

**CITY OF OKOBOJI  
REGULAR COUNCIL MEETING  
TUESDAY, SEPTEMBER 9, 2014, 6:00 P.M.**

**PRESIDING:** Mayor Mary VanderWoude

**COUNCILMEMBERS PRESENT:** Mendenhall, Robinson, Andres, Hentges, Delperdang

**OTHERS PRESENT:** John Adams, Tom Tourville, Kae Hoppe, Tom & Nyla Throckmorton, Gretchen Graham, Cris Hedgpeth, Fran Shloss, Jason Petersen, David Stein, Jr., Brad Beck, Tom Davies

After the Pledge of Allegiance, the Mayor called the meeting to order at 6:00 P.M. Hentges/Andres moved to adopt the agenda. All ayes. Motion carried. Robinson/Mendenhall moved to approve the consent agenda, which included minutes of the previous meeting 08/12/14, claims for September 2014, and the Clerk's Report ending August 2014. All ayes. Motion carried.

**CITIZENS APPEARANCES**

Okoboji resident Cris Hedgpeth stated a new deck has been put into place at Okoboji Boats that was not part of the original plan. Hedgpeth asked if a building permit was issued because it was Hedgpeth's contention there are not supposed to be any improvements done on this property. Hedgpeth stated she has no problem with the catwalk portion of the construction, but the small deck needs to be removed. Hedgpeth stated it would be typical of Butch Parks to start and see if anybody complains and then the next thing you know the entire roof will be covered with a deck. City Administrator Dennis Daly stated quite possibly this may have been done without a permit, but will look into the situation.

**OLD BUSINESS**

**Council to further discuss and consider speed and weight limits on an alley located at**

**2206 Lake Shore Drive:** Councilmember Hentges stated he has spoken with Daly who has spoken to neighbor Bob VanOrsdel concerning this alley and the lot owned by VanOrsdel. Hentges reported VanOrsdel is not planning for any construction. Having spoken to Dick Notestine of 2206 Lake Shore Drive, Hentges reported there is now no particular problem so long as there is no construction taking place. Hentges went on to say the alley is city owned, and everyone has elected to leave things as they are. The Mayor stated this is a non-issue; thus no action to be taken.

**NEW BUSINESS**

**Council to review/consider design and preliminary costs for the Country Club Drive**

**sewer lift station upgrade:** City Engineer Brad Beck stated he has now completed plans for Daly and Supervisor Neal Houge to review and make any necessary changes. Beck stated he has set October 7<sup>th</sup> at 2:00 P.M. for the bid opening, giving the successful bidder until mid-December for completion. Beck stated the anticipated cost for the project will be in the range of \$50,000 - \$60,000, but will have a more established price at bid time. Beck also indicated he will have a final complete plan for the Council at a future meeting. Daly was directed to place an agenda item to this effect for the October 2014 meeting.

**Council to review/discuss possible ordinances for ATV/UTV and Golf Cart use on city**

**streets:** The Council was presented two proposed ordinances for ATV/UTV and Golf Cart use on city streets. Police Chief Jason Petersen was asked if he has had a chance to review the proposed ordinances. Petersen felt in large part they were fine, but a few things within the documents would need to be reviewed. City Attorney David Stein, Jr. stated he has some experience on this issue and had gleaned the information from another entity for the City of Okoboji use. Stein stated upon a favorable review by the Council, these could be placed on a future agenda to consider a first reading. Several issues were discussed concerning engine displacement of a vehicle, hours of operation, lighting, insurance, flagging a vehicle, and licensing. It was brought to the Council's attention that an application must be made to the IDOT for any crossing involving a state highway. Stein suggested a first reading could be conducted contingent upon approval by the IDOT for crossings. Daly stated he would contact the IDOT and at least obtain the proper information to get started. The Council advised Stein and Daly to proceed and have this item for consideration for the October meeting. Information only. No action taken.

**Council to review the Street Financial Report for July 1, 2013 to June 30, 2014 and consider Resolution No. 14-14 "Street Financial Report for July 1, 2013 to June 30,**

**2014:"** Robinson/Hentges moved to accept and approve Resolution No. 14-14. Upon the call of the roll, the vote was as follows: AYES-Delperdang, Hentges, Andres, Robinson, and Mendenhall; NAYS-None. With the vote being in the majority, the Mayor declared the motion duly carried.

**Council to consider bids for a new 2015 police vehicle:** Police Chief Jason Petersen reported no bids have been received for a new 2015 police vehicle. Petersen explained at this time the auto dealerships

that were sent bid notices do not have pricing for a 2015 model, and there are no 2014 models available. Petersen went on to say if bids do happen to come in before the October 2014 meeting, he would contact the Council directly. The Council tabled this item for a future meeting.

**Council to consider a request by Brooks Golf Club to discharge shotguns on the golf course to dispose of problem geese:**

Tom Davies of Brooks Golf Club stated the golf course is experiencing a terrible Canadian goose problem. The geese are uprooting the putting greens as well the fairway grass, plus they deposit "logs" everywhere on the course, making golf play unpleasant. Councilmember Hentges reported he has been contacted by Davies personally for assistance on this matter, and did concur with Davies there is a problem. The Mayor asked Davies if he explored using dead goose decoys or possibly burning the grasses at the edge the ponds. Davies stated they have used all the methods they could think of, but the results only last for a short time period. Councilmember Robinson asked if the city were to allow this request, who would assume the financial liability. Davies stated he will have a lead experienced hunter that would approve who is allowed to hunt, plus Brooks Golf Club will assume all liability. Time limits, season dates for hunting, and the location of the area to be hunted were discussed. Robinson asked who would be the lead hunter. Councilmember Hentges stated he has been retained as the lead hunter. Councilmember Mendenhall stated Davies has demonstrated in the past that he has done things for the city as requested which reflects how he feels about the city. Robinson asked Daly if this Council has ever received a request such as this before. Daly stated that he can recall none. After further discussion, Robinson/Mendenhall moved to approve the hunt as requested, but that it must adhere to all IDNR rules and regulations. The vote was 4-0 with one abstention for approval. Hentges stated he abstained from voting because he is a principal in this matter. The Mayor declared the motion duly carried.

**Council to consider a quote from Iowa Codification, Inc. for codification services for the City of Okoboji Code of Ordinances:** Robinson/Hentges moved to approve a quote in the amount of \$2400.00 from Iowa Codification, Inc. for codification services for the City of Okoboji. All ayes. Motion carried.

**Council to consider allowing an addition of a third hoist for Public Access #1 also known as the Lake Street access:**

Daly reported in 2005 Leo Parks, Jr. was added to this access with a hoist with the permit being renewed in 2009 and again in 2014. Daly went on to say in 2013 he was notified by the IDNR about a possible violation at the access. When Daly visited the site with the IDNR, it was found that hoists for the adjoining properties had encroached onto the city access property by Okoboji Boats. At that time Okoboji Boats was ordered to remove the hoists in violation, which was done, but then found there were three hoists on the access instead of two as the current dock permit says that is approved by the city. Daly stated he always knew there were three hoists at the access, but did not realize the permit only states two. Daly reported he spoke to dock permit contact person Larry Soyer and was told this was a mistake on Soyer's part, and it should have had three all along. Daly stated he put this on the agenda to correct a mistake. Daly stated when his office receives the renewed permits back at the time for approval, his office has no way of knowing whose hoist has been removed or added. Daly stated the hoist as it sits meets all the requirements of the city. Mendenhall asked what the understanding was for the public access docks. Daly stated they are for residential use, and not for rentals. Mendenhall asked if there were two or three hoists at the location this summer. Daly stated there were three and are owned by Larry Soyer, Kevin Bestick, and Leo "Butch" Parks, Jr. Councilmember Andres asked if Parks had a personal boat on it. Daly stated he did not know if it was personal or not, but that the current boat is gone and will not come back. Andres stated she only asks as she is reading an email from Kevin Bestick claiming it was a rental boat. Andres asked if this is something to be concerned about. Daly stated it is something that should be monitored. Discussion followed concerning rental of boats on public accesses, the intent of dock applications, requirements for residential use, the rights of the city to govern an access, and ramifications for removal due to a violation. Daly reviewed the public access rules and requirements to be able to participate. After further discussion, the Mayor asked for a motion to allow a third hoist for Public Access #1. With no motion, the issue died due to a lack of a motion. Daly reported since it died due to the lack of a motion, it was his opinion the issue is defeated. Hentges asked Daly to confer with the City Attorney concerning the lack of a motion and to see if this could be considered again at a later meeting.

**Council to consider a request by Mr. Roger Miller of 2003 Holliday Way to increase the size of the current "L" portion of Dixon Beach Dock #28 from 10 feet to 16 feet:**

Robinson/Mendenhall moved to approve the request by Mr. Roger Miller to increase the size of the current "L" portion of the Dixon Beach Dock #28 from 10 feet to 16 feet. All ayes. Motion carried.

**Council to consider a dock application for Mr. Curt Parks of 2305 Dixon Street for Public Access #8 located at 3615 Fairfield Street:** Robinson/Mendenhall moved to approve the dock application for Mr. Curt Parks for Public Access #8. All ayes. Motion carried.

**REPORT OF OFFICERS**

Police Chief Jason Petersen reported the Joint Powers Agreement for the H.E.A.T. Team needs to be revised, and the Council can expect to act upon this at the October meeting.

Councilmember Delperdang reported a meeting was held with himself, Tom Tourville, John Adams, Mary VanderWoude and Dennis Daly. Delperdang reported the meeting was held to create some dialogue to move forward, and one issue discussed was how to avoid lawsuits. Delperdang went on to say he is not afraid of lawsuits, but on the other hand he needs to be shown a case must be winnable and the case will mean something, and it's just not kicking the can down the road and forcing a fight for future years. One talking point that came out the meeting was the Des Moines Beach area whereby possibly removing a home or homes for future parking may be something that would be considered. Delperdang stated this discussion was just for talking points so that things could move forward and he does not pretend to represent the city on these issues, but is simply trying to create dialogue for a possible solution for the future. Delperdang reiterated everyone should try to move forward without litigation, and we need to maintain a dialogue; but he does not think a resolution can be made to make either side happy, but that is what compromise is. Delperdang thought the meeting went very well, and everyone should try to just move forward.

Councilmember Andres reported she promised Mrs. Whittenburg she would bring up the issue concerning the use of the "Chateau" property, but did acknowledge that Daly has since addressed the situation.

Councilmember Robinson wished to publicly thank the maintenance crew for their hard work in cleaning up after the latest wind storm.

Councilmember Mendenhall stated he has a great deal of respect for Delperdang both professionally and personally for what he has done for the Council and the City. Mendenhall went on to say compromise is always good, but would prefer that at least two councilmembers be involved in these type of conversations. Robinson added he was supposed to attend this past meeting, but he had a medical issue he had to attend to.

Expenditures for the month of August 2014 are as follows; Public Safety - \$25,496.60; Public Works - \$12,953.14; Culture & Recreation - \$2,666.97; Community & Economic Development - \$1,456.25; General Government - \$31,196.86; Water - \$38,339.46; Road Use Tax - \$25,584.19; Capital Projects - \$5,628.75; Trust & Agency - \$497.50. Receipts for the same period were \$96,063.69, creating a balance in all funds in the amount of \$1,141,028.87. \$104,389.05 of the reported balance is invested in Certificates of Deposit with the United Community Bank.

Robinson/Andres moved to adjourn. All ayes. Motion carried. Meeting adjourned at 7:14 P.M.

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Mary VanderWoude, Mayor

ATTEST:

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Dennis J. Daly, CMC  
City Clerk/Administrator