

CITY OF MILFORD
REGULAR MEETING
MARCH 4, 2014
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 4th day of March at 7:30 pm. Present were: Mayor Dean A. Bruha; Council members: Jeff Baker, Jeff Heckman, Dan Kral; Chief of Police Forrest Siebken; Attorney Robert Blevens; Maintenance Supt. Mark Frey and City Clerk Jeanne Hoggins. Absent: Council member Rick Fortune. Also present: Sean Kremer, Joe Schluckebier, Bob Boshart, Elaine Plessel, Janet Newton, Carmen Standley with Marvin Jewell, Ron Roth, Ron Erb, Dave Henke with JEO, Dave Swartzentruber, Nick Crow with Uribe, Tom Troyer, Trent Volkmer 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 7:30 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 February 4, 2014 meeting. Roll call vote: Baker yes, Kral yes, Fortune absent, Heckman yes. Motion carried.

A motion was made by Heckman and seconded by Kral to approve the minutes of the February 17, 2014 meeting. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune absent. 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 \$49,241.51 and payroll in the amount of \$25,799.41 totalling \$75,040.92 approved by the Auditing Committee be approved for payment. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune absent. Motion carried.

SALARIES:

56658 Mark Frey

1465.31

56659	Forrest Siebken	1362.49
56660	Mavis Ferris	71.01
56661	Jeanne Hoggins	1308.36
56662	Gary TeSelle	843.05
56663	Robert Hull	1095.02
56664	David Dahle	1152.47
56665	George Matzen	622.31
56666	Tracy Yeackley	852.94
56667	Jenna Filbert	315.84
56668	Benjamin Rediger	1146.23
56669	Lisa Aschoff	632.75
56670	Timothy Long	130.73
56671	Cady Vaverka	82.01
56672	Kile Jackson	1214.01
56673	Heather Wiles	337.21
56716	Mark Frey	1465.31
56717	Forrest Siebken	1362.49
56718	Mavis Ferris	78.12
56719	Jeanne Hoggins	1308.36
56720	Gary TeSelle	779.08
56721	Robert Hull	1105.75
56722	David Dahle	1119.56
56723	George Matzen	696.29
56724	Tracy Yeackley	812.08
56725	Jenna Filbert	328.10
56726	Benjamin Rediger	1050.96
56727	Lisa Aschoff	682.40
56728	Timothy Long	118.53
56729	Cady Vaverka	117.17
56730	Kile Jackson	1133.35
56731	Heather Wiles	271.34
56739	Rick Fortune	138.52
56740	Dean Bruha	184.70
56741	Jeffrey Baker	138.52
56742	Jeff Heckman	138.52
56743	Dan Kral	138.52
GENERAL FUND:		
	Nebraska Department of Revenue-Sales Tax	1610.05
56674	Ameritas-Pension	1585.78
56675	Union Bank-H.S.A	945.00
56676	Lawrence Gardiner-Deposit Refund	50.00

56677	Shelby Hershberger-Deposit Refund	51.03
56678	T-J Rentals-Deposit Refund	75.00
56679	Allied Insurance-K. Mundhenke Bond	200.00
56680	Aramark-Pants and Rags	636.15
56681	Ashley Kontor-Basketball Clinic	64.00
56682	AT&T-Long Distance	12.77
56683	Black Hills-January Service	1784.01
56684	Canon Financial Services-Contract Charge	254.00
56685	Canon Solutions America-Copies, Maint Base	76.56
56686	City Of Milford-Petty Cash-Schwans, Stamps	38.76
56687	DHHS-Pool Permit Fees	80.00
56688	Diode Communications-Jan. Service	55.22
56689	Eakes Office Plus-Stamp, Key Rings, Binder	119.17
56690	Emergency Medical Products-Rescue Supplies	254.83
56691	Farmers Cooperative-Gas/Diesel, Fleet Maint.	731.05
56692	Jake Mensik-Basketball Clinic	64.00
56693	John Deere Financial-Washers For Snow Blade	2.40
56694	Matheson Tri-Gas, Inc-Oxygen, Bottle Refill	626.15
56695	Midwest Refuse-January Service	118.14
56696	Municipal Supply-3/4" Meter, Freight	159.70
56697	Mutual of Omaha-Disability	30.24
56698	NE Motor Parts-Switch, Clamp, Vehicle Maint.	49.22
56699	NPPD-January Service	7068.04
56700	One Call Concepts-Locates	4.45
56701	Pac-N-Save-Food	26.75
56702	Pizza Kitchen-January Meals	152.50
56703	Roxanne Roth-Cleaning Services	50.00
56704	Seward County Public Power Dist-Wells 1&2	504.88
56705	Seward County Independent-Notices, Minutes, Ad	262.67
56706	Seward Lumber-Paint	125.99
56707	Shell Fleet Plus-Fuel	99.73
56708	Subway Motors Co-Heater Hose, Antifreeze	125.50
56709	Sunrise Country Manor-January Meals	624.75
56710	Tracy Yeackley-Mileage to Beaver for Baseball Mtg	14.99
56711	Verizon Wireless-Air Card Charges	80.08
56712	Verizon Wireless-Dept. Cellular	104.79
56713	Windstream Nebraska Inc.-January Service	260.12
56714	U.S. Postmaster-Utility Bill Postage	204.81
56732	Ameritas- Pension	1585.78
56733	Union Bank-H.S.A	945.00
56734	Aflac-Dis, Cancer, Acc, Suppl	563.80

56735	BC&BS-March Health/Dental Insurance	9305.61
56736	NE DHHS-Milford Pool Slide Review	300.00
56737	Fort Dearborn- Life Insurance	120.40
56738	National Casualty Co-Premium Statement	737.08
56744	Aloha Roth-Cake	20.00
56745	Baker & Taylor	475.63
56746	Bill Hord	60.00
56747	Blevens Law Office	350.00
56748	Bruce Stutzman	1000.00
56749	Card Service Center	244.34
56750	Card Service Center-JM	170.40
56751	Cash-Wa Distributing	180.80
56752	CBS-Reporting Services	60.00
56753	Petty Cash	88.85
56754	Culligan Water Conditioning	46.95
56755	D&D Communications	65.00
56756	Demco, Inc	141.09
56757	Electronic Engineering	15.00
56758	George Matzen	28.97
56759	JEO Consulting Group	4581.50
56760	Menards-Lincoln North	542.38
56761	Milford A/C & Appliance	100.32
56762	Milford Plumbing	12.30
56763	Milford School Dist. #5	80.00
56764	Municipal Supply	5546.76
56765	NPPD	256.80
56766	Nebraska Public Health	30.00
56767	Reader Services	25.98
56768	Roxanne Roth	50.00
56769	Sack Lumber Company	402.94
56770	Seward County Independent	16.60
56771	Shell Fleet Plus	694.72
56772	U.S. Postmaster	220.00
56773	Gary TeSelle	450.50
56774	Verizon Wireless	95.26
56775	Verizon Wireless	40.01
56776	Walmart Community BRC	23.91
56777	Windstream Nebraska Inc	183.55

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Milford Housing Authority minutes for February 13, 2014; Milford Aging Services Committee minutes for February 25, 2014;

Pool Board minutes for February 25, 2014; Police Dept. Activity Report for February 2014 and MVFD Rescue NARSIS Report for February 2014. Baker attended a Seward County Economic Development Corporation Strategic Planning Session on Feb. 17th held in Milford at S.C.C. Goals were established for the next year and copies will be distributed after their next meeting. He also completed the Executive Director Job Performance Evaluation in accordance with our Disbursement Agreement. Baker attended a meeting between Sports Express and the Recreation Director. Wednesday night's field schedule has been filled by Sports Express. We are working with them in conjunction with the concession stand and they are looking at donating all the meat. (hotdogs & hamburgers) He also attended a Sr. Center Board meeting, minutes are included in your packet, there are about 12 new items that the Center is looking into. Evening meal, potato bake, walking taco etc... events to bring more people to the Center. Kral reported 1 fire (grass) call on 238th Rd. and 3 good intent calls that turned out not to be fires. Chief Siebken – 2 officers will be interviewed tomorrow night at 6:00 & 7:00 pm

COMMUNICATIONS: *Sales tax received for the month of December 2013 in the amount of \$15,465.10. *NPPD 4th Quarter Lease Payment for 2013 in the amount of \$47,309.46.

UNFINISHED BUSINESS:

Discuss/Action on ATV/UTV use on Public Streets: Chief Siebken presented an ordinance taking into consideration the changes requested by Joe Schluckebier, Sean Kremer and Roy Cast. Majority of discussion was held regarding the use of helmets. The individuals present asked for this section to be removed, as they don't think it's necessary to wear helmets. They are adults and should be allowed to make that decision on their own. Mayor Bruha noted that if you're riding on your own property that's completely different than being on the public streets, having an accident, and being thrown from the vehicle. This becomes a liability issue. The whole idea behind the helmet law is to protect people. Sean Kremer didn't think one man should tell another if they had to wear a helmet. Ron Roth noted that at 25 mph it's not going to happen that anyone would fly off an ATV. Mark Frey arrived. Trent Volkmer commented on the visibility of a UTV as some of them are as big as a small jeep. Chief Siebken mentioned that mistakes can be made and asked to leave the helmet requirement in the ordinance. Sean Kremer noted that if the helmet law were to remain in affect he would like to ask for an exemption of helmets during snow removal and while spraying weeds around his properties. Persons riding into town from the west must turn onto F Street/Fairway Dr. and if they enter from the North they must turn onto First Street. There will be no thru traffic on Hwy

6. Tom Troyer asked for a 1 year trial period without helmets to see if there are any accidents, if no accidents then don't require the helmets. Council member Baker questioned Section 3, subsection b and clarified that the operator must still obey the rules of the road and speed limits as they apply. The safety flag and lights are also required. Changes to the proposed ordinance: Age 21, route of travel, 1 passenger no less than 7 years of age and annual inspection and sticker license/permit. The \$50.00 fee was brought up and Kral noted that the fee should remain. Discussion is held every year at budget time regarding cutting services and \$50.00 does not seem out of line for operation of an ATV/UTV.

Introduction and Adoption of Ordinance – ATV & UTV use on Public Streets: A motion was made by Heckman to introduce Ordinance No. 879 and remove the helmets and safety restraint requirements Section 3: #4; Section 5: to read Revocation of Privilege and striking (Upon completion of the revocation period, said person must reapply for a permit in order to operate an all-terrain or utility type vehicle within the City limits); adding to Section 6: April 1 thru March 31 as licensing period. Mayor Bruha called for a second with these amendments. Lack of second motion died. A motion was made by Council member Baker to introduce Ordinance No. 879 removing the section as it relates to wearing helmets and leaving in the safety restraint requirements as well as adding back the rest of the previous motion.

ORDINANCE NO. 879

AN ORDINANCE TO ADD SECTION 5-415 TO 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)

Discuss/Action on split season for alley vs curbside garbage service: Mayor Bruha noted that last month we had an individual that questioned the need to put the trash cans along the curbside and there was discussion regarding a split season. Uribe representative Nick Crow commented that allowing a split season would open up a can of worms. With rental properties and students moving in and out notifying them would be difficult and time consuming. The move from alley to curb side pickup has made them more efficient. Nick has been communicating with the City Office regarding accounts that curb side pickup just won't work for. Kral noted that we are wasting our time talking about this issue as we have not gone full circle with the change. We have yet to find out how or if this change will affect the condition of the alleys. Nick mentioned the mirrors on the trucks have been broken off due to trees or bushes protruding out into the alley and

at \$60.00 a piece it adds up. They would like to keep the cost of their service reasonable. Baker asked for this issue to be placed back on the agenda due to several comments about the trash cans on Main Street. The cans are being left on the street or Hwy instead of in the right of way. There's a bit of congestion in the mornings when people are taking kids to school and the trash is being picked up. Mrs. Rempel's comments were not a waste of time as we are not all self-serving. The consensus is to give it a little time and see how it works.

Discuss/Action regarding Radio Read meter installation: Since last month Tracy and Gary have worked out a system and have installed 19 new meters as well as scheduling 16 new meters to be installed in March. We printed a notice on the water bills and have had a great response. Baker suggested printing the notice again on the water bills in June/July. Frey noted that they have notices to hang on doors as well. The next round of installations we will concentrate on city blocks.

Discuss/Action-Mobile Home Non-Conforming minimum requirements: The Council agreed to have the P & Z review the new information that has been researched and presented. A public hearing has been scheduled for March 11 for the Planning & Zoning Commission.

NEW BUSINESS:

Audit Report for Fiscal Year ending 9/30/13: Carmen Standley with Marvin Jewell was present and highlighted information in the audit report that was distributed to the Mayor and City Council. Both opinions submitted for the City of Milford were presented fairly. The City is financially in good standing.

Award Bid for new Pool Slide: Dave Henke stated that one bid had been received from Natural Structures, which is what they expected. He noted the Health Dept. is in the process of approving the project but did not anticipate any problems. It will take approximately 12 weeks for the slide to arrive. A motion was made by Heckman and seconded by Kral to accept the bid from Natural Structures in the amount of \$38,853.00 and authorize purchase of such slide. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune absent. Motion carried.

Authorize Mayor's signature on the "Managed Agency (Discretionary)" document from Union Bank Endowment Accounts (3): No action taken on this item.

Discuss/Action on Zito Media – Janet Newton: Janet Newton explained in detail her dissatisfaction of service with Zito Media. She lives at Linden Village and their only television choice is thru cable/Zito Media. There are 50 units and HUD prohibits them from having satellite dishes on each unit. She has called the Better Business Bureau in NE and Pennsylvania, since

this is where they are based. She has called Washington D.C. and filed a complaint with the FCC as well as calling Attorney Jon Bruning's Office. Mayor Bruha explained to her that Zito Media is the only cable company in town. The City is stuck with Zito as they own the lines and have a franchise with the City. She understood that but wondered why the City couldn't notify them about improving their services. They don't have any new equipment; they just rotate and install old equipment from other customers, according to Ms. Newton. Mayor Bruha will look into our contract as well as write a letter to Zito Media asking them to improve their services. Attorney Blevens suggested purchasing an antenna which would sit directly on top of the T.V. A motion was made by Baker and seconded by Kral to authorize Mayor Bruha to write a letter to Zito Media requesting that they review this situation. Council member Baker also noted for the record that Janet donated a piano to Linden Village. Roll call vote: Baker yes, Kral yes, Fortune absent, Heckman yes. Motion carried. The City will follow up with Ms. Newton as to our findings.

Discuss/Action on Master Trail Plan – JEO: In order to proceed with the trail plan this is the first requirement. We need this in place to apply for grants. A motion was made by Baker and seconded by Kral to authorize the Mayor to sign the agreement between the City of Milford and JEO to create a master trail plan providing services in the amount of \$7,750.00. Roll call vote: Baker yes, Kral yes, Fortune absent, Heckman yes. Motion carried.

Discuss/Action on 5th & F Street Crossing & Sidewalks: When weather permits Council member Heckman, Chief Siebken and Maint. Supt. Frey will talk to the owners at 5th & F St. explaining the sidewalk project.

Introduction and Adoption of Ordinance – Create Committee for City of Milford Endowment Account “Milford Community Betterment Committee”: Item tabled, Attorney Blevens will work on this ordinance for next month.

Hire Pool Employees and set wages: A motion was made by Heckman and seconded by Baker to hire the following pool employees and set their wages accordingly: Lindsey Sample, Manager @ \$10.50 per hr.; Hunter Jensen, Lifeguard @ \$7.40 per hour and if he get his Pool Operators Certification, Head Guard @ \$8.00 per hr.; Joshua Dalton, Lifeguard @ \$7.40 per hr.; Zach Danekas and Natalie Kremer, Lifeguards pending certifications @ \$7.25 per hr.; Cole Hartgerink, Lifeguard (Sub) @ \$7.40 per hr. Roll call vote: Heckman yes, Baker yes, Fortune absent, Kral yes. Motion carried.

Approve T.I.F. Application: After reviewing the document a motion was made by Baker and seconded by Kral to approve the TIF application as

presented. Roll call vote: Baker yes, Kral yes, Fortune absent, Heckman yes. 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 9:35 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 March 4, 2014 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