

Regular Meeting Minutes – January 7, 2019
Ivan “Ike” Ackerman Council Chambers

Corrected
Reg. Item #3
Had motion passed and
Should have been failed

A Regular Meeting of the Waverly City Council was held on January 7, 2019 at 7:00 P. M. at City Hall. Mayor Soash presided.

- A. Mayor Soash called the meeting to order.
- B. Roll Call
- Present: Birgen, Drenkow, Kangas, McKenzie, Rathe, Sherer, and Waldstein.
 - Absent: None
- C. Mayor Soash led in the Pledge of Allegiance.
- D. Moved by Waldstein, seconded by Rathe to approve the agenda as presented.
Motion passed. Yes: 7 No: 0 Absent: 0
- E. Moved by McKenzie, seconded by Birgen to approve December 17, 2018 regular meeting minutes.
Motion passed. Yes: 7 No: 0 Absent: 0
- F. Council welcomed Guest Councilmember for January, Wil Ranney.
- G. Public Comments on Items Not on the Agenda.
- John Campbell expressed concerns regarding Champion Ridge Fund Raising efforts not meeting goals. Mr. Campbell also expressed his thoughts, as he did in spring of 2018, regarding excessive speed limits on 10th Avenue SW.
- H. Consent Calendar
1. Pay Request from WHKS & Co. for the Adams Pkwy Bridge & Horton Road Repairs 2019 for \$20,905.76.
 2. Pay Request from AHTS Architects for the Waverly So Riverside Park Master Plan for \$2,000.00.
 3. Pay Request from McClure Engineering Co. for the Waverly Municipal Airport Runway 29 Extension 2018 for \$3,565.50.
 4. Class C Liquor License for Big Ben Pour House.
 5. Class C Liquor License for Waverly Area Veterans Post.
 6. Class C Liquor License for Joe’s Knight Hawk.
- Moved by Drenkow, seconded by Waldstein to approve the Consent Calendar as presented.
Motion passed. Yes: 7 No: 0 Absent: 0
- I. Regular Business.
1. Moved by Drenkow, seconded by McKenzie to approve Resolution 19-01, approving a preliminary plat for Carolyn Huber for construction of a residential development to consist of 33 single family lots and 1 outlot on 23.6 acres of property to be known as “Wilmour’s Woodland Estates” located north of 9th Avenue NW and west of Adams Parkway.
Motion passed. Yes: 7 No: 0 Absent: 0
 - The property located at 129 9th Avenue NW is currently titled in the name of Alice Barkhausen, Beverly Leistikow, and Carolyn Huber. Alice passed away and the heirs of her estate are attempting to divide the property into three parcels to facilitate distribution of her estate assets. The Planning and Zoning Commission passed the preliminary plat at the December 6, 2018 meeting, although, had concerns regarding the visual impact, impact on stabilization of the bank of the river, and preservation of natural resources if the trees were removed. This property is currently zoned R-2, One & Two Family Residential. While the lots platted are larger than the minimum lot sizes in an R-2 zoning district, staff believes that 33 lots could fit in this site. The R-2 zoning does allow for “Twin Homes” with zero feet lot lines. The parcels will be owned separately. Each owner will have to

abide by the general layout in the preliminary plat, and if changes are requested, the owners would have to seek a preliminary plat amendment.

- Planning for their storm water requirements in the future could drastically change their site plan layout. The riverbank is quite high at this location so the floodplain does encroach very far into the property. The applicants will work with City staff and Iowa DNR to insure they are abiding by the floodplain requirements. Owner of outlot number 1 on the southwest side of the property would like to dedicate a portion of land to Carey Elementary School at some point in the future. However, the City does not plan for land-locked parcels so, currently, the City won't allow this. Staff is not concerned about access off of Adams Parkway.

2. Moved by Drenkow, seconded by McKenzie to approve Resolution 19-02, approving a final plat and development agreement for Carolyn Huber for "Wilmour's Woodland Estates" on property located north of 9th Avenue NW and west of Adams Parkway.

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

- The development agreement insures that the property will be developed in accordance with the preliminary plat. Typically, the preliminary plat and the final plat are considered at two separate meetings. In this instance, the property owners are not anticipating that anything will change from the preliminary plat to the final plat. The plat may be reconsidered at the time when a developer is interested in developing the property(ies).

3. Moved by Sherer, seconded by Birgen to approve Resolution 19-03, a Resolution denying an appeal by Steven and Dee Breikreutz and to affirm staff's decision to deny driveway access from Lot 5 of Bridal Spur Estates to Hwy 3.

Motion failed. Yes: 3 (Kangas, McKenzie, Birgen) No: 4 Absent: 0

- The Breikreutz purchased Lot 5 for the purpose of constructing a residence. They were unaware of the restriction on driveway access as contained in the platting documents for Bridal Spur Estates. The access for Lot 5 is provided on the plat across Lots 4 and 3 to a shared driveway access. Their request was considered several times by staff and the final decision to deny the direct access was communicated by letter dated and mailed on December 3, 2018. Steven and Dee appealed by letter on December 5, 2018.

- Mr. Breikreutz explained that the center of the intended driveway would be 30 feet west of Lots Three and Four property line. If the Council decides to approve the appeal, it will save a significant amount of money for the landowner when developing his driveway. Since there is no easement for Lot 5, it does not show up on a title search. The Breikreutz's shop in Waverly, love Waverly, and would like to live here.

- There is one area within this plat that aligns with 12th Street SE on the south side of Hwy 3 and the properties run adjacent to Hwy 3 on the north side. In addition, the topography of the land is such that it is very steep on the east three lots and if the appellant was allowed to install a driveway that would service Lot 5 only, it would require a great deal of excavating and would be a very steep driveway. The speed and volume of traffic within that stretch of Hwy 3 is another concern with an additional driveway entrance/exit onto and off of Hwy 3. City Administrator James Bronner cited a portion of section 4.10 of the Iowa Access Management Handbook:

Access to Service or Minor Road-Residential Development. A row of residential driveways along an arterial can reduce its traffic carrying capacity and lower the safe speed. Although it might be easier and cheaper for a land developer to subdivide the frontage rather than construct interior roads, the public loses when

the result is unsafe conditions, congestion, lower speed limits, and eventually, a need for costly road improvements.

The Reservation of Easements basically states “for the mutual benefit and convenience of themselves, heir assigns, in the City of Waverly and all grantees named in Lots 3, 4, and 5 of Bridal Spur Estates to provide access and mutual ingress and egress over and across Lots 3 and 4.” The easement goes up to the property line of Lot 5.

There is also a waterway that would need to be worked around. It seems the City is being asked to correct an error that occurred between the seller and buyer

- There were difference of opinions expressed regarding the setting of precedence.

4. Moved by Kangas, seconded by Birgen to approve Resolution 19-04, approving acceptance of a deed for Lots Two (2) and Three (3), Fractional Block Four (4), Original Town of Waverly, Iowa, as platted by William P. Harmon and the vacated alley between said lots for the parking lot on 1st Street SE across from Waverly Historic Lofts subject to reversion clause and first right of refusal to grantor Future Waverly Development, LLC for the consideration of \$1.

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

- As part of the negotiations for City support of the redevelopment of the former CUNA building, the developer agreed to deed that part of the parking lot along the river to the City for a public parking area. The agreement was conditioned on the City maintaining the lots for public parking and green space or the grantor would have a right of reversion or first right of refusal. The deed has been tendered to the City with those conditions. The City has been maintaining the lots for public parking during the Bremer Avenue project with permission of the developer. This deed gives the City ownership and control. There is a remaining lot that is part of the parking lot that has been maintained by the City with the permission of State Bank. The City will pursue a more permanent arrangement with State Bank to allow full control of the entire lot.

5. Moved by Rathe, seconded by Waldstein to approve Resolution 19-05, a Resolution approving a Professional Services Agreement with WHKS & Co. for the 2019 vehicle and trail bridge inspections on an hourly not-to-exceed fee of \$8,500.00 including expenses.

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

- An inspection report will be created and submitted in the Iowa DOT Structure Inventory and Inspection Management System (SIIMS) for each vehicle bridge or culvert on the National Bridge Inventory (NBI). In addition to SIIMS reports, a supplementary inspection report will be submitted to the Client for NBI and non-NBI pedestrian bridges and the building deck. The City-owned Big 6 building deck was constructed in 2002 and visible corrosion in the steel support columns at the concrete deck interface warrants investigation.

6. Moved by Kangas, seconded by Waldstein to approve the Third and Final 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: 7 No: 0 Absent: 0

7. Moved by McKenzie, seconded by Rathe to approve the First Reading of Ordinance 1055, an Ordinance amending Section 84.1 Obstructions- Prohibited and Section 84.2 Obstructions- Awnings of the Waverly Municipal Code.

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

- Chapter 84 of the Waverly Code involves regulations related to City streets involving obstructions. 84. 1 concerns street obstructions and 84. 2 involves awnings. Section 84. 1 includes provisions regarding streets and sidewalks, especially, in the

downtown area. The language in Section 84. 1 prohibits placing obstructions in City streets. It may have been enacted many years ago to deal with deliveries to the storefronts and avoiding obstructions. It has now been divided into three subsections. New Section 84. 1A concerns obstructions in the city streets. It broadly describes the types of materials that could constitute obstructions. It is intended to be interpreted broadly to prohibit storing materials on the City street unless for construction of the street or sidewalk. It can be used to address materials reaching the city streets from vehicles or adjoining properties, whether intentional or unintentional. This could include silt from construction sites not contained by silt fencing and material tracked out from construction vehicles leaving the construction site reaching the streets and storm sewers.

• It was noted that Paragraph A has the word "gravel" inserted twice and Paragraph C should have wording added that includes the side streets of downtown.

8. Moved by Sherer, seconded by Birgen to approve the following Mayoral Appointments. Richard Pursell is reappointed to Bremer County E-911 Service Board for a term ending January 2020.
Ron Stahlberg is reappointed to the Municipal Housing Commission for a term ending January 2021.
Kathy McCulung is reappointed to the Municipal Housing Commission for a term ending January 2021.
Vickie Green is reappointed to the Civil Service Commission for a term ending May 2025.
John Tharp is reappointed to the Cable Telecommunications Commission for a term ending February 2024.
Matt Nelson is replacing Jon Hines on the Cable Telecommunications Commission for a term ending February 2023.
Ron Reusche is reappointed to the Golf Course Commission for a term ending January 2022.
Toshia Burrell is appointed to the Golf Course Commission for a term ending January 2022.

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

9. Moved by McKenzie, seconded by Kangas to approval Edith Waldstein as the Mayor Pro-Tem for 2019.

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

10. Moved by Birgen, seconded by Rathe to approve the following Council Liaisons to the Boards and Commissions.

<u>Commission or Board</u>	<u>Council 2019</u>
CABLE TELECOMMUNICATIONS COMMISSION	Tim Kangas
MUNICIPAL HOUSING COMMISSION	Rod Drenkow
ECONOMIC DEVELOPMENT COMMISSION	Dan McKenzie
WAVERLY SENIOR CENTER	Ann Rathe
ELECTRIC UTILITY BOARD OF TRUSTEES	Edith Waldstein
PUBLIC SAFETY BOARD - <i>voting member</i>	Dan McKenzie and Rod Drenkow

VETERANS TRIBUTE	Ann Rathe
WAVERLY HERITAGE DAYS	Ann Rathe
HAZARD MITIGATION - RIVER USE COMMISSION	Not needed
WAVERLY MUNICIPAL BAND	Tim Kangas
COMMUNITY ENERGY ADVISORY TEAM	Not needed
WAVERLY PUBLIC LIBRARY BOARD	Mike Sherer
AIRPORT COMMISSION	Tim Kangas
HISTORIC PRESERVATION COMMISSION	Brian Birgen
GOLF COURSE COMMISSION	Ann Rathe
LEISURE SERVICES COMMISSION	Brian Birgen
W - ADVISORY BOARD - <i>voting member</i>	Mike Sherer
PLANNING AND ZONING COMMISSION	Edith Waldstein
ZONING BOARD OF ADJUSTMENTS	Tim Kangas
BALL DIAMOND TASK FORCE	Dan McKenzie

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

- Leisure Services Director Tab Ray informed Council that the Hazard Mitigation – River Use Commission duties have been rolled under the umbrella of Leisure Services Commission.

I. Reports from Boards and Commissions

1. Board of Adjustment Commission Minutes; June 11, 2018; Received into record.
2. Economic Development Commission Minutes; October 9, 2018; Received into record.
3. Historic Preservation Commission Minutes; October 22, 2018; Received into record.
4. Airport Commission Minutes; November 8, 2018; Received into record.
5. Planning and Zoning Commission Minutes; November 8, 2018; Received into record.
6. Library Board of Trustees Minutes; November 13, 2018; Received into record.
7. Leisure Services Commission Minutes; December 10, 2018; Received into record.
8. Monthly Financials; November, 2018; Received into record.
9. Senior Calendar; January 2019; Received into record.

J. Staff Comments

- Police Chief Richard Pursell announced that the Waverly Police Department is currently taking applications for the 9th year of Citizens Police Academy. The deadline is January 31 for a maximum class size of 10. The applications will be reviewed on a first come / first serve basis. Classes take place on Thursday evenings for 10 weeks and run from 6:00 – 9:00 p.m.

K. City Council Comments

- Councilmember Waldstein requested that staff look into whether the speed limit on

10th Avenue SW is excessive so Council is able to get back to John Campbell.

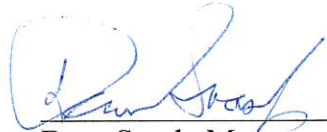
- Councilmember Birgen will meet those who are interested at the Wooden Foot after this meeting. There were a few that enjoyed fireworks on New Year's Eve. They were not excessive and seemed that they were not disruptive.

L. Mayor's Comments

- There were none.


M. Moved by McKenzie, seconded by Birgen, seconded by to adjourn the meeting. Motion passed and the Council meeting adjourned at 8:59 P.M.

Yes: 7 No: 0 Absent: 0



Dean Soash, Mayor

ATTEST:



Carla Guyer, City Clerk