

CITY OF MILFORD  
REGULAR MEETING  
FEBRUARY 3, 1998  
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Fire Station in said City on the 3rd day of February 1998 at 7:30 P.M. Present were: Mayor Dean Bruha; Council Members Rick Fortune, Charles Rich, Steve Sauer; Attorney Bob Blevens; City Clerk J. Elaine Plessel. Absent and not voting Councilmember Dorothy Bockoven. Also present: Chief of Police David Smith, Todd Neeley with Milford Times, Lori Schriner with the Seward Independent, Stan Thomas, Bill Anderson, Bill Lauber, Clark Rediger, and John Olsson.

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.

**MINUTES:** A motion was made by Fortune and seconded by Sauer to approve the January 6, 1998 minutes as submitted in typed copy. Roll call vote: Fortune yes, Sauer yes, Rich yes. Motion carried.

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

**SALARIES:**

26854	Mark Frey	927.90
26855	Joyce Elaine Plessel	714.79
26856	Forrest K. Siebken	870.91
26857	Kendall Arthur Hoggins	750.47
26858	Mavis Lynn Ferris	42.83
26859	Jeanne M. Hoggins	467.47
26860	Gary Lee TeSelle	569.27
26861	David Lee Smith	862.20
26862	Scott Dean Fosler	685.57
26863	Robert L. Hull	617.32
26864	Beverly J. Wehrs	323.56
26865	Edna A. Riedl	265.48
26866	Mandy J. Hain	123.66
26867	David R. Dahle	602.54
26868	Ann M. Miller	242.13
26904	Mark Frey	931.55
26905	Joyce Elaine Plessel	725.76
26906	Forrest K Siebken	823.01

26907	Kendall Arthur Hoggins	829.53
26908	Mavis Lynn Ferris	40.45
26909	Jeanne M Hoggins	492.09
26910	Gary Lee TeSelle	780.41
26911	David Lee Smith	904.75
26912	Scott Dean Fosler	729.91
26913	Robert L Hull	588.58
26914	Beverly J Wehrs	327.90
26915	Edna A Riedl	319.64
26916	Mandy J Hain	107.02
26917	David R Dahle	637.84
26918	Ann M Miller	154.88
26920	Roger L Kness	150.85
26921	Charles Earnest Rich	138.52
26922	Ricky Gene Fortune	138.52
26923	Dean Alan Bruha	184.70
26924	Steven John Sauer	138.52
26925	Dorothy J Bockoven	138.52
GENERAL FUND:		
26813	U S Postmaster – Utility Billing postage	112.38
26869	Aliant Communications – Serv. To 1/31	619.88
26870	Bob’s Service – Vehicle Repair & Labor	382.00
26871	Butch’s Welding & Repair – Supplies/Labor	81.47
26872	VOID	
26873	VOID	
26874	Sylvia Cecelia Dimas – Custodian thru 1/2/98	425.00
26875	Farmers & Merchants Bank – Loan Payment	1,000.00
26876	The Garbage Co. – Serv. For Dec.	65.50
26877	Great Plains – One Call Serv. – Locate Requests	8.36
26878	Ron Leichty Excavating – Demolition & Fill	8,000.00
26879	MCI – Long Distance	11.54
26880	Memorial Health Care Systems – Vaccinations	700.00
26881	Milford Community Chamber – Chamber Dues	75.00
26882	Milford Frame Clinic – Repair Cruiser Seat	65.00
26883	Milford MiniMart – Batteries	10.78
26884	Milford Plbg. & Htng. – Library Repairs, Supplies	41.47
26885	Milford Supermarket – Dog Food	7.21
26886	Milford Times – Ads, Notices, Proceedings	204.38
26887	Milford Volunteer Fire Dept. – Smoke Eaters Sub.	157.50
26888	NE Dept. of Revenue – Dec. Sales Tax	1,435.64
26889	NE Public Power District – Serv. To 12/28	3,990.04
26890	NE Radio Telephone Systems – Basic Pager	170.86
26891	Omaha Life Ins. Co. – Fire Dept. Ins.	60.00
26892	Peoples Natural Gas – Serv. To 12/30	853.36
26893	Elaine Plessel – Reimb. Insurance	115.89
26894	Mrs. Wayne Roth – 2 Sheet Cakes	24.00

26895	Seward County Rural Public Power – Wells 4 & 5	414.25
26896	Seward County Ford L/M – Replace Gas Tank	290.51
26897	Troyer Concrete – North Door Repairs	50.00
26898	Uniservice – Pants & Rags	94.68
26899	U S Postmaster – Stamps	32.00
26900	Earl Scott – Refund Handicap Permit	6.00
26901	Ameritas Life Insurance – Retirement	976.23
26902	Countryside Co-op – Supplies	112.01
26903	Countryside Co-op – Gas	686.76
26919	Ameritas Life Ins. Corp – Retirement	979.75
26926	Ackerman Rock & Gravel – Road Gravel	285.00
26927	ABS – Copier Repairs	102.18
26928	Aliant Cellular – Mobile Phone	17.06
26929	B & S Industries, Inc – Fire Gloves	304.26
26930	Best Buy – Monitor & Modem	429.97
26931	Blevens Law Office – Legal Service	350.00
26932	Thomas Bouregy & C., Inc – Books	57.35
26933	Centaur Enterprises, Inc – Hair Pin, Tie Strp	32.01
26934	Center Reference – Books	39.96
26935	Century Labs/Pro Clean Inc – Calcium Chloride	925.00
26936	City of Milford – Petty Cash	40.32
26937	Community Care of Milford – Nov. & Dec. Meals	2,178.00
26938	Culligan Water Conditioning – Soft Water Sr Center	16.00
26939	D & D Communications, Inc – Replace Digital Display	91.00
26940	Data Comm Warehouse – Back Ups/Port	199.96
26941	Eakes Office Products – Copier Contract	27.70
26942	Gateway 2000 – Modules, Win 95	355.00
26943	Gopher Sport – Little Champ Boards	558.88
26944	Health Care Federal Credit Union – TeSelle Acct	200.00
26945	Heartsong Presents – 4 Books	9.97
26946	Ingram Book – Books	111.97
26947	International Assoc. of Chiefs of Police – 98 Membership	100.00
26948	International Conf. Of Building Officials – Publications	57.00
26949	Kirkham Michael – Eng. Services Paving Districts	6,500.00
26950	Library Video Company – 15 Videos	180.86
26951	Midwest Heating & Air Cond. – Repair Furnace & Filters	198.00
26952	Menard’s – Insul, Furring Strips, Rubber Stoppers	638.56
26953	Milford School Dist. #5 – Fines, Tobacco Lic.	120.00
26954	Milford Times – 4 Calendars	15.92
26955	Municipal Supply, Inc – Hose Gasket/Refl. Sign	269.78
26956	Mutual of Omaha – Disability Ins.	256.30
26957	NE Dept. of Revenue – State W/H	1,010.60
26958	NE Motor Parts - Parts	88.32
26959	NE Rural Water Assoc – Membership Dues	187.50
26960	NE Assoc. of Law Enforcement – Siebken Membership	10.00
26961	Oxmoore House – Scrip Quilts Book	11.48

26962	Pizza Kitchen – Dinners & B-Day Cert.	180.25
26963	Bob Redler – Network Setup Labor and Cable Connectors	369.00
26964	Rediger Chevrolet – Batteries/Fire Truck	165.98
26965	Mrs. Wayne Roth – 2 Sheet Cakes	24.00
26966	Schlegel’s Groceries – Supplies	77.17
26967	Seward County Communications – Communications	300.00
26968	St. Paul Stamps Works, Inc – Golf Cart License	49.85
26969	The Tool House – Ladder	281.92
26970	The Trophy Shop – Engraving	11.51
26971	University Book Service – Books	51.00
26972	Darrell Schneider – Deposit Refund	50.00
26973	Greg Wemhoff – Deposit Refund	28.38
26974	Nick Lesiak – Deposit Refund	27.75
26975	Ross Schmidt – Deposit Refund	24.72

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received – Milford Housing Authority minutes for January 12, 1998 and notice of meeting of February 16, 1998; Milford Aging Services Commission minutes of January 28, 1998; Planning and Zoning minutes of January 19, 1998.

**Rich** reported that Mark Frey has specs ready for bids for a dump truck and notice for bids have been published.

**Sauer** advised that with regard to the downtown real estate, we still need to do something with the west wall of the Center Reference building.

**Fortune** noted that there is no request for J J Westhoff Construction on agenda as it did not arrive in time and said it would be discussed as to whether or not to hold a special meeting.

**Bruha** reported for Bockoven with regard to the library copier, which needs to be replaced. Upon checking the newer commercial ones, the cost would be in the thousands and upon checking one was found which would do the work for \$800, which is the way we will probably go. The Monitor has been updated with a larger screen and the smaller one put on the old computer.

Mayor advised that Rich, Bockoven and himself have been working on revised personnel manual and will present to Council for inspection.

**COMMUNICATIONS:** Bruha informed Council that the share of the sales tax which came back to the city for the month of November was \$7,990.37.

An article has been published in the newspaper regarding construction of two duplexes being built in town to advise that the proper procedures were followed.

The SEWCOG is still working on possible combined services and supplies to help with financial needs of communities.

**PUBLIC HEARING 1 & 6 YEAR PLAN:** Mayor Bruha declared public hearing opened at 7:46 P.M. and asked for comments pro or con regarding the 1 & 6 year plan. Lauber asked if it were possible to see the plan and was provided the information. It was noted that State Street through the college is included. There being no further comments the Mayor declared hearing closed at 7:45 P.M.

**NEW BUSINESS: Introduction and Adoption of Resolution to Adopt 1 & 6 Year Plan** –

**RESOLUTION #341**

The following resolution was introduced by Councilmember Rich, who moved its adoption, seconded by Sauer:

“WHEREAS, The City Street Superintendent has prepared and presented a One Year and Six Year Plan for Street Improvement Program for the City of Milford, Nebraska, and

“WHEREAS, a public meeting was held on the 3<sup>rd</sup> day of February, 1998, to present this plan and there were no objections to said plan;

“THEREFORE, BE IT RESOLVED by the Mayor and City Council of Milford, Nebraska, that the plans and data as furnished are hereby in al things accepted and adopted.”

Roll call vote: Rich yes, Sauer yes, Fortune yes.

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Mayor

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

**Police Cruiser-Purchase** – Chief Smith informed Council that the State has received a bid from Atchley Ford, Inc. for a 1998 Crown Victoria in the amount of \$18,981.00. The City does not need to bid for a cruiser because the State has and also this is under the \$20,000 bid lid. Smith reviewed the history of the previous cruisers and noted that we have had this one longer than we had the other cruisers. The 1992 Taurus has over 100,000 miles and is getting more costly to maintain. There is \$12,000 available in the police vehicle sinking fund and another \$8,000 in the police budget this year for the purchase. The question of whether to trade it in or sell it on the city auction was brought up and Rich said that you get a better deal by trading it in. A motion was made by Rich and seconded by Fortune to approve the purchase and that Chief Smith work with Atchley Ford with regard to a trade in. Roll call vote: Rich yes, Fortune yes, Sauer yes. Motion carried.

**Introduction and Adoption of Ordinance-Parking:** Smith advised Council that the state statutes now have to be used which is \$33 and there is none for the City. This ordinance is close to the State Statute and is a \$5 ticket. Sauer introduced the following Ordinance:

**ORDINANCE NO. 681**

AN ORDINANCE AMENDING CHAPTER 5-504 OF THE MUNICIPAL CODE TO RESTRICT PARKING OF VEHICLE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PRESCRIBING THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

**Award Bid-Sr. Center Lift:** Sauer advised Council that three bids have been received: Silver Creek Construction-\$40,700; Dickey & Burham-\$43,400; DelJen, Inc \$50,350. This is for a lula elevator with limited use and limited access. The bids were opened several days before the Milford Aging Services Commission meeting and when they reviewed bids they were comfortable with the low bid and recommended the award be made to the Silver Creek Construction. Prochaska also suggested Silver Creek. A motion was made by Sauer and seconded by Rich to award the bid to Silver Creek

Construction in the amount of \$40,700 with a completion date of May 5, 1998. Roll call vote: Sauer yes, Rich yes, Fortune yes. Motion carried.

**Approval of Lot Split-Clark Rediger:** The two parties involved in this split are Clark Rediger and Paul and LeAnne Tvrdy. This ground is directly west of Sunrise Country Manor on 234<sup>th</sup> Street. The concern as to what would be done with sewage due to the proximity of lot with Sunrise Country Manor's new well. The Seward County Engineer has approved plans with regard to sewage, and Tvrdy's can comply with regulations for a well location. What is now needed from the Council is approval of lot split. Mr. Rediger was advised that if he intended to split this into any more lots, he would need to do it now as according to comprehensive plan a lot split can only be done once. He may want to decide if a minor subdivision is what he wants to do. Following discussion a motion was made by Sauer and seconded by Fortune that the lot split be approved with the stipulation that surveying as to where the other 3 parcels would be is made, taken to the Planning and Zoning and then to the Council for the March 3, 1998 meeting. Roll call vote: Sauer yes, Fortune yes, Rich yes. Motion carried.

**Approve Payments:** A motion was made by Rich and seconded by Fortune to approve the bill from Rogge Engineering in the amount of \$35,091.50 for the 30" storm sewer in Thornridge. The area of the golf course, which it went through, is in good condition. Roll call vote: Rich yes, Fortune yes, Sauer yes. Motion carried.

A motion was made by Fortune to approve the bill for Olsson Associates for soil testing for lagoon project in the amount of \$401.51, seconded by Rich. Roll call vote: Fortune yes, Rich yes, Sauer yes. Motion carried.

Sauer advised Council that a bill had been received from Prochaska & Associates for services for the Senior Center elevator in the amount of \$7,168.20. We have a statement in file that quoted a cost of \$4,000 plus reimbursable expenses and if over that amount, we would be notified. It was noted that we had not been made aware of the amount over \$4,000. Steve Riley from Prochaska said the bill should not have gone out but that the figures were correct as far as the work they had done. It was noted they would abide by the contract but would appreciate receiving that amount. A new bill was received in the amount of \$3,725.70 and Sauer felt this should be paid and the balance be considered as it would appear this is the services we received. It was felt that as professionals they should have estimated closer should accept this responsibility. A motion was made by Sauer to approve payment of the \$3,725.70 and to discuss this further with the Milford Aging Services Commission with regard to balance. Motion seconded by Rich. Roll call vote: Sauer yes, Rich yes, Fortune yes. Motion carried.

A motion was made by Fortune and seconded by Rich to approve payment to Olsson Associates in the amount of \$6,401.78 for the lagoon. Roll call vote: Fortune yes, Rich yes, Sauer yes. Motion carried.

A motion was made by Sauer and seconded by Fortune to approve payment to Kirkham Michael for engineering services for Paving Dist #1 Thornridge subdivision in the amount of \$1,500. Roll call vote: Sauer yes, Fortune yes, Rich yes. Motion carried.

A motion was made by Sauer and seconded by Rich to approve payment to Kirkham Michael for engineering services for Paving Dist. #2 Valley View West in the amount of \$5,000. Roll call vote: Sauer yes, Rich yes, Fortune yes. Motion carried.

**Adoption of "B" St. Median between 2<sup>nd</sup> & 3<sup>rd</sup>-Junior Girl Scout Troop;** A letter was received from Jr Girl Scout Troop #335 and signed by Mary Brauneis, Jamie Kubicka,

Renee Rivera asking for permission to take care of the "B" Street island between 2<sup>nd</sup> and 3<sup>rd</sup> for at least the next year. They would take care of existing flowers and replace any that have died over the years. A motion was made by Sauer and seconded by Fortune to give their approval for Junior Girl Scout Troop #335 to adopt and take care of "B" St Median between 2<sup>nd</sup> and 3<sup>rd</sup>. Roll call vote: Sauer yes, Fortune yes, Rich yes. Motion carried.

**Fire Dept. Tanker;** Stan Thomas advised that the department is in need of a newer tanker as the International is in bad shape. A 1985 Ford Chassis with a 2,000 gallon tank with baffles was found and could be purchased for \$20,500. The Department would purchase the tanker with funds they have received through donations and would like to then turn it over to the City so it could be covered by the City's insurance. A motion was made by Rich and seconded by Sauer to allow Fire Department to purchase tanker for an amount of \$20,500 and give same truck to City. Roll call vote: Rich yes, Sauer yes, Fortune yes. Motion carried.

**Bill Lauber-William Anderson Sales Tax;** Lauber presented to the Council a proposal allowed by LB840 which gives the local government an option for using part of sales tax for Municipal Development. This would need to be voted on by the citizens and Chamber is asking for 1/10<sup>th</sup> of the 1% of sales tax received by the City. It was noted that an Economic Development Committee would need to be set up and a lot of work would need to be done in order to get it to the voters at the November election. There would be a sunset of 10 years on this, but also noted that if 50% of funds not used in a designated time it must go back to the voters. The resolution must be ready and received by the County Clerk at least 50 days prior to election. Council's concern at this time is that the legislature may be changing the lid and it is not known what this will do to operating money for the City. Consensus that this is something which needs to be done but not knowing what legislature will do causes concern. Anderson asked if it would be possible to give some indication as to whether they should proceed. Fortune acknowledged that this would take some time but thought it only fair that Council have a chance to review for 30 days. Sauer wished to go on record as to approve their proceeding to get this ready for election and vote of the citizens. Bruha asked that this be placed on the March 3, 1998 agenda.

**Discussion on Rental Housing Authority;** Bruha advised that he had been approached by students who are living in rental housing as to the disrepair of some of the housing. Some discussion is needed as to whether the City should have some type of authority and inspection of rentals as to the condition of housing. Discussion followed as to: Certificate of Occupancy; who would make the inspections; need to establish standards, ways of enforcing. It was felt this should be checked into and Bruha will investigate further.

**Executive Session-Real Estate;** A motion was made by Fortune and seconded by Rich to adjourn to Executive Session for the purpose of discussing real estate. Roll call vote: Fortune yes, Rich yes, Sauer yes. Motion carried and Council went into executive session at 9:20 P.M.

A motion was made by Sauer and seconded by Fortune to adjourn executive session and return to regular session. Roll call vote: Sauer yes, Fortune yes, Rich yes. Motion carried and Council returned to regular session at 9:40 P.M.

**ADJOURNMENT:** A motion was made by Sauer and seconded by Fortune to adjourn. Roll call vote: Sauer yes, Fortune yes, Rich yes. Motion carried and meeting adjourned at 9:42 P.M.

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J. Elaine Plessel, City Clerk

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Dean A. Bruha, Mayor

**CERTIFICATION**

I, the undersigned, City Clerk of the City of Milford, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on February 3, 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 meeting 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