

**CITY OF OKOBOJI
REGULAR COUNCIL MEETING
TUESDAY, JUNE 11, 2013, 6:00 P.M.**

PRESIDING: Mayor Mary VanderWoude

COUNCILMEMBERS PRESENT: Dulin, Robinson, Christensen, Hentges, Delperdang. Councilmember Hentges not present at the beginning of the meeting but arrived later.

OTHERS PRESENT: Sara Christensen, Mr. & Mrs. Leo Parks, Jr., John Adams, Jason Petersen, Gretchen Graham, Cris Hedgpeth, Mr. & Mrs. Tom Throckmorton, Don Wandling, Steve Hallgren, Mark Stover, Perry Pearson, Joyce Waddell, Mr. & Mrs. Phil Redinbaugh, Marjorie Mueller, Jim Caffrey, Mike Chozen, Julie Andres, Susan Mau.

After the Pledge of Allegiance, Mayor Pro Tem Robinson called the meeting to order at 6:00 P.M. and announced he would conduct the meeting until Mayor VanderWoude arrives as she had a prior commitment. Delperdang/Dulin moved to adopt the agenda. Before a vote was taken, Councilmember Christensen wished to address an item on the agenda concerning the zoning ordinance as a part of the agenda. He stated the zoning ordinance contains the largest collection of laws the city has, laws and provisions regulating businesses and family residences and providing limits and protections, so it is an important document. The document was revised in 2006, and it has been seven years since it has been looked at, and this ordinance is not one the council or the public should lightly brush over. Christensen went on to say the Council was given this document on Friday with only five days to look at seven years of changes, and he would like to compare the old with the new. Christensen stated that getting bits and pieces of revisions that say removed, changed, added or deleted is very difficult to follow. Christensen went on to say he only makes this point to the city clerk and to the Mayor that when the agenda is drawn up again to give some consideration to the seriousness of going through this document and deciding what is good for the public. Christensen further stated he thought it was inadequate, and the council should have had more time, but in the interest of the people who have come to this meeting he will vote for the adoption of this agenda. Councilmember Robinson pointed out this would only be a first review, and there will be three readings of the proposed ordinance. City Administrator Dennis Daly stated the second and third readings could be waived, but in this case there will probably be three readings. Steve Hallgren of Northwest Iowa Planning and Development Commission stated he has provided a summary of changes in the past. Hallgren stated there have been dates provided with the proposed changes. Councilmember Delperdang asked City Attorney Mike Chozen if changes are made at this meeting, would it still be considered the first reading. Chozen stated that no, it would have to be as amended. Chozen stated any changes made would trigger the three reading requirement. Christensen stated it was his point by asking the city council, mayor, and city clerk if they couldn't have a little more time to interact with Steve and Perry Pearson and get a lot of the stuff out of the way, or this meeting will turn into a lot of wordsmithing. Delperdang asked if it would be helpful to have a meeting between the Council and the Planning and Zoning Commission to discuss some of the items of concern. Robinson stated this could probably take place in the future. Commission Chairman Perry Pearson stated he would not be averse to meeting with the Council on the issues at hand. With discussion over, the Mayor Pro-Tem called for approval of the motion. The vote was 3 -1 in favor of the motion. Motion duly carried.

Christensen/Dulin moved to approve the consent agenda, which included the minutes of the previous meeting 05/14/13, claims for June 2013, Clerk's Report ending May 2013, and renewal for cigarette permits. All ayes. Motion carried.

NEW BUSINESS

The Lakes Area Hockey Association to give an update on the progress of the new ice arena and request funding for the next three years: Mark Stover of the Lakes Area Hockey Association presented the Council with an update on the progress of the new ice arena. He stated if an organization is invested with a project such as this, a refund can be expected in return such as hockey tournaments that bring a large number of families that rent rooms, use the restaurants, and purchase gas, just to name a few. Stover stated the Lakes

Area Hockey Association is respectfully requesting \$15,000.00 over a period of three years and to please place this as a future fiscal year budget request. No action taken. Information only.

Councilmember Hentges arrived at the meeting at this time.

Council to consider casualty, liability and workers compensation insurance package for fiscal year 2013/14: Hentges/Christensen moved to approve the casualty, liability and workers compensation package for fiscal year 2013/14. All ayes. Motion carried. Total cost of the package was reported at \$40,814.89.

Council to consider the second reading of Ordinance No. 220, "An Ordinance Amending Ordinance No. 105 (Entitled "Solid Waste Control") Expanding Upon and Clarifying The Definition of "Landscape Waste:" Christensen/Hentges moved to introduce the second reading of Ordinance No. 220. All ayes. Motion carried. Ordinance 220 will be considered for the third and final reading at the July regularly scheduled Council meeting.

Council to conduct a public hearing to solicit public comment on adopting the City's 2013 Zoning Ordinance: The Mayor Pro Tem at this time declared the public hearing open for comment. Planning and Zoning Commission Chairman Perry Pearson stated it was his opinion that the Commission has done due diligence in composing an updated Zoning Ordinance. Pearson stated it was a painstaking process and is hoping nothing was left under the rug they don't know about, but he thinks there are remedies for those issues. Pearson went to say he thinks they did a great job and wishes the remainder of the commission was present to receive gratitude for their hard work. Robinson stated that having been a part of the Commission at one time, he has a feeling for what the current Commission has gone through. Robinson thanked the Commission and Steve Hallgren for their hard work. The Mayor Pro Tem at this time declared the public hearing closed. Councilmember Delperdang recommended the Planning and Zoning Commission and the Council meet in special session to further discuss the new zoning ordinance. After further discussion, the council decided to table this issue for a later meeting. The Council will consider a special meeting with the Planning and Zoning Commission. No action taken.

Council to consider a quote from Certified Testing Service, Inc. for coring samples on Lake Shore Drive: Hentges/Dulin moved to approve a quote from Certified Testing Service, Inc. in the amount of \$4900.00. All ayes. Motion carried.

Mayor VanderWoude arrived at the meeting at this time.

Council to consider easement approvals for the 2013 City of Okoboji Low Impact Development/ Drainage Improvements Project: Christensen/Hentges moved to approve the easement approvals for the 2013 City of Okoboji Low Impact Development/Drainage Improvements Project. All ayes. Motion carried. Daly reported all easements have been received

Council to consider Payment Request #40 for Gridor Construction and MEC Invoices (\$42,025.48) and 1/2 of the ILRW share (\$5,387.88) payable the Central Water System in the amount of \$47,413.36: Robinson/Hentges moved to approve Payment Request #40 in the amount of \$47,413.36. All ayes. Motion carried.

Council to consider the reappointments of Dennis Daly, Carmen DeKoster, Joyce Waddell, Steve Dulin, and Sharlene Eckard to the Design Review Committee with terms to expire July 1, 2016: Hentges/Christensen moved to approve the current members of the Design Review Committee with terms to expire July 1, 2016. All ayes. Motion carried.

Council to consider the re-appointment of Marjorie Mueller to the Park Board with term to expire July 1, 2016: Robinson/Christensen moved to approve the re-appointment of Marjorie Mueller to the Park Board with term to expire July 1, 2016. All ayes. Motion carried.

Council to consider an appointment to the Park Board to fill the unexpired term of Julien Jones with term to expire July 1, 2015: Christensen/Robinson moved to approve the appointment of Sharlene Eckard to the Park Board to fill the unexpired term of Julien Jones with term to expire July 1, 2015.

Council to consider a donation to the 4th of July fireworks display: Robinson/Christensen moved to approve a donation in the amount of \$200.00 to the 4th of July fireworks display. All ayes. Motion carried.

Council to discuss with possible action regarding house rental in the Okoboji Boats Works area and whether advertising "Rooms for Rent" represents a zoning violation: The Mayor at this time asked Dennis Daly as Zoning Administrator what he has found out on this issue. Daly reported it is not illegal to rent a room or rooms according to Article V Section 2 (A.4) of the Okoboji Zoning Ordinance, but it can only be done for a tenure of not less than 30 days. Daly went on to say also it is not illegal to advertise for the same thing according to Article XVI Section 9B of the Okoboji Zoning Ordinance. Daly further stated family is defined as a group of not more than five persons who don't have to be related, but if more persons than that are rented to, it is illegal. Cris Hedgpeth cited a portion of the proposed new ordinance concerning rental dealing with rental by conditional use in a commercial district. Christensen stated there would be more discussion on this issue in the future, and not to get too excited about it at this meeting. Discussion followed concerning the number of individuals at a particular residence, property condition, condition of houses, nuisances, code violations for dilapidated properties, boarding houses, junk on property, and remedies for violations. No action taken.

Council to discuss with possible action regarding the "Fish House" and the recent Iowa Supreme Court ruling: City Attorney Mike Chozen stated the decision of the Supreme Court has been handed down to the District Court, but the District Court has not yet issued the order. Chozen stated he has spoken to Mr. Parks' attorney, and they are working on the issue. Delperdang asked Chozen to explain the Supreme Court ruling. Chozen stated the ruling prevents the use of the marina property to provide access to a floating bar that is moored or docked to the marina property or to provide parking or to provide auxiliary patron services. Delperdang asked if the "Fish House" is not operating as a bar, can it be tied to the shore; but when it leaves the shore, it is allowed to operate as a bar. Chozen stated that is correct. Chozen stated the issue at hand is the property of Okoboji Boats whereby it cannot be used for access to and from the "Fish House" if it is operating as bar when tied to the shore. The ruling also defines no parking can be allowed nor can a patron use the bathroom facilities on Okoboji Boats if it is operating as a bar tied to the shore. Individuals can access the "Fish House" if it is operating as a bar tied to the shore if they come by boat, swim, or walk across the ice when the lake is frozen; but they would not be allowed to use the bathroom facilities at Okoboji Boats. The City's legal power begins and ends at the shore. If the "Fish House" is moved to another site, this creates another case. Discussion followed concerning nuisances, noise complaints, access to Okoboji Boats property, parking, use of excursion boats, possible closed session, and remedies for relief. No action taken.

Council to go into closed session to consider possible future litigation analysis/options: Council elected not to conduct a closed session. No action.

REPORT OF OFFICERS

Police Chief Jason Petersen gave the police report.

Mayor VanderWoude wished to thank the City of Arnolds Park maintenance crew for their assistance with the City of Okoboji clean up day.

Councilmember Robinson stated the fire department has received the new pickup truck, and it is now being outfitted. Robinson suggested Daly contact Steve Hallgren and have him supply the city with highlighted copies of the proposed new zoning ordinance for review.

Daly reported the city crew is looking at new street sweepers. Daly also reported that employee Tim Jensen is coming along fine with his health issues.

Expenditures for the month of May 2013 are as follows: Public Safety - \$18,765.50; Public Works - \$10,233.49; Culture & Recreation - \$309.89; Community & Economic Development - \$1,782.80; General Government - \$29,200.38; Water - \$479,197.46; Road Use Tax - \$1,600.23; Debt Service/Property Tax - \$1,056,226.88; TIF - \$58,650.00; Trust & Agency - \$2,311.50. Receipts for the same period were in the amount of \$203,163.90, creating a balance in all funds in the amount of \$1,619,946.50. \$116,152.78 of the reported balance is invested in Certificates of Deposit with the United Community Bank.

Robinson/Dulin moved to adjourn. All ayes. Motion carried. Meeting adjourned at 7:40 P.M.

Mary VanderWoude, Mayor

ATTEST:

Dennis J. Daly, CMC
City Clerk/Administrator