

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on March 16, 2009, 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, Gary Boorum, Jim Vowels and Cyndi Ecker. Absent: none.

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

Moved By: Boorum

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

Yes: 7 No: 0 Absent: 0

2. **Minutes.**

Moved By: Ecker

The March 2, 2009 and March 9, 2009 Council Meeting Minutes are hereby approved as amended by changing the wording on March 9, 2009 to read that Mayor Ackerman was present.

Yes: 7 No: 0 Absent: 0

3. **Presentation.**

Liesa Bailey and the 6th Grade FFL Team gave a presentation on the need for:

- Wetlands to replace shorelines along rivers
- Trees to be planted where wetlands cannot be installed
- To be creative in funding research to recycle carbon emissions

B. PUBLIC HEARINGS.

1. This was the date, time and place for a public hearing for plans, specifications and form of contract and estimated cost for the 2009 Bituminous Seal Coat Program. Deb Turnball asked the Council to consider foregoing the Bituminous Seal Coat Program for this year and put those funds toward flood mitigation. Staff informed Monty Gritzner that the seal coat program was on a 5 year rotation. Staff also informed Council that there have been water leaks that caused deterioration of 3rd Avenue NE and twisting and turning movements cause deterioration on Oak Ridge Circle. Councilmember Ecker felt the deterioration merited immediate attention and did not feel that seal coating was wasteful spending. It costs \$1,000 a block for seal coat and \$50,000 a block for street reconstruction. The seal coat program is funded by Local Option Sales Tax revenues and will be used for street reconstruction after the Fire Station building debt is paid off. The hearing was declared closed and the following action was taken.

Moved By: Grace

Resolution 09-24, a Resolution Approving Plans, Specifications, Form of Contract and Estimated Cost for the 2009 Bituminous Seal Coat Program is hereby approved.

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

2. This was the date, time and place for a public hearing for plans, specifications and form of contract and estimated cost for the Big 6 Plaza/Spillway Reconstruction – Phase 2. City Engineer Cherry stated that FEMA pays for restoration not for replacement. The landscaping helped protect the Big 6 buildings. Discussion followed on floodwalls. The hearing was declared closed and the following action was taken.

Moved By: Vowels

Resolution 09-25, a Resolution Approving Plans, Specifications, Form of Contract and Estimated Cost for the Big 6 Plaza/Spillway Reconstruction – Phase 2 is hereby approved.

Yes: 7 No: 0 Absent: 0

Moved By: Ecker

Items 1, 3-5 on the Consent Agenda are hereby approved.

Yes: 7 No: 0 Absent: 0

City Engineer Cherry informed Council that \$5,000 for supervision on the Modern Builders Pay Request is a lump sum payment for Foreman or Project Superintendent services. City Attorney Carney stated that the contract documents from Modern Builders were approved by the Council legally as stated in a previous response to Council.

2. Pay Request from Modern Builders for the Waverly Recycling Center in the amount of \$262,383.78.

Yes: 7 No: 0 Absent: 0

F. REGULAR BUSINESS.

1. **Resolution 09-26, A Resolution Approving the Final Plat for Eisenach Village.**

Guest Councilperson Matt Nelson stated some Jadestone residents were concerned with Eisenach Village detention. Eisenach Village Engineer Jon Biederman informed the Council that the detention basin and Cross Country Track will provide adequate detention for said village. Lot B will provide additional right of way for potential roadway improvements. Economic Development Director Passmore informed Council that the Restrictive Covenants state that if Bartel's does not complete the improvements in Eisenach Village, the City may then make the improvements and assess the costs of the same to the respective lots. Sidewalks are covered by the bonds provided by the developer. Monty Gritzner expressed Jadestone residents' concern of drainage from the north coming through Eisenach Village. Eisenach Village Engineer Wayne McFarland informed the Council that all residential units would have slab construction and a storm shelter in the middle of 4-plex units. All construction traffic will come in on 20th Street NW. Deb Turnball voiced concern with Eisenach's storm water retention and only one entrance to the village.

Moved By: Ribich

Resolution 09-25, A Resolution Approving the Final Plat for Eisenach Village is hereby approved.

Yes: 7 No: 0 Absent: 0

2. **Resolution 09-27, A Resolution Approving the Special Provisional Use for Eisenach Village Clubhouse.**

The Eisenach Village Clubhouse is private to village residents.

Moved By: Ecker

Resolution 09-27, A Resolution Approving the Special Provisional Use for Eisenach Village Clubhouse is hereby approved.

Yes: 7 No: 0 Absent: 0

3. **Resolution 09-28, A Resolution Approving the Special Provisional Use and S-1 Plan Amendment Requests by Hawkeye Community College.**

Moved By: Boorum

Resolution 09-28, A Resolution Approving the Special Provisional Use and S-1 Plan Amendment Requests by Hawkeye Community College in Willow Lawn Mall in NW Waverly is hereby approved.

Yes: 7 No: 0 Absent: 0

4. **Resolution 09-29, 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 Agent Agreement and Authorizing the Execution of the Agreement for \$4,360,000 General Obligation Refunding Capital Loan Notes, Series 2009.**

Moved By: Ribich

Resolution 09-29, 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 Agent Agreement and Authorizing the Execution of the Agreement for \$4,360,000 General Obligation Refunding Capital Loan Notes, Series 2009 is hereby approved.

Yes: 7 No: 0 Absent: 0

5. **Approval of Tax Exemption Certificate for \$4,360,000 General Obligation Refunding Capital Loan Notes, Series 2009.**

Moved By: Grace

The Tax Exemption Certificate for \$4,360,000 General Obligation Refunding Capital Loan Notes, Series 2009 is hereby approved.

Yes: 7 No: 0 Absent: 0

6. **Approval of Continuing Disclosure Certificate for \$4,360,000 General Obligation Refunding Capital Loan Notes, Series 2009.**

Moved By: Vowels

The Continuing Disclosure Certificate for \$4,360,000 General Obligation Refunding Capital Loan Notes, Series 2009 is hereby approved.

Yes: 7 No: 0 Absent: 0

7. **Resolution 09-30, A Resolution Approving and Authorizing a Form of Loan Agreement and Authorizing and Providing for the Issuance of \$4,360,000 General Obligation Refunding Capital Loan Notes, Series 2009, and Levying a Tax to Pay the Notes.**

Moved By: Ecker

Resolution 09-30, A Resolution Approving and Authorizing a Form of Loan Agreement and Authorizing and Providing for the Issuance of \$4,360,000 General Obligation Refunding Capital Loan Notes, Series 2009, and Levying a Tax to Pay the Notes is hereby approved.

Yes: 7 No: 0 Absent: 0

8. **Third Reading of Ordinance 909, An Ordinance Amending Chapter 105 to Establish One Way Streets in the City of Waverly and Additional Parking Restrictions.**

Moved By: Ribich

Third Reading of Ordinance 909, An Ordinance Amending Chapter 105 to Establish One Way Streets in the City of Waverly and Additional Parking Restrictions is hereby approved.

Yes: 7 No: 0 Absent: 0

9. **Approve Purchase of One 4 Inch and One 6 Inch Automatic Priming Trash Pumps.**

All pumps are functioning and the City will seek reimbursement from FEMA for another 4" pump damaged from the flood.

Moved By: Boorum

Purchase of One 4 Inch for \$21,330 and One 6 Inch for \$33,384 Automatic Priming Trash Pumps from Central Service & Supply is hereby approved.

Yes: 7 No: 0 Absent: 0

10. **Approval of February Cash Disbursements.**

Moved By: Ribich

The February Cash Disbursements are hereby approved.

Yes: 7 No: 0 Absent: 0

11. **Postpone Public Hearing Date for the 4th Street SW Corridor Improvements.**

Council amended the following motion.

Moved By: Liddle

Postpone the Public Hearing Date on the 4th Street SW Corridor Improvements anticipating a January, 2010 letting thus allowing time for property acquisition activities is hereby approved.

Yes: 7

No: 0

Absent: 0

G. BOARDS AND COMMISSIONS.

1. **Boards and Commissions.**

Bremer-Waverly Law Board – tested Code Red System and discussion of storage delayed until the following meeting.

Economic Development Minutes – Career Fair, March 17, 2009 10:00 A.M.-6:00 P. M. 14-15 exhibitors

Chamber of Commerce – Spring Open House

2. Reports.

3. Communications.

H. CITY COUNCIL COMMENTS ON POLICY ISSUES.

Council voiced traffic concerns of the area around “The W.” Signs will be posted when the ground thaws.

Councilmember Ecker thanked Chief Rich Pursell on handling of a complaint.

Councilmember Vowels thanked City Administrator Crayne and City Engineer Cherry on their aggressiveness in applying for grant money for flood mitigation measures.

Leisure Services Director Ray announced the Waverly Municipal Golf Course would open on March 17th.

Community Development and Zoning Official Kohout stated that he will review with Council on March 23rd structures identified as a public hazard and targeted for the emergency demolition program. Seven of these properties are involved in the buyout program. The seven properties involved in the buyout program would become City property and reverted to green space, but adjoining property owners may choose to maintain this green space as long as they do not place any structures on said properties. Mr. Kohout also informed Council that there are 77 homes on the housing buyout list and all information has been sent to the State for their review. There are a few minor details to be worked out with the State Historical Society and then the State will send the buyout applications to FEMA. When the City receives word from the State on their approval of the buyouts INRCOG will assist the City administering the buyout program.

I. ADJOURNMENT.

Moved By: Boorum

That the City Council Meeting be adjourned.

Yes: 7

No: 0

Absent: 0

Council adjourned at 8:35 P. M.

Ivan Ackerman, Mayor

Attest:

Jo Ellen Raap, City Clerk