

CITY OF MILFORD
REGULAR MEETING
MARCH 4, 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 4th day of March 2008 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Jeff Baker, Dean Bruha, Rick Fortune, Lyle Neal; Attorney Robert Blevens; Chief of Police Forrest Siebken; City Clerk Jeanne Hoggins. Also present: Accountant Dennis Kubicek.

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 7:32 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 Fortune to approve the minutes of the February 5, 2008 meeting. Roll call vote: Baker yes, Fortune yes, Bruha yes, Neal abstain. Motion carried.

PAYMENT OF BILLS: A motion was made by Bruha and seconded by Neal that the following bills in the amount of \$92,518.58 approved by the Auditing Committee be approved for payment. Roll call vote: Bruha yes, Neal yes, Baker yes, Fortune yes. Motion carried.

SALARIES:

45645	Mark Frey	1356.27
45646	Forrest K Siebken	1286.25
45647	Mavis Lynn Ferris	56.15
45648	Jeanne M Hoggins	1322.12
45649	Gary Lee TeSelle	906.58
45650	Scott Dean Fosler	961.92
45651	Robert L Hull	837.61
45652	Beverly J Wehrs	527.18
45653	Edna A Riedl	357.97

45654	David R Dahle	1015.16
45655	Louis J Bialas	963.65
45656	Bryce C Johnson	1092.08
45657	Philip Winkelmann	888.33
45658	Lindsey S Troyer	273.78
45659	George Matzen	242.05
45660	Joshua S Wiley	77.57
45661	Tracy L Yeackley	646.39
45662	Hanna L Troyer	77.57
45670	Mark Frey	1356.27
45671	Forrest K Siebken	1286.25
45672	Mavis Lynn Ferris	59.10
45673	Jeanne M Hoggins	1322.12
45674	Gary Lee TeSelle	845.57
45675	Scott Dean Fosler	961.92
45676	Robert L Hull	837.61
45677	Beverly J Wehrs	513.76
45678	Edna A Reidl	384.81
45679	David R Dahle	938.58
45680	Louis J Bialas	908.66
45681	Bryce C Johnson	888.33
45682	Philip Winkelmann	888.33
45683	Lindsey S Troyer	308.82
45684	George A Matzen	142.17
45685	Joshua S Wiley	110.82
45686	Tracy L Yeackley	646.38
45687	Hannah L Troyer	77.57
45689	Joyce Elaine Plessel	184.70
45690	Ricky Gene Fortune	138.52
45691	Dean Alan Bruha	138.52
45692	Emerson L Neal	138.52
45693	Jeffrey M Baker	138.52
GENERAL FUND:		
45591	League of Municipalities – '08 Conf Reg/Baker	325.00
45592	US Postmaster – Utility Billing Postage	165.23
45593	April Lupien – WA/SW Deposit Refund	8.37
45594	James Reamer – WA/SW Deposit Refund	7.82
45595	Amerian Legal Publishing – 08 Supplement Pages	854.00
45596	Ameritas Group – Dental & Vision	1066.76
45597	Alltel – Cellular Charges	109.91
45598	Windstream – Long Distance for Jan	7.02

45599	Aramark – Pants & Rags	247.31
45600	Butch’s Welding – Angle, Channel , Labor	44.98
45601	Centaur Enterrpises – Vinyl Bullet	97.47
45602	Culligan Water – Soft Water	58.75
45603	Farmers Cooperative – Gas/Diesel for January	624.10
45604	D&D Communications – Low Band Radio, Labor	599.00
45605	Diode Communications – Service for Jan	54.16
45606	Deep Rock – Drinking Water	9.24
45607	Don’s Pioneer Uniforms – Uniform Shirts	158.55
45608	Eakes Office Plus – Copies, 3 Hole Punches, Water Bills	853.08
45609	Gateway – New Server	4408.55
45610	Garbage Co – Garbage Pickup	154.69
45611	Great Plains One – Calls – Loquate Requests	6.71
45612	Heartsong Presents – 4 Books	10.99
45613	Ingram Library – Return 2 Books, 16 Books	128.21
45614	Marvin Jewell & Co – Audit Services	11300.00
45615	Kelly Supply Co – Hose, Alum Coup, Clamp	61.48
45616	Menards – Bits, Utility Mats	60.67
45617	Milford A/C & Appliance – Ice Marker	149.00
45618	Milford Supermarket – Dog Food	4.99
45619	Milford Times – Subscriptions	24.00
45620	Mutual of Omaha Co – Disability	79.33
45621	NE Dept of Revenue – Jan Sales Tax	1551.82
45622	NE Motor Parts – Epoxy, Shank, Plunger, Oil Filter	281.45
45623	NPPD – Service for January	5156.28
45624	NE Tech & Telecomm – Service for January	418.92
45625	Pizza Kitchen – Dinner Jan 28 th	106.00
45626	Pioneer Overhead Door – Replace Spring & Labor	328.89
45627	Roxanne Roth – Cleaning Services	305.00
45628	Mrs. Wayne Roth – Birthday Cake	18.00
45629	Seward Electronics – 2 Batteries for Radios	107.03
45630	Seward Co Independent – Notices, Minutes, Ads	182.05
45631	SPPD – Wells 1 & 2	466.59
45632	Meyer Ford – Oil Change	35.31
45633	ST Paul Stamps – Golf Cart Lic. Stickers	82.38
45634	Bruce Stutzman – Volleyball Director	692.61
45635	Tvrdy’s Lock & Key – Rekeyed tower door	9.00
45636	Grainger – Welding Helmet	62.60
45637	Beverly Wehrs – Coffee Servers	49.74
45638	Windstream – Local/Internet, Civil Defense, Library	245.79
45639	The Crete News – Rec Director Ad	30.00

45640	McVicker – Repair Seat in Truck	95.00
45641	Joel Cates – WA/SW Deposit Refund	50.00
45642	Doug Eicher – WA/SW Deposit Refund	50.00
45643	Randy Goldsmith – WA/SW Deposit Refund	50.00
45644	Dan V. Kral – WA/SW Deposit Refund	50.00
45663	Ameritas – Pension	1594.59
45664	AFLAC – Dis, Cancer, Acc, Suppl	406.26
45665	Coventry – Health Insurance	8838.72
45666	Shell Fleet Plus – January Fuel (Police)	660.45
45667	Shell Fleet Plus – January Fuel (Sr. Center)	22.79
45668	Fort Dearborn Life Ins – Life Insurance	113.52
45669	Meyer Ford – New Truck	29673.00
45688	Ameritas Group – Pension	1594.59
45694	Blevens Law Office – Legal services for Feb	350.00
45695	Brodart – 3 Labels	22.75
45696	City of Milford – Petty Cash	24.72
45697	D&D Communications – Labor	99.00
45698	Heartsong Presents – 4 Books	10.99
45699	Ingram Library – 28 Books	287.47
45700	Menards – Lumber	16.17
45701	Milford Plumbing – Galv St Elbow	15.50
45702	Milford School Dist – Parking Fines	75.00
45703	Milford Volunteer Fire Dept – Spring Conf	1200.00
45704	Midwest Vehicle Professionals – Dome Bulbs	128.84
45705	NE Public Health – 2 Coliform Tests	32.00
45706	DHHS – '08 Swimming Pool Permit	40.00
45707	Orscheln – 2 Mailboxes, Signs	23.07
45708	Aquila – Service for Dec/Jan	3636.32
45709	Edna Riedl – 9 DVDs	139.95
45710	Roxanne Roth – Cleaning Services	250.00
45711	Seward Co Ind – Bookmarks	93.75
45712	Southeast Library Systems – 2 Registrations	30.00
45713	Subway Motors – 91 Dodge Labor	60.71
45714	Technical Maintenance – Lift Station Control System	9945.00
45715	Union Bank – Gary TeSelle Acct	300.00
45716	Walmart – DVDs, office supplies	390.70
45717	Windstream – Paging Wide-Area, Local	13.47
45718	Local Insight Yellow Pages – Directory Advertising	14.15
45719	GamePro – 1 yr subscription	19.97
45720	King Environmental – 100 lbs ice melt	291.30

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Milford Economic Development Council minutes for February 11, 2008; Milford Fire Dept. minutes for January 8, 2008; Police Dept. Activity Report for February 2008; Rescue NARSIS report for February 2008 and Fire Report for February 2008. Baker attended the Mid Winter Conference held by the League of NE Municipalities and received information regarding liability and insurance. Librarian Edna Riedl will be retiring May 1, 2008. The library board will be discussing hiring a new director as a 40 hour per week position. This will allow the library to be open Monday thru Saturday. Bruha has observed the public right-of-way being used for storage, causing a mess. The maintenance dept. received their new pick up. Chief Siebken – reviewed the February Police activity report. Bruha informed the Council that the Economic Development Committee is meeting on a monthly basis and Lana Zumbrunn is working on the verbiage for the ballot to present another 10 years of sales tax money to be used for economic development. Milford's lack of sites is limiting the ability to bring in commercial development. Fortune questioned whether these funds could be used to benefit our residential development as Milford is somewhat of a bedroom community to Lincoln. Bruha then read thru the criteria and stated that this is a good question.

COMMUNICATIONS: *Sales tax received for the month of December 2007 was \$15,162.51. *NPPD lease agreement payment for the fourth quarter 2007 received in the amount of \$31,162.94. *Galaxy Cable franchise fee received in the amount of \$6,608.09. *Apology letter received from Aquila regarding the mistake in reading the meters. *Resignation letter received from library clerk Hannah Troyer.

UNFINISHED BUSINESS:

Introduction and Adoption of Ordinance – Annexation: Fortune noted the Planning & Zoning recommended annexing all the properties mentioned but the Golf Course/Pro Shop. Baker agreed with decision to annex all residential areas previously discussed and would also like to see the pro shop annexed. Baker used the following example: if a business is currently in the city limits and cannot pay property taxes or doesn't want to pass on the additional cost to their customers the city would not un-annex the business. It is only fair to the community that the Golf Course be treated the same as any other business in town. Baker also brought up the subject of additional revenue thru sales tax. Bruha would like to bring in the ground that the buildings sit on along with the driving range, leaving out the rest of the course. Bruha measured 182' from the east property line to the west, which is the ground that would be included in annexation. Bruha spoke with the president of the Golf Course and the Course has approximately 200

members, which if the additional property tax was disbursed among the members should not add up to much of an increase. Fortune was not comfortable with bringing in the Course over a few dollars. He mentioned the homes along Fairway Dr. wouldn't have been built if the Golf Course wasn't already there. Plenty of revenue has been generated from this new subdivision. It was pointed out by Baker that services are being provided to the Golf Course as originally discussed. Neal commented that the Pro Shop and driving range should be brought in. Bruha wanted clarification on the Gerry Dunlap property to be annexed. It was decided to leave out the gully area or tax lot 148 since it is a drainage way, but to annex all of tax lot 161. A motion was made by Bruha and seconded by Baker to authorize attorney Blevens to draw up the final document to annex all the properties west and along Hwy 6 as previously discussed leaving out the TeSelle and Jay Dunlap properties; Tax Lot 161 of the Gerry Dunlap property and the driving range and east 182' of the Golf Course property. Roll call vote: Bruha yes, Baker yes, Fortune no, Neal yes. Motion carried.

NEW BUSINESS:

Retirement of Librarian – Edna Riedl: Mayor Plessel read the letter submitted by Edna Riedl informing the council of her retirement as of May 1, 2008.

Audit Report – Dennis Kubicek: Mr. Kubicek reviewed areas of the Audit report pointing out the 2 opinions relating to the financials for the City of Milford. He noted no errors in content. He explained the theory of depreciation of equipment and cash. He also discussed at length the importance of internal control. It is the boards due diligence to review the treasurers report for the City and also oversee disbursement of materials. Kubicek also commented on the City acting as a bank with the Economic Development loans. The criteria for these loans need to be spelled out in the loan document the same as a bank. It needs to be stated what will happen if loan is delinquent. The use of tax dollars need to be well monitored.

Approve Firework Application Permit: A motion was made by Baker and seconded by Fortune to approve the application submitted by Ka-Boomers Enterprises, Inc. to sell fireworks at 410 South State Hwy 6. Roll call vote: Baker yes, Fortune yes, Bruha yes, Neal yes. Motion carried.

Hire Recreation Director and set wage – Phase 2 (May 1): A motion was made by Neal and seconded by Bruha to hire Brett Muller as the Recreation Director for the second half of the season beginning May 1, 2008 at an hourly rate of \$10.00. Roll call vote: Neal yes, Bruha yes, Baker yes, Fortune yes. Motion carried.

Appointments & Reappointments:

A motion was made by Bruha and seconded by Baker to approve the Mayors recommendation to reappoint Kelly Newton and Kendall Hoggins to the Board of Adjustment with their term expiring 2/1/2011. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal yes. Motion carried.

A motion was made by Neal and seconded by Fortune to approve the Mayors recommendation to reappoint Keri Jakub to the Pool Board with her term expiring 2/1/2011. Roll call vote: Neal yes, Fortune yes, Baker yes, Bruha yes. Motion carried.

A motion was made by Baker and seconded by Neal to approve the Mayors recommendation to appoint Keith Heckman to the Milford Aging Services Commission for his 1st term expiring 1/1/2010. Roll call vote: Baker yes, Neal yes, Bruha yes, Fortune yes. Motion carried.

A motion was made by Baker and seconded by Bruha to approve the Mayors recommendation to reappoint Audrun Siebert to the Milford Aging Services Commission for his 2nd term expiring 1/1/2010. Roll call vote: Baker yes, Bruha yes, Fortune yes, Neal yes. Motion carried.

A motion was made by Bruha and seconded by Neal to approve the Mayors recommendation to appoint Kevin Wingard and Teresa TeSelle to the Planning & Zoning Commission with their terms expiring 2/1/2011. Roll call vote: Bruha yes, Neal yes, Baker yes, Fortune yes. Motion carried.

A motion was made by Neal and seconded by Fortune to approve the Mayors recommendation to appoint Terrance Stinson to the Recreation Board for his 1st term expiring 12/31/2010. Roll call vote: Neal yes, Fortune yes, Baker yes, Bruha yes. Motion carried.

A motion was made by Baker and seconded by Fortune to approve the Mayors recommendation to appoint Becky Tejral to replace Doris Kunzie who was filling in for Pay Shy for 1 year. Roll call vote: Baker yes, Fortune yes, Bruha yes, Neal yes. Motion carried.

Introduction and Adoption of Ordinances – Amend Sections 1-301, 6-114, 6-314: Council member Fortune introduced the following ordinance:

ORDINANCE NO. 799

AN ORDINANCE TO AMEND SECTION 1-301 OF THE MUNICIPAL CODE CONCERNING BONDS; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See Ordinance Record)

Council member Neal introduced the following ordinance:

ORDINANCE NO. 800

AN ORDINANCE TO AMEND SECTION 6-114 OF THE MUNICIPAL CODE CONCERNING DOGS AND CATS, RABIES SUSPECTED, TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH AND TO

PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See Ordinance Record)

Council member Fortune introduced the following ordinance:

ORDINANCE NO. 801

AN ORDINANCE TO AMEND SECTION 6-314 OF THE MUNICIPAL CODE CONCERNING ALCOHOL AND MINORS AND PROHIBITED ACTS INVOLVING ALCOHOLIC BEVERAGES; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See Ordinance Record)

ADJOURNMENT: A motion was made by Baker and seconded by Bruha to adjourn the meeting. Roll call vote: Baker yes, Bruha yes, Fortune yes, Neal yes. Motion carried and meeting adjourned at 9:15 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 on March 4, 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)

Jeanne Hoggins, City Clerk