

CITY OF MILFORD
REGULAR MEETING
DECEMBER 5, 2006
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Webermeier Library Community Room in said City on the 5th day of December 2006 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Dean Bruha, Rick Fortune, Lyle Neal; Attorney Robert Blevens; Chief of Police Forrest Siebken, Maintenance Supt. Mark Frey, City Clerk Jeanne Hoggins. Absent: Council member Jeff Baker. Also present: Pat Rixstine, Larry Lindquist, Dennis Jeppson with JEO, Larry Jantze, Bill Abst with Ameritas, Jack Armstrong Gerald Eigsti, Don Yeackley, Bryan and Amy Miller, Ron Velder, David Geary, Jim and Elna Young, Matt and Paula Young, Jessica Dunlap, Russ Roth, Duane Roth, Jean Ferrill, Larry Stonacek, Dave and Ann Dovel, Rob Blauhvietz, Bruce and Leah Policky, Brad and Donna Havener, Craig Jakub, Bill Lauber 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 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 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.

AFFIRMATION OF OATH: Council member Jeffrey M. Baker and Dean A. Bruha were sworn in by Clerk Hoggins. Their term will run from December 2006 until December 2010.

CALL TO ORDER: Mayor Plessel called the meeting to order at 7:34 p.m. Mayor Plessel 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 Room.

MINUTES: A motion was made by Fortune and seconded by Neal to approve the minutes of the November 7, 2006 meeting. Roll call vote: Fortune yes, Neal yes, Baker absent, Bruha yes. Motion carried.

PAYMENT OF BILLS, BOND PRINCIPAL AND INTEREST: A motion was made by Bruha and seconded by Neal that the following bills in the amount of \$153,694.19, Bond principal of \$30,000.00 and Bond interest of \$21,222.50 totaling \$234,916.69 approved by the Auditing Committee be

approved for payment. Roll call vote: Bruha yes, Neal yes, Baker absent, Fortune yes. Motion carried.

SALARIES:

43327	Mark Frey	1303.84
43328	Forrest K Siebken	1238.36
43329	Mavis Lynn Ferris	35.46
43330	Jeanne M Hoggins	1204.40
43331	Gary Lee TeSelle	763.18
43332	Scott Dean Fosler	1015.21
43333	Robert L Hull	916.22
43334	Beverly J Wehrs	520.26
43335	Edna A Riedl	383.92
43336	David R Dahle	923.70
43337	Louis J Bialas	889.85
43338	Arlene F Sieck	250.40
43339	Bryce C Johnson	1100.82
43340	Philip Winkelmann	890.94
43341	George A Matzen	255.68
43342	Joshua S Wiley	106.20
43343	Tracy L Yeackley	622.77
43344	Julia M Wang	106.20
43345	Nicholas D Bernasek	105.09
43346	Erika Hartwig	156.99
43404	Mark Frey	1303.84
43405	Forrest K Siebken	1238.36
43406	Mavis Lynn Ferris	17.73
43407	Jeanne M Hoggins	1204.40
43408	Gary Lee TeSelle	810.23
43409	Scott D Fosler	934.03
43410	Robert L Hull	922.07
43411	Beverly J Wehrs	371.12
43412	Edna A Reidl	383.92
43413	David R Dahle	892.30
43414	Louis J Bialas	884.55
43415	Bryce C Johnson	1010.43
43416	Philip Winkelmann	995.74
43417	George A Matzen	124.38
43418	Joshua S Wiley	74.34
43419	Tracy L Yeackley	618.84
43420	Julia M Wang	87.62
43421	Nicholas D Bernasek	86.62
43422	Erika S Hartwig	264.85

43424	Joyce Elaine Plessel	184.70
43425	Ricky Gene Fortune	138.52
43426	Dean Alan Bruha	138.52
43427	Emerson L Neal	138.52
43428	Jeffrey M Baker	138.52

GENERAL FUND:

43292	Bartolo Celedron – WA/SW Deposit Refund	14.58
43293	Cindy Engel – WA/SW Deposit Refund	50.00
43294	Brandon Mowinkel – WA/SW Deposit Refund	50.00
43295	US Postmaster – Utility Billing Postage	115.09
43347	Ameritas Group – Pension	1560.96
43348	American Plus – Blue Marking Flags	51.65
43349	Alltel – Cellular Charges	85.28
43350	Windstream – Long Distance	8.36
43351	All Pro Landscaping – Repair Underground Wiring	402.00
43352	Aramark – Pants & Rags	222.39
43353	Bob’s Automotive – Fire Conference Fee & Mileage	175.90
43354	Butch’s Welding – Nuts & Bolts, Repair Mower Blades	116.56
43355	Culligan Water Conditioning – Soft Water	54.00
43356	Farmers Cooperative – Gas/Diesel for October	929.31
43357	Data Technologies – ’07 License & Support Fee	2771.35
43358	Deep Rock – Drinking Water	13.25
43359	Eakes Office Plus – Okidata Ribbon, Binder, Outlet	221.92
43360	Ed M Feld Equipment – Repair Parts	1553.85
43361	Elliot Equipment – Work on Water Sensor	151.75
43362	EMP – Supplies	430.22
43363	InsureNebraska – Bond Renewal – Jeanne	450.00
43364	Fire Programs – Support & Upgrade Service	295.00
43365	Fry & Associates – Rubber Matting, FRT	21810.33
43366	Garbage Co – Service for October	123.48
43367	Gene’s Electric – Light for Flag Pole	1700.00
43368	Great Plains One Call – Locate Requests	20.85
43369	Hawkins Water Treatment – Azone 15, LPC-4	1696.37
43370	Heiman Fire Equipment – Fighter Gauntlet	260.21
43371	Healthplan Services – Health Insurance	7587.03
43372	Jeanne Hoggins – Mileage for Supplies	24.48
43373	Jack’s Shop – Sharpen Saw Blades	8.00
43374	Johnson Service – Mobilization, Swr Section	2635.00
43375	MARC – Wasp Spray	106.50
43376	Menard’s – Insert Coupling	5.06
43377	Miller Monroe Co – General Insurance	56395.00
43378	Municipal Supply – Valve, Tee, Frt, Tax	1778.47

43379	National Casulty Co – Insurance on Ambulance Calls	737.08
43380	NE Dept of Revenue – Sales Tax for October	1568.56
43381	NE Motor Parts – Primer, Crimper, Air filters	282.76
43382	NPPD – Service for October	4136.57
43383	NE Tech & Telecomm – Service for October	422.15
43384	Nebraska Code Consulting – 23 Inspections	790.00
43385	O’Keefe Elevator Co – Repair & Inspect Elevator	481.92
43386	Aquila – Service for October	332.21
43387	Pizza Kitchen – 20 Meals	82.00
43388	Playworld Systems – Challenger Playstructure	18659.33
43389	Roxanne Roth – Cleaning Services	250.00
43390	Sam’s Club – Card Renewal	35.00
43391	Servi-Tech Inc – Ammonia Nitrogen, Oxygen	68.15
43392	Seward Electronics – Repair TV & VCR	32.50
43393	Seward Co Independent – Notices, Minutes, Envelopes	355.49
43394	SPPD – Wells 1 & 2	357.48
43395	Meyer Ford – Fuel Lid Repair	47.24
43396	SCC – EMT-B Refresher Course	875.00
43397	Subway Motors – Repair Windows	245.49
43398	Sunrise Country Manor – October Meals	809.25
43399	Wergins Lawn Service – Fertilize Sr Center & B St	43.00
43400	Windstream – Local, Internet, Civil Defense	230.50
43401	Memorial Health Care Systems – Books, Video, Masks	170.40
43402	TCA Outdoor Power – Blade for Mulching Mower	181.50
43403	LaDonna Wulf – Mass Casulty Training Supplies	43.14
43423	Ameritas Group – Pension	1540.48
43429	AFLAC – Dis, Cancer, Acc, Suppl	396.66
43430	Ameritas Group – Dental & Vision	1093.40
43431	Apple Books – 39 Books	610.37
43432	Barco Municipal Supply – Street signs, trash pump	1056.33
43433	Blevens Law Office – Legal services for Nov	350.00
43434	Bound to Stay Bound – 23 Books	334.01
43435	City of Milford – Petty Cash	119.98
43436	CLIA – Certificate Fee	150.00
43437	Follet Software Co – Support Circulation	480.00
43438	Fort Dearborn Life Ins – Life Insurance	116.96
43439	Heartsong Presents – 8 Books	21.98
43440	Jeanne Hoggins – Mileage to Lincoln	23.14
43441	Ingram Library – Books	573.18
43442	JEO Consulting – Street Improvement	4270.00
43443	Kids Discover – 1 yr subscription	19.95
43444	League of Municipalities – ’07 Snowball Conf.	100.00

43445	McCall's Quilting – 2 yr subscription	36.98
43446	Midwest Automotive – Tow Bus to Mass Casulty Train.	150.00
43447	Milford Plumbing – Coupling for Basement Bathroom	21.19
43448	Milford School Dist – Parking Fines, Tobacco Lic	45.00
43449	Midwest Service & Sales – Spiral Culvert, Bands	649.54
43450	Midwest Unlimited – Driver, Recoil Rope	176.07
43451	Municipal Supply – Tee, Saddle, Frt, Tax	203.06
43452	Mutual of Omaha – Disability Insurance	79.33
43453	National Geographic – 1 Book	15.90
43454	Nebraska Health Lab – 2 Coliform Test	30.00
43455	OMB Police Supply – Tape Measure, Unlocking Tool	64.97
43456	Power Plan – Gas Operator OY	56.70
43457	Regent Book Co – 120 Books	1201.33
43458	Edna Riedl – Castl Meeting in Humboldt	98.54
43459	Roxanne Roth – Cleaning Services	250.00
43460	VOID	
43461	Share Corp – Floating Lft Dgr	1301.38
43462	Shell Fleet Plus – October Fuel	437.64
43463	Southeast Community College – EMT-B Refresher	417.45
43464	Subway Motors – Pump, Starter, Injection Cleaner	338.00
43465	Union Bank – Gary TeSelle Acct#556293	300.00
43466	Walmart Community – Room Freshner, Office Supp	278.83
43467	Windstream NE – Directory Ad	12.73
43468	Don Yeackley – DVD Player for training, CPR classes	169.98
43469	Terracon Consulting – Service for Jantze Street	821.00
43470	SAPP Bros. Petroleum – Mobil Air Craft Oil, Frt	171.20

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Library Board minutes for October 19, 2006; Milford Aging Services minutes for November 7, 2006; Police Dept. Activity Report for November 2006 and MVFD Fire and Rescue NARSIS reports for November 2006. Chief Siebken presented the November 2006 Police Report.

Council member Jeff Baker arrived.

COMMUNICATIONS: *Sales tax received for the month of September 2006 was \$12,519.40. *NPPD third quarter lease agreement payment received in the amount of \$48,650.92. *Notification from Aquila that as of mid-February 2007 an increase of approximately \$7.00 per month will be applied for natural gas delivery rates.

PUBLIC HEARING: Closing Railroad Crossing at Walnut and Park Ave.: Mayor Plessel opened the Pubic Hearing at 7:40 and asked that comments be limited to 3 minutes. Matt Young noted that he presented 4 different options and the scope of cost for each option to close or quiet the

crossing back in July. Matt felt that closing the crossing would be the best option. Safety is a concern as research showed 3 accidents happening at the above mentioned crossing, 1 being a fatality. Closing the crossing would also be the best option financially. The City would receive \$5,000 from BNSF, \$5,000 from the State of NE and in addition BNSF would also contribute \$12,500 towards the City Park Improvement Project. The State of NE would also spend up to \$12,000 to prepare the tracks/crossing for closure. The railroad has closed approximately 3,000 crossings since the year 2000. Ron Velder represented Coop and is against closing the crossing. The fertilizer plant, grain elevator and car troll gas & diesel pumps are all located north of the tracks. He estimated in a year that nearly 8,000 vehicles cross the tracks for Coop use. There is a large amount of truck traffic that would have to be rerouted down First Street entering and exiting Hwy 6 at this intersection. Russ Roth's noted the potential for accidents at First and Hwy 6 would increase due to the slow trucks pulling out onto the Hwy. There is also a potential for a bottleneck to occur as trucks try to make the turn onto First Street from the Hwy. There are 2 other businesses located north of the tracks. He has property on both sides of the tracks and is opposed to closing the crossing. Don Yeackley spoke against closing the crossing and stated he was aware of the noise when he moved his business to First and Walnut. Duane Roth commented on the Chamber of Commerce survey that was distributed this summer. The question being asked, "If you could change anything in Milford what would it be"? Out of 116 survey's 4 or 5 complained about the noise of the trains. Jean Ferrill lives at 104 Cayuga and said she read an article in the Journal Star about a silent crossing. The cost to silent a crossing is between \$40,000 and \$200,000. Matt Young mentioned the City of Lincoln closed a crossing at 14th on the University of NE-Lincoln campus. There were thousands of vehicles using this crossing. Rob Blahavietz spoke against the closing as he felt the additional traffic entering the Hwy would be dangerous. Council member Lyle Neal stated that he had someone approach him with a concern, if an accident would happen at First Street and Hwy 6 there would be no other northern way out of town. How would you reroute traffic? Mayor Plessel received a few phone calls with the following concerns: No other way out of town, would the Fire & Rescue have difficulties getting north of the tracks in an emergency and the railroad has been there for a long time and people knew it when they bought their homes. Bill Lauber stated, you cannot ignore the whistles and with the increased demand for coal the frequency of the train traffic will only increase. Neal suggested donations and contributions to use one of the other options so we don't have to close the tracks but yet eliminate the noise. Jim Young lives on Cayuga Street and stated that when they moved to this residence there were 28 trains per day

and now it has increased to 62 trains per day. BNSF is surveying with the purpose of completing a double track. There is potential for the trains to double. He also noted the regulations have changed on the amount of time the engineers must blow the whistle before entering a crossing. The pitch of the whistle has increased to a point where the sound is piercing to the ear. He has measured the decibel to 130. Larry Stonacek wondered if we could ask the railroad to back down on the horns. Council member Bruha stated that the double tracking is coming and the horn requirements are louder and longer. He noted the railroad wants to close the tracks. Ann Dovel asked for a quieter crossing. She also asked, if the amount of trains increase, how much will the crossing be available or open anyway? Dave Dovel stated, traffic patterns change all the time, people will adapt. The noise from the whistle affects everyone in town. Council member Baker agreed with the idea of fundraising to make the track silent and better the community. He understands the importance of the issue and concerns from both sides. Donna Havener commented that fundraising does work in this community. She has been overwhelmed with the response of the Park Improvement Project. Matt Young noted it may be an inconvenience for some but the safety issue remains to be addressed. 50% of accidents happen at crossings just like the one at Park Ave. and Walnut. Council member Fortune stated the closing of the street shouldn't be taken lightly. Once you close Walnut Street we will not get it back. He agreed that working together, providing tax dollars and contributions making it a silent crossing may be the best answer for everyone. Paula Young asked, "Who takes the initiative to raise the money. Fortune stated the City will need to take the lead. Bruha expressed pursuing the idea of a silent crossing and contacting the railroad to see what steps need to be taken. He also mentioned contacting the Federal Government to see why they haven't signed the paperwork to close the tracks at Camp Easter Seals. Craig Jakub wants to find out if the train traffic is going to increase with the double tracks. With no further comments, Mayor Plessel closed the Public Hearing at 8:44 pm.

NEW BUSINESS:

Election of Officers: A motion was made by Fortune and seconded by Baker to approve Lyle Neal as President of Council. Roll call vote: Fortune yes, Baker yes, Bruha yes, Neal abstain. Motion carried.

A motion was made by Baker and seconded by Neal to approve Dean Bruha as Acting President of Council. Roll call vote: Baker yes, Neal yes, Bruha abstain, Fortune yes. Motion carried.

Council Assignments: Mayor Plessel asked that the Council assignments remain as they are currently. A motion was made by Bruha and seconded by Baker to approve the Council assignments as presented on the Committee

list. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal yes. Motion carried.

Appointments: Chief of Police – A motion was made by Neal and seconded by Bruha to approve the Mayor’s recommendation to reappoint Forrest Siebken as Chief of Police. Roll call vote: Neal yes, Bruha yes, Baker yes, Fortune yes. Motion carried. **City Clerk/Treasurer** - A motion was made by Bruha and seconded by Baker to approve the Mayor’s recommendation to reappoint Jeanne Hoggins as City Clerk/Treasurer. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal yes. Motion carried.

Committee members – A motion was made by Baker and seconded by Fortune to appoint Marvin Weber to the Milford Aging Services Commission for a 2 year term. Roll call vote: Baker yes, Fortune yes, Bruha yes, Neal yes. Motion carried.

Continuation Order 2nd Semester – Webermeier Scholarships: A motion was made by Neal and seconded by Fortune to approve 26 scholarships at \$538.50, totaling \$14,001.00 for the 2nd semester of the 2006-2007 school year. Roll call vote: Neal yes, Fortune yes, Baker yes, Bruha yes. Motion carried.

Introduction and Adoption of Ordinance – Park Committee: Council member Fortune introduced the following ordinance seconded by Bruha.

ORDINANCE NO. 786

AN ORDINANCE TO ESTABLISH THE PARK BOARD CONSISTING OF FIVE MEMBERS; TO FIX THE TERM OF SAID MEMBERS; TO PROVIDE THE DUTIES THEREOF; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

Progress on drainage culvert – Kathy Eberly: Bruha informed the Council that he has a consulting agreement in hand for engineering fees from Environmental Sciences, Inc. in the amount of \$7,750.00 not to exceed \$10,000.00 without written approval. A motion was made by Bruha and seconded by Baker to authorize the Mayor’s signature to the consulting agreement with Environmental Sciences, Inc. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal yes. Motion carried. Bruha mentioned the funds have already been appropriated.

Approve change order #1 for Street Improvement Districts 2006-1 and 2006-2 to Walton Construction in the amount of a \$72.00 increase: A motion was made by Fortune and seconded by Bruha to approve the change order in the amount of \$72.00 to Walton Construction. Roll call vote: Fortune yes, Bruha yes, Baker yes, Neal yes. Motion carried.

Approve Application for Payment #1 and Final to Walton Construction in the amount of \$111,540.00: A motion was made by Bruha and seconded

by Baker to approve payment application #1 and Final to Walton Construction in the amount of \$111,540.00. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal yes. Motion carried.

Approve Recommendation of Acceptance that sets forth the one year warranty period commencing on the date of acceptance: A motion was made by Bruha and seconded by Fortune to approve the recommendation of acceptance for a warranty period of one year as of December 5, 2006. Roll call vote: Bruha yes, Fortune yes, Baker yes, Neal yes. Motion carried. This warranty would cover materials and completed work, cracks if they needed to be sealed or removal of faulty concrete.

Review the report of total cost for Street Improvement District 2006-1 and 2006-2: Dennis Jeppson informed the Council that there are no intersection costs to the City.

Review the assessments schedule for Street Improvement District 2006-1 and 2006-2 and set a hearing date for acceptance of those assessments: The Mayor and Council set January 15, 2007 at 5:00 pm as the date for the public hearing.

Review the City's cost sharing for water, sewer and storm sewer improvements for the JTA Phase III project and approve payments: Larry Jantze reviewed costs sharing details. Sanitary sewer – Larry incurs all costs. Storm sewer: City cost = \$7524.00. Water: City cost = \$16,894.00 Totaling \$24,418.00. The City of Milford agreed to pay up to \$20,054.00. Larry Jantze informed the Council that he had paid both Walton Const. and Friesen in full for the entire project. A motion was made by Bruha and seconded by Baker to approve payment to Larry Jantze in the amount of \$20,054.00 as agreed. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal yes. Motion carried.

Introduction and Adoption of Ordinance – Providing for the issuance of Highway Allocation Fund Pledge Bonds: Council member Bruha introduced the following ordinance seconded by Fortune:

ORDINANCE NO. 787

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS, SERIES 2007, IN THE AMOUNT OF ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$145,000) FOR THE PAYMENT OF COSTS IN CONNECTION WITH THE CONSTRUCTION OF STREET IMPROVEMENTS BY THE CITY OF MILFORD, NEBRASKA; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND; AGREEING TO LEVY TAXES; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND

PROCEEDS AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM. (See Ordinance Record)

Interlocal Agreement for Utility Services between the City of Milford and the Milford Public School Dist: The Council reviewed 2 samples provided by the Milford School Dist. and asked Attorney Blevens to present a clean copy to be presented at the next regular meeting. Item tabled until January.

ADJOURNMENT: A motion was made by Bruha and seconded by Fortune to adjourn the meeting. Roll call vote: Bruha yes, Fortune yes, Baker yes, Neal yes. Motion carried and meeting adjourned at 9:22 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 on December 5, 2006 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