

MILFORD CITY COUNCIL
 REGULAR MEETING
 May 13, 2019
 6:30 PM

The Milford City Council met in regular session May 13, 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: City Administrator LeAnn Reinsbach, City Attorney David Stein, Police Chief Bob Clark, Public Works Supervisor Kent Eilers, Herman Richter, Bill Reinsbach, John Wills, Todd Johnson, Garrett Richardson, Andy Avirz, Blake Johnson, Keegan Wagner, Sophie Hinn, Kolby Kendall, Carson Jungjohan, and Dennis Black

Steve Anderson led the Pledge of Allegiance.

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

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

Items on the Consent Agenda were as follows:

- Minutes April 22, 2019 council meeting
- Liquor license renewal Pioneer Theatre
- Liquor license renewal Out Back Lounge
- Liquor license renewal Dollar General Store # 17926
- Monthly bills as listed below: (approved) and bills paid in vacation

ADVANCED SYSTEMS INC	FIRE DEPT COPIER	\$87.20
AFLAC	AFLAC PRE TAX	\$1,281.15
ALLIANT ENERGY	SIGN UTILITY	\$21.96
AMAZON/SYNCB	LIBRARY SUPPLIES	\$336.15
AMERICAN FENCE COMPANY INC.	PARKS BACKSTOP INSTALL	\$3,486.00
ANDERSON, GILLIAN	LIBRARY REIMBURSE	\$90.68
ARNOLD MOTOR SUPPLY	APRIL INVOICES	\$1,476.73
ARTHUR J. GALLAGHER & CO	19-20 AIRPORT GEN LIAB RENEW	\$1,933.00
BAKER & TAYLOR INC.	LIBRARY BOOKS	\$1,033.89
BECK ENGINEERING INC	H AVE RECON PROJECT SERVICES	\$7,128.75
BERGLUND, SCOTT	P&Z MTG 4/18/19	\$25.00
BERNING, SHELLY	LIBRARY BRD MTG 5/1/19	\$25.00
BLACK HILLS ENERGY	FIRE DEPT UTILITY	\$346.79
BLANK PARK ZOO	LIBRARY TRAINING SCHULTZ	\$327.22
BOMGAARS	PARKS SUPPLIES	\$280.56
BOYER TRUCKS	SEWER VEHICLE MAINT	\$136.15
BRINKS CONSULTING	MARCH/APRIL SERVICES	\$1,123.00
C & B OPERATIONS, LLC	PARKS MOWER SUPPLIES	\$73.45
C & B OPERATIONS, LLC LP	2019 PARKS GATOR RENTAL	\$2,250.00
CARD SERVICES CENTER	FIRE DEPT SCHOOL/TRAINING	\$3,080.84
CARPENTER, JIM	FIRE DEPT REIMBURSE PARKING	\$20.00
CARROLL CONSTRUCTION SUPP	STORM SEWER REPAIR SUPPLIES	\$68.80
CENTRAL STATES SOUTHEAST & S	EE HEALTHCARE	\$17,222.40
COLEMAN, VAUGHN	AIRPORT JANITORIAL	\$125.00
CONSUMERS LUMBER	PUBLIC WORKS BUILD MAINT	\$30.00
COOKINHAM, JEFF	LIBRARY BRD MTG 5/1/19	\$25.00
COOPERATIVE ENERGY COMPANY	APRIL FUEL INVOICES	\$2,335.67
DENNIS E MERRY	APRIL JANITORIAL SERVICES	\$1,700.00
DICKINSON COUNTY CONSERVATI	APRIL GREEN WASTE DISPOSAL	\$440.00
DICKINSON COUNTY NEWS	APRIL ADS	\$623.82
DICKINSON COUNTY TRAILS	FY19 TRAILS BOARD FEE	\$6,260.00
DICKINSON RECORDER	RECORDING FEES	\$57.00
DOTSON, DENNIS	LIBRARY BRD MTG 5/1/19	\$25.00
FFRS	FIRE DEPT YEARLY SUBSCRIPT	\$776.77
FIRE SERV TRAINING BUREAU	FIRE DEPT TRAINING SUPPLIES	\$476.00
FRANKLIN, ELAINE	LIBRARY BRD MTG 5/1/19	\$25.00
FRONTLINE PLUS	FY19 SIREN SERVICE	\$750.00
GALE GROUP	LIBRARY BOOKS	\$57.53
GALLS LLC	CLARK CLOTHING ALLOWANCE	\$368.37
GAÑO, JOANN	LIBRARY BRD MTG 5/1/19	\$25.00
GENERAL DRIVERS UNION	UNION DUES	\$322.00
GENERAL TRAFFIC CONTROLS	HWY 71 & 10TH SERVICE CALL	\$375.00

GREAT AMERICA LEASING CORP.	LIBRARY COPIER	\$110.43
HOLIDAY INN DES MOINES AIRPORT	REINSBACH TRAINING ACCOMO	\$302.40
HTM SALES INC.	SEWER SUPPLIES	\$493.87
IA DEPT OF PUBLIC SAFETY	POLICE SERVICE FEES	\$300.00
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$7,633.60
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$7,321.30
IOWA GREAT LAKES SANITARY	SEWER SUPPLIES	\$35.00
IA. LAKES COMM. COLLEGE	FIRE DEPT LOERTS HAZMAT REFRE	\$12.00
IOWA LAKES ELECTRIC COOP	PHEASANT LN STREET LIGHTING	\$708.00
IOWA ONE CALL	LOCATES	\$25.20
IPERS	IPERS PROTECTN	\$15,024.41
JCL SOLUTIONS-JANITORS CLOSET	JANITORIAL SUPPLIES	\$128.65
JENNINGS TOW & REPAIR	PUBLIC WORKS SHOP SUPPLIES	\$20.88
JUNIOR LIBRARY GUILD	LIBRARY BOOKS	\$441.70
KILTS, RICK	LIBRARY BRD MTG 5/1/19	\$25.00
KIMBALL MIDWEST	SEWER SUPPLIES	\$7.22
KNIGHT PROTECTION	FIRE DEPT ANNUAL ALRM TEST	\$750.00
LAKES NEWS SHOPPER	APRIL ADS	\$356.40
LINGO	306 Q LIFT STATION	\$59.43
LINGO	306 Q AVE LIFT STATION	\$59.43
M & T FIRE AND SAFETY	FIRE DEPT SUPPLIES	\$1,034.00
MAXYIELD COOPERATIVE	FIRE DEPT FUEL	\$218.23
MED COMPASS	FIRE DEPT TESTING	\$2,578.00
MENARDS - SPENCER	PARKS BALL FIELD SUPPLIES	\$145.64
METICULOUS CLEAN	FIRE DEPT JANITORIAL	\$214.00
MID-AMERICAN RESEARCH CHEMIC	PARKS SUPPLIES	\$1,184.37
MIDAMERICA BOOKS	LIBRARY BOOKS	\$81.75
MIDWEST BREATHING AIR L.L.C.	FIRE DEPT QRTLTY TESTING	\$548.45
MILFORD COMMUNICATIONS	FIRE DEPT CABLE/INTERNET	\$727.46
MILFORD ELECTRIC INC.	BALLAST REPLACE CC/LIBR	\$150.82
MILFORD MUNICIPAL UTILITY	APRIL UTILITIES	\$8,219.56
NELSON, WANDA	P&Z MTG 4/18/19	\$25.00
NORTHWEST GLASS COMPANY	CITY CLERK DRIVE UP WINDOW	\$386.60
NORTHWEST MANURE MNGMT	PUMP FOR FLOODING	\$14,118.00
NWIPDC	SHIELD FY19 4TH DRAW	\$3,000.00
OVERDRIVE INC.	LIBRARY BOOKS	\$66.50
PAPE, JULIE	P&Z MTG 4/18/19	\$25.00
PITNEY BOWES	POSTAGE LEASE	\$193.65
PURCHASE POWER	CITY HALL POSTAGE MACHINE	\$201.00
CAMPUS CLEANERS	LIBRARY SERVICES	\$137.55
REINSBACH, LEANN	TRAVEL/ALEXANDERGC REIMBUR	\$312.41
RICK'S PEST CONTROL	FIRE DEPT SERVICES	\$95.00
SCHULTZ, BECCA	LIBRARY CRAFTS REIMBURSE	\$290.95
SECURE BENEFITS SYSTEMS	EE FSA CONTRIBUTIONS	\$377.57
SECURE BENEFITS SYSTEMS	EE FSA CONTRIB	\$259.88
SEXTON, BRENT	P&Z MTG 4/18/19	\$25.00
SHELTERED REALITY, INC.	LIBRARY SUMMER PERFORMANCE	\$350.00
SHORTLEY, MICHELE	LIBRARY BRD MTG 5/1/19	\$25.00
SIMINGTON, BRAD	P&Z MTG 4/18/19	\$25.00
SIMMERING CORY IA CODE	MAY 2019 SUPPLEMENT	\$197.00
STEIN LAW OFFICE	APRIL LEGAL SERVICES	\$1,560.23
STOREY KENWORTHY	OFFICE SUPPLIES	\$182.04
SUNSHINE FOODS	LIBRARY SUPPLIES	\$70.18
SYBESMA GRAPHICS INC,	PD NEW TRUCK GRAPHICS	\$750.00
TIEL SANFORD MEMORIAL FND	LIBRARY PROGRAM	\$200.00
TREAS. - STATE OF IOWA	QRTRLY SALES TAX	\$1,822.00
TREASURER, STATE OF IOWA	STATE TAXES	\$3,700.00
TRUE VALUE-MILFORD	APRIL INVOICES	\$328.05
U.S. BANK EQUIP FINANCE	CITY HALL COPIER	\$201.15
UNITED COMMUNITY BANK FOR PE	LIBRARY POSTAGE	\$183.08
UNITY POINT CLINIC-OCCUPATIONA	TESTING	\$42.00
VERIZON WIRELESS	CELL/LAPTOP SERVICES	\$430.59
VODVILL ENTERTAINMENT CO	LIBRARY PROGRAM	\$400.00
WEDEKING PIT & PLANT	CRUSHED ROCK FOR FLOODING	\$232.50
WEDEKING PIT & PLANT	SEWER SUPPLIES	\$124.09
WITTRUCK LAWN SERVICE	CEMETARY FERTILIZE/WEED CONT	\$1,400.00
TOTAL ACCOUNTS PAYABLE		\$137,306.10
PAYROLL CHECKS		\$42,831.32
**** PAID TOTAL ****		\$180,137.42

Paid from the following funds: General Fund: 110,984.22; Road Use Tax: 18,183.60; Employee Benefits: 14,407.20; Hotel/Motel Tax: 6,260.00; Capitol Equipment LOST: 1,220.00; Capitol Project Reserve: 750.00; H Ave project: 2,324.14; FEMA Flood 2019 Project: 14,486.77 Sewer Utility Fund: 10,050.69; Storm Water Utility Fund: 1,470.80

Monthly Clerk's/Treasurers Report with the following receipts: General Fund: 468,826.14; Road Use Tax: 15,772.19; Employee Benefits: 130,754.88; Hotel/Motel Tax: 281.80; TIF: 257,236.84; LMI Fund: 1,831.69; Debt Service: 103,638.84; Capitol Equipment (LOST) 1,408.99; Capital Project Reserve: 4,988.38; Sewer Utility: 23,246.75; Storm Water Utility: 10,427.12

CITIZEN OPPORTUNITY FOR COMMENT

REPORTS

Board/Commission Reports

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

ACTION & DISCUSSION ITEMS

Review offer to purchase former Smith property from Milford Development, Inc.

Mayor Anderson started off by saying he and Councilman Hinshaw had met with members of Milford Development, Inc. to discuss the possibility of the City to purchase the former Smith property back. In a letter to Mayor Anderson the Milford Development group is proposing to sell the property back to the City for \$300,000. Hinshaw went on to say he was on the council when the City purchased the Smith property and the thought process at the time was to tear down the Gressley building and use that as a walkway for additional parking with the possibility that maybe a couple of businesses would develop in that area. Hinshaw also noted that there was talks about moving the city offices to this location so that the library could expand if needed. Resident and former Mayor Reinsbach expressed his concern and frustration about the city purchasing the property back, what it would do to the tax roll and also commented it should not be the responsibility of the city to provide parking to businesses. Mayor Anderson disagreed stating that not providing parking is absolutely wrong because in business commercial we do not require them to have parking. City Administrator Reinsbach noted that when the city sold the lot an Economic Development Fund was set up and there has been expenses made from this fund as incentives for Safco and Grapetree Medical Staffing, Inc. Mayor Anderson also commented if we continue with the Economic Fund we need to start thinking about contributing annually. After further discussion motion by Yungbluth second by Huse to table the matter until council can review a comprehensive use plan. Voting aye: Olsen, Frederick, Yungbluth, and Huse. Nay: Hinshaw.

Dickinson County Water Quality Commission update- John Wills

Mr. Wills handed out information in regards to the history of the Water Quality Commission and explained the \$13,000 the city funds every year goes towards keeping pollutants out of the lake so that the lakes stay pristine and clean. John also touched on sediment and phosphorous reduction and explained in the last 17 years the WQC has spent approximately \$3.3 million on projects while taking in close to \$27 million in funding mechanism. Information can also be found on cleanwateralliance.net. Council thanked John for coming and asked that he make a point to attend a meeting this fall during budget season for further project updates.

Discussion in regards to nuisance properties

Council reviewed citizen complaints and pictures from 502 and 601 Q Avenue. City Administrator Reinsbach noted letters have been sent but it appears nothing is being done at 502 Q Avenue based on pictures in the last three weeks and the homeowner said she can't get anything done until the week of June 10th. Eric Berg was in the audience and expressed his concern that the amount of stuff that has piled up over the years devalues his property and wants the city to hold up to the ordinances. Councilman Yungbluth asked what happens if the violation isn't corrected by time frames noted on courtesy notice. City Attorney Dave Stein noted a municipal infraction could be cited or another angle would be as a private property owner you could bring a nuisance action against the neighbor. Typically the city would take the lead on something like this. Council discussed giving allowing extensions on both properties. Motion by Yungbluth second by Olsen to send a second courtesy notice to the homeowner at 502 Q Avenue giving them until June 10th to clean up property and if nothing is done further legal action will take place. All voting aye: Motion carried. Motion by Yungbluth second by Hinshaw to send a second courtesy notice to the homeowner at 601 Q giving them until June 10th to clean up property and if nothing is done further legal action will take place. All voting aye: Motion carried. The council discussed property at 409 Q Avenue and it appears no one is living there. Motion by Yungbluth second by Hinshaw to have City Attorney Dave Stein to do some research on this with respect to a possible estate and work internally on this property. Eric Berg also said he would be interested in helping out if needed.

Review and decide on new city equipment logo-decals

Council reviewed the logo/decals provided from Top Notch Graphics and Amy's Sign Design. Motion by Hinshaw second by Yungbluth to go with the boxed in logo from Amy's Sign Design. All voting aye. Motion carried.

Discuss first payment pledge for MillStone Park

City Administrator noted she was not able to attend the Millstone Conference call on April 18th but part of the agenda was to discuss the timeframe for sending an invoice for \$4,000 that was part of the \$20,000 pledge spread out over 5 years using hotel motel revenue. Motion by Yungbluth second by Hinshaw the 1st invoice may be sent any time after July 1st, 2021. All voting aye. Motion carried. Reinsbach noted she would pass the information along.

Discuss changing May 27th meeting date due to Memorial Day

Motion by Yungbluth second by Huse to move the council meeting to Tuesday May 28th, 2019. All voting aye. Motion carried.

Discuss meeting topics for joint MMU meeting on June 10th

City Administrator Reinsbach noted she got a response back from General Manager Eric Stoll to hold a joint meeting on June 10th. Reinsbach asked council for agenda discussion points. Topics discussed were the overall cost on the 10th St. lighting project, review 5-10 year project plans, solar farm, green utility boxes stored south of the substation, street lighting from 28th St to 202nd St., Right of Way agreements with utilities.

Update on street light down on P Ave

Reinsbach noted a street light went down middle of April and we do not have any in stock. She spoke with Eric Stoll about possible taking one from the South Shore area but after talking with Public Works Director Kent Eilers we didn't think this was a good idea. The cost to replace is more than our 500.00 deductible. After further consideration motion by Yungbluth second by Olsen to ask the utilities to cap it off in the same way it was done in the Gressley Park area. All voting aye. Motion carried. Reinsbach will reach out to MMU.

Discuss excess sewer usage for Robert Halquist 402 Q Avenue

Mayor Anderson noted we had this same situation in March but because the billing got caught up in two different cycles this wasn't addressed all together. Motion by Hinshaw second by Yungbluth to waive the excess sewer charges in the amount of \$53.17. All voting aye. Motion carried.

Approve City Administrator to attend Iowa League of Cities Annual Conference & Exhibit September 25-27th, 2019

Motion by Yungbluth second by Hinshaw to approve City Administrator to attend Iowa League of Cities Annual Conference & Exhibit September 25-27th, 2019. All voting aye: Motion carried.

Review/approve 5K Run/Walk route on July 27th in conjunction with Pioneer Days

Motion by Yungbluth second by Olsen to approve 5K Run/Walk route on July 27th in conjunction with Pioneer Days. All voting aye: Motion carried.

Approve Transient Merchant license- McCreary's Creative Catering

Motion by Hinshaw second by Yungbluth to approve Transient Merchant license for McCreary's Creative Catering. All voting aye. Motion carried.

Approve Transient Merchant license-Papa's Smok'in Meat

Motion by Yungbluth second by Huse to approve Transient Merchant license for Papa's Smok'in Meat. All voting aye. Motion carried.

Approve Transient Merchant license- The Grub Hub

Motion by Hinshaw second by Frederick to approve Transient Merchant license for The Grub Hub. All voting aye. Motion carried.

Resolution appointing shared Public Works and Park Department employee

Motion by Yungbluth second by Olsen to approve **Resolution 19-27** Resolution appointing shared Public Works and Park Department employee. Roll call vote. Voting aye: Hinshaw, Olsen, Frederick, Yungbluth and Huse. Nay: None. Motion carried.

Resolution Authorizing Internal Advances for Funding of Urban Renewal Project

Motion by Hinshaw second by Huse to approve **Resolution 19-28** Resolution Authorizing Internal Advances for Funding of Urban Renewal Project. Roll call vote. Voting aye: Hinshaw, Olsen, Frederick, Yungbluth and Huse. Nay: None. Motion carried.

Resolution setting public hearing to consider applications for rezoning in accordance with Article 22, 22.3 and other applicable provisions of the Milford City Zoning Ordinances

Motion by Hinshaw to table public hearing due to concerns on what will actually be done with property. City Administrator explained this resolution is to set the public hearing and after the public hearing council can decide what they want to do. Hinshaw then withdrew his motion. Motion by Yungbluth second by Huse to approve **Resolution 19-29** Resolution setting public hearing to consider applications for rezoning in accordance with Article 22, 22.3 and other applicable provisions of the Milford City Zoning Ordinances. Roll call vote. Voting aye: Hinshaw, Olsen, Frederick, Yungbluth and Huse. Nay: None. Motion carried. The public hearing will be June 10th at 6:30 p.m.

Resolution consenting to assignment of Trustee Agent Agreement; Escrow Agent Agreements; and/or Paying Agent and Registrar and Transfer Agent Agreements

City Attorney recommended that additional language under section 1. to include “as modified by any suggestion by the City Attorney and/or Bond Counsel. Motion by Yungbluth second by Hinshaw to approve **Resolution 19-30** Resolution consenting to assignment of Trustee Agent Agreement; Escrow Agent Agreements; and/or Paying Agent and Registrar and Transfer Agent Agreement based on additional recommended language from Attorney Stein. Roll call vote. Voting aye: Hinshaw, Olsen, Frederick, Yungbluth and Huse. Nay: None. Motion carried.

Citizen complaint Dennis Clark

Council reviewed complaint form and pictures provided in council packet with respect to property to the west of Oak Hill Outdoor owned by Danbom Properties. Dennis Clark was at the meeting and commented it’s just not property within the city limits of Milford and he plans to attend a council meeting in West Okoboji and also contact the county and state to clean up this area. Council agreed to send a courtesy notice to clean up the area that falls within the city limits of Milford. Dennis requested a copy of the letter to be sent.

COMMENTS BY MAYOR, COUNCIL, AND STAFF

Councilman Yungbluth wanted to just touch on the public hearing portion on rezoning. Yungbluth said he has received quite a few phone calls on this rezoning and like Hinshaw he wants to see a plan. There was also concern with all the spare utility boxes. Zoning Administrator Don Brinkley commented that is why we have public hearings to get public comments and they will probably have to do something with sound. Mayor Anderson said he is working on a letter to send to Governor Kim Reynolds in regards to Senate File 634.

With no other discussion, motion to adjourn by Olsen second by Yungbluth at 8:10 p.m. All voting aye. Motion carried.

Respectfully submitted,

Steven R. Anderson, Mayor

LeAnn Reinsbach, City Administrator/Clerk