

A. CALL TO ORDER.

A Study Session of the Waverly City Council was held on January 28, 2013 at 7:00 p.m. in the Ivan "Ike" Ackerman Council Chambers at City Hall. Mayor Brunkhorst presided. Council members present were: Wes Gade, Gene Lieb, Dan McKenzie, Kathy Olson, Gary Boorum and Chris Neuendorf. Absent: Tim Kangas

1. **Approve Agenda as Printed or Add Items for Discussion Only.**

Moved By: Olson

That the agenda for this Council meeting as prepared is hereby Approved as amended by adding Review of Open Meetings Law as item number 5 under Study Session.

Yes: 6

No: 0

Absent: 1

B. VISITORS/PUBLIC COMMENTS.

Duane Liddle voiced concern with the traffic signal at 3rd Street and Bremer Ave. City Engineer Cherry informed the public that if a traffic signal is not performing correctly that they should call the Public Works Office.

City Administrator Jones reviewed the letter sent from Kacee Garner regarding noise and vibration from the Inflatable Dam. Ms. Garner stated that the noise and vibration causes health issues from sleeplessness, migraines and nausea. City Engineer Cherry informed Council that Staff has made attempt to correct the problem. Mr. Cherry has contacted Ms. Garner and hopes that in spring staff will be able to correct the problem. There is restricted flow to the west half of the inflatable dam . Mr. Cherry also informed Council that the Cedar River is at record low flows and creates said vibration and there is no solution now because the river is frozen. Staff will investigate and monitor corrective options during the summer. City Administrator Jones will have a conference call with the dam engineer to find a workable solution. Mr. Cherry stated that staff is looking at using the maintenance gates along Kohlmann Park and have crest gates raised along both sides of the dam to divert water through the maintenance gates.

C. REGULAR BUSINESS.

1. **Mayoral Appointments.**

Moved By: Boorum

The appointment of Rich Pursell to the Bremer County E-911 Service Board is hereby approved.

Yes: 6

No: 0

Absent: 1

D. STUDY SESSION.

1. Presentation of Final Report for the 4th Street SW Corridor Improvement Study.

Tony Boes of Snyder & Associates submitted the study to the IDOT. The IDOT approved Option #4 the two-way left turn option with no medians and a traffic signal at 4th Street and 5th Ave. IDOT would also allow a second median at 2nd Ave in the future if needed. The trees would be affected even if 4th Street SW remained at the same width due to utility and sub-grade work. The costs for Option 4 is \$3.2 Million. Potential funding assistance would come from the IDOT including TEAP and U-Step and Maintenance grant funding. Mr. Boes felt that construction could begin in 2016 or 2017 with the box culvert improvement construction. The 4th Street existing pavement is in poor shape and all the pavement would have to be reconstructed. The large trees along the corridor have root systems that extend across the roadway. Construction of 10th Avenue SW to Bremer Ave would reduce traffic on 4th Street SW by 14%. City Engineer Cherry also added that the 4th Street Reconstruction could possibly be started in 2016 and would allow the Dry Run Creek Improvements to progress through and across 4th Street. Also that would allow a portion of the Cedar River Parkway to be constructed from 4th Street to the Cedar River. If the Bremer County Fair moved to Champion's Ridge it would not interfere with construction. Leisure Services Director Ray informed Council that tree replacement could start right away if staff knew where the utilities are located.

2. Presentation of Final Report of the Dry Run Creek Improvements Study.

Scott Sweet of WHKS & Co. informed Council the Study was conducted to contain the 100-year flood event within the Dry Run banks, reduce flood insurance rates and requirements for the surrounding neighborhood, and identify opportunities for a maintenance trail and greenbelt enhancements along the corridor. The adjoining property owners would be impacted as well as the existing street system, low water crossings, new traffic patterns, public and private utilities located near the channel and new trail system. The cost of the project is \$7.1 Million with a 15% contingency. The project would be spread over two construction seasons. In 2014 construction would be the portion south of Bremer Avenue and in 2015 the north portion of the dry run would be constructed. The next steps would be to seek support for the project from FEMA, compiling information for a conditional letter of map revision and to seek available funding for the project. There is the Flood Mitigation Program funded by IDNR and possibly Iowa Homeland Security Hazard Mitigation grant funding and FEMA funding. City Engineer Cherry stated that while applying for State Mitigation Funding, design work should begin. The project impacts 22 properties, and acquisition of 8 properties and 14 easements. The current floodplain map incorporates 300 to 375 properties in the Dry Run Flood Plain. If the Dry Run Improvements were completed it would bring down

the total of homes impacted by the Dry Run flood plain to less than 50. City Engineer Cherry also informed Council that WHKS & Co. will define the 500 year flood plain. City Attorney Werger stated that flood insurance is set at an established level and all homes below that level have to have flood insurance. Mr. Sweet stated that the south section of the Dry Run will require additional costs due to construction of cement walls and highway sections. Most of the north section of the Dry Run will be earthen sections and the channel will be shifted to the west to use up flood buyout properties. If the City proceeds with the project citizens are still encouraged to buy flood insurance. The City will see what funding is available and the City can acquire and work on the Letter of Map revision.

3. **Discussion with Jeff Schott of the Institute of Public Affairs on Citizen Survey, Goal Setting and Strategic Planning for 2013.**

City Administrator Jones informed Council that he and Jeff Schott from the Institute of Public Affairs have been discussing plans for conducting a citizen survey, goal setting and strategic planning for 2013. Mr. Jones stated that the survey will be sent to 900 homes and apartments asking about quality of life, quality of services, and their priorities. After compiling the information, the Council can proceed with goal setting to discuss capital and non-capital items defined in the survey. Strategic Planning would involve workshops with community members to look at a long range plan. Jeff Schott informed Council that the survey would tailor City needs. It includes current events, and whether the citizen likes their community. The second part of the survey is the citizen satisfaction survey. The survey can also ask citizens about capital improvement priorities and neighborhood conditions. Ending questions could include what you like about Waverly and what you like least about Waverly and what are Waverly's highest priority needs which can be helpful during budget. The survey would ask for the ward of the participant and whether they are interested in news and information about Waverly City government. The survey will question how a citizen gets their information, newspaper, website, etc. The questions will be reviewed with staff and Council. The cost of the survey is \$2,500 plus expenses. Staff will provide a ward map with the survey. Council agreed that Mr. Schott conduct the citizen survey, goal setting and strategic planning for 2013.

4. **Review of the Biannual Subdivision Sidewalk Infill Program 2013.**

City Administrator Jones informed Council that this a draft policy for newer subdivisions where homes and sidewalks have been constructed and some lots are vacant with no sidewalks. In April, 2011 the Council approved that developers no longer needed to provide a performance guarantee for sidewalks in subdivisions and approved review of sidewalks within subdivisions starting four years after acceptance of final improvements and every two years thereafter. City Engineer Cherry reviewed an example of sidewalk gaps in Impala Subdivision. Sidewalk infill is required when there is an isolated vacant lot in a subdivision that is greater than 4 years old and two adjoining vacant lots in a subdivision that

is greater than 6 years old. Any lot built upon that has adjacent curbing and is within a subdivision requires sidewalk. Corner lots may be evaluated as being adjacent to the lot across the street or a vacant corner lot may have each block face evaluated separately. Said program will be coming back to Council for their approval on March 18th. If Council approves said program staff would contact infill property owners and inform them of the policy and the need to install sidewalk. Said property owners could have a contractor install the sidewalk or in September the City would install it and assess costs against their taxes. Council will review said program again at the February study session. Hinds Addition will be included in discussions with "Safe Routes to School" program.

5. **Review of Open Meetings Law.**

City Attorney Werger reviewed the open meetings law. A meeting is when there is a majority of members of the body and where deliberation of any matter within the scope of the body of policy making duties takes place. The Council, Commissions, Committees, Subcommittees, and boards are all included in this law. A meeting has to be preceded by public notice and should be held in open session unless closed sessions are permitted. There has to be minutes kept of the meeting and the minutes shall show the result of each vote taken and indicate the vote of each member present. The vote of each member shall be made public at the open session. The time, date and place of each meeting is to be included in the public notice and a reconvened meeting unless it's within 4 hours. If it is closed session there still has to be a public notice and the reason by specific exemption why it is closed session. The governmental body can hold a closed session only by an affirmative public vote of either two-thirds of the members or all members present at the meeting. The governmental body shall not discuss any business that does not relate to the specific reason announced as justification for the closed session. Final action and vote has to be in open session. Minutes of each closed session are required along with the audio record. Notice of the meeting must be posted 24 hours before the meeting. If a notice is not given 24 hours before the meeting the reason has to be given why it was not posted before 24 hours. The public may use cameras or recording devices at any open session. The Council can make rules of who may participate by ordinance. The rules might include limits on who can speak and how long and which meetings of the month they can speak to eliminate inappropriate discussion items. A conference call is considered a public meeting where 4 members are present. A chat at the same time and seeing everyone else's response with discussion would be a public open meeting. The gray area is when 4 councilmembers are in the Council Chambers or out in the hall after the meeting is closed and there is discussion of some of the issues at the meeting and could violate said law. It would not be fair if the Council is discussing issues without people having the opportunity to hear them. Mr. Werger stated that if an e-mail is sent out to all Council members each member should just reply to the one

who sent the e-mail and not copy other members. The Council cannot add an item to the agenda that is important to the public, unless it is an emergency. If the Council amends the agenda to include the item and it is approved at the meeting without 24 hour notice another meeting should be held as soon as possible to reaffirm what was acted on previously. A draft agenda is an agenda. Council will meet with Commissions and Board on March 11th from 5:00 to 7:00 P. M. to discuss open meetings law, etc.

E. BOARDS AND COMMISSIONS.

1. Boards and Commissions.
Economic Development Commission-discussion on top 15 employers.
2. Reports.
3. Communication.
City Administrator Jones stated that he and Councilmembers Boorum, Neuendorf, and Mayor Brunkhorst went to Legislative Day at the Capital. City Administrator Jones reviewed items for the February 4, 2013 Agenda.

F. CITY COUNCIL COMMENTS ON POLICY ISSUES.

There was a concern expressed about the Highway section of Highway 3 and Bremer Ave that it was hard to see at night. Council discussed urban chickens in Waverly. Sandy Salmon and Senator Schoenjahn will be in Waverly on Friday at Waverly Light & Power. Sandy Salmon will meet with the Veterans Group. The Council thanked Jeff Their for his service as Guest Councilperson for January.

G. ADJOURNMENT.

Moved By: Boorum

That the City Council Meeting be adjourned.

Yes: 6

No: 0

Absent: 1

Council adjourned at 9:15 P. M.

Bob Brunkhorst, Mayor

Attest:

Jo-Ellen Raap, City Clerk