

MILFORD CITY COUNCIL
 REGULAR MEETING
 JUNE 13, 2016
 6:30 PM

The Milford City Council met in regular session May 9, 2016 at 6:30 p.m. in the East ½ of the Community Center. Mayor Reinsbach presided.

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

Mayor Reinsbach led the Pledge of Allegiance.

Motion by Olsen, second by Simpson to approve the agenda. Aye: Simpson, Olsen, Rolling, Walters and Huse. Motion carried.

Motion by Olsen, second by Huse to approve consent agenda. Aye: Simpson, Olsen, Rolling, Walters and Huse. Motion carried.

Items on the Consent Agenda were as follows:

- Minutes May 23, 2016 meeting
- Shield Board minutes from March 3, 2016
- Cigarette/Tobacco permit: Boji Junction-2301 Okobojo Ave
- Cigarette/ Tobacco permit: Sunshine Foods- 1704 Okobojo Ave
- Cigarette/ Tobacco permit: Casey's General Store- 510 Okobojo Ave
- Cigarette/ Tobacco permit: Dyno's- 602 Okobojo Ave
- Cigarette/ Tobacco permit: The Office Lounge-1015 Okobojo Ave
- Cigarette/ Tobacco permit: Okobojo Avenue Liquor- 1610 Okobojo Ave
- Cigarette/ Tobacco permit: The Outback Lounge- 1605 P Ave
- Cigarette/ Tobacco permit: The Scoreboard Lounge- 1901 Okobojo Ave
- Monthly bills as listed below: (approved) and bills paid in vacation

AFLAC	AFLAC PRE TAX	1257.33
ALLIANT ENERGY	SIGN UTILITY	18.17
ALPHA WIRELESS COMM. CO.	FIRE DEPT SERVICES	101.50
AMAZON/GEICR	LIBRARY DVD/BOOKS/SUPPLIES	165.81
ANDERSON, STEVE	P & Z MTG 5/18/16	25.00
ARNOLD MOTOR SUPPLY	MAY INVOICES	908.24
AUMER, BILL	BRD OF ADJUST 4/1/16	25.00
AWE ACQUISITION, INC	LIBRARY SUPPLIES	68.00
BAISH, RICKY	EE CLOTHING	155.38
BAKER & TAYLOR INC.	LIBRARY BOOKS	1397.62
BANKER'S TRUST	BOND FEE	2500.00
BANKER'S TRUST	BOND FEE	250.00
BANKER'S TRUST	GO REFUNDING BONDS	194100.00
BANKER'S TRUST	GO FIRE STATION BOND	153265.00
BANKER'S TRUST	SEWER REVENUE BOND	81015.63
BANKER'S TRUST	GO STREET IMPROVEMENT	59220.00
BANKER'S TRUST	GO STORM SEWER IMPROVE BOND	20775.00
BANKER'S TRUST	GO STREET IMPROVE BOND	61443.75
BANKER'S TRUST	FLAT FEE REDEMPTION	100.00
BANKER'S TRUST	FLAT FEE REDEMPTION	100.00
BARCO MUNICIPAL PROD. INC	SAFETY BARRICADE & LIGHTS	365.84
BECK ENGINEERING INC	MILFORD ALLEYRECONSTRUCTION	4207.15
BERENS-TATE CONSULTING GR	BOND VERIFICATION REPORT	2500.00
BERNING, SHELLY	LIBRARY BRD MTG 6/1/16	25.00
BIRCH	APRIL PHONE SERVICES	552.30
BIRCH	MAY SERVICES	553.48
BLACK HILLS ENERGY	FIRE DEPT UTILITY	80.19
BOMGAARS	PARK SUPPLIES	909.31
BOUND TREE MEDICAL LLC	FIRE DEPT SUPPLIES	271.82
BRINKS CONSULTING	MAY SERVICES	1206.50
CAMPUS CLEANERS	CITY HALL SERVICES	222.35
CARD SERVICES CENTER	FIRE DEPT CREDIT CARD	3241.63
CARPENTER, JIM	FIRE SCHOOL	97.72
CENTRAL STATES SOUTHEAST & SO	EE HEALTHCARE	15698.80
COOPERATIVE ENERGY COMPANY	MAY INVOICES	3011.19
CUTTING EDGE SALES & SERVICE	PARK SUPPLIES	145.86
D.E. WILLIAMS SHIELDS	FIRE DEPT SUPPLIES	1206.00
DEKOTER, THOLE, & DAWSON, P.L.	GENERAL FILE-2016	1294.50
DEL'S GARDEN CENTER	SOD FOR KOTH PROPERTY	1200.00
DEMCO	LIBRARY SUPPLIES	321.45
DICKINSON COUNTY NEWS	MAY ADS	554.42

DICKINSON COUNTY RECORDER	KRUSE RECORDER FEE	22.00
DICKINSON COUNTY TRAILS	CNTY TRLS BRD ADMIN FEE FY2016	4608.00
DOTSON, DENNIS	LIBRARY BRD MTG 6/1/16	25.00
EZ-LINER INDUSTRIES	PUBLIC WORKS SUPPLIES	241.56
FIELDMASTER INFIELD GROOMER	PARKS SUPPLIES	198.56
FIRE SATETY USA	FIRE DEPT SUPPLIES	135.00
FOCUS POLY INC	BARK PICK UP BAGS	144.30
FOX INTERNATIONAL INC.	STREET SWEEPER REPAIR	2457.91
FRANKLIN, ELAINE	LIBRARY BRD MTG 6/1/16	25.00
FUNK, CARRIE	TRAVEL REIMBURSE-SFTWRE TRNI	86.40
GALE GROUP	LIBRARY BOOKS	72.72
GANO, JOANN	LIBRARY BRD MTG 6/1/16	25.00
GENERAL DRIVERS UNION	UNION DUES	298.00
GENERAL TRAFFIC CONTROLS	HWY 71&6TH TRAFFIC SIGNAL	2217.48
GREAT AMERICA LEASING CORP.	LIBRARY SERVICES	110.43
GURNEY	SEWER DEPT SUPPLIES	370.18
HELLER ENTERPRISES LLC	PARKS SUPPLIES	39.49
HEMPHILL, LINDA	COMM CTR MTG 6/1/16	25.00
HINSHAW, AMIE	MAY SERVICES	1600.00
HINSHAW, BRIAN	APRIL SERVICES	1600.00
HUMANE SOCIETY OF NW IOWA	MONTHLY CONTRACT FEE	200.00
HUNTRESS DAVID	BRD OF ADJUST 4/1/16	25.00
INTERNAL REVENUE SERVICE	FED/FICA TAX	7586.48
INTERNAL REVENUE SERVICE	FED/FICA TAX	7445.46
INTERSTATE ALL BATTERY CENTER	FIRE DEPT BATTERY	323.85
IOWA CITY/COUNTY MANAGEMENT	ANNUAL MEMBERSHIP FEES	120.00
IOWA LEAGUE OF CITIES	7/1/16-6/30/17 MEMBER DUES	1577.00
IOWA ONE CALL	LOCATES	157.50
IPAA	AIRPORT MEMBERSHIP FEE 2016	75.00
IPERS	IPERS PROTECTN	13106.06
JCL SOLUTIONS-JANITORS CLOSET	SUPPLIES	215.65
JENNINGS TOW & REPAIR	KEROSENE	20.27
JOHN'S TIRE SERVICE	PARKS	105.30
JONES, BRYAN	PARK RENTAL CXL REFUND	25.00
KEIZER, ROBB	COMM CTR MTG 6/1/16	25.00
KIMBALL MIDWEST	PUBLIC WORKS SUPPLIES	135.93
KNIGHT PROTECTION	6/6/2016-6/5/17 FIRE MNTR SRVC	300.00
LAKES NEWS SHOPPER	MAY ADS	760.40
LAKES REGIONAL HEALTHCARE	RICKY BAISH TEST	35.00
MATHESON TRI-GAS INC	PUBLIC WORKS SUPPLIES	159.87
MAXYIELD COOPERATIVE	FIRE DEPT FUEL	379.48
MCCREA, JIM	COMM CTR MTG 6/1/16	25.00
MIDWEST BREATHING AIR L.L.C.	FIRE DEPT	152.60
MILFORD COMMUNICATIONS	FIRE DEPT SERVICES	335.21
MILFORD MUNICIPAL UTILITY	UTILITIES	7866.26
NELSON, WANDA	P & Z MTG 5/18/16	25.00
NEWMAN TRAFFIC SIGNS	SIGNS	310.35
NORTHWEST IA. PLAN.&DEV.	FY 2017 DUES	2304.10
NOTEBOOM IMPLEMENT LLC	PARKS SUPPLIES	168.48
OFFICE SYSTEMS COMPANY	PD COPIER	37.74
ORTMAN, RICH	COMM CTR MTG 6/1/16	25.00
OVERDRIVE INC.	LIBRARY BOOK	15.99
PAPE, JULIE	P & Z MTG 5/18/16	25.00
PIPER JAFFRAY & CO.	AGENT SERVICES FOR BONDS	2000.00
PITNEY BOWES	LEASE CHARGES	193.65
POSTMASTER	PO BOX DUES	168.00
POWERS, DARLENE	WORKING LUNCH	12.84
PURCHASE POWER	POSTAGE	202.00
R & D INDUSTRIES	SERVICE AGREEMENT	750.00
RAFFERTY, LOIS	LIBRARY BOOK	15.00
REGIONAL TRANSIT AUTHORITY	4TH QTR 2016 TRANSPORTATION	1250.00
RICK'S PEST CONTROL	FIRE DEPT SERVICES	95.00
SANDRY FIRE SUPPLY	FIRE DEPT SUPPLIES	4913.25
SCHLEY, CARLA	LIBRARY BRD MTG 6/1/16	25.00
SECURE BENEFITS SYSTEMS	EE FSA CONTRIBUTIONS	517.19
SECURE BENEFITS SYSTEMS	EE FSA CONTRIBUTIONS	352.96
SHAMROCK RECYCLE INC.	MAY CURBSIDE RECYCLE	3828.96
SHAW, ROBERT	PEDDLER PERMIT REIMBURSE	200.00
SHELEY, GEORGIA	BRD OF ADJUST 4/1/16	25.00
SHIELD TECHNOLOGY CORP	POLICE DEPT SERVICES	3384.00
SIMINGTON, BRAD	P & Z MTG 5/18/16	25.00
SIOUX CITY JOURNAL COMMUNICA	4/26/16-4/24/17 SUBSCRIPTION	293.80
SIOUX SALES COMPANY	EE CLOTHING	179.65
SORENSEN, BETH	STAFF MTG REIMBURSE	25.00
STOREY KENWORTHY	SUPPLIES	146.17
SUPERIOR EQUIPMENT & RENTAL C	SUPPLIES	63.63
THE DES MOINES REGISTER	SUBSCRIPTION RENEWAL	472.04
THE SHERWIN-WILLIAMS CO.	DOWNTOWN PAINT	821.50
TOP NOTCH GRAPHIX	AIRPORT SIGN	250.00
TREASURER, STATE OF IOWA	STATE TAX	3567.00

TRUE VALUE-MILFORD	MAY INVOICES	850.85
ULTRAMAX	POLICE SUPPLIES	149.00
UNITED COMMUNITY BANK FOR	LIBRARY POSTAGE	133.44
UNITED COMMUNITY BANK FOR	POLICE POSTAGE	48.46
UNITY POINT CLINIC-OCCUPATIONA	TEST	37.00
VAHLSING'S CLEAN SWEEP	FIRE DEPT SERVICES	110.00
VERIZON WIRELESS	MAY SERVICES	515.51
WASTE MANAGEMENT	5/16-5/31 LANDFILL	9737.28
WEDEKING PIT & PLANT	KOTH PROPERTY/ALLEY WORK	1186.97
WIANT, REX H. ARBITRATOR	ARBITRATION FEES	2723.13
WITTROCK LAWN SERVICE	MILFORD CEMETARY	1232.40
WOODLEY, BARB	CITY HALL RENTAL REFUND	25.00
YMCA OF THE OKOBOJIS	LIBRARY READING PROGRAM	50.00
TOTAL ACCOUNTS PAYABLE		713503.63
PAYROLL CHECKS		38970.28
**** PAID TOTAL ****		752473.91

Paid from the following funds: General Fund: 129,068.57; Road Use Tax: 17,242.95; Debt Service: 491,253.75; 6th St. Debt & Service Sink: 80,765.63; H Ave project: 5,297.74; Koth Property: 1,914.95; Sewer Utility: 6,842.24; Garbage Utility: 20,088.08

Monthly Clerk's/Treasurers Report with the following receipts: General Fund: 96,711.97; Road Use Tax: 22,937.54; Employee Benefits: 13,007.87; Hotel/Motel Tax: 23.32; Milford South Industrial Park: 21,504.03; Nature Trails: 1,678.30; Meyer TIF: 1,526.34; Ponds 1 TIF:401.75; LMI Fund 2,264.93; K-9 Unit: .73; Debt Service: 11,202.13; 6th St. Debt & Service Sinking Fund: 8,919.33; Capitol Equipment (LOST) 60.42; Capitol Project TIF Supported: 6.45; Capital Project 2010 St. Project: 2.52; Capital Project Reserve: 268.97; H Ave Project 592,838.12 Sewer Utility: 21,583.16; Garbage Utility: 27,087.52; Storm Water Utility: 9,502.89

CITIZEN'S APPEARANCES-PUBLIC COMMENTS

Herman Richter representing the Campus Bike ride wanted to know if they City would allow parking on H Avenue during the event. Currently no parking is allowed on the east side. There was some concern if the Council could act on his request because it was not listed on the agenda as an action item. City Attorney Harold Dawson said we could add it to the agenda in this case because they will not be another council meeting before the bike ride. There was then a motion by Rolling, second by Huse to allow parking during the event held Saturday June 25th, 2016.

PUBLIC HEARING

Public Hearing on the sale of land between City of Milford and Milford Development Inc.

Mayor Reinsbach opened the public hearing at 6:38. There were no written or oral objections, Reinsbach closed the hearing at 6:39.

Public Hearing on the bid letting on H Ave extension project from 9th-10th St.

Mayor Reinsbach opened the public hearing at 6:40. There were no written or oral objections and the Mayor closed the hearing at 6:41.

REPORTS

Board/Commission Reports

Council reviewed May's Clerks/Treasurer report, Monthly Expense and Revenue reports, Police and Fire department reports. May minutes from Community Center, Milford Memorial Library, Milford Park Board and Planning and Zoning.

ACTIONS & DISCUSSION ITEMS

Tree in city Right of Way

Don Origer was present and told the city that he has a tree in the right-of-way that was mostly gone except for the stump approximately 12 feet high. He asked the council if he could have someone come in, at his expense, and make it into a wooden sculpture. He said he would make it appealing, maybe tying it to local sports or something. The Mayor commented that normally we cut them down and have the stumps ground out. He then asked Mr. Origer if he would be interested in cutting the stump now and move it into his yard and have a sculpture made. He said probably not. Councilman Olsen said he didn't see a problem with Origer's idea. Councilman Walters said he would like to check with our insurance carrier to make sure there wasn't any liability if we allowed him to do this. The Mayor asked Street Supervisor Kent Eilers if he had any issues with it. He said no and if there were some later we still have the right to

remove it as it is in the city right-of-way. Walters made a motion to table the decision until the City Administrator could check with the city's insurance carrier. There was a second by Huse. Ayes: Simpson, Olsen, Rolling, Walters, Huse. Nay: None. Motion passed.

Appoint Planning & Zoning member

Mayor Reinsbach told the Council they needed to appoint someone to fill the vacancy on the Planning and Zoning Board vacated by Denny Horstman. There were two applicants, Brent Sexton and Dennis Klute. Reinsbach asked both applicants if they wanted to tell the Council a little about themselves and they did. Walters made a motion to appoint Dennis Klute. The motion failed for a lack of a second. Simpson then made a motion to appoint Bent Sexton. There was a second by Rolling. Ayes: Simpson, Olsen, Rolling, and Huse. Nay: Walters. Motion passed.

Update on garbage transition

Administrator Houge updated the Council on how the transition was going with Waste Management. Jay Nieson with Waste Management was present and said everything was going well and they are on schedule to start the service in July. He again thanked the city for making this a very seamless transition.

Waste Management Agreement

Administrator Houge presented the Council with the final agreement with Waste Management and asked the council if they had any questions or concerns. Walters questioned the tote replacement subject where it states if a tote is damaged or lost, the customer has to reimburse Waste Management. Jay said the cost of the tote is about \$70.00, but he cannot remember a time where they actually billed a customer. There was also a question on the wording of "exclusion of services" area where it says "construction or demolition waste collection" and wanting clarification on this. Jay said if it fits into the container, it is acceptable. He stated that was in reference to large chunks of concrete or other very large items. There was a brief discussion about wording in reference to automatic renewal in 5 years. Mayor Reinsbach asked the attorney for his opinion and he stated it was not a big issue as there still can be a 90 day notice given to terminate, the Administrator just needs to remember to get it on her calendar as a reminder. Motion by Huse, second by Rolling to accept the agreement. Ayes: Simpson, Olsen, Rolling, Walters, Huse. Nay: None. Motion passed.

Milford Communications franchise agreement

Josh Sandbulte with Milford Communications was present to discuss the franchise agreement between them and the City of Milford. He told the Council that, while they don't have any real problems with an agreement at a 3% rate, he just wants to make sure that the others utilities are also paying under their agreements so it is a level playing field. The Mayor reminded the Council that at one of the last meetings, our zoning administrator presented an ordinance that stated we must have a franchise agreement with all of our utilities and we will charge 3%. After a brief discussion, there was a motion by Olsen, second by Huse to go ahead with a new agreement at 3%. Ayes: Simpson, Olsen, Walters, Huse. Nay: Rolling. Motion passed.

Resolution 16-23 regarding the sale of property between the City of Milford and Milford Development, Inc.

Motion by Simpson, second by Rolling to adopt **Resolution 16-23** regarding the sale of the property between the City of Milford and Milford Development, Inc. This is the former Smith property located between 9-10th St. Roll call. Ayes: Simpson, Olsen, Rolling, Walters, Huse. Nay: None. Motion passed.

Resolution 16-24 awarding the bid for the City of Milford H Ave extension from 9th-10th St. Project

Jason with Beck Engineering told the Council there was 3 bids submitted for the project. The low bid from Valley Contracting out of Estherville, IA for \$502,116.70. Rens Concrete, Inc from Sioux Center was \$624,086.50 and Hulstein Excavating, Inc from Edgerton, MN was \$665,636.40. He is waiting to hear from Darren Bumgarner with NWIPDC to make sure Valley Contracting is approved as an eligible contractor. Motion by Olsen, second by Huse to adopt **Resolution 16-24** awarding the bid for the City of Milford H Ave extension from 9th – 10th St. Project contingent of approval from IEDA on contractor eligibility. Roll Call. Ayes: Simpson, Olsen, Rolling, Walters, Huse. Nay: None. Motion passed.

Resolution 16-25 to transfer a portion of city drainage easement in real estate and set public hearing

Motion by Olsen, second by Huse to adopt **Resolution 16-25** to transfer a portion of city drainage easement in real estate and set the public hearing for June 27th. Roll call. Ayes: Simpson, Olsen, Walters, Huse. Rolling abstained. Motion passed.

Resolution 16-26 authorizing transferring money and closing funds

Motion by Walters, second by Huse to adopt **Resolution 16-26** authorizing the transfer of money and closing funds. Roll call. Ayes: Simpson, Olsen, Rolling, Walters, Huse. Nay: None. Motion passed.

Resolution 16-27 setting increase in sewer service charges

Motion by Olsen, second by Simpson to adopt **Resolution 16-27** increasing our sewer fees. City Attorney Harold Dawson questioned the authorizing of the increase. Houge explained and showed him the portion of the ordinance where it allows for special rates and explained we continue to have sewer projects and the need to do more lining of

existing sewer lines to keep up with our aging sewer system. Roll call. Ayes: Simpson, Olsen, Rolling, Walters, Huse. Nay: None. Motion passed.

Resolution 16-28 authorizing fund transfers for FY 2016

Motion by Simpson, second by Olsen to adopt **Resolution 16-28** authorizing fund transfers for 2016. This is a standard transfer we do each year. Roll call. Ayes: Simpson, Olsen, Rolling, Walters, Huse. Nay: None. Motion passed.

Dennis & Alma Klute-Hunter Hills resident

Dennis and Alma Klute were present to express their concern over the condition of the roads in Hunter Hills. They mentioned the lack of storm sewer intakes and the overall deterioration of the road and the lack of any clarity from Rick Demuth (D&W Development) or the city.

Adam Kraninger- Hunter Hills resident

Adam Kraninger expressed the same concerns as the Klutes did. Mayor Reinsbach proceeded to tell the residents of Hunter Hills that he met with D&W partners Rick Demuth and Joe Weir on two occasions trying to resolve the issue. He explained to the residents that there has been lawsuits between the City and D&W with the latest one going to the Supreme Court in which ruled on behalf of the City. There was also a lawsuit between D&W and Tri-State Paving Company in which the Court found that D&W did not have to pay Tri-State the balance of the contract of \$105,318.38 and also awarded D&W a judgement against Tri-State in the amount of \$94,621.62 for a total monetary benefit to D&W of \$199,940.00. The cost at that time to fix the road was \$200,000.00. He explained that the street is actually a private street at this time and based on court findings the City is under no legal obligation to accept dedication of the streets in their current condition. Mayor Reinsbach expressed his sincere sympathy with the home owners but unless the City can get some sort of indemnification contract relieving the city of all liabilities the City may not provide city services to that area in the future. Mayor Reinsbach also stated he asked D&W to tell him how much they are willing to contribute to the project of removing and replacing the road and that maybe the Council would then look at what they would need to or would be willing to contribute to the project. Reinsbach also stated that part of the cost may be assessed back to the home owners over a period of time. To date no information has been given to him from D&W and he feels they are being very uncooperative in resolving the issue. The City's engineer estimate is approximately \$550,000.00. He finished the discussion by again expressing his sympathy, but said the home owners should contact an attorney to see what avenues they can take to get the road fixed. The City Attorney agreed with the Mayor's comments.

Hunter Hills-Update from City Attorney Harold Dawson

The City Attorney told the Council that an Attorney from Spirit Lake had contacted him saying he represented D&W Development and asked for some information regarding the engineers estimate for fixing the roads in Hunter Hills. The Mayor chimed in and told the Council that Gaye Ann Demuth of D&W told him that they have not hired that Attorney.

County notice of proposed Deer Run Estates Subdivision

This was just for the Council's information of a new housing development happening West of Milford in the county.

COMMENTS BY MAYOR, COUNCIL AND STAFF

Councilman Olsen asked the head of the street department if he knew of some street repairs needing to be done. Kent Eilers said he was aware of them. Councilman Simpson then expressed some concern over some parking issues by Memorial Park and asked if we could put in some no parking signs or such. Administrator Houge said she would look into it but it would have to go through the Planning and Zoning Commission. The Mayor asked Public Works Supervisor Kent Eilers if he was aware of the damage on Mardi Drive caused by a crane moving in a prefab house. Kent said he would look at it.

With no other discussion, motion to adjourn by Olsen second by rolling at 7:52 p.m. Motion carried.

Respectfully submitted,

William Reinsbach, Mayor

LeAnn Houge, City Administrator/Clerk