The Hiawatha City Council met in regular session in the Hiawatha Council Chambers on May 4, 2016. Mayor Bill Bennett called the meeting to order at 5:30 P.M. Council members present: Marty Bruns, Aime Wichtendahl, Dick Olson and Dennis Norton. Absent: Bob Rampulla. Staff present: City Engineer John Bender, Community Development Director Patrick Parsley, Fire Chief Mike Nesslage, Finance Director Cindy Kudrna, and Police Chief Dennis Marks. Guests: Tracy Bennett, Daniel Hoffmann and Chad Abernathy.

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

Olson moved the approval of the following consent agenda items: Approval of bills, Minutes of Meetings: Regular Meetings April 6, 2016 and April 20, 2016, Receive and File Minutes of Boards/Commissions/Committees: Library February 9, 2016 and March 8, 2016, Parks and Recreation April 12, 2016, Planning and Zoning March 28, 2016, Water April 19, 2016, RESOLUTION #16-094 approving sewer waiver on second water meter for 1811 Boyson Road, RESOLUTION #16-095 approving sewer waiver on second water meter for 3034 Savannah Court, Approval of new – Class C Liquor License (LC) (Commercial) with Sunday Sales for Lucky Penny, 1705 Boyson Road; and City Engineer's Report, seconded by Wichtendahl. Motion carried.

"Municipal Clerks Week" Proclamation May 1, 2016 – May 8, 2016

Council Member Marty Bruns read the proclamation recognizing the week of May 1, 2016 through May 8, 2016, as Municipal Clerks Week.

PUBLIC HEARING - to consider adopting a Revenue Purpose Statement related to the use of revenues from proposed electric franchise fees with Linn County Rural Electric Cooperative Association (REC) pursuant to Iowa Code §364.2(4)(f)

Mayor Bennett opened the public hearing to consider adopting a Revenue Purpose Statement related to the use of revenues from proposed electric franchise fees with REC pursuant to Iowa Code §364.2(4)(f) at 5:35 P.M.

Randy Boyle of Cedar Rapids submitted an email on April 18, 2016, in opposition to the proposed 3% franchise fee with REC. No additional written or public comments were received at or prior to the public hearing. Public Hearing closed at 5:36 P.M.

Olson presented RESOLUTION #16-096 adopting a Revenue Purpose Statement establishing the lawful purposes for which the city can expend the revenues generated from electric franchise fees with Linn County Rural Electric Cooperative Association (REC) pursuant to Iowa Code §364.2(4)(f) including property tax relief. The City will use the revenue collected from the increase in the gas and electric franchise fee for property tax relief in the form of a deposit to the City's general fund or debt service fund, and using such fees to pay obligations that would otherwise be paid that year with a property tax levy. The specific purposes for which the revenues shall otherwise be expended is/are 100% for any lawful purpose, seconded by Bruns. Roll call vote: AYES: Olson, Wichtendahl, Bruns, Norton. NAYS: None. ABSENT: Rampulla. **RESOLUTION #16-096 adopted.**

PUBLIC HEARING – to consider amending Hiawatha Code of Ordinances by adding Chapter 111A Electric Franchise establishing an electric utility franchise with Linn County Rural Electric Cooperative Association (REC) and implementing a 3% franchise fee

Mayor Bennett opened the public hearing to consider amending Hiawatha Code of Ordinances by adding Chapter 111A Electric Franchise establishing an electric utility franchise with REC and implementing a 3% franchise fee at 5:36 P.M.

Randy Boyle of Cedar Rapids submitted an email on April 18, 2016, in opposition to the proposed 3% franchise fee with REC. No additional written or public comments were received at or prior to the public hearing. Public Hearing closed at 5:36 P.M.

Olson moved the 1st Reading of ORDINANCE #863 amending Hiawatha Code of Ordinances by adding Chapter 111A Electric Franchise establishing an electric utility franchise with Linn County Rural Electric Cooperative Association (REC) and implementing a 3% franchise fee, **seconded by Norton. Motion carried.**

City Council will consider waiving 2nd and 3rd readings and possible adoption of ORDINANCE #863 during the next council meeting on May 18, 2016 at 5:30 P.M.

Setting a public hearing date (May 18, 2016 @ 5:30 P.M.) to consider the FY 2016 Budget Amendment and direct publication of notice

Norton moved setting a public hearing date (May 18, 2016 @ 5:30 P.M.), to consider adopting the FY 2016 Budget Amendment and directing publication of notice, seconded by Wichtendahl. Motion carried.

$2,945,000 (Dollar Amount Subject to Change) General Obligation Capital Loan Notes, Series 2016A - Preliminary Official Statement

Wichtendahl presented RESOLUTION #16-097 approving the Preliminary Official Statement for the $2,945,000 (Dollar Amount Subject to Change) General Obligation Capital Loan Notes, Series 2016A, seconded by Olson. Roll call vote: AYES: Bruns, Olson, Wichtendahl, Norton. NAYS: None. ABSENT: Rampulla. **RESOLUTION #16-097 adopted.**

Discussion/Possible Action regarding Planning and Zoning Commission recommendation on the placement of directional trailblazer signs in the right-of-way and possibly setting a public hearing date (May 18, 2016 @ 5:30 P.M.) to consider amending Hiawatha Code of Ordinances Chapter 166 Sign Code §166.10 Regulations For All Signs by allowing an exception for placement of I-380 right-of-way directional trailblazer signs with approval by City Council

During their April 25, 2016, regular meeting, the Planning and Zoning Commission made the recommendation to approve amending Chapter 166 Sign Code §166.10 Regulations For All Signs by allowing an exception for placement of I-380 right-of-way directional trailblazer signs with approval by City Council and amending the Right-Of-Way Sign Policy to allow a trailblazer sign at the intersection of Boyson Road and North Center Point Road.

City Council affirmed the recommendation made by the Planning and Zoning Commission. In order to allow an exception for placement of I-380 right-of-way direction trailblazer signs, City Council must set a public hearing date to amend Chapter 166 Sign Code §166.10 Regulations For All Signs.

Amending Directional Signs in the Right-Of-Way Policy to allow an exception for trailblazer signs at the intersection of Boyson Road and North Center Point Road

Bruns presented RESOLUTION #16-098 amending Hiawatha's Directional Signs in the Right-Of-Way Policy in order to allow an exception for Department of Transportation (DOT) Trailblazer signs to be placed at the intersection of Boyson Road and North Center Point Road for businesses participating in the DOT I-380 advertising program and set the maximum sign dimensions, seconded by Norton. Roll call vote: AYES: Wichtendahl, Olson, Norton, Bruns. NAYS: None. ABSENT: Rampulla. **RESOLUTION #16-098 adopted.**

Setting a public hearing date (May 18, 2016 @ 5:30 P.M.) to consider amending Hiawatha Code of Ordinances Chapter 166 Sign Code §166.10 Regulations For All Signs by allowing an exception for placement of I-380 right-of-way directional trailblazer signs with approval by City Council

Wichtendahl presented RESOLUTION #16-099 setting a public hearing date (May 18, 2016 @ 5:30 P.M.) to consider amending Hiawatha Code of Ordinances Chapter 166 Sign Code §166.10 Regulations For All Signs by allowing an exception for placement of I-380 right-of-way directional trailblazer signs with approval by City Council, seconded by Bruns. Roll call vote: AYES: Bruns, Norton, Olson, Wichtendahl. NAYS: None. ABSENT: Rampulla. **RESOLUTION #16-099 adopted.**

Vacation of Langston Drive right-of-way - referring proposal to vacate Langston Drive right-of-way to the Planning and Zoning Commission (as established in Section 137.02 of the Code of Ordinances) for the purpose of a study and recommendation to City Council for consideration

Olson presented RESOLUTION #16-100 referring proposal to vacate a portion of Langston Drive right-of-way to the Planning and Zoning Commission (as established in Section 137.02 of the Code of Ordinances) for the purpose of a study and recommendation to City Council for consideration, seconded by Bruns. Roll call vote: AYES: Olson, Wichtendahl, Norton, Bruns. NAYS: None. ABSENT: Rampulla. **RESOLUTION #16-100 adopted.**

Approving the Final Plat of Longfellow Square Tenth Addition and authorizing execution of a Declaration of Cross Easements Agreement with Longfellow Square, L.C.

Norton presented RESOLUTION #16-101 approving the Final Plat of Longfellow Square Tenth Addition and authorizing execution of a Declaration of Cross Easements Agreement with Longfellow Square, L.C., seconded by Bruns. Roll call vote: AYES: Wichtendahl, Norton, Bruns, Olson. NAYS: None. ABSENT: Rampulla. **RESOLUTION #16-101 adopted.**

Rescinding Resolution #16-089 approving sidewalk deferment for the property located at 1450 Hawkeye Drive and approving city staff recommendation to deny sidewalk deferment

Council Member Olson said the item was confusing from the last meeting.

Community Development Director Parsley explained the sidewalk deferment for the property located at 1450 Hawkeye Drive was on the April 20, 2016 agenda and the recommendation from city staff was to deny the sidewalk deferment. Parsley continued to explain the process is to word the resolution in a positive manner and this implied City Council was approving a sidewalk deferment when in actuality, council wanted to agree with staff recommendation to require sidewalk installation.

Olson presented RESOLUTION #16-102 rescinding Resolution #16-089, hereby cancelling the original approval of a deferment of the sidewalk installation for the property located at 1450 Hawkeye Drive, received from Hall and Hall Engineers, Inc. on behalf of R&S Properties, LLC, and concurring with Community Development Department recommendation to deny the request for sidewalk deferment. **Passage of this resolution requires the property owner to install the sidewalk for the property located at 1450 Hawkeye Drive**, seconded by Norton. Roll call vote: AYES: Olson, Bruns, Wichtendahl, Norton. NAYS: None. ABSENT: Rampulla. **RESOLUTION #16-102 adopted.**

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

City Engineer Bender explained the easements for the properties located at 91 Robins Road and 100 Center Point Road were not received prior to the meeting and therefore, council will not be able to accept these easements at this time.

Approving Permanent Drainage Easement for property located at 114 Oak Street

Bruns presented RESOLUTION #16-103 approving Permanent Drainage Easement for property located at 114 Oak Street in connection with the 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project, seconded by Norton. Roll call vote: AYES: Bruns, Wichtendahl, Olson, Norton. NAYS: None. ABSENT: Rampulla. **RESOLUTION #16-103 adopted.**

Approving Permanent Utility Easement for property located at 207 Robins Road

Wichtendahl presented RESOLUTION #16-104 approving Permanent Utility 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 Olson. Roll call vote: AYES: Norton, Olson, Wichtendahl, Bruns. NAYS: None. ABSENT: Rampulla. **RESOLUTION #16-104 adopted.**

Approving Permanent Utility Easement for property located at 91 Robins Road

The approval of the Permanent Utility Easement for property located at 91 Robins Road was removed from the agenda for lack of property owner signature prior to the council meeting. This easement will come back to City Council for approval once signed.

Approving twelve (12) Temporary Construction Easements for properties located at 55 Robins Road, 97 North Center Point Road Lot 2, 97 North Center Point Road Lot 3, 207 Robins Road, 400 North Center Point Road, 102 Oak Street, 101 East Clark Street, 101 Fisher Street, 102 Fisher Street, 95 North Center Point Road, 114 Oak Street, and 1 Parsons Drive

Bruns presented RESOLUTION #16-105 approving 12 Temporary Construction Easements for properties located at 55 Robins Road, 97 North Center Point Road Lot 2, 97 North Center Point Road Lot 3, 207 Robins Road, 400 North Center Point Road, 102 Oak Street, 101 East Clark Street, 101 Fisher Street, 102 Fisher Street, 95 North Center Point Road, 114 Oak Street and 1 Parsons Drive 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, Bruns, Wichtendahl, Norton. NAYS: None. ABSENT: Rampulla. **RESOLUTION #16-105 adopted.**

Approving Temporary Construction Easement for property located at 100 Center Point Road
The approval of the Temporary Construction Easement for property located at 100 Center Point Road was removed from the agenda for lack of property owner signature prior to the council meeting. This easement will come back to council for approval once signed.

2015 Water and Sewer Extension Project - approving Pay Estimate #2 for partial payment to Ricklefs Excavating, Ltd.
Wichtendahl presented RESOLUTION #16-106 approving application for Partial Pay Estimate #2 for the FY 2015 Water and Sewer Extension Project and direct City Clerk to make payment to Ricklefs Excavating, Ltd. of Anamosa, Iowa, in the amount of $529,738.80, seconded by Bruns. Roll call vote: AYES: Wichtendahl, Bruns, Olson, Norton. NAYS: None. ABSENT: Rampulla. **RESOLUTION #16-106 adopted.**

Industrial Avenue from Boyson Road to North End Pavement Reconstruction / Storm Sewer Improvements RISE Grant Project - approving Pay Estimate #3 for partial payment to Horsfield Construction, Inc.
Olson presented RESOLUTION #16-107 approving application for Partial Pay Estimate #3 for the FY 2015 Industrial Avenue from Boyson Road to North End Pavement Reconstruction / Storm Sewer Improvements RISE Grant Project and direct City Clerk to make payment to Horsfield Construction, Inc. of Epworth, Iowa, in the amount of $163,241.14, seconded by Bruns. Roll call vote: AYES: Norton, Olson, Wichtendahl, Bruns. NAYS: None. ABSENT: Rampulla. **RESOLUTION #16-107 adopted.**

Approving a Cooperative At-Grade Crossing Surface Repair Project Cost Agreement to replace the existing at-grade railroad crossing on Robins Road between the City of Hiawatha and Chicago, Central and Pacific Railroad Company
Bruns presented RESOLUTION #16-108 approving a Cooperative At-Grade Crossing Surface Repair Project Cost Agreement to replace the existing at-grade railroad crossing on Robins Road between the City of Hiawatha and Chicago, Central and Pacific Railroad Company with a total cost estimate of $53,000.00, for crossing replacement and approach work; utilizing previously bonded dollars and Old Local Option Sales and Service Tax (LOSST) dollars, seconded by Wichtendahl. Roll call vote: AYES: Bruns, Norton, Olson, Wichtendahl. NAYS: None. ABSENT: Rampulla. **RESOLUTION #16-108 adopted.**

Approving a 28E Maintenance and Repair of Primary Road (I-380) Agreement between the City of Hiawatha and the Iowa Department of Transportation
Bruns presented RESOLUTION #16-109 approving a five-year 28E Agreement for Maintenance and Repair of Primary Roads in Municipalities between the City of Hiawatha and the Iowa Department of Transportation to provide maintenance of the urban cross section beyond the state pavement for traffic control, curbs used to contain drainage, repairs due to utility construction, and painting stop lines and crosswalks for I-380 in Hiawatha during the period of July 1, 2016 through June 30, 2021, seconded by Norton. Roll call vote: AYES: Olson, Wichtendahl, Norton, Bruns. NAYS: None. ABSENT: Rampulla. **RESOLUTION #16-109 adopted.**

Wichtendahl moved to adjourn at 5:50 P.M., seconded by Norton. Motion carried.

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Bill Bennett, Mayor

ATTEST:

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Kelly Kornegor, City Clerk