

Regular Meeting Minutes – May 21, 2018  
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on May 21, 2018 at 7:00 P. M. at City Hall. Mayor Soash presided.

- A. Mayor Soash called the meeting to order.
- B. Roll Call  
Council Members were present: Birgen, Drenkow, Kangas, McKenzie, Rathe, Sherer, and Waldstein Absent: None
- C. Moved by Drenkow, seconded by Waldstein to approve the agenda as presented.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- D. Guest Councilperson
- The Guest Councilmember for the May 21<sup>st</sup> meeting, Sadie Hansen, was not able to attend.
- E. Presentation of Plaque of Appreciation
1. Mayor Soash and Council presented a plaque of appreciation to former Board of Adjustments Commission member Vernon Gidley and former Waverly Public Library Board member Mark Lenius for their contributions and years of service.
- F. Public Hearing
1. This was the date, time and place for a public hearing on an Ordinance Amending Chapter 100, Section 100.4.03.4 of the City Code governing residence allowances to be rebuilt in the R-2 (Residential), R-3 (Multiple Family Residential), and R-4 (Multiple Family Residential-Transitional) Districts.
    - **There were no written or oral public comments.**
    - **The public hearing was then closed.**Moved by Kangas, seconded by Rathe to approve the Third and Final Reading of Ordinance 1037, an Ordinance Amending Chapter 100, Section 100.4.03.4 of the City Code governing residence allowances to be rebuilt in the R-2 (Residential), R-3 (Multiple Family Residential), and R-4 (Multiple Family Residential-Transitional) Districts.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
    - This change follows previous ordinance provisions which made single family homes not possible in R-3 and R-4 districts. Currently, residences in non-residential zoning districts (A-1, C-1, C-2, C-2A, C-3 or M-1) are permitted to be rebuilt. The language is intended to provide for rebuilding of residences to the setbacks established on the plats in cases where these are less than required by today’s standards.
  2. This was the date, time and place for a public hearing on an Ordinance providing for rezoning of lots 56 through 67 in the Stonehaven V Subdivision from R-4 (Multiple Family Residential) to R-2 (One and Two Family Residential) District.
    - **There were no written or oral public comments.**
    - **The public hearing was then closed.**

- 2a. Moved by Waldstein, seconded by Birgen to approve the Second Reading of Ordinance 1038, an Ordinance providing for rezoning of lots 56 through 67 in the Stonehaven V Subdivision from R-4 (Multiple Family Residential) to R-2 (One and Two Family Residential) District.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- 2b. Moved by Sherer, seconded by Waldstein to approve the suspension of the rules and move directly to the Third and Final Reading.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- 2c. Moved by Waldstein, seconded by Rathe to approve the Third and Final Reading of Ordinance 1038, an Ordinance providing for rezoning of lots 56 through 67 in the Stonehaven V Subdivision from R-4 (Multiple Family Residential) to R-2 (One and Two Family Residential) District.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
3. This was the date, time and place for a public hearing on an Ordinance providing for rezoning of lots 1 through 50 and lot 53 in Stonehaven IV Subdivision from R-3 (Multiple Family Residential) to R-1 (Single Family Residential) District.
- **There were no written or oral public comments.**
  - **The public hearing was then closed.**
- 3a. Moved by Birgen, seconded by Kangas to approve the Second Reading of Ordinance 1039, an Ordinance providing for rezoning of lots 1 through 50 and lot 53 in Stonehaven IV Subdivision from R-3 (Multiple Family Residential) to R-1 (Single Family Residential) District.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- 3b. Moved by Drenkow, seconded by Birgen to approve the suspension of the rules and move directly to the Third and Final Reading.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- 3c. Moved by Drenkow, seconded by Rathe to approve the Third and Final Reading of Ordinance 1039, an Ordinance providing for rezoning of lots 1 through 50 and lot 53 in Stonehaven IV Subdivision from R-3 (Multiple Family Residential) to R-1 (Single Family Residential) District.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
4. This was the date, time and place for a public hearing on an Ordinance providing for rezoning of lots 12,13,14, and 15 in the Stonehaven III Subdivision from R-4 (Multiple Family Residential) to R-1 (Single Family Residential) District.
- **There were no written or oral public comments.**
  - **The public hearing was then closed.**
- 4a. Moved by McKenzie, seconded by Birgen to approve the Second Reading of Ordinance 1040, an Ordinance providing for rezoning of lots 12,13,14, and 15 in the Stonehaven III Subdivision from R-4 (Multiple Family Residential) to R-1 (Single Family Residential) District.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- 4b. Moved by Kangas, seconded by Birgen to approve the suspension of the rules and move directly to the Third and Final Reading.  
**Motion passed. Yes: 7 No: 0 Absent: 0**

- 4c. Moved by McKenzie, seconded by Birgen to approve the Third and Final Reading of Ordinance 1040, an Ordinance providing for rezoning of lots 12,13,14, and 15 in the Stonehaven III Subdivision from R-4 (Multiple Family Residential) to R-1 (Single Family Residential) District.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
5. This was the date, time and place for a public hearing on an Ordinance providing for the rezoning of lot 51 in the Stonehaven IV Subdivision from R-3 (Multiple Family Residential) to R-4 (Multiple Family Residential) District.
- **There were no written or oral public comments.**
  - **The public hearing was then closed.**
- 5a. Moved by Birgen, seconded by Drenkow to approve the Second Reading of Ordinance 1041, an Ordinance providing for the rezoning of lot 51 in the Stonehaven IV Subdivision from R-3 (Multiple Family Residential) to R-4 (Multiple Family Residential) District.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- 5b. Moved by Rathe, seconded by Kangas to approve the suspension of the rules and move directly to the Third and Final Reading.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- 5c. Moved by Birgen, seconded by Rathe to approve the Third and Final Reading of Ordinance 1041, an Ordinance providing for the rezoning of lot 51 in the Stonehaven IV Subdivision from R-3 (Multiple Family Residential) to R-4 (Multiple Family Residential) District.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
6. This was the date, time and place for a public hearing on an Ordinance providing for the rezoning of specified lots in Rolling Meadows Subdivision from R-4 (Multiple Family Residential) to R-2 (One and Two Family Residential) District.
- **There were no written or oral public comments.**
  - **The public hearing was then closed.**
- 6a. Moved by Drenkow, seconded by Birgen to approve the Second Reading of Ordinance 1042, an Ordinance providing for the rezoning of specified lots in Rolling Meadows Subdivision from R-4 (Multiple Family Residential) to R-2 (One and Two Family Residential) District.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- 6b. Moved by Waldstein, seconded by Kangas to approve the suspension of the rules and move directly to the Third and Final Reading.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- 6c. Moved by Sherer, seconded by Birgen to approve the Third and Final Reading of Ordinance 1042, an Ordinance providing for the rezoning of specified lots in Rolling Meadows Subdivision from R-4 (Multiple Family Residential) to R-2 (One and Two Family Residential) District.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
7. This was the date, time and place for a public hearing on an Ordinance providing for the rezoning of lots 1 through 27 in Omni Development Second Addition on 1<sup>st</sup> Street SE from R-4 (Multiple Family Residential) to R-2 (One and Two Family Residential) District.

- **There were no written or oral public comments.**
  - **The public hearing was then closed.**
- 7a. Moved by Birgen, seconded by McKenzie to approve the Second Reading of Ordinance 1043, an Ordinance providing for the rezoning of lots 1 through 27 in Omni Development Second Addition on 1<sup>st</sup> Street SE from R-4 (Multiple Family Residential) to R-2 (One and Two Family Residential) District.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- 7b. Moved by Waldstein, seconded by Birgen to approve the suspension of the rules and move directly to the Third and Final Reading.  
**Motion passed. Yes: 6 No: 1 (Waldstein) Absent: 0**
- There was discussion of whether the rules should be suspended or if a third reading should be held on another date.
- 7c. Moved by McKenzie, seconded by Sherer to approve the Third and Final Reading of Ordinance 1043, an Ordinance providing for the rezoning of lots 1 through 27 in Omni Development Second Addition on 1<sup>st</sup> Street SE from R-4 (Multiple Family Residential) to R-2 (One and Two Family Residential) District.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- City Staff brought this request forward to rezone Omni Second Addition subdivision from R-4 to R-2 in order to better match the existing and future homes constructed within the subdivision. The lots within the subdivision were designed to accommodate one family and two family dwelling units. Those dwelling units are no longer permitted in the R-4 zoning district. While some requirements of the R-2 are not met in Omni, R-2 most closely matches how the subdivision was approved by Council. Changing the zoning to R-2 would avoid title questions and allow the subdivision to continue to build out as intended and approved by Council. The requirements of the subdivision, as approved, would continue to apply in the new R-2 zoning. Since the R-4 zoning classification was already established at the time the subdivision was approved, the lots within the subdivision can be grandfathered in.
8. This was the date, time and place for a public hearing on an Ordinance amending Section 104.4.01 Fireworks of the Waverly Municipal Code.
- **There were no written or oral public comments.**
  - **The public hearing was then closed.**
- 8a. Moved by McKenzie, seconded by Birgen to approve the Second Reading of Ordinance 1044, an Ordinance amending Section 104.4.01 Fireworks of the Waverly Municipal Code.  
**Motion passed. Yes: 6 No: 1 (Kangas) Absent: 0**
- 8b. Moved by Drenkow, seconded by Birgen to approve the suspension of the rules and move directly to the Third and Final Reading.  
**Motion passed. Yes: 6 No: 1 (Kangas) Absent: 0**

8c. Moved by Birgen, seconded by Drenkow to approve the Third and Final Reading of Ordinance 1044, an Ordinance amending Section 104.4.01 Fireworks of the Waverly Municipal Code.

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

- Council had some residents contact them that were in favor of a complete ban on fireworks. Some also thought two (2) weeks was a little long. What is proposed for passage is: June 25 through July 8; Sunday through Thursday (noon to 10:00 PM); Friday and Saturday (noon to 11:00 PM); on the 4<sup>th</sup> of July (noon to 11:00 PM); and also, noon on December 31 to 12:30 AM on January 1. Council expressed sympathy to those with emotional impacts, pets that are bothered by the noise, and small children or babies that would be sensitive to the noise. This approved time frame can be re-visited if it doesn't appear to work out this year. There were still concerns of the Council trying to fix a problem that doesn't seem to exist.

9. This was the date, time and place for a public hearing on the Fiscal Year 2018 Budget Amendment.

- **There were no written or oral public comments.**
- **The public hearing was then closed.**

Moved by Kangas, seconded by Rathe to approve Resolution 18-71, Resolution approving amending the FY 2018 budget.

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

- In some cases, including the Cedar River Parkway project, when we are bonding for a project the expenditures are paid from reserve monies until the bonds are sold and dollars come into the City. This allows payment to contractors. The timing for the end of last fiscal year budget and the beginning of the current fiscal year budget causes other amendments such as for the airport land acquisitions. Other contributing factors affecting the budget amendment include: computer, server and technology upgrades; SCADA program, drive cage west clarifier, legal expenses for bonds and labor relations, pool pump, dog park water issue, Kohlmann Park Tree removal, items that came in over the budgeted amount, and other minor changes noted by departments. As part of IMWCA updating classifications, there was also an 80% increase in worker's compensation for the fire department even though there were not any large claims for the firefighters.

G. Public Comments on Items Not on the Agenda

- There were none.

H. Consent Calendar

1. Pay Request from Cramer and Associates, Inc. for the Cedar River Parkway (East) Improvements 2018 for \$180,435.64.
2. Pay Request from Modern Builders Inc. for the Waverly Municipal Airport Bulk Hangar Improvements 2017 for \$10,022.50.
3. Pay Request from McClure Engineering Co. for the Waverly Municipal Airport Runway 29 Extension 2018 for \$3,889.50.
4. Pay Request from Stanley Consultants Inc. for the Cedar River Parkway (East) Improvements 2018 for \$35,485.41.

5. Class B Beer License for Pizza Hut #4348.
6. Class C Liquor License for GT MillerTyme.
7. Class C Liquor License for Waverly Bowl Inn.
8. Cash disbursements for April, 2018.

Moved by Waldstein, seconded by Birgen to approve the Consent Calendar.

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

I. Regular Business.

1. Review of the Waverly Utilities 2017 Audit.

- Waverly Utilities Director of Finance Kasey Lewis reviewed an audit prepared by EideBailly of Dubuque, Iowa. For fiscal year 2017, Waverly Utilities received an unmodified opinion which is the best opinion that you may receive. There were also no material weaknesses or internal control deficiencies. The independent auditor's report outlines the auditor's responsibilities and their opinion. The next section, the management discussion analysis, provides a three (3) year comparison of the financials for Waverly Utilities including discussions on budget vs. actual, fund balances, capital assets and debt activity. Operating revenues for the electric utility were up \$500,000 in 2017 compared to 2016 and expenses were up \$160,000 in 2017 compared to 2016. The year was ended with a reduction of \$3,000 to the net position after the transfer of cash to the City of Waverly. In 2017, there were 31 new customers installed with a total of 192 new customers installed since 2014. Even though total kilowatt usage has decreased since 2014, 2017 compared to 2014 shows a decrease of 7.3 million kilowatt hours. This is being contributed to energy efficiency and more temperate weather. There were two (2) minor Iowa State compliance issues. One was related to the prior board chair being a related party and the other was due to August board minutes not being published in the local newspaper; however, they were published on the web site. Curt Atkins, also of Waverly Utilities, explained that street light usage was up due to the Bremer Avenue reconstruction with repairs and updates to the antique street lights.

2. Moved by McKenzie, seconded by Rathe to approve Resolution 18-78, a Resolution approving the preliminary Re-Plat for Lot 15, Rolling Hills Second Addition.

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

3. Moved by Drenkow, seconded by Birgen to approve Resolution 18-75, a Resolution declaring an Official Intent undertreasury regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in connection with specified projects.

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

4. Moved by Birgen, seconded by Rathe to approve Resolution 18-76, a Resolution approving the granting of an easement to MidAmerican Energy on City owned property for a new gas regulator station for the sum of \$1.

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

- This is a permanent easement vs. a temporary easement. It was found that MidAmerican Energy needed a second gas regulator station. A gas regulator station steps down the gas pressure before it is distributed from the high-pressure gas main.

5. Moved by Rathe, seconded by Kangas to approve Resolution 18-77, a Resolution approving the license for Multi-Use Pathway/Sidewalk with the Cedar River Railroad Company of Homewood, Illinois for the payment of a \$1,000.00 licensing fee.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- This is for a bike trail that crosses Bremer Avenue at 12<sup>th</sup> Street West. This agreement allows vehicles, pedestrians and bicyclists to cross the tracks. The agreement states that the City of Waverly will maintain and not misuse it. The agreement states that the City will have liability for it. This is in order to cross the right of way and the tracks.
6. Moved by Waldstein, seconded by Birgen to approve the Second Reading of Ordinance 1045, an Ordinance amending Chapter 7 by adding Section 7.8 Elected Officials- Removal Procedures to the Waverly Municipal Code.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
7. Moved by Drenkow, seconded by Birgen to approve the First Reading of Ordinance 1046, an Ordinance amending Section 100.4, providing for addition of Section 100.4.14, Conversion to Condominium or Multiple Family Housing Cooperative and Setting June 4, 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**
- This establishes minimum standards to individuals looking to convert to condominium regimes or multiple housing cooperatives from existing residences or apartment buildings that may not have been originally designed to accommodate such uses.
8. Moved by Rathe, seconded by McKenzie to approve the quote for the purchase and installation of three (3) RRFB (rapid rectangular flashing beacon) pedestrian crossing signals on Bremer Avenue from KW Electric, Inc. of Cedar Falls, Iowa for \$28,500.00.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- The installation of pedestrian crossing signal bases and wiring conduits at three (3) locations were incorporated into the original IA Hwy 3 reconstruction documents. The purchase and installation of the signal equipment is the City's responsibility. The three (3) designated locations are 6<sup>th</sup> and 8<sup>th</sup> Streets on West Bremer Avenue and 4<sup>th</sup> Street on East Bremer Avenue. The signals are budgeted as part of the overall project costs. Staff informed Council they would communicate this type of system with Wartburg College and see if they would be interested in something like it for the 5<sup>th</sup> Street crossing by the college.
9. Moved by Birgen, seconded by Rathe to approve the GP licenses and annual support to access the utility accounts from Waverly Utilities of Waverly, Iowa for \$9,750.00.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- This is for certain City of Waverly employees to have licenses to the new billing software at Waverly Utilities. This will allow certain billing to be added to the Waverly Utilities bills. Additional billing might include: garbage charges, dumpster charges, water meter charges or water readings, etc.

J. Reports from Boards and Commissions

1. Monthly Financials; April, 2018; Received into record.
2. Library Board Minutes; April 10, 2018; Received into record.
3. Planning & Zoning Commission Minutes; April 5, 2018; Received into record.
4. Planning & Zoning Commission Minutes; April 19, 2018; Received into record.
5. Golf Commission Minutes; May 8, 2018; Received into record.

K. Staff Comments

- Leisure Services Director Tab Ray announced that the Municipal Swimming Pool will open Saturday, May 26, for the 51<sup>st</sup> season. Mr. Ray also reminded residents who live next to the Dry Run to please not mow the long grasses next to or inside of the Dry Run.

L. City Council Comments

- Councilmember Birgen recognized that both Wartburg College and Waverly-Shell Rock High School would be holding their graduation ceremonies this weekend (May 27) and congratulated all the graduates.
- Councilmember Drenkow noted that was he very glad to hear the City will have more pedestrian-assist crossing signals along Bremer Avenue. Mr. Drenkow also commented that the paint on the crosswalks needs to be reapplied.
- Councilmember Waldstein reminded folks in the community to visit the downtown businesses especially in this time of Bremer Avenue/Hwy 3 reconstruction.
- Councilmember McKenzie expressed concern for the overgrowth of trees along 1<sup>st</sup> Avenue that seem to cover street signs. Mr. McKenzie also shared that he has received many emails regarding Champions Ridge and thanked those people that have emailed to show their support.
- Staff informed Councilmember Sherer that the work around the railroad track between Casey's and Pizza Hut on Bremer Avenue may be done by the weekend, if not, it will be soon after. Bremer Avenue reconstruction will be completed to the west of the railroad tracks to Casey's as soon as the work for the railroad tracks is finished. When the 300-foot stretch is complete, they will begin reconstruction of Bremer Avenue from 12<sup>th</sup> Street (by the Dirty Dog) east to 6<sup>th</sup> Street (by Family Video/Jimmy John's/Tobacco Outlet).

M. Mayor's Comments

- Staff informed Mayor Soash that there will be a resolution presented to Council at the June 4<sup>th</sup> meeting as part of settlement for the Artesian land acquisition after the condemnation hearing. There is still one (1) property needing to be purchased for the Airport project. Mr. Soash also recognized that several employees of the City have many years of service with the City and thanked them for their service. The City supports Champions Ridge. He hopes that the community will show their support by helping with the fundraising so this project can happen.

N. Executive Session

1. Moved by Rathe, seconded by Birgen 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: 7 No: 0 Absent: 0**



Moved by Waldstein, seconded by Rathe to re-enter into open session.

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

I. Regular Business continued

10. Moved by Drenkow, seconded by Birgen to approve Resolution 18-78, a Resolution approving a Contract between the City of Waverly and IBEW Local Union 288 (City Unit).

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

O. Moved by Waldstein, seconded by Birgen to adjourn. Motion passed and Council meeting adjourned at 8:59 P.M. **Yes: 7 No: 0 Absent: 0**

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Dean Soash, Mayor

ATTEST:

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Carla Guyer, City Clerk