

Regular Meeting Minutes – January 16, 2017
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on January 16, 2017 at 7:00 P.M. at City Hall. Mayor Infelt presided and the following Council Members were present: Reznicek, Waldstein, Lampe, McKenzie, and Kangas. Absent: Gade and Sherer

- A. Mayor Infelt called the meeting to order.
- B. Moved by Kangas, seconded by McKenzie to approve the agenda with the following Amendment; to postpone Regular Business item number 2 (Review of FY 2016 City of Waverly Audit by Graham Forbes from Williams & Company) to the January 23 meeting due to the inclement weather.

Motion passed. Yes: 3 No: 2 (Reznicek, Lampe) Absent: 2

- There was discussion on whether to hold the public hearings due to the inclement weather. There were a number of people that did make it to the meeting in order to speak. Councilmember Reznicek recommended to the public that public should feel comfortable to express their thoughts at a later meeting, even though a vote will be called at this meeting. Mayor Infelt decided it was a good idea to listen to what those in attendance had to say, so the public hearings were held.

C. Public Hearing

1. This was the date, time and place for a public hearing on the third and final reading of Ordinance 1019, an Ordinance Amending Section 105.4.10 of the Waverly Municipal City Code regarding additional parking restrictions per the Iowa Department of Transportation Agreement.

- There were no written or verbal objections.
- **The public hearing was then closed.**

Moved by Waldstein, seconded by Kangas to approve the Third and final reading of Ordinance 1019, an Ordinance Amending Section 105.4.10 of the Waverly Municipal City Code regarding additional parking restrictions per the Iowa Department of Transportation Agreement with the City of Waverly.

Motion passed. Yes: 5 No: 0 Absent: 2

2. This was the date, time and place for a public hearing on Resolution 17-03 approving a resolution of necessity for Bremer Avenue Water Main and Service Line Improvement Project.
- There was one written objection received by Brian Ramker in representation of Waverly Child Care and Preschool. The written objection was read out loud by the City Clerk.
 - Brian Koehler spoke in opposition of the assessments since he recently replaced sidewalk in 2015.
 - Veronica McKenzie voiced her thoughts in opposition saying that \$2,250 is an excessive amount for the improvements.
 - Julie Vierow also commented in opposition that the assessed amounts are excessive for the improvements.
 - Rosemary Fitzpatrick spoke in opposition of the assessments since she had to replace a water main in 2011 due to a water leak and she was advised to replace the sidewalk at the same time. Ms. Fitzpatrick feels she would be charged with paying for duplicate services within a very small timeframe.
 - Dean Soash commented in opposition of the assessment since he just replaced the sidewalk at his business known as Dean’s Lightbox, just three years ago. Mr. Soash

further stated the water service to this building comes in from 3rd Street SW. At the time of building the building in 1981, the engineer recommended rather than going across Bremer Avenue and have added expense, that they should follow the sewer line for the water main. He feels he should not need to participate in the improvements and doesn't believe the service will ever be used as long as the Soash family owns the building. Doing the recommended improvements would require tearing up the floor halfway through the building which is about 50 or 60 feet in order to get the water service back to the mechanical service room.

- Bremer County Historical Society representative Terry Lindell voiced that he doesn't feel the assessment is terribly out of line. It is difficult for a "mom and pop" organization that has a relatively low budget, no employees and relatively low income generating possibilities. That, does, bear heavily on the budgets.

- **The public hearing was then closed.**

Moved by McKenzie, seconded by Kangas to approve Resolution 17-03 approving a resolution of necessity for Bremer Avenue Water Main and Service Line Improvement Project.

Motion passed. Yes: 5 No: 0 Absent: 2

- Assessing property owners that have recently put in sidewalks seems unfair. Staff informed Council that they could take a look at how much of the sidewalk portion is added to the total maximum assessed amount and possibly work with the property owner on those amounts. Where property owners have replaced, for example, a curb box assembly, then they would not be charged for that a second time. Staff added that Waverly Child Care and Preschool's line has now been verified that their service is located on Bremer Avenue, however, if it is newer water service and curb stop that meets the City's standards they will not be assessed. Work that was done in 1980 or 1981 is not compliant with the City's ordinance and could have been possibly granted a waiver back then. There are about 6 – 8 businesses that may have similar situations where the water services may run halfway down the alley to get into their building or multiple businesses under different ownerships and they are only repairing one service line. The intent of the project is to provide a service and curb box assembly for each property, even if they have a unique building. The curb box assembly is being paid for through the assessments. The real estate assessment does not make the real estate valuations for each property go up. The assessment is an amount that is assessed to property owners' real estate taxes and after the amount has been paid in full, it comes off the tax rolls. Annually along Bremer Avenue there is something going on whether it is a replacement or repair of the water main services. This is a great bargain to do this improvement at this time given the need to install the services under a state highway and needed traffic control will be supplied. It is just over \$2,000 to do the improvements as part of the project and it can be assessed out over a ten year period. However, if the amount of an assessment is perhaps, less than \$500 it may be due at the end of year one after completion due to the County not processing anything unless it is over \$500. It is the City's responsibility to keep services compliant with as few problems as possible. Staff can look at the spreadsheet and consider different things that have happened through the sidewalk improvements program and possibly pull the costs of the sidewalk out of the assessments costs. The 20% maximum amount allowed to assess per the Iowa Code is in relation to project design, administration, traffic control, mobilization, etc. Very few specific items will be tracked and if bid prices come in lower, the assessments will come in lower. The assessments can offer payment

options for those without the ability to pay for the improvements right away. The project would not complete the property owner's water service to inside each business and/or residence. This would only take it to the curb stop. If the property owner chooses to do more than they will have to do their own project with a certified plumber since the City will not be going beyond that curb stop. Where there are zero lots line setbacks, like in the downtown area, the City will help get their service all the way to the building since the sidewalks will be tore up anyway. Those costs will be added to each assessment. If a property owner has already upgraded their service, they will not be assessed any costs. The final assessment schedule will come to Council for approval at a later date. These are maximum amounts. They could, however, be lowered. If a property owner is already being assessed twice for putting in sidewalks, they will not be assessed again. Additionally, if the property owner already has a newer service that is already compliant with City ordinance, they would not be assessed for the new improvements. If a property owner is still paying for the assessment and sells their property, they would generally have to pay it off at least by the time of closing. If this would not be approved, the City would assume the costs for the entire improvements project and those costs would be spread amongst all property owners within the community.

D. Public Comments on Items Not on the Agenda

- Dean Soash inquired about a timeline for streetscape design proposals for Bremer Avenue. Mr. Soash asked how the D.O.T. could take bids on a project that has not yet been finalized. Staff informed Mr. Soash of what the D.O.T. is taking bids on is not Streetscape driven. The bid letting will be just for concrete for the street/highway. The Streetscape design is more from lights to moveable benches, etc. This bid letting will include the brick work and electrical conduit. The Streetscape design will have to come back to Council. The infrastructure will be done while the area is dug up and the cosmetics will be done later. There will still be an opportunity for business owners and residents to have a chance to give input regarding the Streetscape design. The design of the 4 foot width brickwork has not been determined, however the placement has. Mr. Soash added concerns of icy, slippery brickwork and he does not feel that brick should be used.
- Mr. Soash voiced another concern of the condition of the alley behind his business. Dean's Light Box has been at the current location since it began in 1977. The alley has had many patches done. There is now 2-3 inches of standing water on the parking area. He was told by City staff that repair of the alley would have to be a Council action and would need to be included in the budget to get an alley rebuilt due to the City not having a program for rebuilding alleys. Mr. Soash stated that he is requesting that the alley at least at/about 500 3rd Street SW and between Bremer Avenue and 1st Ave SW to be included in the budget to rebuild that so it is useable and serviceable for businesses. This would also help to get some drainage out of there for both Dean's Light Box and The Printery. Mr. Soash said that he would gladly pay the water improvement assessment if he can get the alley reconstructed. He requested that he be on record as requesting to at least have funds budgeted to reconstruct this alley, or all alleys in fiscal year 17-18 or at least by fiscal year 18-19, with construction being done by 2018.
- Owner of The Printery, Julie Vierow inquired about how the 60 feet of commercial sidewalk would be handled during the improvement project. She added that it has not been replaced since 1995 or before. Staff informed Ms. Vierow that there are amounts for repair or replacement of sidewalk included with the assessment schedule.

E. Consent Calendar

1. Class C Liquor License for Big Ben Pour House.
2. Class C Liquor License for Waverly Area Veterans Post.
3. Class C Liquor License for Joe's Knight Hawk, Inc.
4. Class C Beer Permit for Dollar General Store #11391.
5. Approval of December, 2016 Cash Disbursements.

Moved by Waldstein, seconded by McKenzie to approve the Consent Calendar.

Motion passed. Yes: 5 No: 0 Absent: 2

F. Regular Business.

1. Review progress and future plans for the City Energy Management Program by Jason Parker of Franklin Energy Services, LLC.
 - Mr. Parker was not able to attend due to inclement weather. The City's Government Building Specialist Brad Biermann reviewed progress of the City's Energy Management Program. Mr. Biermann noted this is the third year of the program with the first year being paid for through a grant. During the first year, information was gathered for all the buildings including: heating, cooling, water, etc. and then a database was started in order to help track usage through monitoring. Franklin Energy is under contract with the City to pay an expense rate of \$90 per hour (billed monthly) and other expenses related to program execution (not to exceed \$100 monthly); with an estimated 15 hours per month (including travel). Mr. Parker maintains an efficiency project summary spreadsheet, he communicates resources available for rebates and grants, provides information for estimated savings and pay back schedules per project, provides information for equipment to optimize energy use and savings. Some projects that have been completed include: installation of all L.E.D. type lighting for security and night lighting at the fire station, the fire station also installed auto-closing mechanisms for the apparatus bay. This allows firefighters to respond to a call and within five minutes after they leave, the doors will automatically close. At the time, it was estimated to deliver a savings of \$1,414 per year. The project estimate was \$1,300 so the pay back schedule is quick on this project. The library has replaced all security and night lighting with L.E.D. A second phase of the lighting plan was finished last week which involved replacing 16 1,000 watt bulbs with 120 watt L.E.D.'s. These are 50,000 hour bulbs and do not require ballasts. If the ballasts would have needed to be replaced it would have been, at a minimum, \$600 each for the 16. The estimated savings on this project will be \$8,221 per year. There will be one more phase at the library that will begin July 1, 2017. Last year the City received \$2,619 in rebates from Waverly Utilities. The Municipal Swimming Pool's heat blanket is being used as a model to other communities around the state. There was an estimated \$8,277 saved on utilities in the 2014-2015 fiscal year. There has been a "No idle" policy placed on City vehicles. The City invests \$25,000 per year to the energy program.
2. Review of FY 2016 City of Waverly Audit by Graham Forbes from Williams & Company.
 - The agenda was amended to remove this item and postpone it for one week to January 23, 2017.
3. Moved by Lampe, seconded by McKenzie to approve Resolution 17-04, a Resolution Setting Date for a Public Hearing on the sale and conveyance of City Property, (Parcel I, currently located on the East end of Ridgewood Park) to Troy and Lesley Toma for the amount of \$5,932.80 for February 6, 2017 at 7:00 P.M. in the Council Chambers at City Hall.

Motion passed. Yes: 5 No: 0 Absent: 2

- The City has sold two other parcels in that location to two other landowners in the past. The Planning and Zoning Commission denied this request. Due to the denial, this request needs a supermajority vote (six out of seven) of Council to pass. If the parcel is sold there will still be approximately 300 feet of park, shoreline left for public use.

- Troy Toma shared that this purchase would be purely for recreational purposes. The family enjoys being by the water so they can fish and swim. Right now it is a little hazardous getting into the water where the rocks are. That piece of property does hold a lot of water, quite often. They have no intentions of building in that area. Mr. Toma stated that they have kept up the property with mowing. They would like to enjoy the area much like the Gasche family who are their neighbors.

4. Moved by McKenzie, seconded by Kangas to approve Change Order No. 4 in the amount of an additional \$137,807.80 to the Dry Run Creek Improvements 2014 project.

Motion passed. Yes: 5 No: 0 Absent: 2

- The change order is for the adjustment of project quantities and will amend the contract to account for the various field adjustments made during the course of the project. Adjustments included the direction to the D.O.T. for additional work at 4th Street and Bremer Avenue and to additionally remove two box culverts.

5. Moved by Waldstein, seconded by Reznicek to approve pay request to Peterson Contractor, Inc. for the Dry Run Creek Improvements 2014 project for the amount of \$352,259.48.

Motion passed. Yes: 5 No: 0 Absent: 2

6. Moved by Reznicek, seconded by Kangas to approve Resolution 17-05, a Resolution Approving a Professional Services Agreement with Stanley Consultants of Des Moines, Iowa for the Cedar River Parkway (East) Improvements design services for the not-to-exceed amount of \$805,224.00.

Motion passed. Yes: 5 No: 0 Absent: 2

- The Professional Services Agreement portion for this project could keep the debt levy level; or the 20th Street NW engineering; or One-third of the 3rd Street SE Bridge could fit as well. When considering a multi-million dollar project such as the repair or replacement of the 3rd Street SE Bridge it would be expected to raise the debt levy. Approval of the agreement would make the project, “shovel ready” by next year. If funding becomes available being “shovel ready” could prove to be beneficial in exploring funding opportunities. The City can be “funding ready” within one year, however, the funding will need to be done over a two year period. The engineering portion would not impact the taxes. Staff reviewed a possible timeline for moving forward with bidding the project. This would occur around November or December.

7. Moved by Kangas, seconded by Lampe to approve Resolution 17-06, a Resolution Approving Appraisal Services Agreement with Valuation Services, Inc., of Cedar Falls, Iowa, for the Cedar River Parkway (East) Improvements acquisition appraisal services for the estimated amount of \$14,250.00.

Motion passed. Yes: 5 No: 0 Absent: 2

8. Moved by Lampe, seconded by Waldstein to approve Resolution 17-07, a Resolution approving a Professional Services Agreement with WHKS & Co. for the 2017 bridge inspections on an hourly plus expenses basis with a not-to-exceed fee of \$5,800.00.

Motion passed. Yes: 5 No: 0 Absent: 2

- G. Reports from Boards and Commissions
1. Library Board of Trustees Minutes; Dec. 13, 2016; Received into record.
 2. Bremer-Waverly Law Enforcement Board Minutes; Jan. 9, 2017; Received into record.
 - Councilmember McKenzie noted that with the Bremer County Law Enforcement Center beginning to get a little aged, it is starting to see large repairs and have started putting dollars into a reserve account for repairs such as replacement of air conditioning units replacements.
- H. Staff Comments
- Police Chief Richard Pursell announced that the 7th Citizen Police Academy will begin on February 16th and the Police Department will be taking applications until February 2nd from interested parties. The academy runs each Thursday night for 10 weeks from 6:00 p.m. to 9:00 p.m. A three hour ride-a-long, an evening at the firing range (firing a rifle and a pistol), and active shooter are included in the academy. There are only 12 spots open to be filled.
 - Leisure Services Director Tab Ray noted that beginning this week, there will be contractors working on the rail trail in order to create a 6 to 8 foot clearance on both sides. They are hoping to complete about one mile per week.
- I. City Council Comments
- Councilmember McKenzie expressed his appreciation to staff for participation in the recent Strategic Planning/Goal Session.
- J. Mayor's Comments
- Mayor Infelt commented on the importance of Dr. Martin Luther King Day.
- K. Communication
1. 2017 W-SR Science Club Tree Sales Brochure
- L. Moved by Kangas, seconded by Lampe to adjourn. Motion passed and Council meeting adjourned at 8:45 P.M. **Yes: 6 No: 0 Absent: 1**

Charles D. Infelt, Mayor

ATTEST:

Carla Guyer, City Clerk