

CITY OF MILFORD
REGULAR MEETING
NOVEMBER 4, 2008
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Fire Station Meeting Room in said City on the 4th day of November 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.

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 Fire Station Meeting Room.

MINUTES: A motion was made by Baker and seconded by Bruha to approve the minutes of the October 7, 2008 meeting. Roll call vote: Baker yes, Bruha yes, Fortune 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 \$110,529.08; payroll in the amount of \$24,283.04 totaling \$134,812.12 approved by the Auditing Committee be approved for payment. Roll call vote: Neal yes, Bruha yes, Baker yes, Fortune yes. Motion carried.

SALARIES:

46831	Mark Frey	1403.62
46832	Forrest K Siebken	1332.26
46833	Mavis Lynn Ferris	60.49
46834	Jeanne M Hoggins	1321.58
46835	Gary Lee TeSelle	837.25
46836	Scott Dean Fosler	993.47
46837	Robert L Hull	856.57
46838	Beverly J Wehrs	568.47

46839	David R Dahle	1013.02
46840	Bryce C Johnson	962.91
46841	Philip Winkelmann	922.16
46842	George A Matzen	565.59
46843	Tracy L Yeackley	660.15
46844	Julia M Wang	197.21
46845	Courtney L Bashore	102.84
46846	Anna E Tremmel	84.68
46847	Michael L Troyer	30.25
46848	Tiffany Fougeron	269.55
46894	Mark Frey	1403.62
46895	Forrest K Siebken	1332.26
46896	Mavis Lynn Ferris	60.49
46897	Jeanne M Hoggins	1321.58
46898	Gary Lee TeSelle	811.93
46899	Scott Dean Fosler	993.47
46900	Robert L Hull	856.56
46901	Beverly J Wehrs	552.22
46902	David R Dahle	979.06
46903	Bryce C Johnson	962.91
46904	Philip Winkelmann	922.16
46905	George A Matzen	565.59
46906	Tracy L Yeackley	643.22
46907	Julia M Wang	203.53
46908	Courtney L Bashore	102.84
46909	Anna E Tremmel	102.84
46910	Michael L Troyer	12.10
46911	Tiffany Fougeron	274.59
46913	Joyce Elaine Plessel	184.70
46914	Ricky Gene Fortune	138.52
46915	Dean Alan Bruha	138.52
46916	Emerson L Neal	138.52
46917	Jeffrey M Baker	138.52

GENERAL FUND:

46792	Patty Bittinger – WA/SW Deposit Refund	50.00
46793	Curtis Brandt – WA/SW Deposit Refund	27.85
46794	Albert Leppky – WA/SW Deposit Refund	50.00
46795	Marshall Pankoke – WA/SW Deposit Refund	10.57
46796	Paul Rezac – WA/SW Deposit Refund	7.83
46797	Chris Schweitzer – WA/SW Deposit Refund	50.00
46798	U.S. Postmaster – Utility Billing Postage	260.04

46849	Ameritas – Pension	1572.55
46850	Ameritas Group – Dental & Vision	1653.68
46851	Alltel – Cellular Charges	98.46
46852	Windstream – Long Distance for September	5.01
46853	Aramark Uniform Service – Pants & Rags	358.05
46854	Culligan – Soft Water	20.00
46855	Farmers Cooperative – Gas/Diesel for Sept, Tires	1418.69
46856	Deep Rock – Drinking Water	25.56
46857	Galaxy Cablevision – Annual Internet Service	425.05
46858	The Garbage Co – Garbage Pickup	167.91
46859	Great Plains One-Call Service – Locate Requests	17.17
46860	Havco Pools Inc – Compound Gauge	220.00
46861	Hawkins – Azone 15	623.60
46862	Heiman Inc – Coats, Boots, Frt	872.90
46863	Heyen Tax & Acctg – W2's & Envelopes	100.20
46864	Ikon Office Solutions – Lease Rental 7/22-10/21/08	504.00
46865	John Deere Landscapes/LESCO – Chute Deflector	14.61
46866	Linweld – Oxygen	131.15
46867	Memorial Health Care Systems – Immunizations	371.00
46868	NE Dept of Revenue – Sales Tax For September	371.00
46869	NE Motor Parts – Wiper Blades, Foam	28.59
46870	NPPD – Service for September	5695.50
46871	NT&T – Service for September	414.08
46872	Black Hills Utility Holdings – Service for September	424.41
46873	Paper Tiger Shredding – Minimum Pickup	50.00
46874	Pizza Kitchen – Sept 29 th Meal	102.50
46875	Roxane Roth – Cleaning Services	250.00
46876	Mrs Wayne Roth – Birthday Cake	16.00
46877	Sam's Club – Bath Tissue, Paper Towels, Kleenex	148.66
46878	Seward Co Independent – Notice, Minutes, Ads	376.89
46879	SPPD – Wells 1 & 2	537.02
46880	Meyer Ford – Oil Change & Dash Light Repair	184.30
46881	Shell Fleet Plus – Car Gas	19.21
46882	Shell Fleet Plus – Fuel for '08 Truck	211.57
46883	Sunrise Country Manor – September Meals	666.25
46884	Walmart – Wii Console	249.24
46885	Beverly Wehrs – Food, Paper Plates	39.12
46886	Windstream – Local/Internet, Civil Defense, Library	168.81
46887	Treasures Abounding – Napkins (Fundraiser)	81.75
46888	AFLAC – Dis, Cancer, Acc, Suppl	406.26
46889	Coventry Health – Health Insurance 11/1-11/30/2008	9903.65

46890	Fort Dearborn Life Ins – Life Insurance	134.16
46891	EMC – General Insurance	48071.00
46892	Mutual of Omaha – Disability	79.33
46893	Shell Fleet Plus – Fuel for October	898.28
46912	Ameritas Group – Pension	1572.55
46921	Better Homes & Gardens – Subscription	22.00
46922	Biblinox – Apollo Subscription	1490.00
46923	Blevens Law Office – Legal Services for November	350.00
46924	California Contractors – Cable Ties	717.60
46925	DEMCO – DVD Cases	142.65
46926	Gerhold Concrete – Limestone	159.38
46927	Heartsong Presents – 8 Books	21.98
46928	George Matzen – Paper & Labels, Anti-Virus Renewal	433.97
46929	Milford School Dist – Parking Fines	35.00
46930	Municipal Supply – Fire Hydrant, Coupling, Valve	3063.56
46931	National Geographic – Subscription	34.00
46932	NE Library Commission – OCLC Sub (Correction)	4.00
46933	NE Public Health – Nitrate/Nitrite, Coliform	112.00
46934	OMB Police Supply – Equipment Belt	55.98
46935	Orschelen – Steel plated redi-rod	41.38
46936	POAN – Membership Dues @ \$10 each	50.00
46937	Precision Industries – Hose Clamps, Sawzl	59.86
46938	Roxanne Roth – Cleaning Services	305.00
46939	Rural Apprehension Program (RAP) – Matching Fund	1035.00
46940	Servi-Tech – Ammonia Nitrogen, Analysis Package	72.70
46941	Seward Co Communications – 4% Communication	20265.00
46942	Seward Co Econ Development – Annual Fee	4004.00
46943	Union Bank – Gary TeSelle Acct#5562939	300.00
46944	Walmart – Books, DVDs, Paper, Labels	83.69
46945	Local Insight Yellow Pages – Directory Advertising	14.60
46946	CAT Construction – Windows & Doors	1085.67

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Fire and Rescue NARSIS report for October 2008; Milford Police Dept. activity report for October 2008. Neal stated that he has enjoyed serving as City Councilman; it has been a good 8 years; he has learned a lot and appreciates all that the other members do. We have a great City and he is proud to be a part of it. Plessel agreed with Neal’s statement and has also enjoyed her time working with all the council members and clerk. Chief Siebken reported on October’s activity and noted his appreciation for the working relationship that he has had with Mayor Plessel,

Council member Neal and all the other council members. It has been enjoyable and has made his job easy.

COMMUNICATIONS: *Sales tax received for the month of August 2008 was \$14,729.12. *State of NE notification of population change from 2070 to 2105.

UNFINISHED BUSINESS:

Insure Fire Truck for parade use: Hoggins reported on the information gathered from last months questions. The Attorney for the League of NE Municipalities noted that it was fine to use tax dollars to insure this type of vehicle. The insurance companies that were mentioned by Larry Bonner are strictly for personal use only. They would not cover a commercial or government vehicle. Agent Becky Haufle submitted coverage with EMC for \$136.00 a year and keeping the vehicle covered with the City's insurance would allow the additional umbrella coverage to kick in if needed. Fortune didn't think this was a bad way to spend tax dollars. Neal mentioned it would be good publicity for the City. Bruha questioned how far away they would be taking the truck and if they planned on driving it or hauling it. Bruha would like to know when and where they will be taking the truck for parade use. A motion was made by Fortune and seconded by Neal to approve insuring the antique fire truck with EMC in the amount of \$136.00 per year. Roll call vote: Fortune yes, Neal yes, Baker yes, Bruha yes. Motion carried.

NEW BUSINESS:

Introduction and Adoption of Ordinance – Pit Bulls: Baker suggested waiting until next month to discuss this ordinance as it was just given to the Council tonight. Blevens noted that if you are a dog owner it is not a pleasant ordinance. Give the public an opportunity to speak on behalf of this issue. Chief Siebken mentioned he had a shorter version of a similar ordinance that he would get to the council to review. Mark Frey arrived. Baker wants to be proactive rather than reactive regarding this issue. It was decided to table the discussion until next month.

Introduction and Adoption of Ordinance – Water Rates: Council member Fortune introduced the following ordinance:

ORDINANCE NO. 816

AN ORDINANCE TO AMEND SECTION 3-106.01 OF THE MUNICIPAL CODE PERTAINING TO MUNICIPAL WATER DEPARTMENT; INCREASING SERVICE CHARGES AND USAGE FEES; TO REPEAL OR AMEND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE THE TIME WHEN THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

Introduction and Adoption of Ordinance – Method of Setting Annual Sewer Rates: Council member Bruha introduced the following ordinance:

ORDINANCE NO. 817

AN ORDINANCE TO AMEND SECTION 3-218 OF THE MUNICIPAL CODE PERTAINING TO MUNICIPAL SEWER SERVICE CHARGES AND SEWER USAGE FEES; TO REPEAL OR AMEND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE THE TIME WHEN THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

Agreement to purchase sewer manhole, clean-out and sewer line to main from Terry Stutzman: Item tabled.

Introduction and Adoption of Resolution – R.A.P.: A motion was made by Bruha and seconded by Neal to authorize Mayor Plessel to sign the R.A.P. Interlocal agreement. Roll call vote: Bruha yes, Neal yes, Baker yes, Fortune yes. Motion carried.

RESOLUTION NO. 445

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

WHEREAS, law enforcement agencies with the following counties: Butler, Fillmore, Hamilton, Jefferson, Merrick, Polk, Saunders, Seward, Thayer, Webster, and York desire to enter into a cooperative law enforcement effort; and

WHEREAS, the above agencies have submitted a grant application known as the RURAL APPREHENSION PROGRAM (hereafter RAP 19 #08-MI-802); AND

WHEREAS, the RAP project has been funded by the Nebraska Crime Commission; and

WHEREAS, the various counties, communities and agencies within those jurisdictions 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 interlocal agreement, consistent with Nebraska Revised Statutes 13-801et.seq, would be in the best interest of all participating agencies; and

WHEREAS, the agencies desire to enter into a written interlocal agreement for the purpose of carrying out the RAP 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 the City of Milford into an interlocal agreement for joint and cooperative action pursuant to the provisions of Section 13-801 through 13-807 of Nebraska Revised Statutes. The interlocal agreement shall be for the strict administration of the RAP project and all funds allocated by the Nebraska Crime Commission, and Match dollars allocated by the RAP members. Further, this interlocal 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 13-801)

Amount of match dollars allocated by the City of Milford for the 2008 - 2009 grant period (RAP 19) will be \$1035.00. (2000 census 2,070 x \$0.50)

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

Dated this 4th day of November 2008.

J. Elaine Plessel, Mayor

Attest: _____
Jeanne Hoggins, City Clerk

(Seal)

Hire Saturday morning basketball coach: A motion was made by Neal and seconded by Bruha to approve hiring Terry Hauder as the boy's youth basketball coach for the Saturday morning program. Roll call vote: Neal yes, Bruha yes, Baker yes, Fortune yes. Motion carried.

Appointments and Reappointments: A motion was made by Baker and seconded by Fortune to approve the Mayor's recommendation to reappoint Connie Lindquist to the Cemetery Board for a 3 year term expiring 5/1/2011. Roll call vote: Baker yes, Fortune yes, Bruha yes, Neal yes. Motion carried. A motion was made by Fortune and seconded by Neal to approve the Mayor's recommendation to appoint Sharon Bender to the Webermeier Scholarship Committee. Roll call vote: Fortune yes, Neal yes, Baker yes, Bruha yes. Motion carried.

A motion was made by Fortune and seconded by Baker to approve the Mayor's recommendation to appoint Lela Benson to the Housing Authority Board for a 5 year term expiring 5/1/2013. Roll call vote: Fortune yes, Baker yes, Bruha yes, Neal yes. Motion carried.

A motion was made by Baker and seconded by Neal to approve the Mayor's recommendation to appoint Angela Muller to the Park Board for a 3 year term expiring 12/1/2011. Roll call vote: Baker yes, Neal yes, Bruha yes, Fortune yes. Motion carried.

A motion was made by Bruha and seconded by Fortune to approve the Mayor's recommendation to appoint Jim Eberly to the Cemetery Board for a 3 year term expiring 12/1/2011. Roll call vote: Bruha yes, Fortune yes, Baker yes, Neal yes. Motion carried.

Change Maintenance Supt. to appointed position: According to the Municipal Code Book the Utility Supt. should be appointed in December just like the Chief of Police and Clerk/Treasurer. This appointment has not been made in the past. Fortune questioned "Why do we have to appoint these individuals"? It is required by State Statute, noted Bruha. Many questions arose that could not be answered until Attorney Blevens researches the State Statute. Item was tabled until the next regular meeting.

Maintenance Supt. job description update: Bruha presented a job description for the Maintenance Superintendent to be reviewed by the Board. After discussion and a few changes a motion was made by Bruha and seconded by Baker to approve the Maintenance Supt. job description with appropriate changes. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal yes. Motion carried. A copy of the job description is attached to these minutes.

ADJOURNMENT: A motion was made by Fortune and seconded by Bruha to adjourn the meeting. Roll call vote: Fortune yes, Bruha yes, Baker yes, Neal yes. Motion carried and meeting adjourned at 8:34 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 November 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