

**MINUTES
FORT MADISON CITY COUNCIL
November 3, 2008**

The Fort Madison City Council met in regular session on Monday, November 3, 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, Boeding and Lair present.

VISITORS AND APPEARANCE REQUESTS

None.

AGENDA

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

MOTION PASSED 7 AYES

CONSENT AGENDA

Chesnut MOVED and Randolph SECONDED to approve:

- Minutes of October 21, 2008;
- Renewal of a Class "C" Liquor License to Bennigan's, 6111 Reve Court, effective December 3, 2008;
- Renewal of a Class "C" Liquor License and Change of Ownership to Bernard's, 4602 Avenue O, effective December 22, 2008 (50% ownership each to Bernard and Craig Owsley);
- Change of Ownership to the Olde English Inn's Class "C" Liquor License, 1310 – 14th Street (purchased by Dave Bentler, John Lightfoot and Jeff Brisby);
- Mayor's appointment of Tara Johnson, 403 – 20th Street to the Parks Board, filling the unexpired term of Kara Morrow, term expiring April 1, 2010;
- Resolution No. 2008-62 approving application for an URTED to Hall Towing, 1618 – 20th Street; and
- Payment of Claims.

MOTION PASSED 7 AYES

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 2008-63, ACCEPT PIP 2007-3: Rink MOVED and Chesnut SECONDED to approve a resolution accepting Public Improvement Project 2007 - #3, River Bend Water and Sewer Extensions.

Larry Dinwiddie reported this was the assisted living project off of 48th Street. There were two items changed, but overall the project went smoothly.

MOTION PASSED 7 AYES

OTHER

CITY AUDIT: Fraise MOVED and Chesnut SECONDED to receive and file the City's audit ending June 30, 2008.

Dinwiddie said there was nothing glaring about the audit, just the usual separation of duties. Last year it was set out that the work Mr. Greenwald performs for the City had to be put out for bid which it was. It was also mentioned that some City employees had delinquent water bills, but he was not sure we could enforce that any differently than other customers.

MOTION PASSED 7 AYES

PURCHASE PAVEMENT BREAKER: Greenwald MOVED and Lair SECONDED to approve the purchase of a pavement breaker from Titan Machinery of Davenport, Iowa, in the amount of \$10,800.

Dinwiddie told Council that 20 years ago the Water and Public Works Departments jointly purchased a pavement breaker. The piece of equipment is necessary because in order to make repairs some sections of highway are 8-10 inches thick. The two departments will split the bill for the new unit. Ms. Fraise asked if we needed to buy new. Dinwiddie said very seldom are there trade-ins on this type of equipment. Lair inquired about a lease. This would not be feasible because each department is only paying \$5,400 which is minimal as opposed to paying interest.

MOTION PASSED 7 AYES

PURCHASE OF DISTILLATION UNIT: Chesnut MOVED and Rink SECONDED to approve the purchase of a distillation unit at the Wastewater Treatment Plant.

Rick Kuhljuergen explained how this unit is used to test samples. A larger unit is needed for the new CSO's. It is not really a bigger unit, just costly. His department does outside testing and charges back those costs.

MOTION PASSED 7 AYES

DISCUSSION AND POSSIBLE ACTION ON BUILDINGS LOCATED AT 813-815

AVENUE G: Chief Joey Herren recounted that SSMID was going to make contact with Mr. Wong per the last Council meeting and the letter here is his answer. The letter asks for an extension due to the economy but does not set out a timetable as to his intentions. He was given 30 days to respond and the letter was received 60 days after our letter was given to him with no plan of action included. Heren had received a demolition bid of \$32,000 and another bid for \$700 from an exterminator. There may be associated costs for asbestos removal.

Lair inquired if the City had to respond to Mr. Wong's letter. City Attorney Johnson answered no, that this is a nuisance that requires immediate attention. Mr. Wong is asking for time and from the City's standpoint, we have an emergency nuisance that needs attention. Additionally, he presented no plan of action whatsoever.

Ms. Fraise cited Code Section 357A that says a city can take possession of property. Johnson responded this was a cumbersome process which had not been tried before. It is an option but a long process. By filing a petition in district court any decision could take up to 18 months.

The State Historical Society has sent a letter to the City wanting to save the buildings but because it is now a health issue this is not practical. Mayor Ireland asked if everything could be torn down except the façade which could be braced from behind. Because the downtown is on the historic registry, he would hate to see it gone. This is not really an option. It would take a structural engineer to make that determination.

Chesnut continued that it appeared demolition is where we are headed. This is probably not the results they were wanting but we need to proceed with the process. Mr. Johnson added appropriate notice was given so Mr. Wong can't come back on us legally.

Greenwald MOVED and Chesnut SECONDED to approve demolition of property at 813-815 Avenue G and to accept the bid of Kent Davolt for that demolition in the amount of \$32,000.

MOTION PASSED 7 AYES

Rink MOVED and Boeding SECONDED to approve the expense of \$700 to Cullen Pest Control for extermination of the properties at 813-815 Avenue G.

MOTION PASSED 7 AYES

FIRE DEPARTMENT MANDATE: Greenwald MOVED and Randolph SECONDED to mandate that the Fire Department respond to medical calls while operating on a 3-man shift.

Chesnut began by saying our primary responder is the taxpayer-supported ambulance service. It is great we go on these calls but they are not mandated. He has a hard time mandating they respond when its something they've added themselves.

Lair questioned if we would be abandoning patients at the scene if we leave one firefighter and one police officer there if the others had to go on a fire call. This would have to be presented to Dr. Wenger-Keller whose license the department operates under. There is a meeting scheduled next week to answer questions. Herren continued Dr. Wenger-Keller is the medical director for the north one-half of the county and gives the department the okay to do what they do. The department meets with him quarterly. Lair asked if there were any numbers on fire calls and medical calls coming in about the same time. There are none.

Greenwald continued that he observed Officers Gustafson and Morgan performing CPR on a resident. So if a bank gets robbed, they couldn't leave the patient either and we'd just have to do

what we can. Should the police go on medical calls? Greenwald said they should go and would argue with anyone who disagrees. It was noted CPR is different than a breathing problem.

Ms. Fraise believed if the department was going to respond to medical calls they should do it all the time. Lair brought up that the voters recently split the sales tax allocation 80/20 and now the fire department still won't respond to all medical calls. Chesnut added that once the new man was hired the 3-man shift would be rare.

Greenwald stated he wanted to take the confusion away and take it off the shoulders of the fire department by having a Council mandate. Lair suggested tabling this item until the meetings are held with the State medical doctor and Dr. Wenger-Keller.

Randolph spoke that our fire department can do just about everything due to their years of training and available funding. People have come to expect these services. Residents want someone, and they don't care who, to show up. It comes down to somebody going and helping versus no one going at all. The voters gave us the funding tool so that we can respond to medical calls. The extreme overtime in September, 2006 was mentioned. Council needs to regulate this department and take away the responsibility of Chief Herren by directing him to go on medical calls when he is short-handed. He wanted to give people the comfort of always knowing someone would be there. It's worth this mandate to provide citizens this security.

MOTION PASSED 5 AYES
2 NAYS
(Chesnut, Rink)

PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS:

Ms. Fraise reported on Historic Preservation activities; the "Our Town" videos are now for sale. Lair stated the contractor was moving in equipment for the tree removal project at the airport; they are very pleased with the new manager there.

ADJOURNMENT:

At 7:55 P.M., Chesnut MOVED and Boeding SECONDED to adjourn until Tuesday, November 18, 2008, at 7:00 P.M.

MOTION PASSED 7 AYES

CLAIMS AND MANUAL WARRANTS: See Claims dated October 30, 2008, in the amount of \$164,756.47; and Library Claims dated October 23, 2008, in the amount of \$17,475.47.

PAYROLL – OCTOBER 24, 2008

General	129,087.06
RSVP	1,255.41
Old Fort	1,239.24
Insurance	22.00

Road Use	23,490.12
Water	35,654.16
Sewer	30,833.66
Solid Waste	14,166.88
Storm Water	<u>3,035.48</u>
	238,784.01

Steven J. Ireland, Mayor
City of Fort Madison, Iowa

ATTEST:

Suellen M. Mead, City Clerk