

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: Monday, July 21, 2014
Regular City Council Meeting – 7:00 PM

The Pledge of Allegiance

Mayor Gerald Waltrip called the regular city council 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. The Planning Board Update was also removed from the agenda. Moved by council member Melonis seconded by council member Cumberledge to approve the agenda with the deletions. Ayes: Unanimous.
- III. Consent agenda – Council member Cumberledge requested that item K, #s 3, 4, 5, 6, 7, and 8 be pulled from the consent agenda for discussion. Council member Melonis requested that section L be pulled from the consent agenda for discussion. The two items will be placed on the regular agenda after item #7 – Mayor Waltrip. Moved by council member Melonis seconded by council member Cumberledge to approve the consent agenda with the two items that were pulled, moved to the regular agenda. Ayes: Aldmeyer, Hawkins, Cumberledge, Melonis. Nays: Huey.
- IV. New Business
 - A. Communications from the Public
 1. Ulette Bonner was present to discuss a storm water issue that has occurred more than once in their neighborhood. She lives at 1425 Dorene Blvd. and her house has received water damage during recent rains. She does not feel the storm water drains are handling the water near her home properly. The drains are getting clogged every time it rains. She would like the City to come out during rains and clear the drains. The Mayor stated he would look at the problem with the maintenance supervisor. The resident at 1409 Dorene reaffirmed that there is a storm water issue in that area that has caused damage to his property as well.
 2. Cheryl Bowman had sent a written request to the City regarding vacating the street between 1780 Ave. Q and the property to the east. Moved by council member Melonis seconded by council member Aldmeyer to table this request until there is further study. Ayes: Unanimous. Council member Huey would like to see Ms. Bowman's proposed landscaping for the area.
 3. R. J. Brown was present to discuss the use of the Omaha Humane Society for animals from Carter Lake. He feels it is a violation of federal and state laws when we cross state lines with animals.
 4. Elmer Branson discussed various issues and concerns with the properties that abut his home. The Dollar General allows an excessive amount of trash to blow onto his property and they do not clean it up. He has complained to the Dollar General however in the past they have not cleaned up the property. Today was

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the first time they cleaned up the area. Mr. Branson is thankful Mayor Waltrip has assisted in working with Dollar General to take care of some of the issues. Mr. Branson also stated he has issues with water on the property. The Dollar General gutters pour water onto his property. Water also flows to his back yard from Ampes and the condos on Ave. K. He did not have a water issue until they filled the property behind him. Mr. Branson presented pictures of the flooding and the trash in his back and side yards. Council member Melonis questioned where the downspouts from the Dollar General are directed. Mr. Branson stated it comes down onto their cement and then flows thru his retaining wall. Mayor Waltrip believes the water issues start on Mabrey Lane since the City raised the street when they resurfaced it. He believes a solution would be to pump the water up to the Locust Street storm system. The Mayor also stated that the pump in back of the Kwik Shop needs to be maintained to take care of the water on their property. Mr. Branson expressed additional concern about the children that go behind the building and spray graffiti on the building and climb on his retaining wall. Council member Melonis suggested that the Mayor encourage Dollar General to block access to the back of their building. The Mayor has requested that the Police keep an eye on the problems.

5. Sharon Paterson has been researching the minutes for Carter Lake meetings. She had questions regarding the administration days that are given to some of the employees. She also stated that the job descriptions have not been updated since 2004. She believes the council should have figured out a way to give Mary Schomer at the Library a fifty cent an hour pay increase. She also requested clarification on comp time. Mrs. Paterson also had questions about overtime and who approves it. Overtime, comp time, and admin time are submitted to the council at every meeting. The Mayor stated that he will not sign overtime if he does not agree with it. Mrs. Paterson objected to paying the Deputy Clerk overtime and feels that the Clerk should do the Deputy's work to avoid overtime. She feels that the City should have a time study completed and not pay overtime.

6. Moved by council member Cumberledge seconded by council member Melonis to approve renewal of cigarette permits for the Improvement Club, Carter Lake Mini Mart, Dollar General, Jump Start, Kwik Shop, Sarie's Lounge, and Shoreline Golf, LLC. Ayes: Hawkins, Huey, Cumberledge, Melonis. Nays: Aldmeyer.

7. Scott Caroll was present to request council permission to hold Dog Days at the Improvement Club on August 23rd. The events and location will be the same as last year. Moved by council member Aldmeyer seconded by council member Cumberledge to approve the request. Ayes: Unanimous.

B. Communications from the Departments

1. Theresa Hawkins presented a Library budget amendment to the council. Funds were moved from programming to cover the cost of internet services. We will also add the cobblestone funds to their budget when we do a budget amendment later this year. Moved by council member Huey seconded by council

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- member Cumberledge to approve the amendment as presented. Ayes: Unanimous. Theresa also reported that the rain garden is working as it was designed. They will be doing some additional work to cut back on the amount of weeds in the garden. Black Hills Energy will be providing labor for a day of service at the library sometime in September.
2. Shannon Dunlap was present and presented some proposed ordinance changes to the council regarding domestic fowl and vicious animals. She prepared and conducted a petition drive regarding her proposed changes in order to get an idea of how the community felt about the changes. She had petitioned 340 citizens regarding the issues at hand. The Mayor is opposed to allowing chickens. Council member Melonis suggested the council hold a workshop to look at these matters closer. Moved by council member Melonis seconded by council member Hawkins to hold a workshop on July 28th at 7:00 PM after the public hearing and special meeting. Ayes: Unanimous.
 3. Eric Bentzinger was present to provide updated information on the fire Department. Eric requested a moment of silence in memory of Herb Schewe. Mr. Schewe was a charter member of the department. He passed away on July 20, 2014. Eric reported that there have been 217 calls in 2014. Prayers and Pancakes in the park was a very successful event. The next Fire Department pancake breakfast is scheduled for October. Eric reported that the department would still like to move forward with purchasing a fire truck, equipment and updating the existing building. Moved by council member Aldmeyer seconded by council member Cumberledge to approve the application for a cadet position on the fire department. Ayes: Aldmeyer, Hawkins, Cumberledge, Melonis. Abstain: Huey.
 4. Planning Board update was deleted from the agenda.
 5. Building Inspector Update
 - a. The building inspector has been working with a citizen to condemn their property. In the event there is a court order to condemn the property there will be some costs incurred by the City. The property owner has vacated the home. Eric Bentzinger stated he was involved in the inspection and the house is a hazard and needs to be demolished. Moved by council member Cumberledge seconded by council member Melonis to proceed with the condemnation and demolition of the structure. Ayes: Unanimous. Janet Bell was present and expressed concern over a condemned home in her neighborhood that was sold.
 - b. The building inspector provided a written update on the progress being made on the Boys and Girls Club improvements.
 6. Storm Water Committee Update was removed from the agenda.
 7. Mayor Waltrip
 - a. Mayor Waltrip appointed Sharon Paterson to fill the vacancy on the Board of Adjustments. Moved by council member Cumberledge seconded by council member Melonis to approve the appointment. Ayes: Cumberledge, Melonis. Nays: Aldmeyer, Hawkins, Huey. Mayor

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Waltrip stated he will not nominate anyone else and the vacancy on the board will remain.

- b. The Mayor discussed a bill that was submitted by Dennis Rochford for some compliance issues on the width of the foundation on the townhomes he is constructing. The building inspector stopped the contractor before the forms were poured and had him make some changes. The Mayor believes the bill that was submitted by Mr. Rochford should be paid. He does not believe the building inspector made the right decision and it is a City mistake. Mrs. Paterson wanted to know how much the bill was for. It was \$1,200.00. Moved by council member Melonis seconded by council member Hawkins to deny payment of the bill submitted by Dennis Rochford. Ayes: Aldmeyer, Hawkins, Huey, Melonis. Nays: Cumberledge.
 - c. The Mayor updated the public on the condition of the lake. He has met with the City of Omaha about their responsibility on the lake. He has also had a continuous debate with the State of Iowa. He stated the lake is just a mess. He has been trying to get it straightened out. The director of the DNR told him the buoys and no wake zones are in Nebraska. He met with Omaha's Public Works Director and Park Director. They offered to take over the weed harvesting in the lake. The Mayor believes he has come to a better conclusion with the City of Omaha on how to get the lake straightened out. Brook Bench agrees with the Mayor and believes grass carp would be the solution. The Mayor stated the DNR does not want to admit that they made a mistake. Council member Hawkins stated that the lake is not like it used to be, but it is more alive than it has ever been. There are bull frogs, turtles and other wild life that has not been there for years. The lake can't be used like it used to be, but it is still alive and it is in great shape. She also understands the frustrations of those that want to use it like they used to use it. John Pinkerton stated his wife is not able to ski on the lake because of the weeds.
8. Consent agenda items
- a. Council member Cumberledge pulled item K, numbers 3 thru 8 off of the consent agenda for discussion. He questioned how many people are employed at the Resource Center. There are currently 2 full-time and 2 part-time employees. Council member Cumberledge feels that the monthly reports from the department heads would be helpful. Michaela Clemens voluntarily took the part-time position. She went from full-time to part-time status on June 23, 2014. The wage resolutions reflect what is in union contracts. The Mayor stated in the past he has asked to see all applications. He feels that is what he was elected to do. The Mayor is the chief supervisor over all of the employees. He wasn't aware that these changes were taking effect. Council member Melonis would like to see a clarification on the time frame that Michaela Clemens is being hired for. Council member Cumberledge is also just looking for clarification.

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Moved by council member Hawkins seconded by council member Aldmeyer to approve the pay resolutions for Michaela Clemens. Ayes: Huey, Melonis, Aldmeyer, Hawkins. Nays: Cumberledge. There was discussion regarding the employment of Heather Rothmeyer in the Resource Center. The Mayor stated he has interviewed applicants for the maintenance department with Ron Rothmeyer and if he hadn't agreed to it, the person would not have been hired. He has also done it with the Fire Department. Council member Cumberledge is concerned about the cost of the Resource Center program increasing. He didn't have an opportunity to voice his opinion on the union contracts. Mr. Bell believes that the positions at the Resource Center should be covered by grant funds. He does not feel the City should cover any of the costs of the Resource Center. The Resource Center has a board that does the employment interviews for open positions. Moved by council member Hawkins seconded by council member Huey to approve the pay resolutions for Heather Rothmeyer. Ayes: Aldmeyer, Huey, Hawkins, Melonis. Nays: Cumberledge. Council member Cumberledge is opposed to given more than a 1.25% pay increase to Phill Newton. Council member Aldmeyer stated that the council has not had an opportunity to discuss their pay requests with Phill Newton or Ron Rothmeyer. The council needs to negotiate with them. Moved by council member Hawkins seconded by council member Melonis to table the pay resolutions for Phill Newton and Ron Rothmeyer until the council can meet with them and negotiate pay. Ayes: Unanimous. Eric Bentzinger stated that the wages for Phill were budgeted and he had sent out an email regarding this matter. One third of the position has become safety and there has been a substantial savings because of his efforts. Eric also stated that the employees have taken a beating because of the forum that has taken place here and it has become a volatile work place. He believes employees should be given pay raises based on their merit. These two pay requests will be placed on the July 28, 2104 agenda for discussion.

- b. Council member Melonis is concerned that only 3 or 4 department heads submit monthly reports. She appreciates the ones she gets and she would strongly encourage the others to submit reports. Mrs. Paterson stated that she thinks when the department heads are evaluated the amount of overtime that they allow should be taken into consideration. The Mayor stated that some of the overtime is hard to curtail. She feels there should be an incentive to keep overtime down. Mrs. Paterson wanted to see the minutes from the consent agenda. She also wanted to know how administrative hours are earned. Theresa Hawkins stated she no longer sends a monthly report because she submits Library Board minutes instead. The council would like the consent agenda to read "Library – see attached minutes".

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9. City Clerk

- a. The bill from Dennis Rochford was addressed earlier in the meeting.
- b. The clerk had advertised for bids on the Crown Victoria that the building inspector used last. No sealed bids were received, however the salvage yard offered to purchase the vehicle for \$1,000. Moved by council member Cumberledge seconded by council member Huey to accept the bid of \$1,000 for the vehicle from Mike Levell. Ayes: Unanimous.
- c. The council discussed the letter from bond counsel stating that the council did not have to have an election to sell bonds to purchase a fire truck. Council member Cumberledge wants to know what the cost is per homeowner for a bond issue. Moved by council member Cumberledge seconded by council member Aldmeyer to move forward with an election for the fire truck, equipment, building upgrades and related costs. Ayes: Aldmeyer, Hawkins, Cumberledge. Nays: Melonis. Abstain: Cumberledge.
- d. Attorney Thornton has been working with the bond company on the Locust Street project. He would like to go into closed session with the council to discuss how they would like to proceed. Moved by council member Aldmeyer to go into closed session. Motion was withdrawn. This item will be moved to the last item on the agenda so the public does not have to wait during a closed session.

V. Resolutions

- A. Moved by council member Cumberledge seconded by council member Melonis to authorize a tax abatement for 3010 Nakoma Lane. Ayes: Unanimous.
- B. Moved by council member Huey seconded by council member Melonis to authorize a tax abatement for 3012 Nakoma Lane. Ayes: Unanimous.
- C. Moved by council member Melonis seconded by council member Hawkins to authorize the Clerk and the Mayor to enter into a credit card agreement with the Kwik Shop. Ayes: Unanimous.
- D. Moved by council member Huey seconded by council member Hawkins to adopt a resolution authorizing signatures for permanent right of way acquisitions and temporary construction easements related to the Owen Industries expansion project. Ayes: Unanimous.

VI. Comments

The Mayor expressed his appreciation for the people who attend the meeting. He is disappointed with the council action on his appointment to the Board of Adjustment.

Council member Melonis is excited about working with Shannon Dunlap on the proposed changes to the animal control ordinances.

Ron Cumberledge stated it should have been a pleasant surprise for the citizens to get their water bills. We have not yet received the rate study that PeopleService is working on for the City. He was concerned that the council denied the appointment to the board of adjustments.

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The clerk read an email that thanked the volunteers that put together the annual fishing derby. The email was from a family that lives in southeast Iowa. They were in the park that day and were provided poles and bait and invited to participate.

Jan Bell wanted clarification on Chapter 21.5 of the code regarding who the “body” was that determines if there is a closed session. The Attorney stated it is the council members. She then read a statement regarding a public servants service and she is appalled at the rudeness of the council and general public to the Mayor at times.

John Pinkerton volunteered to take anyone out on his boat that believes the lake is in good shape.

Mary Schomer thanked Barb Melonis and Jerry Waltrip for their assistance after her husband’s recent surgery.

Elmer Branson thanked the council for the attention to his problems. He also stated that Lake Manawa does not have an issue with seaweed. The Mayor explained Manawa is a State park and their pockets run deep.

R J Brown stated that two months ago his cats were taken from his house and taken to Omaha’s humane society and they were put to sleep. The Police Chief hasn’t answered him regarding this situation. The Mayor state he will take care of this problem for him. R J Brown stated that he has been mistreated by Carter Lake police.

Joe Dohe thanked Sharon Paterson for questioning the City. He appreciates our police force. There are some noise issues that he would like addressed a little better. He realizes there are some lake issues, but we need to decide the type of lake that the citizens want.

Eric Bentzinger asked the public to contact him or someone at the Fire Department if they have any questions about the proposed election for a bond issue.

Jerry Bell pointed out that the clerk made a typographical error in a pay resolution for the animal control officer.

Bill Dahlheimer wanted to know if the monthly reports from the department heads were a requirement or a request. He would like to see the council require the monthly reports. The Mayor stated sometimes he doesn’t even get half of the information. He is not interested in a written report. He is interested in what they do. As long as he thinks they are doing a good job, nothing else matters. Bill believes the department heads should be reprimanded if they do not provide reports. Written reports do not impress the Mayor. Bill Dahlheimer also requested that the department heads be required to attend the meetings.

Moved by council member Aldmeyer seconded by council member Huey to go into closed session pursuant to Chapter 21.5 of the Code of Iowa to discuss strategy with counsel in the proposed close out on the Locust Street project which is in litigation or where litigation is imminent. Ayes: Unanimous. The Mayor stated he is opposed to going into closed session but in this case it is warranted.

Council went into closed session at 9:52 PM.

Council came back into open session at 10:04 PM.

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Moved by council member Aldmeyer seconded by council member Melonis to move forward with the Locust Street proposed closeout settlement of a walk away position for both parties without any further funds being exchanged, subject to DOT approval of the closeout and settlement. Ayes: Aldmeyer, Hawkins, Huey, Melonis. Nays: Cumberledge.

This regular city council meeting was adjourned at 10:05 PM.

Doreen Mowery, City Clerk

Gerald Waltrip, Mayor