

MILFORD CITY COUNCIL  
REGULAR MEETING  
APRIL 27, 2020  
6:30 PM

The Milford City Council met in regular session April 27, 2020 at 6:30 p.m. in the Community Center Board Room.

Iowa Code Section 21.4 requires that each Council meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impracticable. Given the Governor's prohibition on gatherings of ten or more persons during the COVID19 outbreak and further given Section Nine of the Governor's March 19, 2020 proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, the City Council has determined that a meeting at a physical place is impossible or impracticable and all Council meetings for the time being will be conducted electronically with the public allowed to attend per the instructions on this agenda. Meeting minutes will continue to be provided per the City's normal course of business. The agenda and the City's website had this message posted more than 24 hours in advance to give instructions on how others could participate in the meeting.

Mayor Anderson presided.

Members present: Chris Hinshaw, Aaron Gebhart, Andy Yungbluth and Jason Eckard via Zoom  
Doug Frederick joined at 6:35 p.m. via Zoom

Absent: None

Others present: Kent Eilers, City Administrator LeAnn Reinsbach, Mayor Steve Anderson. Reinsbach and Anderson were also available electronically along with Don Brinkley, Matt Baack, Linda Bronson and Steve Schwaller.

Steve Anderson led the Pledge of Allegiance.

Motion by Hinshaw second by Gebhart to approve the agenda. All voting aye. Motion carried.  
Motion by Yungbluth second Eckard to approve consent agenda. All voting aye. Motion carried.

Items on the Consent Agenda were as follows:

- Minutes of April 13, 2020 meeting
- Casey's Store # 1316 adding class B wine permit
- Liquor license renewal Oak Hill Outdoor

#### **CITIZEN OPPORTUNITY FOR COMMENT**

##### **PUBLIC HEARING**

Public hearing on amending the Code of Ordinances of the City of Milford, Iowa, by amending Chapter 65, the stop or yield regulations, concerning stop signs at the intersection of 6<sup>th</sup> Street and H Avenue, Milford, Iowa at 6:30 p.m.

Mayor Anderson opened the public meeting at 6:34 p.m. City Administrator Reinsbach mentioned no written comments were received at the City Clerk's office. With no other comments from the public Mayor Anderson closed the public hearing at 6:35 p.m.

Public hearing on amending the City Code of Ordinances of the City of Milford, Iowa, by amending Chapter 69, the parking regulations, concerning parking in city parks in Milford, Iowa at 6:35 p.m.

Mayor Anderson opened the public meeting at 6:35 p.m. City Administrator Reinsbach mentioned no written comments were received at the City Clerk's office. With no other comments from the public Mayor Anderson closed the public hearing at 6:36 p.m.

##### **ACTION & DISCUSSION ITEMS**

First consideration of ordinance amending the Code of Ordinances of the City of Milford, Iowa, by amending Chapter 65, the stop or yield regulations, concerning stop signs at the intersection of 6<sup>th</sup> Street and H Avenue, Milford, Iowa.

Motion by Yungbluth second by Hinshaw to approve first reading of **Ordinance 4-27-20** amending the Code of Ordinances of the City of Milford, Iowa, by amending Chapter 65, the stop or yield regulations, concerning stop signs at the intersection of 6<sup>th</sup> Street and H Avenue, Milford, Iowa. Roll call vote. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried.

Consider waiving the second and third reading and passage of ordinance amending the Code of Ordinances of the City of Milford, Iowa, by amending Chapter 65, the stop or yield regulations, concerning stop signs at the intersection of 6<sup>th</sup> Street and H Avenue, Milford, Iowa.

Motion by Gebhart second by Frederick to waive the second and third reading of **Ordinance 4-27-20** amending the Code of Ordinances of the City of Milford, Iowa, by amending Chapter 65, the stop or yield regulations, concerning stop signs at the intersection of 6<sup>th</sup> Street and H Avenue, Milford, Iowa. Roll call vote. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried.

Motion by Yungbluth second by Eckard to adopt **Ordinance 4-27-20** amending the Code of Ordinances of the City of Milford, Iowa, by amending Chapter 65, the stop or yield regulations, concerning stop signs at the intersection of 6<sup>th</sup> Street and H Avenue, Milford, Iowa. Roll call vote. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried

First consideration of ordinance amending the Code of Ordinances of the City of Milford, Iowa, by amending Chapter 69, the parking regulations, concerning parking in city parks in Milford, Iowa.

Councilman Gebhart was concerned we should include that city vehicles/contractors be exempt. Motion by Yungbluth second by Gebhart to table until next meeting. Roll call vote. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried.

#### Follow up on speeding/speed bumps in alley behind 913 13<sup>th</sup> St

City Administrator commented that in reaching out to City Attorney Dave Stein if the city installed speed bumps, we could be liable for failure if we don't maintain them. Reinsbach also felt adding speed bumps would complicate snow removal. Public Works Director Kent Eilers mentioned in his research if speed bumps were added the city would have to install extra lighting and signage. The cost per sign is about \$35.00-\$40.00. Councilman Gebhart noted that in footage reviewed from a camera that in 14 days there was 9 vehicles that used the alley. Councilman Yungbluth pointed out that currently there is nothing in our ordinance that states the speed limit for alleys and that we should amend the ordinance to include language in regards to setting limit on mph in alleys. It was suggested the police do a better job at monitoring alleys. After much discussion motion by Hinshaw second by Yungbluth to order two "slow children at play" signs to be installed to get us by until there is a change in the speed regulation ordinance. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried.

#### Discuss future alley project and sewer behind Hy-vee Pharmacy and True Value-Kent Eilers

Public Works Director Kent Eilers explained that Pete Howe tried to televise the storm sewer behind the Hy-vee Pharmacy but could not televise it all due to a break in the line. Normally we would line it but the condition of the pipe isn't favorable to do this. After reviewing the video with Jason from Beck Engineering the best option would be to dig up the entire storm sewer behind the pharmacy and replace it, and at the time of replacing that storm sewer line behind the pharmacy we could extend it south to behind True Value. The approximate cost to put in the storm sewer pipe is less than 100,000. Eilers asked council since we budgeted 170,000 to fix the jetter, and the estimate for the jetter came in at 60,000. Can we use the remaining funds to put in new storm sewer? Hinshaw felt that since we have it in the budget and to do it right, we should approve. Motion by Hinshaw second by Yungbluth to move forward and with project. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried.

#### Discussion on Lower Gar Agreement

Mayor Anderson provided council with some proposed changes to the current Lower Gar agreement and outlined options on jurisdiction as follows:

Option 1 - Provide the county an easement from Helen Ave to Hill Drive. The easement allows the county to have drainage jurisdiction and full cost responsibility.

Option 2 - At flood level of Okoboji Chain of Lakes jurisdiction turns over to County Emergency Management.

Option 3 - Keep the agreement the same as it currently is written.

Councilman Yungbluth and Gebhart were in favor of option 2, Eckard wanted more clarification, Frederick was uncertain and Hinshaw felt very strong in favor of option 3 based on previous history.

Anderson commented that we need to get rid of the actual definition in the agreement and set the agreed upon structure by joint resolution. Which posed the next question is do we set the structures or the maximum flow out of the system? The max flow out of the system would not set the means but would set the structure to an engineered cubic feet per second design rate. Then we are not discussing what structure is best but what the flow should be in the end.

Councilman Gebhart, Frederick, Yungbluth and Eckard agreed, while Hinshaw made no comment. It was discussed that if any work be done that county should pay for the project and the county should continue to hold the city harmless for any downstream suits or legal responsibilities. Mayor Anderson finished by stating if the agreement is changed properly, we should be able to take out the 50-year clause as the agreement currently also states that both the city and county have to approve an extension to the agreement by a written amendment. Anderson said he would update and ask that our attorney review and bring it back to an upcoming meeting.

#### Accept resignation from P&Z Board member Scott Bergland

Motion by Yungbluth second by Gebhart to accept the resignation from P&Z board member Scott Bergland whose terms expires 6/30/2021. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried.

#### Accept resignation on P&Z Board member Linda Pape

Motion by Yungbluth second by Gebhart to accept the resignation from P&Z board member Linda Pape whose terms expires 6/30/2020. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried.

#### Approve transient merchant application -Megan Phelen DBA Big Acai Bowls Okoboji

Motion by Hinshaw second by Yungbluth to approve transient merchant application for Megan Phelen DBA Big Acai Bowls Okoboji. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried.

#### Ordinance letter- Chris La Rue

Council reviewed the letter from Chris in regards to zoning of recreational vehicles. City Administrator Reinsbach noted according to our ordinance any recommendations on zoning should run through P&Z with a recommendation to council. The current ordinance on recreational vehicles reads that a recreational vehicle shall be used for vacation and recreation purposes and not used as place of human habitations for more than three (3) consecutive days in any two (2) week period. Chris is asking for a relief on this in order to accommodate his mother due to severe health issues. Zoning Administrator Don Brinkley commented in his position it is hard to enforce these types of situations because how does he know if anyone is living or staying extended periods of time. Don has and still continues to send out letters to residents. However, once they get the letter the problem is corrected for a short time and then a trailer or camper shows right back up in places they are not to be parked. After some discussion council agreed Don should look at trying to amend the ordinance to accommodate person/s with health issues and discuss during the next P&Z meeting. Councilman Frederick asked instead of changing the ordinance would a variance work in this type of situation. Reinsbach said she would reach out to legal for advice on this.

#### Fireworks amendment review

Council reviewed a redline draft on amending city code on fireworks. The amendment would allow residents to shoot off fireworks July 3<sup>rd</sup> and July 4<sup>th</sup> from 11:00 a.m. to 10:00 p.m.

#### Resolution setting public hearing on fireworks amendment

Motion by Eckard second by Yungbluth to approve **Resolution 20-23** Resolution setting public hearing on fireworks amendment. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried. The public hearing is set for May 11, 2020 at 6:30 p.m.

Resolution approving option for city employees to purchase OTC with flex benefits plan

Motion by Gebhart second by Hinshaw to approve **Resolution 20-24** Resolution approving option for city employees to purchase OTC with flex benefits plan. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried.

Resolution providing for the issuance of General Obligation Corporate Purpose Bonds, Series 2020 and providing for the levy of taxes pay the same

Motion by Yungbluth second by Eckard to approve **Resolution 20-25** Resolution providing for the issuance of General Obligation Corporate Purpose Bonds, Series 2020 and providing for the levy of taxes pay the same. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried. Reinsbach informed council the interest rate came in at 2%.

**COMMENTS BY MAYOR, COUNCIL, AND STAFF**

City Administrator mentioned construction has started on the Florence Park shelter house. Councilman Gebhart asked what the situation is on the former Boji Bay pools. Reinsbach said she has been in contact with Andrew Fisher with the YMCA, he is still working on contract documents and understands that the city will not be making a donation until the contract has been reviewed and approved by council. Reinsbach also mentioned it may be due to the COVID-19 epidemic that it may not be feasible for the YMCA to hire help. Mayor Anderson reiterated that we need to start budgeting to do a certain amount of sewer televising and soil boring on streets in town so that when we are scheduled to do a project, we are not blindsided by extra costs referencing the alley project previously discussed. Reinsbach advised council Governor Reynolds is lifting the closure on Libraries effective May 1st and they may open at 50% capacity. In reaching out to Library Director Gillian Anderson 50% capacity allows for 70 patrons in the library at once. Gillian is concerned about this number and does not plan to open up right away. She will be discussing this Wednesday May 6<sup>th</sup> during the regular Library Board meeting. With no other discussion, motion to adjourn by Gebhart second by Yungbluth at 7:40 p.m. All voting aye. Motion carried.

Respectfully submitted,

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Steven R. Anderson, Mayor

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LeAnn Reinsbach, City Administrator/Clerk