

CITY OF MILFORD  
REGULAR MEETING  
MARCH 6, 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 6<sup>th</sup> day of March 2007 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Jeff Baker, Dean Bruha, Rick Fortune; Attorney Robert Blevens; Chief of Police Forrest Siebken, Maintenance Supt. Mark Frey, City Clerk Jeanne Hoggins. Absent: Council member Lyle Neal. Also present: Accountant Dennis Kubicek, Pat Bruha, Wayne Stohlman and Jim Young.

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 7:30 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 Bruha to approve the minutes of the February 6, 2007 meeting. Roll call vote: Baker yes, Bruha yes, Fortune yes, Neal absent. Motion carried.

**PAYMENT OF BILLS:** A motion was made by Bruha and seconded by Fortune that the following bills in the amount of \$47,087.15 approved by the Auditing Committee be approved for payment. Roll call vote: Bruha yes, Fortune yes, Baker yes, Neal absent. Motion carried.

**SALARIES:**

43811	Mark Frey	1306.37
43812	Forrest K Siebken	1240.98
43813	Mavis Lynn Ferris	23.64
43814	Jeanne M Hoggins	1206.78
43815	Gary Lee TeSelle	1091.39
43816	Scott Dean Fosler	935.35
43817	Robert L Hull	805.74

43818	Beverly J Wehrs	460.01
43819	Edna A Riedl	275.99
43820	David R Dahle	1140.53
43821	Louis J Bialas	963.33
43822	Bryce C Johnson	896.87
43823	Philip Winkelmann	892.67
43824	George A Matzen	255.87
43825	Joshua S Wiley	55.76
43826	Tracy L Yeackley	580.00
43827	Julia M Wang	156.65
43828	Erika S Hartwig	261.08
43829	Brett Allan Muller	133.87
43838	Mark Frey	1306.37
43839	Forrest K Siebken	1240.98
43840	Mavis Lynn Ferris	41.37
43841	Jeanne M Hoggins	1206.78
43842	Gary Lee TeSelle	853.43
43843	Scott Dean Fosler	935.36
43844	Robert L Hull	805.74
43845	Beverly J Wehrs	477.33
43846	Edna A Riedl	336.58
43847	David R Dahle	908.84
43848	Louis J Bialas	911.47
43849	Bryce C Johnson	896.87
43850	Philip Winkelmann	892.67
43851	George A Matzen	204.64
43852	Joshua S Wiley	106.20
43853	Tracy L Yeackley	623.22
43854	Julia M Wang	87.62
43855	Erika S Hartwig	171.39
43856	Brett Alan Muller	101.58
43833	Joyce Elaine Plessel	184.70
43834	Ricky Gene Fortune	138.52
43835	Dean Alan Bruha	138.52
43836	Emerson L Neal	138.52
43837	Jeffrey M Baker	138.52
<b>GENERAL FUND:</b>		
43767	Colt Bowhay – WA/SW Deposit Refund	28.28
43768	Charles Gray – WA/SW Deposit Refund	21.57
43769	Bob Hansen – WA/SW Deposit Refund	49.35
43770	Ian Koch – WA/SW Deposit Refund	27.63
43771	Mary Rownd – WA/SW Deposit Refund	31.99

43772	US Postmaster – Utility Billing Postage	152.76
43773	Jeremy Diedrichs – Refund overpayment on WA Bill	55.91
43774	Alltel – Cellular	70.18
43775	Aramark – Pants & Rags	230.92
43776	Butch’s Welding – Repair Parts, Labor	137.18
43777	Culligan Water – Soft Water	20.00
43778	Farmers Coop – Gas/Diesel for January	747.87
43779	Custom Woods – Keyboard Drawer	105.00
43780	Deep Rock – Drinking Water	17.76
43781	Eakes Office Plus – Copies, Markers, Ink Cartridges	190.26
43782	Ed M Feld Equip – Nomex Blend Long Hood	120.00
43783	Mark Frey – Meals	18.76
43784	The Garbage Co – Service for January	138.82
43785	Great Plains-One Call – Locate Requests	1.01
43786	Hawkins Water Treatment – 100 Ft Tubing, Frt	71.64
43787	Holiday Inn-Kearney – Meetings	69.00
43788	League of Municipalities – Water Operators Mtg	70.00
43789	Med Tech Resources – Shears, Blankets, Backboard	621.25
43790	Memorial Health Care Systems – T Buchli Hep B	121.00
43791	Mutual of Omaha Co – Disability	79.33
43792	NE Dept of Revenue – January Sales Tax	1471.42
43793	NE Motor Parts – Batteries, Spring, Thinner	278.14
43794	NPPD – Service for January	4541.74
43795	NE Tech & Telecomm – Service for January	399.46
43796	NE Code Consulting – 9 Inspections	370.00
43797	O’Keefe Elevator – Inspection & Adjustments	1103.17
43798	Office Depot – CD Binder Sheets, Keyboard	234.91
43799	Aquila – Service for January	2152.94
43800	Pizza Kitchen – Catered Meal	62.00
43801	Powerplan – Credit Core, starter, fuel cond.	298.46
43802	Roxanne Roth – Cleaning Services	250.00
43803	Mrs. Wayne Roth – Birthday Cake	14.00
43804	Seward Co Ind. - Minutes, Legals, Liquor Lic	321.86
43805	SPPD – Wells 1 & @	366.29
43806	Meyer Ford – ’01 Alternator & Steering	781.71
43807	Shell Fleet Plus – Fuel for January	611.62
43808	Sports Express – Short Sleeve T-shirts	213.60
43809	Sunrise Co Manor – 217 Meals (January)	705.25
43810	Bob Stephens – Memorial Plaque & Engraving	165.41
43830	Ameritas Group – Pension	1540.48
43831	Healthplan Services – Health Insurance	7702.04
43832	Miller-Monroe – General Insurance	452.00

43857	Ameritas Group – Pension	1540.48
43858	American Legal Publishing Corp- Code of Ordinance	348.00
43859	AFLAC – Dis, Cancer, Acc. Supp	406.26
43860	Ameritas Group- Dental & Vision	1093.40
43861	Windstream- Long Distance for Jan	6.52
43862	Blevens Law Office- Legal Services for Feb	350.00
43863	Bound to Stay Bound Books- 14 books	122.69
43864	Centaur Enterprises- Nut, Washer, Lock washers	16.20
43865	City of Milford- Petty Cash	21.50
43866	Christian Book Distributors- 10 Books	132.73
43867	Demco, Inc – 150 CD Cases	127.05
43868	Environmental Sciences Inc- Service for Storm Drain	2806.25
43869	Fort Dearborn Life Insurance- Life Insurance	113.52
43870	Hawkins Water Treatment- 6903-J DPD#1 Instrument	39.15
43871	Ingram Library Services- 30 Books	439.64
43872	Marvin E Jewell & Co- Audit Service for Year End	10500.00
43873	Milford School District # 5- Parking Tickets	115.00
43874	Miller-Monroe Co – Add on Fire Truck	237.00
43875	Modern Methods- Black Toner for Copier	41.14
43876	National Geographic Society- 1 book	15.90
43877	Nebraska Machinery Co –Work on steering column	249.32
43878	Nebraska Health Laboratory- 2 Coliform Tests	30.00
43879	Regent Book Co, Inc- 1 Book	10.61
43880	Roxanne Roth- Cleaning Services	250.00
43881	Union Bank- Gary TeSelle Account	300.00
43882	Walmart Community BRC- Supplies	239.06
43883	Windstream Nebraska- Local, Internet, Paging	252.94
43884	Windstream Yellow Pages- Directory Advertising	12.73
43885	D.J. Gongal & Associates- Hour Meter & FRT	36.09

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received were Library Board minutes from January 16, 2007; Milford Aging Services Commission minutes from January 30, 2007; Police Dept. Activity Report for February 2007. Bruha - regarding the storm sewer between 6<sup>th</sup> & 7<sup>th</sup> Street, a verbal approval has been given by the property owner for an easement. There is also a water main running thru this property and Bruha stated adding it to the easement. Baker – discussion was held regarding maintenance around Sr. Center. Baker attended the mid-winter conference in Lincoln last month. Bruha noted something should be in writing regarding contactors working in alleys and replacing them to their original state, possibly charging a fee. Chief Siebken reviewed the activity report for February 2007. Wayne Stohlman – preparing for the beginning of

storm season. A storm spotter class will be held in Seward on March 8, 2007 at 7:00 pm.

**COMMUNICATIONS:** \*Sales tax received for the month of December 2006 was \$15,048.12. \*NPPD 2006 fourth quarter lease agreement payment totaling \$30,839.25.

**UNFINISHED BUSINESS:**

**Silent R.R. Crossing – Walnut & Park Ave., Kirkham Michael proposal:** The proposal that Bruha was waiting for last month was received the day after the February Council meeting. The Council received a copy of the proposal. Gary Peterson and Nancy McGill arrived. Bruha sent a letter to the State Dept. of Roads seeking advice on double tracking and the traffic issues that may arise at the corner of Hwy 6 and First Street. Bruha has not received a response from the State. As the Council receives the information it will be presented accordingly.

**NEW BUSINESS:**

**Audit Review of Fiscal year 2005-2006 – Dennis Kubicek:** Dennis Kubicek read the opinions for both the cash and enterprise/water & sewer accounts. He stated both have a clean opinion. He had no derogatory comments or problems with the audit. Dennis stated the City of Milford should be thankful for the personnel they have.

**Introduction and Adoption of Resolution – Dedicating additional real estate for public outdoor recreation:** Council member Fortune introduced the following resolution:

RESOLUTION NO. 429

A RESOLUTION OF THE CITY OF MILFORD, NEBRASKA, DEDICATING REAL ESTATE FOR PUBLIC OUTDOOR RECREATION PURPOSES UNDER THE LAND AND WATER CONSERVATION FUND PROJECT AGREEMENT #31-00244.

BE IT RESOLVED BY THE CHAIRPERSON AND BOARD MEMBERS OF THE CITY OF MILFORD, NEBRASKA:

WHEREAS, the following described real property is designated as a park for public outdoor recreation use: A strip of land approximately 2.7 feet in width and approximately 1,322.37 feet in length, more particularly described as follows: Commencing at the Northeast corner of the Southeast Quarter of Section 3, Township 9, North, Range 3, East of the 6<sup>th</sup> P.M., Seward County, Nebraska; thence west along the North line of said Southeast Quarter, on an assumed bearing of South 89 degrees 56 minutes 50 seconds West, a distance of 659.35 feet to the point of beginning; thence South 00 degrees 25 minutes 19 seconds East a distance of 1,322.37 feet to a

point; thence South 89 degrees, 34 minutes 41 seconds West a distance of 2.7 feet to a point; thence North 00 degrees 25 minutes 19 seconds West a distance of 1,322.37 feet to a point; thence North 89 degrees 56 minutes 50 seconds East a distance of 2.7 feet to the point of beginning, containing 3,570 square feet or .082 acres more or less.

WHEREAS, the City has determined that this property is best be used as a public park for public outdoor recreation purposes, and such dedication would not jeopardize or in any way harm the public interest of the City of Milford, Nebraska.

WHEREAS, the City of Milford, Nebraska has the financial capability to operate and maintain the land in a safe, attractive and sanitary manner.

WHEREAS, the City of Milford, Nebraska will not discriminate against any person on the basis of race, color, age, religion, handicap, sex or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354 (1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the Interior and contained in 43 CFR 17.

WHEREAS, this property shall not, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to non-public outdoor recreation uses. And, such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

WHEREAS, the City of Milford, Nebraska will replace the land in the event of a conversion in use in accordance with Section 6(f)(3) of Land and Water Conservation Fund Act of 1965, as amended.

WHEREAS, the City of Milford, Nebraska agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future projects, accessible to and usable by the disabled.

NOW, THEREFORE, BE IT RESOLVED that the City of Milford, Nebraska, does hereby dedicate the above described real property for the purposes of a public park and public outdoor recreation in accordance with

Section 6(f)(3) of Land and Water Conservation Fund Act of 1965, as amended.

Passed and approved this 6<sup>th</sup> day of March, 2007. Roll call vote: Fortune yes, Bruha yes, Baker yes, Neal absent. Motion carried.

This is to certify that this resolution is a true copy of the original document that was adopted and passed by the City of Milford, Nebraska at a duly advertised public meeting held this 6<sup>th</sup> day of March, 2007.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

(SEAL)

**Appointments and Reappointments:** A motion was made by Baker and seconded Fortune to approve the Mayor's recommendation to appoint Duane Roth to the Planning & Zoning Commission for a 1 year term expiring 2/1/08. Roll call vote: Baker yes, Fortune yes, Bruha yes, Neal absent. Motion carried.

A motion was made by Bruha and seconded by Fortune to approve the Mayor's recommendation to appoint Jim Kremer to the Park Board for a 2 year term expiring 2/1/09. Roll call vote: Bruha yes, Fortune yes, Baker yes, Neal absent. Motion carried.

A motion was made by Baker and seconded by Fortune to approve the Mayor's recommendation to reappoint Gene Waring to the Milford Aging Services Commission for a 2 year term expiring January 2009. Roll call vote: Baker yes, Fortune yes, Bruha yes, Neal absent. Motion carried.

**Update Emergency Management – Gary Peterson:** Gary Peterson Board Chairman of the Seward County Emergency Management Agency presented information on the National Incident Management System (NIMS) and the Hazard Mitigation Plan. The County is applying for a grant to hire a consultant for County wide Hazard Mitigation. Each community will focus on individual needs of natural disasters, example: floods, tornadoes. Public Hearings will be held County wide for public input on needs assessments and focus areas. Peterson stated the board is focused on being proactive. NIMS 100 & 700 tests should be taken by all City Board members. The Fire Dept. is required to also take test 200. Software may become available to document equipment and personnel training countywide so in case of an emergency the computer would recognize which community had a piece of

equipment needed and also the personnel trained to operate the machine. Training will take place with other communities and counties. Peterson recognized the Milford Fire Dept. and the hard work they put forth. An appreciation night will be held on May 8, 2007 in Seward to honor and recognize the Fire Dept.'s County wide. NEMA will provide an aerial photo which was taken in 2003.

**EXECUTIVE SESSION – Real Estate:** Mayor Plessel stated the reason for going into executive session was to discuss real estate matters. A motion was made by Bruha and seconded by Baker to adjourn from regular session into executive session. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal absent. Motion carried and council went into executive session at 8:23 pm. to discuss real estate. A motion was made by Fortune and seconded by Baker to return to regular session. Roll call vote: Fortune yes, Baker yes, Bruha yes, Neal absent. Motion carried and Council returned to regular session at 8:52 pm.

**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 absent. Motion carried and meeting adjourned at 8:52 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 March 6, 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