

**MINUTES
FORT MADISON CITY COUNCIL
Tuesday, March 19, 2013 - 7:00 P.M.**

The Fort Madison City Council met in adjourned session on Tuesday, March 19, 2013 at 7:00 P.M. at the Municipal Building, 811 Avenue E, Fort Madison. Presiding was Mayor Bradley A. Randolph with Council Members Chris Greenwald, Brian Wright, Kevin Rink, Neal Boeding, Travis Seidel, Jason Huppert and Mark Lair present.

VISITORS AND APPEARANCE REQUESTS

There were none.

AGENDA

Rink MOVED and Greenwald SECONDED to approve the agenda, as written.

MOTION PASSED 7 AYES

CONSENT AGENDA

Seidel MOVED and Boeding SECONDED to approve:

- Minutes of March 5, 2013, as written;
- Mayor's appointment of Jason Samples, 513 Avenue G, to the Fort Madison Revolving Loan Fund Loan Review Committee, term expiring December 31, 2014;
- Liquor License Renewal: Pizza Hut, 1123 – 24th Street, effective March 20, 2013, Special Class C Liquor License (Beer/Wine) with Sunday Sales; and
- Payment of Claims.

MOTION PASSED 7 AYES

PUBLIC HEARINGS

Concerning Public Improvement Project 2011-04, Replace Avenue D Bridge Over French Creek

Mayor Randolph opened the public hearing at 7:03 p.m. There were no written or oral comments.

Wright MOVED and Huppert SECONDED to close the public hearing.

MOTION PASSED 7 AYES

RESOLUTION NO. 2013-19, ADOPT PLANS, SPECS, FORM OF CONTRACT:

Greenwald MOVED and Seidel SECONDED to adopt plans, specifications, and form of

contract for the project.

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
 NAYES: None

MOTION PASSED 7 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 19th day of March, 2013.

RESOLUTION NO. 2013-20, AWARD CONTRACT: Rink MOVED and Boeding SECONDED to award construction contract for the project to Iowa Bridge & Culvert, L.C. of Washington, Iowa in the amount of \$633,797.43.

Smith reported the Iowa Department of Transportation bid the project for the City.

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
 NAYES: None

MOTION PASSED 7 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 19th day of March, 2013.

RESOLUTION NO. 2013-21, APPROVE CONTRACT, BONDS: Lair MOVED and Seidel SECONDED to approve the contract and bonds of Iowa Bridge & Culvert, L.C., pending receipt of the documents.

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
 NAYES: None

MOTION PASSED 7 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 19th day of March, 2013.

ORDINANCES AND RESOLUTIONS

2nd READING, VACATE ALLEY ROW: Lair MOVED and Greenwald SECONDED to approve the 2nd reading of an ordinance vacating a 20 foot by 350 foot alley Right-of-Way located between 1st and 2nd Streets and Avenues F and G.

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
 NAYES: None

MOTION PASSED 7 AYES

AMEND MOTION: Upon discovery the motion was read as “20 foot by 350 foot” instead of “20 foot by 450 foot”, Lair MOVED and Seidel SECONDED to amend the motion to read “20 foot by 450 foot”.

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
NAYES: None

MOTION PASSED 7 AYES

A vote was then taken on the motion as amended.

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
NAYES: None

MOTION PASSED 7 AYES

The Mayor then declared said Ordinance PASSED and APPROVED this 19th day of March, 2013.

RESOLUTION NO. 2012-22, SET P.H. ON SALE OF 20’ X 350’ ALLEY ROW: Seidel MOVED and Lair SECONDED to set public hearing for April 2, 2013, at 7:00 P.M. on the sale of City-owned property known as a 20 foot by 350 foot alley Right-of-Way located between 1st and 2nd Streets and Avenues F and G.

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
NAYES: None

MOTION PASSED 7 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 19th day of March, 2013.

RESOLUTION NO. 2013-23, SET P.H. ON SALE OF 20’ X 100’ CITY ROW: Rink MOVED and Greenwald SECONDED to set public hearing for April 2, 2013, at 7:00 P.M. on the sale of City-owned property known as a 20 foot by 100 foot alley Right-of-Way located between 1st and 2nd Streets and Avenues F and G.

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
NAYES: None

MOTION PASSED 7 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 19th day of March, 2013.

RESOLUTION NO. 2013-24, AUTHORIZE FILING OF STP FUNDS APPLICATION:
Greenwald MOVED and Huppert SECONDED to authorize the filing of an application with the Southeast Iowa Regional Planning Commission for Regional Transportation STP Funds for Reconstruction of 9th Street from Avenue E to Avenue H on behalf of the City of Fort Madison.

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
 NAYES: None

MOTION PASSED 7 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 19th day of March, 2013.

OTHER

HISTORIC PRESERVATION REQUEST FOR FUNDING TO HIRE CONSULTANT:
Greenwald MOVED and Wright SECONDED to approve the request of the Historic Preservation Commission for \$5,000.00 to hire a consultant who will apply for nomination of the "Park-to-Park" residential historic area to the National Register of Historic Places.

Smith explained Historic Preservation Commission (HPC) has received a series of grants to prepare for the nomination of the Park to Park historic area to the National Historic Register. HPC applied for a grant last year and Council approved \$4,500 in the 2012/13 budget to use as the match. HPC did not receive the grant but have been told a consultant might prepare the application for \$5,000. All applications must be prepared by consultants recognized by the National Park Service. Smith explained there are fewer steps in the process when a grant is not involved so the cost should be less. Bob Morawitz, HPC member, explained grants are drying up and many consultants are looking for work.

MOTION PASSED 7 AYES

HIRE POLICE OFFICER: Rink MOVED and Lair SECONDED to approve hiring a police officer.

Smith explained an officer has retired on disability and approval of this request will hire someone for that position.

MOTION PASSED 7 AYES

EXTEND PRE-ANNEXATION AGREEMENT DEADLINE: Seidel MOVED and Huppert SECONDED to approve extending the Pre-Annexation Agreement deadline and incentives until April 26, 2013 for Area #1.

Smith said a group of property owners in the area have some questions and have asked for additional time.

MOTION PASSED 7 AYES

GOAL SETTING UPDATE: Smith gave an update on the progress on goals set by Council last year. Lair questioned if the City has gotten any further with the specifications for the Amtrak loading platform. Smith said a meeting has been scheduled with Amtrak officials when the region goes to Washington, D.C. later this spring.

DISCUSSION ITEMS:

PARKING LOTS: Smith said the City Code requires all off street parking to be paved. This requirement was in the code in 1969 when the zoning code was adopted in total. At the time there was no discussion recorded in the minutes. This matter has come before staff in a number of different ways and from different people. Planning and Zoning Director Krogmeier has researched the matter and contacted surrounding communities and different state agencies to find out their requirements. He discovered roughly 298 properties in Fort Madison with parking lots: 202 are paved, 37 are partially paved (some portion is gravel) and 59 are gravel. The City has 16 partially paved or gravel lots. The list does not include four plex apartment buildings, which are considered to be commercial, and should have paved parking areas. Businesses with fenced in areas that the public does not have access to are also not included. The Board of Adjustment and Planning and Zoning Commission have reviewed this also.

Smith said one thing that brought this to the City's attention is when new development occurs and the owners are required to pave their lots, they will point out other areas that are not paved and should be according to the Code. Some of the unpaved lots have been there a long time and he was unsure when these lots became used commercially.

Both the Planning and Zoning Commission and Board of Adjustment believe if the ordinance is on the books then it should be enforced or removed. Other cities cite paved parking provides a better and safer surface on parking areas and curtails runoff into the city right-of-way. It is recognized that paving or even seal coating these lots would be a great financial burden and a minimum estimate for businesses to do so was \$750,000. It was asked if the Code could be modified to not be as specific in the type of surface and allow sealcoating. Smith questioned the possibility of phasing this in, allowing property owners to get in with the City on one bid and then setting up a payment plan for property owners. He asked for direction from the Council.

Huppert questioned if the City wanted to spend \$250,000 to pave where a dump truck parks. Smith said there are safety concerns with gravel parking lots in that they are not a smooth surface to walk on. City Attorney Johnson said there is potential liability to the City because the ordinance is on the books and the City is not enforcing it. He added

the City as well as the property owners could be liable. Huppert felt this requirement should be removed from the Code.

Questions were raised regarding what is the definition of a parking lot and if this would apply to Riverview Park when it has been used for car shows and also the parking area for the Tri-State Rodeo. The fenced in area behind Alliant Energy used for storage of their vehicles and equipment is not considered a parking lot because it is fenced in.

Greenwald said things have changed since 1969 and this ordinance should be looked at again. Wright was concerned with fairness and pointed out the City's gravel parking lots. He added if new businesses have to comply then either take it off the books or enforce it.

Lair questioned if everything could be grandfathered in from a certain date and then new construction or buildings would have to comply. Greenwald did not think that would be fair. Wright agreed and pointed out the city's lots would be included. Seidel was concerned about the City's liability

Smith said new commercial development is usually large scale and will have paved parking. Greenwald believed businesses would want concrete lots. He added the only thing worse than gravel dust being tracked into a business would be tar from the seal coat. He pointed out a portion of his business lot is gravel and he encourages people not to park there. He said when he opened his business 20 years ago he was unaware of these regulations. The City came after him 10 years later and the matter was dropped. He noted the Council Report states the Iowa DNR actually prefers permeable but stable surfaces to deter run off. Smith said there is new type of permeable pavement. He added one of the issues is the erosion of private property onto city right-of-way.

Greenwald said alleys are not paved but people walk on them. He believed this was a bad ordinance then and now. Randolph questioned if there was some way to make a hybrid out of that. For example, based upon square footage of the parking lot and this would protect the issue of big businesses and would cover some of the ones that already have it. Greenwald suggested if someone doesn't want to do this then they could move out into the county.

Boeding said most of the City's zoning code was written 43 years ago. He felt the City should take a closer look at the Code and then discuss this again. He would like to look at the list and know the number of rentals that would be included. He was concerned about businesses moving out of Fort Madison if this matter was pushed.

The current definition of paving in the City Code is: "Blacktop, concrete or brick."

Randolph said the comprehensive plan update recommends reexamining our zoning code in the whole. That is a huge project. Smith said more research will be done including contacting the League of Cities.

PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS

Smith reported a joint meeting will be held with the Planning and Zoning Commission on March 26 at 7:00 P.M. for the presentation of final draft of the comprehensive plan.

ADJOURNMENT

At 7:55 P.M., Wright MOVED and Seidel SECONDED to adjourn until Tuesday, April 2, 2013 at 7:00 P.M.

VOICE VOTE APPROVAL

MANUAL CLAIMS AND WARRANTS: See Claims dated March 14, 2013 in the amount of \$336,179.85.

<u>PAYROLL</u>	<u>MARCH 8, 2013</u>
General	\$147,335.29
RSVP	1,256.38
Old Fort	1,991.76
Road Use	29,477.78
Water	36,082.80
Sewer	30,759.58
Solid Waste	14,758.87
Storm Water	<u>2,733.69</u>
	\$264,396.15

Bradley A. Randolph, Mayor
City of Fort Madison

ATTEST:

Melinda L. Blind, City Clerk