





review modeling to see where water would go if levies were used for flood assistance. Mark Schloemer suggested that Hesco barriers be used on 1<sup>st</sup> Street NW so more time would be available to build levees in SE Waverly. Jim Lindner asked if the wooden area north of the bridge could be used to widen the river channel. Beth Olson requested that the City maintain what is necessary. Elaine Main asked if the City would work with other cities and counties along the Cedar River to work on water management issues. Sandbagging the intakes is a good alternative because it can be performed at the last minute as needed and can readily be removed to allow for the release of trapped surface water. Storm sewer plugs must be installed before the water inundates the pipe and they do not readily release backed up water. City Engineer Cherry informed Council there is a life to sandbags and they can freeze and mold. Mr. Cherry also stated that it is just as valuable as the inflatable dam to deepen and widen the dry run and box culverts from Bremer Avenue South to St. John's Lutheran Church. Mr. Cherry also said the City follows FEMA National Flood Insurance Plan regarding land use management policies.

2. **Review Plans for the Bremer Avenue Traffic Signal Modifications.**

Tony Boes of Snyder and Associates stated the project involves traffic signal modifications on Bremer Ave (Iowa 3) at intersections with 15<sup>th</sup> St. W, 10<sup>th</sup> Street W, 4<sup>th</sup> Street W, 1<sup>st</sup> Street W, 1<sup>st</sup> Street E, 2<sup>nd</sup> Street E, 3<sup>rd</sup> Street E, and at the 4<sup>th</sup> Street SW intersection all within the City of Waverly. The project provides for adding side street detection, emergency vehicle pre-emption, and wireless interconnect; replacing cabinets, conduits, wiring, etc; and removing the signals at the two intersections of 4<sup>th</sup> Street & 2<sup>nd</sup> Ave. SW and W. Bremer Ave. and 6<sup>th</sup> Street W. Mr. Boes also stated that Snyder and Associates will be working on plans to keep flashing yellow and red lights for the Volunteer firemen. Construction will begin next year for approximately 3 months. Temporary signals will be used during construction. The City will be receiving \$580,000 Federal Stimulus funds for the project. Mayor Ackerman received two e-mails from principals who asked the City to delay removing the light at W. Bremer and 6<sup>th</sup> Street until after the new school was constructed. Junior High Football players cross at the 6<sup>th</sup> Street W intersection when going to the fairgrounds for practice. Jean Schloemer voiced her concern with removal of the traffic signal at W. Bremer and 6<sup>th</sup> Street W. Waverly-Shell Rock School Superintendent Jere Vyverberg said he will work with students to cross at 4<sup>th</sup> Street West and possibly have shuttle stops on the north side of Bremer Ave. and East of 4<sup>th</sup> Street. Tony Boes informed Council that there would be an additional cost of \$70,000 - \$80,000 to keep the light at 6<sup>th</sup> Street and the DOT might disagree that a traffic light is warranted at that sight. Snyder and Associates will possibly increase the timing of the traffic signal at 4<sup>th</sup> Street for football players to cross at that intersection.

3. **Resolution 09-61, A Resolution Approving a Special Provisional Use for Waverly-Shell Rock School District for New 5 – 8 Grade Educational Facility.**

Community Development and Zoning Official Ben Kohout stated that the following school rezoning is just to match the surrounding land use. A

special provisional use approval can be in an A-1 or R-3 district. School Superintendent Jere Vyverberg informed Council that there is significant retention areas to cover runoff. Mr. Vyverberg emphasized that the area is not a wetland. FEMA and Iowa Homeland Security have approved the conceptual drawings and 5 test borings were taken to make sure the land was suitable for the school facility.

**Moved By: Grace**

Resolution 09-61, A Resolution Approving a Special Provisional Use for Waverly-Shell Rock School District for New 5 – 8 Grade Educational Facility is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

4. **First Reading of Ordinance 922, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from A-1 (Agricultural District) to R-3(Multiple Family Residential District) for Waverly-Shell Rock School District for New 5 – 8 Grade Educational Facility.**

**Motion By: Ecker**

First Reading of Ordinance 922, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area from A-1 (Agricultural District) to R-3(Multiple Family Residential District) for Waverly-Shell Rock School District for New 5 – 8 Grade Educational Facility and setting a Public Hearing Date, Time and Place of July 6, 2009 at 7:00 P.M. at City Hall on said Rezoning is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

5. **Resolution 09-59, A Resolution Amending the Professional Services Agreement Between the City of Waverly and WHKS & Co.**

Fouad Daoud of WHKS & Co. reviewed the changes to the scope of work directed by FEMA representatives after several months of discussion as to the cause of the damages to the piers of the Cedar River Rail Trail Bridge. FEMA personnel reviewing the project did not feel the condition of Pier #2 could be solely the result of the June 2008 flood. FEMA now supports fixing the scour holes under the piers and protecting the piers from future scour, but does not approve replacement of Pier #2.

**Moved By: Ribich**

Resolution 09-59, A Resolution Amending the Professional Services Agreement Between the City of Waverly and WHKS & Co. of Mason City, Iowa to exclude replacement of Pier #2 and adding repair of the scour holes for Pier #2 for a New Amended Agreement (Phase 1) for the Not to Exceed Amount of \$159,465.00 and a New Amended Agreement (Phase 2) for the Not to Exceed Amount of \$53,620.00 is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

6. **Resolution 09-60, A Resolution Finalizing the 5<sup>th</sup> Avenue SW & 8<sup>th</sup> Street SW Reconstruction Project 2008 and Approving Final Pay Request.**

**Moved By: Lieb**

Resolution 09-60, A Resolution Finalizing the 5<sup>th</sup> Avenue SW and 8<sup>th</sup> Street SW Reconstruction Project and Approving Final Request in the amount of \$19,151.80 to Heartland Asphalt of Mason City, Iowa is hereby

approved.

**Yes: 7**

**No: 0**

**Absent: 0**

7. **Third and Final Reading of Ordinance 913, An Ordinance Amending Chapter 88 of the Waverly Municipal City Code Regarding Street Closings.**

**Moved By: Boorum**

Third and Final Reading of Ordinance 913, An Ordinance Amending Chapter 88 of the Waverly Municipal City Code Regarding Street Closings is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

8. **Third and Final Reading of Ordinance 914, An Ordinance Amending Section 104.9.01 of the Waverly Municipal City Code Regarding Consumption of Alcohol in a Public Place.**

**Moved By: Ribich**

Third and Final Reading of Ordinance 914, An Ordinance Amending Section 104.9.01 of the Waverly Municipal City Code Regarding Consumption of Alcohol in a Public Place is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

9. **First Reading of Ordinance 915, An Ordinance Amending Section 104.10 of the Waverly Municipal City Code Regarding Drug Paraphernalia & Controlled Substance.**

Police Chief Rich Pursell informed Council that he feels that illegal drug activity is leveling off. Huffing is when a person inhales chemical vapors from a variety of substances, many of which are common household products, in order to obtain a euphoric effect and are often unaware of the potential risks, which include brain damage and death. By making it illegal it would open the possibility of abusers to get into treatment before they cause themselves serious harm.

**Moved By: Vowels**

First Reading of Ordinance 915, An Ordinance Amending Section 104.10 of the Waverly Municipal City Code Regarding Drug Paraphernalia & Controlled Substance.

**Yes: 7**

**No: 0**

**Absent: 0**

10. **First Reading of Ordinance 916, An Ordinance Amending Section 105.3.01(5) of the Waverly Municipal City Code Regarding Speed Restrictions.**

**Moved By: Grace**

First Reading of Ordinance 916, An Ordinance Amending Section 105.3.01(5) of the Waverly Municipal City Code Regarding Speed Restrictions.

**Yes: 7**

**No: 0**

**Absent: 0**

11. **First Reading of Ordinance 917, An Ordinance Amending Section 104.1.03, of the Waverly Municipal City Code Regarding Misdemeanor Penalty.**

Fees collected from citations are outlined in the City Ordinances so the revenue would remain with the City.

**Moved By: Ecker**







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Ivan J. Ackerman, Mayor

Attest:

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Jo-Ellen Raap, City Clerk