

CITY OF MILFORD
REGULAR MEETING
JANUARY 6, 2009
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Webermeier Library Building in said City on the 6th day of January 2009 at 7:30 pm. Present were: Mayor Dean Bruha; Council members: Jeff Baker, Rick Fortune, Jeff Heckman, Dan Kral; Attorney Robert Blevens; Chief of Police Forrest Siebken; City Clerk Jeanne Hoggins. Also present: Bob Boshart, Logan Rainforth, Jackie Anderson, Gladys Stephens and Dave Swarts.

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: Mayor Bruha swore in Council member Dan Kral.

CALL TO ORDER: Mayor Bruha called the meeting to order at 7:30 p.m. Mayor Bruha 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 Meeting Room.

MINUTES: A motion was made by Fortune and seconded by Heckman to approve the minutes of the December 2, 2008 meeting. Roll call vote: Fortune yes, Heckman yes, Baker yes, Kral yes. Motion carried.

A motion was made by Baker and seconded by Fortune to approve the minutes of the December 16, 2008 meeting. Roll call vote: Baker yes, Fortune yes, Heckman yes, Kral yes. Motion carried.

PAYMENT OF BILLS: A motion was made by Heckman and seconded by Kral that the following bills in the amount of \$59,996.54 and payroll in the amount of \$38,546.75 approved by the Auditing Committee be approved for payment. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

SALARIES:

47077	Mark Frey	1403.62
47078	Forrest K Siebken	1332.26

47079	Mavis Lynn Ferris	45.37
47080	Jeanne M Hoggins	1321.58
47081	Gary Lee TeSelle	1025.43
47082	Scott Dean Fosler	1135.76
47083	Robert L Hull	1009.01
47084	Beverly J Wehrs	468.67
47085	David R Dahle	962.09
47086	Bryce C Johnson	962.91
47087	Philip Winkelmann	944.39
47088	George A Matzen	331.40
47089	Tracy L Yeackley	670.75
47090	Julia M Wang	95.37
47091	Courtney L Bashore	18.15
47092	Anna E Tremmel	84.68
47093	Tiffany Fougeron	242.67
47094	Benjamin L Rediger	671.58
47138	Mark Frey	1403.62
47139	Forrest K Siebken	1332.26
47140	Mavis Lynn Ferris	48.39
47141	Jeanne M Hoggins	1321.58
47142	Gary Lee TeSelle	1248.98
47143	Scott Dean Fosler	995.62
47144	Robert L Hull	856.56
47145	Beverly J Wehrs	519.73
47146	David R Dahle	1047.00
47147	Bryce C Johnson	477.48
47148	Philip Winkelmann	922.16
47149	George A Matzen	565.59
47150	Tracy L Yeackley	670.75
47151	Julia M Wang	241.48
47152	Courtney L Bashore	102.84
47153	Anna E Tremmel	90.74
47154	Tiffany Fougeron	304.83
47155	Benjamin L Rediger	751.37
47161	Bryce Johnson	552.48
47162	Mark Frey	1403.62
47163	Forrest K Siebken	1332.26
47164	Mavis Lynn Ferris	36.29
47165	Jeanne M Hoggins	1321.58
47166	Gary Lee TeSelle	787.25
47167	Scott Dean Fosler	1112.40

47168	Robert L Hull	983.77
47169	Beverly J Wehrs	324.75
47170	David R Dahle	1030.01
47171	Bryce C Johnson	1099.26
47172	Philip Winkelmann	1033.32
47173	George A Matzen	160.65
47174	Tracy L Yeackley	670.42
47175	Julia M Wang	88.39
47176	Courtney L Bashore	36.29
47177	Anna E Tremmel	52.93
47178	Tiffany Fougeron	222.50
47179	Benjamin L Rediger	671.58
47181	Ricky Gene Fortune	138.52
47182	Dean Alan Bruha	184.70
47183	Jeffrey M Baker	138.52
47184	Jeff Lee Heckman	138.52

GENERAL FUND:

47075	Alex Watts – WA/SW Deposit Refund	15.58
47076	US Postmaster – Utility Billing Postage	262.79
47095	Ameritas Group – Pension	1646.15
47096	AFLAC – Dis, Cancer, Acc, Suppl	399.96
47097	American Water Works Assoc. – Membership Dues	68.00
47098	Ameritas Group – Dental & Vision	946.80
47099	Alltel – Cell Phone	102.03
47100	Windstream – Long Distance for November	4.73
47101	Aramark – Pants & Rags	317.94
47102	Blue Valley Pest Control – Sprayed City Hall	50.00
47103	CLIA Laboratory – Certificate Fee	150.00
47104	Constellation NewEnergy – Service for November	125.71
47105	Culligan Water Conditioning – Soft Water	20.00
47106	Farmers Cooperative – Gas/Diesel for November	843.39
47107	Diode Communications – Service for Nov	54.16
47108	Deep Rock – Drinking Water	16.86
47109	Digitec – Meanwill Power Supply	25.00
47110	Eakes Office Plus – PO Books, Okidata Ribbon, Tape	157.87
47111	Fremont National Bank – 08 Annual Fee	450.00
47112	The Garbage Co – Service for Nov	130.34
47113	Great Plains One-Call – Emergency Locates, Requests	11.94
47114	Jones National Bank & Trust – Payment on Jet Trailer	9190.93
47115	Memorial Health Care Systems – Shots	250.00
47116	Milford Plumbing Inc – Repair Toilet @ Fire Hall	115.70

47117	Milford Supermarket – Dog Food, Food	40.04
47118	NE Dept of Revenue – Sales Tax for Nov	1513.14
47119	NE Motor Parts – Armorall – Freeze T	9.27
47120	NPPD – Service for Nov	3924.18
47121	NE Tech & Telecomm – Service for Nov	399.84
47122	NEMSA – Memberships	318.00
47123	Black Hills Utility Holdings – Service for November	352.44
47124	Pizza Kitchen – Meals	476.80
47125	Plains Power & Equip – Vacuum Shredder	259.00
47126	Precision Industries – Hose Clamp, Curved Jaw w/wire	44.12
47127	Roxanne Roth – Cleaning Services	320.00
47128	Sam’s Club – Lysol, Plates, Paper towels	88.14
47129	Schaefer’s – Used Refrigerator	200.00
47130	Seward Co Independent – Notices, Minutes, Envelopes	455.48
47131	SPPD – Wells 1 & 2	343.18
47132	Seward County Treasurer – 08 General Election Cost	120.60
47133	Meyer Ford – Brake Job	189.62
47134	Shell Fleet Plus – Fuel for Nov. 08 Pickup	58.83
47135	Sunrise Co Manor – November Meals	636.00
47136	Windstream – Local/Internet, Civil Defense, Library	254.04
47137	Naomi Yeackley – Reimburse Payment of Lot Split	50.00
47156	Ameritas Group – Pension	1646.15
47157	Coventry Health Care – Health Insurance	9674.76
47158	Fort Dearborn Life – Life Insurance	116.96
47159	Mutual of Omaha – Disability	79.33
47160	Shell Fleet Plus – Fuel for November	345.10
47180	Ameritas – Pension	1645.15
47185	Ackerman Rock & Gravel – 2 Loads of Gravel	901.74
47186	Aramark Uniform	VOID
47187	Barco Municipal – Drain Spade, Duel Triple Chain	437.87
47188	Blevens Law Office – Legal Services for January	350.00
47189	Constellation NewEnergy – Service for Dec	724.52
47190	Don’s Pioneer Uniforms – Pants, Uniform Sweaters	218.85
47191	Great American Leasing – Meter Rental	129.50
47192	Heartsong Presents – Books	10.99
47193	Hawkins Inc – Azone 15, LPC-4, Injection Antisyphon	2876.43
47194	JEO Consulting Group – Road Report ’08	2100.00
47195	Junior Library Guild – Book Subscription	636.00
47196	Kremer Electric – Heater, Flush Receptacle	478.75
47197	Layne Christensen – Brass Electrodes	58.10
47198	Meyer Laboratory Inc – Gloves, Broom	522.20

47199	Milford A/C & Appliance – Furnace Repair	3168.32
47200	Milford Plumbing – Repair Toilet @ City Hall	109.36
47201	Milford School Dist – Tobacco Licenses, Parking Fines	145.00
47202	Nebraska Public Health – Nitrate/Nitrite	56.00
47203	Office Depot – DVD’s (Recordable)	27.98
47204	Omaha World Herald – Subscription	93.08
47205	Penworthy – Childrens Books	2346.02
47206	Police Officers Assoc of NE – Covers and Handbooks	84.50
47207	Precision Industries – Permatex, Anti-Seize	28.53
47208	Racom Corp – Earphone Tubing, EDACs Access Fee	868.27
47209	Romantic Homes – Subscription	34.95
47210	Roxanne Roth – Cleaning Services	250.00
47211	Sam’s Club – Card Renewal	35.00
47212	Servi-Tech Inc – Ammonia Nitrogen, Wastewater Anal.	145.40
47213	SewNews – Subscription	62.98
47214	Sioux Sales Company – 2 Taser Holders	115.80
47215	Union Bank – Gary TeSelle Acct	400.00
47216	Local Insight Yellow Pages – Directory Advertising	14.60
47217	TJ Buchli – Chairs for Fire Hall	494.00
47218	Joe Clark – 4 New Computers	2505.75
47219	Radio Accounting – Radio Spot	149.00

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Swimming Pool Board minutes for December 8, 2008; Housing Authority minutes for December 11, 2008; Fire Department minutes for November 11, 2008; Police Dept. Activity Report for December 2008; MVFD Rescue NARSIS report for December 2008. *Fortune – still waiting to get an agreement signed on the sewer line issue, this will be on next months agenda. *Chief Siebken reported on December’s activity.

Nancy McGill arrived.

COMMUNICATIONS: *Sales tax received for the month of October 2008 was \$13,402.17. *Resignation letter received from Pool Board member Peggy Rediger.

UNFINISHED BUSINESS:

Introduction and Adoption of Ordinance – Definition of Dangerous Dog: Logan Rainforth presented a pamphlet of information to the Mayor and Council regarding pit bulls and sample ordinances. Logan wanted the Council to identify a photo of a pit bull in comparison to 10 other photos. Baker pointed out the similarities of the sample ordinance to the ordinance that the City Council was considering. Officer Bryce Johnson arrived. Baker explained the reason for this discussion came about when he witnessed a Pit Bull running in the Uptown City Park while the daycare children were there

playing. There was a child attending to the dog that didn't seem to have much control of the animal. Gladys Stephens told the Council that any dog running loose in a neighboring yard concerns her as with her age she's afraid of being knocked down or tripped. Baker expressed his concern for quality of life for these neighbors in simply going outside to get their mail. Chief Siebken mentioned a particular dog on "D" Street that has been causing a bit of trouble. They have tried several times to catch the dog with no luck. This dog is let loose to run when the owners are not home. This dog is not a pit bull but a "Bullmastiff". Kral mentioned irregardless of breed a fine should be set for dog running at large 1st offense - \$100.00, 2nd offense - \$250.00, 3rd offense take dog from owner. Bob Boshart reported while taking his chocolate lab for a walk on New Years Eve he was approached by a Pit Bull coming from the Gruber home. The dog was aggressive but Boshart's dog stepped between him and the pit bull. Bob expressed his fear and helplessness to the City Council and stated that he now carries a bat with him. Fortune questioned whether it was out of the City's scope to take a dog from the owner. Chief Siebken noted that it would have to be court ordered. The Council discussed this issue as being more of an irresponsible owner problem than a certain breed problem. The Council asked Attorney Blevens to review the proposed ordinance by the CDC and decided to table this issue until next month.

Introduction and Adoption of Ordinance – Amend Ordinance 6-118:
Agenda item not needed.

NEW BUSINESS:

Council Assignments: A motion was made by Fortune and seconded by Kral to approve the Mayors recommendation for the following Council assignments for 2009: **Dean A. Bruha** – General, ADA & OSHA Compliance; **Jeff Baker** – Recreation, Parks & Sr. Center; **Rick Fortune** – Water, Sewer & Cemetery; **Jeff Heckman** – Pool, Library, Webermeier Scholarships, Auditing Committee; **Dan Kral** – Police, Fire, Streets & Auditing Committee. Roll call vote: Fortune yes, Kral yes, Baker yes, Heckman yes. Motion carried.

Election of Officers: A motion was made by Fortune and seconded by Heckman to nominate Jeff Baker as President of Council. Roll call vote: Fortune yes, Heckman yes, Baker yes, Kral yes. Motion carried.

A motion was made by Baker and seconded by Kral to nominate Ricky Gene Fortune as Acting President of Council. Roll call vote: Baker yes, Kral yes, Fortune abstain, Heckman yes. Motion carried.

Appointments – Milford Aging Services Commission: A motion was made by Baker and seconded by Fortune to approve the Mayors recommendation to reappoint Doris Kunzie for her first full term to the

Milford Aging Services Commission with her term to expire 1/1/2011. Roll call vote: Baker yes, Fortune yes, Heckman yes, Kral yes. Motion carried.

A motion was made by Heckman and seconded by Fortune to approve the Mayors recommendation to reappoint Gene Waring for a 2nd term to the Milford Aging Services Commission with his term to expire 1/1/2011. Roll call vote: Heckman yes, Fortune yes, Baker yes, Kral yes. Motion carried.

A motion was made by Fortune and seconded by Heckman to approve the Mayors recommendation to reappoint Pat Rixstine for a 2nd term to the Milford Aging Services Commission with her term to expire 1/1/2011. Roll call vote: Fortune yes, Heckman yes, Baker yes, Kral yes. Motion carried.

Set Public Hearing date – One & Six Year Plan: Mayor Bruha set the public hearing date for the One & Six Year Plan to be held at the next regular Council meeting on February 3, 2009.

Introduction and Adoption of Resolution – Depository of Funds: A motion was made by Fortune and seconded by Heckman to adopt Corporate Authorization Resolution No. 446 with Farmers & Merchants Bank. Roll call vote: Fortune yes, Heckman yes, Baker yes, Kral yes. Motion carried. (Copy of Resolution attached to minutes.)

A motion was made by Kral and seconded by Baker to adopt Corporate Authorization Resolution No. 447 with Jones National Bank. Roll call vote: Kral yes, Baker yes, Fortune yes, Heckman yes. Motion carried. (Copy of Resolution attached to minutes.)

Introduction and Adoption of Resolution – Multi-Jurisdictional Hazard Mitigation Plan: Council member Baker introduced the following resolution seconded by Kral. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried.

RESOLUTION NO. 448

WHEREAS, the Federal Disaster Mitigation Act of 2000 was signed into law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, a Multi-jurisdictional Hazard Mitigation Plan was prepared by Seward County, Nebraska with assistance from JEO Consulting Group, Inc. of Lincoln, NE which includes the jurisdiction of Milford, NE.

WHEREAS, the purpose of the mitigation plan was to lessen the affects of disasters by increasing the disaster resistance of the County and participating jurisdictions located within the planning boundary by identifying the hazards that affect the County and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards, and

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