

Regular Meeting Minutes – January 18, 2021
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on January 18, 2021 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. 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: Birgen, Drenkow, Glaser, Kangas, Rathe, and Schneider Absent: Beaufore

C. Moved by Drenkow, seconded by Birgen to approve agenda as presented.

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

D. Moved by Drenkow, seconded by Glaser to the January 4, 2021 regular 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 Ordinance 1085, an Ordinance vacating and transferring cul-de-sacs Spyglass Hill and Pinehurst Point in Centennial Oaks Golf Club Addition in the Waverly Municipal Code.

- **There were no oral or written public comments.**
- **The public hearing was then closed.**

Moved by Glaser, seconded by Birgen to approve the First Reading of Ordinance 1085, vacating and transferring cul-de-sacs Spyglass Hill and Pinehurst Point in Centennial Oaks Golf Club Addition in the Waverly Municipal Code.

Motion passed. Yes: 5 No: 1 (Schneider) Absent: 1

- Council expressed they would have liked more clarity on this item at the meeting when the development agreement was discussed and passed.

F. Consent Calendar

1. Approve the purchase of a 2021 Chrysler 7-passenger Mini Van from Stew Hansen Dodge City of Urbandale, Iowa, for the amount of \$28,999.

2. Set the Public Hearing date to review the Cedar River Park Bid Package 2- Ball Field Installation and Paving project Plans, Specifications, Form of Contract and Estimated Cost for February 15, 2021 at 7:00 p.m. in the Council Chambers of City Hall.

3. Pay Request from Snyder & Associates for the 4th Street SW and 10th Street SW Reconstruction 2020 for the amount of \$50,457.21.

4. Pay Request from WHKS & Co. for the 3rd Street SE Bridge Removal for the amount of \$405.28.
5. Pay Request from WHKS & Co. for the Old WPC Dome Demolition 2020 for the amount of \$656.74.
6. Pay Request from McClure Engineering Co. for the Airport Runway 29 Extension 2018 for the amount of \$2,700.00.
7. Pay Request from Farnsworth Group, Inc. for the Public Services Center- North Addition 2021 for the amount of \$13,675.59.
8. Class C Liquor License for Casa Robles.

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

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

G. Regular Business

1. Moved by Drenkow, seconded by Birgen to approve Resolution 21-08, approving Change Order No. 1 to the Owner-Occupied Rehabilitation Contract for Project #2 of the Waverly CDBG Housing Rehabilitation Program for an increase of \$1,150.00.

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

- Rose Phillips of Iowa Northland Regional Council of Governments (INRCOG) explained that this is a common action on projects such as this one. This might happen if a contractor notices different materials are needed or there is more degradation noted than originally thought to be so there is more repair needed. This is a single grant that is effective from 2019 through 2022 and currently, involves six (6) pre-qualified homeowners. If an owner drops out or there is money left over after serving six (6) homeowners, it may be possible to serve other homeowners. This project is not funded by local tax dollars, but by State funding.

2. Moved by Schneider, seconded by Birgen to approve Resolution 21-09, approving a Professional Services Agreement with WHKS & Co. for the 2021 vehicle bridge inspections on an hourly not-to-exceed fee of \$6,050.00 including expenses.

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

- The agreement is for services associated with the mandatory biennial federal bridge inspection program of the City's vehicle bridges. Inspections will be performed on 13 City-owned vehicle bridges or culverts. An inspection report will be created and submitted in the Iowa DOT Structure Inventory and Inspection Management System (SIIMS) for each vehicle bridge or culvert on the National Bridge Inventory (NBI). In addition to SIIMS reports, a supplementary inspection report will be submitted to the Client for the NBI bridges. The inspectors will look at the structural integrity of the bridge to check that the critical members are in sound condition. If they are deteriorating, they will determine if the amount of deterioration will affect the load capacity. The inspections also help to identify whether the City ought to be planning for improvements 3 – 5 years out. The D.O.T.'s map is mislabeled and should actually refer to the bridge just south of the entrance to CMI. The D.O.T. does have an interactive map that allows a person to see the structural bridge report for any specific bridge. Every structure is inspected every other year. While the bridges along the Waverly Rail Trail are not required to be inspected by the D.O.T., the City elects to have those bridges inspected every four (4) years.

3. Moved by Drenkow, seconded by Birgen to approve Resolution 21-10, approving Contract, Bonds, and Certificate of Insurance from Cresco Building Service of Cresco, Iowa for the Public Services Center- North Addition 2021 project and authorizing the Mayor to sign the contract.

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

4. Moved by Rathe, seconded by Birgen to approve Resolution 21-11, approving the purchase of Builders Risk Insurance from The Cincinnati Insurance Companies for the Public Services Center- North Addition 2021 project for the quoted price of \$4,736.00.
Motion passed. Yes: 6 No: 0 Absent: 1
5. Moved by Birgen, seconded by Drenkow to approve Resolution 21-12, approving an agreement for material inspection and testing services with Chosen Valley Testing of Waterloo, Iowa for the Public Services Center- North Addition 2021 project for an estimated cost of \$8,774.00.
Motion passed. Yes: 6 No: 0 Absent: 1
6. Moved by Kangas, seconded by Birgen to approve Resolution 21-13, accepting the Cemetery Building project as complete, approving Pay Application No. 5 in the amount of \$24,939.40, and approving Pay Application Retainage in the amount of \$7,371.50 as the final pay request to Steege Construction of Waverly, Iowa.
Motion passed. Yes: 6 No: 0 Absent: 1
 - Staff is pleased with the completion of the building.
7. Moved by Drenkow, seconded by Birgen to approve the Third and Final Reading of Ordinance 1086, an Ordinance repealing and replacing Waverly Municipal Code's Chapter 102, Flood Plain Management.
Motion passed. Yes: 6 No: 0 Absent: 1
8. Review of FY 2020 City of Waverly Audit by Chad Regnier from Williams & Company P.C.
 - Chad Regnier of Williams & Co. reviewed the financial audit for fiscal year 2019 – 2020. Mr. Regnier explained the different portions of the audit. The Waverly Health Center and Waverly Utilities are components of the City; however, they are not included in the City's audit. He did say that the City did receive a clean opinion. The unassigned fund balance of \$3,700,000 in the general fund is equivalent to 217 days of operating expense for the City.
 - There was a correction that was needed in the past year or two regarding how payroll was allocated. The auditor's opinion is not affected by it. The auditors consider 217 days' worth of operating expense healthy. They like to see 90 days as a minimum and up to 180 days. They base it on when the next property tax is received from the County. It is very rare that audits are completed without a journal entry finding. Completing the audit remotely is a good option when there is inclement weather. Council thanked City staff for their efforts in completing the audit.
9. Review of the Council Policies and Procedures.
 - Councilmember Drenkow voiced that he would like to see a change in Section 2.20, Suspension of Rules and Procedures. The current rules and procedures require a majority vote to suspend the rules. He would like to see it changed to needing at least five (5) members of the Council to vote to pass it. Drenkow also commented that Section 2.16, Citizen Complaints, Grievances and Recommendations to Council, refers to a citizen speaking to a Council person who may then present it to the rest of the Council to discuss and a consensus of the Council or the Mayor may formally place the issue on the next agenda for the next Council regular session. Mr. Drenkow provided some suggested wording for the proposed changes. The goal of the proposed changes would be to get away from the Council Comments section being used as a platform for discussing items that are not in front of the Council. Councilmember Birgen expressed changing Section 2.20 to require a supermajority. Birgen is not excited about imposing rules regarding how the Council Comments section is used. He commented that it might be ok to think about putting a time limit on them. Councilmember Kangas mentioned that it has caused certain councilmembers in the past to step down from the dais and address the Council as a member of the public. Kangas much prefers the comments to be recorded in the minutes. Councilmember Schneider asked for thoughts regarding telephonic participation. Councilmember Kangas commented that participating via telephone creates problems of not

being able to read a person's facial expression. Since we have electronic video/audio meeting capabilities now, it may be something to consider; however, he would have concerns of voting and participating in that sense, without a group "Zoom" situation happening. Kangas added that a meeting is meant to be a gathering of all of the officials and voting in person, as a group, as a Council. Councilmember Drenkow expressed concerns for Councilmembers telephoning in for the meeting since with being a Councilmember there is a responsibility to show up at the meetings so that each Councilmember has the same information and perspective as the rest of the Councilmembers at the same time the vote is taken. Drenkow asked for more Council feedback regarding the Council comment section. Mayor Hoffman noted that they would have to be cautious of the discussion becoming so in depth that it could be considered an agenda item. Having such comments may help determine whether an item should be placed on a future agenda. Councilmember Glaser stated that he is in agreement with Councilmember Birgen. He isn't in favor of giving up the Council Comments section and give up being able to say miscellaneous items such as the thank you and general comments. Glaser also expressed that there is not currently a good way to move forward an item that he would like talked about in a future meeting. Councilmember Rathe shared that she feels it is a good idea to use the Council Comments section to introduce a topic without any discussion. This would also help to share what those in the community are communicating to only one or two members of the Council about. Rathe added that she feels it is a great idea. Councilmember Birgen talked about his experience as a college professor that it is an unmitigated disaster to try and teach half of the students in person in a classroom and half in a "Zoom" meeting. Birgen would discourage Council from trying to make telephonic meetings the acceptable. It was the consensus that the topic of telephonic meetings should be placed on an agenda moving forward, after budget is complete.

10. Moved by Kangas, seconded by Rathe to approve the following Mayoral Appointments: Ron Stahlberg and Kathy McClung are reappointed to the Municipal Housing Commission for terms ending January 2, 2023.

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

H. Reports from Boards and Commissions

1. Bremer-Waverly Law Board Minutes; December 14, 2020; Received into record.
2. Monthly Financials; December, 2020; Received into record.

I. Staff Updates

- Leisure Services Director Garret Riordan announced that Waverly has been nominated for the Healthy Home Town, Powered by Wellmark award through the Waverly Area Healthy Partnership for Living, and is once again a finalist. The City was awarded this prize last year, and the \$5,000 award is being put towards the mural on the side of the bakery downtown. Waverly is a finalist once again and the winners will be announced, virtually, on February 18th. The following contributed to Waverly being considered a finalist: the completion of Streetscape, the enhancements that were done to the disk golf course, collaboration with the Prairie Park neighborhood on building a shelter and installing basketball and pickleball courts, community garden enhancements, and trail extensions along Cedar River Parkway. Riordan also shared that the City now has a certified Arborist on staff in Leisure Services, since the Vegetation Management Lead has completed courses to become certified.

J. City Council Comments

- Councilmember Birgen reflected on this day in honor of Martin Luther King, Jr. holiday and shared a piece of history about an African American Air Force Captain by the name of Virgil Daniels and his family who wanted to move from Waterloo to Waverly in 1955. There were neighbors that didn't want them in Waverly and a group of neighbors that wanted them here. They did, eventually,

move to Waverly. Birgen would like members of the community to step up and volunteer to be on the Human Equity and Diversity Commission.

- Councilmember Drenkow requested that City Administrator James Bronner to see if there is something we can do about downtown parking and would like to see this topic be put on a future agenda.
- Councilmember Schneider referred to a letter that Council received from Mr. Denner regarding 39th Street and Cedar River Parkway. Schneider reflected on conversation of last meeting regarding the Manual Uniform Traffic Control Devices, and the paint situation. He expressed that it is pure D.O.T. neglect and mismanagement and would like to have the D.O.T. come to a meeting. There is a new director at the D.O.T. and thinks there is a positive future.
- Councilmember Glaser thanked the Waverly businesses and individuals that are donating to the Cedar River Park and added that he appreciates the support from the community.
- Councilmember Rathe expressed Martin Luther King, Jr. Day is now known as a day for service. We are lucky to live in a community where people invest in their time and their talents. One of the organizations that could use volunteers is Wavery Trees Forever. This group meets once a month and there is information on the Leisure Services website on how people can get involved whether it be coming to meetings and/or helping to plant in the spring and fall. The WSR Science Club is also having a tree sale. Watch for information regarding the sale in local businesses.
- Guest Council Gavin Goeke commented on that he liked Councilmember Birgen's story and added that he feels Waverly does a nice job making members of LGBTQ and Racial minorities feel welcome, but we can always do better.

K. Mayor's Comments

- Mayor Hoffman mentioned to save the date for the Heritage Days Color Walk/Run 5K, currently, scheduled for April 24th. If you are interested in more information on the event, you can visit the Heritage Days Facebook page. Hoffman also reflected on his meeting with Anna Mae Weems in Waterloo. Ms. Weems is a member of the Civil Rights Commission in Waterloo and an advocate for Civil Rights Justice among other things. Ms. Weems expressed interest in meeting with the Human Equity and Diversity Commission at a future meeting.

L. Moved by Schneider, seconded by Birgen to adjourn the meeting. Motion passed and the Council meeting adjourned at 8:28 P.M. **Yes: 6 No: 0 Absent: 1**


Adam P. Hoffman, Mayor

ATTEST:


Carla Guyer, City Clerk