

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on September 21, 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, Cyndi Ecker, Gary Boorum, Jim Vowels and Fred Ribich.
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 September 14, 2009 Council Meeting Minutes are hereby approved.

Yes: 7

No: 0

Absent: 0

B. VISITORS/PUBLIC COMMENTS.

Donna Kay Oberheu thanked the City for their support of Heritage Days for the last 21 years. Heritage Days have collected cans and liquor bottles for support of the Heritage Days' fireworks. Ms. Oberheu informed Council that she takes the cardboard from the bottles and cans to the Recycling Center. At the old Recycling Center she always put it in the truck outside of the Recycling Center. Now at the new Recycling Center she has to bring all the cardboard into the building to put in the compactor. She asked that they move the compactor so that it is assessable for heavy loads of cardboard. Staff informed Ms. Oberheu that the City does receive revenue for said cardboard. Ms. Oberheu hopes that City officials will enforce the sign ordinance.

Gerald Kapler stated that he has a property at 509 3rd St. SW that has been flooded and requested that the City waive property taxes on all buyout properties just as Cedar Rapids has done. City Attorney Carney informed Mr. Kapler that the City Council approved using the 09 valuation which is a lower valuation for the purpose of calculating taxes for buyout homes. Most buyout property taxes will be reduced 50%.

Zach Wiechmann informed Council that he runs Frontyard Fright, the haunted attraction in Waverly and that the Building Official showed up and asked for a permit. Mr. Wiechmann did not know he needed a permit and shut the project down. There are 2 buildings outside that are just temporary. He worked with the Building Inspector to make sure he followed the rules. Mr. Wiechman runs a Haunted House in the garage and the Building Inspector told him that he needed a smoke alarm. He

installed the smoke alarm and then was told he needed a 2 hour fire wall. Mr. Wiechman currently has a 1 hour fire wall and is supposed to open the Frontyard Fright in 18 days. He asked if there is any way around this code regulation. Doug Byrd informed Council that Mr. Wiechmann was working on his buildings when the inspectors stopped in. Inspectors told Wiechmann's that if they didn't put roofs on the buildings in his backyard, it wouldn't be classified as a building and therefore they wouldn't need smoke alarm. Building officials did not know until recently that the Haunted House would be in the garage. Mr. Byrd informed Council that these are safety requirements whether temporary or permanent. When path is not clear in these special amusement buildings, it requires smoke alarms and separation from other buildings. Mr. Wiechmann stated that the garage has 3 emergency exits and lights over said exits. Mr. Byrd also stated that these requirements are for special amusement buildings whether permanent or temporary and the code requirements have been adopted by the Waverly City Council. John Wiechmann also informed Council that he has spent a lot of money on safety precautions for the patrons. Mr. Byrd could not issue a certificate of occupancy until all safety requirements are done. Community Development and Zoning Official Ben Kohout stated that the Wiechmann's have had some additions this year which complicated said project. There was a concern from a neighboring property owner. City Attorney Carney also informed Council that the City would have some exposure to liability. Mr. Byrd suggested that if the Wiechmann's limit the number of occupants to 50 in the building it would throw them in a different category and remove the fire rating separation. He has complied with the fire protection system and smoke alarms. There is no more than 5 occupants going through the Haunted House at one time. If there is an agreement between the parties the permits should pass.

Monty Grizner voiced concern with the Rail Trail Bridge Scour. The scour cost \$9,000 to fix the bridge and \$159,000 for engineering costs leaving \$650,000 for repair of the bridge. A new bridge would cost \$2,400,000. Mr. Gritzner was sent a quote from another rail bridge company for \$750,000 to \$1,000,000. Mr. Gritzner asked Staff to make a call to the company and no call was made and was concerned of how much it would cost to replace the bridge in the future. He was in favor of a new higher bridge and asked the Council to reconsider repairing the bridge coming up on the agenda for action. Mr. Grizner stated that the bridge parts themselves are going to be \$300,000 and to repair the piers it would be \$720,000. The estimate for removal of the bridge is \$200,000 leaving \$80,000 under a million.

C. CONSENT AGENDA.

2. Class C Liquor License for The Other Place II.

Moved By: Ribich

Item 2 on the Consent Agenda is hereby approved.

Yes: 7

No: 0

Absent:0

owners and all building permits. The motion was to waive building, electrical and plumbing permit fees on new dwellings and accessory buildings for application filed by property owners impacted by the 2008 Flood Event. It was further added to include repairs of all existing buildings affected by floods and to waive fees for building, plumbing and electrical permits. Mr. Kohout outlined a report sheet which reviews the fees paid by property owners affected by the 2008 flood event. City staff will bring forward future refund requests for review and approval on the consent agendas for future meetings. Mr. Kohout stated there might be permits for roofing that the Council may not want included. It will be a refund to the property owner. The report was brought back to Council to show the fiscal impact so far and review the approved motion to include building permits whether it had anything to do with part of the flood or not. Donna Turnball on behalf of Deb Turnball stated that she did not want her roofing permit fee waived. Mr. Kohout stated that staff will make a determination on the permit fee reimbursement. Board of Supervisor Ken Kammeyer voted for reimbursement of permit fees at the Board of Supervisors meeting.

4. **Resolution 09-110, A Resolution Awarding Contract for the Permanent Scour Countermeasures on the Cedar River Rail Trail Bridge.**

Council discussed using FEMA money for a new bridge and raise it instead of fixing the current Rail Trail Bridge because of pier damage. The bridge suggestion would match other bridges in Waverly. If the City constructed a new bridge the City would receive 80% of \$383,750 of funding for said bridge versus 100% funding for repair of current bridge. The new bridge would cost 2.4 Million and the City would receive \$320,000 towards said bridge replacement. The engineer that provided a estimate for the new bridge is from Minnesota and does not know the site conditions of the Cedar River. WHKS & Co. are structural engineering specialists and they have looked at 4-5 different options for salvaging and using the existing structure as well as new. WHKS did a detailed assessment and was familiar with the site. If the project was \$2.4 Million for bridge replacement, the City would receive \$320,000 from FEMA. It was stated the City would spend \$2 Million for a new bridge versus repairing the bridge for zero dollars and include the cost of replacing the second pier at some time in the future. Mr. Gritzner voiced concern with engineering and other costs associated with the project and thought that staff should look into a bridge replacement.

Moved By: Lieb

Resolution 09-110, A Resolution Awarding Contract for the Permanent Scour Countermeasures on the Cedar River Rail Trail Bridge to Cramer & Associates, Inc. of Grimes, Iowa, in the amount of \$164,760.00 is hereby approved.

Yes: 6

No: 1(Liddle)

Absent: 0

5. **Resolution 09-111, A Resolution Awarding Contract for the Asphalt Patching 2009.**

City Engineer Cherry stated that every sealcoat street gets a 3 inch thick asphalt patch. Asphalt streets gets 7 ½ inches. All patches are cored out before patching. Lucas Asphalt Paving has done work in Waverly. Public Services staff will make sure that Lucas cored out to the appropriate depth.

Moved By: Boorum

Resolution 09-111, A Resolution Awarding Contract for the Asphalt Patching 2009 to Lucas Asphalt Paving of Evansdale, Iowa in the amount of \$18,697.40 is hereby approved.

Yes: 6

No: 1(Liddle)

Absent:0

6. **Resolution 09-112, A Resolution Terminating Contract with C & J Construction and Awarding a New Contract to Benton Sand and Gravel for Emergency Demolition and Site Clearance, 2008 Flood Damaged Structures.**

Butch Kehe informed Council that the City did not deviate from the bidding documents. The City followed the rules of the Code. C&J was qualified to bid on the project. A check from the company was held until it could be replaced with a bond. The City accepts checks as a bond guarantee on bids on a regular basis. There has been very little administrative costs caused by this delay. Administrator Crayne informed Council that \$9,832.20 was for administration since the administrator was and wasn't based on the delay. Mayor Ackerman stated to Council "that as long as it accurately reflects what was said we don't need to do anything to that." The extra \$80,000 to approve the Benton Sand & Gravel contract will come from FEMA. All the money for the project including administrative costs are paid for by FEMA not the City. FEMA and the State have been advised of the situation. The Contractor is getting the permit and should be approved tomorrow evening and still 10 days behind in their schedule. Mr. Kehe's recommendation is to terminate the contract and to proceed with the Benton contract. Administrator Crayne informed Council that the Iowa Code states that cities have to accept the lowest responsible bid. Mr. Crayne feels that C&J Construction has not proceeded responsibly and has held up the project and that the City should move forward with Benton Sand and Gravel. Mr. Kehe told the Council that Benton will be getting their bond as soon as the resolution is approved and will get the work done this fall. Mr. Kehe has also talked to FEMA to make sure the City would be covered before making this said proposal. FEMA follows local bidding laws requirements. The City's intent was to have the work done this fall. FEMA's restriction is that the contractor would have to spray the area you are working on and you cannot spray when the temperature is below freezing. The City pays the contractor and gets reimbursed from FEMA the same as the Housing Rehab projects. Mr. Kehe also informed Council that Don Petty who represents Iowa Workforce Development told Mr. Kehe that C&J's permit application had been reviewed and would be issued but needed a couple of changes and was to overnight said changes. If the changes are sent, the permit will be issued tomorrow evening but Mr. Kehe wasn't sure that would happen. The City should be responsible with FEMA money also. The contract was let in April and

loads they can ask staff to open up the large overhead doors. Paving the parking will probably begin in May, 2010. City Engineer Cherry will review with staff and make sure that the facilities are more accessible to residents. In the summer the doors should be open. The Recycling Center is heated to about 60 degrees in the winter. Citizens who have large quantities of cardboard can call the City and make arrangements for the cardboard truck on Wednesdays and Fridays to come and pickup their cardboard.

Council encouraged citizens to talk and work with councilmembers. Discussion followed on staff in a city pickup on Saturday afternoon in Cedar Falls.

Gerald Kapler stated that he would like the issue of waiving property taxes on all buyout properties just as Cedar Rapids has done on a Council agenda with a vote. The Council can only abate City taxes which are 1/3 of the taxes. The Council previously had voted on non-abatement of taxes because the City Attorney recommended not approving the proposal. City Attorney Carney said that buyout properties are being sold at a good price.

Public Services Superintendent Sullivan stated that he was sure it wasn't a City vehicle in Cedar Falls carrying concrete.

Chief Pursell will get accident report on driveway by Miller Hardware. Any new 218 Business Highway design will have to be approved by Council.

City Engineer Cherry informed Council that all the new traffic lights are energy efficient.

Community Development and Zoning Official Ben Kohout stated that the negotiations are proceeding with McDonalds and Village Square owners regarding the new McDonald's easements and maintenance issues.

G. Executive Session.

To discuss collective bargaining strategy for upcoming City Unit and Public Safety Unit negotiations as provided by Section 20.17(3) of the Code of Iowa.

Moved By: Boorum

To enter into Executive Session is hereby approved.

Yes: 7 No: 0 Absent: 0

Moved By: Ribich

To reenter into open session is hereby approved.

Yes: 7 No: 0 Absent: 0

H. ADJOURNMENT.

Moved By: Boorum

That the City Council Meeting be adjourned.

Yes: 7 No: 0 Absent: 0

Council adjourned at 9:22 P. M.

Ivan Ackerman, Mayor

Attest:

Jo Ellen Raap, City Clerk