

CITY OF MILFORD
REGULAR MEETING
DECEMBER 3, 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 3rd day of December 2019 at 7:00 pm. Present were: Mayor Patrick Kelley; Council members: Scott Bashore, Tony DeLong, Becky Freeman, Jason Stahl; Attorney Mark Fahlsen; Chief of Police Forrest Siebken; Maintenance Supt. Gary TeSelle and City Clerk Jeanne Hoggins. Also present: Kevin & Kelli Keib, Wayne Stohlman, Troy Pickerill, Brad Freeman, Cloy Stutzman, Larry TeSelle, 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.

PLEDGE OF ALLEGIANCE

SUBMITTAL OF REQUESTS FOR FUTURE ITEMS: Mayor Kelley informed the public of the new method for taking requests for agenda items.

REPORTS/COMMUNICATIONS: Written reports received: Milford Aging Services Commission minutes for October 15, 2019 and November 19, 2019; Library Report for November 2019; Police Dept. activity report for November 2019; Fire Dept Report for November 2019; 18 total calls.

Mayor Kelley – Meeting held at Crestview Care Center, trying to resurrect the building and use of facility. Presented the Veteran's Day Proclamation at the High School Veteran's Program. Stahl – Sr. Center established winter hours of 8:00am to 4:00 pm. Baker's Chocolates are available at the Sr. Center as a fundraiser. Vetting another candidate for Police Officer. Mayor Kelley – Pac & Save has closed. Working directly with Main Street Market, expanding their facility, to assure Milford has meat and produce available. Dollar General is scheduled to start construction in the spring of 2020. DeLong – Rescheduling the Community Betterment Committee as they did not have a

quorum. Proposal for speed signs to increase safety. TeSelle – Experienced significant water main breaks in which repairs will be made. Verizon antenna will be assembled and installed with a crane. Future Technologies has been good to work with during this addition to our water tower. Chief Siebken – E911 Board met on November 21st continued discussion to clean up the Interlocal Agreement. Waiting for Attorney opinions on the amendments. There was limited discussion on the radio system, main concern is funding. James Palensky will graduate in 2 ½ weeks from the Academy. Clerk Hoggins reported on the progress of the new building. Sales tax received for the month of September 2019 in the amount of \$20,843.61. NPPD lease rebate payment for the month of October 2019 received in the amount of \$13,181.87. Letter received from NE Dept of Econ. Development noting Milford was not selected for the CDBG Downtown Revitalization grant. Letter received from the NDOT informing Milford of I-80 closure this summer between Milford and Goehner.

CONSENT AGENDA: Mayor Kelley read the Consent Agenda:

1. Approve Regular Meeting minutes of November 5, 2019.
2. Approval of Claims: Accounts Payable - \$124,756.25; Payroll - \$42,072.90. Totaling \$166,829.15.

A motion was made by DeLong and seconded by Bashore to approve the consent agenda as presented. Roll call vote: DeLong yes, Bashore yes, Freeman abstain, Stahl yes. Motion carried.

SALARIES:

67814	Mark Frey	188.39
67815	Forrest Siebken	1565.40
67816	Joseph Yocum	1409.10
67817	Kendal Hoggins	1264.48
67818	Mavis Ferris	131.04
67819	Jeanne Hoggins	1352.76
67820	Gary Teselle	1036.28
67821	George Matzen	889.34
67822	Craig Carritt	17.48
67823	Jessica Wang	149.18
67824	Travis Fougeron	991.72
67825	Amy Salistean	982.86
67826	Cathleen Fosler	407.45
67827	Ardella Huber	1136.89
67828	Denver Trojan	1066.74
67829	James Palensky	1901.61
67830	Owen Eickhoff	147.89
67831	Amber Legband	619.26
67876	Mark Frey	519.57

67877	Forrest Siebken	1565.40
67878	Joseph Yocum	1527.22
67879	Kendal Hoggins	1284.12
67880	Mavis Ferris	109.21
67881	Jeanne Hoggins	1352.76
67882	Gary Teselle	1036.28
67883	George Matzen	889.34
67884	Craig Carritt	19.66
67885	Jessica Wang	124.31
67886	Travis Fougeron	1001.18
67887	Amy Salistean	923.51
67888	Cathleen Fosler	407.45
67889	Ardella Huber	1041.34
67890	Denver Trojan	1110.51
67891	James Palensky	1658.08
67892	Owen Eickhoff	147.89
67893	Amber Legband	417.78
67896	Scott Bashore	138.52
67897	Patrick Kelley	184.70
67898	Waylon De Long	138.52
67899	Jason Stahl	138.52
67900	Becky Freeman	138.52

GENERAL FUND:

67832	AMERITAS GROUP	PENSION-133011	2,145.64
2085189	IRS-FEDERAL WITHHOLDINGS	FED/FICA TAX	4,720.21
2085190	NE DEPT-W/H	STATE TAX	704.77
67833	UNION BANK - HSA	HSA	746.15
67834	AMERICAN LEGAL PUBLISHING CORP	2020 CODE MODEL ORDINANCES	650.00
67835	AMERITAS LIFE INSURANCE CORP.	DENTAL COVERAGE 12-1 TO 12-31	613.72
67836	AMY SALISTEAN	SR.CTR. PARTY SUPPLIES	38.68
67837	ARAMARK (AUCA CHICAGO LOCKBOX)	INV. 16331824 MATS/TOWELS	401.75
67838	BLACK HILLS ENERGY	10-7 TO 11-5-19 GAS SERVICE	471.25
67839	BROADVIEW NETWORKS	11-2-19 TO 12-1-19 PHONE	249.48
67840	CARLSON WEST POVONDRA	DIFF/ADM./ARCHIT/CWPA CONTRACT	1,276.09
67841	CLINE WILLIAMS	TIF REF;293595 REDEVELOPMENT	275.00
67842	COMPANY CARE	RANDOM DRUG SCREENING-HUBER	39.00
67843	CONSOLIDATED MANAGEMENT	10-24/10-30- 14 MEALS-PALENSKY	97.36
67844	CULLIGAN WATER CONDITIONI	5 GAL.WATER/RENTAL	22.00
67845	DAS STATE ACCTG-CENTRAL FINANC	OCT. SRS MONTHLY FEE	93.00
67846	EAKES OFFICE PLUS	3 FILE CASES/RUBBER BANDS	60.64
67847	FARMERS COOP	FUEL	1,797.87
67848	FIRST WIRELESS, INC.	BENCH SUPPLIES & REPAIRS	172.75
67849	GOLDSMITH TREE SERVICE	REM.37 STUMPS/665'x \$2.00/IN.	1,064.00
67850	GWORCS	1/2 PAY.PAYROLL SOFTWARE	1,625.00
67851	JANET JEFFRIES	45 MIN. B-DAY ENTERTAINMENT	100.00

67852	JOHN DEERE FINANCIAL	INV. 2287698-JD.4520 SERVICE	1,131.79
67853	KENDALL HOGGINS	REIM. STEEL TOED BOOTS	150.00
67854	LOGAN CONTRACTORS SUPPLY	4,500 LBS. STREET TAR	3,465.00
67855	MATHESON TRI-GAS, INC	COMPRESSED CYLINDER RENTAL	176.39
67856	MIDWEST AUTO PARTS	INV. 332720-332957-CLEANERS	96.23
67857	MILFORD PHARMACY	ALBUTEROL	15.30
67858	NE LAW ENFORCEMENT TRAINI	203RD BASIC TRAIN.FLEET USE	150.00
67859	NEBRASKA PUBLIC POWER DIS	9-25 TO 10-24 ELECTRIC SERVICE	5,094.35
67860	NORRIS PUBLIC POWER DIST	ACCT. 40600 9-27 TO 10-27 S.WE	380.45
67861	ONE CALL CONCEPTS	20 LOCATES LESS DISC/ADM.FEE	18.82
67862	PIZZA KITCHEN	35 OCT. BIRTHDAY MEALS	177.50
67863	REMBOLT LUDTKE LLP	OCT. LEGAL SERVICES	3,685.00
67864	SACK LUMBER COMPANY	PIPE INSULATION/SPRAY ADHESIVE	12.48
67865	SERVI-TECH INC.	LAGOON TESTS	102.65
67866	SEWARD COUNTY INDEPENDENT	LEGAL MINUTES/COUN.VAC/NOV. 5	99.56
67867	SUNRISE COUNTRY MANOR	158 OCT. MEALS	829.50
67868	TRU-BUILT CONSTRUCTION	3RD FLAGPOLE FOR CITY FLAG	1,985.50
67869	UNION BANK - HSA	7 EMPLOYEES HSA	14.00
67870	UNIVERSAL PREMIUM	FUEL	837.76
67871	VERIZON WIRELESS	ACCT. 4342-00001-PHONE 11/2/19	111.66
67872	VERIZON WIRELESS-P	10-29 TO 11-24 PHONE 984109022	101.26
67873	WERGIN'S LAWN SERVICE	OCT. NOV. WINTERIZER FERTILIZE	280.00
67874	ZITO MEDIA	ACCT. 179160112 T.V. SR. CTR.	5.09
67894	RETIREMENT PLANS DIVISION	PENSION-133011	2,145.64
67875	FARMERS & MERCHANTS BANK	INT. PAY.NEW CITY HALL LOAN	1,226.93
2085191	IRS-FEDERAL WITHHOLDINGS	FED/FICA TAX	4,700.43
2085192	NE DEPT OF REVENUE	STATE TAX	692.79
67895	UNION BANK	HSA	746.15
2085193	IRS-FEDERAL WITHHOLDINGS	FED/FICA TAX	122.44
67901	AFLAC	NOV. 2019 SUPPLEMENTAL INS.	376.80
67902	ALOHA ROTH	BIRTHDAY CAKE	25.00
67903	AMERITAS LIFE INSURANCE CORP.	ANNUAL BASE REC.KEEP.FEE	1,140.00
67904	BAKER & TAYLOR	BOOK	15.65
67905	BLUE CROSS & BLUE SHIELD	12-1-19 TO 1-1-2020 INS.	10,037.60
67906	CANON FINANCIAL SERVICES	MONTHLY CHARGE CANON PRINTER	165.00
67907	CARD SERVICE CENTER	4 WATER LICENSES	1,289.54
67908	CASH-WA DISTRIBUTING	GROCERIES	248.44
67909	CBS-REPORTING SERVICES	RECORD KEEPING	5.00
67910	CONSOLIDATED MANAGEMENT CO	13 MEALS JAMES PALENSKY	88.62
67911	CULLIGAN WATER CONDITIONING	ACCT.21410 COOLER RENTAL/H2O	86.25
67912	DEARBORN LIFE INS CO	DEC. 1 TO DEC. 31 INSURANCE	116.96
67913	EAKES OFFICE SOLUTIONS	CASE PAPER, BINDING CASES	119.24
67914	FARMERS COOPERATIVE	SR. CTR. CAR TIRE REPAIR	23.00
67915	FIRSTAR FIBER INC.	OCT. 2019 RECYCLING SERVICES	45.00
67916	GREAT PLAINS UNIFORMS LLC	1 UNIFORM	125.00
67917	IMAGE TREND, INC	STATE BRIDGE W/NFIRS FEE	250.00
67918	INTERNATIONAL COMMERCE	CURBSIDE MAILBOX NEW BLDG.	967.75

67919	JEO CONSULTING GROUP, INC.	REPAIR MAIN WATER B - D STREET	2,548.75
67920	JR WELDING	SHORTEN STORAGE RACKS/NEW BLDG	97.76
67921	MUNICIPAL PIPE SERVICES, INC	4' LINE STOPS SERVICE	4,700.00
67922	NE DEPT OF LABOR/FINANCE	SR.CTR. ELEVATOR INSPECTION	120.00
67923	NE LAW ENFORCEMENT TRAINING	J. PALENSKY 203RD BASIC TRAIN.	60.00
67924	NEBRASKA ENVIORNMENTAL DEPT.	SEMI-INT/PRINCIPAL #d311373	35,052.66
67925	NEBRASKA PUBLIC HEALTH	7 WATER TESTS	108.00
67926	NEBRASKA PUBLIC POWER DISTRICT	ACCT. 47468 SR. CTR. UTILITIE	250.16
67927	SEWARD COUNTY COMMUNICATIONS	DISPATCH SERVICE E911	27,649.00
67928	SEWARD COUNTY INDEPENDENT	1 YR. SUB. SEWARD INDEPENDENT	56.00
67929	SUSAN BURKEY	REIMB. GROCERIES	4.65
67930	TRUSTED MEDIA BRANDS, IN.	TASTE OF HOME COOKBOOK	34.98
67931	GARY TESELLE	ACCT. 5562939 GARY TESELLE	458.80
67932	VERIZON WIRELESS	ACCT. 7813 WELL CONTROLS	75.13
67933	WALMART COMMUNITY BRC	GROCERIES	437.30
67934	WINDSTREAM NEBRASKA INC	11-10 TO 12-9 ACCT. 91836331	524.16
67935	ZITO MEDIA	DEC. HD ADAPTER ACCT. 161909	13.09
Total Payroll: 11/12/19			15,257.87
Total Payroll: 11/25/19			15,135.61
Total Payroll: 12/02/19			738.78
NE DEPT OF REVENUE		SALES TAX FOR OCTOBER	2,462.57
***** REPORT TOTAL *****			166,829.15

PUBLIC HEARINGS & PRESENTATIONS:

Public Hearing: Application for Conditional Use Permit from Eric & Telissa Riley for an In-Home Day Care and Art Classes at 120 S. Welch Park Rd.: Eric & Telissa Riley decided not to pursue this opportunity – No action taken.

CURRENT BUSINESS:

Election of Officers: President of Council: A nomination was made by Bashore to elect Tony DeLong as President of Council, seconded by Stahl. Roll call vote: Bashore yes, Stahl yes, DeLong yes, Freeman yes. Motion carried.

Acting President of Council: A nomination was made by Bashore to elect Jason Stahl as Acting President of Council, seconded by DeLong. Roll call vote: Bashore yes, DeLong yes, Freeman yes, Stahl yes. Motion carried.

Council Assignments:

Scott Bashore – Pool, Library, Water & Sewer, SSSWMA.

Tony DeLong – President of Council, Streets, Parks, Citizen Advisory Review (Ec. Dev.) Community Betterment Committee, Auditing Committee.

Becky Freeman – Cemetery, Recreation, Sr. Center, Auditing Committee.

Jason Stahl – Acting President of Council, Police, Fire, Webermeier Scholarship, Community Betterment Committee.

Appointments:

Chief of Police – A motion was made by Stahl and seconded by Bashore to approve the Mayors recommendation to re-appoint Forrest Siebken as Chief

of Police. Roll call vote: Stahl yes, Bashore yes, DeLong yes, Freeman yes. Motion carried.

City Clerk/Treasurer – A motion was made by Bashore and seconded by Stahl to approve the Mayors recommendation to re-appoint Jeanne Hoggins as City Clerk/Treasurer. Roll call vote: Bashore yes, Stahl yes, DeLong yes, Freeman yes. Motion carried.

Maintenance Supt: - A motion was made by Bashore and seconded by DeLong to approve the Mayors recommendation to re-appoint Gary TeSelle as Maintenance Supt. Roll call vote: Bashore yes, DeLong yes, Freeman yes, Stahl yes. Motion carried.

Library Director - A motion was made by Bashore and seconded by Freeman to approve the Mayors recommendation to re-appoint George Matzen as Library Director. Roll call vote: Bashore yes, Freeman yes, DeLong yes, Stahl yes. Motion carried.

Street Superintendent – A motion was made by Bashore and seconded by DeLong to appoint Class A Street Superintendent, Julie Ogden (S-1407) with JEO Consulting Group, Inc as the City of Milford's Street Superintendent. Contracted from January 2020 thru December 2020. Roll call vote: Bashore yes, DeLong yes, Freeman yes, Stahl yes. Motion carried.

City Engineer – A motion was made by DeLong and seconded by Bashore to appoint JEO Consulting Group, Inc as the City of Milford's Engineer for the year 2020. Roll call vote: DeLong yes, Bashore yes, Freeman yes, Stahl yes. Motion carried.

Milford Aging Services Commission – A motion was made by Stahl and seconded by Bashore to approve the Mayor's recommendation to appoint Mike Moritz to the Milford Aging Services Commission for a 2-year term, 1/1/20 thru 1/1/22. Roll call vote: Stahl yes, Bashore yes, DeLong yes, Freeman yes. Motion carried.

Consider Conditional Use Permit from Eric & Telissa Riley for an In-Home Day Care and Art Classes at 120 S. Welch Park Rd: No action taken.

Consider pay application request #9, Contract 1 – Tru-Built Construction: A motion was made by Bashore and seconded by Stahl to approve pay application request #9 for Contract 1 in the amount of \$100,998.23 to Tru-Built Construction. Roll call vote: Bashore yes, Stahl yes, DeLong yes, Freeman yes. Motion carried.

Consider pay application request #1, Contract 3 – Tru-Built Construction: Contract 3 is the street portion of the project. A motion was made by Bashore and seconded by Stahl to approve pay application request #1 for Contract 3 in the amount of \$6,639.30 to Tru-Built Construction. Roll call vote: Bashore yes, Stahl yes, DeLong yes, Freeman yes. Motion carried.

Consider Maintenance Agreement with NDOT: Discussion was held regarding the shape of Hwy 6 and the benefit of renewing the Maintenance Agreement. Mayor Kelley contacted Roger Kalkwarf with NDOT questioning the maintenance agreement as Hwy 6 needs serious attention. It was suggested not to approve the agreement until a meeting could be scheduled with the City, Mr. Kalkwarf and Dorchester State Roads Dept to discuss the condition of Hwy 6. Repairs to Hwy 6 are on the State's 5-year plan and a possible overlay may provide a tentative fix for now. A motion was made by Bashore and seconded by DeLong to table the Maintenance Agreement with NDOT. Roll call vote: Bashore yes, DeLong yes, Freeman yes, Stahl yes. Motion carried.

Consider addressing salaried positions for compliance of applicable state requirements: On Sept. 24, 2019 the U.S. Department of Labor announced a new final rule updating the salary threshold that some individuals must meet to qualify for a minimum wage and overtime exemption under the federal FLSA. Effective January 1, 2020 the standard salary level is \$35,568.00 per year (\$684 per week). Attorney Fahlsen provided options: 1) Place employee back to hourly; 2) Increase salary to standard level; or 3) Leave salary as is, employee records hours, encourage no O.T., if O.T. is necessary use the "fluctuating workweek" method of pay. A motion was made by Bashore and seconded by DeLong to maintain current salary, require recorded hours, encourage no overtime but will pay overtime if preapproved. Roll call vote: Bashore yes, DeLong yes, Freeman yes, Stahl yes. Motion carried.

Phase II Street Patching Project including re-addressing change order and addressing locations: DeLong presented a spreadsheet outlining the repairs already made in Phase I and those scheduled for Phase II. The estimate Concrete Works, Inc provided; proposed to tear out and replace city street patches at \$8.79 per square foot. The amount proposed for Phase II is \$29,631.09. DeLong asked for flexibility like last time to shift repairs/add panel if needed. A new certificate of insurance will need to be provided as well as a new performance bond for Phase II. A motion was made by DeLong and seconded by Bashore to approve Phase II repairs as presented, in the amount of \$29,631.09, as estimated by Concrete Works, Inc at \$8.79 per square foot. Roll call vote: DeLong yes, Bashore yes, Freeman yes, Stahl yes. Motion carried.

Consider Change Order for D Street Water Main Repair: TeSelle reported a bad water main break at Hwy 6 & D Streets. They would have to tear up the Hwy to repair it. They placed line stops at both ends to stop the leak. Since Van Kirk Construction is already on site, adding the main repair to the Hwy project seemed logical as they have the equipment to bore under the Hwy. The project has been approved by the State Health Dept. and JEO Consulting Group. A motion was made by Bashore and seconded by Stahl to

approve Change Order #1 from Van Kirk Construction for the D Street Water Main repair in the amount of \$18,545.50. Roll call vote: Bashore yes, Stahl yes, DeLong yes, Freeman yes. Motion carried.


RESOLUTIONS AND ORDINANCES:

Resolution No. 592 – Resolution of Depository, Farmers & Merchants Bank: A motion was made by Bashore and seconded by DeLong to adopt Resolution No. 592. Roll call vote: Bashore yes, DeLong yes, Freeman yes, Stahl yes. Motion carried.

Resolution No. 593 – Resolution of Depository, Jones Bank: A motion was made by Bashore and seconded by Stahl to adopt Resolution No. 593. Roll call vote: Bashore yes, Stahl yes, DeLong yes, Freeman yes. Motion carried.

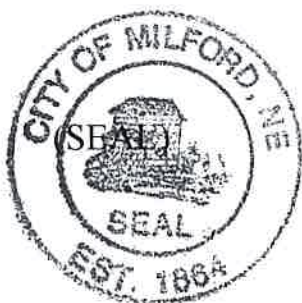
ADJOURNMENT: A motion was made by Bashore and seconded by Freeman to adjourn the meeting. Roll call vote: Bashore yes, Freeman yes, DeLong yes, Stahl yes. Motion carried and meeting adjourned at 8:13 pm.



Jeanne Hoggins, City Clerk


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 December 3, 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.




Jeanne Hoggins, City Clerk