

CITY OF MILFORD  
REGULAR MEETING  
OCTOBER 5, 1999  
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 5<sup>TH</sup> day of October, 1999 at 7:30 P.M. Present were: Mayor Dean Bruha; Councilmembers Dorothy Bockoven, Scott Burroughs, Gary Cooper, Rick Fortune; Attorney Robert Blevens; City Clerk J. Elaine Plessel; Deputy City Clerk Jeanne Hoggins. Also present: Floyd Nitzsche, Dave Whitney, Jack Zimmerman, Larry Jantze, Daren Shrader, Chief of Police Dave Smith, Todd Neeley 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 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 Dean Bruha called the meeting to order at 7:30 P.M.

**MINUTES:** A motion was made by Fortune and seconded by Cooper to approve the minutes of the August 26, 1999 meeting. Roll call vote: Fortune yes, Cooper yes, Bockoven yes, Burroughs yes. Motion carried.

A motion was made by Burroughs and seconded by Bockoven to approve the minutes of the September 7, 1999 meeting. Roll call vote: Burroughs yes, Bockoven yes, Cooper yes, Fortune yes. Motion carried.

A motion was made by Cooper and seconded by Fortune to approve the minutes of the September 15, 1999 meeting. Roll call vote: Cooper yes, Fortune yes, Bockoven yes, Burroughs yes. Motion carried.

A motion was made by Burroughs and seconded by Bockoven to approve the minutes of the September 17, 1999 meeting. Roll call vote: Burroughs yes, Bockoven yes, Cooper yes, Fortune yes. Motion carried.

**PAYMENT OF BILLS:** A motion was made by Cooper and seconded by Bockoven that the following bills, approved by the Auditing Committee be approved for payment. Roll call vote: Cooper yes, Bockoven yes, Burroughs yes, Fortune yes. Motion carried.

**SALARIES:**

29872	Mark Frey	932.12
29873	Joyce Elaine Plessel	738.67
29874	Mavis Lynn Ferris	46.38
29875	Jeanne M. Hoggins	529.44
29876	Gary Lee TeSelle	514.71
29877	David Lee Smith	865.76
29878	Scott Dean Fosler	785.17
29879	Robert L. Hull	681.71
29880	Beverly J. Wehrs	313.81
29881	Edna A. Riedl	221.43
29882	David R. Dahle	646.21
29883	Ann M. Miller	170.39
29884	Amanda L. Lambe	90.03
29885	Louis J. Bialas	589.27
29886	Pamela J. Slama	210.91
29887	Robert S. DeCoste	659.23
29948	Mark Frey	932.12
29949	Elaine J. Soukup	14.27
29950	Joyce Elaine Plessel	738.67
29951	Mavis Lynn Ferris	41.63
29952	Jeanne M. Hoggins	540.43
29953	Gary Lee TeSelle	601.69
29954	David Lee Smith	865.76
29955	Scott Dean Fosler	717.11
29956	Robert L. Hull	598.88
29957	Beverly J. Wehrs	294.42
29958	Edna A. Riedl	218.64
29959	David R. Dahle	666.71
29960	Ann M. Miller	175.07
29961	Amanda L. Lambe	59.46
29962	Louis J. Bialas	615.97
29963	Pamela J. Slama	238.97
29964	Robert S. DeCoste	660.98

**GENERAL FUND:**

29888	Ameritas Life Insurance – Retirement	996.18
29889	ACCO – Carboy Deposit	89.36
29890	Aliant Communications – Serv. to 8/26/99	667.70
29891	Bob’s Service – Tail Pipe, New Tire	113.90

29892	Butch's Welding & Repair – Parts, Labor	27.18
29893	Century Labs/Pro Clean – Case of Liners	248.86
29894	City of Milford – Petty Cash	45.98
29895	Chief Supply Corporation – Resistor Gloves	60.97
29896	Credit Bureau of Lincoln – Monthly Charge	10.00
29897	Culligan Water Conditioning – Soft Water	16.00
29898	Dorchester Farmers Cooperative – Supplies	149.88
29899	Dorchester Farmers Coop – Gas	639.12
29900	Department of Labor – Boiler Inspection/Pool	150.00
29901	Farmers & Merchants Bank – Loan Pay Off	1,399.89
29902	Gall's Inc. – 2 Spotlight Handles	53.97
29903	G.V.C. Chemical Corp. – Rust Buster, Flame Tamer	574.43
29904	G & P Development – Serv. for Aug./ Land fill fee	112.86
29905	The Garbage Co. – Garbage Pick up	17.25
29906	Gerhold Concrete – Seward – Concrete, Fill Sand	349.00
29907	Great Plains-One Call Serv. – Locate Requests	34.73
29908	William R. Hough & Co. – Annual Fee	310.50
29909	Intoximeters – Repair Alco-Sensor	124.15
29910	Layne Christensen Co. – Inspection & Oil	1,013.62
29911	Lesco – Fertilizer Spreader	229.00
29912	MARC – Blue & Green Marking Paint	118.21
29913	Milford Economic Development – Eng. Ser. & Buffet	694.67
29914	Milford Plumbing Co. – Ball Valve, Bushing	19.39
29915	Milford Times – Printing & Publications	207.56
29916	Mohrhoff Power Equipment – Mower Parts	4.01
29917	Municipal Supply, Inc. – Flare Coupling	105.54
29918	Nebraska Furniture Mart – Carpet Installation	6,210.44
29919	NE Dept. of Revenue – August Sales Tax	1,441.62
29920	Nebraska Health Laboratory – Nitrate/Coliform Test	53.10
29921	NE Motor Parts – Supplies	95.52
29922	NE Public Power Dist. – Serv. to 8/24/99	363.75
29923	Newman Signs – Street & Stop Signs	661.25
29924	NE Dept. of Revenue – Waste Reduction/Recycle Fee	25.00
29925	Nebraska Truck Center – New GMC Dump Truck	51,757.00
29926	Omaha Life Ins. Co. – Life Insurance	72.00
29927	Peoples Natural Gas – Serv. to 8/27/99	355.51
29928	Elaine Plessel – Insurance	124.10
29929	Police Chief Assoc. of NE – 2000 Membership	30.00
29930	Quartermaster – USA Uniform Shorts	45.90
29931	B & R Electronics – Computer, Labor	1,747.09

29932	Roxanne Roth – Cleaning	160.00
29933	Mrs. Wayne Roth – 2 sheet cakes	25.00
29934	Sack Lumber – Wooden Stakes	12.00
29935	Schlegel’s Groceries – Supplies	44.68
29936	Servi-Tech – Test for discharge	58.75
29937	Seward County Rural Pubic Power – Wells 4 & 5	357.18
29938	Pam Slama – Cleaning City Hall	80.00
29939	Cloy Stutzman – Paint all walls	1,150.00
29940	Subway Motors – Relay, Starter	343.50
29941	Uniservice Inc. – Pants & Rags	81.58
29942	Utility Equipment – Repair Clamp/Meters	1,069.02
29943	Laura Blum – Deposit Refund	31.35
29944	Crete Glass – Window Repair	1,420.48
29945	Lesco – Difference in check for spreader	70.00
29946	Troyer Concrete – Library Wall Repair	4,200.00
29947	Troyer Concrete – Sidewalk Repair	885.00
29965	Ameritas Life Insurance – Retirement	996.18
29966	Mutual of Omaha – Initial Premium	3,155.00
29967	AT&T – Long Distance Service	15.02
29968	Aliant Communications – Final Serv. 99	60.88
29969	Aliant Cellular – Mobile Phone	18.58
29970	Blevens Law Office – Legal Service	350.00
29971	City of Milford – Petty Cash	35.00
29972	Emergency Medical Prod. – Rescue Supplies	226.34
29973	Farmers & Merchants Agency – Emp. Blanket Bond	371.00
29974	1 <sup>st</sup> Choice Credit Union – TeSelle Acct. #48052	250.00
29975	Heartsong Presents – 4 Books	9.97
29976	IIMC – Annual Membership Fees	65.00
29977	Marvin E. Jewell & Co. – 99 –2000 Budget Prep.	4,380.00
29978	League of NE Municipalities – Membership Dues	1,421.00
29979	Matrix Medical Inc. – Red Adscope Stethoscope	55.00
29980	Milford School Dist.- Fines	90.00
29981	Mutual of Omaha Companies – Disability Ins.	181.72
29982	NE Municipal Clerks Assoc. – Membership Fee	20.00
29983	National Geographic Society – Book	14.90
29984	NE Dept. of Revenue – State W/H for Sept.	641.50
29985	NE Health & Human Services – Water Oper. Course	90.00
29987	NE Pubic Power Dist. – Serv. to 9/20/99	2,689.70
29988	Omaha Life Ins. Co. – Insurance	72.00
29989	Peoples Natural Gas – Serv. to 9/24/99	73.30

29990	Pizza Kitchen – 30 Chicken Dinners	113.50
29991	Roxanne Roth – Cleaning	175.00
29992	Seward County Independent – 1 year sub.	27.00
29993	Seward County Rural Public Power – Wells 4 & 5	366.95
29994	Seward County Treasurer – 911 Comm. Milford Disp.	300.00
29995	Southeast NE Dev. Dist. – 2000 Membership Dues	1,226.00
29996	United Healthcare – Insurance	3,502.94
29997	Wal-Mart Store – Supplies	255.57
29998	Aaron Meysenburg – Deposit Refund	30.14

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received were Housing Authority minutes for September 13, 1999 meeting and notice of October 11, 1999; Planning & Zoning minutes for September 20, 1999; Milford Aging Services Commission minutes for August 24, 1999; Recreation Board minutes for September 22, 1999. Bockoven reported on the progression with the Library. Burroughs noted that the Pool Board is searching for a Manager and Asst. Manager for the 2000 Season. Anyone interested could contact Craig Bontrager. Job descriptions are being worked on for the two positions. Cooper commented on a Disclaimer & Release on the detention pond at Thornridge Acres First Addition. This would change the original plat and move the detention cell.

**COMMUNICATIONS:** Sales tax received for the month of July was \$10,466.71. A letter of resignation was presented to the Mayor by Chief of Police, David L. Smith. Effective date of resignation is October 19, 1999.

**Public Hearing – Citizen Advisory Committee:** Mayor Bruha opened the Public Hearing at 7:36 P.M. Dave Whitney with the Economic Development Committee presented the following information. The Committee is made up of 8 members which has been active for 1 year. An option was made on ground west of Milford. Kirkham Michael is proceeding with the Feasibility Study on property and will be assisting with application for Grant of Floodway Study. Paper work is in the process of being finalized for signatures and noted that City should not have to pay. \$2,048.67 has been spent out of the \$5,000.00 allocated from the Sales Tax Income. Our name is with the State of NE with interest in new industry. Bill Anderson was the representative of the Economic Development Comm. which met with the Advisory Board last month. There were no further comments. Public Hearing closed at 7:42 P.M.

**Public Hearing – Setting Final Mill Levy:** Mayor Bruha opened the Public Hearing at 7:45 P.M. The Mayor read the resolution made available by the accountant. There were no further comments. Public Hearing closed at 7:47 P.M.

**NEW BUSINESS:**

**Introduction and Adoption of Resolution – Final Mill Levy:** Dorothy Bockoven introduced the following resolution seconded by Fortune:

**RESOLUTION #356**

The following resolution was introduced by Bockoven, who moved its adoption, seconded by Fortune,

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

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purpose of the levy set by the County Board of Equalization unless the Governing Body of the City of Milford passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the city of Milford that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Milford, by a majority vote, resolves that:

1. The 1999-2000 property tax request be set at \$.6287.

Upon roll call vote as follows: Bockoven yes, Fortune yes, Burroughs yes, Cooper yes. Motion carried.

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Dean A. Bruha, Mayor

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Jeanne Hoggins, Deputy City Clerk

**Approve Volleyball Director:** A motion was made by Bockoven and seconded by Burroughs to approve Gary TeSelle as Volleyball Director for the 1999 – 2000 Season. Roll call vote: Bockoven yes, Burroughs yes, Cooper yes, Fortune yes. Motion carried.

**Approve Youth Basketball Coaches, Boys & Girls:** A motion was made by Burroughs and seconded by Cooper to approve Mike Stinson as boys basketball coach for grades 3 – 6. Roll call vote: Burroughs yes, Cooper yes, Bockoven yes, Fortune yes. Motion carried.

No applications received for the girls basketball coach position.

**Approve Fire Dept. Membership List:** A motion was made by Fortune and seconded by Burroughs to approve the Fire Dept. membership list

presented to Council. (See attached list) Roll call vote: Fortune yes, Burroughs yes, Bockoven yes, Cooper yes. Motion carried.

**Request for Variance – Floyd & Susan Nietzsche:** Floyd Nietzsche was present and asked Council for variance for Lot Split at 2<sup>nd</sup> & “D”. He stated that he was 361 sq. feet short of recommended square footage. A motion was made by Fortune and seconded by Burroughs to approve variance with recommendations made by the Planning & Zoning. (See attached P & Z minutes) Roll call vote: Fortune yes, Burroughs yes, Bockoven yes, Cooper yes. Motion carried.

**Yard Waste Disposal Problem:** The Mayor read portions of a letter, from The Garbage Co., received by members of the community. The Garbage Co. has agreed to pick up grass & leaves beginning Oct. 4, 1999 at the residence until December 1, 1999. Dist. Manager, Daren Shrader spoke to Council regarding regulations of the State. State will not allow landfill to accept grass & leaves from April 1 – Nov. 30. Biodegradable containers or trash containers can be used for pick-up. No Plastic Bags will be accepted! The Site Manager for this area is Jeremy Rystrom. Mayor Bruha also noted that the Brown Bear Machine has not been fixed yet.

**Appointments:** A motion was made by Fortune and seconded by Bockoven to approve Craig Bontrager on the Planning & Zoning Commission for a term of 3 years. Roll call vote: Fortune yes, Bockoven yes, Burroughs yes, Cooper yes. Motion carried.

**Re-appointments:** A motion was made by Cooper and seconded by Burroughs to re-appoint Craig Bontrager to the Pool Board for a term of 3 years. Roll call vote: Cooper yes, Burroughs yes, Bockoven yes, Fortune yes. Motion carried.

A motion was made by Fortune and seconded by Bockoven to re-appoint Lori Matthiessen for a term of 3 years to the Pool Board. Roll call vote: Fortune yes, Bockoven yes, Burroughs yes, Cooper yes. Motion carried.

**Merlyn Davids, Sheri’s Grill & Bar – Change of Closing Hours:** Mr. David’s asked the Council to extend the hours of alcoholic beverages to 1:00 A.M. on Friday & Saturday nights. He stated that his clientele was dining later in the evening and he was losing business of the 2<sup>nd</sup> shift employees. He wants to remain competitive with the surrounding businesses. Bockoven stated she had no problem with request. Fortune also had no problem with request but felt that all 6 days should be included instead of just the 2. Cooper noted that all surrounding communities are open until 1:00 a.m. six days a week. Burroughs thought it wise to remain competitive. Mayor Bruha noted his Law Enforcement concern. Mr. David’s noted that he runs a clean operation and tries to stay on top of situations.

**Introduction and Adoption of Ordinance: Change of Closing Hours:**

Fortune introduced the following ordinance:

ORDINANCE NO. 696

AN ORDINANCE TO REGULATE THE HOURS AND DAYS OF SALE OF ALCOHOLIC LIQUORS, TO AMEND SECTION 10-117 OF THE MUNICIPAL CODE AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

**Award Bid – Sr. Center Meals:** Mayor Bruha read proposal made by IHS to provide meals Monday thru Friday to Sr. Center without milk for \$3.25. This was an increase of \$.25 and the only bid received. A motion was made by Cooper and seconded by Burroughs to approve the meal bid of IHS for \$3.25. Roll call vote: Cooper yes, Burroughs yes, Bockoven yes, Fortune yes. Motion carried.

**Noise Concern – Jack Zimmerman:** Mr. Zimmerman stated his concerns with the amount of noise being produced on the highway and in the area of 210 4<sup>th</sup> St. The noise from individuals radio's and mufflers are rattling windows in his home. He also stated that the speed in which cars were traveling in noted area was dangerous. Seward has just passed an ordinance with regards to audible noise within 50 feet as a nuisance. Mr. Zimmerman's concern was noted and turned over to the Police Dept.

**Approve Bidding for Lift Station:** Fortune noted that Mark Frey had met with Olsson Assoc. and would like to start advertising next Wednesday for repair of the Clair Lane Lift Station. The time frame suggested was as follows: Bids back by Nov. 18 or 19. Open bid at the December 7 Council Mtg. Completed by May 1, 2000. They felt the winter would be a good time for construction of this project. A motion was made by Cooper and seconded by Bockoven to solicit bids for repair of the Clair Lane Lift Station. Roll call vote: Cooper yes, Bockoven yes, Burroughs yes, Fortune yes. Motion carried.

**Executive Session – Personnel:** A motion was made by Bockoven and seconded by Cooper to adjourn from regular session to executive session for the purpose of personnel matters. Roll call vote: Bockoven yes, Cooper yes, Burroughs yes, Fortune yes. Motion carried and council went into executive session at 8:31 p.m.

A motion was made by Bockoven and seconded by Burroughs to adjourn from Executive Session to Regular session. Roll call vote: Bockoven yes, Burroughs yes, Cooper yes, Fortune yes. Motion carried and Council now in regular session at 9:49 p.m.

**Hire Secretary/Recreation Director:** A motion was made by Bockoven and seconded by Cooper to hire Arlene Sieck as Secretary/Recreation Director at the rate of \$7.50 per hour with benefits and a 1 year probation period. Roll call vote: Bockoven yes, Cooper yes, Burroughs yes, Fortune yes. Motion carried.

**ADJOURNMENT:** A motion was made by Bockoven and seconded by Burroughs to adjourn the meeting. Roll call vote: Bockoven yes, Burroughs yes, Cooper yes, Fortune yes. Motion carried and meeting adjourned at 9:50 P.M.

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Deputy City Clerk

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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 5, 1999 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)

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Jeanne Hoggins, Deputy City Clerk