

A Regular Meeting of the Waverly City Council was held on July 6, 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 Deputy City Clerk Valorie Northrup were in the Council Chambers. The 7 Council members were not in the chambers, but the 6 members who were present participated via ZOOM conferencing.

Comments for items on the agenda or for the Public Hearing 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 broadcasted 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, Kangas, Rathe, and Schneider. Absent: Glaser.
- C. Mayor Hoffman led in the Pledge of Allegiance.
- D. Moved by Drenkow, seconded by Beaufore to approve the agenda as presented.
Motion passed. Yes: 6 No: 0 Absent: 1
- E. Moved by Drenkow, seconded by Rathe to approve the June 15, 2020 regular meeting minutes and the June 22, 2020 study session minutes.
Motion passed. Yes: 6 No: 0 Absent: 1
- F. Council member Beaufore introduced and Council welcomed Stacey Johnson who will be Guest Councilperson for the month of July.
- G. Moved by Rathe, seconded by Birgen to approve a proclamation proclaiming July 11, 2020 as Ironman Battalion Day.
Motion passed. Yes: 6 No: 0 Absent: 1
 - Mayor Hoffman expressed his appreciation to Cedar Falls Mayor Rob Green for taking the initiative to prepare this proclamation and create the display photo which contains area soldiers.
- H. Public Hearing

During this public hearing, individuals were allowed to make comments 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.

 - 1. This was the date, time and place for a public hearing on the Business 218 North HMA Resurfacing 2020 project Plans, Specifications, Form of Contract, and Estimate Cost.
 - **There were no oral or written public comments.**
 - **The public hearing was then closed.**Moved by Birgen, seconded by Kangas to approve Resolution 20-99, approving Plans, Specifications, Form of Contract, and Estimate Cost of \$929,814 for the Business 218 North HMA Resurfacing 2020 project.
Motion passed. Yes: 6 No: 0 Absent: 1

- 1a. Moved by Schneider, seconded by Birgen to approve Resolution 20-100, awarding Contract for the Business 218 North HMA Resurfacing 2020 project to Heartland Asphalt Inc. of Mason City, Iowa for the bid amount of \$845,725.66.

Motion passed. Yes: 6 No: 0 Absent: 1

- Since this is a DOT project, it has a different process that the City has to honor and follow to which is why only the winning bid was provided to Council for review.

I. Consent Calendar

1. Set the Public Hearing date for July 20, 2020 at 7:00 P.M. in the Council Chambers of City Hall, for the construction of the new Harlington Cemetery Shop.
2. Pay Request from Farnsworth Group for the Public Services Center- North Addition 2021 for the amount of \$24,619.74.
3. Pay Request from Hall & Hall Engineers, Inc. for the Youth Ballfields 2019 for the amount of \$19,789.24.
4. Pay Request from JB Holland for the Airport Runway 29 Extension 2018 for the amount of \$27,514.85.
5. Pay Request from McClure Engineering Co. for the Airport Runway 29 Extension 2018 for the amount of \$17,384.29.
6. Pay Request from McClure Engineering Co. for the 20th Street NW Improvements 2020 for the amount of \$7,641.42.
7. Pay Request from WHKS & Co. for the WPC Facility Improvements 2020 for the amount of \$10,714.21.
8. Pay Request from Wicks Construction, Inc. for the 4th Street SW and 10th Street SW Improvements 2020 for the amount of \$190,361.91.
9. Pay Request from Snyder & Associates for the Traffic Study 2020 for the amount of \$11,546.03.
10. Class E Liquor License for Walgreens #12148.
11. Class C Liquor License for Sasquatch Jack's Hideaway Barroom & Grill.
Moved by Birgen, seconded by Rathe to approve the Consent Calendar as presented.

Motion passed. Yes: 6 No: 0 Absent: 1

J. Regular Business.

1. Moved by Schneider, seconded by Birgen to approve Resolution 20-101, approving a Plat of Survey to create the proposed Parcel Y, Parcel Z, and Parcel AA located at 41 8th Avenue NW for Gary L. Schneider.
Motion passed. Yes: 6 No: 0 Absent: 1
2. Moved by Drenkow, seconded by Birgen to approve Resolution 20-102, approving a Plat of Survey to create the proposed Parcel UU out of Parcel ID 0911200001, Parcel ID 0911200018, Parcel ID 0902452009, and Parcel ID 0902452002 located to the north of the Cedar River Parkway for the City of Waverly.
Motion passed. Yes: 6 No: 0 Absent: 1
 - Since all of the parcels have recently been rezoned to match, they can now be combined to represent the complex park as a whole instead of multiple parcels. This also removed the Parkway's right-of-way from this parcel so this will only be a description of the entire park. Besides the ballpark, there aren't any other intentions to develop this property.
3. Moved by Kangas, seconded by Birgen to approve Resolution 20-103, approving the MidAmerican Agreement for the removal and installation of underground powerlines on the west side of Business 218 North near the Waverly Municipal Airport Runway 11 for \$24,536.83.

Motion passed. Yes: 6 No: 0 Absent: 1

- The timing of this project is coincidental that it coincides with the 218 North HMA Resurfacing project. Majority of the cost will be covered by the Federal Aviation Administration.
4. Moved by Schneider, seconded by Birgen to approve Resolution 20-104, accepting the Citywide Asphalt Patching- Spring 2020 project as complete and approving Pay Estimate No. 1 in the amount of \$21,870.53 as the final pay request to Kluesner Construction of Farley, Iowa.
Motion passed. Yes: 6 No: 0 Absent: 1
- The additional quantity/cost to the initial bid was a result of taking the opportunity to do some street work that coincided with alley work taking place at the same time. The alley work being completed before the asphalt patching was finalized allowed additional street to be patched in the spring rather than the fall. The patching included 2nd Street NW and didn't include 8th Street SW.
5. Moved by Rathe, seconded by Beaufore to approve Resolution 20-105, accepting the Downtown Alley Reconstruction 2020 project as complete, approving Change Order No. 1 in the amount of a \$1,615.90 decrease, and approving Pay Estimate No. 3 in the amount of \$2,156.63 as the final pay request to Feldman Concrete of Dyersville, Iowa.
Motion passed. Yes: 6 No: 0 Absent: 1
6. Moved by Birgen, seconded by Rathe to approve Resolution 20-106, approving the Professional Services Agreement with WHKS & Co. of Mason City, Iowa for the 1st Street NW Reconstruction 2021 project for the not-to-exceed amount of \$86,980.00.
Motion passed. Yes: 4 No: 2 (Schneider, Beaufore) Absent: 1
- The Iowa Local Road Evaluation website has the pavement condition identified as poor and very poor. Since 1st Street NW is classified as a minor arterial roadway, it has been approved for federal grant money through the RTA programs for this project to take place at this time. The RTA programs 5 years ahead for 6 counties, Waverly, Independence, and small communities are pooled together for projects that exceed the available funding so if the funds are declined at this time, the next time the City can reapply would be 2026. Coordinating projects around Bremer Avenue's construction has caused delays with other projects like 4th Street SW and Adams Parkway Bridge. Discussion followed regarding the destruction of a road that has productive life left on it versus the number of years it would have left on it before the City could qualify for a grant again. The engineering expense was part of the bond that was recently approved and is part of the levee.
7. Moved by Schneider, seconded by Beaufore to approve to remove the 3rd Street SE Bridge.
Motion passed. Yes: 5 No: 1 (Rathe) Absent: 1
- Based on the majority, the consensus of the Council after the June study session was to put an item on to determine the future of this bridge. There has never been an actual vote to remove the bridge taken. This accomplishes that vote and sets us up for the next item to begin the engineering to construct how to remove it. If the vote is to not remove it at this time, then, there would need to be another discussion to determine how to proceed forward in a different direction. It was mentioned that the engineering agreement once completed could sit idle for some time before updates would need to be done. The removal of the bridge is a lengthy process. Council discussed the difficulty of voting without another plan for going forward and potentially spending more money on engineering that might not be used going forward. They also spoke regarding the forgoing of the \$1 million dollars and their concerns regarding: continually being stalled on any process, evacuation, emergency response times, life of downtown, and its current liability issue with how it currently sits. Additional study sessions can take place in the future to discuss future plans if Council desires. Council member Kangas

- seconded Council member Beaufore's request to have a Roll Call vote instead of a Voice vote for this item.
8. Moved by Drenkow, seconded by Beaufore to approve Resolution 20-107, approving the Professional Services Agreement with WHKS & Co. of Mason City, Iowa for the 3rd Street SE Bridge Removal 2021 project for the not-to-exceed amount of \$67,600.00.
Motion passed. Yes: 6 No: 0 Absent: 1
- Since WHKS & Co. has been the City's bridge inspection firm for a long time and has completed multiple scenarios with this bridge, they were chosen to possibly be the final firm to do something with this bridge. This agreement is just for demolishing not for moving a span. It was mentioned for there to be another discussion to get a consensus from the Council regarding preserving and moving a span. There is still a window of time to explore the next phase or future of this space; however, there has already been a lot of money spent on engineering different scenarios that weren't followed through.
9. Moved by Rathe, seconded by Kangas to approve Resolution 20-108, approving an updated Post Issuance Compliance Policy for the City of Waverly.
Motion passed. Yes: 6 No: 0 Absent: 1
- In 2019, as a result of all of the federal changes and bond issuance compliance, the City updated the Bond Disclosure Policy. The current 2011 policy had some overlap to that policy so for an efficiency standpoint this new policy was created to avoid conflicting policies. This policy will evolve and have changes as the bond markets and compliance changes.
10. Moved by Birgen, seconded by Drenkow to approve First Reading of Ordinance 1076, an Ordinance amending Chapter 37, Section 37.2 of the Waverly Municipal Code.
Motion passed. Yes: 6 No: 0 Absent: 1
- This removes the term limits for the Airport Commission and was discussed at the June study session.
11. Moved by Drenkow, seconded by Birgen to approve First Reading of Ordinance 1077, an Ordinance providing for rezoning of a Parcel owned by Robert and Lindee Juhl located to the west of Horton Road from R-4 (Multiple Family Residential District) to R-1 (Single Family Residential District) and Setting July 20, 2020 at 7:00 P.M. in the Council Chambers of City Hall as the date, time, and place for a Public Hearing.
Motion passed. Yes: 6 No: 0 Absent: 1
- Currently, the property is zoned R-4, and is between another house lot and a commercial lot with property to the north and south being zoned agricultural. Half of the property is in the 100-year flood plain and the other half is in the 500-year flood plain so the owners will have to deal with the flood ordinance. The Future Land Use Plan to the north of this property is designated as housing and the west area has two homes.
12. Moved by Rathe, seconded by Birgen to approve First Reading of Ordinance 1078, an Ordinance providing for rezoning of a Parcel owned by JCLJ Ventures, LLC located on 12th Street NE from A-1 (Agricultural District) to R-1 (Single Family Residential District) and Setting July 20, 2020 at 7:00 P.M. in the Council Chambers of City Hall as the date, time, and place for a Public Hearing.
Motion passed. Yes: 6 No: 0 Absent: 1
- The entrance will come from 12th Street with a shared common driveway on the south side of the three lots which will go west to east.
13. Moved by Birgen, seconded by Beaufore to approve the following Mayoral Appointments: Don Meyer is reappointed on the Historic Preservation Commission for a term expiring June 30, 2023.

Motion passed. Yes: 6 No: 0 Absent: 1

I. Reports from Boards and Commissions

1. Economic Development Commission Minutes; February 11, 2020; Received into record.
2. Historic Preservation Commission Minutes; February 24, 2020; Received into record.
3. Historic Preservation Commission Minutes; May 26, 2020; Received into record.
4. Planning & Zoning Commission Minutes; May 7, 2020; Received into record.

J. Staff Updates

- There were none.

K. City Council Comments

- Councilmember Schneider spoke of his thoughts regarding the current COVID-19 situation and expressed his desire to return the Council meetings to the Chambers. He also reflected on the strength of his late mother and her service to the community and people.
- Councilmember Beaufore thanked Schneider for his diligence for being there at the meeting. She also expressed her appreciation to the staff and fellow Council members for the detailed information and discussions. She reflected on the last study session regarding the need for a task force for equity that is long overdue from the 2-year-old strategic plan. She challenges herself and the community to do better by speaking up against racism, bullying, prejudice and bias and to educate themselves and be open-minded to diversity, equity, inclusion, and no longer look the other way. She has requested from Mayor Hoffman to create a task force in which she will be a Council liaison for.
- Councilmember Drenkow reminded everyone that we are in a public health crisis and the best route to get through this sooner is to follow the instructions from the health professionals which consists of social distancing, wearing masks, and washing hands.
- Councilmember Rathe appreciated Schneider's comments about his mother and agrees that from what she had read too that his mother was a giver. She echoed Beaufore's comments regarding the task force for diversity and inclusion and the need for it to help Waverly be a welcoming and friendly community to all. She commented that through communicating, learning, and listening to others' experiences will help build bridges and narrow gaps. Ms. Rathe also agreed with Drenkow regarding that we are in a health crisis. It is confusing with the mixed messages that we are receiving, but the physicians and scientists' message has been pretty clear. Therefore, she urges public to think carefully about where they are going and how they will act when they are on vacation. There will be a fireworks discussion at the July study session.
- Councilmember Birgen reflected on Waverly's reputation being tarnished nationally due to a racial incident that occurred at a Waverly-Shell Rock ball game. He believes that as a community, we need to take steps to make sure it never happens again by sending a clear message that the Waverly community has no place for racist ideas or actions. Staff informed Birgen that actions in this regard by City employees are not tolerated and are covered in the Employee Handbook.
- Councilmember Kangas expressed his condolences to Councilmember Schneider. Staff informed Kangas that the Stage 2 construction of 4th Street SW should last around 2 weeks and then, this section on the south end will be paved and open for access from the south. Staff also hopes that people will do the right thing by taking alternative routes and not use businesses' parking lot as a shortcut. Kangas reflected on the comments previously made by former Guest Councilperson La Toshia Burrell and appreciated the efforts the EMBRACE group has done at highlighting areas that need addressing which, now, we need to look at some of the underlying things that are happening in the community. He expressed his disgust and anger regarding the recent racial incident; he understands the need for an investigation and feels there should be additional steps to make the culprit acknowledge and face the consequences. The expectations from the Iowa High School Athletic Association is not to tolerate

behavior of this sorts. He requests for the person to take responsibility for the incident and believes the team should take some resolve against this behavior.

- Guest councilperson Johnson was impressed by the detailed documents in the Council packets and the respect the Council show to one another. She believes that the task force is a wonderful idea and expressed the need to teach children how to act better and how to feel the right thing instead of focusing on pointing people out. She reflected on the scary times we are in with everything that has happened over the last few months and encourages leaders in the community, companies, and families to teach how to act and help those people who don't have the same blessings we do.

L. Mayor's Comments

- Mayor Hoffman expressed his condolences to Matt Schneider and his entire family for the passing of his mother. Fireworks will be discussed at the July 27th study session. He and Ms. Johnson agreed that in response to the recent racial incident that we can point the finger that this is wrong. Since the June 22nd EMBRACE presentation, he has reviewed the City's 5-year strategic plan in further details regarding the need for a task force related to diversity and inclusion as it relates to job creation and attracting workforce to Waverly. The last 6 (six) weeks have brought forth the reality of the need for this task force that hadn't been created yet; therefore, as Waverly's Mayor he will exercise his authority to begin the efforts to create the Human Equity and Diversity Task Force. This will require the drafting of a task force mission statement as well as tangible goals for evaluating the progress and overall effectiveness. The City Council Policies and Procedures regarding temporary task forces will be adhered to, and he will be reaching out to individuals from the entire spectrum of diversity to serve on this task force. With Council approval, this task force may transition to a City Commission. He expressed that human equity and diversity can no longer be a mere suggestion or ideology and it is an expectation of his to address this and the Human Equity and Diversity Task force will begin the process to identify opportunities for improvement within our community. He also pleaded with citizens to be courteous by using the alternative routes for 4th Street SW construction instead of Burger King's parking lot.


M. Moved by Kangas, seconded by Birgen to adjourn the meeting. Motion passed and the Council meeting adjourned at 8:52 P.M.

Yes: 6 No: 0 Absent: 1



Adam P. Hoffman, Mayor

ATTEST:


Valorie Northrup, Deputy City Clerk