

**MINUTES OF THE
FORT MADISON CITY COUNCIL
September 16, 2008 7:00 P.M.**

The Fort Madison City Council met in adjourned session on Tuesday, September 16, 2008, at 7:00 P.M., at the Municipal Building, 811 Avenue E, Fort Madison. Mayor Steven J. Ireland presided with Council Members Fraise, Greenwald, Rink, Randolph, Chesnut, and Boeding present. Council Member Lair was absent.

VISITORS AND APPEARANCE REQUESTS

None.

AGENDA

With it so noted that a Beer Permit and Liquor License was added to the Consent Agenda, Rink MOVED and Chesnut SECONDED to approve the agenda, as written.

MOTION PASSED 6 AYES

CONSENT AGENDA

Greenwald MOVED and Rink SECONDED to approve:

- Minutes of September 2, 2008, as written;
- Renewal of a Class "E" Liquor License to Quicker Liquor, 1414 – 48th Street, effective November 1, 2008;
- Renewal of a Class "C" Beer Permit to Casey's General Store, 1208 Avenue H, effective October 29, 2008;
- Renewal of a Class "C" Native Wine/Beer Permit to Meier's Den, 801 Avenue G, effective October 27, 2008;
- New Five-Day Class "C" Outdoor Service Permit to Meier's Den, 801 Avenue G, effective October 18, 2008 (Octoberfest);
- New Five-Day Class "C" Liquor License to Holy Trinity Catholic Schools, 2600 Avenue A, effective October 25, 2008 (God's Portion Day);
- Renewal of a Class "C" Beer Permit to Beck Oil Company, 1531 Avenue H, effective October 5, 2008;
- Renewal of a Class "C" Liquor License to The Palms Club, 5001 Avenue O, effective October 7, 2008;
- Mayor's appointment of Mike Pulis, 2777 – 156th Street, to the Parks, Recreation & Dock Board, filling the unexpired term of Skip Young, term expiring April 1, 2010;
- Resolution No. 2008-50 approving an Application for an URTEC to Tri-State Furniture, 504 Avenue G; and
- Payment of Claims.

MOTION PASSED 6 AYES

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 2008-51, ORDERING CONSTRUCTION, BID LETTING: Chesnut MOVED and Boeding SECONDED to approve a resolution ordering construction, setting public hearing and bid letting for Public Improvement Project 2008-#5, Water Main Replacement for Highway 2 Interchange.

Larry Dinwiddie advised due to the impending bypass, the City has to relocate their water main in that area. The distance has been shortened by almost half by going a different direction. We will be coming back later with options to use the remainder of the \$500,000 bond money.

MOTION PASSED 6 AYES

RESOLUTION NO. 2008-52, APPROVING LOAN AGREEMENT ON SEWER BONDS: Chesnut MOVED and Randolph SECONDED to adopt a resolution approving and authorizing a form of Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority, and authorizing and providing for the issuance and securing the payment of \$2,000,000 Sewer Revenue Capital Loan Notes, Series 2008, of the City of Fort Madison, Iowa, under the provisions of the City Code of Iowa, and providing for a method of payment of said Notes.

Rick Kuhljuergen stated the sewer rates were increased 1 ½ years ago to help cover this expense. This is the last step to start drawing down the money on the 10th Street Rehabilitation project.

MOTION PASSED 6 AYES

BOND EXEMPTION CERTIFICATE: Rink MOVED and Greenwald SECONDED to approve the form of Tax Exemption Certificate for the above project.

MOTION PASSED 6 AYES

OTHER

WATER PLANT EQUIPMENT: Randolph MOVED and Chesnut SECONDED to approve the bid from Wigen Water Technologies for the Water Treatment Plant RO equipment in the amount of \$937,235.

Larry Dinwiddie stated this equipment would be going into the new water plant. It is Phase I of many phases of the new plant. All shop drawings have been submitted and the engineers will go through them thoroughly. When the plant is completed, all the equipment will be ready to go. It takes a long time for submittal. The engineers will keep in close contact with us. The low bidder did not meet all the specifications; the high bid was just that, too high. It will take several months to get this all worked out.

MOTION PASSED 5 AYES
1 NAY (Fraise)

WATER STUDY: Chesnut MOVED and Rink SECONDED to approve a professional services agreement with Howard R. Green of Cedar Rapids for a water distribution system study.

Larry Dinwiddie advised this was another portion of the process for the new water plant. Not only does the route have to be sized, but we have to analyze the reverse flow of the system. If the flow is not adequate there is a possibility some of the sections of main would have to be replaced. He noted the booster pump station at the old plant will help. This study will determine any deficiencies in the entire system for the next 5-10 years. Rink asked if any of the money from the STAG grant had been used yet. No, there is still approximately \$900,000 there but we are getting ready to use some of it as the grant will pay for 55% of the land purchase.

MOTION PASSED 6 AYES

STANLEY AGREEMENT #3 FOR COMBINED SEWER: Chesnut MOVED and Randolph SECONDED to approve the Mayor's signature on Supplement Agreement No. 3 with Stanley Consultants to provide professional services to meet the Combined Sewer Over-flow Regulatory obligations.

Rick Kuhljuergen said this was the next step in keeping the EPA satisfied. Dates and times will be looked at for the next step which is the pilot study for disinfection. As we progress to meet requirements we will be meeting with the EPA on September 29th in Lamoni, Iowa, along with Stanley Consultants and our attorney from the Ahlers Law Firm. Ms. Fraise asked if Keokuk's recent lawsuit against the EPA would have any bearing on this. Jay Brady representing Stanley Consultants explained these communities are looking at separation or other alternatives. Other communities are interested in what Fort Madison is doing. In answer to the question, no, their suing the EPA won't affect our approval.

MOTION PASSED 6 AYES

CVB HOTEL/MOTEL REQUEST: This item has technically been pulled from the agenda; however, Larry Dinwiddie asked for an interpretation. After all expenses were paid, there is \$1,767 in this fund. The CVB has withdrawn their request for funds. Because no funds were given this second year, the CVB would like to apply next year for the eligible amount of \$1,000. How does Council want to proceed? Chesnut believed each event should be looked at individually. If the event happens within 4-5 years, it might give them a boost. Dinwiddie said if the money is there next year, they can apply for the second phase? That is correct. Chesnut added it was commendable they were not asking for the money this year.

DISCUSSION AND POSSIBLE ACTION ON A HOTEL/MOTEL GRANT FUND REQUEST IN THE AMOUNT OF \$1,500 FROM THE CHAMBER OF COMMERCE FOR THE LST-325 SHIP VISIT: Tracy Vance from the Chamber told Council the ship was still here due to the high water. While docked the crew will be doing routine maintenance. Over the 5 days it was docked here there were over 8,300 people touring it. The Chamber was hoping to receive the \$1,500 to help with the marketing. Hall's had done the docking in-kind. Mayor Ireland thanked the Chamber for bringing the boat here, it had been a wonderful experience. Randolph confirmed that the essence of the money used would be for advertisement/promotion and not for other things.

Randolph MOVED and Chesnut SECONDED to grant Hotel/Motel Grant Funds in the amount of \$1,500 to the Chamber for the LST-325 visit.

MOTION PASSED 4 AYES
2 NAYS (Fraise, Rink)

DISCUSSION AND POSSIBLE ACTION ON TAKING OVER OWNERSHIP AND MAINTENANCE OF THE STREETS, SEWERS AND WATER MAINS INSIDE CEDAR CREST DEVELOPMENT:

Dinwiddie informed Council that staff had looked into the conditions at the development. The water/sewer lines were put in according to City specifications. The major issue is the streets. The depth should be 7 inches and they are only 6 inches. Garbage trucks would most likely be the heaviest piece of equipment on the streets. We could probably get by with 6 inches, but where does that take us in 5-6 years? A hypothetical issue also presented that what if the City is asked to take over an annexed road with a 4 inch depth. Would we have to say it is unacceptable? The Cedar Crest roads are also 4 foot short of the required minimum of 28 foot. Randolph questioned how long ago the subdivision was built. Approximately 9 years ago. He then questioned why the streets were not poured at a 7 inch depth then. This was because there was no intention to bring the units into the City.

Sandy Steffen, representing Cedar Crest, said she had encouraged the developers, Bob and Carol Kelly, to build the units at that time. There had been no help from the City on installation of the water, sewers, or streets. Two years ago the units were turned into private condominiums. Ms. Fraise asked when the units were turned into condos if an agreement was signed for outside maintenance. The association fees charged cover outside maintenance, however it is becoming a hardship to keep raising the fees for condo expenses.

Greenwald asked if taking over the units would benefit us. Dinwiddie responded that if the City were to extend that road and/or water and sewer lines in the future, it would be to our benefit. Greenwald asked him if he recommended doing this. Dinwiddie answered he did. Chesnut added the residents would have to understand at some point in time we may have to extend the road and it won't be so private anymore. Another question was if the extension occurred, would the required 28 foot width street cause a problem. Greenwald said the City could say any future street development in the area would be specified as 7 inches deep concrete and 28 foot widths. Dinwiddie added that the residents may be required to pay garbage collection fees. Those in attendance indicated they would have no problem with that. Ms. Steffen advised there are rules against on-street parking so snow plows would always be able to get through.

Larry Dinwiddie questioned the fact that out of the 32 units there was only 24 signatures on the petition. It was explained the Jamesons still own 9 properties. Robert Johnson stated any right-of-way would have to be transferred to the City. All the property owners would have to sign deeds for these easements. Single deeds should be prepared with owners and spouses signatures required. The condo owners need to get an attorney to show ownership of these easements.

The Mayor suggested having Dinwiddie and Johnson work together on all these variables. We also need to determine how many feet are required to work in the easement areas. At that time we can then proceed with multiple or single easement rights.

Rink questioned the 2 yard hydrants. The association will pay for the maintenance of these.

It was the general consensus of Council to go forward with taking over the Cedar Crest units. City staff will bring back final recommendations for Council to look at.

DISCUSSION AND POSSIBLE ACTION ON OPTIONS FOR THE ANNUAL FALL CLEAN-UP IN FORT MADISON: Steve Hayes began discussion by stating that he had talked to Keokuk and Burlington about their procedures for clean-up. We need to look at doing

something differently for the clean-up. Last year it took 27 working days to complete at a cost of nearly \$100,000. Increasing costs of fuel is another factor. It cost \$20,000 for fuel alone last year. He has put together 4 options for Council review: 1) business as usual but allowing 8 bags instead of 4; 2) taking clean-up items to a central drop-off site and a voucher program (2 vouchers good for one load at the landfill per voucher); 3) limiting the amount per household to one bucket loader; and 4) alternate vouchers by giving everyone 2 vouchers. When asked his preference, Hayes said he favored Option 2. Randolph added he would rather not have the clean-up program at all due to the abuse. It was noted if this doesn't work, we can try something else next year. Option 2 would also include extra garbage bag pick-up with the voucher program.

Chesnut MOVED and Boeding SECONDED to try Option 2 this year for the annual fall clean-up and re-evaluate the program at its conclusion.

MOTION PASSED 6 AYES

PRESENTATION BY COUNCIL LIAISONS TO BOARDS AND COMMISSIONS

Nothing remarkable to report.

ADJOURNMENT

At 8:20 P.M., Rink MOVED and Fraise SECONDED to adjourn until Tuesday, October 7, 2008, at 7:00 P.M.

VOICE VOTE APPROVAL

MANUAL WARRANTS AND CLAIMS: See Claims dated September 11, 2008, in the amount of \$219,014.54; and Manual Claims dated August 29, 2008, in the amount of \$161,764.04.

BENEFITS AND PAYROLL – September 12, 2008

General	140,724.94
RSVP	1,255.33
Old Fort	3,724.44
Road Use	22,999.23
Water	35,356.44
Sewer	31,790.50
Solid Waste	12,803.41
Storm Water	3,004.91
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	251,659.20

Steven J. Ireland
Mayor

ATTEST:

Suellen M. Mead
City Clerk

REVENUES 11/20/06 thru 11/30/06

General	31,228.78
Special Revenue Funds	227,453.87
Road Uses Tax	82,189.11

Capital	89,245.87
Water	262,354.49
Sewer	129,485.08
Solid Waste	57,746.70
Storm Water Utility	8,157.96
Debt	375.28

888,237.14

EXPENDITURES

General	19,629.04
Special Revenue Funds	113,753.30
Road Use	17,501.49
Capital	1,182.74
Water	19,260.31
Sewer	11,571.96
Solid Waste	2,849.79
Storm Water Utility	321.51

184,070.14