

Regular Meeting Minutes – February 15, 2021  
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on February 15, 2021 at 7:00 P. M. at City Hall. Mayor Hoffman presided.

The Mayor determined that an in-person meeting of the City Council was impossible or impractical due to the COVID-19 pandemic.

**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 will be 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 will not be in the chambers, but will participate via ZOOM conferencing.

Comments for items that are on the agenda or for the Public Hearing were allowed 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 broadcast on the normal public access channels. We strived to maintain the quality of the video and audio during that broadcast. Public access is available through this broadcast.

Meeting minutes were still kept and included the statement above explaining why an in-person meeting was impossible or impractical.

- A. Mayor Hoffman called the meeting to order
- B. Roll Call
1. Present: Beaufore, Birgen, Drenkow, Glaser, Kangas, Rathe, and Schneider. Absent: None
- C. Moved by Glaser, seconded by Birgen to approve the agenda as presented.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- D. Moved by Drenkow, seconded by Schneider to approve the January 25, 2021 Study Session Minutes, the January 30, 2021 Budget Study Session Minutes, and the February 1, 2021 Regular Meeting Minutes.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- E. Public Hearing
1. This was the date, time and place for a public hearing to set the Maximum Property Tax Dollars for the City's Proposed Fiscal Year 2021-22 Budget.
- **There were no oral or written public comments.**
  - **The public hearing was then closed.**
- Moved by Birgen, seconded by Rathe to approve Resolution 21-17, approving the Maximum Property Tax Dollars from Certain Levies for the City's Proposed Fiscal Year 2021-22 Budget.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
- This public hearing is required since two years ago the legislature changed the procedures to pass a municipality budget. This is a public hearing to only pass the maximum property tax dollars from certain levies. This public hearing does not include the debt and certain parts of the budget. There will be an overall budget public hearing on March 15<sup>th</sup>.
2. This was the date, time and place for a public hearing for the Cedar River Park Bid Package 2-Ball Field Installation and Paving 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 Drenkow, seconded by Kangas to approve Resolution 21-18, approving Plans, Specifications, Form of Contract, and Estimate Cost of \$2,528,995.52 for the Cedar River Park Bid Package 2- Ball Field Installation and Paving project.  
**Motion passed. Yes: 6 No: 0 Absent: 1**
- (7:08 p.m. Beaufore having technical difficulties)

• Option number one included a black, vinyl, chain link fence. This option was an additional \$100,000, but would add the aesthetic feature to the fence. This would not change the performance of the fence. The galvanized option will perform the same way. Task force members were consulted with and agreed with this decision.

2a. Moved by Birgen, seconded by Rathe to approve Resolution 21-19, awarding Contract for the Cedar River Park Bid Package 2- Ball Field Installation and Paving project to Cardinal Construction Inc. of Waterloo, Iowa for the bid amount of \$2,502,350.52 and bid alternate No. 2 for backstop netting on the Premier Field for \$26,645.00.

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

**(7:15 p.m. Beaufore returned after vote was taken.)**

F. Consent Calendar

1. Set the Public Hearing date to review the construction of the South Riverside Shelter Project Plans, Specifications, Form of Contract and Estimated Cost for March 1, 2021 at 7:00 p.m. in the Council Chambers of City Hall.
2. Pay Request from Snyder & Associates for the Cedar Lane Reconstruction for the amount of \$12,528.45.
3. 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 \$7,533.88.
4. Pay Request from Cresco Building Service, Inc. for the Public Services Center North Addition 2021 for the amount of \$12,350.00.
5. Class C Liquor License for Applebee’s Neighborhood Grill & Bar.
6. Cash Disbursements for January, 2021.

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

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

G. Regular Business

1. Moved by Rathe, seconded by Glaser to approve Resolution 21-20, approving the purchase and installation of a replacement security camera system from Hawkeye Communication of Waterloo, Iowa for the quoted price of \$8,813.00 for the Waverly Municipal Airport.

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

2. Moved by Schneider, seconded by Birgen to approve Resolution 21-21, establishing Subdivision Sidewalk Infill Program Criteria and directing its implementation as scheduled.

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

• The word “lot” is missing after the word “vacant” in the first line of paragraph number three (3). Staff clarified that if there were five (5), adjacent, vacant lots; it would not be required to install sidewalk. However, if the middle lot was purchased and built upon, then, lots one (1) and two (2) would then be required to install sidewalk if the owner of the lots had already owned the lots for two years. This will provide some grace period. The 3<sup>rd</sup> Ward will not currently be impacted regarding sidewalk infill. This is mostly intended for new development. It may be a future issue whether there is a need to have sidewalks through parts of town that have not had or never had sidewalks before. The special assessment procedure will be allowed in order to delay the first payment for up to one (1) year and would be paid over a five (5) to ten (10) year period. There is a waiver procedure that property owners may check into in which Council could look at on a case-by-case basis and possibly allow that owner additional time to comply. Staff expressed that two-years seemed like a reasonable amount of time that Council could support. Most people purchase a lot and then, build on it right away. If a developer has three (3) or more vacant lots in a row, the six (6) year rule does not apply. Council expressed that the resolution is a good document and thanked Staff for preparing it.

3. Moved by Drenkow, seconded by Birgen to approve Resolution 21-22, approving the Final Assessment Schedule for the 4th Street SW (IA 116) & 10th Street SW Improvements 2020 project.  
**Motion passed. Yes: 7 No: 0 Absent: 0**  
• Staff reviewed the final assessment worksheet with Council.
4. Moved by Rathe, seconded by Birgen to approve Resolution 21-23, accepting the Business 218 North HMA Resurfacing 2020 project as complete and approving Pay Estimate No. 4 in the amount of \$23,253.32 as the final pay request to Heartland Asphalt of Mason City, Iowa.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
5. Moved by Drenkow, seconded by Birgen to approve Resolution 21-24, approving Supplemental Agreement No. 1 for Engineering Services with Snyder & Associates, Inc. of Ankeny, Iowa related to inflationary expenses caused by the one-year delay in completing the study due to the impact that the COVID restrictions had on traffic volumes for the not-to-exceed amount of \$13,500.00 for the Traffic Study 2020 project.  
Moved by Beaufore, seconded by Drenkow to postpone until the March 1, 2021 City Council meeting.  
**Motion passed. Yes: 7 No: 0 Absent: 0**  
• Council questioned the increase in the amount of \$13,500 being inflationary costs. Staff then explained that after being caught in the beginning of the COVID shut downs, this now comes about. The first portion of the traffic counts will need to be repeated at all 25 intersections with all the equipment being placed and removed again. Traffic counts at that time would not have been accurate so they were told to stop. Staff will provide an itemized list of the increases for the March 1<sup>st</sup> meeting. This issue was outside the control of the consulting firm.
6. Moved by Schneider, seconded by Beaufore to approve Resolution 21-25, approving a Lease Agreement between the City of Waverly and William Lowe of \$225 per acre for 24 tillable acres for a total rent of \$5,400.00 for the 2021 rental ground within the City's Airport Safety Zone.  
**Motion passed. Yes: 7 No: 0 Absent: 0**
7. Moved by Drenkow, seconded by Birgen to approve Resolution 21-26, authorizing the Mayor to sign an Expedited Informal Settlement Agreement of \$2,131.00 with Iowa OSHA to correct violations that occurred during demolition at the former Red Fox Inn property by 1859 Ventures, LLC.  
**Motion passed. Yes: 7 No: 0 Absent: 0**  
• The City Council selected the proposal submitted by 1859 Ventures, LLC for the redevelopment of the Red Fox Inn on September 21, 2020. The Council approved allowing the developer to take early possession of the property to begin the redevelopment process on November 2, 2020. The City Council approved the development and purchase agreement with 1859 Ventures, LLC on November 16, 2020. It was brought to the attention of the City during the week of December 13, 2020 that the developer had progressed from roof repair and furniture removal to wall and ceiling demolition and that proper asbestos testing by the developer had not been completed. On December 17, 2020, in cooperation with DNR, the City halted work on the project and ordered the property vacated until proper testing and mitigation could be completed. Since December 17, 2020, the developer and the City have been working with DNR and OSHA to ensure that proper testing and mitigation is completed before further redevelopment is continued. The asbestos contractor has completed mitigation in the East building and the pool area. As a result of the developer's failure to properly test and mitigate, DNR issued a notice of violation and Iowa OSHA issued a citation and penalty to the City of Waverly as owner of the property. The OSHA violation included an assessed penalty of \$4,262.00. OSHA has offered the City an Expedited Informal Settlement Agreement (ESIA) which allows the City to pay a

reduced penalty of 50% or \$2,131.00. The developer, 1859 Ventures, LLC, has agreed to reimburse the City for this penalty. Staff is recommending approval of the EISA. The developer is responsible for all costs of testing and mitigation on the entire property. The City will be released from future responsibility on the remainder of the property by DNR and OSHA upon completion of the current testing and mitigation. The City will not be responsible for testing or mitigation on the remainder of the property by DNR and OSHA since the property was conveyed on December 31, 2020. The developer has already completed testing and mitigation as required by DNR. Council expressed that this situation is disconcerting.

8. Moved by Birgen, seconded by Rathe to approve Resolution 21-27, a Resolution Fixing Date for a Meeting on the Proposition of the Issuance of Not to Exceed \$2,700,000 General Obligation Bonds of the City of Waverly, State of Iowa (For Essential Corporate Purposes), and Providing for Publication of Notice Thereof for a Public Hearing on March 1, 2021 at 7:00 p.m. in the Council Chambers of City Hall.

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

9. Moved by Rathe, seconded by Glaser to approve the First Reading of Ordinance 1087, an Ordinance amending the Sewer Rates, Charges, and Minimum Rates for Fiscal Years 2021-22 and 2022-23.

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

- From July 2007 through June 2017, the City's effective average annual rate increase for sewer equaled 2.5%, a pattern that remained at about the average annual rate of inflation. In June 2019 and again in June 2020, the rates were increased 5.0% in anticipation of the 2021 Wastewater Treatment Facility Improvements. This project is estimated to cost an estimated \$11 Million. The City's financial advisors agree that the increase is appropriate. The proposed Sewer Rate increases reflect a 10.0% increase in fees for fiscal years 2021- 22 and 2022-23. Each rate increase would be effective in June and payable in July of each year starting in 2021. The additional revenue is needed to compensate for fixed inflationary expenses, to finance the upcoming Wastewater Treatment Facility Improvements project, and to meet bond coverage requirements. A typical household using 600 cubic feet of water per month will pay an additional \$3.54 and \$3.90 for sewer per month for each of the two annual rate increases. The proposed rate increases are consistent with the City's policy to maintain and manage the City's infrastructure and to efficiently and safely operate and maintain the WPC facility and wastewater collection system.

10. Moved by Birgen, seconded by Drenkow to approve the First Reading of Ordinance 1088, an Ordinance amending the Solid Waste Rates, Charges, and Base Rates for Fiscal Years 2021-22 and 2022-23.

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

- The proposed Solid Waste Rate changes reflect about a 2.5% increase in fiscal years 2021- 22 and 2022-23. Each rate increase would be effective and payable in July of each year starting in 2021. The proposed rate increases match the percentage discussed during the budget meetings. The additional revenue is needed to compensate for fixed inflationary expenses and equipment replacement. A typical household with a 35-gallon garbage container and a 35-gallon or 65-gallon recycling container will pay an additional \$4.50 per month for garbage and \$1.00 per month for recycling starting July 2021; and an additional \$4.50 per month for garbage and \$1.00 per month for recycling starting July 2022. The proposed rate increases are consistent with the City's policy to maintain and manage the community's solid waste collection program, recycling program, and yard waste processing operations. Waverly continues to be a leader in residential garbage and recycling collection, commercial garbage collection, and yard waste processing. Previously, the City purchased a new curbside-collection recycling truck in March

- 2014 allowing for more services and options to the residents and businesses throughout the community.
11. Discussion with Waverly Chamber of Commerce regarding FY2021-22 Budget funding request.
- City Administrator James W. Bronner explained that this discussion came about from a budget session item regarding the request received from the Waverly Chamber of Commerce.
  - Waverly Chamber of Commerce/Main Street Program Director Travis Toliver; Waverly Chamber of Commerce Chairperson Don Meyer; Chris Miller, Treasurer; Tiffany Schrage, Events and Tourism Coordinator; and Michael Wagler, Main Street Iowa State Coordinator were available for the discussion.
  - It is a concern that the Commerce and the Main Street is operating as one organization. Both organizations seem to have goals that are not the same. The needs of Main Street Merchants/Businesses and Commercial are not exactly in alignment with each other. What is the function of the Chamber? Goals of Chamber seem amorphous. It is difficult to understand what the difference is between Main Street to Chamber. Mr. Toliver reviewed a bit of history. The Chamber of Commerce fundamentals are a group of businesses that come together and form a non-profit organization to help promote the business community for the greater good. They put on a number of member and community events throughout the community that help bring a certain level of quality of life to the community. The two organizations worked together in 1989 in order to preserve historic buildings in the downtown. It seemed that the two organizations were chasing the same money so efforts were combined to try to avoid this from happening. In 1994, the two organizations came together. Tourism is also part of the Chamber and Main Street on behalf of the City. Mr. Wagler informed Council that there are about 55 communities that are involved in Main Street programs and about 1/3 of those are combined. Wagler stated that he feels the strength is the commitment to the downtown revitalization process as a catalyst for community growth. One of the biggest elements of the Main Street Program from a State perspective is the access to technical resources. This does provide a competitive edge for other available grants. Council expressed that Main Street does not seem to be equally represented with the Chamber. Toliver listed several projects that had been completed through the Main Street Program. The Chamber/Main Street budget was also discussed. Does Council have access to the budget? There are reserves available that have built up over time. The Board of Directors took time out to call all of the businesses in the past year to find out how they were doing and see if there was anything that they could do to help. There is an average of, just shy of, 300 businesses every year. The City is also a partner with Greater Cedar Valley Alliance. Timeliness of grant communication was also discussed. Krista Dolash's work on Facebook, Experience Waverly, were recognized. Toliver listed several additional items that the Chamber/Main Street worked on this past year. Another item that was discussed is when the Chamber/Main Street takes a lead role vs. supporting role in projects, (lead vs. support) position. The budget process was talked about a little bit more. Suggestions to have the budget available in advance for the Chamber/Main Street Board to allow for better preparation would be helpful. The meetings seem to be missing the updates of where the members are with the goals for the Chamber/Main Street; they need to align individual goals with the membership goals better. Council would like to see representation for all businesses going forward through a broad plan. Despite being hypercritical, the Chamber/Main Street should be commended; they just need to come together for ways in making the Chamber/Main Street better. It would be good to work on expectations for each other, with involvement, especially planning ahead and during the Bremer Avenue Bridge construction.
12. Moved by Schneider, seconded by Birgen to approve the following Mayoral Appointments:

- Angela Brunssen is replacing Liz Wuertz on the Leisure Services Commission for a term ending December 31, 2023.
- Heather Beaufore as Council Liaison for the Human Equity & Diversity Commission.
- Human Equity & Diversity Commission members are: Shane Blackledge, Allison Banwart-Hales, and Amy Kangas having a one-year term ending on February 15, 2022. Nana Quaicoe, Lynda Abkemeier, Tiffany Stouffer, and Matthew Moore having two-year terms ending on February 15, 2023.

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

H. Reports from Boards and Commissions

1. Historic Preservation Commission Minutes; November 23, 2020; Received into record.
2. Planning and Zoning Commission Minutes; December 3, 2020; Received into record.
3. Monthly Financials; January, 2021; Received into record.

I. Staff Updates

- City Clerk Carla Guyer asked the Council to email her in order to form a consensus on whether future meeting should be in-person or continue with Zoom conferencing.

J. City Council Comments

- Councilmember Kangas shared that folks may have to let their water service run just a bit to avoid having water pipes freeze during the sub-zero temperatures.
- Councilmember Birgen announced that Waverly-Shell Rock schools are delayed 2 hours for Tuesday, February 16<sup>th</sup>.
- Councilmember Rathe thanked all the staff who are still working outside in the extreme low temperatures.
- Councilmember Drenkow echoed what Councilmember Rathe said.
- Councilmember Schneider talked about influencing government changes and raised the 3-lane vs. 4-lane discussion again.
- Councilmember Beaufore announced that Applebee's is participating in a fundraiser on Tuesday, February 16<sup>th</sup>, with a limited menu to benefit National Alliance of Mental Illness (NAMI) from 4:00 p.m. until 8:00 p.m.
- Guest Council Lynda Abkemeier thanked Council for this opportunity and added that it was a very enlightening conversation, especially regarding the Chamber/Main Street.

K. Mayor's Comments

- Mayor Hoffman talked about new businesses coming to town. He added that he is proud of the Council moving forward with the new Human Equity and Diversity Commission and thanked the task force for their work and service. Hoffman also thanked those who stepped up to be appointed on the new commission.

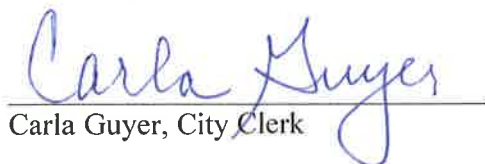
L. Moved by Kangas, seconded by Birgen to adjourn. Motion passed and meeting adjourned at 9:27 p.m.

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



Adam P. Hoffman, Mayor

ATTEST:



Carla Guyer, City Clerk