

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: Monday, Feb. 17, 2014
Regular City Council Meeting – 7:00 PM

The Pledge of Allegiance

Mayor Gerald Waltrip called the meeting to order at 7:00 PM.

- I. Roll Call: Present – Mayor Gerald Waltrip
Council members Ed Aldmeyer, Barb Hawkins, Dave Huey, Ron Cumberledge and Barb Melonis.
Also present – City Attorney Joe Thornton and City Clerk Doreen Mowery.

- II. Approval of the Agenda – The Mayor requested that the council remove the appointment of the City Attorney from the regular agenda and the pay increase for the Police Chief on the consent agenda. Council member Hawkins stated that the appointment of the Attorney was tabled at the last meeting. The Mayor stated he is studying the attorney’s billing practices. On the Chief’s pay increase the Mayor wants to evaluate his performance before giving him a pay increase. Evaluations are completed annually for all employees in the fall, typically in October or November. Regarding the Attorney’s fees, the Mayor’s concern is that he feels he is billing for more time than he is actually providing because of the increments of time that are used. He wants to know why we were billed what was billed over the past two years. Attorney Thornton stated that he bills in 1/10 (6 minutes) of an hour increment. The council has never been requested him to submit that information. He did provide that information on the January bill and will continue to provide the information going forward however he will not go back and do it for the past 2 years. Moved by council member Cumberledge to accept the agenda tabling the Attorney appointment. Motion died due to the lack of a second. Moved by council member Aldmeyer seconded by council member Melonis to approve the agenda as presented. Ayes: Aldmeyer, Hawkins, Huey, Melonis. Nays: Cumberledge. The Mayor stated when he is done with his review of the Attorney bills he will present it to the council.

- III. Consent agenda – Moved by council member Hawkins seconded by council member Melonis to approve the consent agenda as submitted. Ayes: Huey, Melonis, Aldmeyer, Hawkins. Nays: Cumberledge.

The Mayor stated that from now on before the council votes on a resolution pertaining to city business, the public will be able to address what the council is voting on, before the vote is taken. He will not deny the public the right to speak before the council votes. The Mayor stated he will control the floor.

IV. New Business

- A. Appointments – Moved by council member Hawkins seconded by council member Aldmeyer to appoint Joe Thornton as City Attorney for 2014. Ayes: Huey, Melonis, Aldmeyer, Hawkins. Nays: Cumberledge. The Attorney reaffirmed that he would itemize the bills in the future.
- B. Communications from the Public

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1. Liquor license renewals
 - a. Moved by council member Cumberledge seconded by council member Huey to approve the liquor license renewal for Dollar General. Ayes: Unanimous.
 - b. Moved by council member Cumberledge seconded by council member Huey to approve renewal of the liquor license for Carter Lake Lounge. Ayes: Unanimous.
 - c. Moved by council member Melonis seconded by council member Hawkins to approve renewal of the liquor license for Jump Start. Ayes: Unanimous.
 - d. Moved by council member Huey seconded by council member Hawkins to approve renewal of the liquor license for Holiday Inn Express. Ayes: Unanimous.
2. Jerry & Tammy Johnson were not present. This item was removed from the agenda.
3. Bill Dahlheimer was not present. This item was removed from the agenda.
- C. Communications from the Departments
 1. Fire Chief Eric Bentzinger was present to update the council on fire department issues. There have been 34 calls since Jan. 1st – 28 EMS and 6 fire calls. There was a large fire at General Manufacturing on 5th St. Dave Huey was in charge at the scene and did a fantastic job controlling the fire. There were several other fire departments and their personnel involved in the fire. Eric thanked Tony Dormus for donating paint and time to update the station. The meeting room is being updated as well. Mayor Waltrip wanted to know if fire departments are periodically trained on fire hydrants and valves, because the tree fire was extinguished using tankers that were filled at the hydrants. When the tankers were filled the hydrants were slammed shut and that caused seven water main breaks on Locust and 11th St. in a 48 hour period. Eric discussed the need for a new fire truck. They have applied for several grants to purchase this vehicle, however they have not been awarded grant funding. The current truck has failed several pump tests and there is only seating for two fire fighters. He requested that the council consider authorizing a bond issue to pay for the truck. The department's life expectancy for a new truck is 30 years. In addition to the truck the department needs 19 SCBA units that would cost \$142,000. New radios compatible with Pottawattamie County and Omaha are also needed. The Mayor requested the department submit a list of equipment needed and equipment wanted. He would then like to have a workshop. The public would most likely have to vote for a bond issue to purchase fire equipment. If there is going to be a council workshop it will need to be posted.
 2. The Planning Board has continued to work on updating the comprehensive plan. They will be meeting every two weeks to work on this project. The building inspector was present at the last meeting. There is someone interested in putting in a laundry mat on Locust St. The current zoning does

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not allow a laundry mat. The planning board suggested that the attorney change the ordinance to include laundry mats as a personal service instead of changing the zoning ordinance. There was an election of officers and Ray Pauly will remain chair and Karen Fisher will remain vice chairman for another year.

3. When the storm water committee met they were provided Dave Huey's request to update the ordinance. They will be working on this in the near future.
4. Mayor Waltrip
 - a. The Mayor has read the letters of understanding several times. In his opinion they are not legal. His opinion is the public does not like any of the letters of understanding. It bothers him when people start looking for a guarantee of employment. He said if you do your job and show up every day you will have a job. His opinion is that there are 6 or 7 letters for varying lengths of time. He feels the public should have an opportunity to ask questions about the letters of understanding. Jerry Bell wanted to know what the letters give the employees. Council member Cumberledge stated that the letters guarantee a severance if they are terminated. Council member Melonis stated that she voted for the letters to give the employees an incentive to continue to do their best job. Council member Hawkins stated that they are not given anything if they quit. Council member Huey stated that it is reinforcing the use of due process if they are terminated. He stated we have quality employees that have invested a lot into the City and he did not want to see anyone put in fear of their job at any given time. Council member Aldmeyer stated termination for cause is a completely different thing, if they are doing their job, they should not be fearful of losing their jobs. Council member Cumberledge stated the letters do not show any arbitration or anything, they only show dollar amounts. He doesn't feel it was protection it was simply dollars. Mayor Waltrip stated that they are a guarantee of money. He called the League of Iowa and there are only 2 or 3 cities that have these and they have never heard of these agreements. Mayor Waltrip stated he has a problem with executive sessions. He feels that when the council wants to discuss something they should discuss it in public. He thinks executive sessions are bull. Paul Christensen doesn't understand how an employee can have a 5 year compensation packet, yet a two year appointment. He feels it is contrary to the ordinances. Council member Aldmeyer stated that the employee was looking for security in the position. Sue Cudd commented that the fire department has to go thru a bonding process to get a truck, yet five people can make a financial commitment on employee compensations. She would have liked to have a vote on the letters of understanding. The Mayor stated that there will not be any secret meetings. Sharon Paterson thinks closed sessions are sneaky and the public has no knowledge. She wanted to know the criteria for a closed session. The Attorney stated the statute is very specific on when a closed session can be allowed. It is on the agenda so it is

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not secret and action on any item can only be taken in public. The agendas are posted in public. To discuss an employee issue the employee has to request the closed session. Ms. Paterson read from the Dec. 30th minutes. She wants to know what would happen if there was a lay off. Mayor Waltrip stated that no employer would get rid of you if you are doing your job. The clerk stated that the agenda for the meeting on Dec. 30, 2013 did state that the council may go into closed session for discussion of the letters of understanding and the minutes from that meeting also state the reason for the closed session. Mayor Waltrip stated that the public should have been able to see the letters of understanding before the council took action on them. Council member Hawkins stated that if you see something on the agenda prior to the meeting that you want to review, all you have to do is ask and the clerk will provide the documentation.

b. Mayor Waltrip stated there is confusion and misunderstanding about the storm water fees and why we have the fee. He would like someone to explain to the public. His opinion is that the EPA shouldn't even be here. North of Ave. K he doesn't know why we need a fee because he doesn't believe we could install a storm water system in that area. The Cumberledges own 62 lots in that area and you cannot even see the property. There are canals that drain into land that are 600 foot away from the lake. He wants to know why everyone gets a storm water bill. Jackie Wahl wanted to know who set the storm water fees. The council set the fees. Council member Melonis stated that the rationale and fee structure is complicated and she would be happy to have a workshop to explain storm water. Council member Cumberledge stated that the budget proposal has infrastructure and engineering fees that were thrown in as fluff. Council member Aldmeyer stated that Carter Lake has a storm water issue. We have to listen to the EPA and comply with MS4 requirements. The mayor stated that there is a sand pit that collects the water and the water does not reach the lake. Jerry Bell wanted to know where the storm water fees go. The Mayor stated it is a slush fund to cover other things. He stated the only storm issues are from Ave. K south. Council member Melonis stated that the idea of having a storm water fund is to address storm water issues. Council member Huey stated that Jerry Waltrip's run-off that goes straight to the lake is in violation of the requirements.

5. Council member Huey visited a Bountiful Basket event in Council Bluffs. He feels use of the fire station would be a good place to hold those events. The Fire Chief was concerned that it is also a city building like city hall.
6. Council member Cumberledge
 - a. Council member Cumberledge stated that we have a five member maintenance department and four of the five wages are charged to water and sewer. He feels that citizens are being double charged by not using general taxes to pay the employees. He stated we can't control the costs from Omaha but we can control wages. He will work with the clerk to try to find a different way to charge wages in an effort to lower water bills.

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b. Council member Cumberledge had no additional comments on storm water.

7. City Clerk

a. Moved by council member Aldmeyer seconded by council member Hawkins to receive and adopt the final proposed budget amendment for FYE 6-30-14 and order a notice of public hearing for Monday, March 3, 2014 at 7:00 PM. Ayes: Melonis, Aldmeyer, Hawkins, Huey. Nays: Cumberledge.

b. Moved by council member Hawkins seconded by council member Melonis to receive and adopt the final proposed budget for FYE 6-30-15 and order a notice of public hearing for Monday, March 3, 2014 at 7:00 PM. Ayes: Melonis, Aldmeyer, Hawkins, Huey. Nays: Cumberledge.

c. There were no towing bids received prior to the deadline that was set in the notice. The current tow company that is filling in submitted a bid tonight. The council requested that we repost the request for bids. Moved by council member Aldmeyer seconded by council member Cumberledge to repost the request for towing bids. Ayes: Unanimous.

d. A towing contract was not awarded at this time.

e. There is a meeting with the Economic Development Authority, City of Omaha, MAPA, WIDA and city officials on Wednesday, Feb. 19th, 2014 at 10:00 AM. This meeting is to discuss a joint effort to solve the storm water issues south of Ave. H. The council would like to move forward with finding funding and a solution for storm water south of Ave. H.

f. Iowa Municipal Workers Comp Association will hold a regional meeting at City Hall on Feb. 27, 2014 at 10:00 AM. This meeting was rescheduled due to bad weather.

V. Resolutions

A. Moved by council member Melonis seconded by council member Cumberledge to approve a resolution placing liens for delinquent utility bills. Ayes: Unanimous.

B. Moved by council member Aldmeyer seconded by council member Hawkins to adopt a resolution placing liens for unpaid snow removal bills. Ayes: Unanimous.

C. Council member Huey seconded by council member Hawkins to adopt a resolution writing off unpaid bills for weed and snow removal. Ayes: Unanimous.

D. Moved by council member Hawkins seconded by council member Huey to approve a resolution writing off unpaid utility bills. Ayes: Unanimous.

E. Moved by council member Cumberledge seconded by council member Hawkins to adopt a resolution approving a tax abatement for 1515 Cedar Street. Ayes: Unanimous.

F. Moved by council member Huey seconded by council member Melonis to approve the updated job descriptions for Library personnel. Ayes: Unanimous.

VI. Comments

Mayor Waltrip complimented the public that attend the meetings. He thanked the maintenance department for their quick response to a water main break on a Sunday.

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Council member Melonis wanted her constituents to know that when she makes a decision she has contemplated the information she has been given and she does not like the innuendos of fluffing and the insinuation that she has been a part of assessing any fees unnecessarily to our citizens.

Council member Cumberledge spent an evening with the volunteer fire department at their annual dinner. He does appreciate what they do for the city.

Council member Huey stated there is a large amount of information that they have to review when making a decision as a council member. The public is welcome to that information at any time. He does not believe any of the council does their job lightly.

Council member Hawkins thanked Charlie McConkey for attending the past few meetings.

Feb. 26, 2014 at 7:00 PM there will be an informational open house on the PVS expansion project.

This meeting adjourned at 9:12 PM.

Doreen Mowery, City Clerk

Gerald Waltrip, Mayor