

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on October 20, 2008, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Duane Liddle, Gene Lieb, Gary Grace, Fred Ribich and Cyndi Ecker. Jim Vowels arrived at A.2. Absent: Gary Boorum.

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: 5 No: 0 Absent: 2 (Vowels, Boorum)

Councilmember Vowels joined meeting already in progress.

2. **Minutes.**

Moved By: Ecker

The October 6, 2008 Council Meeting Minutes are hereby approved as amended by inserting the words "Mayor Ackerman instructed staff to put the Waverly Citizens United, Inc.'s resolution on the agenda for the next meeting" at the end of Regular Business number 8, and further amended by inserting the words "City Administrator Crayne stated that plans and costs for flood controls have not been determined at this time.", at the end of the paragraph for the tabled item, and further amended by adding the last name of the councilmember to show who was absent.

Yes: 6 No: 0 Absent: 1

B. PUBLIC HEARINGS.

1. This is the date, time and place for a public hearing proposing the vacation and deeding of 2nd Avenue NW between 1st Street NW and 2nd Street NW to St. Paul's Lutheran Church and School.
Sally Schneider, Business Manager of St. Paul's Lutheran Church and School described the reasons for the request as being number one for safety and number two to create a campus like atmosphere. Granting of this request would allow flexibility as plans for the future continue. Past concerns of congregational members, City Council members and City staff include access to the front of the street for events such as funerals and weddings, handicapped parking near the front entrance, access for emergency vehicles, a safe drop off for school students and worshipers, that the area should be developed so that it no longer resembles a street, and the City's expectation that the existing storm sewer easement through the middle of the street be maintained. The current plan has addressed all the concerns listed.
Judy Kahler expressed concerns that closing 2nd Avenue NW would not be in the best interest for the City. Public schools have crossings and cars stop at the stop signs.
This issue does not present a legal conflict of interest for members of the council who are members of St. Paul's Church, and they are therefore not required to abstain from voting.

Rod Drenkow, President of St. Paul's Congregation reiterated that safety is an issue and this property acquisition would allow flexibility. There are currently 153 kindergarten through 6 sixth grade students and 47 preschool students enrolled at St. Paul's School.

The hearing was declared closed and the following action was considered.

Moved By: Grace

Resolution 08-140, A Resolution Authorizing the vacation and deeding of 2nd Avenue NW between 1st Street NW and 2nd Street NW to St. Paul's Lutheran Church and School in the amount of \$5,227.20 is hereby approved.

Yes: 6 No: 0 Absent: 1

C. VISITORS/PUBLIC COMMENTS.

- Mayor and Council welcomed Eisenach, Germany visitors including Lord Mayor Matthias Doht.
- Deb Turnball discussed goals of the Waverly Citizens United, Inc. group, having items put on the agenda for action, and the need for waiving contractor fees in the City of Waverly.
- Darrel Boike stated concern in the condition of Iowa Court, the need for a sidewalk leading to Wal-Mart, timing of building a recycling center, and he asked for and received information on the City's financial responsibility for "The W".
- Dick Lindell suggested creating a reservoir and recreation area, in the NW part of the City.
- Deb Dana voiced concern for City funding of flood needs and recycling center project. City Administrator Dick Crayne urged citizens who are in need of flood recovery assistance to contact either the Bremer County Recovery Coalition at 352-8701 or the INRCOG Jump Start program at 235-0311.

D. TABLED ITEMS.

E. CONSENT AGENDA.

1. Class C Liquor License for Blake's L. C.
2. Class C Beer Permit for Kwik Star West.
3. Pay Request from RDG Planning and Design for the Fairgrounds/Ball Diamond Complex in the amount of \$7,214.73.
4. Pay Request from WHKS & Co. for the 2008 Wastewater Facility Improvements in the amount of \$4,775.20.
5. Pay Request from WHKS & Co. for Flood Damage to the Wastewater Treatment Facility and Lift Stations in the amount of \$8,945.64.
6. Pay Request from Design Alliance for the Waverly Recycling Center in the amount of \$1,932.00.
7. Pay Request from VJ Engineering for the Big 6 Plaza Spillway Flood Repair in the amount of \$1,771.80.
8. Pay Request from VJ Engineering for the Public Services Site Development in the amount of \$1,250.80.
10. Pay Request from Iowa Northland Regional Council of Governments for Lead Based Paint II in the amount of \$349.64.
11. Pay Request from Northland Regional Council of Governments for Rehab II in the amount of \$501.33.

12. Pay Request from Iowa Northland Regional Council of Governments for the Hazard Mitigation Plan 2007 Update in the amount of \$836.02.

Moved By: Ribich

Items 1-8 and items 10-12 on the Consent Agenda are hereby approved.

Yes: 6 No: 0 Absent: 1

9. Pay Request from Heartland Asphalt, Inc. for the 5th Ave. SW & 8th St. SW Reconstruction 2008 in the amount of \$49,148.91.
Labor costs are included in all items.

Item 9 on the Consent Agenda is hereby approved.

Yes: 6 No: 0 Absent: 1

F. REGULAR BUSINESS.

1. **Review of the Hazard Mitigation Task Force Report.**

Steve Egli and Chris Triplitt reviewed items that have been discussed by the Hazard Mitigation Task Force as they assist in developing a new Hazard Mitigation Plan for the City of Waverly. Findings of citizen concerns included winter storms being number one on the list, number two being thunderstorms and tornados, and number three being flooding. The group also stated guidance to City from engineers would be necessary to assure recommendations are on the "right track".

2. **Further Discussion of Special Policy Guidelines for Building Services for Structures Impacted by 2008 Flooding.**

There are contractors available to work in Waverly and some of them have not been contacted. Citizens can obtain a list of contractors by going to the Bremer County Building & Zoning office located at the Bremer County Courthouse, the Waverly Newspapers web page archives, Waverly City Hall, or they can refer to the City of Waverly's web page at www.waverlyia.com. If people are in need of assistance they can call the Bremer County Recovery Coalition at 352-8701 or the INRCOG Jump Start program at 235-0311.

- 2a. **Consideration of a Resolution from Waverly Citizens United, Inc. for Special Policy Guidelines for Building Code Enforcement for Structures Impacted by the Floods of 2008.**

There are several citizens that do have their furnaces installed; however, they still need the duct work completed.

Many of the 76 licensed contractors were not contacted by Waverly residents.

Moved By: Liddle

To adopt the resolution proposed by Waverly Citizens United, Inc. for Special Policy Guidelines for Building Code Enforcement for Structures Impacted by the Floods of 2008.

Yes: 1 (Liddle) No: 5 Absent: 1

3. **Resolution 08-143, A Resolution Approving a New 5 Year Agreement Between Cedar Valley Aviation and the City of Waverly.**

The new agreement maintains the spirit of the old agreement with only a few changes being made. Compensation for the manager, monthly leasing charges, and furnishing of above ground fuel tanks are among the changes.

Moved By: Lieb

Resolution 08-143, A Resolution Approving a second 5 Year Agreement Between Cedar Valley Aviation and the City of Waverly for Airport Manager and

Fixed-Based Operator Agreement in the amount of \$42,000 annually with an annual increase of \$2,000 for each of the 5 years is hereby approved.

Yes: 6 No: 0 Absent: 1

4. **Resolution 08-144, A Resolution Approving a Minor Plat for Frank and Vicki Haaland in Northeast Waverly.**

Moved By: Ribich

Resolution 08-144, A Resolution Approving a Minor Plat for Frank and Vicki Haaland in Northeast Waverly is hereby approved.

Yes: 6 No: 0 Absent: 1

5. **Approve Pay Request No. 5 from Denver Underground & Grading, Inc. for the SE Water Main Loop Project.**

Moved By: Vowels

Approve Pay Request No. 5 from Denver Underground & Grading, Inc. in the amount of \$26,247.44 for the SE Water Main Loop Project is hereby approved.

Yes: 6 No: 0 Absent: 1

6. **Change Order No. 1 from Denver Underground & Grading, Inc. for the SE Water Main Loop Project.**

Savings resulted from little rock excavation, reducing number of hydrants in areas not able to be developed and limited need for silt fencing due to good weather.

Moved By:

Approve Change Order No. 1 from Denver Underground & Grading, Inc. for the decreased amount of \$23,229.32 for the SE Water Main Loop Project is hereby approved.

Yes: 6 No: 0 Absent: 1

7. **Resolution 08-142, A Resolution Finalizing the SE Water Main Loop Project and Approving the Final Pay Request.**

Moved By: Grace

Resolution 08-142, A Resolution Finalizing the SE Water Main Loop Project and Approving the Final Pay Request to Denver Underground & Grading, Inc. in the amount of \$28,947.83 is hereby approved.

Yes: 6 No: 0 Absent: 1

8. **Resolution 08-145, A Resolution Approving Contract Documents for the Public Services Site Development – Phase 1 – Recycling Center.**

- Reflection on comments previously discussed regarding financial concerns for flood mitigation.
- The City could incur liability if the resolution is not passed.
- Edward Lowe asked what liability the City would have if the City flooded again next year.
- Although our current Mayor and Council have a heartfelt duty to the citizens to help reduce hardship to those affected by flooding there is no legal liability for the Mayor and Council or the City of Waverly to facilitate action.
- In 1997 there were more stringent storm sewer requirements established.
- Edward Lowe inquired about the elevation of an inflatable dam.
- The inflatable dam's top elevation would be at current levels but would have the ability to be reduced by 7 feet during a flood or high water event.
- Kevin Tjebkes is concerned for underlying damage to streets caused by flooding.
- John Mackamul expressed concerns for finances.

Moved By: Ribich

Resolution 08-145, A Resolution Approving Contract Documents for the Public Services Site Development – Phase 1 – Recycling Center to Modern Builders of Janesville, Iowa in the amount of \$681,950.00 is hereby approved.

Yes: 3 No: 3 (Lieb, Vowels, Liddle) Absent: 1

9. **Resolution 08-141, A Resolution Approving an Identity Theft Prevention Program.**

Moved By: Ecker

Resolution 08-141, A Resolution Approving an Identity Theft Prevention Program is hereby approved.

Yes: 6 No: 0 Absent: 1

10. **Approving Purchase of City Supplied 35 – Gallon and 65 – Gallon Refuse Containers.**

Moved By: Ribich

Purchase of City supplied 35 – Gallon and 65 – Gallon Refuse Containers from Elliot Equipment Co. of Davenport, Iowa in the amount of \$12,080.00 is hereby approved.

Yes: 5 No: 1 (Grace) Absent: 1

11. **Award Bid for 2008 Fiberglass Service Body to be Mounted on the 2009 Ford F350 4x4 Pickup Chassis.**

This is a service body for the chassis which has already been purchased and the complete unit is scheduled to replace the current line maintenance truck which is being used as a “trade-in”.

Moved By: Grace

The Bid from TriState Truck Equipment of Dubuque in the amount of \$13,600.85 for the Fiberglass Service Body is hereby approved.

Yes: 5 No: 1 (Liddle) Absent: 1

12. **Resolution 08-146, A Resolution Approving Contract Documents for the Big 6 Plaza / Spillway Flood Repairs – Phase 1.**

Phase 2 will be completed next summer. The project was split in 2 phases for safety reasons.

Moved By: Grace

Resolution 08-146, A Resolution Approving Contract Documents for the Big 6 Plaza / Spillway Flood Repairs – Phase 1 to Tiedt Nursery & Forestry of Waverly, Iowa in the amount of \$24,211.04 is hereby approved.

Yes: 5 No: 1 (Liddle) Absent: 1

13. **Approval of Preliminary Plat for Eisenach Village.**

- Deb Schoeder was present to represent Bartels Lutheran Home and explained that this project has been a long time dream of Bartels home. She said it will consist of 40 – one story dwellings within which will be two-family condos or multi-family condos and should be completed in 3 – 5 years. Each condo will be for senior occupancy.
- Jim Maloney of TeKippe Engineering out of West Union, Iowa explained that a water detention will be created and it will have a controlled drainage flow and does meet the City’s requirements.

Moved By: Ribich

Preliminary Plat for Eisenach Village is hereby approved.

Yes: 6 No: 0 Absent: 1

14. **Resolution 08-147, A Resolution Proposing the Vacation and Deeding of Northwestern Drive and Utility Easements within Niewohner Addition Relating to the Eisenach Village Development.**

- A second entrance will be addressed in the future as the development grows. 20th Street NW is not ideal, but it works.
- The Comprehensive Land Use Plan already designates this area as institutional so re-zoning is not an issue.
- Storm water intakes will be located throughout Knight Street, Bock Street and Martin Avenue and there is a 100 – foot drainage easement. The detention pond will be a 3 acre body of water with aerators.
- Lynn Campbell asked if the City's storm sewer intakes would handle the water flow. City Engineer Mike Cherry said that they would. Engineer Jim Maloney stated that the detention pond would not worsen drainage and would in fact improve it.
- Deb Turnball requested a shut-off valve be installed. Engineer Jim Maloney explained there would be a potential for the detention pond to overflow if a shut-off valve were utilized.
- John Mackamul asked if a bike trail to Cedar Bend would still be a possible option. Leisure Services Director Tab Ray said that it would be an option.
- Pete Lampe expressed concerns for drainage due to half of the retention area being taken out west of JadeStone. City Engineer Mike Cherry stated that Wartburg College went above and beyond when building the retention basin to accommodate future additional development.
- John Mackamul inquired if a corridor is still in the Comprehensive Land Use Plan along 7th Avenue NW. Economic Development Director Jason Passmore stated that there are still plans for a street connection from 12th Street NW to 20th Street NW.

Moved By: Ribich

Resolution 08-147, A Resolution Proposing the Vacation and Deeding of Northwestern Drive and Utility Easements within Niewohner Addition Relating to the Eisenach Village Development is hereby approved and sets November 17, 2008 at 7:00 p.m. in the Council Chambers at City Hall as the date, time and place for said public hearing.

Yes: 6 No: 0 Absent: 1

15. **Resolution 08-148, A Resolution Approving an Agreement Between the City of Waverly and the Iowa Department of Transportation for Airport Pavement Maintenance at the Waverly Municipal Airport.**

Moved By: Vowels

Resolution 08-148, A Resolution Approving an Agreement Between the City of Waverly and the Iowa Department of Transportation for Airport Pavement Maintenance at the Waverly Municipal Airport with the Iowa DOT agreeable in financing 70% of the eligible costs up to \$9,800.00 is hereby approved.

Yes: 6 No: 0 Absent: 1

16. **Approval of September Cash Disbursements.**

There is a Quarterly Employee Professional Training Report completed to show what training is being done.

Moved By: Ecker

The September Cash Disbursements are hereby approved.

Yes: 6 No: 0 Absent: 1

G. BOARDS AND COMMISSIONS.

1. **Boards and Commissions.**

Bremer-Waverly Law Enforcement Board Minutes

Code Red has been installed and the community can update their phone numbers by going on the City web site.

Airport Commission Minutes

2. **Reports.**

Departmental Status Report

Employee Professional Training Report

3. **Communications.**

H. CITY COUNCIL COMMENTS ON POLICY ISSUES.

- Leisure Services Director Tab Ray stated that there has been extensive vandalizing taking place at Memorial Park causing damages of \$3,000.00 for this past summer. Public input / information would be helpful.
- Library Director Sarah Meyer-Reyerson announced that the list of contractors is available on the library's web page.
- Deputy Auditor urges early voters to go to the courthouse to vote to avoid time issues and errors.

I. ADJOURNMENT.

Moved By: Vowels

That the City Council Meeting be adjourned.

Yes: 6 No: 0 Absent: 1

Council adjourned at 10:45 p.m.

Ivan J. Ackerman, Mayor

Attest:

Jo-Ellen Raap, City Clerk