

**CITY OF HAWARDEN
REGULAR CITY COUNCIL MEETING AGENDA
Hawarden City Hall – Council Chambers Room
Wednesday, June 14, 2017 at 5:30 p.m.**

Standard Agenda Items

- 1a. Approval of May 24, 2017 Council Meeting Minutes.**
- 1b. Approval of June 14, 2017 Claims for Payment**
- 1c. Open business from the Community (limited to a maximum of 5 minutes per item).**
- 2a. Mayor's Report**
- 2b. Council Comments**
- 2c. Staff Reports/Discussion**

Other Agenda Items

- 3. Hospital Project Update – Jayson Pullman**
- 4. First Reading of Ordinance 698 AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HAWARDEN, IOWA BY REPEALING AND REPLACING CHAPTER 41, SECTION 41.13 PERTAINING TO THE SALE AND USE OF FIREWORKS IN THE CITY OF HAWARDEN.**
- 5. Request for Stop Sign at the intersection of 11th St and Ave. M**
- 6. Discussion on process for hiring new City Administrator**
- 7. Consent Agenda:**
 - a. Approval of Cigarette/Tobacco Permits for FY17-18 for:
Quick Corner, Inc.
Casey's General Store
Dollar General
Sunshine Foods**
 - b. Request from Brian Engleman dba Sportsman's Lanes & Lounge for Liquor License Transfer to the Hawarden Community Center on Sat., June 24, 2017.**
 - c. Request from Adam Waterman dba Main Street Liquors for renewal of Class E Liquor License with Class B Wine Permit and Class C Beer Permit with Sunday Sales.**

City of Hawarden

Public Meeting Procedures

These Procedural rules are to provide for the orderly conduct of City business by the City Council, with the objective of providing for full, open and comprehensive debate of issues brought before the body for action in a forum open to the public, and which encourages citizens' awareness of City Council activities. These procedures do not increase or diminish the existing powers or authority of the Mayor or City Council members, but is intended merely to serve as a general set of guidelines to assist the governmental body in conducting City business.

House Rules:

- No food or drink other than bottled water may be brought into the Council Chambers.
- Cell phones and pagers should be silenced in the Council Chambers.
- Signs and placards are not permitted in the Council Chambers.

Citizens' Right To Be Heard:

It is the Council's goal that citizens resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that citizens may from time to time believe it is necessary to speak to City Council on matters of concern. Accordingly, City Council expects any citizen to speak in a civil manner, with due respect for the decorum of the meeting, and with respect for all persons attending.

- No member of the public shall be heard until recognized by the presiding officer.
- Public comments will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing.
- Speakers must stand at the dais and speak into the microphone, unless unable to do so, and state your name and address for the record.
- Any citizen requesting to speak shall limit himself or herself to matters of fact regarding the issue of concern.
- Comments should be limited to five (5) minutes unless prior approval by the presiding officer.
- If a representative is elected to speak for a group, the presiding officer may approve an increased time allotment.
- Personal attacks made publicly toward any citizen or city employee are not allowed. Citizens are encouraged to bring their complaints regarding employee performance through the supervisory chain of command in accordance with the City's Personnel policies.
- Any member of the public interrupting City Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing the City Council, shall be deemed to have disrupted a public meeting and, at the direction of the presiding officer, shall be removed from the Council Chambers by Police Department personnel or other agent designated by the City Council or City Administrator.

**UNAPPROVED MINUTES REGULAR CITY COUNCIL MEETING
HAWARDEN CITY HALL - COUNCIL CHAMBERS ROOM
Wednesday, May 24, 2017 at 5:30 p.m.**

The Council Meeting was called to order at 5:30 p.m.

Present: Mayor Pro Tem Olson; Council Members: Kurth, Allen, Feldhacker, Harvey

Absent: Mayor Porter

Staff Present: Gary Tucker, City Administrator/City Clerk; Tom Kane, Public Works Director; Pam Wakeman, Finance Officer; Mike DeBruin, Chief of Police; Jim Pickner, City Attorney

Staff Absent: None

Standard Agenda Items

1a. Approval of May 10, 2017 Regular Council Meeting Minutes.

Moved by Feldhacker/Kurth to approve May 10, 2017 Regular Council Meeting Minutes.

Motion carried 5-0.

1b. Approval of Claims for payment.

Moved by Kurth/Allen to approve the May 24, 2017 Claims for Payment. Motion carried 5-0.

1c. No Open Business from the Community was held.

2a. No Mayor's Report was given.

2b. No Council Comments were given.

2c. No Staff Reports were given.

Other Agenda Items

Item 3. Hospital Project Update was given.

Jayson Pullman was present and gave an update.

Item 4. Quote on milling & paving alleys in Central Business District.

Moved by Harvey/Olson to approve. Motion carried 5-0.

Item 5. Quote on milling & paving the Central Avenue Business District.

Moved by Harvey/Olson to table. Motion carried 5-0.

Item 6. a. Public Hearing for FY2016-2017 Budget Amendment.

No comments were given for the Public Hearing.

b. Resolution 2017-14 Approval of FY2016-2017 Budget Amendment.

Moved by Harvey/Kurth. Aye: Feldhacker, Harvey, Allen, Olson, Kurth. Nay: None.

Motion carried 5-0

Item 7. Approval of Rides Contract for FY2018.

Moved by Kurth/Feldhacker to approve. Aye: Allen, Feldhacker, Kurth, Olson. Nay:

Harvey. Motion carried 4-1.

Item 8. Review of City Code as it relates to new State of Iowa Fireworks Legislation.

An ordinance will be implemented.

Item 9. Consent Agenda

- a. Request from Brian Engleman dba Sportsman's Lanes & Lounge for a Liquor License Transfer to the Hawarden Community Center on Sat., June 10, 2017.
- b. Request from Brian Engleman dba Hawarden Golf Clubhouse for a 12 month Class C Liquor License with Outdoor Service & Sunday Sales.

Moved by Allen/Kurth to approve. Motion carried 5-0.

The next regular City Council Meeting will be Wednesday, June 14, 2017.

Moved by Allen/Kurth to adjourn the meeting. Motion carried 5-0.

Meeting adjourned at 5:47 p.m.

Travis Olson, Mayor Pro Tem

ATTEST:

Gary W. Tucker, City Administrator/City Clerk

**CITY OF HAWARDEN
COUNCIL MEETING
JUNE 14, 2017**

CHECK DATE	CHECK NO	VENDOR	REFERENCE	AMOUNT
6/2/2017	ACH	CITY OF HAWARDEN	PAYROLL	\$ 76,553.38
6/2/2017	11140464	EFTPS	FED/FICA TAX	\$ 12,799.19
6/8/2017	11140465	CLAYTON ENERGY	GAS PURCHASE 5/2017 RESERV	\$ 3,490.61
6/14/2017	11140466	PAYROLL ACCT CITY	720 EXCISE TAX 5/2017	\$ 472.28
6/14/2017	11140467	TREASURER STATE OF IOWA	SALES TAX 5/15/17	\$ 9,668.00
5/22/2017	49640	ABSOLUTE SCIENCE	SUMMER READING PROGRAM	\$ 350.00
5/22/2017	49641	AD-VERTISER	NLW ADVERTISING	\$ 45.00
5/22/2017	49642	BIRDS & BLOOMS	MAGAZINE SUBSCRIPTION	\$ 14.98
5/22/2017	49643	BLANK PARK ZOO	SUMMER READING PROGRAM	\$ 185.58
5/22/2017	49644	BRODART CO	CART	\$ 416.93
5/22/2017	49645	CITY OF HAWARDEN	ELECTRICITY	\$ 388.64
5/22/2017	49646	COOKING LIGHT	MAGAZINE SUBSCRIPTION	\$ 20.00
5/22/2017	49647	CULLIGAN WATER CONDITIONING	WATER SOFTENER	\$ 9.94
5/22/2017	49648	DEMCO INC	SUMMER READING SHIRTS	\$ 39.50
5/22/2017	49649	CHARLOTTE ENDORF	BOOKS	\$ 328.80
5/22/2017	49650	HAWARDEN CHAMBER AND	SUMMER READING PRIZES	\$ 50.00
5/22/2017	49651	PETTY CASH	PETTY CASH POSTAGE	\$ 85.64
5/22/2017	49652	HITEC	TELEPHONE SERVICE	\$ 79.85
5/22/2017	49653	RICHARD HUDSON	SUMMER READING PROGRAM	\$ 450.00
5/22/2017	49654	IOWA COMMUNICATIONS NETWORK	TELEPHONE	\$ 6.24
5/22/2017	49655	INGRAM LIBRARY SERVICES	BOOKS	\$ 1,937.46
5/22/2017	49656	JASON JANS	LAWN MAINTENANCE	\$ 250.00
5/22/2017	49657	LORI JUHLIN	MILEAGE KIDS FIRST CONF	\$ 137.50
5/22/2017	49658	MOVIE LICENSING USA	PUBLIC VIDEO LICENSE	\$ 209.00
5/22/2017	49659	NO STREAKING INC	WINDOW CLEANING	\$ 36.00
5/22/2017	49660	POCKETS FULL OF FUN	SUMMER READING PROGRAM	\$ 255.00
5/22/2017	49661	SIOUX CO CAPITOL-DEMOCRAT	NEWSPAPER SUBSCRIPTION	\$ 28.00
5/22/2017	49662	THE ROPE WARRIOR INC	VOID	\$ -
5/26/2017	49663	CENTRAL PARTS & SUPPLY	SUPPLIES FIRE	\$ 74.01
5/26/2017	49664	FERGUSON WATERWORKS #2516	SUPPLIES WA	\$ 21,635.00
5/26/2017	49665	FIRST STATE BANK	CITY HALL/CC PRINCIPAL PYMT	\$ 116,544.17
5/26/2017	49666	UNITED STATES TREASURY		941 \$ 22.92
5/26/2017	49667	VAN WERT INC	METERS EL	\$ 202.23
5/26/2017	49668	VISA	BUSINESS MTG GENADM	\$ 291.29
6/2/2017	49669	PAYROLL CHECKS		
6/2/2017	thru 49678	PAYROLL CHECKS		
6/2/2017	49679	CHILD SUPPORT PAYMENT CTR	GARNISHMENTS	\$ 394.39
6/2/2017	49680	NATIONAL CABLE TELEVISION	TV PROGRAMMING COST	\$ 23,504.84
6/2/2017	49681	VISA	SUMMER READING GIFT	\$ 745.43
6/14/2017	49682	A'S ENTERPRISE	CABLE/INTERNET REFUND	\$ 27.55
6/14/2017	49683	AD-VERTISER	WS GRADUATION GENADM	\$ 1,175.62
6/14/2017	49684	ADVANCED MEDIA	SUPPLIES INTERNET	\$ 1,934.02

CHECK DATE	CHECK NO	VENDOR	REFERENCE	AMOUNT
6/14/2017	49685	ALPHA WIRELESS	SUPPLIES STORM SPOTTERS	\$ 2,242.00
6/14/2017	49686	LINDSEY BARR	BASEBALL REFUND	\$ 20.00
6/14/2017	49687	BTN	TV PROGRAMMING COST	\$ 1,315.80
6/14/2017	49688	BOMGAARS	SUPPLIES ST	\$ 2,378.40
6/14/2017	49689	BOOTH PHARMACY INC	SUPPLIES AMB	\$ 7.01
6/14/2017	49690	BOUND TREE MEDICAL LLC	SUPPLIES AMB	\$ 391.19
6/14/2017	49691	CASEYS GENERAL STORE INC	FUEL PD	\$ 2,837.43
6/14/2017	49692	CENTURY BUSINESS PRODUCTS INC	SVC AGREEMENT	\$ 156.41
6/14/2017	49693	CO-OP GAS AND OIL CO	SERVICES ST	\$ 3,442.19
6/14/2017	49694	COAST TO COAST SOLUTIONS	SUPPLIES PD	\$ 77.68
6/14/2017	49695	CONCRETE MATERIALS	SUPPLIES ST	\$ 3,269.80
6/14/2017	49696	CONSORTIA CONSULTING	SVCS 04/2017	\$ 900.00
6/14/2017	49697	COOPERATIVE FARMERS ELEVATOR	SUPPLIES PARK	\$ 180.10
6/14/2017	49698	CULLIGAN WATER CONDITIONING	SUPPLIES GENADM	\$ 64.94
6/14/2017	49699	DATA TECHNOLOGIES INC	RECEIPT PRINTER 1/2	\$ 503.50
6/14/2017	49700	DIGI-KEY CORP 758681	SUPPLIES CBL	\$ 115.01
6/14/2017	49701	DIGITAL ALLY	SUPPLIES PD	\$ 40.00
6/14/2017	49702	DUANE'S AUTOMOTIVE REPAIR	REPAIRS	\$ 33.95
6/14/2017	49703	ERICSON AUTO BODY	VEHICLE MAINTENANCE WA	\$ 271.00
6/14/2017	49704	FASTENAL COMPANY	SUPPLIES EL	\$ 171.52
6/14/2017	49705	FIRST CHOICE RECYCLING	SERVICES SOLWST	\$ 1,090.00
6/14/2017	49706	FLOWERS BY JAN	FLOWERS LEGADM	\$ 110.00
6/14/2017	49707	GRAINGER INC	SUPPLIES WSTWA	\$ 114.35
6/14/2017	49708	GROEBNER	SUPPLIES GAS	\$ 488.76
6/14/2017	49709	HAWARDEN CHAMBER AND	SPONSORSHIP/CHAMBER GOLF	\$ 150.00
6/14/2017	49710	HAWARDEN REGIONAL HEALTHCARE	LOST APRIL 2017	\$ 28,336.04
6/14/2017	49711	HAWARDEN SENIOR CITIZEN CENTER	RENT	\$ 250.00
6/14/2017	49712	HAWKEYE ADJUSTMENT	COLLECTIONS	\$ 111.85
6/14/2017	49713	HITEC	PHONE SVC 6/2017	\$ 866.20
6/14/2017	49714	MARY HULLEMAN	RETIREMENT BENEFIT	\$ 956.16
6/14/2017	49715	IOWA INFORMATION INC	ALL ACAD TEAM GUA	\$ 150.00
6/14/2017	49716	JACKS UNIFORMS & EQUIPMENT	EQUIPMENT PD	\$ 1,277.00
6/14/2017	49717	JANSSEN REALTY	ALLEY RADIUS ST	\$ 1,000.00
6/14/2017	49718	JEFFS RADIATOR & REPAIRS	VEHICLE MAINTENANCE PARK	\$ 506.06
6/14/2017	49719	JOHN R. ANDERSON TRUCKING	HAULING ST	\$ 264.43
6/14/2017	49720	KRIZ-DAVIS COMPANY	SUPPLIES EL	\$ 1,881.60
6/14/2017	49721	KSOU-AM & FM KHK-FM	WS CLASS 2017 GUA	\$ 75.00
6/14/2017	49722	KTIV	RETRANSMISSION NBC	\$ 1,951.38
6/14/2017	49723	LONG LINES	LD ANPI 4/2017	\$ 15,711.94
6/14/2017	49724	LYNOTT IMPLEMENT INC	SUPPLIES CEM	\$ 159.03
6/14/2017	49725	MISSOURI RIVER ENERGY SERVICES	MRES ANNUAL MTG GENADM	\$ 100.00
6/14/2017	49726	MUNICIPAL UTILITIES	UTILITIES PH	\$ 759.67
6/14/2017	49727	NATIONAL CABLE TELEVISION	SUPPLIES PH	\$ 1,173.89
6/14/2017	49728	NENA	CO ID YEARLY RENEWAL	\$ 250.00
6/14/2017	49729	NORTH WEST REC	WELL POWER	\$ 29.00

CHECK DATE	CHECK NO	VENDOR	REFERENCE	AMOUNT
6/14/2017	49730	NORTHWEST IOWA AREA SOLID	SPRING CLEANUP	\$ 443.02
6/14/2017	49731	ONE OFFICE SOLUTION	SUPPLIES GENADM	\$ 82.76
6/14/2017	49732	PHYSICIANS CLAIMS COMPANY	BILLING 5/2017	\$ 2,315.08
6/14/2017	49733	PICKNER LAW OFFICE PC	LEGAL FEES 6/2017	\$ 736.24
6/14/2017	49734	PREMIER COMMUNICATIONS	T1 SERVICE	\$ 423.28
6/14/2017	49735	RECREATION SUPPLY COMPANY	SUPPLIES POOL	\$ 3,218.39
6/14/2017	49736	SAFETY MADE SIMPLE	SILICA TRAINING GUA	\$ 360.80
6/14/2017	49737	SHEEHAN MACK SALES	SWEEPER ST	\$ 1,337.08
6/14/2017	49738	SHIELD TECHNOLOGY CORPORATION	SHIELD SOFTWARE SUPPORT PD	\$ 600.00
6/14/2017	49739	SHOWTIME NETWORK INC	TV PROGRAMMING COST	\$ 275.77
6/14/2017	49740	SINCLAIR BROADCAST GROUP	RETRANSMISSION KMEG	\$ 3,415.04
6/14/2017	49741	SUNSHINE FOODS	SUPPLIES GENADM	\$ 285.85
6/14/2017	49742	JENNIFER TOPETE	UTILITY REFUND	\$ 4.12
6/14/2017	49743	TOWER DISTRIBUTION COMPANY	TV PROGRAMMING COST	\$ 199.80
6/14/2017	49744	TRUESDELL OIL INC	FUEL ST	\$ 873.37
6/14/2017	49745	USA BLUEBOOK	SUPPLIES WSTWA	\$ 65.42
6/14/2017	49746	USAC	USAC FEES	\$ 1,384.93
6/14/2017	49747	VAN WERT INC	METER EL	\$ 347.75
6/14/2017	49748	VERIZON	CELL SVC WATER	\$ 229.98
6/14/2017	49749	VISA	SUPPLIES PD	\$ 805.24
6/14/2017	49750	WESCO RECEIVABLES CORP	SUPPLIES EL	\$ 1,161.50
6/14/2017	49751	WEST SIOUX COMMUNITY SCHOOL	WS ATHLETIC PROGRAM AD	\$ 75.00
			***** REPORT TOTAL *****	\$ 369,679.70

ORDINANCE NO. 698

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HAWARDEN, IOWA BY REPEALING AND REPLACING CHAPTER 41, SECTION 41.13 PERTAINING TO THE SALE AND USE OF FIREWORKS IN THE CITY OF HAWARDEN.

BE IT ENACTED by the City Council of the City of Hawarden, Iowa:

SECTION 1. SECTION MODIFIED. Section 41.13 of the Code of Ordinances of the City of Hawarden, Iowa is repealed and the following adopted:

41.13 FIREWORKS. The sale, use and exploding of fireworks within the City are subject to the following:

1. Definitions. For purposes of this section, definitions are enumerated in the Iowa Code Section 727.2, which definitions are incorporated herein by reference.

(Code of Iowa, Sec. 727.2)

2. Sales. Sales within the City are subject to the following general requirements:

A. Prior to any person engaging in the sale of consumer fireworks, the following shall be provided to the City Administrator:

(1) License: Proof of valid license issued from the state fire marshal.

(2) Liability Insurance: Proof of liability insurance separate from the building property insurance specifically showing coverage for fireworks sales for not less than \$1,000,000.00 per occurrence and an aggregate amount of not less than \$2,000,000.00.

B. Consumer firework sales shall only be conducted in accordance with the dates and times designated by Iowa Code Section 727.2. It shall be unlawful to sell consumer fireworks without meeting the requirements specified in this Ordinance, or to sell fireworks outside of the dates and times specified.

C. Limitations on Sales. Sales within the City are subject to the following limitations:

(1) Consumer firework sales shall only be allowed in the area zoned for B-2 Commercial use pursuant to the City of Hawarden Zoning and Subdivision Ordinance.

(2) Consumer Fireworks sales shall not be allowed in the Fire Zone established under Chapter 145 of the Code of Ordinances of the City of Hawarden without first obtaining a special permit from the City Council.

(3) No person shall sell a DOT 1.4 class consumer firework to a person under the age of 18.

(4) Consumer fireworks shall not be sold to an intoxicated person or to any person whom a reasonable person would believe may be impaired by any other substance.

3. Discharging Fireworks. The discharge of fireworks and use of novelties in the City of Hawarden is subject to the following regulations:

A. No person under the age of 18 shall discharge a DOT 1.4 class consumer firework device without parental supervision.

B. A person shall not discharge a consumer firework or novelty device on public property, including but not limited to, parks, school property, streets, and alleys nor on private property unless the owner or occupant of the private property has given prior written consent or has given prior verbal consent and is present.

C. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.

D. Any person discharging a consumer firework or novelty device assumes all responsibility for its operation and the consequences thereof. No person shall discharge a consumer firework device in a reckless manner or manner likely to cause death, injury, fire or property damage.

E. No person shall discharge a consumer fireworks device outside the following dates and hours:

(1) June 28 through July 4 from the hours of 12:00 p.m. until 10:00 p.m.

Exception: discharge hours are extended to 11pm on July 4th only.

(2) December 28 through January 3 from the hours of 12:00 p.m. until

10:00 p.m. Exception: discharge hours for December 31 are extended to 12:30 a.m. on January 1 only.

F. It shall be unlawful to alter or remove, components of a consumer fireworks device or to discharge a consumer fireworks device in a manner differing from its intended method of discharging.

G. The City may, upon application in writing, grant a permit for the display of fireworks on public property by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such display fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

(1) Personal Injury: \$250,000.00 per person.

(2) Property Damage: \$50,000.00.

(3) Total Exposure: \$1,000,000.00.

H. Whenever drought, high winds, or other natural phenomena create, or are likely to create hazardous conditions and increased likelihood of fire danger and the Mayor determines that adverse conditions exist for the use and exploding of fireworks, the Mayor or the Mayor's designee may issue a temporary ban and halt the use and detonation of fireworks in the City and may inform the local press, post notice of the ban on the City website and at the City Offices and take such other actions as he deems necessary to inform the public of the ban and may rescind the ban upon determining the hazardous conditions are no longer present and then give notice of ending the ban in the same manner.

4. Violations. All violations of any provisions of this Section are hereby declared a simple misdemeanor with a fine not to exceed \$250.00. Violations of this Section will also be reported to the state fire marshal.

5. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of state; or the sale or use of blank cartridges for a show or theater, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

SECTION 2. REPEALER. All ordinances or part of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this _____ day of _____, 2017

Ricard R. Porter, Mayor

ATTEST: _____

Gary W. Tucker, City Administrator/Clerk

First Reading: _____

Second Reading _____

Third Reading _____

I Certify that the foregoing was published as Ordinance No. _____ on the ____ day of _____, 2017

Gary W. Tucker, City Administrator/Clerk