

Regular Meeting Minutes – June 1, 2020
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on June 1, 2020 at 7:00 P. M. at City Hall. Mayor Hoffman presided.

The Governor of Iowa has declared a Public Emergency because of the COVID-19 outbreak. The Mayor has determined that an in-person meeting of the City Council is impossible or impractical without violating the Governor’s mandates.

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 was conducted by video conference using ZOOM from the Council Chambers. The Mayor, City Attorney/Economic Development Director Bill Werger, and City Clerk Carla Guyer were in the Council Chambers. The 7 Council members were not in the chambers, but participated via ZOOM conferencing. Comments for items on the agenda could be made 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. Staff strived to maintain the quality of the video and audio during that broadcast. Public access was available through this broadcast.

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

- A. Mayor Hoffman called the meeting to order.
- B. Roll Call
 - Present: Beaufore, Birgen, Drenkow, Glaser, Kangas, Rathe, and Schneider. Absent: None.
- C. Mayor Hoffman led in the Pledge of Allegiance.
- D. Moved by Birgen, seconded by Drenkow to approve the agenda as presented.
Motion passed. Yes: 7 No: 0 Absent: 0
- E. Moved by Drenkow, seconded by Birgen to approve the May 18, 2020 regular meeting minutes.
Motion passed. Yes: 7 No: 0 Absent: 0
- F. Council welcomed Guest Councilperson Toshia Burrell for the month of June.
- G. Consent Calendar
 - 1. Set the Public Hearing date for July 6, 2020 at 7:00 P.M. in the Council Chambers of City Hall, to review the Business 218 North HMA Resurfacing 2020 Project Plans, Specifications, Form of Contract and Estimated Cost.
 - 2. Approve the purchase of replacement ultra-violet (UV) disinfection equipment from MC2, Inc. of Des Moines, Iowa for the quoted price of \$11,682.85 plus shipping.
 - 3. Pay Request from Schrader Excavating & Grading Co. for the Waverly Municipal Airport Obstruction Removal Project 2020 for the amount of \$8,082.12.
 - 4. Pay Request from Farnsworth Group for the Public Services Center- North Addition 2021 for the amount of \$25,136.50.
 - 5. Pay Request from WHKS & Co. for the WPC Facility Improvements 2020 for the amount of \$25,160.32.
 - 6. Pay Request from Construction Materials Testing for the Airport Runway 29 Extension 2018 for the amount of \$1,316.50.
 - 7. Pay Request from McClure Engineering Co. for the Airport Runway 29 Extension 2018 for the amount of \$6,978.16.
 - 8. Pay Request from McClure Engineering Co. for the Airport Obstruction Removal Project 2020 for the amount of \$4,250.00.
 - 9. Pay Request from Snyder & Associates for the Traffic Study 2020 for the amount of \$23,884.64.
 - 10. Pay Request from Hall & Hall Engineers, Inc. for the Youth Ballfields 2019 for the amount of \$20,487.97.

11. Pay Request from Feldman Concrete for the Downtown Alley Reconstruction 2020 for the amount of \$21,375.00.
12. Class E Liquor License for Casey's General Store #1649.
13. Class C Beer Permit for Kwik Star #286.
14. Cigarette/Tobacco/Nicotine/Vapor Permit for:

<i>Casey's General Store #1649 & #3763</i>	<i>Prairie Links Golf & Event Center</i>
<i>Fareway Stores, Inc. #561</i>	<i>Walgreens</i>
<i>Hy-Vee</i>	<i>Wal-Mart</i>
<i>Kwik Star #286, #707 & #752</i>	
<i>Liquor & Tobacco Outlet</i>	

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

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

H. Regular Business.

1. Moved by Rathe, seconded by Birgen to approve Resolution 20-87, directing the sale of \$5,270,000 (Subject to adjustment per terms of offering) General Obligation Bonds, Series 2020A to UMB Bank of Kansas City, Missouri for a True Interest Rate of 1.1144%.

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

- Maggie Burger and John Murphy of Speer Financial in Cedar Falls were present to communicate the terms of the bonds. Ms. Burger explained that six (6) bids were received. UMB Bank of Kansas City, Missouri also gave the City a \$200,000 + in premium. The City did participate in a Moody's investor rating call. The City maintained its Aa3 rating. The City's operating cash and investments total \$3.8 million or 31% of operating revenues for fiscal year 2019. Moody's was very happy with this number. All six (6) bidders bid 2% on the G.O. Bonds and were only being separated by the amount of premium they were willing to give. There is a call feature after June 1, 2026. The City does not have any callable bonds at this time in order to be able to use this low interest rate as an advantage. The federal government does not currently allow advanced refunding. The Waverly Health Center's bonds are not related to this issue in the sense that the City does not have any obligation or liability to them. The shared ownership of the hospital by the City has been seen as a negative outlook by Moody's due to the pandemic and the possible funding shortfalls that are occurring as a potential issue that could be looked at.

2. Moved by Birgen, seconded by Drenkow to approve Resolution 20-88, directing the sale of \$700,000 Taxable General Obligation Bonds, Series 2020B to Banker's Bank of Madison, Wisconsin for a True Interest Rate of 1.5342%.

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

- Maggie Burger again explained the outcome of the bond sale process. Ms. Burger informed Council that these are taxable G.O. Bonds. The City again received six (6) bids by some of the same bidders. Banker's Bank will not be paying a premium, but will be taking \$3,500. The bank was offered .8% of the \$700,000 that they could have taken and they chose to only take 5/10 or .5%. If held to maturity, in 2030, the City will pay \$59,818 in True Interest Costs. These bonds will also become callable on June 1, 2026. These bonds are for the ball diamond project which is why these bonds are taxable since the project could generate revenue through naming rights or advertising, etc.

3. Review of the Waverly Utilities 2019 Audit.

- Waverly Utilities Director of Finance and Customer Services Kasey Lewis reported that the financial audits were completed by Eide Bailly of Dubuque, Iowa. Waverly Utilities received an unmodified opinion which is the best that can be received. There were no material weaknesses or internal control deficiencies noted. Three-year comparisons of financial statements were looked at for Waverly Utilities which included: budget vs. actual, fund balances,

capital assets, and debt activity. The operating revenues for the electric utility were down \$824,000 in 2019 compared to 2018. Expenses were down \$1,200,000 in 2019 compared to 2018. A large driver of the decrease in expenses was due to an accounting change related to the recording of energy efficiency rebates in 2018. In the past, this expense was amortized and now, it is incurred. Kilowatt hour sales were also down 5,400,000 in 2019 compared to 2018 which in turn reduced production costs. They ended the year with an increase of \$488,000 to the net position after the transfer of cash to the City of Waverly. In 2019, there was an increase in cash balance of \$300,000 due to capital spending being less than depreciation which is a non-cash item. There were no incidences of non-compliance or other materials that were required to be reported. According to Iowa Code Section 388.10, the municipal telecommunications and the electric utility must keep separate books. Auditors found no issues with the allocations of expenses with the telecom and electric utility. Due to the competitive environment surrounding the Waverly communications utility, not a lot of information can be shared according to Iowa Code Chapter 22.7(6). They are currently at a 63% market share and adding new subscribers every month. Jeff Magsamen shared that service activations were suspended for about a month, and they are now trying to catch up on their backlogs.

4. Moved by Drenkow, seconded by Beaufore to approve Resolution 20-89, approving Change Order No. 2 in the amount of a \$400.00 decrease, accepting the Sanitary Sewer Lining by CIP Pipe Liner 2020 project as complete, approving Pay Request No. 2 in the amount of \$23,365.25, and approving Pay Request No. 3 in the amount of \$3,734.75 as the final pay request to Municipal Pipe Tool of Hudson, Iowa.

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

5. Moved by Glaser, seconded by Birgen to approve Resolution 20-90, authorizing dedication of right-of-way parcels for the 4th Street SW Reconstruction Project.

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

6. Moved by Schneider, seconded by Birgen to approve the Second Reading of Ordinance 1073, an Ordinance providing for rezoning of a portion of 6th Street NW from North right-of-way line of 6th Avenue NW to the South right-of-way line of the Cedar River Railroad Co. from a City owned street to M-1 (Light Industrial).

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

- 6a. Moved by Kangas, seconded by Rathe to approve to suspend the rules and move directly to the Third and Final Reading.

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

- 6b. Moved by Schneider, seconded by Drenkow to approve the Third and Final Reading of Ordinance 1073, an Ordinance providing for rezoning of a portion of 6th Street NW from North right-of-way line of 6th Avenue NW to the South right-of-way line of the Cedar River Railroad Co. from a City owned street to M-1 (Light Industrial).

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

7. Moved by Glaser, seconded by Rathe to approve setting the Public Hearing date to consider Bremer County Fair Association's voluntary annexation request for Parcel ID1006400005 in northeast Waverly located on the eastern side of 39th Street NE for June 15, 2020 at 7:00 P.M. in the Council Chambers of City Hall.

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

8. Moved by Drenkow, seconded by Schneider to approve the Second Reading of Ordinance 1074, an Ordinance providing for rezoning of Parcel ID 1006400005 and Parcel ID 1006400002 owned by the Bremer County Fair Association located to the east of 39th Street NE from A-1 (Agricultural District) to M-1 (Light Industrial District).

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

9. Discussion of the Fireworks Ordinance Sec. 104.4.01 of the Waverly Municipal Code.
- City Administrator James Bronner reviewed the history of this ordinance over the course of the past four (4) years. It has been two (2) years since changes have been made to the ordinance. Fireworks are currently allowed to be set off within the City limits from June 25th through July 8th. While this is a short time frame to make any changes, it could still happen with the third reading of the ordinance happening at the study session in June. Changing things could become confusing and the short notice of change would require spreading the notice of change. Mr. Bronner also spoke in regards to an email received that inquired about certain requirements that are needed. Many of the requirements suggested, such as, a liability clause, may not be in the ordinance itself, however, they are listed on the Special Use Permit application. This and other items could be added at any time. Staff is mostly looking for direction regarding a start date and end date as to when fireworks should be allowed within the City limits. Last year, a restricted window of only being allowed on July 3rd and 4th failed on the third reading with a tied vote of 3 to 3. Feedback from a listening post from last year was: many were not fans of the fireworks at all; a lot of pet owners were upset; Veterans talked about P.T.S.D. problems; some thought that a little restriction would not hurt like restricting it to only 2 days; and others felt it would be great if there weren't any allowed. Council discussion followed. With some houses being close together, it might be good if someone could find a place in the country that they could use; although not everyone has a place in the country they can go to. Moving fireworks outside of City limits can pose time delays on situations that are required emergency care. Last year, some fireworks debris was found in some yards. People with P.T.S.D. need to plan ahead for their response to fireworks being set off; for instance, when do they need to go to the basement or when do they need to seek support and comfort from other Veterans. Some people do experience intense phobias of sudden loud noises such as fireworks or the sight of balloons in the anticipation that they will pop, motorcycles, construction zones, and super-large crowds. Not as many people are asking to ban them all together. Most people are asking to restrict fireworks to a 2-day period. Weather may not allow setting off fireworks in a 2-day restricted period. This is a very controversial item with strong feelings on either side. After being in a self-quarantine mode, people will want to get outside and celebrate the United States freedom and their personal freedom this year. The thought was shared for looking at a couple of volunteer community nights to hold fireworks in Waverly. This may be curtailed through volunteerism vs. an ordinance. The questions were asked whether Council was going to discuss this ordinance every year and how does this ordinance actually, get enforced? If citizens bring concerns to one member of Council, that may warrant a full Council discussion which might mean every year this is discussed. It would be good to plan ahead for 2021. This ordinance will be enforced as best the police can enforce it. Enforcing this ordinance could be likened to vehicular violations, i.e.: what percentage of violators are ticketed? There is confusion when Cities build off from a State enacted law. A minimum distance from buildings should be looked at as well. Staff will look into the State law to see if it stipulates a minimum distance from buildings for setting fireworks off. Enforcing a two-week window vs. a two-day window is the same logistical problem. Council is not hearing from citizens that would like to set off fireworks; however, they are hearing from those that have pets that are sensitive to the noise or people with PTSD. For this reason, it would be nice to see the number of days reduced, but for this year, to leave what we have in place alone. Citizens were encouraged to reach out to all Councilmembers regarding this and all other issues so they are more informed of what Citizens are wanting as a whole. Thank you to the citizens that have emailed or called; the dialogue is appreciated. The City does regulate the use of fireworks in December to New Year's Eve from Noon to 12:30 a.m. on January 1st. This will be looked at again at the Council's July Study Session.

10. First Reading of Ordinance 1075, an Ordinance amending Section 104.4.01 Fireworks of the Waverly Municipal Code.
 - Due to the discussion of item number nine (9), this item was removed from the agenda.
11. Discussion of the future of the 3rd Street SE Bridge.
 - Staff is asking for direction from Council for the monies now available to move forward with some kind of bridge project. Discussion followed. The federal grant was only available if new construction were to take place. How fast can we get the current bridge removed? The current bridge is dangerous. If the bridge were to drop into the river, it would be a lot more expensive to remove. Removing the bridge is important to flood mitigation. The bridge does create some back-water. Homes approximately 100 – 200 yards upstream from the bridge would see some relief of flooding. The City will need to gather updated financial information as well in order to see what other options can be explored. There may be new funding available due to the Corona Virus. Council has been contacted by many for multiple options. There has been concern communicated to Council from the downtown business owners regarding the economic hit they will take when the Bremer Avenue Bridge is being replaced after the Bremer Avenue reconstruction and the impacts of the Corona Virus. Many people have reached out and want some sort of bridge, particularly, a one-lane bridge. If the bridge is removed, it doesn't interfere with discussing what future plans of a bridge, or no bridge, might be. Citizen, Pete Lampe phoned in and commented that once the bridge is removed, it does jeopardize the federal or state resources. Any stimulus funding or transportation bill that may come from the federal or state government would only be for a D.O.T. standard, two-lane bridge not a single-lane or pedestrian bridge. Long term (5, 6, or more years) is a long time to leave a derelict structure standing. Restoration of a portion of the bridge for historical purposes is important. Memorializing the bridge is also important since it has been identified as a historic structure; although it was questioned whether any restoration of any portion of the bridge should be done with tax payer funds. It was mentioned for the Historic Preservation Commission to take on a private fund-raising task for raising money for any restoration that is done; although earlier when this idea was pitched to the Historic Preservation Commission, there was not a lot of interest in taking that on at that location or somewhere else in the City. There was mention of concern for the liability of placing a portion of the structure on display as it would not be a piece for climbing on or doing exercises on. There may be some market to sell and/or recycle the steel from the bridge. It would be hard to estimate what that might be. The cost to dismantle, ship, and haul it might outweigh the amount that could be received for it. With removal of the old concrete dome near Brookwood Park which is approximately the same width in diameter as a span of the bridge, it has been talked about locating a span to that location and possibly putting a path or bike lane through it. The timing of removing the dome will likely be much later in the year. Timing may not work for that area, if Council wants to investigate that. Staff is looking for Council to give direction on what they would like to see for a formal vote and further direction if engineering is needed to help disassemble it and remove it. The only reason not to do it would be to pair the demolition with the construction of a new, two-lane bridge project. Council would like to see a proposed time line of demolition, restoration of the bridge, where the bridge span might be stored if it cannot be done immediately as well as costs of demolition of the bridge, what engineering is needed to demolish it safely, what to do with the rubble, and how much does it cost to put a span in that park. The City purchased property adjacent to the bridge for construction staging that staff will have to look into what will be the future of this property. City Administrator James Bronner will meet with staff to identify needs and then report back to Council. Emergency rescue is also a concern for both the east and west sides of the Bremer Avenue bridge. Staff will also look at bringing information to Council regarding 7th Avenue SE.

A one-lane bridge would still provide access although the arch of a one-lane bridge wouldn't allow for safe visibility to the other side. Basing infrastructure on a temporary problem is not a good strategy. Building a bridge should be done for a long-term use. Every option that can be looked at will provide pros and cons.

12. COVID-19 update

• City Administrator James Bronner gave an overview regarding how Governor Kim Reynolds has begun opening the State back up from results of the Corona Virus. Staff has talked about opening all City buildings on June 15 unless Council directs differently. There is somewhat of a demand for use of the Civic Center. Rentals of the Civic Center may not begin until July 1st. Leisure Services Director Garret Riordan explained that playgrounds and restrooms opened today (June 1st). There are signs posted regarding staff cleaning restrooms and drinking fountains on a daily basis as part of normal operating procedures. Playgrounds and shelters are open, but are not being sanitized. Shelter reservations are also planned to begin on July 1st. Gatherings at shelters are not currently encouraged. Whether or not the pool will open is still undetermined. The pool will still need to be filled with water in order to run the pumps and to protect the paint. The opening of the pool is largely dependent on whether social distancing is still required by the governor. It may also depend on whether staffing numbers can be maintained and for how long. Waverly Public Library Director Sarah Meyer-Reyerson shared that the library is now open through the drive thru for drop off and pick up of reserved materials (for up to 10 items). Summer reading programs are being offered online. Additional purchases of digital resources have been done. They plan to continue with the described phase for another 2 – 4 weeks with Corona Virus case counts in Bremer County being the deciding factors. Staffing continues at half capacity in an effort to reduce the amount of exposure. They are constantly and consistently re-evaluating safety for patrons and staff with the normal hourly rate of 50 people visit the library. Materials are being quarantined for three days when they are returned. Library staff would like to continue to offer the library as a community gathering place. When to begin live Council meetings was also discussed. Meeting in-person does have merit as long as social distancing requirements can be maintained. It would be possible to maintain the Emergency Proclamation's 6-foot social distancing requirements if the meetings were held in the Civic Center. However, this would mean that the meetings would not be able to be livestreamed to television. If the meeting was held in the Civic Center and recorded via Zoom, the meeting could then be downloaded the next day for television or YouTube. A barrier at the Council dais would not work that well since the chairs would be stationed beyond that point. It would be cause for some to feel uncomfortable if they couldn't be 6-feet apart and it wouldn't set a very good example for others. Citizens can still call in to express their thoughts and opinions. There should be discussions regarding review of the Council Policies and Procedures as far as Council being able to call in.

13. Moved by Kangas, seconded by Birgen to approve the following Mayoral Appointments:
Jo Lynn Dorrance is replacing Linda Schrage on the Cable Commission for a term expiring February 1, 2025.

Mary Ventullo is replacing Linda Hovden on the Historic Preservation Commission for a term expiring June 30, 2023.

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

I. Reports from Boards and Commissions

1. Board of Adjustment Minutes; January 13, 2020; Received into record.
2. Historic Preservation Commission Minutes; January 27, 2020; Received into record.
3. Planning & Zoning Commission Minutes; March 5, 2020; Received into record.
4. Board of Adjustment Minutes; March 9, 2020; Received into record.

5. Library Board of Trustees Minutes; March 10, 2020; Received into record.

J. Staff Updates

- Leisure Services Director Garret Riordan informed Council that the Civic Center would be open to the public tomorrow (Tuesday) for voting in the primary elections. The doors to the offices will be locked and not open to the public.

K. City Council Comments

- Councilmember Schneider thanked those who donated cans and bottles to the Heritage Days Committee on Saturday. There was a donor that matched the donated amount.
- Councilmember Birgen gave kudos to City Administrator James Bronner and Staff for maintaining an Aa3 bond rating with Moody's. Birgen also expressed that he feels how important the entire Council support all votes and decisions that are made.
- Councilmember Drenkow echoed Birgen's comments on bond ratings. Staff shared that the 4th Street reconstruction will cause closures along 4th Street SW the week of June 8th and will also include construction at 10th Street SW by Meyers Pharmacy. The same week the work on 20th Street NW will also begin.
- Councilmember Glaser shared that the Waverly Chamber of Commerce is holding webisodes, called Common Ground on Tuesdays on their Facebook page.
- Councilmember Rathe echoed Schneider regarding the can and bottle collection for Heritage Days. Rathe added that there will be another drive in the fall. She thanked the Vegetation Management and Public Works staff for preparations in getting the cemetery ready for Memorial Day. Dr. Rathe also suggested that people walk through the prairie near Southeast Elementary. It has been much improved.
- Councilmember Beaufore announced that Waverly Area Veterans Post (WAVP) will hold a smoked pork dinner on Thursday via curbside pick-up only. She also recognized the Waverly-Shell Rock High School seniors for having a successful parade down 4th Avenue.
- Councilmember Kangas also echoed comments regarding the credit rating. He congratulated the high school seniors and commented on those being allowed to play baseball and softball this summer with the use of social distancing.
- Guest council person Burrel gave a big thank you to Councilmember Birgen for getting started with community matters, especially with the strategic planning session that she was involved in. She also shared her thoughts on diversity and that the EMBRACE event that she was a part of stemmed from the strategic planning events. Ms. Burrel encouraged Council to be active and have a voice to ease fears within the community.

L. Mayor's Comments

- Mayor Hoffman stated that he misses the Senior Center 501 Café. Hoffman also pleaded with the community to blow grass clippings into their yard and not into the street.

M. Moved by Birgen, seconded by Schneider to adjourn the meeting. Motion passed and the Council meeting adjourned at 9:32 P.M.

Yes: 7 No: 0 Absent: 0



Adam P. Hoffman, Mayor

ATTEST:



Carla Guyer, City Clerk