

**MINUTES**  
**FORT MADISON CITY COUNCIL**  
**Tuesday, February 3, 2009 at 7:00 P.M.**

The Fort Madison City Council met in regular session on Tuesday, February 3, 2009, at 7:00 P.M. at the Municipal Building, 811 Avenue E, Fort Madison, Iowa. Presiding was Mayor Steven J. Ireland with Council Members Carrie Fraise, Chris Greenwald, Kevin Rink, Bob Chesnut, and Mark Lair present. Council Members Brad Randolph and Neal Boeding were absent.

**AGENDA**

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

MOTION PASSED 5 AYES

**CONSENT AGENDA**

Chesnut MOVED and Greenwald SECONDED to approve:

- Minutes of January 20, 2009;
- Renewal of a Class "E" Liquor, Beer and Wine License to Hy-Vee Food Stores, 2606 Avenue L, effective March 18, 2009;
- Renewal of a Class "B" Beer Permit to the Parthenon, 715 – 8<sup>th</sup> Street, effective February 16, 2009;
- New Five-Day Class "B" Beer Permit to Lee County Pheasants Forever, for the address of 415 – 11<sup>th</sup> Street, effective February 27, 2009;
- Refund of City's share of unused portion of a Class "C" Liquor License to Kumar's in the amount of \$633.75;
- Refund of City's share of unused portion of a Class "C" Liquor License to River City Lanes, in the amount of \$422.50;
- Mayor's reappointments of Todd Shields and Kathy McCracken, to the Sister Cities Commission, terms expiring January 6, 2011;
- Mayor's appointment of Dave Moehn, 503 Avenue D, to the Old Fort Commission, filling the unexpired term of John Hansman, term expiring March 21, 2011;
- Mayor's appointments of Tonya Scott, 1218 – 33<sup>rd</sup> Street, and Barbara Easley, 1036 Denmark Hilltop, to the Human Rights Commission, terms expiring January 1, 2011; and
- Payment of Claims.

Chesnut made a comment about the above item regarding a beer permit to Pheasants Forever at 415 – 11<sup>th</sup> Street which was formerly known as St. Mary's Parish. At the Planning & Zoning meeting last week this matter was discussed because the church was in such opposition of a proposed bar across the street from them, but are now allowing the same thing to occur at their parish center. He found this rather awkward.

MOTION PASSED 5 AYES

**PUBLIC HEARINGS**

***Concerning the conveyance of City property to Lyle and Gwen Brown:***

Mayor Ireland opened the public hearing at 7:05 P.M. concerning conveying City property at 813-815 Avenue G to Lyle and Gwen Brown. There being no oral or written comments, Fraise MOVED and Rink SECONDED to close the public hearing.

Ms. Fraise indicated she had a discussion with Dave Poland of Two Rivers Insurance about the agreement the Browns made on taking care of the problems at the property. She further asked Craig Abolt, the contractor, to keep in touch with Mr. Poland so he can move forward with renovating his insurance office.

MOTION PASSED 5 AYES

**RESOLUTION NO. 2009-09, CONVEYING PROPERTY:** Greenwald MOVED and Fraise SECONDED to approve a resolution conveying Lot Three Hundred Seven (307) in the Original Town, now City, of Fort Madison, Lee County, Iowa, (813-815 Avenue G), to Lyle and Gwen Brown of Fort Madison for the purpose of restoration, and authorizing the Mayor and Clerk's signatures on a Quit Claim Deed.

MOTION PASSED 5 AYES

**AGREEMENT ON REPAIR/ABATEMENT OF ABOVE PROPERTY:** Greenwald MOVED and Fraise SECONDED to approve entering into an agreement with Lyle and Gwen Brown regarding repair/abatement of the building at 813-815 Avenue G after the property has been transferred.

Greenwald asked what the agreement contained. City Manager Smith explained briefly that the agreement sets out timelines on repairs, such as 90 days to repair the roof and abate the mold by qualified contractors. At the conclusion of the roof repairs a report will be provided to Council by a qualified structural engineer that the structural issues of the buildings have been resolved.

MOTION PASSED 5 AYES

***Concerning Amendment No. 1 to Urban Renewal Area #12 (River Bend TIF District):***

Mayor Ireland opened the public hearing at 7:08 P.M. concerning Amendment No. 1 to Urban Renewal Area #12 (River Bend TIF District). There being no oral or written comments, Lair MOVED and Rink SECONDED to close the public hearing.

MOTION PASSED 5 AYES

**RESOLUTION NO. 2009-10, AMENDMENT NO. 1 TO URBAN RENEWAL #12:** Rink MOVED and Chesnut SECONDED to approve a resolution determining an area of the City to be an economic development area, and that the rehabilitation, conservation, redevelopment, development, or a combination thereof of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for an Urban Renewal Project; and adopting Amendment No. 1 to the Urban Renewal Area #12 (River Bend Subdivision TIF District) Plan.

MOTION PASSED 5 AYES

### **ORDINANCES AND RESOLUTIONS**

**2<sup>ND</sup> READING AMENDING 3-1-3 &4, ADOPTING INTERNATIONAL BUILDING AND RESIDENTIAL CODES:** Chesnut MOVED and Rink SECONDED to approve the 2<sup>nd</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 Code.

MOTION PASSED 5 AYES

**1<sup>ST</sup> READING, AMENDING 9-7-18, REMOVING HANDICAP PARKING:** Rink MOVED and Greenwald SECONDED to approve the 1<sup>st</sup> reading of an ordinance amending Title 9, Chapter 7, Section 18 of the City Code entitled “Handicap Parking” by repealing Subsection E in its entirety.

Tom Burner, 601 – 5<sup>th</sup> Street, addressed Council that he lives in this area, is handicapped, and is not happy about this proposal and wants to retain the handicap spaces. Furthermore, Mr. Burner advised there were still church services going on at the old church as well as weddings and meetings which he believed would still warrant the handicap spaces. Rink stated maybe Council should give this further consideration because he was not aware these activities were still going on.

Police Chief Niggemeyer responded that the owner, Todd Schneider, had assured him the building was not a church, however public meetings were held there. Greenwald inquired if there was a precedent that would not allow handicap parking there. Larry Dinwiddie advised the Traffic Safety Committee looks at individual requests from residents, in this case, Todd Schneider was asking for removal of the spaces. In this instance they were recommending removal of the spaces. Chesnut concurred to table the item for further information,

Chesnut MOVED and Greenwald SECONDED to TABLE the 1<sup>st</sup> reading of this ordinance to determine the zoning and other activities occurring at the location.

MOTION TO TABLE PASSED 5 AYES

### **OTHER**

**SETTING HEARING ON 2009-10 BUDGET:** Chesnut MOVED and Lair SECONDED to approve the Fiscal Year 2009-10 Budget, and setting Tuesday, February 17, 2009, at 7:00 P.M. as date and time for public hearing.

MOTION PASSED 5 AYES

**LEASE PURCHASE FOR STREET SWEEPER:** Greenwald MOVED and Fraise SECONDED to approve a Lease Purchase with Environmental Equipment Financing of Ft. Wayne, Indiana, in the amount of \$154,680 for a new street sweeper.

Steve Hayes stated the current sweeper is 6 years old and getting worn out. Six years is about all they last. Rick Kuhljuergen added that the EPA looks at our records on street/sewer cleaning. The City has a good program for keeping sand and debris out of the combination sewers.

MOTION PASSED 5 AYES

**UTILITY SERVICE AGREEMENT FOR FIRE TRAINING CENTER:** Rink MOVED and Fraise SECONDED to authorize the Mayor to enter into a Utility Service Agreement with Southeastern Community College that includes a first right of refusal on property donated for the Fire Training Center.

Larry Dinwiddie explained this is another hoop “in writing” that the City will provide water and sewer to the facility. The next step will be an easement.

MOTION PASSED 5 AYES

**PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS**

Nothing remarkable to report.

**ADJOURNMENT**

At 7:30 P.M., Rink MOVED and Greenwald SECONDED to adjourn until Tuesday, February 17, 2009, at 7:00 P.M.

**VOICE VOTE APPROVAL**

Manual Claims and Warrants: See Regular Claims dated January 29, 2009, in the amount of \$107,108.89.

PAYROLL – January 30, 2009

General	\$103,282.07
RSVP	1,257.00
Old Fort	547.20
Road Use	18,448.23
Water	26,082.38

Sewer	19,219.69
Solid Waste	10,251.43
	<u>2,165.45</u>
	\$181,253.45

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

ATTEST:

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Suellen M. Mead, City Clerk