

Regular Meeting Minutes – March 18, 2019  
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on March 18, 2019 at 7:00 P. M. at City Hall. Mayor Soash presided.

- A. Mayor Soash called the meeting to order.
- B. Roll Call
1. Present: Birgen, Kangas, McKenzie, Rathe, Sherer, and Waldstein  
Absent: Drenkow
- C. Moved by Sherer, seconded by Birgen to approve the agenda as presented.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
- D. Moved by Rathe, seconded by Kangas to approve the February 25, 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 for the Waverly Senior Housing Project 2019.
- **There were no written or oral public comments.**
  - **The hearing was then closed.**
- Moved by Birgen, seconded by Sherer to approve Resolution 19-41, approving Plans, Specifications, Form of Contract, and Estimate Cost of \$1,959,250.00 for the Waverly Senior Housing Project 2019.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
- 1a. Moved by Rathe, seconded by Kangas to approve Resolution 19-42, a Resolution awarding Contract for the Waverly Senior Housing Project 2019 to Steege Construction of Waverly, Iowa for the bid amount of \$1,804,950.00.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
2. This was the date, time and place for a public hearing on the proposed 2019 Community Development Block Grant (CDBG) Housing Fund Grant Application.
- **There were no written or oral public comments.**
  - **The hearing was then closed.**
- Moved by Birgen, seconded by Waldstein to approve Resolution 19-43, approving a Community Development Block Grant Application; designating the Mayor as the official representative of the City and authorizing the Mayor to affix their signature to said application and certain assurances in conjunction with same.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
- Brian Schoon of Iowa Northland Regional Council of Governments (INRCOG) read the below information and provided two maps (available in the City Clerk’s office for viewing) that depicted the targeted area:  
Nature and Location of Proposed Activities
    - The City of Waverly is considering submitting a Community Development Block Grant (CDBG) application for the Housing Fund program as administered by the Iowa Economic Development Authority (IEDA). If funded, the nature of the proposed activities include the rehabilitation of six (6) owner-occupied single-family homes within the identified Project Location.
    - The Project Location (Target Area) is identified on the “PROPOSED PROJECT LOCATION” attachment. Commencing in the southwest corner of boundary of the Area,

the Project Location is generally from the corner of 3rd AVE NW and 6th ST NW; north to the corner of 6th St NW and the Canadian National Railway Co Railroad (Railroad); east to the corner of Railroad and 2nd ST NW; south to the corner of 2nd ST NW and 6th AVE NW; east to the corner of 6th AVE NW and 1st ST NW; south to the corner of 1st ST NW and 3rd AVE NW (including the properties east of 1st ST NW between 5th AVE NW and 4th AVE NW); to the corner of 3rd AVE NW and 6th ST NW.

How the Need for the proposed activities was identified

- In order to have a significant impact on the appearance of the community, the City decided to designate a target area for the project. The target area proposed for this CDBG Housing Fund application is the same target area proposed by the City of Waverly in a CDBG Housing Fund application submitted in 2018. This target area was designated in early spring 2018 as follows:

- City officials conducted a baseline housing assessment to identify potential neighborhoods for this project. City officials, in consultation with the Iowa Northland Regional Council of Governments, finalized the Project Location. This target area was chosen because it contains many older homes that were recently removed from the 1 percent annual chance (100-year) floodplain due to flood mitigation infrastructure investments made by the City of Waverly. Additionally, this target area was chosen because it has a higher concentration of low- and moderate-income homeowners than many other neighborhoods in the City.

Project Cost and Funding Source

<u>Funding Source (Activity)</u>	<u>Cost/Per</u>	<u>#</u>	<u>Estimate Cost</u>
CDBG (General Admin)	\$ 15,000	1	\$ 15,000
CDBG + Local (Rehab Hard Costs)	\$ 24,999	6	\$ 149,994
CDBG (Technical Services)	\$ 3,500	6	\$ 21,000
CDBG (*Lead Hazard Reduction)	\$ 6,000	6	\$ 36,000
CDBG (Lead Hazard Carrying Costs)	\$ 2,000	6	\$ 12,000
CDBG (*Temporary Relocation)	\$ 2,000	6	\$ 12,000
<b>Total Est. Project Cost</b>	-	-	<b>\$ 245,994.00</b>

- \*Lead Hazard Reduction and Temporary Relocation expenses only as needed.
- All project funds (\$245,994) will benefit persons of low and moderate income, per program requirements.
- Total requested amount of CDBG federal funds: \$230,994
- The City intends to provide a local match from the Economic Development Fund in an amount up to \$15,000 (\$2,500 per unit) to buydown the cost of the city’s project and to make a more competitive application. Local funds would only be used on this project if approved via resolution by the City Council.

Plans to Minimize Displacement of Persons and Businesses and to Assist Persons Actually Displaced

- No businesses or person will be displaced as a result of the proposed activities. The only relocation that will take place will be the temporary relocation of households in order to comply with lead base paint requirements. In the event of displacement, the City would follow the HUD Relocation and Displacement Policy.

- The project application will be submitted on or before May 4, 2019.

**COMMUNITY DEVELOPMENT AND HOUSING NEEDS ASSESSMENT**

**Community Name: City of Waverly, Iowa**

COMMUNITY DEVELOPMENT AND HOUSING NEEDS ASSESSMENT OF LOW

AND MODERATE INCOME PERSONS

1. Construction of sanitary sewer infrastructure improvements and compliance with sanitary sewer requirements and compliance permit.
2. Looping of water lines, which allows for maintenance of service if/when a waterline breaks. Specifically, looping also allows for maintenance of fire services and provision of potable water to residents.
3. Housing rehabilitation for Low and Moderate Income (LMI) persons throughout the community
4. Provide adequate and affordable housing.
  - a. Low Rent Housing
  - b. First time buyer housing
  - c. Multi-family housing
5. Provide job opportunities for LMI persons.

COMMUNITY DEVELOPMENT AND HOUSING NEEDS ASSESSMENT OF NON-LOW- AND MODERATE-INCOME PERSONS

1. Promote construction of affordable housing options for senior residents.
2. Construction or rehabilitation of additional rental properties.
3. Availability of homebuyer education programs to assist in overcoming barriers to homeownership faced by some City residents.
4. Continued improvements to City parks.
5. Continued infrastructure improvements throughout the community.

PLANNED OR POTENTIAL ACTIVITIES TO ADDRESS HOUSING AND COMMUNITY NEEDS

1. Seek funding through the Community Development Block Grant Program, specifically for sanitary sewer improvements.
2. Seek funding through the Community Development Block Grant Program, specifically for housing rehabilitation activities in the community.
3. Work with city economic development professionals to assist with economic development activities and other improvements.

Date and location of assessment: March 18, 2019, Waverly City Hall

• Mr. Schoon explained that there are about 78 homes within the targeted area with the application for the grant being due on May 4, 2019. Schoon further explained that if there would be leftover funding, that funding would possibly go towards the completion of additional homes if time allows. Criteria used during the selection process would be: the application, income verifications, and home inspections. \$24,999 may not be enough to bring a home up to housing quality standards.

2a. Moved by Sherer, seconded by Rathe to approve Resolution 19-44, adopting an Administrative Plan for the City of Waverly Housing Rehabilitation program.

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

2b. Moved by Birgen, seconded by Waldstein to approve Resolution 19-45, granting the Iowa Economic Development Authority certain assurances in conjunction with the 2019 Community Development Block Grant Housing Application.

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

• The City is trying to stay even with the field of those in the application pool by adding a \$15,000 match. It may be prudent in the future to add verbiage for a dollar match in future grant applications so each town/city has an equal opportunity.

3. This was the date, time and place for a public hearing on the proposed Amendment No. 4 to the Waverly Unified Urban Renewal Plan in the City of Waverly.
- **There were no written or oral public comments.**
  - **The hearing was then closed.**
- Moved by Rathe, seconded by Sherer to approve Resolution 19-40, Resolution determining an area of the City to be an Economic Development area, and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for urban renewal projects; and adopting Amendment No. 4 to the Waverly Unified Urban Renewal Plan.
- Motion passed. Yes: 6 No: 0 Absent: 1**
- 3a. Moved by Waldstein, seconded by Rathe to approve the First Reading of Ordinance 1060, amending the current Waverly TIF Ordinance 1053 in connection with the adoption of Amendment No. 4 to the Waverly Unified Urban Renewal Plan.
- Motion passed. Yes: 6 No: 0 Absent: 1**
4. This was the date, time and place for a public hearing for the Slurry Seal Program 2019 project Plans, Specifications, Form of Contract, and Estimate Cost.
- **There were no written or oral public comments.**
  - **The hearing was then closed.**
- Moved by Birgen, seconded by McKenzie to Approve Resolution 19-46, approving Plans, Specifications, Form of Contract, and Estimate Cost of \$56,000.00 for the Slurry Seal Program 2019 project.
- Motion passed. Yes: 6 No: 0 Absent: 1**
- 4a. Moved by Sherer, seconded by Waldstein to approve Resolution 19-47, awarding Contract for the Slurry Seal Program 2019 project to Fahrner Asphalt Sealers of Dubuque, Iowa for the bid amount of \$50,483.70.
- Motion passed. Yes: 6 No: 0 Absent: 1**
5. This was the date, time and place for a public hearing for the Bituminous Seal Coat Program 2019 project Plans, Specifications, Form of Contract, and Estimate Cost.
- **There were no written or oral public comments.**
  - **The hearing was then closed.**
- Moved by Kangas, seconded by Birgen to approve Resolution 19-48, approving Plans, Specifications, Form of Contract, and Estimate Cost of \$113,000.00 for the Bituminous Seal Coat Program 2019 project.
- Motion passed. Yes: 6 No: 0 Absent: 1**
- The seal coating will take place in the SW District this year.
- 5a. Moved by Waldstein, seconded by Kangas to approve Resolution 19-49, awarding Contract for the Bituminous Seal Coat Program 2019 project to Blacktop Services of Humboldt, Iowa for the bid amount of \$107,872.70.
- Motion passed. Yes: 6 No: 0 Absent: 1**
- F. Public Comments on Items Not on the Agenda
- Pete Lampe noted the Planning & Zoning for Local Officials workshop will be held in various communities this spring and all elected officials, administrative staff, planning & zoning commission members, and board of adjustment members are invited to attend.
  - Darrel Hirsch requested that Council look at temporarily allowing golf carts to be used on the Rail Trail Bridge since Adams Parkway Bridge Improvements will cause that route to be

closed for a term. In addition, Cedar Lane Improvements will cause that route to be closed for a term as well right after the Adams Parkway Bridge route opens back up.

G. Consent Calendar

1. Pay Request from WHKS & Co. for the Adams Parkway Bridge & Horton Road Repairs 2019 for the amount of \$1,220.60.
2. Pay Request from Stanley Consultants Inc. for the Cedar River Parkway (East) Improvements 2018 for the amount of \$67,125.75.
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 \$19,301.71.
4. Pay Request from A & R Land Services, Inc. for the Airport Land Acquisition 2012 for the amount of \$75.00.
5. Pay Request from AHTS Architects for the Waverly Senior Housing-420 Bldg. Project for the amount of \$34,206.69 to be paid by Waverly Senior Housing.
6. Class C Liquor License for El Sol Mexican Restaurant.
7. Class E Liquor License for Liquor & Tobacco Outlet.
8. Class B Native Wine Permit for Wild Carrot.

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

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

H. Regular Business

1. Moved by Waldstein, seconded by Rathe to approve Resolution 19-50, declaring the termination of the City's participation in the Champions Ridge Project as currently set forth in the Development Agreement in Resolution 11-158, and hereby directs the Leisure Services Commission and City Staff to work with the community ball groups to explore and formulate alternative projects for consideration by the Council.

**Motion passed. Yes: 5 No: 1 (Kangas) Absent: 1**

• Champions Ridge Governing Board At-Large Member Brenda Meyer read a statement that said the board had decided to suspend the fundraising efforts for Champions Ridge after the January 21, 2019 City Council meeting in order to consider future direction primarily the path of securing loan proceeds to help with the purchase of the ground. Members of the Governing Board met with City Staff to propose a solution with the Waverly Softball Association and the Bremer County Fair Association entities purchasing the remaining land from the City of Waverly. The Waverly Softball Association Executive Committee has met and agreed in interest to this proposal. The Bremer County Fair Board has met and agreed in interest to this proposal. The details of the proposal are not yet totally vetted. The Champions Ridge Governing Board is committed to working through a purchase proposal as quickly as possible with the City of Waverly, and once the proposal is ready, it will be presented to Council for action. Greg Miller, a Champions Ridge Governing Board At-Large Member, added that this proposal stemmed from the Board contacting their engineer the day after the January 21 Council meeting and being told by the engineer that the fundraising goals that were set would never happen under the timeline specified by Council. Brenda Meyer confirmed that fundraising would resume after the Boards had clear direction. This will give them an opportunity to fundraise and also have financing. The financing part would be thought of in terms of buying the City out of their interest in the ground. This would allow the ball diamond group and the fair group to move ahead independently without involvement of the City. The timing will depend on fundraising and financing options and working out a purchase price with the City. Whether the City would still be expected to install a lift station, etc. would have to be negotiated into a new development agreement. Fred Ribich noted that Champions Ridge is

asking for more time to make a firm proposal that has all the details worked through. Mr. Miller expressed that he felt the City is responsible for parks and programming; however, they have no responsibility for ball programming in town. Chris Dix, secretary of the Bremer County Fair Board stated that terminating the agreement could have possible implications to the fair with the \$120,000 given to the City of Waverly from the Bremer County Supervisors in the name of the Bremer County Fair Association.

- It is not clear what the responsibility of the City will be if the ground is purchased. There would be a difference in receiving pledges from banking institutions vs. financing from them. Tabling this resolution did not seem like a viable option. Terminating the current development agreement would free up the Leisure Services Commission and City Staff's hands to look at more options. Legalities were talked about in regards to selling public land and having to take the highest bid. City Attorney Bill Werger stated that the \$120,000 went to the fair subsequent to the development agreement of 2011 and for 40 acres of land. The contract with the fair is separate from the development agreement with Champions Ridge. This boils down to whether it is in the City's best interest to wait.

2. Moved by McKenzie, seconded by Waldstein to approve Resolution 19-51, directing City Staff to take whatever steps are necessary to remove the 3<sup>rd</sup> Street SE Bridge from the National Historic Register.

**Motion passed. Yes: 5 No: 1 (Kangas) Absent: 1**

- There is potential information contradictory to previous information given as to whether funding would be affected by having the 3<sup>rd</sup> Street SE Bridge removed from the National Historic Register. The complication is based on whether the bridge is repaired or replaced. State and Federal funding are only available if the bridge is replaced, and in order to replace the bridge, it is necessary to delist it.

3. Moved by Sherer, seconded by McKenzie to approve Resolution 19-52, authorizing eminent domain for the acquisition of the Schmidt real property for the Waverly Airport Safety Zone Expansion Project.

**Motion passed. Yes: 5 No: 1 (Kangas) Absent: 1**

- It would be preferred that an agreement for this property comes before eminent domain is necessary; however, having been given a timeline for the history of working on this is helpful in showing all that has happened on this subject. The purchase of an easement for only the portion of property needed for the project was pursued without success. The future of the remaining property that is not needed for the project will take further discussions.

4. Moved by Birgen, seconded by Rathe to approve Resolution 19-53, authorizing contract with Simmons, Perrine, Moyer and Bergman, PLC for legal services for eminent domain proceedings for the acquisition of the Schmidt real property for the Waverly Airport Safety Zone Expansion Project for an hourly fee of \$300 per hour for services rendered by attorneys, \$130 per hour for time devoted to this matter by paralegals, and will bill for litigation expenses as incurred.

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

- Staff will file all the paperwork, set all the dates, acquire all the preparatory items that will happen in the next couple of months, and will only use the law firm if a hearing proceeding is necessary. However, negotiations will continue.

5. Moved by Rathe, seconded by Waldstein to approve Resolution 19-54, approving the Well #5 Inspection & Repair estimate from Northway Well and Pump Co. of Marion, Iowa for the approximate cost of \$16,100.00.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
  - Well #5 is located near the High School's administration office building on 16<sup>th</sup> Street and 4<sup>th</sup> Avenue.
6. Moved by Kangas, seconded by Sherer to approve Resolution 19-55, approving a contract with AHTS Architecture of Waterloo, Iowa for Phase 3 of the South Riverside Park Project to produce plans and specifications for the estimated cost of \$22,750.00.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
  - Staff has not recently had any further discussions with the fire department. This is budgeted in the FY2020-21 budget; however, Phase III will be completed before Phase II due to work planned for the Bremer Avenue Bridge. Phase III will include a shelter and landscaping.
7. Moved by Birgen, seconded by Waldstein to approve Resolution 19-56, awarding the Sanitary Sewer Manhole Rehabilitation 2019 project to Josh's Construction of Dubuque, Iowa for the bid amount of \$18,074.30.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
8. Moved by Sherer, seconded by Kangas to approve Resolution 19-57, awarding the Dog Park Sidewalk 2019 project to Feldman Concrete of Dyersville, Iowa for the bid amount of \$29,129.00 and authorizing the City Attorney to review and approve the Performance and Payment Bonds.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
  - Appreciation to the private donor was expressed. It was a very generous gift, and hopefully, he will be able to cut the ribbon when the sidewalk is paved and ready for use.
9. Moved by Waldstein, seconded by Sherer to approve Resolution 19-58, awarding the Crack Cleaning and Filling Project 2019 to Kluesner Construction, Inc. of Farley, Iowa for the bid amount of \$11,185.73.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
  - This will be done on 12<sup>th</sup> Street NW from Bremer Avenue to 5<sup>th</sup> Avenue NW and on 5<sup>th</sup> Avenue from 1<sup>st</sup> Street NW to 12<sup>th</sup> Street NW, in the Impala Subdivision that is south of Murphy Addition, and on 2<sup>nd</sup> Avenue NE from near 2<sup>nd</sup> Street NE to Bremer Road. Every couple of years, the streets are looked at citywide to determine which streets could benefit from this to enhance the life of the street.
10. Moved by Rathe, seconded by Birgen to approve Resolution 19-59, awarding the Citywide Asphalt Patching-Spring 2019 project to Heartland Asphalt of Mason City, Iowa for the bid amount of \$20,513.66.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
11. Moved by Birgen, seconded by Waldstein to approve Resolution 19-60, approving Contract, Bonds, and Certificate of Insurance from K. Cunningham Construction Co. for the Cedar Lane Reconstruction 2019 project and authorizing the Mayor to sign the contract.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
12. Moved by Waldstein, seconded by Rathe to approve the Third and Final Reading of Ordinance 1056, an Ordinance providing for rezoning of property owned by Ernest & Theresa Mohlis and Jason & Jaide Mohlis located at 1009 Bremer Road from A-1 (Agricultural) to R-1 (Single Family Residential).  
**Motion passed. Yes: 6 No: 0 Absent: 1**

13. Moved by McKenzie, seconded by Kangas to approve the Second Reading of Ordinance 1057, an Ordinance amending the Water Rates, Charges, and Minimum Rates for Fiscal Years 2019-20 and 2020-21 and Setting April 1, 2019 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: 0 Absent: 1**
14. Moved by Waldstein, seconded by Kangas to approve the Second Reading of Ordinance 1058, an Ordinance amending the Sewer Rates, Charges, and Minimum Rates for Fiscal Years 2019-20 and 2020-21 and Setting April 1, 2019 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: 0 Absent: 1**
15. Moved by Birgen, seconded by Waldstein to approve the Second Reading of Ordinance 1059, an Ordinance amending the Solid Waste Rates, Charges, and Minimum Rates for Fiscal Years 2019-20 and 2020-21, amending Sections 69.4, 69.5, and 69.8 of the Waverly Municipal Code to add language regarding the use of City supplied recycling containers, and Setting April 1, 2019 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: 0 Absent: 1**
- Consumers can call to set up delivery of the recycling containers immediately. They will be distributed on a first come – first serve basis.

I. Reports from Boards and Commissions

1. Bremer-Waverly Law Board Minutes; February 11, 2019; Received into record.
2. Leisure Services Commission Minutes; February 21, 2019; Received into record.
3. Senior Calendar; March 2019; Received into record.

J. Communication

1. Mayor and Council recognized EaVon Woodin for recently being inducted into the Iowa Girls High School Athletic Union's Girls Basketball Hall of Fame.

K. Staff Comments

- Leisure Services Director Tab Ray commented that the Leisure Services Commission has been talking about having no nicotine allowed in the parks. This item will be coming to Council during the study session on March 25.

L. City Council Comments

- Councilmember Waldstein asked staff to look into the use of golf carts on the rail trail bridge.
- Councilmember Birgen noted he would be at The Pour House if anyone would like to join him immediately after the Council meeting. Birgen also commented that due to high waters, the Green Mill Ford Bridge near Janesville which had been closed since the early 1980's floated down the river. This incident is a reminder of the importance of bridge maintenance.
- Councilmember McKenzie confirmed that staff is and will continue to monitor the river levels.

M. Mayor's Comments

- Mayor Soash mentioned that our thoughts are with those experiencing the flooding in Western Iowa and Eastern Nebraska.

N. Moved by Birgen, seconded by Rathe to adjourn the meeting. Motion passed and the Council meeting adjourned at 9:18 P.M.

**Yes: 6 No: 0 Absent: 1**



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Dean Soash, Mayor

ATTEST:



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Carla Guyer, City Clerk