The Hiawatha City Council met in regular session in the Hiawatha Council Chambers on May 17, 2017. Mayor Bill Bennett called the meeting to order at 5:30 p.m. Council members present: Dick Olson, Marty Bruns, Dennis Norton and Aime Wichtendahl. Bob Rampulla was absent. Staff present: Community Development Director Patrick Parsley, City Engineer John Bender, Finance Director Cindy Kudrna, City Administrator Kim Downs, City Attorney Mark Parmenter, Fire Chief Mike Nesslage, Police Sergeant Seth Allen and Police Chief Dennis Marks. Guests: Tim Hofferber, Isaac Hofferber and Daniel Hoffmann.

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

Norton moved the approval of the following consent agenda items: Approval of bills, Finance Director's Report for April 2017, City Clerk's Report for April 2017; Department Reports: Community Development, Fire, Library, Parks and Recreation, Police and Public Works; RESOLUTION #17-093 approving sewer waiver on second water meter for 2050 Boyson Road, seconded by Olson. Motion carried.

Report from Council Members/Mayor/City Administrator

City Administrator Downs stated there is a ribbon cutting for Exit Eastern Iowa Realty on Thursday, May 18 at 1815 Blairs Ferry Road. Downs also commented City Clerk Kornegor and herself met with Laura Frey of LA Trends who is working on a retail pop up business. Downs mentioned for Tower Terrace the Iowa Department of Transportation will make their final approval for the Tower Terrace Interchange project on June 8, 2017.

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.
- Monarch Pollinator Zone program.
- Landfill gas to energy program, creating electricity.

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.

Sale and Use of Fireworks – Senate File 489

Fire Chief Nesslage stated new law allows merchants to sell out of a permanent building and consumers to set off fireworks during the following two yearly time periods: June 1 through July 8 and December 10 through January 3. Nesslage feels it is not the right thing for the state but the City should follow what the state has set.

Police Chief Marks commented he agrees with Nesslage and if the City deviates from the state it will create confusion but feels no matter what the City does, people are going to have complaints. Marks suggested tracking the complaints for the first year to see how it goes.

Council Member Norton asked if people still need a permit to sell.

Nesslage confirmed at the state level a permit is required.

Downs commented the City will educate the citizens through the newsletter and website.

Council Member Wichtendahl commented her perspective for the state to legalize fireworks was to pick up revenue and is opposed to it in Hiawatha.

Council Member Bruns expressed his opinion that telling people what they can and can't do in their backyards gives him heartburn because this is America.

Mayor Bennett stated this might be business opportunities for people.

Norton commented the dates and hours are not out of the ordinary and asked if there will be any fines associated for after hours.

Marks answered it would be a simple misdemeanor or another option is to set a fine for a Hiawatha violation.

Bruns presented RESOLUTION #17-094 setting a public hearing date (June 7, 2017@ 5:30 P.M.) 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, seconded by Norton. Roll call vote: AYES: Bruns, Olson, Norton, Wichtendahl. NAYS: None. ABSENT: Rampulla. **RESOLUTION #17-094 adopted.**

PUBLIC HEARING – to consider amending Hiawatha Code of Ordinance Chapter 101 Storm Water Drainage System §101.01 Purpose, §101.03 Rates, and §101.06 Storm Water Emergencies by adding retention or detention basin to definitions, establishing rates by ordinance and providing clarification to fees for City staff work on privately owned storm sewer

Mayor Bennett opened the public hearing to consider amending Hiawatha Code of Ordinance Chapter 101 Storm Water Drainage System §101.01 Purpose, §101.03 Rates, and §101.06 Storm Water Emergencies by adding retention or detention basin to definitions, establishing rates by ordinance and providing clarification to fees for City staff work on privately owned storm sewer at 6:01 P.M.

There were no written or public comments received at or prior to the public hearing. Public Hearing closed at 6:02 P.M.

Wichtendahl moved the 1st Reading of ORDINANCE #877 amending Hiawatha Code of Ordinance Chapter 101 Storm Water Drainage System §101.01 Purpose, §101.03 Rates, and §101.06 Storm Water Emergencies by adding retention or detention basin to definitions, establishing rates by ordinance and providing clarification to fees for City staff work on privately owned storm sewer, seconded by Olson. Roll call vote: AYES: Norton, Wichtendahl, Bruns, Olson. NAYS: None. ABSENT: Rampulla. **Motion carried.**

Bruns moved to waive the 2nd and 3rd readings of ORDINANCE #877, seconded by Norton. **Motion carried.**

Olson moved the adoption of ORDINANCE #877 amending Hiawatha Code of Ordinance Chapter 101 Storm Water Drainage System §101.01 Purpose, §101.03 Rates, and §101.06 Storm Water Emergencies by adding retention or detention basin to definitions, establishing rates by ordinance and providing clarification to fees for City staff work on privately owned storm sewer, seconded by Wichtendahl. Roll call vote: AYES: Olson, Norton, Wichtendahl, Bruns. NAYS: None. ABSENT: Rampulla. ORDINANCE #877 adopted.

PUBLIC HEARING – to consider amending Hiawatha Code of Ordinance Chapter 102 Illicit Discharge to Storm Sewer System §102.05 Illicit Discharge Detection and Reporting, Cost Recovery, §102.06 Suspension of Access to the City's Storm Sewer System, and §102.09 Appeal to allow flexibility between City departments in administration and enforcement duties and assign City Council to hear appeals

Mayor Bennett opened the public hearing to consider amending Hiawatha Code of Ordinance Chapter 102 Illicit Discharge to Storm Sewer System §102.05 Illicit Discharge Detection and Reporting, Cost Recovery, §102.06 Suspension of Access to the City's Storm Sewer System, and §102.09 Appeal to allow flexibility between City departments in administration and enforcement duties and assign City Council to hear appeals at 6:03 P.M.

There were no written or public comments received at or prior to the public hearing. Public Hearing closed at 6:04 P.M.

Olson moved the 1st Reading of ORDINANCE #878 amending Hiawatha Code of Ordinance Chapter 102 Illicit Discharge to Storm Sewer System §102.05 Illicit Discharge Detection and Reporting, Cost Recovery, §102.06 Suspension of Access to the City's Storm Sewer System, and §102.09 Appeal to allow flexibility between City departments in administration and enforcement duties and assign City Council to hear appeals, seconded by Bruns. Roll call vote: AYES: Wichtendahl, Norton, Bruns, Olson. NAYS: None. ABSENT: Rampulla. **Motion carried.**

Wichtendahl moved to waive the 2nd and 3rd readings of ORDINANCE #878, seconded by Bruns. **Motion carried.**

Norton moved the adoption of ORDINANCE #878 amending Hiawatha Code of Ordinance Chapter 102 Illicit Discharge to Storm Sewer System §102.05 Illicit Discharge Detection and Reporting, Cost Recovery, §102.06 Suspension of Access to the City's Storm Sewer System, and §102.09 Appeal to allow flexibility between City departments in administration and enforcement duties and assign City Council to hear appeals, seconded by Bruns. Roll call vote: AYES: Olson, Wichtendahl, Norton, Bruns. NAYS: None. ABSENT: Rampulla. ORDINANCE #878 adopted.

PUBLIC HEARING – to consider amending Hiawatha Code of Ordinance Chapter 162 Storm Water Runoff Control §162.04 Applicability, deleting §162.05 Affidavit of Disclosure of Property Interest, amending §162.19 Certification and Maintenance, and §162.21 Administration to modify regulations and add establishment of an advisory committee

Mayor Bennett opened the public hearing to consider amending Hiawatha Code of Ordinance Chapter 162 Storm Water Runoff Control §162.04 Applicability, deleting §162.05 Affidavit of Disclosure of Property Interest, amending §162.19 Certification and Maintenance, and §162.21 Administration to modify regulations and add establishment of an advisory committee at 6:06 P.M.

There were no written or public comments received at or prior to the public hearing. Public Hearing closed at 6:07 P.M.

Bruns moved the 1st Reading of ORDINANCE #879 amending Hiawatha Code of Ordinance Chapter 162 Storm Water Runoff Control §162.04 Applicability, deleting §162.05 Affidavit of Disclosure of Property Interest, amending §162.19 Certification and Maintenance, and §162.21 Administration to modify regulations and add establishment of an advisory committee, seconded by Norton. Roll call vote: AYES: Norton, Olson, Bruns, Wichtendahl. NAYS: None. ABSENT: Rampulla. **Motion carried.**

Olson moved to waive the 2nd and 3rd readings of ORDINANCE #879, seconded by Wichtendahl. **Motion carried.**

Bruns moved the adoption of ORDINANCE #879 amending Hiawatha Code of Ordinance Chapter 162 Storm Water Runoff Control §162.04 Applicability, deleting §162.05 Affidavit of Disclosure of Property Interest, amending §162.19 Certification and Maintenance, and §162.21 Administration to modify regulations and add establishment of an advisory committee, seconded by Norton. Roll call vote: AYES: Wichtendahl, Norton, Bruns, Olson. NAYS: None. ABSENT: Rampulla. ORDINANCE #879 adopted.

PUBLIC HEARING – to consider FY 2017 Budget Amendment #2

Mayor Bennett opened the public hearing to consider FY 2017 Budget Amendment #2 at 6:08 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.

Olson presented RESOLUTION #17-095 approving FY 2017 Budget Amendment #2, seconded by Norton. Roll call vote: AYES: Olson, Norton, Wichtendahl, Bruns. NAYS: None. ABSENT: Rampulla. **RESOLUTION #17-095 adopted.**

Setting a public hearing date (June 7, 2017 @ 5:30 P.M.) on the proposal to enter into a Development Agreement with MJS Investments, LLC and Midwest Aesthetics, Inc. and providing for publication of notice

Bruns presented RESOLUTION #17-096 setting a public hearing date (June 7, 2017 @ 5:30 P.M.) on the proposal to enter into a Development Agreement with MJS Investments, LLC and Midwest Aesthetics, Inc. and providing for publication of notice, seconded by Olson. Roll call vote: AYES: Norton, Wichtendahl, Olson, Bruns. NAYS: None. ABSENT: Rampulla. **RESOLUTION #17-096 adopted.**

Setting a public hearing date (June 7, 2017 @ 5:30 P.M.) to consider the proposal to enter into a Development Agreement with Crystal Group and providing for publication of notice

Olson presented RESOLUTION #17-097 setting a public hearing date (June 7, 2017 @ 5:30 P.M.) to consider the proposal to enter into a Development Agreement with Crystal Group and providing for publication of notice, seconded by Wichtendahl. Roll call vote: AYES: Bruns, Olson, Norton, Wichtendahl. NAYS: None. ABSENT: Rampulla. **RESOLUTION #17-097 adopted.**

Approving an Engagement Agreement to disclose and memorialize the terms and conditions for services provided by Ahlers and Cooney, P.C. (Bond Counsel) to the City of Hiawatha in connection with the issuance of Not to Exceed $5,265,000 General Obligation Capital Loan Notes

Norton presented RESOLUTION #17-098 approving an Engagement Agreement to disclose and memorialize the terms and conditions for services provided by Ahlers and Cooney, P.C. (Bond Counsel) to the City of Hiawatha in connection with the issuance of Not to Exceed $5,265,000 General Obligation Capital Loan Notes, seconded by Wichtendahl. Roll call vote: AYES: Olson, Bruns, Wichtendahl, Norton. NAYS: None. ABSENT: Rampulla. **RESOLUTION #17-098 adopted.**

Authorizing staff to proceed with the sale of the 1986 Pirsch Pumper, Unit 284 and authorize staff to accept the highest responsive responsible bid

Bruns presented RESOLUTION #17-099 authorizing city staff to proceed with the sale of the 1986 Pirsch Pumper, Unit 284 and additionally authorizing staff to accept the bid of the highest responsive, responsible bidder, seconded by Wichtendahl. Roll call vote: AYES: Norton, Wichtendahl, Olson, Bruns. NAYS: None. ABSENT: Rampulla. **RESOLUTION #17-099 adopted.**

Approving newly updated ambulance rates effective July 1, 2017

Bruns presented RESOLUTION #17-100 approving newly updated ambulance rates effective July 1, 2017, seconded by Norton. Roll call vote: AYES: Olson, Bruns, Wichtendahl, Norton. NAYS: None. ABSENT: Rampulla. **RESOLUTION #17-100 adopted.**

Motion approving the appointment of one (1) Volunteer Firefighter/EMT: Andrew Sheeley

Wichtendahl moved approving the appointment of one (1) Volunteer Firefighter/EMT: Andrew Sheeley, seconded by Bruns. **Motion carried.**

Approving the renewal of a Planned Service Agreement for the City Hall HVAC system including an annual software upgrade with Johnson Controls

Olson presented RESOLUTION #17-101 approving a three (3) year Planned Service Agreement with Johnson Controls of Cedar Rapids, to provide routine maintenance, various annual inspections, 32 hours of service annually, and annual systems update for the HVAC system at City Hall at a total annual cost of $5,016.00 for Year 1, $3,315.00 for Year 2 and $3,381.00 for Year 3, seconded by Norton. Roll call vote: AYES: Wichtendahl, Olson, Bruns, Norton. NAYS: None. ABSENT: Rampulla. **RESOLUTION #17-101 adopted.**

Approving a Professional Services Agreement with Anderson Bogert Engineers to conduct a study on the reconfiguration of North Center Point Road

Olson presented RESOLUTION #17-102 approving a Professional Services Agreement with Anderson Bogert Engineers to conduct a study on the reconfiguration of North Center Point Road in an amount not to exceed $7,500, seconded by Wichtendahl. Roll call vote: AYES: Bruns, Norton, Olson, Wichtendahl. NAYS: None. ABSENT: Rampulla. **RESOLUTION #17-102 adopted.**

2016-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Phase 2 Roadway Package Project

Bruns presented RESOLUTION #17-103 approving application for Partial Pay Estimate #6 for the 2016-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Phase 2 Roadway Package Project, and directing City Clerk to make payment to Rathje Construction Co., of Marion, Iowa, in the amount of $363,723.52, seconded by Wichtendahl. Roll call vote: AYES: Norton, Bruns, Wichtendahl, Olson. NAYS: None. ABSENT: Rampulla. **RESOLUTION #17-103 adopted.**

There being no further discussion, Wichtendahl moved to adjourn at 6:16 P.M., seconded by Bruns. Motion carried.

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Bill Bennett, Mayor

ATTEST:

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Kari Graber, Deputy Clerk