

Regular Meeting Minutes – March 5, 2018
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on March 5, 2018 at 7:00 P. M. at City Hall. Mayor Soash presided and the following Council Members were present: Birgen, Drenkow, Kangas, McKenzie, Rathe, Sherer, and Waldstein

- A. Mayor Soash called the meeting to order.
- B. Roll Call
1. Birgen, Drenkow, Kangas, McKenzie, Rathe, Sherer, and Waldstein
- C. Mayor Soash led in the Pledge of Allegiance.
- D. Moved by Kangas, seconded by Waldstein to amend the agenda by postponing Regular Business item number 12, Discussion and action on Champions Ridge, until a later date. The agenda as amended was then approved.
Motion passed. Yes: 7 No: 0 Absent: 0
- E. Moved by Drenkow, seconded by Birgen to approve the February 19, 2018 regular meeting minutes.
Motion passed. Yes: 7 No: 0 Absent: 0
- F. Council welcomed Katie Traeger as Guest Council Person for March.
- G. Public Hearing
1. This was the date, time and place for a public hearing on an Ordinance Providing for rezoning of property on the Northwest corner of 4th Street SW and 10th Avenue SW from R-1 (Single Family Residential) to C-2 (Commercial) District with accompanying statement of commitments from applicant, for amending the Waverly Future Land Use Map from Residential and Commercial to Commercial.
There were no written public comments.
 - Jim Janssen spoke in opposition stating his opposition was due to driveway traffic safety and noise levels.
 - Sally Williams spoke in opposition stating her opposition was due to noise levels, aesthetics, causing a decrease in property values, semi traffic, traffic congestion, and having to rezone.
 - John Campbell spoke in opposition stating his opposition was due to the amount of traffic that will be generated, and he feels that the intersection is not designed, or cannot be for the type of traffic flow this project may cause and that it was indicated in a newspaper article that people will just have to adjust.
 - Wally Pelds of Pelds Engineering, Co. of Des Moines, Iowa who represents Casey’s General Stores spoke in favor of the project. Views of buffering have been shared. They are working with the I.D.O.T. to design a better traffic flow that would allow 2 left turn lanes from 4th going west onto 10th, a two-way turn lane north of 8th, and possibly optimizing the timing of the signal at 10th/Cedar River Parkway and 4th. They feel they have complied and exceeded with the three (3) items the zoning ordinance requires for specific screening such as a fence or a berm and landscaping.**The public hearing was then closed.**
Moved by McKenzie, seconded by Rathe to approve the Second Reading of Ordinance 1033, an Ordinance Providing for rezoning of property on the Northwest corner of 4th Street SW and

10th Avenue SW from R-1 (Single Family Residential) to C-2 (Commercial) District with accompanying statement of commitments from applicant, for amending the Waverly Future Land Use Map from Residential and Commercial to Commercial.

Motion passed. Yes: 4 No: 3 (Drenkow, Kangas, Sherer) Absent: 0

- This could be a question of property rights and protecting a property owner's investment(s). Council does truly appreciate all the effort by Casey's to accommodate the neighbors. There seemed to be difference in opinion from Council whether this request complies with the City's Comprehensive Land Use Plan, whether or not the project would negatively affect the neighbors, and whether the rezoning is necessary for public health, safety and welfare. It is possible that this would cause more traffic. It is understandable why this corner is very attractive to a business such as Casey's. The buildings that are being developed on the SW corner of that intersection are businesses that keep daytime hours and this might be more conducive for the type of zoning along that corridor. Light spillage is a concern. Storm water drainage is also a concern. Opportunity for dialogue to take place is one portion of the process. All parties were complimented in working through each of the readings for the re-zoning. Would the request for re-zoning be approved if it was just a request and did not have a Casey's application for re-zoning attached to it? The City does know who and what type of business would like to fill that property, and they have fairly strong commitments with how they would address the concerns of the neighbors. The process is working. There are hurdles that need to be jumped before a third reading. Traffic issues being mentioned can be resolved. It was requested for the Council to be able to see a 9-minute model or visual rendering of the traffic flow ideas. Other concerns mentioned were the sight and sound lines, and it would be good to review the plans for resolving those concerns again. It is not known what would be developed at that location if Casey's doesn't go there. With the height of the property and the berm, some concerns of the light issues are eased. Since the car wash noise is a concern, it will help that the doors will be kept shut while in use.

- Casey's Representative Amy Costello informed Council that Casey's would be willing to have a meeting with the neighbors after one year. The neighbors are also encouraged to correspond with the store manager on a day to day basis. The property owner does not live in the house that is located on the property. Another characteristic to look at when re-zoning is the highest and best use of the land. There have been several public meetings through Planning & Zoning. The corridor was looked at for commercial. The Comprehensive Land Use Map is not clear if the property is meant for C-1 or C-2 zoning. The proposed lighting will be flat L.E.D. lights. There have been traffic studies done. The I.D.O.T. is not in favor of an unsafe intersection. They can also share some traffic overlays.

2. This was the date, time and place for a Public Hearing on Resolution 18-32 on the proposed Budget Fiscal Year 2018-19.

There were no oral or written public comments.

The public hearing was then closed.

Moved by Kangas, seconded by Sherer to approve Resolution 18-32, Approving a Resolution adopting the Budget Fiscal Year 2018-19.

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

- Council encouraged everyone that is concerned about the State Back Fill program to call their State Legislators and let them know how they feel.

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 \$11,050,000 General Obligation Bonds.

There were no oral or written public comments.

The public hearing was then closed.

Moved by Sherer, seconded by Birgen to approve Resolution 18-33, Approving a Resolution Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$11,050,000 General Obligation Bonds.

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

- City Administrator James Bronner informed Council that item B is to cover Phase I of the South Riverside Park improvements, Cedar River Parkway and Phase I of the 20th Street NW improvements plus fees, bonds, and etc. These are G.O. Bonds and the portion for the Cedar River Parkway will be paid back through L.O.S.S.T and T.I.F. funds. Property taxes will be used to pay back the portion for South Riverside Park and 20th Street NW improvements.

4. 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 \$1,700,000 Water Revenue Bonds.

There were no oral or written public comments.

The public hearing was then closed.

Moved by Birgen, seconded by Rathe to approve Resolution 18-34, Approving a Resolution Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$1,700,000 Water Revenue Bonds.

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

- This is being done with Water Revenue Bonds since it doesn't impact property taxes. It will cover the first payment to the I.D.O.T. for the water main improvements being done in conjunction with the Bremer Avenue Reconstruction project.

H. Public Comments on Items Not on the Agenda

- John Campbell requested that Council begin processes for the completion of 10th Avenue SW near his residential driveway going east. Traffic needs have changed over the past 18 years.
- Stephanie Schwinn, Dwight Allbee, Karen Norton, Chuck Kacher, President of Local I.B.E.W. 288, Tom Bergmann, Mike Gabe, Eric Stromberg, Darrel Anderson, Marc Taylor, Allison Rasmussen, and Dean Miller individually all spoke in favor of leaving the permissive language in the union contract.

I. Consent Calendar

1. Pay Request from Stanley Consultants Inc. for the Cedar River Parkway (East) Improvements 2018 for \$6,987.50.
2. Pay Request from McClure Engineering Co. for the 20th Street NW Reconstruction 2018 for \$26,225.00.
3. Approve purchase of four 2018 Ford Police Interceptor Utility (AWD) vehicles from Stivers Ford Lincoln of Waukee, Iowa for the Police Department for \$81,086.00 and the requested delivery of July 2018.

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

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

- Staff clarified for John Campbell that Cedar River Parkway (East) is what Phase II of the Cedar River Parkway project is referred to as. Phase II is the portion of the Cedar River Parkway that begins at 8th Street SE and goes east.
- Staff informed Council that the purchase of the Ford Police Interceptors are part of an every three (3) rotation process.

J. Regular Business.

1. Moved by Rathe, seconded by Drenkow to approve purchase of a 2018 A9 Monsoon street sweeper from Elliot Equipment of Davenport, Iowa for the Street Division for the net purchase price of \$193,432.20.

Motion passed. Yes: 6 No: 0 Absent: 1

(Councilmember Kangas excused himself at 9:05 P.M.)

- This will replace a 2008 Tymco street sweeper. The replacement sweeper has a dual engine vehicle so there is one engine for the chassis and another engine for sweeper unit. It is now required that the power unit for the sweeper meets the omission standards for Tier 4. This bid is approximately \$13,400 over budget.

2. Moved by Birgen, seconded by Drenkow to approve purchase of Replacement Equipment (UV Disinfection Equipment from MC2, Inc. of Des Moines, Iowa for the quoted price of \$28,293.79 plus shipping and a Recirculation Pump and Transfer Pump from Leigh Environmental Equipment of Omaha, Nebraska for the quoted price of \$19,130.00 and \$6,218.00 plus shipping) for the Water Pollution Control Facility.

(Councilmember Kangas returned at 9:09 P.M.)

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

- This will replace one of the two units.

3. Moved by Sherer, seconded by Waldstein to approve Resolution 18-35, Approving Contract, Bonds, and Certificate of Insurance from Cramer & Associates of Grimes, Iowa for the Cedar River Parkway (East) Improvements project and authorizing the Mayor to sign the contract.

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

4. Moved by Waldstein, seconded by Kangas to approve Resolution 18-36, Approving the Professional Services Agreement with WHKS & Co. of Rochester, Minnesota for the Water Pollution Control Facility (WPCF)- Nutrient Reduction Improvements design for the engineering fee of a not-to-exceed amount of \$770,000.00.

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

- This project will be paid from Water Pollution Control cash reserves and State Revolving Funds (SRF). State Revolving Funds do not count against the City's debt capacity and have good rate structure.

5. Moved by Drenkow, seconded by Waldstein to approve Resolution 18-37, Approving the final assessment schedule for the Bremer Avenue Water Main and Service Line Improvement Project for the 2017 stages.

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

- The assessments are coming in substantially less for the basic work than previous estimates. Several businesses did ask for additional services. An invoice will be sent out to property owners with thirty (30) days to pay. If the invoice is left unpaid, the amount will be certified with the County Assessor and assessed to the owner's property taxes.

6. Moved by Rathe, seconded by Birgen to approve Resolution 18-38, Approving a Minor Subdivision Plat for the creation of Parcel AA out of the City of Waverly right of way on the SW corner of 4th Street SW and Technology Place.
Motion passed. Yes: 7 No: 0 Absent: 0
7. Moved by Waldstein, seconded by Rathe to approve Resolution 18-39, Approving an Engagement Agreement between the City of Waverly and Ahlers and Cooney, P.C. in its capacity as Bond Counsel for proceedings for not-to-exceed \$11,050,000 General Obligation Bonds, Series 2018 and not-to-exceed \$1,700,000 Water Revenue Bonds, Series 2018.
Motion passed. Yes: 7 No: 0 Absent: 0
 - This document outlines responsibilities of the City and responsibilities of the bond attorneys.
8. Moved by Birgen, seconded by Rathe to approve Resolution 18-40, Authorizing expenditure of funds for an Urban Renewal Project and Certification of Loan Expenses incurred by the City for payment under Iowa Code Section 403.19.
Motion passed. Yes: 7 No: 0 Absent: 0
9. Moved by McKenzie, seconded by Sherer to approve Third and Final Reading of Ordinance 1030, an Ordinance Amending Chapter 100, Section 100.12 of the City Code providing for amendments to the C-1 (Neighborhood Commercial) zoning district language.
Motion passed. Yes: 7 No: 0 Absent: 0
10. Moved by Kangas, seconded by Rathe to approve Third and Final Reading of Ordinance 1031, an Ordinance Amending the Zoning Map of the City of Waverly for property described in SW Waverly on the SW corner of 4th Street SW and Technology Place from M-1 (Light Industrial) to C-2 (Commercial) District.
Yes: No: Absent:
Motion passed. Yes: 7 No: 0 Absent: 0
11. Moved by Drenkow, seconded by Birgen to approve Third and Final Reading of Ordinance 1032, an Ordinance Amending Chapter 59 of the City Code to replace the current wording with the proposed new chapter.
Motion passed. Yes: 6 No: 1 (Kangas) Absent: 0
 - The contract between the City of Waverly and Wartburg College for broadcasting services already includes options for different programming and public service announcements (PSA's). The current contract expires August 31, 2018 with automatic renewal if nothing new is negotiated within 30 days of the expiration date. The idea of watching the meetings over the internet and not via cable was also discussed and whether everyone should be charged the 5%.
12. Discussion and action on Champions Ridge regarding the City's support of the project.
 - **This item was postponed until a later date per agenda amendment.**
13. Discussion of City of Waverly Employee Handbook
 - Council's intent is that this document be shared with all City employees and then, the process can be started with receiving feedback. City Clerk was directed to distribute the "marked-up" version to all City department heads so they can distribute to their respective employees. Employee policies are approved by Council through the

passage of a resolution. Council made it very clear that they do respect and appreciate all of the City employees

K. Reports from Boards and Commissions

1. Leisure Services Commission Minutes; February 15, 2018; Received into record.

L. Staff Comments

- Leisure Services Director Tab Ray encouraged more food donations to be donated to the food pantry and added that the library was a clear leader.

M. City Council Comments

- Councilmember Birgen commented he was glad to see that tree removal has begun for the Cedar River Parkway project. Those not needing to access 12th Street SE are asked to keep their vehicles off of it due to road conditions. Concerns regarding which trees are taken down vs. not taken down should be directed to the City Administrator or the City Attorney. Congratulations to the Wartburg College Women's Basketball Team for their achievement in the NCAA Tournament.
- Councilmember Rathe recognized that Waverly Shell-Rock Senior High Robotics Club will be competing in the national competitions, and this is the first year the club has been formed.
- Councilmember McKenzie announced that he will not be present at the March 19th meeting due to being out of town.

N. Mayor's Comments

- Mayor Soash commented that daylight savings time will begin on Saturday, March 10, and also encouraged Council to read the book, "13 Ways to Kill a Community" if they have not yet had the opportunity.

O. Executive Session

1. Moved by McKenzie, seconded by Waldstein 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 McKenzie, seconded by Waldstein to reenter into open session is hereby approved.

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

P. Moved by Birgen, seconded by Rathe to adjourn. Motion passed and Council

meeting adjourned at 11:06 P.M. **Yes: 7 No: 0 Absent: 0**

Dean Soash, Mayor

ATTEST:

Carla Guyer, City Clerk