

PROCEEDINGS OF THE CITY COUNCIL

MINUTES FORT MADISON CITY COUNCIL Tuesday, October 20, 2020

The City Council met in regular session at 5:30 P.M. on Tuesday, October 20, 2020, at City Hall, 811 Avenue E, Fort Madison. Mayor Matt Mohrfeld presided with Council Members Mark Lair, Kevin Rink, Rebecca Bowker, Rusty Andrews and Chad Cangas present.

The meeting was held with participants present either in person or electronically (pursuant to Iowa Code Section 21.8) due to social distancing issues because of COVID-19.

VISITORS AND APPEARANCE REQUESTS: There were none.

AGENDA

Lair MOVED and Rink SECONDED to approve the agenda.

**MOTION PASSED 5-0
VOICE VOTE**

CONSENT AGENDA

Cangas MOVED and Lair SECONDED to approve the Consent Agenda:

- Minutes of October 6, 2020;
- Liquor License Renewal: Aldi, Inc., 927 Avenue G, effective November 4, 2020 - Class C Beer Permit, Class B Wine Permit with Sunday Sales;
- Claims dated October 20 and Library Claims dated October 15; and
- Payroll of October 9, 2020.

Bowker questioned payments to Pinnacle Foods and Gregory Manufacturing. Finance Director Peggy Steffensmeier said these businesses participate in the Iowa Economic Development Authority's Targeted Job Tax Credit program. This allows a percentage of the gross wages paid their employees to be directed to a project budget on a quarterly basis. Fort Madison serves as the pass-through for the funds.

**MOTION PASSED 5-0
ROLL CALL VOTE**

DEPARTMENT REPORTS AND CITY MANAGER'S FINANCIAL REPORT: The Library Board discussed possible issues regarding maintenance and will be making some changes to the landscaping. The Ambulance Committee met with PSAP regarding dispatching for the ambulance service. This will need medical dispatchers and will increase the PSAP budget about \$180,000.

PROCEEDINGS OF THE CITY COUNCIL

Bowker questioned if the Council needs to issue a resolution or letter to articulate the City's desires regarding the ambulance service.

At a request from area industries who have met with the City regarding the franchise fee, the Finance Department reviewed all the City's gas and electric bills. Steffensmeier noted there might be some savings.

The Board of Adjustment approved a variance. A coffee shop has begun building in the Fairway parking lot.

Public Works has been televising more sewers preparing for the next CSO project. The parking lot at the old visitor's center was removed and has been seeded. The City Hall parking lot project is waiting on the subcontractor to install the pavers. The contractor has begun work on the 8th and Avenue F City parking lot. The remains of an old building have been found there and will probably necessitate a change order.

The Parks Board discussed recognizing groups such as Rotary or the Old Settlers Association. This might include highlighting them on the City website and facebook.

The Police Department completed candidate interviews and are performing background investigations. An offer will be made to two candidates. Funds were budgeted to purchase two vehicles and those are being ordered. A citation was issued regarding the pot-bellied pigs. Anticipation is that a court order will be issued ordering the owner to move the pigs outside of city limits. The pigs' owner has acquired property outside out of city limits.

ORDINANCES/RESOLUTIONS

RESCIND PREVIOUS RESOLUTIONS AND HOLD SPECIAL ELECTION TO FILL

VACANCIES: Lair MOVED and Andrews SECONDED to adopt a resolution rescinding Resolutions No. 2020-57 and 2020-58, and serve as the City Council's intent to fill the Second and Third Ward Council vacancies by special election at a date to be determined by the Lee County Auditor's Commissioner of Elections.

Mohrfeld reported Jerry Hamelton has informed the Mayor of his intent to garner signatures to push these seats to an election instead of an appointment. (NOTE: Hamelton presented a petition to the City Clerk on 11/12/2020 but she could not accept it until notice was published.) Mohrfeld felt it was prudent to have Council discuss this. The earliest an election could be held is December 15. The cost is estimated at between \$2,000 to \$4,000. An appointment would fill both seats until the November 2021 election. An election would fill the 2nd Ward seat until December 31, 2021 and the 3rd Ward seat until December 31, 2023.

Bowker noted the cost does not include a run-off. City Clerk Melinda Blind said if there are more than two candidates one will need to receive at least fifty percent plus one additional vote in order to win the election. A run-off election would be held if this did not happen.

PROCEEDINGS OF THE CITY COUNCIL

Cangas said when he was appointed there were five or six persons who interviewed for the Fifth Ward position. He felt Council should let the process play out and if it is challenged by petition a special election will be held.

Lee County Auditor Denise Fraise there is a blackout period before and after a November election which is why an election would not be held until December.

Bowker was concerned there could be a run-off and then the seat(s) could be empty until late January. She felt running with a five-person Council is irresponsible to the voters who elected them. Members of Council could get sick and be unable to hold a meeting due to lack of a quorum.

Andrews felt if there were three (there are three persons who have submitted intent for the Third Ward Council vacancy) that there will be a run-off.

Jan Garza, 2023 Avenue H, pointed out few persons vote in these elections and the City pays a considerable amount per vote.

Tom Schulz, 1207 Avenue C, was favor of an appointment of whoever the Council chooses so as to provide representation to second and third wards as soon as possible. He did not have an issue with an election. Even if someone is appointed, even for a month or two, that ward has representation. There could potentially be Council meetings that don't take place because there is no quorum.

Donna Amandus, 1119 Avenue D, pointed out that transparency means a lot. She did not like it that money has to be spent on a special election. She said let the people decide who they want to represent them.

Mohrfeld said these interviews will be in open session and the appointment will be by a vote of the Council, not a mayoral appointment.

ROLL CALL: AYES: None
NAYES: Bowker, Lair, Andrews, Rink, Cangas

MOTION FAILED 5-0

RESOLUTION NO. 2020-61, AUTHORIZE MAYOR TO SIGN: Cangas MOVED and Bowker SECONDED to adopt a resolution pursuant to Fort Madison Code 1-7-6, authorizing the Mayor to sign all City employee repayment agreements of the City.

ROLL CALL: AYES: Bowker, Lair, Andrews, Rink, Cangas
NAYES: None

MOTION PASSED 5-0

The Mayor then declared said Resolution ADOPTED and ENACTED, this 20th day of October, 2020.

PROCEEDINGS OF THE CITY COUNCIL

OTHER

REAPPOINTMENT: Lair MOVED and Rink SECONDED to approve the Mayor's reappointment of Charles Block to the Board of Adjustment and Appeals, term expiring September 30, 2024.

MOTION PASSED 5-0

CHANGE ORDERS: Cangas MOVED and Lair SECONDED to approve the Mayor's signature on:

- Change Order #4 – Public Improvement Project 2018-04, Reconstruction of Old Hwy. 61, 2nd to 6th Street;
- ~~Change Order #2 – Public Improvement Project 2019-07, Santa Fe Depot Passenger Rail Platform Project;~~
- Change Order #2 – Public Improvement Project 2020-01, Parking Lot Reconstruction and Stormwater Improvements.

Mohrfeld believed the change order for the Amtrak platform was unacceptable. He felt it was inexcusable the engineering firm did not take responsibility for not recognizing the presence of an existing concrete platform and this firm should not work for the City again. He said when the City chooses an engineering firm we put our full faith that they are acting as an agent of the City. He questioned if Council wanted to just stand here and accept engineering incompetence to be the norm? He felt it was unacceptable for the engineer to receive additional fees for the redesign and the contractor to pocket \$100,000 as part of the value-added engineering savings when both could clearly see the platform.

Andrews noted the engineer designed it around all these standards and it is the guy in the field that is redesigning it as they go.

Bowker felt the City held some responsibility for this also as the platform has been since before the project started.

Tom Schulz said he was a contractor. It is the City's job to select an engineer, the engineer's job to design and the contractor's job to review the blueprints and see if it can be built as the blueprints show. If a contractor misses something and makes a mistake it should be covered under his errors and omissions insurance.

Public Works Director Mark Boussetot pointed out the change order could have a negative impact as it represents a savings of \$100,000. There are other changes that have been added to this change order. The worst case scenario would add \$12,000 to the project.

Cangas MOVED and Rink SECONDED to amend the motion to remove approval of Change Order #2 for Public Improvement Project 2019-07, Santa Fe Depot Passenger Rail Platform.

MOTION PASSED 4-1

PROCEEDINGS OF THE CITY COUNCIL

A vote was then held on the amended motion.

MOTION PASSED 5-0

DISCUSSION ITEMS:

Discussion and Possible Action Concerning an Amendment to Title 9, Traffic, Chapter 7, Stopping, Standing, Parking, Section 6, Parking Prohibited: Cangas said the safety work group has been working on the issues with Avenue E. Traffic counts have been performed and compared with previous traffic counts and accident reports have also been studied. The recommendation is to remove parking on the south side of Avenue E. Chief Rohloff said there has been a 73% increase in traffic in the last year. This is a secondary arterial street and does not meet the minimum width required for two lane traffic with parking on both sides.

One option would be to take parking on both sides of the street. The work group felt removing parking from the south side of the street would work the best. With four years of construction on Avenue H this will lead to some persons continuing to use Avenue E following completion of the road construction. The higher volume of traffic also leads to difficulty in pulling out into traffic. There is also a frequent concern from the Fire Department with trying to get their trucks down the street because of the cars parked on both sides of the street. The Iowa Department of Transportation records show 19 collisions so far this year, normally it is 15. These numbers are only what is reported, there are many incidents where persons have their mirrors hit and don't report it.

Andrews has heard from residents on Avenue E who are concerned traffic speeds will increase if parking is removed from one side. He questioned what other streets need to have restricted parking due to size requirements. He asked if adjusting parking at intersections would assist.

Lair questioned if stop signs were needed at 15th Street or 18th Street. Rohloff said this was discussed as a tool for slowing traffic down. There is a question of what type of back up of traffic the stop signs would create. A large amount of the issues occur between 2:00 and 6:00 p.m. The goal is to maintain the efficiency of moving vehicles.

It was noted the biggest problem is between 2nd to 15th Streets. Following some discussion by Council, it was suggested to open this to public discussion at the next Council meeting.

Tom Schulz said he has trouble finding parking on Avenue E on occasion. He was concerned regarding the persons who live on the south side and would have to cross the street on foot to get to their vehicles.

COUNCIL MEMBER COMMUNICATIONS: Bowker suggested a regular letter to the media providing additional perspective from the City Manager or Mayor. She felt the City needed to put more information out there to help the public understand. She challenged everyone to put pen to paper. The Dog Park Committee will be planting trees and installing benches at the

PROCEEDINGS OF THE CITY COUNCIL

dog park. The Historic Preservation Commission has submitted the application for inclusion of the steam engine in Riverview Park on the National Historic Register.

MAYOR ANNOUNCEMENTS: He challenged the Parks Board to put together a five-year plan. He will be reactivating the Old Fort Commission. He did not believe the current framework is going to be the right avenue.

ADJOURNMENT: At 7:40 P.M., the regular meeting adjourned until Monday, November 2, 2020, at 5:30 P.M.

MANUAL CLAIMS & WARRANTS: See Library Claims dated October 13, 2020 in the amount of \$11,186.66, and Claims dated October 15, 2020, in the amount of \$1,258,943.32

PAYROLL	10/9/2020
General	\$172,080.28
Merschon Trust	518.38
Old Fort	3,206.08
Road Use	25,921.90
Tourism	426.95
Water	29,332.63
Sewer	40,576.86
Solid Waste	11,599.14
Airport	486.54
Storm Water	<u>3,734.50</u>
	\$287,883.26

Matt J. Mohrfeld, Mayor

ATTEST:

Melinda L. Blind, City Clerk