

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: Monday, May 19, 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 Clerk Doreen Mowery
City Attorney Joe Thornton attended by telephone for the first hour of the meeting.
- II. Approval of the Agenda – The Clerk requested that items 2, 4 and 5 under Communications from Departments be moved up on the agenda to right after item 2 in Communications from the Public. Moved by council member Melonis seconded by council member Cumberledge to approve the agenda with the changes. Ayes: Unanimous.
- III. Consent agenda – Moved by council member Huey seconded by council member Hawkins to approve the consent agenda as presented. Ayes: Unanimous.
- IV. New Business
 - A. Communications from the Public
 1. Wayne Hoovestol was present to represent Fleetpark LLC. Fleetpark purchases used trucks, cleans them up, does some light maintenance on them and then they sale and/or lease them. They have a central office in downtown Omaha and a truck shop on I-29 in Pacific Junction. They would like to consolidate some of their businesses and they are looking at the Info USA property on Abbott Drive. In order for them to be able to get a dealer’s license for the property they must be in an area zoned for trucks and truck repair. If they purchase the property they will be adding some parking for the trucks and they will need to add storm water storage. There will not be any trailers on the property. The property would provide them with room to grow. The planning board has reviewed information that was provided by the attorney to allow them to look at some type of transitional zoning. The front office would remain zoned as a business park. If the council is interested in moving forward with this proposal the planning board will continue working on a recommendation. Planning Board Chairman, Ray Pauly stated that the board is leaning more toward rezoning rather than issuing a conditional use permit. The board will meet again on May 27th at 7:00 PM. Council member Melonis would like to do whatever needs to be done to make the project work. A development agreement would include items such as no trailers parked on the property and no parking trucks along Abbott Dr. This item will be brought back to the council at their June meeting along with a recommendation from the Planning Board. A letter from Robert Owen, Chairman of Owen Industries, was submitted endorsing the project. Wayne

Hoovestal stated that he has had conversations with the Country Inn and Suites and they are not opposed to his business locating on that property.

2. Mayor Waltrip

a. There are approximately 20,000 cobblestones in the maintenance yard that the Mayor would like to sale. He would like to sale them as one lot with the understanding that the purchaser will have to haul them away. The Attorney stated that it does not have to be published, however they have to be offered in a reasonable way. The Mayor currently has three sealed bids from some area nurseries. The Mayor stated that he talked to the Parks Director and the parks department does not need the cobblestones. Moved by council member Aldmeyer seconded by council member Huey to publish an ad to accept bids thru Tuesday, May 27th. Ayes: Unanimous.

b. The Mayor stated he asked to be put on the agenda for the library because it seems that when the library tries to do something they meet some opposition and that they are controlled by the State. He stated we have an excellent board and the employees are fantastic. He would like to see the City and the Library get along really good and they seem to get tripped up from time to time. His opinion is that the Library is the most important building in the City. Council member Hawkins stated that we have an excellent Library and she doesn't know where the obstruction issue is coming in. Mayor Waltrip stated that the Library has the ability to move some budgetary funds around and they are not being allowed to do that. He thinks they have the freedom to do that. The Attorney stated that he doesn't believe that is the issue.

Apparently there has been some type of change in position and in order for that to happen there is a process and procedure with the union contract. He doesn't believe anyone is not working with the library but there is a process and procedure with the union contract that has to be followed. Kim Smith, Vice President of the Library Board came before the council. She read one of the sections of the contract regarding creating a new position. She stated the board was not trying to negotiate a new position that there is currently a similar position in the contract and that is the pay they proposed. The Mayor stated that he had asked the clerk to write the paycheck if the employee had it coming. Ms. Smith wanted to know if the Mayor or Council had authorized the clerk to investigate this issue. Council members Aldmeyer, Hawkins, and Melonis stated that the clerk is supposed to safeguard the City. The clerk explained that her question was simply are we doing it within the confines of the contract and is what we were doing legal, since she was being asked to write a check. She stated that she knows the Library is autonomous and she understands how that works, however she does not know how that fits in within the confines of the union contract. Ms. Smith stated that the board had a meeting and had invited the union representative and the position change had been approved. The union person originally approved it because nothing had to be negotiated because there was another department with the same type of position. The union representative then rescinded that position. The

Attorney stated that if the board was going to propose a change in job description that changes wages and changes the description so that it fits under the union contract then that needs to be made clear. He stated it wasn't made clear that the Library Board was changing a job description that would make a change in wages under the union contract. He stated that we need to take a step back and follow the proper procedure so there is a full understanding by the council of whether or not they are approving the change in job description that results in an increase in pay as opposed to just changing job descriptions. That is what the union representative has determined wasn't done, the union itself said that the proper procedure wasn't followed. The Union Representative stated that she wanted everything in writing, so the Mayor sent her a packet with minutes from the Library and Council since December. The Library Board and the union believe the job descriptions are the same, however the council has not been given an opportunity to agree or disagree with that. The Library Board President Bonnie Freeman stated that the job descriptions were sent because Mary Schomer did get a promotion. Council member Hawkins stated that the council had approved a job description, but it was not presented as a promotion. The Attorney stated that we need to set down with representatives from the Union, the Library Board and the Council and look at the contract to see what is supposed to be done and then bring it back to the council with a full understanding of what the issues are. Council member Aldmeyer would like clarification on what the original job description was and what the changes were. The Mayor stated he sent the union all of the emails along with the minutes. The Mayor will get the meeting set up. Sharon Paterson found it hard to believe that the council spent so much time on a title change when they didn't worry about legality when they approved contracts on December 30, 2013.

c. The Library Board has submitted a proposed change in their budget for FYE 6-30-15. The Attorney suggested that this item be tabled until the wage issue is resolved. Moved by council member Hawkins seconded by council member Melonis to table the proposed Library budget amendment. Ayes: Unanimous.

3. Candice Leisinger had requested permission to close Ave. K from 13th St. to the backyard of 1405 Lindwood Dr. on the Fourth of July. Moved by council member Melonis seconded by council member Cumberledge to approve the request. Ayes: Unanimous. The council would like Ms. Leisinger to set a time for the street closure.
4. Holly Collins was present on behalf the PTO to discuss the functions of the PTO and their 5th Annual Golf Outing. In the past they have used the funds from the golf outing to purchase playground equipment, robotics, random acts of kindness goodies, gifts for the teachers, food for events, special instruction supplements, etc. In the past the council member Aldmeyer made some very generous donations for the silent auction. Holly requested that the council and public consider supporting the golf outing by donating items for an auction,

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sponsoring a hole, or attending the event. The Annual Golf Event will be held on Sunday, June 29th at 2:15 PM at Shoreline Golf.

5. Moved by council member Cumberledge seconded by council member Aldmeyer to approve the applications for solid waste collector permits. Ayes: Unanimous.

B. Communications from the Departments

1. There were four new applications for the Volunteer Fire Department. Moved by council member Aldmeyer seconded by council member Cumberledge to approve the applications. Ayes: Unanimous. Phill Newton was not able to attend the meeting so he sent an email with several requests. The department is in receipt of a jet ski and the Mayor has asked them to park it until there is some clarification on the additional liability and insurance. The council would like the clerk to check on liability and insurance before using the jet ski for water rescue. Moved by council member Melonis seconded by council member Aldmeyer to table approval of the jet ski. Ayes: Unanimous. The clerk will check on the insurance. The department had placed an order for a power cot and the Mayor questioned the necessity of having a power cot. The money has been budgeted in next year's budget and it takes 4-5 weeks to get the item delivered and there will be a cost savings if it is purchased now. The department currently has a power cot, they would like the second one for the new ambulance. Moved by council member Melonis seconded by council member Hawkins to approve purchase of the power cot. Ayes: Aldmeyer, Hawkins, Huey, and Melonis. Nays: Cumberledge. The department has \$10,000 budgeted to match Iowa West Grant Funds. At this time, the department has not made those purchases and they are requesting that \$10,000 be carried over to next year's budget so it can be used at that time. Moved by council member Hawkins seconded by council member Aldmeyer to approve carrying over the funds until next year. Ayes: Aldmeyer, Hawkins, Huey. Nays: Cumberledge, Melonis. Jerry Bell stated that council member Huey should excuse himself from voting on fire department matters. The Mayor will run that question past the Attorney. The department has put together the costs of the truck, building and equipment. They would like a special meeting to move forward with their project. As a cost savings, the Mayor thinks the council should consider paving the section of 9th Street from Locust to Ave. J while doing the PVS project and purchasing the items for the fire department. The council will check their availability for a workshop. The clerk stated that it is National EMS week and we should thank all of our EMTs for what they do for the City.
2. There were no additional items to be covered by the Planning Board.
3. There was not a Storm Water Committee update at this time.
4. Council member Cumberledge has talked to WIDA several times and they sound like they can do a lot more for the City and they had some additional information provided to them. They have a decent marketing tool with LOIS

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but we haven't supplied them with the information they need. He stated they don't have anything for us so they haven't been doing anything for us. He would like some money for signage on the empty lots to show the tax incentives that are available. He has also visited with Omaha about marketing. He would like \$1,000 for signs that would tell what is available for incentives in Carter Lake. The Mayor thinks the marquee should be on Abbott Drive and the City should sell advertisements to promote Carter Lake. Sharon Paterson handed out an article from Elk Point, South Dakota showing a company had recently moved there from Bennington, NE. She stated the company could have been in Carter Lake if we had tried to market.

5. Animal Control Officer, Shannon Dunlap presented some proposed changes for the council to consider. She has done some research on the benefits as well as the negative aspects of having urban chickens. She provided the council with a copy of the Iowa City ordinance. The Mayor stated he is working with the airport on the geese. Council member Melonis believes chickens belong in the country but she is also considerate of the citizens' opinions. Shannon stated that she has received several questions about having urban chickens. Michelle McWilliams told the council she is in favor of allowing citizens the option of having urban chickens.

Shannon also discussed tethering animals. Our ordinance states that if the animal has food, water and shelter then it is being cared for. She has seen animals that do not have a very large shelter in the winter. She has provided the council with a copy of the ordinance from Council Bluffs. She would like the council to consider how we are allowing the animals to be treated and consider making some changes in our existing ordinance.

Currently there is a pit bull ban in Carter Lake and she would like the council to consider changing that ordinance too. Shannon has provided two ordinances with options on how to keep pit bulls in Carter Lake.

Council member Melonis thanked Shannon for being so proactive on animal control issues. She would like some time to review the proposals Shannon submitted.

Greg Kuchera stated that he is concerned about the wild animals in Carter Lake that she has to take care of when they come off of the river.

The Chief has provided the Mayor with a proposal on pit bulls.

Michelle Schafer commented that a dog will only be as ferocious as the owner allows them to be.

The clerk read an email from a citizen who objects to lifting the ban on pit bulls.

Mike Fitzpatrick stated that there used to be a pit bull on his street that attacked another dog.

6. The clerk stated that the Council will not be able to award a construction contract on the paving for the PVS project until after the State has had an opportunity to review the bids.

V. Ordinances.

- A. Moved by council member Melonis seconded by council member Hawkins to approve an ordinance amending Chapter 92 – Water Rates on the second consideration. Ayes: Hawkins, Huey and Melonis. Nays: Cumberledge and Aldmeyer.
- B. Moved by council member Hawkins seconded by council member Huey to adopt an ordinance amending Chapter 99 – Sewer Service Charges on the second consideration. Ayes: Hawkins, Huey, Melonis, and Aldmeyer. Nays: Cumberledge.
- C. Moved by council member Cumberledge seconded by council member Huey to adopt an ordinance amending Chapter 110 – Storm Water Utility on the second consideration. Ayes: Unanimous.
Kenny Savage requested that the council have the third reading on the storm water ordinance.
Bill Dahlheimer is concerned about the flat fee for sewer. The proposed ordinance change freezes sewer rates so there will not be an increase on July 1st. The council is doing a study to consider changing the way the sewer rates are charged.

VI. Resolutions

- A. Moved by council member Hawkins seconded by council member Melonis to approve the resolution to allow a Section 125 Premium Only Plan. Ayes: Unanimous.
- B. Moved by council member Cumberledge seconded by council member Huey to adopt a resolution approving a tax abatement for 3906 N. 11th Street. Ayes: Unanimous.
- C. Moved by council member Melonis seconded by council member Huey to approve a resolution authorizing liens for unpaid utility bills. Ayes: Unanimous.

VII. Comments

The Mayor appreciates the council and planning board keeping an open mind on the project on Abbott Drive.

Barb Melonis thanked everyone for coming to the meeting. She also thinks that the Abbott Drive project will be a real shot in the arm. She feels that the industrial park on 11th in Omaha will be good for the community as well. Regarding the animal control issues, she would like to hear from the public with their opinions.

Mayor Waltrip stated that he has had many calls on the lake. The DNR, DEQ, Omaha's Park Director, the Airport Authority, and Corp of Engineers will be at City Hall Thursday, May 22nd at 10:30 to have a meeting with the public on lake issues.

John Pinkerton expressed concern that the light on the lake pump on the north side of the lake is not on and it normally is when it is pumping. The pump has been vandalized. Mr. Pinkerton also wanted to know if the weeds in the lake were going to be mowed or sprayed. The weed harvester cannot be put in the lake because the water is so low.

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Ron Cumberledge stated that the marketing would not be for one specific property owner, it would be for the whole community. He thanked the council for looking at the utilities and getting rid of the storm water fees.

Council member Huey wanted to make sure maintenance was still picking up tree branches from the storm.

Council member Hawkins thanked everyone who showed up at the lake clean up. The Clerk stated that when the lights were flashing earlier the recording shut off and the first 20 minutes of the council meeting were not recorded.

Mary Joe Pinkerton would like the council to consider have parking on only one side of Ave. Q between 13th and 17th Street. The Mayor stated he will look at the area.

Ray Pauly stated that he has heard people comment that it is difficult to hear during the council meeting. He feels it would be easier to hear if people were more respectful and did not talk during the meeting.

This meeting was adjourned at 9:15 PM.

Doreen Mowery, City Clerk

Gerald Waltrip, Mayor