

**MINUTES
FORT MADISON CITY COUNCIL
Tuesday, June 18, 2013 - 7:00 P.M.**

The Fort Madison City Council met in adjourned session on Tuesday, June 18, 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 and Mark Lair present. Council Member Jason Huppert was absent.

VISITORS AND APPEARANCE REQUESTS

Sharon Scholl Nabulsi, 828 Denmark Hilltop, spoke regarding a petition presented to the City from the residents of Denmark Hilltop. The petition requested the road be repaired. She complimented Larry Driscoll, Public Works Director, regarding the promptness of the City's response to problems she said were caused by heavy equipment used to repair the landslide at the east end of the road.

Carol Foss, 412 Avenue F, thanked the City for the surveillance cameras being installed at Old Settlers and Central Parks. She said Avenue F is in terrible shape and asked the City to consider repairing it.

AGENDA

Wright MOVED and Seidel SECONDED to approve the agenda.

MOTION PASSED 6 AYES

CONSENT AGENDA

Greenwald MOVED and Rink SECONDED to approve:

- Minutes of June 4, 2013, as written;
- Liquor License Renewal with conditions: Fort Madison Elk's Lodge #374, 719 Avenue H, effective July 1, 2013 – Class A Liquor with Outdoor Service and Sunday Sales;
- Liquor License Renewal with conditions: Columbus Club, 807-809 Avenue H, effective June 30, 2013 – Class A Liquor with Outdoor Service and Sunday Sales pending dram shop endorsement;
- Liquor License Renewal: Chandler's Grill, 6111 Reve Court, effective July 1, 2013 – Class C Liquor with Sunday Sales;
- Liquor License Renewal: Comfort Inn & Suites, 6169 Reve Court, effective July 1, 2013 – Class B Liquor with Sunday Sales;

- Resolution No. 2013-43, granting application for an URTEd to Shawna Drouillard for property located at 1514 Avenue F;
- Mayor's reappointment of Earl Albers and Floretta Salladay to the Retired & Senior Volunteer Program Advisory Council, terms expiring June 30, 2016;
- Partial List of Cigarette Permits; and
- Payment of Claims.

MOTION PASSED 6 AYES

PUBLIC HEARING

Concerning the Review of an Application for a State Revolving Loan Fund (SRF) from the Iowa Department of Natural Resources and to make available to the public contents of an environmental information documents and the City's Preliminary project plan for a project involving the construction of a new sewer main and lift station along Highway 61 and a railroad

Mayor Randolph opened the public hearing at 7:09 p.m. Susan Coffey, Southeast Iowa Regional Planning Commission, said the purpose of the project is to make improvements to expand the wastewater collection system service area to provide safe and reliable wastewater treatment to a new customer area through the City of Fort Madison's wastewater system for at least the next 20 years. The proposed improvements include about 6,000 feet of gravity sewers, a pump station, and about 23,000 feet of force main sewers. All of the sewage from these sewers will ultimately be treated by the existing treatment plant.

Coffey summarized the reasons for concluding why there would be no significant impact:

- The project will not significantly affect the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population.
- The project will not conflict with local, regional or State land use plans or policies.
- While the U.S. Army Corps of Engineers has not yet commented on the project, no impacts to wetlands are anticipated.
- While the U.S. Fish & Wildlife Service and the Iowa DNR Conservation and Recreation Division have not yet commented on this project, it is not anticipated that this project will have any impacts to threatened or endangered species or their habitats provided all Indiana Bat (*Myotis sodalis*) trees are removed outside the maternity period (April 15-September 15). If any State- or Federally-listed threatened or endangered species or communities are found during the planning or construction phases, additional studies and/or mitigation may be required.
- The project will not displace population, alter the character of existing residential areas, or convert significant farmlands to non-agricultural purposes.
- While the Iowa DNR Water Resources Section has not yet commented on the project, the project is not expected to impact the 100-year floodplain; should a Floodplain Development permit be required for this project, one will be obtained and the terms of which abided by.

- While a response has not yet been received from the Iowa DNR Conservation and Recreation Division, it is not anticipated that the project would interfere with any State-owned parks, recreational areas or open spaces.
- A Phase I Archeological investigation of the proposed project area is currently underway. Results from this investigation will be submitted to the State Historical Preservation Office for review. The project will only proceed as planned if a determination of either “no historic properties affected” or “no adverse affect on historic properties” can be appropriately reached with or without mitigation.
- The project will not have a significant adverse effect upon local ambient air quality provided the applicant takes reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property during the proposed project (567 IAC 23.3(2)“c”).
- The project will not have a significant adverse effect upon local ambient noise levels, surface water quantity, groundwater quality or quantity, or water supply.
- No significant impact to surface water quality, fish, shellfish, wildlife, or their natural habitats is expected provided that an NPDES General Permit Number 2 (for storm water discharge associated with construction activities) is obtained and the terms of which are abided by.

There were no other oral comments and no written comments.

Boeding MOVED and Lair SECONDED to close the public hearing.

MOTION PASSED 6 AYES

ORDINANCES AND RESOLUTIONS

2nd READING, AMEND TITLE 4, ADD NEW CHAPTER 9, SECTIONS 1-12 RAGBRAI - MISCELLANEOUS PERMITS: Seidel MOVED and Wright SECONDED to approve the second reading of an ordinance amending Title 4, Business, by adding a New Chapter 9, Sections 1-12, entitled “RAGBRAI - Miscellaneous Permits”.

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

MOTION PASSED 6 AYES

The Mayor then declared said Ordinance PASSED and APPROVED this 18th day of June, 2013.

RESOLUTION NO. 2013-44, PRELIMINARY INNSBROOK SUBDIVISION – PLAT IV: Rink MOVED and Greenwald SECONDED to approve a resolution accepting and approving the preliminary plat for Innsbrook Subdivision – Plat IV.

City Manager Byron Smith said staff researched the issues brought up at the June 4 City Council meeting. This motion will allow the developer to begin infrastructure.

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

MOTION PASSED 6 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 18th day of June, 2013.

RESOLUTION NO. 2013-45, PERSONNEL POLICY MANUAL AND COMPENSATION PLAN: Lair MOVED and Seidel SECONDED to approve a resolution implementing a Personnel Policy Manual and Compensation Plan for city employees not covered under union contracts.

Smith said the manual adds policies concerning e-mail, social media and cell phone usage as well as updating other policies to match state and federal law. The manual removes the sick leave comp and department head comp time benefits. It was felt the City has a good vacation and sick leave policy. Family sick leave has been added to assist employees who were using sick leave comp to take a family member to the doctor. The policy covers all city employees unless there is a union contract that differs. The compensation plan renames some positions and eliminates some positions that are not in use.

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

MOTION PASSED 6 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 18th day of June, 2013.

OTHER

SEIBUS CONTRACT: Greenwald MOVED and Rink SECONDED to to approve the Mayor's signature on a Contract for Transportation Services between the City and Southeast Iowa Regional Planning Commission effective July 1, 2013, through June 30, 2014.

MOTION PASSED 6 AYES

PIP 2012-09, APPROVE INSPECTION AGREEMENT WITH PSBA: Seidel MOVED and Lair SECONDED the Mayor's signature on an engineering services agreement with Poepping, Stone, Bach and Associates, of Keokuk, Iowa, for inspection services for

Public Improvement Project 2012-09, Reconstruction of Avenue E from 15th to 18th Street.

Smith said the City originally contracted with PSBA for engineering services. The inspections must be contracted and with this agreement the City can utilize grant money to pay 75% of the inspection charges.

**MOTION PASSED 5 AYES
1 NAY (Rink)**

IDNR/SRF APPLICATION 14TH & E PARKING LOT/DRY CREEK STABLIZATION:

Greenwald MOVED and Boeding SECONDED to authorize the filing of an application with the Iowa Department of Natural Resources and Iowa Finance Authority for State Revolving Funds for a new City parking lot to be constructed on vacant land at the corner of 14th Street and Avenue E on the behalf of the City of Fort Madison and stabilizing erosion areas on Dry Creek within the City of Fort Madison.

Smith said this application is through a new state program using the interest paid on SRF loans to finance storm water related projects. The 14th Street and Avenue E parking lot would use a new permeable pavement. The Dry Creek area had some gabion baskets destroyed by the heavy rains. Funding has also been requested from FEMA for the Dry Creek repairs.

MOTION PASSED 6 AYES

ENGINEERING AGREEMENT W/HR GREEN – 14TH ST. & E PARKING LOT: Seidel MOVED and Wright SECONDED to approve the Mayor and Clerk's signatures on an engineering services agreement with HR Green, Inc. for survey, design, bidding and construction phase services for a new City parking lot to be constructed on vacant land at the corner of 14th Street and Avenue E.

Smith said because the funding would come from SRF the project must be engineered. Lair questioned if the engineering study would cost more than the parking lot itself. Smith said with the new technology (permeable paving) it will take some extra steps.

**MOTION PASSED 5 AYES
1 NAY (Rink)**

ENGINEERING AGREEMENT W/HR GREEN – DRY CREEK: Wright MOVED and Greenwald SECONDED to approve the Mayor and Clerk's signatures on an engineering services agreement with HR Green, Inc. for field assessment, conceptual design, and identification of temporary easement needs for stabilizing major erosion areas of Dry Creek within the City of Fort Madison.

At a question regarding the cost of the project, Driscoll said HR Green is doing a hydrologic study to determine cost. Once the project is ready for bid the City will take over engineering and inspection.

**MOTION PASSED 5 AYES
1 NAY (Rink)**

ACCEPT CSO RECOMMENDATIONS: Greenwald MOVED and Lair SECONDED to accept staff/consultant recommendations on CSO mitigation requirements pursuant to the EPA Consent Order and to authorize staff/consultants to work on amendments to the EPA Consent Order pursuant to the accepted recommendations.

Jay Brady, Stanley Consultants, outlined various alternatives to the combined sewer overflow system:

Alt. 1: Disinfect at all eight locations (outfalls).

Alt. 1A: Disinfect at seven locations, separation of 13th Street basin.

Alt. 2: Disinfect at 5th, 6th, 7th and 8th Street outfalls, separation 4th, 9th, 10th and 13th Street basins.

Alt. 2A: Consolidated disinfection of 5th and 6th Street outfalls, separation of 4th, 7th, 8th, 9th, 10th and 13th Street basins.

Alt. 3: Total separation.

Cost	Alt. 1	Alt. 1A	Alt. 2	Alt. 2A	Alt. 3
Construction	\$8,200,000	\$9,000,000	\$6,600,000	\$7,000,000	\$9,500,000
Project	\$10,300,000	\$11,200,000	\$8,300,000	\$9,600,000	\$11,800,000
Annual	\$125,000- 185,000	\$125,000- 185,000	\$63,000- 98,000	\$38,000- 50,000	\$20,000
20 Yr. Annual	\$1,700,000- 2,500,000	\$1,700,000- 2,500,000	\$860,000- 1,300,000	\$520,000—6 80,000	\$280,000
Total	\$12,000,000- \$12,800,000	\$12,900,000 13,700,000	\$9,200,000- 9,600,000	\$10,100,000- \$10,300,000	\$12,100,000

Brady said disinfection has significant ongoing operation and maintenance costs. The more outfalls the City has the more risk of violating the permits. Separation offers the updating of existing infrastructure. Replacing the sanitary sewer is more cost effective than replacing storm sewers. These estimates do not take into account older brick streets which would cost more to restore.

Lair questioned if only the sanitary sewers were replaced if homeowners would continue to have storm water backing up into their homes. Brady noted this is one of the challenges of going with a new sanitary system. Roof drains, foundation drains and

sewer sump pumps that are hooked into a sanitary service are concerns. He added there are ways to test to see if these are connected to the sanitary sewer.

Brady said Alternative 3 offers the best use of City money over the long term. Alternative 2A offers the best use of existing chemical building. Alternative 2 offers the lowest estimated cost on a near term basis but after 20 years will become the more expensive option after factoring in annual costs. Alternative 2A is preferred by staff. The EPA consent order has the first phase of the project being completed by 2015 with additional steps being completed every three years. The final completion date is September 2027. A rate study has not been completed.

Mayor Randolph questioned why the original cost of total separation several years ago was \$19-22 million and is now less than \$12 million. Brady said this goes back to the original study where the storm sewer was replaced. As his company has worked with the sanitary side and with the changes in highway traffic because of the bypass, it offered the opportunity to run sanitary sewer under the highway to pick up the different basins and take it to 10th Street. He said sanitary is a smaller diameter pipe, 18 inches, instead of a storm water pipe which would be 48-60 inches.

Greenwald said it appears separation is the correct way to go and for an additional \$2 million the problem is eliminated. Brady said because of the dry weather the disinfection study took longer and this is why Alternative 2A is recommended. The City can run 6th Street and it would not cost that much more to include 5th Street. Alternative 2A will utilize current infrastructure and would allow the City to move to Alternative 3 later.

MOTION PASSED 6 AYES

HIRE FIREFIGHTER: Lair MOVED and Boeding SECONDED to approve hiring a firefighter.

MOTION PASSED 6 AYES

DEPARTMENT HEAD VACATION BUYOUT: Greenwald MOVED and Rink SECONDED to authorize a one-time department head vacation buyout program.

Smith said this has been an issue since before he was hired. During the period when there was an interim city manager the rule capping vacation hours was suspended for department heads. This was noted in the latest audit. He believed this one-time payout should be authorized to put these employees within acceptable limits. Smith believed there would be issues if the excess hours were not paid out.

MOTION PASSED 6 AYES

FAETHS L.C. LIQUOR LICENSE RENEWAL: Rink MOVED and Seidel SECONDED to approve a Liquor License Renewal with conditions to Faeth's L.C., 832 Avenue G, effective June 30, 2013 – Class C Liquor with Outdoor Service.

MOTION PASSED 6 AYES

DEMOLITION BIDS: Lair MOVED and Greenwald SECONDED to approve the bids of Cullen Construction and Excavating, Inc. for demolition of properties at 417 Avenue G and 3034 Avenue K in the amount of \$12,850.00, and Hall Excavating and Septic Service for demolition of properties at 2410 Avenue M and 1309 – 24th Street in the amount of \$11,980.00.

Krogmeier reported the City has budgeted funds for cleanup of nuisance properties during the last two years. Approximately \$28,000 has been spent and the City has recovered \$26,000 of that. With the recovered funds, it is proposed to take down four properties, two that are falling down and two are nuisance properties. The cost of the demolitions will be assessed to the properties. Each property was bid individually and the lowest bidders for these properties were selected.

MOTION PASSED 6 AYES

GOAL SETTING UPDATE: Smith reported most of the goals have been accomplished. Some items still being worked on are annexation and updating job descriptions. He added that there have been some good meetings with Amtrak and it is hoped to go out to bid on the platform this fall.

PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS

Greenwald commended the city crews for their work after the weekend storm. Wright reported the groundbreaking for sports complex will be Thursday.

Randolph appointed Seidel as liaison for the Library Board, Rink for the Planning and Zoning Commission and Greenwald for the Board of Adjustment.

CLOSED SESSION

At 8:19 P.M., Greenwald MOVED and Seidel SECONDED to go into Closed Session to discuss strategy with counsel in matters where litigation is imminent pursuant to Iowa Code Section 21.5(1)(c).

MOTION PASSED 6 AYES

Following the departure of visitors and staff members, at 8:25 P.M., Council entered closed session.

With no action taken, at 8:44 P.M., Rink MOVED and Lair SECONDED to come out of Closed Session.

ADJOURNMENT

At 8:45 P.M., Seidel MOVED and Lair SECONDED to adjourn until Tuesday, July 2, 2013 at 7:00 P.M.

VOICE VOTE APPROVAL

MANUAL CLAIMS AND WARRANTS: See Claims dated May 30, 2013, in the amount of \$176,214.38 and Manuals dated May 31, 2013, in the amount of \$716,759.17.

<u>PAYROLL</u>	<u>JUNE 14, 2013</u>
General	\$145,422.20
RSVP	1,312.00
Docks	670.00
Old Fort	2,470.77
Road Use	13,969.81
Water	26,903.43
Sewer	22,394.12
Solid Waste	13,214.03
Storm Water	<u>2,153.13</u>
	\$195,691.66

Bradley A. Randolph, Mayor
City of Fort Madison

ATTEST:

Melinda L. Blind, City Clerk