

Resolution 11-167, A Resolution Amending its \$1,000,000 Community Facility Revenue Note (Goodwill Industries of Northeast Iowa, Inc. Project) Series 2010 (the "Note") dated March 29, 2010 on behalf of Goodwill Industries of Northeast Iowa, Inc. (the "Borrower") pursuant to a Loan Agreement (the "Loan Agreement") dated as March 1, 2010 between the Issuer and the Borrower is hereby approved.

Yes: 7

No: 0

Absent: 0

C. VISITORS/PUBLIC COMMENTS.

Mayor Brunkhorst explained the quote in the Waverly Newspaper could have come from him regarding whether we had made mistakes on Centennial Oaks Golf Club and what was meant is that things could have been done differently.

D. CONSENT AGENDA.

1. Pay Request from McClure Engineering Co. for the Waverly Municipal Airport Access Road Realignment & Parking Lot Reconstruction in the amount of \$1,956.00.
2. Pay Request from Stanley Consultants, Inc. for the Waverly Dam Reconstruction Phase 5 Commissioning & Plan of Operation in the amount of \$13,282.00.
 - In process of finalizing project and preparing closing documents which should be coming to council during the month of January.
3. Pay Request from Stanley Consultants, Inc. for the Cedar River Parkway Environmental Assessment in the amount of \$11,241.79.
4. Class C Liquor License for East Bremer Diner, Inc.

Moved By: Kangas

Items 1 – 4 on the Consent Agenda are hereby approved.

Yes: 7

No: 0

Absent: 0

E. REGULAR BUSINESS.

1. **Iowa State Representative Pat Grassley will Discuss the Upcoming Legislative Session.**

State Representative Pat Grassley discussed:

- Mr. Grassley holds town meetings about every other month.
- Mr. Grassley is chair of the Economic Development committee and reported that the governor plans to set up a new funding mechanism that would ramp up funds for economic development instead of eliminating it.
- Economic Development is important so we can be competitive with other states.
- There is interest in ways to reduce extra waste caused by state and federal government requirements that hinder local government.
- Another serious look will be taken at property taxes for commercial and residential. Mr. Grassley believes that commercial property tax

should be lowered to help local businesses and only supports it if it done in a responsible manner.

- Mr. Grassley mentioned that other communities comment on the City of Waverly web site and monthly newsletters and what a nice job Waverly does with Economic Development and keeping Waverly on the map and always growing.
- The state promised 2% allowable growth to education for grades K – 12 and that obligation will be fulfilled through budgetary allocations.
- Urban Renewal and/or Tax Increment Financing (TIF) may be impacted by legislation.
- Watershed agreements for four counties are being worked on and some public hearings should be coming in January regarding them.
- Mr. Grassley thanked Waverly for all we do for the citizens.

2. **Resolution 11-161, A Resolution Approving Final Payment and Release of Performance Bond for Demolition of 23 HMGP Buyout Properties Awarded to Kelly Demolition, LLC.**

- After receiving calls from property neighbors staff inspected lots and found unsatisfactory seeding issues and determined only 70% of the 23 lots had a satisfactory end result. Staff recommended to Council that 70% of the amount due should be paid to Kelly Demolition, LLC with the remaining 30% being utilized in the spring for re-seeding.
- Germination time was plentiful.
- The next step would be to make final payment in the amount recommended.
- Attorney Carney stated Kelly Demolition, LLC could take the City to small claims court and they would have to prove their case. Staff has documented the quality of work.

Moved By: Lindell

Resolution 11-161, A Resolution Approving Final Payment in the amount of \$6,037.50 and Releasing Performance Bond for Demolition of 23 HMGP Buyout Properties Awarded to Kelly Demolition, LLC. of Mt. Vernon, Iowa is hereby approved.

Yes: 7 No: 0 Absent: 0

3. **Resolution 11-162, A Resolution Approving Final Payment to Benton's Sand & Gravel, Inc. for Demolition of Non-Residential Amvets Property and Release of Performance Bonds as Part of the Hazard Mitigation Grant Program at 503 4th Street SE.**

Moved By: Olson

Resolution 11-162, A Resolution Approving Final Payment to Benton's Sand & Gravel, Inc. of Cedar Falls, Iowa in the amount of \$27,320.00 for Demolition of Non-Residential Amvets Property at 503 4th Street SE and Releasing of Performance Bonds as Part of the Hazard Mitigation Grant Program is hereby approved.

Yes: 7 No: 0 Absent: 0

4. **Resolution 11-163, A Resolution Awarding an Engineering Contract for a County Fair Grounds and Community Softball / Baseball Facility.**

- Original proposal was for the amount of \$22,800 in not knowing how many acres the project would include. There is an additional charge for the additional acres.
- There is also a charge listed for boundary retracing which will be done by Snyder & Associates.
- Snyder & Associates will be working on getting access to Hwy. 3
- Fundraising will begin sometime around April or May by the Fair.
- Mayor Brunkhorst asked City Administrator if the City officially stated the lease for the fair would not be renewed in 2019. City Administrator Crayne replied that conversations have been held to that effect, however, that decision is the City Council's. Crayne also commented that in a recent Mayor/Council Strategic Planning session that the number 1 priority program was to develop a plan for the future use of Memorial Park post-Fair occupancy.

Moved By: Grace

Resolution 11-163, A Resolution Awarding an Engineering Contract to StruXture Architects, LLC for the amount of \$26,300.00 with costs shared for a master plan including preliminary drawings, cost estimate, boundary retracement, and Civil survey study for a County Fair Grounds Community Softball / Baseball Facility is hereby approved.

Yes: 7 No: 0 Absent: 0

5. **Resolution 11-164, A Resolution Approving the 5 – Year Airport Capital Improvement Program for FFY 2013 – 2017.**

- Resolution 11-164 shall be amended by deleting paragraphs 2 and 3.
- The 2013 – 2017 document is all that is being requested at this time.
- Suggested motion shall be amended by deleting the words “to include the Airspace Analysis and NEPA Checklist project in lieu of the Obstruction Survey project in the amount of \$12,500.00 which will be locally funded”.
- The \$12,500 would be applied towards the local effort in 2013.

Moved By: Lindell

Resolution 11-164, A Resolution Approving the 5 – Year Airport Capital Improvement Program for FFY 2013 – 2017 is hereby approved.

Yes: 7 No: 0 Absent: 0

6. **Resolution 11-165, A Resolution Proposing a Lease Agreement Between the City of Waverly and the Bremer-Waverly Law Enforcement Board for Real Estate Identified as Parcel #0901451011 near what is presently being used as Well Number Seven and Setting Public Hearing.**

- Attorney Carney will research any objections or concerns the EPA or DNR would have regarding this agreement.
- The Proposed lease is consistent with the current lease where the building is located at present date.

Moved By: Olson

Resolution 11-165, A Resolution Proposing a Lease Agreement Between the City of Waverly and the Bremer-Waverly Law Enforcement Board for Real Estate Identified by the Bremer County, Iowa Assessor's Office as Parcel #0901451011 near what is presently being used as Well Number Seven (7) by the City of Waverly to commence on January 1, 2012 and extend for a term of Twenty-five (25) years to the end on December 31, 2036 and automatically extend for an additional Twenty-five (25) years for the consideration of \$1.00 and hereby sets a public hearing for January 9, 2012 and hereby sets a public hearing for January 9, 2012 at 7:00 p.m. in the Council Chambers at City Hall as the date, time and place set for a public hearing on said proposed leased is hereby approved.

Yes: 7 No: 0 Absent: 0

7. **Resolution 11-166, A Resolution Approving Engineering Services Agreement – Amendment No. 3 for the 4th Street SW Corridor Improvements.**

- Snyder & Associates, Inc. is justified in asking for additional compensation due to additional working days beyond what was specified.
- The City is credited for the mishap with the median resulting with a net decrease of \$2,355.50.

Moved By: Grace

Resolution 11-166, A Resolution Approving Engineering Services Agreement – Amendment No. 3 for the 4th Street SW Corridor Improvements provides a credit in the amount of \$12,229.50 to the City for the mishap with the one incorrect median that was accidentally specified, built and then replaced resulting in a net contract adjustment for this amendment for the amount of -\$2,355.50 to Snyder & Associates, Inc. is hereby approved.

Yes: 7 No: 0 Absent: 0

8. **Approve Change Orders No. 4 & 5 for the 4th Street SW Corridor Improvements.**

Moved By: Boorum

Approve Change Orders No. 4 & 5 for the 4th Street SW Corridor Improvements; change order no. 4 is for the increased amount of \$27,076.20 and change order no. 5 is for the decreased amount of \$64,391.27 to K. Cunningham Construction Inc. of Cedar Falls, Iowa is hereby approved.

Yes: 7 No: 0 Absent: 0

9. **Pay Request from K. Cunningham Construction, Inc. of Cedar Falls, Iowa for the 4th Street SW Corridor Improvements.**
Moved By: Kangas
 Pay Request from K. Cunningham Construction, Inc. of Cedar Falls, Iowa for the 4th Street SW Corridor Improvements in the amount of \$43,579.27 is hereby approved.
Yes: 7 No: 0 Absent: 0
10. **Approve Change Order No. 1 for the Citywide Concrete Sidewalk and Curb & Gutter Repairs – 2011.**
Moved By: Olson
 Change Order No. 1 for the Citywide Concrete Sidewalk and Curb & Gutter Repairs – 2011 to Baker Concrete & Excavating for the increased amount of \$4,500.00 is hereby approved.
Yes: 7 No: 0 Absent: 0
11. **Pay Request from Baker Concrete & Excavating for the Citywide Concrete Sidewalk and Curb & Gutter Repairs – 2011.**
Moved By: Lindell
 Pay Request from Baker Concrete & Excavating for the Citywide Concrete Sidewalk and Curb & Gutter Repairs – 2011 in the amount of \$15,159.67 is hereby approved.
Yes: 7 No: 0 Absent: 0
12. **Second Reading of Ordinance 955, An Ordinance Adopting the “City Code of Waverly, Iowa.”**
Moved By: Lindell
 Second Reading of Ordinance 955, An Ordinance Adopting the “City Code of Waverly, Iowa” is hereby approved.
Yes: 7 No: 0 Absent: 0
13. **Approval of November Cash Disbursements.**
 • The cost of LP Gas at the Municipal Airport is shared 50/50 between the City of Waverly and Cedar Valley Aviations.
Moved By: Neuendorf
 The November Cash Disbursements are hereby approved.
Yes: 7 No: 0 Absent: 0
14. **Re-Appointment of Fire Chief for Year 2012.**
 • Congratulations to all the elected officers for the Waverly Volunteer Fire Department. Thank you for the fine job done last year.
 • The state mandates 24 hours of training for each fire fighter.
 • A request will be made for a new fire truck, pumper to replace a 30 plus year old pumper that is no longer viable.
 • The fire department building repair should be complete.
Moved By: Boorum
 The Re-Appointment of Dennis Happel as Fire Chief for Year 2012 is hereby approved.
Yes: 7 No: 0 Absent: 0

15. **Appointment of New City Attorney.**

- Bill Werger introduced himself. Moved to Waverly in 2009 and is an attorney at Leslie, Collins, Gritters & Werger law firm. Mr. Werger has practiced for 28 years in the State of Iowa and graduated from the University of Iowa Law School and went to undergraduate in Nebraska.

Moved By: Lindell

Appointment of William D. Werger as the new City Attorney for the City of Waverly is hereby approved.

Yes: 7 No: 0 Absent: 0

16. **Mayoral Appointments.**

Suggested Motion.

Moved By: Lindell

The Mayoral Appointments of:

Planning and Zoning:	Barbara Anderson
Cable Commission:	Mike Cooley
Golf Commission:	Sharon Abram
Hazard Mitigation and River Use Commission:	Deb Turnball
Housing Commission:	David Fredrick
Leisure Services Commission:	
Reappointments of both	Chuck Brittain
	Sharon Cashman

are hereby approved.

Yes: 7 No: 0 Absent: 0

17. **Cancellation of December Study Session.**

Moved By: Grace

The Waverly City Council's December Study Session is hereby cancelled.

Yes: 7 No: 0 Absent: 0

F. BOARDS AND COMMISSIONS.

1. **Boards and Commissions.**

Bremer-Waverly Law Enforcement Board Minutes –

no additional comments

Cable/Telecommunications Commission Notes – No formal meeting

2. **Reports.**

Departmental Status Reports

3. **Communications.**

Trees Please Program letter – Waverly was selected to receive a \$2,000 grant from the MidAmerican Energy Company's *Trees Please* program.

G. CITY COUNCIL COMMENTS ON POLICY ISSUES.

- Used motor oil can be taken to the recycling center other household hazardous waste can be taken to the Bremer County Landfill which is open Monday – Friday and every other Saturday.

- Mayor and Council thanked Drew Hirst for his participation as a guest councilperson.
- Councilman Gary Grace commented on his appreciation of the trust of the citizens in Waverly to have allowed him to serve. It has been an honor. Special thanks to all the staff who serve every day. Thanked co-council for their wisdom, thoughtfulness. Also remembered former Mayor, Ike Ackerman.

H. ADJOURNMENT.

Moved By: Grace

That the City Council Meeting be adjourned.

Yes: 7

No: 0

Absent: 0

Council adjourned at 8:14 P. M.

Bob Brunkhorst, Mayor

Attest:

Carla Guyer, Deputy City Clerk