

Study Session Meeting Minutes

July 28, 2008 ~ 7:00 p.m.

A. CALL TO ORDER.

A Study Session of the Waverly City Council was held on July 28, 2008 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present were: Gene Lieb, Gary Boorum, Gary Grace, Fred Ribich, Jim Vowels, Cyndi Ecker and Duane Liddle. Absent: None

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

Moved By: Ribich

That the agenda for this Council Meeting as prepared is hereby approved/amended as follows:

Yes: 7

No: 0

Absent: 0

B. PUBLIC HEARINGS.

C. VISITORS/PUBLIC COMMENTS.

Butch Kehe stated that the City administers the Iowa DNR regulations and there is a conflict in Waverly Ordinance Section 102.3.20, Flood Plain Management 50% rule. The first sentence in said section clearly agrees with Iowa Administrative Code 567 however the remainder is quite different. Mr. Kehe stated he interprets the Waverly Code in such a manner that a substantial improvement does not occur until the exterior dimensions of the structure is altered and does not include any improvements to comply with keeping the home safe. Mr. Kehe also disagreed that the basis for evaluating the 50% is the pre flood market value, the cost of the structure, is now termed the assessed valuation. City Attorney Carney informed Mr. Kehe that his definition of a "substantially damaged" structure as one where the cost of repair resulting from a flood is more than 50% rule of the structure's predamaged market value. Mr. Carney indicated the regulation states that "Reconstruction-approval is required for reconstruction of any portion of a building if the costs of reconstruction exceeds 50% of the market value of the existing building." Substantial improvement means any improvement to a structure which satisfies either of the following criteria:

1. "Any repair, reconstruction or improvement of a structure the cost of which equals or exceeds 50% of the market value of the structure." Mr. Kehe proposes that the 50% rule be applied only to repairs motivated by flood damage not to repairs or improvement motivated by other concerns. The DNR regulations and City Ordinances apply to any repair and any improvement regardless to the motivation for the improvement. The stated purpose for flood plain management is to promote the public health, safety, and general welfare by minimizing flood losses. Preventing substantial improvements to real estate in the flood prone areas is a method to accomplish this purpose. Mr. Kehe does not believe that substantial improvements do not occur until the outside dimensions of a structure are altered and does not include any improvements that comply with keeping the home safe. Mr. Carney again indicated that the Ordinance states that "substantial improvement is considered to occur when the first alteration affects the external dimensions of the building. It does not logically follow that substantial improvement does not occur in the absence of alternation to the external dimensions of buildings. Mr. Carney also informed Council that the "assessed value" reasonably approximates "fair market value" as determined by the County Assessor. As a matter of expediency, assessed

value could be used by the City as fair market value for the purposes of the flood management ordinance or the property owner could conduct his own appraisal. Community Development and Zoning Official Ben Kohout stated that Cedar Falls is following the same formula as the City regarding the 50% rule. Mr. Kohout also informed Council that if a property is not satisfied with the County Assessor's value they can have the home appraised. Ron Camaratta voiced his concern with interpretation of market value and assessed value. Staff informed Deb Turnball that the City receives no money for volunteer efforts. FEMA credits the City on flood related expenditures to reduce taxpayer expense.

D. TABLED ITEMS.

E. CONSENT AGENDA.

1. **Outdoor Service Application for Blake's L. C.**

Moved By: Ecker

Item 1 on the Consent Agenda is hereby approved.

Yes: 7

No: 0

Absent: 0

F. REGULAR BUSINESS.

1. **Resolution 08-106, A Resolution Approving an Agreement By and Between the City of Waverly, Iowa, Bremer County Fair Association, Waverly Adult Softball Association, Waverly Boys Baseball Organization, and Waverly Girls Softball Organization for Shared Funding for a Fair/Ball Diamond Design Consultant.**

Leisure Services Director Ray stated that the Bremer County Fair Board, Waverly Softball Association, Waverly Girls Softball, Waverly Boys Baseball are committed to the agreement and will be organizing fundraising efforts if project proceeds.

Moved By: Ribich

Resolution 08-106, A Resolution Approving an Agreement By and Between the City of Waverly, Iowa, Bremer County Fair Association, Waverly Adult Softball Association, Waverly Boys Baseball Organization, and Waverly Girls Softball Organization for Shared Funding for a Fair/Ball Diamond Design Consultant to develop a concept master plan of the Fair/Ball Diamond Complex Project with funding for the City of Waverly's portion of \$10,000 to be taken from the Ball Diamond Reserve Fund Account is hereby approved.

Yes: 7

No: 0

Absent: 0

2. **Approve Contract with RDG Planning and Design of Des Moines, Iowa to develop a concept master planning of the Fair Ball Diamond Complex Project.**

Moved By: Ecker

The Contract with RDG Planning and Design of Des Moines, Iowa to develop a concept master planning of the Fair Ball Diamond Complex Project for a not to exceed amount of \$23,000 plus reimbursable expenses of \$1,500, with funding for the City of Waverly's portion of \$10,000 to be taken from the Ball Diamond Reserve Fund Account is hereby approved.

Yes: 7

No: 0

Absent: 0

G. STUDY SESSION.

1. **Iowa Department of Natural Resources' Presentation on the Source Water Protection Program.**

Mike Gannon and Chad Fields were present to review the Source Water Protection Program. Surface water is examined to the aquifer and identifies vertical pathways of

contamination within wellhead area. Vulnerability maps will be developed to prioritize areas for land use changes and other conservation practices. The DNR will evaluate nitrate concentrations in Waverly Public Wells and the goal is to stabilize said levels to 7 or 8. Mr. Gannon stated that heavy rainfalls and floods actually dilute nitrates. Field activities include

22 conductivity probes, 2 boreholes using conventional drilling methods and 9 groundwater samples collected and analyzed for nitrates and nitrites. DNR officials will be evaluating the area's geologic cross-sections and potential sinkholes and buffered sinkholes. After evaluation detailed vulnerability and conservation priority maps will be generated to prioritize future conservation efforts and best management practices. The DNR will work closely with the City on turf management along with WSR Schools and Wartburg College. Farmers will also need to participate on best management practices. City Engineer Cherry informed Council that there are hundreds of private wells that should be tested. Abandoned private wells are more dangerous and should be tested and filled in and Bremer County and the DNR can provide assistance. Dry cleaners also should participate in best management practices. Phase 2 would include working with agencies to implement possible land use changes.

2. **Dan Kittle, Director for the Center for Community Engagement will be present to review the establishment of the Disaster Recovery Coalition and its goal to be a formal organization to assist citizens in recovery from future disasters in Waverly and Bremer County.**

Dan Kittle of the Center for Community Engagement thanked staff for their cooperation during Flood 2008. Mr. Kittle stated that after the flood event Wartburg College was asked to coordinate volunteers. The first two weeks after the flood the center was able to match local volunteers with those in Waverly who had need. After two weeks volunteers from local churches canvassed 800 homes to do a needs assessment. Outside volunteers have worked on homes for the last month with direction from Nechama for "field coordination." Kip Ladage from Bremer County, AmeriCorp, outside groups including the a group from North Carolina are still working now. Last Thursday an abbreviated assessment was conducted by the AmeriCorps team. Another list was created and will take another couple weeks, which will bring an end to the cleanup phase. The Bremer County Coalition will continue to provide leadership and is adopted from national models and is a standard for disaster preparedness and response. The Coalition will help long-term recovery needs. There are 30 participants from relevant non-profits, churches, and institutions. The Executive Committee will include Dan Kittle as chair, Kay Englin, as vice chair, and Jill Kwikkel, as Treasurer. It will coordinate emotional, financial(donations), clean-up, demolition, housing, food, etc. The Coalition will serve the entire county and provide case management. It will begin after emergency response (EMS, Fire, Police) have done their job and will not replace the Emergency Operations Center. The group will not play a role in Mitigation, but will work with the Flood Mitigation Task Force. Said Coalition would be the formal organization to request and coordinate resources.

Mr. Kittle asked for recognition and support of the Council. Staff will draft a formal support document for Council action.

H. **BOARDS AND COMMISSIONS.**

1. **Boards and Commissions.**
2. **Reports.**

Departmental Status Reports-Finance Director Bachhuber stated that the general fund was originally budgeted for a \$75,000 reduction of fund balance. The amended budget projected a \$166,211 use of fund balance and the report shows a surplus of

\$32,091. This is reported on a cash basis. Increased control of expenditures was the major reason for the positive swing. The Fund Balance is at \$1,300,000. The \$4,500,000 total included the City's investments and is all restricted except for the General Fund.

3. **Communications.**

I. **CITY COUNCIL COMMENTS ON POLICY ISSUES.**

Council requested a report from Chamber Director Kelly Engelken and Economic Development Director on how Waverly businesses are doing after the flood. City Engineer Cherry informed Council that the property owner included with the Kohlmann Park resurfacing project requested that the City cut down their trees in the front of their home along 1st Street NW. Discussion followed on the overlay project.

Council thanked Diane Johnson from Waverly Light and Power for being the Guest Councilperson for July. Ms. Johnson thanked Council and hoped that the community would keep moving forward after the flood without diminishing the harm to its citizens.

J. **ADJOURNMENT.**

Moved By: Boorum

That the City Council Meeting be adjourned.

Yes: 7

No: 0

Absent: 0

Council adjourned at 8:46 P. M.

Gary Grace, Mayor Pro Tem

Attest:

JoEllen Raap, City Clerk