

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on November 7, 2011, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Brunkhorst presided. Council members present: Kathy Olson, Gene Lieb, Gary Grace, Gary Boorum, Richard Lindell and Tim Kangas. Ward 4 vacant.

1. **Pledge of Allegiance.**

Aaron Forest led the Council in the Pledge of Allegiance. Life Scout Aaron Forest reviewed signs he made for his Eagle Scout requirements along the rail trail.

2. **Prayer.**

Councilmember Boorum said a prayer for the 2011 Council.

3. **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: 4th Ward Vacant

4. **Minutes.**

Moved By: Boorum

The October 24, 2011 Council Meeting Minutes are hereby approved.

Yes: 6

No: 0

Absent: 4th Ward Vacant

5. **Guest Councilperson.**

The Council welcomed Susan Buresh as a guest councilperson for November.

B. VISITORS/PUBLIC COMMENTS.

Public Services Superintendent Sullivan informed Council and audience members that the Yard Waste Site will be open until December 3rd.

C. PUBLIC HEARINGS.

1. This was the date, time and Place for a Public Hearing on Ordinance 954, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning from A-1 (Agricultural District) to R-4 (Multiple Family-Transitional District) of Said City for Property in SW Waverly on the South Side of 10th Avenue SW for John Dettmer. Community Development and Zoning Specialist Kohout informed Council and John Dettmer that the R-4 rezoning covers the area where the apartments are now. Mr. Kohout stated that the Planning and Zoning Commission received three letters from surrounding neighbors voicing their objections to apartments encompassing Mr. Dettmer's property. The Commission recommended that the R-4 rezoning stay and Mr. Dettmer could subdivide the rest of the area and settle the estate. The Comprehensive Land Use Map identifies the area as commercial. The hearing was declared closed and the following action was taken.

Moved By: Kangas

Second Reading of 954, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning from A-1 (Agricultural District) to

R-4 (Multiple Family-Transitional District) of Said City for Property in SW Waverly on the South Side of 10th Avenue SW for John Dettmer is hereby approved.

Yes: 6 **No: 0** **Absent: 4th Ward Vacant**

2. This was the date, time and place for a Public Hearing on a proposal to Vacate a Utility Easement Between Lots 7 & 8 in Waverly Industrial Plaza. The hearing was declared closed and the following action was taken.

Moved By: Olson

Resolution 11-129, A Resolution Authorizing the Vacation of a Utility Easement Between Lots 7 & 8 in Waverly Industrial Plaza is hereby approved.

Yes: 6 **No: 0** **Absent: 4th Ward Vacant**

D. CONSENT AGENDA.

1. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for HMGP Demolitions in the amount of \$3,037.86.
2. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for CDBG Flood Buyout in the amount of \$868.75.
3. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for HMGP Amvets Buyout in the amount of \$54.07.
4. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for CDBG Dam Project in the amount of \$1,810.68.
5. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for Grant Writing for REAP Grant for Amvets Riverbank Restoration 2012 in the amount of \$1,000.00.
6. Pay Request from Peterson Contractors, Inc. for the Waverly Dam Reconstruction in the amount of \$49,780.00.
7. Pay Request from Stanley Consultants, Inc. for the Waverly Cedar River Parkway Environmental Assessment in the amount of \$24,045.02.
8. Pay Request from Baker Concrete & Excavating for the Citywide Concrete Sidewalk and Curb & Gutter Repairs – 2011 in the amount of \$15,635.00.
9. Pay Request from Wicks Construction, Inc. for the Waverly Municipal Airport Access Road and Parking Lot Improvements in the amount of \$228,791.28.
10. Special Class C Liquor License for Wartburg College.
Discussion followed on the Inflatable Dam hydros.

Moved By: Boorum

Items 1 – 10 on the Consent Agenda are hereby approved.

Yes: 6 **No: 0** **Absent: 4th Ward Vacant**

E. REGULAR BUSINESS.

1. **First Reading of Ordinance 953, An Ordinance Amending Chapter 105 of the Waverly Municipal Code to Permit Operation of All-Terrain Vehicles and Off-Road Utility Vehicles on City Streets Under Certain Conditions and the Registration of Such Vehicles.**

Administrator Crayne informed the Council that the ordinance is being brought forth for snow removal, lawn and garden purposes and for special events approved by the Police Chief. Currently Off-Road Utility vehicles

are prohibited on City streets. Public entities today can utilize off-road utility vehicles on City streets for City purposes. The Council reviewed State code regarding Off-Road Utility Vehicles and All Terrain Vehicles. The Council requested that the ATV language be removed from the Ordinance. State law allows Cities to decide whether they allow off-road utility vehicles on their streets. Off-road utility vehicles have to be annually registered with the DNR. Chief Pursell's recommendation is to repeal Section 105.5.10, change Section 105.5.9 to read snowmobiles and all terrain vehicles and create Section 105.5.10 off-road utility vehicles and golf carts so it will be consistent with State code. David Downing with the DNR would not support a City registration process because it is inconsistent with State Code. The City would have to make application to the DNR for any rules that City would change that are not consistent with the State law. John Wuertz representing Wartburg College stated that the college uses both a utility vehicle and a golf cart for lawn care. Mr. Wuertz would also like to include language for off road utility vehicles and golf carts used for transporting athletic training supplies out to the athletic fields. The College also uses a small trailer to transport push movers and weed whips to go to different parts of campus. Lyman Campbell voiced similar comments about the use of his off road utility vehicle for landscaping work in different areas of the City. For the next reading of the ordinance, Administrator Crayne will incorporate additional language regarding hours of operation, landscaping as a permitted use, deleting ATV language, define off road utility vehicle in the proposed ordinance, turn signal and emergency lighting requirements, registration process, and the use of trailers on ORV's.

Moved By: Olson

First Reading of Ordinance 953, An Ordinance Amending Chapter 105 of the Waverly Municipal Code to Permit Operation of All-Terrain Vehicles and Off-Road Utility Vehicles on City Streets Under Certain Conditions and the Registration of Such Vehicles is hereby approved.

Yes: 6

No: 0

Absent: 4th Ward Vacant

2. **Approve Change Order No. 1 for Historic Surveys of Residential Neighborhoods.**

First, the Council recognized Sarah Meyer Ryerson featured in the 20 under 40 magazine in the Waterloo Courier. Sarah Meyer Ryerson informed Council that the City currently has a contract with Svendsen Tyler, Inc. doing survey work for the residential areas in Northwest and Southeast Waverly. The survey will result in a national register nomination for the neighborhoods as historic districts in Waverly. The survey is being paid by FEMA. This change order allows Svendsen Tyler to contract with Bremer County to produce GIS mapping and gather other historic data.

Moved By: Grace

Change Order No. 1 for Historic Surveys of Residential Neighborhoods to Svendsen Tyler, Inc. for the increased amount up to \$2,000 is hereby approved.

Yes: 6

No: 0

Absent: 4th Ward Vacant.

3. **Presentation of Historic Preservation Awards.**

Karen Lehman and members of the Historic Preservation Commission presented two awards to Tim and Lani Gehlsen Schoepf of 622 E. Bremer Ave. and Mark and Beverly Anderson of 502 4th Street SW. The two families have made building improvements with regard to sensitive restoration of the original design of their homes. Information on the application process can be found on the Historic Preservation Commission Website.

4. **Resolution 11-130, A Resolution Selecting a Contractor for the Asbestos Abatement of Thirteen Flood Damaged Properties Acquired by the City Through the CDBG Acquisition and Demolition Project.**

Community Development and Zoning Specialist Kohout informed Council that INRCOG facilitated the bidding process. Two homes will be moved and there are three more homes to purchase.

Moved By: Lindell

Resolution 11-130, A Resolution Selecting a Contractor for the Asbestos Abatement of Thirteen Flood Damaged Properties Acquired by the City Through the CDBG Acquisition and Demolition Project the best, responsive and responsible bidder of the three responding bidders is recommended to be Abatement Specialties of Cedar Rapids, Iowa as they submitted the lowest bid amount of \$51,335.00 for the properties of:

| | | |
|-----------------------------|-----------------------------|-----------------------------|
| 207 7 th Ave. SW | 309 7 th Ave. SW | 403 Crestwood Ave. |
| 422 1 st Ave. SW | 304 6 th St. NW | 214 7 th Ave. SW |
| 702 1 st St. SW | 516 2 nd St. SE | 414 4th St. NW |
| 521 4 th Ave. NW | 921 1 st St. SW | |
| 303 7 th Ave. SW | 215 7 th Ave. SW | |

is hereby approved.

Yes: 6

No: 0

Absent: 4th Ward Vacant

5. **Final Pay Request from ATC Associates of Waterloo, Iowa for the Survey, Testing and Inspection of Fifteen CDBG Flood Buy-out Properties Owned by the City of Waverly.**

Moved By: Grace

Final Pay Request from ATC Associates of Waterloo, Iowa for the Survey, Testing and Inspection of Fifteen CDBG Flood Buy-out Properties Owned by the City of Waverly in the amount of \$9,150.00 is hereby approved.

Yes: 6

No: 0

Absent: 4th Ward Vacant

11. **Approve Change Order No. 2 for the 20th Street SW Turn Lane & Trail Construction Project.**

All drivers have to stop at the 20th Street and Bremer Ave intersection.

Moved By: Boorum

Change Order No. 2 for the 20th Street SW Turn Lane & Trail Construction Project to Vieth Construction Corp. for the increased amount of \$184.10 is hereby approved.

Yes: 6 No: 0 Absent: 4th Ward Vacant

12. **Resolution 11-132, A Resolution Finalizing the 20th Street SW Turn Lane & Trail Construction Project and Approving Final Pay Request.**

Moved By: Lindell

Resolution 11-132, A Resolution Finalizing the 20th Street SW Turn Lane & Trail Construction Project and Approving Final Pay Request to Vieth Construction Corp. in the amount of \$40,075.90 is hereby approved.

Yes: 6 No: 0 Absent: 4th Ward Vacant

13. **Resolution 11-133, A Resolution Finalizing the Citywide Asphalt Patching Fall 2011 and Approving Final Pay Request.**

Moved By: Lieb

Resolution 11-133, A Resolution Finalizing the Citywide Asphalt Patching Fall 2011 and Approving Final Pay Request to Kluesner Construction of Farley, Iowa in the amount of \$20,794.08 is hereby approved.

Yes: 6 No: 0 Absent: 4th Ward Vacant

14. **Resolution 11-134, A Resolution Releasing Maintenance Guarantee for Rolling Meadow Subdivision 2A – 10th Avenue SW Left-Turn Lane.**

Moved By: Lindell

Resolution 11-134, A Resolution Releasing Maintenance Guarantee for Rolling Meadow Subdivision 2A – 10th Avenue SW Left-Turn Lane public improvement effective December 3, 2011 is hereby approved.

Yes: 6 No: 0 Absent: 4th Ward Vacant

15. **Award Bid for 2012 ½-ton Pickup.**

Moved By: Grace

Award Bid for 2012 ½-ton Pickup to Jerry Roling Motors of Waverly, Iowa in the amount of \$18,886.21 is hereby approved.

Yes: 6 No: 0 Absent: 4th Ward Vacant

F. BOARDS AND COMMISSIONS.

1. **Boards and Commissions.**

2. **Reports.**

3. **Communications.**

Blue Zones Project information – Leisure Services Director Ray informed Council that Governor Branstad is promoting that Iowa should become a Blue Zone State. Blue Zone is a movement to improve health in different communities, schools and individuals across the state. It includes moving and eating and nine different behaviors to live longer, lose weight and improve health by following the different behaviors. A grant is available to 10 communities in the State that show interest in the Blue Zone project. Individuals can register online at bluezonesproject.com to show

commitment for the community. There will be a meeting about the Blue Zone initiative on Tuesday, November 15th at Tendrils Rooftop Garden. Candlelight Walk is November 19th at 5:00 P. M. at the Trail Shelter behind Kwik Star East.

G. CITY COUNCIL COMMENTS ON POLICY ISSUES.

Council reminded citizens to vote tomorrow.

City Engineer Cherry informed Council that the gates of the Inflatable Dam adjust the water level automatically. Engineers for the project are doing performance testing on the dam. The gates were raised to the highest level and staff contacted all adjacent property owners upstream to check river levels on their property. Adjustments can be made to the dam as soon as ice out occurs in March and maintain a higher pool elevation through November. Staff will bring back to Council results of a survey of adjacent property owners to the river. Prior to ice up one of the gates on the dam will remain up through the winter.

Fair Ball Diamond presentation and sidewalk update will be brought to Council at the study session.

H. ADJOURNMENT.

Moved By: Boorum

That the City Council Meeting be adjourned.

Yes: 6

No: 0

Absent: 4th Ward Vacant

Council adjourned at 8:31 P. M.

Bob Brunkhorst, Mayor

Attest:

Jo-Ellen Raap, City Clerk