The Hiawatha City Council met in regular session in the Hiawatha Council Chambers on September 5, 2018. Mayor Bill Bennett called the meeting to order at 5:30 p.m. Council members present: Rob Archibald, Steve Dodson, Aime Wichtendahl, and Dick Olson. Denny Norton was absent. City Staff present: City Administrator Kim Downs, Finance Director Cindy Kudrna, City Attorney Mark Parmenter, City Engineer John Bender, Community Development Director Patrick Parsley, Parks and Recreation Director Kelly Willadsen, Fire Chief Mike Nesslage, and Police Chief Dennis Marks. Guests: Brad Carver, Brian Vogel, Brian Rogers, and Daniel Hoffmann. Not all attendees signed in for the meeting.

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

Dodson moved the approval of the following consent agenda items: Approval of bills, Minutes of Meetings: Regular Meetings August 1, 2018 and August 15, 2018, Receive & File Minutes of Boards/Commissions/Committees: Library July 10, 2018 and July 31, 2018, Parks and Recreation August 14, 2018, Planning and Zoning July 23, 2018, and Water Board August 21, 2018, **Resolution #18-161** approving sewer waiver on second water meter for 341 Worthington Court, **Resolution #18-162** approving sewer waiver on second water meter for 3010 Forrest Meadow Lane, **Resolution #18-163** approving sewer waiver on second water meter for 3011 Forrest Meadow Lane, Capital Improvement Plan (CIP) Schedule for FY 2019-2023, City Engineer's Report, Mayor's Report, City Administrator's Report, second from Wichtendahl. Motion carried.

Wichtendahl read Mayor Proclamation declaring the month of September 2018 as National Suicide Prevention Awareness Month.

Mayor Bennett read Mayor Proclamation declaring September 7, 2018 as the "13th Annual Five Seasons Stand Down Day".

Mayor Bennett opened the public hearing to consider amending Hiawatha Code of Ordinances Chapter 69 Parking Regulations §69.08 No Parking Zones by adding No Parking restrictions on the west side of N 10th Avenue from Emmons Street to the end of the street. There being no comments offered for or against, Mayor Bennett declared the hearing closed.

ORDINANCE #909, an ordinance amending Hiawatha Code of Ordinances Chapter 69 Parking Regulations §69.08 No Parking Zones by adding No Parking restrictions on the west side of N 10th Avenue from Emmons Street to the end of the street was placed on file by Wichtendahl, second from Dodson. RCV: four AYES. Norton absent. Motion by Archibald, second from Dodson, to waive the requirement for three separate readings. RCV: four AYES. Norton absent. Motion by Olson, second from Wichtendahl, to adopt ordinance #909. RCV: four AYES. Norton absent. **ORDINANCE #909 adopted.**

Mayor Bennett opened the public hearing to consider amending Hiawatha Code of Ordinances Chapter 155 Building Code to adopt the State Plumbing and Mechanical Codes and exempt small decks from permit requirements. There being no comments offered for or against, Mayor Bennett declared the hearing closed.

ORDINANCE #910, an ordinance amending Hiawatha Code of Ordinances Chapter 155 Building Code to adopt the State Plumbing and Mechanical Codes and exempt small decks from permit requirements was placed on file by Dodson, second from Wichtendahl. RCV: four AYES. Norton absent. Motion by Archibald, second from Wichtendahl, to waive the requirement for three separate readings. RCV: four AYES. Norton absent. Motion by Olson, second from Dodson, to adopt ordinance #910. RCV: four AYES. Norton absent. **ORDINANCE #910 adopted.**

Mayor Bennett opened the public hearing to consider amending Hiawatha Code of Ordinances Chapter 156 Plumbing Code to adopt the State Plumbing Code. There being no comments offered for or against, Mayor Bennett declared the hearing closed.

ORDINANCE #911, an ordinance amending Hiawatha Code of Ordinances Chapter 156 Plumbing Code to adopt the State Plumbing Code was placed on file by Wichtendahl, second from Archibald. RCV: four AYES. Norton absent. Motion by Archibald, second from Wichtendahl, to waive the requirement for three separate readings. RCV: four AYES. Norton absent. Motion by Dodson, second from Wichtendahl, to adopt ordinance #911. RCV: four AYES. Norton absent. **ORDINANCE #911 adopted.**

Mayor Bennett opened the public hearing to consider amending Hiawatha Code of Ordinances Chapter 158 Mechanical Code to adopt the State Mechanical Code. There being no comments offered for or against, Mayor Bennett declared the hearing closed.

ORDINANCE #912, an ordinance amending Hiawatha Code of Ordinances Chapter 158 Mechanical Code to adopt the State Mechanical Code was placed on file by Archibald, second from Dodson. RCV: four AYES. Norton absent. Motion by Wichtendahl, second from Dodson, to waive the requirement for three separate readings. RCV: four AYES. Norton absent. Motion by Olson, second from Archibald, to adopt ordinance #912. RCV: four AYES. Norton absent. **ORDINANCE #912 adopted.**

Mayor Bennett opened the public hearing to consider amending Hiawatha Code of Ordinances Chapter 165 Unified Development Code §165.55 Maintenance Bond Required to clarify bond requirements for public improvements. There being no comments offered for or against, Mayor Bennett declared the hearing closed.

ORDINANCE #913, an ordinance amending Hiawatha Code of Ordinances Chapter 165 Unified Development Code §165.55 Maintenance Bond Required to clarify bond requirements for public improvements was placed on file by Dodson, second from Archibald. RCV: four AYES. Norton absent. Motion by Wichtendahl, second from Archibald, to waive the requirement for three separate readings. RCV: four AYES. Norton absent. Motion by Wichtendahl, second from Dodson, to adopt ordinance #913. RCV: four AYES. Norton absent. **ORDINANCE #913 adopted.**

Mayor Bennett opened the public hearing on the proposal to enter into a Development Agreement with BECC Properties, L.L.C. and Morgan and Morio Oral and Maxillofacial Surgery, P.C. There being no comments offered for or against, Mayor Bennett declared the hearing closed.

Olson presented RESOLUTION #18-164 approving and authorizing execution of a five (5) year Development Agreement by and among the City of Hiawatha, BECC Properties, L.L.C. and Morgan and Morio Oral and Maxillofacial Surgery, P.C., second from Dodson. RCV: four AYES. Norton absent. **RESOLUTION #18-164 adopted.**

Mayor Bennett opened the public hearing on the proposal to enter into a Development Agreement with CRH Holdings, L.L.C. and Family Dental Care Associates, P.L.C. There being no comments offered for or against, Mayor Bennett declared the hearing closed.

Archibald presented RESOLUTION #18-165 approving and authorizing execution of a five (5) year Development Agreement by and among the City of Hiawatha, CRH Holdings, L.L.C., and Family Dental Care Associates, P.L.C., second from Dodson. RCV: four AYES. Norton absent. **RESOLUTION #18-165 adopted.**

Mayor Bennett opened the public hearing on the proposal to enter into a Purchase, Sale, and Development Agreement with Side by Side Own, L.L.C. and Side by Side Develop, L.L.C. which includes the potential sale of the City's interest in real property. There being no comments offered for or against, Mayor Bennett declared the hearing closed.

Olson presented RESOLUTION #18-166 making final determination on potential sale of interest in real property and approving and authorizing execution of a Purchase, Sale, and Development Agreement by and among the City of Hiawatha, Side by Side Own, L.L.C. and Side by Side Develop, L.L.C., second from Dodson. RCV: four NAYS. Norton absent. **RESOLUTION #18-166 failed with all four council members present voting NAY.**

Mayor Bennett opened the public hearing to consider plans, specifications, form of contract and estimate of cost on file for the 2018 Robins Road Pavement Rehabilitation Project. There being no comments offered for or against, Mayor Bennett declared the hearing closed.

Archibald presented RESOLUTION #18-167 adopting plans, specifications, form of contract and estimate of cost on file for the 2018 Robins Road Pavement Rehabilitation Project, second from Wichtendahl. RCV: four AYES. Norton absent. **RESOLUTION #18-167 adopted.**

Wichtendahl presented RESOLUTION #18-168 approving and making award of contract for the Robins Road Pavement Rehabilitation Project, second from Archibald. RCV: four AYES. Norton absent. **RESOLUTION #18-168 adopted.**

Wichtendahl presented RESOLUTION #18-169 setting a public hearing date (September 19, 2018 @ 5:30 P.M.) on the proposal to enter into a Development Agreement with World Class Industries, Inc. and Cobb Family Limited Liability Limited Partnership and providing for publication of notice, second from Dodson. RCV: four AYES. Norton absent. **RESOLUTION #18-169 adopted.**

Wichtendahl presented RESOLUTION #18-170 setting a public hearing date (September 19, 2018 @ 5:30 p.m.) to consider amending Hiawatha Code of Ordinances Chapter 63 Speed Regulations by setting a 35 mph speed limit on Edgewood Road from County Home Road to the south City Limits, second from Archibald. RCV: four AYES. Norton absent. **RESOLUTION #18-170 adopted.**

Wichtendahl presented RESOLUTION #18-171 approving a Professional Services Agreement with MSA Professional Services for completion of the Hiawatha Comprehensive Parks Plan Update and Hiawatha Northwest Park Concept Planning, at a total cost of $21,900, second from Dodson. RCV: four AYES. Norton absent. **RESOLUTION #18-171 adopted.**

Olson presented RESOLUTION #18-172 approving the Preliminary Plat for Todd Hills Addition, second from Archibald. RCV: four AYES. Norton absent. **RESOLUTION #18-172 adopted.**

Dodson presented RESOLUTION #18-173 approving the Preliminary Plat for Sherman Square Addition, second from Wichtendahl. RCV: four AYES. Norton absent. **RESOLUTION #18-173 adopted.**

Wichtendahl presented RESOLUTION #18-174 approving Change Order #7 for the 2016-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Phase 2 Roadway Package Project with Rathje Construction Co., with an increase in contract amount of $6,250, second from Dodson. RCV: four AYES. Norton absent. **RESOLUTION #18-174 adopted.**

Dodson presented RESOLUTION #18-175 approving (Balancing) Change Order #8 for the 2016-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Phase 2 Roadway Package Project with Rathje Construction Co., with a decrease in contract amount of ($72,821.33), second from Olson. RCV: four AYES. Norton absent. **RESOLUTION #18-175 adopted.**

Archibald presented RESOLUTION #18-176 accepting the public improvement contract work in connection with the 2016-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Phase 2 Roadway Package Project, and direct the City Engineer to sign the Certification of Completion, second from Olson. RCV: four AYES. Norton absent. **RESOLUTION #18-176 adopted.**

Olson presented RESOLUTION #18-177 accepting the 2016-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Phase 2 Roadway Package Project, constructed by Rathje Construction Co., approving the application for (Final) Pay Estimate #14, and directing City Clerk to make payment to Rathje Construction Co., in the amount of $35,750.21 immediately. Five (5) percent retainage in the amount of $138,630.43 will be released after thirty (30) days has elapsed from the date of acceptance if no claims against the project are filed, second from Archibald. RCV: four AYES. Norton absent. **RESOLUTION #18-177 adopted.**

Wichtendahl presented RESOLUTION #18-178 accepting the improvements for Rolling Prairie Estates Third Addition, second from Archibald. RCV: four AYES. Norton absent. **RESOLUTION #18-178 adopted.**

Archibald presented RESOLUTION #18-179 authorizing execution of a Community Development Block Grant Program Contract, second from Dodson. RCV: four AYES. Norton absent. **RESOLUTION #18-179 adopted.**

Wichtendahl presented RESOLUTION #18-180 approving a Signature Authorization for all Alternate Signators in connection with the Community Development Block Grant (CDBG) Housing Rehabilitation Program, second from Dodson. RCV: four AYES. Norton absent. **RESOLUTION #18-180 adopted.**

Dodson presented RESOLUTION #18-181 approving an Equal Opportunity Policy Statement in connection with the Community Development Block Grant (CDBG) Housing Rehabilitation Program, second from Wichtendahl. RCV: four AYES. Norton absent. **RESOLUTION #18-181 adopted.**

Olson presented RESOLUTION #18-182 approving a Procurement Policy in connection with the Community Development Block Grant (CDBG) Housing Rehabilitation Program, second from Wichtendahl. RCV: four AYES. Norton absent. **RESOLUTION #18-182 adopted.**

Dodson presented RESOLUTION #18-183 approving a Code of Conduct in connection with the Community Development Block Grant (CDBG) Housing Rehabilitation Program, second from Olson. RCV: four AYES. Norton absent. **RESOLUTION #18-183 adopted.**

Wichtendahl presented RESOLUTION #18-184 approving a Policy on the Prohibition of the Use of Excessive Force in connection with the Community Development Block Grant (CDBG) Housing Rehabilitation Program, second from Dodson. RCV: four AYES. Norton absent. **RESOLUTION #18-184 adopted.**

Dodson presented RESOLUTION #18-185 approving a Residential Anti-Displacement and Relocation Assistance Plan in connection with the Community Development Block Grant (CDBG) Housing Rehabilitation Program, second from Archibald. RCV: four AYES. Norton absent. **RESOLUTION #18-185 adopted.**

Wichtendahl presented RESOLUTION #18-186 approving the FY 2018 Street Finance Report, second from Dodson. RCV: four AYES. Norton absent. **RESOLUTION #18-186 adopted.**

There being no further discussion, Wichtendahl moved to adjourn at 6:13 P.M., second from Dodson. Motion carried.

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Bill Bennett, Mayor

ATTEST:

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Kelly Kornegor, City Clerk