

Regular Meeting Minutes – March 19, 2018  
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on March 19, 2018 at 7:00 P. M. at City Hall. Mayor Soash presided.

A. Mayor Soash called the meeting to order.

B. Roll Call

Council Members were present: Birgen, Drenkow, Rathe, Sherer, and Waldstein

Absent: Kangas and McKenzie (Kangas arrived at 8:34 p.m.)

C. Moved by Waldstein, seconded by Rathe to approve agenda as presented.

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

D. Moved by Drenkow, seconded by Birgen to approve the February 26, 2018 study session minutes.

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

E. Public Hearings.

1. This was the date, time and place for a public hearing on the Slurry Seal Program 2018 project Plans, Specifications, Form of Contract and Estimate Cost.

- **There were no written or oral public comments.**

**The public hearing was then closed.**

Moved by Sherer, seconded by Birgen to approve Resolution 18-41, A Resolution approving Plans, Specifications, Form of Contract and Estimated Cost of \$64,000 for the Slurry Seal Program 2018 Project.

- Staff informed Council that the estimated cost includes the low bid plus some administration costs totaling \$64,000.

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

1a. Moved by Birgen, seconded by Waldstein to approve Resolution 18-42, A Resolution awarding contract for the Slurry Seal Program 2018 project to Fahrner Asphalt Sealers of Dubuque, Iowa for the bid amount of \$61,265.95.

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

2. This was the date, time and place for a public hearing on the 2018 Bituminous Seal Coat Program project Plans, Specifications, Form of Contract and Estimate Cost.

- **There were no written or oral public comments.**

**The public hearing was then closed.**

Moved by Rathe, seconded by Waldstein to approve Resolution 18-43, A Resolution approving Plans, Specifications, Form of Contract and Estimated Cost of \$187,000 for the 2018 Bituminous Seal Coat Program.

- There was discussion that Council and staff should be looking at how streets have been maintained and plans should begin to be formulated for street reconstruction/improvements. Funds need to be designated for future street improvements.

2a. Moved by Waldstein, seconded by Drenkow to approve Resolution 18-44, A Resolution awarding contract for the 2018 Bituminous Seal Coat Program to Blacktop Services of Humboldt, Iowa for the bid amount of \$184,069.00.

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

- Staff does not have concerns of the company being able to fulfill more than one (1) contract for the City.

3. This was the date, time and place for a public hearing on the intent to commence a public improvement project for the 20<sup>th</sup> Street NW Reconstruction Phase 1 Railroad Crossing Improvements project and to acquire property and easements for the project.

- **There were no written public comments.**
- Mary French expressed that she is happy to see this project moving forward.

**The public hearing was then closed.**

Moved by Sherer, seconded by Rathe to approve Resolution 18-45, A Resolution to commence a public improvement project for the 20<sup>th</sup> Street NW Reconstruction Phase 1A Railroad Crossing Improvements project and to acquire property and easements for the project.

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

- This is only the first phase of the project (the railroad crossing portion). It is the intent of the Council to continue the project from 5<sup>th</sup> Avenue NW to Eisenach Village. Staff clarified that the project dictates that there be 100 foot right-of-ways on either side of 20<sup>th</sup> Street NW; although, since it is not needed at this time, the City has agreed to not take seventeen (17) feet of right-of-way in front of two (2) houses at this time. Usually, all land acquisition is purchased on the front side of a project rather than doing it at a later date. The right-of-way is necessary for sewer service and grading work.

F. Proclamation.

1. Moved by Birgen, seconded by Rathe to approve a proclamation proclaiming March 2018 as the 16<sup>th</sup> annual March for Meals Month.

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

G. Public Comments on Items Not on the Agenda.

- Wartburg College Student Body President Josh Voigt requested that Council consider taking a look at and possibly creating a crosswalk along 5<sup>th</sup> Street SW to make it safer for students to cross the street.

H. Consent Calendar

1. Approve the purchase of a 2018 Freightliner 108SD Cab & Chassis from Don's Truck Sales of Fairbank, Iowa for the net delivered price of \$57,190.00, which includes the trade in of the 2005 Sterling dump truck for \$22,000.00 and approve the purchase of the Hook Lift & Accessories from Don's Truck Sales of Fairbank, Iowa for the installed delivered price of \$77,960.00.
2. Cash disbursements for February, 2018.
3. Class B Native Wine Permit for the Wild Carrot, LLC.
4. Class C Beer Permit for Kwik Star #707.
5. Class E Liquor License for Liquor & Tobacco Outlet.
6. Class C Liquor License for El Sol Mexican Restaurant, Inc.
7. Class C Liquor License for Waverly & Country Club.

Moved by Birgen, seconded by Drenkow to approve items 2 – 7 on the Consent Calendar.

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

- Item number one (1) on the Consent Calendar was pulled out for separate discussion. Staff informed Council that the low bid was not accepted due to all of the specifications not being met.

Moved by Sherer, seconded by Waldstein to approve item number 1 on the Consent Calendar.

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

I. Regular Business.

1. Moved by Rathe, seconded by Birgen to approve Resolution 18-46, a Resolution approving the contract with Modern Builders Inc. of Janesville, Iowa for the removal of the canopy in the 200 block of East Bremer Avenue for the Bremer Avenue Water and Sewer Main Replacement project for the sum of \$18,260.00 and an additional not to exceed \$3,000.00 for additional repairs.

Moved by Waldstein, seconded by Rathe to amend Resolution 18-46 by adding the words, “and approving a commitment to review and reconsider structural and major aesthetic issues as a result of the removal of the canopy”.

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

Resolution 18-46, as amended was then voted on.

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

- City Attorney Bill Werger explained that the existing canopy that is attached to the building located in the 200 block of East Bremer Avenue is supported by posts that rest on the sidewalk in the right of way. It was determined that the canopy has to be removed in order to complete the installation of new ADA compliant sidewalks. Since this is necessitated by the Project, the City should incur the cost of removal.

- Matt Pollastrini is the owner of the building and canopy in question. Mr. Pollastrini’s attorney, Mark Rolinger, stated that Pollastrini will not consent to the removal of the canopy unless the City agrees to an undetermined amount of money since it is unknown what damage the removal of the canopy might cause.

- Council discussion resulted in the Council amending the resolution as stated above.

2. Moved by Birgen, seconded by Sherer to approve Resolution 18-47, a Resolution awarding contract for the Citywide Asphalt Patching - Spring 2018 project to Blacktop Services, Co. of Humboldt, Iowa for the bid amount of \$28,928.37 and authorizing the City Attorney to review and approve the Performance and Payment Bonds.

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

3. Moved by Waldstein, seconded by Rathe to approve Resolution 18-48, a Resolution awarding the Downtown Alley Reconstruction project to Barry Smith Grading & Excavating of Waverly, Iowa for the bid amount of \$29,523.00 and authorizing the City Attorney to review and approve the Performance and Payment Bonds.

**Motion passed. Yes: 4 No: 0 Absent: 2 Abstain: 1 (Drenkow)**

- This project involves rehabbing or reconstructing the south-side alley in the 200 block of West Bremer Avenue. One year ago, Council directed staff to add this project to the budget. There are funds for two (2) undetermined alleys in the budget. Council member Drenkow abstained from the vote due to owning a business on the north of the proposed alley.

4. Moved by Rathe, seconded by Waldstein to approve Resolution 18-49, a Resolution awarding bid to fill in the crypt at the Harlington Cemetery to PCW of Waverly, Iowa for the bid amount of \$17,000.00.

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

- The Harlington Cemetery Crypt roof has started to fall in. Council was saddened that the crypt needs to be filled in. It is a part of history. This is one (1) of the last two (2) crypts in Iowa. Staff had no luck seeking contractors to repair and preserve the crypt. This is a safety concern.

5. Moved by Birgen, seconded by Sherer to approve Resolution 18-50, a Resolution awarding the Sanitary Sewer Manhole Rehabilitation 2018 project to Josh's Construction of Dubuque, Iowa for the bid amount of \$21,531.70.  
**Motion passed. Yes: 5 No: 0 Absent: 2**
6. Moved by Sherer, seconded by Birgen to approve Resolution 18-51, a Resolution approving the quote and contract for the West Water Tower riser repair work to Central Tank Coatings, Inc. of Elgin, Iowa for the quoted amount of \$12,200.00.  
**Motion passed. Yes: 5 No: 0 Absent: 2**
  - This cost is factored into the 2018 – 19 fiscal year budget.
7. Moved by Rathe, seconded by Drenkow to approve Resolution 18-52, a Resolution approving construction plans and guaranties for the Omni Lot 40 Development.  
**Motion passed. Yes: 5 No: 0 Absent: 2**
  - This is for construction of public sanitary sewer that needs to be installed to service the area, and upon completion, it will be dedicated to the City for ownership and maintenance.
8. Moved by Drenkow, seconded by Birgen to approve Resolution 18-53, a Resolution approving Preliminary Assessment Unit Price Values for the 2018 Sidewalk Maintenance and Inspection Program.  
**Motion passed. Yes: 5 No: 0 Absent: 2**
  - The same values as last year are being used since bids came in at levels that staff does not feel that inflation needs to be factored into the values for this year.
9. Moved by Waldstein, seconded by Rathe to approve Resolution 18-54, a Resolution approving the granting of an easement to MidAmerican Energy on City owned property for a new gas regulator station for the sum of \$1.  
**(Kangas arrived at 8:34 p.m.)**  
**Motion passed. Yes: 6 No: 0 Absent: 1**
  - The City owns two (2) lots that are south of the Waverly Senior Center and are adjacent to the vacated 5<sup>th</sup> Street SE. These parcels lie south and east of the Kwik Star. MidAmerican Energy wants to use this location for a new gas regulator station. This site has been approved by public services and the City Engineer. This regulator station facilitates the supply of gas to the customers and our residents.
10. Moved by Birgen, seconded by Kangas to approve Resolution 18-55, a Resolution re-approving the sale of a parcel of land (Parcel AA) in the right of way/greenway adjacent to Marks Repair to MMC Properties, LLC for \$500 to facilitate redevelopment pursuant to a revised development agreement.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
  - On February 5, 2018, Council passed Resolution 18-12 approving the sale. The Development Agreement that was approved at that time was changed to reflect the fact that MMC Properties, LLC will be creating a new driveway east of the Childcare drive that would provide access to Technology Place.
11. Moved by Birgen, seconded by Rathe to approve Resolution 18-56, a Resolution authorizing the issuance of \$11,000.00 General Obligation Bonds, Series 2018A, and levying a tax for the payment thereof.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
  - Now that we have held a public hearing and Council approved the bonds, the passage of this resolution gives the City the authority to tax for the bond payments in the next year.

12. Moved by Waldstein, seconded by Sherer to approve the First Reading of Ordinance 1034, an Ordinance Amending Chapter 102 of the City Code providing for amendments to the current Flood Plain Management section and Setting April 2, 2018 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: 6 No: 0 Absent: 1**

- The change of this ordinance would be applicable to the entire community. The Planning & Zoning Commission reviewed this ordinance very carefully. It has been approximately twenty (20) years since this section has been updated.

13. Discussion on the possible purchase of Lavalier microphones for the Council Chambers.

- Leisure Services Director Tab Ray explained that Mayor Soash directed staff to look into Lavalier microphones in an effort to improve the sound feed. This would require each council member to wear a microphone on their lapel. DB Acoustics originally installed all the sound, speakers, etc. in the building. They have come back with a price of \$11,450.00. There is \$20,000.00 in the budget to upgrade the amps and the speakers in Council Chambers and in the Civic Center. If this is approved, Staff would recommend to also do a Lavalier system in the Civic Center at the same time. The Civic Center portion is not factored into the \$11,450.00 estimate. Council expressed that they need to form habits of leaning forward and talking into the microphones. The cost is \$650 for each of the thirteen (13) microphones plus the cost of the antennas. It was also discussed that Council would like to have bigger computer screens for viewing information and a better-quality microphone for guest speakers. Council was also concerned about ambient noise caused from the Lavalier microphones. Overall, Council did not have a strong opinion and was more concerned about guest speakers and additionally, would like to see other pricing.

J. Reports from Boards and Commissions

1. Economic Development Commission Minutes; January 9, 2018; Received into record.
2. Airport Commission Minutes; January 11, 2018; Received into record.
3. Monthly Financials; February, 2018; Received into record.
4. Senior Calendar; March 2018; Received into record.

K. Staff Comments

- Leisure Services Director Tab Ray informed Council this is the last day for the “Food Fight” between City Hall and the Library.

L. City Council Comments

- Councilmember Birgen questioned whether we need a traffic signal at 2<sup>nd</sup> Street East and East Bremer Avenue.
- Councilmember Kangas agreed with Mr. Birgen and added that it would be a good idea to look at all of the traffic lights within the City.
- Councilmember Drenkow also added to the traffic light discussion by commenting that he would like to see Bremer Avenue & 4<sup>th</sup> Street traffic controls looked at together with pedestrian crossings.
- Councilmember Sherer made staff aware that the Welcome to Waverly sign on Highway 3 East has some lights out.

M. Mayor’s Comments

- There were none.

N. Executive Session

1. Moved by Kangas, seconded by Rathe to enter into Executive Session to discuss the purchase or sale of particular real estate only where premature disclosure could be

reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property.

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

Moved by Birgen, seconded by Drenkow to reenter into open session is hereby approved.

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

- O. Moved by Waldstein, seconded by Rathe to adjourn. Motion passed and Council meeting adjourned at 9:22 P.M. **Yes: 6 No: 0 Absent: 1**

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Dean Soash, Mayor

ATTEST:

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Carla Guyer, City Clerk