

Regular Meeting Minutes – September 11, 2017
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on September 11, 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 8:56 p.m.)

A. Mayor Infelt called the meeting to order.

B. Mayor Infelt led the Pledge of Allegiance.

C. Cross Point Church Pastor, Jonathan Barthalow led in prayer.

D. Moved by Sherer, seconded by Lampe to approve the agenda as presented.

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

E. Moved by Waldstein, seconded by Sherer to approval the August 21, 2017 regular meeting minutes as presented.

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

F. The Guest Councilperson for September will be announced at a later meeting.

G. Public Hearings

1. This was the date, time and place for a public hearing on Ordinance 1025, Amending Ordinance Nos. 569, 585, 609, 638, 664, 733, 791, 853, 866, 892, 931, 736, 932 and 978, providing that general property taxes levied and collected each year on certain property located within the Amended Waverly Unified Urban Renewal Area, in the City of Waverly, County of Bremer, State of Iowa, by and for the benefit of the State of Iowa, City of Waverly, County of Bremer, Waverly-Shell Rock Community School District, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City in connection with the Amended Waverly Unified Urban Renewal Area (Amendment No. 2 to the Waverly Unified Urban Renewal Plan).

- There were no written or oral public comments.

- **The public hearing was then closed.**

Third and Final Reading of Ordinance 1025, Amending Ordinance Nos. 569, 585, 609, 638, 664, 733, 791, 853, 866, 892, 931, 736, 932, and 978, providing that general property taxes levied and collected each year on certain property located within the Amended Waverly Unified Urban Renewal Area, in the City of Waverly, County of Bremer, State of Iowa, by and for the benefit of the State of Iowa, City of Waverly, County of Bremer, Waverly-Shell Rock Community School District, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City in connection with the Amended Waverly Unified Urban Renewal Area (Amendment No. 2 to the Waverly Unified Urban Renewal Plan).

Motion passed. Yes: 6 No: 1 (Gade) Absent: 0

1. This was the date, time and place for a public hearing on consideration of resolution to authorize sale of an unused right of way property to Twin B, LLC pursuant to Development Agreement.
 - There were no written or oral public comments.
 - **The public hearing was then closed.**Resolution 17-111, A Resolution Authorizing the sale of an unused right of way parcel to Twin B, LLC pursuant to the Development Agreement for \$60,000.
 - There was discussion on the property being assessed at \$150,000 and being appraised at \$60,000. It was stated that this is a prime piece of real estate and should not be sold for such a low price. Twin B, LLC has exercised the option to purchase the real estate. The option does have a reversion clause in it that begins one year after the purchase date. If a structure is not built upon the real estate within that one-year time frame that is worth \$1 million, the reversion will begin.

Motion passed. Yes: 5 No: 2 (Gade, Reznicek) Absent: 0

H. Public Comments on Items Not on the Agenda

- Dean Soash would like the City to remove the dead tree that is on the City's property at the corner of 1st Street SE and 4th Avenue SE. Mr. Soash inquired about the telephones at the law center. Staff informed him that after business hours, weekends, and sometimes during the lunch hour, the office manager's phone calls do not roll over to a phone that is manned 24/7; however, the dispatch's phones are manned 24/7.

I. Consent Calendar Pay Request from Feldman Concrete for the Downtown Alley Reconstruction 2017 for \$16,374.72.

1. Pay Request from Terracon for the 20th Street NW Reconstruction 2018 for \$4,543.00.
2. Class B Liquor License for Red Fox.
3. Special Class C Liquor License for Waverly Oktoberfest.

Moved by McKenzie, seconded by Reznicek to approve the Consent Calendar.

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

J. Regular Business.

1. Moved by McKenzie, seconded by Waldstein to NOT go forward with a Pedestrian only bridge.

Moved McKenzie, seconded by Kangas to amend the previous motion to the following wording: decide an appropriate option to go forward with for the development of construction plans and bid documents for the 3rd Street SE Pedestrian Bridge.

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

Council narrowed down options to act on in the final vote with a show of hands as follows:

- Councilmembers in favor of a 10-foot-wide pedestrian bridge.
None.
- Councilmembers in favor of a **12-foot-wide pedestrian bridge.**
Yes: 4 No: 3 (McKenzie, Sherer, Waldstein)
- Councilmembers in favor of a **steel style bridge.**

Yes: 4 No: 3 (McKenzie, Sherer, Waldstein)

- Councilmembers in favor of a concrete style bridge.
None.
- Councilmembers in favor of a bow string style bridge.
None.
- Councilmembers in favor of a **parallel chord truss style bridge.**
Yes: 4 No: 3 (McKenzie, Sherer, Waldstein)
- Councilmembers in favor of painted steel.
None.
- Councilmembers in favor of **weathering steel.**
Yes: 4 No: 3 (McKenzie, Sherer, Waldstein)

Moved by Kangas, seconded by Lampe to approve Resolution 17-112, A Resolution Approving to proceed with option C, a Pre-Engineered Weathering Steel Parallel Chord Truss Bridge 12' Width-H10 Design Truck, for an estimated cost of \$1,370,000 for the development of construction plans and bid documents for the 3rd Street SE Pedestrian Bridge.

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

- Mary Schildroth and Kathy Strauser, both in favor of a pedestrian only bridge, read writings that were prepared by David Schildroth, Sharon Cashman, and a Girl by the Green Bridge.
- Brian Birgen spoke and gave views of why he could see others in town wanting a vehicular bridge; however, he stated that he was in favor of a pedestrian only bridge.
- Citizens that spoke in favor of a vehicular bridge were: Paula Stevenson, Barth Steere, Diana Blake, Nancy Conklin, Sally Downing Leader Nolte, Mark Conklin, Dean Soash, Larry Hanson, Shelly Geweke, and Carol Herman.
- Council discussion followed. The vehicles that once crossed the bridge are now redirected to the SW neighborhood increasing traffic for that area. Council tries to make choices that are in the best interest of the entire City. It requires listening to the public and considering the planning that has been done and then, applying it to making a decision that is best for the community at large. A referendum is not likely due to timing and legal requirements that need to be followed. At this point in time, this is an unbudgeted item. Council does need to look at fiscal realities. A pedestrian only bridge could be a good solution that doesn't result in higher traffic speeds and will not affect traffic flow as it is known now. Placement of bridges within the City was discussed. The Cedar River Parkway Bridge will potentially help with expanding the town and help lower taxes. If a vehicular bridge was put in to replace the current 3rd Street SE vehicular bridge, it would just be used as a shortcut. Speed was not an issue before, and traffic speeds can be controlled and enforced. The functionality was there before the bridge was closed just over 2½ years ago with more than 3,000 vehicles per day crossing it. The traffic that has been diverted mostly to 1st Street SW is only affecting residence on the west side of 1st Street SW since there is parkland on the east side. With looking at the financial aspects, this will cause everyone in town to pay higher taxes not just the southeast neighborhood. History shows that the federal and state governments have offered an \$1 million grant to replace the current bridge with a new, raised, vehicular bridge each year, and it would be very likely that it would be offered again this year. In terms of growth, realtor Nancy Conklin stated that the people she

- shows properties to are disheartened that there is not a vehicle bridge crossing the river at 3rd Street SE. This could cause decline in residential properties in this neighborhood.
2. Moved by McKenzie, seconded by Sherer to approve Resolution 17-113, A Resolution Approving the Street Finance Report for FY 2016-17.
Motion passed. Yes: 7 No: 0 Absent: 0
• Amounts received in Road Use Tax (RUT) increased an estimated \$3,000 the first year of the increase, but the amounts seem to have decreased since that time.
3. Moved by Sherer, seconded by Lampe to approve Resolution 17-115, A Resolution Approving the Waverly Integrated Roadside Vegetation Funding and authorizing City Administrator, James W. Bronner or a designee, to sign the grant agreement.
Motion passed. Yes: 7 No: 0 Absent: 0
4. Moved by Reznicek, seconded by Kangas to approve Resolution 17-116, A Resolution Approving a contract with AHTS Architecture of Waterloo, Iowa to produce a master plan for South Riverside Park for the estimated cost of \$15,800.00.
Motion passed. Yes: 7 No: 0 Absent: 0
• This is only to have the architect develop a master plan with multiple options. The Historic Preservation Commission has been invited to be involved with this planning process.
5. Moved by Waldstein, seconded by Sherer to approve the First Reading of Ordinance 1026, an Ordinance Amending Chapter 100, Section 100.3.01, Districts Designated, of the Waverly Municipal Code amending district designation titles.
Motion passed. Yes: 7 No: 0 Absent: 0
• Zoning changes took place previously for R1A and C2A zoning districts. This ordinance allows the titles to represent the zoning districts appropriately within the Municipal Code.
6. Moved by Kangas, seconded by Waldstein to approve Resolution 17-117, A Resolution Accepting the 1st Street SE Water Main Extension 2017 project as complete and approving Change Order No. 1 for the final adjustment of quantities in the amount of a \$6,037.20 decrease and final pay request in the amount of \$13,918.64 to Denver Underground & Grading of Denver, Iowa.
Gade dismissed himself at 8:56 p.m.
Motion passed. Yes: 6 No: 0 Absent: 1
7. Moved by Waldstein, seconded by Lampe to approve Resolution 17-118, A Resolution Accepting the 2017 Bituminous Seal Coat Program as complete and approving Change Order No. 1 for the final adjustment of quantities in the amount of a \$7,517.04 decrease and final pay request in the amount of \$8,614.25 to Blacktop Services Co. of Humboldt, Iowa.
Motion passed. Yes: 6 No: 0 Absent: 1
8. Moved by Lampe, seconded by Kangas to approve Resolution 17-119, A Resolution Accepting the Crack Cleaning and Filling Project 2017 as complete and approving final pay request in the amount of \$13,622.50 to Fahrner Asphalt Sealers of Dubuque, Iowa.
Motion passed. Yes: 6 No: 0 Absent: 1

9. Moved by Waldstein, seconded by Sherer to approve the purchase of a 2018 Case 590 SN 4WD Extindahoe backhoe from Titan Machinery of Center Point, Iowa for the net purchase price of \$84,075.00 plus the additions of a premier warranty and printed version of a service manual totaling \$1,250.00.

Motion passed. Yes: 6 No: 0 Absent: 1

- Three bids were received for the replacement backhoe that will replace a 2000 John Deere 410E backhoe and be utilized in the Water and Sewer Line Maintenance Divisions. The additional premiere warranty rider is much like a “bumper to bumper” warranty with no deductibles and is good for 60 months/4,000 hours. This particular backhoe has a remote diagnostic display on the dash, but staff is unsure whether Case offers a telematically enabled remote for diagnostics. This was bid with a universal attachment to accept both Case and John Deere attachments.

10. Moved by Reznicek, seconded by Lampe to affirm the Public Works Summer Leave Request Policy and Denial of the Union Grievance.

Motion passed. Yes: 6 No: 0 Absent: 1

- City Administrator James Bronner explained that bringing this vacation issue to Council is the next step of the grievance process. At this point, it would be up to Council to support the Summer Leave Request Policy or to allow the grievance. A similar item was brought to Council in May of this year with Council affirming the policy. This grievance is regarding the same issue and is about a policy that was put in place months before it took effect. The policy was distributed on January 31, 2017 and did not go into effect until April 1, 2017. This is not about the employees personally. This is about policy.

- Rich Kurtenbach, IBEW #288 Bargaining Representative for City of Waverly, “City Unit” employees. The City Unit feels that the Summer Leave Request Policy was presented with no input of the City Unit employees on how the policy would affect mandatory subjects of bargaining that are part of the collective bargaining agreement. This leave request was not denied for operational needs, but only to follow the policy. A “time off” calendar was put into place in 2007 for the Streets and Solid Waste Divisions employees after collaboration between labor and management. The Public Services Division is currently operating with the same number of employees that there was in 1970.

- Council agrees that the City employs great employees. Council does feel it is important to support the City Administrator and staff. Council has given the City Administrator the authority to make policies and feels it is important to support him and staff. Arbitrators have more experience making a decision based on the background of the grievance.

11. Moved by Kangas, seconded by Sherer to approve the Mayoral Appointment of Tara Winter to the Leisure Services Commission.

Motion passed. Yes: 6 No: 0 Absent: 1

K. Reports from Boards and Commissions

1. Monthly Financials; July, 2017; Received into record.
2. Bremer-Waverly Law Board Minutes; August 14, 2017; Received into record.
3. Senior Calendar; September, 2017; Received into record.

- L. Staff Comments
- There were none.
- M. City Council Comments
- Staff informed Councilmember Kangas that traffic control should be pulled from the west Bremer Avenue portion of the road reconstruction by the end of the week or next week. The reconstruction on the west side of Bremer Avenue from 1st Street to 9th Street is progressing.
 - Staff further informed Councilmember Reznicek that there is a progress meeting every Wednesday. Contractors are trying to be responsive and make changes to traffic control to improve the traffic situations.
- N. Mayor's Comments
- Waverly-Shell Rock Schools had a reunion for those classes who graduated 50+ years ago. Great fun was had by the many people in attendance.
- O. Moved by Kangas, seconded by Lampe to adjourn. Motion passed and Council meeting adjourned at 9:29 P.M. **Yes: 6 No: 0 Absent: 1**

Charles D. Infelt, Mayor

ATTEST:

Carla Guyer, City Clerk