

**A. CALL TO ORDER.**

The regular meeting of the Waverly City Council was held on June 15, 2009, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Gene Lieb, Gary Grace, Fred Ribich, Cyndi Ecker, Jim Vowels, Gary Boorum, and Duane Liddle. Absent: None.

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: 7**

**No: 0**

**Absent: 0**

2. **Minutes.**

**Moved By: Ecker**

The June 1, 2009 Council Meeting Minutes are hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

**B. PUBLIC HEARINGS.**

1. This was the date, time and place for a Public Hearing on the Hazard Mitigation Plan Update for the City of Waverly. Guestcouncilperson Kent Farran noted that 3 bridges were closed in 1999 and 2008 floods. Staff will add wording in the plan "not in order of priority" to hazards and hazard activity listing. INRCOG Staff Member Adam Roberts informed Council that there was a historic hazard rating within each hazard. Council will discuss the merits of a Hazard Mitigation Commission or Committee. The City did not have a USGS flood gauge until 2001. The Mayor closed the hearing and the following action was taken.

**Moved By: Ribich**

Resolution 09-58, A Resolution of the City Council, of the City of Waverly, Iowa, Adopting an Update of the Existing Hazard Mitigation Plan for the City of Waverly is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

**C. VISITORS/PUBLIC COMMENTS.**

Bremer County Recovery Coalition President Dan Kittle thanked the Council, Public Works and Leisure Services for all their help during the Flood Commemoration.

Jim Lindner stated that he would like to see housing with garages below along 1<sup>st</sup> Street NW to act as a levee.

City Engineer Cherry stated that the inflatable dam would protect during a 100 year flood event and an additional levee along 1<sup>st</sup> St. NW would help protect against a 500 year event.

**D. TABLED ITEMS.**

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

**Moved By: Grace**

To move from the table.

**Yes: 7**

**No: 0**

**Absent: 0**

Randy Tatroe stated that the river now is impassible for boats and for Waverly Ski Club activities. Mr. Tatroe also emphasized that the youth of the community utilize the river for skiing and that the boards did not make a difference during a 500 year event. Discussion followed on markers to show how shallow the river is and how much time it would take to get the boards off before a flooding event. With the boards on the dam, the river level shall be maintained at a maximum height of 12 feet. City Engineer Cherry stated that 12 inches is meaningful with the approach of a 100 year event. Mr. Cherry also informed Council that the Inflatable Dam construction is over a year away. The Council also discussed a sandbag wall on 1<sup>st</sup> Street NW.

**Moved By: Grace**

The installation of boards on the dam is hereby approved.

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

**E. CONSENT AGENDA.**

1. Pay Request from Design Alliance for the Waverly Recycling Center in the amount of \$121.71.
2. Pay Request from Graybill Communications for Maintenance and Service Check of the Outdoor Warning System in the Amount of \$888.67.
3. Pay Request from Matt Construction for the Big 6 Plaza / Spillway Flood Repairs Phase 2 in the Amount of \$10,735.76.
4. Class C Liquor License for the Waverly Towne Tavern, L.L.C., d/b/a The Fainting Goat.
5. Class C Liquor License for V. F. W. Post 2208.
6. Class C Beer Permit (BC) for Walgreens.
7. Cigarette Permits for:  
*Wal-Mart* *Casey's*  
*Hy-Vee* *Kwik Star (East & West)*  
*Fareway*

**Moved By: Ribich**

Items 1 – 7 on the Consent Agenda are hereby approved.

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

**F. REGULAR BUSINESS.**

1. **Review of Plan of Action for Potential Flood SE Waverly Response.**

City Administrator Crayne stated that in answer to SE residents the Inflatable Dam will bring water down on both sides of the river. The river comes from the east and west in southeast Waverly so the City has acquired additional mobile pumps to be used during flood events. The City will establish a sandbagging station at SE Elementary. City Engineer Cherry informed Council that Hesco barriers are not practical on uneven terrain but could be used along 7<sup>th</sup> Ave SE where it is flat and would provide lower level flood assistance to the surrounding homes. Mr. Cherry also stated that the City would need 100,000 to 150,000 sandbags for SE flood areas. The materials will be available but people power is needed. Questions were raised as to whether the AMVETS and the Yardwaste areas could be used for flood water retention. Council asked that Stanley

review modeling to see where water would go if levies were used for flood assistance. Mark Schloemer suggested that Hesco barriers be used on 1<sup>st</sup> Street NW so more time would be available to build levees in SE Waverly. Jim Lindner asked if the wooden area north of the bridge could be used to widen the river channel. Beth Olson requested that the City maintain what is necessary. Elaine Main asked if the City would work with other cities and counties along the Cedar River to work on water management issues. Sandbagging the intakes is a good alternative because it can be performed at the last minute as needed and can readily be removed to allow for the release of trapped surface water. Storm sewer plugs must be installed before the water inundates the pipe and they do not readily release backed up water. City Engineer Cherry informed Council there is a life to sandbags and they can freeze and mold. Mr. Cherry also stated that it is just as valuable as the inflatable dam to deepen and widen the dry run and box culverts from Bremer Avenue South to St. John's Lutheran Church. Mr. Cherry also said the City follows FEMA National Flood Insurance Plan regarding land use management policies.

2. **Review Plans for the Bremer Avenue Traffic Signal Modifications.**

Tony Boes of Snyder and Associates stated the project involves traffic signal modifications on Bremer Ave (Iowa 3) at intersections with 15<sup>th</sup> St. W, 10<sup>th</sup> Street W, 4<sup>th</sup> Street W, 1<sup>st</sup> Street W, 1<sup>st</sup> Street E, 2<sup>nd</sup> Street E, 3<sup>rd</sup> Street E, and at the 4<sup>th</sup> Street SW intersection all within the City of Waverly. The project provides for adding side street detection, emergency vehicle pre-emption, and wireless interconnect; replacing cabinets, conduits, wiring, etc; and removing the signals at the two intersections of 4<sup>th</sup> Street & 2<sup>nd</sup> Ave. SW and W. Bremer Ave. and 6<sup>th</sup> Street W. Mr. Boes also stated that Snyder and Associates will be working on plans to keep flashing yellow and red lights for the Volunteer firemen. Construction will begin next year for approximately 3 months. Temporary signals will be used during construction. The City will be receiving \$580,000 Federal Stimulus funds for the project. Mayor Ackerman received two e-mails from principals who asked the City to delay removing the light at W. Bremer and 6<sup>th</sup> Street until after the new school was constructed. Junior High Football players cross at the 6<sup>th</sup> Street W intersection when going to the fairgrounds for practice. Jean Schloemer voiced her concern with removal of the traffic signal at W. Bremer and 6<sup>th</sup> Street W. Waverly-Shell Rock School Superintendent Jere Vyverberg said he will work with students to cross at 4<sup>th</sup> Street West and possibly have shuttle stops on the north side of Bremer Ave. and East of 4<sup>th</sup> Street. Tony Boes informed Council that there would be an additional cost of \$70,000 - \$80,000 to keep the light at 6<sup>th</sup> Street and the DOT might disagree that a traffic light is warranted at that sight. Snyder and Associates will possibly increase the timing of the traffic signal at 4<sup>th</sup> Street for football players to cross at that intersection.

3. **Resolution 09-61, A Resolution Approving a Special Provisional Use for Waverly-Shell Rock School District for New 5 – 8 Grade Educational Facility.**

Community Development and Zoning Official Ben Kohout stated that the following school rezoning is just to match the surrounding land use. A

special provisional use approval can be in an A-1 or R-3 district. School Superintendent Jere Vyverberg informed Council that there is significant retention areas to cover runoff. Mr. Vyverberg emphasized that the area is not a wetland. FEMA and Iowa Homeland Security have approved the conceptual drawings and 5 test borings were taken to make sure the land was suitable for the school facility.

**Moved By: Grace**

Resolution 09-61, A Resolution Approving a Special Provisional Use for Waverly-Shell Rock School District for New 5 – 8 Grade Educational Facility is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

4. **First Reading of Ordinance 922, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from A-1 (Agricultural District) to R-3(Multiple Family Residential District) for Waverly-Shell Rock School District for New 5 – 8 Grade Educational Facility.**

**Motion By: Ecker**

First Reading of Ordinance 922, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from A-1 (Agricultural District) to R-3(Multiple Family Residential District) for Waverly-Shell Rock School District for New 5 – 8 Grade Educational Facility and setting a Public Hearing Date, Time and Place of July 6, 2009 at 7:00 P.M. at City Hall on said Rezoning is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

5. **Resolution 09-59, A Resolution Amending the Professional Services Agreement Between the City of Waverly and WHKS & Co.**

Fouad Daoud of WHKS & Co. reviewed the changes to the scope of work directed by FEMA representatives after several months of discussion as to the cause of the damages to the piers of the Cedar River Rail Trail Bridge. FEMA personnel reviewing the project did not feel the condition of Pier #2 could be solely the result of the June 2008 flood. FEMA now supports fixing the scour holes under the piers and protecting the piers from future scour, but does not approve replacement of Pier #2.

**Moved By: Ribich**

Resolution 09-59, A Resolution Amending the Professional Services Agreement Between the City of Waverly and WHKS & Co. of Mason City, Iowa to exclude replacement of Pier #2 and adding repair of the scour holes for Pier #2 for a New Amended Agreement (Phase 1) for the Not to Exceed Amount of \$159,465.00 and a New Amended Agreement (Phase 2) for the Not to Exceed Amount of \$53,620.00 is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

6. **Resolution 09-60, A Resolution Finalizing the 5<sup>th</sup> Avenue SW & 8<sup>th</sup> Street SW Reconstruction Project 2008 and Approving Final Pay Request.**

**Moved By: Lieb**

Resolution 09-60, A Resolution Finalizing the 5<sup>th</sup> Avenue SW and 8<sup>th</sup> Street SW Reconstruction Project and Approving Final Request in the amount of \$19,151.80 to Heartland Asphalt of Mason City, Iowa is hereby

approved.

**Yes: 7**

**No: 0**

**Absent: 0**

7. **Third and Final Reading of Ordinance 913, An Ordinance Amending Chapter 88 of the Waverly Municipal City Code Regarding Street Closings.**

**Moved By: Boorum**

Third and Final Reading of Ordinance 913, An Ordinance Amending Chapter 88 of the Waverly Municipal City Code Regarding Street Closings is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

8. **Third and Final Reading of Ordinance 914, An Ordinance Amending Section 104.9.01 of the Waverly Municipal City Code Regarding Consumption of Alcohol in a Public Place.**

**Moved By: Ribich**

Third and Final Reading of Ordinance 914, An Ordinance Amending Section 104.9.01 of the Waverly Municipal City Code Regarding Consumption of Alcohol in a Public Place is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

9. **First Reading of Ordinance 915, An Ordinance Amending Section 104.10 of the Waverly Municipal City Code Regarding Drug Paraphernalia & Controlled Substance.**

Police Chief Rich Pursell informed Council that he feels that illegal drug activity is leveling off. Huffing is when a person inhales chemical vapors from a variety of substances, many of which are common household products, in order to obtain a euphoric effect and are often unaware of the potential risks, which include brain damage and death. By making it illegal it would open the possibility of abusers to get into treatment before they cause themselves serious harm.

**Moved By: Vowels**

First Reading of Ordinance 915, An Ordinance Amending Section 104.10 of the Waverly Municipal City Code Regarding Drug Paraphernalia & Controlled Substance.

**Yes: 7**

**No: 0**

**Absent: 0**

10. **First Reading of Ordinance 916, An Ordinance Amending Section 105.3.01(5) of the Waverly Municipal City Code Regarding Speed Restrictions.**

**Moved By: Grace**

First Reading of Ordinance 916, An Ordinance Amending Section 105.3.01(5) of the Waverly Municipal City Code Regarding Speed Restrictions.

**Yes: 7**

**No: 0**

**Absent: 0**

11. **First Reading of Ordinance 917, An Ordinance Amending Section 104.1.03, of the Waverly Municipal City Code Regarding Misdemeanor Penalty.**

Fees collected from citations are outlined in the City Ordinances so the revenue would remain with the City.

**Moved By: Ecker**

First Reading of Ordinance 917, An Ordinance Amending Section 104.1.03, Misdemeanor Penalty updating current fines and establishing a Scheduled Violation to correspond with the scheduled fine under state law is hereby approved.

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

12. **First Reading of Ordinance 918, An Ordinance Amending Section 104.9.3, of the Waverly Municipal City Code Regarding Purchase or Consumption by Minors.**

**Moved By: Boorum**

First Reading of Ordinance 918, An Ordinance Amending Section 104.9.3, of the Waverly Municipal City Code Regarding Purchase or Consumption by Minors prohibiting persons under the age of twenty-one (21) from purchasing or attempting to purchase, consuming, or possessing alcoholic liquor, wine, or beer is hereby approved.

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

13. **First Reading of Ordinance 919, An Ordinance Amending Section 104.9.07, of the Waverly Municipal City Code Regarding Miscellaneous Prohibitions.**

**Moved By: Ribich**

First Reading of Ordinance 919, An Ordinance Amending Section 104.9.07, of the Waverly Municipal City Code Regarding Miscellaneous Prohibitions providing regulations for license or permit holders of premises that serve alcoholic beverages is hereby approved.

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

14. **First Reading of Ordinance 920, An Ordinance Adding Section 104.9.08, of the Waverly Municipal City Code Regarding Criminal and Civil Penalties.**

**Moved By: Grace**

First Reading of Ordinance 920, An Ordinance Amending Section 104.9.08, of the Waverly Municipal City Code Regarding Criminal and Civil Penalties providing criminal and civil penalties for violations is hereby approved.

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

15. **First Reading of Ordinance 921, An Ordinance Amending Section 104.3.05 of the Waverly Municipal City Code Regarding Public Exposure.**

**Moved By: Vowels**

First Reading of Ordinance 921, An Ordinance Amending Section 104.3.05 of the Waverly Municipal City Code Regarding Public Exposure prohibiting persons from exposing those parts of his or her body as stated in the amendment is hereby approved.

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

16. **Resolution 09-62, A Resolution Approving a Memorandum of Understanding Between the City of Waverly, Iowa hereinafter referred to as City and Iowa Northland Regional Council of Governments hereinafter referred to as INRCOG for the Preparation of a REAP Grant for the Yard Waste Site Reclamation Project.**

The Memorandum of Understanding is between the City of Waverly and INRCOG to write the grant application for Iowa DNR REAP Funding. If

successful, the City is eligible to get 100% funding up to \$100,000 to redevelop the 15-acre Yardwaste site scheduled to close at the end of 2009. The land can be reclaimed and developed into a multiuse park that could show no remnants of its former uses as a landfill, dumping ground for concrete and use as a yard waste facility. Discussion followed on whether the site should be used for flood retention.

**Moved By: Lieb**

Resolution 09-62, A Resolution Approving a Memorandum of Understanding for the Yard Waste Site Reclamation Project. Between the City of Waverly, Iowa hereinafter referred to as City and Iowa Northland Regional Council of Governments hereinafter referred to as INRCOG for the Preparation of a REAP Grant for an amount of one and one-half percent of the funds awarded (minimum \$1,000) to be paid by the City from local funds is hereby approved.

**Moved By: Vowels**

To table Resolution 09-62 to explore whether the site should be used as flood retention area is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

17. **Approve Updates to the Outdoor Warning System.**

Police Chief Rich Pursell stated the quote from Graybill Communications is to bring 3 towers to proper functioning levels. There are still four remaining sirens to be checked but each of those has functioned during the monthly siren tests.

**Moved By: Ribich**

Updates to the Outdoor Warning System are hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

18. **Resolution 09-63, A Resolution Approving of the Sidewalk Performance Guarantee (Letter of Credit) for Centennial Oaks Golf Course Phase 3A.**

**Moved By: Lieb**

Resolution 09-63, A Resolution Approving of the Sidewalk Performance Guarantee (Letter of Credit) for Centennial Oaks Golf Course Phase 3A is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

19. **Change Order No. 2 for the Public Services Recycling Building Center.**

The change order addresses the need to complete construction of the sidewalk to the building entrance and concrete aprons in front of the overhead doors. City Engineer Cherry stated that the quote does not include any excavating work and will be brought back to Council as a change order. Paving amounts are detailed out and they are in the project budget.

**Moved By: Ecker**

Change Order No. 2 for the Public Services Recycling Building for the increased amount of \$21,500.00 to Modern Builders is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

20. **Change Order No. 1 for the Wastewater Treatment Facility Improvements 2007 and Approval of Pay Request.**

**Moved By: Grace**

Change Order No. 1 for the Wastewater Treatment Facility Improvements 2007 for the decreased amount of \$14,600.00 and Pay Request to Kehe Construction in the Amount of \$53,523.00 is hereby approved.

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

21. **Approval of May Cash Disbursements.**

Councilmember Liddle moved to amend policy to approve separately cash disbursements to Wartburg College and Ecker Flowers and have councilmembers abstain that work for Wartburg College and Ecker Flowers.

**Moved By: Ribich**

May Cash Disbursements are hereby approved.

**Moved By: Liddle**

To amend cash disbursement approval policy is hereby approved.

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

The original motion was then voted upon.

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

22. **Mayoral Appointments.**

The Mayoral appointments were not ready for approval.

**G. BOARDS AND COMMISSIONS.**

1. Boards and Commissions.
2. Reports.  
Building Trades Permits Issued – City Administrator Crayne informed Council that there were 5 applicants for the New Home Construction Program. Mr. Crayne met with the Governor and State and Federal officials and had told them that the program should be continued. Mayor Ackerman emphasized the need for more affordable housing.
3. Communications.

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

Butch Kehe coordinating the Flood Demolition Project informed Council that the subcontractor that was in question met his deadline and now meets federal and state requirements. Mr. Kehe does not feel that because he is an employee of the City that there is any conflict of interest because Council makes all decisions. FEMA regulations require that licensed contract employees fill truck with debris from the flood demolition homes.

**I. ADJOURNMENT.**

**Moved By: Boorum**

That the City Council Meeting be adjourned.

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

**Council adjourned at 9:56 P. M.**



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Ivan J. Ackerman, Mayor

Attest:

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Jo-Ellen Raap, City Clerk