

**A. CALL TO ORDER.**

The regular meeting of the Waverly City Council was held on November 16, 2009, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Duane Liddle, Gary Grace, Cyndi Ecker, Gary Boorum, Jim Vowels and Fred Ribich. Absent: Gene Lieb

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: 6**

**No: 0**

**Absent: 1**

2. **Minutes.**

**Moved By: Ecker**

The November 2, 2009 Council Meeting Minutes are hereby approved. City Attorney Carney informed Council that the legal opinion stated that the City was authorized to make improvements within that right-of-way.

**Yes: 6**

**No: 0**

**Absent: 1**

**B. PUBLIC HEARINGS.**

1. This was the date, time and place for a Public Hearing on the plans, specifications, form of contract and the estimated cost for the Jet A Fuel Tank at the Waverly Municipal Airport. Dennis Hansen of the Airport Commission informed Council that the City will receive State funding and Cedar Valley Aviation will make up the difference of \$8,250.00. December 8<sup>th</sup> is the bid letting. The fuel tank will be able to service planes on the field to generate Airport revenue. Council voiced concern with planes flying low over Country Meadows and the noise they create. Planes do fly within FAA limits and traffic patterns. The hearing was declared closed and the following action was taken.

**Moved By: Liddle**

Resolution 09-132, A Resolution Approving Plans, Specifications, Form of Contract and the Estimated Cost of \$55,000 for the Jet A Fuel Tank at the Waverly Municipal Airport to Cedar Valley Aviation is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

**C. VISITORS/PUBLIC COMMENTS.**

Trish Ribich of the first class of the Citizen's Academy thanked the Waverly Police Department and hoped the program would continue. Cyndi Helm, Susan Lenius, Beverly Anderson, Jacqui Hansen, Bob Haines, Trish Ribich, Bonnie Drenkow, presented a certificate, plaque, clock and check for next year's class to Chief Pursell.

Kelly Engelken presented a plan for Christmas lighting done by volunteers on the bridge, Veteran's Tribute and Kohlmann Park at a cost of \$10,680 to come from Hotel/Motel tax revenues. Waverly Light and Power will continue to light the poles on Bremer Ave.

Public Services Superintendent Sullivan informed Council that the Yardwaste Site is expected to close November 21<sup>st</sup> but due to the mild weather will continue to stay open through Thanksgiving week from noon until 5:00 P. M. and Saturday the 28<sup>th</sup> from 9:00 until 5:00 P. M.

**D. CONSENT AGENDA.**

1. Class E Liquor License for Hy-Vee, Inc.
2. Pay Request from McClure Engineering Company for the Waverly Airport Jet A Fueling Tank in the amount of \$1,550.00.
3. Pay Request from WHKS & Co. for the Cedar River Rail Trail Bridge Restoration 2008 in the amount of \$8,816.88.
4. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for Flood Buyout HMGP in the amount of \$4,099.68.

**Moved By: Ribich**

Items 1 – 4 on the Consent Agenda are hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

**E. REGULAR BUSINESS.**

1. **Third and Final Reading of Ordinance 924, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from A-1 (Agricultural District), R-2 (One and Two Family Residential District) and R-3 (Multiple Family Residential District) to P-D (Planned Development District) Located on the Southwest Corner of 2<sup>nd</sup> Avenue SW and 8<sup>th</sup> Street SW of said City for the Waverly Health Center.**

Community Development and Zoning Kohout informed Pete Lampe the development plan calls for an additional two buildings to the south of the Health Center. The first of the two buildings does not specify height but the additional building farther south does specify that it can go up to six stories in height. Emily Drenkow-Carr represented the Waverly Health Center.

**Moved By: Grace**

Third and Final Reading of Ordinance 924, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from A-1 (Agricultural District), R-2 (One and Two Family Residential District) and R-3 (Multiple Family Residential District) to P-D (Planned Development District) Located on the Southwest Corner of 2<sup>nd</sup> Avenue SW and 8<sup>th</sup> Street SW of said City for the Waverly Health Center is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

2. **Resolution 09-140, A Resolution Approving Cost Estimate, Plans, Specifications and Form of Contract for the Waverly Civic Center Exterior Renovation Project.**

Leisure Services Director Ray informed Council that this project involves safety maintenance and aesthetics. City Attorney Carney stated that the same Code of Iowa procedure for projects does not have to be followed due to the maintenance issues. The cap on the north entrance will be replaced and the mold will be removed from the building. The inflatable dam project may take the Civic Center out of the floodplain.

**Moved By: Ecker**

Resolution 09-140, A Resolution Approving Cost Estimate, Plans,

Specifications and Form of Contract for the Waverly Civic Center Exterior Renovation Project is hereby approved.

**Yes: 6** **No: 0** **Absent: 1**

3. **Resolution 09-133, A Resolution Accepting Final Public Improvements for the St. Mary Catholic Church.**

The ditch has been restored and the City had looked at obtaining water main trail easement from the adjoining property but it has not occurred.

**Moved By: Boorum**

Resolution 09-133, A Resolution Accepting Final Public Improvements for the St. Mary Catholic Church is hereby approved.

**Yes: 6** **No: 0** **Absent: 1**

4. **Second Reading of Ordinance 925, An Ordinance Amending Chapter 57, Section 57.11.2 of the Waverly Municipal City Code Regarding the Trees Not Permitted to be Planted at Any Street or Public Place in the City of Waverly.**

**Moved By: Ribich**

Second Reading of Ordinance 925, An Ordinance Amending Chapter 57, Section 57.11.2 of the Waverly Municipal City Code Regarding the Trees Not Permitted to be Planted at Any Street or Public Place in the City of Waverly is hereby approved.

**Yes: 6** **No: 0** **Absent: 1**

5. **First Reading of Ordinance 926, An Ordinance Amending Chapter 69 of the Waverly Municipal City Code regarding Solid Waste.**

Waste Management has their own landfill at Lake Mills. Staff will check on the City's agreement with Blackhawk County regarding the City's waste disposal.

**Moved By: Ecker**

First Reading of Ordinance 926, An Ordinance Amending Chapter 69 of the Waverly Municipal City Code regarding Solid Waste is hereby approved.

**Yes: 6** **No: 0** **Absent: 1**

6. **First Reading of Ordinance 927, An Ordinance Amending Section 105.4.10 of the Waverly Municipal City Code Regarding Additional Parking Restrictions.**

Police Chief Pursell reviewed the maps of Waverly's parking lot. This ordinance will amend current practice of alternate parking restriction and implement overnight and no overnight parking within the defined lots. The 48 hour parking limit would still apply. Overnight parking is along the avenue side away from the businesses. Big Six Parking is the same. New signage will be implemented.

**Moved By: Vowels**

First Reading of Ordinance 927, An Ordinance Amending Section 105.4.10 of the Waverly Municipal City Code Regarding Additional Parking Restrictions is hereby approved.

**Yes: 6** **No: 0** **Absent: 1**

7. **Approve Purchase of 2010 Chevrolet Impala for the Waverly Police Department.**

Police Chief Pursell informed Council \$200 is an estimate for the transfer equipment to the new vehicle. The \$1,100 trade-in is part of the package.

**Moved By: Boorum**

Approve Purchase of 2010 Chevrolet Impala for the Waverly Police Department from Karl Chevrolet of Ankeny, Iowa for the amount of \$\$17,846 is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

8. **Resolution 09-134, A Resolution Approving an Extension of a Sidewalk Guarantee for Rolling Hills – Phase 2.**

**Moved By: Ribich**

Resolution 09-134, A Resolution Approving an Extension of a Sidewalk Guarantee for Rolling Hills – Phase 2 set to expire December 8, 2009 and proposed to be extended until December 8, 2011 with a decrease in the guarantee amount from \$24,500 to \$20,090 is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

9. **Resolution 09-135, A Resolution Approving an Extension of a Sidewalk Guarantee for Rolling Hills – Phase 1.**

**Moved By: Vowels**

Resolution 09-135, A Resolution Approving an Extension of a Sidewalk Guarantee for Rolling Hills – Phase 1 set to expire December 8, 2009 and proposed to be extended until December 8, 2011 with a decrease in the guarantee amount from \$14,400 to \$10,000 is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

10. **Resolution 09-136, A Resolution Approving Contract Documents for the Dry Run Creek Retaining Wall Construction – 2009.**

Administrator Crayne called the property owner to ask for his participation in costs for a second phase of reconstructing the Dry Run Retaining Wall to the east edge of his property. The property owner said he was unable to participate in costs. Mr. Crayne stated that there is additional damage beyond the point of the first phase and the City should extend to the east. Staff will bring to Council the cost of continuing the reconstruction of the dry run creek retaining wall. City Engineer Cherry informed Council that the reconstruction would include the concrete channel bottom and the south retaining wall.

**Moved By: Ecker**

Resolution 09-136, A Resolution Approving Contract Documents from Vieth Construction Corporation of Cedar Falls, Iowa in the amount of \$58,844 for the Dry Run Creek Retaining Wall Construction – 2009 is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

11. **Resolution 09-137, A Resolution Approving Contract Documents for the Riverbank Stabilization – 2009.**

Bigger rock similar to what is along Cedar Lane will be used for this project.

**Moved By: Grace**

Resolution 09-137, A Resolution Approving Contract Documents from Denver Underground & Grading of Waverly, Iowa in the amount of \$30,200 for the Riverbank Stabilization – 2009 is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

12. **First Reading of Ordinance 928, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning and Amending the Comprehensive Land Use Plan of Certain Area from R-4 (Multiple Family Residential – Transitional District) to C-3 (Central Business – District) of Said City in Northwest Waverly on the North Side of the 200 Block of 1<sup>st</sup> Avenue NW.**

The Planning and Zoning Commission unanimously approved the rezoning and Comprehensive Plan amendment and also recommended that the alley north of the expansion area be vacated and deeded to the adjacent property owners to close it to traffic and to reserve public easements.

**Moved By: Ribich**

First Reading of Ordinance 928, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning and Amending the Comprehensive Land Use Plan of Certain Area from R-4 (Multiple Family Residential – Transitional District) to C-3 (Central Business – District) of Said City in Northwest Waverly on the North Side of the 200 Block of 1<sup>st</sup> Avenue NW and setting a Public Hearing Date, Time and Place of December 7, 2009 at 7:00 P. M. at City Hall on said Rezoning and Amendment of the Comprehensive Land Use Plan is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

13. **Resolution 09-138, A Resolution Approving a Minor Plat for Larrie Steenhard for property located at 1510 1<sup>st</sup> Street SE in Southeast Waverly.**

**Moved By: Ecker**

Resolution 09-138, A Resolution Approving a Minor Plat for Larrie Steenhard for property located at 1510 1<sup>st</sup> Street SE in Southeast Waverly is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

14. **First Reading of Ordinance 929, An Ordinance Adopting the “City Code of Waverly, Iowa.”**

**Moved By: Ribich**

First Reading of Ordinance 929, An Ordinance Adopting the “City Code of Waverly, Iowa” is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

15. **Resolution 09-139, A Resolution Accepting Public Improvements for Stone Haven V, Phase 2.**

**Moved By: Ecker**

Resolution 09-139, A Resolution Accepting Public Improvements for Stone Haven V, Phase 2 is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

16. **Approval of Purchase of Half Ton Pickup Truck for the Government Building Superintendent.**

Leisure Service Director Ray stated that the first time the bid specifications included cash for clunkers. The City found out that they could not bid on that program. The pickup was then rebid. The dealer had decided not to honor the apparent low bid approved by Council. The City then went to the next lowest bidder. Mr. Ray stated that the second bid was sent out to all dealers



The Mayoral Appointment of Jacqui Hansen as the liaison to “The W” is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

**F. BOARDS AND COMMISSIONS.**

**1. Boards and Commissions.**

Waverly Airport Commission Minutes-bids are in for the lights and will be changed to provide a savings on the City’s electric bill. The drainage issue around the building was also discussed.

Planning & Zoning Commission Minutes – Fareway was discussed. City Engineer Cherry stated that the water main in the vacated alley will be relocated south of where the new building will be. The new building will sit on 1<sup>st</sup> Avenue to the north and when the old building is torn down the water main will be installed. There are other water mains in the area where the water will flow so as not to disrupt service.

Bremer – Waverly Law Enforcement Board Minutes-a mirror has been installed for the alley exiting the employee parking lot west of the law enforcement center.

**2. Reports.**

**3. Communications.**

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

Council recognized the WSR Girl Volleyball Team and recognized Fire Department Volunteer Jim McKenzie and Deputy Sheriff Sean Hartman who won the Governor’s Award of Valor last week. Fire Department Volunteer Jim McKenzie and Deputy Sheriff Sean Hartman were injured in a fire a year ago while trying to save a woman. Firefighter Jim McKenzie thanked the Connie Parkman family for thanking him for trying to save their family member and thanked them for nominating him for the award.

Council would like City staff to cut down on paper for the agenda and minutes.

**H. ADJOURNMENT.**

**Moved By: Boorum**

That the City Council Meeting be adjourned.

**Yes: 6**

**No: 0**

**Absent: 1**

**Council adjourned at 8:26 P. M.**

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Ivan J. Ackerman, Mayor

Attest:

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JoEllen Raap, City Clerk