

CITY OF MILFORD
REGULAR MEETING
NOVEMBER 7, 2006
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 7th day of November 2006 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. Also present: Craig Vincent with NPPD, Brad & Donna Havener, Kathy Eberly, Laura Peterson, Larry Lindquist, Karen Stauffer, Pat Rixstine, Larry Jantze 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 Fire Station Meeting Room.

MINUTES: A motion was made by Fortune and seconded by Bruha to approve the minutes of the October 3, 2006 meeting. Roll call vote: Fortune yes, Bruha yes, Baker yes, Neal yes. Motion carried.

A motion was made by Neal and seconded by Baker to approve the minutes of the October 19, 2006 meeting. Roll call vote: Neal yes, Baker yes, Bruha yes, Fortune yes. Motion carried.

PAYMENT OF BILLS: A motion was made by Bruha and seconded by Neal that the following bills in the amount of \$70,667.01 approved by the Auditing Committee be approved for payment. Roll call vote: Bruha yes, Neal yes, Baker yes, fortune yes. Motion carried.

SALARIES:

43197	Mark Frey	1303.84
43198	Forrest K Siebken	1256.25
43199	Mavis Lynn Ferris	29.56
43200	Jeanne M Hoggins	1204.40

43201	Gary Lee TeSelle	769.06
43202	Scott Dean Fosler	944.85
43203	Robert L Hull	803.82
43204	Beverly J Wehrs	470.56
43205	Edna A Riedl	336.38
43206	David R Dahle	694.01
43207	Louis J Bialas	946.89
43208	Arlene F Sieck	513.06
43209	Bryce C Johnson	895.14
43210	Philip Winkelmann	890.94
43211	George A Matzen	233.28
43212	Joshua S Wiley	74.34
43213	Julia M Wang	138.06
43214	Nicholas D Bernasek	85.19
43267	Mark Frey	1343.93
43268	Forrest K Siebken	1238.36
43269	Mavis Lynn Ferris	35.46
43270	Jeanne M Hoggins	1239.90
43271	Gary Lee TeSelle	960.41
43272	Scott Dean Fosler	964.41
43273	Robert L Hull	820.00
43274	Beverly J Wehrs	490.00
43275	Edna A Riedl	396.90
43276	David R Dahle	892.30
43277	Louis J Bialas	884.55
43278	Arlene F Sieck	444.34
43279	Bryce C Johnson	940.53
43280	Philip Winkelmann	890.94
43281	George A Matzen	226.90
43282	Joshua S Wiley	138.06
43283	Tracy L Yeackley	252.33
43284	Julia M Wang	74.34
43287	Joyce Elaine Plessel	184.70
43288	Ricky Gene Fortune	138.52
43289	Dean Alan Bruha	138.52
43290	Emerson L Neal	138.52
43291	Jeffrey M Baker	138.52
GENERAL FUND:		
43191	U.S. Postmaster – Utility Billing Postage	259.58
43192	Josh Gipfert – WA/SW Deposit Refund	29.95
43193	Andy Gregg – WA/SW Deposit Refund	24.84
43194	Stacy Ladd – WA/SW Deposit Refund	17.36

43195	Douglas Polacek – WA/SW Deposit Refund	21.67
43196	Bruce & Janel Stutzman – WA/SW Deposit Refund	21.45
43215	Ameritas Group – Pension	1479.39
43216	Credit Management Services – Garnishment	198.30
43217	American Legal Publishing – '06 S-7 Suppl Pages	1809.00
43218	AFLAC – Disability, Cancer, Accidental, Suppl	406.28
43219	Ameritas Group – Dental & Vision, Annual Admin	2193.40
43220	Alltel – Cellular for Police	52.19
43221	Alltel – Cellular for Fire Dept	20.24
43222	Aramark Uniform Services – Pants & Rags	276.13
43223	American Legion Post 171 – Flag	26.87
43224	ATCO International – Liberator 600	1765.75
43225	Butchs Welding – Cemetery Signs, Move Concrete	280.75
43226	Culligan Water Conditioning – Soft Water	19.00
43227	Farmers Cooperative–Gas/Diesel for Sept, Oil Chngs	1002.14
43228	Deep Rock – Drinking Water	12.76
43229	Eakes Office Plus – Folders, Storage Boxes, Paper	311.51
43230	Farm Plan – Cable, Foam Air, Bar Oil, Fuel Cap	88.38
43231	Galaxy Cablevision – Annual Internet	419.88
43232	The Garbage Company – Garbage Service for Sept	123.48
43233	Gerhold Concrete – 1 Yd Concrete delivered	74.55
43234	Great Plains-One Call – Emer, Locate Request, Surchg	25.90
43235	Hackbart Brothers Trucking – Haul Concrete Barriers	1420.00
43236	Healthplan Services – Health Insurance	7587.03
43237	Hydraulic Equipment – Spacers, Knob Handles	90.66
43238	Lou's Sporting Goods–Screen Printing on Polo Shirts	100.21
43239	Mid American Specialties–Crime Prevention Material	190.45
43240	Menards – Northern Blend Grass	54.98
43241	Milford School Dist #5 – Fines for September	20.00
43242	Milford Supermarket – Paper Towels	13.86
43243	Municipal Supply – Water Meters	2182.45
43244	NE Dept of Revenue – Sales Tax for September	1724.46
43245	NE Motor Parts Co – Fuses, ENR Max, Sockets	16.05
43246	NPPD – Service for September	5003.63
43247	NE Tech & Telecomm – Service for September	409.48
43248	Nebraska Code Consulting – 8 Inspections	640.00
43249	Aquila – Service for September	153.88
43250	Pizza Kitchen – Evening Meal (18)	74.00
43251	Pioneer Overhead Door – Repair Overhead Door	97.50
43252	Quality Inn & Suites – 3 Nights Fosler @ POAN	183.00
43253	RACOM Corporation – Radio Repair 2006	440.00
43254	Rediger Chevrolet – Vehicle Service Work	1185.62

43255	Roxanne Roth – Cleaning Services	250.00
43256	Seward Co Independent – Notices, Mtgs, Min, Env	641.49
43257	Seward Co Public Power Dist – Wells 1 & 2	690.10
43258	Seward Co Economic Development–Ann'l Payment	5554.00
43259	Service Plus – Postage & Shipping	26.60
43260	Super Spray Car Wash – 60 Car Wash Tokens	120.00
43261	Sunrise Country Manor – 222 Meals for September	710.40
43262	Village Courtyard – 2 Nights NELEIN Conf – Hull	120.00
43263	Williams Tree Farm – Moved Trees	240.00
43264	Windstream NE – Direct Advt, Local/Long Dist, Pngng	206.97
43265	Willis Heyen – 2 American Flags	57.08
43286	Ameritas – Pension	1526.69
43296	Arrakis Publishing	295.00
43297	James W Bell – 3 Pole Switch	22.77
43298	Blevens Law Office – Legal Services	350.00
43299	Scott Burroughs – Gauge & Meter on 30	102.48
43300	City of Milford – Petty Cash	107.32
43301	Christian Book Distributors – 8 Books	90.66
43302	Creative Consultants – Setup Follet Online	35.00
43303	D & D Communications – Labor, Cover, Front Housing	74.71
43304	Dempster Industries, Inc. – 3” Pintle eye-zinc plated	49.87
43305	Don’s Pioneer Uniform – Training/Call Out Uniform	31.15
43306	Ed M Feld Equipment – 4 Light H20	100.00
43307	Fort Dearborn Life Ins. – Life Insurance	116.96
43308	Ingram Library – Books	255.35
43309	JEO Consulting – Street Improvements	5815.00
43310	Milford School Dist – Parking Fines	35.00
43311	Municipal Supply – Valve, Bolts, Nuts, Frt	347.08
43312	Mutual of Omaha – Disability	79.33
43313	Nebraska Health Lab – Coliform Test	30.00
43314	Office Depot – Photo Paper, Cartridge, Tape, Markers	121.31
43315	Penworthy – 17 Books	252.51
43316	POAN – 3 Memberships	30.00
43317	Racom Corporation – EDACS Fees for 06/07	954.90
43318	Edna Riedl – Mileage to Castl in DeWitt	25.81
43319	Roxanne Roth – Cleaning Services	320.00
43320	Seward Co Communications – Communication Fees	16668.68
43321	Shell Fleet Plus – Fuel for October	513.08
43322	Subway Motors – Repair Brakes on 92 Dodge	344.69
43323	Union Bank – Gary TeSelle Acct #5562939	300.00
43324	Walmart – Office Supp, DVD’s, Food	158.62
43325	Windstream – Directory Advertising, Paging	26.42

43326 Kathy Boden – Web Bldg Rent Refund 35.00
1023 Public Safety Center – Crime/Safety Materials 286.98

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Police Dept. Activity Report for October 2006 and the Milford Fire and Rescue NARSIS reports for October 2006. Baker - Milford Aging Services would like to place a new sign on the front of their building. A drawing of the proposed sign was passed around along with a material piece the sign will be built from. They are also going to purchase automatic doors which will open with a push button mechanism. A bid from Seward Glass in the amount of \$3,452.00 was presented. Bruha – Milford’s share of the County wide Economic Development fees are \$5,554.00. Milford’s share of the Seward County Communications fees are \$16,668.68 along with \$800.00 to Racom for radio licensing. Neal – Citizen inquiry regarding the closing of the Railroad Crossing on Walnut & Park Ave. Neal spoke with Police and Fire Chiefs regarding this issue and will try to meet with COOP representative to discuss related factors. The other options mentioned at the time of Matt Young’s presentation were quite costly. Neal would like to hold a Public Hearing at the December meeting to hear community input on closing the crossing. Fortune – new water line completed in the JTA, waiting for test results. Chief Siebken – presented October Police Activity Report. Building Committee met to explore options. Mayor Plessel read the Fire and Rescue reports for October.

COMMUNICATIONS: *Sales tax received for the month of August 2006 was \$10,903.10. *Check received in the amount of \$1,000.00 from Wal-Mart in support of the Park Improvement Project. *Bruha received letter from JEO regarding Safe Routes to School Program. (SRTS) Infrastructure and non-infrastructure projects will be considered. Ex: Traffic calming and speed reduction improvements, Pedestrian and Bicycle Crossing Impr., Sidewalk Impr., Secure bicycle parking are a few of the examples. Deadline to file for funding is December 1, 2006. Bruha will follow up on this information.

NEW BUSINESS:

Introduction and Adoption of Resolution – Resolution of Intent – Reimbursement of expenditures for water, sewer and paving at JTA Phase III: A motion was made by Bruha and seconded by Neal to introduce and adopt the following resolution:

RESOLUTION NO. 427

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

Section 1. That the Mayor and Council of the City of Milford, Nebraska, do hereby declare this resolution to be the City’s official declaration of intent under Internal Revenue Code Regulation Section 1.150-

2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in connection with costs incurred in connection with the construction of paving, sewer and water within Jantze Thornridge Addition. The preliminary estimate of debt contemplated to be issued for such project exceeds \$137,818.00.

Section 2. That up to the expenditures of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such project. It is the intent of the Mayor and Council and the City's reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

Section 3. That the City Clerk shall make a copy of this resolution available for public inspection at the main office of the City at all times during normal business hours within ten days after the adoption hereof. Such copies shall remain available for public inspection at all such times until the bonds or such other tax-exempt obligations contemplated herein are issued.

Roll call vote: Bruha yes, Neal yes, Baker yes, Fortune yes. Motion carried.
Dated this 7th day of November, 2006.

Attest: _____
City Clerk

By: _____
Mayor

(SEAL)

Introduction and Adoption of Ordinance – Sex Offender & Loitering:

Chief Siebken asked for item to be tabled due to additional information presented to members by Attorney Blevens.

Introduction and Adoption of Ordinance – Establishing a curfew:

Discussion was held to change proposed time from 10:00 pm to 11:00 pm.

Councilmember Bruha introduced the following Ordinance:

ORDINANCE NO. 784

AN ORDINANCE OF THE CITY OF MILFORD, NEBRASKA, RELATING TO THE CREATION OF A CURFEW FOR PERSONS 15 YEARS OF AGE AND YOUNGER; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PRESCRIBING THE TIME THEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See Ordinance Record)

Discuss and establish a Park Committee: Neal met with the Kiwanis Park Committee and had a lengthy discussion on the placement of park equipment and other park issues such as grass, trees etc... Neal suggested creating a Park Committee for the City of Milford to plan for future park needs and also oversee concerning issues. Donna Havener expressed her concern with the fact that the City does not have a long term plan for updating or improvements to any of the parks. Laura Peterson commented on the lighting issue and didn't feel like the Kiwanis group had the authority to make any decisions regarding lighting. Neal commented that the Kiwanis group has a positive outlook and input regarding the parks. Blevens was asked to present an Ordinance for a 5 member Park Committee at the December meeting.

Discuss and approve site for new park equipment in the Uptown Park – Laura Peterson: Laura Peterson presented a sketch of the Uptown City Park which was drawn by a SCC student. She pointed out the area south of the Library as the area requested for the park equipment. The area needed for the equipment measures 40'x 60', which includes the matting. The equipment will be handicap accessible entering from the west side. This site was approved by the equipment representative and little dirt work will be needed. The placement of the equipment in the noted area will not interfere with the sewer line. The equipment is scheduled to arrive in January and the Kiwanis group has made arrangements with CY Manufacturing to store it until spring. 2 days for installation of the equipment and 2 for installation of the matting will be needed. Kiwanis is hoping for a cooperative effort with the City Maintenance Dept. A motion was made by Neal and seconded by Bruha to approve the placement of the park equipment south of the Library in the designated area as noted on the presented site map. (Copy of the map attached to these minutes) Roll call vote: Neal yes, Bruha yes, Baker yes, Fortune yes. Motion carried.

Introduction and Adoption of Ordinance – Amend Ordinance No. 666 – NPPD franchise, operate & maintain electric light & power system in Milford – Craig Vincent: This ordinance will replace the current ordinance #666 that expired in October 2006. A motion was made by Neal seconded by Bruha to introduce the following ordinance:

ORDINANCE NO. 785

AN ORDINANCE GRANTING TO THE NEBRASKA PUBLIC POWER DISTRICT, A PUBLIC CORPORATION AND POLITICAL SUBDIVISION OF THE STATE OF NEBRASKA, ITS SUCCESSORS AND ASSIGNS, THE NON EXCLUSIVE RIGHT AND FRANCHISE FOR A PERIOD OF TWENTY-FIVE YEARS TO ERECT, OPERATE AND MAINTAIN AN ELECTRIC LIGHT AND POWER SYSTEM IN THE CITY OF MILFORD, NEBRASKA, FOR THE PURPOSE OF

FURNISHING ELECTRIC ENERGY TO SAID CITY AND THE INHABITANTS THEREOF; LIMITING THE MAXIMUM CHARGES FOR SUCH ENERGY; PROVIDING CERTAIN REGULATIONS WITH REFERENCE THERETO; AND ALL THINGS INCIDENTAL TO THE PURPOSES THEREOF; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; DIRECTING THE POSTING OF THIS ORDINANCE AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See Ordinance Record)

Appointments and Reappointments of members to City Boards and Committees: A motion was made by Baker and seconded by Fortune to approve the Mayor's recommendation to reappoint Charlie Pierce to the Milford Housing Authority for a 5 year term. Roll call vote: Baker yes, Fortune yes, Bruha yes, Neal yes. Motion carried.

A motion was made by Fortune and seconded by Baker to approve the Mayor's recommendation to appoint Pat Rixstine to the Milford Aging Services Commission for a 2 year term. Roll call vote: Fortune yes, Baker yes, Bruha yes, Neal yes. Motion carried.

Discuss status of ditch & culvert project on 6th St. – Donna Havener: Donna informed the Council that since she placed her name on the agenda she has received information regarding her side of the ditch. Arrangements have been made to place a culvert and slope dirt along her property. Donna invited Kathy Eberly to find out the status of Tina's drainage problem. Kathy noted that the hole is as deep as she is tall. It will be 2 years in March and still nothing has been done. Kathy is concerned about the standing water and the potential for persons infected with the West Nile virus. Steve Rogge was contacted earlier to draw up a contract to get the project started. The contract was never presented to the City. Rogge apologized for the delay and said his firm would work on the contract right away for approval of the Council. Kathy asked about the small shed and a tree that may need to be removed and who would be removing them. Bruha stated the contractor would probably remove the tree and shed. Fortune told Havener's and Eberly that they will like the end result. The Council apologized for the delay but will try to move forward on the project this fall/winter if the weather cooperates.

Sean Kremer, Mike Mullally – Utility Billing payment procedure: Neither party was present.

Discuss opening alley north of Steve Carritt – "B" St. between 6th & 7th Streets: Bruha informed the Council that Mr. Carritt would like to have the alley north of his home opened for access to his home based business of small engine repair. At the present he is storing lawn mowers and equipment on the dead end street running in front of his house. The City

will need to cut the curb and pour a small concrete apron at the entrance of the alley. The homeowners will be responsible for the initial gravel base and rock, which then the City will maintain. The alley is already dedicated on the plat map so there should not be a problem. Carritt will place a barricade at the east end to prevent someone from driving off the edge. He also plans to landscape the area to improve the aesthetics. Snow removal will not be necessary as Mr. Carritt's lawn service slows down in the winter. City will proceed with opening the alley.

ADJOURNMENT: A motion was made by Fortune and seconded by Baker to adjourn the meeting. Roll call vote: Fortune yes, Baker yes, Bruha yes, Neal yes. Motion carried and meeting adjourned at 8:20 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 7, 2006 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