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as shown
on page 4.

Study Session Meeting Minutes – August 26, 2019
Ivan “Ike” Ackerman Council Chambers

A Study Session Meeting of the Waverly City Council was held on August 26, 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 Birgen, seconded by Rathe to approve the agenda as presented.
Motion passed. Yes: 7 No: 0 Absent: 0
- D. Public Comments on Items Not on the Agenda
 - On behalf of United Way, Tracy Magsamen invited everyone in the community to participate in the “Day of Caring” that will be sponsored by United Way on September 11. On this day, volunteers will help complete certain tasks in order to help out non-profit entities and individuals. This is the first time this event has happened in Waverly, and there are hopes that it will become an annual event.
 - Aaron Anhalt offered to help the City financially to install a set of stairs on the riverbank near 4 Queens if it is something that can’t be gotten through a grant or worked into the budget.
 - Matthew Schneider shared a letter written by Mark Wyatt of the Iowa Bicycle Coalition to Trevor Bridges about measures that Iowa City is working on regarding bicycle and motorist safety. He added that bicycle safety is very important. Mr. Schneider asked Council to add the Iowa Bicycle Association’s boiler plate code regarding bicycle/motorist safety and discussion to an upcoming agenda.
- E. Study Session Calendar.
 1. Planning and Zoning Commission update.
 - Planning and Zoning Chair Hank Bagelmann reviewed logistics of the Planning and Zoning Commission. Commission members serve 5-year terms which are staggered. The Planning and Zoning Commission reviews all issues related to City development and zoning. The commission makes recommendation for final action. A nine-member commission supports diversity in skills and experience. Waverly is highly regarded for having a good track record in keeping our Comprehensive Land Use Plan updated.
 - Council expressed thanks for the hard work that the Planning and Zoning Commission puts in. More gratitude was expressed for the commitment of the members in keeping the Comprehensive Land Use Plan up to date. Planning & Zoning seems to drive growth while working with other commissions.
 2. EMBRACE event update.
 - Jean Schenkewitz, Toshia Burrell and Libby Fry were present to give an overview of the 2019 EMBRACE event that was held on May 11. The three of them explained that EMBRACE began while participating in a strategic planning session with the City of Waverly. EMBRACE is about diversity and inclusion. They reported that there were approximately 350-400 people that experienced the event and described the events that took place which included a bounce house, story time and giving away of 50 children’s books, Yogi Life Yoga session, musical & dance performances, food tasting, crafts, etc. The committee hopes to offer even more events next year. They are hoping this will become an annual celebration with pop-up events throughout the year. They do welcome new members. They will be partnering with United Way in the Day of Caring. Please

follow them on Facebook @EMBRACECelebrateDiversity #EMBRACE. The committee has pop-up meetings that are held monthly at St. Andrews Episcopal Church.

3. Discussion of weapons in the Library and City buildings.

- Library Director Sarah Meyer-Reyerson explained this was brought to Council due to a few children feeling afraid and nervous when a gentleman brought a gun into the library that the children could see. The Waverly Public Library has a weapons free zone policy. The library serves people of all ages. They do have a lot of children's programs. During the school year, they have 1 – 4 classrooms of children every school day visit the library.

- Chris Nolan spoke on the issue and commented that he was opposed to prohibiting someone with a carrying permit to carry a weapon except as noted in the Federal and State Codes.

- City Attorney / Community Development Director Bill Werger noted that it is unclear at this point if a decision would be upheld. Iowa Code Chapter 724.28 does not limit the ability of the property owner to manage / control their property. The Attorney General found it meant, very strictly the City could restrict the possession in their own buildings and buildings that they control. They couldn't prohibit people from carrying in the community, but they can restrict carrying in a particular building that is owned and controlled by the City. However, this is not 100% clear from all voices. The library is within 1,000 feet of a public school; therefore, it is a weapons free zone which is posted. Violations double within the weapons free zone. A policy would most likely be effective enough. Being an alcoholic makes you ineligible for a permit; however, a methamphetamine addict can get a permit because it isn't in the law.

- There doesn't seem to be a lot of communities that have weighed in on this topic nor has the City Attorney heard of any litigation as of yet. A person could be charged with trespassing if asked to leave and doesn't. The hospital is a municipal hospital owned by the City. It seems that reasonable people do reasonable things. It is imaginable that it would be intimidating to approach someone carrying a weapon. Having an ordinance or policy won't stop something from happening, but they still provide appropriate restraint and encourages people to think carefully about what they do because there may be consequences. Councilman Kangas stated that prior restraint is not allowed and you can't preemptively do that. Children hear the news and how many shootings there have been in the recent years. Police Chief Richard Pursell explained that a permit to carry would allow that person to carry a weapon that is exposed or concealed as long as it is a legal weapon to carry. The Bremer County Courthouse is a weapon-prohibited zone. Governments are not creating a law to restrict or creating a gun law as that is what the State law says you can't do. What they're doing is prohibiting behavior, listing it as a behavior, and then, asking to remove the weapons. It isn't a weapons violation. It is a policy violation and when the carrier refuses to leave, it, then, becomes a trespassing violation. It is possible that the library's current policy would be enough to prohibit weapons in the library. A copy of the library policy is on their web page at:

<http://www.waverlyia.com/webres/File/library/Policies/2016%20Behavior%20Policy%2011-8-16%20smr.pdf>

- Nathan Lindaman remarked that legally carrying a weapon is the right of the person to carry. He is more concerned about parks and all City property being included not as much about the library.

- Michelle Chavez cited two cases that said shooters don't concern themselves with the laws and laws don't stop shooters. She added that parents need to educate their

children because guns are part of our society. Ms. Chavez commented that people and groups that rent public space such as park shelters and other areas should be able to protect themselves.

- Library Board of Trustees member Steve Main voiced that he feels the library is not an appropriate place for a gun.
- Adam Hoffman noted that the library has sponsored 21 Nerf Nights, using Nerf guns, 2 laser tag events, and squirt blaster events. It may be prudent to revisit holding those type of events as well.
- Miguel Chavez talked about dealing with reasonable people who have a carrying permit and having their rights encroached upon.

4. SRF Sponsored Water Quality Project update

The previously proposed water quality improvement project identified for Waverly involved working through the Iowa Department of Agriculture and Land Stewardship (IDALS) to construct wetlands along an unnamed creek watershed in east Waverly near 12th Street SE. The purpose of the project was to help mitigate nutrient and nitrate runoff from agriculture land that may be raising the nitrate level in the groundwater supplying Well No. 7. The SRF Sponsored Projects program makes available an additional 10% of the borrowed SRF loan principle for water quality improvement projects. Unfortunately, the proposed water quality improvement project has been withdrawn by the IDALS. Further research deemed the project locations not viable due to inappropriate soil conditions for the development of wetlands. City officials and staff from WHKS & Co. are now investigating two other projects that may meet the SRF criteria. Unfortunately, the new projects would likely not provide nitrate reduction within the groundwater near Wells 7 or 8. With applications for the next SRF funding cycle being due in March, 2020, City staff will submit new proposed water improvement quality projects to Council in January 2020 or sooner. The dry weather has created a dry ground which lowers nitrate levels. Nitrates in all wells have below the threshold nitrate levels.

5. Review of the 2019 Walkability Report

Healthy Hometown, Powered by Wellmark was invited by the Waverly Area Partnership for Healthy Living (WAPHL) to assist in identifying opportunities for enhancing walkability and bikeability. A Waverly 2019 Walkability Assessment Report was completed. Several walking and biking opportunities were identified and solutions were considered. Suggestions such as: creating pocket parks in vacant lots, working with local businesses to install parklets, creating wayfinding signage, planting street trees throughout the community, and constructing infill sidewalks to connect gaps in the existing sidewalk network. These types of things have been done in the community already. Council talked about possible financial assistance in the neighborhoods in order to keep the sidewalks in good condition. 5th Street NW by the college is one area that needs to be looked at for possible crossing lights. The City does not have the ability to install bump outs along a state highway. Safe routes to schools are important, however, they weren't really talked about at this time since the walk was more about getting people healthy and walking. Sidewalk infill to fill in the gaps for connectivity is really important to walkability.

Matthew Schneider agreed that sidewalk connectivity is important and expressed concerns for 12th Street NW. There are parked vehicles. There have been no reports of deaths, major, or minor injuries. There were three crashes over a ten-year period in this area, although, none involved pedestrians. Raised intersections tend to slow vehicles down to 15 miles per hour.

6. Review information obtained from Rail Trail counters
- There were trail counters installed and maintained on the Rail Trail in April, 2019 by INRCOG. There are three locations where cameras have been installed. They have been installed at the Bantam Bridge, Cedar River Rail Trail Bridge, and near Killdeer Avenue. The weather plays a big role in what the numbers reveal. There were 680 pedestrians counted on the Rail Trail Bridge on May 4. Art Walk and Tri-By-Knight run/walk were both held that day and most likely had impacts on the pedestrian count. June 4 – 7 showed 1,883 near the Killdeer Avenue counter; since there weren't any special events those days, there could have been some type of animal or insect that the camera counted as many items may impact the numbers. July 21 – 22 there were zeros recorded, and it was found that something was stuffed into one of the cameras. The more time that is covered, the more accurate of averages will be reflected. A fourth camera is now being considered since the completion of Cedar River Parkway. This data will help with trail maintenance and may also help with obtaining grants in the future. Staff will ask INRCOG if daily weather information can be included with this data. Killdeer Avenue is located approximately one mile west of Hwy 63 so out-of-towners are possibly being captured.

F. Reports from Boards and Commissions

1. Ball Diamond Task Force Minutes; August 4, 2019; Received into Record

G. Staff Comments

- Waverly Public Library Director Sarah Meyer-Reyerson announced that in response to surveys and focus groups during the long-range planning process the library now has new hours it will be open to the public. Hours are listed on the City of Waverly's library web page and Facebook.

H. City Council Comments

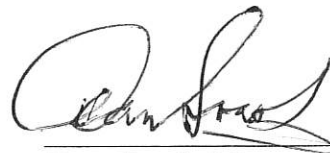
- Staff informed Councilmember Birgen that a completion date for the Exchange Building at South Riverside Park is not certain at this time. It is possible that an open house will be held. There is an old metal plaque that will be displayed on the inside of the building along with some old load tickets and things like that. Birgen will be at the Beach House following the Council meeting for anyone who would like to join him and discuss City business.
- Guest Council Kris Glazer commented that there was good discussion on difficult topics and comments were heard from the public. Mr. Glazer also thanked Councilmember Birgen for inviting him to participate as a guest council.

I. Mayor's Comments

- Staff informed Mayor Soash that the inflatable dam inspection was rather quick and was necessary to inspect an issue that came up 4½ years ago. There is a seam that water leaks through. There were trying to determine whether there is a viable fix for that or not.

J. Moved by Birgen, seconded by Waldstein, to adjourn the meeting. Motion passed and the Council meeting adjourned at 9:01 P.M.

Yes: 7 No: 0 Absent: 0



Dean Soash, Mayor

ATTEST:


Carla Guyer, City Clerk