

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: Monday, August 17, 2015
Public Hearing and Regular City Council Meeting – 7:00 PM

The Pledge of Allegiance

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

Public Hearing

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

The Mayor opened the public hearing on the proposed ordinance to amend the Unified Land Development Ordinances, by adding section 309 subsection n: Warehousing (Enclosed-Limited) and Table 4-1 Use Matrix: Industrial and Transportation Uses. Ray Pauly informed the council that the Planning Board recommends approved of the proposed changes.

There were no additional comments from the public at this time. No comments were submitted in writing.

Moved by council member Hawkins seconded by council member Huey to close the public hearing. Ayes: Unanimous.

The public hearing was closed at 7:02 PM.

Mayor called the regular meeting to order.

- I. Roll Call: Present – Mayor Gerald Waltrip
Council members Dave Huey, Barb Hawkins, Ron Cumberledge, and Barb Melonis
Absent – Ed Aldmeyer
Also present – Attorney Joe Thornton and City Clerk Doreen Mowery
- II. Approval of the Agenda – Moved by Council member Melonis seconded by council member Hawkins to approve the agenda as submitted. Ayes: Unanimous.
- III. Consent agenda – Moved by council member Hawkins seconded by council member Huey to approve the consent agenda as submitted. Ayes: Unanimous.
- IV. New Business
 - A. Communications from the Public
 1. Moved by council member Huey seconded by council member Cumberledge to approve renewal of the liquor license for Shoreline Golf, LLC. Ayes: Unanimous.
 2. Moved by council member Huey seconded by council member Melonis to approve renewal of the liquor license for the VFW. Ayes: Unanimous.
 3. Alan Urich was present to discuss Capital Facility Fees for new construction. MUD no longer requires the City of Carter Lake to remit Capital Facility Fees

for each individual new tap to the water lines. They quit charging this fee as of January 1, 2015. Mr. Urich questioned who authorized the continued collection of the fee when building permits are issued. The resolution authorizing fees states that the water service connection fee is established by MUD. The Mayor stated that Carter Lake is in a unique situation. MUD does not do any of the water line work in Carter Lake. MUD has 4 or 5 meter junctions in Carter Lake to determine usage and need for the entire city. Mr. Urich wants to know why the fee was collected from him in January, because the council did not decide to continue collecting the fee in July. Attorney Thornton will review the MUD letter and the prior council resolution. Mr. Urich would like a refund of the capital facility fee that the city collected from him. Council member Cumberledge recommended that he file a claim for a refund/reimbursement.

4. Moved by council member Melonis seconded by council member Huey to approve renewal of the commercial parking permits with the condition that a letter be sent to the three owners of commercial vehicles that have not renewed, giving them 10 days to pay to avoid losing their permits. Ayes: Melonis, Hawkins, Huey. Abstain: Cumberledge.
 5. Moved by council member Melonis seconded by council member Cumberledge to approve the final plat for Nakoma Town Homes Phase III. Ayes: Unanimous. Dennis then questioned why the City is still collecting the Capital Facility Fees. The Attorney is going to investigate and provide an answer.
 6. Moved by council member Hawkins seconded by council member Melonis to approve the final plat for Owen Parkway Replat One. Ayes: Unanimous.
 7. Moved by council member Hawkins seconded by council member Melonis to approve the Detention Pond agreement as revised and approved by the Planning Board. Ayes: Hawkins, Huey, Melonis. Nays: Cumberledge. The Mayor complimented Joe Thornton on the excellent job he has done with all of the zoning and developments.
- B. Communications from the Departments
1. There was not a fire department update at this time.
 2. Ray Pauly updated the Council on the Planning Board actions earlier in the meeting.
 3. There was not a storm water update at this time.
 4. Mayor Waltrip
 - a. The Mayor discussed the developments that are occurring in the community. One Owen Parkway has a new business with 70 employees that moved from downtown Omaha. There was a ground breaking ceremony for a new hotel on Abbott Drive. The office building at One Owen Parkway may be occupied in the near future. Within the next few months 300 Locust Street should also be purchased and occupied as a warehouse.
 - b. The Mayor stated that the lake problems are not getting better. He is going to try to get a meeting with both states in the near future to find a solution. What is currently being done is not working and there is not enough boat traffic. He stated that the city had turned over the operation of the lake to the

IDNR seven or eight years ago and it is almost impossible to get big government to admit that they made a mistake.

c. In 1993 the Mayor stated that the city got hit with an underground water situation that basically destroyed the sewer system. At that time his goal was to repair all of the mains that were more than 10 foot deep. Currently there are two sewer lines that need repaired. One is on Walker and the other is in the Club. There are many sewers that did not get fixed after he left office in 1993. He stated that this will be an expensive project to get them all repaired. Maintenance Supervisor, Ron Rothmeyer is working with a company out of Des Moines to give a price for the repair work. The Mayor does not believe we should use budget money for the repairs. Council member Cumberledge thought there is money retained in the sewer fund to make the repairs.

Council member Hawkins agreed that infrastructure is very important.

d. Mayor Waltrip announced the park and maintenance departments have completed the track behind the Library. It is a nice track with a soccer field and everyone should use the facility. Roger Wilson and a friend of his had a totem pole that has been installed. There was a tour bus from Saint Ambrose College in Dubuque that stopped and used the field last week.

e. Mayor Waltrip stated there were a lot of problems this week with the trash pickup. He has been working with Deffenbaugh and hopefully the problems have been resolved.

5. Police Chief Kannedy requested permission to dispose of some bicycles and a motorcycle. Council member Cumberledge wants to give them to the kids in the community. The Attorney stated that generally speaking you normally auction or dispose of the property. He will review ways to dispose of the property. There are very few bikes of any value, most of them are junk. Moved by council member Hawkins seconded by council member Huey to approve the Chief's request to get sealed bids on the motorcycle. Ayes: Unanimous.

6. City Clerk

- a. The clerk presented the council with a lease agreement with Connections Area Agency on Aging. Moved by council member Melonis seconded by council member Hawkins to not sign the agreement until the Mayor has had a chance to negotiate with them. Ayes: Unanimous.

- b. The clerk presented a request from MAPA to assist in funding Heartland 2050. Moved by council member Melonis seconded by council Huey to deny the request at this time. Ayes: Hawkins, Huey, Melonis. Nays: Cumberledge. Council member Cumberledge believes we should support the program. The Mayor will get some history on the project.

- V. Ordinances

- A. Dan Williams, the potential purchaser of 300 E. Locust was present and introduced himself. They are trying to purchase the entire 10 acre parcel so there will be room for growth. Currently they ship 800 to 1000 packages a day from their Omaha facility. They run 8 to 10 semis a day. Within the next year there may be a need for more

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trucks. The Planning Board had recommended a truck route using 11th Street in Omaha to enter and exit the property on Locust. There will be no outdoor storage at the location. Once the property is purchased they will submit an application for a conditional use permit. They should be closing on the property soon. The business will be bringing in current employees as well as hiring additional employees in the near future. Moved by council member Cumberledge seconded by council member Huey to approve an ordinance amending Section 2904 of the Unified Land Development Ordinance by adding a new subsection 309 n. Warehousing (Enclosed – Limited) and amending Table 4-1 Use Matrix, with the stipulation that the limit of fifteen (15) trucks or other vehicles per day be removed from the ordinance, and adopt it on the 1st consideration. Ayes: Unanimous. Moved by council member Hawkins seconded by council member Melonis to suspend the requirement that an ordinance must be considered and voted upon for passage at two council meetings prior to the meeting at which it is to be finally passed pursuant to Section 380.3 of the Code of Iowa, 1983, and approve the ordinance on the second and third consideration for final adoption. Ayes: Unanimous.

- B. Moved by council member Melonis seconded by council member Hawkins to approve an amendment to Chapter 87 pertaining to Animal Control – Potentially Dangerous Breeds on the first consideration. Ayes: Hawkins, Huey, Melonis. Nays: Cumberledge. The Attorney stated he has a list of unpaid animal control fines and he is going to send out a mass mailing in an attempt to collect the unpaid fines.

VI. Resolutions

- A. Moved by council member Melonis seconded by council member Cumberledge to adopt a resolution placing liens for unpaid utility bills. Ayes: Unanimous.
- B. Moved by council member Hawkins seconded by council member Huey to adopt the Colonial Insurance flexible benefits plan. Ayes: Unanimous.

VII. Comments

Mayor Waltrip stated that they have been working on a new version of the Inside Carter Lake. Barb Melonis was appointed the chair of the committee.

Council member Melonis updated everyone on the status of the new eNewsletter. She reported they are on track for the first edition to be released on Sept. 1, 2015.

The newsletter will have its own website and be linked to other city websites. It is a work in progress. She congratulated and thanked the volunteers, the resource center, the library staff and Jeff Zdan for all the work they have done on this project. There will be a limited number of printed copies of the newsletter available at City Hall, the Library and the Senior Center.

Ron Cumberledge thanked the volunteers. He also thanked everyone for their commitment to getting the new businesses up and running.

Council member Huey thanked everyone for coming to the meeting.

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Attorney Thornton stated it is always fun when the projects come together.

The fall city wide garage sale is scheduled for Saturday, Sept. 19th. The fall city wide clean up is scheduled for Saturday, Sept. 26th. There will also be free paper shredding, flu shots, and a drug drop at city hall on September 26th.

There are three council seats open this fall. Election papers must be filed by 5:00 PM on Thursday, Aug. 27th at the county court house.

The meeting was adjourned at 8:06 PM.

Doreen Mowery, City Clerk

Gerald Waltrip, Mayor