

CITY OF MILFORD  
REGULAR MEETING  
DECEMBER 1, 1998  
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Webermeier Community Room in said City on the 1<sup>ST</sup> day of December 1998 at 7:30 P.M. Present were: Mayor Dean Bruha; Councilmembers Dorothy Bockoven, Rick Fortune, Steve Sauer; City Clerk J. Elaine Plessel. Also present: Jeanne Hoggins, Shirley Heckman, Bill Anderson, Dale Daake, Scott Rathjen of Kirkham Michael Eng., Dave Herbers with EDM, Dean and Teresa Eden, Dave Smith Chief of Police, Brian Bennett, Sharon Hull, Laura Dahlke with the Seward Independent and Todd Neeley with the Milford Times.

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 the 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 opened the meeting at 7:30 p.m.

**MINUTES:** A motion was made by Fortune and seconded by Sauer to approve the minutes of November 3, 1998 as presented in typed copy. Roll call vote: Fortune yes, Sauer yes, Bockoven abstain. Motion carried.

**PAYMENT OF BILLS:** A motion was made by Bockoven and seconded by Sauer that the following bills, approved by the Auditing Committee, be approved for payment. Roll call vote: Bockoven yes, Sauer yes, Fortune yes. Motion carried.

**SALARIES**

28330	Mark Frey	944.79
28331	Joyce Elaine Plessel	730.28
28332	Forrest K. Siebken	817.28
28333	Mavis Lynn Ferris	40.45
28334	Jeanne M. Hoggins	526.30
28335	Gary Lee TeSelle	567.84
28336	David Lee Smith	865.76
28337	Scott Dean Fosler	736.40

28338	Robert L. Hull	582.31
28339	Beverly J. Wehrs	340.95
28340	Edna A. Riedl	388.21
28341	David R.Dahle	628.26
28342	Ann M. Miller	303.63
28343	Amanda L. Lambe	109.93
28344	Louis J. Bialas	522.48
28382	Mark Frey	944.79
28383	Joyce Elaine Plessel	730.28
28384	Forrest K. Siebken	937.03
28385	Mavis Lynn Ferris	42.83
28386	Jeanne M. Hoggins	520.01
28387	Gary Lee TeSelle	619.62
28388	David Lee Smith	865.76
28389	Scott Dean Fosler	771.99
28390	Robert L. Hull	665.14
28391	Beverly J. Wehrs	322.85
28392	Edna A. Riedl	305.09
28393	David R. Dahle	662.43
28394	Ann M. Miller	238.27
28395	Amanda L. Lambe	90.03
28396	Louis J. Bialas	604.10
28397	Pamela J. Slama	217.60
28398	Joshua J. Johnson	52.64
28400	Roger L. Kness	123.14
28401	Charles Earnest Rich	138.52
28402	Ricky Gene Fortune	138.52
28403	Dean Alan Bruha	184.70
28404	Steven John Sauer	138.52
28405	Dorothy J. Bockoven	138.52
<b>GENERAL FUND:</b>		
28328	U. S. Postmaster-Utility Bill Postage	115.20
28329	NE Dept. of Env. Quality – Retest/Dahle	50.00
28345	Ameritas Life Insurance Co. - Retirement	995.50
28346	Aliant Communications – Service to 11/1/98	647.12
28347	Betty’s Bunch – Slama Hours	354.38
28348	Bob’s Service – Oil Change & Filter	27.00
28349	Butch’s Welding & Repair – Rake Handle	20.43
28350	Culligan Water Conditioning – Soft Water	38.00
28351	Dorchester Farmers Cooperative - Supplies	129.44

28352	Dorchester Farmers Cooperative - Gas	404.61
28353	Dugdale Glass – Laminated Safety Glass	49.75
28354	Farmers & Merchants Bank – Loan Payment	1,087.26
28355	The Garbage Co. Inc. – Service for Oct.	82.75
28356	Gerhold Concrete-Seward – Concrete & Gravel	496.64
28357	Great Plains-One Call Service – Locate Requests	17.00
28358	Heyen Tax & Accounting, Inc. – W-2 Forms	23.16
28359	IHS at Milford – 410 Meals	1,230.00
28360	Milford Plumbing & Heating, Inc. – Repair Gas Leak	45.19
28361	Milford Times – Notices, Proceedings	580.29
28362	Mutual of Omaha Co. – Disability Insurance	216.25
28363	NE Dept. of Revenue - October Sales Tax	1,200.02
28364	Nebraska Health Laboratory – Nitrate Test	18.10
28365	NE Motor Parts - Supplies	84.66
28366	NE Public Power Dist. – Service to 10/27/98	3,382.95
28367	People Natural Gas – Service to 11/3/98	232.03
28368	Elaine Plessel - Insurance	115.89
28369	Roxanne Roth – Cleaning	160.00
28370	Schlegel’s Groceries – Supplies	41.58
28371	Seward County Independent – Auction Notice	56.15
28372	Seward County Rural Public Power – Wells 4 & 5	495.78
28373	Seward County Sheriff – Sale of Vehicle	306.00
28374	Subway Motors – Clean Throttle Body	108.69
28375	U S. Postmaster – Stamps	32.00
28376	United Healthcare – Insurance	3,412.88
28377	Uniservice, Inc. – Pants & Rags	70.34
28378	U. S. Postal Service – Postage for Meter	200.00
28379	Wal-Mart Store #885 - Supplies	91.75
28380	Beverly Wehrs – Supplies	24.95
28381	Don Yeackley – CPR Class	195.00
28399	Ameritas Life Insurance – Retirement	995.50
28406	Albert Whitman & Co. – 6 Books	74.31
28407	Aliant Cellular – Mobile Phone	17.46
28408	Audio Editions – 5 Cassettes	111.45
28409	Battery Patrol – Pagers	73.70
28410	Best Buy Co. – 16 MB Memory	79.96
28411	Blevens Law Office – Legal Service	350.00
28412	Thomas Bouregy & Co. – 5 books	57.35
28413	Centaur Enterprises, Inc. – Blades, Eyelets	35.10
28414	Central States Lab – Mist Spray, Knock Out	773.32

28415	Century Labs/Pro Clean Inc. – Ice Melt	538.89
28416	City of Fairbury – RAP Match	943.00
28417	Christian Book Distributors – Books (16)	139.75
28418	Chief Supply Corporation – Hot Pack	59.00
28419	Country – 3 yr. Sub.	33.98
28420	Colin Electric Motor Service – Check Pump Motor	92.00
28421	D & D Communications Inc. – Short Antennas/Mico.	205.00
28422	Judy Davenport – Thursday V-Ball Director	200.00
28423	Eakes Office Products – Office Supplies	135.66
28424	Ed M. Feld Equipment Co. – Chemguard Foam	520.00
28425	Ehlers T.V. – Antenna Adaptor, Battery	76.90
28426	HTM Sales Inc. – Volute Gasket	13.45
28427	1 <sup>st</sup> Choice Credit Union – TeSelle Acct. #48052	250.00
28428	Heartsong Presents – 4 books	9.97
28429	Heinemann Library – Books	202.04
28430	Husker Electric Supply – Materials Sewer Motor	36.37
28431	Ingram Library Services – Books	397.50
28432	JWC Environmental – Submr. Motor	4,489.68
28433	Lincoln Journal Star – Bid Street Sweeper	24.54
28434	KAPCO – Book Jackets	45.88
28435	Library Video Company – Video’s	145.37
28436	Leisure Arts – Spirit of Christmas	29.91
28437	The Library Store – Bar Codes	169.50
28438	MARC – Vanish Insect Killer	109.49
28439	Marshall Cavendish Corp. – Books	371.57
28440	Midwest Machinery & Supply – Rent Air Tamp	34.20
28441	Milford School Dist. #5 – Fines	50.00
28442	Milford Times – Publications & Envelopes	237.14
28443	Municipal Supply, Inc. – Water Hose, Tube	465.56
28444	National Information Center – Zip Code, P.O. Directory	36.90
28445	The Nebraska Package – 7 Books	127.15
28446	NE Dept. of Revenue – State W/H	650.29
28447	Nebraska Health Laboratory – Water Sample	144.80
28448	Omaha Life Ins. Co. – Fire Dept. Insurance	68.00
28449	Omaha World Herald – Bids Street Sweeper	71.10
28450	Oxmoor House – Christmas Cookbook	29.91
28451	Pegler Sysco Food Services – Napkins	49.85
28452	Phoenix Learning Group – 36 Books	608.22
28453	Pitney Bowes, Inc. – Postage Meter Rental	275.69
28454	Police Officers’ Assoc. of NE – 99 Membership	40.00

28455	Regent Book Co. – 2 Books	28.39
28456	Rosen Preview Program – Books	345.03
28457	Roxanne Roth – Cleaning	215.00
28458	Seventeen – Subscription	19.95
28459	Seward County Treasurer – 911 Comm., Milford Disp.	300.00
28460	Simon & Schuster – Books	44.97
28461	Wanetta Stabenow – Subscription	26.00
28462	United Healthcare – Insurance	4,148.35
28463	Utility Equipment Co. – Gaskets, Valves	882.09
28464	World Almanac Education – Chiltons Auto Reg.	196.55
28465	Ronald Samland – Deposit Refund	16.50
28466	Benjamin Hurst – Deposit Refund	50.00
28467	Merle Stutzman – Deposit Refund	50.00
28468	Shawn Nelson – Deposit Refund	8.74
28469	Larry’s Small Engine – Deposit Refund	50.00

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received were Linden Village minutes for November 9, 1998 and notice for December 14, 1998. Fortune advised that the road at the lagoon will be started shortly and that there is water still standing but they are making progress on this.

**COMMUNICATIONS:** Bruha informed Council that the 3<sup>rd</sup> quarter lease payment from NPPD was in the amount of \$42,091.45 an increase of \$3,473.66 over last year at this time. A check for the September 1998 sales tax received in the amount of \$10,342.71. An offer has been made and accepted, for Southeast Community College to purchase the old street sweeper for salvage price of \$125.00.

**PUBLIC HEARING-SPECIAL ASSESSMENTS PAVING 97-1 AND 97-2:** The Clerk reported that, pursuant to the order heretofore entered by the Council, notice has been published that the Mayor and Council would hold a meeting at this time and place for the purpose of considering the levy of special assessments to pay for paving improvements in Paving Districts Nos. 97-1 and 97-2 of said City.

The Mayor then stated that the Board was in session at 7:35 p.m. for said purpose and all persons interested would be heard. No written objections were filed with the Clerk.

The following appeared in person or by agent or by attorney and were heard: Dean and Teresa Eden. Dean Eden, who lives just north of Oak Avenue at Welch Park Road, presented a letter to the council with regard to his assessment. He proposed reducing the levy by \$4,000 in order that he might purchase and plant twenty, 6-8 foot evergreens. Discussion as to

where the city limits end and should the County be advised of problem and asked to participate in this. Copy of letter is attached to and made part of the minutes. There being no further discussion the Mayor declared the public hearing closed at 7:43 p.m.

**NEW BUSINESS:** Introduction and Adoption of Resolution-Paving Assessments Inasmuch as Attorney Blevens is not present at this time, this item will be moved down on the agenda.

Approve Final Payment – J J Westhoff A motion was made by Fortune and seconded by Bockoven to approve the final payment in the amount of \$7,775.61 to J J Westhoff. Sauer inquired as to whether or not the wetness had been taken care of and it was noted that this is being taken care of. Roll call vote: Fortune yes, Bockoven yes, Sauer yes. Motion carried.

Appointments The Mayor appointed the following to oversee the various departments: Dorothy Bockoven – Cemetery, Library, Auditing Committee; Rick Fortune – Water and Sewer; Gary Cooper – Streets, Fire, Auditing Committee; Steve Sauer – Senior Citizens, Park, Pool, Recreation.

A motion was made by Sauer and seconded by Bockoven to appoint the following: David Smith, Chief of Police; J Elaine Plessel, City Clerk; and Jeanne Hoggins as Deputy City Clerk. Roll call vote: Sauer yes, Bockoven yes, Fortune yes. Motion carried.

Election Motion made by Sauer and seconded by Bockoven to approve Mayor's recommendation of Rick Fortune and President of Council. Roll call vote: Sauer yes, Bockoven yes, Fortune abstain. Motion carried.

A motion was made by Bockoven and seconded by Fortune to approve the Mayor's recommendation of Steve Sauer as Acting President of Council. Roll call vote: Bockoven yes, Fortune yes, Sauer abstain. Motion carried.

Approval – Webermeier Scholarships – 2<sup>nd</sup> Semester A motion was made by Bockoven and seconded by Fortune to approve payment of 28 scholarships in the amount of \$357 each for the 2<sup>nd</sup> semester. Roll call vote: Bockoven yes, Fortune yes, Sauer yes. Motion carried.

For the records Attorney Robert Blevens arrived at meeting at 7:45 P.M.

The Mayor announced that we would now complete the Introduction and Adoption of Resolution – Paving Assessments Blevens was presented the letter submitted by Mr. Eden. He advised that if there is going to be a change in the paving assessments it must be done before adopting the resolution. Rathjen explained why the difference of amounts on the two assessments. Comments made during discussion: Council realized Eden's did not personally want this paving but as an assessor it would be worth more. The value of trees wanted would need to be paid for by the taxpayer and this would not seem fair. The Comprehensive Plan that was recently

completed planned for Oak Avenue to continue through to Welch Park Road. Trees could be used from the nursery in South Park. Eden's would like at least 6-foot trees. Eden's suggested the possibility of a 10-foot fence being put up. Formula for setting assessment was discussed. Blevens noted that as a Board of Equalization the decision has to be made now on the assessments. A motion was made by Fortune and seconded by Bockoven to set the interest rate at 5.5%. Roll call vote: Fortune yes, Bockoven yes, Sauer yes. Motion carried.

All persons who desired a hearing having been heard, the Board having considered the recommendations of the engineer in charge of said improvements and the members of the Board having heretofore personally inspected the street improvements and the real estate abutting upon and adjacent thereto, Councilmember Bockoven offered the following Resolution and moved its adoption:

RESOLUTION NO. 350

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

1. The Mayor and Council find and determine: that the Council has heretofore designated this time and place for considering and levying special assessments upon property specially benefited by paving improvements in Paving Districts Nos. 97-1 and 97-2 to pay the cost of constructing same; that notice of the time and place of holding this meeting for said purpose has been duly given as provided by statute by publication in the Milford Times, a legal newspaper published in Milford and of general circulation in this City, for more than four weeks (five consecutive weekly publications) before the time designated therein for holding this meeting said publications being made in the issues of said paper published on October 28, 1998; November 4, 1998; November 11, 1998; November 18, 1998; and November 25, 1998; that the Mayor and Council have at this session heard all persons who desired to be heard in reference to the special benefits or damages thereto by reason of the construction of said improvements and with reference thereto have considered the advice of the engineer in charge of the construction of said improvements.
2. The Mayor and Council find and determine that the hearing all assessments have been adjusted and equalized with reference to the benefits resulting from the improvements and have been apportioned among the several lots and parcels of land subject to assessment in proportion to the special benefits accrued to said lots

and parcels of land in said Districts has been damaged by the construction of said improvements; that the amounts of benefits specially accruing to each lot and parcel of land in said Districts by reason of the construction of said paving improvements exceeds the amount assessed against each lot or parcel of land to pay the cost of said improvements. The benefits are equal and uniform and the assessments shown on the schedule hereinafter set out are according to front footage of the lots of real estate within the Districts.

3. There are hereby levied and assessed upon the several lots and parcels of land in Paving Districts Nos. 97-1 and 97-2 special assessments to pay the cost of constructing said improvements in the amount in dollars and cents set out in the schedule below in the column heading "Special Assessments".

Paving District No. 97-1

<u>Name</u>	<u>Special Assessments</u>
Jantze Group Inc,	3,648.80
Jantze Group Inc.	2,280.50
Jantze Group Inc.	2,280.50
Jantze Group Inc.	2,280.50
Jantze Group Inc.	369.44
Jantze Group Inc.	2,280.50
Jantze Group Inc.	2,280.50
Jantze Group Inc.	2,280.50
Jantze Group Inc.	3,244.24
Jantze Group Inc.	4,718.78
Jantze Group Inc.	4,771.80
Jantze Group Inc	4,506.70
Jantze Group Inc.	4,996.60
Jantze Group Inc.	4,695.45
Jantze Group Inc.	4,559.72
Jantze Group Inc	4,559.72
Jantze Group Inc.	4,559.72
Thornridge Golf Course	2,651.00
Larry E and Judy J Meyer	6,993.34
Jantze Group Inc.	4,679.55
Jantze Group Inc.	4,679.55
Jantze Group Inc.	9,249.34
Jantze Group Inc.	6,380.96
Jantze Group Inc.	4,241.60

Jantze Group Inc.	4,512.00
Jantze Group Inc.	4,131.32
Jantze Group Inc.	4,506.70
Jantze Group Inc.	8,957.73

Paving District No. 97-2

Dean E and Teresa A Eden	5,099.59
Dean E and Teresa A Eden	6,382.50
Lola Mae Jantze	14,546.99
Jantze Group Inc.	9,010.56
Jantze Group Inc.	8,860.44
Jantze Group Inc.	4,595.40
Jantze Group Inc.	4,579.57
Jantze Group Inc.	3,638.54
Jantze Group Inc.	2,958.42
Jantze Group Inc.	4,411.07
Jantze Group Inc.	3,221.38
Jantze Group Inc.	3,796.31
Jantze Group Inc.	4,579.57
Jantze Group Inc.	4,595.40

4. Said special assessments shall be a lien on the property on which they are levied from the date of the passage of this resolution and shall be certified by the City Clerk to the Treasurer of this City for collection; that the City Clerk shall also at the time provided by law cause such assessments or the portion thereof then remaining unpaid to be certified to the County Clerk of this County for entry upon the proper tax list; that said assessments shall be payable to the City Treasurer until so certified to the County Clerk and shall thereafter be collected by the County Treasurer.
5. Said assessments are payable in ten equal installments, the first of which shall become delinquent not less than fifty (50) days from the date of adoption of the resolution, and the remaining installments shall become delinquent on the first day of May subsequent to the date of levy and thereafter, in one, two, three, four five six, seven and eight years respectively; that each of said installments shall draw interest from the date of the passage of this resolution at the rate of 5.5% per annum, until the same become delinquent, and after the same become delinquent interest at the rate specified by law for delinquent special assessments for such project shall be paid thereon; provided all said assessments may be

paid at one time on any lot or land within fifty (50) days from the date of levy without interest

The foregoing resolution having been read, Councilmember Fortune seconded by motion for its passage and adoption, and after consideration, the roll was called upon the passage and adoption of said resolution and the following Councilmembers voted AYE: Bockoven, Fortune Sauer. The following voted NAY: None. The passage of the resolution having been concurred in by a majority of all members elected to the Council was declared passed and adopted this 1<sup>st</sup> day of December, 1998.

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Mayor

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

Economic Development Plan Anderson noted that the purpose of City Representative is the liaison to let the Council know what the committee is doing. The names presented for members of the Citizen Advisory Review Committee are Bill Anderson, Lyle Neal, Daryl Hackbart, Terry Rediger, Jean Petsch, Donna Havener, and Brian Bennett. Mayor Bruha advised that he would be willing to serve as the City representative. Councilmember Sauer introduced the following ordinance:

ORDINANCE NO. 688

AN ORDINANCE TO ESTABLISH ECONOMIC DEVELOPMENT PROGRAM; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

Hire Part-time-City Employee-Set Wage Bruha noted that Pam Slama has been working in the City Office through Betty's Bunch and we would like to hire her as part-time help which would be 20 to 25 hours per week. A motion was made by Sauer and seconded by Bockoven to hire Pam Slama at an hourly wage of \$6.75 per hour. Roll call vote: Sauer yes, Bockoven yes, Fortune yes. Motion carried.

Pool Table Permit A motion was made by Sauer and seconded by Bockoven to approve the pool table permit for Hill's Country Inn for 1999. Roll call vote: Sauer yes, Bockoven yes, Fortune yes. Motion carried.

A motion was made by Sauer and seconded by Bockoven to approve the pool table permit for Sheri's Grill and Bar for 1999. Roll call vote: Sauer

yes, Bockoven yes, Fortune yes. Motion carried. Clerk was advised to put the pool table permit fees on the January agenda.

Approval-Olsson Assoc., -Access Road A motion was made by Fortune and seconded by Bockoven to approve the payment to Olsson Assoc. in the amount of \$334.71 for the access road to the lagoon. Roll call vote: Fortune yes, Bockoven yes, Sauer yes. Motion carried.

Resignation of Sgt. Siebken Bruha read a resignation from Sgt. Siebken effective January 6, 1999. Discussion followed regarding replacement of officer. A motion was made by Bockoven and seconded by Fortune to continue having four officers and to authorize advertisements to fill that position. Roll call vote: Bockoven yes, Fortune yes, Sauer yes. Motion carried.

Street Sweeper Bids EDM equipment from Lincoln was the only bid submitted. The bid was for an Elgin with 11 miles and 11 hours for an amount of \$80,000. This could be delivered in seven calendar days after completion of contract. Herbes from EDM advised this is the unit that was brought out and demonstrated. A motion was made by Bockoven and seconded by Sauer to accept the bid from EDM for \$80,000. Roll call vote: Bockoven yes, Sauer yes, Fortune yes. Motion carried. The check for \$80,000 will be ready for Thursday delivery.

Personnel Manual – Change Bruha noted that the present manual is set up so that the police work 86 hours in a two week period before they would begin drawing overtime on the 87<sup>th</sup> hour. The question is whether or not we stay with this or make a change. This was done because of the federal wage and hour law. The discussion that followed brought out the following questions and concerns: This was set up to hold down overtime. Overtime to be controlled by the Chief of Police and is he willing to do this. On call time is still open. Should overtime be split evenly among officers? Following discussion it was decided to continue as we are now until more information is received as to what other towns were doing and their salaries.

Revised Building Use Policies It was noted that at the Senior Center the American Legion and the Legion Auxiliary have free usage of the meeting room with other service organizations getting a reduced rate. It was felt that perhaps as far as civic groups are concerned all buildings should be treated the same. Bruha will contact the Aging Services Commission regarding this. A motion was made by Bockoven and seconded by Fortune to set the fees for the Webermeier Building at \$35 for private functions and \$50 for commercial functions and the Fire Station at \$100 with fire personnel paying \$35. A \$50 deposit will be required for everyone in order to hold the date. Roll call vote: Bockoven yes, Fortune yes, Sauer yes. Motion carried. A

complete copy of the regulations for use of the three city community rooms is available at City Hall.

**ADJOURNMENT:** A motion was made by Bockoven and seconded by Sauer to adjourn the meeting. Roll call vote: Bockoven yes, Sauer yes. Fortune yes. Motion carried and meeting adjourned at 9:30 P.M.

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City Clerk

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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, 1998, 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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J. Elaine Plessel, City Clerk