

CITY OF MILFORD
REGULAR MEETING
FEBRUARY 4, 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 4TH day of February 2003 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Robert Anderson, Dean Bruha, Rick Fortune, Lyle Neal; Attorney Robert Blevens; Chief of Police Forrest Siebken; City Clerk Jeanne Hoggins. Also present: Gerry Soukup and Jan Davis with Aquila, Dennis Kubicek with Marvin E. Jewell, Ron Bottorff with J. E.O., Bill Johnson, Craig Vincent and Mike Damon with N.P.P.D.

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 Fortune and seconded by Bruha to approve the minutes of the January 7, 2003 meeting. Roll call vote: Fortune yes, Bruha yes, Anderson yes, Neal yes. Motion carried.

PAYMENT OF BILLS: A motion was made by Bruha and seconded by Neal that the following bills in the amount of \$142,004.98 approved by the Auditing Committee be approved for payment. Roll call vote: Bruha yes, Neal yes, Anderson yes, Fortune yes. Motion carried.

SALARIES:

36203	Mark Frey	1097.63
36204	Forrest K Siebken	1040.69
36205	Mavis Lynn Ferris	12.87
36206	Jeanne M. Hoggins	929.22
36207	Gary Lee TeSelle	632.53
36208	Scott Dean Fosler	868.50
36209	Robert L Hull	756.06
36210	Beverly J Wehrs	347.19
36211	Edna A Riedl	304.44

36212	David R Dahle	752.84
36213	Louis J Bialas	753.95
36214	Pamela J. Slama	258.11
36215	Lucy B. Honig	17.10
36216	Zachary D. Eden	150.19
36217	Bryce C Johnson	774.89
36218	Philip Winkelmann	694.20
36219	Lindsey S. Troyer	543.26
36269	Mark Frey	1097.63
36270	Forrest K Siebken	1040.69
36271	Mavis Lynn Ferris	25.72
36272	Jeanne M. Hoggins	929.22
36273	Gary Lee TeSelle	827.47
36274	Scott Dean Fosler	868.50
36275	Robert L Hull	675.74
36276	Beverly J Wehrs	402.09
36277	Edna A Riedl	384.95
36278	David R Dahle	913.34
36279	Louis J Bialas	864.88
36280	Pamela J. Slama	274.94
36281	Zachary D. Eden	123.61
36282	Bryce C. Johnson	719.69
36283	Philip Winkelmann	719.69
36284	Lindsey S. Troyer	580.14
36285	Regan Beranek	173.25
36287	Roger L Kness	136.99
36288	Joyce Elaine Plessel	184.70
36289	Ricky Gene Fortune	138.53
36290	Dean Alan Bruha	138.53
36291	Emerson L. Neal	138.53
36292	Robert E. Anderson	138.53

GENERAL FUND:

36221	Aflac – Disabl, Cancer, Acc, Supp'l	129.08
36222	American Plus, Inc. – Ear Plugs	38.50
36223	Alltel – Pager, Mobile, Pay Phone	282.06
36224	Alltel – Service for November & December	4.02
36225	All Pro Landscaping – Delivered Materials	29,057.00
36226	Barco Municipal Products – Bolt Cutter	358.77
36227	Buman's Mechanical Services – Premix Oil, Spark	13.55
36228	Butch's Welding & Repair – Nipple, Oxy, Regulator	132.37

36229	Centaur Enterprises, Inc. – Discs, Tape, Spade	59.19
36230	Central States Lab – Windsheild Deicer	239.29
36231	Century Labs – Hole Patch, Trigger Sprayer	92.56
36232	Culligan Water Conditioning – Soft Water For Dec.	41.00
36233	Farmers Cooperative – Gas/Diesel for December	815.46
36234	Eakes Office Plus – PO Book,Appt Book Refill	74.08
36235	EDM Equipment – Fix Street Sweeper	167.00
36236	Great Plains – Emer, Normal Locates	28.32
36237	The Garbage Company – Service for December	87.00
36238	Kelly Supply Company – Flange, Rubber Flange	52.71
36239	Layne Christensen Co. – Miles, Maintenance, Oil	1166.97
36240	Memorial Health Care – Jerry Shald Flu Shot	15.00
36241	Milford Plumbing – Nipple Galv	5.22
36242	The Milford Times – Christmas Tab, Mtg Ntc	53.19
36243	Milford Fire Dept. – Membership Reimbursement	170.00
36244	Midwest Radar & Equipment – 2 Radar Certifications	90.00
36245	Midwest Service & Sales – Square Tube Posts	565.00
36246	Lorna Millikan – Coaching Rec V-Ball	90.00
36247	Municipal Supply, Inc. – Swing flex check valv	336.29
36248	Mutual of Omaha – Disability Insurance	69.23
36249	NE Law Enforcement – Firearms Recertification	50.00
36250	NE Dept. of Revenue – Sales Tax for December	1526.38
36251	Nebraska Motor Parts – Spot light, wiper blades	94.64
36252	Nebraska Public Power – Service for December	4268.64
36253	Nebraska Tech & Telecomm – Service for Dec.	489.09
36254	NE Rural Water Assoc. – Annual Dues	150.00
36255	Aquila – Service for Nov. & Dec.	1478.63
36256	Pizza Kitchen – 59 Meals on 12/19 & 12/30	209.00
36257	Quill – Organizer, Clips, Markers	88.65
36258	Roxanne Roth – Clean City Offices, Library, Fire Hall	250.00
36259	Mrs. Wayne Roth – 2 Birthday Cakes	28.00
36260	Schlegel’s Groceries – Groceries	57.30
36261	Sam’s Club – Renewal Membership	30.00
36262	Seward Co. Public Powers – Wells 1 & 2	275.81
36263	Sunrise Country Manor – 252 Meals for Dec. @ 3.25	819.00
36264	Uniservice – Pants & Rags	115.42
36265	Watts Up – Light Bulbs	171.60
36266	Judy Davenport – Asst. V-Ball Coach	50.00
36267	Abbra Neujahr – Water/Sewer Deposit Refund	21.57
36268	United Health Care – Group Health	7078.68

36293	Ackerman Rock & Gravel – Gravel, Rock, Chips	1975.09
36294	Anaconda Sports Inc. – Plugs, Bases, Home Plate	1443.92
36295	City of Milford – Petty Cash,Postage,Lights	60.41
36296	Concrete Works – Alley Approach	5249.00
36297	Eakes Office Plus – Copies	142.71
36298	Earl Carter Lumber – Garage Door Repair	200.00
36299	Farmers & Merchants Agency – Notary Bond	50.00
36300	Heartsong Presents – 4 Books	10.99
36301	IACP – Annual Membership	100.00
36302	Ingram Library Services – 42 Books	429.09
36303	Marvin E Jewell & Co – Audit Services	4350.00
36304	JEO Consulting – Lead & Copper Services	5219.90
36305	Lincoln Journal Star – 1 yr. Subscription	93.60
36306	Kelly Supply Company – 45ST blk ¼	1.94
36307	Layne Christensen – Motor Repair	2083.91
36308	The Library Store – Office Supplies	38.30
36309	Menard’s – Nails, Bits, and Cleaner	23.40
36310	The Milford Times – Library Clerk Ad	9.20
36311	Nebraska Machinery Co. – Work on Road Grader	1352.78
36312	NE Municipal Clerks’ Assoc – Membership Dues	20.00
36313	National Geographic Society – 1 Book-Curtis	15.90
36314	Nebraska Health Laboratory – 2 Coliform	30.00
36315	Olsson Associates – Water Tower & #57359	742.71
36316	Omaha Life Insurance Co. – Group Life	58.05
36317	Omaha World-Herald – 1 Year Subscription	65.00
36318	Pizza Kitchen – 32 Meals on 10/17	112.00
36319	Pitney Works – Postage Meter	600.00
36320	PowerPlan – Hoses, O-Ring	90.62
36321	Quill – Replacement Plan	17.99
36322	Regent Book Co. – 5 Books	67.40
36323	Edna Riedl – Travel Miles	14.26
36324	Rogge Engineering, Inc. – Water Main Project	61111.14
36325	Roxanne Roth – Cleaning Office, Fire Hall, Library	280.00
36326	Sack Lumber Company – Red Oil Barn Paint, Bolts	33.48
36327	Seward County Court – Court Costs #11,14,17	28.00
36328	SewNews – 2 Yr. Subscription	36.97
36329	Share Corp. – Floating Lift Digger	965.29
36330	Subway Motors – Relay	28.00
36331	Utility Equipment – Adapters	232.92
36332	Victoria – 2 Yr. Subscription	37.97

36333	Walmart – Tote,Scanner,Cordless Phone Battery	207.86
36334	Woman’s Day – 1 Yr. Subscription	8.99
36335	Rob Blahauvietz – Water/Sewer Deposit	50.00
36336	Marvin & Susan Weber – Water/Sewer Deposit	50.00
36337	John Shepard – Water/Sewer Deposit	50.00
36338	Midwest Turf & Irrigation	1907.00
36339	ICBO – Maintenance Cards	40.59
36340	Positive Promotions – Summer Reading Program	140.70
36341	Parenting – 2 Yr. Subscription	18.00
36342	Ryan Trosper – Water/Sewer Deposit	16.25
36343	Tim Classen – Water/Sewer Deposit	28.38
36344	Jeremy Kent – Asst. Coach Boys B-Ball	40.00
36345	Crystal Vernon – Coach Boys B-Ball	90.00
36346	Fremont National Bank – Bond Fee #76059301	450.00
36347	Milford School Dist. – Tobacco License,Parking Fines	150.00
36348	Union Bank – Gary TeSelle Acct #556293	300.00

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Library Board minutes for January 2, 2003; Recreation Board minutes for January 20, 2003; Police Dept. Activity Report for January 2003. Neal attended the Recreation Board meeting. Chief Siebken reported total calls for service for the month of January at 883. Grant notification received from the NE Crime Commission totaling \$1,004.00 with matching funds of \$112.00.

COMMUNICATIONS: Sales tax received for the month of November 2002 was \$9,257.55. Mayor Plessel received a letter from an individual requesting a review of the cemetery by-laws allowing more than one burial per space with cremated remains. Lyle Neal will research this request.

PUBLIC HEARING – One & Six Year Plan: Mayor Plessel declared the Public Hearing open at 7:35 pm. Mayor Plessel welcomed comments from the public. Ron Bottorff with J.E.O. reviewed the purpose of the Road Program. Attorney Robert Blevens arrived. Mayor Plessel asked the Council members if they had any further questions or comments. There being no further comments, Mayor Plessel closed the Public Hearing at 7:42 pm. (Copy of the financial statement attached to these minutes.)

UNFINISHED BUSINESS:

N.P.P.D. – PRO Agreement: Craig Vincent reviewed the changes of the agreement from the December meeting and presented a spread sheet documenting the lease payments received by the City of Milford. Attorney Blevens had reviewed the agreement and asked for an addition regarding insurance. Dave Earnst with the Milford Times arrived.

Introduction and Adoption of Resolution – N.P.P.D. - PRO Agreement:
Council member Bruha introduced the adoption of the following resolution seconded by Fortune:

RESOLUTION NO. 389
RESOLUTION APPROVING
PROFESSIONAL RETAIL OPERATIONS AGREEMENT

WHEREAS, the City owns its electric distribution system, and
WHEREAS, the Professional Retail Operations Agreement on file with the City of Milford has been proposed by Nebraska Public Power District (NPPD) and fully discussed and explained, and

WHEREAS, it is determined that it would be desirable to enter into a New Professional Retail Operations Agreement.

NOW, THEREFORE, BE IT RESOLVED:

1. The said new Professional Retail Operations Agreement with NPPD is hereby approved and the Mayor is authorized to execute it and the City Clerk to attest it on behalf of the City of Milford.
2. Notice of this transaction shall be given by publication one each week for three (3) successive weeks of the following Notice:

NOTICE OF TRANSACTION

The City Council has approved a Resolution authorizing execution on behalf of the City of a new Professional Retail Operations Agreement between Nebraska Public Power District and the City of Milford, Nebraska. The Agreement is on file with the City Clerk and available for inspection. It contains provisions summarized as follows:

1. The City will lease its electric distribution system to Nebraska Public Power District.
2. During the initial fifteen (15) years this Agreement is in effect, an amount equal to twelve percent (12%) of the retail revenue as so adjusted, as determined by NPPD records, shall be paid by NPPD to the City, and thereafter from year to year until City elects to terminate the Agreement pursuant to ARTICLE 1.

This notice will be published once each week for three (3) successive weeks. If, within thirty (30) days after the last publication thereof, a referendum petition signed by qualified electors of the City equal in number to at least twenty percent (20%) of the vote cast at the last general municipal election shall be filed with the City Clerk, this transaction shall not become effective until it has been approved by a

vote of the electors. If no such petitions are filed, the transaction shall become effective at the expiration of the said thirty (30) day period.

Attest: _____
City Clerk

Mayor

NEW BUSINESS:

Audit Review 2001-2002 – Dennis Kubicek, Marvin E. Jewell: Dennis Kubicek briefly reviewed the 2001-2002 audit with the Mayor and City Council. He also informed the Council of GASB 34 and the work that will be involved with this filing system. A copy of the Financial Statement for year-end Sept. 30, 2002 is on file at the office of the City Clerk. Earl McCullough arrived.

Introduction and Adoption of Resolution – One & Six Year Plan:

RESOLUTION NO. 390

The following resolution was introduced by Bruha, who moved its adoption, seconded by Neal,

“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 4th day of February, 2003, 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 all things accepted and adopted.”

Upon roll call vote as follows: Bruha yes, Neal yes, Anderson yes, Fortune yes. Motion carried.

Attest: _____
City Clerk

Mayor

Introduction and Adoption of Ordinance – Aquila Franchise: Jan Davis informed the City Council that the current contract expires Sept. 2003. Council member Neal introduced the following Ordinance:

ORDINANCE NO. 734

AN ORDINANCE GRANTING AQUILA, INC., d/b/a AQUILA NETWORKS, A DELAWARE CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NATURAL GAS FRANCHISE AND THE AUTHORITY TO CONSTRUCT, OPERATE, MAINTAIN, AND EXTEND A NATURAL GAS DISTRIBUTION PLANT AND SYSTEM, AND GRANTING THE RIGHT TO USE THE STREETS, ALLEYS, AND

OTHER PUBLIC PLACES WITHIN THE PRESENT OR FUTURE CORPORATE LIMITS OF THE CITY OF MILFORD, NEBRASKA. (See Ordinance Record)

Introduction and Adoption of Ordinance – Aquila, Franchise Fee: Jan Davis presented proposed rates differentiating between residential and non-residential customers. Comparisons were made between flat rate and volume users. A motion was made by Bruha and seconded by Fortune to table this item to the regular March meeting. Roll call vote: Bruha yes, Fortune yes, Anderson yes, Neal yes. Motion carried.

Review & approve plans and specs & authorize to advertise for bids for OCCT implementation – J.E.O.: Ron Bottorff explained; the Corrosion Control implementation would need to be completed by April 30, 2003. After completion, testing protocol will take nearly a year. The implementation of the project will take place at three (3) different wells: Welch Park well, Swimming Pool well, and the South well field. Electrical work will need to take place at the South well field as it is quite aged. Roger Kness arrived. Bottorff informed the Council, the State of NE is reviewing the plans and have already noted that a back-up pump will need to be purchased. Chemical costs will exceed actual equipment cost. A motion was made by Fortune and seconded by Neal to approve the plans & specifications and authorize the advertising of bids. Roll call vote: Fortune yes, Neal yes, Anderson yes, Bruha yes. Motion carried.

Web Site Address – City Letterhead: Neal mentioned that the Milford web site address should be placed on the City letterhead for exposure. The address is: www.milford-ne.com. The Mayor and Council were all in agreement.

Approve City Recreation Rules & Regulations: A motion was made by Neal and seconded by Bruha to approve the rules & regulations submitted by the Recreation Board. Roll call vote: Neal yes, Bruha yes, Anderson yes, Fortune yes. Motion carried.

Approve Payment – J.E.O., OCCT Installation: A motion was made by Fortune and seconded by Neal to approve the payment of invoice #29021 in the amount of \$4,539.00 to J.E.O. for the design phase of the OCCT . Roll call vote: Fortune yes, Neal yes, Anderson yes, Bruha yes. Motion carried. A motion was made by Fortune and seconded by Bruha to approve payment of invoice #29245 in the amount of \$166.00 for reimbursement of State fees. Roll call vote: Fortune yes, Bruha yes, Anderson yes, Neal yes. Motion carried.

Appointments: A motion was made by Fortune and seconded by Neal to approve the Mayor's appointment of Randy Roth to the Planning & Zoning

Commission, term to expire February 2006. Roll call vote: Fortune yes, Neal yes, Anderson yes, Bruha yes. Motion carried.

Re-appointments: A motion was made by Neal and seconded by Fortune to approve the Mayor's re-appointment of Lori Matthiessen to the Swimming Pool Board, term expiring 10/1/05 and Phyllis Koch to the Library Board, term expiring 1/5/07. Roll call vote: Neal yes, Fortune yes, Anderson yes, Bruha yes. Motion carried.

Authorize Signature-Change Order #1 Revised, Water Mains: This revision was due to a transposition of numbers on the original document. A motion was made by Fortune and seconded by Bruha to authorize the Mayor's signature to the revised copies of Change Order #1. Roll call vote: Fortune yes, Bruha yes, Anderson yes, Neal yes. Motion carried.

Approve Payment – Certificate #1, Rogge Engineering: A motion was made by Fortune and seconded by Neal to approve payment of certificate no. 1 in the amount of \$61,111.14 to Rogge Engineering for Water System Improvements. Roll call vote: Fortune yes, Neal yes, Anderson yes, Bruha yes. Motion carried.

Approve Payment – Water Storage Tank, Olsson Assoc.: A motion was made by Fortune and seconded by Anderson to approve payment of invoice #57357 in the amount of \$623.31 and invoice #57359 in the amount of \$119.40 to Olsson Associates for engineering services. Roll call vote: Fortune yes, Anderson yes, Bruha yes, Neal yes. Motion carried.

Permission – Concert/Excessive Noise Ordinance: This event will not take place within the City limits, no action required by the City Council.

Sidewalks – Repair, Maintenance & Replace: Bruha briefly informed the Council that the downtown area sidewalks need to be evaluated for replacement or repair. A public forum was suggested.

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 9:30 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 February 4, 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