

**Regular Meeting Minutes
April 21, 2003 ~ 7:00 P.M.**

Council Members, City Staff and adjoining property owners met at 6:15 P. M. at the 3rd Street SE Bridge to review changes in the landscape that would occur if a 2-lane bridge were installed. Council resumed their meeting at 7:00 P. M. in the Council Chambers.

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on April 21, 2003, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Gary Boorum, Patsy Reed, Gary Grace, Cyndi Ecker, Fred Ribich and Mel Kramer. Absent: Darrel Steege

1. **Approve Agenda as Printed or Add Items for Discussion Only.**

Suggested Motion.

Moved By: Kramer

Seconded By: Ribich

That the agenda for this Council meeting by positioning Item 10 under Regular Business to Item 1 is hereby approved.

Yes: 6

No: 0

Absent: 1

2. **Minutes.**

Moved By: Ribich

Seconded By: Ecker

The April 7, 2003 Council Meeting Minutes are hereby approved.

Yes: 6

No: 0

Absent: 1

3. **Employee Highlight.**

Council congratulated John Luher on his 3 years of service for the City of Waverly.

B. PUBLIC HEARINGS.

C. TABLED ITEMS.

D. VISITORS / PUBLIC COMMENTS.

E. CONSENT AGENDA.

1. Pay Request from Kehe Construction Company in the amount of \$48,039.60 for the Wastewater System Improvement 2002.
2. Class B Liquor License for Asian Garden.
3. Outdoor Service Area Application for Hy-Vee, Inc.
4. Sunday Sales Privilege Application for River Bank Saloon.
5. Outdoor Service Area Application for Waverly Bowl Inn.

Moved By: Ecker

Seconded By: Grace

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

Yes: 6

No: 0

Absent: 1

F. REGULAR BUSINESS.

1. **Resolution 03-49, A Resolution Proposing the Sale of a Portion of Lots 9 and 10 of the Waverly Industrial Plaza (also known as the Waverly Business Park).**

Gaylen Brunssen reviewed AgVantage's plan for their corporate office expansion in the Waverly Business Park. AgVantage will bring 35 to 40 office jobs from their New Hampton facilities. Mr. Brunssen also stated that the facility should be completed in 6 months.

Moved By: Ribich

Seconded By: Kramer

Resolution 03-49, A Resolution Proposing the Sale of a Portion of Lots 9 and 10 of the Waverly Industrial Plaza (also known as the Waverly Business Park) to AgVantage, Inc. and setting May 5, 2003 at 7:00 P. M. in the Council Chambers as the date, time and place for a public hearing on said proposal is hereby approved.

Yes: 6 No: 0 Absent: 1

2. **First Reading of Ordinance 807, An Ordinance Amending Chapter 48 of the Waverly Municipal Code Regarding Expansion of Powers and Duties of the Cable Commission.**

Moved By: Grace

Seconded By: Ribich

First Reading of Ordinance 807, An Ordinance Amending Chapter 48 of the Waverly Municipal Code Regarding Expansion of Powers and Duties of the Cable Commission is hereby approved.

Yes: 6 No: 0 Absent: 1

3. **First Reading of Ordinance 808, An Ordinance Amending Chapters 48 and 59 of the Waverly Municipal Code Concerning Expenditures of Cable Franchise Fees.**

Professor Stein from the Cable Commission voiced his concerns with the proposed change in the annual deposit of Cable Franchise Fees in the City's General Fund. Discussion followed on the excess balance in Cable Franchise Fund. Council asked if the Cable Commission could outline future expenditures.

Moved By: Kramer

Seconded By: Ecker

First Reading of Ordinance 808, An Ordinance Amending Chapters 48 and 59 of the Waverly Municipal Code Concerning Expenditures of Cable Franchise Fees is hereby approved.

Yes: 2 (Grace, Ribich) No: 4 (Kramer, Ecker, Boorum, Reed) Absent: 1

After discussion the Council will amend Ordinance 808 removing percentage change in the annual deposit of Cable Franchise Fees and keep wording amending language in Section 59.22.8. The Council also approved the transfer of Cable Franchise Funds for the construction and implementation of the new City website.

4. **Approval of Website Agreement between Spinutech and the City of Waverly.**

Marc Reifenrath of Spinutech Web Designs discussed financial terms of said agreement with Council. Administrator Crayne stated that the new website would allow City departments to update their own sites and "opens the door" to e-government opportunities.

Moved By: Ecker

Seconded By: Ribich

The Website Agreement between Spinutech and the City of Waverly is hereby approved contingent upon approval of Ordinance 808 regarding Cable Franchise funding.

Yes: 6 No: 0 Absent: 1

5. **Review of the Waverly Light and Power Audit.**

Glenn Cannon reviewed revenues and expenditures of Waverly Light and Power's Audit. Mr. Cannon stated that Federal Energy Regulatory Commission has imposed additional transmission costs to Utilities. Mr. Cannon also informed the Council that under Mid American Energy's Transmission Service Contract, Waverly Light and Power is not allowed to produce wind energy. Waverly Light and Power is negotiating said contract. Also discussed were expenses and bond issues regarding Council Bluff's coal generating plant. Waverly Light and Power's ownership in said project is .4%. Total transfer to the City of Waverly in 2004 will be \$724,943. New electric rates were

adopted by the Waverly Light and Power Board in January 2003 and May utility bills will generate said increases.

6. **Mayoral Appointments.**

Moved By: Boorum

Seconded By: Kramer

The Mayoral Appointments of Lake Lambert to Planning and Zoning Commission, Don Rodenbeck to Plumbing Examiners, and Vernon Gidley to Board of Adjustment are hereby approved.

Yes: 6

No: 0

Absent: 1

7. **Resolution 03-46, A Resolution Approving the Sale of Lot 5 for the Replat of Rieger Addition to Waverly, Iowa.**

Moved By: Kramer

Seconded By: Reed

Resolution 03-46, A Resolution Approving the Sale of Lot 5 to Bruce Buxton for \$18,500 in the Replat of Rieger Addition to Waverly, Iowa is hereby approved.

Yes: 6

No: 0

Absent: 1

8. **Third Reading of Ordinance 805, an Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area of Said City (Wartburg College, Applicants).**

John Wuertz reviewed exterior plans for the Wartburg College Grossman Hall Addition Project. Wartburg continues to work with neighboring property owners and City staff regarding parking issues. Mr. Wuertz also updated the Council on the Student Union and Becker Hall Projects.

Moved By: Grace

Seconded By: Ecker

Third Reading of Ordinance 805, an Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area of Said City from R-2, Two-Family Residential District to R-3, Multiple Family Residential District (Wartburg College, Applicants) is hereby approved.

Yes: 6

No: 0

Absent: 1

9. **Resolution 03-47, A Resolution Approving a Special Provisional Use for Wartburg College Grossman Hall Addition Project.**

Moved By: Boorum

Seconded By: Kramer

Resolution 03-47, A Resolution Approving a Special Provisional Use for Wartburg College Grossman Hall Addition Project is hereby approved.

Yes: 6

No: 0

Absent: 1

10. **Resolution 03-48, A Resolution Approving Plans, Construction Documents, and Performance Guarantee for the Centennial Oaks Development Phase 3A.**

Moved By: Ribich

Seconded By: Ecker

Resolution 03-48, A Resolution Approving Plans, Construction Documents, and Performance Guarantee for the Centennial Oaks Development Phase 3A is hereby approved.

Yes: 6

No: 0

Absent: 1

11. **First Reading of Ordinance 809, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area of Said City (Joel Lindaman, Applicants).**

Chuck Franken representing Joel Lindaman reviewed completion dates, access and parkland issues.

Moved By: Grace

Seconded By: Reed

First Reading of Ordinance 809, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area of Said City (Joel Lindaman, Applicant) and setting May 19, 2003 at 7:00 p.m. in the Council Chambers as the date, time and place for a public hearing is hereby approved.

Yes: 6 No: 0 Absent: 1

12. **Approval of Preliminary Plat for Highpoint First Addition.**

Moved By: Grace Seconded By: Ribich

The Preliminary Plat for Highpoint First Addition is hereby approved.

Yes: 6 No: 0 Absent: 1

13. **Third Reading of Ordinance 803, An Ordinance to Prohibit Hunting on the Waverly Rail Trail.**

Moved By: Kramer Seconded By: Reed

Third Reading of Ordinance 803, An Ordinance to Prohibit Hunting on the Waverly Rail Trail is hereby approved.

Yes: 6 No: 0 Absent: 1

14. **Second Reading of Ordinance 806, an Ordinance to Prohibit Feeding Waterfowl in Kohlmann Park.**

Moved By: Ecker Seconded By: Ribich

Second Reading of Ordinance 806, an Ordinance to Prohibit Feeding Waterfowl in Kohlmann Park is hereby approved.

Yes: 6 No: 0 Absent: 1

15. **Third Reading of Ordinance 804, an Ordinance Amending Chapter 105 of the Waverly Municipal Code Regarding Parking Restrictions in the Waverly Business Park (formerly Waverly Industrial Plaza).**

Moved By: Ribich Seconded By: Kramer

Third Reading of Ordinance 804, an Ordinance Amending Chapter 105 of the Waverly Municipal Code Regarding Parking Restrictions in the Waverly Business Park (formerly Waverly Industrial Plaza) is hereby approved.

Yes: 6 No: 0 Absent: 1

16. **First Reading of Ordinance 810, An Ordinance Amending Chapter 100 of the Waverly Municipal Code Regarding Exceptions to Rear Yard Setbacks**

Moved By: Boorum Seconded By: Ribich

First Reading of Ordinance 810, An Ordinance Amending Chapter 100 of the Waverly Municipal Code Regarding Exceptions to Rear Yard Setbacks is hereby approved.

Yes: 6 No: 0 Absent: 1

17. **Report from Eisenach, Germany.**

Councilmember Grace reported on his visit to Eisenach, Germany. He stated that the Sister City relationship has blossomed and is very important to the Eisenach people.

18. **Approval of March Cash Disbursements.**

Moved By: Ribich Seconded By: Kramer

The March Cash Disbursements are hereby approved.

Yes: 6 No: 0 Absent: 1

19. **Award Bid for Road Materials.**

Moved By: Ribich

Seconded By: Kramer

Award Cold Mix Asphalt bid to Steffes Construction for \$37.85 per ton.
Award Hot Mix Asphalt bid to Heartland Asphalt, Inc. for \$36.00 per ton.
Award Road Stone bid to Paul Niemann Construction for \$9.16 per ton.
The above awards are hereby approved.

Yes: 6

No: 0

Absent: 1

G. BOARDS AND COMMISSIONS.

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

Veteran's Memorial Fundraising Brick Applications are available at local Veteran Clubs.

Architects are redesigning parking for the Law Center Renovation.

H. ADJOURNMENT.

Moved By: Boorum

Seconded By: Ribich

That the City Council Meeting be adjourned.

Yes: 6

No: 0

Absent: 1

Council adjourned at 8:09 P.M.

Mayor

ATTEST:

City Clerk