

CITY OF MILFORD  
SPECIAL MEETING  
MARCH 12, 2009

A special meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Webermeier Library in said City on the 12<sup>th</sup> day of March 2009 at 7:00 pm. Present were: Mayor Dean Bruha; Council members: Jeff Baker, Rick Fortune, Jeff Heckman, Dan Kral; Attorney Robert Blevens; Chief of Police Forrest Siebken; City Clerk Jeanne Hoggins. Also present: Pat Rixstine, Harold & David Bacon, Lela Benson, Bruce & Cheryl Hostetler, Howard & Marvene Wurst, Dale Hall, Lezlie Patton, Henry & Marcille Friesen, Alan & Lana Carter, Richard Watson, John Melena, E.J. & Kathy Nowotny, Tracey Gabehart, Randy & Joyce Lauer, John Stabenow, Dave Swarts and Nancy McGill with the press.

Notice of the meeting was given in advance thereof by posting in three public places; a designated method for giving notice, as shown by the Certification of Posting 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 Bruha called the meeting to order at 7:00 p.m. Mayor Bruha 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 of the meeting room at the Webermeier Community Library.

**Conditional Use Permit, 319 S. "E" Street:** Mayor Bruha - the State Fire Marshall report that was requested was presented to the City Council. Mayor Bruha read the report. (Report attached to these minutes) Mayor Bruha then asked the Council if they had any comments or questions. Fortune mentioned that someone will leave tonight unhappy. The decision that needs to be made, is whether to allow an assisted care facility in an existing R2 neighborhood. Within this established neighborhood there are majority of the people against this project moving forward. This needs to be taken into consideration. Heckman is in agreement with the comments from Fortune. He recognizes the need for this type of facility in our community but doesn't consider this neighborhood to be the right place for it. Kral has mentioned all along if we were going to rewrite something or make an exception we need to deal with specifics. The #1 item on the Fire Marshall Report states: "submit a plan". Questions Kral still has: how many levels will be utilized, what hallways accommodate a gurney, if a patient has to be evacuated is

there a way to get them down the steps and can the hallways handle more than one patient at a time. These are questions that still need to be answered. Kral feels they are being asked to approve plans that have not yet been submitted. Also, taxpaying neighbors in the area should have some say as to what goes on within the neighborhood. At this time Kral doesn't agree with allowing this facility. Baker – looks at it as whether the standards outlined in the Comprehensive Plan can be met. The Fire Code's are not for the Council to determine. Comments from the neighbors should be taken into consideration also. Baker would like to see the Council go thru the codes/standards and see if they have met all of them. He feels this is the fair way to handle making a decision. Mayor Bruha allowed new/brief comments from the public. Pat Rixstine mentioned an issue that she felt hadn't been considered. She was concerned with the safety of the residents intended for this home and the ability to get them out safely if a fire should occur. Fortune mentioned the whole residential community is zoned R2 and if someone else would ask for a Conditional Use Permit then the neighborhood comments should carry some weight in the decision. A motion was made by Fortune and seconded by Kral to deny the request for a conditional use permit at 319 S "E" Street, Milford. Roll call vote: Fortune yes, Kral yes, Baker yes, Heckman yes. Motion carried.

**Authorize to bid for running Concession Stand:** A motion was made by Baker and seconded by Heckman to advertise to bid the Welch Park Concession stand for regular league games excluding tournaments. Roll call vote: Baker yes, Heckman yes, Fortune yes, Kral yes. Motion carried.

**ADJOURNMENT:** A motion was made by Fortune and seconded by Heckman to adjourn the meeting. Roll call vote: Fortune yes, Heckman yes, Baker yes, Kral yes. Motion carried and meeting adjourned.

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Jeanne Hoggins, City Clerk

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Dean A. Bruha, 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 of March 12, 2009 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