

CITY OF MILFORD  
REGULAR MEETING  
MARCH 5, 2019  
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Sr. Center Building in said City on the 5<sup>th</sup> day of March 2019 at 7:00 pm. Present were: Mayor Patrick Kelley; Council members: Scott Bashore, Tony DeLong, Jason Stahl; Attorney Justin Sheldon; Chief of Police Forrest Siebken; Maintenance Supt. Gary TeSelle and City Clerk Jeanne Hoggins. Absent: Council member Kelly Hesper. Also present: Nolan & Carl Eickhoff, Craig Vincent with NPPD, Kevin & Kelli Keib, T.J. Buchli, Marian Eicher and Emily Hemphill 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 Kelley called the meeting to order at 7:00 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 at the Sr. Center.

**MINUTES:** A motion was made by Bashore and seconded by Stahl to approve the minutes of the February 5, 2019 meeting. Roll call vote: Bashore yes, Stahl yes, DeLong yes, Hesper absent. Motion carried.

A motion was made by Stahl and seconded by Bashore to approve the minutes of the February 26, 2019 meeting. Roll call vote: Stahl yes, Bashore yes, DeLong yes, Hesper absent. Motion carried.

**PAYMENT OF BILLS:** A motion was made by DeLong and seconded by Bashore that the following accounts payable bills in the amount of \$122,641.10; payroll in the amount of \$39,058.65; totaling \$161,699.75 approved by the Auditing Committee be approved for payment. Roll call vote: DeLong yes, Bashore yes, Hesper absent, Stahl yes. Motion carried.

**SALARIES:**

66348	Mark Frey	184.70
66349	Forrest Siebken	1518.62
66350	Joseph Yocum	1385.10

66351	Kendall Hoggins	1390.57
66352	Mavis Ferris	112.34
66353	Jeanne Hoggins	1330.76
66354	Gary TeSelle	1061.07
66355	George Matzen	865.20
66356	Erica Pallas	918.97
66357	Craig Carritt	16.95
66358	Jessica Wang	149.15
66359	Jon Wiedemeyer	177.39
66360	Travis Fougeron	1148.23
66361	Amy Salistean	852.21
66362	Cathleen Fosler	385.73
66363	Ardella Huber	682.10
66364	Denver Trojan	1190.52
66365	Owen Eickhoff	143.65
66372	Scott Bashore	138.52
66373	Patrick Kelley	184.70
66374	Waylon DeLong	138.52
66375	Kelly Heser	138.52
66376	Jason Stahl	138.52
66377	Mark Frey	57.71
66378	Forrest Siebken	1518.62
66379	Joseph Yocum	1261.16
66380	Kendall Hoggins	1635.75
66381	Mavis Ferris	91.14
66382	Jeanne Hoggins	1330.76
66383	Gary TeSelle	1061.07
66384	George Matzen	865.20
66385	Erica Pallas	920.61
66386	Craig Carritt	8.48
66387	Jessica Wang	105.28
66388	Jon Wiedemeyer	177.39
66389	Travis Fougeron	1130.95
66390	Amy Salistean	914.26
66391	Cathleen Fosler	365.95
66392	Ardella Huber	859.77
66393	Denver Trojan	1266.32
66394	James Palensky	1308.42
66395	Owen Eickhoff	143.65

## GENERAL FUND:

66304	DHHS-DRINKING WATER DIVISION	WELL APP FINAL PMT.	500.15
66305	U.S. POSTMASTER	U.B. POSTAGE	343.00
66306	AMERITAS LIFE INSURANCE CORP.	Policy 010-045924-00001	735.28
66307	ARAMARK (AUCA CHICAGO LOCKBOX)	Pants & Rags	443.04
66308	ASHLEY CAMERON	Web Maintenance Retainer	360.00
66309	AWARDS PLUS	Palensky shirt	20.00
66310	BARCO MUNICIPAL PRODUCTS, INC.	Dump Strobe	156.50
66311	BLACK HILLS ENERGY	service 1-7-19 to 2-5-19	1,362.80
66312	BROADVIEW NETWORKS	2-2-19 to 3-1-19 phone serv.	254.49
66313	UNIVERSAL PREMIUM	Fuel	472.52
66314	CASH-WA DISTRIBUTING	6 1# of Bacon Bits	64.45
66315	CULLIGAN WATER CONDITIONING	Bottled Water & Rental	48.25
66316	D.J. GONGOL & ASSOCIATES, INC	ww Lift Repair	134.72
66317	DAS STATE ACCTG-CENTRAL FINANC	Jan. 2019 SRS Fee	93.00
66318	EAKES OFFICE SOLUTIONS	Office Supplies	86.95
66319	FARMERS COOPERATIVE	Fuel	1,190.77
66320	JOHN DEERE FINANCIAL	Gator Repair	1,321.49
66321	LINCOLN WINWATER WORKS	4 3/4 couplings	64.67
66322	MARVIN E JEWELL & CO	9-30-18 Yr. End Audit Service	13,460.00
66323	MATHESON TRI-GAS, INC	Oxygen, Comp. Gas, C-Air	139.50
66324	MEMORIAL HEALTH CARE SYSTEMS	Pulmonary Function/Palensky	265.00
66325	MIDWEST AUTO PARTS	Maintenance Supplies	267.24
66326	MIDWEST SERVICE & SALES CO.	Truck Chains	926.00
66327	MILFORD VALU RITE PHARMACY	Batteries, Glucose & Aspirin	43.57
66328	MUNICIPAL SUPPLY, INC.	Repair Supplies	869.71
66329	NE DEPT OF HEALTH & HUMAN	Permit Renewal	80.00
66330	NE RURAL WATER ASSOCIATION	Membership Renewal	225.00
66331	NEBRASKA PUBLIC POWER DISTRICT	12-22 to 1-24-19 Meter Read	5,533.30
66332	NORRIS PUBLIC POWER DIST	Wells 1 & 2	436.66
66333	ONE CALL CONCEPTS	Locator Fee	23.05
66334	PIZZA KITCHEN	January Birthday Meals	127.50
66335	RR DONNELLEY	Citation Books	59.95
66336	SCC SMALL ENGINE	Snow Blower Repair	53.80
66337	SEWARD COUNTY INDEPENDENT	Publications	562.76
66338	SEWARD COUNTY TREASURER	2nd pay. Radio Equipment	2,528.20
66339	SUNRISE COUNTRY MANOR	Jan. 2019 Meals	624.75
66340	TOOFAST SUPPLY	Drill Repair	109.61
66341	TROYER CONCRETE	Insulated Blankets	200.00
66342	UNION BANK & TRUST COMPANY	Health Sav. Acct. Fee	14.00
66343	VERIZON WIRELESS	12-29-18 to 1-28-19 Phone	170.34
66344	VERIZON WIRELESS-P	12-29-18 to 1-28-19 phone	122.76
66345	WALMART COMMUNITY BRC	Groceries	388.37
66346	WOLFE SNOWDEN	Legal Services	1,229.00
66347	WRECKONCILED	Deductible Repair Unit 3	500.00
66366	RETIREMENT PLANS DIVISION	PENSION-133011	1,566.32

2085141	IRS-FEDERAL WITHHOLDINGS	FED/FICA TAX	4,052.99
2085142	NE DEPT OF REVENUE	STATE TAX	574.98
66367	UNION BANK	HSA	746.15
66368	AFLAC	SUPPLEMENT INSURANCE	408.20
66369	BLUE CROSS & BLUE SHIELD	HEALTH INS. MAR. 2019	8,715.10
66370	DEARBORN NATIONAL LIFE INS CO	LIFE INSURANCE	116.96
66371	VERIZON WIRELESS	WELL CONTROL MONITOR	75.13
2085143	IRS-FEDERAL WITHHOLDINGS	FED/FICA TAX	122.44
66396	RETIREMENT PLANS DIVISION	PENSION-133011	1,566.32
2085144	IRS-FEDERAL WITHHOLDINGS	FED/FICA TAX	4,401.57
2085145	NE DEPT OF REVENUE	STATE TAX	632.14
66397	UNION BANK	HSA	746.15
66398	ADVANCED GRAPHIX INC	4 CITY MILFORD DECALS	166.00
66399	BAKER & TAYLOR	4 INVOICES LIBRARY BOOKS	547.69
		BALL REGISTRATION	
66400	BEN REDIGER	REFUNDED	96.00
66401	BLACK HILLS ENERGY	1-7-19 TO 2-5-19 SERVICE	227.99
66402	BLUESTEM NETWORK	1ST OF 5 ANNUAL PAYMENTS	10,000.00
66403	BRUCE STUTZMAN	REIMB. CO-ED VOLLEYBAALL	1,100.00
66404	BSN SPORTS INC	2019 SUMMER BALL SUPPLIES	1,134.31
66405	CANON FINANCIAL SERVICES	MONTHLY CONTRACT CHARGE	330.00
66406	CARD SERVICE CENTER	TREATMENT PUMP & PARTS	2,288.86
66407	CARLSON WEST POVONDRA	AUG. 2018 ARCHIT. SERVICES	28,000.00
66408	CASH-WA DISTRIBUTING	SUPPLIES	170.98
66409	CHANTEL DAVENPORT	REFUND-SHIRT/VISOR INCL	28.00
66410	COMPANY CARE	EICKHOFF DRUG TESTING	78.00
		RENTAL/DELIVERED WATER	
66411	CULLIGAN WATER CONDITIONING	FILTER	222.15
66412	DANKO EMERGENCY EQUIPMENT	4 PR. GLOVES	261.52
66413	DELL MARKETING L.P.	COMPUTER SERVER PKG.	2,231.26
66414	DENVER TROJAN	REIM. WATER OPER. MEALS	51.24
66415	EAKES OFFICE SOLUTIONS	PRINTER CARTRIDGES	281.96
66416	ERIC RILEY ELECTRIC	POWER TREATMENT UPDATE	594.80
66417	FRANKLIN HRONIK	FEB. BIRTH. ENTERTAINMENT	100.00
66418	GERHOLD CONCRETE COMPANY, INC.	8.89 TON SAND @ 18.90/TON	168.02
		NEW WELL IMPROV./WATER	
66419	JEO CONSULTING GROUP, INC.	MAIN	12,849.00
66420	MIDWEST SERVICE & SALES CO.	BLOW BLADES	470.20
		FURNNACE REPAIR OLD CITY	
66421	MILFORD A/C & APPLIANCE, INC.	HALL	624.41
66422	MILFORD FIRE & RESCUE	EMT CODE BKS/EMT BKS.	549.33
66423	MILFORD SCHOOL DIST. #5	PARKING TICKET FINES	45.00
		2 REG. 4-2/3/19 WASTEWATER	
66424	NE RURAL WATER ASSOCIATION	CON	511.65
66425	NEBRASKA PUBLIC HEALTH	WATER TESTS	78.00
66426	NEBRASKA PUBLIC POWER DISTRICT	12-24-18 TO 1-24-19 SERVICE	212.97
66427	CARD SERVICES	WASHER PARTS	34.97

66428	PAC-N-SAVE MILFORD	FOOD FOR MEALS	268.04
66429	PENWORTHY	LIBRARY BOOKS	120.00
		2019 MEMBERSHIP DUES-	
66430	POLICE CHIEFS ASSOC OF NE	YOCUM/PAL	30.00
66431	POTTER REPAIR, INC.	FUEL TREATMENT	164.97
66432	SCC BUSINESS OFFICE, ROOM D2	EMT II CLASS-ANDREW YODER	531.50
		WATER EXTRACT/RENTAL AIR	
66433	SERVICE MASTER OF LANC. CO.	MOVER	5,478.85
		1 YR. SUB. MILFORD	
66434	SEWARD COUNTY INDEPENDENT	NEWSPAPER	28.00
66435	SEWARD LUMBER	TUBE LIGHT BULBS	89.91
66436	SHARON BENDER	PARTY SUPPLIES	64.12
		REIMB.MEALS/FUEL/NORFOLK	
66437	TRAVIS FOUGERON	MTG	105.14
		RENEWAL 1ST CL. PRESORT	
66438	UNITED STATES POSTMASTER	STAMP	235.00
66439	GARY TESELLE	ACCT.5562939-GARY TESELLE	458.80
66440	WALMART COMMUNITY BRC	GROCERIES	498.35
66441	WINDSTREAM NEBRASKA INC	2-10-19 TO 3-9-19	561.63
	PAYROLL CHECKS ON 2/18/2019		13,513.26
	PAYROLL CHECKS ON 3/01/2019		738.78
	PAYROLL CHECKS ON 3/04/2019		15,022.49
	**** PAID TOTAL ****		161,699.75
	***** REPORT TOTAL *****		161,699.75

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received: Pool Board minutes from February 27, 2019; Police Preliminary Activity Report for February 2019; Library monthly report for February and community needs assessment survey. DeLong – working with Gary on the street projects. Dave Henke with JEO would like to wait for warmer weather to proceed. Due to the weather we've had much higher street expenses than past years. To-date we have spent \$26,610.00. The budget line items do not reflect a separate line for snow removal and this is something we may want to consider next year. Bashore – Library report was submitted. George shared it is time to become accredited. The attached community survey will be sent to the community with water bills. The State of NE sent a letter of final approval on the new well. Gary mentioned he has been dealing with a few leaks but everything is o.k. Stahl – Pool Board held interviews. He and Chief interviewed a few candidates, no recommendation at this time. Sr. Center has issues with the building, mainly the elevator. Discussion will need to take place regarding a remedy. Kelley attended a Wellscapes meeting. Chief of Police –Palensky is back to work and Chief is impressed with him thus far, he is doing a great job. He has other applications that he will be looking into. Bashore reported 12 Rescue calls; 10 in Milford and 2 Mutual Aid. TeSelle wanted to thank the community for

an excellent job of moving vehicles and not throwing snow back into the streets. Cars were moved in a very timely manner.

**COMMUNICATIONS:** \*Sales tax received for the month of December 2018 in the amount of \$18,185.45. \*NPPD lease rebate payment for the 4<sup>th</sup> quarter of 2018 received in the amount of \$42,900.47. \*NPPD lease rebate payment for the month of January 2019 received in the amount of \$18,211.26. \*Annual franchise fee from Zito Media in the amount of \$2,765.91. \*Final approval from the State of NE on the new well. \*Thank you from Farmers & Merchants Bank and staff for doing business. \*Thank you from Janalee & Fred Petsch for a job well done regarding snow removal. \* Letter from Marian Eicher regarding efforts to clean-up the community.

### **NEW BUSINESS:**

**Consider termination of attorney services from Wolfe, Snowden:** Mayor Kelley received an email from Erin Pemberton with Wolfe Snowden regarding discussion of attorney services. Mayor Kelley researched attorneys and rates of other communities ex: Seward, Geneva and Hickman; prior to scheduling the conversation with Erin. The phone conference with Erin Pemberton included Barry and Justin Sheldon from Wolfe Snowden as well as Mayor Kelley, Councilmembers Bashore, DeLong and Clerk Hoggins. After a review of the monthly statements with Wolfe Snowden it was brought to our attention their services have been well over the contracted amount of 6 hours or \$1200.00 per month. Their proposal was to do away with the \$225.00 rate for special overages and bill a straight \$200.00 per hour for services. One of Mayor Kelley's concerns, this is nothing personal to do with Justin he is a terrific young gentleman, he is fairly new to law and doesn't possess enough skill set in his young career to have a vast majority of municipal law. Looking at a firm like Rembolt/Ludtke they possess over 45 years combined and specialize in municipal law. For those reasons Mayor Kelley encouraged the Council to move forward with terminating the agreement with Wolfe Snowden. DeLong stated Justin has done a great job for us. A lot of the discussion was around what's best for Milford. The number of attorneys with that experience seems like a vast pool of knowledge for the things we are concerned with. Bashore noted it boils down to Rembolt/Ludtke having 24 attorneys that all specialize in municipal law. They will assign one or two to the City of Milford but all work together. They have a TIF attorney in house and lawyers that specialize in a whole gamete of things. The price they want to charge is the same as what Wolfe Snowden was proposing. A motion was made by Bashore and seconded by DeLong to terminate services with Wolfe Snowden effective at 11:59 pm on March 5, 2019. Roll call vote: Bashore

yes, DeLong yes, Hesel absent, Stahl yes. Motion carried. Mayor Kelley thanked Attorney Sheldon for his services.

**Consider the engagement letter for attorney services with Rembolt/Ludtke:** Bashore mentioned the conversation with David Borgen and the cities he represents. Mark Fahleson would be the attorney assigned to Milford under David Borgen. The rate of \$200.00 per hour is where they would start and after 6 months they would review the rate schedule. Mayor Kelley shared they have 20 plus attorneys that specialize in municipal law. Dave Borgen has a public administration background and degree specializing in LB840 and all the things we encounter here at the City. Mayor Kelley read the engagement letter from Rembolt/Ludtke. A motion was made by Bashore and seconded by Stahl to authorize Mayor Kelley to sign the engagement letter and move forward with hiring Rembolt/Ludtke representing the City of Milford as city attorney. Roll call vote: Bashore yes, Stahl yes, DeLong yes, Hesel absent. Motion carried.

**Discuss/Action – Authorize Mayor’s Signature on Contracts with Tru-Built Construction:** A motion was made by Bashore and seconded by DeLong to authorize the Mayor to sign the Street Improvement and Police Garage contracts with Tru-Built Construction. Roll call vote: Bashore yes, DeLong yes, Hesel absent, Stahl yes. Motion carried.

**Discuss/Action – Eagle Scout Flag Project, Nolan Eickhoff:** Nolan presented a packet with ballot results. Nolan stated in July the City Council approved the proposal for the adoption of a city flag. The results of the top 3 flags were presented and 5B was the overall first place choice. Nolan asked the Council for an adoption of one of the top three. Mayor Kelley shared the fact that our third flag pole had to be cut from the plans of the new municipal building. How to display the flag is an issue. DeLong reiterated the limited pole space and questioned anyone wanting to create a flag to be displayed by the City. He suggested honoring Nolan on a specific day with a proclamation recognizing him for his hard work and efforts on this project. Nolan presented 5 different companies, in his packet, where the flag could be purchased and its cost. Stahl wanted clarification since he wasn’t present for much of the discussion. Did this originally start as adopting a Milford flag? Mayor Kelley mentioned it was part of Nolan’s proposal to design the flag and bring it back to the city council in hopes to be adopted.

Stahl, “as the City flag?” It comes down to honoring the cities vote or the peoples vote on this. The intention was for it to become a city flag and it was voted on 3 times. The citizens felt this was going to be a city flag. Nolan stated, that is how it has been advertised. A motion was made by Stahl and seconded by Bashore to go with the overall first place 59 vote flag and make it the official City of Milford flag and honor the wishes of the

citizens of Milford. Roll call vote: Stahl yes, Bashore yes, DeLong yes, Heser absent. Motion carried.

**What's Happening at NPPD, Craig Vincent:** NPPD Account Manager with Customer Relations Craig Vincent updated the City Council with an overview of what is happening at NPPD. The presentation is attached to these minutes. There was discussion held as the ownership of utility poles within the community and the current condition of some of the Windstream poles. After the overview Craig presented the City Council with a wall clock as a token of their appreciation for renewing the Pro Agreement with NPPD for another 25 years.

**Discuss/Action – Hire Pool Employees and set wages:** The Pool Board met February 27<sup>th</sup> and interviewed all applicants. Applications of 7 returning lifeguards and 6 new were interviewed. Stahl noted we still need additional guards and Management position filled. We will open up the application process again until March 22<sup>nd</sup> and additional interviews will be held on March 27<sup>th</sup>. With the recommendation of the Pool Board, Stahl made a motion seconded by Bashore to accept all 13 applicants and wages as presented for the 2019 season. Chloe Kolb-\$9.65; Naudia Larsen, Shelby Gropp, Tatum Vondra, Emma Stutzman, Mavis Hansen, Jessica Hollist - \$9.25; Callie Carraher, Konner Schluckebier, Seth Stutzman, Taylor Stelling, Cole Toovey and Nevaeh Stauffer - \$9.00, pending lifeguard certification. Roll call vote: Stahl yes, Bashore yes, DeLong yes, Heser absent. Motion carried.

**Introduction and Adoption of Ordinance – Amend Section 6-238:** Councilmember Stahl introduced the following ordinance:

ORDINANCE NO. 938

AN ORDINANCE OF THE CITY OF MILFORD, NEBRASKA TO AMEND THE ORDINANCE PERTAINING TO ABANDONED AUTOMOBILES TO PROVIDE ADDITIONAL AUTHORITY TO LAW ENFORCEMENT TO REMOVE VEHICLES FROM PRIVATE PROPERTY. (See Ordinance Record)

**Appointment:** A motion was made by Bashore and seconded by DeLong to approve the Mayor's recommendation to appoint Jeff Baker as the Program Administrator for the Citizens Advisory Review Committee. Roll call vote: Bashore yes, DeLong yes, Heser absent, Stahl yes. Motion carried. Jeff has agreed to fulfill this position at no cost to the city pending its time commitment.

**Authorize Mayor's signature to execute project agreement with the State of NE, Game & Parks Commission:** T.J. Buchli informed the Council that the Archery Range project was awarded on December 1, 2018. He has many people interested in helping and they will get started as soon as



the weather cooperates. A motion was made by DeLong and seconded by Stahl to authorize the Mayor's signature and execute the project agreement with the State of NE, Game & Parks Commission for the Archery Range. Roll call vote: DeLong yes, Stahl yes, Bashore yes, Heser absent. Motion carried.

**Discuss/Action – Consider Erica Pallas as independent contractor for Recreation purposes and determine wage:** Erica has terminated her position with the City of Milford as of 2/26/19. With ball season upon us she has offered to follow thru with the organization of baseball, softball and spring soccer. Discussion was held regarding treating Erica as an independent contractor until these responsibilities are met. She should have everything completed by the end of March. A motion was made by DeLong and seconded by Bashore to authorize Erica Pallas as an independent contractor at \$12.50 per hour, requesting she submit dates, time and description of duties for payment. Roll call vote: DeLong yes, Bashore yes, Heser absent, Stahl yes. Motion carried.

**ADJOURNMENT:** A motion was made by Stahl and seconded by Bashore to adjourn the meeting. Roll call vote: Stahl yes, Bashore yes, DeLong yes, Heser absent. Motion carried and meeting adjourned at 8:53 pm.

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Jeanne Hoggins, City Clerk

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Patrick L. Kelley, 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 5, 2019 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