

Regular Meeting Minutes – October 7, 2019
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on October 7, 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. Mayor Soash led in the Pledge of Allegiance.
- D. Moved by Drenkow, seconded by Birgen to approve agenda as presented.
Motion passed. Yes: 7 No: 0 Absent: 0
- E. Moved by Drenkow seconded by Sherer to approve the September 16, 2019 regular meeting minutes.
Motion passed. Yes: 7 No: 0 Absent: 0
- F. Council welcomed Mary Ventullo as Guest Councilperson for October.
- G. Public Hearing
1. This was the date, time and place for a public hearing on the E. Bremer Avenue Sanitary Sewer Extension 2019 project Plans, Specifications, Form of Contract and Estimate Cost.
- **There were no oral or written public comments.**
 - **The hearing was then closed.**
- Moved by Sherer, seconded by McKenzie to approve Resolution 19-149, A Resolution approving Plans, Specifications, Form of Contract and Estimated Cost of \$218,143 for the E. Bremer Avenue Sanitary Sewer Extension 2019 Project.
Motion passed. Yes: 7 No: 0 Absent: 0
- This project is not budgeted for and the City will have to borrow the funds and repay the loan with T.I.F. dollars. Construction should begin on November 5 and barring any weather delays should be done the end of December. There will be a lane shift on Hwy 3. The center turning lane will be used as the west bound lane. It is required that the pavement markings be removed and repainted during construction and after to correctly reflect how the lanes are being used. If weather delays the project; it will be regenerated spring of 2020. The sewer will be installed and functional this calendar year. The final clean-up, restoration, and seeding may not take place until spring '20.
- 1a. Moved by: Drenkow, seconded by Birgen to approve Resolution 19-150, awarding contract for the E. Bremer Avenue Sanitary Sewer Extension 2019 project to Boomerang Corp. of Anamosa, Iowa for the bid amount of \$183,143.05.
Motion passed. Yes: 7 No: 0 Absent: 0
- H. Proclamation
1. Moved by Birgen, seconded by Rathe to approve a proclamation proclaiming October 6-12, 2019 as Fire Prevention Week.
Motion passed. Yes: 7 No: 0 Absent: 0
- There was much appreciation to all the volunteers for their effort and time dedicated to fire fighting in Waverly and the surrounding areas.
- I. Public Comments on Items Not on the Agenda
- There were none.
- J. Consent Calendar
1. Pay Request from Construction Materials Testing for the Airport Runway 29 Extension 2018 for the amount of \$3,194.75.
2. Pay Request from McClure Engineering Co. for the 20th Street NW Improvements 2020 for the amount of \$20,303.80.

3. Pay Request from McClure Engineering Co. for the Waverly Municipal Airport Runway 29 Extension 2018 for the amount of \$17,012.24.
4. Pay Request from Cramer & Associates, Inc. for the Cedar River Parkway (East) Improvements 2018 for the amount of \$261,537.48.
5. Pay Request from Stanley Consultants, Inc. for the Cedar River Parkway (East) Improvements 2018 for the amount of \$34,507.12.
6. Pay Request from Snyder & Associates, Inc. for the 4th Street SW Reconstruction 2020 project for the amount of \$25,653.00.
7. Pay Request from Snyder & Associates, Inc. for the 10th Street SW Improvements 2020 project for the amount of \$8,173.57.
8. Special Class C Liquor License for Wartburg College for an alumni event to be held at Tendrils Rooftop Garden.

Moved by Rathe, seconded by Waldstein to approve Consent Calendar.

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

- Staff informed Council that there will be two more payments for the Cedar River Parkway. One will be for the partial payment of the 5% retainage to be considered as a pre-final pay application. There are still some punch list items being done. Final pay application will be done when those items have been completed satisfactorily.
- Staff further informed Council that proctor testing is soil density testing.

K. Regular Business.

1. Moved by Sherer, seconded by McKenzie to approve Resolution 19-151, approving a 3- year contract extension effective March 1, 2020- February 28, 2023 with the Bremer County Fair Association to lease the property commonly known as Memorial/Fairgrounds Park to accommodate the 2020, 2021, and 2022 Bremer County Fair events.

Moved by Rathe, seconded by Waldstein to amend Resolution 19-151 by changing it to a two-year contract extension effective March 1, 2020 – February 28, 2022 and the Fair Board Association shall provide a progress update at the first meeting in March, 2020.

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

Moved by Rathe, seconded by Birgen to amend the original motion to read as follows: to approve Resolution 19-151 approving a 2-year contract extension effective March 1, 2020- February 28, 2022 with the Bremer County Fair Association to lease the property commonly known as Memorial/Fairgrounds Park to accommodate the 2020 and 2021 Bremer County Fair Events.

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

The original motion, as amended, was then voted on.

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

- Bremer County Fair Board General Manager Kevin Rasing explained that the fair is looking at a 3-year extension because of the uncertainty of the status of Champions Ridge. They now need to determine where they want to move the fair. Mr. Rasing confirmed that the fair is ready to deal with the 4th Street SW construction. Mr. Rasing stated that he has spoken with the I.D.O.T., and they assured him that they would also do their best to work with the fair. He explained that if the City is out of the development of Champions Ridge completely, that the fair has no other City partner involved. In March of 2019, Council made the decision to no longer support Champions Ridge. Originally, a lot of the parking was going to be outside of the fair's 40 acres so, now, the fair will no longer have as much parking. There are a couple other options for different sites where the fair could move to. The Fair Board feels they could make a decision on a location by the first of the year.

- Bremer County Fair Association Treasurer Danny Buls mentioned that the fair has not received a deed transferring the property to the fair.

- If Bremer County continues to contribute their \$120,000, the City will still match that, contingent on the location (if it is in the City Limits or within close proximity) if the Fair goes to a different location. The 40 acres would revert back to the City since the City is still in control of the deed. The Council confirmed that the City does, in fact, enjoy the County Fair being located in Waverly, and they are still supportive of the ball diamonds and fair. As a compromised, a two-year extension was discussed, there was discussion of looking at the extensions on a yearly basis. Deadlines should be tight and realistic. An update would be expected on or about March 1, 2020.
2. Moved by McKenzie, seconded by Birgen to approve Resolution 19-152, approving a façade grant to John Rieger Trust in the amount of \$1,833.67 for façade improvements completed on his building at 205 E. Bremer Avenue.
- Motion passed. Yes: 7 No: 0 Absent: 0**
- Staff informed Council that while they approved the maximum project dollar amount, each façade pay request will come back to Council so the actual cost of the amount granted can be authorized.
3. Moved by Drenkow, seconded by Waldstein to approve Resolution 19-153, approving a preliminary plat to re-subdivide property located at 3601 E. Bremer Avenue for Nutrien Ag Solution, INC into three lots.
- Motion passed. Yes: 7 No: 0 Absent: 0**
- City Attorney / Community Development Director Bill Werger informed Council that the preliminary plat and the final plat can be approved at the same meeting when there are no anticipated changes from the preliminary plat to the final plat. Typically, preliminary plats are very basic with the final plats having more specificity. The previous owner had two lots combined via a lot agreement. The lot agreement stipulated that the lots could not be sold separately. The new landowners initially used only the developed portions of the property (approximately lots one and two) for a combined operation. Nutrien Ag Solution, Inc. intends to separate and have two separate operations on the grounds owned by two different companies. The undeveloped lot three will be retained by Nutrien. Lot three has access to 39th Street NE. When and if lot three is developed, it will allow access to Hwy. 3. The parcels are zoned as heavy industrial. The property across from this was recently re-zoned as agricultural. A site plan would be looked at along fire access roads and how the entrance and exits would be. There will be a shared use agreement between the land owners.
 - Property owner, Peter Allen confirmed that there has been an easement in place since day one. Mr. Allen stated that they are planning to use lot three to put an office on.
 - Representative of Standard, Brad Knutson, added that Nutrien and Standard have worked together for many years and have a strong interest to work together.
4. Moved by Kangas, seconded by Birgen to approve Resolution 19-154, approving a final plat to re-subdivide property located at 3601 E. Bremer Avenue for Nutrien Ag Solution, INC into three lots.
- Motion passed. Yes: 7 No: 0 Absent: 0**
5. Moved by Waldstein, seconded by Birgen to approve Resolution 19-155, approving Change Order No. 1 in the amount of a \$2,321.00 decrease, accepting the Slurry Seal Program 2019 project as complete, approving Pay Estimate No. 1 in the amount of \$45,754.56, and approving Pay Estimate No. 2 in the amount of \$2,408.14 as the final pay request to Fahrner Asphalt Sealers of Dubuque, Iowa.
- Motion passed. Yes: 7 No: 0 Absent: 0**
6. Moved by Sherer, seconded by Kangas to approve Resolution 19-156, approving an IDOT Airport Improvement Program Agreement for a maximum reimbursement of \$148,027.00 of eligible project expenses for the Waverly Municipal Airport Obstruction Removal Project 2020.

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

• City Engineer / Public Works Director Mike Cherry explained that State funding through an Airport Improvement Program will finance 85% of eligible construction and design costs with a maximum reimbursement of \$148,027. There is a 5% difference between what the Federal program offers compared to the State. However, the State program is faster with fewer requirements with the documentation and paperwork. With more efficiency, costs become more effective. The project is anticipated to be completed approximately one year earlier.

7. Moved by Drenkow, seconded by Birgen to approve Resolution 19-157, approving McClure Engineering Company of Clive, Iowa's Task Order No. 4 Agreement for project design and administration services for a lump sum of \$31,000.00 and Impact7G of Clive, Iowa's Asbestos Survey Agreement for asbestos testing and reporting for a lump sum of \$3,380.00 for the Waverly Municipal Airport Obstruction Removal Project 2020.

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

8. Moved by Waldstein, seconded by Sherer to approve Resolution 19-158, approving Change Order No. 2 in the amount of a \$22,894.77 increase and approving Pay Application No. 3 in the amount of \$21,750.03 to Croell Inc. of New Hampton, Iowa for the 20th Street NW Reconstruction Railroad Crossing Improvements at 20th Street NW and 5th Avenue NW- 2018 project.

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

• City Engineer/Public Works Director Mike Cherry summarized the changes for Council. The addition of 4" asphalt roadway tapers will be offset at the end of the project with a zero quantity for the 7" asphalt roadway tapers bid item resulting in the decrease.

9. Moved by Rathe, seconded by Waldstein to approve Resolution 19-159, a Resolution accepting the Downtown Alley Reconstruction 2019 project as complete and approving Pay Estimate No. 1 in the amount of \$27,660.00 as the final pay request to Feldman Concrete of Dyersville, Iowa.

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

10. Moved by Sherer, seconded by McKenzie to approve the Third and Final Reading of Ordinance 1066, amending the current Waverly TIF Ordinance 1060 in connection with the adoption of Amendment No. 5 to the Waverly Unified Urban Renewal Plan.

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

11. Discussion of the September 25, 2019 Iowa Department of Transportation meeting.

• The I.D.O.T. orally reviewed the data they had collected. They drove around Waverly the afternoon, evening, and morning before the meeting to observe traffic movements. There were representatives from Senator Ernst's office present, no comment from her was given. Matthew Schneider said that he felt the road is safer now. Councilmember Birgen appreciated that the I.D.O.T. is researching impact on response times since it was something they have not done in the past. The I.D.O.T. is interested in hearing feedback on what improvements the City feels are needed on Bremer Avenue. The I.D.O.T. pointed out that what drivers see as an inconvenience is not the same as unsafe or a traffic problem according to engineers. The I.D.O.T. would go back to a 4-lane if there was evidence that the 3-lane configuration isn't working. They will do some research into the pavement markings and will also look into 16th Street and Bremer Avenue west.

L. Reports from Boards and Commissions

1. Historic Preservation Commission Minutes; April 22, 2019; Received into record.
2. Economic Development Commission Minutes; June 11, 2019; Received into record.
3. Historic Preservation Commission Minutes; June 24, 2019; Received into record.
4. Economic Development Commission Minutes; July 9, 2019; Received into record.
5. Library Board of Trustees Minutes; July 9, 2019; Received into record.
6. Planning and Zoning Commission Minutes; August 1, 2019; Received into record.

7. Library Board of Trustees Minutes; August 13, 2019; Received into record.
8. Leisure Services Commission Minutes; August 15, 2019; Received into record.

M. Staff Comments

- City Engineer / Public Works Director informed the Council that Cedar Lane will need another day to dry out. Staff has received approval from Canadian National Rail Road to put the water main underneath the rail road tracks at 20th Street NW. We are in hopes that work is accomplished by Thanksgiving, and then, we'll get the grading completed and seeded down. Weather depending, the trail may be delayed until next year. Gates and traffic signals are work performed by the rail road and the City has been informed that this is scheduled.

N. City Council Comments


- Staff informed Councilmember Drenkow signage and a few other punch list items remain needing to be completed for the Cedar River Parkway and the City is holding the retainage until they are complete.
- Staff informed Councilmember Rathe that staff plans to go back to the I.D.O.T. and explain why we need signage for Hwy 3 east for both east and west bound traffic.
- It was clarified to Councilmember Sherer that signage being put up at the intersections of Hwy 3 East and West and Cedar River Parkway are larger, easier to see and read.
- Councilmember McKenzie commented that he hopes that when the future Council discusses the Council Procedures and Policies they will talk about the part referencing the open session and be clearer about public comments not fostering, spreading unsubstantiated information.
- Councilmember Waldstein added that she would have to look up a document that refers to Best Practices giving the presiding officer the flexibility to call on someone to correct errors of fact. This also leaves it somewhat open for the public to say what they want.
- Councilmember Birgen congratulated Waverly Oktoberfest for a great event as it seemed to be fun for all who attended. Anyone who would like to join him immediately following the Council meeting at the Pour House to discuss City business is welcome.

O. Mayor's Comments

- Staff informed Mayor Soash that a stop sign will be installed at 2nd Avenue NE and Cedar Lane when the project is complete. Historic Preservation Chair Don Meyer posted a link for an article regarding the Historic Preservation Commission promoting Waverly and the floods of 2008.

- P. Moved by Waldstein, seconded by Birgen to adjourn the meeting. Motion passed and the Council meeting adjourned at 8:53 P.M.

Yes: 7 No: 0 Absent: 0



Deán Soash, Mayor

ATTEST:



Carla Guyer, City Clerk