

**Waverly City Council
Study Session Meeting Minutes
October 28, 2013 ~ 7:00 p.m.**

A. CALL TO ORDER.

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

At-Large Council Seat: Vacant.

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: 5 No: 0 Absent: 1 Vacant: 1

2. **EMPLOYEE HIGHLIGHTS.**

Police Officer Jared Hartwig introduced himself and council welcomed him to city staff.

B. VISITORS/PUBLIC COMMENTS.

- Gerald Kapler requested council review materials regarding a question he had on a police action in the past. Mayor told Mr. Kapler there would be a meeting between Mayor, Mr. Kapler and City Administrator Phil Jones once the material had been reviewed.
- Duane Liddle asked for confirmation of placement of candidate election signs. Mayor Brunkhorst confirmed that they should not be placed in a city right-of-way and that generally that would be between the sidewalk and the curb.
- Mayor Brunkhorst announced that our visiting Sister City Guests from Eisenach, Germany would be leaving Tuesday and Wednesday. If anyone wanted to say goodbye to them they could stop by city hall at 9:30 a.m. on those days.

C. REGULAR BUSINESS.

1. **Dillavou Oil Request for Reconsideration.**

Community Development and Zoning Specialist Ben Kohout summarized this agenda item by saying:

- The Board of Adjustment reviewed a variance for property zoned M-2, Heavy Industrial and located at 3800 East Bremer Avenue on August 19, 2013. There is a 200 foot separation code requirement between any structure or loading area on M-2 zoned property from any "R" district property. Immediately south of the M-2 district there is an R-4 zoned district that abuts the M-2 district. The end result was a 2 – 2 vote with 1 member of the Board of Adjustment being absent. Code requires at least 3 votes in favor and therefore the request was denied.
- City Attorney Bill Werger explained that there is a lot of depth to this case and because it was a 2 – 2 vote perhaps the council would want the Board of Adjustment to take a look at it again. There were quite a few circumstances that led to the request for a variance. The Waverly Code does have a provision for requested reconsideration of a decision. The deadline for request to reconsider is to be filed within 14 days of the

original review. Mr. Werger was not able to find any supporting information on whether someone was beyond the 14 day period when filing their request.

- Randy Dillavou will have legal representation at a 2nd review.
- Chairperson of Board of Adjustment Peter Lampe stated that City Council can remand it back to the Board of Adjustment for a 2nd review. If the Board of Adjustment ruling stands the property owner can go to District Court for a decision.
- Mr. Kohout said that the existing facilities that are presently at this site are “grandfathered” in. However, this would not be applicable for any future structures.
- Council requested that staff review the necessity of the 200 foot setback requirement.
- Board of Adjustment Member Al Charleston also sent a letter regarding this matter.
- Randy Dillavou request the fee of \$150 for a review of the Board of Adjustment be looked at and stated that he feels that is a little excessive. Mayor Brunkhorst stated that perhaps the Board of Adjustment could take a look at the fee.

Moved By: Neuendorf

Request to Board of Adjustment to Reconsideration the Dillavou Oil Company Decision is hereby approved.

Yes: 5

No: 0

Absent: 1

Vacant: 1

D. STUDY SESSION.

1. Review of Chicken Ordinance Amendment to Add Provisions for Allowing Chickens in the Residentially Zoned Portions of the City.

- Community Development and Zoning Specialist Ben Kohout has done some research on said ordinance. It is being requested that single family residentially zoned neighborhoods be allowed to house chickens within said neighborhoods. It is currently only allowed in agricultural zoned districts through present code restrictions. Other communities such as: Cedar Rapids, Iowa City and Mt. Vernon are communities which do have what they refer to as “Urban Chicken Ordinances” used for hobby operations. The above listed cities collect monies for a permit or application fee. Most require a notice to the neighbors of the applicant.
- Mr. Kohout explained most animals that can be housed inside a residence is generally allowed. However, there is an existing definition of livestock which requires those animals listed in this code definition would be considered livestock and therefore not allow them in residential districts.
- A summary of a proposed ordinance includes: 4 hens allowed, no roosters, setback requirements of 25 feet from neighbors dwelling, 10 feet from property line, they will have to be penned at all times, no free-range chickens, annual registration of \$25, could be suspended by City Administrator with cause or number of complaints, no slaughtering, no egg sales.
- There are costs involved in such a venture, i.e. coops, feed, application fee.

- People with children is 4-H would like to be involved with such a program. People should be able to do pretty much what they want to on their own property as long as they are not encroaching on someone else's freedoms. Research should be done to find out what problems other communities with existing ordinances have had.
- Does Waverly have a demand for this or is this for only 1 or 2 people?
- Waverly does host the Bremer County Fair with 4-H and FFA participants.
- Ed Weston explained that 4 hens would probably not be enough to raise food. Some families who participate in such a venture might share food with other families who raise other types of food. Mr. Weston would suggest 5 hens for this reason. He would also suggest a 6 foot X 12 foot (72 square feet) enclosure per 4 hens. The waste from hens can be used to compost table scraps to improved soil for growing crops.

2. **Council Goals and Objective Update.**

City Administrator Phil Jones updated council –

- New information on State financing options for the Dry Run Creek Improvements. The Iowa Flood Mitigation Board has provided an application for Sales Tax Increment Financing.
- Rental Housing – this has been put on hold for now after having meetings with some Planning & Zoning Commission members and some council members. Some Planning & Zoning Commission members are looking at the property maintenance code and possibly having a rental code that refers to since it already refers to conditions regarding like health safety and occupancy. They will look through that code to see what we want to apply and separately deal with parking issues. Rental codes do not deal with parking.
- Tax Increment Finance Districts (TIF) – currently under review with Ahlers & Cooney out of Des Moines. There will be a lot of changes including programs and projects on what is allowed in the TIF and updating mapping so the end result is the entire package. The final package would include the both current TIF areas becoming one comprehensive TIF area.
- The Waverly Telecommunications Task Force – Next meeting on November 12 will be to select a consultant to conduct a feasibility study.
- Community Based Strategic Planning – 3 of 4 meetings have been held. A draft action plan has been put together and will be reviewed at the next work shop after which there will be a final report completed and submitted to council. Council will then review, edit, adopt and it will become the City's new long range plan.
- Champions Ridge Work – The engineer's study showed that to build one entrance off of Highway 3 and some arterial roadways into the project which would in the future benefit the City was about \$1.2 M. With this information added to infrastructure and grading costs there is a high barrier to jump over.
- Airport Safety Zone – Progressing with appraisals being worked on. City staff is personally meeting with all the land owners. City Attorney Bill Werger will have an update next week.

- Website Issues – The city staff is working on some of our web site issues with hosting and streaming.
- Municipal Infractions – There should be some information brought to council in December regarding this.

3. **Capital Project Financing.**

City Administrator Phil Jones gave a broad overview of different mechanisms we have available;

- Public Financial Management is doing a comprehensive review of all of our funds and looking to see what the City's capacity is. They are also taking into consideration that tax cost of debt remain stable for residents and not using up the full capacity for debt.
- Different options available for financing some capital projects.
 - > General Obligation Debt – debt backed by the ability to levy a tax on property owners.
 - > Tax Increment Revenue – uses urban renewal districts to set a base, anything beyond said base is collected at 100% rather than 40% of the taxes and used to pay off projects or economic development agreements, etc.
 - ◇ Tax Increment Financing is a debt tool and depends on how much debt the city incurs to relation of how much TIF is available.
 - > Essential or General Obligation – Whether the City would conduct a voter referendum or not. Essential would provide life health safety service or General which is ancillary to Essential.
 - > Local Option Sales and Service Tax – Based on language of the ballot at the time of voting.
 - > Service Revenue – Ties back to water and sewer. This does also include solid waste which at this time does have a positive cash flow but not one strong enough to take on a heavy debt load.
 - > Sales Tax Increment – Competitive funding program.

E. BOARDS AND COMMISSIONS.

1. **Boards and Commissions.**

Golf Commission Minutes

2. **Reports.**

Monthly Financial Report

3. **Communication.**

F. CITY COUNCIL COMMENTS ON POLICY ISSUES.

- A Vision Iowa Enhancement Community Attraction and Tourism (VIECAT) Grant in the amount of \$78,000.00 which will be added to \$155,674 of current funds for the amphitheater.
- There will be a temporary sidewalk repair done to the sidewalk on 4th Street SW where there was a water leak. The sidewalk will be permanently repaired in the spring.
- Council thanked Zachary Schulz for being guest council person for the month of October.

G. EXECUTIVE SESSION.

1. To discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property.

Moved By: Kangas

To enter into Executive Session is hereby approved.

Yes: 5 No: 0 Absent: 1 Vacant: 1

Moved By: Kangas

To reenter into open session is hereby approved.

Yes: 5 No: 0 Absent: 1 Vacant: 1

H. ADJOURNMENT.

Moved By: Kangas

That the City Council Meeting be adjourned.

Yes: 5 No: 0 Absent: 1 Vacant: 1

Council adjourned at 9:09 P. M.

Bob Brunkhorst, Mayor

Attest:

Carla Guyer, Deputy City Clerk