CITY OF MILFORD REGULAR MEETING MAY 7, 2002 MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Webermeier Community Room in said City on the 7th day of May 2002 at 7:30 P.M. Present were: Mayor J. Elaine Plessel; Council members Gary Cooper, Rick Fortune, Lyle Neal; Attorney Robert Blevens; Chief of Police Forrest Siebken; City Clerk Jeanne Hoggins. Absent Scott Burroughs. Also present: Jeff Dale and Terri Dolezal with Alltel, Jerry & Sharon Penry, James Triolo, Mark Knorr, Curtis Rathjen, Fritz Vernon, Chad & Cindy Lawrenz, Jerod & Kim Stauffer, Dean Bruha, Roger Wittrock, Troy Martin, Holly Johnson and Ben Day with Olsson Associates and Jack Zimmerman.

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 this 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 the 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 Plessel called the meeting to order at 7:30 pm.

MINUTES: A motion was made by Neal and seconded by Fortune to approve the minutes of the April 2, 2002 meeting. Roll call vote: Neal yes, Fortune yes, Burroughs absent, Cooper yes. Motion carried.

A motion was made by Fortune and seconded by Cooper to approve the minutes of the April 23, 2002 meeting. Roll call vote: Fortune yes, Cooper yes, Burroughs absent, Neal yes. Motion carried.

PAYMENT OF BILLS: A motion was made by Neal and seconded by Cooper that the following bills in the amount of \$51,618.06, bond interest in the amount of \$4,162.50 totaling \$55,780.56 approved by the Auditing Committee be approved for payment. Roll call vote: Neal yes, Cooper yes, Burroughs absent, Fortune yes. Motion carried.

SALARIES:

34735	Mark Frey	1069.36
34736	Forrest K. Siebken	1013.76
34737	Mavis Lynn Ferris	24.98
34738	Jeanne M. Hoggins	903.32

24720	Comy I as Tagalla	690.67
34739	Gary Lee TeSelle Scott Dean Fosler	680.67 894.00
34740		
34741	Robert L. Hull	655.56
34742	Beverly J. Wehrs Edna A. Riedl	366.83
34743		169.02
34744	David R. Dahle	758.11
34745	Louis J. Bialas	801.69
34746	Pamela J. Slama	270.70
34747	Arlene F. Sieck	530.71
34748	Lucy B. Honig	289.57
34749	Zachary D. Eden	155.42
34750	Bryce C. Johnson	667.45
34751	Philip Winkelmann	691.88
34804	Mark Frey	1069.36
34805	Forrest K. Siebken	1013.76
34806	Mavis Lynn Ferris	22.49
34807	Jeanne M. Hoggins	903.32
34808	Gary Lee TeSelle	636.91
34809	Scott Dean Fosler	845.97
34810	Robert L. Hull	684.81
34811	Beverly J. Wehrs	416.63
34812	Edna A. Riedl	290.34
34813	David R. Dahle	758.11
34814	Louis J. Bialas	788.77
34815	Pamela J. Slama	237.96
34816	Arlene F. Sieck	530.71
34817	Lucy B. Honig	240.54
34818	Zachary D. Eden	129.70
34819	Bryce C. Johnson	667.45
34820	Philip Winkelmann	667.45
34823	Gary W. Cooper	138.53
34824	Roger L. Kness	123.14
34825	Joyce Elaine Plessel	184.70
34826	Ricky Gene Fortune	138.53
34827	Scott C. Burroughs	138.53
34828	Emerson L. Neal	138.53
34829	Mark Frey	1069.36
34830	Forrest K. Siebken	1923.67
34831	Mavis Lynn Ferris	26.23
34832	Jeanne M. Hoggins	903.32
34833	Gary Lee TeSelle	617.45

24024		010.00
34834	Scott Dean Fosler	910.02
34835	Robert L. Hull	677.51
34836	Beverly J. Wehrs	418.42
34837	Edna A. Riedl	343.71
34838	David R. Dahle	78.11
34839	Louis J. Bialas	724.23
34840	Pamela J. Slama	267.42
34841	Arlene F. Sieck	530.71
34842	Lucy B. Honig	295.65
34843	Zachary D. Eden	167.02
34844	Bryce C. Johnson	716.30
34845	Philip Winkelmann	716.30
GENERAL 24754		1.50.00
34754	AFLAC – Acc, Cancer, Disabil Supp'l	152.90
34755	A Better Glass Co – 5 Windows	255.56
34756	Alltel – Pay Phone, Internet, Cellular, Paging / Marc	
34757	Alltel – Long Distance for March	2.54
34758	Baton Rouge Police Supplies – Streamlight 20X Lar	_
34759	Buman's Mechanical-Water Pmp, Tires, Pads, Labo	
34760	Butchs Welding – Angle, Pipes, Flats, Nuts, Labor	184.77
34761	City of Milford – Office Supplies, Postage, Batt End	
34762	Chief Supply Corp – Supplies	98.91
34763	Culligan Water Conditioning – Soft Water & Salt	48.50
34764	Dorchester Coop – Gas/Diesel-Mar, LP, Kerosene	1236.35
34765	Data Technologies – Update Windows, Training	1722.73
34766	Eakes Office Plus – Ribbons, Ink, Tape, Paper	129.92
34767	The Garbage Company – Service for March	87.00
34768	Gene's Electric – Lamp, Wk on Generator, Breakers	
34769	Great Plains-One Call – Locate, Request, Surcharge	
34770	Hershberger & Troyer – General Liability Ins Add'l	
34771	Lucy Honig – CASTL Mtg in Wilber	28.25
34772	Mem Health Care Systems–Physicals, 3 CPR Classe	
34773	Sport Supply Group – Bats, Knee Savers, 1 st Aid Kit	
34774	Menard's – Angle Flashing	23.88
34775	Milford A/C & Appl – Materials & Labor	969.82
34776	The Milford Times – Mtg Notice, Minutes, Ad, Sub	
34777	NE Dept of Revenue – Sales Tax for March	1440.19
34778	NE Motor Parts – Oil & Air Filters, Teflon, Eng Blu	
34779	NE Public Power District – Service for March	4176.46
34780	NE Tech & Telecomm Inc – Service for March	473.44
34781	Auqila – Service for March	780.17

34782	Pizza Kitchen – 35 Dinners on March 21	122.50
34783	Rediger Chevrolet – Delco Battery, 2001 Service	126.95
34784	Roxanne Roth–Clean City Offices, Fire Hall, Librar	
34785	Mrs Wayne Roth – 2 Birthday Cakes	28.00
34786	Sack Lumber Company – 10 Bags Concrete	
34787	Schlegel's Groceries – Groceries, Film Processing	
34788	Sam's Club – Paper Towels	38.29 44.97
34789	Seward Co Rural Pub Power Dist – Wells 4 & 5	
34790	Arlene Sieck – Mileage to Keps	13.64
34791	Sioux Sales Co – Practice Ammo, BDU Trousers	297.96
34792	Sunrise Country Manor – 320 Meals for March	960.00
34793	Tvrdy's Lock & Key – Re-Key Senior Center	80.00
34794	Don Yeackley – Reimburse 11 Meals	256.54
34795	Travis Yeackley – Reimburse Meals	15.93
34796	CJ'S Paintball Adventures – 2 Pr BDU Trousers	61.98
34797	Central Public Safety – NTI Templates	29.93
34798	Eileen Gahan – Water & Sewer Deposit Refund	21.27
34799	Daniel Kiichler – Water & Sewer Deposit Refund	28.11
34800	Henry Mussman – Water & Sewer Deposit Refund	23.87
34801	Josh Nold – Water & Sewer Deposit Refund	18.94
34802	Thunderstone – Welcome Sign	1600.00
34803	United Healthcare of the Midlands – Group Health	5594.59
34821	Ameritas Life Insurance Corp – Retirement	1238.49
34822	Olsson Associates–Svc/Water Tower, System Srvy	8826.75
34846	Ameritas Life Insurance Corp – Retirement	1238.49
34847	American Legion Emblem Sales-Summer Reading	26.00
34848	Alltel – Direct Advertising, Paging/Wide Area, Loc	al 47.02
34849	ATCO International – Formula 411	547.50
34850	Blevens Law Office – Legal Services for April	350.00
34851	Centaur Enterprises, Inc – Masking Tape, 8 pc Punc	sh 59.21
34852	Century Labs-Paint Thinner, Tissue, Z-Ox, Vulkem	2338.27
34853	City of Milford – Petty Cash	30.00
34854	Country Extra – 2 Year Subscription	21.96
34855	Doubleday Book Club – 2 Books	30.76
34856	Don's Pioneer Uniform – Shirts, Tags, Holders, Pan	ts 331.45
34857	EDM Equip Co – 2 Gutter Brooms	168.00
34858	Emergency Medical Products – Supplies	346.89
34859	Farmers & Merchants Agency – Recycling Trailer I	ns 91.00
34860	Gene's Electric – Conduit, Building Wire, Labor	485.25
34861	Gerhold Concrete Co – Kiwanis Sign Project	221.88
34862	Heartsong Presents – 4 Books	9.97

34863	I-80 Pony League – 2002 League Fee	25.00	
34864	Ingram Library Services – 38 Books	270.50	
34865	Industrial Chem Labs & Svcs – Root Begone	458.91	
34866	Legend Valley Products – Expandable Blades, Chuc		
34867	The Library Store – Office Supplies	59.60	
34868	Lincoln Scheels – Shotgun Ammunition	31.94	
34869	Marchall Cavendish Corp – 1 Book "Afghanistan"	26.45	
34870	Milford School Dist #5 – Liq Lic, Fines for April	540.00	
34871	Milford Vol Fire Dept – Hose Reel, Truck Tarp	110.87	
34872	Municipal Supply – Wrench, Coupling	663.33	
34873	Mutual of Omaha Companies – Disability	69.23	
34874	National Geographic Society – "Historic Trails"	15.90	
34875	Nebraska Health Labs – Coliform Tests	30.00	
34876	Newman Traffic Signs – 4 Signs	58.32	
34877	OG – 1 Year Subscription	24.96	
34878	Olsson Associates – Construction Services	1375.00	
34879	Omaha Life Insurance Company – Life Insurance	73.10	
34880	Organic Nutrient Solutions – Compost, Lawn Appl	630.00	
34881	Oxmoor House – 1 Book	29.91	
34882	Quartermaster – Carrier for Vest	57.90	
34883	Quill Corporation – Office Supplies	331.92	
34884	Redbook – 2 Year Subscription	28.00	
34885	Regent Book Co Inc – "American Revolution"	20.55	
34886	Edna Riedl – CASTL Mtg in Tecumseh	45.57	
34887	Roxanne Roth – Clean City Offices, Library, Fire H	al1300.00	
34888	SLS League – 10's, 12's, 14's, 16's, 18's Fees 2002	800.00	
34889	Share Corp – Clingtype Bowl Cleaner	182.58	
34890	Sioux Sales Company – Ammo, 4 Holsters	556.76	
34891	St Paul Stamp Works – Golf Cart Stickers	74.48	
34892	Robert Smejkal – Lt Trk Owner Manual	29.90	
34893	Southeast Library Systems-Master Training Naviga	tor 10.00	
34894	Wayne Stohlmann – Wind Speed Indicator	90.80	
34895	Union Bank – Gary TeSelle Account	300.00	
34896	Uniservice Inc – Pants & Rags	105.94	
34897	Utility Equipment Co – Meters	1175.17	
34898	Wal Mart – Fabric, Office Supplies, Spray Paint	64.06	
34899	Kevin Uthmann – Water & Sewer Deposit Refund	17.63	
34900	Craig Wolf – Water & Sewer Deposit Refund	15.54	
REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written			
-	eived were Housing Authority minutes for February		
March 11, 2002 and April 10, 2002; Planning & Zoning minutes for April			

11, 2002; Library Board minutes for March 21, 2002; Police Dept. Activity Report for April 2002; Recreation Board minutes for February 13, 2002. Cooper - "A" Street Drainage Improvement Project is complete. The seeding has been completed and after our last rain it appears that everything is working. There is a problem with the discharge tube that runs under the railroad. Mark Frey has been in contact with Ron Velder of Dorchester Coop to determine who has dumped concrete over the side of the embankment and caused a blockage at the tube opening. Cooper also informed the Council that bid letting will occur for a concrete approach in the alley between the Dairy Queen and Robert Anderson's. (Between 5th & 6th St. and "C" & "D" St.) Neal – Library has been awarded the LCS Grant for \$2300.00, which will allow them to purchase another computer for the internet. They have also been assured from the State that they will be allowed to purchase 2 new computers from the grant made available thru the Bill Gates Foundation which will also be used for the internet. This will allow the Library 5 computers for internet access. Alltel has just put DSL in the City of Milford and the Library will be able to access it for high-speed internet use. Siebken – Total calls for the month of April, 722. The Agency Board is still pursuing a UHF Communication System. Grant in the amount of \$1,000.00 received from the NE Crime Commission for purchasing Audio Visual Equipment.

COMMUNICATIONS: Sales tax received for the month of February 2002 was \$9,405.08. Utili Corp United (Aquila) Franchise payment received in the amount of \$12,818.75. City received \$453.64 from the auction of surplus items. Casey's General Store withdrew their request for a Class "D" Liquor License. Galaxy Cablevision will be increasing their basic service rate \$1.00 effective June 1, 2002.

NEW BUSINESS: Parade Route – Independence Day: The Chamber of Commerce would like to block off the streets surrounding the Uptown City Park on July 3, 2002 from 7:00 to 7:30 pm for the Independence Day Parade. A motion was made by Neal and seconded by Fortune to accept the request from the Chamber of Commerce. Roll call vote: Neal yes, Fortune yes, Burroughs absent, Cooper yes. Motion carried.

Flood Mitigation Study: A motion was made by Fortune and seconded by Cooper to accept the Flood Mitigation Study as presented by Kirkham Michael with no changes. Roll call vote: Fortune yes, Cooper yes, Burroughs absent, Neal yes. Motion carried.

Alltel, Antenna for wireless communications – Jeff Dale: Alltel would like to improve their wireless coverage and is asking to place an antenna system on the top of the new water tower structure. Typically Alltel would pay a rental fee of \$300.00 per month. There would be no interference with

the UHF System. If so, Alltel would correct the problem. Fritz Vernon questioned the cost of a new tower. Jeff Dale with Alltel noted roughly \$200,000 to \$250,000 and at this time they cannot budget that amount. Fortune recommended reviewing the contract before making any decisions. Hoggins was asked to place this item on next month's agenda.

Appointments – Housing Authority: A motion was made by Fortune and seconded by Neal to approve the Mayor's recommendation to appoint Beverly L. Gould to the Housing Authority for a term ending 12/1/05. Roll call vote: Fortune yes, Neal yes, Burroughs absent, Cooper yes. Motion carried.

Aging Services Commission: A motion was made by Neal and seconded by Cooper to approve the Mayor's recommendation to appoint Susan Trabert and Glenda Maury to the Aging Services Commission for a 3-year term. Roll call vote: Neal yes, Cooper yes, Burroughs absent, Fortune yes. Motion carried.

Award Bid – Grazer: A motion was made by Fortune and seconded by Neal to award the bid to Brian Utter (Butch's Welding) in the amount of \$926.00. Roll call vote: Fortune yes, Neal yes, Burroughs absent, Cooper yes. Motion carried.

Willis Heyen – Sewer Back-up: Item carried over to the June agenda.

Vicious Dogs in neighborhood – Jerry Penry: Members of the public that were mentioned and present for this agenda item are as follows: Troy Martin, Jerry & Sharon Penry, James Triolo, Curtis Rathjen, Jerod & Kim Stauffer, Chad & Cindy Lawrenz, Fritz Vernon and Mark Knorr. following dates were mentioned by Jerry Penry as a record of times the dog(s) have been loose or been reported to the Police Dept. as a concern: 5/10/99, 6/18/99, 6/26/99 – girls chased, police involved, very hot day (one dog died), 9/10/99, 3/11/00, 5/10/00, 8/00, 2/11/01 – dog trapped Police Officer Craghead on Penry's front porch, 8/22/01, 3/12/02, 3/15/02 – Chief Siebken walked around yard with Jerry Penry, 4/15/02. The following activities were reported as happening on 4/15/02: James Triolo - While riding his bicycle home from work, one of the dogs from 811 2nd St. came charging at him, attempting to bite his foot, the dog missed and bumped into his bike. The dog then proceeded to come back at him and cross directly in front of the bike, hitting his front tire. Mr. Triolo stated that he almost wrecked. He was concerned because there were children playing in the area and got off of his bike and placed it between himself and the dog. This was his first incident with this dog and he wants it to be the last. Mr. Triolo noted that this dog was vicious and could do some damage. Chad & Cindy Lawrenz, residents of 812 3rd St., were walking to their car to go to the Post Office and the dog chased them into their car. The dog jumped onto their car after they were inside.

Other comments regarding the dogs at 811 2nd Street: Fritz Vernon stated that 2 weeks ago he was on his hands and knees out in his garden and a cat came screaming by him. Shortly after that one of the Rotweiller's came right for him foaming at the mouth. Fritz jumped up and was able to get into his garage and shut the door. Sharon Penry is very concerned for the safety of the many small children in the neighborhood. The Penry's can't even enjoy their own back yard as the dogs are constantly barking, growling and jumping against the fence when they are left out in the back yard. Jerod Stauffer noted that he is not willing to wait for the "perfect call" to do something about these dogs. It may be to late and a child may be injured. Sharon Penry stated that after 3 years of documenting the history of these dogs and their nature, they should be considered a nuisance. It was questioned as to creating an ordinance to eliminate certain breeds of dogs within the City limits. Neal did remark that it would be very difficult to ban a specific breed of dog.

Council member Neal remarked on the fact that Chief Siebken had followed up on the incident of 4/15/02 and issued a letter to Mitzi Hiatt at 811 2nd St. informing her of the procedures she would need to take if the dogs were to stay at the residence. If was noted that Ms. Hiatt had already taken the male dog, Rocky, to Geneva to her mothers house.

According to the ordinances that are already in place, citations would be issued and written statements will need to be completed, per incident, by individuals that intend to take the issue to court. The Council urged the public to proceed in this manner, as it was all they could do at this time. At this time 3 complaints were noted for the record from: Fritz Vernon, James Triolo and Chad & Cindy Lawrenz. The Council suggested a letter be written to Ms. Hiatt and ask her to remove the dog(s) from the premises.

Mayor Plessel allowed a 5- minute break. Council resumed at 9:00 pm.

Water Modeling Presentation – Olsson Assoc.: Ben Day informed the Council that the purpose of the study is to evaluate the water system and suggest any changes that could improve the structure. Mr. Day commented on different areas of town that could increase water supply by replacing the current water mains with an 8" water main. Insurance Services Office standards along with fire demands were calculated. The information was left for Mark Frey to evaluate.

Water Tower Plans & Specifications and Water Distribution Improvements, Hwy 6 – Olsson Assoc.: Engineer Holly Johnson informed the Council by bidding the two jobs together they could get a better price. There are 4 bid sections: #1 Demolition, #2 Construction of tower, #3 Water

main along Hwy 6, #4 Control modification. Advertising will take place in June and the bid will be awarded at the July 2, 2002 Council meeting. Permits will need to be taken out from the State Dept. of Roads and the County. Johnson is figuring a year for construction of the tank. Plans were reviewed and discussion was held regarding the work area and what trees need to be removed also a decision will need to be made on the lettering color. (MILFORD) A set of plans will be given to Maintenance Supt. Mark Frey for review.

Approve Payment-Valley View Lift Station, Olsson Assoc.: A motion was made by Fortune and seconded by Cooper to approve the payment of invoice #51272 in the amount of \$1,375.00 for completion of engineering services for the Valley View Lift Station project. Roll call vote: Fortune yes, Cooper yes, Burroughs absent, Neal yes. Motion carried.

Progress Estimate #3 "Final" – "A" Street Drainage Improvements: A motion was made by Cooper and seconded by Neal to approve the payment in the amount of \$4,843.80 as a final payment of the "A" St. drainage project. Roll call vote: Cooper yes, Neal yes, Burroughs absent, Fortune yes. Motion carried.

Street Closing – Family Fun Days: Roger Wittrock was present and informed the Council that Family Fun Days will be held on August 17,18 & 19 this year. The carnival will remain on 1st Street, as they were last year, and the parade route will also remain the same (Start at Welch Park Rd., down 1st St. to "B", down "B" to 4th St.) Chamber is also asking for 2nd & 3rd St. between "B" & "C" to be blocked off along with the south side of 1st Street between Special Occasions and "B" St.. Chief Siebken suggested blocking off the entire section of 1st Street between Special Occasions and "B" St. due to the excessive foot traffic in this area. It was also mentioned to change the direction of the one-way alley behind the bank. Mayor Plessel and the Council recommended leaving the one-way alley as is, exiting on "B" Street. "C" Street will remain open for Fire/Rescue use. A motion was made by Neal and seconded by Fortune to approve the plan as presented by Roger Wittrock and discussed by the Council. Roll call vote: Neal yes, Fortune yes, Burrough absent, Cooper yes. Motion carried.

Approve Payments – Water System Modeling: A motion was made by Fortune and seconded by Cooper to approve the payment of invoice #52499 in the amount of \$2,328.20 for professional services on the water system modeling. Roll cal vote: Fortune yes, Cooper yes, Burroughs absent, Neal yes. Motion carried.

Water Storage Tank (2): A motion was made by Fortune and seconded by Neal to approve invoice #52500 in the amount of \$3,648.40 for professional services thru 4/13 including preparation of plans and

specifications. Roll call vote: Fortune yes, Neal yes, Burroughs absent, Cooper yes. Motion carried. A motion was made by Fortune and seconded by Cooper to approve the payment of invoice #52501 in the amount of \$528.06 for laboratory analysis of soil samples and report preparation. Roll call vote: Fortune yes, Cooper yes, Burroughs absent, Neal yes. Motion carried.

Jack Zimmerman-reducing speed limit in town: Two weeks ago at the corner west of Jack Zimmerman (4th & Maple) a little girl almost ended up under a car. Jack would like to see the speed limit reduced to 20 mph in his neighborhood. Chief Siebken noted that a traffic engineering study would need to be done and the numbers sent into the state for determination. Chief Siebken also noted that things would change when the Police Dept. is back to full staff. The Council thanked Mr. Zimmerman for coming.

ADJOURNMENT: A motion was made by Fortune and seconded by Cooper to adjourn the meeting. Roll call vote: Fortune yes, Cooper yes, Burroughs absent, Neal yes. Motion carried and meeting adjourned at 10:20 pm.



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 May 7, 2002 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