

Regular Meeting Minutes – April 4, 2016
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on April 4, 2016 at 7:00 P. M. at City Hall. Mayor Infelt presided and the following Council Members were present: Reznicek, Waldstein, Lampe, McKenzie, Gade, Sherer, and Kangas. Absent: None.

- A. Mayor Infelt called the meeting to order.
- B. Mayor Infelt led in Pledge of Allegiance.
- C. Mayor Infelt led in prayer.
- D. Moved by Waldstein, seconded by Lampe to approve agenda as presented.
Motion passed. Yes: 7 No: 0 Absent: 0
- E. Moved by Lampe, seconded by Sherer to approval of the March 21, 2016 regular meeting minutes
Motion passed. Yes: 7 No: 0 Absent: 0
- F. Council welcomed James Perry as the Guest Councilperson for April.
- G. Public Comments on Items Not on the Agenda
 - There were none.
- H. Consent Calendar
 - 1. Pay Request from McClure Engineering Co. for the Waverly Municipal Airport Runway Rehabilitation 2014 for \$5,919.03.
 - 2. Change of Ownership for Class C Liquor License for Waverly Towne Tavern, LLC d/b/a The Fainting Goat.Moved by Waldstein, seconded by McKenzie to approve the Consent Calendar.
Motion passed. Yes: 7 No: 0 Absent: 0
- I. Tabled Item.
 - 1. Moved by Sherer, seconded by McKenzie to approve the First Reading of Ordinance 1013 replacing Chapter 59 of the Waverly Municipal Code.
Moved by Kangas, seconded by McKenzie to table the First Reading of Ordinance 1013 replacing Chapter 59 of the Waverly Municipal Code until the April 4 Council meeting.
Motion passed. Yes: 7 No: 0 Absent: 0
Moved by Waldstein, seconded by Sherer to remove the First Reading of Ordinance 1013 replacing Chapter 59 of the Waverly Municipal Code from the table.
Motion passed. Yes: 5 No: 2 (Reznicek, Gade) Absent: 0
Moved by McKenzie, seconded by Waldstein to approve the First Reading of Ordinance 1013 replacing Chapter 59 of the Waverly Municipal Code reflecting a 3% cable franchise fee.
Motion failed. Yes: 3 No: 4 (Reznicek, Lampe, Gade, and Kangas) Absent: 0
 - Currently the Waverly Municipal Code reflects a 3% cable franchise fee. The City receives this fee from Mediacom and the change would require all cable providers to pay a 5% franchise fee. As stated in Section 48.9 of the Waverly Municipal Code, “The City Council is authorized to annually deposit 50% of all Cable Franchise Fees paid to the City of Waverly into the City’s General Fund

The remaining 50% of Cable Franchise Fees paid to the City of Waverly shall be retained in a separate account designed for the purpose of financing the duties and mission of the Cable / Telecommunication Commission.” There was discussion whether this is a user fee or tax. What items would the revenues be used for? The funds would allow for flexibility in programming with possible new features. New features such as coverage of Wartburg and Waverly-Shell Rock sporting events and Public Service Announcements (PSA’s). The Cable provider only has to provide access to the PEG channels. The total amount of franchise fees collected need to be justified. The equipment for producing broadcasts would need to be purchases through an alternate funding source. The alternate funding source would need to be decided at the time of budget. It would also need to be determined at budget time if this broadcasting program would continue or end. Council also discussed the option of going to a 0% franchise fee and reviewing how the budget would be impacted at budget time. Non-tax paying, Mediacom customers also pay the user fee.

J. Regular Business.

1. Moved by McKenzie, seconded by Sherer to approve purchase of PEG (Public Educational and Government) Channel production equipment for an estimated amount of \$18,246.76.
Motion passed. Yes: 5 No: 2 (Lampe, Gade) Absent: 0
 - Production Engineer at Wartburg College, Jon Hines, reviewed equipment needs and gave a short overview of how each piece of equipment impacted future broadcast needs. Mr. Hines said that the coder/encoder would allow Wartburg Staff to broadcast from the production room at Wartburg College. This equipment would allow HD broadcasting and other features such as flagging certain messages and/or items on the screen.
 - Although this equipment will be purchased by Waverly Utilities, it will be housed at the Wartburg College production room. Council meetings will still be produced here at City Hall. The current system is no longer technically supported. The benefits of this equipment upgrade would be a better picture, better quality of broadcasting of meetings, better, more versatile message system, and it would benefit Waverly Utilities since they will have any HD channels. This is something Waverly Utilities wants. Mediacom has been notified that HD would be available. Completion of Phase I would not require completion of Phases II and III.
2. Moved by Reznicek, seconded by Kangas to approve Resolution 16-22 approving a Financial Services Agreement with Speer Financial, Inc.
Motion passed. Yes: 7 No: 0 Absent: 0
 - City Administrator James Bronner highlighted differences between the current vendor the City works with and Speer Financial, Inc. stating Speer Financial, Inc. does not charge a retainer fee and overall fees would be substantially less. Council expressed how much they rely on certain services provided by our current vendor during the budget process and would expect the same services from Speer Financial, Inc. Having a more local company could be advantageous in times of inclement weather.

3. Moved by Sherer, seconded by McKenzie to approve Resolution 16-23 approving Contract, Bonds, and Certificate of Insurance from Heartland Asphalt for the 16th Street SW Reconstruction 2016 project and authorizing the Mayor to sign the contract.
Motion passed. Yes: 7 No: 0 Absent: 0
 - This is a bid of approximately \$90,000 less than originally estimated and will not affect the amount of federal aid the City will receive.
4. Moved by Reznicek, seconded by Sherer to approve Resolution 16-24 approving a Professional Services Agreement with WHKS & Co. of Mason City, Iowa for design and specified construction services for the 3rd Street SE Bridge for the not-to-exceed fee of \$197,050.50.
Motion passed. Yes: 7 No: 0 Absent: 0
 - City Engineer Mike Cherry explained that just under \$25,000 to assess the soundness and condition of the concrete piers and abutments, which is vitally important in determining the path forward on this project. Approximately \$50,000 will be expensed to complete preliminary design work, surveying and material testing. Mr. Cherry then reviewed an estimated, proposed schedule. After completion of the survey, WHKS & Co. could come back and say that conditions are better than previously estimated or they could come back and say that they are worse than estimated. Casey Faber of WHKS Co. explained Construction services through shop drawings are included and in the future phase, the on-site construction observation costs will be determined. This is part of the original estimate. If the condition of the bridge turns out worse than anticipated, WHKS will communicate that to the City Engineer before any more dollars are invested in the project.
5. Moved by Kangas, seconded by Sherer to approve Resolution 16-25 approving a Professional Services Agreement with WHKS & Co. of Mason City, Iowa for the preparation of the IA Highway 3 (Bremer Avenue) Reconstruction presentation material and the development of City requested special design features at the estimated cost of \$25,000 for billed expenses and mileage incurred.
Motion passed. Yes: 7 No: 0 Absent: 0
 - The City of Waverly has an interest in ensuring that the concerns of the businesses and citizens are heard and that reasonable measures are being taken to phase and stage the construction and minimize adverse impacts to the community. Fund balances from other completed projects can be utilized to cover the initial expenses to the public information meetings and local design concepts. As the project design and development advances toward the letting date, the City's share of the infrastructure and the appropriate funding sources will be calculated. There will be open public forums scheduled for April 25, June 27, and August 22. On those dates; 5:00 p.m. to 6:00 p.m. will be for adjacent property owners and tenants and from 6:00 p.m. to 7:00 p.m. will be open to the general public. At 7:00 p.m. there will be follow-up and updates to the City Council. This project will be done in four sections with the first section beginning at 20th Street west to the rail road tracks, the second section from the rail road track to the Dry Run Creek, section three from the Dry Run Creek to the Cedar River and the fourth section will finish the east side of the City. This is an Iowa Department of

Transportation (IDOT) project so all designs will need to fit within State and Federal guidelines.

6. Moved by Sherer, seconded by Gade to approve Resolution 16-26 approving Change Order No. 3 to Baker Concrete & Excavating of Clermont, Iowa for the Golf Course Pond Project in the proposed amount of \$89,850.
Motion passed. Yes: 7 No: 0 Absent: 0
- The change would delay the work on Pond A and add it to the contract for the last two, north ponds for fall/winter 2016-17 for a total of three ponds being completed this fall.
- K. Staff Comments
- City Engineer Mike Cherry reviewed that status of the recent biosolids discharge and explained what electrical repair would be needed.
- L. City Council Comments
- Staff informed Councilmember Lampe the pipe bursts and some weaknesses within our system have been identified and will be addressed to help prevent this from happening again in the future.
 - > Mr. Lampe followed-up whether staff had checked into the rebuilding of the old main lift station pump. Mr. Cherry informed Mr. Lampe that the senior water operator is contacting the supplier to see if there is any trade-in value on the old pump.
 - Councilmembers Lampe and Reznicek commended City Administrator James Bronner for looking at alternative financial advisors.
 - Staff confirmed with Councilmember Reznicek that there is no other place for the electrical box at the Water Pollution Control Facility. Staff further informed Mr. Reznicek that they would check into quality of the agenda attachments.
- M. Mayor's Comments
- There were none.
- N. Moved by Kangas, seconded by Reznicek to adjourn. Motion passed and Council meeting adjourned at 8:59 P.M. Yes: 7 No: 0 Absent: 0

Charles D. Infelt, Mayor

ATTEST:

Carla Guyer, City Clerk