

Regular Meeting Minutes – December 17, 2018
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on December 17, 2018 at 7:00 P. M. at City Hall. Mayor Soash presided.

- A. Mayor Soash called the meeting to order.
- B. Roll Call
1. Birgen, Kangas, McKenzie, Rathe, Sherer, and Waldstein were present.
Drenkow was absent.
- C. Moved by Sherer, seconded by Birgen to approve the agenda as amended by the Mayor in moving Item M. Communications ahead of Item L. Mayor’s Comments.
Motion passed. Yes: 6 No: 0 Absent: 1
- D. Moved by McKenzie, seconded by Waldstein to approve the November 26, 2018 study session minutes and the December 3, 2018 regular meeting minutes.
Motion passed. Yes: 6 No: 0 Absent: 1
- E. Public Hearing
1. This was the date, time and place for a public hearing on the proposed Amendment No. 3 to the Waverly Unified Urban Renewal Plan in the City of Waverly.
 - There were no oral or written comments.
 - **The hearing was then closed.**Moved by Birgen, seconded by Rathe to approve Resolution 18-170, Resolution determining an area of the City to be an Economic Development area, and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for urban renewal projects; and adopting Amendment No. 3 to the Waverly Unified Urban Renewal Plan superseding and replacing Resolution 18-160.
Motion passed. Yes: 6 No: 0 Absent: 1
- F. Public Comments on Items Not on the Agenda
- There were none.
- G. Consent Calendar
1. Approve the purchase of a 2019 Ford 1-Ton 4x4 Pickup Cab & Chassis with dual rear wheels for the Water Division from Witham Auto Center of Waverly, Iowa for the purchase price of \$27,050.00 which included the trade-in value of \$14,000.00 for a 2007 Dodge 1-Ton 4x4 Pickup Truck.
 2. Approve the purchase of 65 and 95-gallon blue recycling carts from Elliot Equipment of Grimes, Iowa for 9,865.00.
 3. Set the Public Hearing date to review the Cedar Lane Reconstruction 2019 project Plans, Specifications, Form of Contract and Estimated Cost for February 18, 2019 at 7:00 p.m. in the Council Chambers of City Hall.
 4. Pay Request from Lodge Construction for the Citywide Sidewalk & Pedestrian Ramp Repairs- 2018 for the amount of \$21,431.15.
 5. Pay Request from Chicago Central & Pacific for the 20th Street NW Reconstruction RR Crossing Improvements at 20th St. NW- 2018 for the amount of \$1,498.28.
 6. Pay Request from Stanley Consultants, Inc. for the Cedar River Parkway (East) Improvements 2018 for the amount of \$38,496.40.

7. Pay Request from Croell, Inc. for the 20th Street NW Reconstruction RR Crossing Improvements at 20th St. & 5th Avenue NW- 2018 for the amount of \$432,198.23.
8. Cash Disbursements for November, 2018.

Moved by Birgen, seconded by McKenzie to approve Consent Calendar item numbers 1 and 3 – 8.

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

Moved by Birgen, seconded by Waldstein to approve Consent Calendar item number 2.

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

- Birgen requested that Consent Calendar item number 2 be pulled out and discussed separately. Staff informed Mr. Birgen the number of containers being purchased would last approximately 6 – 12 months. Discussion followed on the need for the reduction of user supplied containers. Staff will purchase the containers as is needed.

H. Regular Business

1. Moved by McKenzie, seconded by Kangas to approve the appointment of Dennis Happel as Fire Chief for 2019.

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

- Mr. Happel informed Council that the difference between an Assistant Captain and a Lieutenant and is just that they are different ranks within the fire department according to seniority. This is the beginning of Mr. Happel's 11th year. Dan McKenzie was Fire Chief for 3 years prior to that and Dave Nelson was Fire Chief for 18+ years prior to them.

2. Moved by Rathe, seconded by Sherer to approve Resolution 18-165, approving a Minor Subdivision request for property located at 1415 Horton Road for the creation Parcel L.

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

- This item came back to Council so Zoning Administrator Rachel Leitz would be able to attend and explain in more detail to Council the reasoning behind the request. It was recently designated as being in the 500-year flood plain. Ms. Leitz stated that while there are areas showing as being in the flood plain, there are small areas that could be re-zoned residential. The request does help with the City's infill goals and is being made as part of estate planning. The original request was for 3 acres and they have reduced the parcel size to 2.19 acres. This is only one of two properties in town that are designated as open space. The request does comply with the City's Future Land Use Map.

- Council expressed that there is a need for more comprehensive planning. The property owner cannot subdivide without re-zoning the property. There were also concerns of the creation of an island during high water events. The property is not big enough to be considered spot zoning.

3. First Reading of Ordinance 1054, Amending the Zoning Map of the City of Waverly for property located at 1415 Horton Road from A-1 (Agricultural) to R-1 (Residential) District and Setting a Public Hearing.

Item died for lack of motion.

4. Moved by Sherer, seconded by Birgen to approve Resolution 18-171, approving the termination and vacation of an easement on property owned by the City for the Waverly Low Rent Housing project.

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

- The City of Waverly through its Housing Commission is developing new housing on property located at 420 16th Street NW. This property includes Lots 7 and 8 and part of Lot 9 of Carver's Subdivision of Block 1 of Carpenter's Addition to Waverly. The easement is located on the East 5 feet of Lots 7 and 8 and the West 5 feet of Lot 9. This easement is no longer necessary and is proposed to be

- vacated since there was never any electric installed on the described property.
5. Moved by Kangas, seconded by Rathe to approve Resolution 18-172, approving a Minor Subdivision request for property located at north of Shelby Lane and west of Euclid Avenue for the creation of a subdivision to be known as “GoHawk Hideout Subdivision”.
- Motion passed. Yes: 6 No: 0 Absent: 1**
- This request is located out of City limits; however, the City reviews all subdivision and rezoning requests within two-miles of the City limits. The applicant is requesting to subdivide the property into two parcels. The existing parcel is a landlocked parcel; however, there is an existing 33-foot access easement for ingress and egress. The lots are proposed to be 1.74 and 2.00 acres. The plat indicates that the existing access easement will be extended across Lot 2 and connect to Lot 1. The applicant did not indicate if there is a maintenance agreement for the shared access; however, City staff would recommend that this is created and recorded amongst the three lots sharing this access. The County needs to bring new plats for subdivisions of more than three or more parcels for re-zoning within a two-mile radius of the City limits to the City for approval before it can be approved at a County level. The City would like to keep reviewing requests that the City feels is more important to our corridor for future planning and development.
6. Moved by Rathe, seconded by Kangas to Resolution 18-173, approving a loan application to the SRF (State Revolving Fund) for a 0% loan for \$780,000 to cover the cost of planning and design for the Water Pollution Control Facility improvements.
- Motion passed. Yes: 6 No: 0 Absent: 1**
- The State Revolving Fund (SRF) program is a set aside for water projects such as to promote water quality and many other items. Rates can be locked in, and it can be paid off early with no penalty. It can be used for covering engineering costs. Since it is Federal money being administered by the State, there may be some wage structures for contractors that the City would need to comply with. This application will be submitted on January 3, 2019. The SRF will determine if the City qualifies.
7. Moved by Waldstein, seconded by Birgen to approve Resolution 18-174, approving the release of the Maintenance Guaranty for the Stone Haven- Plat 4 Phase 3 Subdivision.
- Motion passed. Yes: 6 No: 0 Absent: 1**
- Staff informed Council that sidewalks are not tied with the maintenance guaranty. The developer is not responsible for the installation of the sidewalks in a subdivision. The person(s) who purchase the property and build on it is/are responsible for required sidewalks.
8. Moved by Sherer, seconded by Rathe to approve Resolution 18-175, accepting the public improvements for Dave Tobin’s Development- 3rd Avenue NW and approving payment of \$30,000 and \$572 to Tobin Construction of Waverly, Iowa per the October 4, 2018 Development Agreement and for the connection of the existing house to the new sanitary sewer main.
- Motion passed. Yes: 6 No: 0 Absent: 1**
- On October 1, 2019, the City approved a development agreement that included the cost sharing of installing water and sewer mains. Since this adds a cost to the development that would not exist in other surrounding blocks that have available water and sewer, it was determined that it would be appropriate for the City to contribute to the cost of extending such mains.
9. Moved by Waldstein, seconded by Sherer to approve Resolution 18-176, accepting the 2nd Avenue NE Storm Sewer Replacement 2018 project as complete, approving Change Order

No. 1 for an increase of \$687.34, and approving Pay Estimate No. 2 in the amount of \$8,112.64 as final pay request to Lodge Construction of Clarksville, Iowa.

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

- Staff informed Council that the leftover pieces of storm sewer from this project will be purchased by the City at material price and be used on the Cedar Lane Reconstruction 2019 project.

10. Moved by Waldstein, seconded by Birgen to approve Resolution 18-177, accepting the Citywide Sidewalk & Pedestrian Ramp Repairs 2018 project as complete, approving Change Order No. 1 for an increase of \$856.80, and approving Pay Estimate No. 3 in the amount of \$2,238.34 as final pay request to Lodge Construction of Clarksville, Iowa.

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

11. Moved by Kangas, seconded by Rathe to approve Resolution 18-178, approving the Final Assessment Schedule for the 2018 Sidewalk Maintenance and Inspection Program.

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

- Staff was unsure how the numbers of property owners that took advantage of the assessment option compared to previous years.

12. Moved by Birgen, seconded by McKenzie to approve Second Reading of Ordinance 1053, amending the current Waverly TIF Ordinance 1025 in connection with the adoption of Amendment No. 3 to the Waverly Unified Urban Renewal Plan.

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

I. Reports from Boards and Commissions

1. Planning and Zoning Commission Minutes; October 11, 2018; Received into record.
2. Golf Commission Minutes; November 13, 2018; Received into record.

J. Staff Comments

- There were none.

K. City Council Comments

- Councilmember McKenzie commented on the beautiful night the City had for Christmas on Main. There were many people that attended.
- Councilmember Kangas confirmed with staff that the Friday before the upcoming Monday (Christmas Eve) and the Wednesday after the Tuesday (Christmas Day) would be the holiday garbage pick-up schedule. Mr. Kangas wished everyone happy and safe holidays.
- Councilmember Birgen noted he would be going to the Beach House after the meeting to be available for conversation regarding City issues.
- Guest Council Person Sai Damireddi thanked Council for inviting him to experience what goes on at Council meetings and added that he enjoyed attending.

M. Communication

1. Waverly Communications Utility 2019 Adopted Budget
2. Waverly Municipal Electric Utility 2019 Adopted Budget
 - Mayor Soash asked that everyone look through the documents.

L. Mayor's Comments

- Mayor Soash reminded folks that sale of fireworks, from a brick and mortar facility, is legal from December 10 to January 3. However, setting off fireworks is only legal from noon on December 31 until 12:30 AM on January 1. Mr. Soash added that times and dates for setting off fireworks within the City limits will be re-evaluated in April or early May of 2019.

- N. Moved by Waldstein, seconded by Rathe to adjourn. Motion passed and Council meeting adjourned at 8:17 P.M. **Yes: 6 No: 0 Absent: 1**

Dean Soash, Mayor

ATTEST:

Carla Guyer, City Clerk