

Regular Meeting Minutes – December 19, 2016
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on December 19, 2016 at 7:00 P. M. at City Hall. Mayor Pro-Tem Kangas presided and the following Council Members present were: Waldstein, Lampe, McKenzie, Sherer, and Kangas. Absent: Reznicek and Gade.

- A. Mayor Pro-Tem Kangas called the meeting to order.
- B. Moved by McKenzie, seconded by Sherer to approve the Agenda as presented.
Motion passed. Yes: 5 No: 0 Absent: 2
- C. Moved by Sherer, seconded by Lampe to approve the November 28, 2016 study session minutes and the December 5, 2016 regular meeting minutes.
Motion passed. Yes: 5 No: 0 Absent: 2
- D. Public Comments on Items Not on the Agenda.
• There were none.
- E. Consent Calendar
1. Pay Request from WHKS & Co. for the 3rd Street SE Bridge Repairs 2016 for \$35,569.22.
 2. Pay Request from McClure Engineering Co. for the Airport Land Acquisition 2012 for \$18,843.03.
 3. Pay Request from Paul Miller Design, Inc. for the Golf Course Pond Project Phase 2 for \$1,164.44.
 4. Pay Request from Baker Concrete & Excavating for the Golf Course Pond Project for \$4,438.36.
 5. Approval of November, 2016 Cash Disbursements.
Moved by McKenzie, seconded by Lampe to approve the Consent Calendar.
Motion passed. Yes: 5 No: 0 Absent: 2
- F. Regular Business.
1. Moved by McKenzie, seconded by Sherer to re-appoint Dennis Happel as Fire Chief for 2017.
Motion passed. Yes: 5 No: 0 Absent: 2
 2. Moved by McKenzie, seconded by Lampe to approve Resolution 16-111 authorizing the exercise of an option to purchase 62.49 acres of additional Champions Ridge property at the option price of \$9,268 per acre for a total of \$579,157.32 from the Smith Estate/Trust and confirming the termination of the lease of Memorial Park between the City of Waverly and the Bremer County Fair Association after the Fair of 2018.
• Moved by Kangas, seconded by Waldstein to amend the motion by breaking it into two separate motions as follows: a.) To approve Resolution 16-111 authorizing the exercise of an option to purchase 62.49 acres of additional Champions Ridge property at the option price of \$9,268 per acre for a total of \$579,157.32 from the Smith Estate/Trust. AND b.) To confirm the termination of the lease of Memorial Park between the City of Waverly and the Bremer County Fair Association after the Fair of 2018.
Motion passed. Yes: 5 No: 0 Absent: 2
 - a. To approve Resolution 16-111 authorizing the exercise of an option to purchase 62.49 acres of additional Champions Ridge property at the option price of \$9,268 per acre for a total of \$579,157.32 from the Smith Estate/Trust.
Motion failed. Yes: 3 No: 2 (Waldstein, Sherer) Absent: 2

AND

b. To confirm the termination of the lease of Memorial Park between the City of Waverly and the Bremer County Fair Association after the Fair of 2018.

Motion failed. Yes: 2 No: 3 (Lampe, McKenzie, Kangas) Absent: 2

- Chair of the Champions Ridge Ball Diamond Committee, Greg Miller, spoke in favor of the resolution and introduced the committee's fundraising spokesperson. Purchase of the second property option would impact the project greatly. If there is no second purchase, there is no project. The task was to put all the diamonds in one place, out of the floodplain. Financial backing becomes difficult without knowing many impacts, one being part of the ground available. The City could impose a one year timeline in order to have significant dollars raised. There is not a need for the Hwy 3 turn-off and lift station until they become necessary. There are demands from other cities for having a place to play tournaments.
- Champions Ridge Fundraising Spokesperson, Terry Hinrichs, reviewed some history of the project and also gave an update on fundraising efforts. With the fundraising efforts, Mr. Hinrichs announced that Bremer County Board of Supervisors has added the remainder of the County's portion to the next (FY 17-18) budget. To this point, fundraising has been done separately by each the ball diamond committee and the Bremer County Fair Association. They will now begin to fundraise in sync. The Champions Ridge Committee will also be seeking a Community and Tourism Grant. Parents of ball players have not been sought after for contributions. Education will be a big part of future fundraising in order to educate prospective contributors. Mr. Hinrichs also stated that the committee can't create fundraising momentum unless the City is behind this project.
- Tim Miller spoke in favor of the project while commenting on his past experiences, memories, and observations throughout the community and country. Mr. Miller added that without this project Waverly will never be able to host national tournaments. He noted that the 3rd Street SE Bridge is a poor investment and will not increase in value; in fact, it will need on-going repairs and total replacement in 20 or so years. The land is an investment. Therefore, money invested in the bridge will be lost while money invested in the land will most likely increase over time. The fair has a proven history in making payments to the City.
- Councilmember David Reznicek e-mailed council earlier in the day with an e-mail in support of this project.
- President of the Waverly Softball Association, Travis Nuss, commented that there have historically been approximately 750 youth ball players; it is a growing sport within Waverly. The current youth ball diamonds experience flooding at least once every season (eight out of eight); there is a need for room to grow and room to bring in outside tournaments. They need to be able to answer questions regarding a Hwy 3 turn-off, a road, and portable potties, etc. Mr. Nuss said that if the land is purchased it would allow the committee to go out and do further fundraising. When this project is complete, it will bring in Hotel/Motel tax and money for hotels and restaurants. If the ball diamonds are not able to raise enough money, the City would still own the land and it could be re-purposed or marketed. Construction can start anytime the dollars are there since the design and engineering is 95% complete. This is a terrible place to build four diamonds and yet, a perfect place to build twelve diamonds.
- Bremer County Fair Association Treasurer Danny Buls noted that the fair association, to date, has paid back \$200,000 + and is on track to possibly have the fair's

portion paid for by summer of 2017 with the commitment from the Bremer County Board of Supervisors. Should the option not be exercised and the option goes away they will lose control of what the land might be used for in the future. The fair would not have any extra real estate available for the ball diamonds' use. A campground would not be a necessity and is a non-essential item for the fair.

- At-Large Champions Ridge Committee Member, Brenda Meier, stated that she has been involved with the committee since 2013. Ms. Meier commented that now that Terry and Toni Hinrichs are on board, forming a business plan is the next logical step. Moving forward, the committee looks to be working on a business plan and project management.

- Council and staff discussion followed. The City of Waverly is continually being asked to be the first dollars in on this project. There is comfort in combining fundraising efforts. It is a positive step that the Board of Supervisors is now joining in. It would not dishonor the Neil Smith Estate if the property is not purchased. The estate is not willing to extend the option since it would like to move forward with marketing the land. The land is odd shaped and is landlocked, (even though access would have to be provided). Levels of momentum were noted as concerns. A stronger, clearer stance on the termination of the lease with the fair should be looked at. The initial investment of the City was \$838,000. The City has almost \$1 million invested in this project. Incremental completion of the project would be a risk if the second option isn't exercised. A business plan has been asked for from the Champions Ridge Committee. The source of funds would be from G.O. Bonds and T.I.F. funds. The City does have a list of other projects that are substantial in size and costs. The estimated total costs would be approximately \$4.7 million, including Champions Ridge. This would all be debt levy and would raise real estate taxes an estimated \$1+ per thousand which would bring the City's tax levy to at least \$3.50 per thousand from the \$2.40 we are at currently. The land is only one cost to the City. There would still be the expense of an entrance and installation of a lift station which would raise the debt service and tax levy further. Economic Development funds in reserve for an industrial park could potentially help in funding this project short term; however it is preferable to keep the fund accounts separate. If an industrial park would be a possibility in the future, the funds would not be available. The funds could possibly be replenished within a couple of years. Until construction has begun, the land is still marketable for sale. If there is no project, the monies received by the City from the fair would have to be paid back to the fair.

3. Moved by McKenzie, seconded by Sherer to approve Resolution 16-112 approving a Special Provisional Use request by Cohen-Esrey Affordable Partners, LLC and Norma Wiener Living Trust to allow for residential usage on the first floor and below the first floor for Commercial Central Business District (C-3) zoned property located at 201 1st Street SE.

Motion passed. Yes: 5 No: 0 Absent: 2

- This is necessary to allow housing on the 1st floor of the building located at 201 1st Street SE, locally known as the downtown CUNA Building.

4. Moved by Lampe, seconded by Waldstein to approve Resolution 16-113 approving the setting of user fees and charges for the Swimming Pool and Harlington Cemetery for 2017 as recommended by the Leisure Services Commission and Staff.

Motion passed. Yes: 5 No: 0 Absent: 2

- The entry fee at the swimming pool has not been changed for approximately five years. It is also recommended that the opening and closing fees be adjusted at the cemetery.
5. Moved by Waldstein, seconded by Sherer to approve Resolution 16-114 approving Pay Request No. 1 of \$111,672.03 and accepting the Golf Course #13-17 Pond Project as complete with the final pay request of the retainage of \$5,877.48 to Landscapes Unlimited of Lincoln, NE.
Motion passed. Yes: 5 No: 0 Absent: 2
6. Moved by Sherer, seconded by McKenzie to approve Resolution 16-115 approving the Iowa Department of Transportation / Cedar River Railroad Company/ City Construction Funding Agreement and approving the Cedar River Railroad Company/ City Maintenance Agreement for the 20th Street NW Railroad Crossing Improvements.
Motion passed. Yes: 5 No: 0 Absent: 2
- The Iowa DOT 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 DOT 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 DOT. Staff recommends coordinating the installation of the crossing gates and signals with the reconstruction of 20th Street NW in 2018.
7. Moved by McKenzie, seconded by Lampe to approve Resolution 16-116 awarding the Brookwood Park Riverbank Stabilization 2016 project to Lodge Construction of Clarksville, Iowa for the bid amount of \$21,736.00.
Motion passed. Yes: 5 No: 0 Absent: 2
- Five bids for the Brookwood Park Riverbank Stabilization project were received on Tuesday, December 6, 2016. This project involves repairing riverbank scour that is beginning to threaten and damage existing revetment stone and the asphalt recreation trail. FEMA may help finance this project which will mitigate the threat of future flood damage to the revetment stone and recreation trail. There is \$25,000 in the Storm Drainage Improvements account budget for this project. With a low project cost, there will be no formal public hearing required. FEMA is reviewing this project to see whether a portion would be an eligible reimbursement to the City. Staff has no concerns for this project and the 3rd Street SE project sharing the work space. Bid documents were also sent out to local contractors and speculated response would be due to scheduling and liability. Work is planned while ground is frozen in order to help protect the trail system.
8. Moved by Lampe, seconded by Waldstein to approve Resolution 16-117 approving the Water Pollution Control (WPCF)- Nutrient Reduction Strategy Report.
Motion passed. Yes: 5 No: 0 Absent: 2
- WHKS & Co. explained to Council on November 28th that the Iowa Department of Natural Resources (IDNR) is requiring all communities with a ‘major’ wastewater facility (wastewater flow of greater than 1.0 million gallons per day) to comply with its Iowa Nutrient Reduction Strategy. The City of Waverly’s wastewater facility is considered a ‘major’ facility. The National Pollutant Discharge Elimination System (NPDES) permit for the Waverly WPCF was reissued in January 2015 by the IDNR. The new permit includes Nutrient Reduction Requirements in support of the Iowa Nutrient Reduction Strategy. Nutrient reduction at the WPCF was initially

discussed by WHKS & Co. during the 2013 WPCF Trickling Filter Evaluation and was presented to the City Council on August 26, 2013. Two primary long-term recommendations were made: (1) Prepare to replace the existing trickling filters within 5-7 years (2018-2020). (2) Develop a more detailed evaluation of conversion to a suspended growth treatment process within two (2) years of receiving a new NPDES permit. Based on these requirements, the City is now prepared to submit a detailed report to the IDNR evaluating the WPCF's ability to remove nitrogen and phosphorus. The report lists potential changes to be made in order to meet the proposed effluent limits of 10 mg/L total nitrogen and 1 mg/L total phosphorus. The report needs to be submitted to the IDNR by the end of December 2016. Based on initial testing, it is expected that a significant improvement at the WPCF is required to meet the Iowa Nutrient Reduction Strategy – likely the conversion to a suspended growth treatment process. The schedule for these improvements is to complete design by the fall of 2020 and to complete construction by the end of 2022.

9. Moved by Sherer, seconded by McKenzie to approve Resolution 16-118 approving the Iowa Department of Transportation Preconstruction Agreement for the Iowa Highway 3 (Bremer Avenue) Reconstruction for the estimated cost of \$4,061,350.50.
Motion passed. Yes: 5 No: 0 Absent: 2
10. Moved by McKenzie, seconded by Sherer to approve the First Reading of Ordinance 1019, an Ordinance Amending Section 105.4.10 of the Waverly Municipal City Code Regarding Additional Parking Restrictions per the Iowa Department of Transportation Agreement and setting January 16, 2017 at 7:00 P.M. in the Council Chambers of City Hall as the date, time, and place for a public hearing.
Motion passed. Yes: 5 No: 0 Absent: 2
 - Curbs will be painted yellow to distinguish parking restrictions to reflect the ordinance changes.
11. Approve the special assessment proceedings for the replacement of substandard water services as follows:
 - A. Moved by Lampe, seconded by Waldstein to approve Resolution 16-119 approving preliminary resolution for the construction of water service and water main improvements along Bremer Avenue.
Motion passed. Yes: 5 No: 0 Absent: 2
 - The reconstruction 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.
 - B. Moved by Sherer, seconded by Lampe to approve Resolution 16-120 fixing values of lots located within the Bremer Avenue Water Main and Service Line Improvement project area.
Motion passed. Yes: 5 No: 0 Absent: 2

- Assessments have limits and need a Resolution fixing values of lots located within the project construction area in order to special assess property owners.
- C. Moved by Waldstein, seconded by Lampe to approve Resolution 16-121 adopting a preliminary plat and schedule, estimate of cost and proposed plans and specifications for the construction of Bremer Avenue Water Main and Service Line Improvements.
Motion passed. Yes: 5 No: 0 Absent: 2
 - This follows the Iowa Code requirements for the special assessment process.
- D. Moved by Waldstein, seconded by McKenzie to approve Resolution 16-122 approving a resolution of necessity for Bremer Avenue Water Main and Service Line Improvement project and setting January 16, 2017 at 7:00 P.M. in the Council Chambers of City Hall as the date, time, and place for a Public Hearing.
Motion passed. Yes: 5 No: 0 Absent: 2
 - This resolution is also a requirement of the Iowa Code. In order to assess, the City must prove the necessity.
- 12. Moved by Sherer, seconded by McKenzie to approve the Third and Final 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: 5 No: 0 Absent: 2
 - Public hearings or open houses are not required with the approval process for a special event permit; however, staff does and will encourage such processes. Sizeable events may still come to Council for approval. Curfews for venues due to noise and traffic are a concern and should be considered. Documents may be updated/edited from time to time.
- G. Reports from Boards and Commissions
 1. Monthly Financials; November, 2016; Received into record.
 2. Bremer-Waverly Law Board Minutes; November 15, 2016; Received into record.
 3. Bremer-Waverly Law Board Minutes; December 12, 2016; Received into record.
- H. Staff Comments
 - Public Works Director/City Engineer Mike Cherry noted that the Public Works newsletter will be in the mail this week. He also requested that public adopt a fire hydrant to keep clear of snow.
- I. City Council Comments
 - Councilmember Sherer thanked Guest Councilmember Tim Miller for his input during the meetings he attended.
 - Councilmember McKenzie confirmed with staff that it is ok for public to use the Municipal Golf Course for sledding. Mr. McKenzie also requested that public adopt storm sewers and help keep them clear of snow and debris.
- J. Mayor's Comments
 - Mayor Pro-Tem Kangas wished everyone Season's Greetings and Happy Holidays.
- K. EXECUTIVE SESSION.
 1. Moved by Waldstein, seconded by McKenzie to enter into executive session to discuss collective bargaining strategy for upcoming Public Safety Unit and Public Safety Unit negotiations as provided by Section 20.17(3) of the Code of Iowa.

Motion passed. Yes: 5 No: 0 Absent: 2

Moved by McKenzie, seconded by Lampe to reenter into open session.

Motion passed. Yes: 5 No: 0 Absent: 2

F. Regular Business continued...

13. Moved by Waldstein, seconded by Sherer to approve a Contract between the City of Waverly and IBEW Local Union 288 (Public Safety Unit) for fiscal years 17-18, 18-19, and 19-20.

Motion passed. Yes: 5 No: 0 Absent: 2

L. Moved by McKenzie, seconded by Waldstein to adjourn. Motion passed and Council meeting adjourned at 9:18 P.M. **Yes: 5 No: 0 Absent: 2**