

City of Carter Lake  
City Hall – 950 Locust St.  
Proceedings: Monday, March 16, 2015  
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 Dave Huey, Ron Cumberledge, Barb Hawkins and Barb Melonis.  
Also present – Attorney Joe Thornton and City Clerk Doreen Mowery  
Absent – Ed Aldmeyer
- II. Approval of the Agenda – Removed Resolution E – Building permit fees. Moved by Council member Hawkins seconded by council member Huey to approve the agenda with the deletion. Ayes: Unanimous.
- III. Consent agenda – Council member Cumberledge removed item I #1 thru 9 and placed them on the regular agenda for discussion and action. Moved by council member Hawkins seconded by council member Melonis to approve the consent agenda with the change. Ayes: Aldmeyer, Hawkins, Huey, Melonis. Nays: Cumberledge.
- IV. New Business
  - A. Communications from the Public
    1. Rick Redicker questioned why parking is allowed on city right-of-way in front of the Country Inn and Suites. He was required to have adequate parking to build his hotels and he has to pay property tax on his parking. The Country Inn and Suites was granted a lease agreement as part of an economic development contract in consideration for them adding rooms onto the hotel. The Mayor asked the Attorney for a copy of the lease agreement for his review. The Mayor believes Mr. Redicker has a reasonable argument and he will look into the issue. Mr. Redicker believes his property tax on vacant land would be more than the lease payment the city is receiving from Country Inn and Suites. The Mayor stated he will put the agreement on the next agenda.
    2. Dennis & Patty Moore were present to file a claim against the City of Carter Lake to pay for repaving a portion of their driveway. Mr. Moore contends the building inspector made him install the driveway in a way that it is unsafe. He has fallen on the sidewalk portion of the driveway several times. Henry Hinkle was the building inspector at the time of the construction. The Attorney stated that the building inspector's file could be reviewed. He thought the complaint should have been brought forward 4 or 5 years ago when the driveway was installed. The Attorney stated he could investigate it and make a recommendation to the council within 30 days. Mayor Waltrip stated that he has looked at all of the housing developments and there is not another sidewalk poured like Mr. Moore's anywhere else in the City. Attorney Thornton stated there has to be something wrong before the City will pay a claim. The Mayor stated that he doesn't care how much time has passed, if it is a hazard it should be brought to the City for correction. Mr. Moore was the general contractor for the construction of his home. He has requested bids to repair his driveway. He received one bid for either \$2,600

or \$4,800, depending on what is replaced. The Mayor stated he will follow through with the complaint and get back to the Moores.

B. Proposed development on Abbott Drive

Mike Works thanked everyone in Carter Lake that has worked with him on the proposed development for two hotels. The plan is to build two hotels, one will be a Holiday Inn and the other has yet to be named. The only issue that they are currently dealing with is the quality of the land. Surcharging is not adequate for property that has been filled. Therefore, they will have to install piers at an additional cost of approximately \$170,000 per property. They had asked for one additional year of TIF rebate on each property and have agreed to one additional year of rebate on the first hotel.

1. The Attorney reported that the property line adjustment can be approved subject to a final legal description for the adjustment. Moved by council member Cumberledge seconded by council member Hawkins to approve the lot-line adjustment, subject to a legal description. Ayes: Unanimous.
2. There are two separate development agreements. One for each hotel. The first hotel is a 4 story building with 85 rooms that will be taxed at approximately \$4.25 million. Both hotels and development agreements are basically the same. The City will not be fronting any money on the projects. The first agreement will be increased to 13 years, subject to the group closing on the property. Moved by council member Cumberledge seconded by council member Hawkins to approve entering into the development agreement with OMA Lodging, LLC with a 13 year TIF rebate provision. Ayes: Unanimous.
3. The Attorney stated the second agreement should also be subject closing on the project. Moved by council member Cumberledge seconded by council member Huey to approve the development agreement with OMA Lodging 2, LLC with a 12 year TIF rebate provision. Ayes: Unanimous.

C. Bond Issues

1. City of Carter Lake, State of Iowa - \$775,000 General Obligation Capital Loan Notes, Series 2015A
  - a. Moved by Cumberledge seconded by council member Melonis to approve a resolution appointing the Registrar and Paying Agent. Ayes: Unanimous.
  - b. Moved by council member Hawkins seconded by council member Melonis to approve a resolution authorizing the issuance of the notes. Ayes: Unanimous.
2. City of Carter Lake, State of Iowa - \$3,260,000 General Obligation Local Option Sales and Services Tax Refunding Capital Loan Notes, Series 2015B
  - a. Moved by council member Hawkins seconded by council member Huey to approve a resolution appointing Registrar and Paying Agent. Ayes: Unanimous.
  - b. Moved by council member Melonis seconded by council member Huey to approve a resolution authorizing the issuance of the notes. Ayes: Unanimous.

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D. Communications from the Departments

1. There was not a Fire Department update at this time. The Mayor reported that all of the departments will be turning in their monthly reports to him.
2. Ray Pauly from the Planning Board informed the council that the board met and approved a sign for Lakeside Tire.
3. There was not a Storm Water update at this time.
4. Mayor Waltrip
  - a. Mayor Waltrip would like to remove Bob Wahl from the Library Board and appoint him to Park Board to complete Tim Thompson's term on the Park Board. Moved by council member Cumberledge seconded by council member Hawkins to approve the Park Board appointment. Ayes: Unanimous.
  - b. Mayor Waltrip would like to fill the vacancy create on the Library Board with Tyke Darveaux. Moved by council member Hawkins seconded by council member Cumberledge to approve the appointment to the Library Board. Ayes: Unanimous.
  - c. The Mayor reported that one of the owners of the property on 17<sup>th</sup> Street has had a survey of his property. He is going to have Ron Rothmeyer assist him in finding the surveyor's pins so all of the property won't need to be surveyed. He wants to reduce the width of 17<sup>th</sup> Street. Once he finds the pins he will bring his request back to the council. Council member Cumberledge stated that the ball field needs parking and the leased property is for sale so the 100 foot right of way would be a good place to put parking. The Mayor tabled this item.
  - d. The City recently removed a tree from the Mayor's property and he reimbursed the City after he found out he owned the property. His property is partially in the street and it has a water main that dead-ends on it and there is a manhole in the middle of his property. The City also drains water runoff from the street through his property. He would like the City to take a perpetual easement from him so he does not have any liability with the water, sewer, and storm water on his ground. He is working on having an easement drawn up. He said the City does not have a choice since they are encroaching on his property. The City dumps snow on his ground and trucks turn around on his property. He does not want the responsibility of maintaining the road or the utilities. The Mayor stated that he did not create this, he did not know he owned the ground, but now he can't use it because it is a part of the street and he doesn't need that liability.
5. Council member Cumberledge wanted all of the monthly department head reports for the last 30 days. He would like a basic break down like what the Library or Fire Department submits. He would like all of the department heads to be caught up with their reports and submit a current monthly report for the next meeting. The Mayor will discuss this with the department heads. Council member Huey requested that all reports be submitted in a similar

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format. The Library Board minutes show all of the statistics. Moved by council member Melonis seconded by council member Hawkins to approve and place on file the monthly reports submitted by the department heads. Ayes: Hawkins, Huey, Melonis. Nays: Cumberledge

6. City Clerk

a. The clerk requested approval from the council to move the anniversary date for the insurance renewal from April 1 to July 1. Moved by council member Cumberledge seconded by council member Hawkins to approve changing the insurance renewal date. Ayes: Unanimous

b. The clerk has received information from Synergy Utility Billing regarding a proposal to read meters and bill for water, sewer, and garbage. PeopleService had previously submitted a proposed contract for the next five years. They have also broken their contract proposal into separate prices for various processes. Moved by council member Hawkins seconded by council member Melonis to renew the contract as submitted by PeopleServices. The contract proposal was for five years. The Mayor would like to change it to an annual contract for up to five years. Steve Robinette from PeopleService cannot authorize a shorter term. He knows they would prefer a longer term commitment. Council member Hawkins changed her motion to be pending a shorter term (annually). The Attorney explained that the council could revise the contract to be annual with an automatic renewal, unless either party gives notice 90 days prior to the renewal. The Mayor believes the council needs to study the contract. Council member Cumberledge requested a quote without the mechanical portion of swapping meters, shut offs, and other outside work. Council member Cumberledge wanted to know if PeopleService would consider adding the water testing to the contract at no additional charge. Mr. Robinette stated he would have to check with his boss and see what the testing requirements would be for the City. Council member Hawkins pulled her motion from the floor. Council member Melonis pulled her second to the motion from the floor. Moved by council member Hawkins seconded by council member Cumberledge to table the utility service contract. Ayes: Unanimous.

V. Ordinances

A. Moved by council member Melonis seconded by council member Cumberledge to table an ordinance adopting the 2012 State Building Code on the first consideration until next month. Ayes: Unanimous. Council member Cumberledge does not want to enforce codes that the older homes cannot meet. Ray Pauly explained that there are some codes that new home and businesses should comply with. The Mayor suggested that the council put the decision to update the building code off for another month.

B. Ron Rothmeyer had previously made some suggestions about adding stop signs and truck routes to accommodate the new Owens Metal Center. Moved by council member Cumberledge seconded by council member Hawkins to adopt an ordinance on the first consideration designating the streets around Owens Metal Center as truck routes. Ayes: Unanimous.

- C. Council input was requested on the ordinance updating stop sign placement. The clerk will update the ordinance and place it on the April agenda for additional consideration.

VI. Resolutions

- A. Moved by council member Hawkins seconded by council member Huey to adopt a resolution approving the Iowa Waste Systems Association 2015 Solid Waste Comprehensive Plan Update. Ayes: Unanimous.
- B. Moved by council member Hawkins seconded by council member Melonis to adopt a resolution approving liens for unpaid weed abatements. Ayes: Unanimous.
- C. Moved by council member Melonis seconded by council member Hawkins to approve a resolution approving liens for unpaid utility bills. Ayes: Unanimous.
- D. Moved by council member Huey seconded by council member Hawkins to approve a resolution writing off uncollectible utility bills. Ayes: Unanimous. The Mayor had questions on how bills get to the point they are uncollectible. He is concerned about rental properties and the way they are handled. The Attorney stated there are statutory provisions that dictate how the City handles utility billings.
- E. The resolution changing certain building permit fees was removed from the agenda and will be updated and placed on the April agenda for council consideration.

VII. Comments

Council member Melonis thanked everyone for attending the meeting.  
Council member Cumberlandedge stated Carter Lake is open minded to any business that comes to town and every agreement is different.  
Council member Hawkins thanked everyone and reiterated that we are open to new businesses.  
Mike Fitzpatrick stated that if the City is in the mood to pour new driveways, they are welcome to do his driveway.  
Joe Thornton commented that deals with the businesses should not be undone after a few years. That would discourage other businesses from coming to Carter Lake.  
Jan Bell is concerned about the sand that is being removed from the sand pit on Redick. There is not a fence around the area and she thinks there is a safety issue. The Mayor will look into who is hauling the sand.  
The Spring Garage Sale is May 9<sup>th</sup> and City Wide Clean Up is May 16<sup>th</sup>.

The meeting was adjourned at 8:33 PM.

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Doreen Mowery, City Clerk

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Gerald Waltrip, Mayor