

Regular Meeting Minutes  
May 5, 2008 ~ 7:00 p.m.

**A. CALL TO ORDER.**

The regular meeting of the Waverly City Council was held on May 5, 2008, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Duane Liddle, Gene Lieb, Jim Vowels, Gary Boorum, Gary Grace, Fred Ribich and Cyndi Ecker. Absent: None

1. **Approve Agenda as Amended.**

**Moved By: Grace**

That the amended agenda for this Council meeting by adding Mayoral Appointments is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

2. **Minutes.**

**Moved By: Ecker**

The April 21, 2008 and April 28, 2008 of Council Meeting Minutes are hereby approved. The March 17, 2008 Council Meeting Minutes are hereby amended by adding the wording:

The regular meeting of the Waverly City Council was held on March 17, 2008, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Duane Liddle, Gene Lieb, Gary Boorum, Gary Grace, Fred Ribich, and Jim Vowels. Absent: None.

And adding Cyndi Ecker as present in the March 17, 2008 Minutes.

On the April 28, 2008 Council Meeting Minutes under Visitors/Public Comments remove wording "when he has pleaded guilty to theft."

**Yes: 7**

**No: 0**

**Absent: 0**

3. **Guest Councilperson.**

The Council welcomed Angie Keller as the Guest Councilperson for May.

4. **Historic Preservation Awards.**

Two Historic Preservation Awards were presented for maintaining the exterior structural integrity to Kris and Jack Ohle for the Greenwood Residence and to Bo Ellison and Cindy Hendrickson for Bo Studio at 121 East Bremer Avenue.

**B. PUBLIC HEARINGS.**

**C. VISITORS/PUBLIC COMMENTS.**

Members of the Public only.

**D. TABLED ITEMS.**

**E. CONSENT AGENDA.**

1. Pay Request from Heartland Asphalt, Inc. for the 1<sup>st</sup> Street NW Parking Lot Construction in the amount of \$22,110.71.

2. Class C Liquor License for the Wooden Foot Saloon.

The Council welcomed Jake Dolash to Waverly as the new business owner of the Wooden Foot Saloon.

**Moved By: Ribich**

Items 1-2 on the Consent Agenda are hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

**F. REGULAR BUSINESS.**

1. **Senator Bill Heckroth Will Be Present to Review Action taken by the Iowa Legislature and How it Impacts Cities.**

Senator Bill Heckroth informed Council that the Legislature passed a bill crediting annually to the TIME=21 fund, the revenue accruing to the road use tax fund from annual motor vehicle registration fees for passenger cars, multipurpose vehicles, and pickups for highway and bridge repair. The Governor may veto the collective bargaining bill. Nothing happened on the open meetings legislation. Senator Heckroth would like to see casinos incorporated in the smoking ban. Cities will be restricted to four elections per year due to costs. Legislature voted for a 1cent sales tax for schools instead of the 1 cent local option sales tax to be shared among all school districts. The statewide pool is on a per pupil basis. When fully implemented, every student in every school district will get the same amount from the statewide penny. Legislation also funded libraries. The Legislature continues to look at property tax reform and the Governor and top state officials will receive a pay increase.

2. **Review of Emery Drive Drainage.**

Bob Hough continues to have soil erosion in the drainageway at the back of his property. There is a 36" diameter pipe that drains into the back of Bob Hough's property and then to the bottom of the hill. The developer extended the culvert and added rip rap but now there is more water and it is going to the side of the pipe creating more erosion. Discussion followed on the amount of water runoff coming from the agricultural land above, lots not suitable for housing, and the City's responsibility for the easement area. Mr. Don Barr stated that there are plastic pipes across the back of his property on Round Horn Drive to a cement block structure that is in jeopardy. The water slows down when it hits the pipes creating pooling. Mr. Barr wants to know if it is the City's responsibility to take care of the cement block structure or if it is his responsibility so he can take care of said structure. Lyman Campbell is bringing in big boulders on the Hough property and in at the bottom area. Council directed City Engineer Cherry to prepare a drainage design and cost estimate so the Council can decide whether the City has any responsibility for said drainage erosion. City Engineer Cherry will check on the block structure next to the Barr residence. Mr. John Fleming asked if there is a way to redirect Prairie Park drainage to another area. He voiced his concern with standing water behind his house and the Hough property where kids play.

3. **Approving the Closing Off of the 600 Block of 2<sup>nd</sup> Street SE.**

Councilmember Gary Boorum informed the Council that 2<sup>nd</sup> Street SE is a private street and Ray Mehmen takes care of the street. The street will be closed off with City barricades for the Mehmen event.

**Moved By: Boorum**

Approval to Close Off the 600 Block of 2<sup>nd</sup> Street SE is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

4. **Approve Purchase of Solid Waste Refuse Carts.**

**Moved By: Ribich**

The purchase of 200 35-gallon solid waste refuse carts, 50 65-gallon solid waste refuse carts and freight from Elliot Equipment in the amount of \$13,272.50 is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

5. **Resolution 08-80, A Resolution Appointing Wells Fargo Bank, N.A. of Des Moines, Iowa, to Serve as Paying Agent, Note Registrar, and Transfer Agent, Approving the Paying Agent and Note Registrar and Transfer Agreement and Authorizing the Execution of the Agreement for \$770,000 Sewer Revenue Refunding Capital Loan Notes, Series 2008.**  
**Moved By: Ecker**  
Resolution 08-80, A Resolution Appointing Wells Fargo Bank, N.A. of Des Moines, Iowa, to Serve as Paying Agent, Note Registrar, and Transfer Agent, Approving the Paying Agent and Note Registrar and Transfer Agreement and Authorizing the Execution of the Agreement for \$770,000 Sewer Revenue Refunding Capital Loan Notes, Series 2008 is hereby approved.  
**Yes: 7                      No: 0                      Absent: 0**
6. **Approval of Tax Exemption Certificate for \$770,000 Sewer Revenue Refunding Capital Loan Notes, Series 2008.**  
**Moved By: Ribich**  
The Tax Exemption Certificate for \$770,000 Sewer Revenue Refunding Capital Loan Notes, Series 2008 is hereby approved.  
**Yes: 7                      No: 0                      Absent: 0**
7. **Approval of Continuing Disclosure Certificate for \$770,000 Sewer Revenue Refunding Capital Loan Notes, Series 2008.**  
**Moved By: Lieb**  
The Continuing Disclosure Certificate for \$770,000 Sewer Revenue Refunding Capital Loan Notes, Series 2008 is hereby approved.  
**Yes: 7                      No: 0                      Absent: 0**
8. **Resolution 08-81, A Resolution Approving and Authorizing a Form of Loan Agreement and Authorizing and Providing for the Issuance and Securing the Payment of \$770,000 Sewer Revenue Refunding Capital Loan Notes, Series 2008, of the City of Waverly, Iowa, Under the Provisions of the City Code of Iowa, and Providing for a Method of Payment of the Notes.**  
**Moved By: Boorum**  
Resolution 08-81, A Resolution Approving and Authorizing a Form of Loan Agreement and Authorizing and Providing for the Issuance and Securing the Payment of \$770,000 Sewer Revenue Refunding Capital Loan Notes, Series 2008, of the City of Waverly, Iowa, Under the Provisions of the City Code of Iowa, and Providing for a Method of Payment of the Notes is hereby approved.  
**Yes: 7                      No: 0                      Absent: 0**
9. **Resolution 08-82, A Resolution Awarding Contract for Drainage Improvements 2008.**  
**Moved By: Ecker**  
Resolution 08-82, A Resolution Awarding Contract to Keller Construction of Union, Iowa in the amount of \$51,932.00 for Drainage Improvements 2008 is hereby approved.  
**Yes: 7                      No: 0                      Absent: 0**
10. **Resolution 08-83, A Resolution Awarding Contract for Rolling Hills Trail Construction 2008.**  
**Moved By: Ribich**  
Resolution 08-83, A Resolution Awarding Contract to Heartland Asphalt of Mason City, Iowa in the amount of \$36,169.84 for Rolling Hills Trail Construction 2008 is hereby approved.  
**Yes: 6                      No: 1(Liddle)                      Absent: 0**

11. **Mayoral Appointments.**

**Moved By: Grace**

The Mayoral Appointments of Vern Gidley to the Board of Adjustment and Mitch Bond to the Airport Commission to succeed Jan Johnson are hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

**G. BOARDS AND COMMISSIONS.**

1. Boards and Commissions.
2. Reports.
3. Communications.

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

Councilmember Boorum informed the rest of the Council that with the review of information from the Volunteer Fire Department all parties seemed satisfied that the City did receive full value from E-One for the Aerial Fire Truck. Fire Chief Happel will provide a spread sheet which shows the various credits and charges which supports what was discussed at the meeting.

Councilmember Grace again requested that staff prepare a drainage design and cost estimate for the area near Emery Drive and asked if City Attorney Carney review the City's responsibility so that the Council can take appropriate action on said proposal.

**I. ADJOURNMENT.**

**Moved By: Boorum**

That the City Council Meeting be adjourned.

**Yes: 7**

**No: 0**

**Absent: 0**

**Council adjourned at 8:10 P. M.**

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Ivan J. Ackerman, Mayor

Attest:

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Richard J. Crayne, City Administrator