

COUNCIL AGENDA

TUESDAY, JANUARY 2, 2024, 7:00 pm

All agenda items are for discussion and action will be taken as deemed appropriate. The City Council reserves the right to go into executive session in accordance with Section 84-1410.

1. CALL TO ORDER

Pursuant to Section 84-1412(8) of the Nebraska Open Meeting Act a current copy of the Open Meetings Act is posted on the west wall of this meeting room and is available for viewing by the public.

- 1. Roll Call
- 2. Pledge of Allegiance
- 3. Approve agenda as submitted.

2. SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

Individuals who have appropriate items for City Council consideration should complete the **Request for Future Agenda Items** form located near the entrance of the meeting room. If the issue can be handled administratively without Council action, notification will be provided. If the item is scheduled for a committee or Council meeting, notification of the date will be given.

- **3. CONSENT AGENDA** The following items are considered to be routine by the city council and will be enacted by one motion. There will be no separate discussion of these items unless a city council member or citizen so requests, in which event the item will be removed from consent status and considered in its normal sequence on the agenda.
 - a. Approve Minutes: December 5, 2023
 - b. Approve Claims by Auditing Committee
 - c. Approve Treasurer's Report for November 2023 by Auditing Committee
 - **d.** Reports/Communications filed by Governing Board and City personnel.
 - **e.** Approve Application #9 from K2 Construction on the Water Main Improvement Project for payment with city water funds in the amount of \$349,017.41.
 - f. Approve 2024 Committee List
 - g. Approve 2024 Fire Dept. Membership Roster

4. PUBLIC HEARING

a. Public Hearing of the Citizen Advisory Review Committee

5. CURRENT BUSINESS

- a. Consider hiring Assistant Library Director and set wage
- b. Consider Uribe Refuse notification of price increase starting January 1, 2024
- c. Consider alternate recycling options.
- **d.** Consider signing Napoli Law to assist with financial burdens of water systems affected by PFAS.
- e. Consider the Subdivision Agreement between Timber Creek Development, LLC and the City of Milford for Phase II and/or Phase III of the Timber Creek Development.
- **f.** Consider recommendation from Planning & Zoning commission related to Final Plat for Phase II and/or Phase III of the Timber Creek Development.
- g. Consider nuisance abatement process at 617 D Street
- **h.** Consider request to move forward with civil action at 617 D Street regarding nuisance abatement.

6. ADJOURNMENT

CITY OF MILFORD REGULAR MEETING JANUARY 2, 2024 MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the City Hall Building in said City on the 2nd day of January 2024 at 7:00 pm. Present were Mayor Patrick Kelley; Council members: Tony DeLong, Becky Freeman, Kelli Keib, Chief of Police Darrin Kremer, Maintenance Supt. Gary TeSelle and City Clerk Jeanne Hoggins. Absent: Mike Roth. Also present: Emily Hemphill with the press and Commissioner Misty Ahmic.

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. The availability of the agenda was communicated in advance 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 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 west wall in the City Hall meeting room.

PLEDGE OF ALLEGIANCE:

APPROVE AGENDA AS SUBMITTED: A motion was made by DeLong and seconded by Keib to amend the agenda striking items a,e,f and combining g & h. Roll call vote: DeLong yes, Keib yes, Freeman yes, Roth absent. Motion carried.

SUBMITTAL OF REQUESTS FOR FUTURE ITEMS: Mayor Kelley shared that the forms are available on the table.

REPORTS/COMMUNICATIONS: Written reports received: Library Report for December 2023; Police Department Activity Report for December 2023; Fire Dept. minutes from December 12, 2023; Board members and staff Monthly Reports attached to these minutes.

CONSENT AGENDA: Mayor Kelley read the Consent Agenda:

- a. Approve Minutes: December 5, 2023.
- **b.** Approval of Claims: Accounts Payable \$166,059.58; Payroll \$51,139.71; Totaling \$217,199.29 by the Auditing Committee.
- c. Approve Treasurer's Repot for November 2023 by Auditing Committee
- **d.** Reports/Communications filed by Governing Board and City Personnel.
- e. Approve Application #9 from K2 Construction on the Water Main Improvement Project for payment with city water funds of \$349,017.41.
- f. Approve 2024 Committee List
- g. Approve 2024 Fire Dept. Membership Roster

A motion was made by Freeman and seconded by DeLong to approve items on the consent agenda as read. Roll call vote: Freeman yes, DeLong yes, Keib yes, Roth absent. Motion carried.

SALARIES:

4136	Mark Frey	197.16
4137	Mavis Ferris	106.67
4138	Jeanne Hoggins	1666.11
4139	Gary Teselle	1206.61

4140	Whitney Parks		1076.44
4141	George Matzen		747.11
4142	Benjamin Rediger		1396.45
4143	Craig Carritt		9.70
4144	Cathleen Fosler		298.30
4145	Ardella Huber		1092.13
4146	Lisa Wiedemeyer		1306.51
4147	Steven Fiala		1109.06
4148	Darrin Kremer		2105.58
4149	Lance Sprouse		1925.59
4150	Katherine Pauley		201.22
4151	Klaus Schachtschabel		2069.60
4152	Mystique Lauer		1176.77
4153	Tanner Paap		1151.97
4154	Sadie Frazier		116.36
4244	Mavis Ferris		118.78
4245	Jeanne Hoggins		1666.11
4246	Gary Teselle		1206.61
4247	Whitney Parks		1158.71
4248	George Matzen		747.11
4249	Benjamin Rediger		1536.73
4250	Craig Carritt		26.67
4251	Cathleen Fosler		409.85
4252	Ardella Huber		1087.07
4253	Lisa Wiedemeyer		1322.05
4254	Steven Fiala		1023.06
4255	Darrin Kremer		2105.58
4256	Lance Sprouse		1810.86
4257	Katherine Pauley		129.18
4258	Klaus Schachtschabel		1768.48
4259	Mystique Lauer		1176.77
4260	Tanner Paap		1297.69
4261	Sadie Frazier		213.33
4131	Patrick Kelley		184.70
4132	Waylon DeLong		138.52
4133	Becky Freeman		138.52
4134	Kelli Keib		138.52
4135	Michael Roth		138.52
GENE	RAL FUND:		
4155	RETIREMENT PLAN DIVISION	PENSION	1,397.44
4156	OMNIFY BENEFITS	HSA	597.00
4199	UNITED STATES POSTMASTER	NOV. WATER BILL/SENT IN DEC.	258.28
4200	THOMAS HAVELAT	UB REFUND	24.73
4202	AFLAC	NOV. SUPPLEMENTAL INS	842.34
4202	AMERITAS LIFE INSURANCE CORP.	JAN. 2024 DENTAL INSURANCE	609.28
4205	BLACK HILLS ENERGY	CITY OFFICE	1,233.96
4206	COMPANY CARE	REDIGER PRE-EMP DRUG SCREEN	78.00
4207	CONTINENTAL WESTERN INS.	ADDIT.COMM.ENDORSEMENT-	121.00
4208	CULLIGAN WATER CONDITIONING	SR.CTR. NOV. RENTALS	107.50

4209	DAN PEARSON	6-17 THRU 11-16 PLUMBING INSP.	280.00
4210	DAS STATE ACCTG-CENTRAL FINANC	NOV. 23 STATE RADIO FEE	104.00
4211	DATAVIZION	COMPLETE CONTRACT/BACKUP	1,078.10
4212	EAKES OFFICE SOLUTIONS	2 CASES PAPER	132.94
4213	ELECTRIC PUMP	FLOATATION PARTS	268.76
	EMERGENCY MEDICAL PROD	DEFAB PAD, GLOVES, NECK COL	369.18
4215	FARMERS COOPERATIVE	FUEL	981.72
4216	GREAT WESTERN DINING	201 NOV. SR. CTR.MEALS	2,581.74
4217	IIMC	HOGGINS 2024 MEMBERSHIP	185.00
4218	INGRAM LIBRARY SERVICES	LIBRARY BOOKS	273.96
4219	JEO CONSULTING GROUP, INC.	2 WATER MAIN SERVICES	23,213.75
4220	JOHN DEERE FINANCIAL	GATOR CLUTCH/BOOT/BATTERY	2,873.62
4221	MATHESON TRI-GAS,INC	FIRE DEPT. BOTTLED GASES	313.26
4222	MEYER AUTOMOTIVE	F150 STEERING WHEEL ASSEM	543.05
4223	MIDWEST AUTO PARTS	2 -18' EXACT BLADES/TAPE	94.51
4224	MILFORD PLUMBING INC.	RISER EXTENSIONS	13.40
4225	MUNICIPAL SUPPLY,INC.	WATER REPAIR PARTS	229.21
4226	NE PUBLIC HEALTH ENV. LAB	WATER TESTING KIT SUPPLIES	674.75
4227	NEBRASKA PUBLIC POWER DISTRICT	ALL CITY ACCTS. 10-25 TO 11-22	4,922.48
4228	NORRIS PUBLIC POWER DIST	ACCT. NORTH WELL	322.51
4229	PETTY CASH	AIR FRESHNERS	28.09
4230	REDIGER AUTOMOTIVE	POLICE TAURUS BATTERY	244.39
4231	REMBOLT LUDTKE LLP	NOV. LEGAL COUNSEL	2,700.00
4232	RENT WORKS	TIF PAYMENT	1,371.24
4233	RUNZA INC	TIF PAYMENT	1,666.37
4234	SACK LUMBER - SEWARD	DUMP TRUCK SIDE BOARDS	174.86
4235	SEILER INSTRUMENT & MANU.	CATALYST ON DEMAND GPS	130.00
4236	SEWARD COUNTY INDEPENDENT	NOV. 29 PROCEEDING MINUTES	28.87
4237	SWEET CANVAS CAKES	2 BIRTHDAY CAKES @ \$28 EA	56.00
4238	OMNIFY BENEFITS	NOV. HSA	20.00
4239	UNIVERSAL PREMIUM	185.03 GAL. FUEL POLICE VEH.	608.57
4240	URIBE REFUSE SERVICES, IN	10-31 RECYCLING/DISPOSAL	1,547.50
4241	VERIZON WIRELESS	FIRE DEPT.	93.54
4242	WINDSTREAM NEBRASKA INC	11-25 TO 12-24	57.97
4243	ARAMARK	OCT. 23 - 4 INV PANTS,MOP	2,130.53
4262	RETIREMENT PLANS DIVISION	PENSION	1,397.44
4263	OMNIFY BENEFITS	HSA	597.00
4284	ACKERMAN ROCK & GRAVEL	1' CLEAN ROCK	1,376.63
4285	ALLO COMMUNICATIONS	11-24-23 PHONE SERVICE	294.03
4286	AMANDA HROMEK	DEC. TIME/COORDINATOR	500.00
4287	BLUE 360 MEDIA	CRIMINAL/TRAFFIC LAW MANUALS	187.85
4288	CANON FINANCIAL SERVICES	CONTRACT/METER USEAGE	244.17
4289	CAPITAL ONE (WALMART)	3 RECEIPTS SR.CTR.MEAL SUPPLIE	197.27
4291	CARD SERVICE CENTER	STREET COLD PATCH	4,302.51
4292	CONCRETE WORKS, INC	5TH & B TEAR OUT PAVING	17,206.00

4293	CONSTRUCTORS, INC.	HIGHWAY REPAIR LESS RETAINAGE	39,747.00
4294	CROUCH RECREATION, INC.	2 ENTRANCEE SIGNS SPLASH PAD	5,315.00
4295	DATAVIZION	EMAIL MAILBOX MIGRATION	5,000.00
4296	DEARBORN GROUP	JAN. AD/D. LIFE INS. FIRE DEPT	116.96
4297	FIRST WIRELESS, INC.	MOBILE MIC & KEYBD.MIC	190.00
4298	GREAT WESTERN DINING	SEPT. 237 SR.CTR. MEALS	2,557.60
4299	HARTMANN CONSTRUCTION LLC	CRUSHED CONCRETE SCREEN	155.87
4300	INGRAM LIBRARY SERVICES	LIBRARY BOOKS	81.28
4301	JEO CONSULTING GROUP, INC.	WATER MAIN REP.	7,902.50
4302	KELLY HANEY	8 SR.CTR. YOGA CLASSES	160.00
4303	MEDICA HEALTH PLAN	JAN. HEALTH INSURANCE	7,042.56
4304	MEMORIAL HEALTH CARE SYSTEMS	FLU VACCINES	327.00
4305	MUNICIPAL SUPPLY,INC. OF OMAHA	1' WATER METERS	3,412.74
4306	MYSTIQUE LAUER	REIMB. CHRISTMAS DEC.SR.CTR	48.00
4307	NATIONWIDE	FIRE DEPT. SURETY BOND RENEW	100.00
4308	NE PUBLIC HEALTH ENV. LAB	COLIFORM WATER TESTING	35.75
4309	NE RURAL WATER ASSOCIATION	TESELLE RURAL WATER MEMBR	450.00
4310	PETTY CASH	POSTAGE FOR MAILINGS	8.78
4311	SCHUMACHER ELEVATOR CO.	LABOR/NOT RUNNING/NO PRO	235.00
4312	SERVI-TECH INC.	FECAL COLIFORM, WASTE TESTING	163.00
4313	SEWARD COUNTY INDEPENDENT	DEC. 5 MINUTES	93.52
4314	STUTZMAN DIGGING	REMOVE CONCRETE/LEARN CTR	7,170.94
4315	SWEET CANVAS CAKES	2 9X13 BIRTHDAY CAKES-SR.CTR	56.00
4316	TCA OUTDOOR POWER	STRAIGHT BLADE STAND	40.00
4317	GARY TESELLE	G.TESELLE ACCT.	600.00
4318	URIBE REFUSE SERVICES, IN	ACCT. 801 MAINT. SHOP	406.00
4319	VERIZON WIRELESS-P-CITY OFFICE	NOV. 11 TO DEC. 10 BLD.INS.PH	29.67
4320	VERIZON WIRELESS	WELL CONTROL NOV. 11 TO 12-10	212.47
4321	WERGIN'S LAWN SERVICE	OCT/NOV. WINTER FERTILIZER	1,235.00
4322	WINDSTREAM NEBRASKA INC	FIRE HALL PHONE	162.73
4323	ZITO MEDIA	JAN. 2024 FIRE DEPT. T.V.	6.09
	NE DEPT OF REVENUE	NOV. SALES TAX	1,111.82
	IRS-FEDERAL WITHHOLDINGS	FED/FICA TAX	5,676.06
	NE DEPT OF REVENUE	STATE TAX	927.96
	IRS-FEDERAL WITHHOLDINGS	FED/FICA TAX	5,823.37
	NE DEPT OF REVENUE	STATE TAX	948.34
	Total Payroll : 12/4/23		18,959.34
	Total Payroll: 12/18/23		18,804.64
	**** REPORT TOTAL ****		217,199.29

PUBLIC HEARING: Public Hearing of the Citizen Advisory Review Committee: Mayor Kelley opened the public hearing at 7:05 pm. Clerk Hoggins provided an update on the activities of the CARC. 3rd quarter of 2023 they awarded \$70,000 towards the Milford Childhood Learning Center and 4th quarter of 2023 awarded \$35,000 towards the new Main Street Market building project. With no further questions or comments from the board or public, Mayor Kelley closed the public hearing at 7:07 pm. CURRENT BUSINESS:

Consider Uribe Refuse notification of price increase starting January 1, 2024: Discussion was held regarding cost increase of contract with Uribe and 30-day notice of terminating current agreement. Hoggins provided a list of communities that responded to her question of; How many communities provide recycling for their community? The results are included with the minutes. It is costly to provide this service and SSCSWMA only reimburses 25% of expenses. It is not likely that they will increase this amount.

A motion was made by Keib and seconded by Freeman to discontinue service with Uribe due to the price increase and not enter into a new agreement. Roll call vote: Keib yes, Freeman yes, DeLong yes, Roth absent. Motion carried.

Consider alternate recycling options: Bel-Con provided a quote for an alternative and it appears to be just as expensive. The city still has a trailer from the past that could be utilized if the maintenance department could justify taking it into Lincoln again. It takes personnel about 2-3 hours per week to take the trailer in/back plus unload it. Gary will document time spent and expenses to see if it is worthwhile to continue providing the service. Residents of Milford have the opportunity to contract with Uribe or Bel-Con and have recycling picked up at their home.

A motion was made by Keib and seconded by DeLong to utilize the Maintenance Department to take the recycling trailer in to continue offering a recycling option for the community. Discussion: Freeman asked if we would set a time to reevaluate the time and cost. Gary will keep us posted. Roll call vote: Keib yes, DeLong yes, Freeman yes, Roth absent. Motion carried.

Consider signing Napoli Law to assist with financial burdens of water systems affected by PFAS: PFAS is a new chemical that the EPA is regulating. It is in everything. The attorney suggested reviewing an engagement letter and looking into what other communities are doing. No action taken.

Consider nuisance abatement process at 617 D Street and Consider request to move forward with civil action at 617 D Street regarding nuisance abatement: Mayor Kelley shared that included in the packet of information provided by Chief Kremer are photos of the property and letters sent to Mr. Farnstrom. With respect to this property, you can tell by the photos, additional belongings continue to show up which is outside the scope of what is allowed according to property code. Items are scattered all over the place, a boat that has turned into a storage unit, a pickup which has body parts laying all over the yard and lots of personal belongings all over the front yard. There are small trailers and items scattered through the yard, front to back. Mayor Kelley also noted that we have been trying to work with this individual. The city has abated some of the belongings that were in the yard from previous letters that we had asked the homeowner to take care of and Mr. Farnstrom did not take care of cleaning up the items. We continue to see more and more belongings show up that are outside the scope of what we currently allow in our property code.

Chief Kremer provided a copy of the most recent letter mailed to Mr. Farnstrom dated December 4, 2023. Chief mailed him a letter and also sent a certified letter. As of today, he cannot tell us whether the letters were received. He checked with the post office, and they couldn't tell him as the letter was not in their post office and they were too busy to look into it. They suggested Chief look online to see where the letter is but it didn't tell him. Besides mailing the letter, Chief also published notification 2 times in the paper per the ordinance. This notification ran on December 20th and 27th, 2023, an affidavit of publication was provided. Chief Kremer has provided copies to Attorney Aerts of everything, going back to the former Chief since this all started with 617 D Street. The letter dated December 4, 2023 listing items to be abated, is only part of what's there now.

If the council grants permission to move forward with abating these items that's only a part of what's there now. This will not touch what items he has moved in since the last time we abated items. Chief Kremer's fear is this will continue to be the case. He can write another letter, get the council's permission to abate said items but Mr. Farnstrom is moving things in faster than we can remove them. The second portion of this agenda item is to consider civil action to assist with abatements. Keib noted this is a good idea because we are just giving him room to move new items in. Mayor Kelley noted ultimately this is what we talked about for many months leading up to this current fiscal year budget and needing additional funds to pursue civil action. Here we are in the new fiscal year it's time to take the next step in continuation of what Chief Kremer has been working on. We need to attack this from more than one angle, not hitting pause on this action but finding another route to continue to apply pressure towards the homeowner and get this property cleaned up. Attorney Aerts shared that with such a massive amount of stuff it's been hard for the city to keep track of the items as they come in faster than they go out. It's also hard to know who owns what, if any of it belongs to other property owners. When you go through civil action it all gets folded into that because they have an opportunity to defend in front of a judge. There are different remedies available potentially on the civil side.

A motion was made by Keib and seconded by DeLong to move forward with civil action @ 617 D Street regarding nuisance abatement. Roll call vote: Keib yes, DeLong yes, Freeman yes, Roth absent. Motion carried.

ADJOURNMENT: A motion was made by Keib and seconded by Freeman to adjourn the meeting. Roll call vote: Keib yes, Freeman yes, DeLong yes, Roth absent. Motion carried and meeting adjourned at 7:32 pm.

Jeanne Hoggins, City Clerk

CERTIFICATION

Patrick L. Kelley, Mayor

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 January 2, 2024 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.

MONTHLY REPORTS FOR JANUARY 2, 2024, MEETING

ROTH:

Rescue For the month of December 15 calls 12 medical 3 accidents 0 mutual aid

Total for 2023 - 197 calls Milford - 193 PDale - 4

Medical - 172 Accidents - 22 Football Standby - 2 Canceled prior to arrival - 1

Have not heard from Fire.

FREEMAN:

Recreation:

- * Softball/Baseball registration is open.
- * Committee will meet in January/February

Community Betterment:

* Committee will meet in January to discuss application process. The committee will take the current documents and try to make these clearer.

KEIB:

<u>Cemetery</u>- All quiet in the cemetery. Gary & team have been doing some tree work, he expands on that in his report.

Next board meeting June 6th at 6:30pm at City Hall

SSCSWMA- Next meeting is January 25th, 2024, 7pm at Milford City Hall.

Library- See Report

Senior Center- Last meeting was December 19th, 2023. Gift wrapping fundraiser was a slow go. Great Western Dining meals are improving along with communications with them. January Soup Fundraiser will be January 17th from 11am-1pm. Mystii will be gone training with Aging Partners all day April 17th. Volunteers will open, attend, and close the center. Diane Kemper has resigned her secretarial duties but remains on the board. Mary Weiss will fill in until another board member can fill that slot. Billy Troy will be returning on February 13th, 2024 at 12:30pm thanks to a private donation. February Birthday meal will be served on the 28th. Tom Strohmyer, comedian and magician, will appear for the birthday meal as entertainment. Senior Center board meetings have been changed to the second Thursday of every month at 12:30pm.

TESELLE: Maintenance Report

Water:

All water main for replacement is in the ground. Be working on getting 4th, C. D and F pasted for service switch over as weather allows.

Valve and leak on north C street has been repaired.

Many one calls once more this month.

Water services have been installed on B street. Only City responsible done.

Will be providing test results for the water system. Nebraska Public Health Environmental Labs.

Sewer:

Controls will be updated for the main lift station. It will be added to the SCADA system we have in place.

Two sewer backups. Cleaning and service done in a few locations.

Manhole approach replaced along B Street. Has been catching when doing maintenance and cars commuting it.

Parks: Slide in uptown park has been discontinued. Looking at what can be done to repair it.

Streets:

Street sweeping was done. Made two trips through town.

Some sign maintenance has started. More as water project completions allows.

Street repair on south B. Due to water service work. Street was in bad shape. Did repair to get by till state is done with highway.

Out twice for snow removable Christmas day. And day after. One day hauling it off fist street.

Equipment maintenance on street equipment for sweeping and prep for snow removal.

Pool: Nothing to report.

Cemetery: Stone and plots marked. Tree needs to be removed for stone placement.

One employee short in December. Working on his return.

HOGGINS: *Sales tax received for the month of October 2023 in the amount of \$44,421.89. *NPPD lease payment for November 2023 received in the amount of \$13,663.28. *Zito Media rate increase.

North Bend	No	Too Expensive, People abusing by putting trash in bins.
York	No	Not since York shut down their facility
Ellwood	Yes	Trailer provided with grant funds
Terrytown	No	
Arnold	Yes	Trailer provided with grant funds
Sutherland	Yes	They own a bailer for cardboard
Utica	No	Residents pay for recycling themselves. \$15.00 per month thru Bel Con
Osceola	No	No Trailer. They have a bailer for cardboard and they take aluminum
Wisner	Yes	No cost, they haul it to recycle center
Bassett	No	
Wymore	Yes	Added \$1.50 to U.B. Customers
Exeter	No	
Ceresco	No	Contract with outside company, \$6.74 per month
Malcolm	No	Cost too high