Regular Meeting Minutes
Ivan "Ike" Ackerman Council Chambers
A Regular Meeting of the Waverly City Council was held on May 19, 2014 at 7:00 P. M.in the Ivan "Ike" Ackerman Council Chambers at City Hall. Mayor Infelt presided and the following Council Members were present: Wygle, Neuendorf, Gade, McKenzie and Reznicek. Absent: Waldstein, Kangas

A. Call to Order

The agenda is hereby approved as amended to remove Item 3 under Other Business Resolution 14-74.

Moved By: Neuendorf **Seconded By: Gade**
Yes: 5 **No: 0** **Absent: 2**
Moved By: McKenzie **Seconded By: Wygle**
The original agenda as amended is hereby approved.
Yes: 5 **No: 0** **Absent: 2**

B. Moved By: Neuendorf **Seconded By: Reznicek**
The 5-5-14 minutes are hereby approved.
Yes: 5 **No: 0** **Absent: 2**

C. Brooke Olson, with Together for Youth Coalition, reviewed programs the Coalition provides.

Moved By: Reznicek **Seconded By: Neuendorf**
Proclaiming May as Adolescent Pregnancy Prevention month
Yes: 5 **No: 0** **Absent: 2**

E. Public Hearings-no hearings.

F. Public Comments on Items Not on the Agenda

1.Historic Preservation Commission – Kate Payne informed Council the Southeast Quadrant of Waverly has become a national register historic neighborhood. The Downtown is also a national register site. The NW Quadrant has been submitted to the National Historic Registry but no confirmation yet. There will be self-guided tours in the SE District on May 31st from 1:00 P. M. to 5:00 P. M. The SW District is also under consideration. Historic Preservation Award nominations are due tomorrow. Follow links on the City website.

G. Consent Calendar

1. Pay request from Peterson Contractors, Inc. for the Cedar River Parkway (West) 2013 in the amount of $39,273.15.
2. Pay request from Peterson Contractors, Inc. for the Cedar River Parkway (West) 2013 in the amount of $38,814.62.
3. Pay request from Stanley Consultants, Inc. for the Cedar River Parkway (West) 2013 in the amount of $11,152.66.
4. Pay request from Stanley Consultants, Inc. for the Cedar River Letter of Map Revision (LOMR) in the amount of $1,224.00.
5. Pay request from Design Alliance, Inc. for the Waverly Public Services for Operations and Disaster Response in the amount of $14,272.35.
6. Pay request from Terracon for the Cedar River Parkway in the amount of $1,500.00.
7. Pay request from Heartland Asphalt, Inc. for the 4th Street NW Reconstruction 2014 in the amount of $41,381.43.
8. Pay request from Tallgrass Historians, L.C. in the amount of $489.54 for the Commercial District Survey and NRHP Nomination.
9. Pay request from McClure Engineering for the Waverly AP Mech. Room Insulation Replacement for $2,500.00.
10. Pay Request from Heartland Asphalt for the 4th St. NW Reconstruction for $104,078.83.

11. Class C Liquor License (LC) Commercial for Waverly Towne Tavern, LLC, d/b/a The Fainting Goat.
13. Class C Liquor License (LC) Commercial for Waverly Bowling Lanes, Inc., d/b/a Waverly Bowl Inn.

Moved By: Neuendorf **Seconded By: Gade**
Remove 12, 14, and 15 for separate consideration.
Yes: 4 **No: 1** **Absent: 2**
Moved By: Gade **Seconded By: Neuendorf**
Approve the consent agenda minus items 12, 14, and 15.
Yes: 4 **No: 1** **Absent: 2**

12.**Moved By: Neuendorf** **Seconded By: Wygle**
Class B Wine Permit (WB) for Ann's Liquidation Service, LLC d/b/a Renewed Purpose. Staff informed Council that this is a cash and carry wine sales license. Other businesses would have to apply for a temporary license for RAGBRAI.
Yes: 5 **No: 0** **Absent: 2**

14 City Administrator Jones informed Duane Liddle the $150,000 is for Wartburg College to run the City's recreation programs. Finance Director Bachhuber stated the City is in Year 7 of their contribution of $150,000 for 8 years. When Wartburg College took over the recreational programs the net cost to the City was $145,000 to $150,000. The only recreational activity is the pool that is staffed with part-time employees.
Moved By: Wygle **Seconded By: McKenzie**
Annual payment in the amount of $150,000 to The W as stated in the Wellness Center Development and Use Agreement between the City of Waverly and Wartburg College is hereby approved.
Yes: 5 **No: 0** **Absent: 2**

15 City Administrator Jones stated that the WHKS payment was on the Consent Agenda on April 7th.
Moved By: McKenzie **Seconded By: Reznicek**
April, 2014 Cash Disbursements is hereby approved.
Yes: 5 **No: 0** **Absent: 2**

G. Resolution Calendar

1. Resolution 14-68, approving a written offer to buy an interest in Real Estate by the City of Waverly from Clayton J. Flaig and spouse of Waverly, Iowa in the amount of $118,950.00 for the Dry Run Creek Improvement Project 2014.
2. Resolution 14-70, approving a written offer buy an interest in Real Estate by the city of Waverly from Deon R. Bolton and spouse of Waverly, Iowa in the amount of $123,500.00 for the Dry Run Creek Improvement Project 2014.
3. Resolution 14-71, directing the advertisement for sale of $7,380,000 (Dollar amount subject to change) General Obligation Bonds, Series 2014A, and approving electronic bidding procedures and official statement. (Swimming Pool, Public Services Facility, Dry Run Creek Improvements, Cedar River Parkway, Airport, Land and Safety and Runway, 4th Street NW and water & sewer extensions)
4. Resolution 14-72, approving amendment #9, for a lump sum amount of $118,570, to McClure Engineering's On-Call Agreement dated July 20, 2009 for airport improvements. (Runway 11-29 Rehabilitation)

Moved By: Neuendorf **Seconded By: Reznicek**
The Resolution Calendar is hereby approved.

Yes: 5 **No: 0** **Absent: 2**

Roll Call vote

Yes: 5 **No: 0** **Absent: 2**

H. Other Business

1. Administrator Jones read a statement from Emily Neuendorf from the Waverly Chamber Main Street. Ms. Neuendorf states that this is the 25th year that Waverly has participated in the Main Street Program and thanked the City for their support.

   Moved By: McKenzie **Seconded By: Wygle**

   Resolution 14-73, a resolution of support and financial commitment for the Main Street Program in Waverly, Iowa is hereby approved.

   Yes: 5 **No: 0** **Absent: 2**

2. Review of the Waverly Light & Power Audit.

   Vickie Hall informed Council the biggest expenditure is for production and purchased power. WLP purchases power from MEAN in Nebraska. MEAN is a joint action agency comprised of 60 other municipal utilities and stands for Municipal Electric Association of Nebraska and serves communities in Wyoming, Colorado and Nebraska and Iowa. As a member of that association WLP decides on an equal basis where to buy power next, what other renewable energies can members buy and at what price. Purchased energy increased 9.75% in 2013 and WLP rates increased 1.5%. Distribution system includes maintenance of overhead and underground distribution lines. WLP sold $4Million in revenue bonds for the west Substation and the generators. Mike Litterer reviewed the 2013 capital projects. WLP is a designated RP3 utility by the American Public Power Association. RP3 Program recognizes utilities that demonstrate high prophecy, reliability, safety, workforce development and system improvement. RP3 categories are based on sound business practices and recognized industry leading practices. WLP is one of seven utilities in Iowa and one of 184 out of 2000 in the U. S. that have received this designation. 16 commercial and industrial customers participated in WLP audit of their facilities to save energy and reduce costs. Mr. Wenzel stated that WLP has a renewable energy program for residential and commercial users to install solar, wind or some other alternative energy. Mr. Wenzel believes that fluctuation in rates market will be constant. MidAmerican Energy was on a 14 year rate hold because of a deal with the Federal Government by allowing them to purchase specific gas on the west coast and some other deals. The hold is removed now and MidAmerican will have rate increases planned for every year until 2018. WLP continues to work on renewable energy to keep rates down. Mr. Wenzel informed Council the Broadband Board is seeking financing of said utility and is working with local firms to see if they would like to help finance costs for said utility.

3. Resolution 14-74, cancelling Waverly Low Rent PILOT – removed from the agenda.

4. Ordinance 979 increases the size of the Planning & Zoning Commission to nine members. Administrator Jones also stated that citizens have expressed interest in being a part of City commissions and provide input to the City. Previously Councilmembers Waldstein and Kangas said it was too much for two Council Liaisons to participate at the meeting with just seven commissioners. Hank Bagelmann informed Council the P&Z Commission will work with Council either with 7 or 9 Commissioners. Mr. Bagelmann requested the Council to decide what other tasks should the Commission being doing beyond what they are doing now. Discussion followed on quorums for the Planning & Zoning Commission meetings.

   Moved By: Gade **Seconded By: Wygle**

   First reading of Ordinance 979, amending Section 44.1 of the Waverly Municipal City Code regarding number of members appointed to the Planning and Zoning Commission is hereby approved.

Yes: 5 **No: 0** **Absent: 2**

5. **Moved By: Wygle** **Seconded By: Gade**
Resolution 14-75, authorizing property acquisition from Paul Magnall and Nancy Magnall for future infrastructure improvements for water main extension to
18th St. SE for future development in the back of Centennial Oaks Golf Club Addition is hereby approved.
Yes: 5 **No: 0** **Absent: 2**

6. **Moved By: Neuendorf** **Seconded By: Reznicek**
Third and Final Reading of Ordinance 978, Amending Ordinance Nos. 569, 585, 609, 638, 664, 733, 791, 853, 866, 892, 931, 736, and 932, providing that general property taxes levied and collected each year on all property located within the amended Waverly Unified Urban Renewal Area, in the city of Waverly, County of Bremer, State of Iowa, by and for the benefit of the state of Iowa, City of Waverly County of Bremer, Waverly Shell Rock Community School District, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued incurred by the City in connection with the amended Waverly unified Urban Renewal Area (Amendment No. 1 to the Waverly Unified Urban Renewal Plan (CUNA Building, ET AL, Old Junior High, Partial Amendment No. 5-1999).
Yes: 5 **No: 0** **Absent: 2**

7. The agreement is between the City and St. Paul's to help relocate the City's storm sewer off of 2nd Avenue and to upsize and relocate said storm sewer. City Engineer Cherry reviewed the history of what led to the agreement. During the Dam project the storm sewer outlet just below was enlarged in anticipation of St. Paul's building plans and to enhance drainage of NW neighborhoods. The plan is to reroute the storm sewer up to First Avenue and cross into Kohlmann Park and tie into the storm pipe the City installed as part of the Dam Reconstruction project. Future plans include extending the oversize sewer pipe over to 3rd Avenue. City Attorney Werger informed Council the construction money will be designated from the lenders to be paid to the City when costs are incurred. Due to the RAGBRAI event the relocation of the storm sewer will have to be put off until the summer of 2015. John Wuertz stated the City will relocate the storm sewer before St. Paul's project begins. Mr. Cherry also asked Council to consider a total rebuild of the streets in the area.
Moved By: McKenzie **Seconded By: Reznicek**
Resolution 14-76, A Resolution Approving a Development Agreement between the City of Waverly and St. Paul's Church for Drainage Improvements is hereby approved.
Yes: 5 **No: 0** **Absent: 2**

8. Administrator Jones informed Council the ordinance will help staff working with residents to get into compliance with the host of code enforcement issues.
Moved By: Neuendorf **Seconded: McKenzie**
Municipal Infractions are specifically related to the City's Code of Ordinance and each ordinance has distinct definitions and specifically states what is not permissible under said code. The intent of this ordinance is when staff has exhausted all efforts for a citizen to comply with the City Code. Municipal Infraction Ordinance gives staff the option of working with residents to give them time to comply with the City's code. Administrator Jones stated there was an process outline in the last Council packet from Marion on procedures for issuing a municipal infraction. Mr. Werger stated that the City wants a fair and equitable process for people so they have plenty of notice of what the City's expectations are. There will be general guidance and procedural steps for enforcement staff. Dennis Schneider and Duane Liddle voiced concerns with said ordinance.

Once a citation is served a magistrate judge reviews the issue and renders a verdict. There was discussion of updating the City's Code of Ordinances.

First Reading of Ordinance 980, an Ordinance Adding Chapter 23 to the Waverly Municipal Code Regarding Municipal Infractions is hereby approved.
Yes: 5 **No: 0** **Absent: 2**

9. Approval of staff appointments
City Administrator Jones stated that when department heads leave a position new department heads are to be approved by Council. The first is Jo Raap's position as City Clerk. Carla Guyer has been the Deputy City Clerk for the last 7 years and recommends Carla Guyer to become the new City Clerk effective July 1st.
Moved By: McKenzie **Seconded By: Wygle**
The appointment of Carla Guyer as the new City Clerk is hereby approved.
Yes: 5 **No: 0** **Absent: 2**
Mr. Jones stated there has not been an Economic Development Director since Christmas time. Mr. Jones recommends a three step structure change. Mr. Jones recommends to change Economic Development Director to a Community Development Director position and recommends Bill Werger. Mr. Werger would continue as the City Attorney and become the new Community Development Director. The other change is to elevate Connie Tolan, Business and Economic Expansion Specialist to the same level as a Community Development and Zoning Specialist and move the part-time Administrative Assistant to a full time position. The City would still consult with Ahlers & Cooney in Des Moines for special work.
Moved By: Neuendorf **Seconded By: Wygle**
The appointment of Bill Werger as the Community Development Director is hereby approved.
Yes: 5 **No: 0** **Absent: 2**
Moved by: Wygle **Seconded By: Reznicek**
The upgrade of Economic Expansion Specialist and the full time Administrative Assistant are hereby approved.
Yes: 5 **No: 0** **Absent: 2**

I. Reports from Boards and Commissions

1. The W Monthly Revenue Report — March, 2014
2. Waverly Historic Preservation Commission Minutes — March 27, 2014
3. Waverly Public Library Board of Trustees Minutes — April 8, 2014
4. Waverly Municipal Airport Commission Minutes — April 10, 2014
5. Bremer –Waverly Law Enforcement Board Minutes — April 14, 2014
6. Hazard Mitigation / River Use Commission Minutes — April 14, 2014
7. Planning & Zoning Commission Minutes — May 1, 2014

All were received

J. Staff Comments

1. Monthly Financial Report for March 2014- received.
2. Staff Updates – the City's ash trees are infested with Emerald Ash Borer. Staff took down 70 trees. It's impossible to get all stumps removed and filled and seed at this time of year. Leisure Services Director Ray said staff would get to the stumps as soon as they can. He asked for the residents' patience. There will be more trees removed and staff will send out letters to the property owners. Also staff will send out letters to property owners whose trees have been already taken down to explain the process. People who want to keep their Ash Trees will have to send Leisure Services a request or notice of what they would like to do and how they would take

care of it. If chemical companies are going door to door they need to stop at City Hall for a Peddlers Permit.

K. City Council Comments

The Waverly Jaycees are in second place for a Dog Park Grant. The Council thanked Director Ray on his participation in the community gardens' program.

Reminder of Memorial Day parade and the need for volunteers to help put up flags in Harlington Cemetery.

Council reminded residents RAGBRAI is a community effort and any questions should be directed to the RAGBRAI committee at www.waverlyragbrai.com.

Council thanked Jim Hurley for his participation as Guest Councilperson.

L. Mayor's Comments

Mayor Infelt introduced Mayoral Appointments Jane Wollenzien to Airport Commission, Eugene Lieb to Bremer County Community Foundation, and Peter Newell to the Historic Preservation Commission and will be approved formally at the next Council Meeting.

N. Moved By: Neuendorf Seconded By: Wygle

To adjourn the Council Meeting.

Yes: 5 No: 0 Absent: 2

The Council adjourned at 9:08 P. M.

_____

Charles D. Infelt, Mayor

Attest:

_____

Jo-Ellen Raap, City Clerk