

Regular Meeting Minutes – December 21, 2020  
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on December 21, 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 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 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 Drenkow, seconded by Birgen to approve agenda as presented.

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

D. Moved by Drenkow, seconded by Beaufore to approve the December 7, 2020 regular meeting minutes as presented.

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

E. Public Hearing

1. This was the date, time and place for a public hearing on Ordinance 1083, an Ordinance creating the Human Equity and Diversity Commission for the City of Waverly.

- Len Jentz expressed that he feels the group has made good progress in trying to make Waverly a more welcoming place and the progress warrants moving forward with this.

- **There were no further oral or written public comments.**

- **The public hearing was then closed.**

Moved by Drenkow, seconded by Glaser to approve Second Reading of Ordinance 1083, an Ordinance creating the Human Equity and Diversity Commission for the City of Waverly.

- The use of metaphors does not feel beneficial. There was discussion on how the wording should be changed. Mayor Hoffman mentioned that the City still has some vacancies, both present and future, to be filled on boards and commissions. He explained the application process and encouraged interested citizens to fill out an application.

Moved by Birgen, seconded by Kangas to amend the wording in Section 32.8 Duties and Powers by changing the words, “to open doors, build bridges, and advance opportunities”, in paragraph 2; “to remove barriers, build partnerships, and advance opportunities”. To also amend paragraph 3 of Section 32.8 by changing the word, “future” at the end of the paragraph to, “community”. Finally, by adding Oxford Commas after “build partnerships”, in paragraph 2 and after the word, “inclusive” in paragraph 3.

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

The original motion as amended was then voted on.

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

2. This was the date, time and place for a public hearing on Ordinance 1084, an Ordinance vacating right of way of 20<sup>th</sup> Street SW located within Parcel H and creating Appendix F, Street and Alley Right of Way Vacations, in the Waverly Municipal Code.

- **There were no oral or written public comments.**

- **The public hearing was then closed.**

Moved by Glaser, seconded by Schneider to approve the First Reading of Ordinance 1084, vacating right of way of 20th Street SW located within Parcel H according to Plat of Survey recorded as Doc. No. 20021492, Bremer County records, and North of a point 300 feet North of the Southeast corner of Parcel H and creating Appendix F, Street and Alley Right of Way Vacations, in the Waverly Municipal Code.

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

3. This is the date, time and place for a public hearing for consideration of a Resolution for the vacation and transfer of Parcel Y to Sugar Beet, LLC in exchange for an Ingress-Egress & Utility Easement over property owned and developed by Sugar Beet, LLC.

- **There were no oral or written public comments.**

- **The public hearing was then closed.**

Moved by Rathe, seconded by Beaufore to approve Resolution 20-191, a Resolution approving the vacation and transfer of Parcel Y to Sugar Beet, LLC in exchange for an Ingress-Egress & Utility Easement over property owned and developed by Sugar Beet, LLC for the consideration of one (\$1.00) dollar each.

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

F. Consent Calendar

1. 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 \$75,430.22.
2. Pay Request from Snyder & Associates for the Traffic Study 2020 for the amount of \$8,364.00.
3. Pay Request from WHKS & Co. for the 3<sup>rd</sup> Street SE Bridge Removal for the amount of \$1,581.66.
4. Pay Request from Elder Corporation for the Old WPC Dome Demolition 2020 for the amount of \$55,575.00.
5. Pay Request from Steege Construction, Inc. for the Harlington Cemetery Storage Building for the amount of \$35,901.45.
6. Pay Request from Farnsworth Group for the Public Services Center- North Addition 2021 for the amount of \$4,588.99.
7. Pay Request from Baker Enterprises, Inc. for the 20<sup>th</sup> Street NW Improvements 2020 for the amount of \$3,175.00.
8. Class B Native Wine Permit for Tiedt Nursery.
9. Cash Disbursements for November 2020.

Moved by Schneider, seconded by Beaufore to approve the Consent Calendar as presented.

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

G. Regular Business

1. Recognition of Fire Chief Dennis Happel's dedication to the Fire Department.
  - Mr. Happel commented that it was a pleasure and an honor to serve on the department. He said the department has great volunteers. The volunteers have dedicated a lot of hours to make this City safe. The Fire Department is a jewel. The Councils and staff have also been great to work with. Happel added that the department is looking for more volunteers.
  - Mayor and Council all congratulated Mr. Happel and expressed appreciation for his tenure with the Fire Department and thanked him for his 30 years of service. As a result of great leadership, the City has great pride in the Volunteer Fire Department, the facilities, and the training.
  - Fire Chief Elect, Bryce McKenzie commented that he will have big shoes to fill and expects the first year to be very much a learning year.

2. Moved by Schneider, seconded by Beaufore to appoint Bryce McKenzie as Fire Chief for 2021.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
3. Moved by Drenkow, seconded by Birgen to approve Resolution 20-192, approving a joint street project with Echo Development Group, LLC for the extension of Eagle Ridge Drive to 8<sup>th</sup> Street SE, approving a Development Agreement with Echo Development Group, LLC, and setting January 18, 2021 at 7:00 P.M. in the Council Chambers of City Hall as the date, time, and place for a Public Hearing for the First Reading of Ordinance 1085, an Ordinance vacating and transferring cul-de-sacs Spyglass Hill and Pinehurst Point in Centennial Oaks Golf Club Addition to Echo Development Group LLC.  
**Motion passed. Yes: 5 No: 2 (Schneider, Beaufore) Absent: 0**
  - City Attorney/Community Development Director Bill Werger explained that the original developer of Eagle Ridge Drive in Centennial Oaks Golf Club Addition was permitted to develop in phases that were not approved in the master plan. All street right of ways in the subdivision were approved in Resolution 99- 94 as public streets before any such streets were completed. When the original developer stopped development, the lender took title to the remaining lots in the entire subdivision. Those lots adjacent to Eagle Ridge are now owned by Echo Development who wishes to develop on them. Eagle Ridge Drive has been used as a public (gravel) street for several years. This connection to 8th Street SE is a valuable connection to the City's new urban arterial for over 140 housing units. This joint project allows the City to complete the extension of Eagle Ridge Drive to 8th Street SE while vacating two cul-desacs to be developed as private drives. Discussion followed regarding how this situation arose from the past and normal phasing of projects. It is unknown how long it could take to have this road finished if this resolution does not pass. After 22 years of the road being in unacceptable and unsafe condition, it is time for improvements to be made. To some, it may not seem that it needs to be done right now; however, this would solve connectivity issues in that area. The parties tried to work a solution out that would work for everybody.
  - Developer Dennis Happel expressed that he did not agree with the proposed solution and added that this is not standard protocol. Normally, each phase is approved separately. Happel also talked about out-of-town developers receiving unfair advantages. He feels that it does not belong to the City to finish the project.
  - City Attorney Werger explained that the current owner of the lots is not the owner of this street or the private streets. It is not the same as comparing with the original developers as to how they were doing it. The project was never phased in the beginning documents and no information as to how it would be phased. The final plat was presented as an entire final plat and the streets were accepted as City streets before that area was even started. Most cities will have the final plat approved after the improvements are completed by the developer. If this issue is pushed, it may be someone else making the decision, whether it be a judge or a joint venture that is made to benefit the subdivision and the rest of the City. It is a valuable link for safety, public services, etc. to have that connection.
  - Developer's Attorney, Eric Johnson, commented that he was not sure what the developer would choose to do if this did not pass. This is an unusual circumstance and the parties were trying to come to a proposal that would work for everybody. In most subdivisions, the preliminary plat is usually accepted; then, the improvements are completed and accepted; and then, a final plat is approved. A final plat can also be approved and then, bonds put into place until the project is accepted as complete.
4. Moved by Rathe, seconded by Schneider to approve Resolution 20-193, approving the Golf Course Fees and Charges for 2021 and adding a Gift Certificate Expiration Date effective April 1, 2022.

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

- It was a good year for the golf course. Golfing was one way you could still get outside, enjoy life, and still be socially isolated. With the new fees, golfing is still a bargain for such a high-quality course.

5. Moved by Birgen, seconded by Drenkow to approve Resolution 20-194, approving the Iowa DOT Federal-Aid Agreement for the Rolling Prairie Trail Extension 2021 project for the lesser amount of either \$184,000.00 or 80% of eligible costs.

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

6. Moved by Glaser, seconded by Birgen to approve Resolution 20-195, approving the Waverly Municipal Airport's Federal Aviation Administration 5-Year Capital Improvement Plan for Federal Fiscal Year 2022-2026.

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

- Staff clarified for Council that items on this list, are actually items that need to be done. However, in order to receive funding from State and Federal sources for these items, they need to be shown on the airport's 5-year capital improvement plan. The City is eligible for \$150,000 in Federal funding each year. This funding may be accumulated for up to five (5) years. Determination of needs is made by items aging out, need of repair, needing be safer, etc. The FAA contributes 90% of eligible costs, while the City pays 10%. This is a needs planning document that the State and the Federal Governments use to determine what the need is across Iowa or the upper Midwest.

7. Moved by Birgen, seconded by Rathe to approve Resolution 20-196, approving Change Order No. 2 in the amount of a \$47,236.03 decrease, accepting the Cedar River Park- Phase 1 Grading project as complete, approving partial Pay Application No. 5 in the amount of \$118,797.16, and approving Pay Application No. 6 in the amount of \$33,897.96 as the final pay request to Mehmert Tiling of Lime Springs, Iowa.

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

- The Change Order decrease is due to switching to temporary seeding, the time of year it was performed, and the Phase II project that is coming up. The savings was about \$1,000/acre.

8. Moved by Schneider, seconded by Drenkow to approve Resolution 20-197, accepting the Old WPC Dome Demolition 2020 project as complete and approving Pay Application No. 2 in the amount of \$2,925.00 as the final pay request to Elder Corporation of Des Moines, Iowa.

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

- The decrease for this project was due to having good bids, having a contractor with knowledge and experience in taking this type of structure down, and the poor condition of some of the vertical components of the structure. The concrete was crushed up and will be reused as subbase for the parking lot at the ball diamonds in the spring of 2021. A group of people will miss this structure.

9. Moved by Kangas, seconded by Birgen to approve the Third and Final Reading of Ordinance 1082, an Ordinance Adopting the "City Code of the City of Waverly, Iowa".

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

10. Moved by Rathe, seconded by Drenkow to approve the First Reading of Ordinance 1086, an Ordinance repealing and replacing Waverly Municipal Code's Chapter 102, Flood Plain Management and Setting January 4, 2021 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: 7 No: 0 Absent: 0**

- This ordinance change is to comply with changes that the DNR has made.

H. Reports from Boards and Commissions

1. Library Board of Trustees Minutes; October 13, 2020; Received into record.
2. Historic Preservation Commission Minutes; October 26, 2020; Received into record.
3. Planning and Zoning Commission Minutes; November 5, 2020; Received into record.
4. Economic Development Commission Minutes; November 10, 2020; Received into record.
5. Golf Commission Minutes; November 10, 2020; Received into record.
6. Library Board of Trustees Minutes; November 10, 2020; Received into record.
7. Airport Commission Minutes; November 12, 2020; Received into record.
8. Planning and Zoning Commission Minutes; November 12, 2020; Received into record.
9. Monthly Financials; November, 2020; Received into record.

I. Staff Updates

- There were none.

J. City Council Comments

- Councilmember Birgen acknowledged that this has been a tough year for employers, employees, City staff, teachers, hospital workers, across the board this year was hard on everyone. He is hopeful that next year is better. There have also been great things accomplished this year such as: progress has been made on the youth ball diamonds and new county fairgrounds, revised a fireworks ordinance, and progress is being made on human equity and diversity task force or commission.
- Councilmember Drenkow wished the Citizens of Waverly, Mayor, Councilmembers, and City Staff happy holidays.
- Councilmember Rathe thanked and acknowledged City of Waverly Employee, Darrel Anderson since he is retiring from the City after 48 years of service. Anderson is also known as the Balloon Man to local and surrounding area citizens. Rathe also thanked businesses and staff for adapting to changes this year.
- Councilmember Beaufore echoed the other Councilmembers regarding the 2020 challenges. She also thanked those that helped with the Parade of Lights that was held in lieu of the Christmas on Main. Some of those people are: Kristin Happel, Stephanie Yoder, Rhonda Happel, and Diedrich Drenkow.
- Councilmember Kangas echoed other comments regarding 2020. It has been a challenging, interesting and rough year in many ways.
- Councilmember Glaser wished everyone Happy Holidays and a Happy New Year.

K. Mayor's Comments

- Mayor Hoffman echoed that we have had a productive year. Differences are good and include hearing the opinions of all. Mr. Hoffman reiterated that nothing changed for the fireworks ordinance regarding the New Year Holiday. Fireworks are limited to December 31<sup>st</sup> from noon until 12:30 a.m. on January 1<sup>st</sup>. He also reminded those with natural Christmas trees to water them regularly. He asked shoppers to shop locally and wished everyone Happy Holidays.

L. Moved by Kangas, seconded by Birgen to adjourn the meeting. Motion passed and the Council meeting adjourned at 8:20 P.M.    **Yes: 7    No: 0    Absent: 0**



Adam P. Hoffman, Mayor

ATTEST:



Carla Guyer, City Clerk