

Regular Meeting Minutes
October 19, 2009 ~ 7:00 p.m.

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on October 19, 2009, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Duane Liddle, Gary Grace, Cyndi Ecker, Gary Boorum, Jim Vowels and Fred Ribich. Absent: Gene Lieb

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: 6

No: 0

Absent: 1

2. **Minutes.**

Moved By: Boorum

The October 5, 2009 Council Meeting Minutes are hereby approved.

Yes: 6

No: 0

Absent: 1

B. PUBLIC HEARINGS.

1. This was the date, time and place for a Public Hearing on the plans, specifications, form of contract and the estimated cost for on the Bremer Avenue Traffic Signal Modifications 2008. The Mayor stated that the Traffic Signal Modifications will cost \$696,144 and \$580,000 will be covered by the Stimulus Program. City Engineer Cherry informed Council that the School system is aware that the light at 2nd Avenue and 4th Street SW will be removed and they are considering adding a bus stop on the east side at 4th Street possibly at St. John's Church so students don't have to cross 4th Street SW. The traffic light will remain on 6th Street NW and Bremer Ave. until the Junior High is relocated. Bus traffic will not affect the traffic signals. City Engineer Cherry stated that the traffic signals are coordinated and communicate back and forth to respond to different traffic loads. Bremer Ave lights will communicate back and forth. In the future the City may want to do a traffic study and see where traffic lights are warranted along the 4th Street SW corridor. The City has discussed adding a traffic signal at Oak Ridge Circle and Technology Place and that would be coordinated with the traffic signal by Wal-Mart. The new traffic signal system does allow for expansion to other areas along said corridor. DOT requires that traffic signals are coordinated. The current signal at 2nd Avenue and 4th St. SW is non-compliant with today's standards and the City may not get funding if the light is left at its current location. The DOT did not fund the Traffic Study. The hearing was declared closed and the following action was taken.

Moved By: Grace

Resolution 09-126, A Resolution Approving Plans, Specifications, Form of Contract and the Estimated Cost for the Bremer Avenue Traffic Signal Modifications 2008 is hereby approved.

Yes: 6

No: 0

Absent: 1

C. VISITORS/PUBLIC COMMENTS.

Richard Lindell stated that Waverly Shell-Rock School buses stop at Southeast School.

D. CONSENT AGENDA.

1. **Class C Liquor License for Blake's L. C.**

The Police Chief has reviewed said application and has no objections.

2. **Class C Beer Permit for Kwik Star West.**

The Police Chief has reviewed said application and has no objections.

3. **Special Class C Liquor License for Wartburg College.**

Moved By: Ribich

Items 1 – 3 on the Consent Agenda are hereby approved.

Yes: 6

No: 0

Absent: 1

4. Pay Request from Paul Miller Design, Inc. for the Golf Course Expansion Project in the amount of \$482.50.

Leisure Services Director Ray stated that the one year warranty deadline was up and the Architect wrote a letter concerning some repair items to the Contractor so they would be resolved. There is some settling in the drainage tile lines and there is rock manipulation in the waterway.

Item 4 on the Consent Agenda is approved.

Yes: 6

No: 0

Absent: 1

E. REGULAR BUSINESS.

1. **Set Public Hearing for the 5th Street NW & 5th Avenue NW Reconstruction Project – 2010.**

City Administrator Crayne informed Council that the money for the delayed project was transferred out of the program to flood control. City Engineer Cherry informed Council that the City is trying to get back to the road reconstruction program. Federal funds of \$175,000 were allocated for the project. A one year delay is permissible but a two year delay would mean the City would forfeit the funding for this project. 2nd Avenue is scheduled for 2011. The projects funded through FEMA have been 100% reimbursed. The Waverly taxpayer has not had to pay for any infrastructure repair and various projects related to the flood. The State Unmet Need Funding covered \$68,000 for the Civic Center repair. The City will have to fund a portion of the Dry Run Project. Mayor Ackerman wanted to keep discussion to the project on the table. City Engineer Cherry stated that 5th St. NW from Bremer Ave. to 5th Ave. NW is total reconstruction and 5th Ave. NW is an overlay. In order to get Federal

Funding the project has to be Federal-Aid eligible and the City's local collector and arterial streets fit the criteria. All projects are mapped out to 2016, 2nd Avenue SW in 2011, 12th St. NW in 2012, and 16th St. in 2013. The projects flow around the community. When 5th Avenue NW was done last it was a locally funded project and it was a 2inch asphalt project and was increased to 3 inches with a single 3-inch lift. Today it would be built with 6 inch aggregate base and 6 ½ inches of asphalt.

Moved By: Ecker

November 2, 2009 at 7:00 P. M. in the Council Chambers at City Hall is the date, time and place for a public hearing on the plans, specifications, form of contract and the estimated cost for the 5th Street NW & 5th Avenue NW Reconstruction Project – 2010 is hereby approved.

Yes: 6 No: 0 Absent: 1

2. **Third and Final Reading of Ordinance 923, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area From C-2A (Commercial District) to R-3 (Multiple Family Residential District) of Said City for the Larrabee Center New Training and Educational Facility at 123 11th St. NW.**

Moved By: Ribich

Third and Final Reading of Ordinance 923, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area From C-2A (Commercial District) to R-3 (Multiple Family Residential District) of Said City for the Larrabee Center New Training and Educational Facility at 123 11th St. NW is hereby approved.

Yes: 6 No: 0 Absent: 1

3. **First Reading of Ordinance 924, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from A-1 (Agricultural District), R-2 (One and Two Family Residential District) and R-3 (Multiple Family Residential District) to P-D (Planned Development District) Located on the Southwest Corner of 2nd Avenue SW and 8th Street SW of said City for the Waverly Health Center.**

Waverly Health Center Director Mike Trachta informed Council that there is no project and this item was brought to Council to create one zoning area for the whole Hospital campus. The Hospital, the parking lot and the golf course land acquired by the Waverly Health Center is all under the Planned Development District Rezoning. There is no specific building engineering developed but a 6-story building is the maximum height allowed in a planned development district. The planned development district is for the same health related use.

Moved By: Grace

First Reading of Ordinance 924, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from A-1 (Agricultural District), R-2 (One and Two Family Residential District) and R-3 (Multiple Family Residential District) to P-D (Planned Development District) Located on the Southwest Corner of 2nd

Avenue SW and 8th Street SW of said City for the Waverly Health Center is hereby approved and sets November 2, 2009 at 7:00 P.M. in the Council Chambers of City Hall as the date, time and place for a public hearing.

Yes: 6

No: 0

Absent: 1

4. **Resolution 09-127, A Resolution Re-Approving Final Plat for Eisenach Village.**

City Attorney Carney informed Council that the preliminary plat was approved and then the final plat was not recorded. Waverly Code requires that the final plat be recorded within six months otherwise it is invalid. Eisenach Village has resubmitted the same final plat for approval. In order to record the plat they are requesting a renewed City Council approval and it is allowable under the code. Development did occur before the plat was recorded. Economic Development Director Passmore informed the Council that the developer cannot sell lots before the plat is recorded. The infrastructure bond is approved with the final plat and all parties sign an indemnification agreement to protect the City.

The non-recorded plat is null and void and the current plat will replace it to satisfy code requirements.

Moved By: Ecker

Resolution 09-127, A Resolution Re-Approving Final Plat for Eisenach Village is hereby approved.

Yes: 5

No: 1(Liddle)

Absent: 1

5. **Approval of Quotes for the Cemetery Storage Building Project.**

Leisure Services Director Ray informed Council the project included construction of the building this year and interior work next fiscal year. There was some interest in finishing the building this year. The building is already budgeted but additional funding for the inside of the building could come from Cemetery Reserve Fund or from the balance of funds. The building will be east and a little north of the Cemetery Shop Building. Discussion followed on debt service payments carried over into different budgets.

Moved By: Ribich

Low quotes for the Cemetery Storage Building Project from Cleary Building Corporation (building) for \$20,906, and Ramker Construction (concrete) for \$4,395 for a total of \$25,841 and authorize staff to use an additional \$3,341 from the Cemetery Reserve are hereby approved.

Yes: 5

No: 1 (Liddle)

Absent: 1

6. **Approve Mid-year 2009 Strategic Planning Document.**

A Sidewalk Inspection Program will be brought back to Council at a future date. The program would probably start looking at existing sidewalks for maintenance. The City would be divided into quadrants. Currently the Council directs the repair of the sidewalk and it is paid by the property owner. The second phase would be looking at gaps in the existing sidewalk system and where the major pedestrian traffic would be and fill in those areas. The next step will look at areas where there are no sidewalks

at all. The City would consider a voluntary assessment program and a public letting for sidewalks to keep the cost down. City Administrator Crayne stated that at the Study Session the Council will receive a report on the Fair/Ball Diamond Group. The preplanning has been finalized for a project layout and they would like to build a project together. The City and Central Iowa Water Association have discussed that the City's water be softened by Central Iowa Water Association and they would provide free land to the Fair Board and Ball Diamond group. It was noted that Ball Diamond/Fair Board may want to talk to Central Iowa Water Association separately. Central Iowa Water Association has provided a quote of \$15,000 - \$18,000 an acre for said land. There was discussion also of providing sanitary sewer and drainage but not include streets or access. The Fair Board and Ball Diamond Group have not been involved in discussions with the City or Central Iowa Rural Water. Staff had met with Central Iowa Rural Water to talk about the merits of their proposal and additional information. The City of Waverly has made no commitment to Central Iowa Water Association's land in exchange for softening Waverly's water. Economic Development Director Passmore informed Council that CUNA will be moving out of the building out in the Waverly Business Park and it will be available the first of the year. The City will assist Steve Schmidt the owner in trying to sell said building. TECH works is taking a long time so the lease on the NABL keeps getting extended. There has been interest in the building. City Administrator Crayne informed Council that the City would donate the sale proceeds from the land by the Soccer Fields to the Ball Diamond project that could be used for construction costs. The land by the Soccer Fields could aid in the construction staging for the future 10th Ave SW project. Administrator Crayne did not know if it was appropriate to move buyout housing back into a floodplain area. Cedar Falls is reviewing their floodplain management ordinance to go to one foot above the 500 year floodplain and put a maximum height for fill. There is a risk building in the floodplain and the landowner would have to buy flood insurance. City Engineer Cherry informed Guest Councilperson Jacqui Hansen that a purchase order would be coming to Council for \$20,000 for Hesco Barriers.

Moved By: Ecker

The Mid-year 2009 Strategic Planning Document is hereby approved.

Yes: 6

No: 0

Absent: 1

7. **Approval of September Cash Disbursements.**

City Administrator stated employees use City vehicles whenever possible. Sign Werks cash disbursement was for the main entrance sign and directional signs within the facility. The brass dedication plaque is part of the bid price. The Recycling Center was built for energy efficiency and there is a sign listing the "green" attributes. Staff will get back to Council on the Turfwerks cash disbursement.

Moved By: Boorum

September Cash Disbursements are hereby approved.

Yes: 6

No: 0

Absent: 1

8. **Clarification Requested by Staff from City Council on Policy Concerning Rebatement of Building Permit Fees for Properties Damaged in the 2008 Flood Event.**

Council discussed building permit for roof replacement reimbursement. Council stated that it would be the staff's decision if the building permit was flood related for all classes (residential, commercial and industrial) of buildings. Council also stated that building permits will be reimbursed for all repairs to existing buildings and new construction impacted by the floods. There will be an increased budget item in the next budget for reimbursed building permits. The \$125,000 for the 5th St. and 5th Ave. NW project were TIF funds to be used for economic development in an Urban Renewal Area. A lot of the flood residences will not be in the Urban Renewal area. Staff will introduce a proposal.

F. BOARDS AND COMMISSIONS.

1. **Boards and Commissions.**

Waverly Volunteer Fire Department Minutes-the driveway fill at the Fire Station was not compacted enough and it sunk. The City and the Architect are working with the contractor on roof leaks that have to be addressed. There were inspections by the Architect and staff. Economic Development Director informed Council that the storm sewer is 20 to 25 feet below the surface. The contractor disturbed the soil and they tried to compact and the ground still settled. Warranty items are still being addressed at the Fire Station.

Bremer-Waverly Law Enforcement Board Minutes-Code Red system is adding citizens that need electricity for medical support in the event of a power outage so they will be notified.

2. **Reports.**

Building Trades Permit Issuance – additions to the tax base of \$843,727.

3. **Communications.**

Senior Citizens Group, Inc. – fitness exercise class was added.

1st Quarter Report on the Golf Course – the projections for 2009/10 under food sales figures were provided by the Pro. 75% of trail fee revenues go to the Trail Reserve Fund. Leisure Services Director Ray informed Council that the two new holes will open in Spring, 2011. In the budget this year \$9,000 was budgeted for advertising and last year \$7,500.

G. CITY COUNCIL COMMENTS ON POLICY ISSUES.

Staff is doing some maintenance around the Airport Building. City Administrator Crayne stated that the Hazard Mitigation Plan was approved by Council and one of the items to be considered was to establish a River Commission to keep looking at flood mitigation issues and regional river issues. Staff will prepare a draft proposal of an ordinance to outline powers and duties for said commission.

The Council discussed using LOST money to fund the match for the grant for the drainage ditch by the bowling alley. City Engineer Cherry stated that the local match may be covered by State funding for Unmet Needs. The drainage ditch will have concrete retaining walls and concrete floor for the first 80 Lineal feet which is past the pedestrian bridge. Mr. Cherry also stated that extending the concrete walls and floor behind the Bowling Alley building is beyond the scope of the project which the NRCS will not fund. City Administrator Crayne noted the letter from the City to the Engineer of the Army Corps of Engineers to request if they would do a study on Southeast Waverly. Mr. Crayne did receive an e-mail from the Corps' engineer. Staff will send in an additional form to request that the Corps do a reconnaissance study. It would be federally funded and the City would have to apply for said funds. Staff will review the maps of Southeast Waverly. There will be some funding match involved if there is a project and if it meets the cost ratio of the Army Corps of Engineers.

H. EXECUTIVE SESSION.

1. To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session – City Administrator's Performance Evaluation.

Moved By: Ribich

Enter in Executive Session.

Yes: 6

No: 0

Absent: 1

Moved By: Boorum

Reenter into open session.

Yes: 6

No: 0

Absent: 1

I. ADJOURNMENT.

Moved By: Boorum

That the City Council Meeting be adjourned.

Yes: 6

No: 0

Absent: 1

Council adjourned at 9:17 P. M.

Ivan J. Ackerman, Mayor

Attest:

JoEllen Raap, City Clerk