

CITY OF MILFORD
REGULAR MEETING
DECEMBER 1, 2009
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 1st day of December 2009 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: Darrell Miller.

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 7:37 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 Baker and seconded by Kral to approve the minutes of the November 3, 2009 meeting. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried.

A motion was made by Fortune and seconded by Heckman to approve the minutes of the November 9, 2009 meeting. Roll call vote: Fortune yes, Heckman yes, Baker yes, Kral yes. Motion carried.

A motion was made by Heckman and seconded by Kral to approve the minutes of the November 23, 2009 meeting. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune 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 \$61,642.93; Bond Principal of \$65,000.00; Bond Interest of \$18,645.00 and payroll in the amount of \$28,396.55 approved by the Auditing Committee be approved for payment. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried.

SALARIES:

48840	Mark Frey	1473.80
48841	Forrest K Siebken	1386.67
48842	Mavis Lynn Ferris	60.25
48843	Jeanne M Hoggins	1366.90
48844	Gary Lee TeSelle	820.50
48845	Robert L Hull	913.76
48846	Beverly J Wehrs	600.78
48847	David R Dahle	1019.35
48848	Philip Winkelmann	1011.21
48849	George A Matzen	600.47
48850	Tracy L Yeackley	690.90
48851	Julia M Wang	231.92
48852	Courtney L Bashore	100.43
48853	Anna E Tremmel	73.65
48854	Tiffany Fougeron	298.56
48855	Benjamin L Rediger	810.88
48856	Craig A Corder	1026.58
48857	Jay DJ Stoll	1419.89
48909	Mark Frey	1473.80
48910	Forrest K Siebken	1386.67
48911	Mavis Lynn Ferris	40.17
48912	Jeanne M Hoggins	1366.90
48913	Gary Lee TeSelle	807.49
48914	Robert L Hull	1018.11
48915	Beverly J Wehrs	600.78
48916	David R Dahle	1048.51
48917	Philip Winkelmann	1011.21
48918	George A Matzen	600.47
48919	Tracy L Yeackley	699.62
48920	Julia M Wang	172.99
48921	Courtney L Bashore	113.82
48922	Anna E Tremmel	113.82
48923	Tiffany Fougeron	279.49
48924	Benjamin L Rediger	796.47
48925	Craig A Corder	1152.07
48926	Jay DJ Stoll	1068.88
48930	Ricky G Fortune	138.52
48931	Dean A Bruha	184.70
48932	Jeffrey M Baker	138.52
48933	Jeff L Heckman	138.52
48934	Dan V Kral	138.52

GENERAL FUND:

48837	Bartolo Celedon – WA/SW Deposit Refund	58.75
48838	Amber Watson – WA/SW Deposit Refund	35.66
48839	U.S. Postmaster – Utility Billing Postage	176.15
48858	Ameritas Group – Pension, Pension X	1662.98
48859	American Building Inspectors – Fee for October	565.00
48860	American Legal Publishing – Statutory Update Srv.	650.00
48861	Ameritas Group – Dental & Vision	956.60
48862	Aramark Uniform Services – Pants & Rags	320.86
48863	Black Hills Utility Holdings – Service for October	153.51
48864	CBS – Reporting Services – Initial Set-up	128.55
48865	Chem Dry of Crete – Cleaning Carpet	286.86
48866	Chief Supply Corp. – Flashlight switch	17.98
48867	Constellation NewEnergy – Service for October	187.67
48868	Coventry Health Care of NE – Health Insurance	10666.68
48869	Crestview Care Center – October meals	1008.00
48870	Culligan Water Conditioning – Soft Water	20.00
48871	Deep Rock – Drinking Water	36.71
48872	Diode Communications – Service for October	54.16
48873	Eakes Office Plus – Index cards, Tapes, Paper	352.32
48874	EMC – Payroll Audit	1150.00
48875	Farm Plan – Mower Blade, Gauge	152.49
48876	Farmers Cooperative – Gas/Diesel for October	576.93
48877	Great Plains-One Call Service – Locate Requests	22.87
48878	Heiman Inc. – Carbon hood, Freight	147.00
48879	Hornady – Ammunition	206.00
48880	Ikon Office Solutions – Additional Images	178.08
48881	InsureNebraska – Bond Renewal	450.00
48882	Interstate All Battery Center – Lion Mot	40.49
48883	Law Enforcement Associates – Micro Camera	125.00
48884	Layne Christensen Co. – Transducer, Cable	5590.34
48885	Milford A/C & Appliance – Service Furnace	323.02
48886	Milford Plumbing – Copper fittings, Service	202.10
48887	Mrs. Wayne Roth – Birthday Cake	16.00
48888	Municipal Supply – Clamp, Elbow, Meters	1468.93
48889	Mutual of Omaha – Disability	23.94
48890	NE Dept of Revenue – Sales Tax for October	1812.60
48891	Nebraska Motor Parts – Battery, Cable, Filter, Belt	286.05
48892	NPPD – Service for October	4571.18
48893	Nebraska Tech & Telecomm – Service for October	412.23
48894	Pizza Kitchen – Catered Meal	82.50

48895	Roxanne Roth – Cleaning Services	250.00
48896	SCC – Supplies for Ladder Truck	295.18
48897	Seward Co PPD – Wells 1 & 2	238.60
48898	Seward Co. Independent – Paper, Notices, Minutes	173.65
48899	Seward Lumber – Latex Paint	34.49
48900	Shell Fleet Plus – Fuel for October	181.79
48901	Shell Fleet Plus – Car Gas	45.24
48902	Shell Fleet Plus – Fuel Expense October	576.97
48903	The Garbage Company – Service for October	139.35
48904	Uribe Refuse Services – Garbage Pickup	37.00
48905	Verizon Wireless – Cell Phone	120.13
48906	Watchguard Video – Blank DVDs	114.00
48907	Windstream Nebraska – Phone & Internet	249.49
48908	Terry Lynn Inc. – Candy & Nut Fundraiser	702.23
48927	Ameritas – Pension	1662.98
48928	AFLAC – Disability, Cancer, Acc, Suppl	463.96
48929	Fort Dearborn Life – Life Insurance	116.96
48935	Baker & Taylor – Books	35.35
48936	Berry – Directory Advertising	15.20
48937	Biblinox LLC – Automation	1490.00
48938	Blevens Law Office – Legal Service for Nov	350.00
48939	Bob’s Automotive – Registration, Motels, Meals	414.49
48940	City of Milford (Petty Cash) – Postage	34.50
48941	Gale – Books	24.89
48942	George Matzen – Library Supplies	239.07
48943	GreatAmerica Leasing Corp – Meter Rent	80.00
48944	Heartsong Presents – Books	10.99
48945	Kremer Electric – Generator Repairs	218.75
48946	Milford School Dist – Parking Fines	70.00
48947	Milford Volunteer Fire Dept – Stain, Finish, Labor	758.38
48948	National Geographic – Magazine Renewal	19.95
48949	NE Dept of Env Quality – Sewer Cert. Renewal	150.00
48950	Nebraska Clerk Institute – Clerk School (T. Yeackley)	400.00
48951	Nebraska Env Products – Flange, Spring, Coupling	605.16
48952	Nebraska Life – Magazine Subscription	38.00
48953	Nebraska Public Health – Coliform Test	64.00
48954	Roxanne Roth – Cleaning Services	320.00
48955	Servi- Tech – Wastewater Analysis Package	72.70
48956	Union Bank – Gary TeSelle Acct, Medicare Part D	442.20
48957	Upper Big Blue – Drainage Project	14503.40
48958	Walmart – Kettle, Supplies, Movies, Books	192.69

48959 Weathercraft of Lincoln – Roof 553.00
48960 Wegin’s Lawn Service – Fertilize B St & Sr Center 53.00

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Housing Authority minutes for November 8, 2009; Milford Aging Services Minutes for November 24, 2009; Pool Board Minutes for November 12, 2009; Police Dept. activity report for November 2009; Milford Rescue NARSIS report for November 2009. Chief Siebken reviewed the November activity report. Milford has been selected to be a part of the “Final Leg” for the Special Olympics sports run on July 17, 2010. Weather permitting they will stop in the uptown park at 3:00 pm for activities such as a performance by the High School Band and a speech by Mayor Bruha. Chief Siebken noted that Milford should be honored to be chosen to participate in this very prestigious event. Frey updated the council on projects that have been accomplished or in the process. Example: Drainage Study, Hwy 6 curve maintenance, alleys, tree trimming, street sweeping, lagoon and replacing a drive system in a well. Donna Havener and Leah Oswald arrived. Baker noted that the Sr. Center had a compliance check performed by the State but the results have not been received.

COMMUNICATIONS: *Sales tax received for the month of September 2009 was \$11,550.64.

UNFINISHED BUSINESS:

Discuss allowing operation of ATV & UTV on Public Streets: Frey mentioned that over the last couple years they have purchased 2 Gators for use within the maintenance dept. They would like to be able to drive them on the street. Fortune asked if the City can grant the maintenance dept. permission to use the Gators on the streets for municipal purposes and not pass an ordinance allowing public use. Chief Siebken is concerned that people will ask, why can the City and not the public? Discussion was held regarding restrictions that should be placed if the public is allowed to use these vehicles on the public streets. A motion was made by Fortune and seconded by Kral to authorize the maintenance dept. to use the Gators on the public streets for municipal purposes only. Roll call vote: Fortune yes, Kral yes, Baker yes, Heckman yes. Motion carried.

NEW BUSINESS:

Railroad Crossing Whistles: Heckman mentioned the letters that have been published in the Milford Times regarding the train horns and the nuisance they have been for some time. He has been in contact with Andy Amprin out of Kansas City with BNSF who has a two state jurisdiction over railroad crossings. There are different options which can be pursued. Heckman handed out a summation done by Iowa State University regarding Automated Horn Warning Systems. Cost of these systems can range up to

\$80,000.00. Names of companies were provided to the Council to install this type of system. Mr. Amprin noted that they would be willing to come out and demonstrate their product. The installation of this system would fall completely on the City. There are still questions that need to be answered regarding maintaining the system after installation. Baker updated everyone with the information that was discussed back in 2006 and the idea of double tracking thru Milford and updating the circuitry at time. County Commissioner Darrell Miller shared information regarding the Camp Easter Seal crossing and the need to allow access across the tracks for the farmers. An agreement would need to be made with BNSF to not block the crossing if the county road was abandoned and the crossing would become private. This would eliminate the horn noise on the north end of town. Miller suggested asking for a general bid to install a system and get some kind of idea on the cost. Baker will place this item on the County Commissioners agenda in the next 2 weeks for discussion. The Council will continue to pursue the options of silencing the tracks.

Continuation Order 2nd Semester – Webermeier Scholarships: A motion was made by Heckman and seconded by Fortune to approve 25 scholarships in the amount of \$1,000.00 each for the 2nd Semester of 2009-2010 school year. Roll call vote: Heckman yes, Fortune yes, Baker yes, Kral yes. Motion carried.

Appointments:

Chief of Police – A motion was made by Kral and seconded by Baker to approve the Mayor’s recommendation to appoint Forrest Siebken as the Chief of Police for a one year term. Roll call vote: Kral yes, Baker yes, Fortune yes, Heckman yes. Motion carried.

City Clerk, Treasurer - A motion was made by Heckman and seconded by Kral to approve the Mayor’s recommendation to appoint Jeanne Hoggins as the City Clerk, Treasurer for a one year term. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

Maintenance Supt. - A motion was made by Fortune and seconded by Kral to approve the Mayor’s recommendation to appoint Mark Frey as the Maintenance Supt. for a one year term. Roll call vote: Fortune yes, Kral yes, Baker yes, Heckman yes. Motion carried.

Discuss/Approve Library Grant: Heckman presented an agreement for professional services with Olsson Associates for assistance in writing an energy efficient grant for the Library. The services include: providing a cost estimate for new HVAC, lighting and building envelope upgrades, review requirements for the State Energy Efficiency Grant Program and assist the City in preparing a grant application and provide cost estimate for design services. Discussion was held regarding paying Olsson Associates to write a

grant when we are a member of SENDD. They should be assisting us with this grant as we pay an annual membership fee for this purpose. Baker would like to visit with SENDD or Bridges about the grant writing and report back to the Council. Heckman noted that we need to move on this project as it has to be submitted by January.

Discuss Sidewalks: Mayor Bruha and Council member Heckman visited about repair and replacement of sidewalks. Mayor Bruha noted that in the past he has been the one to determine whether a sidewalk is safe or not. Letters have been sent to citizens informing them of sidewalk repair or replacement. This is a touchy situation as it is the home-owners responsibility to make the repairs. In the old part of town you can find sidewalks on both sides of the street, as you get to the newer developments there are sidewalks on one side of the street or no sidewalks at all. Heckman has been approached regarding the absence of sidewalks at 5th & “F” Street and also at 5th & “D” Street. It is unsafe for the children crossing the highway for school as they end up walking in the street or in the grass. A study was completed by Iteris which made recommendations for pedestrians crossing the highway. It was noted to remove the flashing lights at 5th & D” as people do not stop anyway and place them on First Street in front of the Elementary School. Discussion was held again about the lack of amount of right-of-way on the west side of “D” Street. Storm sewer drainage was also a concern in past discussions at 5th & “D”. The Iteris report will be distributed to the new council members for review.

Discuss 2 meetings a month: A motion was made by Heckman to deny the request for 2 meetings a month. Discussion was held as Baker asked about approving bills that have already been paid. Fortune noted we have done it this way forever. Kral seconded the motion. Roll call vote: Heckman yes, Kral yes, Baker no, Fortune yes. Motion carried.

Discuss Nuisance Ordinance: Council member Heckman drove around town after the discussion of valuations was held if an assisted living facility was be placed in their neighborhood. Some of the people making these comments have unsightly objects lying around in their own yards. After further surveillance of the community there are several properties that are in need of cleaning up. Discussion was held as to handling these situations. Chief Siebken needs to make contact with these individuals regarding cleaning up their property and if no results occur after the allotted amount of time then they can be ticketed.

Appointments – Boards & Committees: A motion was made by Heckman and seconded by Fortune to approve the Mayor’s recommendation to appoint Jessica Dunlap to the Library Board for a 4 year term ending

9/30/2013. Roll call vote: Heckman yes, Fortune yes, Baker yes, Kral yes. Motion carried.

ADJOURNMENT: A motion was made by Heckman and seconded by Kral to adjourn the meeting. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried and meeting adjourned at 9:10 pm.

Jeanne Hoggins, 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 December 1, 2009 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