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Memorandum

To: Hiawatha City Council

From: Patrick Parsley

Cc: Kim Downs, City Administrator

John Bender, City Engineer

Date: July 31, 2018

Re: Bond requirement for public improvements

Report:

The City of Hiawatha currently requires four (4) year surety bonds for streets and trail paving projects and two (2) year bonds for underground utilities. This is in compliance with the present Metro Standards. However our present code is not specific to the differences.

Recommendation:

Staff is proposing to clarify the bond requirements in City Code Section 165.55 as follows.

> **165.55 MAINTENANCE BOND REQUIRED.** The owner and subdivider of the land being platted shall be required to provide to the City proper maintenance bonds or cashier's check satisfactory to the City, so as to ensure that improvements will be maintained in good repair for a period of years after the date of acceptance on any such improvements: four (4) years ~~after the date of acceptance of any such improvements~~ for all roads, curbs, trails and surface utilities and two (2) years for water, sanitary sewer and storm water utilities.

165.55 MAINTENANCE BOND REQUIRED. The owner and subdivider of the land being platted shall be required to provide to the City proper maintenance bonds or cashier's check satisfactory to the City, so as to ensure that improvements will be maintained in good repair for a period of years after the date of acceptance of any such improvements:~~.~~ four (4) years ~~years after the date of acceptance of any such improvements~~ for all roads, curbs, trails and surface utilities and ~~for~~ two (2) years for water, sanitary sewer and storm water utilities.~~.~~

DRAFT

RESOLUTION NO. 18-
City Council

RESOLUTION SETTING A PUBLIC HEARING DATE TO AMEND HIAWATHA CODE OF ORDINANCES CHAPTER 165 UNIFIED DEVELOPMENT CODE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA to direct staff to proceed with notification of a public hearing that will be held in the Hiawatha Council Chambers, 101 Emmons Street, before the Hiawatha City Council on Wednesday, September 5, 2018 at 5:30 P.M. to consider amending Hiawatha Code of Ordinances Chapter 165 Unified Development Code §165.55 Maintenance Bond Required to clarify bond requirements for public improvements.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 15th day of August, 2018.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 165 UNIFIED DEVELOPMENT CODE §165.55 MAINTENANCE BOND REQUIRED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA:

SECTION 1. Chapter 165 Unified Development Code, Section 165.55 Maintenance Bond Required of the City of Hiawatha, Iowa, 1996, is hereby amended as follows:

165.55 MAINTENANCE BOND REQUIRED. The owner and subdivider of the land being platted shall be required to provide to the City proper maintenance bonds or cashier's check satisfactory to the City, so as to ensure that improvements will be maintained in good repair for a period of years after the date of acceptance on any such improvements: four (4) years ~~after the date of acceptance of any such improvements~~ for all roads, curbs, trails, and surface utilities and two (2) years for water, sanitary sewer and storm water utilities.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 5th day of September, 2018.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

DRAFT

I, Kelly Kornegor, City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 5th day of September, 2018, and was posted as Ordinance No. _____ on the ____ day of September, 2018.

_____

Kelly Kornegor, City Clerk