

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: Regular City Council Meeting
Monday, January 18, 2016 – 7:00 PM

The Pledge of Allegiance

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

I. Roll Call: Present – Mayor Gerald Waltrip

Council members – Frank Corcoran, Pat Paterson, Mary Schomer, Ron Cumberlandge, and Barb Melonis

Also present – City Attorney Joe Thornton and City Clerk Doreen Mowery

- II. Approval of the Agenda – Council Member Paterson requested clarification regarding Item number C5 under New Business – Council Member Melonis – Mary Schomer issue. Council Member Melonis replied that the item was to clarify state ordinance regarding dual compensation. Moved by Council Member Paterson to delete the agenda item because: the Carter Lake City Code does not give authority to Council Members to question another council member’s right to serve, and under Iowa Law, either no one filed a complaint within the statutory 45 days before an election with the County Election Commission or, if a complaint was filed, the commission did not think it was an acceptable complaint as Council Member Schomer was not removed from the ballot, and was certified by the County Election Commission. Second was made by council member Cumberlandge. Ayes: Paterson, Cumberlandge, and Corcoran. Nays: Melonis. Abstain: Schomer.

Moved by council member Paterson seconded by council member Cumberlandge to approve the agenda as amended. Ayes: Schomer, Cumberlandge, Corcoran, Paterson. Nays: Melonis.

- III. Consent agenda – Moved by council member Cumberlandge seconded by council member Paterson to approve the consent agenda as presented. Ayes: Unanimous.

IV. New Business

A. Appointments

1. Mayor Pro Tem. Mayor Waltrip recommended that Ron Cumberlandge be re-appointed as Mayor Pro Tem. Moved by council member Corcoran, seconded by council member Paterson to re-appoint council member Cumberlandge as Mayor Pro Tem. Ayes: Melonis, Corcoran, Paterson and Schomer. Abstain: Cumberlandge.
2. City Attorney. Moved by council member Cumberlandge, seconded by Paterson to appoint attorney Michael O’Bradovich as City Attorney for a one-year term. Council member Melonis questioned why Joe Thornton was not being re-appointed. Council member Cumberlandge replied that he believed it was time for a change. Council member Melonis also inquired as to whether any other candidates were interviewed. Ayes: Corcoran, Paterson, Schomer, Cumberlandge. Nays: Melonis. Former city attorney Joe Thornton indicated that it had been his pleasure to work for and on behalf of the city and its citizens, and while it was the council’s obligation and right to appoint a whoever they wished to be the city attorney, no one had ever expressed any displeasure or indicated that he was not going to be re-appointed.
3. City Clerk. Moved by council member Melonis to re-appoint Doreen Mowery. Motion died for lack of a second. Motion by council member Cumberlandge, second by Paterson to deny the appointment of Doreen Mowery as City Clerk. Ayes: Corcoran, Paterson, Schomer, Cumberlandge. Nays: Melonis. Mowery asked council

if there was a reason for the denial of re-appointment. Council member Cumberledge replied that he would not comment due to possible litigation.

At this time, Mayor Waltrip called a brief recess. Meeting reconvened. Mayor Waltrip requested that Mayor Pro Tem Cumberledge take the minutes of the remainder of the meeting.

Joe Anderson asked if the new legal counsel would be sitting with the council. Council member Cumberledge replied that due to a potential conflict, attorney O’Bradovich would begin his duties as city attorney the following day. Stacy Aldmeyer remarked that she felt Joe had done an excellent job as city attorney, and that the council should have researched the reasons behind the non-reappointment of attorney O’Bradovich several years ago prior to his appointment that evening. Council member Melonis replied that until that evening, she had no idea that Thorton would not be re-appointed, therefore she had no reason to research O’Bradovich’s non-reappointment. Stacy Aldmeyer further remarked that she felt former clerk Mowery’s non-reappointment was a personal vendetta and that she was ashamed of Carter Lake. Several other citizens spoke regarding the non-reappointment of Thorton and Mowery. RJ Brown stated that he commended the council’s desire for change. John Wallace stated that he was present when O’Bradovich was not re-appointed.

4. Safety Committee Members. Mayor Waltrip reported that the seats on the safety committee had been filled by Marilyn Heider and Brock Gentile according to Phil Newton. Newton asked for council’s approval of the appointments. Motion by council member Corcoran with second by council member Cumberledge to approve the appointments. Ayes: Unanimous.
5. Storm Water Advisory Committee Liaison for council. Mayor Waltrip recommended the appointment of council member Schomer as the council liaison to the storm water advisory committee. Motion by council member Cumberledge and second by council member Paterson to appoint Schomer as the council liaison to the storm water advisory committee. Ayes: Paterson, Cumberledge, Corcoran. Nays: Melonis. Abstain: Schomer.
6. Planning Board Member. Mayor Waltrip recommended the appointment of Jay Gunderson for a 5-year term to the Planning Board. Motion by council member Cumberledge with second by council member Corcoran to accept Mayor Waltrip’s recommendation. Ayes: Unanimous.

B. Communications from the Public

1. Caseys’ General Store. A representative from Casey’s General Stores was present to give a synopsis of their plan. The store will be located on Locust Street at the eastern border. The building will be a 4300 square feet modern convenience store with six pumps and twelve fueling stations. It will be a new proto-type of store, the biggest that they build. Ray Pauly of the Planning Board recommends approval of the final plan. Moved by council member Cumberledge seconded by council member Melonis to approve the final plan for Casey’s General Store. Ayes: Unanimous. The Mayor asked the representative to indicate how they came to Carter Lake. They were approached by the Mayor.

2. Gary Fett. A representative was present to discuss a stereo retail & installment shop at 1116 Locust Street. That didn't work out for them upon inspection so they were looking to the property next door which is the former Ampe's Café. After inspection there they made a few recommended changes. They have been to the Planning Board but they tabled the issue because they weren't sure about signage at this point. All the cars will be removed from the property. Ray Pauly of the Planning Board indicated that one reason they tabled the issue is because they didn't know until the night of the meeting that the proposed shop changed buildings. So the procedures will need to start all over again for them with plans. The representative stated that there are no plans. It will be only retail for now since there is no bay in the building for installations. The Mayor indicated that the plans have to go back to the Planning Board.
 3. Deffenbaugh. A representative from Deffenbaugh Industries was present and indicated that the original contract with the City of trash & recycling started in 2010 and was a three-year contract with stipulation of renewing for another three years which was done. This contract expires on April 30, 2016 and they do not wish to renew at the current pricing so are extending their 60-day notice not to renew with the City with a written notice to follow. They can still bid however when it is put out for bid.
 4. Liquor License Renewals
 - a. Carter Lake Mini Mart. Moved by council member Melonis to approve the liquor license for Carter Lake Mini Mart. Council member Corcoran wanted to know how it can get addressed that we eliminate single can purchases because that creates problems with people hanging around the fountain. Barb Hawkins indicated that you would need to change the ordinance to not allow single can purchases. Seconded by council member Corcoran. Ayes: Unanimous.
 - b. Kwik Shop. Moved by council member Melonis seconded by council member Corcoran to approve the liquor license renewal for the Kwik Shop. Ayes: Unanimous.
 - c. Improvement Club. Moved by council member Melonis seconded by council member Paterson to approve the liquor license for the Carter Lake Improvement Club. Ayes: Unanimous.
- C. Communications from the Departments
1. Fire Department
 - a. Fire Chief Eric Bentzinger stated that it is equipment for the truck that is being purchased with bond proceeds. The Chief stated it would be about eight more weeks before we get the new truck. Moved by council member Cumberlandge seconded by council member Corcoran to approve the purchases of equipment for the truck with bond proceeds. Ayes: Unanimous.
 - b. The Chief stated it has been a challenging year this year for fire calls.
 2. Planning Board Update. Ray Pauly of the Planning Board stated that another hotel developer has shown interest in building next to the one that is being built now on Abbott Drive. This one will be a Comfort Inn & Suites. It will be all suites. They have okayed the concept plans so far. Also on the Stereo shop idea they are being treated the same as everyone else in what is required. The Building Inspector should be providing them all the information they need before appearing at the Planning Board.

3. Mayor Waltrip
 - a. Business updates. The Mayor stated most of this has been addressed. Titan Tools will be doing some work on their building next to the Golf Course and with that development moving forward the atmosphere at the west end of Locust Street will be changed. The Mayor stated that he visits with different businesses all the time and doesn't talk about who they are until they are ready. PVS finally has the railroad track across the street and Avenue H has been conveyed to them as stipulated in the plan.
4. Council Member Paterson
 - a. Inside Carter Lake Newsletter.
 1. Council member Paterson indicated that during his campaign he had been asked if a few copies of the Inside Carter Lake can be mailed if people can't get out to get them or don't have the internet. Council member Schomer stated that if they contact the Library a newsletter can be delivered to them also. Right now you can pick them up at the bank, the library, the Senior Center and City Hall. We could talk to a few of the businesses to see if we can put them in more places. Council member Schomer will talk to Linda Tice at the Senior Center about taking them with Meals on Wheels too.
 2. Council member Paterson also stated that most people don't know about all the small businesses in town and could we give a quarter page ad free each month to feature a business or two of the Month. Council member Melonis stated that when they started with the Newsletter in this format they went around to all the businesses and offered business card size spaces. If you go much bigger than that you increase the size of your printed copies of the newsletter.
 - b. Iowa government Finance Initiative Workshop. Council member Paterson stated that ISU extension puts on this workshop for new council members and any of the public that wants to learn about the budgeting process. He would like to see this workshop scheduled here. The charge is \$650. Moved by council member Paterson to invite them and he would coordinate the date & time if we can come up with the \$650 in the budget to pay the fee. Council member Cumberledge seconded the motion. Ayes: Corcoran, Cumberledge, Paterson and Schomer. Nays: Melonis.
 - c. Council member Paterson stated that he talked to the School Principal about the programs that were offered by the Resource Center that we no longer have. He then went to the Boys & Girls Club and talked to Josh Towey the Director gave him a tour and was amazed at all the programs they have there for all different ages of children for a nominal membership fee. He encourages all families to check it out. The Director and a member, Megan Corey, who is a two-time Youth of the Year. Information on the Club was passed out to council members. Megan gave her speech that won her the Youth of the Year and will be moving on to the next level of competition for that.
 - d. Carter Lake.
 1. Council member Paterson has been meeting with Iowa DNR about the vegetation in the lake and has tried to summarize all of that into a plan that is not on our website.
 2. Council member Paterson stated that we have been meeting with the Omaha Airport Authority about the geese on the lake. It causes concern for them as

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well. There is a plan of action between all involved and Chief Kannedy will supervise the project to roust the geese and try to get them to move on to other waters. Moved by council member Paterson seconded by council member Cumberledge to approve the plan. Joe Anderson stated that last month it was assured that no City employee would be assisting in this. The airport will notify when there are no planes so they can do the process. The airport is not cost sharing with us probably due to liability. To start would be \$1500 to \$2000. Ayes: Paterson, Schomer. Nays: Corcoran. No Vote – Melonis and Cumberledge. Council member Cumberledge would like to renegotiate the process based on the liability issue.

3. The triathlon group that was here at the last meeting indicated they had permission to spray the lake three times to ready it for the triathlon. Council member Paterson stated that he has talked to the Iowa DNR and doesn't know where the funds are coming from for this group to do this. The DNR is not providing them nor is Omaha but hopefully the lake can be kept clean enough to attract the triathlon because he thinks it would be a great thing. The Mayor stated that the portion of the lake they want to use is totally in Omaha.

5. City Clerk

- a. Moved by council member Paterson seconded by council member Cumberledge to approve and place on file the audit for FYE6/30/15. Ayes: Unanimous.
- b. Moved by council member Corcoran seconded by council member Paterson to approve and place on file the Storm Water Report for FY2015. Ayes: Unanimous.
- c. It was suggested to table the potential refinancing of 2008 bond issue. All were in agreement.

V. Resolutions

- A. Designating Auditor. Doreen Mowery requested that a special audit be done for the first six months up to today so there is no question from anyone about the work she has done. Moved by council member Corcoran seconded by council member Melonis to designate the current auditor for the next fiscal year. Ayes: Melonis, Corcoran, Cumberledge, & Schomer. Nays: Paterson
- B. Designating newspaper. Moved by council member Cumberledge seconded by council member Melonis to designate the Council Bluffs Nonpareil as the newspaper for City publications. Ayes: Unanimous.
- C. Resolution authorizing signatures for banking purposes. Doreen Mowery asked that her name be removed from the account in the morning. Signatures for banking are the Mayor, Mayor Pro tem, City Clerk and Clerk's Assistant. Moved by council member Paterson seconded by council member Melonis to approve the resolution minus the City Clerk at this time. Ayes: Schomer, Paterson, Corcoran & Melonis. Abstain: Cumberledge.
- D. It was suggested to table this item in the absence of a City Clerk. All agreed.
- E. Moved by council member Melonis seconded by council member Cumberledge to approve the tax abatement for 1318 Holiday Drive. Ayes: Unanimous.

VI. Comments

Mayor Waltrip stated there is some disappointment from those that are here but also some spoke for the Council's position and it was suggested that there was some kind of set up deal going on here. During his first year in office he was criticized for other people being engaged in criticizing City employees and he said he would change that. He will allow people to speak at public meetings however but believes he has changed that aspect. He doesn't like closed sessions and doesn't believe they are necessary. Tonight he has listened and people are upset and it is indicated that they already had their minds made up. As long as he's in charge through the election process it's going to be public meeting for people to vent their opinion.

Council member Melonis asked not to be interrupted while speaking. She commented that the Mayor like longevity in asking for reappointment of a long time Planning Board member but yet we have released a long time City Clerk and Attorney. She was surprised about the Attorney's release and now has found out there was a meeting that she was intentionally or by oversight not privy to. She believes council member Paterson has insulted the Council's authority to place an item on the agenda that they want to speak about. She takes offense to what he has done to a council member's position. She then read a statement that she intended to speak about earlier about council member's Schomer's dual positions with the City. She cited a couple of Iowa laws and believes the Iowa law is being violated and wants no part of the City's payment or compensation to someone who will allow themselves to receive dual compensation. Ignorance of the law is no excuse to break the law, but being ignorant enough to break the law when you know it is inexcusable.

The Mayor again commented that this discussion doesn't involve the City. Council member Schomer did what she was supposed to do. It is clear in the law that if anyone had any objections they needed to file a complaint 45 days before the election and nobody did until after the election. He compliments council member Schomer on doing everything she was told to do.

Council member Schomer stated that she has spoken to an attorney and his opinion was different. She criticized council member Melonis for thinking she would knowingly break the law.

Doreen Mowery said in her capacity as City Clerk she would do whatever was asked of her as long as it wasn't illegal or immoral. She then read a statement of all that transpired in the days and months after the election regarding the issue with council member Schomer.

The Mayor then rebutted some of her statement.

Lisa Ruehle stated that when Tim Parker and David Huey were on the City Council this law was not known or they would have resigned.

Council member Schomer stated again that she does not wish to comment further and she'll just have to have her attorney come to the next meeting.

Council member Paterson stated that nobody is going to change their minds here tonight and it is not up to the City. If people want to complain they need to take it to the election commission or the State. The City Council cannot do anything about it.

Frannie Lantz asked that the video camera be fixed so people who can't come to the meetings can see it on TV.

The Mayor stated that it has been fixed and this meeting is being filmed.

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Barb Hawkins wanted to thank Doreen Mowery for her many years of service and expertise and commented that she has saved the City thousands of dollars by her expertise and she is saddened that the City has let her go.

Stacy Aldmeyer apologized for her delivery earlier in the meeting in what she had to say. She does not apologize however for the words she said and they were sincere. The City officials need to do their homework and know what they are talking about.

The meeting was adjourned.

Ron Cumberledge, Mayor Pro-Tem

Gerald Waltrip, Mayor