

**PUBLIC HEARING
AND
REGULAR PLANNING BOARD MEETING
Monday, August 3, 2015 - 7:00 P.M.
City Hall - 950 Locust St., Carter Lake, Iowa**

Roll Call

PUBLIC HEARING

Ordinance to Amend the Unified Land Development Ordinances, Section 309 sub-section n: Warehousing (Enclosed-Limited) and Table 4-1 Use Matrix: Industrial and Transportation Uses.

Close Public Hearing

PLANNING BOARD MEETING

Approval of the Agenda

1. Consent Agenda
 - a. Approve Planning Board Minutes – July 13, 2015.
 - b. Review City Council Minutes – July 20, 2015.
 - c. Review Building Permits – July, 2015.

2. New Business
 - a. Review and make recommendation on an Ordinance to amend the Unified Land Development Ordinances Section 309, sub-section n: Warehousing (Enclosed-Limited) and Table 4-1 Use Matrix: Industrial and Transportation Uses.
 - b. Owen Parkway Replat One – Lots 1 thru 4 inclusive
 - c. Assign Addresses to Owen Parkway
 - d. Final Plat of Nakoma Townhomes, Phase III
 - e. Detention Pond Maintenance Agreement with OMA Lodging LLC
 - f. Storm Water Ordinance.

3. Old Business (limit discussion 5 minutes per topic)
 - a. Storm Water Committee Update.

4. Special Meetings

5. Assignments

6. Comments

Adjourn

07-31-15

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NOTICE OF PUBLIC HEARING OF THE PLANNING BOARD
OF THE CITY OF CARTER LAKE

The Planning Board of the City of Carter Lake, Iowa, will hold a public hearing on Monday, August 3, 2015, commencing at 7:00 P.M. in the City Hall, 950 Locust Street, Carter Lake, Iowa, regarding an Ordinance to Amend the Unified Land Development Ordinances, Section 309 sub-section n: Warehousing (Enclosed-Limited) and Table 4-1 Use Matrix: Industrial and Transportation Uses.

For all of the particulars of the Amendment, see the Amendment now on file at the Carter Lake City Hall with the City Clerk of the City of Carter Lake.

At said time and place, individuals may appear and speak in favor of or against the proposals to amend the ordinance. Written comments on the Amendment must be received by the City Clerk prior to the start of the public hearing. At the conclusion of the public hearing, the Planning Board will consider the Amendment and take appropriate action thereon, including making recommendations to the Carter Lake City Council.

Published at the direction of the City Council of the City of Carter Lake, Iowa.

Doreen Mowery, City Clerk

City of Carter Lake
City Hall – 950 Locust Street
Proceedings: Regular Planning Board Meeting
Monday, July 13, 2015 – 7:00 PM

This Planning Board Meeting was called to order at 7:00 PM by board chairman Ray Pauly.

Roll Call: Present: Ed Palandri, Kathy Dueling, Jay Gundersen, and Ray Pauly,
Absent: Tim Podraza, Jackie Wahl and Karen Fisher
Also present: City Attorney Joe Thornton and Deputy City Clerk Lisa Ruehle

Approval of the Agenda – Moved by board member Palandri seconded by board member Gundersen to approve the agenda as submitted. Ayes: Unanimous.

1. Consent Agenda – Moved by board member Palandri seconded by board member Gundersen to approve the consent agenda as presented. Ayes: Unanimous.

2. New Business

- a. Patrick Kinschler with Williams Enterprises came before the board to discuss a proposed business at 300 Locust Street. The potential buyer would need an ordinance change to the C-1 zoning, amending definitions and classifications. Attorney Thornton does not recommend that the zoning on that property be changed. He would recommend some changes in uses in the C-1 district. The City is still in the middle of litigation with the current property owner. Mr. Kinschler stated that Tighton Tools would be purchasing the property, not leasing. All of their inventory would be distributed from the proposed distribution center at 300 Locust. They distribute tools and fasteners. There would employ 15 to 20 employees at the distribution site. They plan on skinning the building and updating and beautifying the building and landscaping the property. Their goal is to ship and receive all of their products from one location. They average 8 trucks a day, typically Fed Ex and UPS. They leave a trailer at the dock and the workers load the semis for them to pick up the next day. There will not be any retail traffic at the Carter Lake location. The proposal that the Attorney prepared called for a maximum number of trucks going in and out of the commercial area daily. The board recommended that the maximum number of trucks be changed from 10 to 15 in the proposed agreement. There are currently no plans to screen the front of the building from view on Locust. The board suggested they consider some type of berms and trees. Board member Palandri suggested that the proposed use table show this type of business as permitted with a conditional use permit. That way the board could address each unique situation. He would also suggest that the supplemental use standards be included for the most stringent requirements since it is in a commercial area. Steve Griese represents the seller and explained the concern with the conditional use permit is that it could potentially be taken away. The Attorney explained that there would be no time constraints on a conditional use permit. The next step of the process would be a public hearing with the Planning Board and one with the City Council. The Attorney would like the Planning Board to set a public hearing as soon as possible. He is trying to get as much of the process completed before the first of August. Final action by the council could take place on Aug. 17, 2015. Tighton's busy season is Christmas and they would like to be in the building prior to the holiday rush. There was a question about enforcement of the architectural performance standards in section 2305 of the Land Development Ordinances. The plan is to reinstall metal panels and they would consider other ideas to beautify the property including landscaping on the Locust Street side. Moved by board member Gundersen seconded by board member Dueling to set a public hearing at a date to be determined by the Deputy Clerk and Attorney. Ayes: Unanimous.

- b. Attorney Thornton will amend the proposed ordinance and matrix based on the information discussed during this meeting.

Board member Gundersen wanted to discuss the construction of a detention pond for OMA Lodging, LLC. He would like it to include information on the detention swale being approved by the city engineer. Maintenance and lack of repair are a concern to board member Gundersen. He would like the agreement to enforce the weed ordinance as well as the proposed maintenance agreement. He believes 30 days is too long for the pond to need repair and maintenance. The board would like the agreement to stipulate that the bio-swale must be maintained in “as built” condition.

Attorney Thornton left the meeting at this time.

- c. Board member Pauly reported that he brought up the storm water ordinance at the last city council meeting and it was the council’s opinion that they are not in favor of supporting any changes to the storm water ordinance to require underground detention. Board member Palandri stated it would be nice to see what the City of Council Bluffs has for storm water requirements and see if it is something Carter Lake could incorporate. Board member Gundersen stated that underground storm water infrastructure is the right thing. The pond on 9th and Ave. J does not look good. He doesn’t believe the cost of underground infrastructure will keep anyone out of Carter Lake. Board member Gundersen will look for examples of neighboring cities’ storm detention ordinances. Board member Palandri thinks Papillion probably has some good examples of storm detention ordinances. He would still like to look at what other communities do and make a recommendation to the council.

3. Old Business

- a. There was no update from the storm water committee at this time.

4. Special Meetings - The board will meet for a special meeting at a date to be determined.

5. Assignments - Board member Pauly will attend the next council meeting to submit a board report.

6. Comments

Board member Dueling is looking forward to a new business on Locust Street.

Board member Gundersen said it will be nice to get some screening on that property.

Board member Palandri thinks a new business will be good for the community. He also thanked Lisa for getting the packets ready for the planning board.

Board member Pauly has seen some of the Tington buildings and they look nice. He thinks they will be a good addition to the community.

Meeting adjourned at 7:58 PM.

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: Monday, July 20, 2015
Regular City Council Meeting – 7:00 PM

The Pledge of Allegiance

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

Public Hearing

An explanation of the budget amendment was read by the clerk. The proposed budget amendment freezes department head wages, eliminates the position of the Resource Center Office Assistant, discontinues the contract for the newsletter, cuts printing, postage, etc for the newsletter, eliminates purchase of a new police cruiser, retains half of the funds for vehicle repair and maintenance, eliminates funding for the water rescue program, re-allocates funding for the Deputy clerk to ½ administration, ¼ water and ¼ sewer. There were no comments from the public at this time.

Moved by council member Melonis seconded by council member Aldmeyer to close the public hearing. Ayes: Unanimous.

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

II. Approval of the Agenda – Storm water update was removed from the agenda. The animal control officer was added to discuss the pit bull ordinances. Moved by Council member Melonis seconded by council member Hawkins to approve the agenda with the changes. Ayes: Unanimous.

III. Consent agenda – Council member Melonis removed check #59895 from the agenda for discussion during a closed session at a later date. Moved by council member Melonis seconded by council member Cumberledge to approve the consent agenda with the change. Ayes: Unanimous.

IV. New Business

A. Communications from the Public

1. Joyce Redeker was present to discuss the lack of transportation in the area. She introduced George Davis and Deb Skinner owners of Ollie the Trolley. Ms. Skinner works with the marketing portion of the business. They are open to any idea or process that would make it possible to serve the people of Carter Lake and hotel guests with their trolley business. Ms. Skinner stated it would probably be beneficial to Carter Lake to provide some sort of entertainment to visitors to encourage them to return to Carter Lake. Mr. Davis will work on establishing a route and schedule to bring Ollie the Trolley to Carter Lake. Ms. Redeker stated that there are two hotels that provide their own transportation, however there are three local hotels that are interested in receiving service through Ollie the Trolley. The Mayor suggested that the owners of Ollie the Trolley work with Ms. Redeker to create a schedule to provide service. The Mayor stated he would see to it that the route and

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schedule is dropped off at various places throughout Carter Lake. He will also get with the Police Chief to draw up a route.

2. Scott Carroll requested permission for the Improvement Club to close Ave. Q from 8th to 9th Street for their annual Dog Days. The event will be held on Aug. 15, 2015 and security will be provided. They would like to close Ave. Q between 8th and 9th Streets from 2:00 PM until about 2:00 AM. Moved by council member Cumberlandge seconded by council member Melonis to approve the request for the Improvement Club to close the street for their Dog Days event. Ayes: Unanimous.
 3. R. J. Brown was present to discuss the current budget amendment. He explained there is still a \$98,000 plus deficit. He stated that our levy will be larger because the Governor has raised the amount of valuation by 3%. He would like to see the levy stay the same in Carter Lake. He wrote a letter to the Governor regarding property taxes.
- B. Communications from the Departments
1. There was not a fire department update at this time.
 2. Ray Pauly reported to the Council for the Planning Board. There is a proposed business looking at 300 Locust Street that will require an amendment to the Land Development Ordinances. The Planning Board will be holding a public hearing on the proposed changes on Monday, Aug. 3, 2015. The planning board believes the proposed business would be a good fit for the building at 300 Locust. The business would tear the skin off of the building and put up a new exterior. The Planning Board would like to see more landscaping on the Locust Street side at 300 Locust Street. The definition of warehousing would need to be changed. There would be no more than 15 trucks a day allowed on a conditional use permit. There would also be additional conditions for the permit. The new business would be purchasing the building and it would end the current use and litigation on that building. The new company would house packaged dry products. Council member Hawkins suggested that the board look at the landscaping on 8th and Broadway in Council Bluffs as a guide or suggestion for landscaping on this piece of property. Council member Cumberlandge does not agree with limiting truck traffic. The proposed business would provide 15 to 20 jobs in the warehouse. They would like to close on the deal in the middle of August. Moved by council member Hawkins seconded by council member Melonis to set a public hearing for Monday, Aug. 17, 2015 at 7:00 PM to consider amendments to the Land Development ordinances. Ayes: Unanimous. Mr. Pauly let the planning board know the council was opposed to the enclosed/underground storm water solutions. The board will look at tightening up the current ordinances to make the above ground ponds more visually appealing.
 3. There was not a storm water update at this time.
 4. Mayor Waltrip
 - a. The Mayor stated that the council froze department head wages. The Police Chief has discussed his pay raise with the Mayor. The Chief has an employment agreement with the council that states what his wages will be.

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The Attorney stated there is a contractual agreement that sets his wages. The Mayor doesn't believe there is a way out of giving the Chief the pay raise. Moved by council member Melonis seconded by council member Hawkins to comply with the current contract for the Police Chief's increase. Ayes: Aldmeyer, Hawkins, Melonis. Nays: Cumberledge. The Mayor stated he totally disagrees with this.

b. The Fire Department Coordinator position is not the department head. The Fire Chief is the department head. The Mayor disagrees with the letter of understanding. He believes the Police Chief has a case, but he thinks the council should stick to the call they made previously on freezing the Fire Department Coordinator's pay. Council member Cumberledge stated that the Fire Department Coordinator had originally asked for a 5% pay increase and he should have asked for the same amount as the rest of the employees.

Moved by council member Cumberledge seconded by council member Melonis to stay with the pay freeze for Phill Newton. Ayes: Cumberledge, Melonis. Nays: Aldmeyer, Hawkins.

c. The Mayor appointed Patty Midkiff to replace Julie McKillip on the Library Board. Moved by council member Cumberledge seconded by council member Aldmeyer to approve the appointment. Ayes: Unanimous. The Mayor stated that he still has an opening on the Board of Adjustments but the council has turned down his appointments two times, so he would like to nominate someone when there is an entire council available to vote.

d. Mayor Waltrip has met with Dr. Bruckner at the school system twice to discuss the storm water runoff at the school. Dr. Bruckner indicated that her school coordinator stated that the ground had never been raised. Since then, the school would not allow the maintenance department to use their water to do work at the new track. Dr. Bruckner has committed to checking into both issues. The Mayor will not stop until the school fixes the water drainage issue. The Council does not feel it is the City's responsibility and the property owners will probably end up dealing directly with the school.

5. Council member Melonis would like citizen input on naming the new running track near the school. Anyone with a suggestion should submit it to the clerk's office. The mayor suggested that there may be some commercial business that would like to put their name on the park for a fee. The Mayor will scout around for a donor.

6. City Clerk

a. The clerk had presented the council with a draft of meeting rules and guidelines. Council member Aldmeyer suggested that the rules be adopted and a brief outline placed on the back of the agendas for the next several months. Council member Cumberledge stated that running the meetings is the Mayor's job and he has not seen where any meetings have gotten out of hand recently. Council member Melonis does not want to resort to this sort of thing to have calmness at the meetings. She thinks it is ridiculous to adopt regulations and rules so adults will know how to act. Council member Hawkins stated many cities in Iowa put rules and regulations out for the citizens. The Mayor has told the council he would improve on the way the

meetings are handled and he believes he has improved in the last few months. He will not deny anyone the right to come to the podium and speak their mind. He will not give the public a set of rules because it is their right to say what they want. The Mayor stated that he shut two people off earlier in this meeting. He did not run for a popularity contest when he ran for Mayor. He has never heard anyone complain when someone spoke out against him. The citizens have a right to speak their mind. He stated he has the message loud and clear. Moved by council member Melonis to publish the rules as informational guidelines. The Mayor read a list of cities that were used as examples to draft the rules and regulations. Council member Cumberledge seconded Council member Melonis's motion. Ayes: Cumberledge, Melonis. Nays: Aldmeyer, Hawkins. Moved by council member Aldmeyer seconded by council member Hawkins to adopt the rules and meeting procedures for Carter Lake. Ayes: Aldmeyer, Hawkins. Nays: Cumberledge Melonis.

b. The clerk reported that the water utility connection fee, previously collected on behalf of MUD, was set by resolution. MUD is no longer requiring that the City collect the connection fee. Moved by council member Cumberledge seconded by council Hawkins to continue to collect the connection fee and keep it in a separate fund for future improvements. Ayes: Unanimous.

7. Animal Control Officer Shannon Dunlap presented a picture to the council with several dogs and asked if they could identify the 3 dogs that were part pit bull. She has tried for several months to get the council to change the pit bull ordinance. She was told there would be a special committee and that has not happened. If pit bulls are going to be allowed they need to have a license and insurance. She is not able to enforce the current ordinances. Samantha Pacheco was present to report that she owns a black lab and they are the most vicious animal. She does not want any animal to be discriminated against. The Mayor stated that he has not created a task force like he had said because there is no way a committee can come up with a rule to ban any dog. He believes it is the owner that teaches the dog to be mean. Any dog should be banned if it bites. Amber Thomas was present and stated that breed specific laws do not work. The Mayor stated we need to tighten up on the animal control fines. Candy Schlenzick stated that the solution is with the dog owners and a change in the laws regarding "vicious animals". Nicole Driscoll spoke against breed specific legislation. Jacob Collins stated he has been bitten by 3 dogs and none of them were pit bulls. His friend owns a pit bull and cannot let it go outside. Shannon updated the council on NHS statistics for bites. The top biter is a Labrador retriever. She would like to have the ordinance passed that allows pit bulls with certain stipulations. Council member Melonis stated the current pit bull ordinance is not getting enforced and an ordinance is not effective if it is not enforced. She would like to make it mandatory that the ordinances are enforced. She would also like the pit bull ordinance on the next agenda for council consideration. The Mayor stated the Police should take care of the animal control citations. Monica Bentzinger

commended Shannon for the wonderful job she is doing for the City. She thanked her for the positive contributions she is making in Carter Lake.

V. Ordinances

- A. Moved by council member Hawkins seconded by council member Melonis to approve an ordinance designating stops on the third consideration. Ayes: Unanimous.
- B. Moved by council member Aldmeyer seconded by council member Melonis to approve an ordinance amending the adoption of state building codes on the third consideration. Ayes: Aldmeyer, Hawkins, Melonis. Nays: Cumberledge.
- C. Moved by council member Melonis seconded by council member Hawkins to approve an ordinance amending Chapter 85, Animal Protection and Control on the third consideration. Ayes: Unanimous.
- D. Moved by council member Hawkins seconded by council member Melonis to approve an ordinance amending Chapter 86 – Dog and Cat Licenses on the third consideration. Ayes: Unanimous.
- E. Moved by council member Aldmeyer seconded by council member Hawkins to table the ordinance amending Section 2904 of the Unified Land Development Ordinances. Ayes: Unanimous.

VI. Resolutions

- A. Moved by council member Aldmeyer seconded by council member Melonis to adopt a resolution amending the current budget for the fiscal year ending June 30, 2016. Ayes: Unanimous.

VII. Comments

Mary Schomer stated that she has reviewed the meeting guidelines and she thinks they are a good idea and they are not real restrictive. She has told the Mayor he needs to gavel people down when they start to get out of control and ask them to leave the meeting. She wanted to know if we could ask how long a person planned on talking on a certain item when they request to get on the agenda. The Mayor stated that he is not going to let the meetings go again, but people will be allowed to stand up and express their feelings in a civil way. Council member Melonis updated everyone on the status of the new eNewsletter. The Resource Center personnel will be in charge of disseminating the information and the first edition will be released on Sept. 1, 2015. The minutes will not be in the newsletter since they are on the city's website. There will be department highlights, a calendar of events, church information, senior center report, VFW updates, new births, birthdays, obituaries, public pulse, employee pat on the back, and citizen of the month. There will be one page of advertisers. The September issue will have one free standard size ad for the local businesses. There will be a limited number of printed newsletters at City Hall, the Library, and the Senior Center.

Ron Cumberledge stated the pay freezes were put in place to keep kids programming. The fairest way was to choose the highest paid employees.

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Regular City Council Meeting – 7:00 PM

The Mayor thanked Barb Melonis and all of the ladies that have worked on and contributed to the newsletter. He would like to see the public pulse portion get used.

Barb Hawkins and Ed Aldmeyer thanked everyone for coming to the meeting. Attorney Thornton stated that it is not unusual to have rules or guidelines adopted and published by cities and school boards.

The meeting was adjourned at 8:40 PM.

Doreen Mowery, City Clerk

Gerald Waltrip, Mayor

**2015 July
Residential Building Permits**

Permit #	Date	Applicant	Address	Description	Permit Amount	Date Paid	Recpt. #	Value of Permit	Permit Exp. Date
R113-15	7/13/2015	Karalec Electric	3510 N 9th #208	Repair Wiring Fire	\$ 75.00	7/17/2015	14947	\$ 2,000.00	10/13/2015
R114-15	7/13/2015	Karalec Electric	1333 Holiday Dr	New Sevice Feed/Pan	\$ 50.00	7/17/2015	14946	\$ 2,000.00	10/13/2015
R115-15	7/14/2015	Andersen Roofing	1114 Hiatt St	Replace Roof	\$ 18.50	7/17/2015	14945	\$ 8,125.00	10/14/2015
R116-15	7/14/2015	R.J. Nelson Co. Inc.	230 Marina Ct	Replace Furnace & A/t	\$ 42.00	7/17/2015	14940	\$ 7,800.00	10/14/2015
R117-15	7/15/2015	Hawkeye/Nebr. Sidin	1009 Cachelin	Replace Siding	\$ 13.50	7/17/2015	14939	\$ 5,000.00	10/15/2015
R118-15	7/15/2015	Ron Cumberledge	704 Steel	Demo House	\$ 17.50	7/17/2015	14938	\$ 1,200.00	10/15/2015
R119-15	7/15/2015	Alfredo Reyes	1201 Lindwood	Replace Windows	\$ 13.50	7/17/2015	14943	\$ 1,000.00	10/15/2015
R120-15	7/16/2015	Joe Womochil	3712 N 17th St	20' X 24" Garage	\$ 211.50	7/22/2015	14974	\$ 20,000.00	1/16/2016
R121-15	7/17/2015	Lakeside Mobile Horr	3510 N 9th #278	Replace Meter Jaws	\$ 25.00	7/17/2015	14942	\$ 300.00	8/17/2015
R122-15	7/21/2015	McCarthy One Hour	4348 N 7th	Replace A/C unit	\$ 28.50	7/22/2015	14967	\$ 2,200.00	10/21/2015
R123-15	7/28/2015	Nastase Roofing	1009 Silver Ln	Replace Roof	\$ 18.50	7/29/2015	15025	\$ 8,482.00	10/28/2015
R124-15	7/29/2015	Lakeside Mobile Horr	3510 N 9th #175	New Service & Hardwi	\$ 50.00	7/29/2015	15027	\$ 800.00	8/29/2015
R125-15	7/29/2015	Burton Plumbing Sen	2638 N 5th St	Replace A/C Unit	\$ 28.50	7/29/2015	15026	\$ 4,090.00	8/29/2015
R126-15	7/29/2015	Kyle Wall	1409 Dorene Blvd	Property line Adj.	\$ 100.00	7/29/2015	15029	\$ 500.00	10/29/2015
R127-15	7/29/2015	Lakeside Mobile Horr	3510 N 9th #326	GasLine / BHE Fax	\$ 25.00			\$ 300.00	8/29/2015
R128-15	7/29/2015	Shannon Dunlap	1015 Ave P	Privacy Fence	\$ 15.00			\$ 1,200.00	10/29/2015

Commercial Permits

C12-15	7/14/2015	Trede Electric & Light	2450 N 5th St	Wiring / Starters	\$ 132.50	7/17/2015	14941	\$ 25,000.00	1/14/2015
C13-15	7/21/2015	A1 United	1001 Ave H	Replace A/C unit	\$ 101.50	7/22/2015	14968	\$ 3,800.00	10/21/2015
C14-15	7/21/2015	Litdecker LTD	3000 Airport rd	Accessory Structure 1t	\$ 65.00	7/21/2015	14966	\$ 4,000.00	10/21/2015
C15-15	7/23/2015	Lincoln Hotel Group	2010 Abbott Dr	New Const. Hotel	\$ 12,450.00			\$ 5,000,000.00	7/23/2016
C16-15	7/29/2015	OSB Plumbing	2510 Abbott Plz	Replace Tub Drains	\$ 138.75	7/29/2015	15028	\$ 6,000.00	8/29/2015
C17-15	7/30/2015	Yant Equipment	2450 N 5th st	Cont. Project	\$ 4,095.00			\$ 800,000.00	1/29/2016

TOTAL: \$ 17,714.75

TOTAL: \$ 5,903,797.00

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE UNIFIED LAND DEVELOPMENT ORDINANCES
OF THE CITY OF CARTER LAKE, IOWA**

BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF CARTER LAKE, IOWA

Section 1. That, pursuant to Section 2904 of the Code of Ordinances of the City of Carter Lake, Iowa, the Unified Land Development Ordinances of the City of Carter Lake, Iowa, are hereby amended as follows:

A. Section 309 is amended to add the following new sub-section n:

“n. Warehousing (Enclosed-Limited)

Uses including storage, distribution, and handling of goods and materials that are enclosed in contained packaging, conducted within an enclosed structure, without noticeable odor effects across property lines, and without generating sound levels in excess of those specified in Table 2308 at the boundary of a residential district. The uses shall be conducted so that a total of not more than ten (10) trucks or other vehicles used to transport the goods and materials per day shall travel to or leave the facilities.”

B. Table 4-1: Use Matrix: Industrial and Transportation Uses is amended to read as per the attached Figure.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of the ordinance are hereby repealed. .

SECTION 3. Severability Clause. If any of the provisions of this Ordinance are for any reason declared illegal or void, the lawful provisions of this Ordinance which are severable from said unlawful provisions shall remain in full force and effect.

SECTION 4 Effective Date. This Ordinance shall be in full force and effect from and after its final passage and publication.

Attest:

PASSED
AND _____, 2015
APPROVED

DOREEN MOWERY, City Clerk

GERALD WALTRIP, Mayor

The undersigned as City Clerk of Carter Lake, Iowa does hereby certify that on _____, 2015, I posted true and exact copies of the foregoing ordinance in four public places to-wit:

all within the limits of the City of Carter Lake, Iowa.

DOREEN MOWERY, City Clerk

FIRST CONSIDERATION: _____

SECOND CONSIDERATION: _____

THIRD CONSIDERATION: _____

Use Matrix: Industrial and Transportation Uses

Use Types	R-1	R-2	R-3	R/CC	RM	C/L	C-1	C-2	TC	C/A	BP	M-1	M-2	Addl Reg
Industrial Uses														
Agricultural Industry*												C	C	
Auto rental/Sales*												C		
Construction Yards*												C	C	
Custom Manufacturing						C		C	C	C		P	P	
Equip rental/Sales												C	C	
Light Industry												P	P	
General Industry*												P	P	
Heavy Industry*													C	
Recycling Collection*													C	
Recycling Processing*													C	
Vehicle Storage (Long-term)*												C	C	
Warehousing (Enclosed)												P	P	
Warehousing (Enclosed-Limited)							C					P	P	
Warehousing (Open)*												C	C	
Aviation*											C	C	P	
Railroad Facilities													C	
Truck Terminal*												C	P	
Transportation Terminal*								P		P		P	P	
Alternative Energy Production Devices													C	
Amateur Radio Tower	C	C	C	C	C									
Communications Tower*												C	C	
WECS*													C	

P Permitted by right or by right subject to supplemental regulations.

C Permitted by Conditional Use Permit

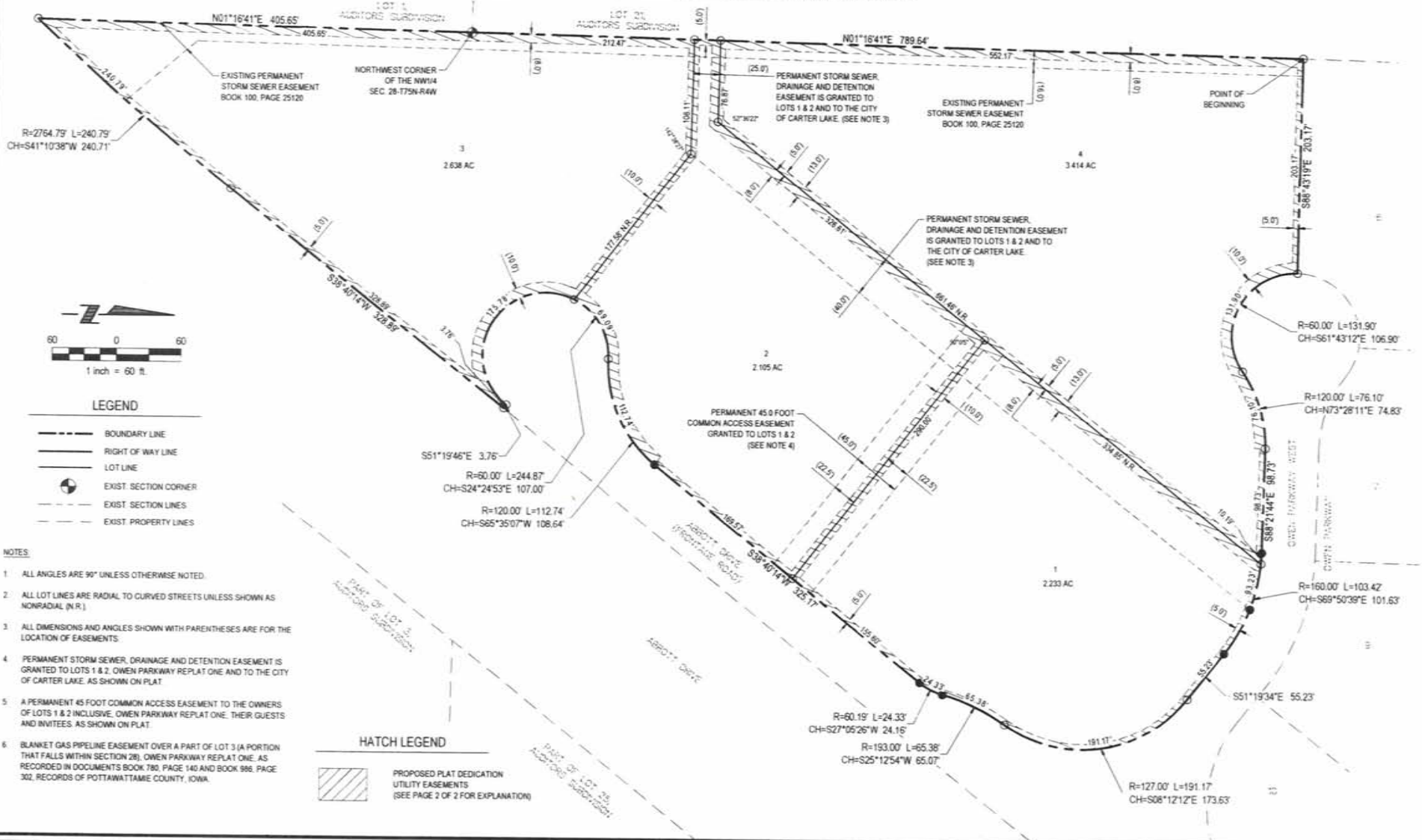
***** Use Permitted after Site Plan Approval

Blank Use not permitted in zoning district, unless established as a lawful nonconforming use

OWEN PARKWAY REPLAT ONE

LOTS 1 THRU 4 INCLUSIVE

BEING A REPLAT OF LOTS 1 THROUGH 5, OWEN PARKWAY, A SUBDIVISION LOCATED IN PART OF THE SW1/4 OF THE SW1/4 OF SECTION 21, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA.



LEGEND

- BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EXIST. SECTION CORNER
- EXIST. SECTION LINES
- EXIST. PROPERTY LINES

NOTES

- 1 ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
- 2 ALL LOT LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS NONRADIAL (N.R.).
- 3 ALL DIMENSIONS AND ANGLES SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF EASEMENTS.
- 4 PERMANENT STORM SEWER, DRAINAGE AND DETENTION EASEMENT IS GRANTED TO LOTS 1 & 2, OWEN PARKWAY REPLAT ONE AND TO THE CITY OF CARTER LAKE, AS SHOWN ON PLAN.
- 5 A PERMANENT 45 FOOT COMMON ACCESS EASEMENT TO THE OWNERS OF LOTS 1 & 2 INCLUSIVE, OWEN PARKWAY REPLAT ONE, THEIR GUESTS AND INVITEES, AS SHOWN ON PLAN.
- 6 BLANKET GAS PIPELINE EASEMENT OVER A PART OF LOT 3 (A PORTION THAT FALLS WITHIN SECTION 28), OWEN PARKWAY REPLAT ONE, AS RECORDED IN DOCUMENTS BOOK 780, PAGE 140 AND BOOK 986, PAGE 302, RECORDS OF POTTAWATTAMIE COUNTY, IOWA.

HATCH LEGEND

- PROPOSED PLAT DEDICATION UTILITY EASEMENTS (SEE PAGE 2 OF 2 FOR EXPLANATION)

Proj No:	P2015.010.003	Revisions	
Date:	05/15/2015	Date	Description
Designed By:	JRS	Date	Description
Drawn By:			
Scale:	1" = 60'		
Sheet:	1 of 2		

PRELIM PLAT

OWEN PARKWAY REPLAT ONE
POTTAWATTAMIE COUNTY, IOWA



E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services

300 North 117th Street Omaha, NE 68184
Phone: 402.895.4700 Fax: 402.895.3599
www.eacg.com

OWEN PARKWAY REPLAT ONE

LOTS 1 THRU 4 INCLUSIVE

BEING A REPLAT OF LOTS 1 THROUGH 5, OWEN PARKWAY, A SUBDIVISION LOCATED IN PART OF THE SW1/4 OF THE SW1/4 OF SECTION 21, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAME COUNTY, IOWA.

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT I HAVE MADE A GROUND SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MONUMENTS HAVE BEEN FOUND OR SET AT ALL CORNERS OF SAID BOUNDARY AND THAT PERMANENT MARKERS WILL BE SET AT ALL LOTS, STREETS AND ANGLE POINTS WITHIN SAID OWEN PARKWAY REPLAT ONE (LOTS NUMBERED ON SHOWN), BEING A REPLAT OF LOTS 1 THROUGH 5, OWEN PARKWAY, A SUBDIVISION LOCATED IN PART OF THE SW1/4 OF THE SW1/4 OF SECTION 21, AND TOGETHER WITH THE NW1/4 OF THE NW1/4 OF SECTION 28, ALL LOCATED IN TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAME COUNTY, IOWA, PARTICULARLY DESCRIBED AS FOLLOWING:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5, OWEN PARKWAY, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 6, SAID OWEN PARKWAY, THENCE S88°43'19"E (ASSUMED BEARING) ALONG THE NORTH LINE OF SAID LOT 5, OWEN PARKWAY, SAID LINE ALSO BEING THE SOUTH LINE OF SAID LOT 5, OWEN PARKWAY, A DISTANCE OF 203.17 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF OWEN PARKWAY WEST, THENCE ALONG THE NORTHERLY LINE OF SAID LOTS 4 & 5, OWEN PARKWAY, SAID LINE ALSO BEING SAID SOUTHERLY RIGHT-OF-WAY LINE OF OWEN PARKWAY WEST ON THE FOLLOWING FIVE (5) COURSES: (1) THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 60.00 FEET, A DISTANCE OF 131.90 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS S61°43'12"E, A DISTANCE OF 106.90 FEET; (2) THENCE NORTHEASTERLY ON A RESERVE CURVE TO THE RIGHT WITH A RADIUS OF 120.00 FEET, A DISTANCE OF 78.10 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS N73°28'11"E, A DISTANCE OF 74.83 FEET; (3) THENCE S88°2'14"E, A DISTANCE OF 98.73 FEET; (4) THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 160.00 FEET, A DISTANCE OF 103.40 FEET; SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS S69°50'39"E, A DISTANCE OF 101.63 FEET; (5) THENCE S51°19'34"E, A DISTANCE OF 55.23 FEET, THENCE ALONG THE EASTERLY LINE OF SAID LOTS 2 THROUGH 4, OWEN PARKWAY, SAID LINE ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF ABBOTT DRIVE (FRONTAGE ROAD) ON THE FOLLOWING FOUR (4) COURSES: (1) THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 127.00 FEET, A DISTANCE OF 191.17 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S08°12'12"E, A DISTANCE OF 173.63 FEET; (2) THENCE SOUTHWESTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 193.00 FEET, A DISTANCE OF 65.38 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S25°12'54"W, A DISTANCE OF 65.07 FEET; (3) THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 60.19 FEET, A DISTANCE OF 24.33 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S27°05'26"W, A DISTANCE OF 24.16 FEET; (4) THENCE S38°40'14"W, A DISTANCE OF 325.17 FEET; (5) THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 120.00 FEET, A DISTANCE OF 112.74 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S65°35'07"W, A DISTANCE OF 108.64 FEET, THENCE ALONG SAID NORTHERLY LINE OF LOT 1, OWEN PARKWAY, SAID LINE ALSO BEING SAID SOUTHERLY RIGHT-OF-WAY LINE OF ABBOTT DRIVE (FRONTAGE ROAD) ON THE FOLLOWING TWO (2) COURSES: (1) THENCE SOUTHEASTERLY ON CURVE TO THE LEFT WITH A RADIUS OF 60.00 FEET, A DISTANCE OF 175.78 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS S57°24'10"E, A DISTANCE OF 119.33 FEET; (2) THENCE S51°19'44"E, A DISTANCE OF 3.76 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 1, OWEN PARKWAY, SAID POINT ALSO BEING A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE OF ABBOTT DRIVE, THENCE ALONG SAID EASTERLY LINE OF LOT 1, OWEN PARKWAY, SAID LINE ALSO BEING SAID WESTERLY RIGHT-OF-WAY LINE OF ABBOTT DRIVE, ON THE FOLLOWING TWO (2) COURSES: (1) THENCE S38°40'14"W, A DISTANCE OF 328.89 FEET; (2) THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 2764.79 FEET, A DISTANCE OF 240.79 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS S41°10'38"W, A DISTANCE OF 240.71 FEET TO THE SOUTHERLY MOST CORNER OF SAID LOT 1, OWEN PARKWAY, SAID POINT ALSO BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF ABBOTT DRIVE, THENCE N01°16'41"E ALONG THE WEST LINE OF SAID LOT 1, OWEN PARKWAY, A DISTANCE OF 405.65 FEET TO THE NORTHWEST CORNER OF SAID NW1/4 OF SECTION 28, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID SW1/4 OF SECTION 21, THENCE N01°16'41"E CONTINUING ALONG THE WEST LINE OF SAID LOTS 1 & 5, OWEN PARKWAY, A DISTANCE OF 789.64 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA 452,596 SQUARE FEET OR 10.390 ACRES, MORE OR LESS.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, XXXXXXXX, OWNERS OF THE PROPERTY DESCRIBED IN THE CERTIFICATION OF SURVEY AND EMBRACED WITHIN THE PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE NUMBERED AND NAMED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS OWEN PARKWAY REPLAT ONE (LOTS TO BE NUMBERED AS SHOWN) AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THE PLAT, AND WE DO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THE STREETS, AVENUES AND CIRCLES, AND WE DO HEREBY GRANT EASEMENTS AS SHOWN ON THIS PLAT, WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, CENTURYLINK COMMUNICATIONS AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR AND RENEW POLES, WIRES, CABLES, CONDUITS AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING OF AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT AND POWER AND FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM, AND THE RECEPTION ON, OVER, THROUGH, UNDER AND ACROSS A FIVE-FOOT (5) WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES, AN EIGHT-FOOT (8) WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS, AND A SIXTEEN-FOOT (16) WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL EXTERIOR LOTS. THE TERM EXTERIOR LOTS IS HEREIN DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE-DESCRIBED ADDITION. SAID SIXTEEN-FOOT (16) WIDE EASEMENT WILL BE REDUCED TO AN EIGHT-FOOT (8) WIDE STRIP WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED AND WE DO FURTHER GRANT A PERPETUAL EASEMENT TO METROPOLITAN UTILITIES DISTRICT, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND RENEW PIPELINES, HYDRANTS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER ON, THROUGH, UNDER AND ACROSS A TEN-FOOT (10) WIDE STRIP OF LAND ABUTTING ALL CUL-DE-SAC STREETS. NO PERMANENT BUILDINGS OR RETAINING WALLS SHALL BE PLACED IN THE SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

XXXX

XXXX DATE
XXXX

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF DOUGLAS)

ON THIS _____ DAY OF _____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME XXXXXXXXXXXX, WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF DOUGLAS)

ON THIS _____ DAY OF _____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME XXXXXXXXXXXX, WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.

Signature: _____ Date: _____
ERIC A. SCHABEN
License Number: 17946 My License renewal date is December 31, 2016
Pages or sheets covered by this seal: ONE

APPROVAL OF CARTER LAKE CITY COUNCIL

THIS PLAT OF OWEN PARKWAY REPLAT ONE (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE CITY COUNCIL OF CARTER LAKE.

MAYOR _____ DATE _____

ATTEST _____
CITY CLERK

COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.

COUNTY TREASURER _____ DATE _____

PRELIM PLAT

OWEN PARKWAY REPLAT ONE
POTTAWATTAME COUNTY, IOWA



E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services

330 North 117th Street Omaha, NE 68154
Phone: 402.895.4700 Fax: 402.895.3599
www.eacg.com

Proj No:	P2015.070.003
Date:	05/21/2015
Designed By:	JRS
Drawn By:	
Scale:	1" = 100'
Sheet:	1 of 2

Revisions	
Date	Description



From: [Doreen Mowery](#)
To: [Gerald Waltrip](#); [Edward](#); [Dave Huey](#); rcumberledge@cox.net; [Barb Melonis](#); [Hawkins, Barbara](#); [Thornton, Joseph](#); [Nice, Susan](#)
Cc: [Ed Palandri](#); jacleen4849@gmail.com; momsgizmo@cox.net; kathrynd59@me.com; aitotermhm@aol.com; [Jay Gundersen \(t.jay@cox.net\)](mailto:Jay Gundersen (t.jay@cox.net)); rdpaul@cox.net; [Lisa Ruehle](#)
Subject: Rochford
Date: Tuesday, July 21, 2015 4:13:16 PM

On Friday, July 10 Dennis Rochford delivered his Final Plat for Phase III of Nakoma Town Homes. He needs final approval by the Planning Board and City Council in order to file it with the County. I will place it on your August agendas. I have attached the minutes of the council and planning board, leading up to the final plans. I also made an copy of the description and the map for you. I have the full map on file in my office. They are available for you to review at any time.

Doreen Mowery
City Clerk
City of Carter Lake
950 Locust St.
Carter Lake, IA 51510
Office: 712-847-0534
Fax: 712-347-5454
www.carterlake-ia.gov

City of Carter Lake
City Hall – 950 Locust Street
Proceedings: Regular Planning Board Meeting
Monday, November 9, 2009 – 7:00 PM

Meeting called to order by Chairman Podraza at 7:10 PM.

Roll Call: Present: Ed Palandri, Jay Gundersen, Ray Pauly, Michelle Kuchera, Jerre Hunter and Tim Podraza.
Absent: Adam Smith.

Approval of the Agenda – Moved by board member Palandri seconded by board member Pauly to approve the agenda as presented. Ayes: Unanimous.

1. Consent Agenda

Moved by board member Pauly seconded by board member Hunter to approve the consent agenda as presented. Ayes: Unanimous.

2. New Business

a. Blue Sky Inc – Final Plat – Nakoma Townhomes Phase II. Moved by board member Palandri seconded by board member Pauly to recommend approval of Nakoma Townhomes Phase II final plat as presented subject to the following conditions:

1. That the existing infrastructure work has been accepted by the City.
2. That an agreement be made between the developer and the City that would address the completion date for the unfinished infrastructure along with an acceptable form of guarantee for the work to be done.

Ayes: Board members Palandri, Gundersen, Pauly, Kuchera, Hunter and Podraza.

Abstain: Board member Gundersen.

3. Old Business

a. Review modular and mobile home regulations. This item will be placed on the next agenda.

Comments

Board member Pauly stated that the Council has approved the changes to the sign ordinance and they are waiting to get it back from the City Attorney to make sure all the changes are okay. The Council also voted to send a letter to PVS with a copy of the ordinances that they are violating.

Board member Podraza congratulated Russ on the election.

Meeting adjourned at 7:32 PM.

Lisa Ruehle, Deputy City Clerk

Tim Podraza, Chairman

Meeting called to order by Vice Chairman Pauly at 7:00 PM.

Roll Call: Present: Michelle Schaffer, Ray Pauly, Jackie Wahl, and Ed Palandri.
Absent: Tim Podraza, Jay Gundersen, and Karen Fisher.

Approval of the Agenda – Moved by board member Schaffer seconded by board member Pauly to approve the agenda as presented. Ayes: Unanimous.

1. Consent Agenda

Moved by board member Palandri seconded by board member Schaffer to approve the consent agenda as presented. Ayes: Unanimous.

2. New Business

a. Wallace & Sons – Storage of Sand & Gravel – 13th & Locust St. Mike Wallace was present to represent Wallace & Sons. They have sand and gravel stored behind Chez Parez at 13th & Locust Street but according to the ordinance this is not allowed in commercial zoning. He would like to be able to use this location for temporary storage in the future as needed. The Board recommends that he go to the City Council for a temporary use permit for storage at that location. The Board would not want to allow that type of business at this location because that is not what it is zoned for. But the City Council might want to allow a short term use with the proper measures in place for storm water pollution prevention and for erosion and dust control. Mr. Wallace stated that he is going to haul the sand and gravel away starting tomorrow and not pursue the use of that property for future storage. There was discussion of his property on Wood Ave. Mr. Wallace will get with the building inspector to make sure he is following the ordinances regarding storage at the Wood Ave location.

b. Nakoma Townhomes Phase II – Dennis Rochford was present to request final approval of Phase II. The building inspector submitted a letter outlining the current issues with this project. The Board had already approved phase II in November 2009 and the next step is for Mr. Rochford to go to the City Council for approval.

c. Moved by board member Pauly seconded by board member Schaffer to assign the following addresses for Nakoma Townhomes:

Lot 7 - 3011 Nakoma Lane

Lot 8 - 3009 Nakoma Lane

Ayes: Unanimous.

Meeting adjourned at 8:45 PM.

City of Carter Lake

City Hall – 950 Locust St.

Proceedings: Monday, July 16, 2012

Study Session – 5:00 PM

Regular City Council Meeting – 7:00 PM

2. Dennis Rochford was present to request council approval on Phase II of Nakoma Townhomes. Attorney Thornton indicated that there were several conversations regarding storm water runoff from this development. Mr. Rochford said storm water runoff would be addressed in Phase III of the project. He is getting ready to start the process for Phase III. He indicated that he doesn't feel there is a storm water issue created by this development. The Attorney requested that Mr. Rochford provide a written engineer's opinion regarding the storm water runoff. The City engineer will need to review and sign off on the opinion. When the documentation is prepared it needs to be submitted to the building inspector. Ray Pauly reported that the Planning Board has recommended approval of the project. The last time they reviewed the issue all of the items of concern had been addressed. The Mayor stated that the planning board had previously recommended a surety bond regarding the completion of Phase I prior to Phase II being started. Phase I has previously been completed and approved. The Planning Board no longer sees any problems with Phase II. They were told that storm water would be addressed in Phase III of the project. Moved by council member Melonis to approve Phase II plot with the condition that any storm water issues be addressed before they begin construction of Phase III. Motion seconded by council member Huey. Building Inspector Palmer indicated that he would like to see that all of the subdivision requirements are met before the project continues. The Attorney stated we should have the details of the sub-division and a bond posted before partial phases are started. Mr. Rochford contends there is no storm water running off of the property. OPPD has indicated they will install the light poles for no charge. The City will be responsible for the monthly lighting fees. Mr. Rochford stated that the development is willing to pay for the monthly street lighting bills. Roll call: Ayes: Melonis, Huey. Nays: Parker, Aldmeyer, Hawkins. Attorney Thornton will meet with Mr. Rochford and the Building Inspector to address the open issues so the council can approve Phase II.
3. Jerry Waltrip stated that the east leg of the lake is a mess with sea weed and it is only an issue in front of the older homes. He has removed sea weed from the lake in front of his home and it comes back. Sea weed gets tangled up in his property when the City cuts it. He stated that he is going to make an issue out of the fact that the minutes for May 21st do not reflect everything he said.
4. Joe Anderson was present to discuss the gate closure on Ave. K. He was at last month's meeting and he wanted an update at this time. The Mayor has asked Omaha to consider moving the gazebo. Brooke Bench, the acting Parks Director in Omaha indicated that it cannot be moved. Omaha has requested additional police patrol in the area. Council member Parker still needs to find out how many calls have been made in the area. Council member Aldmeyer stated that the no parking signs have been installed. He will look into the placement of the signs. Mr. Anderson stated that it appears that the city has done a lot of work in the area of the new home on Ave. K. For example: two

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: Monday, Aug. 20, 2012
Regular City Council Meeting – 7:00 PM

Regular City Council Meeting

Mayor Kramer called the regular city council meeting to order at 7:00 PM.

The Pledge of Allegiance

- I. Roll Call: Present – Mayor Russell D. Kramer
Council members Barb Hawkins, Dave Huey, and Barb Melonis
Absent – Council members Ed Aldmeyer and Tim Parker
Also present – Attorney Rick Kimble and City Clerk Doreen Mowery
- II. Approval of the Agenda – Moved by council member Hawkins seconded by council member Melonis to approve the agenda as presented. Ayes: Unanimous.
- III. Consent agenda – Moved by council member Hawkins seconded by council member Huey to approve the consent agenda as presented. Ayes: Unanimous.
- IV. New Business
 - A. Communications from the Public
 1. Moved by council member Hawkins seconded by council member Melonis to approve renewal of the Shoreline Golf, LLC liquor license. Ayes: Unanimous.
 2. Council member Melonis questioned whether we have licensed the dancers, at Saries Lounge, LLC, as required by our ordinances. The judge had ruled against enforcing the ordinance in the past. Moved by council member Huey seconded by council member Hawkins to approve renewal of the liquor license for Sarie's Lounge, LLC. Ayes: Hawkins, Huey. Nays: Melonis.
 3. Moved by council member Melonis seconded by council member Huey to approve renewal of the liquor license for the VFW Post 9661. Ayes: Unanimous.
 4. There are two commercial vehicle owners that did not inform the city of new vehicles when the vehicles were purchased. These were replacements not additional vehicles. Moved by council member Melonis seconded by council member Huey to approve renewal of the commercial vehicle permits that were submitted. Ayes: Unanimous.
 5. Haley Van Arsdale was not present to discuss parking on Ave. K.
 6. Patty Gibb was not present to discuss the parking ticket she received.
 7. Dennis Rochford was present to request council approval on Phase II of Nakoma Townhomes. He stated that he has met with Barry Palmer on several occasions. As of this time a set of plans with an engineer's stamp on storm water has not been received by the City. Dennis has not been able to meet with the Attorney and the building inspector at the same time. Dennis has contacted the Iowa Stormwater Education Program. Kevin Seevers has been at the site. Ed Aldmeyer has also been on site to look at the property. Dennis is not clear on whether the city wants him to address pre or post construction

runoff. Dennis stated he had received a permit from the state for storm water control during construction. Dennis has had engineers on site looking at the project. He says his engineers do not know exactly what the city wants for storm water. He does not see an issue with storm water. The Mayor stated he doesn't feel the council can approve a final plat until they know what is going to be done with the storm water. Dennis stated all of the infrastructure and public improvements have been installed. He would like the council to go on site and look at the project. Moved by council member Melonis to approve the resolution adopting the final plat for phase II with the stipulation that phase III will not be given a go until the storm water issue is resolved. Motion seconded by council member Huey. The building inspector stated the storm water needs to be designed by the engineer. Dennis says the water will flow to the south and he will install a rain garden, if necessary. The Mayor stated Dennis is not offering any way to get rid of the storm water from this project. He feels putting trees on the south end of the project will address the storm water as a type of rain garden. Attorney Kimble stated that the building inspector sent a letter on Aug. 9th with two concerns. The first concern is the storm water issues. He requested a certified copy of a storm water plan from an engineer. The other issue is the lack of adequate area in the street for fire and ambulance to access the homes on the property. No parking signs may cover the concern over the width of the street. Dennis stated the original plan did contain a storm water solution. Dennis state the acceptance of phase II addresses splitting the lots and nothing more. Council member Hawkins would like to see the engineering plan for storm runoff. Mayor Kramer called for roll on the motion and second. Ayes: Huey, Melonis. Nays: Hawkins.

8. Jerry Waltrip complimented Ron Rothmeyer for having his crews run the lake harvester in front of his home. He stated that a portion of what gets mowed does not get picked up by the harvester. Deffenbaugh has been good about picking up what he takes out of the lake. Council member Melonis stated that 100 acres of the lake have been chemically treated for sea weed. Jerry Waltrip thinks the solution to the sea weed and lake issues is to put 20,000 grass carp back into the lake. Council member Hawkins stated that they are not finished with the lake projects.

B. Communications from the Departments

1. Moved by council member Hawkins seconded by council member Melonis to approve two new applications for the volunteer fire department. Ayes: Unanimous. Eric Bentzinger thanked all of the members of the department. There have been a lot of fire and ambulance calls in the past month. Council member Melonis asked about retention. The EMS Lt. has been put in charge of the retention committee. The department is currently updating their by-laws and constitution. Eric thanked Ron Rothmeyer and Chris Roseland for working with the department and for Chris Roseland's generous donation of the cube van to the water rescue team. Fire prevention week is in October. The department will be holding an open house on Oct. 6 from 10-2. There is also a pancake breakfast scheduled for Oct. 7th.

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: Monday, Sept. 10, 2012
Special City Council Meeting -5:30 PM

Mayor Russ Kramer called the special city council meeting to order at 5:30 PM.

Roll Call: Present – Mayor Russ Kramer

Council members Barb Hawkins, Dave Huey, and Barb Melonis

Absent – Council members Ed Aldmeyer and Tim Parker

Also present – City Attorney Joe Thornton and City Clerk Doreen Mowery

Dennis Rochford had requested a meeting with the Attorney, Building Inspector, Maintenance Supervisor and one council member. More than one council member showed an interest in meeting, so this special meeting was posted. Sherry Rydberg, Ron Rothmeyer, Brad Richardson, and Barry Palmer were all in attendance at this meeting. They are members of the Storm Water Committee. The original plans on Mr. Rochford's subdivision showed that he would install storm water lines and hook into the city's storm sewer. Mr. Rochford did not install storm lines as indicated on his original plans and he has stated that as an alternative he will install a retention pond to handle storm water runoff from his property. He has not provided the building inspector with an engineer certified plan for a retention pond. Ron Rothmeyer has met with Dennis on several occasions regarding different matters on his subdivision. There is a possibility that a rain garden will handle his storm water, however it has to be designed by an engineer. Ron spoke with the engineer on the project today and the engineer understands what is required. There is concern about the way he is doing his ground work and the possibility that it will cause issues to the abutting property owners. The prior motion by the council was that they would approve phase II but he could not move forward with the project without the engineer's stamped proposal to handle storm water for the subdivision. Council member Huey wanted to know who is watching the project to make sure he is meeting the city's requirements. Council member Hawkins pointed out that Carter Lake is not unique when it comes to having storm water requirements. Ron Rothmeyer reminded the council that the storm water plan also has to include information on who will maintain the storm water system once it is constructed and all of the lots are sold. Moved by council member Huey seconded by council member Hawkins to instruct the building inspector to notify Dennis Rochford in writing that no additional building permits will be issued for phase II or phase III construction in the subdivision, until a storm water plan, as has always been required, has been submitted and approved. He will also have to continue to comply with all other building requirements and ordinances.
Ayes: Unanimous.

The special council meeting was adjourned at 6:07 PM.

Doreen Mowery, City Clerk

Russell Kramer - Mayor

City of Carter Lake

City Hall – 950 Locust St.

Proceedings: Monday, Oct. 21, 2013

Regular City Council Meeting – 7:00 PM

4. Jeannine Poldberg expressed concerns over the utility billing practices for water bills. She has received a third notice for an unpaid water bill on her rental property. She was concerned that the water had not been shut off because there was sand in the meter pit. She expressed concerns regarding large water bills at other residences in Carter Lake. She thinks the business practices of the City are inadequate. Council member Melonis apologized and will check into the concerns that were expressed. The Mayor stated he will also check with PeopleService regarding the issues.

5. Dennis Rochford was present to discuss his new proposed plan for storm water drainage at his property on Ave. K. He stated he felt all of the issues that he brought up last month were resolved. He has met with the attorney and discussed the capacity of the existing lines and pumps. He plans on addressing the storm water in Phase III of his project. He is not going to pay the \$34,500 to hook into the existing system at 9th and Ave. K. He has paid to install the street, water and sewer lines. He was not sure who he should give his new engineered plans for a detention basin to for review. The attorney advised him to submit them to the clerk or the building inspector and they will be given to the City's engineer within a week of receiving them.

B. Communications from the Departments

1. Fire Department Update – Moved by council member Aldmeyer seconded by council member Melonis to approve the four new applications for the fire department. Ayes: Unanimous.
2. Ray Pauly reported that the planning board met and approved the outdoor seating area for Spearmint Rhino. There will be no outdoor service within the fenced area. It will be used exclusively as a smoking area. They also approved the proposed landscaping for Sgt. Peffer's.
3. The council set a special meeting for Monday, October 28, 2013 at 4:30 PM to start working on counter proposals for the police and employee unions. The council would like to meet in a joint session with the planning board on Monday, November 11, 2013 to prioritize items in the comprehensive plan. The clerk will forward information to the planning board and council so they can review it prior to the meeting.

V. Resolutions

- A. Moved by council member Hawkins seconded by council member Huey to adopt a resolution placing liens for unpaid utility bills. Ayes: Unanimous.
- B. Moved by council member Parker seconded by council member Melonis to approve a resolution endorsing an application for RISE funds. Ayes: Unanimous. The Mayor stated that the RISE funds would be used to assist with additional development at the PVS property.

City of Carter Lake
City Hall – 950 Locust St.
Proceedings: ~~Monday, Nov. 18, 2013~~
Regular City Council Meeting – 7:00 PM

Mayor Pro-Tem Barb Hawkins called the meeting to order at 7:00 PM.

The Pledge of Allegiance

- I. Roll Call: Present – Mayor Pro-Tem Barb Hawkins
Council members Ed Aldmeyer, Dave Huey, Tim Parker and Barb Melonis
Absent – Mayor Russ Kramer
Also present – Attorney Joe Thornton and City Clerk Doreen Mowery
- II. Approval of the Agenda – There will not be a planning board update during this meeting. Moved by council member Aldmeyer seconded by council member Parker to approve the agenda with the deletion. Ayes: Unanimous.
- III. Consent agenda – Moved by council member Parker seconded by council member Melonis to approve the consent agenda as submitted. Ayes: Unanimous.

IV. New Business

A. Communications from the Public

1. Charlie McConkey was present to introduce himself as a candidate for the Iowa House of Representative. Charlie thanked the council and public for the opportunity to speak. He was born in Carter Lake and has spent his adult life in Council Bluffs. He would like to know the issues that concern the citizens. He is looking for good, hard working people to support him as their representative.
2. Dennis Rochford stated he was at the council meeting in October and he has presented a plan but he has not received a response from the City. He stated that he has not received a response; however computer records show he was sent an email response earlier in the day. He was given a copy of the email response by the attorney. Mr. Rochford stated that Phase II was approved last August and that there were not issues with the planning board at that time. Dennis is now proposing a detention pond to handle the storm water on his property and at this time he would like to get a building permit. Council member Melonis asked if the contents of the letter and the plans submitted by Mr. Rochford adequately meet our storm water ordinances, if so she feels a permit could be issued. City Engineers submitted their response on Nov. 13th. There were some questions that the building addressed with the Attorney on Friday. Moved by council member Melonis that within the next two weeks if the storm water issue and any other issues are addressed, then Mr. Rochford be issued a building permit. Motion died due to the lack of a second. Council member Aldmeyer stated there are still issues that need to be addressed. The engineer has made recommendations based on his review of the project. Mr. Rochford feels the council made their decision based on misinformation. He is trying to finish Phase II. The requirement of the ordinance is to have a storm water solution for the entire project. Ray Pauly stated that the Planning

Board never approved a detention pond and most likely will never approve it. The clerk thinks the planning board had requested a bond to assure that the storm water solution is installed for the entire project. The original plan calls for him to connect into the storm water system. Council member Hawkins stated there does not need to be a motion for approval. If Mr. Rochford complies with all of the current ordinances then he will be issued a permit and it will not take council approval.

B. Communications from the Departments

1. Phill Newton submitted the Fire Department Update. Two or three weeks ago the department had their annual party. The department had a very large turnout for trick or treating. The department will be working with Theresa Hawkins on an AFG grant for a fire pumper. The department has had 414 calls to date. There were 30 EMS and 4 fire calls for October. The next pancake feed is scheduled for Dec. 1st. The department wishes everyone wonderful and blessed holidays
2. There was no Planning Board update at this time.
3. Mayor Kramer had requested that the council reappoint Karen Fisher to the Planning Board. Moved by council member Hawkins seconded by council member Huey to approve the appointment. Ayes: Unanimous.
4. Moved by council member Aldmeyer seconded by council member Melonis to approve renewal of the employee dental insurance with Delta Dental. Ayes: Unanimous.
5. Two letters of understanding were submitted for council consideration. Moved by council member Aldmeyer seconded by council member Huey to go into closed session under Chapter 21.5 of the Code of Iowa, section e to evaluate the performance of Michelle Badalucco and Phill Newton. Both employees requested that the council go into closed session. The council went into closed session at 7:25 PM
The council came back into open session at 7:46 PM.
Moved by council member Aldmeyer seconded by council member Hawkins that the letters or understanding are received and placed on file. The council will meet with the Mayor regarding this issue. Ayes: Unanimous.

V. Resolutions

- A. Moved by council member Melonis seconded by council member Huey to adopt a resolution placing liens for unpaid utility bills. Ayes: Unanimous.
- B. Moved by council member Melonis seconded by council member Parker to approve a resolution placing liens for unpaid weed bills. Ayes: Unanimous.
- C. Moved by council member Parker seconded by council member Huey to adopt a resolution writing off unpaid utility bills. Ayes: Unanimous.
- D. Moved by council member Huey seconded by council member Hawkins to adopt a resolution writing off unpaid weed bills. Ayes: Unanimous.

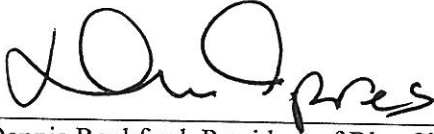
March 26, 2014

To the City Building Inspector:

I, Dennis Rochford, President of Blue Sky Inc, do hereby agree to follow the proposal of HGM Associates dated March 4, 2014 (attached) concerning the Nakoma Townhomes Phase III development that handles the storm water runoff of both Nakoma Townhomes Phase II & Phase III of the above projects.

I will complete the storm water system within one year of the issuance of the building permit to complete Nakoma Townhomes Phase II.

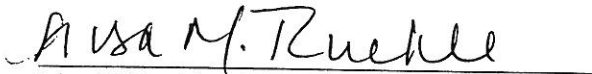
Dated this 26th day of March, 2014



Dennis Rochford, President of Blue Sky Inc

State of Iowa
County of Pottawattamie

Signed and Sworn to before me on this 26th day of March, 2014 by Dennis Rochford, President of Blue Sky Inc.


Lisa M Ruehle, Notary / Deputy City Clerk

Received on this 26th day of March, 2014 by:


Barry Palmer, Building Inspector
Ron Rothmeyer, Maintenance Supervisor



March 4, 2014

Joseph D. Thornton, Esq.
Smith, Peterson Law Firm, LLP
35 North Main Place
Council Bluffs, Iowa 51503

Subject: **Blue Sky Townhomes**
Detention Basin Sizing
HGM Project No. 115413

Dear Mr. Thornton,

HGM completed detention basin sizing for the Blue Sky Townhomes based on the existing and proposed impervious areas shown on the Preliminary Layout Plan dated 10-02-13 by EGA. The total project site is approximately 1.7 acres. Roughly the south half of the site, or 0.85 acres drains to the proposed detention basin. The proposed pervious area for Phase 2 and Phase 3 (per the EGA plan) is 15,240 square feet or 0.35 acres. Based upon an infiltration rate of 0.80 inches per hour (estimate provided by EGA) the following detention basin sizing was calculated:

Option 1 – Detain the 100-year storm event with no outlet.

- The Iowa Stormwater Management Manual (ISMM) recommends the design of dry detention ponds to be designed to control the 100-year storm event.
- Bottom of pond at elevation 976 and dimensions of 125' by 25' by 3' deep with 3:1 side slopes (Total Pond Volume = 8,018 cubic-feet not including 1' of freeboard).
- The ISMM recommends having an additional foot between the top of the pond and the water level during the design storm event. This design detains the 100-year event with the maximum elevation in the pond during that event at 977.97. Therefore the minimum elevation for the top of the detention basin should be 979.
- Considerations should be made for storm events larger than the 100-year event in order to prevent localized flooding.

Option 2 – Detain the 25-year storm event released at the 5-year pre-developed rate.

- The ISMM requires a minimum design of dry detention ponds to be designed to the 25-year storm event with the recommendation for outlet control.
- Outlet control would be the 100-year event released at the 5-year pre-developed rate.

Joseph D. Thornton, Esq.

March 4, 2014

Page 2 of 2

- Storm sewer would need to be installed to connect the pond to the existing storm sewer network.
- An outlet structure would need to be designed consisting of a weir, orifice, outlet pipe, combination outlet, or other acceptable control structure. Small outlets that will be subject to clogging or are difficult to maintain are not acceptable.
- Bottom of pond at elevation 976 and dimensions of 60' by 10' by 3' deep with 3:1 side slopes (Total Pond Volume = 2,287 cubic-feet not including 1' of freeboard).
- Detains the 25-year event while releasing storm water at the 5-year pre-developed rate.
- The ISMM recommends having an additional foot between the top of the pond and the water level during the design storm event. The maximum elevation during this storm event will be 978.08. Therefore the minimum elevation for the top of the detention basin should be 979.
- Considerations should be made for storm events larger than the 25-year event in order to prevent localized flooding.

Pond size layouts can be adjusted as needed, however, the required storage shown above for each option is based on the specific dimensions listed. Minor changes to pond depth or layout should not drastically affect the total volume of storage required but should be reevaluated.

Sincerely,
HGM Associates Inc.



John E. Jorgensen, P.E.
Senior Project Engineer

RESIDENTIAL BUILDING PERMIT

PERMIT # R31-14

CITY OF CARTER LAKE

950 Locust Street
Carter Lake, IA 51510

DATE: 4-1-14

EXPIRES: 4-1-15

PERMISSION IS HEREBY GRANTED TO:

Blue Sky, Inc

Debbie D. Hood

402-689-1576

TO ERECT - ENLARGE - ALTER - A STRUCTURE AT:

3010 - 3012 Wakarusa

AS FOLLOWS:

New Duplex

Building Fees	<u>1034.50</u>
Electrical Fees	<u>329.54</u>
Temporary Power	<u>25.00</u>
Plumbing Fees	<u>171.00</u>
Mechanical Fees	<u>172.00</u>
Dirt Haul Deposit	<u>—</u>
Postage Fees	<u>—</u>
Other Fees	<u>—</u>
Water Meter/Remote	<u>410.00</u>
Water Hookup	<u>500.00</u>
Sewer Hookup	<u>1200.00</u>
MUD Capital Fac Fees	<u>2508.00</u>
TOTAL	<u><u>6343.04</u></u>

10. 3-31-14
pl. # 11387

Burmy Palmer

Building Inspector
City of Carter Lake, Iowa
(712) 847-0535

This is inside the regularly established fire limits as fixed by ordinance and all work must conform to all the regulations of said ordinance.

This permit does not include permission to obstruct any street or alley with material or machinery during construction. Scrap material must be containerized and premises maintained in an acceptable appearance.

4-14-14
12137

RESIDENTIAL BUILDING PERMIT

PERMIT # R479-13

CITY OF CARTER LAKE

950 Locust Street
Carter Lake, IA 51510

DATE: 10/29/14

EXPIRES: 10/29/15

PERMISSION IS HEREBY GRANTED TO:

Blue Sky Inc

402-689-1576

TO ERECT - ENLARGE - ALTER - A STRUCTURE AT:

3005 + 3007 Nakoma Ln

AS FOLLOWS:

New Construction Duplex

Building Fees
Electrical Fees
Temporary Power
Plumbing Fees
Mechanical Fees
Dirt Haul Deposit
Postage Fees
Other Fees
Water Meter/Remote
Water Hookup
Sewer Hookup
MUD Capital Fac Fees

1034.50

278.54

—

27.00

200.00

—

—

—

—

500.00

1200.00

2502.00

TOTAL 5742.04

1540.04

HAS OWN

CALL OPPD with
Permit # for Dennis

Barry Palmer

Building Inspector
City of Carter Lake, Iowa
(712) 847-0535

This is inside the regularly established fire limits as fixed by ordinance and all work must conform to all the regulations of said ordinance.

This permit does not include permission to obstruct any street or alley with material or machinery during construction. Scrap material must be containerized and premises maintained in an acceptable appearance.

DETENTION POND MAINTENANCE AGREEMENT

This Detention Pond Maintenance Agreement (this "Agreement") is made and entered into as of this ____ day of _____ 2015, by and between the City of Carter Lake, Iowa, a municipality (hereinafter referred to as the "City"), and OMA Lodging, LLC, an Iowa limited liability company, and its successors and assigns (hereinafter referred to as "Developer").

RECITALS

WHEREAS, the City and Developer on _____, 2015, entered into an Agreement for Private Development ("Development Agreement") with respect to the development of the real property ("Developer Property") located in Carter Lake, Pottawattamie County, Iowa and legally described as:

Lots Two (2), Three (3), and Four (4), Owen Parkway, a subdivision of the City of Carter Lake, Pottawattamie County, Iowa; and

Part of Lots One (1) and Five (5), Owen Parkway, a subdivision located in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section 21 and part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 28, all in Township 75 North, Range 44 West of the 5th P.M., City of Carter Lake, Pottawattamie County, Iowa, exact legal description to be determined by a current Plat of Survey and Lot Split Approval by the City of Carter Lake, Iowa.

WHEREAS, the Development Agreement defines the Developer's responsibilities regarding the construction and maintenance of a detention pond (the "Detention Pond") on the Developer Property. The location of the Detention Pond is depicted on Exhibit "A" attached hereto and incorporated herein by this reference.

WHEREAS, as an inducement for the City to enter into the Development Agreement and reimburse Developer for the cost to construct the Detention Pond, the City requires that Developer assume, and Developer agrees to assume, responsibility for the maintenance of the Detention Pond.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties hereto agree as follows:

1. Construction of the Detention Pond. Developer shall construct the Detention Pond in accordance with the terms of the Development Agreement. Developer shall be responsible for all cost associated with the construction of the Detention Pond subject to reimbursement as provided in the Development Agreement.

2. Maintenance of the Detention Pond. The Developer, at its sole cost and expense, shall maintain the Detention Pond in good order and state of repair (including removal of litter, debris and other obstructions) so as to prevent deterioration thereof.

3. Notice of Lack of Repair. The City shall give Developer thirty (30) days written notice regarding any City-observed lack of repair of the Detention Pond.

4. Failure to Maintain. In the event Developer fails to timely repair the Detention Pond after receiving thirty (30) days written notice from the City to perform needed repairs, the City may perform said work and Developer will bear and pay the entire cost of repairing the Detention Pond. Developer will reimburse the City for the actual costs incurred by the City in connection with such repairs within thirty (30) days of receipt of a detailed statement reflecting such costs. Developer shall and does hereby grant the City permission and license to enter upon the Developer Property to perform such repair of the Detention Pond.

5. Letter of Credit. Developer shall provide to the City a Letter of Credit for the benefit of the city in the amount of \$5000 on an annual basis for five (5) consecutive years commencing with the year of completion of the detention pond to provide security to the City of Developer's obligation to perform its obligations under this Agreement to maintain the detention pond. In the event that Developer fails or neglects to properly maintain the detention pond as required herein after the City has delivered the Notice of Lack of Repair required under paragraph 3 above, the City shall be entitled to draw on the Letter of Credit in accordance with the terms described therein.

6. Indemnification by Developer. Developer shall, to the maximum extent allowed by law, fully release, indemnify, defend, save and keep harmless the City from and against all claims, losses, damages, or expenses, including but not limited to attorney fees, for any injury, sickness, disease, or death of persons or damage to, destruction of or loss of use of tangible or intangible property on account of, arising out of or resulting from Developer's construction, maintenance, repair and/or removal of the Detention Pond performed by Developer, its contractors, employees, agents or others acting on behalf of Developer. Provided,

Developer's indemnification obligations set forth in this Section shall not apply to any work performed by the City as described in Section 4 of this Agreement.

7. Notices and Demands. A notice by a party to the other party shall be deemed delivered on the date it is postmarked, sent postage prepaid, certified or registered mail, or delivered personally to the address set forth in the Development Agreement, or at such other address that Developer may from time to time designate in writing.

8. Binding Effect. This Agreement shall run with Developer's interest in the Developer Property and shall be binding upon Developer and Developer's successors or assigns in interest.

9. Agreement Runs with the Developer Property. This Agreement and the provisions hereof shall run with the Developer Property and shall be binding upon Developer and its successors and assigns.

10. Business Improvement District. In the event the City creates a business improvement district that includes the maintenance of the Detention Pond, then the Developer's obligations and duties hereunder shall be eliminated to the extent such obligations and duties become part of the created business improvement district.

11. Defined Terms. Capitalized terms used in this Agreement shall have the same definitions as contained in the Development Agreement unless specifically defined otherwise.

[SIGNATURE PAGE TO FOLLOW]

**TITLE V – BUILDING AND PROPERTY REGULATIONS
MISCELLANEOUS**

CHAPTER 136

STORM WATER REGULATIONS

136.01 Purpose
136.02 Applicability
136.03 Permits
136.04 Requirements

136.05 Detention Ponds (Surface)
136.06 Detention Cells (Subsurface)
136.07 Penalties

136.01 PURPOSE. The purpose of this chapter is to provide guidance as well as govern the handling and treatment of storm water within the boundaries of the City.

136.02 APPLICABILITY. The provisions of this chapter apply to all new developments or construction projects that disturb any area of land.

136.03 PERMITS. No development or construction project shall be permitted without the submittal and approval of a post construction storm water plan and a construction site runoff control plan. The City Building Inspector and Maintenance Manager shall approve both the post construction storm water plan and construction site runoff control plan. In addition, the storm water plan shall also be provided to the City of Carter Lake Planning Board as part of the commercial or industrial project approval process. No construction, excavating, clearing, grubbing or other soil disturbing activity requiring a State of Iowa NPDES permit shall be allowed until a copy of the State permit is provided with the application for a City permit and the City approves the application.

136.04 REQUIREMENTS.

1. **Prohibited Discharge.** It is unlawful for the discharge of anything other than storm water or allowable non-storm water pollutants for which a NPDES permit has been granted into a storm water collection system. Floor drains and other potential sources of pollutants shall be considered discharges even if no actual pollutants have been observed entering the storm water system from such a source.
2. **Construction Site Runoff Control.** Any development or project that disturbs any area of land by clearing, grubbing, or excavation shall provide a plan for the control of runoff and sedimentation. The plan shall identify the best management practices (BMPs) to be used and detail their construction and placement. All control measures shall be maintained until any permanent storm water control measures are in place and established and/or operational for the development. The developer/contractor shall provide an adequate means or method for the control of construction waste. The control measure must ensure that solid building materials, chemicals, concrete truck wash out and sanitary waste are contained and disposed of in an approved manner. The City Building Inspector shall inspect the construction site runoff control measures at least every seven (7) days and within two (2) days of a ½-inch or greater rain event for compliance, adequacy, effectiveness and condition. Deficiencies or failure to maintain the construction control measures may result in a

“stop work order” until the deficiency or maintenance issue is resolved to the satisfaction of the inspector.

3. Post Construction Site Runoff Control. All developments of any area of land shall provide the City Planning Board, City Maintenance Manager and City Building Inspector engineering documents and calculations that detail the proposed means for accommodating post construction runoff, as established in the City of Carter Lake Storm Water Drainage Design Standards (January 2001). The design of the site sediment and erosion control plan and pollution prevention plan shall conform to the best management practices in the Environmental Protection Agencies (EPA) Storm Water Management for Construction Activities, EPA Document No. EPA-833-R-92-001 Chapter 3. The plan shall meet the following objectives:

- A. Prevent loss of soil during and after construction by storm water runoff and/or wind erosion, including protecting topsoil by stockpiling for reuse.
- B. Prevent sedimentation of storm sewers, receiving streams or lakes and/or air pollution with dust and particulate matter.
- C. Prevent the discharge of hazardous material into storm water systems.
- D. Prevent petroleum oils and lubricants discharge into storm water systems.
- E. Minimize the impact on the current City storm water systems.
- F. Minimize the area required for surface storm water storage areas.
- G. Maximize the percolation of the storm water into the water table.

All detention facilities must provide detention for an initial 2-inch of rainfall per impervious acre (paving or building roof) of storm water runoff for 24 hours. The storage volume shall be adequate to limit the post construction storm water discharge rate to the pre-construction discharge rate for the 5-, 10-, and 100-year storm water events. If necessary the storm water plan provided to the City of Carter Lake shall incorporate a means to accommodate or redirect existing storm water that may be entering the development or project site from adjacent property or streets. The City of Carter Lake Planning Board, Maintenance Manager, and Building Inspector shall approve the accommodation for the storm water from adjacent areas. The storm water plan for a development or project may not negatively impact an adjacent property or street.

136.05 DETENTION PONDS (SURFACE). Reference Appendix A to the ordinance codified in this chapter (Ordinance No. 626) for the City of Carter Lake Storm Water Drainage Design Standards (January 2001) and additional information regarding storage facilities. Any storm water detention pond or drainage swale shall be designed and constructed to provide an easily maintained bottom and side slopes. These areas shall be seeded or sodden with grass. The facility or swale shall be routinely mowed. Subsurface drains or other methods shall be used to dry the bottom of the detention area or swale to prevent ruts when mowing. The subsurface drains shall be designed to encourage infiltration. The percolation rate may be used in computing the capacity of the detention facility. The rate of infiltration shall be determined by the performance of no less than three percolation tests at spaced intervals in the area and at the depth that the in-ground storage facility will be constructed. The information will be provided as part of the documentation submitted with the plan submittal. The design of the storm water retention facilities may use the parking

surfaces for temporary impoundment provided the area is designed for this use. Any surface retention pond or storage facility used for the temporary holding of storm water shall be drained within a 24-hour period following a storm event. Any surface retention pond designed to contain a permanent quantity of water shall be provided with a means to control water-breeding insects either through chemical means, aeration equipment or pumping equipment. All retention ponds should be designed with a minimal slope of 4:12 to facilitate maintenance and access and egress from the holding area. If the detention area design or available area does not meet the recommended minimal slope then fencing or other means of security shall be provided around the entire detention area. A separate drawing sheet shall be provided depicting details of the detention ponds construction, level of water in the pond at the design rain events noted in the City of Carter Lake Storm Water Drainage Design Standards (January 2001). The drawing sheet(s) shall include the design criteria used as the basis of the design and document compliance with this chapter. An Iowa licensed professional engineer shall seal the drawing.

136.06 DETENTION CELLS (SUBSURFACE). The use of underground percolation wells or galleries and storage structures is encouraged. The capacity of the underground detention structure shall be the equivalent of an above ground detention structure. The percolation rate may be used in computing the capacity of the detention facility. The rate of infiltration shall be determined by the performance of no less than three percolation tests at spaced intervals in the area and at the depth that the in-ground storage facility will be constructed. The information will be provided as part of the documentation submitted with the plan submittal. A separate drawing sheet shall be provided depicting details of the underground detention cell construction, level of water in the cell at the design rain events noted in the City of Carter Lake Storm Water Drainage Design Standards (January 2001). The drawing sheet(s) shall include the design criteria used as the basis of the design and document compliance with this chapter. An Iowa licensed professional engineer shall seal the drawing.

136.07 PENALTIES. Any person violating any of the provisions of this chapter shall be guilty of a civil municipal infraction. The City, at its discretion, may perform maintenance on a storm water detention facility or swale such as to remove standing water, replace grass, mow, insect control, and remove sediment. Costs of the maintenance will be billed back to the landowner. A 24-hour notice will be given to the landowner prior to the City performing the required maintenance.

[The next page is 801]

ORDINANCE NO. 633

AN ORDINANCE TO AMEND CHAPTER 136, OF THE CODE OF
ORDINANCES OF THE CITY OF CARTER LAKE

BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF CARTER LAKE, IOWA

Section 1. That Chapter 136, "Storm Water Control" of the Code of Ordinances of the City of Carter Lake, Iowa, is hereby repealed in its entirety and the following adopted in lieu thereof:

PURPOSE. To provide guidance as well as govern the handling and treatment of storm water within the boundaries of the City of Carter Lake, Iowa.

PERMITS.

No development or construction project shall be permitted without the submittal and approval of a construction site runoff control plan and a post-development storm water management plan that is adequate to serve, or unless there has been a determination by the Building Inspector and Maintenance Manager that such plans are not necessary.

The City of Carter Lake Building Inspector and Maintenance Manager shall approve both the construction site runoff control plan and a post-development storm water management plan. In addition, the storm water plans shall also be provided to the City of Carter Lake Planning Board as part of the Commercial or Industrial project approval process.

CONSTRUCTION SITE RUN OFF CONTROL - Soil and Water Pollution Prevention Plan (SWPPP).

Comply with all current minimum mandatory requirements for SWPPPs promulgated by the Iowa Department of Natural Resources in connection with the issuance of a State NPDES General Permit No.2. Projects less than one (1) acre must consult with Building Inspection Office and comply with City guidelines.

The City of Carter Lake building inspector shall inspect the construction site run off control measures at least every seven (7) days for compliance, adequacy, effectiveness and condition. Deficiencies or failure to maintain the construction control measures may result in a "stop work order" until the deficiency or maintenance issue is resolved to the satisfaction of the inspector.

POST-DEVELOPMENT RUN OFF CONTROL - Storm Water Management Plan.

- A. All areas within the proposed parcel(s) shall be developed to comply with Statewide Urban Design Standards (SUDAS) and shall manage water quality volume of 1.25 inches by infiltration processes according to the Iowa Stormwater Management Manual.
- B. The plan must be designed to prevent the post-development rate of runoff from the subdivision or site planned development from exceeding the predevelopment rate of runoff for a five-year to a 100 year, 24-hour storm as defined by the Iowa Stormwater Management Manual.

C. Adequate overland relief with a proper easement established for storms larger than a 100 year storm as defined by the Iowa Stormwater Management Manual shall be provided.

D. The design is to be completed and signed by a licensed engineer.

WATER QUALITY CRITERIA

A. Post-development runoff shall be captured and treated by water quality Best Management Practices (BMP), as recognized by the SUDAS and the Iowa Stormwater Management Manual, to prevent or minimize water quality impacts from land development. The applicant shall use the below information to comply with this criterion:

1. Structural and non-structural practices shall be designed to capture and treat the Water Volume (WQv). The WQv shall be computed as specified in the Iowa Stormwater Management Manual.

2. This criterion shall be met using practices from the Stormwater Technology section in the Iowa Stormwater Management Manual. BMPs or combinations of BMPs shall be selected that achieve the highest pollutant load reduction for the pollutants of concern.

B. The design is to be completed and signed by a licensed engineer.

The developer/contractor shall provide an adequate means or method for the control of construction waste. The control measure must ensure that solid building materials, chemicals, concrete truck wash out and sanitary waste are contained and disposed of in an approved manner.

No construction, excavating, clearing, grubbing or other soil disturbing activity requiring a State of Iowa NPDES permit shall be allowed until a copy of the State permit is provided with the application for a City permit and the City approves the application.

If necessary the storm water plan provided to the City of Carter Lake shall incorporate a means to accommodate or redirect existing storm water that may be entering the development or project site from adjacent property(s) or streets. The City of Carter Lake Planning Board, Maintenance Manager and Building Inspector shall approve the accommodation for the storm water from adjacent areas.

The storm water plan for a development or project may not negatively impact an adjacent property or street.

The City of Carter Lake building inspector and/or City Maintenance Supervisor shall inspect the post-development run off control measures annually for compliance, adequacy, effectiveness and condition.

PENALTIES

Any person violating any of the provisions of this chapter shall be guilty of a civil municipal infraction.

The City of Carter Lake at their discretion may perform maintenance on a storm water detention facility or swale such as to remove standing water, replace grass, mow, perform insect control and remove sediment. Costs of the maintenance will be

billed back to the landowner. A 24-hour notice will be give to the landowner prior to the City performing the required maintenance.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of the ordinance are hereby repealed.

SECTION 3. Severability Clause. If any of the provisions of this Ordinance are for any reason declared illegal or void, the lawful provisions of this Ordinance which are severable from said unlawful provisions shall remain in full force and effect.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after its final passage and publication.

Attest:

PASSED
AND July 15, 2013
APPROVED

Doreen Mowery
DOREEN MOWERY, City Clerk

Russell D Kramer
RUSSELL KRAMER, Mayor

The undersigned as City Clerk of Carter Lake, Iowa does hereby certify that on Aug 7, 2013, I posted true and exact copies of the foregoing ordinance in four public places to-wit: City Hall, Carter Lake Senior Center, Peoples National Bank and Owen Memorial Library all within the limits of the City of Carter Lake, Iowa.

Doreen Mowery
DOREEN MOWERY, City Clerk

FIRST CONSIDERATION: May 20, 2013
SECOND CONSIDERATION: June 17, 2013
THIRD CONSIDERATION: July 15, 2013

DEFINITIONS.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Article, shall have the meanings hereinafter designated.

Adequate /Adequacy means in compliance with original plan.

Best management practices (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the MS4 and waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

City means the City of Carter Lake, Iowa.

Construction Site Runoff Control Plan refers to SWPPP.

Discharge means any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

Environmental Protection Agency or EPA means the United States Environmental Protection Agency, or any duly authorized official of said agency.

National Pollutant Discharge Elimination System means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the federal Clean Water Act.

NPDES means the National Pollutant Discharge Elimination System.

NPDES permit means a permit issued by EPA (or by the State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Pollutant means dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; filter backwash; munitions; chemical wastes; biological materials; toxic materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, recreational, and agricultural waste discharged into water or into the municipal separate storm sewer system.

Storm water means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

Storm water discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR part 122. For the categories of industries identified in paragraphs (i) through (x) of this definition the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm

water. For the categories of industries identified in paragraph (xi) of this definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in this paragraphs (i)-(xi) of this definition) include those facilities designated under the provisions of 40 CFR §122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" :

SUDAS means Statewide Urban Design and Specifications

Development and Construction Project including clearing, grading and excavation activities except: operations that result in the disturbance of less than one acre of total land area which is not part of a larger common plan of development or sale:

SWPPP means storm water pollution prevention plan.

Water in the state means ground-water, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, wetlands, marshes, inlets, canals inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the bed and banks of all watercourses and bodies of surface water that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.