The Hiawatha City Council met in regular session in the Hiawatha Council Chambers on June 1, 2016. Mayor Bill Bennett called the meeting to order at 5:30 P.M. Council members present: Marty Bruns, Aime Wichtendahl, Dick Olson, Bob Rampulla and Dennis Norton. Staff present: City Engineer John Bender, Community Development Director Patrick Parsley, Fire Chief Mike Nesslage and Police Chief Dennis Marks. Guests: Tracy Bennett, Daniel Hoffmann and Chad Abernathy. Note: not all guests in attendance signed in.

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

Bruns moved the approval of the following consent agenda items: Approval of bills, Regular Meetings May 4, 2016 and Work Session April 18, 2016, Receive and File Minutes of Boards/Commissions/Committees: Library May 10 , 2016, Planning and Zoning April 25, 2016, Water Board May 17, 2016, City Engineer's Report, Mayor's Report, and City Administrator's Report, seconded by Norton. Motion carried.

Linn County Solid Waste Agency Presentation – Joe Horaney

Joe Horaney presented an update on the Linn County Solid Waste Agency. Presentation overview as follows:

The Linn County Solid Waste Agency services and programs are funded without taxpayer support.

1954 County Home Road, Marion Facility Services Available –

- Resource Recovery Building is a one-stop shop where people can drive in and drop off electronics, hazardous household waste, paints, cleaners, etc., fluorescent bulbs, batteries and medical sharps.
- Outdoor recycling includes appliances, tires and scrap metal diversion.
- Tours and educational lessons.
- Landfill.
- Partnership with Goodwill for clothing collection.
- Landfill gas to energy program, creating electricity.

The curbside recycling program is changing due to the lull in the recycling markets. The agency is negotiating new recyclables processing contract by offering incentive program to municipalities; Hiawatha incentive for Fiscal Year 2017 is $15,151.00, if there is a citywide hauling contract in place. Hiawatha does not contract with the garbage haulers. Residents are required to contract with their own haulers and the haulers will be responsible for handling the new recyclables processing contract with the Linn County Solid Waste Agency.

2250 A Street SW, Cedar Rapids Facility Services Available –

- Recycling appliances, tires, scrap metal, batteries, fluorescent bulbs, used motor oil and filters, bicycles, household electronics, curbside recyclables, medical sharps disposal and shingle recycling.
- Compost – one ton free for Linn County residents, 22 per ton for businesses and wood chips available for sale.

PUBLIC HEARING - to consider amending Hiawatha Code of Ordinances Chapter 101 Storm Water Drainage System §101.03 Rates by increasing the residential and commercial storm water rates

Mayor Bennett opened the public hearing to consider amending Hiawatha Code of Ordinances Chapter 101 Storm Water Drainage System §101.03 Rates by increasing the residential and commercial storm water rates at 5:45 P.M.

There were no written or public comments were received at or prior to the public hearing. Public Hearing closed at 5:45 P.M.

Rampulla moved the 1st Reading of ORDINANCE #865 amending Hiawatha Code of Ordinances Chapter 101 Storm Water Drainage System §101.03 Rates by increasing the residential and commercial storm water rates, seconded by Wichtendahl. Motion carried.

Olson moved to waive the 2nd and 3rd readings of ORDINANCE #865, seconded by Rampulla. Roll call vote: AYES: Bruns, Wichtendahl, Olson, Norton, Bruns. NAYS: None. Motion carried.

Bruns moved the adoption of ORDINANCE #865 amending Hiawatha Code of Ordinances Chapter 101 Storm Water Drainage System §101.03 Rates by increasing the residential and commercial storm water rates, seconded by Norton. Roll call vote: AYES: Wichtendahl, Rampulla, Olson, Norton, Bruns. NAYS: None. ORDINANCE #865 adopted.

PUBLIC HEARING – to consider amending Hiawatha Code of Ordinances Chapter 69 Parking Regulations §69.08 No Parking Zones setting No Parking restrictions for Diamondback Road and Forrest Meadow Lane
Mayor Bennett opened the public hearing to consider amending Hiawatha Code of Ordinances Chapter 69 Parking Regulations §69.08 No Parking Zones setting No Parking restrictions for Diamondback Road and Forrest Meadow Lane at 5:47 P.M.

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

Bruns moved the 1st Reading of ORDINANCE #866 amending Hiawatha Code of Ordinances Chapter 69 Parking Regulations §69.08 No Parking Zones setting No Parking restrictions for Diamondback Road and Forrest Meadow Lane, seconded by Wichtendahl. Motion carried.

Olson moved to waive the 2nd and 3rd readings of ORDINANCE #866, seconded by Wichtendahl. Roll call vote: AYES: Rampulla, Olson, Bruns, Wichtendahl, Norton. NAYS: None. Motion carried.

Wichtendahl moved the adoption of ORDINANCE #866 amending Hiawatha Code of Ordinances Chapter 69 Parking Regulations §69.08 No Parking Zones setting No Parking restrictions for Diamondback Road and Forrest Meadow Lane, seconded by Olson. Roll call vote: AYES: Bruns, Rampulla, Wichtendahl, Olson, Norton. NAYS: None. ORDINANCE #866 adopted.

PUBLIC HEARING – to consider the vacation of a portion of Langston Drive Right-Of-Way in connection with the Mercy Hospital project located at 1195 Boyson Road; requires amendment to Hiawatha Code of Ordinances Chapter 137 Vacation and Disposal of Streets §137.04 Findings Required (1) Public Use
Mayor Bennett opened the public hearing to consider the vacation of a portion of Langston Drive Right-Of-Way in connection with the Mercy Hospital project located at 1195 Boyson Road; requires amendment to Hiawatha Code of Ordinances Chapter 137 Vacation and Disposal of Streets §137.04 Findings Required (1) Public Use at 5:49 P.M.

Chad Abernathy of Brainiac Inc. placed a site map on the overhead and spoke to Council on behalf of the project. Abernathy stated he created Brainiac in 1992 and the business is currently made up of Abernathy's four sons and himself; Brainiac is a small business that has grown into a big project. Abernathy said the Mercy Hospital building is an 8,000 square foot structure consisting of an outpatient surgical center/emergency room. The project is a way for Mercy to extend their franchise. Abernathy said the vacation request has to do with safety coming from the parking lot on the south side and expanding parking on the north side with a sidewalk. Additional reasons noted for the vacation request include the chillers better served on the ground rather than the roof and access off Langston is tight for trucks. Abernathy stated the plan includes expanding the driveway on public property.

Abernathy explained the request went to the Planning and Zoning Commission for review prior to City Council where the Commission approved the request by a four to three vote. Abernathy felt the reason for the close vote is due to the Waterhouse property located next door to the Mercy Hospital project; some of the Planning and Zoning members felt the request would limit access to the Waterhouse property. Abernathy said Mercy wants to be a good neighbor and the 24 foot private drive still allows access to Waterhouse and access for utilities; there is no intention to limit development next door but Abernathy does not want a complete thoroughfare. Abernathy continued to state Mercy is trying to create a standard of excellence and the City will no longer have to maintain snow removal.

City Engineer Bender explained there was some confusion at the Planning and Zoning level and the Commission asked Abernathy to prepare the drawing on the overhead tonight. Council Member Marty Bruns added some of the Planning and Zoning members felt closing off the street would damage the value of the Waterhouse property; this is not a valid concern. Bruns said there is access to both sides of the property.

City Engineer Bender stated upon council approval of the vacation request staff will come up with a possible cost for the portion of right-of-way to sell and convey the vacated piece.

Council Member Rampulla suggested Planning and Zoning should see the new site plan so they know the proposed vacation will provide access to the Waterhouse property.

City Engineer Bender stated the city standard of 28 feet is reduced to 24 feet by changing the property to a private drive; the north four foot will be removed from the street on Langston Drive but will still be used as public access easement which is an advantage because the city will not have to maintain.

Council Member Rampulla asked Abernathy for a progress report on the construction.

Abernathy said there have been some rumors surrounding the construction of the hospital. Abernathy said due to changes to the HVAC system, modifications were made to the roof curves. Abernathy stated exterior walls are done, waterproofing will be done next week and then interior walls. Abernathy continued to explain all exposed steel must be fire proofed; anticipated completion date is the beginning of 2017.

There were no additional written or public comments received at or prior to the public hearing. Public Hearing closed at 6:05 P.M.

Bruns moved the 1st Reading of ORDINANCE #867 amending Hiawatha Code of Ordinances Chapter 137 Vacation and Disposal of Streets §137.04 Findings Required (1) Public Use, approving the vacation of a portion of Langston Drive Right-Of-Way in connection with the Mercy Hospital project located at 1195 Boyson Road, seconded by Olson. Motion carried.

Rampulla moved to waive the 2nd and 3rd readings of ORDINANCE #867, seconded by Wichtendahl. Roll call vote: AYES: Bruns, Wichtendahl, Norton, Olson, Rampulla. NAYS: None. Motion carried.

Wichtendahl moved the adoption of ORDINANCE #867 amending Hiawatha Code of Ordinances Chapter 137 Vacation and Disposal of Streets §137.04 Findings Required (1) Public Use, approving the vacation of a portion of Langston Drive Right-Of-Way in connection with the Mercy Hospital project located at 1195 Boyson Road, seconded by Olson. Roll call vote: AYES: Norton, Olson, Rampulla, Bruns, Wichtendahl. NAYS: None. ORDINANCE #867 adopted.

PUBLIC HEARING – to consider placing plans, specifications, form of contract and estimate of cost on file for the 2016-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Phase 2 Roadway Package Project

Mayor Bennett opened the public hearing to consider placing plans, specifications, form of contract and estimate of cost on file for the 2016-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Phase 2 Roadway Package Project at 6:07 P.M.

There were no written or public comments received at or prior to the public hearing. Public Hearing closed at 6:08 P.M.

Bruns presented RESOLUTION #16-126 adopting plans, specifications, form of contract and estimate of cost in connection with the 2016-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Phase 2 Roadway Package Project, seconded by Rampulla. Roll call vote: AYES: Rampulla, Bruns, Wichtendahl, Olson, Norton. NAYS: None. **RESOLUTION #16-126 adopted.**

Consider Resolution setting a public hearing date (June 15, 2016 @ 5:30 P.M.) on the proposal to enter into a Development Agreement with Warrior Enterprises, LLC and McGrath Automotive Group, Inc. and providing for publication of notice

Olson presented RESOLUTION #16-127 setting a public hearing date (June 15, 2016 @ 5:30 P.M.) on the proposal to enter into a Development Agreement with Warrior Enterprises, LLC and McGrath Automotive Group, Inc. and providing

for publication of notice, seconded by Wichtendahl. Roll call vote: AYES: Olson, Norton, Rampulla, Wichtendahl, Bruns. NAYS: None. **RESOLUTION #16-127 adopted.**

$2,945,000 General Obligation Capital Loan Notes, Series 2016A - 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 #16-128 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 $2,945,000 General Obligation Capital Loan Notes, Series 2016A, seconded by Wichtendahl. Roll call vote: AYES: Bruns, Olson, Wichtendahl, Rampulla, Norton. NAYS: None. **RESOLUTION #16-128 adopted.**

$2,945,000 General Obligation Capital Loan Notes, Series 2016A - 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 #16-129 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 in connection with $2,945,000 General Obligation Capital Loan Notes, Series 2016A, seconded by Wichtendahl. Roll call vote: AYES: Wichtendahl, Rampulla, Olson, Norton, Bruns. NAYS: None. **RESOLUTION #16-129 adopted.**

Easements in connection with the 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project

Permanent Utility Easement for property located at 91 Robins Road

Bruns presented RESOLUTION #16-130 approving Permanent Utility Easement for property located at 91 Robins Road in connection with the 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project, seconded by Norton. Roll call vote: AYES: Olson, Rampulla, Wichtendahl, Bruns, Norton. NAYS: None. **RESOLUTION #16-130 adopted.**

Approving Permanent Utility Easement for property located at 207 Robins Road

Olson presented RESOLUTION #16-131 approving Permanent Sidewalk Easement for property located at 207 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: Rampulla, Bruns, Olson, Wichtendahl, Norton. NAYS: None. **RESOLUTION #16-131 adopted.**

Approving Temporary Construction Easement for property located at 100 Center Point Road

Rampulla presented RESOLUTION #16-132 approving Temporary Construction Easement for property located at 100 Center Point Road in connection with the 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project, seconded by Bruns. Roll call vote: AYES: Norton, Olson, Wichtendahl, Bruns, Rampulla. NAYS: None. **RESOLUTION #16-132 adopted.**

Approving Temporary Construction Easement for property located at 91 Robins Road

Norton presented RESOLUTION #16-133 approving Temporary Construction Easement for property located at 91 Robins Road in connection with the 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project, seconded by Bruns. Roll call vote: AYES: Bruns, Rampulla, Wichtendahl, Norton, Olson. NAYS: None. **RESOLUTION #16-133 adopted.**

Approving an "At Your Own Risk" Building Permit to begin remodeling an existing commercial building at 1020 N. Center Point Road

Bruns presented RESOLUTION #16-134 approving an "At Your Own Risk" Building Permit to begin remodeling an existing commercial building at 1020 N. Center Point Road, seconded by Wichtendahl. Roll call vote: AYES: Olson, Rampulla, Bruns, Wichtendahl, Norton. NAYS: None. **RESOLUTION #16-134 adopted.**

Rampulla moved to adjourn at 6:13 P.M., seconded by Wichtendahl. Motion carried.

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Bill Bennett, Mayor

ATTEST:

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Kelly Kornegor, City Clerk