

**MINUTES**  
**FORT MADISON CITY COUNCIL**  
**December 2, 2008 7:00 P.M.**

The Fort Madison City Council met in regular session on Tuesday, December 2, 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, and Lair present. Council Members Chesnut and Boeding were absent.

**VISITORS AND APPEARANCE REQUESTS**

Michael Wixom of Fort Madison, addressed Council that he was trying to understand our government here in Fort Madison and why he is being ignored on his pleas for help. It was not entirely clear what his complaint was, but he was allowed to voice his concerns.

Dr. Eugene Watkins, Old Fort Site Manager, spoke of updates on what is going on at the Fort and the old battle site located between Avenues H-G. It has been learned that the Old Fort battlefield site is one of 11 most endangered sites in the United States as an actual battle was fought there. Additionally, the Fort was the first settlement in Iowa. He felt this would be a spectacular tourist site after the Highway 61 bypass goes through. This fact makes us a unique city in Iowa. Mayor Ireland thanked him for all the information and asked him to keep Council informed of any decisions or happenings coming about.

Clinton Derr spoke on behalf of the graves of soldiers reported to be in the battlefield area and requested that they be treated with respect.

**Presentation by Snyder & Associates:** Jerry Searle, representing Snyder & Associates of Ankeny, Iowa, was present to discuss the potential FAA project for an airport turn-around project. It was estimated the project would cost approximately \$468,825 with a 95/5 match. He then gave a description of the AIP program and of the City's participation in these grants in the past. This is a safety improvement issue for the airport and considered a high priority project for funding. The FAA has set up their schedule for early 2009 and this would be a fast-track project. The cumulative total of funds available to the City of Fort Madison is now \$600,000. If funding is not committed this fiscal year, those funds will be lost. The Airport Commission has endorsed development of the turn-around project. By working on the specifications, Snyder has been able to reduce the cost by \$117,000 for a cost of \$374,000 with a local match of \$18,800. Mayor Ireland asked the latest date they would need to go forward with the plans. Further, if we don't do this project, does that mean Fort Madison won't get money anymore or just when funds become available? Mr. Searle believed the new aviation bill would raise our share to 10%. The Mayor asked again if we do not do this will we be eligible for further projects? Searle answered that we would still be allocated \$150,000 a year. The Mayor asked if we don't do the turn-around, are we put in a different class? It was explained the turn-arounds and hold lines are safety issues and if there was an accident, there would be a question of liability. It was decided to put this item on the first meeting in January in order to meet the January 15<sup>th</sup> deadline for engineering.

## **AGENDA**

Lair MOVED and Randolph SECONDED to approve the agenda, as written.

MOTION PASSED 5 AYES

## **CONSENT AGENDA**

Rink MOVED and Greenwald SECONDED to approve:

- Minutes of November 18, 2008; and
- Payment of Claims.

MOTION PASSED 5 AYES

## **PUBLIC HEARING**

***Concerning a State Revolving Loan Fund (SRF) from the DNR and a State and Tribal Assistance Grant (STAG) from the EPA relating to the proposed improvements to the City's water treatment system:***

Mayor Ireland opened the public hearing at 7:43 P.M. concerning the above grants.

Susan Coffey from Regional Planning and administrator for the water plant grants was present tonight for the transmission line project. In order to provide water to the City of Fort Madison from their new water treatment plant, the proposed project involves constructing approximately 5 miles of new Transmission Line from the new Water Treatment Plant that will be constructed along U.S. Highway 61 south of town from 225<sup>th</sup> Avenue to about one-third of a mile south of 251<sup>st</sup> Street. Although final design has not occurred, it is anticipated that 24" diameter pipe will be buried to a depth of five feet. The Area of Potential Effect (APE) for the project is located along Highway 61 in Sections 10,11,15,22, 27 and 34, Township 67 North, Range 5 West in Lee County, Iowa.

A summary of reasons for concluding no significant impact are:

- \* A Phase I archaeological investigation of the proposed project area has been submitted to the State Historical Preservation Office. No historic properties were found within the proposed project area. 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 significantly affect the pattern and type of land use (industrial, commercial, agricultural, recreational, and residential) or growth and distribution.
- \* The project will not conflict with local, regional or State land use plans or policies.
- \* The project will not impact wetlands as long as where the wetlands are located are directionally bored.

- \* The project will not affect threatened and endangered species or their habitats. The U.S. Fish and Wildlife Services (USFWS) and the Iowa Department of Natural Resources (IDNR) Conservation & Recreational have a provision that trees must be cleared between October 1 and March 31 in order to avoid impact to the Indiana Bat (*Myotis sodalists*). If trees 11 inches or greater in diameter are to be cleared between April 15 through September 15, additional work may be necessary to prevent harm to this species.
- \* The project will not displace population; alter the character of existing residential areas, or impact farmlands.
- \* Provided that the appropriate floodplain development permits are obtained and the terms of them abided by, the project will not adversely affect the floodplain.
- \* The project will not have an affect on parklands, preserves, other public lands or areas of recognized scenic, recreational value.
- \* The project will not have adverse impacts to surface water quality or quantity, groundwater quality or quantity, water supply, fish, shellfish, wildlife, and natural habitats.

There being no further oral or written comments, Randolph MOVED and Fraise SECONDED to close the public hearing.

MOTION PASSED 5 AYES

**STATE ENVIRONMENTAL DOCUMENT:** Randolph MOVED and Greenwald SECONDED to approve the Mayor's signature on a State Environmental Information Document for the above project.

MOTION PASSED 5 AYES

**ORDINANCES AND RESOLUTIONS**

**1<sup>ST</sup> READING, AMENDING 9-10-1, STOP YIELD:** Rink MOVED and Fraise SECONDED to approve the 1<sup>st</sup> reading of an ordinance amending 9-10-1 of the City Code entitled "Stop, Yield Intersections", so as to provide for the installation of a stop sign at 6<sup>th</sup> Street and Avenue G for eastbound traffic.

MOTION PASSED 5 AYES

**RESOLUTION NO. 2008-65, ACCEPT PIP 2008-4:** Greenwald MOVED and Rink SECONDED to approve a resolution accepting Public Improvement Project 2008-4, Seal Coat Project.

MOTION PASSED 5 AYES

**RESOLUTION NO. 2008-66, APPLYING FOR STP FUNDS:** Greenwald MOVED and Randolph SECONDED to approve a resolution authorizing the filing of an Application with Southeast Iowa Regional Planning for Regional Transportation STP Funds for reconstruction of Avenue E from 15<sup>th</sup> 18<sup>th</sup> Street.

Steve Hayes advised this application would be for the year 2013. We were turned down last year for funding. We are now working with Poepping, Stone & Back and Regional Planning to resubmit an application. This particular section is all that remains for the Avenue E reconstruction project.

MOTION PASSED 5 AYES

### **OTHER**

**SUSPEND KUM & GO CIGARETTE LICENSE:** Fraise MOVED and Rink SECONDED to approve the Mayor's signature on a 30-day Cigarette/Tobacco Suspension to Kum & Go #3, 626 – 2<sup>nd</sup> Street, effective January 4, 2009, through February 3, 2009.

MOTION PASSED 5 AYES

**DISCUSSION AND POSSIBLE ACTION ON THE RECOMMENDATIONS OF THE CITY MANAGER SEARCH COMMITTEE:** This committee consisted of the Mayor, Councilmen Rink, Boeding and Randolph. The committee has come up with a employment package and would like Council approval to offer the position to Byron Smith.

Greenwald MOVED and Fraise SECONDED to approve an offer to Byron Smith, and for the City Attorney to draft a contract with the terms specified as agreed.

Randolph clarified that the contract would allow severance pay only if the manager quits and is not terminated.

MOTION PASSED 5 AYES

### **PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS**

Nothing remarkable to report by Councilors.

### **ADJOURNMENT**

At 8:00 P.M. Fraise MOVED and Rink SECONDED to adjourn until Tuesday, December 16, 2008, at 7:00 P.M.

VOICE VOTE APPROVAL