

**MINUTES OF THE OKOBOJI CITY COUNCIL MEETING  
HELD ON APRIL 16, 2019**

Mayor Mary VanderWoude called the meeting to order at 6:00 PM on April 16, 2019. Councilmembers Andres, Delperdang, Mendenhall, and Robinson were present at roll call. Councilmember Hentges joined the Council meeting at 6:59 PM. Others present were City Administrator Michael Meyers, Police Chief Jason Petersen, Rebecca Peters, Jeff Thee, Jay Nieson, Nick Schultze, Neil Slater, Steve Schwaller, Phil Petersen, Molly Scott, David Scott, Sara Thompson, Rayna Petievich, Emery Groen, Jon Waddell, Leo Jochum, Bev Jochum, and Kae Hoppe.

**CONSENT AGENDA**

Motion made by Councilmember Andres and a second by Councilmember Mendenhall to approve the Consent Agenda which included minutes from the previous meeting, claims and accounts payable report, bank cash report for March 2019, and a renewal for a Class C Liquor License with Sunday sales for the Outrigger. The following Councilmembers voted "YEA": Andres, Delperdang, Mendenhall, and Robinson. Motion passed 4-0.

**CITIZEN APPEARANCES**

There were no citizen appearances.

**OLD BUSINESS**

Mayor VanderWoude discussed a proposed agreement between the City and Waste Management for waste collection. Administrator Meyers advised that City Staff were working on the language in the agreement and reminded the Council that there were some outstanding issues relating to frequency of pick-up to be addressed. Councilmember Robinson expressed the individuals he has spoken with were in favor of the current collection schedule of once per week as opposed to the originally presented once every other week. Councilmember Delperdang inquired about the different types of containers to be used and expressed some concern on where these would be stored. Jay Nieson said that customers would have the option to downsize from their standard issued container. Councilmember Delperdang expressed his desire as well to keep the schedule the same as it presently operates in once per week recycling, twice per week waste collection during summer, and one per week during the winter. No action taken.

**NEW BUSINESS**

Rebecca Peters, Tourism Director, gave a presentation and update on Vacation Okoboji. No action was taken.

Rebecca Peters, representing Healthy Hometowns, gave a presentation on the removal of tobacco products from City owned parks and property. Councilmember Mendenhall inquired about the signage provided by the Iowa Department of Public Health. Peters advised she would pass along to Administrator Meyers. Mayor VanderWoude inquired about enforcement. Peters recommended

the City of Spirit Lake as a model example and they have advised there have not been an increase in calls or enforcement. Administrator Meyers advised that this was informational only but if the Council wanted to further pursue action that City Staff would prepare the necessary information for consideration. Councilmember Robinson requested that this be pursued further. Meyers advise that he would present his findings at a future Council meeting. No other action was taken.

Mayor VanderWoude discussed issues of ownership between the City of Okoboji and the Department of Natural Resources. VanderWoude explained that the City has applied for a permit with a variance to extend rip-rap in front of the Dixon Beach seawall. VanderWoude described that during this process a Resolution from 1936 was uncovered that the DNR has alleged represents that they have ownership rights to the area. VanderWoude presented options to the Council on how the City might move forward which included conceding that the DNR owns the property, continuing to contend for local control, sign a proposed management agreement between the two entities, or potentially quit-claim the City's interest in this property to adjacent homeowners.

Councilmember Robinson inquired about the 1936 Resolution and if it was or was not recorded. Administrator Meyers advised that the Resolution is recorded in the Dickinson County Recorder's Office but that there have been no conveyance documents located. Meyers explained that in his estimation there were no legal proceedings that took place to ever convey the property. Meyers described decades of local control of this property.

Jon Waddell described that he was doing similar research on the property and that his estimation is that the roadway was platted to the City of Okoboji and that there was no deed found in their research. Meyers advised that the Okoboji Promenade was previously a platted street that was vacated for pedestrian use.

Councilmember Delperdang advised he did not like going the quitclaim route and that it did not seem viable at this point in time. Delperdang also viewed the language in the proposed management agreement unfavorably.

Phil Petersen commented that he would like to see the City move forward with the proposed management agreement advising the length of time it could take for the City and the DNR to resolve issues of ownership.

Councilmember Mendenhall inquired about the legal process moving forward to determine ownership. Mayor VanderWoude commented that a future Council meeting would be set up to go into closed session to discuss legal strategy.

Councilmember Robinson advised that this delay in permitting will also push the proposed rip-rap project out even further. Councilmember Andres commented on the potential for lower lake levels in the future and how that may impact the rip-rap project. Robinson furthered that the permit for the rip-rap project is beyond the City's control at this point.

Councilmember Delperdang that even signing the management agreement does not necessarily avoid the question or potential litigation of ownership. Councilmember Robinson commented that in the best interest for the residents is that the City needs to contend this issue.

Councilmember Robinson also advised that he does not feel the quitclaim option is appropriate considering the precedent the City may be setting.

Mayor VanderWoude and Phil Petersen discussed the City's decision to progress with the rip-rap project. Administrator Meyers commented and corrected that direction was given to City Staff to pursue the option and that once the project was ready that there would be a vote to approve a bid and expend funds on the project.

Councilmember Andres questioned the relevancy of the City's plans if the primary dispute is over ownership of the property. Andres expressed concern about expending funds on property that is in dispute. Councilmember Delperdang commented on the length of time the rip-rap or seawall project has taken.

Mayor VanderWoude commented that the Council needed to come to a conclusion on their intent moving forward. Councilmembers in attendance agreed with calling a special meeting to discuss future strategy with the City Attorney. No other action taken.

Mayor VanderWoude presented Resolution #19-07, "A Resolution to Approve Contract for Two Years Between Teamsters Local #554 and the City of Okoboji, Iowa". VanderWoude explained that there was some slight amendments that the City felt needed to be made prior to the approval and the agenda item was tabled until the next regularly scheduled Council meeting.

Mayor VanderWoude discussed issues of drainage and storm water run-off at Eden Street, Fairfield Avenue, and the Eden Street extension. VanderWoude requested that Councilmember Mendenhall provide input as he has spent time with City Staff discussing. Mendenhall commented on the amount of water that runs towards the lake is extreme and commented in favor of a catch basin at the top of the Eden Street extension. Mendenhall that somehow this water needs to be captured to avoid consistent erosion, mud and silt build up. Mendenhall described the situation as emergent.

Administrator Meyers commented on the amount of water coming off of Eden Street and Fairfield Avenue. Meyers described his concern with the amount of dirty water making its way down the Eden Street extension and the eventual exit into the lake. Meyers explained that plans to help with this were drawn up in October. Meyers commented he did not think the plans were a long-term solution but a piece of a long-term solution and something that could potentially help with the problem quicker.

Councilmember Hentges joined the Council meeting at 6:59 PM.

Administrator Meyers advised that from a budgetary perspective, the City has Road Use Tax money available that could be applied for this project. Meyers also commented that the City would need to act quickly if this is something they desired in an effort to get the project complete prior to the end of the current fiscal year.

Councilmember Andres asked about the frequency of these events and as to whether or not the issues early this spring were an anomaly. Administrator Meyers advised that the March issue was a massive rain and snow melt event, and agreed that was unusual with flooding elsewhere, but that it appears to be over and over again. Meyers commented that he would continue to document. Andres agreed with this plan.

Mayor VanderWoude asked City Staff to work with the City Engineer and individual Councilmembers to find a plan to present at a separate Council meeting. No further action taken.

Mayor VanderWoude presented Resolution 19-08, "Resolution Fixing Date for a Meeting on the Proposition to Authorize a Lease Agreement (General Fund) in the Principal Amount of Not to Exceed \$10,000 to Acquire Personal Property for the City and Providing for Publication of Notice Thereof". Administrator Meyers explained that this was related to the potential execution of a new lease agreement for the copier machine in City Hall.

A motion was made by Councilmember Robinson and a second by Councilmember Hentges to approve Resolution 19-08. The following Councilmembers voted "YEA": Andres, Delperdang, Hentges, Mendenhall, and Robinson. Motion passed 5-0.

Mayor VanderWoude presented and discussed a quote from Ferguson Water works for the amount of \$22,780.00 for new water meters. Administrator Meyers explained that the City was going to stock up for the summer months in an effort to get some of the more difficult ones taken care of while residents are here. Meyers followed up by mentioning with the newly incoming meter fees that the City would purchase the necessary software to fully transition. Meyers explained the benefits of these meters and the software for both the City and for the residents. Meyers explained that many have already been installed and the City will have about 150 on-hand for the summer months.

A motion was made by Councilmember Robinson and a second was made by Councilmember Hentges to approve the quote from Ferguson Waterworks. The following Councilmembers voted "YEA": Andres, Delperdang, Hentges, Mendenhall, and Robinson. Motion passed 5-0.

Mayor VanderWoude presented and discussed a new 12-month Class C Liquor License (LC)(Commercial) for Crazy Bob's at Brooks with catering privilege, outdoor service, and Sunday sales.

A motion was made by Councilmember Hentges and a second by Councilmember Mendenhall to approve liquor license for Crazy Bob's at Brooks. The following Councilmembers voted "YEA": Andres, Delperdang, Hentges, Mendenhall, and Robinson. Motion passed 5-0.

Mayor VanderWoude presented and discussed an application for public dock access at Dixon Beach. VanderWoude explained the history behind this particular access. Jon Waddell advised the Council of the issues at this particular location and presented to the Council a dock survey showing the proximity of all the docks in this area. Councilmember Hentges asked if the applicant had discussed with the dock owner the addition and commented that there is no room on that particular dock for a hoist citing how tight the docks were. Councilmember Delperdang wondered if this was reason enough to not issue a public access permit. Councilmember Andres questioned as to whether or not the property was eligible for a dock under the 1986 dock management terms. Councilmember Hentges suggested the applicant converse with the other dock owners and attempt to figure out how it was possible to fit an additional hoist at this location.

Mayor VanderWoude tabled the agenda item. No further action was taken.

Mayor VanderWoude presented and discussed Resolution 19-09, "Resolution Setting a Public Hearing for Review and Possible Acceptance of Bids for 2008 Sterling Dump Truck and for the Review and Possible Acceptance of Bids for a Fuel Transfer Tank". Administrator Meyers explained that the City's new dump truck was near delivery. Meyers advised that the Resolution as presented listed the truck as a 2007, but it was a 2008. Meyers advised that a \$45,000 minimum was part of the Resolution for the dump truck. Meyers advised that the fuel transfer tank was 500 gallons and the reason was because the City purchased a new one with the assistance of Arnolds Park Okoboji Fire and Rescue. Meyers advised that the City will now be able to more accurately capture fuel diesel fuel usage.

A motion was made by Councilmember Robinson and a second by Councilmember Hentges to approved Resolution 19-09. The following Councilmembers voted "YEA": Andres, Delperdang, Hentges, Mendenhall, and Robinson. Motion passed 5-0.

Mayor VanderWoude presented and discussed the quarterly budget report. Administrator Meyers outlined areas of importance. No further action was taken.

## **REPORT OF OFFICERS**

Police Chief Jason Petersen discussed the potential for a new hire in the 2019 calendar year. The Council briefly discussed a potential time line for this new officer.

Mayor VanderWoude thanked Phil Petersen for his contributions.

Councilmember Robinson expressed concern with the lack of knowledge relating to the patching project along Highway 71.

Administrator Meyers gave updates on the Planning and Zoning Commission, specifically their work on a Conservation Zoning District and revisions to the Lakeshore Landscaping ordinance. Meyers also advised the City is aware of several areas in need of street repair and to expect that to take place soon. Meyers briefly commented on the DOT street project advising that he contacted the DOT to better keep the city in the loop. Meyers advised that Speier Park restrooms are open. Meyers addressed the new signage along Lakeshore Drive to help identify pedestrians. Meyers let those in attendance know yard waste is now being picked up by the City. Meyers pointed out the replacement of lighting in City Hall. Lastly, Meyers expressed concern about and informed the Council of House File 773 relating to property tax reform.

The meeting was adjourned at 7:52 PM.

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Mayor Mary VanderWoude

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Michael Meyers, City Administrator / Clerk

REVENUES FOR 03/13/2019 THROUGH 04/16/2019 TOTALED: \$679,637.21.  
 EXPENDITURES WERE AS FOLLOWS: GENERAL FUND: \$130,947.54, ROAD USE TAX  
 FUND: \$4,558.78, WATER FUND: \$18,736.66. TOTAL EXPENDITURES \$154,242.98

CLAIMS REPORT

VENDOR	REFERENCE	AMOUNT
AFLAC	PREMIUMS	293.33
AFLAC	PREMIUMS	293.33
ALLIANT ENERGY	MARCH ELECTRIC	4,199.40
BECK ENGINEERING, INC.	ENGINEERING FEES/RETAINER	2,097.50
BLACK HILLS ENERGY	NATURAL GAS SERVICE	1,111.94
BLACK HILLS ENERGY	NATURAL GAS SERVICE	524.06
BOB'S AUTO BODY	REPLACE MIRROR	487.39
BOMGAARS SUPPLY, INC.	SKID LOADER MAINT	18.32
BRENT SEXTON	DEDUCTIBLE REIMBURSEMENT	150
CAMPUS CLEANERS & LAUNDER	RUGS	36.2
CARDMEMBER SERVICE	MARCH STATEMENT	89.04
CARDMEMBER SERVICE	APRIL STATEMENT	1,543.46
CENTRAL STATES FUND	MARCH PREMIUMS	4,833.00
CITY OF ARNOLDS PARK	SHARED OFFICER 12/31-3/24	17,873.77
COOPERATIVE ENERGY CO.	FUEL TANK DIXON BEACH PROPERTY	2,405.56
CORNELL ABSTRACT CO.	RESEARCH	150
COUNSEL	MARCH COPIES	49.13
DELTA DENTAL OF IOWA	ACCT 31528-0002	604.24
DENISON DRYWALL	CITY HALL-DRYWALL	3,769.00
DICKINSON CO CONSERVATION	GREEN WASTE	20
DICKINSON CO.TRAILS BOARD	ADMIN FEE FY2019	4,995.00
DICKINSON COUNTY NEWS	PUBLICATIONS MARCH 2019	361.15
DICKINSON COUNTY	SANDING SALT	1,054.20
EFTPS	FED/FICA TAX	4,046.71
EFTPS	FED/FICA TAX	4,143.90
EFTPS	FED/FICA TAX	4,103.25
FEAR COMPUTER SOLUTIONS	PRINTER REPAIR	65
GENERAL TRAFFIC CONTROLS	TRAFFIC SIGNAL SERVICE	551.66
GENERAL TRAFFIC CONTROLS	TRAFFIC SIGNAL EQUIPMENT	98.2
GENERAL TRAFFIC CONTROLS	ANNUAL SERVICE AGREEMENT	375
HEARTLAND SECURITY SERVIC		26.95
IOWA NARCOTICS OFFICERS ASSN	CONFERENCE REGISTRATION	200

IPERS	IPERS-PROTECTN	5,817.99
JAYCOX IMPLEMENT	BOBCAT MAINTENANCE	68.49
L & C TIRE SERVICE, INC.	MOWER TIRES	265
MEDIACOM, LLC	03/25-04/24	359.02
MITCHELL WATTERS	DEDUCTIBLE REIMBURSEMENT	306.84
NEW YORK LIFE	REMITTER ID 989137335	118.39
NEW YORK LIFE INSURANCE	MARCH PREMIUMS	564.14
JASON PETERSEN	REIMBURSE FOR POSTAGE	7.94
SAM WEDEKING		
EXCAVATING	MARCH FLOOD	750
SECURE BENEFITS SYSTEMS	FSA MEDICAL CONT & FEES	209.66
SHAMROCK PIPE TOOLS, INC.	RECYCLING	316.62
SIOUX SALES CO.	VEST FOR SCOTT	924.9
STAR LEASING, LLC	MONTHLY LEASE	83.39
STEIN LAW OFFICE	MARCH LEGAL FEES	2,145.46
SUNSET LAW ENFORCEMENT		447
TREASURER, STATE OF IOWA	51355	
U.S.POSTAL SERVICE	STATE TAX	1,601.00
OKOBOJI	BOX 254 ANNUAL RENTAL	46
WATCHGUARD VIDEO	COMPUTER CABLE	43.5
WELLMARK BLUE CROSS		
AND	PREMIUMS	8,666.49
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AND	PREMIUMS	8,666.48
WEX BANK	FUEL CHARGES 2/21-3/25	686.87
COOPERATIVE ENERGY CO.	FUEL TANK	1,740.50
CRYSTEEL TRUCK EQUIP. INC	FLOW REPAIR	2,475.00
OKOBOJI MOTOR COMPANY	TAHOE MAINTENANCE	138.8
WEX BANK	FUEL CHARGES 2/21-3/25	204.48
AFLAC	PREMIUMS	26.52
AFLAC	PREMIUMS	26.52
ALLIANT ENERGY	MARCH ELECTRIC	91.64
BLACK HILLS ENERGY	NATURAL GAS SERVICE	96.75
BLACK HILLS ENERGY	NATURAL GAS SERVICE	46.14
CARDMEMBER SERVICE	APRIL STATEMENT	990
CENTRAL WATER SYSTEM	MARCH WATER	7,266.00
DELTA DENTAL OF IOWA	ACCT 31528-0002	36.38
EFTPS	FED/FICA TAX	653.91
EFTPS	FED/FICA TAX	559.32
EFTPS	FED/FICA TAX	557.45
FERGUSON WATERWORKS	WATER METER PARTS	159.99
FERGUSON WATERWORKS	WATER METER PARTS	515.06
IPERS	IPERS-PROTECTN	755.64
NEW YORK LIFE INSURANCE	MARCH PREMIUMS	47.17
STATE HYGIENIC		
LABORATORY	WATER TEST	13

STATE HYGIENIC LABORATORY	WATER TESTING	263
STOREY KENWORTHY	UTILITY BILLS	282.76
TREASURER, STATE OF IOWA	MARCH WATER EXCISE TAX	191
TREASURER, STATE OF IOWA	STATE TAX	206
WELLMARK BLUE CROSS AND WELLMARK BLUE CROSS	PREMIUMS	638.47
AND WEX BANK	PREMIUMS	638.48
	FUEL CHARGES 2/21-3/25	102.9
TOTAL ACCOUNTS PAYABLE		111,387.75
TOTAL PAYROLL		42,855.23