

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on May 7, 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: Ribich
That the agenda for this Council meeting as prepared is hereby approved.
Yes: 7 No: 0 Absent: 0
2. **Minutes.**
Moved By: Ecker
The April 16 and 23, 2007 Minutes are hereby approved as amended: April 23, 2007 Minutes under Visitors/Public Comments reword sentence regarding ball diamonds to read "Ball diamonds remain a Council priority."
Yes: 7 No: 0 Absent: 0
3. **Guest Councilperson.**
Council welcomed Garry Davis as Guest Councilperson for May.
4. **Proclamation.**
Mayor Ackerman proclaimed the week of May 20-26, 2007 as National Public Works Week. City Engineer Cherry announced that the recycling center is open every Saturday from 8:00 A. M. – 12:00 P. M.

B. PUBLIC HEARINGS.

1. This was the date, time and place for a Public Hearing on the plans, specifications, form of contract and estimated costs for the 2007 Bituminous Seal Coat Program Rebid. Mr. Robert Steffes of Steffes Construction and bidder for the 2007 Sealcoat program reviewed the advantages of MC3000 and disadvantages of emulsion. The MC3000 lasts longer and is known for its durability and elasticity. Emulsion has no residual content and once it sets up it remains as is. It is very difficult to use and rain and moisture dilute its content. It creates dust and is more acceptable in the country than in the city. City Engineer Cherry informed Council that emulsion is seventy cents per gallon cheaper than the MC3000. Additional costs would have to come from the local option sales tax revenues or lower the general fund balance. Emulsion is acceptable to the IDOT. Mr. Cherry shared Mr. Steffes' concern and agreed that there is a tighter tolerance for conditions, but the project is set to begin during the middle of summer when conditions are most favorable for emulsion. Discussion followed on the longevity of emulsion and whether the City should use better product and reduce blocks from the project. The City is currently doing the minimal amount of blocks and it is important to stay on schedule. Staff also informed Council that the RUT funds remain stagnant due to higher fuel costs and less driving. Additional costs for the preferred MC3000 program could be taken from local option tax revenues but there are other demands for said revenues. The City has used MC3000, MC800 and emulsion processes in the past. Mr. Steffes

again voiced his concerns with emulsion and thermal cracking. Other comments expressed were:

- Budget more for streets
- Not compromise street quality
- We have used it (emulsion) in the past – give it a shot again and reevaluate
- Emulsion less forgiving and will have to do it again sooner
- Dust problem on both
- Questions on softness of the chip used in the emulsion process

Public Services Sullivan emphasized that a good sealcoat program depends on quality workmanship. Concrete Foundations low bidder for the project has completed past projects for the City. The hearing was declared closed and the following action was taken.

Moved By: Ecker

Resolution 07-35, a Resolution Approving Plans, Specifications, Form of Contract and Estimated Costs for the 2007 Bituminous Seal Coat Program Rebid is hereby approved.

Yes: 7

No: 0

Absent: 0

Moved By: Grace

Resolution 07-38, A Resolution Awarding Contract in the amount of \$119,498.00 to Concrete Foundations, Inc of New Hampton, Iowa for the 2007 Bituminous Seal Coat Program is hereby approved.

Yes: 6

No: 1(Rasmussen)

Absent: 0

2. This is the date, time and place for a Public Hearing on Ordinance 879, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa Providing for Rezoning of Certain Area From S-1(Shopping Center District) to C-2(Commercial District) of Said City (the lots along 3rd Avenue NW in Willow Lawn 1st and 2nd Additions). After no comments the hearing was declared closed and the following action was taken.

Moved By: Boorum

Second Reading of Ordinance 879, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from S-1(Shopping Center District) to C-2(Commercial District) of Said City (the lots 3rd Avenue NW in Willow Lawn 1st and 2nd Additions) and approving Amendment of the Comprehensive Land Use Plan is hereby approved.

Yes: 7

No: 0

Absent: 0

C. TABLED ITEMS.

D. CONSENT AGENDA.

1. Pay Request from Holland Contracting Corporation in the amount of \$209,123 for the new Fire Station.
2. Pay Request from Cleary Building Corp in the amount of \$7,480.00 for the Golf Course Cold Storage Building.
3. Pay Request from Heartland Asphalt, Inc. in the amount of \$27,518.17 for the 3rd Street NE Municipal Parking Lot Reconstruction and the 1st Street NW Intersection Improvements – 2007 Projects.
4. Pay Request from KWS, Inc. in the amount of \$25,743.04 for the

- 1st Street and West Bremer Avenue Traffic Signal Improvements – 2007.
5. Class C Liquor License for the Waverly Bowling Lanes, Inc.
 6. Class B Beer Permit for Hawk-Eye Pizza LLC (Pizza Hut).

Moved By: Ribich

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

Yes: 7 No: 0 Absent: 0

E. REGULAR BUSINESS.

1. **Set Public Hearing for 2006-2007 Budget Amendment.**

Moved By: Ecker

May 21, 2006 at 7:00 P. M. in the Council Chambers at City Hall is the date, time and place set for a public hearing on the 2006-2007 Budget Amendment and is hereby approved.

Yes: 7 No: 0 Absent: 0

2. **Approve Bid for Asbestos Abatement at the Old Fire Station.**

Asbestos is in the floor tile in the meeting room and the roof of the old Fire Station.

Moved By: Boorum

The bid from Advanced Environmental of Waterloo, Iowa in the amount of \$14,990.00 for the Waverly Fire Station for Asbestos Abatement at the Old Station is hereby approved.

Yes: 7 No: 0 Absent: 0

3. **Third 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.**

Moved By: Ribich

Third 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

4. **Third Reading of Ordinance 877, An Ordinance Amending Solid Waste Collection Rates.**

Councilmember Liddle again voiced his concern with said increases.

Moved By: Ecker

The Third Reading of Ordinance 877, An Ordinance Amending Solid Waste Collection Rates is hereby approved.

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

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

Moved By: Boorum

Third 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

6. **First Reading of Ordinance 880, An Ordinance Amending Chapter 90 of the Waverly Municipal Code Regarding the Waverly Building Code.**

Doug Byrd from Bremer County stated that the building code will be updated every three years with possible fee changes.

Moved By: Rasmussen

First Reading of Ordinance 880, An Ordinance Amending Chapter 90 of the Waverly Municipal Code Regarding the Waverly Building Code is hereby approved.

Yes: 7

No: 0

Absent: 0

7. **First Reading of Ordinance 881, An Ordinance Amending Chapter 11 and Adding Chapter 22 to the Waverly Municipal Code Regarding the Economic Development Director Duties.**

Derek Solheim stated that the Waverly Area Development Group has spent a great deal of time reviewing the proposed establishment of an economic development department within the City of Waverly. The Board has had meetings along with key investors on shifting economic development to the City organization. The Board wants to continue to be an active participant in economic development, but not the driver. Additionally, the Board asks that this new economic development director work with and support regional efforts of surrounding communities when appropriate and become an active participant in regional efforts to market and enhance this area. WADG believes that the proposed model will provide:

- Existing business & industry one central point of contact for all their proposed economic development activities
- Streamlined access to decision makers for new business and industry prospects
- Clearly defined intergovernmental agreements to work with surrounding communities
- Better pulse with City staff and Council
- More direct accountability by having consistent direction versus a revolving board of volunteers with varying opinions, objectives and backgrounds

This also allows WADG to:

- Define our roles and mission by providing chamber, tourism and main street related functions throughout the region
- Partner with this new department to enhance the regions quality of life

Administrator Crayne and Council discussed whether the Industrial & Regional Growth Committee activities involving the revolving loan fund program should become the responsibility of a new Economic Development Commission. Councilmember Liddle voiced his concern with the proposal. Mr. Crayne also stated that there are reporting and documentation mechanisms implemented in the new ordinance and that there should be a community-wide formal review of the Economic Development Department after 3 years. Administrator Crayne will review the budget for the department at the Council's next meeting on May 21st.

Moved By: Ribich

First Reading of Ordinance 881, An Ordinance Amending Chapter 11 and Adding Chapter 22 to the Waverly Municipal Code Regarding the Economic Development Director Duties is hereby approved.

Yes: 7 No: 0 Absent: 0

8. **Award Bid for 2007 Fiberglass Service body to be Mounted on the 2007 1-ton 4X4 Extended Cab & Chassis.**

Moved By: Rasmussen

The Bid from Tri-State Truck Equipment of Dubuque, Iowa for the price of \$10,531 for a 2007 Fiberglass Service Body to be Mounted on the 2007 1-ton 4X4 Extended Cab & Chassis is hereby approved.

Yes: 7 No: 0 Absent: 0

9. **Award Bid for 2007 Hook Lift & Accessories to be Mounted on the 2007 Cab & Chassis.**

The equipment is multi-versatile and used for different projects.

Moved By: Rasmussen

The Bid from Don's Truck Sales of Fairbank, Iowa for the price of \$51,195 for 2007 Hook Lift & Accessories to be Mounted on the 2007 Cab & Chassis is hereby approved.

Yes: 7 No: 0 Absent: 0

10. **Mayoral Appointments.**

Moved By: Ribich

The Mayoral Appointments are hereby approved:

- Reappointment of Donna Kay Oberheu to the Cable/Telecommunications Commission
- Reappointment of Pat Brown to the Board of Adjustment

Yes: 7 No: 0 Absent: 0

11. **Resolution 07-39, A Resolution of the Waverly City Council, Approving the Community Attraction and Tourism (CAT) Program Grant Agreement and Designating the City Administrator to Execute and Deliver the Contract and all Documents Relating to the Tendrils Rooftop Garden and Community Arts Pavilion Grant for the Waverly Health Center.**

Staff informed Council that fundraising efforts were completed.

Moved By: Ribich

Resolution 07-39, A Resolution of the Waverly City Council, Approving the Community Attraction and Tourism (CAT) Program Grant Agreement and Designating the City Administrator to Execute and Deliver the Contract and all Documents Relating to the Tendrils Rooftop Garden and Community Arts Pavilion Grant for the Waverly Health Center is hereby approved.

Yes: 7 No: 0 Absent: 0

F. **BOARDS AND COMMISSIONS.**

1. **Boards and Commissions.**

Board of Adjustment Minutes – Dick Magnall's request for variance will come back to the Board of Adjustment next week.

2. **Reports.**

Waverly Volunteer Fire Department Quarterly Recap – Fire Department completion extended 10 days.

3. **Communications.**

G. VISITORS / PUBLIC COMMENTS.

Rod Drenkow voiced his concern on a proposed commercial parking lot driveway exiting onto 600 block of 1st Avenue NW. Mr. Drenkow stated that the exit would detract from the residential character of the neighborhood. Other comments included:

- Concern for commercial parking lots in residential areas
- The exit onto 1st Avenue NW would increase traffic and create a safety hazard for children on the block
- Discussion of code sections relating to parking lots in R-3 zones
- There are already three driveways that exit the property

Administrator Crayne informed Council and Mr. Drenkow that there are still ongoing discussions with the commercial enterprise on said exit.

Bob Brunkhorst stated that the Cub Scouts present at the Council meeting were working on their badges.

Discussion followed on landing fees at the airport.

H. ADJOURNMENT.

Moved By: Boorum

That the City Council Meeting be adjourned.

Yes: 7

No: 0

Absent: 0

Council adjourned at 8:37 P. M.

Ivan J. Ackerman, Mayor

Attest:

Jo-Ellen Raap, City Clerk