

CITY OF MILFORD
REGULAR MEETING
APRIL 6, 2010
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Webermeier Library Building in said City on the 6th day of April 2010 at 7:30 pm. Present were: Mayor Dean Bruha; Council members: Jeff Baker, Rick Fortune, Jeff Heckman, Dan Kral; Attorney Robert Blevens; Chief of Police Forrest Siebken; Maintenance Supt. Mark Frey and City Clerk Jeanne Hoggins. Also present: Brian Bashore, Dennis Kubicek, Larry Heyen, Gerry Dunlap, Lana Rourke, Craig Bontrager 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 the 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 Bruha called the meeting to order at 7:30 p.m. Mayor Bruha 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 Meeting Room.

MINUTES: A motion was made by Kral and seconded by Baker to approve the minutes of the March 2, 2010 meeting. Roll call vote: Kral yes, Baker yes, Fortune abstain, Heckman yes. Motion carried.

PAYMENT OF BILLS, BOND PRINCIPAL AND INTEREST: A motion was made by Kral and seconded by Heckman that the following bills in the amount of \$54,845.36; Bond Principal of \$35,000.00; Bond Interest of \$12,256.25 and payroll in the amount of \$26,650.76 approved by the Auditing Committee be approved for payment. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried.

SALARIES:

49399	Mark Frey	1463.05
49400	Forrest K Siebken	1379.08
49401	Mavis Lynn Ferris	50.22
49402	Jeanne M Hoggins	1359.30
49403	Gary Lee TeSelle	851.95

49404	Robert L Hull	925.98
49405	Beverly J Wehrs	607.39
49406	David R Dahle	1011.66
49407	Philip Winkelmann	1124.26
49408	George A Matzen	596.17
49409	Tracy L Yeackley	691.93
49410	Courtney L Bashore	113.81
49411	Anna E Tremmel	93.74
49412	Tiffany Fougeron	294.22
49413	Benjamin L Rediger	820.99
49414	Craig A Corder	1012.90
49415	Sheri A Rohrer	316.96
49424	Mark Frey	1509.19
49425	Forrest K Siebken	1379.08
49426	Mavis Lynn Ferris	43.53
49427	Jeanne M Hoggins	1402.02
49428	Gary Lee TeSelle	1210.07
49429	Robert L Hull	935.11
49430	Beverly J Wehrs	588.31
49431	David R Dahle	1011.66
49432	Philip Winkelmann	1106.20
49433	George A Matzen	596.17
49434	Tracy L Yeackley	721.60
49435	Courtney L Bashore	110.48
49436	Anna E Tremmel	117.17
49437	Tiffany Fougeron	338.42
49438	Benjamin L Rediger	807.90
49439	Craig A Corder	1018.89
49440	Sheri A Rohrer	302.56
49442	Ricky G Fortune	138.52
49443	Dean A Bruha	184.70
49444	Jeffrey M Baker	138.52
49445	Jeff L Heckman	138.52
49446	Dan V Kral	138.52
GENERAL FUND:		
49353	Joshua Hass – WA/SW Deposit Refund	53.70
49354	Dane Martindale – WA/SW Deposit Refund	52.10
49355	Sandra Stewart – WA/SW Deposit Refund	20.12
49356	U.S. Postmaster – Utility Billing Postage	166.36
49357	Ameritas Group – Dental & Vision	956.60
49358	Aramark – Pants & Rags	350.12

49359	Black Hills Utility Holdings – Service for February	460.66
49360	Bob Stephens & Associates – Memorial Plates & Plak	134.47
49361	Bruce Stutzman – Volleyball Director Fee	802.00
49362	Central States Lab – Asphalt	510.08
49363	Constellation NewEnergy – Service for February	1586.18
49364	Crestview Care Center – February Meals	626.50
49365	Culligan Water Conditioning – Soft Water	20.00
49366	Deep Rock – Drinking Water	39.95
49367	Diode Communications – Service for February	54.16
49368	Eakes – Oki Data Ribbon, Calendar	92.97
49369	EMP – Pillow Cases	39.95
49370	Farmers Cooperative – Gas/Diesel for Feb, Tire Repair	625.39
49371	Gall’s Inc. – Map Lights for Patrol Units	124.97
49372	Great Plains One Call – Meet Requests	4.04
49373	Hawkins Inc – CHL, Freight, LPC-4	1477.86
49374	Lee’s Refrigeration – Fix Ice Machine	156.50
49375	Marvin E Jewell & Co – Audit Service year end 9/091	1300.00
49376	Meyer Laboratory – Aspahl	198.25
49377	Midwest Mailing Solutions – Ultimail Labels	60.00
49378	Milford Supermarket – Food for Soup Lunch	105.02
49379	Milford Fire & Rescue – EMT Convention Regist.	1050.00
49380	NE Dept of Revenue – Sales Tax February 2010	1797.52
49381	Nebraska Motor Parts – Headlight bulb, Paint	16.97
49382	NPPD – Service for February	5058.03
49383	NE Tech & Telecomm – Service for February	393.55
49384	Pizza Kitchen – Meals 2/12 & 2/22	285.00
49385	Powerplan – Repair JD Loader	969.24
49386	Roxanne Roth – Cleaning Services	320.00
49387	Sam’s Club – Paper Towels, Kleenex, Lysol	237.22
49388	SCC – Ice Maker	97.18
49389	SPPD – Wells 1 & 2	478.24
49390	Seward Co Independent – Notices, Ball Reg Ad	196.56
49391	VOID	
49392	The Garbage Co – Service for February	130.24
49393	Tool Plus Industries – Safety Vests	179.50
49394	Uribe Refuse Service – Garbage Pickup	37.00
49395	Verizon Wireless – Access Fees (Mobile Data)	567.36
49396	Verizon Wireless – Dept Cellular	206.18
49397	Windstream – Local/Internet, Civil Defense	251.65
49398	Shell Fleet Plus – Fuel for February	212.73
49416	Ameritas – Pension, Pension X	1563.78

49417	AFLAC – Dis, Cancer, Acc, Suppl	463.96
49418	Coventry Health Care – Health Insurance	9469.82
49419	DHHS – 2010 Pool Permit	40.00
49420	Fort Dearborn Life Insurance – Life Insurance	113.52
49421	Mutual of Omaha – Disability	30.24
49422	Shell Fleet Plus – Fuel Expense	670.99
49423	Tracy Yeackley – Mileage & Meals (Clerk School)	264.61
49441	Ameritas Group – Pension, Pension X	1563.78
49453	Diversified Products – Laptop Mount for Truck	385.00
49455	Atco International – Devour (Lift Station)	813.00
49456	Baker & Taylor – Books	635.17
49457	Berry – Directory Advertising	15.20
49458	Beverly Wehrs – Vacuum	169.99
49459	Blevens Law Office – Legal Services for March	350.00
49460	California Contractors – Safety Vests & Helmets	164.80
49461	City of Milford (Petty Cash) – Postage, License Truck	46.92
49462	Electronic Engineering – Shipping for light bar	12.00
49463	Gerhold Concrete Co – Limestone Chips	275.00
49464	GreatAmerica Leasing – Meter Rental	80.00
49465	Heartsong Presents – Books	10.99
49466	Kustom Signals Inc – Radar Antenna Cable	133.67
49467	Linweld – Oxygen	100.95
49468	Marshall Cavendish Corp – Books	117.52
49469	Milford School Dist – Parking Fines, Liquor Lic	230.00
49470	Municipal Supply Inc. – Digital Indicator Totaliz	1314.19
49471	Nebraska Public Health – Nitrate/Nitrite, Coliform	785.00
49472	Office Depot – CD/DVD Sleeves, Stylus	61.04
49473	Organic Gardening – Magazine Subscription	15.00
49474	Powerplan – Alternator	282.00
49475	Quality Inn & Suites – Room for Clerks School	304.75
49476	Reiman Publications – Magazine Subscription	24.98
49477	Roxanne Roth – Cleaning Services	250.00
49478	SPPD – Wells 1 & 2	484.27
49479	SLS League – 8U League Fees	90.00
49480	Union Bank – Gary Teselle Acct, Medicare Part D	447.20
49481	Verizon Wireless – Cellular Bill	99.42
49482	Walmart Community – Handrags, Movies, Supplies	141.57

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Housing Authority minutes for March 11, 2010; Library Board Minutes for March 18, 2010; Milford Aging Services Board minutes for March 23, 2010; Milford Fire Dept. minutes for February 9,

2010; Swimming Pool Board minutes for March 23, 2010; Police Dept. activity report for March 2010; Milford Rescue NARSIS report for March 2010. Baker presented information regarding the Southeast Nebraska Outdoor Warning System Project. We are $\frac{3}{4}$ the way thru the completion of the project and hopefully installation of the sirens will begin in August 2010. Project completion is expected for August 2011. Baker also reported that he and Frey have been attending FEMA meetings and the City of Milford should be reimbursed for generator use during the winter storms as well as Fire Dept. emergency vehicle use and mileage. Another meeting is scheduled for Monday, Baker is hoping Frey and Melena can attend. Chief Siebken reported on monthly activity for March. Interviews were held on Saturday and Chief Siebken is in the process of completing back ground investigations on 2 applicants. A special meeting is planned for April 15 at 5:30 to approve hiring an officer. Chief Siebken also reported that the new truck has arrived and is in service. One of the cruisers is currently at the body shop being repaired. Frey reported that they have graveled alleys, patched holes on the Hwy and removed a couple trees with storm damage.

COMMUNICATIONS: *Sales tax received for the month of January 2010 was \$15,494.84.

PUBLIC HEARING: Citizen Advisory Committee: Mayor Bruha opened the public hearing at 7:40 pm. Milford hasn't held any committee meetings, no one has asked for assistance and no changes to the expenditures. Bruha noted one inquiry. At this time Mayor Bruha turned the floor over to Lana Rourke, Seward County Economic Development Director. She presented information from the last quarterly meeting and took questions from the public. Bruha shared information regarding the TIF (Tax Increment Financing) program that he attended. Lana shared information regarding a redevelopment workshop and noted the Easter Seals Camp as a possible area for activity. Lana will also be visiting with 2 Milford businesses discussing retention/expansion assistance. With no further comments the public hearing closed at 7:58 pm.

NEW BUSINESS:

Audit Report 2008-2009, Dennis Kubicek: Dennis reported no difficulties during the audit and gave Milford a clean opinion on the 2008-2009 fiscal year. Discussion was held in regards to the Economic Development loan guidelines. The City is using tax dollars and if they are going to act as a bank then we need to set up specific guidelines for default of payment and who oversees and acts on the guidelines. Mr. Kubicek also explained the difference between accrual and cash funds.

Accounting & Auditing Services Renewal: Mayor Bruha read the proposal and a motion was made by Fortune and seconded by Heckman to

retain Marvin Jewell & Co. for the next 3 years for audit and budget services. Roll call vote: Fortune yes, Heckman yes, Baker yes, Kral yes. Motion carried.

Gerry Dunlap – Pool Expansion Potential Funding: Council member Heckman updated everyone with the situation of raising funds to expand the pool. Gerry Dunlap presented a program called CDAA (Community Development Assistance Act) thru Nebraska Economic Development where a donor's gifted money can receive tax credits. If the program can meet its criteria each year, then in 3 years the pool project could be off the ground. The City of Milford would have to sponsor the program and commit to approx. \$40,000.00 to meet the anticipated funds requested. Gerry offered to complete the sponsorship paperwork. An example of the funding process is attached to these minutes. A motion was made by Heckman and seconded by Baker to proceed with the application process. Roll call vote: Heckman yes, Baker yes, Fortune yes, Kral yes. Motion carried.

Retirement Plan Updates – Larry Heyen: Larry explained to the Mayor and Council that the City's Retirement Plan is being restated due to the changes by the Legislature. The two major changes are inservice withdrawal at age 62 and granting the employee the ability to invest employer contributions outside of the guaranteed account. UNIFI Company limits withdrawals from the guaranteed account to \$2,000. or 5% of the balance quarterly.

Introduction and Adoption of Ordinance – Amend Retirement Plan: Council member Heckman introduced the following Ordinance seconded by Kral.

ORDINANCE NO. 833

AN ORDINANCE TO ADOPT A REVISED AND AMENDED RETIREMENT PLAN PROVIDING RETIREMENT AND OTHER BENEFITS TO INDIVIDUALS EMPLOYED BY THE CITY OF MILFORD, NEBRASKA OR THEIR BENEFICIARIES UNDER THE "VOLUME SUBMITTER MONEY PURCHASE PLAN"; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE A TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM. (See Ordinance Record)

Hire Pool Employees & Set Salaries: Council member Heckman presented names of the recommended lifeguards and their pay rates for the 2010 pool season. Discussion was held regarding the need for a manager and assistant manager. It was requested that they must be able to lifeguard also. A motion was made by Heckman and seconded by Kral to approve the following lifeguards and pay rate: at \$7.55 per hour - Austin Heckman,

David T. Jensen, Larisa Roth, Keaton Schweitzer, Megan Kremer, Tori Blair and Celena Malmkar; at \$7.40 per hour – Shannon Horsley and Abbey Ahmed; at \$7.25 per hour – Josiah Jensen with further discussion requested by Baker to have Heckman consider abstaining since his son is in the pool of applicants. Roll call vote: Heckman abstain, Kral yes, Baker yes, Fortune yes. Motion carried.

Salaries for Pool Manager and Assistant Manager: The Pool Board discussed the amount of time commitment divided by the salary given to the manager and assistant manager and are recommending an hourly rate for both positions. Manager position \$10.50 per hour and Assistant Manager \$9.50 per hour. A motion was made by Heckman and seconded by Kral to approve the change from a salaried position to an hourly position at the rates recommended. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

Approve Increase of Pool Fees: The Pool Board is recommending an increase in rates to help off set the hourly adjustments of employees and the future of the pool expansion. Rate increase for season passes average \$5.00 and individual passes increased \$1.00. Discussion was held on the age of a Sr. Citizen. If a Sr. Citizen Pass is going to be offered than an age should be stipulated. The Council agreed upon the age of 55+ as a Sr. Citizen. This change will be added to the Pool Manual. A motion was made by Fortune and seconded by Kral to approve the rate increase for pool fees as recommended. Roll call vote: Fortune yes, Kral yes, Baker yes, Heckman yes. Motion carried.

Approve 2010 Pool Manual: Council member Heckman reviewed the Pool Manual and noted changes and additions. Examples: Cell phone use prohibited while on duty, public display of affection by patrons or employees is not allowed, daily cleaning list was added along with NE Dept. of Health Reg. 178NAC2. A motion was made by Heckman and seconded by Kral to approve the 2010 Pool Manual as presented adding age 55+ as the required age for Sr. Citizen Passes. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

Award Webermeier Scholarships: Council member Heckman informed the Council that 18 applicants were interviewed in 2 evenings. 6 recipients were chosen from the 2010 graduating class. There are a total of 20 recipients to receive the Webermeier Scholarship for the fall semester. A motion was made by Heckman and seconded by Fortune to award the 6 new scholarships and renew 14 for a total of 20 recipients. Roll call vote: Heckman yes, Fortune yes, Baker yes, Kral yes. Motion carried.

Introduction and Adoption of Resolution – NPPD Renewal Energy Standard: Mayor Bruha read the resolution presented by NPPD and after

minimal discussion the Council agreed to support the NPPD Resolution. A motion was made by Fortune and seconded by Kral to adopt the following resolution:

RESOLUTION NO. 455

WHEREAS, it is the mission of Nebraska Public Power District (NPPD) to safely generate and deliver low-cost, reliable energy and provide outstanding customer service; and

WHEREAS, NPPD generally supports legislation that sustains Nebraska's public power system and protects the interests of electric consumers in Nebraska; and

WHEREAS, NPPD generally opposes legislation and regulation that impose broad-based mandates that do not account for local conditions, experience, evidence, and performance.

NOW, THEREFORE, BE IT RESOLVED with reference to the 2010 sessions of the Nebraska Legislature and the 111th U.S. Congress and related regulatory actions, that the District:

1. Opposes legislation which would jeopardize public power.
2. Supports water-related legislation and regulation designed to protect both groundwater and surface water needs of the district, and will consider the surface water and groundwater needs of its customers as it formulates positions.
3. Supports legislation which provides increased funding for Renewable Energy Production Incentives (REPI), or for other state and federal incentives comparable to those afforded investor-owned utilities and other private entities for renewable energy projects.
4. Opposes legislation mandating a renewable portfolio standard without guaranteed adequate incentives to carry out the mandate in a cost-effective manner.
5. Supports legislation which provides for development and export of renewable energy while protecting Nebraska's public power status and does not adversely affect the state's electric reliability or rates.
6. Opposes the sale of federally-owned and operated generation and transmission facilities.
7. Supports continued sale of Western Area Power Administration power at cost-of-service prices.
8. Supports federal legislative and regulatory actions which advance the development of a high-level nuclear waste management/disposal facility.
9. Supports economy-wide solutions to address greenhouse gases based on proven science, which for the electric industry, focuses on early commercially viable technology development, expansion of energy

efficiency and renewable technologies, and a diverse generating mix to reduce CO2 emissions.

10. Opposes expanding the applicability of taxes/fees on public power districts.

11. Supports state environmental legislation and regulation that is equivalent to federal requirements unless it can be demonstrated that federal regulations do not adequately protect public health and the environment.

12. Supports legislation allowing officer salaries to be approved by the board with a majority vote.

13. Supports legislation repealing the LB901 (2000) "Condition Certain" requirements.

Upon roll call vote: Fortune yes, Kral yes, Baker yes, Heckman yes. Motion carried.

Dated this 6th day of April 2010.

Attest: _____
City Clerk

Mayor

(SEAL)

Introduction and Adoption of Resolution – Create Federal Equitable Sharing Agreement Account: A motion was made by Heckman and seconded by Fortune to adopt the following resolution:

RESOLUTION NO. 456

WHEREAS, THE CITY OF MILFORD IS THE RECIPIENT OF SEIZED DRUG MONIES FROM THE UNITED STATES DEPARTMENT OF JUSTICE AND THE DRUG ENFORCEMENT ADMINISTRATION; AND

WHEREAS, THE ADMINISTRATION OF THESE FUNDS REQUIRES THE ESTABLISHMENT OF A CHECKING ACCOUNT:

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

1. The City Clerk is directed to open a checking account in the name of the MILFORD POLICE-FEDERAL EQUITABLE SHARING ACCOUNT at Jones National Bank in Milford, Nebraska.
2. The account shall require the signature of any two of the following council members/municipal employees:

Mayor

Appointed Council member to the Police Department
Chief of Police
City Clerk

3. The signatories to said account may be changed by resolution of the City Council.

Upon roll call vote: Heckman yes, Fortune yes, Baker yes, Kral yes. Motion carried.

Passed and adopted this 6th day of April, 2010.

Attest: _____

City Clerk

Mayor

(SEAL)

Approve Firework Application: A motion was made by Heckman and seconded by Baker to approve the firework permit application made by Phantom Fireworks to sell permissible fireworks at 921 5th Street. Roll call vote: Heckman yes, Baker yes, Fortune yes, Kral yes. Motion carried.

Approve Linden Village Job Descriptions: After discussion was held regarding the relationship between Linden Village and the City of Milford it was decided to contact someone from the Federal Housing Authority to explain exactly what involvement the City of Milford has with Linden Village. Item tabled until next month.

Appointments: A motion was made by Heckman and seconded by Kral to approve the Mayor's recommendation to appoint Bill Wiley to the Planning & Zoning Commission for a 3 year term expiring 2/1/2013. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

A motion was made by Fortune and seconded by Kral to approve the Mayor's recommendation to appoint Tom McCall to the Recreation Board for a 3 year term expiring 12/31/2013. Roll call vote: Fortune yes, Kral yes, Baker yes, Heckman yes. Motion carried.

ADJOURNMENT: A motion was made by Heckman and seconded by Fortune to adjourn the meeting. Roll call vote: Heckman yes, Fortune yes, Baker yes, Kral yes. Motion carried and meeting adjourned at 9:50 pm.

Jeanne Hoggin, City Clerk

Dean A. Bruha, 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 6, 2010 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