

## Regular Meeting Minutes

June 17, 2002 ~ 7:00 p.m.

Members of the Heritage Days Committee presented Mayor Ackerman with a Heritage Day T-shirt. Mayor Ackerman declared July 19-21, 2002 as Heritage Days. The theme of this year's event is Education. The Council thanked the Committee for all its work.

### A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on June 17, 2002, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Mel Kramer, Gary Grace, Gary Boorum and Joe Kobliska. Absent: Darrel Steege, Patsy Reed, Fred Ribich

### B. CALL TO ORDER.

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

**Moved By: Kramer**

**Seconded By: Grace**

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

**Yes: 4**

**No: 0**

**Absent: 3**

2. Minutes.

**Moved By: Boorum**

**Seconded By: Kobliska**

The June 3, 2002 Council minutes are hereby approved.

**Yes: 4**

**No: 0**

**Absent: 3**

3. Employee Highlight.

The Council congratulated Karen Norton for her 4 years of service for the City of Waverly.

### C. PUBLIC HEARINGS.

1. This was the date, time and place for a public hearing on amending the zoning ordinance of the City of Waverly (J. D. Francis, Applicant). This property is south of Hickory Heights. J. D. Francis was present. Mayor Ackerman called for any written comments and there were none. The hearing was declared closed and the following action was taken.

**Moved By: Kramer**

**Seconded By: Grace**

Second Reading of Ordinance 784, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa Providing for Rezoning of Certain Area of Said City (J. D. Francis, Applicant) is hereby approved.

**Yes: 4**

**No: 0**

**Absent: 3**

2. This was the date, time and place for a public hearing on amending the zoning ordinance of the City of Waverly. Area 1 is the 2 blocks west of 6<sup>th</sup> Street NW to Wartburg's property, and between the railroad and the alley between 5<sup>th</sup> and 6<sup>th</sup> Avenue NW. Area 2 is between 2<sup>nd</sup> and 4<sup>th</sup> Street NW and between the railroad and 6<sup>th</sup> Avenue NW. The Mayor called for any written comments and there were none. The hearing was declared closed and the following action was taken.

**Moved By: Boorum**

**Seconded By: Grace**

Second Reading of Ordinance 785, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa Providing for Rezoning of Certain Area of Said City (Area in Northwest Waverly) is hereby approved.

**Yes: 4**

**No: 0**

**Absent: 3**

**C. TABLED ITEMS.**

**D. VISITORS / PUBLIC COMMENTS.**

**E. CONSENT AGENDA.**

1. Pay Request from Heartland Asphalt in the amount of \$26,548.61 for the 15<sup>th</sup> Street, 17<sup>th</sup> Street, 3<sup>rd</sup> Avenue, and 4<sup>th</sup> Avenue NW Project.
2. Pay Request from Rampart Corporation in the amount of \$56,626.54 for the Big Six Downtown Improvements – Phase 2.
3. Pay Request from Shive-Hattery in the amount of \$5,360.44 for the 10<sup>th</sup> Avenue / IA Hwy 3 RISE.
4. Class B Beer Permit for Godfathers Pizza.
5. Renewal of Cigarette Permits for:

Ag Vantage	Waverly Amvets
Blakes	Casey's
Hy-Vee	Regal Liquors
Waverly Golf & Country Club	Kwik Trip (East & West)
Fareway	Wal-Mart

**Moved By: Kobliska**

**Seconded By: Kramer**

Items 1–5 on the Consent Agenda are hereby approved.

**Yes: 4**

**No: 0**

**Absent: 3**

**F. REGULAR BUSINESS.**

**1. Report by Soccer Association on Response from Vision Iowa Regarding \$200,000 Funding Application.**

Howard Clancy of the Waverly-Shell Rock Soccer Association updated the Council on the progress of the Soccer Complex. Bruce Toenjes reported on conditions of said award. Vision Iowa approved \$100,000 grant contingent upon a \$50,000 new contribution to the soccer project specifically from Waverly Light and Power and remaining \$50,000 from private or City contribution. Parks & Recreation Director Ray stated that the Park and Recreation Commission were planning for future to City Parks and wanted to use Recreational Capital Improvement funds. Council questioned Soccer Association members on fundraising efforts. Soccer Association Members will be present at the Waverly Light and Power Board Meeting July 2<sup>nd</sup> to review the Vision Iowa proposal. Council will await further information.

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

Ms. Melinda S. Iverson was present to review her appeal to the City Council of the Law Enforcement Action to destroy her dog and to deem her dog dangerous. The dog had attacked Ms. Iverson's son and bit him on his face. Ms. Iverson stated that she was never informed of an appeal process and was afraid her dog would be destroyed. Ms. Iverson had her dog evaluated by Blackhawk Kennels and a dog trainer and they ruled that the dog was not a danger. Ms. Iverson informed the Council that she was not present when the accident occurred. The

dog has bitten Ms. Iverson's son before and has bitten her other son also. Officer Troy Schneider also confirmed that he reviewed the appeal process with Ms. Iverson and had spoken with the Department of Human Services. After further discussion the Council upheld Officer Schneider's action and the City Attorney would develop a Council action document.

**Moved By: Boorum** **Seconded By: Grace**

The Appeal by Melinda S. Iverson of a Law Enforcement Action to Council is not upheld and the City Council affirmed the actions of Police Officer Schneider.

**Yes: 4** **No: 0** **Absent: 3**

3. **Resolution 02-74, A Resolution Approving A Developer's Agreement Between the City of Waverly and D & J, L. L. C. for Rolling Hills Subdivision.**

**Moved By: Kobliska** **Seconded By: Kramer**

Resolution 02- 74, A Resolution Approving a Developer's Agreement Between the City of Waverly and D & J, L. L. C. for Rolling Hills Subdivision is hereby approved.

**Yes: 4** **No: 0** **Absent: 3**

4. **Appointment of a Telecommunications Task Force.**

**Moved By: Kobliska** **Seconded By: Boorum**

The appointments of Fred Waldstein, Jeff Magsamen, Phil Kenealy from WADG, Chris Schmidt and Jeff Plagge from Waverly Light and Power and Fred Ribich, Patsy Reed and Gary Grace by the City to the Telecommunications Task Force is hereby approved. The Council approved Gary Grace as chair for the Telecommunications Task Force.

**Yes: 4** **No: 0** **Absent: 3**

5. **Appointment of a City/County Representative on the Law Enforcement Center Financing Authority Board.**

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

The Appointment of Jim Block as the City/County Representative on the Law Enforcement Center Financing Authority Board is hereby approved.

**Yes: 4** **No: 0** **Absent: 3**

6. **Change Order No. 1 for the CN/IC Bridge Over 10<sup>th</sup> Avenue SW.**

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

Change Order No. 1 for the increased amount of \$14,944.90 to Cramer & Associates for final adjustment of quantities for the CN/IC Bridge Over 10<sup>th</sup> Avenue SW is hereby approved.

**Yes: 4** **No: 0** **Absent: 3**

7. **Resolution 02-75, a Resolution Accepting the Bridge Replacement of CN/IC Bridge Over 10<sup>th</sup> Avenue SW and Approving Final Pay Request.**

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

Resolution 02-75, a Resolution Accepting the Bridge Replacement of CN/IC Bridge Over 10<sup>th</sup> Avenue SW and Approving Final Pay Request in the amount of \$16,721.31 to Cramer & Associates is hereby approved.

**Yes: 4** **No: 0** **Absent: 3**

8. **Approve Special Provisional Use for Retreat House at 115 9<sup>th</sup> Street NE.**  
Deb Salih was present to review the Special Provisional Use for the property located at 115 9<sup>th</sup> Street NE. Ms. Salih would like to purchase property to target single clients individually renting the whole premises for one purpose such as graduations, horse sale visitors, Wartburg Alumni, etc. Staff informed Council that the Waverly Code does not address “shared facility”.

**Moved By: Grace    Seconded By: Kobliska**

The Special Provisional Use for Deb Salih for the Retreat House at 115 9<sup>th</sup> Street NE with use defined by the City Attorney is hereby approved.

**Yes: 4    No: 0    Absent: 3**

9. **Approval of May Cash Disbursements.**  
Discussion followed on cash disbursement for the Library.

**Moved By: Kobliska    Seconded By: Boorum**

The May Cash Disbursements are hereby approved.

**Yes: 4    No: 0    Absent: 3**

10. **Mayoral Appointments.**  
**Moved By: Boorum    Seconded By: Kramer**  
The Mayoral Appointments of Deb Emmert and Dan Burrier to the Plumbing Board are hereby approved.

**Yes: 4    No: 0    Absent: 3**

G. **BOARDS AND COMMISSIONS.**

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

H. **ADJOURNMENT.**

**Moved By: Boorum    Seconded By : Kobliska**

That the Council Meeting is hereby adjourned.

**Yes:    No: 0    Absent: 3**

**Council adjourned at 8:22 P. M.**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk