

**A. CALL TO ORDER.**

The regular meeting of the Waverly City Council was held on April 2, 2007, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Gene Lieb, Fred Ribich, Gary Grace, Connie Rasmussen, Gary Boorum, Cyndi Ecker, 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: Ribich**

The March 19 and 26, 2007 Minutes are hereby approved.

**Yes: 7                      No: 0                      Absent: 0**

3. **Guest Councilperson.**

Council welcomed Ron Matthias as the Guest Councilperson for April.

4. **Recognition of Waverly-Shell Rock Basketball Players, Mock Trial and Speech Participants on their Outstanding Performances.**

Council recognized the Waverly-Shell Rock Basketball Players, Mock Trial and Speech Participants by giving them each a Certificate of Appreciation and those who achieved the State Title in their competition were also awarded a key to the City.

**B. PUBLIC HEARINGS.**

**C. TABLED ITEMS.**

**D. CONSENT AGENDA.**

1. **Pay Request from Iowa Northland Regional Council of Governments for the Lead Based Paint II.**

Pay Request from Iowa Northland Regional Council of Governments in the amount of \$1,746.97 for the Lead Based Paint II.

2. **Pay Request from Iowa Northland Regional Council of Governments for Rehab II.**

Pay Request from Northland Regional Council of Governments in the amount of \$1,666.64 for Rehab II.

3. **Pay Request from Ramker Construction for the Civic Center updates.**

Pay Request from Ramker Construction in the amount of \$25,085.00 for the Civic Center updates.

4. **Pay Request from Holland Contracting Corporation in the amount of \$118,073 for the new fire station.**

Pay Request from Holland Contracting Corporation in the amount of \$118,073 for the new fire station.

5. **Special Class C Liquor License for Asian Garden.**

The Police Chief has reviewed said application and has no objections.

6. **Class C Beer Permit for Murphy Oil USA, Inc.**

The Police Chief has reviewed said application and has no objections

**Moved By: Grace**

Items 1-6 on the Consent Agenda are hereby approved.

**Yes: 7                      No: 0                      Absent: 0**

**E. REGULAR BUSINESS.**

1. **First Reading of Ordinance 876, An Ordinance to Renew the Cable Franchise Lawfully Held By MCC Iowa LLC, its Successors or Assigns, the Non-Exclusive Rights, Privileges and Authority to Construct , Operate, Maintain, Repair, Replace, Reconstruct and Remove a Cable Television system Across the Public Way in the City Limits of Waverly for a Term of Ten Years.**

The previous agreement was for 25 years. The proposed agreement is for 10 years. The proposed agreement remains at 3%. Paul Wright of the Cable Commission noted that an advantage of having a franchise agreement is that they set forth how many houses have to be in an addition before cable must be installed. There has been consideration at the State level of adopting a State Franchise. This provision would allow for 5%, however, that could be a bit risky due to the fact that the 5% figure would be paid to the State and then back to local government.

**Moved By: Ecker**

First Reading of Ordinance 876, An Ordinance to Renew the Cable Franchise Lawfully Held By MCC Iowa LLC, its Successors or Assigns, the Non-Exclusive Rights, Privileges and Authority to Construct , Operate, Maintain, Repair, Replace, Reconstruct and Remove a Cable Television system Across the Public Way in the City Limits of Waverly for a Term of Ten Years is hereby approved.

**Yes: 7 No: 0 Absent: 0**

2. **Approve Cost Related to the Redesign of the Home Page for the Community Website.**

The proposed redesign would give the home page a “new look” and help it become more user friendly. Any changes occurring on the rest of the website would have to come back to Council for approval and could be in the \$8,000 - \$12,000 range.

**Moved By: Grace**

Approve \$1,000 from the Cable Franchise Fees for the redesign of the Home Page for the Community Website is hereby approved.

**Yes: 7 No: 0 Absent: 0**

3. **Resolution 07-33, A Resolution Approving Purchase of Personal Protective Equipment in Relation to the Assistance to Firefighter Grant Received by the City of Waverly Volunteer Fire Department.**

Council thanked the department for applying for the grant and receiving it. The grant should outfit the entire fire crew. Fire suit equipment usually will last between 3 and 7 years depending on the usage.

**Moved By: Boorum**

Resolution 07-33, A Resolution Approving Purchase of Personal Protective Equipment from Heiman Fire Equipment in the amount of \$58,258.60 in Relation to the Assistance to Firefighter Grant Received by the City of Waverly is hereby approved.

**Yes: 7 No: 0 Absent: 0**

4. **Approve Bid for Waverly Fire Station Sign.**

There will be two signs which will be 10 feet in diameter. They will need very little maintenance and will be made out of aluminum base.

**Moved By: Rasmussen**

Approve bid from Sign & Designs in the amount of \$12,950.00 for the Waverly Fire Station is hereby approved.

**Yes: 7 No: 0 Absent: 0**

5. **Approve Change Order Number 15 for a Network Automation Engine for the Waverly Fire Station.**

The system would allow for mechanical systems to be managed more efficiently and effectively.

**Moved By: Ecker**

Change Order Number 15 for a Network Automation Engine for an increased amount of \$16,381.00 for the Waverly Fire Station is hereby approved.

**Yes: 7 No: 0 Absent: 0**

6. **Review of Fire Station Cost Projections.**

City Administrator Dick Crayne compared budget and projected totals for the costs of the new fire station and a ladder truck for the fire department. This project will be paid for by Local Option Sales Tax monies in the amount of \$4.5 Million plus there will be some interest accrued on bond proceeds.

7. **Appeal of Board of Adjustment Case for Richard and Kathryn Magnall at 315 4<sup>th</sup> Street SW.**

There was discussion on Iowa Code vs. City Code with the main difference of the two being the Iowa Code uses the words "may remand it to the Board of Adjustment" and the City Code uses the words "shall remand it to the Board of Adjustment". The decision of each case is determined on a case by case basis and there are no precedents set by the Board of Adjustment.

**Moved By: Liddle**

The Decision of the Board of Adjustment Case for Richard and Kathryn Magnall at 315 4<sup>th</sup> Street SW Shall be Remanded to the Board of Adjustment.

**Yes: 7 No: 0 Absent: 0**

8. **First Reading of Ordinance 877, An Ordinance Amending Solid Waste Collection Rates and Setting Public Hearing Date.**

There was discussion on whether a two year increase should be adopted or if we can just do one year at a time.

**Suggested Motion.**

**Moved By: Ribich**

The First Reading of Ordinance 877, An Ordinance Amending Solid Waste Collection Rates is hereby approved and sets April 16, 2007 at 7:00 P. M. in the Council Chambers at City Hall as the date, time and place for a public hearing.

**Moved By: Liddle**

To amend Ordinance 877 by eliminating approval of the 2008 increase and to defer the 2008 rate increase proposal until October, 2007.

**Yes: 3 (Liddle, Rasmussen, Lieb) No: 4 Absent: 0**

**The motion failed due to lack of majority.**

**The original motion was then voted upon.**

**Yes: 6 No: 1 (Liddle) Absent: 0**

9. **Reject Bids and Re-let Project for the 2007 Bituminous Seal Coat Program.**

In 2008 we will look at bidding all 3 materials. Historically there has not been such a dramatic price difference.

**Moved By: Grace**

Reject bid proposals and direct staff to re-let the 2007 Bituminous Seal Coat Program utilizing CRS-2 emulsified asphalt cement in lieu of MC3000 asphalt cement is hereby approved.

**Yes: 7 No: 0 Absent: 0**

10. **Resolution 07-34, A Resolution Accepting the Wastewater Treatment Plant Improvements – 2005.**

**Moved By: Ribich**

Resolution 07-34, A Resolution Accepting the Wastewater Treatment Plant Improvements – 2005 and approves the final pay request to Kehe Construction in the amount of \$24,744.47.

**Yes: 7                      No: 0                      Absent: 0**

11. **First Reading of Ordinance 878, An Ordinance Amending Chapter 10 of the Waverly Municipal Code Defining Council/Commission/Board Attendance Policy.**

**Moved By: Boorum**

First Reading of Ordinance 878, An Ordinance Amending Chapter 10 of the Waverly Municipal Code Defining Council/Commission/Board Attendance Policy is hereby approved.

**Yes: 7                      No: 0                      Absent: 0**

12. **Mayoral Appointments.**

**Moved By: Ribich**

Appointment of Art Simpson to the Historic Preservation Commission is hereby approved.

**Yes: 7                      No: 0                      Absent: 0**

**F. BOARDS AND COMMISSIONS.**

1. **Boards and Commissions.**

Cable/Telecommunications Commission

No additional comments.

Joint Meeting of Parks & Recreation Commission & Wartburg Waverly Sports and Wellness Center needed communication took place.

This was a good meeting,

Board of Adjustment Minutes

No additional comments.

Golf Commission

Advertising is paid for form the Hotel / Motel Tax monies. A report was submitted to Council showing an increase in rounds for the summer of 2007 compared to the summer of 2006. Pro Shop is working on getting new items stocked.

2. **Reports.**

Main Street Iowa Monthly Report

No additional comments.

3. **Communications.**

**G. VISITORS / PUBLIC COMMENTS.**

- The Waverly Public Library would like to invite all to the April 15, 2007 open house. The open house is being held to celebrate the library's 150<sup>th</sup> year.
- A member from the audience asked if the Junk Car Ordinance violation had been taken care of by the April 1, 2007 deadline. It was taken care of this day.
- Interdepartmental charges were not put in the budget books for FY '07 – '08. Corrections will be made and replacement pages will be prepared.
- The Senior Center is having a "Community Conversation" time which will be held on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month. On April 3<sup>rd</sup> the topic will be pain management and on April 17<sup>th</sup> the topic will be the history of the library.

**H. ADJOURNMENT.**

**Moved By: Boorum**

That the City Council Meeting be adjourned.

**Yes: 7                      No: 0                      Absent: 0**

**Council adjourned at 8:20 P. M.**

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**Ivan J. Ackerman, Mayor**

**Attest:**

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**JoEllen Raap, City Clerk**

