

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on July 7, 2008, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Duane Liddle, Gene Lieb, Jim Vowels, Gary Grace, Gary Boorum and Cyndi Ecker. Absent: Fred Ribich

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: 6

No: 0

Absent: 1

2. **Minutes.**

Moved By: Grace

The June 16, 2008 and June 23, 2008 Council Meeting Minutes are hereby approved as amended in the June 16th minutes the meeting was held in Neumann Auditorium at Wartburg College.

Yes: 6

No: 0

Absent: 1

3. **Guest Councilperson.**

Council welcomed Diane Johnson as the Guest Councilperson for July.

Moved By: Bagelmann

Seconded By: Keller

That the Planning and Zoning Commission Agenda is hereby approved.

Yes: 7

No: 0

Absent: 0

B. PUBLIC HEARINGS.

1. This was the date, time and place for a public hearing by the Waverly Planning and Zoning Commission on a Special Provisional Use for the Waverly-Shell Rock Community Schools Temporary Relocation (Washington Irving School only) to Willow Lawn Mall and Amendment to the Land Use Plan. The proposed location within the mall is on the south side of the building which is located between 20th and 21st Street NW and north of West Bremer. Location of a school facility in any zoning district requires Special Provisional Use approval. Due to the extreme situation caused by the recent flooding and the need for the school to be operational for the start of classes, a joint meeting of the Planning and Zoning Commission meeting and City Council meeting was called. The hearing was declared closed and the following action was taken.

Motion by the Planning and Zoning Commission:

Moved By: Waldstein

Seconded By: Keller

Move that Planning and Zoning Commission recommend to the City Council the approval of a Special Provisional Use for the Waverly-Shell Rock Community Schools Temporary Relocation of Washington Irving Elementary to Willow Lawn Mall is hereby approved.

Yes: 7

No: 0

Absent: 0

Moved By: Keller

Seconded By: Huser

The Plan Amendment for the S-1 District for the Waverly-Shell Rock Community Schools Temporary Relocation of Washington Irving Elementary School to Willow Lawn Mall is hereby approved.

Yes: 7

No: 0

Absent: 0

Moved By: Bagelmann

Seconded By: Wilson

That the July 10th Planning and Zoning Commission Meeting is hereby cancelled.

Yes: 7

No: 0

Absent: 0

Moved By: Keller

Seconded By: Bagelmann

The Planning and Zoning Commission meeting is hereby adjourned.

Yes: 7

No: 0

Absent: 0

This was the date, time and place for a public hearing by the Waverly City Council on a Special Provisional Use for the Waverly-Shell Rock Community Schools Temporary Relocation (Washington Irving School only) to Willow Lawn Mall and Amendment to the Land Use Plan. The proposed location within the mall is on the south side of the building which is located between 20th and 21st Street NW and north of West Bremer. The Mayor called for any oral or written comments and there was none. The hearing was declared closed and the following action was taken.

Motion by the Waverly City Council:

Moved By: Vowels

Resolution 08-100, A Resolution Approving the Special Provisional Use for the Waverly-Shell Rock Community Schools Temporary Relocation of Washington Irving Elementary to Willow Lawn Mall is hereby approved.

Yes: 6

No: 0

Absent: 1

Moved By: Boorum

Resolution 08-101, A Resolution Approving Plan Amendment for the S-1 District for the Waverly-Shell Rock Community Schools Temporary Relocation of Washington Irving Elementary to Willow Lawn Mall is hereby approved.

Yes: 6

No: 0

Absent: 1

C. VISITORS/PUBLIC COMMENTS.

Marty Perry voiced her concerns with storm drains on 3rd Avenue NW and the City's responsibility to minimize damage to properties. Staff informed Ms. Perry that if properties in the floodway and flood plain sustained damage of 50% of their assessed value they could apply to FEMA Buyout program. Property owners who want to rebuild and sustained damage of 50% of their assessed value have to raise their foundations 1 foot over the 100 year flood level or would have to fill in their basements to become non-basements similar to a crawl space. Flood buyout program is based on the severity of damage. Flood insurance covers structures and connecting structures. After the 99 flood the City conducted a flood study and looked at different strategies such as a levy along the Cedar River, inflatable dam, and dredging the river. Ms. Perry stated that all cities up and down the Cedar River should be working together to mitigate flooding. Jim Meyer voiced his concern with adding more development and putting existing housing at risk for flooding.

Gary Meyer stated that his flood insurance won't pay anymore and he can't get a permit to rebuild his dwelling in the floodway because he has sustained more than 50% damage. Building and Zoning Official Ben Kohout informed Council that property owners have the option to go to the City Board of Adjustment to appeal the 1 foot above the 100 year level conforming use. The highest risk area is the floodway. There are 35-40 homes at risk in the dry run floodway and 6 in the Cedar River floodway. Staff stated that the Buyout program results would be available in September and Council asked if City Administrator Crayne could speed up that process. Discussion followed on whether the City should provide loans to buyout properties until owners get back on their feet. Rebecca Winberg questioned Council whether property taxes could

be waived while structure is uninhabitable. Property owners would have to bring their requests for tax relief or challenge valuations to the County Board of Review. Tracy Rucker asked that City officials continue to look at flood mitigation solutions.

D. TABLED ITEMS.

E. CONSENT AGENDA.

2. Pay Request from Paul Miller Design, Inc. for the Golf Course Expansion Project in the amount of \$1938.98.
3. Pay Request from Todd Van Dorn Construction in the amount of \$12,694.94 for the 16th Street SW Sidewalk Construction.
5. Class B Beer Permit for Waverly Heritage Days.
6. Class A Liquor License for V. F. W. Post 2208.
7. Class B Beer Permit for Bremer County Fair Association.

Moved By: Lieb

Items 2, 3, 5, 6, 7 on the Consent Agenda are hereby approved.

Yes: 6

No: 0

Absent: 1

There will a public hearing on plans and specs for the proposed Recycling Building at a future Council Meeting. Discussion followed on Waverly Light and Power transfers to the City.

1. Pay Request from Design Alliance, Inc. for Phase 1 of the Recycling Building in the amount of \$9,314.50.
4. Pay Request from Heartland Asphalt, Inc. for the Rolling Hills Trail Extension in the amount of \$19,777.46 for the Rolling Hills Trail Extension.

Items 1 and 4 on the Consent Agenda are hereby approved.

Yes: 6

No: 0

Absent: 1

F. REGULAR BUSINESS.

1. **Resolution 08-102, A Resolution Approving a Professional Services Agreement for the Assessment of Flood Damage to Wastewater Treatment Facility and Lift Stations.**

The proposed agreement is for proposed assessment of flood damage to the Wastewater Treatment Facility and sanitary lift stations including the 6th Avenue Lift Station. The Engineers will assess the grit that is trapped in the digester and how it will impact future operations at the Wastewater Plant. City infrastructure is designed for a 100 year event but discussion followed on raising the City infrastructure to 500 year event standard.

Moved By: Ecker

Resolution 08-102, A Resolution Approving a Professional Services Agreement for the Assessment of Flood Damage to Wastewater Treatment Facility and Lift Stations with WHKS & Co. for an estimated fee of \$13,700.00 is hereby approved.

Yes: 6

No: 0

Absent: 1

2. **Review of the Floodplain Ordinance and Properties within the Floodway (Overlay) District Area.**

Building and Zoning Official Ben Kohout informed the Council that he is preparing a pamphlet to property owners to answer their questions on the FEMA buyout program and assessing value of repairs to property. Increased cost of compliance (ICC) flood insurance policies top out at \$30,000. Discussion followed on relocating houses and to speed up the process with the Iowa Emergency Management so residents can find out where they stand with the buyout program. Residential rental properties can also apply with Small Business Administration for assistance. Building and Zoning Official Ben Kohout urged property owners to come to the Waverly Public Library to fill out a

building permit. Staff recommended that the City should wait to see what FEMA will offer homeowners through the buyout program before even thinking of setting up a City loan program.

3. **Creation of Task Force to Work on Hazard Mitigation Plan.**

Consensus was reached to assemble a task force to comprehensively look at threats and impacts of potential hazards to the community including flooding and mitigation of same. This effort could possibly be part of the planning and public input process for development of the City's Hazard mitigation Plan just getting under way and would achieve the requirements of public input and planning requirements for the community, region and state. A Hazard Mitigation Task Force appointed by the Mayor and City Council will examine the threats and impacts of potential community hazards including flooding and mitigation, lessening, or alleviation of said threats and impacts. Adam Roberts of the Iowa Northland Regional Council of Governments reviewed the Hazard Mitigation Plan process. The first meeting would explain the plan and review the 2003 plan. The second meeting would identify hazards and look at mitigation measures. The third meeting would give members a chance to review a Hazard Mitigation Plan draft. A final draft of the Plan will be presented at the fourth meeting along with technical advice. The Hazard Mitigation Plan is renewed every 5 years so the City is eligible for Federal dollars. Federal grants can help with technical expertise. Some of the initiatives supported by the Hazard Mitigation Plan were the Dry Run Creek Study and rerouting and paving dry run creek areas, installation of a Flood Gage. A levy along Kohlmann Park and an Inflatable Dam were initiatives where costs far exceeded benefits. The Plan looks at long term mitigation not only for flooding but other catastrophes. Discussion followed on flood levels of Charles City and Cedar Rapids and communication. Mayor and Council will each provide two appointees for the task force to City Clerk Jo Raap.

4. **Resolution 08-103, A Resolution Approving an Engineering Services Agreement for the 4th Street SW Corridor Improvements.**

Administrator Crayne stated that over the past few months, Mike Cherry and I have been meeting with a number of property owners who are impacted with the intersection improvements of Technology Place and Oak Ridge Circle in conjunction with a corridor improvement of 218 Business involving pavement widening and installation of medians and turn lanes. All affected property owners are in agreement with Option 4 which includes the connection to Oak Ridge Circle of First National Bank and Jerry Roling Motors. All agreements are contingent upon affected property owners receiving fair compensation for any acquisition or damages said property owners may incur. The next step in the engineering process includes the development of property appraisals and more detailed engineering for the project. The IDOT has also approved \$400,000 under the U-STEP program for the City's improvement of the 218B Corridor. The City would then hire appraisers and they would prepare acquisition plats for the project. \$190,000 has been budgeted for preliminary design and updated cost figures. Final costs will be available in December or January. City Engineer Cherry also stated that he was fairly confident that the intersection would warrant a traffic signal.

Mr. Cherry informed Council that the acquisition process is a formal process and the appraisers work alone. Duane Liddle stated he felt this was not the best plan. He is concerned that the project will become too expensive when all of the real estate acquisition dollars are known.

Moved By: Ecker

Resolution 08-103, A Resolution Approving an Engineering Services Agreement with Snyder & Associates, Inc. in the amount of \$189,618 for the 4th Street SW Corridor Improvements is hereby approved.

Yes: 6

No: 0

Absent: 1

5. **Review of Multiple Occupancy Code Regulations.**
 Letters were sent out to ten property owners located in the single family residential zoning districts that were being used as rental properties for more than two unrelated individuals. The properties have been brought to staff's attention by complaints or other staff observations. Council asked if the realtors know about the zoning code requirements. Jim Meyer stated that there is no enforcement of said code violations. Staff informed Council that there has not been construction of apartment buildings for over 30 years and apartments are scarce. Compliance deadlines have been set and the property owner is responsible. Garry Meier asked for an extension for Wartburg student renters because housing is at a premium and they have nowhere to go for this semester. City Attorney Carney is working with Mr. Meier's lawyer. Council requested that multiple occupancy code regulations be sent to realtors and lending institutions.
6. **Review Scope of Maintenance Issue for Sidewalk Program.**
 City staff canvassed two areas of town performing a quick assessment to determine the extent of defective sidewalks in need of repair. Area 1 – 5th Street NW- 35 of 52 properties are in need of repair. Area 2 – Hickory Heights – 31 of 53 properties have sidewalk in need of repair. Citywide estimate – properties that have sidewalk in need of repair is 63%. Staff informed Council that a sidewalk is defined in the Municipal Design Standards. New developments can request a 6-foot sidewalk in conjunction with sidewalk/pedestrian trail standards. Discussion followed on City participation in costs. At the request of Council, City staff could also line up contractors and the property owner could be assessed construction costs to be paid over a number of years. Councilmember Boorom voiced his concern with assessing property owners for sidewalk repairs when other properties in Waverly do not have sidewalks.
7. **Second Reading of Ordinance 900, An Ordinance Approving Connection Policy, Plat and Schedule for the SE Water Main Loop 2008 Project.**
Moved By: Ecker
 Second Reading of Ordinance 900, An Ordinance Approving Connection Policy, Plat and Schedule for the SE Water Main Loop 2008 Project is hereby approved.
Yes: 6 No: 0 Absent: 1
8. **Third Reading of Ordinance 899, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from R-1 (Single Family Residential District) to R-3 (Multiple Family Residential District) of Said City in Northwest Waverly along 5th Street NW.**
Moved By: Grace
 Third Reading of Ordinance 899, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from R-1 (Single Family Residential District) to R-3 (Multiple Family Residential District) of Said City in Northwest Waverly along 5th Street NW is hereby approved.
Yes: 6 No: 0 Absent: 1
9. **Approve Change Order No. 1 to The Bruce Company of Middleton, Wisconsin for the Golf Course Expansion Project.**
Moved By: Boorom
 Change Order No. 1 to The Bruce Company of Middleton, Wisconsin for the Golf Course Expansion Project for the decreased amount of \$4,005.00 is hereby approved.
Yes: 6 No: 0 Absent: 1
10. **Mayoral Appointments.**
Moved By: Vowels
 The following Mayoral Reappointments are hereby approved:
 Arne Waldstein to the Library Board
 Dave Stevenson to the Economic Development Commission
 Larry Young to the Economic Development Commission
 Jim Willis to the Economic Development Commission

Les Zelle to the Historic Preservation Commission
Terry Lindell to the Historic Preservation Commission
Kate Payne to the Historic Preservation Commission
Yes: 6 No: 0

Absent: 1

G. BOARDS AND COMMISSIONS.

1. Boards and Commissions.

2. Reports.

Departmental Status Reports – discussion followed on setting aside funds to put towards flood buyouts.

3. Communications.

Letter from City Attorney Carney on Use of L. O. S. T. Funds

Discussion followed on use of LOST funds for sealcoating and flood mitigation projects.

H. CITY COUNCIL COMMENTS ON POLICY ISSUES.

The City extended curbside pickup until July 15th. If residents have mold materials they should take them to the landfill site.

Public Services Superintendent Sullivan has received no cooperation from Qwest to restore the corner of 1st Avenue and 3rd Street NE.

Discussion followed on Bremer Avenue Traffic lights and the light at 2nd Ave and 4th Street SW.

The City received Plans from Wal-Mart to construct a concrete channel north from their detention basin in the ditch area along 218B.

I. ADJOURNMENT.

Moved By: Boorum

That the City Council Meeting be adjourned.

Yes: 6

No: 0

Absent: 1

Council adjourned at 9:56 P. M.

Ivan J. Ackerman, Mayor

Attest:

Jo-Ellen Raap, City Clerk