The Hiawatha City Council met in regular session in the Hiawatha Council Chambers on October 3, 2018. Mayor Bill Bennett called the meeting to order at 5:30 p.m. Council members present: Steve Dodson, Aime Wichtendahl, Dennis Norton, and Dick Olson. Rob Archibald was present by phone. City Staff present: City Administrator Kim Downs, City Attorney Mark Parmenter, Community Development Director Patrick Parsley, Fire Chief Mike Nesslage, and Police Chief Dennis Marks. Guests: Quinn Jensen, Nancy and Brice Anton Jensen, Dave Wright, Daniel Hoffmann, Bill Elson and spouse and Elizabeth Schmelzer. Not all attendees signed in for the meeting.

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

Dodson moved the approval of the following consent agenda items: Approval of bills, Month End Reports, Finance Director's Report – August 2018, City Clerk's Report – August 2018; Department Reports: Fire; Regular Meetings September 5, 2018 and September 19, 2018; Receive and File Minutes of Boards/Commissions/Committees: Library September 11, 2018, Planning and Zoning August 27, 2018, and Water Board September 18, 2018; Approval of upgrade to current liquor license – adding Class B Wine Permit for Casey's General Store #2764 located at 780 N Center Point Road, effective immediately; Approval of temporary five (5) day liquor license - Class B Beer (BB) including wine coolers and outdoor service for El Kahir Shrine Company to hold 5K Halloween Party on October 13, 2018, on the property located at 905 Tower Terrace Road; City Engineer's Report, Mayor's Report and City Administrator's Report, second from Norton. Motion carried.

J. Daley and F. Tarasi of the Hiawatha Fire Department gave MDA presentation and presented J. Harper Coordinator from the MDA, a check in the amount of $16,113.00 for funds raised by Fire Fighter Fill the Boot Campaign.

Mayor Bennett opened the public hearing to consider a request from Dave Wright Next Level Properties, to rezone properties located at 725 Kainz Drive, 735 Kainz Drive, and Lot 18, Auditor's Plat No. 372 from R-1 (Single Family Residence District) to C-3 (Restricted Highway Commercial District). E. Schmelzer of 730 Kainz Dr. spoke in opposition of the rezoning. B. Elson of 740 Kainz Drive also spoke in opposition of the rezoning. Council received an email from non-resident M. Ajram in opposition to the rezoning. D. Wright of Dave Wright Nissan and Community Development Director P. Parsley addressed concerns raised by the opposition. There being no additional comments offered for or against, Mayor Bennett declared the hearing closed.

ORDINANCE #915, an ordinance to consider a request from Dave Wright Next Level Properties, to rezone properties located at 725 Kainz Drive, 735 Kainz Drive, and Lot 18, Auditor's Plat No. 372 from R-1 (Single Family Residence District) to C-3 (Restricted Highway Commercial District) was placed on file by Norton, second from Wichtendahl. RCV: five AYES. Motion by Dodson second from Olson, to waive the requirement for three separate readings. RCV: five AYES. Motion by Norton, second from Olson, to adopt ordinance #915. RCV: five AYES. **ORDINANCE #915 adopted.**

Norton presented RESOLUTION #18-191 approving the design of one (1) new parking lot and screening on the property located at 999 Boyson Road to the Hiawatha Design Guidelines for Dave Wright Nissan, second from Dodson. RCV: five AYES. **RESOLUTION #18-191 adopted.**

Mayor Bennett opened the public hearing to consider amending Hiawatha Code of Ordinances Chapter 62 General Traffic Regulations by prohibiting use of Jake Braking devices in the public right-of-way. There being no comments offered for or against, Mayor Bennett declared the hearing closed.

ORDINANCE #916, an ordinance to consider amending Hiawatha Code of Ordinances Chapter 62 General Traffic Regulations by prohibiting use of Jake Braking devices in the public right-of-way was placed on file by Wichtendahl, second from Norton. RCV: five AYES. Motion by Olson second from Wichtendahl, to waive the requirement for three separate readings. RCV: five AYES. Motion by Norton, second from Dodson, to adopt ordinance #916. RCV: five AYES. **ORDINANCE #916 adopted.**

Mayor Bennett opened the public hearing to consider placing plans, specifications, form of contract and estimate of cost on file for the 2018 Hiawatha Sewer Extension and Forcemain Replacement Project. There being no comments offered for or against, Mayor Bennett declared the hearing closed.

Dodson presented RESOLUTION #18-192 adopting plans, specifications, form of contract and estimate of cost on file for the 2018 Hiawatha Sewer Extension and Forcemain Replacement Project, second from Wichtendahl. RCV: five AYES. **RESOLUTION #18-192 adopted.**

Norton presented RESOLUTION #18-193 approving application for Partial Pay Estimate #3 for the 2018 Emmons Street Reconstruction Project, and direct City Clerk to make payment to Rathje Construction Co., of Marion, Iowa, in the amount of $16,139.87, second from Wichtendahl. RCV: five AYES. **RESOLUTION #18-193 adopted.**

Motion by Wichtendahl, second from Archibald, approving a Special Event request from El Kahir Shrine to hold a 5K Halloween Party on October 13, 2018: five AYES. Motion carried.

Wichtendahl presented RESOLUTION #18-194 approving a 28E Agreement with Iowa Alcoholic Beverages Division for Tobacco, Alternative Nicotine and Vapor Product Enforcement, second from Dodson. RCV: five AYES. **RESOLUTION #18-194 adopted.**

There being no further discussion, Wichtendahl moved to adjourn at 6:38 P.M., second from Norton. Motion carried.

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Bill Bennett, Mayor

ATTEST:

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Kelly Kornegor, City Clerk