

MILFORD CITY COUNCIL
REGULAR MEETING
MAY 23, 2016
6:30 PM

The Milford City Council met in regular session May 23, 2016 at 6:30 p.m. in the Community Center Board Room
Mayor Reinsbach presided.

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

Absent: None

Others present: LeAnn Houge-City Administrator/Clerk

Mayor Reinsbach led the Pledge of Allegiance.

Motion by Simpson second by Walters 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 9, 2016 regular meeting
- Outback Lounge liquor license renewal
- The Office Lounge liquor license new
- Casey's liquor license renewal
- Discovery House- Thank you

ACTIONS & DISCUSSION ITEMS

Approve employment of police officer

City Administrator Houge reviewed with council the Personal Committee's interview process and recommendation to hire Robert Zalabowski. We need to buyout his academy reimbursement contract from Estherville, so we will have him sign a 3 year reimbursement contract with the City of Milford. Motion by Olsen, second by Huse to hire Robert Zalabowski at \$20.87 and in 6 months move to \$21.54. Aye: Simpson, Olsen, Rolling, Walters and Huse. Nay: None motion passed.

Street lighting

Logan Davids was at the meeting to discuss purchasing street lights to replenish stock as we currently are out. The company we get our lights from is running a special on LED lighting. He stated the differences between standard lights versus LED and that in the long run, LED would save us money. After some discussion, there was a motion by Huse second by Simpson to purchase 8 LED lights. Aye: Simpson, Olsen, Rolling, Walters and Huse. Nay: None motion passed

Ordinance Amending Chapter 106 Collection of Solid Waste; Section 106.07 Collection Fees; Subsection 1 Schedule of Fees.

Mayor Reinsbach entertained a motion to waive the requirements that **Ordinance 5-23-16** Amending Chapter 106 Collection of Solid Waste; Section 106.07 Collection Fees; Subsection 1 Schedule of Fees be considered at two prior meetings. A motion by Simpson second by Huse to waive the requirement that the **Ordinance 5-23-16** be considered at two prior council meetings. Roll Call: Ayes: Simpson, Olsen, Rolling, Walters, and Huse. Nay: None. Motion passed.

Reinsbach entertained a motion to adopt **Ordinance 5-23-16** Amending Chapter 106 Collection of Solid Waste; Section 106.07 Collection Fees; Subsection 1 Schedule of Fees. A motion was made by Simpson seconded by Rolling to adopt **Ordinance 5-23-16** Roll Call: Ayes: Simpson, Olsen, Rolling, Walters, and Huse. Nay: None. Motion passed.

Resolution 16-18 of intention to dispose of city owned real estate and set public hearing

Motion by Olsen, second by Huse to approve **Resolution 16-18** Intention to dispose of city owned real estate and set public hearing. Roll Call- Aye: Simpson, Olsen, Rolling, Walters and Huse. Nay: None motion passed

Resolution 16-19 approving depositories for city investments

Motion by Olsen, second by Huse to approve **Resolution 16-19** Approving depositories for city investments. Roll Call- Ayes: Simpson, Olsen, Rolling, Walters and Huse. Nay: None motion passed.

Resolution 16-20 to dispose of property according to the Record Retention Manual for Iowa Cities

Motion by Walters, second by Huse to approve **Resolution 16-20** to dispose of property according to the Record Retention Manual for Iowa Cities. Roll Call-Ayes: Simpson, Olsen, Rolling, Walters and Huse. Nay: None motion passed.

Resolution 16-21 setting permit rates for retaining walls and swimming pools

Motion by Olsen, second by Huse to approve **Resolution 16-21** setting the rates for retaining walls and swimming pools. The resolution sets the fee for retaining walls and swimming pools at \$25.00. Roll Call-Ayes: Simpson, Olsen, Rolling, Walters and Huse. Nay: None motion passed.

Resolution allowing residents to keep ducks in the City limits of Milford

Mayor Reinsbach reminded the council that in the past couple of years, they have denied others who approached them about having chickens and/or ducks for 4-H projects and other things. Don Brinkley was present and stated that we have a zoning ordinance in place prohibiting and defining livestock within the City limits. Mayor Reinsbach along with the city attorney stated that we need to have this addressed with the Planning & Zoning Commission as their rules supersede our ordinances. The city attorney also said we should establish a set of rules or standards so there is some consistency in our decisions moving forward. There was a motion by Simpson, second by Huse to table the discussion until the Planning & Zoning Commission can look into it. Ayes; Simpson, Olsen, Rolling, Walters, Huse. Nay: None. Motion passed.

Discuss smoking in public parks

Administrator Houge said the park board asked her to talk to the council about possibly banning smoking in the city parks. The biggest concern is people in the bleachers or areas where people congregate the most and restricting smoking in those areas. It was stated that current Iowa State Law prohibits smoking in the shelter houses and we have signs posted there. It was decided to have the attorney look at the State laws and current smoking bans/ordinances in other cities, work with the City Administrator Houge and the parks board, and draft an ordinance. Mayor Reinsbach asked him to have something to the council by the first meeting in July.

Award bid for 2016 City of Milford Sanitary and Storm Sewer Rehabilitation CIPP Lining project

Brad Beck with Beck Engineering was present to reveal the bids for Milford CIPP lining project. He stated that we had some very good bids come in way under his estimate of \$45,000.00. Hydro-Klean out of Des Moines came in as low bidder at \$30705.20. The Mayor stated that we had budgeted \$50,000.00 for this work and at this price, we should have them do more to get us close to what we budgeted to take advantage of this great price. Brad agreed and said he has or will talk to Kent Eilers on which other areas we should do. Hydro-Klean is working in Spirit Lake so they will probably get started fairly soon. Brad was reminded that we cannot get billed and pay for this until after July 1st to get us into the next fiscal year. A motion was made by Olsen second by Huse to award the bid to Hydro-Klean from Des Moines, IA. Ayes; Simpson, Olsen, Rolling, Walters, Huse. Nay: None. Motion passed.

Resolution 16-22 to set bid date and public hearing on H Avenue from 9th-10th Street

Because Thorstad has not returned Beck Engineering's phone calls to finalize the additional block of H Avenue, Brad Beck suggested we put it out for bids. The city has secured the financing for this project and it is budgeted for next fiscal year. With this information, a motion was made by Olsen second by Huse to set a date of Friday June 10th at 2:00 PM for bid letting and Monday June 13th at 6:45 PM for the public hearing to do the additional block of H Avenue from 9th St. to 10th St.

Mary Kay Rolling property and blanket easements

Mary Kay Rolling presented to the council a map of her property with an area someone wants to purchase highlighted. As there is a blanket easement over the whole property, she is asking the council to agree to remove all or part of the easement. After presenting her information, the city attorney asked her to step out so the council could discuss it. In her absence, the council discussed and agreed to remove the easement on the portion she wants to sell with her assuming all legal costs in doing so. The balance of the property would retain the easement. Ms. Rolling was asked to return to the meeting and was informed of the city's position. The council instructed the attorney to work with Brad Beck on the wording and legal description to lift the easement on the portion she is selling and put a few guidelines in it to make sure elevations and such are kept correct for the purchaser.

Milford Communication franchise agreement/Ordinance

Administrator Houge said that the franchise agreement with Milford Communications is set to expire. They sent a contract to her that they use as a standard with other cities. They would like to not pay a franchise fee to us. Jason Simpson commented when we go to vote on agreements he will abstain from voting as he works part time for Milford Communication. He did express that he doesn't feel we should charge him as we don't for Dish Network. Mayor Reinsbach explained that Dish Network doesn't use our right of ways as other utilities do to run wires and equipment.

Discussion on what to do with the income from the sale of the Smith property.

There was discussion of what to do with the proceeds from selling the Smith property. The council has in the past talked about setting up a jobs trust or other incentives to promote new housing construction and business development. Kiley Miller with the Iowa Corridor had an example of the wording of programs other cities do. There was a motion by Walters second by Huse to have Administrator Houge set up a new Economic Development line item in our accounting software and put the gross proceeds from the property sale into the new account. Ayes; Simpson, Olsen, Rolling, Walters, Huse. Nay: None. Motion passed.

COMMENTS BY MAYOR, COUNCIL AND STAFF

There was some discussion sparked by Mayor Reinsbach as to what to do in regards to the purchase agreement on the Kruse property. Reinsbach expressed his frustration with the council that he feels things get drug out and talked about but never decided on. Without direction it is difficult to know what to do. The sod at the Koth property looks great and there has been a lot of positive comments. Council Simpson said he has received a lot of complaints on property located at 903 Okoboji Avenue, with all the downtown beautification this business looks terrible because of all the garbage in the front window. Council suggested we have the City Attorney Harold Dawson look into condemnation. Simpson also asked if the marquee was coming down above the theater. City Administrator Houge said the only thing that was removed was the front part. Council was concerned that is a huge safety issue and advised the attorney to send the owner a letter. Mary Kay Rolling commented that rental property owned by Larry Cox on 6th Street has been cleaned up and we should be proud of people who take care of rentals. Zoning Administrator Don Brinkley advised council we currently have 11 new homes going up.

With no other discussion, motion to adjourn by Walters second by Huse at 9:12 p.m. Motion carried.

Respectfully submitted,

Bill Reinsbach, Mayor

LeAnn Houge, City Administrator/Clerk