

Regular Meeting Minutes  
June 21, 2010 ~ 7:00 p.m.

The Waverly Police Department conducted a Canine Presentation in the Waverly Civic Center at 6:30 P. M.

**A. CALL TO ORDER at 7:00 P. M.**

The regular meeting of the Waverly City Council was held on June 21, 2010, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Brunkhorst presided. Council members present: Dick Lindell, Tim Kangas, Kathy Olson, Gary Boorum, Gary Grace and Gene Lieb. Absent: Jim Vowels.

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: 6**

**No: 0**

**Absent: 1**

2. **Minutes.**

**Moved By: Boorum**

The June 7, 2010 Council Meeting Minutes are hereby approved as amended by adding wording to Regular Business Item No. 7 under Parking and speeding issues the 3<sup>rd</sup> bullet " but are allowed to park in lot" and on 4<sup>th</sup> bullet "and moving stop sign to 8<sup>th</sup> Street and 2<sup>nd</sup> Avenue SW intersection" is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

**B. PUBLIC HEARING.**

1. This was the date, time and place for a Public Hearing on plans, specifications, form of contract and estimated cost for the Waverly Dam Reconstruction Project. Mike Flattery of Stanley Consultants informed Duane Liddle:

- that the additional costs include a pressure reducing valve on east side of the river to maintain water pressure on the east side of the river.
- an added outlet pipe below the dam for 3<sup>rd</sup> and 2<sup>nd</sup> Street NW storm sewer under Kohlmann Park.
- Staff feels that this is time to input these improvements now while the area is under construction.
- Also included are some added structural reinforcing improvements to the Water Plant
- There was a \$37,000 reduction in the professional services costs and in design bidding phase there is a \$50,000 savings.
- There still may be additional costs related to State Historical Preservation organization regulations and a \$20,000 cost for photographic documentation of the project progression.

Comments expressed were:

- The physical drop of the gates will be 7 feet. The river profile drop will be 3 ½ feet.
- During a 100 year flood event there is a portion of Kohlmann Park that will flood by 2<sup>nd</sup> Avenue and a portion of 1<sup>st</sup> Street NW.
- The dam will prevent property damage west of 1<sup>st</sup> Street NW.
- The sensor in the water will monitor the river level.

- The operation of the dam system will have to be approved by the Iowa DNR. The operating plan is a working document and can be revised.
- The normal pool of water above the dam will be maintained during construction.
- Any increased costs for the dam project could come from Hazard Mitigation funding and has to be approved by Council.

Dredging and sand sediment:

- A sustained drawn down of the river and dredging during construction of the dam will have to be approved by the DNR.
- Some of the sand sediment in the river could be used by the contractor for coffer dam fill. The dam may help sediment move downstream over time.
- There are construction and disposal costs related to dredging.
- Discussion followed on kayak use on the river, river gage level with the new dam and sand bars north of the Waverly Light & Power bridge.
- Discussion also followed on a public/private partnership to dredge the river.

Mardy Weber of Stanley Consultants informed Deb Turnbull that the dam operates manually or automatically. Greg Gasch voiced his concern with the soil erosion along the Ridgewood Park area. Pete Lampe stated that the cross sections of the drawings that Stanley produced show that the 500 year flood will drop to a 100 year flood level with the inflatable dam. The bid opening is scheduled for June 29<sup>th</sup> and bid results will come back to Council on July 12<sup>th</sup>. Mr. Flattery informed Dan Rediske that there is still the same amount of water going down the river so there is no impact downstream. City Engineer Cherry informed Council that the dam will be substantially complete by January but restoration in Kohlmann Park will take place next spring. City Administrator Crayne stated that the City has a grant application team to make sure all requirements are met. The hearing was declared closed and the following action was taken.

**Moved By: Grace**

Resolution 10-76, Resolution Approving Plans, Specifications, Form of Contract and Estimated Cost of \$4,381,644.00 for the Waverly Dam Reconstruction Project is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

**C. VISITORS/PUBLIC COMMENTS.**

Jane Rice reviewed a petition with Council concerning the street conditions in Eastgate Addition. The City will be sealcoating the streets in Eastgate Addition this summer. The Council will discuss street reconstruction of Eastgate at Strategic Planning.

Donna Turnbull requested that Council consider reconstruction of Iowa Court with 2<sup>nd</sup> Avenue SW reconstruction.

Darrel Boike voiced concern with the condition of Iowa Court and sidewalks, and requested the City install a fence at the Bowling Alley. Council will discuss sidewalks at Strategic Planning.

**D. CONSENT AGENDA.**

1. Pay Request from Iowa Northland Regional Council of Governments for the HMGP Flood Buyout in the amount of \$4,540.29.
2. Pay Request from Iowa Northland Regional Council of Governments for the HMGP Demolitions in the amount of \$1,426.10.
3. Pay Request from Baker Concrete and Excavating for the Civic Center Exterior Renovation Project in the amount of \$13,096.26.
4. Cigarette Permits for:

*Wal-Mart*

*Casey's*

*Hy-Vee*

*Kwik Star (East & West)*

*Fareway*

*Liquor & Tobacco Outlet*

**Moved By: Lindell**

Item 1-4 on the Consent Agenda is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

**E. REGULAR BUSINESS.**

1. **Review of the City of Waverly's Reaudit.**

The following summarizes State Auditor comments and recommendations:

- determines that WLP has authority to transfer annual surplus to the City as determined each year.
- The Vision Iowa Board urged the use of municipal utility transfers in providing local funds to match Community Attraction and Tourism Grants to the City.
- Questioned transfers of \$150,000 to pay principal and interest on the City's Civic Center lease revenue bonds previously redeemed.
- Utility revenues may be used by the utility for economic development efforts and projects.
- The City and Waverly Light & Power auditors will review the "Municipal Transfer Replacement Tax Return forms.
- Questioned whether there was an appearance of conflict of interest of two councilmembers.
- The Wartburg-Waverly Wellness Center account will be reported in the monthly status report and Wartburg College will verify actual revenues that support monthly revenue report
- Hotel/motel tax revenues are now being deposited in the general fund.

Jeff Soldwisch and Vickie Green voiced concerns on "The W" transfers and electrical rate surplus. Administrator Crayne stated that the transfers are all approved with each year's budget. The Budget Appeal Board reviewed the same utility transfers and the appeal was overruled by the State Auditor's Board, the Comptroller and Department of Management. The Council and Waverly Light and Power Board will meet to review the State Auditor's recommendations. The County Attorney will review the State Auditor's comments on utility transfer of funds.

2. **Review of the Waverly Police Department's K-9 Replacement Program.**

Police Chief Pursell informed the Council that Officer Cindy (K-9) is turning nine years old this year. With Cindy's age and health concerns increasing it is time to begin looking at allowing her to retire. Chief Pursell stated that today is the official fundraising kick-off. The goal is \$30,000 for K-9 replacement and training. At the K-9 Demonstration at 6:30 P. M. Chief Pursell received \$50 from a couple, \$10,000 from Guersey Foundation,

and Raj at Super 8 is donating \$1,000. Officer Buhrow will remain the K-9 Officer.

3. **Resolution 10-80, A Resolution Approving a City/Company Agreement for CrawDaddy Outdoors (Darrin Siefken).**  
Economic Development Director Passmore informed Council that the agreement is a tax rebate structure based on the increase in taxable valuations. Darren Siefken received the Main Street Iowa Business of the year award. The Council will receive a new recommended Economic Development Policy in the near future from the Economic Development Commission.  
**Moved By: Grace**  
Resolution 10-80, A Resolution Approving a City/Company Agreement for rebatement of \$5,554 over three years for CrawDaddy Outdoors (Darrin Siefken) is hereby approved.  
**Yes: 6                      No: 0                      Absent: 1**
4. **Resolution 10-81, A Resolution Approving a Minor Subdivision Plat for Roling Properties and Spahn & Rose Lumber Co. at 1505 4<sup>th</sup> Street SW and 311 16<sup>th</sup> Avenue SW.**  
The minor plat will create two tracts of approximately 0.65 acres in combined size, known as Tract 1 and Tract 2.  
**Moved By: Lindell**  
Resolution 10-81, A Resolution Approving a Minor Subdivision Plat for Roling Properties and Spahn & Rose Lumber Co. at 1505 4<sup>th</sup> Street SW and 311 16<sup>th</sup> Avenue SW is hereby approved  
**Yes: 6                      No: 0                      Absent: 1**
5. **First Reading of 936, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning from A-1 (Agricultural District) to R-1 (Residential District) of Said City and Set Public Hearing Date for Jon Elsamiller along East Bremer Avenue.**  
Jon Elsamiller informed Council that he is building a new home on said property.  
**Moved By: Boorum**  
First Reading of 936, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning from A-1 (Agricultural District) to R-1 (Single Family Residential District) of Said City for Jon Elsamiller is hereby approved and sets July 12, 2010 at 7:00 P. M. in the Council Chambers as the date, time and place for said hearing.  
**Yes: 6                      No: 0                      Absent: 1**
6. **Resolution 10-82, A Resolution of the City Council of the City of Waverly, Iowa, Selecting a Contractor for the Survey, Inspection, and Testing of Thirteen (13) Flood Damaged Properties Acquired by the City Through the 2008 HMGP Acquisition and Demolition Project to Determine if the Properties Have Materials Containing Asbestos.**  
Staff informed Council that one bid was invalid.  
**Moved By: Olson**  
Resolution 10-82, A Resolution of the City Council of the City of Waverly, Iowa, Selecting Contractor ATC Associates in the amount of \$6,370 for the Survey, Inspection, and Testing of Thirteen (13) Flood Damaged Properties Acquired by the City Through the 2008 HMGP Acquisition and Demolition Project to Determine if the Properties Have Materials Containing Asbestos is hereby approved.  
**Yes: 6                      No: 0                      Absent: 1**

7. **Resolution 10-77, A Resolution Awarding Contract for the Waverly Municipal Airport Runway, Taxiway and Apron Rehabilitation 2010.**  
The project is 95% funded by the Federal Aviation Administration.  
**Moved By: Kangas**  
Resolution 10-77, A Resolution Awarding Contract to Wicks Construction of Decorah for the amount of \$233,612.90 for the Waverly Municipal Airport Runway, Taxiway and Apron Rehabilitation 2010 is hereby approved.  
**Yes: 5                                  No: 1(Boorum)          Absent: 1**
8. **Approve Change Order 1 for the Waverly Recycling Center-Asphalt Paving Project, Phase 1.**  
The change order is for final adjustment of quantities and seeding was removed from contract because of rainy weather and condition did not permit the work to be completed during the construction window. The City will work directly with the subcontractor (Green Image) to complete the seeding.  
**Moved By: Boorum**  
Approve Change Order 1 for the decreased amount of \$8,236.57 to Heartland Asphalt for the Waverly Recycling Center-Asphalt Paving Project, Phase 1 is hereby approved.  
**Yes: 6                                  No: 0                          Absent: 1**
9. **Resolution 10-78, A Resolution Finalizing the Waverly Recycling Center – Asphalt Paving Project , Phase 1 and Approving Final Pay Request.**  
**Moved By: Lieb**  
Resolution 10-78, A Resolution Finalizing the Waverly Recycling Center – Asphalt Paving Project , Phase 1 and approving final pay request for the amount of \$12,514.85 to Heartland Asphalt is hereby approved.  
**Yes: 6                                  No: 0                          Absent: 1**
10. **Approve Change Order No. 1 for the Old Yard Waste Site Reclamation –Phase 1 Debris Removal.**  
Grubbing the trail and tree removal work was moved to Phase 2 so grant funds can be used.  
**Moved By: Olson**  
Approve Change Order No. 1 for the decreased amount of \$4,500.00 to Benton’s Sand & Gravel for the Old Yard Waste Site Reclamation Project – Phase 1 Debris Removal is hereby approved.  
**Yes: 6                                  No: 0                          Absent: 1**
11. **Resolution 10-79, A Resolution Finalizing the Old Yard Waste Site Reclamation – Phase 1 Debris Removal and Approving Final Pay Request.**  
**Moved By: Lindell**  
Resolution 10-79, A Resolution Finalizing the Old Yard Waste Site Reclamation – Phase 1 Debris Removal and approving final pay request in the amount of \$6,400.00 to Benton’s Sand and Gravel is hereby approved.  
**Yes: 6                                  No: 0                          Absent: 1**
12. **Approve Change Order No. 1 for the Old Yard Waste Site Reclamation –Phase 2 Grading and Vegetation Restoration.**  
**Moved By: Kangas**

Approve Change Order No. 1 for the increased amount of \$5,590.50 to Benton's Sand & Gravel for the Old Yard Waste Site Reclamation – Phase 2 Grading and Vegetation is hereby approved.

**Yes: 6                      No: 0                      Absent: 1**

13. **Approve Change Order No. 2 for the Old Yard Waste Site Reclamation – Phase 2 Grading and Vegetation Restoration.**

Said change order is for the addition of 18 trees that will be planted near the parking lot and Phase 2 is mostly funded by an Iowa DNR REAP grant. Local City contribution to the project is about \$16,000.

**Moved By: Lieb**

Change Order No. 2 for the Old Yard Waste Site Reclamation Project – Phase 2 Grading and Vegetation Restoration for the increased amount of \$2,750.00 to Benton's Sand and Gravel is hereby approved.

**Yes: 6                      No: 0                      Absent: 1**

14. **Approve Pay Request No. 1 for the Old Yard Waste Site Reclamation Phase 2 – Grading and Vegetation Restoration.**

**Moved By: Lindell**

Approve Pay Request No. 1 for the amount of \$49,077.00 for the Old Yard Waste Site Reclamation Phase 2 – Grading and Vegetation Restoration is hereby approved.

**Yes: 6                      No: 0                      Absent: 1**

15. **Approve Design Criteria for the 2<sup>nd</sup> Avenue SW Reconstruction Project – 2011.**

Alicia Calease voiced her concern with narrowing the street and parking restrictions.

City Engineer Cherry stated:

- Parking is not needed with the removal of Irving School
- west half of the project is already 35 feet,
- Currently there is no parking on both sides of the street between 10<sup>th</sup> and 11<sup>th</sup> Street,
- parking is restricted to one side of the street in front of the hospital, and there is no need for parking on both sides of the street why rebuild 2<sup>nd</sup> Avenue to 40 feet wide.
- 35 feet will provide a parking lane plus two driving lanes, reduce storm water runoff, reduce snow removal, increase amount of snow storage between curb and gutter and sidewalk, increase the green space and reduce cost of construction.

One of the Strategic Planning goals is to reduce the number of seal coat streets replacing with permanent streets to reduce maintenance costs.

Cathy Calease voiced concerns with tree removal. Mr. Cherry stated that keeping the 40-foot width with parking on both sides would increase costs approximately \$50,000 or more. The complaints received by Staff are related to the parking lanes curb, drainage and driveway low spots. David Hampton voiced his concerns with sidewalks and narrowing the road to 35 feet. Mr. Cherry stated that he wants to get the design concept to the DOT as soon as possible for February letting.

**Moved By: Olson**

Construct a 35-foot wide concrete street with on-street parking restricted to the north side  
and/or

Extend a 4-foot wide sidewalk from 11<sup>th</sup> Street SW to 16<sup>th</sup> Street SW on the south side of 2<sup>nd</sup> Avenue SW and/or Install a new 8-inch diameter water main under 2<sup>nd</sup> Avenue SW from 11<sup>th</sup> Street SW to 16<sup>th</sup> Street SW are hereby approved.

**Moved By: Kangas**

To table the above motion is hereby approved.

**Yes: 6                                  No: 0                                  Absent: 1**

16. **Approval of the Partial List of 2009 - 2010 Yearly Transfers.**

Finance Director Bachhuber informed Council that the transfers are between funds in order to meet certain obligations set forth in the budget.

**Moved By: Lindell**

The Partial List of 2009-10 Yearly Transfers are hereby approved.

**Yes: 6                                  No: 0                                  Absent: 1**

17. **Approval of May Cash Disbursements.**

**Moved By: Lindell**

The May Cash Disbursements are hereby approved.

**Yes: 6                                  No: 0                                  Absent: 1**

18. **Mayoral Appointments.**

The Mayoral Appointments will come to Council for approval at a later date.

**F. BOARDS AND COMMISSIONS.**

1. Boards and Commissions.
2. Reports.
3. Communications.

Streaming Video Update Memo – Council Meetings are live on the internet and 3 or 4 meetings are archived.

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

**H. ADJOURNMENT.**

**Moved By: Boorum**

That the City Council Meeting be adjourned.

**Yes: 6                                  No: 0                                  Absent: 1**

**Council adjourned at 10:40 P. M.**

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**Bob Brunkhorst, Mayor**

**Attest:**

\_\_\_\_\_  
**Jo-Ellen Raap, City Clerk**