

**MINUTES
FORT MADISON CITY COUNCIL
Tuesday, April 16, 2019**

Mayor Bradley A. Randolph presided with Council Members Chris Greenwald, Bob Morawitz, Kevin Rink, Rusty Andrews, Matt Mohrfeld, Mark Lair and Chad Cargas present.

VISITORS AND APPEARANCE REQUESTS

Todd Oetken, 413 Maple Street, Burlington, requested the Council fire Officer Cory Brown and other unnamed persons for screaming at him and threatening to arrest him for taking pictures at the new Iowa State Penitentiary. He believed his First Amendment Rights were violated. Mayor Randolph advised him that Council could not take action on items not on the agenda.

AGENDA

Cargas MOVED and Morawitz SECONDED to approve the agenda.

MOTION PASSED 7-0

CONSENT AGENDA

Rink MOVED and Cargas SECONDED to approve the Consent Agenda:

- Minutes of April 2, 2019;
- Liquor License Renewal: Sidelines Barr, LLC, 1128 Avenue I, effective May 1, 2019 – Class C Liquor with Outdoor Service and Sunday Sales;
- Liquor License Renewal: Horan’s Cabaret, 1337 Avenue G, effective May 7, 2019 – Class C Liquor with Outdoor Service;
- Outdoor Service Privilege for Vinnie’s Longbranch, 2601 Avenue L, effective dates May 26 and 27, 2019;
- March Financial Report; and
- Payment of Claims.

MOTION PASSED 7-0

ORDINANCE AND RESOLUTIONS**ORDINANCE NO. D-52, AMEND TITLE 3, BUILDING AND TITLE 6, HEALTH &**

SANITATION: Lair MOVED and Greenwald SECONDED to approve the third reading of an ordinance amending Title 3, Building, Chapter 5, Housing Code, Section 3, Definitions, to update the definition of "Rental Housing Unit" and Title 6, Health & Sanitation, Chapter 4, Nuisances, Section 3, Abatement by the City, by removing Paragraph (2)(a), Form of Notice.

ROLL CALL: AYES: Greenwald, Morawitz, Rink, Andrews, Mohrfeld, Lair, Cangas
NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Ordinance PASSED and APPROVED this 16th day of April, 2019.

ORDINANCE NO. D-53, AMEND TITLE 3, BUILDING, CHAPTER 2, PLUMBING

CODE: Rink MOVED and Cangas SECONDED to approve the third reading of an ordinance amending Title 3, Building, Chapter 2, Plumbing Code, to set plumbing fees by resolution.

ROLL CALL: AYES: Greenwald, Morawitz, Rink, Andrews, Mohrfeld, Lair, Cangas
NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Ordinance PASSED and APPROVED this 16th day of April, 2019.

RESOLUTION NO. 2019-30, SET ZONING AND BUILDING RELATED FEES:

Greenwald MOVED and Rink SECONDED to adopt a resolution setting zoning and building related fees.

Morawitz expressed concern the increase for variances was too high. Planning and Zoning Director Doug Krogmeier said this is the average fee for the region.

ROLL CALL: AYES: Greenwald, Morawitz, Rink, Andrews, Mohrfeld, Lair, Cangas
NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 16th day of April, 2019.

RESOLUTION NO. 2019-31, SMALL CELL GUIDELINES: Greenwald MOVED and Morawitz SECONDED to approve a resolution adopting Small Cell Guidelines.

City Manager David Varley reported cell phone companies are expanding to 5G services and the FCC and State of Iowa have restricted cities' abilities to regulate the placement of these small cell facilities. The FCC order does allow cities to adopt aesthetic, minimum spacing and undergrounding requirements. This went into effect on April 15, 2019. Lynch Dallas put together these guidelines and once adopted, the next step will be standalone technical guidelines and/or a small cell ordinance.

ROLL CALL: AYES: Greenwald, Morawitz, Rink, Andrews, Mohrfeld, Lair, Cangas
 NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 16th day of April, 2019.

OTHER

PARKS BOARD APPOINTMENT: Mohrfeld MOVED and Morawitz SECONDED to approve the appointment of Jacqueline Lumsden to the Parks Board, filling an unexpired term expiring March 31, 2021.

MOTION PASSED 7-0

MEMORANDUM OF AGREEMENT FOR AVE. H/BUSINESS 61 PROJECT: Lair MOVED and Greenwald SECONDED to approve the Mayor's signature on a Memorandum of Agreement between the Iowa Department of Transportation, Iowa State Historic Preservation Office, Office of the State Archaeologist and the City of Fort Madison as it concerns the Reconstruction of Avenue H/Business 61. National Railroad Passenger Corporation (Amtrak).

Council expressed concern over approving the Mayor's signature on a document that has not been finalized as the document presented to Council is a redlined document. In order to keep the project's place on the IDOT bid letting, the Memorandum must be approved by Council before the end of the month. The City has not been given a final document yet. Varley did not expect any material changes to the Memorandum but, if there would be a material changes, a special meeting could be called.

MOTION PASSED 7-0

DISCUSSION ITEMS

Avenue G Sidewalk and Storm Water Improvements Status and Options for SRF Funds: Teresa Stadelman, HR Green, said she has talked to contractors who were interested in bidding this project for their suggestions to lower the cost. Nothing suggested changed the cost enough to continue the project. Stadelman said the state kept adding things and destroyed the project. She suggested using the SRF Funds instead for the City parking lot at 8th and Avenue F and parking lot at City Hall.

Driscoll suggested moving forward with the replacement of the sidewalks and curbs downtown. The project could be funded by a combination of franchise fee and/or a special assessment. The cost would be approximately \$300,000. The City would pay for the curb and the first five foot of sidewalk. The property owners would be responsible for the remaining five foot of sidewalk.

Andrews left at 6:42 p.m.

Transfer from Water Operations Fund to General Fund: Randolph said it was suggested to take the money out of the Water Operations Fund to the General Fund at the Budget meeting. Driscoll said Council approved paying for this out of the General Fund when it was brought to Council in 2017. The developer and the City were to split the cost of the project. Varley said this was considered to be an economic incentive for the project and should come out of the General Fund.

Greenwald said the General Fund must be protected and wanted to put the money back in the General Fund. It was suggested to put this on the next agenda for a vote.

RASHID LIBRARY BUILDING: Varley reported Head Start has a new director and he is not interested in the building. The United Way is also not interested in purchasing the building. He was approached by someone who has a business with 10 employees and is interested in the building. Varley said the City's goal is to divest itself of property.

Mohrfeld felt this building was given as a community building and if the building was deeded over to the Food Pantry then it would stay a community building. He suggested the City could put some of their strength to assist the Food Pantry with raising \$125,000. Cangas questioned if the City could give the building away.

Varley said he offered the United Way a 10-year payment plan but they were not interested. Lair felt all three groups should be offered the same deal as Mohrfeld was suggesting for the Food Pantry. Morawitz suggested giving the property back to DuPont and then letting them donate the property. Randolph requested this be on the agenda to consider donating the property to the Food Pantry. Cangas suggested that if the business was interested in purchasing that Council should listen to their offer.

Water Treatment Plant Equipment/Capacity Expansion: Driscoll reported the Water Plant has the capacity to process 5 million gallons a day. In order to do so, a fifth sand filter is needed. The City is working with Climax and Scotts to increase their water usage. Climax will use another 500,000 gallons a day and Scotts, while seasonal, would also be 500,000 gallons a day. If the agreement with Scotts works out, the filter could be paid off very quickly.

The Department of Natural Resources requires a user study before any changes could be made. Driscoll wanted to bring this to Council before requesting the study.

POSSIBLE ITEMS TO BE CONSIDERED AT FUTURE COUNCIL MEETINGS

- ◆ Viking Cruise Line Agreement
- ◆ Update of Title 4, Business

DEPARTMENT HEAD REPORTS - Nothing remarkable to report.

LIAISON REPORTS

Randolph reported Viking is interested in a few changes to the proposed facility. The Iowa Department of Transportation met on April 9 and approved the funding for the Amtrak Platform. Great River Regional Waste Authority is working on expansion plans.

ADJOURNMENT

At 7:40 P.M., Rink MOVED and Morawitz SECONDED to adjourn until Tuesday, May 7, 2019, at 5:30 P.M.

VOICE VOTE APPROVAL

MANUAL CLAIMS & WARRANTS: See Manual Claims dated March 29, 2019, in the amount of \$246,909.59; Claims dated April 11, 2019, in the amount of \$235,272.69; and Library Claims dated March 21, 2019, in the amount of \$10,917.75.

<u>PAYROLL</u>	4/12/2019
General	\$173,101.14
Spec. Revenues	4,092.09
Road use	21,312.12
Water	28,441.70
Sewer	37,828.95
Solid Waste	11,779.40
Airport	486.54
Storm Water	3,490.80
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	\$280,532.74

Mayor Bradley A. Randolph

ATTEST:

Melinda L. Blind, City Clerk