

3. Pay Request from Stanley Consultants, Inc. for the Waverly Dam Reconstruction – Phase 1, Underwater Investigation & Report / Geotechnical Investigation Scope in the amount of \$2,345.35.
4. Pay Request from Stanley Consultants, Inc. for the Waverly Dam Reconstruction – Phase 2, Engineering Design & Bidding in the amount of \$700.38.
5. Pay Request from Snyder & Associates for the 2009 4th Street SW Reconstruction Project in the amount of \$4,369.00.
6. Pay Request from McClure Engineering for the Waverly Airport Runway, Taxiway, & Apron Rehabilitation in the amount of \$10,922.65.
7. Pay Request Skyline Construction for the Storm Sewer Projects 2010 in the amount of \$13,398.51.
8. Pay Request from Baker Concrete & Excavating for the 10th Avenue SW Sidewalk Construction – 2010 in the amount of \$32,811.10.
9. Pay Request from Stanley Consultants, Inc. for the Waverly Cedar River Parkway Environmental Assessment in the amount of \$13,078.02.

Moved By: Olson

Items 1 – 9 on the Consent Agenda are hereby approved.

Yes: 6

No: 0

Absent: 1

E. REGULAR BUSINESS.

1. **Approve Payment to Miller True Value Hardware for Reimbursement of Expenses for the Reconstruction of the Entry / Exit Way to and from 218 Business.**

Moved By: Grace

Payment to Miller True Value Hardware for Reimbursement of Expenses for the Reconstruction to Provide Safe Vehicular Entry / Exit to and from 218 Business in the amount of \$43,810.

Yes: 6

No: 0

Absent: 1

2. **Resolution 10-163, A Resolution Proposing Sale of Farm Real Estate for Waverly Light and Power.**

Diane Johnson of Waverly Light & Power informed the Council that the land was originally purchased for the two new wind turbines, but FAA would not certify the property to allow wind turbines to be constructed. The highest bid for the property was \$414,992.50 for 73.45 acres.

Moved By: Olson

Resolution 10-163, A Resolution Proposing Sale of Farm Real Estate for Waverly Light and Power is hereby approved and sets December 6, 2010 at 7:00 P. M. in the Council Chambers at City Hall as the date, time and place for a public hearing is hereby approved.

Yes: 6

No: 0

Absent: 1

3. **Dennis Happel is Requesting a Council Decision to Proceed with an Amendment to the Subdivision Ordinance Regarding Sidewalks.**

Dennis Happel of B. N. K. D. would like the Council to change wording in the Subdivision ordinance regarding sidewalks. The existing ordinance requires the developer is required to hold a bond until the sidewalks in a subdivision are completed. Mr. Happel wants the property owner to be responsible for the sidewalk. Council decides to release or extend the developer's sidewalk performance bond. In the past the Council believed that the developer did not have to install the sidewalk until the home was

constructed. Other communities require that sidewalks be installed at the time other infrastructure is installed and the property owner is responsible for repairing damaged sidewalk during home construction. If the Council established that sidewalks be completed after four years, property owners could be assessed for remaining sidewalk installation costs. Discussion followed on sidewalk connectivity. Administrator Crayne, Councilmembers Boorum and Olson will meet with developers to discuss sidewalks in subdivisions.

No action was taken on the motion below.

To change the subdivision ordinance to read, Sec. 106.7.07 Sidewalks, is to change the first sentence to read "Sidewalks shall be provided for in all subdivisions in the City" and add "Install guarantees are not required for sidewalks by the developer, however sidewalks are the responsibility of the property owner at the time of building construction or when deemed necessary by the City" is hereby approved.

4. **Approving Capital Improvement Plan for the Waverly Municipal Airport.**

City Engineer Cherry reviewed Option 1 Capital Improvement Plan and Option 2 Capital Improvement Plan. If Option 2 was approved the FAA will want to know if the City is going to proceed with the runway extension or not by next fall. As the City moves forward the City has to be prepared that the FAA might require their desired alignment. The City may encounter problems condemning property outside the City limits.

The FAA is not going to allow the City to proceed through 90% of the acquisition process and then back out. The City would have to follow federal requirements regarding property acquisition. City Engineer Cherry stated that the City deserves an answer from the FAA of what land needs to be acquired before the City begins the process. Brian Curtis informed Council that the FAA would have to take measurements of the buildings outlining the airport to see if they have to be removed. Mr. Curtis also stated that if the FAA sets a minimum safety standard in order to receive FAA funds. The City has sacrificed \$693,000 because the City has not met minimum safety standards. Robert Toenjes reviewed airport runway lengths of cities of comparable size and also stated that commerce may move to other cities unless Waverly improves their runway. Lynn Campbell voiced her concerns with putting tax money into the airport with Waterloo so close and planes entering uncontrolled air space. Jim Janssen voiced his concern with cutting through his land for the runway extension. Mr. Curtis stated that Mr. Janssen would be compensated for the split in his property. Bill Lowe owns the Century Farm adjacent to the airport. City Engineer Cherry informed Council that the only 2011 project proposed is to hard surface the new access road and redo the parking lot. Duane Liddle voiced concern with taking away farm land to extend the runway and tabling the motion until staff can get information from the FAA. Mr. Cherry stated that if Option 1 Capital Improvement Plan is unacceptable the FAA will let the City know. Discussion again followed on eminent domain acquisition.

Moved By: Olson

Option 1 of the Capital Improvement Plan for the Waverly Municipal Airport which focuses on preserving and maintaining the existing facilities is hereby approved.

Moved By: Olson

Option 2 of the Capital Improvement Plan for the Waverly Municipal Airport which focuses on complying with minimum safety standards and lengthening the existing runway from 2,800 feet to 3,200 feet in addition to performing routine maintenance is hereby approved.

**Yes: 3 (Olson, Vowels, Grace) No: 4 (Lindell, Boorum, Kangas, Lieb)
Absent: 0**

The original option 1 was then voted upon.

Yes: 4 (Lindell, Boorum, Grace, Lieb) No: 3 (Olson, Vowels, Kangas)

5. **Third Reading of Ordinance 939, An Ordinance Amending Section : 105.8.07, Bicycles Riding on Sidewalks, of the Waverly Municipal Code.**

Staff informed Stu English that he could ride his bike on the street between 1st Street and 4th Street East on Bremer Ave.

Moved By: Boorum

Third Reading of Ordinance 939, An Ordinance Amending Section 105.8.07, Bicycles Riding on Sidewalks, of the Waverly Municipal Code to read: "Bicycles may be operated upon the sidewalks in the residential district, and the business district but are excluded between First Street and 4th Street East on Bremer Avenue" is hereby approved.

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

6. **Second Reading of Ordinance 940, An Ordinance Amending Section 105.5.12, Riding Skate Board, Coaster, Roller Skates, Roller Blades, or Similar Device, of Waverly City Code.**

The ordinance allows more biking, skateboarding, etc. downtown except on Bremer Ave. Discussion followed on wording of the motion. Leisure Services Director informed Council that the City received a grant for bike racks for the downtown area and had to change the ordinance to allow bikes downtown. Skate Boarding, Roller Blade ordinance was changed to match the bike riding ordinance.

Moved By: Kangas

Second Reading of Ordinance 940, An Ordinance Amending Section 105.5.12 of the Waverly City Code by striking the "sidewalk" in line 2 of paragraph 1 and by striking the words "and adjacent sidewalks as well as the streets, sidewalks" in line 5 of paragraph 1 and by adding the words "No person shall ride, use or operate a skate board, coaster, roller skates, roller blades, or similar device on any sidewalk on Bremer Avenue from First Street East to Fourth Street East" and by deleting Paragraph 2 is hereby approved.

Yes: 5 No: 2 (Vowels, Olson) Absent: 0

7. **Resolution 10-160, A Resolution Accepting Certification Filed by the City Clerk to the Bremer County Auditor Detailing the Amount of Loans, Advances and Indebtedness which Qualify for Payment from Tax Increment Revenues of the Waverly Urban Renewal Plan.**

Finance Director Bachhuber informed Council that certification filed to the Bremer County Auditor is for new TIF debt.

Moved By: Lindell

Resolution 10-160, A Resolution Accepting Certification Filed by the City Clerk to the Bremer County Auditor Detailing the Amount of **New** Loans, Advances and Indebtedness which Qualify for Payment from Tax Increment Revenues of the Waverly Urban Renewal Plan is hereby approved.

Yes: 7

No: 0

Absent: 0

8. **Resolution 10-161, A Resolution Selecting a Contractor for the Phase 1 Environmental Site Assessment of the One Flood Damaged Commercial Property Acquired by the City through the 2008 HMGP Acquisition and Demolition Project to Identify Potential or Existing Environmental Contamination Liabilities.**

Community Development & Zoning Specialist Kohout stated that the Federal Government requires that the property be tested before any offer is made on the property. Jill Yuska informed Council that INRCOG is working on second round of buyouts now.

Moved By: Boorum

Resolution 10-161, A Resolution Selecting Trileaf of Grimes, Iowa as Contractor for the Phase 1 Environmental Site Assessment of the One Flood Damaged Commercial Property Acquired by the City through the 2008 HMGP Acquisition and Demolition Project to Identify Potential or Existing Environmental Contamination Liabilities in the amount of \$1,650.00 is hereby approved.

Yes: 7

No: 0

Absent: 0

9. **Final Pay Request from Advanced Environmental Testing and Abatement, Inc. for HMGP Flood Buyout Asbestos Abatement for 15 Properties.**

Mr. Kohout stated that asbestos was used in siding years ago.

Moved By: Lieb

Final Pay Request from Advanced Environmental Testing and Abatement, Inc. of Waterloo, Iowa for HMGP Flood Buyout Asbestos Abatement of 15 Properties in the amount of \$66,400.00 is hereby approved.

Yes: 7

No: 0

Absent: 0

10. **Final Pay Request from Site Services, Inc. for HMGP Flood Buyout Asbestos Abatement for 11 Properties.**

Moved By: Kangas

Final Pay Request from Site Services, Inc. of Algona, Iowa for Asbestos Abatement for 11 Properties in the amount of \$16,550.00 is hereby approved.

Yes: 7

No: 0

Absent: 0

11. **Approve Change Order No. 1 for the Waverly Municipal Airport Runway, Taxiway and Apron Rehabilitation 2010 and Approving Pay Estimate No. 2.**

Moved By: Boorum

Change Order No. 1 for the Waverly Municipal Airport Runway, Taxiway, and Apron Rehabilitation 2010 for the Increased Amount of \$8,423.63 and

Hazard Mitigation / River Use Commission Minutes-subcommittees have been identified. AECOM is having an open house on Tuesday, November 16th to gather more flood information on southeast Waverly at the Civic Center 4:30 – 6:30 P. M.

2. **Reports.**
3. **Communications.**

G. CITY COUNCIL COMMENTS ON POLICY ISSUES.

There were no comments.

H. ADJOURNMENT.

Moved By: Boorum

That the City Council Meeting be adjourned.

Yes: 7

No: 0

Absent: 0

Council adjourned at 9:15 P. M.

Bob Brunkhorst, Mayor

Attest:

Jo-Ellen Raap, City Clerk