

Regular Meeting Minutes – July 16, 2018
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on June 16, 2018 at 7:00 P. M. at City Hall. Mayor Soash presided.

- A. Mayor Soash called the meeting to order.
- B. Roll Call
Council Members were present: Birgen, Drenkow, Kangas, McKenzie, Rathe, Sherer, and Waldstein
Absent: None
- C. Moved by Kangas, seconded by Drenkow to approve the agenda as presented.
Motion passed. Yes: 7 No: 0 Absent: 0
- D. Moved by Drenkow, seconded by Birgen to approve the June 18, 2018 regular meeting minutes and the June 25, 2018 study session meeting minutes.
Motion passed. Yes: 7 No: 0 Absent: 0
- Mayor and Council welcomed Susan Cornforth as the Guest Council Person for the month of July.
- E. Presentation of Plaque of Recognition
1. Mayor and Council presented the National Register of Historic Places plaque from the State Historical Society of Iowa for the Third Street SE Bridge to the Historic Preservation Commission. Chairperson Don Meyer and members Linda Hovden and Karen Lehmann were present to accept.
- F. Public Hearing
1. This was the date, time and place for a public hearing on an Ordinance providing for rezoning of property owned by the city located along 15th Street NW and 16th Street NW by 3rd Avenue NW from R-3 (Multiple Family Residential, Two to Four Units) to R-4 (Multiple Family Residential, Apartments-Five Plus Units).
 - **There were no written or oral public comments.**
 - **The public hearing was then closed.**Moved by Kangas, seconded by McKenzie to approve the Second Reading of Ordinance 1050, an Ordinance providing for rezoning of property owned by the city located along 15th Street NW and 16th Street NW by 3rd Avenue NW from R-3 (Multiple Family Residential, Two to Four Units) to R-4 (Multiple Family Residential, Apartments-Five Plus Units)
Motion passed. Yes: 7 No: 0 Absent: 0
 2. This was the date, time and place for a public hearing on the approval of an amendment to the Centennial Oaks Planned Development to create Parcel RR for R-1 residential purposes, amendment to the Future Land Use Map and approving plat for Parcel RR.
Moved by Resolution 18-108, a Resolution approving a request for a change of use from Golf Course (Commercial Use) to Single Family Residential for One Additional Single Family Residential Lot in Outlot P of the Planned Development District Centennial Oaks Golf Club Addition and to Amend the Future Land Use Plan from Semi-Public to Residential and Approving Plat of Parcel RR.
 - **There were no written public comments.**
 - Developer, Mark Everett spoke on behalf of a parcel located at the Breezy Hill Minor Plat and is in opposition of the resolution. Mr. Everett’s opposing opinion was that

a structure located at the proposed property would interfere with the golf course view for the Breezy Hill minor plat properties.

- Ken Riggs, 22-year resident of Waverly, also spoke in opposition of the resolution stating that this property is currently zoned incorrectly as semi-public. This is not what was originally planned for this property. The developer of the golf course originally agreed to keep it all green space

- Representative for Centennial Oaks Golf Club Addition, Cory Henke announced that this process has offered a chance to look at what amenities should be offered, where the company is in developing lots, and what's going to be coming next to Centennial Oaks Golf Club Addition in the future with an age diverse building and development. Centennial Oaks Golf Club Addition will now withdraw their application request and move forward with a community garden.

- **The public hearing was then closed.**

- The applicant could reapply after 12 months have gone by. The difference between a Planned Development District and a Semi-Public District is that a Planned Development District is a zoned district. The designation of a Semi-Public District is a designation that was put on the future land use plan.

Item died for lack of motion due to application being withdrawn.

G. Public Comments on Items Not on the Agenda

- There were none.

H. Consent Calendar

1. Pay Request from Fahrner Asphalt Sealers for the Slurry Seal Program 2018 for \$58,162.70.
2. Pay Request from Stanley Consultants Inc. for the Cedar River Parkway (East) Improvements 2018 for \$45,853.20.
3. Pay Request from Cramer and Associates, Inc. for the Cedar River Parkway (East) Improvements 2018 for \$140,641.95.
4. Pay Request from Klocke's Emergency Vehicles for the new 2018 Ambulance for Waverly Health Center's Ambulance Services for \$185,101.00.
5. Cash disbursements for June 2018.

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

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

I. Regular Business.

1. Moved by Waldstein, seconded by Rathe to approve Resolution 18-109, a Resolution approving an audit agreement with Williams & Company P.C. for years ended June 30, 2018 for \$32,500, June 30, 2019 for \$33,800, and June 30, 2020 for \$35,100.

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

- Since the City has used Williams & Company, P.C. for around 20 years it was asked if requests for proposals (RFP) had been sent out. Staff informed Council there had not been an RFP done since it is not typical for this type of agreement. Staff will look at doing this at the end of this three-year agreement before bringing the next one to Council. There are now more than 70 GASB rules that the auditor has to check in addition to the normal audit. Staff will check what other cities our size are paying. Guest Council person Susan Cornforth mentioned that Self Help International is paying \$2,500 for each \$1 Million being audited.

2. Moved by Sherer, seconded by Waldstein to approve Resolution 18-110, a Resolution approving a donation of \$50,000 by Omni Development, LLC in satisfaction of the parkland dedication required by Waverly Ordinance 103.6.07.
Motion passed. Yes: 7 No: 0 Absent: 0
- Council is being requested to approve the acceptance of this donation of cash for the purpose of creating a trail connection between the new subdivision and the Soccer Complex. This cash will be held in the Leisure Services Foundation account for use in funding a larger trail project at a later date. The timeline for this plan will depend on the size of the project. If it was done at the current time, this portion would likely have a dead end. This money could be used as a match for future grant applications, and it seems more economical to complete a larger project when it is feasible. There currently is no other parkland in that section of town. It would be preferable to develop parkland in future developments. Staff should look at possibly installing a fence at least on the north side of the soccer complex to make it safer now that Cedar River Pkwy is there.
3. Moved by Waldstein, seconded by Sherer to approve Resolution 18-111, Approving the Railroad Agreement/License for Multi-Use Pathway/Sidewalk for the 5th Avenue NW railroad crossing location with Cedar River Railroad Company of Homewood, Illinois for the payment of a \$1,000.00 licensing fee.
Motion passed. Yes: 7 No: 0 Absent: 0
- Staff informed Council that sidewalk will be installed on the south side of 5th Avenue NW directly behind the back side of the curb due to the roadway being narrowed from 42 feet to 31 feet in that area. This will begin the installation of sidewalk along the 5th Avenue corridor.
4. Moved by Rathe, seconded by Birgen to approve Resolution 18-112, Approving the Construction and Maintenance Agreement for the 5th Avenue NW railroad crossing location with Cedar River Railroad Company of Homewood, Illinois.
Motion passed. Yes: 7 No: 0 Absent: 0
5. Moved by Waldstein, seconded by Birgen to approve Resolution 18-113, a Resolution accepting the Slurry Seal Program 2018 project as complete and approving Change Order No. 1 in the amount of a \$42.05 decrease and Pay Estimate No. 2 as final pay request in the amount of \$8,024.00 to Fahrner Asphalt Sealers of Dubuque, Iowa.
Motion passed. Yes: 7 No: 0 Absent: 0
6. Moved by Drenkow, seconded by Birgen to approve the Second Reading of Ordinance 1049, an Ordinance adding section 104.4.14, Keeping Disorderly House, to Chapter 104 Public Offenses and providing for an amendment to section 23.05 Applicable Chapters of the Municipal Infractions Chapter of the Waverly Municipal Code.

Moved by Drenkow, seconded by Kangas to postpone the Second Reading of Ordinance 1049 until such time as a Temporary Advisory Committee, as authorized under Section 2.10 of the City of Waverly City Council Rules of Procedure, appointed by the Mayor, consisting of owners, landlords, renters, Wartburg students, and such other groups that the Mayor should choose to appoint, provides a report to the Council recommending actions to be taken to preserve the peace and enjoyment of impacted properties in the City of Waverly.

- **Drenkow moved to withdraw his request to postpone the Second Reading and Kangas seconded.**

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

- Cyndi Campbell stressed that the purpose for coming to the Mayor regarding this issue was not to be heavy handed. This is merely to give landlords guidelines for their tenants. Mrs. Campbell added that this is not just about Wartburg but about the entire City whether it is a rental or homeowner occupied home.
 - Jason Hindrickson owns rental property and feels the ordinance is needed, however has reservations regarding the landlords' license potentially being removed or having a fine after a first offense. The landlords should be given an opportunity to fix the situation before they are penalized.
 - Guest Council person Susan Cornforth noted that she would be interested in adding events that are open to the public, much like the County Fair, to an ordinance.
 - Council requested that the mayor establish an advisory committee to address this ordinance in more detail and to have more inclusion by Wartburg College, tenants, landlords, police, Council, and City staff. It is, however, important to have the proposed ordinance in place before College resumes in the fall. This will also help with the possibilities of having students involved. This ordinance is not only intended for Wartburg students. This ordinance is not only for residential addresses either. It could also apply to commercial addresses. Individual officers need to use their discretion when enforcing this ordinance. Officers will go to an address of a complaint and try to break it up peacefully. If that happens the situation would be considered closed. This ordinance will be useful in situations of repeat offenses. Proposed changes could be discussed on August 6 and if approved they could be added at the third reading. An advisory committee could also be established after this ordinance is passed and tighter language looked at for a later date and possible amendment. Chief of Police Richard Pursell has assured landlords that they would receive written communication before they would receive a ticket in the mail.
- J. Reports from Boards and Commissions
1. Golf Commission Minutes; June 12, 2018; Received into record.
 - Leisure Services Director Tab Ray noted that the minutes will be amended to show language for a potential learning center, for example: a driving range and more.
 2. Senior Calendar; July, 2018; Received into record.
- K. Staff Comments
- There were none.
- L. City Council Comments
- Councilmember Drenkow shared that he had received many comments from the public regarding the 4th of July fireworks and the irresponsible use of them. Police Chief Richard Pursell informed Council that there were 45 calls for service between June 1 and July 8 and of those, 27 were found in violation and given warnings and 0 citations were written.
 - Councilmember Rathe reminded the public that Heritage Days is scheduled for this weekend (July 19 – 22) and the parade is at 10:30 a.m. on Saturday the 21st.
- M. Mayor's Comments
- Mayor Soash noted that the use of fireworks will be discussed at the July 23 Council Study Session. Mr. Soash echoed Ms. Rathe's comments on Heritage Days. The mayor also announced that the new Community Development and Zoning employee would begin on July 30 as well as the new Human Resource Specialist.
- O. Meeting adjourned at 8:44 P.M.

Dean Soash, Mayor

ATTEST:

Carla Guyer, City Clerk