

Regular Meeting Minutes – November 17, 2014
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on November 17, 2014 at 7:00 P. M. at City Hall. Mayor Infelt presided and the following Council Members were present: Reznicek, Waldstein, McKenzie, Gade, Neuendorf, and Kangas. Absent: None.

A. Call to Order

B. Approval of Agenda

Moved By: Waldstein Seconded By: Neuendorf

The agenda as presented is hereby approved.

Yes: 6 No: 0 Absent: 0 Vacant: 1 (Ward 1)

C. Approval of Minutes

Moved By: Neuendorf Seconded By: Waldstein

The corrected November 3, 2014 regular minutes are hereby approved.

Yes: 6 No: 0 Absent: 0 Vacant: 1 (Ward 1)

D. Public Hearings

1. This was the date, time and place for a public hearing on plans, specifications and form of contract for the rebid of the Outdoor Pool Renovation Project 2014.

- There were no written comments.
- There was one public comment from Duane Liddle questioning the consultant and engineer’s inability to get a handle on this project to keep in within the budget of \$700,000 after two bid processes.
- Staff informed that the request bids had only occurred once and this hearing reflects the revised scope prepared by the consultant to keep within budget.
- Council questioned location of concession stand in this proposal.
- Staff acknowledged that the concession stand will remain in its current location, but there will be a wall moved out which is currently separating the concession stand from the chemical room.

Moved By: Neuendorf Seconded By: Gade

Resolution 14-142, approving on plans, specifications and form of contract for the rebid of the Outdoor Pool Renovation Project 2014 is hereby approved.

Yes: 6 No: 0 Absent: 0 Vacant: 1 (Ward 1)

E. Public Comments on Items Not on the Agenda

- Presentation of the City of Waverly’s \$100,000 contribution check by the Mayor and City Administrator to members of the Waverly Area Veterans Post.
- The Mayor recognized Kent Hawley as Guest Councilmember for November.
- Ted Lansky, president of Veterans Tribute Corner, expressed his appreciation for all of the efforts with the continued success of the Veteran’s Tribute having celebrated its 10th anniversary.

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 Waters Edge Aquatic Design, LLC for swimming pool renovations for \$19,702.80.
2. Pay request from Titan Machinery for rear axle repair to the 2007 Case 621D Loader for \$16,025.36.
3. Pay request from Design Alliance, Inc. for the Waverly Public Services for Operations and Disaster Response for \$17,003.52.
4. Pay request from VJ Engineering for the 2nd Street NW Area Storm Sewer and Street Improvements 2015 for \$3,688.75.
5. Pay request #13 from Peterson Contractors for the Cedar River Parkway (West) 2013 Project for \$171,843.51.
6. Pay request #14 from Peterson Contractors for the Cedar River Parkway (West) 2013 Project for \$369,364.06.
7. Change Order #2 for an increased amount of \$3,213 for the Shades of Rhythm Amphitheater and final pay request in the amount of \$25,252.15.
8. 2014 State Urban Renewal Report.
9. Set the Public Hearing on Plans, Specifications, Form of Contract and Estimated Costs for the Public Services Center for Operations & Disaster Response – Building package for December 1, 2014 at 7:00 p.m. in the Ivan “Ike” Ackerman Council Chambers.
10. Class C Beer Permit (BC) for Kwik Star #752 (West Bremer Avenue).

Moved By: McKenzie Seconded By: Waldstein
Consent Calendar is hereby approved.

Yes: 6 No: 0 Absent: 0 Vacant: 1 (Ward 1)

G. Tabled Items

1. Third and Final Reading of Ordinance 985 proposing amendments to sections 105.8, 105.8.01, 105.8.02, 105.8.05, 105.8.06 and 105.8.07 of the Waverly Municipal Code of Ordinances to allow bicycle riding on the downtown sidewalks and to eliminate the bicycle licensing requirements.

Moved By: Kangas Seconded By: Gade

Third and Final Reading of Ordinance 985 proposing amendments to sections 105.8, 105.8.01, 105.8.02, 105.8.05, 105.8.06 and 105.8.07 of the Waverly Municipal Code of Ordinances to allow bicycle riding on the downtown sidewalks and to eliminate the bicycle licensing requirements.

Moved By: Neuendorf Seconded By: Kangas

To Table Third and Final Reading of Ordinance 985 proposing amendments to sections 105.8, 105.8.01, 105.8.02, 105.8.05, 105.8.06 and 105.8.07 of the Waverly Municipal Code of Ordinances to allow bicycle riding on the downtown sidewalks and to eliminate the bicycle licensing requirements until the October 20, 2014 meeting is hereby approved.

Yes: 7 No: 0 Absent: 0

Moved By: Neuendorf Seconded By: Kangas

To removed Third and Final Reading of Ordinance 985 from the table.

Yes: 7 No: 0 Absent: 0

Moved By: Neuendorf Seconded By: Gade

To Table Third and Final Reading of Ordinance 985 proposing amendments to sections 105.8, 105.8.01, 105.8.02, 105.8.05, 105.8.06 and 105.8.07 of the Waverly Municipal Code of Ordinances to allow bicycle riding on the downtown sidewalks and to eliminate the bicycle licensing requirements until the November 3, 2014 meeting is hereby approved.

Yes: 7 No: 0 Absent: 0

Moved By: Kangas Seconded By: Reznicek

To removed Third and Final Reading of Ordinance 985 from the table.

Yes: 0 No: 7 Absent: 0

Moved By: Kangas Seconded By: Neuendorf

To removed Third and Final Reading of Ordinance 985 from the table.

Yes: 6 No: 0 Absent: 0 Vacant: 1 (Ward 1)

- Council recommended revising the written and sequence of the language in the ordinance and moving it to a revised second reading.

Moved By: Neuendorf Seconded By: Kangas

To amend Section 105.8.09 to replace the following wording and move it to Section 105.8.02:

~~SEC. 105.8.09 SINGLE-FILE RIDING OPERATING. Bicycles shall be ~~ridden~~ operated single file in business districts and upon sidewalks in residential districts, but may be ~~ridden~~ operated not over two abreast elsewhere. ~~The bicycles shall be operated as near the right curb as possible at all times. Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction shall ride~~ operated as near to the right hand side of the traveled portion of the roadway as possible except under any of the following situations:~~

- ~~A. When overtaking and passing another bicycle or vehicle proceeding in the same direction.~~
- ~~B. When preparing for a left turn at an intersection or into a private road or driveway.~~
- ~~C. When reasonably necessary to avoid conditions, including but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, or surface hazards.~~

With the words:

Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction shall operate as near to the right-hand side of the traveled portion of the roadway as practicable except under any of the following situations:

- A. When two or more lanes are available in the same direction the bicycle shall have full rights to the right-hand lane.
- B. When overtaking and passing another bicycle or vehicle proceeding in the same direction.
- C. When preparing for a left turn at an intersection or into a private road or driveway.
- D. When reasonably necessary for the bicyclist to avoid conditions, including but not limited to, fixed or moving objects, pedestrians, animals, or surface hazards.

To amend Section 105.8.10 to replace the following wording and to move it Section 105.8.01:

~~SEC. 105.8.10 OBSERVANCE OF TRAFFIC RULES. All persons using or operating bicycles upon any street or sidewalk within the city shall observe all traffic rules as to traffic signs and highway stop signs and shall signal any change of direction or course of travel in the same manner as such signals are required under the law governing the use of motor vehicles upon streets and highways, and shall not turn left in traffic except at regular intersections of streets or alleys and shall not weave in and out of traffic.~~

With the words:

Bicycle operators have the same rights and duties as the operators of vehicles. All persons operating bicycles upon any street or sidewalk within the city shall observe all traffic rules, including, but not limited to, traffic signs and highway stop signs and shall signal any change of direction or course of travel in the same manner as such signals are required under the law governing the use of motor vehicles upon streets and highways. Bicycle operators shall not weave in and out of traffic.

- There were discussions among council pertaining to how these rules are to be applied to sidewalks, and it was determined that a bicyclist should obey all traffic control devices and signs no matter where they are riding.
- Council re-discussed the change in section 105.8.07 allowing bicycles to be operated upon the sidewalks including the business district between First Street and 4th Street East of Bremer Avenue. There was the thought that ordinances shouldn't be changed just because there aren't signs or enforcement for it. Although, it was mentioned that some businesses welcomed the change towards making the downtown more family-friendly, there might be a time after the addition of the hotel for this section to be relooked at again.
- Staff suggested having a bike safety pamphlet to give to citizens.

Moved By: Kangas Seconded By: Neuendorf

Amending Ordinance 985 with the above changes and making this a Second Reading is hereby approved.

Yes: 6 No: 0 Absent: 0 Vacant: 1 (Ward 1)

H. Regular Business

1. Resolution 14-143 Accepting Certification Filed by the Finance Director to the Bremer County Auditor Detailing the Amount of New Loans, Advances and Indebtedness which qualify for payment from Tax Increment Revenues of the Waverly Urban Renewal Plan.
 - Staff briefed council that the TIF report certifies new debt in the TIF area so taxes can be collected to pay for it. This is done annually for taxes to be reimbursed the following year.
 - This year's grand TIF certifies \$6.5 million debt with majority coming from bonds sold for the Cedar River Parkway, airport, and 4th Street NW.
 - Next year, everything will be combined so certification will be in one area.
 - Duane Liddle questioned the agreement between the City and The W as the \$600,000 shouldn't be a debt to the city as presented to the auditor and mentioned the referencing of it as a revenue guarantee rather

than debt to be confusing.

- Staff informed that the total amount of the debt isn't counted against the debt capacity as it has been approved by annual appropriation since 2005 and the revenue guarantee would be for The W.

Moved By: Waldstein Seconded By: McKenzie

Resolution 14-143 Accepting Certification Filed by the Finance Director to the Bremer County Auditor Detailing the Amount of New Loans, Advances and Indebtedness which qualify for payment from Tax Increment Revenues of the Waverly Urban Renewal Plan is hereby approved.

Yes: 6 No: 0 Absent: 0 Vacant: 1 (Ward 1)

2. Resolution 14-144, A Resolution approving Contract for Services between the Iowa Northland Regional Council of Governments (INRCOG) and the City of Waverly, Iowa regarding the Comprehensive Solid Waste Management Plan (7th Revision).

- Due to the closing of the Bremer County landfill, the city took this over and are part of many who participate in the development of this regional plan.

Moved By: Kangas Seconded By: Neuendorf

Resolution 14-144, A Resolution approving Contract for Services between the Iowa Northland Regional Council of Governments (INRCOG) and the City of Waverly, Iowa regarding the Comprehensive Solid Waste Management Plan (7th Revision) for the amount of \$1,700 is hereby approved.

Yes: 6 No: 0 Absent: 0 Vacant: 1 (Ward 1)

3. Third and Final Reading of Ordinance 988 amending the Zoning Ordinance of Waverly for the rezoning of 23.6 acres from C-2 to M-2 located on the north side of East Bremer Avenue, approximately 800 feet west of 39th Street NE.

Moved By: Reznicek Seconded By: Gade

Third and Final Reading of Ordinance 988 amending the Zoning Ordinance of Waverly for the rezoning of 23.6 acres from C-2 to M-2 located on the north side of East Bremer Avenue, approximately 800 feet west of 39th Street NE is hereby approved.

Yes: 6 No: 0 Absent: 0 Vacant: 1 (Ward 1)

4. Filling 1st Ward Vacancy by appointment or special election.

- Staff briefed council on the term difference between appointment for 1 year until the next general election or special election for 3 years. The legal timeline for the appointment is 40 days and 90 days for the special election.
- Staff also commented that the typical ward cost is \$2-3,000 depending on polling hours and number of absentee ballots.
- Council agreed to advertise for the position making sure the solicitation is clear with the applicant's intent for length of term and willingness to participate in a special election.
- If more than one response is received, than council could use a special election to make the final decision.
- Council's consensus was to advertise with the intent to fill the seat by appointment. Depending upon the number of applicants

would determine whether or not a special election will have to be held or not. That decision will be made during the December 1st council meeting.

5. Resolution 14-145 Directing Sale of Water Revenue Bonds, Series 2014B.
- Jenny Blankenship from Public Financial Management (PFM) out of Des Moines presented the tabulation of bids. There were 29 bidders collaborating in 5 bids received.
 - The formal recommendation was to award the \$1,870,000 water revenue bonds to Bankers Bank and First National Bank at a 2.1121% interest rate. Bankers Bank is a correspondence bank that works with many local banks throughout the state of Iowa to help other banks fulfill their investment portfolio.
 - Staff informed council of the improvement of an A1 rating from Moody's Investors Service for revenue bonds better than the A2 rating in 2002 is a reflection of the improvement in the system and the city.

Moved By: Kangas

Seconded By: Reznicek

Resolution 14-145 Directing Sale of \$1,870,000 Water Revenue Bonds, Series 2014B to Bankers Bank and First National Bank is hereby approved.

Yes: 5

No: 1 (Gade)

Absent: 0

Vacant: 1 (Ward 1)

6. First Reading of Ordinance 989 Amending Chapter 105 to establish two-way direction traffic regulations for the alley within the 100 block of 11th Street NW.

- Staff informed council that our alleys work in a one-way direction clockwise, and typically, north of Bremer go to the east and south of Bremer go to the west if the road isn't conformed for two-way traffic.

Moved By: Neuendorf

Seconded By: McKenzie

First Reading of Ordinance 989 Amending Chapter 105 to establish two-way direction traffic regulations for the alley within the 100 block of 11th Street NW.

- Council offered the idea of waiving all three readings as long as the Larrabee Center would be aware that they would lose 1 to 2 parking spots and have to utilize Wartburg's angled parking.
- Staff and council acknowledged that city's trash trucks have difficulties driving on the road as it currently is so would have to make this change eventually.

Moved By: Reznicek

Seconded By: Neuendorf

Approval of First Reading of Ordinance 989 Amending Chapter 105 to establish two-way direction traffic regulations for the alley within the 100 block of 11th Street NW and waiving the Second and Third Reading is hereby approved.

Yes: 6

No: 0

Absent: 0

Vacant: 1 (Ward 1)

7. First Reading of Ordinance 990, an Ordinance Adopting the "City Code of the City of Waverly, Iowa."

- There was discussion from staff and council whether this should be done annually.
- Staffed informed council that online version of ordinances will be updated more frequently than in the past.

- Council expressed their frustration with online searches, and staff assured them that the new version will have one PDF that is searchable.

Moved By: Waldstein

Seconded By: Gade

First Reading of Ordinance 990, an Ordinance Adopting the “City Code of the City of Waverly, Iowa” is hereby approved.

Yes: 6 No: 0 Absent: 0 Vacant: 1 (Ward 1)

I. Reports from Boards and Commissions

1. Waverly Historic Preservation Commission Minutes, September 25, 2014, Received into record.
2. Monthly Financial Report, October, 2014, Received into record.
3. Waverly Senior Center Calendar, November, 2014, Received into record.

J. Staff Comments

- City Administrator, Phil Jones, gave an update on upcoming study session agenda to include topics of solid waste operation and recycling and rental codes updates. He also mentioned, as budget season approaches, there will be scheduled meetings in early January for capital planning to look at TIF and G.O. capacity.

K. City Council Comments

- Councilmember McKenzie questioned whether or not the city will be monitoring the water lines with the cold weather we are experiencing and was informed by the staff that the city is continually checking systems for breaks or low pressures and have discussed reviewing and monitoring water temperatures around town.
- Councilmember Kangas noted that Waverly was ranked as #4 Best Value Suburb in America according to the *Business Insider Magazine* based on affordability and quality of schools.
- Guest Councilmember Kent Hawley expressed his appreciation for the staff and the work involved in the preparation for the projects and agendas.

L. Mayor’s Comments

M. Adjournment

Moved By: Kangas

Seconded By: Neuendorf

Meeting adjourned at 8:22 p.m.

Yes: 6 No: 0 Absent: 0 Vacant: 1 (Ward 1)