

CITY OF MILFORD  
REGULAR MEETING  
JULY 1, 2008  
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 1<sup>st</sup> day of July 2008 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Jeff Baker, Rick Fortune, Lyle Neal; Attorney Robert Blevens; Chief of Police Forrest Siebken; Maintenance Supt. Mark Frey; City Clerk Jeanne Hoggins. Absent: Dean Bruha. Also present: Olsson Associates representative Carter Hubbard and Richard Snyder.

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 Baker and seconded by Neal to approve the minutes of the June 3, 2008 meeting. Roll call vote: Baker yes, Neal yes, Bruha absent, Fortune yes. Motion carried.

**PAYMENT OF BILLS:** A motion was made by Neal and seconded by Fortune that the following bills in the amount of \$67,299.16 approved by the Auditing Committee be approved for payment. Roll call vote: Neal yes, Fortune yes, Baker yes, Bruha absent. Motion carried.

**SALARIES:**

46150	Mark Frey	1356.27
46151	Forrest K Siebken	1286.25
46152	Mavis Lynn Ferris	53.19
46153	Jeanne M Hoggins	1273.78
46154	Gary Lee TeSelle	1093.00
46155	Scott Dean Fosler	1051.94
46156	Robert L Hull	921.37
46157	Beverly J Wehrs	392.90

46158	David R Dahle	1058.64
46159	Louis J Bialas	1049.85
46160	Bryce C Johnson	977.55
46161	Philip Winkelmann	973.83
46162	Lindsey S Troyer	337.49
46163	Elizabeth A Dierberger	645.05
46164	George A Matzen	442.51
46165	Joshua S Wiley	116.36
46166	Tracy L Yeackley	646.39
46167	Josh Steven TeSelle	538.70
46168	Brett Allan Muller	590.81
46169	Paige M McAvoy	246.87
46170	Whitney J Lauber	329.49
46171	Jenna M Jolly	291.90
46172	Courtney L Bashore	78.22
46173	Anna E Tremmel	132.70
46174	David Tell Jensen	264.64
46175	Kyle Herman	107.36
46176	Keaton Brent Schweitzer	213.22
46177	Austin Lee Heckman	222.30
46178	Celena R Malmkar	114.37
46231	Mark Frey	1356.27
46232	Forrest K Siebken	1286.25
46233	Mavis Lynne Ferris	59.10
46234	Jeanne M Hoggins	1273.78
46235	Gary Lee TeSelle	802.86
46236	Scott Dean Fosler	961.92
46237	Robert L Hull	822.61
46238	Beverly Wehrs	536.14
46239	David R Dahle	960.80
46240	Louis J Bialas	936.22
46241	Bryce C Johnson	928.47
46242	Philip Winkelmann	888.33
46243	Lindsey S Troyer	365.97
46244	Elizabeth A Dierberger	645.05
46245	George Matzen	547.50
46246	Joshua S Wiley	119.13
46247	Tracy L Yeackley	634.18
46248	Josh Steven TeSelle	538.70
46249	Brett Allan Muller	579.95
46250	Paige M McAvoy	294.54

46251	Whitney J Lauber	408.37
46252	Jenna M Jolly	207.13
46253	Courtney L Bashore	122.92
46254	Anna E Tremmel	61.46
46255	David Tell Jensen	279.77
46256	Kyle MW Herman	207.18
46257	Keaton Schweitzer	189.03
46258	Austin Heckman	281.28
46259	Larisa M Roth	158.77
46260	Celena R Malmkar	169.13
46261	Megan Ashley Kremer	232.88
46262	Tori J Blair	301.28
46263	Michael L Troyer	247.18
46265	Joyce Elaine Plessel	184.70
46266	Ricky Gene Fortune	138.52
46267	Dean Alan Bruha	138.52
46268	Emerson L Neal	138.52
46269	Jeffrey M Baker	138.52

**GENERAL FUND:**

46148	Alltel – Cellular Charges	79.75
46149	Denton Baseball – Tourn Fee 10U & 12U	600.00
46179	Ameritas Group – Pension	1607.52
46180	Kim Alaniz – WA/SW Deposit Refund	50.00
46181	Laura Williamson – WA/SW Deposit Refund	20.78
46182	US Postmaster – Utility Billing Postage	168.29
46183	American Legal Publishing – Supplement Pages	157.00
46184	AFLAC – Dis, Cancer, Acc, Suppl	406.26
46185	Ameritas – Dental & Vision	1066.76
46186	Alltel – Cellular Charges	104.90
46187	Windstream – Long Distance for May	5.53
46188	Aramark – Pants & Rags	262.69
46189	American Chemicals – Graffiti Removal	330.75
46190	American Lifeguard – Swimsuit	19.00
46191	Butch’s Welding – Repairs @ pool	409.48
46192	Culligan – Soft Water	82.32
46193	Coventry Health Care of NE	8282.50
46194	Farmers Cooperative – Gas/Diesel for May	1271.31
46195	Diode Communications – Service for May	54.16
46196	Deep Rock – Drinking Water	21.91
46197	Eakes Office Plus – Copies, Greenbar, White-out	279.72
46198	Electronic Engineering – Repair on Patrol Equip	137.45

46199	Farm Plan – Belts, Filter, Bulbs	42.04
46200	G & P Development – Trash from Tournament	53.27
46201	Garbage Co – Garbage Pickup	165.26
46202	Great Plains-One Call – Locate Requests	24.06
46203	Lynn Peavey Co – Bakt Kits	15.96
46204	Milford Supermarket – Rug Doctor	33.98
46205	Municipal Supply – Butterfly Valve, Clamp	952.62
46206	Mutual of Omaha – Disability	79.33
46207	NE Dept of Revenue – Sales Tax for May	1786.04
46208	NE Motor Parts – Battery, oil filter, belt, aerosol	85.21
46209	NPPD – Service for May	4888.32
46210	NE Tech & Telecomm – Service for May	413.16
46211	Aquila – Service for May	1721.41
46212	Pizza Kitchen – Catered Meal	74.50
46213	Poolmart – Leaf Nets	113.70
46214	Reimers Kaufman – Marble Dust, Delivery Charge	322.50
46215	Roxanne Roth – Cleaning Services	250.00
46216	Sam’s Club – Candy, Chair	413.43
46217	Seward Appliance – Repair Refrigerator (Labor Only)	31.95
46218	Seward Co Independent – Meeting Minutes, Envelopes	264.47
46219	SPPD – Wells 1 & 2	279.95
46220	Meyer Ford – Oil Change	24.95
46221	Shell Fleet Plus – Fuel for May	846.12
46222	Milford Flowers & Gifts – Plant Barrel	63.00
46223	Shell Fleet Plus – Gas for ’08 Truck	183.74
46224	Sports Express – Uniforms	1618.87
46225	Special Occasions – Memorial Day Boquets	160.00
46226	TCA Outdoor Power – Spindle, Key, Washers	154.31
46227	Sunrise Country Manor – May Meals	789.75
46228	Upstart – Mini-Cameras	6.00
46229	Windstream – Local/Internet, Pool Phone	149.01
46230	Northern Lawn & Underground – Repair Sprinklers	475.32
46264	Ameritas – Pension	1607.52
46270	Blevens Law Office – Legal Services for June	350.00
46271	Blue River Transmissions – Filter, Oil, Labor	75.69
46272	D & D Communications – Pager, Labor	453.32
46273	DEMCO Inc. – Printable Business Cards	21.26
46274	Fort Dearborn Life Ins – Life Insurance	113.52
46275	Great American Leasing – 3 months meter rental	285.00
46276	Heartsong Presents – Books	21.98
46277	Hawkins – Hypochlorite, Del drum	1423.55

46278	Ingram Library Services – Books	149.83
46279	Layne Christensen – Re-Install Pump, Pipe	16383.17
46280	Menard’s – Corner Cable Trim	49.96
46281	Milford School Dist – Parking Fines	35.00
46282	Milford Volunteer Fire Dept – NEMSA July	600.00
46283	Brett Muller – Umpire 2 games, Mileage	117.27
46284	Municipal Supply, Inc – Test Cock for watts	44.35
46285	State of NE Dept of Labor – Elevator Inspection	100.00
46286	Nebraska Public Health – Arsenic, Nitrate/Nitrite	70.00
46287	RI Tec Industrial – Window Cleaners Plex Glass	278.00
46288	Roxanne Roth – Cleaning Services	320.00
46289	Troyer Concrete – Work on Park Ave	10429.80
46290	Union Bank – Gary TeSelle Acct	300.00
46291	Walmart – First Aid & Cleaning Supplies	170.75
46292	Windstream – Paging Wide-Area, Local	13.60
46293	Local Insight Yellow Pages – Directory Advertising	14.60
46294	Tony Muller – T-Balls	23.92
46295	Brian Bashore – Mileage to Fire School	76.76
46296	Jim Ebke – Umpire 11 games	390.00
46297	Brett Ruhl – Umpire 3 games	120.00
46298	Travis Kotas – Umpire 12 games	470.00
46299	Brett Troyer – Umpire 2 games	75.00
46300	Jacob Weber – Umpire 3 games	100.00
46301	Trevor Plessel – Umpire 1 game	35.00
46302	Richland Walker – Umpire 1 game	30.00
46303	Mike Troyer – Umpire 2 games	50.00

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received were Park Board minutes for 4/17/08; Milford Fire Dept. minutes for May 13, 2008 and June 10, 2008; Rescue NARSIS report for June 2008; Fire Report for June 2008; Milford Police Dept. activity report for May and June 2008. Baker – Library discussing closing a couple times a year due to lack of traffic. Example, between Christmas and New Years. Neal received from the NE Game & Parks Commission an inspection report on the Pool. No citations to report other than installation of a plaque by Josh TeSelle. The plaque has been installed. Fortune was informed of a few windows at the Sr. Center needing replacement. Frey has inquired about the windows but has no heard back from the contractor. Chief Siebken reported on June Police Dept. activities. Frey – Well #3 back on line.

**COMMUNICATIONS:** \*Sales tax received for the month of April 2008 was \$18,061.07. \*Thank you note for the Webermeier Scholarships from Nathan Smith.

**UNFINISHED BUSINESS:**

**Introduction and Adoption of Ordinance – Annexation, Second Reading:** Council member Fortune introduced the following ordinance seconded by Neal:

ORDINANCE NO. 811

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN LANDS THAT ADJOIN THE BOUNDARY OF THE CITY OF MILFORD, SEWARD COUNTY, NEBRASKA TO THE CORPORATE LIMITS OF SAID CITY AND EXTENDING THE CITY LIMITS OF SAID CITY ACCORDINGLY; TO DECLARE SAID LANDS AS CONTINGUOUS AND ADJACENT TO THE CITY OF MILFORD, NEBRASKA; AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT.

**NEW BUSINESS:**

**Cost to Fluoridate, LB245:** There are no cost projections on engineering at this time. Hawkins estimated \$8,000.00 for 3 injection points plus chemicals. The well buildings are adequate size for the tanks.

Sean Kremer arrived.

**Introduction and Adoption of Resolution - Fluoridation:**

Councilmember Fortune introduced the following resolution:

RESOLUTION NO. 439

WHEREAS, Section 71-3305 of the Nebraska Statutes requires any city with a population of one thousand or more to add fluoride to the city's water system; and

WHEREAS, Section 71-3305 allows the voters of a city to vote to adopt an ordinance before June 1, 2010, to prohibit the addition of fluoride to the city water system; and

WHEREAS, Section 71-3305 authorizes the governing body to place the ordinance to prohibit the addition of fluoride to the city water system on the ballot; and

WHEREAS, the Mayor and City Council of the City of Milford, Nebraska, have determined that there is interest in determining whether fluoride should be added to the city's water system.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MILFORD, NEBRASKA;

Section 1. That at the general election to be held on Tuesday, November 4<sup>th</sup>, 2008, the issue of whether the City of Milford, Nebraska, should adopt or reject an ordinance to prohibit the addition of fluoride to the City water system shall be submitted to the qualified electors of the City and to be presented in the following form:

Shall the City of Milford, Nebraska, adopt an ordinance to prohibit the addition of fluoride to the City's water system?

\_\_\_\_\_ Yes (To prohibit fluoride from the water system)

\_\_\_\_\_ No (Against the prohibition of fluoride from the water system)

Section 2. That the City Clerk is authorized and directed to certify a copy of this resolution to the election commission/county clerk by September 2, 2008. The City agrees to reimburse the election commissioner/county clerk for the expenses of conducting the election, as required by law.

Roll call vote: Fortune yes, Baker yes, Bruha absent, Neal yes. Motion carried.

Passed and approved the 1<sup>st</sup> day of July, 2008.

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

\_\_\_\_\_  
Mayor

(SEAL)

**Approve E911 Budget:** Chief Siebken updated the Council regarding the revenue available and upcoming purchases of an 800 system radio. With the funds available there shouldn't be much of an increase in fees for Milford this upcoming fiscal year. Milford participates 4%. A motion was made by Neal and seconded by Fortune to approve the E911 Budget as presented. Roll call vote: Neal yes, Fortune yes, Baker yes, Bruha absent. Motion carried.

Kari Jakub arrived.

**Proposal for Drainage Study:** Carter Hubbard with Olsson Assoc. briefly discussed the proposal and objectives that Olsson Associates could provide. Olsson Assoc. provided two options for services 1) Comprehensive Drainage Study (included the entire community) 2) Basic Drainage Study (includes specific area study). The Comprehensive Drainage study could be used as a tool by the Economic Development committee to work with developers and future developments in regards to drainage purposes. NRD also presented a drainage master plan which includes aerial photography,

GIS database and computer model of the storm water system. Cost share of the District's Policy has been 75% City and 25% District. Grants were mentioned by both parties. The Council had further questions that could not be answered due to the absence of Dean Bruha. It is a lot of money for consideration without adequate answers. Discussion was tabled until Bruha is available.

**Clarify language pertaining to non-conforming uses in trailer courts:**

JEO representative Keith Marvin arrived. Fortune explained the situation at hand when the trailer in Skyline Trailer Park burned down and it was over a year before Sean Kremer moved a new trailer back on the lot. The Planning & Zoning are under the impression that the regulations were not met according to the Comprehensive Plan and the trailer should be removed. Fortune's recollection of the discussion held at the Comprehensive Plan meetings was that the City wanted to protect those individuals currently operating trailer parks as a business to continue as they had been doing. There were no minutes taken at the Comprehensive Plan meetings at the time this was discussed. Mr. Marvin questioned whether they made section 5.17.08 to complicated? He stated that you have to look at the non-conforming trailer court as whole, not individual lots. The goal of section 4.20 Non-conforming Uses is to keep non-conforming uses of land and uses of structures from expanding. Keith Marvin suggested adding a section 4.20.03 to the Comprehensive Plan under Zoning Regulations pertaining strictly to non-conforming Mobile Home Parks. He will submit these suggestions to City Clerk Hoggins to be forwarded to the Planning & Zoning Commission for their input. He also suggested removing section 5.17.08 under RM Mobile Home Residential District, Non-conforming existing uses as it will no longer be needed. It was the consensus of the group to allow the same size trailer placed on the lot as long as the setback requirements are met. Also the 12 month replacement requirement should be eliminated.

Discussion was also held regarding allowing RV campers to pull in and out of lot spaces in a Mobile Home Park. Some felt that RV's are not permanent structures and should not be allowed. Utility billing for water and sewer would be a concern for City Hall. State Parks allow a maximum stay of 14 days. This issue will also be forwarded to the Planning & Zoning.

**Fun Days – Lighting, trash removal etc.:** Kari Jakub and Janelle Kremer provided information for Fun Days, August 15-17. On that list: more trash receptacles and additional pick up, Farmers Market Saturday at 7:00 am at 1<sup>st</sup> and B in front of the Sr. Center, Parade route the same as last year, Fire Dept. conducting a car seat safety inspection in front of Heartland Auto Body and additional power sources if available. Lighting is also a concern. The council's only concern was the drive thru car seat inspections. They



suggested keeping it far enough away from the Fire Station due to the amount of foot traffic in this area.

**Set Date for Budget Work Night:** Mayor Plessel noted Tuesday, July 22, 2008 at 6:00 pm as the date for the meeting.

**Hire part-time summer maintenance employee and set wage:** A motion was made by Baker and seconded Neal to hire Michael Troyer at \$6.15 per hour as the part-time summer maintenance employee. Roll call vote: Baker yes, Neal yes, Bruha absent, Fortune yes. Motion carried.

**Harry Bachman property in Grover:** Chief Siebken informed the Council that Frank Herzfeld has already approached the County Commissioners and the County Planning & Zoning Board regarding the uncleanliness of Harry Bachman's property. Frank Herzfeld claims it is an eyesore and depreciates the value of his home which he is trying to sell. The City of Milford's nuisance ordinance provides for a 2 mile jurisdiction outside the city limits. Harry Bachman's property falls within our jurisdiction. Chief Siebken sent a certified letter to Mr. Bachman in which he signed for on June 28, 2008. This notification allows 5 days to abate the nuisance or request a hearing. A letter was also delivered to David Bledsoe, which he responded to on 7/1/08. He was granted 60 days to clean up his property. Chief Siebken questioned the Council as to who will clean up the property if the owners refuse. It was suggested to hire someone and the expenses would need to be paid by the owner. If after 2 months they refuse to pay, then we file a lien against the property or take civil action.

**Special Designated Liquor License for Beer Garden, Fun Days:** A motion was made by Fortune and seconded by Neal to approve a Special Designated Liquor License to VS Investments for a Beer Garden during Fun Days (August 16, 2008). Roll call vote: Fortune yes, Neal yes, Baker yes, Bruha absent. Motion carried.

**ADJOURNMENT:** A motion was made by Baker and seconded by Neal to adjourn the meeting. Roll call vote: Baker yes, Neal yes, Bruha absent, Fortune yes. Motion carried and meeting adjourned at 9:42 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 July 1, 2008 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