

Regular Meeting Minutes – August 3, 2020
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on August 3, 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 Adam Hoffman, 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 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 broadcasted on the normal public access channels. Staff strived to maintain the quality of the video and audio during that broadcast. Public access was available through this broadcast.

Meeting minutes were 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. Mayor Hoffman led the Pledge of Allegiance
- D. Moved by Birgen, seconded by Glaser to approval the agenda as presented.
Motion passed. Yes: 7 No: 0 Absent: 0
- E. Moved by Rathe, seconded by Beaufore to approve the July 20, 2020 regular meeting minutes.
Motion passed. Yes: 7 No: 0 Absent: 0
- F. Council welcome Will Alexander as the Guest Council person for August.
- G. Moved by Birgen, seconded by Kangas to approve a Proclamation proclaiming August 9-15, 2020 as American Wind Week.
Motion passed. Yes: 7 No: 0 Absent: 0
 - Councilmember Drenkow noted that he fully supports this proclamation, however, wind energy is something that is without controversy. Issues of property acquisition through eminent domain actions, opposition to the generation of wind energy, and etc.
- H. Public Hearing
 - 1. This was the date, time and place for a public hearing on Ordinance 1077, an Ordinance providing for rezoning of a Parcel owned by Robert and Lindee Juhl located to the west of Horton Road from R-4 (Multiple Family Residential District) to R-1 (Single Family Residential District).
 - **There were no oral or written public comments.**
 - **The public hearing was then closed.**

Moved by Drenkow, seconded by Birgen to approve the Third and Final Reading of Ordinance 1077, an Ordinance providing for rezoning of a Parcel owned by Robert and Lindee Juhl located to the west of Horton Road from R-4 (Multiple Family Residential District) to R-1 (Single Family Residential District).

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

- The property around this parcel is not currently zoned as a Single-Family Residential District (R-1). There are no guarantees what will or will not be built around them.
2. This was the date, time and place for a public hearing on Ordinance 1078, an Ordinance providing for rezoning of a Parcel owned by JCLJ Ventures, LLC located on 12th Street NE from A-1 (Agricultural District) to R-1 (Single Family Residential District).

- **There were no oral or written public comments.**
- **The public hearing was then closed.**

Moved by Birgen, seconded by Schneider to approve the Third and Final Reading of Ordinance 1078, an Ordinance providing for rezoning of a Parcel owned by JCLJ Ventures, LLC located on 12th Street NE from A-1 (Agricultural District) to R-1 (Single Family Residential District).

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

I. Consent Calendar

1. Pay Request from Farnsworth Group for the Public Services Center- North Addition 2021 for the amount of \$25,916.75.
2. Pay Request from Blacktop Service Co. for the Bituminous Seal Coat Program 2020 for the amount of \$180,446.48.
3. Pay Request from WHKS & Co. for the WPC Facility Improvements 2020 for the amount of \$15,272.48.
4. Pay Request from WHKS & Co. for the 3rd Street SE Bridge Removal for the amount of \$217.27.
5. Pay Request from WHKS & Co. for the Old WPC Dome Demolition 2020 for the amount of \$5,174.40.
6. Pay Request from McClure Engineering Co. for the Airport Apron Rehab 2020 for the amount of \$2,635.00.
7. Pay Request from McClure Engineering Co. for the Airport Runway 29 Extension 2018 for the amount of \$18,381.43.
8. Pay Request from JB Holland for the Airport Runway 29 Extension 2018 for the amount of \$292,420.54.
9. Pay Request from Baker Enterprises for the 20th Street NW Improvements 2020 for the amount of \$243,683.65.
10. Pay Request from Hall & Hall Engineers, Inc. for the Youth Ballfields 2019 (Cedar River Park) for the amount of \$25,288.40.
11. Pay Request from Mehmert Tiling, Inc. for the Cedar River Park (Bid Package 1- Grading & Utility Installation) for the amount of \$118,505.34.
12. Pay Request from Snyder & Associates for the Traffic Study 2020 for the amount of \$10,897.50.
13. Pay Request from Wicks Construction, Inc. for the 4th Street SW and 10th Street SW Improvements 2020 for the amount of \$349,726.12.
14. Class B Liquor License (Hotel/Motel) for Cobblestone Inn & Suites.

Moved by Rathe, seconded by Glaser to approve the Consent Calendar as presented.

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

J. Regular Business.

1. Moved by Birgen, seconded by Rathe to approve Resolution 20-114, awarding an Owner-Occupied Rehabilitation Contract to Kirvan Enterprises LLC of Altoona, Iowa for Project #1 of the Waverly CDBG Housing Rehabilitation Program and to amend the proposed Resolution 20-114 by striking the words, "Post-Flood", in the opening paragraph, and the words, "flood impacted", in the first paragraph that begins with "Whereas".

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

- Rose Phillips of Iowa Northland Regional Council of Governments (INRCOG) explained that since she had used a model from a different project to prepare the resolution, she inadvertently used the wording of Post-Flood and flood impacted. This wording was removed by motion above. These projects are created for low to moderate income housing for owner occupied housing. There are funds available through five-year forgivable loans. The location of these homes was confirmed as being in the northwest central portion of the City. Actual addresses were not mentioned in an effort to protect the privacy of the homeowners.

2. Moved by Birgen, seconded by Beaufore to approve Resolution 20-115, awarding an Owner-Occupied Rehabilitation Contract to Kirvan Enterprises LLC of Altoona, Iowa for Project #2 of the Waverly CDBG Housing Rehabilitation Program and to amend the proposed Resolution 20-115 by striking the words, "Post-Flood", in the opening paragraph, and the words, "flood impacted", in the first paragraph that begins with "Whereas".

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

- Kirvan Enterprises LLC of Altoona, Iowa was the only bidder on this project. Iowa Economic Development Authority (IEDA) gave permission to accept the bid even though it was approximately 17% higher than the expected cost. This project is a contributing structure in the historical district known as the Harmon and LeValley Addition. Kirvan was the only responsive bidder on project number 1.

3. Moved by Schneider, seconded by Glaser to approve Resolution 20-116, approving a plat of survey of Parcel J which combines Parcel ID 0526376010 and 206 Summit Drive for Brian Hunemuller.

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

- The applicant, Brian Hunemuller, has submitted a Plat of Survey of Parcel J for review. Parcel J would combine his properties and allow him to build an additional accessory structure that would not need to cross property lines. Currently, he cannot construct an accessory structure and meet current setback requirements on 206 Summit Drive, and he cannot construct an accessory structure on an undeveloped lot.

4. Moved by Drenkow, seconded by Birgen to approve Resolution 20-117, approving a façade reimbursement to Mission Properties, LLC in the amount of \$14,000.00 for façade improvements completed on the building at 117 E Bremer Avenue.

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

5. Moved by Rathe, seconded by Kangas to approve Resolution 20-118, approving the acquisition of Sewer Main Easements from Waverly Area Veterans Post (WAVP) for no monetary consideration and Gregory and Lisa Gasch for the sum of \$10,000.00 for the sewer main extension to serve Whitetail Bluff Subdivision.

Moved by Rathe, seconded by Kangas to amend the motion by removing the words, "Waverly Area Veterans Post (WAVP) for no monetary consideration and " and further amending Resolution 20-118 by removing the words, "Waverly Area Veterans Post (WAVP)" in the first paragraph; by removing the words, "by the Waverly Area Veterans Post (WAVP) and the other owned" in the third Whereas paragraph; remove the fourth, fifth, and sixth "Whereas" paragraphs in their entirety; and remove the words, "Waverly Area Veterans Post (WAVP) for no monetary consideration and" in the last paragraph.

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

- Due to not completing an agreement with Waverly Area Veterans Post (WAVP), staff recommended that Council remove that portion of the agenda item for consideration with the remainder still being considered. Most of the new Whitetail Bluff Subdivision cannot be served by connections with the existing sewer main in the right of way of Adams Parkway. Therefore, the most economical way of serving those lots is to extend a new 12- inch sewer main from the subdivision to a sanitary sewer manhole just north of the 5th Street NW cul-de- sac which then continues West to the existing lift station. This will cross two private properties including one owned by the WAVP and the other owned by Gregory and Lisa Gasch. The new main follows closely to the route that the WAVP used to connect its service line to the same existing sewer main. This allows the Waverly Area Veterans Post (WAVP) to upgrade their service line to a main. If there is more fill added, the WAVP may see more space for their parking lot. The \$10,000 is reimbursing the Gasch family for tree removal, landscape seeding and finish work.
6. Moved by Glaser, seconded by Birgen to approve Resolution 20-119, approving Contract, Bonds, and Certificate of Insurance from Heartland Asphalt of Mason City, Iowa and the Material Testing Services Agreement from TEAM Services of Des Moines, Iowa for an estimated cost of \$5,000.00 for the Business 218 North HMA Resurfacing 2020 project.

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

- This project involves asphalt resurfacing of Business 218 North from the intersection of West Bremer Avenue north to the City Limits. Two-foot wide paved shoulders will be added from West Bremer Avenue to the City Limits. The entire corridor will have a three-inch overlay of asphalt when it is done. This original roadway dates back to 1924. This repair should only be considered to last approximately ten (10) to fifteen (15) years and will possibly be looking at a total reconstruction at that time. There will be no curb and gutter since it will remain a rural section. Weather allowing, construction could begin the week of August 10 and is anticipated to take 25 days. Access for school buses must be maintained.
7. Moved by Drenkow, seconded by Birgen to approve Resolution 20-120, approving Change Order No. 1 in the amount of an increase to Division 1- 4th Street SW of \$11,198.47 and an additional eight (8) working days and to Division 2- 10th Street SW of \$35,367.00 and an additional four (4) working days for the 4th Street SW (IA 116) & 10th Street SW Improvements 2020 project.

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

- This change order addresses a variety of field adjustments needed to deal with unforeseen or changed conditions primarily related to utility conflicts.
8. Moved by Schneider, seconded by Kangas to approve Resolution 20-121, approving the relocation of a sanitary sewer main around St. John Church for an estimated cost of \$60,000.00 and approving the sanitary sewer main easement.

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

- In 1965, St. John Church was allowed to build over the City's sanitary sewer main. The reconstruction of 4th Street SW is providing opportunity to reroute the sanitary sewer main around the north side of the church. Staff has met with the Church Trustees, and they are in agreement with this project. The City will incur all costs to replace the 80-year old main since it will benefit the City as well.
9. Moved by Schneider, seconded by Beaufore to approve Resolution 20-122, approving the inspection and repair, snooper truck rental from Equipment Rental Company of Duluth, Minnesota for the estimated cost of \$6,000.00, and Professional Services Agreement with WHKS & Co. of Rochester, Minnesota for the not-to-exceed fee of \$8,500.00 for the sanitary sewer force main inspection located on the Adams Parkway Bridge.

- Motion passed. Yes: 6 No: 0 Absent: 1 (Schneider having technical difficulties at 7:51 p.m.)**
10. Moved by Glaser, seconded by Kangas to approve Resolution 20-123, approving the Federal Aviation Administration (FAA) Agreement for the total estimated cost of \$10,398.24 to provide a reconfiguration flight inspection of the PAPI on Runway 29 at the Waverly Municipal Airport (KC25).

Motion passed. Yes: 7 No: 0 Absent: 0 (Schneider able to join mtg. again at 7:54 p.m.)

- PAPI stands for Precision Approach Pathway Indicator. On approach, if the plane is at the right angle, a person can see the lights and is then able to visualize the runway. The PAPI needed to be repositioned toward the east end of the runway since the installation of the runway extension. This project is eligible for 90% federal funding by reimbursement.
11. Moved by Rathe, seconded by Beaufore to approve Resolution 20-124, approving Change Order No. 1 in the amount of a \$16,178.24 increase for the Cedar River Park- Phase 1 Grading Project.

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

- Change Order No. 1 is due to the headwall and backflow prevention system on the end of the existing section of pipe directly south of Crestwood Avenue. The size of the pipe was noted to be a 24" diameter reinforced concrete pipe (RCP), but after exposing the existing pipe it was discovered that the pipe was an uncommon 27" RCP. As to not reduce capacity of the existing storm sewer and due to the availability of pipe material, 30" RCP will be used in place of the 24" RCP specified in the plan set.

12. Moved by Drenkow, seconded by Kangas to approve Resolution 20-125 approving Construction Guarantees for the Whitetail Bluff public improvements.

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

- The developer' s (JDM Property Holdings, LLC) contractor Schmidt Construction has provided it with a performance bond. This bond has been amended to show the City of Waverly as an additional insured to allow the City to enforce the performance bond in the event of nonperformance. Steve Kerian, as the principal of JDM Property Holdings, LLC, has agreed to guarantee the obligations to complete public improvements and provide a maintenance guarantee in accordance with approved plans and specifications within two years after acceptance of the approval of the final plat.

13. Moved by Birgen, seconded by Kangas to approve the Third and Final Reading of Ordinance 1076, an Ordinance amending Chapter 37, Section 37.2 of the Waverly Municipal Code.

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

14. Moved by Rathe, seconded by Birgen to approve Resolution 20-126 requiring face masks be worn by any member of the public while being an occupant of a public building.

Moved by Kangas, seconded by Drenkow to amend Resolution 20-126 by rewording the last "Whereas" paragraph to read as follows: "Whereas, Council shall revisit Resolution 20-126 at the first Council meeting of each month".

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

The original motion was then voted on with an amended Resolution 20-126.

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

- Pressure from some of the public, some of the staff, and together with the number of Covid – 19 cases on the rise has caused this resolution to be brought to Council. The front office staff now have acrylic shields placed in front of them to allow more protection. Councilmember Birgen would support the right of the City Staff to protect their own health and require masks. Councilmember Beaufore agreed with the staff being able to protect their own health and respecting the health of others. Beaufore commented that some will be confused and think this is for everywhere in the public vs. just in the public buildings as listed on the resolution. She

questioned why the buildings are even open. City Administrator James Bronner explained that being open by appointment only is preferable. Councilmember Rathe expressed that being open will gradually advance the services that we provide to the public. She said that a compromise would be to require masks when in a City building. Rathe noted that she would be in favor of the proposed resolution. City Administrator Bronner confirmed that this resolution would require the general public to wear masks, and there will be a separate mask policy for employees. City Administrator Bronner asked for the authority to close the buildings at a later point. Councilmember Beaufore stated that she feels the building should be open only by appointment. She asked what the consequences would be if someone did not wear a mask. Councilmember Drenkow voiced that some areas require constant contact with people, such as, the Pro Shop, Recycling Center, and Yard Waste Site. Therefore, he would be in favor of closing the buildings and be open by appointment only for all buildings except the Pro Shop, Recycling Center, and Yard Waste Site. City Administrator James Bronner informed Council that there is an acrylic shield positioned at the Pro Shop and that Recycling Center employees can go into the office to isolate themselves. Beaufore interjected that she prefers staff wear masks first. Bronner responded that the staff will wear masks per memorandum. Councilmember Glaser expressed that he would like to see the mask requirement go into effect first. If this was not successful, then, we can look at closing the public buildings. Rathe noted that there are two separate issues. One is masks and one is appointments. Someone could make an appointment and then, refuse to wear a mask. She said that this should be tried for a few weeks first before closing public buildings. Councilmember Kangas raised concern for the last "Whereas" paragraph in the resolution. Kangas would like to see it reviewed on a monthly basis. He would also like to require the masks first. Councilmember Schneider expressed that he agreed with Kangas and Drenkow and added that this would allow for a quicker reaction as new information is available. Schneider added that mandating masks pits neighbor against neighbor and no where in history have we quarantined people to their houses or have healthy people wear masks. He needs to gather more information regarding negative impacts of people wearing masks. There is a lot of anxiety and fear in our society and wearing masks adds to the hysteria. Schneider added that there is no way that he would ever vote for this resolution. Councilmember Birgen voiced that he trusts the City staff to do what is best for their health and for the services that they provide. City Administrator James Bronner summarized that we would begin with requiring public to wear masks and if that doesn't work, we will go to public buildings being open by appointment only. Staff will bring it back to Council for review on September 14th. Bronner noted that with only having 2, 3, or 4 staff in some of our departments it could have a drastic impact on services that are provided if one or more contracted the virus.

15. Approval of the Mayoral Appointment.

Moved by Drenkow, seconded by Schneider to approve of the following Mayoral Appointment: Darius Robinson is replacing Peter Newell on the Historic Preservation Commission for a term expiring June 30, 2023.

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

K. Reports from Boards and Commissions

1. Library Board Minutes; May 2020; Received into record.
2. Library Board Minutes; June 9, 2020; Received into record.
3. Golf Commission Minutes; June 9, 2020; Received into record.
4. Leisure Services Commission Minutes; June 18, 2020; Received into record.
5. Library Board Minutes; July 8, 2020; Received into record.

L. Staff Updates

- Leisure Services Director Garret Riordan announced that Prairie Park now has a shelter and basketball slab. The park also now has a Pickleball court. There are still a few smaller items to take care of like seeding, etc. Riordan noted that a temporary hand sanitizer station has been added at Kohlmann Park. This was furnished by K Park and is experimental at this point. He also commented that the Community Gardens has recently experienced some food theft. This product is donated to various food pantries in the area and is not for private picking/harvesting. People are encouraged to go through the necessary process so they are able to benefit from the gardens as well.

M. City Council Comments

- Councilmember Birgen reminded citizens that the recently developed Human Equity and Diversity Task Force will hold their second meeting on Tuesday, August 4 at 6:30 in the Civic Center at City Hall. A question to keep in the forefront is why aren't more people feeling comfortable to move to Waverly.
- Councilmember Rathe announced that the Heritage Days Golf Tournament will be held August 29th at the City course as a fundraiser. Rathe also thanked Officer Stephens for stopping by the Black Lives Matter gathering on Sunday, August 2. They had a valuable conversation, and he answered questions regarding training that the officers receive.
- Councilmember Drenkow expressed that he has still been hearing fireworks and added that we need to find some way to strengthen the enforcement.
- Councilmember Schneider commented regarding the flashing yellow beacons. Although they are better than nothing, he said they do not stop traffic, and they give pedestrians a false sense of security.
- Councilmember Kangas asked the public to be courteous and wear masks. He also noted that Iowa's tax-free holiday is Friday, August 7, and Saturday, August 8.
- Guest Councilmember Will Alexander thanked Council for the opportunity to sit in on the Council meeting.

N. Mayor's Comments

- Mayor Hoffman noted that 12U baseball received second place at the tournament held in Independence on August 2. This weekend, August 7 and 8, is the State teams' tournament for the 12U programs that we have.

O. Moved by Kangas, seconded by Schneider to adjourn the meeting. Motion passed and the Council meeting adjourned at 8:53 P.M.

Yes: 7 No: 0 Absent: 0



Adam P. Hoffman, Mayor

ATTEST:



Carla Guyer, City Clerk