

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on December 5, 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, Gary Boorum, Richard Lindell, Chris Neuendorf and Tim Kangas. Absent: None.

1. **Pledge of Allegiance.**

Matt Kangas led the Council in the Pledge of Allegiance

2. **Prayer.**

Councilmember Boorum said 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: 7

No: 0

Absent: 0

4. **Minutes.**

Moved By: Boorum

The November 21, 2011 and November 28, 2011 Council Meeting Minutes are hereby approved.

Yes:7

No: 0

Absent: 0

5. **Guest Councilperson.**

The Council welcomed Andrew Hirst as the Guest Councilperson for December.

6. **Recognition of the Waverly-Shell Rock Senior High Volley Ball Team for their Outstanding Achievements.**

The Council congratulated Coach EaVon Woodin and the WSR Volley Ball Team on their State win.

B. VISITORS/PUBLIC COMMENTS.

Emily Neuendorf of the Waverly Chamber reminded Council that Christmas Greetings on Main is Thursday evening from 6:00 – 8:00 P. M.

C. TABLED ITEMS.

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

Moved By: Boorum

To remove from the table.

Yes: 7

No: 0

Absent: 0

Moved By: Kangas

Resolution 11-142, A Resolution Accepting the Public Pedestrian Trail Eisenach Village and approving payment to Bartel's Lutheran Home in the amount of \$2,809.50 for the oversizing of the sewer main per Development Agreement is hereby approved.

The original resolution is hereby approved as amended.

Yes: 7

No: 0

Absent: 0

D. CONSENT AGENDA.

1. Pay Request from Tallgrass Historians, L.C. for the Downtown Historic Survey Project in the amount of \$9,558.40.
2. Pay Request from Svendsen Tyler, Inc. for the Historic Preservation NW & SE Neighborhoods Survey Contract in the amount of \$6,779.50.
3. Class E Liquor License for Hy-Vee, Inc.
Library Director Sarah Meyer-Ryerson informed Council that Tallgrass Historians and Svendsen Tyler, Inc. are conducting historic surveys of the Downtown and northwest and southeast residential neighborhoods. The completion date is November, 2012. FEMA will reimburse the City.

Moved By: Kangas

Items 1 – 3 on the Consent Agenda are hereby approved.

Yes: 7

No: 0

Absent: 0

E. REGULAR BUSINESS.

1. **Resolution 11-152, A Resolution Approving the Dettmer Minor Plat for Parcel "X" in Southwest Waverly.**

Moved By: Lieb

Resolution 11-152, A Resolution Approving the Dettmer Minor Plat for Parcel "X" in Southwest Waverly is hereby approved.

Yes: 7

No: 0

Absent: 0

2. **Review of Waverly Light and Power 2012 Adopted Budget.**

Diane Johnson informed Council that Waverly Light and Power will not have a rate increase in 2012 and 2013. Industrial energy sales total 56% and residential total 19%. Purchase power and transmission has had a 12% increase from 2011 to 2012. \$2.5 million is spent on producing electricity. WLP receives \$3.5 million from Municipal Energy Agency of Nebraska (MEAN). Capital projects include reinstallation of Cannon #2, LED street lighting, and to rebuild transmission line from the west substation to Cedar River Drive, and a new west substation. WLP expects to have a rate increase in 2014. Ms. Johnson stated that the WLP transfers help fund City projects. Discussion followed on WLP's employee health insurance plan. Transmission costs are expected to rise dramatically. Waverly Light and Power will have to issue bonds for the new substation project. The inverted rate structure will continue through 2013 but WLP is investigating other alternatives.

3. **Resolution 11-151, A Resolution Approving a Special Provisional Use Application for the New Public Facility Power Sub-Station Location for Waverly Light and Power at 1200 1st Avenue NW.**

The west substation has no room for growth to service the west area of Waverly so WLP is moving the west substation. Mike Litterer stated that WLP owns three substations. The west substation is the oldest built in the 1960's and there is deterioration on the transformer in the substation. Waverly Low Rent Housing is interested in the land where the old substation is.

Moved By: Grace

Resolution 11-151, A Resolution Approving a Special Provisional Use Application for the New Public Facility Power Sub-Station Location for Waverly Light and Power at 1200 1st Avenue NW is hereby approved.

Yes: 7

No: 0

Absent: 0

4. **Awarding Quote for a Tractor-Mounted Snow Blower.**

City Engineer Cherry informed Council that the City-owned lawn tractor with snow blower at the airport was no longer serviceable. The Parks Division has a utility tractor with a front-mounted bucket attachment that is available for use by the Airport during winter months. The addition of a rear-mounted snow blower will enhance the versatility of the tractor and help with snow removal at the Airport. Replacement of the floor in the T-hangar bay #9 was put off until next spring to purchase the snow blower.

Moved By: Lieb

Awarding Quote for a Tractor-Mounted Snow Blower with electric chute rotation to Deike Implement Co. of Waverly, Iowa in the amount of \$6,820.00 is hereby approved.

Yes: 7

No: 0

Absent: 0

5. **Resolution 11-155, A Resolution Approving Amendment #5 to the Agreement for On-Call Engineering Services for the Obstruction Evaluation/ Airport Airspace Analysis & Categorical Exclusion Checklist (for NEPA) at the Waverly Municipal Airport.**

City Engineer Cherry informed Council the amendment is for engineering services to conduct obstruction evaluation and airspace analysis for airport runway safety zones. Mr. Cherry also informed Council that FAA recommended that the City conduct an airspace analysis and NEPA checklist. 95% of costs would be covered by the FAA if the City moved forward with the runway safety zone project. Derek Anderson stated that the obstruction survey identified Eugene & Judy Miller property, Glen & Kathy Burkle property, Marvin & Margene Schmidt property who have homes or out buildings that may or may not be affected by runway safety zone. All analysis is compiled in a report and submitted to the FAA. Dennis Hansen stated the Airport Commission supported the process. The airspace analysis and obstruction evaluation will be quicker and less costly to the City.

Moved By: Lindell

Resolution 11-155, A Resolution Approving Amendment #5 to the Agreement for On-Call Engineering Services for the Obstruction Evaluation/ Airport Airspace Analysis & Categorical Exclusion Checklist (for NEPA) at the Waverly Municipal Airport for the Obstruction Evaluation/Airport Airspace Analysis & Categorical Exclusion Checklist project in the amount of \$12,500.00 is hereby approved.

Yes: 7

No: 0

Absent: 0

6. **Resolution 11-153, A Resolution Approving Application to Perform Work (to Cross the Primary Highways) within the State Highway Right-of-Way.**

Police Chief Pursell stated that the City of Waverly cannot authorize the use of off-road utility vehicles upon primary highways but may make application to the Department of Transportation in order to cross the primary highways. This application is for permission from the DOT to allow off-road utility vehicles to cross a primary highway at specific intersections.

Moved By: Olson

Resolution 11-153, A Resolution Approving Application to Perform Work within the State Highway Right-of-Way is hereby approved.

Yes: 7

No: 0

Absent: 0

7. **Third and Final 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.**

If vehicle is transferred to another property or to someone else they are required to remove the sticker and register again. Discussion followed on vehicle weight and registration. Chief Pursell informed Council that after the ordinance is published an owner may register their off-road utility vehicle with the DNR and the Police Department will then start inspections during business hours.

Moved By: Olson

Third and Final 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

8. **Resolution 11-157, A Resolution Approving a Development Agreement Between the City of Waverly, Iowa (hereinafter referred to as the "City") and M. Julian, LLC (hereinafter referred to as the "Developer") for the Centennial Oaks Phase 4 Improvement Project.**

The proposal was brought to the City by Mark Hanawalt. In the proposal Mr. Hanawalt wishes to partner with the City to complete Phase 4 of Centennial Oaks Golf Club addition. Design and specifications would be paid by the Developer upfront to determine infrastructure costs. Upon receiving the cost opinion and bids for installation of the improvements, the developer will determine whether or not to proceed with the construction of required infrastructure. In turn the developer proposes that those costs be assessed against the 14 lots and an outlot in Phase 4. The full costs of the infrastructure would be included in the special assessment agreement over ten years at 5% interest. Any engineering needed for observation and construction would be paid by the developer. This proposal is different than other subdivisions because it is an existing

subdivision in which the development company as has failed and there is a need to build out the remaining subdivision areas. A special assessment cannot exceed 25% of the value of the property and the City would probably not get the full return on their investment. The advantage to the City is that Mr. Hanawalt has volunteered to enter into a special assessment agreement to pay the full assessment for the infrastructure. Mr. Hanawalt stated that this proposal is to make the development viable. Dennis Happel voiced concerns with upfront City funding of infrastructure improvements for a developer over 10 years and City bonding for said repairs. Barth Steere also would like the same advantage for his subdivision.

Moved By: Lindell

Resolution 11-157, A Resolution Approving a Development Agreement Between the City of Waverly, Iowa (hereinafter referred to as the "City") and M. Julian, LLC (hereinafter referred to as the "Developer") for the Centennial Oaks Phase 4 Improvement Project is hereby approved.

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

9. **Resolution 11-156, A Resolution Approving a Professional Services Agreement for the Centennial Oaks Phase 4 Improvement Project.**

Resolution failed **due to lack of motion.**

10. **Resolution 11-150, A Resolution Approving Amendment #1 to the Professional Services Agreement for the Centennial Oaks Phase 3A Repair & Improvement Project.**

City Engineer Cherry stated the amendment is for design services for major rehabilitation work was necessary to correct the deficient pavement sections that resulted from trench settlement in said phase. Council passed a resolution noting the deficiencies and notice was sent to the developer, contractor and bonding company. City Attorney Carney informed Dennis Happel notice was given to the bonding company, attorneys were retained, allegations were made that the deficiencies were from geological conditions and unusual subsoil. The Centennial Oaks developer has failed and the corporation is defunct and there are no assets left. The geotechnical report was done, and repair options were presented. Estimated total cost for repairs is \$170,280. Duane Liddle voiced concerns with the City paying for said repairs. The City should have conducted the geotechnical study right away. The adjacent property owners feel that they paid for the street improvements when they bought their lot. The right-of-way for the street has been accepted.

Moved By: Grace

Resolution 11-150, A Resolution Approving Amendment #1 to the Professional Services Agreement for the Centennial Oaks Phase 3A Repair & Improvement Project by increasing the amended compensation to be billed hourly with a Not-to-Exceed fee of \$15,280.00 is hereby approved.

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

11. **Resolution 11-154, A Resolution Approving an Option to Purchase Real Estate from Neil Smith for the Ball Diamond / Bremer County Fair Association Combined Complex.**

Administrator Crayne stated that the purpose of the option is to do engineering to determine feasibility of developing a ball field and fair complex on said property. Attached is a development agreement that outlines responsibility of the respective parties. The agreement was contingent upon Bremer County providing \$120,000 over a 5 year period. The Supervisors have adopted a motion that they will attempt to budget in 2013, \$30,000 for project land. The development agreement was set up as a match between the City and the County.

Moved By: Boorum

Resolution 11-154, A Resolution Approving an Option to Purchase 142 acres of Real Estate from Neil Smith for the Ball Diamond / Bremer County Fair Association Combined Complex for an amount of \$3,600.00 is hereby approved.

Yes: 7

No: 0

Absent: 0

12. **Resolution 11-158, A Resolution Approving a Development Agreement Between the Bremer County Fair Association (BCFA), the Ball Diamond Development Committee, representing the Waverly Softball Association, Inc., the Waverly-Shell Rock Area Baseball Boosters, and the Greater Waverly Youth Softball Association (BDDC) and the City of Waverly (City) to Partner in the Development of New Fairground Facilities and New Ball Diamond Facilities and Infrastructure Development to the Benefit of all Parties.**

Fred Ribich representing said groups stated the Development Agreement if approved now would become null and void if the project ended up not moving forward at the end of the option year. The engineering agreement will be brought before Council at the next meeting.

Moved By: Lieb

Resolution 11-158, A Resolution Approving a Development Agreement Between the Bremer County Fair Association (BCFA), the Ball Diamond Development Committee, representing the Waverly Softball Association, Inc., the Waverly-Shell Rock Area Baseball Boosters, and the Greater Waverly Youth Softball Association (BDDC) and the City of Waverly (City) to Partner in the Development of New Fairground Facilities and New Ball Diamond Facilities and Infrastructure Development to the Benefit of all Parties is hereby approved.

Yes: 7

No: 0

Absent: 0

13. **Resolution 11-159, A Resolution Amending Resolution 10-112 to Change the Citywide Sidewalk Maintenance and Reconstruction Program.**

City Engineer Cherry informed Council that the sidewalk program was expanded to include pedestrian ramps. The Planning and Zoning Commission is reviewing areas in Waverly where additional new

sidewalks may be needed. Mr. Cherry favors combining all pedestrian ramp construction under one contract ahead of the sidewalk installation. Council hopes that the two-thirds annual allocated time of the new engineering tech will be dedicated to the sidewalk program. Mr. Cherry wants to keep the sidewalk program balanced and keep the workload uniform.

Moved By: Lindell

Resolution 11-159, A Resolution Amending Resolution 10-112 to Change the Citywide Sidewalk Maintenance and Reconstruction Program, said changes would be as follows:

1. Designate Public Works Administration as the City's division responsible for coordinating and managing the program.
2. Hire a full-time secretary in lieu of the permanent part-time for the Engineering Division. Overall, about one-third of employee's annual time would be budgeted to the program.
3. In lieu of a seasonal sidewalk inspector, hire a third full-time engineering technician. Approximately two-thirds of a designated engineering tech's overall annual time would be allocated to the program and the remaining one-third would be allocated to other City projects.
4. Increase the number of sidewalk zones from 4 to 7.
5. Reconstruct all the pedestrian ramps within a particular zone one year in advance of inspecting the sidewalks for repair.
6. Allow for minor alignment deviations to preserve trees.

Yes: 7

No: 0

Absent: 0

14. **First Reading of Ordinance 955, An Ordinance Adopting the "City Code of Waverly, Iowa."**

Moved By: Boorum

First Reading of Ordinance 955, An Ordinance Adopting the "City Code of Waverly, Iowa" is hereby approved.

Yes: 7

No: 0

Absent: 0

15. **Resolution in support of the Cities of Tripoli, Sumner, and Frederika, Iowa to propose the question of the imposition of a local sales and service tax to be submitted to the qualified electors in the Cities of Tripoli, Sumner and Frederika, Iowa at a special election.**

The resolution is in support of the three communities to be able to take to the voters in their communities a proposition to extend an existing local option sales tax. In the state code a local option sales tax election cannot be brought within the confines of a community unless 50% of the population of Bremer County would adopt a resolution in support of said proposition.

Moved By: Olson

Resolution in support of the Cities of Tripoli, Sumner, and Frederika, Iowa to propose the question of the imposition of a local sales and service tax to be submitted to the qualified electors in the Cities of Tripoli, Sumner and Frederika, Iowa at a special election is hereby approved.

Yes: 7

No: 0

Absent: 0

F. BOARDS AND COMMISSIONS.

1. **Boards and Commissions.**

Hazard Mitigation/River Use Commission Minutes-Inflatable Dam Dedication Thursday from 11:30 – 1:30 P. M. with a presentation at 12:30 P. M.

2. **Reports.**

3. **Communications.**

G. CITY COUNCIL COMMENTS ON POLICY ISSUES.

Public Services has been patching around manholes in Centennial Oaks Phase 3A to prevent damage to snow plows. Discussion followed on what are the increased costs going to be later for said street repair. There will be recognition of Ike Ackerman during the presentation at the Inflatable Dam dedication.

H. ADJOURNMENT.

Moved By: Boorum

That the City Council Meeting be adjourned.

Yes: 7

No: 0

Absent: 0

Council adjourned at 10:00 P. M.

Bob Brunkhorst, Mayor

Attest:

Jo-Ellen Raap, City Clerk