

MILFORD CITY COUNCIL
 REGULAR MEETING
 OCTOBER 10, 2017
 6:30 PM

The Milford City Council met in regular session October 10, 2017 at 6:30 p.m. in the Community Center Board Room Mayor Bill Reinsbach presided.

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

Absent: None

Others present: Kent Eilers, Bob Clark, Adam Kraninger, Joe & Linda Weir, Chuck Peter, Adam Roos, Adam Layman, Jim Early, Matt Lippon, Gaye Ann Demuth, Matt McHugh, Brad Beck, Kerrie Baish, Emily Schaffer and Attorney Harold Dawson

Bill Reinsbach led the Pledge of Allegiance.

Councilman Olsen asked if this was a legal meeting because the date said Monday October 10th instead of Tuesday. Attorney Dawson said it was a typing error Monday vs Tuesday. The meeting can move forward.

Motion by Huse, second by Walter to approve the agenda. Voting aye: Simpson, Rolling, Walters and Huse. Nay: Olsen. Motion carried.

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

Items on the Consent Agenda were as follows:

- Minutes September 25, 2017 meeting
- Apology letter from McClure Engineering
- Letter of resignation from Library Director Beth Sorenson
- Monthly bills as listed below: (approved) and bills paid in vacation

AFLAC	AFLAC PRE TAX	\$767.66
ALLIANT ENERGY	SIGN UTILITY	\$24.83
ALPHA WIRELESS COMM. CO.	PD SUPPLIES	\$110.37
AMAZON/GEIC	LIBRARY BOOKS/DVDS	\$130.97
ANDERSON, GILLIAN	LIBRARY ADLT CRAFTS REIMBU	\$35.48
ANDERSON, STEVE	P & Z MTG 9/21/17	\$25.00
ARNDT, MCINTYRE	FIRE DEPT TRNING MILE REIMBU	\$278.20
ARNOLD MOTOR SUPPLY	SEPTEMBER INVOICES	\$364.68
BAKER & TAYLOR INC.	LIBRARY BOOKS	\$1,264.25
BALLAH ELECTRIC	FIRE DEPT LAMPS	\$299.40
BECK ENGINEERING INC	CITY ENG DUTIES/ALLEY/HUNTE	\$4,917.50
BERNING, SHELLY	LIBRARY BRD MTG 10/4/17	\$25.00
BIRCH	AUGUST PHONE SERVICE	\$58.67
BIRCH	SEPTEMBER SERVICES LIFT STAT	\$58.68
BLACK HILLS ENERGY	FIRE DEPT UTILITY	\$127.56
BOMGAARS	PARKS SUPPLIES	\$498.45
BRINKS CONSULTING	SEPTEMBER SERVICES	\$1,834.50
CARD SERVICES CENTER	FIRE DEPT TRAVEL TRNING	\$1,217.44
CARPENTER, JIM	MILEAGE/CAR RENT REIMBURSE	\$635.02
CENTRAL STATES SOUTHEAST & SOU	EE HEALTHCARE	\$21,909.00
CERTIFIED TESTING SERVICES INC	2017 ALLEY RECONS	\$1,732.00
CHRISTIANS SHEET METAL	FALL SERVICE PLAN	\$650.00
CINTAS	FIRST AID KIT SERVICE	\$62.66
CITY OF LAKE PARK	LIBRARY MILEAGE TWN MEETIN	\$13.65
COFFMAN'S LOCKSMITH SHOP	PD SERVICE	\$157.75
COLEMAN, VAUGHN	AIRPORT SHED JANITORIAL	\$75.00
COOKINHAM, JEFF	LIBRARY BRD MTG 10/4/17	\$25.00
COTTAGE GARDENS	LIBRARY SUPPLIES	\$76.10
CUTTING EDGE SALES & SERVICE	PARKS SUPPLIES	\$249.99
DANNATT, MARY	COMM CTR BRD MTG 10/4/17	\$25.00
DCEMSA	PD LIFE PACK	\$1,180.00
DEKOTER,THOLE,DAWSON,& ROCKM	MISC LEGALS	\$4,272.95
DEMCO	LIBRARY SUPPLIES	\$270.16
DENNIS E MERRY	AUGUST JANITORIAL SERVICES	\$1,700.00
DENNIS E MERRY	SEPTEMBER JANITORIAL SERVIC	\$1,700.00
DICKINSON COUNTY CONSERVATION	SEPT GREEN WASTE FEES	\$1,480.00
ISU EXTENSION	BAISH CONTIN INSTRUCT COURS	\$35.00
DICKINSON COUNTY NEWS	PUBLICATIONS	\$367.08
DICKINSON COUNTY NEWS	SEPTEMBER PUBLICATIONS	\$339.72
DICKINSON COUNTY RECORDER	RECORDER FEES	\$143.00
DOTSON, DENNIS	LIBRARY BRD MTG 10/4/17	\$25.00
FRANKLIN, ELAINE	LIBRARY BRD MTG 10/4/17	\$25.00

FUNK, CARRIE	REIMBURSE FOR PD POSTAGE	\$13.25
FUNK, JOE	BOARD OF ADJUST MTG 9/27/17	\$25.00
GALE GROUP	LIBRARY BOOKS	\$33.76
GANO, JOANN	LIBRARY BRD MTG 10/4/17	\$25.00
GENERAL DRIVERS UNION	UNION DUES	\$310.00
GENERAL TRAFFIC CONTROLS	TRAFFIC SIGNAL SERVICES	\$363.00
GREAT AMERICA LEASING CORP.	LIBRARY COPIER SERVICES	\$110.43
HEMPHILL, LINDA	COMM CTR BRD MTG 10/4/17	\$25.00
HUNTRESS DAVID	BOARD OF ADJUST MTG 9/27/17	\$50.00
IA DEPT OF PUBLIC SAFETY	PD SYSTEM SERVICES	\$300.00
IMFOA	IMFOA REGISTRATION 10/18/17	\$65.00
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$13,932.50
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$11,265.47
INTERSTATE ALL BATTERY CENTER	FIRE DEPT BATTERY	\$219.90
IOWA DEPARTMENT OF TRANSPORTA	ICE MELT FOR SIDEWALKS	\$871.00
IOWA LAKES CORRIDOR		
DEVELOPMEN	20/20 PLEDGE 2OF4 PAYMENT	\$8,940.00
IOWA NARCOTICS OFFICERS ASSOC	JESSE HOSS MEMBERSHIP	\$25.00
IOWA ONE CALL	AUGUST LOCATES	\$123.30
IPERS	IPERS PROTECTN	\$10,083.66
JCL SOLUTIONS-JANITORS CLOSET	SUPPLIES	\$38.21
JENNINGS TOW & REPAIR	PW KEROSENE	\$22.99
JONES, SHERRI	BOARD OF ADJUST MTG 9/27/17	\$50.00
KEIZER, ROBB	COMM CTR BRD MTG 10/4/17	\$25.00
KILTS, RICK	LIBRARY BRD MTG 10/4/17	\$25.00
KRUSE BUICK GMC	PW MAJOR EQUIP REPAIR	\$5,748.77
LAKES NEWS SHOPPER	SEPT ADS	\$85.80
LORENZEN, JASON	BOARD OF ADJUST 9/13/17	\$25.00
MENARDS - SPENCER	PAKRS SUPPLIES	\$487.57
MID-IOWA SOLID WASTE EQUIPMENT	SEWER PARTS FOR JETTER	\$327.53
MILFORD COMMUNICATIONS	FIRE DEPT SERVICES	\$716.49
MILFORD MUNICIPAL UTILITY	SEPTEMBER UTILITY	\$8,285.62
MN/IA LANDFILLS-DICKINSON	DEER CARCUS DISPOSAL	\$25.00
MOVIE LICENSING USA	17-18 LIBRARY COMPLIANCE LICs	\$209.00
NELSON, WANDA	UNCSHED CK REISSUE 6/12&6/26	\$75.00
NORTHWEST IA. PLAN.&DEV.	SHIELD FISCAL YEAR 2018 2ND	\$3,000.00
ORTMAN, RICH	COMM CTR BRD MTG 10/4/17	\$25.00
OVERDRIVE INC.	LIBRARY BOOKS	\$47.99
PAPE, JULIE	P & Z MTG 9/21/17	\$25.00
R & D INDUSTRIES	SERVICE AGREEMENT	\$775.50
RADCLIFFE, JESS	FIRE DEPT TRAVEL REIMBURSE	\$197.95
CAMPUS CLEANERS	CITY HALL SERVICES	\$155.55
REETZ, LEEANN	BOARD OF ADJUST MTG 9/27/17	\$25.00
RICE REPAIR	PARKS ALUM TRAILER	\$50.00
RICK'S PEST CONTROL	FIRE DEPT SERVICES	\$95.00
WEDEKING, SAM	CITY HALL DOWN SPOUTS	\$245.00
SCHLEY, CARLA	LIBRARY BRD MTG 10/4/17	\$25.00
SECURE BENEFITS SYSTEMS	EE HSA	\$593.36
SEXTON, BRENT	P & Z MTG 9/21/17	\$25.00
SIOUX COMMERCIAL SWEEPING INC.	HIWAY 71 CURB SERVICE	\$6,332.76
SORENSEN, BETH	LIBRARY SUPPLIES REIMBURSE	\$28.36
SPENCER AUTO PARTS INC.	PARKS SUPPLIES	\$14.47
STATE STEEL SUPPLY COMPANY	PARK GRILLS REPAIR	\$222.00
STOREY KENWORTHY	OFFICE SUPPLIES	\$370.74
STORY KENWORTHY	LIBRARY SUPPLIES	\$268.08
TREASURER, STATE OF IOWA	STATE TAX	\$3,559.00
TRI STATE PAVING	STREET REPAIR	\$1,800.91
TRI STATE PAVING	STREET PATCHING SUPPLIES	\$5,475.95
TRUE VALUE-MILFORD	SEPTEMBER INVOICES	\$813.60
UNITED COMMUNITY BANK FOR	SEPT LIBRARY POSTAGE	\$114.40
UNITED COMMUNITY BANK FOR PET	PETTY CASH REPLACE PD POST	\$38.71
VANDER HAAG'S INC.	PD CLEANING TOOLS	\$32.68
VERIZON WIRELESS	SEPTEMBER SERVICES	\$495.26
WASTE MANAGEMENT	SEPTEMBER TOTE SERVICE	\$11,736.24
WEDEKING PIT & PLANT	PW/PARK SUPPLIES	\$2,185.94
WITTROCK LAWN SERVICE	CEMETARY MOW	\$750.00
TOTAL ACCOUNTS PAYABLE		\$151,640.42
PAYROLL CHECKS		\$62,102.58
**** PAID TOTAL ****		\$213,743.00

Paid from the following funds: General Fund: 135,169.99; Road Use Tax: 36,860.16; Employee Benefits: 18,148.51; Capital Equipment/Project (LOST): 1,732.00; Sewer Utility Fund: 8,391.11; Garbage Utility: 13,441.23

Monthly Clerk's/Treasurers Report with the following receipts: General Fund: 124,723.63; Road Use Tax: 37,889.01; Employee Benefits: 78,447.33; Hotel/Motel Tax: 61.80; TIF: 46,819.04; LMI Fund: 401.67 K-9: .73; Police Forfeiture: 6,100.00; Debt Service: 25,755.55; Capitol Equipment (LOST): 46,760.39; Capital Project Reserve: 803.34;

CITIZEN OPPORTUNITY FOR COMMENT

REPORTS

Board/Commission Reports

Council reviewed the September Bank Cash report, Clerks/Treasurer report, Monthly Expense and Revenue reports, Police report and August and September Fire Report. September minutes from Park Board, Community Center, Planning & Zoning, Board of Adjustments and Library along with September events. Also reviewed was the Dickinson County Landfill minutes/Treasurer's report from August.

ACTION & DISCUSSION ITEMS

Emily Schaefer and Kerrie Baish –Flip this space project and PBL (Project Based Learning)

Emily Schaefer and Kerrie Baish spoke about PBL (Project Based Learning) and how the Okoboji High School is trying a new initiative this year called J-Term which is a two week period where teachers work together in teams with different various groups of students. The goal is to get more hands on learning, dig in a little deeper and get the students really invested. The teachers and students will come together and learn the concept and learn all that there is to know about Planning & Zoning, work with architects to take a public space and develop it into something beautiful. The time frame for this project will start in January 2018. Kerrie commented they have a student who is currently working on a website that will describe the project and as the project unfolds there will be a section where you can donate to the project and a store (set up within the website) in which you can purchase bench, trees, stone etc. Baish said as the project gets closer the thought right now is to have the students come to a council meeting and show the different ideas and have council decide what project fits the former Koth area the best. City Administrator Reinsbach spoke on behalf of Tim Kinnetz as he was out of town but just wanted to remind council of the school project and the moving of the Millstone, the time capsule project from the 125th celebration is being done collaboratively with the school. She also made note the whole group met in front of the Planning and Zoning last month and all board members are behind the project.

D&W Phase II, review Engineer report and discuss options

Brad Beck summarized his report, basically it's the issues with poor subgrade as well as inconsistency with the asphalt and rock underneath. The geotechnical report and soil boring test support this. The original recommendation back in 2015 to improve and meet standards are as follows:

- Remove all of the payment.
- Remove sanitary sewer main/services and water main service trenches, drying out all the material, and replacing/compacting the material back in the trench.
- Removing, drying out, and placing/compacting the top 24' of subgrade under the granular subbase under all of the streets in 6" lifts.
- Furnishing and placing 4" of hot mix asphalt over 6" of modified subbase on all streets.
- Perform 5 sanitary sewer spot repairs.

These are the issues in trying to get everything uniform. The estimated construction cost in current day dollars is around \$600,000. Typically a new asphalt road with low volume traffic with proper maintenance you hope to get 20 years out of the design life and after that another overlay should get you 35 years with proper maintenance. So basically in this case the road lasted 10 years and the developers put an overlay on in 2016. Beck recommended before another overlay is done it is recommended to place a fabric reinforcement with adhesive on the existing cracks. This will not prevent reflective cracking but delay it. The current day cost of another 2" overlay (not recommended), placing reinforcement with adhesive, raising the manholes/constructing new concrete box-outs would cost approximately \$185,000. Beck could not express enough in order to try and keep the road in fair condition the biggest thing is to get those cracks sealed and the public works department is going to have to try and stay on top of this.

Attorney Harold Dawson took some time to address the council and remind them with respect to the litigation. It's pretty clear that the court indicated the city didn't have to accept the roads in their present condition. Dawson also addressed the city code in relation to subdivisions in particular city code 165.18 that talks about improvements and any improvements need to be done pursuant to engineer report qualifications and if you don't do this a performance bond is required. He also brought up in the past having conversations with the council whether there should be any further building permits issued with respect to the subdivisions and its clear under city code 165.33 when it talks about the subdivisions and enforcement. It states you're not supposed to allow any improvements on the subdivision until the street has been approved. So from a legal standpoint when this was first put together the city should have strictly enforced the subdivision regulations and not allowed any development out there until this matter was taken care of. Because this didn't happen it puts the city council in a position on how this should be addressed being that years later houses have been built and we still have the deficiencies in the road. From a legal standpoint it appears the city throughout the course of this has kind of waived the requirements allowing homes to be built.

Mayor Reinsbach reflected back on the proposed tax increment financing agreement that the city was willing to offer. Reinsbach also commented since Phase II started the city has collected approximately \$139,000.00 in taxes. Beck's

engineering estimate is around \$600,000 if the city were to redo the streets. Reinsbach commented since he came on the board as mayor this situation has been very frustrating. There has been several meetings with the developers and something needs to be done about this situation and it's not fair to put this in the laps off three new council members and possibly a new mayor. Based on the numbers and what Harold views from a legal standpoint Mayor Reinsbach made the recommendation to council that we put this issue behind us and approve the streets. Reinsbach also asked if there are any contingencies that need to be addressed? Beck said the sewer appears to be in pretty good shape there was a few dips however the video is a decade old. The question was asked on how much it would take to televisive and clean the existing sewer. Beck commented it would be approximately \$6,000. Beck said if the council does accept the street it would be nice to see what the sanitary sewer and storm sewer look like in present condition. Mayor Reinsbach also commented if the council does approve to accept the streets that the developers take down any signs that have been put up to try and regulate traffic in The Ponds of Hunter Hills Phase II as it will become the city's responsibility. City Administrator Reinsbach asked if the council does approve the street they should consider putting on conditions. Public Works Director Kent Eilers voiced his concern on the distance between the storm sewer intakes. Councilman Simpson asked if the council were to approve is it better to approve by motion or resolution. City Attorney Harold Dawson advised approving by resolution because it's more of a formal action and you can do a resolution by oral motion tonight. After further discussion Councilman Simpson made a motion to adopt **Resolution 17-47** Accepting the Streets and Infrastructure of the Subdivision of the Ponds of Hunter Hills, Phase II, City of Milford, Iowa. Councilman Walters seconded the motion to adopt **Resolution 17-47** Accepting the Streets and Infrastructure of the Subdivision of the Ponds of Hunter Hills, Phase II, City of Milford, Iowa. Roll call vote: Voting aye: Simpson, Rolling, Walters and Huse. Nay: Olsen. Motion carried.

Discussion on purchase/donation of LED Christmas lights for tree by south Welcome to Milford sign

City Administrator Reinsbach commented we do have some money set aside for Community Beautification. The LED lights were ordered from True-Value and they could just bill the city for 1/3 or approximately \$100.00 of the lights. The Three Sons and MMU are picking up the difference. Motion by Olsen, second by Huse to spend \$100.00. All voting aye: Motion carried.

Resolution Approving the Amended Law Enforcement Services Agreement Between the City of Milford, Iowa and the City of West Okoboji, Iowa, Motion by Rolling, second by Simpson to approve **Resolution 17-48** Resolution Approving the Amended Law Enforcement Services Agreement between the City of Milford, Iowa and the City of West Okoboji, Iowa Roll call vote. Voting aye: Olsen, Simpson, Rolling, Walters and Huse. Nay: None. Motion carried

Resolution Approving Agreement for Mutual Aid Fire and Emergency Services Response in and Around Surrounding Dickinson County, Iowa

Motion by Olsen, second by Huse to approve **Resolution 17-49** Resolution Approving Agreement for Mutual Aid Fire and Emergency Services Response in and Around Surrounding Dickinson County, Iowa. Roll call vote. Voting aye: Olsen, Simpson, Rolling, Walters and Huse. Nay: None. Motion carried

Approve Resolution Setting Public Hearing Regarding Conveyance of Easement to the Iowa Great Lakes Sanitary District Motion by Olsen second by Huse to approve **Resolution 17-50** Resolution Setting Public Hearing Regarding Conveyance of Easement to the Iowa Great Lakes Sanitary District This sets the public hearing for October 23, 2017 at 6:30 p.m. Roll call vote. Voting aye: Olsen, Simpson, Rolling, Walters and Huse. Nay: None. Motion carried

Resolution Approving Payment No.1 to Hulstein Excavating for 2017 City of Milford Alley Reconstruction Project.

Motion by Olsen, second by Huse to approve **Resolution 17-51** Resolution Approving Payment No.1 to Hulstein Excavating for 2017 City of Milford Alley Reconstruction Project. Roll call vote: Voting aye. Olsen, Simpson, Rolling, Walters and Huse. Nay: None. Motion carried.

Ordinance Amending Chapter 135 Street Use and Maintenance; Section 135.12 Dumping of Snow

Councilmember Huse introduced **Ordinance 10-10-17** Ordinance Amending Chapter 135 Street Use and Maintenance; Section 135.12 Dumping of Snow and moved that the requirements that the ordinance be considered at two prior council meetings be waived. Councilmember Olsen seconded the motion to waive the requirements that the ordinance be considered at two prior council meetings. Roll call vote: Voting aye: Simpson, Olsen, Rolling, Walters and Huse. Nay: None. Motion carried.

A motion was made by Huse, second by Walters to adopt **Ordinance 10-10-17** Ordinance Amending Chapter 135 Street Use and Maintenance; Section 135.12 Dumping of Snow and add back in the verbiage "It also is unlawful for any person to push snow or ice on or across any portion of a street in a residential area" Roll call vote. Voting aye: Simpson, Olsen, Rolling, Walters and Huse. Nay: None. Motion carried

Ordinance Amending Chapter 136 Sidewalk Regulations; Section 136.03 Removal of Snow Ice and Accumulations

Councilmember Huse introduced **Ordinance 10-10-17A** Ordinance Amending Chapter 136 Sidewalk Regulations; Section 136.03 Removal of Snow Ice and Accumulations and moved that the requirements that the ordinance be considered at two prior council meetings be waived. Councilmember Walters seconded the motion to waive the requirements that the ordinance be considered at two prior council meetings. Roll call vote: Voting aye: Simpson, Olsen, Rolling, Walters and Huse. Nay: None. Motion carried.

A motion was made by Walters second, by Simpson to adopt **Ordinance 10-10-17A** Ordinance Amending Chapter 136 Sidewalk Regulations; Section 136.03 Removal of Snow Ice and Accumulations
Roll call vote. Voting aye: Simpson, Olsen, Rolling, Walters and Huse. Nay: None. Motion carried

Ordinance Amending Chapter 1 Code of Ordinances; Section 1.14 Standard Penalty

Councilmember Walters introduced **Ordinance 10-10-17B** Ordinance Amending Chapter 1 Code of Ordinances; Section 1.14 Standard Penalty and moved that the requirements that the ordinance be considered at two prior council meetings be waived. Councilmember Huse seconded the motion to waive the requirements that the ordinance be considered at two prior council meetings. Roll call vote: Voting aye: Simpson, Olsen, Rolling, Walters and Huse. Nay: None. Motion carried.

A motion was made by Walters, second by Huse to adopt **Ordinance 10-10-17B** Ordinance Amending Chapter 1 Code of Ordinances; Section 1.14 Standard Penalty. Roll call vote. Voting aye: Simpson, Olsen, Rolling, Walters and Huse. Nay: None. Motion carried

COMMENTS BY MAYOR, COUNCIL, AND STAFF

Mayor Reinsbach was approached about the city moving snow in the Golf Villa Drive area in Nature Trails, he asked this be added to next council agenda for discussion.

City Administrator LeAnn Reinsbach wanted to let council know she had met with Public Works Director Kent Eilers, and Dickinson County Engineer Dan Eckert in regards to a strip of land east of Superior Rentals that is currently in the County. Dan is planning to deed this to the City of Milford for us to take formal action on at a later date. Administrator Reinsbach also said her and Kent had met with Robert Wortman with the Iowa DOT in regards to property north of Superior Rentals which is under jurisdiction of the DOT. This meeting is a result of the Arlen VanderPlaats owner of Superior Rentals wanting to get permission to install a culvert to extend 120 ft. north of the west driveway entrance to help with water run-off from The Dollar General Store location. Until today there has been no documentation to support who had jurisdiction in this area. A copy of this information was given to council.

With no other discussion, motion to adjourn by Olsen second by Huse at 7:51 p.m. All voting aye: Motion carried.

Respectfully submitted,

Bill Reinsbach, Mayor

LeAnn Reinsbach, City Administrator/Clerk