

Regular Meeting Minutes – March 2, 2020
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on March 2, 2020 at 7:00 P. M. at City Hall. Mayor Hoffman presided.

- A. Mayor Hoffman called the meeting to order.
- B. Roll Call
- Present: Drenkow, Glaser, Kangas, Rathe, and Schneider. Absent: Beaufore and Birgen
- 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: 5 No: 0 Absent: 2
- E. Moved by Drenkow, seconded by Glaser to approve the February 10, 2020 and the February 17, 2020 regular meeting minutes.
Motion passed. Yes: 5 No: 0 Absent: 2
- F. Council welcomed Emily Russell as the Guest Councilperson for March.
- G. Community Highlight
- Council recognized the Waverly-Shell Rock High School Girls and Boys Wrestling Teams 2020 State Championships.
 - Wrestling Coach Eric Whitcome noted the Girls Wrestling Team won the State Championship in January that was hosted by Waverly Shell Rock School District. The Boys Wrestling Team finished second in the State Duals to Southeast Polk, had ten individuals qualify for the individual tournament, ended up with four State Champions, went 4 for 5 in the State finals, and won the State Championship by 40 points.
- H. Public Hearing
1. This was the date, time and place for a Public Hearing on a Resolution Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$700,000 General Obligation Bonds.
- **There were no oral or written public comments.**
 - **The public hearing was then closed.**
- Moved by Rathe, seconded by Schneider to approve Resolution 20-20, approving a Resolution Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$700,000 General Obligation Bonds.
Motion passed. Yes: 5 No: 0 Absent: 2
- This is for the General Obligation Bonds for the ballfield Project, and they have a different purpose so, legally, and a separate public hearing is required.
2. This was the date, time and place for a Public Hearing on a Resolution Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$5,500,000 General Obligation Bonds.
- **There were no oral or written public comments.**
 - **The public hearing was then closed.**
- Moved by Schneider, seconded by Rathe to approve Resolution 20-21, approving a Resolution Instituting Proceedings to Take Additional Action for the Issuance of Not to Exceed \$5,500,000 General Obligation Bonds.
Motion passed. Yes: 5 No: 0 Absent: 2
- 2a. Moved by Rathe, seconded by Drenkow to approve Resolution 20-22, authorizing the Issuance of \$5,970,000 General Obligation Bonds, Series 2020, and Levying a Tax for the Payment Thereof.
Motion passed. Yes: 5 No: 0 Absent: 2
- 2b. Moved by Drenkow, seconded by Glaser to approve Resolution 20-23, approving an Engagement Agreement between the City of Waverly and Ahlers and Cooney

P.C. in its capacity as Bond Counsel in connection with the issuance of \$5,970,000 General Obligation Bonds, Series 2020.

Motion passed. Yes: 5 No: 0 Absent: 2

3. This was the date, time and place for a public hearing for the 4th Street SW (IA 116) & 10th Street SW Improvements 2020 project Plans, Specifications, Form of Contract, and Estimate Cost.
- **Dick Magnall spoke in opposition to the project. Mr. Magnall presented a map to Council. Terry Noel, Trustee at St. John's Lutheran Church, also spoke in opposition of the project. There were no written comments.**
 - **The public hearing was then closed.**
Moved by Schneider, seconded by Rathe to approve Resolution 20-24, approving Plans, Specifications, Form of Contract, and Estimate Cost of \$4,914,664.00 for the 4th Street SW (IA 116) & 10th Street SW Improvements 2020 project.
Motion passed. Yes: 5 No: 0 Absent: 2
- 3a. Moved by Rathe, seconded by Kangas to approve Resolution 20-25, awarding Contract for the 4th Street SW (IA 116) & 10th Street SW Improvements 2020 project to Wicks Construction of Decorah, Iowa for the bid amount of \$4,144,185.76.
Motion passed. Yes: 5 No: 0 Absent: 2
- This is being brought to Council ahead of budget approval due to it being a timing issue. If the City did not do the project, we would have to exit the contract.
- 3b. Moved by Drenkow, seconded by Glaser to approve Resolution 20-26, approving Supplemental Amendment No. 1 to the Agreement for Engineering Services with Snyder & Associates of Cedar Rapids, Iowa for the more complex hydraulic modeling of the 4th Street SW (IA 116) box culvert for the not-to-exceed amount of \$8,328.00.
Motion passed. Yes: 5 No: 0 Absent: 2
- 3c. Moved by Glaser, seconded by Drenkow to approve Resolution 20-27, approving Supplemental Amendment No. 2 to the Agreement for Engineering Services with Snyder & Associates of Cedar Rapids, Iowa for construction engineering services associated with the 4th Street SW (IA 116) & 10th Street SW Improvements for the not-to-exceed amount of \$379,100.00.
Motion passed. Yes: 5 No: 0 Absent: 2
4. This was the date, time and place for a public hearing for the 20th Street NW Improvements 2020 project Plans, Specifications, Form of Contract, and Estimate Cost.
- **There were no oral or written public comments.**
 - **The public hearing was then closed.**
Moved by Kangas, seconded by Drenkow to approve Resolution 20-28, approving Plans, Specifications, Form of Contract, and Estimate Cost of \$779,524.00 for the 20th Street NW Improvements 2020 project.
Motion passed. Yes: 5 No: 0 Absent: 2
- This is budgeted in the current fiscal year budget.
- 4a. Moved by Drenkow, seconded by Schneider to approve Resolution 20-29, awarding Contract for the 20th Street NW Improvements 2020 project to Baker Enterprises of Waverly, Iowa for the bid amount of \$662,524.25.
Motion passed. Yes: 5 No: 0 Absent: 2
- 4b. Moved by Schneider, seconded by Kangas to approve Resolution 20-30, approving Amendment No. 4 to the Agreement for Engineering Services with McClure Engineering Company of Clive, Iowa for the 20th Street

NW Improvements 2020 project for the not-to-exceed amount of \$43,000.00.

Motion passed. Yes: 5 No: 0 Absent: 2

I. Public Comments on Items Not on the Agenda.

- There were none.

J. Consent Calendar

1. Set the Public Hearing date for Fiscal Year 2020-21 Budget for March 16, 2020 at 7:00 p.m. in the Council Chambers of City Hall.
2. Set the Public Hearing date to review the Downtown Alley Reconstruction 2020 project Plans, Specifications, Form of Contract and Estimated Cost for April 6, 2020 at 7:00 p.m. in the Council Chambers of City Hall.
3. Pay request from McClure Engineering, Co. for the Waverly Municipal Airport Obstruction Removal for the amount of \$7,050.00.
4. Pay Request from McClure Engineering Co. for the Waverly Municipal Airport Runway 29 Extension 2018 for the amount of \$1,167.50.
5. Pay Request from Farnsworth Group for the Waverly Public Services – North Addition 2021 for the amount of \$8,715.39.
6. Pay Request from Hall & Hall Engineers, Inc. for youth ball fields for the amount of \$34,259.33.
7. Pay Request from Stanley Consultants Inc. for the Cedar River Parkway (East) Improvements 2018 for the amount of \$16,406.73.
8. Pay Request from Stanley Consultants Inc. for the Cedar River Parkway (East) Improvements 2018 for the amount of \$2,000.00.
9. Cash Disbursements for January, 2020.

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

Motion passed. Yes: 5 No: 0 Absent: 2

- Cedar River Parkway is now considered complete.

K. Regular Business.

1. Moved by Glaser, seconded by Rathe to approve the First Reading of Ordinance 1071, an Ordinance providing for rezoning of property owned by Amcon Construction Company LLC located at 1661 3rd Street SW from R-3 (Multiple Family Residential District) to C-1 (Commercial District) and Setting March 16, 2020 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: 5 No: 0 Absent: 2

2. Moved by Schneider, seconded by Glaser to approve the CLG (Certified Local Government) Annual Report for the Historic Preservation Commission.

Motion passed. Yes: 5 No: 0 Absent: 2

- Zoning Administrator and Historic Preservation Commission Staff Liaison Isaac Pezley summarized the content of the CLG annual report with Council. The report updates contact information for the commissioners and makes sure there are at least two meetings per year. In 2019, the commission met ten times and recommended a budget of \$750. Commission members are required to attend two workshops per year. This goal was met by two members who attended the summit workshop. Last year was the first year an action plan was required. This year, the previous action plan was updated by adding: increase footprint in the community, maintain development relationships with local entities, explore designation of historic districts in the northeast quadrant of Waverly, and collaborate & host preservation month. May is Historic Preservation Month and potentially, the commission may do the same thing this year. They may have a celebration/event for the opening of the Farmer's Exchange Building. The possibility of historic signage for along Bremer Avenue is put on hold for the time being.

3. Moved by Rathe, seconded by Drenkow to approve Resolution 20-40, authorizing the Waverly Fire Department to use 3.5 acres on Cedar River Parkway, adjacent to well house number seven (7).

Motion passed. Yes: 5 No: 0 Absent: 2

- Fire Chief Dennis Happel came to Council to request that the fire department be able to use 3.5 acres of City owned land on Cedar River Parkway (near well #7) in order to

development a training center. They are applying for an Assistance to Fire Fighters Grant to help fund the facility. The location of the training center should not impact well #7. Waverly Chief of Police Richard Pursell and Bremer County Sheriff Dan Picket have both written letters of support for this project. The Fire Fighters Association will contribute the 5% matching funds.

- The location would be just north of well #7. There are overhead lines owned by MidAmerican that will be taken into account. There are probably gas lines at this location; however, they are not a priority for this project. The LP Gas tank noted in the plans is for simulation training for the fire fighters. The LP tank is empty except when training requires there to be gas in it. If the grant is not awarded for this application, other avenues will be pursued such as Black Hawk County Gaming Grant, Fire House Subs Grant, etc. If a plateau is experienced, the project will be downsized in an effort to meet the costs. Structural fire fighters are required to have 24 hours of training per year. The Waverly Department has six state certified trainers so much of the training is done in-house. The fire department will train at the facility once a month at a minimum. The smoke trailer is only used for fire prevention programs. Natural fiber is used for smoke generation instead of synthetic. The building will be secured by commercial type locks.

4. Moved by Rathe, seconded by Drenkow to approve Resolution 20-31, authorizing condemnation of certain real property owned by Waverly Bowling Lanes, Inc. for the 4th Street SW Reconstruction project.

Motion passed. Yes: 4 No: 1 (Schneider) Absent: 2

- The City of Waverly must acquire a parcel for additional right of way for the new box culvert. The area of the parcel is 542 square feet. The City has offered the owner \$2 per square foot for the acquisition of additional right of way that is currently within a drainage easement. This would mean an offer of \$1,084. The owner has not responded to letters. The City already has a drainage easement that goes along the front of the bowling alley (the north side). This allows us to maintain the drainage way and should actually be sufficient to allow the City to install the box culvert, however, the State is requiring this acquisition. There was a death in the owner's family. This causes issues within the estate process. This portion of the process takes a month or two in order to establish the schedule to complete the process. This process does not take property away from the owner. The extended box culvert and allows so there can be a sidewalk on each side of the street and may provide for better access through the side doors for the business. All other easements are obtained for the 4th Street Reconstruction project. The building is for sale.

5. Moved by Drenkow, seconded by Glaser to approve Resolution 20-32, approving nuisance abatement actions against RR, LC, owner of the former Red Fox Inn at 1900 Heritage Way, Waverly and petition for title for a not-to-exceed expense of \$10,000.00.

Motion passed. Yes: 5 No: 0 Absent: 2

- The property and improvements known as the Red Fox Inn on the parcel at 1900 Heritage Way have been abandoned by the owner and lienholders. The condition of the buildings on the property render the property unsafe and a danger to public health and safety and constitute a public nuisance. The City has the right under city ordinance to require abatement of the nuisance, abate the nuisance itself and/ or petition the district court for title to the abandoned property. The first lienholder held a private property sale. A foreclosure action was sought and awarded to the lienholder. The lienholder then had the action rescinded. The owners have abandoned the property. There is a second lienholder, and the first lienholder is still in place. The second lienholder would need to start a foreclosure on their own. Notice has been given to the owners with no response expected. The property is not being maintained. The worst-case scenario would be to have nobody do anything. The structure would then deteriorate over time. Nobody wanted it at time of foreclosure. The City has taken some emergency measures to avoid having it become a public hazard and will continue to do that. The City temporarily closed 20th Street where a person could drive in from the south. A vehicle could still get through there to aid someone that might

need help to get out. The process does require a petition to be filed in District Court and all lienholders would need to be served. If no one contests the petition, after 60 days, the title could be transferred to the City. Clearing the title is the biggest benefit so the City might be able to prepare an offer to developer(s). It would be good to be proactive while the building still has some economic viability to find a developer. It would be bad if the City ends up with no one to redevelop it and the expense to dispose of it has to be experienced by the City as this would not be an easy undertaking and could end up costing \$4 – 6 million. Following this process helps to clear all the liens to avoid the tax sale. This property is located within the Tax Increment Finance (TIF) District. The property is approximately nine (9) acres. If we owned the property, our insurance would cover any liability issues.

6. Moved by Schneider, seconded by Glaser to approve Resolution 20-33, approving a Residential Lease Agreement between the City of Waverly and Brandon Marks and Sophia Grow for 517 3rd Street SE, Waverly for \$750 per month with the tenants paying all utilities.
Motion passed. Yes: 5 No: 0 Absent: 2
 - There is a guaranteed lease until February, 2021 and then, month to month thereafter. They will work with the City if the City needs the property sooner.
7. Moved by Rathe, seconded by Kangas to approve Resolution 20-34, approving Contract, Bond, and Certificate of Insurance from Schrader Excavating & Grading Co. of Walford, Iowa for the Airport Obstruction Removal Project 2020 and authorizing the Mayor to sign the contract.
Motion passed. Yes: 5 No: 0 Absent: 2
8. Moved by Drenkow, seconded by Rathe to approve Resolution 20-35, approving Change Order No. 1 for upgrades to improve durability, maintenance, and performance of the building for the Waverly Senior Housing Project 2019 in the amount of a \$49,442.00 increase.
Motion passed. Yes: 5 No: 0 Absent: 2
 - This is a very nice-looking building. Whether there will be a grand opening will be looked into. There is a strong desire for people to live there. Waverly Senior Housing is the housing authority in Waverly and are somewhat autonomous, however, the City is the parent organization. There is talk of future projects. The rent being charged will not be more than \$1,000 per month. This is not a Section Eight (8) property so the rent will be more than the other housing buildings. They are decent sized apartments with one and two bedrooms available. They are not market rate sized, but they are not efficiency sized apartments.
9. Moved by Drenkow, seconded by Rathe to approve Resolution 20-36, approving a final plat to re-subdivide property described as Parcel ID #0917200016 into three additional lots located in the Pheasant Ridge Subdivision for Adam and Kelly Moeller.
Motion passed. Yes: 5 No: 0 Absent: 2
10. Moved by Schneider, seconded by Kangas to approve Resolution 20-37, approving a contract between the City of Waverly and IBEW Local Union 288 (City Unit).
Motion passed. Yes: 4 No: 1 (Schneider) Absent: 2
 - This is a three-year agreement with a 3% wage increase that includes employee out-of-pocket contributions to health insurance coverage. There were changes to the grievance process to include human resources as a step within it. There is no contingency for the City getting into a revenue bind.
11. Moved by Drenkow, seconded by Kangas to approve Resolution 20-38, approving a contract between the City of Waverly and IBEW Local Union 288 (Public Safety Unit).
Motion passed. Yes: 4 No: 1 (Schneider) Absent: 2
 - The Safety Unit has more items that can be legally bargained. This unit will also have a three-year agreement with a 3% wage increase that includes employee out-of-pocket contributions to health insurance coverage. They currently contribute 10% to the out-of-pocket health insurance coverage. This will go up to 12% for each of the future three years. Some of the insurance wording was removed. The bereavement leave was changed to match the employee handbook.
12. Moved by Drenkow, seconded by Rathe to approve the Third and Final Reading of Ordinance 1070, an Ordinance providing for rezoning of property owned by JDM Property Holdings LLC

located at 208 9th Avenue NW and 1005 Adams Parkway from R-2 (One and Two Family Residential) to P-D (Planned Development District).

Motion passed. Yes: 5 No: 0 Absent: 2

13. Moved by Rathe, seconded by Drenkow to approve Resolution 20-39, approving a preliminary plat for JDM Property Holdings LLC for construction of a residential development to consist of 32 single family lots and 3 twin home lots on property to be known as "Whitetail Bluff Subdivision" located at 208 9th Avenue NW and 1005 Adams Parkway.

Motion passed. Yes: 5 No: 0 Absent: 2

- The Waverly Shell Rock School District is not receiving Lot 36. Doing so would interfere with future potential development. The parcel was intended to be an access point to the second lot that was on the west side. Currently, it is unclear whether there will be sidewalk access to the school from this development. Small lot sizes were also asked about. This area is a blend of R-1 and R-2. The allowance of docks will be dealt with during final platting.

14. Moved by Drenkow, seconded by Schneider to approve the First Reading of Ordinance 1072, an Ordinance providing for rezoning of property owned by the City of Waverly for Parcel ID 0911200001 and Parcel ID 09112000018 located abutting the Cedar River Parkway from A-1 (Agricultural District) to R-2 (One & Two Family Residential District) and Setting March 16, 2020 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: 5 No: 0 Absent: 2

L. Reports from Boards and Commissions

1. Historic Preservation Commission Minutes; November 25, 2019; Received into record
2. Library Board Minutes; January 14, 2020; Received into record.

M. Staff Updates

- City Clerk Carla Guyer shared with Council that the US Census has challenged every Complete Count Committee to hold an event to mark/celebrate US Census 2020 Day which will be April 1. The City's Complete Count Committee is requesting that everyone in the community to wear red, white, and/or blue that day. This would help raise awareness for the Census. This year is the first time that citizens can participate online. If you are living in Waverly on April 1, you are a Waverly citizen and you should complete the questionnaire as such.

N. City Council Comments

- Councilmember Drenkow requested a copy of the Planning and Zoning Commission minutes to be in the Council information for the next reading of Ordinance 1071.
- Councilmember Schneider mentioned Cedar Valley Day of Caring through United Way with the help of the ACCEL Group will be coming up again this year in the fall.
- Councilmember Kangas spoke about the Corona Virus and whether the City had an infectious disease plan for the City. We would probably look to Bremer County Emergency Management and the Waverly Health Center for guidance.
- Councilmember Rathe commented that the first thing a person can do is to get their flu shot. If you are ill, don't go to work. A mask only helps lessen the potential for you to spread your germs, wash hands often, use hand sanitizer, and try to keep your hands off your face. The hospital is getting regular emails from the CDC. Rathe also reminded folks that there is a special election Tuesday, March 3 for school funding. Voting will be at the Civic Center. Also, good luck to the girls' basketball at the State tournament.

O. Mayor's Comments

- Mayor Hoffman noted that there will be a Board of Adjustment meeting regarding the rezoning for an Ordinance providing for rezoning of property owned by Amcon Construction Company LLC located at 1661 3rd Street SW from R-3 (Multiple Family Residential District) to C-1 (Commercial District). This is for the development of a child care facility. He recognized the wrestling teams for State Championships, the bowling team for scoring 5th place at State with two bowlers finishing in the top ten with 4th and 8th place finishes, and the speech team participated in a State tournament as well, but need to get the results. The Senior Center is hosting their monthly 506

Café on Tuesday, March 3. Sunday there will be an omelet breakfast hosted by the 4-H and the extension office.

P. Moved Schneider, seconded by Rathe to adjourn the meeting. Motion passed and the Council meeting adjourned at 8:40 P.M.

Yes: 5 No: 0 Absent: 2


Adam P. Hoffman, Mayor

ATTEST:


Carla Guyer, City Clerk