

their gift to the City to release and transfer it to the City. Chris Harshbarger, Star Rupe, Steve Tisue and Mark Rollinger representing Goodwill Industries were present and Mr. Harshbarger also thanked Waverly Light and Power. It is likely that the facility will be open in May or June and will include retail and a training center. The facility serves Waverly and Bremer County. Terrecon is conducting soil and water testing on the site. The hearing was declared closed and the following action was taken.

Moved By: Boorum

Resolution 09-143, A Resolution Approving the Sale of Lot 1 in the Waverly Industrial Plaza to Goodwill Industries for the amount of \$800,000 is hereby approved.

Yes: 7

No: 0

Absent: 0

2. This was the date, time and place for a public hearing on 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 (Central Business – District) of Said City in Northwest Waverly on the North Side of the 200 Block of 1st Avenue NW. The Mayor asked for any written comments and there were none. Pat Hagen reviewed the site layout and stated that Fareway Stores want to stay in Downtown Waverly. The new site plan calls for an entrance on 3rd Street NW to the north. Fareway has widened south entrance because of stacking issues on Bremer Ave. Rod Drenkow voiced concern with commercial property moving into residential neighborhoods. R-3 or R-4 areas completely surround C-3 commercial enterprise on Bremer Avenue and 4th Street SW. R-3 or R-4 areas act as a buffer to the residential area and have been eroded away and will eventually deteriorate the R-2 area and lower property values especially in the older areas of town. Fareway Stores has agreed to work with the neighboring property owners and landscape the areas behind the store. Mr. Drenkow believes that there should be provisions in the zoning code or in the development agreement for businesses to provide a buffer between their enterprise and residential areas. The present code provides for screening in the case of a parking lot adjoining a residential district. Fareway will voluntarily provide screening but Mr. Drenkow is worried that the next business who wants to expand and moves into a residential area might not want to provide screening. The hearing was declared closed and the following action was taken.

Dick Lindell stated that Family Video did not provide screening.

Administrator Crayne will check with other communities to see what their codes provide regarding screening. The Fareway Development Agreement is almost completed and there is a provision in the agreement that the screening would be done in the alley area. Council agreed that commercial in the transitional areas should be considered when the Planning & Zoning Commission revisits the Comprehensive Plan and look at the code as well. Council was in favor of moving the entrance to the parking lot farther down from St. Paul's Lutheran School.

Moved By: Ecker

Second Reading of Ordinance 928, 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 (Central Business – District) of Said City in Northwest Waverly on the North Side of the 200 Block of 1st Avenue NW is hereby approved.

Yes: 7

No: 0

Absent: 0

Resolution 09-150, A Resolution Proposing the Vacation of City Right-of-Way, the 200 Block of 1st Avenue NW and Transfer of Property to Fareway Stores, Inc. and Setting the Public Hearing on said proposal.

Moved By: Boorum

Resolution 09-150, A Resolution Proposing the Vacation of City Right-of-Way, the 200 Block of 1st Avenue NW and Transfer of Property to Fareway Stores, Inc. and sets December 21, 2009 at 7:00 P. M. in the Council Chambers at City Hall as the date, time and place for a Public Hearing on said proposal.

Yes: 7

No: 0

Absent: 0

Resolution 09-151, A Resolution Proposing the Vacation of City Right-of-Way, the Alley within Block 35 of Harmon and LeValley's Addition in NW Waverly, and Transfer to Adjacent Property Owners and Setting the Public Hearing Date on said proposal.

Moved By: Grace

Resolution 09-151, A Resolution Proposing the Vacation of City Right-of-Way, the Alley within Block 35 of Harmon and LeValley's Addition in NW Waverly, and Transfer to Adjacent Property Owners and sets December 21, 2009 at 7:00 P. M. in the Council Chambers at City Hall as the date, time and place on said proposal.

Yes: 7

No: 0

Absent: 0

Resolution 09-154, A Resolution Determining the Necessity and Setting Date for a Public Hearing on a Proposed Amended Downtown Waverly Urban Renewal Plan for Economic Development for a Proposed Urban Renewal Area in the City of Waverly.

Moved By: Ribich

Resolution 09-154, A Resolution Determining the Necessity and Setting Date for a Public Hearing on a Proposed Amended Downtown Waverly Urban Renewal Plan for Economic Development for a Proposed Urban Renewal Area in the City of Waverly and hereby sets December 21, 2009 at 7:00 P. M. in the Council Chambers at City Hall as the date, time and place for a public hearing on said Amendment and is hereby approved.

Yes: 7

No: 0

Absent: 0

C. VISITORS/PUBLIC COMMENTS.

Mayor Ike Ackerman's Retirement Reception is Friday December 11, 2009 from 2:00 – 4:00 P. M. at the Civic Center.

D. CONSENT AGENDA.

1. Class C Liquor License for East Bremer Diner, Inc.

3. Pay Request from Cramer & Associates in the amount of \$89,931.09 for the Permanent Scour Countermeasures on the Rail Trail Bridge.
 4. Pay Request from Design Alliance in the amount of \$152.51 for the Waverly Recycling Center.
 5. Pay Request from WHKS & Co. in the amount of \$4,167.36 for the Waverly Recycling Center.
 7. Pay Request from Denver Underground & Grading for the Riverbank Stabilization 2009 in the amount of \$24,005.42.
 8. Pay Request from Benton's Sand & Gravel for the Emergency Flood Demolition – Group 1 in the amount of \$190,408.50.
2. Class B Beer Permit for Bremer County Fair Association.
The Police Chief has reviewed said application and has no objections.
 6. Pay Request from Iowa Northland Regional Council of Governments in the amount of \$4,250.52 for the HMGP Flood Buyout.

The State of Iowa will go into their system after Council approval of Bremer County Fair Association's application and put in the correct renewal date.

City Attorney Carney informed Council that the first group of buyout requests have been approved by FEMA, but INRCOG is hopeful that the funds will be coming in about two weeks. Mr. Carney stated that the duplication of benefits issue has been resolved but some buyout property owners are still negotiating with FEMA on duplication of benefits. Administrator Crayne stated that there are 26 homes that are in the approval group at this point. Mr. Butch Kehe also informed Council that ten emergency demolition homes are down. Mr. Carney informed Council that the slow process of FEMA funding for buyouts is a problem all over the state. Council would like to express frustration to INRCOG on how slow the buyout process is going. Staff will be having a meeting with INRCOG to try and work on the operational process. Cedar Rapids, Cedar Falls and Waterloo have all had the same problem of slow funding of FEMA buyout homes. Cedar Rapids has just sent out letters for the first round of buyout homes.

Moved By: Ribich

Items 1-8 on the Consent Agenda are hereby approved.

Yes: 7

No: 0

Absent: 0

E. REGULAR BUSINESS.

1. Review of Waverly Light and Power 2010 Adopted Budget.

Diane Johnson and Eric Sommermeyer from Waverly Light and Power shared the budget results of their 2010 Adopted Budget.

The 2010 budget is higher than the 2009 budget by 31.7%. The rise is due to escalating transmission and generation costs for purchase power. Purchase power is 30% of the Waverly Light and Power budget.

Purchase power would go up when WLP had to move from a contract with Mid American Energy to a contract with MEAN (Municipal Energy Agency of Nebraska). MEAN is used as a backup to always cover Waverly's load if there is a need. Prior planning and choices made by Waverly Light and Power have helped keep the cost of purchase power down. The new revenue increase will be 4.5%. The increase is for the increase of purchase power and generation, also funding to replace Cannon II. WLP

will receive reimbursement to replace Cannon II. Waverly's transmission power comes from Mid American Transmission network so as to get power from the places where it is generated to Waverly customers. Waverly, Denver and Cedar Falls are in an area that is highly congested and the congestion fees are higher than expected. WLP is fighting at the regulatory level to explain to the government entities that it is unfair and unjust that a small utility has to face that burden because of Mid American Energy's decision to move into the Midwest Independent System Operator, a transmission organization. WLP's distribution projects include continuation of the 69KB line in 2011, large customer site upgrades, and replacement of a cooler at the north Generation plant. The goal is to have 20% renewable energy by 2020. New projects include a Fuller water heater rebate program, a pole mounted tracking system, and solar panels on the Waverly Light and Power's roof. WLP has received a grant for said solar panels. Energy efficiency programs are critical and will be more aggressive. The goal is to reduce .56 % Kilowatt hours in 2010 and hope to be saving 1.2% by 2014. A new home building program and home energy tune up will begin in 2010. The Renewable Energy fund is for contributions to Waverly Light and Power. Waverly Light and Power presents the budget to Council so that all citizens are aware of the budget. The Waverly Light and Power's Board is chosen by the Council and the budget review provides the Council with an update on Waverly Light and Power operations. The \$100,000 annual contribution for 20 years from "the W" goes into the Renewable Energy fund to offset the usage that is coming from "the W" and other Wartburg expansions. Administrator Crayne informed Council that revenue bonds do not count against the constitutional debt capacity. The \$6,000,000 through energy conservation are avoided costs. Waverly Light and Power is negotiating with Midwest Independent System Operator(MISO) and MidAmerican Energy to come to resolution about the way Waverly is being charged if that does not work WLP will go to the Federal Energy Regulatory Commission. WLP is working with the Planning and Zoning Commission on small wind turbine projects within the City. WLP wants to make sure that small wind turbine generation is safe and effective for all customers to get a return on their investment. WLP and the Planning and Zoning Commission will be doing a public forum on January 11, 2010 on wind generation. 20% of sales go to residential customers, industry is 57% and commercial is 11%. Residential customers' percentage of the revenue increase is 5.9% and commercial customers are lower so that commercial and industrial customers are not paying more than it costs to serve them.

2. **Resolution 09-155, A Resolution Determining and Setting Date for a Public Hearing on a Proposed Amended Waverly Urban Renewal Plan for Economic Development for a Proposed Urban Renewal Area in the City of Waverly.**

Economic Development Director Passmore stated the proposed urban renewal amendment was to bring in the area east of town for a potential company and the future location Cedar Valley Parkway entrance onto Highway 3. The proposed company would bring in 36 new employees to the Waverly workforce. Mr. Passmore also informed Council that he works with the County Auditor's office on the urban renewal area and boundaries are based on parcels. When the Council approves the proposed urban renewal area amendment the taxes are frozen and the new increment is

directed to the TIF funds and does not affect property taxes. The consultations were completed with the County regarding the Fareway amendment and Highway 3 East amendment and both had favorable responses. The work with the County, Hawkeye College and the Schools is a team effort.

Moved By: Ribich

Resolution 09-155, A Resolution Determining and Setting Date for a Public Hearing on a Proposed Amended Waverly Urban Renewal Plan for Economic Development for a Proposed Urban Renewal Area in the City of Waverly and sets December 21, 2009 at 7:00 P. M. in the Council Chambers at City Hall as the date, time and place for a public hearing on said Urban Renewal Plan Amendment and is hereby approved.

Yes: 7

No: 0

Absent: 0

3. **Resolution 09-148, A Resolution Awarding Contract for the Bremer Avenue Traffic Signal Modifications.**

Dick Lindell stated that the 6th Street NW traffic light would be taken out when the Junior High School moves and wants the Council to wait to make that decision at that time. Council informed Mr. Lindell that the decision was already made to remove the light at 6th St. NW when the school moves. City Engineer Cherry also informed Mr. Lindell that a traffic study was performed and that traffic light was not warranted and in order to get federal money of \$400,000 to upgrade the other traffic signals the City has to follow the rules and remove the signal. There was concern of pedestrian crossing at 4th Street. Mr. Rod Drenkow stated that the Council should reconsider their decision to leave a pedestrian crossing light at the intersection because of children crossing to go to the pool, park and Wartburg students going to Subway. City Engineer Cherry stated that a traffic study should be done on the 4th Street Corridor in the future and look at the 6th Street pedestrian light again. The Bremer Avenue Traffic Study looked at pedestrian traffic and schools. Traffic lights don't stop accidents but might change the severity of accidents. Council agreed that the City should move forward and there will be time until the school is closed to revisit the 6th Street NW pedestrian crossing or investigate another crossing on Bremer Avenue. The new traffic signals would have added features for pedestrian crossing. Council also discussed that a bridge or tunnel crossing on Bremer Avenue should be considered. The traffic study was conducted in the fall when Wartburg and WSR schools were in session.

Moved By: Ecker

Resolution 09-148, A Resolution Awarding Contract to KWS, Inc. in the amount of \$394,997.50 for the Bremer Avenue Traffic Signal Modifications is hereby approved.

Yes: 7

No: 0

Absent: 0

4. **Resolution 09-144, A Resolution Approving a REAP Grant Agreement for the Yard Waste Site Reclamation Project.**

Administrator Crayne stated that the Yardwaste will be moving to its new location and it was anticipated that the REAP grant would fund the whole Reclamation project. The alternatives to complete that funding would be to use solid waste enterprise, and capital improvement funding. If the Council delays approval until after the budget the City would not receive the funding and may not receive any REAP funding in the future. Staff was concerned with the current yardwaste cleanup and restoration so as to be

