

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

The Pledge of Allegiance

Mayor Gerald Waltrip called the meeting to order at 7:03 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 – Council member Aldmeyer requested that the Storm Water Committee update be removed from the agenda. The Mayor stated that he had one deletion. The minutes from the Feb. 17<sup>th</sup> meeting has a comment in them that does not reflect what he said so he would like the comment removed from the minutes. What the Mayor stated he said was “that there is no way that he could figure what he was allocating his time to for money.” He would like that corrected in the Feb. 17<sup>th</sup> minutes. Moved by council member Hawkins seconded by council member Cumberledge to approve the agenda with the deletion of the Storm Water Committee update. Ayes: Unanimous.

III. Consent agenda – Moved by council member Hawkins seconded by council member Melonis to approve the consent agenda with the change provided by the Mayor, in the Feb. 17<sup>th</sup> minutes. Ayes: Unanimous.

The Mayor asked the Clerk to explain why there is a consent agenda. The Clerk stated that the consent agenda is a way to condense the normal business items into one motion. If there is an item for discussion on the consent agenda it is to be removed from the consent agenda and placed on the regular agenda for discussion and action.

IV. New Business

A. Communications from the Public

1. Crystal Fetter was present to request permission to block off a portion of Surfwood Dr. on July 19<sup>th</sup> from 10 am until 7 pm. She also requested that the City provide barricades to block the street. Moved by council member Melonis seconded by council member Huey to approve the request. Ayes: Unanimous.
2. Tom Kunkel, Josh Towey, Chris Ehlers and Mike Eikman were present to submit their proposal, and request for approval on the construction of a swimming pool, classrooms and an athletic field at the Boy’s and Girl’s Club. Plans were submitted for the public’s review. They hope to have construction complete by mid-summer 2014. They have cleared some of the property and are close to being ready to break ground for the pool and the building. There will be no additional parking. Moved by council member Melonis seconded by council member Cumberledge to approve the proposal as submitted. Ayes: Unanimous.

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3. Jerry Johnson from 1910 Lagoon Drive was present to request that the council look at the storm water fees he pays on his property. He stated that the road has been built up near his property and that water drains directly to the lake. His property drains on his own property and is naturally filtered before it gets to the lake. He does not feel the storm water fee is feasible for what we are using it for. He wants to see what can be done to get rid of the fee. He would love to have any of the council members come to his house when it is raining so he can show them how the water flows. Council member Melonis stated that when we created the storm water fee, she felt that it was done as fairly as possible at the time and that the council needs to review the method used to charge the fees. Mr. Johnson mostly disagrees with the fees on vacant property. Council member Huey agreed that the council does have some things that need to be reviewed in the storm water fee structure. The intent of the utility fund was to improve the city. Council member Aldmeyer stated that we are an MS4 community that must comply with the rules and regulations set out by the DNR. To comply with the requirements we need a resource of funds. Jackie Wahl stated that she is on the storm water committee and the committee did not have any part in developing the fee. The maintenance supervisor has provided a suggestion to the council regarding changes to the storm water fee structure. Council member Huey will provide a recommendation that he thinks is feasible. Council member Aldmeyer stated that it is the council that implemented the fees. The storm water committee does not determine what will be charged for storm water fees. The fees are being used to develop and improve the storm water system in Carter Lake. Currently there is an \$11 million project that needs to be constructed. There is a storm water problem and it needs to be fixed. The fee is to improve the quality of water and life in Carter Lake. It would be labor intensive to calculate the percentage of impervious coverage on each piece of property in Carter Lake. Gary Rosenberger questioned where the money collected is being spent. The funds collected are only being used for storm water expenses. Ron Cumberledge stated that \$42,000 was spent out of the account. It was spent on storm water related activities and projects. Mayor Waltrip read from the Feb. 17<sup>th</sup> minutes where council member Huey stated that Jerry Waltrip's runoff that goes straight to the lake is in violation of the requirements. Mayor Waltrip stated that Council member Huey does not know what he is talking about. The Mayor stated none of the water from his rooftops run straight to the lake. His water runs into an underground gutter system that runs directly to the property that Jerry Johnson is discussing. The water that runs off the street, runs down the Mayor's 250 foot ditch and it goes into the ground, not into the lake. The Mayor stated that there have been cases that say you cannot make the public pay for rainwater. The rule is that if you charge a fee it should be charged on impervious property. Council member Melonis made a motion to get on with the agenda.

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4. Bill Dahlheimer agrees with what Jerry Johnson said in principle. He does not feel his property is being assessed properly. The average bill is \$4 and he is paying \$25 per month. He owns an acre of land that has not been developed. He has a rain barrel and rain gardens. He should be paying about \$4 on his house only. He is paying the fee on a vacant piece of property. The current way of charging fees is not working and it is not fair. He suggested that everyone pay an average. Another way would be to re-estimate the fees based on property coverage. Another option would be to drop the fee entirely since it is not mandatory. There are numerous cities in Iowa that have implemented storm water fees. Bill stated that if the council doesn't do something they are looking at being sued.
  5. Jeannine Poldberg stated that she did not understand the letters of understanding that were discussed at the February meeting. So she has gathered information about the employee contracts and their benefits. She read a synopsis of the employment contracts that each of the department heads have with the City. She stated there is no consistency in the length of each contract. She also stated that there is no just cause provision for termination in all of the contracts. The cost of health insurance varies according to age. She reviewed the cost of the other benefits. She thinks the packages sound expensive. She doubts the reason that the council gave for going into closed session on Dec. 30, 2013 is legal. The Harrison County Supervisors were just fined for not meeting the requirements to go into a closed session. She feels that we have put too much trust in the council members.
  6. Sharon Paterson was present and brought some information to the council showing that not all agendas and minutes are current on the website. The last set of minutes posted on the website are dated Oct. 21. She wanted to know why we have a website if we do not have the minutes posted in a timely manner. The clerk explained that work is done based on certain priorities and that IT items are on the bottom of the list. We meet legal requirements first. Mrs. Paterson also wanted to know when the lake pumps were going to be turned on. The Mayor informed her that they are currently running. She wanted to know when the lake clean up is scheduled. It has not been set yet. She encouraged people to clean the area along their lakefront while the lake is low.
- B. Communications from the Departments
1. Moved by council member Aldmeyer seconded by council member Cumberledge to approve the application to the fire department. Ayes: Unanimous.
  2. Jackie Wahl reported that the Planning Board was asked to review the zoning for the Goodkind and Goodkind building and General Manufacturing. The board needs additional guidance from the Attorney and the Council before they can make a recommendation. They also reviewed the plans submitted for the improvements at the Boy's and Girl's Club. The board recommended approval. They also continued their review of the Comprehensive Plan. The

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board would like the various departments to review the sections of the Plan that pertain to their departments to check for accuracy and updates.

3. The Storm Water Committee Update was removed from the agenda.
4. Mayor Waltrip
  - a. Mayor Waltrip would like to appoint Victor Skinner to the Library Board. Moved by council member Cumberlandge seconded by council member Aldmeyer to approve the appointment. Ayes: Unanimous.
  - b. The Mayor would like to reappoint Bobbie Freeman and Tim Thompson to the Park Board. Moved by council member Aldmeyer seconded by council member Cumberlandge to approve the appointments. Ayes: Unanimous.
5. Council member Cumberlandge
  - a. Council member Cumberlandge would like to waive the building permit fees for the Boys and Girls Club. Moved by council member Cumberlandge seconded by council member Melonis to waive the building permit fees for the Boys and Girls Club construction. Ayes: Unanimous.
  - b. Council member Cumberlandge asked the attorney the difference between a city fee and a city tax. Attorney Thornton stated a tax is normally general and beneficial for the entire community and a fee normally is for a specific purpose that is beneficial to the person paying the fee. Council member Cumberlandge would like to exempt residential vacant property. Council member Hawkins suggested a council workshop to discuss storm water fees. Jackie Wahl offered some information on storm water fees for the council to review. A workshop was scheduled for Monday, March 24, 2014 at 6:00 PM.
6. City Clerk
  - a. The clerk announced that the City did not receive any bids for the towing contract. The Mayor stated he would try to find someone to do the towing.
  - b. The clerk provided the council with the current ambulance fees and a copy of the current industry standard fees. Moved by council member Aldmeyer seconded by council member Hawkins to approve the top range of the industry standard fees. Ayes: Aldmeyer, Hawkins, Melonis. Nays: Huey and Cumberlandge. EMS billing charges 3% of the fees collected. Sue Cudd questioned who receives the money. The revenue goes into the Ambulance CIP fund and is used for ambulance expenses. Gary Rosenberger suggested one fee for those that have insurance and a different fee for those that don't.

#### V. Resolutions

- A. Moved by council member Aldmeyer seconded by council member Hawkins to approve a resolution placing liens for delinquent utility bills. Ayes: Aldmeyer, Hawkins, Huey and Cumberlandge. Nays: Melonis
- B. Moved by council member Aldmeyer seconded by council member Hawkins to adopt a resolution placing liens for unpaid weed removal bills. Ayes: Hawkins, Huey, Cumberlandge, and Aldmeyer. Nays: Melonis.

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- C. Moved by council member Hawkins seconded by council member Huey to adopt a resolution writing off unpaid bills for utilities. Ayes: Aldmeyer, Hawkins, Huey. Nays: Cumberledge and Melonis.

#### VI. Comments

Mayor Waltrip stated this has been an interesting meeting. The public deserves a hand for attending the meeting. To him, this is how government is supposed to work. He thanked the council for the work they put in.

Council member Melonis thanked everyone for coming. She stated this is probably the most challenging time she has had in the last 4 years and 3 months. She appreciates the public coming forward and giving the council food for thought. However, the amount of distention that she feels between the mayor and the council members and the distention that is growing in the community makes her sad. She is sad that nothing positive is happening. She addressed the Mayor and stated that if he feels this is very productive she disagrees with him 100%. She will do what the people want her to do, because that is the reason she was elected. However, the intentional act of pitting neighbor against neighbor, no matter what the issue is, she believes it is disgraceful and she doesn't feel it is very ethical either.

Mayor Waltrip wanted to know if Barb had stated he had invited these people up here. She stated that she had said that. She does not feel it is productive to cause all of the intentional distention and frustration.

The Mayor stated that is long as he is here the public will have the right to say what they are thinking.

Council member Cumberledge supported what Mayor Waltrip stated.

Council members Huey, Hawkins and Aldmeyer thanked everyone for coming.

The Mayor thanked the Attorney for itemizing his bills as he had requested.

Gary Rosenberger agrees that an \$11 million bond issue for storm water will never get passed. He also complained that trash is out all over town. The trash ordinance is not being enforced. He also stated the stop signs are not being enforced. Rules have unintended consequences and everyone in the country is tired of rules. Trash should not be set out until after 5:00 PM on Tuesdays.

Jerry Bell thought Phill Newton should do the ambulance billings since he spends a lot of time driving around town in the ambulance. He was referred to the Chief with any complaints he has about Phill's job performance. Mr. Bell stated that he has been accused of being paid to be a mouth piece for the Mayor and the rumors need to stop. Terry Christensen stated that when you need the firemen they are there. He is glad Phill is on the department.

Nate Bradburn stated that he is not speaking on behalf of the fire department however, for anyone that sees Phill driving the ambulance during the day, he is the only one paid to be on duty. If Phill receives a call during his lunch he is better able to respond if he has the ambulance with him. The fire personnel want to be there to help the citizens.

Bill Dahlheimer apologized to the clerk for his prior comments. He is frustrated with the storm water tax. He feels there is a compromise that needs to be considered regarding the fees.

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Jerry Bell stated he did not mean to make the fire department mad. He was not aware that Phill is a paramedic and goes straight to the scene when called.

Mary Schomer is concerned about the dangerous traffic at 13<sup>th</sup> and Willow. She would like the council to look into the issue. The Mayor believes Willow Dr. should be one way between 11<sup>th</sup> and 13<sup>th</sup> St. during school hours.

Mayor Waltrip stated that the inference that Barb Melonis made, insulted the public. Nobody speaks for him and he doesn't speak for anyone else. He doesn't have to be mayor, he got up here because he was upset with the way the city operated and he is going to change it. Anyone that works for the city cannot say that he has been unfair or mean. He has shocked a lot of people with the fact that he gets along with people at city hall. He will go out of his way to get along with them. For anyone to infer that someone is speaking for Jerry Waltrip, it is bad that those kind of comments can come up at a meeting. He speaks for the whole town. Everybody gets represented from his office. His door is always open. He is here to help make this City be a better place.

This meeting adjourned at 9:02 PM.

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Doreen Mowery, City Clerk

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Gerald Waltrip, Mayor