

CITY OF MILFORD
REGULAR MEETING
NOVEMBER 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 6th day of November 2007 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Jeff Baker, Dean Bruha, Lyle Neal; Attorney Robert Blevens; Chief of Police Forrest Siebken, Maintenance Supt. Mark Frey; City Clerk Jeanne Hoggins. Absent: Rick Fortune. Also present: Pat Bruha, Jack & Trevis Zimmerman, Sean Kremer and Nancy McGill 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 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 October 2, 2007 meeting. Roll call vote: Baker yes, Bruha yes, Fortune absent, Neal yes. Motion carried.

PAYMENT OF BILLS: A motion was made by Bruha and seconded by Neal that the following bills in the amount of \$126,319.95 approved by the Auditing Committee be approved for payment. Roll call vote: Bruha yes, Neal yes, Baker yes, Fortune absent. Motion carried.

SALARIES:

45045	Mark Frey	1345.93
45046	Forrest K Siebken	1279.88
45047	Mavis Lynn Ferris	35.46
45048	Jeanne M Hoggins	1315.17
45049	Gary Lee TeSelle	787.70
45050	Scott Dean Fosler	961.84
45051	Robert L Hull	834.54

45052	Beverly J Wehrs	498.43
45053	Edna A Riedl	365.07
45054	David R Dahle	921.72
45055	Louis J Bialas	930.27
45056	Bryce C Johnson	954.35
45057	Philip Winkelmann	862.93
45058	Lindsey S Troyer	310.94
45059	George Matzen	241.84
45060	Joshua S Wiley	99.73
45061	Tracy L Yeackley	644.27
45062	Hanna L Troyer	77.57
45109	Mark Frey	1386.07
45110	Forrest K Siebken	1279.88
45111	Mavis Lynn Ferris	38.42
45112	Jeanne M Hoggins	1350.75
45113	Gary Lee TeSelle	1027.40
45114	Scott Dean Fosler	997.66
45115	Robert L Hull	841.83
45116	Beverly J Wehrs	529.71
45117	Edna A Riedl	365.07
45118	David R Dahle	932.57
45119	Louis J Bialas	935.65
45120	Bryce C Johnson	943.68
45121	Philip Winkelmann	862.93
45122	Lindsey S Troyer	284.24
45123	George A Matzen	221.90
45124	Joshua S Wiley	132.98
45125	Tracy L Yeackley	653.87
45126	Hanna L Troyer	60.95
45128	Joyce Elaine Plessel	184.70
45129	Ricky Gene Fortune	138.52
45130	Dean Alan Bruha	138.52
45131	Emerson L Neal	138.52
45132	Jeffrey M Baker	138.52
GENERAL FUND:		
45040	Bonnie Daws – WA/SW Deposit	49.21
45041	Don Hubele – WA/SW Deposit	25.68
45042	Mark Kettelhut – WA/SW Deposit	32.85
45043	Greg Meyer – WA/SW Deposit	9.44
45044	US Postmaster – Utility Billing Postage	165.40
45063	Ameritas Group – Pension	1594.59

45064	Ameritas Group – Administrative Services	1100.00
45065	Alltel – Cellular Charges	108.55
45066	Windstream – Long Distance for September	5.21
45067	Aramark Uniform Services – Pants & Rags	295.63
45068	MacGregor/BSN – 4 Volleyballs & Bag	200.63
45069	Culligan Water – Soft Water	54.50
45070	Farmers Cooperative – Gas/Diesel for September	834.53
45071	Data Technologies – User Group Meeting	50.00
45072	Diode Communications – Service for September	54.16
45073	Deep Rock – Drinking Water	9.90
45074	Eakes Office Plus – Copy paper	81.92
45075	Garbage Co – Garbage Pickup	138.82
45076	Great Plains One Call – Locate Request	8.91
45077	Kustom Signals – Antenna Cable for Radios	91.00
45078	Menards – Cord	14.27
45079	National Casualty Co – Premium Statement	737.08
45080	NE Dept of Env Quality – Certification Renewal	150.00
45081	NE Dept of Revenue – Sept Sales Tax	1489.47
45082	NE Motor Parts – Stabilizer, Grease	77.50
45083	NPPD – Service for September	5628.66
45084	NE Tech & Telcomm – Service for September	383.15
45085	O’Keefe Elevator – Elevator Inspection	687.70
45086	Aquila – Service for Sept – Service for September	190.46
45087	Pizza Kitchen – Meals 9/20	82.50
45088	POAN – 5 Memberships	50.00
45089	Racom Corp – 3 Months Radio Fees	233.46
45090	Rediger Chevrolet – Work on 2000 Chevy Dump Truck	93.28
45091	Roxanne Roth – Cleaning Services	320.00
45092	Mrs. Wayne Roth – Birthday Cake	16.00
45093	Servi-Tech Inc. – Sewer Test	62.65
45094	Seward Co Ind – Notices, Minutes, Envelopes	519.10
45095	SPPD – Wells 1 & 2	386.39
45096	Seward Co Communications – 4% Expense (Milford)	18150.00
45097	Seward Co Economic Development – Annual Fee	4857.00
45098	Shell Fleet Plus – Gas For September	40.97
45099	Subway Motors – Oil Change, Fix Tire	48.41
45100	Sunrise Country Manor – Meals-September	767.00
45101	Vermeer High Plains – Knife Sharpening	24.00
45102	Windstream – Local/Civil Defense	243.31
45103	Jim Eberly – Flag Pole Brackets	33.76
45104	Midlands Contracting – Fix Sewer Main	5300.00

45105	American Building Inspectors – Inspections & Fees	475.00
45106	Coventry Health – Health Insurance	8736.87
45107	Fort Dearborn Life Ins – Life Insurance	120.40
45108	Inspro Insurance – General Insurance	45731.00
45127	Ameritas Group – Pension	1594.59
45133	Shell Fleet Plus – Gas for October	596.47
45134	Southeast NE Dev Dist. – 2008 Membership	1760.00
45135	US Postmaster – Utility Billing Postage	164.36
45136	Ian Anderson – WA/SW Deposit Check	8.16
45137	Steve Carritt – WA/SW Deposit Check	50.00
45138	Bartolo Celedon – WA/SW Deposit Check	30.39
45139	Jeremy Dinges – WA/SW Deposit Check	50.00
45140	AFLC – Dis, Cancer, Acc, Suppl	406.26
45141	Ameritas – Dental & Vision	1028.92
45142	ATCO – Gel-O-Fresh	155.00
45143	City of Milford – Petty Cash	16.77
45144	Blevens Law Office – Legal Services for Oct	350.00
45145	Data Technologies – '08 License & Support Fees	2961.83
45146	Dons Pioneer Uniform – Uniform Pants	106.99
45147	EMP – Strobe, Adscope, 10 Tag	482.76
45148	InsureNebraska – Jeanne-Renew Policy	450.00
45149	Galls – Gloves	15.00
45150	Heartsong Presents – 8 Books	21.98
45151	Ingram Library Services – Books	319.23
45152	Interstate Batteries – Battery	56.00
45153	EMC – Additional Premium	768.00
45154	Milford School Dist – Parking Fines, Liquor License	50.00
45155	Municipal Supply – Wall Receptacle, Terminal Cover	71.85
45156	Mutual of Omaha – Disability	79.33
45157	NMC Cat – Element Primary	39.73
45158	NE Public Health – Nitrate, acids, coliform	735.00
45159	Nebraska Life – 2 yr subscription	38.00
45160	Office Depot – Ink Cartridge for Color Printer	117.98
45161	Edna Riedl – Book from Amazon.com	8.99
45162	Riley Electric – Outlet & Labor	51.00
45163	Roxie Roth – Cleaning Services	250.00
45164	Sam's Club – Jeanne Membership Renewal	35.00
45165	Schmader Electric – Siren Service Call	150.00
45166	Scheels – Training Rounds & Tubing	52.93
45167	Seward Co Clerk – Cost for Special Election	1650.16
45168	Meyer Automotive – Battery Less Warranty	65.02

45169	Tractor Supply – Sheaves	9.94
45170	Union Bank – Gary TeSelle Account #5562939	300.00
45171	Van Diest Supply Co – Fogger	10307.00
45172	Walmart – DVDs	82.94
45173	Windstream Yellow Pages – Directory Advertising	14.15
45174	Hastings Fire Dept – Wolf & Radford Extrication	120.00
45175	The Prairie Pirates – DVD	17.50

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Milford Aging Services Commission minutes for September 25, 2007 and October 23, 2007; Recreation Board minutes for October 29, 2007; Planning & Zoning Commission minutes for October 29, 2007; Fire Dept. minutes for September 11, 2007 and October 9, 2007; Economic Development Council minutes for October 1, 2007; Police Dept. Activity Report for October 2007; Rescue NARSIS report for October 2007 and Fire reports for August, September and October 2007. Baker – a dehumidifier has been running at the Sr. Center to eliminate the moisture and bad smell in the basement. Drywall will be replaced this winter to repair the area under the stairwell. A conclusion was made that when the Sr. Center was built the building is lower than ground level. The building was constructed this way to eliminate steps into the building. Therefore when it rains or sprinklers are running it drains into the basement. Chief Siebken reviewed the October Police Dept. activity report. Maintenance Supt. Frey – INSPRO Insurance has made a few recommendations through out the City for improvements. One recommendation that has already been addressed is removing the horses and rolling barrel in the South Park. Ground covering in the park and the Sr. Center Sprinkler System were a couple other suggested areas for improvement. Mark is working on these recommendations as time permits. Frey also reported that over 100’ of sanitary sewer line is being replaced on Elm Street due to the ground sinking under the line, causing the pipe to collapse. The maintenance crew annually T.V. problem areas and are now looking at other lines as the budget allows. Mayor Plessel read the Fire & Rescue reports. Chief Siebken reported on the “No Parking” issue north of the alley on “A” Street. This is commonly a “no parking” area due to parking restrictions through out the town on the west side of the north/south running streets. The loading/unloading signs will be removed after November 15 as stated by Ordinance.

COMMUNICATIONS: *Sales tax received for the month of August 2007 was \$13,677.61. *On October 16, 2007 the Nebraska Public Service Commission approved the sale of Aquila’s Nebraska natural gas properties to Black Hills Corporation. Transactions expected to close sometime during the first quarter of 2008. *Gary Peterson is looking for someone to serve on

the Seward County Hazard Mitigation Planning Committee. Jeff Baker volunteered with Dean Bruha as alternate.

PUBLIC HEARING – Zoning change request, ½ block area between “A” Street and Walnut along 2nd Street from C1 to C2. Mayor Plessel opened the Public Hearing at 7:50 pm. Mayor Plessel noted that the issue has already been to the Planning & Zoning Committee. Mayor Plessel then asked for comments from the public. Bruha noted the area of discussion is currently zoned C1. Hoggins explained that Sean Kremer made the initial request for zoning change. The Planning & Zoning members recall conversation during the process of updating the Comprehensive Plan requesting this area as C2. P & Z determined it was an oversight by JEO at the time the map was printed. Sean Kremer will not be responsible for application fees due to this oversight. A question was asked about the difference between C1 and C2. Bruha explained in C1 you can build right up to the property line or even share a common wall, similar to the downtown area. In C2 there are setback requirements. With no further comments Mayor Plessel closed the Public Hearing at 7:54 pm.

Introduction and Adoption of Ordinance – Zoning district change from C1 to C2 (1/2 block area between “A” St. and Walnut along 2nd St.):

Councilmember Bruha introduced the following ordinance:

ORDINANCE NO. 796

AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN REAL ESTATE FROM C1 TO C2; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PRESCRIBING THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See Ordinance Record)

Public Hearing: Changes in regulations regarding accessory structures in R1, R2 and R3: Mayor Plessel opened the public hearing at 7:55 pm. Mayor Plessel noted that the issue has already been presented to the Planning & Zoning Commission. Neal questioned if this change reverts back to the verbiage in the previous Comp. Plan. There is no verbiage similar in the old plan. The recommendation by the P & Z is as follows: Accessory buildings should not exceed the ground floor coverage of the principal dwelling. Blevens noted that someone could build a storage building that is almost as big as their home. Mayor Plessel noted: if they can meet the setback requirements. Discussion was held regarding meeting the height requirement if the garage plans become too big. Blevens didn't consider this an issue because you can adjust the pitch of the roof. Bruha mentioned most lots in town would not allow a large structure due to setback requirements. Discussion was also held regarding the amount of green space or lot coverage in both R1 and R2. The planned maximum lot coverage for

an accessory building in both districts is 10%. Looking at all requirements for accessory buildings will control the size of the actual building being constructed in both zoning districts. With no further comments Mayor Plessel closed the public hearing at 8:14 pm.

Introduction and Adoption of Ordinance – Change verbiage in R1 Section 5.07.05, R2 Section 5.08.05 and R3 Section 5.09.05: Council member Neal introduced the following ordinance:

ORDINANCE NO. 797

AN ORDINANCE TO AMEND 5.07.05, 5.08.05 AND 5.09.05 HEIGHT AND LOT REQUIREMENTS TO PROVIDE ACCESSORY BUILDINGS SHOULD NOT EXCEED THE GROUND FLOOR AREA OF THE PRINCIPAL DWELLING IN THE R1 LOW DENSITY RESIDENTIAL; R2 MEDIUM DENSITY RESIDENTIAL; AND R3 HIGH DENSITY RESIDENTIAL OF THE COMPREHENSIVE PLAN/ZONING & SUBDIVISION REGULATIONS OF THE MUNICIPALITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PRESCRIBING THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See Ordinance Record)

Public Hearing: Change “Lot Area” requirements in TA (Transitional Agriculture District): Item removed from the agenda.

NEW BUSINESS: Mayor Plessel changed the order of agenda items.

Jack Zimmerman – Police Observations: Jack commented that ever since the special election regarding the purchase of the real estate he has been hearing comments regarding the Police Dept. Jack was disturbed that businessmen in our community were complaining about the quality of work from our Police Dept. Jack stated that they need to walk in their shoes and witness what they are doing. The Police check doors and are patrolling while we sleep. “They are doing a good job”, stated Zimmerman. The Mayor and Council thanked Jack for his comments.

Identify property for annexation: Bruha noted that maps were given to each Council member so areas of annexation could be marked. Council member Rick Fortune arrived. Fortune commented that with the growth of the City the property lines do not reflect the actual community. The City has provided services to these areas and it is time to change the corporate limits. Areas for consideration: Welch Park Rd and the property along the east side of Welch Park Rd; property along the south side of Hwy 6 from 252nd east to the corporate limits; Gerry Dunlap property on Park Ave.; area north of Linden Village and east of Valley View West 2nd Addition and Thornridge Golf Course in its entirety or just the Club House. A couple areas that need to be researched regarding valuation changes are: the pasture/drainage area owned by Jantze west of the football field and east of the homes along

Welch Park Rd. (T.L.134) and the entire golf course. The City does not want to cause an undue hardship in these areas. The City Council will gather as much information as possible before presenting properties for annexation consideration to the Planning and Zoning Commission. The Council decided to concentrate on 4 areas: property along Welch Park Rd; Gerry Dunlap property on Park Ave.; property south of Hwy 6; and Thornridge Golf Course. The item will be tabled until the regular December meeting.

Award Bid – 1983 Ambulance: Bid opening was held on October 12, 2007 and 5 bids were received. High bid came from Union Volunteer Fire & Rescue Dept. in the amount of \$650.00. A motion was made by Fortune and seconded by Bruha to award the bid of the 1983 Ambulance to Dee Dee Brazzle and the Union Volunteer Fire & Rescue Dept. in the amount of \$650.00. Roll call vote: Fortune yes, Bruha yes, Baker yes, Neal yes. Motion carried.

Appointment – Milford Housing Authority: A motion was made by Baker and seconded by Fortune to approve the Mayor’s recommendation to appoint DeAnn Portz to the Milford Housing Authority for a 5 year term to replace Margie Danekas. Roll call vote: Baker yes, Fortune yes, Bruha yes, Neal yes. Motion carried.

Approve Girls Youth Basketball Coach: A motion was made by Neal and seconded by Bruha to approve Natalie Nitzsche as the Girls youth basketball coach for the Saturday morning program. Roll call vote: Neal yes, Bruha yes, Baker yes, Fortune yes. Motion carried.

Approve Recreation Director Job Description: Neal reported that several job descriptions from other communities were reviewed by the group prior to rewriting Milford’s. The job description was rewritten due to responsibility changes in the position. Neal stated that we need to start advertising for the position immediately. A motion was made by Neal and seconded by Fortune to approve the job description as presented for the Recreation Director position. Roll call vote: Neal yes, Fortune yes, Baker yes, Bruha yes. Motion carried. (Job description attached to these minutes.)

Amend Ordinance #777 – Building Inspection Fees: Council member Bruha introduced the following ordinance:

ORDINANCE NO. 798

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)

ADJOURNMENT: A motion was made by Neal and seconded by Bruha to adjourn the meeting. Roll call vote: Neal yes, Bruha yes, Baker yes, Fortune yes. Motion carried and meeting adjourned at 9:10 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 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)

Jeanne Hoggins, City Clerk