

CITY OF MILFORD  
REGULAR MEETING  
APRIL 30, 2007  
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 30<sup>th</sup> day of April 2007 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Jeff Baker, Dean Bruha, Rick Fortune, Lyle Neal; Attorney Robert Blevens; Chief of Police Forrest Siebken, City Clerk Jeanne Hoggins. Also present: Pat Bruha, Joe Shandrew, Brian Utter, Duane Roth, Bill White, Carma Meierdierks and Nancy McGill with the press.

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 7:30 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 Baker and seconded by Fortune to approve the minutes of the April 3, 2007 meeting. Roll call vote: Baker yes, Fortune yes, Bruha yes, Neal yes. Motion carried.

A motion was made by Fortune and seconded by Bruha to approve the minutes of the April 12, 2007 meeting. Roll call vote: Fortune yes, Bruha yes, Baker 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 \$48,324.97 approved by the Auditing Committee be approved for payment. Roll call vote: Bruha yes, Neal yes, Baker yes, Fortune yes. Motion carried.

**SALARIES:**

44088	Mark Frey	1306.37
44089	Forrest K Siebken	1240.98
44090	Mavis Lynn Ferris	38.42

44091	Jeanne M Hoggins	1275.21
44092	Gary Lee TeSelle	759.15
44093	Scott Dean Fosler	967.91
44094	Robert L Hull	814.67
44095	Beverly J Wehrs	507.61
44096	Edna A Riedl	397.17
44097	David R Dahle	908.84
44098	Louis J Bialas	978.90
44099	Bryce C Johnson	1085.85
44100	Philip Winkelmann	892.67
44101	George A Matzen	207.82
44102	Joshua S Wiley	106.20
44103	Tracy L Yeackley	623.22
44104	Julia M Wang	111.51
44105	Erika S Hartwig	295.48
44106	Brett Allan Muller	324.67
44108	Mark Frey	1346.52
44109	Forrest K Siebken	1240.98
44110	Mavis Lynn Ferris	29.56
44111	Jeanne M Hoggins	1310.79
44112	Gary Lee TeSelle	1038.92
44113	Scott Dean Fosler	971.17
44114	Robert L Hull	813.02
44115	Beverly J Wehrs	462.17
44116	David R Dahle	893.01
44117	Louis J Bialas	916.66
44118	Bryce C Johnson	914.77
44119	Philip Winkelmann	924.19
44120	George A Matzen	322.30
44121	Joshua S Wiley	106.20
44122	Tracy L Yeackley	632.82
44123	Julia M Wang	106.20
44124	Erika S Hartwig	295.48
44125	Brett Alan Muller	531.45
43833	Joyce Elaine Plessel	184.70
43834	Ricky Gene Fortune	138.52
43835	Dean Alan Bruha	138.52
43836	Emerson L Neal	138.52
43837	Jeffrey M Baker	138.52
<b>GENERAL FUND:</b>		
44025	Erick Anderson – WA/SW Deposit Refund	29.38
44026	Jason Bohling – WA/SW Deposit Refund	42.64

44027	Alex Greenway – WA/SW Deposit Refund	38.08
44028	Henry Vaughn – WA/SW Deposit Refund	20.60
44029	Aaron Kinnan – WA/SW Deposit Refund	14.38
44030	Courtney Kratochvil – WA/SW Deposit Refund	31.11
44031	Adam Parde – WA/SW Deposit Refund	37.59
44032	US Postmaster – Utility Billing Postage	152.70
44033	Alltel – Cellular Charges for March	76.76
44034	Windstream – Long Distance	6.39
44035	Aramark Uniform Services – Pants & Rags	338.83
44036	Atco International – Gel-O-Fresh	133.00
44037	Bound to Stay Bound Books – 13 Books	225.30
44038	BSN – Base plugs, pitching rubbers	162.58
44039	Butch’s Welding – Labor to cut Alum Plate	79.00
44040	City of Milford – Petty Cash, pool startup money	83.03
44041	Country Signs – Sign for East Wall	722.25
44042	Culligan Water Conditioning – Soft Water	20.00
44043	Farmers Cooperative – Gas/Diesel for March	1078.46
44044	D & D Communications – Labor on Pager Repairs	99.00
44045	Eakes Office Plus – Cash Rcpt Journal, Ribbon	233.98
44046	EDM Equip – Parts to Repair Street Sweeper	375.86
44047	Farm Plan – Oil	535.68
44048	The Garbage Co – Garbage Pickup	138.82
44049	Great Plains One Call – Locate Requests	14.61
44050	Heartsong Presents – 4 Books	10.99
44051	Heiman Fire Equip – Silvex, Supspenders, Frt	585.00
44052	Healthplan Services – Health Insurance	7758.12
44053	Ingram Library Services – 19 Books	296.84
44054	The Library Store – 20 Boxes of crayons	58.44
44055	Milford Volunteer Fire Dept – Fire School Registration	75.00
44056	Brett Muller – Mileage	28.04
44057	Municipal Supply – Repair Clamp, Flow Gauge	1336.81
44058	NE Dept of Revenue – Sales Tax for March	1590.24
44059	Ne Motor Parts – Oil & Air Filters, Pump, Washers	496.44
44060	NPPD – Services for March	3993.91
44061	NE Tech & Telecom – Services for March	393.50
44062	Newman Traffic Signs – Traffic Signs	332.97
44063	NE Code Consulting – 15 Inspections & Consultation	550.00
44064	Office Depot – Black and Color Ink Cartridges	117.98
44065	Aquila – Service for March	882.68
44066	Pizza Kitchen – Meals on 3/14 & 3/29	232.00
44067	Edna Riedl – Office Computer	38.98
44068	Roxanne Roth – Cleaning Services	250.00

44069	Mrs. Wayne Roth – Birthday Cake	18.00
44070	SLS League – League Dues for 8’s, 10’s & 18’s	480.00
44071	Sack Lumber – Treated Lumber, Screws	46.53
44072	Seward County Independent – Notices, Minutes	400.50
44073	SPPD – Wells 1 & 2	372.02
44074	Meyer Ford – Oil Change & Fuel Filter	77.93
44075	Subway Motors – Replace Starter, Valve, Labor	240.26
44076	Sunrise Country Manor – Meals for March	731.25
44077	Vermeer High Plains – Valve Ring, Striker Ring	276.08
44078	Walmart Community – White Card Stock, DVD’s	86.92
44079	Wergins Lawn Service – Fertilize B St. & Sr. Center	46.00
44080	Windustrial – ¾ Flexmip Coup	110.00
44081	Windstream – Local/Internet, Library Phone	149.64
44082	Brown Traffic Products – NEMA Discreet Flasher	29.34
44083	Gevalia – Coffee Maker, Coffee	31.35
44084	LaMotte Company – Work done on Chl & Phosphate	237.43
44085	Leach Camper Sales – Fuel Pump for Pumper Truck	174.00
44086	Kathy Ruzicka – 3 Gift Sets	27.75
44087	Brian Utter – Option to Purchase Fee	10.00
44107	Ameritas Group – Pension	1540.48
44127	Aflac – Dis, Cancer, Acc, Suppl	406.26
44128	Ameritas Group – Dental & Vision	1093.40
44129	All Pro Landscaping – Brown Agri Lime	3008.00
44130	Barco Municipal – Diamond Black & Shipping	258.79
44131	Blevens Law Office – Legal Services for April	350.00
44132	BSN Sports – Ball Equipment	162.39
44133	Central States – Cleaner, Child Changing Station	1283.15
44134	David Dahle – Reimburse Ball Registration	30.00
44135	Environmental Sciences – Service for Drainage Work	375.00
44136	Ed M Feld Equip – Hose Yellow Chief 1”	500.00
44137	Fort Dearborn Life Ins. – Life Insurance	113.52
44138	Jeanne Hoggins – LUCA Meeting	21.34
44139	Meyer Century Labs – Paint & Thinner	1453.15
44140	Memorial Heath Care Systems – TB Test (T Buchli)	13.00
44141	Menards – Tampico Brush	67.96
44142	Milford A/C & Appliance – Service A/C, Dehumidifier	649.59
44143	Milford Plumbing – Wax Bowl, A Valve, Labor	986.48
44144	Milford School Dist – Parking Fines, Liquor Lic	450.00
44145	Milford Volunteer Fire – EMT Class TJ and Angie	320.00
44146	Municipal Supply – Elbow & Nut	142.46
44147	Mutual of Omaha – Disability Insurance	79.33
44148	Nebraska Health Laboratory – 2 Coliform Tests	30.00

44149	VOID	
44150	Roxanne Roth – Cleaning Services	320.00
44151	Schwarck Trenching – Boar Water Line	200.00
44152	Shell Fleet Plus – Fuel Expense	538.59
44153	Stutzman Concrete – Street Repair, Sidewalk at Library	5055.00
44154	Union Bank – Gary TeSelle Acct #556293	300.00
44155	Gene Voigt – Reseal Marker to Precast	30.00
44156	Walmart Community – Cleaning Supplies, DVDs	276.82
44157	Watts Up – Light Bulbs	180.00
44158	Angela Folkerts – Reimburse Ball Registration	30.00
44159	Nebraska Labinc – Lab Work on Shot	65.10

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received were Library Board minutes from February 15, 2007 and March 22, 2007; Milford Aging Services Commission minutes for April 24, 2007; Fire Dept. minutes from April 10, 2007; NARSIS report for April. Bruha – Storm sewer in the 200 Block of 2<sup>nd</sup> street has rotted and the ground caved in. It is currently barricaded. Street repairs on “B” St. are complete. Neal – Webermeier Committee met and interviewed current Seniors. Seven new scholarship recipients will be awarded later. Fred Schlegel arrived. Mayor Plessel reported 4 rescue runs from the NARSIS report from 4/1/07 to 4/30/07.

**COMMUNICATIONS:** \*Bruha informed the Council of an Economic Development User Board meeting to be held on May 8, 2007 at the Seward Memorial Library. \*Sales tax received for the month of February 2007 was \$10,095.22. \*NPPD implementation of a Production Cost Adjustment charge. Starting in May they approved a .00105/kWh. This will not impact the City’s lease payment per the terms of the PRO agreement.

\*Chamber of Commerce – Duane Roth would like to inform the City of the projects the Chamber is currently involved in. They are currently looking at purchasing trash cans for the business district to be attached to the light poles. The Chamber would like the City to be involved by removing the trash from the cans. The second item the Chamber is looking into is seasonal banners. City’s involvement would be putting them up and taking them down. The third item is the Community Clean up day, which is scheduled for June 3, 2007. The City has always assisted with this project.

**PUBLIC HEARING:**

**Acquisition of Real Estate – 319 1<sup>st</sup> Street, Lots 13, 14, 15 & 16 Block E, Davison & Culver’s Addition:** Mayor Plessel opened the Public Hearing at 7:42 pm. Bruha briefly explained why the Public Hearing was being held: Find a location for a new City Hall & Police Dept. since the current bldg. no longer meets the needs of the staff and the foundation is deteriorating. The City is trying to meet the requests of several individuals that mentioned City

Hall should remain in the downtown business district. They have researched several areas and Brian Utter's property is suitable in size and priced favorably. Bill White suggested looking at other uptown properties that are available. White commented on the Physical Therapy Bldg. when it was empty, Schlegel's old grocery store noting that the City could remodel the Schlegel's store much cheaper than building new. He also noted the bond levy being higher than the general all purpose levy. White commented on how important it is to have public input. Fortune noted that was the reason for tonight's Public Hearing. Fortune also mentioned that the old Schlegel's Grocery Store is prime retail space and our current business district is limited in that area. Fortune did not think it was a good idea to put City Hall in this area and take away that retail opportunity. White commented on a construction cost of \$750,000 for City Hall. Fortune stated there is no way we are spending that much on a building. We have no idea at this point what it will cost but the Council is not planning on saddling the community with a large bond. White read a portion of a newspaper article where Bruha stated a new City Office will cost \$750,000 or more. Bruha mentioned that was a figure that was thrown out to SCC students when the City gave them a project of designing a municipal bldg., which was to be located south of the Library. White suggested not publishing and misleading the public with misinformation. Fred Schlegel spoke on behalf of remodeling the old Schlegel's grocery store to save some money. With no further comments Mayor Plessel closed the Public Hearing at 7:55 pm.

**UNFINISHED BUSINESS:**

**Silent R.R. Crossing – Walnut & Park Ave. - Joe Shandrew:** Joe briefly informed the council that there are 2 options to close the tracks and the City must speak with a gentleman from Kansas City.

**NEW BUSINESS:**

**Approve Webermeier Scholarships:** A motion was made by Neal and seconded by Fortune to approve 7 new and 19 renewals of the Webermeier Scholarships at \$538.50 per semester. Roll call vote: Neal yes, Fortune yes, Baker yes, Bruha yes. Motion carried.

**Firework Permits:** A motion was made by Bruha and seconded by Baker to approve the application for sales of Fireworks from Richard Ludvik at 410 S. State Hwy 6 which is located at Mini Mart. Roll call vote: Fortune yes, Baker yes, Bruha yes, Neal yes. Motion carried.

**Approve Corporate Manager Application for Casey's General Store Liquor License:** A motion was made by Fortune and seconded by Baker to approve the Corporate Managers application made by Tina Krings for Casey's General Store. Roll call vote: Fortune yes, Baker yes, Bruha yes, Neal yes. Motion carried.

**Approve Interlocal Agreement, moving 911 budget due date to June :** A motion was made by Baker and seconded by Neal to authorize the Mayor's signature to the Interlocal Agreement changing the budget due date to June. Roll call vote: Baker yes, Neal yes, Bruha yes, Fortune yes. Motion carried.

**Introduction and Adoption of Resolution – Option to purchase Real Estate – 319 1<sup>st</sup> Street, Lots 13, 14, 15 & 16 Block E, Davison & Culver's Addition:** Fortune suggested giving the Public one more chance to show up and comment on the purchase. Bruha noted that we have met all requirements of publishing the notice for a Public Hearing and still only 2 people showed up. There's not much more we can do. Bruha noted that the property is a good investment even if we can't build City Hall right away, we can use it for maintenance equipment. Bruha suggested moving forward with the process. Attorney Blevens read Resolution #430. A motion was made by Bruha and seconded by Fortune to introduce the following resolution:

RESOLUTION NO. 430

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

1. The Mayor and Council have negotiated an option to purchase of the following described real estate, to-wit:

Lots 13, 14, 15 and 16, in Block E, Davison & Culver's Addition to the City of Milford, Seward County, Nebraska

located at 319 1<sup>st</sup> St., Milford, Nebraska, for a consideration of \$55,000.00, for use as a site for municipal purposes and/or as a site for a new municipal office.

2. The City has adequate and sufficient funds for the purchase of the above described real estate and appurtenances thereto, other than through a bond issue, and proposes to purchase said real estate out of current funds of the City.

3. A duly advertised public hearing was held on April 30, 2007 at the hour of 7:30 p.m. for public input and comments upon the foregoing purchase.

4. The purchase contemplated herein is pursuant to Section 17-953 et. seq., R.R.S. Neb.

5. The City will exercise its option to purchase said real estate within 14 days of compliance with the provisions of Section 18-1755 and 17-953.01, and if said option is not exercised within said time frame, the option shall expire (unless otherwise agreed by the parties). The Seller shall convey the property by warranty deed with marketable title. The Seller shall pay all real estate taxes for 2006 and prior years. Taxes for 2007 shall be pro-rated to date of closing, unless the property will be tax exempt for the 2007 tax year. The City shall pay cost of title insurance and closing expenses. The Closing shall occur on or before November 1, 2007, as the parties agree. Seller must liquidate his business and the Purchaser agrees that closing shall be delayed until Seller has had time to liquidate his business.

6. In the event the sale of said real estate is completed, and in the further event that Brian Utter desires to sell Lots 17, in Block E, Davison & Culver's Addition to the City of Milford, Seward County, Nebraska which is located across the alley to the South of the subject property, the City shall have the first opportunity to purchase the property. In the event the City does not elect to purchase the property, the owner may sell the property to a third party, but only after giving the City a 45 day right of first refusal to purchase the property upon the same terms and conditions which have been offered. If the City does not then elect to purchase the property, this right of first refusal shall expire.

7. The Mayor is hereby authorized to exercise an option to purchase the above described real estate upon the terms and conditions set forth above, subject to the remonstrance provisions of Section 17-953 et. seq., R.R.S. Neb. as set forth in Paragraph 8.

8. Notice of the proposed purchase shall be published in a newspaper of general circulation in the City and no election shall be required to approve the purchase unless within thirty days after the publication of the notice a remonstrance against the purchase is signed by registered voters of the City equal in number to fifteen percent (15%) of the registered voters of the City voting at the last regular municipal election held therein and is filed with the governing body of the City. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the thirty-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day. If a remonstrance with the necessary number of qualified signatures is timely filed, the question shall be submitted to the voters of the City at a general municipal election or a special election duly called for that purpose. If the



purchase is not approved, the property involved shall not then, nor within one year following the election, be purchased.

Passed and approved this 30<sup>th</sup> day of April, 2007.

City of Milford, Nebraska

Attest: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

(SEAL)

**ADJOURNMENT:** A motion was made by Baker and seconded by Neal to adjourn the meeting. Roll call vote: Baker yes, Neal yes, Bruha yes, Fortune yes. Motion carried and meeting adjourned at 8:14 pm.

\_\_\_\_\_  
Jeanne Hoggins, City Clerk

\_\_\_\_\_  
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 30, 2007 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)

\_\_\_\_\_  
Jeanne Hoggins, City Clerk