



3. This was the date, time and place for a public hearing on the Centennial Oaks Phase 3A Improvement Project 2012. The Mayor called for any comments. The hearing was declared closed and the following action was taken. Duane Liddle voiced concern with further settlement of Augusta Lane. The project includes major repair to Augusta Lane with a mill and overlay to reestablish the proper cross slope. City Administrator Crayne informed Council that Developers will provide performance and maintenance bonds at the beginning of a project in a new subdivision.

**Moved By: Olson**

Resolution 12-84, A Resolution Approving Plans, Specifications, Form of Contract and Estimated Costs for the Centennial Oaks Phase 3A Improvement Project 2012 with estimated project costs of \$121,216 is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

4. This was the date, time and place for a public hearing on a resolution authorizing the vacation of drainage easements between lots 90, 91, 93, 94 and Outlot "L" within Centennials Oaks Golf Club Addition Phase 3B platted area. The Mayor called for any comments. The hearing was declared closed and the following action was taken. Mark Hanawalt the developer of Centennial Oaks Golf Club Addition Phase 3B stated that the next step is to award a contract for said construction. City staff does inspect subdivision improvements and a four year maintenance guarantee and performance bond are submitted to the City. Kirk Pape stated that TeKippe Engineering will be performing full time observation on said project.

**Moved By: Boorum**

Resolution 12-85, A Resolution Authorizing the vacation of drainage easements between lots 90, 91, 93, 94 and Outlot "L" within Centennial Oaks Golf Club Addition Phase 3B platted area is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

**Resolution 12-90, A Resolution Approving Centennial Oaks Development – Phase 3B Improvements Plans.**

**Moved By: McKenzie**

Resolution 12-90, A Resolution Approving Centennial Oaks Development – Phase 3B Improvements Plans is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

5. This was the date, time and place for a Public Hearing on the 2011 – 2012 Budget Amendment. The Mayor called for any comments and there were none. The hearing was declared closed and the following action was taken. The net increase in expenditures is \$1,180,100. The net increase is a result of timing of certain projects and expenditures overlapped into this year causing the increased budget. There is no increase in property taxes.

**Moved By: Kangas**

Resolution 12-86, Resolution Adopting the Amended Budget for fiscal Year Ending June 30, 2012 is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

**C. VISITORS/PUBLIC COMMENTS.**

City Attorney Werger informed Mike Jahnke that he will contact him when the DNR information on the north Cedar River pool elevation is received. Discussion followed on trees in the sidewalk program and INRCOG's lump sum bid for demolition administration.

City Engineer Cherry informed John Campbell that historic documentation and records have to be completed and said documents have to be approved by State Historical Conservation Organization before the Inflatable Dam project is finalized. The City has submitted the proposed Cedar River signage to the DNR. Staff is reluctant to remove the present river signage informing visitors of the approaching dam. Mr. Cherry hopes the new signage will be up by the end of June. There will be four historic marker panels around the dam. Historic documentation has to be completed by Tall Grass Historians.

Report on future performance Center will be presented to the Leisure Services Commission and to the Council in the future.

**D. CONSENT AGENDA.**

1. Pay Request from McClure Engineering Co. for the Waverly Obstruction Evaluation Airport Airspace Analysis (OE/AAA) Categorical Exclusion Checklist in the amount of \$1,102.50.
2. Pay Request from Stanley Consultants, Inc. for the Waverly Cedar River Parkway Environmental Assessment in the amount of \$22,858.12.
3. Final Pay Request from Stanley Consultants for the Waverly Cedar River Parkway Environmental Assessment in the amount of \$35,958.18.
4. Pay Request from Tschiggfrie Excavating Co. for the Sanitary Sewer Lift Station Improvements for the amount of \$64,427.84.
5. Pay Request from Heartland Asphalt, Inc. for the Brookwood Park to Soccer Complex Trail Extension in the amount of \$37,899.06.
6. Pay Request from Baker Concrete & Excavating for the Pine Street Reconstruction 2012 in the amount of \$31,077.62.
7. Class C Liquor License for the Waverly Bowling Lanes, Inc.
8. Class B Beer Permit for Pizza Hut.
9. Class C Liquor License for the Fainting Goat.

**Moved By: Olson**

Items 1 – 9 on the Consent Agenda are hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

**E. REGULAR BUSINESS.**

1. **Review the Obstruction Evaluation / Airport Airspace Analysis & Categorical Exclusion Checklist (for NEPA) at the Waverly Municipal Airport.**

Derek Anderson informed Council that McClure Engineering conducted an Obstruction Evaluation Analysis and the FAA has reviewed and responded back to the City. Mr. Anderson also met with the FAA to gather additional information. Mr. Anderson reviewed the runway protection area with Council and the property needed for said protection area. The properties are not a direct obstruction so the FAA will allow the current residents to stay on their property but does require the City obtain an easement so that said residents cannot build any additional buildings on their properties. If the property owners sell or move the City would obtain said properties with first right of refusal. If the agreements between the City and property owners are amicable the FAA would allow the City to purchase an easement with right of first refusal in said agreement. If the City did not reach an amicable decision with the landowners, the City would have to proceed with fee title acquisition. If there is a willing seller in the Airport Layout Plan, the FAA will collaborate with the City to purchase said land with FAA funding reimbursement. The FAA would require an appraisal of said property by an appraiser. The Miller property infringes on the runway protection zone and

the FAA would require a to-the-ground easement or fee title acquisition. The next step would be the categorical exclusion which is the environmental analysis and phase one archeological study requested by the State Historic Preservation Office. The environmental analysis and archeological study should be completed by October. The FAA will reimburse the city to purchase an easement. Agricultural land can be acquired and leased back to the property owner. Mr. Anderson informed Eugene Miller that he will have to negotiate the purchase of his property with the FAA.

2. **First Reading of Ordinance 959. An Ordinance amending the Code of Ordinances of the City of Waverly, Iowa, by repealing Chapter 90, Thereof entitled Building Code and enacting and adopting a new Chapter 90 in lieu of entitled Building Code.**

Councilmembers Olson and Kangas left the meeting. Randy McKenzie informed Council that the Bremer County Building Office wants to adopt the 2012 Building Code to stay current for enforcement purposes. The 2012 Residential Code requires sprinkler systems in one and two family dwellings but the County mandated it out of their requirements. The State adopted the International Energy Conservation Code in 2009 and the County has been enforcing said code for the last few years. Discussion followed on the State Insurance Ratings. Councilmembers Olson and Kangas returned to the meeting.

**Moved By: Lieb**

First Reading of Ordinance 959, An Ordinance amending the Code of Ordinances of the City of Waverly, Iowa, by repealing Chapter 90, Thereof entitled Building Code and enacting and adopting a new Chapter 90 in lieu of entitled Building Code is hereby approved.

**Yes: 6                                  No: 1(Boorom)                  Absent: 0**

3. **Approve Purchase of a New Waverly Fire Department Pumper Truck.**

Councilmembers Olson and Kangas left the meeting. Fire Chief Dennis Happel informed Council that three bids were received on the pumper truck and Pierce Manufacturing, Inc. proved to be in total compliance on specifications. The Fire Truck Committee met with each manufacturer prior to the bid letting on the truck design. Pierce provided a reduced alternate bid for payment after the chassis was completed and a reduced amount if the vehicle is 100% prepaid. Councilmembers Olson and Kangas returned to the meeting.

**Moved By: Boorom**

The purchase of a new Waverly Fire Department Pumper Truck from Pierce Manufacturing, Inc. for \$473,997 minus deductions of \$11,853.00, **less chassis payment discount in the amount of \$8,052.00** is hereby approved.

**Yes: 7                                  No: 0                                  Absent: 0**

4. **Third and Final Reading of Ordinance 958, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa Providing for Rezoning of Certain Area of Said City from U-1 (Environmentally Sensitive Protected District) to R-1 (Single Family Residential District) for Property located in SE Waverly on the Northeast Corner of 8<sup>th</sup> Street SE and 17<sup>th</sup> Avenue SE.**

The remaining western half of the Joseph and Melissa Barber property will be rezoned R-1(Single Family Residential District) after Planning & Zoning

Commission and Council approval. Staff informed John Campbell that the remaining portion of the Barber property along the river will remain U-1 (Environmentally Sensitive Protected District) zoning.

**Moved By: Neuendorf**

Third and Final Reading of Ordinance 958, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa Providing for Rezoning of Certain Area of Said City from U-1 (Environmentally Sensitive Protected District) to R-1 (Single Family Residential District) for Property located in SE Waverly on the Northeast Corner of 8<sup>th</sup> Street SE and 17<sup>th</sup> Avenue SE is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

5. **Resolution 12-87, A Resolution Approving Final Payment to Abatement Specialties, LLC for Asbestos Abatement of Three CDBG Flood Buy-Out Properties Owned by the City of Waverly.**

**Moved By: Olson**

Resolution 12-87, A Resolution Approving Final Payment to Abatement Specialties, LLC of Cedar Rapids, Iowa for the amount of \$13,435.00 for Asbestos Abatement of Three CDBG Flood Buy-Out Properties Owned by the City of Waverly is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

6. **Resolution 12-88, A Resolution Approving Payment to Active Thermal Concepts for Demolition of Eleven CDBG Flood Buyout Properties owned by the City of Waverly.**

**Moved By: Lindell**

Resolution 12-88, A Resolution Approving Payment to Active Thermal Concepts of Hiawatha, Iowa for the amount of \$69,250 for Demolition of Eleven CDBG Flood Buyout Properties owned by the City of Waverly is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

7. **Resolution 12-89, A Resolution Approving a Professional Services Agreement for the West Bremer Avenue Sidewalk Improvements.**

Resolution 12-89 was removed from the agenda.

8. **Resolution 12-91, A Resolution Approving Request to IDNR to Amend or Replace the Waverly Dam Permit No. 51-6.**

City Engineer Cherry informed Council that the City is operating under a 1951 permit for the inflatable dam. The DNR and the City staff feel that it would be in the City's best interest to request a permit amendment or replacement of permit number 51-6 to set a pool elevation of 905.4 feet msl because of the new enhanced dam capabilities. The City wants to amend or replace the 1951 permit and allow for an additional four- inch flow amount that reflects the historic normal summer time elevation since 1951. The intent is to establish a permanent water elevation that represents where it's been for the last 60 years. Mike Jahnke stated the river elevation of 903.7 feet was set in 1915 and the City had an easement for said elevation. In 1970 the DNR Director sent a letter stating that "the one foot flashboards has been permitted for 18 years however authorization for the flashboards is not clearly given in any document." The City continued to use the flashboards. Mr. Jahnke also stated that if the City wants to raise the river elevation staff should meet with upstream property owners. Mr. Jahnke stated that the City has not acquired any easements for raising the height of the dam. Permit No. 51-6 did not include the height of the river elevation

and was controlled by the easements from the property owners. Mr. Jahnke declared that there should have been a public hearing on said issue.

Mr. Jahnke's river bank is eroding and wants the City to riprap said bank. Mr. Cherry informed Council that this is the opportunity for a new public hearing to discuss maintaining the pool elevation where it's been for the last 60 years. Mr. Cherry does believe that recreational opportunities would be lost if the water level was decreased. The City would follow all DNR guidelines for amendment of our permit or acquiring a new one. Discussion followed on notification of adjoining property owners up the Cedar River. City Attorney Werger informed Mr. Jahnke that since the City did not change Permit 51-6 when building the dam the DNR notified staff that the City did not have to go through a formal process. The City now wants to change the operation of the dam so the City has to go through the permit process again. John Campbell voiced concerns with the amendment or replacement of the City's DNR permit related to pool elevation and recreation opportunities.

**Moved By: McKenzie**

Resolution 12-91, A Resolution Approving Request to IDNR to Amend or Replace the Waverly Dam Permit No. 51-6 to reflect a City Council approved set pool elevation of 905.4 feet mls which reflects the historic normal summer time elevation created with flashboards since 1951 is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

9. **Set Public Hearing Date for the GMT Railroad Spur Line 2012.**

**Moved By: Boorum**

June 4, 2012 at 7:00 P. M. in the Ivan "Ike" Ackerman Council Chambers is the date, time and place for said public hearing for the GMT Railroad Spur Line 2012 is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

10. **Approval of April Cash Disbursements.**

**Moved By: Lindell**

The April Cash Disbursements are hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

11. **Mayoral Appointments.**

**Moved By: Lindell**

The Mayoral Appointments are hereby approved as follows:

Reappointment of Frank Williams to the Library Board

Reappointments of Gary Bogenreif and Brad Roling to Economic Development Commission

Appointment of Deb Schroeder to the Economic Development Commission.

**Yes: 7**

**No: 0**

**Absent: 0**

**F. BOARDS AND COMMISSIONS.**

1. **Boards and Commissions.**

Low Rent Housing Agency Minutes – funding issues.

Bremer-Waverly Law Enforcement Board Minutes-the Law Board purchased the new Evidence Building.

Hazard Mitigation / River Use Commission Minutes-Cedar River Bank Cleanup – August 11<sup>th</sup> and Disaster Tabletop exercise in June. Upper Cedar Watershed Coalition have finalized their By-laws.

Planning and Zoning Commission Minutes-will be discussing sidewalk gaps with the Leisure Services Commission.

Economic Development Commission Minutes-affordable housing discussion.

2. **Reports.**
3. **Communications.**

**G. CITY COUNCIL COMMENTS ON POLICY ISSUES.**

Discussion followed on errors in the local newspaper on City projects. Council thanked Craig Mehmen on his work at the Cemetery for Memorial Day.

The City of Evansdale introduced a storm water utility fee.

Council thanked Wes Gade on his service as guest councilperson

**H. ADJOURNMENT.**

**Moved By: Boorum**

That the City Council Meeting be adjourned.

**Yes: 7**

**No: 0**

**Absent: 0**

**Council adjourned at 9:35 P. M.**

\_\_\_\_\_  
Bob Brunkhorst, Mayor

Attest:

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Jo-Ellen Raap, City Clerk