

Regular Meeting Minutes – May 20, 2019
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on May 20, 2019 at 7:00 P. M. at City Hall. Mayor Soash presided.

- A. Mayor Soash called the meeting to order.
- B. Roll Call
Present: Birgen, Drenkow, Kangas, McKenzie, Sherer, and Waldstein
Absent: Rathe
- C. Moved by Birgen, seconded by Kangas to approve the agenda as presented.
Motion passed. Yes: 6 No: 0 Absent: 1
- D. Moved by Drenkow, seconded by Birgen to approve the April 22, 2019 study session meeting minutes.
Motion passed. Yes: 6 No: 0 Absent: 1
- E. Public Hearing
1. This was the date, time and place for a public hearing on the Fiscal Year 2019 Budget Amendment.
- **There were no oral or written public comments.**
 - **The Public Hearing was then closed.**
- Moved by Drenkow, seconded by Birgen to approve Resolution 19-83, Resolution approving amending the FY 2019 budget.
Motion passed. Yes: 6 No: 0 Absent: 1
- Finance Director Jenifer Mein explained that it is necessary to amend the budget if any of the nine function areas exceed or might possibly go over their budgeted amount. Several construction projects budgeted to be paid in 2018 FY were not finished so final payments weren't made until 2019 FY. Therefore, these accounts need to be amended.
2. This was the date, time and place for a public hearing on Ordinance 1062, an Ordinance amending Section 104.4.01 Fireworks of the Waverly Municipal Code.
- Tom Lloyd spoke in favor of banning firework usage or at minimum restrict usage to the day of the 4th.
 - Michelle Chavez spoke in favor of leaving the ordinance as it is today.
 - **The Public Hearing was then closed.**
- Moved by Sherer, seconded by Drenkow to approve the Third and Final Reading of Ordinance 1062, an Ordinance amending Section 104.4.01 Fireworks of the Waverly Municipal Code.
Motion failed. Yes: 3 No: 3 (Birgen, Kangas, McKenzie) Absent: 1
- While full Council was not in attendance, there is no guarantee there would be full Council for the next meeting to consider tabling the item. Having only two days, may intensify the amount of fireworks being set off in a shorter amount of time. People would be able to better prepare for the loud noises if the time is shortened. Since the ordinance was just changed in 2018, some of the Council felt like it has not been long enough to establish any consistency.
- F. Public Comments on Items Not on the Agenda
- Waverly-Shell Rock Middle School students Jonah Nelson and Grace Heim informed the public that the middle school would be participating in an event called: Walk to Water. The 7th grade class will be walking from the middle school to the Cedar River to collect water and take it back to the middle school. This activity simulates what many families do to collect water for their families each day. Many women and children spend up to 6 hours per day fetching water.

As a result, the children are not able to attend school. This project was started a few years ago by a student who now is a senior at Wartburg College. Wartburg College has raised \$150,000 for wells. This has culminated into a challenge with Decorah Middle School and Luther College in an effort to build more wells across Africa to provide clean, safe water to people in need.

All are invited to participate and the event will begin at approximately 8:30 a.m. on May 22nd at the middle school. One well costs \$5,000 and the goal is to raise enough money to build one well. You can donate money at: Water to Thrive.org by searching Waverly-Shell Rock Middle School online or give cash donations on the day of the walk.

- Heather Beaufort spoke regarding her thoughts of the behavior of Council. She said that transparency is very important adding that trust has been lost.
- Matthew Schneider commented on his appreciation for the Council's recent discussion on tax increment financing. Schneider went on to explain how T.I.F. impacts the economy. Mr. Schneider further reviewed his thoughts on how road diets and complete streets can also impact local economies and crime rates.
- Steve Mummelthei voiced his frustrations that the 3-lane Bremer Avenue has caused him and his family's business. Mr. Mummelthei also shared that they are hearing from their customers that they try to avoid Waverly's downtown as much as possible.
- Michelle Chavez expressed how the 3-lane Bremer Avenue has negatively impacted her family. She shared the results of a personal experiment she conducted by timing traffic at a downtown intersection. Chavez exclaimed that the 3-lanes are not working.
- Gary "Reggie" Stafford shared that he is not in favor of the 3-lane Bremer Avenue asked Council to change it back to 4-lanes.

G. Consent Calendar

1. Pay Request from Steege Construction, Inc. for the Waverly Senior Housing- 420 Bldg. Project for the amount of \$32,302.38 to be paid by Waverly Senior Housing.
2. Pay Request from AHTS Architects for the Waverly Senior Housing- 420 Bldg. Project for the amount of \$3,020.70 to be paid by Waverly Senior Housing.
3. Pay Request from Snyder & Associates, Inc. for the 4th Street SW Reconstruction 2020 for the amount of \$18,004.73.
4. Class C Liquor License for Waverly Bowl Inn.
5. Class C Liquor License for GT MillerTyme.
6. Class B Beer Permit for Pizza Hut #4348.
7. Class E Liquor License for Casey's General Store #1649.
8. Cash Disbursements for April, 2019.

Moved by Drenkow, seconded by Sherer to approve the Consent Calendar.

Motion passed. Yes: 6 No: 0 Absent: 1

H. Regular Business

1. Moved by Birgen, seconded by McKenzie to approve Resolution 19-84, acknowledging satisfaction of Development Agreement provisions with Twin B, LLC and releasing all reservations and restrictions under said Agreement.

Motion passed. Yes: 6 No: 0 Absent: 1

- The property located at the southeast corner of 4th Street SW and Cedar River Parkway is fully developed, and it is appropriate to release the restrictions.

2. Moved by Drenkow, seconded by McKenzie to approve Resolution 19-85, approving option one the purchase of 12 Dell Optiplex Micro PCs with 22-inch monitors from BerganKDV of Waterloo, Iowa for the Council Chambers for the amount of \$15,048.00.

Motion passed. Yes: 6 No: 0 Absent: 1

- Council is looking forward to the larger monitors.
3. Moved by Sherer, seconded by Birgen to approve Resolution 19-86, approving Contract Modification 6 (Change Order 6) for the repair and stabilization of waterway entering the east detention basin from the north for the Cedar River Parkway (East) Improvements 2018 project for the additional cost of \$15,248.00.
Motion passed. Yes: 6 No: 0 Absent: 1
- The record heavy rains of September and October of 2018 caused a very significant washout of a small bridge and what, possibly, may have been a cattle pass.
4. Moved by Drenkow, seconded by Birgen to approve Pay Request from Cramer & Associates, Inc. for the Cedar River Parkway (East) Improvements 2018 for the amount of \$1,060,963.52.
Motion passed. Yes: 6 No: 0 Absent: 1
5. Moved by Sherer, seconded by Kangas to approve the Third and Final Reading of Ordinance 1061, an Ordinance amending the Code of Ordinances of City of Waverly, Iowa, by repealing Chapter 90, thereof entitled Building Code and enacting and adopting a new Chapter 90 in lieu of entitled Building Code.
Motion passed. Yes: 6 No: 0 Absent: 1
- Staff confirmed with the Attorney General's office that the Iowa State Code Section is not definitive; therefore, it would not be enforced either way. Both the International Code and the State Code are about 95% the same. The way they are set up and how they refer back and forth between each other may be the biggest differences. The International Code is an easier code to administer.
6. Moved by McKenzie, seconded by Birgen to approve Resolution 19-87, approving the Building, Electrical, Plumbing and Mechanical Fee Schedule as stated in the New Building Code.
Motion passed. Yes: 6 No: 0 Absent: 1
- There has been no increase in rates since 2012. A 5% increase is now being asked for. The fees are split 50/50.
7. Moved by Drenkow, seconded by Birgen to approve Resolution 19-89, approving an Engagement Agreement between the City of Waverly and Ahlers and Cooney P.C. in its capacity as Disclosure Counsel in connection with the issuance of \$3,700,000 General Obligation Bonds, Series 2019.
Motion passed. Yes: 6 No: 0 Absent: 1
- \$3,500,000 is the actual amount being issued in G.O. Bonds. The \$3,700,000 is the not-to-exceed number and that is what we had the public hearing on; therefore, the disclosure agreement is also listed as \$3,700,000. The Engagement Agreement outlines duties of both parties.
8. Moved by Kangas, seconded by McKenzie to approve Resolution 19-88, directing the advertisement for sale of \$3,500,000 (dollar amount subject to change) General Obligation Bonds, Series 2019, and approving electronic bidding procedures and official statement.
Motion passed. Yes: 6 No: 0 Absent: 1
- The dollar amount can change up until the bonds are sold on the day of sale. If a premium or discount was given on the day of sale, the City could alter the amount later to downsize the bond accordingly. The City will always take the true interest costs.
9. Moved by Birgen, seconded by McKenzie to approve the Mayoral Appointments of Karen Lehmann reappointed on the Historic Preservation Commission for a term ending June 2022.

Glen Fennemann reappointed on the Historic Preservation Commission for a term ending June 2022.

Motion passed. Yes: 6 No: 0 Absent: 1

I. Reports from Boards and Commissions

1. Planning & Zoning Commission Minutes; January 3, 2019; Received into record.
2. Board of Adjustment Minutes; January 14, 2019; Received into record.
3. Historic Preservation Commission Minutes; January 28, 2019; Received into record.
4. Board of Adjustment Minutes; February 11, 2019; Received into record.
5. Economic Development Commission Minutes; February 19, 2019; Received into record.
6. Historic Preservation Commission Minutes; February 25, 2019; Received into record.
7. Airport Commission Minutes; April 11, 2019; Received into record.
8. Monthly Financials; April, 2019; Received into record.

J. Staff Comments

- City Engineer/Public Works Director Mike Cherry gave an update on the projects being done throughout the City. Hwy 3 / Bremer Avenue – the Iowa D.O.T. is replacing several pedestrian ramps along Bremer Avenue that were deemed to be in noncompliance with the Federal Public Right-of-Way Accessibility Guidelines (PROWAG). The City is not paying for this. The issue relates to providing flared sidewalk slopes as you approach a pedestrian ramp from the side. Concrete work may take another 7 – 10 days; then, the brick will be installed, the expansion joints sealed, and the curbs painted. The stalls in the middle should be at least 22 feet and the ones on the end can be a couple feet shorter. The parking stalls will also be measured again and if there are issues, they will be repainted. Adams Parkway Bridge Repair – the City chose to close Adams Parkway Bridge for repairs in order to speed up construction, reduce costs, and achieve a more durable repair. Bridge repair work is very labor intensive and maintaining one-lane of traffic may have doubled the existing 8-week construction schedule and doubled the existing \$426,000 project cost. Bridge work should be completed the last week of May and the bridge abutment repairs, roadway approach replacement, and utility vault repairs are on schedule to be completed by June 28th. Cedar River Parkway – Work on the Cedar River Parkway is progressing quickly. The bridge deck is done and work is now focusing on constructing the barrier rails. Bridge work may be substantially completed in June. Roadway construction should be done in a couple of weeks. Finishing the storm sewer intakes may take 4-6 weeks. Trial paving will start by mid-June. Final restoration and seeding will be completed as areas become available. The grand opening is anticipated to be in August.
- Leisure Services Director Garret Riordan announced that the Municipal Swimming Pool will open Saturday, May 25, at 1:00 p.m. Monday – Friday hours will be 4:00 p.m. until 8:00 p.m. and regular hours beginning on June 8.

K. City Council Comments

- Councilmember McKenzie noted that the 1st EMBRACE event on May 11 went well and this event stemmed from the 2018 community involved strategic planning process.
- Councilmember Birgen said that he would be at the Wooden Foot following this Council meeting if anyone would like to join him and discuss City issues.
- Councilmember Sherer shared that after visiting Independence with their construction going on through the middle of town that it seemed Waverly was not the only one experiencing the pain of construction.

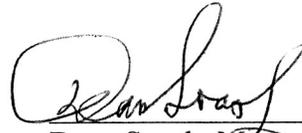
L. Mayor's Comments

- Mayor Pro-Tem Waldstein thanked the public for their comments during the public comments section of the agenda. Ms. Waldstein also thanked the middle school students for

announcing their "Walk to Water" event. Mayor Pro-Tem Waldstein noted the Council Policies and Procedures that were adopted by Council states that an item cannot go back to Council until one year has passed unless a Councilmember that voted in favor of the item requests that it be brought back to Council. She added, there will be a traffic study completed in the spring of 2020.

M. Moved by Kangas, seconded by Birgen to adjourn the meeting. Motion passed and the Council meeting adjourned at 8:32 P.M.

Yes: 6 No: 0 Absent: 1



Dean Soash, Mayor

ATTEST:



Valorie Northrup, Deputy City Clerk