

Regular Meeting Minutes

Ivan "Ike" Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on June 16, 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, Waldstein, Reznicek and Kangas came in 7:05 P. M. Absent: none

A. Call to Order

B. Moved By: Gade **Seconded By: Wygle**

The agenda is hereby approved.

Yes: 6

No: 0

Absent: 1

C. Moved By: Neuendorf **Seconded By: Reznicek**

The June 2, 2014 minutes are hereby approved.

Yes: 7

No: 0

Absent: 0

D. Public Hearings.

1. This was the date, time and place for a public hearing on Hazard Mitigation Plan Update. There was no written comments. Administrator Jones informed Council the plan is the federally required planning document that lists all potential hazards that could take place in Waverly and Bremer County and how the City would mitigate and address said hazards. The plan has to be in place to receive FEMA funding. This update is an amendment to the County plan. The hearing was closed.

In 2 years the City will be a participant in the County wide plan. Guest Councilperson Adam Hoffman stated this update helps ensure continuity between the City and County plans.

Moved By: Waldstein

Seconded By: Kangas

Resolution 14-78 The Hazard Mitigation Plan Update is hereby approved. .

Yes: 7

No: 0

Absent: 0

2. This was the date, time and place for a public hearing on the plans, specifications, form of contract and estimated cost for the Public Services Center for Operations & Disaster Response-Site Grading Project. There were no written comments. City Engineer Cherry informed Council the City is accepting bids tomorrow on said project. Mr. Cherry informed Duane Liddle the site will be prepared for the building and framing out of all driveways and parking areas and creation of storm water retention with the extension of water and sewer mains.

Moved By: Wygle

Seconded By: Waldstein

Resolution 14-79, A Resolution Approving Plans, Specifications, Form of Contract and Estimated Cost for the Public Services Center for Operations & Disaster Response – Site Grading Project is approved.

Yes: 7

No: 0

Absent: 0

E. Public Comments on Items Not on the Agenda *(Please limit your comments to five minutes unless additional time is granted by the presiding officer. All remarks shall be addressed to the Council as a whole and not to any individual member.)*

Leisure Services Director Ray informed Council that Waverly is one of 15 cities in the nation that is eligible for \$100,000 Pet Safe DogPark Grant and \$25,000 for second and third place. Waverly leads the country in voting. The public can go to www.petsafe.com and vote until July 31st and also on Facebook.

Mr. Ray thanked the Welch's for all their work on the project.

Jo Bagelmann of the Waverly RAGBRAI Housing Committee reminded Waverly residents to register their home or yard for housing of RAGBRAI riders on July 24th.

F. Consent Calendar *(The following items will be acted upon by voice vote on a single motion without separate discussion, unless someone from the Council or public requests that a specific item be considered separately.)*

1. Pay request from Peterson Contractors, Inc. for the Cedar River Parkway (West) 2013 in the amount of \$190,530.72.

2. Pay Request from Heartland Asphalt for the 4th St. NW Reconstruction for \$57,225.67.

3. Pay Request from Heartland Asphalt for the Citywide Asphalt Patching Spring 2014 for \$27,019.45.

4. Pay Request from Water's Edge Aquatic Design, LLC for the 4,347.96.

5. Pay Request from Paul G. Christensen Construction co. Inc. for the Shades of Rhythm for \$87,146.35.

2. Approve partial list of FY2013-14 transfers.
Most of the transfers are original budget items and ongoing expenditures.

Moved By: Kangas **Seconded By: Wygle**

The partial list of transfers is approved.

Yes: 7 **No: 0** **Absent: 0**

3. Resolution 14-81, Approve purchase of five Taser X26 CEW's for \$6,510.50 along with participation in the Taser Assurance Program for an annual cost of \$740 for warranty and future replacement. Waverly Police Captain Eggleston informed the Council that the police officers are armed with pepper spray, ASP batons and flashlights. Taser is a neuromuscular incapacitation device. When deployed in the probe mode it will introduce stimulus into the body and incapacitate a subject to a point where the officer can gain compliance and control. The Council reviewed a video explaining the concept behind Taser. Captain Eggleston believes that Tasers are a very safe product and have been used over two million times. Police Chief Pursell and Captain Eggleston believe they have a responsibility to insure the safety of the officers and the public. The safety factor shows that it lowers officer and suspect injuries. Smart Weapon Technology states the Taser is one of the safest less lethal options for officers. Logs allow the department to have discretionary review of the use of the Taser. Information can be downloaded through Usb port into the computer and officers can see how the weapon was utilized, how long it was deployed, and if it was used in accordance with policies and procedures set by the department. All surrounding law enforcement departments carry said devices. When the City was working with the Iowa Workers Comp Association the senior loss auditor informed staff that it was a bad practice not to equip officers with Tasers because the Association finds Tasers safer for the officer and the public. Administration Jones stated that participation in the Taser Assurance Program assures longer warranties on equipment, a spare unit and locked in pricing for the next five years. The Waverly Police Department favors EMS to remove the Taser from the subject. The Taser cables the department would order will be 25 feet and will be able to control an individual before he/she has the chance to do the officer harm. The department will send an officer down to learn to be certified instructor to train the rest of the department. Captain Eggleston will also be attending a class on use of force policy issues and civil litigation issues to help mold policy. Captain Eggleston stated the department will not be putting the Tasers on the street until a policy is developed. Mr. Eggleston feels it is essential for officers to have the Taser on their person at all times. Administrator Jones didn't want the Department to spend the time creating Taser policies and training before they received approval from Council to purchase and deploy them. The Department will review the policies with Council in the future. The rollout timeline is possibly the middle of August.

Moved By: Reznicek **Seconded By: McKenzie**

Resolution 14-81 is approved.

The Council convened to emergency shelter during the storm at 7:55 P. M. and reconvened at 8:32 P. M.

Yes: 7 **No: 0** **Absent: 0**

4. Second Reading of 981, amending Section 63.1(15) of the Waverly Municipal City Code Regarding Nuisances and to waive third reading of said ordinance.

Moved By: Waldstein **Seconded By: McKenzie**

The second reading of Ordinance 981 and to waive third reading of the ordinance is approved.

Yes: 7 **No: 0** **Absent: 0**

5. First Reading of Ordinance 983, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning from A-1 (Agricultural District) to R-1 (Single Family Residential District) of Said City and amendment of the Comprehensive Land Use Map from Public/Government/Church/Recreational to Residential.

City Attorney Werger informed Council the property is in front of the Water Tower owned by the John

Droste Estate and is to be sold to Clayton Flaig. Mr. Flaig is asking the Council to waive the 2nd and 3rd reading of the ordinance in order to move forward with the project. Mr. Werger also informed Council a development agreement will come for approval in the future to allow Mr. Flaig to use a septic system on his property because of the distance from sewers. Mr. Flaig will not be able to use the other half of the property for another house until sewer comes through the property. On the north side of the property there is an acreage and the south side will probably be developed residential. Hank Bagelmann stated there were neighbors at the Planning and Zoning Meeting and were actually against the R-2 zoning but didn't mind the R-1 zoning.

Moved By: Wygle

Seconded By: Kangas

The First Reading of Ordinance 983 and to waive the second and third readings and Amendment to the Comprehensive Land Use Map is approved.

Yes: 7

No: 0

Absent: 0

6. Mayoral Appointments.

Moved By: McKenzie

Seconded By: Waldstein

The mayoral reappointments of Diana Blake and Elaine Main to the Library Board and appointment of Eric Leong to the Library Board.

Yes: 7

No: 0

Absent: 0

7. Set or cancel June Study Session.

When Council went to two meetings a month one of the terms agreed to was to have a study session in months with five Mondays. Administrator Jones stated that Council would have to cancel the 4th Study Session Meeting. City Attorney Werger informed Council the City is waiting to meet with Landlord Association when they are ready.

Moved By: Gade

Seconded By: Neuendorf

The June Study Session on June 23, 2014 is cancelled.

Yes: 6

No: 1(Kangas)

Absent: 0

Administrator Jones stated that City Engineer Cherry has some updates on projects. City Attorney Werger stated he will introduce procedures for the Municipal Infraction Process for the work session. There was discussion on the meeting time for the June 30th meeting.

Moved By: Kangas

Seconded By: Neuendorf

The quarterly review session will be held at 6:00 P. M. on June 30, 2014 and is approved..

Yes: 7

No: 0

Absent: 0

I Reports from Boards and Commissions

1. The W Monthly Revenue Report April, 2014
2. Waverly Historic Preservation Commission Minutes – The Northwest section was just listed in the National Registry. May 1, 2014
3. Waverly Public Library Board of Trustees Minutes May 13, 2014
4. Waverly Municipal Airport Commission Minutes May 8, 2014
5. Bremer –Waverly Law Enforcement Board Minutes May 12, 2014
6. Waverly Senior Citizens Group, Inc. May 29, 2014
7. Monthly Financials May, 2014
All were received.

J. Staff Comments

1. Administrator Jones stated that Finance Director Jack Bachhuber was recognized again by the GFOA for exceptional reporting in financials at the local level. Finance Director Bachhuber stated the City has

submitted the report each year to the GFOA since 1999. Council congratulated Finance Director Bachhuber for Government Finance Officers Certificate of Achievement for Excellence in Financial Reporting.

K. City Council Comments.

A citizen voiced concerns with painting of the crosswalks between the Rail Trail to Wartburg.

The City has received markers for the crosswalks for Bremer Ave and 4th St. SW

The Council congratulated Jo Raap on her retirement.

Discussion followed on the sidewalk repair project in Ward 3.

L. Mayor's Comments.

M. Adjournment

Moved By: Kangas

Seconded By: Neuendorf

The Council adjourned.

Yes: 7

No: 0

Absent: 0

Council adjourned at 9:00 P. M.

Charles D. Infelt, Mayor

Attest:

Jo-Ellen Raap, City Clerk