

CITY OF MILFORD
REGULAR MEETING
AUGUST 7, 2012
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 7th day of August 2012 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: T.J. Buchli, Aaron Hershberger, Frosty Adams, Elaine Plessel, Bob Boshart, Connie Hoile, Scott & Kari Guthrie, Larry Lindquist, Tom Havlat, Roy Cast, Lyle Neal, T.J. Reynolds, Brett Muller, Dan Matthes and Logan Tuttle 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 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 Dean Bruha called the meeting to order at 7:36 pm. and 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 Library Meeting Room.

MINUTES: A motion was made by Fortune and seconded by Kral to approve the minutes of the July 3, 2012 meeting. Roll call vote: Fortune yes, Kral yes, Baker yes, Heckman yes. Motion carried.

A motion was made by Baker and seconded by Heckman to approve the minutes of the July 24, 2012 meeting. Roll call vote: Baker yes, Heckman yes, Fortune yes, Kral yes. Motion carried.

PAYMENT OF BILLS: A motion was made by Heckman and seconded by Kral that the following bills in the amount of \$59,875.98 and payroll in the amount of \$38,938.97 approved by the Auditing Committee be approved for payment. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

SALARIES:

53901	Mark Frey	1516.38
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53902	Forrest Siebken	1352.43
53903	Mavis Ferris	78.44
53904	Jeanne Hoggins	1358.40
53905	Gary TeSelle	1008.43
53906	Robert Hull	1375.36
53907	David Dahle	1075.56
53908	George Matzen	684.54
53909	Tracy Yeackley	755.24
53910	David Jensen	470.31
53911	Larisa Roth	402.42
53912	Megan Kremer	750.08
53913	Benjamin Rediger	791.30
53914	Craig Corder	1441.34
53915	Jessica Young	183.50
53916	Josiah Jenson	42.74
53917	Jason Meyer	1057.65
53918	Dylan Tegtmeier	548.55
53919	Caleb Dahle	310.70
53920	Rebecca Anderson	271.55
53921	Tiffany Blair	251.35
53922	Sean Stahly	184.77
53923	Allison Spath	388.55
53924	Jillian Boden	262.29
53925	Lisa Aschoff	371.72
53926	Erica Pallas	323.42
53927	Timothy Long	41.04
53928	Ian Rempel	232.58
53929	Derek Tegtmeier	492.51
53930	Dakotah Buchli	437.78
53931	Taylor Klein	385.68
53945	Mark Frey	1562.50
53946	Forrest Siebken	1352.43
53947	Mavis Ferris	61.00
53948	Jeanne Hoggins	1400.96
53949	Gary TeSelle	1074.98
53950	Robert Hull	1149.52
53951	David Dahle	1109.89
53952	George Matzen	684.54
53953	Tracy Yeackley	782.08
53954	David Jensen	548.08
53955	Larisa Roth	375.03

53956	Megan Kremer	693.47
53957	Benjamin Rediger	924.53
53958	Craig Corder	1434.57
53959	Jessica Young	52.68
53960	Josiah Jensen	327.67
53961	Jason Meyer	934.60
53962	Dylan Tegtmeier	496.52
53963	Caleb Dahle	471.28
53964	Rebecca Anderson	328.55
53965	Tiffany Blair	301.97
53966	Sean Stahly	156.89
53967	Allison Spath	414.07
53968	Jillian Boden	383.06
53969	Lisa Aschoff	600.17
53970	Erica Pallas	272.59
53971	Timothy Long	85.51
53972	Ian Rempel	326.63
53973	Derek Tegtmeier	273.61
53974	Dakotah Buchli	328.33
53975	Taylor Klein	429.82
53978	Ricky Fortune	141.52
53979	Dean Bruha	188.70
53980	Jeffery Baker	141.52
56981	Jeff Heckman	141.52
56982	Dan Kral	141.52
GENERAL FUND:		
53815	Levi Bahe- WA/SW Deposit Refund	31.26
53816	Noah Brummett- WA/SW Deposit Refund	69.47
53817	Valentina Chilsted- WA/SW Deposit Refund	53.58
53818	Christine Fox- WA/SW Deposit Refund	49.43
53819	Sean Hult- WA/SW Deposit Refund	41.13
53820	Calley Laursen- WA/SW Deposit Refund	54.38
53821	Michael Meyer- WA/SW Deposit Refund	2.03
53822	VOID	0.00
53864	US Postmaster- Utility Billing Postage	295.95
53865	American Building Inspectors- Inspections	220.00
53866	Assured Fire Protection- Fire Extinguisher Maint.	322.00
53867	Beatrice Concrete	53.55
53868	Black Hills Energy- Service for June	615.14
53869	Colin Electric Motor Serv.- Repair Elec. Pump	1169.94
53870	Concrete Works, Inc.- Street Repair North F St.	5508.00

53871	Diode Communications- Service for June	55.22
53872	Eakes Office Plus- Copy Machine, Hi-Lighters, Paper	253.41
53873	Elite Umpires Assoc.-Umpire Fees	20.00
53874	Farmers Co-op- Fuel for June & Maintenance	2732.47
53875	G&P Development Landfill- Trash for Tournament	50.71
53876	Graham Tire – Tires & Tire Fee	215.84
53877	Great Plains-One Call- Locate Requests	27.27
53878	Hawkins, Inc.- Stabilizer & Freight	302.50
53879	John Deere Financial- Spray Wand, Drain Cap	16.65
53880	Kremer Mowing & Snow Removal- Move Trees	680.00
53881	Milford Chamber of Comm.- ½ of Comm. Clean up	165.00
53882	Milford Economic Development- Asbestos Inspection	926.50
53883	Milford Supermarket- Scotch tape, food	246.05
53884	Morgan Griffith- WSI (Swimming Lessons)	85.00
53885	Nebraska Motor Parts- Propane, Battery,	54.63
53886	Nebraska Public Health- Coliform, Radium	352.00
53887	NPPD- Service for June	8277.13
53888	Pepsi- Pool Pop	283.56
53889	Pizza Kitchen- June Catered Meals	142.50
53890	Sam's Club- Pool Candy	658.42
53891	Seward Co. Public Power Dist.- Wells 1&2	699.46
53892	Seward Co. Independent- Notices, Minutes, Flower ad	222.77
53893	Sports Express- DARE Role Model T-Shirts	50.64
53894	Sunrise Country Manor- June Meals	813.75
53895	Talley Communications- Radio batteries & Charger	461.56
53896	The Garbage Company- Service for June	137.50
53897	Verizon Wireless- Cell Phone	93.24
53898	Verizon Wireless- Air Cards for MDC	80.02
53899	Verizon Wireless- Cell Phone	102.26
53900	Windstream- City Office, Police, & Pool Phones	387.11
53932	Ameritas Group- Pension	1647.95
53933	Union Bank- HSA	705.00
53934	Aflac- Dis, Cancer, Accident, Supp.	661.39
53935	Coventry Health Care- Health Ins 8/01-8/31	6909.50
53936	Ft. Dearborn- Life Insurance	113.52
53937	Mark Frey- Mileage & Meals to Sewer	129.08
53938	Mutual of Omaha- Disability	30.24
53939	Shell Fleet Plus- Fuel for '08 Truck	211.19
53940	Shell Fleet Plus- Fuel	754.68
53941	TeSelle Services- Meals @ Sewer Meeting	12.80
53942	Verizon Wireless- Well Control Monitor	40.01

53943	Companion Life- Dental Coverage	599.66
53944	Companion Life- Vision Coverage	19.93
53976	Ameritas Group- Pension	1647.95
53977	Union Bank- HSA	705.00
53983	Brandon Bartels- WA/SW Deposit Refund	75.00
53984	Jolene Culp- WA/SW Deposit Refund	69.82
53985	Damaris Hernandez- WA/SW Deposit Refund	48.96
53986	Andrew Holsten- WA/SW Deposit Refund	75.00
53987	Jason Mayo- WA/SW Deposit Refund	23.87
53988	Mitch McConnell- WA/SW Deposit Refund	2.45
53989	Jarrett Owens- WA/SW Deposit Refund	52.79
53990	VOID	0.00
53992	All Pro Landscaping- Controller, Sprinklers, Nozzles	526.52
53993	Aloha Roth- Cake	20.00
53994	Aramark- Pants & Rags	651.86
53995	Baker & Taylor- Books	18.57
53996	Bleven's Law Office- Legal Services	350.00
53997	Brownells, Inc.- Front Sight Posts	26.59
53998	Card Service Center-2 nd Tray for printer	375.95
53999	Cash-Wa Distributing- Food, Supplies	106.47
54000	Chris Hoppe- Gustafson- WA/SW Refund	128.59
54001	City of Milford- Pens, Postage	17.17
54002	Culligan Water- Drinking water, Water, Cooler rent	77.30
54003	Gall's- Shipping charges	5.11
54004	George Matzen- Anti-Virus Software	279.95
54005	Grainger, Inc.- Transformer Control	13.52
54006	GreatAmerica Leasing- Meter Rent	80.00
54007	HOA Solutions- Field Labor, Travel Time	496.50
54008	Kremer's Inc.- Contractor, Labor	290.49
54009	Layne Christensen- Install Check Valve-Well	3479.13
54010	Mary Bacon- Swimming Lesson Refund	30.00
54011	Matheson Tri-Gas, Inc.- Oxygen	73.80
54012	Meyer Laboratory, Inc.- Street Paint, Gloves, Tissue	4054.90
54013	Milford School Dist.- Parking Fines	55.00
54014	Municipal Supply, Inc- FS1-514-CC4, C21-43	2191.51
54015	NE Dept of Env. Quality- Renewal for Wastewater	150.00
54016	Nebraska Dept. of Agriculture- Animal Shelter renewal	150.00
54017	Office Depot- Video Camera	107.65
54018	Orcheln's- Hand Spray Gun	34.99
54019	Reader Services- Books	12.99
54020	Ikon Office Solutions- Meter Rent 7/4-8/3/12	348.97

54021	Roxanne Roth- Cleaning Services	75.00
54022	Sack Lumber- Lumber, Insulation, Glue	46.56
54023	Seward Electronics- Equipment Repair	19.14
54024	Union Bank- Medicare Part D	431.50
54025	Uribe Refuse Services- Garbage Pickup	37.00
54026	Wal-Mart Community BRC- Food, Supplies	481.79
54027	Wergin's Lawn Service- Fertilize& Grub Control	234.75
54028	Windstream- Service for July	471.42

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Milford Aging Services Commission minutes for July 24, 2012; Police Dept. activity reports for July 2012; MVFD Fire & Rescue NARSIS Report and Fire Report for July 2012. Heckman – Kiwanis Club of Milford donated \$1750.00 toward the Pool Improvement Project. The Pool will be closing Sunday, August 12, 2012 for the season. Fortune – The High School has asked permission to water the football fields as needed for safety guidelines (concussions) that may occur during practice or games. Council agreed to allow them this option and lift the water restriction schedule for the football fields. Siebken was notified by an early morning runner that a mountain lion was spotted near the Casey's convenient store/Elm Street area yesterday morning around 4:30 am. Frey – 19 million gallons of water were used in July and since the water restrictions have been issued he has noticed a decline in usage. There is still a lot of use in the early morning and evening but it has helped a lot to have the restrictions in place. He informed everyone how important it is that the City doesn't lose a well. Baker – The Sr. Center will be hosting a Potato Bake on Friday August 17th from 5:00 - 7:00 pm at the Fun Days event. Baker attended a meeting of the Seward County Economic Development Committee and there has been some concern with funding from the City of Seward, he will keep us updated.

COMMUNICATIONS: *Sales tax received for the month of May 2012 in the amount of \$11,097.67. *Thank you received from Webermeier Scholarship Recipient Elise Rempel.

PUBLIC HEARINGS:

Request to Rezone S.C.C. Tax Lot 1 from R-2 to C-1: Mayor Bruha opened the Public Hearing at 7:45 pm. S.C.C. President, Lyle Neal informed the group that the Board of Governors has reviewed this project and the final approval will take place at their Sept. meeting. Neal presented the Council with photos of the proposed area for the project and stated that the Machine Tool program is in need of an update. The exciting part about this project is the Machine Tool program from Lincoln will move out to Milford. This will enhance the Milford Campus and provide space for needed technology. The building and renovation will cost roughly

\$800,000.00 plus purchasing \$700,000.00 of new cnc equipment, robotics and manufacturing feeding systems. The need for the re-zoning request from R-2 to C-1 is because they hope to build out towards State Street, to the west, within 5' from the sidewalk. This would be about 12' from the property line where State Street and S.C.C. intersect. The College has been zoned R-2 since 1976 and missed out on the opportunity to rezone it when updating the Comprehensive Plan and this is why Mr. Neal is currently presenting this issue. He further reviewed the plans showing the area that will be under construction. The building will set out even with the Library which is the western most part of the Eicher Technical Center. The new addition will be enhanced with a lot of glass for public viewing. Mr. Neal stated that the only way to make this happen is to rezone the property or ask for a variance and a rezoning request from R-2 to C-1 seemed to be the best way to go. Bruha noted that the Planning and Zoning has already met regarding the rezoning and have made a recommendation to allow the change. With no further comments Mayor Bruha closed the Public Hearing at 7:52 pm.

Request revision of Comprehensive Plan to allow temporary R.V. parking in Mobile Home Parks:

Mayor Bruha opened the Public Hearing at 7:53 pm and updated the public on the request. The request was made to allow R.V. parking in the trailer parks if the owner had empty stalls. After the P & Z Committee discussed the matter they did not think this would be advantageous to the community due to regulations. A unanimous recommendation by the P & Z was made to deny the request to allow R.V. parking in Mobile Home Parks. Mayor Bruha noted that permission has been given by the Council to renovate the South Park to allow shore lines for R.V. hook-ups. With no further comments Mayor Bruha closed the public hearing at 7:56 pm.

UNFINISHED BUSINESS:

Action on proposed Archery Range: Heckman noted that this item was tabled due to questions relating to insurance liability. He read the e-mail that was received from the City's insurer. They are not in favor of the archery range and had several concerns which were noted in the e-mail. (E-mail attached to these minutes.) Game & Parks Representative Aaron Hershberger was surprised with this response as other Cities, including Lincoln, have archery ranges in parks. He presented LB 37-730 which relates to limitation of liability for recreational purposes. Ultimately he wants the City to feel safe about this. Game and Parks can show statistics where sports that include a bat or racket have more injuries than archery. Aaron referred to the hold harmless section of the agreement which is basically in there to address the situation where G & P are not involved in the construction, they will just help pay for some of the materials that they

have access to thru a grant. He recommended talking with the City of Lincoln or visiting the North 48th site to get a better feel for this type of facility. Welch Park was suggested as a possible site last month which Aaron looked at. G & P would have to build a berm out there. Heckman visited the North 48th site and noted that it is a nice facility but has no playground equipment close by. This is still a concern for him. He mentioned the site out at the lagoons where the Police Dept. have built a berm and use it for training. Baker also liked the option of looking into the Lagoon site. His main concern is safety. The law may protect us against liability issues, but there is still the chance of getting sued and then the process of defending ourselves would be costly. The location near a park and swimming pool still cause a safety concern. Fortune mentioned the Lagoon site as a much better location. It is far enough out of town that if children go out there they will most likely be with an adult.

Jonathan Jank arrived.

Chief Siebken mentioned that he would be willing to work with everyone involved. Kral mentioned that we will need to work with the insurance co. and get some of their questions answered as we don't want to proceed with this project without it being insured. He likes the idea of an archery range being available but is still concerned with defense costs. The alternate site might be the better choice. We just need to work with the Archery Club and work out some of the details. The grant is still available so there is time to work things out. Item tabled until some other options or decisions have been discussed.

Introduction and Adoption of Ordinance – Recreational Fires/Fire Pits:

Blevens presented a draft ordinance and read the same. Questions arose regarding what determines a nuisance and the size (diameter) of fire pit which will be allowed. The old ordinance was put into place for control of burn barrels and burning leaves. There needs to be an ordinance distinguishing between the two. Council decided to table this item until they had more time to review the draft ordinance and look into the appropriate size of pit to be allowed.

Recommend Action for delinquent WA/SW Accounts: Item tabled.

Introduction and Adoption of Ordinance – Limitation of dogs & cats per household: The Council decided to table this item until next month which will allow them time to review the proposed ordinance.

NEW BUSINESS:

Approve Initial Order – Webermeier Scholarships: A motion was made by Baker and seconded by Heckman to award 24 scholarships at \$375.00 each for the 1st semester of the 2012-2013 school year. Roll call vote: Baker yes, Heckman yes, Fortune yes, Kral yes. Motion carried.

Award Sr. Center Meal Bid: Item tabled as the recommendation had not been made from the Sr. Center.

Discussion of Sunday Alcohol Sales @ Thornridge Golf Course, T.J. Reynolds: The Thornridge Golf Course Board is seriously considering the sale of alcohol at the Golf Course. T.J. would like to know what options they have regarding the sale of alcohol on Sundays. Is it possible to apply for an exemption since they are a golf course, which is something different than a gas station or would the Council be willing to approve a couple one-day special designated permits for when the course has major tournaments. If neither of these options is possible, what would be the process to reverse the Sunday sales in Milford? The Course has been informed that they will need 2 liquor licenses due to the Pro Shop being annexed into the city limits and the course itself is still in the county. Connie with Casey's Convenience Store questioned why they are not allowed to sell off sale alcohol on Sunday. Bruha noted it has always been a tradition in Milford to not allow alcohol sales on Sunday. Connie asked if the City would ever consider changing this. Bruha – that would be up to the Council. Brett Muller noted that the Golf Course does not want to be a bar. They will not be open all year round, they just want to allow people to go into the Pro Shop and purchase their 6 pack and go out and golf. They need to start making money on alcohol as they have not made budget the last 5 out of 6 years. Bruha suggested holding a public hearing to allow the citizens a chance to voice their opinion before rendering a decision.

Discuss ATV/UTV Policy – Roy Cast: Mr. Cast lives at 711 Thornridge Acres Dr. and still owns his home a mile west of town. He spends a lot of time on his 4 wheeler and would like the Council to consider allowing ATV/UTV to be driven within the corporate limits. He reflected on the guidelines set within the City of Seward's ordinance. He also presented his pros/cons regarding the issue. He would like the Council to review the Seward ordinance and consider his request. This item was tabled until the next regular meeting.

Mayor Bruha moved item (g) up on the agenda.

Request for Economic Development Funding – Austin Co./Bill White: Mayor Bruha noted that Bill White is expanding his business and asked Bill if he wanted to make any comments. Bill explained that the reason they are building across the street is primarily because they are running out of room in their current building. Austin Co. is a Farm Management Co. that manages approximately 150 farms in NE. They sell crop insurance; do farm appraisals and farm real estate sales. Bill would like to stay involved in the business keep it in Milford and continue supporting Milford. The recommendation from the Milford Economic Development Committee was

to offer to the Austin Co. a \$30,000.00 grant and a \$20,000.00 interest free loan for 60 months. A motion was made by Kral and seconded by Heckman to accept the recommendation. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried. Kevin Wingard with the Economic Development Board asked about the stipulations that were discussed on the loan. He mentioned that if the stipulations were met that the loan would be forgiven. The motion was amended by Kral and seconded by Heckman that if Mr. White hits his targets outlined on the attached sheet that the loan of \$20,000.00 would be forgiven. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried.

Introduction and Adoption of Ordinance – Rezone S.C.C. Tax Lot 1 from R-2 to C-1: A motion was made by Heckman and seconded by Kral to introduce the following ordinance.

ORDINANCE NO. 859

AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN REAL ESTATE FROM R-2 TO C-1; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PRESCRIBING THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

Introduction and Adoption of Ordinance – Temporary R.V. Parking in Mobile Home Parks: A motion was made by Heckman and seconded by Kral to deny the request to allow temporary R.V. parking in Mobile Home Parks. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

ADJOURNMENT: A motion was made by Baker and seconded by Kral to adjourn the meeting. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried and meeting adjourned at 9:20 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 7, 2012 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