

Regular Meeting Minutes
January 7, 2008 ~ 7:00 p.m.

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on January 7, 2008, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Duane Liddle, Fred Ribich, Gene Lieb, Jim Vowels, Gary Grace, Gary Boorum and Cyndi Ecker. Absent: None.

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

Moved By: Grace

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

Yes: 7 No: 0 Absent: 0

2. **Minutes.**

Moved By: Ribich

The December 17, 2007 Council Meeting Minutes are hereby approved.

Yes: 7 No: 0 Absent: 0

3. **Guest Councilperson.**

Council welcomed Rich Eckstein as Guest Councilperson for January.

4. **Plaque Presentation.**

Mayor Ackerman presented a plaque to Chris Foy and thanked him for his service on the Board of Adjustment.

B. PUBLIC HEARINGS.

1. This was the date, time and place for a Public Hearing Proposing Sale of Parcel "V" in the Waverly Industrial Plaza to Riggs 4th Street Investments, L.C. The Mayor and City Council called for any oral or written comments and there were none. The hearing was declared closed and the following action was taken.

Moved By: Grace

Resolution 08-01, a Resolution Authorizing Sale of Parcel "V" in the Waverly Industrial Plaza to Riggs 4th Street Investments, L.C. \$12,600.00 is hereby approved.

Yes: 7 No: 0 Absent: 0

2. This was the date, time and place for a Public Hearing on the plans, specifications, form of contract and estimated cost for the Crestwood Park to Brookwood Park Trail Extension. Discussion followed on overflow from the Cedar River draining in the trail area and the City's local match of \$40,000 for the project. The hearing was declared closed and the following action was taken.

Moved By: Ecker

Resolution 08-02, a Resolution Approving the plans, specifications, form of contract and estimated cost for the Crestwood Park to Brookwood Park Trail Extension is hereby approved.

Yes: 6 No: 1(Liddle) Absent: 0

3. This is the date, time and place for a Public Hearing on the plans, specifications, form of contract and estimated cost for the 1st Street NW Municipal Parking Lot Improvements. Mayor Ackerman informed Councilmember Liddle that a public hearing was held when the City bought the properties for the new parking lot. TIF Bonds will be sold to finance asbestos abatement and demolition of structures on said properties. The City can abate TIF bonds for the project with increased increment from the Downtown TIF district. New trees and plantings will be added to the 1st Street NW Municipal Parking Lot. The hearing was declared closed and the following action was taken.

Moved By: Ribich

Resolution 08-03, a Resolution Approving the plans, specifications, form of contract and estimated cost for the 1st Street NW Municipal Parking Lot Improvements is hereby approved.

Yes: 7 No: 0 Absent: 0

4. This is the date, time and place for a Public Hearing on the plans, specifications, form of contract and estimated cost for the 1st Street NW Adams Parkway Asphalt Overlay Project 2008. Staff informed Council that TIF funds will be used for the sidewalk that will be constructed from the Waverly Rail Trail to Kohlmann Park on the east side of 1st Street NW. The hearing was declared closed and the following action was taken.

Moved By: Boorum

Resolution 08-04, a Resolution Approving the plans, specifications, form of contract and estimated cost for the 1st Street NW Adams Parkway Asphalt Overlay Project 2008 is hereby approved.

Yes: 7 No: 0 Absent: 0

5. This was the date, time and place for a Public Hearing on the plans, specifications, form of contract and estimated cost for the 5th Avenue SW & 8th Street SW Reconstruction Project 2008. The proposed project involves the reconstruction of 5th Ave SW from 4th St SW to 8th St. SW and 8th St. SW from 2nd Ave SW to 5th Ave SW. City Engineer Cherry informed Council that 2nd Ave SW from 11th St to 16th St SW will be reconstructed in 2010 and 2nd Ave SW from 4th St to 10th St SW will be reconstructed 2011. The City is currently using LOST and TIF funds to continue the Street Reconstruction Program because there are no RUT funds. Federal aid funds are available every other year. 5th Street NW from Bremer Ave to 5th Avenue NW and 5th Ave NW from 1st St. to 5th St NW will be completed in 2009. The hearing was declared closed and the following action was taken.

Moved By: Grace

Resolution 08-05, a Resolution Approving the plans, specifications, form of contract and estimated cost for the 5th Avenue SW & 8th Street SW Reconstruction Project 2008 is hereby approved.

Yes: 7 No: 0 Absent: 0

6. This was the date, time and place for a Public Hearing on Ordinance 895, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning and Amending the Comprehensive Land Use Plan of Certain Area from A-1 (Agricultural District) to C-2 (Commercial District) of Said City for the Robertson & Brye Property West of 16th Street SW and North of 10th Avenue SW. Butch Kehe informed Council that no preliminary plat or plans have been prepared. The hearing was declared closed and the following action was taken.

Moved By: Grace

Second Reading of Ordinance 895, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning and Amending the Comprehensive Land Use Plan of Certain Area from A-1 (Agricultural District) to C-2 (Commercial District) of Said City for the Robertson & Brye Property West of 16th Street SW and North of 10th Avenue SW is hereby approved.

Yes: 7

No: 0

Absent: 0

C. VISITORS/PUBLIC COMMENTS.

No comments.

D. TABLED ITEMS.

1. **Approve Change Order to Engineering Services for 4th Street SW Drainage, Grading and Sidewalk Improvements.**

The City has received no information or response.

2. **Resolution 07-102, A Resolution Amending City Administrator's Employment Agreement.**

City Attorney Carney informed Councilmember Liddle that he hadn't been able to question Attorney Sueppel on the employment agreement.

Councilmember Liddle stated that the Council should set the salary for City staff and asked to remove Resolution 07-102 from the table.

Moved By: Liddle

To remove from the table.

After discussion Councilmember Liddle withdrew his motion and Councilmember Grace moved to remove Resolution 07-102 from the table and take action.

Moved By: Grace

To remove from the table.

Yes: 4

No: 3(Lieb, Boorum, Liddle)

Absent: 0

Moved By: Ribich

Resolution 07-102, A Resolution Amending City Administrator's Employment Agreement is hereby approved.

Yes: 4

No: 3(Lieb, Boorum, Liddle)

Absent: 0

E. CONSENT AGENDA.

1. Pay Request from Iowa Northland Regional Council of Governments in the amount of \$74.26 for the Lead Based Paint II.
2. Pay Request from Iowa Northland Regional Council of Governments for Rehab II in the amount of \$650.98.
4. Pay Request from Yaggy Colby Associates for the 2007 Municipal Parking Lot Project in the amount of \$539.50.
5. Pay Request from WHKS & Co. for the 2008 Wastewater Facility in the amount of \$12,758.42.
6. Pay Request from McClure Engineering for the SE Water Main Loop in the amount of \$6,595.00.
7. Class C Liquor License for Big Ben Pour House.
Moved By: Ribich

3. Pay Request from Peterson Contractors, Inc. for the Demolition of the Old Water Pollution Control Facility - 2007 in the amount of \$12,492.50. The steel was salvaged and taken to Walker Auto Salvage and the concrete will be crushed up and used for the base of the Crestwood Park to Brookwood Park Trail.
Item 1-7 on the Consent Agenda are hereby approved.
Yes: 7 No: 0 Absent: 0

F. REGULAR BUSINESS.

1. **Resolution 08-06, A Resolution Approving Iowa Northland Regional Council of Governments Membership.**
Sharon Juon of INRCOG informed the Council that it used to be that cities who wished to join INRCOG had to approve the membership resolution and their Council advised that they resume said policy.
Moved By: Boorum
Resolution 08-06, A Resolution Approving Iowa Northland Regional Council of Governments Membership is hereby approved.
Yes: 7 No: 0 Absent: 0
2. **Resolution 08-07, A Resolution Approving Iowa Northland Regional Council of Governments Revised Articles of Agreement.**
Ms. Juon also informed Council that a majority of INRCOG members have to approve said revised Articles of Agreement to insure compliance with recent legislative requirements.
Moved By: Ribich
Resolution 08-07, A Resolution Approving Iowa Northland Regional Council of Governments Revised Articles of Agreement is hereby approved.
Yes: 7 No: 0 Absent: 0

3. **Resolution 08-09, A Resolution Setting User Fees and Charges for the Leisure Services Department for 2008 Recommended by the Golf and Leisure Services Commission.**
Moved By: Ribich
Resolution 08-09, A Resolution Setting User Fees and Charges for the Leisure Services Department for 2008 recommended by the Golf and Leisure Services Commission is hereby approved.
Yes: 7 No: 0 Absent: 0
4. **Resolution 08-10, A Resolution Noting the Expiration of Maintenance Guarantee for JadeStone Subdivision.**
Moved By: Ribich
Resolution 08-10, A Resolution Noting the Expiration of Maintenance Guarantee and the existence of some public improvements, constructed and maintained as part of JadeStone Subdivision deemed in need of further investigation and possible repair (the northeast intake at Charlene Street & Shepherd Avenue has soil coming out of the subdrain), and establishes a completion date of June 1, 2008, for any necessary corrective action is hereby approved.
Yes: 7 No: 0 Absent: 0
5. **Resolution 08-11, A Resolution Noting the Expiration of Maintenance Guarantee for Rolling Hills Addition – Phase 1.**
Moved By: Ribich
Resolution 08-11, A Resolution Noting the Expiration of Maintenance Guarantee and the existence of some public improvements, constructed and maintained as part of Rolling Hills Addition – Phase 1 deemed in need of further investigation and possible repair (service line trench settlement of about one inch located in two locations, between Lots 10 and 15 and between Lots 9 and 16 on Monaghan Drive); and establishing a completion date of June 1, 2008, for any necessary corrective action is hereby approved.
Yes: 7 No: 0 Absent: 0
6. **Third and Final Reading of Ordinance 891, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning and Amending the Comprehensive Land Use Plan of Certain Area from R-4 (Multiple Family Residential – Transitional District) to C-3 (Commercial – Central Business – District) of Said City in Northwest Waverly along the South Side of 1st Avenue NW and the West Side of 1st Street NW.**
Moved By: Ecker
Third and Final Reading of Ordinance 891, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning and Amending the Comprehensive Land Use Plan of Certain Area from R-4 (Multiple Family Residential – Transitional District) to C-3 (Commercial – Central Business – District) of Said City in Northwest Waverly along the South Side of 1st Avenue NW and the West Side of 1st Street NW) is hereby approved.
Yes: 7 No: 0 Absent: 0

7. **Third and Final Reading of Ordinance 892, An Ordinance Amending Chapter 97 of the Waverly Municipal Code of the City of Waverly, Iowa (Division of Taxes Levied on Taxable Property in an Urban Renewal Area).**
Moved By: Ecker
Third and Final Reading of Ordinance 892, An Ordinance Amending Chapter 97 of the Waverly Municipal Code of the City of Waverly, Iowa (Division of Taxes Levied on Taxable Property in an Urban Renewal Area) is hereby approved.
Yes: 7 No: 0 Absent: 0
8. **Third and Final Reading of Ordinance 893, An Ordinance Establishing an Additional Stop Sign at a Potentially Dangerous Intersection in the City of Waverly.**
Moved By: Boorum
Third and Final Reading of Ordinance 893, An Ordinance Establishing an Additional Stop Sign at a Potentially Dangerous Intersection in the City of Waverly is hereby approved.
Yes: 7 No: 0 Absent: 0
9. **Second Reading of Ordinance 894, An Ordinance Amending Chapter 7. 2 Rules Governing Officials (Bonds).**
Moved By: Ribich
Second Reading of Ordinance 894, An Ordinance Amending Chapter 7. 2 Rules Governing Officials (Bonds) is hereby approved.
Yes: 7 No: 0 Absent: 0
10. **Change Order No. 1 for the Civic Center Remodeling in Leisure Services Department Project.**
Moved By: Vowels
Change Order No. 1 – final adjustment of quantities for the increased amount of \$835.00 to Ramker Construction for the Civic Center Remodeling in Leisure Services Department Project to Prepare for Incoming Economic Development Department is hereby approved.
Yes: 7 No: 0 Absent: 0
11. **Resolution 08-08, A Resolution Finalizing the Civic Center Remodeling in Leisure Services Department Project and Approving Final Pay Request.**
Moved By: Ribich
Resolution 08-08, A Resolution Finalizing the Civic Center Remodeling in Leisure Services Department Project and Approving Final Pay Request to Ramker Construction in the amount of \$15,755.00 is hereby approved.
Yes: 7 No: 0 Absent: 0
12. **First Reading of Ordinance 896, An Ordinance Amending Chapter 102 of the Waverly Municipal Code Regarding Flood Plain Management.**
The ordinance amendment is to address FEMA required amendments to the flood plain regulations. FEMA desires these amendments be completed in order for Waverly to continue to participate in the National

Flood Insurance Program. The changes include modification of required definitions regarding construction and dates per language specified by FEMA and modifying the date of the official maps to be used as the flood plain maps of Waverly. The new maps will be issued with an aerial photo as a background for the existing flood plain boundaries with certain changes in the map over the past few years incorporated in the new map.

Moved By: Ribich

First Reading of Ordinance 896, An Ordinance Amending Chapter 102 of the Waverly Municipal Code Regarding Flood Plain Management is hereby approved.

Yes: 7 No: 0 Absent: 0

13. **Mayoral Appointments.**

Moved By: Ribich

Al Charlson to the Board of Adjustment

Moved By: Ecker

Al Suhr to Cable Commission

Moved By: Ribich

Tammy McKenzie, Barb McWhirter, and Don Berg to Municipal Housing

Moved By: Boorum

Allison Graening and Janet McCullough to Leisure Services

Moved By: Ribich

Larry Van Daalen to Golf Commission

The Mayoral Appointments are hereby approved.

Yes: 7 No: 0 Absent: 0

Moved By: Ribich

The appointment of Tony Lutz to Golf Commission is hereby approved.

Discussion followed on Tony Lutz's appointment to the Golf Commission.

Yes: 6 No: 1 (Liddle) Absent: 0

14. **Appointment of Mayor Pro-Tem.**

Moved By: Ecker

The Appointment of Fred Ribich as Mayor Pro-Tem is hereby approved.

Yes: 7 No: 0 Absent: 0

G. BOARDS AND COMMISSIONS.

1. **Boards and Commissions.**

Waverly Volunteer Fire Department Minutes-swearing in of new officers Tuesday evening, January 8, 2008.

Economic Development Commission Minutes-discussion followed on current policy and the role the Economic Development Commission would have in development of City/Company agreements.

Golf Commission Minutes-Golf Pro's salary based on percentage of revenues met. The Golf Commission meets at noon at the Waverly Golf and Country Club from April – October and at 5:30 P. M. at City Hall from November – March

2. **Reports.**
Departmental Status Reports – discussion followed RUT flat revenues and the subsidy to Golf Course.
3. **Communications.**

H. CITY COUNCIL COMMENTS ON POLICY ISSUES.

Council asked for a comparison of tax levies and CPI information for the budget session. Administrator Crayne stated that the tax base increase was just 3.4% and the rollback for fiscal year 2009 will be 44.0803%. The growth of residential property is capped at 4 percent or the growth in agricultural value, whichever is less. Cities want to stabilize rollback. Mayor Ackerman stated that the City can issue bonds and raise taxes to rebuild streets. City Engineer Cherry informed Council that is costs taxpayers \$50,000 a block for street reconstruction and \$750,000 - \$800,000 a mile. There are 66-70 miles in the City and 7-8 miles are less than 10 years old.

The transfer of \$75,000 from Waverly Light and Power will go to “The W” for 8 years.

I. ADJOURNMENT.

Moved By: Boorum

That the City Council Meeting be adjourned.

Yes: 7

No: 0

Absent: 0

Council adjourned at 8:24 P. M.