

Regular Meeting Minutes – May 18, 2020  
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on May 18, 2020 at 7:00 P. M. at City Hall. Mayor Hoffman presided.

The Governor of Iowa has declared a Public Emergency because of the COVID-19 outbreak. The Mayor has determined that an in-person meeting of the City Council is impossible or impractical without violating the Governor’s mandates.

**When an in-person meeting is "impossible or impractical," Iowa Code Section 21.8 permits a governmental body to conduct a meeting by electronic means.**

The meeting was conducted by video conference using ZOOM from the Council Chambers. The Mayor and necessary City staff (City Attorney/Economic Development Director, Bill Werger and City Clerk, Carla Guyer) were in the Council Chambers. The 7 Council members were not in the chambers, but participated via ZOOM conferencing.

Comments for items that on the agenda or for the Public Hearing could be made by submitting them prior to the meeting to the City Clerk, Mayor or any of the Council members or by calling 319-596-0179 during the meeting.

The video/audio conference of the meeting was broadcast on the normal public access channels. City staff strived to maintain the quality of the video and audio during that broadcast. Public access was available through this broadcast.

Meeting minutes were still kept and included a statement explaining why an in-person meeting was impossible or impractical.

- A. Mayor Hoffman called the meeting to order.
- B. Roll Call
  - Present: Beaufore, Birgen, Drenkow, Glaser, Kangas, Rathe, and Schneider. Absent: None.
- C. Moved by Birgen, seconded by Rathe to approve the agenda as presented.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- D. Moved by Schneider, seconded by Glaser to approve the April 27, 2020 study session minutes and the May 4, 2020 regular meeting minutes.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- E. Public Hearing
  - 1. This was the date, time and place for a public hearing on the Fiscal Year 2020 Budget Amendment.
    - **There were no oral or written public comments.**
    - **The public hearing was then closed.**Moved by Drenkow, seconded by Rathe to approve Resolution 20-74, approving amending the FY 2020 budget.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
    - City Administrator James Bronner explained that budget amendments are usually only for a couple of reasons. Most of the time, it is accounting in the right fiscal year. There are nine (9) separate service areas that are each looked at when preparing an amendment. Items that are listed on the budget amendment are items that Council has predominantly approved to be expended. There were several capital items, for instance, the fire truck that was scheduled to be delivered before June 30 of FY 2019-20, but did not get delivered until August, 2020. The current year’s budget now needs to be amended to show accurate accounting for spending. If capital projects are not completed during the budgeted fiscal year, the following year’s budget, then, has to reflect that. Another part of the amendment involves the \$6 million in bonds that are

coming through. For example: an estimated amount of how much will be spent on 4<sup>th</sup> Street SW reconstruction project from June 1 to June 30. All monies shown on the amendment have already been accounted for in taxes. This is not a new tax, additional expenditures or new funding. It is reallocating planned expenditures capitalized into the correct fiscal year. This could be funding that is sitting in reserves due to designated purchases, projects, or services not getting done the prior year and it is now getting done, or some of the reserves are getting used for unforeseeable items such as accident deductibles or items that were in need of repair. Going forward, the City will have two budget amendments per year with one being in the fall at the end of construction season.

2. This was the date, time and place for a public hearing to consider the vacation and conveyance of a portion of 6<sup>th</sup> Street NW from North right-of-way line of 6<sup>th</sup> Avenue NW to the South right-of-way line of the Cedar River Railroad Co., a parcel 66-foot-wide and 95-foot-deep, to Roy and Kathleen Petersen.

- **There were no oral or written public comments.**

- **The public hearing was then closed.**

Moved by Rathe, seconded by Birgen to approve Resolution 20-75, approving the vacation and conveyance of a portion of 6<sup>th</sup> Street NW from North right-of-way line of 6<sup>th</sup> Avenue NW to the South right-of-way line of the Cedar River Railroad Co., a parcel 66-foot-wide and 95-foot-deep, to Roy and Kathleen Petersen without cost on the condition that the nuisance conditions be abated.

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

- This seems to be a great solution.

3. This was the date, time and place for a public hearing for the First Reading of Ordinance 1073, an Ordinance providing for rezoning of a portion of 6<sup>th</sup> Street NW from North right-of-way line of 6<sup>th</sup> Avenue NW to the South right-of-way line of the Cedar River Railroad Co. from a City owned street to M-1 (Light Industrial).

- **There were no oral or written public comments.**

- **The public hearing was then closed.**

Moved by Schneider, seconded by Birgen to approve the First Reading of Ordinance 1073, an Ordinance providing for rezoning of a portion of 6<sup>th</sup> Street NW from North right-of-way line of 6<sup>th</sup> Avenue NW to the South right-of-way line of the Cedar River Railroad Co. from a City owned street to M-1 (Light Industrial).

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

- The owners of the property may use the property to be an adjunct to the building to the east. There is not very good access to the building since it is very close to the road. They are going to create more access into the building and have more parking. This is a warehouse type of area and the building could be used for multiple purposes including a warehouse or some commercial use. The owner does also have a construction company and may use the building for storage of equipment and materials.

4. This was the date, time and place for a public hearing for the Cedar River Park- Phase 1 Grading Project Plans, Specifications, Form of Contract, and Estimate Cost.

- **There were no oral or written public comments.**

- **The public hearing was then closed.**

Moved by Birgen, seconded by Drenkow to approve Resolution 20-76, approving Plans, Specifications, Form of Contract, and Estimate Cost of

\$1,037,267.00 for the Cedar River Park- Phase 1 Grading Project.

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

• There are concerns regarding the undertaking of such a major project during tough economic times. This is something that needs to be done to keep on schedule for recreational needs of our youth. It is appropriate to be spending money to keep the economy going. The Ball Diamond Task Force has been very cognizant of the funding even before the Corona Virus epidemic and the economic ramifications of the virus. The task force wants to make sure that this is feasible and doable. The engineer firm has been helpful in that regard. The project will be done in phases. Waverly has needed this for 15 – 20 years. If items on the June 15<sup>th</sup> agenda are approved, the potential for breaking ground on June 16<sup>th</sup> would be possible. This phase came in about \$300,000 below estimate. The grading portion needs to be done all at one time. The target for fundraising is \$1 - \$1.5 million. If that does not happen, there are ways to reduce costs. The first two phases will be funded by the City. There will be a fair amount of time to get the fundraising kicked off. While they have already received some smaller grants, they are hoping to get some more grants. Due to bonding requirements, a maximum amount of \$700,000 can be spent on the athletic complex. More could be spent on the park improvements, such as: all-inclusive playground equipment, shelters, some of the parking lot, and drainage.

4a. Moved by Drenkow, seconded by Schneider to approve Resolution 20-77, awarding Contract for the Cedar River Park- Phase 1 Grading Project to Mehmert Tiling Inc. of Lime Springs, Iowa for the bid amount of \$709,016.89.

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

• WHKS & Co. has verified that Mehmert Tiling, Inc. is a very capable company. They have done other projects such as the ones at Riceville and the Cresco Airport.

F. Consent Calendar

1. Pay Request from Midland GIS Solutions, LLC for the GIS Data Collection 2019 for the amount of \$18,000.00.
2. Pay Request from Snyder & Associates for the 4<sup>th</sup> Street SW Reconstruction 2020 for the amount of \$8,872.24.
3. Pay Request from Chicago Central & Pacific for the 20<sup>th</sup> Street NW Reconstruction RR Crossing Improvements at 20<sup>th</sup> Street NW- 2018 for the amount of \$24,547.51.
4. ~~Pay Request from Schrader Excavating & Grading Co. for the Waverly Municipal Airport Obstruction Removal Project 2020 for the amount of \$8,082.12. (Removed from Agenda due to Not being ready for discussion.)~~
5. Pay Request from J.B. Holland for the Waverly Municipal Airport Runway 29 Extension 2018 for the amount of \$136,815.56.
6. Pay Request from Tiedt Nursery, LTD. for the E. Bremer Avenue Sanitary Sewer Extension 2019 for the amount of \$4,200.00.
7. Class B Native Wine Permit for Renewed Purpose.
8. Ownership update for Pizza Hut #4348.
9. Class B Beer License for Pizza Hut #4348.
10. Class C Liquor License for GT MillerTyme.
11. Cash Disbursements for April 2020.

Moved by Birgen, seconded by Rathe to approve the consent agenda as presented.

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

• Mayor Hoffman removed item number four (4) from the consent agenda due to the item not being ready for discussion.

G. Regular Business

1. Moved by Rathe, seconded by Glaser to approve Resolution 20-78, approving the purchase of a used 2016 Doosan G25E-5 forklift from Big River Equipment of Waterloo, Iowa for the purchase price of \$21,050.00 for the Public Works Department.

**Motion passed. Yes: 5 No: 2 (Beaufore, Schneider) Absent: 0**

• The used motorized forklift is considered an additional piece of capital equipment within the Public Works Department. The forklift will primarily be used at the Recycling Center to move pallets that are loaded with paper, magazines, books, etc. and load them onto the delivery truck. Currently, the City utilizes a skid loader. The forklift will also be utilized by the Streets Division and Equipment Services Division. Only qualified operators will be allowed to use the forklift. The City could purchase an older forklift at a lower cost. This option is not recommended because of the higher maintenance cost, shorter remaining life, and higher life cycle cost. The City of Waverly strives to routinely replace vehicles and equipment at the most optimum time. Old equipment incurs increasing maintenance costs and down time. New or slightly used vehicles and equipment improve productivity, safety, and reduce maintenance expenditures and down time. The recommended purchase of the used 2016 Doosan G25E-5 forklift follows the City's goal of improved efficiency and safety. The recycling center traded out a skid loader with a fork on it for a compact end loader. It is used for moving pallets that have the gaylords full of magazines and newspapers and such. These gaylords are loaded onto semi-trailers and trucks with this equipment. This is done on an occasional use rather than daily continuous use; therefore, staff felt like a used forklift would be the best investment for the City. Staff feels like the used forklift would serve the City for approximately 20 years before it would need to be replaced. Skid loaders are not intended for indoor use since they have gasoline or diesel engine. Forklifts are electric or gas powered.

Rathe called the question.

2. Moved by Birgen, seconded by Rathe to approve Resolution 20-79, approving the Iowa DOT City Bridge Funding Agreement for the reimbursement of up to a maximum of \$1,000,000 of eligible construction project costs for the replacement of the 3rd Street SE Bridge over the Cedar River.

**Motion failed. Yes: 3 (Birgen, Drenkow, Rathe) No: 4 Absent: 0**

• It is difficult to look at why we are doing this with the costs considered. Rebuilding 3<sup>rd</sup> Street SE is not a sure thing as timing for reconstruction of the road would depend on how quickly it would deteriorate. If no bridge is in place, the City would only continue usual road maintenance on the road as done with other residential streets. There would be an increase in traffic, but now, the Cedar River Parkway bridge is diverting some of the traffic. Eventually, the street would need to be redone. 3<sup>rd</sup> Street SE was last reconstructed in 1998 from 1<sup>st</sup> Avenue to 7<sup>th</sup> Avenue. It would be anticipated that the earliest the roadwork, sewer and water work would need to be done would be in 2025 or 2026. The goal would be to have the 3<sup>rd</sup> Street SE bridge done by October of 2022. The DOT may begin the Bremer Avenue Bridge in 2023 – 24 and, possibly, even in the winter of 2022. There are concerns for the downtown merchants if we don't do the 3<sup>rd</sup> Street SE Bridge during the time of the closure of the Bremer Avenue Bridge since neither of the Cedar River Parkway or Adams Parkway Bridges are ideal for accessing the downtown businesses. The downtown businesses have already taken hits due to having Bremer Avenue under construction recently and the Corona Virus. While there are concerns for the downtown merchants, there is also concern for flood access for that southeast part of town. If a pedestrian bridge were to be constructed, the appearance would be much like the pedestrian bridge at Barrick Road in Janesville. A one-lane bridge or pedestrian bridge with emergency vehicle access may not necessarily be cheaper. A pedestrian bridge was voted for once already.

The \$1 million federal funding would only be available for a two-lane bridge with no width, weight, or height limitations for a vehicle. A two-lane bridge would come with more traffic and more future costs; although, once the Bremer Avenue Bridge is completed and opened back up, it is likely that the traffic volume would decrease. It was also expressed that a two-lane bridge seems to be a wise decision for long term, rather than an expedient decision for the situation the City is in right now. Another comment was that a two-lane bridge is not appropriate for this neighborhood. We are unsure at this time how revenues will be impacted due to the Corona Virus situation, most likely it would be Hotel/Motel Tax, Road Use Tax (RUT), Local Option Sales Tax (LOST), and Property Tax. The Iowa League of Cities may push for the State to backfill the RUT. We have not seen a huge reduction in sales tax. The lack of Hotel/Motel Tax will be the hardest to recover from; however, those monies are not typically used for projects that have to be done. A portion of the approximate of \$2.3 million for the bridge would take place in the next fiscal year. What to do with this bridge has been an unanswered question for 15 – 20 years. This is never a financially easy thing to do and still isn't as things do not get cheaper as time goes by. Something needs to be done, either remove it and replace it or just remove it and have no bridge there at all. It is a common question from citizens to ask when are we getting a bridge at 3<sup>rd</sup> Street. The current budget impacts still pose concern. Infrastructure decisions need to be made that are best for the City for long term. What type of legacy will be left for the City with no bridge there? Has there been any quantitative research done? A traffic study will be finished in the fall. This will help to determine whether there is a need for another bridge to cross the river. The study completed by the 2003 task force looked at almost 30 points for goals for having a bridge of any type over the river. Things such as impact on the neighborhood, impact on downtown, and flood access. Traffic that is not going over the 3<sup>rd</sup> Street SE Bridge is just being diverted to another neighborhood. It would be nice to have another bridge to use in case of emergencies.

Birgen called the question.

3. Approve Resolution 20-80, approving the Professional Services Agreement with WHKS & Co. of Mason City, Iowa for the 3rd Street SE Bridge Replacement 2021 project for the not-to-exceed contract amount of \$237,900.00 including expenses.

**Died for lack of motion.**

4. Moved by Birgen, seconded by Glaser to approve Resolution 20-81, 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 if SRT funds are awarded.

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

- The City already has funding for this project. If awarded, it would allow the dollars to be freed up to use somewhere else. If the City is not awarded the funding, the project will still move forward with the City's funding that is already in place.

5. Moved by Glaser, seconded by Birgen to approve Resolution 20-82, approving the CARES Act Airport Grant Agreement for reimbursement of \$30,000 in eligible airport expense for the Waverly Municipal Airport.

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

- Funds will be received in mid to late August.

6. Moved by Rathe, seconded by Kangas to approve Resolution 20-83, approving Change Order No. 2 in the amount of a \$13,545.00 increase, accepting the Wavery Senior Housing Project 2019 as complete, approving Pay Application No. 13 in the amount of \$18,187.75, and

approving Pay Application No. 14 in the amount of \$93,396.85 as the final pay request to Steege Construction, Inc. of Waverly, Iowa.

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

7. Moved by Glaser, seconded by Drenkow to approve Resolution 20-84, approving a Plat of Survey to create the proposed Parcel F located south of 240th Street for Mark Lenius.

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

8. Moved by Birgen, seconded by Kangas to approve Resolution 20-85, directing the advertisement for sale of \$5,270,000 General Obligation Bonds, Series 2020A and \$700,000 Taxable General Obligation Bonds, Series 2020B, and approving electronic bidding procedures and Official Statement.

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

- \$900,000 of this bond is for the 3<sup>rd</sup> Street SE Bridge. This funding can be used for anything related to the 3<sup>rd</sup> Street SE Bridge such as: demolition, or a different pattern. It can be used to pay back the debt and not voting for it would not save the City any money.

9. Moved by Rathe, seconded by Drenkow to approve Resolution 20-86, A Resolution approving the acquisition of a 542 square foot right-of-way parcel for a new box culvert from Waverly Bowling Lanes, Inc. for \$1,094.00 for the 4<sup>th</sup> Street SW Reconstruction Project.

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

10. Moved by Kangas, seconded by Birgen to approve the First Reading of Ordinance 1074, an Ordinance providing for rezoning of Parcel ID 1006400005 and Parcel ID 1006400002 owned by the Bremer County Fair Association located to the east of 39<sup>th</sup> Street NE from A-1 (Agricultural District) to M-1 (Light Industrial District) and Setting June 15, 2020 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**

- The smaller parcel (1006400005) is located outside of the City limits and on the last reading it will be accompanied by an annexation into the City limits. There will be two entrances off of 39<sup>th</sup> Street, one to the south and one to the north. These are only preliminary plans.

11. Moved by Birgen, seconded by Kangas to approve the following Mayoral Appointments: Diana Blake, Elaine Main, and Andrew Kahler are reappointed on the Waverly Library Board of Trustees for terms expiring July 1, 2026.

David Huser is reappointed on the Planning and Zoning Commission for a term expiring May 1, 2025.

Lori Nelson is reappointed on the Board of Adjustments Board for a term expiring May 1, 2025.

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

H. Reports from Boards and Commissions

1. Leisure Services Commission Minutes; April 23, 2020; Received into record.
2. Monthly Financials; April, 2020; Received into record.

I. Staff Updates

- Leisure Services Director Garret Riordan communicated to Council that 88 trees were planted last week with the help of community volunteers, Trees Forever, City Staff, Councilmembers Ann Rathe and Rod Drenkow and his family. The last two Saturday's plantings took place in the Community Gardens. Lastly, staff is waiting to hear from Governor on requirements for when swimming pools can open. Depending on social distancing requirements, the pool may not open this summer.

J. City Council Comments

- Councilmember Rathe confirmed with Staff that the Waverly Area Veterans Post (WAVP) will not be putting the large flags up in the cemetery for this Memorial Day. The smaller ones at the graves will still be done and you can volunteer for helping with that.
- Councilmember Birgen shared that the Waverly Public Library will be opening their drive-up services beginning June 1. Birgen also requested that Council revisit the fireworks ordinance.
- Councilmember Glaser noted that the Chamber of Commerce has valuable information on their website for helping merchants and restaurant owners reopen. He also thanked the Chamber employees and Board members for their help and support during the Corona Virus.
- Councilmember Beaufore noted that interested volunteers can refer to the WAVP website of Facebook page for information regarding placement of flags in the cemetery. The contact person is Bob O'Hare, and his contact information is listed on those sites.
- Councilmember Kangas asked citizens to respect other people's decisions while the state is working on reopening during the Corona Virus.
- Guest Councilmember Harms thanked Council for the opportunity to participate in the May Council meetings, and he gave a shout out to the Veterans for Memorial Day.

K. Mayor's Comments

- Mayor Hoffman recognized that this week is National EMS week, and he gave a shout out to all the mutual aid responders, providers, and services.

L. Moved Kangas, seconded by Birgen to adjourn the meeting. Motion passed and the Council meeting adjourned at 8:46 P.M.

**Yes: 7      No: 0      Absent: 0**



Adam P. Hoffman, Mayor

ATTEST:



Carla Guyer, City Clerk