

Regular Meeting Minutes – April 15, 2019  
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on April 15, 2019 at 7:00 P. M. at City Hall. Mayor Soash presided.

- A. Mayor Soash called the meeting to order.
- B. Roll Call  
Present: Birgen, Drenkow, Kangas, McKenzie, Rathe, Sherer, and Waldstein  
Absent: None
- C. Moved by Waldstein, seconded by Birgen to approve the agenda as presented.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- D. Moved by Sherer, seconded by Rathe to approve the March 18, 2019 regular meeting minutes, the March 25, 2019 study session meeting minutes, and the April 1, 2019 regular meeting minutes.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- E. Council welcomed Joe Kangas as the Guest Councilperson for April.
- F. Proclamation.
- Moved by Kangas, seconded by Rathe to approve a proclamation proclaiming April 26, 2019 as Arbor Day for 2019.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
    - Mayor Soash gave a summary of the history of Arbor Day.Councilmember Kangas added that on the back of the Iowa State Quarter is a picture of a Grant Wood painting entitled Arbor Day.
  - Moved by Drenkow, seconded by Birgen to approve a proclamation proclaiming the month of April 2019 as Keep Iowa Beautiful Month.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
    - Leisure Services Director Tab Ray noted that the City has received a Paint Iowa Beautiful grant that was sponsored by Diamond Vogel Paints, an Iowa company, and he just found out that the City received another Paint Iowa Beautiful grant again this year. Another program the City has participated in is a Built with Bags grant. This is sponsored by the Iowa Grocers Association. They take recycled grocery bags and turn them into beautiful products. On April 22<sup>nd</sup>, we will learn if we will be awarded that grant. If awarded, we will look at using it towards a couple of recycled plastic benches.
- G. Public Hearing
- This was the date, time and place for a public hearing for the Airport Runway 29 Extension 2018 project.
    - There were no oral or written public comments.**
    - The public hearing was then closed.**Moved by Sherer, seconded by Kangas to approve Resolution 19-62, approving Plans, Specifications, Form of Contract, and Estimate Cost of \$1,618,593.00 for the Airport Runway 29 Extension 2018 project.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
    - Since it was bid at a competitive time, there were six bidders. This project will span over two years. The grading work will be done this fall and the paving portion of the work will be done next spring. Funding for this project will be covered 90% by the FAA and 10% local funding. The award is contingent on the FAA appropriating the funds. Funds are not appropriated until after the project is bid. Jay Pudenz of McClure Engineering of Clive, Iowa explained that the FAA does require that we take the bid of the lowest responsive and responsible bidder. If there are irregularities, the bid can be thrown

out. There is a “Buy American” clause that the bidders have to meet.

- 1a. Moved by Drenkow, seconded by Rathe to approve Resolution 19-63, awarding Contract for the Airport Runway 29 Extension 2018 project to J.B. Holland of Decorah, Iowa for the bid amount of \$1,316,662.60 contingent upon federal funding appropriations from the Federal Aviation Administration.

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

- 1b. Moved by Rathe, seconded by McKenzie to approve Resolution 19-72, approving the submittal of the IDOT Airport Development Grant Application for the Airport Avionics Room project to provide for 85% of state funding up to a maximum of \$150,000.00 of the estimated \$184,000.00 eligible cost and for the Obstruction Removal 2020 project to provide for 85% of state funding up to a maximum of \$148,027.00 of the estimated \$174,150.00 eligible cost at the Waverly Municipal Airport.

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

- A “clean room” or dust free room is required to work on the electronics for the planes’ control systems.

H. Public Comments on Items Not on the Agenda

- There were none.

I. Consent Calendar

1. Approve the purchase of a 2009 Sterling Acterra Bucket Truck for the Streets and Vegetation Management Division from Waverly Utilities of Waverly, Iowa for the purchase price of \$40,000.00.
2. Pay Request from McClure Engineering Co. for the Airport Runway 29 Extension 2018 for the amount of \$7,131.00.
3. Pay Request from Barry Smith Grading and Excavating for the Waverly Senior Housing-420 Bldg. Project for the amount of \$16,600.00 to be paid by Waverly Senior Housing.
4. Pay Request from AHTS Architects for the Waverly Senior Housing-420 Bldg. Project for the amount of \$15,080.81 to be paid by Waverly Senior Housing.
5. Class C Liquor License for Wooden Foot Saloon.

Moved by Birgen, seconded by Drenkow to approve the Consent Calendar.

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

J. Regular Business

1. Presentation by the Waverly-Shell Rock High School Dynamics Class addressing the need for the installation of a wheelchair-accessible curb ramp for the High School along 4<sup>th</sup> Avenue SW.
  - Waverly Shell Rock High School Dynamics of Inclusion Students: Bailey Dix, Katie Brandt, Cameron Johnson, Emma Forest, Bailey Lubbens, Olivia Steemer, and Ian Albee discussed during class time the importance of including everyone in the school equally while striving for the independence of students with all sorts of needs. The class requests that the City install a pedestrian ramp outside the front doors of the senior high school along 4<sup>th</sup> Avenue SW. They feel this is important in order to enhance safety and alleviate the need to go all the way to the corner to access a ramp (which is about 350 feet). There seems to always be at least one student in a wheelchair each year. There is a ramp on the north side of the street, but one does not currently exist on the south side. The class also informed Council that there are two areas at West Cedar Elementary that need pedestrian ramps. The class asked that the pedestrian ramp be installed over the summer months.
  - City Council and staff agree that there needs to be a pedestrian ramp at this area. Staff will check into this.

2. Public Comments on the City of Waverly Tobacco-Free/Nicotine-Free Policy.
  - Kevin Rohne commented that he is not a tobacco/nicotine user; however, he does not feel like Council should pass such a policy and a resolution is not necessary. Mr. Rohne stated the policy is self-enforced, and he does not feel that the citizens of Waverly wish to ask people to stop what they are doing. The policy excludes the softball fields, fairgrounds, and golf course.
3. Moved by Birgen, seconded by Sherer to approve Resolution 19-64, approving the City of Waverly Tobacco-Free/Nicotine-Free Policy.  
**Motion passed. Yes: 5 No: 2 (Drenkow, Kangas) Absent: 0**
  - Council expressed concerns for this resolution. Some of their concerns were: there doesn't seem to be a public reason to infringe on someone's rights, determining whether a public nuisance does exist, excessive litter does not seem to be a reason, the policy exempts events that typically draw more people, enforcement seems weak, one more thing for the police to keep track of, the policy seems too broad, and it is hard to change other people's behavior. Leisure Services Commission passed this policy unanimously as they felt that those people that do want to speak up should be able to have a policy in place to empower them. Enforcement will not be through a criminal offense with a fine for smoking. Some issues this policy would help address the following: how second hand smoke affect others and there have been issues of burnt benches and picnic tables from possible cigarettes. The places that are excluded are, traditionally, adult-only type of events. The swimming pool is a smoke-free campus, and there are events at Kohlmann Park that have small children in attendance, 73% of cities in the United States have some kind of tobacco/nicotine policy; we should want to be a City that values the good health of our citizens, and we need to follow-up with inclusion of other public areas in the future. Amanda Ramthun noted that Waverly is below average for tobacco use, however, there is no risk-free level since just one incident causes a risk. The City would not be able to post the signs if the resolution is not passed since the Iowa Public Health Department grant is what would pay for the signs and requires a resolution. All Waverly Chamber, Oktoberfest, Best Dam Run, and etc. are already smoke-free events.
4. Moved by Birgen, seconded by Kangas to approve the appointment of Garret Riordan as Leisure Services Director.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
  - City Administrator James Bronner informed Council that the job description had only minor changes and may expand with enhancement of parks and development. The salary range is accordingly in line with other cities. Garret Riordan introduced himself as the current office manager of Leisure Services, and he began with the City in 2006 as an intern studying at University of Northern Iowa.
5. Moved by Waldstein, seconded by Birgen to approve Resolution 19-65, approving a Farm Lease Agreement between the City of Waverly and Dean Knapp for 89.34 acres of Parcel M and N property located at the Champions Ridge site for the total rent of \$25,595.91.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
  - There is a provision in the lease that the lessee would be reimbursed for any crops that would be destroyed if the land is developed upon. This does not include any acres of the Bremer County Fair Association.

6. Moved by Waldstein, seconded by Rathe to approve Resolution 19-66, approving Contract, Bonds, and Certificate of Insurance from Fahrner Asphalt Sealers of Dubuque, Iowa for the Slurry Seal Program 2019 and authorizing the Mayor to sign the contract.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
7. Moved by Waldstein, seconded by Birgen to approve Resolution 19-67, approving Contract, Bonds, and Certificate of Insurance from Blacktop Service Co. of Humboldt, Iowa for the Bituminous Seal Coat Program 2019 and authorizing the Mayor to sign the contract.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
8. Moved by Birgen, seconded by Rathe to approve Resolution 19-68, approving Contract, Bonds, and Certificate of Insurance from Steege Construction of Waverly, Iowa for the Waverly Senior Housing Project 2019 and authorizing the Mayor to sign the contract.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
9. Moved by Rathe, seconded by Sherer to approve Resolution 19-69, approving an Amendment to the contract with AHTS Architects of Waterloo, Iowa for Phase 1 of the South Riverside Park Project for the cost of \$4,900.00.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
  - Staff informed Council that details are still being worked on. The design would include consideration for vehicle and pedestrian access separation. A seating and overlook area will need to be designed that will be safe and enhances the riverside location. Walkway river access will be explored and coordinated with future plans that are currently in place. Vegetation removal and replacement will be designed that provides views and is complementary to the Depot Building and riverbank. All of these items will be designed with durable elements capable of resisting flood water damage. Completion of this phase will most likely be in the construction season on 2020. There will be bollards placed to protect vehicles from lurching down the riverbank.
10. Moved by Kangas, seconded by Waldstein to approve Resolution 19-70, adopting a policy to govern small cell wireless installation within the City's right of way.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
  - Small cell technology enables the use of a 5G network where the necessary infrastructure is in place. This technology requires the installation of transmission equipment on existing public infrastructure or new such infrastructure in close proximity. Generally, such equipment is located on existing power or light poles and other structures. To provide a proper grid, the equipment is ideally located within 500 feet of the next equipment. Federal government is not giving much leeway on this. If we do not adopt this policy now, we most likely will not be able, or at least very limited ability, to make changes in the future. There will be a \$50 registration fee.
11. Moved by Waldstein, seconded by Rathe to approve Resolution 19-71, approving the Memorandum of Understanding with INRCOG for grant writing services related to the application for State Recreational Trails (SRT) funds for the Rolling Prairie Trail Extension 2021 in Waverly, Iowa along 10<sup>th</sup> Avenue SW from Heritage Way (IA 3) to 16<sup>th</sup> Street SW in the amount of one and one-half percent of the funds awarded (maximum \$2,000) to be paid by the City from local funds.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
  - Iowa Northland Regional Council of Governments (INRCOG) only gets paid if the grant money is awarded to the City. This will complete a portion of the pedestrian/bicycle trail from Waverly to Shell Rock. There will be a trail added to both sides of Hwy 3. This work will be a summer long project for this summer. When this portion of the trail is

completed, there will be approximately a 40-mile continuous trail from Readlyn to Bristow.

12. Moved by Birgen, seconded by Waldstein to approve the Third and Final Reading of Ordinance 1060, amending the current Waverly TIF Ordinance 1053 in connection with the adoption of Amendment No. 4 to the Waverly Unified Urban Renewal Plan.

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

13. Moved by Sherer, seconded by McKenzie to approve Resolution 19-73, approving a Development Agreement with Movie Guys LLC for TIF tax rebates based upon redevelopment of the property at 88 and 90 E. Bremer Avenue with a total property tax rebate of not-to-exceed \$300,000.00.

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

- Council appreciates the language regarding the theater to remain open. This is a rebate on tax increment earned not an abatement of taxes. The length of this agreement is unusual with most agreements ranging from 5 – 10 years long.

14. Moved by Drenkow, seconded by Sherer to approve the First Reading of Ordinance 1062, an Ordinance amending Section 104.4.01 fireworks, subsection 4.a, of the Waverly Municipal Code as follows:

4. Limitations.

- a. No person shall discharge a consumer fireworks device outside the following dates and times:

1. ~~June 25<sup>th</sup> to July 8<sup>th</sup>.~~

~~a. The Hours of Noon to 10:00 p.m. on Sunday—Thursday.~~

~~b. The Hours of Noon to 11:00 p.m. on Friday and Saturday.~~

~~c. The Hours of Noon to 11:00 p.m. on the 4<sup>th</sup> of July.~~

On July 3<sup>rd</sup> between the hours of Noon and 10:00 p.m.

2. On July 4<sup>th</sup> Between the hours of Noon and 11:00 p.m.

3. December 31<sup>st</sup> (New Year's Eve) from Noon to 12:30 a.m. on January 1<sup>st</sup>.

**Motion passed. Yes: 4 No: 3 (Birgen, Kangas, McKenzie) Absent: 0**

- There was much discussion on usage of fireworks which included: it seems to be using home rule to hamper privileges; there seemed to be a good compromise last year when it was amended and we should be more consistent and give the ordinance time so citizens can get used to it; a couple of Councilmembers would prefer to completely ban the use of fireworks; celebrating the founding of our country would make sense for July 4<sup>th</sup>; restricting the usage isn't going to change anything as for peace and quiet for those setting them off just outside of city limits; fireworks can be sold in town and we shouldn't tell people they can buy them, but they cannot use them; there are public health issues for some and narrowing the time they are allowed to be used would be better for those people; and limiting it each year seems it will eventually lead to a total ban.

12. Moved by Kangas, seconded by Birgen to approve the following Mayoral Appointments: Pete Lampe reappointed on the Board of Adjustment Commission for a term ending May 2024.

Kathryn Payne reappointed on the Planning and Zoning Commission for a term ending May 2024.

Heidi Solheim reappointed on the Planning and Zoning Commission for a term ending May 2024.

Stephanie Garner is replacing Adam Hagensick on the Planning and Zoning Commission for a term ending May 2021.

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

- Mayor and Council commented they were appreciative to those who volunteer on the Boards and Commissions. It was noted that Pete Lampe has been on Board of Adjustments since 1998.

**K. Reports from Boards and Commissions**

1. Monthly Financials; February 2019; Received into record.
2. Monthly Financials; March 2019; Received into record.
3. Bremer-Waverly Law Board Minutes; March 11, 2019; Received into record.
4. Golf Commission Minutes; March 21, 2019; Received into record.
5. Leisure Services Commission Minutes; March 21, 2019; Received into record.
6. Senior Calendar; April 2019; Received into record.

**L. Staff Comments**

Leisure Services Director Tab Ray announced there would be a Public River Use meeting Tuesday, April 16<sup>th</sup>, at 7:00 p.m. at the Civic Center.

**M. City Council Comments**

- Councilmember McKenzie commented that in trying to meet the transportation needs for the City, there are a few Uber drivers located in town. Staff added that INRCOG also has transit vans available with a 24-hour notice.
- Staff informed Councilmember Birgen that the project for 20<sup>th</sup> Street NW is being finished up this construction season. Also, this construction season will entail: Adams Parkway Bridge, Cedar Lane will begin after Adams Parkway Bridge, completion of Cedar River Parkway Bridge, seal coating, slurry seal coating, crack sealing, the D.O.T. will be working on Hwy 3 going west out of town towards Shell Rock, and finishing the punch list items on Bremer Avenue. Mr. Birgen invited those who would like to talk about City business to join him at the Pour House following this meeting.

**N. Mayor's Comments**

- There were none.

**O. Moved by Birgen, seconded by Kangas to adjourn the meeting. Motion passed and the Council meeting adjourned at 9:12 P.M.**

**Yes: 7 No: 0 Absent: 0**



Dean Soash, Mayor

ATTEST:



Carla Guyer, City Clerk