

Regular Meeting Minutes – July 2, 2018
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on July 2, 2018 at 7:00 P. M. at City Hall. Mayor Soash presided.

- A. Mayor Soash called the meeting to order.
- B. Roll Call
- Birgen, Drenkow, Kangas, McKenzie, Rathe, and Sherer. Waldstein was absent.
- C. Mayor Soash led in the Pledge of Allegiance
- D. Moved by Drenkow, seconded by Birgen to approve the agenda as presented.
Motion passed. Yes: 6 No: 0 Absent: 1
- E. Guest Councilperson
- The Guest Councilmember for July was not in attendance and will be introduced at a later meeting.
- F. Public Comments on Items Not on the Agenda.
- Waverly Heritage Days Co-Chairperson Jessica Hamilton shared information regarding the upcoming Heritage Days festivities. There are booklets people can pick up at various places around town. They have added new activities this year such as a Princess Party from 4 p.m. to 6 p.m. on Friday, July 20. This will be open to both girls and boys. There will be two country bands, and there will be double the number of food vendors. Mayor Soash will be in the parade and the Grand Marshall will be Susan VanHemert who has worked at the Waverly Public Library for 41 years. City of Waverly Leisure Services and Classic Cleaners will be honored at the Hall of Fame celebration at 7:00 p.m. Friday night. Ms. Hamilton extended many thanks to the Council and mentioned that the committee is grateful for the support that Ann Rathe has given as their Council Liaison. She also thanked City staff at Leisure Services and Public Services for all their help to prepare and cleanup before and after the event.
- G. Consent Calendar
1. Pay Request from McClure Engineering Co. for the Waverly Municipal Airport Bulk Hangar Improvements 2017 for \$1,300.00.
 2. Pay Request from McClure Engineering Co. for the Waverly Municipal Airport Bulk Hangar Improvements 2017 for \$475.00.
 3. Pay Request from Cramer and Associates, Inc. for the Cedar River Parkway (East) Improvements 2018 for \$717,543.04.
 4. Pay Request from Cramer and Associates, Inc. for the Cedar River Parkway (East) Improvements 2018 for \$336,865.87.
 5. Pay Request from WHKS & Co. for the WPC Facility Improvements 2020 for \$63,138.35.
 6. Approve the purchase of a 2015 Chevrolet Silverado truck for the Leisure Services department from Waverly Utilities of Waverly, Iowa for \$19,500.00.
 7. Class E Liquor License for Walgreens #12148.
 8. Class C Beer Permit for Kwik Star #286.
 9. Class B Beer Permit for Waverly Heritage Days.
 10. Class E Liquor License for Sasquatch Jack’s Hideaway Barroom & Grill.
Moved by Sherer, seconded by Drenkow to approve the Consent Calendar.
Motion passed. Yes: 6 No: 0 Absent: 1
- H. Regular Business.

1. Moved by Drenkow, seconded by Birgen to approve Resolution 18-96, a Resolution appointing Paying Agent, Bond Registrar, and Transfer Agent, Approving the Paying Agent and Bond Registrar and Transfer Agent Agreement and Authorizing the Execution of the Agreement.
Motion passed. Yes: 6 No: 0 Absent: 1
 - This is part of finalizing the paperwork for the individuals and organizations that help facilitate the bond through its lifetime.
2. Moved by Rathe, seconded by Kangas to approve Resolution 18-97, a Resolution amending “Resolution authorizing the issuance of \$11,000,000 General Obligation Capital Loan Notes, Series 2018A, and levying a tax for the payment thereof”, passed and approved on March 19, 2018, by substituting a new resolution therefor, approving and authorizing the issuance of the bonds, and levying a tax for the payment thereof and approving the Tax Exemption Certificate and Continuing Disclosure Certificate.
Moved by Rathe, seconded by Kangas to amend the motion by replacing the words, “Capital Loan Notes” with the word, “Bonds”.
Motion passed. Yes: 6 No: 0 Absent: 1
Motion as amended was then voted on.
Motion passed. Yes: 6 No: 0 Absent: 1
3. Moved by Drenkow, seconded by McKenzie to approve Resolution 18-98, a Resolution Appointing Bankers Trust Company of Des Moines, Iowa, to serve as Paying Agent, Bond Registrar, and Transfer Agent, Approving the Paying Agent and Bond Registrar and Transfer Agent Agreement and Authorizing the Execution of the Agreement.
Motion passed. Yes: 6 No: 0 Absent: 1
4. Moved by Birgen, seconded by Rathe to approve Resolution 18-99, a Resolution authorizing and providing for the issuance and securing the payment of \$1,655,000 Water Revenue Bonds, Series 2018B, of the City of Waverly, State of Iowa, under the provisions of the City Code of Iowa, and providing for a method of payment of the bonds, approving the Continuing Disclosure Certificate and approving the Tax Exemption Certificate.
Motion passed. Yes: 6 No: 0 Absent: 1
5. Moved by Sherer, seconded by Birgen to approve Resolution 18-100, a Resolution establishing fair market value and authorizing eminent domain for the acquisition of interests in certain real property for the 20th Street NW Phase 1A Railroad Crossing Road Improvement project.
Motion passed. Yes: 6 No: 0 Absent: 1
 - This resolution will help with the timeline in preparing for the project. City staff are unsure whether this will result in eminent domain. The same offer as this year will be offered for next year and we will try to get all done at the same time.
6. Moved by Rathe, seconded by Birgen to approve Resolution 18-101, a Resolution approving the bid of \$49,750.00 from Boland Recreation of Marshalltown, Iowa for the purchase and installation of poured in place safety surfacing for Kohlmann Park’s play unit and swings.
Motion passed. Yes: 6 No: 0 Absent: 1
 - Only two of the five bidders responded. City Administrator James Bronner noted that Leisure Services Director Tab Ray and his staff are very good at looking into various funding options such as: state and federal grants as well as grants from a number of foundations.

7. Moved by Drenkow, seconded by Rathe to approve Resolution 18-102, a Resolution approving the bid of \$7,830.00 from JD Builders of Waverly, Iowa for the installation of roofing materials on the south side of the Turf Care Center's roof.
Motion passed. Yes: 6 No: 0 Absent: 1
- The City is still in limbo regarding this property; however, there is known interest in the property. The roof is now leaking and needs to be repaired. Out of necessity, only one half of the roof is planned at this time.
8. Moved by Sherer, seconded by Kangas to approve Resolution 18-103, a Resolution accepting the Waverly Municipal Airport Hangar Insulation Improvements project as complete and approving Change Order No. 1 of \$3,460.00 and Pay Estimate No. 4 as final pay request in the amount of \$8,024.00 to Modern Builders of Janesville, Iowa.
Motion passed. Yes: 6 No: 0 Absent: 1
9. Moved by McKenzie, seconded by Birgen to approve Resolution 18-104, a Resolution accepting the Downtown Alley Reconstruction 2018 project as complete and approving Pay Estimate No. 2 as final pay request in the amount of \$2,379.59 to Barry Smith Grading & Excavating of Waverly, Iowa.
Motion passed. Yes: 6 No: 0 Absent: 1
- This project is complete with the exception of a tank being in the ground behind Austin Interiors. It is not known if this tank is empty or if there are contents in it. It is also unknown what it was used for.
10. Moved by Birgen, seconded by Drenkow to approve Resolution 18-105, a Resolution approving the Employee Services Sharing Agreement between the Waverly Shell-Rock Community School District and the City of Waverly for human resources management services.
Motion passed. Yes: 6 No: 0 Absent: 1
- This is a creative approach to staffing. In order to achieve 40% time used at Wavery-Shell Rock School District and 60% time used at the City, this person will work at the School 2 days per week and at the City 3 days per week. It will be worked out between the parties if more or less time is needed at one of the facilities. An individual has had an offer extended to them. The School has funding for five years, and after three years, the agreement will be re-evaluated to see if it should be extended. The City will pay the benefits. It is hoped that the candidate will be able to begin work at the City and School by the end of July or beginning of August. Neither the School or the City have had a formal human resources person before this. The candidates seemed enthusiastic about working for both entities at the same time. Workers Compensation will be paid for by the City since the employee will be a City employee that is contracted to the School for portions of their work week.
11. Moved by Birgen, seconded by Rathe to approve Resolution 18-106, a Resolution approving a Professional Services Agreement with PDCM Insurance of Cedar Falls, Iowa for health insurance and benefits consulting services for a three-year annual fee of \$24,500.00.
Motion passed. Yes: 6 No: 0 Absent: 1
- Nine firms were sent requests for proposals and seven responded. Tab Ray, Dee Heine, Troy Schneider, Jenifer Mein, and James Bronner conducted interviews on four of the seven. Mr. Bronner commented that overall all candidates were very good although the group liked PDCM Insurance out of Cedar Falls since they seemed to be

more proactive as far as preventative health care is concerned, for example, promoting employees to stop smoking and for all employees to be healthier. Mr. Bronner added that PDCM seemed to allow the City more control of their own plan. John Monaghan and Liz DeJoode of PDCM were present to answer any questions from Council. A three-year agreement will allow them to continue to evaluate what is best for the City. Mr. Monaghan explained they are looking forward to adding some wellness and health & well-being initiatives. The timing of this will be good in working with the new human resources position.

12. Moved by Birgen, seconded by Rathe to approve Resolution 18-107, a Resolution Setting a Public Hearing on the approval of an amendment to the Centennial Oaks Planned Development to create Parcel RR for R-1 residential purposes, amendment to the Future Land Use Map and approving plat for Parcel RR for July 16, 2018 at 7:00 P.M. in the Council Chambers at City Hall.

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

- A Planned Development District is a large parcel of 10 acres or more and has a mixture of zoning. This is not a zoning change, but rather a change of use. This request failed to pass at the Planning and Zoning Commission level; however, the applicant is wanting Council to also review it. If Council were to pass this, it would require a supermajority vote. This request needs to be looked at with the view point of whether it would violate policy(ies). There is at least one other lot in this area like this one.

13. Moved by McKenzie, seconded by Sherer to approve First Reading of Ordinance 1049, an Ordinance adding section 104.4.14, Keeping Disorderly House, to Chapter 104 Public Offenses and providing for an amendment to section 23.05 Applicable Chapters of the Municipal Infractions Chapter of the Waverly Municipal Code.

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

- Cyndi Campbell addressed this as a neighborhood resident and business owner of the area. Ms. Campbell commented that they are not looking for this ordinance to be aggressive. Citizens would just like a way to demonstrate that enough is enough.

- Police Sergeant Paul Leisinger noted that by the first month of the school year the police have already distinguished which houses will be the “party houses”. Currently, the police department goes to house and tells tenants they need to shut down the party. It does, however, seem to be the same houses that police are being called to. Mr. Leisinger would foresee them giving warnings more often than not. A repeat offense would be costly to the tenant.

- There were concerns expressed of this ordinance being too broad. It was mentioned that there needs to be more specifics. If the normal process is followed with this ordinance, it should be able to be in place before the college resumes classes. This ordinance was designed to be one more tool for law enforcement to use. It would be the hopes that this ordinance would be the last step in the process vs. the first step. In order to prepare this ordinance Mayor Dean Soash called a meeting that included: Wartburg President Darrel Colson, Lyman and Cyndi Campbell, Police Chief Richard Pursell, City Attorney Bill Werger, and City Administrator James Bronner. Mr. Bronner will check with Iowa City to see how effective their ordinance has been. It would be helpful to hear from some of the landlords that this would possibly impact. This ordinance will be enforced throughout the City not just at the college level. Since the City does not have staff for such an ordinance, it would need to be enforced on a complaint driven basis.

14. Moved by Sherer, seconded by Birgen to approve the First Reading of Ordinance 1050, an Ordinance providing for rezoning of property owned by the city located along 15th Street NW and 16th Street NW by 3rd Avenue NW from R-3 (Multiple Family Residential, Two to Four Units) to R-4 (Multiple Family Residential, Apartments-Five Plus Units) and Setting July 16, 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

- This rezoning will place Wavery Homes and Waverly Manor in the most appropriate zoning classification. The City approved purchase of the property located at 420 16th Street NW on September 22, 2014 for the purpose of creating new housing to be administered by the Municipal Housing Commission to serve families of low income. The building proposed will have more than five units and therefore the lot must be rezoned to R-4.

15. Moved by Kangas, seconded by Birgen to approve Setting a Public Hearing on a new housing project for the Waverly Municipal Housing Commission pursuant to Iowa Code Section 403A.28 for August 6, 2018 at 7:00 P.M. in the Council Chambers at City Hall.

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

16. Moved by Rathe, seconded by Sherer to approve the Third and Final Reading of Ordinance 1047, an Ordinance amending Section 105.3.01, Speed Restrictions, of the Waverly Municipal Code.

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

17. Moved by Kangas, seconded by McKenzie to approve the Mayoral Appointment of Crystal Harms to replace Rebecca Smith on the Economic Development Commission for a term ending July 2021.

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

I. Reports from Boards and Commissions

1. Economic Commission Minutes, April 10, 2018; Received into record.
2. Historic Preservation Commission Minutes, April 23, 2018; Received into record.
3. Planning and Zoning Commission Minutes, May 3, 2018; Received into record.
4. Board of Adjustment Commission Minutes, May 14, 2018; Received into record.
5. Airport Commission Minutes, May 17, 2018; Received into record.

J. Staff Comments

- Leisure Services Director Tab Ray informed Council of a large cottonwood tree in Kohlmann Park that was struck by lightning. The tree at South Riverside Park that looks like it is down or broke in half has been that way for about one year now, and since it isn't a hazard, it will be taken care of in the order necessary.
- City Clerk Carla Guyer reviewed a Citizen Input Form that is located on the City's web site at: <http://www.waverlyia.com/city-information/city-administration/city-administrator/citizen-input-form.aspx> and would encourage citizens who would like to provide input to the City to use this site. Ms. Guyer also informed Council that the Bremer Avenue/Hwy 3 Project 3-lane vs. 4-lane information can be accessed on home page of the City's web site at: <http://www.waverlyia.com> and then, you will need to click on the "learn more" button.

K. City Council Comments

- Councilmember Sherer was informed by City staff that Ben Kohout's position as the Planning and Zoning Specialist is being taken care of mostly by Paige Yoder at this time. However, there has been an accepted offer, and they are expected to begin the end of July.
- Staff informed Councilmember McKenzie that 8th St NE is now closed and vehicles need to use 1st Avenue NE or take 2nd Avenue NE around to 12th St NE and get onto Bremer Avenue through that route. Staff also informed Mr. McKenzie that the 3rd St SE Bridge (Green Bridge) can still be removed even though it has recently been placed on the National Historic Register of Historic Places.
- Councilmember Birgen reminded the public of garbage pickup schedules due to the upcoming July 4 holiday and about utility bills now being paid at the Waverly Utilities location.
- Councilmember Kangas wished everyone a happy 4th of July.

L. Mayor's Comments

- Mayor Soash reminded everyone that utilities are to be paid at Waverly Utilities on Adams Parkway. The drop box that used to be located in the alley at City Hall has been moved and is now to be used only for dropping off keys or other information. Mr. Soash also wished everyone a happy 4th of July and asked that people follow firework rules and to pick up after themselves.

M. Moved by Kangas, seconded by Birgen to adjourn. Motion passed and Council meeting adjourned at 8:47 P.M. **Yes: 6 No: 0 Absent: 1**

Dean Soash, Mayor

ATTEST:

Carla Guyer, City Clerk