

**MILFORD CITY COUNCIL
REGULAR MEETING
DECEMBER 28, 2009**

Milford City Council met in regular session on December 28, 2009 at 6:30 PM. Mayor Wahlman presided. Members present: Anderson, Feller, Kilts, Lamb and Schillinger. Members absent: none.

Mayor Wahlman led the Pledge of Allegiance.

Motion by Anderson, second by Schillinger to adopt the Agenda. Aye: Anderson, Feller, Kilts, Lamb and Schillinger. Nay: none. Motion passed.

PUBLIC HEARINGS:

Development Agreement with New Hawkeye Care Centers, Inc.

Mayor Wahlman opened the public hearing at 6:30 PM. No public comments, either written or verbal, were received. Mayor Wahlman closed the hearing at 6:32 PM.

Development Agreement with E and F Investments, LLC

Mayor Wahlman opened the public hearing at 6:35 PM. No public comments, either written or verbal, were received. Mayor Wahlman closed the hearing at 6:36 PM.

Development Agreement with Hot Spots, LLC

Mayor Wahlman opened the public hearing at 6:40 PM. No public comments, either written or verbal, were received. Mayor Wahlman closed the hearing at 6:41 PM.

Development Agreement with D & W Development, Inc.

Mayor Wahlman opened the public hearing at 6:45 PM. No public comments, either written or verbal, were received. Mayor Wahlman closed the hearing at 6:46 PM.

Under the advice of the bonding attorney, items E through H will be postponed to the January 11, 2010 regular council meeting.

The Ponds at Hunter Hills – Phase 2 Urban Renewal Area

Council members considered a Resolution to Declare Necessity and Establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and Approve Urban Renewal Plan and Project for the Ponds at Hunter Hills – Phase 2 Urban Renewal Area. Anderson moved and Schillinger seconded the motion to approve Resolution 6-1214-09. Anderson: Aye. Schillinger: Aye. Feller: Aye. Lamb: Aye. Kilts: Aye. Motion passed.

2009 Addition to the Milford Urban Renewal Area

Council members considered a Resolution to Declare Necessity and Establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and Approve Urban Renewal Plan Amendment for the 2009 Addition to the Milford Urban Renewal Area. Feller moved and Lamb seconded the motion to approve Resolution 7-1214-09. Feller: Aye. Lamb: Aye. Kilts: Aye. Schillinger: Aye. Anderson: Aye. Motion passed.

Passage and Adoption of Ordinance No. 4

Council members considered Passage and Adoption of Ordinance No. 4 Providing for the Division of Taxes Levied on Taxable Property in the 2009 Addition to the Milford Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa. Lamb moved and Anderson seconded the motion to approve the first reading of Ordinance No. 4. Aye: Anderson, Feller, Kilts, Lamb, Schillinger. Nay: none. Motion passed.

Waiving the 2nd and 3rd Readings of Ordinance No. 4

Feller moved and Kilts seconded the motion to waive the 2nd and 3rd Readings of Ordinance No. 4. Aye: Anderson, Feller, Kilts, Lamb, Schillinger. Motion passed. Kilts moved and Feller seconded the motion for Final Consideration and Adoption of Ordinance No. 4. Kilts: Aye. Feller: Aye. Lamb: Aye. Schillinger: Aye. Anderson: Aye. Motion passed.

Passage and Adoption of Ordinance No. 5

Council members considered Passage and Adoption of Ordinance No. 5 Providing for the Division of Taxes Levied on Taxable Property in the Ponds at Hunter Hills – Phase 2 Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa. Lamb moved and Schillinger seconded the motion to approve the first reading of Ordinance No. 5. Aye: Anderson, Feller, Kilts, Lamb, Schillinger. Nay: none. Motion passed.

Waiving the 2nd and 3rd Readings of Ordinance No. 5

Kilts moved and Schillinger seconded the motion to waive the 2nd and 3rd Readings of Ordinance No. 5. Aye: Anderson, Feller, Kilts, Lamb, Schillinger. Lamb moved and Kilts seconded the motion for Final Consideration and Adoption of Ordinance No. 5. Lamb: Aye. Kilts: Aye. Feller: Aye. Schillinger: Aye. Anderson: Aye. Motion passed.

REPORTS FROM DEPARTMENT HEADS, OFFICERS, BOARDS AND COMMISSIONS

None given.

UNFINISHED BUSINESS

SEH Contract for 2010 Street Improvements

City Attorney Stein plans to convene with Steve Robinson of SEH and have documents available for council members to review by the 2nd meeting in January, 2010. No action was taken.

Kirb Walters' Water Service Line

City Attorney Stein would like to speak with former City Administrator Bryan Read and Steve Robinson of SEH in an attempt to determine the date of substantial completion of Valley Contracting's project so that he might more readily ascertain whether the contractor might still have any responsibility as concerns this complaint. No action was taken.

Outdoor Service Privilege for Outback Lounge

Craig Poss and his legal counsel, Ned Bjornstad, were present to discuss concerns over Poss's Outdoor Service compliance. Councilman Schillinger stated that Poss had been approved to build a deck with a 42 inch railing in July. Former City Administrator Bryan Read later learned that the construction of the Outdoor Service Area had exceeded the dimensions approved by the city council and sent a letter to Poss in November. Since then an investigator from the Iowa Alcoholic Beverages Division has been to the Outback Lounge to examine the property and determine whether the enclosure meets state regulations. Councilman Feller expressed that he felt the building should be put back as originally approved until approval for further enclosure could be granted. The council then agreed to table this issue until further information could be gathered, provided Poss no longer uses the space in question as Outdoor Service during the interim. Aye: Anderson, Kilts, Lamb, Schillinger. Nay: Feller.

Purchase of Sign for Fire Station

Building and Equipment Committee members will check on installation costs to determine which is the low bid. No action was taken.

NEW BUSINESS

Consider Appointment of Tom Cooper to Milford Municipal Utilities Board of Trustees

Mayor Wahlman recommended the appointment of Tom Cooper to the Milford Municipal Utilities Board of Trustees. Aye: Anderson, Feller, Kilts, Lamb, Schillinger. Nay: none. Appointment approved.

Consider Funding Request: Discovery House

Representatives of Discovery House presented a report on their statistics and funding sources, and requested that a contribution be included in the upcoming budget. Council members agreed to consider this as they worked on the 2010-2011 budget. No action was taken.

Fire Department Purchase of Polaris Ranger

The Building and Equipment Committee has reviewed the Fire Department's request to purchase a Polaris Ranger for use in fire and rescue calls. The unit would come equipped with a removable water tank and a place to secure a stretcher for off-road rescue calls. Funds would come from the department's budget and from summer raffle proceeds. Kilts moved and Schillinger seconded the motion to approve the purchase. Aye: Anderson, Feller, Kilts, Lamb, Schillinger. Nay: none. Motion passed.

Application for Payment No. 4 for Ti-Zack Concrete, Inc.

Steve Robinson of SEH had approved an expense in the amount of \$1,995 from Ti-Zack Concrete, Inc. Lamb moved and Feller seconded the motion to approve Application for Payment No. 4. Aye: Anderson, Feller, Kilts, Lamb, Schillinger. Nay: none. Motion passed.

Fritz Chaplin's Property Concerns

Mayor Wahlman explained that Mr. Chaplin is concerned that no further complaints be expressed against his property, which he has made efforts to improve. Wahlman had conferred with the Zoning Director who said the current configuration of the property is grandfathered in. No action was taken.

MISCELLANEOUS ITEMS AND INFORMATION

The City Council discussed the following items:

- **Visibility of Fire Trucks entering Hwy 71.** Concern was expressed over precautionary steps needed to alert drivers on Hwy 71 that the Fire Department vehicles were entering the flow of traffic during an emergency call.
- **Compliments to the Public Works Department.** Don Lamb relayed a message from citizens complimenting the Public Works Department on their work removing snow from city streets during the holiday blizzard. Council members discussed arrangements for additional assistance with snow removal.

COMMENTS FROM CITIZENS PRESENT

- **Visibility at the corner of 28th St. and Hwy 71.** Concern was expressed over visibility beyond the snow piles at 28th and 71. Council members clarified that responsibility for clearing that intersection was split between the count and the city and that most street corners have the same issue until street crews are able to remove all excess snow.

Mayor Wahlman adjourned the meeting at 7:55 PM.