

CITY OF OKOBOJI  
REGULAR COUNCIL MEETING  
TUESDAY, JUNE 13<sup>th</sup>, 2017

**PRESIDING:** Mayor VanderWoude

**COUNCILMEMBERS PRESENT:** Julie Andres, Jim Delperdang, Jim Hentges Walter Mendenhall, Jerry Robinson.

**COUNCILMEMBER ABSENT:** NONE.

**OTHERS PRESENT:** Dan Sanders, Dick Notestine, Wanda Rockman, David Scott, Molly Scott, Matt Richter, Jeff Thee, Bob VanOrsdel, Susan VanOrsdel, Phil Petersen, Phillip Lainson, Tony Weber, John McMahon, Joyce Waddell, Brad Beck, David Stein, Jason Petersen, and Jason Peters.

After the Pledge of Allegiance the Mayor called the meeting to order at 6:00P.M. Hentges/Robinson moved to adopt the agenda. All ayes. Motion carried. Mendenhall/Andres moved to approve the consent agenda, which included minutes of the previous meetings 05/03/2017, 05/09/2017 & 05/30/2017, Claims for June 2017, Bank Cash Report for May 2017, Renewal of a Renewal of a Class E Liquor License for Kum & Go, Renewal of Class BC Liquor License for Okoboji Boat Works Sea Store, Renewal of Cigarette/Tobacco/Nicotine/Vapor Permits for 2017. All Ayes. Motion carried.

**PUBLIC HEARING**

**Council to conduct a Public Hearing Considering an Amendment to the Zoning Ordinances creating a text amendment to the city's zoning ordinance for the creation of a new Section 11.23 titled Sale of Fireworks Regulations. Proposed Ordinance No. 235.** Mayor VanderWoude opened the public hearing for questions or comments. Administrator Peters stated that this ordinance would limit the sale of fireworks to permanent structures in the Commercial District. With no public comments received, public hearing was closed. Councilmember Delperdang inquired as to the 500 foot requirement listed in the ordinance. Administrator Peters stated that this was the language that was presented to and passed by the Planning and Zoning.

**Council to consider Planning and Zoning Commission recommendations regarding Proposed Ordinance No. 235.** Robinson/Andres moved to approve the recommendation from Planning and Zoning Commission recommendations regarding Proposed Ordinance No. 235. Roll call. All ayes. Motion carried.

**First reading of Proposed Ordinance No. 235, an ordinance creating a new Section 11.23 titled Sale of Fireworks Regulations.** Robinson/Andres moved to approve the First reading of Proposed Ordinance No. 235, an ordinance creating a new Section 11.23 titled Sale of Fireworks Regulations. Roll call. All ayes. Motion carried.

**Consideration of waiving second and third readings of Proposed Ordinance No. 235.** Mendenhall/Andres moved to waive second and third readings of Proposed Ordinance No. 235. Roll call. All ayes. Motion carried.

**Consider adoption of Proposed Ordinance No. 235.** Mendenhall/Andres moved to approve adoption of Ordinance No. 235. Roll call. All ayes. Motion carried.

**PUBLIC HEARING**

**Council to conduct a public hearing to consider a request to "clean up" right-of-way in the area of Gordon Drive by vacating unneeded right-of-way and conveying the same by quit claim deed to the adjoining property owner, Mau Family Limited Partnership.** Mayor VanderWoude opened the public hearing for questions or comments. Engineer Beck explained that an existing City street right of

way would need to be vacated and exchanged with Mau Marine to complete the project as designed. Delperdang asked if the City would be receiving easements from Mau Marine for the project. Engineer Beck stated that Mau Marine has agreed to grant the City several easements to the City for the project at no cost to the City. With no public comments received, public hearing was closed.

**Council to review and consider Resolution No. 17-18 “RESOLUTION APPROVING VACATION OF UNNEEDED RIGHT-OF-WAY AND CONVEYANCE OF THE SAME BY QUIT CLAIM TO THE ADJOINING PROPERTY OWNER.”** Delperdang/Hentges moved to approve Resolution No. 17-18 “RESOLUTION APPROVING VACATION OF UNNEEDED RIGHT-OF-WAY AND CONVEYANCE OF THE SAME BY QUIT CLAIM TO THE ADJOINING PROPERTY OWNER.” Roll call. All ayes, with Andres abstaining. Motion carried.

**Council to review and consider Ordinance No. 236, “ORDINANCE VACATING UNNEEDED RIGHT-OF-WAY AND CONVEYING THE SAME BY QUIT CLAIM DEED TO THE ADJOINING PROPERTY OWNER.”** Mendenhall/Delperdang moved to approve Ordinance No. 236, “ORDINANCE VACATING UNNEEDED RIGHT-OF-WAY AND CONVEYING THE SAME BY QUIT CLAIM DEED TO THE ADJOINING PROPERTY OWNER.” Roll call. All ayes, with Andres abstaining. Motion carried.

**First reading of Ordinance No. 236, “ORDINANCE VACATING UNNEEDED RIGHT-OF-WAY AND CONVEYING THE SAME BY QUIT CLAIM DEED TO THE ADJOINING PROPERTY OWNER.”** Mendenhall/Delperdang moved to approve first reading of Ordinance No. 236, “ORDINANCE VACATING UNNEEDED RIGHT-OF-WAY AND CONVEYING THE SAME BY QUIT CLAIM DEED TO THE ADJOINING PROPERTY OWNER.” Roll call. All ayes, with Andres abstaining. Motion carried.

**Consideration of waiving second and third readings of Proposed Ordinance No. 236.** Hentges/Delperdang moved to approve waiving of second and third readings of Ordinance No. 236. Roll call. All ayes, with Andres abstaining. Motion carried.

**Consider adoption of Proposed Ordinance No. 236.** Mendenhall/Robinson moved to approve adoption of Ordinance No. 236. Roll call. All ayes, with Andres abstaining. Motion carried.

### **OLD BUSINESS**

**Bob VanOrsdel of 2201 Lakeshore Drive and Dick Notestine of 2206 Lakeshore Drive to address the Council regarding continuing concerns about City owned adjacent alley and lot owned by Bob VanOrsdel.** A discussion took place between the Council and Mayor regarding whether they were interested in vacating the alley in question. John McManon stated that the area behind his property would not be developed in the future. Bob VanOrsdel gave a presentation to the Council as to the history of his property and the alley in question. A discussion between the Council, Mr. VanOrsdel, and Mr. Notestine took place as whether these two would be willing to work this out further between themselves. No Action Taken. Informational Only.

**Council to hear update from Engineer Beck regarding the seawall on Dixon Beach.** Engineer Beck stated that they had applied for the necessary permits to start a project. Engineer Beck stated that there was concerns raised over whether the whole wall needs to be replaced and whether trees needed to be removed to complete the wall. Engineer Beck stated that fastest the project could begin would be this fall if direction was given now to set public hearings for bid letting. Robinson inquired as to how many trees would need to be removed. Engineer Beck stated that several trees would have to be removed to build the wall. A discussion between the Council and Engineer Beck as to the causes of the wall beginning to deteriorate. Robinson stated that the fiscal budget for 2017/18 has been set and the City has just bonded for two street projects. Engineer Beck stated that a less costly option would be to remove the wall and replace it with rip rap. A discussion took place regarding different options to fix the

wall and whether the wall should be extended. Administrator Peters stated if project was to move forward this year the funds would most likely have to come from the General Fund. A discussion took place regarding the cost of the wall and what the City was willing to spend on this project. Engineer Beck stated he needed direction from the Council on how to proceed. The Council asked whether a better idea of what the project may cost could be provided. Phil Petersen stated that he has seen the wall deteriorate and fears the wall will fail. Engineer Beck stated that he would see if any contractors would be willing to provide a soft cost estimate. No Action Taken. Informational Only.

**Council to review and consider Resolution No. 17-19 “RESOLUTION SETTING HEARING ON PROPOSED AMENDMENT TO THE ANIMAL PROTECTION AND CONTROL – CHAPTER 55 OF THE OKOBOJI CITY ORDINANCES”.** Mayor VanderWoude stated that the main purpose of the amendment would require dogs to be on a leash. Delperdang/Hentges moved to approve Resolution No. 17-19 “RESOLUTION SETTING HEARING ON PROPOSED AMENDMENT TO THE ANIMAL PROTECTION AND CONTROL – CHAPTER 55 OF THE OKOBOJI CITY ORDINANCES”. Roll call. All ayes. Motion carried.

**Council to review and consider Resolution No. 17-20 “RESOLUTION SETTING HEARING ON PROPOSED AMENDMENT TO THE PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS – CHAPTER 122 OF THE OKOBOJI CITY ORDINANCES”.** Administrator Peters stated that this amendment was drafted in response to the moratorium on Peddlers, Solicitors, and Transient Merchant permits passed at the end of April. Administrator Peters stated that the proposed amendment was drafted based on the current chapter 122 and an ordinance from Cedar Falls. Administrator Peters stated that this resolution would set a public hearing so that the public can review the ordinance and the final version will be heard on July 11. Hentges/Robinson moved to approve Resolution No. 17-20 “RESOLUTION SETTING HEARING ON PROPOSED AMENDMENT TO THE PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS – CHAPTER 122 OF THE OKOBOJI CITY ORDINANCES”. A Roll call. All ayes. Motion carried.

### **NEW BUSINESS**

**Matt Richter of the “Restore the Park” Campaign Committee to present Council with proposed motion to support the fundraising efforts of the Board of Directors of Historic Arnolds Park, Inc.** Mayor VanderWoude moved this item up in the agenda. Charley Whittenburg stated that the purpose of the letter in support of Historic Arnolds Park, Inc.’s funding raising goal would be added to their \$1 million grant application to the state’s Community Attraction and Tourism Grant program. Mr. Whittenburg stated that they were not requesting a donation from the City at this time. Robinson/Mendenhall moved to that City indicate their support the fundraising efforts of the Board of Directors of Historic Arnolds Park, Inc. All ayes. Motion carried.

**Council to consider casualty, liability and workers compensation insurance package for fiscal year 2017/18.** Joyce Waddell of Bank Midwest Insurance presented the Council with a casualty, liability and workers compensation insurance package for fiscal year 2017/18. Waddell discussed the mod factor for the workers compensation insurance is at an all-time low and this helps keep the cost for that insurance low. The premium for fiscal year 2017/18 for casualty, liability and workers compensation insurance will total \$40,939.59. Delperdang/Andres moved to approve the casualty, liability and workers compensation insurance package for fiscal year 2017/18. All ayes. Motion carried.

**Request from Christine Christianson of 1406 Carriage Lane to explore the option of vacating city owned property adjacent to her property.** Mayor VanderWoude tabled this matter due to Ms. Christianson not being in audience.

**Council to consider a Board of Adjustment granted variance to Wanda Rockman 1307 Brooks Lane to construct 2 feet of additional decking to an existing second story deck on lakeside of the property.** Delperdang/Hentges moved to approve the Board of Adjustment granted variance to Wanda

Rockman 1307 Brooks Lane to construct 2 feet of additional decking to an existing second story deck on lakeside of the property. All ayes. Motion carried.

**Council to consider a Board of Adjustment granted variance to Ron and Tam Hubert, 1201 Julia Street to construct a 28' X 12' open deck on the north side of the dwelling that is not to be enclosed.** Hentges/Mendenhall moved to approve the Board of Adjustment granted variance to Ron and Tam Hubert, 1201 Julia Street to construct a 28' X 12' open deck on the north side of the dwelling that is not to be enclosed. All ayes. Motion carried.

**Council to consider a donation to the 4th of July Fireworks display.** Robinson/Mendenhall moved to approve a \$250 donation to the 4<sup>th</sup> of July Fireworks display. All ayes. Motion carried.

**Council to consider the re-appointment of Gordon Mairose to the Park Board with term to expire July 1, 2020.** Hentges/Mendenhall moved to re-appoint Gordon Mairose the Park Board with term to expire July 1, 2020. All ayes. Motion carried.

**Council to consider proposal from Kruse Pavement Solutions to provide street pot hole patching services.** Andres/Robinson moved to approve proposal from Kruse Pavement Solutions to provide street pot hole patching services. All ayes. Motion carried.

**Council to consider proposal from Sioux Commercial Sweeping, Inc. to provide concrete crack sealing services.** Hentges/Robinson moved to approve proposal from Sioux Commercial Sweeping, Inc. to provide concrete crack sealing services. All ayes. Motion carried.

**Council to consider wages for City employees for Fiscal Year 2017/18.** Mayor VanderWoude stated that the Personnel Committee is recommending a wage increase of 3% for all employees except for Administrator Peters. Mayor VanderWoude stated that based on Administrator Peters six month review the recommendation was increase his salary to \$75,000 per year. Mendenhall thanked the committee and Chief Petersen for their input. Robinson/Hentges moved to approve wages for City employees for Fiscal Year 2017/18.

### **REPORT OF OFFICERS**

Police reports: Chief Petersen reported that the HEAT team had been called out the previous night.

Administrator reports: Administrator Peters stated that he had talked to Mr. Parks and he was interested in providing a dumpster near the public access across from Kum and Go. The Council stated that was a State Park and the DNR would be the authority to contact.

Expenditures for the month of May 2017 are as follows: General Fund - \$113,304.08; Trust & Agency - \$1,775.00; Road Use Tax - \$29,105.83; TIF - \$0.00; Debt Service/Property Tax - \$1,299,881.26; Capital Projects - \$738,000.00; Water - \$376,747.85. Receipts for the same period were in the amount of \$2,537,595.65 creating a balance in all funds in the amount of \$2,688,863.54. \$425,937.15 of the reported amount is invested in Certificates of Deposit with United Community Bank.

Mayor VanderWoude entertained a motion to adjourn. Robinson/Hentges moved to adjourn. All ayes. Mayor VanderWoude adjourned meeting at 8:08 P.M.

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Mary VanderWoude, Mayor