The Hiawatha City Council met in regular session in the Hiawatha Council Chambers on April 20, 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, Fire Chief Mike Nesslage and Police Chief Dennis Marks. Guests: Ron DeVall, Susan Fonnar, Waukima Berg, Chandra Kruff, Stacy Kraft, Phillip Matthews, Bronte' Hauptmann, Daniel Hoffmann and Tracy Bennett. Note: Not all guests in attendance signed in.

Rampulla moved the approval of the following consent agenda items: Approval of bills; Finance Director's Report for March 2016; City Clerk's Report for Marhc 2016; Department Reports: Community Development, Fire, Library, Parks and Recreation, Police and Public Works; Approval of renewal of Special Class C Liquor License (BW) (Beer/Wine), Outdoor Service, and Sunday Sales for Tomaso's Pizza & BBQ located at 1061 North Center Point Road, effective May 1, 2016; RESOLUTION #16-073 approving sewer waiver on second water meter for 108 19th Avenue Court; Accepting the appointment of Library Board Member: Sue Halter, effective January 1, 2016 - June 30, 2021, seconded by Norton. Motion carried.

Report from Council Members / Mayor / City Administrator

Council Member Norton stated that he attended the State of the Linn County luncheon today with members of city staff.

City Administrator Downs reminded everyone about the Comp Plan public input meeting that will be held on April 27, 2016 at 7:00 P.M. in the multipurpose room.

Citizens Input

Becky McBird of Kainz Drive spoke to council regarding a formal complaint she made about the PA system at Dave Wright Nissan Subaru and Hawkeye Communications and the construction right behind her house. McBird said city staff did a white noise study and determined that the PA system did not go over the normal white noise level, but McBird feels the PA system is not white noise. McBird stated that she works nights and sleeps during the day and the PA system and the construction with the lights shining right in her window is driving her crazy. McBird continued to state the way technology is today there is no need for a PA system. McBird also mentioned the driveway that was put in by Dave Wright Nissan was requested by people who do not live there anymore and McBird was told that it was not required because the cul-de-sac was big enough for turn around. McBird continues to state she was told that the employees and technicians will not be using the drive at all but people are constantly driving thru there morning, during lunch and evenings.

City Council response to Bronte' Hauptmann Appeal of Order to Remove a dangerous/vicious animal at the property located at 1081 Emmons Street in connection with Code of Ordinances Chapter 57 Dangerous and Vicious Animals

Bronte' Hauptmann of 1081 Emmons Street explained to council that she has owned Bella her dog since the dog was six weeks old and Bella has never attacked anybody. Hauptmann said Bella is two years old now and is very hyper, loves to jump and she is trying to get her to stop it. Bella is currently living with Hauptmann's friend Jen, who was also present when the incident with the little boy occurred. Hauptmann continued on to say that the little boy called Bella's name, Bella jumped and the little boy yelled and told Hauptmann that Bella scared him. Hauptmann explained that she takes the dog to all her vet appointments and the dog is not a vicious animal.

Council Member Rampulla asked which incident Hauptmann witnessed as there was two reports that stated incidents happened in the front lawn and in the driveway.

Jen (friend of Hauptmann) commented that the reports are referring to the same incident because the front yard and driveway are next to each other.

Council Member Norton stated the little boy's mother wrote in a letter that Hauptmann said the dog broke out of the house and tackled the little boy in the driveway and bit him. The little boy's mother also wrote that her daughter was also outside playing and confirmed what happened and that the little girl was very scared also.

Hauptmann explained the day of the incident with the little boy; Hauptmann's mom had taken the dog inside because Bella jumps. Hauptmann had returned from the Pallisades, went into the house and downstairs to her room; the screen door does not lock and the dog went out the front door where he kids were playing.

Council Member Norton commented that he read the literature and looks like the little boy was bit on April 3, 2016; a little girl was bit on April 7, 2016 and another incident involving another little girl in 2015 totaling three separate incidents.

Hauptmann stated there were only two different episodes. The first episode involved a neighbor's granddaughter who came into the yard, up on Hauptmann's deck while Hauptmann's mom was inside. On the deck, two dogs were chained up and the one dog bit the little girl. Hauptmann's mom went to the police department after the incident and was told she did not need to fill out a report and that the little girl trespassed into Hauptmann's yard. Hauptmann explained that her mom had gotten the number of the little girl's dad and had checked in with them but did not hear from the family again.

Council Member Norton stated that the Code of Ordinances spells out what the issues are.

Council Member Wichtendahl commented that from her perspective the injuries sustained by the children and the fact that the incidents happened within a span of two days is most concerning. Wichtendahl said this clearly illustrates if council were to do nothing the potential for another incident is very high. Wichtendahl continued to say from reading all the letters it is very clear that Hauptmann loves her dog but the incidents that occurred do not leave the council with a lot of choice.

Council Member Rampulla commented that the ordinance says if the incident is a claw or a bite above the shoulders it is considered the same thing and the regulations are not breed specific. It does not matter what kind of dog it is, all dog breeds are still going to be under the same ordinance and be bound by what that says.

Hauptmann asked if there would be a difference depending on the age of the person who got bit or scratched.

Council Member Bruns answered age does not make a difference. The way the code is written council's hands are tied because it states that if said animal has bitten or clawed a person or persons on two separate occasions within a 12 month period or did bite or claw once causing injuries above the shoulders of the person. The animal must be removed from the city.

Olson moved to affirm the Police Department Dangerous Animal Notice dated April 8, 2016 ordering permanent removal of a dog named Bella owned by Hauptmann from the City of Hiawatha by April 23, 2016 as per Code of Ordinances Chapter 57 Dangerous and Vicious Animals §57.04(5) requiring removal of vicious animal within three (3) days from the date of City Council's decision, seconded by Rampulla. Motion carried.

Amending Hiawatha Code of Ordinances Chapter 110 Natural Gas Franchise amending §110.09 Franchise Fee by increasing the current franchise fee from 0% to 3% and adding additional language to correspond with Ordinance #629 Franchise Agreement with MidAmerican Energy Company

Bruns moved the 3rd Reading of ORDINANCE #860 amending Hiawatha Code of Ordinances Chapter 110 Natural Gas Franchise amending §110.09 Franchise Fee by increasing the current franchise fee from 0% to 3% and adding additional language to correspond with Ordinance #629 Franchise Agreement with MidAmerican Energy Company, seconded by Olson. Motion carried.

Bruns moved the adoption of ORDINANCE #860 amending Hiawatha Code of Ordinances Chapter 110 Natural Gas Franchise amending §110.09 Franchise Fee by increasing the current franchise fee from 0% to 3% and adding additional language to correspond with Ordinance #629 Franchise Agreement with MidAmerican Energy Company, seconded by Norton. Roll call vote: AYES: Rampulla, Wichtendahl, Olson, Norton, Bruns. NAYS: None. ABSENT: None. ORDINANCE #860 adopted.

Amending Hiawatha Code of Ordinances Chapter 111 Electric Franchise by amending §111.07 Franchise Fee by increasing the current franchise fee from 0% to 3% and amending and repealing provisions of Ordinance #580 Electric Franchise Agreement with Interstate Power & Light Company

Rampulla moved the 3rd Reading of ORDINANCE #861 amending Hiawatha Code of Ordinances Chapter 111 Electric Franchise amending §111.07 Franchise Fee by increasing the current franchise fee from 0% to 3% and amending and repealing provisions of Ordinance #580 Electric Franchise Agreement with Interstate Power and Light Company, seconded by Wichtendahl. Motion carried.

Olson moved the adoption of ORDINANCE #861 amending Hiawatha Code of Ordinances Chapter 111 Electric Franchise amending §111.07 Franchise Fee by increasing the current franchise fee from 0% to 3% and amending and repealing provisions of Ordinance #580 Electric Franchise Agreement with Interstate Power and Light Company, seconded by Norton. Roll call vote: AYES: Olson, Rampulla, Wichtendahl, Bruns, Norton. NAYS: None. ABSENT: None. ORDINANCE #861 adopted.

PUBLIC HEARING - on the authorization of a Loan Agreement and the issuance of Notes to evidence the obligation of the City thereunder for Not to Exceed $200,000 General Obligation Capital Loan Notes
Mayor Bennett opened the public hearing on the authorization of a Loan Agreement and the issuance of Notes to evidence the obligation of the City thereunder for Not to Exceed $200,000 General Obligation Capital Loan Notes at 5:51 P.M.

No written or public comments were received at or prior to the public hearing. Public Hearing closed at 5:51 P.M.

Bruns presented RESOLUTION #16-074 instituting proceedings to take additional action for the issuance of Not to Exceed $200,000 General Obligation Capital Loan Notes, seconded by Rampulla. Roll call vote: AYES: Norton, Olson, Bruns, Wichtendahl, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #16-074 adopted.**

PUBLIC HEARING - on the authorization of a Loan Agreement and the issuance of Notes to evidence the obligation of the City thereunder for Not to Exceed $700,000 General Obligation Capital Loan Notes
Mayor Bennett opened the public hearing on the authorization of a Loan Agreement and the issuance of Notes to evidence the obligation of the City thereunder for Not to Exceed $700,000 General Obligation Capital Loan Notes at 5:52 P.M.

No written or public comments were received at or prior to the public hearing. Public Hearing closed at 5:52 P.M.

Rampulla presented RESOLUTION #16-075 instituting proceedings to take additional action for the issuance of Not to Exceed $700,000 General Obligation Capital Loan Notes, seconded by Norton. Roll call vote: AYES: Wichtendahl, Rampulla, Bruns, Olson, Norton. NAYS: None. ABSENT: None. **RESOLUTION #16-075 adopted.**

PUBLIC HEARING - on the authorization of a Loan Agreement and the issuance of Notes to evidence the obligation of the City thereunder for Not to Exceed $2,090,000 General Obligation Capital Loan Notes
Mayor Bennett opened the public hearing on the authorization of a Loan Agreement and the issuance of Notes to evidence the obligation of the City thereunder for Not to Exceed $2,090,000 General Obligation Capital Loan Notes at 5:53 P.M.

No written or public comments were received at or prior to the public hearing. Public Hearing closed at 5:53 P.M.

Bruns presented RESOLUTION #16-076 instituting proceedings to take additional action for the issuance of Not to Exceed $2,090,000 General Obligation Capital Loan Notes, seconded by Rampulla. Roll call vote: AYES: Olson, Norton, Bruns, Wichtendahl, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #16-076 adopted.**

$2,945,000 (Dollar Amount Subject to Change) General Obligation Capital Loan Notes, Series 2016A – Directing the Advertisement for Sale and Approving Electronic Bidding Procedures
Bruns presented RESOLUTION #16-077 directing the advertisement for sale of $2,945,000 (dollar amount subject to change) General Obligation Capital Loan Notes, Series 2016A and approving electronic bidding procedures, seconded by Wichtendahl. Roll call vote: AYES: Rampulla, Bruns, Olson, Wichtendahl, Norton. NAYS: None. ABSENT: None. **RESOLUTION #16-077 adopted.**

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 bonds, notes and other obligations, and further authorizing the Mayor to sign the agreement on behalf of the City
Norton presented RESOLUTION #16-078 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 bonds, notes and other obligations, and further authorizing the Mayor to sign the agreement on behalf of the City, seconded by Wichtendahl. Roll call vote: AYES: Bruns, Olson, Wichtendahl, Rampulla, Norton. NAYS: None. ABSENT: None. **RESOLUTION #16-078 adopted.**

Electric Utility Franchise with Linn County Rural Electric Cooperative Association (REC) – Revenue Purpose Statement and Setting Public Hearing Date

Revenue Purpose Statement -

Olson presented RESOLUTION #16-079 setting a public hearing date (May 4, 2016 @ 5:30 P.M.) to consider adopting a Revenue Purpose Statement regarding use of revenues from proposed electric franchise fees pursuant to Iowa Code §364.2(4)(f) in connection with the Electric Utility Franchise with Linn County Rural Electric Cooperative Association (REC), seconded by Bruns. Roll call vote: Wichtendahl, Norton, Rampulla, Olson, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #16-079 adopted.**

Setting Public Hearing Date -

Norton presented RESOLUTION #16-080 setting a public hearing date (May 4, 2016 @ 5:30 P.M.) to consider amending Hiawatha Code of Ordinances by adding Chapter 111A Electric Franchise establishing an electric utility franchise with Electric Utility Franchise with Linn County Rural Electric Cooperative Association (REC) and implementing a 3% franchise fee in connection with the REC, seconded by Rampulla. Roll call vote: AYES: Norton, Olson, Bruns, Rampulla, Wichtendahl. NAYS: None. ABSENT: None. **RESOLUTION #16-080 adopted.**

Special Event request submitted by El Kahir Shrine located at 905 Tower Terrace Road

Rampulla moved approval of a special event request to hold a 5K Run/Walk in Hiawatha on August 13, 2016, as submitted by Kahir Shrine located at 905 Tower Terrace Road, seconded by Olson. Motion carried.

Mosquito Control 2016

Matt Welter of Mosquito Control of Iowa spoke to council stating that Mosquito Control does a full program in the season. Mosquito Control started in Hiawatha a few years ago including anywhere from six to 12 sprays but figure about eight sprays per season. Mosquito Control does residual spraying in parks for city events, walk the trails and along the creeks with spray that last for about four to six weeks; any mosquitoes that come into that area and land or come in contact will die. Mosquito Control does some larvacide but Hiawatha does not have a lot of standing water in town. There are some retention ponds but they are nicely maintained so for the most part it is just residual and on-site fogging. Mosquito Control does everything by ground now and the airplane is used only for emergency situations.

Council Member Rampulla asked if Mosquito Control's treatments kill mosquitoes that carry the zika virus and if the fogger also kills ticks.

Welter answered yes the treatment does capture the Zika virus but the likely hood of it being carried in Iowa is very slim. Mosquito Control has special equipment to handle the mosquitoes that carry the virus but the mosquitoes do not travel long distance, they only travel 600 feet from where they hatch. The residual spray kills ticks, fogging does not.

Fire Chief Nesslage commented that mosquito control is a public health issue and Nesslage inquired into the public health department because he was curious. Right now in Linn County people that have tested positive for malaria etc… mosquito control helps with all those things. The mosquito control program is not just throwing money into comfort it is Hiawatha's effort to make a safe community.

Bruns presented RESOLUTION #16-081 awarding a contract for mosquito control services with Mosquito Control of Iowa of Rolfe, Iowa at a cost of $20,000.00 for a full Integrated Pest Management program including surveying, integrated pest management, larvacide monitoring and up to eight to ten treatments for the 2016 season, seconded by Olson. Roll call vote: AYES: Bruns, Olson, Norton, Rampulla, Wichtendahl. NAYS: None. ABSENT: None. **RESOLUTION #16-081 adopted.**

Authorizing the Mayor to sign an agreement with Cedar Rapids Toyota for the purchase of a Toyota Tacoma Truck in the amount of $1.00 for the Parks Department to use from May through October

Olson presented RESOLUTION #16-082 approving the purchase of a 2006 Toyota Tacoma 4WD Truck from Cedar Rapids Toyota in the amount of $1.00 for the use of the Parks Department from May – October 2016, and during the time the 2006 Toyota Tacoma Truck is being utilized by the Parks Department, the City will be responsible for basic maintenance on the vehicle, gas expenses and adding the vehicle to the ICAP insurance policy, seconded by Wichtendahl. Roll call vote: AYES: Rampulla, Norton, Wichtendahl, Olson, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #16-082 adopted.**

Amateur Radio Field Day in Clark Park past the 10:00 p.m. curfew on June 24-26, 2016
Norton presented RESOLUTION #16-083 approving an Amateur Radio Field Day in Clark Park past the 10:00 p.m. curfew on June 24-26, 2016, seconded by Bruns. Roll call vote: AYES: Wichtendahl, Olson, Bruns, Norton, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #16-083 adopted.**

Outage Ambulance/Safety Support Contract between the City of Hiawatha Fire Department and Nextera Energy Duane Arnold Energy Center to provide stand-by medical services
Olson presented RESOLUTION #16-084 authorizing an Outage Ambulance/Safety Support Contract between the City of Hiawatha Fire Department and Nextera Energy Duane Arnold Energy Center for fire department services at a rate of $60.00 per hour/per person onsite, seconded by Bruns. Roll call vote: AYES: Norton, Bruns, Wichtendahl, Rampulla, Olson. NAYS: None. ABSENT: None. **RESOLUTION #16-084 adopted.**

Fire Department purchase of ten (10) Self-Contained Breathing Apparatus (SCBA) Cylinders
Rampulla presented RESOLUTION #16-085 authorizing the Fire Department purchase of 10 Self-Contained Breathing Apparatus (SCBA) cylinders in a total amount not to exceed $7,650.00, utilizing available funding in the Fire Department Minor Equipment Fund, seconded by Wichtendahl. Roll call vote: AYES: Olson, Bruns, Wichtendahl, Rampulla, Norton. NAYS: None. ABSENT: None. **RESOLUTION #16-085 adopted.**

2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project
Awarding Contract -
Bruns presented RESOLUTION #16-086 approving and making award of contract to Ricklefs Excavating, Inc. of Anamosa, Iowa in the amount of $810,269.93 for the construction of the 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project, seconded by Rampulla. Roll call vote: AYES: Rampulla, Bruns, Olson, Wichtendahl, Norton. NAYS: None. ABSENT: None. **RESOLUTION #16-086 adopted.**

Execution of a Real Estate Purchase Agreement for the purchase of a portion of property located at 97 North Center Point Road owned by PAKAR Management, LLC -
Olson presented RESOLUTION #16-087 approving and authorizing execution of a Real Estate Purchase Agreement for the purchase of a portion of property located at 97 North Center Point Road owned by PAKAR Management, LLC with a purchase price of $3,470.00 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, Olson, Wichtendahl, Norton, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #16-087 adopted.**

Purchase of traffic light signaling equipment for the intersection -
Bruns presented RESOLUTION #16-088 authorizing city staff to move forward with ordering and purchasing the necessary traffic signal equipment including decorative signal poles and mast arms at a total estimated cost of $90,000.00, for the 2015-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Project, seconded by Norton. Roll call vote: AYES: Olson, Norton, Wichtendahl, Bruns, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #16-088 adopted.**

Sidewalk deferment for the property located at 1450 Hawkeye Drive
Bruns presented RESOLUTION #16-089 approving 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, seconded by Rampulla. Roll call vote: AYES: Wichtendahl, Rampulla, Olson, Norton, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #16-089 adopted.**

Revised plan of improvements for R&S First Addition
Rampulla presented RESOLUTION #16-090 approving the revised plan of improvements for R&S First Addition, seconded by Bruns. Roll call vote: AYES: Norton, Rampulla, Olson, Wichtendahl, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #16-090 adopted.**

Improvements installation for Pines at Turtle Creek Fifth Addition
Olson presented RESOLUTION #16-091 accepting improvements installation for Pines at Turtle Creek Fifth Addition, seconded by Wichtendahl. Roll call vote: AYES: Bruns, Norton, Wichtendahl, Olson, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #16-091 adopted.**

Release of a Development Agreement between City of Hiawatha and Forrest Ridge, LLC for Dell Ridge First Addition
Bruns presented RESOLUTION #16-092 approving the release of a Development Agreement between City of Hiawatha and Forrest Ridge, LLC for Dell Ridge First Addition, seconded by Norton. Roll call vote: AYES: Wichtendahl, Olson, Norton, Bruns, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #16-092 adopted.**

2015 Water and Sewer Extension Project – Change Order #2
Rampulla presented RESOLUTION #16-093 approving Change Order #2 for the FY 2015 Water and Sewer Extension Project with no increase in current total project contract amount of $1,289,651.00, seconded by Wichtendahl. Roll call vote: AYES: Olson, Rampulla, Bruns, Norton, Wichtendahl. NAYS: None. ABSENT: None. **RESOLUTION #16-093 adopted.**

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

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk