

2. This was the date, time and place for a public hearing for the 12th Street NW HMA Resurfacing 2012 project. The hearing was declared closed and the following action was taken. The City applies for federal aid of \$200,000 for a specified street system programmed for 5 years. City Engineer Cherry stated that the project is a major rehab project. If the City does not do the project there will be accelerated joint deterioration. The intakes on 12th St. NW have to be replaced. 20th Street is considered a local street and not eligible for federal funding. The Public Works and Services determines the condition of Streets. There will be a detours for local traffic during construction.

Moved By: Grace

Resolution 11-136, A Resolution Approving Plans, Specifications, Form of Contract and Estimated Costs for the 12th Street NW HMA Resurfacing 2012 project with estimated project costs of \$397,216 is hereby approved.

Yes: 7

No: 0

Absent: 0

D. CONSENT AGENDA.

1. Pay Request from Peterson Contractors, Inc. for the Waverly Dam Reconstruction in the amount of \$134,947.50.
2. Pay Request from McClure Engineering Co. for the Waverly Municipal Airport Access Road Realignment & Parking Lot project in the amount of \$9,405.00.
3. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for HMGP Demolitions in the amount of \$2,380.47.
4. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for CDBG Flood Buyout in the amount of \$1,412.69.
5. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for CDBG Dam Project in the amount of \$1,787.41.
6. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for EDA Dam Project in the amount of \$45.90.
7. Class C Beer Permit for Kwik Star West.
8. Pay Request from Baker Concrete & Excavating for the Citywide Concrete Sidewalk and Curb and Gutter Repairs – 2011 in the amount of \$11,049.83.

Moved By: Boorum

Items 1 – 8 on the Consent Agenda are hereby approved.

Yes: 7

No: 0

Absent: 0

E. REGULAR BUSINESS.

1. **Second Reading of Ordinance 953, An Ordinance Amending Chapter 105 of the Waverly Municipal Code to Permit Operation of All-Terrain Vehicles and Off-Road Utility Vehicles on City Streets Under Certain Conditions and the Registration of Such Vehicles.**

Administrator reviewed the changes to the ordinance the Council requested from the last reading. Mr. Crayne informed Council that according to State Code an ORV cannot cross a state highway unless approved by the Department of Transportation. Police Chief has contacted the DOT about the permit process. Police Chief Pursell stated

as part of the permit process the Council will have to make the decision where crossings will be on Bremer Ave and 4th Street SW. Discussion followed on whether the Council will have a City registration as well as a DNR registration for ORV's. Authorized uses limit the number of ORV's on the road. Council requested that language "This does not include ATV's" be added to the ordinance. City Attorney Carney stated that insurance liability would be between the two drivers involved if an accident occurs. Just by having this ordinance, the City doesn't necessarily incur liability. ORV operators will have to show they have insurance at registration time.

Moved By: Olson

To strike No. 6 in Chapter 105.10.4 and add language to No. 5 one time registration will be \$25.00 is hereby approved.

Yes: 7

No: 0

Absent: 0

Second Reading of Ordinance 953, An Ordinance Amending Chapter 105 of the Waverly Municipal Code to Permit Operation of All-Terrain Vehicles and Off-Road Utility Vehicles on City Streets Under Certain Conditions and the Registration of Such Vehicles is hereby approved.

Yes: 7

No: 0

Absent: 0

2. **Third and Final Reading of Ordinance 952, An Ordinance Amending Chapter 40 to the Waverly Municipal Code Regarding the Electric Utility Board of Trustees.**

Moved By: Olson

Third and Final Reading of Ordinance 952, An Ordinance Amending Chapter 40 to the Waverly Municipal Code Regarding the Electric Utility Board of Trustees is hereby approved.

Yes: 7

No: 0

Absent: 0

3. **Resolution 11-139, A Resolution Awarding Contract to Water's Edge Aquatic Design for the Evaluation, Planning and Cost Estimate Study Regarding Options for the Outdoor Pool.**

Erik Eckerman reviewed the planning process of the Outdoor Pool Strategy Committee to study options for the Outdoor Pool. The Leisure Services Commission recommended Water's Edge Aquatic Design to do a Evaluation, Planning and Cost Study for the Outdoor Pool. Leisure Services Director Ray informed Council that the agreement states that the Water's Edge Aquatic Design will provide 3 renovation scenarios and 3 new construction scenarios. Mr. Ray stated that in 2009 the City did a maintenance/engineering study to get the pool up to standards. The City has completed improvements annually since the study was completed. Water's Edge does have experience on fundraising and grants. A report to the Leisure Services Commission and Council should be completed in March. Mr. Ray informed Council that the company will provide the City graphics to be used for fundraising materials.

Moved By: Lindell

Resolution 11-139, A Resolution Awarding contract to Water's Edge Aquatic Design of Lenexa, Kansas for the Evaluation, Planning and Cost

6. **Resolution 11-143, A Resolution Approving a Request for Use of Band Shell Funds to Develop plans for a Band Amphitheatre Project in Kohlmann Park.**

Keith Collins informed Council that the Leisure Services Commission and the Municipal Band Committee have endorsed Ann Cashman and Darian Lu's Iowa State University students Performance Amphitheatre Area Concept for Kohlmann Park. Discussion followed on the Amphitheater being built in Kohlmann Park. Larry Kurtz stated he endorses the open concept of the Performance Amphitheatre. Administrator Crayne stated that the site along with the concept have to be studied to see if the Kohlmann site is workable.

Moved By: Kangas

Resolution 11-143, A Resolution Approving a Request for Use of Band Shell Funds for the amount of \$1,000 for AHTS Architects to develop plans for a Band Amphitheater Project in Kohlmann Park is hereby approved.

Yes: 4 No: 3 (Boorum, Neuendorf, Lieb) Absent: 0

7. **Awarding Quote for SCADA Upgrade.**

On January 1, 2013 narrowbanding (change in frequency) is required and is how the wells and towers communicate with the main office. The SCADA upgrade is also required to meet FCC guidelines.

Moved By: Boorum

Quote for SCADA Upgrade to Siemens Water Technologies of Des Moines, Iowa for the amount of \$26,270.00 is hereby approved.

Yes: 7 No: 0 Absent: 0

8. **Awarding Quote for Well #8 Inspection and Rehab.**

Every ten years the wells are pulled and inspected. Northway Well & Pump Well #8 since September due to a lightning strike. They will do the inspection on said well.

Moved By: Olson

Quote for Well #8 Inspection and Rehab to Northway Well and Pump of Marion, Iowa for the amount of \$8,869.00 is hereby approved.

Yes: 7 No: 0 Absent: 0

9. **Award Quote for Trailer-Mounted Tank for Durapatcher.**

Moved By: Lindell

The quote from Duraco Inc. of Jackson, Mississippi for the amount of \$19,740.00 is hereby approved.

Yes: 7 No: 0 Absent: 0

10. **Resolution 11-140, A Resolution Directing Submission of Notification of Acceptance of Award from Railroad Revolving Loan and Grant Program (RRLGP) for Construction of a Rail Spur to the GMT Facility in the Waverly Industrial Plaza.**

The DOT is requesting notification that the City is continuing with the project and is accepting grant funding and the loan for GMT Facility.

Moved By: Grace

Resolution 11-140, A Resolution Directing Submission of Notification of Acceptance of Award from Railroad Revolving Loan and Grant Program (RRLGP) for Construction of a Rail Spur to the GMT Facility in the Waverly Industrial Plaza is hereby approved.

Yes: 7 No: 0 Absent: 0

11. **Resolution 11-141, A Resolution Approving Post-Issuance Compliance Policy.**

Finance Director Bachhuber informed the Council that this policy was recommended by the City's Bonding Attorney. This policy states that when the City issues bonds that all post compliant regulations are met for tax exempt bonds. The City has been compliant with these policies but now policies are in writing.

Moved By: Olson

Resolution 11-141, A Resolution Approving Post-Issuance Compliance Policy is hereby approved.

Yes: 7 No: 0 Absent: 0

12. **Third Reading of 954, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning from A-1 (Agricultural District) to R-4 (Multiple Family-Transitional District) of Said City for Property in SW Waverly on the South Side of 10th Avenue SW for John Dettmer.**

Moved By: Lindell

Third Reading of 954, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning from A-1 (Agricultural District) to R-4 (Multiple Family-Transitional District) of Said City for Property in SW Waverly on the South Side of 10th Avenue SW for John Dettmer is hereby approved.

Yes: 7 No: 0 Absent: 0

13. **Resolution 11-145, A Resolution Approving a REAP Grant Agreement for the AmVets Area Riverbank and Site Restoration Project 2012.**

City Engineer Cherry informed Council that there is a quarter mile of riverbank that needs to be cleaned up. The City acquired the property in front of the AMVETS building along the river. The City would like to create a tiered embankment with grasses and wild flowers. The Hazard Mitigation/River Use Commission is pursuing river uses and Waverly at this stretch on the Cedar River become a designated water trail. An access point for the water trail system will be Brookwood Park and across the river from the AMVETS. The State recognizes water trails and communities along the river have to achieve certain standards in order to get a designation. Staff is working toward for a water trail designation in the Water Trail Brochure. The City received \$65,000 in REAP funding for the construction of a riverbank area in front of AMVETS. Local funding will come from the 12/13 budget.

Moved By: Neuendorf

Resolution 11-145, A Resolution Approving a REAP Grant Agreement for the AmVets Area Riverbank and Site Restoration Project 2012 is hereby approved.

Yes: 7 No: 0 Absent: 0

14. **Resolution 11-142, A Resolution Accepting the Public Pedestrian Trail for Eisenach Village.**

As per the Agreement there was some reimbursement for oversizing of sanitary sewer and finalize the project. Wayne Mc Farland voiced his concern with the reimbursement amount for oversizing of the sanitary sewer. Staff will work with Mr. Mc Farland for a solution.

Moved By: Kangas

Resolution 11-142, A Resolution Accepting the Public Pedestrian Trail for Eisenach Village is hereby approved.

Moved By: Boorum

To table Resolution 11-142 until the December 5th Council Meeting is hereby approved.

Yes: 7 No: 0 Absent: 0

15. **Resolution 11-144, A Resolution Approving Amendment #1 to the Professional Services Agreement for the Water Storage Painting and Distribution System Improvements 2012.**

City Engineer Cherry informed Council that additional analysis of the West Water Tower determined that a detailed structural investigation and analysis of the 1938 tower is prudent prior to repairing and refurbishing the structure. McGuire Iron will be a subcontractor for WHKS & Co. McGuire Iron will do the structural investigation in December and get the report back to Council in January.

Moved By: Lieb

Resolution 11-144, A Resolution Approving Amendment #1 to the Professional Services Agreement with WHKS & Co. for the not-to-exceed amount of \$15,800.00 for the Water Storage Painting and Distribution System Improvements 2012 is hereby approved.

Yes: 7 No: 0 Absent: 0

16. **Approval of October Cash Disbursements.**

Moved By: Lindell

The October Cash Disbursements are hereby approved.

Yes: 7 No: 0 Absent: 0

F. BOARDS AND COMMISSIONS.

1. **Boards and Commissions.**

Bremer-Waverly Law Board Minutes-discussion on evidence storage building.

Hazard Mitigation River Use Commission Minutes- discussion on Water Shed Authority.

2. **Reports.**

3. **Communications.**

2011 Waverly Community Gardens Final Quantities-discussion on
volunteer hours.

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 9:20 P. M.

Bob Brunkhorst, Mayor

Attest:

Jo-Ellen Raap, City Clerk