The Hiawatha City Council met in a Work Session on October 9, 2017. Mayor Bill Bennett called the meeting to order at 4:00 P.M. Council members present: Marty Bruns, Bob Rampulla, Dick Olson, Aime Wichtendahl, and Dennis Norton. Staff present: City Administrator Kim Downs, Finance Director Cindy Kudrna, Public Works Superintendent Rod Jasa, City Engineer John Bender, Parks and Recreation Director Kelly Willadsen, Fire Chief Mike Nesslage, Police Chief Dennis Marks, and Community Development Director Patrick Parsley. Guests: Daniel Hoffmann and Kenny Jones.

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

Sidewalk Audit and next steps

Community Development Director Parsley explained last year city council authorized an evaluation of Hiawatha's sidewalk deficiency standard and a sidewalk study due to a growing number of concerns and complaints.

Parsley said the city's liability insurance carrier ICAP performed a sidewalk assessment in the area between Miller Road and 10th Avenue between Boyson Road and Emmons Street containing approximately six miles of street and 12 miles of sidewalk. This area makes up about 20% of the total sidewalks in Hiawatha. Parsley stated the study revealed 120 defects in the sidewalks and most of the issues were due to vertical separations of one inch or more. The study also showed 14 accessibility curb ramps with deficiencies.

Parsley explained after reviewing the results of the study he recommends Hiawatha start a sidewalk maintenance program with the goal to maintain and improve the existing public sidewalks. Parsley said the estimated total cost of the repairs for the deficiencies noted in the assessment report, not including the accessibility ramps is $85,000. Parsley stated the recommended upgrades to the accessibility ramps would be an additional $20,000.

Parsley presented two options for sidewalk maintenance programs:

Option 1 – divide Hiawatha into five geographical areas and every two years the sidewalks in one of the areas would be thoroughly inspected in accordance with criteria established by City Ordinance with oversight by the City Engineer to determine if sidewalk repairs are necessary. The parkway, driveway approaches, and water stop boxes located outside of the sidewalk are not inspected s part of the maintenance program.

Property owners adjacent to sidewalks that are marked for repair would be notified of their responsibility to repair the sidewalk through a certified letter.

A re-inspection of the sidewalks marked for repair will be made after the deadline date. Satisfactory repairs are noted and no further action is necessary. However, if the repair work is unsatisfactory, the adjoining property owner will be notified. If no attempt was made to repair the sidewalk, or if the unsatisfactory repairs were not corrected, a letter will be sent to the owner notifying them the city will complete the repair work and all associated costs will be billed to the property owner. If the invoice is not paid, the property owner will be assessed for all fees and administrative penalties through the Linn County Recorder/Treasurer's office.

The City will arrange for the completion of the repair work to the sidewalks. The adjoining property owner will be invoiced for all construction costs plus a $30 administrative fee as allowed by Hiawatha ordinance. If the invoice remains unpaid, the costs will be assessed against the property in accordance with City Code.

If the sidewalk is eight feet in width, the city will share in the costs to repair the sidewalk. The city will be responsible for the costs to repair the sidewalk square footage in excess of a five feet sidewalk. If the property owner is repairing the sidewalk, they must receive approval from the City prior to commencement of repairs. If the City repairs the 8-foot sidewalk, the property owner will be invoiced for a 5' width of the construction costs plus a $30 administrative fee.

If the damage to the sidewalk is caused by a city owned item, i.e. a water main valve (not a service valve), a sewer manhole located within the sidewalk, or a tree located within the parkway, the city will take responsibility for the repair of the sidewalk as long as the damage is directly attributable to the item. Just because a city-owned item is present does not automatically mean that the item is the cause of the damage. Each situation will be evaluated individually by city staff. The city is responsible for the maintenance and repair of curb ramps at public streets.

Option 2 – divide Hiawatha into five geographical areas and every two years the sidewalks in one of the areas would be thoroughly inspected in accordance with criteria established by city ordinance with oversight by the city engineer to determine if sidewalk repairs are necessary. The parkway, driveway approaches, water stop boxes located outside of the sidewalk are not inspected s part of the maintenance program.

City engineer awards an RFP to a contractor willing to perform sidewalk repairs in accordance with city standards and the time frames specified in the program. The contract with the contractor will be with the City of Hiawatha and not the individual property owners.

Property owners of record listed at the County Assessor's office adjacent to sidewalks that are marked for repair will be notified of their responsibility to repair the sidewalk through a certified notification letter.

A re-inspection of the sidewalks marked for repair will be made during the permitted construction. Satisfactory repairs are noted and no further action is necessary. However, if the repair work is unsatisfactory, the adjoining property owner will be notified.

If no attempt was made to repair the sidewalk and the property owner did not choose the option to pre-pay for the repairs, or if the unsatisfactory repairs were not corrected, a letter will be sent to the owner notifying them the city will complete the repair work and all associated costs and penalties will be billed to the property owner, and all unpaid costs and fees will be assessed through the Linn County Recorder/Treasurer's office.

The city will arrange for the completion of the repair work to the sidewalks which were not completed by the property owner and which were requested by pre-payment using the contractor awarded the contract through the RFP process.

The adjoining property owners who did not complete their own sidewalk deficiency and did not pre-pay will be invoiced for all construction costs plus a $30 administrative fee as allowed by Hiawatha ordinance. If the invoice remains unpaid, the costs will be assessed against the property in accordance with city code.

If the sidewalk is eight feet in width, the city will share in the costs to repair the sidewalk. The city will be responsible for the costs to repair the sidewalk square footage in excess of a five foot sidewalk. If the property owner is repairing the sidewalk, they must receive approval from the city prior to commencement of repairs. If the City repairs the 8-foot sidewalk, the property owner will be invoiced for a five foot width of the construction costs plus a $35 administrative fee.

If the damage to the sidewalk is caused by a city owned item, i.e. a water main valve (not a service valve), a sewer manhole located within the sidewalk, or a tree located within the parkway, the City will take responsibility for the repair of the sidewalk as long as the damage is directly attributable to the item. Just because a city-owned item is present does not automatically mean that the item is the cause of the damage. Each situation will be evaluated individually by city staff.

The city is responsible for the maintenance and repair of curb ramps at public streets. These repairs may be included in the RFP.

Council Member Dick Olson asked if Local Option Sales and Service Tax (LOSST) dollars can be used for the sidewalk maintenance program.

City Administrator Downs confirmed LOSST dollars as an option.

Council Member Bruns cautioned the city needs to be careful with putting people in a financial bind.

Downs said if modifications can be made staff will look at those options for the residents.

Council Member Olson directed staff to work on a plan for implementation of Option 2.

Topsoil Ordinance requirements

City Engineer Bender explained staff reviewed the existing Hiawatha Code of Ordinances Chapter 167, Filling and Grading with the Storm Water Committee, it has been determined Section 167.10 actually calls out the finishing grading requirement to be completed according to Section 02900 of the Metro Standards. This section under paragraph 3.03, calls out the replacement of four to six inches of new topsoil. Bender said this requirement has only been enforced under existing Capital Improvement Plan (CIP).

Bender continued to state topsoil has been replaced on most commercial developments; however residential lots have had varying results based upon the builder's standard practice. Bender added if the city starts enforcing Chapter 167 on residential lots, this would be a change to standard practice to date.

Bender recommended a transition to the Statewide Urban Design and Specifications (SUDAS) along with the City of Cedar Rapids by July 2018. The plan would be to phase out the Metro Standards, including section 02900 which the city has been using since the early 2000's. Bender suggested the best approach at this time is to review site plans submitted and encourage the replacement of topsoil, but wait for any additional enforcement of topsoil rules until next year when SUDAS has been adopted. There is currently a section on topsoil in the specifications that would become the guideline for any enforcement at that time.

Bali Hi Sanitary Sewer Expansion Development Agreement

City Engineer Bender explained engineering has reviewed the preliminary plat of Bali Hai Addition to the City of Hiawatha. This is a preliminary plat of the area just to the north of the existing Bali Hai mobile home park.

Bender said the preliminary plat is in conjunction of the rezoning request from existing A zoning to C-4 Central Service District, to allow the owner to maintain one lot for construction of an equipment and maintenance building, and provide another lot for future C-4 development.

Bender said there is a need for a drainage easement to accommodate the storm water flow from adjoining properties and a sanitary sewer easement for the extension of a public sanitary sewer from the existing Dry Creek interceptor to Robins Road for future sewer service. Bender added if the city will consider participating in the sewer extension cost with either the additional size and or length of the line to serve properties on the west side of Robins Road, approximately 25 acres can be opened for redevelopment.

Bender stated the estimated construction cost of $81,065.35, and Bender is looking at two potential options for completion of this project:

Option #1-Participate in sewer over size costs:

524 feet at $41.35/foot=	$21,667
2 manholes at $4750/each	$ 9,500
717 at $2.65/foot	$ 1,900
Clearing and Grubbing	$ 6,200
Seeding	$ 1,700
Total	**$40,967.00**

Option #2-Fund only the extension to Robins Road:

524 feet at $41.35/foot	$21,667
2 manholes at $4750/each	$ 9,500
Clearing and Grubbing	$ 6,200
Seeding	$ 1,700
Total	**$39,067.00**

Bender said due to the fact that both options are approximately $40,000, the recommendation is for sewer to be designed, permitted, and constructed on Bali Hi property with city participation in cost up to the $40,000 amount. After the sewer is installed and inspected by city staff and a permanent sewer easement recorded, the city will reimburse the developer the $40,000, plus a share of any unforeseen cost such as groundwater or bedrock removal. But the maximum contingency will be 10% or $4,000. Bender recommended entering into a developer's agreement for the extension of sanitary sewer.

City Council members directed staff to bring the item back to a regular City Council meeting for consideration of a development agreement.

Iowa Department of Natural Resources (IDNR) Tree Inventory and action plan

Parks and Recreation Director Willadsen and Public Works Superintendent Jasa presented information on the Urban Forest Management Plan and Emerald Ash Borer Plan and the Department of Natural Resources recommendations for sustainable tree grant inventory.

Tree inventory history:

In 2016, a tree inventory was conducted that included 100% of the city owned trees on both streets and parks.

1. The tree data was collected using a handheld Global Positioning System (GPS) receiver.
2. The data collector gives Geographic Information Systems (GIS) coordinates with an accuracy of 3 meters, which can be used in Arc GIS as an active GIS data layer. Because the inventory is a digital document the data can be updated with new information and become a working document.

Over the next year the city's GIS employee will be helping through use of the City's GIS software to continue updating the information whenever trees are planted, maintained or removed. This will allow the city to be self-sufficient and know what is going on at all times.

Inventory results:

Below are some key findings of the 2,961 trees inventoried.

- Hiawatha's trees provide $240,066 of benefits annually (energy, storm water, air quality, carbon, and aesthetics) an average of $81 a tree.
- There are over 60 species of trees, but only 10 species count for 61% of the public trees
- The top three genera are: Maple 25%, Apple (Crabapple) 14%, and Ash 13%
- 28% of trees are in need of some type of management
- 93 trees are recommended for removal AND 17 are of critical concern.
- A total of '697' trees need some sort of crown maintenance.

Hiawatha has over 60 different tree species along city streets and parks.

Hiawatha has 17 trees that need removal considered critical concern, plus there are another 76 that need to be considered for removal.

1. It is recommended to start with the large diameter trees first. There are 12 trees over 24 inches in diameter at 4.5 ft that should be addressed immediately.
2. After all of the trees within the next year are removed, there will be follow up on the trees marked as needing maintenance.

Most of the planting over the next 5 years will replace the trees that are removed.

1. It is recommended to plant 1.2 trees for every tree removed, since survival rates will not be 100%.
2. It is not essential that the new trees be planted in the same location of the trees being removed. However, maintaining the same number of trees helps ensure continuation of the benefits of the existing forest in Hiawatha.

It is important to plant a diverse mix of species in the urban forest to maintain canopy health, since most insects and diseases target a genus (ash) or species (green ash) of trees.

Continual Monitoring:

Due to the threat of EAB and the fact it is just north in Toddville, it is important to continuously check the health of ash trees.

- It is recommended that ash trees be checked with a visual survey every year for tree decline and for the following signs and symptoms: canopy dieback, epicormic shoots, bark splitting, D-shaped borer exit holes, and wood pecker damage.

Budget Concerns:

- Today our budget for EAB is $0
- Using the current estimated tree removal budget at $600 / tree it would take ~29 years to remove the existing public ash trees (385).
- This would not include cost of removing the 89 non-ash tree species listed to be removed.
- To remove all ash trees within 6 years, the budget needed is $38,500 per year.
- If our budget is $10,000 annually all ash could be removed in 24 years, if we include all other species needing removal (89 trees) could be removed in 28 years.
- Inevitably the EAB will kill all ash trees in the area within the next 4 to 15 years; We know there are reports that have identified the EAB in Linn County along 1-380/80 and in close proximity to Toddville.

Staff Recommended Budget:

- Ash Tree removal: $10,000 for trees bigger than 20". Staff will remove 20" or smaller.
- Replanting: $5,000. This will be additional to grant opportunities.
- Ongoing care (chips, pruning, staking, tree wrap, watering, etc): $5,000 for materials with staff or contractor doing the labor.
- Tree Trimming (crown work): $15,000(every other year forever) ¼ to 1/3 of city.
  Three years ago, before the inventory was complete, the City set aside $30,000.00 (LOSST) for 3 years to plan for the EAB. Based on the DNR report $90,000 would only cover 150 trees out of the 385.
- This funding starts in FY19. With the tree removal budget staff will start by removing critical concern trees while monitoring EAB signs and symptoms.
- It is also worth noting that the size of EAB populations in a specific area will change over time. Populations initially build very slowly, but later increase rapidly as more trees become infested.
- As EAB populations reach peak densities, a high proportion of the untreated ash trees in a given area will decline and die, usually over a 3-5 year period. Once untreated ash trees in the area succumb, however, the local EAB population will decrease substantially.
- If Hiawatha becomes fully infested, more funds will be needed to remove Ash trees.

Jasa mentioned Code of Ordinances Chapter 151 currently lists City Council as the responsible party to inspect; need to change this to city staff

Council Member Olson directed staff to come up with a total cost to complete the program.

Fireworks Ordinance
City Administrator Downs provided the following information in her memo included in the council packet:

Last summer council unanimously voted to mirror Iowa's Senate File 489 that allowed the use and sales of fireworks in Hiawatha. The bill reversed decades of a prohibition that allowed only novelty fireworks like sparklers, snakes and now bottle rockets, firecrackers, roman candles, and other consumer-grade fireworks during two yearly time periods June 1 through July 8 and December 10 through January 3 of each year. The bill also allowed the retails sales at permanent buildings from June 1 and July 8 and between December 10 and January 3 each year. Temporary structures retail sales were also allowed from June 13 through July 8 with no zoning restrictions.

Shortly, thereafter city staff began receiving phone calls and concern citizens' emails asking the city to limit or ban fireworks due to high fireworks activity. Initially, staffs' thought process was that people would police themselves but we soon discovered that was not necessarily the case. City staff received at least 30 recordable requests from citizens asking to limit the use to one day or to ban the use.

During the July meeting, Mayor Bennett asked council to consider having discussions to change the city's position on the use of fireworks. On August 22 the city of Cedar Rapids took action banning the use of fireworks and limiting the sales of fireworks to industrial zoned areas only. The City of Marion continues to have discussions but appears to be favoring the use of fireworks only on the 4th of July and limiting the zones for sales.

Chief Marks stated his preference is to allow a very short window for the use of fireworks either from July 1-4 or July 3-4. Marks felt a total ban would cause otherwise law-abiding citizens to break the law. Marks said it is very difficult to catch the person that let off the fireworks; need to have the ability to enforce. Marks suggested putting the fine on the homeowner.

Chief Nesslage expressed his support in banning fireworks as the bill has resulted in needless injuries for Iowa children, created problems for war veterans suffering from post-traumatic stress disorder and caused trouble for many dogs.

Staff will make the necessary changes to the Code of Ordinances and bring back to City Council for consideration at a regular meeting.

Paris Climate Agreement
City Administrator Downs provided the following information in her memo included in the council packet:

The Paris climate agreement, is a landmark model of international cooperation marking the deepest global commitment to combat the threat of climate change. Its an agreement within the United Nations Framework Convention on Climate Change (UNFCCC) dealing with greenhouse gas emissions mitigation, adaption and finance starting in the year 2020.

In the Paris Agreement, each country determined, plans and regularly reports its own contribution it should make in order to mitigate global climate changes. There is no mechanism to force a country to set a specific target by a specific date, but each target should go beyond previously set targets.

In June 2017, U.S. President Donald Trump announced his intention to withdraw the United States from the agreement, causing widespread condemnation in the European Union and many sectors in

the United States. Under the agreement, the earliest effective date of withdrawal for the U.S. is November 2020.

Linn County Supervisors passed a resolution in July supporting the Paris Climate Agreement with the intentions to reduce the threat of climate change. The supervisor's resolution is quite in depth. As the city council you may not want to go that deep or if at all. If you as a majority would decide you would like to recognize the Paris Climate Agreement I would assume you would want to approve a resolution that reflects what we currently do as a city to aid in the reduction of emission and to reduce our energy footprint.

The way the City of Hiawatha is doing this today is through a storm water control program, required certifications of retention ponds every two years, maintaining water runoff on your own property, consideration for solar energy on new construction, top soil policy, tree inventory maintenance program, etc... The Paris Climate Agreement is a voluntary non-binding document.

Council Member Wichtendahl requested a resolution in support of the Paris Climate Agreement and drafted language for the resolution.

City Council members directed staff to bring the resolution back to a regular City Council meeting for consideration of approval.

There being no further discussion, Rampulla moved to adjourn the meeting at 5:49 P.M., seconded by Wichtendahl. Motion carried.

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Bill Bennett, Mayor

ATTEST:

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Kelly Kornegor, City Clerk