

City Council Work Session Minutes

A work session meeting of the Waverly City Council was held on March 17, 2014 at 6:00 pm in the Civic Center at City Hall. Mayor Infelt presided. The following Council Members present: McKenzie, Wygle, Neuendorf, Waldstein and Reznicek. Councilmember Gade arrived at 6:30 pm and Councilmember Kangas was absent.

Discussion took place on the drafting of a rental housing ordinance and on co-mingling recycling containers.

Meeting adjourned at 6:55 pm to move to the Ivan "Ike" Ackerman Council Chambers for the regular Council Meeting scheduled for 7:00 pm.

City Council Regular Meeting Minutes

The regular meeting of the Waverly City Council was held on March 17, 2014, at 7:00 p.m. in the Ivan "Ike" Ackerman Council Chambers at City Hall. Mayor Infelt presided. Council members present: Reznicek, Waldstein, Wygle, McKenzie, Gade and Neuendorf. Absent: Kangas

A. CALL TO ORDER 7:00 P. M.

1. **Approve Agenda as Printed or Add Items for Discussion Only.**
Moved By: Neuendorf Seconded By: McKenzie
The agenda for this Council meeting is hereby approved as amended by changing the date February 3, 2014 to March 17, 2014.
Yes: 6 No: 0 Absent: 1
2. **Approval of the minutes from the March 3, 2014 meeting.**
Moved By: Waldstein Seconded By: Wygle
The March 3, 2014 Minutes are hereby approved.
Yes: 6 No: 0 Absent: 1
3. **Recognition of WSR Bowling Team on their State Championship Achievement and 3 WSR Wrestlers and their Coaches on their State Championship Achievement.**
Waverly Shell-Rock Head Bowling Coach Matthew Schneider, Assistant Coach Blake Yanda and Team Members Ethan Young, Andrew Schneider, Bradyn Flaig, Seth Masker, Alex Yanda and Alex Denton received certificates of recognition for their achievement of winning the State Championship.

Waverly Shell-Rock Head Wrestling Coach Eric Whitcome, Assistant Coaches Josh Meier, Mike Schwab, Nick Keith, Alino Djoumessi and Wrestlers Bryce Steiert, Corey Abernathy and Kaleb Staack received certificates of recognition for their achievement of winning the State Championship.

4. **Employee Highlight.**

Police Officer Tyler Homeister was unable to attend this council meeting and will plan to attend a future meeting.

B. VISITORS/PUBLIC COMMENTS.

- Duane Liddle commented on compliance and enforcement of the chicken ordinance.
- John Campbell inquired about the difference between a study session and a work session and whether both are open meetings? City Administrator Phil Jones explained that study sessions are regularly scheduled public meetings and work sessions are usually specially scheduled with specific purposes. They are both open meetings. Mr. Campbell further expressed concerns on whether the 6:00 pm work sessions will be continued due to public not being comfortable with the meals and not being able to voice questions and concerns at a work session.

C. CONSENT AGENDA.

1. Pay Request from Stanley Consultants for the Cedar River Parkway (West) for \$23,876.13.
2. Pay Request from IDOT for Bremer Ave Bridge Sidewalk & Railing Rehab 2012 for \$75,000.
3. Class B Native Wine Permit for the Wild Carrot.
4. Class E Liquor License for the Liquor & Tobacco Outlet.
5. Class C Beer Permit for Kwik Star East.
6. Class E Liquor License for Wal-Mart.
7. Class C Liquor License for the Waverly Golf & Country Club.
8. Class C Liquor License El Sol Mexican Restaurant, Inc.

Moved By: Reznicek Seconded By: Waldstein

The Consent Agenda items are hereby approved.

Yes: 6 No: 0 Absent: 1

D. REGULAR BUSINESS.

1. **Resolution 14-36, A Resolution Setting Dates of a Consultation and Public Hearing on a Proposed Amendment No. 1 to the Waverly Unified Urban Renewal Plan in the City of Waverly, State of Iowa.**

- Duane Liddle asked if the additional property in the proposed amendment was included voluntarily by the property owners.
- City Administrator Phil Jones explained the only consent under Iowa Law is for agricultural zoned property in excess of 10 acre parcels. Consultations are scheduled for next week and a public hearing is planned for April 21.
- Councilmember Waldstein asked for clarification that all language included in the proposed plan stems from goal setting and budget processes. City Administrator Phil Jones confirmed this and added that it includes

planning from the Comprehensive Land Use Plan and master plans, such as the downtown masterplans, however the majority is taken from recent goal settings and capital budget.

Moved By: Waldstein Seconded By: McKenzie

Resolution 14-36, A Resolution Setting Dates of a Consultation and a Public Hearing on a Proposed Amendment No. 1 to the Waverly Unified Urban Renewal Plan in the City of Waverly, State of Iowa is hereby approved.

Yes: 6 No: 0 Absent: 1

2. **Resolution 14-29, A Resolution Approving Contract, Bonds and Insurance for the Cedar River Parkway (West) Improvements 2014.**

Moved By: McKenzie Seconded By: Waldstein

Resolution 14-29, A Resolution Approving Contract, Bonds and Insurance for Peterson Contractors, Inc. for the Cedar River Parkway (West) Improvements 2014 is hereby approved.

Yes: 6 No: 0 Absent: 1

3. **Resolution 14-30, A Resolution Approving Contract, Bonds and Insurance for the 4th Street NW Reconstruction 2014.**

- Specified start date is April 7 and the contractors will be encouraged to have this project wrapped up before Ragbrai.

Moved By: Wygle Seconded By: Neuendorf

Resolution 14-30, A Resolution Approving Contract, Bonds and Insurance for Heartland Asphalt for the 4th Street NW Reconstruction 2014 is hereby approved.

Yes: 6 No: 0 Absent: 1

4. **Resolution 14-31, A Resolution Approving Contract, Bonds and Insurance for the Citywide Pedestrian Ramp Construction 2014.**

Moved By: Neuendorf Seconded By: Waldstein

Resolution 14-31, A Resolution Approving Contract, Bonds and Insurance for Feldman Concrete of Dyersville for the Citywide Pedestrian Ramp Reconstruction 2014 is hereby approved.

Yes: 6 No: 0 Absent: 1

5. **Resolution 14-32, A Resolution Approving the Supplemental Agreement No. 2 for the Dry Run Creek Improvements 2014 (20th St. NW Box Culvert).**

- Duane Liddle questioned whether the Dry Run Creek Improvements 2014 could be amended to add the straightening of the exit of the Dry Run where it meets the Cedar River as well as extend the Dry Run north to 12th Street to allow for a possible retention area.
- The box culvert has a funding stream built into the designing and into the construction plans because it is very similar work and costs will be minimized.
- City staff can look at Mr. Liddle's request at the time we look at the overall design of the Dry Run since that information will be factored

into the channel design of whether or not it meets the 100 year flood level.

- The floodplain footprint would not change if we were to straighten it out since the Cedar River backs up when it is at a 100 year flood level. So it is of no benefit to the adjoining property owners down there.
- The grade line is more important than the bends. The 90 degree bend it makes down there is not causing flooding upstream or having adverse impacts. The 1st Street SW bridge, however, was built in 1924 and is a little undersized and it will need to be replaced sometime in the future at which time it will also be enlarged.

Moved By: Waldstein Seconded By: Reznicek

Resolution 14-32, approving the Supplemental Agreement No. 2 with WHKS & Co. for the not-to-exceed amount of \$71,200.00 for the Dry Run Creek Improvements 2014(20th St. NW Box Culvert) is hereby approved.

Yes: 6 No: 0 Absent: 1

6. **Resolution 14-33, A Resolution Endorsing the Use of Regional Enhancement Funds for the Babcock Woods Trail Extension in Waverly, Iowa for the Development of a Network of Multi-Use Trails for the Benefit of Waverly's Citizens.**

- There was a typo on the agenda memorandum. The memorandum should state the funding is coming from Capital Improvement Fund for this project and not LOST funding.

Moved By: Reznicek Seconded By: Waldstein

Resolution 14-33, A Resolution Endorsing the Use of Regional Enhancement Funds for the Babcock Woods Trail Extension in Waverly, Iowa for the development of a network of multi-use trails for the benefit of Waverly's citizens and is hereby approved.

Yes: 6 No: 0 Absent: 1

7. **Resolution 14-34, A Resolution Approving Professional Services Agreement with WHKS & Co. for Various 2015 Improvement Projects.**

- City Engineer Mike Cherry explained the preferred option would be to continue along the west side of 11th Street SE.
- Duane Liddle inquired who the developer is. Staff is not sure who the title holder is at the time of this meeting.
- Some land may have to be acquired to accommodate the water main and possibly the trail system.
- In 2008 the decision was made to acquire the additional 30 feet of right-of-way in order to be able to accommodate a public utility and future roadway improvements.
- The costs for this engineering agreement are within the normal 12 – 15% Stanley Consultants or WHKS & Company historically runs.

Moved By: Wygle Seconded By: McKenzie

Resolution 14-34 , A Resolution Approving Professional Services Agreement with WHKS & Co. for Various 2015 Improvement Projects.

- 2nd Ave SW Reconstruction from 4th St. SW to 10th St. SW for the not-to exceed fee of \$71,670.00
- Babcock Woods Trail Extension from near the Soccer Complex to Babcock Woods for a not-to-exceeds fee of \$34,234.00
- W Bremer Ave Sidewalk/Trail improvements from 16th St. SW to 20th St. SW for a not-to-exceed fee \$16,539.00
- Survey and Right-of-Way Service for Water Main Extension from 18th Ave. SE to Tagalong Trail for the not-to-exceed fee of \$11,320.00.

is hereby approved.

Yes: 6 No: 0 Absent: 1

8. **Resolution 14-35, A Resolution Awarding Contract for the 2014 Bituminous Seal Coat Program.**

- Costs can fluctuate depending on costs of additives. Traditionally over the past 10 years the MC3000 has been more economical than the MC800. Both products are comparable.
- City crews complete prep work during the months of April and May to prepare for seal coating by patching, asphalt leveling and use of the Dura Patcher depending on the stress of the pavement. This helps with the long term durability and smoothness of residential streets.

Moved By: Neuendorf Seconded By: Wygle

Resolution 14-35, A Resolution Awarding Contract to Blacktop Services of Humboldt for the 2014 for \$120,141.60 Bituminous Seal Coat Program and is hereby approved.

Yes: 6 No: 0 Absent: 1

9. **Resolution 14-37, A Resolution Approving Contract, Bonds and Insurance for the “Shades of Rhythm” Amphitheatre Project in Kohlmann Park.**

- Duane Liddle referred to Iowa Code Section 362.5 and also commented about the design of the structure and whether water could flow between the ribs and the amount of fill planned to be used.
- John Campbell voiced his concerns on staff time being utilized for the grant application writing process, river view, mature trees for shade with no adverse effects to Kohlmann Park, trees were severely impacted due to flooding.
- Mark Mueller, WSR Municipal Band Committee Member, commented that not knowing the specifics he didn't feel that the amount of fill needed to be used would be a huge impact on the water flow since there has been 70 plus houses that no longer exist to block water flow through the flood plain and the grant application was written by a volunteer on the Leisure Services Commission.
- City Staff does complete flood plain reviews to determine which structures might be in a higher risk flow-way which requires a certification process by hiring an engineering company who as part

of the certification will apply a seal on the plans that the structure will have a no-rise impact and if not within flow-way it does not need to complete the certification process. This structure will not be within the higher risk flow-way it is in the 1% annual chance non-regulated flow-way so this does not require a permit.

- The opinion of City Staff is that the amount of fill needed to be used for this project would have very little adverse effect on the water flow.
- There have been items in the past that have been set as council priority, council has put some money behind or it is a public project. Our staff is sometimes the most knowledgeable and best equipped to write those grants and this can be used to offset hard dollars with the soft dollar cost.
- The projects are prioritized based on need of a public nature or a council priority and going towards structures or programs which is typically for infrastructure.
- City Attorney Bill Werger reviewed the documents and in his legal opinion did not see any reason that Iowa Code Section 362.5 had been violated.
- Councilmember Wygle stated that in no way was Sharon Cashman or anyone involved with this project out to personally gain anything from this Shades of Rhythm Project and thanked those who have volunteered time and effort.

Moved By: Reznicek Seconded By: Wygle

Resolution 14-37, A Resolution Approving Contract, Bonds and Insurance for Paul Christenson Construction for the “Shades of Rhythm” Amphitheatre Project in Kohlmann Park in the amount of \$251,555.00 is hereby approved.

Yes: 5 No: 1 (Gade) Absent: 1

10. **Approval of February Cash Disbursements.**

Moved By: McKenzie Seconded By: Neuendorf

The February Cash Disbursements are hereby approved.

Yes: 6 No: 0 Absent: 1

11. **Mayoral Appointments.**

- Mr. Jones and Mr. Vyverberg both submitted letters of resignation to Economic Development Commission.

Moved By: Reznicek Seconded By: Waldstein

The mayoral appointments of Brent Jones to the Golf Course Commission, Jere Vyverberg to the Electrical Utility Board of Trustees and Chris Neuendorf to be the Council Liaison for Wartburg-Waverly Sports and Wellness Center are hereby approved.

Yes: 6 No: 0 Absent: 1

12. **Cancellation of the March Study Session.**

- After a 3 month trial it is time to have an open discussion during the April 7, 2014 council meeting regarding the 6:00 – 7:00 p.m. work sessions and the cancellation of study sessions.

- There are no agenda topics at this time so cancelling the March Study Session will have no adverse effects on upcoming business.

Moved By: Walstein Seconded By: McKenzie

The March Study Session is hereby cancelled.

Yes: 6 No: 0 Absent: 1

E. Reports from Boards and Commissions:

Historic Preservation Commission Minutes	December 5, 2014
Waverly Public Library Board of Trustees Minutes	January 14, 2014
Historic Preservation Commission Minutes	January 23, 2014
The W Report	January, 2014
Waverly Public Library Board of Trustees Minutes	February 11, 2014
Monthly Financial Report	February, 2014
Bremer-Waverly Law Enforcement Board Minutes	February 10, 2014
Airport Commission Minutes	February 13, 2014
Senior Center Calendar	March, 2014

F. Staff Comments.

- There were none.

G. City Council Comments.

- Councilperson Neuendorf is experiencing telephone issues. Please keep trying to call or send him an e-mail.
- Councilperson Wygle announced Friday is National Down Syndrome Day and asked for support from the public.

H. Mayors comments

- Encouraged public to support downtown and buy local.
- Thanked Deb Pendleton for her time as Guest Councilperson.

I. Adjournment.

Moved By: Neuendorf Seconded By: Waldstein

That the Council Meeting adjourn is hereby approved.

Yes: 6 No: 0 Absent: 1

Council adjourned at 8:13 p.m.

Charles D. Infelt, Mayor

Attest:

Carla Guyer, Deputy City Clerk