

A Regular Meeting of the Waverly City Council was held on July 15, 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. Moved by Waldstein, seconded by Birgen to approve agenda as presented.

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

D. Moved by Rathe, seconded by Birgen to approve the June 24, 2019 study session meeting minutes.

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

E. Public Hearing

1. This was the date, time, and place for a public hearing on Ordinance 1063, an Ordinance providing for rezoning of property owned by Wavtown Properties located at 1316 4th Street SW from R-1 (Single Family Residential) to C-2 (Commercial).

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

Moved by Sherer, seconded by Birgen to approve the Second Reading of Ordinance 1063, an Ordinance providing for rezoning of property owned by Wavtown Properties located at 1316 4th Street SW from R-1 (Single Family Residential) to C-2 (Commercial).

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

• Councilmember Drenkow explained that he would be objecting to this ordinance because he is concerned of the effects on current homeowners in the neighborhood. Mr. Drenkow commented that a commercial property next to a residential property would be an annoyance, reduction of market value to surrounding residential property, and owners not wanting to put money into their homes for maintenance or improvements. Drenkow added that he also doesn't feel like there is adequate buffering / screening required within the municipal code for transitional properties. He voiced that he feels like the transitional properties are especially vulnerable to decay. Councilmember Sherer asked what "adequate" buffering would be between commercial and residential. Drenkow replied that it would shield residential properties from noise, light, and visual effects of a commercial property such as: a fence, a hedge, and/or a row of trees. Something that reduce the effects of having a commercial property next door. Councilmember Rathe noted that it is not factual that the current property is ~~failing~~ falling in value only due to being next door to a commercial property. Other commercial properties are located within this neighborhood. Councilmember Kangas questioned the impact it would have at the location in question and also, understood that it could hold true at a different property. The current houses are actually isolated within a commercial neighborhood. Councilmember Waldstein noted that the Comprehensive Land Use Plan decided to allow surrounding properties to be commercial and the residential to remain residential. It seems that the strip of houses is the ~~nominally~~ anomaly. Councilmember Birgen pointed out that rental properties already exist in this area. Councilmember McKenzie reminded others that there had been action taken to regulate buffering / screening. Community Development and Zoning Specialist Isaac Pezley cited Waverly Municipal Code Section 100.4.13.2A that addresses screening requirements. A screen of six feet high is required. Mr. Pezley

informed Council that before a structure would be allowed to build on the property, the developer would need to submit a site plan for approval with the zoning department.

2. This was the date, time, and place for a public hearing on Ordinance 1064, an Ordinance providing for rezoning of 34.62 acres of property owned by Hanawalt Farms, LLC located east of 39th Street NE and North of Hwy 3 from A-1 (Agricultural) to M-1 (Light Industrial).

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

Moved by Kangas, seconded by Waldstein to approve the Second Reading of Ordinance 1064, an Ordinance providing for rezoning of 34.62 acres of property owned by Hanawalt Farms, LLC located east of 39th Street NE and North of Hwy 3 from A-1 (Agricultural) to M-1 (Light Industrial).

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

- There will be utilities installed near this area. It is nice to see this expansion so that it might help spur additional activity growth on the east side of town. This property is just within the City Limits.

F. Public Comments on Items Not on the Agenda

- There were none.

G. Consent Calendar

1. Pay Request from AHTS Architects for the Waverly Senior Housing- 420 Bldg. Project for the amount of \$3,008.95 to be paid by Waverly Senior Housing.
2. Pay Request from Steege Construction, Inc. for the Waverly Senior Housing- 420 Bldg. Project for the amount of \$232,084.59 to be paid by Waverly Senior Housing.
3. Pay Request from McClure Engineering Co. for the Waverly Municipal Airport Runway 29 Extension – Design/Bidding Services for the amount of \$7,779.00.
4. Pay Request from Snyder & Associates for the 4th Street SW Reconstruction 2020 Project for the amount of \$24,055.26.
5. Pay Request from Cramer and Associates, Inc. for the Adams Parkway Bridge Repairs 2019 for the amount of \$231,469.83.
6. Pay Request from Cramer and Associates, Inc. for the Cedar River Parkway (East) Improvements 2018 for the amount of \$367,352.37.
7. Pay Request from Blacktop Service Co. for the 2019 Bituminous Seal Coat Program for the amount of \$81,540.38.
8. Pay Request from Waverly Utilities for the adding the water graph to the bill template and for Cogsdale user support for the amount of \$11,089.84.
9. Class B Liquor License (Hotel/Motel) for Cobblestone Inn & Suites.

Moved by Drenkow, seconded by McKenzie to approve the Consent Calendar.

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

- Waverly Utilities is paying ½ and the City is paying ½ of the bill for adding the water graph to the bill template. There has been a lot of public request to put this back onto the bill.

H. Regular Business

1. Moved by Birgen, seconded by Rathe to approve Resolution 19-119, approving a contract with Rebecca Lawin McCarley, d.b.a. SPARK Consulting to complete a reconnaissance level survey of the northeast residential neighborhood in Waverly for the not to exceed amount of \$2,000.00.

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

- There are currently four historical districts within the City. This survey will tell us whether the NE corner would be eligible to qualify as a historic district. The density of historic homes is what qualifies a district. A home needs to be at least 50 years old to be considered historic. There are some advantages to having a district named historic including potential tourism with walking maps that could be produced to map out the districts, preserve history, protect property values, etc. Historic properties have to be contiguous within a district. This will be the last district within the City.
2. Moved by Drenkow, seconded by Waldstein to approve Resolution 19-120, awarding the Downtown Alley Reconstruction 2019 project to Feldman Concrete of Dyersville, Iowa for the bid amount of \$27,556.00 and authorizing the City Attorney to review and approve the Performance and Payment Bonds.

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

- The alley being done is the south-side alley in the 100 block East Bremer Avenue. The alley between 3rd Street and 4th Street west will be looked at next spring since it is expected to be more costly, complex, and will need more time to prepare for. It will exceed the bidding threshold and will require a public hearing. That alley will require a whole set of engineered plans and a 2-month levy process that will, hopefully, begin in April. A lot of work on 3rd Street may be required in order to deal with drainage issues. There is re-development potential between 1st Street and 2nd Street SW that may cause a newly developed alley to be torn up. There have been times when an alley has been reconstructed and updates are done by the utility companies. When the utilities tear up a portion of the alley, it is their responsibility to restore it. The alley that is proposed is asphalt and it is possible that it be done in concrete. It is possible to reconstruct ½ of an alley block at a time and staff and Council can discuss this. Alley reconstruction is Council driven. The City has also taken into account how much traffic the back of the businesses are seeing as well and will continue to monitor the other alleys to get to them as quickly as we can.

3. Moved by Rathe, seconded by Waldstein to approve Resolution 19-121, approving Pay Application No. 1 in the amount of \$29,907.90, accepting the Dog Park Sidewalk 2019 project as complete, and approving Pay Estimate No. 2 in the amount of \$1,574.10 as final pay request to Feldman Concrete of Dyersville, Iowa.

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

- Issues that were caused due to a wash-out have been taken care of and that portion of the dog park was re-opened on Friday morning, July 12.
4. Moved by Kangas, seconded by Sherer to approve Resolution 19-122, approving quote for the School Pedestrian Ramp Construction 2019 project from Feldman Concrete of Dyersville, Iowa for the quoted price of \$11,756.00.

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

- Council thanked the students that initiated this project. This could have been a raised crosswalk, but the costs would have been raised substantially and it would have impacted drainage because it would extend through the gutter section. Southeast and Carey Elementary schools do not have similar crosswalk issues.

5. Moved by Sherer, seconded by Rathe to approve Resolution 19-123, approving the creation of a Ball Diamond Task Force.

- Moved by Sherer, seconded by Birgen to strike the 3rd WHEREAS paragraph from Resolution 19-123 due to redundancy.

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

- Moved by Drenkow, seconded by Kangas to add a new WHEREAS paragraph (the 3rd WHEREAS) to read as follows:
Leisure Services Director Garret Riordan shall remain an active member (Staff Liaison) of this committee once a presiding officer is chosen and City Administrator James Bronner will also be an active member (Staff Liaison) of the committee, and
AND

To add a 5th WHEREAS paragraph to read as follows:
the Task Force shall provide a progress report to Council at the October Study Session, and
Motion passed. Yes: 7 No: 0 Absent: 0

- The original motion as amended was then voted on.
Motion passed. Yes: 7 No: 0 Absent: 0

- Councilmember McKenzie urged Council and staff to continue to keep the adult softball league in mind when looking at different sites. All proposed members have been consulted with and agreed to serve on the Task Force.

6. Moved by Rathe, seconded by Waldstein to approve Resolution 19-124, approving the quote for soil borings at the City's proposed youth ballfield location from ATC Group Services, LLC of Waterloo, Iowa for the quoted price of \$2,650.00.

- Moved by Drenkow, seconded by Kangas to change the word "proposed" to the word "possible" in both the motion and the resolution where it is written.

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

- The original motion was then voted on as amended.

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

- Councilmember Drenkow urged the Task Force Committee and the Council to continue to keep the site that was formerly known as Champions Ridge in mind as a possible site. Councilmember McKenzie stated that the site formerly known as Champions Ridge is a valid location for a generational ball park. Councilmember Sherer agreed with Drenkow and McKenzie. The site formerly known as Champions Ridge may continued to be looked at for a ball diamond project; however, it would be a completely different project.

7. Moved by Sherer, seconded by Birgen to approve Resolution 19-125, approving the Federal Aviation Administration Grant Agreement for federal assistance for the acquisition and administrative costs to date for the Airport Safety Zone project at the Waverly Municipal Airport.

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

8. Moved by Drenkow, seconded by Kangas to approve Resolution 19-126, approving the Federal Aviation Administration Grant Agreement for federal assistance for the construction portion of the Airport Runway 29 Extension 2018 project at the Waverly Municipal Airport.

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

9. Moved by McKenzie, seconded by Birgen to cancel of the July 22, 2019 Study Session meeting.

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

I. Reports from Boards and Commissions

1. Planning and Zoning Commission Minutes; February 7, 2019; Received into record.
2. Historic Preservation Commission Minutes; March 25, 2019; Received into record.
3. Economic Development Commission Minutes; April 9, 2019; Received into record.
4. Airport Commission Minutes; May 9, 2019; Received into record.

(the addendum was corrected from previously approved minutes)

5. Waverly Senior Center Calendar; July, 2019; Received into record.

J. Staff Comments

- City Administrator James Bronner introduced Isaac Pezley who will be filling the position of Community Development and Zoning Specialist.

K. City Council Comments

- Councilmember Rathe reminded everyone that Heritage Days will be this weekend (July 18 – 21) and noted that volunteers are still needed.

- Councilmember Birgen informed Councilmember McKenzie that the Army Corps of Engineers still requires some paperwork to be filed whether it is historic or not historic – by virtue of being on the waterway. Being on the historic registry does not slow down the process. There is no process for having to be delisted that needs to be gone through. We were mis-informed that being on the historic registry would somehow slow the process down. Any time you are tearing down an existing bridge, there is a process to be gone through since it is on a waterway. Army Corps of Engineers gives the permission to tear down an existing structure. The Army Corps of Engineers will verify that no natural habitats are destroyed. At some point, the Army Corps of Engineers will want to know what the plans are regarding the structure. De-listing happens automatically once the structure is gone. Council would like updates on the bridge periodically and that it should be a topic for budgeting this fall.

- Councilmember Birgen shared the results of a meeting he held at the Waverly Area Veterans Post regarding fireworks. Birgen noted that the comments received formed no consensus. There were about half of the group that said the time limit for allowing the usage of fireworks within City limits be left as it is and the other half of the group felt the time limit could be reduced to two days. A number of people were outspoken about restricting it or banning usage completely. Reasons given were: litter on neighboring yards, loud noises, PTSD, and stress to pets. Birgen did apologize for giving incorrect information out since there is not a requirement within the ordinance that regulates the amount of distance between houses. He would like this topic to be brought back to a Study Session. Birgen announced that he would be at the Beach House directly after the Council meeting to discuss any City business with citizens.

- Staff informed Councilmember Kangas that they would look into golf course seating being available for the Heritage Days fireworks on the 20th. The annual Lion's Club Pancake Breakfast and Fly-In at the Airport is Sunday, July 21. Plane rides will also be offered.

- Guest Councilperson Kim Dix thanked Council for the opportunity to participate as a Guest Councilperson.

L. Mayor's Comments

- City Engineer / Public Works Director Mike Cherry informed Mayor Soash that a water main needs to be installed and bored under the railroad tracks and is now in the hands of the railroad company. Installation of the gates and signals may not be completed until next year. We are still anticipating that the Cedar River Parkway will be opened toward the middle of August. Cedar Lane will only be open to local traffic, and there will be no through traffic allowed. Cherry advised for pedestrians and bicyclists to choose other routes, especially, during the construction work day.

M. Moved by Birgen, seconded by Waldstein to adjourn the meeting. Motion passed and the Council meeting adjourned at 9:12 P.M.

Yes: 7 No: 0 Absent: 0



Dean Soash, Mayor

ATTEST:



Carla Guyer, City Clerk