

MILFORD CITY COUNCIL  
 REGULAR MEETING  
 SEPTEMBER 10, 2018  
 6:30 PM

The Milford City Council met in regular session September 10, 2018 at 6:30 p.m. in East ½ of the Community Center Board

Mayor Steve Anderson presided.

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

Absent: Doug Frederick

Others present: City Administrator LeAnn Reinsbach, Don Brinkley, Bob Clark, Rod Simonson and Kent Simonson  
 Steve Anderson led the Pledge of Allegiance.

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

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

Items on the Consent Agenda were as follows:

- Minutes August 17, 2018 council meeting
- Liquor license renewal for The Scoreboard Lounge
- Resignation of Milford Memorial Board Library Board Trustee- Carla Schley
- Monthly bills as listed below: (approved) and bills paid in vacation

AFLAC	AFLAC PRE TAX	\$889.12
ALLIANT ENERGY	SIGN UTILITY	\$23.09
ALPHA WIRELESS COMM. CO.	FIRE DEPT SUPPLIES	\$466.00
AMAZON/GECRB	LIBRARY SUPPLIES/BOOKS	\$351.55
ANDERSON, GILLIAN	LIBRARY CRAFT SUPPLY REIMB	\$203.73
ARNDT, MCINTYRE	ARNDT SAFETY GLASSES REIMB	\$200.00
ARNOLD MOTOR SUPPLY	AUGUST INVOICES	\$499.40
BAKER & TAYLOR INC.	LIBRARY BOOKS	\$1,790.16
BARCO MUNICIPAL PROD. INC	PW SHOP SUPPLIES	\$253.59
BECK ENGINEERING INC	ENGINEER SERVICES FOR SEALC	\$12,892.50
BERNING, SHELLY	LIBRARY BRD MTG 9/5/18	\$25.00
BLACK HILLS ENERGY	FIRE DEPT UTILITY	\$121.44
BOMGAARS	PARKS SUPPLIES	\$1,051.80
BOYER TRUCKS	2019 WESTERN SNOW PLOW	\$58,310.00
BRINKS CONSULTING	AUGUST SERVICES	\$530.50
BROAD REACH	LIBRARY BOOKS	\$135.75
C & B OPERATIONS, LLC	PARKS MOWERS	\$128.70
CARD SERVICES CENTER	FIRE DEPT TRAVEL EXPENSES	\$144.81
CARD SERVICES CENTER	TRAVEL/TRAINING	\$713.11
CENTRAL STATES SOUTHEAST & S	EE HEALTHCARE	\$18,547.20
COLEMAN, VAUGHN	AIRPORT JANITORIAL	\$100.00
CONSUMERS LUMBER	STREET MAINT BARRICADE	\$82.09
COOKINHAM, JEFF	LIBRARY BRD MTG 9/5/18	\$25.00
COOPERATIVE ENERGY COMPANY	AUGUST INVOICES	\$4,182.00
CRYTEEL TRUCK EQUIPMENT	PW VEHICLE MAINT	\$93.50
DANNATT, MARY	COMM CTR MTG 9/5/18	\$25.00
DEMCO	LIBRARY SUPPLIES	\$524.03
DENNIS E MERRY	AUGUST SERVICES	\$1,700.00
DICKINSON CNTY WATER QLTY	18 WATER QLTY COMM CONTRI	\$13,000.00
DICKINSON COUNTY CONSERVATI	AUGUST GREEN WASTE DISPOSA	\$640.00
DICKINSON COUNTY NEWS	PUBLICATION ADS	\$540.83
DICKINSON RECORDER	CHRIS ALGER RECORD FEES	\$27.00
DOTSON, DENNIS	LIBRARY BRD MTG 9/5/18	\$25.00
DUININCK	SOUTH SHORE SCOTT W.	\$3,866.26
FASTENAL	FIRE DEPT SUPPLIES	\$366.76
IOWA STATE UNIVERSITY	FIRE SERVICE TRAINING	\$50.00
FRANKLIN, ELAINE	LIBRARY BRD MTG 9/5/18	\$25.00
GALE GROUP	LIBRARY BOOKS	\$33.74
GALEN'S PRO-MOW	PARKS SHOP SUPPLIES	\$21.70
GANO, JOANN	LIBRARY BRD MTG 9/5/18	\$25.00
GENERAL DRIVERS UNION	UNION DUES	\$377.00
GLOBAL VISION	PARKS SAFETY GLASSES	\$101.95
GREAT AMERICA LEASING CORP.	LIBRARY COPIER	\$110.43
H & D UNDERGROUND, INC.	10TH STREET LED PROJECT	\$3,309.69
HEMPHILL, LINDA	COMM CTR MTG 9/5/18	\$25.00

HOPE HAVEN	STREET MAINT	\$25.30
IMAGINE VIDEO PRODUCTIONS	LIBRARY DVD	\$54.00
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$8,774.28
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$7,882.08
INTERSTATE ALL BATTERY CENTE	FIRE DEPT SUPPLIES	\$659.70
IOWA DIVISION OF LABOR SERVI	FIRE DEPT BOILER SAFETY	\$80.00
IOWA LAKES ELECTRIC COOP	301 PHEASANT LN LIGHTING	\$601.00
IOWA ONE CALL	JULY LOCATES	\$119.70
IPERS	IPERS PROTECTN	\$10,674.40
IPERS	UNION DUES	\$23.54
JCL SOLUTIONS-JANITORS CLOSET	SUPPLIES	\$67.15
KEIZER, ROBB	COMM CTR MTG 9/5/18	\$25.00
KILTS, RICK	LIBRARY BRD MTG 9/5/18	\$25.00
KIMBALL MIDWEST	PW SHOP SUPPLIES	\$237.78
LAKES NEWS SHOPPER	AUGUST ADS	\$217.80
M & T FIRE AND SAFETY	FIRE DEPT SUPPLIES	\$33.00
MATHESON TRI-GAS INC	PW SUPPLIES	\$49.11
MATHESON TRI-GAS INC	PW SHOP SUPPLIES	\$6.46
MAXYIELD COOPERATIVE	PARKS SUPPLIES	\$319.20
MCCREA, JIM	COMM CTR MTG 9/5/18	\$25.00
MENARDS - SPENCER	PARK SUPPLIES	\$1,010.29
METICULOUS CLEAN	FIRE DEPT CLEANING	\$214.00
MID-AMERICAN RESEARCH CHEMI	SEWER CHEMICALS	\$303.09
MID-AMERICAN RESEARCH CHEMI	PARKS WEED KILLER	\$659.42
MILFORD COMMUNICATIONS	FIRE DEPT CABLE/INTERNET	\$722.05
MILFORD MUNICIPAL UTILITY	AUGUST UTILITIES	\$7,546.09
MILFORD WELL SERVICE	PULL LIFT STATION PUMPS	\$325.00
NORTHWEST READY-MIX CONCR	BLOCKS AROUND SALT & SAND	\$937.50
NOVUS WINDSHIELD REPAIR	PD WINDSHIELD RPR 12/15 & 2/28	\$130.00
OFFICE SYSTEMS COMPANY	PD COPIER	\$46.50
OKOBOJI TOURISM COMMITTEE	2018-19 FISCAL YEAR SUPPORT	\$5,000.00
ORTMAN, RICH	COMM CTR MTG 9/5/18	\$25.00
PIONEER THEATRE	LIBRARY SPONSORSHIP	\$48.00
R & D INDUSTRIES	TREND ANTIVIRUS UPGRADE	\$1,648.45
CAMPUS CLEANERS	LIBRARY SERVICES	\$345.45
REGIONAL TRANSIT AUTHORITY	1ST QRT FY19 SERVICES	\$1,875.00
RICK'S PEST CONTROL	FIRE STATION SERVICES	\$95.00
SAINT JOSEPH CATHOLIC CHURCH	COMM CTR ADVERTISING	\$120.00
WEDEKING, SAM	10TH STREET & L AVE REPAIR	\$8,035.69
SCHLEY, CARLA	LIBRARY BRD MTG 9/5/18	\$25.00
SIMMERING CORY IA CODE	AUGUST 2018 SUPP	\$205.00
SPENCER AUTO PARTS INC.	PARKS MOWER SUPPLIES	\$246.16
STEIN LAW OFFICE	AUGUST LEGAL SERVICES	\$3,068.50
STOREY KENWORTHY	CITY HALL SUPPLIES	\$218.85
SUNSHINE FOODS	CITY HALL/PW SUPPLIES	\$91.54
TREASURER, STATE OF IOWA	STATE TAX	\$3,037.00
TRUE VALUE-MILFORD	AUGUST INVOICES	\$568.66
U.S. BANK EQUIP FINANCE	CITY HALL COPIER	\$192.93
UNITED COMMUNITY BANK FOR	LIBRARY POSTAGE	\$112.32
UNITED COMMUNITY BANK FOR P	PD STAMPS/CERT MAIL	\$33.30
VERIZON WIRELESS	AUGUST CELL/LAPTOP SERVICE	\$466.79
WINTER STAVE & CO. LLP	FY 17-18 AUDIT	\$9,000.00
WITTRUCK LAWN SERVICE	CEMETERY MOW 8/2,8/10,8/22,8/3	\$1,500.00
TOTAL ACCOUNTS PAYABLE		\$204,306.51
PAYROLL CHECKS		\$47,300.04
**** PAID TOTAL ****		\$251,606.55

Paid from the following funds: General Fund: 131,179.03; Road Use Tax: 22,571.60; Employee Benefits: 15,732.00; Hotel/Motel: 5,820.00; Capitol Equipment LOST: 58,410.00; H Ave project: 2,025.00; Sewer Utility Fund: 15,668.92; Garbage Utility: 200.00

Monthly Clerk's/Treasurers Report with the following receipts: General Fund: 35,760.87; Road Use Tax: 43,818.37; Employee Benefits: 4,286.60; Hotel/Motel Tax: 31,051.39; TIF: 2941.05; LMI Fund: 1,172.18; Debt Service: 8,226.45; Capitol Equipment (LOST) 49,748.15; Capital Project Reserve: 2,344.35; H Ave project: 1,470.00; Sewer Utility: 28,652.00; Garbage Utility: 18,625.41; Storm Water Utility: 10,376.63

### **CITIZEN OPPORTUNITY FOR COMMENT**

### **REPORTS**

## Board/Commission Reports

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

## PUBLIC HEARING

Public hearing to approve assignment of non-exclusive lease and parking lot agreement Between City of Milford and Union Memorial Church to Faith Community Church of Milford, Iowa. Inc. at 6:30 p.m.

Mayor Anderson opened the meeting at 6:33. With no comments from the audience or oral and written comments received at the City Clerk's office the public hearing was closed at 6:33.

## ACTION & DISCUSSION ITEMS

Resolution approving assignment of non-exclusive lease and parking lot agreement Between City of Milford and Union Memorial Church to Faith Community Church of Milford, Iowa. Inc.

Councilman Olsen asked who owned the parking lot because he counted 29 empty spaces by the Administration building and feels the school is not utilizing the spaces and has taken over the church parking lot. Administrator Reinsbach commented the parking lot to the south of this building belongs to the church and as well as the 1<sup>st</sup> row of parking on the north side of the church. Motion by Yungbluth second by Hinshaw to approve **Resolution 18-42** Resolution approving assignment of non-exclusive lease and parking lot agreement Between City of Milford and Union Memorial Church to Faith Community Church of Milford, Iowa. Inc. Roll call vote. Voting aye: Hinshaw, Olsen, Frederick, Yungbluth and Huse. Nay: None. Motion carried.

Resolution setting date for public hearing on designation of the expanded Milford Urban Renewal area and on Urban Renewal Plan amendment

Motion by Olsen second by Huse to approve **Resolution 18-43** Resolution setting date for public hearing on designation of the expanded Milford Urban Renewal area and on Urban Renewal Plan amendment. Roll call vote. Voting aye: Hinshaw, Olsen, Frederick, Yungbluth and Huse. Nay: None. Motion carried.

Resolution Approving bid for new tanker truck purchase for fire department

Motion by Olsen second by Yungbluth to approve **Resolution 18-44** Resolution Approving bid for new tanker truck purchase for fire department. Roll call vote. Voting aye: Hinshaw, Olsen, Frederick, Yungbluth and Huse. Nay: None. Motion carried.

Residential tax abatement- Shane Neavin

Council reviewed tax abatement and building permit. Mayor Anderson communicated that the property listed on the residential tax abatement is not in compliance with the city zoning. Administrator Reinsbach commented that when Shane applied for the building permit last year it included an accessory building. When it was approved he was told by Don Brinkley it could not be over 850 sq. ft. according to the covenants in South Shore. Don also noted it on the documentation that was included with the original building permit. Shane also built the accessory building to close to the house. Don has tried to work with Shane and in order to make the accessory building be in compliance. A second building permit was required to attach the building to the primary structure (house). That permit was dated on April 2, 2018 and Shane has 180 days to start and two years to finish and as of today he hasn't started. Mayor Anderson made the recommendation to deny permit until Shane brings the property in compliance. Reinsbach also mentioned the check has been cashed. Motion by Hinshaw to refund the \$200.00 and deny tax abatement. After further discussion council expressed concern of continued lack of compliance. Hinshaw withdrew his motion. Motion by Huse, second by Yungbluth to decline residential tax abatement until Shane brings the property in compliance according to zoning regulations and do not refund the \$200.00 application fee. All voting aye. Motion carried.

Discussion on Kent Simonson sanitary sewer hook-up

Reinsbach spoke on behalf of Public Works Supervisor Kent Eilers that before he left on vacation it was decided that Mr. Simonson could bore under 13<sup>th</sup> over to the intersection of 13<sup>th</sup> St. and L Ave to connect to the city's sewer main. Kent and Rod Simonson were present and explained they had talked about connecting sewer with Paul Anderson the property owner to the east. Paul had to put in a new sewer line a couple of years ago and the cleanout is actually on Kent Simonson's lot. Rod Simonson understands that there is an ordinance that does not allow for properties to be connected, but was wondering if council would consider this as a temporary until the A34 project takes place in a few years and at that time they would tie directly into the main. Kent Simonson said he spoke with Paul Anderson and Paul had no issues. Mayor Anderson suggested that some sort of maintenance agreement be drawn up between the two parties in the event there is a plug and it starts backing up in one basement or the other then you're not fighting over who is responsible for doing what. Reinsbach suggested they also include in the agreement the city is not held liable for any damage and that if the property is sold between now and the time A34 project gets started some sort of affidavit be

available so that the agreement can be recorded and tied to the abstract. Motion by Olsen, second by Hinshaw to have Kent Simonson move forward and have an agreement drawn up to include previous discussed stipulations before the next council meeting so formal action be done by resolution. All voting aye: Motion carried.

#### Discussion on vacating alley between 13<sup>th</sup> St and 15<sup>th</sup> St for Kent Simonson

There was a brief discussion on vacating or the possibility to straighten out the alley like it used to be according to a plat survey done in 1999. Administrator Reinsbach reminded council any vacation or disposal of streets needs to go to the Planning and Zoning Commission first with a recommendation to the council. Reinsbach said she would reach out to the city attorney and engineer and get his thoughts and get back in touch with Kent about getting on a P&Z agenda. No action was taken.

#### Discussion on Drainage District 50

Mayor Anderson opened the conversation that there has been some drainage issues in Lori's Subdivision and a while back Kent Eilers, LeAnn Reinsbach, Dave Stein, Brad Beck, Steve Abbott and Dan Eckert met at the storage buildings owned by GF Land along 28<sup>th</sup> St. Dan Eckert brought up there is a drainage District 50 that covers that area. Dan was going to try and locate a drainage tile and ended up putting in a culvert on the north side of 28<sup>th</sup> St. In the meantime Brad Price and Rody Pederson filed a petition for drainage district improvements with the Dickinson County Board of Supervisors September 4<sup>th</sup> which was approved because they have to because it only takes two people in a drainage district to request improvements be done. Anderson also wanted to inform council that whoever is in the drainage district has to pay for improvements. So if you have property in the drainage district you will be assessed a fee back. The problem is that more than 20% of the drainage district sits in the jurisdiction of the City of Milford and there was discussion during the supervisors meeting that under Iowa Code they can assign that drainage district to the City of Milford. Anderson said it was also brought up at the meeting that the city has a storm water utility that could pay for improvements, Anderson agreed the city has a storm water utility but that money belongs to the City of Milford and it's a different jurisdiction than the drainage district. The time frame is unknown at this time because a study needs to be done to develop a plan, once the plan is in place it will have to go to a public hearing. There is also a process called remonstrance in which a certain number of property owners who are against the plan can stop it before it goes to a public hearing. Mayor Anderson closed by stating during the supervisors meeting he also asked that they do what they call a reclassification to determine where the actual boundaries are because the DOT has changed drainage as Highway 71 doesn't drain the way it used to.

#### Update on Millstone Park

Administrator Reinsbach gave an update on the Millstone Park project based on a meeting she had earlier that day. It was recommended to do away with any trees and bollards on the west and north side of project due to future outgrowth and we can't have anything in the Right-Of-Way plus this would be issue for the city during snow removal. There was discussion on moving the proposed electric meter and irrigation controller from the southeast side of the property to the northeast side. It was also suggested to replace the grass area with an ornamental grass to provide less maintenance. There has been no changes on the art piece that was unveiled during Pioneer Days. Mayor Anderson commented that according to the email from Tim Kinnetz the plan is to still do the project with grants with no city money. Councilman Huse wondered if Tim could use the property donation as part of a matching grant.

### **COMMENTS BY MAYOR, COUNCIL, AND STAFF**

Mayor Anderson wanted to know if the council has any thoughts about asking the Dickinson County Trails Board to come up with a plan to run the bike trails south towards Spencer. Administrator Reinsbach commented that for the past 2-3 years we have asked for that when a representative from the trails board comes to review the annual report. Anderson commented we need to get a parking plan from the elementary school because we were told they have approximately 80 some staff and they currently have 40-50 parking stalls and also talk about the handicap parking spots. They need to come up with a plan to minimize the impact on the public streets. Don Brinkley commented the council should look at the zoning ordinance on Article XV – Off Street Parking and Loading Space, which is the crux of the school parking issue. Reinsbach commented we need to talk about the curb that was painted red on the east side of the elementary school along the pickup and drop off zone and mowing on the south side of the football field along 6<sup>th</sup> St. Councilman Yungbluth suggested maybe it's time to have another joint meeting with the school. Council agreed. Reinsbach communicated the city has been sending out nuisance letters in regards to mowing etc. and some are not complying. The next step is to issue a municipal infraction in the event they hear any grumblings. Also there has been a couple of issues that result in a conflict of interest with City Attorney Dave Stein and he has reached out to our past attorney to take on these cases. Reinsbach said she has received an email for Fire Chief Jim Carpenter that he as plans to pick up the new pumper truck on September 17<sup>th</sup> but wasn't sure what the final price would be. According to the resolution that was passed April 17<sup>th</sup> of 2017 the price needs to be under \$353,599.00. If it's more than that Jim will not be able to go get the truck until we passed a revised resolution during the September 24<sup>th</sup> meeting.

With no other discussion, motion to adjourn by Olsen second by Yungbluth at 7:45 p.m. All voting aye: Motion carried.

Respectfully submitted,

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Steven R. Anderson, Mayor

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LeAnn Reinsbach, City Administrator/Clerk