

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on February 5, 2007, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Duane Liddle, Fred Ribich, Gene Lieb, Connie Rasmussen, Gary Grace, Gary Boorum, and Cyndi Ecker. Absent: None.

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

Moved By: Ecker

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

Yes: 7 No: 0 Absent: 0

2. **Minutes.**

Moved By: Ribich

The January 15th & 22nd, 2007 Minutes are hereby approved.

Yes: 7 No: 0 Absent: 0

3. **Guest Councilperson.**

Council welcomed Rod Korth as the Guest Councilperson for February.

B. PUBLIC HEARINGS.

1. This was the date, time and place for a Public Hearing to discuss the status of funds for the Housing Rehabilitation Program. Clarissa Nicholson reported that the amount of the IDED Grant awarded in May 2004 was \$358,250.00 and the City had dedicated \$7,950.00 of local match, for a total project budget of \$366,200.00. The City received funding to rehabilitate ten homes throughout the community, including conducting lead hazard reduction on those homes. As of January 31, 2007, eight homes have been completed, one is under construction, and bids have been awarded on two others. The project end date is May 31, 2007, although an extension will be requested. As of January 31, 2007, \$164,893.21 has been paid to contractors for rehabilitation work, \$25,990.00 has been paid to contractors for lead hazard reduction activities, \$27,127.79 to INRCOG for general and direct administration, \$12,964.91 to INRCOG for lead hazard reduction administration, \$137.38 for publishing costs, \$116.00 for recording fees, and \$9,614.02 for homeowner relocation expenses. The total amount expended as of January 31, 2007 was \$240,842.41. The Mayor and City Council thanked Clarissa Nicholson for her work on the Rehab project. The hearing was declared closed.
2. This was the date, time and place for a Public Hearing on plans, specifications, form of contract and estimated cost for the 3rd Street NE Municipal Parking Lot Reconstruction and 1st Street NW & West Bremer Avenue Intersection Improvements. Pete Lampe voiced his concern with diagonal parking in close proximity to the Law Center on 1st Avenue NE. The 3rd Street NE Municipal Parking Lot Reconstruction involves rebuilding the alley and public parking lot on the north half of the block between 2nd and 3rd Street NE. City Engineer Cherry informed Council that businesses will be notified and deliveries will have to be made in a timely manner. There is some private parking in the back of businesses for unloading also. Curb sections are

at the north side of the alley. Spiraea bushes with mulch provide a partition between the alley and parking lot with minimal maintenance. If angle parking was eliminated on 1st Avenue NE, ten parking spaces would be lost. The proposed redesign of the parking lot would provide fifty-seven spaces. After discussion Council directed staff to maintain parallel parking along 1st Avenue NE and see if more parking is needed after the parking lot reconstruction. The hearing was declared closed and the following action was considered.

Moved By: Grace

Resolution 07-08, A Resolution Approving Plans, Specifications, Form of Contract and Estimated Cost for the 3rd Street NE Municipal Parking Lot Reconstruction and 1st Street NW & West Bremer Avenue Intersection Improvements is hereby approved.

Yes: 7

No: 0

Absent: 0

C. TABLED ITEMS.

D. CONSENT AGENDA.

1. Pay Request from Iowa Northland Regional Council of Governments in the amount of \$552.30 for the Lead Based Paint II.
2. Pay Request from Northland Regional Council of Governments in the amount of \$2,193.19 for Rehab II.
3. Class C Beer Permit for Fareway.
4. Class C Liquor License for Applebees.
5. Pay Request from Yaggy Colby Associates in the amount of \$5,357.15 for the 3rd Street NE Parking Lot & 1st Street NW Intersection.
6. Pay Request from Gardner Architecture, P.L.C. in the amount of \$570.00 for the New Fire Station.

Moved By: Grace

Items 1-6 on the Consent Agenda are hereby approved.

Yes: 7

No: 0

Absent: 0

E. REGULAR BUSINESS.

1. **Resolution 07-09 A Resolution Approving Transfer Agreements for Waverly's 2004 Federal Airport Entitlement Funds.**

City Engineer Cherry informed Council that if the City is to use \$150,000 FY05 Airport Entitlement funds a project has to be defined by June, July or August. Applications are due in September. The City has already forfeited \$393,000 Entitlement Funds. \$600,000 is still available to the City through 2008.

Moved By: Ribich

Resolution 07-09, A Resolution Approving Transfer Agreements for Waverly's 2004 Federal Airport Entitlement Funds in the amount of \$150,000 in equal amounts to the City of Boone, Iowa Municipal Airport, City of Forest City, Iowa Municipal Airport and the City of Council Bluffs, Iowa Municipal Airport is hereby approved.

Yes: 7

No: 0

Absent: 0

2. **Resolution 07-10, A Resolution Awarding Contract for the 4th Avenue SW & 11th Street SW Reconstruction Project - 2007.**

City Engineer Cherry stated that construction costs have increased 3 to 3 ½ % due to gas prices. The proposed project involves the reconstruction of 4th Avenue SW from 11th Street SW to 16th Street SW and 11th Street SW from 2nd Avenue SW to 4th Avenue SW. The millings from the project will be

used for a future compatible project. There are approximately 600 blocks of sealcoating and the City completes 110 blocks a year.

Moved By: Boorum

Resolution 07-10, A Resolution Awarding Contract to Heartland Asphalt in the amount of 326,351.51 for the 4th Avenue SW & 11th Street SW Reconstruction Project - 2007 is hereby approved.

Yes: 7

No: 0

Absent: 0

3. **Third Reading of Ordinance 875, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from A-1 (Agricultural District) to R-3 (Multiple Family Residential District) of Said City (Wartburg College – Northwest Campus Area).**

Monty Gritzner informed Council that residents are not against Wartburg College but are against the proposed process of approving the rezoning before a plan is presented. Gene Drape stated that Bartels has had conversations with Wartburg College to develop an independent living retirement village for retired professors consisting of single family residences or duplexes which would be appropriate for R-3 zoning. The retirement village would extend along the west half of the 70 acre property to Jadestone Subdivision. Dave Reznick voiced his concern with setting a precedence for future rezoning proposals. Rob Roose would like to see a development plan with accesses. Gary Grace stated that Wartburg is interested in following the zoning, platting, and special provisional process. Mr. Grace read excerpts from the code “the purpose of zoning district is to provide areas of managed growth in which agricultural and other non-urban uses of property may continue and/or for preservation of farm ground, until such time as the City is able to provide municipal services and urban development can take place.” Special provisional use permits require “recommendation of the Planning and Zoning Commission and City Council approval” and protects Wartburg College and its neighbors. Mr. Grace also stated that there have been discussions with Bartels on single family homes or duplexes for retired professors and possibly athletic fields on the south. The zoning follows the City’s Land Use Plan. Zoning Administrator Passmore explained that the zoning is just the use of the land. Storm water runoff, accesses, water and sanitary sewer placement is addressed in the platting process. Public entities present their plans during the special provisional use process and require a public hearing by the Planning and Zoning Commission and City Council approval. If private development occurs the Comprehensive Land Use Plan would have to be amended and that would require public hearings by both the Planning and Zoning Commission and the City Council. The zoning and platting processes are separate and have to meet all code guidelines. Jadestone Subdivision rezoning was approved before the plat was approved. Council requested that a diagram or map be sent with the rezoning request letters to surrounding residents. If development occurs the City may have to address an access onto 20th Street NW. John Wuertz reminded Council that Wartburg College worked with Developer JD Francis and the City on utility and storm water runoff issues for Jadestone Subdivision.

Moved By: Ecker

Third Reading of Ordinance 875, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from A-1 (Agricultural District) to R-3 (Multiple Family Residential District) of Said City (Wartburg College – Northwest Campus Area) is hereby approved.

Yes: 5

No: 1(Liddle)

Abstain: 1(Grace)

