

MILFORD CITY COUNCIL
 REGULAR MEETING
 AUGUST 14, 2017
 6:30 PM

The Milford City Council met in regular session August 14, 2017 at 6:30 p.m. in the East ½ of Community Center Mayor Bill Reinsbach presided.

Members present: Jason Simpson, Don Olsen, Mary Kay Rolling, John Walters, and Bill Huse

Absent: None

Others present: Attorney Harold Dawson, Brad Beck, Assistant Police Chief Bob Clark and Public Works Director Kent Eilers

Bill Reinsbach led the Pledge of Allegiance.

Motion by Olsen second by Simpson to approve the agenda. All voting aye. Motion carried.

Motion by Olsen second by Rolling to approve consent agenda. All voting aye. Motion carried.

Items on the Consent Agenda were as follows:

- Minutes July 31, 2017 meeting
- Monthly bills as listed below: (approved) and bills paid in vacation

A1 TECH SOLUTIONS	AVAYA 308 EXP MODULE	\$245.00
ADVANCED SYSTEMS INC	FIRE DEPT COPIER	\$78.27
AFLAC	AFLAC PRE TAX	\$767.66
ALLIANT ENERGY	UTILITIES	\$21.16
AMAZON/GEGRB	BOOKS/DVD'S/SUPPLIES	\$260.30
ANDERSON, GILLIAN	SUPPLIES/EDUCATION	\$82.24
ARNOLD MOTOR SUPPLY	JUNE INVOICES	\$502.14
BAKER & TAYLOR INC.	BOOKS	\$1,133.22
BEACON ATHLETICS	BALLFIELDS	\$817.00
BECK ENGINEERING INC	H AVE #3 SANITARY SEWER	\$41,231.25
BERNING, SHELLY	LIBRARY BRD MTG 7/5/17	\$25.00
BERNING, SHELLY	LIBRARY BOARD 8/2/17	\$25.00
BIRCH	PHONE SERVICE	\$58.67
BLACK HILLS ENERGY	JULY INVOICES	\$123.32
BOMGAARS	JULY INVOICES	\$155.94
BOMGAARS	JULY INVOICES	\$1,611.79
BRINKS CONSULTING	JULY SERVICES	\$400.70
CARD SERVICES CENTER	FIRE SCHOOL EXPENSES	\$858.22
CENTRAL STATES SOUTHEAST & SO	EE HEALTHCARE	\$22,750.00
CERTIFIED TESTING SERVICES INC	GEOTECHNICAL REPORT	\$2,100.00
COLEMAN, VAUGHN	JULY SERVICES	\$100.00
CONSUMERS LUMBER	PIONEER DAYS SUPPLIES	\$195.40
COOKINHAM, JEFF	LIBRARY BOARD 8/2/17	\$25.00
COOPERATIVE ENERGY COMPANY	JULY INVOICES	\$2,087.95
CUMMINS CENTRAL POWER	GENERATOR REPAIRS	\$2,870.11
CUTTING EDGE SALES & SERVICE	JULY INVOICES	\$248.89
DEKOTER, THOLE, & DAWSON, P.L.	MISC-2017	\$1,636.88
DEMCO	SUPPLIES	\$94.96
DENNIS E MERRY	JULY CLEANING	\$1,700.00
DEWEYS UPHOLSTERY	REPAIRS-FABRIC K9	\$90.00
DICKINSON CO. EMERG MED SERV A	EMS SUPPORT	\$2,173.50
DICKINSON COUNTY ANIMAL CLIN	K9 EXAM/VACCINES	\$167.50
DICKINSON COUNTY CONSERVATIO	RECYCLING SERVICES JUN/JUL	\$720.00
DICKINSON COUNTY EM	FY17 CONTRIBUTION	\$9,355.80
DICKINSON COUNTY NEWS	JULY INVOICES	\$670.78
DICKINSON COUNTY RECORDER	BROWNS LAWN LANDSCAPING	\$34.00
DON PIERSON FORD	REPAIRS	\$396.84
DOTSON, DENNIS	LIBRARY BOARD 8/2/17	\$25.00
DUININCK	SUPPLIES	\$2,378.89
FASTENAL	SUPPLIES	\$215.92
FEHR BROS INDUSTRIES INC	HELIX4-54	\$434.80
FRANKLIN, ELAINE	LIBRARY BRD MTG 7/5/17	\$25.00
FRANKLIN, ELAINE	LIBRARY BOARD 8/2/17	\$25.00
FUNK, CARRIE	IA PROFESS INST TRVL REIMBUR	\$195.81
GALEN'S PRO-MOW	SUPPLIES-PARTS	\$138.08
GANO, JOANN	LIBRARY BRD MTG 7/5/17	\$25.00

GANO, JOANN	LIBRARY BOARD 8/2/17	\$25.00
GENERAL DRIVERS UNION	DUES	\$358.00
GENERAL TRAFFIC CONTROLS	TRAFFIC SIGNAL EQUIP	\$396.84
GREAT AMERICA LEASING CORP.	EQUIP/LEASE	\$110.43
GUNS GALORE	SUPPLIES/AMMUN	\$285.00
HANNA, DOUG	FIRE SCHOOL HANNA/CARPENTE	\$674.20
HELLER ENTERPRISES LLC	EARTH AUGER-SIGN PIONEER DA	\$45.00
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$8,311.22
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$8,948.33
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$9,471.71
INTERSTATE ALL BATTERY CENTER	SUPPLIES	\$41.10
INTERSTATE INDUSTRIAL INSTR. I	GAS DETECTOR	\$499.23
IOWA FIRE CHIEFS ASSOC	DUES	\$25.00
IOWA GREAT LAKES SANITARY DIS	FERNCO CUOUPING/INSERT	\$958.54
IOWA LAW ENFORCEMENT ACADE	HOSS RECERTIFICATION	\$325.00
IOWA LIBRARY ASSOCIATION	ILA CONFERENCE	\$216.00
IOWA ONE CALL	JUNE INVOICES	\$71.10
IPERS	IPERS PROTECTN	\$9,790.26
J & M DISPLAYS INC.	7/22/17 FIREWORKS DISPLAY	\$5,000.00
JAYCOX IMPLEMENT	17 BOBCAT HB 980 BREAKER	\$5,750.00
JCL SOLUTIONS-JANITORS CLOSET	SUPPLIES	\$591.76
KILTS, RICK	LIBRARY BRD MTG 7/5/17	\$25.00
KILTS, RICK	LIBRARY BOARD 8/2/17	\$25.00
KINTIGH, ARLA	BOOK	\$27.50
LAKES AREA DOG PARK	CONTRIBUTION	\$250.00
LAKES CEMENT LEVELING LLC	LEVELING ON OKOBOJI AVE	\$1,075.00
LAKES NEWS SHOPPER	ADVERTISING	\$105.60
LAKES REGIONAL HEALTHCARE	EMPLOYEE TEST	\$35.00
MARTIN'S FLAG CO.	SUPPLIES-FLAGS	\$379.75
MAXYIELD COOPERATIVE	JULY INVOICES	\$1,615.45
MENARDS - SPENCER	PARK SUPPLIES	\$40.18
METICULOUS CLEAN	JULY 12 & 25,2017	\$100.00
MID-AMERICAN RESEARCH CHEMIC	SUPPLIES	\$1,071.23
MIDWEST RADAR & EQUIPMENT	RADAR UNIT	\$240.00
MILFORD COMMUNICATIONS	JULY SERVICES	\$678.65
MILFORD ELECTRIC INC.	LIFT STATION REPAIRS	\$557.76
MILFORD MUNICIPAL UTILITY	JULY INVOICES	\$8,747.89
NEWMAN TRAFFIC SIGNS	STREET SIGNS	\$252.76
NORTHWEST IA. PLAN.&DEV.	FY-2018 1ST DRAW	\$2,000.00
OVERDRIVE INC.	E-BOOK SUBSCRIPTION	\$617.51
PITNEY BOWES	LEASE CHARGES	\$193.65
QUILL	SUPPLIES	\$80.49
R & D INDUSTRIES	JULY INVOICES	\$1,180.75
CAMPUS CLEANERS	CLEANING SERVICES	\$122.15
REINSBACH, LEANN	IA PROFESS INST TRVL REIMBUR	\$417.57
REINSBACH, LEANN	LODGING-AMES	\$389.76
RICK'S PEST CONTROL	PEST CONTROL	\$95.00
SAINT JOSEPH CATHOLIC CHURCH	2017-18 BULLETIN ADVERTISING	\$120.00
SCHLEY, CARLA	LIBRARY BRD MTG 7/5/17	\$25.00
SCHLEY, CARLA	LIBRARY BOARD 8/2/17	\$25.00
SECURE BENEFITS SYSTEMS	EE FSA CONTRIB	\$364.50
SECURE BENEFITS SYSTEMS	EE CONTRIBUTIONS	\$364.50
SHAMROCK RECYCLE INC.	JULY INVOICES	\$3,828.56
SMART-WAVE SOLUTIONS INC	CAMERA BALANCE	\$2,036.82
SORENSEN, BETH	SUPPLIES-INV-1111	\$24.63
SPENCER MUNICIPAL UTILITS	SUPPLIES	\$285.25
STATE CHEMICAL SOLUTIONS	CLEANING SUPPLIES	\$228.93
STATE LIBRARY OF IA	DATABASE SUBSCRIPTION	\$258.11
STOREY KENWORTHY	SUPPLIES	\$33.09
STUART C IRBY CO BR 673	BASE COVERS	\$6,422.00
SUNSHINE FOODS	SUPPLIES	\$11.98
SUPERIOR EQUIPMENT & RENTAL	EQUIP RENTALS	\$100.00
THE SHERWIN-WILLIAMS CO.	WALK BEHIND PAINTER	\$4,867.00
THE VACUUM CLEANER CENTER	RICCAR VIBC.2	\$690.41
TREAS. - STATE OF IOWA	QUARTERLY SALES TAX	\$1,910.00
TREASURER, STATE OF IOWA	STATE TAX	\$2,686.00
TRI STATE PAVING	STREET MAINTENANCE	\$505.33
TRUE VALUE-MILFORD	SUPPLIES	\$1,208.17
U.S. BANK EQUIP FINANCE	CONTRACT PAYMENT PRINTER	\$846.30
UNITED COMMUNITY BANK FOR PE	LIBRARY POSTAGE	\$119.25
UNITY POINT CLINIC-OCCUPATIONA	TESTS	\$37.00
VERIZON WIRELESS	TELEPHONE	\$495.01

WASTE MANAGEMENT	JULY/AUGUST GARBAGE CHGS	\$22,411.20
WEDEKING PIT & PLANT	JULY INVOICES	\$1,073.62
WINTHER STAVE & CO. LLP	JULY SERVICES	\$270.00
WITTRUCK LAWN SERVICE	CEMETERY MOWING 7/20/17	\$375.00
ZALABOWSKI, RICHARD	7/26-7/27 TRAVEL MEALS REIMBU	\$43.25
TOTAL ACCOUNTS PAYABLE		\$222,837.83
PAYROLL CHECKS		\$69,291.49
**** PAID TOTAL ****		\$292,129.32
**** SCHED TOTAL ****		\$323.44
**** REPORT TOTAL ****		\$292,452.76

Paid from the following funds: General Fund: 148,190.18; Road Use Tax: 37,500.85; Employee Benefits: 19,093.76; Hotel Motel: 5000.00; K-Unit 323.44; H Ave Project: 41,355.00; Sewer Utility Fund: 12,264.77; Garbage Utility: 27,659.76; Storm Water Utility Fund: 1,065.00

Monthly Clerk's/Treasurers Report with the following receipts: General Fund: 118,448.68; Road Use Tax: 37,545.85; Employee Benefits: 1,810.66; Hotel/Motel Tax: 67.76; TIF: 1,453.83; LMI Fund: 440.43 K-9: .95; Debt Service: 31,196.53; Capitol Equipment (LOST): 203.28; Capital Project Reserve: 880.86; H Ave Project: 13,125.00; Sewer Utility: 24,316.66; Garbage Utility: 17,681.91; Storm Water Utility: 9,846.02

CITIZEN OPPORTUNITY FOR COMMENT

Steve Anderson voiced his opinion in regards to the city purchasing real estate. He addressed the following concerns on infrastructure costs, rate capacity for sewer and storm sewer, raising property taxes, residential development in regards to LMI and asked that the council consider the concerns during closed session.

REPORTS

Board/Commission Reports

Council reviewed the July Clerks/Treasurer report, Monthly Expense and Revenue reports, Police and Fire Department reports. July minutes from Park Board, Planning & Zoning, and Library along with August events.

PUBLIC HEARING

Public Hearing on vacating a portion of N Avenue from 22nd-23rd St at 6:30 p.m.

Mayor Reinsbach opened the meeting at 6:36 p.m. There was no written comments received at the City Clerk's Office. Tim Kinnetz who owns Grape Tree Medical Staffing stated the reason for vacating a portion of N Ave is due to future expansion and parking for his business. Harold Dawson addressed a couple of things noting tonight the city has the opportunity to vacate the portion of N Avenue and the next steps would be to transfer the property. According to section 137.06 Disposal by gift limited. The City may not dispose of real property by gift except to a governmental body for a public propose or to a fair. There will have to be some discussion with Mr. Kinnetz as to what kind of consideration and go through another public hearing. With no further comments Mayor Reinsbach closed the public hearing at 6:42 p.m.

Approve Resolution vacating a portion of N Avenue from 22nd-23rd St

Motion by Olsen, second by Rolling to approve **Resolution 17-33** Vacating a portion of N Avenue from 22nd-23rd St. Roll call vote. Voting aye: Olsen, Simpson, Rolling, Walters and Huse. Nay: None motion carried

Discuss easement around lift station along Hwy 71

Brad Beck reviewed the easement would be for the lift station across from Polaris on the west side of Highway 71. There is an existing lift station for the Iowa Great Lakes Sanitary District with no recorded easements. The easement would encompass the lift station generator as well as enough room for them to navigate around, maintain, and repair whatever would be necessary. City Administrator Reinsbach also mentioned she had contacted Steve Anderson to get his thoughts and he suggested adding verbiage to address a 30 ft. south access area. Motion by Olsen, second by Huse to move forward on the easement to allow Brad Beck and Steve Anderson put the final touches on the easement and have the attorney's from both parties review before filing at the courthouse. All voting aye, motion carried.

Discuss results of survey on Harmon property located at 1312 4th St.

Rolling said she got a call from Mr. Harmon that they couldn't make it to the meeting and ask to table any conversation. Council chose to move forward as the engineer was attending the meeting to go over the survey results. Brad went over the survey and the drainage easement is on the easterly 100 ft. of the Harmon property. Beck Engineering placed wood stakes on each side of the easement line and also noted the existing shed falls within the easement area. Attorney Harold Dawson stated the easement is fairly clear with respect to the liability and release of the city for any damages. That seems to be a pretty broad release with respect to anything within the area of this easement allowing for drainage

so any claim as far as the owner or any structure that would be within this area of the easement in his opinion they wouldn't have any claim back against the city of any liability. Beck commented the concern is a shed that is located within the easement and there is erosion on the west side of the property and as it continues to erode it becomes closer to their shed. Dawson also commented in reading the easement the town shall have the right to excavate or do anything deemed proper by it across said area with reference to drainage of its waters. With that being said the city in under no obligation to do anything within the easement. There was discussion about a detention pond or extending the pipe. Council took no action.

Review current lease agreement with Underground NRG INC.

Council reviewed the current lease agreement and there was a motion by Rolling, second by Simpson to move forward with another 5 year lease agreement. All voting aye, motion carried.

Approve Resolution setting public hearing on Underground NRG INC. lease agreement

Motion by Walters, second by Huse to approve **Resolution 17-34** setting the public hearing on Underground NRG Inc. lease agreement. Roll call vote: Voting aye: Simpson, Olsen, Rolling, Walters and Huse. Nay: None motion carried. The public hearing will be August 28th at 6:30 p.m.

Approve Resolution for Thomas & Charlene Maertens tax abatement

Motion by Olsen second by Simpson to approve **Resolution 17-35** tax abatement for Thomas and Charlene Maertens. Roll call vote: Voting aye: Simpson, Olsen, Rolling, Walters and Huse. Nay: None motion carried.

Approve Resolution for Mike & Christy Siemer tax abatement

Motion by Olsen second by Huse to approve **Resolution 17-36** tax abatement for Mike and Christy Siemer. Roll call vote: Voting aye: Simpson, Olsen, Rolling, Walters and Huse. Nay: None motion carried.

Approve Resolution for Scott & Carolyn Warburton tax abatement

Motion by Olsen second by Simpson to approve **Resolution 17-37** tax abatement for Scott & Carolyn Warburton. Roll call vote: Voting aye: Simpson, Olsen, Rolling, Walters and Huse. Nay: None motion carried.

Approve Transient Merchant permit for Karina Van Whye and business name Nektar

Motion by Rolling, second by Olsen to approve Transient Merchant permit for Karina Van Whye and business name Nektar. All voting aye: Motion carried.

Closed session pursuant to Iowa Code Chapter 21.5 1(j) to discuss the purchase of a particular real estate

Motion by Walters second by Rolling to go into closed session to discuss the purchase of a particular real estate. Aye: Simpson, Olsen, Rolling, Walters, and Huse. Nay: None. Motion carried. Council went into closed session at 7:19 p.m. Pursuant to Iowa Code 21.5(1)(j). Motion by Walters second by Huse to come out of closed session. Aye: Simpson, Olsen, Rolling, Walters, and Huse. Nay: None. Motion carried. Council came out of closed session at 8:18 p.m.

COMMENTS BY MAYOR, COUNCIL, AND STAFF

City Administrator LeAnn Reinsbach advised council the City Attorney sent out letters to Dennis Klein and Rody Pederson in regards to the Airport Acres easements. Simpson asked about the email from Kristen Johnson, Administrator Reinsbach commented she replied back to Kristin. Reinsbach also commented she and Assistant Bob Clark went and talked to Okoboji School Superintendent Todd Abrahamson in regards to her concerns about parking around the Elementary School.

With no other discussion, motion to adjourn by Rolling second by Huse at 8:22 p.m. All voting aye: Motion carried.

Respectfully submitted,

Bill Reinsbach, Mayor

LeAnn Reinsbach, City Administrator/Clerk