

CITY OF OKOBOJI
REGULAR COUNCIL MEETING
TUESDAY, JULY 12, 2016, 6:00 P.M.

PRESIDING: Mayor VanderWoude

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

OTHERS PRESENT: Kay Peters, Jim Peters, Brent Sexton, Rich Nicklay, Marjorie Mueller, Britleigh Ingwersen, Norm Johnson, John Van Dyke, Kay Hoppe, Dave Stein, Brad Beck, Jason Petersen

After the Pledge of Allegiance the Mayor called the meeting to order at 6:00 P.M. Robinson/Hentges moved to adopt the agenda. All ayes. Motion carried. Delperdang/Hentges moved to approve the consent agenda, which included minutes of the previous meetings 06/14/16 and 06/20/16, claims for June 2016, Bank Cash/Treasurers Report for June 2016, renewal of a Class C (BC) Beer Permit for the Okoboji Boats Sea Store with Sunday Sales. All ayes. Motion carried.

CITIZEN APPEARANCES

Kay and Jim Peters filed a formal complaint regarding off street parking zoning violations for a commercial property located at 1104 Hwy 71 S: Mrs. Peters lives at Pelican Shores next to the property above and feels this business does not have adequate off street parking. She has asked to see a copy of the zoning compliance permit and has asked the council to look into this matter. Mayor VanderWoude stated at the time the business opened there was adequate parking with the amount of seating in the establishment to include employees. Whether or not they have added more seats we don't know. Mayor VanderWoude asked Peters if she has contacted the owner of the building about the issue in which Peters said no.

Peters feels the location has also become a hazard to those using the bike trail. Councilmember Delperdang asked about the cities responsibility in marking the bike trail in that area. Mayor VanderWoude stated Jean Martin with the Dickinson Co. Trail Board is responsible for marking the bike trail. City Attorney Stein commented the property owners have their own potential legal options to protect their property from a nuisance or trespassing. Stein had asked Peters for a copy of the survey for the area showing the vehicular easement for the property to assess so the city could look into the situation further.

Cris Hedgpeth emailed a formal complaint regarding former Crawford Property and Lakeshore Drive parking:

Mrs. Hedgpeth feels the former Crawford property is again being used in a manner not permitted by the city zoning regulations. She also feels the use of residential property along Lakeshore Drive is being used as a commercial parking lot. Mayor VanderWoude addressed the parking along Lakeshore Drive stating the city had brought up this issue when it was part of the cities issue with Boat Works parking in a residential area and lost in Court. She states the other issue is the former Crawford Cottage and how many people are staying there. Hedgpeth made a suggestion that a search warrant be carried out on this property to enforce the zoning laws. Police Chief Jason Petersen was asked by Mayor VanderWoude if there would be cause for a search warrant to see if those living on property should be there. Police Chief Petersen said no, whereas, City Attorney Stein also does not recommend that course of action as there could be several legal issues. He commented that the neighbors have certain legal options as adjoining property owners to handle this on their own. They do not have to rely on the city if they are not happy with what the city is doing they can certainly look at a private cause of action with their own attorney. Councilmember Hentges asked if we have had any complaints from the former Crawford house in which Police Chief Peterson replied no. Peterson stated there have been a couple

issues with on street parking but nothing terrible and dealt with in an effective manner. Councilmember Robinson stated the council was supplied with photos of the parking situation and asked if cars were blocking residence driveways. Peterson stated he hasn't received any complaints to that fact. Marjorie Mueller voiced her concern on not only the parking but also the delivery trucks parking on the street. She states the problem is only growing. Mayor VanderWoude stated if the people are parking legally our hands are tied. No laws are being broken. Councilmember Delperdang said that there is no good option that will fit everyone's solution. The council is open to ideas, there is too much going on in a small amount of space. He didn't think the parking permit idea was the solution. If neighbors had other solutions we are willing to hear them. Delperdang suggested a letter be written to Mrs. Hedgpeth addressing her concerns in which City Attorney Stein agreed to do. He also stated many issues/complaints discussed are a police issue not a city issue, there is little the city can do on this matter.

NEW BUSINESS

Council to discuss with City Engineer Brad Beck Preliminary cost estimate for the Gordon Drive and Sanborn Avenue projects:

City Engineer Brad Beck discussed with the Council the soil boring samples from Sanborn Avenue are good and suggested an overlay for that project with 4" of asphalt instead of a total reconstruct which would cost \$196,000 and includes a 10% contingency. Councilmember Robinson asked how long each project will last. Beck stated if taken care of the asphalt overlay will last 15-20 years, whereas, the total reconstruction would last 40 years for 4x the cost. City Engineer Beck went on to say the Gordon Drive project will need to be a total reconstruction and will need to be broken into three phases and then paved at once. Cost is estimated at \$659,000, this would include a redo of the storm sewer system removal and replacement and a 7" pavement plan. Councilmen Robinson and Hentges discussed timing and durability of the project. It was determined that staging was the biggest factor right now. After further discussion the Council gave Beck permission to proceed with survey, specs and move ahead toward a bid process in January or February of next year.

Council to consider Application for Payment #4 for the 2015 City of Okoboji Dixon Beach/Maintenance Building Sidewalk Replacement Project in the amount of \$9246.40 payable to Beck Excavating Inc.:

Mendenhall/Hentges moved to approve Application for Payment #4 in the amount of \$9246.40. All ayes. Motion carried.

Norm Johnson, YMCA of Okoboji, update and thank you: He has accepted another position and wanted to thank the Council for helping support the YMCA, himself and everyone at the YMCA for allowing them to do what they do.

Council to consider Purchase of Service Contract for Transportation Services by and between the City of Okoboji and Regional Transit Authority, Inc./RIDES: Robinson/Delperdang moved to approve Purchase of Service Contract with Regional Transit Authority, Inc. in the amount of \$4000.00. All ayes. Motion carried.

Council to consider Purchase of Police Vehicle: Robinson/Hentges moved to approve purchase of police vehicle with necessary equipment in the amount of \$43104.49 minus trade in. All ayes. Motion carried.

Council to consider a variance amendment granted to Thaddeus Crawford of 3501 Lakeshore Drive:

Delperdang/Hentges moved to approve a variance amendment to construct a second story on a pre-existing non-conforming structure. All ayes. Motion carried.

Council to discuss personnel issues, possible closed session: City Attorney Dave Stein advised the Council that the person being discussed needs to be present to request a closed session. Mayor VanderWoude then asked if it was advisable to have both parties come before the personnel committee first and then come before the Council. In which, Stein said that was his recommendation.

REPORT OF OFFICERS

The police report was given by Police Chief Jason Petersen. He also stated on July 2, 2016 Officer Mitch Watters had a medical issue and has since been placed on medical leave for two weeks. In the meantime, Watters shifts were filled by other officers during the holiday weekend and wished to thank them for their time and commitment to the City of Okoboji. Petersen stated for the most part it was a quiet Fourth of July weekend.

Mayor VanderWoude stated that City Administrator Dennis Daly was admitted to the hospital in Sioux Falls for medical reasons. As of that morning she had called Steve Hallgren at Northwest Iowa Planning to sign a contract and will slowly bring Hallgren up to date with the help of City Attorney David Stein and City Engineer Brad Beck.

Councilmember Delperdang asked about a letter the Council received in their packets from a concerned resident about the bike trail problem between Stake Out Road and The Bike Bridge by Mau Marine. This section of the trail has a lack of markings and signs. Councilmember Robinson stated our city personnel could help the trail board in using our equipment to mark the trail. Mayor VanderWoude stated we would do what we could to help by supplying man power to make the trail safer.

Expenditures for the month of June 2016 are as follows: General Fund - \$79494.17; Trust & Agency - \$44.15; Road Use Tax - \$4742.09; Capital Projects - \$345.50; Water - \$39830.92. Receipts for the same period was in the amount of \$98483.75 creating a balance in all funds in the amount of \$1709302.01. \$288367.85 of the reported amount is invested in Certificates of Deposit with the United Community Bank.

Moved to adjourn. All ayes. Motion carried. Meeting adjourned at 7:05 P.M.

Mary VanderWoude, Mayor