

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on January 5, 2009, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Pro Tem Fred Ribich presided. Council members present: Duane Liddle, Gene Lieb, Jim Vowels, Gary Grace, Cyndi Ecker, Gary Boorum, and Fred Ribich. Absent: None.

1. **Approve Agenda as Printed or Add Items for Discussion Only.**

Moved By: Grace

That the agenda for this Council meeting as prepared is hereby approved.

Yes: 7

No: 0

Absent: 0

2. **Minutes.**

Moved By: Boorum

The December 15, 2008 Council Meeting Minutes are hereby approved as amended by changing the amount in Item 20 under Regular Business from \$200,000 to \$240,000 and have the TIF allocation for the 5th St. and 5th Ave. NW on the January 19, 2009 Agenda.

Yes: 7

No: 0

Absent: 0

3. **Guest Councilperson.**

Council welcomed Cindy Frederick as Guest Councilperson for January.

B. PUBLIC HEARINGS.

1. This was the date, time and place for a public hearing on an Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from A-1 (Agricultural District) to R-1 (Single Family Residential District) of Said Lots "H" and "I" in Haaland Subdivision in Northeast Waverly. Mayor Pro Tem Ribich called for any oral or written comments and there were None. The hearing was declared closed and the following action was taken.

Moved By: Grace

Second Reading of Ordinance 904, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from A-1 (Agricultural District) to R-1(Single Family Residential District) of Said Lots "H" and "I" in Haaland Subdivision in Northeast Waverly is hereby approved.

Yes: 7

No: 0

Absent: 0

2. This was the date, time and place for a public hearing on an Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from R-2 (One and Two Family Residential District) to R-4 (Multiple Family Residential – Transitional District) of Said 318 2nd Avenue and 215 4th Street SW in Southwest Waverly. Community Development and Zoning Official Kohout informed Dean Soash that there is enough offstreet parking for the 318 2nd Ave SW retreat house owned by Jim and Candy Hundley. The retreat house has six rooms and there are 6 parking spaces for visitors. Mr. Kohout stated that the retreat house will require a special provisional use approval at the January 19th Council Meeting. The hearing was declared closed and the following action was taken.

Motion By: Ecker

Second Reading of Ordinance 905, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from R-2 (One and Two Family Residential District) to R-4 (Multiple Family Residential –

Transitional District) of Said 318 2nd Avenue and 215 4th Street SW in Southwest Waverly is hereby approved.

Yes: 7

No: 0

Absent: 0

C. VISITORS/PUBLIC COMMENTS.

Dan McKenzie stated that the Ball Diamond/Fair Task Force have hired a site designer RDG Planning and Design and have had discussions with the Central Iowa Rural Water group about using their land as development of said complex. RDG Planning and Design will comeback to the Task Force in late January to review a workable plan for the Ball Diamonds, Fair and industrial development. Financing is yet to be determined. Roy Petersen stated that the Fair Board approves said project.

Deb Turnball presented a petition to Council to have the river dredged before there is another flood in Waverly.

D. TABLED ITEMS.

E. CONSENT AGENDA.

1. Pay Request from Kehe Construction for the Wastewater Treatment Plant Improvements 2007 in the amount of \$124,925.00.
3. Pay Request from Iowa Northland Regional Council of Governments for Lead Based Paint II in the amount of \$139.70.
5. Pay Request from Iowa Northland Regional Council of Governments for the Hazard Mitigation Plan 2007 Update in the amount of \$683.34.
6. Pay Request from WHKS & Co. for the Wastewater Facility Improvements 2008 in the amount of \$6,530.68.
7. Pay Request from WHKS & Co. for the Wastewater Facility and Lift Stations in the amount of \$4,246.18.

Moved By: Ribich

Items 1,3,5-7 on the Consent Agenda is hereby are approved.

Councilmember Liddle requested that Stanley Consultants itemize hourly rates with an explanation and compared INRCOG's pay request detail.

Moved By: Liddle

2. Pay Request from Stanley Consultants, Inc. for Flood Mitigation Assessment in the amount of \$23,315.71.
4. Pay Request from Iowa Northland Regional Council of Governments for Rehab II in the amount of \$249.15.

Yes: 7

No: 0

Absent: 0

F. REGULAR BUSINESS.

1. **Review of "Long-Term Community Recovery Strategy" and Approval of the 2033 Visioning Process for Waverly, Iowa.**

City Administrator Crayne stated that the 2033 Visioning process would include an Advisory Committee to guide a visioning process. The Advisory Committee will look at community wide needs and opportunities, priorities and recommended solutions, plans for developing and implementing strategies and projects that can address priorities. Natalie Sugira of the Rebuild Iowa Office informed the Council that Community Vision is a long process and could involve more community workshops. Mr. Crayne informed Council that the appointment of a 3-5 member

6. **Update on Dry Run Creek Flood Mitigation.**

Mike Flattery and Jon Garton of Stanley Consultants were present for Dry Run Creek Flood Study Report Update. Cedar River work is ongoing both with the dam reconstruction and the evaluation of flood protection for all areas. Ultimate goal is to remove land from the FEMA Regulatory Floodplain after improvements are made. There have been ongoing evaluations and studies that go back to the eighties. After the 99' Flood Stanley Consultants looked at the Dam Reconstruction and dry run detention facilities and the Corps of Engineers did an assessment in 2003. Stanley is updating computer models currently. The Corp's assessment was that there was insufficient economic justification to recommend moving to a feasibility study phase for a federal project in Waverly. They are continually involved with all of Stanley's work. Jon Garton stated there are two watersheds in town. A lot of structures are infringing on the creek and **impeding drainage.** Stanley is looking at what can work even though they have not found detention upstream to solve problems. Upstream development should not make peak flows any worse because each will have their own detention. There is opportunity to drop channel depth. It will require reconstructing culverts. It has two benefits. If the dry run drops 2 feet deeper it might keep water within its banks and the culverts instead of 4 ft tall could be 6 ft tall. Stanley is also looking at ways to get water to the river sooner. Deepening the whole dry run channel will have a significant reduction in the dry run floodplain. The biggest opportunity is the southfork of the dry run to make the biggest difference with detention and how that would impact backwater up the northfork of the dry run. There could be some improvements that can be made upstream. Councilmember Boorum asked if there was enough fall to deepen the channel so much. Being able to outlet below the dam provides additional elevation. A secondary diversion channel closer to the river and one culvert reconstruction could create a better flow. If there is a shortcut and improvements can be made and save on some culvert costs then it may be viable project. If there is a diversion channel outlet it would be south of Bremer Ave. Cross pipe under 4th Street and 2nd Ave SW is a 30inch pipe that outlets to the Cedar River north of the Fire Station. City Engineer Cherry stated there is favorable solution to solving this overlapping floodplain. The Dam Reconstruction could mitigate flooding caused by the Cedar River. Stanley Consultants are narrowing in on a solution for the Dry Run Creek and possibly eliminate 60 to 70 blocks from the floodplain. There is a fair amount of work to do and want to move forward with urgency because there is a lot of federal money available. EDA funding and CDBG funds, Iowa Hazard Mitigation funding and Corp of Engineer funding is available. Federal infrastructure stimulus package could potentially start closing in the coming months. There is a need to move forward thoughtfully and with deliverance to position the City for funding opportunities if the project has merit. Mr. Flattery stated that the Corp's scenario is benefit over cost. The City needs to look at these options and look at the costs attached to it. There will be significant cost to the projects. Stanley is still looking at an outlet for Southeast Waverly and sewer backup issues. Mr. Flattery stated that they are still looking at detention for southeast residents as a benefit. Ron Camarratta stated that some residents have been looking at a diversion channel that would divide the flow down the river because after it leaves the Green Bridge it narrows and has to make a hard turn and dividing the flow may decrease the volume and maybe some of the flooding in the southeast part. Mr. Flattery said the Corp will look at the differential from the 100 to 500 year but needs more damages against costs in order to improve the ratio. The Corp will not give us

any credits for additional damages. The Corp will look at the same 2003 scenario because none of the parameters have changed. City Engineer Cherry stated that no one from the City refused the Corp to come back, but the EDA stepped up and said they had funding available. The City did not want to turn down EDA funding in the hopes of getting Corp funding two or three years from now. Mr. Flattery stated that the final report should be completed in a couple of months. Stanley will look at the suggested comments made by Council and the audience. The low spot between 3rd and 4th Avenue SW is going to be looked at in the study. Jon Garton informed Deb Turnbull that a 100 year flood recurrence is 6 ½ inches in 24 hours or 2 inches an hour. The area by the hospital is a low area that has poor drainage. The storm sewers are shallow because there is very little fall to get over to the dry run and if dry run is coming up it will impede the flow of the storm sewer through that part of town. Discussion followed on the storm drains backing up from the dry run by the hospital and the same in the northwest. The goal is to get as much of the area as possible out of the floodplain designation and proceed to a formal map revision. Jon Garton stated that the City would have to have an operational plan that outlines all the functions of flood prevention. Stephanie Schwinn was in support for deepening the dry run and voiced concern with debris in the dry run. Roy Petersen questioned if filled in basements are figured into the equation. Mike Flattery said that there might be a greener solution or land acquisition effort that has to be worked out. Concerns were expressed about upstream flooding going thru the dry run. Deepened channel will keep water within the stream.

7. **Approve a Professional Services Agreement Between the City of Waverly and Stanley Consultants for the Waverly Dam Reconstruction Project.**

Moved By: Grace

Mike Flattery said this is a solution that will help Waverly and the hope is to get outside funding and take advantage of the construction season upcoming before another Cedar River event. Jo Bagelmann asked why the Council is approving a professional services agreement before the Council has voted on what the City plans to do about flood mitigation. Mr. Crayne stated the timing is a real issue. The City has submitted an application to the EDA for an Inflatable Dam project and it is important in moving forward with the project. Mr. Crayne also stated that the application would not have been submitted had there not been serious thought in doing the project. The award of the dollars is critical toward the project. There are concerns with moving forward with the project before the City knows the dollars. The preliminary work has to be completed if the project is to move forward. There could be a match of CDBG funding with EDA funding. It could be delayed as a 2010 project and be faced with additional costs for delaying the project a year. There is a public works bill coming out of Congress funding Cities with infrastructure needs. Mike Flattery stated that there has to be a geotechnical evaluation while the river levels have subsided, and an underwater exploratory investigation while the river is low. Mr. Flattery said that Stanley could go about this work in phases and only do the exploratory stage now. EDA has looked at the project and anticipates 30 to 60 day turnaround. Mr. Flattery said that Stanley will not even start the engineering design until after prerequisite tasks are accomplished. City Attorney Carney also stated that the contract could also be ended if the project is abandoned. Council questioned whether the work that Stanley would be doing would be acceptable to the DNR if the City removes the dam. Stanley would not do an investigation if the dam would be removed completely. Breakdown of different phases will be coming to the January 19,

Mr. Cherry stated that the project has to move quickly if the work is to be done this year. It is the Council's decision to decide whether the project is a 2009 or 2010 project. Mr. Crayne informed Council that this is a step that is needed to get the total project cost together. The City has to know the amount of appraisals and easements represented for the total package to determine if there will be a project. Notice of intent is to do the project involves property acquisition and possibly condemnation. Then the City conducts a public hearing on plans, specs and form of contract. There were multiple opportunities to reconsider the project and evaluate cost. Carney said the appraisal is to find out what you can expect financially. Appraisals are acquired and Council decides whether the City staff should make an offer.

Moved By: Vowels

The Agreement with Valuation Services of Cedar Falls for Appraisal Services in the amount of \$6,550.00 for the 4th Street SW Corridor Improvements 2009 is hereby approved.

Yes: 7

No: 0

Absent:0

Administrator Crayne stated that he has contacted the Bonding Attorney that the Urban Renewal Plan does not specifically identify flood mitigation projects. It does mention infrastructure in support of economic development. To use it for flood mitigation the City should amend its Urban Renewal Plan to incorporate that use according to the Bonding Attorney. It is economic development plan and the priorities that the Council has established to assist economic development with a series of strategies. One of the main priorities is public infrastructure in support of economic development. There are other projects are in line through TIF one being the 4th Street corridor.

11. **Appointment of Fire Chief for Year 2009.**

Council moved this agenda item up while staff fixed equipment for presentation. The Council thanked Dennis Happel and the Volunteer Fire Department for all their efforts.

Moved By: Boorum

The Appointment of Dennis Happel as Fire Chief for Year 2009 is hereby approved.

Yes: 7

No: 0

Absent: 0

12. **Update on Traffic Study for the Bremer Avenue Traffic Signal Modifications.**

Tony Boes of Snyder & Associates informed Council that the study is a three-phase project and Snyder & Associates have completed the study phase. The study phase included 8 signalized intersections on Bremer Ave and review of traffic signal warrants at 20th St. NW and 3rd Ave NW and the 4th St. SW and 2nd Ave. SW. The purpose was to evaluate expected operations along the corridor. The 2 intersections outside the Bremer Ave. corridor met traffic control device criteria. The proposed modifications add detections to side streets, interconnect for signal coordination, emergency vehicle preemption, replacement of controllers

and cabinets. The Bremer Avenue analysis found \$135,000/year in reduced fuel consumption and \$119,000/year in reduced travel time.
20th St. NW & 3rd Ave NW

- Does not meet MUTCD warrant criteria
- Acceptable traffic operations with stop control on 3rd Ave NW
- Currently serves as a school crossing signal
- Future traffic increases on 20th St NW with new recycling facility

4th St. SW & 2nd Ave SW

- Meets MUTCD warrant criteria
- Existing install does not comply with MUTCD
- Level of Service D-E on 2nd Ave. SW in PM peak hour with stop control
- No longer need as school crossing signal

Snyder & Associates recommendations proceed with design phase of Bremer Ave Traffic Signal Modifications Project. Keep 20th St. NW & 3rd Ave. NW signal in place until permanent school location is determined. Remove 4th St. SW and 2nd Ave SW existing signal. Consider future signal on 4th St. SW to the south. Staff will look into the signal at 6th Street and Bremer Ave and coordinate with school system. There is no funding mechanism in place to pay for the project. It would be Council decision to move forward with a design and letting phase. Also staff wanted to go through the budget process to see if the project would move forward. There is also a Federal Infrastructure stimulus package available and this project would fit that criteria. Staff is looking at the project because of aging infrastructure. The projects is \$630,000 with no funding help. City staff would still like to be included in an infrastructure stimulus funding package. There are also flashing yellow lights and new signals that could be used at the intersection at 6th St and 4th St. and just detection replacement not the whole signal. Council will look at this project at budget time.

13. **Resolution 09-01, A Resolution Accepting Public Improvements for the St. Mary Catholic Church.**

Staff is waiting until spring to see if the Horton Road ditch is acceptable.

Moved By: Ecker

Resolution 09-01, A Resolution Accepting Public Improvements for the St. Mary Catholic Church as partially complete allowing for the partial release (\$35,000) of the City's agreed upon shared infrastructure cost (\$45,000) is hereby approved.

Yes: 7

No: 0

Absent: 0

14. **Resolution 09-03 A Resolution Approving Transfer Agreement for Waverly's 2006 Federal Airport Entitlement Funds.**

Moved By: Vowels

Resolution 09-03, A Resolution Approving Transfer Agreement for Waverly's 2006 Federal Airport Entitlement Funds in the amount of \$150,000 to Cities of Pocahontas and Estherville, Iowa Municipal Airports, split equally, is hereby approved.

Yes: 7

No: 0

Absent: 0

Yes: 7

No: 0

Absent: 0

G. BOARDS AND COMMISSIONS.

1. **Boards and Commissions.**

Economic Development Commission Minutes – development of Economic Development Strategy and web page. Council will evaluate Economic Development at Strategic Planning.

Golf Commission Minutes-budget planning.

2. **Reports.**

Departmental Status Report – the City has received \$200,000 for flood reimbursement.

3. **Communications.**

H. CITY COUNCIL COMMENTS ON POLICY ISSUES.

Administrator Crayne asked that Council review the Director's Strategic Planning document before Council's Strategic Planning session.

Discussion followed on pumps and sanitary sewer and Wastewater plant.

I. ADJOURNMENT.

Moved By: Boorum

That the City Council Meeting be adjourned.

Yes: 7

No: 0

Absent:0

Council adjourned at 10:02 P. M.

Ivan J. Ackerman, Mayor

Attest:

Jo-Ellen Raap, City Clerk