The Hiawatha City Council met in regular session in the Hiawatha Council Chambers on July 19, 2017. Mayor Bill Bennett called the meeting to order at 5:30 p.m. Council members present: Dick Olson, Bob Rampulla, Marty Bruns, Dennis Norton and Aime Wichtendahl. Staff present: City Engineer John Bender, Community Development Director Pat Parsley, City Administrator Kim Downs, Fire Chief Mike Nesslage and Police Chief Dennis Marks. Guests: Matt Johnson of Hall and Hall Engineers, Dan Roehr of Technicom, Tracy Bennett, Ryan Neuhaus, and Daniel Hoffmann.

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

Bruns moved the approval of the following consent agenda items: Approval of bills, Finance Director's Report for June 2017, City Clerk's Report for June 2017; Department Reports: Community Development, Fire, Parks and Recreation, Police and Public Works; RESOLUTION #17-134 approving sewer waiver on second water meter for 3503 Fitzroy Road, seconded by Norton. Motion carried.

Report from Council Members/Mayor/City Administrator

Council Member Wichtendahl mentioned the county's resolution in support for the Paris Climate Control. and was Wichtendahl said she was approached by Supervisor Stacy Walker to see if this would be something Hiawatha would be interested in. Wichtendahl stated this is something she is in favor of and feels the city has a good environmental record to be proud of; including the city's Earth Day Cleanup Event, energy efficiency for a number of city buildings, solar installation, a solar ordinance and the tree replacement grant.

City Administrator Downs announced a ribbon cutting for Mercy Care and an open house for GoDaddy on July 21, 2017. Downs added the State of the City Event is July 20, 2017 at the Kirkwood Linn Co. Regional Center on Boyson Road.

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

Bruns moved approval of Special Event Application to hold a 5K Run/Walk in Hiawatha on September 16, 2017 submitted by El Kahir Shrine located at 905 Tower Terrace Road, seconded by Wichtendahl. Motion carried.

Discussion/Possible Action regarding fireworks ordinance

Council Member Bruns said the data from the Fireworks complaint survey is interesting and noise appears to be the biggest complaint.

Council Member Wichtendahl commented the month of June was the least enjoyable month due to all the fireworks being set off and is in favor of restricting the ordinance or having a shorter time frame.

Council Member Olson agreed with Wichtendahl and feels council should review the ordinance and consider some restrictions in the city regardless of what Hiawatha's neighboring communities do.

Council Member Rampulla said most of the noise was after 10:00 PM and questioned how the police department is going to be able to enforce the ordinance. Rampulla felt some restrictions need to be in place.

City Administrator Downs commented she had discussions with Mayor Bennett, the Police Chief and Fire Chief on the fireworks ordinance and have come to the realization there are a few options for restrictions. The first option is to have no fireworks allowed, second option is to limit or reduce the time frame fireworks are allowed and the third option is to meet with the metro communities: Cedar Rapids and Marion to put together a joint ordinance that is consistent through the metro area. Downs suggested having a discussion with the metro communities and bring the matter back to council for discussion.

Rampulla wondered if the city could go back to what the state provisions were before fireworks were legal.

City Attorney Parmenter said he has not heard the question come up in any of the discussions with the communities around the state. Parmenter commented it has either been to restrict fireworks completely or restrict fireworks to certain days.

Olson asked if the police department received a lot of complaints on fireworks.

Police Chief Marks answered the police department had 23 complaints entered into the survey and pulling calls from June 1, 2017 to July 8, 2017 there were 26 calls involving fireworks. Marks continued to state there was a challenge with how the sheriff's office classified the calls coming in as there is not just a specific fireworks call this required a keyword search for fireworks. The police department had 20-30 complaints for the month of June and nine complaints for the first part of July. Marks noted there were police departments throughout the state who encountered a multitude of challenges enforcing their ordinances and finding the responsible party who was setting off fireworks. Marks said one thing learned from the challenges is enforcement of the ordinance is similar to how the police department handles a disorderly house, the responsibility will fall on the property owner or person responsible for the property, and would help with enforcement. Marks stated consistency throughout the metro area is very important.

Wichtendahl asked if any citations were issued for noise ordinance during June 1 through July 8.

Marks answered there were no citations issued for fireworks.

Approving the appointment of the Fire Department Deputy Chief EMS position
Olson moved approval of the appointment of the Fire Department Deputy Chief EMS position, seconded by Bruns. Motion carried.

Authorizing the Fire Department purchase of LED flood/spot lighting for Fire Engine 286
Rampulla presented RESOLUTION #17-135 authorizing the Fire Department purchase of LED flood/spot lighting for Fire Engine 286 at a total cost not to exceed $5,591.13, with Keltek Incorporated of Baxter, IA, utilizing available funding in Capital Improvement Plan (CIP), seconded by Wichtendahl. Roll call vote: AYES: Olson, Wichtendahl, Bruns, Rampulla, Norton. NAYS: None. ABSENT: None. **RESOLUTION #17-135 adopted.**

Approving a Business Associate Agreement between Hiawatha Fire and Rescue and Mercy Medical Center to provide home visits to high risk patients
City Attorney Parmenter commented on a clause in the agreement where the city indemnifies the hospital. Parmenter felt this provision should be reversed so the hospital indemnifies the City. Parmenter recommends to not sign the agreement until the appropriate changes have been made.

Bruns presented RESOLUTION #17-136 approving a Business Associate Agreement between Hiawatha Fire and Rescue and Mercy Medical Center to provide home visits to high risk patients, agreement is approved upon language changes recommended and drafted by City Attorney, seconded by Norton. Roll call vote: AYES: Wichtendahl, Olson, Rampulla, Norton, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #17-136 adopted.**

2017-2018 Boyson Road Capacity Improvements Project at North Center Point Road and I-380
Rampulla presented RESOLUTION #17-137 approving and awarding contract to Rathje Construction Co. of Marion, in the amount of $60,494.00 for the construction of the 2017 Boyson Road Capacity Improvements Project at North Center Point Road and I-380, seconded by Bruns. Roll call vote: AYES: Rampulla, Wichtendahl, Olson, Norton, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #17-137 adopted.**

2016-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Phase 2 Roadway Package Project
Bruns presented RESOLUTION #17-138 approving Change Order #1 for the 2016-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Phase 2 Roadway Package Project with Rathje Construction Co., of Marion, with an increase in contract amount of $13,101.50, resulting in a revised total project contract amount of $2,826,836.26, seconded by Norton. Roll call vote: AYES: Bruns, Norton, Olson, Wichtendahl, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #17-138 adopted.**

Rampulla presented RESOLUTION #17-139 approving Change Order #2 for the 2016-2017 Emmons Street/North Center Point Road/Robins Road Intersection Improvements Phase 2 Roadway Package Project with Rathje Construction Co., of Marion, with a decrease in contract amount of $7,310.00, resulting in a revised total project contract amount of $2,819.526.26, seconded by Wichtendahl. Roll call vote: AYES: Olson, Wichtendahl, Norton, Bruns, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #17-139 adopted.**

Olson presented RESOLUTION #17-140 approving application for Partial Pay Estimate #8 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, in the amount of $279,158.19, seconded by Bruns. Roll call vote: AYES: Norton, Rampulla, Olson, Wichtendahl, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #17-140 adopted.**

Approving an Iowa Department of Transportation Adopt-A-Highway Application to perform clean-up work along I-380 N as submitted by Robert Merritt of CI3 Control Installations of Iowa, Inc.

Bruns presented RESOLUTION #17-141 approving an Iowa Department of Transportation Adopt-A-Highway Application to perform clean-up work along I-380 N as submitted by Robert Merritt of CI3 Control Installations of Iowa, Inc., seconded by Wichtendahl. Roll call vote: AYES: Wichtendahl, Bruns, Olson, Rampulla, Norton. NAYS: None. ABSENT: None. **RESOLUTION #17-141 adopted.**

City Wide Phone System Replacement

Rampulla presented RESOLUTION #17-142 authorizing the replacement of the phone system at all city facilities, purchase of wireless headsets and installation of 10G switches at a total cost not to exceed $84,581.50, with phone replacement project contract awarded to Technicom Communication Systems of Cedar Rapids, utilizing available funding in Capital Improvement Plan (CIP), Local Option Sales and Service Tax Dollars (LOSST) and Equipment Reserve Funds, seconded by Olson. Roll call vote: AYES: Bruns, Olson, Wichtendahl, Rampulla, Norton. NAYS: None. ABSENT: None. **RESOLUTION #17-142 adopted.**

Safety Policies and Procedures

Bruns presented RESOLUTION #17-143 approving and adopting amended Blood-Borne Pathogens Exposure Control Plan and Procedures, seconded by Norton. Roll call vote: AYES: Rampulla, Wichtendahl, Norton, Olson, Bruns. NAYS: None. ABSENT: None. **RESOLUTION #17-143 adopted.**

Rampulla presented RESOLUTION #17-144 approving and adopting amended Hearing Conservation Program, seconded by Wichtendahl. Roll call vote: AYES: Wichtendahl, Olson, Norton, Bruns, Rampulla. NAYS: None. ABSENT: None. **RESOLUTION #17-144 adopted.**

Bruns presented RESOLUTION #17-145 approving and adopting amended Lockout/Tagout Policy, seconded by Norton. Roll call vote: AYES: Norton, Rampulla, Bruns, Olson, Wichtendahl. NAYS: None. ABSENT: None. **RESOLUTION #17-145 adopted.**

Wichtendahl presented RESOLUTION #17-146 adopting a City of Hiawatha Safety Manual for all employees, seconded by Bruns. Roll call vote: AYES: Rampulla, Olson, Wichtendahl, Bruns, Norton. NAYS: None. ABSENT: None. **RESOLUTION #17-146 adopted.**

Employee Policy Manual Amendments (and amending the Part-Time / Temporary / Seasonal Employee Policy Manual accordingly)

Bruns presented RESOLUTION #17-147 amending Section VII Substance Abuse Policy by adding an exception under Workplace Accident Testing requiring law enforcement to investigate motor vehicle accidents on the roadway where the damage is estimated to exceed $1,500.00, and amending Section III Seatbelt Restraint Policy by adding language to describe instances where occupants of vehicles would be exempt from safety belt requirements in connection with Employee Policy Manual Amendments (and amending the Part-Time / Temporary / Seasonal Employee Policy Manual accordingly), seconded by Rampulla. Roll call vote: AYES: Olson, Bruns, Rampulla, Wichtendahl, Norton. NAYS: None. ABSENT: None. **RESOLUTION #17-147 adopted.**

Possible Closed Session as per Iowa Code 21.5(j) to discuss the possible purchase of particular real estate

Rampulla moved entering into a closed session as per Iowa Code 21.5(j) to discuss the possible purchase of particular real estate at 6:07 P.M., seconded by Bruns. Roll call vote: AYES: Wichtendahl, Olson, Norton, Bruns, Rampulla. NAYS: None. ABSENT: None. Motion carried.

Bruns moved to go out of closed session and entering into regular session at 6:17 P.M., seconded by Rampulla. Roll call vote: AYES: Bruns, Olson, Wichtendahl, Norton, Rampulla. NAYS: None. ABSENT: None.

Discussion/Possible Action regarding possible purchase of particular real estate discussed in closed session
No action was taken regarding possible purchase of particular real estate discussed in closed session.

Possible Closed Session as per Iowa Code 21.5(j) to discuss the possible sale of particular real estate
Rampulla moved entering into a closed session as per Iowa Code 21.5(j) to discuss the possible sale of particular real estate at 6:18 P.M., seconded by Bruns. Roll call vote: AYES: Olson, Norton, Wichtendahl, Rampulla, Bruns. NAYS: None. ABSENT: None.

Bruns moved to go out of closed session and entering into regular session at 6:35 P.M., seconded by Wichtendahl. Roll call vote: AYES: Rampulla, Bruns, Wichtendahl, Olson, Norton. NAYS: None. ABSENT: None.

Discussion/Possible Action regarding possible sale of particular real estate discussed in closed session
No action was taken regarding possible sale of particular real estate discussed in closed session.

There being no further discussion, Rampulla moved to adjourn at 6:37 P.M., seconded by Wichtendahl. Motion carried.

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Bill Bennett, Mayor

ATTEST:

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Kelly Kornegor, City Clerk