

**MINUTES OF THE OKOBOJI CITY COUNCIL SPECIAL MEETING
HELD ON MAY 3, 2019**

Mayor Mary VanderWoude called the meeting to order at 10:02 AM on May 3rd, 2019. Councilmembers Andres, Delperdang, and Robinson were present at rollcall. Councilmember Mendenhall joined the Council meeting at 10:12 AM. Others present were City Administrator Michael Meyers, City Attorney Dave Stein, Water Superintendent Neal Houge, Phil Petersen, and Jon Waddell.

NEW BUSINESS

Mayor VanderWoude presented Resolution 19-10, "Resolution Setting a Public Hearing for Review and Consideration of First Amendment of the FY2018/2019 City Budget". VanderWoude explained the public hearing and consideration of the amendment would take place on May 14, 2019 at 6:00pm.

A motion was made by Councilmember Andres and a second by Councilmember Robinson to approved Resolution 19-10. The following Councilmembers voted "YEA": Andres, Delperdang, Robinson. Motion passed 3-0.

Mayor VanderWoude presented quotes from Kruse Pavement Solutions and Blacktop Service Co. for several different patching projects through the City. Kruse Pavement Solutions provided the lowest quote of \$8.55 per square foot of work to be done.

A motion made by Councilmember Delperdang and a second by Councilmember Robinson to approve the quote from Kruse Pavement Solutions. The following Councilmembers voted "YEA": Andres, Delperdang, Robinson. Motion Passed 3-0.

Mayor VanderWoude presented for payment an invoice from Carney Concrete for street repairs at an amount of \$14,569.00.

A motion made by Councilmember Delperdang and a second by Councilmember Robinson to pay the invoice from Carney Concrete for \$14,569.00. The following Councilmembers voted "YEA": Andres, Delperdang, Robinson. Motion passed 3-0.

Mayor VanderWoude opened conversation relating to the discussion of ownership issues and variance issues along Dixon Beach. VanderWoude expressed that the Council would not go into closed session to discuss. VanderWoude requested an update on the available information from the City Attorney Dave Stein. Stein explained that the DNR had delivered to the City a letter outlining their current position on the issue. Stein commented that the letter gave the City the ability to hopefully take care of the situation without further legal action.

Councilmember Mendenhall joined the meeting at 10:12 AM.

There was continued discussion relating to the language of the letter from the DNR and as to how the City could respond. Stein advised that he would draft a response along with potentially consider the requested Resolution to rescind the Resolution from 1936.

Councilmember Robinson discussed the second paragraph of the letter which specifically details the request for a variance the City made to the DNR relating to the Dixon Beach seawall rip-rap project. Councilmember Andres discussed the process which the Council took to get to a decision to move forward with vetting the rip-rap project. Mayor VanderWoude remarked as to if all of the residents of Okoboji were in favor of the complete replacement.

Phil Petersen advised that based on the high water mark the DNR has jurisdiction over what happens below that high water mark and reminded the Council that the City has an outstanding permit to do a full sea wall replacement.

Councilmember Mendenhall commented that he believes the question of ownership needs to be completely resolved prior to further discussions relating to the sea wall or rip-rap. Mendenhall also commented that he believed the idea of quit claiming the property to the property owners with appropriate pedestrian right-of-way and utility easements should still be considered. Jon Waddell commented that he would be in favor of this option.

Councilmember Delperdang made argument for the Council finding a resolution on the lakeshore operating under the assumption that the City owned the property free and clear of DNR involvement. Delperdang commented that he felt the City had more obligation than just rip-rapping the lakeshore.

Councilmember Andres commented that perhaps there should be some consideration of potential future lake levels and see what decisions come from the studies presently being done on the Lower Gar outlet and other watershed concerns.

Councilmember Robinson commented on the sheet piling and concrete seawall replacement was an extreme cost to put on the entire City of Okoboji and that cost should be a consideration in this matter.

Phil Petersen advised the Council that there are only certain areas that are damaged and that the Council could consider repairing only the sections of the wall which are damaged.

Councilmember Delperdang did not want to delay decision on the rip-rap or seawall option any more than what has already taken place. Delperdang wanted a decision ready to go when the issues of ownership were complete.

Councilmember Mendenhall again discussed the potential to quit claim the property to the property owners. Jon Waddell commented that he felt several property owners would be interested. Stein

expressed concern and recommended that if this were to be considered it would almost have to be an all or nothing proposition.

Councilmember Andres expressed caution about how to City could or should move forward. Stein agreed with this notion and advised that he would be in contact with the DNR prior to any actionable Resolution as requested.

Councilmember Andres commented on the long-standing City stance that the City of Okoboji does not sell or give away City property.

Councilmember Delperdang addressed that the City can likely address the creation of document that meets the intent of both the City and the DNR. Delperdang again advocated for a solution to the rip-rap and/or seawall proposal.

Phil Petersen commented that only four property owners really have a deteriorated sea wall and that it could help alleviate some of the cost to the City to address the worst areas.

Mayor VanderWoude discussed the City's lakeshore landscaping ordinance and how any of these ideas meet the regulations or intent of that ordinance.

Phil Petersen again reminded the Council that they hold a valid permit from the DNR for a complete replacement of the existing seawall.

Councilmember Robinson requested that the City Attorney draft a response and Resolution as requested by the DNR in an effort to resolve the situation.

A motion was made by Councilmember Robinson and a second by Councilmember Andres to adjourn the meeting.

The meeting was adjourned at 10:58am.

Mayor Mary VanderWoude

Michael Meyers, City Administrator / Clerk