

MINUTES OF THE OKOBOJI CITY COUNCIL MEETING HELD ON MAY 14, 2019

Mayor VanderWoude called the meeting to order at 6:00 PM on May 14, 2019. Councilmembers Delperdang, Robinson, and Mendenhall were present at roll call. Councilmembers Andres and Hentges were excused from the meeting. Others present were City Administrator Michael Meyers, City Attorney David Stein, Chief of Police Jason Petersen, James Kosse, Jim Kennedy, Chris Enger, Natalie Enger, Jamie Hunter, Dan Sanders, and Jeff Thee.

CONSENT AGENDA

Motion made by Councilmember Mendenhall and a second by Councilmember Robinson to approve the Consent Agenda which included minutes from the April 16, 2019 and May 3, 2019 Council meetings, the claims and accounts payable report, the bank cash report for April 2019, and renewals of liquor licenses for the Lakes Art Center, O'Farrell Sisters, Tweeters, and the Okoboji Commons Hotel. The following Councilmember voted "YEA": Delperdang, Robinson, Mendenhall. Motion passed 3-0.

CITIZEN APPEARANCES

There were no citizen appearances.

NEW BUSINESS

Mayor VanderWoude invited Jamie Hunter, representing the Chalstrom Beach Condominium Association, to discuss with the Council issues relating to drainage ponds. Hunter gave a brief overview of the history of the Chalstrom Beach drainage ponds and discussed current issues relating to the current day state of the drainage ponds, flooding concerns, and water quality concerns. Hunter questioned as to who was responsible to maintain the drainage ponds. Hunter claimed that the City has responsibility due to drainage easements granted to "the public" as listed on the plats of the subdivision.

Councilmember Delperdang inquired on the legal differences between "the public" and "the City of Okoboji". Hunter advised she felt there was no difference and that the terms could be used interchangeably due to certain language listed within the Proprietor's Certificate filed with the plats. City Attorney Dave Stein offered an opposing opinion commenting that the City has never formally accepted responsibility of these drainage ponds and that the drainage ponds are wholly contained on Chalstroms Beach property. Stein advised he believes there are legal and factual differences.

Councilmember Delperdang asked Attorney Stein if approval of the final plat is a sufficient measure to accept the drainage ponds. Stein advised that he would review the cases cited by Hunter but commented that there needs to be some formal acceptance of the infrastructure. Stein also advised that there is another question as to if the drainage is being exuberated by adjacent property owners.

Chris Enger spoke on behalf of Chalstroms Beach Condominium Association. Enger discussed the outlet pipes and his opinion that these pipes are not sufficient outflow for the amount of inflow. Enger discussed a 24" outlet that he believed is no longer functional and advised it would make a huge difference if this pipe were in working order.

Mayor VanderWoude asked what exactly the Condominium Association is asking the City to do. Enger responded that he would like the City to look into the regional drainage issues, determine what the flooding issue is, and what to do about it. Enger commented that it is the City's responsibility and a larger regional responsibility. VanderWoude commented that she would feel more comfortable with a full Council present.

Councilmember Delperdang advised that he feels as though there is stalemate at the moment until there is legal clarification on the previously discussed "the public" and "the City of Okoboji".

Hunter reaffirmed that the request is to have the City maintain what is currently existing.

Councilmember Robinson asked if the engineer took into account all of the drainage including the total watershed. Enger commented that he talked to the engineer and it was indicated that the entire watershed was taken into account. Enger commented that it has worked fine and that it is not just at capacity. Robinson asked about the possible formation for a Drainage District. Enger commented that they had. Enger discussed the potential options for the creation of a Drainage District.

Councilmember Mendenhall commented on the aforementioned 24" outlet. Mendenhall commented on the tile line that leads to the lake of which he commented is presently obstructed by sand. Mendenhall advised that the flow was quick.

Councilmember Robinson commented relating to the 24" outlet that it is set so high that it likely could not take in a meaningful amount of water anyways.

Enger commented that he believed that flooding of property was an immediate concern.

Mayor VanderWoude thanked those in attendance and advised it would be discussed again in June. Councilmember Delperdang advocated for resolution of the legal issues at play prior to further decision. Councilmember Robinson and Councilmember Mendenhall agreed with Delperdang.

Mayor VanderWoude commented on her concern for the precedence that could be set.

Attorney Stein advised that he would continue to work with Hunter. Councilmember Mendenhall requested that Stein communicate with the Council in detail as to the communication with Hunter.

Administrator Meyers commented that he was curious as to how the City could be involved in a Drainage District considering that the City owns no parcels of property in the proposed area. Meyers also commented on some of the language in the Proprietor's Certificate.

No action was taken.

Mayor VanderWoude presented a new 6-month Special Class C Liquor License (BW)(Beer/Winer) with Outdoor Service and Sunday Sales for the Okoboji Summer Theatre. A

motion was made by Councilmember Robinson and a second by Councilmember Mendenhall to approve the Liquor License. The following Councilmember voted “YEA”: Delperdang, Robinson, Mendenhall. Motion passed 3-0.

Mayor VanderWoude updated the Council that Ruth Ann Burke, Executive Director of the Okoboji Summer Theatre, was invited to update the Council at the meeting but unfortunately was unable to attend. Administrator Meyers commented that he spoke to Burke earlier that day and updated the Council on removal of structures from the Summer Theatre property and updated the Council on the opening of their new building.

Mayor VanderWoude opened a public hearing at 6:48 PM to consider the First Amendment of the FY2018/2019 City of Okoboji budget. Administrator Meyers gave an overview of the proposed budget amendment. Meyers commented that there were no submissions in favor or in opposition of the amendment. There was no one present to speak in favor or against the amendment. The public hearing was closed at 6:54 PM.

Mayor VanderWoude presented Resolution 19-11, “A Resolution Amending the Current Budget for the Fiscal Year Ending June 30, 2019”. A motion was made by Councilmember Robinson and a second by Councilmember Mendenhall to approve the Resolution. The following Councilmember voted “YEA”: Delperdang, Robinson, Mendenhall. Motion passed 3-0.

Mayor VanderWoude opened a public hearing to open and consider bids for 500 gallon fuel tank with pumper. The City received one bid from Wedeking Excavating for \$555.99. The public hearing was closed. A motion was made by Councilmember Robinson and a second by Councilmember Mendenhall to approve the bid from Wedeking Excavating. The following Councilmember voted “YEA”: Delperdang, Robinson, Mendenhall. Motion passed 3-0.

Mayor VanderWoude opened a public hearing to open and consider bids for a 2008 Sterling Dump Truck. There were no bids received. Meyers commented that he would explore other alternatives to sell the truck. No action taken.

Mayor VanderWoude opened a public hearing on the authorization to enter into a Lease Agreement, pursuant to the provisions of Code Sections 364.4 and 384.25, in the amount of not to exceed \$10,000 to acquire person property for the City at 6:58 PM. Meyers explained that this was for a new copy machine for City Hall. Meyers commented that there were no written statements in favor or against the proposed lease. No one in attendance spoke in favor or against. Mayor VanderWoude closed the public hearing at 7:00 PM.

Mayor VanderWoude presented Resolution 19-12, “A Resolution Instituting Proceedings to Take Additional Action for the Authorization of a Lease Agreement in the Amount of Not to Exceed \$10,000 to Acquire Personal Property for the City”. A motion was made by Councilmember Mendenhall and a second by Councilmember Robinson to approve the Resolution. The following Councilmember voted “YEA”: Delperdang, Robinson, Mendenhall. Motion passed 3-0.

REPORTS

Police Chief Jason Petersen recognized that this was current National Police Week. Chief Petersen recognized former Chief of Police Ralph Earl Thomas who lost his life serving the City of Okoboji.

Councilmember Delperdang asked about the completion of the Highway 71 road construction. Administrator Meyers advised that he spoke with the Iowa DOT that day and was advised that the construction was complete.

Councilmember Mendenhall inquired about Steve Hallgren, formally of Northwest Iowa Planning and Development, resigning his position as a zoning consultant for the City of Okoboji. Administrator Meyers advised that Hallgren recently took a new position as the Planning Director for the City of Spencer (IA). Meyers described the loss as significant not only to the City of Okoboji but to quite a bit of the Lakes Area. Meyers advised that NWIPDC has a succession plan in place and that Meyers would start working with that new consultant.

Administrator Meyers updated the Council on several topics. Meyers advised that he was involved in a meeting with several stakeholders relating to the drainage situation on Fairfield Avenue and Eden Street. Meyers commented that he anticipates that there may be a proposed solution as soon as the June Council meeting.

Mayor VanderWoude discussed with Meyers pedestrian signage along Lakeshore Drive. Meyers commented that he was working on it and would hope to have it ordered in a timely fashion. Meyers also discussed site specific no-parking limitations.

Meyers commented as follow up that the Highway patching project was done. Meyers also advised that the Iowa DOT recently sent out a draft of their 5-year plan which included Highway 86 for resurfacing next year and replacement of Highway 71 in 2023. Meyers commented that the DOT would have public meetings in the fall of 2019 in the Lakes Area.

Meyers advised the Council that he spoke to a representative of the Imagine Iowa Great Lakes project and updated the Council on a timeline relating to the potential development of the City of Okoboji East Lake park. Meyers believed that he would receive conceptual drawings for this park in the near future with potential construction in August of 2019 if all goes well.

Meyers updated the Council on potential revisions to the Lakeshore Landscaping Ordinance and potential introduction of a Conservation Zoning District.

Meyers advised that he still hoped to continue to discuss a nicotine free public spaces, however, was not ready to present to the Council an ordinance that was well vetted. He hoped to have this by the next Council meeting.

The meeting was adjourned at 7:14 PM

ADJOURNMENT.

Mayor Mary VanderWoude

Michael Meyers, City Administrator / Clerk