

City of Carter Lake  
City Hall – 950 Locust St.  
Proceedings: Monday, Oct. 19, 2015  
Public Hearing and Regular City Council Meeting – 7:00 PM

The Pledge of Allegiance

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

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

The purpose of the public hearing is to consider the proposal to vacate and convey a portion of Ave. H between 5<sup>th</sup> St. and 9<sup>th</sup> St. to Owen Industries. Larry Joben and Bob Owen were present to represent Owen Industries. They reported that they entered into the original development agreement in 2013. They have made the final payment to the City for the infrastructure improvements, and the building has been completed and occupied. The Clerk stated that there were not written or oral comments received either for or against the vacation of Ave. H.

Moved by council member Hawkins seconded by council member Huey to closed the public hearing and go into the regular meeting. Ayes: Unanimous.

The public hearing was closed at 7:03 PM.

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

- I. Roll Call: Present – Mayor Gerald Waltrip  
Council members - Ed Aldmeyer, Dave Huey, Barb Hawkins, Ron Cumberledge, and Barb Melonis  
Also present – Attorney Joe Thornton and City Clerk Doreen Mowery
- II. Approval of the Agenda – Council member Hawkins requested that the Resource Center be added as item A. 4. Moved by Council member Aldmeyer seconded by council member Hawkins to approve the agenda with the addition. Ayes: Unanimous.
- III. Consent agenda – Council member Cumberledge requested that wage resolutions J. 1 and 2 be taken off the consent agenda and added to the regular agenda under his name. Moved by council member Melonis seconded by council member Cumberledge to approve the consent agenda with the deletions. Ayes: Unanimous.
- IV. New Business
  - A. Communications from the Public
    1. Vacating a portion of Ave. H

City of Carter Lake

City Hall – 950 Locust St.

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- a. Moved by council member Cumberledge seconded by council member Hawkins to approve a resolution closing the public hearing and approving the proposed vacation and transfer of a portion of Avenue H between 5<sup>th</sup> Street and 9<sup>th</sup> Street. Ayes: Unanimous.
  - b. Moved by council member Aldmeyer seconded by council member Hawkins to approve an ordinance vacating a portion of Ave. H between 5<sup>th</sup> St. and 9<sup>th</sup> St. on the first consideration. Ayes: Unanimous.
  2. Mark Redeker was present to submit a proposal for a sign for the Super 8. He has agreed to install a sign that conforms to city size requirements. The sign will set 5 foot from the curb on the Airport Dr. side and the same distance from Locust Street as the current sign. The Attorney will need to prepare the permanent easement and place it on file at the court house. Moved by council member Cumberledge seconded by council member Melonis to approve the placement of the sign on city right-of-way with the agreed upon stipulations. Ayes: Unanimous.
  3. Shirley Weir addressed the Mayor, Council and public regarding the Senior Center. She stated that Linda Tice is the director and she is responsible for all the home meals, bus trips and activities. The center is open at 9 AM and lunch is at 11:45. The suggested price is \$3.50 and reservations are required. The seniors play games, make crafts, exercise and play bingo. They coordinate with the Parks Department for some activities. There is also a monthly birthday party. Mrs. Weir invited all seniors to attend and bring a friend.
  4. Council member Hawkins requested an update on the status of the Resource Center since the Director, Michelle Kannedy, recently resigned. The Mayor reported that he was shocked by the resignation and he has been working on combining some of the programming with the Library. He has requested that the Resource Director meet with the Librarian to provide information on the newsletter as it is a priority to get it out in a timely manner. He will continue to work to see what he can put together for the kids. The Mayor intends to talk to the School and the Boys Club. He has given Michelle Kannedy a letter of recommendation and appreciation. Council member Hawkins would like to be copied in on items like the letter so she has a better idea of what is going on.
- B. Communications from the Departments
1. The Fire Department submitted a quote for portable radios for the new fire truck. Moved by council member Hawkins seconded by council member Aldmeyer to approve the purchase of the radios, per the quote submitted. Ayes: Unanimous.
  2. Ray Pauly reported that the Council had already been updated on items that had been before the Planning Board.
  3. There was a storm water meeting however council member Aldmeyer was not able to attend so he did not have an update at this time.
  4. Reaffirm appointments from Sept. meeting

City of Carter Lake

City Hall – 950 Locust St.

Proceedings: Monday, Oct. 19, 2015

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- a. Moved by council member Hawkins seconded by council member Cumberledge to approve the appointment of Hardy Brown to the board of adjustments. Ayes: Unanimous.
- b. Moved by council member Huey seconded by council member Melonis to approve the appointment of Delbert Settles to the Library Board. Ayes: Unanimous.
5. Mayor Waltrip
  - a. The Mayor stated that he has been approached by Black Hills energy. They purchase their gas from Northern Natural gas, not MUD, and there is a transfer station behind the old Bushy Johns. New housing and new businesses have increased the demand for gas and Northern Natural needs a larger transfer station. They plan on eliminating the station that is in the middle of the salvage yard and moving it up to Locust Street. There will be no cost to the city for this project.
  - b. The Mayor stated that the lake has been high for the past 2 ½ weeks but they have been pumping it and it is now down to close to where it belongs. He also stated that the seaweed will be an ongoing problem and he will keep working on it. Some people think the lake is good because the water is clear.
  - c. The Mayor reported that Casey's has submitted preliminary plans to build in Carter Lake.
  - d. Tighton Tools has recently purchased 300 Locust Street. They are in the process of cleaning up the inside. They recently removed the "for sale" sign. The Mayor complimented and thanked Attorney Thornton for the brilliant job he has done in regard to zoning issues. The purchase of this property should put closure to the pending lawsuit. As a distribution center, Tighton Tools will ship between 800 and 1,000 packages a day.
  - e. There was a house on Walker that has not been a good site for the past 7 to 8 years. The house has been torn down and the lot has been filled in.
  - f. There will be a candidate forum for the upcoming election on Tuesday, October 20 at 7:00 PM at Shoreline Golf Course Club House. Joni Piper, Tom Hanafan and Ron Risner will assist at the event.
6. Council member Cumberledge stated that he would like to get started on building a splash pad. He has talked with the parks director and he has not been able to locate the files regarding the previous work and bids that were taken in the parks department. Council member Cumberledge would like permission to get quotes for a splash pad. He would also like to use the \$33,000 that was not spent last year in the General Fund and use it to apply for matching grants. Council member Aldmeyer stated that the bids would have to be very broad since we don't have what is wanted narrowed down. He also stated that the Park Board has been discussing this project for over a decade. He does not object to working on narrowing down the options and getting a better price as long as there is no up-front costs. Council member Cumberledge suggested that we use the \$33,000 to get started and build it in two phases. He believed we can get what is needed for approximately

\$150,000. Council member Melonis stated it would be harmless to get ideas and costs. Council member Aldmeyer state he thought it would cost at least \$200,000 and we would only be eligible for a \$50,000 grant. Council member Cumberledge suggested we do it in to separate phases building one half of the park out of two budget years. Council member Melonis would like to see a design before bids are requested, but she has no problem allowing them to look into costs. Mayor Waltrip and council member Cumberledge will meet with Chris Ethen tomorrow to get the process started.

Council member Cumberledge pulled the two police wage resolutions from the consent agenda. He stated that he doesn't understand why the wages are set the way they are in the contract. He feels that the increases that are given for a new title are excessive and he feels the contract is vague. Attorney Thornton offered to review the contract to see if there is any way around paying the stated wages for the Sgt. and Cpl. Council member Aldmeyer stated that the pay is set for the position and if the people are qualified for the position and approved then they are eligible for the pay that is set out in the contract. The Mayor stated that longevity is what was used to arrive at those dollar amounts. Council member Aldmeyer stated they are set based on their duties and responsibilities and rank. Council member Cumberledge would like Joe to look at the contract. The Mayor stated the Chief is getting paid by this contract as well. He would like to open the contract and fix the wages. Moved by council member Aldmeyer seconded by council member Hawkins to approve the pay resolutions for Sgt. Driscoll and Cpl. Meyer. Ayes: Aldmeyer, Hawkins, Huey, and Melonis. Nays: Cumberledge. The Mayor will review the contract and determine if he is going to veto the resolutions.

6. City Clerk

- a. The clerk presented the council with a request for preliminary approval of the plans for a Casey's General Store. Moved by council member Melonis seconded by council member Cumberledge to approve the preliminary plans as submitted. The proposed changes submitted by the planning board and the building inspector will need to be taken into consideration for final plan approval. Ayes: Unanimous.
- b. There is a potential buyer for 900 Ave. H. They would like to use the building to warehouse and distribute tires. They had originally requested a change in zoning. The planning board suggested that the council consider changing the definition of C-2 to include warehousing for packaged and dry goods and to allow it with a conditional use permit, specific to the applicant, not the building. The purchaser is ready to close on the deal. Attorney Thornton will talk with their attorney to update them on the council's input and timing. Moved by council member Hawkins seconded by council member Melonis to set a public hearing for Nov. 2, 2015 at 7:00 PM to consider changing the zoning ordinance. The council will also consider the first reading of the ordinance at that meeting. Ayes: Unanimous.

City of Carter Lake  
City Hall – 950 Locust St.

Proceedings: Monday, Oct. 19, 2015

Public Hearing and Regular City Council Meeting – 7:00 PM

- c. OMA Lodging would like to assign their TIF payments to CB Savings Bank. Moved by council member Aldmeyer seconded by council member Hawkins to approve the TIF assignment. Ayes: Unanimous.
- d. The clerk did not publish the public hearing set for Fleetpark regarding zoning in the Business Park District. Attorney Thornton reported that the zoning no longer needs to be changed. The agreement was that the zoning would need to be changed only in the event the front building sold. That does not appear as though it is going to happen. Moved by council member Cumberledge seconded by council member Melonis to table the request until further notice from Fleetpark. Ayes: Unanimous.

#### V. Ordinances

A. The clerk requested that section 87.07 (3) be changed from Little Rock Animal Services Division to Nebraska Humane Society. Moved by council member Melonis seconded by council member Hawkins to approve an amendment to Chapter 87 pertaining to Animal Control – Potentially Dangerous Breeds, with the change, on the third consideration. Ayes: Aldmeyer, Hawkins, Huey, Melonis. Nays: Cumberledge.

Attorney Thornton reported that he does not find anything that would prohibit the City from using a rescue service for impounded animals. If the council wants to go that route, they will need an agreement with the rescue service.

#### VI. Resolutions

- A. Moved by council member Hawkins seconded by council member Cumberledge to adopt a resolution approving liens for unpaid utility bills. Ayes: Unanimous.
- B. Moved by council member Melonis seconded by council member Huey to adopt a resolution authorizing liens for unpaid snow removal bills. Ayes: Unanimous.
- C. Moved by council member Cumberledge seconded by council member Huey to approve a resolution writing off uncollectible utility bills. Ayes: Unanimous.

#### VII. Comments

Mayor Waltrip stated that on tomorrow's front page of the World Herald there will be an article about a totem pole that has been installed near the Library. The dedication is scheduled for tomorrow at 10:00 AM.

38 years ago a group of volunteers started writing the history of Carter Lake. Dee Harrison, Wanda Simoneti, and Dorothy Lodes have been the primary writers that have worked on it since its inception. Mary Schomer has been assisting for the past several years. The book is now ready at the Library. The cost is \$20 and they are only taking cash.

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Barb Melonis suggested that the minutes for the storm water meetings be placed on the consent agenda for approval, instead of the monthly updated. Council member Melonis contacted the Mayor regarding the electronic newsletter and how it was going to be continued after the resignation of the Resource Center personnel. The Mayor assured her that the newsletter would continue and it would only get better. Council member Melonis stated she had struggled over the dangerous dog ordinance, and we need to remember the ordinance is only as good as the enforcement.

Ron Cumberledge assured everyone that the Resource Center programming will be kept and that they will get someone to run the program as soon as possible. Council member Huey thanked everyone for coming to the meeting. He reminded everyone to check their fire alarm batteries when changing their clocks.

Council member Hawkins encouraged everyone to get to know the candidates. She also reminded everyone that it will be snowing soon and that the snow is not to be thrown into the streets and sidewalks must be kept clear.

R. J. Brown discussed the sign on Abbott Dr. The Carter Lake portion was removed and he would like it replaced. The Mayor assured him he would look into it.

Jeannine Poldberg informed everyone that she has finished making payments for her rental property where the prior renter left a utility bill. She expressed dissatisfaction with the way the delinquent bill was handled and how PeopleService handled the payments. Mrs. Poldberg also stated that as she has been walking around town she noticed several houses without house numbers on them and that would be concerning during an emergency call.

Bobby Freeman stated that he is on the park board and he went with the park director to look at a spot for a splash pad. He thinks it would be a good fit north of the track at the school. He also suggested that the city do the project in small increments in order to be able to pay for it.

Dee Harrison and Wanda Simoneti reported that the history books are for sale at the Library. The cost will be \$20 each.

Shirley Weir will be back next month to report on the Senior Center again.

Kellie Brock thanked Ron Cumberledge for working on a splash park. She also thanked the Mayor for sending out information on the candidates' night and paying for it out of his pocket.

Nicole Driscoll and Kathy Glathar reported that they have had two surrender cats in the past month. They will get on next month's agenda to discuss the possibility of using a rescue facility for Carter Lake animals.

Mary Schomer stated that she feels it is an honor to be able to work on the history book with the ladies from the original committee.

Ray Weir suggested that there be more advanced billing when the circus comes to town. The Mayor stated he is just doing what the City allows and they are usually only here for 4 or 5 days and he does not require them to get permits since they set up on private property.

The public was reminded of the candidate forum tomorrow night.

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This meeting was adjourned at 8:30 PM.

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Doreen Mowery, City Clerk

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Gerald Waltrip, Mayor