

Regular Meeting Minutes – February 20, 2017
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on February 20, 2017 at 7:00 P. M. at City Hall. Mayor Infelt presided and the following Council Members were present: Gade, Kangas, Lampe, McKenzie, Reznicek, Sherer, and Waldstein. Absent: None. (Gade dismissed himself at 9:52 P.M.)

- A. Mayor Infelt called the meeting order.
- B. Moved by McKenzie, Seconded by Lampe to approve the agenda as presented.
Motion passed. Yes: 7 No: 0 Absent: 0
- C. Moved by Sherer, seconded by Gade to approve the February 4, 2017 budget study session minutes and the February 6, 2017 regular meeting minutes.
Motion passed. Yes: 7 No: 0 Absent: 0
- D. Public Hearing
1. This was the date, time and place for a public hearing on the 3rd Street SE Bridge Repairs Project Plans, Specifications, Form of Contract and Estimated Cost.
 - Written comments, in favor of the repair project, were received from: David & Mary Schildroth, Kathy Strauser, Don Meyer and the Historic Preservation Commission, Mary Buls and other Genealogical Society members (whose names were not included), Brad Gade, Kay Kingsley, Reba Kingsley, Colton & Nikki Kingsley, Sara Dobbs, Chris Neuendorf, Bernice Gade, Morgan Combs, DyAnn Longseth, and Maria Survilla.
 - Written objections for the repair project were received from: John Meyer, DeVere Creger, Debra Schroeder, Richard Schroeder, Heidi Solheim, Roy Petersen, Reid Koenig, Steve Egli, and Kerri Wellman.
 - One written comment was received from Eileen Vossen expressed thoughts of relocating the present bridge, if not repaired, on the trail system in an effort to keep the history alive and that a possible new bridge resemble the current one.
 - Representing Residents for Repair - Mary Schildroth, Maria Paula Survilla, Chris O'Brien, Don Meyer, and Kathy Strauser all spoke in favor of the Council approving the Plans, Specifications, Form of Contract and Estimated Cost to repair the 3rd Street SE Bridge. Those in favor of the project voiced: that they felt it was a good use of tax payer dollars, it is important to preserve the neighborhood, maintain the character and history of the neighborhood while still providing a crossing for passenger vehicles and pedestrians, provide safety for children in crossing the bridge, the historic value projects neighborhood pride, and it will keep long term infrastructure needs on the radar.
 - Pat Coffie, DeVere Creger, Kathy Olson, John Meyer, Kevin Rohne, and Hank Bagelmann all voiced objections to Council approving the Plans, Specifications, Form of Contract and Estimated Cost to repair the 3rd Street SE Bridge. Those who objected to the project mentioned: the bridge could be moved to a different location; an estimate is just that, an estimate, it is possible to have change orders, everyone has neighborhoods they love, traffic control can help children get across streets safely, that leaving the bridge at the level it is would not offer additional flood protection, financing issues – usage of G.O. Bonds,

decisions should be based on facts and not emotions, boils down to three issues – costs, safety and historic preservation, and the 3rd Street SE is a collector street and has been since 1917 when the bridge was built.

- Kevin Rohne urged Council to do “none of the above” since this bridge issue is an emotionally charged issue for both repair and replacement. Mr. Rohne would like to see Council make completion of the Cedar River Parkway Bridge a priority. This would allow the City to determine the necessity of the 3rd Street Bridge and result in the most suitable, long term solution.
- Hank Bagelmann reflected on the desires of the 2003 Green Bridge Task Force. The recommendation of the task force was to replace. While the vote was not unanimous, it did reflect the conviction to find a solution that would represent the best interest of the entire community. Mr. Bagelmann reviewed cost estimate differences from 2003 to 2017 and future costs would be at a significant greater cost. Mr. Bagelmann also suggested to Council that the City hold a referendum to help decide the answer to this question.

Public Hearing was then closed.

Moved by Kangas, seconded by Lampe to approve Resolution 17-12, a Resolution Approving Plans, Specifications, Form of Contract and Estimated Cost of \$2,892,728.00 for the 3rd Street SE Bridge Repairs Project.

Motion passed. Yes: 3 No: 4 (Kangas, McKenzie, Sherer, Waldstein) Absent: 0

- Council discussion followed. There seems to be a difference in opinion on the original intent of the vote taken one year ago. Some Council members perceived this to be an opportunity to explore repair options and cost, while others interpreted the vote to be actually what would happen. This would be a significant tax increase for a relatively short term fix. A concrete, raised bridge is questionably suitable for a residential neighborhood. A reflection over the past year of the dollars spent, petitions received, correspondence received and sent, telephone calls received and made, comments given, and opinions expressed were taken into consideration. The priorities that Council sets and projects they choose to complete are what sets the tax levy. This agenda item is a standard procedure, however, any agenda can come back and be reconsidered. In preparation of the budget, it seems we are trying to save pennies so we can spend quarters. The bridge could remain unchanged without adding to the levy. Maybe a pedestrian “only” bridge should be considered now. It makes good sense to complete the Cedar River Parkway first in order to see what happens to the traffic patterns. Emergency response vehicles such as fire trucks and ambulances would not be able to cross the bridge if a repair option was completed. Quality of life including the repair of the bridge feature is important to some residents who spoke. The area by the bridge is more densely populated with residential homes than 1st Street NW, 5th Street NW by Wartburg, and 12th Street NW. Three different engineers have been hired so that we would have different professional opinions. The entire deck system, stringers and bottom core would all be replaced. Minnowa is a reputable company. They are a good company and turned in a good bid. Financing and timing of payments were discussed. Payments could be pushed from this fiscal year to next fiscal year in order to push it off one year.

- 1a. Resolution 17-13, A Resolution Awarding Contract for the 3rd Street SE Bridge Repairs project to Minnowa Construction, Inc. of Harmony, Minnesota for Alternate _____.
Alternate A: \$2,408,422.30 (Includes historic sidewalk formed around truss members and lattice fence on west side.)
or,
Alternate B: \$2,381,442.30 (Includes historic sidewalk formed around truss members and chain link fence on west side.)
or,
Alternate C: \$2,419,442.30 (Includes 5-ft straight sidewalk and chain
Died for lack of passing Resolution 17-12.
- 1b. Resolution 17-14, A Resolution Awarding the Construction Observation/Administration Services Agreement with WHKS & Co. of Ames, Iowa for the Not-to-Exceed Amount of \$251,000.00.
Died for lack of passing Resolution 17-12 and Resolution 17-13.

- Council took a brief recess at 7:29 P.M. in order for room to clear. Council reconvened at 8:33 P.M.

E. Public Comments on Items Not on the Agenda.

- There were none.

F. Consent Calendar

1. Pay Request from Asplundh for the Trail Vegetation Project for \$8,711.40.
2. Pay Request from Asplundh for the Trail Vegetation Project for \$9,174.40.
3. Pay Request from Asplundh for the Trail Vegetation Project for \$927.00.
4. Pay Request from VJ Engineering for the Cedar Lane Reconstruction 2017 project for \$27,085.00.
5. Pay Request from McClure Engineering Co. for the Municipal Airport Land Acquisition 2012 Phase III Services for \$ 510.00.
6. Pay Request from A & R Land Services, Inc. Municipal Airport Land Acquisition Services - Relocation Assistance Services for \$585.00.
7. Pay Request from VJ Engineering Cedar Lane Reconstruction project – Research for \$750.00.
8. Class C Liquor License for Applebee’s Neighborhood Grill & Bar.
9. Approval of January, 2017 Cash Disbursements.
10. Pay request from Stanley Consultants, Inc. for the Dry Run Creek Letter of Map Revision (LOMR) for \$3,250.00.

- Councilmember Reznicek requested to remove items number 4 and 7 in order to discuss action separately. Mr. Reznicek noted that he didn’t see the attribution to Cedar Lane when the dollars can go to Cedar River parkway.
Moved by Sherer, seconded by McKenzie to approve Consent Calendar Items Numbers 1, 2, 3, 5, 6, 8, 9, and 10.

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

Moved by Sherer, seconded by Waldstein to approve Consent Calendar Items Numbers 4 and 7.

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

- Councilmember Reznicek explained that he asked to discuss items 4 and 7 separately since those funds could be used for the Cedar River Parkway construction. There was discussion regarding that these are bills for services already rendered.

G. Regular Business.

1. Moved by McKenzie, seconded by Waldstein to approve Second Reading of Ordinance 1020, an Ordinance Amending the Water Rates, Charges, and Minimum Rate for Fiscal Years 2017-18 2018-19 and Setting Public Hearing March 6, 2017 at 7:00 P.M. in the Council Chambers at City Hall.
Motion passed. Yes: 5 No: 2 (Lampe, Reznicek) Absent: 0
 - Staff informed Council they would look at separating the Bremer Avenue Water Main Improvements Project from the annual rate increase on the utility bills with possibly adding a separate line item for the water main project. There were feelings that this allow the City to be more transparent. It was mentioned that automatically raising rates every year is not sustainable. Estimated work for the water main improvements is \$1.6 Million. If the rates were approved they would have to be evaluated again in two years. A charge of a flat fee was also discussed. This would charge all users the same whether they have low usage or high usage levels. This is usage of a commodity and should be charged as so. It was commented that if this were to be made a tax increase that not all users would pay the increase since there are a large number of non-tax paying entities within the community. The base fee could be changed. It is still the same money.
2. Moved by Kangas, seconded by Sherer to approve the Second Reading of Ordinance 1021, an Ordinance Amending the Sewer Rates, Charges, and Minimum Rate for Fiscal Years 2017-18 2018-19 and Setting Public Hearing March 6, 2017 at 7:00 P.M. in the Council Chambers at City Hall.
Motion passed. Yes: 4 No: 3 (Gade, Lampe, Reznicek) Absent: 0
 - Similar comments were made. The increase would assist in putting dollars in reserve to help pay for the Assisted Sludge System in 4 years. This project is necessary due to the age and advanced deterioration. A Nutrient Reduction Strategy Study was conducted and it looked at the different treatments we will have and what the best path forward is to meet our nutrient reduction target as well as replace the structure. The 5% increase over the next few years will not be enough. The increase is projected to cover the design and engineering work. Other similar thoughts were expressed and talked about in the discussion for Ordinance 1020.
3. Moved by Waldstein, seconded by McKenzie to approve the First Reading of Ordinance 1022, an Ordinance amending the Zoning Ordinance of the Waverly Municipal Code, Chapter 100 and providing for rezoning of 31.49 acres on the east side of 20th Street NW from A-1 (Agricultural District) to R-3 with signed Zoning Agreement (Multiple Family Residential District) and for rezoning of 24.54 acres on the east side of 20th Street NW from A-1 (Agricultural District) to R-1A (Single Family Residential District, allowing for attached and detached single family residential, a/k/a zero lot line residential homes) as requested by Echo Development, LLC.

Moved by McKenzie, seconded by Sherer to table this item until the meeting on March 6, 2017.

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

- This property is located NW of Eisenach Village and was recently annexed. The proposed end result would be the 31.49 acres to the north would be rezoned to R-3 (Multiple Residential Classification) and the 24.54 acres north of that parcel would be rezoned R-1A (Single Family Detached and Single Family Attached, up to two maximum). Bartels is purchasing the 31.49 acres for an extension of the Eisenach Village Project. Bartels has also signed a Zoning Agreement which indicated that any zoning to R-3 would be limited to only 4-plexes or less (in one structure). Echo Development, LLC has made the rezoning request and once it is rezoned they will sell it to Bartels. A total of 110 notices went out to homes in the area. There were 22 people out of 57 who signed in opposition to the R-3 and 9 out of 17 that were opposed to R-1A. Wartburg College is not interested in selling the property south of the President's home.
- Wade Kelly presented a petition in objection to the rezoning application. There were 29 signatures on the petition from 31 homes that someone answered their door for. Mr. Kelly voiced the reason for the petition from himself and his neighbors was to try and protect their investments, and property values and to guard against poor drainage issues. Submission of a petition does make it so the decision requires a supermajority vote. Residents in this area were never told that the property was going to be sold to Bartels.
- Deb Schroeder, President and C.E.O. of Bartels Retirement Community commented that Bartels is presently landlocked. They have entered into a purchase agreement with Echo Development, LLC pending the rezoning request. The rezoned area for Bartels would look very much like the Eisenach Village that is currently being developed. The current Eisenach Village is approximately two-thirds developed. The new, rezoned area will only enhance property values. The purchase would support future land use for growth. This does make perfect sense to grow northerly for Bartels. Bartels will deal with water retention issues. Wartburg College has no ownership ties with Eisenach Village. Bartels has not closed on the property yet.
- Cory Henke, representing the Echo Development, LLC, mentioned that they are excited about the Eisenach project for the future aging population in Waverly. Mr. Henke also suggested tabling this item to allow for an opportunity to have discussions with adjacent property owners.
- Tabling this item and holding meetings with adjacent property owners would add comfort being able to make a decision for some of the Council. The Waverly Municipal Code directs the City to connect neighborhoods. This is a good residential connection for our community. There are services already located within close proximity so as to not have to bring in water & sewer mains a long ways. This would also add another entrance for emergency services. City staff scrutinized the connection and the position of the area and how this would fit with what is existing.

- **Gade dismissed himself at 9:52 P.M.**
- 4. Moved by McKenzie, seconded by Sherer to approve Resolution 17-15, a Resolution approving a Pro Shop Lease Agreement with the Waverly Country Club for 2017 – 2019 with annual rent of \$10,000 in two payments of \$5,000 due on February 15 and October 1 of each of the three years.
Motion passed. Yes: 6 No: 0 Absent: 1
 - There was discussion regarding the Council supporting private businesses. The City leases the Pro Shop from the Waverly Country Club. The City owns the golf course. This lease comes to Council every three years. There was also discussion concerning beverage sales and the impact it could have on revenues for the golf course. Staff is not sure what percentage of beverage sales are for outdoor sales vs. indoor sales.
- 5. Moved by McKenzie, seconded by Sherer to approve Resolution 17-16, a Resolution approving a Beverage Lease Agreement with the Waverly Country Club for 2017 – 2019 and receiving from the Waverly Country Club \$500 in June and September for a total of \$1,000 for each of the three years.
Motion passed. Yes: 5 No: 1 (Kangas) Absent: 1
- 6. Moved by Waldstein, seconded by McKenzie to approve Resolution 17-17, a Resolution approving re-plat of lots 64 and 65 within Stone Haven Plat Five to form “Parcels JJ, KK, LL, MM” Minor Subdivision Plat for Residential Property.
Motion passed. Yes: 6 No: 0 Absent: 1
 - This is two properties that have a duplex style ownership with the structure being divided down the middle, resulting in a zero lot line. This allows for separate ownership of each half. The covenants are referred to when there are differences between owners. Each unit has a value separate of the other, however, it is likely that each unit would have the same value.
- 7. Review and discuss the progress and schedule of the Cedar Lane Reconstruction Project.
 - Phase 1 project will reconstruct Cedar Lane from 2nd Avenue NE to Brown Lane with a full-depth concrete pavement. The final Phase 2 project, from Brown Lane to Horton Road, is proposed for 2021. The estimated total project cost \$925,000 is \$175,000 over the original cost estimate of \$750,000. The additional \$175,000 could be taken out of the Road Use Tax Fund (FUTF) and the fund could still be maintained with a 20% cash reserve. This was not expected and is a concern. There was more drainage work factored in than originally expected. It is possible to use the funds designated for this project for a different project. This project could be postponed. If it were postponed staff would recommend it being postponed until after the Bremer Avenue improvements are completed.
- 8. Setting a Public Hearing for March 20, 2017 at 7:00 P.M. in the Council Chambers at City Hall to review Cedar Lane Reconstruction Project Plans, Specifications, Form of Contract and Estimated Cost.
 - **Died for lack of motion.**

9. Moved by Sherer, seconded by Lampe to approve Resolution 17-18, a Resolution amending Resolution 16-83 to add \$500.00 to the final construction cost of the 16th Street SW Reconstruction 2016 Project.
Motion passed. Yes: 6 No: 0 Absent: 1
• Recently the Iowa DOT completed the project closeout audit for the 16th Street SW Reconstruction 2016 Project and noted that the contract documents did not include a bid item for erosion control mobilization. This bid item is a newer Iowa DOT requirement and was unnoticed during the plan review and construction. The City, Iowa DOT and Heartland Asphalt have agreed upon the amount of \$500.00 for erosion control mobilization.
10. Moved by Kangas, seconded by Waldstein to Set a Public Hearing for March 20, 2017 at 7:00 P.M. in the Council Chambers at City Hall to review the Citywide Pedestrian Ramp Construction 2017 Project Plans, Specifications, Form of Contract and Estimated Cost.
Motion passed. Yes: 6 No: 0 Absent: 1
11. Moved by Waldstein, seconded by Sherer to Set a Public Hearing for March 20, 2017 at 7:00 P.M. in the Council Chambers at City Hall to review the 2017 Bituminous Seal Coat Program Project, Plans, Specifications, Form of Contract and Estimated Cost.
Motion passed. Yes: 6 No: 0 Absent: 1
12. Moved by Sherer, seconded by Waldstein to approve Resolution 17-19, a Resolution Setting a March 6, 2017 at 7:00 P.M. in the Council Chambers at City Hall for a Public Hearing on the Adoption of the Multi-Jurisdictional Hazard Mitigation Plan for Bremer County, Iowa.
Motion passed. Yes: 6 No: 0 Absent: 1
13. Moved by Waldstein, seconded by Sherer to approve Resolution 17-20, A Resolution Fixing Date for a Meeting on the Proposition of the Issuance of Not to Exceed \$2,000,000 General Obligation Bonds of the City of Waverly, State of Iowa (For Essential Corporate Purposes), as March 6, 2017 at 7:00 P.M. in the Council Chambers as the date, time, and place for public hearing and Providing for Publication of Notice Thereof.
Motion passed. Yes: 6 No: 0 Absent: 1
14. Review Upcoming Capital Equipment Purchases.
• Staff reviewed capital equipment items that will be going out for bid. The equipment included: purchase of an Electric Fork Lift for Equipment Services and Street Divisions, trading in a 1991 Compost Turner for a new one for the Solid Waste Division, purchasing a Mid-Mount Snow Plow Wings for the Street Division, trading in a 2002 and a 2003 single axle dump trucks for one new Dump Truck for the Street Division, and trading in a 1997 tractor for the Street Division. Total costs are \$308,575.
15. Moved by McKenzie, seconded by Sherer to approve Resolution 17-21, A Resolution Approving Contract with National Elevator Inspection Services, Inc. to perform annual inspections on the elevator located at the Waverly Fire Station for a minimum annual fee of \$150.00 for five (5) years.
Motion passed. Yes: 6 No: 0 Absent: 1

16. Moved by Kangas, seconded by Waldstein to approve Resolution 17-22, A Resolution Approving Contract with National Elevator Inspection Services, Inc. to perform annual inspections on the elevator located at the Water Pollution Control Facility for a minimum annual fee of \$150.00 for five (5) years.
Motion passed. Yes: 6 No: 0 Absent: 1
 17. Cancellation of February 27, 2017 Study Session meeting.
 - **Died for lack of motion.**
 18. Moved by Waldstein, seconded by Sherer to Set the Public Hearing date to review the Budget Fiscal Year 2017-18 for March 6, 2017 at 7:00 p.m. in the Council Chambers of City Hall.
Motion passed. Yes: 6 No: 0 Absent: 1
- H. Reports from Boards and Commissions
1. Waverly Municipal Airport Commission Minutes; October 13, 2016; Received into record.
 2. Monthly Financial Report; December, 2016; Received into record.
 3. Monthly Financial Report; January, 2016; Received into record.
 4. Bremer-Waverly Law Enforcement Board Minutes; January 9, 2017; Received into record.
 5. Planning & Zoning Commission Minutes; February 2, 2017; Received into record.
 6. Economic Development Commission Minutes; February 14, 2017; Received into record.
- I. Staff Comments
- There were none.
- J. City Council Comments
- Councilmember Waldstein asked the staff to review with the Planning and Zoning Department the communication with Wade Kelly, neighbors, and where the signs are posted.
 - Mayor and Council thanked Ron Matthias for his time spent on being the guest council person for February.
- K. Mayor's Comments
- There were none.
- L. EXECUTIVE SESSION.
1. Moved by Kangas, seconded by Waldstein to enter into Executive Session to discuss collective bargaining strategy for upcoming City Unit and City Unit negotiations as provided by Section 20.17(3) of the Code of Iowa.
Motion passed. Yes: 6 No: 0 Absent: 1
Moved by McKenzie, seconded by Kangas to reenter into open session.
Motion passed. Yes: 6 No: 0 Absent: 1
- G. Regular Business continued
19. Approval of Contract between the City of Waverly and IBEW Local Union 288 (City Unit) for fiscal years 18-19, 19-20, and 20-21.
 - **Died for lack of motion.**
- L. Moved by Kangas, seconded by McKenzie to adjourn. Motion passed and Council meeting adjourned at 10:56 P.M. **Yes: 6 No: 0 Absent: 1**

Timothy C. Kangas, Mayor Pro-Tem

ATTEST:

Carla Guyer, City Clerk