The Hiawatha City Council met in regular session in the Hiawatha Council Chambers on July 6, 2016. Mayor Bill Bennett called the meeting to order at 5:30 p.m. Council members present: Dick Olson, Bob Rampulla, Marty Bruns, Dennis Norton, and Aime Wichtendahl. Staff present: Community Development Director Patrick Parsley, City Engineer John Bender, City Attorney Mark Parmenter, Fire Chief Mike Nesslage, and Police Chief Dennis Marks. Guests: Daniel Hoffmann, Kenny Jones, Tracy Bennett, Chad Abernathy and Dean Waterhouse. Note: Not all guests in attendance signed in.

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

Bruns moved the approval of the following consent agenda items: Approval of bills; Minutes of Meetings: Regular Meetings May 18, 2016, June 1, 2016 and June 15, 2016, Receive and File Minutes of Boards/Commissions/Committees: Library April 12, 2016 and June 14, 2016, Planning and Zoning May 23, 2016, Water Board June 21, 2016, Consider Resolution 16-145 approving sewer waiver on second water meter for 2910 Diamondhead Road, City Engineer's Report, Mayor's Report and City Administrator's Report, seconded by Wichtendahl. Motion carried.

Report from Council Members / Mayor / City Administrator

Council Member Norton announced he attended the Lucky Penny open house; the food was great and the bar looked nice.

City Administrator Downs updated City Council on the Emmons Street/North Center Point Road/ Robins Road Intersection Project. Downs stated construction detours are creating some havoc and the City has been working with Go Daddy and Hawkeye Communications to reduce traffic cutting through their parking lots.

Downs said staff made the decision not to pick up leaves and brush after the storm because after driving around the city, there did not appear to be a lot of large debris throughout the neighborhoods.

PUBLIC HEARING – to consider the disposal and sale of a portion of vacated right-of-way on Langston Drive described as Parcel A, Plat of Survey No. 2075 in connection with the new commercial development located at 1195 Boyson Road

Mayor Bennett opened the public hearing to consider the disposal and sale of a portion of vacated right-of-way on Langston Drive described as Parcel A, Plat of Survey No. 2075 in connection with the new commercial development located at 1195 Boyson Road at 5:34 P.M.

Dean Waterhouse property owner to the east of Langston Drive asked for an explanation on the process taking place tonight.

City Administrator Downs said City Council is holding a public hearing as procedure for the disposal and sale of the vacated right-of-way on Langston Drive. The disposal of property requires an amendment to the Code of Ordinances.

City Engineer Bender added transfer of property requires a plat of survey and the city attorney has to prepare sale documents. Bender said the 24-foot public ingress/egress easement and the 16-foot utility easement cannot be blocked; they have to remain open. Bender additional noted staff received utility sign offs giving approval from the utility company.

Bender continued to explain the sale of Langston Drive right-of-way will complete the transfer to private ownership and the documents will be recorded with the Linn County Recorder's office.

Council Member Norton stated during the Planning and Zoning Commission meeting, Waterhouse expressed concern with access to his property to the east of the hospital once Langston Drive is turned over to the Chad Abernathy/Mercy Hospital. Norton said from the City Engineer's comments this is not the case; access will remain open.

Chad Abernathy of Brainiac, Inc. said he is not trying to limit access to Waterhouse's property but trying to accommodate the HVAC chillers and optimize access for trucks traveling to and from the Mercy Hospital facility, currently in construction at 1195 Boyson Road.

City Attorney Parmenter stated the easements run with the land and will remain unless all of the surrounding land is purchased.

Council Member Rampulla clarified maintenance of the road including snow is held by the property owner when it becomes private sector. City Attorney Parmenter confirmed this is correct and informed Waterhouse that access to his property will remain.

Abernathy agreed he will maintain Langston Drive.

Waterhouse inquired about city standards for roads and if the same standards applied to private sector. City Engineer Bender stated the road has to be paved to city standard no matter what.

Waterhouse expressed concern with trucks going in and out and clustering with people parking on Langston Drive as with the previous owners. Waterhouse said he feels like he has to be a watchdog to keep the area open and asked if the City will require No Parking signs.

Abernathy stated he is required to maintain a 24-foot space by city code, if Waterhouse has a problem he can call the city and the city will contact Abernathy to clear the area. Abernathy added he believes there was confusion amongst the Planning and Zoning members regarding access to the Waterhouse property.

Waterhouse inquired again if the city will install No Parking signs subject to towing. City Administrator Downs said the city will not be installing No Parking signs. City Attorney Parmenter added the right-of-way is no longer city property once sold to Abernathy.

Waterhouse asked if Abernathy could install no parking signs. City Attorney Parmenter confirmed if Abernathy agrees to install the signs, he could do that.

Abernathy stated he would install No Parking signs.

No additional written or public comments were received at or prior to the public hearing. Public Hearing closed at 5:47 P.M.

Olson moved the 1st Reading of ORDINANCE #868 approving the disposal of portion of vacated right-of-way on Langston Drive described as Parcel A, Plat of Survey No. 2075 in connection with the new commercial development located at 1195 Boyson Road, seconded by Bruns. Motion carried.

Rampulla moved to waive the 2nd and 3rd readings of ORDINANCE #868, seconded by Norton. Roll call vote: AYES: Wichtendahl, Olson, Rampulla, Bruns, Norton. NAYS: None. Motion carried.

Wichtendahl moved the adoption of ORDINANCE #868 approving ***the disposal of portion of vacated right-of-way on Langston Drive described as Parcel A, Plat of Survey No. 2075 in connection with the new commercial development located at 1195 Boyson Road, seconded by Bruns. Roll call vote: AYES: Bruns, Norton, Olson, Wichtendahl, Rampulla. NAYS: None. ABSENT: None. ORDINANCE #868 adopted.***

Authorizing the sale of vacated right-of-way on Langston Drive described as Parcel A, Plat of Survey No. 2075 in connection with the new commercial development located at 1195 Boyson Road

Norton presented RESOLUTION #16-146 approving and accepting the offer from Brainiac Inc., to purchase a portion of vacated right-of-way on Langston Drive described as Parcel A, Plat of Survey No. 2075 in connection with the new commercial development located at 1195 Boyson Road, with a purchase price of $10,000.00, seconded by Wichtendahl. Roll call vote: AYES: Olson, Norton, Bruns, Rampulla, Wichtendahl. NAYS: None. ABSENT: None. **RESOLUTION #16-146 adopted.**

Approving and authorizing execution of a First Amendment to the Agreement for Private Development by and between the City of Hiawatha and GoDaddy.com, LLC.
Olson presented RESOLUTION #16-147 approving and authorizing execution of a First Amendment to the Agreement for Private Development by and between the City of Hiawatha and GoDaddy.com, LLC, seconded by Wichtendahl. Roll call vote: AYES: Rampulla, Olson, Wichtendahl, Bruns, Norton. NAYS: None. ABSENT: None. **RESOLUTION #16-147 adopted.**

Approving a 28E Agreement between the City of Hiawatha, City of Marion, City of Robins, and City of Cedar Rapids for the construction of Segments 7 and 11 of the Indian Creek/Dry Run Creek Sanitary Sewer System Capacity Improvements Project
Council Member Norton asked for clarification on the City Engineer's memo in the council packet reflecting a change in project dollars originally allocated in the City's Capital Improvement Plan (CIP) for 2017-2019, and the project cost shown in the 28E Agreement.

City Engineer Bender explained staff and council put together the CIP over a year ago and at the time, staff did not have the project cost from Marion. Bender said staff should have more data from Marion by fall when it is time to work on the CIP again.

Rampulla presented RESOLUTION #16-148 approving a 28E Agreement between the City of Hiawatha, City of Marion, City of Robins, and City of Cedar Rapids for the construction of Segments 7 and 11 of the Indian Creek/Dry Run Creek Sanitary Sewer System Capacity Improvements Project, seconded by Olson. Roll call vote: AYES: Olson, Wichtendahl, Rampulla, Norton, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #16-148 adopted.**

2016-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Phase 2 Roadway Package Project – Review Bids and Award Contract
Bruns presented RESOLUTION #16-149 approving and making award of contract to Rathje Construction Co. of Marion, Iowa, in the amount of $2,813,734.76, for the construction of the 2016-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Phase 2 Roadway Package Project, seconded by Norton. Roll call vote: AYES: Wichtendahl, Bruns, Rampulla, Olson, Norton. NAYS: None. ABSENT: None. **RESOLUTION #16-149 adopted.**

Easements in connection with the 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project - Permanent Electric Line Easement for property located at 85 Robins Road
Bruns presented RESOLUTION #16-150 approving a Permanent Electric Line Easement for property located at 85 Robins Road in connection with the 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project, seconded by Wichtendahl. Roll call vote: AYES: Norton, Olson, Bruns, Wichtendahl, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #16-150 adopted.**

Easements in connection with the 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project - Permanent Electric Line Easement for property located at 405 W Clark Street
Rampulla presented RESOLUTION #16-151 approving a Permanent Electric Line Easement for property located at 405 W Clark Street in connection with the 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project, seconded by Olson. Roll call vote: AYES: Bruns, Olson, Norton, Rampulla, Wichtendahl. NAYS: None. ABSENT: None. **RESOLUTION #16-151 adopted.**

Approving Work Order #6 to the Professional Services Agreement between the City of Hiawatha and Hall and Hall Engineers, Inc. to perform project administration, base mapping, plan of improvements, project manual and Engineer's Estimate of Cost for the Boyson Road/North Center Point Road Intersection Improvement Project
Bruns presented RESOLUTION #16-152 approving Work Order #6 to the Professional Services Agreement between the City of Hiawatha and Hall and Hall Engineers, Inc. to perform project administration, base mapping, plan of improvements, project manual, and Engineer's Estimate of Cost for the Boyson Road/North Center Point Road Intersection Improvement Project, at a total cost of work not to exceed $19,650.00, seconded by Norton. Roll call vote: AYES: Rampulla, Wichtendahl, Bruns, Norton, Olson. NAYS: None. ABSENT: None. **RESOLUTION #16-152 adopted.**

Authorizing City Staff to solicit Requests for Proposals for design services for the Boyson Road Trail Extension Project from 12th Avenue to 15th Avenue

Wichtendahl presented RESOLUTION #16-153 authorizing City Staff to solicit Requests for Proposals for design services for the Boyson Road Trail Extension Project from 12th Avenue to 15th Avenue, seconded by Rampulla. Roll call vote: AYES: Olson, Bruns, Wichtendahl, Norton, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #16-153 adopted.**

Approving the Americans with Disabilities Act (ADA) Notice and Grievance Procedures

Norton presented RESOLUTION #16-154 approving the Americans with Disabilities Act (ADA) Notice and Grievance Procedures, seconded by Wichtendahl. Roll call vote: AYES: Wichtendahl, Olson, Bruns, Rampulla, Norton. NAYS: None. ABSENT: None. **RESOLUTION #16-154 adopted.**

Discussion regarding state minimum wage increase

Council held discussion regarding the state minimum wage increase issue.

Wichtendahl stated she participated in the Minimum Wage Work Study Group appointed by the Linn County Board of Supervisors to examine the potential impact of raising the minimum wage in Linn County. The Minimum Wage Study Group held meetings on March 31, May 12 and June 20, 2016. Access to meeting agendas and minutes are located on the Linn County website at www.linncounty.org. Wichtendahl said the study group was appointed to report to the Linn County Board of Supervisors, but a lot of the measures were passed by the Board without receiving input.

Wichtendal said under Mayor Ron Corbett's plan, the minimum wage in Cedar Rapids will increase to $8.25, and the study group decided to go with Corbett's recommendation. Wichtendahl stated she abstained from voting until receiving input from the rest of the Hiawatha City Council. Wichtendahl added the Board of Supervisors would like opinions from City Councils in the metro area.

Wichtendahl said she wrote an article in the Cedar Rapids Gazette opposing $8.25 minimum wage increase. Wichtendahl does not believe the proposal is sufficient because the study group did not get the opportunity to review the data. Wichtendahl stated it has been nearly 10 years since the legislature has taken any action on raising the minimum wage; need to get all of the counties, Linn, Johnson and Polk on the same page.

Wichtendahl expressed her preference for raising the minimum wage to $10.10 to raise living standards.

Council Member Olson asked for Wichtendahl's thoughts on the Board of Supervisors approving Corbett's recommendation of $8.25 or a higher increase. Wichtendahl said the Board of Supervisors can reject the recommendation or they can do nothing.

Council Member Rampulla asked if there was an option to opt in or opt out. Wichtendahl said the county has the ability to pass their own ordinance that will affect countywide and the cities can pass their own ordinances setting the minimum wage rate higher or lower.

Mayor Bennett stated he does not agree with the proposal. Bennett felt the state should handle this issue but if the cities and counties take no action, then the state probably will not look into the issue any further.

Council Member Rampulla said the state will need another department to enforce the minimum wage. Rampulla wondered what kind of penalty would be set and how it would be policed for non-compliance; not enough study on this issue.

Wichtendahl said there would be a road map to increase minimum wage over time and Hiawatha can put together a recommendation to present to the governor; need partnership with metro area.

Council Member Olson added need to think in terms of annual salary; $21,000 does not meet a livable income considering the poverty level is $24,000 for family. Olson said other states are higher than Iowa.

Wichtendahl stated there seems to be a consensus for $10.10 with politicians; $8.25 is not enough. Wichtendahl said the study group dissolved and there will be no more meetings unless the group reassembles after the next legislative session.

Olson suggested the council could send letters to each of the Board of Supervisors and Governor Branstad to get it in front of all parties.

Mayor Bennett mentioned a follow up on the county's next step. Wichtendahl said there would most likely be a vote on the issue sometime in the fall.

There being no further discussion, Rampulla moved to adjourn at 6:15 P.M., seconded by Wichtendahl. Motion carried.

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Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk