

**A. CALL TO ORDER.**

The regular meeting of the Waverly City Council was held on May 2, 2011, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Brunkhorst presided. Council members present: Kathy Olson, Gene Lieb, Gary Grace, Richard Lindell, Gary Boorum, and Tim Kangas. Absent: Jim Vowels

1. **Pledge of Allegiance.**

Mayor Bob Brunkhorst led the Council in the Pledge of Allegiance.

2. **Prayer.**

Councilmember Boorum introduced a prayer for the 2011 Council.

3. **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**

4. **Minutes.**

**Moved By:**

The April 18, 2011 and April 25, 2011 Council Meeting Minutes are hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

5. **Guest Councilperson.**

The Council welcomed Leslie Haskins as Guest Councilperson for May.

**B. PUBLIC HEARINGS.**

1. This is the date, time and place for a Public Hearing on the matter of the proposed issuance of not to exceed \$2,500,000 General Obligation Urban Renewal Bonds, Series 2011. City Administrator Crayne informed Council that the City did receive a petition from 64 people requesting that this proposal be placed on a public referendum but, the requirement of 10% of eligible voters in the last municipal election was not met so the petition was not valid. Duane Liddle presented an outlined objection to the Mayor and Council on the proposed issuance of bonds. City Attorney Carney informed Council and Duane Liddle that the bonds are an essential corporate purpose and the notice requirements have been met. Time limits set for public notices are set by the Code of Iowa. City Administrator Crayne informed Duane Liddle that the public notices that came to the City and were published in the newspaper were from the City's Bonding Attorney. There were no changes in the public notices by staff that were in the newspaper. The hearing was declared closed and the following action was taken. City Administrator Crayne informed the Council that the City's Financial Advisor stated that there is a higher cost of \$13,000 to \$15,000 per bond over the life of the General Obligation bonds versus General Obligation Urban Renewal Bonds. Mr. Crayne discussed with the City's legal bond counsel alternatives if a petition was presented. Bond Counsel suggested that the City could issue straight General Obligation bonds and they provided proceedings to the City. General obligation bonds require a public hearing but do not provide for a reverse referendum. City Attorney Carney informed Council that the public notice was approved by Council prior to publication. If the public notice was not

approved the City would not have the public hearing. The Council approved using General Obligation Urban Renewal Bonds for the 4<sup>th</sup> Street Project during budget time. The General Obligation Urban Renewal Bonds would be paid from TIF revenues versus Essential Corporate Purpose General Obligation bonds from property taxes.

**Moved By: Grace**

Resolution 11-46, A Resolution Instituting Proceedings to Take Additional Action for the Authorization and Issuance of Not to Exceed \$2,500,000 General Obligation Urban Renewal Bonds, Series 2011, is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

2. City Attorney Carney informed Council that the resolution ratifies and confirms the previous public newspaper notice. Mr. Carney stated that the City gave the appropriate notice to proceed to hearing.

**Moved By: Boorum**

Resolution 11-47, A Resolution Ratifying, Confirming and Approving Publication of Notice of Public Hearing for the Issuance of Not to Exceed \$2,500,000 General Obligation Bonds, Series 2011 is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

This was the date, time and place for a Public Hearing on the matter of the proposed issuance of not to exceed \$2,500,000 General Obligation Bonds, Series 2011. Duane Little presented an outlined objection to the Mayor and Council on the proposed issuance of bonds. The hearing was declared closed and the following action was taken.

**Moved By: Boorum**

Resolution 11-48, A Resolution Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$2,500,000 General Obligation Bonds, Series 2011, is hereby approved.

**Moved By: Boorum**

To abandon Resolution 11-48 is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

**Moved By: Olson**

Resolution 11-49, A Resolution Directing the Advertisement for Sale of \$2,455,000 General Obligation Bonds, Series, 2011, and Approving Electronic Bidding Procedures is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

3. This was the time, date and place for a public hearing on plans, specifications, form of contract and estimated cost for the Realign Airport Access Road and Parking Lot Reconstruction. The new plans remove the parking on the south side of the apron east of the facility building. The plans also include increasing parking and the realignment will accommodate future hangar construction. The local match of \$18,000 will come from TIF revenues. The hearing was declared closed and the following action was taken.

**Moved By: Kangas**

Resolution 11-50, A Resolution approving the plans, specifications, form of contract and estimated cost for the Realign Airport Access Road and Parking Lot Reconstruction is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

**C. VISITORS/PUBLIC COMMENTS.**

City Engineer Cherry informed Deb Turnball the latch posts for the flood gates will be installed at the intersections. Staff will review other measures if the gates are used inappropriately. City staff will lower gates if needed during the day and police department will lower the gates at night. Hazard Mitigation and River Use Commission felt that the flood gates would increase safety during rain events. Discussion followed on the Park & Open Space Plan's recommendation to close avenues. City Engineer Cherry again stressed that two feet of water can carry an automobile away and it can get trapped in a box culvert. The flood gates have been purchased and staff will work with adjoining property owners on installation. Mr. Cherry informed Council that the gates can be salvaged for a future use to close off parks during flooding.

John Campbell voiced concern with the proposal of a bandshell in Kohlmann Park without a site plan and with notices in the newspaper. Hank Bangelmann informed the Council that the action taken by the Planning & Zoning Commission was not to endorse the bandshell project but to inform the Council that after review of the Code and the Code of Iowa that the street vacation followed all ordinances and the Iowa Code. City Administrator Crayne informed Council that the City has hired Gary Heinick as the Sidewalk Monitor and he will be inspecting sidewalks in southwest Waverly. He will be preparing correspondence to property owners and announcements to the public.

**D. CONSENT AGENDA.**

1. Pay Request from Snyder & Associates Engineers & Planner for the 16<sup>th</sup> Street SW Traffic Signal and 20<sup>th</sup> Street SW Trail in the amount of \$9,390.00.
2. Pay Request from McClure Engineering for the Waverly Municipal Airport Access Road Realignment & Parking Lot Reconstruction in the amount of \$6,761.00.
3. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for HMGP Demolitions in the amount of \$5,645.03.
4. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for CDBG Flood Buyouts in the amount of \$2,832.13.
5. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for HMGP Amvets Buyout in the amount of \$151.68.
6. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for Comprehensive Plan Update in the amount of \$3,095.00.
7. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for CDBG Dam Project in the amount of \$138.46.
8. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for EDA Dam Project in the amount of \$35.45.
9. Pay Request from WHKS & Co. for the 2<sup>nd</sup> Avenue SW Reconstruction in the amount of \$35,198.00.
10. Pay Request from Stanley Consultants for the Waverly Dam Reconstruction in the amount of \$20,411.01.
11. Class B Native Wine Permit for The Changing Season.

12. Class B Beer Permit for Pizza Hut.
13. Class C Liquor License for the Waterstreet Grill.
14. Pay Request from Peterson Contractors, Inc. for the Waverly Dam Reconstruction in the amount of \$124,662.90.
15. Pay Request from K. Cunningham Construction Co., Inc. for the 4<sup>th</sup> Street SW Corridor Improvements in the amount of \$98,003.62.

**Moved By: Lieb**

Items 1 –15 on the Consent Agenda are hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

**E. REGULAR BUSINESS.**

**1. Review and Approve the Park & Open Space Plan.**

Jim Harbaugh of H & R Green informed the Council that the plan is a 20 to 30 year vision for the community. There were 26 recommendations. One priority of the plan is to improve the Cedar River access. The second is to create a greenway trail corridor. The third recommendation was to incorporate a consistent park theme with benches, signage, bike racks, security lighting, etc. Four is to plan for the future neighborhood community parks. Mr. Harbaugh stated there is lack of connectivity in the trail system and the City should adopt a Trail Master Plan to create a loop system to schools and downtown. The Plan also identifies future use of the flood buyout properties and the Memorial Park/Fairground property as part of the Park and Open Space Plan. The City should also search for funding opportunities of immediate trail priorities in the Plan. Segments of the Park and Open Space Plan will be added to the Comprehensive Plan Update. Tab Ray informed the Council that the Leisure Service Commission wants to create a Citizens' Committee to work on recommendations in the Park and Open Space Plan. The Council discussed the Waverly Rail Trail crossing on Bremer Avenue. City Administrator Crayne asked Mr. Harbaugh if he could create a poster of the plan's goals to keep in public places.

**Moved By: Lindell**

The Park & Open Space Plan is hereby approved.

**Yes: 6**

**No: 0**

**Absent: 1**

**2. Resolution 11-51, A Resolution Approving the Small Business Facade and Improvements Incentive Program.**

Kelly Engelken of the Waverly Chamber informed Council that there was an increase in taxes to several downtown businesses that have improved their facades. Said businesses stated that they would have liked to ease into the increased taxes through a tax abatement program. The Economic Development Commission recommended that all businesses in Waverly should have access to the proposed Façade and Improvements Incentive Program. As part of the agreement there is a five year abatement of \$750.00 over the life of economic development agreement with a new incremental value of \$7,250 in order to qualify for the program. If the business is out of the TIF district the City would have to budget in order to fund the program. The Economic Development Commission would review applications and work with businesses on a case by case basis. The Chamber has applied to Main Street Iowa to have the Main Street District mirror the Downtown TIF District. Ms. Engelken informed Duane Liddle that the proposed program would be in addition to the Historic Tax incentives. Historic Tax Credit Workshop will be held on May 14<sup>th</sup> at the

Waverly Library at 1:00 P. M. The Small Business Façade and Improvements Incentive Program would also include renovation of 2<sup>nd</sup> floor of businesses.

**Moved By: Boorum**

Resolution 11-51, A Resolution Approving the Small Business Facade and Improvements Incentive Program is hereby approved.

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

3. **Set Public Hearing Date for 2010-2011 Budget Amendment.**

Finance Director Bachhuber informed Council that any time the City is expected to go over the original budget that was done in March, 2010 the City is required to amend the budget if the expenditures in certain activities are expected to exceed the original budget. The budget amendment does not affect any property taxes.

**Moved By: Grace**

May 16, 2011 at 7:00 p.m. in the Council Chambers at City Hall is the date, time and place set for a public hearing on the 2010–2011 Budget Amendment and is hereby approved.

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

4. **Set Public Hearing Date for the 2011 10<sup>th</sup> Avenue SW Sidewalk Construction.**

**Moved By: Lindell**

May 16, 2011 at 7:00 P. M. in the Council Chambers at City Hall is the date, time and place for a public hearing on plans, specifications, form of contract and estimated cost for the 2011 10<sup>th</sup> Ave SW Sidewalk Construction and is hereby approved.

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

5. **Approve Purchase of Traffic Signal Equipment for the 16<sup>th</sup> Street SW & W. Bremer Avenue Traffic Signal.**

City Engineer Cherry informed the Council the project has advanced by seven weeks with the City purchasing the traffic equipment before the letting. The targeted completion date is late August. Council will set the date on May 16<sup>th</sup> for the public hearing on plans for the sidewalk trail extension from Bremer Ave at 20<sup>th</sup> Street to the new Middle School portion of the project.

**Moved By: Boorum**

The purchase of traffic signal poles from Evans, Lipka & Associates for \$11,263 is hereby approved.

The purchase of traffic signal equipment from General Traffic Controls for \$44,194 is hereby approved.

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

6. **Set Public Hearing Date for the 16<sup>th</sup> Street SW & W. Bremer Avenue Traffic Signal.**

**Moved By: Lieb**

May 16, 2011, at 7:00 P. M. in the Council Chambers at City Hall is the date, time and place for a public hearing on the 16<sup>th</sup> Street SW & W. Bremer Avenue Traffic Signal and is hereby approved.

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

7. **Mayoral Appointments.**

**Moved By: Olson**

The Mayoral Reappointment of Mitch Bond to the Airport Commission is hereby approved.

Yes: 6

No: 0

Absent: 1

F. **BOARDS AND COMMISSIONS.**

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

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

City Attorney Carney informed Council 10 of the 20 homes of the second round of State buyout program have been purchased. The rest will be purchased this month with the exception of 3 or 4 who want to delay their purchase. It was anticipated to have a plan for moving homes followed by demolition.

Leisure Services Director Ray informed Council that the City applied for a grant and the City is eligible to receive the grant. Fruit Tree Growers of America sponsor the program and it goes by vote system. Mr. Ray is going to do a news release on the Fruit Tree Growers of America grant. The grant will fund an orchard area on eight buyout lots east of the Bowling Alley.

Art Walk is Saturday from 10:00 A. M. – 4:00 P. M. at Kohlmann Park. Mr. Ray informed Council that the ash borer was found on an island in Clayton County. It is not on the main land yet. There are new advances in insecticides to save the ash trees. The City's plan is to cut down the diseased ash trees immediately followed by investigation in all quadrants.

H. **ADJOURNMENT.**

**Moved By: Boorum**

That the City Council Meeting be adjourned.

**Yes: 6**

**No: 0**

**Absent: 1**

**Council adjourned at 9:00 P. M.**

\_\_\_\_\_  
Bob Brunkhorst, Mayor

Attest:

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Jo-Ellen Raap, City Clerk