

Regular Meeting Minutes – August 6, 2018
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on August 6, 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, Sherer, and Waldstein – all present.
- C. Mayor Soash led in the Pledge of Allegiance.
- D. Moved by Kangas, seconded by Birgen to approve the agenda as presented.
Motion passed. Yes: 7 No: 0 Absent: 0
- E. Moved by Sherer, seconded by Birgen to approve the July 2 and July 16, 2018 regular meeting minutes and the July 23, 2018 study session minutes.
Motion passed. Yes: 7 No: 0 Absent: 0
- F. The Guest Councilmember for August will be Ann Seggerman and she will attend the next two meetings in August.
- G. Proclamation
1. Moved by Birgen, seconded by Kangas to Proclaim Tuesday, August 7, 2018, as National Night Out for the City of Waverly.
Motion passed. Yes: 7 No: 0 Absent: 0
 - This is the 35th annual event to raise awareness of safety within the community. The event will take place on Tuesday, August 7 (tomorrow), at Kohlmann Park from 4:30 p.m. to 8:30 p.m. Public are invited to attend. All of the Waverly Police Officers will be in attendance.
- H. Public Hearing
1. This was the date, time and place for a public hearing on a new housing project for the Waverly Municipal Housing Commission pursuant to Iowa Code Section 403A.28.
There were no written or oral public comments.
The public hearing was then closed.
 - 1a. Moved by Drenkow, seconded by Waldstein to approve Resolution 18-119, a Resolution to commence a municipal housing project for the “420 Building Project” at 420 16th Street NW in Waverly.
Motion passed. Yes: 7 No: 0 Absent: 0
 - The Waverly Housing Commission has proposed a new structure at 420 16th Street NW. The current residence and garage will be cleared and a new two-story building will be constructed which will include 15 units, (11 one bedroom and 4 two bedroom). This will be housing for seniors and disabled person(s). The name of this project is expected to change in the future.
 - 1b. Moved by Drenkow, seconded by Rathe to approve the Third and Final 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).
Motion passed. Yes: 7 No: 0 Absent: 0
 - Previous zoning would have allowed this without coming to Council.
 - 1c. Moved by Rathe, seconded by Drenkow to approve Resolution 18-114, a Resolution approving a professional services contract to AHTS Architects,

PLC of Waterloo, Iowa for the new 420 Building Project for the Municipal Housing Commission located at 15th Street NW and 16th Street NW for an estimated cost of \$150,000.00.

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

- The Municipal Housing Commission selected AHTS Architects, PLC for this project.

2. This was the date, time and place for a public hearing on whether to move forward with providing Hwy 3/Bremer Avenue with 3-lanes of traffic or 4-lanes of traffic, once the reconstruction work is complete.

- Fire Chief Dennis Happel expressed concerns of Hwy 3/Bremer Avenue being converted to a 3-lane since he felt this would increase emergency response times.
- Matthew Schneider, Fern Krueger, Gary Stafford, Mike Young, Myron Peterson, and Pete Lampe all spoke in favor of keeping Hwy 3/Bremer Avenue a 4-lane road.
- Adam Hoffman presented a petition to Council with names of people who were in favor of keeping 4-lanes for Hwy 3/Bremer Avenue. Mr. Hoffman also spoke in favor of 4-lanes.

The public hearing was then closed.

- Staff informed Council they had no information from other cities regarding emergency response time for 3-lane vs. 4-lane. Some of the fire department's historical stats show that the most impactful change to response time was when the design of traffic lights added the possibility of flashing yellow during an emergency. A citywide traffic study is anticipated to be completed after the Cedar River Parkway is complete. The traffic study is estimated to cost around \$200,000.00. The idea of trying it for a while and switching if Waverly doesn't like the current way and having the IDOT pay for it is no longer an option. The IDOT is no longer grinding the road before striping. Knowing what the traffic patterns will be in the future may not change minds. The traffic study that was completed by WHKS showed projections of traffic models up to 2036. It is highly unlikely that having the Cedar River Parkway completed will add to downtown traffic counts. Council has tried to listen to all comments from constituents to make the decision they feel is in the City's best interest as a whole.

2a. Moved by McKenzie, seconded by Sherer to approve Resolution 18-115a, a Resolution supporting the Iowa Department of Transportation's Plan to convert Iowa Highway 3 through Waverly from a 4-lane to a 3-lane Roadway Geometry as amended by removing the last "Whereas" and removing the same wording in the "Now Therefore".

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

2b. Resolution 18-115b, a Resolution supporting the City of Waverly's position in favor of maintain the 4-lane Roadway Geometry of Iowa Highway 3 through Waverly approving the funding for a traffic study for all major corridors of the City to be budgeted in the 2019-20 fiscal year and be completed in early calendar year of 2020.

Died for lack of motion due to Council passing Resolution 18-115a.

I. Public Comments on Items Not on the Agenda

- Matthew Schneider commented that it would be a good idea to have a celebration event in downtown Waverly when Bremer Avenue construction is complete. This may help bring business back to the downtown stores.

J. Consent Calendar

1. Pay Request from AHTS Architects for the Waverly South Riverside Park Master Plan for \$3,545.75.
2. Pay Request from Stanley Consultants, Inc for the Cedar River Parkway Construction Services for the amount of \$32,152.15.
3. Pay Request from Stanley Consultants, Inc. for the Cedar River Parkway, Phase 2-Final Design, for the amount of \$3,821.50.
4. Pay Request from Cramer and Associates, Inc. for the Cedar River Parkway (East) Improvements 2018 for the amount of \$154,806.58.
5. Pay Request from Boland Recreation for Swings at Kohlmann Park for the amount of \$3,147.00.
6. Pay Request from McClure Engineering Co. for the 20th Street NW Reconstruction Project for the amount of \$12,942,38.
7. Approve purchase of a Replacement Outfront Mower with Optional Mulching Kit for Leisure Services Parks Division from Deike Implement of Waverly, Iowa for the amount of \$21,110.00.
8. Class C Liquor License for the Waverly Volunteer Fire Association.
9. Class B Liquor License for Cobblestone Inn & Suites.

Moved by Sherer, seconded by Drenkow to approve the Consent Calendar as presented.

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

K. Regular Business.

1. Update from the Waverly Volunteer Firefighters Association regarding the 2018 Iowa Firefighter Association Convention.
 - Waverly Volunteer Fire Chief Dennis Happel reviewed that the 2018 Iowa Firefighter Association Convention will be held September 5 – 9 with guests coming to town as early as August 31st. There are 123 teams for the golf course and 54 teams for Waverly Bowl Inn. Due to construction, all traditional competitions will take place on 1st Street NW. 1st Street NW will be closed beginning at 6:00 a.m. on Saturday, September 8, and would possibly remain closed until after the parade which will begin at 6:30 p.m. The parade will run the same route as the Heritage Days Parade used. Golf cart use during the convention will remain the same as 2016 except for a little more leniency is asked for in order to get to the Dirty Dog, OP II and Sasquatch Jack's. Sunday, September 1st, starting at 8:00 p.m., the Eighth Street Band will be at the convention tent and the entire community is invited to attend. At the last convention, the City contributed approximately \$7,700. This covered several items such as: barricading, rock/gravel, mulch, etc. This year, the Fire Fighters' Association would again ask for a contribution of \$5,000 towards the convention. After the last convention, the Fire Fighters' Association contributed back to the City a little over \$16,000 in equipment. Mr. Happel also asked that the Council think about using 100 feet south of the station for a training tower. The gate fees and alcohol sales seem to cover a substantial amount of the costs to the Fire Fighters' Association. There are two meals, entertainment, set-up and tear-down of the facility, shower trailers are purchased from the IFFA and then reimbursed by the next town. The association has a gentlemen's agreement that profits from these events are never discussed outside of the IFFA since different towns have different circumstances. \$4 - \$6 per guest goes back to the IFFA to continue their operations. Residents will continue to have access to their properties. Public Services will be in charge of traffic control signage and other signage.

Citizens are encouraged to visit www.waverlyfireconvention.com and the Firefighter Convention's Facebook to stay informed of activities. There is also a need for additional volunteers so please contact them through these methods if you are interested.

2. Moved by Kangas, seconded by Birgen to approve the Golf Cart Usage and Route for the 2018 Iowa Firefighters Convention.
Motion passed. Yes: 7 No: 0 Absent: 0
3. Moved by Birgen, seconded by Kangas to approve of the Registration Detour Route with the closure of 1st Street SW for the 2018 Iowa Firefighters Convention.
Motion passed. Yes: 7 No: 0 Absent: 0
 - The street will be closed Tuesday, Wednesday, and part of Thursday.
4. Moved by Sherer, seconded by Drenkow to approving of the proposed Competition Site for the 2018 Iowa Firefighters Convention.
Motion passed. Yes: 7 No: 0 Absent: 0
 - The competition site of 5th Avenue SW and the Fairgrounds area will be used for the Co-Ed and the Old Timers competitions.
5. Moved by Birgen, seconded by Waldstein to approve the purchase of a 2018 John Deere Pro Gator 2020A from Van Wall Equipment of Rock Island IL for \$24,300 including trade in for the Leisure Services Cemetery Division
Motion passed. Yes: 7 No: 0 Absent: 0
 - Staff recommends the John Deere Gator. Even though it is not the low bid, the Department currently has two more in the system and have many attachments that could be shared with the Cemetery. The Gator has more horsepower that is beneficial in certain situations. This will replace a 2000 Cushman Truckster. The Gator comes with a 2% parts discount for future use. The reason a local distributor is not being used is that this is turf equipment and you have to go through the turf equipment distributors.
6. Moved by Drenkow, seconded by Waldstein to approve Resolution 18-116, a Resolution approving a proposal from the Silverstone Group to perform actuarial and consulting services for the City of Waverly for the maximum amount of \$2,150.00.
Motion passed. Yes: 7 No: 0 Absent: 0
 - This would be for post-employment benefits. Silverstone Group completed the most recent report and the City was very satisfied with it.
7. Moved by Rathe, seconded by Birgen to approve Resolution 18-117, a Resolution approving the Iowa Department of Transportation (DOT) Traffic Safety Improvements Program (TSIP) application for FY 2020 funding of the reconstruction of 4th Street SW from near 3rd Avenue SW to near 8th Street Avenue SW. The maximum eligible amount for the proposed site-specific project is \$300,000.
Motion passed. Yes: 7 No: 0 Absent: 0
 - The timing seems aggressive. The design phase would begin in spring of 2019 and the construction phase would begin in 2020.
8. Moved by Sherer, seconded by McKenzie to approve Resolution 18-118, a Resolution awarding contract for the Citywide Sidewalk & Pedestrian Ramp Repairs 2018 project to Lodge Construction of Clarksville, Iowa for the bid amount of \$55,310.00.
Motion passed. Yes: 7 No: 0 Absent: 0
 - Since this is the second round of the seven districts, there is less work. There were 18 contractors notified; three of them picked up plans with only one of the three submitting a bid. In order to bump this back one year, it would impact the seal coating and manhole rehabilitation projects. The seal coating has always been done one year after the sidewalk

repair and each succeeding year there are fire hydrant painting, sewer line inspections (televising and cleaning), manhole rehabilitation, and tree trimming that cycle through. The seal coating is the most critical to have completed every seven years. The sidewalk infill projects will be discussed during upcoming strategic planning. There are considerably less amounts of sidewalk improvements needing to be done; however, there have been some sidewalk deterioration, trees that have heaved the sidewalk and pedestrian ramps with no detectable warnings needing to be completed. The City will make up the difference in costs to the property owners. This will be a topic of discussion at budget time as to how to fund this type of project moving forward. The bidding process will be reviewed before going out for bids next year.

9. Moved by Kangas, seconded by Waldstein to approve Resolution 18-120, a Resolution approving the Iowa Department of Transportation (DOT) Traffic Safety Improvements Program (TSIP) application for FY 2020 funding for safety improvements at the intersection of Iowa Highway 3 and 10th Avenue SW. The maximum eligible amount for the proposed site- specific project is \$200,000.

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

- The application deadline is August 15. The Iowa Department of Transportation (IDOT) is possibly going to do a safety driven project at this location. The maximum eligible amount of funding is \$200,000. The cost of the project is estimated at \$200,000. The potential increased traffic at this location once Cedar River Parkway is completed is a concern. There are safety concerns for those commuting to and from CUNA Mutual Group. The third WHEREAS will be struck from the proposed resolution with the words, "WHEREAS, a traffic signal may also be added at the intersection with 5th Avenue SW", since there is no other reference of 5th Street SW within the documentation and it was not intended to be.

10. Moved by Sherer, seconded by Rathe to approve the Third and Final 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.

Moved by Drenkow, seconded by McKenzie that the revised version (submitted by Drenkow) be substituted for the original version of the proposed ordinance.

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

- The revised version was submitted in hopes to remove ambiguity within the proposed ordinance. An example would be that a lawn mower is loud or disagreeable noises; however, the intent of the ordinance is not to prevent people from mowing their lawns. Although, it could apply if someone was mowing their lawn during inappropriate hours.
- Disagreeable and inappropriate are both subjective words. Sometimes ambiguity is better.
- City Attorney Bill Werger advised the Council on word usage. The language proposed is used in other cities including Iowa City. Mr. Werger also described that in paragraph one of the proposed Section 104.4.14 is a simple misdemeanor and is a crime. In paragraph two it is giving the police department the authority to act on the crime. Paragraph three refers to the what the sanction is. Other portions of the Waverly Municipal Code address trespassing, disturbing the peace, and other actions of guests that are not invited. The proposed portion of the code is for the tenants or landlords who are not addressing certain situations within the residence.

The original motion was then voted on.

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

- L. Reports from Boards and Commissions
1. Historic Preservation Commission Minutes; June 4, 2018; Received into record.
 2. Economic Commission Minutes; June 12, 2018; Received into record.
 3. Senior Calendar; August 2018; Received into record.
- M. Staff Comments
- There were none.
- N. City Council Comments
- Councilmember Kangas encouraged citizens to attend National Night Out.
 - Councilmember McKenzie encouraged citizens to attend the Waverly Volunteer Firefighters' Association Community Appreciation Night on September 1 at 8:00 p.m.
- O. Mayor's Comments
- Mayor Soash thanked everyone for their participation in an extended meeting. Mr. Soash also commented that 20th Street NW will not be closed until August 13 barring any bad weather.
- P. Moved by Birgen, seconded by Rathe to adjourn. Motion passed and Council meeting adjourned at 9:53 P.M. **Yes: 7 No: 0 Absent: 0**

Dean Soash, Mayor

ATTEST:

Carla Guyer, City Clerk