

CITY OF MILFORD
REGULAR MEETING
SEPTEMBER 1, 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 1st day of September 2009 at 7:30 pm. Present were: Mayor Dean Bruha; Council members: Jeff Baker, Rick Fortune, Jeff Heckman, Dan Kral; Attorney Robert Blevens; and City Clerk Jeanne Hoggins. Also present: 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 7:35 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 August 4, 2009 meeting. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried.

PAYMENT OF BILLS: A motion was made by Heckman and seconded by Kral that the following bills in the amount of \$71,881.33 and payroll in the amount of \$36,087.74 approved by the Auditing Committee be approved for payment. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

SALARIES:

48425	Mark Frey	1439.78
48426	Forrest K Siebken	1350.82
48427	Mavis Lynn Ferris	60.25
48428	Jeanne M Hoggins	1331.63
48429	Gary Lee TeSelle	1199.52
48430	Scott Dean Fosler	1029.77
48431	Robert L Hull	889.25
48432	Beverly J Wehrs	561.14

48433	David R Dahle	1188.73
48434	Philip Winkelmann	1010.19
48435	George A Matzen	584.25
48436	Tracy L Yeackley	696.32
48437	Julia M Wang	217.34
48438	Josh Steven TeSelle	538.70
48439	Paige M McAvoy	480.43
48440	Whitney J Lauber	465.40
48441	Courtney L Bashore	113.82
48442	Anna E Tremmel	107.13
48443	David Tell Jensen	278.48
48444	Kyle MW Herman	184.51
48445	Keaton Brent Schweitzer	314.36
48446	Austin Lee Heckman	182.81
48447	Larisa M Roth	274.02
48448	Celena R Malmkar	250.61
48449	Megan Ashley Kremer	162.30
48450	Tori J Blair	371.53
48451	Tiffany Fougeron	278.57
48452	Benjamin L Rediger	765.94
48453	Joshua James Urbanec	431.48
48454	Abigail E Ahmed	105.45
48455	Shauna R Stauffer	498.65
48456	Jordan A Dahle	437.19
48457	Shannon R Horsley	165.00
48458	Craig A Corder	1035.57
48464	Mary Frey	1480.00
48465	Forrest K Siebken	1350.82
48466	Mavis Lynn Ferris	66.95
48467	Jeanne M Hoggins	1372.45
48468	Gary Lee TeSelle	1329.33
48469	Scott Dean Fosler	1059.77
48470	Robert L Hull	896.55
48471	Beverly J Wehrs	607.56
48472	David R Dahle	1027.59
48473	Philip Winkelmann	983.91
48474	George A Matzen	584.25
48475	Tracy L Yeackley	659.34
48476	Julia M Wang	174.59
48477	Josh Steven TeSelle	485.43
48478	Paige M McAvoy	38.36

48479	Whitney J Lauber	144.68
48480	Courtney L Bashore	98.76
48481	Anna E Tremmel	113.82
48482	David Tell Jensen	158.89
48483	Kyle MW Herman	80.30
48484	Keaton Brent Schweitzer	23.91
48485	Austin Lee Heckman	54.67
48486	Larisa M Roth	10.25
48487	Celena R Malmkar	116.88
48488	Megan Ashley Kremer	175.98
48489	Tori J Blair	175.03
48490	Tiffany Fougeron	288.65
48491	Benjamin L Rediger	727.07
48492	Joshua James Urbanec	451.54
48493	Abigail E Ahmed	117.17
48494	Jordan A Dahle	264.01
48495	Shannon R Horsley	171.46
48496	Craig A Corder	1058.05
48498	Ricky G Fortune	138.52
48499	Dean A Bruha	184.70
48500	Jeffrey M Baker	138.52
48501	Jeff L Heckman	138.52
48502	Dan V Kral	138.52

GENERAL FUND:

48373	Jim & Janelle Kremer – WA/SW Deposit Refund	50.00
48374	Austin McDonald – WA/SW Deposit Refund	50.00
48375	Ryan Westman – WA/SW Deposit Refund	67.72
48376	US Postmaster – Utility Billing Postage	166.11
48377	Ameritas – Pension	953.24
48378	Alltel – Cellular Charges	132.51
48379	Aramark – Pants & Rags	349.10
48380	Central States – 6 Gal Lift Station Lub	201.00
48381	City of Milford – Petty Cash – Postage, Light bulbs	42.70
48382	Constellation NewEnergy – Service for July	24.71
48383	Culligan Water Conditioning – Soft Water	60.00
48384	Coventry Health – Health Insurance	8194.45
48385	Farmers Cooperative – Gas/Diesel for July	1193.12
48386	D&D Communications – 450-470 MHZ 200	32.94
48387	Diode Communications – Service for July	54.16
48388	Deep Rock – Drinking Water	35.60
48389	Ed M Feld Equipment – Pants, Namepatches	1669.00

48390	EMP – Rescue Supplies	310.53
48391	Farm Plan – Repair Chainsaw	357.04
48392	G & P Development – Trash from Ball tourn	21.60
48393	The Garbage Co – Service for July	139.35
48394	General Fire & Safety – Spark Plugs, Ear Plugs	35.00
48395	Great Plains One Call – Locate Requests	40.22
48396	Hamilton Equipment – Harness, 6” Head	39.83
48397	Hawkins Inc. – Azone 15”, Hydrochloric Acid	2525.22
48398	Ikon Office Solutions – Additional Images	157.35
48399	Menard’s Lincoln – Ceiling Tiles	89.28
48400	Midwest Service & Sales – Sign posts	879.00
48401	Municipal Supply – Training for Handheld	3290.39
48402	NE Dept of Revenue – Sales Tax for July	1979.84
48403	NE Motor Parts – Mower Repair, Air Filter	149.28
48404	NPPD – Service for July	7107.67
48405	NE Tech & Telecomm – Service for July	426.92
48406	NeLein – Fall Conference (42)	95.00
48407	Black Hills Utility – Service for July	223.57
48408	Pizza Kitchan – Catered Meal	98.50
48409	Roxanne Roth – Cleaning Services	350.00
48410	Mrs. Wayne Roth – Birthday Cake	16.00
48411	Sam’s Club – Paper towels, Pool candy, Clorox	532.26
48412	Sack Lumber Co – Concrete, Anchors, Fasteners	48.32
48413	Seward Co Ind – Notices, Minutes, Letterhead	200.34
48414	SPPD – Wells 1 & 2	352.33
48415	Meyer Ford – Window Switch Repair	204.62
48416	Shell Fleet Plus – Car Gas	17.78
48417	Shell Fleet Plus – Gas for ’08 Pickup	163.74
48418	Sunrise Country Manor – July Meals	1084.00
48419	Tvrdy’s Lock & Key – Replace Double Deadbolts	120.00
48420	Uribe Refuse Services – Garbage Pickup	37.00
48421	Beverly Wehrs – Electric Ice Cream Freezer	79.99
48422	Windstream – Civil Defense, Local/Internet, Library	325.16
48423	Delton Stauffer – Hotel, Registration Fee, Mileage	395.79
48424	Stutzman Digging – Sewer Line NPPD/Roth Subdiv	10125.00
48459	Ameritas – Pension	1649.87
48460	Aflac – Dis, Cancer, Acc, Suppl	363.58
48461	Fort Dearborn – Life Insurance	116.96
48462	Shell Fleet Plus – Fuel for July (Police)	601.11
48497	Ameritas – Pension	1649.87
48503	American Building Inspectors – July Fees	225.00

48504	Anchor Industries – Funbrella	3363.39
48505	Baker & Taylor – Books	15.55
48506	Berry – Directory Advertising	15.20
48507	Blevens Law Office – Legal Service for July	350.00
48508	D & D Communications – Pager, Charger	446.75
48509	Data Technologies – Meter Reader Installation	1275.00
48510	Demco – Label Protection	72.22
48511	Galaxy Cablevision – Internet Fee	5.15
48512	George Matzen – Chair, Labels, Toner, Monitor	366.34
48513	Great America Leasing – Meter Rent	80.00
48514	Heartsong Presents – Books	10.99
48515	Kremer Electric – Work at Pool, Sewer Plant	1860.20
48516	Lincoln Truck Center – Air Dryer	204.84
48517	Marshall Cavendish Corp. – Books	117.52
48518	Martin Excavating – Tree Removal (Storm)	6145.00
48519	Midwest Service & Sales – 18” Culvert	3352.00
48520	Milford Plumbing – Valve, Coupling, Plugs, Pipe	375.85
48521	Milford School Distr. #5 – Parking Tickets	5.00
48522	Municipal Supply of NE – Mount for Radio Meter	1813.83
48523	Mutual of Omaha – Disability	89.51
48524	Nebraska Dept of Ag – Animal Shelter Lic. Renewal	150.00
48525	Nebraska Public Health – Blood Test, Carbamates	668.00
48526	Penworthy – Kids Books	115.56
48527	Roxanne Roth – Cleaning Services	320.00
48528	Union Bank – Gary TeSelle Medicare Part D	442.20
48529	Walmart – DVDs, Flush Valve, Wood Polish, Food	79.01

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Housing Authority minutes for August 13, 2009; Fire Dept. minutes for July 14, 2009; Library Board Minutes for July 16, 2009; Milford Aging Services Minutes for August 25, 2009; Pool Board minutes for August 11, 2009. Heckman reported due to unseasonably cool temperatures the pool has been closed. They intended to stay open until Labor Day but isn't feasible due to the weather. The Pool Board had Olsson Associates print a rendering of the future pool improvements for Phase I. This involves adding a zero entry baby pool and fountain to the east side of the existing pool. The estimated cost for Phase I is \$200,000.00. The 4 posters designed by Olsson Associates cost \$1500.00. Heckman also reported on the energy efficient Library upgrade. The estimated cost is roughly \$260,000.00. Some of the improvements include: windows, lights, insulating the roof, high energy heat pumps etc. Heckman will contact SENDD for assistance with the grant application.

Kral reported that the Fire Station is still experiencing a leaking roof. It is possible that the water is coming in around a vent. Ceiling tiles have been replaced and they will continue to monitor the situation until they figure out where the water is coming in. Baker – the park equipment for Welch Park is due to arrive Sept. 8th. The old equipment will be tore down, possibly by a Boy Scout for an Eagle Project. Kiwanis and a High School shop class may participate with assembly of the equipment. Baker also reported that Milford has made it thru the first hurdle to receive new sirens. The sirens will be purchased in a mass amount to lower the cost for everyone involved.

COMMUNICATIONS: *Sales tax received for the month of June 2009 was \$14,385.12. * NPPD 2nd quarter 2009 lease payment received in the amount of \$33,959.14.

UNFINISHED BUSINESS:

Introduction and Adoption of Ordinance – Water Regulations for Private Wells: Fortune presented regulations pertaining to private wells and the Mayor and Council members reviewed the information and discussed what should be applied to the Milford Ordinance regarding the same. Blevens will present the ordinance at next months meeting for approval. Item tabled.

Introduction and Adoption of Ordinance – Tree City U.S.A.: Discussion was held regarding involvement of a “Tree Director” and documentation thru out the year to meet Tree City U.S.A. requirements. Baker would like to visit with Maintenance Supt. Mark Frey, about accepting the “Tree Director” position. The Council decided to table the item one more month.

NEW BUSINESS:

Introduction and Adoption of Resolution – Exceed Budget Limit by 1%:

Councilmember Heckman moved the adoption of the following Resolution seconded by Kral.

RESOLUTION NO. 449

RESOLVED, that the City of Milford, Nebraska exceed the budget limit for the 2009-2010 fiscal year by an additional 1%.

Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried and Mayor declared Resolution #449 passed and adopted.

Jeanne Hoggins, City Clerk

Dean A. Bruha, Mayor

(SEAL)

Introduction and Adoption of Ordinance – Salaries 2009-2010 Budget Year: A motion was made by Fortune and seconded by Kral to introduce the following ordinance:

SALARY ORDINANCE

NO. 827

AN ORDINANCE TO ESTABLISH SALARIES FOR FULL TIME AND PART TIME CITY EMPLOYEES OF THE CITY OF MILFORD, NEBRASKA FOR THE FISCAL YEAR 2009-2010; AND TO PRESCRIBE THE TIME WHEN THE ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT; AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH: (See Ordinance Record)

Introduction and Adoption of Resolution – 2009-2010 Budget:

After due consideration, Heckman moved the adoption of the following Resolution, which was seconded by Baker.

RESOLUTION # 450 ADOPTING BUDGET

WHEREAS, the Mayor and Council of the City of Milford, Nebraska have proposed a budget for the fiscal year 2009-2010; and

WHEREAS, a public hearing has been held upon said proposed budget; and

WHEREAS, no objections or remonstrances have been made concerning said budget; and

WHEREAS, the budget shall be adopted in the form as presented.

NOW, THEREFORE, BE IT RESOLVED that the annual budget of the City of Milford, Nebraska, be and the same hereby is adopted as follows:

GENERAL FUND

General Government	3,763,526.00
Cash Reserve	1,714,654.00

Total	5,478,180.00
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BOND FUND

Principal & Interest	236,133.00
Cash Reserve	255,466.00

Total	491,599.00
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BE IT FURTHER RESOLVED that the portion of said expenditures to be raised by public taxation collected by a property tax levied upon the assessed valuation of property in the City of Milford, Nebraska in the following sums, to-wit:

General All Purpose Levy	303,000.00
Bond Levy	222,200.00

Total	525,200.00
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BE IT FURTHER RESOLVED that the Clerk is hereby ordered and directed to certify to the County Clerk of Seward County, Nebraska the taxes levied under this Resolution.

Upon roll call vote, the vote was as follows: Voting "AYE": Heckman, Baker, Fortune, Kral. Voting "NAY": None. Absent and not voting: None.

The Mayor declared said Resolution duly adopted and directed the Clerk to file a copy thereof with the County Clerk of Seward County.

Jeanne Hoggins, City Clerk

Dean A. Bruha, Mayor

(SEAL)

Introduction and Adoption of Ordinance – 2009-2010 Budget: Council member Baker introduced the following ordinance seconded by Heckman.

ORDINANCE NO. 828

“THE ANNUAL APPROPRIATION BILL OF THE CITY OF MILFORD, NEBRASKA, FOR THE FISCAL YEAR FROM OCTOBER 1, 2009 TO SEPTEMBER 30, 2010; TO PROVIDE FOR THE LEVYING OF TAXES FOR THE USE OF THE CITY OF MILFORD, NEBRASKA, FOR ALL MUNICIPAL PURPOSES FOR SAID FISCAL YEAR AS SHOWN ON THE ASSESSMENT ROLL FOR SAID YEAR, AND TO PROVIDE FOR CERTIFYING ALL TAX LEVIES AND DELINQUENT SPECIAL ASSESSMENTS TO THE COUNTY CLERK OF SEWARD COUNTY, NEBRASKA; AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT.” (See Ordinance Record)

Introduction and Adoption of Resolution – Final Tax Request: Council member Fortune introduced the following resolution seconded by Kral.

RESOLUTION NO. 451

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 2009 – 2010 property tax request be set at:

		<u>Levy</u>
REQUIRED FOR BONDS	\$222,200	.2727
REQUIRED FOR ALL OTHER PURPOSES	\$303,000	.3719
TOTAL PROPERTY TAX REQUEST	\$525,200	.6446

2. A copy of this request be certified and forwarded to the Seward County Clerk on or before October 13, 2009.

Upon roll call vote as follows: Fortune yes, Kral yes, Baker yes, Heckman yes.
Motion carried.

Dean A. Bruha, Mayor

Jeanne Hoggins, City Clerk

(SEAL)

PC's & IT Support: Discussion was held regarding city information being passed on to personal or business PC's. Heckman wants to make sure that the city has an appropriate system to communicate thru e-mails so no wrongful allocations can be made against the Council or employees. City accounts could be set up on the server to record and save all correspondence relating to City business. Baker noted that the County pays \$50.00 per hours for IT support and has a program that would compare to what was discussed. Baker will talk to the individual that set up the counties program and see if he could demonstrate how it works for the City of Milford. Discussion was also held regarding updating the employee handbook covering personal use of City computers. Hoggins was asked to contact the League of NE Municipalities for samples of guidelines regarding computer use.

Discuss status of R.R. Crossing: Mayor Bruha updated the council with information that was available to him. Construction of the double track was coming from both directions headed for Milford and construction has come to a complete halt. There has been no word on the progress of the tracks. Heckman asked what can be done to proceed with the directional horn system. Mayor Bruha will draft a letter to the Railroad and request information regarding their plans to complete the tracks. Fortune suggested the City start setting aside money to complete the directional horn system if the railroad fails to finish their project.

Employee Appreciation Dinner: Baker provided state statute pertaining to authorizing expenditures of public funds for an employee appreciation dinner. Baker stated that after this last storm and watching the employees handle the situation with the tree damage he would like to see some kind of method to show the employees that they are appreciated. Years ago dinners were allowed until state statute was created to disallow this type of activity with public funds. Laws were changed in 1993 allowing public funds to be used for recognition dinners, plaques, certificates, awards etc... as long as the governing body approved the expense. Baker would like the council to consider approving a \$25.00 maximum per employee to have an annual employee appreciation dinner. He also asked the Council to participate to provide additional prizes/certificates. Baker would like to include all employees listed on the salary ordinance. Kral disagreed with the dinner idea and noted that holiday dinners have been done away with for quite some time. He did not feel this was a good use of public funds. Baker shared his experience with the County dinners and ideas for catering a meal. Heckman asked if they could table the item to think about it for a month. Item tabled.

Introduction and Adoption of Ordinance – Flood Plain Management: Item deleted from agenda as public hearings need to be held.

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 9:22 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 August 4, 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