

Regular Meeting Minutes – April 17, 2017  
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on April 17, 2017 at 7:00 P. M. at City Hall. Mayor Infelt presided and the following Council Members were present: Kangas, Lampe, McKenzie, Reznicek, Sherer, and Waldstein. Absent: Gade

- A. Mayor Infelt called the meeting to order.
- B. Moved by Sherer, seconded by Kangas to approve the agenda as presented.  
Moved by Kangas, seconded by Waldstein to approve the agenda as amended by moving Regular Business item number fifteen to item number one and renumbering the rest of the Regular Business items.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
- C. Moved by Lampe, seconded by Sherer to approve the April 3, 2017 regular meeting minutes. **Motion passed. Yes: 6 No: 0 Absent: 1**
- D. Proclamation
1. Moved by McKenzie, seconded by Kangas to proclaim April 2017 to be Keep Iowa Beautiful Month. **Motion passed. Yes: 6 No: 0 Absent: 1**
  2. Moved by Kangas, seconded by Reznicek to proclaim April 17, 2017 to be Arbor Day for 2017.
    - Council was informed that on May 3, 2017 staff will be planting 76 new trees as replacements for the removed ash trees.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
- E. Public Comments on Items Not on the Agenda
- Justin Scott informed the Council of the article written and displayed on the Friendly Atheists blog and is willing to help the Council draft a plan for delivering invocations.
- F. Consent Calendar
1. Change of Ownership for Walgreens #12148 for the Class E Liquor License.
  2. Class C Liquor License for Wooden Foot Saloon.
  3. Cigarette/Tobacco/Nicotine/Vapor Permit for Prairie Links Golf and Event Center LLC.
  4. Cash disbursements for March, 2017.  
Moved by Sherer, seconded by Waldstein to approve the consent calendar.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
- G. Regular Business.
- Amended as item number 1, it was item number 15 before the amendment.  
Moved by Kangas, seconded by Waldstein to approve an Agreement for Engineering Services with McClure Engineering Company of Clive, Iowa for the 20<sup>th</sup> Street NW Reconstruction project for a not-to-exceed amount of \$178,150.00. **Motion passed. Yes: 6 No: 0 Absent: 1**
- This project was deemed a worthy project during Strategic Planning and Budget meetings and will take place in three phases as they reconstruct 20<sup>th</sup> Street NW from 5<sup>th</sup> Avenue NW to 205<sup>th</sup> Street. If the Council would continue to support the project, then, they would be looking at the fall 2018 to begin construction. While dealing with the railroad, they would like to do a package

approach by adding in the rebuilding of approaches to the railroad crossing at 5<sup>th</sup> Avenue NW between Bartels and Wartburg College. Mr. Ryan Davis of McClure Engineering Company stated that the railroad is their biggest concern, but their staff has experience dealing with the railroad.

2. Moved by Waldstein, seconded by Sherer to approve Resolution 17-42, A Resolution Setting a Public Hearing for May 1, 2017 at 7:00 P.M. in the Council Chambers of City Hall as the date, time, and place for the Waverly Comprehensive Land Use Plan Update (2017 Review) and Future Land Use Map Update as Amendments to the 2011 Waverly Comprehensive Land Use Plan.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
3. Discussion of the walking bridges over Dry Run Creek that were removed during construction near Wartburg.
  - The Dry Run Creek project removed low water crossings and pedestrian bridges that were in the right-of-way in the Dry Run area or in poor condition. At the time of construction, the public deemed the bridges an unnecessary cost to replace. Mike Gaskill, who owns a house in the area, expressed his concern with having the pedestrian bridges removed. Currently, his tenants can only cross the area at 7<sup>th</sup> Street to 6<sup>th</sup> Avenue where the former foot bridge was to get to and from Wartburg when the Dry Run is dry. Some of the other areas affected by the project for access crossings were 6<sup>th</sup> Street to 6<sup>th</sup> Avenue, access to Knotts playground, and by the Frisbee golf course. He believes that adding foot bridges back in would be advantageous to the City for walking and biking paths. The City has two steel bridges left, but they might not be long enough to span the area. In addition, it was noted by staff that with this area being in a flood plain the replacement of bridges will have to follow FEMA guidelines. It was determined that the Council will resume this discussion at the April 24, 2017 Study Session after they have had a chance to look at the affected areas.
4. Moved by Waldstein, seconded by McKenzie to approve Resolution 17-43, A Resolution Approving the Appeal of a Board of Adjustment Decision for 1410 Round Horn Street and to Remand the Variance Case Back to Waverly Board of Adjustments. **Motion passed. Yes: 6 No: 0 Absent: 1**
  - At the time of approval by the Board of Adjustment, not only weren't the homeowners present, but there wasn't enough information presented to the commission to warrant an approval. Now, there is additional information to be presented to the Board of Adjustment for reconsideration. The request would allow the homeowners a front yard variance for an addition.
5. Moved by Waldstein, seconded by Kangas to approve the First Reading of Ordinance 1023, an Ordinance Amending Section 100.3.02 of the Waverly City Code providing for 31.49 acres located on the east side of 20<sup>th</sup> Street NW and 2,200 feet north of Knight Avenue from Agricultural District (A-1) to Multiple Family Residential District (R-3) subject to signed Zoning Agreement limiting construction of up to four attached residences per structure and Setting May 1, 2017 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: 5 No: 1 (Reznicek) Absent: 1**

- This is a secondary application from Bartels presenting as themselves with additional information as requested previously by Council to allow Eisenach Village to expand further north. The application was unanimously approved a second time by the Planning and Zoning Commission. Upon hesitation from the Council that another party other than Bartels may purchase the land after it is rezoned to R-3, Deb Schroeder, Administrator of Bartels Lutheran Retirement Community, reassured them that they have a legally binding purchase agreement with Echo Development which is contingent on the rezoning to R-3. Therefore, once this is approved by Council, they can close on the property and she is confident they will be purchasing the land. In addition, the zoning agreement binds this R-3 land to no more than four attached dwellings per structure regardless of the owner. With the presented site plan showing ponds, it caused concern from Council about the safety of neighboring kids. Since the plan is a concept drawing and not fully engineered, Ms. Schroeder stated that they aren't aware of the depths of the ponds at this time or if there would be other feasible options for water retention, but as with any development the owners are responsible for managing the water flow on the property so that it won't dump into neighboring yards.

6. Moved by Reznicek, seconded by Sherer to approve Resolution 17-44, a Resolution approving of TIF and Hotel/Motel rebates for a Development Agreement for renovation of the Red Fox Inn.

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

- A Development Group comprised of a group of investors led by Richard Dane are proposing to redevelop the former Red Fox Inn located at 1900 Heritage Way into an upscale hotel and convention center. The Development Group needs the passage of this resolution for support before they will acquire ownership of the property. Once ownership is obtained, the development agreement will come back to Council for final approval. The TIF rebate would be calculated at 70% of the incremental increase in property taxes over 7 years not to exceed \$200,000, and the Hotel/Motel rebate would consist of rebatement of 90% of the taxes paid over and above the base of \$28,000 over 7 years which could total \$250,000. The first phase of redevelopment would focus on the front structure and east building. Mr. Dane informed Council that the development group believes they can double routine occupancy and their primary focus will be on banquet and convention business so they can address the needs that aren't presently addressed here in Waverly.

7. Moved by Sherer, seconded by McKenzie to approve Resolution 17-45, A Resolution Supporting Cohen-Esrey Affordable Partners, LLC's (Waverly Historic Lofts, LLC) efforts to rehabilitate the CUNA building and supports the Developer's efforts to receive a tax credit award from the Iowa Economic Development Authority for this project.

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

- The initial resolution that Council approved to support the finance authority's tax credit was awarded. The Developer is attempting to gain other sources of funding. This tax credit award doesn't require any other funding from

the City just a formal letter of approval and an approved resolution specific to the Iowa Economic Development Authority.

8. Moved by McKenzie, seconded by Waldstein to approve the First Reading of Ordinance 1024, an Ordinance Amending Sections 100.8 and 100.9 of the Waverly City Code providing for replacement of current R-3 (Multiple Family Residential District) and R-4 (Multiple Family-Transitional District) language with new R-3 (Townhome Residential District) and R-4 (Apartment Residential District) district language and Setting May 1, 2017 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: 6 No: 0 Absent: 1**

• After the staff studied other community ordinances, reviewed current problems and housing trends, they gained input from the Planning and Zoning Commission to develop an ordinance amendment that would have more defined R-3 and R-4 provisions. The proposed R-3 would allow two, three, or four horizontally attached multiple single or two-story homes with a limit of two driveways onto the public streets every 150 feet of frontage. The R-4 is the highest density housing district in Waverly so it is proposed to have provisions for minimum amounts of open outside recreational areas and there is an emphasis on connecting sidewalks to adjacent sidewalks. The current site plan for R-3 isn't very clear for the minimum standards. After reviewing multiple ordinances, it was found that site plans that provided builders with a checklist of what they can expect from minimum site plan standards is the most beneficial. It also allows the staff a chance to review the plan according to the ordinance and allows the builder to appeal to the Commission or Council for the final decision.

9. Moved by McKenzie, seconded by Sherer to approve Resolution 17-46, A Resolution Fixing Date for a Meeting on the Authorization and Issuance of Not to Exceed \$650,000 General Obligation Bonds or Capital Loan Notes of the City of Waverly, State of Iowa (For General Corporate Purposes), as May 1, 2017 at 7:00 P.M. in the Council Chambers as the date, time, and place for public hearing and Providing for Publication of Notice Thereof.

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

• This bond is a General Obligation bond instead of Essential General Purpose, and therefore, a separate resolution and hearing has to take place for the land acquisition of the Champions Ridge property. This is the first step to getting it incorporated into bond sales which will take place in May/June and allows the City to add Champions Ridge into that.

10. Moved by Waldstein, seconded by Reznicek to approve Resolution 17-47, A Resolution Approving the payment of TIF and Hotel/Motel rebates to be paid in this fiscal year (2016-2017) for the following:

Fareway Stores Inc.	\$20,000.00
GMT Corporation	\$76,677.20
Carmi Flavor & Fragrance Co.	\$14,693.89
Waverly Hotel Group (Cobblestone)	\$51,819.60

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

• Staff confirmed that the City has two payments with Carmi Flavor & Fragrance Co. left. One of them is not being paid and will be completed after this

year. They are paying the one tied to property tax that reflects taxable valuation increases or decreases.

11. Moved by Kangas, seconded by Lampe to approve the Purchase of the HCL CT12 Compost Turner from HCL Machine Works of Dos Palos, California for the net delivered price of \$31,900.00.

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

- The new turner is one foot higher and two feet wider than the current one which is 16 years old so it can make larger windrows. This allows more material composting at one time. The turner moves slowly to blend the product and create an aerobic process. The DNR has approved our site, but since we don't take municipal solid waste, dead animals or used sewage water we don't have to have a DNR permit. The low bid for this product is a result of dealing with factory direct instead of a middleman.

12. Moved by Waldstein, seconded by Sherer to approve the purchase of the Dump Truck Box & Accessories from Tri State Equipment of Dubuque, Iowa for a net delivered price of \$63,128.00 which includes the optional camera and red LED light. **Motion passed. Yes: 6 No: 0 Absent: 1**

- The City is trading in a 2002 and 2003 dump truck. The new facility allows the City to purchase larger equipment, therefore, making a more efficient operation and allowing the downsizing of equipment.

13. Moved by Sherer, seconded by Waldstein to approve Resolution 17-48, A Resolution Approving Contract, Bonds, and Certificate of Insurance from Midwest Concrete, Inc. of Peosta, Iowa for the Citywide Pedestrian Ramp Construction 2017 and authorizing the Mayor to sign the contract.

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

14. Moved by Waldstein, seconded by Kangas to approve Resolution 17-49, A Resolution Approving Contract, Bonds, and Certificate of Insurance from Blacktop Service Co. of Humboldt, Iowa for the estimated cost of \$197,952 for the 2017 Bituminous Seal Coat Program and authorizing the Mayor to sign the contract.

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

15. Moved by Kangas, seconded by McKenzie to approve Resolution 17-50, A Resolution Approving the Iowa Department of Transportation General Aviation Vertical Infrastructure (GAVI) Grant Application for the Bulk Hangar Insulation Renovation project at the Waverly Municipal Airport for an estimated cost of \$52,000.

**Motion passed. Yes: 4 No: 2 (Reznicek and Lampe) Absent: 1**

- This is the 4<sup>th</sup> attempt to apply for a grant to help with funding. The walls show the effects of water damage and the deteriorated ceiling insulation is powder like and falling in the bulk hangar. Council discussion followed regarding the responsibility of the City for fixing this hangar for Cedar Valley Aviation.

16. Moved by Kangas, seconded by McKenzie to approve Von Blunt to the Airport Commission. **Motion passed. Yes: 6 No: 0 Absent: 1**

- This appointment is filling a vacancy on the commission.

H. Reports from Boards and Commissions

1. Monthly Financial Report; February, 2017, Received into record.

2. Board of Adjustment Minutes; March 13, 2017, Received into record.
  3. Bremer-Waverly Law Board Minutes; March 13, 2017, Received into record.
  4. Waverly Senior Center; April, 2017, Received into record.
  5. Planning and Zoning Commission Minutes; April 6, 2017, Received into record.
  6. Economic Development Commission Notes; April 11, 2017, Received into record.
- I. Staff Comments
- Leisure Services Director Tab Ray informed the Council that on April 9<sup>th</sup>, 130 dogs participated at the dog Easter egg hunt that was sponsored by Compassionate Care Veterinary Clinic at the Bark Park.
- J. City Council Comments
- Councilmember Waldstein thanked Planning and Zoning for the efforts they are putting forth with the Comprehensive Land Use Plan and all of the zoning changes and details while keeping the future of the city in mind.
  - Councilmember McKenzie acknowledged that Paula Stevenson is doing a good job of promoting and supporting the businesses during the Bremer Avenue construction. It was requested that if Council receives questions or concerns, to direct them back to Paula so they can maintain control over messaging and information. There is a hotline set up and social media contacts.
  - Councilmember Sherer commented that upon visiting Thompson Shoes last week he was told that their business is doing fine through the construction.
  - Councilmember Kangas asked if we should address and discuss invocations at the upcoming Study Session.
  - Guest Councilmember Brian Birgen, a 2014 alumni of the Citizens Police Academy, wanted to give a shout out and congratulations to the police department for running the academy and the good work that it does in the community.
- K. Mayor's Comments
- There were none.
- L. Moved by Kangas, seconded by Lampe to adjourn. Motion passed and Council meeting adjourned at 9:08 P.M.      **Yes: 6    No: 0    Absent: 1**