

A. CALL TO ORDER.

The regular meeting of the Waverly City Council was held on July 6, 2009, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Duane Liddle, Gene Lieb, Gary Grace, Cyndi Ecker, Gary Boorum, Jim Vowels and Fred Ribich. Absent: None

1. **Approve Agenda as Printed or Add Items for Discussion Only.**

Moved By: Ribich

That the agenda for this Council meeting as prepared is hereby approved.

Yes: 7

No: 0

Absent: 0

2. **Minutes.**

Moved By: Ecker

The June 15 and 22, 2009 Council Meeting Minutes are hereby approved as amended by rewording and adding as stated below:

Moved By: Liddle

On the June 22, 2009 minutes under Visitors and Public Comments: Monty Gritzner read the Roberts Rules of Order minutes to be published from the revised 10th Edition is hereby approved.

Yes: 7

No: 0

Absent: 0

Under the Review of Administrative Plan for HMGP Buy-Outs. Insert "the process has 3 years to be completed" after time consuming

Yes: 6

No: 1(Ecker)

Absent: 0

The original motion as amended is hereby approved.

Yes: 7

No: 0

Absent: 0

3. **Guest Councilperson.**

The Council welcomed Lois Roose as Guest Councilperson for July.

B. PUBLIC HEARINGS.

1. This was the date, time and place for a Public Hearing on a proposal to Rezone a certain area of said City from A-1(Agricultural District) to R-3, (Multiple Family Residential District) for the Waverly –Shell Rock School District for the new 5-8 Grade Educational Facility. The Mayor called for any oral and written comments and there were none. Staff will have drawings of the detention areas for the 3rd Reading of Ordinance 922. The hearing was declared closed and the following action was taken.

Moved By: Grace

Second 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 is hereby approved.

Yes: 7

No: 0

Absent: 0

C. VISITORS/PUBLIC COMMENTS.

Economic Development Director Passmore reviewed the Single Family New Home Construction Program. The City submitted the application for 5 homes and there still are two openings. There is a Multi-Family New Home Construction Program that is available for application.

The multiple senior housing (across from Spahn & Rose) application was received by the Iowa Finance Authority but there has been no approval so far. It will probably be a spring 2010 project.

D. TABLED ITEM.

1. **Resolution 09-62, A Resolution Approving a Memorandum of Understanding Between the City of Waverly, Iowa hereinafter referred to as City and Iowa Northland Regional Council of Governments hereinafter referred to as INRCOG for the Preparation of a REAP Grant for the Yard Waste Site Reclamation Project.**

Moved By: Lieb

Resolution 09-62, A Resolution Approving a Memorandum of Understanding for the Yard Waste Site Reclamation Project Between the City of Waverly, Iowa hereinafter referred to as City and Iowa Northland Regional Council of Governments hereinafter referred to as INRCOG for the Preparation of a REAP Grant for an amount of one and one-half percent of the funds awarded (minimum \$1,000) to be paid by the City from local funds is hereby approved.

Administrator Crayne reviewed with Council the staff summary from City Engineer Cherry stating that the site is not suitable for a stormwater detention facility. The site was used as a municipal landfill from 1923 until 1971 and excavating down for a detention facility would expose the garbage. The east two-thirds of the property is within the flow way of the Cedar River and the construction of a levee for a detention facility is not allowed in the flow way.

Moved By: Ribich

To remove from the table is hereby approved.

Yes: 7

No: 0

Absent: 0

Discussion followed on the mowing of another park when all the buyout homes will require mowing. City Administrator Crayne stated that the City would reclaim it from a yardwaste to a green space/prairie grass or a naturalist area with no increase in maintenance cost. A levee could be put right next to the road at the front part of the lot. The river came from the east so the front part of the lot could be levied. There was a lot of concrete debris that was left at the landfill and it needs to be cleaned up. It would look like the area north where the owner planted trees. It would improve the absorption of water if it became a grassy naturalist area.

Yes: 6

No: 1(Liddle)

Absent: 0

E. CONSENT AGENDA.

2. Pay Request from Steffes Construction for the 2009 Bituminous Seal Coat Program in the amount of \$8,301.64.
3. Pay Request from Matt Construction for the Big 6 Plaza/Spillway Flood Repairs in the amount of \$21,187.09.
4. Pay Request from Modern Builders for the Waverly Recycling Center in the amount of \$96,019.36.

Moved By: Ribich

Items 2-4 on the Consent Agenda are hereby approved.

Yes: 7

No: 0

Absent: 0

Moved By: Liddle

1. Pay Request from AHTS Architects for the Park Storage Facility in the amount of **\$538.30**.
Leisure Services Director Ray informed Council that this pay request is for development of plans and specifications for the building for construction at a later date. All costs are covered by flood money.

Item 1 on the consent agenda is hereby approved.

Yes: 7

No: 0

Absent: 0

F. REGULAR BUSINESS.

1. **Resolution 09-65, A Resolution of the City Council of the City of Waverly, Iowa, Authorizing the Mayor to Sign a Contract with the Iowa Northland Regional Council of Governments (INRCOG) for the Administration of the Community Development Contract with the Iowa Department of Economic Development.**

This Contract is for the administration of the Community Development Block Grant. There is a \$25,000 cost for the administration of the Community Development Block Grant and another \$25,000 for the administration of the EDA Grant. INRCOG has started working on the project. The next item on agenda is approval of qualifications for engineering firms. The Council has not approved the contract for CDBG funds and that will be coming to Council. After the Historic report is completed the contract with EDA will come to Council for their approval. The Inflatable Dam project has not been approved by Council. The CDBG grant is for \$1.1Million and EDA grant is for \$3.1 Million. A question was raised as to whether there is insurance coverage for an inflatable dam. Council requested that when the approval of the project comes back to them that there be a contingency stating depending upon the award of funding. The EDA is waiting for the historic work for the dam. Mr. Crayne stated that if EDA does not fund the inflatable dam that the cost would be a huge capital outlay for the City but it would be a high protection for the community. EDA and State of Iowa thought it was a viable project for protection of future damage that's why the EDA gave the City their preliminary approval and CDBG has given their approval.

Moved By: Ribich

Resolution 09-65, A Resolution of the City Council of the City of Waverly, Iowa, Authorizing the Mayor to Sign a Contract with the Iowa Northland Regional Council of Governments (INRCOG) for the Administration of the Community Development Contract with the Iowa Department

of Economic Development is hereby approved.

Moved By: Ribich

To table 09-65 is hereby approved.

Yes: 7

No: 0

Absent: 0

2. **Authorize City and INRCOG Staff to Request Qualifications from Firms to Provide Professional Engineering Services for the Inflatable Dam on the Cedar River.**

Administrator Crayne felt it would be good to move forward with the process to see who would be designing plans and specifications for the project. It will take some time to evaluate firms and make the decision. City Engineer Cherry stated that he thought the previous resolution should be approved and getting a consultant on board and working through the process. There is a fear that the project would be delayed another year. CDBG and EDA funds are capped and the City would have to incur additional expenses if the project was delayed. Request for qualifications is used for professional services. The bid process is used for the actual construction work itself. The CDBG guidelines require that you go out and negotiate for professional services and competitive bid for construction services. A suggestion was made to go ahead with the approval of the project with some guidelines. There is an understanding that the project will move forward only if the funding is approved. Discussion followed on using a three foot levee with a flood wall on top of it and the same on the east side. The Historic report will take time to complete. The EDA gave preliminary approval of the project. The CDBG has already given their approval of the project. The CDBG contract may be here for the next Council Meeting.

Moved By: Grace

Authorizing City and INRCOG Staff to Request Qualifications from Firms to Provide Professional Engineering Services for the Inflatable Dam on the Cedar River is hereby approved.

Yes: 6

No: 1(Liddle)

Absent: 0

3. **Report from Historian Regarding the Waverly Dam and Hydro Plant.**

Leisure Services Director Ray informed Council that an intensive Level Historical/Architectural Survey of the Waverly Municipal Hydroelectric Powerhouse and Dam has been completed. Historian Jan Olive Nash states that "Waverly's plant and dam represent the oldest municipally owned hydroelectric facility still in operation in the state and reflects the earliest era of Iowa's municipal utility development" and said dam is eligible for the National Registry of Historic Places. The regulations outline five-step process on said report. The City now has to enter into a consultation. Mr. Ray has contacted EDA, CDBG and SHPO and requested their input. They may require a redesign that does not affect the dam, or architectural type recordation to create a permanent record of drawings and news clippings, or do a book regarding the history. Once EDA, CDBG and SHPO decide what they want to do they would put together an appendix or table of contents, present that to the advisory counsel, and final approval of the appendix or table of contents then the City could begin the project. A permanent record of the history of the dam could be placed in libraries. CDBG has hired a Historian to work with flooded communities on projects like Waverly's Dam. EDA will not award

The amended motion is hereby approved.

Yes: 6

No: 1(Boorum)

Absent: 0

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

Moved By: Boorum

Second 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

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

Moved By: Ribich

Second 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

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

Moved By: Lieb

Second Reading of Ordinance 917, An Ordinance Amending Section 104.1.03, Misdemeanor Penalty updating current fines and establishing a Scheduled Violation to correspond with the scheduled fine under state law is hereby approved.

Yes: 7

No: 0

Absent: 0

9. **Second Reading of Ordinance 918, An Ordinance Amending Section 104.9.3, of the Waverly Municipal City Code Regarding Purchase or Consumption by Minors.**

Moved By: Vowels

Second Reading of Ordinance 918, An Ordinance Amending Section 104.9.3, of the Waverly Municipal City Code Regarding Purchase or Consumption by Minors prohibiting persons under the age of twenty-one (21) from purchasing or attempting to purchase, consuming, or possessing alcoholic liquor, wine, or beer is hereby approved.

Yes: 7

No: 0

Absent: 0

10. **Second Reading of Ordinance 919, An Ordinance Amending Section 104.9.07, of the Waverly Municipal City Code Regarding Miscellaneous Prohibitions.**

The Legislature is considering a law to allow patrons to take leftover bottled wine home if they haven't finished it.

Moved By: Ribich

Second Reading of Ordinance 919, An Ordinance Amending Section 104.9.07, of the Waverly Municipal City Code Regarding Miscellaneous Prohibitions providing regulations for license or permit holders of premises that serve alcoholic beverages is hereby approved.

Yes: 6

No: (1)Liddle

Absent: 0

11. **Second Reading of Ordinance 920, An Ordinance Adding Section 104.9.08, of the Waverly Municipal City Code Regarding Criminal and**

Civil Penalties.

The City will receive the fines instead of the State of Iowa. The fines will not lower the subsidy to the department.

Moved By: Lieb

Second Reading of Ordinance 920, An Ordinance Amending Section 104.9.08, of the Waverly Municipal City Code Regarding Criminal and Civil Penalties providing criminal and civil penalties for violations is hereby approved.

Yes: 7

No: 0

Absent: 0

12. **Second Reading of Ordinance 921, An Ordinance Amending Section 104.3.05 of the Waverly Municipal City Code Regarding Public Exposure.**

Moved By: Boorum

Second Reading of Ordinance 921, An Ordinance Amending Section 104.3.05 of the Waverly Municipal City Code Regarding Public Exposure prohibiting persons from exposing those parts of his or her body as stated in the amendment is hereby approved.

Yes: 7

No: 0

Absent: 0

13. **Resolution 09-66, A Resolution Approving an Agreement Between the City of Waverly, Iowa and the County of Bremer, Iowa for the Recovery Act: Justice Assistance Grant (JAG) Program Award Application.**

Police Chief Pursell informed Council that there was some additional funding so they are doing a second round of applications.

Moved By: Ribich

Resolution 09-66, A Resolution Approving an Agreement Between the City of Waverly, Iowa and the County of Bremer, Iowa for the Recovery Act: Justice Assistance Grant (JAG) Program Award Application is hereby approved and the Memorandum of Understanding Between the City of Waverly and the County of Bremer is also approved.

Yes: 7

No: 0

Absent: 0

14. **Approve Community Access Channels Digital Equipment Maintenance Agreement.**

Leisure Services Director Ray informed Council that the agreement is for maintenance and updates to the equipment. There is still additional funds budgeted to add streaming on Channel 8 and 10. Jim Olmstede from Wartburg TV informed Council that streaming allows citizens an option to view on the computer what is on the cable TV network.

Moved By: Ecker

The renewal of the 2009-2010 Castnet digital system support and maintenance agreement for community access cable channels 8 and 10 for the cost of \$5,965.00 from the Cable Franchise fees is hereby approved.

Yes: 7

No: 0

Absent: 9

15. **Approve Change Order No. 1 for the 2009 Bituminous Seal Coat Program.**

Public Services Superintendent Sullivan informed Council that the street crews will be repairing sections of 20th Street NW.

Moved By: Grace

Change Order No. 1 for the increased amount of \$52,576.00 for Steffes Construction is hereby approved.

Yes: 7

No: 0

Absent: 0

16. **Resolution 09-67, A Resolution Approving the Release of Maintenance Guarantee and Extension of Sidewalk Performance Guarantee for Centennial Oaks Golf Club Addition – Phase 2B.**

Cedar Investment Company is an extension of the State Bank.

Moved By: Lieb

Resolution 09-67, A Resolution Approving the Release of Maintenance Guarantee and Extension of Sidewalk Performance Guarantee for Centennial Oaks Golf Club Addition – Phase 2B is hereby approved.

Yes: 7

No: 0

Absent: 0

17. **Discussion of Affordable Housing in Waverly.**

Discussion of affordable housing will be on the July Study Session.

18. **Request from Wartburg College to Cover the Revenue Guarantees Associated with the Wartburg Waverly Wellness Center.**

City Administrator Crayne stated that the \$600,000 is coming from the Recreational reserve funds, and capital improvement funds this year. For future years \$200,000 will come from recreational reserve funds, and \$400,000 from Tax Increment Financing. \$150,000 reduction in the City's budget to offset guarantees was when the City went to a Leisure Services Director and eliminated the City's Recreation Department. If it were to continue without the reorganization of the Parks & Recreation department the City would not have those savings every year. In 1990 the City had 2 paid firemen and costs of \$72,000 per year. Following that year the City went to an all volunteer fire department and those costs have been saved every year from that time. Leisure Services Director Ray informed Council that the scope of Wartburg's recreational programming is the same or bigger than what the City offered. There have not been any complaints. We refer all recreation calls to "the W." Rich Seggermann and Jim Langel from "the W." stated that "the W" is in the process of updating estimates of revenues and should have those estimates done by fall for the City's review. Jim Langel stated that last summer "the W's" memberships were in the mid 500's and now they are in the 800's. Massages and group training classes have trended up also. Mr. Langel stated that "the W" is missing corporate memberships. "The W" is targeting those initiatives this year. Mr. Langel informed Council that "the W" is applying for the Silver Sneakers Program. Council asked for detail on how many members are coming from outside Waverly. The deficit beyond what the City is contributing will be funded by unused budget dollars from Wartburg's last gym facility and gifts. City Administrator Crayne agreed that the annual appropriation to "the W" could be put under the Consent Agenda. No tax money is used for the \$600,000 guarantees to "the W." The contingency reserve is funded through tax increment financing and capital improvement funds for recreation and those funds come from Waverly Light and Power transfers not property taxes. The City did receive approval from Bond Counsel on using TIF for the City's contribution to "the W." The City Council amended the urban renewal district to incorporate this area in order to utilize tax increment financing.

Moved By: Ribich

The Request from Wartburg College to Cover the Revenue Guarantees Associated with the Wartburg Waverly Wellness Center is hereby

approved.

Yes: 6

No: 1(Liddle)

Absent: 0

19. **Mayoral Appointments.**

Moved By: Grace

The Mayoral Appointment of Erika Lindgren to the Historic Preservation Commission is hereby approved.

Yes: 7

No: 0

Absent: 0

G. BOARDS AND COMMISSIONS.

1. Boards and Commissions.

Golf Commission – discussion of youth golf. There was no May meeting. Leisure Services Director Ray stated that the rounds at the Golf Course are around 25,000, a little higher than last year.

Airport Commission discussion on engineering firm.

Leisure Services Commission – discussion of Concert in Kohlmann. Cost of Dog Park is estimated at \$50,000. Staff may use temporary fencing.

Discussion on the use of the AMVETS property for a Radio Controlled Car Track east of the ball diamonds. A Swimming Pool Engineering Study will be brought to Council on July 27, 2009.

2. Reports

3. Communications.

H. CITY COUNCIL COMMENTS ON POLICY ISSUES.

Staff will discuss stop signs by Irving School. Stop signs maybe should possibly be added at 5th Ave and 20th St. NW with Eisenach Village. Keep stop signs on 2nd Ave until the buses quit stopping at Irving School. Mr. Ray stated there are more complaints about tall grass this year. The department gets a complaint and fills out a form. Staff calls the owner first and then follows up with a letter. If that doesn't work the City contracts to mow the property. Mr. Ray contacted creators of the prairie flower garden on Home Boulevard to clean up flowers on the street.

Leisure Services Director Ray informed Council 5 trees per year will be removed on Bremer Ave starting in the fall but they are trimmed every year.

Finance Director Bachhuber informed Council that the State Auditor Billie Heff was here from Tuesday through Thursday to conduct the reaudit. She spent time going through Waverly Light and Power transfers, and transfers to "the W", history of the Waverly Industrial Park, Economic Development agreements, tax increment financing, local option sales tax, hotel motel sales tax. She went back to review materials with her superiors and they will come back to the City with a written report. State law requires that you divide hotel/motel tax at the time of receipt half to general fund and half to hotel/motel tax. The reaudit was conducted because there was a audit protest. There is no way to recover our cost and personnel time for the reaudit. There is no timeline on when the City will receive the report.

There will be two more concerts in Kohlmann Park and it is much safer for the children at Kohlmann Park.

Goose Roundup was conducted and 79 were collected and moved to Sweets Marsh.

I. **ADJOURNMENT.**

Moved By: Boorum

That the City Council Meeting be adjourned.

Yes: 7

No: 0

Absent: 0

Council adjourned at 9:01 P. M.