

Regular Meeting Minutes – September 14, 2020  
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on September 14, 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 Schneider to amend and approve the agenda by removing Regular Business Item number 12.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- E. Moved by Birgen, seconded by Rathe to approve the August 17, 2020 regular meeting minutes and the August 24, 2020 study session minutes.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- F. Guest Councilperson  
The Guest Councilmember for September will be Conni Miller.
- G. Public Hearing
  - 1. This was the date, time and place for a public hearing on Ordinance 1079, an Ordinance amending Section 104.4.01 Fireworks of the Waverly Municipal Code.
    - There were two emails (one from Tom & Renee Lloyd and one from Michael Austin), both were in favor of banning 100% of fireworks within the City Limits, except that the Lloyds felt that to be fair two or three days would be plenty and Mr. Austin also communicated that he could put up with them on July 4th.
    - **The public hearing was then closed.**Moved by Glaser, seconded by Birgen to approve the Second Reading of Ordinance 1079, an Ordinance amending Section 104.4.01 Fireworks of the Waverly Municipal Code.  
Moved by Kangas, seconded by Drenkow to amend the ordinance by placing a 100% ban of fireworks within the City.  
**Motion failed. Yes: 1 (Kangas) No: 6 Absent: 0**  
The original motion was then voted on.  
**Motion passed. Yes: 5 No: 2 (Kangas, Beaufore) Absent: 0**
    - Due to comments favoring the banning of fireworks, it was moved to ban them. There were members of the Council that felt that having July 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> as the days allowed for using fireworks would be a good compromise to banning fireworks usage. It would be good to try this for two or three years and then, review it. It was expressed that enforcement needs to be worked on as a

City by making sure people understand what the ordinance is. More communication and awareness would be helpful. It seems to be somewhat confusing as to when and where a person can or cannot use fireworks. Two weeks seems to have impeded on a lot of people's well-being. This was a problem for pet owners and people with P.T.S.D. It doesn't seem right to ban fireworks when State law allows the sale of them; although, a total ban would make enforcement easier.

H. Consent Calendar

1. Approve a Change Order to the Owner-Occupied Rehabilitation Contract for Project #1 of the Waverly CDBG Housing Rehabilitation Program for an increase of \$4,450.00.
2. Set the Public Hearing date for October 19, 2020 at 7:00 P.M. in the Council Chambers of City Hall to review the Old WPC Dome Demolition 2020 project Plans, Specifications, Form of Contract and Estimated Cost.
3. Set the Public Hearing date for October 5, 2020 at 7:00 P.M. in the Council Chambers of City Hall for the construction of South Riverside Shelter & Plaza.
4. Pay Request from Farnsworth Group for the Public Services Center- North Addition 2021 for the amount of \$44,113.20.
5. Pay Request from WHKS & Co. for the WPC Facility Improvements 2020 for the amount of \$28,224.96.
6. Pay Request from WHKS & Co. for the Adams Parkway Bridge- Sanitary Sewer Force Main Inspection & Repair 2020 for the amount of \$139.84.
7. Pay Request from WHKS & Co. for the Old WPC Dome Demolition 2020 for the amount of \$707.52.
8. Pay Request from WHKS & Co. for the 3<sup>rd</sup> Street SE Bridge Removal for the amount of \$1,529.04.
9. 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 \$250.00.
10. Pay Request from Heartland Asphalt Inc. for the Business 218 North Resurfacing 2020 for the amount of \$726,562.69.
11. Pay Request from Hall & Hall Engineers, Inc. for the Youth Ballfields 2019 (Cedar River Park) for the amount of \$21,392.25.
12. Pay Request from Mehmert Tiling, Inc. for the Cedar River Park (Bid Package 1- Grading & Utility Installation) for the amount of \$154,181.29.
13. Pay Request from Snyder & Associates for the Traffic Study 2020 for the amount of \$2,976.00.
14. 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 \$1,113,160.37.
15. Pay Request from Baker Enterprises for the 20<sup>th</sup> Street NW Improvements 2020 for the amount of \$303,571.05.
16. Pay Request from Steege Construction, Inc. for the Harlington Cemetery Storage Building project for the amount of \$12,018.00.
17. Class C Liquor License for The Other Place II.

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

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

- Traffic counts are still being affected by the Novel Coronavirus and Wartburg College and Public Schools not being in session until recently. The traffic study will conclude once the construction on 4<sup>th</sup> Street SW is completed and traffic normalizes. It is hoped that the traffic study will be completed by late November or early December.

I. Regular Business.

1. Moved by Birgen, seconded by Rathe to approve Resolution 20-145, adopting the 2020 Housing Needs Assessment prepared by the Iowa Northland Regional Council of Governments (INRCOG).

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

- Rose Phillips of INRCOG reviewed the study for Council. Council voiced that they would like to discuss housing needs during an upcoming planning session. Specific items they would like

to discuss are: why the City is not meeting the demands for moderately priced housing and what the role is of the City to encourage that. They mentioned that it may be valuable to have the Economic Development Commission involved in such a discussion as well. There would also be value in looking for ways to reduce costs for builders. The need for affordable housing should be tied into how the businesses have a hard time finding sufficient employees. Statewide median rent of \$740 vs. Waverly median rents of \$648 is difficult to explain since we don't know how much that has changed given new housing that has come online in the recent three years. Out of 200 houses that have come online in the past three years, there are 170 – 180 that are not restricted to people over a certain age. Many of the prospective renters desire more moderately priced housing. Housing needs has not yet been a topic of discussion at the Human Equity and Diversity Task Force. The Economic Development Commission is planning to discuss this type of housing questions in October.

2. Moved by Schneider, seconded by Glaser to approve Resolution 20-135, approving a preliminary plat for JCLJ Ventures LLC for a residential development to consist of four (4) total lots for the proposed Walnut Ridge Subdivision on property located off of 12<sup>th</sup> Street NE.

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

3. Moved by Kangas, seconded by Birgen to approve Resolution 20-144, approving the designation of two (2) parking spaces in the City of Waverly parking lot at the corner of 1<sup>st</sup> Avenue and 3<sup>rd</sup> Street SE for Electric Vehicle (EV) charging stations.

**Motion passed. Yes: 6 No: 1 (Schneider) Absent: 0**

• This project would be funded from a Volkswagen Settlement Environmental Mitigation Trust (VWSEMT) and the I.D.O.T. is overseeing the settlement funds through grants. In July 2020, Waverly Utilities was informed that they would be eligible for partial reimbursement to install a Level II community EV charging station in Waverly. The potential grant reimbursement is limited to ninety percent of eligible cost or \$15,000, whichever is less. Council feels like this is a forward-thinking step. EV charging systems are becoming somewhat necessary in towns and cities for those with electric vehicles that travel. These type of charging stations can help with economic growth since drivers seem to map out their trips as to where the charging stations may be located. While their vehicle charges, they may choose to shop or just walk around the downtown. Curt Atkins of Waverly Utilities explained that the electricity that is sold through the charging station is a metered source of electricity. The fee to the consumer has not yet been set; however, this will be a revenue neutral venture. The payment can be made through an app on the customer's phone or from their automobile, or by swiping a card at the charging station. The fees will be used for annual support and maintenance expenses. The company that bid on this was called Charge Point. Charge Point will complete all the billing to the customers. Annual EV maintenance and Support together with Cloud support is roughly about \$1,300/year. Waverly Utilities is asking to paint two parking spaces green and to be designated for use as EV charging stations. Waverly Utilities is responsible for installing the infrastructure. This will eliminate two parking spaces for fuel operated vehicles. Possibly more people would buy electric vehicles if there were more places to charge them. CUNA Mutual did not have their EV Chargers in place long enough before COVID-19 to be able to gauge an average usage. There has not been any communication with the Cobblestone Inn to find out their feelings on this. Waverly Utilities contracted with DGR Engineering to complete an EV study for the Waverly Community. If this is approved, Waverly Utilities will apply to "Plug Share", which is a nationally recognized EV charging network so EV operators can see where EV chargers are located around the country. The majority of charging stations will be or are, located in people's garages. There are three levels of charging stations with level three being the fastest. Level two charger is what is being proposed. After charging for one hour on a level two charger will probably give someone anywhere from a 25 to a 70-mile range. This should help downtown development with those traveling that need to stop to charge their vehicle.

4. Moved by Birgen, seconded by Glaser to approve Resolution 20-136, approving an additional façade reimbursement request to Gerald Woodin in the amount of \$3,000.00 for façade improvements completed on the building at 203 E Bremer Avenue.  
**Motion passed. Yes: 7 No: 0 Absent: 0**  
• This amount was in the original plan and it was a matter of getting all receipts submitted.
5. Moved by Drenkow, seconded by Rathe to approve Resolution 20-137, approving Contract Change Order in the amount of an increase of \$22,666.56 and contract payment of \$78,950.00 less \$3,947.50 (5% retainage) to Wells Hollow Landscaping of Waverly, Iowa for the Waverly Streetscape Tree Project 2020 for the total amount of \$97,669.06.  
**Motion passed. Yes: 7 No: 0 Absent: 0**  
• The City expected the space to be clearer based on the understanding of the project when Highway 3/Bremer Avenue was reconstructed. There seemed to be confusion with the open pits and having so many contractors performing different jobs all at the same time. 16 of the 19 holes had difficulty of being dug. There was discussion of where the conduits were placed. Some of the conduits were expected; however, it was not expected to have multiple ones. Both the tree root balls and the conduit are expected to be accommodated by the box structures. This project ended up under budget, especially, when figuring in the \$25,000 Railroad and America in Bloom grant.
6. Moved by Rathe, seconded by Birgen to approve Resolution 20-138, approving a Contract with Green Image Landscapes of Waverly, Iowa for \$7,988.98 for streetscape display on the 4 Queens corner pursuant to Development Agreement.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
7. Moved by Birgen, seconded by Rathe to approve Resolution 20-139, approving the allocation of streetscape funds in the amount of \$3,750.00 to pay the balance of a wall mural to be located at 214 E. Bremer Avenue, Waverly.  
**Motion passed. Yes: 7 No: 0 Absent: 0**  
• Council liked the rendering of the mural that will be painted. The artist, Dan Hatala, is graciously completing this mural at a reduced rate. The color of the banners was noted.
8. Moved by Schneider, seconded by Drenkow to approve Resolution 20-140, accepting the Crack Cleaning and Filling Project 2020 as complete and approving Pay Estimate No. 1 in the amount of \$8,180.96 as the final pay request to Kluesner Construction Inc. of Farley, Iowa.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
9. Moved by Rathe, seconded by Kangas to approve Resolution 20-141, approving the Professional Services Agreement with WHKS & Co. of Mason City, Iowa for the Rolling Prairie Trail Extension 2021 project for the not-to-exceed amount of \$24,880.00.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
10. Moved by Schneider, seconded by Glaser to approve Resolution 20-142, approving SRF Sponsored Water Quality Project application for a water resource restoration-sponsored project located in northwest Waverly.  
**Motion passed. Yes: 7 No: 0 Absent: 0**  
• The State Revolving Fund (SRF) Sponsored Projects program makes available an additional 10% of the borrowed SRF loan principle for water quality improvement projects. The proposed water quality improvement project identified for Waverly involves working through the Iowa Department of Agriculture and Land Stewardship (IDALS) to construct wetlands in the Dry Run Creek in northwest Waverly near 20th Street NW. The purpose of the project is to help mitigate nutrient and nitrate runoff from agriculture land that may be adversely affecting water quality. Since 2013, the City has been planning for the replacement of the Trickling Filters and the renewal of the Iowa DNR NPDES permit. As Waverly continues to grow and EPA regulations change, there is a regulatory requirement to modify Waverly's treatment process used to remove nutrients from the wastewater. The project is to eliminate the trickling filters and replace them with an activated sludge system. This is not funding that has to be paid back. This is primarily a nitrate and nutrient reduction project.

There will be some flood mitigation benefit, but the project is really geared toward wetland and water quality. Since this area is and will be, somewhat of a bird habitat, this was taken into account with the airport so close by. Eisenach Village also has a nice pond so it is not seen as a major issue for the airport. Staff does not have numbers as to how the farmland in this area contributes to the nitrate levels or how this project will help to improve those numbers. Staff will try to find out those numbers. The interest from the SRF should cover the entire costs from the property acquisition and going forward. This will be a side benefit from receiving the SRF dollars. We are hoping to see a benefit on the east side of Waverly in the ground water. These types of projects are usually geared toward surface runoff. They are interested in seeing what is being discharged to the river. The ultimate goal is doing nitrate and nutrient reduction before it gets to the river. A companion project that they may fund with some cover cropping. This type of project would have more of an impact on the nitrates and nutrients and may provide additional benefit to the groundwater system around well #8.

11. Moved by Glaser, seconded by Rathe to approve Resolution 20-143, approving the option to purchase approximately 8 acres of real estate from James P. Janssen and Sandra S. Janssen for the not-to-exceed amount of \$15,000 per acre for a purchase price of approximately \$120,000 with the City paying the closing costs for the proposed SRF water resource restoration-sponsored project located in northwest Waverly.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
12. Resolution 20-128, a Resolution approving the acquisition of Sewer Main Easements from Waverly Area Veterans Post (WAVP) for the sewer main extension to serve Whitetail Bluff Subdivision. This item was removed from the agenda at the beginning of the meeting.
13. Moved by Drenkow, seconded by Birgen to approve Resolution 20-134, approving the Street Finance Report for FY 2019-20.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
14. Revisit and potentially amend Resolution 20-126, a Resolution requiring face masks be worn by any member of the public while being an occupant of a public building.
  - Numbers of Novel Coronavirus in Bremer County are not going down. It seems like most literature regarding the virus determines that wearing masks is the most effective way to protect against the spread of the virus to others. This virus causes many A-symptomatic cases so people don't know if they would be spreading the virus or not. Washing hands and not touching your face are other ways to help protect against the spread. City staff has not experienced any push back from people regarding the mask requirement. It does not feel like the time to abandon the policy and no changes need to be made. Council will again revisit this resolution during the 1<sup>st</sup> meeting of each month.

J. Reports from Boards and Commissions

1. Historic Preservation Commission; June 22, 2020; Received into record.
2. Library Board Minutes; July 14, 2020; Received into record.
3. Leisure Services Commission Minutes; July 16, 2020; Received into record.
4. Civil Service Minutes; August 28, 2020; Received into record.

K. Staff Updates

- Leisure Services Director Garret Riordan announced that staining of the Rail Trail Bridge will happen on September 15<sup>th</sup> & 16<sup>th</sup> due to the weather on Friday, September 11<sup>th</sup>. Volunteers are needed. The bridge will remain open. The golf disc baskets that were damaged/destroyed in the high-water event in the Spring of 2019 have now been replaced in Brookwood Park. The concrete pads need to be in place for the tee boxes though. Saturday, September 26, will be the last day for the Community Gardens this season. Volunteers are needed to help with garden clean up.
- City Engineer/Public Works Director Mike Cherry updated Council on street projects for this year. 4<sup>th</sup> Street SW - this week they are finishing up with the water main, storm sewer work, and box culvert. Next week, they will do finish grading and put sub-base down with the intent that the week of

October 5, they plan to be able to begin the paving operation. 10<sup>th</sup> Street SW – is now open to the public, not completely finished. 20<sup>th</sup> Street NW – is also now open to the public, not completely finished. Business 218 North – was finished on September 11<sup>th</sup> with temporary markings. The permanent markings still need to be completed. Cedar River Park – will likely be winding down in two – three weeks. With the amount of rain that we have seen recently, it is good to see that the storm water management system is working. Currently, they fill with water and are pumped out, due to the outlet structures having some filter fabric over them to keep the soil from plugging them up. After the project is completed, they will retain water, temporarily, and then, release it over time. This is planned for storm water management. Staff hopes that 4<sup>th</sup> Street SW is open before Thanksgiving.

L. City Council Comments

- Councilmember Schneider mentioned a book called, *The Death & Life of Great American Cities*. He then spoke about customer service skills.
- Councilmember Kangas noted that on October 30<sup>th</sup> the Heritage Days Committee held a fundraising Golf Event that was a nice turnout for the first year (even though the band was not able to make it).
- Guest Council Person Miller thanked Council for the opportunity to participate.

M. Mayor's Comments

- Mayor Hoffman noted that he passed a letter on to the Council that was from Craig Mehmen. Hoffman commented that he recently enjoyed a physically distanced tour of the golf course. He also noted that the Heritage Days Golf Tournament was attended nicely. Waverly hosted a soccer tournament on August 29<sup>th</sup> that seemed to draw people from out of town. The Lions Club is going to host a drive-thru pancake breakfast on Sunday, September 20<sup>th</sup>.

N. Moved by Kangas, seconded by Birgen to adjourn the meeting. Motion passed and the Council meeting adjourned at 8:52 P.M.

**Yes: 7    No: 0    Absent: 0**

  
Adam P. Hoffman, Mayor

ATTEST:

  
Carla Guyer, City Clerk