

## **Study Session Meeting Minutes**

April 27, 2009 ~ 7:00 p.m.

A Study Session of the Waverly City Council was held on April 27, 2009 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present were: Gary Grace, Fred Ribich, Cyndi Ecker, Gary Boorum, Jim Vowels, Gene Lieb, and Duane Liddle. Absent: None

### **A CALL TO ORDER.**

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/  
amended as follows:

**Yes: 7**

**No: 0**

**Absent: 0**

### **B. VISITORS/PUBLIC COMMENTS.**

Jo Bagelmann informed Council and fellow flood buyout residents that the deadline for appealing your tax assessment is May 5<sup>th</sup>. The County Board of Review will evaluate the assessment on properties appealing their tax assessment.

### **C. TABLED ITEMS.**

1. **Approve Installation of Boards on Dam.**

Diane Johnson and Mike Litterer stated that they would like a Council decision on whether to install the boards on the dam in May according to policy. Randy Tatroe requested that the Council consider putting the boards on the dam because the Ski Club would prefer to stay in town. The river is also used for fishing and preserves wildlife. Marc Reinhardt also stated that skiing is great recreation and about 100 area families participate in the sport. Diane Johnson of Waverly Light and Power informed the Council that keeping the boards off the dam would not have a significant impact on the hydros. City Engineer Cherry stated that it would be beneficial for the boards to remain off the dam because he will be working with the DNR on the dam after Memorial Day until June 5<sup>th</sup>. It will also give the City an opportunity to do additional survey and inspection work on the dam and the Rail Trail Bridge. Without boards on the dam, the river level remains at a maximum of 11.00 feet. With the board on the dam, the river is maintained at a maximum height of 12.00 feet. The boards affect flooding. In 2004, flooding was averted because placement of the boards on the dam was delayed. Mike Litterer informed Council that WLP does not want to delay installing the boards for too long because the dam is very slippery and additional river flow would further endanger staff. Discussion followed on the flow of water through the dam and elevations of Kohlmann Park.

**Moved By: Vowels**

To remove from the table.

**Yes: 7**

**No: 0**

**Absent: 0**

**Moved By:**

The installation of boards on the dam is hereby approved.

**Moved By: Ribich**

To amend the previous motion to delay putting the boards on the dam until after the June 1<sup>st</sup> Council Meeting is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

The original motion as amended was voted upon.

**Yes: 7**

**No: 0**

**Absent: 0**

**D. CONSENT AGENDA.**

2. Special Class C Liquor License for the Asian Garden.
3. Special Class C Liquor License for Harmony Restaurant.

**Moved By: Ecker**

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

FEMA required the City to repair flood damage on the piers of the Cedar River Trail Bridge. The additional charge of \$14,548.80 was for man hours to gather additional information requested by FEMA. City Engineer Cherry stated he visited with another group of FEMA representatives last week and that FEMA should be processing the City's reimbursement right away.

**Moved By: Lieb**

1. Pay Request from WHKS & Co. for the Cedar River Trail Bridge – Phase 1 in the amount of \$90,928.96.

**Yes: 7**

**No: 0**

**Absent: 0**

**E. REGULAR BUSINESS.**

1. **Resolution 09-43, A Resolution Awarding Contract for the FEMA Emergency Demolition Program.**

Butch Kehe informed Council that the low bidder, C & J Construction had called right before bid opening and said bid bond had not been delivered as anticipated. Mr. Kehe accepted a company check in the name of the City as security for 24 hours. The second low bidder complained but did not file a formal objection. The properly executed bond from C&J Construction was delivered within the 24 hours and City Attorney Carney agreed that the bid should be awarded to C & J Construction. Mr. Kehe also proposed that in the interest of time, the Mayor and City Administrator should sign the contract upon receipt of the required bonds and insurance and send it immediately to the Iowa State Demolition Team for their approval. If approved by the State Demolition Team, the City will receive 100% reimbursement. Councilmember Liddle voiced his concern that C & J Construction did not mandate the 40 hour training for their employees and whether they were qualified to handle the project. Mr. Kehe stated that the bid from C & J Construction was a substantial bid and that the contract has to be bonded. Councilmember Liddle amended the motion to remove C&J Construction from the award of contract for the FEMA Emergency Demolition Program and award said contract to Benton's Sand & Gravel Inc. Mr. Liddle further proposed amending Resolution 09-43 by removing Section 3

of said resolution to have Council approve all contract documents before sending said documents onto the State Demolition Team .

**Moved By: Ribich**

Resolution 09-43, A Resolution Awarding Contract to C & J Construction of Cedar Falls, Iowa in the amount of \$178,690.00 for the FEMA Emergency Demolition Program is hereby approved.

**Moved By: Liddle**

Remove C&J Construction from the award of contract for the FEMA Emergency Demolition program and award said contract to Benton's Sand & Gravel Inc.

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

**Moved By: Liddle**

To remove Section 3 from Resolution 09-43 to have Council approval of all contract documents before sending said documents to the State Demolition Team.

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

The original motion as approved was then voted upon.

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

2. **Resolution 09-46, A Resolution of the City Council of Waverly, Iowa, Authorizing the Iowa Northland Regional Council of Governments to Submit a Single Family New Construction Unit Production Grant Application to the Iowa Department of Economic Development and Authorizing the Mayor to Sign and/or Support Said Application.**

The grant would provide acquisition assistance to qualified home owners in the form of a down payment up to 30% of the unit development cost for new construction out of the flood plain. Economic Development Director Passmore urged citizens to contact his office for information.

**Moved By: Ecker**

Resolution 09-46, A Resolution of the City Council of Waverly, Iowa, Authorizing the Iowa Northland Regional Council of Governments to Submit a Single Family New Construction Unit Production Grant Application to the Iowa Department of Economic Development and Authorizing the Mayor to Sign and/or Support Said Application is hereby approved.

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

3. **Resolution 09-44, A Resolution Approving Contract Documents for the Big 6 Plaza/Spillway Flood Repair – Phase 2.**

**Moved By: Ribich**

Resolution 09-44, A Resolution Approving Contract Documents from Matt Construction in the amount of \$55,603.50 for the Big 6 Plaza/Spillway Flood Repair – Phase 2 is hereby approved.

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

4. **Mayoral Appointments.**

**Moved By: Boorum**

The Mayoral Appointments are hereby approved – Darcy Knight to the Waverly Light and Power Board and Nick Williams to the Airport Commission.

**Yes: 7**

**No: 0**

**Absent: 0**

5. **Resolution 09-45, A Resolution Approving an Application for the Edward Byrne Memorial Justice Assistance (JAG) Grant Funding for the Waverly Police Department.**

Police Chief Pursell stated that the City of Waverly has been designated an allocation of \$48,062 to be used towards the criminal justice system within Waverly's jurisdiction. The Waverly Police Department is making application for a Mobile Data System and Police K-9 Vehicle replacement under the technology improvement and law enforcement (equipment) programs. Police Officers will be able to access sensitive information without going through scanners on the mobile data system. The Department is also applying for \$6,900 to add to additional reserves for the Police K-9 Vehicle replacement that will reduce budget expenses in FY2010-11 Budget.

**Moved By: Ribich**

Resolution 09-45, A Resolution Approving an application for the Edward Byrne Memorial Justice Assistance (JAG) Grant Funding in the amount of \$48,062 for a Mobile Data System and K-9 Vehicle Replacement for the Waverly Police Department is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

**F. STUDY SESSION.**

1. **Review of Waverly Light and Power Audit.**

Eric Sommermeyer stated that Waverly Light & Power Audit had a clean opinion. Diane Johnson informed Council that summer schedule pricing would begin in June plus a 3% raise in rates. The wind turbine cleanup has begun and security is in place at the location. The construction company takes responsibility and will be handled through the insurance. The foundation of the turbine is in tack. The very top portion is the only part damaged and the electronics are working. Projects to be completed this year are street light wiring and replacement of the 69KV line. 60-70 flood homes are still without power due to the flood. In 2007 the utility entered into a contract with Municipal Energy Agency of Nebraska as its future power supplier when the old purchase power contract expires. The utility made payments toward the research of the Iowa Stored Energy Plant Agency but the agreement is terminated. Discussion followed on improving the grid for nationwide wind energy. Ms. Johnson stated that there are penalties related to transmission overproduction. Council thanked WLP for their \$884,952 transfer to the City.

2. **Review of Mitigation Proposals for All Southeast Waverly Flooded Areas.**

Jean Schloemer representing the SE Mitigation Task Force offered a petition to Council requesting that the City investigate and discuss any and all options with the DNR and the Army Corps of Engineers for flood mitigation in SE Waverly, and take such action that would mitigate flooding in SE Waverly. Mark Schloemer reviewed the group's suggestions:

- Better/earlier warning system – make sure everyone is signed up for Code Red
- Set up neighborhood Flood Readiness groups

- Install storm sewer plugs in SE Waverly
- Protect the main lift station in SE Waverly
- Make sure there are working pumps for the Crestwood Addition
- Purchase and use the Hesco Bastion Concertainer units and/or floodwalls to protect SE area

Short term suggestions:

- Convert the green bridge to a pedestrian-only bridge and raise decking
- Look at storm sewers in Waverly and eliminate infiltration, sump discharges, and low areas than may contribute to backup problems
- Widen the ditch near SE school and clean out the debris and sand in the river south of Brookwood Park

Long term suggestions:

- Reestablish the wetlands
- Limit the amount of tiling, grading and anything else that adds to extra water being sent to our rivers and streams.
- Look at catch basins to hold water to allow a more controlled flow into our rivers and streams
- One idea would be to require the landowners who tile to have to hold their water, as commercial building are required to do

Mark Schloemer thanked the Council and stated that the Task Force expected the City to look at the suggestions. Council also asked the group to contact their State representatives about creating wetlands and tiling along the Cedar River corridor. Shirley Crawford voiced her concern with the inflatable dam and dredging the river.

Police Chief informed audience members that if Code Red calls three times and there is no answer the phone number will go on list for the Police to go to the homes. The Sheriff and the Police Chief make the decision to activate the Code Red system.

Discussion followed on cleanup of flood homes from 7<sup>th</sup> St. and 3<sup>rd</sup> Ave. SW to 5<sup>th</sup> Ave. SW.

## **G. BOARDS AND COMMISSIONS.**

### **1. Boards and Commissions.**

Leisure Services Commission – Art Walk on Saturday May 2<sup>nd</sup> 10-4 P. M.

Leisure Services Director Ray informed Council that students will be out in the Community cleaning for Earth Day on Wednesday, April 29<sup>th</sup>. Kids' Kingdom will be closed for staining.

### **2. Reports.**

### **3. Communications.**

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

Council complimented staff on information on flooding on the website.  
Legislature passed Governor Culver's I-Jobs initiative. It will one to two weeks before the process will begin.  
Bowling Alley stabilization will be funded through NRCS.

Council thanked Mary Foy for her service as guest councilperson.

**I. ADJOURNMENT.**

**Moved By: Boorum**

That the City Council Meeting be adjourned.

**Yes: 7**

**No: 0**

**Absent: 0**

**Council adjourned at 8:33 P. M.**

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Ivan J. Ackerman, Mayor

Attest:

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Jo-Ellen Raap, City Clerk