

**MINUTES
FORT MADISON CITY COUNCIL
Tuesday, May 15, 2012 7:00 P.M.**

The Fort Madison City Council met in adjourned session on Tuesday, May 15, 2012, at 7:00 P.M. at the Municipal Building, 811 Avenue E, Fort Madison. Presiding was Mayor Brad Randolph with Council Members Chris Greenwald, Brian Wright, Kevin Rink, Neal Boeding, Jason Huppert and Mark Lair present. Council Member Travis Seidel was absent.

PROCLAMATIONS

Mayor Randolph read and presented a proclamation for The War of 1812 Remembrance Day to Dr. Eugene Watkins, Old Fort Site Manager, and Dave Moehn, Chairman of the Old Fort Commission. Mayor Randolph read and presented a proclamation for National Police Week to Police Chief Bruce Niggemeyer.

VISITORS AND APPEARANCE REQUESTS

Darlene Becerra, 1506 – 36th Street, reported an issue with cats running at large in her neighborhood and damaging her yard. She asked the owner of the cats to do something about it several months ago but nothing has been done.

AGENDA

Rink MOVED and Lair SECONDED to approve the agenda as written.

MOTION PASSED 6 AYES

CONSENT AGENDA

Greenwald MOVED and Boeding SECONDED to approve:

- Minutes of May 1, 2012, as written;
- Mayor's appointment of Rachel Benda to the Fort Madison Tourism Commission;
- Renewal of Liquor License to: Chandler's Grill, 6111 Reve Court, effective July 1, 2012 – Class C Liquor with Sunday Sales;
- Renewal of Liquor License to: Comfort Inn & Suites, 6169 Reve Court, effective July 1, 2012 – Class B with Sunday Sales;
- Partial list of Cigarette Permits Renewals effective July 1, 2012; and
- Payment of Claims.

MOTION PASSED 6 AYES

PUBLIC HEARINGS

Concerning rezoning property northwest of Fort Madison Community Hospital

Mayor Randolph opened the public hearing at 7:08 p.m. Ben O'Dell, Niota, requested the rezoning in order to install billboards along the bypass. Due to Iowa Department of Transportation regulations, this is the only area along the bypass where billboards could be installed. There were no written comments. Rink MOVED and Boeding SECONDED to close the public hearing.

MOTION PASSED 6 AYES

REZONE, NW OF FMCH: Lair MOVED and Greenwald SECONDED to approve the 1st reading of ordinance rezoning property located northwest of Fort Madison Community Hospital from R-6, Multi-Family Dwelling District, to B-2, Business District, General Retail.

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

MOTION PASSED 6 AYES

The Mayor then declared said Ordinance PASSED and APPROVED on it's 1st reading this 15th day of May, 2012.

Concerning amending the Fiscal Year 2011-12

Mayor Randolph opened the public hearing at 7:21 p.m. There being no written or oral comments, Rink MOVED and Boeding SECONDED to close the public hearing.

MOTION PASSED 6 AYES

RESOLUTION NO. 2012-22, AMEND 2011-12 BUDGET: Huppert MOVED and Greenwald SECONDED to approve a resolution amending the 2011-12 Budget for the fiscal year ending June 30, 2012.

Smith said these are standard amendments required each May. The items are for things that were not anticipated such as grants.

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

MOTION PASSED 6 AYES

RESOLUTION NO. 2012-25, APPROVE CONTRACT & BONDS: Wright MOVED and Huppert SECONDED to approve contract and bonds of Wiemelt Plumbing and Excavating, pending receipt of the documents.

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

MOTION PASSED 6 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 15th day of May, 2012.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. C-518, DOWNTOWN URBAN RENEWAL: Rink MOVED and Wright SECONDED to approve the 3rd reading of Ordinance No. C-518, an ordinance providing that general property taxes levied and collected each year on all property located within the Downtown Urban Renewal Area, in the City of Fort Madison, County of Lee, State of Iowa, by and for the benefit of the State of Iowa, City of Fort Madison, County of Lee, Fort Madison Community School District, Southeastern Community College and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City in connection with the Downtown Urban Renewal Area.

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

MOTION PASSED 6 AYES

The Mayor then declared said Ordinance PASSED and APPROVED on it's 3rd reading this 15th day of May, 2012.

ORDINANCE NO. C-519, AMEND HOUSING CODE: Lair MOVED and Greenwald SECONDED to approve the 3rd reading of Ordinance C-519, amending Title 3, Building, Chapter 5, Housing, of the City Code of Fort Madison.

Tonya Lorence, 1934 Otte Road, said she is a landlord and owns 50 some properties. She is opposed to rental housing inspections and requested the matter be tabled and be placed on a ballot for a vote. Gary McVay, 1212 – 30th Street, was also opposed to rental housing inspections.

At a question from Council, Smith said the Fort Madison Landlord's Association is not necessarily in favor of rental inspections but is willing to work with the City. There are some items the Association has brought up that will continue to be worked on by the City.

The Mayor then declared said Resolution ADOPTED and ENACTED this 15th day of May, 2012.

Concerning Public Improvement Project 2012-01, Water Main Replacement Burlington Hill

Mayor Randolph opened the public hearing at 7:23 p.m. There being no written or oral comments, Rink MOVED and Boeding SECONDED to close the public hearing.

MOTION PASSED 6 AYES

RESOLUTION NO. 2012-23, ADOPT PLANS AND SPECS: Wright MOVED and Lair SECONDED to adopt plans, specifications, and form of contract for the project.

Dinwiddie said were eight bidders for the project. He noted there are not usually this many bidders for small projects. Wiemelt has done business with the City in the past and there have been no issues. There should not be any road or service disruptions during this process.

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

MOTION PASSED 6 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 15th day of May, 2012.

RESOLUTION NO. 2012-24, AWARD CONTRACT: Greenwald MOVED and Boeding SECONDED to award construction contract for the project to Wiemelt Plumbing and Excavating in the amount of \$79,428.10.

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

MOTION PASSED 6 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 15th day of May, 2012.

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

MOTION PASSED 6 AYES

The Mayor then declared said Ordinance PASSED and APPROVED on it's 3rd reading this 15th day of May, 2012.

2ND READING, NEW WATER RATE SCHEDULE: Rink MOVED and Lair SECONDED approve the 2nd reading of an ordinance repealing Title 6, Chapter 5, Section 6 of the City Code and enacting in lieu thereof a new Title 6, Chapter 5, Section 6 so as to provide for a new water rate schedule effective July 1, 2012.

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

MOTION PASSED 6 AYES

The Mayor then declared said Ordinance PASSED and APPROVED on it's 2nd reading this 15th day of May, 2012.

2ND READING, CHANGE IN SEWER RATE: Lair MOVED and Boeding SECONDED to approve the 2nd reading of an ordinance amending Title 8, Chapter 7, Section 2 (A-B) to allow for a change in the sewer rate effective July 1, 2012.

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

MOTION PASSED 6 AYES

The Mayor then declared said Ordinance PASSED and APPROVED on it's 2nd reading this 15th day of May, 2012.

OTHER

IAROCFEST BEER LICENSE: Wright MOVED and Greenwald SECONDED to approve a Five-Day Beer License with conditions as proposed to Iarocfest, 2094 – 303rd Avenue (Rodeo Arena), effective May 24, 2012 – Class B Beer License with Sunday Sales and Outdoor Service.

Terry Scotten, Farmington, plans to hold a three day event with live music over Memorial Day weekend. The proposed conditions have the music ending at 1:30 a.m. each day. Wright noted Scotten said at the Parks Board meeting that the event had

previously been held at the Van Buren County Fairgrounds but because of complaints the music was too loud, the event can no longer be held there. Scotten said last year the two headliner bands took over the sound board from his crew members and turned the volume up. He is not using any "national" headliners this year and his crew will be in control of the sound boards. He expects approximately 1,000 people and some will be camping in the park.

Scotten has informed the bands they need to "clean it up" as it regards obscenities in their music as this will be an "all ages" show. Council members expressed concern this request only came before them less than two weeks before the event.

Greenwald **MOVED** and Huppert **SECONDED** to amend the conditions by requiring the outdoor music to stop at midnight each night.

ROLL CALL: AYES: Greenwald, Wright, Boeding, Huppert, Lair
 NAYES: Rink

MOTION PASSED 5-1

Scotten said stopping the bands at midnight will hurt his "sets". In response to a question by Boeding, Scotten said he would be the one responsible to turn the sound down or to "pull the plug" if the police department tells him to do so.

A vote was then taken to approve the license with amended conditions.

ROLL CALL: AYES: Greenwald, Boeding, Huppert, Lair
 NAYES: Rink, Wright

MOTION PASSED 4-2

DISCUSSION ITEMS

FIVE YEAR CAPITAL IMPROVEMENT PLAN: Smith asked Council to review the proposed Five-Year Capital Improvement Plan. The first page lists items approved in the FY 2012-13 budget. The last two pages show projects identified by staff but not funded yet. He asked to be notified if Council wanted to propose any changes. A public hearing will be held and the plan adopted at that time.

PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS

Greenwald reported the Old Fort Commission meet Wednesday. Wright informed Council that the Parks Board dedicated a bench in Central Park as a memorial to longtime Parks Board Chairman Rich Rump. Randolph said GRRWA will meet Friday. Huppert and Randolph reported the Tourism Commission is exploring the possibility of a

regional tourism director. Lair said the taxiway construction is still underway at the airport. A private party has expressed interest in constructing a new hangar.

Randolph appointed Rink to the Comprehensive Plan Committee. Rink will take Smith's place as the Library Board liaison. Randolph named Greenwald as Mayor Pro Tem.

ADJOURNMENT

Wright MOVED and Rink SECONDED to adjourn until Monday, June 4, 2012 at 7:00 P.M.

VOICE VOTE APPROVAL

MANUAL CLAIMS AND WARRANTS: See Claims dated May 10, 2012 in the amount of \$261,493.28 and Manuals dated May 3, 2012 in the amount of \$323,288.86.

| <u>PAYROLL</u> | <u>May 4, 2012</u> |
|----------------|--------------------|
| General | \$137,347.29 |
| RSVP | 1,166.94 |
| Marina | 756.73 |
| Old Fort | 2,213.90 |
| Road Use | 21,694.12 |
| Water | 36,815.27 |
| Sewer | 33,054.59 |
| Solid Waste | 12,784.60 |
| Storm Water | <u>2,682.55</u> |
| | \$248,515.99 |

Bradley A. Randolph, Mayor
City of Fort Madison

ATTEST:

Melinda L. Blind, City Clerk