The Hiawatha City Council met in regular session in the Hiawatha Council Chambers on June 7, 2017. Mayor Pro-Tem Marty Bruns called the meeting to order at 5:30 p.m. Council members present: Bob Rampulla, Aime Wichtendahl and Dennis Norton. Dick Olson and was absent. Staff present: Community Development Director Patrick Parsley, City Administrator Kim Downs, Finance Director Cindy Kudrna, Fire Chief Mike Nesslage, Public Works Superintendent Rod Jasa, and Police Chief Dennis Marks. Guests: Daniel Hoffmann, Matt Johnson and Susan Forinash of Hall and Hall Engineers, Jessica Scott and Clay Williams of MJS Investments, Mike Kruger and Britini Gookin of Crystal Group, Tom and Connie Zenisek, Jason Raape, Judy Bjornsen, Shonda Studt, Jessica Liscum and Hiawatha Fire Members Scott Studt, Matt Lellig and Chris Liscum.

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

Wichtendahl moved the approval of the following consent agenda items: Approval of bills; Regular Meetings May 3, 2017 and May 17, 2017; Work Session April 18, 2017; Special Meeting May 24, 2017; Receive and File Minutes of Boards/Commissions/Committees: History Committee May 8, 2017, Library Board May 9, 2017, Planning and Zoning April 24, 2017, and Water Board May 16, 2017; RESOLUTION #17-106 approving sewer waiver on second water meter for 3036 Savannah Court; City Engineer's Report, Mayor's Report and City Administrator's Report, seconded by Norton. Motion carried.

Report from Council Members / Mayor / City Administrator

Community Development Director Parsley updated City Council on the status of the Mercy Surgery Center located at 1195 Boyson Road. Parsley said the second floor is operational but the first and third floors are still under construction.

City Administrator Downs announced she attended the video shoot for the Business Success Story on Cedar Graphics and it is fascinating to listen to the stories the business owners have to tell. Downs said Cedar Graphics has been in Hiawatha for over 20 years and they use Hiawatha as part of their branding to open the door for conversation.

Approving Fire Chief's recommendation of six (6) Fire Officers: Lieutenant Matt Lellig, Lieutenant Chris Liscum, Captain Scott Studt, Captain Brad Ransford, Captain Andrew Sweeney, and Captain Rob Archibald

Rampulla moved approval of the Fire Chief's recommendation of six (6) Fire Officers: Lieutenant Matt Lellig, Lieutenant Chris Liscum, Captain Scott Studt, Captain Brad Ransford, Captain Andrew Sweeney, and Captain Rob Archibald, seconded by Wichtendahl. Motion carried.

Fire Chief Nesslage administered oaths to Captain Scott Studt, Lieutenant Matt Lellig, and Lieutenant Chris Liscum.

PUBLIC HEARING – to consider rezoning of property located at 1705-1737 Boyson Road and 1625 Boyson Square from C-3 with attached restrictive Memorandum of Agreement (Highway Commercial District) to C-3 (Highway Commercial District) as requested by Graig Cone and Joe Ahmann

Mayor Pro-Tem Bruns opened the public hearing to consider rezoning of property located at 1705-1737 Boyson Road and 1625 Boyson Square from C-3 with attached restrictive Memorandum of Agreement (Highway Commercial District) to C-3 (Highway Commercial District) as requested by Graig Cone and Joe Ahmann at 5:37 P.M.

Stephanie Mehman Operations Manager for Lucky Penny located at 1705 Boyson Road, spoke on behalf of the rezoning request stating Lucky Penny opened on July 7, 2106. This is a family friendly atmosphere and neighborhood restaurant not considered a bar and grill. Mehman said what she is trying to accomplish with this request is the ability to serve alcoholic beverages on the patio to customers who would like to sit outside. Mehman said she called the police department to confirm since Lucky Penny's opening in July, there have been no calls for disturbance. Mehman said when it comes to following and reputation, social media rules the world; Lucky Penny has 4.7 out of 5 stars on Facebook, and 106 five star reviews. Mehman said online comments are very positive in regards to food and staff and in just a year's time, Lucky Penny was voted #4 top new restaurant in the corridor; there are a lot of positive things going on for Lucky Penny.

Mehman addressed comments made during the public hearing at the Planning and Zoning meeting on June 5, 2017. Mehman said one of the opponents mentioned since 2005, nothing has changed in the Boyson Square plaza where Lucky Penny is located, and this is an indicator why the property should not be rezoned. Mehman stated she met with the developer Joe Ahmann and discussed with Ahmann the things that have changed. In 2005, Boyson Square was a wide open field and the residents were concerned as to what would be built in the area. Mr. Ahmann has done an amazing job of

building up the area for commercial use. Boyson Square is a very well kept commercial development that Mr. Ahmann is very proud of, and even has his own private business in one of the buildings. Mehman said she is also very proud of the development and co-owns the building where Lucky Penny operates. Ahmann pointed out in a letter submitted to City Council, in addition to the berm, Ahmann planted one evergreen tree for every five plus/minus feet. There has been 12 years of growth so the screening that separates the commercial area from residential is approximately 300 feet; the length of a football field in distance. The back of Boyson Square has been developed with two story office buildings to create an additional buffer; so things have most definitely changed since 2005.

Mehman continued to state when discussing the outdoor patio installed by Lucky Penny, a Planning and Zoning member made the comment that she felt the patio was constructed in a sketchy manner. Mehman said the patio has been on the site plan for eight years; it was always an option available to the restaurant and when Lucky Penny opened, owners wanted to build the patio so people could sit outside and eat dinner when the weather permitted. If the guests want to have a cocktail great, but not everyone out on the patio will drink. The patio is 20' X 26'allowing for six tables with four chairs at a table and a maximum of 24 guests. Very similar in size to a residential patio. Addressing the issue of noise, it is 300 feet away from the back of a residence in addition to the berm and commercial buildings to the back.

Mehman stated "beer garden" is the term used in the Hiawatha Code. Mehman said Lucky Penny's outdoor patio is not to be compared to a beer tent or festival. It is a small bistro patio and the intention is to build up the restaurant and continue to build the reputation and then fill the rest of the commercial spaces in the building. Mehman said as an owner, she has a vested interest in developing the rest of the building and bringing in more businesses. Mehman said Mercy Hospital and Wolf Eye Clinic are opening in the area and this will continue to draw new businesses and grow the commercial area.

Mehman said some residential neighbors have gatherings in their backyards; she is not asking for anything large and crazy or live music with a lot of noise. Mehman said there are some concerns with the conditional use request. One of the criteria is the ability to have events. This will affect the other businesses in Boyson Square, for instance, New York life had a movie night with the City last summer and if you take away the event permit, these activities can no longer happen. When events such as Ragbrai come to town, all of Boyson Square would be stripped of their ability to hold events.

Council Member Rampulla ask about any specific instances where Lucky Penny would need a permit for a special event. Mehman said Lucky Penny has no plans to hold any events at this time but this issue was brought up to Mehman by Joe Ahmann, that it would eliminate the ability for any of the businesses in Boyson Square to hold any outdoor events. Mehman said City Council has the final say to approve or deny a special event request, but at least let the businesses in Boyson Square have the opportunity to request a special event. Mehman questioned if you take away the ability to hold a special event with the conditional use, who does that benefit?

Council Member Norton clarified the conditional use request has to go to the Board of Adjustment for decision.

Community Development Director Parsley said the special event and conditional use is something that will be addressed by the Board of Adjustment because in this case it is something that is specific to the patio. Parsley said the Board of Adjustment will hear this matter on Monday, June 12. Parsley said the conditional use is not part of the rezoning request before City Council tonight.

Mayor Pro-Tem Bruns stated the subject at hand is to rezone from modified C-3 to C-3.

Council Member Wichtendahl asked the size of the customer base for Lucky Penny after 8:00 p.m. Mehman said it is generally low. Mehman said especially after 9:00 p.m. the customer base dies down. Mehman said one thing that came up at the Planning and Zoning meeting was to cut the hours of the patio to 10:00 p.m. Mehman said she would be willing to discuss this and close the patio down at the appropriate hour.

Council Member Rampulla said Lucky Penny could take all of the tables out of their patio area and hold an event with the potential of noise. Mehman agreed this is true but movie night also includes noise and so do families and kids.

Council Member Rampulla asked Parsley for clarification on the cutoff time in the noise ordinance. Parsley said in general terms the noise ordinance is applicable after 10:00 p.m. but that would not preclude what would happen on Lucky Penny's patio. Most likely Lucky Penny would comply with the noise ordinance.

Council Member Norton questioned if there was any intent to have a musical band outdoor. Mehman said considering the size of the patio nobody would have a place to sit if there was a band.

Council Member Norton said there was a negative comment made by a Planning and Zoning member and Norton said from his perspective, his wife, grandson and Norton have been to the restaurant and it is a family friendly restaurant and the Norton's enjoyed their experience.

Susan Fornash from Hall and Hall Engineers spoke to Council about the land use for C-3 zoning. Hiawatha's current comprehensive plan is to have the Boyson Square plaza designated as C-3 zoning. When it was originally rezoned in 2005, the restrictions were put in place because it was a vacant lot at the time. Boyson Square is built out now and it makes sense to remove the restrictions that were place on the subdivision at the time. If you look at the zoning map the C-3 is at front of that lot on Boyson Road and directly behind it is the C-ORS zoning. This, along with the berm and the trees are the buffer between the C-3 and the residential area. The C-ORS zoning has very specific guidelines as to what can go in there.

Tom Zenisek of 1610 Litchfield Drive spoke in opposition to the rezoning request. Zenisek said he submitted a petition signed by 11 residents on Litchfield Drive and he feels the rezoning would be very detrimental to the residential neighborhood. Some of the residents were at the Planning and Zoning meeting the other night. The berm and the trees are there for visual purposes, they certainly don't have any noise reduction. Noise is the main concern. There is a gap behind Zenisek's house and his neighbor's house where there are no buildings; it is wide open and the noise still comes down. Zenisek said he is not against Lucky Penny, it is a good restaurant and he understands everything that Mehman said and agrees with her, but what Zenisek and the neighbors who signed the petition are against is the potential noise that might be coming. Zenisek said he has a few beers once in a while and the more a person drinks the louder the person gets. On Zenisek's patio even with the buffer he can see through, so it is not really a buffer it's a visual buffer not one for noise. Zenisek said he can currently hear the people just talking on the patio and they in turn might be able to hear the residents but it is a noise and some of the residents have children. It was proposed Lucky Penny could use the patio until midnight and Zenisek would like to see the cutoff be 10:00 p.m. On nice nights people have their windows open and residents put their kids to bed. Zenisek said he is able to hear the kids from the daycare way down at the end of the block.

Zenisek continued to state he does not understand the information provided by Joe Ahmann. Zenisek spoke with Ahmann on the telephone to great lengths. The agenda shows Ahmann is part of the petition request, but according to Ahmann, he is not part of the request. It is just the Cones who are requesting this change so Zenisek doesn't know where this is coming from, as it was not brought up during the Planning and Zoning meeting. Zenisek reiterated, according to Ahmann he is not a part of this request; he sold the building.

Mehman said Ahmann is part owner of one of the buildings and he did write a letter in favor of the rezoning. Zenisek said this is not the information he received from Joe that it was his request. Zenisek felt the rezoning change is not compatible with the neighborhood. Zenisek mentioned on the petition it is not listed that residential is to the south of the property and Zenisek is located to the south. Zenisek continued to state in 2005, Boyson Square was built with modifications because of the neighbors. Zeniske said he looked at purchasing his property because of the commercial business behind the area. According to Zenisek these were businesses that would primarily be open during the day and they wouldn't have neighbors and dogs behind them. Zenisek referenced Ted Mercer who is a resident that submitted an email against the rezoning.

Zenisek said Planning and Zonging turned down the rezoning request by a six (6) to one (1) vote. Zenisek mentioned the condition that 65% of the gross sales should come from food not alcohol. Zenisek wondered how to monitor and enforce this provision. Zenisek questioned if customers do get noisy on the patio, is the protocol for residents to call the police department to take their meter and measure the sound? Zenisek said the resident's patios at their homes might be the same size as the one at Lucky Penny, but residents try to be good neighbors; doesn't fit in the neighborhood. Zenisek stated the beer garden is the main reason all of this was brought back up, but Zenisek feels it is the City's idea to change the zoning to continue the whole area; feeling it is spot zoning. Zenisek said he served on many commissions in Cedar Rapids over last 30 years and he hopes Council can have sympathy with residents. Residents were in the area first and residents were aware there would be some type of commercial development in the area, but the people that lived there fought the three (3) story buildings and won. Zenisek said it is not just the noise, it is the barrier that doesn't protect from the noise.

Zenisek stated neighbors will definitely fight against the beer garden at the Board of Adjustment meeting. Neighbors don't care about the patio, it is there and Lucky Penny has a permit; they did it right. Zenisek said it is just the idea of the beer garden and the noise.

Council Member Wichtendahl inquired if Zenisek had issues with noise from traffic in the area and the interstate. Zenisek answered like anybody that lives two (2) blocks from the interstate, individuals may hear a truck but it is not an obvious noise. Zenisek said he does not hear anything from Boyson Road; hears more car doors slamming and motorcycles running at Lucky Penny than traffic on Boyson Road. This is part of their customers and residents understand. Zenisek said Lucky Penny are good neighbors. Zenisek just hopes Lucky Penny understands and City Council understands the concerns from the neighbors and the fact that some of the residents have been in the neighborhood since 2005 when this all began.

Council Member Wichtendahl inquired what other types of businesses would require exemptions; the general likely hood that another business in the area would need exemptions.

Bruns called point of order stating this discussion should be held after the public hearing.

Zenisek stated he is glad Wichtendahl brought this matter up because another concern from residents is if Lucky Penny is rezoned there is potential of other bars locating in the area; this is not part of conditions for C-3 zoning.

Jason Raape of 1610 Litchfield Drive spoke in opposition to the rezoning request. Raape said he has lived in the area for over 10 years and has seen a lot of the history. Raape stated this started out as a request for a beer garden and now all four buildings are going to C-3; this opens the door for more beer gardens and compounds the problem. Noise concern is the biggest thing and the buffer is for line of sight, but it doesn't do a lot for noise. Raape said noise is tricky if you have ever tried to soundproof something, it goes wherever it wants. It just travels. Raape continued to state Lucky Penny may not be a problem, but it opens the door to potential problems. Raape wondered once there is a problem what recourse do the homeowners have? Yes there are laws in place but it is tricky to put a sound meter in place. This is a commercial building open seven days a week with different clientele.

Mehman addressed a comment that Joe Ahmann did not care about the rezoning either way. Mehman read the last paragraph of the letter submitted by Ahmann, "This whole thing is getting blow out of proportion." "It is imperative for all business in Hiawatha to be viable and create tax dollars to support entire community." "We would not be able to attract businesses like Mercy Hospital and Kirkwood and other businesses in the community with having amenities that the residents of Hiawatha are begging for." "I find it hard to believe that the 11 residents along Litchfield who are against this patio will not be using it at some point if it gets approved."

Mehman continued to state, Lucky Penny has proven to be a good neighbor with no disturbances. This is a small patio and Lucky Penny will keep noise down; no live music.

Mehman addressed the comment about food versus alcohol sales stating Lucky Penny has software to prove ratio from food to beer is where it needs to be. Lucky Penny is not way over on liquor sales. Lucky Penny is a family restaurant not a bar and grill.

Zenisek said residents will use commercial amenities such as Mercy Hospital and the countertop shop; the potential noise created by opening up the area to C-3 zoning is the concern.

The City Clerk received four (4) emails in favor of the rezoning request, one (1) email in opposition and one (1) petition in opposition signed by 11 residents on Litchfield Drive. Mayor Bennett and Joe Ahmann submitted letters in favor of the rezoning request. City Clerk Kornegor read Joe Ahmann's letter.

There were no additional written or public comments received at or prior to the public hearing. Public Hearing closed at 6:12 P.M.

Council Member Wichtendahl inquired on the likelihood of other businesses requesting outdoor events. Community Development Director Parsley answered presently restaurants with outdoor dining are allowed in the current zoning. That

will not change. The 65% rule is in place now. Parsley said in all discussion the main issue is sound. When petitioner came to the City it made no sense to include all of the properties and the request fits into our comprehensive plan which is a C-3 zone. C-3 belongs with the existing buffer of C-ORS. Parsley stated the rezoning will not change a lot in terms of uses because most of the C-3 uses are already permitted in the modified zone.

City Administrator Downs stated Mayor Bennett couldn't be here tonight but he wrote a letter in support of the rezoning request and adding a 10:00 P.M. closing time for the patio and restrict music. Downs read Mayor Bennett's letter aloud.

Council Member Wichtendahl said she understands the neighbor's concerns with the noise and future commercial development in the area. However, the adjustments being proposed are a reasonable balance to both sides to approve it with restrictions.

Council Member Rampulla read the conditions Planning and Zoning recommended for the rezoning request as follows:

- Property rezoned to C-3
- Liquor license be updated to include outdoor area, area of conditional use limited to present patio area
- Any additional lighting will comply with Hiawatha ordinance regulations
- Beer garden only open until 10 p.m., no outdoor events including music and entertainment
- No speakers allowed to outdoor seating

Parsley reiterated the conditions read by Council Member Rampulla are not being addressed tonight. These will be addressed at the Board of Adjustment meeting on June 12. Board of Adjustment actions are dependent on City Council's decision.

Parsley stated City Council has nothing to do with conditions, but can make recommendations to the Board of Adjustment. It would only apply to the Boyson Square area, but from the perspective of planning, the City will not accomplish getting rid of modified C-3 zone.

Downs added City Council has the ability to make modifications without having to start over and do another public hearing.

Council Member Norton said he is troubled is his decision making. Planning and Zoning denied the request by six (6) to one (1) and they are a recommending to City Council to deny the approval to go forward with C-3 and alcohol. Norton added he is confused on noise ordinance.

Parsley explained the City has a noise ordinance enforced throughout Hiawatha. City Staff act on noise ordinance upon receiving complaints; not required to measure at the outset of complaint. Parsley continued to explain staff sets up a complaint file and measures to the ordinance. 80 db before 10:00 P.M. and reduces after 10:00 P.M. Parsley said he would have to look in the ordinance to be certain. If the City receives a complaint, it is addressed by the Police Department or Community Development. Parsley said these complaints usually center around animals like a pet hospital. Most of time falls in parameter of noise for daytime but can go over in the evening.

Council Member Norton stated Zenisek says he can hear individuals from the patio. Norton said he would tend to agree if there are 24 people out there with three or four beers in them. Norton wondered if this would exceed the noise limit. Norton clarified if this is the case, someone would have to call a complaint. Parsley confirmed this is the case.

Norton added Zenisek is his neighbor and the noise issue is the driving force one way or another.

Council Member Bruns added Planning and Zoning denied making a recommendation that is all they did. Bruns reminded council members Planning and Zoning is only a recommending board, they do not control. Bruns reminded Norton that he represents the City.

Norton moved the 1st Reading of ORDINANCE #880 regarding the rezoning of property located at 1705-1737 Boyson Road and 1625 Boyson Square from C-3 with attached restrictive Memorandum of Agreement (Highway Commercial District) to C-3 (Highway Commercial District) as requested by Graig Cone and Joe Ahmann, seconded by Wichtendahl. Roll call vote: AYES: Rampulla, Norton, Wichtendahl, Bruns. NAYS: None. ABSENT: Olson. Motion carried.

Wichtendahl moved to waive the 2nd and 3rd readings of ORDINANCE #880, seconded by Rampulla. Motion carried.

Rampulla moved the adoption of ORDINANCE #880 regarding the rezoning of property located at 1705-1737 Boyson Road and 1625 Boyson Square from C-3 with attached restrictive Memorandum of Agreement (Highway Commercial District) to C-3 (Highway Commercial District) as requested by Graig Cone and Joe Ahmann, seconded by Norton. Roll call vote: AYES: Wichtendahl, Rampulla, Norton, Bruns. NAYS: None. ABSENT: Olson. ORDINANCE #880 adopted.

PUBLIC HEARING – to consider amending Hiawatha Code of Ordinance Chapter 160 Fire Code §160.35 Seizure of Fireworks by adding language setting Hiawatha's regulations for possessing, storing and selling fireworks due to State Code changes

Mayor Pro-Tem Bruns opened the public hearing to consider amending Hiawatha Code of Ordinance Chapter 160 Fire Code §160.35 Seizure of Fireworks by adding language setting Hiawatha's regulations for possessing, storing and selling fireworks due to State Code changes at 6:25 P.M.

No written or public comments were received at or prior to the public hearing. Public Hearing closed at 6:26 P.M.

Rampulla moved the 1st Reading of ORDINANCE #881 amending Hiawatha Code of Ordinance Chapter 160 Fire Code §160.35 Seizure of Fireworks by adding language setting Hiawatha's regulations for possessing, storing and selling fireworks due to State Code changes, seconded by Norton. **Roll call vote: AYES: Rampulla, Wichtendahl, Bruns, Norton. NAYS: None. ABSENT: Olson.** ***Motion carried.***

Norton moved to waive the 2nd and 3rd readings of ORDINANCE #881, seconded by Rampulla. **Motion carried.**

Rampulla moved the adoption of ORDINANCE #881 amending Hiawatha Code of Ordinance Chapter 160 Fire Code §160.35 Seizure of Fireworks by adding language setting Hiawatha's regulations for possessing, storing and selling fireworks due to State Code changes, seconded by Norton. **Roll call vote: AYES: Bruns, Norton, Rampulla. NAYS: Wichtendahl. ABSENT: Olson.** ***ORDINANCE #881 passed with three (3) AYES and one (1) NAY.***

PUBLIC HEARING – on the proposal to enter into a Development Agreement with MJS Investments, LLC. - approving and authorizing execution of a five (5) year Development Agreement between the City of Hiawatha and MJS Investments, LLC

Mayor Pro-Tem Bruns opened the public hearing on the proposal to enter into a Development Agreement with MJS Investments, LLC at 6:28 P.M.

Jessica Scott of MJS Investments, LLC spoke on behalf of the Development Agreement explaining Studio 32 makes dental appliances and they moved into their current facility in Cedar Rapids four (4) years ago. Scott stated Studio 32 started with 12 employees and grown to 32 employees, a lot of the growth is due to technology.

Scott said Studio 32 ran out of space for employees and parking and Hiawatha attracted them when looking for a new building. Studio 32 is building to fit their needs and the new building is just under 10,000 square feet so Studio 32 will be doubling their size, planning to hire four to five new people right away.

Scott said Studio 32 does have a few customers that come to the business and they have satellite offices in Mason City and Des Moines.

No additional written or public comments were received at or prior to the public hearing. Public Hearing closed at 6:31 P.M.

Wichtendahl presented RESOLUTION #17-107 approving and authorizing execution of a five (5) year Development Agreement between the City of Hiawatha and MJS Investments, LLC, seconded by Rampulla. Roll call vote: AYES: Norton, Rampulla, Wichtendahl, Bruns. NAYS: None. ABSENT: Olson. **RESOLUTION #17-107 adopted.**

Olson presented RESOLUTION #17-079 instituting proceedings to take additional action not to exceed $1,485,000 General Obligation Capital Loan Notes, seconded by Wichtendahl. Roll call vote: AYES: Wichtendahl, Olson, Bruns, Rampulla. NAYS: None. ABSENT: Norton. **RESOLUTION #17-079 adopted.**

PUBLIC HEARING – on the proposal to enter into a Development Agreement with Crystal Group Inc. - approving and authorizing execution of a five (5) year Development Agreement by and between the City of Hiawatha and Crystal Group Inc.

Mayor Pro-Tem Bruns opened the public hearing on the proposal to enter into a Development Agreement with Crystal Group Inc. at 6:32 P.M.

Britni Gookin & Mike Kruger of Crystal Group Inc. spoke on behalf of the Development Agreement. Gookin said City staff has been wonderful to work will and Crystal Group is celebrating 30 years in business. Gookin said Crystal Group started out of a garage. Kruger added Crystal Group makes rugged computers for harsh environments. Kruger said customers include government and military with the majority being the Navy.

Kruger stated Crystal Group started with 30-35 employees and they have five times that number currently; been in their current building for 15 years, offices are full and need a new building. Kruger said autonomous vehicles are the next generation of products.

No additional written or public comments were received at or prior to the public hearing. Public Hearing closed at 6:36 P.M.

Rampulla presented RESOLUTION #17-108 approving and authorizing execution of a 5 year Development Agreement by and between the City of Hiawatha and Crystal Group Inc, seconded by Wichtendahl. Roll call vote: AYES: Wichtendahl, Rampulla, Norton, Bruns. NAYS: None. ABSENT: Olson. **RESOLUTION #17-108 adopted.**

Setting a public hearing date (June 21, 2017 @ 5:30 P.M.) to consider amending Hiawatha Code of Ordinance Chapter 41 Public Health and Safety by adding §41.12 Illegal Use of Fireworks by establishing a fine for illegal use of fireworks

Wichtendahl presented RESOLUTION #17-109 setting a public hearing date (June 21, 2017 @ 5:30 P.M.) to consider amending Hiawatha Code of Ordinance Chapter 41 Public Health and Safety by adding §41.12 Illegal Use of Fireworks by establishing a fine for illegal use of fireworks, seconded by Norton. Roll call vote: AYES: Rampulla, Norton, Bruns, Wichtendhal. NAYS: None. ABSENT: Olson. **RESOLUTION #17-109 adopted.**

Setting a public hearing date (June 21, 2017 @ 5:30 P.M.) to consider amending Hiawatha Code of Ordinances Chapter 65 Stop or Yield Required §65.01 Stop Intersections (2.) Stop Intersection adding (HH.) A Avenue. Vehicles traveling on A Avenue shall stop at E Clark Street and E Willman Street and adding (II.) Oak Street. Vehicles traveling on Oak Street shall stop at A Avenue, and amending §65.02 Yield Intersections by deleting (4.) "A" Avenue. Vehicles traveling on "A" Avenue shall yield at Clark Street and deleting (5.) "A" Avenue. Vehicles traveling on "A" Avenue shall yield at E Willman Street

Norton presented RESOLUTION #17-110 setting a public hearing date (June 21, 2017 @ 5:30 P.M.) to consider amending Hiawatha Code of Ordinances Chapter 65 Stop or Yield Required §65.01 Stop Intersections (2.) Stop Intersection adding (HH.) A Avenue. Vehicles traveling on A Avenue shall stop at E Clark Street and E Willman Street and adding (II.) Oak Street. Vehicles traveling on Oak Street shall stop at A Avenue, and amending §65.02 Yield Intersections by deleting (4.) "A" Avenue. Vehicles traveling on "A" Avenue shall yield at Clark Street and deleting (5.) "A" Avenue. Vehicles traveling on "A" Avenue shall yield at E Willman Street, seconded by Rampulla. Roll call vote: AYES: Norton, Wichtendahl, Bruns, Rampulla. NAYS: None. ABSENT: Olson. **RESOLUTION #17-110 adopted.**

$5,265,000 General Obligation Capital Loan Notes, Series 2017 - Appointing Paying Agent, Note Registrar, and Transfer Agent, Approving the Paying Agent and Note Registrar and Transfer Agent Agreement and Authorizing the Execution of the Agreement

Norton presented RESOLUTION #17-111 appointing Paying Agent, Note Registrar, and Transfer Agent, Approving the Paying Agent and Note Registrar and Transfer Agent Agreement and Authorizing the Execution of the Agreement in connection with the $5,265,000 General Obligation Capital Loan Notes, Series 2017, seconded by Wichtendahl. Roll call vote: AYES: Bruns, Norton, Wichtendahl, Rampulla. NAYS: None. ABSENT: Olson. **RESOLUTION #17-111 adopted.**

$5,265,000 General Obligation Capital Loan Notes, Series 2017 - approving and authorizing a form of Loan Agreement and authorizing and providing for the issuance, and levying a tax to pay the Notes; Approval of the Tax Exemption Certificate and Continuing Disclosure Certificate

Rampulla presented RESOLUTION #17-112 approving & authorizing a form of Loan Agreement and authorizing and providing for the issuance, and levying a tax to pay the Notes; Approval of the Tax Exemption Certificate and Continuing Disclosure Certificate in connection with the $5,265,000 General Obligation Capital Loan Notes, Series 2017, seconded by Norton. Roll call vote: AYES: Wichtendahl, Rampulla, Norton, Bruns. NAYS: None. ABSENT: Olson. **RESOLUTION #17-112 adopted.**

Public Works Department purchase of one (1) new Tandem Axle Truck Chassis, replacement Unit 500 - Review Quotations / awarding contract

Council Member Wichtendahl explained Mayor Bennett and Wichtendahl had the chance to review the information on the current Unit 500. Wichtendahl stated she is of the opinion the vehicle has more life in it and this topic has been a discussion at prior meetings; if the objective is lowering the tax rate, one way is try to get more life out of the existing fleet of vehicles. Wichtendahl continued to state if the current Unit 500 needs repairs then go ahead and fix them, but the City needs to get more use out of the current vehicles.

Council Members Bruns responded the City uses a thing called a cost of ownership and when equipment is extended beyond the equitable replacement point, it results in raising the cost to citizens instead of lowering it. Bruns continued to state for over 12 years the Public Works Director has maintained his fleet without being overly aggressive and instead being very conservative on the replacement of vehicles. Bruns said he understands the desire for cost management but he also understands this is the way to handle vehicle replacement.

Council Member Rampulla questioned the miles on the current Unit 500 and the age of the vehicle. Public Works Director Jasa said the dump truck has approximately 40,000 miles and 10 years old. Bruns and Rampulla stated the miles are not the significant factor in the replacement of a plow truck; it is the years that are the major factor.

Council Member Wichtendahl stated in her opinion the vehicle is in decent condition and staff could still get a few more years out of it. Wichtendahl said at some point the consideration of other cost cuts comes into play. Staff has to bite the bullet and figure out where to bring the cost of government down a little bit. Wichtendahl said she understands vehicle rotation but it could be stretched out a little farther.

Council Member Rampulla said the Public Works Director has been doing his job for 26 years; he knows what he is doing and it is not City Council's place to micro-manager City staff. Rampulla said public works is providing a good service and 10 years on this type of vehicle is a long time.

Council Member Norton asked Jasa for his thoughts on extending the current Unit 500 for another three years.

Jasa said the Public Works Department uses five (5) vehicles to plow the streets and three (3) are dump trucks with plows and sanders. These are the only three (3) pieces of equipment with sanders; there are no spares, and this is the reason Jasa prefers new and updated dump trucks with sanders. Jasa said he has a very good crew and the department prides itself on efforts of plowing snow in Hiawatha. Jasa said he doesn't treat every vehicle in his department the same when it comes to replacement. Jasa gave the example of loader in the current fleet that is over 15 years old, but there is nothing wrong with it so Jasa is going to put some new tires on it and continue to drive it for another five years. Jasa said he is extending life on some of the vehicles but when it comes to the dump trucks, he doesn't like to because he doesn't have any backups, and it takes all of the crew to plow the streets. Jasa said this is his reason for pushing the purchase of a replacement truck chassis and plow.

Council Member Wichtendahl said the question that still remains is if the dump truck could survive another three (3) years. Jasa said he doesn't know for sure but to him it is not the way to replace vehicles. Jasa expressed concern if staff extends the plow truck another three years will City Council keep asking staff to extend out more years; where does it end? Jasa questioned if he is not going to make the recommendation on the decision to replace vehicles in his fleet then who is the appropriate person to make that decision?

Council Member Wichtendahl said she is not trying to micromanage the individual departments but she sometimes feels city hall and the council act on autopilot a little too much. Wichtendahl said she realizes the challenges Hiawatha has but Mayor Bennett and Wichtendahl have been in office for a year and a half and they both feel there is not enough effort in bringing the levy rate down.

Council Member Rampulla said he doesn't believe equipment is the way to bring the levy rate down. Rampulla explained equipment especially snow removal equipment should not be considered as options for bringing the levy rate down; because if this type of equipment breaks down the City is in trouble. Rampulla stated the fastest way to start getting complaints from the citizens is not getting the roads plowed in a timely manner.

Council Member Wichtendahl continued to state as a whole if the equipment needs repaired let's repair it. Rampulla said it does not need repaired right now but if it breaks down it will be a major problem. Rampulla added he keeps his vehicles 10 years and they may only have 50 or 60 thousand miles on them, but Rampulla trades the vehicles in at that mileage, because when you go for trade in and try to get value out of the vehicles, the value goes down at trade in. Rampulla explained this is a similar situation with the plow truck; if Jasa extends the vehicle another three to five years, Jasa will never get the turnaround he will get right now.

City Administrator Downs reminded City Council the dollars used to purchase the Public Works' replacement plow truck and related equipment are coming out of Road Use; these are not dollars that affect the levy rate.

Rampulla presented RESOLUTION #17-113 approving the purchase of one (1) 2018 International 7400 SFA 6X4 Tandem Truck Chassis, for the Public Works Department at a total cost not to exceed $86,650, from Thompson Truck and Trailer of Waterloo, Iowa, utilizing available funding through the FY 2018 Equipment Reserve Fund, seconded by Norton. Roll call vote: AYES: Norton, Rampulla, Bruns. NAYS: Wichtendahl. ABSENT: Olson. **RESOLUTION #17-113 adopted with 3 AYES and 1 NAY.**

Public Works Department purchase of one (1) new truck box, snow plow and Hi-lift tailgate for the Tandem Axle Truck Chassis - Review Quotations / awarding contract

Norton presented RESOLUTION #17-114 approving the purchase of one (1) Multi-Purpose Truck Body, Snow Plow and Hi-Lift Tailgate, for the Public Works Department at a total cost not to exceed $83,327, from Henderson Manufacturing of Manchester, Iowa utilizing available funding through the FY 2018 Equipment Reserve Fund, seconded by Ramuplla. Roll call vote: AYES: Ramuplla, Bruns, Norton. NAYS: Wichtendahl. ABSENT: Olson. **RESOLUTION #17-114 adopted with 3 AYES and 1 NAY.**

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

Wichtendahl presented RESOLUTION #17-115 waiving the right to review the Final Plat of Krauth First Addition to Linn County within the two (2) mile radius of Hiawatha City Limits, seconded by Rampulla. Roll call vote: AYES: Bruns, Wichtendahl, Norton, Rampulla. NAYS: None. ABSENT: Olson. **RESOLUTION #17-115 adopted.**

Approving the plan of improvements installation for Rolling Prairie Estates Third Addition

Norton presented RESOLUTION #17-116 approving the plan of improvements installation for Rolling Prairie Estates Third Addition, seconded by Wichtendahl. Roll call vote: AYES: Wichtendahl, Rampulla, Bruns, Norton. NAYS: None. ABSENT: Olson. **RESOLUTION #17-116 adopted.**

Accepting improvements installation for Dell Ridge Phase II
Rampulla presented RESOLUTION #17-117 accepting the improvements including sanitary sewer, storm sewer, water main and street paving along with drain tile for Dell Ridge Second Addition (Phase II) to the City of Hiawatha, seconded by Norton. Roll call vote: AYES: Bruns, Norton, Wichtendahl, Rampulla. NAYS: None. ABSENT: Olson. **RESOLUTION #17-117 adopted.**

Boyson Road Capacity Improvements Project at North Center Point Road and I-380 - setting a public hearing date (June 21, 2017 @ 5:30 P.M.) to consider adoption of the proposed plans, specifications, form of contract, and estimate of cost
Wichtendahl presented RESOLUTION #17-118 setting a public hearing date (June 21, 2017 @ 5:30 P.M.) to consider adoption of the proposed plans, specifications, form of contract, and estimate of cost in connection with the Boyson Road Capacity Improvements Project at North Center Point Road and I-380, seconded by Norton. Roll call vote: AYES: Wichtendahl, Rampulla, Bruns, Norton. NAYS: None. ABSENT: Olson. **RESOLUTION #17-118 adopted.**

Edgewood Road Culvert and Grading Project Phase I from Tower Terrace Road North to County Home Road - concurring with the Linn County award of contract for construction of project
Rampulla presented RESOLUTION #17-119 concurring with Linn County award of contract to Peterson Contractors of Reinbeck, Iowa in connection with the 28E Agreement with Linn County for the construction of the Edgewood Road Culvert and Grading Project Phase I from Tower Terrace Road north to County Home Road, seconded by Norton. Roll call vote: AYES: Rampulla, Norton, Wichtendahl, Bruns. NAYS: None. ABSENT: Olson. **RESOLUTION #17-119 adopted.**

Authorizing staff to proceed with solicitation of Request for Proposals for Employee Benefits Brokerage and Consulting Services
Norton presented RESOLUTION #17-120 authorizing staff to proceed with solicitation of Request for Proposals for Employee Benefits Brokerage and Consulting Services, seconded by Rampulla. Roll call vote: AYES: Norton, Rampulla, Wichtendahl, Bruns. NAYS: None. ABSENT: Olson. **RESOLUTION #17-120 adopted.**

There being no further discussion, Rampulla moved to adjourn at 6:53 P.M., seconded by Wichtendahl. Motion carried.

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Marty Bruns, Mayor Pro-Tem

ATTEST:

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Kelly Kornegor, City Clerk