

CITY COUNCIL
 REGULAR MEETING
 SEPTEMBER 13, 2021
 6:30 PM

The Milford City Council met in regular session September 13, 2021 at 6:30 p.m. in the Community Center Board Room.

Mayor Steve Anderson presided.

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

Absent: None

Others present: City Administrator LeAnn Reinsbach, Police Chief Bob Clark, Jason Eygabroad, Conner Holmes, Michael Jensen, Sherri Jones, Jason Simpson, Don Brinkley, Cara Elbert, Brad Willemssen, Kim Wermersen, and Steve Schwaller.

Mayor Anderson led the Pledge of Allegiance.

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

Motion by Gebhart second by Yungbluth approve the consent agenda with one change to pull the payment from Adapt Coating for work done on the Florence Park Shelter House floor and send this invoice back to the Park Board for review. Park Board President and chairperson Sherri Jones was in attendance along with Park Board member Jason Simpson. Jones explained that during the regular park board meeting last week there was a lengthy discussion in regards to deficiencies on flooring at the shelter house which included a phone call to owner. Jones expressed her concern about how things were handled after the meeting and felt things were blown out of proportion and wanted council to know where the park board was coming from. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried.

Items on the Consent Agenda were as follows:

- Minutes of August 23, 2021 council meeting
- Monthly bills as listed below: (approved) and bills paid in vacation

ADAPT COATINGS	FLORENCE PARK FLOOR COAT	\$13,781.25
AFLAC	AFLAC PRE TAX	\$1,409.13
ALLIANT ENERGY	SIGN UTILITY	\$22.95
AMAZON/SYNCEB	LIBRARY BOOKS/SUPPLIES	\$30.65
ARNDT, MCINTYRE	REISSUE FROM 5/17 & 5/18	\$75.00
ARNOLD MOTOR SUPPLY	JULY INVOICES	\$237.04
AT&T MOBILITY	PD CELL/LAPTOPS	\$430.85
BAKER & TAYLOR INC.	LIBRARY BOOKS	\$1,090.70
BECK ENGINEERING INC	EILERS DRAINAGE PROJECT	\$48,465.00
BECK EXCAVATING INC.	P AVE & 13TH RECON PAYMNT #2	\$183,494.36
BERNING, SHELLY	LIBRARY BRD MTG 9/1/21	\$25.00
BLACK HILLS ENERGY	FIRE DEPT UTILITY	\$133.00
BLACKTOP SERVICE COMPANY	STREET MAINT	\$13,655.20
BOMGAARS	PARKS SUPPLIES	\$583.98
BORDER STATES INDUSTRIES	CITY HALL LIGHTS	\$375.08
C & B OPERATIONS, LLC	PARKS GATOR	\$12.62
CAMPUS CLEANERS	LIBRARY SERVICES	\$137.55
CANON FINANCIAL SERVICES	LIBRARY COPIER	\$71.83
CARD SERVICES CENTER	CLERK SCHOOL/PD SUPPLIES	\$831.72
CARROLL CONSTRUCTION SUPP	FIRE DEPT ADA RAMPS	\$340.00
CENTRAL STATES SOUTHEAST &	EE HEALTHCARE	\$22,812.00
CERTIFIED TESTING SERVICES INC	P AVE & 13TH RECON	\$2,546.75
COLEMAN, VAUGHN	AIRPORT JANITORIAL	\$150.00
COOKINHAM, JEFF	LIBRARY BRD MTG 9/1/21	\$25.00
COOPERATIVE ENERGY COMPANY	AUGUST FUEL	\$3,259.21
CUSTOM CUT GUTTERS	907 J AVE GUTTER REPAIR	\$32.00
CUTTING EDGE SALES & SERVICE	PARKS MOWER	\$7.78
DANNATT, MARY	COMM CTR BRD MTG 9/1/21	\$25.00
DENNIS E MERRY	AUGUST JANITORIAL	\$1,700.00
DICK CO. WATER QUALITY CO	2022 WATER QUALITY CONTRIB	\$13,000.00
DICKINSON COUNTY CONSERVATIO	AUGUST GREEN WASTE	\$320.00
DICKINSON COUNTY NEWS	AUGUST ADS	\$429.89
DOTSON, DENNIS	LIBRARY BRD MTG 9/1/21	\$25.00
DUININCK	STREET MAINT	\$4,971.66
ENVIRONMENTAL SYSTEMS RES	8/21-8/22 AGREEMENT FEE	\$5,000.00
FASTENAL	PW SHOP SUPPLIES	\$13.96
FRANKLIN, ELAINE	LIBRARY BRD MTG 9/1/21	\$25.00
GALE	LIBRARY BOOKS	\$33.74
GALLES, MATT	P&Z MTG 8/16/21	\$25.00
GANNO, JOANN	LIBRARY BRD MTG 9/1/21	\$25.00
GRAHAM TIRE COMPANY	PARKS MOWER	\$226.20
HEMPHILL, LINDA	COMM CTR BRD MTG 9/1/21	\$25.00
INTERNAL REVENUE SERVICE	FED/FICA TAX	\$9,661.55
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IOWA GREAT LAKES SANITARY DIST	7/1/21-6/30/21 SEWER CHARGES	\$533.11
IOWA LAKES ELECTRIC COOP	STREET LIGHTING	\$498.00
IPERS	IPERS REGULAR	\$18,055.16
JAYCOX IMPLEMENT	PARKS SHOP	\$38.50
JCL SOLUTIONS-JANITORS CLOSET	PARKS BATHROOM SUPPLIES	\$426.58
JOHNSON, DEB	LIBRARY BRD MTG 9/1/21	\$25.00
K & J CURB GRINDING INC.	FIRE DEPT CURB GRINDING	\$175.00
KAPP'S FIRE EQUIP. & SERV.	ANNUAL INSPECTIONS	\$520.50

KEIZER, ROBB	COMM CTR BRD MTG 9/1/21	\$25.00
KILTS, RICK	LIBRARY BRD MTG 9/1/21	\$25.00
KIMBALL MIDWEST	PW SHOP SUPPLIES	\$31.49
LAKES NEWS SHOPPER	AUGUST ADS	\$615.80
LOFFLER	PD COPIER	\$150.65
MENARDS - SPENCER	PW SHOP SUPPLIES	\$61.59
MILFORD COMMUNICATIONS	PD BROADBAND	\$61.90
MILFORD COMMUNICATIONS	BROADBAND/PHONE	\$755.70
MILFORD ELECTRIC INC.	AIRPORT LIGHTS	\$22.50
MILFORD ELECTRIC INC.	BOARD ROOM DESK ELECTRICAL	\$250.00
MILFORD MUNICIPAL UTILITY	P AVE BORING	\$14,001.51
MUNICIPAL SUPPLY, INC	P AVE & 13TH ST	\$5,176.50
N.W. IA. LEAGUE OF CITIES	21-22 MEMBERSHIP DUES	\$50.00
ORTMAN, RICH	COMM CTR BRD MTG 9/1/21	\$25.00
OVERDRIVE INC.	LIBRARY FY22 SUBSCRIPTION	\$821.64
PIONEER PRINTING	PD SERVICES	\$439.54
PURCHASE POWER	POSTAGE	\$201.00
R & D INDUSTRIES	PD SERVICES	\$2,045.63
REGIONAL TRANSIT AUTHORITY	1ST QRTR FY22 CITY SUPPORT	\$1,875.00
RICHARD L. COOKE	FIRE DEPT SERVICES	\$95.00
RJ THOMAS MFG. CO. INC.	P AVE PROJECT	\$206.00
SAINT JOSEPH CATHOLIC CHURCH	COMM CTR AD	\$144.00
SECURE BENEFITS SYSTEMS	EE FSA CONTRIBUTIONS	\$597.16
SEXTON, BRENT	P&Z MTG 8/16/21	\$25.00
SIOUX SALES COMPANY	CLARK CLOTHING	\$32.85
STEIN LAW OFFICE	AUGUST LEGAL FEES	\$2,616.72
SULLIVAN CONCRETE	CURB REPLC/STRT REPR/KUCHEL	\$20,750.00
SUNSHINE FOODS	PW SHOP SUPPLIES	\$110.09
TREASURER, STATE OF IOWA	STATE TAXES	\$4,495.00
TRUE VALUE-MILFORD	AUGUST INVOICES	\$411.39
U.S. BANK EQUIP FINANCE	CITY HALL COPIER	\$197.20
VERIZON WIRELESS	COUNCIL IPADS	\$268.52
WATCH GUARD	PD REFURB BODY CAM	\$480.00
WEDEKING PIT & PLANT	STREET MAINT	\$154.07
WEDEKING PIT & PLANT	STREET MAINT	\$199.06
WITTROCK LAWN SERVICE	MILFORD CEMETERY MOW	\$375.00
WITTROCK LAWN SERVICE	CEMETERY MOW 8/4, 8/31	\$750.00
Accounts Payable Total		\$417,677.84
Payroll Checks		\$54,402.97
***** REPORT TOTAL *****		\$472,080.81

Paid from the following funds: General Fund: 123,871.60; ARPA Fund: 3,370.00; Road Use Tax: 57,189.76; Employee Benefits: 18,534.75; Hotel Motel: 13,500.00; Capital Street/Sewer Impr: 102,836.46; ; Capital Project Eilers SS; 16,275.00; Capital Project South Shore: 10,880.00; P Ave Project: 110,748.65; Sewer Utility Fund: 13,007.93; Storm Water Utility Fund: 1,866.66

Monthly Clerk's/Treasurers Report with the following receipts: General Fund: 236,663.37; ARPA Fund: 223,311.96; Road Use Tax: 26,923.84; Hotel/Motel Tax: 28,593.16; LMI Fund: 74,298.57; Debt Service: 5.61; Capitol Equipment (LOST) 65,866.69; Capital Project Reserve: 24.32; Sewer Utility: 35,207.23; Storm Water Utility: 10,359.07

CITIZEN OPPORTUNITY FOR COMMENT

REPORTS

Board/Commission Reports

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

PUBLIC HEARING

Public hearing on annexation (Jensen) Lower Gar at 6:30 p.m.

Mayor Anderson opened the public meeting at 6:49 p.m. City Administrator LeAnn Reinsbach mentioned no written or oral comments were received at the City Clerk's office. Owner developer Michael Jensen passed out a preliminary plat that shows plans to develop seven lots. With no other comments from the public Mayor Anderson closed the public hearing at 6:53 p.m.

Public hearing on city code water at 6:32 p.m.

Mayor Anderson opened the public meeting at 6:53 p.m. City Administrator LeAnn Reinsbach mentioned no written or oral comments were received at the City Clerk's office with respect to amending subdivision requirements for water lines. With no other comments from the public Mayor Anderson closed the public hearing at 6:54 p.m.

Public hearing on 2021 Zoning Ordinance update at 6:33 p.m.

Mayor Anderson opened the public meeting at 6:54 p.m. City Administrator LeAnn Reinsbach mentioned she had received a letter from Don Brinkley in regards to not making any changes to Article 6 and that he believes Educational Facilities should be left as a Civic & Public Use in which a special exception use permit would be required. The updated zoning has made Educational Facilities a principal permitted under Civic & Public Use therefor the school would not be required to apply for a special exception use permit. Don Brinkley spoke to the same thing. There was also a letter submitted by Tom Jorgensen in regards to Section 13.5 Recreational Vehicles. Mayor Anderson expressed his concern in regards to the following definitions: laundromat, structure to possibly include warning sirens would be exempt, condominium storage unit, convenience storage and also suggested putting something in zoning ordinance to

address low impact development-drainage plans. Cara with Northwest Iowa Planning and Development who was hired to assist the P&Z Commission on updating the zoning ordinance took notes and will follow up with City Administrator Reinsbach for discussion at the next P&Z meeting. With no other comments from the public Mayor Anderson closed the public hearing at 7:33 p.m.

ACTION AND DISCUSSION ITEMS

First consideration Ordinance amending the code of ordinances of the City of Milford, Iowa by amending Subdivision requirements for water lines.

Motion by Yungbluth second by Hinshaw to approve first reading of **Ordinance 9-13-21** an Ordinance amending the code of ordinances of the City of Milford, Iowa by amending Subdivision requirements for water lines. Roll call vote. Voting aye: Hinshaw, Gebhart, Frederick, 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 Subdivision requirements for water lines.

Motion by Yungbluth second by Eckard to waive the second and third reading of **Ordinance 9-13-21** an Ordinance amending the code of ordinances of the City of Milford, Iowa by amending Subdivision requirements for water lines. Roll call vote. Voting aye: Hinshaw, Gebhart, Fredrick, Yungbluth and Eckard. Nay: None. Motion carried

Motion by Yungbluth second by Gebhart to adopt **Ordinance 9-13-21** an Ordinance amending the code of ordinances of the City of Milford, Iowa by amending Subdivision requirements for water lines. Roll call vote. Voting aye: Hinshaw, Gebhart, Yungbluth and Eckard. Nay: None. Motion carried

Ordinance amending and replacing the zoning ordinances of the City of Milford, Iowa

Motion by Eckard second by Yungbluth to approve the 1st consideration of Ordinance amending and replacing the zoning ordinances of the City of Milford, Iowa. with the understanding the issues discussed during the public hearing will be addressed during the next P&Z Commission meeting for further review. Voting aye: Hinshaw, Gebhart, Fredrick, Yungbluth and Eckard. Nay: None. Motion carried

Resolution approving FY2021 Street Finance report

Motion by Hinshaw second by Eckard to approve **Resolution 21-76** Resolution approving FY2021 Street Finance report. Roll call vote. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried.

Resolution authorizing transfer of money from the general fund to the capitol project LOST fund and from the Hotel-Motel fund to Economic Development Fund

Motion by Eckard second by Hinshaw to approve **Resolution 21-77** Resolution authorizing transfer of money from the general fund to the capitol project LOST fund and from the Hotel-Motel fund to Economic Development Fund. Roll call vote. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried.

Resolution approving voluntary annexation

Motion by Yungbluth second by Hinshaw to approve **Resolution 21-78** Resolution approving voluntary annexation. Roll call vote. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried.

Resolution authorizing payment No. 3 to Beck Excavating, Inc. and authorizing change order for the 2021 City of Milford P Ave and 13th Street reconstruction project

Motion by Yungbluth second by Hinshaw to approve **Resolution 21-79** Resolution authorizing payment No. 3 to Beck Excavating, Inc. and authorizing change order for the 2021 City of Milford P Ave and 13th Street reconstruction project. Roll call vote. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried.

Resolution setting public hearing on proposed amendment to the Milford City Ordinances Chapter 69- Parking regulations

Motion by Yungbluth second by Eckard to approve **Resolution 21-80** Resolution setting public hearing on proposed amendment to the Milford City Ordinances Chapter 69- Parking regulations. Roll call vote. Voting aye: Hinshaw, Frederick, Yungbluth and Eckard. Nay: Gebhart. Motion carried.

Discuss storm sewer issue between lots 4 & 5 in Nature Trails

City Administrator Reinsbach met with Kent last week in regards to the storm sewer issue between lots 4 & 5 in Nature Trails where the city has an easement. The backyard of the resident who lives at 3417 Kuchel Trail is built higher than the storm sewer pipe. This came about because the relative of the adjoining lot to the north was trying to clean up the lot to build on. Between he and Kent they discovered the end of the city storm sewer pipe had got buried over the past years. Options are to dig a ditch for the water to drain or extend the pipe further west at the expense of the property owner to the north. If that is the case, we may have to get our city engineer involved to see how far the pipe can be extended. Mayor Anderson expressed that the cost should be shared between both property owners. Upon further discussion the motion by Yungbluth second by Hinshaw to have Jason with Beck Engineering take a look at the situation and bring suggestions to resolve the matter to an upcoming council meeting. All voting aye. Motion carried.

Discuss and approve to advertise for a full-time employee that would serve as zoning administrator and shared position with the parks and public works department. Motion by Gebhart second by Yungbluth to approve advertising for a full-time employee that would serve as zoning administrator and shared position with the parks and public works department. All voting aye. Motion carried.

Change October 11 meeting to October 12 due to Columbus Day

Motion by Yungbluth second by Eckard to change October 11 meeting to October 12 due to Columbus Day. All voting aye: Motion carried.

Accept resignation from Park Board member Sarah Riley

Motion by Gebhart second by Hinshaw to accept resignation from Park Board member Sarah Riley. All voting aye: Motion carried. City Administrator Reinsbach mentioned she had reached out to Jordan Moyer with the Dickinson County Auditor's Office on how to handle this as Riley's term does not expire until December 31, 2025. Moyer explained the park board should appoint a replacement and have council do the same.

City Administrator Annual Performance Evaluation(possible closed session per Iowa Code Section 21.5(1)(i) and possible action)

Motion by Yungbluth second by Gebhart to close the meeting as requested by City Administrator Reinsbach for the purpose of the employee's annual performance review. Voting aye: Hinshaw, Gebhart, Frederick, Yungbluth and Eckard. Nay: None. Motion carried. Council went into closed session at 8:13 p.m. Council came out of closed session at 9:45 p.m. Members present Hinshaw, Gebhart, Frederick, Yungbluth and Eckard.

COMMENTS BY MAYOR, COUNCIL, AND STAFF

Chris Hinshaw wanted to make council aware that Tim Kinnetz may be coming to the council to discuss fixing a portion of curb that adjoins to Boji Junction. Aaron Gebhart suggested the city get an email for the Parks Supervisor and also informed council his wife has accepted a new job and they will be relocating at some point. As of now he plans to stay and will let council know when he plans to resign. City Administrator Reinsbach gave an update on the new 2020 census numbers with a population increase from 2,898 to 3,321. Mentioned the deadline to submit election papers is 5:00 p.m. on September 16th. Clean up days will be September 18th for residents who have purchased tags living north of A34 and September 25th for those living south of A34. The city has an ICAP audit scheduled this week. Reinsbach also mentioned Brad Willemsen with MMU would like to have a joint meeting October 4th at 6:15. Tim Oswald with Piper Sandler & Co. will be here to discussion bonding options for the utilities. With no other discussion, motion to adjourn by Gebhart second by Yungbluth at 10:02 p.m. All voting aye. Motion carried.

Respectfully submitted,

Steven R. Anderson, Mayor

LeAnn Reinsbach, City Administrator/Clerk