

Regular Meeting Minutes – December 7, 2020
Ivan “Ike” Ackerman Council Chambers

A Regular Meeting of the Waverly City Council was held on December 7, 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 Adam Hoffman 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 or 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, Glaser, Kangas, Rathe, and Schneider Absent: None
- C. Mayor Hoffman led the Pledge of Allegiance
- D. Moved by Schneider, seconded by Birgen to approve agenda as presented.
Motion passed. Yes: 7 No: 0 Absent: 0
- E. Moved by Glaser, seconded by Birgen to approve the November 16, 2020 regular meeting minutes and the November 23, 2020 study session minutes.
Motion passed. Yes: 7 No: 0 Absent: 0
- F. Council welcomed Dr. Nana Quaicoe as Guest Councilmember for December.
- G. Public Hearing
 - 1. This was the date, time and place for a public hearing on the Resolution 20-180 approving a resolution of necessity for water service improvements as a part of the 1st Street NW Reconstruction 2021 project and adopting The Preliminary Assessment Schedule.
 - **There were no oral or written public comments.**
 - **The public hearing was then closed.**Moved by Rathe, seconded by Glaser to approve Resolution 20-180, a Resolution approving a resolution of necessity for water service improvements as a part of the 1st Street NW Reconstruction 2021 project and adopting The Preliminary Assessment Schedule setting values of affected properties and establishing maximum assessments for each property.
Motion passed. Yes: 7 No: 0 Absent: 0
 - City Engineer/Public Works Director Mike Cherry explained that Iowa Code Chapter 384.44 may include a ten percent Default and Deficiency Fund which relates to Iowa Code Chapter 384.37, subsection 26. This section provides a list of acceptable items that can be used in relation to Iowa Code Chapter 384.44. Design, engineering, and administrative costs are included in the list. Previous projects have been dealt with in the same manner. The dollar amounts have been updated to reflect inflationary costs.
 - 2. This was the date, time and place for a public hearing on Ordinance 1082, an Ordinance Adopting the “City Code of the City of Waverly, Iowa”.

- **There were no oral or written public comments.**
- **The public hearing was then closed.**

Moved by Kangas, seconded by Beaufore to approve the Second Reading of Ordinance 1082, an Ordinance Adopting the “City Code of the City of Waverly, Iowa”.

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

H. Consent Calendar

1. Pay Request from Chicago Central & Pacific for the 20th Street NW Reconstruction RR Crossing Improvements at 20th Street NW- 2018 Crossing Gates & Signals for the amount of \$11,649.00.
2. Pay Request from Modern Design, Inc. dba Optometric Architects for the Cedar River Park Youth Ballfields for the amount of \$17,945.62.
3. Pay Request from WHKS & Co. for the Old WPC Dome Demolition 2020 for the amount of \$4,597.44.
4. Pay Request from WHKS & Co. for the WPC Facility Improvements 2020 for the amount of \$48,500.50.
5. Pay Request from SAM, LLC. for the GIS Data Collection 2019 for the amount of \$11,833.00.
6. Pay Request from McClure Engineering Co. for the Airport Runway 29 Extension 2018 for the amount of \$13,180.00.
7. Pay Request from WHKS & Co. for the 1st Street NW Reconstruction 2021 for the amount of \$37,918.68.
8. Pay Request from WHKS & Co. for the Business 218 North Resurfacing 2020 for the amount of \$2,457.33.
9. Special Class C Liquor License for Asian Garden.
10. Class E Liquor License for Hy-Vee.
11. Class C Liquor License for The Dirty Dog American Bar and Grill.
12. Cash Disbursements for October, 2020.

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

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

I. Regular Business.

1. Moved by Birgen, seconded by Rathe to approve Resolution 20-181, awarding an Owner-Occupied Rehabilitation Contract to Kirvan Enterprises LLC of Altoona, Iowa for Project #3 of the Waverly CDBG Housing Rehabilitation Program.
Motion passed. Yes: 7 No: 0 Absent: 0
2. Moved by Birgen, seconded by Drenkow to approve Resolution 20-182, awarding an Owner-Occupied Rehabilitation Contract to Kirvan Enterprises LLC of Altoona, Iowa for Project #4 of the Waverly CDBG Housing Rehabilitation Program, pending IEDA approval.
Motion passed. Yes: 7 No: 0 Absent: 0
3. Moved by Drenkow, seconded by Glaser to approve Resolution 20-183, awarding an Owner-Occupied Rehabilitation Contract to Kirvan Enterprises, LLC of Altoona, Iowa for Project #5 of the Waverly CDBG Housing Rehabilitation Program, pending IEDA approval.
Motion passed. Yes: 7 No: 0 Absent: 0
 - City Administrator James W. Bronner explained to Council that alternate options are sometimes listed in order to give the homeowner the full use of the grant dollars. So, if the original items bid for improvement come in lower than anticipated, they might decide it is appropriate to add further necessary improvements to the project.
4. Moved by Birgen, seconded by Rathe to approve Resolution 20-190, approving a contract with INRCOG for Waverly to use \$10,000 from funding through the Department of Commerce, Economic Development Administration, as part of the CARES Act to carry out economic resiliency activities to address impacts from the COVID-19 Pandemic.

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

- City Attorney/Community Development Director Bill Werger explained that Iowa Northern Regional Council of Governments (INRGOG) applied for the Cares Act dollars aid for communities within the region. The funds are not required to be used until December 31, 2021. Having a project already in place seems to be advantageous when applying for funds.

5. Moved by Schneider, seconded by Glaser to approve Resolution 20-184, approving a preliminary plat for JCLJ Ventures LLC for a residential development to consist of four (4) total lots for the proposed Walnut Ridge Subdivision on property located off of 12th Street NE.

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

6. Moved by Glaser, seconded by Birgen to approve Resolution 20-185, approving a Plat of Survey to create Parcel QQ and Parcel RR in Lot 2 and Parcel SS and Parcel TT in Lot 3 in the Bridle Spur Estates Subdivision for Mark Lenius, owner of Brahma, LLC and Blue Steel, LLC.

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

- Property lines may go through the middle of a residence in order to provide for Twin Home ownership. The homes are built to meet safety requirements with the proper walls, etc. The two side-by-side owners enter into an agreement to cover common elements such as the roof and siding, and such. This idea is much like a duplex except instead of renting, the resident has home ownership.

7. Moved by Drenkow, seconded by Kangas to approve Resolution 20-186 setting December 21, 2020 at 7:00 P.M. in the Council Chambers of City Hall as the date, time, and place for a Public Hearing for consideration of a Resolution for the vacation and transfer of Parcel Y to Sugar Beet, LLC in exchange for an Ingress-Egress & Utility Easement over property owned and developed by Sugar Beet, LLC.

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

8. Moved by Schneider, seconded by Beaufore to approve Resolution 20-187, approving the Professional Services Agreement with Snyder & Associates of Cedar Rapids, Iowa for the Cedar Lane Reconstruction (North) 2021 project for the not-to-exceed amount of \$149,100.00.

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

9. Moved by Rathe, seconded by Birgen to approve Resolution 20-188, approving Change Order No. 3 in the amount of an increase of \$40,576.68 to Division 1- 4th Street SW and Pay Application No. 10 in the amount of \$264,806.74 for the 4th Street SW (IA 116) & 10th Street SW Improvements 2020 project.

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

- Staff informed Council that there is some fencing that needs to be installed at the box culvert at the bowling alley and a few minor punch list items in order to complete this project. Once the D.O.T. finishes their audit of the project, the City will then consider the project 100% complete. Staff is very pleased with how the end product of the project turned out.

10. Moved by Drenkow, seconded by Beaufore to approve Resolution 20-189, authorizing the vacation of a utility easement and establishing a new easement within Parcel H, according to Plat of Survey recorded as Doc. No. 20021492 in the Bremer County Records.

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

11. Moved by Glaser, seconded by Birgen to approve Setting December 21, 2020 at 7:00 P.M. in the Council Chambers of City Hall as the date, time, and place for a Public Hearing for the First Reading of Ordinance 1084, an Ordinance vacating right of way of 20th Street SW located within Parcel H, according to Plat of Survey recorded as Doc. No. 20021492 in the Bremer County Records, and North of a point 300 feet North of the Southeast corner of Parcel H.

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

- This ordinance will vacate a portion of 20th Street NW, f/k/a Hwy. 218. The D.O.T. vacated it in the 1970's, and now, it actually would run through the middle of the building that is currently located there. This is an effort to clean up the real estate description and the title.

12. Moved by Rathe, seconded by Beaufore to approve First Reading of Ordinance 1083, an Ordinance creating the Human Equity and Diversity Commission for the City of Waverly and Setting December 21, 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: 7 No: 0 Absent: 0

- City Administrator Bronner confirmed for Councilmember Birgen that City Clerk Carla Guyer is named as the director liaison for this commission. Councilmember Drenkow was informed that the number of terms a Commission member may serve is not limited since it is not designated within the proposed ordinance. Drenkow expressed concern for certain wording and will work with City Administrator Bronner and City Clerk Guyer on wordsmithing the ordinance for the 2nd reading. Councilmember Rathe voiced that this is a really good first draft, and she feels good about how the goals have been narrowed down, but would like to see goals added that provides education for the Commission and Council for various topics. In her research of other cities, she found that it sometimes takes several months to hone in on the goals. She questioned whether Council needed to help the Commission with a bit of a budget for education. City Administrator Bronner added that the ordinance was left a little broad to leave flexibility for changes in goals, etc. so that it can fall under the same jurisdiction. The task force has provided a good list of goals which is somewhat of a secondary document. Councilmember Drenkow added that goals and budget requests can be brought forward to Council as part of the planning process. Task Force member Raj Patel commented that the task force was trying to keep the goals flexible so they aren't fixed with specific goals for the betterment of the task force and the community. The task force has not talked about which department the commission should fall under for long term since they are still learning what is required of the commission. City Administrator Bronner informed Council that the Commission will fall directly under the Administration Dept. Councilmember Birgen voiced that he was glad to see in the powers and duties that the Commission will be a recommending body to Council. City Administrator Bronner explained that Human Resources serves as an access point for all of the commissions based on needs, but should not be a member of the commissions. Councilmember Beaufore noted that the Commission will try and bridge the gap in activities that are currently being experienced and support the groups that are already in the community. Guest Councilmember Dr. Nana Quaiocoe commented that Wartburg College is a champion in promoting diversity and inclusion. Councilmember Birgen expressed that part of the activities of the Commission would include trying to get the diverse student population to attend the activities within the community. Commission member Raj Patel suggested replacing the word "activities" with a more appropriate phrase that still allows the communication within the community and achieve the goal. Councilmember Birgen remarked that he liked that the word "promotion" was used in an attempt to promote the activities of the community. Councilmember Kangas suggested leaving the word "activities" and adding the words "and awareness", so it would refer to promoting the awareness within the community as well.

13. Moved by Birgen, seconded by Beaufore to approve the Second Reading of Ordinance 1080, amending the current Waverly TIF Ordinance 1066 in connection with the adoption of Amendment No. 6 to the Waverly Unified Urban Renewal Plan.
Motion passed. Yes: 7 No: 0 Absent: 0
- 13a. Moved by Drenkow, seconded by Birgen to approve to suspend of the rules and move directly to the Third and Final Reading.
Motion passed. Yes: 7 No: 0 Absent: 0
- 13b. Moved by Glaser, seconded by Beaufore to approve the Third and Final Reading of Ordinance 1080, amending the current Waverly TIF Ordinance 1066 in connection with the adoption of Amendment No. 6 to the Waverly Unified Urban Renewal Plan.
Motion passed. Yes: 7 No: 0 Absent: 0
- This is part of the project to renovate what was formerly known as the Red Fox Inn.
14. Moved by Birgen, seconded by Drenkow to approve the Second Reading of Ordinance 1081, establishing a new TIF Ordinance in connection with the adoption of the West Waverly Unified Urban Renewal Plan.
Motion passed. Yes: 7 No: 0 Absent: 0
- 14a. Moved by Kangas, seconded by Schneider to approve to suspend the rules and move directly to the Third and Final Reading.
Motion passed. Yes: 7 No: 0 Absent: 0
- 14b. Moved by Birgen, seconded by Kangas to approve the Third and Final Reading of Ordinance 1081, establishing a new TIF Ordinance in connection with the adoption of the West Waverly Unified Urban Renewal Plan.
Moved by Birgen, seconded by Kangas to amend the original motion by removing the word, "Unified".
Motion passed. Yes: 7 No: 0 Absent: 0
The original motion was then voted on.
Motion passed. Yes: 7 No: 0 Absent: 0
15. Discussion and possible action for the 3rd Street SE Bridge memorialization.
- City Administrator James W. Bronner reviewed that Council made the decision several months ago, to have the bridge removed and demolished. Council resolved to memorializing the bridge for an amount of \$7,000. Since that time, the Historic Preservation Commission was given an opportunity to bring ideas for memorialization of the bridge. Bronner also mentioned that what Council chooses will need to be formally approved by resolution and then, approved by the Army Corps of Engineers in order to get a permit for demolition and removal.
 - Historic Preservation Commission Chair Karen Lehmann explained they are presenting four (4) diverse options with two (2) of them involving moving a span of the bridge. Lehmann reviewed the less complicated ideas: signs could be displayed, a stereoscope costing about \$10,000 could project up to six (6) different images, plaques could be placed on large stones or an art project is another idea. It is much more than just a memorialization because of the history and impact on Waverly.
 - Overall, Council seemed to like the combination of the ideas with having signage, a plaque on a stone, and a stereoscope. This combination would cost an estimated \$15,000. Fundraising for ½ of the amount was discussed. How to make fundraising happen was inquired about by the Commission. Council would also have the option to change the \$7,000 capped figure if they choose. Following discussion, Council directed Staff to prepare a resolution for formal action and Councilmember Drenkow agreed to work on this with them. The resolution will propose the type of memorialization, location of the memorialization, and what the budget

will look like for the proposed action. Council complimented the Commission on the work they did to put the menu of ideas together. Council did express their concerns for safety and effects of flooding. If the bridge were used as a gateway to Brookwood Park, it would cost more than the benefit the City would get from it. There would have to be a trail installed to connect the existing trail. FEMA would dictate what kind of structure could even be placed there. It would be nice to have more feedback from the community regarding this issue. It would be good to explore the cost of using one of the joints or possibly a portion of one of the pieces of the bridge where the bridge comes together in lieu of a post or stone. Mayor and Council thanked those who participated in bringing the ideas to Council.

Moved by Beaufore, to affirm the \$7,000 as a cap toward the memorialization of a stereoscope, signage, and a plaque. **(Died for lack of second.)**

Moved by Birgen, seconded by Rathe that staff put together estimated costs of memorializing the Harmon Street Bridge, a/k/a the 3rd Street SE Bridge, for a stereoscope, signage, and a plaque on a large rock.

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

16. Moved by Birgen, seconded by Rathe to affirm Resolution 20-126, a Resolution requiring face masks be worn by any member of the public while being an occupant of a public building.

• Councilmember Schneider expressed his disappointment for the stigmatizing of COVID-19 that has occurred. He added that he has never said that it is not a dangerous disease.

Schneider talked about keeping the public library closed and the amount of money the City has spent to continue to fund it. Councilmember Dr. Rathe commented that she feels like there is evidence that COVID-19 is a dangerous disease that does impact people of all ages while preying on people who are more vulnerable. People are dying who would not be dead if it wasn't for the Covid-19 virus, and she supports reaffirming the resolution. Councilmember Beaufore agreed with Schneider with how this virus has negatively impacted the lives of people. Beaufore stressed the importance of hand washing, sanitizing, public education, staying at home if you are not feeling well, and social distancing in addition to the use of face masks.

Moved by Rathe, seconded by Birgen to call the question.

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

The original motion was then voted on.

Motion passed. Yes: 6 No: 1 (Schneider) Absent: 0

17. Moved by Kangas, seconded by Beaufore to approve the Cancellation of December 28, 2020 Study Session meeting due to the holiday.

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

18. Moved by Birgen, seconded by Kangas to approve the following Mayoral Appointments: Derek Solheim is reappointed on Leisure Services Commission for a term ending December 31, 2023 and Liz Wuertz is replacing Toshia Burrell on the Leisure Services Commission for a term ending December 31, 2023.

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

J. Reports from Boards and Commissions

1. Airport Commission Minutes; July 9, 2020; Received into record.
2. Board of Adjustment Minutes; September 14, 2020; Received into record.
3. Planning & Zoning Commission Minutes; October 1, 2020; Received into record.
4. Economic Development Commission Minutes; October 13, 2020; Received into record.
5. Golf Commission Minutes; October 13, 2020; Received into record.
6. Leisure Services Commission Minutes; October 15, 2020; Received into record.

K. Staff Updates

- Leisure Services Director Garret Riordan announced that the Municipal Golf Course would be

open for play this Wednesday, December 9. The course will open at 10:00 a.m. and the cost will be \$10 for 9 holes and \$15 for 18 holes. There will not be any public carts available for rental. The use of personal carts will be allowed with no trail fees. It is yet to be determined if the course will be open on Thursday.

L. City Council Comments

- Councilmember Beaufore recognized that 79 years ago this day, was the attack on Pearl Harbor. There were 2,385 service members lost that day. Appreciation for all servicemembers will be kept in our thoughts. Beaufore also noted that there will be a "Waverly Light Cruise" happening on Thursday, December 10th at 6:00 p.m. and KWAY will be playing Christmas music.
- Councilmember Birgen congratulated the Bremer County Fair Association in making progress at their new location site and thanked all the people that helped make this happen.
- Councilmember Glaser announced that next summer (2021), he and his family plan to sell their home and move to the Des Moines area since he now works for a company that is headquartered in Des Moines. He enjoys and is honored to serve as the Ward II Councilmember and plans to work closely with the Mayor and City Staff to transition when the Council decides it is appropriate.
- Councilmember Rathe expressed that Councilmember Glaser will be missed. It has been a pleasure working with him and thanked him for his service on Council, for being on the Airport Commission, and for previously working with Hospice. Glaser, Rathe and Birgen have been invited to answer a 3-page list of questions from the lied center government class.
- Councilmember Schneider shared his dog Maggie.
- Guest Councilmember Quaicoe thanked Council for the opportunity to participate as a Guest Councilmember. He learned things at this meeting and looks forward to another meeting where he hopes to participate.
- Councilmember Kangas reiterated that we are "all in this together" and looks forward to the parade making its way through town.

M. Mayor's Comments

- Mayor Hoffman shared that he had his lied center government class experience this day and found it very rewarding and added that Mr. Carlson was a great host. Hoffman also noted Pearl Harbor and the Tuskegee Airmen, the African-American soldiers that fought for equality first and also fought for our country. Councilmember Kangas added that Waterloo and Northeast Iowa contributed several members of the Tuskegee; they are also known as the Redtails which is why Hawkeye College named their athletic teams the Redtails.

N. Moved by Kangas, seconded by Birgen to adjourn the meeting. Motion passed and the Council meeting adjourned at 9:16 P.M.

Yes: 7 No: 0 Absent: 0



Adam P. Hoffman, Mayor

ATTEST:



Carla Guyer, City Clerk