

CITY OF OKOBOJI
REGULAR COUNCIL MEETING
WEDNESDAY, NOVEMBER 12, 2014, 6:00 P.M.

PRESIDING: Mayor Mary VanderWoude

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

OTHERS PRESENT: Lyda Neuhaus, Leo Parks, Jr., Tom Tourville, Phil Redinbaugh, Stephanie Parks, Mr. & Mrs. Richard Mau, Rich Nicklay, Bob Faulkner, Mr. & Mrs. Tom Throckmorton, Susan Mau, Dave Stein, Jr., Jason Petersen, Marjorie Mueller, Annie Braland, Hank Miguel, Dustin Cross, Joe Andres, Phil Johnson, Kathy Petersen, Denise Steeple, Bruce Smith, Dennis Colton, Jane Shuttleworth, Bob Shaw, Julie Scheib, Kiley Miller.

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. Mendenhall/Robinson moved to approve the consent agenda, which included minutes of the previous meeting 10/14/14, claims for November 2014, and the Clerk's Report ending October 2014. All ayes. Motion carried.

OLD BUSINESS

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

VanderWoude began by saying it was her opinion three choices could be made on two docks that operate commercially in a residential area. Letters have been sent to everyone involved including the IDNR. Those choices could be to leave a residential use only, a commercial use, or a commercial use with restrictions. Councilmember Robinson stated it was his opinion if these docks were approved for commercial use with restrictions and if the city thinks they would have cooperation from the IDNR, the sticking point would be if alcohol would be allowed to be served on the docks. Councilmember Mendenhall stated in previous discussions it was his understanding the commercial use would be for hoist rental. Councilmember Hentges stated hoists and "slips" in this situation are the same. Mendenhall continued by saying he agrees with Robinson that residential docks are not appropriate for alcohol consumption.

The Mayor asked whether the rental of slips or hoists in this area is allowable, and if so, should the Council vote on the renewals at this time or wait until the December Council meeting and put the IDNR on notice to not do anything with the permits until the City makes a recommendation. Robinson stated there are two renewals only at this time and others in the future should be the same. Councilmember Delperdang stated in the larger scheme of things he doesn't know if anything tonight will accomplish anything. A lot of the other issues are not going to go away or be settled by any decision made at this meeting. Delperdang went on to say he agrees at a minimum no business associated with a bar should be allowed at these two locations; it is the fair thing to do.

Phil Redinbaugh, attorney for Leo Parks, Jr., asked the Council at this time to approve the permits without restrictions, and the IDNR will decide what is in the best interest of persons using the water. Dustin Cross, Attorney for Gislason & Hunter, LLP, Attorneys at Law, stated it was his opinion the city is being asked to expand the commercial use on residentially zoned property. Cross went on to say historically the City has allowed the use of these properties for hoist rental, but permitting this continued use would be non-consistent with City zoning. Cross went on to say it was his opinion the Council could make a recommendation to the DNR with the condition that Mr. Parks would be allowed to rent his moor space for private rentals and that in all other aspects he must abide by the conditions of a Class I dock permit.

Cross went on to say that accomplishes the concerns of the Council that Parks not be treated unfairly and not be discriminated against and that he be permitted to continue with what has been historically allowed but yet preserves and limits the expansion of this commercial activity which has never been there. City Attorney David Stein stated that at a previous meeting the Council did discuss making a recommendation to the IDNR for the use of the property. Stein went on to say the Council should make a recommendation, but should evaluate the situation to make the appropriate recommendation.

Discussion followed concerning tourism, use of alcohol, boat and hoist rentals, and the use of docks. Mayor VanderWoude finished by saying another letter will be sent to all parties concerned including the IDNR that the Council will be making a decision at the December 9, 2014 Council meeting. No action taken. Information only.

NEW BUSINESS

Julie Scheib, Discovery House, to give annual update: Julie Scheib and Bob Shaw of the Discovery House reviewed resident statistics outlining the geographical area covered, nights of service, average length of stay, gender, co-occurring disorders, employed at discharge, sobriety status, and referral sources. The budget was presented outlining total expenses and sources of income. Scheib and Shaw thanked the Council for their ongoing support of the Discovery House.

Kiley Miller, President and CEO for the Iowa Lakes Corridor Development to address the Council: Kiley Miller, new President and CEO for the Iowa Lakes Corridor Development introduced himself to the Council and reviewed the annual report for fiscal year 2014. Miller reviewed the goals and objectives for the upcoming fiscal year.

Council to consider a new Class C Liquor License for Okoboji Winter Project, Inc. with Sunday sales and outdoor service area: Robinson/Hentges moved to approve a new Class C Liquor License for Okoboji Winter Project, Inc. with Sunday sales and outdoor service area. All ayes. Motion carried. Councilmember Andres recused herself from voting on this motion.

Council to conduct a public hearing to consider a recommendation from the Planning & Zoning Commission to consider Ordinance No. 222 for changes/clarifications/additions to the Zoning Ordinance of the City of Okoboji: The Mayor announced now is the time to conduct a public hearing to consider Ordinance No. 222. The Mayor declared the public hearing open for comment. With no comment from the public, the Mayor declared the public hearing closed. Hentges/Robinson moved to approve the recommendation of the Planning and Zoning Commission for approval. All ayes. Motion carried. Hentges/Mendenhall moved to introduce the first reading of Ordinance No. 222. All ayes. The contents of the ordinance were discussed with the City Administrator stating there were changes, clarifications, additions, and typographical errors within the zoning ordinance that needed to be taken care of. Robinson/Mendenhall moved to waive the second and third readings as required by law. Upon the call of the roll, the vote was as follows: AYES-Delperdang, Hentges, Andres, Robinson, Mendenhall; NAYS-None. With the vote being in the majority, the Mayor declared the motion duly carried. Mendenhall/Hentges moved to now have Ordinance No. 222 placed on its final passage and adoption. Upon the call of the roll, the vote was as follows: AYES-Delperdang, Hentges, Andres, Robinson, Mendenhall; NAYS-None. With the vote being in the majority, the Mayor declared the motion duly carried.

Council to consider Resolution No. 14-15, Resolution setting a hearing on the City of Okoboji, Iowa's intent to amend, extend or renew a franchise granting Black Hills Energy/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, a Delaware Corporation, Its lessees, successors and assigns, a Natural Gas Franchise: Robinson/Hentges moved to approve and adopt Resolution No. 14-15. Upon the call of the roll, the vote was as follows: AYES-Delperdang, Hentges, Andres, Robinson, Mendenhall; NAYS-None. With the vote being in the majority, the Mayor declared the motion duly carried.

Council to consider Resolution No. 14-16, Resolution setting a hearing on the City of Okoboji, Iowa's intent to convey the following property: commonly known as "Bye Street" adjacent to 1624 Nichols Avenue, Okoboji, Iowa and legally described as set forth in Resolution No. 14-16: Robinson/Andres moved to approve and adopt Resolution No. 14-16. Upon the call of the roll, the vote was as follows: AYES-Delperdang, Hentges, Andres, Robinson, Mendenhall; NAYS-None. With the vote being in the majority, the Mayor declared the motion duly carried.

Council to consider Resolution No. 14-17, Resolution of the City Council of the City of Okoboji, Iowa establishing fees for zoning permits and related zoning activities: Robinson/Mendenhall moved to approve and adopt Resolution No. 14-17. Upon the call of the roll, the vote was as follows: AYES-Delperdang, Hentges, Andres, Robinson, Mendenhall; NAYS-None. With the vote being in the majority, the Mayor declared the motion duly carried.

Council to discuss/review and possibly consider the City of Okoboji open burning regulations: The Mayor announced the city has received two complaints concerning open burning and stated she stands behind the committee recommendation a year ago to allow burning with stipulations. Councilmember Hentges agreed the city is good on this issue by not changing the current regulations. Councilmember Mendenhall stated if the city were to move to the point of banning burning, it might be the time for the city to investigate purchasing machinery for leaf removal at curbside. No action taken.

Council to consider a donation for Okoboji After Prom 2015: Robinson/Hentges moved to approve a donation to Okoboji After Prom 2015 in the amount of \$100.00. All ayes. Motion carried.

REPORT OF OFFICERS

Police Chief Jason Petersen gave the police report. Petersen stated he and the neighboring police departments are considering a new software named Shield Ware to replace the current Nemesis program. This will be a record keeping program shared by all county and local law enforcement agencies. The county will provide the server, with each agency to share equally in the cost. Petersen estimated the cost to be \$5000.

The Mayor stated she would like to see the letter to the IDNR be done immediately.

Councilmember Hentges stated since it was Veteran's Day on the 11th, he wished to thank all the veterans for everything they have done for this country.

Councilmember Andres stated she appreciates all people who reach out to the Council whether it be by email, text, or telephone.

Councilmember Mendenhall stated he would like to have the chance to speak with Mr. Parks personally with another Councilmember.

City Administrator Dennis Daly reported that he and Arnolds Park City Administrator Ron Walker are working with the Ahlers Law Firm of Des Moines, Iowa, to have a new 28E agreement written for the Central Water System and the Cities of Okoboji and Arnolds Park.

Daly asked the Council to please take note of the Annual Financial Report in their packets. Daly stated on page 12 it shows the ending fund balance as of June 30, 2014, was in the amount of \$452,585.00. Daly stated this is exactly what the City has been striving toward, and thanked the Council and Mayor for the hard work on the budget.

Expenditures for the month of October 2014 are as follows: Public Safety - \$86,526.75; Public Works - \$14,032.69; Culture & Recreation - \$94.23; Community & Economic Development - \$1,737.50; General Government - \$39,802.07; Water - \$38,858.65; Road Use Tax - \$254.00; Capital Projects - \$18,923.75; Trust & Agency - \$1,702.40. Receipts for the same period were \$792,247.78, creating a balance in all funds in the amount of \$1,819,666.77. \$104,523.61 of the reported balance is invested in Certificates of Deposit with the United Community Bank.

Hentges/Mendenhall moved to adjourn. All ayes. Motion carried. Meeting adjourned at 7:37 P.M.

Mary VanderWoude, Mayor

ATTEST:

Dennis J. Daly, CMC
City Clerk/Administrator