

CITY OF MILFORD
REGULAR MEETING
SEPTEMBER 4, 2018
MINUTES

The regular meeting of the Mayor and Council of the City of Milford, Nebraska resumed at 7:38 pm on the 4th day of September 2018.

CALL TO ORDER: Mayor Glanzer called the meeting to order at 7:38 p.m.

ROLL CALL: Mayor Nick Glanzer; Council members: Jeff Baker, Scott Bashore, Patrick Kelley, Dan Kral; Attorney Krista Carlson.

Introduction and Adoption of Resolution – Final Tax Request: Council member Kelley introduced the following resolution seconded by Bashore.

RESOLUTION NO. 564

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MILFORD, NEBRASKA:

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purpose of the levy set by the County Board of Equalization unless the Governing Body of the City of Milford passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City of Milford that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Milford, by a majority vote, resolves that:

1. The 2018 – 2019 property tax request be set at:

		<u>Levy</u>
REQUIRED FOR BONDS	\$ 69,625	.067942
REQUIRED FOR ALL OTHER PURPOSES	\$455,373	.444363
TOTAL PROPERTY TAX REQUEST	\$524,998	.512305

2. A copy of this request be certified and forwarded to the Seward County Clerk on or before October 13, 2018.

Upon roll call vote as follows: Kelley yes, Bashore yes, Baker yes, Kral yes. Motion carried.

Nick Glanzer, Mayor

Jeanne Hoggins, City Clerk

(SEAL)

UNFINISHED BUSINESS:

Discuss/Action –PRO Agreement with NPPD: Craig Vincent with NPPD gave a brief overview of the information he presented at the last two meetings. Craig is asking to extend the partnership between NPPD and the City of Milford thru either the amendment of the existing agreement or adopting the new agreement. Renewable energy is available at any time. The Retail Advisory Committee is made up of representatives from all the communities NPPD serves across the State. It is NPPD's intent to keep a local representative in Milford. They can't commit to long term staffing levels due to changes but when it comes to boots on the ground they need a local manager in Milford. There were no legal concerns with the agreement by Attorney Carlson. A motion was made by Kral and seconded by Bashore to accept the agreement with the 25 year term and authorize the Mayor to sign the document. Baker questioned authorizing the Mayor to sign the agreement and then passing a resolution to pass the PRO? Mr. Vincent explained the resolution authorizes the community to enter into the program after the appropriate publications and waiting period. He suggested the agreement carry an effective date of January 1, 2019. The Mayor can sign the agreement any time after the resolution is approved. If there was community objection, we would need to revisit it. Roll call vote: Kral yes, Bashore yes, Baker yes, Kelley yes. Motion carried.

Introduction and Adoption of Resolution – NPPD PRO Agreement: The resolution was introduced by Bashore, who moved its adoption. Kelley seconded the adoption of the resolution.

RESOLUTION NO. 565 RESOLUTION APPROVING PROFESSIONAL RETAIL OPERATIONS AGREEMENT

WHEREAS, the City owns its electric distribution system, and

WHEREAS, the Professional Retail Operations Agreement on file with the City Council has been proposed by Nebraska Public Power District (NPPD) and fully discussed and explained, and

WHEREAS, it is determined that it would be desirable to enter into said Professional Retail Operations Agreement.

NOW, THEREFORE, BE IT RESOLVED:

1. The said Professional Retail Operations Agreement is approved and the Mayor is authorized to execute it, and the City Clerk to attest it on behalf of the City.

2. Notice of this transaction shall be given by publication once each week for three (3) successive weeks, of the following Notice:

NOTICE OF TRANSACTION

The City Council has approved a Resolution authorizing execution on behalf of the City of a Professional Retail Operations Agreement (Agreement) between Nebraska Public Power District and the City of Milford, Nebraska. The Agreement is on file with the City Clerk and available for inspection. It contains provisions summarized as follows:

1. The City will lease its electric distribution system to Nebraska Public Power District for a term of twenty-five (25) years;

2. During the term of the Agreement, NPPD will pay to the City a lease payment determined per the agreement based on a percentage of the retail revenues from the electric distribution system. NPPD will maintain the electric distribution system, will make payments in lieu of taxes as required by law, and will provide insurance, as set out in the Agreement.

This Notice will be published once each week for three (3) successive weeks. If, within thirty (30) days after the last publication thereof, a referendum petition signed by qualified electors of the City equal in number to at least twenty percent (20%) of the votes cast at the last general municipal election shall be filed with the City Clerk, this transaction shall not become effective until it has been approved by a vote of the electors. If no such petitions are filed, the transaction shall become effective at the expiration of said thirty (30) day period.

ATTEST:

CITY OF MILFORD, NEBRASKA

City Clerk

By: _____
Mayor

The Mayor having called for remarks, there was general discussion of the foregoing resolution and, after discussion, a vote was called for upon the question of the adoption of the resolution.

The question was put upon the adoption of the resolution and the roll called. Roll call vote: Bashore yes, Kelley yes, Baker yes, Kral yes. Motion carried.

Whereupon, the Mayor declared the said resolution to have been duly and legally adopted by the Council and signed his or her approval thereto.

City Clerk

Mayor

(SEAL)

Introduction and Adoption of Ordinance – Franchise Agreement with NPPD: Mr. Vincent explained that they must have a franchise in every community where NPPD delivers electricity. Craig referenced Ordinance #785 from November 2006; Section 3: The only difference between ordinance #785 and the proposed new franchise is the existing franchise has wording stating that NPPD cannot charge a different rate from one community to the next. Among the terms of the new contract the City has the ability to adjust the lease payment upward or downward. Section 3 just cleans up the language preventing NPPD from being in conflict with the franchise agreement if the Council should act to change the lease rate.

Councilmember Kelley introduced the following ordinance:

ORDINANCE NO. 931

AN ORDINANCE GRANTING TO THE NEBRASKA PUBLIC POWER DISTRICT, A PUBLIC CORPORATION AND POLITICAL SUBDIVISION OF THE STATE OF NEBRASKA, ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT AND FRANCHISE FOR A PERIOD OF 25 YEARS TO ERECT, OPERATE AND MAINTAIN AN ELECTRIC LIGHT AND POWER SYSTEM IN THE CITY OF MILFORD, NEBRASKA, FOR THE PURPOSE OF FURNISHING ELECTRIC ENERGY TO SAID CITY AND THE INHABITANTS THEREOF; LIMITING THE MAXIMUM CHARGES FOR SUCH ENERGY; PROVIDING CERTAIN REGULATIONS WITH REFERENCE THERETO; AND ALL THINGS INCIDENTAL TO THE PURPOSES THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; DIRECTING THE FORM OF PUBLICATION OF THIS ORDINANCE AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT. (See Ordinance Record)

Discuss/Action – Oak Avenue Drainage Study, JEO Review & Recommendation: Dave Henke with JEO noted the suggestions by Kirkham Michael in the drainage report are appropriate. Discussion was held regarding the placement of the detention pond. Before committing, Stacy wants the area staked out so she knows exactly where it's going. Stacy and Larry kept mentioning the east end of Kremer's property and Bashore clarified that the east end is closer to the RR Tracks. The west end (in this scenario) is where the pond was recommended. Stacy would like K.M. to physically walk her property and show her exactly where they are talking about. Larry questioned if they were going to do all 30 lots or just 9 lots. Larry mentioned putting this drainage system in at the east end to handle the drainage for all 30 lots and have the City assist with the project and then assess it back to the property. Councilmember Kelley questioned Larry to the fact that he keeps mentioning the east line of the trees closer to the RR tracks. The reason the Council paid \$9500.00 for the drainage study is because it affects the people along North F Street. Where Larry is suggesting putting the pond would not, under the two different reviews, take

care of the people on North F Street. The Council has participated in the process to help Larry and Stacy's development as well as the property owners along North F Street. Larry continued to talk about putting the retention pond further east along the tree line. Bashore asked if we could table this for a month and if that's enough time to have it staked out. Stacy questioned if she was responsible to have someone come out and show her exactly where the pond would be and if she had to incur the cost? Bashore stated, it is probably Mr. Jantze's responsibility, it's his development. Discussion continued regarding where the water flows. Stacy still questioned the cost. Councilmember Bashore stated, the City has put \$10,000.00 into this project and have nothing. Stacy's next step is to have it staked out so she can take it to her attorney for review. It was decided to table the item.

Discuss/Action – Valley View West 3rd Addition, Preliminary Plat:

No action needed.

NEW BUSINESS:

Introduction and Adoption of Ordinance – Authorizing the issuance of General Obligation Municipal Building Bonds of the City in a principal amount of not to exceed \$800,000.00: Councilmember Bashore introduced the following ordinance:

ORDINANCE NO. 932

AN ORDINANCE AUTHORIZING A LOAN FROM A BANK TO THE CITY, EVIDENCED BY A GENERAL OBLIGATION MUNICIPAL BUILDING BOND, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED EIGHT HUNDRED THOUSAND DOLLARS (\$800,000) TO PROVIDE FINANCING FOR A PORTION OF THE COSTS OF PURCHASING REAL ESTATE, MAKING SITE PREPARATIONS, CONSTRUCTING AND FURNISHING A NEW MUNICIPAL BUILDING WHICH MAY HOUSE CITY HALL, COUNCIL CHAMBERS, THE CITY'S POLICE DEPARTMENT AND OTHER MUNICIPAL FUNCTIONS; PRESCRIBING CERTAIN TERMS AND THE FORM OF SUCH LOAN AND BOND AND AUTHORIZING THE DETERMINATION OF CERTAIN TERMS OF SUCH LOAN AND BOND; PROVIDING FOR THE LEVY OF TAXES TO PAY THE INTEREST ON AND PRINCIPAL OF SUCH LOAN AND BOND; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND RELATED MATTERS. (See Ordinance Record)

Award Sr. Center Meal Bid: A motion was made by Baker and second by Kelley to award the bid to serve meals at the Sr. Center to Sunrise Country Manor at \$5.25 per meal. Roll call vote: Baker yes, Kelley yes, Bashore yes, Kral yes. Motion carried.

Discuss/Action – Hire Part time Library Clerk and Set Wage: Library Director Matzen recommended Jessica Wang as she has worked at the library before and training will be minimal. A motion was made by Bashore and second by Kral to approve hiring Jessica Wang as part-time Library Clerk at \$9.50 per hour. Roll call vote: Bashore yes, Kral yes, Baker yes, Kelley yes. Motion carried.

Discuss/Action – Revise Bluestem contract to meet NPPD requirements for Bluestem Franchise: Attorney Carlson suggested an addendum to the original contract to clarify dates. The addendum presented has been reviewed by NPPD, meeting their requirements to move forward with the Bluestem project. Mr. Dynek with Bluestem Network updated the Council of the happenings since last meeting. On August 14, 2018 the documents showing the intent to move forward requested from the last meeting were provided to the City Council. The right-of-way language has been established, Bluestem has fiber and equipment ready to go. Kelley thanked Mr. Dynek for his attentiveness following last month's meeting. Baker asked for an update for the next meeting either in writing or attendance which would include the residential expansion. A motion was made by Kelley seconded by Bashore to approve the addendum to the fiber optic network construction and maintenance agreement between the City of Milford and Bluestem Fiber and authorize the Mayor to sign the document. Roll call vote: Kelley yes, Bashore yes, Baker yes, Kral yes. Motion carried.

Introduction and Adoption of Ordinance – Vacate water main easement with Milford School Dist. 5: Councilmember Bashore introduced the following ordinance:

ORDINANCE NO. 933

AN ORDINANCE OF THE CITY OF MILFORD, NEBRASKA VACATING TWO OF THE FIVE EASEMENTS GRANTED BY KEVIN WINGARD, SUPERINTENDENT OF THE SEWARD COUNTY SCHOOL DISTRICT NO. 80-0005 ON OR ABOUT THE TWENTY-SECOND DAY OF JANUARY, 2018, AND RECORDED WITH THE SEWARD COUNTY REGISTER OF DEEDS ON THE TWENTY-FIFTH DAY OF JANUARY, 2018 AS INSTRUMENT NO. 201800203. (See Ordinance Record)

Hire Full Time Maintenance Employee and Set Wage: No action taken.

Mayor Glanzer adjusted agenda items as Jonathan Jank was not in attendance.

Discuss/Action – Change order for 2017 Water System Improvements, #6: Change order #6 pertains to the bypass through the ground level storage tank and modifications at mixing manhole. The increase of the change order is \$5,561.00. A motion was made by Kral and seconded by Bashore to approve change order #6 as presented. Roll call vote: Kral yes, Bashore yes, Baker yes, Kelley yes. Motion carried.

Discuss/Action – Pay application request #4, Myers Construction:

Pay application #4 totals \$63,564.30 at 66% completion. JEO has reviewed and approves. A motion was made by Bashore and seconded by Kelley to authorize payment of application #4 to Myers Construction in the amount of \$63,564.30. Roll call vote: Bashore yes, Kelley yes, Baker yes, Kral yes. Motion carried.

Hire Police Officer & Set Wage: Chief Siebken recommended hiring George Horner at \$17.50. He is a 2018 UNL graduate in Criminal Justice with a minor in Criminology and National Security studies and he also performed as Herbie Husker. He is non-certified and Chief Siebken hopes to get him into the January 2019 Academy. At the time of graduation he would receive a .50 pay increase. He is currently working at the Lancaster County Corrections facility and is willing to move here. A motion was made by Kral and seconded by Bashore to approve hiring George Horner at \$17.50 per hour as full time Police Officer and after graduation and receiving his certification increasing pay to \$18.00 per hour. Roll call vote: Kral yes, Bashore yes, Baker yes, Kelley yes. Motion carried.

Discuss/Action – Sidewalk & Curb for Bill Lauber: Bill Lauber is close to wrapping up the improvements made to the Funeral Home establishment. One of the last things he would like to do is place additional parking in front of the establishment. He is proposing angle parking, similar to what is in front of the medical clinic, with a sidewalk and curb. Lauber presented a bid proposal to the Council for a possible contribution towards the job. Bill wanted to thank the Council for their patience during his renovation and addition of the crematory. Everyone has been supportive and Bill really appreciates it. He has performed about 10 cremations already and the neighbors are unaware. He's planning for an Open House mid-October and would like to get the parking completed. All councilmembers received a copy of the bid and Kral mentioned in an effort to be fair, if his business was located on Main Street, we would pay for certain things out of the street budget. Kral proposed paying half of the parking apron (8') at \$4002.00, the curb grinding and new curb at \$1914.00 totaling \$5916.00. This is what we do with the businesses downtown. The proposal and motion by Kral which was seconded by Bashore is to pay out of the street fund \$5916.00 toward the bid. Discussion: Kelley asked Kral to explain his comments "that's what we do with businesses downtown". Kral – the business owners pay for the first section of sidewalk and the City would pay for the next 4' wide section. During the project the City would remove the bricks and pay for the apron, curb and sidewalk section which is approximately 8'. Baker asked if the business owners are billed separately or if they pay the city? Kral stated, depends on the business as the city tries to work with them on however they want to do that. Baker, for example the project just completed with the Salon, was that billed to the city, how did that process work? Gary stated, it was billed separately. Most of the time the 4' has been billed separately from what the City gets billed. Baker asked if Gary can confirm that they have been billed. Gary stated, yes because he has had to have conversation with some individuals. Kelley referenced the Municipal Code Book under

sidewalk responsibility and it doesn't mention the 4' which has been discussed. We may want to look at that for future reference but Kelley thought it was on par with what other communities do with respect to frontage and business owners. Baker asked if the same process was used (4') in front of the Dairy Queen. Kral did not recall. Gary stated; we just did it that time. Baker confirmed that the City paid for the sidewalk in front of the Dairy Queen and the property along Hwy 6 from D Street to F Street? Gary stated; yes.

Mayor Glanzer confirmed the amount to be paid by the City for Lauber's project would be \$5916.00. Roll call vote: Kral yes, Bashore yes, Baker yes, Kelley yes. Motion carried.

Baker asked Gary; who authorized the expenditure of funds for those sidewalks? Baker did not recall the Council ever doing that. Gary stated; Dan and he did it all as break-ups and did it under replacement and repairs. Dan stated, discussion was held with Dean and was also in the budget for the year. Dean was involved in planning each stage of that. Kelley noted the Code Book states: Section 8-206: The Governing Body may, by Resolution, order the construction of a sidewalk on any lot or piece of ground within the Municipality. Notice of the Governing Body's intention to construct said sidewalk shall be given by the Municipal Clerk by publication of notice one (1) time in a legal newspaper of general circulation in the Municipality. Kelley stated that a resolution needs to be passed in order to construct a sidewalk. Kral was not aware of any exception to this but it was not a creation of a new sidewalk but repairing in some cases and tearing out and replacing in others, a maintenance item not construction. There were a couple of new tubes put in for drainage. The project included storm drain repairs under the Hwy at 5th & D Street and sidewalks in front of the Dairy Queen and along the north side of the Hwy from D Street to F Street. It was noted that the sidewalk along the north side of the Hwy was all new. Baker asked to add this to next month's agenda, specifically the area on the north side of Hwy 6. Gary asked Baker if he did not approve of what was done. Baker referenced the Code Book regarding a resolution and that was not done. It is after the fact unfortunately but he thought it was something that needs further discussion.

It was questioned whether a resolution is needed for the sidewalk in front of the Funeral Home as this would also be new. A permit was also questioned, and Bill Lauber noted that this parking and sidewalk placement was all part of his initial building permit application. This project was presented to the City Council at an earlier date. Baker noted, these are our rules that we put in place and we should follow our rules. Bashore mentioned this will slow down his plans for having it ready for his October Open House. Can we

allow Bill to move forward as we did the same thing with Roth Aerial. Kral wanted to confirm that the payment has been approved; we will readdress the format next month and he can move forward with the work.

Discuss/Action – Public Sector Membership Agreement & Funding Request for 2018-2019: Jonathan Jank wanted to thank the City of Milford for their investment in the organization and Mayor Glanzer's participation on the Board of Directors. They are proud to represent Milford thru the Countywide Economic Development efforts. Jonathan briefly reviewed the public sector funding agreement noting the annual investment for 2017 – 2018 was \$11,500.00. These funds are spent on the operations of the SCCDP according to NE State Statute. The private sector fundraising and membership drive was completed. The job performance review was completed. SCCDP has been assisting the City of Milford, NPPD and SENDD to complete the NE Leadership Certified Community application thru the NE Dept. of Economic Development. This will be finalized and submitted before the end of this fiscal year. The annual audit has been conducted. The request is that the City considers renewing their support of Economic Development efforts in Seward County by entering into a new funding agreement and public sector membership agreement with SCCDP. Jonathan highlighted some of the projects they have been working on in 2017-2018. The document is attached to these minutes.

Mayor Glanzer recommended the Council approve the funding as Jonathan and his team have made a substantial impact on Seward County and the City of Milford. A motion was made by Kelley and seconded by Baker to approve the Funding Agreement with SCCDP for 2018-2019 fiscal year totaling \$11,500.00 and also for the Public Sector Membership Agreement.

Baker appreciates what SCCDP does for the community of Milford and Seward County as a whole. Baker read another quote from the project document that Jonathan provided: Being an active person in the community of Seward, the SCCDP has been a huge part of our success! Their willingness to support, network, and create opportunities of growth within our community and county is the reason we chose to invest. SCCDP is truly the foundation of our growing community! Carey & Alyssa Hendrix, KACH Investments. Baker could not agree more as it is the responsibility of SCCDP to create the foundation but it's upon the community/citizens to become involved and engaged. It's imperative as a Council, Community, Citizens and Business Owners that we recognize the opportunity we have with SCCDP and truly assist in moving forward with SCCDP's efforts. Baker appreciates Jonathan's work and looks forward to continue working

with him. Roll call vote: Kelley yes, Baker yes, Bashore yes, Kral yes. Motion carried.

Discuss/Action – SENDD request for membership dues, General & Housing: Mayor Glanzer reflected on last year's conversation of trying to actively engage with SENDD on some new projects. Between SENDD and SCCDP this last year we have actively engaged services with both thru the Leadership Certified Community project. Betsy Goodman did a fantastic job putting the information together. Kelley shared the same with respect to the amount of work that goes into these types of projects. The general membership dues total \$1777.00. The Housing portion of SENDD was discussed at length. Our resources directly relating to time, staffing, and procedures have been a struggle and it may be beneficial to see what SENDD can do to assist us with housing. Baker stated in looking at properties and nuisance violations, you have to do what is necessary not what is popular. In the past, taking those next steps required by the Council to make the property owners actually comply is where SENDD can help. The enforcement portion is where SENDD can assist. The Housing could assist homeowners with rehabs, we don't have land available for new homes but there's no reason why we couldn't offer assistance when it comes to rehabilitation. It's whether we want to invest in it or take the time to do it. A motion was made by Baker and seconded by Kelley to approve paying dues to SENDD for the General membership of \$1777.00 and \$627.00 for Housing. Roll call vote: Baker yes, Kelley yes, Bashore yes, Kral yes. Motion carried.

ADJOURNMENT: A motion was made by Kelley and seconded by Bashore to adjourn the meeting. Roll call vote: Kelley yes, Bashore yes, Baker yes, Kral yes. Motion carried and meeting adjourned at 9:40 pm.

Jeanne Hoggins, City Clerk

Nick Glanzer, Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Milford, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on September 4, 2018 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one

copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Jeanne Hoggins, City Clerk

(SEAL)