

**MINUTES  
FORT MADISON CITY COUNCIL  
Tuesday, January 20, 2009 at 7:00 P.M.**

The Fort Madison City Council met in adjourned session on Tuesday, January 20, 2009, at 7:00 P.M. in the Council Chambers of the Municipal Building 811 Avenue E, Fort Madison, Iowa. Presiding was Mayor Steven J. Ireland with Council Members Carrie Fraise, Chris Greenwald, Kevin Rink, Brad Randolph, Bob Chesnut, Neal Boeding and Mark Lair present.

**AGENDA**

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

MOTION PASSED 6 AYES

**CONSENT AGENDA**

Rink MOVED and Greenwald SECONDED to approve:

- Minutes of January 6, 2009;
- Renewal of a Class "C" Liquor License and Ownership to Original Alpha's, 709 Avenue H, effective February 1, 2009;
- Mayor's reappointments of Gordon Liles, Linda Marshall, and Linda Lair to the Human Rights Commission, terms expiring January 1, 2012;
- Mayor's reappointments of Patty Tucker, Andy Andrews, Gwen Brown, and Dan Reppert to the Historic Preservation Commission, terms expiring December 21, 2011; and
- Payment of Claims.

MOTION PASSED 5 AYES  
1 ABSTAIN (Lair)

**PUBLIC HEARING**

***Concerning Public Improvement Project 2008 - #7, Water Treatment Plant High Service Pump Replacement:***

Mayor Ireland opened the public hearing at 7:04 P.M. concerning Public Improvement Project 2008 - #7, Water Treatment Plant High Service Pump Replacement. There being no oral or written comments, Lair MOVED and Boeding SECONDED to close the public hearing.

MOTION PASSED 6 AYES

**RESOLUTION NO. 2009-05, ADOPTING PLANS, SPECS, CONTRACT:** Rink MOVED and Lair SECONDED to approve a resolution adopting plans, specifications, estimate of cost and form of contract for the above project.

MOTION PASSED 6 AYES

**RESOLUTION NO. 2009-06, AWARDING CONTRACT:** Greenwald MOVED and Fraise SECONDED to approve a resolution awarding construction contract for the project to Seither & Cherry of Keokuk, Iowa, in the amount of \$13,591.00.

MOTION PASSED 6 AYES

**RESOLUTION NO. 2009-07, APPROVING CONTRACT AND BONDS:** Lair MOVED and Rink SECONDED to adopt a resolution approving contract and bonds of Seither & Cherry, pending receipt of the documents.

MOTION PASSED 6 AYES

### **ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. C-477, CAR WASHES AS SPECIAL USES:** Chesnut MOVED and Greenwald SECONDED to approve the 3<sup>rd</sup> reading of an ordinance amending 10-12-4(A) and 10-13-2 so as to allow car washes as Special Uses in B-1 and B-2 districts.

MOTION PASSED 6 AYES

(NOTE: Council Member Randolph arrived at 7:07 P.M.)

**1<sup>ST</sup> READING, ADOPTING INTERNATIONAL/RESIDENTIAL CODES:** Chesnut MOVED and Rink SECONDED to approve the 1<sup>st</sup> reading of an ordinance amending Title 3, Chapter 1, Sections 3 and 4 of the Municipal Code concerning adoption of the International Building and Residential Codes.

Doug Krogmeier advised we are currently working under the 1997 Code and it is now time to update; it is a pretty straight-forward process.

MOTION PASSED 7 AYES

### **OTHER**

**Discussion and possible action on Sidelines Outdoor Service Permit effective May 1, 2009.** Bruce Niggemeyer began discussions. An agreement was worked out with Sidelines last year that appeared fair for the business and citizens, and he was in favor of continuing that same agreement. Randolph asked how the complaints received on Sidelines compared with other establishments. The Chief answered there are only a couple of others who have outdoor events (Captain Kirk's being one) so it is hard to compare. There were 10 complaints on Sidelines this year which was down some from prior years.

Jason Huppert, 11 Sharman Place and owner of Sidelines, felt the agreement last year was successful. Since that time he has finished off the roof to help keep the sound down. He was

happy with the 4 events requested and thought maybe 1 more could be added in case of rain. Huppert also asked to extend the hours on Saturday only to 1 A.M. He would keep the shut off time at midnight on Fridays. The dates he was looking at this year are:

June 5-6

July 3-4, 31

August 1

August 28-29-30 (Labor Day weekend)

Chief Niggemeyer was asked what he thought about the extra hour. He felt that as the hour got later it would become more irritating and asked if the band could start earlier to get that extra hour in. Huppert believed it was better for business later because everyone is on the river and doing other activities until about 10-10:30 P.M. Greenwald was opposed to the 1 hour extension.

Steve Rippeteau, 1108 Avenue G, spoke against the bands at Sidelines. He is “in the direct line of fire” and has filed complaints in the past. He was asking Council to consider the over-all picture. We need to attract good quality of life and take a closer look at this issue. There needs to be a strict measure of control. He has even thought about moving out of town.

Rusty Andrews, 1217 Avenue I, stated he was the 4<sup>th</sup> house down from the stage at Sidelines. He has never been awakened and enjoys what the business brings to the community. He understood the limits and that we have to look out for everyone, but he enjoys the music.

Chesnut said he was not in favor of the extra hour, but was in favor of the flexibility of dates.

The noise ordinance was brought up. Greenwald believed this should be re-visited. Boeding supported another night instead of the extra hour – we are just setting ourselves up for more complaints. Greenwald was in favor of leaving it like last year. Randolph knew that Council has to rely on the thoughts of others, but he was not in favor of 1 A.M.. Midnight is adequate and the agreement should be left as is with a flexible date.

Greenwald MOVED and Chesnut SECONDED to let Sidelines have outdoor music per their Outdoor Service Permit for the dates stated above, plus a flexible date in September as a rain-out date.

MOTION PASSED 7 AYES

**HIRING LAB TECHNICIAN AT WASTEWATER:** Chesnut MOVED and Boeding SECONDED to approve hiring a Lab Technician at the Wastewater Treatment Plant.

MOTION PASSED 7 AYES

**Update, discussion and possible action on the sale of the Rashid Library Building**

City Manager Byron Smith wanted to present an update to Council and let them know the real estate agent for the property was suggesting a listing in the \$175,000 price range instead of the price talked about earlier in the \$240-250,000 range. During his research today he learned that to build new would cost about \$175/square foot.

Greenwald said he had gone through the building yesterday and felt it was a good location for the right business. It might be worth our while to have an appraisal done. Mr. Smith noted that the turn-around for an appraisal was 4-6 weeks at a cost of \$750-\$1,000.

Corey Fraise of Fraise Auction & Real Estate addressed Council that there was a big discrepancy between market value and actual appraisal value. The numbers he provided were for commercial properties sold within the last few years. Lair inquired if the property could be listed at \$200,000. It can. Mr. Smith recommended listing at a higher price and see what happens. He suggested listing in the low 200's. Lair said we need to get this on the market soon. Mr. Smith will contact Corey Fraise and work out the details.

Larry Dinwiddie asked how long the listing would be with this real estate company. The contract sets out 1 year which is normal for commercial properties.

#### **Update, discussion and possible action on the consolidated dispatch.**

Chief Niggemeyer began by saying once the jail bond issue passed, discussions were started on a consolidated dispatch. A feasibility study has been done, numbers reached, and we're trying to get more accurate numbers. We're getting closer but it has been difficult working out the funding.

Lair inquired if we would be saving in the long run by getting quality dispatch. Niggemeyer was not sure of the savings.

Chesnut said 10 years ago when these discussions were first talked about, the Lee County Ambulance Service was going to contribute a large sum. Have they been contacted at all? Niggemeyer answered that they were not interested now, but the next time there is a meeting he would find out why. He has further made it known that we have good dispatchers here in Fort Madison and he would like his dispatchers to have an opportunity to go there and be given consideration.

#### **Discussion and possible action on 813-815 Avenue G.**

Mayor Ireland announced that he had received a phone call today from the Travelodge folks and their plans were "on hold". We need to move forward to resolve this issue.

Michele Young, 3375 Country Club Lane, began by saying she owned a business at 805 Avenue G. She understood at the last Council meeting there was discussion on tearing the buildings at 813-815 down. Last week Historical Preservation met with SSMID. At the current time there are 4 things that are needed: 1) have an architect look at the property; 2) apply for an emergency grant from the State Historical Society for the roof; 3) clean up the mold; and 4) look into money (35%) coming back from the buildings. She asked for more time to see what options are available. It is important to her to make every attempt to preserve this property. She was disappointed in SSMID's original vote. The group is trying to overcome the obstacles.

Gwen Brown, 1008 Denmark Hilltop, realized Council had been patient in dealing with this awkward situation. This will be a test case for the National Registry as the downtown has been

designated as an historic district. She further felt the demolition would jeopardize the Main Street Program status.

Craig Abolt, 2879 Chalk Ridge Road, is a licensed contractor. As such, he addressed the contractor's issues which were: asbestos removal, mold, the roof.

Dave Poland of Two Rivers Insurance Company, said he was not convinced the mold could ever be completely removed.

Charles Scoville, 603 Avenue F, knew that Two Rivers wanted the one story building down so they could resume business.

Martha Wolfe, 616 ½ - 7<sup>th</sup> Street, reported that she lived downtown. Once these buildings are torn down, the history is gone. She was passionate about this subject and informed the City it was their duty to preserve the downtown and questioned what the City had done thus far to help solve this problem. Ms. Fraise informed her that several Councilors had been working on this issue for quite some time and had not been sitting back doing nothing.

There followed lengthy discussions between Gwen Brown and the Council on turning the property over to her and her husband, Lyle, so that they might renovate it. It was decided that City Attorney Johnson and City Manager Smith would work out finalization of a plan with targeted dates.

Fraise MOVED and Chesnut SECONDED to approve City staff proceeding with the statutory process to transfer property at 813-815 Avenue G to Lyle and Gwen Brown for the purpose of renovation.

MOTION PASSED 7 AYES

### **ADJOURNMENT**

At 9:25 P.M., Greenwald MOVED and Boeding SECONDED to adjourn until Tuesday, February 3, 2009, at 7:00 P.M.

VOICE VOTE APPROVAL

MANUAL CLAIMS AND WARRANTS: See Library Claims dated January 15, 2009, in the amount of \$3,110.16; and Claims dated January 15, 2009, in the amount of \$406,032.68.

### **PAYROLL – January 16, 2009**

General	\$136,176.81
RSVP	1,253.99
Old Fort	1,178.48
Insurance	22.00
Road Use	21,553.22

Water	35,474.90
Sewer	38,383.43
Solid Waste	14,240.14
Storm Water	<u>3,085.80</u>
	\$251,368.77

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

ATTEST:

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Suellen M. Mead, City Clerk