

Regular Meeting Minutes – February 5, 2018
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on February 5, 2018 at 7:00 P. M. at City Hall. Mayor Soash presided and the following Council Members were present: Birgen, Drenkow, Kangas, McKenzie, and Rathe. Absent: Sherer and Waldstein

- A. Mayor Soash called the meeting to order.
 - B. Roll Call
 - 1. Birgen, Drenkow, Kangas, McKenzie, and Rathe. Sherer and Waldstein absent.
 - C. Mayor Soash led in the Pledge of Allegiance.
 - D. Moved by Drenkow, seconded by Kangas to approve agenda as presented.
Motion passed. Yes: 5 No: 0 Absent: 2
 - E. Moved by Birgen, seconded by Rathe to approve the January 15, 2018 regular meeting minutes, January 22, 2018 study session minutes, and January 27, 2018 budget session minutes.
Motion passed. Yes: 5 No: 0 Absent: 2
 - F. Council welcomed Sharon Abram as Guest Council Person for February.
 - G. Moved by Kangas, seconded by Rathe to proclaim and recognize the 50th Anniversary of Iowa’s Home Rule.
Motion passed. Yes: 5 No: 0 Absent: 2
 - H. Public Hearing
 - 1. This was the date, time and place for a public hearing on the vacation of platted alley in Block Twelve (12), Original Town of Waverly, Iowa, as platted by William P. Harmon and conveyance to adjacent property owners.
 - Resolution 18-11, Approving the vacation of alley in Block 12, Original Town of Waverly, Iowa as platted by William P. Harmon and fee title is conveyed from the City of Waverly as follows:
 - 1. The West half of the alley in Block Twelve (12), Original Town of Waverly, Iowa, as platted by William P. Harmon, is conveyed to Waverly Historic Lofts, LLC.
 - 2. The North half of the East half of the alley in Block Twelve (12), Original Town of Waverly, Iowa, as platted by William P. Harmon, is conveyed to Waverly Historic Lofts, LLC.
 - 3. The South half of the East half of the alley in Block Twelve (12), Original Town of Waverly, Iowa, as platted by William P. Harmon, is conveyed to Corson Properties, LC.
- There were no written or oral public comments.**
The public hearing was then closed.
- Moved by Birgen, seconded by McKenzie to approve Resolution 18-11, Approving the vacation of alley in Block 12, Original Town of Waverly, Iowa as platted by William P. Harmon and fee title is conveyed from the City of Waverly as follows:
- 1. The West half of the alley in Block Twelve (12), Original Town of Waverly, Iowa, as platted by William P. Harmon, is conveyed to Waverly Historic Lofts, LLC.
 - 2. The North half of the East half of the alley in Block Twelve (12), Original Town of Waverly, Iowa, as platted by William P. Harmon, is conveyed to Waverly Historic Lofts, LLC.
 - 3. The South half of the East half of the alley in Block Twelve (12), Original Town of Waverly, Iowa, as platted by William P. Harmon, is conveyed to Corson

Properties, LC.

Motion passed. Yes: 5 No: 0 Absent: 2

2. This was the date, time and place for a public hearing on the sale of a parcel of land (Parcel AA) in the street right of way/greenway adjacent to Marks Repair to MMC Properties, LLC to facilitate redevelopment.

There were no written or oral public comments.

The public hearing was then closed.

Moved by Drenkow, seconded by Birgen to approve Resolution 18-12, Approving the sale of a parcel of land (Parcel AA) in the street right of way/greenway adjacent to Marks Repair to MMC Properties, LLC for \$500 to facilitate redevelopment pursuant to a development agreement.

Motion passed. Yes: 5 No: 0 Absent: 2

I. Public Comments on Items Not on the Agenda

- There were none.

J. Consent Calendar

1. Pay Request from Stanley Consultants Inc. for the Cedar River Parkway (East) Improvements 2018 for \$116,573.80.
2. Pay Request from McClure Engineering Co. for the 20th Street NW Reconstruction 2018 for \$2,141.14.
3. Pay Request from Construction Materials Testing for the Waverly Municipal Airport Runway 29 Extension 2018 for \$9,274.00.
4. Ownership change for Waverly Golf & Country Club.
5. Class C Liquor License for Tapatío Mexican Grill.

Moved by Birgen, seconded by McKenzie to approve Consent Calendar Items 1, 2, 3, and 5.

Motion passed. Yes: 5 No: 0 Absent: 2

- Councilmember Drenkow asked to remove item number 4 for separate discussion.
- Staff informed Council that this process is done for administrative purposes and that Iowa Alcoholic Beverages has approved of this.

Moved by Drenkow, seconded by Kangas to approve Consent Calendar Item number 4.

Motion passed. Yes: 5 No: 0 Absent: 2

K. Regular Business.

1. Moved by Rathe, seconded by Drenkow to approve purchase of two (2) zero turn Gravely mowers from Miller True Hardware of Waverly, Iowa for \$7,896.00 for the Cemetery Division.

Motion passed. Yes: 5 No: 0 Absent: 2

- Funds were budgeted in this fiscal year to purchase a backhoe attachment for the Skid Steer. It was found that the attachments were not as user friendly as expected. It is now being requested to repurpose the funds budgeted for the attachment and purchase two (2) heavier duty zero turn mowers for use in the cemetery. There may be a smaller, portable backhoe unit (its own unity) sometime in the future. For now, the cemetery will continue to share with public services.

2. Moved by Kangas, seconded by Rathe to approve purchase of CemSites Cemetery software from Cemsites of Perryopolis, Pennsylvania for the Cemetery Division for \$8,100.00 with an annual fee of \$1,100.00 for support costs.

Motion passed. Yes: 5 No: 0 Absent: 2

- The current cemetery software is antiquated and unable to be supported. The proposed software will be able to integrate information and locations will be available on a phone app. The funds are budgeted in the current fiscal year. The current records

will be added to the new system by CemSites. The public can download the application on their own personal mobile device, and it can help find past and future grave sites. This can also be a useful tool for genealogists.

3. Moved by Rathe, seconded by Birgen to approve purchase of one 2018 Dodge Police (AWD) Charger from Stew Hanson of Urbandale, Iowa for \$21,500.00.

Motion passed. Yes: 5 No: 0 Absent: 2

- The purchase of one 2018 Dodge Police (AWD) Charger will replace one 2008 Chevrolet Impala. This vehicle will be an unmarked law enforcement vehicle used within the Investigative Division for the Waverly Police Department. Stew Hanson of Urbandale, IA was selected after they received the State of Iowa bid and contract for the Dodge Police (AWD) Charger. This vehicle will arrive within the 2017-2018 budget year and will be expensed from the 2017-2018 Automotive Equipment Capital Expenditures. GM no longer makes a police package for Impala.

4. Moved by Kangas, seconded by McKenzie to approve Resolution 18-13, Setting the Public Hearing date on the intent to commence a public improvement project for the 20th Street NW Reconstruction Phase 1 Railroad Crossing Improvements project and to acquire property and easements for the project for March 19, 2018 at 7:00 p.m. in the Council Chambers of City Hall.

Motion passed. Yes: 5 No: 0 Absent: 2

- The date of March 19 for a public hearing is due to having to give property owners 30 days' notice. A resolution of intent to commence this project is necessary to acquire property and easements for the project involving agricultural property.

5. Moved by Birgen, seconded by Drenkow to approve Resolution 18-14, Authorizing the City to submit an application for a Community Development Block Grant Owner-Occupied Housing Rehabilitation Grant to the Iowa Economic Development Authority in 2018.

Motion passed. Yes: 5 No: 0 Absent: 2

- This request is being made to apply for a five-year forgivable loan for eligible homeowners from the Iowa Economic Development Authority (IEDA) through a competitive grant process for owner-occupied homeowners meeting low income requirements. This will occur in a to-be-defined target area previously in the "100-year flood plain" areas in the NW and SW Waverly for the purpose of approving homes to meet underserved rehabilitation needs. There is no City funding required. There is a maximum limit of six (6) projects per year. The City can apply for it more than one time. These are forgivable five-year loans for the homeowner and each homeowner could qualify for up to \$24,999. The loans are restricted to certain types of improvements such as: roofing, siding, windows, and doors. Surveying will be done to identify potential homes.

6. Moved by Drenkow, seconded by Rathe to approve Resolution 18-15, Approving a Special Provisional Use request for a Solar Panel Array in SW Waverly.

Motion passed. Yes: 5 No: 0 Absent: 2

- Waverly Utilities Director of Business Operations explained that Waverly Utilities is seeking to construct a grouping of ground solar panels (array) on 3.27 acres of property owned by the City of Waverly. This project is driven by local and national interest. Ownership of the real estate will not be conveyed to Waverly Utilities. Waverly Utilities will give customers the opportunity to purchase one (1) or more solar panel(s) that will be operated at this location. Energy that is generated with the array, as a whole, will be credited back to the solar panel owners. There will be some financing

options offered to the customers. There will be a chain link fence installed around the property for safety reasons. The current vehicle access at the north side of the property will be utilized.

7. Moved by Rathe, seconded by Birgen to approve Resolution 18-16, Authorizing acquisition of real property for the Cedar River Parkway (East) project.
Acquisition for the following location:
Daniel and Kelly Streicher's property of Parcel 5 and 10 at 1718 E. Bremer Avenue for \$125,000.00.
Motion passed. Yes: 4 No: 1 (Drenkow) Absent: 2
 - The City has negotiated the purchase of property owned by Dan and Kelly Streicher for the sum of \$125,000. This is a necessary step in the Cedar River Parkway (East) project. This is an eight (8) acre parcel that the City would acquire to be used as a borrow pit on one end and the other end will be used as a reserve for street right of way. There are no immediate plans to develop the property; however, this could possibly help spur the potential for residential development.
8. Moved by Birgen, seconded by McKenzie to approve Resolution 18-17, Approving a Minor Subdivision Plat for creation of Parcel AA and Parcel Z in Block 12, Original Town of Waverly.
Motion passed. Yes: 5 No: 0 Absent: 2
 - This is referring to the alley way by Kaiser-Corson Funeral Home and the old CUNA building, now known as Waverly Historic Lofts, LLC.
9. Moved by McKenzie, seconded by Rathe to approve Resolution 18-18, Setting a Public Hearing date to Review a Request for a Change of Use from Golf Course to Single Family Residential for One Additional Single Family Residential Lot in Outlot P of the Planned Development District Centennial Oaks Golf Club Addition and to Amend the Future Land Use Plan from Semi-Public to Residential for February 19, 2018 at 7:00 p.m. in the Council Chambers of City Hall.
Motion passed. Yes: 5 No: 0 Absent: 2
 - A City owned sewer line currently exists at this location.
10. Moved by Drenkow, seconded by Kangas to approve the First Reading of Ordinance 1030, an Ordinance Amending Chapter 100, Section 100.12 of the City Code providing for amendments to the C-1 (Neighborhood Commercial) zoning district language and Setting February 19, 2018 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: 0 Absent: 2
 - The C-1 (Neighborhood Commercial) district language refers to types of development which are considered too large by today's standards. The proposed language better establishes service-oriented businesses with minimal traffic impact to the adjacent housing neighborhoods as an alternative to the higher traffic generating C-2 permitted uses currently listed as: professional services, personal services, religious institutions, civic uses, such as schools, hospital clinics, libraries, childcare facilities, clubs, and other similar uses. There currently are no C-1 zones.
11. Moved by Birgen, seconded by McKenzie to approve the First Reading of Ordinance 1031, Amending the Zoning Map of the City of Waverly for property described in SW Waverly on the SW corner of 4th Street SW and Technology Place from M-1 (Light Industrial) to C-2 (Commercial) District and Setting February 19, 2018 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: 0 Absent: 2

- City staff, in conjunction with the south adjacent property owner and future purchaser of said south adjacent property, are requesting the rezoning of property described as Parcel AA in a supplied legal description to be rezoned from M-1 to C-2 to match the south adjacent land use classification.

12. Moved by Rathe, seconded by Birgen to approve the First Reading of Ordinance 1032, Amending Chapter 59 of the City Code to replace the current wording with the proposed new chapter and Setting February 19, 2018 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: 0 Absent: 2

- The Mediacom franchise agreement is the current Municipal Code language. This agreement expired in May of 2013. Cable and Telecommunications Commission voted unanimously in favor of the new proposed code language. The City equipment and facilities are in need of upgrading and the increase in franchise fees would help make those upgrades and provide additional capital for continued maintenance and increased programming opportunities.

13. Moved by Drenkow, seconded by Rathe to approve Resolution 18-19 adopting updates for the City of Waverly Employee Handbook.

Moved by Drenkow, seconded by Kangas to postpone Resolution 18-19 adopting updates for the City of Waverly Employee Handbook until February 19, 2018.

Motion passed. Yes: 5 No: 0 Absent: 2

- Council discussed maternity/paternity (also in cases of adoption) being added to the document and whether it could just be referred to FMLA language. They further discussed language for the cost of treatment for substance abuse or rehabilitation. Vacation calculations were also talked about. Per the Municipal Code, Section 14.4 City Council:

1. The City Council shall adopt specific personnel policies to further the general policies declared by this chapter.

2. The City Council shall have the final authority to approve all personnel rules, departmental rules, constitutions and bylaws, classification and compensation plans and union labor agreements and to establish the wages, hours, benefits and personnel policies for all personnel.

14. Moved by Kangas, seconded Rathe to approve Resolution 18-20 authorizing Mayor, City Administrator, Finance Director, and City Clerk to execute certain financial institution documents.

Motion passed. Yes: 5 No: 0 Absent: 2

15. Review of 2018-19 Proposed Budget

Motion passed. Yes: 5 No: 0 Absent: 2

- Finance Director Jenifer Mein informed Council that after making the requested adjustment staff can work out of a preliminary tax levy of \$14.45. Last year, it was at \$14.18. It would be as low as \$14.00; however, adding in 20th Street NW Phase 1A and South Riverside Park Phase I projects brings it up to \$14.45. In order to figure costs of utility billing, staff began discussions with Waverly Utilities to work out a utility billing agreement.

L. Reports from Boards and Commissions

1. Planning and Zoning Commission Minutes; September 7, 2017; Rec'd into record.
2. Planning and Zoning Commission Minutes; October 5, 2017; Rec'd into record.
3. Historic Preservation Commission Minutes; November 27, 2017; Rec'd into record.

4. Leisure Services Commission Minutes; January 18, 2018; Rec'd into record.
- M. Staff Comments
- There were none.
- N. City Council Comments
- Councilmember Kangas thanked the street department for getting out and clearing the snow.
 - Councilmember Birgen recognized the Wartburg College Women's Basketball team for their undefeated season, to date.
- O. Mayor's Comments
- Mayor Soash encouraged Council to submit comments regarding the Council Rules of Procedure to City Attorney Bill Werger as soon as they can.
- P. Executive Session
1. Moved by Kangas, seconded by Drenkow to enter into executive session to discuss collective bargaining strategy for upcoming City Unit negotiations as provided by Section 20.17(3) of the Code of Iowa.
- Motion passed. Yes: 5 No: 0 Absent: 2**
- Moved by McKenzie, seconded by Drenkow to reenter into open session.
- Motion passed. Yes: 5 No: 0 Absent: 2**
- Q. Moved by Kangas, seconded by Birgen to adjourn. Motion passed and Council meeting adjourned at 9:31 P.M. **Yes: 5 No: 0 Absent: 2**

Dean Soash, Mayor

ATTEST:

Carla Guyer, City Clerk