

Regular Meeting Minutes – November 21, 2016
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on November 21, 2016 at 7:00 P. M. at City Hall. Mayor Infelt presided and the following Council Members present were: Reznicek, Waldstein, Lampe, McKenzie, Gade, Sherer, and Kangas. Absent: None.

- A. Mayor Infelt called the meeting to order.
- B. Moved by Lampe, seconded by Reznicek to approve the Agenda as presented.
Motion passed. Yes: 7 No: 0 Absent: 0
- C. Public Hearing
1. This was the date, time and place for a public hearing on the voluntary annexation request for 39 acres in Northwest Waverly for the 2200 block on the east side of 20th Street NW.
 - There were no public written or verbal comments.**The public hearing was then closed.**
Moved by Sherer, seconded McKenzie to approve Resolution 16-99 approving the voluntary annexation request for 39 acres in Northwest Waverly for the 2200 block on the east side of 20th Street NW.
Motion passed. Yes: 6 No: 1 (Gade) Absent: 0
- D. Public Comments on Items Not on the Agenda
- There were none.
- E. Consent Calendar
1. Pay Request from VJ Engineering for the Cedar Lane Reconstruction 2017 for \$12,547.50.
 2. Pay Request from Kluesner Construction for the Citywide Asphalt Patching Fall 2016 project for \$13,708.54.
Moved by Waldstein, seconded by Sherer to approve the Consent Calendar.
Motion passed. Yes: 7 No: 0 Absent: 0
- F. Regular Business.
1. Moved by Gade, seconded by Lampe to set December 5, 2016 at 7:00 P.M. in the Council Chambers of City Hall as the date, time, and place for a Public Hearing for a special permit request for a temporary campground for the State of Iowa Firefighter Convention scheduled for September 2018 is being sought by B.N.K.D. Inc.
Motion passed. Yes: 7 No: 0 Absent: 0
 - Staff informed Council that the land has been seeded; however, there is still ag-lime on the park. The majority of the area is recovering. The temporary electric poles and a couple of semi-trailers are still there. The temporary electric poles are on BNKD, Inc. property. Staff will look further into this and report back to Council.
 2. Review and discuss the progress and schedule of the 3rd Street SE Bridge Repairs project.
 - Casey Faber of WHKS, Inc. reviewed updated estimates for projected costs for repairing the 3rd Street SE Bridge and check plans. The Iowa DNR flood plains permit is one item that does remain outstanding. Iowa DNR considered this a substantial project vs. a repair and wanted to do hydraulic permitting. With everything remaining geometrically the same, the Iowa DNR has reconsidered

and decided that proceedings can proceed as anticipated. Bid items are split between bridge items and roadway items. The initial estimate was \$2.9 Million with a 20% contingency. The current estimate, without a contingency, is a base price of \$2.4 Million. The \$2.4 Million does not include alternates for the sidewalk and the fence. The historical nature of the bridge is important to the community even though it may not be the most functional. There are four additional sidewalk and fence alternate options changing the estimate to \$2.53 Million-\$2.62 Million. With additional costs incurred presently and depending on which alternate is decided, the total estimated repair costs would be approximately \$3.0- \$3.2 Million. While there could be change orders in the future, WHKS feels fairly confident with the scope and estimates.

- Council discussion followed. The bidding process was explained including how to market the best qualified bidders and the timeline going forward. There was further discussion that Council preferred to hold a public hearing before the bids were opened rather than after.
3. Moved by McKenzie, seconded by Sherer to approve Resolution 16-100 approving Change Order No. 1 with a net increase of \$2,966.05 and accepting the Citywide Sidewalk Repairs 2016 project as complete with the final pay request of \$4,844.01 to Feldman Concrete of Dyersville, IA.
Motion passed. Yes: 7 No: 0 Absent: 0
 4. Moved by Sherer, seconded by Lampe to approve Resolution 16-101 Approving the Final Assessment Schedule for the 2016 Sidewalk Maintenance and Inspection Program.
Motion passed. Yes: 7 No: 0 Absent: 0
 - Staff informed Council that there were 58 property owners that took advantage of the opportunity of special assessing their sidewalk improvement.
 5. Moved by Waldstein, seconded by Kangas to approve Resolution 16-102 Approving Lease Agreements between the City of Waverly and William Lowe, James and Sandra Janssen, and KW Farms, Inc. for the safety zone acquisition parcels of land that are adjacent to their properties for the amount of \$225 per acre.
Motion passed. Yes: 7 No: 0 Absent: 0
 6. Moved by McKenzie, seconded by Sherer to approve Resolution 16-103 Approving the Engineering Services Agreement with McClure Engineering Company of Clive, Iowa for the Waverly Municipal Airport Land Acquisition Phase III Services for the not-to-exceed amount of \$30,000.00.
Motion passed. Yes: 5 No: 2 (Reznicek, Gade) Absent: 0
 - Andy Maysent of McClure Engineering was present to answer questions from the Council. Mr. Maysent explained that the \$30,000 not-to-exceed amount is for past expenses incurred of \$15,367 and anticipated expenses due to this project being prolonged for four years.
 7. Moved by Reznicek, seconded by Sherer to approve Resolution 16-104 approving a water line easement for Central Iowa Water Association across the Rolling Prairie Trail near the right of way at Hilton Avenue.
Motion passed. Yes: 7 No: 0 Absent: 0
 - The easement would be of no cost to Central Iowa Water Association.

8. Moved by Sherer, seconded by Waldstein approving Resolution 16-105 approving the minor subdivision plat for the creation of Parcel N for property on the east side and in the 1000 block of Bremer Road in Northeast Waverly for residential lot creation for applicant David and Audrey Klamfoth.

Motion passed. Yes: 7 No: 0 Absent: 0

- City Attorney/Community Development Director Bill Werger explained the purpose for the minor subdivision plat is to allow two neighbors, owning three lots, to subdivide the third lot in order to adjust lot sizes.

9. Moved by McKenzie, seconded by Kangas to approve the First Reading of Ordinance 1018, an Ordinance Adopting Chapter 61, Special Events, of the City Code of Waverly, Iowa governing the use of city streets and public property for special events.

Motion passed. Yes: 7 No: 0 Absent: 0

- City Administrator James Bronner reviewed that with the recent, larger, special events, staff feels it is necessary to develop an ordinance that encompasses more details such as: signage, beverage containers, fire code requirements, etc. and whether events would be on City property with parking issues, street closures and barricading. This would be in addition to the Block Party Ordinance and would be used for the larger events within the City.

- Council was in favor of this idea. Staff and police would ensure the process was followed. This would allow streets to be closed off according to standards. The ordinance would include requirements for insurance coverages for liability and other issues. Fee structure was discussed for profit vs. non-profit events and whether there should be a difference. The special events could be looked at as additional amenities being added to the community and adding possible additional Local Option Sales Tax. Staff will add language for recycling within the paragraph that refers to garbage. Staff will also add language for City fees structuring. There will be an additional ordinance coming forth to Council regarding mobile events such as 5K and 10K walk/runs.

10. Moved by McKenzie, seconded by Sherer to approve the Third and Final Reading of Ordinance 1015, an Ordinance Amending Chapter 68 Sections 68.3b, 68.5, 68.6, 68.7 and 68.12, Dry Run Waterway, of the Waverly Municipal Code amending proposed language.

Motion passed. Yes: 7 No: 0 Absent: 0

- There is natural vegetation within the Dry Run. The vegetation should be allowed to grow and only be mowed to a minimum of 12 inches in height. The Dry Run is now owned by the City and the City will be maintaining it. Mowing procedures will be communicated to the neighbors of the Dry Run next spring. The taller, native grasses should be allowed to grow in order to provide erosion protection.

11. Moved by Waldstein, seconded by Kangas to approve the Second Reading of Ordinance 1017, an Ordinance Amending Chapter 100, providing for replacement of R-1 and R-2 district language with proposed R-1, R-1A and R-2 district language.

Motion passed. Yes: 7 No: 0 Absent: 0

- Council discussion followed. Concerns for small lot sizes still having \$300,000 homes built on them were noted. City Attorney/Community Development Director Bill Werger reviewed dissimilarities in the differently

zoned district languages including street widths and lot size requirements.
Properties that are currently zoned R-4 will be “grand-fathered” in.

12. Moved by McKenzie, seconded by Sherer to approve the Second Reading of Ordinance 1016, an Ordinance Adopting the “City Code of the City of Waverly, Iowa” and Setting December 5, 2016 at 7:00 P.M. in the Council Chambers of City Hall as the date, time, and place for a Public Hearing.

Motion passed. Yes: 7 No: 0 Absent: 0

13. Moved by Kangas, seconded by Sherer to approve Mayoral Appointment of Ann Rathe to the Economic Development Commission.

Motion passed. Yes: 7 No: 0 Absent: 0

G. Reports from Boards and Commissions

1. Library Board of Trustees Minutes; September 13, 2016; Received into record.
2. Library Board of Trustees Minutes; October 11, 2016; Received into record.
3. City of Waverly State Annual Financial Report; FY 2016; Received into record.
4. Monthly Financials; October, 2016; Received into record.
5. Board of Adjustment Commission Minutes; October 27, 2016; Received into record.
6. Planning and Zoning Commission Minutes; November 3, 2016; Received into record.
7. Golf Commission Minutes; November 8, 2016; Received into record.
8. Senior Calendar; November, 2016; Received into record.

H. Staff Comments

I. City Council Comments

- Councilmember Kangas reminded citizens to shop Small Business Saturday.
- Councilmember Sherer thanked the journalism students for their presence at the meeting.
- Staff informed Councilmember McKenzie that the yard waste closing date has been extended until December 10 with curbside yard waste pick up being available, by appointment, until then as well.
- Councilmember Gade expressed condolences to Anelia Dimotrova of the Waverly Newspapers in the passing of her father.
- Councilmember Sherer added good words for the newspaper.

J. Mayor’s Comments

- Mayor Infelt wished all a Happy Thanksgiving.

Councilmember Gade exited the meeting at 8:47 p.m.

K. EXECUTIVE SESSION.

1. Moved by Kangas, seconded by Waldstein to enter into Executive Session to discuss collective bargaining strategy for upcoming Public Safety Unit and Public Safety Unit negotiations as provided by Section 20.17(3) of the Code of Iowa.

Motion passed. Yes: 6 No: 0 Absent: 1

Moved by Waldstein, seconded by Kangas To reenter into open session.

Motion passed. Yes: 6 No: 0 Absent: 1

- L. Moved by Kangas, seconded by Lampe to adjourn. Motion passed and Council meeting adjourned at 9:17 P.M. **Yes: 6 No: 0 Absent: 1**

Charles D. Infelt, Mayor

ATTEST:

Carla Guyer, City Clerk