

**Regular Meeting Minutes
November 4, 2013 ~ 7:00 p.m.**

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on November 4, 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, Absent: None; At Large Council Vacant

1. **Pledge of Allegiance.**

Mayor Brunkhorst led in the Pledge of Allegiance.

2. **Prayer.**

Councilmember Tim Kangas 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 amended by changing the wording of Resolution 13-93 under Regular Business No. 8 is hereby approved.

Yes: 6 No: 0 Absent: 0 At Large: Vacant

4. **Minutes.**

Moved By: McKenzie

The October 21, 2013 and October 28, 2013 Council Meeting Minutes are hereby approved as amended by changing the vote on No. 4 under Regular Business to Yes: 5 No: 0 Absent: 1 At Large Vacant on the October 21st Minutes.

Yes: 6 No: 0 Absent: 0 At Large: Vacant

5. **Guest Councilperson.**

The Council welcomed Brent Jones as Guest Councilperson for November.

B. VISITORS/PUBLIC COMMENTS.

Jeremy Everett and fellow skateboarders stated that the Skate Park is in need of repair. Mr. Everett informed Council that it would cost \$7,000 to reconstruct the Skate Park and create a new feature. The Group feels the Skate Park is not safe. Mayor Brunkhorst told Mr. Everett to meet with the Leisure Services Commission. Rich Dane and Tom Sather presented a concept drawing of 54-unit transitional housing apartments to be constructed at 1700 W. Bremer Ave. There will be two structures with surface parking. The project will be financed with Iowa Finance Authority Tax Credits. The Economic Development Commission will review said project at its next meeting. Public Services Superintendent Sullivan informed Council that Monday's garbage route have received their containers and residents should start using them. Letters have gone out to residents of Tuesday's route and they would begin using them in December. Yardwaste will be closed on November 23rd depending on the weather. If residents are gone part of the year, they can bring in their container and will only be charged the base fee. The public can come in and sign up for the new container at any time.

Council informed Duane Liddle that if you put out a container every week it only increases the fee by \$1.00.

Candlelight walk is Saturday night from 5:00 to 7:00 P. M.

City Engineer Cherry informed John Campbell that the containers are very strong and durable and if residents are having trouble with the containers they should give Public Services a call.

Mr. Cherry informed Council that the river level is getting lowered for the wintertime elevation.

C. CONSENT AGENDA.

1. Class B Beer Permit for Kwik Star West.
2. Pay Request from Feldman Concrete for the Citywide Concrete Sidewalk Repairs – 2013 for the amount of \$31,364.06.
3. Pay Request from WHKS, Inc. for the Dry Run Creek Improvements – Phase 1 in the amount of \$948.16.
4. Pay Request from WHKS, Inc. for the 4th Street NW Improvements in the amount of \$7,422.47.

Moved By: Lieb

Items 1 – 4 on the Consent Agenda are hereby approved.

Yes: 6 No: 0 Absent: 0 At Large: Vacant

D. REGULAR BUSINESS.

1. **Resolution 13-88, A Resolution Approving Contract with Iowa Northland Regional Council of Governments (INRCOG) to Update Waverly's Hazard Mitigation Plan and Combine it with Bremer County's Plan.**

Mayor Brunkhorst informed Council that the Federal Government does not like local governments to have individual plans so the City is combining with Bremer County's Hazard Mitigation Plan. INRCOG will create the combined plan in 2014.

Moved By: Kangas

Resolution 13-88, A Resolution Approving Contract with Iowa Northland Regional Council of Governments (INRCOG) to Update Waverly's Hazard Mitigation Plan and Combine it with Bremer County's Plan for a Not-to-Exceed Amount of \$7,500 is hereby approved.

Yes: 6 No: 0 Absent: 0 At Large: Vacant

2. **Resolution 13-89, A Resolution Approving Application for State of Iowa Flood Mitigation Program funding for the Waverly Flood Mitigation Improvements – Phase 2, Dry Run Creek Improvements.**

City Engineer Cherry informed Council the City is submitting an application for Flood Mitigation funding. Staff has combined the Dry Run Improvements with the Inflatable Dam project and renamed the project Waverly Flood Mitigation Improvements in order to apply for Federal funding. The proposed improvements include widening and deepening the Dry Run Creek and upsizing all box culverts in order to make the flood plain disappear. There are three distinct sections to be completed. The first section to be reconstructed is the middle section from the box culvert under 4th St. SW east and it has no housing relocations along said

corridor. The next section would be north of Bremer Ave. There are properties that need to be acquired. The most costly section is downstream of the 4th St. SW box culvert. Mr. Cherry reviewed different types of new channel sections. Total projects costs are \$7,000,000 and the City is requesting 50% in State funding. The City would also have to finance \$3,550,000. Mr. Cherry also informed Council of changes to FEMA's Flood Insurance Program. The Federal Government is no longer going to subsidize the Flood Insurance Program. All property owners' premiums in the high risk flood zone in the 100 flood plain will pay double or more for flood insurance. Elevation certificates will determine what a property owner's premiums will be. Mr. Cherry stated that it will impact the sale of homes in the Dry Run area because of the high flood insurance premiums. Council discussed funding of the project. The application is due Friday and awards are announced on November 21st. The project is nearly shovel ready and will benefit 450 homes and businesses.

Moved By: McKenzie

Resolution 13-89, A Resolution Approving Application for State of Iowa Flood Mitigation Program funding for the Waverly Flood Mitigation Improvements – Phase 2, Dry Run Creek Improvements is hereby approved.

Yes: 6 No: 0 Absent: 0 At Large: Vacant

3. **Resolution 13-90, A Resolution Approving Local Match for the Flood Mitigation Program.**

Moved By: McKenzie

Resolution 13-90, A Resolution Approving the City of Waverly to Provide and Make Available up to \$3,550,000 of local monies to be used to meet the match requirement for this flood mitigation project application is hereby approved.

Yes: 6 No: 0 Absent: 0 At Large: Vacant

4. **Authorizing the Designation of City Administrator Phil Jones to Act as Representative for the City of Waverly to Execute the Mitigation Project and to File it.**

Moved By: Lieb

The Designation of City Administrator Phil Jones to Act as Representative and on Behalf of the City of Waverly to Execute the Mitigation Project and to File it with Iowa Homeland Security and Emergency Management (HSEMD) for the purpose of obtaining financial assistance under the Flood Mitigation Bill, Senate File 2217 is hereby authorized and approved.

Yes: 6 No: 0 Absent: 0 At Large: Vacant

5. **Resolution 13-95, A Resolution Setting a Public Hearing on the Intent to Acquire or Condemn if Necessary All or a Portion of Property or an Interest in Property for the Public Improvement for the Waverly Airport Safety Zone Project.**

City Attorney Werger informed Council that there is a specific process the City has to follow when acquiring agricultural properties. There has to be notice of a public hearing and a notice to property owners the City is going

to acquire property at least 30 days prior to the public hearing. Mr. Werger and Mr. Jones have talked to the property owners and they know about the process. During the 30 day notice period the City will be receiving appraisals on said properties and will provide said appraisals to property owners on December 16th. After 10 days of property owners' review the Council will be able to negotiate with the property owners. The negotiation period is as long as the City and property owners want to make it. If parties cannot agree on value the City will move forward with the evaluation process of eminent domain. The City's goal is to negotiate with property owners. All appraisals have to be approved by FAA. The City has advised the property owners to get their own appraisals. The City can also negotiate with the property owners for their continued use of the land and rent it back to them. City Attorney Werger stated the eminent domain process is a process the State has set up for a board of people from the property owners' own county value the property in question. The FAA pays 90% of the land and improvements and the City's share is 10%.

Moved By: Olson

Resolution 13-95, A Resolution Setting a Public Hearing on the Intent to Acquire or Condemn if Necessary All or a Portion of Property or an Interest in Property for the Public Improvement for the Waverly Airport Safety Zone Project and sets December 16, 2013 at 7:00 P. M. in the Ivan "Ike" Ackerman Council Chambers as the date, time and place for said public hearing is hereby approved.

Yes: 5 No: 1(Gade) Absent: 0 At Large: Vacant

6. **Resolution 13-91, A Resolution Approving Sanitary Sewer Construction Plans, Performance Bond, Maintenance Bond, Payment Bond and Additional Obligee Rider for the Breezy Hill Subdivision.**

There will be 5 new homes in the Breezy Hill Subdivision. As part of the Development Agreement, the City is cost sharing for the lift station to the edge of the development.

Moved By: Neuendorf

Resolution 13-91, A Resolution Approving Sanitary Sewer Construction Plans, Performance Bond, Maintenance Bond, Payment Bond and Additional Obligee Rider for the Breezy Hill Subdivision is hereby approved.

Yes: 6 No: 0 Absent:0 At Large: Vacant

7. **Resolution 13-92, A Resolution Approving Construction Plans, Performance & Maintenance Bond and Specifying November 4, 2015, as the Completion Date for Construction of the Public Infrastructure for Stone Haven Plat IV – Phase 3.**

The Development Agreement between the Developer and the City allows for a phased development.

Moved By: McKenzie

Resolution 13-92, A Resolution Approving Construction Plans, Performance & Maintenance Bond and Specifying November 4, 2015, as

the Completion Date or Construction of the Public Infrastructure for Stone Haven Plat IV – Phase 3 is hereby approved.

Yes: 6 No:0 Absent: 0 At Large: Vacant

8. **Resolution 13-93, A Resolution Releasing the Maintenance Guarantee for Stone Haven Plat V – Phase 2.**

The Developer repaired the water main valve last week so the City can release the maintenance guarantee.

Moved By: Olson

Resolution 13-93, A Resolution Releasing the Maintenance Guarantee for Stone Haven Plat V – Phase 2 is hereby approved.

Yes: 6 No: 0 Absent: 0 At Large: Vacant

9. **Approving the 2013 State Urban Renewal Report.**

Finance Director Bachhuber stated that the report gives an overall look of revenues and expenditures and debt in the two TIF areas for the 2012-13 fiscal year. Staff is working with the Bonding Attorneys on combining the Downtown TIF and the Grand TIF areas.

Moved By: Lieb

The 2013 State Urban Renewal Report is hereby approved.

Yes: 6 No: 0 Absent: 0 At Large: Vacant

10. **Resolution 13-94, A Resolution Accepting Certification Filed By the Finance Director to the Bremer County Auditor Detailing the Amount of New Loans, Advances and Indebtedness which Qualify for Payment from Tax Increment Revenues of the Waverly Urban Renewal Plan.**

This report certifies to the County Auditor the expected TIF debt that the City will have next year so the City can collect the taxes in the TIF area and pay the debt the City has incurred. The combined TIF areas will allow the City to use TIF revenues for any projects.

Moved By: Neuendorf

Resolution 13-94, A Resolution Accepting Certification Filed By the Finance Director to the Bremer County Auditor Detailing the Amount of New Loans, Advances and Indebtedness which Qualify for Payment from Tax Increment Revenues of the Waverly Urban Renewal Plan is hereby approved.

Yes: 6 No:0 Absent: 0 At Large: Vacant

11. **First Reading of Ordinance 974, An Ordinance Adopting the “City Code of Waverly, Iowa.”**

Moved By: Kangas

First Reading of Ordinance 974, An Ordinance Adopting the “City Code of Waverly, Iowa” is hereby approved.

Yes: 6 No: 0 Absent: 0 At Large: Vacant

E. BOARDS AND COMMISSIONS.

1. **Boards and Commissions.**
2. **Reports.**

3. **Communications.**

Waverly Senior Center Calendar – Comfort Food Fridays at noon.

F. CITY COUNCIL COMMENTS ON POLICY ISSUES.

Mayor Brunkhorst reminded residents to vote tomorrow. Next meeting the Council will finalize City Sidewalk project and assessments, approve Pro Shop Contract and Pro Contract, an apartment resolution from the Economic Development Commission and a chicken ordinance.

Police Chief Pursell informed the public of an auction on Wednesday at Brookwood Park at 3:30 P. M.

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: Olson

To enter into Executive Session is hereby approved.

Yes: 6 No: 0 Absent: 0 At Large: Vacant

Moved By: Neuendorf

To reenter into open session is hereby approved.

Yes: 6 No: 0 Absent: 0 At Large: Vacant

H. ADJOURNMENT.

Moved By: Gade

That the City Council Meeting be adjourned.

Yes: 6 No: 0 Absent: 0 At Large: Vacant

Council adjourned at 9:08 P. M.

Bob Brunkhorst, Mayor

Attest:

Jo-Ellen Raap, City Clerk