

CITY OF MILFORD
REGULAR MEETING
NOVEMBER 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 November 2003 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: Sandi Danskin 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 7:30 p.m.

MINUTES: A motion was made by Bruha and seconded by Fortune to approve the minutes of the October 7, 2003 meeting with a correction on street repairs to "A" Street instead of Walnut. Roll call vote: Bruha yes, Fortune yes, Anderson yes, Neal yes. Motion carried.

PAYMENT OF BILLS: A motion was made by Neal and seconded by Bruha that the following bills in the amount of \$110,831.59 approved by the Auditing Committee be approved for payment. Roll call vote: Neal yes, Bruha yes, Anderson yes, Fortune yes. Motion carried.

SALARIES:

37709	Mark Frey	1141.92
37710	Forrest K Siebken	1099.92
37711	Mavis Lynn Ferris	35.84
37712	Jeanne M Hoggins	970.87
37713	Gary Lee TeSelle	670.29
37714	Scott Dean Fosler	918.49
37715	Robert L Hull	722.28
37716	Beverly J Wehrs	454.72
37717	Edna A Riedl	334.31
37718	David R Dahle	794.57

37719	Louis J Bialas	884.87
37720	Pamela J Slama	293.73
37721	Lucy B Honig	228.85
37722	Bryce C Johnson	730.12
37723	Philip Winkelmann	730.12
37724	Lindsey S Troyer	561.93
37725	Regan Beranek	162.53
37729	Mark Frey	1141.92
37730	Forrest K Siebken	1099.92
37731	Mavis Lynn Ferris	26.55
37732	Jeanne M Hoggins	970.87
37733	Gary Lee TeSelle	711.54
37734	Scott Dean Fosler	919.22
37735	Robert L Hull	722.84
37736	Beverly J Wehrs	475.82
37737	Edna A Riedl	349.65
37738	David R Dahle	813.45
37739	Louis J Bialas	842.85
37740	Pamela J Slama	277.96
37741	Lucy B. Honig	350.49
37742	Bryce C Johnson	770.35
37743	Philip Winkelmann	730.12
37744	Lindsey S. Troyer	561.92
37745	Regan Beranek	77.27
37747	Roger L Kness	330.93
37748	Joyce Elaine Plessel	184.70
37749	Ricky Gene Fortune	138.53
37750	Dean Alan Bruha	138.53
37751	Emerson L. Neal	138.53
37752	Robert E. Anderson	138.53
GENERAL FUND:		
37648	U.S. Postmaster – Utility Billing Postage	227.00
37649	Ackerman Rock & Gravel – 2 Loads of Gravel	547.38
37650	Aflac – Acc,Cancer,Disabl,Supp'l	292.16
37651	Alltel – Directory Advertising,Phone Service,Internet	365.48
37652	Bob's Service – Fire Ext.,Power 1 Cyl Nitrogen	86.11
37653	Butchs Welding – Red Roc, Labor to Drill	60.35
37654	Centaur Enterprises – Lock Nut Wrench, Clamps	29.93
37655	Culligan Water Conditioning – Soft Water	47.75
37656	Farmers Coop – Gas/Diesel for Sept.	1059.69

37657	D & D Communications – Radio Cases,Front Housing	418.25
37658	Deep Rock – Drinking Water	45.39
37659	Eakes Office – Copies	126.03
37660	Emergency Medical Products – Responder Attack Pack	113.90
37661	Farm Plan – Water Pump, Belt, O-Ring	180.78
37662	Galaxy Cablevision – Cable, Internet	659.40
37663	The Garage Co. – Garbage Service for Sept.	90.50
37664	Great Plains – Emer Locate, Locate Request	36.32
37665	Impact Solutions – 2 nd Payment	554.00
37666	Industrial Chem Lab – Root Be Gone	457.66
37667	Maguire Iron – Water Payment	8509.50
37668	Milford A/C & Appliance – Filters, Belt	115.00
37669	Milford Plumbing – Coupling, Galv	32.86
37670	Milford Times – Notice, Minutes,	506.99
37671	Midwest Vehicle – Maintenance	83.55
37672	Municipal Supply – Repair Clamp,	491.70
37673	Mutual of Omaha – Disability Insurance	69.23
37674	National Casualty – Premium Statement	737.08
37675	NE Dept of Env Qual. – ALGAE Workshop	20.00
37676	NE Dept of Revenue – Sales Tax for September	2106.08
37677	NE Motor Parts – Jump Starter Pack	153.32
37678	NE HHSR&L Credentialing Div – Three Year Renewal	20.00
37679	NPPD – Service for September	5347.24
37680	Nebraska Tech & Telecomm – Service for September	481.40
37681	NE Rural Water Assoc – Backflow Pamphlets	85.00
37682	Newman Traffic Signs – Special – No Glass	114.57
37683	OMB Police Supply – Shipping Costs	9.99
37684	Orschelns – Long Nose, Plug, Simple Green	58.75
37685	Aquila – Service for October	136.31
37686	Pizza Kitchen – Evening Meals for September	148.25
37687	POAN – 5 Memberships	50.00
37688	PCAN – Annual Dues	30.00
37689	Accord Capital Corp – Ladder, Ladder Assembly	2716.00
37690	Roxanne Roth – Cleaning Services	250.00
37691	Mrs. Wayne Roth – Birthday Cakes	28.00
37692	Rural Apprehension Program – Annual Fee	943.00
37693	Sam’s Club – Vegetable Oil	12.84
37694	Schlegel’s Groceries – Film Processing	18.16
37695	Seward County Independent – One Year Subscription	33.00
37696	Seward Co Public Power – Wells 1 & 2	772.97

37697	Seward County Communications – Support	12835.00
37698	Share – Floating Lft Dgr	1134.35
37699	Subway – Front Suspension	218.97
37700	Aramark – Pants & Rags	171.33
37701	Midwest Roofing – Replace Damage on Cornhusker	120.50
37702	Collinson Enterprises – 5 Uniform 9-11	21.50
37703	Tony Gregg – Water Deposit Refund	3.46
37704	Andrew Grasz – Water/Sewer Deposit Refund	27.90
37705	Nate Hurt – Water/Sewer Deposit Refund	16.45
37706	Matthew Koenig – Water/Sewer Deposit Refund	34.79
37707	Matt Burkey – Water/Sewer Deposit Refund	50.00
37708	Meyer – Century Labs – Ice Melt	991.00
37726	Ameritas – Retirement	1319.19
37727	John Alden – Group Health	7912.59
37728	John Alden – Group Health	1148.48
37746	Ameritas – Retirement Plan	1319.19
37753	American Plus – Uncorded Ear Plugs	45.32
37754	Ameritas – Annual Administrative Service	1140.00
37755	Alltel – Directory Advertising, Paging	28.72
37756	Barco Municipal Products – Ductile Iron Blade	238.11
37757	Blevens Law Office – Legal Services for October	350.00
37758	Book of the month club – 6 Books	110.82
37759	Centaur Enterprises – Spanner Wrench	11.29
37760	City of Milford – Petty Cash, Wash Baseball Pants	62.42
37761	Christian Book Dist. – 32 Books & Previous Order	457.40
37762	Don’s Pioneer Uniforms – 6 Pants, 9 Blue Ties	473.50
37763	Drummond American Corp. – Avow Foodgrdlub	330.66
37764	EMP – Ice Pack, Resuscitator Kit	300.03
37765	Farmers & Merchants Agency – Bond Renewals	625.00
37766	First Source – Utility Bills	584.87
37767	Follett Software – Support Catalog, Support	480.00
37768	Galls Inc – Wig/wag Flasher	58.48
37769	Brad Havener Const. – Replace Door in Comm. Room	460.00
37770	Hawkins Water Treatment – CA LPC 4 Sodium	673.31
37771	Jeanne Hoggins – Sam’s Supplies	15.50
37772	IIMC – Annual Membership Fee	80.00
37773	Ingram Library Services – 49 Books	476.55
37774	League of NE Municipalities – 03 Water Operating	50.00
37775	The Library Store – Office Supplies	100.40
37776	Menard’s – Reflective Bubble	21.03

37777	Milford Plumbing – Kozky Flapper	5.17
37778	Milford School Dist. – Parking Fines for October	15.00
37779	Miller Monroe – Property Insurance Renewal	43946.00
37780	Moses Motor Co – Service on Trucks	716.24
37781	NE Dept of Env. Quality – Renewal Fee	150.00
37782	Nebraska Health Laboratory – 18 Lead & Copper	690.00
37783	Ollis Book Corporation – 25 Books	318.85
37784	Olsson Assoc – Water Tower	473.22
37785	Orschelns – Clothesline, Power Strip	33.82
37786	Oxmoor House – 1 Book	32.91
37787	Police Officers Assoc of NE – 5 2003 Law Book	10.00
37788	Regent Book Co. – 12 Story tapes Book	159.03
37789	Roxanne Roth – Service for October	305.00
37790	Sack Lumber Co – Pole Barn Nails	6.76
37791	Seventeen – 2 Yr. Subscription	29.95
37792	Servi-Tech – Test wastewater on lagoon	126.05
37793	Seward County Independent – 1 yr subscription	33.00
37794	State Fire Marshall Training – 1 written exam	35.00
37795	Sunrise Country Manor – 307 meals for Sept.	997.75
37796	Union Bank – Gary TeSelle Acct	300.00
37797	Walmart – 1 Black Cartridge, Dessert Bowls	87.84
37798	Stephensons School Supply – 2 Mailbox Mag	13.90
37799	Modern Methods – Digital Copier, Maint. Agreement	907.50
37800	Kurt Bonner – Water/Sewer Deposit Refund	50.00
37801	Adam Wade – Water/Sewer Deposit Refund	50.00

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Planning & Zoning minutes for October 9, 2003, Milford Aging Services Commission minutes for October 28, 2003; Library Board minutes for September 18, 2003; Cemetery board minutes for October 15, 2003 and Police Dept. Activity Report for October 2003.

Anderson – Aging Services Commission in the process of updating their use & rental agreement for the Sr. Center. Library had a supper honoring the volunteers. Cemetery Board is working on upgrading the regulations and by-laws. Bruha - Mark Frey has not received any estimates from the local contractors regarding the 1st Street sidewalk project. City needs figures before proceeding to visit with owners of the Post Office and N.A.P.A.

Holly Johnson with Olsson Assoc. arrived at the meeting.

Frey has been reviewing street projects in the Valley View area, Cottonwood needs major repair. The intersection near Park Ave. and “D” St. also needs repairing. The maintenance dept. will be sweeping streets and tarring

cracks. The newly paved area on Hwy 6 has numerous cracks and the State of NE has agreed to tar the cracks if the City will flag for them. Chief Siebken reviewed the monthly Police activity report for October.

COMMUNICATIONS: Sales tax received for the month of August 2003 was \$12,552.72.

NEW BUSINESS:

Re-appointment – Housing Authority: A motion was made by Neal and seconded by Bruha to approve the Mayor’s recommendation to re-appoint Karla Rardin to the Housing Authority effective December 1, 2003 for a 5 year term. Roll call vote: Neal yes, Bruha yes, Anderson yes, Fortune yes. Motion carried.

Amend Ordinance #716 – Minimum Valuations: Attorney Blevens read the changes recommended by the Planning & Zoning Commission. Council member Neal introduced the following Ordinance:

ORDINANCE NO. 744

AN ORDINANCE TO AMEND CHAPTER 9, ARTICLE 2, SECTION 205 OF THE MUNICIPAL CODE; TO AMEND ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

Introduction and Adoption of Resolution – Rural Apprehension Program: A motion was made by Fortune and seconded by Bruha to approve the following resolution.

RESOLUTION NO. 394

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

WHEREAS, Butler, Clay, Fillmore, Hamilton, Jefferson, Merrick, Nuckolls, Saunders, Seward, Thayer, Webster, and York desire to enter into a cooperative law enforcement effort; and

WHEREAS, the above agencies have submitted a grant request known as the RURAL APPREHENSION PROGRAM (hereafter R.A.P.); and

WHEREAS, the R.A.P. project has been funded by the Nebraska Crime Commission; and

WHEREAS, the various counties, communities and agencies within those counties desire to make the most efficient use of their power by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors; and

WHEREAS, an inter-local agreement, consistent with Nebraska Revised Statutes 23-2201 through 23-2207, would be in the best interest of all participating agencies; and

WHEREAS, the agencies desire to enter into a written inter-local agreement for the purpose of carrying out the R.A.P. objectives and grant requirement of the Nebraska Crime Commission.

BE IT RESOLVED THAT:

The City of Milford authorizes the Chief of Police, Forrest Siebken to enter City of Milford into an inter-local agreement for joint and cooperative action pursuant to the provisions of Section 23-2201 through 23-2207. The inter-local agreement shall be for the strict administration of the R.A.P. project and all funds allocated by the Nebraska Crime Commission, and Match dollars allocated by the R.A.P. members. Further, this inter-local agreement shall not establish a separate legal entity, rather as a joint and cooperative undertaking between public agencies i.e. county, city and village. (Nebraska Revised Statute 23-2203)

Amount of match dollars allocated by the City of Milford for the 2003 - 2004 Grant period will be \$943.00.

Upon roll call vote as follows: Fortune yes, Bruha yes, Anderson yes, Neal yes. Motion carried.

Dated this 4th day of November 2003.

J. Elaine Plessel, Mayor

Attest: _____

Jeanne Hoggins, City Clerk

Contract Amendment #3, Olsson Assoc., Water Tower: Holly Johnson with Olsson Assoc. was present to inform the Council that the water tower and tower demolition project is nearing completion. Olsson Assoc. is requesting additional engineering fees for extra hours obtained by the final administration and observation activities of this project. Holly reviewed different scenarios of different communities and stated that it is not unusual to request additional engineering fees at the end of a project due to trying to calculate the contractor's/subcontractor's ability to complete the projects on time. The actual construction of a project is out of Olsson's control. They can only respond when contacted to inspect a completed part of the project or file the appropriate paperwork as submitted. The punch list has one item remaining for completion. Discussion was held regarding recovering some of the cost of the additional engineering fees thru liquidated damages since the project has extended past the first request for a time extension. Fortune

asked Johnson if the Council could have additional time to consider this amendment. Johnson noted that Olsson's will complete the requirements of the project as planned. It is up to the community whether the additional fees will be paid. The agenda item will be considered at a later date.

Approve Payment – Olsson Assoc., Water Tower: A motion was made by Fortune and seconded by Neal to approve payment of invoice #62504 in the amount of \$473.22 for professional services rendered through September 27, 2003. Roll call vote: Fortune yes, Neal yes, Anderson yes, Bruha yes. Motion carried.

Amend Ordinance #737 – Cemetery Board: Anderson reported that the Cemetery Board is requesting a change regarding the maintenance of the cemetery. There are 2 sentences in Ordinance #737 that is conflicting. Council member Anderson introduced the following Ordinance:

ORDINANCE NO. 745

AN ORDINANCE TO ESTABLISH A CEMETERY BOARD; TO ADOPT RULES AND REGULATIONS FOR THE OPERATION OF THE MUNICIPAL CEMETERY; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT. (See Ordinance Record)

Amend Ordinance #611 – Combine Municipal Clerk and Treasurer: Council member Fortune introduced the following Ordinance:

ORDINANCE NO. 746

AN ORDINANCE TO COMBINE THE OFFICES OF MUNICIPAL CLERK AND MUNICIPAL TREASURER SO THAT SUCH OFFICES MAY BE HELD BY THE SAME PERSON TO BE KNOWN AS THE CLERK-TREASURER; TO PROVIDE THAT THE OFFICES SO MERGED AND COMBINED SHALL ALWAYS BE CONSTRUED TO BE SEPARATE; THAT THE COMBINATION OR MERGER OF SAID OFFICES SHALL BE LIMITED TO A CONSOLIDATION OF OFFICIAL DUTIES ONLY; AND THAT THE SALARY OF THE OFFICER HOLDING THE COMBINED OFFICE SHALL NOT BE IN EXCESS OF THE MAXIMUM AMOUNT PROVIDED BY LAW; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PRESCRIBING THE TIME THIS ORDINANCE SHALL BE IN FORCE AND EFFECT. (See Ordinance Record)

Introduction and Adoption of Resolution – Employee Appreciation: This agenda item will be placed on the December Council meeting as a Public Hearing will need to be held.

Rick Fortune was excused for the remainder of the meeting.

Revise Cemetery By-laws: Section 01-107, Lot Prices; Section 01-111, Burial Vault Requirements: Anderson informed the Council that there will be additional corrections to the By-laws and it will be presented to the Council when all revisions have been made. This item will be discussed at a later date.

Pedestrian Crossing upgrade – Hwy 6 & State Street: Bruha noted that discussion was held at S.C.C. regarding the condition and visibility of the crosswalk at Hwy 6 and State Street. Neal was not at the S.C.C. meeting but noted that he had visited with Chief Siebken and would like the opportunity to visit with the S.C.C. student senate to discuss the matter. There are 2 issues to address regarding the crosswalk area: a) students are not using the crosswalk properly and b) vehicles are not yielding to the pedestrians. The students have not been cited but some vehicles have been. Neal strongly suggested educating the students before asking the Council to act any further on this issue.

Sidewalks – Maintenance & Upkeep: Bruha is concerned about the condition, maintenance & upkeep of the sidewalks in town. Anderson stated there is an ordinance in the Code Book that advises home owners to keep their sidewalks in proper repair. Bruha mentioned that recently some sidewalks have been removed and not replaced. The sidewalks that have been removed do not abut up to any continuing sidewalk. Mayor Plessel noted that in the past the Council has allowed homeowners to remove their section of sidewalk if it did not abut up to another sidewalk. Neal questioned the amount of calls or concerns that City Hall receives regarding bad sidewalks. Hoggins reported no current complaints. Bruha noted the existing sidewalks should be repaired if needed. Blevens stated that permission should be granted to remove a sidewalk. Anderson agreed that the existing sidewalks should be maintained. Neal suggested a systematic plan by dividing the community into sections and allowing the next 4 years for correction of the problem areas. It was noted that the timing for this discussion was off due to the upcoming winter season. Neal suggested waiting until spring to move forward with this project. The College has a chapter which may be able to help those individuals that are unable to handle such a job.

ADJOURNMENT: A motion was made by Neal and seconded by Anderson to adjourn the meeting. Roll call vote: Neal yes, Anderson yes, Bruha yes, Fortune absent. Motion carried and meeting adjourned at 8:45 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 November 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