

CITY OF MILFORD  
REGULAR MEETING  
JANUARY 5, 2016  
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 5<sup>th</sup> day of January 2016 at 7:30 pm. Present were: Mayor Dean A. Bruha; Council members: Jeff Baker, Rick Fortune, Jeff Heckman, Dan Kral; Attorney Krista Carlson; Maintenance Supt. Gary TeSelle; Chief of Police Forrest Siebken and City Clerk Jeanne Hoggins. Also present: Larry Heyen, Josh Ruhnke Regional Manager with Ameritas, Troy Johnston, Drew Abbott with SEMA and Emily Hemphill 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 7:32 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 Baker to approve the minutes of the December 1, 2015 meeting. Roll call vote: Fortune yes, Baker yes, Heckman yes, Kral yes. Motion carried.

**PAYMENT OF BILLS:** A motion was made by Heckman and seconded by Kral that the following accounts payable bills in the amount of \$109,900.62; payroll in the amount of \$25,621.87 totaling \$135,522.49 approved by the Auditing Committee be approved for payment. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

**SALARIES:** \$25,621.87

**GENERAL FUND:**

60174	Ben Nissen—Deposit Refund	51.08
60175	Daron Stauffer—Deposit Refund	41.45
60176	U.S. Postmaster—Utility Billing Postage	205.32
60197	Ameritas—Retirement Pension	1489.45
60199	Union Bank—HSA Account	828.00

60200	Aflac—Dis, Cancer, Accident, Supplemental Ins.	380.83
60201	Aloha Roth—Birthday Cake	25.00
60202	Aramark—Pants & Rags	860.44
60203	AT&T—Library Long Distance	5.62
60204	Black Hills Energy—Services for November	477.25
60205	Canon Financial Services—Contract Charge	254.00
60206	Canon Solutions America—Maint. Base, Copies	87.43
60207	Concrete Works, Inc.—Street Repair/1st & Walnut	35727.00
60208	Culligan Water Conditioning—B/W, Cooler Rent	15.00
60209	D&D Communications—New Pagers	790.00
60210	Eakes Office Solutions—Binder Dividers	19.98
60211	Farmers Cooperative—Fuel, Parts, Truck Service	1067.95
60212	Forrest Siebken—Mileage to Falls City	144.90
60213	Hawkins Inc.—Water Treatment Chemicals	420.28
60214	Leggette, Brashears & Graham—Hydrogeologist	3729.38
60215	Matheson Tri-Gas, Inc.—O2 & Air Bottle Rental	100.80
60216	Memorial Health Care Systems—Flu Shots, Physical	653.00
60217	Midwest Auto Parts—Tarp, Tool Box, Batteries, Parts	340.07
60218	Milford Art Club—Window Art	25.00
60219	Municipal Supply, Inc.—Meters & Curb Stops	9202.94
60220	Mutual of Omaha—Medicare Supplement	1197.40
60221	NE Dept. Of Roads—Perma-Patch	288.00
60222	Nebraska Environmental—Street Sweeper Parts, Hose	438.81
60223	NPPD—Service for November	4900.05
60224	Newman Traffic Signs—Building Sign	393.01
60225	Northern Lawn & Underground—Sprinkler Controls	287.30
60226	One Call Concepts—One Calls	32.20
60227	Pac-N-Save—Food	2.49
60228	Pizza Kitchen—Birthday Meal	160.00
60229	Police Officers' Assoc.—8-Poan Law Books	64.00
60230	Sam's Club—Membership Renewal	135.00
60231	Seward Co. Public Power—Wells 1 & 2	461.33
60232	Seward County Attorney—Interlocal Agreement	2500.00
60233	Seward County Court—J.F.R.	6.00
60234	Seward Co. Independent—Legals, Minutes, Notices	254.80
60235	Seward Lumber—Roof Sewer Plant	59.84
60236	Shell Fleet Plus-Maint.--Fuel	145.92
60237	Shell Fleet Plus Sr. Center—Gas, Shuttle Car	29.16
60238	Sunrise Country Manor—November Meals	556.50
60239	Super Spray Car Wash—75-Car Wash Tokens	150.00
60240	TooFast Supply—Glass Cleaner, Leather Gloves	93.42

60241	Verizon Wireless—Cell Phones	96.16
60242	Verizon Wireless-FJ—Jet Packs	53.21
60243	Waste Connections of NE—Trash Service	91.56
60244	Windstream Nebraska—Service for November	652.02
60245	Wolfe, Snowden, Hurd, Luers—Legal Serv. for Nov.	1228.75
60246	Acuity Specialty Products, Inc.—Sewer Aid	903.46
60247	Dearborn National Life Ins. Co.—Life Insurance	116.96
60248	Federated Health Insurance—January’s Premiums	6053.61
60249	Verizon Wireless-P—Building Inspector Cell	134.85
60250	Verizon Wireless-WC—Well Control Monitor	40.01
60271	Ameritas—Retirement Pension	1489.45
60272	Kansas Payment Center—Child Support	177.23
60273	Union Bank—HSA	828.00
60279	Aloha Roth—Holiday Open House Cake	75.00
60280	Baker & Taylor—Books	533.13
60281	Bob Rabe—Birthday Entertainment	60.00
60282	Card Service Center—Floor Mats, Chargers, Tools	1256.50
60283	Petty Cash-City—Swiffer Pads, Water Test	17.95
60284	Concrete Works, Inc.—Street Repair Walnut & 1 <sup>st</sup>	16074.00
60285	Culligan Water—B/W, Cooler Rent, Salt	140.30
60286	Electronic Engineering—Charge Guard, Misc. Clip	136.00
60287	Emblem Enterprises—Badge Patches	147.08
60288	George Matzen—Books, Computer Stuff	456.86
60289	HD Supply Waterworks LTD—Direct Bury Wire	70.00
60290	Hotsy Equipment Co.—Hotsy Repairs-Soap	101.77
60291	JEO Consulting Group, Inc.—2015 Road Program	2500.00
60292	Kremer’s Inc.—Light Bulb	36.11
60293	Meyer Automotive—2000 Truck Repair	1639.02
60294	Mid America Recycling—November Service	15.25
60295	Mike Roth—Mechanical Inspections	230.00
60296	Milford Community Chamber—Membership Dues	75.00
60297	Milford School Dist. #5—Tobacco Lic, Parking Fines	95.00
60298	Municipal Supply, Inc.—Curb Box Rod	135.18
60299	NE Rural Water Association—NE RWA Membership	225.00
60300	NE Public Health—Water Test	30.00
60301	Northern Lawn & Underground—Sprinkler Heads	135.75
60302	Pearson Counseling—Psyc. Eval-Barker	175.00
60303	Penworthy—Books	108.00
60304	Sack Lumber Company—Wrap for Brick	209.94
60305	Shell Fleet Plus-Police—Fuel Expense	523.22
60306	The Greener Cleaners—Carpet Cleaning	310.00

60307	TooFast Supply—Tubes, Sealant, O-Rings	715.81
60308	Union Bank—Gary TeSelle Medicare part D	446.66
60309	Walmart—Supplies, Food, X-Mas Dinner	219.51
60310	Windstream NE—Phone Service November	205.06
60311	Zito Media—HD Digital Adapter	8.09

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received: Milford Housing Authority minutes for December 10, 2015; Milford Aging Services Committee minutes for December 21, 2015; Website overview for December 2015; Building Inspector report for December 2015; Library Report for December. Fortune - Conversation was held between the City and the School regarding the well site. Everything seems to be going smoothly. Kral reported 15 rescue calls and 1 fire call for December. TeSelle – proceeding with winter projects. Fortune mentioned the School has offered another site for the well, if this one doesn't work out, north of the football field. TeSelle – Training on the new tar machine has been completed. Chief Siebken – Officer Barker started yesterday. A 2016 Police Interceptor Sedan cruiser was ordered end of December. Baker reported on the new Seward County Vision Group. They have been meeting for the last 9 – 10 months. SCEDC adopted the core principles of the group and determined that as long as everyone else is on board, SCEDC would fold into this new organization. The name of the new organization will be Seward County Chamber and Development Corporation. Baker requested a special meeting for the end of January to go over the core values and meet with the consultant to hear about the vision of the group. The new Board of Directors will consist of 15 members; 7 permanent members - City of Milford, City of Seward, Village of Utica, Seward County, Concordia University and SCC with 8 private sector members. We received a letter of resignation from the Sr. Center Director Marilu Fichtner.

**COMMUNICATIONS:** \*Sales tax received for the month of October 2015 in the amount of \$16,658.94. \*Invitation to attend the Seward/York County Emergency Management meeting on January 11, 2016 at 6:30 pm at the Harvest Hall Event Center, Seward County Fairgrounds. \*Attorney Carlson was asked to send a letter to a landlord that is carrying an outstanding utilities balance of \$931.86. They made a payment of \$50.00 in December. Stronger action may need to take place.

**NEW BUSINESS:**

**Discuss/Action – Restatement of City Retirement Plan:** Larry Heyen noted the restatement of the City Retirement Plan is required every 6 years. Larry introduced Ameritas area manager Josh Ruhnke. A worksheet was presented with questions for discussion regarding the plan. Areas of discussion included: Eligibility conditions – Council decided on a 6 month

waiting period; Minimum age requirement – must be 18; Exclusion of seasonal/part time employees; Employer Contribution – increased from 3% to 5%; Adding a 457 Plan with Roth contributions – Council agreed as long as employee pay the annual \$20.00 participation fee; Vesting – Council changed from 25% increases over 4 years to a 3 year cliff; Forfeitures – allow forfeitures to be used to reduce the employer contribution; Age Distribution – continue minimum age of 62 for in-service distribution. Mr. Ruhnke will proceed with the changes and present the completed document for approval. With the Council's approval Mayor Bruha rearranged a few agenda items.

**Update from SEMA Project Manager – RR Project:** SEMA Project Manager Drew Abbott updated the Council on the closures of Hwy 6 while setting the girders for the RR overpass. After this is complete SEMA will be working on the bridge east of Sunrise County Manor. This may take approximately 8 weeks. Mayor Bruha asked the gentlemen to communicate with SCC in order to reroute the traffic while they have Hwy 6 closed. If the weather cooperates they should be close to completion by spring. The Council questioned Mr. Abbott about closing the tracks at Walnut St. and also northwest of town at the Easter Seal Camp crossing. Mr. Abbott understood that the RR was waiting on a decision from the City. The Council had not heard back from the RR since last May when they addressed the public on the project. Mr. Abbott was asked to relay to the RR that the City would like to consider further discussion regarding closing the crossings. He offered to pass on the information.

**Review One & Six Year Plan, set date for Public Hearing:** Troy Johnston with JEO presented the current One & Six Year information and asked if there were any changes to be made to the Plan. The Council reviewed the projects and noted no change at this time. The projects reflected on the plan are Oak Ave. and Welch Park Rd. The Public Hearing for the One & Six Year Plan will be held at the regular February meeting as usual.

**Appointments/Re-Appointments:** A motion was made by Baker and seconded by Kral to approve the Mayors recommendation to appoint Andrea Gardiner to the Library Board for a 4 year term starting 1/5/16 and expiring 1/5/20. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried.

A motion was made by Baker and seconded by Kral to approve the Mayors recommendation to re-appoint DeAnn Portz to the Housing Authority for a 3 year term of 2/1/15 thru 12/1/18. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried.

A motion was made by Heckman and seconded by Baker to approve the Mayors recommendation to re-appoint Craig Bontrager to the Pool Board for a 3 year term of 2/1/16 thru 2/1/19. Roll call vote: Heckman yes, Baker yes, Fortune yes, Kral yes. Motion carried.

A motion was made by Heckman and seconded by Baker to approve the Mayors recommendation to re-appoint Josalyn Taylor to the Pool Board for a 3 year term of 1/5/16 thru 1/5/19. Roll call vote: Heckman yes, Baker yes, Fortune yes, Kral yes. Motion carried.

A motion was made by Heckman and seconded by Kral to approve the Mayors recommendation to re-appoint Kim Zegers to the Pool Board for a 3 year term of 1/5/16 thru 1/5/19. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

A motion was made by Heckman and seconded by Kral to approve the Mayors recommendation to re-appoint Carrie Maple to the Pool Board for a 3 year term of 2/1/16 thru 2/1/19. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

**Approve 2016 Committee List:** A motion was made by Heckman and seconded by Fortune to approve the 2016 Committee List as presented. Roll call vote: Heckman yes, Fortune yes, Baker yes, Kral yes. Motion carried.

**Discuss/Action – Verizon Proposal:** No information was presented, no action taken.

**Discuss/Action – Salary Adjustment:** Mayor Bruha had discussed with the Council earlier about a pay increase for Mark Frey, as he has been an important asset to the maintenance crew. A motion was made by Heckman and seconded by Kral to increase Mark Frey's hourly rate to \$12.00. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

Discussion was held regarding the increase of minimum wage to \$9.00 per hour as of January 1, 2016. Municipalities are exempt from the minimum wage requirement but the Council expressed their desire to increase the pool staff, seasonal staff, Jessica Wang, Sarah Long, Mavis Ferris and Craig Carritt to minimum wage. A motion was made by Heckman and seconded by Kral to authorize a pay increase to \$9.00 per hour for pool staff, seasonal staff, Jessica Wang, Sarah Long, Mavis Ferris and Craig Carritt meeting the minimum wage requirement. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

**Discuss/Action – Continue Main Street membership:** Council member Baker asked to table this item as there may be a possibility that the funding could come from the new Countywide Vision organization being formed. He will visit with Josie Stauffer and the Milford Chamber of Commerce regarding this matter. A motion was made by Baker and seconded by Kral

to table this item. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried.

**Discuss/Action – Sale of Street Brick:** Gary mentioned with the last several street projects, a lot of bricks were removed and are now being stored on pallets. He is running out of storage room and would like to sell as many as possible. In the past it was decided to keep the brick sales as local as possible but we have so many he would like to consider outside sources as an option to sell the brick. Attorney Carlson informed the Council that a resolution must be passed in order to sell excess property. The Council will take action on this resolution as the next regular meeting as required.

**Discuss/Action – Option to Purchase Real Estate:** Mayor Bruha started by reviewing what was in the purchase agreement. He noted that if the current owners have an environmental study they will need to present that immediately to the City. If there are any areas of remediation, the sellers will need to take care of those issues. The money has been appropriated and if the Council is in agreement with the Purchase Agreement a notice will be published in the paper and then a 30 day wait period will occur. If no remonstrance is filed then we are good to go with purchase. The agreement states that we are not bound to the purchase if we run into issues with a remonstrance filing. Mayor Bruha posed the question to the Council to move forward with the agreement. Fortune asked where the funds were coming from. The funds have been budgeted in the General Account and will come from the reserve funds. Baker questioned the 2 different environmental phases. Attorney Carlson explained that one is for an environmental study to examine the site for contaminations and the other is to ensure that if there were contaminates that they were cleared from the building in a proper manner. The City will pay for the cost of the inspections but we will not pay for the remediation. Baker asked Attorney Carlson to define the word unsuitable. She explained for example, if for some reason there was asbestos and the seller did not clean it up properly or to the satisfaction of the City, it may cause the building to be “unsuitable” for the City’s intended purpose. The City could then declare the agreement null and void. Baker indicated that he did not want to get stuck doing what we did with the building across the street. We offered a dollar for it, we tore it down and we ended up paying all the inspection fees. We paid for everything we said we weren’t going to pay for. In the end people came back and said they couldn’t pay for it. Baker asked Mayor Bruha what his plan was if this happens again. Mayor Bruha stated that in the agreement it states that if there is anything that needs to be cleaned up it is the seller’s sole responsibility to clean it up. Bruha also noted that last time we should have had it inspected prior to entering into the agreement. It was our first time

handling this type of purchase. The inspection was done after the purchase was agreed upon and when asbestos was found the Church members removed it. The only additional fees we paid were for the inspection. Baker asked Bruha, "You are agreeing to the fact that with this agreement, that you will not come back to this Council and ask us to reconsider this agreement if we have to in turn pay for the cost because they won't. Bruha answered, "no, it would cost us a fortune". Heckman noted the only odd thing out of this would be if they decide not to do it and were stuck in a sense because we want that building to build a new building. Heckman noted to wait and hold that conversation at a later date if we need to. Mayor Bruha entertained a motion to approve this agreement. A motion was made by Kral and seconded by Fortune to approve the offer of purchase agreement by the Mayor and Council. Mayor Bruha called for the vote. Baker had a question: Emily, do you know what building we are talking about? She answered, not yet. Baker asked her if she knew what we were doing with this building, what our intent was. Mayor Bruha stated, the building, the property, is located at 503 1<sup>st</sup> Street, and formerly known as Hill's Country Inn. It's the City intent to acquire the property so we can then demolish it along with the City Hall building to build a new city municipal building. Both properties measure 25' wide. Roll call vote: Kral yes, Fortune yes, Baker yes, Heckman yes. Motion carried.

**Amend Ordinance No. 879 – ATV/UTV:** Chief Siebken is asking for a revision of the ATV/UTV Ordinance. Individuals are placing the permit stickers in areas where he cannot see them. The ordinance states that they place them on the left rear fender. In looking at some ATV's there isn't much room for the decal. He has stopped 3-4 people in the last couple months and when he asks about the permit it was covered up by a bag or in the summer a sprayer tank may be covering it. Chief suggested purchasing a plate for the permit to be attached to so the owners can hang them off the fender or tail light. The bracketing will allow the permit to hang down off the vehicle and become more visible. Chief Siebken presented the language used for license plates. Lengthy discussion was held regarding where and how to display the stickers and what size of stickers to have. Further discussion was held regarding how far off the ground the permit should be. After much deliberation a motion was made by Heckman and seconded by Kral to amend Ordinance #879 to read as follows: **(9) f.** The issued permit shall be prominently displayed and plainly visible from the rear of the operator's all-terrain or utility type vehicle. All letters, numbers, printing, writing and other identification marks upon such Permits shall be kept clear and distinct and free from grease, dust, or other blurring matter, so that they shall be plainly visible at all times during daylight and under artificial light



in the nighttime. (9) g. No person shall attach to or display on such ATV/UTV any (a) Permit or registration certificate other than as assigned to it for the current registration period, (b) fictitious or altered Permit or registration certificate, (c) Permit or registration certificate that has been cancelled by the City of Milford, or (d) Permits lacking current validation decals. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes, Motion carried.

ORDINANCE NO. 879

AN ORDINANCE TO AMEND SECTION 5-415 OF THE MILFORD MUNICIPAL CODE RELATING TO THE OPERATION OF ALL TERRAIN AND UTILITY TYPE VEHICLES; TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

Baker reserved the balance of his time to mention a strategic planning meeting he attended at the Milford School District. He noted that there was conversation amongst the people in attendance regarding combining efforts between the School Dist. and the City to provide services to the community.

**ADJOURNMENT:** A motion was made by Heckman and seconded by Kral to adjourn the meeting. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried and meeting adjourned at 9:39 pm.

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Jeanne Hoggins, City Clerk

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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 January 5, 2016 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