

CITY OF MILFORD
REGULAR MEETING
MARCH 4, 2003
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 4TH day of March 2003 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Robert Anderson, Rick Fortune, Lyle Neal; Attorney Robert Blevens; Chief of Police Forrest Siebken; City Clerk Jeanne Hoggins. Absent: Dean Bruha. Also present: Gerry Soukup with Aquila, Ron Bottorff with J.E.O., Steve Rogge and Bill Lauber.

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 7:33 p.m.

MINUTES: A motion was made by Fortune and seconded by Neal to approve the minutes of the February 4, 2003 meeting. Roll call vote: Fortune yes, Neal yes, Anderson yes, Bruha absent. Motion carried. Bruha arrived.

PAYMENT OF BILLS: A motion was made by Neal and seconded by Bruha that the following bills in the amount of \$134,949.79 approved by the Auditing Committee be approved for payment. Roll call vote: Neal yes, Bruha yes, Anderson yes, Fortune yes. Motion carried.

SALARIES:

36350	Mark Frey	1097.63
36351	Forrest K Siebken	1040.69
36352	Mavis Lynn Ferris	28.30
36353	Jeanne M. Hoggins	929.22
36354	Gary Lee TeSelle	647.51
36355	Scott Dean Fosler	868.50
36356	Robert L Hull	694.57
36357	Beverly J Wehrs	420.39
36358	Edna A Riedl	293.46

36359	David R Dahle	887.44
36360	Louis Bialas	838.28
36361	Pamela J. Slama	268.22
36362	Zachary D. Eden	39.17
36363	Bryce C Johnson	757.90
36364	Philip Winkelmann	697.39
36365	Lindsey S. Troyer	539.91
36366	Regan Beranek	124.12
36422	Mark Frey	1097.63
36423	Forrest K Siebken	1040.69
36424	Mavis Lynn Ferris	28.30
36425	Jeanne M. Hoggins	929.22
36426	Gary Lee TeSelle	677.50
36427	Scott Dean Fosler	868.50
36428	Robert L Hull	687.03
36429	Beverly J Wehrs	435.03
36430	Edna A Riedl	304.44
36431	David R Dahle	820.16
36432	Ann M Miller	23.27
36433	Louis J Bialas	745.08
36434	Pamela Slama	274.94
36435	Zachary D. Eden	39.17
36436	Bryce C Johnson	726.06
36437	Philip Winkelmann	694.20
36438	Lindsey S. Troyer	539.92
36439	Regan Beranek	134.46
36442	Roger L Kness	192.40
36443	Joyce Elaine Plessel	184.70
36444	Ricky Gene Fortune	138.53
36445	Dean Alan Bruha	138.53
36446	Emerson L. Neal	138.53
36447	Robert E. Anderson	138.53

GENERAL FUND:

36349	U.S. Postmaster – Utility Billing Postage	139.07
36368	Aflac – Disability Insurance	129.08
36369	American Plus – Ear Plug Freight	9.65
36370	Alltel – Service for January	305.86
36371	All Pro Landscaping – Ball Field Project	17,940.79
36372	Atco International – Liberator 600	640.00
36373	Bob’s Automotive – Broom, Sweeper	708.17

36374	Butch's Welding – Flat, Valve	359.22
36375	Cather & Sons Const. – Cold Mix	47.50
36376	Centaur Enterprises – Washers, Hex, Eyelet	55.92
36377	Chief Supply Corporation	24.97
36378	Culligan Water – Soft Water	18.00
36379	Farmers Coop – Gas/Diesel for January	1025.89
36380	Eakes Office Plus – Office Copy Paper, Stamp	149.44
36381	EDM – Water Filter	149.52
36382	EMP – Rusch Flexiset	1746.09
36383	The Garbage Company – Service for January	90.50
36384	Gene's Electric – Work on Well #2	345.50
36385	Great Plains One Call Service	21.49
36386	Heyen Tax – Blank Forms	2.20
36387	Rob Hull – Mileage to Street Survival	97.65
36388	Impact Solutions – Software Maintenance	500.00
36389	Milford Supermarket – Cleaning Supplies	4.36
36390	The Milford Times – Envelopes, Notices	236.88
36391	Milford Volunteer Fire – Nebraska Fire School	200.00
36392	Municipal Supply – Coupling, Base Plate	1890.93
36393	Mutual of Omaha – Disability Insurance	69.23
36394	NE Dept Of Revenue – Sales Tax for January	1579.73
36395	Nebraska Motor Parts – Emergency Lamp & Light	69.60
36396	NE HHSR&L Credentialing – Swimming Pool Permit	3.00
36397	Nebraska Public Power – Service for January	4523.73
36398	Nebraska Tech & Telecomm – Service for January	451.83
36399	Olsson Assoc. – Water Main & Tower	4471.27
36400	Aquila – Service for January	1432.22
36401	Pizza Kitchen – 20 Meals @ 3.50	70.00
36402	Public Safety Center – Rechargeable Battery	40.30
36403	Ramada Inn – Wastewater Meeting	78.28
36404	Roxanne Roth – Cleaning Services	275.00
36405	Mrs. Wayne Roth – 2 Sheet Cakes	28.00
36406	Sam's Club – Bath Tissue, Mop	52.92
36407	Schlegel's – Film Processing, Groceries, Ice Melt	40.68
36408	Seward Co Public Power Dist. – Wells 1 & 2	366.98
36409	Seward County Ford – Truck Part	118.57
36410	Sherman Communications – In Car Video Repair	77.78
36411	Forrest Siebken – Mileage to I-Safe Class	42.16
36412	SCC Lincoln – Bookstroe Charges	267.58
36413	Subway Motors – Belt, Gasket	298.20

36414	Super Spray Car Wash – Car Wash Tokens	100.00
36415	Sunrise Country Manor – January Meals	1082.25
36416	Beverly Wehrs – Paper Supplies from Sam’s	48.41
36417	Gateway – Monitor, Keyboard	416.95
36418	Bob Stephens – Engraved Plates	16.44
36419	Milford Flowers & Gifts – Funeral Arrangement	35.00
36420	Amber Schweitzer – Water/Sewer Refund	51.12
36421	Ben Troyer – Water/Sewer Refund	50.00
36440	Ameritas – Retirement	1231.29
36441	United Health Care – Group Health	6610.28
36448	American Legal Publishing – Municipal Ordinance	350.00
36449	Aflac – Disabl,cancer,Acc,supp’l	129.08
36450	Alltel – Service for January	26.69
36451	Book-of-the-month club – One Book	21.99
36452	Christian Book Distributors – Books	333.12
36453	Crafts ‘N Things – 2 yr. Subscription	36.97
36454	Double Day Book – Six Books	77.30
36455	Emedco – Ball Bag Tags	37.74
36456	Emergency Medical - #389991 & #391519	508.71
36457	General Excavating – Lift Station #3 & #4	15657.00
36458	Heartsong Presents – 4 Books	10.99
36459	Ingram Library Services – Credit & Books	235.78
36460	JEO Consulting – Lead & Copper Service	1229.00
36461	League of Municipalities – Snowball Conference	100.00
36462	Maguire Iron – Water System Improvements	42750.00
36463	Sport Supply Group – Balls,Bats,Catching Equip.	792.99
36464	McCall’s Quilting – 2 Year Subscription	34.00
36465	Milford Plumbing – Sewer Line	110.00
36466	Milford School Dist. – Parking Fines	180.00
36467	Municipal Supply – Ford Repair & Tax	283.83
36468	Nebraska Machinery – Cotter Pin	35.00
36469	Olsson Associates – Inv #56932 & 56933	3339.96
36470	Omaha Life Ins. – Group Life	62.35
36471	Omaha Wholesale Hardware – Paddle Lock	59.29
36472	Pitney Bowes – Qtrly Fee	326.69
36473	Quill Corp – Office Supplies	69.98
36474	Ramada Inn – One nights Lodging & Meal	53.51
36475	Regent Book – One Book	10.39
36476	Edna Riedl – Summer Reading Workshop	30.00
36477	Rogge Engineering – Certificate Payment # 2	17216.42

36478	Roxanne Roth – Cleaning Services	225.00
36479	Forrest Siebken – Meal Reimbursement	15.96
36480	Sioux Sales – Night Sights for 4003	130.19
36481	St. Paul Stamps – Golf Licenses	74.68
36482	Tvrdy’s Lock & Key – Re-Key Building	130.00
36483	Union Bank – Gary TeSelle	300.00
36484	Wal Mart – Office Supplies	79.31
36485	Zep Manufacturing – Zep Sewer Aid	229.71
36486	Superintendent of Documents – CD Outlook	21.00
36487	Home Life – One Year Subscription	29.00

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Library Board minutes for February 20, 2003; Planning & Zoning minutes for February 13, 2003; Police Dept. Activity Report for February 2003. Bruha - discussion to be held later in the meeting regarding snowfall and cleaning sidewalks. Neal – Bob Redler is installing the wireless computer networking at the Library. 4 new computers were received with the 2 different Grants. Fortune Game & Parks has approved the appraisal for the water tower/park ground. Waiting now to hear from the NSP (National Park Service). Chief Siebken reported total calls for service for the month of February at 1193. He also attended a seminar thru the NE Crime Commission called Criminal Justice Information System. Safety on the Internet was a topic discussed.

COMMUNICATIONS: Sales tax received for the month of December 2002 was \$11,826.25. N.P.P.D. Lease Payment for the 4th Qtr. 2002 received in the amount of \$27,894.05. Galaxy Cable annual Franchise Fee received in the amount of \$6,870.05. Information received from the city’s insurance co. offering terrorism risk insurance for a premium of \$350.00. Discussion was held and an agreement was made not to purchase the policy.

UNFINISHED BUSINESS:

Introduction and Adoption of Ordinance – Franchise Fee: Gerry Soukup with Aquila explained the different scenarios presented to the City Council. Comparisons were made between a flat rate and volume, by class, which was the difference between commercial and residential. It was mentioned that commercial users could purchase gas from a 3rd party marketer, which would eliminate the City from collecting the franchise fee from that commercial user. A flat rate would assure the City of Milford a set dollar amount per year to be collected for the franchise fee. Franchise fee calculated by volume would fluctuate. Neal suggested leaving the collection method as it is and if the City would notice a change they could contact Aquila and make a change at that time.

Planning & Zoning Procedures for Building Permits: Roger Kness was not present so Mayor Plessel asked the Council to address this issue later in the meeting.

NEW BUSINESS:

Approve payments: Olsson Associates, Water Storage Tank – A motion was made by Fortune and seconded by Bruha to approve the payment of bills submitted by Olsson Associates for the Water Storage Tank project totaling \$7,811.23. Roll call vote: Fortune yes, Bruha yes, Anderson yes, Neal yes. Motion carried.

Maguire Iron, Certificate No. 3, Water System Improvements – A motion was made by Fortune and seconded by Neal to approve payment of certificate #3 to Maguire Iron for work completed on the water storage tank in the amount of \$42,750.00. Roll call vote: Fortune yes, Neal yes, Anderson yes, Bruha yes. Motion carried.

J.E.O., OCCT Water Improvements - A motion was made by Fortune and seconded by Bruha to approve payment of invoice #29511 in the amount of \$1,229.00 for professional services regarding the OCCT implementation. Roll call vote: Fortune yes, Bruha yes, Anderson yes, Neal yes. Motion carried.

Rogge Engineering, Certificate No. 2, Water System Improvements: A motion was made by Fortune and seconded by Neal to approve payment of certificate #2 to Rogge Engineering for work completed on the water system improvements in the amount of \$17,216.42. Roll call vote: Fortune yes, Neal yes, Anderson yes, Bruha yes. Motion carried.

Authorize Signature, Work Change Directive No. 1, Rogge Engineering: A motion was made by Fortune and seconded by Bruha to authorize the Mayor's signature to the work change directive #1 for an additional valve for isolation purposes. Roll call vote: Fortune yes, Bruha yes, Anderson yes, Neal yes. Motion carried.

Award Bid – OCCT Implementation: Ron Bottorff with J.E.O. briefly discussed the project and made a recommendation to the Council to award MSMSS Rogge Ent. the bid for construction and implementation of the OCCT Water Improvements in the amount of \$56,504.49. A motion was made by Fortune and seconded by Neal to award MSMSS Rogge Ent. the bid in the amount of \$56,504.49. Roll call vote: Fortune yes, Neal yes, Anderson yes, Bruha yes. Motion carried.

Authorize Signature – Change Order No. 2, Lift Station Improvements: A motion was made by Fortune and seconded by Neal to authorize the Mayor to sign change order #2 for Lift Station Improvements, late

completion. Roll call vote: Fortune yes, Neal yes, Anderson yes, Bruha yes. Motion carried.

Award Payments – General Excavating , Lift Station Improvements: A motion was made by Fortune and seconded by Bruha to approve payments of certificate #3 in the amount of \$5,901.30 and certificate #4 (Final) in the amount of \$9,755.70 for the Valley View Lift Station Project. Roll call vote: Fortune yes, Bruha yes, Anderson yes, Neal yes. Motion carried.

Introduction and Adoption of Ordinance – Arc Fault Interrupters: The State Electrical Division has removed the arc-fault interrupter section 210.12 from the 2002 National Electrical Code. Council member Fortune introduced the following Ordinance:

ORDINANCE NO. 735

AN ORDINANCE TO REPEAL CHAPTER 9-501.01 OF THE MUNICIPAL CODE TO ELIMINATE THE REQUIREMENT OF INSTALLATION OF ARC FAULT INTERRUPTERS ON BRANCH CIRCUITS IN BEDROOMS OF ALL NEW CONSTRUCTION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PRESCRIBING THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

Creation of Cemetery Board: Bill Lauber suggested creating a cemetery board involving community members to oversee and manage the cemetery. He recommended a 6-member board, which would meet 1-2 times a year. Lauber volunteered to help with the board and get started. He noted that individuals from the community might be more comfortable approaching a board member with a problem rather than coming to a council meeting. Discussion was held regarding the limited number of spaces currently at the cemetery and that purchasing additional ground should be a consideration in the near future. Comments noted that there is room for improvement at the cemetery and with a board in place it may lighten the load for the maintenance dept. Two ordinances from different communities were reviewed and after further discussion a motion was made by Bruha and seconded by Fortune to table this agenda item until next months regular meeting. Roll call vote: Bruha yes, Fortune yes, Anderson yes, Neal yes. Motion carried.

Introduction and Adoption of Ordinance – Cemetery Board: Item tabled.

Introduction and Adoption of Ordinance – Revise 8.202-Sidewalks, Kept Clean; Notice: Bruha presented a sample ordinance for discussion on snow removal from sidewalks and procedure of notice. Much discussion

was held regarding the procedure to notify individuals if sidewalks would not be cleaned. It was decided to address the issue on a complaint basis with the Milford Police Dept. contacting the owner/occupant advising them that they are in violation of city ordinance and may be issued a citation for this offense. Council member Fortune introduced the following Ordinance:

ORDINANCE NO. 736

AN ORDINANCE TO AMEND CHAPTER 8-202 OF THE MUNICIPAL CODE TO CHANGE THE TIME FOR REMOVAL OR CLEAR SNOW, SLEET, ICE AND OTHER SUBSTANCE FOLLOWING CESSATION OF A STORM; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PRESCRIBING THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

Discussion of 8.204-Sidewalks; Repair: Bruha briefly noted a consideration of changing number of days required to repair a sidewalk after notification. This agenda item will be placed on the next regular meeting date for discussion.

ADJOURNMENT: A motion was made by Bruha and seconded by Neal to adjourn the meeting. Roll call vote: Bruha yes, Neal yes, Anderson yes, Fortune yes. Motion carried and meeting adjourned at 9:36 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 4, 2003 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