

REGULAR PLANNING BOARD MEETING
Monday, May 12, 2014 - 7:00 P.M.
City Hall - 950 Locust St., Carter Lake, Iowa

Roll Call

Approval of the Agenda

1. Consent Agenda
 - a. Approve Planning Board Minutes – December 9, 2013, January 13, January 27, February 10, February 24, and March 10, 2014.
 - b. Review City Council Minutes – March 3, March 10, March 17, March 24, April 8, April 15, April 21, and May 6, 2014.
 - c. Review Board of Adjustment Minutes – March 10 and April 14, 2014.
 - d. Review Building Permits – March and April, 2014.
2. New Business
 - a. Fleetpark LLC – 2200 Abbott Dr. – Proposed truck leasing and storage.
 - b. Storm Water Committee Update.
3. Old Business (limit discussion 5 minutes per topic)
4. Special Meetings
5. Assignments
6. Comments

Adjourn

05/09/14

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Meeting called to order by Chairman Pauly at 7:00 PM.

Roll Call: Present: Ed Palandri, Jay Gundersen, Tim Podraza, Ray Pauly, Karen Fisher and Jackie Wahl.

Absent: Michelle Schaffer.

Also present: Lisa Ruehle, Deputy City Clerk

Approval of the Agenda – Moved by board member Palandri seconded by board member Gundersen to approve the agenda as presented. Ayes: Unanimous.

1. Consent Agenda

Moved by board member Podraza seconded by board member Fisher to approve the consent agenda as presented. Ayes: Unanimous.

2. New Business

- a. Tim Mandolfo was present to request an address be assigned to a garage on lot 179 in Carter Lake Club. He needs an address to get electricity to the garage. The building inspector has recommended that 179 be assigned as the address. Moved by board member Pauly seconded by board member Palandri to assign the address of 179 Carter Lake Club to the lot with the garage. Ayes: Unanimous. Jerry Waltrip stated that there is an ordinance against having a separate building on a lot without a house on the same lot. He is concerned because there is a similar situation in his neighborhood. Board member Palandri stated that the one on 17th Street was allowed by the building inspector at that time.
- b. Keith Fulton, owner of Heartland Proteins started his business in March. He found the warehouse at 300 Locust Street for his business. He is present to request a conditional use permit for his business. He operates a transfer station for bulk food product. It is a dry product of high quality material that is used in pet food. He has a rodent and pest control program for the entire facility. The product is not combustible or flammable. The odor is a pet food odor. The doors remain closed and therefore an odor is not emitted. The loading and unloading of product occurs inside the building. He brought his business to this facility in October. There are currently 2 employees with a potential of up to 5 employees. There are 3 to 5 trucks per day going in and out of the facility. The product has already been processed so it is not a rendering company. There is no grinding or blending in the building. The board stated that this area is not zoned properly for this type of business. Board member Gundersen does not believe it is the highest and best use of the facility and he is not in favor of doing any zoning changes at this time. Building Inspector, Barry Palmer has been in the facility to look at the operation. Moved by board member Gundersen seconded by board member Podraza to recommend to the council to deny the request for the conditional use permit. Ayes: Unanimous. The building inspector has issued the owner a cease and desist order on this business.
- c. Attorney Kimberly Murphy was present representing Jack Levell and his request to rezone the property at 3030 N. 5th St. from C-1 to M-1 for vehicle storage. The request is for the southern portion of the property. He would also like to request a conditional use permit.

Mr. Levell has the towing contract with the City of Carter Lake – Police Department and would like to tow and store the vehicles in Carter Lake. Currently he is using a lot in Omaha. Tim Egan is an employee at Lakeside and stated they are looking for the ability to store vehicles for the short term. The plan is to clean up the property and fence in the north side of the property. In addition to the 6-foot fence, they would landscape and address drainage issues on the property. By statute the vehicles can be stored for a maximum of 120 days. They own 4 towing vehicles. The property is currently zoned C-1. They would like it to be zoned light industrial. They have talked to the golf course and O’Keefe Elevator and they are both in favor of the proposed zoning change. There currently is no drainage of the property and they will address drainage if it is necessary. There will be hard surfacing for parking. The board suggested that the council change the definition of auto services and the board would take the next step to consider issuing a conditional use permit. Spot zoning was discussed and in the past the board has gone on record as being opposed to spot zoning. Moved by board member Pauly seconded by board member Gundersen to stand by their prior recommendation to the council to expand the definition of auto services to accommodate this business. Ayes: Unanimous.

- d. There was nothing to report from the storm water committee at this time.
3. Old Business – There was no old business for discussion at this time.
4. Special Meetings – No special meetings are scheduled at this time.
5. Assignments – Chairman Pauly will present the planning board update at the next council meeting. Board member Wahl will attend the Storm Water Committee meetings.
6. Comments: Board member Palandri thanked Lisa for putting the packet together. The board wished everyone a good holiday. Jerry Waltrip commended the board on their action on the request at 300 Locust and on the request at 5th and Ave. K. Board member Pauly stated that election of officers should be on next month’s agenda.

Meeting adjourned at 7:45 PM.

Lisa Ruehle, Deputy City Clerk

Ray Pauly, Chairman

Meeting called to order by Chairman Pauly at 7:08 PM.

Roll Call: Present: Ed Palandri, Jay Gundersen, Michelle Schaffer, Ray Pauly, and Jackie Wahl.
Absent: Tim Podraza and Karen Fisher
Also present: Lisa Ruehle, Deputy City Clerk

Approval of the Agenda – Election of officers was removed from the agenda until the entire board can be present. Moved by board member Palandri seconded by board member Schaffer to approve the agenda with the deletion. Ayes: Unanimous.

1. Consent Agenda

Moved by board member Palandri seconded by board member Pauly to approve the consent agenda as presented. Ayes: Unanimous.

2. New Business

- a. The board will be reviewing the proposed updated comprehensive plan. Board member Wahl stated that there was a lot of information that needs to be reviewed by the board. Board member Wahl suggested that we break it into parts. The board will use the current plan for comparison to the proposed plan. Board member Gundersen suggested that the board meet weekly and review 20 to 25 pages at each meeting. The board proceeded to review the document and made suggested changes to pages 1 thru 24 of the proposed plan.
- b. Board member Wahl updated the planning board regarding the storm water committee. The board is looking into some grant money that is available for storm water projects. The board also is reviewing ways to reduce storm water fees. They are also looking at incentives to encourage implementation of best management practices. The committee meets quarterly. The City has joined an organization that provides pamphlets and educational materials that can be distributed to the citizens.

3. Old Business – There was no old business for discussion at this time.

4. Special Meetings – The board will meet on Monday, January 27th at 6:00 PM to continue their review of the comprehensive plan. They will review pages 25 to 49 at that meeting.

5. Assignments – Chairman Pauly will present the planning board update at the next council meeting. Board member Wahl will attend the Storm Water Committee meetings.

6. Comments: Board member Wahl stated she is glad she had the opportunity to work on the comprehensive plan. She finds the work very interesting.
Board member Shaffer thanked Doreen and Lisa for getting the board the information they need.

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City Hall – 950 Locust Street
Proceedings: Regular Planning Board Meeting
Monday, January 13, 2014 – 7:00 PM

Meeting adjourned at 8:32 PM.

Lisa Ruehle, Deputy City Clerk

Ray Pauly, Chairman

City of Carter Lake
City Hall – 950 Locust Street
Proceedings: Special Planning Board Meeting
Monday, January 27, 2014 – 6:00 PM

Meeting called to order by Chairman Pauly at 6:05 PM.

Roll Call: Present: Ed Palandri, Jay Gundersen, Karen Fisher, Michelle Schaffer, and Ray Pauly
Absent: Tim Podraza
Board member Jackie Wahl arrived at 6:45 PM
Also present: Lisa Ruehle, Deputy City Clerk

1. The board continued with their review of the proposed Comprehensive Plan update. They made several changes to pages 25 through 46. Bill Dahlheimer was present had provided some input regarding vacant properties and their future use. The board determined that the current zoning map is fine and it reflects what is wanted at this time. The board will review pages 47 through 67 at their next meeting.

Meeting adjourned at 7:56 PM.

Lisa Ruehle, Deputy City Clerk

Ray Pauly, Chairman

City of Carter Lake
City Hall – 950 Locust Street
Proceedings: Regular Planning Board Meeting
Monday, February 10, 2014 – 7:00 PM

Meeting called to order by Chairman Pauly at 7:03 PM.

Roll Call: Present: Ed Palandri, Jay Gundersen, Michelle Schaffer, Ray Pauly, Jackie Wahl, Tim Podraza and Karen Fisher
Also present: Lisa Ruehle, Deputy City Clerk

Approval of the Agenda –Moved by board member Podraza seconded by board member Palandri to approve the agenda as presented. Ayes: Unanimous.

1. Consent Agenda

Moved by board member Palandri seconded by board member Fisher to approve the consent agenda as presented. Ayes: Unanimous.

2. New Business

- a. There was a request before the board to review zoning for a proposed laundry service at 1116 Locust Street. The building inspector stated that a laundry is not allowed in commercial/Locust St. corridor. Laundry facilities are allowed in M-1 and M-2. Board member Gundersen said he would not object to a laundry in that location. It would be a good use of the building. Board member Palandri reviewed the definitions of a laundry service. He suggested that if the person was interested they should come before the board. The board is not opposed to the idea, but he will have to go before the council and planning board and hold a public hearing. Palandri suggested that a laundry mat might fall under personal services and maybe the definition needs to be expanded to include laundry services.
- b. Board member Wahl stated that Chris is going to be attending some storm water workshops at the end of the month. The next meeting of the storm water committee is in March.
- c. Board member Pauly announced this was the time to elect the planning board officers for the upcoming year. He then opened the floor to nominations. Board member Podraza nominated Ray Pauly as Chair. He then amended his motion to nominate the same officers as last year. Motion was seconded by board member Gundersen. Ayes: Unanimous. Ray Pauly is chair and Karen Fisher is Vice Chair.
- d. The board picked up the review of the comprehensive plan on page 47. They reviewed and made suggested changes to page 47 thru page 63. They will continue their review at the next meeting starting with page 64. The board would like to get copies of what was changed by MAPA. They would also like to get some updated traffic studies from the Iowa Department of Roads.

3. Old Business – There was no old business for discussion at this time.

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Monday, February 10, 2014 – 7:00 PM

4. Special Meetings – The board will meet on Monday, February 24, 2014 at 7:00 PM to continue their review of the comprehensive plan. They will start their review on pages 64 at that meeting.
5. Assignments – Chairman Pauly will present the planning board update at the next council meeting. Board member Wahl will attend the Storm Water Committee meetings.
6. Comments: Board member Podraza questioned if the board approved a pole building in Carter Lake. He stated that there is a pole building being installed and he does not know how it got approved. Board member Gundersen stated that it appears to be a pole building, however there is a full basement under the building with a foundation. Board member Podraza does not understand how it was allowed since there are ordinances against it. The building will have vinyl siding and brick on the outside of the building. The council approved vinyl siding. The board would like the building inspector to submit a letter stating why he approved the plans for a pole building. The board would like to see complete plans on any construction before permits are issued in the future.
Board member Gundersen congratulated Ray and Karen on their re-election as officers.
Board member Wahl stated that there are signs on Locust that do not meet building code requirements.
Board member Palandri congratulated Ray and Karen.
Board member Pauly thanked the board for their vote of confidence.

Meeting adjourned at 8:50 PM.

Lisa Ruehle, Deputy City Clerk

Ray Pauly, Chairman

City of Carter Lake
City Hall – 950 Locust Street
Proceedings: Special Planning Board Meeting
Monday, February 24, 2014 – 7:00 PM

Meeting called to order by Chairman Pauly at 7:07 PM.

Roll Call: Present: Ed Palandri, Karen Fisher, Jackie Wahl and Ray Pauly
Absent: Tim Podraza, Michelle Schaffer and Jay Gundersen
Also present: Lisa Ruehle, Deputy City Clerk

1. The board continued with their review of the proposed Comprehensive Plan update. They made several changes to pages 64 through 90. There were questions on whether the housing condition survey is current or accurate. Most of the houses in Carter Lake have been recently updated after the large hail storm in 2011. If the survey is not updated there should be a mention of the repairs that have been completed. The board will continue with their review starting on page 90 at their next meeting. They would also like the department heads to look at the sections that pertain to them and make suggested changes for the board.

Meeting adjourned at 8:32 PM.

Lisa Ruehle, Deputy City Clerk

Ray Pauly, Chairman

City of Carter Lake
City Hall – 950 Locust Street
Proceedings: Regular Planning Board Meeting
Monday, March 10, 2014 – 7:00 PM

Meeting called to order by Chairman Pauly at 7:10 PM.

Roll Call: Present: Ray Pauly, Karen Fisher, Tim Podraza, Ed Palandri, and Jackie Wahl.
Absent: Jay Gundersen, and Michelle Schaffer
Also present: City Attorney Joe Thornton and City Clerk Doreen Mowery.

Approval of the Agenda – Moved by board member Palandri seconded by board member Fisher to approve the agenda as presented. It was requested that item 2. B. be moved to the top of new business. The motion and second were amended to include that change. Ayes: Unanimous.

1. Consent Agenda

Moved by board member Podraza seconded by board member Pauly to approve the consent agenda as presented. Ayes: Unanimous.

2. New Business

a. Attorney Thornton wanted to bring to the board's attention some of the issues with C-1 and M-1 zoning as it pertains to the building at 300 Locust and the General Manufacturing site. The fire at General Manufacturing caused more than 50% loss to the structure, therefore they will need to conform to current zoning if they rebuild at the same site. The issues with the Goodkind building have been before the council. The board's position has always been that they are opposed to spot zoning. The Attorney stated that the board needs to look at the zoning map and see if there are any natural breaks in zoning areas and consider redefining an area as opposed to changing zoning on a single property. M-1 merges into a C-1 in the area the board is reviewing, as well as RM, R-3 and CL. Board member Palandri stated that custom manufacturing would be allowed as a conditional use in C-2 or C/L. He also thought the Goodkind building could be improved with some street scaping/screening. He has concerns about changing the zoning from C-1 to M-1 at this time. The Attorney suggested that the board look closer at the definition of custom manufacturing and define the types of businesses that would be allowed under that definition. Processing pet food would not fall under custom manufacturing, it is bulk storage. The Attorney advised that the board needs to look at the big picture not the businesses that are currently interested in doing business in the area. The building inspector reminded the board that the set-back requirements vary by each zoning district. Board member Palandri suggested a public hearing for public input on the matter. Moved by board member Palandri seconded by board member Wahl to table this item and place it on the next agenda for public input. Ayes: Unanimous.

b. Tom Kunkel, Josh Towey, Mike Eckman, and Chris Eilers from the Boys and Girls Club presented plans for the construction of a swim pool, club house, and activities field at their facilities. This is a new camp building for the Jesuit Academy. The building will be wood framed with a storm refuge built in. Construction has started on the athletic field and the remainder of the work will start as soon as the thaw. They anticipate that the pool will be completed sometime this summer. There will be a light on the pool, a night time cover and a fence will be installed. The board reviewed the plans that were presented. There were questions regarding not having additional parking. Most of the children that attend are bused in or walk. The current parking is ample for how the building and site will be used. Moved by board member Palandri seconded by board member Podraza to approve the plans for

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construction and recommend to the council that they issue a conditional use permit with the condition that the post construction runoff is no larger than the current runoff. Ayes: Unanimous.

c. There was no storm water committee update at this time.

d. The board continued with their review of the proposed comprehensive plan update. They reviewed pages 90 thru 103. The board would like the clerk to give copies to the department heads to review the sections of the plan that pertain to each of their departments. The board would like to finish the review within the next month or two.

3. There was no Old Business to discuss at this time.
4. No special meetings were planned for the planning board.
5. Board member Pauly will present at the council meeting.
6. Comments: There were no comments at this time.

Meeting adjourned at 8:55 PM.

Doreen Mowery, City Clerk

Ray Pauly, Chairman

City of Carter Lake
City Hall – 950 Locust St.
Public Hearing and Special City Council Meeting
Proceedings: Monday, March 3, 2014 – 7:00 PM

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

Roll Call: Present – Council members Barb Melonis, Barb Hawkins, Ed Aldmeyer and Ron Cumberledge
Absent – Council member Dave Huey
Also present – City Clerk Doreen Mowery

1. The Mayor stated that this was the time for a public hearing on the proposed budget amendment for FYE 6-30-14. The clerk received no written or oral comments on the public hearing. Moved by council member Melonis seconded by council member Hawkins to close the public hearing. Ayes: Unanimous.
2. The Mayor stated that this was the time for a public hearing on the proposed budget for FYE 6-30-15. The clerk received no written or oral comments on the public hearing. Council member Aldmeyer stated that the engineering fees and storm water fees will help the community grow in the future. The fees will help us bring more businesses into Carter Lake. Jerry Bell stated that wages for the weed harvesting operations were budgeted out of storm water. Mr. Bell felt that the line items in the budget were difficult to follow. He also stated that the police department budget was way out of line and the Mayor agrees with him. Mr. Bell does not think the department needs another new cruiser. Council member Cumberledge stated that the storm water fees would be easier to understand if the money was being held for a project and not being spent. Moved by council member Aldmeyer seconded by council member Melonis to close the public hearing. Ayes: Unanimous.

The public hearings were adjourned.

Special City Council Meeting

1. Moved by council member Melonis seconded by council member Hawkins to adopt the resolution amending the current budget for the FYE 6-30-14. Ayes: Aldmeyer, Hawkins, Melonis. Nays: Cumberledge.
2. Moved by council member Hawkins seconded by council member Melonis to approve a resolution adopting a budget for FYE 6-30-15. Ayes: Aldmeyer, Hawkins, Melonis. Nays: Cumberledge.
3. City Attorney appointment was removed from this agenda.

This special city council meeting was adjourned at 7:23 PM.

Doreen Mowery, City Clerk

Gerald Waltrip, Mayor

City of Carter Lake
City Hall – 950 Locust St.
Special City Council Workshop
Proceedings: Monday, March 10, 2014 – 5:00 PM

Mayor Gerald Waltrip called the workshop to order at 5:00 PM.

Roll Call: Present – Council members Barb Melonis and Ron Cumberledge

Council members Ed Aldmeyer and Dave Huey arrived late.

Absent – Council member Barb Hawkins

Also present – City Clerk Doreen Mowery

1. The Fire Department would like the council to consider purchasing a new fire truck. They have created specifications for the type of truck that they believe would be most beneficial to the department. There are three companies that have provided information on the trucks that they are able to build. The department also needs some additional equipment along with the fire truck. They would like some new SCBA units and radio equipment. There is also a need for some minor equipment for a fire truck. Council member Aldmeyer stated that he would prefer the department think about the big picture. Now would be the time to add-on to the building to provide sleeping quarters and the additional space needed. The department will work with Ron Rothmeyer to put together specifications for a building addition. The clerk will check into the timing of an election and the cost of a bond issue.

This special city council workshop was adjourned at 6:00 PM.

Doreen Mowery, City Clerk

Gerald Waltrip, Mayor

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: Monday, March 17, 2014
Regular City Council Meeting – 7:00 PM

The Pledge of Allegiance

Mayor Gerald Waltrip called the meeting to order at 7:03 PM.

I. Roll Call: Present – Mayor Gerald Waltrip

Council members Ed Aldmeyer, Barb Hawkins, Dave Huey, Ron Cumberledge and Barb Melonis.

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

II. Approval of the Agenda – Council member Aldmeyer requested that the Storm Water Committee update be removed from the agenda. The Mayor stated that he had one deletion. The minutes from the Feb. 17th meeting has a comment in them that does not reflect what he said so he would like the comment removed from the minutes. What the Mayor stated he said was “that there is no way that he could figure what he was allocating his time to for money.” He would like that corrected in the Feb. 17th minutes. Moved by council member Hawkins seconded by council member Cumberledge to approve the agenda with the deletion of the Storm Water Committee update. Ayes: Unanimous.

III. Consent agenda – Moved by council member Hawkins seconded by council member Melonis to approve the consent agenda with the change provided by the Mayor, in the Feb. 17th minutes. Ayes: Unanimous.

The Mayor asked the Clerk to explain why there is a consent agenda. The Clerk stated that the consent agenda is a way to condense the normal business items into one motion. If there is an item for discussion on the consent agenda it is to be removed from the consent agenda and placed on the regular agenda for discussion and action.

IV. New Business

A. Communications from the Public

1. Crystal Fetter was present to request permission to block off a portion of Surfwood Dr. on July 19th from 10 am until 7 pm. She also requested that the City provide barricades to block the street. Moved by council member Melonis seconded by council member Huey to approve the request. Ayes: Unanimous.
2. Tom Kunkel, Josh Towey, Chris Ehlers and Mike Eikman were present to submit their proposal, and request for approval on the construction of a swimming pool, classrooms and an athletic field at the Boy’s and Girl’s Club. Plans were submitted for the public’s review. They hope to have construction complete by mid-summer 2014. They have cleared some of the property and are close to being ready to break ground for the pool and the building. There will be no additional parking. Moved by council member Melonis seconded by council member Cumberledge to approve the proposal as submitted. Ayes: Unanimous.

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3. Jerry Johnson from 1910 Lagoon Drive was present to request that the council look at the storm water fees he pays on his property. He stated that the road has been built up near his property and that water drains directly to the lake. His property drains on his own property and is naturally filtered before it gets to the lake. He does not feel the storm water fee is feasible for what we are using it for. He wants to see what can be done to get rid of the fee. He would love to have any of the council members come to his house when it is raining so he can show them how the water flows. Council member Melonis stated that when we created the storm water fee, she felt that it was done as fairly as possible at the time and that the council needs to review the method used to charge the fees. Mr. Johnson mostly disagrees with the fees on vacant property. Council member Huey agreed that the council does have some things that need to be reviewed in the storm water fee structure. The intent of the utility fund was to improve the city. Council member Aldmeyer stated that we are an MS4 community that must comply with the rules and regulations set out by the DNR. To comply with the requirements we need a resource of funds. Jackie Wahl stated that she is on the storm water committee and the committee did not have any part in developing the fee. The maintenance supervisor has provided a suggestion to the council regarding changes to the storm water fee structure. Council member Huey will provide a recommendation that he thinks is feasible. Council member Aldmeyer stated that it is the council that implemented the fees. The storm water committee does not determine what will be charged for storm water fees. The fees are being used to develop and improve the storm water system in Carter Lake. Currently there is an \$11 million project that needs to be constructed. There is a storm water problem and it needs to be fixed. The fee is to improve the quality of water and life in Carter Lake. It would be labor intensive to calculate the percentage of impervious coverage on each piece of property in Carter Lake. Gary Rosenberger questioned where the money collected is being spent. The funds collected are only being used for storm water expenses. Ron Cumberledge stated that \$42,000 was spent out of the account. It was spent on storm water related activities and projects. Mayor Waltrip read from the Feb. 17th minutes where council member Huey stated that Jerry Waltrip's runoff that goes straight to the lake is in violation of the requirements. Mayor Waltrip stated that Council member Huey does not know what he is talking about. The Mayor stated none of the water from his rooftops run straight to the lake. His water runs into an underground gutter system that runs directly to the property that Jerry Johnson is discussing. The water that runs off the street, runs down the Mayor's 250 foot ditch and it goes into the ground, not into the lake. The Mayor stated that there have been cases that say you cannot make the public pay for rainwater. The rule is that if you charge a fee it should be charged on impervious property. Council member Melonis made a motion to get on with the agenda.

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4. Bill Dahlheimer agrees with what Jerry Johnson said in principle. He does not feel his property is being assessed properly. The average bill is \$4 and he is paying \$25 per month. He owns an acre of land that has not been developed. He has a rain barrel and rain gardens. He should be paying about \$4 on his house only. He is paying the fee on a vacant piece of property. The current way of charging fees is not working and it is not fair. He suggested that everyone pay an average. Another way would be to re-estimate the fees based on property coverage. Another option would be to drop the fee entirely since it is not mandatory. There are numerous cities in Iowa that have implemented storm water fees. Bill stated that if the council doesn't do something they are looking at being sued.
 5. Jeannine Poldberg stated that she did not understand the letters of understanding that were discussed at the February meeting. So she has gathered information about the employee contracts and their benefits. She read a synopsis of the employment contracts that each of the department heads have with the City. She stated there is no consistency in the length of each contract. She also stated that there is no just cause provision for termination in all of the contracts. The cost of health insurance varies according to age. She reviewed the cost of the other benefits. She thinks the packages sound expensive. She doubts the reason that the council gave for going into closed session on Dec. 30, 2013 is legal. The Harrison County Supervisors were just fined for not meeting the requirements to go into a closed session. She feels that we have put too much trust in the council members.
 6. Sharon Paterson was present and brought some information to the council showing that not all agendas and minutes are current on the website. The last set of minutes posted on the website are dated Oct. 21. She wanted to know why we have a website if we do not have the minutes posted in a timely manner. The clerk explained that work is done based on certain priorities and that IT items are on the bottom of the list. We meet legal requirements first. Mrs. Paterson also wanted to know when the lake pumps were going to be turned on. The Mayor informed her that they are currently running. She wanted to know when the lake clean up is scheduled. It has not been set yet. She encouraged people to clean the area along their lakefront while the lake is low.
- B. Communications from the Departments
1. Moved by council member Aldmeyer seconded by council member Cumberledge to approve the application to the fire department. Ayes: Unanimous.
 2. Jackie Wahl reported that the Planning Board was asked to review the zoning for the Goodkind and Goodkind building and General Manufacturing. The board needs additional guidance from the Attorney and the Council before they can make a recommendation. They also reviewed the plans submitted for the improvements at the Boy's and Girl's Club. The board recommended approval. They also continued their review of the Comprehensive Plan. The

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board would like the various departments to review the sections of the Plan that pertain to their departments to check for accuracy and updates.

3. The Storm Water Committee Update was removed from the agenda.
4. Mayor Waltrip
 - a. Mayor Waltrip would like to appoint Victor Skinner to the Library Board. Moved by council member Cumberlandge seconded by council member Aldmeyer to approve the appointment. Ayes: Unanimous.
 - b. The Mayor would like to reappoint Bobbie Freeman and Tim Thompson to the Park Board. Moved by council member Aldmeyer seconded by council member Cumberlandge to approve the appointments. Ayes: Unanimous.
5. Council member Cumberlandge
 - a. Council member Cumberlandge would like to waive the building permit fees for the Boys and Girls Club. Moved by council member Cumberlandge seconded by council member Melonis to waive the building permit fees for the Boys and Girls Club construction. Ayes: Unanimous.
 - b. Council member Cumberlandge asked the attorney the difference between a city fee and a city tax. Attorney Thornton stated a tax is normally general and beneficial for the entire community and a fee normally is for a specific purpose that is beneficial to the person paying the fee. Council member Cumberlandge would like to exempt residential vacant property. Council member Hawkins suggested a council workshop to discuss storm water fees. Jackie Wahl offered some information on storm water fees for the council to review. A workshop was scheduled for Monday, March 24, 2014 at 6:00 PM.
6. City Clerk
 - a. The clerk announced that the City did not receive any bids for the towing contract. The Mayor stated he would try to find someone to do the towing.
 - b. The clerk provided the council with the current ambulance fees and a copy of the current industry standard fees. Moved by council member Aldmeyer seconded by council member Hawkins to approve the top range of the industry standard fees. Ayes: Aldmeyer, Hawkins, Melonis. Nays: Huey and Cumberlandge. EMS billing charges 3% of the fees collected. Sue Cudd questioned who receives the money. The revenue goes into the Ambulance CIP fund and is used for ambulance expenses. Gary Rosenberger suggested one fee for those that have insurance and a different fee for those that don't.

V. Resolutions

- A. Moved by council member Aldmeyer seconded by council member Hawkins to approve a resolution placing liens for delinquent utility bills. Ayes: Aldmeyer, Hawkins, Huey and Cumberlandge. Nays: Melonis
- B. Moved by council member Aldmeyer seconded by council member Hawkins to adopt a resolution placing liens for unpaid weed removal bills. Ayes: Hawkins, Huey, Cumberlandge, and Aldmeyer. Nays: Melonis.

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- C. Moved by council member Hawkins seconded by council member Huey to adopt a resolution writing off unpaid bills for utilities. Ayes: Aldmeyer, Hawkins, Huey. Nays: Cumberledge and Melonis.

VI. Comments

Mayor Waltrip stated this has been an interesting meeting. The public deserves a hand for attending the meeting. To him, this is how government is supposed to work. He thanked the council for the work they put in.

Council member Melonis thanked everyone for coming. She stated this is probably the most challenging time she has had in the last 4 years and 3 months. She appreciates the public coming forward and giving the council food for thought. However, the amount of distention that she feels between the mayor and the council members and the distention that is growing in the community makes her sad. She is sad that nothing positive is happening. She addressed the Mayor and stated that if he feels this is very productive she disagrees with him 100%. She will do what the people want her to do, because that is the reason she was elected. However, the intentional act of pitting neighbor against neighbor, no matter what the issue is, she believes it is disgraceful and she doesn't feel it is very ethical either.

Mayor Waltrip wanted to know if Barb had stated he had invited these people up here. She stated that she had said that. She does not feel it is productive to cause all of the intentional distention and frustration.

The Mayor stated that is long as he is here the public will have the right to say what they are thinking.

Council member Cumberledge supported what Mayor Waltrip stated.

Council members Huey, Hawkins and Aldmeyer thanked everyone for coming.

The Mayor thanked the Attorney for itemizing his bills as he had requested.

Gary Rosenberger agrees that an \$11 million bond issue for storm water will never get passed. He also complained that trash is out all over town. The trash ordinance is not being enforced. He also stated the stop signs are not being enforced. Rules have unintended consequences and everyone in the country is tired of rules. Trash should not be set out until after 5:00 PM on Tuesdays.

Jerry Bell thought Phill Newton should do the ambulance billings since he spends a lot of time driving around town in the ambulance. He was referred to the Chief with any complaints he has about Phill's job performance. Mr. Bell stated that he has been accused of being paid to be a mouth piece for the Mayor and the rumors need to stop. Terry Christensen stated that when you need the firemen they are there. He is glad Phill is on the department.

Nate Bradburn stated that he is not speaking on behalf of the fire department however, for anyone that sees Phill driving the ambulance during the day, he is the only one paid to be on duty. If Phill receives a call during his lunch he is better able to respond if he has the ambulance with him. The fire personnel want to be there to help the citizens.

Bill Dahlheimer apologized to the clerk for his prior comments. He is frustrated with the storm water tax. He feels there is a compromise that needs to be considered regarding the fees.

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Jerry Bell stated he did not mean to make the fire department mad. He was not aware that Phill is a paramedic and goes straight to the scene when called.

Mary Schomer is concerned about the dangerous traffic at 13th and Willow. She would like the council to look into the issue. The Mayor believes Willow Dr. should be one way between 11th and 13th St. during school hours.

Mayor Waltrip stated that the inference that Barb Melonis made, insulted the public. Nobody speaks for him and he doesn't speak for anyone else. He doesn't have to be mayor, he got up here because he was upset with the way the city operated and he is going to change it. Anyone that works for the city cannot say that he has been unfair or mean. He has shocked a lot of people with the fact that he gets along with people at city hall. He will go out of his way to get along with them. For anyone to infer that someone is speaking for Jerry Waltrip, it is bad that those kind of comments can come up at a meeting. He speaks for the whole town. Everybody gets represented from his office. His door is always open. He is here to help make this City be a better place.

This meeting adjourned at 9:02 PM.

Doreen Mowery, City Clerk

Gerald Waltrip, Mayor

City of Carter Lake
City Hall – 950 Locust St.
Special City Council Meeting
Proceedings: Monday, March 24, 2014 – 6:00 PM

Mayor Gerald Waltrip called the meeting to order at 6:00 PM.

Roll Call: Present – Council members Barb Melonis, Ron Cumberledge, Barb Hawkins,
Ed Aldmeyer, and Dave Huey

Absent –None

Also present – Deputy City Clerk Lisa Rühle and City Attorney Joe Thornton

1. Mayor Waltrip has met with Omaha Towing and Recovery regarding the towing contract. He also had Chief Kannedy and the City Clerk meet with them. Omaha Towing and Recovery submitted a bid packet that listed their fees. Mayor Waltrip felt the fees were too high and told them he would take it to the Council. Council member Cumberledge stated that the fees were above industry standards. He would like Omaha Towing to resubmit fees and to also look at our options. Moved by council member Aldmeyer seconded by council member Melonis to reissue the towing contract bid packets. Ayes: Unanimous.
2. Tax abatement / rebate discussion regarding General Manufacturing. Lori Holste, the director of Western Iowa Development, has been working with General Manufacturing. There was discussion on the difference in property taxes in Nebraska and Iowa. According to the City Clerk's figures if they gave him a 10 year tax abatement he would save more in Iowa than Nebraska. Lori stated that General Manufacturing has been a stable business for 50 years and we would want to support them in some way to make sure that business continues here. The City Attorney stated that the Council does not have to make a final decision tonight. They wanted to get the information to the Council and get a sense of what their thoughts were. The City Council is comfortable with the direction the negotiations are headed.
3. Review of storm water fees. There was discussion of the storm water fees. The City Council will set up a workshop with the storm water committee to look at the fees.

This special city council meeting was adjourned at 7:10 PM.

Lisa Rühle, Deputy City Clerk

Gerald Waltrip, Mayor

City of Carter Lake
City Hall – 950 Locust St.
Special City Council Meeting
Proceedings: Tuesday, April 8, 2014 – 6:00 PM

Mayor Gerald Waltrip called the special meeting to order at 6:00 PM.

Roll Call: Present – Council members Barb Melonis, Ron Cumberledge, Barb Hawkins,
and Dave Huey
Council member Aldmeyer arrived at 6:05 PM
Also present –City Clerk Doreen Mowery

1. City Department Heads, Theresa Hawkins, Ron Rothmeyer, and Barry Palmer were present to discuss the storm water fee review. They have reviewed numerous ordinances regarding storm water for both Iowa and the entire U.S. They are of the belief that the council should consider dropping the storm water fee at this time. They feel the City has completed all of the needed storm water improvements and any additional funds needed for storm water could be taken from the Sewer Utility fund, like they were in the past. There was much discussion and consideration regarding the existing storm water fees and ordinance. Moved by council member Cumberledge seconded by council member Huey to stop charging storm water fees. Ayes: Huey, Cumberledge. Nays: Aldmeyer, Hawkins, Melonis. Moved by council member Melonis to change the existing storm water fees to \$1 per house per month. Motion died due to the lack of a second. Council member Hawkins stated that she was not ready to make a decision at this meeting. She had requested a workshop for collection of information and discussion of storm water fees. She requested that we table this topic until she has an opportunity to look at some of information provided. She would like to see the estimated costs for storm water over the next 2 to 5 years. The storm water fees will be added to the April 21st agenda for additional consideration. One of the suggestions from the department heads was to set up a storm water committee that consists of citizens. This committee that would answer to the maintenance supervisor. They provided a example from Cedar Rapids.
2. The Mayor had sent out a policy to the department heads regarding use of City Hall. The clerk requested that the council review and approve this policy. There was discussion regarding the policy. No action was taken at this time.

This special city council meeting was adjourned at 7:30 PM.

Doreen Mowery, City Clerk

Gerald Waltrip, Mayor

City of Carter Lake
City Hall – 950 Locust St.
Work Session City Council Meeting
Proceedings: Tuesday, April 15, 2014 – 5:30 PM

Mayor Gerald Waltrip called the work session to order at 5:30 PM.

Roll Call: Present – Council members Barb Melonis, Ron Cumberledge, Barb Hawkins,
and Dave Huey
Council member Aldmeyer arrived at 5:35 PM
Also present –City Clerk Doreen Mowery

1. The council discussed the existing storm water fees and water, sewer and garbage fees. Council members Melonis and Hawkins had met with the clerk to review the current fees for the utilities and the amount of money they are generating and the related expenses. Council member Melonis discussed lowering the storm water fee to \$2 per month for properties with a structure. There are storm water reserve funds in the storm water account. They also felt as though there are enough cash reserves in the Water and Sewer Utility funds to hold the rates at the existing level and not implement the proposed July 1st increases. Council member Melonis would also like to see a line item set up in the General Fund for Lake Expenses. The costs associated with Lake Maintenance, such as harvesting, would then be budgeted to come out of the general fund. The cost to run the storm water pumps would continue to be taken out of the Storm Water Utility fund until there are no funds remaining in that enterprise fund. After discussion with the rest of the council, council member Melonis stated that she would like to be placed on the April 21st council agenda to recommend that the storm water fees be discontinued, effective July 1, 2014. She would also like to have the first readings to change ordinances regarding storm water fees, water fees, and sewer fees.

In addition to the discussion above, council member Melonis would like to have a work session with PeopleService to discuss the fees they charge for shut-offs, etc. and the timing of the notices and fees. The clerk will set up a work session in April or May.

This special city council work session was adjourned at 6:12 PM.

Doreen Mowery, City Clerk

Gerald Waltrip, Mayor

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: Monday, April 21, 2014
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 Ed Aldmeyer, Barb Hawkins, Dave Huey, Ron Cumberledge and Barb Melonis.
Also present – City Attorney Joe Thornton and City Clerk Doreen Mowery.
- II. Approval of the Agenda – Mayor Waltrip requested that the 9th St. Project be added to the agenda under his items. Moved by council member Melonis seconded by council member Cumberledge to approve the agenda with the addition. Ayes: Unanimous.
- III. Consent agenda – Moved by council member Huey seconded by council member Hawkins to approve the consent agenda as presented. Ayes: Unanimous.

The Mayor stated that it was nice to have the citizens at the meeting.

IV. New Business

A. Communications from the Public

1. Loren Knauss, County Supervisor was present to discuss a proposal he made to the Board of Supervisors regarding the creation of a committee to develop a countywide crime and safety commission. He would like the commission to address crime issues as a whole and to work on both a consistent and individualized basis for the county. At this time there would be no request for funding. He would also like to start a county wide mapping system to be able to see crime trends. The commission would look at processes. Domestic violence, child abuse, and sexual abuse are three areas that need to be addressed. At this time he wants to start the process. There will be a meeting in the near future to work on setting up the commission and he would like council support for the commission.
2. Moved by council member Cumberledge seconded by council member Hawkins to approve renewal of the liquor license for the Country Inn and Suites. Ayes: Unanimous.
3. Ann Kaiser came before the council to request that the council vacate the portion of Redick Blvd that goes thru her property on Hessman Dr. Mayor Waltrip advised that Redick Blvd., in that area is not a street because it was platted but never dedicated.
4. Jan Bell was present and relayed a story about a time when she was hurt and nobody stopped to assist her. She stated that since the first of the year she now feels included in the meetings. She stated that citizens are now becoming interested and passionate about their city. The citizens would like more active participation in the meetings. She disagrees that neighbors are being pitted

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against neighbors. She complimented Ron Rothmeyer for all he did to save money and purchase the new senior buses.

5. Leslie Sanders expressed concern about the recycling bins blowing around with trash and garbage going into the canals. The next time the contract is up she would like the City to consider a company that has a better system. Council member Huey requested that we check with the current contractor to see if they have something. The Mayor feels it is not entirely the contractor's fault that the trash bins are out for such a long time. He also stated he will call the office to check with the contractor to see if they have something to solve this issue. Lee Hudson stated he has had issues with the trash collector dumping trash on the ground and not picking it up. Council member Huey stated if there are problems like that, the citizens should call city hall to notify us so we can address the issue with the contractor.

B. Communications from the Departments

1. Phill Newton was present to update the council on Fire Department matters. The department will hold the annual health fair at the fire station from 10:00 AM to 2:00 PM on Saturday, April 26th. The fireworks have been ordered. The department received several large donations from Ponca and other businesses. The fireworks will be on June 7th with a rain date of June 8th. The department is working with Kathy Glathar to have the Bountiful Baskets project at the fire station. The department is still working on the fire truck and building specifications. The department still has free carbon monoxide and fire detectors available to the public.
2. There was not a Planning Board meeting this month, therefore there was no update at this time.
3. Council member Aldmeyer stated that the Storm Water Committee will be putting some pamphlets and information into the newsletter in the near future.
4. Mayor Waltrip
 - a. Mayor Waltrip stated that there have been a lot of water and sewer bill increases over the past 5 years. The City of Carter Lake takes care of our own meters, readings and billings. MUD furnishes meters to the bigger communities. Carter Lake is treated like a commercial customer so we have a different water rate than the larger communities that use MUD. Carter Lake has never treated their own sewage. We dump our sewage into the City of Omaha's system. Whenever there are big projects in Omaha, Carter Lake will pay a portion to cover the cost. Sewer rates have jumped higher than the water and there is nothing we can do about it. Laurie Culjat suggested that the city look at revamping the way they are billing for sewer. Sewer is billed at a flat rate and not based on water usage. The council has scheduled a workshop with PeopleService to review billing practices. Bill Dahlheimer stated that MUD recently raised rates from \$20 to \$25. MUD will be providing the Mayor with rate information.

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b. Mayor Waltrip stated he gets the most complaints on the lake. He stated the river is low and that is the biggest reason the lake is in trouble. He is able to gauge the river level by watching a pier. The lake is currently about 4 foot down. He stated the pump on the north side of the lake has nothing to do with the lake level. The airport pulled water from the aquifer during 2011. It does not look too good for boating on the lake this summer. When the river comes up it takes twice as long for the aquifer under the area to come back up. It takes 2 to 3 weeks for the water table to start affecting the lake. He has a call into the Corp of Engineers about what they are going to do with the outflows at the dams. The DNR will not admit that the things they did to the lake over the last six years were not good. May 22nd, there will be a meeting with DNR and other officials to work on changing the program for working on the lake. The Mayor feels that the more you spray the lake, the worse you are going to make it. The only way to get the lake back in shape is for the people to get together with the DNR and the DEQ to bring it back to what it was 6 or 7 years ago, where everybody gets to use it. The water near his home has been shut down. The lake has a bad problem and nature needs to get involved with special fish. Seaweed is an issue. Iowa's website tells you that grass eating carp can be used in some public lakes and private ponds. However, the state says they can't be used in Carter Lake. The lake is not man-made and it is not a pond. He feels that man has created the problems with the lake. Mrs. Paterson wanted to know, as a community, what can be done. She suggested letters and petitions. The Mayor stated he would get letters and petitions to the Governor. The Mayor will write a petition to be distributed. Rich Patton encourages the council and mayor to listen to the DNR and the biologists and scientist because they are the people that know what they are doing. The Mayor, Mr. Paterson and Ron Rothmeyer met with the DNR a couple of weeks ago. The DNR said that they have done some things that did not work and they are trying to figure out how to fix them.

c. Mayor Waltrip would like to re-appoint Bill Blankenship to the Board of Adjustments. Moved by council member Cumberledge seconded by council member Melonis to approve the reappointment. Ayes: Unanimous.

5. Council member Cumberledge stated that storm water has been a real difficult issue. He believes the council has tried to do the best they possibly can. Moved by council member Cumberledge seconded by council member Melonis to repeal the storm water fee. John Paterson stated he is stunned about Barb Melonis' about face. Mr. Paterson had a list of questions that he had submitted to the clerk. He wanted to know how much had been collected since the inception of the fee. He asked where the fees have been spent. Mr. Paterson stated that the first year of weed harvesting was taken from storm water fund. Council member Melonis stated that storm water has been a very intense issue. She is of the belief that we should not shove down the throat of the people something they do not want. She believes that those that voted for the storm water utility did it with the best intention in mind. She believes in

the utility and the fee. However, to be a good representative of the citizens she has reviewed all of the water, sewer, and storm water fees. She does not believe in charging more than what is needed to operate. Garbage has been reduced in the past. There needs to be an adequate amount of revenue to carry over into the next year. The council tries to keep 25% of the next operating year's expenditures in reserve. The department heads have found funding for storm water projects from grants and other sources. We had originally projected 5 years out for water, sewer, and storm water. We now have an adequate reserve in those funds. Council member Melonis is proposing that we retain the storm water fund. The money that is currently in that account will be used for only storm water expenses for approximately the next three years. She requested a line item be put in the general fund to pay for lake projects. She is also proposing that the July 1st rate increase in water and sewer will not be imposed. The attorney advised that the proper way to repeal the storm water fees is through an ordinance amendment. Council member Melonis withdrew her second and council member Cumberlandge withdrew his motion.

6. City Clerk
 - a. The clerk opened three bids that were submitted for towing services. Bids were submitted by Tow Connection, Omaha Towing and Security, and ASC Towing and Recovery.
 - b. Moved by council member Cumberlandge seconded by council member Huey to approve the bid proposal submitted by ASC Towing, subject to inspection and approval of the facility by the police chief and finalization of a contract. Ayes: Unanimous. A representative from Omaha Towing was present to provide information to the council regarding his facility and towing response.
 - c. The clerk provided the council with two requests to enter into long term lease/purchase agreements for a permanent easement on the cell tower site on Hessman Drive. Moved by council member Huey seconded by council member Aldmeyer to table this item. Ayes: Unanimous. Council member Aldmeyer would like the Attorney to look into the proposal.
 - d. One of the department heads had provided a policy regarding the use of electronic cigarettes in the workplace. Moved by council member Aldmeyer seconded by council member Cumberlandge to not implement a similar policy at this time. Ayes: Unanimous.

V. Ordinances.

- A. Moved by council member Hawkins seconded by council member Huey to approve an ordinance amending Chapter 92 – Water Rates on the first consideration. Ayes: Hawkins, Huey and Melonis. Nays: Cumberlandge and Aldmeyer.
- B. Moved by council member Melonis seconded by council member Hawkins to adopt an ordinance amending Chapter 99 – Sewer Service Charges on the first

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- consideration.. Ayes: Hawkins, Huey, Melonis, and Aldmeyer. Nays: Cumberledge.
- C. Moved by council member Cumberledge seconded by council member Melonis to adopt a resolution amending Chapter 110 – Storm Water Utility on the first consideration. Ayes: Unanimous.

VI. Comments

Mayor Waltrip stated that if there is a project that needs to be done, it would be 9th Street from Locust to Ave. J. The cost would be approximately \$300,000 if it is done during the construction of 9th St. from Ave. J to Ave. H. The area is approximately 400 foot long. The Mayor stated that if we are going to bond for a fire truck and other issues, the street trumps those projects. Ray Pauly stated that we should not tack something onto a fire truck issue.

The Mayor also stated that he would like to hire someone to video tape the meetings. The cameras are voice activated. The Mayor has had people express concern that the meeting tapes do not pick up the public/audience.

Barb Melonis appreciates all of the information that was shared in the recent workshops.

Ron Cumberledge thanked the council for their cooperation on the storm water issues. Dave Huey thanked everyone that brought information to the table to assist in making a logical decision regarding storm water fees.

Barb Hawkins thanked the public for coming to the meeting. She also congratulated the Clerk for her appointment to the IMFOA Board.

The Council set a workshop with PeopleService for Tuesday, May 6, 2014 at 4:30 PM. The council will be reviewing their billing practices and the amounts that are charged.

Tim Wickman is running for a County Board of Supervisor's seat. He has previously served on the Council Bluffs School and the Board of Supervisors. He is concerned about the tax increases that the County has imposed over the last few years. He is also concerned about the amount of debt the county has incurred. He has the leadership and vision to move the county forward and slow the spending and minimize the tax burden.

This meeting adjourned at 9:00 PM.

Doreen Mowery, City Clerk

Gerald Waltrip, Mayor

City of Carter Lake
City Hall – 950 Locust St.
Work Session City Council Meeting
Proceedings: Tuesday, May 6, 2014 – 4:30 PM

Mayor Gerald Waltrip called the work session to order at 4:30 PM.

Roll Call: Present – Council members Barb Melonis, Ron Cumberledge, Barb Hawkins,
and Ed Aldmeyer
Absent – Council member Dave Huey
Also present –City Clerk Doreen Mowery

1. Tim Snyder and Chad Meyers from PeopleService were present to discuss the fees they charge for shut-offs, etc. and the timing of the notices and fees. Tim provided the council with a list of their billing procedures and the approximate dates that the services are provided each month. They have three types of reading devices installed in Carter Lake. There currently is no procedure implemented to read and match the inside and outside meter readings at a home. Lori Culjat was present and expressed concern that the meters are not actually being read. The Mayor stated that he thinks the City should be doing the water reading and billing in house. There was additional discussion about the current rates that are being charged for water and sewer. It has been suggested that the City consider billing for sewer based on the amount of units of water used. There were questions regarding the fees that MUD and PeopleServices charge. The fees are set by council ordinance. PeopleService bills for the services and then turns the money over to the City of Carter Lake. The Mayor stated that MUD has four meters that are read each month to determine the amount of water Carter Lake purchases from them. Each meter has a minimum bill of \$500 per month. PeopleService offered to prepare a rate study for water and sewer fees for the City of Carter Lake at no charge. They will begin the study in the near future.

This special city council work session was adjourned at 5:40 PM.

Doreen Mowery, City Clerk

Gerald Waltrip, Mayor

Proceedings: Board of Adjustments Meeting
Monday, March 10, 2014 - 6:00 PM

Hardy Brown called the meeting to order at 6:15 P.M.

Roll Call: Present: Hardy Brown, Paul Christensen, Bill Blankenship, and Kitty Buchanan
Absent: Michelle McWilliams
Also present: City Attorney, Joe Thornton and Doreen Mowery, City Clerk

Moved by board member Brown seconded by board member Christensen to approve the agenda as presented. Ayes: Unanimous.

Moved by board member Christensen seconded by board member Blankenship to approve the minutes for Oct. 7, 2013 as written. Ayes: Unanimous.

1. Wayne Rasmussen, Attorney representing AFG Investment Funds 6, LLC was present to request the board grant a variance from the zoning ordinances to allow a non-conforming use of the building for commercial storage and distribution. He reviewed the use of the building over the past several years. The property has been advertised for rent since July 2010. The building has consistently been leased as a warehouse facility. The property has never been abandoned. In fall 2013 Heartland Proteins, LLC entered into a lease agreement on the building. The building inspector recently sent them a letter of non-compliance. They are here tonight to appeal that decision. They feel the property should be grandfathered as a warehouse distribution facility. They are not requesting any changes in the building. The current owner purchased the property after the new zoning ordinances and map were adopted in 2006. Steve Gries, B.P. Management, the current agent for the property, addressed the board regarding the use of the building. Goodkind was in the building for about 2 years after the zoning change. Schimberg Company, a pipe distributor was in the building for quite some time. Heartland Proteins has been in the building since Oct. of 2013. He also stated that many of the businesses around the building at 300 E. Locust are operating contrary to the current zoning ordinances. The attorney stated that the uses that do not comply have been in continuous use since prior to the zoning changes. Mr. Gries stated he has been marketing this property for a long time. He doesn't believe the area will be used for commercial businesses for quite some time. He doesn't believe the building can successfully be converted for commercial use. Board member Christensen stated that the purpose of the board is to establish if there is a hardship to the owner and if a variance can or should be granted to relieve the hardship. Mr. Gries stated that if the property can't be used as a warehouse/distribution facility it will not be used at all. The board does not have the power to change zoning of a parcel of property. Mr. Gries stated that the owner has contributed quite a bit to the community over the past years in the form of property taxes. Board member Christensen stated that the zoning was in place when the owner purchased the property. Attorney Thornton stated that processes to change zoning on property must go before the Planning

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and Zoning Board, not the Board of Adjustments. Therefore, Mr. Gries' request should be before the Planning Board. The Board of Adjustments does not have the authority to change zoning. Board member Blankenship stated that he did not see any variances that the board could grant at this time. He asked if the business had applied for a permit to operate his business inside this building. Mr. Gries stated that there have been multiple tenants and none of them have ever requested a permit. They have all had signage and trucks going in and out for the past seven (7) years and have never been questioned. Board member Brown wanted to know the current use of the building. Keith Fulton, owner of Heartland Proteins stated that they get dry product from various places in Omaha, bring it in, store it, and then ship it out throughout the US. They need a place for product to be off loaded, staged and then shipped back out. It is stored in bulk on the floor. It comes in on semi-hoppers and is then elevated into piles on the floor. An end loader scoops the product up to load it on trucks to ship out. The front doors of the building are not being used. He is leasing 30% of the warehouse. Mr. Gries is asking for a zoning variance or a conditional use permit, based on the fact that surrounding businesses do not comply with the zoning ordinances either. The forum for that argument is the planning board. The Attorney for Heartland Proteins stated the reason they are before the board of adjustments is because the Building Inspector has given them a letter to cease and desist operations at 300 E. Locust Street. Conditional use permits have to go before the Planning Board and the City Council. The owner contends they are not asking for a change in zoning, they are asking the board to recognize the grandfathered use of the building. Attorney Rasmussen requested that the board recognize the grandfather rights. The board asked the building inspector if there was a break between uses of the property. The building inspector stated that the building had been vacant for different periods of time over the past few years. Moved by board member Christensen seconded by board member Buchanan to deny the request for a variance based on the grandfather clause. Ayes: Unanimous. Board member Christensen referred AFG Investments and Heartland Proteins, LLC to the Planning Board for additional consideration.

The board of adjustments meeting was adjourned at 7:00 PM.

Hardy Brown, Chairman

Proceedings: Board of Adjustments Meeting
Monday, April 14, 2014 - 6:00 PM

Hardy Brown called the meeting to order at 6:13 P.M.

Roll Call: Present: Hardy Brown, Paul Christensen, Bill Blankenship, and Kitty Buchanan
Absent: Michelle McWilliams
Also present: City Clerk Doreen Mowery

Moved by board member Christensen seconded by board member Blankenship to approve the agenda as presented. Ayes: Unanimous.

1. Michelle Rosen at 1306 Cachelin Dr. was present to request a variance to build a 6 foot privacy fence that does not meet the front yard height requirements for residential property. Michelle presented three letters from abutting property owners. The letters that were submitted from adjacent property owners were in support of the fence. Ms. Rosen has a 16' by 48' pool that she puts up every spring and takes down in the fall. She would like the fence around the pool and to assist with keeping her dogs in her yard. Board member Christensen noted that privacy fences are not allowed along the side lot lines if the home is a corner property. There was a member of the public present that had some questions about the ability to see at the corner once the fence is installed. The proposed fence should not impair the line of sight. Moved by board member Brown seconded by board member Blankenship to approve the variance to allow for a fence around the pool and a fence between the house and the garage. Ayes: Blankenship, Brown, Buchannan. Nays: Christensen.
2. Gerald Waltrip was present to request a variance to increase the size of an accessory structure that does not meet the side yard set-back requirements. The proposed structure does not exceed the amount of square footage for accessory buildings. Mr. Waltrip uses the structure to store his firewood. The wood is stored on shelves inside the shed. Moved by board member Christensen seconded by board member Brown to approve the request since it complies with the ordinance and is allowable under our current building codes. A permit should be issued without a variance. Ayes: Unanimous.

The board of adjustments meeting was adjourned at 6:55 PM.

Hardy Brown, Chairman

2014 March

Residential Building Permits

<u>Permit #</u>	<u>Date</u>	<u>Applicant</u>	<u>Address</u>	<u>Description</u>	<u>Permit Amount</u>	<u>Date Paid</u>	<u>Recpt. #</u>	<u>Value of Permit</u>	<u>Permit Exp. Date</u>
R17-14	03/04/14	Kavalec Electric (Roy)	1113 Janbrook	New Service Panel / add circuit	\$ 50.00	03/04/14	11909	\$ 1,000.00	06/14/14
R18-14	03/10/14	Backlund Plumbing	91 CLC	Gasline Preas. Test/BHE Fax	\$ 25.00	03/07/14	11974	\$ 300.00	03/31/14
R19-14	03/11/14	Burton Plumbing	1405 Lindwood	Replace Furnace & A/C	\$ 43.50	03/11/14	11978	\$ 6,799.00	03/31/14
R20-14	03/11/14	American Residential	1544 Cachelin	Replace Furnace & A/C	\$ 42.00	03/11/14	11979	\$ 7,922.00	03/31/14
R21-14	03/11/14	Kitty Buchcanan	4428 N 8th	Remodel Kitchen	\$ 40.50	03/17/14	12010	\$ 2,000.00	04/30/14
R22-14	03/11/14	American Residential Ser	1213 Willow	Replace Water Heater	\$ 25.00	03/17/14	12011	\$ 1,675.00	04/30/14
R23-14	03/13/14	LaLinda Swanson	69 CLC	Side Garage	\$ -	03/13/14		< \$500	03/30/14
R24-14	03/19/14	Action Electric	107 CLC	New Electrical Service	\$ 26.50	03/26/14	12063	\$ 2,300.00	04/30/14
R25-14	03/20/14	Aero Furnace	1401 Mayper	Replace Furnace & A/C	\$ 42.00	03/20/14	12064	\$ 5,600.00	03/30/14
R26-14	03/25/14	Hammond Escavating	2815 N 5th St	Demo House/Out Buildings	\$ 25.00	03/25/14	12065	\$ 5,600.00	04/15/14
R27-14	03/26/14	Joesph Sortino	1317 Holiday Dr	12X16 Tuff Shed	\$ 15.00	03/26/14	12055	\$ 2,100.00	05/26/14
R28-14	03/31/14	American Residential	1544 Cachelin Dr	Replace water heater	\$ 25.00	04/14/14	12138	\$ 1,675.00	4/31/14
R29-14	03/31/14	Burton Plumbing	1140 Waters Edge Crt	Replace Furnace	\$ 28.50	04/14/14	12134	\$ 5,625.00	4/31/14
R30-14	03/31/14	Kevin Stewart	4330 N 8th St	Raise Garage Roof	\$ 46.50	04/14/14	12136	\$ 8,000.00	9/31/14

Commercial Permits

C5-14	03/03/14	Fred (Butch) Levell	3001 E Locust	Demo Building	\$ 450.00	03/05/14	11914	\$ 8,000.00	06/01/14
C6-14	03/05/14	Roto Rooter (Bob Bailey)	3000 N 13th	6 gallon water heater	\$ 25.00	03/05/14	11913	\$ 500.00	04/01/14
C7-14	03/25/14	Lund-Ross (Chris)	4101 N 17th St	New Facility & Pool	\$ 1,750.00	04/02/14	12104	\$ 1,200,000.00	04/25/15

TOTAL: \$ 2,684.50

TOTAL: \$ 1,259,596.00

2014 April

Residential Building Permits

Permit #	Date	Applicant	Address	Description	Permit Amount	Date Paid	Recpt. #	Value of Permit	Permit Exp. Date
R31-14	04/01/14	Dennis Rochford	3010-3012 Nakoma l	New Dduplex	\$ 6,343.04	04/14/14	12137	\$ 250,000.00	04/01/15
R32-14	04/01/14	Heather Bullard	1060 Waters Edge Ct	Replace Deck	\$ 23.00	04/14/14	12135	\$ 3,000.00	05/01/14
R33-14	04/07/14	Omaha Gutter & Siding	4427 N 8th	Siding/sofit	\$ 13.50	04/07/14	12144	\$ 9,000.00	06/07/14
R34-14	04/07/14	McIntosh Plumbing	1011 Shoal Dr	Gas Line Test/BHE Fax	\$ 25.00	04/07/14	12145	\$ 300.00	04/30/14
R35-14	04/15/14	Michelle Rosen	1306 Cachelin	Privacy Fence	\$ 15.00	04/15/14	12175	\$ 3,000.00	07/15/14
R36-14	04/15/14	Burton Plumbing	1326 Holiday Dr	Replace bathroom fixtures	\$ 37.00			\$ 10,000.00	08/15/14
R37-14	04/15/14	Koppold Plumbing	1317 Holiday Dr	Gas Line Test/BHE Fax	\$ 25.00	04/15/14	12176	\$ 500.00	04/30/14
R38-14	04/16/14	Service One	73 CLC	Replace water heaer	\$ 25.00	04/16/14	12174	\$ 980.00	05/31/14
R39-14	04/16/14	Gerald Waltrip	1912 Lagoon Dr	Add addition access.	\$ -	04/16/14		<\$500	08/16/14
R40-14	04/17/14	Dennis/Debra Jenkins	1326 Cachelin Dr	Replace fence	\$ 15.00	04/17/14	12219	\$ 3,240.00	07/17/14
R41-14	04/21/14	Don Smith	3701 N 13th	12 X 20 Garage	\$ 43.50	04/21/14	12204	\$ 4,755.00	06/21/14
R42-14	04/21/14	Rick Emswiler	1011 Shoal Dr	Repair windows	\$ 13.50	04/21/14	12217	\$ 2,000.00	07/21/14
R42-14 Dup	04/21/14	Gary Bequette	4427 N 8th	Renovate Kitchen	\$ 97.75	04/21/14	12210	\$ 8,500.00	06/21/14
R43-14	04/29/14	Eugene Wray	87 CLC	Replace Windows	\$ 13.50	04/29/14	12232	\$ 3,000.00	07/29/14
R44-14	04/29/14	Eugene Wray	122 CLC	Replace Siding	\$ 13.50	04/29/14	12231	\$ 3,000.00	07/29/14
R45-14	04/30/14	Marty Lindhorst	802 Redick	Renovate Burned Building	\$ 443.00	05/06/14	12304	\$ 25,000.00	10/30/14

Commercial

TOTAL: \$ 7,146.29

TOTAL: \$ 326,775.00

FOR OFFICE USE: CASE# _____
Z.B.A. Public Hearing: _____
Signs Issued: _____/_____/by _____

Receipt # _____
Amount \$ _____
By _____ Date _____

=====

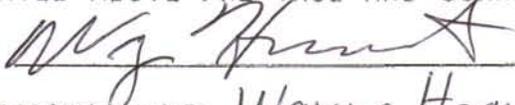
APPLICATION FOR PLANNING BOARD AGENDA

1. APPLICANT: Fleetpark LLC Phone: _____
Address: 222 S 15th Street *Status: _____
2. REPRESENTED BY: Wayne Hoovestol Phone: 402-216-0222x204
Address: 1641 S 186th Circle, Omaha NE 68130
3. STREET ADDRESS/LOCATION: 2200 Abbott Drive
Carter Lake Iowa
4. LEGAL DISCRPTION: Attached
5. OWNERS NAME: Info Group Inc, Lot 7 - Info USA Inc, Lots 9 & 10 - American Business Information, Lots 6 & 8
6. OWNERS ADDRESS: 5711 S 86th Circle, Omaha NE 68127
7. REASONS FOR REQUEST AND INTENDED USES: Dealer License and outdoor storage of trucks.
Explanation attached
8. ZONING DISTRICT: M-1
9. PRESENT USE: Office - Warehouse
10. COPY OF BLUEPRINTS OF INTENDED STRUCTURE. No structure changes intended.
11. ADMINISTRATIVE DECISION ISSUED: _____

FOR OFFICE USE

12. ATTACHED TO THE APPLICATION ARE:
- a. Denied "Building Permit Application" form..... _____
 - b. Approves..... _____
 - c. Restrictions..... _____

THE FACTS PRESENTED ABOVE ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE:

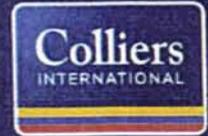
13. SIGNATURE:  Date: 5-2-14
TYPED OR PRINTED NAME: Wayne Hoovestol *Status: _____

*NOTE: P.O. = Property Owner C.P. = Contract Purchaser
O.H. = Legal Optionholder A. = Owner's authorized agent

FOR SALE OR LEASE > OFFICE SPACE

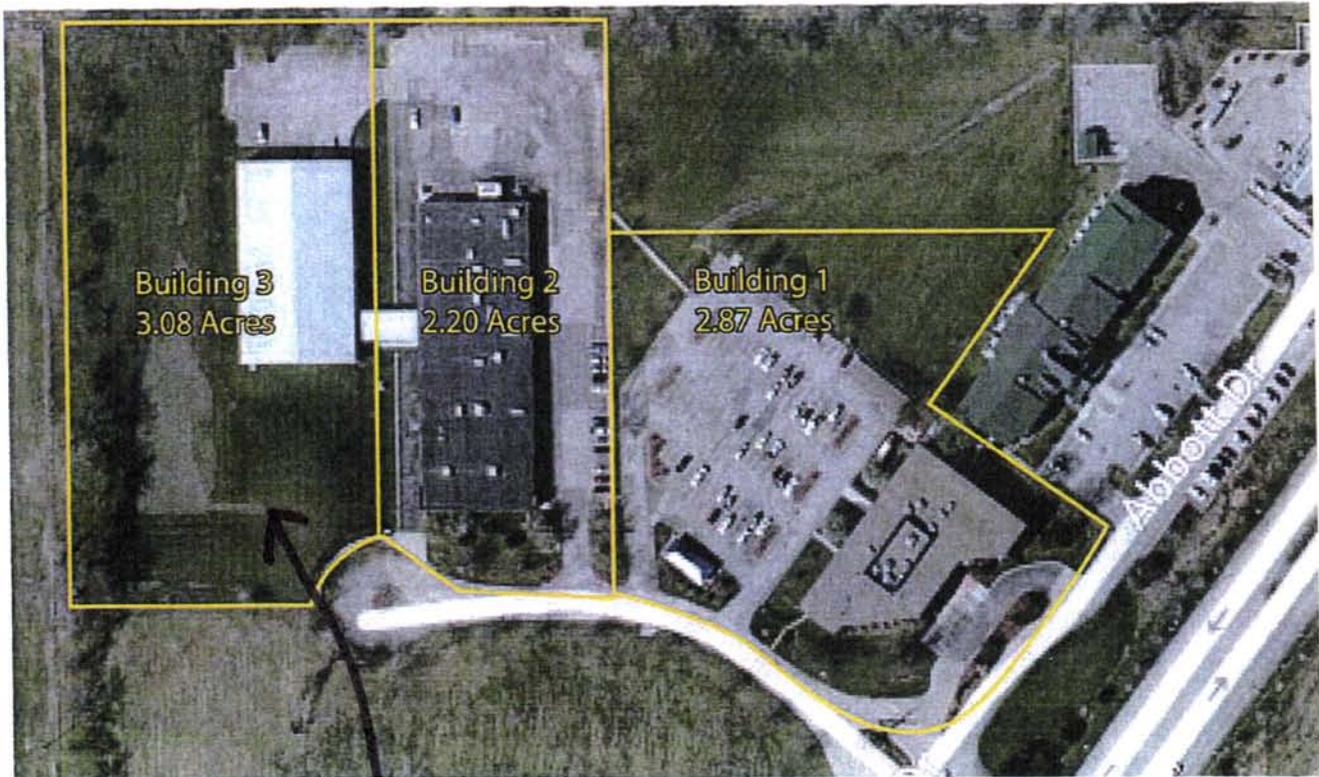
CARTER LAKE EAST OFFICE BUILDING

2200 ABBOTT DRIVE, CARTER LAKE, NE 51510



Accelerating success.

Aerial



*Additional
parking
concrete*

Contact us

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6464 Center Street | Suite 200
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www.colliers.com

COMMITMENT FOR TITLE INSURANCE
SCHEDULE A



5. The land referred to in this Commitment is described as follows:

Lot Seven (7), Owen Parkway, being a platting of Auditor's Lot 25 in the Southwest Quarter of the Southwest Quarter of Section 21 and part of Auditor's Lot 3 in the Northwest Quarter of the Northwest Quarter of Section 28, all in Township 75 North, Range 44 West of the 5th P.M., Pottawattamie County, Iowa (Infogroup, Inc.)

Lots 9 and 10, in Owen Parkway, a Subdivision in Carter Lake, Pottawattamie County, Iowa (infoUSA, Inc.)

Lots 6 and 8, in Owen Parkway, an Addition to the City of Carter Lake, Pottawattamie County, Iowa (American Business Information, Inc., a Delaware Corporation)

IOWA PROJECT QUESTIONNAIRE**1. Describe the company, its products, and the customer base:**

Cresco Capital, Inc. /Lone Mountain Truck Leasing provides financing to owner operators pursuing ownership of a semi-truck(s) to operate their business in the United States. Although we have a dealer license, virtually all of the trucks are leased to our customers and the titled ownership remains as Cresco Capital until the end of the lease, usually three to four years. Owner operators approved for financing will travel from long distances throughout the United States to choose from both used and new trucks located at any of the three Lone Mountain Truck Leasing locations. Current locations include: Pacific Junction, IA; Las Vegas, NV; and Tifton, GA. Each Lone Mountain Truck Leasing location also includes a maintenance center used to prepare trucks for leasing. These centers do not provide maintenance services to non-leasing customers.

The proposed Carter Lake, IA facility will combine the Credit, Customer Service, and Administration services of Cresco Capital with a new Lone Mountain Truck Leasing center. This new location will be the headquarters of the combined company and eliminate the Cresco Capital location in Omaha, NE and the Lone Mountain Truck leasing location in Pacific Junction, IA.

2. Describe the project including locations (city/county), proposed project activities, and estimated start date:

We plan to utilize the Info USA buildings for our corporate headquarters offices, currently about 50 people. In addition we will utilize the current warehouse building for truck maintenance and cleanup work, to prepare the trucks we purchase for sale/lease. This is currently about 12 people. We plan to do some renovation to the offices, as well as create more outside parking areas for trucks, mostly around the current warehouse in the back of the property.