

**MINUTES
FORT MADISON CITY COUNCIL
Tuesday, July 7, 2015**

The Fort Madison City Council met in regular session at 7:00 P.M. on Tuesday, July 7, 2015, at City Hall, 811 Avenue E, Fort Madison. Mayor Randolph presided with Council Members Chris Greenwald, Brian Wright, Kevin Rink, Rusty Andrews, Travis Seidel, Jason Huppert and Chad Cangas present.

VISITORS AND APPEARANCE REQUESTS

Mandy Holmes, speaking on behalf of her mother, Karen Huston, 1410 Avenue I, said a tree in the neighbor's right-of-way fell on her mother's home during a recent storm. No one has helped and the City has not removed any of the limbs blocking the sidewalk or have removed the tree. The family does not have insurance. Council Member Seidel's family-owned tree company had agreed to remove the tree for free but has not done so yet. Her mother has also received a letter from the City that the tree must be removed or the house would be condemned.

Seidel said he had been in touch with another of Huston's family members today about the matter. He hoped to have crew members who will volunteer to remove the tree later this week. In addition, he said Public Works Director Larry Driscoll agreed to have the City remove any tree branches that would be placed curbside. Driscoll pointed out the City does not own the tree even though it is in the right-of-way but the City will remove dead, diseased or dying trees. Holmes said they were told by Eric Mitchell the tree was on the City's cut-down list.

Shane Gillette, 1629 Avenue L, said the City's letter said repairs must be done within 30 days and this is not possible until the tree is removed. Seidel believed something could be worked out with that deadline.

AGENDA

Cangas MOVED and Seidel SECONDED to approve the agenda as written.

MOTION PASSED 7-0

CONSENT AGENDA

Seidel MOVED and Wright SECONDED to approve:

- ♦ Minutes of June 16 and 25, 2015, as written;

- ♦ New Six-Month Liquor License with conditions: Fort Madison Chamber of Commerce, 902 Riverview Drive, effective July 10, 2015 – Class B Beer with Outdoor Service;
- ♦ Liquor License Renewal: Hy-Vee Gas, 2632 Avenue L, effective September 5, 2015 – Class C Beer with Sunday Sales;
- ♦ Liquor License Renewal with conditions: Lost Duck Brewing Company, 723-725 Avenue H, effective July 15, 2015 – Class B Beer with Outdoor Service and Sunday Sales;
- ♦ Liquor License Renewal with conditions: Chuong Garden, 712 – 9th Street, effective July 21, 2015 – Class C Native Wine, Class B Beer with Outdoor Service and Sunday Sales;
- ♦ June Financial Reports; and
- ♦ Payment of Claims.

MOTION PASSED 7-0

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 2015-35, ACCEPT PIP 2011-04: Greenwald MOVED and Andrews SECONDED to adopt a resolution accepting Public Improvement Project 2011-04, Replace Avenue D Bridge over French Creek.

ROLL CALL: AYES: Greenwald, Wright, Rink, Andrews, Seidel, Huppert, Cangas
 NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED AND ENACTED on this 7th day of July, 2015.

RESOLUTION NO. 2015-35, ORDER CONSTRUCTION, SET P.H. PIP 2015-01: Rink MOVED and Cangas SECONDED to adopt a resolution ordering construction and setting public for PIP 2015-01, Reconstruct Avenue E from 22nd to 24th Streets.

ROLL CALL: AYES: Greenwald, Wright, Rink, Andrews, Seidel, Huppert, Cangas
 NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED AND ENACTED on this 7th day of July, 2015.

RESOLUTION NO. 2015-35, ACCEPT FINAL PLAT INNSBROOK PLAT VI: Greenwald MOVED and Seidel SECONDED a resolution approving and accepting Final Plat for Innsbrook Subdivision Plat VI.

Planning and Zoning Director Krogmeier said this is the third phase of this project. The Planning and Zoning Commission have reviewed this and recommend approval.

ROLL CALL: AYES: Greenwald, Wright, Rink, Andrews, Seidel, Huppert, Cangas
 NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED AND ENACTED on this 7th day of July, 2015.

OTHER

2015 ASPHALT OVERLAY: Rink MOVED and Wright SECONDED to approve the bid of W. L. Miller Company of Hamilton, Illinois, in the amount of \$430,310 for the 2015 Asphalt Overlay Program.

Driscoll reported Council approved \$350,000 for this project in May however the bids came in higher than anticipated. He asked Council to approve the higher amount and noted three streets previously approved will not be included due to the higher cost.

MOTION PASSED 7-0

DISCUSSION ITEMS - None

DEPARTMENT HEAD REPORTS

A prisoner from Iowa State Penitentiary escaped early Sunday morning but was found later that day. This has caused the loss of inmate crews for the Parks & Cemeteries on Monday and Tuesday. The library had 6,000 visitors in June. The new library study rooms are being used regularly. A walking survey of the creeks was made. French Creek has very little debris backup but does have erosion issues. Dry Creek has a log jam at the Burlington Northern Santa Fe bridge. BNSF will be notified about blocking the waterway through the Iowa Department of Natural Resources and a request will be made to remove the blockage.

The City had approximately 75 trees down following the storm on June 20. Following a question regarding who is responsible for a tree in the right-of-way, City Attorney Robert

Johnson reported State Code says the area between the sidewalk and street is owned by the City but the duty to maintain it falls to the abutting property owner. In the matter of 1410 Avenue I, it appears this is a civil matter between neighboring properties as the tree that fell was the responsibility of the neighbor. Seidel said, in his experience, the neighbor's insurance would not cover any damage the tree caused to someone else's property.

Old Fort Site Manager Eugene Watkins gave a short report. The Fort had a budget shortfall of \$11,384.78 during the last fiscal year.

PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS

The PORT trail group received news of five more corporate sponsorships.

ADJOURNMENT

At 7:36 P.M., Cangas MOVED and Wright SECONDED to adjourn until Tuesday, July 21, 2015 at 7:00 P.M.

VOICE VOTE APPROVAL

MANUAL CLAIMS AND WARRANTS: See Claims dated July 2, 2015, in the amount of \$1,141,273.43; Library Claims dated June 17, 2015, in the amount of \$6,328.22 and Manuals dated June 30, 2015, in the amount of \$740,373.06.

Mayor Bradley A. Randolph
City of Fort Madison

ATTEST:

Melinda L. Blind, City Clerk