

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: Monday, July 20, 2015
Regular City Council Meeting – 7:00 PM

The Pledge of Allegiance

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

Public Hearing

An explanation of the budget amendment was read by the clerk. The proposed budget amendment freezes department head wages, eliminates the position of the Resource Center Office Assistant, discontinues the contract for the newsletter, cuts printing, postage, etc for the newsletter, eliminates purchase of a new police cruiser, retains half of the funds for vehicle repair and maintenance, eliminates funding for the water rescue program, re-allocates funding for the Deputy clerk to ½ administration, ¼ water and ¼ sewer. There were no comments from the public at this time.

Moved by council member Melonis seconded by council member Aldmeyer to close the public hearing. Ayes: Unanimous.

I. Roll Call: Present – Mayor Gerald Waltrip
Council members Ed Aldmeyer, Barb Hawkins, Ron Cumberledge, and Barb Melonis
Absent – Dave Huey
Also present – Attorney Joe Thornton and City Clerk Doreen Mowery

II. Approval of the Agenda – Storm water update was removed from the agenda. The animal control officer was added to discuss the pit bull ordinances. Moved by Council member Melonis seconded by council member Hawkins to approve the agenda with the changes. Ayes: Unanimous.

III. Consent agenda – Council member Melonis removed check #59895 from the agenda for discussion during a closed session at a later date. Moved by council member Melonis seconded by council member Cumberledge to approve the consent agenda with the change. Ayes: Unanimous.

IV. New Business

A. Communications from the Public

1. Joyce Redeker was present to discuss the lack of transportation in the area. She introduced George Davis and Deb Skinner owners of Ollie the Trolley. Ms. Skinner works with the marketing portion of the business. They are open to any idea or process that would make it possible to serve the people of Carter Lake and hotel guests with their trolley business. Ms. Skinner stated it would probably be beneficial to Carter Lake to provide some sort of entertainment to visitors to encourage them to return to Carter Lake. Mr. Davis will work on establishing a route and schedule to bring Ollie the Trolley to Carter Lake. Ms. Redeker stated that there are two hotels that provide their own transportation, however there are three local hotels that are interested in receiving service through Ollie the Trolley. The Mayor suggested that the owners of Ollie the Trolley work with Ms. Redeker to create a schedule to provide service. The Mayor stated he would see to it that the route and

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schedule is dropped off at various places throughout Carter Lake. He will also get with the Police Chief to draw up a route.

2. Scott Carroll requested permission for the Improvement Club to close Ave. Q from 8th to 9th Street for their annual Dog Days. The event will be held on Aug. 15, 2015 and security will be provided. They would like to close Ave. Q between 8th and 9th Streets from 2:00 PM until about 2:00 AM. Moved by council member Cumberlandge seconded by council member Melonis to approve the request for the Improvement Club to close the street for their Dog Days event. Ayes: Unanimous.
 3. R. J. Brown was present to discuss the current budget amendment. He explained there is still a \$98,000 plus deficit. He stated that our levy will be larger because the Governor has raised the amount of valuation by 3%. He would like to see the levy stay the same in Carter Lake. He wrote a letter to the Governor regarding property taxes.
- B. Communications from the Departments
1. There was not a fire department update at this time.
 2. Ray Pauly reported to the Council for the Planning Board. There is a proposed business looking at 300 Locust Street that will require an amendment to the Land Development Ordinances. The Planning Board will be holding a public hearing on the proposed changes on Monday, Aug. 3, 2015. The planning board believes the proposed business would be a good fit for the building at 300 Locust. The business would tear the skin off of the building and put up a new exterior. The Planning Board would like to see more landscaping on the Locust Street side at 300 Locust Street. The definition of warehousing would need to be changed. There would be no more than 15 trucks a day allowed on a conditional use permit. There would also be additional conditions for the permit. The new business would be purchasing the building and it would end the current use and litigation on that building. The new company would house packaged dry products. Council member Hawkins suggested that the board look at the landscaping on 8th and Broadway in Council Bluffs as a guide or suggestion for landscaping on this piece of property. Council member Cumberlandge does not agree with limiting truck traffic. The proposed business would provide 15 to 20 jobs in the warehouse. They would like to close on the deal in the middle of August. Moved by council member Hawkins seconded by council member Melonis to set a public hearing for Monday, Aug. 17, 2015 at 7:00 PM to consider amendments to the Land Development ordinances. Ayes: Unanimous. Mr. Pauly let the planning board know the council was opposed to the enclosed/underground storm water solutions. The board will look at tightening up the current ordinances to make the above ground ponds more visually appealing.
 3. There was not a storm water update at this time.
 4. Mayor Waltrip
 - a. The Mayor stated that the council froze department head wages. The Police Chief has discussed his pay raise with the Mayor. The Chief has an employment agreement with the council that states what his wages will be.

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The Attorney stated there is a contractual agreement that sets his wages. The Mayor doesn't believe there is a way out of giving the Chief the pay raise. Moved by council member Melonis seconded by council member Hawkins to comply with the current contract for the Police Chief's increase. Ayes: Aldmeyer, Hawkins, Melonis. Nays: Cumberledge. The Mayor stated he totally disagrees with this.

b. The Fire Department Coordinator position is not the department head. The Fire Chief is the department head. The Mayor disagrees with the letter of understanding. He believes the Police Chief has a case, but he thinks the council should stick to the call they made previously on freezing the Fire Department Coordinator's pay. Council member Cumberledge stated that the Fire Department Coordinator had originally asked for a 5% pay increase and he should have asked for the same amount as the rest of the employees. Moved by council member Cumberledge seconded by council member Melonis to stay with the pay freeze for Phill Newton. Ayes: Cumberledge, Melonis. Nays: Aldmeyer, Hawkins.

c. The Mayor appointed Patty Midkiff to replace Julie McKillip on the Library Board. Moved by council member Cumberledge seconded by council member Aldmeyer to approve the appointment. Ayes: Unanimous. The Mayor stated that he still has an opening on the Board of Adjustments but the council has turned down his appointments two times, so he would like to nominate someone when there is an entire council available to vote.

d. Mayor Waltrip has met with Dr. Bruckner at the school system twice to discuss the storm water runoff at the school. Dr. Bruckner indicated that her school coordinator stated that the ground had never been raised. Since then, the school would not allow the maintenance department to use their water to do work at the new track. Dr. Bruckner has committed to checking into both issues. The Mayor will not stop until the school fixes the water drainage issue. The Council does not feel it is the City's responsibility and the property owners will probably end up dealing directly with the school.

5. Council member Melonis would like citizen input on naming the new running track near the school. Anyone with a suggestion should submit it to the clerk's office. The mayor suggested that there may be some commercial business that would like to put their name on the park for a fee. The Mayor will scout around for a donor.
6. City Clerk
 - a. The clerk had presented the council with a draft of meeting rules and guidelines. Council member Aldmeyer suggested that the rules be adopted and a brief outline placed on the back of the agendas for the next several months. Council member Cumberledge stated that running the meetings is the Mayor's job and he has not seen where any meetings have gotten out of hand recently. Council member Melonis does not want to resort to this sort of thing to have calmness at the meetings. She thinks it is ridiculous to adopt regulations and rules so adults will know how to act. Council member Hawkins stated many cities in Iowa put rules and regulations out for the citizens. The Mayor has told the council he would improve on the way the

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meetings are handled and he believes he has improved in the last few months. He will not deny anyone the right to come to the podium and speak their mind. He will not give the public a set of rules because it is their right to say what they want. The Mayor stated that he shut two people off earlier in this meeting. He did not run for a popularity contest when he ran for Mayor. He has never heard anyone complain when someone spoke out against him. The citizens have a right to speak their mind. He stated he has the message loud and clear. Moved by council member Melonis to publish the rules as informational guidelines. The Mayor read a list of cities that were used as examples to draft the rules and regulations. Council member Cumberledge seconded Council member Melonis's motion. Ayes: Cumberledge, Melonis. Nays: Aldmeyer, Hawkins. Moved by council member Aldmeyer seconded by council member Hawkins to adopt the rules and meeting procedures for Carter Lake. Ayes: Aldmeyer, Hawkins. Nays: Cumberledge Melonis.

b. The clerk reported that the water utility connection fee, previously collected on behalf of MUD, was set by resolution. MUD is no longer requiring that the City collect the connection fee. Moved by council member Cumberledge seconded by council Hawkins to continue to collect the connection fee and keep it in a separate fund for future improvements. Ayes: Unanimous.

7. Animal Control Officer Shannon Dunlap presented a picture to the council with several dogs and asked if they could identify the 3 dogs that were part pit bull. She has tried for several months to get the council to change the pit bull ordinance. She was told there would be a special committee and that has not happened. If pit bulls are going to be allowed they need to have a license and insurance. She is not able to enforce the current ordinances. Samantha Pacheco was present to report that she owns a black lab and they are the most vicious animal. She does not want any animal to be discriminated against. The Mayor stated that he has not created a task force like he had said because there is no way a committee can come up with a rule to ban any dog. He believes it is the owner that teaches the dog to be mean. Any dog should be banned if it bites. Amber Thomas was present and stated that breed specific laws do not work. The Mayor stated we need to tighten up on the animal control fines. Candy Schlenzick stated that the solution is with the dog owners and a change in the laws regarding "vicious animals". Nicole Driscoll spoke against breed specific legislation. Jacob Collins stated he has been bitten by 3 dogs and none of them were pit bulls. His friend owns a pit bull and cannot let it go outside. Shannon updated the council on NHS statistics for bites. The top biter is a Labrador retriever. She would like to have the ordinance passed that allows pit bulls with certain stipulations. Council member Melonis stated the current pit bull ordinance is not getting enforced and an ordinance is not effective if it is not enforced. She would like to make it mandatory that the ordinances are enforced. She would also like the pit bull ordinance on the next agenda for council consideration. The Mayor stated the Police should take care of the animal control citations. Monica Bentzinger

commended Shannon for the wonderful job she is doing for the City. She thanked her for the positive contributions she is making in Carter Lake.

V. Ordinances

- A. Moved by council member Hawkins seconded by council member Melonis to approve an ordinance designating stops on the third consideration. Ayes: Unanimous.
- B. Moved by council member Aldmeyer seconded by council member Melonis to approve an ordinance amending the adoption of state building codes on the third consideration. Ayes: Aldmeyer, Hawkins, Melonis. Nays: Cumberledge.
- C. Moved by council member Melonis seconded by council member Hawkins to approve an ordinance amending Chapter 85, Animal Protection and Control on the third consideration. Ayes: Unanimous.
- D. Moved by council member Hawkins seconded by council member Melonis to approve an ordinance amending Chapter 86 – Dog and Cat Licenses on the third consideration. Ayes: Unanimous.
- E. Moved by council member Aldmeyer seconded by council member Hawkins to table the ordinance amending Section 2904 of the Unified Land Development Ordinances. Ayes: Unanimous.

VI. Resolutions

- A. Moved by council member Aldmeyer seconded by council member Melonis to adopt a resolution amending the current budget for the fiscal year ending June 30, 2016. Ayes: Unanimous.

VII. Comments

Mary Schomer stated that she has reviewed the meeting guidelines and she thinks they are a good idea and they are not real restrictive. She has told the Mayor he needs to gavel people down when they start to get out of control and ask them to leave the meeting. She wanted to know if we could ask how long a person planned on talking on a certain item when they request to get on the agenda. The Mayor stated that he is not going to let the meetings go again, but people will be allowed to stand up and express their feelings in a civil way. Council member Melonis updated everyone on the status of the new eNewsletter. The Resource Center personnel will be in charge of disseminating the information and the first edition will be released on Sept. 1, 2015. The minutes will not be in the newsletter since they are on the city's website. There will be department highlights, a calendar of events, church information, senior center report, VFW updates, new births, birthdays, obituaries, public pulse, employee pat on the back, and citizen of the month. There will be one page of advertisers. The September issue will have one free standard size ad for the local businesses. There will be a limited number of printed newsletters at City Hall, the Library, and the Senior Center.

Ron Cumberledge stated the pay freezes were put in place to keep kids programming. The fairest way was to choose the highest paid employees.

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The Mayor thanked Barb Melonis and all of the ladies that have worked on and contributed to the newsletter. He would like to see the public pulse portion get used.

Barb Hawkins and Ed Aldmeyer thanked everyone for coming to the meeting. Attorney Thornton stated that it is not unusual to have rules or guidelines adopted and published by cities and school boards.

The meeting was adjourned at 8:40 PM.

Doreen Mowery, City Clerk

Gerald Waltrip, Mayor