

CITY OF MILFORD  
REGULAR MEETING  
JULY 3, 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 3<sup>rd</sup> day of July 2007 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, City Clerk Jeanne Hoggins. Absent: Dean Bruha. Also present: Keith Marvin with JEO, Jean Ferrill, Wayne Stohlman, Todd Vegas, Larry Jantze, Steve & Annette Roth, Tom Rustemeier 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 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 7:35 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 Baker to approve the minutes of the June 5, 2007 meeting. Roll call vote: Fortune yes, Baker yes, Bruha absent, Neal yes, Motion carried. A motion was made by Baker and seconded by Neal to approve the minutes of the June 7, 2007 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 \$57,009.55 approved by the Auditing Committee be approved for payment. Roll call vote: Neal yes, Fortune yes, Baker yes, Bruha absent. Motion carried.

**SALARIES:**

44352	Mark Frey	1306.37
44353	Forrest K Siebken	1240.98
44354	Mavis Lynn Ferris	32.51
44355	Jeanne M Hoggins	1275.21

44356	Gary Lee TeSelle	885.78
44357	Scott Dean Fosler	989.63
44358	Robert L Hull	913.98
44359	Beverly J Wehrs	440.53
44360	Edna A Riedl	286.59
44361	David R Dahle	1055.43
44362	Louis J Bialas	906.29
44363	Bryce C Johnson	896.87
44364	Philip Winkelmann	892.67
44365	Whitney Page	464.80
44366	Elizabeth A Dierberger	571.32
44367	Joshua S Wiley	108.86
44368	Tracy L Yeackley	607.50
44369	Darrin D Velder	493.42
44370	Julia M Wang	100.90
44371	Nicholas D Bernasek	212.61
44372	Joshua Steven TeSelle	525.93
44373	Erika S Hartwig	261.08
44374	Brett Allan Muller	657.91
44375	Alexander WD Hull	397.25
44376	Paige M McAvoy	442.72
44377	Whitney J Lauber	335.72
44378	Amanda Welch	503.57
44379	Benjamin Aurthor Larson	206.53
44447	Mark Frey	1306.37
44448	Forrest K Siebken	1240.98
44449	Mavis Lynn Ferris	35.46
44450	Jeanne M Hoggins	1275.21
44451	Gary Lee TeSelle	859.32
44452	Scott Dean Fosler	935.35
44453	Robert L Hull	805.74
44454	Beverly J Wehrs	561.70
44455	Edna A Riedl	403.44
44456	David R Dahle	893.01
44457	Louis J Bialas	963.33
44458	Bryce C Johnson	896.88
44459	Philip Winkelmann	892.67
44460	Whitney Page	464.80
44461	Elizabeth A Dierberger	571.32
44462	George Matzen	439.28
44463	Joshua S Wiley	55.76
44464	Tracy L Yeackley	623.22

44465	Darrin D Velder	458.64
44466	Julia M Wang	124.79
44467	Nicholas D Bernasek	212.61
44468	Joshua Steven TeSelle	559.97
44469	Erika S Hartwig	287.83
44470	Brett Allan Muller	453.78
44471	Alexander WD Hull	344.93
44472	Paige M McAvoy	440.30
44473	Whitney J Lauber	474.84
44474	Amanda Welch	423.43
44475	Benjamin Aurthor Larson	96.00
44477	Joyce Elaine Plessel	184.70
44478	Ricky Gene Fortune	138.52
44479	Dean Alan Bruha	138.52
44480	Emerson L Neal	138.52
44481	Jeffrey M Baker	138.52

**GENERAL FUND:**

44344	US Postmaster – Utility Billing Postage	165.32
44345	VOID	
44346	VOID	
44347	Travis Dahlin – WA/SW Deposit Refund	25.18
44348	Janie Davis – WA/SW Deposit Refund	.26
44349	Patricia Deeble – WA/SW Deposit Refund	4.74
44350	Julie Hager – WA/SW Deposit Refund	4.87
44351	Craig Korth – WA/SW Deposit Refund	11.58
44380	Ameritas Group – Pension	1504.80
44381	Blue River League – League Dues for Pee Wee	300.00
44382	AFLAC – Dis, Cancer, Acc, Suppl	406.26
44383	Ameritas – Dental & Vision	1093.40
44384	Alltel – Cellular Charges	59.29
44385	Windstream – Long Distance for May	5.73
44386	Aramark – Pants & Rags	269.70
44387	Butch’s Welding – Pipe holders, mower blades	339.51
44388	Centaur Enterprises – Bolts, Tie Straps	88.26
44389	Culligan Water – Soft Water	42.50
44390	Farmers Cooperative – Gas/Diesel for May	1773.96
44391	Deep Rock – Drinking Water	28.76
44392	Don’s Pioneer Uniform – Collar Isignia	39.90
44393	Eakes Office Plus – Copies	109.22
44394	EDM Equip – Service Call	369.50
44395	Jim Ebke – Umpire 8 Games	170.00
44396	Ed M Feld Equip – Boots	110.00

44397	Farm Plan – Mower Deck Wheels	29.98
44398	G & P Development – Trash from Ball Tournament	25.44
44399	Garbage Co – Garbage Pickup	138.82
44400	Golden Rule Contractors – Repair Gutters & Downspout	200.00
44401	Great Plain One Call – Locate Requests	16.99
44402	Scott Hannon – Umpire 5 Games	140.00
44403	Heiman Inc – Fog Nozzle, Frt	291.60
44404	Healthplan Services – Health Insurance	7758.12
44405	Kiefer & Associates – Swimsuits	176.83
44406	Memorial Health Care – Hep B Vaccine	111.00
44407	Milford Supermarket – Hamburger for Fathers Day	24.90
44408	MVFD – Food @ Fire School	33.12
44409	Midtown Holiday Inn – Fire School Rooms	1188.00
44410	Midwest Mailing – Rate Chip	245.00
44411	Midwest Unlimited – Bench Grinder	518.75
44412	Mutual Disability – Disability Insurance	79.33
44413	State of NE – Elevator Annual Inspection	100.00
44414	NE Dept of Revenue – Sales Tax for May	1988.57
44415	NE Motor Parts – Belt & ENR Max	122.02
44416	NPPD – Service for May	4627.91
44417	NE Tech & Telecomm – Service for May	406.48
44418	NE Fire Sprinkler – Annual Inspection	216.00
44419	NE Code Consulting – 8 Inspections & Consultation	340.00
44420	Aquila – Service for May	2324.79
44421	Pizza Kitchen – Meals for May 24 <sup>th</sup>	82.50
44422	Poolmart – Filter Cleaner, Hose Barb	1979.14
44423	Reimers Kaufman – Marble Dust, Delivery Charge	312.50
44424	Randy Roth – Umpire 3 Games	90.00
44425	Roxanne Roth – Cleaning Services	305.00
44426	Sam’s Club – Candy for Pool	365.09
44427	Seward Co Ind – Notices, Minutes, Umpire Ad	239.10
44428	SPPD – Wells 1 & 2	350.05
44429	Meyer Ford – Oil Change & Air Filter	38.71
44430	Forrest Siebken – Meals @ LECC Conference	47.84
44431	Share Corp – Floating DGR LFT	1371.10
44432	Shell Fleet Plus – Fuel for May	706.89
44433	Sports Express – Shirts, Socks, Hats, Pants	2002.89
44434	Special Occasions – Memorial Day Bouquets	150.00
44435	TCA Outdoor Power – Traction Cable	25.50
44436	Sunrise Country Manor – Meals for May	682.50
44437	Troyer Concrete – Driveway (Shop), Sidewalk (Pool)	9176.40
44438	US Postmaster – Permit Renewal Fee	175.00

44439	UNL Soil Testing – Soil Sample	44.00
44440	Beverly Wehrs – Plates & Napkins	48.57
44441	Windstream – Local/Internet, Pool Phone, Civil Defense	266.98
44442	Zim International – Bug Off	133.16
44443	Beth Dierberger – Membership for Sam’s Club	26.25
44444	Terry Hauder – Boys Basketball Program	225.00
44445	Trevor Plessel – Umpire 4 Games	110.00
44446	Brady Tolle – Umpire 1 Game	20.00
44476	Ameritas – Pension	1540.48
44482	Ackerman Rock & Gravel – Rock	1137.01
44483	Alltel – Cellular Charges	20.18
44484	All Pro Landscaping – Sprinkler Heads, Nozzles	176.36
44485	Atco International – Asphalt	980.00
44486	Nick Bernasek – Umpire 2 Games	50.00
44487	Blevens Law Office – Legal Services for June	350.00
44488	City of Milford(Petty Cash) – Postage, Filing Fee	28.24
44489	Colin Electric – Repair Motor on Heaters	498.82
44490	Jim Ebke – Umpire 2 Games	50.00
44491	Fort Dearborn Life Insurance – Life Insurance	116.96
44492	Great American Leasing – 3 Months Meter Rental	285.00
44493	Heartsong Presents – 4 Books	10.99
44494	Ingram Library Services – Books	326.50
44495	LESCO – Parts for Sprayer	126.72
44496	Meyer Century Labs – Liners	291.90
44497	George Matzen – Toner Cartridge	66.99
44498	Milford Plumbing – Coupling, Pipe, Cleaner	384.54
44499	Austin Millikan – Umpire 2 Games	50.00
44500	Midwest Unlimited – 200’ Tape	30.00
44501	Municipal Supply – Valve Box, Frt	365.39
44502	Nebraska Health Lab – Coliform Test	30.00
44503	Randy Roth – Umpire 3 games	80.00
44504	Roxanne Roth – Cleaning Services	250.00
44505	Marty Rowland – Concession Deposit Refund	50.00
44506	Stutzman Concrete – Curt Cut & 2 Handicap Ramps	500.00
44507	Stutzman Digging – Expose Water Main	170.00
44508	Subway Motors – Labor, Shop Materials	51.55
44509	Union Bank – Gary TeSelle Account	300.00
44510	Van Diest Supply – Anvil	580.00
44511	Voss Lighting – Light Bulbs	55.80
44512	Walmart Community – Microwave, DVD Recorder	792.61
44513	American Girl – 1 Yr Subscription	22.95
44514	Brandon Garner – Umpire 1 Game	30.00

44515 Lincoln Glass – Window 160.00  
44516 Brittany Roth – Umpire 2 Games 50.00

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received were Library Board minutes from May 24, 2007 and June 21, 2007; Milford Aging Services Commission minutes for June 26, 2007; Fire Dept. minutes from June 12, 2007; Planning & Zoning Commission minutes from May 29, 2007, June 13, 2007 and June 20, 2007; Police Dept. Activity Report for June 2007. Baker – Milford Aging Services Commission met and the Sr. Center basement is still experiencing problems with water entering the building along the north wall. Frey was advised to look into the problem again. Chief Siebken reviewed the June Police Dept. activity report. Wayne Stohlman – Seward County will be receiving grant funds for a Hazard Mitigation study. The City of Milford could receive approximately \$2,000. Stohlman would like to organize a mock disaster involving the Police Dept. and Fire Dept., which would wipeout part of the town, to see where our strengths and weaknesses are.

**COMMUNICATIONS:** \*Sales tax received for the month of April 2007 was \$13,243.80. \*Bill Allen with BNSF will meet with Mark Frey on August 14, 2007 at 8:30 am in the City Hall Office to discuss the double tracking. Any Council members interested in learning information about the project may also be in attendance.

**PUBLIC HEARING: Comprehensive Plan, Zoning & Subdivision Regulations:** Mayor Plessel opened the Public Hearing for the Comprehensive Plan and the Zoning & Subdivision Regulations at 7:40 pm. Mayor Plessel asked for comments from the public. JEO Representative Keith Marvin stated that the Planning & Zoning had approved the material presented at their Public Hearing with one modification to the SW Corner of the C2 area. Since that time there have been revisions to areas of R3 designation which these changes have been noted on the map. Planning & Zoning made revisions and approved a few text changes prior to their meeting. Marvin informed the Mayor and Council that if something has been overlooked that changes can be made by holding Pubic Hearings with both the Planning & Zoning and City Council. Tom Rustemeier, owner of the Dairy Queen, asked the status of his property. Marvin informed him that if this is passed the Dairy Queen will be zoned commercial. With no further comments Mayor Plessel closed the Public Hearing for the Comprehensive Plan and the Zoning & Subdivision Regulations at 7:45pm.

**Introduction and Adoption of Ordinance – Comprehensive Plan:** A motion was made by Fortune and seconded by Neal to introduce the following ordinance:

ORDINANCE NO. 790

AN ORDINANCE OF THE CITY OF MILFORD, NEBRASKA TO ADOPT THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF MILFORD, NEBRASKA AS PREPARED BY JEO CONSULTING GROUP, INC. FOR THE CITY OF MILFORD, NEBRASKA; TO PROVIDE FOR THE REPEAL OF ORDINANCES INCONSISTENT HEREWITH; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT; AND TO PROVIDE FOR THE PUBLICAITON OF THIS ORDINANCE IN PAMPHLET FORM. (See Ordinance Record)

**Introduction and Adoption of Ordinance – Zoning & Subdivision Regulations:** A motion was made by Baker and seconded by Fortune to introduce the following ordinance and include the modifications made to the zoning map designating R3 areas and changes made from C2 to R2:

ORDINANCE NO. 791

AN ORDINANCE OF THE CITY OF MILFORD, NEBRASKA TO ADOPT THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS FOR THE CITY OF MILFORD, NEBRASKA AS PREPARED BY JEO CONSULTING GROUP, INC. FOR THE CITY OF MILFORD, NEBRASKA; TO PROVIDE FOR THE REPEAL OF ORDINANCES INCONSISTENT HEREWITH; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT; AND TO PROVIDE FOR THE PUBLICAITON OF THIS ORDINANCE IN PAMPHLET FORM. (See Ordinance Record)

**PUBLIC HEARING: New Liquor License, VS Investments Inc. dba Sheri's Grill & Bar:** Mayor Plessel opened the Public Hearing for comments regarding the new liquor license for VS Investments Inc. dba Sheri's Grill & Bar at 7:50 pm. No comments made, Mayor Plessel closed the Public Hearing at 7:51 pm.

**Application for new liquor license, VS Investments Inc. dba Sheri's Grill & Bar:** A motion was made by Baker and seconded by Fortune to approve the new liquor license application for VS Investments Inc. dba Sheri's Grill & Bar. Roll call vote: Baker yes, Fortune yes, Bruha absent, Neal yes. Motion carried.

**NEW BUSINESS:**

**Final Plat – Thornridge Acres 1<sup>st</sup> Addition – Phase II:** Planning & Zoning had requested an engineer stamped and approved copy of the drainage study prior to final approval of the plat. Hoggins presented an engineer approved copy of the drainage study completed back in 1995 which was signed JEO Consultant Ron Bottorff. A motion was made by Fortune and seconded by Neal to approve the Final Plat of Thornridge Acres 1<sup>st</sup> Addition – Phase II. Roll call vote: Fortune yes, Neal yes, Baker yes, Bruha absent. Motion carried.

**Street Closing for Fun Days – Shelly Houk:** Chief Siebken noted that the street closings will be the same as last year. A motion was made by Fortune and seconded by Neal to approve the street closings for Fun Days. The list is attached to these minutes. Roll call vote: Fortune yes, Neal yes, Baker yes, Bruha absent. Motion carried.

Brian Utter arrived.

**Renew Franchise with Galaxy Cable – Ordinance #644, 6/5/95: Introduction and Adoption of Ordinance-Renew Franchise:** Councilmember Baker introduced the following ordinance seconded by Fortune.

ORDINANCE NO. 792

AN ORDINANCE RENEWING THE CABLE TELEVISION FRANCHISE WITH GALAXY CABLE, INC. D/B/A GALAXY CABLEVISION, AND APPROVING THE CHANGE OF EXPIRATION DATE. (See Ordinance Record)

**Review and Approve E911 Budget:** Item tabled until the August meeting.

**Set Budget Work Night:** Mayor Plessel set the Budget work night for Thursday, August 2, 2007 at 6:00 pm.

Nancy Jantze arrived.

**Discuss remonstrance petition and election:** Attorney Blevens informed the Council that they need to decide whether to have an election or dump the project. Blevens will check with the County Clerk on the procedure of holding a special election. A resolution will need to be passed in order to proceed with a special election. Fortune – we can't find a better piece of property for this project and would like to move forward with an election. Neal received positive comments from individuals regarding the site and cost. Neal agrees to move forward. The City needs to state their issues and why we chose the site. Baker agrees and would like to see a special meeting to move forward. The City has done their homework on the project we just failed to educate the public. Mayor Plessel and the City Council agreed to hold a special meeting on July 12, 2007 at 5:15 pm.

**Hire Library Clerk and Set Wage:** Baker – the Library Board received 7 or 8 very good applications and it was very difficult to decide. The Board recommends Hannah Troyer for the position of Library Clerk. A motion was made by Baker and seconded by Fortune to hire Hannah Troyer as Library Clerk at an hourly rate of \$6.00. Roll call vote: Baker yes, Fortune yes, Bruha absent, Neal yes. Motion carried.

**Approval of Feasibility Study – Economic Development for Assisted Living Facility:** Neal updated the Council regarding a presentation made by Ray Brown & Assoc., to the Economic Development Committee, and their interest in building an assisted living facility in Milford. It was recommended that a feasibility study should be done to determine whether

an assisted living facility is needed in Milford. The cost of the study is approximately \$5,000. A decision needs to be made as to whether Economic Development funds should pay for the study. Neal noted the risks involved: If the study shows that there is no need for an assisted living facility then the \$5,000 is gone. If the study is positive then the money may be reimbursed. The community would also need to find investors to fund 20% of the total project, totaling approximately \$800,000. This would be a 20 – 30 year investment. The Economic Development Committee had 5 total votes to use the funds for the feasibility study. Ray Brown & Assoc. manage 8 or 9 assisted living complexes in Nebraska. Discussion was held regarding TIF (Tax Increment Financing), the pressures on the Public Schools and taxes taken away from the City. Again, Fortune and Neal commented on the risks. The potential investors could do the feasibility study. Fortune expressed the need for more information. The Council decided to table this item until next month.

**Discussion/Approval Dragonfly Coffee Shop, Financial Assistance:** Item deleted from agenda.

**Street Closing for Book Fair, July 31, 2007, Nancy Jantze:** Nancy Jantze asked to have Second Street closed from 5:00 pm to 9:00 pm for the Library Book Fair. A motion was made by Fortune and seconded by Baker to approve the street closing of 2<sup>nd</sup> Street between 5:00 pm and 9:00 pm on July 31, 2007 for the Book Fair. Roll call vote: Fortune yes, Baker yes, Bruha absent, Neal yes. Motion carried.

**ADJOURNMENT:** A motion was made by Fortune and seconded by Baker to adjourn the meeting. Roll call vote: Fortune yes, Baker yes, Bruha absent, Neal yes. Motion carried and meeting adjourned at 8:16 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 3, 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