

CITY OF MILFORD
REGULAR MEETING
FEBRUARY 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 February 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: Larry Lindquist, Jim Eberly, Tom Rustemeier, Chris Harrison and Jerry Penry.

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 7:30 pm. 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 Library Meeting Room.

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

PAYMENT OF BILLS: A motion was made by Kral and seconded by Heckman that the following bills in the amount of \$63,913.49; Bond Principal of \$105,000.00; Bond Interest of \$2,272.88 totaling \$171,186.37 and payroll in the amount of \$27,196.82 approved by the Auditing Committee be approved for payment. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried.

SALARIES:

52710	Mark Frey	1516.38
52711	Forrest Siebken	1388.85
52712	Mavis Ferris	62.76
52713	Jeanne Hoggins	1358.40
52714	Gary TeSelle	782.59
52715	Robert Hull	1019.89

52716	David Dahle	1075.56
52717	George Matzen	684.54
52718	Tracy Yeackley	755.24
52719	Benjamin Rediger	792.80
52720	Craig Corder	1230.09
52721	Jason Meyer	1028.66
52722	Sean Stahly	120.28
52723	Sarah Davis	66.69
52724	Jillian Boden	315.13
52725	Lisa Aschoff	583.42
52726	Erica Pallas	300.77
52734	Mark Frey	1562.50
52735	Forrest Siebken	1388.85
52736	Mavis Ferris	76.70
52737	Jeanne Hoggins	1400.96
52738	Gary TeSelle	1053.94
52739	Robert Hull	914.31
52740	David Dahle	1083.99
52741	George Matzen	684.54
52742	Tracy Yeackley	802.31
52743	Benjamin Rediger	843.43
52744	Craig Corder	1147.76
52745	Jason Meyer	925.20
52746	Sean Stahly	184.77
52747	Jillian Boden	386.83
52748	Lisa Aschoff	585.70
52749	Erica Pallas	318.20
52756	Ricky Gene Fortune	141.52
52757	Dean Alan Bruha	188.70
52758	Jeffrey M Baker	141.52
52759	Jeff Lee Heckman	141.52
52760	Dan V Kral	141.52
GENERAL FUND:		
52639	Darrin Holloway- WA/SW Deposit Refund	36.45
52640	Tanner Holmes- WA/SW Deposit Refund	62.49
52641	Danielle Lutz- WA/SW Deposit Refund	74.29
52642	David Mayhew- WA/SW Deposit Refund	50.32
52643	Taylor Peterson-WA/SW Deposit Refund	62.10
52644	Greg Pribyl- WA/SW Deposit Refund	53.95
52645	Troy Reinkey- WA/SW Deposit Refund	46.37
52646	Zach Schweitzer- WA/SW Deposit Refund	7.91

52647	US Postmaster- U/B Postage	182.26
52648	Tara Adams- WA/SW Deposit Refund	50.00
52649	Daniel Anderson- WA/SW Deposit Refund	50.00
52650	Brandel Hauder- WA/SW Deposit Refund	75.00
52651	Ackerman Rock& Gravel- Rock & Gravel	3010.27
52652	American Building Inspectors- Monthly Fee	500.00
52653	American Legal Public- Statute update service	650.00
52654	ASCAP- License Fee 2012	320.00
52655	Aramark- Pants & Rags	564.92
52656	AT&T- Long Distance	11.12
52657	Barco Municipal Products- Chain, Snow blade	869.09
52658	Ben Rediger- HSA Pre-tax Refund	29.41
52659	Berry- Directory Ad	16.15
52660	Black Hills Utility- Service for Dec	1281.17
52661	Dave Dahle- HSA Pre-tax Refund	36.70
52662	DHHS- Maureen Johnson Payment Error	181.42
52663	Diode Communications- Service for Dec	55.22
52664	Eakes Office Plus- paper, shipping, tape pens	113.71
52665	Earl Carter Lumber- Lock	22.99
52666	Emergency Medical Products- Glucose, Gloves	496.94
52667	Farmers Co-op- Fuel for Dec, tire repair, 32 supp.	1801.51
52668	Feld Fire- Gloves	367.00
52669	I.T. Services & HSA Pre-tax Refund	635.69
52670	George Matzen- HSA Pre-tax Refund	36.69
52671	Great Plains-One Call- Locate & Emergency Request	8.73
52672	Heyen Tax & Accounting- W-2's & Envelopes	111.82
52673	Jason Meyer- HSA Pre-Tax Refund	70.63
52674	Jeanne Hoggins- HSA Pre-Tax Refund	73.43
52675	Kremer Electric- Work on Lift Station	305.25
52676	Mark Frey- HSA Pre-Tax Refund	146.74
52677	Matheson- Oxygen	72.54
52678	Menard's- Materials	245.43
52679	Milford Supermarket- Food	206.47
52680	Municipal Supply- Meters	326.83
52681	Nathen Gortemaker- HSA Pre-Tax Refund	11.30
52682	NE Rural Water Assoc.- Renewal	200.00
52683	Nebraska Motor Parts- Floor Dry, Pressure Gauge	17.99
52684	Nebraska Public Health- Coliform Test	20.00
52685	NPPD- Service for December	5399.87
52686	Nebraska State Fire- Pool Renovation Fee	50.00
52687	Northeast Wisconsin- Taser Training-43	30.00

52688	Paper Tiger Shredding- Minimum pickup	75.00
52689	Pizza Kitchen- Catered Meal	174.50
52690	Police Chiefs Assoc. of NE- Membership dues	30.00
52691	Recyclelink- Recycling	36.00
52692	Rediger Chevrolet- Oil Changes Units 1,2,3	118.65
52693	Rob Hull- HSA Pre Tax Refund	193.79
52694	Roxanne Roth- Cleaning Services	50.00
52695	Sack Lumber- Brush, Roofing nails	51.07
52696	Sam's Club- Sales Tax & Finance Charge	13.24
52697	Servi-Tech- Ammonia Test, Wastewater	72.70
52698	Seward Co. Public Power- Wells 1&2	518.14
52699	Seward Co. Independent- Notices, Minutes, bball camp	205.21
52700	Seward Electronics- Reprogram Radios	246.50
52701	Sunrise Country Manor- Meals for November	955.50
52702	Technical Services, Inc.-Computer install operating	187.50
52703	TeSelle Services- HSA Pre- Tax Refund	90.41
52704	The Garbage Company- Service for December	135.00
52705	Tracy Yeackley- HSA Pre-Tax Refund	36.72
52706	Uribe Refuse Service- Garbage Pickup	37.00
52707	Verizon Wireless- Cellular Bill	104.17
52708	Windstream- Service for December	605.39
52709	Xpeditor Technology- Maintenance & annual agreement	500.00
52727	Ameritas Group- Pension	1635.56
52728	Union Bank- HSA	655.00
52729	AFLAC – Dis, Cancer, Acc, Suppl	676.86
52730	Coventry Health Care – Health Insurance 2/1-2/29	6909.50
52731	Fort Dearborn Life Insurance – Life Insurance	123.84
52732	Mutual of Omaha – Disability	30.24
52733	Shell Fleet Plus – Fuel for '08 Truck	105.03
52750	Ameritas Group- Pension	1635.56
52751	Union Bank-HSA	655.00
52752	Bridget Burgess-WA/SW Deposit Refund	75.00
52753	Matt Miller- WA/SW Deposit Refund	49.43
52754	Richard Watson- WA/ SW Deposit Refund	50.00
52755	US Postmaster- Utility Billing Postage	193.76
52761	Alamar- Uniform Pants & Supplies	246.73
52762	American Library Assoc.- Membership	98.00
52763	Atco- Liberator 600	1526.00
52764	Baker & Talyor- Books	1058.11
52765	Berry- Directory Add	16.15
52766	Blevens Law Office- Legal Services for Jan	350.00

52767	Cash-Wa Distributing- Food	157.49
52768	CBS- 1 Yr. Membership	60.00
52769	City of Milford- Petty Cash- Postage	33.75
52770	Companion Life- Dental	599.66
52771	Companion Life- Vision	23.39
52772	Concrete Works- Street Repairs	539.62
52773	Culligan- Drinking Water	99.15
52774	Demco- Office Supplies	175.58
52775	EMC- Gen Liab/ Workers comp Audit	503.00
52776	George Matzen- Labels	27.25
52777	Great American Leasing- Meter Rent	80.00
52778	Heartsong- Books	12.99
52779	IACP- Membership	120.00
52780	IKON- Meter Rent/ Additional Images	341.50
52781	Interstate Battery- Battery	53.97
52782	JEO- Preliminary Design	10529.00
52783	Kremers Inc.- Materials for Sewer Repair	27.53
52784	Logan Supplies- Tank Spud/ Aussy/ Reg	174.09
52785	Lynn Peavy- Evidence Supplies	80.05
52786	Menard's- Nails/ hacienda	184.11
52787	Midwest Mailing- Rate chip, Repair Mail machine	649.00
52788	Milford A/C- A/C Maintenance	229.80
52789	Milford Chamber of Commerce- Membership dues	75.00
52790	Milford Plumbing- Labor Materials, Tax	339.32
52791	Milford School Dist- Parking Fines/ Tobacco lic.	70.00
52792	Mrs. Wayne Roth- Cake	20.00
52793	Municipal Supply- Di Spool, Meters, Freight	1727.23
52794	Plains Equipment- Labor, Ball Bearing	302.72
52795	Police Chiefs Assoc.- Annual Membership	30.00
52796	Quill-Paper	23.94
52797	Roxanne Roth- Cleaning Services	50.00
52798	Sack Lumber- Sewer lift building	304.61
52799	Seward Co. Independent- Subscription	40.00
52800	Shell Fleet Plus- Car Gas	29.83
52801	Shell Fleet Plus- Fuel	818.32
52802	St Paul Stamp works- Golf Cart Lic.	105.80
52803	Too Fast Supply- Step ladders, Hammers, wheels	379.95
52804	Union Bank- Gary TeSelle Acct. Med Part D	431.50
52805	Verizon- Cell Phone	93.58
52806	Verizon Wireless-Well Control Monitor	43.05
52807	Wal-Mart- Phone, Software, Food	236.07

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Milford Housing Authority minutes for December 12, 2011 and January 12, 2012; Milford Aging Services Commission minutes for January 24, 2012; Planning and Zoning Commission minutes for January 24, 2012; Recreation Board minutes for January 19, 2012 and February 6, 2012; Police Dept. activity report for January 2012; MVFD Rescue NARSIS and Fire Reports for January 2012. Heckman handed out a progress report from JEO on the Swimming Pool Improvement project. Another meeting will be held this Friday and the electrical issue has been resolved. Frey wanted to report, the trees that are down due to the snow storm will be picked up if they are drug to the curb, but it might take a while. Chief Siebken – 2 grants have been received from the Office of Highway Safety. One will be used for preliminary breath test devices and the other for purchasing 2 in-car video systems. Baker met with the JEO representative to discuss future long term planning for a trail system thru-out town. They are trying to design a trail route so we can be competitive when grants are available.

COMMUNICATIONS: *Sales tax received for the month of November 2011 in the amount of \$12,995.15. *Resignation notices from Webermeier Scholarship Committee members Sharon Bender and Pat Shy. *Thank you from Webermeier Scholarship recipient Austin Heckman. *Notification from Milford Public School Guidance Counselor Kevin Fields to remove the schools involvement with the City of Milford's Webermeier Scholarship application and award process.

PUBLIC HEARING: One & Six Year Plan: Mayor Bruha opened the public hearing at 7:40 pm and explained the program to all in attendance. Our plan involves maintenance as well as future plans to pave the business district alleys as well as resurfacing Welch Park Rd. With no further comments Mayor Bruha closed the public hearing at 7:42 pm.

PUBLIC HEARING: Conditional Use Permit, drive-thru for Dairy Queen: Mayor Bruha opened the public hearing at 7:43 pm. He reviewed the discussion and recommendations made by the Planning & Zoning Commission which meet on January 24, 2012. (P & Z minutes attached) The Dairy Queen expanded in the fall of 2007 and their diagram clearly showed a drive-thru addition to the building. A conditional use permit, allowing the drive thru, should have been applied for according to the Comprehensive Plan. The Council discussed the additional parking stalls, the width of the drive-thru at the sign and the flow of traffic into the drive-thru. The Dairy Queen owner and managers have made a good faith effort to work with the neighbors regarding the noise issue and plan on looking

into the cone suggestion which would be placed on the outside speaker. Mr. Rustemeier also presented a plan layout showing the proposed (17) new clearly marked parking stalls. He also agreed to cut the curb and direct the drive-thru straight east off of "D" Street to eliminate the possible traffic congestion. With no further questions or comments Mayor Bruha closed the public hearing at 8:00 pm.

UNFINISHED BUSINESS:

Council Compensation Survey Results: Mayor Bruha reiterated the time factor involved with taking care of City business. He noted there are Council members that are involved in projects that take additional time out of their day. He also mentioned that as citizens consider running for elected positions we may be eliminating qualified people due to the amount of pay. In reviewing the survey, Baker noticed that Milford has the 8th highest paid Council members and are the 9th largest city, so he felt we are right on target. Kral agreed that the Council's pay is sufficient. He thought the Mayor's salary should be looked at. Heckman noted he didn't run for the money. He wasn't aware that the Council was even paid until after he was elected. Some Cities have administrators who oversee a lot of what our governing body takes care of. It was mentioned to consider increasing the Mayor's salary. The Council would like more time before making a decision on this matter.

NEW BUSINESS:

Introduction and Adoption of Resolution – One & Six Year Plan:

RESOLUTION NO. 473

The following resolution was introduced by Heckman, who moved its adoption, seconded by Kral,

“WHEREAS, the City Street Superintendent has prepared and presented a One Year and Six year Plan for Street Improvement Program for the City of Milford, Nebraska, and

WHEREAS, a public meeting was held on the 7th day of February, 2012, to present this plan and there were no objections to said plan;

THEREFORE, BE IT RESOLVED BY THE Mayor and City Council of Milford, Nebraska, that the plans and data as furnished are hereby in all things accepted and adopted.”

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

Attest: _____

City Clerk

(SEAL)

Mayor

Action on request for use of drive-thru at Dairy Queen: Council member Kral noted the Dairy Queen has done everything they can. He questions planting shrubbery as that may bring up other related problems. Kral agreed with Chief Siebken's suggestion of installing a cone around the microphone to direct the noise downward. A motion was made by Kral and seconded by Fortune to approve the conditional use permit with the stipulation of cutting the curb as recommended by the Chief of Police and installing a device on the outside speaker for sound control. Roll call vote: Kral yes, Fortune yes, Baker yes, Heckman yes. Motion carried.

Nuisance Properties: Chief Siebken presented a list of 23 properties where the home owners need to be notified of violations to the nuisance ordinance. Within those 23 properties there are some more serious violations. Contact with these individuals will be made now so they can plan clean-up efforts this spring. There are some residents that will be contacted immediately due to the nature of the violation. Chief Siebken was asked to report on the updated action taken by the individuals contacted.

Change date of the May Council meeting: Due to Honors Night scheduled for May 1st and the presentation of Webermeier Scholarships the Council agreed to change their regular May meeting to Monday, April 30, 2012.

Hire Library Clerk & Set Wage: A motion was made by Heckman and seconded by Baker to hire Timothy Long as Library Clerk at \$7.25 per hour. Roll call vote: Heckman yes, Baker yes, Fortune yes, Kral yes. Motion carried.

Appointments: A motion was made by Heckman and seconded by Kral to approve the Mayor's recommendation to appoint Jason Mach to the Library Board for his 1st 4 year term. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

A motion was made by Baker and seconded by Fortune to approve the Mayor's recommendation to appoint Beth Stutzman to the Webermeier Scholarship Committee. Roll call vote: Baker yes, Fortune yes, Heckman yes, Kral yes. Motion carried.

A motion was made by Heckman and seconded by Kral to approve the Mayor's recommendation to appoint Nancy Nevius to the Webermeier Scholarship Committee. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

A motion was made by Kral and seconded by Heckman to approve the Mayor's recommendation to reappoint Jim Eberly to the Cemetery Board for a 3 year term. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried.

WWI Memorial /Water Fountain – Jim Eberly: Mr. Eberly approached the Mayor and Council with regards to the memorial structure located in the NE corner of the Uptown Park. The structure has a large crack down the side and is ready to fall down. From a liability stand-point he questioned “who owns the water fountain?” The Council noted the City owns the structure, it is in the City Park. Mr. Eberly talked to Ron Eberspacher about the structure and he noted it should come down. There was also mention of moving it. Jim handed out a couple drawings of ideas using the existing stone to make a smaller monument. It was suggested to keep the water fountain separate or eliminate it completely. There is a new water fountain on the outside of the restrooms. The Legion is looking into a fundraiser to redo the monument. Mr. Eberly noted that the Legion usually has a soup supper to support the Legion baseball program but would like to focus their efforts towards the monument. In the past they normally have raised around \$400.00-\$500.00. Jim presented the idea of plaques for different war era’s. He looked in the Legion catalog and these plaques cost about \$600.00 apiece. He questioned Baker about getting them for \$300.00. Baker noted between \$300.00 and \$400.00. Baker and Kral agreed that they have a moral obligation to put the plaque back up somewhere. Baker would like to see the Legion head up this project to have some type of memorial recreated. Kral noted if the issue is a liability concern than the structure needs to come down. Baker doesn’t want to be that person to tear down a memorial without a plan to replace it. Baker would just like to see a plan in place. The Council agreed that the plaque needs to be put back up. Fortune noted it needs to be taken down due to the liability issues. A motion was made by Baker and seconded by Heckman to authorize the Maintenance Department to decommission the Veteran’s Memorial located on the N.E. corner of the Uptown Park, to be dismantled and mark the rocks and plaque to be maintained for the purpose of allowing the Legion to look at building a new memorial in the Uptown Park. Roll call vote: Baker yes, Heckman yes, Fortune yes, Kral yes. Motion carried.

Introduction and Adoption of Resolution – Authorize ACH Direct Deposit of Payroll Checks: Council member Baker introduced the following resolution seconded by Heckman.

RESOLUTION NO. 474

BE IT RESOLVED by the Mayor and Council of the City of Milford, Nebraska;

That Jeanne Hoggins, as City Clerk/Treasurer of the City of Milford, Nebraska is hereby authorized to electronically transmit ACH DDP for the direct deposit of employee’s salaries at the employee’s bank by electronic deposit.

Passed and adopted on February 7, 2012.

CITY OF MILFORD, NE

Attest: _____
City Clerk

Mayor

(SEAL)

The Council noted this payroll action is not mandatory. Employees will need to provide the adequate information to the City Clerk to participate.

Authorize the purchase of property at 620 2nd St. for Economic Development purposes with Economic Development Funds: Attorney Blevens read from the Economic Development Plan Guidelines the requirements listed for purchasing land or the option to purchase land. (Section XII attached to these minutes) Members of the Economic Development Committee met to discuss the proposal to purchase the property at 620 2nd Street. Larry Lindquist was present and noted this to be a win-win situation as the City lacks any property at this time to offer a potential economic development interest. Fortune asked, “Do we know what’s in this building?” Mayor Bruha has been in the building along with Contractor Troy Martin and the building is pretty well stripped, the biggest concern is asbestos. They did not see any signs of asbestos. The furnace is new, piping for the plumbing is all plastic, ceiling and floor tiles are all removed, it’s basically walls. Contractor Martin gave a proposal to demolish the building not to exceed \$30,000.00. He noted it would probably be less due to the fact that everything has been removed. Mayor Bruha explained that if an inspection is done and asbestos is found that the Church members are willing to have it removed. Fortune questioned if we use Economic Development funds and put (to throw out a figure) \$40,000.00 into this property do we legally need to recoup \$40,000.00? Bruha is hoping the City can break even. Fortune didn’t think the City would break even and asked if we were willing to loose these funds just to take down a building which is really someone else’s responsibility. Kral asked if there was any sort of prospect in this property? Bruha mentioned he was contacted by an individual that was interested in keeping his business in Milford. In a way we are taking a risk. We can work with NPPD to list the property on their Economic Development profile. Blevens suggested preparing an option to purchase the property, noting if any type of asbestos is discovered that the

City has the right to withdrawal their interest. The Council instructed Blevens to type up an option to purchase for review, get the building inspected and to gets bids on the demolition.

ADJOURNMENT: A motion was made by Fortune and seconded by Kral to adjourn the meeting. Roll call vote: Fortune yes, Kral yes, Baker yes, Heckman no. 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 February 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