

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: Monday, June 16, 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 – Council member Aldmeyer requested that the Storm Water Update be removed from the agenda. Moved by council member Melonis seconded by council member Cumberledge to approve the agenda with the deletion. Ayes: Unanimous.
- III. Consent agenda – Moved by council member Aldmeyer seconded by council member Hawkins to approve the consent agenda as presented. Council member Cumberledge asked why all of the department heads did not submit a monthly report. Council member Hawkins responded that she had requested the reports but they are not mandatory. Ayes: Aldmeyer, Hawkins, Huey, Melonis. Nays: Cumberledge.
- IV. New Business
 - A. Communications from the Public
 1. T J and Dianna Hite were present to request a variance to Section 2801 of the Land Development ordinances. They have purchased a piece of property with a garage and would like to be able to keep and maintain the property to be used for additional storage. The current code requires that a garage or shed cannot be built on property that does not have a home on the property. The Mayor has requested that the building inspector and attorney enforce the current ordinances. When a property owner sells the property any non-conforming uses must be discontinued. The Mayor stated that the Hites have done some remodeling on the garage after they received the letter regarding non-conformance. The Hites were referred to the Board of Adjustments to get a variance to Section 2801 of the Land Development ordinances. The Mayor stated the owners have three alternatives; tear the building down or move it, build a house, or sale the property to an adjoining property owner. The Mayor is going to enforce the rules. Ms. Hite stated that the prior owners had it for 9 years and used it in the same manner. Council member Huey spoke in favor of the Hites being able to use the property. Ms. Hite stated that there are other properties that are not being maintained and look much worse than their garage. The Mayor explained that if the City does not agree with the Board of Adjustments decision, then they will go to court and he is in favor of stopping their use of the garage. The Mayor requested that the council take a position on this issue. The council does not have the authority to take action on something that needs to go to the Board of Adjustments. Council member Melonis made a motion to table this issue. The motion was withdrawn.

City of Carter Lake

City Hall – 950 Locust St.

Proceedings: Monday, June 16, 2014

Regular City Council Meeting – 7:00 PM

2. Terry Christensen informed the council that the property he owns across from City Hall, on Mabrey Lane is for sale. He wanted to know if the council would be interested in purchasing it for the City. If he does not sale the property in the near future he will be tearing down the building and removing the putt putt golf course. Council member Hawkins said they would have to know what the asking price is and then they would have to see if there was money in the budget.
 3. Moved by council member Cumberledge seconded by council member Aldmeyer to approve the application for a solid waste collector permit. Ayes: Unanimous.
 4. Roger Wilson spoke to the council regarding the proposed potted tree/shrub project on the former school property. There is an issue with getting water to the area. The project would be educational and benefit the entire community with trees and plants. The Kiwanis have been working on this for the past four years. He would like the city to consider providing mulch, water and possibly a \$1,000 grant. John Nabity stated that the proposal uses an area about 2000 square feet. He explained how a pot in pot area is constructed. They will include trees, shrubs, perennials and ornamental grasses. There is an issue with finding a water source for the soakers and sprinklers for the area. The Kiwanis have enough funding and gifts in kind to get the project going. There are scout groups, kids at the school, and garden clubs that will assist with maintenance of the project. The Mayor stated he thought they should be able to tap into the sprinkler system at the library to set up a separate zone for watering the proposed pot in pot project. The plants and trees will ultimately be used to beautify the community and educate the children. There is a proposal for an asphalt walking track on the same piece of property but the pot project will not interfere with the track. The Attorney stated they would need an easement from the City to use the property. The Parks Department will be using the plants once they are grown. Council member Aldmeyer suggested that the Mayor meet with Kiwanis representatives and the Park Director. Bill Dahlheimer suggested that they use a coupling to hook into the water at the library.
- B. Communications from the Departments
1. There were two new applications for the Volunteer Fire Department. Moved by council member Cumberledge seconded by council member Melonis to approve the applications. Ayes: Aldmeyer, Hawkins, Cumberledge, Melonis. Abstain: Huey.
Dexter Johnson is the new Senior Van driver. He has volunteered to replace the previous employee on the Safety Committee. Moved by council member Aldmeyer seconded by council member Cumberledge to approve Dexter Johnson's appointment to the Safety Committee. Ayes: Aldmeyer, Hawkins, Cumberledge, Melonis. Abstain: Huey.
Phill sent an email to the council requesting permission to move forward with a special election for a bond issue to purchase a new fire truck and the equipment that will be needed. The department no longer wants to pursue an addition to the

building for storage and sleeping quarters. The Mayor has also requested that the council consider eliminating the water rescue team. He feels that if they get rid of water rescue there would be room for storage and sleeping quarters. Council member Hawkins stated she is not in favor of getting rid of the water rescue. She also commented that the department will be purchasing a pumper truck not an aerial. Council member Melonis explained the necessity of the new truck. Our current pumper is very old and does not pass State inspections. Council member Melonis also went on record in support of keeping the water rescue team. Council member Aldmeyer questioned if we want to put the purchase of a fire truck out to the public for a vote. Moved by council member Aldmeyer seconded by council member Hawkins to move forward with this request and get this issue on the November ballot and to instruct the clerk to get legal counsel, bond counsel, and the financial consultant involved. Ayes: Aldmeyer, Hawkins, Melonis. Nays: Cumberledge. Abstain: Huey. Council member Cumberledge can't support the project until he knows the terms and the rates as well as the cost. Ray Pauly suggested that the Fire Department get information out to the public regarding why the truck is needed.

2. Ray Pauly reported that the Planning Board worked on the new ordinance for Planned Industrial district that will be used specifically for Fleetpark LLC. There will be a public hearing on the ordinance on June 30, 2014 at 7:00 PM. Fleetpark LLC is aware that the process will not be completed by their July 1 deadline. The Attorney stated he has visited with Mr. Hoovestel regarding the timing of the ordinance. He is also working on a proposed development agreement with Fleetpark LLC. Council member Melonis thanked the board for working on this project.

3. The Storm Water Committee update was deleted from the agenda.

4. Mayor Waltrip

a. The fire truck was discussed earlier.

b. The Mayor reported that the raise for the new position at the Library is under consideration by the Union. The Mayor has mailed paperwork to the Union for their consideration. Mary Schomer and Kim Smith presented the council with a timeline of the events regarding the new position. She also provided the council with copies of the old and the new job descriptions. Mary is now doing programming for all ages, not just the children. She is also in charge of scheduling of the multi-purpose room.

c. The City has solicited and received bids for cobblestones that were in storage in the maintenance yard. The cobblestones were sold for \$3,600. The Mayor told everyone that submitted a bid that they could bid with the understanding that the funds would go to the Library. The Attorney stated that the issue is that when there is a selling of city property it is up to the council to decide where the funds are used. Moved by council member Cumberledge seconded by council member Huey to allocate the funds to the Library. Ayes: Unanimous. Council member Aldmeyer asked if council member Cumberledge wanted some of the funds for the advertisement of the

city that he had discussed at the last meeting. Council member Cumberlandge stated that he did not, not at this time. The Library thanked the council and assured them the money would be used wisely.

d. The Mayor stated he vetoed an action from the last meeting. He stated he understands the Mayor's veto power. Mayor Waltrip is not in favor of some of the fire department issues and how they are going to be handled. He also had the Attorney review the conflict of interest with a fire department member voting on fire issues.

e. The Mayor stated that he is not in favor of paying overtime to one of the individuals that has a letter of understanding, therefore he would not authorize that individual's paycheck. He does not think that overtime can get paid if the individual has a letter of understanding. He stated that if an employee does a good job then they should be allowed to keep the job. He stated he is not going to sign the paycheck. The Attorney stated that the issue is the Fair Labor Standards Act, not if they have a contract. Council member Huey stated that you have to pay overtime to hourly employees if they have earned it. This employee was not allowed to be in the union and that is why there is a letter of understanding. If an employee is entitled to overtime then they will get paid overtime. Overtime was approved by the council on the consent agenda. Council member Hawkins stated the employee was paid and they will continue to pay her the wages she earns. Council member Cumberlandge stated the Mayor should schedule the employee so she doesn't have overtime. The clerk stated that the employee will be required to have overtime periodically. The council agreed that the overtime would be paid if it is needed.

5. Council member Huey explained that he had previously misunderstood his ability to vote on fire department issues. He apologized for the misunderstandings and stated he will comply and avoid any future conflicts
6. Council member Aldmeyer
 - a. Council member Aldmeyer believes we need a water rescue, but he does not want to get in too deep with scuba diving. Moved by council member Aldmeyer seconded by council member Cumberlandge to respectfully decline the donation of the jet ski for water rescue and return it to the donor. Ayes: Aldmeyer, Cumberlandge. Nays: Hawkins, Melonis. Abstain: Huey. The Attorney stated since there was not a motion to accept the jet ski, the jet ski has not been accepted so it needs to be returned.
 - b. Council member Hawkins moved to carryover the matching funds for an Iowa West grant for fire department equipment. Motion was seconded by council member Aldmeyer. The funding will go toward the purchase of a camera. Ayes: Aldmeyer, Hawkins, Cumberlandge, Melonis. Abstain: Huey. This item will come off the equipment list for the bond issue.
7. City Clerk

City of Carter Lake

City Hall – 950 Locust St.

Proceedings: Monday, June 16, 2014

Regular City Council Meeting – 7:00 PM

- a. Moved by council member Aldmeyer seconded by council member Huey to approve 275 as the new average number of mobile homes for utility billing purposes. Ayes: Unanimous.
- b. The Clerk advised the Mayor and Council that she is working with the claims adjuster for potential claims from the recent hail storm on both vehicles and buildings.
- c. Overtime for the deputy clerk was discussed earlier on the agenda.
- d. There is an older Crown Victoria vehicle that the City no longer needs. Moved by council member Cumberledge seconded by council member Aldmeyer to get scale price and then request bids with a minimum bid of scale price. Ayes: Unanimous.
- e. There is a business tax credit available to most of the Carter Lake businesses. Moved by council member Aldmeyer seconded by council member Hawkins to instruct the clerk to send letters to the businesses advising them of the tax credit. Ayes: Aldmeyer, Hawkins, Huey, Melonis. Abstain: Cumberledge.
- f. The clerk advised the council that the marquee has not been operational since the operating system was updated on our computers. She is looking for a solution, but in the meantime we are unable to load any new information onto the marquee.
- g. The clerk advised the public that since joining IMWCA three years ago our workman's compensation premiums have gone down from \$199,595 to \$57,874. Much of the thanks goes to the Safety Coordinator, Phill Newton and all of the committee members and employees.

V. Ordinances.

- A. Moved by council member Hawkins seconded by council member Huey to approve an ordinance amending Chapter 92 – Water Rates on the third consideration. Ayes: Hawkins, Huey and Melonis. Nays: Cumberledge and Aldmeyer.
- B. Moved by council member Melonis seconded by council member Huey to adopt an ordinance amending Chapter 99 – Sewer Service Charges on the third consideration. Ayes: Hawkins, Huey, Melonis, and Aldmeyer. Nays: Cumberledge.
- C. Moved by council member Cumberledge seconded by council member Huey to adopt an ordinance amending Chapter 110 – Storm Water Utility on the third consideration. Ayes: Unanimous.

VI. Resolutions

- A. Moved by council member Aldmeyer seconded by council member Hawkins to approve a resolution entering into a construction contract with L G Rolloff for \$1,334,485.31 and naming the clerk and the mayor as Authorized Representatives for this contract. Ayes: Unanimous.

City of Carter Lake

City Hall – 950 Locust St.

Proceedings: Monday, June 16, 2014

Regular City Council Meeting – 7:00 PM

- B. Moved by council member Melonis seconded by council member Hawkins to adopt a resolution approving liens on unpaid utility bills. Ayes: Unanimous.
- C. Moved by council member Hawkins seconded by council member Cumberledge to approve a resolution authorizing liens for unpaid snow removal bills. Ayes: Unanimous.
- D. Moved by council member Melonis seconded by council member Hawkins to approve a lien writing off uncollectible weed and snow removal bills. Ayes: Unanimous.
- E. Moved by council member Hawkins seconded by council member Huey to adopt a resolution approving writing off uncollectible utility bills. Ayes: Unanimous.
- F. Moved by council member Huey seconded by council member Aldmeyer to adopt a resolution setting wages effective July 1, 2014. Ayes: Aldmeyer, Hawkins, Huey, Melonis. Nays: Cumberledge.
- G. Moved by council member Hawkins seconded by council member Aldmeyer to approve Fund Balance transfers for FYE 6-30-14. Ayes: Unanimous.

VII. Comments

Barb Melonis thanked everyone for coming to the meeting. She invited everyone to the July 12th Prayers and Pancakes in the park.

Ron Cumberledge stated that he understands you need to borrow for the truck, but he is not in favor of borrowing for the rest of the small ticket items.

Council member Huey told everyone to be safe over the 4th of July.

Council member Aldmeyer thanked the safety committee for all of their work that resulted in a substantial savings in premiums. He suggested that homeowners contact their insurance company because many homes sustained hail damage to their roofs and gutters during the recent storm.

The clerk stated that she was not opposed to the library or them receiving the money from the sale of the cobblestones. The council has to take action if the funds are going to be used anywhere other than the general fund and any time property is disposed of it needs council approval.

John Jungers is a partner in Strong Box Mini Storage on the south side of Ave. H. He has concerns over the storm water issues south of Ave. H. In 2011 they received a tremendous amount of support from Mayor Kramer's office and the maintenance crews. During the recent storm Ron Rothmeyer was on site watching the storm water situation. He is concerned about the storm water from improvements at PVS and Fleetpark. He would like to be kept up to date on what the Storm Water Committee is doing. The Mayor has received all of the storm water information for the area south of Ave. H that is on file in the clerk's office. He has asked Omaha if they would be open to using the Grace Street pump station for storm water. The PVS project has been engineered to handle their storm water runoff. Fleetpark is working with HGM to address any storm water runoff issues they may have with their project. Mr. Jungers stated it takes a major rain event to cause issues. He pays a substantial amount of taxes and he would like to get services in return.

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: Monday, June 16, 2014
Regular City Council Meeting – 7:00 PM

Mary Jo Pinkerton stated that the harvester is in the lake but it is not being used and she wanted to know why. She would like to be able to use the lake. The Mayor stated that when they first put the harvester in the water they could run it. Ron is currently on vacation and the maintenance crews are trying to get other things done from the recent storm. Mrs. Pinkerton also wanted to know if they have sprayed anywhere on the lake. The Mayor stated that Iowa has sprayed, but they do not have much money left for spraying. He does not believe the harvester is going to solve the problems with the lake. The Mayor has talked to the Governor twice about lake issues. He wants to work with the director of the DNR because he has said they can solve the problem. \$7 million has been spent on the lake by Iowa and Nebraska. The Governor, Director of DNR, and the DNR Attorney told the Mayor they would get rid of the buoys. Mrs. Pinkerton stated that the pump has not been running. The Mayor stated that it has been running for three weeks. The Mayor stated that the problem is that the DNR and the DEQ need to step up.

Bill Dahlheimer congratulated the Library on receiving the \$3,600 from the sale of cobblestone. He feels the cobblestone could have been used by the City for several different projects. Mr. Dahlheimer will be addressing the council in the future regarding 13th and Ave. Q. That area used to be an old bus stop and he would like to see it dressed up in the future.

This regular city council meeting was adjourned at 9:28 PM.

Doreen Mowery, City Clerk

Gerald Waltrip, Mayor