

CITY OF MILFORD  
REGULAR MEETING  
JULY 13, 2004  
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 13<sup>th</sup> day of July 2004 at 7:00 pm. Present were: Mayor J. Elaine Plessel; Council members: Dean Bruha, Rick Fortune, Lyle Neal; City Clerk Jeanne Hoggins; Chief of Police Forrest Siebken and Attorney Robert Blevens Absent: Council member Robert Anderson. Also present: Dorothy Bockoven, Larry TeSelle, Building Inspector Roger Kness, P & Z Chairman Bruce Policky, Roger Wittrock and Nancy McGill with the press.

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 7:00 p.m.

**MINUTES:** A motion was made by Neal and seconded by Fortune to approve the minutes of the June 7, 2004 meeting. Roll call vote: Neal yes, Fortune yes, Anderson absent, Bruha yes. Motion carried.

**PAYMENT OF BILLS:** A motion was made by Bruha and seconded by Neal that the following bills in the amount of \$61,869.39 approved by the Auditing Committee be approved for payment. Roll call vote: Bruha yes, Neal yes, Anderson absent, Fortune yes. Motion carried.

**SALARIES:**

38793	Mark Frey	1141.92
38794	Forrest K Siebken	1099.92
38795	Mavis Lynn Ferris	27.88
38796	Jeanne M Hoggins	970.87
38797	Gary Lee TeSelle	855.44
38798	Scott Dean Fosler	985.97
38799	Robert L Hull	807.08
38800	Beverly J Wehrs	372.23
38801	Edna A Riedl	272.91
38802	David R Dahle	794.57
38803	Louis J Bialas	889.55

38804	Pamela J. Slama	255.01
38805	Amanda R Fichtner	500.97
38806	Dustin Lindgren	376.52
38807	Bryce C Johnson	792.69
38808	Philip Winkelmann	730.12
38809	Kendra M. Hoggins	428.88
38810	Patricia Whitney	592.48
38811	Lindsey S. Troyer	561.92
38812	Regan Beranek	197.15
38813	Whitney Page	424.59
38814	Kristina Hartmann	406.79
38815	George A Matzen	241.73
38816	Nicole Anderson	457.24
38817	Micaela Daley	482.77
38818	Kjersten Langewisch	204.14
38819	Aaron Miller	377.16
38820	Britney Schweitzer	216.24
38821	Brooke Schweitzer	145.17
38822	Joshua Wiley	98.26
38891	Mark Frey	1141.92
38892	Forrest K Siebken	1099.92
38893	Mavis Lynn Ferris	25.22
38894	Jeanne M. Hoggins	970.87
38895	Gary Lee TeSelle	656.60
38896	Scott Dean Fosler	917.03
38897	Robert L Hull	734.68
38898	Beverly J Wehrs	425.96
38899	Edna A Riedl	384.20
38900	David R Dahle	794.57
38901	Louis J Bialas	814.83
38902	Pamela J. Slama	221.09
38903	Amanda R. Fichtner	500.97
38904	Dustin R. Lindgren	367.48
38905	Bryce C Johnson	777.05
38906	Philip Winkelmann	730.12
38907	Kendra M Hoggins	411.01
38908	Patricia A. Whitney	592.48
38909	Lindsey S. Troyer	588.34
38910	Regan Beranek	55.953
38911	Whitney Page	366.51
38912	Elizabeth Dierberger	132.93
38913	Krisitina Hartmann	202.65

38914	Daniel Dejong	63.53
38915	George Matzen	226.93
38916	Nicole Anderson	246.47
38917	Micaela Daley	384.34
38918	Kjersten Langewisch	105.86
38919	Aaron Miller	323.79
38920	Britney Schweitzer	133.08
38921	Brooke Schweitzer	137.61
38922	Joshua Wiley	124.12
38924	Roger L Kness	275.52
38925	Joyce Elaine Plessel	184.70
38926	Ricky Gene Fortune	138.52
38927	Dean Alan Bruha	138.52
38928	Emerson L. Neal	138.52
38929	Robert E. Anderson	138.52
38984	Mark Frey	1141.92
38985	Forrest K Siebken	1099.92
38986	Mavis Lynn Ferris	23.90
38987	Jeanne M. Hoggins	970.87
38988	Gary Lee TeSelle	758.64
38989	Scott Dean Fosler	985.97
38990	Robert L Hull	858.42
38991	Beverly Wehrs	397.18
38992	Edna A Riedl	322.79
38993	David R Dahle	794.58
38994	Louis J Bialas	821.83
38995	Pamela J Slama	5.04
38996	Amanda R Fichtner	500.97
38997	Dustin Lindgren	346.78
38998	Bryce Johnson	783.76
38999	Philip Winkelmann	808.34
39000	Kendra M. Hoggins	381.22
39001	Pat Whitney	592.48
39002	Lindsey Troyer	561.92
39003	Whitney Page	364.09
39004	Elizabeth Dierberger	275.87
39005	Daniel Dejong	220.79
39006	George A. Matzen	206.24
39007	Nicole Anderson	315.70
39008	Micaela Daley	347.64
39009	Kjersten Langewisch	172.40
39010	Aaron Miller	396.55

39011	Britney Schweitzer	257.08
39012	Brooke Schweitzer	266.15
39013	Joshua Wiley	149.98

**GENERAL FUND:**

38792	U.S. Postmaster – Utility Billing Postage	142.24
38823	Ameritas – Retirement Plan	1292.47
38824	Adolph Kiefer – Swim Suits	402.17
38825	American Legal – Municipal Code	439.00
38826	Alltel – Pager, Cellular, Phone	480.01
38827	Best Way – Disposable Ear Plugs	40.84
38828	Nick Bernasek – Umpiring 6/1-6/15	85.00
38829	Bob’s Automotive – Oil	15.00
38830	Butch’s Welding – Bolts, Flat, Pin,Labor	282.11
38831	Central States Lab – 2 x 12 Bgd	82.08
38832	City of Milford – Nuts & Bolts	7.50
38833	Colin Electric – Lift Station Pump	1857.50
38834	Culligan Water – Soft Water	53.70
38835	Void	
38836	Farmers Coop – Diesel, Gas, Tire Repair	1576.26
38837	Department of Labor – Inspection of Broiler	75.00
38838	Deep Rock – Drinking Water	7.50
38839	Eakes Office Plus – ½ Copier Contract	42.73
38840	Gall’s Inc. – Mobile Stand	133.49
38841	The Garbage Co. – Garbage Service	90.50
38842	Great Plains – Emer Locate, Locate Request	18.83
38843	Heartland Auto Body – Wheel Cover & Center	67.00
38844	Holiday Inn – Room Charges	127.90
38845	I-80 Pony League – Pony League Fee	50.00
38846	Jim Krause – Umpiring 6/1 – 6/15	350.00
38847	Kustom Signals – Repair In Car Video	72.06
38848	Randy Lauer – Umpiring 6/1 – 6/15	70.00
38849	Zach Lauer – Umpiring 6/1 – 6/15	20.00
38850	Memorial Health Care – Craig Wolf Hep B	72.00
38851	Milford A/C & Appl – New Refrigerator	440.91
38852	Milford Plumbing – Water Heater	700.03
38853	Milford School – Elem Gym	3000.00
38854	Milford Supermarket	24.73
38855	The Milford Times – Notices, Minutes	204.01
38856	Midwest Radar & Equipment	45.00
38857	Municipal Supply – Freight on Pocket Reader	4.83
38858	NE Dept of Revenue – Sales Tax for May	1538.94
38859	Nebraska Motor Parts – Pin for Radio, Battery	59.36

38860	Nebraska Public Power – Service for May	4067.48
38861	NE Tech & Telecomm – Service for May	472.58
38862	Old Dominion Brush – Metal, Trim Brush	130.77
38863	Aquila – Service for May	812.28
38864	Pizza Kitchen – Thurs. Eve Meal	124.00
38865	Ben Ramirez – Umpiring 6/1 – 6/15	120.00
38866	Ri Tec Industrial Products – Insect Kill	461.10
38867	Dash Rohan – Umpiring 6/1 – 6/15	100.00
38868	Roxanne Roth – Cleaning Services	250.00
38869	Sean Rowland – Umpiring 6/1 – 6/15	20.00
38870	Sam’s Club – Membship, Cleaning Supplies	383.11
38871	Sack Lumber Co – Paint, Pine, Supplies	108.97
38872	Schlegel’s Groceries – Milk & Groceries	27.89
38873	Seward Co Public Power – Wells 1 & 2	443.88
38874	Special Occasions – Memorial Day Bouquets	150.00
38875	Cloy Stutzman – Repair City Building	325.00
38876	Subway Motors – New Starter	214.64
38877	Sunrise Country Manor – Meals	934.65
38878	Troyer Concrete – Remove & Replace Concrete	959.00
38879	Monty Troyer – Umpiring 6/1 – 6/15	10.00
38880	Uniservice – Pants & Rags	134.28
38881	Jack Armstrong – Sharpen Chain Saw	18.00
38882	Wanda Kremer – Painting Center	286.00
38883	York Farm Supply – Blade, Filter	385.45
38884	Accurint – Investigative Services	25.00
38885	Nebraska Office of Hwy Safety	48.00
38886	Malcolm Ball – Pee Wee Tournament	25.00
38887	Roger O’Hare – Fix Alleys	8878.40
38888	Jalic G.T – Group Health	7915.02
38889	Jim Krause – Umpiring 16’s Tournament	775.00
38890	Angie Burkhardt – Jr Pee Wee Tournament	80.00
38923	Ameritas – Retirement Plan	1292.47
38930	Adolph Kiefer – Swimsuits	185.13
38931	Aflac – Dis, Acc, Cancer, Supp’l	295.16
38932	Alltel – Directory Advertising, Paging	29.05
38933	Atco International – Liberator	280.00
38934	Nick Bernasek – Umpiring 6/15-6/30	145.00
38935	Blevens Law Office – Legal services for June	350.00
38936	CCP Industries – Spark Plug	62.61
38937	Christian Book Dist. – Books	26.97
38938	Creative Consultants – Wireless Hookup	965.00
38939	EMP – Supplies	202.71

38940	Farmers & Merchants Agency – Treasurer Bond	200.00
38941	Fort Dearborn Life Ins. – Group Life	103.20
38942	Terry Good – Umpiring 6/15-6/30	20.00
38943	Heartsong Presents – 4 Books	10.99
38944	Ingram Library Services – 13 Books	175.64
38945	JEO Consulting – Prepare for 6 year plan	580.10
38946	Kids Discover – 1 yr. Subscription	19.95
38947	Jim Krause – Umpiring 6/15-6/30	500.00
38948	Randy Lauer – Umpiring 6/15 – 6/30	40.00
38949	Zach Lauer – Umpiring 6/15 – 6/30	110.00
38950	Lesco Inc. – Sprayer	360.20
38951	Meyer-Century Labs – Liner, Insect Repel	292.17
38952	Menard’s – Stain Coater, Steel Sprin	102.56
38953	Milford Plumbing – Pipe, fitting kit, labor	285.24
38954	Milford School Dist. – Parking Fines	35.00
38955	Milford Vol. Fire Dept – 2 EMS Registrations	260.00
38956	Mutual of Omaha Companies – Disability Insurance	75.55
38957	National Geographic Society – 1 Book	15.90
38958	NE Law Enforcement Training – Defensive Tactics	150.00
38959	NE Fire Sprinkler Corp. – Annual Inspection	209.00
38960	Orschelns – Acid, Nozzle	17.96
38961	Plains Power – Stihl Chain Saw	422.95
38962	Accord Capital Corp. – Vacuum, Pole, Umbrella	2941.10
38963	Ben Ramirez – Umpiring 6/15 – 6/30	140.00
38964	Edna Riedl – Training in Seward	7.75
38965	Dash Rohan – Umpiring	135.00
38966	Roxanne Roth – Cleaning Services	250.00
38967	Sean Rowland – Umpiring	60.00
38968	Marty Rowland – Umpiring	110.00
38969	Share Corp. – Pine Odor Disinfectant	121.84
38970	Sports Express – Pants, Shirts	1007.37
38971	Tractor Supply – Thread Barb, Grease Gun	16.73
38972	Ultramax – Practice Ammo	124.00
38973	Union Bank – Gary TeSelle Acct	300.00
38974	Walmart – Rope, Cleaning Supplies	81.60
38975	William J. Bos – Water/Sewer Deposit	50.00
38976	Travis Kotas – Water/Sewer Deposit	50.00
38977	Jared Pape – Water/Sewer Deposit	50.00
38978	Clifford Troyer – Umpiring	15.00
38979	Apollo Sunguard – Sunguard	7074.56
38980	NCBOI – International Building	125.00
38981	SCC Small Engine – Blower Housing	34.60

38982	Bradenburgh Disposal – Comm. Cleanup Disposal	408.03
38983	U.S. Postmaster – Utility Billing Postage	141.55
39014	Ameritas – Retirement Plan	1292.47

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received were Planning & Zoning minutes for June 10, 2004 and July 8, 2004; Milford Aging Services Commission minutes for May 18, 2004 and Police Dept. Activity Report for June 2004.

Bruha reported that the damaged asphalt alleyways have been repaired. Two street projects have been bid and the 3<sup>rd</sup> & “B” Street intersection will be repaired by Troyer Concrete and the 4<sup>th</sup> & Walnut intersection will be repaired by Stutzman Concrete. Chief Siebken reported on the monthly activity for June 2004. Total calls for service for the month were 946. The 300’ tower is up at the missile base sight and hopefully will be in service in August. \$18,000 of the 2003 Homeland Security Funds are being put to use on the 800 mh radio system. The Milford Water Tower will be used for an antenna site.

**COMMUNICATIONS:** \*Dorothy Bockoven informed the Council of the updates that have come from the Fair Labor Standards Act regarding overtime pay. Mayor Plessel asked if the changes affected seasonal employees. She will research the question for the City. Bockoven is also willing to review our Employee Handbook and make any necessary updates. \*Sales tax received for the month of April 2004 was \$11,509.78. Roger Wittrock and Jeff Spahr arrived.

**UNFINISHED BUSINESS: Clarification of Board of Adjustment members:** Tabled to next meeting.

**NEW BUSINESS: Resignation of Council member – Robert Anderson:** Mayor Plessel read the letter of resignation submitted by Council member Robert Anderson dated June 21, 2004. A motion was made by Fortune and seconded by Bruha to accept the letter of resignation from Council member Robert Anderson. Roll call vote: Fortune yes, Bruha yes, Neal yes. Motion carried. Mayor Plessel thanked Robert Anderson for his time spent serving on the City Council.

**Fun Days – Street Closings:** Roger Wittrock informed the Council that the Fun Days are scheduled for August 20 & 21, 2004. Friday the Chamber would request closing 2<sup>nd</sup> St. between “B” & “C” from 6:00 pm to 9:30 pm. Saturday street closings would include: from alley at 1<sup>st</sup> & “B” – south to 4<sup>th</sup> St., 3<sup>rd</sup> St. from “B” to “C”, 2<sup>nd</sup> St. from “B” to “C” and 1<sup>st</sup> St. from Special Occasions to “C” St. for the Fun Run. Bruha wanted the Chamber to confirm this closing with F & M Bank. At 3:00 pm street closings will include Welch Park Rd down 1<sup>st</sup> Street to Walnut for the Parade. There will be no Carnival this year but inflatable games will be set up at the Uptown Park both Friday and Saturday. A motion was made by Neal and seconded

by Fortune to approve the street closings for the Fun Days scheduled August 20 & 21, 2004. Roll call vote: Neal yes, Fortune yes, Bruha yes. Motion carried.

Gary Armstrong, Dale Philson and Alan Whitford arrived at 7:10 pm.

**Beer Garden – Sheri’s Grill & Bar:** An application for a special designated liquor license was submitted by David’s Inc. at 121 N. Hwy 6, Milford, NE. The license is for a beer garden on August 20 & 21, 2004 from 10:00 am to 1:00 am on both days. Chief Siebken commented that in the past the beer garden has always been well run and have never had any problems. A motion was made by Fortune and seconded by Bruha to approve the special designated license by David’s Inc. for August 20 & 21, 2004. Roll call vote: Fortune yes, Bruha yes, Neal yes. Motion carried.

**Set date for Budget work night:** Mayor Plessel noted that budget work night will be held on July 29, 2004 at 5:00 pm at the City Hall Office.

**Amend Section 10-201 of Municipal Code Book – Introduction and Adoption of Ordinance – Peddler Permit:** Chief Siebken presented a sample ordinance for review by the City Council. Bruha mentioned posting signs at the entrances of town informing peddlers that permits are required. Some issues to consider are local “AVON” ladies or the Schwan’s dealership. This item will be placed on next months agenda.

**Award Bid – Comprehensive Plan & Zoning Changes:** Mayor Plessel noted that Leo A Daly’s proposal was more comparable to Option #2 from JEO. Hoggins is to check on CD availability from JEO. After some discussion the Council decided to allow a bit more time for reviewing both plans. This item will be placed on the budget work night agenda.

**Introduction and Adoption of Ordinance – Permitted Special Use in R1 Zoning District:** Attorney Blevens informed the Council that Public Hearings will need to be held to amend the Zoning Ordinance. Blevens asked the intent of the change and noted that limitations should be considered. (Limit special use permits to multi-family dwellings or any type of business?) Policky noted the information presented by the P & Z states residential structures. The Planning & Zoning Commission will work with Blevens to submit the correct verbiage to present at the Public Hearings. Comments were made from a few members of the public: Gary Armstrong stated he doesn’t want the project in the neighborhood. With the number of garages presented it will increase alley use and this remains a concern for several of the neighbors. Dale Philson wondered how you can stop the next guy from building a similar structure if you allow the project at 909 1<sup>st</sup> St. to proceed. The number of garages still remains an issue for the neighbors. Fortune commented again about the arbitrary line dividing the town and that people in R2 are dealing with the same situation. If the changes are made to the zoning ordinance and special use permits are allowed in R1 and R2 then



the P & Z and City Council will have control over what will be placed in these zoning areas. Neal stated the procedure of citizen input is very important. Mayor Plessel steered the comments back towards the special use permits. It was questioned as to whether the P & Z should proceed with the change or if we wait for advice from the Engineering firm at the time of updating the Comprehensive Plan. The P & Z will continue with their research and consult Attorney Blevens. Public Hearings will be held at both the Planning & Zoning Commission and City Council meetings.

**Award Bid – Street Projects:** (See communications)

### **BOARD OF ADJUSTMENTS**

Mayor Plessel called the meeting of the Board of Adjustments to order at 8:03 pm. Present were: Mayor J. Elaine Plessel; Council members Dean Bruha, Rick Fortune, Lyle Neal and P & Z Chairman Bruce Policky. Also present: Jeff Spahr, Chief Siebken, Building Inspector Roger Kness and Nancy McGill with the press.

#### **Request for Variance:**

**Jeff Spahr, 112 S. “B” St., Dental Clinic** – Dr. Spahr informed the Council and presented plans for an addition to the east side of the current clinic and a handicap accessible ramp to the front of the clinic. The request for a variance is required because the new addition and ramp do not meet setback requirements. The small house located east of the clinic will be moved and allow for the addition and employee parking. Kness commented, with two doctors working out of this office the expansion of the clinic is necessary. He would like to see the two Dentists remain in the community and continue to provide the services that are currently being provided. The addition will match the current setbacks of the old building. An additional door on the north side will allow for another fire exit. A motion was made by Bruha and seconded by Neal to approve the variance request and expansion of the Dental Clinic as noted. Roll call vote: Bruha yes, Neal yes, Plessel yes, Fortune yes, Policky yes. Motion carried.

**Ronda Eggerling, 621 5<sup>th</sup> St., Garage** – A variance request was submitted for the purpose that no accessory building shall exceed the ground floor coverage of a principal dwelling. The request for construction of a garage equaling 1120 sq. ft. when the dwelling is only 960 sq. ft. does not meet code. Kness noted no problems with the setbacks for this structure. A motion was made by Fortune and seconded by Neal to approve the request for variance by Ronda Eggerling at 621 5<sup>th</sup> St. Roll call vote: Fortune yes, Neal yes, Bruha yes, Policky yes, Plessel yes. Motion carried.

Board of Adjustment meeting ended.

Mayor Plessel asked to adjourn to executive session for discussion of personnel.

**Executive Session – Personnel:** A motion was made by Neal and seconded by Bruha to go into Executive Session. Roll call vote: Neal yes, Bruha yes, Fortune yes. Motion carried and Council adjourned from regular session at 8:15 pm. A motion was made by Fortune and seconded by Neal to return to regular session. Roll call vote: Fortune yes, Neal yes, Bruha yes. Motion carried and Council returned to regular session at 8:26 pm.

**Hire Secretary and Receptionist & Set Wages:** A motion was made by Bruha and seconded by Neal to approve hiring Tracy Yeackley for the secretarial position at \$8.75 per hour. Roll call vote: Bruha yes, Neal yes, Fortune yes. Motion carried.

A motion was made by Bruha and seconded by Fortune to approve hiring Marilyn Reil for the receptionist position at \$8.75 per hour. Roll call vote: Bruha yes, Fortune yes, Neal yes. Motion carried.

**ADJOURNMENT:** A motion was made by Bruha and seconded by Fortune to adjourn the meeting. Roll call vote: Bruha yes, Fortune yes, Neal yes. Motion carried and meeting adjourned at 8:50 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 July 13, 2004 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