

CITY OF MILFORD  
REGULAR MEETING  
APRIL 1, 2008  
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Webermeier Library Community Room in said City on the 1<sup>st</sup> day of April 2008 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Jeff Baker, Dean Bruha, Rick Fortune, Lyle Neal; Attorney Robert Blevens; Maintenance Supt. Mark Frey; Chief of Police Forrest Siebken; City Clerk Jeanne Hoggins. Also present: Janelle Kremer, Terry Stutzman, Ron Erb, Travis Yeackley, John Melena, James Aschoff, Joe Schluckebier, Pat Rixstine, Patrick Kelley and Jason Roth.

Notice of the meeting was given in advance thereof by publishing in the Milford Times; a designated method for giving notice, as shown by the Affidavit of Publication attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and the agenda is 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.

**CALL TO ORDER:** Mayor Plessel called the meeting to order at 7:32 p.m. Mayor Plessel publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act is available for review and is posted on the east wall of the Webermeier Community Room.

**MINUTES:** A motion was made by Fortune and seconded by Neal to approve the minutes of the March 4, 2008 meeting amending Becky Tejral as the replacement for Doris Kunzie on the "Webermeier Scholarship Committee". Roll call vote: Fortune yes, Neal yes, Baker yes, Bruha yes. Motion carried. A motion was made by Bruha and seconded by Baker to approve the minutes of the March 11, 2008 meeting. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal yes. Motion carried.

**PAYMENT OF BILLS, BOND PRINCIPAL AND INTEREST:** A motion was made by Bruha and seconded by Neal that the following bills in the amount of \$48,213.18; Bond principal of \$30,000.00 and Bond Interest of \$18,565.00 totaling \$96,778.18 approved by the Auditing Committee be approved for payment. Roll call vote: Bruha yes, Neal yes, Baker yes, Fortune yes. Motion carried.

**SALARIES:**

45769          Mark Frey

1356.27

45770	Forrest K Siebken	1286.25
45771	Mavis Lynn Ferris	59.10
45772	Jeanne M Hoggins	1322.12
45773	Gary Lee TeSelle	833.38
45774	Scott Dean Fosler	961.92
45775	Robert L Hull	837.61
45776	Beverly J Wehrs	551.80
45777	Edna A Reidl	302.02
45778	David R Dahle	1152.64
45779	Louis J Bialas	1221.65
45780	Bryce C Johnson	928.47
45781	Philip Winkelmann	888.33
45782	Lindsey S Troyer	308.82
45783	George A Matzen	278.68
45784	Joshua S Wiley	77.57
45785	Tracy L Yeackley	646.38
45786	Hannah L Troyer	124.67
45792	Mark Frey	1396.50
45793	Forrest K Siebken	1286.25
45794	Mavis Lynn Ferris	57.63
45795	Jeanne M Hoggins	1311.09
45796	Gary Lee TeSelle	1064.13
45797	Scott Dean Fosler	997.76
45798	Robert L Hull	862.31
45799	Beverly J Wehrs	529.42
45800	Edna A Riedl	210.09
45801	David R Dahle	927.46
45802	Louis J Bialas	936.22
45803	Bryce C Johnson	947.88
45804	Philip Winkelmann	888.33
45805	Lindsey S Troyer	289.01
45806	George A Matzen	228.73
45807	Joshua S Wiley	77.57
45808	Tracy L Yeackley	625.44
45809	Hannah L Troyer	102.51
45810	Leanne R Hauder	90.04
45811	Rose M Kenney	306.60
45813	Joyce Elaine Plessel	184.70
45814	Ricky Gene Fortune	138.52
45815	Dean Alan Bruha	138.52
45816	Emerson L Neal	138.52

45817	Jeffrey M Baker	138.52
<b>GENERAL FUND:</b>		
45721	Aquila – Service for Jan	1056.61
45722	Brenda Krafka – WA/SW Deposit Refund	13.50
45723	James Schubert – WA/SW Deposit Refund	59.63
45724	US Postmaster – Utility Billing Postage	162.99
45725	Ameritas – Dental & Vision	1066.76
45726	Alltel – Cellular Charges	101.91
45727	Windstream – Long Distance for Feb	5.97
45728	Aramark – Pants & Rags	249.41
45729	Windstream – 2 new phones	443.20
45730	Atco International – Asphalt, Ice Melt	736.50
45731	Butch’s Welding – Fiberglass Handle, Tube	43.88
45732	Centaur Enterprises – Razor, Utility Blades, O-Ring	44.35
45733	Culligan – Soft Water	20.00
45734	Farmers Cooperative – Gas/Diesel for Feb	1508.97
45735	Diode Communications – Monthly Charge	54.16
45736	Deep Rock – Drinking Water	19.89
45737	Dempster Ind. – U Bolts, LED Lamp	27.10
45738	Drummond American Corp – Clamp, Pliers, Freight	236.66
45739	Eakes Office Plus – Inkpad, pens	21.48
45740	EMP – Gloves, Rope Bag, Rope	477.22
45741	The Garbage Co – Garbage Pickup	158.91
45742	EMC – Add on New Truck	230.00
45743	J&J Diesel – Labor, shut off, o-ring	425.13
45744	Linweld – Oxygen	113.50
45745	Menard’s – Hose Barb, Male adaptor	15.97
45746	Milford Volunteer Fire Dept – Fire School Regist.	640.00
45747	Midwest Service & Sales – Park Bridge Repair	3049.00
45748	NE Dept of Revenue – February Sales Tax	1386.62
45749	NE Motor Parts – Swivel, hose, car wash soap	171.52
45750	NPPD – Service for Feb	4735.42
45751	NE Tech & Telecomm – Service for Feb	427.16
45752	O’Keefe Elevator Co – Required Inspection	777.50
45753	Aquila – Service for Feb	1763.56
45754	Pizza Kitchen – Feb 25 <sup>th</sup> Noon Meal	122.50
45755	Roxanne Roth – Cleaning Services	250.00
45756	Mrs. Wayne Roth – Birthday Cake	18.00
45757	Seward Co Ind. – Notices, Minutes, Help Wanted Ad	258.90
45758	SPPD – Well 1&2	394.43
45759	Meyer Ford – Repair on Unit #1	145.98

45760	Shell Fleet Plus – Car Gas (Sr. Center)	46.95
45761	Subway Motors – Tires for Car (Sr. Center)	244.75
45762	Sunrise Country Manor – Feb Meals	906.75
45763	Beverly Wehrs – Down payment for new loveseats	200.00
45764	Windstream – Local/Internet, Civil Defense	242.49
45765	Zim International – Asphalt Patch	468.27
45766	Bryce Johnson – Uniform Cleaning	6.15
45767	Dan Pickerill – Computer, Display Case	1290.42
45768	Seward Appliance & Repair – Repair Ice Maker	58.58
45787	Ameritas – Pension	1594.59
45788	AFLAC – Dis, Cancer, Acc, Supplies	406.26
45789	Coventry Healthcare – Health Insurance	8282.50
45790	Fort Dearborn Life – Life Insurance	113.52
45791	Shell Fleet Plus – Feb/Mar Gas	693.58
45812	Ameritas – Pension	1594.59
45821	Blevens Law Office	350.00
45822	Centaur Enterprises – Hose clamps	4.80
45823	INSPRO – Additional Premium	29.00
45824	Gaylord Bros – Sleeves for CD's	19.39
45825	Gerhold Concrete – Concrete	117.75
45826	Great American Leasing – 3 months meter rental	285.00
45827	Heartsong Presents – 4 Books	10.99
45828	Hawkins – Chly, LPC-4, Chly Tablets	3077.24
45829	Ingram Library Services – 16 Books	170.41
45830	Jack's Uniform & Equipment – Amber lens, Light Bar	154.34
45831	Kremer Electric – Ballasts	90.85
45832	Martin Excavating – Black Dirt	63.90
45833	George Matzen – Mileage	25.22
45834	Milford Plumbing – PVC, Cup, Plug, Repair Urinal	93.57
45835	Milford School Dist – Parking Fines, Liquor License	130.00
45836	Midwest Unlimited – Chipping hammer, 12" Mole point	489.70
45837	Municipal Supply – Coupling, Tubing Insert	46.61
45838	Mutual of Omaha – Disability	79.33
45839	NE Public Health – Coliform Test	32.00
45840	Orschelns – Sprayer Parts	29.76
45841	Roxanne Roth –Cleaning Services	320.00
45842	Sam's Club – Membership Renewal	70.00
45843	Subway Motors – Lens for Tail light	126.00
45844	Technical Maintenance & Service – Bypass Board	288.14
45845	Union Bank – Gary TeSelle Acct	300.00
45846	Walmart – DVD's, 19" Dell Monitor	275.77

45847 Windstream – Paging Wide-Area, Local 13.47  
45848 Local Insight Yellow Pages – Directory Advertising 14.15  
45849 Central Management Group – Paint Library (One coat) 3940.00

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received were Milford Aging Services Commission minutes for 2/27/08 and 3/25/08; Library Board minutes for 2/15/08 and 3/27/08; Recreation Board minutes for 3/10/08 and 3/24/08; Police Dept. Activity Report for March 2008 and MVFD Rescue NARSIS report for March 2008. Baker – the Sr. Center has again had water in the basement. The maintenance dept tore out the drywall under the stairwell and we need to dig out and run a pipe under the concrete on the south side of the bldg. We experienced a problem with the sprinklers on the north side of the bldg and that issue will be addressed later. The Library Board interviewed 6 good applicants for the clerk position and since Josh Wiley will be leaving in July the board is recommending 2 positions for hire with staggered hire dates for training. Neal – the Recreation Board has approved team selection and coaches for the 2008 season. Discussion for non-City team field rates will be held at our next special meeting. Melena – no fires to report. Plessel – 18 rescue calls for the month of March. Chief Siebken – reviewed the March Police activity report.

**COMMUNICATIONS:** \*Letter received from Keith Heckman stating regrets for inability to serve on the Aging Services Commission. \*Sales tax received for the month of January 2008 2007 was \$13,046.73.

**PUBLIC HEARING – Citizen Advisory Committee:** Mayor Plessel opened the public hearing at 7:42 pm. Bruha informed the group that the Economic Development Committee is meeting on the first Monday of each month. Lana Zumbrunn is “bird dogging” for economic opportunities. Total revenue collected to date = \$126,052.16, expenses to date = 52,629.11 with a balance of \$73,423.05. 10 years have passed since the original option to use a portion of the sales tax dollars for economic development. The option to continue will be placed on the November ballot. Lana is working on the verbiage for the ballot, which may be presented to the council as soon as next month. With no further comments Mayor Plessel closed the public hearing at 7:45 pm.

**NEW BUSINESS:**

**Annexation along Hwy 6 water/sewer issues, Terry Stutzman:** Mr. Stutzman noted his concerns regarding annexation along Hwy 6 but only spoke on behalf of him. Terry has spent his own money to upgrade the services on his property. He feels the City is taking advantage of this by saying now he has access to all City services. He didn’t ask the City to put in a new sewer line and the maintenance dept. knew about the sewer repair

that was needed and never approached Terry about helping. Terry doesn't feel it's fair to annex his property. Terry mentioned the TeSelle and Dunlap property that is near or next to the properties under annexation consideration. He noted even if the City has to spend the money they should be looking at running a water line to these properties making the services available prior to considering annexation. There are properties south of the college that have City services and are not annexed. In all fairness all areas should be considered if the criteria of having city services are being set. Terry doesn't think it's right to be forced to hook up to City water when he has his own well. He'll only incur more expense. Terry also mentioned he opposed annexing the Golf Course as it has only been an asset to the community and the affects of annexing will fall back on the members, which are largely community residents. Fortune mentioned that maybe the Council should table this issue for a couple of months due to the concerns and questions that have arisen. It was noted that in accordance to the municipal code and state statute if a property is annexed into the city limits they are required to hook up to city water and sewer.

**Introduction and Adoption of Ordinance – Annexation, 1<sup>st</sup> Reading:**

Neal was interested in Fortune's reasoning behind tabling the ordinance. Fortune commented that conversation has been brought up several times about bringing in the TeSelle and Dunlap property and providing services to them. He also stated consideration of compensating Terry Stutzman as he has paid for his services. Delaying the annexation process 30-60 days will not hurt anything. Neal suggested looking into completing the water loop to bring in the additional homes. Bruha noted that it was mentioned last month that the City could get them water but it would create a dead end line. It would take a large amount of money to loop the service to only access a few homes. Bruha also commented on the houses south of the college asking Frey if all of the homes had city services. Frey noted that water is provided to these homes by a main owned by Southeast Community College. The properties listed on the proposed annexation document are properties the City has provided services to or close proximity and meet the criteria for annexation. There comes a time when everyone needs to pay their fair share for services, Bruha stated. Terry Stutzman mentioned that it was not a large amount of money to run the sewer line. If he and his neighbors could afford it then the City should have been able too. It's too easy for the City to "snatch up" these properties now that all the services have been established. James Aschoff agrees with Stutzman, it's too easy for the City to annex now. Joe Schluckebier mentioned it would be nice if there was a plan or set precedence that would spell out the steps regarding annexation. Neal stated that a lot of the annexation consideration came from the Comprehensive

Plan update. These areas were mentioned during the discussion with JEO in regards to the growth of the community. Fortune thought the final ordinance should be in place before readings begin. The council should readdress the areas under discussion before proceeding. Blevens questioned whether the driving range has water and sewer available and not to get boxed in. Frey informed the Council that it would be a long enough stretch but still be pretty close. A portion of the line would need to be above ground. Fortune, "you're making my point, we still need to do some research before we start passing this ordinance". John Melena noted the benefits of the Golf Course are providing the community with a family oriented course, home of the High School golf program, made it easier for the City to grow by saving them thousands of dollars and allowing the City to run the sewer main across the Golf course and the new subdivision that was developed along the course. Terry Stutzman approached the golf course and asked permission to lay a sewer line on the golf course property as nobody wanted the line in their back yard. Melena doesn't understand the theory of annexing a portion of the golf course. He questioned the valuation of the Pro Shop and whether it's really worth it to annex. The pro shop sales tax would be minimal. Property tax on the Pro Shop would be roughly under \$1,000.00. People come to the course to golf, not to buy a candy bar. Several years ago in the Omaha World Herald Thornridge Golf Course was rated #2 in the State. It is a nice course and it brings people into town. Melena questioned, "Is it really about the money"? Melena also questioned the City Council about their capability to provide adequate water to the course if annexed. Could the City provide the volume and pressure needed to keep up with watering and keeping the greens green? The course is on their 19 year of paying double the rate for water and sewer for 2 restrooms and a sink. Some people may not be able to join if membership goes up. Melena noted that annexation is not economically a good idea for the City of Milford or the members of the Thornridge Golf Course. Baker reiterated his point of the Golf Course being a business and treating it like any other business in town. The City of Milford spent thousands of dollars to update the Comprehensive Plan and during this procedure annexation of these areas was discussed we are taking the recommended information and moving forward. Fortune noted that annexing the golf course is a mistake and we need to consider what the City may have to provide years down the road. Frey mentioned that the State of NE does not allow dead end lines. Neal suggested tabling the item for further discussion and at this point he would not vote in favor of the ordinance. Bruha thanked the public in attendance for some good discussion. A motion was made by Bruha and seconded by Fortune to table

the item until the next meeting. Roll call vote: Bruha yes, Fortune yes, Baker yes, Neal yes. Motion carried.

**Hire Pool Employees and set wages:** Neal reported that the Pool Board met March 25, 2008 and interviewed the applicants present. A motion was made by Neal and seconded by Bruha to approve the following pool employees for the 2008 season as follows: Beth Dierberger as Pool Manager at a salary of \$4200.00; Lifeguards: Kyle Herman 1<sup>st</sup> year @ \$6.55 per hour, Keaton Schweitzer 1<sup>st</sup> year @ \$6.55 per hour, Josh TeSelle 3<sup>rd</sup> year @ \$6.85 per hour, David Tell Jensen 1<sup>st</sup> year @ \$6.55 per hour. Roll call vote: Neal yes, Bruha yes, Baker yes, Fortune yes.

**Fire Dept. membership roster:** A motion was made by Fortune and seconded by Neal to approve the Fire Dept. membership roster as presented. (A copy of roster attached to these minutes.) Roll call vote: Fortune yes, Neal yes, Baker yes, Bruha yes. Motion carried.

**Private Well Permits:** Mayor Plessel reported 3 private well permit fees have been paid. Justyn Peterson at 742 1<sup>st</sup> Street is the only other individual using his well that has not paid the fee. Kelly Horsley at 117 S F Street informed the office that she was not sure if she was going to use her well. Frey was informed to take notice of usage. Frey has inspected the well at Rick & Karla Bell's and is waiting to hear from the others to schedule an appropriate time for inspection. A motion was made by Bruha and seconded by Baker to approve the private well permits of Rick & Karla Bell 905 Park Ave., Jim & Beth Stutzman 465 N F Street, Miles & Chris McGonigle 303 N F Street. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal yes. Motion carried.

**Milford Fun Days Committee, electrical hook-ups at the City Park:** Janelle Kremer was present to ask the City for additional electrical hook-ups for Family Fun Days. There are not enough power sources to supply electricity for all the inflatable games and vendors in the City Park. Frey noted that all of the power comes from the north side of the Park. Last year the City purchased a 200' electrical cord and an electrical box costing \$4200.00 to supply electricity for the event. Discussion was held regarding additional lighting along the diagonal sidewalk in the park. Mrs. Kremer was asked to gather as much information as possible from the vendors regarding electrical needs. It was decided to call a meeting of the Park Board in conjunction with the Kiwanis Park Board to discuss projects and ideas for the City Park.

**Hire Library Clerk and set wage:** Baker reported that the Library Board met on March 27, 2008 and interviewed 6 applicants. The Library Board recommended hiring Courtney Bashore effective April 21, 2008 and Anna Tremmel effective May 12, 2008. Anna does not turn 16 until later in May



so they changed the start date to May 26, 2008. A motion was made by Baker and seconded by Bruha to approve the Library Boards recommendation of hiring Courtney Bashore effective April 21, 2008 at an hourly rate of \$6.05 and Anna Tremmel effective May 26, 2008 at an hourly rate of \$6.05. Roll call vote: Baker yes, Bruha yes, Fortune yes, Neal yes. Motion carried.

**Appointment:** A motion was made by Baker and seconded by Fortune to approve the Mayor's recommendation of appointing Willis Heyen to the Milford Aging Services Commission with his term expiring 1/1/2010. Roll call vote: Baker yes, Fortune yes, Bruha yes, Neal yes. Motion carried.

**Discuss operation of Concession Stand:** Neal reported that the current method of running the concession stand is not working real well. A comment was made from a coach that it is very difficult to find parents that are willing to run the concession stand. With the limited amount of girls teams this year it will be difficult to find enough volunteer parents to keep the stand open the entire week. Neal suggested putting the concession stand out for bid. Discussion was held regarding possession of the stand during tournaments. It was decided to allow the sales of the concession stand to remain with the individuals that have already booked tournaments. A motion was made by Neal and seconded by Bruha to advertise the operation of the concession stand with a percentage of the profit excluding tournaments to be paid back to the City of Milford. Roll call vote: Neal yes, Bruha yes, Baker yes, Fortune yes. Motion carried.

**Introduction and Adoption of Ordinance – Amend Section 2-207 regarding Aging Services Commission:** Attorney Blevens noted the only change relates to the day of the regular meeting. The Code Book currently states the 4<sup>th</sup> Thursday of each month and it needs to read the 4<sup>th</sup> Tuesday of each month. Council member Baker introduced the following ordinance:

ORDINANCE NO. 802

AN ORDINANCE TO AMEND SECTION 2-207 OF THE MUNICIPAL CODE BY CHANGING THE REGULAR MEETING DATE OF THE AGING SERVICES COMMISSION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See Ordinance Record)

**ADJOURNMENT:** A motion was made by Baker and seconded by Bruha to adjourn the meeting. Roll call vote: Baker yes, Bruha yes, Fortune yes, Neal yes. Motion carried and meeting adjourned at 9:34 pm.

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Jeanne Hoggins, City Clerk

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J. Elaine Plessel, 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 April 1, 2008 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.

(SEAL)

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Jeanne Hoggins, City Clerk