

CITY OF MILFORD  
REGULAR MEETING  
OCTOBER 7, 2008  
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Webermeier Library Community Room in said City on the 7<sup>th</sup> day of October 2008 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: Gladys and Nelson Stephens, Richard Snyder, Robert & Jackie Anderson, Terry Stutzman, John Melena, Scott Bashore, Joyce Bruha 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 7:33 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 Community Room.

**MINUTES:** A motion was made by Bruha and seconded by Baker to approve the minutes of the September 2, 2008 meeting. Roll call vote: Bruha yes, Baker yes, Fortune abstain, Neal yes. Motion carried.

A motion was made by Bruha and seconded by Neal to approve the minutes of the September 16, 2008 meeting. Roll call vote: Bruha yes, Neal abstain, Baker yes, Fortune yes. Motion carried.

**PAYMENT OF BILLS, BOND PRINCIPAL AND INTEREST:** A motion was made by Bruha and seconded by Neal that the following bills in the amount of \$51,800.17; bond principal in the amount of \$30,000.00; bond interest of \$48,160.00 and payroll in the amount of \$24,052.97 totaling \$129,960.17 approved by the Auditing Committee be approved for payment. Roll call vote: Bruha yes, Neal yes, Baker yes, Fortune yes. Motion carried.

**SALARIES:**

46691	Mark Frey	1356.27
46692	Forrest K Siebken	1286.25

46693	Mavis Lynn Ferris	54.45
46694	Jeanne M Hoggins	1273.78
46695	Gary Lee TeSelle	851.67
46696	Scott Dean Fosler	1051.94
46697	Robert L Hull	921.37
46698	Beverly J Wehrs	491.38
46699	David R Dahle	1074.96
46700	Bryce C Johnson	1015.72
46701	Philip Winkelmann	997.85
46702	George A Matzen	572.81
46703	Tracy L Yeackley	630.10
46704	Julia M Wang	260.47
46705	Courtney L Bashore	84.68
46706	Anna E Tremmel	104.34
46707	Michael L Troyer	45.37
46768	Mark Frey	1396.50
46769	Forrest K Siebken	1286.25
46770	Mavis Lynn Ferris	57.47
46771	Jeanne M Hoggins	1311.09
46772	Gary Lee TeSelle	1018.39
46773	Scott Dean Fosler	997.76
46774	Robert L Hull	829.91
46775	Beverly J Wehrs	531.65
46776	David R Dahle	944.13
46777	Bryce C Johnson	947.88
46778	Philip Winkelmann	888.33
46779	George A Matzen	565.59
46780	Tracy L Yeackley	635.63
46781	Julia M Wang	152.92
46782	Courtney L Bashore	108.88
46783	Anna E Tremmel	96.78
46784	Michael L Troyer	77.13
46785	Tiffany Fougeron	133.27
46787	Joyce Elaine Plessel	184.70
46788	Ricky Gene Fortune	138.52
46789	Dean Alan Bruha	138.52
46790	Emerson L Neal	138.52
46791	Jeffrey M Baker	138.52
<b>GENERAL FUND:</b>		
46685	US Postmaster – Utility Billing Postage	166.03
46686	Nathan Hrnicek – WA/SW Deposit Refund	9.78

46687	Jesse Mohnike – WA/SW Deposit Refund	56.55
46688	Julie Springer – WA/SW Deposit Refund	35.51
46689	Ken Countryman – WA/SW Deposit Refund	50.00
46690	Jerod Johnson – WA/SW Deposit Refund	50.00
46708	Ameritas – Pension	1489.57
46709	Aflac – Dis,Cancer,Acc,Suppl	406.26
46710	American Red Cross – Admin Fees for Swim Lessons	700.00
46711	Alltel – Cellular Charges	99.94
46712	Windstream – Long Distance for Aug	5.71
46713	Aramark – Pants & Rags	353.63
46714	American Chemicals, Inc – Metal Cleaner	878.00
46715	Culligan Water Conditioning – Soft Water	58.75
46716	Farmers Cooperative – Gas/Diesel for August	1146.71
46717	D & D Communications – Labor	99.00
46718	Diode Communications – Service for August	54.16
46719	Deep Rock – Drinking Water	41.76
46720	Eakes – Chair Gliders	22.80
46721	Farm Plan – Mower Wheel, Mower Blades	86.45
46722	The Garbage Co – Garbage Pickup	167.91
46723	Great Plains-One Call Service – Locate Requests	20.49
46724	Hawkins Inc – Pump	302.44
46725	Heiman Inc – Freight & Handling	226.85
46726	Jeanne Hoggins – Mileage to Sam’s	30.42
46727	Hornady – Ammunition	192.40
46728	JEO Consulting – Map Updates	637.50
46729	Kremer Electric – Lamp, Labor, Power at Park	2303.40
46730	Memorial Health Care – Forensic Exam	329.10
46731	Milford A/C & Appliance – Service Furnace	75.88
46732	NE Dept of Revenue – Sales Tax for August	1767.70
46733	NE Motor Parts – Chamois, Tape Socket, Handle	42.54
46734	NPPD – Service for August	6145.28
46735	NE Tech & Telecom – Service for August	430.56
46736	NE Environmental Products – Oil, Refrigerant	424.56
46737	NE Dept of Revenue – Waste Reduction & Recycling	25.00
46738	Black Hills Utility Holdings – Service for August	323.73
46739	Pizza Kitchen – Meals in August	82.50
46740	Roxanne Roth – Cleaning Services	320.00
46741	Mrs. Wayne Roth – Birthday Cake	16.00
46742	Sack Lumber Co – Concrete Mix, Lumber	43.55
46743	Seward Co Independent – Minutes, Notices, Ads	404.67
46744	SPPD – Wells 1 & 2	453.1

46745	Seward Co Treasurer – Cost for Mitigation Plan	1125.00
46746	Meyer Ford – Balance on Cruiser Repair	14.48
46747	Seward Co Register of Deeds – Ordinance #811	16.00
46748	Milford Flowers & Gifts – Refresher (Room)	14.99
46749	Shell Fleet Plus – Car Gas	25.05
46750	Super Spray Car Wash – 75 Tokens	150.00
46751	Sunrise Country Manor – August Meals	809.25
46752	Tools Plus Industries – Caution Tape, Frt, Tax	179.66
46753	UltraMax – 40 S & W (Training)	247.00
46754	Watchguard Video – In Car Video DVDS	30.00
46755	Windstream – Local/Internet, Civil Defense, Library	349.07
46756	Local Insight Yellow Pages – Directory Advertising	14.60
46757	Conrad Fire Equip – Siren	413.39
46758	Ed Roehr Products – Taser Batteries, Cartridges	265.56
46759	Seward Fire Dept – CPR Classes	80.00
46760	WestOver Rock & Sand – 2 Loads of Diamond Lime	3701.65
46761	Coventry Health Care of NE – Health Insurance	7719.51
46762	Heartsong Presents – Books	10.99
46763	George Matzen – Domain Renewal, Books, Magazines	2630.95
46764	Marshall Cavendish Corp – Books	146.90
46765	Mutual of Omaha – Disability	79.33
46766	Walmart – DVDs, Bulbs, Switch, Glue	337.69
46767	Shell Fleet Plus – Fuel Expense	760.02
46786	Ameritas – Pension	1516.77
46799	Atco International – Asphalt	700.00
46800	Blevens Law Office – Legal Services for October	350.00
46801	California Contractors – Air Hoses	139.80
46802	Central States Lab – 1 Pallet Triple Melt	2308.83
46803	City of Milford – Petty Cash	55.40
46804	Diode Communications – Service for September	54.16
46805	Eakes – Cartridges, Binders, Folders, Labels	270.92
46806	EMP – Bandages, BP Cuff, Scope	763.49
46807	InsureNebraska – Crime-Form Bond	171.00
46808	Fort Dearborn Life Ins. – Life Insurance	116.96
46809	Great American Leasing – 3 months meter rental	285.00
46810	IIMC – Annual Membership Fees	115.00
46811	JEO Consulting – Base Map Updates	467.50
46812	Kelly Supply – Elbow, Coupler, Adapter	90.92
46813	Kremer Electric – Electrical Tape, Pad	144.55
46814	Law Enforcement Systems, Inc – Door Hanger	53.00
46815	Memorial Health Care – Freeman Shots EMT Class	66.00

46816	Milford Plumbing – Coupling, Tee, Nipple	87.59
46817	Milford School Dist – Parking Tickets	25.00
46818	Milford Supermarket – Dog Food	7.29
46819	Milford Volunteer Dept – EMT Books & Classes	816.20
46820	NE Public Health – Coliform	54.00
46821	Racom Corp – Portable Repair	88.00
46822	Roxanne Roth – Cleaning Services	250.00
46823	Shell Fleet Plus – Fuel for 08 Truck	239.93
46824	Southeast NE Dev Dist – 09 Membership Dues	1760.00
46825	Union Bank & Trust – Gary TeSelle Acct #556293	300.00
46826	Grainger Inc – Clamp on Meter	117.70
46827	Windstream – Paging-Wide Area, Local	13.61
46828	Local Insight Yellow Pages – Directory Advertising	14.60
46829	Don Yeackley – CPR Class for 12, Burner for Grill	387.00
46830	Zep Mfg – Gasket, Soap, Frt, Tax	272.66

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received were Planning & Zoning Commission minutes for September 8, 2008 and September 29, 2008; Recreation Board minutes for September 24, 2008; Fire Dept. minutes for July 8, 2008 and August 12, 2008; Pool Board minutes for September 23, 2008; Milford Aging Services Commission minutes for September 23, 2008; Fire and Rescue NARSIS report for September 2008; Milford Police Dept. activity report for September 2008. \*Baker – pit bull ordinance on next month’s agenda. \*Neal – Recreation board met this month and Pool board met and discussed the condition of the pool. The pool is in good shape but will need some maintenance to keep up. State regulations regarding the main drain will need to be addressed prior to opening next year. \*Chief Siebken reported on September’s activity.

**COMMUNICATIONS:** \*Sales tax received for the month of July 2008 was \$10,934.60. \*NPPD retail electric rate increase expected January 1, 2009.

**PUBLIC HEARINGS:**

**Citizen Advisory Committee:** Mayor Plessel opened the public hearing at 7:40 pm. Sean Kremer arrived. Bruha gave updated information regarding the Economic Development funds. Total revenue \$131,748.56; expenses \$52,629.11; interest and loan reimbursement 9,263.09 leaving a balance of \$88,382.54. The amount budgeted for 2008-2009 expenses \$73,000.00. With no further comments Mayor Plessel closed the public hearing at 7:43 pm.

**Changes to the Comprehensive Plan regarding non-conforming mobile home parks:** Mayor Plessel opened the public hearing at 7:43 pm. Fortune reviewed some of the concerns brought up by the owners of the trailer parks

after the plan was adopted. The question arose as to the trailer parks being handled as individual units or a whole. JEO representative Keith Marvin attended the July council meeting and helped the board make recommendations to change the Comprehensive Plan to address the issue of the current mobile home parks. Section 4.20.03 was added to give guidelines for non-conforming existing mobile home parks. The Planning and Zoning reviewed the changes and recommended approval. Bruha pointed out that both the past and current Comp. Plan books mentioned the 12 month timeline to replace a non-conforming structure. Nelson Stephens mentioned that the rule was not followed so why do we even need it. Fortune informed the group that at the time the Comprehensive Plan was being reviewed, discussion was held regarding the mobile home parks and that they should be treated as a business and they should be allowed to run their business as they have for many years. Unfortunately this discussion was not noted in any minutes and did not get placed into the book accurately. It was after the trailer burned that the issue came up, the section was reviewed and request for change was made. Nelson Stephens stated that if the rule was written the rule should have been followed. Robert Anderson asked who has the authority to regulate or approve permits? He also stated that non-conforming structures should not be rebuilt. Anderson noted that adding #7 to 4.20.02 was discriminating in comparison to #5. Richard Snyder bought the trailer court with the knowledge from the previous owner that he could move trailers in on already vacant lots. He has tore down 2 units and wasn't aware that he only had 12 months to replace them. Bruha noted that the old comprehensive plan book was hard and fast as to what you could or couldn't do. If trailers were destroyed or removed they had to conform with current regulations if replaced. This was done to keep uniformity in an area. It was noted from Keith Marvin that changes would need to be made to the book as the City Council saw fit. This is one area that requires change. Sean Kremer questioned #3 of the new addition (4.20.03). If a trailer was replaced and was originally setback further than the requirement, could he move the trailer closer to the property line, still meeting setback requirements? #3 allows for replacement of a trailer but does not allow encroaching closer to the overall property line than exists at the time of adoption. Larry Bonner arrived. The regulations under consideration allow the current owners to maintain what is currently established. Mayor Plessel closed the public hearing at 8:20 pm.

**Request for zoning change at 319 1<sup>st</sup> Street from C1 to I1:** Mayor Plessel opened the public hearing at 8:20 pm. Bruha informed the public that he had purchased the property at 319 1<sup>st</sup> street and discovered at the time of updating the zoning map the property was divided into 2 different zoning

districts. The entire property sits on 4 - 25' lots, three of which are zoned I1 and one is zoned C1. Bruha made a request to the Planning & Zoning to change the C1 lot to I1 which will coincide with the rest of the property. The P & Z has recommended to the City Council to approve the request for zoning change. The intended use of the property is storage. The public hearing was closed at 8:25 pm.

**Consider setback changes for I1 Zoning District:** Agenda item not needed. No action taken.

**UNFINISHED BUSINESS:**

**Drainage Study:** Bruha updated all in attendance to the scope of the project. Neal mentioned the cost would be split between the Economic Development fund and the City fund. The split will be 50-50. Proposals were presented from Olsson Associates and Upper Big Blue NRD. A motion was made by Bruha to approve the Upper Big Blue NRD proposal seconded by Baker. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal yes. Motion carried.

**NEW BUSINESS:**

**Hire Coed Volleyball Director:** A motion was made by Neal and seconded by Fortune to approve Bruce Stutzman as the Coed Volleyball Director for the 2008-2009 season. Roll call vote: Neal yes, fortune yes, Baker yes, Bruha yes. Motion carried.

**Approve Fire Dept. membership roster:** Fortune noted 41 current members on the roster. A motion was made by Fortune and seconded by Neal to approve the Fire Dept. membership roster as presented. Roll call vote: Fortune yes, Neal yes, Baker yes, Bruha yes. Motion carried.

**Introduction and Adoption of Ordinance – Non-conforming mobile home parks:** A motion was made by Fortune and seconded by Neal to introduce the following ordinance:

ORDINANCE NO. 814

AN ORDINANCE TO AMEND SECTION 4.20 NON-CONFORMING USES BY THE ADDITION OF 4.20.02 #7 AND ADDING SECTION 4.20.03 AND REPEALING SECTION 5.17.08 NON-CONFORMING EXISTING USE. RELATING TO NON-CONFORMING USES OF MOBILE HOMES WITHIN A NON-CONFORMING MOBILE HOME PARK. REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PRESCRIBING THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See Ordinance Record)

Discussion held: Bruha expressed his concern of discrimination by eliminating the mobile home parks as noted in 4.20.02 #7. Bruha was also concerned with eliminating the 12 month restriction for structures to be replaced. It was mentioned that the trailer park should be considered under

land uses and in section 4.20.01 #3 it covers the 12 month time frame to reestablish the land back to its original state. Bruha reinforced the need to apply for building permits when moving trailers in or out. Sean Kremer wanted it noted in the record that he felt his part was rushed.

**Discuss increase of water rates & setting sewer rates:** Fortune presented water rate study information provided by NE Rural Water Association. The study showed a comparison of rates in different communities of our size and the City of Milford is a little bit lower than the average. Fortune recommended changing the rates from \$9.00 to \$10.00 for the monthly service fee and from \$1.40 to \$1.50 per thousand gallon water used. Fortune also mentioned that the sewer rates will not need to be increased if we can use 2 to 3 months average to determine the rate rather than 1 month. An ordinance will be prepared for next months meeting.

**Proposal to insure Fire Dept. vehicle for parade use:** The Fire Dept. has located a restored 1949 Ford Fire Truck which was originally purchased by the Milford Fire Dept. The Dept. would like to purchase the truck to drive in parades. John Melena inquired if the City would be able to insure the truck. Questions were raised as to who would own the fire truck, How would the truck be licensed, could the City use tax dollars to pay for the insurance? Hoggins was directed to get some answers and bring the request back to the Council.

**Introduction and Adoption of Ordinance – Zoning Change:** Council member Baker introduced the following ordinance seconded by Fortune.

ORDINANCE NO. 815

AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN REAL ESTATE FROM C1 TO I1; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PRESCRIBING THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See Ordinance Record)

**Interlocal Agreement with NRD – Drainage Study:** A motion was made by Bruha and seconded by Neal to authorize the Mayor to sign the Interlocal Agreement between the City of Milford and the Upper Big Blue Natural Resources District for the purpose of conducting a Comprehensive Drainage Study upon approval of liability issues by the City Attorney. Roll call vote: Bruha yes, Neal yes, Baker yes, Fortune yes. Motion carried.

**Appointments and Reappointments:**

A motion was made by Baker and seconded by Bruha to approve the Mayors reappointment of Mary Hanneman to the Library Board term expiring 9/30/2012. Roll call vote: Baker yes, Bruha yes, Fortune yes, Neal yes. Motion carried.

A motion was made by Fortune and seconded by Neal to approve the Mayors appointment of Tammy Miller to the Library Board for a 4 year term expiring 9/30/2012. Roll call vote: Fortune yes, Neal yes, Baker yes, Bruha yes. Motion carried.

A motion was made by Neal and seconded by Bruha to approve the Mayors reappointment of Lorna Frey to the Recreation Board for a 3 year term. Roll call vote: Neal yes, Bruha yes, Baker yes, Fortune yes. Motion carried.

**Hire maintenance employee and set wage:** A motion was made by Bruha and seconded by Baker to approve hiring Ben Rediger for the full time maintenance position at \$11.50 per hour. Roll call vote: Bruha yes, Baker yes, Fortune yes, Neal yes. Motion carried.

**Terry Stutzman – Sewer Hook-up:** Terry Stutzman informed the City Council that since he is officially in the City limits the City will need to provide him with sewer service. He is currently hooked up to his own private sewer line. Stutzman offered the City the opportunity to purchase the line rather than having to put in a new line. Fortune and Frey discussed the fact that during new development the City pays for the manhole and clean-outs which cost \$2,000.00. Fortune noted that if the other council members agreed with this proposal they would be willing to purchase the manhole, clean-out and line to the main from Terry for \$2,000.00. Terry stated that he has invested \$2,483.00 and would like to be paid the full amount. The Council members offered the \$2,000.00 again and if Terry agrees, an agreement will be typed up and presented at the November meeting.

**Information regarding Jail Bond Issue:** Larry Bonner provided information to the Mayor and Council and reviewed the information for the public to hear regarding the Seward County Jail & Law Enforcement Center Project. Voting on the project is slated for the November 4, 2008 election. The request on the ballot is for a 20 year bond in the amount of \$15,310,000.00. The information presented is attached to these minutes. The Mayor and Council thanked Larry for his presentation.

**ADJOURNMENT:** A motion was made by Fortune and seconded by Bruha to adjourn the meeting. Roll call vote: Fortune yes, Bruha yes, Baker yes, Neal yes. Motion carried and meeting adjourned at 9:45 pm.

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Jeanne Hoggins, City Clerk

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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 7, 2008 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, City Clerk