

Regular Meeting Minutes – December 5, 2016
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on December 5, 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 the Pledge of Allegiance.
 - C. Mayor Infelt led in prayer.
 - D. Moved by Waldstein, seconded by Lampe to approve the agenda as presented.
Motion passed. Yes: 7 No: 0 Absent: 0
 - E. Moved by McKenzie, seconded by Sherer to approve the November 21, 2016 regular meeting minutes
Motion passed. Yes: 7 No: 0 Absent: 0
 - F. Council welcomed Tim Miller as Guest Council Person for December.
 - G. Public Hearing
 1. This was the date, time and place for a public hearing approving a special permit request sought by B.N.K.D. Inc. for a temporary campground for the State of Iowa Firefighter Convention scheduled for September 2018.
 - There were no written comments.
 - Paul Frantsen spoke in opposition of the special permit request stating that he and his family moved to Waverly eight years ago mainly because of the park, and they felt it was a safe place to live within a residential neighborhood. He has been very disappointed in the lack of restoration of the park area and the clean-up efforts after the past 2016 Firefighter Convention. There are still 150 temporary electric power poles and semi-trailers located at the site.
 - Jon Stack spoke in opposition of the special permit request stating that he moved his family here because Waverly is a good, clean town; however, he was very upset during the recent convention. Mr. Stack expressed that he was upset due to the noise levels of the music and the behavior of the firefighters while driving or riding the golf carts. Mr. Stack added that he was also pretty disappointed in the lack of clean up after the event.
 - Property owner, Dennis Happel spoke to Mr. Frantsen’s and Mr. Stack’s concerns. Mr. Happel stated that the Firefighter’s Association held a public meeting before the convention took place and only five neighboring residents attended. If the request is denied, the electric power poles will be removed. Re-seeding has been completed. The semi-trailers will be leaving and moved to Forest City where the event is scheduled for 2017. The land will be restored after the next convention if approved, and the Fire Association will hold public meetings again. The Pheasants Forever land will be completely restored.
The public hearing was then closed.
- Moved by McKenzie, seconded by Lampe to approve Resolution 16-106 approving a special permit request sought by B.N.K.D. Inc. for a temporary campground for the State of Iowa Firefighter Convention scheduled for September 2018.

Motion passed. Yes: 7 No: 0 Absent: 0

- Council discussion followed. Concerns regarding excessive noise are legitimate depending on one's perspective. Possible curfews for the noise levels would possibly be needed through a gentlemen's agreement for no sirens after 10:00 p.m. and no venues after midnight. Other large events that happen within the City are also loud; however, those types of events are open to the public not exclusive. The main venue tent was located where it was during the event as it was the flattest and most centralized area within the grounds and so they could point the music north, away from neighbors. The property in question is zoned residential. Confirmation of the land being restored no later than spring of 2019 was given by the landowner. Fire Chief Dennis Happel stated they will have to work around the scheduled Hwy. 3 / Bremer Avenue Reconstruction. The Special Event Ordinance will govern this event, including the park land, and is going to Council for the third and final reading on December 19. The Fire Association will work to obtain estimates for the restoration of the land and put that money aside in a reserve account. The park land was donated to the City by BNKD, Inc. as part of the Prairie Park Development. While there have been no clear reports on economic impact within the City, it can be reported that the Waverly Municipal Golf Course had an additional 600 rounds of golf and the bowling alley had an additional 65 teams of 5. Businesses in town either experienced large volumes in sales or no significant change. Other sites in town were looked at, however, road blocks were found such as: landowners not wanting to put in hay crop or leave empty for two years or the expense was greater than what the association felt they could afford. Once the Fire Association Convention Committee is consulted with, they may be open to re-locating neighbors temporarily to compensate them for the inconvenience.

2. This was the date, time and place for a public hearing on Ordinance 1016, an Ordinance Adopting the "City Code of the City of Waverly, Iowa".

- There were no written or verbal public comments.

The public hearing was then closed.

Moved by Kangas, seconded by Sherer to approve the Third and Final Reading of Ordinance 1016, an Ordinance Adopting the "City Code of the City of Waverly, Iowa".

Motion passed. Yes: 7 No: 0 Absent: 0

H. Public Comments on Items Not on the Agenda

- There were none.

I. Consent Calendar

1. Pay Request from VJ Engineering for the Cedar Lane Reconstruction 2017 project for \$1,300.00.
2. Pay Request from VJ Engineering for the Cedar Lane Reconstruction 2017 project for \$649.50.
3. Pay Request from VJ Engineering for the Cedar Lane Reconstruction 2017 project for \$1,522.50.
4. Pay Request from Iowa Northland Regional Council of Governments (INRCOG) for the Comprehensive Plan review for \$330.00.

5. Pay Request from WHKS & Co. for the Hwy 3 (Bremer Avenue) Reconstruction 2017 for \$20,704.22.
6. Pay Request from WHKS & Co. for the Dry Run Creek Improvements 2014 for \$25,190.30.
7. Pay Request from AHTS Architects for the Hwy 3 (Bremer Avenue) Reconstruction 2017 Streetscape for \$1,921.26.
8. Pay Request from GOE International, LLC for Dam Maintenance 2016- clamps for \$5,894.50.
9. Class C Liquor License for The Dirty Dog American Bar and Grill.
10. Class C Liquor License for Prairie Links Golf and Event Center.

Moved by Sherer, seconded by Waldstein to approve the Consent Calendar.

Motion passed. Yes: 7 No: 0 Absent: 0

J. Regular Business.

1. Review of the 2016 Citizen Survey results.
 - City Administrator James Bronner introduced City Administration Intern, Jackson Little who completed the survey.
 - Mr. Little summarized the results of the survey and touched on a few highlights. This 2016 Citizen survey mimicked the 2013 survey, but included 2,580 surveys being sent out with a 39.19% response rate with 1,011 responding. In 2013, there were 897 surveys sent out and 401 of those responded which equals 44.7%. Responses from the 65 and older group increased. When asked “how citizens usually get their news” the answer, “through social media,” improved by moving from last place (of 8) and going to 5th place (of 9). Responses reflected that citizens are satisfied with the inspection of rental housing. The largest number responding to “whether they feel they receive good value for the taxes they pay,” felt they agreed with this. One-half felt the outdoor swimming pool needs to be improved. Over half are pleased with the overall direction the City is taking. More than one-third were pleased with the home improvement process, yet, almost one-half did not have an opinion. More than one-half replied that they would use bike lanes, trails, and/or sidewalks if provided. If citizens would like to view the survey in its entirety they can go to [http://agendas.waverlyia.com/Documents/Public/City%20Council/2016%20Agenda%20Manager%20Attachments/12-5-16/Copy%20of%202016%20Citizen%20Survey%20\(1\).pdf](http://agendas.waverlyia.com/Documents/Public/City%20Council/2016%20Agenda%20Manager%20Attachments/12-5-16/Copy%20of%202016%20Citizen%20Survey%20(1).pdf) on the internet. There were 52 responses to Question 14, Capital Projects (Other). Of those 52, there were 7 that felt the Green Bridge needed to be repaired, 22 felt the Green Bridge needed to be replaced and 23 felt the Green Bridge was a capital project priority but didn’t specify to replace or repair.
 - Council discussion followed. Council was pleased that the overall findings were fairly consistent compared to the 2013 survey. It is good to have comparative information to look at in order to consider any trends.
2. Review of Waverly Municipal Electric Utility 2016 Adopted Amended Budget.
 - Waverly Utilities General Manager Darrel Wenzel handed out the 2016 Waverly Utilities Strategic Planning document and then, reviewed with Council the 2016 Adopted Amended Budget. There are five main goals Waverly Utilities is going to focus on in 2017. 1) Customers, 2) Reliability, 3) Financials/Rates,

- 4) Work Force, and 5) Growth. While reviewing budget amendment, Mr. Wenzel explained the amendment was needed due to the fiber distribution project being spread over two years. Money that was scheduled to be spent in 2015 was not spent until 2016. The two year project was over budget by \$435,000 but overall the project was under budget.
3. Review of Waverly Municipal Electric Utility 2017 Adopted Budget.
- Although last year Waverly Utilities originally thought there would need to be a 9.4% increase in revenue for 2016, the actual was a 6.73% increase. Several attributes added to this including the extremely low cost of natural gas. Utilities are predicting a 4.05% increase in 2017. This is an energy cost adjustment so if natural gas prices are extremely low it could be less than that. Certain budget assumptions include: an increase of 1% in kWh sales which is decreased by the loss of load from Terex moving their operation, a 4.05% increase in rates including the ECA; an increase in salary wages of 3% and an increase in Union wages of 2.75%; a general increase of most expenses of 3%; 4% overall increase in purchase power; an increase in health insurance rates of 22% or approximately \$44,000; \$256,176 in capital expenditures for street lighting for Bremer Avenue Reconstruction (for year one and year two); major capital expenditures at the Louisa plant of \$743,874; purchasing two aerial trucks and a mini excavator at a total cost of \$431,524; and outside services - including Solar Garden Feasibility Study of \$50,000 and Cyber Security Study for \$12,500. The 2017 budget reflects a continuing commitment to exceptional reliability and service as well as the on-going challenges associated with increasing regulation and emissions controls.
4. Review of Waverly Communications Utility 2016 Adopted Amended Budget.
- Mr. Wenzel reviewed there was an increase in expenditures of \$884,000 which were originally scheduled to be spent in 2015, but weren't actually spent until 2016.
5. Review of Waverly Communications Utility 2017 Adopted Budget.
- Mr. Wenzel stated that since this information is confidential per Iowa Code Chapter 22.7 paragraph 6, agents of the City could review this 2017 adopted budget at the Waverly Utilities office. Utilities is on pace to double what the original feasibility study forecasted for the end of this year. Customers are spending more on set-top boxes. Phone and internet have been working well. There have been some issues with video and network DVR, and there have been some software updates and set-top box updates.
 - Council discussion followed. There are 16 other cities in Iowa that have a municipal communication utility. Waverly Utilities donates \$120,000 every year as a pass thru of the City of Waverly to The W since there is an agreement with the electric utility, City, and The W. Wartburg purchases \$100,000 of renewable energies from Waverly Utilities. Part of the agreement was economic development. The agreement was also good for renewable energy at Waverly Utilities. The Electric Utility Board approves this each year. This will continue until at least 2022. Waverly Utilities is very pleased with market share and growth. Mr. Wenzel will check into the locations that seem to be having lines dropped to their house without having requested it.

6. Report from Champion Ridge group on progress.
 - Champions Ridge Committee Chair, Greg Miller introduced other members of the committee. In attendance were: Fred Ribich, Dean Mitchell, Chris McCarville, Brenda Meyer, Nylene Geerts, Renne Neil, and Danny Buls. Committee members not in attendance were: Kevin Raising, Travis Nuss, and Randy Bergmann. The committee worked with Confluence Architecture to complete construction documents for the first phase of the project (entrance infrastructure, layout of first quad of multi-purpose ball diamonds, and fair grounds). The committee hired Traci Magsamen in July of 2015 on a part-time basis to assist with fundraising and marketing of the project. In November, the committee purchased (Little Green Light) software for aid in identifying potential grant sources. Summer of 2016, a township-by-township mailing to residents of Bremer County was initiated in order to educate citizens of the project and to invite donations. The committee has recently hired Terry Hinrichs of General Development Group as a full-time fundraiser and campaign consultant. The committee has raised a little over \$400,000 in cash and pledges. They have grant requests and additional possible donors totaling \$800-900K. Additionally, the committee has vendors with “in-kind” contributions that could total nearly \$500K. The Phase 1 site plan will take approximately \$3.9 million. Mr. Terry Hinrichs noted a couple of items that may add to why people are not contributing including the option to purchase the additional 62.49 for a total of \$579,157.32 and the uncertainty of the future of the Bremer County Fair.
 - Council discussion followed. In order for the Bremer County Board of Supervisors to see more countywide support, there have been increased efforts to educate people. Committee member, Fred Ribich, explained the Fair Association has made great effort to work with the County Board of Supervisors. The fair looked at the old County Home property, but there seemed to be too many hidden costs in comparison to this property. The majority of the fair association realizes the value of having its own site to host a fair. There have been conversations with the Bremer County Farm Bureau, and they are 100% behind the Champions Ridge Project and will help in developing the facility. Much of the already given fundraising efforts are immeasurable including the educating in how the facilities would be used and showing the two groups what the cost savings could be while working together. This type of project seems impossible without any fundraising efforts of a professional and in comparison, General Development Group is less expensive and they are “feet on the ground” fundraisers.
7. Moved by Reznicek, seconded by Gade to approve Resolution 16-107, Approving an amendment to the Development Agreement with Kwik Star.
Motion passed. Yes: 7 No: 0 Absent: 0
 - The proposed amendment would move the public restrooms inside the Kwik Star building. There would be signage, security cameras, and a bike rack for use. The new floor plan will be much like Kwik Star South. Originally, this agreement came to Council as compensation for vacating 5th Street SE.
8. Moved by McKenzie, seconded by Sherer to approve Resolution 16-108, Accepting public improvements for Cedar Point 1st Addition as completed in

accordance with the approved construction documents dated February 18, 2016.

Motion passed. Yes: 7 No: 0 Absent: 0

9. Moved by Sherer, seconded by Kangas to approve Resolution 16-109, Approving the Waverly Municipal Airport's Federal Aviation Administration 5-Year Capital Improvement Plan for FFY 2018-2022.

Motion passed. Yes: 4 No: 3 (Reznicek, Lampe, Gade) Absent: 0

10. Moved by McKenzie, seconded by Lampe to approve Resolution 16-110, Declaring an Official Intent under treasury regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in connection with specified projects.

Motion passed. Yes: 7 No: 0 Absent: 0

- This resolution enables the City to recuperate any costs expended on projects listed in the resolution prior to the issuance of debt. This resolution is for the Bremer Avenue Reconstruction and the 3rd Street SE Bridge.

11. Moved by Lampe, seconded by Sherer to approve the Second Reading of Ordinance 1018, an Ordinance Adopting Chapter 61, Special Events, of the City Code of Waverly, Iowa governing the use of city streets and public property for special events.

Motion passed. Yes: 7 No: 0 Absent: 0

- Most event groups will be required to carry liability insurance.

12. Moved by Reznicek, seconded by Waldstein to approve Third and Final Reading of Ordinance 1017, an Ordinance Amending Chapter 100, providing for replacement of R-1 and R-2 district language with proposed R-1, R-1A and R-2 district language.

Motion passed. Yes: 7 No: 0 Absent: 0

13. Review the Iowa Department of Transportation Preconstruction Agreement for Iowa Highway 3 (Bremer Avenue) Reconstruction and the Special Assessment Proceedings for the replacement of substandard water services.

- City Administrator James Bronner stated the estimate for the total project is approximately \$4.3 Million. Special Assessments are broken down as to the water line replacement for residents and business owners. Public Works Director/City Engineer Mike Cherry and Community Development Director/City Attorney Bill Werger reviewed that reconstruction of IA Highway 3 (Bremer Avenue) is an Iowa Department of Transportation project. The reconstruction of IA Highway 3 and the replacement of water main and substandard water services will extend from the intersection of 20th Street (west) to 8th Street (east). Due to the material, age and /or size of the existing water services, it is recommended to replace substandard water services as part of the roadway reconstruction project. The individual repair or replacement of water services along Iowa Highway 3 is so disruptive as to constitute an unwarranted nuisance that it is deemed in the best interest of the public to replace all substandard services from the water main up to and including the curb box assembly as part of the Iowa DOT's roadway reconstruction project. Resolutions that are required to move forward with the water main project and special assessments will be coming to Council for approval on December 19. The City will reimburse the I.D.O.T. over three years in three equal payments for the City's portion of costs. In April of 2016 the

estimated City's share of the cost was \$3 million and with the addition of water services replacement, streetscape elements and the resolution of constructability conflicts, the project cost is now \$4.3 million. T.I.F. dollars will be used for funding this project in applicable T.I.F. areas.

14. Review the Iowa Department of Transportation/ Cedar River Railroad Company/City construction agreement and the Cedar River Railroad Company/City maintenance agreement.
- The Iowa D.O.T. will fund 90% of the construction cost for the railroad crossing gates and signal at 20th Street NW. The City is responsible for the remaining 10% of construction cost. The railroad company will build the improvements or contract for the construction. Additionally, the railroad shall provide for the ordinary operation and maintenance. The Iowa D.O.T. may provide a portion of the annual maintenance cost and the City shall pay for any and all remaining maintenance costs not paid by the Iowa D.O.T. The State of Iowa or the City will be responsible for ongoing maintenance costs in the future for the gates and signals. Staff recommends coordinating the installation of the crossing gates and signals with the reconstruction of 20th Street NW in 2018. This project is estimated to begin 2018 in order to move forward with the rebuild of 20th Street NW unless the funding and work cannot be postponed until then. If this were to happen, the roadway improvements may have to come after the railroad crossing gates and signals.

15. Moved by Waldstein, seconded by Sherer to approve the Cancellation of the December 26, 2016 Study Session meeting.

Motion passed. Yes: 7 No: 0 Absent: 0

K. Reports from Boards and Commissions

1. Senior Calendar; December, 2016; Received into record.

L. Staff Comments

- Christmas on Main is Thursday, December 8, from 6:00 p.m. until 8:00 p.m.

M. City Council Comments

- Staff informed Councilmember Lampe there have been many ideas on how to memorialize the Oak tree that stood in front of City Hall. A bench will be made for City Hall from one portion and another log will be carved with a chain saw. There are many ideas.
- Councilmember McKenzie suggested the City should put its intentions regarding the termination of the current lease with the Bremer County Fair Association in writing.
- Councilmember Gade agreed with McKenzie as long as the Fair Association was made aware of this.

N. Mayor's Comments

- There were none.

- O. Moved by Kangas, seconded by Lampe to adjourn. Motion passed and Council meeting adjourned at 9:46 P.M. **Yes: 7 No: 0 Absent: 0**

Timothy C. Kangas, Mayor Pro-Tem

ATTEST:

Carla Guyer, City Clerk