

CITY OF MILFORD
REGULAR MEETING
DECEMBER 4, 2000
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 4th day of December, 2000 at 7:30 P.M. Present were: Mayor J. Elaine Plessel; Council members: Scott Burroughs, Gary Cooper, Lyle Neal, Rick Fortune; Attorney Robert Blevens; City Clerk Jeanne Hoggins. Also present: Bud Plessel, Dean Bruha, Dave Montag with Olsson Assoc., Teresa Ferris, Brandon Tomcak, Susan Harding, Maintenance Supt. Mark Frey, Chief of Police Forrest Siebken, Todd Neeley 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.

AFFIRMATION OF OATH: NEAL, FORTUNE: City Clerk Jeanne Hoggins swore in newly elected Council members Lyle Neal and Rick Fortune.

MINUTES: A motion was made by Fortune and seconded by Burroughs to approve the minutes of the November 7, 2000 meeting with the following correction. The first 2 years adjustment would increase the annual water rate income approximately \$10,000 "per year". Roll call vote: Fortune yes, Burroughs yes, Cooper yes, Neal yes. Motion carried.

A motion was made by Cooper and seconded by Fortune to approve the minutes of the November 29, 2000 meeting. Roll call vote: Cooper yes, Fortune yes, Burroughs abstain, Neal yes. Motion carried.

PAYMENT OF BILLS, BOND PRINCIPLE AND INTEREST: A motion was made by Cooper and seconded by Fortune that the following bills be approved for payment. Roll call vote: Cooper yes, Fortune yes, Burroughs yes, Neal abstain. Motion carried.

SALARIES:

32185	Mark Frey	1011.97
32186	Forrest K. Siebken	981.01

32187	Jeanne M. Hoggins	837.01
32188	Gary Lee TeSelle	740.53
32189	Scott Dean Fosler	877.24
32190	Robert L. Hull	771.19
32191	Beverly J. Wehrs	333.87
32192	Edna A. Riedl	307.55
32193	David R. Dahle	736.55
32194	Louis J. Bialas	713.82
32195	Pamela J. Slama	231.04
32196	Arlene F. Sieck	534.03
32197	Lucy B. Honig	234.58
32198	Chad A. Craghead	699.28
32199	Andrea K. Henrichson	134.46
32201	Gary W. Cooper	138.52
32202	Roger L. Kness	192.40
32203	Ricky Gene Fortune	138.52
32204	Dean Alan Bruha	184.70
32205	Dorothy J. Bockoven	138.52
32206	Scott C. Burroughs	138.52
32207	Mark Frey	1011.97
32208	Forrest K. Siebken	981.01
32209	Mavis Lynn Ferris	36.86
32210	Jeanne M. Hoggins	837.01
32211	Gary Lee TeSelle	582.57
32212	Scott Dean Fosler	938.40
32213	Robert L. Hull	753.00
32214	Beverly J. Wehrs	300.52
32215	Edna A. Riedl	215.43
32216	David R. Dahle	744.31
32217	Louis J. Bialas	702.46
32218	Pamela J. Slama	226.65
32219	Arlene F. Sieck	599.34
32220	Lucy B. Honig	195.79
32221	Chad A. Craghead	706.83
32222	Andrea K. Henrichson	64.64
GENERAL FUND:		
32145	Alltel – Services for October	777.25
32146	Alltel/Cellular – Mobile Calls, Phone & Charger	256.07
32147	Alltel – Long Distance Service for October	5.58
32148	Bob’s Service – Parts, Mlg/Meals/Motel=Convention	616.05
32149	Butchs Welding & Repair – 3 Strikers	6.15

32150	Centaur Enterprises, Inc. – Straps, Carriage Bolts	21.58
32151	Clint’s Service Shop – Sharpen Chains	44.80
32152	Culligan Water Conditioning – Soft Water	16.00
32153	Dorchester Coop/Supplies – Stem, Tire Repair	21.15
32154	Dorchester Coop/Gas – Gas & Diesel, Tire Repairs	885.61
32155	Eakes Office Plus–Labels, Ribbons, File Inserts, Tape	98.93
32156	Ernie’s In Ceresco – Carpet & Installation	5570.35
32157	Farmers & Merchants Agency-Hoggins/Sieck Bonds	625.00
32158	Farm Plan – Mower Parts	22.25
32159	G & P Development Landfill – Haul out Solid Waste	15.58
32160	The Garbage Company – Garbage Pickup for Oct	85.50
32161	Great Plains-One Call – Locate/Emergency/Surcharge	23.46
32162	Milford Mini Mart – 9V Battery	4.49
32163	The Milford Times – Mtg Notices, Ords, Minutes	333.42
32164	Mutual of Omaha Companies – Group Insurance	5040.71
32165	NE Dept of Revenue – Sales Tax for October	1443.37
32166	Nebraska Motor Parts – Bulbs, Flasher, Detergen	52.38
32167	NE Public Power Dist – Service for October	4132.26
32168	Pavers Inc – Asphalt for Phase B	3214.60
32169	Pavers Inc – Asphalt for Phase A	18811.20
32170	Peoples Natural Gas – Service for October	226.85
32171	Pizza Kitchen – 36 Dinners & \$3.50	126.00
32172	Poolmart, Inc – Access Cover O-Ring, Reagent	61.85
32173	Roxanne Roth – Clean Fire Hall & Library	160.00
32174	Mrs. Wayne Roth – 2 Birthday Cakes	25.00
32175	Schlegel’s Groceries – Groceries & Milk	40.27
32176	Servi-Tech Inc. – Wastewater Analysis Package	134.00
32177	Seward County Rural Public Power – Wells 4 & 5	355.13
32178	Seward County Ford – Oil Change Special	20.95
32179	Subway Motors Co – Lens for ’98 Dodge	57.50
32180	Sunrise Country Manor – 439 Meals for October	1317.00
32181	Troyer Concrete – Remove/Replace Brick/Concrete	3436.00
32182	Uniservice, Inc. – Pants & Rags	113.44
32183	Vahl Drug & Paint Company – Stain for Cabinets	11.90
32184	Wal Mart – Paper Supplies, Sharpeners, Mitts, Misc	124.01
32200	Ameritas Life Insurance Corp – Retirement	1039.25
32223	Ameritas Life–Amendment/Fees Bklets, Retirement	1320.21
32224	Acco – Liq Chl, Carboy	391.83
32225	Advanced Graphix Inc – Graphics / 2001 Cruiser	295.00
32226	Thomas T. Beeler, Publisher – 2 Books	46.47
32227	Blevens Law Office – Legal Services for November	350.00

32228	Bound to Stay Bound Books, Inc – Book “Rag Coat”	15.72
32229	Century Labs, Inc – No-Trax Mat	63.84
32230	City of Milford/Petty Cash – Postage, Cleaner	25.44
32231	Data Technologies – Acctng 4.1.06 Update	13.00
32232	Des Moines Stamp Mfg Co – Stamp Ink	5.90
32233	Gene’s Electric – Fix Outside Lights	170.25
32234	Graham Tire Lincoln North – Tires for ’98	103.40
32235	Heartsong Presents – 4 Books	9.97
32236	Heartland Auto Body – Install Decals ’98	72.00
32237	Highsmith Inc – Books	60.75
32238	Ingram Library Services – 69 Books	511.70
32239	Interstate Equip., Inc – Stihl Trimmer	149.95
32240	Lincoln Journal Star – Bid for 2001 Dump Truck	9.16
32241	Lexis Law Publishing – 4 NE Crim/Traff Law Books	160.22
32242	Lesco Inc – Viper ZTR Mower	5995.00
32243	Light & Tasty – 1 year Subscription	10.98
32244	Mgt Advertising & Publications – Book / “NE Sand”	13.77
32245	M.E. Collins Contracting – Work/Barber Shop-Alley	1682.00
32246	Marshall Cavendish Corporation – 4 Books	95.21
32247	Milford Frame Clinic – Adjust Doors on ’83 Dodge	60.00
32248	Milford School Dist #5 – Fines collected for Nov	105.00
32249	Midwest Laboratories, Inc – Biomonitoring NPDES	525.00
32250	Midwest Radar & Equip – Radar Cert ’98 Crwn Vic	45.00
32251	Mutual of Omaha Companies – Disability	109.23
32252	Nebraska Machinery Co – 2 Cap Valves	5.99
32253	NE Dept of Revenue – State W/H for November	632.96
32254	Newman Traffic Signs – No P Here to Corner	30.94
32255	Office Depot – Nameplates / Plessel, Neal	13.98
32256	Ollis Book Corporation – 11 Books	161.00
32257	Omaha Life Insurance Co – Life Insurance for Dec	60.20
32258	OMB Police Supply – Siren Speaker, Lightbar	1150.89
32259	Pitney Bowes – Qtrly Rental Fee	326.69
32260	Regent Book Co., Inc. – 24 Books	345.71
32261	Edna Riedl – Mlg to Omaha / Internet Class	40.30
32262	Roxanne Roth – Clean Fire Hall & Library	160.00
32263	Sack Lumber Company – Door Bottom	3.19
32264	Pam Slama – Clean City Hall	160.00
32265	Union Bank – Gary TeSelle Account	250.00
32266	Utility Equip Co – Sales Tax, Ell, Coupling, Oil	240.96
32267	WalMart Community – Cleaners, Tapes, Trash Bags	150.98
32268	Watts Up – Ceiling Light Bulbs	433.50

32269 Beverly Wehrs – Mats / Kitchen, Serving Center 58.28
32270 Zoll Medical Corporation – Supplies 83.93

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Housing Authority minutes for November 13, 2000; Milford Aging Services Commission minutes for November 29, 2000; Library Board Minutes for November 16, 2000; Police Dept. Activity Report for November 2000. Fortune – received a letter from the State of Nebraska regarding coliform violations in November’s testing. The City may have to chlorinate. Cooper - The elevation on the storm sewer inlets behind the Post Office had to be corrected, that work has been completed. The street lighting has been completed on the State Street Project. The street repairs made by M. E. Collins are complete. Maurice Jantze has agreed to allow the City to remove the pine trees located along the south side of Hwy 6 east of Fairway Dr. These trees are in bad condition and also create a visibility problem. One or two trees will also be removed from the north side of the Hwy in the same location. Burroughs – The tennis court in the uptown park will be flooded this winter for use as an ice skating rink. Siebken – 814 total calls for service were made in November. Milford P.D. has worked with the State Patrol in developing a composite drawing of possible suspects involved with the Casey’s General Store robbery. These will be distributed to the State Patrol Bulletin and NeLEIN.

COMMUNICATIONS: *Sales tax received for the month of September 2000 was \$12,101.24. *Notice of Public Hearing to be held on the proposed One and Six Year Seward County Highway Dept. Program on December 19, 2000 at 10:30 a.m. at the Seward County Courthouse. *Galaxy Cablevision will be adding 3 new channels in February 2001. Comedy Central on channel 57, TV Land on channel 58 and Cartoon Network on channel 59. Effective January 1, 2001 the basic rate for cable will increase \$1.25. Showtime and The Movie Channel will also have a rate increase of \$1.00. *A letter was received from JEO Consulting Group asking the City of Milford to consider appointing them as the City Engineer.

UNFINISHED BUSINESS:

Proposals for Storm Sewer Discharge System, west of Coop: A revision of Kirkham Michael’s proposal was presented before the Council with name changes from Oakland to Milford as per Gary Cooper’s request. Cooper compared proposals with the Council members noting that Kirkham Michael’s proposal was the best plan for the dollar amount. Cooper would like to gather more information and budget for this project next fiscal year. A motion was made by Cooper and seconded by Burroughs to approve Kirkham Michael to do the design phase of this project and to budget next

year for construction. Roll call vote: Cooper yes, Burroughs yes, Fortune yes, Neal yes. Motion carried.

Introduction and Adoption of Ordinance – Water Rate Increase:
Council member Fortune introduced the following Ordinance:

ORDINANCE NO. 710

AN ORDINANCE TO AMEND SECTION 3-106.01 OF THE MUNICIPAL CODE PERTAINING TO MUNICIPAL WATER DEPARTMENT; SERVICE CHARGE; AND USAGE FEES; TO AUTOMATICALLY INCREASE SERVICE CHARGES AND USAGE FEES; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE TIME WHEN THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT.

(See Ordinance Record)

NEW BUSINESS:

Appointments:

Council Assignments – Mayor Plessel presented the following Council assignments: J. Elaine Plessel – Mayor, General; Scott Burroughs – Parks, Pool, Recreation, Cemetery; Gary Cooper – Streets, Police, Auditing Committee, ADA & OSHA Compliance; Rick Fortune – Water Sewer, Fire Department; Lyle Neal – Library, Senior Citizens, Auditing Committee, Webermeier Scholarship. A motion was made by Fortune and seconded by Burroughs to approve the Council assignments as a group. Roll call vote: Fortune yes, Burroughs yes, Cooper yes, Neal yes. Motion carried.

Chief of Police – A motion was made by Burroughs and seconded by Cooper to approve the Mayor’s appointment of Forrest K. Siebken as Chief of Police. Roll call vote: Burroughs yes, Cooper yes, Fortune yes, Neal yes. Motion carried.

City Clerk – A motion was made by Fortune and seconded by Cooper to approve the Mayor’s appointment of Jeanne Hoggins as City Clerk. Roll call vote: Fortune yes, Cooper yes, Burroughs yes, Neal yes. Motion carried.

Economic Development Committee, City Rep. – A motion was made by Burroughs and seconded by Fortune to approve the Mayor’s appointment of Lyle Neal as the City Representative for the Economic Development Committee. Roll call vote: Burroughs yes, Fortune yes, Cooper yes, Neal abstain. Motion carried.

Citizen Advisory Review Committee, City Rep. – A motion was made by Cooper and seconded by Burroughs to approve the Mayor’s appointment of Lyle Neal as the City Representative for the Citizen Advisory Review Committee. Roll call vote: Cooper yes, Burroughs yes, Fortune yes, Neal abstain. Motion carried.

Election: President of Council - Fortune made a motion to nominate Cooper as the President of Council seconded by Neal. Roll call vote: Fortune yes, Neal yes, Burroughs yes, Cooper abstain. Motion carried.

Acting President of Council – Burroughs mad a motion to nominate Fortune as the Acting President of Council seconded by Cooper. Roll call vote: Burroughs yes, Cooper yes, Fortune abstain, Neal yes. Motion carried.

Introduction and Adoption of Resolution – Depository of Funds: A motion was made by Burroughs and seconded by Fortune to introduce and adopt Resolution #370. Roll call vote: Burroughs yes, Fortune yes, Cooper yes, Neal yes. Motion carried. (Resolution #370 attached to these minutes.)

Reappointments – Milford Aging Services Commission: A motion was made by Fortune and seconded by Cooper to approve the Mayor’s reappointment of Wilma Phelps, 2nd term and Mary Williams, 2nd term to the Milford Aging Services Commission both terms to expire January, 2004. Roll call vote: Fortune yes, Cooper yes, Burroughs yes, Neal yes. Motion carried.

Revision of Employee Handbook: Chief Siebken presented a proposal to change the Non-Exempt (Wage) category of the Employee Categories section of the employee handbook. The change was directed toward over time and when the minimum of 2 hours would be paid after being called out for service. After discussion of the revision Mayor Plessel asked for Attorney Blevens opinion. He gave it his approval. A motion was made by Fortune and seconded by Burroughs to accept the revision of the employee handbook. Roll call vote: Fortune yes, Burroughs yes, Cooper yes, Neal yes. Motion carried. (Revision attached to these minutes)

Approve Continuation Order – Webermeier Scholarships: Neal noted that there were 29 students to receive \$517.00 each for the 2nd semester of the 2000 – 2001 school year. A motion was made by Neal and seconded by Cooper to approve the continuation order for the Webermeier Scholarships. Roll call vote: Neal yes, Cooper yes, Burroughs yes, Fortune yes. Motion carried.

Award Dump Truck Bid: Cooper noted that due to the extra costs acquired by the State Street Project the street budget would need to be reviewed before a decision could be made. Cooper asked to table this item.

Award Bid – Sale of Ball field lights: Burroughs noted that 1 bid had been received. The bid was from Nathan Miller for 15 fixtures at \$5.00 each for a total of \$75.00. Burroughs mentioned that there were still about 100 fixtures left. A motion was made by Burroughs and seconded by Fortune to approve the bid submitted by Nathan Miller for 15 fixtures at \$5.00 each. Roll call vote: Burroughs yes, Fortune yes, Cooper yes, Neal yes. Motion carried.

Water Tower Repair Report: Dave Montag with Olsson Associates presented 3 different options for the Council. 1st option was to demolish the tower and build a new one. 2nd option was a minimal repaint project which they would sand blast only the rusty areas and repaint using a cheaper paint system. This would maintain the tank for roughly 5 years. Minimum safety improvements were also discussed. Estimated cost for the project \$32,000 to \$45,000. The 3rd option would consist of sand blasting the entire tank and repainting with a Zinc primer and 2 layers of acrylic paint. Safety features such as a ladder and walk way were discussed. This paint system would last 20 years and with minimal upkeep would last longer. Estimated cost for the project would be \$55,000 - \$74,000. Fortune noted that \$60,000 had been budgeted for this project and with all the options available the Council needed to look into this project further. Fortune asked to table this item until next months meeting.

Discuss Salary Increase – Lucy Honig, 1 year review: Mayor Plessel presented information to the Council regarding Lucy Honig’s hire date, the increase she received in 5/00 and the budgeted amounts for the Library. A concern for the Library Salary line item due to the fact that they over expended last year and did not increase the budget amount. A motion was made by Cooper and seconded by Fortune to approve the increase of hourly wage to \$7.30 for Lucy Honig after her 1 year review. Roll call vote: Cooper yes, Fortune yes, Burroughs yes, Neal yes. Motion carried.

Authorize Final Payment – Eng. Serv. for State Street Project, Olsson Assoc: No information was received on this item. Place on January agenda.

Introduction and Adoption of Resolution – Amend Retirement Plan: The following resolution was introduced by Burroughs, who moved its adoption, seconded by Cooper.

RESOLUTION NO. 371

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

WHEREAS, under Article VIII of the Plan Document the Employer has the authority to amend any provision of the Plan.

AMENDMENT NUMBER 1: Section 4.10 Directed Investment Account:

- (a) The Administrator, in his sole discretion, may determine that all Participants be permitted to direct the Insurer as to the investment of all or a portion of the interest in any one or more of their individual account balances. If such authorization is given by the Administrator, Participants may, subject to a procedure established and applied in a uniform nondiscriminatory manner, direct the Insurer in writing to invest any portion of their account in specific

assets or other investment permitted under the Plan. The procedures for investment direction shall specify how often changes between investments may be made and any other limitations that the Administrator shall impose on a Participant's right to direct investments. That portion of the account of any Participant so directing will thereupon be considered a Directed Investment Account, which shall not share in Fund earnings.

- (b) A separate Directed Investment Account shall be established for each participant who has directed an investment. Transfers between the Participant's regular account and his Directed Investment Account shall be charged and credited as the case may be to each account. The Directed Investment Account shall not share in Fund earnings, but it shall be charged or credited as appropriate with the net earnings, gains, losses, and expenses as well as any appreciation or depreciation in market value during each Plan Year attributable to such account.

BE IT RESOLVED, that Section 4.10 shall be amended effective November 1, 2000.

Upon roll call vote as follows: Burroughs yes, Cooper yes, Fortune yes, Neal yes. Motion carried.

Passed and approved this 4th day of December, 2000.

City of Milford, Nebraska

Attest: City Clerk

Mayor

Authorize Payment – Kirkham Michael, Flood Mitigation: A motion was made by Fortune and seconded by Burroughs to approve invoice #43835 in the amount of \$4,342.00 to Kirkham Michael for the Flood Mitigation Plan. Roll call vote: Fortune yes, Burroughs yes, Cooper yes, Neal yes. Motion carried.

Introduction and Adoption of Resolution – Interlocal Agreement, rural Apprehension Program/2000 – 2001: The following resolution was introduced by Cooper, who moved its adoption, seconded by Burroughs.

RESOLUTION NO. 372

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

WHEREAS, law enforcement agencies within the following counties: Butler, Clay, Fillmore, Hamilton, Jefferson, Merrick, Nuckolls, Saline,

Saunders, Seward, Thayer, Webster, and York desire to enter into a cooperative law enforcement effort; and

WHEREAS, the above agencies have submitted a grant application as the RURAL APPREHENSION PROGRAM (hereafter R.A.P.); and

WHEREAS, the R.A.P. project has been funded by the Nebraska Crime Commission; and

WHEREAS, the various counties, agencies and communities within those counties desire to make the most efficient use of the power by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors; and

WHEREAS, an interlocal agreement, consistent with Nebraska Revised Statutes 13-801 et.seq., would be in the best interest of all participating agencies; and

WHEREAS, the agencies desire to enter into a written interlocal agreement for the purpose of carrying out the R.A.P. objectives and grant requirement of the Nebraska Crime Commission.

BE IT RESOLVED THAT:

The City of Milford authorizes R.A.P. to enter City of Milford into an interlocal agreement for joint and cooperative action pursuant to the provisions of Section 13-801 through 13-807. The interlocal agreement shall be for the strict administration of the R.A.P. project and all funds allocated by the Nebraska Crime Commission, and Match dollars allocated by the R.A.P. members. Further, this interlocal agreement shall not establish a separate legal entity, rather as a joint and cooperative undertaking between public agencies i.e. state, county, city and village. (Nebraska Revised Statute 13-801)

Amount of match dollars allocated by the City of Milford for the 2000 - 2001 (R.A.P. 11) grant period will be \$943.00.

Upon roll call vote as follows: Cooper yes, Burroughs yes, Fortune yes, Neal yes. Motion carried.

Dated this 4th day of December, 2000.

City Clerk

Mayor

ADJOURNMENT: A motion was made by Fortune and seconded by Cooper to adjourn the meeting. Roll call vote: Fortune yes, Cooper yes, Burroughs yes, Neal yes. Motion carried and meeting adjourned at 8:24 P.M.

City Clerk

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 4, 2000 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