

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: Monday, June 15, 2015
Regular City Council Meeting – 7:00 PM

The Pledge of Allegiance

The Mayor asked for a moment of silence in memory of Toni Sackett, Rosi Peck, Maggie Ferryman and Suzanne Liebe. They were all citizens who passed away in the past week or two.

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
Absent – Attorney Joe Thornton
Also present – City Clerk Doreen Mowery
- II. Approval of the Agenda – Approval of the cigarette permit for Shoreline Golf was added to the agenda. Kitty Buchanan was added under communications from the public. Moved by Council member Melonis seconded by council member Huey to approve the agenda with the additions. Ayes: Unanimous.
- III. Consent agenda – Moved by council member Hawkins seconded by council member Aldmeyer to approve the consent agenda as presented. Ayes: Unanimous.
- IV. New Business
 - A. Communications from the Public
 1. Cameron Burt from Holmes Murphy was present to review the ICAP insurance renewal for the City. Mr. Burt presented the council with some hand-outs that show the history of the City's premiums and exposures over the past five years. The City is a member of ICAP and IMWCA. Holmes Murphy has been working with the City for approximately 6 years. During that time our Workers' Comp modification factor has dropped from a high of 1.76 to the current 0.77. We have had four large loss claims over \$10,000. The four claims consist of two hail storms, one loss from a fire, and an equipment breakdown at a pump station.
 2. Darren Fife filled in for Grant Palmer with Barker Lemar. Barker Lemar is the State contractor for Underground Storage Tank sites. They have been assessing the property at 902 Locust and have identified that the protected ground water source is potentially at risk. The City has an ordinance restricting wells in areas where a potable water source is available. Due to the ground water contamination, Darren would recommend that the council consider adopting ordinances with tighter language so that drinking water wells cannot be installed in the area where the potential risk exists. Barker Lemar will provide the City with some examples of ordinances. The soil concentration levels are quite high at 902 Locust. The contract for this assessment work is being funded by the State. They have at least 16 sampling wells installed on the property. The goals are to cleanup contamination and make sure there is no issue to public health. Barker Lemar will be compiling

City of Carter Lake

City Hall – 950 Locust St.

Proceedings: Monday, June 15, 2015

Regular City Council Meeting – 7:00 PM

a report of the work that has been completed and what still needs to be completed on the property. Mr. Fife will also do some follow-up work on another city site east of the 13th and Locust St. intersection.

3. Moved by council member Melonis seconded by council member Cumberledge to approve renewal of cigarette permits for Dollar General, Saries, Jump Start, Kwik Shop, CL Mini Mart, and Shoreline Golf. Ayes: Hawkins, Huey, Cumberledge, and Melonis. Nays: Aldmeyer. There are no inspections for these permits.
4. Rose Goodloff was back before the council to discuss the storm water runoff that runs into her yard from the new school. Her back yard is full of water due to all of the recent rains and she can't walk near her shed without sinking into the mud. Her neighbor cannot mow his lawn due to all of the rain water runoff. She thinks there needs to be some sort of drainage ditch installed. Mayor Waltrip met with the school's principal and the grounds manager. He stated the school has created quite a mess. The Mayor stated that the ground is about 4 1/2 feet above the original ground. When it rains water also runs off to the east and onto the new track. Mayor Waltrip has a meeting scheduled with the school superintendent. He will see to it that the school fixes the problem. Council members suggested that Ms. Goodloff get legal counsel to assist her with her claim. Council member Aldmeyer feels like the school and the architect caused this issue, not the City. Mrs. Goodloff's insurance agent instructed her to contact the City. The Mayor stated he would get it straightened out because some of this is the City's fault. He will be meeting with Dr. Bruckner next week.
5. Candice Bothwell requested a block party on Ave. K from 13th Street east to Lindwood. Moved by council member Melonis seconded by council member Cumberledge to approve the request. Ayes: Unanimous.
6. Kelli Brock requested permission for a block party on Ave. Q from 14th to 15th Street. The council is concerned that Ave. Q is a busy street and should not be blocked off. The council would prefer she block off 14th Street from Ave. Q to Ave. P. Moved by council member Hawkins seconded by council member Cumberledge to approve a block party for Ms. Brock if the Mayor talks with her and makes arrangements to keep it off of Ave. Q. Ayes: Unanimous. Council member Huey stated that if a bounce house is set up there still needs to be a way for emergency vehicles to get through the area.
7. Owen Webster and Jen Mincey were present to update the council on events on the tribal property on 13th and Locust. Mr. Webster is the care taker of the Omaha Tribe's property. He is also in charge of the Omaha Veteran's Association. There will be an event on the grounds on July 3, 4, and 5. There will be a memorial dinner on July 26th. Throughout the summer they plan on having small events and fund raisers on the Tribe's property. There was concern about the block party closing the street on the same day as the event on July 4th. Mr. Webster stated they access the property off of Locust so the block party is not a concern. The Mayor commended them for keeping their property mowed and cleaned. Council member Huey requested that they help divert traffic so that they do not run over the sidewalks. Mr. Webster has been

City of Carter Lake

City Hall – 950 Locust St.

Proceedings: Monday, June 15, 2015

Regular City Council Meeting – 7:00 PM

in contact with the Open Door Mission because they have experienced some vandalism on the property and they have had issues with some of their patrons drinking on the property and littering the land. They have also had issues with neighbors dumping brush on the tribal property. Mrs. Mincey was present to represent Thomas Mincey and request permission to put up a haunted house, Mincey Manor, for Halloween night only. Volunteers and donors build and supply the haunted house. It would be located on the pow wow grounds. Moved by Council member Hawkins seconded by council member Cumberledge to approve the haunted house, contingent on a safety inspect prior to opening. Ayes: Hawkins, Huey, Cumberledge. Nays: Melonis, Aldmeyer.

8. Linda Jones was present to represent Stan Kasuva. Mr. Kasuva sets up Elvis shows in the area. They have several dates open that they could do a show in the area. They are looking for a place to have an event.
9. Kitty Buchanan told the Mayor and Council about her neighbor and friend, Denise Teeple. Mrs. Teeple is interested in volunteering to serve on the Board of Adjustments. She has over 15 years of experience working with developers, plat maps and marketing. She has served on various other boards. Kitty stated that the board members on the Board of Adjustments are in agreement that she would be an excellent addition to the board. The Mayor has talked to Hardy Brown and he is not sure if he is ready to be reappointed. He will go back and talked to Mrs. Teeple but there are other people that have lived in this town forever and they need a shot at volunteering on the board. The Mayor stated there is no law written that says he has to have a certain number of women or men on a board. It is his duty to supply a nomination. He will be happy to interview Ms. Teeple again, but he doesn't want anyone telling him they can pick board members better than he can. The board will get filled when the council approves someone he nominates. He will bring two nominations to the next board meeting.

B. Communications from the Departments

1. Moved by council member Melonis seconded by council member Hawkins to approve the application from Joshua Life to be a volunteer fire fighter. Ayes: Unanimous.
2. Board member Pauly reported that the Planning Board reviewed a request for a second sign at Spearmint Rhino. The sign would be on the south side of the building and would meet all of the current sign ordinances therefore the board recommended approval of the permit. The board also reviewed the final plans for the hotel projects and recommended approval of the plans. The detention pond for the project will be owned entirely by the hotels. The board would like to look at changing the ordinances to eliminate open detention ponds and require underground detention basins. Council member Cumberledge objects to passing the high costs of an underground detention pond onto the developers. He would prefer better enforcement on the above ground storage ponds.
3. Council member Aldmeyer stated that the Storm Water Committee met and discussed the new top soil regulations. They also discussed that they normally

City of Carter Lake

City Hall – 950 Locust St.

Proceedings: Monday, June 15, 2015

Regular City Council Meeting – 7:00 PM

put storm water updates, reminders, and articles in the Insider. In order to keep up the publication they will put storm water information on the City website. The board is also seeking new members.

4. Mayor Waltrip
 - a. The Mayor stated that MUD is no longer charging the capital facility charges. The Mayor would like to revoke that fee in Carter Lake since we no longer have to pay MUD. The clerk will prepare a resolution for council approval at the next meeting to repeal the capital facility charge.
 - b. The Mayor stated there is a committee that he put together to determine the direction of the newsletter. Theresa Hawkins is assisting. They have discussed how to put the information together in a timely manner and save money. The newsletter is currently online. There are free templates to design your own newsletter that can look good. They also discussed the content that should be in the newsletter and how to avoid duplication. There will be another meeting this Friday. Their hope is to go electronic so that citizens will always have up to date information at their fingertips. They are also going to do some in-house printing of newsletters to post around town. Barb is willing to accept input on what people would like to see. There will not be a July 1 newsletter. The mayor stated that a newsletter would go out in July no matter how it has to be done even if he has to reach into his own pocket it will get done and the people will like it. The discussion was that the party in Lincoln would be replaced but it was never discussed that the newsletter would go away. The Mayor will get the paper back on its feet.
 - c. The Mayor stated there will be a golf tournament at Shoreline sponsored by Corpus Christi Churches on July 12, 2015. Bob Wahl stated that the event was to raise money for the churches. They have a lot of good sponsors but they will need golfers for various categories.
 - d. The Mayor stated that the Ave. K pump station has been rebuilt.
 - e. The Ave. Q and the 5th St. pump stations are going to be rebuilt in the near future. The one on Ave. Q needs to be bigger to handle the new home that have been hooked into the sewer in that area.
 - f. The sewer mains will be lined when all of the pumps are rebuilt.
5. Council member Cumberledge does not feel that the City has received much benefit from being a part of WIDA. He has not seen any communications from them and it costs the city \$7,750 per year. As a way to save money, he would like to discontinue paying for the contract. He stated that there are 5 or 6 properties listed on their web site. On June 24 council member Cumberledge is meeting with the Pottawattamie County Development Corporation and the National Development Council. Council member Aldmeyer stated that WIDA was instrumental in keeping PVS in Carter Lake. Council member Cumberledge stated that WIDA worked with General Manufacturing and McMullen Diesel and neither one of them rebuilt in Carter Lake. He believes there are other avenues for marketing the community, at no cost to Carter Lake. Additionally, there is a fund called Grow Pottawattamie County that can assist in future development. Council member Cumberledge

City of Carter Lake

City Hall – 950 Locust St.

Proceedings: Monday, June 15, 2015

Regular City Council Meeting – 7:00 PM

stated that WIDA was supposed to be a marketing tool and all they are is an IT department that lists properties on a website. The Mayor stated he is not that familiar with WIDA but they are no different than Iowa West Foundation and all they do is back some grants. They have helped businesses in Omaha and he wants to find out when we can get that help in Carter Lake. The Mayor stated every time he turns around businesses are going into Omaha because Omaha gives them property. The Mayor would like to hold off on WIDA for 6 months. The Mayor will be meeting with Iowa West Foundation to see about funding. Moved by council member Cumberledge seconded by council member Melonis to terminate the contract with WIDA. The Mayor requested that they withdraw the motion and second for 6 months. Council member Huey would like to see a report from WIDA of what they have done for Carter Lake. Council member Cumberledge stated that a real estate agent brought us Lone Mountain, it was not WIDA. Council member Cumberledge will bring information to the council after his meeting with Pottawattamie County Development Corporation. Roll call on the original motion: Ayes: Cumberledge, Melonis. Nays: Aldmeyer, Hawkins, Huey.

6. City Clerk

- a. The clerk gave the council information on a vehicle that sustained damage. Council member Melonis would like to see another repair bid. The Mayor visited with Barry and the Mayor would like to take the vehicle to a Carter Lake vendor to see if they can repair the dent. The Mayor stated he will take care of the claim.
- b. The council was presented a sample of meeting rules. Council member Melonis would like the rules to be revised to meet Carter Lake's needs. Council member Aldmeyer would like the clerk to obtain a few other examples. The Mayor stated he will look at whatever is brought to him but he will not support guidelines that try to tie a mayor to some rules that sometimes you just can't follow. There is a thing in this country called freedom of speech and sometimes you have to protect that. He admits there have been a couple times the meetings have gotten out of whack a little, but things get out of whack with him in his office all of the time, but he just lets it slide off his back like water on a duck. But some people can't do that. Before the council starts passing rules and regulations he would like the council to let him try to work these things out and tighten up on somebody occasionally getting out of line. He stated it is a bad thing when you start sitting down and writing down what you are going to do when it affects the office of the Mayor. Council member Melonis said the rules could be used as a tool. The Mayor stated that rules and regulations are a whole different thing than guidelines.

V. Ordinances

- A. Moved by council member Hawkins seconded by council member Huey to approve an ordinance designating stops on the second consideration. Ayes: Unanimous.

City of Carter Lake

City Hall – 950 Locust St.

Proceedings: Monday, June 15, 2015

Regular City Council Meeting – 7:00 PM

- B. Moved by council member Hawkins seconded by council member Aldmeyer to approve an ordinance amending the adoption of state building codes on the second consideration. Ayes: Aldmeyer, Hawkins, Huey, Melonis. Nays: Cumberledge. The Mayor is going to read some of these because some of these regulations should not be adopted and used in Carter Lake.
 - C. Jan Bell informed the council that she took her dog for a walk on 11th and Cachelin and two dogs attacked her dog. One of the dogs looked like a pit bull and the other was a terrier of some sort. There was a man that helped her get the dogs off of her dog. She filed a police report a couple of days after the incident. A few days later the dogs were at large again. She stated it is not safe to walk in the streets of Carter Lake. Council member Aldmeyer feels that the public would like to keep the pit bull ban ordinance. Council member Melonis would like to keep the pit bull ban and enforce the dangerous animal ordinance as well. The Mayor stated Carter Lake needs a strong, fair animal control ordinance that is enforced. The Mayor is looking at setting up a committee to make a recommendation to the council should regarding adopting various animal control ordinances. The Mayor stated that he no longer wants a committee, he believes the council should be able to address the ordinances. He will get with the Animal Control Officer. Council member Cumberledge stated that the majority of the people he talks to want to retain the pit bull ban. The Mayor stated the ordinances need to be enforced. Moved by council member Aldmeyer seconded by council member Hawkins to approve an ordinance amending Chapter 85, Animal Protection and Control on the second consideration. Ayes: Unanimous.
 - D. Moved by council member Melonis seconded by council member Huey to approve an ordinance amending Chapter 86 – Dog and Cat Licenses on the second consideration. Ayes: Unanimous.
- VI. Resolutions
- A. Moved by council member Hawkins seconded by council member Huey to adopt a resolution approving liens for unpaid utility bills. Ayes: Unanimous.
 - B. Moved by council member Aldmeyer to approve the resolution setting wages for FY 7-1-15 to 6-30-16. Based on the numbers provided, council member Melonis would like to freeze all department head wages without exceptions. Council member Huey stated that the department heads work hard and deserve a reward. Additionally there are other funds that do not balance and they are not concerned about them. Council member Aldmeyer withdrew his motion. He believes we should be concerned with abiding by all of the contracts. Moved by council member Melonis seconded by council member Cumberledge to freeze all department head wages and adopt the resolution. Ayes: Huey, Cumberledge, Melonis. Nays: Aldmeyer, Hawkins.
 - C. Moved by council member Hawkins seconded by council member Melonis to adopt a resolution approving fund balance transfers. Ayes: Unanimous.

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: Monday, June 15, 2015
Regular City Council Meeting – 7:00 PM

VII. Comments

Council member Melonis thanked everyone for attending. She extended sympathies to all families who are dealing with death and sickness. The annual Prayers and Pancakes in the Park will be held on July 11th. Everyone is welcome. Council member Cumberledge thanked all of the volunteers in the community. Council member Huey thanked all of the employees that did a good job with safety and helped lower the work comp rates. Maggie Ferryman had served 35 plus years on the department and she will be missed.

The clerk requested the council set a special meeting to review audit proposals and select an auditor. The council will meet on June 29th at 5:30 PM.

The meeting was adjourned at 9:45 PM.

Doreen Mowery, City Clerk

Gerald Waltrip, Mayor