

## Regular Meeting Minutes

June 3, 2002 ~ 7:00 p.m.

### A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on June 3, 2002 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Patsy Reed, Mel Kramer, Darrel Steege, Gary Grace, Fred Ribich, Gary Boorum, and Joe Kobliska. Absent: None

1. Approve agenda as printed or add items for discussion only.

**Moved By: Grace**

**Seconded By: Ribich**

That the agenda for this Council meeting as prepared is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

2. Minutes.

**Moved By: Kramer**

**Seconded By: Ribich**

The May 20 and 29, 2002 Council minutes are hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

3. Guest Councilperson.

Council welcomed Mike Schmitz as the Guest Councilperson for June.

### B. PUBLIC HEARINGS.

1. This was the date, time and place for a public hearing on the proposed sale of property to Waverly Child Care and Preschool. Duane Liddle questioned staff on the \$4,000.00 purchase price of said property. Doug Moss, Tom Scott, LuAnn Scallon, Sue Mutchler, and Chip Bouzard from Waverly Child Care and Preschool were present. Mr. Moss stated that the Waverly Child Care and Preschool would use the property as a playground. Mr. Moss informed the Council that the Child Care presented the \$4,000.00 offer because the property was land-locked. Utility easements also run through said property. Ron Stahlberg, neighbor of the present Day Care was concerned with the zoning and asked if the Council would consider changing the zoning back to R-1. Jayne Hall voiced her concerns with preservation of the trees bordering her home at 1711 2<sup>nd</sup> Avenue NW and the City's property and trees behind the library. LuAnn Scallon stated that the expansion of the Child Care was beneficial to both parties. The land would remain green space and could be shared with the school, with no maintenance by the City. It would allow the child care to expand to accommodate more families. Discussion followed on whether money generated from the sale should be put in the park reserve fund. Waverly Child Care Board Member Chip Bouzard stated that no other child care proposals would be considered for their present facility. Discussion followed on the zoning of the area around the present Day Care. The hearing was declared closed and the following action was taken.

**Moved By: Ribich**

**Seconded By: Grace**

Resolution 02-69, a Resolution Authorizing the sale of property to Waverly Child Care and Preschool for the amount of \$4,000.00 is hereby approved contingent upon approval of present covenants regarding trees along the Rick and Jayne Hall property at 1711 2<sup>nd</sup> Avenue NW and behind the Library.

**Yes: 7**

**No: 0**

**Absent: 0**

Mayor Ackerman presented a plaque to Peggy Rathe for her service on the Planning and Zoning Commission.

**C. TABLED ITEMS.**

**D. VISITORS / PUBLIC COMMENTS.**

Due to balance of asphalt leftover from the Golf Course Parking Lot and lower costs for said project staff, decided to proceed with paving of the Golf Course Access Road (8<sup>th</sup> Street SW). Staff apologized for not communicating to Council on this matter sooner.

Donna K. Oberheu was saddened by the passing of "Skeets" Walther and informed the Council that Mr. Walther was a great help to the Heritage Days Committee. She also wanted to thank Daryl Miller and hoped he was feeling better.

**E. CONSENT AGENDA.**

1. Pay Request from Stanley Consultants, Inc. in the amount of \$13,382.08 for the Dry Run Creek Flood Study.
2. Pay Request from Rampart Corporation in the amount of \$50,793.24 for the Big 6 Phase 2 – Division 2.
3. Class B Wine and Class C Beer Permit for Hy-Vee.
4. Class B Wine and Class C Beer Permit for Fareway.

**Moved By: Ribich**

**Seconded By: Grace**

Items 1–4 on the Consent Agenda are hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

**F. REGULAR BUSINESS.**

1. **Appeal of a Law Enforcement Action to Council by Melinda S. Iverson.**

The Appeal by Melinda S. Iverson of a Law Enforcement Action to Council will be brought forth on the June 17, 2002 agenda.

2. **Appeal to Council by Vern and Donna K. Oberheu to Grant Variance to Build an Accessory Building in Excess of the Waverly City Code of Ordinances.**

Donna and Vern Oberheu voiced their concerns with the judgement of the Board of Adjustment concerning their proposed 32x26 accessory building. Discussion followed on the members present for the Board of Adjustment hearing and the rules applying to accessory buildings. Council informed

the Oberheu's that it would be their decision to return to the Board of Adjustment for consideration of a smaller 24x20 building.

3. **Resolution 02-70, a Resolution Revising Final Assessment Calculation for the 10<sup>th</sup> Avenue SW & 8<sup>th</sup> Street SE Sanitary Sewer Main Extension – 2002.**  
**Moved By: Steege**                      **Seconded By: Kobliska**  
Resolution 02-70, a Resolution Revising Final Assessment Calculation for Meier-Hanson Properties, L.C. in the amount of \$39,820.74 for the 10<sup>th</sup> Avenue SW & 8<sup>th</sup> Street SE Sanitary Sewer Main Extension – 2002 is hereby approved.  
**Yes: 7**                                      **No: 0**                                      **Absent: 0**
  
4. **Resolution 02-71, a Resolution Revising Final Assessment Calculation for the 10<sup>th</sup> Avenue SW & 8<sup>th</sup> Street SE Sanitary Sewer Main Extension – 2002.**  
Butch Kehe, representing Robert Robertson and Jean Brye, submitted a letter to Council formally protesting construction staking under the construction contract for said project. Mr. Kehe has stated that said staking should be under the design contract. Staff informed Duane Liddle that 8<sup>th</sup> Street SE would not be assessed for the sanitary sewer main extension.  
**Moved By: Kobliska**                      **Seconded By: Kramer**  
Resolution 02-71, a Resolution Revising Final Assessment Calculation for Robert Robertson and Jean Brye in the amount of \$69,739.13 for the 10<sup>th</sup> Avenue SW & 8<sup>th</sup> Street SE Sanitary Sewer Main Extension – 2002 is hereby approved.  
**Yes: 7**                                      **No: 0**                                      **Absent: 0**
  
5. **Resolution 02-72, a Resolution Approving Contract, Bonds and Insurance for the 2002 Asphalt Patching.**  
**Moved By: Ribich**                      **Seconded By: Steege**  
Resolution 02-72, a Resolution Approving Contract, Bond and Insurance for Rampart Corporation for the 2002 Asphalt Patching is hereby approved.  
**Yes: 7**                                      **No: 0**                                      **Absent: 0**
  
6. **Mayoral Appointments.**  
**Moved By: Kramer**                      **Seconded By: Ribich**  
The Mayoral reappointment of Les Zelle to the Historic Preservation Commission is hereby approved.  
**Yes: 7**                                      **No: 0**                                      **Absent: 0**
  
7. **Resolution 02-73, a Resolution Endorsing Formal Submission to the Army Corps of Engineers of a Request for Assistance Under the Corps Section 205 Small Flood Control Project Authority.**

Duane Liddle questioned staff on said request.

**Moved By: Kramer**                      **Seconded By: Grace**

Resolution 02-73, a Resolution Endorsing Formal Submission to the Army Corps of Engineers of a Request for Assistance Under the Corps Section 205 Small Flood Control Project Authority is hereby approved.

**Yes: 7**                                      **No: 0**                                      **Absent: 0**

8.     **Change Order No. 2 for the Municipal Golf Course Parking Lot Improvements.**

Change Order reflects the final adjustment of quantities and the addition of asphalt curb to enhance the parking lot drainage.

**Moved By: Ribich**                      **Seconded By: Kobliska**

Change Order No. 2 for an increased amount of \$562.59 to Heartland Asphalt for the Municipal Golf Course Parking Lot Improvements is hereby approved.

**Yes: 7**                                      **No: 0**                                      **Absent: 0**

9.     **Pay Request from Heartland Asphalt for the Municipal Golf Course Parking Lot Improvements.**

**Moved By: Ribich**                      **Seconded By: Kramer**

Pay Request from Heartland Asphalt in the amount of \$29,957.01 for the Municipal Golf Course Parking Lot Improvements is hereby approved.

**Yes: 7**                                      **No: 0**                                      **Absent: 0**

10.   **Class B Liquor License for Red Fox Inn.**

**Moved By: Ribich**                      **Seconded By: Kobliska**

The Class B Liquor License for Red Fox Inn is hereby approved contingent upon sale of property.

**Yes: 7**                                      **No: 0**                                      **Absent: 0**

**G.     BOARDS AND COMMISSIONS.**

1.     Boards and Commissions.
2.     Reports.
3.     Communications.

City Engineer Cherry informed Council that the City has to dispose of the huge fitting for the Old Smoke Stack from the Big 6. He also explained that additional traffic control incurred because the water main projected out into Bremer Avenue.

Mr. Cherry also informed Council that 15<sup>th</sup> Street NW by the Library and West Cedar School will be closed for 2-3 weeks for construction. The Trinity Methodist Church lot will be used for Library and Waverly Manor parking. Residents of the Waverly Manor would access from the Church.

Mr. Cherry stated that quite a few 3<sup>rd</sup> Avenue NW Residents were replacing their private water lines prior to street reconstruction thus alleviating any costs for street replacement.

Council questioned staff on security measures for City wells and towers.

**H. ADJOURNMENT.**

**Moved By: Boorum**

**Seconded By: Ribich**

That the Council Meeting is hereby adjourned.

**Yes: 7**

**No: 0**

**Absent: 0**

**Council adjourned at 8:30 P. M.**

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**Mayor**

**ATTEST:**

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**City Clerk**