

**CITY OF OKOBOJI
REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 14, 2014, 6:00 P.M.**

PRESIDING: Mayor Mary VanderWoude

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

OTHERS PRESENT: Neal Christensen, Gretchen Graham, Colleen Graham, Dennis Colton, Brett Redinbaugh, Tom Tourville, John Adams, Susan Mau, Tom & Nyla Throckmorton, Stephanie Parks, Duane & Joan Haith, Marjorie Mueller, David Thoreson, Jason Petersen, Bruce Smith, Phil Petersen, Brad Beck, Rich Nicklay, Jane Shuttleworth, David Stein, Jr., Kae Hoppe, Dustin Cross, and other unidentified individuals.

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 09/09/14, claims for October 2014, and Clerk's Report ending September 2014. All ayes. Motion carried.

CITIZENS APPEARANCES

Okoboji resident Neal Christensen directed the attention of the Council to the minutes of the last meeting where it was disclosed there had been a meeting with Councilmember Delperdang and others regarding the avoidance of lawsuits and the potential of trading property for a parking lot or other uses. Christensen went on to say it sounded to him like the green space issue from two years ago when selected members of the Council met with representatives of Mr. Parks to discuss the height of the covered docks on the lakeshore. Out of that meeting grew the notion of exchanging residential property for parking space and was neatly called green space, and sort of suggests one could hold a picnic or something of that nature in that location. Christensen continued by saying the core priorities from the 2004 land use document were to protect and preserve neighborhoods as residential areas, with businesses to be along the Highway 71 corridor, with the understanding from the council and the public this is the direction the city was going to go. Christensen went on to say when one reads in the minutes where it talks about trading residential property for business property, he becomes disturbed because this is an issue that has been one of the biggest issues for the city council as long as he has been a resident. Christensen urged more sensitivity by the city council when it comes to such actions, and a public hearing would be totally responsible. Christensen stated any more forays into issues reported in the next minutes as a "by the way, we met" format is totally inappropriate.

Councilmember Delperdang stated his ability to speak to any citizen should not be hindered by the whims of anyone else. Delperdang made the point last meeting that he is not pretending to represent the council as a whole but dialogue was very important; but if people think he needs a chaperone to talk to any other citizen, then so be it. Delperdang went on to say his ability to speak to a citizen should not be hampered by any other constraints than his willingness to talk to someone. Delperdang further stated he has not made any under-the-table deals, and was not representing the council, and was only meeting with individuals to create dialogue. If it was taken in any other format than that, then people will have to deal with that.

Joan Haith of 1503 Prospect Street stated she has lived at this location since 2001 and has some concerns about open burning in town. Haith felt burning should not be allowed at all as it is not healthy. Haith felt the police should not be called every time there is an alleged violation. Okoboji resident and business owner Bruce Smith stated there is a large amount of excess leaves and wood accumulated every year and would like to see a central site to be able to deposit landscape waste if the City bans burning. Councilmember Delperdang stated he would like to see an item on the agenda for further discussion at the next meeting.

NEW BUSINESS

Council to review and discuss with possible action for commercial dock permits: Mayor

VanderWoude stated this item is on the agenda as several councilmembers wanted to be in the same room to be able to talk to each other and not be accused of holding a secret meeting. VanderWoude went on to say there are two commercial docks in a residential area up for renewal in December; and conversation needs to take place whereby the dock permits will be renewed, renewed with conditions, or not renewed At all. The City sent a letter to the owner of the two docks as well as the IDNR.

VanderWoude stated the City has a history of the IDNR approving things before they get to the City Council for a meeting; and according to the rules of the IDNR, the City sets what the conditions are, and they have the option to decide what to do with those options if anything at all. VanderWoude stated this is the sole reason for the letters being sent, and the only way to address this is in an open meeting.

VanderWoude stated how the meeting would be conducted. Councilmember Mendenhall asked if someone could review the background of the area in question. The background was discussed with VanderWoude stating since the permits come for renewal in December, the docks should be strictly commercial, commercial with restrictions, or not commercial at all. Mendenhall stated there should be restrictions placed on the docks or not commercial at all. Discussion followed concerning restrictions, the Fish House, and communication.

Dustin Cross with Gislason & Hunter LLP, on behalf of the Throckmortons, Wandlings, and other interested citizens, stated the City should uphold the zoning ordinance and revert back to residential use only. City Attorney David Stein, Jr. stated his recommendation would be to deny the permits or have a recommendation concerning the historical use of the area. Discussion followed concerning the Fish House, parking problems in the area, littering in the area, and boorish behavior from patrons of the Okoboji Boat Works. Mayor VanderWoude stated possibly the two groups (Okoboji Boat Works and Des Moines Beach residents) could meet to come up with a compromise and then come to the City. Councilmember Robinson reminded everyone to confine their comments to the commercial dock permits, and if not, the conversation should be ended.

Tom Tourville, representative for Parks Marina, stated he is troubled by the fact the Fish House has been brought into the commercial dock permit issue. Tourville thought possibly all the commercial dock permits should be dealt with at the same time. VanderWoude stated possibly a letter could be sent to the remainder of the commercial dock permit holders advising them that restrictions could apply to all permits. VanderWoude called for a motion on the matter or to table it for a later meeting. With no motion made on the issue, the Mayor declared the matter tabled to the November Council meeting.

Council to consider bids for the Country Club Drive Lift Station Improvements Project: City Engineer Brad Beck stated at 2:00 P.M. the afternoon of this meeting, a bid opening was conducted for the Country Club Drive Lift Station Improvements Project. Beck reported only one bid was received in the amount of \$298,000.00 which far exceeded the engineer's estimate. Beck recommended the Council not accept the bid and advertise again for bids this coming January 2015 for spring construction. Beck went on to say the late season bid request coupled with contractors being so busy contributed to the low turnout for bids. The Council took no action, with the item again to be considered at a later time.

Council to discuss abandoning a city sanitary sewer main and redirecting existing sanitary sewer service lines: City Administrator Dennis Daly reported supervisor Neal Houge discovered an existing city sanitary sewer main that runs from the back of the former city hall south under Mau Marine to Gordon Drive. Daly reported Houge had the line cleaned and televised and found the sewer to be very defective. Daly went on to say given that Mau Marine is in the process of reconstructing the storage/showroom building, now is the time to think about relocating two sanitary sewer service lines and abandon the current sewer main. Daly produced a map of the relocation of the sewer service lines, stating this should be a fairly simple procedure; and since it is the city sewer main, the city should absorb the expense to do so. After further discussion, Delperdang/Robinson moved to abandon the existing sewer main and relocate the sewer service lines. All ayes. Motion carried.

Council to consider a renewal of the Joint Powers Agreement for H.E.A.T.: Robinson/Andres moved to approve the Joint Powers Agreement for the H.E.A.T. Tactical Team. All ayes. Motion carried.

Council to consider bids for a new police vehicle: Mendenhall/Hentges moved to approve the purchase of a new 2015 Dodge 1500 SSV Crew Cab 4X4 Pickup in the amount of \$27,008.00. All ayes. Motion carried.

Dennis Colton of 1624 Nichols Avenue to request a possible purchase of city property: Dennis Colton of 1624 Nichols Avenue addressed the Council about possibly purchasing some City property known as Bye Street adjacent to his property. Colton stated the City used a good portion of this area for a rain garden that was constructed with the Nichols Avenue street project. Colton stated he has maintained this area for several years as it is of no use to anyone. Colton went on to say the street as platted is only 22 feet wide and would only serve as an alley anyway. Daly concurred with Colton stating this particular parcel would serve no purpose for future access to property to the rear of this area. Daly stated it will take advertising the sale of city property by public hearing before it can be disposed of. Daly went on to say the only decision to be made at this meeting is whether to agree to sell the property or not; and if it is agreed to be sold, he would start the process with the City Attorney. Hentges/Robinson moved to go forward with the sale of the parcel of property known as Bye Street. All ayes. Motion carried.

Council to consider a granted variance to Mr. Nix Lauridsen of 3511 Fairfield Street for the construction of a deck addition to a non-conforming structure: Delperdang/Hentges moved to approve the recommendation of the City of Okoboji Board of Adjustment that a variance be granted to Mr. Nix Lauridsen of 3511 Fairfield Street. All ayes. Motion carried.

Council to consider a request by Mr. Robert Moyle of 2311 Holliday Way to increase the size of the current "L" or "T" portion of Dixon Beach Dock #31 from 12' to 20': Robinson/Hentges moved to approve the request by Mr. Robert Moyle to increase the size of the dock platform from 12' to 20'. All ayes. Motion carried.

Council to review and consider the State TIF Report: Robinson/Hentges moved to approve the 2014 State TIF Report. All ayes. Motion carried.

Council to consider changing the date of the regularly scheduled November 2014 Council meeting: Robinson/Hentges moved to change the November 11, 2014 Council meeting to November 12, 2014 to be held at the regular time of 6:00 P.M. All ayes. Motion carried.

REPORT OF OFFICERS

The Mayor reported that she, the Arnolds Park Mayor, Administrators, Police Chiefs, and some Councilmembers met and started dialogue concerning possibly sharing police departments. The Mayor reported there would be future meetings concerning this and would keep everyone up to speed on the issue.

Daly reported he and Arnolds Park City Administrator Ron Walker had been in a conference call with the Osceola Rural Water District and McClure Engineering concerning the possibility of Osceola Rural Water purchasing water from the Central Water System or the City of Okoboji. Daly went on to say he and Walker voiced their opinion in opposition for such a request at this time. Daly also stated he and Walker are currently working on revising the 28E Agreement between the cities and the Central Water System and would report at a later time.

Expenditures for the month of September 2014 are as follows: Public Safety - \$20,448.87; Public Works - \$14,083.54; Culture & Recreation - \$3,891.25; Community & Economic Development - \$52,097.95; General Government - \$32,143.92; Water - \$33,469.52; Road Use Tax - \$2,474.97; Capital Projects - \$12,455.00; Trust & Agency - \$1,458.82. Receipts for the same period were \$262,766.20, creating a balance in all funds in the amount of \$1,252,268.62. \$104,389.05 of the reported balance is invested in Certificates of Deposit with the United Community Bank.

Robinson/Hentges moved to adjourn. All ayes. Motion carried. Meeting adjourned at 7:43 P.M.

Mary VanderWoude, Mayor

ATTEST:

Dennis J. Daly, CMC
City Clerk/Administrator