

CITY OF MILFORD
SPECIAL MEETING
OCTOBER 13, 1998
MINUTES

A special meeting of the Mayor and Council of the City of Milford, Nebraska was held at the City Hall in said City on the 13th day of October, 1998 at 5:00 P.M. Present were: Mayor Dean Bruha; Councilmembers Dorothy Bockoven, Rick Fortune, Charles Rich, Steve Sauer; City Clerk J Elaine Plessel. Also present: Todd Neeley and Jeff Peterson.

Notice of the meeting was given in advance thereof by posting in three public places; one of the designated methods for giving notice, as shown by the Certificate of Posting 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 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 Bruha called the meeting to order at 5:05 p.m.

BOND – LAGOON: Peterson with U S Bancorp explained the packet presented to the council and the time frame.

Introduction and Adoption of Resolution

The Mayor indicated that it was necessary to consider the redemption of certain outstanding notes of the City. Thereupon Councilmember Rich introduced the following resolution and moved for its adoption:

RESOLUTION NO. 351

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MILFORD, NEBRASKA (the “City”) AS FOLLOWS:

Section 1. That the following notes (the “Notes”) in accordance with their option provisions, are hereby called for payment on November 23, 1998, after which date interest on the Notes will cease:

Sanitary Sewer Bond Anticipation Notes, Series 1997, date of original issue – October 1, 1997, issued in the original principal amount of \$1,120,000, of which notes in the outstanding principal amount of \$1,120,000, maturing on April 1, 1999 are subject to redemption at any time on or after April 1, 1998, at the principal amount thereof plus accrued interest. Said notes were issued for the purpose of paying the costs of constructing improvements to the City’s sanitary sewer system.

Section 2. The Notes are to be paid at the principal corporate trust office of U.S. Bank, National Association (formerly First Bank, N.A.) in Lincoln, Nebraska, Paying and Registrar for said Notes.

Section 3. A true copy of this Resolution will be filed immediately with such Paying Agent and Registrar and the Paying Agent and Registrar is hereby irrevocably instructed to take appropriate action to mail notice to registered owners at least thirty days prior to the call date.

ADOPTED THIS 13TH DAY OF OCTOBER 1998.

Mayor

Attest:

City Clerk

The motion for adoption was seconded by Councilmember Bockoven. Upon roll call vote, the following Councilmembers voted YEA: Rich, Bockoven, Fortune, Sauer. The following voted NAY: None. The passage and adoption of said resolution having been concurred in by a majority of all members of the Council, the Mayor declared the resolution adopted and the Mayor in the presence of the Council signed and approved the resolution and the Clerk attested the Mayor's signature.

Introduction and Adoption of Ordinance

A discussion was held concerning the status of sanitary sewer improvements recently contracted for by the City. Councilmember Fortune then introduced Ordinance No. 687 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SEWER BONDS, SERIES 1998, OF THE CITY OF MILFORD, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION ONE HUNDRED NINETY THOUSAND DOLLARS (\$1,190,000), FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF ADDITIONS AND IMPROVEMENTS TO THE SANITARY SEWER SYSTEM OWNED AND OPERATED BY SAID CITY; PRESCRIBING THE FORM, TERMS AND DETAILS OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF SAID BONDS; AUTHORIZING THE DELIVERY OF THE BOND TO THE PURCHASER; PROVIDING FOR AN AGREEMENT TO ISSUE SEWER REVENUE BONDS UNDER CERTAIN CIRCUMSTANCES AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

(See Ordinance Record)

APPROVE PAYMENT – NATIONAL CONCRETE CUTTING, POOL: A motion was made by Sauer and seconded by Fortune to pay the National Concrete Cutting bill in the amount of \$10,725. Roll call vote: Sauer yes, Fortune yes, Bockoven yes, Rich yes. Motion carried.

A motion was made by Sauer and seconded by Rich to pay Superior Pool Systems \$34,465 on the condition that Mark Frey feels it is satisfactory. Roll call vote: Sauer yes, Rich yes, Bockoven yes, Fortune yes. Motion carried.

INTRODUCTION AND ADOPTION OF RESOLUTION-CONSTITUTION AMENDMENT #413: Councilmember Rich introduced Resolution #352 and moved its adoption, seconded by Councilmember Sauer.

RESOLUTION NO. 352

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

WHEREAS, the proposed constitutional amendment #413 would severely limit the ability of this municipality to continue sufficient funding for needed economic development projects and programs as well as public-private partnerships to retain and attract businesses to Nebraska, including the capacity to construct the necessary infrastructure in a timely fashion, and

WHEREAS, this municipality has consistently worked hard on economic development projects and programs with local businesses, banks, chamber of commerce, economic development groups and others to keep local businesses viable and attract new businesses to increase the number and quality of jobs available to Nebraskans, and

WHEREAS, the proposed constitutional amendment #413 would result in stopping or deferring needed public improvements projects and programs which are not only important for economic development but ultimately affect the quality of life for Nebraskans living in large or small municipalities, and

WHEREAS, the proposed constitutional amendment #413 would limit many municipalities from providing the necessary resources to adequately fund important services for citizens, including public safety programs affecting emergency-rescue, fire fighting, and law enforcement, and

WHEREAS, this municipality has worked strategically for decades to limit spending and reduce property taxes by implementing a wide variety of practices and programs, such as local option sales tax WITH VOTER APPROVAL, privatization of appropriate functions when cost effective to do so, public-private partnerships, joint purchasing and delivery of services, as well as the adoption of many other policies to increase efficiency and reduce costs, and

WHEREAS, cities and villages through the League of Nebraska Municipalities have consistently advocated passage of legislation to allow municipalities to further reduce costs and increase efficiency, and

WHEREAS, municipal officials from cities and villages across the state have worked hard to limit spending but still comply with unfunded state and federal mandates, and

WHEREAS, approximately 75 percent of a municipal budget is required to fund personnel-related costs which must comply with the “comparability requirements” of state law and the decisions of the Commission of Industrial Relations, constituting the largest unfunded state mandate on cities and villages, and

WHEREAS, this municipality has never supported a constitutional tax or spending lid on state or local governments because such a lid would fundamentally undermine representative government and prevent state or local officials from correcting unintended consequences or reacting to changed circumstances, and

WHEREAS, the proposed constitutional lid to be submitted to the voters in November 1998 would constitute approximately 11 percent of our state constitution by adding approximately 3,450 new words, which would certainly result in unintended consequences and endless litigation to clarify vague language.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) the Mayor and the City Council strongly opposes the proposed constitutional tax and spending lid for the above stated reasons because it would critically impair the ability of those elected into office to respond effectively to the needs of the voters who elected them, and
- 2) the Mayor and the City Council strongly opposes the proposed constitutional tax and spending lid because it would prevent the Governor and Legislature from continuing to provide increased property tax relief, negatively impacting children attending public schools, citizens who rely on state or local government for basic services and, of course, property taxpayers who have been demanding property tax relief from state and local governments.

ADOPTED THIS 13TH DAY OF OCTOBER 1998.

Mayor

Attest:

City Clerk

Roll call vote: Rich yes, Sauer yes, Bockoven yes, Fortune yes. Motion carried and Mayor declared Resolution adopted.

APPROVE PAYMENT – KIRKHAM, MICHAEL: Bruha advised that bills have been reviewed and are now ready for approval. A motion was made by Sauer and seconded by Fortune to approve two invoices in the amount of \$488.76 for Thornridge 1st Addition and Thornridge Acres in the amount of \$488.76. Roll call vote: Sauer yes, Fortune yes, Bockoven yes, Rich yes. Motion carried.

A motion was made by Rich and seconded by Fortune to approve payment of \$272.08 for services on Valley View West. Roll call vote: Rich yes, Fortune yes, Bockoven yes, Sauer yes. Motion carried.

PROPERTY FOR AUCTION-DECLARED SURPLUS: Mayor Bruha declared certain property in the City's possession as surplus and will be placed on list for public auction on October 24, 1998.

ADJOURNMENT: A motion was made by Fortune and seconded by Bockoven to adjourn the meeting. Roll call vote: Fortune yes, Bockoven yes, Rich yes, Sauer yes. Motion carried and meeting adjourned at 5:10 p.m.

City Clerk

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 October 13, 1998; that all of the subject 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)

J Elaine Plessel, City Clerk