

CITY OF MILFORD  
REGULAR MEETING  
FEBRUARY 6, 2007  
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 6<sup>th</sup> day of February 2007 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Jeff Baker, Dean Bruha, Rick Fortune, Lyle Neal; Attorney Robert Blevens; Chief of Police Forrest Siebken, Maintenance Supt. Mark Frey, City Clerk Jeanne Hoggins. Also present: Steve Rogge.

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.

**CALL TO ORDER:** Mayor Plessel called the meeting to order at 7:30 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 January 2, 2007 meeting. Roll call vote: Fortune yes, Neal yes, Baker yes, Bruha yes. Motion carried.

A motion was made by Bruha and seconded by Baker to approve the minutes of the January 15, 2007 meeting. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal yes. Motion carried.

**PAYMENT OF BILLS:** A motion was made by Neal and seconded by Bruha that the following bills in the amount of \$168,186.83 approved by the Auditing Committee be approved for payment. Roll call vote: Neal yes, Bruha yes, Baker yes, Fortune yes. Motion carried.

**SALARIES:**

43617	Mark Frey	1306.37
43618	Forrest K Siebken	1240.98
43619	Mavis Lynn Ferris	26.59
43620	Jeanne M Hoggins	1206.78
43621	Gary Lee TeSelle	853.42

43622	Scott Dean Fosler	1000.42
43623	Robert L Hull	877.17
43624	Beverly J Wehrs	328.02
43625	Edna A Riedl	224.05
43626	David R Dahle	945.49
43627	Louis J Bialas	906.29
43628	Bryce C Johnson	959.87
43629	Philip Winkelmann	955.68
43630	George A Matzen	130.90
43631	Joshua S Wiley	37.17
43632	Tracy L Yeackley	623.22
43633	Julia M Wang	106.20
43634	Erika S Hartwig	202.79
43676	Mark Frey	1306.37
43677	Forrest K Siebken	1240.98
43678	Mavis Lynn Ferris	32.51
43679	Jeanne M Hoggins	1206.78
43680	Gary Lee TeSelle	829.86
43681	Scott Dean Fosler	935.35
43682	Robert L Hull	805.74
43683	Beverly J Wehrs	505.45
43684	Edna A Riedl	353.89
43685	David R Dahle	935.02
43686	Louis J Bialas	1041.11
43687	Bryce C Johnson	936.24
43688	Philip Winkelmann	929.42
43689	George A Matzen	239.85
43690	Joshua S Wiley	106.20
43691	Tracy L Yeackley	623.23
43692	Julia M Wang	106.20
43693	Erika S Hartwig	210.65
43701	Mark Frey	1306.37
43702	Forrest K Siebken	1240.98
43703	Mavis Lynn Ferris	23.64
43704	Jeanne M Hoggins	1206.78
43705	Gary Lee TeSelle	871.10
43706	Scott Dean Fosler	935.35
43707	Robert L Hull	805.74
43708	Beverly J Wehrs	533.58
43709	Edna A Riedl	388.50
43710	David R Dahle	1054.12
43711	Louis J Bialas	1035.92

43712	Bryce C Johnson	896.87
43713	Philip Winkelmann	892.67
43714	George A Matzen	233.45
43715	Joshua S Wiley	106.20
43716	Tracy L Yeackley	623.22
43717	Julia M Wang	106.20
43718	Erika S Hartwig	295.48
43696	Joyce Elaine Plessel	184.70
43697	Ricky Gene Fortune	138.52
43698	Dean Alan Bruha	138.52
43699	Emerson L Neal	138.52
43700	Jeffrey M Baker	138.52

**GENERAL FUND:**

43635	Ameritas Group – Pension	1540.48
43636	US Postmaster – Utility Billing Postage	154.10
43637	Ross Beller – WA/SW Deposit Refund	35.73
43638	Brady Dexter – WA/SW Deposit Refund	37.22
43639	Daniel Eberhardt – WA/SW Deposit Refund	40.20
43640	Robert Gibbs – WA/SW Deposit Refund	28.28
43641	Joan Hawthorne – WA/SW Deposit Refund	27.42
43642	Greg Schliefert – WA/SW Deposit Refund	7.04
43643	Coleman Wright – WA/SW Deposit Refund	33.97
43644	Alltel – Cell phones	76.91
43645	Windstream – Long Distance	7.25
43646	Aramark Uniform Services – Pants & Rags	362.06
43647	Butch’s Welding – Oxygen Regulator Repair	81.49
43648	Culligan Water – Soft Water	20.00
43649	Farmers Cooperative – Gas/Diesel for December	1412.10
43650	Deep Rock – Drinking Water	8.76
43651	Great Plains – Locate Requests	8.73
43652	Hydraulic Equipment – Quick Couplers	70.32
43653	Ingram Library Services – 4 Books	55.56
43654	Municipal Supply – Curbstop Riser	596.50
43655	Nebraska Dept of Revenue – Sales tax for December	1518.90
43656	NE Motor Parts – Tape, Cord, Sealant, Car Wash Soap	80.18
43657	NPPD – Service for December	4315.66
43658	Ne Tech & Telecomm – Service for December	459.66
43659	NE Code Consulting – 15 Inspections	550.00
43660	NE Supreme Court – ’06 Supplement & ’06 Index	64.20
43661	Aquila – Service for December	1733.65
43662	Pizza Kitchen – Sr Center Meals	82.00
43663	Racom Corporation – Radio Repair	132.00

43664	Riley Electric – Wiring for Automatic Door	140.00
43665	Roxanne Roth – Cleaning Service	320.00
43666	Seward Co Independent – Notices, Minutes	397.41
43667	SPPD – Wells 1 & 2	308.79
43668	SCC – Balance for EMT Refresher Course	100.00
43669	Sunrise Country Manor – Meals for December	669.50
43670	Tractor Supply – Compressor, Heaters	415.66
43671	Vermeer High Plains – Sharpen Blades for Chipper	48.00
43672	Windstream – Local, Internet, Civil Defense	232.09
43673	Xpeditor Technology – Maintenance Agreement	500.00
43674	Ed M Feld Equipment – 2000 Gallon Tanker	128798.00
43675	Healthplan Services – Health Insurance	7587.03
43694	Ameritas Group – Pension	1540.48
43695	League of NE Municipalities – '07 Midwinter Conf	295.00
43719	Ameritas Group – Pension	1540.48
43720	AFLAC	406.26
43721	Ameritas Group	1093.40
43722	Apple Books	280.37
43723	Barco Municipal Products, INC	161.05
43724	Blevens Law Office	350.00
43725	Scott Burroughs	84.98
43726	Terri Buchli	35.00
43727	Centaur Enterprises	30.30
43728	RSBN Inc	105.00
43729	D & D Communications	1649.91
43730	EDM Equipment Company	24.66
43731	Environmental Sciences Inc	1825.00
43732	ED M Feld Equipment Co, Inc	110.00
43733	Electronic Engineering	244.86
43734	InsureNebraska	200.00
43735	Fort Dearborn Life Insurance	116.96
43736	The Garbage Company	138.82
43737	Great American Leasing	55.44
43738	Heartsong Presents	10.99
43739	Ingram Library Services	383.97
43740	International Associates of Chiefs of Police	100.00
43741	IAPE	50.00
43742	JEO Consulting Group, Inc	800.00
43743	Marshall Cavendish Corporation	137.07
43744	Milford Plumbing, Inc	133.46
43745	Milford School District # 5	145.00
43746	Midwest Mailing Solutions	5.45

43747	Mutual of Omaha Companies	79.33
43748	Nebraska Health Laboratory	30.00
43749	Newman Traffic Signs	293.87
43750	Police Chiefs Of NE/Chief Larry Thoren (HPD)	30.00
43751	Roxanne Roth	250.00
43752	Sack Lumber Company	12.25
43753	Seward Electronics	24.80
43754	Shell Fleet Plus	466.18
43755	Robert Smejkal	59.57
43756	SCC Lincoln Campus	109.55
43757	Southeast Library Systems	15.00
43758	Technical Maintenance & Service Co Inc	54.60
43759	Tractor Supply Co	311.84
43760	Union Bank	300.00
43761	Walmart Community BRC	376.96
43762	Beverly Wehrs	22.95
43763	Randall Williams	75.00
43764	Windstream Nebraska Inc	26.01
43765	Mother Earth News	10.00
43766	Scott R Freeburger	528.16

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received were Library Board minutes from November 16, 2006; Recreation Board minutes from January 24, 2007 & January 30, 2007; Police Dept. Activity Report for January 2007; MVFD Rescue NARSIS report for January 2007. Fortune – The quitclaim deed for the water tower ground replacement has been received back from the Welch family and has been filed at the County Courthouse. This project is officially finalized. Bruha had Steve Rogge present information regarding the drainage between 6<sup>th</sup> & 7<sup>th</sup> Streets and C & D Streets. Matt & Paula Young arrived. It was suggested by Rogge to put rip rap at the ends to slow the water down. Lana Zumbrunn arrived. It was suggested to obtain an easement from the property owners and inform them of what will take place. Rogge thought a 20 to 25’ easement would be sufficient. Rogge will be able to present plans at the next meeting and estimated the cost between \$8,000 to \$10,000. Blevens suggested talking to the owners, informing them of the process and obtaining an easement before proceeding any further. Bruha will work on this. Baker will be attending the League of NE Municipalities mid-winter conference in Lincoln next week. He will update the Council at next months meeting. Chief Siebken reviewed the activity report for January 2007. Nancy McGill arrived.

**COMMUNICATIONS:** \*Sales tax received for the month of November 2006 was \$11,215.77. \*Aquila natural gas rate increase of \$7.00 per month

for both residential and commercial bills. \*Lana Zumbrunn with the Seward County Economic Development program introduced herself to the Council members she had not yet met. Her hob is to work with businesses to create wealth for Seward County. In the last 9 months she has worked with 6 or 7 current business owners along with 17 – 20 new proposals. She has her own office in Seward at 7<sup>th</sup> & South St. Lana distributed information to the Mayor and Council pertaining to strategic planning for Seward County Economic Development along with board members and meeting information.

**PUBLIC HEARING - One & Six Year Plan:** Mayor Plessel opened the public hearing at 7:50 pm. There were no comments or questions regarding the one & six year plan. Mayor Plessel closed the public hearing at 7:52 pm.

**UNFINISHED BUSINESS:**

**Interlocal Agreement for Utility Service between the City of Milford and the Milford Public School Dist.:** Hoggins informed the Council that Supt. Kevin Wingard received a copy of the proposed agreement and advised his approval. A motion was made by Bruha and seconded Baker to authorize the signature of the Interlocal Agreement between the City of Milford and the Milford Public School Dist. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal yes. Motion carried.

**Silent R.R. Crossing – Walnut & Park Ave., Kirkham Michael proposal:** Bruha did not receive the proposal from Kirkham Michael so he summarized his visit with Rick Haden, Project Manager with Kirkham Michael. The curb and shoulder requirements for a controlled crossing are 60’ back from the tracks, not 15’ like discussed previously. The electronics alone will cost over \$100,000.00. This cost would be the responsibility of the community. It will cost \$25,000.00 to have a study of the tracks done. The Dallas headquarters will then make a recommendation. This study will take approximately 1 month to complete. Fortune asked, “If the City can decide which option they would like to use, why do we have to have a study done”? Neal noted from a newspaper article that Lincoln paid \$48,000.00 for a study of 5 intersections. \$25,000.00 seems a bit high for 1 intersection. Bruha noted that he tried to call Mr. Haden several times today and never received a call back. Discussion was held as to what would take place when they double track thru town. Siebken has had contact with a gentlemen from the railroad and they are planning on having the tracks completed by 2008. If the double tracks are already scheduled to come thru town, why not check with the railroad and Dept. of Roads to see what their plans are. They may have to upgrade some of the equipment anyway. Fortune will check with someone from the Dept. of Roads and follow up with Bruha. Discussion was held regarding the option of locking the arms at night for a silent

crossing during the evening hours and thru the night. This agenda item will continue to be researched.

**NEW BUSINESS:**

**Introduction and Adoption of Resolution – Adopt One & Six Year Plan:  
RESOLUTION NO. 428**

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

“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 6th day of February, 2007, 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: Bruha yes, Baker yes, Fortune yes, Neal yes. Motion carried.

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Attest: City Clerk  
(Seal)

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Mayor

**Library Building Repairs – Estimate from Thrasher to fix cracks in north and west exterior walls:** A proposal was submitted by Thrasher Basement Systems, Inc. in the amount of \$9800.00. The Council questioned where the funds would come from. Hoggins reported that the Library had budgeted \$4,000 to paint the exterior of the Library and they decided to wait and use this money towards the repair of the walls. Neal proposed the necessity of pulling funds from some other depts. to cover the cost as this is something that needs to be looked into yet this spring/summer. Mayor Plessel suggested approaching the Friends of the Library for partial funds. A motion was made by Neal and seconded by Baker to proceed with the repair of the Library walls as presented by Thrasher Basement. Roll call vote: Neal yes, Baker yes, Bruha yes, Fortune yes. Motion carried.

**Appointments and Reappointments:** Mayor Plessel provided a list of names per board or commission for approval. A motion was made by Fortune and seconded by Bruha to approve the Mayor’s recommendation to reappoint Sue Fortune, Roger Kontor and appoint Martha Ferrill to the

Planning & Zoning Commission. Roll call vote: Fortune yes, Bruha yes, Baker yes, Neal yes. Motion carried.

A motion was made by Bruha and seconded by Baker to approve the Mayor's recommendation to appoint Martha Ferrill, Beth Stutzman and Gleason Grimes to the Board of Adjustment. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal yes. Motion carried.

A motion was made by Neal and seconded by Fortune to approve the Mayor's recommendation to reappoint Craig Bontrager, Josette Dalton, Keri Jakub and appoint Peg Rediger and Melissa Troyer to the Swimming Pool Board. Roll call vote: Neal yes, Fortune yes, Baker yes, Bruha yes. Motion carried.

A motion was made by Baker and seconded by Bruha to approve the Mayor's recommendation to appoint Karen Stauffer, Scott Burroughs, Jessica Dunlap and Brenda Plessel to the Park Board. Roll call vote: Baker yes, Bruha yes, Fortune yes, Neal yes. Motion carried.

A motion was made by Fortune and seconded by Neal to approve the Mayor's recommendation to reappoint Bill Lauber to the Cemetery Board. Roll call vote: Fortune yes, Neal yes, Baker yes, Bruha yes. Motion carried. See attached list for terms.

**Hire Recreation Director:** A motion was made by Neal and seconded by Fortune to approve hiring Brett Muller as the Recreation Director at \$10.00 per hour. Roll call vote: Neal yes, Fortune yes, Baker yes, Bruha yes. Motion carried.

**Discussion Concealed Weapon Signage:** Baker informed the Council that the County will be ordering concealed weapon signs and wondered if the City of Milford would be interested in ordering in conjunction with the County to save money. Discussion was held as to the size of the signs being ordered. S.C.C. has adhesive signs on their doors which are 6"x8" and the consensus of the Council was this size would work fine. Council decided to discuss next agenda item before making any decisions.

**Introduction and Adoption of Ordinance – Concealed Weapons:** Discussion was held as to the exact verbiage to approve this ordinance. Siebken was not aware of any person in the City of Milford or surrounding area that has applied for a concealed weapon permit. After due consideration a motion was made by Bruha and seconded by Baker to introduce the following Ordinance:

ORDINANCE NO. 788

AN ORDINANCE TO PROHIBIT AND REGULATE CONCEALED WEAPONS WITHIN THE CITY OF MILFORD; TO PRESCRIBE A PENALTY FOR VIOLATION HEREOF; TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE



EFFECT; AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH. (See Ordinance Record)

**Summer Baseball/Softball Program changes to rules and fees:** Hoggins informed Council of changes presented by the Recreation Board such as: Changes to the Tournament contract regarding trash clean-up after tournaments, \$1.00 per pop purchased during tournaments goes back to the City. Inventory will be taken before and after the tournament. Fortune wanted it added that the Recreation Director and the Tournament Director inventory the pop together to verify numbers between the 2 organizations. Registration fees of \$20.00 per child will remain the same for Tee Ball, Girls 8 & Under and Wee Pees. All other age groups will be \$30.00 per child with a family max of \$75.00. The Recreation Board also recommended allowing the Jr. and Sr. Legion Baseball teams the opportunity to play some home games in Milford at no cost. The Legion will need to provide their own umpires, bases and personnel to take gate. Field prep will be organized thru the coaches and Recreation director. A motion was made by Neal and seconded by Fortune to adopt the changes made in the January 24 and January 30, 2007 minutes with the addition of coordinating the pop inventory between the Tournament director and the Recreation director. Roll call vote: Neal yes, Fortune yes, Baker yes, Bruha yes. Motion carried.

**EXECUTIVE SESSION – Real Estate:** Mayor Plessel stated the reason for going into executive session was to discuss real estate matters. A motion was made by Bruha and seconded by Neal to adjourn from regular session into executive session. Roll call vote: Bruha yes, Neal yes, Baker yes, Fortune yes. Motion carried and council went into executive session at 9:05 pm. to discuss real estate. A motion was made by Fortune and seconded by Bruha to return to regular session. Roll call vote: Fortune yes, Bruha yes, Baker yes, Neal yes. Motion carried and Council returned to regular session at 9:43 pm.

**Authorization of Building Inspection:** Agenda item not needed.

**ADJOURNMENT:** A motion was made by Neal and seconded by Fortune to adjourn the meeting. Roll call vote: Neal yes, Fortune yes, Baker yes, Bruha yes. Motion carried and meeting adjourned at 9:43 pm.

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Jeanne Hoggins, City Clerk

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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 February 6, 2007 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)

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Jeanne Hoggins, City Clerk