

Regular Meeting Minutes – August 17, 2020  
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on August 17, 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. 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. Moved by Birgen, seconded by Rathe to approve the agenda as presented.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- D. Moved by Drenkow, seconded by Birgen to approve the July 27, 2020 study session minutes and the August 3, 2020 regular meeting minutes.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- E. Consent Calendar
  - 1. Pay Request from SAM, LLC (formerly known as Midland GIS Solutions, LLC) for the GIS Data Collection 2019 for the amount of \$8,815.00.
  - 2. Pay Request from Snyder & Associates for the 4<sup>th</sup> Street SW and 10<sup>th</sup> Street SW Reconstruction 2020 for the amount of \$55,546.15.
  - 3. Pay Request from Construction Materials Testing for the Airport Runway 29 Extension 2018 for the amount of \$7,087.50.
  - 4. Pay Request from McClure Engineering Co. for the Airport Runway 29 Extension 2018 for the amount of \$11,802.85.
  - 5. Pay Request from Mehmert Tiling, Inc. for the Cedar River Park (Bid Package 1- Grading and Utility Installation) for the amount of \$101,619.75.
  - 6. Pay Request from Wicks Construction Inc. for the 4<sup>th</sup> Street SW & 10<sup>th</sup> Street SW Improvements 2020 for the amount of \$343,406.51.
  - 7. Cash Disbursements for July 2020.Moved by Birgen, seconded by Schneider to approve the Consent Calendar as presented.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- F. Regular Business
  - 1. Moved by Rathe, seconded by Birgen to approve Resolution 20-127, approving a façade reimbursement to Gerald Woodin in the amount of \$5,700.00 for façade improvements completed on the building at 203 E Bremer Avenue.

- Motion passed. Yes: 7 No: 0 Absent: 0**
2. Moved by Glaser, seconded by Kangas to approve Resolution 20-129, approving the Federal Aviation Administration (FAA) Grant Agreement for federal assistance for moving and relocation expenses for Marv Schmidt and easement acquisition from James Janssen totaling \$59,826.83 as part of the Airport Safety Zone project at the Waverly Municipal Airport.
- Motion passed. Yes: 7 No: 0 Absent: 0**
3. Moved by Drenkow, seconded by Schneider to Resolution 20-130, accepting the Bituminous Seal Coat Program 2020 as complete, approving Change Order No. 1 in the amount of a \$3,815.84 decrease, and approving Pay Estimate No. 2 in the amount of \$21,516.18 as the final pay request to Blacktop Service Co. of Humboldt, Iowa.
- Motion passed. Yes: 7 No: 0 Absent: 0**
- City Engineer/Public Works Director Mike Cherry explained the difference between slurry seal and seal coating. Seal coating is a thin surface treatment that helps to improve the longevity of an asphaltic pavement. It is fuel-based solvent and seems to be more flexible by softening in the heat to seal the cracks. The slurry seal is a very liquid water-based solvent that can be pushed around with the use of a squeegee which tends to be more brittle when dry. Slurry seal is approximately twice the cost per square yard. To date, the slurry seal has only been used on full-depth asphalt pavements that have a normal crown. It would not be a good choice for a residential street that has an excessive crown. In parking lots, the seal coat tends to tear and bring oil to surface which is then dragged into businesses.
4. Moved by Schneider, seconded by Rathe to approve Resolution 20-131, accepting the Exchange Building Project as complete and approving Pay Estimate No. 4 in the amount of \$5,680.23 as the final pay request to Mätt Construction of Sumner, Iowa.
- Motion passed. Yes: 7 No: 0 Absent: 0**
- Staff confirmed for Council that all punch items have been completed in total satisfaction. The restroom is now open. There are indoor and outdoor/garage areas that may be reserved in the future. It is the hopes that this building will be used as Santa's House this season. With no restrictions, the capacity of the indoor area is about 24 and the same with the outdoor/garage area. The indoor is heated and airconditioned.
5. Moved by Birgen, seconded by Kangas to approve Resolution 20-132, approving to preserve a span of the 3<sup>rd</sup> Street SE Bridge for approximately \$55,000.00.
- Moved by Beaufore, seconded by Drenkow to amend Resolution 20-132 by replacing the words, "preserve a section of the 3<sup>rd</sup> Street SE Bridge", in the introductory paragraph, with the words, "memorialize the 3<sup>rd</sup> Street SE Bridge"; and to delete the 4<sup>th</sup> Whereas in its entirety; and further amend the resolution by replacing the words, "preserve a span of the 3<sup>rd</sup> Street SE Bridge for approximately \$55,000.00" with the words, "memorialize the 3<sup>rd</sup> Street SE Bridge for a not-to-exceed amount of \$7,000" in the Now Therefore paragraph.
- Motion passed. Yes: 7 No: 0 Absent: 0**
- Moved by Birgen, seconded by Kangas to call the question on the amendment of the resolution.
- Motion passed. Yes: 7 No: 0 Absent: 0**
- The original motion was then voted on as the resolution was amended.
- Motion passed. Yes: 7 No: 0 Absent: 0**
- Councilmember Schneider expressed that \$55,000 seemed like a rather high amount to pay for preserving a span of the bridge. Councilmember Beaufore agreed regarding the estimated cost of preserving a portion of the bridge. Ms. Beaufore expressed that she is concerned for placing the span of the bridge next to Brookwood Park because she is worried about it getting moved during a major flood or become something dangerous for people down river. Beaufore would prefer something much smaller scale similar to what Waverly already has

for other sites such as: rocks or pictures with a story of the history. Councilmember Rathe noted that she has not had a lot of public feedback in favor of preserving a span of the bridge. Rathe added that she is not concerned of it floating away during a flood. She did pose a question of what a display might cost that would be similar to those by the Bremer Avenue Bridge regarding the history of the dam. Rathe suggested locating such a tribute in the South Riverside Park so it would overlook that area and have more access for people to view or possibly placing it next to where the current bridge is if there is ever another bridge installed at that location. Staff informed Council that the tributes located near the dam cost \$2,000 a piece for each picture. Councilmember Schneider said that he had in mind to use some small section of the bridge with no concrete plans of turning it into art or something like that unless one of the Commission would have a grand plan for this. Councilmember Birgen has heard a lot of concerns regarding liability issues with placing a portion of the bridge in the Brookwood Park. People may climb on it and fall, etc. Birgen added that he agrees with Councilmember Rathe that some kind of tribute like a picture or engraving of what the bridge used to look like to help memorialize the bridge would be nice, possibly, something in South Riverside Park that is overlooking the area where the bridge used to be or by putting a marker at the site of where the bridge used to be. He expressed that the \$55,000 price tag seems high for the benefit that would be seen. Birgen suggested maybe having an ad hoc committee to help decide how to memorialize the bridge. Councilmember Kangas stated that he would worry about the timing of a committee. Kangas also inquired whether WHKS, Inc. would give the City several options of ideas for the bridge. Staff informed Kangas that the approximate cost of \$55,000 was to pick up the span and move a piece into the park. WHKS will need to amend the agreement to provide for changes the Council may decide to make. Councilmember Drenkow is in favor of doing plaques similar to what is located near the dam. Councilmember Rathe stated that she likes the idea of setting a budget and wonders how the amount of \$7,000 was arrived at. Councilmember Beaufore replied that she took the numbers supplied by Mr. Riordan and added a little for cost increase due to number of pictures and local preparation may cost a little more. Rathe suggested having the Historical Preservation Commission or the Library take a look at how the bridge can be memorialized. Staff will bring ideas back to Council for the Study Session in September.

6. Moved by Birgen, seconded by Rathe to approve the First Reading of Ordinance 1079, an Ordinance amending Section 104.4.01 Fireworks of the Waverly Municipal Code and Setting September 14, 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: 6 No: 1 (Beaufore) Absent: 0**

• Mayor Hoffman highlighted the proposed changes. If this proposed ordinance amendment should pass, it would then be the responsibility of City Administrator James Bronner to process the display permits and the insurance liability requirements for displaying them. Use of consumer fireworks would be allowed on July 3 and 5 between the hours of noon and 10:00 p.m. and on July 4 between the hours of noon and 11:00 p.m. December 31<sup>st</sup> remains unchanged, and on January 1, fireworks would be allowed between the hours of noon and 10:00 p.m. Councilmember Drenkow informed that consumer fireworks are fireworks that can be bought locally, for example, from one of the businesses that put up a tent to sell fireworks temporarily and display fireworks would not be for sale in such tents and there would need to be a permit obtained by whoever is setting them off. This can be more defined within the Iowa Code. Councilmember Kangas noted that after hearing even more citizen feedback he would be in favor of an outright ban of fireworks usage in the City limits. Kangas added that he would like to also consider a ban as an amendment when this ordinance comes back for a public hearing. Councilmember Rathe agreed with Kangas, but she also received feedback from people

that feel the three-day window is a good compromise. Councilmember Beaufore commented that she feels we shouldn't make decisions based on this recent 4<sup>th</sup> of July Holiday since this year had extreme circumstances. Councilmember Rathe noted that she had seen things from previous years before the Corona Virus Pandemic. Things such as: burn holes in siding of houses and firework debris scattered and Covid – 19 should not be used as an excuse for illegal behavior. She added that it will be good to get input from the public at the public hearing notice. Councilmember Drenkow emphasized the need for enforcement of the ordinances. Councilmember Rathe urged citizens to talk to their legislators to push for local governments to have the ability to restrict sales of fireworks. City Administrator James Bronner commented that most of the time one neighbor doesn't want to testify against another neighbor. Police Chief Richard Pursell noted that the police department experienced 18 calls for service from June 1 through July 8. He said it is difficult to respond if there are no calls for service. Councilmember Drenkow said that you can't always work off of calls. Drenkow offered ideas of publicity of our ordinances or promoting phone numbers. Councilmember Schneider shared that he feels a total ban could backfire on the City. Schneider expressed that we should work to funnel the behavior down in a neighborly way. Councilmember Birgen commented that there have been three (3) years with the Code as it is written with the two (2) week window to allow fireworks. That may seem excessive for many people. Three (3) days is a good compromise. However, this may need a couple of years to see how it works. Councilmember Beaufore noted that many people do not want to drive to Shell Rock and be a part of a large crowd. Waverly does not currently offer a firework display for the 4<sup>th</sup> of July.

G. Reports from Boards and Commissions

1. Monthly Financials; July, 2020; Received into record.

H. Staff Updates

- There were none.

I. City Council Comments

- Councilmember Rathe commented on how inspiring it is to see people working together to clean up after the Derecho storms. If people would like to volunteer, please go to websites to volunteer to help with clean up or to donate to organizations like United Way or various food banks.
- Councilmember Birgen reminded people that school is close to getting started. Waverly-Shell Rock schools will begin on Monday, August 24 and Wartburg College will have people moving in this weekend (the 21<sup>st</sup> – 23<sup>rd</sup>) and some classes will begin that same week.
- Councilmember Beaufore reminded everyone that there will be another Human Equity and Diversity meeting on Tuesday the 18<sup>th</sup> at 6:30 p.m. She also announced that the Waverly-Shell Rock School District Athletic Department is collecting water and non-perishable food items at the Go Hawk Stadium to help those affected by the storms. Collection will be from 7:00 a.m. to 7:00 p.m. from August 19<sup>th</sup> through August 21<sup>st</sup> at the entrance of the stadium.
- Councilmember Glaser thanked City staff for enforcing the Covid – 19 safety guidelines that are in place for the City buildings. He also thanked staff for continuing to host meetings via Zoom meetings.
- Guest Councilperson Will Alexander thanked Council for this opportunity to participate in the meetings.

J. Mayor's Comments

- Mayor Hoffman recognized the Kids Who Care for holding a public bake sale on August 8<sup>th</sup> to help those with medical challenges for a local family. They well exceeded their goal of \$250. The Farmers' Market had plenty of wonderful produce, honey, etc. Please join them on Tuesdays and Saturdays. Heritage Days is still collecting cans at the bin located at Fareway, and they currently have

t-shirts on sale. Hoffman said he has already made contributions to those affected by the Derecho and intends to go help out as well.

K. Moved by Schneider, seconded by Kangas to adjourn the meeting. Motion passed and the Council meeting adjourned at 8:06 P.M.

**Yes: 7    No: 0    Absent: 0**



Adam P. Hoffman, Mayor

ATTEST:



Carla Guyer, City Clerk