

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: Monday, October 20, 2014
Regular City Council Meeting – 7:00 PM

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

The Pledge of Allegiance

- I. Roll Call: Present – Mayor Gerald Waltrip
Council members Ed Aldmeyer, Dave Huey, Ron Cumberledge, Barb Hawkins and Barb Melonis.
Also present – City Attorney Joe Thornton and City Clerk Doreen Mowery
- II. Approval of the Agenda – Moved by Council member Aldmeyer seconded by council member Melonis to approve the agenda as presented. Ayes: Unanimous.
- III. Consent agenda – Moved by council member Melonis seconded by council member Huey to approve the consent agenda as presented. Ayes: Aldmeyer, Hawkins, Huey, Melonis. Nays: Cumberledge.
- IV. New Business
 - A. Communications from the Public
 1. John Paterson was present to ask several questions. He asked the clerk to change the home page of the web site where it stated “Vote Yes for the fire truck bond issue.” He does not believe the web site should be used to take a position on the bond issue. The Mayor stated there is a law that no official from a community can promote a debt to that community. The Mayor agrees that the web page should be taken down. The Attorney agreed that advocating for an issue one way or another is not appropriate. Mr. Paterson questioned the Attorney regarding the closed meeting that was held on Sept. 22nd. He felt that the Attorney did not give appropriate legal advice at that meeting and he feels it is important that the attorney give good legal advice. The Attorney stated he would be happy to respond to his inquiries, but he will not respond at this meeting. The Mayor read a section of Iowa Code Section 22 and stated that nothing in the law requires a closed session. Mr. Paterson proceeded to question council member Melonis regarding her comments at the close of the last meeting when she stated that this has been the most difficult time on the council and that the Mayor was causing distention and disruption with the council and the community and that she is opposed to negativism. He then questioned why she would pull the check for Professional Tree Service from the consent agenda for discussion. Council member Melonis stated that she checks invoices and checks two to three times a year. She typically has 5 or 6 questions each time she reviews the checks. Mr. Paterson questioned who told her to pull the check. She stated that she pulled the check herself. Mr. Paterson stated that the clerk had told her to pull the check. The clerk objected that she did not tell Mr. Paterson that she had told Barb to pull the check. Council member Hawkins stated that Barb Melonis was just doing her job. Mr. Paterson believes it was inappropriate to bring the check up at the council meeting.

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2. Fred Vogt had previously submitted some pictures to the council for their review. Mr. Vogt thanked Barb Melonis, Ron, and the maintenance crew for placing the resting blocks along 13th Street. He also thanked Barb Melonis for resourcing and commissioning artists Nancy Kemp and Mike Hanson to provide artwork at the 13th & Ave. Q green space. He thanked Ron and the maintenance crew for landscaping and restacking limestone at that park area. Mr. Vogt thanked Theresa Hawkins, Ron Rothmeyer and Chris Ethen for applying for and receiving a tree grant. He thanked Chris for getting the advice of tree professionals and getting the best trees to meet our needs. Mark, Ronnie and all of the part time park employees were thanked for all of their hard work and dedication. Fred stated that the unveiling of the sign at Rydberg Park was a huge success and he thanked Russ Kramer and Chris Ethen for making it happen. Mr. Vogt thanked all of the departments and employees for their hard work and dedication to the City. He also acknowledged and thanked Iowa DNR for cleaning, clearing and improving the water conditions of the lake. There is a current growth spurt of flora in the lake. He believes as we continue to stock the lake with game fish the flora will resolve itself. The water is clear. Mr. Vogt read some statements from the Mayor's column in previous *Insiders*. Fred does not believe grass eating carp is the solution to the flora in the lake. He read a section from the Iowa Code that prohibits stocking live fish without permission of the director of the DNR. In short crass carp are illegal and continuously bringing them up is not a progressive solution to the issues. He state the lake issues should be left to the professionals at the DNR. Mr. Vogt asked the council to grant him a permit to allow him to raise chickens on his property.
3. Moved by council member Melonis seconded by council member Cumberledge to approve the request from Roger Heider for a block party on Oct. 25th. The party would be between 11th and 13th on Mayper Drive and would run from 6 PM until midnight. Ayes: Unanimous.
4. Nancy Thompson was not present to submit her concern or request to the council.
5. Jay Gundersen requested that the council consider allowing him to divide a section of lakefront property that is jointly owned by him and 4 other individuals. The property split would allow each owner to have possession of the square footage in front of their respective homes. One of the property owners is in the process of selling his home and would like to have the lot split completed by mid November. The council does not object to the proposal.
6. Moved by council member Huey seconded by council member Hawkins to approve renewal of Sgt. Peffer's liquor license. Ayes: Unanimous.
7. Jeannine Poldberg addressed the council regarding the proposed hiring of a fourth person at the Resource Center. She stated she recently attended a cooking class where there were approximately 35 children in attendance. She thanked Michelle Badalucco for the job she was doing. Mrs. Poldberg is concerned about the cost of the Resource Center to the City of Carter Lake. She reviewed the current budget for the Resource Center. She would like to

know what will happen when the current grant ends. She can't help but compare the request an additional employee at the Resource Center to the \$.50 pay increase requested for Mary Schomer. She believes the City Council is playing favorites. She is concerned about what happens when the grant period is over.

B. Communications from the Departments

1. Phill Newton was present to update the council for the Fire Department. Council member Cumberledge asked what was lost at the recent fire. Phill stated that much of the gear, hose, air packs and gloves were saturated in oil at the fire at McMullen Diesel. Council member Cumberledge thank the department for the good job that they did at the fire. Phill reported that there was a good turnout at the Fire Department open house. There will be a pancake breakfast on Nov. 2nd. The department will be out on Halloween handing out candy. An informational meeting regarding the fire truck bond issue will be held during the Optimist Club meeting on Oct. 29th at 7:00 PM at the Senior Center. The public is invited to attend the meeting. Phill reminded everyone to get out and vote on November 4th. Council member Melonis thanked the department for the open house and the training simulator that was borrowed from Offutt.
2. There was not a Planning Board update at this time.
3. There was not a Storm Water Committee update at this time.
4. Council member Cumberledge has been visiting with a team of four students from Creighton University that have been assigned to Carter Lake to do a residential marketing study. Their services will be free to the City and they will be graded on their project in April. He has invited the students to attend the next council meeting. Council member Aldmeyer suggested that they attend a workshop. The Mayor believes they would benefit from attending a regular meeting. Council member Hawkins would prefer being able to spend time with them at a workshop. Council member Cumberledge will ask the students which type of meeting they would like to attend. Council member Cumberledge was asked to sign a statement regarding the closed sessions that were previously held. He believes the duty was that of the Mayor to sign the paper. He stated he instructed administration to send it to the Mayor for a signature and that did not happen. Council member Cumberledge stated that during the closed session the Mayor chaired the meeting. The Attorney stated that the grievance involved the Mayor therefore the Mayor Pro-Tem was chairing the meeting and should be responsible for signing the associated correspondence. Council member Cumberledge stated that elected officials run this City and not the Attorney or the administration. He stated he specifically instructed the Deputy Clerk to give the document to the Mayor for his signature and she did not do that. Sharon Paterson wanted to know what Mayor Pro-Tem Cumberledge was asked to sign. The document was confidential.
5. Council member Melonis stated that she had pulled the bill for Professional Tree Services from the consent agenda in September. She has since looked at some documents from Pottawattamie County that shows the tree was on

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private property. At this time, unless the property owner can show that the information is inaccurate she is ready to make a motion to have a bill sent to that property owner. The Mayor stated that a motion would not be necessary. He has prepared a check payable to the City for \$1,100.00. He had passed out a memo from the County Auditor stating that an error had been made by her office when recording a property exchange. He had sold a piece of his property in 1980 to his neighbor. The Mayor stated he had no clue he owned the piece of property in question. He will submit the \$1,100 check, but he is giving the city 15 days to prove that he owns the ground and provide to him minutes, resolutions, ordinances that show he owns part of the street. He said if he showed the picture to the public they would laugh. Years ago, he laid a water main down that street at the direction of Wilson Mabrey. There is also a sewer line running on that property. Council member Aldmeyer feels it would be the Mayor's obligation to prove to the city that he does not own the property. The Mayor stated that he has legal advice that says he has the right to request proof that the city vacated that street. The Mayor asked how council member Melonis ever got a map of his property. She stated that she was called by City Hall because someone had left her an envelope that contained the information. The Mayor asked the Clerk who dropped it off. He indicated that he had never viewed a map of the area since the time he purchased the property. Council member Melonis stated that based on the facts she sees, she had to pursue the matter. Mayor Waltrip stated she should have asked him. The Mayor's neighbor, Jerry Johnson stated that Ron Rothmeyer should be held accountable for the tree being removed. Council member Melonis stated that if she sees something that does not look correct she is going to question it until she gets an answer.

6. City Clerk Mowery
 - a. Moved by council member Cumberledge seconded by council member Hawkins to approve Change Order #3 for the Owen Metals Center Public Improvements. Ayes: Unanimous.
 - b. The Clerk requested permission to purchase equipment and set policy in order to be able to accept debit and credit cards. The council is supportive of this idea but would like additional information prior to taking action on the request.
 - c. The clerk requested permission to use the city computers and scanner to do work for IMFOA board projects. The council did not object. There will be no cost to the city only use of the office, computers, and scanner.
 - d. The clerk advised the mayor, council and public that she has an updated booklet that covers open meetings and open records laws for anyone that is interested.

V. Resolutions

- A. Moved by council member Aldmeyer seconded by council member Cumberledge to approve a resolution allowing for a tax abatement for 880 Key Circle. Ayes: Unanimous.

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- B. Moved by council member Aldmeyer seconded by council member Hawkins to approve a resolution to enter into a Dissemination Agent Agreement with D. A. Davidson. Ayes: Aldmeyer, Hawkins, Huey, and Melonis. Nays: Cumberledge.
- C. Moved by council member Aldmeyer seconded by council member Hawkins to approve a settlement Agreement and Mutual Release on the Locust St. Project. Ayes: Aldmeyer, Hawkins, Huey, and Melonis. Nays: Cumberledge.

VI. Comments

The Mayor stated that he has considered the bond issue for the fire department for the last eight months. He insisted that the City go to the public on a bond issue. He was pushing for the election because in the last 10 to 15 years there have been three bond issues (one for a fire truck for \$400,000, the Taj Mahal building and Locust Street) that the people did not have an opportunity to vote. The election is two weeks away and it is for over \$700,000. He encourages everybody to vote. No public official can legally back a bond issue. Jerry stated his opinion is that the bond issue is not worth it.

The Mayor appreciated everything Fred Vogt said. However, Jerry stated that Fred was dead wrong, because he knows about the lake. The geese created the green algae. He said that what the states did was pretty good but they made mistakes. He stated Fred Vogt is wrong about the grass carp. There are lakes in Iowa that the DNR put grass carp in and ended up wrecking the lake. Jerry stated that college educated people does not out way common sense. He has not had his boat in the water for over five years. 40% of his tax assessment is because he lives on the water. The people that made the decisions to bring in the DNR or DEQ do not live on the lake so he doesn't need them to preach to him.

John Pinkerton totally disagrees with Fred Vogt. He has spent a lot of time on the lake and has never been ill from the algae.

Council member Melonis thanked everyone for attending the meeting. She is always happy to serve all citizens and she always tries to do what is best for all of the citizens. She stated we are blessed to have all of the volunteers and it is the city's obligation to equip them. She thanked all past, current and future fire volunteers.

Council member Cumberledge thanked everyone for attending and all volunteers throughout the city. The parks department has done an excellent job placing the trees.

Council member Huey reminded everyone that Halloween is coming up and to be safe when you are out and about. He also stated that the fire department is selling t-shirts for Breast Cancer Awareness and the proceeds go to a local program called "PINK". He encouraged everyone to get out and vote on Nov. 4th.

Council member Hawkins went on record that she supports the bond issue for the fire truck. She also stated that she does not hold the library to different standards, she treats everyone the same and she does what is best for the community.

Council member Aldmeyer stated there is one paid person on the fire department. The remainder of the department is volunteers. The volunteers need to arrive at the station and have equipment that works. They dedicate many hours to training and many hours of service. He went on record to vote yes to purchase the truck and to support the volunteers.

Cindy Huey apologized for the comments made while Mr. Paterson was presenting to the council. She thanked Fred Vogt for all of the positive comments. Ms. Huey also stated that she did not think it was fair for the Mayor to state that some people

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should not say vote yes or vote no but he stated he was opposed. The Mayor stated that the law states that the public officials cannot promote going into debt. She thanked Barb Melonis for asking the tough questions. Cindy thanked the council for doing such a wonderful job.

Susan Wilson commented that she recently befriended someone on Facebook for purely social purposes. A few days later she found that her name had been used inappropriately showing that she was in favor of the bond issue for the fire truck. She stated that her name now shows up on City Hall's Facebook page. She feels that invades her privacy and she is going to contact an attorney to see what can be done about that. She is not in favor of the truck and she is not sure we should have a volunteer fire department.

R J Brown received a letter regarding a corner lot that is covered with grass around the intersection. He does not have a tree as the letter states. The notice did not have a signature. The Mayor explained that the police, maintenance and building inspector were the ones that inspected the properties prior to sending out the letters. Mr. Brown was referred to the police or the building inspector. The Mayor stated he will get the problem figured out.

Jeannine Poldberg stated that the September copy of the Inside Carter Lake reprinted an article about employment agreements. She feels Carter Lake is way ahead of the trend since employees have had contracts for quite some time. She is currently circulating a petition against contracts and requests that the contracts be abolished. She brought a few petitions to the council however she did not give the petitions to anyone to place them on file. Jeannine stated that Brian and Lori Poldberg were guests of the Kansas City Royals at the World Series. She stated that the City has played a part in Brian's accomplishments by providing such a good ball program.

Ray Pauly stated it is very disheartening for him to hear that someone objects to the volunteer fire department. The volunteer department is the reason insurance rates are not sky high and we need to support the department.

Allan Kuiper stated that the current fire pumper is 30 years old and old school thinking can get fire fighters killed. The pumper does not meet NFPA requirements. In a perfect world we would not need any fire trucks or ambulances. The Mayor and Council are held accountable for the city safety and security. Vote Yes on Nov. 4th for the pumper. Today's fires burn hotter, longer and are more toxic that they used to be. The department members are dedicated and need to be properly outfitted.

Mr. Paterson accepted Cindy Huey's apology. He thinks being critical of someone who is critical of an elected official is a terrible road to go down.

Cindy Huey stated that we can't get enough citizens to volunteer and that is why the department has to recruit volunteers from out of town.

The Mayor stated that he is amazed that the fire truck that they purchased 13 years ago can't do the job.

Phill Newton stated that the aerial is already half way through its life span and it cannot access the Club or the mobile home park. The 30 year old pumper is the truck that cannot be certified and needs to be replaced. He knows the bond issue is a lot of money. On a \$100,000 home the bond would cost about \$45 per year for 7 years. The disheartening part is that the Mayor brought up the rule that says elected public official cannot preach to go in debt with public money. If he disagrees with what the department

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is saying the Mayor says there is nothing wrong with that. The Mayor is not worried about the money. Phill pointed out that the Mayor and Council are responsible for public safety. The truck is well worth the money and it is a shame that there is so much discontent over the fire truck.

Nate Bradburn use to be on the fire department. He will most likely vote yes on the bond issue. The aerial truck was purchased to service the hotels. It does not fit into the Club area and the pumps do not work all of the time.

Jason Smyser said that 3 times at a recent fire the 30 year old truck shut down and his air pack failed on him that night. As a volunteer he wants to protect and serve the citizens. The volunteers want to provide the best care possible. He would appreciate support for the bond issue and truck.

Jerry Waltrip stated that he has been at every fire since he took office. He is not against the fire department. He appreciates every hour the volunteers put in. He does not think that the money that is being proposed for the bond issue is necessary. He thinks the department can get a truck for half the money.

Jerry Bell commended the fire department. One of his problems is that Phill states the pumper does not meet code. He believes the code says it should meet code, not shall. He does not believe Carter Lake will have a fire department in 5 years. He is not opposed to a new truck. He has a problem with \$250,000 of miscellaneous items. He does not believe the department needs new garage doors or openers.

Misty Kuiper explained that there is out of town volunteers and in town volunteers. The outside volunteers have to spend 16 hours a month at the station. She also explained that the garage doors get stuck and it takes valuable time to get them open. The department did specs for three different trucks. They are not looking for the high end truck. The aerial is being used as a pumper which means it cannot be used as an aerial.

This regular city council meeting was adjourned at 9:13 PM.

Doreen Mowery, City Clerk

Gerald Waltrip, Mayor