

CITY OF MILFORD  
REGULAR MEETING  
MARCH 5, 2002  
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 5th day of March 2002 at 7:30 P.M. Present were: Mayor Elaine Plessel; Council members Scott Burroughs, Rick Fortune, Lyle Neal; Attorney Robert Blevens; Chief of Police Forrest Siebken; City Clerk Jeanne Hoggins. Absent: Gary Cooper. Also present: Gary TeSelle, Kendall Hoggins, Jason & JoAnn Roth, Selma Kessler with Kirkham Michael, Louis Bialas, Larry Bonner, Steve McMaster with NRD and Dean Bruha.

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 7:30 pm.

**MINUTES:** A motion was made by Fortune and seconded by Burroughs to approve the minutes of the February 5, 2002 meeting. Roll call vote: Fortune yes, Burroughs yes, Cooper absent, Neal yes. Motion carried.

**PAYMENT OF BILLS:** A motion was made by Neal and seconded by Fortune that the following bills in the amount of \$24,595.07 approved by the Auditing Committee to be approved for payment. Roll call vote: Neal yes, Fortune yes, Burroughs yes, Cooper absent. Motion carried.

**SALARIES:**

34447	Mark Frey	1069.36
34448	Forrest K. Siebken	1013.76
34449	Mavis Lynn Ferris	24.98
34450	Jeanne M. Hoggins	903.32
34451	Gary Lee TeSelle	739.02
34452	Scott Dean Fosler	974.07
34453	Robert L. Hull	968.90
34454	Beverly J. Wehrs	349.06
34455	Edna A. Riedl	283.23

34456	David R. Dahle	899.20
34457	Louis J. Bialas	916.16
34458	Pamela J. Slama	234.69
34459	Arlene F. Seick	530.71
34460	Lucy B. Honig	226.73
34461	Zachary D. Eden	120.31
34511	Mark Frey	1069.36
34512	Forrest K. Siebken	1013.76
34513	Mavis Lynn Ferris	29.98
34514	Jeanne M. Hoggins	903.32
34515	Gary Lee TeSelle	651.50
34516	Scott Dean Fosler	910.02
34517	Robert L. Hull	816.48
34518	Beverly J. Wehrs	436.22
34519	Edna A. Riedl	290.35
34520	David R. Dahle	747.30
34521	Louis J. Bialas	853.32
34522	Pamela J. Slama	264.16
34523	Arlene F. Sieck	540.63
34524	Lucy B. Honig	251.59
34525	Zachary D. Eden	167.02
34529	Gary W. Cooper	138.52
34530	Roger L. Kness	164.70
34531	Joyce Elaine Plessel	184.70
34532	Ricky Gene Fortune	138.52
34533	Scott C. Burroughs	138.52
34534	Emerson L. Neal	138.52

**GENERAL FUND:**

34445	U.S. Postmaster – Utility Billing Postage	113.64
34446	Randy Gates – Peoples Gas Rate Analysis	245.78
34462	Ameritas Life Insurance Corp – Retirement	1091.29
34463	AFLAC – Disability, Cancer, Accident Supplement	152.90
34464	American Plus, Inc – Headgear & Face Shields	158.57
34465	Alltel – Serv for Jan, Pay Phone, Pager, Internet	274.29
34466	Alltel – Long Distance for January	2.54
34467	Jan Bell – Repair 29 Pair of Pants	74.00
34468	Buman’s Mechanical – Cylinder, Bearing, Race, Sealer	604.68
34469	Butchs Welding – Labor/Weld, Bolts, Key Stock	118.29
34470	Centaur Enterprises – Cutter Wheels, Cleaner	54.47
34471	Chief Supply Corp – Econ Vest, Mark G Paint	85.26

34472	Culligan Water – Soft Water	40.00
34473	Dorchester Coop – Gas/Diesel for Jan, Tire Repair	807.91
34474	Eakes Office Plus – Paper, Calendar/Refill, Pens	126.66
34475	Ed M Feld Equip Co – Batteries, Double Swivel	460.00
34476	The Garbage Co – Pickup Service for January	87.00
34477	Great Plains-Once Call – Locate Request Surcharge	10.49
34478	Heyen Tax & Accounting – Blank Forms	4.50
34479	Interstate All Battery Center – Batteries	23.88
34480	JEO Consulting Group – Road Program	721.00
34481	Lynn Peavey Company – Finger Print Pad	75.90
34482	Matthew Bender & Co – Traffic/Criminal Law Book	51.30
34483	Master Cleaners – Cleaning Coat	6.50
34484	Milford A/C & Appliance – Repair Dishwasher	114.00
34485	Milford Supermarket – Potatoes & Groceries	20.45
34486	The Milford Times – Mtgs, Notices, Minutes, Ad's	326.18
34487	Milford Vol Fire Dept – Fire School Fund	200.00
34488	Midwest Vehicle Professionals – Work in Cab '97	55.00
34489	Moses Motor Co – Repair Oil Leak	184.56
34490	Municipal Supply – Cutter Wheel for TC2Q	5.30
34491	NE Dept of Revenue – Sales Tax for January	1339.04
34492	NE Motor Parts – Wipers, Filters, Coolant, Gauge	447.12
34493	NE HHS Regul & License – Pool Permit Renewal	3.00
34494	NE Public Power Dist – Service for January	4158.39
34495	NE Tech & Telecomm – Service for January	483.93
34496	NE Rural Water Assoc – Meeting in Milford	30.00
34497	Pegler-Sysco Food Services – Aprons	20.15
34498	Peoples Natural Gas – Service for January	978.36
34499	Pizza Kitchen – Thursday Meal for 35	122.50
34500	Quill Corporation – Task Chairs, Calculator	189.46
34501	Roxanne Roth – Clean City Offices, Fire Hall, Library	225.00
34502	Mrs Wayne Roth – 2 Birthday Cakes	28.00
34503	Schlegel's Groceries – Dog Food, Film Proc, Milk	101.98
34504	Seward Co Rural Public Power Dist – Wells 4 & 5	315.39
34505	Share Corp – Floating Lft Dgr	938.46
34506	Subway Motors – Check Transmission, Bushing, Batt	85.32
34507	Sunrise Country Manor – 315 Meals for January	945.00
34508	The Trophy Shop – Engraving 4 Plates	16.69
34509	Monty Troyer – Volleyball Director Fee	600.00
34510	United States Postal Service – Postage for Meter	200.00
34526	Ameritas Life Insurance Corp – Retirement	1077.31

34527	United Healthcare of the Midlands – Group Health	4040.29
34528	Ameritas Life Insurance Corp – Add'l Retirement	13.98
34535	American Legal Publ Corp – '02 Muni Ord Supp	350.00
34536	Alltel–Directory Advertisng, Pagng-Wide Area, Local	46.57
34537	Blevens Law Office – Legal Services for February	350.00
34538	City of Milford – D Dahle Acct #45000	100.00
34539	Christian Book Distributors – 20 Books Jan/Feb	292.30
34540	Chief Supply Corp – Pelican LED Lights	85.94
34541	Country Home Magazine – 2 Year Subscription	37.97
34542	D & D Communications – Mic & Car PC, Lamp	82.45
34543	Doubleday Book Club – 5 Books	10.94
34544	Graphic Screen Prntng – 4 Shirts/Training 43 & 44	64.00
34545	Heartsong Presents – 4 Books	9.97
34546	Hershberger & Troyer Insurance – Workers Comp	975.00
34547	Jeanne Hoggins – Mileage to Lincoln/Keps	28.21
34548	Ingram Library Services – 21 Books	100.24
34549	KAPCO – Office Supplies	91.74
34550	Library Video Company – “Bambi” Video	45.45
34551	The Library Store – Office Supplies	56.90
34552	Marshall Cavendish Corp – 5 Books	98.32
34553	Menard’s – Ice Chopper, Br WH/Past	42.90
34554	Milford Frame Clinic – Weld Hood Latch	45.00
34555	Milford School Dist #5 – Fines Collected for Feb	70.00
34556	Mutual of Omaha Companies – Disability	69.23
34557	NE Health Laboratory – Coliform Tests	30.00
34558	OG – 1 Year Subscription	24.96
34559	Omaha Life Insurance Company – Life Insurance	73.10
34560	Oxford University Press – 3 Books	174.00
34561	Pitney Bowes – Qtrly Rental Fee	326.69
34562	PowerPlan – Check Valve, Service Truck, Labor	249.20
34563	Quilter’s Newsletter Magazine – 2 Year Subscription	34.95
34564	Regent Book Co.,Inc – 12 Books	137.31
34565	Edna Riedl – “Last Posse”, CASTL Mlg, Regist-NLA	112.19
34566	Rockbottom Book Co – 6 Books	108.82
34567	Roxanne Roth–Clean City Offices, Fire Hall, Library	200.00
34568	Schmader Electric Co., Inc – Work on Sirens	125.10
34569	SELS – 3 Summer Reading Workshops	45.00
34570	Servi-Tech Inc – WW Analysis W/C Bod Pkg	46.00
34571	The Lerner Group – 5 Books	100.06
34572	Union Bank – Gary TeSelle Account	300.00

34573	Uniservice, Inc – Pants & Rags	219.18
34574	Utility Equipment Co – ROM Register for RCDL	442.77
34575	Wal-Mart – Supplies/Pound, Plastic Carriers, Cartridge	127.19
34576	Beverly Wehrs – Used Computer	50.00

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received were Library Board minutes for January 24, 2002 and Police Dept. Activity Report for February 2002. Fortune – Water Tower completion date moved back to the summer of 2003. Fabrication of the tower takes quite some time. Hopefully award the contract bid in July. The survey and legal description is completed on the ground located at Welch Park, where the tower will be located. Appraisal and purchase of the ground from the Welch family is the next step. Neal – The library is applying for a technology grant to improve the Internet service and increase the workstations. Sr. Center is researching creating a non-profit organization, similar to the Friends of the Library, to help support the Sr. Center by doing fundraisers. Burroughs – Pool applications are coming in and a meeting of the Pool Board is set for March 19, 2002. Chief Siebken – 599 total calls for service for the month of February. Officers Bryce Johnson and Phil Winkelmann have started their departmental training. The Police Dept. has received a grant of a \$1,000.00 from the NE Crime Commission. Matching funds from the department will be around \$114.00. Grant funds will be used to purchase audio/visual equipment for one of the cars. Application has been made for Officers Johnson and Winkelmann through the Bullet Proof Vest Partnership Program in which the program will pay for ½ the cost of a vest.

**COMMUNICATIONS:** Sales tax received for the month of December 2001 was \$13,176.02. Received N.P.P.D. 4<sup>th</sup> quarter lease payment in the amount of \$24,140.13.

**NEW BUSINESS:**

**Flood Mitigation Report:** Selma Kessler with Kirkham Michael presented a draft copy of the Flood Hazard Mitigation Study to be reviewed by the Council. She expressed a concern for the dollar amount of some of the projects listed. Widening the channel of the Big Blue would be extremely expensive. Discussion was held as to the areas of Milford that would actually flood. Ms Kessler informed the Council of some of the areas that could be bought-out for flood protection. This process could be funded thru FEMA as long as the selling party is willing. Ms Kessler would like the City to review the material and make any changes they feel necessary. If the study is adopted than it can be used as a “Point of Reference” in the case of a major flood. The City would be more likely to get funding support from

FEMA if the Flood Hazard Mitigation Study was in place. Steve McMaster informed the Council that FEMA is pushing to have disaster mitigation plans in place for communities.

**Update on Bachman's Property:** Harry and Dorothea Bachman submitted a letter informing the City Council of the progress that has been made on their property in Grover. (The letter is attached to these minutes.)

**Discuss Sale of Property – Louis Bialas:** Louis Bialas owns the home at 318 5<sup>th</sup> St., next to the City Maintenance Bldg., and is interested in purchasing 10 feet of ground on the east side of the Maintenance Bldg. Mr. Bialas' garage is almost on his west property line. He would like to purchase the 10' of property to make additional room for a garage. Council did not see any future need for the property. By purchasing the additional 10' it would still allow for the 5' setback required in R-2 for the Maintenance Bldg. It was noted by Blevens to determine fair market value of the property and then the City would have to pass a resolution to allow people the right to object to the sale. Mayor Plessel will check on the fair market value and discuss an agreement with Louis Bialas.

**Introduction and Adoption of Resolution – Sale of Surplus Property:** The following resolution was introduced by Burroughs, who moved its adoption, seconded by Neal.

RESOLUTION NO. 383

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MILFORD, NEBRASKA:

WHEREAS, the City of Milford, Nebraska will sell surplus and abandoned equipment and property, with a value less than \$100.00 per item and a total value of less than \$5,000.00, at the Bee Consignment Auction in Bee, Nebraska, on March 22, 2002 and March 23, 2002, as authorized by Section 17-503.01 RRS,

A copy of this resolution shall be posted in three public places not less than 7 days prior to said sale.

Upon roll call vote as follows: Burroughs yes, Neal yes, Cooper absent, Fortune yes. Motion carried.

Passed and approved this 5<sup>th</sup> day of March, 2002.

CITY OF MILFORD, NEBRASKA

Attest: \_\_\_\_\_

City Clerk

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Mayor

**Adopt New Electrical Regulations:** Blevens noted that the version of the National Electrical Code in the Municipal Code Book is from 1971. He suggested adopting the current version. He was not sure if this 2002 version addressed the ARC FAULT interrupters, which the P & Z were addressing. It was suggested to place this item on the special meeting agenda and invite Building Inspector, Roger Kness to the meeting.

**Hepatitis Shots – Maintenance Dept.:** Hoggins informed the Council that the cost for the series of 3 shots for Hepatitis B is \$246.00. She also noted that if we included the two new police officers and the fire dept. members that are not current with their shots we could possibly get a reduced rate. A motion was made by Fortune and seconded by Burroughs to pay for Hepatitis B shots for the maintenance dept. and the 2 new police officers and coordinate with fire dept. members. Roll call vote: Fortune yes, Burroughs yes, Cooper absent, Neal yes. Motion carried.

**Approval to Hang Banners on State Street:** With Cooper being absent, Hoggins informed the Council of the Colleges wishes to hang banners on the light poles on State Street. The College would purchase banners and brackets. A motion was made by Neal and seconded by Burroughs to allow Southeast Community College to hang banners on the street light poles on State Street. Roll call vote: Neal yes, Burroughs yes, Cooper absent, Fortune yes. Motion carried.

**Economic Development Project:** Dean Bruha informed the Council of the purchase of property located at the corner of Hwy 6 & Hwy 15 by Jason & JoAnn Roth and their interest in moving their welding business to this site along with offering Milford Economic Development Committee the excess area for development opportunities. After purchase of the property they discovered that County Zoning regulations forbid any construction within any wellhead protection area. It was suggested that the Roth's file for a variance through the County with the City Council's support to allow them to build within this area. JoAnn Roth explained to the Council the layout of the driveway/road and where they would like to place the building. The City of Milford's wellhead protection ordinance only allows restrictions on wells and septic systems. The Council expressed concern for future development and control of what kind of business would be allowed around the City wells. The Council agreed to support the Roth's endeavors as long as they kept the Council abreast as to the future development of the property. A motion was made by Burroughs and seconded by Neal to write a letter in support of construction of the new business within the wellhead protection

area as long as D.E.Q. guidelines were followed regarding the well and septic systems to be placed on the 24 acre parcel.

**Reappointment – Aging Services Commission:** A motion was made by Fortune and seconded by Neal to approve the Mayor’s recommendation to reappoint Thelma Havekost for a 2<sup>nd</sup> term to the Milford Aging Services Commission. Term to expire 1/05. Roll call vote: Fortune yes, Neal yes, Burroughs yes, Cooper absent. Motion carried.

**Valley View Lift Station Pump:** A letter was received from Olsson Associates stating that the retainer of over \$13,000.00 being held on the Valley View Lift Station project will cover the cost of replacing a pump if that is what needs to be done. Olsson Assoc. suggested paying the General Excavating bill in the amount of \$50,400.00. A motion was made by Fortune and seconded by Burroughs to approve payment in the amount of \$50,400.00 to General Excavating for the Valley View Lift Station Project. Roll call vote: Fortune yes, Burroughs yes, Cooper absent, Neal yes. Motion carried. Gary TeSelle explained the problems with the pump. There is a cavatation problem and the maintenance dept. is afraid that they will ruin the impellers, which are an expensive item.

**ADJOURNMENT:** A motion was made by Burroughs and seconded by Fortune to adjourn the meeting. Roll call vote: Burroughs yes, Fortune yes, Cooper absent, Neal yes. Motion carried and meeting adjourned at 8:52 pm.

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City Clerk

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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 5, 2002 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