The Hiawatha City Council met in regular session in the Hiawatha Council Chambers on November 1, 2017. Mayor Bill Bennett called the meeting to order at 5:30 p.m. Council members present: Bob Rampulla, Aime Wichtendahl, Marty Bruns, Dennis Norton and Dick Olson. Staff present: City Administrator Kim Downs, Community Development Director Patrick Parsley, City Engineer John Bender, Library Director Jeaneal Weeks, Fire Chief Mike Nesslage and Police Officer Brett Bartels. Guests: Chad Pelley of Ahman Companies, Kenny Jones, Brandon Kwader, Jason Kwader, Phil Matthews and Daniel Hoffmann. Not all attendees signed in for the meeting.

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

Wichtendahl moved the approval of the following consent agenda items: Approval of bills; Regular Meetings October 4, 2017 and October 18, 2017; Work Session October 9, 2017; Receive and File Minutes of Boards/Commissions/Committees: Board of Adjustment October 9, 2017, History Committee October 9, 2017, Library September 12, 2017 and October 10, 2017, Parks and Recreation October 10, 2017, Planning and Zoning September 25, 2017 and October 23, 2017 and Water Board September 19, 2017; Approval of renewal-Class E Liquor License (LE) with Class C Carryout Beer and Class B Wine for Fareway Stores, Inc. at 885 Miller Road, effective November 16, 2017; City Engineer's Report, Mayor's Report and City Administrator's Report, seconded by Bruns. Motion carried.

Citizens Report

Phillip Matthews of 103 East Willman Street addressed city council with the following questions/concerns: how the library project is not an increase to taxes, shortage of parking with the expansion to the library and also stated in his opinion the city does not need a big library.

Council Member Bruns stated funding is already allocated for the library. He also commented the library has adequate staff but the existing building is not large enough for staff and programs. Bruns additionally noted parking will be added to the east.

Library Director Weeks commented the library had a patron counter that was not working properly. Weeks said the library has since purchased a new counter which shows the increased average number of patrons per day.

Kenny Jones of 2125 Grey Wolf commented he is on the Planning and Zoning Committee and voted nay on the library site plan. Jones said the library does not have enough parking spaces for the new building. Jones questioned if the library was supposed to raise $2 million dollars from the public when it appears the library has only raised $850,000. Jones questioned what happens if the library doesn't get enough funds.

Council Member Rampulla responded the library project will not happen if the library doesn't raise $2 million.

Report from Council Members / Mayor / City Administrator

City Administrator Downs informed council of the ribbon cutting for the N Center Point Road/Emmons Street/Robins Road intersection held October 31, 2017 with 20 people in attendance plus media. Downs said she is happy to see the intersection is open.

Downs also mentioned Ready Wireless is initiating a pilot program called Groove and is asking the city to participate by testing their equipment. The gadget goes in a vehicle and blocks text messages while driving.

Downs informed council of a conference call at city hall on November 8, 2017 at 1:00 P.M. with the City Development Board regarding the Novak and Brandt annexations.

PUBLIC HEARING – to consider amending Hiawatha Code of Ordinances Chapter 41 Public Health and Safety §41.12 Illegal Use of Fireworks by establishing a time period to use and explode consumer fireworks

Mayor Bennett opened the public hearing to consider amending Hiawatha Code of Ordinances Chapter 41 Public Health and Safety §41.12 Illegal Use of Fireworks by establishing a time period to use and explode consumer fireworks at 5:42 P.M.

Dan Hoffmann of 1241 Rainbow Blvd asked council to consider a longer window for people to shoot fireworks.

Phil Matthews of 103 East Willman Street inquired about the time period for shooting fireworks and the need to increase police enforcement.

City Administrator Downs explained staff initially wanted to mirror the city of Marion's time frame for shooting fireworks. During session Marion city council amended their ordinance to allow shooting of fireworks as follows; July 4th from 12:00 P.M. to 11:00 P.M. and December 31st from 6:00 P.M. to 12:30 A.M. on January 1st.

Downs asked council to consider changing the Hiawatha ordinance to reflect the same time period as Marion to maintain uniformity between the communities.

Mayor Bennett added increasing police enforcement is not going to help because the people who are shooting the fireworks would be gone before police arrived on scene.

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 amending ordinance to change the time period to use and explode consumer fireworks during the following designated times July 4th from 12:00 P.M. to 11:00 P.M. and December 31st from 6:00 P.M. to 12:30 A.M. on January 1st. Olson further moved the 1st Reading of ORDINANCE #885 amending Hiawatha Code of Ordinances Chapter 41 Public Health and Safety §41.12 Illegal Use of Fireworks by establishing a time period to use and explode consumer fireworks, seconded by Rampulla. Roll call vote: AYES: Norton, Olson, Wichtendahl, Rampulla. NAYS: Bruns. ABSENT: None. ***Motion carried.***

Olson moved to waive the 2nd and 3rd readings of ORDINANCE #885, seconded by Wichtendahl. ***Motion carried.***

Wichtendahl moved the adoption of ORDINANCE #885 amending Hiawatha Code of Ordinances Chapter 41 Public Health and Safety §41.12 Illegal Use of Fireworks by establishing a time period to use and explode consumer fireworks, seconded by Rampulla. Roll call vote: AYES: Olson, Wichtendahl, Bruns, Rampulla, Norton. NAYS: None. ABSENT: None. ORDINANCE #885 adopted.

PUBLIC HEARING – to consider amending Hiawatha Code of Ordinances Chapter 160 Fire Code §160.35 Seizure of Fireworks by adding a reference other City code chapters that provide regulations on fireworks

Mayor Bennett opened the public hearing to consider amending Hiawatha Code of Ordinances Chapter160 Fire Code §160.35 Seizure of Fireworks by adding a reference other City code chapters that provide regulations on fireworks at 5:48 P.M.

No written or public comments were received at or prior to the public hearing. Public Hearing closed at 5:50 P.M.

Wichtendahl moved the 1st Reading of ORDINANCE #886 amending Hiawatha Code of Ordinances Chapter160 Fire Code §160.35 Seizure of Fireworks by adding a reference other City code chapters that provide regulations on fireworks, seconded by Bruns. Roll call vote: AYES: Rampulla, Wichtendahl, Norton, Bruns, Olson. NAYS: None. ABSENT: None. ***Motion carried.***

Norton moved to waive the 2nd and 3rd readings of ORDINANCE #886, seconded by Bruns. ***Motion carried.***

Rampulla moved the adoption of ORDINANCE #886 amending Hiawatha Code of Ordinances Chapter160 Fire Code §160.35 Seizure of Fireworks by adding a reference other City code chapters that provide regulations on fireworks, seconded by Norton. Roll call vote: AYES: Bruns, Rampulla, Olson, Wichtendahl, Norton. NAYS: None. ABSENT: None. ORDINANCE #886 adopted.

PUBLIC HEARING – on the proposal to enter into a Development Agreement with Peck's Landing, LLC (First Addition)

Mayor Bennett opened the public hearing on the proposal to enter into a Development Agreement with Peck's Landing, LLC (First Addition) at 5:51 P.M.

Chad Pelley of Ahman Companies informed council construction has started on the first two buildings. Pelley commented three neighbors have called to inquire on the removal of trees.

No additional written or public comments were received at or prior to the public hearing. Public Hearing closed at 5:53 P.M.

Olson presented RESOLUTION #17-200 approving and authorizing execution of a six (6) year Development Agreement by and between the City of Hiawatha and Peck's Landing, LLC (First Addition), seconded by Bruns. Roll call vote: Rampulla, Wichtendahl, Olson, Bruns, Norton. **RESOLUTION #17-200 adopted.**

Bruns presented RESOLUTION #17-201 approving Final Plat for Peck's Landing First Addition and authorizing execution of a Development Agreement by and between the City of Hiawatha and Peck's Landing, LLC, seconded by Norton. Roll call vote: AYES: Wichtendahl, Norton, Olson, Bruns, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #17-201 adopted.**

Approving Final Plat for Tower Commerce Center Sixteenth Addition and authorizing execution of a Development Agreement by and between the City of Hiawatha and Tower Commerce Center, Inc.
Rampulla presented RESOLUTION #17-202 approving Final Plat for Tower Commerce Center Sixteenth Addition and authorizing execution of a Development Agreement by and between the City of Hiawatha and Tower Commerce Center, Inc., seconded by Wichtendahl. Roll call vote: AYES: Olson, Rampulla, Wichtendahl, Norton, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #17-202 adopted.**

Approving the appointment of one (1) Volunteer Firefighter/EMT: Martin Rounds
Bruns moved approval of the appointment of one (1) Volunteer Firefighter/EMT: Martin Rounds, seconded by Olson. Motion carried.

150 W Willman Street – Hiawatha Public Library
Council Member Wichtendahl asked why this item is on the agenda before the vote on the referendum. Wichtendahl expressed concern about the public perception of rushing to approve the site plan before residents vote.

City Administrator Downs commented there is a need to determine if the building expansion fits the space and if it meets the design guidelines.

Community Development Director Parsley stated the location is specific to CPR 1 Zones and needs to go through council for design approval because of the CPR district. Parsley said the project would have to go through this process eventually and this action confirms it is possible to build on the current site.

Bruns presented RESOLUTION #17-203 approving the conceptual site plan including proposed building design, parking, landscaping, green space, building elevations and setbacks for a new commercial building on the property located at 150 W Willman Street to the Hiawatha Design Guidelines, as submitted by Fusion Architects, Inc., seconded by Norton. Roll call vote: AYES: Olson, Bruns, Rampulla, Norton. NAYS: Wichtendahl. ABSENT: None. **RESOLUTION #17-203 adopted.**

2017-2018 Boyson Road Capacity Improvements Project at North Center Point Road and I-380 – Change Order #3
Wichtendahl presented RESOLUTION #17-204 approving (Balancing) Change Order #3 for the 2017 Boyson Road Capacity Improvements Project at North Center Point Road and I-380 with Rathje Construction Co., of Marion, IA, with a decrease in contract amount of ($3,692.40), resulting in a revised total project contract amount of $68,060.62, seconded by Bruns. Roll call vote: AYES: Bruns, Olson, Wichtendahl, Norton, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #17-204 adopted.**

2017-2018 Boyson Road Capacity Improvements Project at North Center Point Road and I-380 – Accepting Project
Bruns presented RESOLUTION #17-205 accepting the public improvement contract work in connection with the 2017-2018 Boyson Road Capacity Improvements Project at North Center Point Road and I-380, and directing the City Engineer to sign the Certification of Completion, seconded by Norton. Roll call vote: AYES: Rampulla, Olson, Norton, Wichtendahl, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #17-205 adopted.**

2017-2018 Boyson Road Capacity Improvements Project at North Center Point Road and I-380 – Final Pay Estimate #2

Olson presented RESOLUTION #17-206 accepting the 2017 Boyson Road Capacity Improvements Project at North Center Point Road and I-380, constructed by Rathje Construction Co., of Marion, IA, and approving application for (Final) Pay Estimate #2 and directing City Clerk to make payment to Rathje Construction Co., of Marion, IA, in the amount of $0.00 immediately. Five (5) percent retainage in the amount of $3,399.30 will be released after 30 days has elapsed from the date of acceptance if no claims against the project are filed, seconded by Rampulla. Roll call vote: AYES: Olson, Wichtendahl, Rampulla, Bruns, Norton. NAYS: None. ABSENT: None. **RESOLUTION #17-206 adopted.**

Authorizing the placement of temporary four way stop signs at the intersection of Willman Street and Center Point Road until completion of design and installation of a permanent structure

Rampulla presented RESOLUTION #17-207 authorizing the placement of temporary four way stop signs at the intersection of Willman Street and Center Point Road until completion of design and installation of a permanent structure, seconded by Bruns. Roll call vote: AYES: Wichtendahl, Rampulla, Bruns, Olson, Norton. NAYS: None. ABSENT: None. **RESOLUTION #17-207 adopted.**

Possible Closed Session as per Iowa Code 21.5(j) to discuss the possible purchase of particular real estate

Bruns moved entering into a closed session as per Iowa Code 21.5(j) to discuss the possible purchase of particular real estate at 6:03 P.M., seconded by Rampulla. Roll call vote: AYES: Olson, Bruns, Rampulla, Wichtendahl, Norton. NAYS: None. ABSENT: None. Motion carried.

Bruns moved to go out of closed session and entering into regular session at 6:35 P.M., seconded by Wichtendahl. Roll call vote: AYES: Bruns, Norton, Wichtendahl, Olson, Rampulla. NAYS: None. ABSENT: None.

Discussion/Possible Action regarding possible purchase of particular real estate discussed in closed session

Bruns presented RESOLUTION #17-208 authorizing City Administrator and City Attorney to proceed with negotiations with property owner for purchase of property discussed in closed session, seconded by Olson. Roll call vote: AYES: Wichtendahl, Rampulla, Norton, Olson, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #17-208 adopted.**

Possible Closed Session as per Iowa Code 21.5(j) to discuss the possible purchase of particular real estate

Wichtendahl moved entering into a closed session as per Iowa Code 21.5(j) to discuss the possible purchase of particular real estate at 6:38 P.M., seconded by Olson. Roll call vote: AYES: Norton, Rampulla, Wichtendahl, Olson, Bruns. NAYS: None. ABSENT: None. Motion carried.

Rampulla moved to go out of closed session and entering into regular session at 6:50 P.M., seconded by Wichtendahl. Roll call vote: AYES: Olson, Norton, Bruns, Rampulla, Wichtendahl. NAYS: None. ABSENT: None.

Discussion/Possible Action regarding possible purchase of particular real estate discussed in closed session

Rampulla presented RESOLUTION #17-209 authorizing City Administrator to enter into a purchase agreement for property discussed in closed session, seconded by Olson. Roll call vote: AYES: Bruns, Wichtendahl, Norton, Rampulla, Olson. NAYS: None. ABSENT: None. **RESOLUTION #17-209 adopted.**

Possible Closed Session as per Iowa Code 21.5(1)(j) to discuss the possible sale of particular real estate

Bruns moved entering into a closed session as per Iowa Code 21.5(1)(j) to discuss the possible sale of particular real estate at 6:54 P.M., seconded by Rampulla. Roll call vote: AYES: Norton, Olson, Wichtendahl, Rampulla, Bruns. NAYS: None. ABSENT: None. Motion carried.

Rampulla moved to go out of closed session & entering into regular session at 7:16 P.M., seconded by Wichtendahl. Roll call vote: AYES: Olson, Norton, Wichtendahl, Rampulla, Bruns. NAYS: None. ABSENT: None.

Discussion/Possible Action regarding the possible sale of particular real estate discussed in closed session

Wichtendahl presented RESOLUTION #17-210 authorizing City Administrator to enter into negotiations and discussions for possible sale of particular real estate discussed in closed session, seconded by Olson. Roll call vote: AYES: Norton, Bruns, Wichtendahl, Olson, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #17-210 adopted.**

There being no further discussion, Rampulla moved to adjourn at 7:18 P.M., seconded by Wichtendahl. Motion carried.

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Bill Bennett, Mayor

ATTEST:

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Kelly Kornegor, City Clerk