

MINUTES OF THE OKOBOJI CITY COUNCIL MEETING HELD ON JUNE 12TH, 2018

Mayor Mary VanderWoude called the meeting to order at 6:00 pm on June 12th, 2018. All those present stood and recited the Pledge of Allegiance. Councilmembers Jerry Robinson, Jim Delperdang, Walter Mendenhall, and Julie Andres were present at the start of the meeting. Councilmember Jim Hentges joined the meeting already in progress later in the evening. Others present were City Administrator Michael Meyers, Police Chief Jason Petersen, Deputy City Clerk Jill Verdoorn, Herman Richter, Dee Pyle, Steve Schwaller, Brian Bright, Kevin Sander, Jeff Thee, Bev Jochum, Leo Jochum, Paul Johnson, John Franken, Dennis Ward, Kate Ebinger, Mike Ebinger, David Scott, Dan Sanders, Jason Eygabroad, Michael Jensen, Phil Petersen, Barry Nadler, Kristi Leigh, Kae Hoppe, and Bruce Smith. Notice of the meeting was distributed and posted at the Okoboji City Hall, the US Post Office located in Okoboji, and the City of Okoboji website.

Motion made by Councilmember Mendenhall and a second by Councilmember Robinson to adopt the agenda. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Andres. The following Councilmembers voted "NAY": None. Motion passed 4-0.

CONSENT AGENDA

Motion made by Councilmember Andres and a second by Councilmember Mendenhall to approve the Consent Agenda. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Andres. The following Councilmembers voted "NAY": None. Motion passed 4-0.

CITIZEN APPEARANCES

Mayor VanderWoude provided opportunity for citizens to address the Council for items outside of the agenda. There were none.

NEW BUSINESS

Mayor VanderWoude addressed "The Inn" redevelopment project. Mayor VanderWoude presented to those in attendance a detailed timeline of the proposed subdivision up to the current date. Mayor VanderWoude advised that Whitecap, LLC has presented a revised preliminary plat and that it was under review by City staff. Mayor VanderWoude advised that the City is moving as efficiently as possible while protecting the City.

Councilmember Mendenhall advised that the City is flexible and that the City should work as closely as they can to accelerate the process to move it forward. Mendenhall advised that the developer and the City work closely together over the next day or two.

Mr. Gordon Bright addressed his concerns relating to the old swimming pools and how they were full of water. Mr. Michael Jensen said that this will be taken care of on June 15th.

Councilmember Andres requested the City of Okoboji Police Chief to continually keep an eye on the redevelopment, especially during the evening hours.

There was no further discussion.

Mayor VanderWoude addressed the seawall located on Dixon Beach. Mayor VanderWoude discussed her concerns about the seawall including the overall cost of the project for the benefit of 10-12 homes and the design of the project as it relates to the lakeshore landscaping ordinance. Mayor VanderWoude advised that the City has not forgotten about the project and that it remains on the radar. Mayor VanderWoude advised that the cost was originally estimated at \$600,000.00.

Mr. Phil Petersen commented that the seawall continues to deteriorate. Mr. Petersen advised that the Iowa Department of Natural Resources has approved this project. Mr. Petersen said he does not believe that The Inn redevelopment should be part of the discussion. Mr. Petersen believes that there will be problems in the future if the City does not address. Mr. Petersen rebutted the Mayor in that the promenade along Dixon Beach is one of the best and most used public sidewalks in the City. Mr. Petersen believes that the neighbors on Dixon Beach are making major contributions to the City in the form of property taxes.

Mayor VanderWoude again reiterated that the City has not forgotten about the seawall but advised that the Council is not yet ready to make a decision on this project.

Mr. Petersen advised that the City may miss the opportunity to complete this project this summer if a decision is not made soon. Mr. Petersen asked Mr. Michael Jensen if The Inn had any interest in extending the seawall. Mr. Jensen advised that there was none and that the developer continues to be committed to not charging any additional expense to the City.

Mr. Michael Meyers advised the Council of potential and estimated costs of the project depending upon which improvement was decided upon. Mr. Meyers advised that the cost estimates were put together over a year ago and that there will likely be a small cost increase if re-estimated today. Mr. Meyers presented three options. One was a full seawall replacement, another was sloping the bank back with natural field stone, and a third was adding additional riprap.

Mr. Petersen advised that sloping the bank could cause safety issues.

Council Member Julie Andres asked how much footage the slope would take. Mr. Jason Eygabroad advised that the slope would likely take 10-15 feet to accomplish at a 3:1 ratio. Mr. Eygabroad advised that the Department of Natural Resources prefers this option.

Councilmember Robinson asked if the slope option would match The Inn's current shoreline. Mr. Eygabroad commented that The Inn's shoreline is pretty steep but that it would be similar in nature and close to the same slope.

Mr. Leo Jochum asked additional questions about the cost of the improvement.

Councilmember Mendenhall advised that the Council is in a stage of reevaluating the whole situation and that they are aware that the wall is deteriorating. Mendenhall commented that the expenditure is high for the City and was curious if the landowners would consider participating in the cost. Mendenhall advised that the improvement is not in the budget for the upcoming fiscal year.

Mr. Petersen advised that if more damage occurs then the expense could be more.

Councilmember Andres asked the Council if they had any additional opinions on the grading option presented to the City.

Mr. David Scott advised that he recalls from previous meetings that the grading option was difficult due to the sandy nature of the shoreline.

Mr. Eygabroad advised that you would likely have to excavate the shoreline and replace with clay.

Mr. Dan Sanders advised that the grading option would cause a significant loss of trees along the shoreline.

An individual commented that more delays would potentially create larger issues including the total loss of a section of the seawall.

Councilmember Delperdang advised that there should be a final decision at the next City Council meeting. Delperdang asked for an update on the cost and the options provided to the City.

Mayor VanderWoude asked that this be an item for consideration on July 10th.

Mayor VanderWoude invited Mr. Bruce Smith to address the Council relating to the Airport Authority's request to trim trees located within Speier Park. Mr. Smith advised that the Iowa Department of Aviation did an inspection and found that approximately 12 trees required trimming or removal relating to the landing approach of aircraft. Mr. Smith advised that one of the trees was located on private property. Mr. Smith hopes to work with the City on this and mentioned that the Iowa Department of Transportation does off a grant up to 85% of the total cost.

Councilmember Delperdang asked Mr. Smith what the repercussions could be if the trees were not trimmed. Mr. Smith advised that grants received would be required to be repaid and no new grants could be obtained. In addition, the airport could potentially no longer be considered a public airport and would become privatized.

Councilmember Delperdang asked what would happen if the private property owner refused to trim the tree. Mr. Smith believed that the state afforded some authority to trim the tree on private property if necessary. Mr. Smith advised that the airport authority had not yet spoken to the property owner. Mr. Meyers advised that the property owner was in attendance.

Mr. Meyers advised that he believes there were three options. Trimming the trees, removing the trees, or allowing them to remain. Mr. Meyers advised that many of these trees are memorial trees donated to the City complicating the removal of them. Mr. Meyers was concerned about the trees potentially dying if they were topped.

Councilmember Robinson inquired about the liability of the City of Spirit Lake might have as they are the owners of the airport. Mr. Smith was unsure. Mr. Smith advised that Speier Park is owned by the City of Okobojo and that liability falls on the City.

Mrs. Kristi Leigh, who owns the aforementioned private property, addressed the Council about the difference she has noticed between small prop plans and the larger jets. Leigh commented that there is a huge difference in landing between the smaller plans and the larger planes. Leigh was curious as to what types of regulations are in place as it relates to landing and if the larger jets were not allowed to land then the trees would not be an issue.

Councilmember Delperdang advised that he was sensitive the needs of the airport. Delperdang believed that the best option was likely to top the trees but advised he could not make that decision as it relates to the tree on private property. Delperdang commented that there was no perfect solution to this issue.

Councilmember Andres asked Mr. Smith if the airport would be willing to pay for topping of the trees. Mr. Smith advised that the airport was willing to do so.

Leigh asked that no decision be made tonight because there were a few neighbors who could not attend the meeting. Leigh believes that there is more information that can be provided.

Mayor VanderWoude advised that the City has been fortunate in the past that the topping of trees has been successful in the past.

Councilmember Jim Hentges joined the meeting at 6:42 P.M.

The Council discussed as to whether or not a decision should be made tonight. Councilmember Robinson advised that they could cut trees up until the snow falls.

Mr. Smith advised that the longer this goes the more chance of a liability. In addition, the Department of Aviation could potentially reject their landing certificate. Mr. Smith advised that the airport needs to comply with the rules and regulations set forth.

Councilmember Mendenhall advised that the City should move forward with trimming the trees to avoid liability.

Councilmember Robinson reiterated that he would like to table this to the July meeting so that more neighbors can be involved.

Mr. Meyers advised the Council how they could potentially act on this matter this evening. Meyers advised that there were not quotes to act on. Meyers advised that Mr. Smith would have to apply for the grant and that was not yet guaranteed.

Councilmember Andres asked if the airport was in jeopardy of shutting down within the next month. Mr. Smith said that he did not think so.

Mayor VanderWoude asked Mrs. Leigh if there were any other trees on private property. Leigh said that just one was on her property and the rest were contained within Speier Park.

Councilmember Andres asked Mr. Smith how many feet off of each tree needs to be removed. Mr. Smith advised that it varies by tree and that the trees need to be cut below the regulations.

Councilmember Hentges asked about transporting the trees. Mr. Michael Jensen advised that they recently tried transport an older oak tree and that they determined it was not possible due to the tap root.

Mr. Smith advised that if the trees were removed the City could replant trees that would not grow as tall in honor of those who dedicated them originally.

Councilmember Andres asked if the airport would pay for those trees if they die due to topping. Mr. Smith advised that historically the trees have performed well.

The Council and Mr. Smith discussed the difference of approach between the prop planes and the jet planes. Councilmember Delperdang asked if the airport was able to disallow jets and be able to change the tree regulations. Mr. Smith advised that this was not possible as it is determined by glide slope calculations. Councilmember again asked if the airport could disallow jets. Mr. Smith said no.

Mrs. Leigh commented that the runway was too short for these larger jets to land. She was advised that runways were determined by each individual aircraft and pilot to make that decision and that it was not up to the airport to make that determination.

Councilmember Andres asked who Mrs. Leigh could issue that complaint with. Mr. Smith advised that the Federal Aviation Agency would be the authority but he doubted that they would offer much due to aforementioned reasons.

Motion made by Councilmember Andres and a second by Councilmember Robinson to direct the City Administrator to explore the option of trimming the trees and to ensure that funding available from the Department of Aviation. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Andres, Hentges. The following Councilmembers voted "NAY": None. Motion passed 5-0.

Mayor VanderWoude presented a petition presented to the City of Okoboji requesting a yellow centerline on Lakeshore Drive. Mr. Meyers advised that the petition was presented by Mr. David Crary of 6005 Lakeshore Drive and was signed by multiple property owners. Meyers advised that Lakeshore is considered a residential street and typically residential streets are not striped. Meyers advised that the neighbors find the street to be hilly, full of curves, and dangerous. Meyers advised he received two quotes to stripe the street one of which was for \$4,900 and the other for \$3,247.20. Meyers advised that if the City stripes Lakeshore Drive that this could become a recurring expense and the expectation being set.

Councilmember Delperdang advised that the road had been striped previously.

Mayor VanderWoude asked Police Chief Jason Petersen about the striping of the road. Chief Petersen advised that he did not believe that this would enhance safety of the street.

Councilmember Robinson asked Chief Petersen on passing on Lakeshore Drive. Chief Petersen advised that there is no passing on Lakeshore Drive.

Councilmember Robinson recalled a previous striping project and advised the City not to go with the same company that previously did striping for the City citing a wavy center line.

Chief Petersen advised that he did not believe that adding a centerline would add any safety to Lakeshore Drive whatsoever. Chief Petersen advised that driving on a two lane road people will stay on the right side and thus being closer to the shoulder where people general walk. A stripe would bring traffic closer to the pedestrian traffic. Without a stripe drivers tend to migrate closer to the center of the road staying away from the shoulders.

Councilmember Hentges commented that the signatures gathered only represent a very small portion of the neighbors on Lakeshore Drive. Hentges said this does not seem like a necessity unless there is more concern from the totality of the neighbors.

Councilmember Robinson addressed Councilmember Mendenhall about his concerns about safety. Councilmember Mendenhall said that individuals are walking in the middle of the road especially around Omaha Beach. Councilmember Mendenhall advised maybe signage is needed. Chief Petersen suggested no parking signage.

A member of the audience commented that a stripe in the middle could be detrimental as people generally do not want to swerve over the center line and thought that would be problematic.

Mayor VanderWoude suggested that the item be tabled until there are more neighbors signing the petition. Councilmember Mendenhall reiterated that the City's Police Chief advised against it.

Mayor VanderWoude tabled the agenda item. No action taken.

Mayor VanderWoude presented Resolution #18-06, "A RESOLUTION SETTING A PUBLIC HEARING FOR REVIEW AND POSSIBLE ACCEPTANCE OF BIDS FOR 1985 CEHVROLET 70 SERIES". Meyers explained that this is the old chassis utilized for the City's boom truck which is no longer utilized as the City got a new chassis earlier in the year. Meyers explained that anything of value must be put up for public bid. The chassis will be advertised via public notice and newspaper publication. Meyers explained that half of the proceeds from the chassis will go to the City of Arnolds Park as both municipalities own the chassis.

Motion made by Councilmember Robinson and a second by Councilmember Hentges to approve Resolution 18-06 and set the public hearing for July 10th. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Andres, Hentges. The following Councilmembers voted "NAY": None. Motion passed 5-0.

Mayor VanderWoude presented Resolution #18-07, "A RESOLUTION TO APPROVE CONTRACT FOR ONE YEAR BETWEEN TEAMSTERS LOCAL #554 AND THE CITY OF OKOBOJI IOWA".

Motion made by Councilmember Hentges and a second by Councilmember Mendenhall to approve Resolution 18-07. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Andres, Hentges. The following Councilmembers voted "NAY": None. Motion passed 5-0.

Mayor VanderWoude presented Resolution #18-08, "A RESOLUTION SETTING A PUBLIC HEARING FOR REVIEW AND POSSIBLE ORDINANCE AMENDMENT LOWERING THE SPEED LIMIT ON SANBORN AVENUE AND STAKE OUT ROAD WITHIN THE CITY FROM 35 MPH TO 25 MPH".

Mayor VanderWoude advised that this was at the request of the Police Chief.

Councilmember Mendenhall asked why this was his recommendation. Chief Petersen advised the residential nature of these streets and the amount of bicyclists and pedestrians. Chief Petersen advised that the speed limit on these streets is higher than that of Highway 71 in town. Chief Petersen advised that this may add 20-40 seconds to drive times.

Councilmember Robinson commented the development on these roads has created more traffic and individuals present.

Chief Petersen advised of some recent accidents in the area.

Councilmember Robinson said that the Police Chief is the director of public safety and said that if he feels as though this will increase safety than the City should proceed with his recommendation.

Michael Meyers advised that he did speak with the City Engineer and that he had not objections to the proposed change in speed limit.

Motion made by Councilmember Robinson and a second by Councilmember Andres to approve Resolution 18-08 and set a public hearing for July 10th.

Prior to the vote, Mr. Phil Petersen addressed the Council his concerns about changing the speed limit claiming that the Council needs to consider the full-time and winter residents. Petersen advised that a good part of Stake Out Road is undeveloped and that 25mph is too slow. Petersen said that it is difficult to achieve 35 mph on Sanborn Avenue.

Mayor VanderWoude advised of the church on Sanborn Avenue and the amount of activity around the church. Mayor VanderWoude was also concerned about the residents on Eloise and Julia Street and cited young children. Mayor VanderWoude also advised of Brandonwood.

Chief Petersen advised there would be a grace period for residents.

Meyers advised that this vote will not change the speed limit but simply sets a public hearing and provides for notification. The public hearing is proposed for July 10th to allow for residents to comment.

Councilmember Hentges commented that he lives right off of Sanborn and sees people driving 50 to 70 MPH on the road and is in favor of changing the speed limit.

Councilmember Mendenhall wondered how many people might lose their patience with this change. Councilmember Hentges rebutted that these individuals are within town and should drive the requested limits.

The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Andres, Hentges. The following Councilmembers voted "NAY": None. Motion passed 5-0.

Mayor VanderWoude presented a Purchase of Services Contract for Transportation Services by and between the City of Okoboji and Regional Transit Authority, Inc. (RIDES).

Meyers advised that the amount was the same as the previous fiscal year and that this amount was budgeted for the upcoming fiscal year.

Motion made by Councilmember Robinson and a second by Councilmember Andres to approve the contract between the City of Okoboji and RIDES. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Andres, Hentges. The following Councilmembers voted "NAY": None. Motion passed 5-0.

Mayor VanderWoude presented Change Order #2 for the 2017 City of Okoboji Gordon Street Drive street project in the amount of \$3,773.53.

Motion made by Councilmember Hentges and a second by Councilmember Mendenhall to approve Change Order #2. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Andres, Hentges. The following Councilmembers voted "NAY": None. Motion passed 5-0.

Mayor VanderWoude presented the Application for Payment # 5 (FINAL) in the amount of \$10,722.05 payable to Rens Concrete, Inc. for the 2017 city of Okoboji Gordon Drive Street project.

Motion made by Councilmember Robinson and a second by Councilmember Mendenhall to approve the Application for Payment #5 (FINAL) in the amount of \$10,722.05 payable to Rens Concrete, Inc. for the 2017 City of Okoboji Gordon Drive Street project.. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Andres, Hentges. The following Councilmembers voted "NAY": None. Motion passed 5-0.

Mayor VanderWoude presented Change Order #1 for the 2017 City of Okoboji Sanborn Avenue street project to credit \$11,801.11.

Motion made by Councilmember Mendenhall and a second by Councilmember Robinson to approve Change Order #1 for the 2017 City of Okoboji Sanborn Avenue street project to credit \$11,801.11. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Andres, Hentges. The following Councilmembers voted "NAY": None. Motion passed 5-0.

Mayor VanderWoude presented the Application for Payment #3 (FINAL) in the amount of \$12,829.40 payable to OMG Midwest, Inc. dba Tri-State Paving for the 2017 Sanborn Avenue Street project.

Jason Eygabroad commented that the cracks on Sanborn have not yet been sealed. Eygabroad commented that he spoke with Michael Meyers about whether or not the City should pay this project out in the current fiscal year. Meyers advised the Council that for budgetary reasons to pay this out presently.

Councilmember Hentges advised that the City should not pay this out until the cracks on the street have been sealed and that we will deal with the budget issues next fiscal year.

No motion made. The proposal dies due to lack of a motion.

Mayor VanderWoude presented a dock permit application for Jeremey Ratcliff of 1718 Lakeshore Drive for Public Access #4.

Meyers explained that there was a change of ownership at this property. The previous owner of the property had access on #4.

Motion made by Councilmember Robinson and a second by Councilmember Hentges to approve the dock permit application for Mr. Jeremy Ratcliff at 1718 Lakeshore Drive for Public Access #4

The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Andres, Hentges. The following Councilmembers voted "NAY": None. Motion passed 5-0.

Mayor VanderWoude presented a Board of Adjustment granted variance to Barry and Andrea Nadler of 5707 Lakeshore Drive.

Councilmember Robinson noted some concern about the 3-2 vote in this scenario.

Mr. Dan Sanders, a Board of Adjustment member, addressed Councilmembers Robinson's concerns advising him of the scenario.

Motion made by Councilmember Robinson and a second by Councilmember Andres to accept the variance to Barry and Andrea Nadler of 5707 Lakeshore Drive The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Andres, Hentges. The following Councilmembers voted "NAY": None. Motion passed 5-0.

REPORT OF OFFICERS

Police Report

Police Chief Petersen requested that the City reconsider parking regulations along Lakeshore Drive.

Mayor Report

Mayor VanderWoude advised Michael Jensen that the Planning and Zoning Commission was ready to receive the Preliminary Plat.

Mayor VanderWoude introduced Ms. Jill Verdoorn who is the City of Okoboji's new Deputy City Clerk.

Council Report

Councilmember Robinson advised that the City consider changes to the Lakeshore Landscaping ordinance. Michael Meyers advised that multiple people have brought this up across the City to consider a second look at this ordinance to find a middle ground.

Councilmember Mendenhall requested a group of at least two Councilmembers, the Mayor, City Staff, the City Engineer, and the City Attorney get together to figure out “The Inn” redevelopment efficiently. Mendenhall asked Michael Jensen what his plan was with the non-conforming lots. Jensen explained that he felt that a three foot differential was an okay request considering the size of the lots. Mendenhall advised that the City was very close and that the requested group can assist in getting everything figured out.

Motion made by Councilmember Robinson and a second by Councilmember Andres to adjourn the meeting.

ADJOURNMENT.

Mayor Mary VanderWoude

Michael Meyers, City Clerk / City Administrator