

Regular Meeting Minutes  
July 17, 2006 ~ 7:00 p.m.

**A. CALL TO ORDER.**

The regular meeting of the Waverly City Council was held on July 17, 2006, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Fred Ribich, Gene Lieb, Connie Rasmussen, Gary Boorum, Cyndi Ecker, Duane Liddle and Gary Grace. Absent: None.

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

**Moved By: Ribich**

**Seconded By: Grace**

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

**Yes: 7**

**No: 0**

**Absent: 0**

2. **Minutes.**

**Moved By: Boorum**

**Seconded By: Rasmussen**

The July 3, 2006 Council Meeting Minutes are hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

3. **Guest Councilperson.**

Council welcomed Gregg Phiel as the Guest Councilperson for July.

4. Council welcomed Linda Wolf of Wartburg College and a group of teachers that work in Lutheran institutions in Brazil.

**B. PUBLIC HEARINGS.**

1. This was the date, time and place for a Public Hearing on Ordinance 861, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area of Said City (1404 3<sup>rd</sup> Street SW) and the amendment to the Comprehensive Future Land Use plan. Mayor Ackerman reviewed materials presented to Council regarding petitions and letters for and against the rezoning. Steve Egli representing Mr. and Mrs. Eichmann of Eldon's Photography also informed Council that the Eichmann's had previously moved their home to their present location due to the reconstruction of 218 Business Corridor. The Eichmann's fear that their property would be rezoned residential and said rezoning would compromise their property value and take away any possibilities for expansion. If their property was destroyed they would have to rezone.

Other comments expressed were as follows:

- Community Based Services' housing is residential not commercial and should be kept in residential area
- An 8-plex Community Based Services housing can go into a R-1, R-2, R-3 and R-4 zoning district without going through the rezoning process
- Why nine residents
- 3<sup>rd</sup> Street SW border between commercial and residential and would obliterate buffer
- Properties mentioned as potential areas for the Community Based Services Housing – property on East Bremer, property between Norby's and Smith International, Hinds Addition
- Community Based Services residents have to be able to walk to the bank , grocery store, etc.
- The proposed property is too noisy for residents-trucks parking
- Ledges residents given wrong information when petitions were signed
- Property to fit population
- Comprehensive Land Use Plan designates area as commercial
- Surrounded by commercial
- Lack of R-3 and R-4 properties

- Questioned hours of supervision, staff present, disability level, fencing
- Gets special needs services back to the community
- Not Section 8 Housing
- Each apartment has one or two bedrooms and living area and there is also a community room, laundry and patios
- Community Based Services clients prepare their own food or have staff support if needed
- They are tax credit properties but still pay taxes
- Keep rent as low as possible - \$300 for one bedroom and \$200 a piece for 2 bedroom
- Tenants sign leases and a behavior clause is in the lease agreement
- All surrounding commercial property owners except Eichmann's are in favor of the rezoning
- No sidewalk to walk
- Other rezoning requests need to be treated the same
- 4<sup>th</sup> Street a real problem
- Had no previous inquires or offers for the property for 9 years
- So glued to the Comprehensive Land Use Plan that we forget people – the plan should have flexibility
- Not prime commercial property
- Spot zoning
- Every zoning request is unique
- Property is in Urban Renewal District
- Integrate special needs people into the community
- Deadline for project to start is mid November

Kayleen Symonds of Community Based Services stated that zoning code doesn't keep up with housing standards. The vision for Community Based Services is to give their clients a normal life in a community not out in the country.

**Moved By: Ribich**

**Seconded By: Grace**

Second Reading of Ordinance 861, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area of Said City from C-2(Commercial District) to R-4(Multiple Family Residential-Transitional District) at (1404 3<sup>rd</sup> Street SW) is hereby approved.

**Yes: 5**

**No: 2(Liddle, Rasmussen) Absent: 0**

**Motion failed due to a lack of ¾ affirmative vote.**

**C. TABLED ITEMS.**

**D. CONSENT AGENDA.**

1. Outdoor Service Application for Hy-Vee, Inc.
2. Class C Liquor License for Waverly Amvets Post #79.
3. Outdoor Service and Sunday Sales Privilege Application for the Bremer County Fair Association.
4. Pay Request from Gardner Architecture in the amount of \$1,000.00 for the Waverly Fire Station.
5. Pay Request from McClure Engineering in the amount of \$777.50 for the Wastewater Improvements.
6. Pay Request from Heartland Asphalt, Inc. in the amount of \$49,786.87 for the 9<sup>th</sup> Avenue NW Reconstruction 2006.
7. Pay Request from Steffes Construction Inc. in the amount of \$16,814.33 for the 2<sup>nd</sup> Avenue SW Railroad Crossing.

**Moved By: Ecker**

**Seconded By: Ribich**

Items 1-7 on the Consent Agenda are hereby approved.

Yes: 7

No: 0

Absent: 0

**E. REGULAR BUSINESS.**

1. **Resolution 06-52, A Resolution Accepting Private Water and Sewer Utility Work for the 9<sup>th</sup> Avenue NW Reconstruction Project - 2006.**

**Moved By: Rasmussen                      Seconded By: Ribich**

Resolution 06-52, A Resolution Accepting Private Water and Sewer Utility Work for the 9<sup>th</sup> Avenue NW Reconstruction Project – 2006 and directing the collection of special assessment as outlined under the Voluntary Assessment Agreements is hereby approved.

Yes: 7

No: 0

Absent: 0

2. **Material Change for the for the 3<sup>rd</sup> Street SE Bridge Repairs.**

Discussion followed on the timeline of the project and the appearance of the galvanized versus plastic coated chain link fence. Council rejected the plastic coated chain link fence proposal and agreed to remain with the original proposal of the galvanized chain link fence. Additionally, the interior S beams will have to be replaced.

**Moved By: Ecker                              Seconded By: Ribich**

To reject the plastic coated chain link fence and to proceed with the original proposal of a galvanized chain link fence is hereby approved.

Yes: 7

No: 0

Absent: 0

3. **Approval of 2005-2006 Yearly Transfers.**

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

The 2005-2006 Yearly Transfers are hereby approved.

Yes: 7

No: 0

Absent: 0

4. **Review of Bids and Approval of Purchase of One Ton Truck Chassis for the Parks Division.**

**Moved By: Ecker                              Seconded By: Ribich**

The low bid from Coonradt Ford of Waverly in the amount of \$22,950.00 for a 2007 Ford F350 Truck for the Parks Division is hereby approved.

Yes: 7

No: 0

Absent: 0

5. **Second Reading of Ordinance 862, An Ordinance Amending Chapters 11 and 12 of the Waverly Municipal Code Regarding City Administrator's Duties.**

**Moved By: Ribich                              Seconded By: Rasmussen**

Second Reading of Ordinance 862, An Ordinance Amending Chapters 11 and 12 of the Waverly Municipal Code Regarding City Administrator's Duties is hereby approved.

Yes: 6

No: 1(Liddle)

Absent: 0

6. **Approval of June Cash Disbursements.**

Discussion followed on the cash disbursement report descriptions, ink cartridges, 12<sup>th</sup> Street NW and Cedar Lane.

**Moved By: Rasmussen                      Seconded By: Grace**

June Cash Disbursements are hereby approved.

Yes: 7

No: 0

Absent: 0

**F. BOARDS AND COMMISSIONS.**

1. **Boards and Commissions.**

Waverly Public Library Board of Trustees – Board doing well

Waverly Municipal Airport Commission – Fly-In Breakfast on Sunday

Not sure what effects the Eminent Domain legislation will have on the airport.

2. **Reports.**

3. **Communications.**

**G. VISITORS / PUBLIC COMMENTS.**

Staff informed Council per a question from an "Ask the City" e-mail that is not permissible to burn yard waste in recreational fire pits.

An audience member reminded Council that Hospital Administrator Mike Trachta stated that no more land was needed and there would be no parking problems when they started their expansion project.

Discussion followed on advertising for the Golf Course. Guest Councilperson Piehl has noticed that the Cancer Card has brought many visitors to the Municipal Course.

Parks & Recreation Director Ray stated that he would follow up on a complaint from a golfer on July 4<sup>th</sup>.

**H. EXECUTIVE SESSION**

To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session – City Administrator's Performance Evaluation.

**Moved By: Lieb**

**Seconded By: Rasmussen**

Enter in Executive Session.

**Yes: 7**

**No: 0**

**Absent: 0**

**Moved By: Ribich**

**Seconded By: Rasmussen**

Reenter into open session.

**Yes: 7**

**No: 0**

**Absent: 0**

**I. ADJOURNMENT.**

**Moved By: Boorum**

**Seconded By: Ribich**

That the City Council Meeting be adjourned.

**Yes: 7**

**No: 0**

**Absent: 0**

**Council adjourned at 10:17 P. M.**

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**Ivan J. Ackerman, Mayor**

**Attest:**

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**Richard J. Crayne, City Administrator**