

CITY OF MILFORD  
REGULAR MEETING  
MARCH 6, 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 6<sup>th</sup> day of March 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: Elaine Plessel, Jerry Penry, Dennis Kubicek, Carmen Standley and Nancy McGill with the press.

Notice of the meeting was given in advance thereof by publishing in the Milford Times; a designated method for giving notice, as shown by the Affidavit of Publication attached to these minutes. Notice of 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 Kral to approve the minutes of the February 7, 2012 meeting. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried.

**PAYMENT OF BILLS:** A motion was made by Kral and seconded by Heckman that the following bills in the amount of \$69,089.36 and payroll in the amount of \$27,248.43 approved by the Auditing Committee be approved for payment. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried.

**SALARIES:**

52809	Mark Frey	1516.38
52810	Forrest Siebken	1388.85
52811	Mavis Ferris	73.21
52812	Jeanne Hoggins	1358.40
52813	Gary TeSelle	1060.27
52814	Robert Hull	910.59

52815	David Dahle	1261.35
52816	George Matzen	684.64
52817	Tracy Yeackley	785.82
82818	Benjamin Rediger	877.00
82819	Craig Corder	1114.50
52820	Jason Meyer	965.42
52821	Sean Stahly	85.42
52822	Jillian Boden	434.01
52823	Lisa Aschoff	524.13
52824	Erica Pallas	333.87
52872	Mark Frey	1516.38
52873	Forrest Siebken	1388.85
52874	Mavis Ferris	59.27
52875	Jeanne Hoggins	1358.40
52876	Gary TeSelle	782.59
52877	Robert Hull	910.59
52878	David Dahle	1049.65
52879	George Matzen	684.54
52880	Tracy Yeackley	755.24
52881	Benjamin Rediger	795.28
52882	Craig Corder	1416.71
52883	Jason Meyer	952.60
52884	Sean Stahly	104.58
52885	Jillian Boden	292.48
52886	Lisa Aschoff	587.98
52887	Erica Pallas	309.48
52888	Timothy Long	155.27
52891	Ricky Fortune	141.52
52892	Dean Bruha	188.70
52893	Jeffery Baker	141.52
52894	Jeff Heckman	141.52
52895	Dan Kral	141.52
<b>GENERAL FUND:</b>		
52825	Ameritas Group – Pension	1637.16
52826	Union Bank – HSA	655.00
52827	Aramark- Pants & rags	460.08
52828	AT&T- Library Long Distance	8.72
52829	Black Hills Utility- Service for January	1015.43
52830	Blur River Transmission- Shift Cable repair	208.10
52831	Cash-Wa Distributing- Food	202.70
52832	D&D Communications- Labor, Shipping	107.00

52833	Diode Communications- Service for January	55.22
52834	Eakes Office Plus- P.O. Books, binders, envelopes	341.09
52835	EMC- Add sirens to policy	30.50
52836	Emergency Medical Products- Sheets, Bags	500.09
52837	Farmers Co-op- Fuel for Jan, Bolts, Hardware	794.23
52838	Great Plains One Call- Locate Requests	7.90
52839	Hawkins- Azone 15, freight	2180.68
52840	Heartland Auto Body- Install Spotlight	198.00
52841	John Deere Financial- Ball Bearing, Service	302.72
52842	Marvin E Jewell & Co- Audit Service yearend	11,700.00
52843	Matheson- Oxygen	72.54
52844	VOID	0.00
52845	Meyer Automotive- Filter Assembly, Wiring	78.10
52846	Meyer Laboratory Inc- Ice Melt	1,131.50
52847	Milford Supermarket- Cups, dog food, food	170.12
52848	Milford Valu Rite Pharmacy- Epi-pens, Batteries	203.96
52849	Moore Wallace- Gun permit apps & Certificates	135.28
52850	Nebraska Motor Parts- Tools, Battery, brush, lamp	184.02
52851	Nebraska Public Health- Nitrate, Coliform	44.00
52852	Nebraska Public Power- Service for January	5915.60
52853	Rediger Automotive- Brake & power steer	730.20
52854	Roxanne Roth- Cleaning Services	50.00
52855	Seward Co Public Power- Wells 1&2	546.88
52856	Seward Co Independent- Notices, Ads, Subscription	200.58
52857	Shell Fleet Plus- Fuel for '08 truck	109.10
52858	Sunrise Country Manor- Meals for January	929.25
52859	The Garbage Co- Service for January	135.00
52860	Too Fast Supply- Gloves	129.30
52861	Troy Pickerall- State License Renewal	35.00
52862	Verizon Wireless- January Cell Phone	94.82
52863	Verizon Wireless-MD- Moc-air cards	86.79
52864	Verizon Wireless-P- Cellular	102.32
52865	Windstream- Service for January	598.83
52866	American Building Inspectors- Inspections Mo. Fee	220.00
52867	Aflac- Dis, Cancer, Acc., Supplementary	661.39
52868	Coventry Health Care- Health Ins 3/1-3/31	6909.50
52869	Fort Dearborn- Life Insurance	123.84
52870	Mutual Of Omaha- Disability	30.24
52871	Shell Fleet Plus- Fuel Expense	779.69
52889	Ameritas Group-Pension	1637.16
52890	Union Bank- HSA	655.00

52898	Aloha Roth- Cake	20.00
52899	Baker & Taylor- Books	367.17
52900	Berry- Directory Advertising	16.15
52901	Blevens Law Office- Legal Services for Feb	350.00
52902	Cash-Wa Distributing- Food	171.82
52903	Companion Life Dental- Dental Insurance	271.26
52904	Companion Life Vision- Vision Insurance	9.55
52905	Culligan water Conditioning- Drinking water	54.70
52906	DHHS- Pool Permit Fee	40.00
52907	Digitech- Municipal water controls	7783.53
52908	Greatamerica Leasing- Meter Rent	80.00
52909	Ikon Office Solutions- Meter Rent 2/4-3/3/12	196.88
52910	Logan Contractors Supply- Tank Spud Assy	171.01
52911	Memorial Health Care Systems- Flu & Test Shots	800.00
52912	Milford Plumbing Inc- Copper Fitting, ball valve	366.58
52913	Milford School Dist- Parking Fines	15.00
52914	Municipal Supply- Meters $\frac{3}{4}$	958.49
52915	Nebraska Equipment Inc- Hydraulic Oil	428.70
52916	Pizza Kitchen- Meals 1/30/12	114.50
52917	Reader Service- Books	12.99
52918	Roxanne Roth- Cleaning Services	50.00
52919	Sack Lumber- 1x4-10, 1x4-12, finishing nails	20.95
52920	Seward Co Independent- help wanted ad	87.40
52921	Shell Fleet Plus- Car Gas	65.55
52922	Too Fast Supply- Gloves	32.94
52923	Union Bank- Gary TeSelle, Medicare Part D	431.50
52924	Verizon Wireless-WC- Well Control Monitor	43.03
52925	Wal-Mart Community BRC- Kleenex, Coffemaker	192.86
52926	Windstream- Service for Feb	145.47

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received were Milford Housing Authority minutes for February 13, 2012; Milford Aging Services Commission minutes for February 28, 2012; Planning and Zoning Commission minutes for February 15, 2012; Webermeier Scholarship Committee minutes for February 22, 2012; Police Dept. activity report for February 2012; MVFD Fire & Rescue NARSIS Reports for February 2012. Fortune expressed the need to replace the recording system for the Council meetings. Heckman – the pool project is moving right along. There will be another meeting this Thursday to discuss electrical issues. JEO has designated a new electrical engineer for this project. Everything is running smoothly at the Library and the Pool Board will soon be interviewing for Pool staff. Frey – the street sign poles around

town are being replaced and set to regulation height. Chief Siebken noted that Baker had asked for updates on the property nuisance list and he will work at getting this update to the Council at next month's meeting. Chief Siebken also brought to the Council's attention the need to possibly extend the No U Turn signs from "F" Street to Welch Park Road with the amount of traffic flowing thru the Elementary School. Baker – still waiting for lights to be installed in the Uptown Park. Kathy Ruzicka is implementing home meal deliveries based out of Milford. This will not count towards Milford's meals but will benefit those in need. The monument was taken down after last month's meeting and the Legion is planning a fund raiser in April to assist with the construction cost of a new memorial monument.

**COMMUNICATIONS:** \*Sales tax received for the month of December 2011 in the amount of \$16,260.60. \*NPPD lease agreement payment received in the amount of \$39,998.01. Mayor Bruha announced that they will be going into an Emergency Executive Session at the end of the meeting.

**PUBLIC HEARING: Review/Revise the C1 & C2 permitted uses of the Zoning Regulations Section of the Comprehensive Plan:** Mayor Bruha opened the Public Hearing at 7:40 pm. He attended the Planning & Zoning meeting held on February 15, 2012 where they discussed the current permitted uses for the C1 (Central Business District) downtown area as well as the C2 (General Commercial District) area designated along Hwy. The Board compared the two districts and found that some of the businesses listed in C2 could be allowed in C1. The P & Z board also discovered that there are definitions of businesses that are not listed in the Comp Plan. The board felt that if they are going to list them, there should be a definition to follow. The changes to C1 and C2 have been submitted to the Council and the P & Z are recommending the changes. With no further comments Mayor Bruha closed the Public Hearing at 7:50 pm.

**UNFINISHED BUSINESS:**

**Council/Mayor Compensation Survey Results:** Survey results were distributed last month for the Council to review. Mayor Bruha asked for opinions of the Council: Fortune was uncomfortable with an increase as far as the Council positions go. The Mayors position may need a bit more compensation. Heckman felt that all positions are right where they need to be. Kral seconded Fortune's comment and noted that the Mayor is in more of an immediate demand than the Council members. He would forgo his pay to go towards the Mayor's. Baker agreed with Heckman as we are o.k. where we are. Bruha noted any salary increase would not take effect until the next budget cycle and election. Fortune asked Mayor Bruha why he thought it should be bumped up? Mayor Bruha commented on the amount

of time in the evening that he has to work on City business. He also has to be available during the day to address specific demands. He tries to attend as many meetings as possible as the minutes don't always reflect all the discussion. Bruha stated it would be nice to see an increase. Fortune may support a small increase but with the budget discussions we have had the last couple years he thinks we should forgo the decision at this time. We will be battling with budget in a few months from now so this is not a good time for an increase.

**Authorize signature of Option to Purchase property at 602 2<sup>nd</sup> Street for Economic Development purpose with Economic Development Funds:**

Attorney Blevens presented an Option to Purchase the Good Shepherd Lutheran Church at 602 2<sup>nd</sup> Street for \$1.00. The big question is whether the building has asbestos in it or not. If asbestos is found in a solid manner the Good Shepherd members could remove it. The option also gives the City plenty of time to get bids for demolition. A motion was made by Fortune and seconded by Heckman to authorize the Mayor to sign the contract. Heckman had a question: the contract states that they will use members of the congregation to remove the asbestos. Does this need to be in the contract? The Council decided to delete it from the document. Roll call vote: Fortune yes, Heckman yes, Baker yes, Kral yes. Motion carried.

**NEW BUSINESS:**

**Introduction and Adoption of Ordinance: Changes to C1 & C2 Zoning Regulations in the Comprehensive Plan:** A motion was made by Heckman and seconded by Baker to introduce the following ordinance:

**ORDINANCE NO. 858**

AN ORDINANCE TO AMEND SECTION 5.10.02 OF THE MUNICIPAL ZONING REGULATIONS PERTAINING TO PERMITTED USES AND SECTION 1.10.03 PERTAINING TO CONDITIONAL USES, ALLOWED WITHIN A C-1 CENTRAL BUSINESS DISTRICT; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE THE TIME WHEN THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See Ordinance Record)

**Audit Report for 2010-2011, Dennis Kubicek:** Mr. Kubicek and Carmen Standley were present to report on the 2010-2011 audit. The last several years the reporting standards have been based on GASB 34. They have made some changes and now have come out with GASB 50. Dennis and Carmen explained the changes and definitions The biggest change is accounts meeting the definition of a Special Revenue Fund and if that account doesn't reflect 20% of revenues then it is combined with the General Fund. With GASB 50 there is no difference between Milford, NE and New York City, when it comes to reporting standards. This is a city

wide financial statement not an individual account based statement. They also explained the classifications of fund balances which are: nonspendable, restricted, committed, assigned and unassigned. They had no problems during the audit and after all was explained Mr. Kubicek noted that the cash position for Milford is okay. The opinion letter that was submitted to the City of Milford gave a “clean opinion” on the audit which is the top opinion that can be made.

**Appointments:** A motion was made by Baker and seconded by Kral to approve the Mayor’s recommendation to appoint Dee Goertzen to the Webermeier Scholarship Committee. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried.

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

**Introduction and Adoption of Resolution – Create new budget account (32) for Street Sinking Fund:** Council member Fortune introduced the following resolution seconded by Kral.

RESOLUTION NO. 475

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MILFORD, NEBRASKA THAT:

A new budget account is hereby established for the Street Sinking Fund as budget account #32.

Dated this 6<sup>th</sup> day of March, 2012.

Attest: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

(SEAL)

A motion was made by Kral and seconded by Heckman to add executive session to the agenda. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried.

**Executive Session:** A motion was made by Heckman and seconded by Kral to go into executive session as an emergency item to discuss a personnel matter, an executive session which is necessary for protection of the public interest and for the prevention of needless injury to the reputation of an individual employee, when the employee has not requested a public meeting and related to an evaluation of job performance of an employee. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

A motion was made by Fortune and seconded by Heckman to come out of executive session and return to regular session at 8:56 pm. Roll call vote: Fortune yes, Heckman yes, Baker yes, Kral yes. Motion carried.

**ADJOURNMENT:** A motion was made by Kral and seconded by Heckman to adjourn the meeting. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried and meeting adjourned at 8:57 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 March 6, 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)

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Jeanne Hoggins, City Clerk