

MINUTES OF THE OKOBOJI CITY COUNCIL MEETING HELD ON OCTOBER 9TH, 2018

Mayor Mary VanderWoude called the meeting to order at 6:00 PM on October 9th, 2018. Councilmembers Delperdang, Hentges, Andres, Robinson, and Mendenhall were present. Others present were City Administrator Michael Meyers, Neal Houge, Dan Sanders, Jason Eygabroad, Kae Hoppe, Phil Petersen, Deb Fisher, Anne Eichenholz, David Scott, and Brian Bright. Notice of the meeting was distributed and posted at the Okoboji City Hall, the US Post Office located in Okoboji, and on the City of Okoboji website.

CONSENT AGENDA

Motion made by Councilmember Robinson and a second by Councilmember Hentges to approve the Consent Agenda. The following Councilmembers voted “YEA”: Delperdang, Hentges, Robinson, Mendenhall. Councilmember Andres abstained from the vote. Motion passed.

CITIZEN APPEARANCES

There were no citizen appearances.

UNFINISHED BUSINESS

Mayor VanderWoude held a second consideration of Ordinance No. 243 “Adding New Language in Section 63.04 “Special Speed Zones” designating Stakeout Road from the intersection of Highway 71 to the intersection of Chalstroms Beach Road to have a 25 MPH speed limit”. City Administrator Meyers advised that letters in support of this ordinance were received from Jaime Hunter, Erin Reed, Wayne/Connie Finnern, and Phil Petersen. No letters were received in opposition.

A motion was made by Councilmember Hentges and a second was made by Councilmember Andres to approve the 2nd reading of Ordinance No. 243. The following Councilmembers voted “YEA”: Delperdang, Hentges, Andres, Robinson, Mendenhall. Motion passed 5-0.

Mayor VanderWoude held the first consideration of Ordinance No. 244 “Adding New Language in Section 63.04 “Special Speed Zones” designating all of Sanborn Avenue to have a 25 MPH speed limit”. Mayor VanderWoude reminded the Council that this was brought to the attention to the City by the Okoboji Police Chief. Mayor VanderWoude read aloud Section 321.285 of the Iowa Code referencing speed restrictions in a residential district. Meyers advised that letters in support of this ordinance were received by Jaimie Hunter, Dee Pyle, Denis Kelleher/Diane Ringhofer. Meyers advised that letters in opposition of this ordinance were received by Phil Petersen, Jan Grant, Deb Fisher/Anne Eichenholz, Jim Krambeck. Mayor VanderWoude reminded those in attendance that the public hearing was still open for this Ordinance No. 244. Anne Eichenholz and Phil Petersen spoke in opposition of the proposed ordinance. Kae Hoppe spoke in support of the ordinance.

Councilmember Hentges expressed concern that this was one of the most residentially dense areas of town and a speed limit reduction was warranted. Councilmember Mendenhall advised that his position had been changed when considering the amount of support the ordinance has received

primarily from those who live near Sanborn and expressed his concern for pedestrians. Councilmember Andres questioned how this may affect traffic patterns through neighborhoods. Councilmember Delperdang spoke in favor of further enforcement instead of a reduction of the speed limit.

Motion made by Councilmember Hentges and a second was made by Councilmember Mendenhall to approve the 1st reading of Ordinance No. 244. The following Councilmembers voted “YEA”: Hentges, Mendenhall. The following Councilmembers voted “NAY”: Delperdang, Andres, Robinson. Motion failed 2-3.

NEW BUSINESS

The Council discussed a potential storm sewer project beneath the Eden Street extension and at the top of Eden Street. Jason Eygabroad outlined a plan to capture additional storm water runoff from Fairfield Avenue and Eden Street. Discussion was had relating to the large amount of water running off of those streets, the loss of The Inn, and the reduction in cement at the extension and possible actions that could be made to correct. City Staff advised that now was an opportune time to consider with the extension about to be tore out. Discussion consisted of the City considering a more complete street and storm water project in the future and not piecing something together today. There were recommendations to City Staff to consider an additional curb on the east side of the proposed sidewalk to help funnel the water and to make a slight correction to the storm water intake on Eden Street to see what impact that makes. No action was taken.

Mayor VanderWoude presented to the Council a quote from Ferguson Waterworks for 60 new 3/4” and 20 new 1” water meters for \$21,140. Meyers explained that the City has realized the first quarter of meter fees and that would be used to cash flow all future meter purchases. Meyers advised the entire project could take up to 5 years to complete based upon revenues.

Motion made by Councilmember Robinson and a second by Councilmember Mendenhall to approve the quote for \$21,140.00 from Ferguson Waterworks. The following Councilmembers voted “YEA”: Delperdang, Hentges, Andres. Robinson, Mendenhall. Motion passed 5-0.

Mayor VanderWoude presented to the Council a consideration to waive the 3rd reading of Ordinance No. 243. Motion made by Councilmember Robinson and a second by Councilmember Hentges to waive the 3rd reading of Ordinance No. 243. The following Councilmembers voted “YEA”: Delperdang, Hentges, Andres. Robinson, Mendenhall. Motion passed 5-0.

Mayor VanderWoude presented to the Council a consideration to adopt Ordinance No. 243. Motion made by Councilmember Robinson and a second by Councilmember Hentges to adopt Ordinance No. 243. The following Councilmembers voted “YEA”: Delperdang, Hentges, Andres. Robinson, Mendenhall. Motion passed 5-0.

Mayor VanderWoude presented to the Council Ordinance #245, “An Ordinance Amending The 2013 Okoboji Zoning Ordinance By Amending Article XV “Zoning Administration And Enforcement” and opened a public hearing. There were no comments in favor or opposition of the proposed ordinance. Mayor VanderWoude closed the public hearing.

Meyers advised that this ordinance allows for zoning permits to be valid for two years and if the project is not done before two years then the applicant would need to reapply for the permit and pay the fees over again. Councilmember Delperdang questioned the subjectivity of what is finished and what is not. Meyers advised that he believed finished would be all exterior alterations of the project and would consult with the City Attorney. There was additional discussion about the need for the City to have a building inspector.

Motion made by Councilmember Andres and a second by Councilmember Hentges to approve the first consideration of Ordinance No. 245. The following Councilmembers voted "YEA": Delperdang, Hentges, Andres. Robinson, Mendenhall. Motion passed 5-0.

Mayor VanderWoude presented to the Council a consideration to waive the 2nd and 3rd reading of Ordinance No. 245. Motion made by Councilmember Mendenhall and a second by Councilmember Robinson to waive the 2nd or 3rd reading of Ordinance No. 245. The following Councilmembers voted "YEA": Hentges, Andres. Robinson, Mendenhall. The following Councilmember voted "NAY": Delperdang. Motion passed 4-1.

Mayor VanderWoude presented to the Council a consideration to adopt Ordinance No. 245. Motion made by Councilmember Hentges and a second by Councilmember Mendenhall to adopt Ordinance No. 245. The following Councilmembers voted "YEA": Hentges, Andres. Robinson, Mendenhall. The following Councilmember voted "NAY": Delperdang. Motion passed 4-1.

Mayor VanderWoude presented to the Council Ordinance #245, "An Ordinance Amending The 2013 Okoboji Zoning Ordinance By Amending Article XVIII "Condition Uses, Section 18.7.4" and opened a public hearing. There were no comments in favor or opposition of the proposed ordinance. Mayor VanderWoude closed the public hearing.

Meyers advised that this was to allow for a smaller fall radius for communication towers based on enhanced engineering which allows towers to essentially break in half instead of falling over 100% the height of the tower. Meyers advised that a communication tower proposal has failed twice in the City previously with the last because of the present 100% restriction even though the tower was engineered to have a 50% fall radius. The Planning and Zoning Commission had recommended this tower for approval but failed to be permitted because of this. This ordinance allows for a tower to be engineered in this matter with appropriate documentation. The required distance would be no less than 50' from any lot line, occupied structure, or right of way and further determined by a certified engineer's certificate. Councilmember Mendenhall asked for clarification on what documentation needed to be presented. Councilmember Delperdang inquired about the Federal Communications Act. Councilmember Hentges spoke to the fact that the current zoning regulations were adopted in 2013 and that new technology has become more available since then.

Motion made by Councilmember Delperdang and a second by Councilmember Robinson to approve the first reading of Ordinance No. 246. The following Councilmembers voted "YEA": Delperdang, Robinson, Mendenhall. The following Councilmembers voted "NAY": Hentges, Andres. The motion passed 3-2.

Mayor VanderWoude presented to the Council the opportunity to waive the 2nd and 3rd reading of Ordinance No. 246. Councilmember Robinson expressed he hesitancy wondering if the public should be given more opportunity to comment. Councilmember Robinson requested additional information on how these towers are engineered. There was no motion. No action taken.

Mayor VanderWoude presented to the Council Ordinance #247, “An Ordinance Amending The 2013 Okoboji Zoning Ordinance By Amending Article XIV “Nonconformance” and opened a public hearing. There were no comments in favor or opposition of the proposed ordinance. Mayor VanderWoude closed the public hearing.

Meyers explained that there is a problem on the lakeshore with old structures and awkward lots. This ordinance allows for residents to add an otherwise legal addition to their structure that is presently nonconforming. Meyers stated he believes that this creates an unnecessary burden on residents, City Staff, and the Board of Adjustment as it is presently written considering the Board of Adjustment’s history of approvals. Meyers provided several examples of what could have been approved and what will be able to be approved.

Councilmember Andres asked about circumstances that would cause something to be nonconforming. Meyers advised that most of the time it has to do with an existing structure in the setback. Councilmember Andres expressed concern about someone building something nonconforming. Meyers advised that even today if that happened the City would issue a cease and desist letter and enforce zoning violations if that were the case. Dan Sanders spoke in favor of the ordinance commenting on the changes would be far more user friendly for residents. Councilmember Andres cautioned on the reduction of review on these permits. Councilmember Delperdang asked to consider sending these to the City Council for a second set of eyes. Councilmember Robinson commented that would make the City Council a de facto Board of Adjustment. Meyers advised that zoning is black and white and if there were any subjectivity as the Zoning Administrator he would send it to the Board of Adjustment for a variance. Meyers advised that if this were to be approved that it was his recommendation to strike out 14.9 from the proposed ordinance. Meyers commented that after further review he believes the intent of 14.9 is already covered in 11.2 of the Zoning Regulations.

Motion made by Councilmember Andres and a second by Councilmember Mendenhall to approve the first reading of Ordinance No. 247 while striking out Section 14.9 that was written in the proposed ordinance. The following Councilmembers voted “YEA”: Delperdang, Hentges, Andres, Robinson, Mendenhall. Motion passed 5-0.

Mayor VanderWoude presented to the Council a consideration to waive the 2nd and 3rd reading of Ordinance No. 247. Motion made by Councilmember Mendenhall and a second by Councilmember Robinson to waive the 2nd or 3rd reading of Ordinance No. 247. The following Councilmembers voted “YEA”: Delperdang, Hentges, Andres, Robinson, Mendenhall. Motion passed 5-0.

Mayor VanderWoude presented to the Council a consideration to adopt Ordinance No. 247. Motion made by Councilmember Hentges and a second by Councilmember Robinson to adopt

Ordinance No. 247. The following Councilmembers voted “YEA”: Delperdang, Hentges, Andres. Robinson, Mendenhall. Motion passed 5-0.

Mayor VanderWoude presented to the Council Ordinance #248, “An Ordinance Rezoning Lots 1, 2, 3, 4 and 5 of the Whitecap Addition From The Presently Split Zoned R-1 (Single Family Residential) And R-3 (Lakeshore Residential) To Be Entirely Zoned R-3 (Lakeshore Residential)” and opened a public hearing. There were no comments in favor or opposition of the proposed ordinance. Mayor VanderWoude closed the public hearing.

Meyers explained that Lots 1 through 5 at the Whitecap Addition are presently split zoned and to be consistent with the rest of the City they should be zoned R-3 which is a more restrictive residential zoning district for lakeshore properties.

Motion made by Councilmember Delperdang and a second by Councilmember Andres. The following Councilmembers voted “YEA”: Delperdang, Hentges, Andres. Robinson, Mendenhall. Motion passed 5-0.

Mayor VanderWoude presented to the Council a consideration to waive the 2nd and 3rd reading of Ordinance No. 248. Motion made by Councilmember Robinson and a second by Councilmember Andres to waive the 2nd or 3rd reading of Ordinance No. 248. The following Councilmembers voted “YEA”: Delperdang, Hentges, Andres. Robinson, Mendenhall. Motion passed 5-0.

Mayor VanderWoude presented to the Council a consideration to adopt Ordinance No. 248. Motion made by Councilmember Hentges and a second by Councilmember Andres to adopt Ordinance No. 247. The following Councilmembers voted “YEA”: Delperdang, Hentges, Andres. Robinson, Mendenhall. Motion passed 5-0.

Mayor VanderWoude presented to the Council a request from Casey’s General for a new liquor license privilege for ‘Carryout Wine’.

Motion made by Councilmember Andres and a second by Councilmember Robinson to approve the new privilege for Casey’s General. The following Councilmembers voted “YEA”: Delperdang, Hentges, Andres. Robinson, Mendenhall. Motion passed 5-0.

City Administrator Meyers presented to the Council a Fiscal Year 2018/2019 budget review based upon the first quarter of the fiscal year. No action taken.

City Administrator Meyers discussed with the Council some contract discrepancies between the City and Teamsters Local #554. No action taken.

REPORTS

Councilmember Hentges congratulated Okoboji/Arnolds Park firefighter Tom Krukow on his success at the Firefighter Combat Challenge in Brandon, Missouri.

The meeting was adjourned at 8:19 PM.

Revenues for 09/12/2018 through 10/09/2018 totaled \$277,104.49. Expenditures were as follows: \$176,099.15 GENERAL FUND, \$2,940.11 ROAD USE TAX FUND, \$29,141.88 WATER FUND.

CLAIMS

VENDOR	REFERENCE	AMOUNT
AFLAC	PREMIUMS	293.33
ALLIANT ENERGY	BILLING PERIOD 8/2-8/30	4,564.93
ALLIANT ENERGY	SEPT ELECTRIC BILL	4,436.83
ARNOLDS PARK/OKOBOJI		61,800.00
BECK ENGINEERING, INC.	ENGINEERING/RETAINER	4,631.25
BLACK HILLS ENERGY	NATURAL GAS SERVICE	63.83
CAMPUS CLEANERS & LAUNDER	RUGS TOWELS & RAGS	48.5
CAMPUS CLEANERS & LAUNDER	RUGS & TOWELS	49.75
CARDMEMBER SERVICE	SEPT STATEMENT	637.47
CENTRAL STATES FUND	SEPTEMBER PREMIUMS	4,833.00
COOPERATIVE ENERGY CO.	DIESEL FUEL	1,318.45
CORNELL ABSTRACT CO.	WHITECAP ADDN	82
COUNSEL	SEPT COPIES	242.36
DATA TECHNOLOGIES, INC	TRAINING	902.5
DATA TECHNOLOGIES, INC	TRAINING	95
DELTA DENTAL OF IOWA	ACCT 315280002	1,195.52
DICKINSON CO CONSERVATION	GREEN WASTE	863
DICKINSON COUNTY NEWS	PUBLICATIONS AUG 2018	270.4
EFTPS	FED/FICA TAX	3,952.57
EFTPS	FED/FICA TAX	3,969.77
FEAR COMPUTER SOLUTIONS	COMPUTER MAINTENANCE REPAIRS-ROB TVEDTS	80
FERGUSON'S GARDEN CENTER	SPRINKLER	200.36
HEARTLAND SECURITY SERVIC	SECURITY SERVICE	26.95
IGL CHAMBER OF COMMERCE	MEMBERSHIP INVESTMENT	250
IOWA LEAGUE OF CITIES	IA CLERK HANDBOOK	20
IPERS	IPERS-PROTECTN	5,858.46
IPERS	DEP INSURANCE	133.7
JAYCOX IMPLEMENT	BOBCAT MAINT	16.54
LAKES AUTOSPORT	TRUCK MAINT	122.01
MEDIACOM, LLC	9/25-10/24	318.32
MIDWEST RADAR & EQUIPMENT	RADAR CALIBRATION	200
NEW YORK LIFE INSURANCE	SEPT PREMIUMS	479.73
O'REILLY AUTO PARTS	SEPT STATEMENT	104.96
OKOBOJI MOTOR COMPANY	TAHOE OIL CONSUMPTION TEST	65.99

OKOBOJI MARKETING COMM.	1/2 OF HOTEL/MOTEL TAX	26,288.83
SECURE BENEFITS SYSTEMS	PREMIUMS	97.34
SHAMROCK RECYCLING, INC.	RECYCLING	158.37
STAR LEASING, LLC	MONTHLY LEASE PAYMENT	83.39
STEIN LAW OFFICE	SEPT LEGAL FEES	1,543.25
TREASURER, STATE OF IOWA	STATE TAX	1,723.00
TRUCK EQUIPMENT, INC.	SWEEPER	1,047.70
VERIZON WIRELESS	AUG 14-SEPT 9	548.93
VERMEER SALES & SERVICE	CHIPPER PARTS	276
WASTE MANAGEMENT	TICKET 175620 8/23/18	43.36
WASTE MANAGEMENT OF WI-MN	MSW TON/LANDFILL FEE	48.77
WELLMARK BLUE CROSS AND	PREMIUMS	8,348.68
WELLMARK BLUE CROSS AND	PREMIUMS NOV	8,348.68
WEX BANK	GASOLINE 7/23-8/23	823.24
CARNEY CONCRETE	LAKESHORE DR REPAIR	1,640.00
LAKES TREE SERVICE	PROMENADE CLEAN UP	1,200.00
WEX BANK	GASOLINE 7/23-8/23	100.11
AFLAC	PREMIUMS	26.52
ALLIANT ENERGY	BILLING PERIOD 8/2-8/30	118.85
ALLIANT ENERGY	SEPT ELECTRIC BILL	108.86
BLACK HILLS ENERGY	NATURAL GAS SERVICE	3.6
BROWN SUPPLY CO.	MISC WATER PARTS	787.56
CENTRAL WATER SYSTEM	SEPT WATER	21,091.35
DELTA DENTAL OF IOWA	ACCT 315280002	71.32
EFTPS	FED/FICA TAX	553.05
EFTPS	FED/FICA TAX	551
IOWA ONE CALL	38 NOTIFICATIONS	34.2
IPERS	IPERS-PROTECTN	653
NEW YORK LIFE INSURANCE	SEPT PREMIUMS	47.17
STATE HYGIENIC LABORATORY		263
STOREY KENWORTHY	UTILITY BILLS	374
TREASURER, STATE OF IOWA	STATE TAX	186
VERIZON WIRELESS	AUG 14-SEPT 9	67.33
WELLMARK BLUE CROSS AND	PREMIUMS	582.98
WELLMARK BLUE CROSS AND	PREMIUMS NOV	582.98
WEX BANK	GASOLINE 7/23-8/23	155.83
TOTAL ACCOUNTS PAYABLE		180,705.73
PAYROLL CHECKS		27,475.41