The Hiawatha City Council met in regular session in the Hiawatha Council Chambers on February 15, 2017. Mayor Bill Bennett called the meeting to order at 5:30 p.m. Council members present: Dick Olson, Marty Bruns, Aime Wichtendahl, Dennis Norton and Bob Rampulla. Staff present: Community Development Director Patrick Parsley, City Engineer John Bender, City Administrator Kim Downs, Fire Chief Mike Nesslage, Deputy Fire Chief Matt Powers and Police Chief Dennis Marks. Guests: Hiawatha Fire Members Brad Ransford, Ryan Neuhaus, Pacer Langguth, Caleb Fairlie and Chris Liscum, Dr. Brad Petersen of Petersen Pet Hospital and Daniel Hoffmann.

Rampulla moved approval of the agenda, seconded by Wichtendahl. Motion carried.

Bruns moved the approval of the following consent agenda items: Approval of bills, Finance Director's Report for January 2017, City Clerk's Report for January 2017; Approval of renewal- Class C Native Wine (WCN), Outdoor Service and Sunday Sales for Farmer's Daughter's Market, 495 Miller Road, effective February 18, 2017; Motion accepting the appointment of Parks and Recreation Commission Member: Dan Gogel effective immediately – December 31, 2017; Department Reports: Community Development, Fire, Library, Parks and Recreation, Police and Public Works, seconded by Norton. Motion carried.

Report from Council Members/Mayor/City Administrator

Council Member Wichtendahl mentioned council and city staff attended Legislative Day on February 7. Wichtendahl commented minimum wage bill has severe restrictions on home rule and would rescind all county level ordinances from being passed. A second component of the bill also rescinds local control over non-discrimination ordinances and also nullifies other ways of raising revenue. Wichtendahl gave the example of the City of Dubuque passing a local ordinance imposing a $0.05 tax on plastic bags. Wichtendhal also commented on a companion bill that would require referendum to install simple things like street lights. Wichtendahl expressed concern it is not in the city's best interest to surrender one inch of home rule. Wichtendhal stated council should work with local counterparts or anyone to push back as much as possible. Wichtendahl requested an ordinance be drafted but council will not have enough time to pass the ordinance before legislatures take action on the bill. Wichtendahl commented she has discussed drafting a letter on behalf of the city to share with local legislatures and to reach out to additional cities, municipalities and the county.

City Administrator Downs stated there were new legislative bills taking the essential corporate purpose and making those general corporate purpose which would affect the city as it is as simple as street lights and sidewalks having to go to referendum. The local level viewpoint they are public safety matters not something requiring referendum. Downs commented the main focus on these issues is home rule and letting local government decide what is best for their community as a whole instead of state legislatures governing city policies and procedures. The letter to legislatures should focus on the home rule aspect to remind legislatures value of what it means at the local level. Downs offered to help draft a letter on city letterhead. Downs mentioned she did send an email to Ashley Hinson in regards to the essential corporate purpose, Ashley did not have a lot of information and was not very informed about it. Downs feels is it hard for legislatures getting a lot thrown at them in a short period and not having a lot of time to dissect it down; that is where the city as a local government comes into play to help them.

Downs noted during Legislative Day, Liz Mathis was able to pull off a meeting with the interim director and the chief engineer of IDOT, council and city staff were pretty excited to have the opportunity to talk to them about Tower Terrace Interchange project which they were familiar with. Council and city staff were informed that IDOT earmarked the Tower Terrace Interchange project in their five-year plan. The IDOT also mentioned if stimulus dollars have the potential to grow, the DOT looks at three projects in the state of Iowa to be moved up and Tower Terrace Interchange would be one of them.

Downs also commented Mayor Bennett received a letter from the DOT today noting the Boyson Road Interchange in Hiawatha Northbound off ramp project could happen this year to add an extra lane.

Downs mentioned Wright Wash is having a ribbon cutting on Friday, February 17 at 11:00 A.M. and Mayor Bennett will be there to congratulate Dave Wright and welcome Wright Wash to the community.

Cigarette Violations

Bruns moved approval of the Acknowledgement / Settlement Agreement for tobacco violation for Fareway Stores, Inc. #055 located at 885 Miller Road, seconded by Norton. **Motion carried.**

Norton moved the approval of the Acknowledgement / Settlement Agreement for tobacco violation for River Rat Vapes located at 320 Blairs Ferry Road STE A, seconded by Wichtendahl. **Motion carried.**

Rampulla moved approval of the Acknowledgement / Settlement Agreement for tobacco violation for Hawkeye Convenience Store located at 975 Robins Road, seconded by Bruns. **Motion carried.**

PUBLIC HEARING – to consider amending Hiawatha Code of Ordinances Chapter 136 Sidewalk Regulations §136.02 Definitions by adding new standards of classification for a "Defective Sidewalk" in connection with a new inspection and repair program

Mayor Bennett opened the public hearing to consider amending Hiawatha Code of Ordinances Chapter 136 Sidewalk Regulations §136.02 Definitions by adding new standards of classification for a "Defective Sidewalk" in connection with a new inspection and repair program at 5:40 P.M.

No written or public comments were received at or prior to the public hearing. Public Hearing closed at 5:41 P.M.

Rampulla moved the 1st Reading of ORDINANCE #871 amending Hiawatha Code of Ordinances Chapter 136 Sidewalk Regulations §136.02 Definitions by adding new standards of classification for a "Defective Sidewalk" in connection with a new inspection and repair program, seconded by Wichtendahl. Roll call vote: AYES: Olson, Bruns, Wichtendahl, Rampulla, Norton. NAYS: None. ABSENT: None. **Motion carried.**

Olson moved to waive the 2nd and 3rd readings of ORDINANCE #871, seconded by Norton. **Motion carried.**

Rampulla moved the adoption of ORDINANCE #871 amending Hiawatha Code of Ordinances Chapter 136 Sidewalk Regulations §136.02 Definitions by adding new standards of classification for a "Defective Sidewalk" in connection with a new inspection and repair program, seconded by Wichtendahl. Roll call vote: AYES: Rampulla, Norton, Bruns, Wichtendahl, Olson. NAYS: None. ABSENT: None. ORDINANCE #871 adopted.

PUBLIC HEARING – on the proposal to enter into a Development Agreement with BDP Property Management L.L.C. and Petersen Pet Hospital, P.C.

Mayor Bennett opened the public hearing on the proposal to enter into a Development Agreement with BDP Property Management L.L.C. and Petersen Pet Hospital, P.C. at 5:52 P.M.

Dr. Brad Petersen of Petersen Pet Hospital, P.C. stated Petersen Pet Hospital was established in 2003 and he started the practice by himself with no clients and only two (2) employees. Currently the business has four (4) doctors and about 19 employees. Petersen commented Petersen Pet Hospital started in a 1,200 square foot building, are currently in a 3,000 square foot space and are now looking to expand into 11,000 square feet. Clientele is from Hiawatha, Cedar Rapids, Marion and all over Linn County.

Petersen feels that moving into Hiawatha has given them a little bit more space, their own building and more green space for the benefit of the patients, clients and staff. Petersen Pet Hospital grossed $1.8 million this past year and have grown approximately between 12-20%. Petersen Pet Hospital is a small animal veterinary hospital and would like to offer dog boarding by adding ten (10) luxury suites with a window in each suite to make a nicer environment and less stressful for the dog. Petersen mentioned the only time a dog would be outside is when they are on a leash in a fenced area.

No additional written or public comments were received at or prior to the public hearing. Public Hearing closed at 5:56 P.M

Wichtendahl presented RESOLUTION #17-021 approving and authorizing execution of a five (5) year Development Agreement with BDP Property Management L.L.C. and Petersen Pet Hospital, P.C., seconded by Bruns. Roll call vote: AYES: Olson, Bruns, Wichtendahl, Norton, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #17-021 adopted.**

Motion setting a public hearing date (March 1, 2017 @ 5:30 P.M.) to consider the FY 2018 Budget and directing publication of notice

Olson moved approval setting a public hearing date (March 1, 2017 @ 5:30 P.M.) to consider the FY18 Budget and directing publication of notice, seconded by Bruns. **Motion carried.**

Auditing Services for FY 2017-2019

Norton presented RESOLUTION #17-022 authorizing the Finance Director to proceed with Requests for Proposals to auditing firms to perform annual auditing services for the City for FY 17-19, seconded by Bruns. Roll call vote: AYES: Wichtendahl, Rampulla, Bruns, Norton, Olson. NAYS: None. ABSENT: None. **RESOLUTION #17-022 adopted.**

Approving the Police Department purchase of five (5) replacement Panasonic Toughbook in-car computers and compatible printers

Wichtendahl presented RESOLUTION #17-023 approving the Police Department purchase of five (5) replacement Panasonic Toughbook in-car computers and compatible printers, in an amount not to exceed $20,000.00, and furthering authorizing the creation of an Equipment Reserve Fund for future expenditures for replacement of in-car computers and compatible printers with a beginning amount of $5,000.00, seconded by Olson. Roll call vote: AYES: Norton, Rampulla, Bruns, Olson, Wichtendahl. NAYS: None. ABSENT: None. **RESOLUTION #17-023 adopted.**

Approving and authorizing execution of an Agreement between the Hiawatha Fire Department and Mercy Medical Center to provide an Employee Assistance Program for the Hiawatha Fire Department

Olson presented RESOLUTION #17-024 approving and authorizing execution of an Agreement between the Hiawatha Fire Department and Mercy Medical Center to provide an Employee Assistance Program for the Hiawatha Fire Department, seconded by Rampulla. Roll call vote: AYES: Bruns, Olson, Wichtendahl, Norton, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #17-024 adopted.**

Fire Department purchase of Self-Contained Breathing Apparatus (SCBA) face pieces and thermal imaging cameras for air packs

Rampulla presented RESOLUTION #17-025 authorizing the purchase of thirty-two (32) Self-Contained Breathing Apparatus (SCBA) units and other related equipment with Sandry Fire Suppy LLC utilizing a $6,000.00 trade in for the SCBA units, funding through the Assistance to Firefighters Grant, and the City's total portion of costs not to exceed $12,735.00, utilizing available funding previously approved from LOSST funds, seconded by Norton. Roll call vote: AYES: Wichtendahl, Rampulla, Bruns, Olson, Norton. NAYS: None. ABSENT: None. **RESOLUTION #17-025 adopted.**

Wichtendahl presented RESOLUTION #17-026 authorizing the purchase of six (6) Integrated Thermal Imaging Cameras in a total amount not to exceed $7,200.00, from Sandry Fire Supply LLC, utilizing available funding in the Fire Department Trust Fund, seconded by Olson. Roll call vote: AYES: Olson, Norton, Rampulla, Wichtendahl, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #17-026 adopted.**

Approving the partial release of a Development Agreement between City of Hiawatha and Pines at Turtle Creek, LLC for property located at 2920 Diamondback Road, Lot 78 of Pines at Turtle Creek Fifth Addition

Bruns presented RESOLUTION #17-027 approving the partial release of a Development Agreement between City of Hiawatha and Pines at Turtle Creek, LLC for property located at 2920 Diamondback Road, Lot 78 of Pines at Turtle Creek Fifth Addition, seconded by Wichtendahl. Roll call vote: AYES: Rampulla, Olson, Wichtendahl, Bruns, Norton. NAYS: None. ABSENT: None. **RESOLUTION #17-027 adopted.**

2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project

Bruns presented RESOLUTION #17-028 approving Change Order #5 for the FY 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project with an increase in contract amount of $2,846.20, resulting in a revised total project contract amount of $813,116.13 with Ricklefs Excavating, Ltd. of Anamosa, seconded by Norton. Roll call vote: AYES: Bruns, Olson, Rampulla, Wichtendahl, Norton. NAYS: None. ABSENT: None. **RESOLUTION #17-028 adopted.**

Rampulla presented RESOLUTION #17-029 approving (Balancing) Change Order #6 for the FY 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project with a decrease in contract amount of $27,474.40, resulting in a revised total project contract amount of $785,641.73 with Ricklefs Excavating, Ltd. of Anamosa, seconded by Wichtendahl. Roll call vote: AYES: Norton, Wichtendahl, Olson, Bruns, Rampulla. NAYS: None. ASBENT: None. **RESOLUTION #17-029 adopted.**

Norton presented RESOLUTION #17-030 accepting the public improvement contract work in connection with the FY 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project, and directing the City Engineer to sign the Certification of Completion, seconded by Olson. Roll call vote: AYES: Rampulla, Bruns, Olson, Wichtendahl, Norton. NAYS: None. ABSENT: None. **RESOLUTION #17-030 adopted.**

Bruns presented RESOLUTION #17-031 accepting the FY 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project, constructed by Ricklefs Excavating, Ltd., approving application for (Final) Pay Estimate #4 and directing City Clerk to make payment to Ricklefs Excavating, Ltd. of Anamosa, in the amount of $35,007.94 immediately. Five (5) percent retainage in the amount of $40,430.09 will be released after thirty (30) days has elapsed from the date of acceptance if no claims against the project are filed, seconded by Norton. Roll call vote: AYES: Olson, Bruns, Wichtendahl, Norton, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #17-031 adopted.**

FY 2015 Water and Sewer Extension Project

Wichtendahl presented RESOLUTION #17-032 approving Change Order #3 for the FY 2015 Water and Sewer Extension Project with an increase in contract amount of $3,444.48, resulting in a revised total project contract amount of $1,293,095.48 with Ricklefs Excavating, Ltd., of Anamosa, seconded by Bruns. Roll call vote: AYES: Wichtendahl, Norton, Rampulla, Olson, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #17-032 adopted.**

Olson presented RESOLUTION #17-033 approving Change Order #4 for the FY 2015 Water and Sewer Extension Project with a decrease in contract amount of $6,002.41, resulting in a revised total project contract amount of $1,287,093.07 with Ricklefs Excavating, Ltd., of Anamosa, seconded by Rampulla. Roll call vote: AYES: Rampulla, Olson, Wichtendahl, Bruns, Norton. NAYS: None. ABSENT: None. **RESOLUTION #17-033 adopted.**

Norton presented RESOLUTION #17-034 approving (Balancing) Change Order #5 for the FY 2015 Water and Sewer Extension Project with a decrease in contract amount of $23,335.21, resulting in a revised total project contract amount of $1,263,757.86 with Ricklefs Excavating, Ltd., of Anamosa, seconded by Wichtendahl. Roll call vote: AYES: Bruns, Olson, Wichtendahl, Norton, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #17-034 adopted.**

Rampulla presented RESOLUTION #17-035 accepting the public improvement contract work in connection with the 2015 Water and Sewer Extension Project, and directing the City Engineer to sign the Certification of Completion, seconded by Wichtendahl. Roll call vote: AYES: Olson, Wichtendahl, Rampulla, Bruns, Norton. NAYS: None. ABSENT: None. **RESOLUTION #17-035 adopted.**

Bruns presented RESOLUTION #17-036 accepting the 2015 Water and Sewer Extension Project, constructed by Ricklefs Excavating, Ltd., approving application for (Final) Pay Estimate #5 and directing City Clerk to make payment to Ricklefs Excavating, Ltd. of Anamosa, Iowa, in the amount of $134,493.94 immediately. Five (5) percent retainage in the amount of $61,187.89 will be released after thirty (30) days has elapsed from the date of acceptance if no claims against the project are filed, and $2,000 will be held from the final released retainage until June 1, 2017, until the seeding has fully developed, seconded by Norton. Roll call vote: AYES: Rampulla, Bruns, Olson, Wichtendahl, Norton. NAYS: None. ABSENT: None. **RESOLUTION #17-036 adopted.**

There being no further discussion, Rampulla moved to adjourn at 6:07 P.M., seconded by Wichtendahl. Motion carried.

Bill Bennett, Mayor

ATTEST:

Kelly Kornegor, City Clerk