

Regular Meeting Minutes

October 7, 2013 ~ 7:00 p.m.

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on October 7, 2013, at 7:00 p.m. the Ivan "Ike" Ackerman Council Chambers at City Hall. Mayor Brunkhorst presided. Council members present: Gene Lieb, Dan McKenzie, Wes Gade, Chris Neuendorf, Kathy Olson, and Tim Kangas. Absent: At Large Council Vacant

1. Pledge of Allegiance.

Pack 69 led the Council in the Pledge of Allegiance. Boy Scouts are putting door hangers on resident doors and are asking for food donations for people in need. The Scouts will collect food bags next weekend, October 12. The Mayor and Council thanked the Scouts for all their work on the project.

2. Prayer.

Councilmember Kathy Olson led the prayer.

3. 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: 6

No: 0

Absent: Vacant

4. Minutes.

Moved By: Neuendorf

The September 16, 2013 and September 23, 2013 Council Meeting Minutes are hereby approved.

Yes: 6

No: 0

Absent: Vacant

Guest Councilperson.

Council welcomed Guest Councilperson Zachary Schulz.

B. PUBLIC HEARINGS.

1. This is the date, time and place for a Public Hearing Proposing the Sale of Property (Parcel "O") to the Bremer County Fair Association for the New Bremer County Fairgrounds. The Mayor called for any oral or written comments and there were none. The hearing was closed and the following action was taken. City Attorney Werger stated the City paid \$11,000 for the south 60 acres and \$9,268 for the remaining acres. There is a contingency clause stating the property will be given back to the City if the Fair does not move to Champions Ridge. Chris Knapp of the Bremer County Fair informed Council the Fair Board approved the agreement and ready to move forward with fundraising. Fred Ribich stated that this action is a significant move forward on Champions Ridge project. There would be a two year timeline for intersection improvements to the north side and 600 feet of arterial roadway to get cars in off the highway at a cost of \$1,000,000. Administrator Jones stated Staff and Council will have to look at the timing of when the City has the capacity to help finance infrastructure for the project. The City will work with Central Iowa Rural Water to install a lift station south of Highway 3 to create a greater collection area for future development and will look at water connections into the site. The Waverly Fire Department is going to host the 2016 State Fire Convention and is looking at the future north site of Champions Ridge for 3,000 campers. Council informed Guest Councilperson Schulz that the City has talked to the IDOT on detours during construction.

Moved By: McKenzie

Resolution 13-83, a Resolution Authorizing the Sale of Property to the Bremer County Fair Association for the new Bremer County Fairgrounds for 40.35 acres Parcel "O" for the amount of \$443,850 before discounts up to \$120,000 based on Bremer County contributions of the same, and installment payments over 5 years without interest charged is hereby approved.

Yes: 6

No: 0

Absent: Vacant

C. VISITORS/PUBLIC COMMENTS.

Public Services Superintendent Sullivan reminded residents who have and will have a City garbage container to set them behind the curb so as not to interfere with street sweeping or snow removal operations.

Administrator Jones informed Duane Liddle the City portion of the GMT Rail Spur is complete. Railroads do not allow anyone to touch their lines so the turnout or switch must be installed by Canadian National. The City has continually asked Canadian National when the turnout or switch would be installed and has received no answer. The Railroad schedules their crews and they have other work scheduled. GMT still has the option when bidding to deliver by rail or truck.

D. CONSENT AGENDA.

1. Pay Request from Tallgrass Historians, L.C. for the Downtown Historic Survey Project for the amount of \$6,264.96.
2. Pay Request from Tallgrass Historians, L.C. for the Downtown Historic Survey Project for the amount of \$1,165.99.
3. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for EDA Dam Project for the amount of \$54.72.
4. Pay Request from Snyder & Associates, Inc. for the Bremer County Fairgrounds Traffic Impact Study for the amount of \$3,463.00.
5. Pay Request from WHKS & Co. for the Dry Run Creek Improvements – Phase 1 for the amount of \$6,716.44.
6. Pay Request from WHKS & Co. for the 4th Street NW Improvements 2014 for the amount of \$7,661.08.
7. Pay Request from WHKS & Co. for the Waverly Water Pollution Control Facility (WPCF) Trickling Filter Assessment for the amount of \$10,000.00.
8. Pay Request from Stanley Consultants, Inc. for the Waverly, Cedar River Parkway, final Design Services for the amount of \$15,488.50.
9. Pay Request from Outdoor Recreation Products for Willow Lawn Park Equipment for the amount of \$30,208.00.
10. Pay Request from Feldman Concrete for the Citywide Concrete Sidewalk Repairs – 2013 for the amount of \$12,914.23.
11. Pay Request from Duke's Root Control for Root Treatment of 7,331 Feet of 8" Sewer Main for the amount of \$10,203.03. Public Services Superintendent Sullivan informed Council due to the age of the sanitary sewer lines and trees the roots find nutrients in the wastewater. Duke's treat the tree roots and warranties the work for 3 years. In the future staff is looking at liners for sewer lines.

Moved By: McKenzie

Items 1 – 11 on the Consent Agenda are hereby approved.

Yes: 6

No: 0

Absent: Vacant

E. TABLED ITEMS.

1. **Resolution 13-80, A Resolution Amending Resolution 13-38 Regarding Subdivision Sidewalk Infill Program Criteria.**

Moved By: Kangas

Resolution 13-80, A Resolution Amending Resolution 13-38 Regarding Subdivision Sidewalk Infill Program Criteria is hereby approved.

Moved By: Kangas

To table Resolution 13-80 is hereby approved.

Yes: 7

No: 0

Absent: 0

Moved By: Neuendorf

To remove from the table.

Yes: 6

No: 0

Absent: Vacant

Moved By: Kangas

Resolution 13-80, A Resolution Amending Resolution 13-38 Regarding Subdivision Sidewalk Infill Program Criteria is hereby approved.

Moved By: McKenzie

Administrator Jones stated that edits were made to the resolution based on feedback at the last meeting in early September. New wording is "if City staff and the property owner agree on a requested deferment, said deferment will be documented and effective until the next biannual Citywide review. If the property owner or staff disagree on a deferment it will come before City Council" in the second whereas in the resolution.

Yes: 6

No: 0

Absent: Vacant

Community Development and Zoning Specialist Kohout questioned what would happen if the property is sold. City Attorney Werger stated that the seller's disclosure statement should include sidewalk deferment language so the buyer knows. The City should let realtors know of a deferment listing. Council will not defer sidewalks in new developments. The original motion as amended is hereby approved

Yes: 6

No: 0

Absent: Vacant

F. REGULAR BUSINESS.

1. **Resolution 13-81, A Resolution Accepting the 16th Street SW Reconstruction and Approving the Final Pay Request.**

City Engineer Cherry informed Council that the IDOT has signed off the project.

Moved By: Neuendorf

Resolution 13-81, A Resolution Accepting the 16th Street SW Reconstruction and Approving the Final Pay Request from Heartland Asphalt of Mason City, Iowa for the amount of \$19,722.25 is hereby approved.

Yes: 6

No: 0

Absent: Vacant

2. **Resolution 13-84, A Resolution Approving a Special Provisional Use for Basement-Level Residential Dwelling Use in Three (3) Separate Properties in the C-3 Zoning District along East Bremer Avenue.**

Community Development and Zoning Specialist is recommending for approval of basement level apartments in a C-3 District. Some property owners participated in a revitalization Upper Story Revitalization grant and were awarded said grant funds. Mr. Kohout stated the Planning & Zoning Commission considered the special provisional use and were concerned with building code requirements and safety. Rich Seggerman informed Council there are 26 units involved with 4 downstairs units. The Special Provisional Use is a step in the process. Mr. Seggerman stated that all building codes have to be followed along with State regulations on the grant timeline. Architects are working on detailed plans and working with the Bremer County Building Department. As part of the grant property owners are required to install sprinkler systems in all buildings. Building owners will have to address egress requirements. Traditionally storage areas were in the basement and if used for residential may drive new retail folks away. Mr. Seggerman informed Mike Jahnke that none of the properties are in the flood plain which was a requirement for the grant. The rent will help businesses with their cashflow.

Moved By: Olson

Resolution 13-84, A Resolution Approving a Special Provisional Use as part of the grant application and award for Basement-Level Residential Dwelling Use in Three (3) Separate Properties in the C-3 Zoning District along East Bremer Avenue that are located at 100 East Bremer Avenue, 104 East Bremer Avenue and 118 East Bremer Avenue are hereby approved.

Yes: 6

No: 0

Absent: Vacant

3. **Resolution 13-85, A Resolution Appointing Assistant County Attorney Jill Dashner as Special Prosecutor for the City of Waverly to Prosecute for the City a Simple Misdemeanor case.**

Administrator Jones stated appointment of legal counsel has to be approved by Council and allows the City to partner with the County. City Attorney Werger informed Council that

the hearing is tomorrow and is a combination of City and State charges and only one legal counsel needs to be present.

Moved By: Neuendorf

Resolution 13-85, A Resolution Appointing Assistant County Attorney Jill Dashner as Special Prosecutor for the City of Waverly to prosecute for the city a simple misdemeanor case is hereby approved.

Yes: 6

No: 0

Absent: Vacant

4. **Approve Purchase of a Sullair Rotary Screw Compressor for the Water Pollution Control Facility.**

Public Services Superintendent Sullivan informed Council the new compressor is budgeted and is to replace a compressor that is over 30 years old.

Moved By: McKenzie

Approve Purchase of a Replacement Air Compressor for the Water Pollution Control Facility from RM Boggs Co. of Iowa City, Iowa for the Purchase of a Sullair Rotary Screw Compressor for the amount of \$12,325.00 is hereby approved.

Yes: 6

No: 0

Absent: Vacant

5. **Review of Council Seat Vacancy Procedures and Timeline.**

Administrator Jones stated that State Code allows Council to appoint a new Councilmember after a vacancy occurs. Within 14 days of the appointment citizens can petition for a special election. The Council has 40 days to appoint a new councilmember and the deadline would be November 2nd. If there is a special election there would be a 90 day period to elect a new councilmember and the deadline is December 22nd. The special election could be held on December 10th or December 17th. There were questions on the November 5th ballot language about the filings of the Hospital Trustees on who was vacant and whose term had expired. The new councilmembers appointment would run until the next City election. A runoff election is required if the candidate does not receive 50% plus 1 of the vote. State law prohibits combining any other measures on a ballot for a runoff election. Runoff elections are December 3rd. The Council discussed appointing a current Councilmember whose term will expire at the end of the year to the vacant seat. Mayor Brunkhorst informed Council that applications for the vacant council seat are due October 23rd and on October 28th the Council could approve said appointment. City Attorney Werger informed Council that if two people are interested in the vacant seat the City should conduct a special election. The Council discussed asking candidates if they were interested in being appointed or if they want to run for election.

Moved By: Neuendorf

To fill the vacant Council at Large seat by appointment is hereby approved.

Yes: 6

No: 0

Absent: Vacant

6. **Approval of Appointment of Mayor Pro Tem.**

Moved By: Olson

The appointment of Tim Kangas as Mayor Pro Tem is hereby approved:

Yes: 6

No: 0

Absent: Vacant

G. BOARDS AND COMMISSIONS.

1. **Boards and Commissions.**

Waverly Historic Preservation Commission – report on the vine covered wall of the Crypt at the cemetery

2. **Reports.**

3. **Communications.**

City Administrator Jones reviewed items for the October 21st Council Meeting.

Mr. Jones informed Council that staff will be meeting with the DNR on the Dam Operations Permit.

The Community Strategic Planning Group will meet tomorrow night at Wartburg.

H. CITY COUNCIL COMMENTS ON POLICY ISSUES.

Public Services Superintendent Sullivan informed Council staff is finishing up with fall jetting of sewer lines and will start again on the Dry Run next week. The main buildup of foliage is at the box culverts. Leisure Services Director Ray will send out letter reminding citizens along the dry run to trim foliage.

Mr. Sullivan stated that the yearly leaf pickup has already started and reminded citizens to call for an appointment to vacuum leaves along their boulevard area.

Yellow lid garbage bins are picked up the same week as recycling week. City Engineer Cherry stated a schedule is sent when the garbage bin is delivered.

Next Monday night there is a candidate debate on TV at 6:00 P. M.

This week is Fire Prevention Week and Council reminds citizens to check smoke alarms and if citizens do not have smoke alarms contact the Fire Department.

Discussion followed on discount utility billing for snowbirds and separate line billing for recycling and solid waste charges.

The installation of the new Willow Lawn Playground equipment was completed.

Recognition was given to Dr. Jim Rathe for his bike trail efforts and enhancement of recreation in Waverly.

I. ADJOURNMENT.

Moved By: Neuendorf

That the City Council Meeting be adjourned.

Yes: 6

No: 0

Absent: Vacant

Council adjourned at 8:30 P. M.

Bob Brunkhorst, Mayor

Attest:

Jo-Ellen Raap, City Clerk