

MINUTES OF THE OKOBOJI CITY COUNCIL MEETING HELD ON APRIL 14, 2020

Mayor VanderWoude called the meeting to order at 6:00pm on April 14, 2020. Councilmembers Hentges, Andres, Robinson, and Mendenhall were present all via telephone or videoconference. Councilmember Delperdang was excused. Others present via telephone or videoconference were City Administrator Michael Meyers, Police Chief Jason Petersen, City Attorney David Stein, Judy Burke, James Ellis, Jon Waddell, Joyce Waddell, Leo Jochum, Mark Hanawalt, Rich Nicklay, Roger Moss, Steve Schwaller, Erik Larsen, Joan Larsen, Corey Harguth.

Prior to the beginning of the meeting, City Administrator Meyers read the following: This City Council meeting is being held on April 14, 2020. In order to help stop the spread of COVID-19, this meeting is being held electronically. Chapter 21.8 of the Iowa Code does permit an electronic meeting where all members participate remotely when an in-person meeting is otherwise impossible or impractical which is certainly true during this crisis. On March 19, 2020 Governor Kim Reynolds issued a proclamation of disaster emergency which includes further flexibility for the use of electronic meetings and limitations on in-person numbers of individuals present. The agenda was posted more than 24-hours in advance which included instructions on how to participate in this meeting.

CONSENT AGENDA

Motion made by Councilmember Hentges and a second by Councilmember Mendenhall to approve the consent agenda which included minutes from the March 10, 2020 and April 6, 2020 City Council meetings, the claims and accounts payable report, the bank cash report, and the renewal of a Class C Liquor License (LC)(Commercial) with Sunday Sales for the Outrigger Restaurant and Lounge. The following Councilmembers voted "YEA": Hentges, Andres, Robinson, Mendenhall. Motion passed 4-0.

CITIZEN APPEARANCES

Mayor VanderWoude invited Judith Burke, 3115 Lakeshore Drive, to speak regarding her Dixon Beach dock access. VanderWoude advised that the Council had received and reviewed the information submitted by Burke to the City and requested that Burke outline her request.

Burke advised that since she has owned her property in 2005 there have been issues with dock compliance and fitting four docks at this location. Burke advised that there is additional area of public property that could be used for more compliant docks. Burke gave history of the area and alerted the Council to her conversations with the Iowa DNR pertaining to docks needing to be 10-feet apart. Burke requested the City increase their shoreline in an effort to better fit the Ellis dock. If not possible, Burke requested that the City consider moving the Ellis dock to Metz Beach in replacement of the City dock. Burke commented there could also be a common dock in the area, Burke expressed concern about property devaluation. Burke also commented that the City of Okoboji could request a variance from the Iowa DNR, Burke advised that she cannot apply for

a variance as she does not have riparian rights. Last, Burke advised that the City could revoke the Ellis dock permit. Burke advised that the Waddell dock will be moving to the north, that Burke will take off a hoist from her dock, and that the Hanawalt dock will be 10-foot offset. Burke advised that Ellis agreed to his hoist on Burke's dock for 2020.

Councilmember Mendenhall thanks Burke for her effort on this and asked for clarification on the status of the Ellis dock for 2020. Burke confirmed that for 2020 the intention is not to install the Ellis dock. Burke advised that this a temporary decision in an effort to sort this out.

Mayor VanderWoude invited James Ellis to speak. Ellis advised that he is willing to work with Burke and the neighbors to ensure that everyone has access. Ellis gave a brief history of his dock.

Councilmember Mendenhall asked if sharing a dock with Burke solves the problem and how Ellis felt about this. Ellis commented that it seems to resolve the issues with the Iowa DNR but Ellis desires to keep his dock and lift after 33 years of having one.

Councilmember Andres encouraged research of Chapter 16 of the Iowa Administrative Code and the language pertaining on practicality and dealing with unique characteristics of the lake. Andres reminded that the City's permits simply allow the use of the property to wharf off of and are not dock permits themselves and that the Iowa DNR issues the dock permits. Burke advised that the Iowa DNR has told her that she cannot apply for a variance because she does not have riparian rights.

Jon Waddell advised that he believes the City of Okoboji as the riparian owner and that those with dock permits have no authority to apply for variance or to petition the State of Iowa.

Judy Burke advised that the discussion be tabled until further decisions and definitions are determined. Burke advised that the Iowa DNR would put forth more information at the end of this week. Burke advised that it would be handled this year but that in the future the City needs to make a decision before the spring of 2021.

City Attorney Dave Stein was in agreement that the City of Okoboji is the riparian owner but that permits holders are the applicants. Stein disagreed with the idea that the property owners do not have standing.

Councilmember Mendenhall requested that the neighbors coordinate having the Ellis dock be removed and having a hoist on the Burke dock as a permanent solution. Mendenhall ultimately advised that the neighbors work together to find resolution.

Councilmember Robinson commended the neighbors for their work together. Robinson recommended that the long term solution be tabled until the Council can operate in a more normal operating procedure.

Mayor VanderWoude advised that questions have been answered the best they can for now. No further action or discussion took place.

OLD BUSINESS

Mayor VanderWoude requested an update from City Administrator Meyers on East Lake Park. Meyers advised that Imagine Iowa Great Lakes has received all the necessary permits from the Iowa DNR, Imagine has sent payment for production of the Queen play structure, landscape architects are still working on final design, construction should begin on June 1 or soon thereafter, Imagine and the City have discussed maintenance of the park provided by Imagine, and Meyers advised that the City should come up with a name for the park. No further action.

Mayor VanderWoude reintroduced the first reading of Ordinance No. 255, "An Ordinance Amending Ordinance No. 135 An Ordinance Imposing a Transient Guest Tax Upon the Gross Receipts Derived From the Renting of Sleeping Rooms, Apartments, or Sleeping Quarters in a Hotel, Motel, Inn, Public Lodging House, Rooming House, Mobile Home Which is Personal Tangible Property or Tourist Court and Providing for the Collection and Disposition of the Proceeds of Said Tax".

VanderWoude reminded that this Ordinance was tabled at the last meeting for further legal consideration. City Administrator Meyers advised that the only thing this ordinance does is remove the City appointed Okoboji Marketing Committee from the hotel-motel ordinance. City Attorney Stein advised that the Ordinance does not affect the original ballot language of the hotel-motel tax.

Motion made by Councilmember Andres and a second by Councilmember Robinson to approve the first reading of Ordinance No. 255. The following Councilmembers voted "YEA": Hentges, Andres, Robinson, Mendenhall. Motion passed 4-0.

NEW BUSINESS

Mayor VanderWoude presented the consideration of waiving the second and third readings of Ordinance No. 255.

Motion made by Councilmember Robinson and a second by Councilmember Mendenhall to approve the waiver of the second and third readings of Ordinance No. 255. The following Councilmembers voted "YEA": Hentges, Andres, Robinson, Mendenhall. Motion passed 4-0.

Mayor VanderWoude presented Ordinance No. 255 for adoption.

Motion made by Councilmember Mendenhall and a second by Councilmember Andres to approve the adoption of Ordinance No. 255. The following Councilmembers voted "YEA": Hentges, Andres, Robinson, Mendenhall. Motion passed 4-0.

Mayor VanderWoude asked City Administrator Meyers to update the Council on matters pertaining to COVID-19. Meyers advised of no major updates since the April 6, 2020 Council meeting and readdressed several City facilities that were presently closed as well as City Staff precautions in place. Meyers advised the Council to consider potential revenue stream disruptions pertaining to hotel-motel tax, local option sales tax, and road use tax. Meyers said

that it was presently impossible to determine at this time but something the City should keep front of mind. No further action taken.

Mayor VanderWoude presented Resolution 20-08, "A Resolution Terminating the Okoboji Urban Renewal Plan for the Okoboji Urban Renewal Area I and ending the Okoboji Urban Renewal Area I".

City Administrator Meyers advised that the City has an existing Urban Renewal Area ("URA") that was originally established in 1998. Meyers advised that the URA was intended to expire at this time and that the City has no further need for the URA or the related TIF district as the City is no longer collecting TIF revenues. Meyers consulted with the City Attorney and Bonding Attorney to help put the necessary paperwork together.

Motion made by Councilmember Hentges and a second by Councilmember Robinson to approve Resolution 20-08. The following Councilmembers voted "YEA": Hentges, Andres, Robinson, Mendenhall. Motion passed 4-0.

Mayor VanderWoude introduced the first reading of Ordinance No. 256, "An Ordinance Repealing Ordinance No. 155 and Ordinance No. 175 Providing for the Division of Taxes Levied on Taxable Property in the Okoboji Urban Renewal Area I, in the City of Okoboji, Iowa, Pursuant to Section 403.19 of the Code of Iowa".

Mayor VanderWoude presented the consideration of waiving the second and third readings of Ordinance No. 256.

Motion made by Councilmember Hentges and a second by Councilmember Robinson to approve the waiver of the second and third readings of Ordinance No. 256. The following Councilmembers voted "YEA": Hentges, Andres, Robinson, Mendenhall. Motion passed 4-0.

Mayor VanderWoude presented Ordinance No. 256 for adoption.

Motion made by Councilmember Robinson and a second by Councilmember Andres to approve the adoption of Ordinance No. 256. The following Councilmembers voted "YEA": Hentges, Andres, Robinson, Mendenhall. Motion passed 4-0.

Mayor VanderWoude asked City Administrator Meyers to discuss the potential recodification of the City's Municipal Code. Meyers explained that the City should recodify as per Iowa Code every five years. This includes a comprehensive look at all of the ordinances that have been passed since the previous recodification and the researching of current Iowa legislation to ensure compliance with State Code. Meyers noted that he recently put all the ordinances online in an effort to help residents determine Municipal Code. Meyers advised that he received two quotes for this project from organizations that specialize in this. One from Northwest Iowa Planning and Development for \$4,000 and one from Iowa Codification for \$3,800. Meyers advised that Iowa Codification also offered an on-going service to publish the Code online in a searchable format.

Councilmember Andres requested that Meyers gather further information on the ability to host and publish a searchable Code online. The item was tabled.

Mayor VanderWoude presented an agreement between the City of Okoboji and gWorks for a payroll time and attendance module for existing gWorks software. City Administrator Meyers explained that recently the time clock within the Public Works facility broke and that the Personnel Committee has often asked him to explore the possibility of having an online capability to track time, attendance, and payroll. Meyers advised that this option is offered by gWorks which is the software that the City presently uses for payroll and accounting. Meyers explained that it would be \$1,500 for the license, \$1,000 for implementation, and \$405 on-going annual support fee.

Motion made by Councilmember Mendenhall and a second by Councilmember Hentges to approve the agreement with gWorks for the Time and Attendance module. The following Councilmembers voted "YEA": Hentges, Andres, Robinson, Mendenhall. Motion passed 4-0.

Mayor VanderWoude presented a request from Roger Moss, President of Shoreview Townhomes, for a Class IV dock permit to extend from their property. Moss explained that the residents of Shoreview Townhomes desires additional length and reconfiguration of their dock in an effort to better maneuver their boats due to the neighboring dock.

Erik Larsen, dock builder for Shoreview Townhomes, advised that the condominiums are having issues docking their boats due to the dock to the north. Larsen determined a configuration that would allow boats to more easily dock at this location that would require more length requiring a commercial dock permit from the Iowa DNR.

Councilmember Mendenhall expressed concern about allowing residentially zoned property become a commercial dock and what possibly could come of it.

Councilmember Andres expressed that she believed this was more of a Class III dock as opposed to a Class IV dock. Andres noted that the City was pulled into this due to the fact that this is being labeled as a commercial dock. Andres did not want to perpetuate the need or use of commercial docks. Andres wondered if the property owner could instead get a variance on the length for a Class III dock.

Councilmember Mendenhall commented that things change and precedent would be set and Mendenhall did not want to the City to go down this road as other property owners may not be as neighborly as Shoreview.

Councilmember Hentges alluded to other dock configurations that could be considered to avoid the need for a Class IV.

Councilmember Andres addressed the fact that this is a residential zoned property and thus the City is looped in as it pertains to a commercial dock otherwise the City would not be involved in the conversation.

Moss requested a letter from the City encouraging the issuance of a Class III permit with the added length. Erik Larsen added that the City could provide for stipulations on a Class IV permit.

Councilmember Mendenhall did not like the precedent set by allowing stipulations and was concerned about future requests for a Class IV permit.

Councilmember Mendenhall made a motion to deny the Class IV dock permit. The motion failed to receive a second. Motion fails.

Motion made by Councilmember Andres and a second by Councilmember Hentges to draft a letter to the Iowa DNR expressing the City's support of the length, a potential variance, and a Class III permit.

Councilmember Mendenhall reiterated that this is not a recommendation of a Class IV if in fact a variance and a Class III is denied. Council agreed on this.

The following Councilmembers voted "YEA": Hentges, Andres, Robinson, Mendenhall. Motion passed 4-0.

Mayor VanderWoude presented contracts from Mediacom for telephone and internet services. Meyers explained that the City is currently out of contract with Mediacom and that going into contract this would save the City money on a monthly basis.

Motion made by Councilmember Andres and a second by Councilmember Hentges to approve the Mediacom contracts for City Hall and the Police/Public Works building. The following Councilmembers voted "YEA": Hentges, Andres, Robinson, Mendenhall. Motion passed 4-0.

Mayor VanderWoude introduced the resignation of Les Marousek from the City of Okoboji Planning and Zoning Commission. Mayor VanderWoude expressed her gratitude for Marousek's service to the City. Marousek served the City as a Board of Adjustment member, City Council member, and Planning and Zoning Commission member for the past 25 years. VanderWoude advised that the vacancy would be posted on the City's website for consideration of Okoboji residents.

Motion made by Councilmember Robinson and a second by Councilmember Andres to accept the resignation of Les Marousek. The following Councilmembers voted "YEA": Hentges, Andres, Robinson, Mendenhall. Motion passed 4-0.

REPORT OF OFFICERS

City Administrator Meyers gave updates on pickleball, Iowa Great Lakes Sanitary District project, Sanborn Avenue project, clean up of the Eden Street Extension, and discussed a meeting with the Iowa DOT pertaining to Highway 71.

Police Chief Jason Petersen advised its been quiet. Petersen expressed some concern pertaining to domestic situations.

Mayor VanderWoude had no report.

Councilmember Andres thanked Les Marousek for his service to the community.

Councilmember Hentges thanked Les Marousek for his service to the community.

Councilmember Robinson thanks City Administrator Meyers for facilitating the video and telephone conference call for the Council meeting. Robinson desired to be a part of the meeting with the Iowa DOT pertaining to Highway 71.

The meeting was adjourned at 7:50pm.

ADJOURNMENT.

Mayor Mary VanderWoude

City Administrator, Michael Meyers

REVENUES FOR 03/11/2020 THROUGH 04/14/2020 TOTALED \$132,583.07. TOTAL EXPENDITURES WERE \$123,150.57. GENERAL FUND, \$92,789.42; ROAD USE TAX, 107.14; CAPITAL PROJ-PICKLEBALL, \$700.00; CAPITAL PROJ-SANBORN AVE, \$9,750.00; WATER \$19,804.01.

VENDOR	REFERENCE	AMOUNT
AFLAC	PREMIUMS	609.6
AHLERS & COONEY PC	TERMINATION OF URA	910.82
ALLIANT ENERGY	MARCH ELECTRIC	4,288.03
AXON ENTERPRISE INC	DPM BATTERY PK	84
BECK ENGINEERING INC	ENGINEERING FEES/RETAINER	2,970.00
BECK ENGINEERING INC	SANBORN AVE PROJECT	9,750.00
BLACK HILLS ENERGY	NATURAL GAS SERVICE	757.79
BLACK HILLS ENERGY	NATURAL GAS SERVICE	474.29
CAMPUS CLEANERS & LAUNDER	RUGS	47.85
CANON FINANCIAL SERVICES	APRIL COPIER LEASE	72.04
CARDMEMBER SERVICE	MARCH STATEMENT	380.27
CARDMEMBER SERVICE	APRIL STATEMENT	1,522.82
CENTRAL STATES FUND	MARCH PREMIUMS	13,408.00
CENTRAL WATER SYSTEM	MARCH WATER	6,643.00
DELTA DENTAL OF IOWA	ACCT 31528-0002	114.96
DICKINSON COUNTY NEWS	MARCH LEGAL PUBLICATIONS	346.79
EFTPS	FED/FICA TAX	4,601.77
EFTPS	FED/FICA TAX	4,534.11
EFTPS	FED/FICA TAX	4,510.60
FASTENAL COMPANY	PAPER TOWELS	130.13
FASTENAL COMPANY	SHOP SUPPLIES	48.97
FEAR COMPUTER SOLUTIONS	LAPTOP BATTERY	110
FERGUSON ENTERPRISES LLC #3325	CHLR SWIFTEST REFILL	79.34
FERGUSON WATERWORKS #2516	METER PARTS	1,091.87
FERGUSON WATERWORKS #2516	WATER METER PARTS	131.56
FERGUSON WATERWORKS #2516	METERS	1,844.16
FICK'S ACE HARDWARE	SOAP	3.79
GENERAL TRAFFIC CONTROLS	ANNUAL SERVICE AGREEMENT	375
GORDON FLESCH CO	COPIER PRINT QUARTERLY MINIMUM	105.9
GWORKS	W2/1099 FORMS	91.72
HEARTLAND SECURITY SERVIC	SECURITY SERVICE	26.95
IOWA ONE CALL	45 NOTIFICATIONS	40.5
IPERS	IPERS-PROTECTN	9,648.08
MEDIACOM COMMUNICATIONS	3/25-4/24	399.36
MENARDS - SPENCER	PICNIC TABLE REPAIR	19.98
NEW YORK LIFE	ADDTL LIFE INS	118.39

NEW YORK LIFE INSURANCE	MARCH PREMIUMS	543.75
O'REILLY AUTO PARTS	SHOP SUPPLIES	18.43
PLUMB SUPPLY COMPANY	SHOP SUPPLIES	56
SANITATION PRODUCTS	GARBAGE TRUCK REPAIR	366.41
SHAMROCK RECYCLING, INC.	RECYCLING CONTAINER	316.62
STATE HYGIENIC LABORATORY	WATER TEST	13
STATE HYGIENIC LABORATORY	WATER TESTS	263
STEIN LAW OFFICE	MARCH LEGAL FEES	1,417.61
STOREY KENWORTHY	UTILITY BILLS	330.45
TREASURER, STATE OF IOWA	MARCH WATER EXCISE TAX	110.28
TREASURER, STATE OF IOWA	STATE TAXES	2,580.00
TRUCK EQUIPMENT INC	SWEEPER	1,761.34
U.S.POSTAL SERVICE OKOBOJI	BOX 254 POLICE ANNUAL RENTAL	46
VAHLSING'S CLEAN SWEEP	FEBRUARY JANITOR SERVICE	100
VAHLSING'S CLEAN SWEEP	MARCH JANITOR SERVICE	100
VERIZON WIRELESS	CELL PHONES & POLICE PCS	627.26
WEX BANK	FUEL CHARGES	902.47
Accounts Payable Total		79,845.06
Payroll Checks		43,305.51
***** REPORT TOTAL *****		123,150.57