

CITY OF MILFORD
REGULAR MEETING
OCTOBER 3, 2006
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 3rd day of October 2006 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Jeff Baker, Dean Bruha, Rick Fortune; Attorney Robert Blevens; Chief of Police Forrest Siebken, Maintenance Supt. Mark Frey, City Clerk Jeanne Hoggins. Absent: Council member Lyle Neal. Also present: Dennis Jeppson with JEO Consulting, Pat Bruha, John Melena, 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 7:37 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 Library Community Room.

MINUTES: A motion was made by Bruha and seconded by Fortune to approve the minutes of the September 5, 2006 meeting. Roll call vote: Bruha yes, Fortune yes, Baker abstain, Neal absent. Motion carried.

A motion was made by Fortune and seconded by Bruha to approve the minutes of the September 8, 2006 meeting. Roll call vote: Fortune yes, Bruha yes, Baker abstain, Neal absent. Motion carried.

A motion was made by Fortune and seconded by Bruha to approve the minutes of the September 25, 2006 meeting. Roll call vote: Fortune yes, Bruha yes, Baker abstain, Neal absent. Motion carried.

PAYMENT OF BILLS, BOND PRINCIPAL AND INTEREST: A motion was made by Bruha and seconded by Baker that the following bills in the amount of \$64,085.97, Bond principal of \$30,000.00 and Bond interest of \$19,795.00 totaling \$113,880.97 approved by the Auditing Committee be approved for payment. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal absent. Motion carried.

SALARIES:

43089	Mark Frey	1259.95
43090	Forrest K Siebken	1212.88
43091	Mavis Lynn Ferris	40.41
43092	Jeanne M Hoggins	1179.98
43093	Gary Lee TeSelle	726.16
43094	Scott Dean Fosler	1139.44
43095	Robert L Hull	879.06
43096	Beverly J Wehrs	461.05
43097	Edna A Riedl	306.57
43098	David R Dahle	860.10
43099	Louis J Bialas	852.35
43100	Arlene F Sieck	379.98
43101	Bryce C Johnson	910.58
43102	Philip Winkelmann	881.09
43103	George A Matzen	208.64
43104	Joshua S Wiley	103.44
43105	Tracy L Yeackley	600.09
43106	Julia M Wang	103.44
43107	Nicholas D Bernasek	113.59
43122	Mark Frey	VOID
43123	Forrest K Siebken	1212.88
43124	Mavis Lynn Ferris	31.75
43125	Jeanne M Hoggins	1160.43
43126	Gary Lee TeSelle	799.86
43127	Scott Dean Fosler	1055.99
43128	Robert L Hull	772.56
43129	Beverly J Wehrs	475.62
43130	Edna A Riedl	348.21
43131	David R Dahle	880.66
43132	Louis J Bialas	852.35
43133	Arlene F Sieck	506.66
43134	Bryce C Johnson	792.09
43135	Philip Winkelmann	802.37
43136	George A Matzen	227.01
43137	Joshua S Wiley	103.44
43138	Tracy L Yeackley	181.69
43139	Julia M Wang	103.44
43140	Nicholas D Bernasek	85.19
43142	Joyce Elaine Plessel	184.70
43143	Ricky Gene Fortune	138.52
43144	Dean Alan Bruha	138.52

43145	Emerson L. Neal	138.52
43146	David Terry Good	138.52
43190	Mark Frey	1259.95

GENERAL FUND:

43035	U.S. Postmaster – Utility Billing Postage	238.19
43036	Ashley Jensen – WA/SW Deposit Refund	31.88
43037	Thad Kremer – WA/SW Deposit Refund	50.00
43038	Tim Lewis – WA/SW Deposit Refund	47.79
43039	Ameritas Group – Dental & Vision	1093.40
43040	Alltel – Cellular	74.33
43041	Windstream – Long Distance for Jul & Aug	10.76
43042	Aramark Uniform Services – Pants & Rags	211.84
43043	ATCO International – Apocalypse	190.00
43044	Scott Burroughs – Meals @ Kearney	414.31
43045	Centaur Enterprises – Edger, Pipe Wrench	114.42
43046	Central States Lab – Knockout	257.40
43047	Culligan Water – Soft Water	19.40
43048	Farmers Coop – Gas/Diesel for Aug, Repairs, Tires	1469.45
43049	Deep Rock – Drinking Water	21.26
43050	Drummond American Corp – Powerhouse Disinf	168.91
43051	Eakes Office Plus – Copies, Binders, Shredder, Cards	965.26
43052	Ed M Feld Equipment – Deck Light	171.29
43053	Farm Plan – Filter Ele	55.00
43054	G & P Development Landfill – Hauled Singles	70.20
43055	The Garbage Co – Garbage Services for Aug	123.48
43056	Great Plains-One Call – Locate Requests	54.54
43057	Hawkins Water – Iodine Smart, Phosphate Test	95.42
43058	Hornady – Rifle Ammunition	168.60
43059	JEO Consulting Group – St Improv - Jantze Addition	8145.00
43060	Linweld – Oxygen	111.50
43061	Menard’s – Ratchet’s, Treated GC	123.10
43062	Milford Plumbing Inc – Toilet Repair, 1 x 2 Galv	74.30
43063	Milford Supermarket – Batteries, Paper Plates	62.56
43064	Milford Volunteer Fire Dept – 2 to School in Hastings	120.00
43065	Midwest Door & Hardware–Sol Plast Toilet Partitions	3625.00
43066	Mutual of Omaha – Disability	79.33
43067	NE Dept of Revenue – Sales Tax for August	2049.02
43068	NAPA – Upholstry Cleaner, Pump, Wrench, Sprk Plgs	455.34
43069	NPPD – Service for August	6424.09
43070	NE Tech & Telecomm – Service for August	483.27
43071	NE Rural Water Assoc – Backflow Brochures	120.00
43072	NE Dept of Revenue – Waste Reduct Recycling Fee	25.00

43073	OMB's Express Police Supply – Handcuff Case, Shp	69.99
43074	Aquila – Service for August	612.79
43075	Pizza Kitchen – 30 Meals on Thurs 8/31	129.50
43076	Roxanne Roth – Cleaning Services	305.00
43077	Mrs Wayne Roth – Birthday Cake	16.00
43078	Seward Co Independent – Notices, Minutes, Ord 780	223.95
43079	Seward Co Pub Power Dist – Wells 1 & 2	936.68
43080	Special Occasions – Swag for Wall, Shelf Arrangement	65.00
43081	State Fire Marshall Training – Certification	50.00
43082	Sunrise Country Manor – August Meals (258)	825.60
43083	Ultramax – 40 S & W	312.00
43084	Wergin's Lawn Service – Fertilizer B St & Sr Center	43.00
43085	Windstream – Dir Advertising, Local/Internet, Paging	200.40
43086	Xpeditor Technology – Interbase License	310.00
43087	Yant Testing Supply – Vent, Nozzle, Pump, Gauge	686.55
43088	Nebraska Code Consulting – 10 Inspections	400.00
43108	Ameritas Group – Pension	1474.62
43109	Martha J Ferrill – WA/SW Deposit Refund	50.00
43110	T.J. Meyer – WA/SW Deposit Refund	50.00
43111	Jason & Stacie Roth – WA/SW Deposit Refund	50.00
43112	Betty Schmidt – WA/SW Deposit Refund	50.00
43113	Travis Yeackley – WA/SW Deposit Refund	50.00
43114	Trevis Zimmerman – WA/SW Deposit Refund	50.00
43115	Anton Hekrdle – WA/SW Deposit Refund	25.99
43116	Josh Reitz – WA/SW Deposit Refund	50.00
43117	AFLAC – Disability, Accident, Cancer Supplemental	306.96
43118	Healthplan Services Inc – Health Insurance	7508.43
43119	Shell Fleet Plus – Fuel for Aug & September	600.96
43120	Stutzman Concrete – Remove & Replace on 6 th St	1900.00
43121	Troyer Concrete – Street Repair on Clair Lane	3179.20
43141	Ameritas Group – Pension	1474.62
43147	American Red Cross – Admin Costs-Swim Lessons	172.00
43148	Better Homes and Gardens – Scrapbooks Etc-1 yr	24.00
43149	Blevens Law Office – Legal Services	350.00
43150	City of Milford – Petty Cash, Postage	59.43
43151	Christian Book Distributors – 9 Books	112.76
43152	Country Living – 1 year Subscription	12.00
43153	RSBN Inc – Anti-Virus Setup	70.00
43154	Emergency Med Prod – Gloves, Hot/Cold Packs	613.01
43155	InsureNebraska – Notary Bond & Stamp, Bonds	476.15
43156	Fort Dearborn Life Insurance – Life Insurance	116.96
43157	Great American Leasing – 3 Months Rental	285.00

43158	Heyen Tax & Accounting – W-2 Forms & Envelopes	62.97
43159	IIMC – Annual Membership Fee	125.00
43160	Ingram Library Services – 46 Books	563.45
43161	Marvin E Jewell – 06 / 07 Budget Work	6100.00
43162	JEO Consulting Group – St Improv/Jantze Addition	570.00
43163	KAPCO – Office Supplies	99.90
43164	Kustom Signals – In-car Video Repair	176.00
43165	League of NE Municipalities – Membership 06 / 07	2064.00
43166	League of NE Municipalities – Utilities Membership	470.00
43167	The Library Store – Office Supplies	37.22
43168	Meyer Laboratory – Wasp Spray, Liners, Paper	232.90
43169	Marshall Cavendish Corp – 5 Books	134.57
43170	Milford Plumbing – Copper Fitting/Svc Call, Repairs	264.37
43171	Midwest Mailing Solutions – Inkjet Cartridges	188.71
43172	NHPCA – 1 Book	25.00
43173	National Geographic Society – 1 Book “Cheseapeake”	15.90
43174	NE Municipal Clerks Assoc – 06 / 07 Dues	20.00
43175	NE Health Laboratory–Nitrite, Lead/Copper, Coliform	292.00
43176	Orscheln – Tape Measures, Chalk Combos	90.44
43177	People – 1 year Subscription	39.42
43178	FSH Escrow Corp – Filter Clean	478.90
43179	Regional Repair Center – 4x Super Drive	60.00
43180	Edna Riedl – Better Homes & Gardens Reimburse	22.00
43181	Reiman Publications – Country Extra-1 Yr Subscript	25.98
43182	Roxanne Roth – Cleaning Services	250.00
43183	Southeast NE Dev Dist – 07 Membership Dues	1553.00
43184	Subway Motors Co – Pad	11.20
43185	Teen Vogue – 2 Year Subscription	20.00
43186	Union Bank – Gary TeSelle Account	300.00
43187	WalMart – Cat Food, Supplies, Food	27.83
43188	Welsh Electric – Install Grounded Circuit, Bulbs	263.28
43189	Beverly Wehrs – Convention in Schuyler	42.00

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Library Board minutes for September 21, 2006; Planning and Zoning Commission minutes for September 14, 2006; Recreation Board minutes for September 27, 2006 and the Police Dept. Activity Report for September 2006. Chief Siebken presented the September 2006 Police Report. He also presented sample ordinances for Sex Offender Loitering and Curfew for 15 yrs of age and younger. Both ordinances will be placed on the November agenda. Frey has spoken with Dan Troyer regarding the cracked wall at the Library. No response back from Dan.

The Fire Report for September was submitted and 16 Rescue calls were mentioned.

COMMUNICATIONS: *Sales tax received for the month of July 2006 was \$13,114.07. *Milford Chamber of Commerce presented survey results from Family Fun Days. *Resignation letter received from Recreation Board Chairman Craig Shaw.

PUBLIC HEARING:

Citizen Advisory Committee: Mayor Plessel opened the Public Hearing at 7:50 pm. Bruha reported on funds generated for the Economic Development Program. Revenue of \$107,540.86, Expenses of \$50,629.11 for a balance of \$56,911.75. No local activity at this time but there are some county projects in the works. With no further comments Mayor Plessel closed the public hearing at 7:55 pm.

NEW BUSINESS:

Additional funds for Fire Dept. Equipment on Tanker: Melena explained that last month the bid was awarded for the 2000 gallon tanker but the price of \$128,798.00 did not include hoses, nozzles and other equipment to outfit the truck. Melena asked for the Council's permission to increase the bid price \$2,000.00 for the additional equipment. Funds from the County and City Sinking Fund are available with this year's budget. A motion was made by Fortune and seconded by Bruha to approve the request for additional equipment totaling \$2,000.00. Roll call vote: Fortune yes, Bruha yes, Baker yes, Neal absent. Motion carried.

Approval of Fine Schedule: Tabled to next month.

Award Bid – Paving Dist 2006-1 and 2006-2: Dennis Jeppson stated that 2 bids had been received. Walton Construction, Inc./Lincoln, NE for a total of \$111,468.00 and Constructors out of Lincoln NE for a total of \$148,229.80. JEO has worked with Walton Const. and noted no problems. Bruha asked if Walton was presented with a time-line clause. Dennis Jeppson noted that Walton Const. will be doing all the utility work first. Everyone understood the intent is to get the work done this year. A motion was made by Bruha and seconded by Fortune to award the paving bid to Walton Construction in the amount of \$111,468.00. Roll call vote: Bruha yes, Fortune yes, Baker yes, Neal absent. Motion carried.

Discussion – Additional water costs, JTA Phase III: JEO Representative Dennis Jeppson explained that the original cost agreement for the JTA Phase 3 subcontract was \$17,654.00 Due to the additional dry boring and other small items the cost will increase to \$20,054.00, which the City will need to consider. To keep costs down Dennis and Mark Frey evaluated the project plans and eliminated 4 valves, two on D Street and 2 on a hydrant in the middle of Seventh Street. Mark stated he can still isolate the area and will be able to conduct the requirement of flushing hydrants. Additional cost for

betterment of storm sewer, which is increasing pipe size from a 17" to a 24". Items 1,2,3,4,6 & 7 are part of the original agreement. (See attached) Dennis noted that the numbers could fluctuate during the actual construction phase, but the cost should be pretty close. A motion was made by Bruha and seconded by Fortune to amend the original sub-contract development agreement of \$17,654.00 to an amount not to exceed \$20,054.00. Roll call vote: Bruha yes, Fortune yes, Baker yes, Neal absent. Motion carried.

Approval of Fire Dept. membership Roster: A motion was made by Fortune and seconded by Baker to approve the Fire Dept. membership roster as submitted. (See attached) Roll call vote: Fortune yes, Baker yes, Bruha yes, Neal absent. Motion carried.

Approval Coed Volleyball Director: A motion was made by Fortune and seconded by Baker to approve Bruce Stutzman as the Coed Volleyball Director. Roll call vote: Fortune yes, Baker yes, Bruha yes, Neal absent. Motion carried.

Approval Youth Basketball Coaches: A motion was made by Bruha and seconded by Fortune to approve Terry Hauder as boys youth basketball coach. Roll call vote: Bruha yes, Fortune yes, Baker yes, Neal absent. Motion carried.

Discuss Board of Adjustments: Mayor Plessel informed the group that Keith Marvin with JEO advised the City that the Board of Adjustments (BOA) cannot be made up of the Mayor, Council and Chairman of Planning & Zoning. There are 2 options: 1) City can appoint their own BOA. 2) The City can ask the County to act as Milford's BOA. These options are determined by State Statute and if the County is approached, they cannot refuse to act as the BOA for the City of Milford. Bruha liked the idea of using the County BOA. Blevens noted that with the standards of granting a variance as they are, it is likely that you may never grant another variance. Fortune thought that every attempt should be made to organize and find interested people within the community to serve on the BOA. Blevens will research documentation as to who can serve on the BOA. Fortune stated that turning the BOA over to the County should be a last resort.

Introduction and Adoption of Ordinance – Board of Adjustments: Agenda item not needed.

Appointments: A motion was made by Baker and seconded by Fortune to approve the Mayor's recommendation of appointing Mary Costello to the Library Board to fill Diane Polacek's term expiring 9/30/09. Roll call vote: Baker yes, Fortune yes, Bruha yes, Neal absent. Motion carried.

A motion was made by Bruha and seconded by Fortune to approve the Mayor's recommendation of appointing Jodi Roth to the Recreation Board to fill Norma Miller's term expiring 12/31/06 and also to fill a 3 year term

with an expiration date of 12/31/09. Roll call vote: Bruha yes, Fortune yes, Baker yes, Neal absent. Motion carried.

A motion was made by Fortune and seconded by Bruha to approve the Mayor's recommendation of appointing Mike Walkowiak to the Recreation Board to fill Craig Shaw's term expiring 12/31/08. Roll call vote: Fortune yes, Bruha yes, Baker yes, Neal absent. Motion carried.

A motion was made by Baker and seconded by Bruha to approve the Mayor's recommendation to reappoint Jim Davenport for a 2nd term expiring 12/31/09. Roll call vote: Baker yes, Bruha yes, Fortune yes, Neal absent. Motion carried.

Reformat Planning & Zoning Commission: Agenda item not needed.

Presentation – “The Real Story Behind TABOR/SOS”: The League of NE Municipalities provided a short video to present to the public regarding Initiative 423. The video was presented to all in attendance.

ADJOURNMENT: A motion was made by Bruha and seconded by Baker to adjourn the meeting. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal absent. Motion carried and meeting adjourned at 9:47 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 October 3, 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