

CITY OF MILFORD  
REGULAR MEETING  
JUNE 14, 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 14<sup>th</sup> day of June 2016 at 7:30 pm. Present were: Mayor Dean A. Bruha; Council members: Jeff Baker, Jeff Heckman, Dan Kral; Chief of Police Forrest Siebken, Maintenance Supt. Gary TeSelle and City Clerk Jeanne Hoggins. Absent: Council member Fortune. Also present: Heath & Kristina Yeackley, Kate Kalinosky with BNSF, Roy Cast, John Trecek with Ameritas, Jace & Michaela Spurling, John & Stephanie Melena, Randy & Brock Roth, Kelly & Carol Newton, E.J. & Kathy Nowotny, Larry TeSelle, Barb Liska, Tony & Angela Muller, Dane Simonsen and Troy Johnston with JEO, Kevin Wingard, Patrick Kelley, Jason Roth and Emily Hemphill with the press.

Notice of the meeting was given in advance thereof by posting in three public places; a designated method for giving notice, as shown by the Certification of Posting 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 Baker and seconded by Kral to approve the minutes of the May 3, 2016 meeting. Roll call vote: Baker yes, Kral yes, Fortune absent, Heckman yes. Motion carried.

A motion was made by Fortune and seconded by Kral to approve the minutes of the May 19, 2016 meeting. Roll call vote: Heckman yes, Baker yes, Fortune absent, Kral abstain. Motion carried.

**PAYMENT OF BILLS:** A motion was made by Kral and seconded by Heckman that the following accounts payable bills in the amount of \$196,482.17; payroll in the amount of \$30,857.64 totaling \$227,339.81 approved by the Auditing Committee be approved for payment. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune absent. Motion carried.

**SALARIES:**

60981	Mark Frey	679.06
60982	Forrest Siebken	1424.49
60983	Kendall Hoggins	1333.19
60984	Mavis Ferris	132.98
60985	Jeanne Hoggins	1350.67
60986	Gary TeSelle	934.08
60987	Robert Hull	1140.39
60988	George Matzen	771.75
60989	Jenna Filbert	400.38
60990	Benjamin Rediger	1127.14
60991	Craig Corder	36.94
60992	Erica Pallas	2277.32
60993	Scott McNeil	858.51
60994	Sarah Long	166.23
60995	Craig Carritt	10.39
60996	Trey Frey	462.36
60997	Jessica Wang	108.05
60998	Brenda Kalnins	482.94
60999	Jason Brownell	184.70
61000	Jon Wiedemeyer	329.72
61001	Lewis Barker	1078.55
61002	Nancy Buchli	622.49
61003	Travis Fougeron	501.13
61016	Mark Frey	650.56
61017	Forrest Siebken	1424.49
61018	Kendall Hoggins	1260.85
61019	Mavis Ferris	81.04
61020	Jeanne Hoggins	1350.67
61021	Gary TeSelle	1134.08
61022	Robert Hull	902.85
61023	George Matzen	771.75
61024	Jenna Filbert	393.30
61025	Benjamin Rediger	1149.07
61026	Craig Corder	36.94
61027	Erica Pallas	842.31
61028	Scott McNeil	858.51
61029	Sarah Long	99.73
61030	Craig Carritt	24.94
61031	Lindsey Sample	141.42
61032	Trey Frey	429.00

61033	Jessica Wang	141.29
61034	Brenda Kalnins	419.09
61035	Jason Brownell	359.37
61036	Lewis Barker	1088.27
61037	Nancy Buchli	614.38
61038	Travis Fougeron	904.49
61039	Cecelia Bialas	206.94
61043	Ricky Fortune	138.52
61044	Dean Bruha	184.70
61045	Jeffrey Baker	138.52
61046	Dan Kral	138.52

**GENERAL FUND:**

60928	Jeffery Graves—Deposit Refund	55.27
60929	Carla Hammer—Deposit Refund	.18
60930	Stacey Jaeger—Deposit Refund	51.08
60931	Sara Piper—Deposit Refund	47.41
60932	Vince Stauffer—Deposit Refund	75.00
60933	U.S. Postmaster—Utility Billing Postage	196.11
60934	Steven & Vickie Hill—Purchase Of Hill's	48638.30
60935	Anderson Ford—New Cruiser	12268.00
60936	AT&T—Library Long Distance	5.65
60937	Barco Municipal Products—Blue Flags	49.90
60938	Barton Development—Volunteer Week Lunch	33.00
60939	Black Hills Energy—Services For April	316.30
60940	BSN Sports Inc.—Equipment Bag	54.99
60941	Canon Solutions America—Copies & Maint Base	187.83
60942	Petty Cash—Markers, Battery, Stamps	22.36
60943	Complete Carpentry—Fix Hole In Floor/New Tile	880.00
60944	Crete Diamonds—League Fees	200.00
60945	CYRA—League Fees	200.00
60946	Dennis Steinhauser—Over Paid on Final Acct.	19.42
60947	Eakes Office Solutions—Paper, Rcpts, File Folder	172.94
60948	Emergency Medical Products—Medical Supplies Sheet	47.69
60949	Farmers Coop-Fuel, Tire Repair, 2-4D Gen Glyphosate	861.46
60950	John Deere Financial—Chain Saw Repairs/Mower Part	369.64
60951	Matheson Tri-Gas—O2 & Air Bottle Rent	106.20
60952	Menards—Building Supplies	112.62
60953	Mid America Recycling—Recycling Fee-April	52.75
60954	Midwest Auto Parts—Batteries & Filters	145.47
60955	Milford A/C & Appliance—Replaced Burned Motor	480.23
60956	Milford Fire & Rescue—Fire School Registration	660.00

60957	Municipal Supply Inc.—Wash Hose, Meters	6668.82
60958	NPPD—Service For April	4714.86
60959	One Call Concepts—One Calls	32.52
60960	Pac-N-Save—Hand Soap, Food, Concessions Supplies	184.58
60961	Pizza Kitchen—Birthday & Volunteer Meal	263.40
60962	Recyclelink—Recycling March-June	36.00
60963	Rediger Automotive-Unit #1 Service	62.39
60964	Sam's Club—Kleenex, Lysol, Concessions Supplies	834.88
60965	Sean Kremer—Reimb. For Extra Plumbing Permit	50.00
60966	Seward Co. Public Power—Wells 1 & 2	576.74
60967	Seward County Independent—Legals, Minutes, Notices	271.04
60969	Shell Fleet Plus—Fuel	129.80
60970	Shell Fleet Plus—Car Gas	24.98
60971	Sunrise Country Manor—Meals For April	504.00
60972	Title Services Of Blue Valley—Title For Hills	75.00
60973	TooFast Supply—Pool Sealant	341.94
60974	Uribe Refuse—Trash Services April/May	100.00
60975	Verizon Wireless—Dept. Cellular	99.10
60976	Verizon Wireless—Jet Packs	50.71
60977	Verizon Wireless-Building Insp. Phone, Dept. Cellular	135.54
60978	Waste Connections—Trash Service	118.11
60979	Windstream—Phone/Internet	711.59
60980	Wolfe, Snowden, Hurd, Luers—Legal Services April	1227.00
61004	Ameritas—Retirement Pension	2044.49
61005	Kansas Payment Center—Child Support	177.23
61006	Union Bank—HSA	949.00
61007	Dempsters, LLC—Latch on Recycling Trailer	174.93
61008	Seward County Treasurer—Taxes for Hills 2015	643.38
61009	AFLAC—Cancer, Supplement, Dis, Accident	380.83
61010	Petty Cash—Postage, Start up Cash-Pool, File Deed	64.77
61011	Dearborn National Life—Life Insurance	116.96
61012	Federated Health Insurance—6/1/16-6/30/16	8645.66
61013	League of NE Municipalities—Finance Conference	840.00
61014	Shell Fleet Plus—Fuel	641.27
61015	Verizon Wireless—Well Control Monitor	40.01
61040	Ameritas—Retirement Pension	2044.49
61041	Kansas Payment Center—Child Support	177.23
61042	Union Bank—HSA Account	949.00
61053	Advanced Graphix Inc.—Graphics For Unit #2	592.00
61054	Aloha Roth—Birthday Cake	50.00
61055	Antonio Gonzalez—Umpire Fees	40.00

61056	Aramark—Pans & Rags	938.60
61057	Baker & Taylor—Books	512.65
61058	Boarder Inn & Suites—Hotel Rooms	1526.00
61059	Brett Meyer—Umpire Fees	75.00
61060	Brian Meyer—Umpire Fees	135.00
61061	Canon Financial Services—Contract Charge	254.00
61062	Card Service Center—Lounge Chairs, Guard Suits	4305.00
61063	Cash-Wa Distributing—Take Out Boxes, Plates	140.25
61064	Chase Decals—Graphics Install Unit #2	125.00
61065	Coast To Coast Computer Prod.—Toner	337.50
61066	Complete Carpentry—Closet Re-Siding	2776.00
61067	Creative Product Sourcing Inc.—Dare Educational Sup	126.82
61068	Culligan Water—B/W, Cooler Rent	55.95
61069	Dan McElravy—League Fees 8U & 10U Girls	290.00
61070	Danko Emergency Equipment—Name Plates	225.00
61071	Ed Gonzalez—Umpire Fees	35.00
61072	Electronic Engineering—Unit # 2 Set Up	7629.34
61073	Emergency Medical Products—Medical Supplies	360.54
61074	Gerhold Concrete—Street Repair From H2O Leak	212.96
61075	Golden Rule Contractors—New Roof Senior Center	11700.00
61076	Hawkins Inc.—Accu Tabs, Acid, Test Kit, Tx Chem.	3845.47
61077	Jaxson Simmerman—Umpire Fees	40.00
61078	JEO Consulting—Test Well Engineering	2205.00
61079	Katerina Reimers—Umpire Fees	60.00
61080	Kelly Supply Company—Treatment Piping	44.34
61081	Marcus Trevino—Umpire Fees	35.00
61082	Milford School Dist. #5—Parking Fines	70.00
61083	Municipal Supply Inc.—Repair Supplies For Meter	568.53
61084	Nebraska Public Health—5 Water Tests	78.00
61085	NPPD—Service For May	1417.24
61086	NMVCA—Mosquito & Sprayer Testing	60.00
61087	Office Depot—New Back Up Station 2	99.99
61088	Orscheln Card Services—Sprayer, Parts, Flag Pole	471.97
61089	Racom Corp.—Service Call Unit #2 Radio	190.00
61090	Seward Vision—Safety Glasses—Kendall	386.00
61091	TNEMEC Company—Wadding Pool Paint	1273.60
61092	Travis Yeackley—CPR Re-Certification	210.00
61093	Tvrdy's Lock & Key—Repair Front Door	50.00
61094	Union Bank—Gary TeSelle Acct, Medicare Part D	446.66
61095	Uribe Refuse Services—Trash Service April/May	39.00
61096	Walmart—Basement Tables, Supplies, Books, Food	966.84

61097 Windstream—Phone/Internet Service 209.42  
61098 Zito Media—H.D. T.V. 9.00

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received: Milford Housing Authority minutes for May 12, 2016; Milford Aging Services Committee minutes for May 24, 2016 and June 13, 2016; Seward County Communications Board minutes for March 31, 2016 and May 12, 2016; Website overview for May 2016; Building Inspector report for May 2016; Police Dept. activity report for May 2016; Library Report. Heckman – Pool is open and doing well. Kral – 1 Fire Call, Rescue calls for May: 9 in Milford, 7 in Pleasant Dale. Baker – SCCDC will be meeting next Monday. They have hired an assistant and everything is going well.

**COMMUNICATIONS:** \*Sales tax received for the month of March 2016 in the amount of \$16,739.26 \*NPPD Lease rebate payment received in the amount of \$48,575.99. \*Thank you from Webermeier Scholarship recipient Tiffany Bernasek.

**UNFINISHED BUSINESS:**

**Discuss/Action – Resurface Welch Park Rd from Hwy 6 to Oak Ave.:**

Bruha acknowledged that we have good homeowner representation of Welch Park Rd/252<sup>nd</sup> Rd. Troy Johnston with JEO provided cost opinions breaking down the project comparing concrete to asphalt overlay as requested. Areas to consider: The depth of the current asphalt (base), are there drainage concerns that need attention, surface cracking, is the width of the current road adequate, comparison of asphalt to concrete as it relates to longevity and maintenance. The estimate for asphalt (mill and 2" overlay) was \$148,990.00 while concrete came in at \$931,200.00 (7" concrete with curb and gutter; storm sewer; grading). Both options have a contingency built in as they are preliminary. Heckman asked what risk we would have if the City got quotes and did the asphalt on our own without the engineering. Troy noted the differences: would cores samples be taken, patching and spending more time on the job, there is some uncertainty. Other areas include insurance, bonding, warranty. The current bid excludes these items. There is an assurance factor to consider. Heckman's idea was to get it milled down and overlay the road using funds from the general account. The road is terrible, it holds water and something needs to be done. Bruha explained the paving assessment process when the city wide street paving took place back in the 1970's. Homeowners were able to pay the assessment over time or all at once if they wanted. John Trecek with Ameritas explained in detail how a street improvement district is created. Notifications are sent to the property owners, public hearings are held and property owners are given the opportunity to file objections. If over 50% object the ordinance is repealed.

Even asphalt can be handled in this fashion. If the bids come in too high the homeowners still have input. Multiple property owners along Welch Park Rd or 252<sup>nd</sup> Rd spoke against the idea of assessing the project back to the home owner. Heckman stated his frustration noting a million dollars for concrete or \$100,000 for blacktop. Even if we had to replace it every 15 years we are still money ahead. We have money in the budget to do this project and this will not cost the homeowners anything. This area of town is very nice and this road is a joke. A motion was made by Heckman to resurface Welch Park Road. Motion died for lack of second. Baker noted we have estimates and preliminary work done and asked Johnston what our next step would be. If the City would like JEO's involvement we would come into an agreement on plans and specs, then advertising for pricing and public bid letting. This would give us concrete numbers on construction costs. Troy mentioned that it may be difficult to complete an asphalt project yet this year. With 30 to 60 days prior to bid letting, asking someone to complete this work in this construction season could be difficult. TeSelle could possibly get someone to repair the low spot this year. Baker noted that with budget season upon us we could possibly utilize reserves or the remainder of the RR payment. There is an opportunity to budget this project next year. He would like JEO to proceed with going out for bids and see what it looks like. A motion was made by Baker and seconded by Kral to authorize JEO to proceed with soliciting bids for Welch Park Rd., including inspection for what needs to be done and core samples. Roll call vote: Baker yes, Kral yes, Fortune absent, Heckman yes. Motion carried.

**Discuss/Action – Recommendation from Economic Development Committee regarding application for LB840 funding from Jace & Michaela Spurling, complete 24 hour fitness gym:** Jace Spurling presented additional information from last month on their Eagle Fitness endeavor. He reported he will be adding 1 to 3 part time fitness coaches and 1 part time employee to clean and do daily tasks. Baker has been hearing good things. Discussion was held again regarding recuperating costs of equipment and consideration of a lien on the equipment. Jace did not have a problem with a lien on the equipment. The money will be used for equipment purchase, electrical work and flooring. Spurling's have a vested interest as they will be using their own money initially for operating expenses. The interest rate was discussed and noted that when the guidelines were changed it states fair market rate or no lower than 2%. Spurling's are requesting a 7 year loan for \$75,000.00. Heckman mentioned that the city seems to be taking all the risk. Jones Bank provided a financial assessment letter for the Spurling's showing their debt to income ratio rating as good. This ratio was considered without any income from the Eagle Fitness

Center. Jace commented that no matter what happened he is still liable to pay the loan. A motion was made by Baker and seconded by Heckman to approve LB840 funding in the amount of \$40,000.00 with a 0% interest rate for 7 years contingent on receiving a loan for the remainder of the amount. Roll call vote: Baker yes, Heckman yes, Fortune absent, Kral yes. Motion carried.

### **NEW BUSINESS:**

**Introduction and Adoption of Resolution – Agreement to permanently close Walnut Street RR Crossing:** Kate Kolinovsky, Product Engineer with BNSF was present to offer additional information as presented via letter from Kamie Young. The letter stated, as a follow-up from the last meeting regarding the closure of the Walnut Street Crossing, discussions were pending regarding the cost and construction of the truck turn around on the south side of the tracks. The quote from BNSF for the truck turn around came in at \$70,075.20. If the City accepts this quote construction of the turn-around will be completed by BNSF and this amount will be deducted from the \$250,000.00 leaving a total payment to the City from BNSF for the permanent closure of the Walnut Street Crossing of \$179,924.80. In addition a resolution with the Dept. of Roads which includes a payment of \$5,000.00 would be passed for the permanent closure of the Walnut Street Grade Crossing. She noted that NDOR can provide construction reimbursement up to \$12,000.00 for the turn-around construction, barricades material and other work associated with the cost of closure. All barricades and signs will be authorized and approved by the NDOR. BNSF would prefer that we transition the temporary closure to a permanent closure due to new surfacing and signals that would need to go in. Baker suggested going out for bids to construct the turn-around. The \$250,000.00 incentive payment is a generous amount as it is coming out of construction cost.

The Council still questioned the status of the Easter Seals crossing. This crossing is not in the City limits so any proposal needs to come from the County. Drainage is an issue as well as access to farm ground. Consideration to silence the crossing rather than closing it may be an option. The concern regarding the appearance of the RR embankment coming up First Street was also brought up again. Kamie's letter stated that the Chief of Police or the City should contact the BNSF Road Master as a main point of contact for any ROW vegetation control questions. Kate will make contact with the Road Master to see what has been done in the past or what can be done. Gary mentioned that there may be additional rail rock that could coat the embankment and then it could just be sprayed for weeds. Larry TeSelle asked that the City not act on this as some of our questions need to be addressed by the RR. He noted that it is a highway rail crossing



and has a complete different designation. There are federal regulations regarding access to Milford, we've already lost Elm and Maple down by the railroad. Baker noted that we are already working with NDOR and they wouldn't be working with us, even in this preliminary stage, if they didn't approve. Gary noted the railroad works directly with the federal government regarding all their railway projects. Kate mentioned the sooner we act on this the better as laying the track will be starting in the next couple weeks. Gary also mentioned that he made contact with Ron Velder from the Coop and Ron is against the closure due to scaling and trucks going thru there. Kral mentioned additional consideration was raised by the Fire & Rescue guys regarding access to the area. Larry TeSelle asked, "Why did we start out to close this crossing". Response - The noise and the additional horns with the increase in traffic. Kate informed the public; at any railroad crossing there will be horns, if there's no railroad crossing but they see imminent danger to either a trespasser or something that spooks them they will blow the horn.

There is always a possibility that they could blow the horn.

**Authorize Mayor to sign Highway-rail grade crossing closure agreement at Walnut Street:** Item will be carried over to July meeting.

**Discuss/Action – Special Designated Liquor License for Fun Days Beer Garden, VS Investments Inc.:** Chief Siebken is aware and has approved the plans as it pertains to the location and fencing needed for the Fun Days beer garden. A motion was made by Baker and seconded by Kral to authorize the special designated liquor license for VS Investments during the Fun Days beer garden. Roll call vote: Baker yes, Kral yes, Fortune absent, Heckman yes. Motion carried

**Bond Discussion – John Trecek, Ameritas:** Mr. Trecek with Ameritas Investment Corporation presented a document explaining a payment schedule for a potential 3 million dollar bond. He also commented on paying off the Fire Equipment bond and Sewer bond. Our total debt currently this year is running at \$140,000.00, next year \$176,000.00 and then dropping down again to the \$103,000.00 range. He assumed an average interest rate of 3.35, in today's market that's probably high. If we paid off the two 2011 bond issues adding a 3 million dollar bond, our debt service would roughly be what it is now. If we choose to leave the two 2011 bonds out there then he could restructure the principal payments in the early years. Discussion tonight was to inform the Council of possibilities and the impact toward bonding of a municipal building. The Council thanked John for presenting/providing the information.

**Discuss/Action – Use of donated funds to purchase: commercial grade refrigerator & freezer, dishwasher and microwave:** Roy Cast wanted to thank the Board for hiring Nancy Buchli. She will be working with Lezlie

Patton on re-facing the Sr. Center. The adult water aerobics is off to a great start, there were 3 men and 16 women present Monday. He thanked the Attorney for creating the waiver for the fitness room. The board has looked at equipment at Linden Village and gathered proposals for purchase of a sanitizing dishwasher unit. Due to unavailable shipping/delivery cost the board is asking approval to purchase the dishwasher and microwave not to exceed \$7,000.00 and the refrigerator and freezer not to exceed \$6,000.00. A motion was made by Baker and seconded by Heckman to authorize the Sr. Center Director to proceed with purchasing the mentioned items from the donated funds not to exceed \$15,000.00. Roll call vote: Baker yes, Heckman yes, Fortune absent, Kral yes. Motion carried.

**Discuss/Action – E911 Budget:** A copy of the E911 Budget was previously distributed to the Mayor and Council. Barb Liska was present to answer any questions the Council may have. The budget reflected a 9.3% increase from last year. The cost of moving into the new Justice Center will be covered by the County budget or Justice Center. Barb did have to put in a new 911 phone system and 76% of that came out of the wireless fund which is generated from cellphones. Barb's biggest cost is personnel. Heckman noticed that the health insurance line item had doubled from last year. Barb explained that there had been no increase the last 2 years and estimated projections were higher. The actual cost has been determined and Barb is still waiting to see if that line item will be reduced by the county commissioners to reflect a more accurate figure. An increase in the salary budget reflects the results of the salary study conducted by the County. Milford's contribution will remain at 4% and will be calculated by the County Clerk after the surcharge is deducted. A motion was made by Baker and seconded by Kral to accept the E911 budget as presented. Roll call vote: Baker yes, Kral yes, Fortune absent, Heckman yes. Motion carried.

**Discuss/Action – Drainage of alley in the 700 Block between 5<sup>th</sup> & 6<sup>th</sup> Streets, Robert Anderson:** City maintenance crew took care of situation.

**Discuss/Action – Water/Sewer Extension to the new development:** No representatives from Thrive 405 were present.

Dane Simonsen updated the Council on the test well. So far we have gotten good results. The data may be sent to LBG for review to determine the size of the well. A property agreement with the School District is the next step.

Discussion was held rather a lease or easement would be better. Dane updated the Council on the NRD funding. The 4 to 4 vote means it failed. They were looking at applications that had an approved Wellhead Protection Plan in place.

Baker questioned what the next step is on the water and sewer extension. Mayor Bruha had a conversation with one of the developers and suggested

getting the ball rolling on the drainage study. Troy Johnston informed us that Dave Henke was contacted by one of the developers inquiring about a drainage study. Dave redirected the information to JEO's department manager of the water resources, the individual who would be performing that task. At this time Troy was not aware if any further contact had been made. Heckman questioned if Mayor Bruha's contact had offered up any further information regarding contacting an engineer on plans, specifications, streets etc... Nothing was mentioned. Kral noted the drainage study is a critical part and maybe they will have information next month. Council asked that we table the agenda item until we hear back from them.

**Discuss/Action – Request for proposals for Architectural Consulting Services for new City Hall/Police Station/Community Meeting Facility:**

A draft was given to the Council for review and Mayor Bruha asked for any changes or questions relating to the request for proposal. Heckman asked if we have a general idea of what we want the building to look like. Mayor Bruha noted that the Dept. Heads have been making note of needs. He thought everyone was in agreement that we want to go with a masonry building. Baker questioned the title: Community Meeting Facility. It was decided to change the language to Council Chambers. A motion was made by Heckman and seconded by Kral to authorize the publication of the request for proposal. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune absent. Motion carried.

**Discuss/Action – Annexation:** Item tabled.

**Discuss/Action – Authorize signature of letter to Larry Jantze regarding building on non-conforming lot at 658 252<sup>nd</sup>:** Mayor Bruha noted that Larry Jantze no longer owns the ground in question. He wants to get a permit to build a house on a lot that's non-conforming. He's attempting to apply for a variance. One of the stipulations is that you must own the property and he does not own the property. The issue continues to come up and it's time to end the discussion. Baker noted that at this point and time we are not making a decision on his request, we are authorizing that you send a letter. The letter should state: "we have received your correspondence as it relates to your request for a variance however as discussed prior, we are not able to grant that variance or even consider it as you are not the current owner. Heckman questioned if we really need to authorize this letter, he does not own the ground therefore he has no authority to file a variance. Mayor Bruha thought it would hold more weight if the entire Council signed it.

**Closed Session – Real Estate:** A motion was made at 10:32 pm by Baker and seconded by Heckman to go into closed session for the purpose of

discussing real estate. Mayor Bruha noted that a motion has been made and seconded to go into closed session for the purpose of discussing real estate. Roll call vote: Baker yes, Heckman yes, Fortune absent, Kral yes. Motion carried. A motion was made by Kral and seconded by Heckman to return to regular session at 11:24 p.m. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune absent. Motion carried.

**ADJOURNMENT:** A motion was made by Heckman and seconded by Baker to adjourn the meeting. Roll call vote: Heckman yes, Baker yes, Fortune absent, Kral yes. Motion carried and meeting adjourned at 11:25 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 June 14, 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