The Hiawatha City Council met in regular session in the Hiawatha Council Chambers on November 2, 2016. Mayor Bill Bennett called the meeting to order at 5:30 p.m. Council members present: Dick Olson, Bob Rampulla, Marty Bruns, Aime Wichtendahl, and Dennis Norton. Staff present: Community Development Director Patrick Parsley, City Engineer John Bender, City Attorney Mark Parmenter, City Administrator Kim Downs, Finance Director Cindy Kudrna, and Police Chief Dennis Marks. Guests: Daniel Hoffmann, Scott Ryan of Cedar Rapids Toyota, Jon Dusek of HEDCO, Doug Neumann of Cedar Rapids Metro Economic Alliance, Cynthia Strauch, Alison Strauch, Travis Mollenhauer, and Gary and Coralie Williams.

Rampulla 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 October 5, 2016 and October 19, 2016, Work Session October 10, 2016, Receive and File Minutes of Boards/Commissions/Committees: Library Board August 9, 2016, Parks and Recreation Commission October 11, 2016, Planning and Zoning Commission September 26, 2016, and Water Board October 19, 2016, 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, 2016, City Engineer's Report, Mayor's Report, City Administrator's Report, Motion setting FY 2018 Budget Schedule, seconded by Norton. Motion carried.

Report from Council Members / Mayor / City Administrator

Council Member Norton announced he attended a two and one half hour session on tree pruning where the group performed pruning on trees.

Mayor Bennett informed council of his attendance at the Mayors meeting in Center Point.

Mayor Presentation of Business Recognition Plaque to Cedar Rapids Toyota

Mayor Bennett presented a business recognition plaque to Scott Ryan of Cedar Rapids Toyota. Bennett thanked Ryan for the great working relationship between the City and Toyota. Bennett said he looks forward to continued success for Toyota into the future.

City Council response to Cynthia Strauch Appeal of Order to Remove a dangerous/vicious animal on the property located at 1014 Rainbow Boulevard in connection with Code of Ordinances Chapter 57 Dangerous and Vicious Animals

Cynthia Strauch of 1014 Rainbow Boulevard explained to council that her dog Angel is a therapy companion dog who is very loving and playful. Strauch distributed pictures to council showing Angel with the grandkids. Strauch said Angel does not have a propensity to attack. Strauch continued to explain one of the dogs named on the police incident report, Phoebe, a Chihuahua, did not get along with Angel; Phoebe was aggressive with Angel.

Cynthia Strauch said after reading the incident reports prepared by the police department it appears Strauch's daughter Alison Strauch and her boyfriend Travis Mollenhauer used some dramatic and colorful language. Strauch said Alison and Travis are the owner's of Phoebe. Cynthia Strauch continued to state while Alison Strauch and Travis Mollenhauer were living with her, Mollenhauer would bully and abuse Cynthia Strauch; she worked two jobs and lived in her room with Angel and another dog Winston in crates.

Cynthia Strauch stated the police reports refer to an incident where Angel and Phoebe got into a fight at the back door to the residence. Cynthia Strauch said Mollenhauer did not witness the incident as stated in the report because he was in the garage smoking a cigarette. Cynthia Strauch continued to state the report says Phoebe was euthanized after this incident but Cynthia Strauch later learned that the vet wanted to keep Phoebe overnight; if Phoebe would have stayed overnight, the dog would not have been euthanized and Alison Strauch and Travis Mollenhauer cannot corroborate the injuries.

Cynthia Strauch said Alison Strauch and Travis Mollenhauer made Angel wear a shock collar and Travis was in control of the remote and he would shock Angel so much Angel ended up with an infection under her collar. Strauch made the claim that Angel suffered abuse at the hands of Mollenhauer and Angel just couldn't handle it anymore. Cynthia Strauch said after the incident with Phoebe, Mollenhauer picked up Angel and threw her out the back door where she landed on the concrete.

Council Member Rampulla inquired if Angel sustained any injuries after Mollenhauer threw her out the back door. Strauch said she believes her husband who is deceased, caught Angel.

City Attorney Parmenter asked Cynthia Strauch if she called the police after Mollenhauer threw Angel out the backdoor. Strauch confirmed she did call the police and Officer Kremer came to the home but Strauch did not file a complaint at the time.

Cynthia Strauch explained Angel went through temperament testing with the Cedar Valley Humane Society. Strauch said she brought Tara, the representative who conducted the temperament testing to the meeting to speak to council.

Tara (no last name provided) said she is a licensed vet with the Cedar Valley Humane Society and she conducted the temperament testing on Angel. Tara said Angel is submissive and has separation anxiety. Tara stated after conducting the temperament testing, Angel would be a candidate to place for adoption. Tara continued to state Angel was tested in a farm setting and she did not attempt to eat the chickens. Tara said her daughter climbed all over Angel without a problem.

City Attorney Parmenter posed the question to Tara from the Cedar Valley Humane Society if it is true that a dog can be temperament tested but could become aggressive, vicious or dangerous later. Tara confirmed Parmenter's statement is true but stated Angel is a good dog and Tara would not allow her own kids around Angel if she weren't a good dog.

Council Member Rampulla asked Tara if she tested Angel with a female or male dog. Tara said the dog was female.

Council Member Bruns inquired about the incident with another dog who lived in the home named Winston. Bruns said the reports state that Alison Strauch heard a fight between Angel and Winston in Cynthia Strauch's bedroom. Bruns asked Cynthia Strauch if Angel hurt Winston.

Cynthia Strauch answered she was trying to get Winston in his kennel where the door became stuck and the dog was injured. Strauch said she took Winston to the vet who said Winston would not survive the surgery due to a heart murmur. Cynthia Strauch affirmed Angel was not involved in Winston's injury.

Council Member Norton asked Cynthia Strauch if Angel ever hurt the kids while they were staying in the home. Strauch said Angel did not hurt the kids.

Cynthia Strauch explained Alison Strauch abandoned the dog Winston and the dog Phoebe was purchased by Alison Strauch from a pet store. Cynthia Strauch stated Alison Strauch also abandoned Phoebe at Cynthia Strauch's home.

Council Member Bruns asked Alison Strauch about the incident with Winston. Alison Strauch said she could not see Winston because Cynthia Strauch was carrying Winston out of her bedroom after the incident. Alison stated Cynthia Strauch simply told Alison she was taking Winston to the vet. Alison said when the incident was going on in Cynthia Strauch's bedroom; Alison heard Angel and Winston making horrible noises.

Cynthia Strauch stated the vet saw no bite marks on Winston but Strauch did not have a report from the vet to certify this information.

Council Member Bruns asked what happened to the dog Phoebe. Alison Strauch confirmed Phoebe was euthanized.

Cynthia Strauch referred to another incident listed in the police reports where Angel bit a neighbor on the hand. Strauch said she believes Angel was protecting her husband while he was speaking to the neighbor over the fence.

Cynthia Strauch said the first of the two incidents listed in the police reports happened in her own bedroom with no witnesses. Strauch stated she believes Alison Strauch and Travis Mollenhauer are being vindictive because they want Angel gone.

Council Member Bruns stated in the information presented in the packet, there is one confirmed incident, two alleged incidents and in the first incident, the people making the accusations did not actually witness what occurred. Bruns referred to Code of Ordinance Chapter 57 Dangerous and Vicious Animals under the definition of Vicious Animal where the code

states one of the criteria of considering an animal a vicious animal is attacking on three separate occasions within a 12 month period.

City Attorney Parmenter said the police reports were based on the definition of a "Dangerous Animal" in Item (M) describing an animal with the propensity, tendency or disposition to attack human beings or domestic animals without provocation or any dog or other animal that manifests a disposition to snap or bite.

Chief Marks confirmed the police reports were issued using the definition of a "Dangerous Animal"; unprovoked bite of a human and propensity to attack.

Council Member Olson inquired if a pet is considered dangerous if there was one fight in a household with another animal.

Chief Marks stated the Order to Remove the dog was issued based on incidents the police department has documented since 2011. Chief Marks said this year there was some agreement between the parties that the incidents actually happened.

Council Member Olson stated he does not see any evidence of three incidents in a 12 month period. Chief Marks stated the Police Department went with propensity to attack because the nature of the incidents met the criteria to bring the matter before City Council for a decision.

Council Member Wichtendahl said when Phoebe was put down the medical report would meet the ordinance requirements for "Dangerous Animal."

Olson moved to grant the appeal submitted by Cynthia Strauch against the Hiawatha Police Department Order to Remove a Dangerous / Vicious Animal, a dog, Angel from the property located at 1014 Rainbow Boulevard, related to Code of Ordinances Chapter 57 Dangerous and Vicious Animals, seconded by Bruns. AYES: Bruns, Olson, Norton. NAYS: Rampulla, Wichtendahl. ABSENT: None. Motion carried.

Appeal granted.

Hiawatha Economic Development Corporation (HEDCO) – Jon Dusek

Hiawatha Economic Development Corporation (HEDCO) Chair Jon Dusek updated council on HEDCO's marketing initiatives. Dusek stated there is 100% participation and the board is making good progress. Dusek said Julie Zielinski from Entrepreneurial Development Center (EDC) helped the HEDCO Board prepare an outline and preliminary budget for the marketing initiatives. After the preliminary marketing plan was completed, the board formed a subcommittee to review the marketing initiatives to scale down the plan to fit within the current HEDCO budget.

Dusek announced HEDCO came up with a branding tagline, "Supporting Business Success" and there are a lot of business success stories as well as new business coming to town. Dusek said HEDCO needs to do a better job of promoting the business success stories and the marketing plan includes shooting videos with local businesses to share their stories through 60 second videos. Dusek said the plan is to do one video per month and share it on the HEDCO website. Dusek said HEDCO will also be doing some rebranding on the website and hosting more Business Summits to try to capture a different crowd. Dusek stated the plan is to host some of the networking events at the local car dealerships using their large showrooms.

Dusek reported the original marketing budget was $36,000 and the marketing committee was able to scale the budget down to $24,000.

Dusek explained another initiative where HEDCO may need to spend some marketing dollars is conveying information on the Tower Terrace Road Interchange project.

Dusek requested a pledge of $15,000.00 to HEDCO to help support the marketing initiatives.

Olson presented RESOLUTION #16-202 pledging an amount not to exceed $15,000.00 from Tax Increment Financing (TIF) Funds for a fiscal period of one (1) year (FY 2017-2018) to support Hiawatha Economic Development Corporation (HEDCO), seconded by Rampulla. Roll call vote: AYES: Bruns, Wichtendahl, Olson, Norton, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #16-202 adopted.**

Cedar Rapids Metro Economic Alliance Presentation – Doug Neumann

Doug Neumann of Cedar Rapids Metro Economic Alliance thanked the City of Hiawatha for the long term commitment to Priority 1 previously and now Cedar Rapids Metro Economic Alliance. Neumann said after looking at his records, Hiawatha has been an investor for 32 years and the relationship has been great.

Neumann gave an update on 2016 Cedar Rapids Metro Economic Alliance projects as follows:

- New expansions and new business recruitment - currently working with 15 projects, two (2) are Hiawatha companies
- Synchronist program – conducted surveys with four (4) Hiawatha businesses included CCB, Crystal Group, DAD Manufacturing and Personal Safety Corporation, will be conducting 21 more surveys of Hiawatha businesses by December 31, 2016
- Assisted existing Hiawatha companies with financial assistance
- Represented 10 properties in Hiawatha when responding to Request for Information for client projects
- Assisted with Rise Grand award from Department of Transportation for Industrial Avenue project
- Held three (3) Business Summits as a partnership with HEDCO
- Workforce initiative
- Gained four (4) new Hiawatha business members
- Assisted with ribbon cuttings
- Hiawatha business recognition

Neumann said for the last six (6) years Cedar Rapids Metro Economic Alliance has asked for no dues increases for its members. Neumann requested Hiawatha maintain its current pledge in the amount of $10,000.00.

Rampulla presented RESOLUTION #16-203 pledging an amount not to exceed $10,000.00 from Tax Increment Financing (TIF) Funds for a fiscal period of one (1) year (FY 2017-2018) to Cedar Rapids Metro Economic Alliance, seconded by Wichtendahl. Roll call vote: AYES: Olson, Bruns, Wichtendahl, Rampulla, Norton. NAYS: None. ABSENT: None. **RESOLUTION #16-203 adopted.**

Setting a public hearing date (November 16, 2016 @ 5:30 P.M.) to consider approval of the Capital Improvement Plan (CIP) for FY 2017–2024

Norton presented RESOLUTION #16-204 setting a public hearing date (November 16, 2016 @ 5:30 P.M.) to consider approval of the Capital Improvement Plan (CIP) for FY 2017-2024, identifying estimated capital expenditures and funding sources for the City of Hiawatha for an eight (8) year period, seconded by Bruns. Roll call vote: AYES: Wichtendahl, Olson, Rampulla, Norton, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #16-204 adopted.**

Waiving the right to review the Final Plat of Ries Acres First Addition to Linn County within the two (2) mile radius of Hiawatha City Limits

Rampulla presented RESOLUTION #16-205 waiving the City of Hiawatha's right to review the Final Plat of Ries Acres First Addition to Linn County within the two (2) mile radius of Hiawatha, seconded by Wichtendahl. Roll call vote: AYES: Bruns, Olson, Wichtendahl, Rampulla, Norton. NAYS: None. ABSENT: None. **RESOLUTION #16-205 adopted.**

Approving an "At Your Own Risk" Building Permit to begin construction on a new commercial building for Focal Point Interiors located at 1305 Boyson Loop

Olson presented RESOLUTION #16-206 authorizing the Community Development Director to issue an "At Your Own Risk" building permit to Focal Point Interiors to begin construction on a 5,500 square foot commercial building located at 1305 Boyson Loop, seconded by Bruns. Roll call vote: AYES: Olson, Norton, Rampulla, Wichtendahl, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #16-206 adopted.**

Approving an "At Your Own Risk" Building Permit to begin construction on an addition to an existing commercial building for Mother Goose Daycare located at 1355 Boyson Loop

Bruns presented RESOLUTION #16-207 authorizing the Community Development Director to issue an "At Your Own Risk" building permit to Mother Goose Daycare to begin construction on a 3,200 square foot addition to an existing commercial building located at 1355 Boyson Loop, seconded by Norton. Roll call vote: AYES: Norton, Olson, Wichtendahl, Bruns, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #16-207 adopted.**

Alliant Energy Installation of street lights - approving the installation of one (1) LED street light and pole on the corner of Bowler Street and 10th Avenue

Wichtendahl presented RESOLUTION #16-208 authorizing staff to proceed with the installation of an 80 Watt LED street light and light pole on the corner of Bowler Street and 10th Avenue by Alliant Energy with no cost to the City for installation of the street light, $473.00 for light pole utilizing available funding in Road Use Funds, and approving a monthly fee, seconded by Norton. Roll call vote: AYES: Olson, Wichtendahl, Bruns, Rampulla, Norton. NAYS: None. ABSENT: None. **RESOLUTION #16-208 adopted.**

Alliant Energy Installation of street lights - approving the installation of one (1) LED street light on an existing pole on the corner of Eisenhower Road and 10th Avenue

Bruns presented RESOLUTION #16-209 authorizing staff to proceed with the installation of an 80 Watt LED street light on an existing light pole located on the corner of Eisenhower Road and 10th Avenue by Alliant Energy with no cost to the City for installation and approving a monthly fee, seconded by Wichtendahl. Roll call vote: AYES: Rampulla, Olson, Bruns, Norton, Wichtendahl. NAYS: None. ABSENT: None. **RESOLUTION #16-209 adopted.**

2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project Phase I - approving Change Order #3 with no change in contract amount with Ricklefs Excavating, Ltd.

Norton presented RESOLUTION #16-210 approving Change Order #3 for the FY 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project with no change to the contract amount of $823,649.93, seconded by Wichtendahl. Roll call vote: AYES: Wichtendahl, Rampulla, Olson, Norton, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #16-210 adopted.**

2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project Phase I - approving Change Order #4 with an increase in contract amount with Ricklefs Excavating, Ltd.

Olson presented RESOLUTION #16-211 approving Change Order #4 for the FY 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project with an increase in contract amount of $9,580.00, resulting in a revised total project contract amount of $833,229.93, seconded by Bruns. Roll call vote: AYES: Olson, Bruns, Rampulla, Wichtendahl, Norton. NAYS: None. ABSENT: None. **RESOLUTION #16-211 adopted.**

2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project Phase I - approving Pay Estimate #3 for payment of contract work completed to Ricklefs Excavating, Ltd.

Norton presented RESOLUTION #16-212 approving application for Partial Pay Estimate #3 for the FY 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project, and direct City Clerk to make payment to Ricklefs Excavating Ltd., of Anamosa, IA, in the amount of $129,479.24, seconded by Wichtendahl. Roll call vote: AYES: Bruns, Wichtendahl, Norton, Rampulla, Olson. NAYS: None. ABSENT: None. **RESOLUTION #16-212 adopted.**

Approving the renewal of Employee Health and Dental Benefits from December 1, 2016 – December 31, 2017, and Employee Flex Spending Benefits for January 1, 2017 – December 31, 2017

Rampulla presented RESOLUTION #16-213 authorizing staff to enter into agreements with Wellmark Blue Cross Blue Shield for renewal of employee Alliance Select Health Insurance for the plan period of December 1, 2016 – December 31, 2017, and renewal of the employee Delta Dental Insurance for the plan period of December 1, 2016 – November 30, 2017, and continue to offer employees the ability to participate in a Flexible Spending Plan with Wellmark Inc. / WageWorks for January 1, 2017 – December 31, 2017, seconded by Bruns. Roll call vote: AYES: Wichtendahl, Rampulla, Bruns, Olson, Norton. NAYS: None. ABSENT: None. **RESOLUTION #16-213 adopted.**

Placement of items for next Agenda/Work Session

Council Member Olson made note of a Mayor's Veto placed on the dais. Olson said he has been serving on council for approximately 14 years and he has never seen a veto. Olson asked for more detail than the information provided on the veto notification. Council Member Rampulla requested the item be placed on the November 16, 2016 City Council Agenda, for council vote. The veto was in relation to the purchase of a replacement vehicle for the Community Development Department originally approved by City Council on October 19, 2016.

There being no further discussion, Rampulla moved to adjourn at 6:34 P.M., seconded by Wichtendahl. Motion carried.

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Bill Bennett, Mayor

ATTEST:

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Kelly Kornegor, City Clerk