

City of Carter Lake  
Regular City Council Meeting  
Monday, April 17, 2017

#### The Pledge of Allegiance

Mayor Waltrip asked Mayor Pro Tem Ron Cumberledge to lead the meeting tonight, because he can't see very well. Cumberledge called the regular meeting to order at 7:00 p.m..

Roll Call: Present: Mayor Gerald Waltrip, Council members: Pat Paterson, Ron Cumberledge, and Barb Melonis, Frank Corcoran Jason Gunderson. Also present Attorney Mike O'Bradovich and Deputy Clerk Lisa Ruehle

Public Hearing for Zoning Amendment in C-2 General Commercial District, any public comments? Attorney O'Bradovich pointed out that the City Clerk received written correspondences and should be added to the record. Paterson motioned to close the public hearing, seconded by Corcoran. Ayes: Unanimous.

Additions: Paterson motioned to move Chris Larson from the Iowa DNR to the top of the agenda, Melonis seconded. Ayes: Unanimous. Deletions: Paterson motioned to remove financial reports from the consent agenda and approve consent agenda, Corcoran seconded. Ayes: Unanimous.

Chris Larson with the IDNR; everything is going well not a lot of vegetation; tested in August and March. Chemicals applied to kill plants to the roots, is being maintained. The IDNR is aware of the City of Omaha request to redirect storm water to Carter Lake; the IDNR has commented against the request.

Gunderson motioned to approve liquor license for Jonesy's, Melonis seconded. Ayes: Unanimous.

Lem Sheard submitted a 6 foot fence permit in November 2016, permit was sent to the Board of Adjustments because of the height and location of a corner lot. In December 2016, Board of Adjustment convened with 3 people and voted 2-1 to approve. Few days later it was determined that the vote was not legal for lack of quorum. Jerry sent him letter to stop because of the lack of quorum. So it was dead issue. In March 2017 the fence permit application was revised and the matter was re-presented to the board of adjustments and was approved by the 4 present members. Was it correct to send this application to Board of Adjustment? Yes it would appear that it was correct. Last week a fence permit was issued in the same type of situation, why didn't that owner have to go to Board of Adjustment? The Mayor said the city followed the rules. Lem asked for what he had to go through, is it right for someone else to blow in and get authorized a permit without having to see the Board of Adjustments;

Paterson asked Lem was it hard to do the Building Inspector job? Was it a hot potato that you really could not do your job without influence and that people were treated differently. Lem admitted there was mistakes made when he was inspector; you can't possible expect a person coming out of this neighborhood is going to be able to follow everything you have in the city code without being certified; it is impossible to know all the set back rules; know all the electrical, plumbing, structural and HVAC, you are not going to get that out of one person off the streets of Carter Lake for \$20 per hour. Mayor is has offered Lem the inspector job, Lem stated he was told that the Council did not want him. Mayor is very firm in wanting to hire someone from Carter Lake to handle the residential building inspections. Lem pointed out there has been seven inspectors since 2000. Cumberledge motioned to refund permit fee. Lem refused the refund. Melonis said thank you for your patience and I apologize for the drawn out process.

USA Triathlon representative wanted to remind the council the events will be held Aug 12-13 on the 4100 racers last year and with spectators close to 10,000. Request assistance from Carter Lake medics and to be on site for rescue at Wavecrest Park in return for a donation to the Fire Department.

Communication from Mayor Waltrip: Chief Kannedy has requested the Standard Operating Procedure be approved as presented. Sanitary sewer problems at the pump station at 9<sup>th</sup> & Steele has been a continuous problem. Hutchinson Pumps provided bid, will request additional bids for the project; Mayor Waltrip recognized

Steve and Wilbur Seldon for the desk that was donated to Mayor's office. Melonis motioned to approve Standard Operating procedure book for the Police Department, seconded by Corcoran. Ayes: Unanimous. Estimated cost to be around \$55-75,000 for parts and installation, Melonis motions that when we receive two additional bids that the privilege of selection go to the Mayor and Supervisor, to select the best bid and company that has the best ability to do the job seconded by Corcoran. Ayes: Unanimous.

Communications from Councilmember Cumberledge: The splash pad drawings are provided but bids have not been included, Cumberledge requested to table until the bids are received.

Communication from Councilmember Paterson: The building permit process has been a struggle, but when you look at what happened to Lem you can either say we been doing it this way for 50 years and keep doing it the way we did 50 years ago then I guess it's ok, but if we want to step into the present then we need to have a professional firm that knows the rules. Mayor is a firm believer that we do not need a license to be an inspector and we don't need the Cadillac Company. Melonis does not want see a professional firm hired; concerned about the collections of 75% of the fees collected. Gunderson received the list of fee comparison on Friday, thinks we should put it out for bids and advertise for the position; Corcoran wants to see the outside company because they are going to take on the liability. Former Mills County resident spoke up that she had a septic tank installed, got the permit, did what was required, had it inspected; 15 years later it came out that the guy was not following the law so a class action lawsuit and Mills County had to pay to improve everyone's septic tanks; If the city hires a building inspector and they do it wrong, and a homeowner comes back later and finds its be done wrong and it was approved by the City Building inspector, is the city on the hook for the lawsuit?

Communication from Councilmember Gunderson: Concerned about the condition of the park equipment at Mabrey Park; wooden equipment that is splintering; can we look for some grants for future replacing of park equipment? Wooden structure is 37 years old, it should be taken down

Communication from Councilmember Corcoran: Considering all that has happened in Des Moines with the Union and legislatures in the past few months; would like to present at the next meeting a resolution to support the employees, to give them the right to have a voice to sit down for the contract negotiations in the future. City Attorney pointed out that certain things cannot be bargained for in negotiations.

Planning Board Member Ray Pauly had a public meeting and there was really not anyone opposing the project, the board came up with the proposed language for the zoning change and would really like to thank Mike for assisting with this.

City Attorney Michael O'Bradovich referring to the public hearing that was held at the beginning of the meeting. Sent a memo to the council last week of the recommendations that he prepared for the Planning Board and the board made some additional changes. I recommend that you pick one, I recommend you pick mine that is least restrictive, but pick one so we can sit down with developer to make certain we can do it as suggested by the planning board or we can compromise. Sometimes it's better for the city to put some restrictions, examples hours of operations, sound levels, require they file yearly permits; a good example is the letter that was received in the public hearing, this is a detailed explanation of things someone might want to complain about. Creating a conditional use permit so whoever is going to do the work will have to meet certain guidelines but not so restrictive to keep anyone from being able to do it. Some think we have to adopt the language that was published in the newspaper, no we don't, that's the purpose of the public hearing so people can come give input and you can alter it as you go along; so when you have your final reading that is where the council wants to be. Recommend setting a special meeting to have the required additional readings or wait until regular meeting in May to approve it. Paterson motioned to make a resolution to meeting on April 24<sup>th</sup> to have the second reading of the proposed changes to the zoning; and possibly waiving the third reading, Gunderson seconded the motion; Ayes: Unanimous. at 6 p.m.

Lone Mountain Trucking update, December 2016 the Planning Board heard Lone Mountains request to turn the grassy area into additional parking for the business. The Planning Board recommend to support the project; it

was directed to return to City Council to amend the development agreement on the property; but there is not developer agreement on that property so that seemed odd so Grant has had some difficulty getting everyone's attention, so the Mayor and City Attorney went visit the site. Not sure what your concerns would be, it can be used for parking under a conditional use permit that will require certain things of the developer and part of that has to do with landscaping and drainage. Conditional use permit runs with the owner; The Council can approve and allow them to file for permits. Grant understands everyone's concerns and understands that ascetics are a concern, we are a destination business, not a car lot, most of our customers fly in to pick up new trucks and drive away. Parking will be for overflow; we purchase a large number of trucks, couple hundred at a time and we just need more room. We want to have the green space, water ect., we just want to get moving on it. Cumberledge, are the plans done? Grant, plans are not as detailed as you probably needed. Variances probably need to reviewed; O'Bradovich stated the planning board already approved the concept and council needs to approve; Cumberledge motioned to add Lone Mountain Trucking to the next special meeting on April 24<sup>th</sup> at 6 p.m., seconded by Corcoran. Ayes: Unanimous.

Melonis motioned to approve 1<sup>st</sup> Reading of amendment to zoning ordinance for C-2 District; Melonis questioned, if the planning board was acting with the attorney's guidance why do we have two versions before us? I am honoring the planning board request to provide their suggestions, whether I think they are the most prudent or not; the last thing he wants is to be seen as telling the planning board that they need pass the attorney version because that creates the wrong image to the public. Attorney feels confident that either one will be fine and that maybe by next week I will have changed my mind or come up with something better trying to analyze how their plan fits into your plan and I am not sure it does and it may create problems. Apologize for not having a better answer. Not speaking for planning board, I think they are very supportive of this project. The planning board has gone beyond what you would normally ask a Planning Board to do and their recommendation reflects that, I am not deaf to that but I don't know that it suits the city the best. Changing the text of C-2 and turning it into a P-I you limit the use for that portion of C-2 under certain terms and conditions. An awful lot of work that can be accomplished by using the conditional use permit option. Melonis motioned to approve 1<sup>st</sup> Reading of amendment to zoning ordinance for C-2 District and accept the planning board recommendation, seconded by Corcoran; Aye: Gunderson, Melonis, Cumberledge, Corcoran. Ney Paterson. Motion passed. Cumberledge asked where we could move to exempt part of the 2801 amendment? During the 2<sup>nd</sup> and 3<sup>rd</sup> readings and then will need consider amending the entire zoning code otherwise you could be subject to giving special treatment to a certain district.

Resolution in support of city employees in collective bargaining, Corcoran would like to table for now.

Adjourn at 8:38 p.m.

Lisa Ruehle  
City Clerk

Gerald Waltrip  
Mayor