

MINUTES OF THE OKOBOJI CITY COUNCIL MEETING HELD ON JULY 10TH, 2018

Mayor Mary VanderWoude called the meeting to order at 6:00 P.M. on July 10th, 2018. All those present stood and recited the Pledge of Allegiance. Councilmembers Jerry Robinson, Jim Delperdang, Walter Mendenhall, Jim Hentges, and Julie Andres were present. Others present were City Administrator Michael Meyers, City Engineer Brad Beck, City Attorney Dave Stein, Police Chief Jason Petersen, Candace Foreman, Wayne Foreman, John Riegert, Sherry Sollenbarger, Connie Finnern, Wayne Finnern, Dan Sanders, Beth Bright, Jeff Thee, Kevin Sander, Joe Fitzgibbons, Marilyn Riegert, John Vernon, Kae Hoppe, Barbara Mendenhall, Bev Jochum, Leo Jochum, Dave Sollenbarger, Kate Ebinger, Mark Jensen, Michael Jensen, Pat Boggess, Steve Schwaller, Molly Scott, and David Scott. 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 Hentges and a second by Councilmember Andres to adopt the agenda. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Hentges, Andres. The following Councilmembers voted "NAY": None. Motion passed 5-0.

CONSENT AGENDA

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

CITIZEN APPEARANCES

Ms. Kae Hoppe inquired if there were any way to be able to drive golf carts or UTV/ATVs across the bridge and or trestle in between Okoboji and Arnolds Park. Mayor VanderWoude advised that it is not allowable and to contact the trails board.

John Vernon requested an individual plot community garden within the old Inn golf course. Mayor VanderWoude advised that Mr. Vernon contact Mr. Michael Jensen regarding that matter.

OLD BUSINESS

Mayor VanderWoude briefly discussed the trimming of trees within Speier Park for the Spirit Lake Municipal Airport. Michael Meyers explained to the Council that he has been in contact with the airport authority and that they are gathering bids and filling out the paperwork for the grant through the Department of Aviation. Meyers commented that this was a carryover item from the previous agenda and asked to see if anyone in the crowd were there to speak about this issue. There were no comments.

NEW BUSINESS

Mayor VanderWoude opened a public hearing at 6:05 PM to consider a request by Whitecap, LLC for vacation and conveyance of an unneeded right-of-way located at the southerly projection of Eden Street and the westerly projection of the former Lakeshore Road by quit claim deed to the adjoining property owner.

Mayor VanderWoude advised that the City has been working closely with the Developer on a revised preliminary plat that included five lakeshore lots and two on the opposite side of Eden Street. Mayor VanderWoude advised that originally the Developer had a plat representing 72' wide lots which was not allowable by the City's Zoning Ordinance. Mayor VanderWoude advised that after working together closely the City and the Developer came to an agreement that allowed for the Developer to have 75' wide lots which are allowable.

Meyers discussed with the Council and those in attendance in detail what was involved with the trade of properties between the City and the Developer. Meyers identified the three separate parcels involved, two of which will be conveyed to the City and one of which will be conveyed to the Developer.

A member of the audience asked about the pedestrian promenade and how that would look when this development was finalized. Mayor VanderWoude advised that the promenade would continue across and meet up with Eden Street. Mayor VanderWoude advised that both access and the promenade would still be public access.

Meyers advised that the Developer has agreed to shift their property line to the north so that the promenade would be entirely on public property with an additional 5' maintenance agreement protruding into the five lots of the Whitecap Addition. Meyers advised that this helped both the City and the Developer avoid pedestrian right-of-way easements and the like.

A member of the audience asked about the cul-de-sac and whether or not Eden Street would exist. Mayor VanderWoude confirmed that the cul-de-sac was no longer on the table and that Eden Street would largely remain as it is today.

Mayor VanderWoude closed the public hearing at 6:10 PM.

Councilmember Hentges asked Brad Beck, City Engineer, and Dave Stein, City Attorney, if they felt comfortable with everything as it was laid out. Both advised that they were.

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

Motion made by Councilmember Robinson and a second by Councilmember Mendenhall to approve the first reading of Ordinance 242. The following Councilmembers voted "YEA": Robinson,

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

Motion made by Councilmember Andres and a second by Councilmember Hentges to waive the second and third reading of Ordinance 242. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Hentges, Andres. The following Councilmembers voted "NAY": None. Motion passed 5-0.

Motion made by Councilmember Mendenhall and a second by Councilmember Robinson to approve and adopt Ordinance 242. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Hentges, Andres. The following Councilmembers voted "NAY": None. Motion passed 5-0.

Mayor VanderWoude presented Resolution 18-11 and commented that the City of Okoboji Planning and Zoning Commission did recommend approval for Resolution 18-11 on a 5-0 vote. Meyers added that one of the conditions placed upon the recommendation was the submission of a letter from the Arnolds Park/Okoboji Fire and Rescue Chief which was received by the City. Brad Beck recommended the acknowledgement of the waivers of length and width of blocks that were waived by the Planning and Zoning Commission.

Councilmember Jerry Robinson asked about the split zoning of the lakeshore lots. Meyers advised that is a separate process and will be handled at future meetings.

Motion made by Councilmember Hentges and a second by Councilmember Andres to approve Resolution 18-11. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Hentges, Andres. The following Councilmembers voted "NAY": None. Motion passed 5-0.

Mayor VanderWoude presented Resolution 18-12.

Motion made by Councilmember Robinson and a second by Councilmember Hentges to approve Resolution 18-12. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Hentges, Andres. The following Councilmembers voted "NAY": None. Motion passed 5-0.

Councilmember Hentges thanked City Staff and the Developer for all of the hard work put forth in this project. Michael Jensen thanked the Council and advised that he felt this all worked well for everyone.

Mayor VanderWoude moved Agenda Item "N" to the present topic so that the City Attorney could provide commentary before he left.

Mayor VanderWoude presented and discussed the police union insurance participation agreement. Dave Stein explained that this was a participation agreement with the health plan and that he advised it is important to execute this document. Stein believes that some things are not wholly in favor of the City, specifically administrative side that the City Administrator will need to keep an eye on, but that the City really needs to get this document executed and taken care of. Stein commented that this is just a one year agreement and at this time the City is not in position to further negotiate the agreement.

Motion made by Councilmember Hentges and a second by Councilmember Andres to approve the police union participation agreement and to authorize the City Administrator to execute the document. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Hentges, Andres. The following Councilmembers voted "NAY": None. Motion passed 5-0.

Mayor VanderWoude presented and discussed potential actions to take regarding the Dixon Beach seawall project.

Mayor VanderWoude commented on how this is a large expenditure for the City and the burden that this might put on the tax payer for something that benefits only a handful of households. Mayor VanderWoude also commented that cement and steel are not necessarily natural or native designs that fit in well with the lake.

Kate Ebinger discussed with the Council a letter composed by Mr. Phil Petersen (not present) and signed by numerous Dixon Beach neighbors.

Councilmember Mendenhall commented that several knowledgeable individuals have reviewed the project including the City Engineer, Mike Hawkins with the DNR, and John Wills with the Dickinson County Clean Water Alliance.

Brad Beck, City Engineer, potential options for repairing the seawall. Comments were made and acknowledged that only a certain portion of the wall was the most structurally compromised and that other parts of the wall were doing well. The first option and least expensive which was presented was additional rip-rapping in front of the existing seawall.

Beck advised on two other options that could be available. Beck mentioned that the City currently does have a permit from the Department of Natural Resources to do a steel sheet pile wall with concrete cap. This option was the largest expenditure with a total cost at roughly \$640,000.

Councilmember Delperdang asked about the process and equipment for this option. Beck commented that it depends on the size of the wall and that a large excavator would be needed with a hydraulic hammer with a concrete cap poured. Beck advised this could all be done from shoreline between the promenade and the lakeshore bank. Delperdang asked to clarify if this were for the whole seawall or just a portion. Beck confirmed from Metz Beach to the Whitecap Addition. Delperdang commented that this figure as presented does not include bond fees or interest and that the project would eventually cost the City much more. Beck advised that this was the least

natural option. Beck also brought up the potential for a hybrid option of the concrete wall and a more natural option for areas where the wall was less compromised.

Beck explained the third option which includes sloping the lakeshore back at a 3:1 ratio. For every foot the wall is in height the City would slope the lakeshore back three feet. Beck advised that this was the preference of the DNR. This is a natural option and better meets the City's intent of the Lakeshore Landscaping Ordinance.

An audience member asked if this sloping technique would adversely affect the promenade. Beck advised that it would be close to the sidewalk.

Councilmember Delperdang asked about the under tow erosion and as to whether or not the sloped bank would address that issue. Beck advised of the pros and cons of this option. Pros included it was more natural, it was the preference of the DNR and cons were the loss of property and the sandy nature of the bank. This option has a cost of approximately \$300,000. A lot of this cost involves the removal of the sand and inserting clay.

Councilmember Mendenhall asked about a membrane and Beck confirmed that would go underneath the riprap. Beck then advised the seeding would take approximately 3 years to fully take hold.

Beck advised that the last thing that he looked at was just replacing the concrete wall where it is most compromised and failing. Beck commented that would cost around \$100,000. Beck said that is around 150 feet of replacement and that the City may be in this situation again on different parts of the wall in the future.

Beck advised that no matter which option is selected that there would be the need for rip rap.

Councilmember Mendenhall asked Beck if he felt like the wall needed to go all the way to Metz Beach. Beck advised that he did not believe so and that he spoke with Mike Hawkins at the DNR about this and they believe there is potential for a hybrid solution that does not involve going all the way to Metz Beach.

Councilmember Hentges commented on how high the water is right now. Councilmember Hentges commented that doing riprap right now is money well spent right now to help protect the wall while a longer solution plan is developed. Councilmember Hentges said that the riprap will help immediately and that the City could reuse it in the future.

Councilmember Robinson asked if the proposed hybrid solution would involve any sheet piling or concrete. Beck advised that it depends on where the start and stopping point is. There were multiple options which could be examined.

Councilmember Robinson advised that he was one of the members of the infrastructure committee who went down and examined the seawall a few weeks previously. Councilmember

Robinson believed that a good portion of the wall is well intact and that only portions of the wall are on borrowed time. He commented that the full price was quite the burden for the tax payers.

Councilmember Andres asked where the money would come from. The Council then discussed the need to likely bond for the project.

Dan Sanders asked how far riprap out from the wall would be. Beck advised there could be one cubic yard per foot of lakefront. Councilmember Hentges advised that there is a way to push that out even further by variance to the permit.

Councilmember Robinson asked about the current permit granted by the DNR. Beck advised that it allows for a steel sheet piling wall with a concrete cap for the entire length of the beach. Councilmember Robinson asked about the other options and Beck advised we would need to do a permit amendment. The DNR urged the City to review alternative options to what is presently permitted.

Councilmember Delperdang commented that riprap was part of each formula no matter what option was selected. Beck advised he did not believe that riprap would need to be replaced each year but that riprap was needed regardless. Delperdang commented that if the City is paying \$40,000 a year on a bond payment that amount buys a lot of riprap.

Councilmember Hentges commented that even during a high water year with the riprap the water loses an extreme amount of its velocity before it hits to existing wall.

Mayor VanderWoude reminded the Council that the City does have money to expend on a riprap project this current fiscal year. Councilmember Robinson liked the idea of being able to better budget for a long term solution to this issue.

Councilmember Andres asked those in attendance if they would prefer multiple layers of riprap or a sloping option. Those in attendance commented that they had not necessarily discussed that and were unsure at that time. Councilmember Andres commented that in a situation where the City does a hybrid solution how would it be determined who gets a wall and who gets the slope. Councilmember Andres again asked if the neighbors would be okay with riprap or sloping.

Mr. Leo Jochum commented that his preference would be riprap.

Ms. Molly Scott commented that she did not believe that the rip rap works and that she believes the sloping option is another band aid solution.

Councilmember Andres acknowledged that the desire for the wall is there but that the money is significant and desired to know what the neighbors feelings were on the other options if the full wall is not feasible.

Councilmember Delperdang asked about the hybrid solution commenting that it would look good as well as provide erosion control. Councilmember Delperdang again commented that the riprap would be an ongoing maintenance item.

Jochum commented that there are portions of the wall that something definitely needs to be done. Jochum says that his portion of the wall is in good shape, by his estimation, but the whole wall needs to be looked at. But in the interim something needs to be done to assist the parts of the wall that are failing.

Mayor VanderWoude commented that no matter what we do we need to riprap.

Mr. David Scott reminded the Council that in the past the City approached property owners on Dixon Beach to create a public drainage way.

Councilmember Delperdang reviewed two potential options one of which was the full replacement and the other was a hybrid solution. Councilmember Delperdang added that the hybrid solution would address the part that is failing and help sure up the other parts of the wall and was significantly less expensive than the other options.

Councilmember Andres asked Beck to put together a really comprehensive design relating to a hybrid solution. Councilmember Andres said that the numbers are large but there appears to be some middle ground. Councilmember Andres added that she wants to make sure that the neighbors know what they are getting.

Beck advised that the only real options for this current year would be to add in the riprap any other process would take too long and would be pushed into the next year.

Beck asked for clarification as to what exactly the hybrid solution was. Councilmember Robinson asked Councilmember Hentges towards his thought due to his professional experience.

Councilmember Hentges commented that at this point he does not believe we have any other option than to riprap it. Councilmember Hentges commented that we will quickly learn as to what this option will accomplish and that it is already money we have on hand and money that will be in the project anyways. Councilmember Hentges guessed that the riprap would be about 6 to 10 feet out from the lakeshore if the permit is granted a variance and go to the top of the existing wall. Councilmember Hentges commented that the City has provided band aid riprap before but never anything like what is being discussed.

Councilmember Delperdang asked if we put the riprap in now, how difficult would that make future projects. Beck advised that it would need to be done either way and that the riprap will have to be moved into the lake and pulled back. Beck advised that the labor to move it was minimal in nature.

Councilmember Hentges commented that the work can be done even with the high water.

Councilmember Mendenhall commented that every scenario involves riprap and that this seems like a reasonable way to move forward proceeding with riprap today and exploring the hybrid solution and how to pay for it.

Meyers reminded the Council that the City has approximately \$50,000.00 in this fiscal year to help with this project. Meyers advocated for expending the currently budgeted amount and give City Staff time to project and budget for future projects.

Councilmember Hentges commented that riprap we can get and get done quickly.

David Scott commented that he felt this was an appropriate plan and wanted to City to continue to consider all options.

Dan Sanders commented that Councilmember Hentges should be a part of the committee from the Council taking a hard look at the project.

Mayor VanderWoude directed City Staff to move forward with applying for the variance for the permit, getting the information together to bid the riprap project, moving the project through the process and looking at a detailed hybrid solution.

Mayor VanderWoude presented and opened a public hearing for Ordinance 243 "Adding New Language in Section 63.04 "Special Speed Zones" designating all of Sanborn Avenue to have a 25 MPH speed limit and designating Stakeout Road from Highway 71 to Chalstroms Beach Road to have a 25 MPH speed limit" at 7:33 pm.

Barbara Mendenhall spoke and requested that the City continue to study Sanborn and suggested that the police department utilize a visual marker such as a digital speed radar. Police Chief Jason Petersen advised that the County owns a speed trailer and that he would likely be able to utilize.

Councilmember Mendenhall believes that these are two separate issues and that Sanborn is quite different than Stakeout Road and that the votes should be separated and not grouped as one as the Ordinance represents.

Mayor VanderWoude commented that the Ordinance could be tabled until further study is done on Sanborn.

Councilmember Robinson asked the Police Chief what the travel time differential was in 25 MPH and 35 MPH and was advised about 30 seconds.

Motion made by Councilmember Robinson and a second by Councilmember Mendenhall to table Ordinance 243. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Hentges, Andres. The following Councilmembers voted "NAY": None. Motion passed 5-0.

Mayor VanderWoude discussed the disposal of a vehicle owned by the City. The disposal of such was public posted and published in the newspaper. Meyers advised that the City received one bid for \$1,000.00 from Vander Haag's, Inc.

Motion made by Councilmember Hentges and a second by Councilmember Andres to accept the \$1,000.00 bid from Vander Haag's, Inc. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Hentges, Andres. The following Councilmembers voted "NAY": None. Motion passed 5-0

Mayor VanderWoude discussed Application for Payment No. 3 (FINAL) in the amount of \$12,829.40 payable to OMG Midwest, Inc. dba Tri-State Paving for the 2017 City of Okoboji Sanborn Avenue street project.

Motion made by Councilmember Hentges and a second by Councilmember Robinson to approve Pay App No 3. Upon approval of completion by City Staff. The following Councilmembers voted "YEA": Robinson, Delperdang, Mendenhall, Hentges, Andres. The following Councilmembers voted "NAY": None. Motion passed 5-0

REPORT OF OFFICERS

Police Report

Police Chief Petersen advised that this was one of quietest Fourth of July holidays in a long time. Councilmember Robinson asked about fireworks complaints and the Police Chief advised very few.

Mayor Report

Mayor VanderWoude commented that she would like to City to explore using postcards for utility billing.

City Administrator Michael Meyers commented that he would also like to City to explore to acceptance of Debit and Credit cards. Meyers felt that this especially would be beneficial to the City of Okoboji due to the amount of out-of-town property owners. Meyers advised that the City has been in communication with GovPay who handles this for multiple Iowa communities. The credit card processing fee is absorbed by the customer similar to what the City of Spirit Lake does.

Council Report

Councilmember Delperdang gave an update on the status of the no wake lake.

City Administrator Report

Meyers commented on a previous Planning and Zoning Commission meeting where multiple topics were discussed including putting time limitations on zoning permits, legally non conforming structures, and the lakeshore landscaping ordinance.

Meyers advised that the City is now in fiscal year 2018/2019.

Meyers discussed drainage issues at Okoboji Meadows and some raingardens throughout town that showed some stress after the heavy rains the Lakes Areas had received.

Meyers advised that the City's annual financial audit was to happen in August.

Meyers commented that there will be a Lakes Area walking audit to help make the area more pedestrian friendly. Meyers said that this is open to the public and invited those in attendance to join. Meyers commented that he was specifically trying to get the group to look at the area from the Okoboji Promenade to Speier Park.

The meeting was adjourned at 7:51 PM.

ADJOURNMENT

Mayor Mary VanderWoude

Michael Meyers, City Clerk / City Administrator