipeline; that they will install the pipeline near the water line crossings by boring; that they will install

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mainline valves that will allow for the pipeline to be easily and rapidly isolated from the wellhead protection area; that they will develop a site specific emergency response plan for this area; that they will conduct training as part of this site specific emergency response plan; that they will handle the containment, cleanup, or remediation of any pipeline leak or other incident; that they procure a legal liability policy that will be not less than \$25,000,000.00 per occurrence and \$50,000,000.00 either during construction or operations; that they will reimburse the City of Seward for any additional water testing that may occur; that if they decide to construct any additional pipelines, they will obtain all the necessary regulatory approvals; and that they will commit to a community investment of \$50,000 to the City of Seward.

The Council thanked staff for their excellent work on these negotiations and also thanked Jon & Bonnie Kruse and their Committee for all of their work and input.

After review, Councilmember Fiala moved, seconded by Councilmember Stewart, to approve the proposed agreement with Transcanada for the Keystone pipeline project.

Aye: Singleton, Pogreba, Stewart, Smith, Eilers, Fiala

Nay: None

Absent: Vrana, Kamprath. Motion carried.

3. ORDINANCE POSTING AGENDAS

Administrator Assistant/Clerk-Treasurer Debra Schaefer presented the Ordinance that outlines the process for posting agendas and clarifies the procedure to place items on the agenda. Councilmember Smith noted that Councilmember Kamprath had suggested that the section under adding emergency items should include Councilmembers and not just the Mayor. Mayor Glawatz noted that this statement simply means that as Chair, the Mayor would present emergency items. Councilmember Fiala suggested that the sentence in the Ordinance regarding this be changed to: The Mayor will present any request for an emergency item at the beginning of the next regularly scheduled meeting, and the item will be subject to the final determination and approval of the City Council. It was also suggested that the form that is used for agenda items be revised to include a statement about emergency items.

Ordinance No. 3-08 as amended above, codifying the resolution regarding posting of agendas and clarifying the procedure to place items on the agenda was passed and approved.

Councilmember Fiala 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. 3-08, "AN ORDINANCE TO ADD SECTION 1-600 OF THE SEWARD CITY CODE; RELATING TO CITY COUNCIL AGENDAS; TO OUTLINE THE PROCESS FOR PLACING ITEMS ON AN AGENDA AND DESIGNATE THE METHOD OF COMMUNICATING ADVANCED NOTICE; 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:

Nay: None

Absent: None. Motion carried.

4. REPORT FROM CITY ATTORNEY ON COMPENSATION FOR VOLUNTEER FIREFIGHTERS

City Attorney Larry Brauer reported that about 4 years ago, he and members of the Volunteer Fire Department discussed a program as a result of the Volunteer Emergency Respondent Recruitment and Retention Act. If initiated, the program would allow a City to budget a certain amount up to \$3,000 per year for a program to reward volunteers. Individuals in the fire department would have to accumulate a certain number of points during the year, and then based on the results they could get a portion of the money allotted to them. Individuals would not be entitled to the money until they reached age 65 and it would not be taxable until it was paid to them. Each fire department would be responsible for the record keeping and it was determined that this would be quite extensive. After reviewing the program with the members of the fire department and subsequent discussions by the fire department members themselves, this idea was dropped