

Regular Meeting Minutes – February 19, 2018
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on February 19, 2018 at 7:00 P. M. at City Hall. Mayor Soash presided and the following Council Members were present: Birgen, Drenkow, Kangas, McKenzie, Rathe, Sherer, and Waldstein

- A. Mayor Soash called the meeting to order.
- B. Roll Call
1. Birgen, Drenkow, Kangas, McKenzie, Rathe, Sherer, and Waldstein
- C. Moved by Drenkow, seconded by Rathe to approve agenda as presented.
Motion passed. Yes: 7 No: 0 Absent: 0
- D. Moved by Birgen, seconded by Rathe to approve the February 3, 2018 budget meeting minutes and the February 5, 2018 regular meeting minutes.
Motion passed. Yes: 7 No: 0 Absent: 0
- E. Public Hearing
1. This is the date, time and place for a public hearing for the Cedar River Parkway (East) Improvements project Plans, Specifications, Form of Contract and Estimated Cost.
There were no written or oral public comments.
The public hearing was then closed.
Moved by Sherer, seconded by McKenzie to approve Resolution 18-21, Approving Plans, Specifications, Form of Contract and Estimated Cost of \$10,194,718 for the Cedar River Parkway (East) Improvements project.
Motion passed. Yes: 7 No: 0 Absent: 0
- Cramer & Associates is highly recommended as an excellent bridge construction contractor and has done a couple of projects in town such as the railroad bridge over 10th Avenue and repair work to the trail bridge after the flood. Due to timing and having a good bid environment, all bids were extremely close with the winning bid being \$1.1 million under the Engineer’s estimate.
 - 1a. Moved by Kangas, seconded by Waldstein to approve Resolution 18-22, Awarding Contract for the Cedar River Parkway (East) Improvements project to Cramer & Associates of Grimes, Iowa for the bid amount of \$8,147,317.66.
Motion passed. Yes: 7 No: 0 Absent: 0
2. This is the date, time and place for a public hearing 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.
There were no written or oral public comments.
The public hearing was then closed.
Moved by Birgen, seconded by Rathe to approve Resolution 18-23, Approving 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.

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

- Future City obligations to this residence are being taken care of with an existing sewer line, water services provided by Central Iowa Water, and a fire hydrant to be installed by the developer.

2a. Moved by Birgen, seconded by Waldstein to approve Resolution 18-24, Approving a Minor Subdivision Plat for creation of Parcel QQ and Tract B in Outlot P of Centennial Oaks Subdivision and Dedication of Tract B to the City of Waverly for right of way.

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

- Tract "B" is the additional right of way adjacent to 29th Avenue which contains an existing sewer main that can be utilized for municipal purposes.

3. This is the date, time and place for a public hearing on an Ordinance Amending Chapter 100, Section 100.12 of the City Code providing for amendments to the C-1 (Neighborhood Commercial) zoning district language.

There were no written or oral public comments.

The public hearing was then closed.

Moved by Waldstein, seconded by Sherer to approve the Second 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.

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

- C-1 (Neighborhood Commercial) zoning is generally along a corridor with C-2 zoning being in urban arterials or collector streets. Many times, developers who are developing the residential and commercial side are able to choose the type of business and zoning they want it to be. Current zoning can be changed with a request to Planning and Zoning and Council. The current C-1 definition is very broad and can be limiting, but the proposed language provides another tool in which the City can put commercial development fairly close to residential areas.

4. This is the date, time and place for a public hearing on an Ordinance 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.

There were no written or oral public comments.

The public hearing was then closed.

Moved by Rathe, seconded by Drenkow to approve the Second Reading of Ordinance 1031, an Ordinance 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.

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

5. This is the date, time and place for a public hearing on an Ordinance Amending Chapter 59 of the City Code to replace the current wording with the proposed new chapter.

There were no written or oral public comments.

The public hearing was then closed.

Moved by Sherer, seconded by McKenzie to approve the Second Reading of Ordinance 1032, an Ordinance Amending Chapter 59 of the City Code to replace the current wording with the proposed new chapter.

Motion passed. Yes: 6 No: 1 (Kangas) Absent: 0

- The Cable Commission has recommended to have the Council revisit the amendment of Chapter 59 allowing the increase of the cable franchise fee from 3% to 5% for all cable companies. By increasing this fee, Waverly would not be out of the norm of other cities. There was discussion regarding fiber optic cable users having to pay an additional fee when other fiber optic noncable users don't have to. Whereas, if the City completely loses this revenue due to cable usage decline, they will have to look elsewhere for funding sources for broadcasting equipment and programs. Council would like to see a timeline of what was previously presented to Council and the vote. Council also encouraged citizens to share their comments with them.

- F. Public Comments on Items Not on the Agenda

- There were none.

- G. Consent Calendar

1. Pay Request from McClure Engineering Co. for the Airport Runway 29 Extension 2018 for \$24,310.50.
2. Pay Request from McClure Engineering Co. for the Airport Runway 29 Extension 2018 for \$7,131.00.
3. Pay Request from McClure Engineering Co. for the Airport Bulk Hangar Improvements 2017 for \$3,705.00.
4. Pay Request from McClure Engineering Co. for the Airport Bulk Hangar Improvements 2017 for \$2,405.00.
5. Class C Liquor License for Applebee's Neighborhood Grill & Bar.
6. Class C Liquor License for Kwik Star #707.
7. Cash disbursements for January, 2018.

Moved by Birgen, seconded by Waldstein to approve Consent Calendar Items 1, 2, 3, 4, 5, and 7.

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

- Councilmember Birgen asked to remove item number 6 for separate discussion and requested for the address to be corrected in the ownership section and brought back to Council once it's correct.

- H. Regular Business.

1. Moved by McKenzie, seconded by Waldstein to approve the First Reading of Ordinance 1033, an Ordinance Providing for rezoning of property on the Northwest corner of 4th Street SW and 10th Avenue SW from R-1 (Single Family Residential) to C-2 (Commercial) District with accompanying statement of commitments from applicant, for amending the Waverly Future Land Use Map from Residential and Commercial to Commercial and Setting March 5, 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: 7 No: 0 Absent: 0

- Casey's contractor, Wally Pelds of Pelds Engineering Company held a public input meeting prior to resubmitting the rezoning request to Council. Some of the public's concerns are being addressed such as: reserving the west 125 feet of undeveloped green space, moving the carwash 50 feet to the south, limiting the closed door carwash operation hours to 6am-10pm, having a grading plan that will have the store sit higher than the existing neighbors to create a quiet space below, installing a double mat cedar board fence around the property, and landscaping with trees. Approximately, 67% of the business they receive comes from pass by traffic with roughly 33% as a destination stop for the store for pizzas. Fuel deliveries will take place during operating hours. Buried storm chambers with hydrocarbon filters will perform exfiltration and infiltration to filter the water and to help lessen water runoff. In case of future right of way expansions for public improvements, they don't plan on crowding 4th or 10th. The DOT currently likes their spacing, but has asked for them to participate in the widening along the south side of 10th to allow more stacking and to add paving to create a turn lane on 4th going to the north. A final site plan will be reviewed by staff and the DOT. Council discussed how the commitment agreement can be enforced, and staff informed council that if the commitment agreement isn't abided, then, they would be considered nuisances to the property and can be enforced through municipal infractions. Council also discussed the possibility of a C-1 zoning being more appropriate for the area, but that it might not ever bring a developer or one who is as willing to work with the neighbors. Council indicated that their votes for a public hearing and not an indication of their decision.

- Jim Janssen asked the Council to take into account what the wind factors from south to north will do for the noise levels and to consider individual safety when they see what the east driveway will look like.

2. Moved by Birgen, seconded by Kangas to approve Resolution 18-25, Approving Contract, Change Order #1, Bonds, and Certificate of Insurance from Benton's Sand & Gravel for the Winter Tree Cutting project and authorizing the Mayor to sign the contract.

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

- Survey work will take place later this week, and they should be on site on Monday to begin the tree cutting.

3. Moved by Rathe, seconded by Kangas to approve Resolution 18-26 Approving a Professional Services Supplemental Agreement No. 1 with Stanley Consultants for the Cedar River Parkway (East) Improvements for construction design services for the not-to-exceed amount of \$695,000.00.

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

- The City does estimated time and material contracts so we are only billed when they are on site.

4. Moved by Kangas, seconded by Drenkow to approve Resolution 18-27, Awarding Contract for the Waverly Municipal Airport Bulk Hangar Insulation

Improvements (Project No. 1- Option 2) project to Modern Builders of Janesville, Iowa for the bid amount of \$54,970.00.

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

- Option 2 keeps the existing insulation instead of removing it which is less expensive and should increase the R value making it more energy efficient. The existing insulation's cover is deteriorating after 20 years and this should encapsulate it.

5. Moved by Sherer, seconded by Birgen to approve Resolution 18-28, Fixing an amount to be assessed against private property for the Bremer Avenue Water Main and Service Line Improvement project (2017 stages) and directing the Engineer to file an Assessment Schedule with the City.

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

- This is similar to what was done on the west side of Bremer Avenue and is only a preliminary schedule. The final numbers with more details will come back to Council on March 5th.

6. Moved by Birgen, seconded by McKenzie to approve Resolution 18-29, Authorizing acquisition of real property for the Cedar River Parkway (East) project.

Acquisition for the following locations:

Bruce T. Ecker and Kimberly K. Folkers' property of Parcel 7 at 801 12th Street SE for \$80,000.00.

Timothy T. and Jodi M Griggs' property of Parcel 4 and Parcel 4A at 2540 E Bremer Avenue for \$50,000.00.

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

- There is one property left. Staff has worked out the details with all of the other property owners. The prices for these two properties are for land acquisition. The homeowners will pay for any driveways or fences. There is a leftover parcel on the southside of the Parkway that was taken from GMT because of the curve that the City doesn't want to own and maintain that will be conveyed to Griggs.

7. Moved by Waldstein, seconded by Rathe to approve Resolution 18-30, Resolution Fixing Date for a Meeting on the Proposition of the Issuance of Not to Exceed \$11,050,000 General Obligation Bonds of the City of Waverly, State of Iowa (For Essential Corporate Purposes), and Providing for Publication of Notice Thereof for March 5, 2018 at 7:00 p.m. in the Council Chambers of City Hall.

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

- This covers \$9 million for the Cedar River Parkway project, \$1.6 million for the 20th Street phase 1A the railroad, \$218,000 for South Riverside Park phase 1, and additional for fees. The City will be in the upper 70's of our self-imposed cap, but still below 80.

8. Moved by Drenkow, seconded by Sherer to approve Resolution 18-31, Resolution Fixing Date for a Meeting on the Proposition of the Issuance of Not to Exceed \$1,700,000 Water Revenue Bonds of the City of Waverly, State of Iowa and Providing for Publication of Notice Thereof for March 5, 2018 at 7:00 p.m. in the Council Chambers of City Hall.

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

- The City is anticipating the first payment to the DOT for the Bremer Avenue Reconstruction next spring so they have estimated the costs and are acquiring the funds now. The City will only utilize what is needed and reimburse back to the bond any extra amount. Staff acknowledged that if change orders occur for certain parts of the project that the City is responsible for like parking lanes, sidewalks, and water mains, then, we have to cover it.

9. Moved by Waldstein, seconded by McKenzie to set the Public Hearing date to review the Budget Fiscal Year 2018-19 for March 5, 2018 at 7:00 p.m. in the Council Chambers of City Hall.

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

- Staff informed Council that the levy rate is \$14.449.

10. Moved by Rathe, seconded by Birgen to set a Public Hearing to review the 2018 Bituminous Seal Coat Program Project Plans, Specifications, Form of Contract, and Estimated Cost for March 19, 2018 at 7:00 p.m. in the Council Chambers of City Hall.

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

- Staff informed Council that the material storage area in the south end of the fair parking lot won't interfere with the fair.

11. Moved by Kangas, seconded by Sherer to set a Public Hearing to review the 2018 Slurry Seal Program Project Plans, Specifications, Form of Contract, and Estimated Cost for March 19, 2018 at 7:00 p.m. in the Council Chambers of City Hall.

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

- Wartburg College is allowing the City to use their parking lot for the staging area. Bituminous Seal Coating involves spraying hot oil and covering with chips which works on heavily crowned roads and shaded roads, but wastes about 20-25% of the chips. Slurry Seal is an emulsified asphalt which mixes the aggregate with the oil and a special distributor spreads the material onto the pavement. There is no waste with this process, but it has to be done on a hot, dry day as the curing time is about 6 hours. The City will be staging this between Jadestone and 12th with only one lane being done at a time. Staff will review the process after this year to see if it works in residential areas. There are certain streets like heavily shaded ones that this process won't work on, but staff is considering using it on full depth asphalt streets that were rebuilt.

I. Reports from Boards and Commissions

1. Historic Preservation Commission Minutes; November 27, 2017; Rec'd into record.
2. Monthly Financials; January, 2018; Rec'd into record.
3. Planning and Zoning Commission Minutes; January 4, 2018; Rec'd into record.
4. Bremer-Waverly Law Board Minutes; January 8, 2018; Rec'd into record.
5. Senior Calendar; February 2018; Rec'd into record.

J. Staff Comments

- Leisure Services Director Tab Ray informed the Council of the Food Fight between the Library and the Civic Center to see who can collect the most pounds of food in their lobby receptacles from February 19-March 19. Tab and Library Director Sarah Meyer-Reyerson have been challenged to have a final activity for the loser which would

consist of a pie to the face.

K. City Council Comments

- Councilmember Sherer apologized for missing the last meeting, but joked that while driving across Louisiana, he became homesick when he heard on the radio that Iowa was in a blizzard.
- Councilmember Rathe mentioned that she and Councilmember Waldstein will be serving as celebrity chefs at the Bremer County 4-H omelet breakfast on March 4th and encourages people to attend.
- Councilmember Waldstein is looking forward to the Bremer County 4-H omelet breakfast.
- Councilmember Kangas commented that upon hearing of Palace Theatre's closure, he is hoping staff is working with the Chamber with the hopes we can find a way to keep a family entertainment venue in the City.
- Councilmember Birgen was saddened to hear about the Palace Theatre's closure, but encourages people to frequent the existing downtown businesses.
- Guest Councilmember Abram commented that she is learning a lot.

L. Mayor's Comments

- Mayor Soash acknowledged the Palace Theatre's closure. He also wanted to give the City crew a shout out for their efforts with the snow removal after the last snow. He had also recently attended a Public Safety Board meeting which included a facility tour that he would recommend for City Council and even public to experience. This morning he attended a productive meeting in Des Moines with State Representative Sandy Salmon and Director of Iowa Economic Development Authority Debi Durham; Economic Development Director Bill Werger and Economic Development Specialist Connie Tolan also participated by phone.

M. Moved by McKenzie, seconded by Birgen to adjourn. Motion passed and Council meeting adjourned at 8:55 P.M. **Yes: 7 No: 0 Absent: 0**

Dean Soash, Mayor

ATTEST:

Valorie Northrup, Deputy City Clerk