

City of Carter Lake  
City Hall – 950 Locust St.  
Proceedings: Monday, May 18, 2015  
Regular City Council Meeting – 7:00 PM

The Pledge of Allegiance

The Mayor asked for a moment of silence in memory of Jim Steskal who passed away today.

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

- I. Roll Call: Present – Mayor Gerald Waltrip  
Council members Ed Aldmeyer, Dave Huey, Ron Cumberledge, and Barb Melonis  
Absent – Barb Hawkins.  
Also present – Attorney Joe Thornton and City Clerk Doreen Mowery
- II. Approval of the Agenda – Remove Resolution #E and the Storm Water Committee from the agenda. Take items J – 3, 4 and 5 from the consent agenda and place them on the regular agenda for discussion and action. Moved by Council member Cumberledge seconded by council member Melonis to approve the agenda with the additions and deletions. Ayes: Unanimous.
- III. Consent agenda – Council member Huey removed items J – 3, 4 and 5 and placed them on the regular agenda for discussion and action. Moved by council member Melonis seconded by council member Huey to approve the consent agenda with the changes. Ayes: Unanimous.
- IV. Mayor Waltrip presented Pastor Dave Holton as Citizen of the Year 2014. Pastor Holton was thanked for all of his service with the seniors, youth, and families throughout Carter Lake.
- V. New Business
  - A. Communications from the Public
    1. Moved by council member Cumberledge seconded by council member Aldmeyer to approve renewal of the solid waste applications that have been submitted. Ayes: Unanimous.
    2. Rose Goodloff was present to discuss the storm water runoff that she believes runs into her yard from the new school. She stated that during construction there was never a building inspector on site doing inspections. The Mayor met with school representatives and showed them that their property sets four foot higher than the homes to the west. Damage is being done to Ms. Goodloff's yard and shed and she would like a resolution to the problem. The Mayor stated that there is a problem and it was created by the school and the City allowed them to build the school at that elevation. He stated water runs both from Redick and Willow back toward the school. The Mayor told the school that they will fix the storm water issue. He stated there will be some action and the school will have to fix the problem. The Mayor stated you cannot drain your water onto somebody else's property.

B. Communications from the Departments

1. Phill Newton was present to update the council on Fire Department matters. He congratulated Pastor Dave on being named Citizen of the Year. Moved by council member Aldmeyer seconded by council member Cumberledge to approve the application for Mathew Kennedy to be a volunteer. Ayes: Unanimous.

Phill requested permission to purchase a fill station with rit packs/tanks with the bond funds. The original budget was \$20,500. The lowest bid came in at \$18,718. Moved by council member Melonis seconded by council member Aldmeyer to approve the purchase of the fill station and rit packs/tanks for \$18,718. Ayes: Unanimous.

Phill requested permission to purchase keyless door locks. The original budget was \$4,000. The lowest bid was \$3,800. Moved by council member Huey seconded by council member Aldmeyer to approve the purchase for \$3,800. Ayes: Unanimous. Jerry Bell thought the department should consider a finger print reader for a couple hundred dollars each.

Phill requested permission to purchase garage doors and openers. The original budget was \$29,500 and the low bid was \$24,608. Moved by council member Aldmeyer seconded by council member Huey to approve purchase of garage doors. There are eight doors – that are 12x10 and one that is a 12x12 door. Ayes: Unanimous.

The electrical work to install the doors etc. will be \$1750. The budgeted amount was \$2,100. Moved by council member Melonis seconded by council member Aldmeyer to approve the bid for electrical at \$1,750. Ayes: Unanimous.

Misc. equipment, computer, and radios will be purchased nearer to the time that the truck is delivered. The scheduled delivery date is in January.

2. Board member Pauly reported that the Planning Board met with the hotel developers to discuss their development. At this time they are recommending that they be given a permit for site development and the foundation contingent on approval by the City Engineer and the Building Inspector. The board informed the developer that they may be asked to assist with a traffic study in the future. The projected start date for construction is June 8, 2015. Attorney Thornton stated that there needs to be a re-plat of the property and that would normally be completed prior to construction. The Attorney has the signed development agreements in his office.
3. There was not Storm Water Committee update at this time.
4. Mayor Waltrip
  - a. The Mayor discussed the drainage at the school earlier in the meeting.
  - b. The Mayor reported that maintenance has been working on updating the K Street pump house. The sewer lines on K Street are only eight foot deep. The lines on Ave. P are approximately 16 foot deep. Both lift stations are now totally rebuilt. The wiring was updated 20 years ago. There is a lift station on Ave. Q. Two housing additions have been added and there is a need for increased capacity. The pump manufacturer will size the lines to

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meet the demand for increased capacity. The Mayor has told Ron Rothmeyer that they will need to work on the pump stations constantly and keep them clean and in shape so they serve the City for a long time.

- c. The Mayor stated that they ran into a problem on a sewer for a brand new home on Carolina Drive and a Club road. Ron Rothmeyer ran the camera through the main and there were roots in the lateral in the yard. The house is 3 or 4 years old and the building inspector approved the hook up to an existing lateral and it should have never happened. The owner of the property should have shown the City that the lateral was in good condition. The City takes care of the main and the property owners take care of the laterals. The roots started in the lateral. He stated the City was at fault therefore the City fixed the property owner's lateral because the building inspector didn't do his job. A contractor was hire to do the work. When he left office in 1993 he told them that the sewer lining projects needed to be completed. Since that time, the City completed other sewer projects however, they never did finish relining the sewer lines. The Mayor said that it has to be done in the next five years and he will figure out a way to finance it.
  - d. The Mayor stated that there is one vacant seat and one expired seat on the Board of Adjustments. He would like to hold off on Hardy Brown's reappointment until he gets a chance to talk with him. He would like to appoint Jason Gundersen to fill the vacancy on the Board of Adjustment. The clerk advised that in order to comply with the board equalization law, vacancy should be filled with a woman. The Mayor stated that they can write all the rules they want, but you pick the best person, not by their gender. The Attorney stated he would check the state statute and get back to the Mayor and Council. Paul Christensen stated that he was told that a woman had applied for the position that has previous experience and background with codes. He stated the board does need to have all seats filled. The Mayor had previously tried to appoint a woman and the council turned her down. The Mayor still nominated Jason Gundersen to the board. Moved by council member Cumberlandge seconded by council member Aldmeyer to approve the appointment. Ayes: Aldmeyer and Cumberlandge. Nays: Huey and Melonis. The Attorney will get a report back to the council.
5. Attorney Thornton
- a. The Attorney stated he has been working with the hotel developers on Owen Parkway. The Planning Board had mentioned a traffic study. Attorney Thornton does not believe a traffic study should be a condition tied to the developer. Traffic in that area is a DOT issue and they should determine what needs to be done regarding traffic. The developer is in the process of re-platting the property. Once the new plat is filed the council would need to approve it before construction begins. Moved by council member Cumberlandge seconded by council member Aldmeyer to approve construction of the footings and the site preparation. Ayes: Unanimous.

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- b. The Attorney presented a fiber optic agreement for council consideration. The final agreement is 10 cents per linear foot for installation and 1.5 cents per linear foot annually. Moved by council member Melonis seconded by council member Huey to approve the proposed fiber optic agreement.  
Ayes: Unanimous.
6. City Clerk
  - a. The clerk submitted an explanation from the fire chief regarding overtime worked by Phill Newton. The council did not approve the overtime at the last meeting and the time was put in and the clerk had already paid the overtime. Moved by council member Aldmeyer seconded by council member Melonis to approve payment of Phill Newton's overtime from the last council agenda. Ayes: Aldmeyer, Huey, Melonis. Nays: Cumberledge.
  - b. Moved by council member Cumberledge seconded by council member Huey to approve 275 homes for water and sewer billing purposes at Lakeside Mobile Home Community. Ayes: Unanimous.
7. Council member Huey discussed the wage resolutions that he pulled from the consent agenda. He is concerned that we are paying part-time people to mow weeds in the lake when we are terminating one part-time person in the Resource Center. He would like to work to find a way to keep the position in the Resource Center. The Mayor said the person in Lincoln will lose their position. The lake weed mowers come out of the current year's budget from storm water funds. The Mayor stated that the State tells us when to spray the lake and they held us up and kept us from mowing. The part-time weed mowers are employed until the end of June. The Mayor stated every effort must be made to get the lake under control. Council member Cumberledge wanted to know if there would still be storm water funds available after July 1 for the weed mowing in the lake. Moved by council member Huey seconded by council member Melonis to approve the three wage resolutions thru June 30, 2015. Ayes: Aldmeyer, Huey, Melonis. Nays: Cumberledge. The Mayor stated the lake needs to be mowed and we can't keep using the maintenance workers.

#### VI. Ordinances

- A. Moved by council member Aldmeyer seconded by council member Melonis to approve an ordinance designating certain streets as Truck Routes on the third consideration. Ayes: Unanimous.
- B. Moved by council member Melonis seconded by council member Huey to approve an ordinance designating stops on the first consideration. Ayes: Unanimous.
- C. Moved by council member Melonis seconded by council member Huey to approve an ordinance amending the adoption of state building codes on the first consideration. Ayes: Aldmeyer, Huey, Melonis. Nays: Cumberledge.
- D. Moved by council member Melonis seconded by council member Cumberledge to approve an ordinance amending Chapter 85, Animal Protection and Control on the first consideration. Ayes: Unanimous.

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- E. Moved by council member Melonis seconded by council member Aldmeyer to approve an ordinance amending Chapter 86 – Dog and Cat Licenses on the first consideration, and include a date change from May 1<sup>st</sup> to March 1<sup>st</sup>.  
Ayes: Unanimous.
  - F. Consideration was given to amending Chapter 87 – Pit Bull Dogs. The animal control officer had worked with council member Melonis to prepare an ordinance regarding potentially dangerous breeds. Moved by council member Melonis to adopt the ordinance on the first consideration. Motion died due to the lack of a second. The Mayor will put together a committee and include the police chief and animal control officer on the committee. They will work out the issues and concerns the council and the public have regarding this ordinance. Council member Cumberledge would like to leave the pit bull ban in place and add the dangerous dog ordinance to the pit bull ban. Liz Osborn wanted to know who follows up on citations for animal control issues. Glen Osborn had questions about the proposed ordinance and enforcement procedures. He would be willing to serve on a committee. No action was taken on the ordinance at this time.
- VII. Resolutions
- A. Moved by council member Aldmeyer seconded by council member Huey to adopt a resolution approving changes in certain fee structures for building permits. Ayes: Aldmeyer, Huey, Melonis. Nays: Cumberledge. Council member Cumberledge is opposed to changing any residential fees.
  - B. Moved by council member Melonis seconded by council member Cumberledge to adopt a resolution approving liens for unpaid snow removal bills. Ayes: Unanimous.
  - C. Moved by council member Melonis seconded by council member Huey to adopt a resolution approving liens for unpaid utility bills. Ayes: Unanimous.
  - D. Moved by council member Cumberledge seconded by council member Melonis to adopt a resolution approving a tax abatement at 3712 N. 17<sup>th</sup> Street. Ayes: Unanimous.
  - E. Removed from agenda.
- VIII. Fred Vogt came before the council to make several comments. He thanked Mike Hansen for his work at the old bus stop turn around. He suggested that people should walk by to look at that project. He also thanked Nancy Kemp and Barb Melonis for working on the bus stop project. She thanked Linda Tice for her work at the Senior Center. He thanked the Boys and Girls Club and their sponsors for all of the work they do with the youth. Next he thanked Michelle Kannedy and Kellie Parker for their work at the Resource Center and with youth, elderly, and families in the community. He encourages those wanting to make changes at the Resource Center to walk softly. He thanked Mr. Paterson for exercising his first amendments rights to freedom of speech however, he does not appreciate his aggressive conduct and demeanor when he speaks to the council. In the past he has noticed people on the ball fields exercising their dogs. He does

not believe the ball diamonds should be used as a dog park. He would encourage council to adopt an ordinance prohibiting dogs from being on the ball diamonds. Mr. Vogt thanked Mark Murray and his crew for maintaining the fields. Mayor Waltrip stated he is a firm believer in freedom of speech. However he does not believe anyone should be allowed to talk for a half an hour. He asked Fred to speed it up a little. At the last meeting he attended, Mr. Vogt supported the IDNR and their agents because they had college degrees in marine biology. The Mayor stated that his comments were an insult to every Carter Lake resident that did not go to college. Fred said that the Mayor's statement was an effort to discredit and insult him. Fred Vogt stated that the Mayor's comment was foolish. As he looks around the city he sees all of the good things that we have in Carter Lake he is proud we have them, but he has never, until now, sensed as much polarization as we currently have in Carter Lake.

IX. Comments

Council member Melonis stated that all of our citizens are important to the makeup of the City and they are a part of our foundation and heritage. Council member Cumberledge congratulated the students who are graduating this spring. He stated he cannot support increasing fees for anything to any resident. If any citizen has comments on the pit bull ordinance contact the council. Council member Huey thanked everyone that participated in the community wide garage sale and the community wide clean up. He encouraged everyone to participate in the festival, parade, and fireworks on June 6. Ed Aldmeyer thanked Pastor Dave Holton for what he has done for the community. R. J. Brown is concerned that the newsletter will not be available to people who do not have access to computers. The Mayor assured him the newsletter will not go away. They may miss one month of publication, but it will not go away. R. J. Brown wanted to know where the Police Chief is since he is supposed to be at the meeting for the ordinance. He reminded the Mayor he hasn't heard much about Carter Lake using the Pottawattamie County Animal Shelter. He ordered the Mayor to bring the Police Chief to the meetings and he is no longer patient.

The meeting was adjourned at 8:45 PM.

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Doreen Mowery, City Clerk

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Gerald Waltrip, Mayor