

CITY OF MILFORD
REGULAR MEETING
SEPTEMBER 7, 2004
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 7th day of September 2004 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Dean Bruha, Rick Fortune, Terry Good, Lyle Neal; City Clerk Jeanne Hoggins; Chief of Police Forrest Siebken and Attorney Robert Blevens. Also present: Roger Kness, Bruce Policky, Mark Frey, Robert Koke EPA, Wayne Smith URS Group, Inc., Mirek S. Towster and Eric W. Cramer with US Army Corps of Engineers, Kansas City District; Kelly Danielson G&P Development Inc.; John Borthwick Shaw Environmental Inc.; NDEQ representatives Kevin Stoner, Karyn Kennedy, Brian McManus, Bill Gidley, Ron Franz, Juliya Vishnevskaya, Aradhna Srivastav 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 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 Plessel called the meeting to order at 7:30 p.m.

MINUTES: A motion was made by Fortune and seconded by Neal to approve the minutes of the August 3, 2004 meeting. Roll call vote: Fortune yes, Neal yes, Bruha yes, Good yes. Motion carried.

A motion was made by Bruha and seconded by Neal to approve the minutes of the August 19, 2004 meeting. Roll call vote: Bruha yes, Neal yes, Fortune yes, Good yes. Motion carried.

PAYMENT OF BILLS: A motion was made by Bruha and seconded by Neal that the following bills in the amount of \$79,157.39 approved by the Auditing Committee be approved for payment. Roll call vote: Bruha yes, Neal yes, Fortune yes, Good yes. Motion carried.

SALARIES:

39254	Mark Frey	1141.92
39255	Forrest K Siebken	1099.92
39256	Mavis Lynn Ferris	29.21
39257	Jeanne M Hoggins	970.87

39258	Gary Lee TeSelle	656.60
39259	Scott Dean Fosler	980.22
39260	Robert L Hull	778.14
39261	Beverly J Wehrs	424.03
39262	Edna A Riedl	219.11
39263	David R Dahle	808.73
39264	Louis J Bialas	800.82
39265	Bryce C Johnson	750.23
39266	Philip Winkelmann	803.86
39267	Kendra M Hoggins	268.04
39268	Regan Beranek	95.91
39269	George A. Matzen	219.88
39270	Tracy L. Yeackley	555.98
39271	Barbara Shurtleff	304.06
39248	Roger Kness	289.37
39249	Joyce Elaine Plessel	184.70
39250	Ricky Jean Fortune	138.52
39251	Dean Alan Bruha	138.52
39252	Emerson L. Neal	138.52
39253	David Terry Good	138.52

GENERAL FUND:

39135	Attorney W. Charles Lantz,	600.00
39136	US Postmaster – postage	145.37
39170	Alltel – Local, cellular, pager, internet services	265.43
39171	Aramark – pants & rags	149.56
39172	American Legion – U.S. flags	167.20
39173	Best Way, Inc. – Ear plugs & freight	62.79
39174	Scott Burroughs – Reimbursement for G.I.	418.00
39175	Buman’s Mechanical Services – Trimmer string	55.43
39176	Culligan – Soft water	19.00
39177	Farmers Cooperative – Gas & diesel	1927.98
39178	Deep Rock – drinking water	24.79
39179	Eakes Office – office supplies	310.62
39180	Farm Plan – bar & chain	156.40
39181	The Garbage Co – Garbage pickup	107.75
39182	Great Plains One Call – Locate request	27.66
39183	Hawkins Water – filter aid, acid, chlor sticks	2180.95
39184	Jeanne Hoggins – Mileage	31.00
39185	Industrial Chem Labs – Sewer Aid	458.96
39186	Roger Kness – mileage & parking	15.02
39187	Lee’s Refrigeration – Water pump	169.00
39188	Memorial Health Care Systems – CPR training	30.00

39189	Milford A/C & Appliance – Thermostat & A/C repair	125.10
39190	Milford Plumbing – Sump pump	178.33
39191	Milford Supermarket – Trash bags	5.94
39192	The Milford Times – Notices, time cards	343.21
39193	Midwest Unlimited – Saw	793.43
39194	NE Dept of Revenue – July Sales Tax	1800.45
39195	Nebraska Health Laboratory – Nitrate/Nitrite	42.00
39196	Napa – oil filter, tool box, needle nose pliers	270.26
39197	NPPD – July service	5775.04
39198	NE Tech & Telephone	475.23
39199	Orschelns – muratic aid, roll screen, rope	174.36
39200	Aquila – July services	1222.10
39201	Pizza Kitchen – meals	124.00
39202	Accord Capital Corporation – ladder, anchors	644.45
39203	Roxanne Roth – cleaning services	250.00
39204	Mrs. Wayne Roth – birthday cake	16.00
39205	Sam’s Club – candy, coffee maker	496.64
39206	Schlegel’s – milk & groceries	19.05
39207	SPPD – Wells 1 & 2	514.25
39208	Arlene Sieck – Training	70.00
39209	Subway Motors Co – Labor, Batteries & shop mat.	62.23
39210	Sunrise Country Manor – July meals	1025.10
39211	Holiday Inn – Meal & Room	94.41
39212	All Pro Landscaping – Sprinklers	2459.00
39213	John Alden Life Insurance – Sept. Health Ins.	8386.23
39245	Ameritas Life Insurance – Retirement	1290.10
39246	Fortis Benefits – Health Insurance	7057.31
39247	Milford Econ. Development – CY Mfg.	25000.00
39273	AFLAC – Dis, cancer, acc, suppl	295.16
39274	Alltel Communications – Service Agreement	570.00
39275	All Pro Landscaping – materials for infield sprinklers	2508.00
39276	Atco International – Ice melt	175.00
39277	Blevens Law Office – Legal services (August)	350.00
39278	City of Milford – petty cash	9.98
39279	Creative Consultants – Service calls	105.00
39280	EMP – airway kits, cot sheets	285.42
39281	Fort Dearborn Life Ins. – group life	113.52
39282	Great American Leasing – Meter rental	95.00
39283	Goldsmith Tree Service – stump removal	600.00
39284	Heartsong Presents – books	21.98
39285	JEO Consulting Group – legal & professional	504.00
39286	JMJ Outdoor Power – belts, plate, screws	235.13

39287	Kustom Signals – In-Car video repair	155.56
39288	Library Store – bar codes	57.80
39289	Lynn Peavey Com – blood kits	19.95
39290	Milford Econ. Develop – Milford Web page work	2220.00
39291	Milford Plumbing – cabled floor drain, labor	128.16
39292	Milford School Dist. #5 – Parking fines, liquor lic.	75.00
39293	MVFD – Extrication classes	660.00
39294	Municipal Supply – Iron service saddle, coupling	665.16
39295	Mutual of Omaha – Disability insurance	75.55
39296	National Geographic – subscription	34.00
39297	NE Library Commission – membership dues	732.00
39298	NE Dept of Revenue – recycling fee	25.00
39299	Nebraska Health Laboratory – standard coliform	30.00
39300	Nebraska Dept of Agriculture – animal shelter lic.	150.00
39301	NE Motor Parts – hose ends	5.65
39302	NE Rural Water Association – backflow brochures	85.00
39303	NorthernPump & Irrigation – discharge hose	201.05
39304	Office Depot – Hutch & desk	610.82
39305	Orschlens – 2 gallon sprayers	57.98
39306	Pro-Guard Products – solenoid, plunger	20.25
39307	Pioneer Overhead Door – touchpad, spring	236.96
39308	Reimers Kaufman – marble dust	240.00
39309	RI Tec Industries – battery cleaner	377.45
39310	Roxanne Roth – cleaning services	420.00
39311	Schlegals – light bulbs, pins, batteries	12.05
39312	Sewnews – subscription	23.98
39313	Streichers – holster	135.90
39314	TMCO – plug bolts, should screw	14.00
39315	Union Bank – Gary Teselle Acct	300.00
39316	Walmart – office supplies	15.07
39317	Water Products – oversize gate, restraints	405.93
39318	Zim International – steel coat	213.20
39319	Fern Cooper – deposit refund	50.00
39320	James R. Cox – deposit refund	50.00
39321	Erin Dahlenburg – deposit refund	17.24
39322	Melinda DeMark – deposit refund	19.01
39323	Connie Fernald – deposit refund	27.64
39324	Kevin Johns – deposit refund	50.00
39325	Lincoln Tent & Awning – repair dump tank	27.50
39326	Dustin Lindgren – lifeguard cert. Refund	50.00
39327	George Matzen – office supplies	34.21
39328	Chris Matzen – telephone	39.99

39329	Nataniel Mumm – deposit refund	27.90
39330	Notary Institute – notary journals	25.00
39331	Matt Orth – deposit refund	39.03
39332	Wendee Park – deposit refund	29.50
39333	Justyn Peterson – deposit refund	50.00
39334	Martha Poll – deposit refund	50.00
39335	Britney Schweitzer – lifeguard cert. refund	50.00
39336	Brooke Schweitzer – lifeguard cert. refund	50.00
39337	Loren Wetzel – deposit refund	16.78
39338	Bev Whitsel – deposit refund	35.30

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Milford Aging Services Commission minutes for August 17, 2004; Library Board minutes for August 19, 2004; Planning & Zoning minutes from August 12, 2004 and August 31, 2004 and Police Dept. Activity Report for August 2004.

Neal – Underground sprinklers have been installed on the infields of the Welch Park Ball fields. Protective netting has been purchased to cover the bleachers on fields 1 & 2 at Welch Park. Bruha reported on the near completion of street repairs to the intersection at 4th & Walnut and the repairs to the intersection at 3rd & “B” Streets will begin next week. Bruha also noted a concern for future thought – Domestic animal breeding is being considered within the city limits by a citizen. Chief Siebken reported on the monthly activity for August 2004. Total calls for service for the month were 968.

COMMUNICATIONS: *Sales tax received for the month of June 2004 was \$12,791.72. * NPPD 2nd Qtr. Lease Payment of \$30,303.35. * Thank-You card received from Milford FCA for use of the Fire Station for their gatherings.

With Council approval, Mayor Plessel moved item (h) to the beginning of the agenda.

NDEQ – Information on Superfund Waste Shipments to G&P Landfill: Bill Gidley with NDEQ informed the Council of notifying the public of their intent to haul contaminated soil to G&P Landfill and to address any questions or concerns the public may have regarding this environmental issue. The soil that is being hauled to the landfill has a lower level of contaminants than the soil that was hauled 2 years ago. EPA must approve a landfill site for dumping, which is recommended by the State. Items reviewed: type of waste being hauled, landfill construction, ground water monitoring and engineering designs. EPA inspected and recommended cell #9 at G&P Landfill as area for disposal. 900 ton of soil will be hauled to the landfill south of town within a 2 month period. Mr. Mirek S. Towster with the U.S. Army Engineer District, Kansas City presented a “Fact Sheet” with

details regarding the soil disposal at G&P Landfill. (This document is attached and considered a permanent part of these minutes.) Questions arose regarding the danger of the PH level in the dirt. Mr. Towster compared the level of PH in an asphalt road, noting that a higher level of PH is contained in asphalt than what is contained in the dirt that is being hauled to the landfill. Chief Siebken asked what route the trucks will use to get to the landfill. The safest route that was discovered 2 years ago was to enter and exit thru the College. The truck drivers are well informed of the safety issue and are well trained. Council member Good questioned the zoning areas that the dirt is being hauled from. Towster noted the dirt is being taken from all types of zoning areas. (pastures, residential, industrial etc.) Fortune questioned how much more dirt will we need to expect? Towster commented that this haul is the final remedy to clean up the Hastings site.

Public Hearing – Special Use Permits, R-1 & R-2: Mayor Plessel opened the public hearing at 8:02 pm. P & Z Chairman Bruce Policky noted at the public hearing held by the P & Z Board no public comments were made for or against the special use permits. The board informed the public of their intent to allow special use permits in R-1 and R-2. The P & Z Board presented verbiage to replace item #4 in the Comprehensive Plan. (Attached to these minutes.) The special use permit would allow the P & Z Board to over see off street parking and drainage issues. The Council discussed waiting to update this section until JEO reviews the Comprehensive Plan and receives input from the public. Kness and P & Z Board felt the Council wanted them to proceed with a proposed change at this time. If a change is made now, it is possible with the experience that JEO has, they may bring another recommendation to the table. P & Z group has commented that they are very willing to make verbal recommendations and work closely with JEO on the new update. With no further comments from the public Mayor Plessel closed the Public Hearing at 8:50 pm.

Mayor Plessel allowed item (g) to be presented next.

Dave @ Subway Sandwich, Tables & Chairs outside on sidewalk: Dave Loewe presented photos and documentation requesting additional seating outside on the public sidewalk. He stated that at this time they only have seating for 18 people inside. Dave is requesting 3 round tables with 4 chairs around each table to be placed directly in front of the Subway store. The sidewalk is 15' wide and they are requesting to use 5' for the tables and chairs. Chief Siebken noted 4 chairs per table is a concern and suggested allowing 2 chairs per table facing east and west. Good noticed in Lincoln that the businesses on "O" Street which allow outdoor seating have the area fenced. Good also noted the abundance of bicycle traffic on 1st St. The Council agreed the rail/fence should be placed around the tables for safety. Frey asked if Subway will be providing a trash can outside. Mr. Loewe

stated this would not be a problem. The tables, chairs and rail will be taken inside each night. A motion was made by Bruha and seconded by Fortune to allow 3 tables, 2 chairs per table and a portable barrier to be set up on the public sidewalk outside of the Subway Sandwich Shop. Roll call vote: Bruha yes, Fortune yes, Good yes, Neal yes. Motion carried.

NEW BUSINESS:

Introduction and Adoption of Ordinance–Special Use Permit R-1 &

R-2: Council decided to allow Blevens an opportunity to write up the Ordinance for the Council to review prior to acting on issue. Item tabled to next meeting.

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

Council member Neal moved the adoption of the following Resolution seconded by Fortune.

RESOLUTION NO. 400

RESOLVED, that the City of Milford, Nebraska exceed the budget limit for the 2004-2005 fiscal year by an additional 1%. Roll call vote: Neal yes, Fortune yes, Bruha yes, Good yes. Motion carried and Mayor declared Resolution #400 passed and adopted.

Jeanne Hoggins, City Clerk

J. Elaine Plessel, Mayor

SALARY ORDINANCE

NO. 759

AN ORDINANCE TO ESTABLISH SALARIES FOR FULL TIME AND PART TIME CITY EMPLOYEES OF THE CITY OF MILFORD, NEBRASKA FOR THE FISCAL YEAR 2004-2005; AND TO PRESCRIBE THE TIME WHEN THE ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT; AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH:

WHEREAS, the City Council of the City of Milford, Nebraska must establish salary schedules for the employees of the City of Milford, Nebraska pursuant to law;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MILFORD, NEBRASKA:

Section 1. Effective October 1, 2004 the following salaries shall be paid:

Mark Frey-Maintenance Supervisor
Forrest K. Siebken-Chief of Police

\$3,526.59/Monthly
3,603.31/Monthly

Jeanne Hoggins-City Clerk	3,155.06/Monthly
Tracy Yeackley-Secretary	8.75/Hour
Gary TeSelle-Maintenance	15.21/Hour
David Dahle-Maintenance	12.59/Hour
Louis Bialas-Maintenance	12.46/Hour
Scott Fosler-Sergeant	16.70/Hour
Robert Hull-Police Officer	15.34/Hour
Bryce Johnson -Police Officer	13.50/Hour
Phil Winkelmann – Police Officer	13.50Hour
Barb Shurtleff-Receptionist City Hall	8.50/Hour
Beverly Wehrs-Senior Center Manager	10.20/Hour
Edna Riedl-Librarian	10.20/Hour
George Matzen - Assistant Librarian	7.50/Hour
Regan Beranek - Library Clerk	6.06/Hour
Mavis Ferris-Custodian Senior Center	6.04/Hour
Roger Kness-Building Inspector	100.00/Monthly
Plus \$15.00 per inspection	
Certified Police Officer-Part Time	11.08/Hour
General Maintenance-Part Time Seasonal	6.15/Hour
\$0.15 additional each year worked	
Pool Manager	3,500.00 /Season
Lifeguards	6.40/Hour
\$0.15 additional each year worked	

All new employees and other part time employees are to be determined at time of hiring.

Section 2. All ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and take effect after its passage and publication and shall be effective until modified or repealed and the salaries enumerated herein effective October 1, 2004.

Passed and approved this 7th day of September 2004.

(SEAL)

Mayor

Attest:_____
City Clerk

INTRODUCTION AND ADOPTION OF RESOLUTION: 2004-2005 BUDGET

After due consideration, Neal moved the adoption of the following Resolution, which was seconded by Good.

RESOLUTION #401 ADOPTING BUDGET

WHEREAS, the Mayor and Council of the City of Milford, Nebraska have proposed a budget for the fiscal year 2004-2005; 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	3,149,108.00
Cash Reserve	1,675,680.00
Total	4,824,788.00

BOND FUND

Principal & Interest	293,533.00
Cash Reserve	93,147.00
Total	386,680.00

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	191,900.00
Bond Levy	186,850.00
Total	378,750.00

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": Neal, Good, Bruha, Fortune. 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

J. Elaine Plessel, Mayor

ANNUAL APPROPRIATION
ORDINANCE NO. 760

"THE ANNUAL APPROPRIATION BILL OF THE CITY OF MILFORD, NEBRASKA, FOR THE FISCAL YEAR FROM OCTOBER 1, 2004 TO SEPTEMBER 30, 2005; 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."

BE IT ORDAINED by the Mayor and Council of the City of Milford, Nebraska:

Section 1. That there be and hereby is appropriated to defray the necessary expenses, liabilities and improvements of the City of Milford, Nebraska for the fiscal year beginning on October 1, 2004 to September 30, 2005 the sums as set out in the budget as amended.

Section 2. That there be and hereby is levied upon the assessed value of all taxable property within the City of Milford, Nebraska, as shown by the assessment roll of 2004 taxes for the fiscal year from October 1, 2004 to September 30, 2005 in the following sums and for the following purposes, to-wit:

GENERAL ALL PURPOSE FUND:

General Government	\$3,149,108.00
Cash Reserve	\$1,675,680.00
Total	\$4,824,788.00

BOND FUND:

Principal & Interest	\$293,533.00
Cash Reserve	\$93,147.00
Total	\$386,680.00

To be paid by the following tax levies:

General All Purpose Levy	\$191,900.00
Bond Fund Levy	\$186,850.00
Total	\$378,750.00

Section 3. That the Clerk is hereby ordered and directed to certify to the County Clerk of Seward County, Nebraska, the taxes levied under this Ordinance and to file therewith and with the Auditor of Public Accounts of the State of Nebraska, a copy of the budget documents hereinabove described. That the Clerk is further ordered and directed to publish a copy of the amendments, if any, as provided by law.

Section 4. This ordinance shall be in force and take effect from and after its passage and publication as provided by law.

PASSED AND ADOPTED THIS 7th DAY OF SEPTEMBER, 2004.

NEBRASKA

THE CITY OF MILFORD,

Attest: _____

City Clerk

Mayor

(SEAL)

INTRODUCTION AND ADOPTION OF RESOLUTION: FINAL MILL LEVY:

Council member Bruha introduced the following resolution, which was seconded by Good.

RESOLUTION #402

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 2004 – 2005 property tax request be set at:

		<u>Levy</u>
REQUIRED FOR BONDS	\$186,850	.2943
REQUIRED FOR ALL OTHER PURPOSES	\$191,900	.3023
TOTAL PROPERTY TAX REQUEST	\$378,750	.5966

2. A copy of this request be certified and forwarded to the Seward County Clerk on or before October 13, 2004.

Upon roll call vote as follows: Bruha yes, Good yes, Fortune yes, Neal yes. Motion carried.

J. Elaine Plessel, Mayor

Jeanne Hoggins, City Clerk

Award Bid – Dump Truck: After discussion was held regarding the difference in motors a motion was made by Bruha and seconded by Fortune to award the bid for the dump truck to Husker Auto Group in the amount of \$49,977.00. Roll call vote: Bruha yes, Fortune yes, Good yes, Neal yes. Motion carried.

Appointment – Library Board: Item not needed.

ADJOURNMENT: A motion was made by Bruha and seconded by Good to adjourn the meeting. Roll call vote: Bruha yes, Good yes, Fortune yes, Neal yes. Motion carried and meeting adjourned at 9:22 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 of September 7, 2004 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