

CITY OF MILFORD
REGULAR MEETING
MARCH 2, 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 2nd day of March 2004 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Robert Anderson, Dean Bruha, Rick Fortune, Lyle Neal; City Clerk Jeanne Hoggins; Attorney Robert Blevens; Chief of Police Forrest Siebken. Also present: Tom McCall, Chris Matzen, Joe Schluckebier, Max Wake, Librarian Edna Riedl, Maintenance Supt. Mark Frey, Building Inspector Roger Kness, Kathy Stutzman, Jon & JoAnn Eicher, Eric Kettenburg 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 7:35 p.m.

MINUTES: A motion was made by Fortune and seconded by Anderson to approve the minutes of the February 3, 2004 meeting. Roll call vote: Fortune yes, Anderson yes, Bruha yes, Neal abstain. Motion carried.

PAYMENT OF BILLS: A motion was made by Neal and seconded by Bruha that the following bills in the amount of \$36,542.09 approved by the Auditing Committee be approved for payment. Roll call vote: Neal yes, Bruha yes, Anderson yes, Fortune yes. Motion carried.

SALARIES:

38227	Mark Frey	1141.92
38228	Forrest K Siebken	1099.92
38229	Mavis Lynn Ferris	19.91
38230	Jeanne M Hoggins	970.87
38231	Gary Lee TeSelle	969.08
38232	Scott Dean Fosler	916.06
38233	Robert L Hull	722.84
38234	Beverly J Wehrs	275.74
38235	Edna A Riedl	349.65
38236	David R Dahle	1044.94

38237	Louis J Bialas	1041.72
38238	Pamela J. Slama	302.48
38239	Lucy B. Honig	221.35
38240	Bryce C Johnson	730.12
38241	Philip Winkelmann	730.12
38242	Lindsey S. Troyer	561.92
38243	Regan Beranek	95.91
38295	Mark Frey	1141.92
38296	Forrest K Siebken	1099.92
38297	Mavis Lynn Ferris	33.19
38298	Jeanne M Hoggins	970.87
38299	Gary Lee TeSelle	667.06
38300	Scott Dean Fosler	916.06
38301	Robert L Hull	722.84
38302	Beverly J Wehrs	437.46
38303	Edna A Riedl	411.07
38304	David R Dahle	794.57
38305	Louis J Bialas	786.81
38306	Pamela J. Slama	300.73
38307	Lucy B. Honig	71.99
38308	Zachary D. Eden	23.27
38309	Bryce C Johnson	770.35
38310	Philip Winkelmann	730.12
38311	Lindsey S. Troyer	561.92
38312	Regan Beranek	133.22
38314	Roger Kness	123.14
38315	Joyce Elaine Plessel	184.70
38316	Ricky Gene Fortune	138.52
38317	Dean Alan Bruha	138.52
38318	Emerson L. Neal	138.52
38319	Robert E. Anderson	138.52

GENERAL FUND:

38226	U.S. Postmaster – Utility Billing Postage	143.84
38244	Ameritas – Retirement Plan	1319.19
38245	Jalic G. T. – Group Health	7912.59
38246	Bob’s Automotive – Repair Porto power, 9 V & “D”	269.68
38247	Terry Buchli – Miles for Winter Conf.	69.76
38248	Butch’s Welding – Flat Iron	18.70
38249	Culligan Water Cond. – Soft Water, Salt	53.70
38250	Farmers Coop – Gas/Diesel for January	1538.63
38251	Creative Consultants – Install Software	650.00
38252	Eakes Office Plus – Purchase Order Books	202.55

38253	Earl Carter Lumber – 80 ft. door, Service Call	119.00
38254	EDM Field Equipment – Twist Lock Strobe Tube	65.10
38255	ELMO Data Supply – Ribbons	117.30
38256	Electronic Engineering – Removal & Installation	1969.07
38257	The Garbage Co. – Service for January	90.50
38258	Gene’s Electric – Panel, Breaker	1990.05
38259	Great Plains One Call – Locate Request	3.00
38260	Hawkins – Phosphate Reducer	1333.64
38261	Heiman Fire Equipment – Bunker Gear Cleaner	50.46
38262	Jeanne Hoggins – Travel Miles for Supplies	22.94
38263	Kustom Signals – 2 Patch Antennas	120.00
38264	Linweld – Oxygen	150.25
38265	Meyer-Century Labs – Chuck hole patch	107.02
38266	Memorial Health Care – David Swartzentruber Hep B	164.00
38267	Milford Mini Mart – Fuel	18.00
38268	Milford Times – Notices, Minutes, Ordinances	232.01
38269	Milford Volunteer Fire – State Fire School	200.00
38270	Midwest Service & Sales – Black Cat Blades	53.13
38271	Mutual of Omaha – Disability Insurance	75.55
38272	Nebraska Machinery – Cock Drain	21.50
38273	NE Dept of Revenue – Sales Tax for January	1458.35
38274	Nebraska Health Lab – Blood Analysis	75.00
38275	Nebraska Motor Parts – Antifreeze, Nuts, Bolts	30.36
38276	HHS Regulation & Licensure – Swimming Pool Fee	3.00
38277	Nebraska Public Power – Service for January	4537.77
38278	Nebraska Tech & Telecomm – Service for January	486.00
38279	Pack N Ship – Shipping Charges	55.67
38280	Aquila – Service for January	1810.28
38281	Pizza Kitchen – 30 Dinners	106.25
38282	Rediger Chevrolet – Fix Gas Tank Leaking	460.35
38283	Roxanne Roth – Cleaning Services	250.00
38284	Schlegel’s Groceries – Milk & Groceries	30.45
38285	Seward Co Public Power – Wells 1 & 2	281.56
38286	Seward Co Ford – Battery for ’98	96.19
38287	Sunrise Country Manor – 284 Meals for Jan.	951.40
38288	Troyer Concrete – Contract – Snow Removal	950.00
38289	Uniservice – Pants & Rags	137.07
38290	Travis Austin – Water/Sewer Deposit Refund	38.81
38291	Milford Valu Rite Pharmacy – VCR Cleaning Supplies	5.43
38292	Al Van Gundy Signs – 4 Pla Card Signs	72.00
38293	Alltel – Pager, Cellular, Pay Phone, Internet	330.74
38294	Olivia Audio-Visual Repair – Ink for Printer	25.79

38313	Ameritas – Retirement Plan	1319.19
38320	Aflac – Disabl,Acc,Cancer,Supp'l	295.16
38321	Alltel – Directory Advertising, Paging-Wide Area,Lo	28.30
38322	Amazon.com – 5 Books	55.06
38323	Blevens Law Office – Legal Service for Feb.	350.00
38324	Bound to Stay Bound – 1 Book	9.70
38325	Centaur Enterprises – Clamps,Strap,Metal	71.45
38326	City of Milford – Postage, Postage Stamps	112.48
38327	Christian Book Dist. – 7 Books	74.72
38328	Cornhusker Press – Pet Tags	45.93
38329	Creative Consultants – Computer Repair & Upgrade	773.19
38330	Dummer Publishing – One Book	12.25
38331	Emergency Medical Products – Sticky Blocks, Blade	447.73
38332	Great American Leasing – Rental Fee for 3 months	285.00
38333	Heartsong Presents – 4 Books	10.99
38334	Heiman Fire Equipment – Hooligan Tool	298.56
38335	impact Solutions – Software Maint. – Agreement	500.00
38336	Ingram Library Services – 18 Books	215.62
38337	LECC – Conference Registration	90.00
38338	Layne Christianson – Annual Maint. On Wells	1027.20
38339	Midwest Tape – 9 tapes	160.56
38340	Milford Plumbing – Basket, Aerator	85.90
38341	Milford School Dist. – Parking Fines Collected	200.00
38342	Moore Business Forms – 20 Citation Books	101.80
38343	National Geographic Society – One Book	15.90
38344	Nebraska Health Lab – Lead & Copper, Routine Colif.	78.00
38345	Newsweek – 1 yr. Subscription	21.33
38346	Office Depot – Wall Signs	27.98
38347	Omaha Life Ins. – Group Life	129.00
38348	Orschelns – Battery, Lantern	21.75
38349	Perma Bound – 2 Books	24.76
38350	Edna Riedl – Registration, Travel Miles	82.28
38351	Subway Motors – Repair Tire/Recycle Trailer	11.72
38352	Union Bank – Gary TeSelle Acct	300.00
38353	Walmart – Batteries, Paper Towels, Tapes	74.28
38354	Beverly Wehrs – Paper Supplies, Food	76.86
38355	Scrapbooks – 1 yr. Subscription	24.00
38356	Demco – Books	34.56
38357	HW Wilson – Renewal Rdg. Prnt	357.00
38358	Terra Wave Solutions – 800 Bmax Antennas	82.41

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Planning & Zoning minutes for February 12, 2004,

Recreation Board minutes for February 10, 2004; Library Board minutes for February 19, 2004; Milford Aging Services Commission minutes for February 17, 2004 and Police Dept. Activity Report for February 2004. Neal – NPPD Facts Book has not been updated for 3 years and the Economic Development Committee will be meeting to update the book. These changes will be mirrored onto the local website. Jeff Heckman with the Recreation Board is looking into a grant for repair/replacement of the concession stand at Welch Park. Bruha – With the Council's permission Bruha will work directly with the Railroad, Fire Dept. and Chief of Police to have the R.R. embankment cleaned up. Chief Siebken reviewed the monthly report for February 2004 and reported 923 total calls for service.

COMMUNICATIONS: *Sales tax received for the month of December 2003 was \$16,747.88. *Galaxy Cable Franchise Fee received in the amount of \$6,812.30. *NPPD 4th qtr. 2003 lease payment received in the amount of \$30,268.34.

PUBLIC HEARING – Amend Permitted Special Use CI: Mayor Plessel opened the public hearing at 7:40 pm and asked Building Inspector Roger Kness if he had any comments. Roger reviewed the situation regarding Rediger Chevrolet and the fact that CI zoning does not allow for automobile sales and service. By allowing this change as a special permitted use the Council can still oversee what businesses are placed within the CI zoning district. With no further comments Mayor Plessel closed the Public Hearing at 7:46 pm.

UNFINISHED BUSINESS:

Employee Appreciation Policy: Information from towns comparable in size was provided to the Council. Bruha questioned starting certificates immediately after employment. He noted that usually 5 years of employment is completed before any kind of certificate is awarded. Bruha noted that he was not against rewarding an employee for a job well done but noted a concern with the amount of money requested and his responsibility for spending tax dollars. Neal mentioned after reviewing the salary package of a 5% increase and with the proposed bonuses it would increase the salary package to 5.25%. Neal would like to discuss this idea at the time of salary review. Fortune felt that the salary increases the last several years have been generous and the monetary amounts did show appreciation. Fortune would not vote for any options. Anderson stated that he would like to see some kind of appreciation, possibly a dinner. The Friends of the Library have a dinner for their volunteers. Fortune noted maybe we should put policy in place to allow the City to do something if they would choose to. This would be at the Council's discretion. Blevens reviewed the resolution and noted some changes. Chief Siebken commented that he was the one who came to Elaine and asked to have the gift certificates reinstated. He noted the

certificates were received in the past and he was just inquiring about legalizing the process to allow the certificates again and have them spent within the community. A motion was made by Bruha and seconded by Fortune to create a resolution giving the Governing Body the authority to allow for an appreciation policy. Roll call vote: Bruha yes, Fortune yes, Anderson yes, Neal yes. Motion carried. Blevens will present the revised resolution at the next meeting.

5th & “D” Sidewalk Improvements: Mayor Plessel met with Dennis Kramer regarding the sidewalk and Mr. Kramer had a few concerns: a) Dennis wanted to know if the Council was aware that the electrical wires for the flashing light were on the utility pole beside his building. He asked if the Council would consider moving the light to the other side of the street. b) Drainage was a great concern as the south side of the Hwy is higher than the north side. Water will not drain east to the Dairy Queen, it may undercut the proposed sidewalk. c) Where will sidewalk go when it reaches 4th Street. d) Will a sidewalk be required west towards the Supermarket. Mark Frey commented regarding the culvert, if it was removed and the water flow restricted anymore than it already is, water may back up into Benson’s front door. Roger Kness mentioned that Ray Anderson, the neighbor to the east of Dennis Kramer, has already voiced concern regarding the water drainage in this area. If there is a water problem, Council will not proceed without the advice of an engineer. It was noted that the State of NE should be contacted regarding their plans for widening the highway. The crosswalk on Highway 6 should still be marked for the safety of the children. This item will need to be looked into further.

NEW BUSINESS:

Introduction and Adoption of Ordinance – Permitted Special Uses CI:

Council member Neal introduced the following ordinance seconded by Bruha.

ORDINANCE NO. 753

AN ORDINANCE TO AMEND SECTION 5.06 C OF THE ZONING ORDINANCE ADDING “AUTOMOBILE SALES, RENTAL AND SERVICE” AS A PERMITTED SPECIAL USE IN CI; TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT; AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH. (See Ordinance Record)

Community Clean-up – Chamber of Commerce: Chamber representative Kathy Stutzman spoke on behalf of the Community Clean-up day. The event is scheduled for Saturday, June 5, 2004. Last year the Chamber provided 5 roll-off trash containers, a place to deposit tires and the City provided tree branch and brush chipping, with no cost to the citizens of Milford. The project cost the Chamber of Commerce \$700.00. Kathy asked

if the City Council would consider helping with the cost of the project since it has exceeded the Chamber's budget. The Chamber has budgeted \$350.00 for the event this year and would like the City to pick up the other half of the project. The City Council felt this was money well spent. A motion was made by Bruha and seconded by Neal to pay half the expense of the 2004 Community Clean-up Day. Roll call vote: Bruha yes, Neal yes, Anderson yes, Fortune yes. Motion carried.

Concession Stand – Tom McCall: Neal commented that McCall has still agreed to run the concession stand and give 100% of the profit after costs back to the City. Discussion was held as to some changes that need to be made to the contract. Bruha asked if a copy of the liability insurance policy has been submitted to the City. McCall said he takes the policy out with Sandy Troyer and he will get a copy to the City. A motion was made by Neal and seconded by Fortune to allow Tom McCall to run the concession stand for the 2004 ball season with 100% of the net profit coming back to the City. Roll call vote: Neal yes, Fortune yes, Anderson yes, Bruha yes. Motion carried.

Revision of Minor Subdivision – Ihde Subdivision: Building Inspector Roger Kness informed the Council of the change made to the Ihde Subdivision west of town. The original plat measured a 500' frontage and the request was for a 600' frontage with a depth of 400'. The error was corrected and the new plans are being submitted to the Council. A motion was made by Fortune and seconded by Anderson to authorize the Mayor to sign the revised copy of the Ihde Subdivision. Roll call vote: Fortune yes, Anderson yes, Bruha yes, Neal yes. Motion carried.

Interlocal Agreement-Seward County Housing Corporation: Joe Schluckebier presented the Interlocal Agreement, noting that it is similar to the county program that was done in the past. A motion was made by Bruha and seconded by Neal to authorize the Mayor to sign the Interlocal Agreement for the Seward County Housing Corporation. Roll call vote: Bruha yes, Neal yes, Anderson yes, Fortune yes. Motion carried.

CASA Resource Development Committee – Max Wake: Max Wake presented information regarding CASA (Court Appointed Special Advocates). The Resource Development Committee serves to raise money and awareness in the County for the program. April is Child Abuse Prevention and Awareness Month and Mr. Wake is informing Seward County of the program. Seward County began the program in 1996 and has served approximately 65 children. To become a CASA volunteer, extensive training is required. The trained volunteer is appointed by a judge to advocate on a one-to-one basis for a child who has been a victim of abuse or neglect. Blevens noted the program to be a valuable service to the county. The Council thanked Mr. Wake for his presentation.

Temporary replacement for Asst. Librarian & Set Salary: Anderson informed the Council that the Asst. Librarian, Lucy Honig is on medical leave. The library is short of staff and would like to hire temporary help to fill in while Lucy is gone. The anticipated length of leave is 3 months. The Library Board presented a letter requesting George Matzen as part-time temporary help. Hours would average 20 per week, just as they were for Lucy. A motion was made by Anderson and seconded by Bruha to approve the hiring of George A. Matzen as a temporary part-time employee at a wage of \$7.50 per hour. The Council will review the situation at the June 2004 meeting. Roll call vote: Anderson yes, Bruha yes, Fortune yes, Neal yes. Motion carried.

Jon Eicher – requesting 4-plex in R-1 Zoning: Roger Kness informed the Council that Jon Eicher has requested a zone change for the property at 909 1st Street. It is currently zoned R-1 and Jon would like to rezone it to R-2 to allow for the construction of a 4-plex. Preliminary plans were presented for the Council's viewing. Eicher will have a permanent set of plans available at the Public Hearing of the P & Z. Kness noted that this may be a controversial issue and he wanted to keep the Council abreast of any controversy. The property will be posted for Public Hearings of the Planning & Zoning and the City Council.

Downtown sidewalk project: Bruha would like to see the sidewalks on the north side of 1st street completed. With Council's permission Bruha would like to send bid letters to the local contractors to get some figures to work with. The property owners are responsible for the cost of the sidewalk to the curb. The City will pay for the curb and apron into the street. Council agreed to have Bruha and Frey proceed with the letters.

Sidewalk repair & replacement: Bruha noted with spring approaching it would be a good time for sidewalks to be marked and letters sent for repairs. Bruha suggested dividing the town into sections and each council member take a section and mark the sidewalks. Mark Frey could then double check the sidewalks and letters could be sent. Mayor Plessel asked if the handicap accessible ramps at the intersections would be completed. Bruha noted the S.C.C. students were involved with this project in the past. Bruha will check into this. Council members decided to allow Mark Frey and the maintenance dept. 3-4 days to go around and mark the designated sidewalks for repair. Letters will be sent to the home owners informing them of same.

Executive Session – Personnel: A motion was made by Fortune and seconded by Neal to go into Executive Session. Roll call vote: Fortune yes, Neal yes, Anderson yes, Bruha yes. Motion carried and Council adjourned from regular session at 9:29 pm. A motion was made by Fortune and seconded by Bruha to return to regular session. Roll call vote: Fortune yes,

Bruha yes, Anderson yes, Neal yes. Motion carried and Council returned to regular session at 9:59 pm.

ADJOURNMENT: A motion was made by Fortune and seconded by Bruha to adjourn the meeting. Roll call vote: Fortune yes, Bruha yes, Anderson yes, Neal yes. Motion carried and meeting adjourned at 9:59 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 March 2, 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