

Regular Meeting Minutes – February 18, 2019
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on February 18, 2019 at 7:00 P. M. at City Hall. Mayor Soash presided.

- A. Mayor Soash called the meeting to order.
- B. Roll Call
1. Present: Birgen, Drenkow, Kangas, McKenzie, Rathe, Sherer, and Waldstein
Absent: None
- C. Moved by Waldstein, seconded by Sherer to approve the agenda as presented.
Motion passed. Yes: 7 No: 0 Absent: 0
- D. Moved by Sherer, seconded by Rathe to approve the January 21, 2019 regular meeting minutes, the January 26, 2019 budget work study session minutes, the January 28, 2019 regular meeting minutes, and the February 4, 2019 regular meeting minutes.
Motion passed. Yes: 7 No: 0 Absent: 0
- Council noted that Cyndi Campbell spoke on behalf of the Waverly Senior Center at the January 26, 2019 budget work study session.
- E. Presentation of Plaque of Appreciation
1. Council acknowledged and expressed their appreciation for the time that Jere Vyverberg devoted to serving on the Electric Utilities Board of Trustees.
- F. Public Hearing
1. This was the date, time and place for a public hearing for the Cedar Lane Reconstruction 2019 project Plans, Specifications, Form of Contract, and Estimate Cost.
 - John Campbell expressed his gratitude to the Council and City Staff for progressing with this project in light of the other projects that are out there and hopes that the previous plans will be adhered to in regards to the preservation of the trees along the river.
 - Rick Pates shared his concerns regarding the maintaining of the speed limits on Cedar Lane after the project is finished.
 - **The hearing was then closed.**Moved by Drenkow, seconded by Rathe to approve Resolution 19-15, approving Plans, Specifications, Form of Contract, and Estimate Cost of \$981,154.00 for the Cedar Lane Reconstruction 2019 project.
Motion passed. Yes: 7 No: 0 Absent: 0
 - Staff informed Council there will be a storm sewer installed on the north end at the intersection of Brown Lane; this installation will actually aid in providing a refuge for walkers behind the curb and gutter where the corridor narrows. They also confirmed that the intent is to preserve the trees along the corridor with only 1 tree being slated as having to be removed. There will be 10-foot driving lanes with 5-foot paved shoulders with the existing milled asphalt shoulder on the east side being utilized where applicable. Hopefully, the 10-foot driving lane will encourage drivers to slow down as staff isn't supportive of installing speed bumps on the corridor. Staff also assured Council that this project was included in the list of

projects from budget and the bids came in well within the capacity the City can budget for with bonds. K. Cunningham Construction Co., Inc. has been used on other projects in the past.

- 1a. Moved by Waldstein, seconded by Birgen to approve Resolution 19-16, Awarding Contract for the Cedar Lane Reconstruction 2019 project to K. Cunningham Construction Co., Inc. of Cedar Falls, Iowa for the bid amount of \$838,114.04.

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

G. Proclamation.

1. Proclamation for Iowa Honey Bee Day.

Moved by McKenzie, seconded by Birgen to approve a proclamation proclaiming February 27, 2019 as the Iowa Honey Bee Day.

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

H. Public Comments on Items Not on the Agenda

- There were none.

I. Consent Calendar

1. Set the Public Hearing date to review the Budget Fiscal Year 2019-20 for March 4, 2019 at 7:00 p.m. in the Council Chambers of City Hall.
2. Set the Public Hearing date to review the Waverly Senior Living Project 2019 Plans, Specifications, Form of Contract, and Estimated Cost for March 18, 2019 at 7:00 p.m. in the Council Chambers of City Hall.
3. Pay Request from WHKS & Co. for the Adams Parkway Bridge & Horton Road Repairs 2019 for the amount of \$2,819.30.
4. Pay Request from AHTS Architects for the Waverly Senior Housing-420 Bldg. Project for the amount of \$30,340.95 to be paid by Waverly Senior Housing.
5. Pay Request from McClure Engineering Co. for the Airport Runway 29 Extension 2018 for the amount of \$4,278.60.
6. Pay Request from VJ Engineering for the Cedar Lane Reconstruction 2019 for the amount of \$750.00.
7. Pay Request from VJ Engineering for the Water Main Replacement 2019 for the amount of \$4,647.50.
8. Pay Request from Chicago Central & Pacific for the 20th Street NW Reconstruction RR Crossing Improvements at 20th Street NW- 2018 for the amount of \$73,624.87
9. Pay Request from AHTS Architects for the South Riverside Park Master Plan for the amount of \$1,000.00.
10. Class C Liquor License for Applebee's Neighborhood Grill & Bar.
11. Class C Beer Permit for Kwik Star #707.
12. Change of ownership for Kwik Star #707.
13. Change of ownership for Kwik Star #752.
14. Change of ownership for Kwik Star #286.
15. Class C Liquor License for Waverly Golf & Country Club.
16. Change of ownership for Waverly Golf & Country Club.
17. Cash Disbursements for January, 2019.

Moved by Birgen, seconded by Waldstein to approve the Consent Calendar as presented.

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

J. Regular Business

1. Review of FY 2018 City of Waverly Audit by Chad Regnier from Williams & Company P.C.
 - Chad Regnier of Williams & Company, P.C. reviewed the financial audit for Fiscal Year 2017-2018. Mr. Regnier accredited Finance Director Jenifer Mein for completing and including additional financial statistics which are required for the City to receive the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting. He explained the auditors' responsibilities and shared that the report shows a clean unmodified opinion. In addition, as of June 30th, there are 210 days of unassigned fund balance to finance operations which is a very good number to have. He noted that Governmental Accounting Standards Board (GASB) No. 75 required new financial reporting requirements which included a new method to calculate reports utilizing an actuarial cost method. The differences between the calculating methods didn't raise any concerns. For 2018, the City will be using approximately 52% of the debt limit which is set by the assessed valuation of the City and 5% of that we can't exceed. Waverly's debt capacity is comparable to other cities and fluctuates depending on the size of projects. The few findings that were noted in the audit like internal control review procedures were considered minuscule and not a concern to Chad Regnier. State law requires the City of Waverly to have an audit completed. These audit reports are viewed by financial institutions for bonding purposes and for people tracking how we are progressing. Since the audit is a professional service, the City can take the best bid instead of the lowest bid at the time bids are received.
2. Moved by Birgen, seconded by Rathe to approve Resolution 19-17, approving a Minor Subdivision request and Development Agreement for property located at 1009 Bremer Road for the creation Parcel O.

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

 - Jason and Jaide Mohlis plan to tear down and construct a new house at 1009 Bremer Road. The parcel is currently 13.21 acres, and they are requesting approval of a minor subdivision for the parceled off homestead of 3.02 acres. According to the City's agricultural district standards, a single-family dwelling may not be constructed on agricultural land if it is within ¼ mile of a single-family dwelling which is not a farm dwelling, and because of this provision, the applicants are requesting to rezone the 3.02acre homestead to R-1 (Residential). Currently, there are ingress/egress obstacles for developments surrounding this property. Developments to the northwest have access to Cedar Lane; however, problems have previously arisen from flooding events and other issues requiring emergency services. The current applicants understand this need and are willing to enter into a development agreement so that future developments in this area may utilize their property for a future connection to Bremer Road. After much discussion regarding the development agreement and why the City should accommodate for a nonexistent road, the Planning and Zoning Commission recommended approval of the minor subdivision, development agreement, and rezoning request at the February 7, 2019 commission meeting. Usually, roads are constructed with development and since a road is needed and the property owner is willing to work with the City where potential development could occur, staff tried to go with a path

of least resistance. At the time of the Commission's hearing, there was one comment from a person north of this property who was in favor of the request. Currently, the property owners plan on farming the remaining land instead of developing it.

3. Moved by Rathe, seconded by Kangas to approve the First Reading of Ordinance 1056, an Ordinance providing for rezoning of property owned by Ernest & Theresa Mohlis and Jason & Jaide Mohlis located at 1009 Bremer Road from A-1 (Agricultural) to R-1 (Single Family Residential) and Setting March 4, 2019 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: 7 No: 0 Absent: 0
4. Moved by Waldstein, seconded by Sherer to approve Resolution 19-18, approving Contract, Bonds, and Certificate of Insurance from Cramer & Associates, Inc. for the Adams Parkway Bridge Repair 2019 project and authorizing the Mayor to sign the contract.
Motion passed. Yes: 7 No: 0 Absent: 0
5. Moved by Drenkow, seconded by Kangas to approve Resolution 19-19, approving Amendment #1 to the Professional Services Agreement dated June 18, 2018 for the Adams Parkway Bridge Repair and Horton Road Improvements 2019 project for the not-to-exceed amount of \$48,410.00 including expenses.
Motion passed. Yes: 7 No: 0 Absent: 0
6. Moved by Rathe, seconded by Birgen to approve Resolution 19-20, awarding Contract with Mätt Construction of Sumner, Iowa for the Exchange Building Renovation for the South Riverside Park Renovation Improvement Project Phase I for the bid amount of \$105,500.00.
Motion passed. Yes: 7 No: 0 Absent: 0
 - This falls under this year's budget with the contract starting June 4 or June 5, 2019.
7. Moved by Sherer, seconded by Drenkow to approve Resolution 19-21, approving Contract with ATC Group Service LLC of Waterloo, Iowa for a transaction screen environmental site assessment for the Waverly Municipal Airport Safety Zone Expansion Project for the amount of \$1,400.00.
Motion passed. Yes: 7 No: 0 Absent: 0
 - When the appraisals came in, they mentioned there had been a potential business that had been operating on this property involving engines. The FAA needs to complete a transaction screen which involves reviewing pictures and identifying previous owners and potential hazards. If there are any questions raised by the person doing the assessment, then, a more in-depth assessment will need to be completed.
8. Moved by Kangas, seconded by Waldstein to approve Resolution 19-22, approving a City of Waverly Service Animal Policy.
Moved by Kangas, seconded by Waldstein to amend Resolution 19-22 by adding the words "a service animal in training" into the last sentence of the Service Animal Policy.
Motion passed. Yes: 7 No: 0 Absent: 0

- Scott Dewey and Chad Johnson from Retrieving Freedom felt that it was great for the City to follow what the state is doing, but noticed that the policy didn't mention anything pertaining to Section 216C.11 of the State of Iowa Code regarding dogs in training to become service dogs for people of disabilities.
 - The policy includes a couple of questions that staff can ask to help them identify a service dog vs an emotional support/therapy animal (a service dog has to be trained to do a task to mitigate a disability). Iowa has passed new legislation making it illegal to go into public with a fake service dog. The service dogs' law is connected to ADA making it more relevant to the City than the emotional support/therapy animals' law which comes out of HUD as emotional support/therapy animals don't have public access.
9. Moved by Rathe, seconded by McKenzie to approve Resolution 19-23, Setting March 1, 2019 at 8:00 A.M. in the Office of the City Attorney at City Hall as the Date, Time, and Place for the Consultation with Taxing Authorities and Setting March 18, 2019 at 7:00 P.M. in the Council Chambers of City Hall as the Date, Time, and Place for a Public Hearing on a Proposed Amendment No. 4 to the Waverly Unified Urban Renewal Plan in the City of Waverly, State of Iowa.
Motion passed. Yes: 7 No: 0 Absent: 0
- Staff informed Council that the empty block owned by Carmi Flavors is in the Urban Renewal plan, but it hasn't created any income for many years. The City would have to remove it from the plan and re-add it back in if anything is done with it. This property isn't being actively listed. Generally, staff will contact property owners before they list the property with the exception to properties that are adjacent. The adjacent properties are just listed as a way to try to decrease additional amendments in case there are potential development opportunities.
10. Moved by Drenkow, seconded by Waldstein to approve Resolution 19-24, approving an Engagement Agreement between the City of Waverly and Ahlers and Cooney, P.C. in its capacity as Bond Counsel in connection with the issuance of not-to-exceed \$3,700,000 General Obligation Bonds, Series 2019.
Motion passed. Yes: 7 No: 0 Absent: 0
- This document is required and outlines the responsibilities of the City and the bond attorneys.
11. Moved by Waldstein, seconded by Sherer to approve Resolution 19-25, a Resolution Fixing Date for a Meeting on the Proposition of the Issuance of Not to Exceed \$100,000 General Obligation Bonds of the City of Waverly, State of Iowa (For General Corporate Purposes), and Providing for Publication of Notice Thereof for a Public Hearing on March 4, 2019 at 7:00 p.m. in the Council Chambers of City Hall.
Motion passed. Yes: 7 No: 0 Absent: 0
- The General Obligation Bonds for Corporate Purposes has to be published not less than 10 days and no more than 20 days from the date of the public hearing. In addition, there are only certain things you can borrow for like the façade grant. The General Obligation Bonds for Essential Corporate Purposes has to be published not less than 4 days and no more than 20 days before the public hearing is held and covers the rest of the items that don't fall under the Corporate Purposes bond. For

hearings, the bonds have to be divided, but the bonds will be sold as one combined bond.

12. Moved by Birgen, seconded by Waldstein to approve Resolution 19-26, a Resolution Fixing Date for a Meeting on the Proposition of the Issuance of Not to Exceed \$3,600,000 General Obligation Bonds of the City of Waverly, State of Iowa (For Essential Corporate Purposes), and Providing for Publication of Notice Thereof for a Public Hearing on March 4, 2019 at 7:00 p.m. in the Council Chambers of City Hall.

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

I. Reports from Boards and Commissions

1. Historic Preservation Commission; November 26, 2018; Rec'd into record.
2. Monthly Financials; January 2019; Rec'd into record.
 - Staff informed Council that as part of the Road Use Tax recording requirement, any activity associated with snow removal is coded that way. It is no reflection as to whether we are within or over budget; it is a method of tracking how much effort from year to year is going toward that purpose.
3. Cable Commission Minutes; January 21, 2019; Rec'd into record.
 - This commission meets on an as needed basis. Council inquired as to whether or not the commission is wanting to continue to meet or if they are wanting to dissolve the commission.
4. Senior Calendar; February 2019; Rec'd into record.

J. Staff Comments

- Leisure Services Director Tab Ray informed the Council that a Mediacom representative worked on the equipment last week so the Mediacom watchers should be able to view the meeting better.
- City Administrator James Bronner is pleased that the budget is ending up lower than last year at 14.37 and believes this year will be a very heavy, productive year. The budget hearing will be March 4th, and March 15th is the deadline for certifying the budget to the State. The Community Development Director/City Attorney Bill Werger and he will be going to the Capital tomorrow for Legislative Day. They hope to be able to talk to representatives about backfill and other topics.

K. City Council Comments

- Councilmember Birgen stated he would like to have a resolution to remove the historical designation for the 3rd Street SE Bridge if that is the route we want and added that if anyone would like to talk about City issues, he would be at the Pour House immediately following the meeting.
- Councilmember Sherer congratulated the Wartburg College Womens' basketball team for their conference win.
- Councilmember Rathe congratulated the Waverly-Shell Rock High School wrestling teams; both the boys and the girls are State Champions.
- Councilmember McKenzie expressed his appreciation to City Staff for their hard work with snow removal. He also asked citizens to adopt a fire hydrant and storm drain to help keep clear of snow.
- Councilmember Kangas will be interested in seeing the snow fall amount chart for this year. He was informed by Staff that so far Waverly has had only 1 major snow fall event over 6 inches, but the chart is updated yearly.

L. Mayor's Comments

- Mayor Soash gave kudos to the City Staff with the snow removal. Also, he reminded citizens that blowing snow from their driveways onto the streets is not only hazardous to everyone else, but also illegal. He had the privilege last week to welcome Chief Pursell's Citizens Academy Class.


M. Moved by Birgen, seconded by Rathe to adjourn the meeting. Motion passed and the Council meeting adjourned at 8:50 P.M.

Yes: 7 No: 0 Absent: 0



Dean Soash, Mayor

ATTEST:


Valorie Northrup, Deputy City Clerk

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