

Hiawatha City Council met in a work session on December 12, 2016 in Conference Room D. Mayor Bennett called the meeting to order at 5:30 P.M. Council Members Present: Marty Bruns, Dick Olson, Dennis Norton, Aime Wichtendahl, and Bob Rampulla. Staff present: City Administrator Kim Downs, City Engineer John Bender, and City Attorney Mark Parmenter. Guests: Dave Wright of Dave Wright Nissan/Subaru and Dan Hoffmann.

Norton moved the approval of the agenda, second by Bruns. Motion carried.

**Dog Park – discussion with Dave Wright of Dave Wright Nissan/Subaru**

Dave Wright of Dave Wright Nissan/Subaru located at 999 Boyson Road explained he approached the City about a year ago to propose the construction of a dog park on the 1.5 acre piece of property connected to the Dave Wright Nissan/Subaru car wash on the other side of the Cedar Valley Nature Trail. Wright said he reached out to Linn County to see if they would be interested in donating an additional 1.5 acres of land next to Wright's property to construct the dog park. Wright added it is his intention to contribute \$90,000 in funding toward the project and reach out to Subaru for a partnership. Wright asked about the possibility of an exchange with the City for Kainz Park property.

Parks and Recreation Director Kelly Willadsen provided additional information as follows:

Wright, City Administrator Downs, and Willadsen conducted research on dog park logistics with K9Cola, an organization that assists with dog parks in the corridor area. K9Cola was of the opinion that a town the size of Hiawatha would have the ability to eliminate permitting fees and hold pet owners responsible for any issues they may arise while using the dog park. The City of Mount Vernon does not permit for their dog park and there have been no issues since the opening in September 2013.

Wright, Downs, and Willadsen additionally met with Linn County Conservation Directors in Spring 2016, to discuss a potential partnership for the dog park. Linn County Conservation Directors are in favor of the idea and would allow the City to use 1.5 acres of land toward a three acre park with small dog section, large dog section, parking and access from the trail head. Linn County Conservation requested the City address additional parking and access from the trailhead.

City Administrator Downs said staff did a study on parking in the Cedar Valley Kainz Drive parking lot and the greatest number of cars documented was 48 with total parking spaces of 120. Downs added Linn County asked if the City would consider adding parking for overflow. The City already planned on additional parking for a potential Veteran's Memorial site on Robins Road. The project would require a 28E Agreement with Linn County for use of land.

The City could partner with local kennels to check on the dog park. Insurance companies do not offer liability insurance for dog parks. It would be considered another park, and therefore insured the same as Guthridge Park or Clark Park

Council Member Dick Olson asked if City ownership meant City liability. City Attorney Parmenter noted the City allows dogs in public parks currently. Willadsen said she would follow up on the liability issue.

Wright mentioned accepting donations for maintenance of the dog park. Willadsen said Peterson Pet Hospital is interested in partnering with the City on this project and Linn County gave permission to use signs at the trail head. Willadsen stated she would find out what other cities have done to market this type of project.

Council Member Bruns questioned the frequency of use of the Kainz Park shelter. Willadsen said there is usually one rental each year and staff has discussed adding the Kainz pavilion to Clark Park.

Wright added an advantage of a dog park is taking dogs out of parks and off public right-of-ways.

Mayor Bennett mentioned from his experience as a kid, the property is really wet. City Administrator Downs said the cost estimate proposed includes a bridge or culvert to allow for crossing over this area.

Downs said there would likely be concerns from residents in the area if the City traded property with Wright. Parmenter expressed concern with fair market value requirements and opening up the property for public bid. Downs asked if the first right of refusal would be an option. Parmenter said he would look into this matter further before moving forward.

Downs mentioned using Wright's contribution of \$90,000 in funding toward the purchase of a portion of Kainz park land, assuming the value of Kainz Park would be higher than Wright's 1.5 acres.

### **Boyson Road Improvements Update**

City Engineer Bender presented a Boyson Road Improvements project update. Bender said there are two (2) projects planned for Boyson Road. The Boyson Road traffic signals and lane remarking project was authorized last fall and is sitting at the Federal Highway Administration waiting for approval. Bender also suggested reducing the Boyson Road medians from Industrial Avenue to N Center Point Road to allow for more left turning space.

Bender said the City applied for funds through the Corridor Metropolitan Planning Organization (CMPO) for the Boyson Road from Hawkeye Drive to Robins Road project; however, all funds were awarded to Cedar Rapids. Project cost estimate \$1.675 million including bike trail and sidewalk. Bender stated the City submitted a new plan to try and capture FY 2018 CMPO funds. The project will include removing a portion of the island on Boyson Road near the Cedar Valley Nature trail to stage traffic. Council also thought it made sense to allow for better traffic flow. The cost to reduce the median will work within the City's current project budget.

Bender continued to explain the current Capital Improvement Plan (CIP) has funding available and if the City is awarded CMPO funding, staff will adjust the CIP accordingly.

Downs added CMPO funding is available in 2018 but the City wouldn't have to complete the project until 2019.

Council Member Dick Olson asked about the Boyson Road Improvements project to help temporarily alleviate some of the traffic issues at the Boyson Road / North Center Point Road Intersection, while waiting on the construction of the Tower Terrace Road Interchange. Bender said this is two (2) different projects and different funding. The City should be able to move forward on the Boyson Road Traffic Signal and Lane Marking Improvements project in Spring of 2017. The Boyson Road from Hawkeye Drive to Robins Road Improvements project using CMPO funding would be 2018 funding, with construction at a later date.

### **Sidewalk Ordinance / Policy**

Community Development Director Parsley explained City staff performed a sidewalk inspection due to a complaint and found 17 other properties that have deficient sidewalks. Parsley said the cities of Marion, Cedar Rapids and Iowa City have sidewalk repair programs; the City of Marion's sidewalk repair project covers sections of the city every four years. Parsley said Marion waives the permit fee for doing work in the right-of-way for sidewalk repair and Cedar Rapids does not waive the permit fee but do pay up to 35% of the cost to repair up to 1,000 feet of sidewalk. If Cedar Rapids has to do the work the cost is assessed to the property owner. Parsley added Iowa City waives the permit fees and under their program and the city is divided into 10 quadrants.

Parsley continued to explain Hiawatha's standards for sidewalks are more restrictive than the other cities. Marion and Cedar Rapids make accommodations for extra wide sidewalks; the city pays for the extra wide portion and the owner pays for the standard width. Parsley said he wasn't certain on the cost but some of the funding from permit fees; Hiawatha currently charges \$45.00 for permit.

City Administrator Downs said first City Council needs to make a decision if the current City Code requirements for defective sidewalk are acceptable today. The current City Code reads:

- Vertical separations equal to three-fourths (3/4) inch or more
- Horizontal separations equal to one-half (1/2) inch or more

Council Member Rampulla stated the responsibility comes back on the property owner.

City Administrator Downs noted sidewalks are a touchy subject for residents. Downs provided an example of a jogger that tripped and fell on a sidewalk and reported the hazard to the City. Downs said there are a lot of other areas with uneven sidewalks and there may be more cost effective options for people to fix some of these issues. Where they could mud jack or sandblast to level the area.

Downs stated she worked with ICAP, the City's liability insurance carrier and ICAP will do free audits and can split the City into quadrants. Downs added some cities have provided assistance with sidewalk repair projects and if City Council wants to do this it would be part of budget discussions.

Council Member Olson asked if there was a standard sidewalk consistency amongst cities. Parsley said Hiawatha is more restrictive.

Council Member Olson said Hiawatha can either stay with one-half (1/2) inch or change to one (1) inch like the other cities.

Council Member Bruns asked staff to come back with a proposal on parameters of density.

Council Member Olson asked about assessments costs. Parsley said there is the option to waive assessments.

Council Member Bruns said he is comfortable with waiving the permit fee but against the City paying for the whole repair.

Parsley mentioned sidewalk work requires bonding but the City could waive this requirement for commercial and residential for existing sidewalk repairs if council would so choose.

Parsley will prepare a report for council on the impact of waiving fees in connection with sidewalk repairs.

#### **City Council Policy and Procedures and Code of Ethics / adding Pledge of Allegiance to agenda**

City Clerk Kornegor explained staff updated the existing City Council Meeting Policy and Procedures adopted on September 3, 2008, by cleaning up procedures that no longer exist, adding procedures currently in practice, adding language to comply with open meetings / open records laws, adding a decorum section to provide procedures for maintaining orderly conduct during meetings, and adding a Code of Ethics Policy.

Council Member Bruns said he contacted staff about the Code of Ethics Policy because he was under the impression the policy only applied to City Council. Bruns originally requested the policy be opened up to employees but learned from staff that code of conduct is covered in the Employee Handbook.

Council Member Bruns said he also questioned a section of the Code of Ethics Policy that assigns the Mayor Pro-Tem the responsibility to take any complaints made against the Mayor for violation of the Code of Ethics Policy. Bruns said the Mayor Pro-Tem has no authority when there is an acting mayor; may be more appropriate to assign this responsibility to the City Attorney. City Attorney Parmenter said he would look into this matter further.

Council Member Wichtendahl posed a question on the section titled, "Abstentions From Voting Not Due to A Conflict of Interest." Wichtendahl said there may be times when a council member chooses not to vote one way or another so it would not be considered a yes or a no vote. City Administrator Downs said to abstain is essentially the same as a no vote. Parmenter said he would do more research on this matter.

No discussion was held on the Pledge of Allegiance.

#### **Other Business**

Council Member Dick Olson presented a proposal from Carl Sefl, Hiawatha Resident and founder of ROI Marketing Services, to provide marketing and branding services to assist Hiawatha in community relations, outreach and economic development.

Council Member Olson said Hiawatha has a lot of projects coming up that are going to require communication and branding; the City previously discussed having a consultant since there is no budget for a marketing/communications employee.

Council Member Olson stated Sefl is interested in working with the City on branding and communications. He could also assist with other projects such as the State of the City and working with the Mayor on preparing presentations.

Council Member Olson asked other council members to give feedback to City Administrator Downs.

There being no further discussion. Rampulla moved to adjourn at 7:02 p.m., second by Wichtendahl. Motion carried.

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Mayor, Bill Bennett

ATTEST:

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City Clerk, Kelly Kornegor