

MILFORD CITY COUNCIL
 REGULAR MEETING
 MARCH 11, 2019
 6:30 PM

The Milford City Council met in regular session March 11, 2019 at 6:30 p.m. in the Community Center Board Room Mayor Steve Anderson presided.

Members present: Chris Hinshaw, Don Olsen, Doug Frederick, Andy Yungbluth, and Bill Huse.

Absent: None

Others present: Deputy City Clerk Carrie Funk, Police Chief Bob Clark, Public Works Supervisor Kent Eilers, Don Brinkley, City Attorney David Stein, Joanne Follon, Kent Simonson, Evan Burrell, Ashlyn Waite, Brock Moffitt, Lois Clark, Jason Eygabroad, and Scott Kuchel

Steve Anderson led the Pledge of Allegiance.

Motion by Yungbluth second by Huse to approve the agenda. All voting aye. Motion carried.

Motion by Huse second Yungbluth to approve consent agenda. All voting aye. Motion carried.

Items on the Consent Agenda were as follows:

- Minutes February 25, 2019 council meeting
- Letter of recommendation from Planning & Zoning in regards 13.8 minimum standards
- Letter of recommendation from Planning & Zoning in regards to rezoning to add more 2RM Zoned lots to the Nature Trails Subdivision
- Monthly bills as listed below: (approved) and bills paid in vacation

ALLIANT ENERGY	SIGN UTILITY	\$24.01
AMAZON/SYNCB	FEBRUARY INVOICES	\$137.49
ARNOLD MOTOR SUPPLY	FEBRUARY INVOICES	\$219.85
BAKER & TAYLOR INC.	BOOKS	\$1,011.37
BECK ENGINEERING INC	HILL DR. HMA OVERLAY PROJECT	\$12,840.00
BERGLUND, SCOTT	P & Z MTG 2/21/2019	\$25.00
BLACK HILLS ENERGY	FIRE DEPT UTILITY	\$1,443.31
BLACKSTRAP, INC.	ROAD SALT	\$1,904.48
BOMGAARS	SHOP SUPPLIES	\$50.45
KRIZ-DAVIS COMPANY	LIGHTING SUPPLIES	\$1,533.99
BRINKS CONSULTING	BOA MTG/PZ MTG	\$50.00
BROAD REACH	BOOKS	\$52.90
BROWN SUPPLY	SQUARE STRAIGHT CROSS CHAIN	\$1,542.45
CARD SERVICES CENTER	IA LEAGUE OF CITIES	\$156.84
CENGAGE LEARNING	BOOKS	\$33.74
CENTRAL STATES SOUTHEAST & S	EE HEALTHCARE	\$17,222.40
COFFMAN'S LOCKSMITH SHOP	CHAMBER DOOR REPAIRS	\$65.00
COOPERATIVE ENERGY COMPANY	FEBRUARY INVOICES	\$7,007.95
CRYTEEL TRUCK EQUIPMENT	EQUIPMENT REPAIR	\$2,287.18
DEMCO	SUPPLIES	\$133.38
DENNIS E MERRY	FEBRUARY JANITORIAL	\$1,700.00
DICKINSON COUNTY	SANDING SALT	\$561.00
DICKINSON COUNTY NEWS	FEBRUARY PUBLICATIONS	\$623.66
FUNK, JOE	BD OF ADJUSTMENT MTG 2/13/19	\$25.00
GENERAL DRIVERS UNION	UNION DUES	\$322.00
GREAT AMERICA LEASING CORP.	LIBRARY COPIER	\$110.43
HUNTRESS DAVID	BD OF ADJUSTMENT MTG 2/13/19	\$25.00
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$8,074.82
JAYCOX IMPLEMENT	SHOP SUPPLIES	\$263.58
JCL SOLUTIONS-JANITORS CLOSET	JANITORIAL SUPPLIES	\$67.68
JENNINGS TOW & REPAIR	SHOP SUPPLIES	\$20.43
JONES, SHERRI	BD OF ADJUSTMENT MTG 2/13/2019	\$25.00
KEN BORTH AUTO BODY LTD.	PARTS-PICKUP PLOW	\$444.95
KIMBALL MIDWEST	SHOP SUPPLIES	\$83.85
LAKES NEWS SHOPPER	BRIDAL TAB ADVERTISING	\$188.60

LORENZEN, JASON	BD OF ADJUSTMENT MTG 2/13/2019	\$25.00
MILFORD COMMUNICATIONS	BROADBAND SERVICES	\$607.40
MILFORD ELECTRIC INC.	PD DEPT LIGHT FIXTURES	\$1,899.96
MILFORD MUNICIPAL UTILITY	FEBRUARY UTILITIES	\$10,933.47
NELSON, WANDA	P & Z MTG 2/21/2019	\$25.00
OFFICE SYSTEMS COMPANY	PD DEPT COPIES	\$42.74
OTC BRANDS, INC	SUPLIES	\$58.01
PAPE, JULIE	P & Z MTG 2/21/2019	\$25.00
PARACLETE PRESS INC	BOOKS	\$75.46
PERKINS	EMPLOYEE APPRECIATION MEAL	\$327.32
PIONEER PRINTING	OFFICE SUPPLIES	\$361.50
PIPER JAFFRAY & CO.	GO BOND SERVICES	\$1,000.00
PITNEY BOWES	POSTAGE	\$201.00
R & D INDUSTRIES	MANAGED SERVICE AGREEMENT	\$774.50
CAMPUS CLEANERS	FEBRUARY INVOICE	\$137.55
REETZ, LEEANN	BD OF ADJUSTMENT MTG 2/13/19	\$25.00
REGIONAL TRANSIT AUTHORITY	3RD QRT FY19 SERV RENDERED	\$1,875.00
RICK'S PEST CONTROL	FIRE DEPT SERVICES	\$95.00
WEDEKING, SAM	SNOW REMOVAL SERVICES	\$4,050.00
SEXTON, BRENT	P & Z MTG 2/21/2019	\$25.00
SIMINGTON, BRAD	P & Z MTG 2/21/2019	\$25.00
STALL'S FARM & HOME	ROOF RAKE FOR CITY HALL	\$59.99
STEIN DAVID SR.	FEBRUARY LEGAL SERVICES	\$1,635.00
STOREY KENWORTHY	OFFICE SUPPLIES	\$39.16
SUNSHINE FOODS	SUPPLIES	\$37.65
SUPERIOR EQUIPMENT & RENTAL	VEHICLE MAINTENANCE	\$236.21
TD TOOLS	SHOP SUPPLIES	\$1,315.38
TEI LANDMARK AUDIO	ANNUAL LEASE-BOOKS	\$1,000.00
TRUE VALUE-MILFORD	FEBRUARY INVOICES	\$441.10
UNITED COMMUNITY BANK	POSTAGE	\$171.47
VERIZON WIRELESS	CELL/LABTOP SERVICES	\$413.69
WATCH GUARD	HD DVR	\$5,815.00
WINTER STAVE & CO. LLP	ACCOUNTANT FEES-FEBRUARY	\$375.00
TOTAL ACCOUNTS PAYABLE		\$94,406.35
PAYROLL CHECKS		\$23,113.90
**** PAID TOTAL ****		\$117,520.25
**** SCHED TOTAL ****		
***** REPORT TOTAL *****		\$117,520.25

Paid from the following funds: General Fund: 63,281.28; Road Use Tax: 24,561.05; Employee Benefits: 14,407.20; Capitol Equipment LOST: 1,816.18; Hill Drive Project: 7,483.75; H Ave project: 1,627.50; Sewer Utility Fund: 4,143.29; Storm Water Utility Fund: 200.00

Monthly Clerk's/Treasurers Report with the following receipts: General Fund: 109,047.32; Road Use Tax: 31,334.58; Employee Benefits: 2,055.04; Hotel/Motel Tax: 228.54; TIF: 9,176.11; LMI Fund: 1,485.53; Debt Service: 20,999.13; Capitol Equipment (LOST) 1,142.71; Capital Project Reserve: 2,971.06; Sewer Utility: 26,654.84; Garbage Utility: 39.33; Storm Water Utility: 10,531.25

CITIZEN OPPORTUNITY FOR COMMENT

REPORTS

Board/Commission Reports

Council reviewed the February Bank Cash report, Clerks/Treasurer report, Monthly Expense and Revenue reports, and Fire, Police reports. February minutes from Board of Adjustments, Community Center, Park Board, Planning & Zoning and Library along with March events, Dickinson County Sanitary Landfill Commission minutes/Treasurer's report from January.

PUBLIC HEARING

Proposal to amend Section 13.8 Minimum Residential Standards. The proposed changes include but may not be limited to replacing concrete with rubber membrane in paragraph 4 on roofing materials, deleting the requirement that single family dwelling units must have a minimum roof pitch of 3:12 in paragraph 5, and confirming that mobile home housing must comply with 42 U.S.C., Section 5403 in paragraph 5 at 6:30 p.m.

Mayor Anderson opened the public meeting at 6:32 p.m. Deputy City Clerk Funk 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 was at 6:34 p.m.

Proposal to amend and add more 2RM zoned lots to the Nature Trails Subdivision by changing the zoning from 10RS to 2RM. The change would include but may not be limited to lots 22, 80-83, 66-69, 78, 98, 99,109 and 110 at 6:35 p.m.

Mayor Anderson opened the public meeting at 6:35 p.m. Deputy City Clerk Funk 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.

ACTION & DISCUSSION ITEMS

Ordinance amending the Code of Ordinances of the City of Milford, Iowa, by amending minimum residential standards in section 13.8

First consideration on Ordinance amending the Code of Ordinances of the City of Milford, Iowa, by amending minimum residential standards in section 13.8

Motion by Yungbluth second by Huse to approve first reading of **Ordinance 3-11-2019** Ordinance amending the Code of Ordinances of the City of Milford, Iowa, by amending minimum residential standards in section 13.8 Roll call: Hinshaw, Olsen, Frederick, Yungbluth and Huse. Nay: None. Motion carried.

Consider waiving the second and third readings and possible passage of Ordinance amending the Code of Ordinances of the City of Milford, Iowa, by minimum residential standards in section 13.8

Motion by Yungbluth second by Hinshaw to waive the second and third reading of **Ordinance 3-11-2019** Ordinance amending the Code of Ordinances of the City of Milford, Iowa, by minimum residential standards in section 13.8. Roll call: Hinshaw, Olsen, Frederick, Yungbluth and Huse. Nay: None. Motion carried.

A motion was made by Yungbluth second by Hinshaw to adopt **Ordinance 3-11-2019** Ordinance amending the Code of Ordinances of the City of Milford, Iowa, by amending minimum residential standards in section 13.8. Roll call: Hinshaw, Olsen, Frederick, Yungbluth and Huse. Nay: None. Motion carried.

Ordinance amending the Code of Ordinances of the City of Milford, Iowa, by rezoning, in accordance with Article 22.22.3 and other applicable provisions of the ordinance, to add additional 2RM zoned lot to the Nature Trails Subdivision by changing the zoning from 10RS to 2RM lots 22, 80-83, 66-69, 78, 98, 99,109 and 110 of Nature Trails Subdivision.

First consideration on Ordinance amending the Code of Ordinances of the City of Milford, Iowa, by rezoning, in accordance with Article 22, 22.3 and other applicable provisions of the ordinance, to add additional 2RM zoned lot to the Nature Trails Subdivision by changing the zoning from 10RS to 2RM lots 22, 80-83, 66-69, 78, 98, 99,109 and 110 of Nature Trails Subdivision.

Motion by Hinshaw second by Frederick to approve first reading of **Ordinance 3-11-2019A** Ordinance amending the Code of Ordinances of the City of Milford, Iowa, by rezoning, in accordance with Article 22, 22.3 and other applicable provisions of the ordinance, to add additional 2RM zoned lot to the Nature Trails Subdivision by changing the zoning from 10RS to 2RM lots 22, 80-83, 66-69, 78, 98, 99,109 and 110 of Nature Trails Subdivision. Roll call: Hinshaw, Olsen, Frederick, Yungbluth and Huse. Nay: None. Motion carried.

Consider waiving the second and third readings and possible passage of Ordinance amending the Code of Ordinances of the City of Milford, Iowa, by rezoning, in accordance with Article 22, 22.3 and other applicable provisions of the ordinance, to add additional 2RM zoned lot to the Nature Trails Subdivision by changing the zoning from 10RS to 2RM lots 22, 80-83, 66-69, 78, 98, 99,109 and 110 of Nature Trails Subdivision.

Motion by Hinshaw second by Yungbluth to waive the second and third reading of **Ordinance 3-11-2019A** Ordinance amending the Code of Ordinances of the City of Milford, Iowa, by rezoning, in accordance with Article 22, 22.3 and other applicable provisions of the ordinance, to add additional 2RM zoned lot to the Nature Trails Subdivision by changing the zoning from 10RS to 2RM lots 22, 80-83, 66-69, 78, 98, 99,109 and 110 of Nature Trails Subdivision.

Roll call: Hinshaw, Olsen, Frederick, Yungbluth and Huse. Nay: None. Motion carried.

A motion was made by Yungbluth second by Hinshaw to adopt **Ordinance 3-11-2019A** Ordinance amending the Code of Ordinances of the City of Milford, Iowa, by rezoning, in accordance with Article 22, 22.3 and other applicable provisions of the ordinance, to add additional 2RM zoned lot to the Nature Trails Subdivision by changing the zoning from 10RS to 2RM lots 22, 80-83, 66-69, 78, 98, 99,109 and 110 of Nature Trails Subdivision. Roll call: Hinshaw, Olsen, Frederick, Yungbluth and Huse. Nay: None. Motion carried.

Council to hear from Joanne Follon to discuss Health Hometown and being nicotine free

Joanne Follon of Iowa Lakes Corridor and Merle Hinton of Compass Pointe were present as Healthy Hometown representatives. Joanne explained there is part of a three prong approach to help get communities healthy by eating well, moving more, and feeling better. Joanne explained they are working with communities to get them feeling better by helping communities transition in adopting nicotine free ordinances by July 2019. Merle Hinton the community partner for tobacco use prevention in Dickinson County explained they are wanting to see cities take a broader approach to smoking and other tobacco use in public areas. Merle explained the nicotine free area signs posted in public areas would police themselves by the public. Mayor Anderson recommended this discussion should be shared with the Park Board. No action was taken at this time, just discussion.

Resolution regarding letter of understanding /addendum to the contract between the City of Milford and Teamsters Local # 554, July 1, 2017- June 30, 2020

Motion by Hinshaw second by Yungbluth to approve **Resolution 19-14** Resolution regarding letter of understanding/addendum to the contract between City of Milford and Teamsters Local # 554. Roll call vote. Voting aye: Hinshaw, Olsen, Frederick, Yungbluth and Huse. Nay: None. Motion carried.

Discuss excess sewer charges for Robert Halquist 402 Q Avenue and Boetel Transfer 806 6th Street

Motion by Hinshaw second by Olsen waive excess sewer charges caused by water line breakage and to recalculate fee based on 12 month average usage for Robert Halquist 402 Q Avenue is \$9.14 and Boetel Transfer is \$5.03. All voting aye. Motion carried.

Approve Deputy City Clerk to attend Clerk School July 15th - 17th

Motion by Yungbluth second by Hinshaw to approve Deputy City Clerk to attend Clerk School July 15th - 17th, 2019. All voting aye. Motion carried.

Approve City Administrator to attend the Academy July 24th -26th

Motion by Olsen second by Huse to approve City Administrator to attend the Academy July 24th - 26th, 2019. All voting aye. Motion carried.

Approve payment to Crysteel Truck Company for 2019 chassis

Motion by Yungbluth second by Olsen to approve payment to Crysteel Truck Company for 2019 chassis. All voting aye. Motion carried.

Review letter of recommendation from P & Z and consider options for alley west of 1310 13th Street with consideration for discussion of resolution setting public hearing

Mayor Anderson reviewed the P & Z Board recommendations to either deny the request in its entirety or to vacate the entire alley, with exception of 1 parcel, all residents on L Avenue own the parcels across the alley from them. Deputy City Clerk Funk explained that vacating the entire alley would not be allowed per the City Code due to one parcel owner being land locked if the entire alley were vacated. Attorney Stein expressed vacating the entire alley does pose a problem. Jason with Beck Engineering was present and expressed his same concern discussed a few months back is the alley not being wide enough for two cars to do a cul-de-sac. Motion by Olsen second by Huse to deny the request. After further discussion, another option was discussed regarding moving the easement onto another part of Simonson's property. Huse then rescinded his second to the motion and Olsen then rescinded his motion. The Council then decided to send the matter back to the P & Z Board for review of the new plan. All voting aye. Motion carried.

Resolution setting public hearing on plans specifications, form of contract, cost, setting bid letting, and setting public hearing to review and possibly accept bids for the H Avenue Phase III construction project

Motion by Olsen second by Hinshaw to approve **Resolution 19-15** Resolution setting public hearing to consider the proposed plans, specifications, form of contract, estimated total cost of the project, setting bid letting, and setting public hearing to review and possibly accept bids for the H Avenue Phase III construction project. Roll call vote. Voting aye: Hinshaw, Olsen, Frederick, Yungbluth and Huse. Nay: None. Motion carried

Review and possible discussion on sidewalk surrounding MillStone Park from Jason with Beck Engineering

Jason with Beck Engineering was present and handed out revised sidewalk plans for the MillStone Park. Jason explained the sidewalk variations. Councilman Huse questioned why the stop/go light was staying in the same place when Iowa DOT authorized for it to be repositioned. Councilman Olsen explained the stop/go light can be repositioned but at the expense of the City. Huse questioned if it would be very expensive and Jason explained the cost to reposition would be around \$100,000.

Discuss sewer rate survey/cost

Motion by Olsen second by Yungbluth to approve sanitary sewer rate study to be completed. All voting aye. Motion carried.

Consider funding request from Clark Museum of Okoboji Area and Iowa History

Motion by Olsen second by Yungbluth to deny funding request for Clark Museum of Okoboji Area and Iowa History. All voting aye. Motion carried.

COMMENTS BY MAYOR, COUNCIL, AND STAFF

Deputy City Clerk Funk informed the council involving an individual visiting the City Clerk's office about a fall on a sidewalk adjoining Mill Creek Restaurant. After informing City Attorney Stein and Insurance representative Russ Beckendorf by email of the incident, Beckendorf replied that ICAP would be investigating the matter. Attorney Stein informed the council of recent litigation from an incident in Nature Trails which had also been submitted to ICAP for investigation. Mayor Anderson reminded the council of the group traveling to Des Moines on March 13, 2019 to present their presentation to the CAT Grant Committee for MillStone Park grant funding.

Councilman Olsen commented he has received a number of complaints regarding tenants receiving snow tickets when there was no snow emergency posted and complaints from business owners having to place their snow a minimum of 18 inches in the street. Public Works Supervisor Kent Eilers explained if businesses do not place their snow a minimum of 18 inches into the street from the front of the curb it makes it difficult to collect and remove the snow. If business owners properly place their snow it makes snow collection from downtown more efficient and makes the downtown look much better.

With no other discussion, motion to adjourn by Hinshaw second by Yungbluth at 7:47 p.m. All voting aye. Motion carried.

Respectfully submitted,

Steven R. Anderson, Mayor

Carrie Funk, Deputy City Clerk