

Regular Meeting Minutes – May 4, 2020
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on May 4, 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, City Attorney/Economic Development Director, and City Clerk were in the Council Chambers. The 7 Council members were not in the chambers, but participated via ZOOM conferencing.

Comments for items that were on the agenda could have been 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. We strived to maintain the quality of the video and audio during that broadcast. Public access was available through the broadcast.

Meeting minutes were still kept and include 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 in the Pledge of Allegiance.
- D. Moved by Drenkow, seconded by Schneider to approve the agenda as presented.
Motion passed. Yes: 7 No: 0 Absent: 0
- E. Moved by Rathe, seconded by Drenkow to approve the April 20, 2020 regular meeting minutes.
Motion passed. Yes: 7 No: 0 Absent: 0
- F. Council welcomed Mark Harms as the Guest Councilmember for May.
 - On a side note, Mayor Hoffman explained that due to a technical difficulty, the live stream will not have video and there will only be audio.
- G. Moved by Glaser, seconded by Rathe to approve a proclamation that proclaims May 2020 as National Preservation Month.
Motion passed. Yes: 7 No: 0 Absent: 0
- H. Consent Calendar
 1. Setting the Public Hearing date for May 18, 2020 at 7:00 p.m. in the Council Chambers of City Hall to amend the Fiscal Year 2020 Budget.
 2. Pay Request from Hall & Hall Engineers, Inc. for Youth Ballfields 2019 for the amount of \$18,555.00.
 3. Pay Request from Snyder & Associates for the Traffic Study 2020 for the amount of \$6,495.50.
 4. Pay Request from WHKS & Co. for the Business 218 North Resurfacing 2020 for the amount of \$3,227.25.
 5. Pay Request from Croell, Inc. for the 20th Street NW Reconstruction RR Crossing Improvements at 20th St. and 5th Ave. NW- 2018 for the amount of \$153,974.58.
 6. Pay Request from McClure Engineering Co. for the Airport Runway 29 Extension 2018 for the amount of \$1,420.09.

7. Pay Request from McClure Engineering Co. for the Airport Obstruction Removal Project 2020 for the amount of \$3,000.00.

8. Class C Liquor License for Waterstreet Grill.

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

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

• City Administration James Bronner informed Council that item no. 3 is for the portion of the traffic study that was done in April, 2020. Snyder & Associates will redo the capturing of information this fall of 2020. The majority of the traffic study is infrastructure review and evaluation. The budget amendment covers items that exceeded departmental budgets and differences in capital projects totals. Some bond proceeds will be received in June and some of the projects will begin in June as well.

I. Regular Business.

1. Moved Birgen, seconded by Glaser to approve Resolution 20-67, approving Contract, Bonds, and Certificate of Insurance from Feldman Concrete of Dyersville, Iowa for the Downtown Alley Reconstruction 2020 project and authorizing the Mayor to sign the contract.

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

2. Moved by Glaser, seconded by Rathe to approve Resolution 20-68, a Resolution approving Change Order No. 2 in the amount of a \$3,495.00 increase, Change Order No. 3 in the amount of a \$7,813.25 increase, and approving Pay Application No. 2 in the amount of \$66,269.93 to Schrader Excavating and Grading Co. of Walford, Iowa for the Airport Obstruction Removal Project 2020.

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

• The FAA is paying for the bulk of this expense. It was not anticipated that there would be buildings full of material and other items. Items were left that they did not want to take with them.

3. Moved by Rathe, seconded by Schneider to approve Resolution 20-69, awarding the Citywide Asphalt Patching-Spring 2020 project to Kluesner Construction of Farley, Iowa for the bid amount of \$10,766.02.

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

4. Moved by Drenkow, seconded by Birgen to approve Resolution 20-70, a Resolution approving Change Order No. 1 in the amount of a \$10,773.00 increase and approving Pay Application No. 1 in the amount of \$47,595.00 to Municipal Pipe Tool of Hudson, Iowa for the Sanitary Sewer Lining 2020 project.

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

• The completion of G.I.S. mapping should decrease the chances of this happening in the future. This project was on 2nd Street and not on 1st Street. The sanitary sewer line is approximately 13 feet deep, and it had been a number of years since it had been televised and investigated. The contractor had to go in, televise, and clean the sewer main before they could do the actual lining. While this was happening, it was discovered that there were more services than what the City had records for. Additionally, a 12-inch sanitary sewer was also discovered that was not known in advance due to poor data. Pipe diameter can go up and down depending on the slope of the sanitary sewer. For instance, the more the slope, the smaller pipe you need, and a flattened slope could require a larger pipe.

5. Moved by Schneider, seconded by Rathe to approve Resolution 20-71, approving Change Order No. 2 in the amount of a \$1,387.50 decrease, accepting the Cedar Lane Reconstruction 2019 project as complete, approving Pay Application No. 5 in the amount of \$8,680.62, and approving Pay Application No. 6 in the amount of \$41,723.65 as the final pay request to K. Cunningham Construction Co., Inc. of Cedar Falls, Iowa.

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

- K. Cunningham Construction Co., Inc. has substantially completed this project. The additional work will be completed by a local contractor since it was not originally in the plans and construction documents. The project is under budget. It was determined that the saw cuts define where the centerline is which will reduce future maintenance expenses of not having to repaint the lines periodically. The waviness or uneven road has been taken care of. The remaining work consists of seeding, restoration drainage improvements, and curb line and will be completed to make acceptable to adjacent property owners. The drainage issues were not due to the road construction.

6. Moved by Birgen, seconded by Rathe to approve Resolution 20-72, approving the Engineering Services Agreement with McClure Engineering Company of Clive, Iowa for a Concrete Apron Rehab project at the Waverly Municipal Airport for the not-to-exceed amount of \$2,750 for preliminary and final design services and if needed, for the bidding, project administration and inspection services for a not-to-exceed amount of \$3,250.

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

7. Moved by Glaser, seconded by Rathe to approve Resolution 20-73, approving the Waverly Health Center's refund request of \$6,670.00 for the City's portion of the Bremer County's Building, Zoning and Environmental Health department's building permit and plan review fees incurred for the \$36 million expansion and renovation project.

Moved by Birgen, seconded by Kangas to postpone the decision on Resolution 20-73, approving the Waverly Health Center's refund request of \$6,670.00 for the City's portion of the Bremer County's Building, Zoning and Environmental Health department's building permit and plan review fees incurred for the \$36 million expansion and renovation project until the May 18, 2020 City Council Meeting.

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

- Bremer County and the City of Waverly have a contract. The interpretation of the contract is in question. According to the agreement with the County, the City would not be charged permit fees. The contract refers to the City having direct control of the project. The County is believed to be taking the position that this is not the case. The hospital is asking us to only waive the 10% of fees as the City. Council mentioned setting a policy in case similar situations should arise in the future. The City would need to amend the contract, not just set a policy. The parties' intent would need to be established. This is not typical since it is not typical for City based buildings to have projects of \$30 million or more. This is a quasi-City building since the Council is not directly in charge of the project. The permit fees owed to the County are \$67,000 and the City receives 10% of the permit fees as stated in the agreement. Other cities place a cap on permit fees and avoid increasing amounts by placing caps on the fees. If a similar project was completed by another City owned entity, a like request could come to the Council. The City is the parental owner. The hospital cannot be sold without City approval and loans/bonds have to have City approval. Staff will look into whether Senior Housing was charged permit fees for building the Red Cedar Apartments and the history of what has been done in the past with other City entities building projects. It was verified that a two-week delay would not be detrimental to the hospital, and staff was asked to look at whether the last expansion in the early 2000's was charged building permit fees.

- Waverly Health Center CEO Jim Atty thanked Council for their consideration and pointed out that comparable towns would have billed significantly lower permit fees. He would like to know what the \$6,670 goes towards as far as the City is concerned.

J. Reports from Boards and Commissions

1. Bremer- Waverly Law Board Minutes; March 9, 2020; Received into record.

2. Leisure Services Commission Minutes; March 19, 2020; Received into record.

K. Staff Updates

- Leisure Services Director Garret Riordan announced that the Municipal Golf Course and Bark Park are now re-opened. The Community Gardens planting day is Saturday, May 9th, from 9:00 a.m. to 11:00 a.m. and volunteers are welcome and needed. Social Distancing guidelines will be in place. Volunteers are also needed and welcomed for Trees for Kids, May 11 - 15. This year, we have 88 trees to plant. Please contact Garret Riordan at Leisure Services (319) 352-6263 or Ron Lenth at Iowa State Extension Office if you are interested in volunteering.
- City Clerk Carla Guyer gave an update on response rates for the 2020 US Census and urged people who have not completed their questionnaire to please do so.

L. City Council Comments

- Councilmember Birgen noted that the weather is getting nicer and asked that trail users remember their trail etiquettes since there are more people using the City's pedestrian and bike trail.
- Councilmember Drenkow mentioned that he is keeping an eye on the landscape issues at Casey's located on 4th Street SW and 10th Avenue SW.
- Councilmember Glaser reminded those that are experiencing food insecurity to contact United Way at (319) 352-2585 or 2-1-1.
- Councilmember Beaufore advised that people using the river to remember river safety.
- Councilmember Rathe reiterated Councilmember Birgen's note on trail safety.
- Councilmember Kangas commented that we have now had some successful meetings via Zoom and added that the Planning and Zoning Commission and the Board of Adjustment would also be holding meetings via Zoom.
- Guest Councilmember Mark Harms thanked Council for the opportunity to participate in the May Council sessions and requested that everyone pay attention to those around us who may not be as strong and may be vulnerable.

M. Mayor's Comments

- Mayor Hoffman reminded voters that absentee ballots are available for request for the June primary elections. Hoffman also advised people to be courteous and carry out what they carry onto the trail. He recognized that the Volunteer Fire Chief's Conference will be held at the Cobblestone Inn in October. He finished by wishing all the mothers a Happy Mother's Day.

N. Moved Schneider, seconded by Birgen to adjourn the meeting. Motion passed and the Council meeting adjourned at 8:13 P.M.

Yes: 7 No: 0 Absent: 0



Adam P. Hoffman, Mayor

ATTEST:


Carla Guyer, City Clerk