

Regular Meeting Minutes  
September 8, 2008 ~ 7:00 p.m.

**A. CALL TO ORDER.**

The regular meeting of the Waverly City Council was held on September 8, 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 Grace, Gary Boorum, Fred Ribich and Cyndi Ecker. Absent: None.

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

**Moved By: Ecker**

That the agenda for this Council meeting as prepared is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

2. **Minutes.**

**Moved By: Ribich**

The August 25, 2008 Council Meeting Minutes are hereby approved and the August 18, 2008 Minutes are approved as amended by adding the word "past transfers" in the 11<sup>th</sup> sentence, and correct "Chet" Culver under public hearings, correct vote to read Yes: 6 No: 0 Absent: 1 in Item no. 3, and change motion in Item 9 to read "To amend change order no. 1 to delete \$1,400 mobilization charge" is hereby approved under regular business.

**Yes: 7**

**No: 0**

**Absent: 0**

3. **Guest Councilperson.**

The Council welcomed Gary Schultz as Guest Councilperson for September.

**B. PUBLIC HEARINGS.**

**C. VISITORS/PUBLIC COMMENTS.**

Kendall Fox again questioned if a solution had been reached to solve drainage from the Wal-Mart parking lot to Waverly Tire property.

Building and Zoning Official Ben Kohout stated that there are four FEMA trailers in Waverly presently. FEMA would prefer lots where water and sewer is readily available. Councilmember Liddle offered his land.

**D. TABLED ITEMS.**

1. **Resolution 08-110, A Resolution Approving Plans, Specifications, Form of Contract and Estimated Cost for the New Recycling Center Project.**

No motion was made.

**E. CONSENT AGENDA.**

1. Pay Request from Design Alliance, Inc. for the New Recycling Center in the amount of \$11,881.16.

2. Pay Request from The Bruce Company of Wisconsin, Inc. for the Golf Course Expansion Project - 2008 in the amount of \$261,007.61.
3. Pay Request from Iowa Northland Regional Council of Governments in the amount of \$254.46 for the Lead Based Paint II.
4. Pay Request from Northland Regional Council of Governments in the amount of \$480.00 for Rehab II.
5. Pay Request from Iowa Northland Regional Council of Governments for the Hazard Mitigation Plan 2007 Update in the amount of \$479.01.
6. Pay Request from Snyder & Associates for the 2009 – 4<sup>th</sup> Street SW Reconstruction Project in the amount of \$9,480.90.
7. Pay Request from Denver Underground & Grading, Inc. for the SE Water Main Loop 2008 in the amount of \$124,510.80.
8. Pay Request from Peterson Contractors, Inc. for the Public Services Site Development – Phase 1a Grading in the amount of \$111,412.01.
9. Outdoor Service Permit for PepCorp, L.L.C., d/b/a Big Ben's Pour House for Riverfest.
10. Class C Beer Permit for Casey's General Store.
11. Special Class C Liquor License for East Bremer Diner, Inc.

**Moved By: Ecker**

Items 1-11 on the Consent Agenda is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

**F. REGULAR BUSINESS.**

1. **Resolution 08-121, A Resolution Awarding Contract for the New Recycling Center.**

Mayor Ackerman stated that the Council cannot act on the award until the plans and specifications are approved. Bids can be held open 45 days due to the Council's approval of the notice of hearing and letting on August 4, 2008.

**Moved By: Ecker**

Resolution 08-121, A Resolution Awarding Contract for the New Recycling Center to Modern Builders of Janesville, Iowa in the amount of \$681,950.00 is hereby approved.

**Moved By: Grace**

To table Resolution 08-121 is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

2. **Second Reading of Ordinance 901, An Ordinance Amending Chapter 102 of the Waverly Municipal Code Regarding Flood Plain Management.**

Building and Zoning Official Ben Kohout informed Council that the Bremer County Building and Zoning determines the pricing table for labor and repair costs. City Attorney Carney stated that FEMA is suggesting that the City remove the proposed language or they will not be included in the Flood Insurance program. Butch Kehe also confirmed that residents who

removed more than they had to will not be reimbursed by FEMA. Mr. Kohout stated that flood property owners cannot obtain one permit for flood repairs to keep their damages under 50% and another for established improvements. They can appeal to the Board of Adjustment based on hardship to have requirements waived. Increased costs of compliance protection on flood insurance policies can help flood victims raise their homes to the required levels.

**Moved By: Ribich**

Second Reading of Ordinance 901, An Ordinance Amending Chapter 102 of the Waverly Municipal Code Regarding Flood Plain Management by removing the proposed language defining substantial improvement and removing a portion of the language defining market value “or a market value determination completed by a professional knowledgeable in this field” is hereby approved.

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

3. **Resolution 08-120, A Resolution Approving Construction Documents and Performance Guarantee for Walgreen’s Development.**

**Motion By: Grace**

Resolution 08-120, A Resolution Approving Construction Documents and Performance Guarantee for Walgreen’s Development.

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

4. **Approve Change Order No. 1 for the 16<sup>th</sup> Street SW Sidewalk Construction – 2008.**

**Moved By: Ribich**

Change Order No. 1 final adjustment of quantities for the increased amount of \$202.81 for Todd Van Dorn Construction of Cedar Falls, Iowa for the 16<sup>th</sup> Street SW Sidewalk Construction – 2008 is hereby approved.

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

5. **Resolution 08-122, A Resolution Finalizing the 16<sup>th</sup> Street SW Sidewalk Construction – 2008 and Approving Final Pay Request.**

**Motion By: Ribich**

Resolution 08-122, A Resolution Finalizing the 16<sup>th</sup> Street SW Sidewalk Construction – 2008 and Approving Final Pay Request in the Amount of \$1,091.84 to Todd Van Dorn Construction of Cedar Falls, Iowa is hereby approved.

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

6. **Approve Pay Estimate No. 3 for the Rolling Hills Trail Construction 2008 Project.**

**Moved By: Ribich**

Pay Estimate No. 3 for the Rolling Hills Trail Construction 2008 Project to Heartland Asphalt of Mason City, Iowa in the amount of \$6,463.68 is hereby approved.

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

7. **Change Order No. 1 for the Rolling Hills Trail Construction 2008 Project.**  
**Moved By: Boorum**  
Change Order No. 1 for the Rolling Hills Trail Construction 2008 Project for the decreased amount of \$1,033.94 for Heartland Asphalt of Mason City, Iowa is hereby approved.  
**Yes: 7                                  No: 0                                  Absent: 0**
8. **Resolution 08-123, A Resolution Finalizing the Rolling Hills Trail Construction – 2008 Project and Approving Final Pay Request.**  
**Motion By: Ecker**  
Resolution 08-123, A Resolution Finalizing the Rolling Hills Trail Construction – 2008 Project and Approving Final Pay Request in the Amount of \$1,756.80 to Heartland Asphalt of Mason City, Iowa is hereby approved.  
**Yes: 7                                  No: 0                                  Absent: 0**
9. **Change Order No. 1 for the 1<sup>st</sup> Street NW Municipal Parking Lot Improvements.**  
**Moved By: Vowels**  
Change Order No. 1 for the 1<sup>st</sup> Street NW Municipal Parking Lot Improvements for the increased amount of \$2,791.15 to the original contract sum is hereby approved.  
**Yes: 7                                  No: 0                                  Absent: 0**
10. **Resolution 08-124, A Resolution Finalizing the 1<sup>st</sup> Street NW Municipal Parking Lot Improvements and Approving Final Pay Request.**  
**Motion By: Lieb**  
Resolution 08-124, A Resolution Finalizing the 1<sup>st</sup> Street NW Municipal Parking Lot Improvements and Approving Final Pay Request in the Amount of \$10,092.10 to Heartland Asphalt of Mason City, Iowa is hereby approved.  
**Yes: 7                                  No: 0                                  Absent: 0**
11. **Set Public Hearing Date on Plans, Specifications, Form of Contract and Estimated Cost for the 5<sup>th</sup> Street NW & 5<sup>th</sup> Avenue NW Reconstruction Project - 2009.**  
Plans have to be submitted to the IDOT by October 21<sup>st</sup> or the City will risk losing \$175,000 of Federal funds.  
**Moved By: Grace**  
Set Public Hearing Date on Plans, Specifications, Form of Contract and Estimated Cost for the 5<sup>th</sup> Street NW & 5<sup>th</sup> Avenue NW Reconstruction Project - 2009 is hereby approved and sets October 6, 2008 at 7:00 p.m. in the Council Chambers at City Hall as the date, time and place for said public hearing.  
**Yes: 7                                  No: 0                                  Absent: 0**

12. **Change Order No. 1 for the 1<sup>st</sup> Street NW & Adams Parkway Asphalt Overlay Project 2008.**  
 The change order included a decrease of asphalt binder and hot mix. Staff oversees the consistency and compaction of the asphalt and makes sure the contractor is using the correct equipment.  
**Moved By: Boorum**  
 Change Order No. 1 for the 1<sup>st</sup> Street NW & Adams Parkway Asphalt Overlay Project 2008 for the decreased amount of \$11,469.02 for Heartland Asphalt of Mason City, Iowa is hereby approved.  
**Yes: 7                                  No: 0                                  Absent: 0**
13. **Resolution 08-125, A Resolution Finalizing the 1<sup>st</sup> Street NW & Adams Parkway Asphalt Overlay Project 2008 and Approving Final Pay Request.**  
**Motion By: Vowels**  
 Resolution 08-125, A Resolution Finalizing the 1<sup>st</sup> Street NW & Adams Parkway Asphalt Overlay Project 2008 and Approving Final Pay Request in the Amount of \$20,570.67 to Heartland Asphalt of Mason City, Iowa is hereby approved.  
**Yes: 7                                  No: 0                                  Absent: 0**
14. **Approve Pay Estimate No. 5 for the Crestwood Park to Brookwood Park Trail Construction 2008.**  
**Moved By: Ecker**  
 Pay Estimate No. 5 for the Crestwood Park to Brookwood Park Trail Construction 2008 to Heartland Asphalt of Mason City, Iowa in the amount of \$8,049.44 is hereby approved.  
**Yes: 7                                  No: 0                                  Absent: 0**
15. **Change Order No. 1 for the Crestwood Park to Brookwood Park Trail Construction 2008.**  
**Moved By: Ribich**  
 Change Order No. 1 for the Crestwood Park to Brookwood Park Trail Construction 2008 for the decreased amount of \$2,756.38 for Heartland Asphalt of Mason City, Iowa is hereby approved.  
**Yes: 7                                  No: 0                                  Absent: 0**
16. **Resolution 08-126, A Resolution Finalizing the Crestwood Park to Brookwood Park Trail Construction 2008 Project and Approving Final Pay Request.**  
**Motion By: Vowels**  
 Resolution 08-126, A Resolution Finalizing the Crestwood Park to Brookwood Trail Construction 2008 project and Approving Final Pay Request in the Amount of \$6,234.88 to Heartland Asphalt of Mason City, Iowa is hereby approved.  
**Yes: 7                                  No: 0                                  Absent: 0**

17. **Award Bid for 2009 1-Ton 4 X 4 Extended Cab Truck.**

Public Services Superintendent Brian Sullivan informed Council that the truck is for the Line Maintenance Department and there are no state bid trucks for the nature of their work.

**Moved By: Ribich**

The Bid from Coonradt Ford of Waverly, Iowa for a 2009 F350 1-ton 4 X 4 extended cab truck with the standard factory box for a net price of \$22,150.00 after trade-in is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

**G. BOARDS AND COMMISSIONS.**

1. Boards and Commissions.

Waverly Chamber of Commerce Minutes – Visitors Center in Chamber office. Board of Adjustment Minutes-Variance approved for Carmi Flavors.

Leisure Services Commission Minutes-reviewed damage of Parks Shop, Rec Shed, and Trail. There was an assessment of the trees on Bremer Ave. done last year and a 5-year plan will be implemented based on budget.

2. Reports.

3. Communications.

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

- Building and Zoning Official Ben Kohout informed Council that there are four trailers in Waverly. The FEMA trailers are for residents who need a temporary living place while working on their homes. The City has relaxed the code restrictions for said trailers but the City has no way of knowing if and when the trailers will arrive.
- The Senior Center is having a Driver Seminar on October 17 & 18<sup>th</sup>.
- Administrator Crayne has talked to the Chamber about using Hotel/Motel Tax.
- Discussion followed on assistance for flood victims and street sealcoating around cargo trailers in front of R. D. Drenkow & Co.

**I. ADJOURNMENT.**

**Moved By: Boorum**

That the City Council Meeting be adjourned.

**Yes: 7**

**No: 0**

**Absent: 0**

**Council adjourned at 8:02 P. M.**

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Ivan J. Ackerman, Mayor

Attest:

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Richard J. Crayne, City Administrator