

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on July 20, 2009, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Gene Lieb, Gary Grace, Fred Ribich, Cyndi Ecker, Jim Vowels, Gary Boorum, and Duane Liddle. 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: Ecker

The July 6, 2009 Council Meeting Minutes are hereby approved as amended:

Moved By: Liddle

The minutes are hereby amended to add:

Mayor Ackerman asked "if we don't get the \$3,000,000 grant are you(Administrator Crayne) going to recommend that we go ahead and build an inflatable dam." under Number 1 under Regular Business.

Yes: 1(Liddle)

No: 6

Absent:0

The original motion was then voted upon.

Yes: 6

No: 1(Liddle)

Absent: 0

Monty Gritzner proposed a resolution for adoption regarding the Council Minutes. Council reviewed Iowa Code requirements and Roberts Rules of Order. Mr. Gritzner requested that the last whereas in the resolution be removed before approval.

Moved By: Liddle

Resolution 09-76, A Resolution to Approve the Assurance of Detailed Minutes is hereby approved minus the last whereas in the resolution.

Yes: 1(Liddle)

No: 6

Absent: 0

B. VISITORS/PUBLIC COMMENTS.

Community Development and Zoning Official Kohout informed Kevin Tjebkes that the Planning and Zoning Commission will be taking up a Wind Turbine draft ordinance at their next meeting August 6th. Mr. Tjebkes is in favor of Wind Turbines in the City limits.

Monty Gritzner stated that "Meals on Wheels" program is in desperate need of volunteer drivers. Give Sally a call at 352-2463.

E. REGULAR BUSINESS.

1. **Resolution 09-69, A Resolution of the City of Waverly, Iowa, Adopting the Administrative Plan for the City of Waverly Voluntary Acquisition of Flood Damaged Homes.**

City Administrator Crayne informed the Council that \$10,000 involves the relocation fee and the \$850 moving expense is additional.

Jim Rodemeyer stated that the \$850 moving expense is a standard.

There is a clause in the contract historic value that states that the City should look at other avenues other than demolition. The Historical Society is putting together a memorandum of agreement that speaks of the historical homes. In summary the agreement will specify that homes be relocated, salvaged, and to hire an architectural historian to do recordation of the homes and store it at the library. It is proposed that the City Attorney will be conducting the closing for the homes. The flat cost per home is a \$1,000 but it is dependent on the City Attorney. There were 200-300 people that went through the Sturdevant house on 1st Street SW on Sunday.

Moved By: Ecker

Resolution 09-69, A Resolution of the City of Waverly, Iowa, Adopting the Administrative Plan for the City of Waverly Voluntary Acquisition of Flood Damaged Homes is hereby approved.

Yes: 7

No: 0

Absent: 0

2. **Resolution 09-68, A Resolution of the City Council of Waverly, Iowa, Authorizing the Mayor to Sign a Memorandum of Understanding with the Iowa Northland Regional Council of Governments (INRCOG) for the Administration of the Iowa Department of Economic Development (IDED) Community Development Block Grant (CDBG) Property Acquisition Project.**

Jim Rodemeyer stated that INRCOG is preparing a grant to submit to the IDED to do additional flood buyout acquisitions. These 30 homes did not meet FEMA buyout requirements either because they did not have over 50% substantial damage to their home or were not in the 100 year flood plain. Rather than submit application to EPA, INRCOG is submitting the grant to IDED. The process is the same and the City will be using Community Development Block Grant dollars. The 30 homes were submitted on the original notice of interest back in September were dropped from the FEMA grant application and now put on this application. Administrator Crayne stated that these homes are looked at strategically and are located near homes that are being removed under the other buyout program. This application is to address the checker board effect of the buyout program. It is a voluntary program. Staff is contacting the homeowners now. This is resolution approving a memorandum of understanding that the City is working with INRCOG to submit an application and to do the administration of the project. This application will be more competitive. There is no local match. There is a fee on the

level 3 to 4 feet and there is very little opportunity for storm sewer backup and flooding and for \$15,000 to \$20,000 dollars the City could make some changes to the storm sewer system at the intersection of 3rd Avenue and 4th Street NW. In the 1960's the City created a diversion pipe to take the backup water and reroute it down 2nd Avenue. The 3rd Avenue pipe is 24" in diameter and the overflow pipe is only 15". So there is no way the overflow pipe can accommodate everything that is backing up. City Engineer Cherry believes that the grant will be denied because there isn't the damages to support the cost and there are some other substantially less cost options to pursue to mitigate flood damage. It would have to be close to a 100 year event before there would be issues of backup and if the City rebuilds the spillway than that issue will be eliminated totally. Staff will have to inform the people that review said grant applications that the City is pursuing other mitigation efforts that will be of greater benefit and there are less cost alternatives that will provide the same benefit. The Inflatable dam will help this option but there are other alternatives. In the past City staff probably thought the flap gate would be more effective than what has to be at the river. The flap gate is very ineffective at preventing backup and is wedged open. The simple solution is to eliminate a section of the 3rd Avenue pipe between 3rd St. and 4th St. and take the four intakes at 4th St. and 3rd Ave and reroute them down to 2nd Ave. The overflow pipe is already there and staff would have to rebuild those intakes. Staff will inform neighboring property owners that the City is not doing this project. There is economical way of resolving most of the issues at the intersection. The route is to take the pipe down to 2nd Street from 3rd Ave to 1st Ave and from 1st Ave to the River. There would be three sealcoated blocks that would have to be rebuilt. The 4th Street overflow pipe exits at 4th St. and 2nd Ave storm sewer that outlets below the dam into the river. The project solves the problem at \$15,000 and better than spending \$400,000. This recommendation will be in Stanley's Report and the approval will be brought back to Council.

4. **Resolution 09-70, A Resolution Approving a S-1(Shopping Center District) Plan Amendment for 1201 4th St. SW (Miller True Value Store Property for McDonald's Restaurant.**

George & Colleen Miller, Tim Vogel, Jim Hielman representing McDonald's Corporation and Greg and Tim Miller. Jim Hileman informed Council that there are two drive-ups, one cash window, one pickup window. Mr. Hileman stated that he thinks the hours would be close to what they are now. McDonalds has delineated the northly portion of that entrance with curb work to keep parking area and drive-thru and operations separate from the rest of the center. The south is still left open. McDonald's has offered to construct the south side entryway to provide 150 foot "throat" for staging and controlling of traffic. Traffic would proceed down the "throat" to the center of the shopping center and go left or right. Mr. Hileman informed Kevin Tjebkes that the site plan shows the drive thru as being able to stack 20 cars on McDonald's parking lot before

7. **Resolution 09-73, A Resolution Approving an Agreement Between the City of Waverly, IA and WHKS & Co., for the Water Distribution System Study and Modeling.**

This is very similar to the past reports that have been done and talk about the City's production capacity, nitrate softening. It will address the issue of the current quality of the City's water and federal regulation that the City may have to meet. Preliminary reports will be done in December so if there are issues that have to be addressed they can be incorporated in the 2010-2011 budget. The report will be finalized in 2010.

Moved By: Ribich

Resolution 09-73, A Resolution Approving an Agreement Between the City of Waverly, IA and WHKS & Co. for the Water Distribution System Study and Modeling for a Not-to-Exceed Amount of \$24,500.00 is hereby approved.

Yes: 7

No: 0

Absent: 0

8. **Resolution 09-74, A Resolution Approving a Professional Services Agreement By and Between City of Waverly, IA and WHKS & Co. for the Water Pollution Control Facility and Sanitary Sewer Collection System Facilities Plan.**

The study will deal with the trunk line to the main lift station. The plan updates the sewer modeling incorporating improvements and projects such as Eisenach Village and relocation of Middle and Junior High Schools. It will show the strength and weaknesses of the City's system and Wastewater facility. Some engineering work has been done on Wartburg College and the Hospital and WHKS & Co. will build on that information. WHKS will update the previous model and will look at a trunk line in northwest Waverly to eliminate the 6th Avenue Pump Station. There is one section through Brookwood Park from the Lift Station to where the Dry Run Creek empties into the Cedar River and there another section from the mouth of the Dry Run Creek up towards Strotmans where the 6th Ave Pump Station is. The pump station has capacity issues. Some funding for sewer projects have come from bonds paid off by user fees and funds set aside for capital sewer improvements, and TIF.

Moved By: Lieb

Resolution 09-74, A Resolution Approving a Professional Services Agreement By and Between City of Waverly, IA hereinafter referred to as the "Client" and WHKS & Co., hereinafter referred to as "WHKS", for the Water Pollution Control Facility and Sanitary Sewer Collection System Facilities Plan for a Not-to-Exceed Amount of \$59,000.00 is hereby approved.

Yes: 7

No: 0

Absent: 0

9. **Resolution 09-75, A Resolution Approving Amendment #1 to the Professional Engineer Services Agreement Between the City of Waverly, Iowa and WHKS & Co. for the Wastewater Treatment Facility Improvements 2008.**

The City let the project on March 6, 2008 with two completion dates. The extended completion date ran the project into 2009, but by doing that it allowed the City to realize a construction cost savings of \$104,000. That extended the construction window and the amount of time the consultant spent on construction administration. WHKS was efficient in preparation of the design work. The consultant had a \$5,000 underrun on their estimated cost of design work but it did stretch out the length of time that WHKS has been involved with the project. The net cost would only be \$3,000.

Moved By: Vowels

Resolution 09-75, A Resolution Approving Amendment #1 to the Professional Engineer Services Agreement Between the City of Waverly, Iowa and WHKS & Co. for the Wastewater Treatment Facility Improvements 2008 for \$8,500 Not-to-Exceed increase for items 17-19 of the agreement is hereby approved.

Yes: 7 No: 0 Absent: 0

10. **Approve Change Order No. 1 for the Big 6 Plaza / Spillway Flood Repairs – Phase 2.**

Moved By: Grace

Change Order No. 1 final adjustment of quantities for the decreased amount of \$1,887.00 to Mätt Construction of Sumner, Iowa for the Big 6 Plaza / Spillway Flood Repairs is hereby approved.

Yes: 7 No: 0 Absent: 0

11. **Resolution 09-77, A Resolution Finalizing the Big 6 Plaza / Spillway Flood Repairs – Phase 2 and Approving Final Pay Request.**

Moved By: Ribich

Resolution 09-77, A Resolution Finalizing the Big 6 Plaza / Spillway Flood Repairs – Phase 1 and Approving Final Pay Request to Mätt Construction of Sumner, Iowa in the amount of \$4,186.83 is hereby approved.

Yes: 7 No: 0 Absent: 0

12. **Third Reading of Ordinance 915, An Ordinance Amending Section 104.10 of the Waverly Municipal City Code Regarding Drug Paraphernalia & Controlled Substance.**

Moved By: Vowels

Third Reading of Ordinance 915, An Ordinance Amending Section 104.10 of the Waverly Municipal City Code Regarding Drug Paraphernalia & Controlled Substance.

Yes: 7 No: 0 Absent: 0

The City Engineer approves storm water retention facility before a building permit is issued. There will be consideration for a student crossing on 16th Street SW between the High School and the 5-8 Grade Facility.

Motion By: Ribich

Third Reading of Ordinance 922, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from A-1 (Agricultural District) to R-3(Multiple Family Residential District) for Waverly-Shell Rock School District for New 5 – 8 Grade Educational Facility is hereby approved.

Yes: 7

No: 0

Absent: 0

20. **Review of Economic Development Strategic Plan.**

Economic Development Director Passmore informed Council that the document is the new strategic business plan. Mr. Passmore has reviewed the plan with other communities and now with Council. It is scheduled for adoption at the next Council Meeting. Mr. Passmore stated that he had attended Council Meetings in Denver, Readlyn and Shell Rock as well as a meeting with the Bremer County Supervisors to present the plan and solicit input. It also afforded the opportunity to plug Waverly Area Development fund, the GAP financing loan mechanism to be used when talking to businesses. The Commission used the University of Northern Iowa's Department of Institute for Decision Making for drafting this plan. The Institute thought that the incentive initiative was a local decision. The Commission will revisit City incentives in comparison to other communities. Incentives are not addressed in the plan but will be reviewed by the Commission. The plan does include specific goals, targets and action items to address existing businesses. The Plan suggests identifying 10 of top businesses and another 10 and seeing them annually and keeping a database. The City funds the Economic Development department to create new tax base and revenue and business and vitality for the community. Cross communication such as staying in touch with the Chamber and all other entities has been effective recently in creating new projects. Mr. Passmore reviewed with Community Development and Zoning Official Kohout the site plan and entrance of the new Mc Donald's site. Mc Donald's is funding the entrance way into the shopping center by Miller Hardware. Mr. Passmore informed Council that he makes sure the developer is getting the desired response from Economic Development and the City. Mr. Passmore stated "that if there is any commercial ground available at all it is my responsibility to know where that's at. Find them the best location that fits them." Noodle Development might come to Council with another proposal. There will be an empty building out at Willow Lawn Mall and Mr. Passmore will have to work with Mc Donald Corporation on what they will allow to occupy their old site. The current occupants of the NABL building will be there until September. Mr. Passmore wasn't sure if he would play a part in what the Junior High could become. Economic Development is always in communication with the developer to make sure

F. BOARDS AND COMMISSIONS.

1. **Boards and Commissions.**

Waverly Public Library Board of Trustees Minutes – some bridge work is being done.

Chamber of Commerce Minutes – Chamber looking for volunteers to help answer phones, etc.

Planning and Zoning Commission Minutes – wind turbine called a Helex which is rotary post.

Economic Development Commission – business rent assistance program is still in existence for six months free rent for businesses that were in flood affected area or locate in a flood affected area. There is no deadline.

2. **Reports**

Building Trades Permits – Monthly Reports – adding \$884,000 to the City's tax base.

3. **Communications.**

Letter from Planetree Patient-Centered Hospital Designation Program- an Award was presented to the Waverly Health Center. The Hospital has done a lot for Waverly's quality of life. The Hospital is one of nine to receive this recognition.

G. CITY COUNCIL COMMENTS ON POLICY ISSUES.

Community Development and Zoning Official Kohout informed Council that they will disconnect services the week of July 27th and start demolitions in August.

H. ADJOURNMENT.

Moved By: Boorum

That the City Council Meeting be adjourned.

Yes: 7

No: 0

Absent: 0

Council adjourned at 9:15 P. M.

Ivan J. Ackerman, Mayor

Attest:

Jo-Ellen Raap, City Clerk