

City of Carter Lake  
950 Locust Street  
Carter Lake, IA 51510  
Proceedings: Planning Board Meeting Special Meeting  
Monday, May 14, 2018 – 7:00 PM

This Planning Board Meeting was called to order at 7:00 p.m. by Chairman Tim Podraza.

Roll Call: Present: Ed Palandri, Kathy Dueling, Jay Gundersen, Tim Podraza, Nate Bradburn, and Karen Fisher. Ray Pauly was absent. Also present: City Attorney Mike O’Bradovich and City Clerk Jackie Stender

Chairman Podraza opened the public hearing, asking for any comments, no written comments or concerns regarding the proposed Zoning Change in C-2 general commercial district, the board will be accepting comments concerning proposed text amendment to the land use development ordinances for the city of Carter Lake, Iowa. The land use development ordinances adopted by the city of Carter Lake, Iowa on August 28, 2006, shall be amended as follows:

Approved use in C-2 commercial district shall now include "gaming facilities" activities as defined by the ordinance in section 307(0) on property held in trust by the government of the United States of America, and that the table 4-1 "use matrix for office and commercial" type in the code shall be amended to identify "gaming facilities" as an approved and permitted (P) use in C-2 Zoning District and in no other Zoning District other than C-2. The City Clerk has not received any written or verbal comments on the subject. Bill Dalheimer asked why if the original plan from 2009 was to designate the area for a medical clinic why did that change? Larry Wright explained that after re-evaluation the vision of the tribe changed several questions of the tribal members regarding the proposed project. Gundersen moved to close the public hearing, seconded by Fisher, Ayes: Unanimous. Chairman closed the public hearing and called for roll call at 7:10 p.m. Roll Call: Present: Ed Palandri, Kathy Dueling, Jay Gundersen, Tim Podraza, Nate Bradburn, and Karen Fisher. Ray Pauly was absent. Also present: City Attorney Mike O’Bradovich and City Clerk Jackie Stender

Dueling moved to approve of the agenda, seconded by Gundersen to approve the agenda. Ayes: Unanimous. Fisher moved to approve consent agenda which included Planning Board minutes from 11/13/2017 and 4/23/2018, review of city council meetings from January 1<sup>st</sup> through April, and Building Permits from November 2017 to current, seconded by Gundersen. Ayes: Unanimous.

Palandri moved to add the addition of “Zoning Request change for C-2 District”, seconded by Gundersen, Ayes: Unanimous.

#### New Business:

City Attorney Mike O’Bradovich gave brief history of the tribal communications with the City since 2009. Recommend that the building codes should meet same standards of all other buildings in Carter Lake. The City Council in the past was not opposed to gaming, but there is no “Gaming” listed in the code. Therefore it makes sense to add gaming to land that is designated as “trust land”. The council recommendation that gaming only be allowed on Indian tribal land and that is why the board had the hearing tonight. Gundersen expressed concerns about spot zoning. City Attorney said, no this is adding an approved use to the land development ordinances. When property was rezoned on the riverfront for the Omaha Tribe, it was a recognition of the most appropriate use of the property at that time. Podraza asked if they can add a conditional use permit. City Attorney, said yes you can. Bradburn asked what would be the purpose; the Tribe can do whatever they wanted but want to be good neighbors with the City so they are following along with our required processes. Gundersen moved to adopt the new language to the zoning matrix, seconded by Dueling. Ayes: Unanimous.

Chairman requested a representative for the Ponca Tribe come up to review the Commercial Building Permit application. Doug Jandro, Vice President of Business Development for Kraus-Anderson Construction Company is here on the site work and demolition permits. Trisha Sieh, Civil Engineer/Project Manager with Kimley Horn.

Trailer is being eliminated, Gundersen brought up the stormwater problems. Tribe does not want to invest a bunch money because the first building is temporary, asking to add conditions to developer agreement to have the remaining issues completed in 3-4 years if phase 2-3 do not get completed.

Islands have been created in the parking lot to take some of the incidental stormwater and regrading of the soil will be done in increase infiltrate better than what is currently there. The final plan will include a permanent storm water system.

Doug: This structure is called temporary because it will be open while they are building the new casino so this building will either go away or be incorporated into the permanent facility. They will plan the storm water management for the permanent casino

Jay: The board wants to know what is considered temporary. Temporary could be 10 years, 1 year 6 months?

Doug: Right now from what the design team is being told that assuming all funding and financing is put into place to larger structure would be in operation in 2020. And we certainly expect if that does not happen in that timeframe they would should enter into a developer agreement with the city to give ourselves that time frame. If after 5 years if a permanent structure is not built the tribe will need to come into compliance with all the requirements of that zoning district.

City Attorney asked Lem Sheard, building inspector, to come forward, has the tribe submitted their applications? Lem stated yes last week for footings, grading and foundation plans. Has not acted on anything yet. Lem does not have any concerns about the building but has not had chance to review the revised drawings. Attorney, that if Lem believes special inspectors are needed to inspect certain parts, that you have the right to request those inspections.

Jay, see no problem with footings plan, he does see issues with the site plan because of the drainage. Planning board is making recommendation to council, because of the drainage plan is not adequate.

Larry Wright, representing the tribe, this is not our first option to build a temporary building, but the fact that the Tribe does not have a compact with the state and governor's office we cannot financially move forward with the entire build out. The board thanked Larry for the information and want to make sure if it is a temporary building then it be truly temporary. How long it stays temporary is based on the State of Iowa. Gundersen moved to approve the footing plan, seconded by Dueling. Ayes: Unanimous.

Gundersen moved to deny drainage plan, seconded by Bradburn. Ayes: Unanimous.

Now they don't have to come back to the Planning Board for these two permits because the board has made their decision, now it falls to the City Council since this is the recommendation from Board.

Election of Officers for 2018: Gundersen moved to appoint Kathy Dueling as Chairman, seconded by Fisher Ayes: Gundersen, Bradburn, Fisher, Podraza, Dueling. Ney: Palandri; Gunderson moved to appoint Ray Pauly as Vice-Chairman, seconded by Kathy. Ayes: Gundersen, Bradburn, Fisher, Podraza, Dueling. Ney: Palandri.

Due to the lateness, Podraza suggest the group table the Sign Ordinance and Comprehensive Plan until a later date.

Comments from City Attorney, wants the board to take to heart what he said earlier allowing them to do what they need to do on trust land is one thing, requiring them to do what you expect on non-trust land is

where you have your ability to influence what it looks like. There is no question that the development cannot be at all times just on trust land and they know that. The water issue that Jay was talking about, back to 1993 when all the water came and there is no good answer to it, the best answer left when Omaha would not work with us in putting a pipe underneath Abbott Drive and that was a matter of timing. The City Engineer at that time made the recommendation and the former engineers Schemmer's Associates made the same recommendation but it simply never got done. And storm water utility, retention and detention ponds. It's not just the property owner's problem of what to do with the water, but it affects all the neighboring properties and that is where the city's interest comes in. The Council needs to address the issue or it will keep coming back over and over again in the future and hopefully the Council will get a plan in place to correct the problem.

With no further comments, meeting adjourned at 8:45 p.m.

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Tim Podraza, Co-Chairman

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Jackie Stender, City Clerk