

CARTER LAKE CITY COUNCIL MEETING
Monday, November 18, 2024

Mayor Ronald Cumberland called the regular meeting to order at 7:00 p.m. Roll call of the council, present: Jacob Hanika, Jackie Wahl, Aaron Grell, Victor Skinner and Jason Gundersen; City Attorney David Levy and Clerk Jackie Carl were also present.

Upon motion, made by Gundersen, and seconded by Hanika, the agenda unanimously approved, adding in Snyder Engineering update and PeopleService, removing Lakeside Auto Recyclers. Gundersen moved to approve the consent agenda which included the following items: Department head reports from Parks, Library, Community Center, Senior Services, Maintenance, Police, Fire/EMS; City council minutes from October; Overtime and comp time reports for October; abstract of claims, receipts and financial reports for are tabled until next month and approval of Casey's General Store liquor license. Hanika moved to second the motion. Unanimously approved.

Zum Bus Services was present to discuss their Conditional Use Permit. Request to extend the permit for 5 years instead of 2 years. Skinner, moved to accept the conditional use permit, seconded by Grell; No-Gundersen. Yes- Grell, Skinner, Wahl and Hanika

Elizabeth Hunter from Snyder and Associates reviewed the water project and the final cost. Backlund compiled a list of added work that could be done with the remaining funds. Council agreed to move forward with the additional work.

Gundersen moved to approve appointment of Jack Vandebussche to the Fire Department, seconded by Hanika. Gundersen moved to approve Pam Christensen to the library board, seconded by Hanika; Gundersen moved to approve appointment of Jodie Sams to the library board, seconded by Hanika; Gundersen moved to approve Katie Smith to the Parks and Rec board, seconded by Grell; all motions unanimously approved.

Grell moved to hire Small City Solutions for \$7,500 to manage an overhaul of the Zoning Code, seconded by Hanika; unanimously approved.

Grell moved to hire Hinson Consultants for consulting to hire a City Administrator; seconded by Skinner, unanimously approved.

Gundersen requested the council's support to have a conversation with PeopleService concerning the numerous issues that he has heard about in recent weeks. Council agreed to invite representatives from PeopleService to the next workshop.

Attorney Levy provided an update that a letter has been mailed to the owners of 122 Carter Lake Club, dangerous building notification. Owner has 30 days to respond after receipt of letter. Will provide another update at next meeting.

Attorney Levy also reviewed conflict of interest; Some discussion at various meetings about conflicts of interest I'm not going to go into any specific things but I just want to remind you all the conflicts of interest are a very important thing that you as elected officials and your appointed officials deal with. Typically to be a conflict of interest needs to involve a direct financial interest to the official or his or her immediate relatives. But the one thing I'll say about a conflict of interest is even if it's not actually legally a conflict of interest, the appearance of a conflict of interest is almost worse because you really can't disprove it. You could show somebody corporate records or financial records and show that I don't have a financial interest in this particular business but if it's something where everybody says, wait a minute he's related to her or he was involved in that business or something like that, that appears to the public to be a conflict of interest and that's a hard bell to un-ring so think about that. The last thing I'll say about conflicts of interests and I think this is important. You as elect officials and appointed officials ultimately the determination to recuse yourself or not, is yours, it's personal whether you think honestly as you look in the mirror that you can be objective about that thing, you don't want to vote on something or take action on something where you there's an obvious clear legal conflict of interest. You can get in trouble for that but with appearances of conflict of interest it's up to you and so you know give that some thought. Last thing if you're not sure, you can ask me, we can get opinions from the state of Iowa and you know again it's your decision but I'm always happy to discuss it with you and if it's something you can avoid you should. Truly, last thing I'll say about it, it doesn't just mean recusing yourself from the vote, if you're going to recuse yourself from the vote, don't participate in the discussion; don't be part of it. Many city attorneys tell their clients, you should leave the room, I do not know, maybe I'm wrong but I don't know that you have a big influence sitting there so I don't typically advise clients that they have to leave the room. Some do but to that end, do not take part in the discussion, and then go, oh I recuse myself from voting, because then you have influenced the decision.

Mr. Levy also introduced his associate attorney, Spencer Housch who has been assisting with work on behalf of the city.

Planning Board member Ray Pauly provided update about the Zum Services proposal for Conditional Use permit to park buses at the lot on the south side of Locust Street.

Wahl moved to approve first reading of amendment to golf cart ordinance, seconded by Grell; Gundersen moved to approve first reading of amendment to city code 20.05 Publications; seconded by Hanika; Wahl moved to approve first reading of amendment to city code 5.06 Meetings, seconded by Grell; Grell moved to waive second reading of amendment to UTV ordinance and proceed with the third and final reading, seconded by Hanika; Ordinance adopted. Gundersen moved to approve resolution to publish notice of hearing on adoption of proposed "Code of Ordinances", hearing will take place at the meeting December 16, 2024, at 7 p.m. seconded by Hanika; All ordinances unanimously approved by the council.

Skinner moved to approve application for exemption of Urban Revitalization Area for 1302 Cedar St. with no requirement for the sidewalk, seconded by Grell Roll Call: NO-Grell, Hanika,

Gundersen, Wahl, YES-Skinner. Motion failed. Gundersen moved to approve contingent on meeting the sidewalk requirement around the property, seconded by Hanika; Yes-Wahl, Gundersen, Grell, Hanika. No: Skinner. Application approves with contingency.

Gundersen moved to approve resolution to complete transfers for 2023-2024 budget, seconded by Hanika; Gundersen moved to approve Annual Financial Report for 2023-2024, seconded by Hanika, Hanika moved to approve update to employee handbook for meal reimbursements for traveling employees, seconded by Skinner; all resolutions unanimously approved.

Grell moved to approve wage resolution for Kaitlyn Watson, seconded by Hanika; Grell moved to approve wage resolution for Lauri Wilhite seconded by Skinner; Grell moved to approve wage resolution for Nicholas Dargy, seconded by Gundersen; all resolutions unanimously approved.

At 8:23 p.m. Gundersen moved to go into closed session to discuss personnel issues, seconded by Grell; Grell moved to come out of closed session at 9:12 p.m., seconded by Gundersen.

Jackie Carl, City Clerk

Ronald Cumberledge, Mayor