

**Waverly City Council  
Study Session Meeting Minutes  
April 22, 2013 ~ 7:00 p.m.**

**A. CALL TO ORDER.**

A Study Session of the Waverly City Council was held on April 22, 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, Chris Neuendorf, Gary Boorum and Tim Kangas. Absent: None

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.

**Yes: 7**

**No: 0**

**Absent: 0**

**B. VISITORS/PUBLIC COMMENTS.**

Council informed Duane Liddle that the City donated fencing to the Waverly Bowling alley and the owners were supposed to install said fence along the Dry Run.

City Administrator Jones stated that the dam is operated at the equivalent height where the concrete dam was with the flash boards.

**C. STUDY SESSION.**

1. **Review of Handling Minor Lot Creation in Waverly and Platting Requirements.**

Community Development and Zoning Specialist Ben Kohout stated that Council rejected a proposal to create a multiple lot agreement for a three lot split in Centennial Oaks Golf Club Addition citing sidewalk connectivity and possibly confusing legal descriptions. The City could require property owners do a formal plat of survey and eliminate the use of "multiple lot deed agreements." City Attorney Werger informed Council that the split lot violates the zoning ordinance when it creates two unbuildable lots. Mr. Werger believed it would be very time consuming for the Council to approve every plat of survey. The three lots would be platted into two lots. There was concern for expense to the property owners relating to mortgage and tax changes. Staff will create a policy that clarifies the multiple lot deed agreement language. The City could add language stating "anything that divides a lot into two or more pieces is reviewable and has to be included with adjoining lots." Staff will review language of the multiple lot deed agreements to encompass sidewalk and boundary issues.

2. **Review of Possible Telecommunications Board / Commission.**

City Administrator Jones stated the Ordinance establishing the communications utility does recognize the voters' decision from 2000, formalizes the communications utility under the control of the Waverly Light & Power Board of Trustees, and provides a legal framework for moving forward with a feasibility study. The existing WLP Board has a proven track record and retains local control of the fiber infrastructure and wants to leverage that infrastructure to provide for a Telecommunication utility. Diane Johnson of Waverly Light & Power stated that the Electric Utility Board would like to support any activity that would in turn produce economic value or growth. The Board also agrees that a feasibility study be conducted. WLP believes they should govern the utility because they own the fiber. WLP does lease dark fiber to some businesses in Waverly. A task force may be appointed to conduct the feasibility study. If the Waverly Light & Power Board was not selected for the governing board of the utility it would have to be voted upon by the people on the November ballot. Steve Nadel of Ahlers & Cooney, P.C. informed Council that Ahlers & Cooney

are the attorneys for the City and WLP. Mr. Nadel stated that he would guide the City on how the utility would be financed, and various legal structures to operate said utility. The Communications Utility Board is the decision maker on the communications utility activity unless the decision is to lease out the fiber to a private partner. Ms. Johnson stated that it is hard to conduct a feasibility study if there is no established telecommunications utility. WLP would engage a consultant to advise the utility on what services should be provided and what service should come first. The Board's choice would be to engage the right stakeholders to help make those decisions and use outside expertise to help the Board decide. Administrator Jones stated that the Council would be a key stakeholder in the communication utility group and the Mayor would appoint members to the Communication Board. Mr. Nadel also stated that the utility board would cease its power if the fiber was leased out over 5 years. Any study steps that are put in place regarding a broadband network by the City Council would be a request to the Electric Utility Board or a recommendation. Ms. Johnson stated the Board is supportive of any efforts that are in the best interest of the community. The Mayor had two broadband providers come to him and ask if they could provide said data service to Waverly. Richard Mc Burney of Butler Bremer Communications stated that they service Shell Rock, Clarksville, Plainfield, Fredricka and Nashua. Mr. Mc Burrney also informed Council that Butler Bremer Communications has provided fiber to the homes in Shell Rock and Tripoli. Mr. McBurney had asked if Bremer/Butler Communications could lease Waverly Light & Power's fiber. Nancy Mc Neley and James Chambers of Century Link informed Council that Century Link does broadband services to Waverly. Century Link would be interested in partnering with the City to provide data services. Mr. Chambers stated the data traffic is doubling every 18 months. Ms. Mc Neley stated that Century Link already has investment plans for Waverly. Diane Johnson encourages the broadband process that has the formal structure and accountability so it will get done and allows stakeholders to come to the table. Mr. Jones stated that the factors that drove that broadband vote in 2000 are the same factors that drive it today. Pete Lampe voiced concern with leasing fiber to private communications companies. Based on Council direction, a communications ordinance creating a utility will come to Council in May.

3. **Review City-Supplied Residential Garbage Containers.**

City Administrator Jones stated that the City is looking at a streamline efficient process to use the bins that will work with future equipment. City Engineer Cherry introduced two options one to have the 35 gallon container with a different color lid to be picked up every other week. Another option would be a smaller 24 gallon container that could be put out every week and if a resident has extra garbage they can put out a bag with a sticker. Council discussed if a resident puts out the 35 gallon container twice a month it would cheaper than putting out bags of garbage with tags. It would be easier for City staff to just swap out the 35 gallon lids. If a resident just puts out garbage with a sticker once a month it is only \$1.00 a month more for a container picked up twice a month. When a resident wants to change the size of their container they are allowed one change and after it would be \$25.00 to change their dumpster. Biweekly pickup would encourage recycling because it is the same day as garbage pick up. Pubic Services Superintendent Sullivan informed Council that the covered containers help during rainy seasons because the rain adds excess weight from cans that don't have lids. The containers with lids would reduce City costs by reducing the weight at the landfill. The Solid Waste staff pickup

garbage from bags or cans that don't have lids because the animals have gotten into the garbage and spread it around the yard. City Engineer Cherry is looking at leveling commercial rates while also generating the same level of revenue to make sure capital equipment replacement is funded and the net income could be maintained and operations satisfied. Council will discuss commercial rates May 6<sup>th</sup>.

**E. BOARDS AND COMMISSIONS.**

1. **Boards and Commissions.**

Economic Development Commission – City Administrator Jones informed the Council that he and others went down to Cedar Rapids to talk to a developer who is interested in two key historic buildings in Waverly. The realtor asked where is Waverly on broadband. The realtor also stated that there is a lot of interest from people who want live and work in the same location and be able to conduct international business on the web.

2. **Reports.**

Finance Director Bachhuber stated that on May 6th Council will set the Public Hearing on the Budget Amendment.

3. **Communication.**

Luke Lynch from Senator Harkin's office will be here to visit the community at 10:00 A. M. on Wednesday.

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

Phil Paladino thanked Council for the opportunity of being a guest councilperson.

Discussion followed on a Legislative Property Tax Update publication.

Community Gardens start May 18<sup>th</sup>.

Bremer Avenue is a State Highway and staff will check on potholes.

The City received a grant to replace benches at the swimming pool.

The Golf Course is open.

NW Sidewalk inspection is almost done and the contractor should be working on pedestrian ramps on Wednesday. Property owners will receive a letter on the condition of their sidewalks. If the property owner disagrees the staff will meet with them.

May 4<sup>th</sup> is the Art Walk in Kohlmann Park. Triathlon at Wartburg and Farmers Market start on May 4<sup>th</sup>.

Administrator Jones informed Council that on May 6<sup>th</sup> there will be a 28E Agreement for the Upper Cedar Watershed, reconsideration of a minor plat parcel with multiple lot deed agreements, rates, Airport land acquisition, and other airport issues.

**G. ADJOURNMENT.**

**Moved By: Boorum**

That the City Council Meeting be adjourned.

**Yes: 7**

**No: 0**

**Absent: 0**

**Council adjourned at 9:17 P. M.**

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**Bob Brunkhorst, Mayor**

**Attest:**

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**Jo-Ellen Raap, City Clerk**