

CITY OF MILFORD  
REGULAR MEETING  
SEPTEMBER 4, 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 4<sup>th</sup> day of September 2012 at 7:30 pm. Present were: Mayor Dean Bruha; Council members: Jeff Baker, Rick Fortune, Dan Kral; Attorney Robert Blevens; Chief of Police Forrest Siebken; Maintenance Supt. Mark Frey and City Clerk Jeanne Hoggins. Absent: Council member Jeff Heckman. Also present: Aaron Hershberger, Elaine Plessel, Dave Hershberger, Scott Guthrie, Bob Engel, Leonard Wasserman, Travis, John and Sharon Orrell, Joe Troyer 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 7:31 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 August 7, 2012 meeting. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman absent. Motion carried.

A motion was made by Fortune and seconded by Kral to approve the minutes of the August 20, 2012 meeting. Roll call vote: Fortune yes, Kral yes, Baker yes, Heckman absent. Motion carried.

**PAYMENT OF BILLS:** A motion was made by Kral and seconded by Baker that the following bills in the amount of \$67,386.13 and payroll in the amount of \$33,279.13 approved by the Auditing Committee be approved for payment. Roll call vote: Kral yes, Baker yes, Fortune yes, Heckman absent. Motion carried.

**SALARIES:**

54029	Mark Frey	1516.38
54030	Forrest Siebken	1352.43

54031	Mavis Ferris	78.44
54032	Jeanne Hoggins	1358.40
54033	Gary TeSelle	768.55
54034	Robert Hull	959.21
54035	David Dahle	1114.42
54036	George Matzen	684.54
54037	Tracy Yeackley	626.02
54038	David Jensen	540.67
54039	Megan Kremer	1070.87
54040	Benjamin Rediger	858.61
54041	Craig Corder	1281.60
54042	Jessica Young	101.80
54043	Josiah Jensen	384.67
54044	Jason Meyer	1006.63
54045	Dylan Tegtmeier	310.18
54046	Caleb Dahle	642.34
54047	Rebecca Anderson	73.31
54048	Tiffany Blair	425.89
54049	Sean Stahly	102.84
54050	Jillian Boden	420.80
54051	Lisa Aschoff	609.50
54052	Erica Pallas	333.87
54053	Timothy Long	123.13
54054	Ian Rempel	297.56
54055	Derek Tegtmeier	547.23
54056	Dakotah Buchli	424.10
54057	Taylor Klein	199.93
54114	Mark Frey	1516.38
54115	Forrest Siebken	1352.43
54116	Mavis Ferris	101.11
54117	Jeanne Hoggins	1358.40
54118	Gary TeSelle	810.64
54119	Robert Hull	980.81
54120	David Dahle	1114.43
54121	George Matzen	684.54
54122	Tracy Yeackley	739.74
54123	David Jensen	11.12
54124	Megan Kremer	28.30
54125	Benjamin Rediger	795.28
54126	Craig Corder	1454.92
54127	Josiah Jensen	10.69

54128	Jason Meyer	1148.09
54129	Caleb Dahle	13.97
54130	Tiffany Blair	13.97
54131	Sean Stahly	83.67
54132	Jillian Boden	317.02
54133	Lisa Aschoff	574.52
54134	Erica Pallas	268.68
54135	Timothy Long	151.92
54136	Ian Rempel	13.68
54137	Derek Tegtmeier	492.51
54138	Dakotah Buchli	273.61
54147	Ricky Fortune	141.52
54148	Dean Alan Bruha	188.70
54149	Jeffrey Baker	141.52
54150	Jeff L Heckman	141.52
54151	Dan V Kral	141.52

**GENERAL FUND:**

53991	U.S. Postmaster- Utility Billing Postage	195.44
54058	Ameritas- Pension	1647.95
54059	Union Bank- HSA	705.00
54060	Allison Spath- Reimburse Lifeguard Training	50.00
54061	American Building Inspectors- Inspections/Fees	300.00
54062	AmericInn- NEMSA Hotel	800.00
54063	Aramark- Pants & Rags	527.66
54064	AT&T- Long Distance	9.10
54065	Black Hills Energy- Service for July	172.22
54066	Caleb Dahle- Reimburse Lifeguard Training	50.00
54067	Cash-Wa Distributing- Food/Supplies	81.15
54068	David Tell Jensen- Reimburse Lifeguard Training	50.00
54069	Diode Communications- Service for July	55.22
54070	Drake Refrigeration- Air Conditioner	4817.60
54071	Dylan Tegtmeier- Reimburse Lifeguard Training	50.00
54072	Eakes Office Plus- Adding Machine Tape, Labels	88.95
54073	Emergency Medical Products- Rescue Supplies	57.19
54074	Farmers Co-op- Gas/Diesel for July & Tire Repair	1030.20
54075	G&P Development Landfill- Trash from Tourn.	31.68
54076	Great Plains-One Call- Locate Requests	20.02
54077	Hawkins, Inc.- Accu Tab, Azone 15, Freight	3369.47
54078	Holiday Inn- Room for Meeting	81.95
54079	Ian Rempel- Reimburse Lifeguard Training	50.00
54080	John Deere Financial- Auto C, Cap	33.17

54081	Josiah Jensen- Reimburse Lifeguard Training	50.00
54082	Kremer's Inc- Materials & Labor, Disconnect Replac.	2345.97
54083	Larisa Roth- Reimburse Lifeguard Training	50.00
54084	Lisa Aschoff- 30" Smooth Top Range	448.00
54085	Matheson Tri-Gas, Inc- Oxygen	76.26
54086	Megan Kremer- Reimburse Lifeguard Training	50.00
54087	Milford A/C & Appliance- Repair A/C	430.95
54088	Milford Plumbing- Plug, Service Call, Labor	110.00
54089	Milford Supermarket- Food	46.64
54090	NE DOL- Boiler Inspection	36.00
54091	Nebraska Motor Parts- Air/Oil Filter, Zip ties	214.52
54092	Nebraska Public Health- Coliform, Nitrate Tests	87.00
54093	NPPD- Service for July	9138.89
54094	Northern Agri-Service- Valve Cycling, Meter	388.41
54095	Pizza Kitchen- July Meals	122.50
54096	Rebecca Anderson- Reimburse Lifeguard Training	50.00
54097	Rediger Automotive- Oil Change/ Service # 95	440.18
54098	Roxanne Roth- Cleaning Services	50.00
54099	Sam's Club- Pool Candy	249.90
54100	Seward Co. Public Power Dist.- Wells 1&2	874.68
54101	Seward County Independent- Minutes, P&Z Notice	119.37
54102	Shell Fleet Plus- Gas '08 Truck	110.90
54103	Shell Fleet Plus- Car Gas	38.85
54104	Sunrise Country Manor- July Meals	913.50
54105	The Garbage Co.- Service for July	137.50
54106	Tiffany Blair- Reimburse Lifeguard Training	50.00
54107	Title Services for Blue Valley- Title for Church	194.50
54108	Tvrdy's Lock & Key- Repair Lock @ concessions	30.00
54109	Ultramax- Training Ammunition	498.00
54110	Verizon Wireless- Air Cards	80.02
54111	Verizon Wireless- Dept Cell Phones	102.12
54112	Williams Tree Farm- 1/2 Cost Repair Lane Well	1948.25
54113	Windstream Nebraska- Service for July	598.81
54139	Ameritas- Pension	1647.95
54140	Union Bank-HSA	705.00
54141	Aflac- Dis, Cancer. Acc, Supp.	661.39
54142	Companion Life Insurance- Dental Coverage	572.64
54143	Companion Life Insurance- Vision Coverage	19.93
54144	Coventry Health Care- Health Ins. 9/1-9/30/12	8516.12
54145	Ft. Dearborn Life Ins- Life Insurance 9/1-9/30/12	113.52
54146	Mutual of Omaha- Disability	30.24

54152	Almar Uniforms- Uniform Shirts	235.94
54153	Baker & Taylor- Books	866.46
54154	Blevens Law Office- Legal Services for August	350.00
54155	Card Service Center- Camera, Flash Card, Flash	396.89
54156	Central States Lab- Ice Melt	2526.75
54157	Colin Electric- Capacitor ( B St. Median)	8.47
54158	Consolidated Management Co.- Meals at MLETC	8.50
54159	Culligan Water Conditioning- Drinking Water	104.15
54160	George Matzen- Summer Reading Program/Projector	2000.32
54161	Gerhold Concrete- Concrete	380.25
54162	GreatAmerica Leasing- Meter Rental	80.00
54163	Hawkins, Inc- Azone, Freight, LPC-4	1779.56
54164	HOA Solutions- Replace 10HP VFD	4578.00
54165	Innovations Siding & Windows- Gutters	1400.00
54166	Jessica Young - Water Safety Instructor	85.00
54167	Kathy Ruzicka- Cups, Sour Cream, Onions	18.53
54168	Kelly Supply Company- Adapter, Nipple, Primer	59.21
54169	Kremer's Inc.- Phase Monitor Welsh Park	258.38
54170	Lynn Peavey Co.- Evidence Supplies	106.85
54171	Milford School Dist- Parking Tickets, Liq/Tobac. Lic.	90.00
54172	NE Dept of Env. Quality- Certification Renewal	150.00
54173	NE Law Enforcement Training- Tuition & Lodging	172.00
54174	Nebraska Library Commission- Overdrive	500.00
54175	Reader Service- Books	12.99
54176	Ikon Office Solutions- Meter Rent 8/4-9/3/12	196.88
54177	Roxanne Roth- Cleaning Services	75.00
54178	Sack Lumber Co.- Stakes, Lumber, Sprayer	357.82
54179	Shell Fleet Plus- Fuel	761.97
54180	The Police & Sheriff's Press- 4 I.D. Cards	62.65
54181	Union Bank- Gary TeSelle Acct, Medicare Part D	431.50
54182	Verizon Wireless- Cell Phone Service	93.24
54183	Verizon Wireless- Well Control Monitor	40.01
54184	Wal-Mart- Summer Reading Supplies/ Food/Cleaner	85.63
54185	Windstream- Service for August	52.16

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received were Milford Housing Authority minutes for August 9, 2012; Milford Aging Services Commission minutes for August 28, 2012; Police Dept. activity reports for August 2012; MVFD Fire & Rescue NARSIS Report for August 2012. Kral reported 4 grass fires from MVFD. Frey thanked the community for their response to water restrictions. An average of 600,000 to 700,000 gallons per day has dropped to 500,000

gallons and the Maintenance Dept. is still monitoring draw downs. One of the wells is working so hard that the screen is starting to plug, they will keep an eye on this. Siebken reported that one of the patrol units received \$2100.00 worth of damage due to vandalism of about 2 dozen eggs. Baker met with the Aging Services Comm. and discussed the method of reporting meals and fund raising supplies. A new line item will be added to redirect the fund raising purchases. Baker has attended the Seward County Economic Development meetings and will continue to keep us up to date on the decision of the City of Seward's funding. Baker also met with Mayor Bruha regarding prospective business to use LB840 dollars.

**COMMUNICATIONS:** \*Sales tax received for the month of June 2012 in the amount of \$14,454.37. \*NPPD 2<sup>nd</sup> Qtr 2012 lease rebate received in the amount of \$44,960.67.

**PUBLIC HEARINGS:**

**Conditional Use Permit – Addition to Milford Mennonite Church @ 920 3<sup>rd</sup> Street:** Mayor Bruha opened the public hearing at 7:37 pm. Mayor Bruha proceeded to paraphrase the situation. The Milford Mennonite Church is interested in adding an addition onto the north side of their existing building but they ran into a problem which requires there to be no more than 30% coverage of the lot with structure, the rest has to be grass. They do own the property north of the church across the alley. It was discussed at the P & Z meeting and the recommendation made to the City Council was to vacate the alley, the portion that abuts the properties of the Church. This action would then split the alley and each half of the vacated alley would then go to the adjacent owners. The church would become the sole owner of the property. The City would also maintain an easement for servicing the sewer line that runs through the alley and also to allow for ingress and egress thru the alley. The Church would then have one continuous piece of ground and then meet the 30% rule and be in compliance and be able to add on their addition. With no further comments Mayor Bruha closed the public hearing at 7:41 pm.

**Conditional Use Permit – Wasserman Assoc. business @ 2341 Shepard Rd. in Grover:** Mayor Bruha opened the Public Hearing at 7:42 pm. Mayor Bruha informed the public that Mr. Wasserman would like to use the old warehouse building for assembling building products, which would then be shipped out. This would be a wholesale operation. There are provisions in the T.A. (Transitional Ag) Zoning District which requires the applicant to apply for a conditional use permit. After review by the Planning & Zoning Committee a recommendation was made to approve the Conditional Use permit. Mr. Wasserman asked that the Seward County Assessor's office be

notified of the zoning of this piece of ground. With no further questions Mayor Bruha closed the public hearing at 7:45 pm.

**UNFINISHED BUSINESS:**

**Action on proposed Archery Range:** The proposed site out by the lagoons has been looked at, but the group of archers interested in this venture have not been able to get together to discuss the option. Mr. Hershberger noted that it does offer some advantages and benefits but doesn't have the same ambiance as the South Park. Game & Parks is behind the idea of a safe shooting club. A motion was made by Fortune to allow them to use part of the ground at the Lagoon site for an Archery Range. Kral questioned the motion due to the list of concerns by our insurance underwriter. He suggested the questions should be responded to as well as notifying them of the change of location. Fortune dropped the motion. Mr. Hershberger would like to visit with our underwriter and question the difference between Milford and other communities that have archery ranges. A motion was made by Baker and seconded by Fortune to proceed with the possibility of an archery range at the City Lagoon location contingent and depending on the out-come of the insurance company and the archery group meeting all the specifications required. Roll call vote: Baker yes, Fortune yes, Heckman absent, Kral yes. Motion carried.

**Introduction and Adoption of Ordinance – Recreational Fires/Fire Pits:** Discussion was still held regarding adequate size of fire pit and also protective screening requirements. Council decided to review the International Fire Code to get specifics regarding screening. Item tabled.

**Recommend Action for delinquent WA/SW Accounts:** After discussion regarding the situation, Attorney Blevens was asked to create an ordinance allowing the maintenance dept. to disconnect water service at the time the resident moves out and if a delinquent amount remains on the account the property owner must pay the balance prior to a new tenant moving in, at which time service would be reconnected. Discussion was also held regarding increasing the deposit. Item tabled.

**Introduction and Adoption of Ordinance – Limitation of dogs & cats per household:** Bob Engel, 301 1<sup>st</sup> Street, spoke on behalf of his situation. He owns more than 3 dogs and sometimes has 5 or more at his house for breeding. He questioned if this ordinance is passed will he be required to get rid of some of his dogs. The Council discussed the following issues: smell, noise, appropriate zoning for large number of animals and kennel permits. The proposed ordinance addressed a "kennel permit" which the Council decided to eliminate. Neighbor Dave Hershberger voiced his concern regarding the smell, noise and depreciation of his property. Discussion was also held regarding grandfathering the households that currently have more

dogs/cats than will be allowed with the passing of the new ordinance. The Council decided to allow the number of dogs/cats currently in a household to remain but as animals died or left the premises no additional animals would be allowed up to the 3 animal maximum per species. Licensing of animals thru City Hall will regulate maximum numbers. Mr. Engel was cooperative with moving his dogs to a different location for breeding purposes so that he will no longer have more than 5 dogs at the house at one time. He is also willing to remove the dog feces from the yard on a daily basis to eliminate the odor as well as putting bark collars on the dogs when they go out. A motion was made by Baker and seconded by Kral to introduce the following ordinance:

#### ORDINANCE NO. 860

AN ORDINANCE TO PROHIBIT ANY PERSON OR PERSONS FROM KEEPING MORE THAN THREE DOGS, CATS, PETS OR OTHER ANIMALS OF THE SAME SPECIES UPON AN OCCUPIED PREMISES; TO PROVIDE A PENALTY FOR VIOLATION OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH, AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT. (See Ordinance Record)

**Introduction and Adoption of Ordinance – ATV/UTV use in corporate limits:** After very brief discussion the City Council decided not act on the agenda item.

#### **NEW BUSINESS:**

**Action on Conditional Use Permit – Addition to Milford Mennonite Church @ 920 3<sup>rd</sup> Street:** Attorney Blevens questioned if this issue really falls under the conditional use permit process. He noted that vacating the alley would take care of the situation. Mayor Bruha wanted to make sure there are provisions that the alley will never be physically closed, there is a sewer line and power lines running through the alley. Blevens noted that could be stated during the process of vacating the alley. This is kind of a different situation as the City will not really be closing the alley but vacating it will allow the Milford Mennonite Church to meet the guidelines required in the Comprehensive Plan regarding the 30% maximum lot coverage. Fortune asked if a variance would be a better route to take rather than giving away City property. It was questioned what keeps the Church from building over the alley once it is vacated. Bruha mentioned that's where the easement comes in, due to the sewer line and electrical lines running thru the alley. Fortune wanted to make sure that it is "rock solid" that the strip of ground never gets shut down. The Planning & Zoning have already reviewed this and Kral suggested letting them move forward with permits. A motion was made by Kral to approve the Planning and Zonings



recommendation with respect to Church property at 920 3<sup>rd</sup> Street. Blevens brought to the Council's attention that they were just asking him to prepare an ordinance to vacate the alley. The reason for conditional use permits was explained. Kral withdrew his motion. Attorney Blevens will prepare an ordinance to vacate the alley as discussed for the next meeting.

**Action on Conditional Use Permit-Wasserman Assoc. business @ 2341 Shepard Rd. in Grover:** A motion was made by Fortune and seconded by Kral to approve the conditional use permit for Leonard Wasserman to conduct his business at 2341 Shepard Rd. in Grover. Roll call vote: Fortune yes, Kral yes, Baker yes, Heckman absent. Motion carried.

**Award Sr. Center Meal Bid:** A motion was made by Baker and seconded by Kral to approve the bid of \$5.50 per meal to Sunrise Country Manor. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman absent. Motion carried. The Sr. Center will continue to charge \$4.50 per meal at the door using LAAA funding and Fundraisers to offset the difference.

**Action on Rental Agreements: Fire Hall, Webermeier Bldg., Sr. Center:** Council member Kral asked to table this item until next month.

**Railroad Safety District:** Council member Baker informed the group that the County may be considering creating a R.R. Safety District in which taxes could be collected to help pay for improvements such as wayside horns or silent crossings. The City of Milford may be approached regarding their interest.

Mayor Bruha relinquished his position at 9:27 and Council member Jeff Baker conducted this portion of the meeting.

**Side/Rear Yard Setback Encroachments:** Discussion was held regarding: opening up side yards; trees, bushes and gardens growing onto neighbor's property or in the right-of-way; who is allowed to trim vegetation that hangs onto neighboring property. Fortune - "doesn't the setback area belong to the owner?" Blevens noted section 8-104 of the Municipal Code Book regarding encroachment of the City right-of-way. This section just needs to be enforced. Planning & Zoning may need to deal with this issue. No action taken by the Council.

**Aggressive/Invasive Grasses-Residential Zones:** Bruha noted there are certain types of grasses that can invade a neighbor's yard. Buffalo grass and zoysia grass was mentioned. He questioned how to keep these types of grasses from coming into neighboring yards. Information was shared by Charlie Pierce and John Orrell regarding pros of planting buffalo grass and research regarding other types of grass that are more evasive than buffalo grass. Blevens noted this is more of a public nuisance. Fortune stated there is nothing the Council can do about this this issue may also need to go to the P & Z.

**Public Right-of-Way Landscaping:** Bruha mentioned that there are numerous homes with flowers, rocks, bushes, wood chips, benches etc... in the city right-of-way and the City needs to address this. He suggested leaving all of the area in grass. When residents want to plant trees in the right-of-way they need to talk to the City about what type of tree can be planted. Mr. Orrell presented many photos of properties around town displaying all types of objects in the right-of-ways. He mentioned fire hydrants and his concern that the area around them should be kept clear. It was the Council's consensus that all 3 items are property owner issues and they are not willing to take a position on any of them.

Mayor Bruha returned to the front table and resumed his mayoral position.

**Appointment of Deputy Clerk, Tracy Yeackley:** Tracy has completed her 4 years of clerk schooling and Clerk Hoggins is recommending the Council appoint her as Deputy Clerk. A motion was made by Kral and seconded by Fortune to appoint Tracy Yeackley as Deputy Clerk. Roll call vote: Kral yes, Fortune yes, Baker yes, Heckman absent. 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 absent. Motion carried and meeting adjourned at 10:17 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 September 4, 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