

Regular Meeting Minutes – March 4, 2019  
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on March 4, 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 Drenkow, seconded by Rathe to approve the agenda as presented.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- E. Moved by Sherer, seconded by Birgen to approve the February 18, 2019 regular meeting minutes.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- E. Council welcomed Dennis Haugen as Guest Council for March.
- G. Public Hearing
1. This was the date, time, and place for a public hearing on Ordinance 1056, an Ordinance providing for rezoning of property owned by Ernest & Theresa Mohlis and Jason & Jaide Mohlis located at 1009 Bremer Road from A-1 (Agricultural) to R-1 (Single Family Residential).
    - **There were no written or oral public comments.**
    - **The hearing was then closed.**Moved by Birgen, seconded by Rathe to approve the Second Reading of Ordinance 1056, an Ordinance providing for rezoning of property owned by Ernest & Theresa Mohlis and Jason & Jaide Mohlis located at 1009 Bremer Road from A-1 (Agricultural) to R-1 (Single Family Residential).  
**Motion passed. Yes: 7 No: 0 Absent: 0**
  2. This was the date, time and place for a public hearing on a Resolution Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$100,000 General Obligation Bonds.
    - **There were no written or oral public comments.**
    - **The hearing was then closed.**Moved by Kangas, seconded by Birgen to approve Resolution 19-28, approving a Resolution Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$100,000 General Obligation Bonds.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
  3. This was the date, time and place for a public hearing on a Resolution Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$3,600,000 General Obligation Bonds.
    - **There were no written or oral public comments.**
    - **The hearing was then closed.**Moved by Sherer, seconded by Waldstein to approve Resolution 19-29, approving a Resolution Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$3,600,000 General Obligation Bonds.

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

3a. Moved by Waldstein, seconded by Rathe to approve Resolution 19-30, a Resolution Authorizing the Issuance of \$3,500,000 General Obligation Bonds, Series 2019, and Levying a Tax for the Payment Thereof.

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

• The difference between the \$3,700,000 and the \$3,500,000 is due to the short timetable in preparing for the bond sale. The \$3,500,000 is the true amount that the City will be borrowing.

4. This was the date, time and place for a public hearing on Resolution 19-27 on the proposed Budget Fiscal Year 2019-20.

• **There were no written or oral public comments.**

• **The hearing was then closed.**

Moved by McKenzie, seconded by Sherer to approve Resolution 19-27, adopting the Budget Fiscal Year 2019-20.

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

• Council expressed good thoughts about this fiscal year's budget process and appreciation for staff's hard work in preparing it. The levy was reduced by 7¢ - 8¢ and a decrease in the tax rate of over ½%. If the City's budget is not certified to the Bremer County Auditor by March 15, the Iowa State Department of Management only allows a big enough budget to cover the previous year's expenditures.

H. Public Comments on Items Not on the Agenda

• Council was informed that cablecasting the meeting was not working. The meeting, however, will be working on the YouTube channel and it will be re-broadcasted on the government channel at its regularly scheduled times throughout the upcoming week.

I. Consent Calendar

1. Set the Public Hearing date to review the Airport Runway 29 Extension project Plans, Specifications, Form of Contract, and Estimated Cost for April 15, 2019 at 7:00 p.m. in the Council Chambers of City Hall.

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

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

J. Regular Business.

1. Moved by Birgen, seconded by McKenzie to approve Resolution 19-31, approving a variance request for James Hinders at 216 3<sup>rd</sup> Street NW to allow a 10-foot rear yard setback and a 5-foot side yard setback for an existing detached garage, upon construction of the proposed attached garage with the condition of approval that the existing 8'x12' storage shed be removed.

Moved by Drenkow, seconded by Waldstein to amend the original motion and final paragraph of Resolution 19-31 to read as follows:

Approve Resolution 19-31 to recommend the approval of a variance request for James Hinders at 216 3<sup>rd</sup> Street NW to allow a 10-foot rear yard setback and a 5-foot side yard setback for an existing detached garage (Building C), upon construction of the proposed attached garage (Building B) with the condition of approval that the existing 8' X 12' storage shed (Building D) be removed and

remanding it back to the Board of Adjustment.

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

The motion as amended was then voted on.

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

- James Hinders spoke in front of Council and stated that his appeal was based on not having any objections by neighbors within 250 feet, having members of the Board of Adjustment suggest removal of the existing detached garage, and being told that setback rules are rules. Mr. Hinders has Fareway Stores, Inc. as a neighbor to his south and Cross Point Church as his neighbor to the west.

- Due to usage issues, it is not an option to increase the amount of footage between the existing detached garage and the proposed attached garage. This is an extremely unique circumstance and the building codes will be complied with. Both requests are permitted by the Municipal Code. The applicant also owns the alleyway. Since the detached garage is not being moved, it will not have any negative effects on adjacent property owners. If the situation were reversed and the unattached structure was being proposed, it may be looked at differently. However, the current unattached structure conforms to requirements by itself. The Board of Adjustment is not a commission, it is a quasi-judicial board in its function and operates under those rulings of Supreme Court and State Law. The applicant can appeal to the Council and the Council can remand it back to the Board of Adjustment with new evidence. If the Board of Adjustment still turns it down, then, it can be taken to the District Court for a decision.

2. Moved by Birgen, seconded by McKenzie to approve Resolution 19-32, 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 2019.

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

- A local match is not required; however, a current trend dictates that a local match may be best. This will be brought back to Council on March 18.

3. Moved by McKenzie, seconded by Birgen to approve Resolution 19-33, authorizing the Mayor to sign a Memorandum of Understanding with the Iowa Northland Regional Council of Governments (INRCOG) for the General Administration of the Housing Fund Contract with the Iowa Economic Development Authority.

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

4. Moved by Birgen, seconded by Rathe to approve Resolution 19-34, approving the final assessment schedule for the Bremer Avenue Water Main and Service Line Improvement Project for the 2018 stages.

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

5. Moved by Sherer, seconded by Birgen to approve Resolution 19-35, a Resolution approving a contract with HRS, LLC. of Waverly, Iowa to survey 109 1<sup>st</sup> Street SW for \$1,500.00.

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

- Completion of this survey will help facilitate future plans of owning a portion of the property along the riverbank and extending the City's South Riverside park and trail system.

6. Moved by Rathe, seconded by Birgen to approve Resolution 19-36, approving Contract, Bonds, and Certificate of Insurance from Mätt Construction of Sumner, Iowa for the Exchange Building Renovation portion of the South Riverside Park Improvement Project Phase 1.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
7. Moved by Waldstein, seconded by Sherer to approve Resolution 19-37, approving a Professional Services Agreement with Snyder & Associates of Cedar Rapids, Iowa for design for the 4<sup>th</sup> Street SW Reconstruction Improvements from near 3<sup>rd</sup> Avenue SW to near 8<sup>th</sup> Avenue SW for a not-to-exceed amount of \$266,250.00.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
  - The plans would come to Council around Thanksgiving time. Staff confirmed with Council that the construction documents would be viewable around late July or early August and that at least one budget session would be held prior to bidding this project. The Casey's convenience store will be adding a turn lane this spring; however there will be some re-painting of the traffic control lines during the 4<sup>th</sup> Street SW Reconstruction Improvements.
8. Moved by Birgen, seconded by Kangas to approve Resolution 19-38, approving an application to the Iowa Northland Regional Transportation Authority Policy Board for Iowa's Transportation Alternatives Program (TAP) funding for the Rolling Prairie Trail Extension in Waverly, Iowa along 10<sup>th</sup> Avenue SW from Heritage Way (IA 3) to 16<sup>th</sup> Street SW and directing execution of said application by the Waverly City Council.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
  - This project involves constructing the last ½-mile section of the Rolling Prairie Trail through Waverly along 10<sup>th</sup> Avenue SW from Heritage Way to 16<sup>th</sup> Street SW. Upon completion in 2021, there will be a 40-mile hard-surface trail system in Iowa from Bristow to Allison to Clarksville to Shell Rock to Waverly to Denver to Readlyn. In order to receive federal aid, the City of Waverly must certify by resolution that this multi-use trail is within its jurisdiction, will remain dedicated to public use, and will be adequately maintained as a multi-use trail for a minimum of 20 years. The City is requesting \$184,000 in grant money and the local share would be approximately \$110,000. There will end up being a section of 4-foot paved shoulder along Hwy 3 outside of the rumble strip.
9. Moved by Rathe, seconded by Waldstein to approve Resolution 19-39, approving the Golf Course Fees and Charges for 2019.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
  - City staff looks at other golf courses around the state to help gauge what the average fees are.
10. Moved by Rathe, seconded by McKenzie to approve the First Reading of Ordinance 1057, an Ordinance amending the Water Rates, Charges, and Minimum Rates for Fiscal Years 2019-20 and 2020-21.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
  - The proposed Water Rate increases reflect a 2.5% increase in fees for fiscal years 2019-20 and 2020-21. Each rate increase would be effective in June and payable in July of each year starting 2019. The proposed rate increases equal the 10-year average of 2.5% annual increases from July 2007 through June 2017.

Additional revenue is needed to compensate for fixed inflationary expenses, to finance future projects, and to meet bond coverage requirements. A typical household using 600 cubic feet of water per month will pay an additional \$0.66 and \$0.72 for water per month. The proposed rate increases are consistent with the City's policy to maintain and manage the City's infrastructure to insure a safe and reliable supply of water to the community.

11. Moved by McKenzie, seconded by Birgen to approve the First Reading of Ordinance 1058, an Ordinance amending the Sewer Rates, Charges, and Minimum Rates for Fiscal Years 2019-20 and 2020-21.

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

- The proposed Sewer Rate increases reflect a 5.0% increase in fees for fiscal years 2019-20 and 2020-21. East rate increase would be effective in June and payable in July of each year starting in 2019. The additional revenue is needed to compensate for fixed inflationary expenses, to finance the upcoming Wastewater Treatment Facility Improvements project and to meet bond coverage requirements. A typical household using 600 cubic feet of water per month will pay an additional \$1.62 and \$1.68 for sewer per month. The proposed rate increases are consistent with the City's policy to maintain and manage the City's infrastructure and to efficiently and safely operate and maintain the Water Pollution Control (WPC) facility and wastewater collection system.

12. Moved by Sherer, seconded by Rathe to approve the First Reading of Ordinance 1059, an Ordinance amending the Solid Waste Rates, Charges, and Minimum Rates for Fiscal Years 2019-20 and 2020-21 and amending Sections 69.4, 69.5, and 69.8 of the Waverly Municipal Code to add language regarding the use of City supplied recycling containers.

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

- The proposed Solid Waste Rate changes reflect a 5-6% increase in fees for fiscal year 2019-20 and about 2.5% increase in 2020-21. Each rate increase would be effective and payable in July of each year starting in 2019. The proposed rate increases match the percentage discussed during the budget meetings. The additional revenue is needed to compensate for fixed inflationary expenses and equipment replacement. A typical household with a 35-gallon garbage container and a 35-gallon or 65-gallon recycling container will pay an additional \$0.80 per month for garbage and \$0.80 per month for recycling starting in July 2019; and an additional \$0.40 per month for garbage and \$0.40 per month for recycling starting July 2020. The proposed rate increases are consistent with the City's policy to maintain and manage the community's solid waste collection program, recycling program and yard waste processing operations. This ordinance also phases out the totes that some still use for curbside recycling collection. The totes can still be utilized for items needing to be transported to the recycling center. However, curbside recycling is not mandatory. There will be recycling containers available that are like the current garbage containers. This will ensure that everyone that is recycling is being charged the same uniform rate and will also allow for more efficient recycling pickup for all. Since about 2012, the City of Waverly is trending lower in fees compared to what is happening around the State in similar sized communities. Even though the current recycling

truck is semi-automated, it still requires drivers to get out of the truck and move the cart so the cart tipper can dump the cart.

K. Reports from Boards and Commissions

1. Economic Development Commission Minutes; Jan. 8, 2019; Rec'd into record.

L. Staff Comments

- There were none.

M. City Council Comments

- Councilmember Drenkow commented that the City of Decorah is offering \$415,000 over 15 years in Tax Increment Financing (TIF) to build a Hy-Vee store there and reiterated that the City of Waverly should take a look at the current guidelines we use. Councilmembers Waldstein and McKenzie agreed that could be a study session item in the near future.
- Councilmember Birgen noted that he would be at the Wooden Foot immediately after this meeting if anyone would want to join him to discuss City business. Mr. Birgen also reminded everyone that Daylight Savings time begins Sunday, March 10.
- Councilmember Sherer thanked Denny Haugen for accepting the offer to participate as Guest Council person for the month of March.
- Councilmember McKenzie urged citizens to get outdoors and clean the snow around the fire hydrants and storm water in-takes since the weather is supposed to be better this weekend.

N. Mayor's Comments

- Mayor Soash congratulated the Wartburg College girls' basketball team for their achievement in making it to the Sweet 16 and also wished them well going forward.

O. Executive Session

1. Moved by Waldstein, seconded by McKenzie to enter into Executive Session to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property.

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

Moved by Rathe, seconded by Sherer to reenter into open session.

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

- P. Moved by Birgen, seconded by Rathe to adjourn the meeting. Motion passed and the Council meeting adjourned at 9:32 P.M.

**Yes: 7 No: 0 Absent: 0**



Dean Soash, Mayor

ATTEST:



Carla Guyer, City Clerk