

MINUTES of the CITY OF MILO COUNCIL MEETING
CITY HALL, 100 MAIN ST, MILO, IOWA – TUESDAY, SEPTEMBER 22, 2020

Milo City Council was called to order by Mayor Hall at 7:09 p.m. Council answering roll call: Moulds, Graham and Uttley. Kinser and Mason were absent. The Pledge of Allegiance was administered.

Motion by Moulds to approve the agenda. Second by Graham. Ayes: Moulds, Graham and Uttley. Absent: Kinser and Mason. Nays: none. Motion approved. Motion by Moulds to approve the consent agenda to include all council meeting minutes of August 17, 2020; and accounts payable from August 18 – September 22, 2020 in the amount of \$103,186.47; July 2020 Bank Reconciliation Report, August 2020 Bank Reconciliation Report; August 2020 Warren County Sheriff's Report; and information on Local Option Sales Tax deposits and property tax certification of rate and dollar amounts. Second by Graham. Ayes: Moulds, Graham and Uttley. Absent: Kinser and Mason. Nays: none. Motion approved.

Peggy McCauley with Southeast Warren After Prom addressed council about having a 5K Fundraiser for the group on October 17, 2020 in Milo. Discussion followed with Council requesting a copy of Southeast Warren Schools certification of insurance and asking that they use directional signage and have helpers direct the run. Motion by Moulds to approve the After Prom 5K Fundraiser for October 17, 2020 with the mentioned items. Second by Uttley. Ayes: Moulds, Graham and Uttley. Absent: Kinser and Mason. Nays: none. Motion approved.

Next, motion Graham to open the public hearing regarding determination of breed for three dogs located at 114 East Elm Street, Milo, Iowa. Second by Uttley. Voice vote: Ayes: Moulds, Graham and Uttley. Absent: Kinser and Mason. Nays: none. Motion approved. Motion by Graham to enter into the record the section of the council packet pertaining to the hearing. Second by Moulds. Voice vote: Ayes: Moulds, Graham and Uttley. Absent: Kinser and Mason. Nays: none. Motion approved. Mayor Hall asked for witness testimony. Warren County Sheriff's Officer Wilbur stated that he was familiar with the home and the dogs at 114 E Elm Street, Milo, Iowa due to the ongoing dog issues at the home and the recent events involving the euthanasia of Carl the dog and removal of Orca the dog from the City of Milo. Officer Wilbur stated that there remain two other dogs at 114 E Elm Street in Milo; a bulldog/pit bull mix and the other is a boxer/pit bull mix. Officer Wilbur stated that prior to tonight's hearing, he became aware of a group of walkers who were chased on 09-15-2020 by the bulldog/pit bull mix dog and that Officer Fisher responded but no one was home at 114 E Elm Street. Officer Wilbur asked Council if they wanted him to pursue an investigation and misdemeanor charge. Council agreed to pursue the incident and the City Clerk provided the victim's names to Officer Wilbur and shared that they had called City Hall reporting the incident on 9-15-2020 and then the City Clerk reported the information to the Warren County Sheriff's Office. Officer Wilbur went to identify two of the three dogs by describing where they were chained in the yard at 114 E Elm Street, Milo, Iowa. The Mayor then recognized the City Clerk who stated that on 07-10-2020 a notice for determination of breed, vaccinations and housing per the City Ordinance was sent to the Kirgan property at 114 E Elm Street, Milo, Iowa. The deadline to respond to this notice was 07-22-2020. Because no response was received, the City Clerk personally served Travis Kirgan (Dana Kirgan by proxy to Travis Kirgan) at the Court Facilities Building in Indianola Iowa on 09-11-2020 with notice of setting the hearing for 9-22-2020 before the Milo City Council. City Clerk stated that on 06-09-2020 Officer Wilbur photographed and noted in his report that there were at least two other pit bull mix breed dogs at the 114 E Elm Street property. Officer Wilbur was at the location investigating the dog maul incident of 6-9-2020. City Clerk then stated that on 9-15-2020 Dani Bauer called City Hall to report being chased by the white bulldog/pit bull mix breed dog from Elm Street. Sharon Turner was also commenting in the background of the phone conversation. City Clerk then called the Warren County Sheriff's Office and the Deputy followed up with a report. Mayor Hall stated that Travis Kirgan, property owner was not present and that Dana Kirgan, property owner was not present. Not other public was present to testify. Mayor Hall called to close the public hearing. Motion by Graham to close the hearing. Second by Moulds. Voice vote: Ayes: Moulds, Graham and Uttley. Absent: Kinser and Mason. Nays: none. Motion approved. After the hearing Council discussed, a motion was made by Moulds to deem the 2 pit mix breed dogs chained outside 114 E Elm Street vicious pursuant to Chapter 56 of the Milo Code of Ordinances and based on the testimony of Officer Wilbur that the two dogs tied outside are pit mix breeds and are being housed improperly and that the property owners did not provide proof of vaccinations, breed or housing in response to the notice of 7-22-2020. And to order Travis and Dana Kirgan to remove the 2 dogs from the City of Milo. Second by Uttley. Voice vote: Moulds, Graham and Uttley. Nays: none. Absent: Kinser and Mason. Motion carried.

Old business: There was nothing new to report regarding the Wastewater update. City Clerk updated council regarding nuisance abatement sharing that the 3 properties that Council determined to be nuisances has been abated.

Departmental reports: Doug Hembry reported that the remaining no parking signs are installed on 1st Street and noted that the new 4-way stop sign had been hit and ruined a temporary sign is in place pending the new stops signs arriving. There is recorded footage that the City is reviewing. Water loss report has crept up from 10% to 20% which means there are more leaks to find. City staff installed a storm drain tile along the north side of City Park and ditched out the west side of City park. This should eliminate standing water in ditches on the north side of City Park along Walnut. City Staff removed a fallen mulberry tree on Olive Street in the City of right-of-way. Also, we had a person pick up sticks at City Park. Ongoing Fall items are flushing water mains and exercising valves. City staff has dug under the north trail head to run electricity to the new city sign. Next, Hembry provided information for the purchase of a bushhog mower. Motion by Uttley to purchase the John Deere bush hog mower for \$3,589.00 to be paid out of Road Use Tax and Wastewater Funds. Second by Moulds. Ayes: Moulds, Graham and Uttley. Nays: none. Absent: Kinser and Mason. Motion carried. Kinser: absent. Moulds: no report/questions. Graham: no report/questions. Uttley: no report/questions. Mason: absent. City Clerk suggest a discussion related to parks and the ballfield lighting for Centennial Park since the City received donated lights from Southeast Warren Schools last Fall. Discussion followed with the main points being that we can reduce the number of poles and potential funding by using the Local Option Sales Tax deposit General Fund monies. Council asked City Clerk to invite Blayne Hartman of Lil Warhawks to the October 5, 2020 for discussion of Centennial Park updates.

New business: Council and City Attorney Stuyvesant discussed the City Council's proposed changes in the Milo Code of Ordinances 55 & 56 and will revisit this at a future council meeting. Mayor Hall read the changes for Milo Ordinance 2020-05 Repealing section 65.01(4) and adding section 65.02(12) to the Milo Code of Ordinances. Motion to approve the first reading of Milo Ordinance 2020-05. Second by Graham. Ayes: Moulds, Graham and Uttley. Nays: none. Absent: Kinser and Mason. Motion carried. Council then directed the City Clerk to place the remaining readings on a future council meeting agenda. After Council discussed the transfer resolutions, Motion by Moulds to approve Resolution 2020-08 transferring the FY2020 residual budget and additional monies to the capital improvement fund. Second by Uttley. Ayes: Moulds, Graham and Uttley. Nays: none. Absent: Kinser and Mason. Motion carried. Next, motion by Moulds to approve Resolution 2020-09 transferring the Fire Department residual budget and additional monies to the capital improvement fund. Second by Uttley Ayes: Moulds, Graham and Uttley. Nays: none. Absent: Kinser and Mason. Motion carried. Then, motion by Uttley to approve Resolution 2020-10 transferring the Ambulance FY2020 residual budget and additional monies to the capital improvement fund. Second by Moulds. Ayes: Moulds, Graham and Uttley. Nays: none. Absent: Kinser and Mason. Motion carried. After further discussion motion by Uttley to approve Resolution 2020-11 transferring FY2021 operating funds and debt service funds. Second by Moulds. Ayes: Moulds, Graham and Uttley. Nays: none. Absent: Kinser and Mason. Motion carried. Council then reviewed the remaining resolutions. Motion by Graham to approve Resolution 2020-12 offsetting delinquent accounts to the State of Iowa Income Offset Program. Second by Moulds. Ayes: Moulds, Graham and Uttley. Nays: none. Absent: Kinser and Mason. Motion carried. Then, motion by Graham to approve Resolution 2020-13 approving the addition of ALS-2 Fee to the EMS Scheduled Fees. Second by Moulds. Ayes: Moulds, Graham and Uttley. Nays: none. Absent: Kinser and Mason. Motion carried. Next, motion by Moulds to approve Resolution 2020-14 approving the FY2020 Milo Street Financial Report. Second by Graham. Ayes: Moulds, Graham and Uttley. Nays: none. Absent: Kinser and Mason. Motion carried. Council then reviewed several parcel split requests located outside the city limits of Milo. Motion by Graham to approve the parcel split request from Cheryl Gebhart located outside the Milo city limits South along S23 Hwy creating Parcel A in Section 31-75-22 Warren County, Iowa. Second by Uttley. Ayes: Moulds, Graham and Uttley. Absent: Mason and Kinser Nays: none. Motion approved. Then, motion by Graham to approve the parcel split request located outside the Milo city limits to the North and West of Milo, Warren County, Iowa, creating Parcel H. Second by Moulds. Ayes: Moulds, Graham and Uttley. Absent: Mason and Kinser. Nays: none. Motion approved. Next, motion by Moulds to approve the Warren Water District's request to provide water service at 17304 Nevada Street, Ackworth, Iowa. Second by Graham. Ayes: Moulds, Graham and Uttley. After reviewing an application, motion by Moulds to approve the application for Milo Veteran Incentive Program and disburse payment of \$500.00. Second by Graham. Ayes: Moulds, Graham and Uttley. Nays: none. Absent: Kinser and Mason. Motion carried. Council reviewed two alcohol permit requests. Motion by Moulds to approve permit reimbursement to Casey's General Stores, Inc. for a cancelled and replaced permit. Second by Uttley. Ayes: Moulds, Graham and Uttley. Nays: none. Absent: Kinser and Mason. Motion carried. Then, motion by Moulds to approve a business status change for Houston's on Main. Second by Graham. Ayes: Moulds, Graham and Uttley. Nays: none. Absent: Kinser and Mason. Motion carried. After reviewing, motion by Graham to approve Halloween Beggar's Night for October 30, 2020 from 6-8 pm. Mayor Hall then asked Council to review the Milo Development Corporation's cancellation letter regarding

the 2020 Milo's Small Town Country Christmas Event. Mayor Hall shared information that the new electric Milo welcome sign will be installed October 5, 2020.

No public comments were heard. Under remarks, Mayor Hall asked Council to please respond to the City Clerk's emailed council packets to ensure a quorum at the council meetings. Mayor Hall shared that the ribbon cutting will be for the new electric Milo welcome sign is tentatively set for October 12 at 5:30 pm and the funding partners will be at the event and it would be great if Council was present; the Milo Hometown Pride Chili Supper is set for October 17, 2020 5 – 7 pm; and the Hometown Pride Freewill Garage Sale is set for November 7, 2020 at the Community Center. Safety and Health Committee meeting reviewed the handout "Is it a cold, the flu, allergies, or coronavirus?". Motion by Graham to adjourn at 8:37 p.m. Second by Moulds. Ayes: all present. Motion approved.

By Order of the Milo City Council