

CITY OF MILFORD
REGULAR MEETING
DECEMBER 2, 2003
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 2nd day of December 2003 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Robert Anderson, Dean Bruha, Rick Fortune, Lyle Neal; City Clerk Jeanne Hoggins; Attorney Robert Blevens; Chief of Police Forrest Siebken. Also present: Gary TeSelle, Scott Burroughs, Burdette Boshart, Stan Thomas, John Melena, Scott Bashore, LaDonna Wulf, Wayne Stohlman, Bob Boshart, Holly Johnson with Olsson Associates, Travis Yeackley, Jerry Shald, Bob Smejkal and Sandi Danskin 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 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 Plessel called the meeting to order at 7:30 p.m.

MINUTES: A motion was made by Neal and seconded by Anderson to approve the minutes of the November 4, 2003 meeting. Roll call vote: Neal yes, Anderson yes, Bruha yes, Fortune yes. Motion carried.

PAYMENT OF BILLS, BOND PRINCIPLE & INTEREST: A motion was made by Neal and seconded by Bruha that the following bills in the amount of \$34,483.73, bond principle of \$45,000.00 and bond interest of \$23,270.63 totaling \$103,754.36 approved by the Auditing Committee be approved for payment. Roll call vote: Neal yes, Bruha yes, Anderson yes, Fortune yes. Motion carried.

SALARIES:

37855	Mark Frey	1141.92
37856	Forrest K Siebken	1099.92
37857	Mavis Lynn Ferris	31.86
37858	Jeanne M Hoggins	970.87
37859	Gary Lee TeSelle	656.60

37860	Scott Dean Fosler	1011.13
37861	Robert L Hull	807.08
37862	Beverly J Wehrs	445.15
37863	Edna A Riedl	365.00
37864	David R Dahle	832.33
37865	Louis J Bialas	800.82
37866	Pamela J Slama	304.23
37867	Lucy B Honig	202.60
37868	Bryce C Johnson	837.26
37869	Philip Winkelmann	815.05
37870	Lindsey Troyer	561.93
37871	Regan Beranek	117.23
37874	Mark Frey	1141.92
37875	Forrest K Siebken	1099.92
37876	Mavis Lynn Ferris	23.90
37877	Jeanne M Hoggins	970.87
37878	Gary Lee TeSelle	677.52
37879	Scott Dean Fosler	1056.70
37880	Robert L Hull	828.15
37881	Beverly J Wehrs	328.09
37882	Edna A Riedl	322.79
37883	David R Dahle	822.89
37884	Louis J Bialas	828.84
37885	Pam Slama	268.96
37886	Lucy B. Honig	176.08
37887	Bryce C Johnson	863.93
37888	Philip Winkelmann	837.26
37889	Lindsey S. Troyer	561.92
37890	Regan Beranek	109.24
37892	Roger L Kness	247.81
37893	Joyce Elaine Plessel	184.70
37894	Ricky Gene Fortune	138.52
37895	Dean Alan Bruha	138.52
37896	Emerson L Neal	138.52
37897	Robert E Anderson	138.52
GENERAL FUND:		
37802	U.S. Postmaster – Utility Billing	140.81
37803	Aflac – Acc, Cancer. Disabl, Suppl	292.16
37804	Advanced Graphix – Graphics	302.00
37805	Alltel – Service for October	337.14

37806	Alltel – Long Distance for Sept & Oct	2.64
37807	Arrakis Publishing – Support & Upgrade	295.00
37808	Bob’s Automotive – Battery,Mileage,Meals	510.86
37809	Buman’s Mechanical – Air Filter, Premix Oil	27.35
37810	City Cleaners – Uniform Repair	12.00
37811	Culligan Water Conditioning – Soft Water	18.00
37812	Farmers Coop – Gas/Diesel for October	1082.32
37813	D & D Communications – Foam Ear Pieces	33.00
37814	Data Technologies – Update Release 5.16E	14.00
37815	Eakes Office Plus – Monthly Planner,Copier Paper	458.03
37816	Farm Plan – Rim, Tire, Intertube	128.04
37817	The Garbage Company – Garbage Service for October	90.50
37818	Gene’s Electric – Service Work @ City Hall	75.00
37819	Gerhold Concrete – 1 Cy Concrete	61.50
37820	Great Plains – Emer Locate, Locate Request	30.49
37821	Interstate all Battery Center – Battery for well controls	67.52
37822	Lynn Peavey Company – Ink Pads, Alcohol Kits	92.36
37823	Meyer – Century Labs – Nut Buster, Garbage Liner	330.50
37824	Milford A/C & Appliance – A/C, Wall Sleeve, Labor	1268.84
37825	The Milford Times – Notice, Minutes, Bid for tractor	219.47
37826	Moses Motor – Parts & Labor on Truck	1095.89
37827	Municipal Supply – Corp Stop, Female Copper	366.35
37828	Mutual of Omaha – Disability Insurance	69.23
37829	Nebraska Machinery – Lamp Pulley Meter Kit	972.36
37830	NE Dept of Revenue – Sales Tax for October	1828.75
37831	Nebraska Motor Parts – Wiper Blades, Polish Belt	47.53
37832	Nebraska Public Power – Service for October	4461.80
37833	Nebraska Tech & Telecomm – Service for October	506.53
37834	Omaha Life Insurance – Group Life	281.50
37835	OMB Police Supply – Gun Racks for Patrol Unit	549.80
37836	Aquila – Gas Service for October	164.29
37837	Pizza Kitchen – Evening Meal	122.50
37838	Powerplan – Switch	11.19
37839	Ri Tec – 4 Mr. Melt Ice Melt	520.36
37840	Roxanne Roth – Cleaning Supplies	250.00
37841	Mrs. Wayne Roth – Birthday Cakes	28.00
37842	Sam’s Club – Paper Towels, Trash Bags,Bath Tissue	128.59
37843	Schlegel’s Groceries – Milk & Groceries	41.46
37844	Seward Co Public Power Dist – Wells 1 & 2	461.49
37845	Seward County Ford – Replace Battery	107.11

37846	Stutzman Digging – Put ¾ Water Main	75.00
37847	Sunrise Country Manor – 388 Meals for October	1299.80
37848	Uniservice – Pants & Rags	130.38
37849	Williams Tree Farm – Tree Spade Time	850.00
37850	Zoll Medical – Sensors	924.02
37851	Zim International – Knock Out, Shop Pac	850.56
37852	Weathercraft – Roof Repairs on City Hall	388.40
37853	Willis Heyen – Water/Sewer Deposit Refund	50.00
37854	Wayne Detweiler – Water/Sewer Deposit Refund	40.36
37872	Ameritas – Retirement Plan	1319.19
37873	John Alden – Group Health	7912.59
37891	Ameritas – Retirement Plan	1319.19
37898	Alltel – Service for October	28.36
37899	Amazon.com – 7 Books	102.26
37900	Atco International – Ice Go See Thru	307.00
37901	Backyard Living – 2 yr. Subscription	18.96
37902	Blevens Law Office – Legal Services for Nov.	350.00
37903	Book of the Month Club – 7 Books	249.12
37904	Center Point Publishing – 20 Books	162.55
37905	City of Milford – Postage, Meals	56.56
37906	Christian Book – Books	284.89
37907	D & D Communications – Battery	251.57
37908	Data Technologies – Summit Update	104.20
37909	Emergency Medical Products – Blanket, Tubing	295.76
37910	Farmers & Merchants Agency – Secretary Bond	175.00
37911	Heartsong Presents – 8 Books	21.98
37912	Ingram Library – 26 Books	218.13
37913	Kids – 2 yr. Subscription	34.00
37914	The Library Store – Office Supplies	31.25
37915	Lynn Peavey Company – Finger Paint Pads	140.90
37916	Sport Supply Group – 2 Volleyballs	95.74
37917	Midwest Tape – 7 DVD's	148.98
37918	Milford AC & Appliance – New Thermostat	231.00
37919	Milford School Dist. #5 – Parking Fines	40.00
37920	Milford Volunteer Fire Dept. – NEMSA 2004 Mem	270.00
37921	National Geographic – 1 Book	15.90
37922	National Geographic – 1 yr. Subscription	19.00
37923	Nebraska Health Lab – Blood Analysis	75.00
37924	NE Supreme Court – 2003 Supplement	27.10
37925	Omaha Life Insurance Co – Group Life Insurance	141.90

37926	Pack O Fun – 2 yr. Subscription	36.97
37927	Pitney Bowes – Quarterly Fee	326.69
37928	Edna Riedl – 1 Ink Cartridge	28.99
37929	Roxanne Roth – Cleaning Services	250.00
37930	Sam’s Club – Sam’s Membership	30.00
37931	Servi-Tech – Water Analysis	58.15
37932	Union Bank – Gary TeSelle Acct #5562939	300.00
37933	Walmart – Glue Stix, Cleaning Supplies	35.27
37934	World Almanac Education – 2 Books	85.18

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Planning & Zoning minutes for November 13, 2003, Milford Aging Services Commission minutes for November 18, 2003; Library Board minutes for October 23, 2003 and Police Dept. Activity Report for November 2003.

Chief Siebken reviewed the monthly Police activity report for November.

COMMUNICATIONS: *Sales tax received for the month of September 2003 was \$12,393.20. *3rd quarter franchise fee received from Galaxy Cable in the amount of \$320.61. *NPPD 3rd quarter lease payment received in the amount of \$51,040.91. * Galaxy Cable rate increase for basic service from \$38.45 to \$40.45 as a January 1, 2004. *Performance report and certification report for D.A.R.E. Officer Forrest Siebken.

Roger Kness arrived.

PUBLIC HEARING – Request Zone Change R-2 to C-I: Mayor Plessel opened the public hearing at 7:40 pm. Roger Kness informed the Council that the Planning & Zoning made the request to change the proposed lots from R2 to CI (Commercial Intensive) as the lots will be used for automobile sales. The opportunity for residential use would require rezoning the designated lots. Bruha noted that the change should be CE as it allows for automobile sales according to the Comprehensive Plan. Kness stated that the downtown area is all CI, which allows construction of buildings directly up to the property line. This zoning change will keep consistency with the downtown area. Neal reinforced keeping consistency to the downtown area. Anderson questioned the Comprehensive Plan and permitted principle uses as CE allows for automobile sales. Terry Rediger arrived. With no further discussion Mayor Plessel closed the public hearing at 7:44 pm.

PUBLIC HEARING – Employee Appreciation Policy: Mayor Plessel opened the public hearing at 7:44 pm. Plessel noted that this request was brought to her and she explained that in the past Chamber of Commerce gift certificates were given to the employees at Christmas time. The employees

would like to get back to this. Many years ago individual checks were given. Bruha questioned the legality of this procedure and disbursement of gifts to public employees with public funds. Blevens noted that it is specifically permitted now as long as the City has a policy in place. City of Seward's policy dated 1993 was reviewed and used to set up the policy for Milford. Blevens noted that bonuses could be determined at the time of the salary ordinance. After reviewing the gift certificate payment schedule Neal informed the Council that the total amount of certificates would be approximately \$1,025.00. Fortune asked who brought this to the Council. Mayor Plessel commented it was brought to her by some of the employees. With no further comments, Mayor Plessel closed the public hearing at 7:55 pm.

UNFINISHED BUSINESS:

Contract Amendment #3, Olsson Associates, Water Tower: Fortune had reviewed the information from last months meeting and decided that Olsson Assoc. had completed the work required to finish the water tower and that they deserved to be compensated for the work done. A motion was made by Fortune and seconded by Neal to approve contract amendment #3 allowing for an additional \$7,000.00 for engineering services provided by Olsson Assoc. Roll call vote: Fortune yes, Neal yes, Anderson yes, Bruha yes. Motion carried.

With the Council's permission Mayor Plessel moved items m,n,o and p to the front of the agenda.

Change Order – Time Extension, LFW Sandblasting: A motion was made by Fortune and seconded by Bruha to approve the change order requested for a time extension to LFW Sandblasting. Roll call vote: Fortune yes, Bruha yes, Anderson yes, Neal yes. Motion carried.

Final Pay Request – LFW Sandblasting: A motion was made by Fortune and seconded by Neal to approve Final Payment to LFW Sandblasting in the amount of \$18,500.00. Roll call vote: Fortune yes, Neal yes, Anderson yes, Bruha yes. Motion carried.

Change Order – Time Extension, Maguire Iron: A motion was made by Fortune and seconded by Bruha to approve the change order requested by Maguire Iron on a time extension for completion of the water tower. Roll call vote: Fortune yes, Bruha yes, Anderson yes, Neal yes. Motion carried.

Final Pay Request – Maguire Iron: A motion was made by Fortune and seconded by Neal to approve Final Payment to Maguire Iron in the amount of \$46,127.50. Roll call vote: Fortune yes, Neal yes, Anderson yes, Bruha yes. Motion carried.

Mayor Plessel also moved item (i) forward on the agenda.

Discussion – Funding new Fire Dept. Vehicles: Scott Burroughs gave an excellent power point presentation showing the equipment needs of the Fire Dept. and a possible solution to acquiring this equipment. A complete copy of the presentation is being made a permanent part of these Council proceedings. The Fire Dept. is asking the Council to follow up with bond council and see what steps need to be taken to add the funds requested to the existing Fire Station Bond. The Fire Dept. is anticipating an increase of about \$330,000.00, which would be added to the existing Fire Station Bond. Bruha noted the importance of adequate equipment. He suggested generating income by billing the individuals that request medical attention and are not residents of the County. Stan Thomas, secretary/treasurer for the Fire Dept., noted that bills are already sent to these individuals, but for many reasons Interstate (I-80) traffic accidents are very hard to collect ambulance fees for. Fortune stated that the Fire Dept. has shown the need for the Q.R.T. equipment and suggested proceeding with the next step and contacting the Bond Council.

Introduction and Adoption of Ordinance-Rezone property from R-2 to C-I: Council member Bruha introduced the following ordinance:

ORDINANCE NO. 747

AN ORDINANCE TO CHANGE THE ZONING OF DESCRIBED PROPERTY FROM R-2 TO C-I; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT. (See Ordinance Record)

Introduction and Adoption of Resolution – Employee Appreciation Policy: A motion was made by Fortune and seconded by Bruha to table this agenda item until the next meeting. Roll call vote: Fortune yes, Bruha yes, Anderson yes, Neal yes. Motion carried.

Stop Signs @ Park Ave. & “E” Street: Burdette Boshart commented that the stop signs are unnecessary and questioned whether a traffic study was done prior to placement. The one-way signs for the circle drive are confusing when sitting at the stop sign. Fortune noted that he spent time watching traffic in the area and witnessed 3 near misses. The signs have been erected because the intersection is not good. If you take the turn at Park Ave. & “E” streets at any rate of speed it can cause a problem. Bruha noted that it may be an inconvenience to stop, but it may also prevent something bad from happening. Boshart questioned why all of a sudden the corner became a problem, there use to be a huge evergreen tree on the corner and no stop signs were needed then. Neal noted the change came about due to the increased number of children within the 2 -3 block area. Mayor

Plessel informed those present that a letter had been presented from Charlie Pierce noting 23 young children within this neighborhood. Fortune stated the City will not take the signs down. Boshart asked if it was legal to regulate speed with stop signs. Anderson wished a Public Hearing would have been held prior to the placement of the signs.

Concerns-Maintenance Dept.: Burdette Boshart noted his concern regarding the jobs that the City maintenance crew is starting and not completing. He also commented about conversation with Mark Frey and cleaning up the back of the Fire Station. The maintenance crew mows the Sr. Center and takes care of the parks but will not clean up behind the Fire Station. Boshart presented a picture of a Fire Hydrant on Fairway Dr. that had some dirt work done around it and it is still in the same condition as when the maintenance dept. left it. Boshart noted that if the Fire Dept. would need to respond to a call in this area it would take them 10 min. just to clear away the dirt to use the fire hydrant. The Council reassured Boshart that this item will be taken care of.

Introduction and Adoption of Ordinance – Aquila, Franchise Fee: Council member Neal introduced the following Ordinance:

ORDINANCE NO. 748

AN ORDINANCE ESTABLISHING A FRANCHISE TAX ON NATURAL GAS COMPANIES OPERATING IN THE CITY OF MILFORD, NEBRASKA; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

(See Ordinance Record)

Appointments – Chief of Police: A motion was made by Bruha and seconded by Fortune to approve the Mayor's recommendation to reappoint Forrest Siebken as Chief of Police. Roll call vote: Bruha yes, Fortune yes, Anderson yes, Neal yes. Motion carried.

City Clerk/Treasurer: A motion was made by Fortune and seconded by Bruha to approve the Mayor's recommendation to reappoint Jeanne Hoggins as City Clerk/Treasurer. Roll call vote: Fortune yes, Bruha yes, Anderson yes, Neal yes. Motion carried.

Continuation Order – 2nd Semester, Webermeier Scholarships: A motion was made by Neal and seconded by Fortune to approve and award 28 Webermeier Scholarships for the 2nd semester at \$392.86 each, totaling \$1100.08. Roll call vote: Neal yes, Fortune yes, Anderson yes, Bruha yes. Motion carried.

Award Bid – Tractor: A motion was made by Neal and seconded by Bruha to award the bid to Blue River Implement for the purchase of a tractor in the

amount of \$5,375.00. Roll call vote: Neal yes, Bruha yes, Anderson yes, Fortune yes. Motion carried.

Amend Ordinance #744 – Commercial Fee & Satellite Dish: Council member Bruha introduced the following Ordinance:

ORDINANCE NO. 749

AN ORDINANCE TO AMEND CHAPTER 9, ARTICLE 2, SECTION 205 OF THE MUNICIPAL CODE FOR PERMIT FEES; TO AMEND ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT.

(See Ordinance Record)

Council member Bruha introduced the following Ordinance:

ORDINANCE NO. 750

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE 6, SECTIONS 601 AND 602 OF THE MUNICIPAL CODE FOR PERMIT FEES; TO AMEND ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

A motion was made by Neal and seconded by Bruha to amend verbiage in section (3.) of Ordinance No. 749. Roll call vote: Neal yes, Bruha yes, Anderson yes, Fortune yes. Motion carried.

Council member Fortune re-adopted Ordinance No. 749 (see above) with changes made to section (3.) (See Ordinance Record)

5th & “D” St. – Sidewalk Improvements: Bob Anderson submitted minutes from the June 3, 2003 Council meeting showing discussion held regarding the sidewalk at 5th & “D” Streets. Jones Bank was asked to place a sidewalk along “D” Street butting up to the south side of Hwy 6. There may be a problem trying to continue the sidewalk north. The City right-of-way extends over the curb only a few feet to the west. To place an adequate, standard 4’ sidewalk the City may need to acquire some ground from the property owner. Placing a narrow sidewalk along the curb was considered. The actual R.O.W. is still in question and a survey will need to be done to determine the exact R.O.W. Then the question arose as to who would pay for the placement of the sidewalk. Anderson questioned the possibility of an easement for a sidewalk. The Council decided to table this item until the January meeting.

Re-appointments – Milford Aging Services Commission: A motion was made by Anderson and seconded by Bruha to approve the Mayor’s recommendation to re-appoint Vera Havener for a 2 year term, which would be her first term as she has just completed Mary Williams term and re-appointment of Warren Spellman for a 2 year term, which would be his

second term. Roll call vote: Anderson yes, Bruha yes, Fortune yes, Neal yes. Motion carried.

ADJOURNMENT: A motion was made by Fortune and seconded by Bruha to adjourn the meeting. Roll call vote: Fortune yes, Bruha yes, Anderson, yes, Neal yes. Motion carried and meeting adjourned at 9:47 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 of December 2, 2003 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