

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on September 18, 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, and Cyndi Ecker. Absent: Duane Liddle and Gary Grace.

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

Moved By: Ribich

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

Yes: 5 No: 0 Absent: 2

2. **Minutes.**

Moved By: Boorum

The September 11, 2006 Council Meeting Minutes are hereby approved.

Yes: 5 No: 0 Absent: 2

B. PUBLIC HEARINGS.

C. TABLED ITEMS.

D. CONSENT AGENDA.

1. Pay Request from McClure Engineering Company in the Amount of \$1,330.00 for the Wastewater Treatment Plant Improvements.

Moved By: Rasmussen

Item 1 on the Consent Agenda is hereby approved.

Yes: 5 No: 0 Absent: 2

E. REGULAR BUSINESS.

1. **Resolution 06-73, A Resolution Approving an Option Agreement with Town and Country Homes.**

Due to IDNR regulations regarding composting facilities, City Administrator Crayne recommended that Council not move forward with the Monaghan option. The regulation requires that a composting facility has to be 500 feet from the facility property line to an inhabited residence unless there is a written agreement with the owner of the residence. Mr. Crayne did not feel that surrounding property owners would sign an agreement for a composting facility. Mr. Crayne also apologized to property owners for coming to the meeting expecting a discussion on said proposal. Mr. Crayne informed residents that if the City proceeded with an option for a Public Works facility without composting he would notify them. The City's intent was to combine all Public Works operations at one site.

Council did not act on the following resolution.

Resolution 06-73, A Resolution Approving an Option Agreement with Town and Country Homes to purchase real estate for a proposed Public Works Facility, Recycling, and Green Recycling.

2. **Third and Final Reading of Ordinance 863, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area of Said City from U-1 (Environmentally Sensitive Protected District) to C-3(Commercial Central Business District) and R-4 (Multiple-Family Residential – Transitional District) for the area along the west side of 1st Street SE.**

The proposed zoning is consistent with the Comprehensive Land Use Plan.

Moved By: Ecker

Third and Final Reading of Ordinance 863, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area of Said City from U-1 (Environmentally Sensitive Protected District) to C-3(Commercial Central Business District) and R-4 (Multiple-Family Residential – Transitional District) for the area along the west side of 1st Street SE is hereby approved.

Yes: 5 No: Absent: 2

3. **Third and Final Reading of Ordinance 865, An Ordinance Providing for Monitoring Storm Water Erosion.**

The ordinance allows the City to watch for storm water erosion in new construction areas and developments.

Moved By: Ribich

Third and Final Reading of Ordinance 865, An Ordinance Providing for Monitoring Storm Water Erosion is hereby approved.

Yes: 5 No: 0 Absent: 2

4. **Second Reading of Ordinance 866, An Ordinance Amending Chapter 97 of the Waverly Municipal Code of the City of Waverly, Iowa(Amending Waverly Urban Renewal Plan for Economic Development).**

The area of the amendment which includes the new Wartburg-Waverly Sports and Wellness Center will be added to the existing Waverly Urban Renewal Plan.

Moved By: Boorum

Second Reading of Ordinance 866, An Ordinance Amending Chapter 97 of the Waverly Municipal Code of the City of Waverly, Iowa(Amending Waverly Urban Renewal Plan for Economic Development) is hereby approved.

Yes: 5 No: 0 Absent: 2

5. **Second Reading of Ordinance 867, An Ordinance Amending Chapter 48 of the Waverly Municipal Code Regarding the Cable/Telecommunications Commission.**

Council will still have to approve any disbursements from the Cable Franchise funds over \$1,500.00 with the Commission's recommendation.

Moved By: Ecker

Second Reading of Ordinance 867, An Ordinance Amending Chapter 48 of the Waverly Municipal Code Regarding the Cable/Telecommunications Commission is hereby approved.

Yes: 5 No: 0 Absent: 2

6. **First Reading of Ordinance 868, An Ordinance Amending the Historic Preservation Commission Ordinance Regarding Definitions and Powers and Duties.**

Terry Lindell stated that the Historic Preservation Commission created a Historic Preservation Register. The Commission wants to recognize historic preservation efforts and to add a budget to fund grants to partially pay for brass Registry plaques for properties and other historic preservation activities.

Moved By: Rasmussen

First Reading of Ordinance 868, An Ordinance Amending the Historic Preservation Commission Ordinance Regarding Definitions and Powers and Duties on said Amendment is hereby approved.

Yes: 5 No: 0 Absent: 2

7. **Resolution 06-71, A Resolution Approving Final Plat as Modified and Re-constituted, Construction Documents, Restrictive Covenants, Development Agreement and Letter of Credit for Stone Haven Plat V, and Ratifying and Confirming said Plat with B.N.K.D., Inc. as owner of record.**

Moved By: Boorum

Resolution 06-71, A Resolution Approving Final Plat as Modified and Re-constituted, Construction Documents, Restrictive Covenants, Development Agreement and Letter of Credit for Stone Haven Plat V, and Ratifying and Confirming said Plat with B.N.K.D., Inc. as owner of record is hereby approved.

Yes: 5 No: 0 Absent: 2

8. **Approve Purchase of New Utility Billing Software.**

The new utility billing software will improve accountability and help control future costs. Data Technologies supports 127 Iowa communities and staff are confident that the upgrades will meet the City's needs. Waverly Light and Power funds 60% of the software costs and Data Technologies yearly maintenance cost is \$3,300.00.

Moved By: Ribich

Approve Purchase of New Utility Billing Software for the estimated amount of \$34,000.00, with continued yearly maintenance of \$3,300.00 plus an additional amount of \$3,500.00 for a new server is hereby approved.

Yes: 5 No: 0 Absent: 2

9. **Change Order No. 2 for the 9th Avenue NW Reconstruction Project.**

Discussion followed on adjustment of quantities.

Moved By: Ecker

Change Order No. 2 – final adjustment of quantities for the increased amount of \$3,947.28 for the 9th Avenue NW Reconstruction Project is hereby approved.

Yes: 5 No: 0 Absent: 2

10. **Resolution 06-72, A Resolution Finalizing the 9th Avenue NW Reconstruction Project and Approving Final Pay Request.**

Moved By: Ribich

Resolution 06-59, A Resolution Finalizing the 9th Avenue NW Reconstruction Project and Approving Final Pay Request in the amount of \$10,572.48 is hereby approved.

Yes: 5 No: 0 Absent: 2

11. **Resolution 06-74, A Resolution Adopting the National Incident Management System (NIMS) Statement of Compliance.**

Moved By: Boorum

Resolution 06-74, A Resolution Adopting the National Incident Management System (NIMS) Statement of Compliance is hereby approved.

Yes: 5 No: 0 Absent: 2

12. **Review of Draft Curb and Gutter Maintenance Program.**

The program would include removal and replacement of the curb and gutter sections that have depressions of 3" or greater on a complaint driven process. The Public Works Department would inspect the curb and gutter sections and place the requests on the list for removal and replacement. The property owner would pay \$5 per lineal foot and the City would cover the remaining cost estimated at \$25 per lineal foot. The City would budget \$25,000 for the maintenance program from the local option sales tax funding. If requests go over \$25,000, the remaining requests would be considered for the following year. For those curb and gutter sections having a depression at 1½ to 3" the City, at no cost to the property owner, would level in with hot mix asphalt the depressed areas in order to maximize drainage in the depressed area. This may be done in areas 3" in depth or greater for those property owners that are not seeking replacement of curb and gutter. The City of Waverly will do curb and gutter replacement work through private contract and the asphalt maintenance work will be completed by City crews. No additional personnel would be necessary. City staff considered the \$5 per lineal foot cost to the property owner due to concerns of how many requests there would be and if requests were credible. The \$5 per lineal foot cost also helps with administrative costs. The current sealcoat rotation is every 5 years. The City receives competitive bids from private contractors and is cost prohibitive. Discussion followed on policy for no curb and gutter sections in the City and IDOT's asphaltting on Bremer Avenue. After an audience member voiced his concern with the \$5 per lineal foot fee Council asked staff to remove the \$5 per lineal foot cost to the property and wait to see how the program works the first year. Staff will have program notification and sign-up information in the next Public Works newsletter.

F. BOARDS AND COMMISSIONS.

1. Boards and Commissions.
Waverly Volunteer Fire Department Minutes -building project moving along well.
Golf Commission Minutes – Commission discussed concept of a trade of 5 acres to the hospital for 16 acres to the south of the present Golf Course. There will be a Public Meeting on said proposal on October 17th at the Waverly Public Library from 6:30 – 8:00 P. M.
2. Reports.
Open Burning Permits Issued – reminder to residents of open burning rules.
3. Communications.

G. VISITORS / PUBLIC COMMENTS.

Council asked that residents and people parking around the high school be considerate of each other.

H. ADJOURNMENT.

Moved By: Boorum

That the City Council Meeting be adjourned.

Yes: 5 No: 0 Absent: 2

Council adjourned at 7:57 P. M.

Ivan J. Ackerman, Mayor

Attest:

Jo-Ellen Raap, City Clerk