

**Resolution 19-22**

**RESOLUTION ADOPTING A CITY OF WAVERLY SERVICE ANIMAL  
POLICY**

WHEREAS, the City of Waverly recognizes dogs and miniature horses as service animals and defines them as animals that are individually trained to do work or perform tasks for people with disabilities, and

WHEREAS, under the Americans with Disabilities Act, service animals are protected by laws allowing them to accompany people with disabilities into all areas of a government building, business, or nonprofit organization where the public is normally allowed to go, and

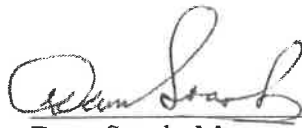
WHEREAS, all service dogs are permitted within all of Waverly Municipal public facilities, but service dogs are not allowed in the water, and

WHEREAS, City staff may ask if the animal is a service animal required because of a disability and what work or task has the animal been trained to perform, and

WHEREAS, therapy/emotional support animals are not service animals and do not have the same access to public places as service animals.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Waverly, Iowa does hereby approve the City of Waverly Service Animal Policy.

PASSED AND ADOPTED this 18<sup>th</sup> day of February, 2019.



Dean Soash, Mayor

ATTEST:



Valorie Northrup, Deputy City Clerk

## City of Waverly Service Animal Policy

01/14/2019

The City of Waverly recognizes dogs and miniature horses as service animals and defines them as animals that are individually trained to do work or perform tasks for people with disabilities. By law, service animals are allowed to accompany people with disabilities into all areas of a government building, business, or nonprofit organization where “the public is normally allowed to go.”

**Therapy/emotional** support animals are not service animals and do not have the same access to public places as service animals.

Service animals, as defined above, can accompany their owner to any public facility in Waverly. The only exceptions are when the animal is out of control and if the animal is not housebroken. A service animal may enter the outdoor swimming pool facility and remain on the swimming pool deck but is not allowed in the pool water.

Staff may ask these two questions: **(1) is the animal a service animal required because of a disability, and (2) what work or task has the animal been trained to perform.**

In general, dogs/animal pets are not permitted in public facilities unless they are a service animal, a service animal in training or part of a City sponsored program for the public.

Regular Meeting Minutes – February 18, 2019  
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on February 18, 2019 at 7:00 P. M. at City Hall. Mayor Soash presided.

- A. Mayor Soash called the meeting to order.
- B. Roll Call
  - 1. Present: Birgen, Drenkow, Kangas, McKenzie, Rathe, Sherer, and Waldstein  
Absent: None
- C. Moved by Waldstein, seconded by Sherer to approve the agenda as presented.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- D. Moved by Sherer, seconded by Rathe to approve the January 21, 2019 regular meeting minutes, the January 26, 2019 budget work study session minutes, the January 28, 2019 regular meeting minutes, and the February 4, 2019 regular meeting minutes.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
  - Council noted that Cyndi Campbell spoke on behalf of the Waverly Senior Center at the January 26, 2019 budget work study session.
- E. Presentation of Plaque of Appreciation
  - 1. Council acknowledged and expressed their appreciation for the time that Jere Vyverberg devoted to serving on the Electric Utilities Board of Trustees.
- F. Public Hearing
  - 1. This was the date, time and place for a public hearing for the Cedar Lane Reconstruction 2019 project Plans, Specifications, Form of Contract, and Estimate Cost.
    - John Campbell expressed his gratitude to the Council and City Staff for progressing with this project in light of the other projects that are out there and hopes that the previous plans will be adhered to in regards to the preservation of the trees along the river.
    - Rick Pates shared his concerns regarding the maintaining of the speed limits on Cedar Lane after the project is finished.
    - **The hearing was then closed.**
  - Moved by Drenkow, seconded by Rathe to approve Resolution 19-15, approving Plans, Specifications, Form of Contract, and Estimate Cost of \$981,154.00 for the Cedar Lane Reconstruction 2019 project.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
    - Staff informed Council there will be a storm sewer installed on the north end at the intersection of Brown Lane; this installation will actually aid in providing a refuge for walkers behind the curb and gutter where the corridor narrows. They also confirmed that the intent is to preserve the trees along the corridor with only 1 tree being slated as having to be removed. There will be 10-foot driving lanes with 5-foot paved shoulders with the existing milled asphalt shoulder on the east side being utilized where applicable. Hopefully, the 10-foot driving lane will encourage drivers to slow down as staff isn't supportive of installing speed bumps on the corridor. Staff also assured Council that this project was included in the list of

of least resistance. At the time of the Commission's hearing, there was one comment from a person north of this property who was in favor of the request. Currently, the property owners plan on farming the remaining land instead of developing it.

3. Moved by Rathe, seconded by Kangas to approve the First 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) and Setting March 4, 2019 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**

4. Moved by Waldstein, seconded by Sherer to approve Resolution 19-18, approving Contract, Bonds, and Certificate of Insurance from Cramer & Associates, Inc. for the Adams Parkway Bridge Repair 2019 project and authorizing the Mayor to sign the contract.

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

5. Moved by Drenkow, seconded by Kangas to approve Resolution 19-19, approving Amendment #1 to the Professional Services Agreement dated June 18, 2018 for the Adams Parkway Bridge Repair and Horton Road Improvements 2019 project for the not-to-exceed amount of \$48,410.00 including expenses.

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

6. Moved by Rathe, seconded by Birgen to approve Resolution 19-20, awarding Contract with Mätt Construction of Sumner, Iowa for the Exchange Building Renovation for the South Riverside Park Renovation Improvement Project Phase I for the bid amount of \$105,500.00.

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

- This falls under this year's budget with the contract starting June 4 or June 5, 2019.

7. Moved by Sherer, seconded by Drenkow to approve Resolution 19-21, approving Contract with ATC Group Service LLC of Waterloo, Iowa for a transaction screen environmental site assessment for the Waverly Municipal Airport Safety Zone Expansion Project for the amount of \$1,400.00.

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

- When the appraisals came in, they mentioned there had been a potential business that had been operating on this property involving engines. The FAA needs to complete a transaction screen which involves reviewing pictures and identifying previous owners and potential hazards. If there are any questions raised by the person doing the assessment, then, a more in-depth assessment will need to be completed.

8. Moved by Kangas, seconded by Waldstein to approve Resolution 19-22, approving a City of Waverly Service Animal Policy.

Moved by Kangas, seconded by Waldstein to amend Resolution 19-22 by adding the words "a service animal in training" into the last sentence of the Service Animal Policy.

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

- Scott Dewey and Chad Johnson from Retrieving Freedom felt that it was great for the City to follow what the state is doing, but noticed that the policy didn't mention anything pertaining to Section 216C.11 of the State of Iowa Code regarding dogs in training to become service dogs for people of disabilities.

- The policy includes a couple of questions that staff can ask to help them identify a service dog vs an emotional support/therapy animal (a service dog has to be trained to do a task to mitigate a disability). Iowa has passed new legislation making it illegal to go into public with a fake service dog. The service dogs' law is connected to ADA making it more relevant to the City than the emotional support/therapy animals' law which comes out of HUD as emotional support/therapy animals don't have public access.

9. Moved by Rathe, seconded by McKenzie to approve Resolution 19-23, Setting March 1, 2019 at 8:00 A.M. in the Office of the City Attorney at City Hall as the Date, Time, and Place for the Consultation with Taxing Authorities and Setting March 18, 2019 at 7:00 P.M. in the Council Chambers of City Hall as the Date, Time, and Place for a Public Hearing on a Proposed Amendment No. 4 to the Waverly Unified Urban Renewal Plan in the City of Waverly, State of Iowa.

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

- Staff informed Council that the empty block owned by Carmi Flavors is in the Urban Renewal plan, but it hasn't created any income for many years. The City would have to remove it from the plan and re-add it back in if anything is done with it. This property isn't being actively listed. Generally, staff will contact property owners before they list the property with the exception to properties that are adjacent. The adjacent properties are just listed as a way to try to decrease additional amendments in case there are potential development opportunities.

10. Moved by Drenkow, seconded by Waldstein to approve Resolution 19-24, approving an Engagement Agreement between the City of Waverly and Ahlers and Cooney, P.C. in its capacity as Bond Counsel in connection with the issuance of not-to-exceed \$3,700,000 General Obligation Bonds, Series 2019.

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

- This document is required and outlines the responsibilities of the City and the bond attorneys.

11. Moved by Waldstein, seconded by Sherer to approve Resolution 19-25, a Resolution Fixing Date for a Meeting on the Proposition of the Issuance of Not to Exceed \$100,000 General Obligation Bonds of the City of Waverly, State of Iowa (For General Corporate Purposes), and Providing for Publication of Notice Thereof for a Public Hearing on March 4, 2019 at 7:00 p.m. in the Council Chambers of City Hall.

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

- The General Obligation Bonds for Corporate Purposes has to be published not less than 10 days and no more than 20 days from the date of the public hearing. In addition, there are only certain things you can borrow for like the façade grant. The General Obligation Bonds for Essential Corporate Purposes has to be published not less than 4 days and no more than 20 days before the public hearing is held and covers the rest of the items that don't fall under the Corporate Purposes bond. For

hearings, the bonds have to be divided, but the bonds will be sold as one combined bond.

12. Moved by Birgen, seconded by Waldstein to approve Resolution 19-26, a Resolution Fixing Date for a Meeting on the Proposition of the Issuance of Not to Exceed \$3,600,000 General Obligation Bonds of the City of Waverly, State of Iowa (For Essential Corporate Purposes), and Providing for Publication of Notice Thereof for a Public Hearing on March 4, 2019 at 7:00 p.m. in the Council Chambers of City Hall.

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

I. Reports from Boards and Commissions

1. Historic Preservation Commission; November 26, 2018; Rec'd into record.
2. Monthly Financials; January 2019; Rec'd into record.
  - Staff informed Council that as part of the Road Use Tax recording requirement, any activity associated with snow removal is coded that way. It is no reflection as to whether we are within or over budget; it is a method of tracking how much effort from year to year is going toward that purpose.
3. Cable Commission Minutes; January 21, 2019; Rec'd into record.
  - This commission meets on an as needed basis. Council inquired as to whether or not the commission is wanting to continue to meet or if they are wanting to dissolve the commission.
4. Senior Calendar; February 2019; Rec'd into record.

J. Staff Comments

- Leisure Services Director Tab Ray informed the Council that a Mediacom representative worked on the equipment last week so the Mediacom watchers should be able to view the meeting better.
- City Administrator James Bronner is pleased that the budget is ending up lower than last year at 14.37 and believes this year will be a very heavy, productive year. The budget hearing will be March 4<sup>th</sup>, and March 15<sup>th</sup> is the deadline for certifying the budget to the State. The Community Development Director/City Attorney Bill Werger and he will be going to the Capital tomorrow for Legislative Day. They hope to be able to talk to representatives about backfill and other topics.

K. City Council Comments

- Councilmember Birgen stated he would like to have a resolution to remove the historical designation for the 3<sup>rd</sup> Street SE Bridge if that is the route we want and added that if anyone would like to talk about City issues, he would be at the Pour House immediately following the meeting.
- Councilmember Sherer congratulated the Wartburg College Womens' basketball team for their conference win.
- Councilmember Rathe congratulated the Waverly-Shell Rock High School wrestling teams; both the boys and the girls are State Champions.
- Councilmember McKenzie expressed his appreciation to City Staff for their hard work with snow removal. He also asked citizens to adopt a fire hydrant and storm drain to help keep clear of snow.
- Councilmember Kangas will be interested in seeing the snow fall amount chart for this year. He was informed by Staff that so far Waverly has had only 1 major snow fall event over 6 inches, but the chart is updated yearly.

L. Mayor's Comments

- Mayor Soash gave kudos to the City Staff with the snow removal. Also, he reminded citizens that blowing snow from their driveways onto the streets is not only hazardous to everyone else, but also illegal. He had the privilege last week to welcome Chief Pursell's Citizens Academy Class.

M. Moved by Birgen, seconded by Rathe to adjourn the meeting. Motion passed and the Council meeting adjourned at 8:50 P.M.

**Yes: 7      No: 0      Absent: 0**



Dean Soash, Mayor

ATTEST:

  
Valorie Northrup, Deputy City Clerk

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