

**A. CALL TO ORDER.**

The regular meeting of the Waverly City Council was held on March 21, 2011, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Brunkhorst presided. Council members present: Kathy Olson, Gene Lieb, Jim Vowels, Richard Lindell, Gary Boorum, and Tim Kangas. Absent: Gary Grace

1. **Approve Agenda as Printed or Add Items for Discussion Only.**

**Moved By: Vowels**

That the agenda for this Council meeting as amended by removing Item 9 under the Consent Agenda is hereby approved.

**Yes: 6    No: 0    Absent: 1**

2. **Minutes.**

**Moved By: Vowels**

The March 7, 2011 Council Meeting Minutes are hereby approved as amended by adding the word "City" in the last sentence of the motion to Item 5 under Regular Business is hereby approved.

**Yes: 6    No: 0    Absent: 1**

3. **Recognition of the Waverly-Shell Rock Senior High Wrestling Team for their Outstanding Achievements.**

The Council congratulated Coach Rick Caldwell and the WSR Wrestlers on their State Championship.

**B. VISITORS/PUBLIC COMMENTS.**

City Engineer Cherry reviewed the rain gage level forecast and the breach in the coffer dam across the Cedar River. The City will continue to see erosion of the coffer dam for the next week. The River is scheduled to crest on Friday at a gage reading of about 10 feet. The completion of the east side of the inflatable dam will be set back 2 – 3 weeks but the City has taken precautions to protect the worksite in case the coffer dam was breached. Mr. Cherry emphasized to Council that the City is not in danger of flooding at this point. The inflatable dam is scheduled for completion for the end of August. City Administrator Crayne informed Duane Liddle that the Civic Center was constructed one foot above the 100 year flood plain. The flood in 1999 did not impact the Civic Center.

City Engineer Cherry informed John Campbell that the City is 6-8 weeks away from letting the 10<sup>th</sup> Avenue SW Sidewalk project to 4<sup>th</sup> Street SW.

**C. CONSENT AGENDA.**

1. Class B Native Wine Permit (WBN) for The Changing Season.
2. Class C Beer Permit (BC) for Casey's Marketing Company.
3. Class C Liquor License (LC) Commercial for Waverly Golf & Country Club.
4. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for HMGP Demolitions in the amount of \$5,057.71
5. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for CDBG Flood Buyout in the amount of \$4,209.63.
6. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for HMGP Amvets Buyout in the amount of \$123.06.
7. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for Comprehensive Plan Update in the amount of \$5,007.50.

8. Pay Request from Peterson Contractors, Inc. for the Waverly Dam Reconstruction in the amount of \$331,147.73.
9. Pay Request from McClure Engineering Company for the Waverly Airport Runway, Taxiway, & Apron Rehabilitation in the amount of \$4,563.00.
10. Pay Request from Municipal Pipe Tool Co. LLC. for Shared Cost to the Sewer Main Lining Related to the Fareway Project \$10,387.00.

**Moved By: Vowels**

Items 1 -10 on the Consent Agenda are hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

**D. REGULAR BUSINESS.**

1. **Resolution 11-32, A Resolution Approving of the Wells Hollow Minor Subdivision Plat for Parcel "G" in Southeast Waverly.**

Community Development & Zoning Specialist Kohout informed Council that the front part of the property is zoned commercial and the back is zoned R-2 and will have access into Rolling Hills.

**Moved By: Boorum**

Resolution 11-32, A Resolution Approving of the Wells Hollow Minor Subdivision Plat for Parcel "G" in Southeast Waverly is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

2. **Resolution 11-33, A Resolution Approving a Hal Moore Minor Subdivision Plat for Parcel "W" in Northeast Waverly.**

The original minor subdivision included four lots and was never recorded and this two lot proposal replaces the previous request.

**Moved By: Kangas**

Resolution 11-33, A Resolution Approving a Hal Moore Minor Subdivision Plat for Parcel "W" in Northeast Waverly is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

3. **First Reading of Ordinance 945, An Ordinance Amending Water Rates, Charges and Minimum Rate for FY 2011 – 2012.**

Due to an error on minimum charge from the last rate increase staff is proposing not to increase the minimum charge of \$8.65 during this next two year period. The proposed 5% rate increase will generate \$54,000 per year in additional revenue.

**Moved By: Olson**

First Reading of Ordinance 945, An Ordinance Amending Water Rates, Charges and Minimum Rate for FY 2011 – 2012 is hereby approved and sets April 4, 2011 at 7:00 P. M. in the Council Chambers at City Hall as a date, time and place for a public hearing.

**Yes: 6**

**No: 0**

**Absent: 1**

4. **First Reading of Ordinance 946, An Ordinance Amending Sewer Rates, Charges and Minimum Rate for FY 2011 – 2012.**

The proposed 5% rate increase will generate \$70,000 in additional revenue per year.

**Moved By: Vowels**

First Reading of Ordinance 946, An Ordinance Amending Sewer Rates, Charges and Minimum Rate for FY 2011 – 2012 is hereby approved and sets April 4, 2011 at 7:00 P. M. in the Council Chambers at City Hall as a date, time and place for a public hearing.

**Yes: 6**

**No: 0**

**Absent: 1**

5. **First Reading of Ordinance 944, An Ordinance Amending Solid Waste Disposal Rates for FY 2011 – 2012**  
City Engineer Cherry informed Council that most customers will show a \$.50 monthly increase. Commercial customers will increase \$2.00 monthly. City Administrator Crayne informed Duane Liddle that the water revenue transfer to the Public Services Facility is \$90,266. Solid Waste revenue transfer to Public Services Facility is \$90,265. The Loan from the Industrial Park Fund for the Recycling Center parking lot will be paid off in the 2011/2012 fiscal year. The Council agreed that the City's 35 and 65 gallon dumpsters would relieve employee injuries.

**Moved By: Lindell**

First Reading of Ordinance 944, an Ordinance Amending Solid Waste Disposal Rates for FY 2011 – 2012 is hereby approved and sets April 4, 2011 at 7:00 P. M. in the Council Chambers at City Hall as a date, time and place for a public hearing on said proposals.

**Yes: 6    No: 0    Absent: 1**

6. **First Reading of Ordinance 943, An Ordinance Amending Section 103.7.07 of the Waverly Municipal City Code Regarding Sidewalks in Subdivisions.**

The intent of the ordinance change is to transfer the responsibility of sidewalks to the lot owner at the time of home construction. Sidewalks would be constructed prior to the issuance of a final occupancy permit. The Council would review sidewalk installation and its connectivity in a subdivision four years following the approval of the final plat. Discussion followed on whether sidewalks should be installed in subdivisions with very little development. All older subdivisions **could** be rolled into the new requirements when their bond expires.

**Moved By: Olson**

First Reading of Ordinance 943, An Ordinance Amending Section 103.7.07 of the Waverly Municipal City Code Regarding Sidewalks in Subdivisions is hereby approved.

**Yes: 6    No: 0    Absent: 1**

7. **Resolution 11-34, A Resolution Approving the Addendum to U-Step for Maintenance of Raised Medians for the 4<sup>th</sup> Street SW Corridor Improvements.**

The addendum makes the City of Waverly responsible for the maintenance of all special median treatments beyond the standard concrete. City Engineer Cherry informed Council that the narrow medians will have brick pavers and the wider medians will have a 16 inch concrete apron that goes all around the perimeter with a vegetative treatment on the inside areas. The Council discussed employee safety when mowing the medians. John Campbell encouraged the Council to consider cost when considering median ground cover.

**Moved By: Vowels**

Resolution 11-34, A Resolution Approving the Addendum to U-Step for Maintenance of Raised Medians for the 4<sup>th</sup> Street SW Corridor Improvements is hereby approved.

**Yes: 6    No: 0    Absent: 1**

8. **Resolution 11-35, A Resolution Approving Contract for the Bituminous Seal Coat Program..**  
 City Engineer Cherry reviewed the difference between MC800 and MC3000 Binder Bitumen.  
**Moved By: Boorom**  
 Resolution 11-35, A Resolution Approving Contract from Steffes Construction for MC-3000 Binder Bitumen in the amount of \$111,316.00 for the Bituminous Seal Coat Program is hereby approved.  
**Yes: 6                                  No: 0                                  Absent: 1**
9. **Approve Pay Request No. 3 from Northern Escrow, Inc. FBO Baker Concrete for the HMGP 42 Property Demolition.**  
**Moved By: Vowels**  
 Pay Request No. 3 from Northern Escrow, Inc. FBO Baker Concrete for the HMGP 42 Property Demolition in the amount of \$66,406.00 is hereby approved.  
**Yes: 6                                  No: 0                                  Absent: 1**
10. **Approve Pay Request No. 4 from Northern Escrow, Inc. FBO Baker Concrete for the HMGP 42 Property Demolition.**  
**Moved By: Kangas**  
 Pay Request No. 4 from Northern Escrow, Inc. FBO Baker Concrete for the HMGP 42 Property Demolition in the amount of \$51,424.20 is hereby approved.  
**Yes: 6                                  No: 0                                  Absent: 1**
11. **Approve Change Order No. 1 from Northern Escrow, Inc. FBO Baker Concrete for the HMGP 42 Property Demolition.**  
 The Change Order was for the removal and hauling of cisterns that were discovered after project began. The amount will be included in a contract amendment for reimbursement from FEMA.  
**Moved By: Lieb**  
 Change Order No. 1 from Northern Escrow, Inc. FBO Baker Concrete for the HMGP 42 Property Demolition for the increased amount of \$980.00.  
**Yes: 6                                  No: 0                                  Absent: 1**
12. **Award Bid for 2011 1/2 –Ton 2-Wheel Drive Pickup.**  
**Moved By: Boorom**  
 The bid from Coonradt Ford for the amount of \$14,000 plus trade-in for the 2011 ½ ton, 2-wheel drive pickup truck is hereby approved.  
**Yes: 6                                  No: 0                                  Absent: 1**
13. **Review of Bremer County Attorney’s Response to the City of Waverly Auditor of State’s Report on the Reaudit.**  
 City Attorney Carney reviewed the Bremer County Attorney’s response to the City of Waverly’s reaudit by the State’s Auditor’s office. The City followed the State Auditor’s suggestion of detailing of Waverly Light & Power’s transfers and Wartburg/Waverly Wellness account receipts. The City also complied with periodic accounting requirements for the Wellness Center revenues and Hotel/Motel tax revenues. The Bremer County Attorney Kasey Wadding reviewed the State Auditor’s findings regarding surplus municipal utility fund transfers to the Wellness Center. Mr. Wadding concluded that there is nothing in the State Code that prevents

or limits a municipal utility to set rates that create a surplus. Mr. Carney stated that the Bremer County Attorney concludes that there was no impropriety or illegality regarding the Wellness Center transfers. Mr. Wadding also stated in his correspondence that the votes cast by Councilmen Ribich and Grace were not decisive in any of the votes on resolutions referenced in the ReAudit report. The County Attorney points out that it is clear that the Waverly Wellness Center's creation has as its intention the use and enjoyment of the citizens of Waverly, resolutions reference the intention of economic benefit to the City as well and therefore there was no impropriety in the votes of Councilmen Ribich and Grace. Mr. Carney again stated the actions of the City in establishing the Wellness Center and contracting to provide for its creation and by providing for its funding were properly done and done without conflicts. Duane Liddle discussed ethics.

14. **Approval of February Cash Disbursements.**

**Moved By: Lindell**

The February Cash Disbursements are hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

**E. BOARDS AND COMMISSIONS.**

1. **Boards and Commissions.**

Bremer-Waverly Law Enforcement Board Minutes-Code Red will be managed by the Bremer County Emergency Management Coordinator Kip Ladage and Chief Pursell and Sheriff Hildebrandt will assist if needed. Hazard Mitigation/River Use Commission Minutes-Cedar River Watershed Workshop discussion was to combine different communities under one comprehensive plan for watershed management. Administrator Crayne is working on a tabletop flood plan test exercise.

Economic Development Commission Minutes-the Commission toured the new middle school.

Golf Commission Minutes-Golf Course opened today.

Planning & Zoning Commission-next meeting bandshell discussion.

2. **Reports.**

February Departmental Status Report-Finance Director Bachhuber informed Council that transfers are made at the end of the fiscal year to balance several department budgets.

3. **Communications.**

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

Council thanked Public Services staff for their tree trimming work and the water main work in front of the Library.

Community Development and Zoning Specialist Kohout informed Council that the 42 flood buyout demolitions are completed. The other 20 demolitions will start in April. Mr. Kohout urged citizens to sign up for leasing of the flood buyout lots. Park & Open Space Plan Meeting is March 24<sup>th</sup>. Staff will update the Council on the Flood Buyout lots.

Hank Bagelmann, Planning & Zoning Commission Chair informed Council that the Comprehensive Plan update is on schedule.

**G. ADJOURNMENT.**

**Moved By: Boorum**

That the City Council Meeting be adjourned.

**Yes: 6**

**No: 0**

**Absent: 1**

**Council adjourned at 8:55 P. M.**

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Bob Brunkhorst, Mayor

Attest:

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Jo-Ellen Raap, City Clerk