

MILFORD CITY COUNCIL
 REGULAR MEETING
 MARCH 8, 2021
 6:30 PM

The Milford City Council met in regular session March 8, 2021 at 6:30 p.m. in the East ½ of the Community Center.

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 Steve Anderson presided.

Members present: Chris Hinshaw, Aaron Gebhart, Andy Yungbluth, Jason Eckard.

Absent: Doug Frederick

Others present: Mayor Steve Anderson, City Administrator LeAnn Reinsbach, Deputy City Clerk Carrie Funk, Police Chief Bob Clark, Public Works Director Kent Eilers, Jason Eygabroad of Beck Engineering and via Zoom LeAnn Reinsbach, Mayor Anderson, Don Brinkley, Steve Schwaller, and Tim Fairchild
 Steve Anderson led the Pledge of Allegiance.

Motion by Gebhart second by Hinshaw to approve the agenda. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried.

Motion by Eckard second by Yungbluth to approve consent agenda. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried.

Items on the Consent Agenda were as follows:

- Minutes of February 22, 2021 special budget council meeting
- Monthly bills as listed below: (approved) and bills paid in vacation

4 EVERGREEN	JANUARY SNOW HAULING	\$425.00
AFLAC	AFLAC PRE TAX	\$939.42
ALLIANT ENERGY	SIGN UTILITY	\$22.05
AMAZON/SYNCB	LIBRARY SUPPLIES	\$73.25
AMY'S SIGN DESIGN	20 DBL SIDED BANNERS	\$1,300.00
ANDERSON, GILLIAN	LIBRARY CRAFTS REIMBURSE	\$191.02
ARNDT, MCINTYRE	P&Z MTG 2/16/21	\$25.00
ARNOLD MOTOR SUPPLY	JANUARY INVOICES	\$584.84
BAKER & TAYLOR INC.	LIBRARY BOOKS	\$855.11
BARCO MUNICIPAL PROD. INC	TIRE CHAINS	\$914.07
BECK ENGINEERING INC	P AVE & 13TH RECON PROJECT	\$46,918.75
BERNING, SHELLY	LIBRARY BRD MTG 3/3/21	\$25.00
BIO SYSTEMS INC.	ASPHALT REMOVER	\$1,360.00
BLACK HILLS ENERGY	FIRE DEPT UTILITY	\$578.82
BLACK HILLS ENERGY	CITY HALL UTILITY	\$43.38
BLACKSTRAP, INC.	ROAD SALT	\$2,147.40
BOJI WELDING AND SERVICES	VEHICLE MAINT	\$65.00
BOMGAARS	PW/SEWER/CITY HALL SUPPLIES	\$412.07
BRINKS CONSULTING	FEBRUARY SERVICES	\$169.60
BROAD REACH	LIBRARY BOOKS	\$248.45
BROWNELLS, INC.	PD SUPPLIES	\$195.87
CAMPUS CLEANERS	LIBRARY SERVICES	\$137.55
CANON FINANCIAL SERVICES	LIBRARY COPIER	\$71.83
CARD SERVICES CENTER	WEBSITE HOST/TRAINING/ZOOM	\$226.82
CENTRAL STATES SOUTHEAST & SOU	EE HEALTHCARE	\$21,726.00
CONSUMERS LUMBER	PW BUILD MAINT	\$206.85
COOKINHAM, JEFF	LIBRARY BRD MTG 3/3/21	\$25.00
COOPERATIVE ENERGY COMPANY	FEBRUARY FUEL	\$4,103.01
CRYTEEL TRUCK EQUIPMENT	PUBLIC WORK SUPPLIES	\$331.13
CUMMINS CENTRAL POWER	FIRE DEPT INSP SERVICE	\$867.57
CUTTING EDGE SALES & SERVICE	PARKS SUPPLIES	\$90.70
DEMCO	LIBRARY SUPPLIES	\$122.40
DENNIS E MERRY	FEBRUARY JANITORIAL SERVICES	\$1,700.00
DICKINSON COUNTY	GRADER BLADES/PLOW BLADES	\$3,876.00
DICKINSON COUNTY CONSERVATION	GREEN WASTE/BULB DISPOSAL	\$483.00
DICKINSON COUNTY NEWS	FEBRUARY ADS	\$586.77
DOTSON, DENNIS	LIBRARY BRD MTG 3/3/21	\$25.00
EMBLEM ENTERPRISES INC.	POLICE PATCHES	\$341.86
FRANKLIN, ELAINE	LIBRARY BRD MTG 3/3/21	\$25.00
FRONTLINE PLUS	FY2021 SIREN SERVICES	\$1,000.00
GALE	LIBRARY BOOKS	\$33.74
GALEN'S PRO-MOW	PW VEHICLE MAINT	\$74.95
GALLES, MATT	P&Z MTG 2/16/21	\$25.00
GANO, JOANN	LIBRARY BRD MTG 3/3/21	\$25.00
GORDON FLESCH COMPANY	LASERFICHE	\$75.00
GORDON FLESCH COMPANY	FIRE DEPT SERVICES	\$214.26

GRAHAM TIRE COMPANY	PD EXPLORER	\$1,145.09
HTM SALES INC.	SEWER SUPPLIES	\$391.39
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$8,842.81
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$8,761.22
INTERSTATE INDUSTRIAL INSTR. I	GAS DETECTOR	\$1,358.07
IOWA DIVISION OF LABOR SERVICE	FIRE DEPT BOILER INSPECT	\$80.00
IOWA GREAT LAKES SANITARY DIST	7/1/20-12/31/20 SEWER CHARGES	\$684.44
IOWA LAKES CONTINUING EDUCATIO	HAZMAT REFRESHER	\$30.00
IOWA LAKES ELECTRIC COOP	STREET LIGHTING	\$793.00
IPERS	IPERS REGULAR	\$11,674.75
JAYCOX IMPLEMENT	SNOW BUCKET CUTTING EDGE	\$165.52
JOHNSON, DEB	LIBRARY BRD MTG 3/3/21	\$25.00
JORGENSEN, TOM	P&Z MTG 2/16/21	\$25.00
KILTS, RICK	LIBRARY BRD MTG 3/3/21	\$25.00
LAKES NEWS SHOPPER	COMM CTR BRIDAL TAB	\$228.20
LAKES REGIONAL HEALTHCARE	EE TESTING	\$70.00
LAMBERT, DANIELLE	CK REISSUE CXL DUE TO COVID	\$25.00
LOFFLER	PD COPIER	\$70.51
MATHESON TRI-GAS INC	PW SHOP SUPPLIES	\$732.30
MAXYIELD COOPERATIVE	FIRE DEPT FUEL	\$167.92
MAXYIELD COOPERATIVE	FIRE DEPT FUEL	\$97.47
MENARDS - SPENCER	HALLWAY LIGHT PANELS	\$1,066.22
MENARDS - SPENCER	CITY HALL SUPPLIES	\$84.03
MILFORD COMMUNICATIONS	BROADBAND SERVICES	\$895.55
MILFORD MUNICIPAL UTILITY	FEBRUARY UTILITY	\$9,562.72
OKOBOJI TREE SPECIALISTS INC.	13TH STREET ASH TREE	\$210.00
PAINT REPAIR EXPRESS	PW VEHICLE MAINT	\$450.00
R & D INDUSTRIES	PD SERVICE AGREEMENT	\$1,552.13
REGIONAL TRANSIT AUTHORITY	3RD QRT FY21 CITY SUPPORT	\$1,875.00
RICHARD L. COOKE	FIRE DEPT SERVICES	\$95.00
SCHULTZ, BECCA	LIBRARY SUPPLIES REIMBURSE	\$12.84
SECURE BENEFITS SYSTEMS	EE FSA CONTRIBUTIONS	\$411.44
SEXTON, BRENT	P&Z MTG 2/16/21	\$25.00
SIOUX SALES COMPANY	PD SHIRT FOR KEVIN	\$44.95
STATE STEEL SUPPLY COMPANY	COMM CTR CARTS	\$165.60
STEIN LAW OFFICE	FEBRUARY LEGAL SERVICES	\$2,007.88
STOREY KENWORTHY	CITY HALL/PD SUPPLIES	\$284.42
STOREY KENWORTHY	CITY HALL SUPPLIES	\$103.57
SUNSHINE FOODS	FOOD FOR TRAINING	\$213.67
SYBESMA GRAPHICS INC,	PD GRAPHICS FOR EXPLORER	\$650.00
TREASURER, STATE OF IOWA	STATE TAX	\$2,736.00
TRUE VALUE-MILFORD	FEBRUARY INVOICES	\$199.74
TURN KEY FINANCIAL EQUIPM	TRANSACTION DRAWER	\$3,729.22
U.S. BANK EQUIP FINANCE	CITY HALL COPIER	\$210.19
UNITED COMMUNITY BANK FOR PETT	LIBRARY POSTAGE	\$3.80
UNITY POINT CLINIC-OCCUPATIONA	EE TESTING	\$84.00
VERIZON WIRELESS	CELL/LAPTOP SERVICES	\$615.84
VOLUNTARY ACTION CENTER	FY20 DONATION	\$1,500.00
Accounts Payable Total		\$158,070.04
Payroll Checks		\$51,906.72
***** REPORT TOTAL *****		\$209,976.76

Paid from the following funds: General Fund: 105,440.70; Road Use Tax: 30,259.65; Employee Benefits: 17,652.38; P Ave Project: 43,697.62; Sewer Utility Fund: 12,726.42; Storm Water Utility Fund: 199.99

Monthly Clerk's/Treasurers Report with the following receipts: General Fund: 62,623.52; Road Use Tax: 25,329.49; Employee Benefits; 3,052.62; Hotel/Motel Tax: 1.10; TIF: 6,196.08; LMI Fund: 7.14; Debt Service: 28,349.87; Capitol Equipment (LOST) 5.49; Capital Project Reserve: 14.28; Sewer Utility: 28,071.68; Storm Water Utility: 10,182.56.

CITIZEN OPPORTUNITY FOR COMMENT

REPORTS

Board/Commission Reports

Council reviewed the February Bank Cash report, Clerks/Treasurer report, Monthly Expense and Revenue reports, Police report, Fire Department call log and minutes. February minutes from Community Center, Park Board, Planning & Zoning Commission and Library along with March events, February Dickinson County Sanitary Landfill Commission minutes and Shield Board minutes from December 2020.

PUBLIC HEARING

Public hearing on 2021 City of Milford P Avenue and 13th Street Reconstruction project at 6:30 p.m.

Mayor Anderson opened the public meeting at 6:34 p.m. City Administrator LeAnn 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 6:34 p.m.

Public hearing on proposal to vacate an unneeded alley and to convey the same by quit claim deed to the current adjoining property owner, subject to terms, and reserving all easements as may be presently existing for utilities at 6:35 p.m.

Mayor Anderson opened the public meeting at 6:35 p.m. City Administrator LeAnn 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.

Public hearing on Chapter 35 Fire Department concerning removing 35.03 approval by council at 6:36 p.m.

Mayor Anderson opened the public meeting at 6:36 p.m. City Administrator LeAnn 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 6:37 p.m.

Public hearing on Chapter 56 Dog License required concerning removal of Chapter 56 (56.01-56.07) at 6:37 p.m.

Mayor Anderson opened the public meeting at 6:37 p.m. City Administrator LeAnn 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 6:38 p.m.

Public hearing on Chapter 57 Dangerous and Vicious animals concerning amendment of Chapter 57.05 (2) at 6:38 p.m.

Mayor Anderson opened the public meeting at 6:38 p.m. City Administrator LeAnn 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 6:39 p.m.

ACTION AND DISCUSSION ITEMS

Resolution awarding bid for the 2021 City of Milford P Ave and 13th Street Reconstruction Project.

Motion by Yungbluth second by Eckard to approve **Resolution 21-27** Resolution awarding bid for the 2021 City of Milford P Ave and 13th Street Reconstruction Project. Roll call vote. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried. The project was awarding to Beck Excavating out of Spirit Lake, Ia.

Resolution approving the vacation of an unneeded alley and to convey the same by quit claim deed to the current adjoining property owner, subject to certain terms, and reserving all easements as may be presently existing for utilities

Motion by Eckard second by Gebhart to approve **Resolution 21-28** Resolution approving the vacation of an unneeded alley and to convey the same by quit claim deed to the current adjoining property owner, subject to certain terms, and reserving all easements as may be presently existing for utilities. Roll call vote. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried

Resolution approving payment No. 8 to Hulstein Excavating, Inc. for the 2019 City of Milford H Avenue Reconstruction Project Phase III.

Motion by Yungbluth second by Eckard to approve **Resolution 21-29** Resolution approving payment No. 8 to Hulstein Excavating, Inc. for the 2019 City of Milford H Avenue Reconstruction Project Phase III. Roll call vote. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried

Resolution approving Professional Service Agreement amending No.3 between Beck Engineering, Inc. and the City of Milford regarding the 2021 P Avenue and 13th Street Reconstruction Project.

Motion by Yungbluth second by Eckard to approve **Resolution 21-30** Resolution approving Professional Service Agreement amending No.3 between Beck Engineering, Inc. and the City of Milford regarding the 2021 P Avenue and 13th Street Reconstruction Project. Roll call vote. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried

Resolution to setting the date for a public hearing on a proposal to enter into a General Obligation Corporate Purpose Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$900,000.

Motion by Gebhart second by Hinshaw to approve **Resolution 21-31** Resolution to setting the date for a public hearing on a proposal to enter into a General Obligation Corporate Purpose Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$900,000. Roll call vote. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried

First consideration to vacate approving vacation of an unneeded alley and to convey the same by quit claim deed to the current adjoining property owner, subject to terms, and reserving all easements as may be presently existing for utilities.

Motion by Eckard second by Yungbluth to approve first reading of **Ordinance 3-8-21** to vacate approving vacation of an unneeded alley and to convey the same by quit claim deed to the current adjoining property owner, subject to terms, and reserving all easements as may be presently existing for utilities. Roll call vote. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried

Consider waiving the second and third reading and passage of an ordinance to vacate an unneeded alley and to convey the same by quit claim deed to the current adjoining property owner, subject to terms, and reserving all easements as may be presently existing for utilities.

Motion by Yungbluth second by Gebhart to waive the second and third reading of **Ordinance 3-8-21** to vacate approving vacation of an unneeded alley and to convey the same by quit claim deed to the current adjoining property owner, subject to terms, and reserving all easements as may be presently existing for utilities. Roll call vote. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried.

Motion by Hinshaw second by Gebhart to adopt **Ordinance 3-8-21** to vacate approving vacation of an unneeded alley and to convey the same by quit claim deed to the current adjoining property owner, subject to terms, and reserving all easements as may be presently existing for utilities. Roll call vote. Voting aye: Hinshaw, Yungbluth and Eckard. Nay: None. Motion carried

First consideration of an Ordinance amending the Code of Ordinances of the City of Milford, Iowa by amending Chapter 35.03 regarding approval by the City Council of member of the Fire Department.

Motion by Yungbluth second by Hinshaw to approve first reading of **Ordinance 3-8-21A** an Ordinance amending the Code of Ordinances of the City of Milford, Iowa by amending Chapter 35.03 regarding approval by the City Council of member of the Fire Department. Roll call vote. Voting aye: Hinshaw, Yungbluth and Eckard. Abstain: Gebhart. Nay: None. Motion carried

Consider waiving the second and third reading and passage of an ordinance amending the Code of Ordinances of the City of Milford, Iowa by amending Chapter 35.03 regarding approval by the City Council of member of the Fire Department.

Motion by Hinshaw second by Eckard to waive the second and third reading of **Ordinance 3-8-21A** an Ordinance amending the Code of Ordinances of the City of Milford, Iowa by amending Chapter 35.03 regarding approval by the

City Council of member of the Fire Department. Roll call vote. Voting aye: Hinshaw, Yungbluth and Eckard. Abstain: Gebhart. Nay: None. Motion carried

Motion by Yungbluth second by Hinshaw to adopt **Ordinance 3-8-21A** an Ordinance amending the Code of Ordinances of the City of Milford, Iowa by amending Chapter 35.03 regarding approval by the City Council of member of the Fire Department. Roll call vote. Voting aye: Hinshaw, Yungbluth and Eckard. Abstain: Gebhart. Nay: None. Motion carried. After the meeting it was determined that waiver of the second and third considerations did not have the requisite number of votes under Iowa Code § 380.3, and so the second and third considerations of the ordinance will be at a future meeting.

First consideration of an Ordinance amending the Code of Ordinances of the City of Milford, Iowa by amending Chapter 56 Dog License Required concerning dog licensing in Milford, Iowa.

Motion by Hinshaw second by Gebhart to approve first reading of **Ordinance 3-8-21B** an Ordinance amending the Code of Ordinances of the City of Milford, Iowa by amending Chapter 56 Dog License Required concerning dog licensing in Milford, Iowa. Roll call vote. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried

Consider waiving the second and third reading and passage of an ordinance amending the Code of Ordinances of the City of Milford, Iowa by amending Chapter 56 Dog License Required concerning dog licensing in Milford, Iowa.

Motion by Gebhart second by Yungbluth to waive the second and third reading of **Ordinance 3-8-21B** an Ordinance amending the Code of Ordinances of the City of Milford, Iowa by amending Chapter 56 Dog License Required concerning dog licensing in Milford, Iowa. Roll call vote. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried

Motion by Yungbluth second by Gebhart to adopt **Ordinance 3-8-21B** an Ordinance amending the Code of Ordinances of the City of Milford, Iowa by amending Chapter 56 Dog License Required concerning dog licensing in Milford, Iowa. Roll call vote. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried

First consideration of an Ordinance amending the Code of Ordinances of the City of Milford, Iowa by amending Chapter 57, Dangerous and Vicious Animals, concerning removal or disposal of a Dangerous and /Or Vicious Animals in Milford, Iowa.

Motion by Yungbluth second by Hinshaw to approve first reading of **Ordinance 3-8-21C** an Ordinance amending the Code of Ordinances of the City of Milford, Iowa by amending Chapter 57, Dangerous and Vicious Animals, concerning removal or disposal of a Dangerous and /Or Vicious Animals in Milford, Iowa. Roll call vote. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried

Consider waiving the second and third reading and passage of an ordinance amending the Code of Ordinances of the City of Milford, Iowa by amending Chapter 57, Dangerous and Vicious Animals, concerning removal or disposal of a Dangerous and /Or Vicious Animals in Milford, Iowa

Motion by Yungbluth second by Gebhart to waive the second and third reading of **Ordinance 3-8-21C** an Ordinance amending the Code of Ordinances of the City of Milford, Iowa by amending Chapter 57, Dangerous and Vicious Animals, concerning removal or disposal of a Dangerous and /Or Vicious Animals in Milford, Iowa. Roll call vote. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried.

Motion by Hinshaw second by Gebhart to adopt **Ordinance 3-8-21C** an Ordinance amending the Code of Ordinances of the City of Milford, Iowa by amending Chapter 57, Dangerous and Vicious Animals, concerning removal or disposal of a Dangerous and /Or Vicious Animals in Milford, Iowa. Roll call vote. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried

Consideration and possible approval on Memorandum of Understanding between the City of Milford and Milford Municipal Utilities in regards to P Avenue and 13th Street Reconstruction project. Motion by Hinshaw second by Yungbluth to approve Memorandum of Understanding between the City of Milford and Milford Municipal Utilities in regards to P Avenue and 13th Street Reconstruction project. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried.

Approve Agreement between Northwest Iowa Planning and Development Commission and the City of Milford Shield Program. Motion by Hinshaw second by Gebhart to approve Agreement between Northwest Iowa Planning and Development Commission and the City of Milford Shield Program. Voting aye: Hinshaw, Frederick, Yungbluth and Eckard. Nay: None. Motion carried.

Residential tax abatement Adara Properties, LLC-2809 Bonnie Lane

Motion by Hinshaw second by Eckard to approve residential tax abatement Adara Properties, LLC-2809 Bonnie Lane. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried.

COMMENTS BY MAYOR, COUNCIL, AND STAFF

City Administrator Reinsbach noted she would be on vacation the rest of the week so the minutes will be typed up by Deputy City Clerk Carrie Funk. With no other discussion, motion to adjourn by Yungbluth second by Gebhart at 7:05 p.m. All voting aye. Motion carried.

Respectfully submitted,

Steven R. Anderson, Mayor

Carrie Funk, Deputy City Clerk