

City Engineer Cherry informed Deb Turnball that the City has identified collector streets to be reconstructed. Staff tries to look at street projects around the community so that reconstruction doesn't occur year after year in the same quadrant. 5th Street NW is eligible for federal aid and it is heavily used. Mr. Cherry also stated that there is extensive crown in the road and it is uneven and rough. The street will be reconstructed from the sub-base up. The crown will be leveled to just below the curb. There will be a transition into the avenues. Storm water drainage will create an overflow and move downhill without adversely impacting areas. Right now 5th Street NW is trapping the water and prevents it from getting to the dry run creek. The dry run provides an emergency outlet for storm water without impacting yards and neighborhood east of 5th St. NW. Staff informed Ms. Turnball the 5th Street and 5th Avenue NW project will not begin until June and the City will send adjacent property owners notification and opportunity to go in and repair or replace their water/sewer service and not be charged for street reconstruction. The City will make every attempt to get water/service lines removed on buyout homes along the project before the paving is done. City Engineer Cherry also informed Ms. Turnball that the City averages at least one utility patch per mile per year. The flood mitigation TIF money has been set aside in a separate account. City Administrator Crayne also informed Ms. Turnball that it was Local Option Sales Tax funds that were to be set aside for flood mitigation not TIF funds. The hearing was declared closed and the following action was taken.

Moved By: Ecker

Resolution 09-128, A Resolution Approving plans, specifications, form of contract and the estimated cost of \$510,000 for the 5th Street NW & 5th Avenue NW Reconstruction Project – 2010 is hereby approved.

Moved By: Liddle

Amend the start date to be after time of any properties along 5th Street or 5th Avenue on buyout list are actually bought out and the water/sewer connections disconnected.

City Engineer Cherry stated that if the project is tabled again the federal funds would be gone and delay the project. The City has scheduled the project so that it would fit in the summer school break. 5th Avenue goes right through the Wartburg Campus and wanted to complete the project before classes begin. The City's intent is to get the water/sewer services disconnected before the street is paved. Discussion followed on whether project could be staged and perhaps reconstruct 5th Street NW first instead of paving 5th Avenue NW. City Administrator Crayne informed Council that the Buyout home demolition may be slowed because of historic requirements of moving the homes before demolition. The City needs flexibility because of dealing with FEMA.

from Bremer County Landfill to Blackhawk County Landfill. Mr. Benham also voiced concern that he was denied a permit. Council did look at private hauling enterprise when Bremer County Landfill closed and the City was to purchase new trucks for hauling. Mr. Carney informed Council that “no person will engage in the activity of removing or hauling residential or commercial solid waste from premises for a fee except that resulting from construction and demolition activities.” So the City only allows private businesses to engage in garbage removal in the City of Waverly in very limited circumstances and those where there is removal of construction or demolition debris or where there are circumstances where the City cannot provide the service. In those cases the hauler would need a permit. The City does not allow competition for outside contractors to engage in the solid waste removal. City Engineer Cherry informed Council that with the 1977 annexation where the City annexed a very large amount of surrounding property and at that time many of those businesses were using private haulers and were allowed to continue with their service until the property changes ownership. When Waste Management bought Eliminator Refuse that contract continued on because the property didn’t exchange hands, the company changed hands. The City does not have a formal permit but it’s typically handled by a written request from the owner. There are some businesses and industries out there that are so large and so obvious the City does not even require a written request. Terex went to bigger containers and they requested to change carriers and the City agreed. The businesses using Waste Management has decreased due to change in property owners. When the City decided to do commercial hauling the ordinance was changed and companies and businesses in the City were notified. Public Services Superintendent Sullivan asked the Council if they would like to discuss changing the ordinance at a future meeting. City Engineer Cherry stated that the City provides services that residents are not billed for. Yardwaste and recycling costs are distributed between the residential and commercial solid waste fees. Mr. Cherry informed Council that Blackhawk Waste can come in but they do not provide services that the City provides the citizens and businesses of Waverly. The City will still provide yardwaste and recycling services but will have fewer customers that are paying for said services if Blackhawk Waste is allowed to provide solid waste removal. Mr. Carney stated that the City has made a vast investment in trucks and equipment, yardwaste and solid waste infrastructure and Blackhawk Waste can come in and pick the profitable accounts when the City has the investment in providing a comprehensive solid waste program. The ordinance should be updated to reflect the change from Bremer County Landfill to Blackhawk County Landfill. The Solid Waste, Yardwaste and recycling services are valuable to the City and shouldn’t be undermined. Council also discussed cutting transfers to the Public Works facility and so as to provide the revenue to fund yardwaste and recycling operations. Administrator Crayne informed Council that the public works transfers are discussed at budget time and

it's part of the enterprise operation to invest in infrastructure. Mr. Benham questioned why commercial customers are paying for yardwaste operations. Staff will bring an ordinance amendment and discussion of Solid Waste Ordinance to Council.

Dean Soash asked to see costs related to efficiency and cost reduction on residential routes. Staff informed Dean Soash that the City changed to side loading containers operated by one employee when the Bremer County Landfill closed. The rear loading truck required 2 to 3 employees and they would still have time to go to the Blackhawk County Landfill. The City has encouraged smaller commercial customers to switch over to smaller containers that are compatible with side loading trucks so the City can utilize residential truck to do some commercial collection. City Engineer Cherry stated that the commercial operations have to do with the number of stops and the number of personnel making the collection. The City offers 6 yard, 4 yard, 2 yard collection once a week or 5 days a week down to a 5 gallon containers or 65 or 35 for commercial or residential accounts. The options were presented to Council in 2006 when the Council approved the purchase of the side-load truck. Mayor Ackerman stated that there is no cost savings but there is avoided costs.

D. REGULAR BUSINESS.

1. **Resolution 09-129, A Resolution Approving Memorandum of Agreement with Wartburg College for Technical Assistance and Personnel for Broadcasting Public Meetings.**

Leisure Services Director Ray informed Council that "City Hall Production Room" was added to the resolution. Mr. Ray also stated that the City is doing a three year agreement so it wouldn't have to be approved every year. Wartburg Communication Arts students working on the broadcast of the Council Meetings are not paid during the school year but they are paid during breaks. The \$7,800 is for the instructor that runs the production room back in the Civic Center. The \$1,000 fee is for technical assistance to do updates and support will begin July 1, 2010 and will be reviewed during the budget. Some library meetings and special meetings will also be aired. The broadcasts are covered by Cable Franchise fees from Mediacom Franchise tax. Staff will look at whether the Waverly Municipal Band and Bandshell concerts could be televised. This agreement is for the live broadcasts and rebroadcast of Council meetings.

Councilmember Grace will abstain from voting because he will sign the agreement for Wartburg Communication Arts.

Moved By: Vowels

Resolution 09-129, A Resolution Approving Memorandum of Agreement with Wartburg College for Technical Assistance and Personnel for Broadcasting Public Meetings is hereby approved.

Moved By: Liddle

To amend previous motion to change all references from a 3 year contract to a 1 year contract is hereby approved.

The contract was done on a yearly basis because it was a trial agreement between Wartburg College and the City. City Attorney Carney stated that sixty day written notice by either party can terminate the agreement.

Yes: 1(Liddle)

No: 5

Abstain: 1(Grace)

The original motion was then voted upon without the amendment:

Yes: 6

No: 0

Abstain: 1(Grace)

2. **First Reading of Ordinance 925, An Ordinance Amending Chapter 57, Section 57.11.2 of the Waverly Municipal City Code Regarding the Trees Not Permitted to be Planted at Any Street or Public Place in the City of Waverly.**

Leisure Services Director Ray provided a memo outlining preventative steps in planting of ash trees in public right-of-ways and parks. Mr. Ray also informed Council that applicants may be required to pass a test to obtain a license to engage in removing, cutting or trimming of trees or shrubbery in the City but the City has not done that yet. The adjacent property owner is responsible for trimming trees. Parks and Public Works staff has been trimming trees around the City. Mr. Ray also informed Council that you can minimize threats to trees if the property owner prunes their trees. Hopefully, if the City won't plant ash trees and the nurseries in the area won't sell them, private property owners won't plant them either. It would be a misdemeanor to plant an ash tree in the public right-of-way.

Moved By: Ribich

First Reading of Ordinance 925, An Ordinance Amending Chapter 57, Section 57.11.2 of the Waverly Municipal City Code Regarding the Trees Not Permitted to be Planted at Any Street or Public Place in the City of Waverly is hereby approved.

Yes: 7

No: 0

Absent: 0

3. **Resolution 09-130, A Resolution Awarding Contract for the Dry Run Creek Retaining Wall Construction – 2009 Project.**

Public Works Administration will do the inspection on a project and those costs will come out of the project account decreasing the cost from the general fund. The cost is related to design, inspection and administration of the project which comes out of the Public Works Administration. The project extends 10 to 15 feet beyond the pedestrian bridge. The NRCS determined the limit of the funding. The property owner is responsible for fixing the collapsed wall beyond what the City will construct. It is worthwhile to reconstruct the wall to the depth of the property with City and property owner participating with the additional cost. There is an existing waterway easement but the original property owner installed the failing batter board retaining wall. The original property owner got permission from the City to install the batter board retaining wall. Step one would be to approve the contract with Vieth and if there is interest then the City could talk to the property owner and the contractor and see what kind of financing will be available and present options to the Council in two

E. BOARDS AND COMMISSIONS.

1. **Boards and Commissions.**

Waverly Senior Citizens Center, Inc. Minutes – fundraiser was held yesterday and the Senior Citizens Center thanked everyone for their support.

2. **Reports.**

2008-2009 State Annual Financial Report-includes expense for the Hospital and Waverly Light and Power. The City's indebtedness for General Obligation bonds shall not exceed 5% of the 100% value. The amount of the debt limit the City has utilized is 44%. Waverly is noted in Moody's ratings as having a very fast debt payback. General obligation debt that is issued by the Hospital or Waverly Light and Power will count against the City's constitutional limit.

3. **Communications.**

Sullivan Brother's Award- Governor's award is strictly for Police and Fire Fighters and the daughter of the lady that died in a fire nominated the Fire Fighter and Deputy Sheriff. It is quite an honor for Jim McKenzie and Deputy Sheriff Sean Hartman. The ceremony will take place in a week from Thursday at the Rotunda at 1:00 P. M.

F. CITY COUNCIL COMMENTS ON POLICY ISSUES.

City Attorney Carney stated that the closing of three buyout properties has to be rescheduled. One of the three buyout property asked that the closing be delayed to coincide with the purchase of another home at a later date. The City and INRCOG established a strategy to prioritize the buyout listing. INRCOG administers the program and meets with a group of property owners and follows the listing order.

Polling places are at City Hall and Redeemer Church and voters can go to either place to vote.

Leisure Services Director Tab Ray informed Council that the Candlelight Walk on the trail is Saturday night from 5:30 through 7:30 P. M. and participants can meet at the shelter behind Kwik Star East.

G. ADJOURNMENT.

Moved By: Boorum

That the City Council Meeting be adjourned.

Yes: 7

No: 0

Absent: 0

Council adjourned at 8:39 P. M.