

CITY OF OKOBOJI
REGULAR COUNCIL MEETING
TUESDAY, APRIL 11th, 2017

PRESIDING: Mayor VanderWoude

COUNCILMEMBERS PRESENT: Julie Andres, Jim Hentges (arrived at 6:23 P.M) Jerry Robinson, Walter Mendenhall

COUNCILMEMBER ABSENT: Jim Delperdang

OTHERS PRESENT: Kae Hoppe, David Scott, Molly Scott, Rebecca Peters, Leo Jochum, Beverly Jochum, Jeff Thee, Susan Mau, Steve Avery, Desi Wheeler, Shane Neavin, Ross Brockshus, Joe Andres, Joyce Waddell, Barbara Mendenhall, Owen Primavera, Brad Beck, Jason Petersen, and Jason Peters

After the Pledge of Allegiance the Mayor called the meeting to order at 6:00P.M. Andres/Robinson moved to adopt the agenda. All ayes. Motion carried. Andres/Mendenhall moved to approve the consent agenda, which included minutes of the previous meetings 03/14/2017 & 3/20/2017, Claims for April 2017, Bank Cash Report for March 2017, Renewal of a Class C Liquor License (LC) (Commercial) Catering Privilege, Outdoor Service and Sunday Sales for Lakes Art Center, Renewal of a Class C Liquor License (LC) (Commercial) Outdoor Service and Sunday Sales for Okoboji Commons Hotel, Renewal of a Class C Liquor License (LC) (Commercial) Catering Privilege, Outdoor Service and Sunday Sales for Tweeter's Bar and Grill, Inc.. All Ayes. Motion carried.

PUBLIC HEARING: Council to conduct a public hearing to consider Rick and Valerie Sampson's of 5503 Lakeshore Drive request of the City to vacate an unneeded easement and conveyance of the same by quit claim deed, in return for conveyance of a new easement to the City. Mayor VanderWoude opened the floor for questions or comments. With no public comments received, public hearing was closed.

Council to review and consider Resolution No. 17-05 "RESOLUTION APPROVING VACATION OF AN UNNEEDED EASEMENT AND CONVEYANCE OF THE SAME BY QUIT CLAIM DEED, IN RETURN FOR CONVEYANCE OF A NEW EASEMENT TO THE CITY AND SUBJECT TO CERTAIN TERMS." Robinson/Mendenhall moved to approve Resolution 17-05 approving vacation of an unneeded easement and conveyance of the same by quit claim deed, in return for conveyance of a new easement to the city and subject to certain terms. Roll call. Andres, Aye. Mendenhall, Aye. Robinson, Aye. Motion carried.

Council to review and consider Ordinance No. 233, "ORDINANCE APPROVING THE VACATION OF AN UNNEEDED EASEMENT AND CONVEYANCE OF THE SAME BY QUIT CLAIM DEED, IN RETURN FOR CONVEYANCE OF A NEW EASEMENT TO THE CITY AND SUBJECT TO CERTAIN TERMS." Mendenhall/Robinson moved to approve Ordinance No. 233 approving vacation of an unneeded easement and conveyance of the same by quit claim deed, in return for conveyance of a new easement to the city and subject to certain terms. Roll call. Andres, Aye. Mendenhall, Aye. Robinson, Aye. Motion carried.

First reading of Ordinance No. 233, "ORDINANCE APPROVING THE VACATION OF AN UNNEEDED EASEMENT AND CONVEYANCE OF THE SAME BY QUIT CLAIM DEED, IN RETURN FOR CONVEYANCE OF A NEW EASEMENT TO THE CITY AND SUBJECT TO CERTAIN TERMS." Mendenhall/Robinson moved to approve. Roll call. Andres, Aye. Mendenhall, Aye. Robinson, Aye. Motion carried.

Consideration of waiving second and third readings of Proposed Ordinance No. 233.

Andres/Mendenhall moved to waive second and third readings of Proposed Ordinance No. 233. Roll call. Andres, Aye. Mendenhall, Aye. Robinson, Aye. Motion carried.

Consider adoption of Proposed Ordinance No. 233. Mendenhall/Robinson moved to adopt Ordinance No. 233. Roll call. Andres, Aye. Mendenhall, Aye. Robinson, Aye. Motion carried.

PUBLIC HEARING: Council to conduct a public hearing on AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$1,700,000 GENERAL OBLIGATION CAPITAL LOAN NOTES OF THE CITY OF OKOBOJI, STATE OF IOWA (FOR ESSENTIAL CORPORATE PURPOSES). Mayor VanderWoude opened the floor for questions or comments. Mayor VanderWoude explained these funds would be used for the Sanborn Ave. and Gordon Dr. projects. Administrator Peters stated funds would also be used to refinance bonds from 2009. With no public comments received, public hearing was closed.

Council to review and consider Resolution 17-06 "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$1,700,000 GENERAL OBLIGATION CAPITAL LOAN NOTES." Robinson/Andres moved to approve Resolution 17-06 instituting proceedings to take additional action for the issuance of not to exceed \$1,700,000 general obligation capital loan notes. Roll call. Andres, Aye. Mendenhall, Aye. Robinson, Aye. Motion carried.

Council to review and consider 17-07 "RESOLUTION DIRECTING THE ACCEPTANCE OF A PROPOSAL TO PURCHASE \$1,632,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2017." Andres/Mendenhall moved to approve Resolution 17-07 directing the acceptance of a proposal to purchase \$1,632,000 general obligation capital loan notes, series 2017. Administrator Peters stated for the record that the bid accept was from Zion Bank, N.A of Salt Lake City, UT. Roll call. Andres, Aye. Mendenhall, Aye. Robinson, Aye. Motion carried.

Council to review and consider Resolution No. 17-08 "RESOLUTION AUTHORIZING THE REDEMPTION OF OUTSTANDING GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2009, DATED JUNE 18, 2009." Mendenhall/Robinson moved to approve Resolution 17-09 authorizing the redemption of the outstanding general obligation capital loan notes, series 2009, dated June 18, 2009. Roll call. Andres, Aye. Mendenhall, Aye. Robinson, Aye. Motion carried.

PUBLIC HEARING: Council to conduct a public hearing PUBLIC HEARING AND LETTING FOR 2017 CITY OF OKOBOJI SANBORN AVE. HOT MIX ASPHALT RESURFACING PROJECT. Mayor VanderWoude opened the floor for questions or comments. Engineer Beck stated that work would begin after Labor Day. With no public comments received, public hearing was closed.

Council to review and consider Resolution No. 17-09 "ADOPT PLAN SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATED COST." Robinson/Andres moved to approve Resolution No. 17-09 to adopt plan specifications, form of contract, and estimated cost. Roll call. Andres, Aye. Mendenhall, Aye. Robinson, Aye. Motion carried.

Council to review and consider Resolution No. 17-10 "RESOLUTION APPROVING SELECTION OF LOW BIDDER." Engineer Beck explained that Administrator Peters had opened the bids at 2 p.m. this afternoon. Two bids were received and the low bidder was OMG Midwest, Inc. d/b/a Tri State Paving at \$239,621.67. Robinson/Mendenhall moved to approve Resolution No. 17-10 approving selection of the low bidder OMG Midwest, Inc. d/b/a Tri State Paving at \$239,621.67. Roll call. Andres, Aye. Mendenhall, Aye. Robinson, Aye. Motion carried.

OLD BUSINESS

Council to discuss concerns over Ordinance 231 Landscaping of Lakeshore Property. Mayor VanderWoude explained that Administrator Peters had discovered that the wrong version of Ordinance 231 was published in December and that he had been working off the published version. Administrator Peters stated that Councilmember Mendenhall had brought to his attention that the version that was actually passed in December and the published version were not the same. Administrator Peters stated that by looking back through the packet presented to the council in December he was able to determine that the wrong version was indeed published. Administrator Peters stated that the version that was actually passed addresses the concerns that were raised that led to this item being put onto the agenda. No action taken, information only.

Council to discuss concerns regarding the seawall on Dixon Beach. Councilmember Hentges arrived at 6:23 P.M. Mayor VanderWoude stated that she had received letters from Phil Petersen and Molly & David Scott. Leo Jochum stated that there are a big differences in sections of the wall and questioned whether the entire wall needs to be replaced. A discussion between the Council and members in the audience took place regarding whether the entire wall needs to be replaced. Engineer Beck stated that he would take a closer look at the wall and provide a new estimate. No action taken, information only.

NEW BUSINESS

Council to hear request from Jeff Bousquet to place temporary storage unit on Chalstroms Circle for the purpose of storing job site materials. Mayor VanderWoude removed this matter due to Mr. Bousquet not being in audience.

Council to discuss concerns regarding Chapter 122 “Peddlers, Solicitors and Transient Merchants” of the City’s Code of Ordinances. Hentges inquired as to how many of these permits are issued in a year. Administrator Peters stated that he believed it was less than 10. Hentges stated that he did not feel we needed these permits at all. Andres explained that Chapter 122 allows these types of permits. Andres explained that the ordinance seems to be out of date and there is disconnect with the City’s Zoning Ordinance. Administrator Peters stated that this discussion was originally put on the agenda due to the questions he had received in light of the Legislature possibly passing a statute that would allow the sale of fireworks in the State of Iowa. A discussion between the Council and members in the audience took place regarding the wording of Chapter 122 and how it is currently enforced. Andres expressed concerns that transient merchants may be exempt from the Zoning Ordinance and the low cost of the permit. Steve Avery stated that the City has the authority to prevent food trucks within the City. Andres stated that Arnolds Park’s ordinance is stricter than Okoboji’s ordinance. Administrator Peters stated that if the Council wants to issue a moratorium they should direct him to work the City Attorney to draft a moratorium to bring back to the Council. Andres/Mendenhall moved to direct Administrator Peters to stop the issuance of Peddlers, Solicitors and Transient Merchant’s licenses until a moratorium is drafted and brought before the Council. All ayes. Motion carried.

Council to review and consider Resolution No. 17-11 “RESOLUTION FIXING DATE FOR A PUBLIC HEARING AND LETTING FOR 2017 CITY OF OKOBOJI GORDON DRIVE PROJECT AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF.” Engineer Beck stated that bids would be accepted until 2:00 p.m. on May 4th, 2017 and be presented May 9th, 2017. Hentges/Robinson moved to fix a date of May 9th, 2017 to hold a public hearing and letting for 2017 City of Okoboji Gordon Drive Project and providing publication of notice thereof. Engineer Beck stated that the work would be done in three stages and be completed by mid-November. Roll call, all ayes. Motion carried.

Council to review and consider costs associated with replacing traffic cameras at the intersection of Highway 71 and Stake Out Road. Administrator Peters stated he has been informed that the traffic

cameras controlling the signals at the intersection of Highway 71 and Stake Out Road are not in working order. Mayor VanderWoude stated that she believed that with the busy season coming they should be replaced now. Hentges inquired as to whether they could be fixed and how long they have been down. Administrator Peters stated they could not be repaired and they have been down for a couple of months. Robinson/Mendenhall moved to approve the purchase and replacing of the existing traffic cameras at the intersection of Highway 71 and State Out Road. All ayes. Motion carried.

Council to consider a new 6 month Class C Liquor License for The Ranch Okoboji LLC with Sunday sales and outdoor service area. Hentges/Mendenhall moved to approve a new 6 month Class C Liquor License for The Ranch Okoboji LLC with Sunday sales and outdoor service area. All ayes. Motion carried.

Council to consider a new 12 month Class C Liquor License for Crazy Bob's at the Inn at Okoboji with Catering Privilege, Outdoor Service and Sunday. Administrator Peters stated that at the time the agenda was published this item was still pending Dram Shop. Hentges/Mendenhall moved to approve a new 12 month Class C Liquor License for Crazy Bob's at the Inn at Okoboji with Catering Privilege, Outdoor Service and Sunday, pending evidence of dram shop insurance. All ayes. Motion carried.

Council to consider possible agreement with City Clerk/Administrator regarding motor vehicle allowance. Administrator Peters explained that the lease on the city car expired and that he did not feel it was necessary to lease him another city car. Administrator Peters explained that he was willing to use his personal vehicle for city business and he has looked into an umbrella policy through his insurance agent. Administrator Peters stated he believed a stipend for the use of his car and the umbrella policy would cost the City less than the leasing of a new car. No action taken, information only.

REPORT OF OFFICERS

Police Reports: Chief Petersen informed that the Council that he had provided them with three bids for a system to store dash camera video recordings and requested these be considered at the May Council meeting.

Council Reports: Councilmember Andres thanked everyone for coming to the meeting and providing input.

Administrator Reports: Administrator Peters stated that he had received an inquiry as to the possibility of installing pickle ball courts at Speier Park and has been looking into the costs involved. Administrator Peters stated that the City staff had received CPR training. Administrator Peters stated that he had received a request for the City to look into an ordinance requiring pets to be on a leash.

Expenditures for the month of March 2017 are as follows: General Fund - \$80,670.14; Trust & Agency - \$0.00; Road Use Tax - \$68,235.82; TIF - \$0.00; Debt Service/Property Tax - \$0.00; Capital Projects - \$0.00; Water - \$14,83.13. Receipts for the same period were in the amount of \$195,909.60 creating a balance in all funds in the amount of \$2,326,867.34. \$274,609.52 of the reported amount is invested in Certificates of Deposit with United Community Bank.

Moved to adjourn. All ayes. Mayor VanderWoude adjourned meeting at 7:40 P.M.

Mary VanderWoude, Mayor