

CITY OF MILFORD
REGULAR MEETING
OCTOBER 6, 2009
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Webermeier Library Building in said City on the 6th day of October 2009 at 7:30 pm. Present were: Mayor Dean Bruha; Council members: Jeff Baker, Rick Fortune, Jeff Heckman, Dan Kral; Attorney Robert Blevens; Chief of Police Forrest Siebken; Maintenance Supt. Mark Frey and City Clerk Jeanne Hoggins. Also present: Shirley Heckman, Don Stockley, Matt Howe, Bill Fuelling, Brian Bashore, Kristina Morris, Joe Troyer, Dan Troyer, Jerry Shald, John Melena, Bob Boshart and Nancy McGill.

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 the 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 Bruha called the meeting to order at 7:32 p.m. Mayor Bruha 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 Meeting Room.

MINUTES: A motion was made by Baker and seconded by Kral to approve the minutes of the September 1, 2009 meeting. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried.

PAYMENT OF BILLS: A motion was made by Kral and seconded by Heckman that the following bills in the amount of \$145,835.98; Bond Interest of \$12,436.60 and payroll in the amount of \$29,578.95 approved by the Auditing Committee be approved for payment. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried.

SALARIES:

48538	Mark Frey	1439.78
48539	Forrest K Siebken	1350.82
48540	Mavis Lynn Ferris	60.25
48541	Jeanne M Hoggins	1331.63
48542	Gary Lee TeSelle	868.97

48543	Scott Dean Fosler	2716.96
48544	Robert L Hull	991.21
48545	Beverly J Wehrs	515.95
48546	David R Dahle	1033.24
48547	Philip Winkelmann	1077.32
48548	George A Matzen	584.25
48549	Tracy L Yeackley	700.57
48550	Julia M Wang	73.88
48551	Josh Steven TeSelle	317.57
48552	Courtney L Bashore	60.25
48553	Anna E Tremmel	113.82
48554	David Tell Jensen	34.17
48555	Kyle MW Herman	10.25
48556	Larisa M Roth	10.25
48557	Celena R Malmkar	46.13
48558	Megan Ashley Kremer	27.33
48559	Tiffany Fougeron	270.18
48560	Benjamin L Rediger	702.53
48561	Joshua James Urbanec	347.98
48562	Abigail Ahmed	8.37
48563	Shannon R Horsley	8.37
48564	Craig A Corder	1118.42
48633	Mark Frey	1439.78
48634	Forrest K Siebken	1350.82
48635	Mavis Lynn Ferris	60.25
48636	Jeanne M Hoggins	1331.63
48637	Gary Lee TeSelle	849.97
48638	Robert L Hull	889.25
48639	Beverly J Wehrs	521.19
48640	David R Dahle	1004.95
48641	Philip Winkelmann	1124.01
48642	George A Matzen	584.25
48643	Tracy L Yeackley	700.56
48644	Julia M Wang	192.40
48645	Josh Steven TeSelle	281.20
48646	Courtney L Bashore	113.82
48647	Anna E Tremmel	113.82
48648	Tiffany Fougeron	285.29
48649	Benjamin L Rediger	706.62
48650	Joshua James Urbanec	434.34
48651	Craig A Corder	1035.57

48653	Ricky G Fortune	138.52
48654	Dean A Bruha	184.70
48655	Jeffrey M Baker	138.52
48656	Jeff L Heckman	138.52
48657	Dan V Kral	138.52

GENERAL FUND:

48530	Daisy Bacon – WA/SW Deposit Refund	44.52
48531	Cole Classen – WA/SW Deposit Refund	60.37
48532	Chuck Horton – WA/SW Deposit Refund	14.37
48533	Kaizen Inc – WA/SW Deposit Refund	25.00
48534	TJ Osmun – WA/SW Deposit Refund	49.45
48535	Rana Stender – WA/SW Deposit Refund	50.00
48536	Wendy Tibbets – WA/SW Deposit Refund	75.00
48537	U.S. Postmaster – Utility Billing Postage	274.06
48565	Ameritas Group – Pension	1649.87
48566	Abigail Ahmed – Lifeguard Certification Refund	50.00
48567	Alamar Uniforms – Safety Vests	154.70
48568	All Pro Landscaping – Sprinklers for Infield #3	3850.00
48569	Alltel – Cellular Charges	122.42
48570	Ameritas Group – Dental and Vision	965.60
48571	Aramark Uniform Services – Pants & Rags	362.16
48572	Black Hills Utility Holdings – Service for August	452.93
48573	Chief Supply Corp. – Replacement Strobes	124.99
48574	Constellation NewEnergy – Service for August	32.87
48575	Culligan Water Conditioning – Soft Water	20.00
48576	Curtis Farms – Rent on Tractor	1500.00
48577	Deep Rock – Drinking Water	31.25
48578	Diode Communications – Service for August	54.16
48579	Don’s Pioneer Uniforms – Pants, Shirts, Collars	512.55
48580	Eakes Office Plus – Paper, Punch, Stapler	136.95
48581	Farm Plan – Stihl Chainsaw, Ring, Clamp	721.93
48582	Farmer’s Cooperative – Gas/Diesel for August	1838.97
48583	Fry & Associates – Payment on Park Equipment	5000.00
48584	Great Plains- One Call Service – Locate Requests	25.90
48585	Jones National Bank and Trust – Carritt NSF Check	91.40
48586	Josh and Becky June – Reimburse Clogged Sewer Line	50.00
48587	Josh TeSelle – Lifeguard Certification Refund	50.00
48588	Marvin E Jewell & Co. – 09-10 Budget Assistance	6300.00
48589	Meyer Ford – Headlamp Repair, Radiator Fan	778.78
48590	Milford Supermarket – Cat Food, Groceries	162.31
48591	Mrs. Wayne Roth – Birthday Cake	16.00

48592	Municipal Supply – Register Adapt, Wall MIU	1512.49
48593	Naber’s – Cutters for Restroom	300.00
48594	Nat’l Patent Analytical System – Repair Breath Tester	79.15
48595	NE Dept of Revenue – Recycling Fee	25.00
49596	NE Dept of Revenue – Sales Tax for August	2040.00
48597	Nebraska Motor Parts – Oil Filter, Brake Fluid, Glue	19.40
48598	Nebraska Notary Assoc. – Bonds, Journals, Fees	433.00
48599	NPPD – Service for August	6950.92
48600	Nebraska Tech & Telecomm. – Service for August	414.83
48601	Olsson Associates – Pool Drawings	1500.00
48602	Paige McAvoy – Lifeguard Certification Refund	50.00
48603	Penworthy – Kids Books	1039.00
48604	Pizza Kitchen – Catered Meal	102.50
48605	Racom Corporation – Portable Batteries	422.56
48606	RecycleLink – Recycling Service	32.00
48607	Rediger Chevrolet – Thermostats, Rear U-Joint	199.63
48608	Roxanne Roth – Cleaning Services	250.00
48609	Seward Co PPD – Wells 1& 2	449.44
48610	Seward Co. Independent – Notices, Ordinances, Ads	350.40
48611	Seward Electronics – Antenna, Battery, Radio	369.18
48612	Shannon Horsley – Lifeguard Certification Refund	50.00
48613	Shell Fleet Plus – Car Gas	32.50
48614	Shell Fleet Plus – Fuel for August 08 Pickup	164.59
48615	Sunrise Country Manor – August Meals	880.00
48616	Talley Communications – Roof Mount, Bracket	236.00
48617	Technical Maintenance – WasteWA System Update	2100.00
48618	Terri Lynn Inc. – Sample Candy & Nuts	54.05
48619	The Garbage Company – Service for August	139.35
48620	Uribe Refuse Services – Garbage Pickup	37.00
48621	Wergin’s Lawn Service – Fertilize Sr. Cntr, Pool Area	203.00
48622	Windstream Nebraska – Phone, Local/Internet	310.55
48623	Aflac – Disability, Cancer, Accident, Suppl.	354.83
48624	Ameritas Group – Administrative Services	1080.00
48625	Coventry Health Care of NE – Health Insurance	8588.58
48626	Fort Dearborn Life Insurance – Life Insurance	116.96
48627	Mutual of Omaha – Disability	23.94
48628	Harold Bacon – WA/SW Deposit Refund	50.00
48629	Steve Barry – WA/SW Deposit Refund	50.00
48630	Carley J Roth – WA/SW Deposit Refund	50.00
48631	Wendy Tibbets – Reimbursement for Credit Balance	12.75
48632	James C Wilson – WA/SW Deposit Refund	50.00

48652	Ameritas Group – Pension	1511.48
48658	Atco International – Gel-O-Fresh, Devour	1065.20
48659	Baker & Taylor – Books	69.52
48660	Berry – Directory Advertising	15.20
48661	Bleven Law Office – Legal Service for Sept	350.00
48662	City Of Milford – Petty Cash (postage)	42.90
48663	D&D Communications – Pager, Amplifier	453.00
48664	D&M Building Systems – Street Repair	5970.40
48665	Data Technologies – Summit Lic Fee, Fuji Upgrade	4028.68
48666	DEMCO – Label Protectors	156.31
48667	EMC – General Insurance	50546.00
48668	EMP – Rescue Supplies	719.84
48669	Fry & Associates – Payment on Park Equip	5129.60
48670	Gale – Books	93.48
48671	Gerhold Concrete – 24 Tons CRSH Concrete Medium	312.00
48672	Great American Leasing – Meter Rental	80.00
48673	Heartsong Presents – Books	21.98
48674	Heiman Inc – Extrication Gloves	165.22
48675	Hydraulic Equipment – Rexroth pump, labor, suppl	1801.58
48676	Inland Truck Parts – Rebound clip for springs	3.79
48677	Jeanne Hoggins – Mileage	28.60
48678	Josten Wilbert Vault – Disinterment	458.00
48679	League of NE Municipalities – Membership Dues	3032.00
48680	Linweld – Oxygen, Hazmat Charge	202.70
48681	Lonny Radford – Mileage	25.25
48682	Meyer Laboratory – Jumbo Tissue Dispenser, Gloves	362.00
48683	Midwest Mailing Solutions – Ultimail Brush	38.00
48684	Milford Plumbing Inc – Replace 2” Meter & Labor	548.47
48685	Milford School Dist – Parking Fines	15.00
48686	Municipal Supply Inc – Flo Meter Wallmount, Meters	8403.15
48687	NE Public Health – Coliform Test	32.00
48688	Poolmart – Reagent Phenol	104.60
48689	Roxanne Roth – Cleaning Services	250.00
48690	Shell Fleet Plus – Fuel Expense	738.03
48691	Southeast NE Dev Dist – ’10 Membership Dues	1760.00
48692	Union Bank – Gary TeSelle Acct, Medicare Part D	442.20
48693	Walmart – Paint, Paintbrushes, Cleaning Supplies	76.69

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Housing Authority minutes for September 10, 2009; Fire Dept. minutes for August 11, 2009; Library Board Minutes for August 20, 2009; Milford Aging Services Minutes for September 22, 2009;

Recreation Board minutes for September 15, 2009 and September 29, 2009; Milford Fire report for July thru September 2009 and Milford Rescue NARSIS report for September 2009. Heckman – Mary Costello resigned from the Library Board. Baker – the park equipment for Welch Park has arrived and will be installed this fall or next spring. **COMMUNICATIONS:** *Sales tax received for the month of July 2009 was \$15,309.43. * Thank you received from Webermeier Scholarship recipient Sydney Tolle. *Letter of resignation received from Pat Rixstine from the Milford Aging Services Commission. *NPPD Open House scheduled for October 7, 2009 from 3:00 to 7:00 pm at their new bldg on Welch Park Rd.

PUBLIC HEARING:

Citizen Advisory Committee: Mayor Bruha opened the Public Hearing at 7:35 pm. He reported no activity and no inquiries within Milford's jurisdiction. At the County level a State Agency is looking to set up shop in Seward. No further comments Mayor Bruha closed the Public Hearing at 7:37 pm.

Sean Kremer arrived.

UNFINISHED BUSINESS:

Introduction and Adoption of Ordinance – Water Regulations for Private Wells: Fortune reviewed the ordinance and is pleased with everything it covers. Item tabled for review by other Council members.

Introduction and Adoption of Ordinance – Tree City U.S.A.: Item tabled to review material presented.

Employee Appreciation Dinner: Baker reviewed discussion held last month and would still like to see an appreciation dinner held for the employees. State statute regulates the guidelines and whether approval is made to use tax dollars or not Baker would still like to host the dinner. Fortune commented that there is no reason why we can't have a dinner for the employees as guidelines are provided by the State. Heckman agreed. Baker mentioned forming a committee, looking into catering a meal or even going to the Pizza Kitchen. There will possibly be 2 Police Officers on duty depending on when the meal is scheduled and accommodations will be made so they can attend. Kral didn't like the idea of spending his neighbor's tax dollars to host a meal for the employees but would rather contribute with his own money. The Council agreed to fund the event themselves. Baker asked the Council for a set dollar amount to provide entertainment and plaques for years of service. A motion was made by Baker to expend up to \$500.00 on an appreciation dinner to be scheduled at a later date. Heckman commented that if tax dollars are not being used then a motion is not needed. The Council agreed and the motion died. Baker will look into costs and the Board will work together to host the event.

I.T. Support: Don Stockley and Matt Howe with Technical Services Inc. briefly informed the Mayor and Council on a web based e-mail service.

NEW BUSINESS:

Dan Troyer – Shop/Office at 2525 Pioneers Rd., discuss Board of Adjustments decision and authorize legal action if necessary: Bruha explained that after the Board of Adjustment rendered a vote of 2-2 the request for a variance was denied. The next step would be for Dan Troyer to appeal the matter to the District Court. Bruha advised Attorney Blevens to start court proceedings on the matter. Council action is needed to proceed. Discussion was held regarding: Why didn't Troyer apply for a building permit initially? Fortune's attorney friend noted that the NE Supreme Court becomes antsy about removing someone's building. Several Council members questioned do we really want to make Dan Troyer tear down the building? Look into setbacks of other Zoning Districts and see if the 100' front yard setback is really legitimate. Fortune considered just fining Troyer for his action.

Troyer's Attorney Kristina Morris pointed out the permitted uses allowed in TA and asked if the Troyer's could meet again with the Board of Adjustments and present their case with additional documentation. She noted that the Troyer's built on good faith on 80 acres of ground and the building is 80% complete. Heckman asked why they failed to apply for a building permit in the first place. Dan Troyer explained that they moved an existing building on their property to accommodate a new shop and the building was damaged by wind while it sat on the trailer. Dan didn't realize he needed a permit to move a building on his own property. After the building was damaged they moved on to plan B. Dan owns 80 acres of ground and he didn't think a building permit was required with that amount of ground. The walls were up when Troyer was approached about getting a building permit. He never received written notification to stop construction.

Mayor Bruha explained the process and the next avenue that can be taken is to appeal the decision of the Board of Adjustments to the District Court. At this point the City Council cannot render any decision on the matter. Attorney Blevens gave three different options for Dan to consider: 1. Re-apply for a building permit and make a residence within the building. 2. Approach the Planning and Zoning and request a change of setback requirements for TA Zoning District. 3. Approach the Planning & Zoning and change the permitted uses section to accommodate such a structure.

Discussion was held regarding the confusion of the one mile jurisdiction. Joe Troyer commented that setbacks are needed in town but outside the city limits they should be looked at case by case. Heckman asked if the Troyer's

could “button up” their building prior to winter and Blevens noted that the work would be done at their own risk.

Building Permit/Code Violation Issues: Discussion was held on procedure when a permit or code violation is committed. It was decided that a letter be generated from City Hall and if a violation occurs either the Building Official or the Chief of Police can post notice on the property to cease all work until a permit is applied for and approved. If work continues without a permit then an official citation will be written. Chief Siebken asked about repeat offenders. Citations will be issued immediately for someone who continually or knowingly violates the building permit/code regulations.

Advertise/Hire Police Officer: With the resignation of Sgt. Scott Fosler in September Chief Siebken would like the authority to approach Jay Stoll from the last group of applicants for the position of Police Officer. If he is not interested in the position Chief Siebken will advertise on the NE Law Enforcement Website. A motion was made by Kral and seconded by Heckman to authorize Chief Siebken to proceed as requested in offering Mr. Stoll the position. The same salary package will be offered as when Officer Craig Corder was hired: (Starting salary of \$15.50 per hour with an increase of .25 at 6 months and after 1 year probationary period). Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried.

Appointments/Reappointments: A motion was made by Kral and seconded by Baker to reappoint Jim Kremer to the Park Board for a 3 year term, expiring 2/1/2012. Roll call vote: Kral yes, Baker yes, Fortune yes, Heckman yes. Motion carried.

A motion was made by Kral and seconded by Baker to reappoint Jessica Dunlap to the Park Board for a 3 year term, expiring 2/1/2012. Roll call vote: Kral yes, Baker yes, Fortune yes, Heckman yes. Motion carried.

A motion was made by Baker and seconded by Kral to appoint Vera Havener to the Milford Aging Services Commission replacing Pat Rixstine and filling her term until 1/1/2011. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried.

A motion was made by Fortune and seconded by Heckman to appoint Jim Kremer to the Housing Authority for a 5 year term, expiring 12/1/2014. Roll call vote: Fortune yes, Heckman yes, Baker yes, Kral yes. Motion carried.

A motion was made by Kral and seconded by Heckman to reappoint Rosalee Huss to the Library Board for a 4 year term, expiring 9/30/2013. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried.

Approve Welch Park Tournament Fees & Contracts: Baker informed the Council that the Recreation Board had reviewed and revised the tournament contract for the Welch Park ball fields. The following changes were

addressed: The amount of marble dust allowed per day per tournament, concession stand rental fees per day and prohibiting unauthorized motorized vehicles on park grounds. A motion was made by Baker and seconded by Kral to approve the revised Welch Park Tournament Contract as presented. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried. (Contract attached to these minutes.)

Hire Coed Volleyball Director: A motion was made by Baker and seconded by Heckman to approve the Recreation Board's recommendation to hire Bruce Stutzman as the Coed Volleyball Director. Roll call vote: Baker yes, Heckman yes, Fortune yes, Kral yes. Motion carried.

Hire Youth Basketball Coaches: No applicants.

ADJOURNMENT: A motion was made by Fortune and seconded by Heckman to adjourn the meeting. Roll call vote: Fortune yes, Heckman yes, Baker yes, Kral yes. Motion carried and meeting adjourned at 9:30 pm.

Jeanne Hoggins, City Clerk

Dean A. Bruha, 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 6, 2009 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