

Regular Meeting Minutes  
November 6, 2006 ~ 7:00 p.m.

**A. CALL TO ORDER.**

The regular meeting of the Waverly City Council was held on November 6, 2006, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Gary Boorum, Duane Liddle, Gary Grace, Cyndi Ecker, Gene Lieb, Connie Rasmussen and Fred Ribich. Absent: None.

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

**Moved By: Ribich**

That the agenda for this Council meeting is hereby amended and moved Regular Business Item No. 1 . Request from Mike de Neui for Removal of His Commercial Property from the City's Urban Renewal District Using Tax Increment Financing to the bottom of the agenda to see if Mr. deNeui would e-mail the Mayor and City Council regarding his request.

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

2. **Minutes.**

**Moved By: Boorum**

The October 16, 2006 and October 23, 2006 Council Meeting Minutes are hereby approved.

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

3. **Guest Councilperson.**

Council welcomed Barbara Quinn as Guest Councilperson for November.

**B. PUBLIC HEARINGS.**

**C. TABLED ITEMS.**

**D. CONSENT AGENDA.**

1. Pay Request from Design Alliance Inc. in the amount of \$2,121.25 for the Waverly Public Works Facility.
2. Pay Request from Iowa Northland Regional Council of Governments in the amount of \$6,355.71 for the Lead Based Paint II.
3. Pay Request from Northland Regional Council of Governments in the amount of \$1040.68 for Rehab II.
4. Pay Request from Holland Contracting Corporation in the amount of \$459,054. for Waverly Fire Station.
5. Pay Request from Gardner Architecture in the amount of \$1,100.00 for Waverly Fire Station.
6. Pay Request from Rail-Way, Inc. in the amount of \$20,570.00 for 12<sup>th</sup> Street NW Railroad Crossing.
7. Pay Request from Kehe Construction in the amount of \$16,663.00 for the 3<sup>rd</sup> Street Bridge Repair -2006.
8. Pay Request from Yaggy Colby Associates in the amount of \$3,966.20 for the 2007 Parking Lot & Street Improvement Project.
9. Special Class C Liquor License for Wartburg College.
10. Class C Beer Permit for Kwik Star West.
11. Class B Beer Permit for Godfather's Pizza.

**Moved By: Ribich**

Items 2-11 on the Consent Agenda are hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

**Moved By: Ecker**

Council felt that Design Alliance should have shared responsibility and known about the IDNR regulations regarding green recycling facilities in close proximity to residential. After discussion on interpretation of the IDNR Administrative Code and letter of discontent to Design Alliance, Council agreed that the pay request should be tabled until City Attorney Carney investigates whether the architect was negligent.

**Moved By: Rasmussen**

To table the pay request from Design Alliance is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

**E. REGULAR BUSINESS.**

1. **Request from Mike de Neui was moved to a later part of the agenda.**

2. **Resolution 06-82, A Resolution Proposing the Approval of a Water Tower Attachment Option Lease Agreement for Waterloo/Cedar Falls CellTelCo (US Cellular).**

After discussion on when the option lease agreement commences Council requested that staff renegotiate with CellTelCo(US Cellular) new terms relating to an option or lease for 6 months.

**Moved By: Grace**

Resolution 06-82, A Resolution Proposing Approval of a Water Tower Attachment Option Lease Agreement for Waterloo/Cedar Falls CellTelCo (US Cellular) is hereby approved and sets November 20, 2006 at 7:00 p. m. in the Council Chambers at City Hall as the date, time and place for a public hearing.

**Yes: 7**

**No: 0**

**Absent: 0**

3. **Resolution 06-84, A Resolution Proposing the Vacation of City Right-of-Way on 6<sup>th</sup> Avenue NW East of 1<sup>st</sup> Street NW and Transfer of Property to Nestle USA.**

**Moved By: Boorum**

Resolution 06-84, A Resolution Proposing the Vacation of City Right-of-Way on 6<sup>th</sup> Avenue NW East of 1<sup>st</sup> Street NW and Transfer of Property to Nestle USA is hereby approved and sets November 20, 2006 at 7:00 P. M. in the Council Chambers at City Hall as the date, time and place for a public hearing.

**Yes: 7**

**No: 0**

**Absent: 0**

4. **Resolution 06-85, A Resolution Proposing the Vacation of City Right-of-Way(Alley Between 6<sup>th</sup> Street NW and 7<sup>th</sup> Street NW and Between West Bremer Ave. and 1<sup>st</sup> Ave. NW) and Transfer of Property to Riggs Real Estate Fund.**

Staff informed Council that the alley between 6<sup>th</sup> Street NW and 7<sup>th</sup> Street NW and West Bremer Ave. and 1<sup>st</sup> Ave. NW was closed but never vacated. In lieu of selling the west half of the alley to Riggs Real Estate Fund, the City and the owner have agreed to exchange the alleyway for an additional 13.5 feet of utility easement along the north side of the proposed vacated alley to create a 30-foot

utility easement for the west half of the block. Staff will contact property owners on the east half of the alley to see if they would be interested in owning their share of the east half of the alley and reserve a utility easement.

**Moved By: Grace**

Resolution 06-85, A Resolution Proposing the Vacation of City Right-of-Way (Alley between 6<sup>th</sup> Street NW and 7<sup>th</sup> Street NW and Between West Bremer Ave. and 1<sup>st</sup> Ave. NW) and Transfer of Property to Riggs Real Estate Fund is hereby approved and sets November 20, 2006 at 7:00 P. M. in the Council Chambers at City hall as the date, time and place for a public hearing.

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

5. **Resolution 06-83, A Resolution Approving Final Plat and Restrictive Covenants for Lakefield Estates as Part of the Two-Mile Fringe Area Agreement with Bremer County.**

**Moved By: Rasmussen**

Resolution 06-83, A Resolution Approving Final Plat and Restrictive Covenants for Lakefield Estates as Part of the Two-Mile Fringe Area Agreement with Bremer County is hereby approved.

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

6. **First Reading of Ordinance 871, An Ordinance Adopting the “City Code of Waverly, Iowa.”**

**Moved By: Ribich**

First Reading of Ordinance 871, An Ordinance Adopting the “City Code of Waverly, Iowa” is hereby approved.

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

7. **First Reading of Ordinance 872, An Ordinance Amending Section 105.4.10 of the Waverly Municipal Code Regarding Additional Parking Restrictions Near the Waverly Health Center and Within the Copper Ridge 2<sup>nd</sup> and 3<sup>rd</sup> Additions.**

Staff informed Council that if parking is eliminated on 8<sup>th</sup> Street SW cars will have to park farther into neighborhoods and that snowplowing is challenging. Parking is still available in the parking lot but Waverly Health Center Campus is smoke free and cars park on 8<sup>th</sup> Street so they can go to their cars on break. Council also discussed drifting snow in Copper Ridge 2<sup>nd</sup> and 3<sup>rd</sup> Addition. Staff will notify surrounding Waverly Health Center property owners and the Happel’s on Copper Ridge 2<sup>nd</sup> and 3<sup>rd</sup> Additions on proposed parking restrictions.

**Moved By: Boorum**

First Reading of Ordinance 872, An Ordinance Amending Section 105.4.10 of the Waverly Municipal Code Regarding Additional Parking Restrictions Near the Waverly Health Center and Within the Copper Ridge 2<sup>nd</sup> and 3<sup>rd</sup> Additions is hereby approved.

**Yes: 5                      No: 2(Liddle, Rasmussen)      Absent: 0**

8. **Approve Change Order No. 2 for the Wastewater Treatment Plant Improvements – 2005.**

Change Order No. 1 was a change in the project starting date. Change order No. 2 addresses modifications to the main lift station that are necessary to accommodate the new equipment. These changes could not readily be identified until a shop drawing of the new equipment was submitted by the

manufacturer. Additionally, new natural gas pressure regulators are required to standardize the operating system at the Wastewater Plant.

**Moved By: Rasmussen**

Change Order No. 2 for the increased amount of \$24,227.90 to Kehe Construction is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

**F. BOARDS AND COMMISSIONS.**

1. Boards and Commissions.

Parks and Recreation Commission – Commission will conduct a meeting with property owners about the Ball Diamond Project on November 16<sup>th</sup>. Councilmember Liddle will attend.

Golf Commission – the Commission will discuss the proposed new design of two new holes at the Golf Course and Hospital Expansion on November 21st.

2. Reports.

3. Communications.

Waverly Senior Citizens Group, Inc.- fundraiser was held on November 5<sup>th</sup>.

Iowa Law Enforcement – whole article was not published on the Waverly Police Department so it will be in the winter Iowa Law Enforcement Magazine.

**Request from Mike de Neui for Removal of His Commercial Property from the City's Urban Renewal District Using Tax Increment Financing.**

Councilmember Ecker stated that she was contacted by Mr. deNeui. She informed him that she works with her competitors and that if he did the same he would benefit in the long run. If the Council allowed Mr. deNeui to remove his property from the Urban Renewal Plan it would create a split in the district. Staff also informed Council that the City has incurred debt on said district.

**Moved By: Ribich**

The Request from Mike de Neui for removal of his Commercial Property from the City's Urban Renewal District using Tax Increment Financing is denied.

**Yes: 7**

**No: 0**

**Absent: 0**

**G. VISITORS / PUBLIC COMMENTS.**

Mediacom Correspondence – Council questioned whether the League had any comments on removal of Channel 2 from Mediacom's programming

**H. ADJOURNMENT.**

**Moved By: Boorum**

That the City Council Meeting be adjourned.

**Yes: 7**

**No: 0**

**Absent: 0**

**Council adjourned at 7:51 P. M.**

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Ivan J. Ackerman, Mayor

**Attest:**

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Richard J. Crayne, City Administrator

