

CITY OF MILFORD
SPECIAL MEETING
NOVEMBER 9, 2009

A special meeting of the Mayor and Council of the City of Milford, Nebraska was held at the City Hall Office in said City on the 9th day of November 2009 at 5:30 pm. Present were: Mayor Dean Bruha; Council members: Jeff Baker, Jeff Heckman, Dan Kral; Attorney Robert Blevens; Chief of Police Forrest Siebken; City Clerk Jeanne Hoggins.

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 5:36 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 south wall of the meeting room at the City Hall Office.

Introduction and Adoption of Ordinance – Amend Section 5.05.05 of the Zoning Regulations relating to TA district setbacks: The agenda item pertains to whether to change the 100' setback to 50'. Mayor Bruha doesn't see this as a setback issue but rather a compliance issue as Troyer's knowingly and deliberately continued to work on the building after they were specifically told not to. There was a question on the depth of the sewer line and it was covered prior the Building Official's inspection. Mayor Bruha says we are sending the wrong message to the community. Rick Fortune arrived. If we accept the change we are stating that the rules don't matter. Mayor Bruha is also concerned about litigation in the future if rules are broken. Baker agrees with most of what Mayor Bruha stated. He noted that we voted to change the regulation a week ago and it's not a compliance issue that's on the agenda. Discussion was held that if the regulation is bad then change it. Baker noted that the rule was good until the building went up and then the rule seemed bad. Baker was all for ticketing the Troyer's with a misdemeanor charge because what he did was wrong, but that's not what is on the agenda. We need to deal with the setback issue. Kral reiterated that if the rule has no logical basis then we need to change it. Fortune commented that we do not want to make Dan Troyer tear down his building. The reason for voting the way he did is because this building sits

on the south side of Hwy 6 up on the hill and we will probably never see any growth in this direction. It's not out of place and makes no sense to tear it down. TA District was not reviewed thoroughly at the time of updating our Comprehensive Plan and we have found errors in the book in the past. Baker has no problem with citing everyone, everyday if there continues to be a violation but the average setback within the surrounding communities is 66' which isn't much different than 50'. A motion was made by Baker and seconded by Kral to approve the following ordinance:

ORDINANCE NO. 831

AN ORDINANCE TO AMEND SECTION 5.05.05 OF THE ZONING REGULATIONS OF THE CITY OF MILFORD, NEBRASKA, RELATING TO HEIGHT AND LOT REQUIREMENTS IN THE TA TRANSITIONAL AGRICULTURE DISTRICT TO CHANGE THE FRONT YARD SETBACK FOR ACCESSORY BUILDINGS TO A DISTANCE OF 50 FEET; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PRESCRIBING THE TIME THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT. (See Ordinance Record)

ADJOURNMENT: A motion was made by Heckman and seconded by Kral to adjourn the meeting. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried and meeting adjourned at 5:53 pm.

Jeanne Hoggins, City Clerk

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 November 9, 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)

Jeanne Hoggins, City Clerk