

CITY OF MILFORD
REGULAR MEETING
NOVEMBER 1, 2011
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 1st day of November 2011 at 7:30 pm. Present were: Mayor Dean Bruha; Council members: Jeff Baker, Rick Fortune, Jeff Heckman, Dan Kral; Chief of Police Forrest Siebken; Maintenance Supt. Mark Frey and City Clerk Jeanne Hoggins. Also present: Elaine Plessel, Bob Anderson, Mark & Sharon Bright 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 October 4, 2011 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 \$137,623.25 and payroll in the amount of \$26,855.46 approved by the Auditing Committee be approved for payment. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried.

SALARIES:

52185	Mark Frey	1,485.30
52186	Forrest K Siebken	1,359.11
52187	Mavis Lynn Ferris	69.73
52188	Jeanne M. Hoggins	1342.91
52189	Gary Lee TeSelle	754.99
52190	Robert L Hull	872.24
52191	Beverly J Wehrs	327.23

52192	David R. Dahle	1055.52
52193	George A. Matzen	677.16
52194	Tracy L. Yeackley	747.00
52195	Benjamin L. Rediger	806.21
52196	Craig Corder	1418.31
52197	Jason Meyer	1087.58
52198	Melissa Kepler	364.69
52199	Kirk G Fredericksen	360.19
52200	Sean R Stahly	125.50
52201	Stacey L Sheehan	496.99
52202	Sarah L Davis	126.56
52203	Jillian K Boden	339.66
52283	Mark Frey	1485.30
52284	Forrest K Siebken	1359.11
52285	Mavis L Ferris	62.76
52286	Jeanne M Hoggins	1342.91
52287	Gary L TeSelle	754.99
52288	Robert L Hull	946.66
52289	David R Dahle	1042.56
52290	George A Matzen	677.16
52291	Tracy L Yeackley	749.54
52292	Benjamin L Rediger	811.47
52293	Craig A Corder	1127.25
52294	Jason D Meyer	902.03
52295	Melissa A Kepler	334.81
52296	Kirk G Fredericksen	152.71
52297	Sean R Stahly	71.47
52298	Stacey L Sheehan	177.85
52299	Sarah L Davis	124.83
52300	Jillian K Boden	160.39
52303	Ricky Gene Fortune	141.52
52304	Dean Alan Bruha	188.70
52305	Jeffrey M Baker	141.52
52306	Jeff Lee Heckman	141.52
52307	Dan V Kral	141.52
GENERAL FUND:		
52204	Ameritas Group – Pension, Pension X	1606.76
52205	Union Bank – H.S.A.	655.00
52206	Kyle Anderson – WA/SW Deposit Refund	29.17
52207	Patrick Cronin – WA/SW Deposit Refund	48.90
52208	Bryan Dennis – WA/SW Deposit Refund	74.16

52209	Anita Fritz – WA/SW Deposit Refund	25.10
52210	Raymond Heckert – WA/SW Deposit Refund	60.50
52211	Bradford Hernandez – WA/SW Deposit Refund	72.86
52212	Nancy Jantze – WA/SW Deposit Refund	25.00
52213	Cheryl Knutter – WA/SW Deposit Refund	23.42
52214	Lavonna Morris – WA/SW Deposit Refund	22.30
52215	Jill Nielsen – WA/SW Deposit Refund	75.00
52216	Joe Schluckebier – WA/SW Deposit Refund	50.00
52217	Scott Wanetka – WA/SW Deposit Refund	23.90
52218	US Postmaster – Utility Billing Postage	283.59
52219	Allied Insurance – 2 Notary Bonds	200.00
52220	American Building Inspectors – Inspections	380.00
52221	Aramark Uniform Service – Pants & Rags	540.30
52222	AT&T – Library Long Distance	10.16
52223	Barco Municipal Products – Cones, Sign	348.24
52224	Black Hill Utility – Service for September	148.77
52225	Brownells, Inc – Service for September	70.64
52226	Culligan Water Conditioning – Drinking Water	24.35
52227	Dave Dahle – Mileage, Meals	136.87
52228	Diode Communications – Service for Sept	55.22
52229	Eakes – Toner, Cash Receipts Journal	257.05
52230	Farmers Coop – Gas/Diesel for September	1247.28
52231	Feld Fire – Hose, ¼” Cross	104.25
52232	Fire Programs – Support Service	455.00
52233	G & P Development Landfill – Solid Waste	15.82
52234	Goldsmith Tree Service – Stump Removal	525.00
52235	Great Plains-One Call – Locate Requests	24.24
52236	Hawkins – Pump	325.00
52237	Heartland Auto Body – Seat Repair, Install Barricade	375.00
52238	HOA Solutions – Labor, Cable	1410.02
52239	John Deere Financial – Chain, Frt, Guard, Clutch	403.82
52240	Keith A Swett – Repair Computer	120.00
52241	Kelly Supply Co – Coupler, Adapters, Bushings	65.05
52242	League of NE Municipalities – Membership	595.00
52243	Menards – Sratu Elong H White NT	178.00
52244	Milford Plumbing – Pipe, Coupling	103.92
52245	Milford Supermarket – Food for tailgate meal	70.28
52246	Mrs Wayne Roth – 2 cakes	36.00
52247	Municipal Supply – ¾” meters, 1” meters	1834.55
52248	VOID	
52249	VOID	

52250	NE Rural Water Assoc – Meeting	390.00
52251	Nebraska Motor Parts – Battery, Pliers, Cleaner	128.66
52252	NE Public Health – Nitrate, Coliform	44.00
52253	NPPD – Service for September	6526.91
52254	Pizza Kitchen – Catered Meals 9/21 & 9/26	265.00
52255	Police Officers Assoc – 4 Memberships	40.00
52256	Rediger Chevrolet – 2 oil changes, replace belts	137.78
52257	Roxanne Roth – Cleaning Services	50.00
52258	Sack Lumber – Shingles	2413.95
52259	Sam’s Club – Cleaning Supplies	40.16
52260	Setina Mfg – Bolt Bag, Gasket	38.18
52261	Seward Co Ind – Notices, Minutes, Help Wanted Ad	417.66
52262	Seward Co Treas – 4% of Annual Budget	19721.00
52263	Seward Lumber – Coupling 1 ½”	4.14
52264	Stutzman Digging – Repair Storm Sewer	2105.00
52265	Sunrise Country Manor – September Meals	665.00
52266	Super Spray Car Wash – Tokens (Car Wash)	150.00
52267	Terry Buchli – Cord Reel	70.30
52268	The Garbage Co – Service for September	135.00
52269	Troy Pickerill – Cleaning Supplies	83.56
52270	Verizon Wireless – Cell Phones (Fire Dept)	92.73
52271	Verizon Wireless – Cell Phone (Police Dept)	105.71
52272	Wergin’s Lawn Service – Fertilize Sr Center & B St	203.00
52273	Windstream – Local, Internet, Library Phone	163.12
52274	AFLAC – Dis, Cancer, Acc, Suppl	616.48
52275	Coventry – Health Insurance 11/1-11/30/11	6527.54
52276	DHHS – 3 Water License Renewal	345.00
52277	Fort Dearborn – Life Insurance	116.96
52278	Milford School Dist – Magazines	442.00
52279	Mutual of Omaha – Disability	30.24
52280	Ne Dept of Env Quality – Renewal (Certification)	150.00
52281	Shell Fleet Plus – Fuel	813.51
52282	Tina Vosler – Water Refund	115.02
52301	Ameritas Group – Pension, Pension X	1550.97
52302	Union Bank – H.S.A.	655.00
52308	Ameritas – Annual Base/Recordkeeping Fee	1060.00
52309	Baker & Taylor – Books	539.16
52310	Berry – Directory Advertising	65.17
52311	Biblinox – Automation	1500.10
52312	VOID	
52313	Bob Stephens & Assoc. – Plates for memorial plaque	35.40

52314	Central States Lab – Triple Melt	2470.36
52315	Community Safety Net – Safety Books	90.00
52316	Concrete Works – Street & Curb Repair	1602.50
52317	Crete Glass Co – Repair Handicap Doors	70.00
52318	Culligan Water Conditioning – Water & Cooler Rent	112.00
52319	DHHS – 2 Water License Renewal	230.00
52320	EMC – General Insurance	52261.00
52321	George Matzen – Printer	509.99
52322	GreatAmerica Leasing – Meter Rent	80.00
52323	Hawkins – Azone-15, LPC-4, Frt	2359.63
52324	Heartland Auto Body – Clean/Sanitize Unit #3	35.00
52325	Heartsong Presents – Books	25.98
52326	IIMC – Annual Membership (Jeanne & Tracy)	210.00
52327	Johnson Service Corp – Clean Storm Sewer	6914.00
52328	Junior Library Guild – Books	669.40
52329	Kathy Ruzicka – Food for Center	36.61
52330	Meyer Automotive – Battery Unit #3	154.27
52331	Milford Frame Clinic – Repair Ladder Rack	75.00
52332	Milford Plumbing – 12” Closet Wax	7.95
52333	Milford School Dist – Parking Fines	15.00
52334	Municipal Supply – ¾” & 1” Meters	1725.20
52335	National Casulty Co – Premium Statement	737.08
52336	NE Environmental Products – Main Broom	386.68
52337	Penworthy – Books	519.58
52338	Police Officers Assoc – Handbook Updates	57.00
52339	Powerplan – Latch, Switch	84.38
52340	Roxanne Roth – Cleaning Services	50.00
52341	Sack Lumber Co – Roofing Nails, Plywood	244.41
52342	Servi-Tech – Ammonia Nitrogen, Wastewater Analy.	72.70
52343	Seward Electronics – Case for TK-3170K 2270C	28.22
52344	Shell Fleet Plus – Fuel for ’08 Pickup	232.94
52345	Show Me Books – Books	660.00
52346	Taste of Home – Recipe Book	30.98
52347	Tinius Plumbing – TV Sewer Line	140.00
52348	Union Bank – G TeSelle Acct, Medicare Part D	431.50
52349	Verizon Wireless – Well Control Monitor	43.05
52350	Walmart – DVD’s, Cleaner, Cord	123.75
52351	Windstream – Sewer Plant & Sr Center phone	136.32
52352	Blevens Law Office – Legal Service for Oct	350.00
52353	Ikon Office Solutions – Meter Rent, Add. Images	335.15

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Milford Housing Authority minutes for October 13, 2011; Milford Aging Services Commission minutes for October 25, 2011; Police Dept. activity report for September 2011; Milford Fire and Rescue NARSIS reports for October 2011. Heckman – Pool Board will meet with JEO on Thursday, November 3rd. Frey – Flushing hydrants mid-November and preparing for winter. Chief Siebken – reviewed monthly report for September 2011. Baker – The new Sr. Center manager started last Monday and all is going well. Park project still underway, lights should arrive mid-November. Replaced shingles on the picnic shelter at Welch Park and will be replacing the shingles in the uptown park also. Mayor Bruha questioned whether the lights will be on a timer in the Uptown Park. Baker noted that he could look into that if that's what we wanted but was considering having ½ of them shut off during late night hours. Baker was also involved in the pre-interview process for the Seward County Economic Development Director. It has been narrowed down to two. No word on the new sirens.

COMMUNICATIONS: *Sales tax received for the month of August 2011 in the amount of \$13,145.04. *Flyer will be distributed with the water/sewer bills regarding flushing hydrants.

PUBLIC HEARING: Changes to TA District, Conditional Use Permit: Mayor Bruha opened the Public Hearing at 7:36 pm. The recommended changes under the Conditional Use Permit section were noted. Planning and Zoning recommended adding #13 – Self Storage Units, #14 – Warehouse, wholesale business, #15 – Automotive display, sales, service and repair. Mayor Bruha updated everyone on the history of the zoning changes over the last several years. The addition to the Conditional Uses section allows the Council to have control over requests made for specific Zoning Districts. They are able to review and make decisions on a case by case request. With no further questions or comments Mayor Bruha closed the public hearing at 7:41 pm.

NEW BUSINESS:

Approve Fire Dept. Membership Roster: A motion was made by Kral and seconded by Fortune to approve the Fire Dept. membership roster as submitted. Roll call vote: Kral yes, Fortune yes, Baker yes, Heckman yes. Motion carried. (Roster attached to these minutes.)

Introduction and Adoption of Resolution – R.A.P: Chief Siebken presented the resolution and noted that the fee has been waived for this year. A motion was made by Baker and seconded by Kral to authorize Mayor Bruha to sign the R.A.P. Interlocal Agreement. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried.

RESOLUTION NO. 471

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

WHEREAS, law enforcement agencies within the following counties: Fillmore, Hamilton, Jefferson, Merrick, Polk, Saunders, Seward, Thayer, Webster, Nuckolls, Saline and York desire to enter into a cooperative law enforcement effort; and

WHEREAS, the above agencies have submitted a grant application known as the RURAL APPREHENSION PROGRAM (hereafter RAP 22 #11-DA-309); AND

WHEREAS, the R.A.P. project has been funded by the Nebraska Crime Commission; and

WHEREAS, the various counties, communities and agencies within those jurisdictions desire to make the most efficient use of the power by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors; and

WHEREAS, an interlocal agreement, consistent with Nebraska Revised Statutes 13-801 et.seq., would be in the best interest of all participating agencies; and

WHEREAS, the agencies desire to enter into a written interlocal agreement for the purpose of carrying out the RAP objectives and grant requirement of the Nebraska Crime Commission.

BE IT RESOLVED THAT:

The City of Milford authorizes Mayor Dean A. Bruha to enter the City of Milford into an interlocal agreement for joint and cooperative action pursuant to the provisions of Section 13-801 through 13-807 of Nebraska Revised Statutes. The interlocal agreement shall be for the strict administration of the RAP project and all funds allocated by the Nebraska Crime Commission, and Match dollars allocated by the RAP members. Further, this interlocal agreement shall not establish a separate legal entity, rather as a joint and cooperative undertaking between public agencies i.e. state, county, city and village. (Nebraska Revised Statute 13-801)

Amount of match dollars allocated by the City of Milford for the 2011- 2012 grant period (RAP 22) will be \$0.00.

Dated this 1st day of November, 2011.

City Clerk

Mayor

(SEAL)

Introduction and Adoption of Ordinance – Establish new Water Rates:

Council member Fortune presented a rate option in between the 2 options that were presented last month. This rate change suggested an annual estimated revenue increase of \$224,687.40. A motion was made by Fortune and seconded by Kral to introduce the following ordinance:

ORDINANCE NO. 854

AN ORDINANCE TO AMEND SECTION 3-106.01 OF THE MUNICIPAL CODE PERTAINING TO THE MUNICIPAL WATER DEPARTMENT; SERVICE CHARGES; AND USAGE FEES; TO AUTOMATICALLY INCREASE SERVICE CHARGES AND USAGE FEES; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See ordinance record)

Introduction and Adoption of Ordinance – Disposition of Unclaimed Property: Chief Siebken presented an ordinance that is exactly what the State of NE uses to dispose of property with little or no value. He noted the numerous unclaimed bicycles that are currently being stored in the basement. A motion was made by Kral and seconded by Baker to introduce the following ordinance:

ORDINANCE NO. 855

AN ORDINANCE TO ADD SECTION 6-501 TO THE MILFORD MUNICIPAL CODE RELATING TO CERTAIN UNCLAIMED PROPERTY; TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT. (See ordinance record)

Introduction and Adoption of Ordinance – Sidewalks: Attorney Blevens presented an ordinance to be added to the subdivision regulations regarding design and construction of sidewalks. A motion was made by Baker and seconded by Kral to introduce the following ordinance:

ORDINANCE NO. 856

AN ORDINANCE TO AMEND THE MUNICIPAL SUBDIVISION REGULATIONS BY ADDING SECTION 5.11 REQUIRING THE INSTALLATION OF SIDEWALKS IN NEW SUBDIVISIONS; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN

CONFLICT HEREWITH; AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See ordinance record)

Approve Youth Basketball Coach: A motion was made by Baker and seconded by Kral to approve the hiring of Craig Bontrager to run the Youth Basketball Program as he did last year. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried.

Introduction and Adoption of Ordinance – Changes to the T.A. District, Conditional Uses: A motion was made by Kral and seconded by Fortune to introduce the following ordinance:

ORDINANCE NO. 857

AN ORDINANCE TO AMEND SECTION 5.05.03 OF THE MILFORD ZONING REGULATIONS TO ALLOW FOR ADDITIONAL CONDITIONAL USES; TO REPEAL ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See ordinance record)

Discuss Zoning Violations – Robert Anderson: Mr. Anderson approached the Council wondering why the Dairy Queen didn't get a Conditional Use Permit when they put in their drive-thru. The D.Q. is zoned C-2 which allows restaurants, cafes and fast food establishments but a conditional use permit is required when the restaurant has a drive-thru. Discussion was held regarding the time line of construction and approval of the new comprehensive plan. Bill Fuelling will need to be contacted regarding the approval of the permit. Anderson asked if this was a violation of the ordinance? He also wondered who had oversight of the building inspector. All other areas of the City have liaisons but not the Building Official. Attorney Blevens noted that the city council members are not versed on building codes. Anderson questioned why the Building Inspector does not submit any type of monthly activity report for review. Mayor Bruha will contact Bill Fuelling regarding the D.Q. and the item will be placed on next month's agenda for further discussion.

Approve payment for Kathy Ruzicka: Baker reported that Bev Wehrs last day was 9/30/11 and Lisa Aschoff started 3 weeks later. In the interim Kathy Ruzicka went above and beyond her duties and ran the facility. She opened, prepared and served lunch, paid the bills, was involved in the interview process and closed the Center for the day. Baker is asking for a stipend for her additional commitment to the Milford Senior Center. "We could have closed the Sr. Center for 3 weeks", Baker stated. Heckman questioned whether this was a conflict with her County duties and if a stipend would be considered double-dipping. Baker had already checked

with the County liaison and the County Attorney to see if this was even possible. They did not have a problem with it. Heckman still questioned the legal aspect of compensating on government contracts. It was suggested that Baker ask Kathy if she wanted to be reimbursed and get the exact hours that she worked for the Milford Senior Center. Item tabled.

Appointment – Recreation Board: A motion was made by Baker and seconded by Heckman to approve the Mayor’s recommendation to appoint Ashley Roth to the Recreation Board for a 3 year term starting November 1, 2011. Roll call vote: Baker yes, Heckman yes, Fortune yes, Kral yes. Motion carried.

Hire Receptionist/Co Rec. Director and set wage: A motion was made by Heckman and seconded by Kral to approve the hiring of Erica Pallas as the Receptionist/Co Rec. Director at an hourly rate of \$8.50. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

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 yes. Motion carried and meeting adjourned at 8:47 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 November 1, 2011 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