

CITY OF MILFORD  
REGULAR MEETING  
JULY 2, 2002  
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 2<sup>nd</sup> day of July 2002 at 7:30 P.M. Present were: Mayor J. Elaine Plessel; Council members Scott Burroughs, Gary Cooper, Rick Fortune; Attorney Robert Blevens; Chief of Police Forrest Siebken; City Clerk Jeanne Hoggins. Absent: Lyle Neal. Also present: Willis Heyen, Nancy Jantze, Maury Hansen, Steve Rogge, Tim Stutzman, Merlyn Davids and Building Inspector Roger Kness

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 7:35 pm.

**MINUTES:** A motion was made by Fortune and seconded by Cooper to approve the minutes of the June 4, 2002 meeting. Roll call vote: Fortune yes, Cooper yes, Burroughs yes, Neal absent. Motion carried.

**PAYMENT OF BILLS & BOND INTEREST:** A motion was made by Cooper and seconded by Burroughs that the following bills in the amount of \$52,711.27 approved by the Auditing Committee be approved for payment. Roll call vote: Cooper yes, Burroughs yes, Fortune yes, Neal absent. Motion carried.

**SALARIES:**

35119	Mark Frey	1069.36
35120	Forrest K. Siebken	1013.76
35121	Mavis Lynn Ferris	24.98
35122	Jeanne M. Hoggins	903.32
35123	Gary Lee TeSelle	666.09
35124	Scott Dean Fosler	1739.83
35125	Robert L. Hull	801.85
35126	Beverly J. Wehrs	434.43
35127	Edna A. Riedl	308.13

35128	David R. Dahle	799.47
35129	Louis J. Bialas	814.59
35130	Pamela J. Slama	270.70
35131	Bryce Roth	396.10
35132	Arlene F. Sieck	530.71
35133	Lucy B. Honig	310.79
35134	William J. Sauer	419.21
35135	Marcus A. Siebken	397.33
35136	Amanda R. Fichtner	501.18
35137	Jamie L. Opfer	568.27
35138	Sheri J. Condreay	319.97
35139	Dustin R. Lindgren	179.28
35140	Melissa McCall	320.60
35141	Jessie J. Danekas	220.79
35142	Zachary D. Eden	176.29
35143	Bryce C. Johnson	667.45
35144	Philip Winkelmann	667.45
35145	Kendra M. Hoggins	454.37
35146	Patricia A. Whitney	405.65
35147	Joel J. Condreay	317.84
35151	Mark Frey	1069.36
35152	Forrest K. Siebken	1013.76
35153	Mavis Lynn Ferris	26.23
35154	Stephanie A. Chicoine	112.21
35155	Jeanne M. Hoggins	903.32
35156	Gary Lee TeSelle	607.74
35157	Scott Dean Fosler	1006.09
35158	Robert L. Hull	743.35
35159	Beverly J. Wehrs	357.95
35160	Edna A. Riedl	272.57
35161	David R. Dahle	758.11
35162	Louis J. Bialas	849.02
35163	Pamela J. Slama	328.92
35164	Bryce Roth	420.47
35165	Arlene F. Sieck	522.42
35166	Lucy B. Honig	231.32
35167	William J. Sauer	457.87
35168	Marcus A. Siebken	359.21
35169	Amanda R. Fichtner	618.74
36170	Jamie L. Opfer	568.27
35171	Sheri J. Condreay	454.87

35172	Dustin R. Lindgren	183.16
35173	Melissa McCall	470.31
35174	Jessie J. Danekas	523.23
35175	Zachary D. Eden	129.70
35176	Bryce C. Johnson	667.45
35177	Philip Winkelmann	691.88
35178	Kendra M. Hoggins	391.89
35179	Patricia A. Whitney	405.65
35180	Joel J. Condreay	469.06
35182	Gary W. Cooper	138.53
35183	Roger L. Kness	150.85
35184	Joyce Elaine Plessel	184.70
35185	Ricky Gene Fortune	138.53
35186	Scott C. Burroughs	138.53
35187	Emerson L. Neal	138.53

**GENERAL FUND:**

35068	U.S. Postmaster – Utility Billing Postage	120.97
35069	Alltel – Pager, Cellular, Internet, Pay Phone for May	160.28
35070	Alltel – Long Distance for May	3.85
35071	Jan Bell – Uniform Sewing	16.00
35072	Nick Bernasek – Ump 12's, Wee Pee & Jr Pee Wee	50.00
35073	Bob's Automotive – Oil, Filter, Carb, Mileage	486.80
35074	Craig Bontrager – Ump 12's & 14's	155.00
35075	Buman's Mechanical – Tire Repair, Brush Cutter	768.48
35076	Terry Buchli – Fire School Meals & Mileage	502.71
35077	Butchs Welding – Angle, Labor, Bolts, Nuts	275.41
35078	Chief Supply Corp – film	88.80
35079	Culligan Water Conditioning – Soft Water	17.00
35080	Dorchesters Coop – Gas/Diesel for May, RoundUp	1360.47
35081	Kevin Daehling – Ump Pony, Jr Pee Wee, Pee Wee	65.00
35082	Eakes Office Plus – Paper, Cartridges, ½ Svc Contr	521.05
35083	Earnest Well Drilling – Set Up & Thread Steel Pipe	20.00
35084	The Garbage Company – Service for May	87.00
35085	Great Plains-One Call – Emer Locate, Req Surcharge	30.32
35086	Jeanne Hoggins – Mileage to Pick up DSL Router	15.50
35087	Rob Hull – Reimburse for gas	5.00
35088	Andy Klepper – Base Ump Pony Game	20.00
35089	Lynn Peavey Co – Evidence Supplies	120.22
35090	Memorial Health Care – Hep & Strep Tests, BLS	350.00
35091	Sport Supply Group – Knee Savers, Shin Protectors	29.62
35092	Midwest Heating & Air Cond – Check A/C, filters	70.00

35093	Milford Plumbing Inc – Work at Pool	464.79
35094	The Milford Times – Notices, Minutes, Subscription	253.71
35095	Midwest Floor Care – Epoxy Application	8500.00
35096	Miller-Monroe Co – Add Waterslide Coverage	31.00
35097	NE Dept of Revenue – Sales Tax for May	1858.89
35098	NE Motor Parts – Bulb, Ext Cord, Chisl, Rad Hose	74.87
35099	State of NE Reg & Lic – ½ of 1% Water Sys Impr	3100.00
35100	NE Public Power Dist – Service for May	4027.91
35101	NE Tech & Telecomm – Service for May	583.85
35102	O’Keefe Elevator Co – Annual Inspection	543.00
35103	Office Max – Copier	409.98
35104	Aquila – Service for May	827.95
35105	Pleasant Dale Lumber – Key Pad	50.99
35106	Roxanne Roth – Clean City Offices, Fire Hall, Library	220.00
35107	Sam’s Club – Annual Fee, Paper/Cleaning Supplies	397.61
35108	Schlegel’s Groceries – Cat Food, Film Proc, Groc	47.09
35109	Seward Electronics – TK-360G, Speakers & Labor	530.82
35110	Seward Co Rural Power District – Wells 4 & 5	358.78
35111	Arlene Sieck – 2 trips to Keps for Equipment	27.90
35112	John Slama – Umpire 12’s	80.00
35113	Sunrise Country Manor – 385 Meals for May	1155.00
35114	Gary TeSelle – Masq Meeting	60.00
35115	Jason Hunt – Water & Sewer Deposit Refund	30.92
35116	Don Kermoade – Base Ump 14’s	15.00
35117	Ben Nelson – Water & Sewer Deposit Refund	26.89
35118	Dustin Woster – Water & Sewer Deposit Refund	28.48
35148	void	
35149	Ameritas Life Insurance Corp – Retirement	1238.49
35150	United Healthcare of the Midlands – Group Health	5594.59
35181	Ameritas Life Insurance Corp – Retirement	1238.49
35188	AFLAC – Disability, Cancer, Accident Supplement	152.90
35189	Alltel – Directory Advertising, Paging, Mobile Phone	47.51
35190	Best Way, Inc – Wasp Spray	68.18
35191	Nick Bernasek – Ump 10’s	150.00
35192	Blevens Law Office – Legal Services for June	350.00
35193	Craig Bontrager – Ump 16’s, Jr Pee Wee	120.00
35194	Book-of-the-Month Club – 5 Books	21.39
35195	Bound to Stay Bound Books – 1 Book	15.59
35196	Century Labs Inc – Tissue, EZ It, Trash Bags	596.86
35197	Creative Home – 1 year Subscription	19.97
35198	Farm Plan – Dry Charge, Blades	464.27

35199	Havco Pools Inc – Ignition Control	143.75
35200	Heartsong Presents – 4 Books	9.97
35201	Rob Hull – Meals for NELEIN Training	25.60
35202	Ingram Library Services – 31 Books	251.78
35203	Kiefer & Associates – 9 Suits	424.04
35204	Ladies Home Journal – 2 year Subscription	16.97
35205	Lee’s Refrigeration – Water Pump	163.00
35206	Leisure Arts – “Spirit of Christmas”	29.91
35207	The Library Store – Office Supplies	77.50
35208	Lynn Peavey Company – Evidence Supplies	93.50
35209	Midwest Tape – 6 Videos	68.94
35210	Milford A/C & Appliance – Pilot Generator	37.85
35211	Scott Metzler – Ump 14’s, 16’s, 18’s & Pony	275.00
35212	Milford School Dist #5 – Fines collected for June	120.00
35213	Municipal Supply Inc – Water Parts, Hymax Couplng	462.75
35214	Mutual of Omaha Companies – Disability	69.23
35215	NE Machinery – Labor, Parts/Road Grader, A/C	2553.08
35216	National Geographic Society – 1 Book	15.90
35217	NE Health Laboratory – Coliform Init Report, Tests	57.00
35218	Olsson Associates – Water Storage Tank	5233.00
35219	Omaha Life Insurance Corp – Life Insurance	64.50
35220	Vinnie Pasho – Base Ump 16’s	30.00
35221	Purchase Power – Postage for Meter	99.93
35222	Accord Capital Corp – Umbrella Lifeguard	162.80
35223	Redbook – 2 year Subscription	28.00
35224	Regent Book Co Inc – “Pledge of Allegiance”	17.41
35225	Reiman Publications – 3 year “Crafting Traditions”	29.98
35226	Brock Roth – Base Ump 14’s	70.00
35227	Randy Roth – Plate Ump 14’s	50.00
35228	Roxanne Roth – Clean City Offices, Fire Hall, Library	200.00
35229	Mike Stinson – Ump Jr Pee Wee	20.00
35230	The Gale Group – 12 Books	329.29
35231	Monty Troyer – Base Ump 10’s	20.00
35232	Ultramax – 40 Cal Ammo	124.00
35233	Ulverscroft Large Print – 6 Books	156.79
35234	Union Bank – Gary TeSelle Acct	300.00
35235	Uniservice, Inc – Pants & Rags	106.20
35236	Van Diest Supply Co – 20 Gal Anvil, 2+2 ULV	979.70
35237	Vermeer Equip of NE – Labor, Parts for Chipper	488.00
35238	Wal Mart – Cleaning/Office Supplies, Grass Seed	320.24
35239	Beverly Wehrs – Pickles, Paper Products from Sam’s	53.98

35240	Mike Dunham – Base Ump 18’s	30.00
35241	Cory Eisenbraun – Water & Sewer Deposit Refund	42.50
35242	Ashley Harris – Ump 14’s, 16’s, 18’s & Pony	170.00
35243	Broyce Hemmerling – Water & Sewer Deposit Refund	44.09
35244	Kendra Hoggins – Base Ump 12’s	40.00
35245	Nick Kopietz – Water & Sewer Deposit Refund	20.78
35246	Jim Krause – Ump 14’s	240.00
35247	Randy Lauer – Reimburse Malcolm Tournament	20.00
35248	John Lohmeier – Ump 18’s x 2	80.00
35249	Mike McIntosh – Water & Sewer Deposit Refund	19.65
35250	Mark Meierdierks – Ump 14’s	120.00
35251	Mitch Meierdierks – Ump 14’s	80.00
35252	Aaron Miller – Base Ump 12’s	20.00
35253	Trevor Reinke – Ump 12’s & Pony’s	60.00
35254	Vic Weber – Reimburse Malcolm Tournament	20.00
35255	Rich Wergin – Base Ump 16’s x 2	30.00

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received were Housing Authority minutes for June 10, 2002; Planning & Zoning minutes for June 13, 2002; Police Dept. Activity Report for June 2002. Cooper reported that Dorchester Coop had hired Stutzman Digging to expose the discharge tube at the “A” St. Storm Sewer. The concrete work for the alley approach behind the Dairy Queen has been completed. Siebken reported 714 total calls for service for the month of June 2002. Officer Hull has completed the LEIN course he attended. Officers Johnson and Winkelmann have successfully completed their training at the Law Enforcement Academy. Mayor Plessel has given Memorial Healthcare System permission to hang a banner on the light pole at the corner of 2<sup>nd</sup> & “C” Street.

**COMMUNICATIONS:** Sales tax received for the month of April 2002 was \$10,296.76.

**UNFINISHED BUSINESS:**

**Alltel, Wireless Communication Antenna/Contract:** No discussion held.  
**Sewer Back-up, Willis Heyen:** Fortune had visited with Mark Frey regarding the blockage and Frey stated even with hairline roots the main cause of the problem was large amounts of grease and feminine products. After investigating the incident further the insurance company denied the claim a second time. The City cannot be responsible for what people dump down the sewer. If the insurance company denies the claim the City has no choice but to also deny the claim. A motion was made by Fortune and seconded by Cooper to deny the claim by Willis Heyen. Roll call vote: Fortune yes, Cooper yes, Burroughs yes, Neal absent. Motion carried.

**Pole Buildings:** Planning & Zoning minutes were submitted from the June 13, 2002 meeting. Roger Kness stated the Planning and Zoning put a lot of thought into this and are recommending to allow pole sheds with the following stipulations: Used as a utility type or garage building, frost depth 8" wide foundation wall around perimeter of building, minimum of 4" concrete floor slab inside the structure @ minimum construction standards, cannot exceed 720 sq. feet, 30 PSF wind load on the side walls and 30 PSF live load on roofs, 10'-0" eave height max, roof slope considered at time of permit application. Pole Buildings are currently allowed in zoning areas of OAG and CE. Maury Hansen noted his concern regarding the appearance of steel buildings in town. Fortune mentioned that over a period of time these buildings take a beating and questioned whether they belong in residential areas. Kness noted that people are going with various types of metal siding, which has the same appearance as the pole buildings. The City currently has no provisions for metal skin or steel buildings.

Holly Johnson with Olsson Associates arrived.

Burroughs noted that he was in favor with what the Planning & Zoning recommended.

**Introduction and Adoption of Ordinance – Pole Buildings:** The following ordinance was introduced by Burroughs and seconded by Cooper.

**ORDINANCE NO. 725**

AN ORDINANCE TO RESTRICT THE CONSTRUCTION OF POLE SHEDS WITHIN THE MUNICIPALITY IN EXCESS OF 100 SQUARE FEET UNLESS SUCH STRUCTURE HAS FROST LINE PERIMETER FOOTINGS; TO PROVIDE A PENALTY FOR VIOLATION HEREOF; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See Ordinance Record)

**NEW BUSINESS:**

**Street Closing – Friends of the Library (2<sup>nd</sup> St. between B & C):** Nancy Jantze asked the City Council to close 2<sup>nd</sup> street between B & C on July 29, 2002 from 5:00 – 9:00 pm for the Year End Summer Reading Book Fair. Friends of the Library will have booths and activities for the youth to reward them and keep them interested in reading throughout the summer. A motion was made by Burroughs and seconded by Cooper to allow the closing of 2<sup>nd</sup> street for the Book Fair. Roll call vote: Burroughs yes, Cooper yes, Fortune yes, Neal absent. Motion carried.

**Set Date for Budget Work Night:** Mayor and Council scheduled budget work night for Wednesday, July 24<sup>th</sup> at 6:00 pm.

**Introduction and Adoption of Ordinance –Private Wells:** Maury Hansen noted his concern as he intended on drilling a well for himself, but never got around to it. Now that the Council is discussing whether or not to ban further drilling of private wells he would like the Council to put a little more thought into the decision. Hansen has 1 ½ acres of ground, which takes a lot of water to keep up with the flowers and shrubs. He is currently on a dead end line and his water supply is very low when his neighbors are also watering. Hansen felt the Council has set precedence by allowing Mr. Peterson to drill a private well on a very small lot. Hansen suggested raising the annual fee to \$100.00 to offset the possibility of someone placing a private well on a small lot. He really feels the item should be tabled to a later date to allow more input from citizens. Fortune noted that Mr. Hansen had brought up some things to consider. The dead end line was something he had not thought about and also getting with DEQ to see what requirements they put on private wells in small towns. Water is going to be a very important issue in the next several years. The Council agreed to table this item to next month.

**Minor Subdivision-Scott & Karen Guthrie (706 1<sup>st</sup> St.):** Guthrie's are interested in selling a piece of ground to Darrell Morrow, who lives on Park Ave. Currently Morrow only has 2-3' of ground behind his home. The ground they would be selling is the piece located north of the newly developed alley measuring 90' N-S and 55'E-W. Mayor Plessel questioned whether Morrow's are definitely going to buy this piece of ground. Kness thought they were still discussing price. A motion was made by Burroughs and seconded by Cooper to approve the detachment of this property to the attachment of the adjoining property to the north. Roll call vote: Burroughs yes, Cooper yes, Fortune yes, Neal absent. Motion carried.

**Beer Garden- Merlyn Davids:** Mr. Davids presented an application for a special designated license for a beer garden at Sheri's Grill & Bar for August 17, 2002 from 10:00 am to 1:00 am. This would be the same setup as he has done in the past. Chief Siebken noted that Merle always does a nice job of running the beer garden. A motion was made by Fortune and seconded by Burroughs to accept the application for a special designated license for Merlyn Davids on August 17, 2002. Roll call vote: Fortune yes, Burroughs yes, Cooper yes, Neal absent. Motion carried.

**Contract Amendments-Olsson Associates:**

**#1 Construction Phase Services for Water Main along Hwy 6:** Holly Johnson with Olsson Assoc. noted that Engineering Contracts had not been signed for Construction Administration Services and Resident Construction Observation for the Hwy 6 Water Main Project. The Council discussed adding a maximum fee of \$6,093.00 to the construction phase contract to be

accountable for the project. Discussion was also held regarding the amount of time someone had to be onsite during the project and hiring someone to follow up with field-testing. A motion was made by Fortune and seconded by Burroughs to authorize the Mayor's signature of contract amendment #1 with a maximum of \$6,093.00 added to the contract for construction phase services. Roll call vote: Fortune yes, Burroughs yes, Cooper yes, Neal absent. Motion carried.

**#2 Fees for Survey, Design and Const. Services for addt'l water main:**  
No action taken on this agenda item.

**Award Bids-Municipal Water System Improvements:** Holly Johnson with Olsson Associates noted there were 4 bid sections: #1 was the Tank Demolition portion – L.F.W. Sandblasting was the low bidder and did acknowledge receiving Addendum No. 1. Olsson' recommend awarding the bid to L.F.W. Sandblasting and Painting in the amount of \$18,500.00. #2 was the Tank Construction. Olsson's recommend awarding the bid to Maguire Iron, Inc. with a low bid of \$440,900.00. #3 was based on three installation methods for the water main on Hwy 6 and transmission main in Welch Park. Low bidder for Bid Section III (i.e., Open trenching) was H&S Plumbing & Heating with Stutzman Digging performing the work at a bid of \$84,004.55. Low bidder for Alternate Bid Section III (i.e., Horizontal Directional Drilling) was Rogge Engineering with a bid of \$86,489.14. Low bidder for Bid Alternate "A" (both open trench and horizontal directional drilling) was Rogge Engineering with a bid of \$85,763.07. #4 includes the SCADA control system modifications. Digitech was listed as the only pre-approved bidder and no bid was received. It was recommended that the City negotiate with this contractor. Discussion was held on the different methods of digging. Blevens noted that the appraisal for the ground purchase should be complete in 2 weeks. Construction easement needs to be in place along Welch Park Road (Wayne Embrey). Other permits from the State and County are being pursued. A motion was made by Fortune and seconded by Burroughs with the contingency that the plans are approved by the State Health Dept. to award Bid Section #1 to L.F.W. Sandblasting & Painting in the amount of \$18,500; Bid Section #2 to Maguire Iron in the amount of \$440,900 and Bid Section #3 to Rogge Engineering in the amount of \$86,489.14. Roll Call Vote: Fortune yes, Burroughs yes, Cooper yes, Neal absent. Motion carried.

**Approve Payment-Water Storage Tank, Olsson Assoc.:** A motion was made by Fortune and seconded by Cooper to approve payment of invoice #53432 in the amount of \$5,233.00 for the new Water Storage Tank. Roll call vote: Fortune yes, Cooper yes, Burroughs yes, Neal absent. Motion carried.

**Introduction and Adoption of Ordinances-Animal License, Impound and Fines:** Council member Cooper introduced the following Ordinance:

ORDINANCE NO. 726

AN ORDINANCE TO AMEND SECTION 6-101 OF CHAPTER 6, ARTICLE 1 OF THE MILFORD MUNICIPAL CODE RELATING TO DOGS AND CATS; LICENSE; TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

ORDINANCE NO. 727

AN ORDINANCE TO AMEND SECTION 6-112 OF CHAPTER 6, ARTICLE 1 OF THE MILFORD MUNICIPAL CODE RELATING TO ANIMALS IMPOUNDING; TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

**Wage Increase-Officers Johnson & Winkelmann:** Chief Siebken noted that at the time of hiring Johnson and Winkelmann they were promised an increase in wage at the completion of the Law Enforcement Training Academy. Promissory note has been signed by Johnson and Winkelmann will sign his tomorrow. They both have a 1-year probation period. A motion was made by Burroughs and seconded by Fortune to approve the wage increase to \$12.00 per hour for Officers Johnson and Winkelmann. Roll call vote: Burroughs yes, Fortune yes, Cooper yes, Neal absent. Motion carried.

**ADJOURNMENT:** A motion was made by Burroughs and seconded by Cooper to adjourn the meeting. Roll call vote: Burroughs yes, Cooper yes, Fortune yes, Neal absent. Motion carried and meeting adjourned at 9:35 pm.

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City Clerk

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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 July 2, 2002 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