

**MINUTES**  
**FORT MADISON CITY COUNCIL**  
**Municipal Building, 811 Avenue E, Fort Madison, Iowa**  
**March 17, 2009 7:00 P.M.**

The Fort Madison City Council met in adjourned session on Tuesday, March 17, 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 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**

Randolph MOVED and Fraise SECONDED to approve:

- Minutes of March 3, 2009;
- Renewal of a Class "C" Liquor License to Captain Kirk's, 902 – 4<sup>th</sup> Street, effective April 1, 2009;
- Renewal of a Class "C" Liquor License to the Cabaret, 1337 Avenue G, effective May 7, 2009; and
- Payment of Claims.

MOTION PASSED 7 AYES

**ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. C-481, HANDICAP PARKING:** Greenwald MOVED and Lair SECONDED to approve the 3<sup>rd</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.

MOTION PASSED 7 AYES

**ORDINANCE NO. C-480, RAISING WATER RATES:** Chesnut MOVED and Rink SECONDED to approve the 3<sup>rd</sup> reading of an ordinance repealing Title 6, Chapter 5, Section 6 of the City Code and enacting in lieu thereof of a new Title 6, Chapter 5, Section 6 so as to provide for a new water rate schedule effective April 1, 2009.

MOTION PASSED 7 AYES

**RESOLUTION NO. 2009-17, WATER REVENUE CAPITAL LOAN NOTES:** Chesnut MOVED and Greenwald SECONDED to approve a resolution fixing date for a meeting for April 7, 2009, on the proposition to authorize a Loan and Disbursement Agreement and the issuance of \$20,000,000 Water Revenue Capital Loan Notes of Fort Madison, and providing for publication of Notice.

Larry Dinwiddie advised Council will be considering and awarding a contract on the new wells at the first meeting in April. These state funds will be needed when the bills start coming in for the wells and the plant.

MOTION PASSED 7 AYES

**RESOLUTION NO. 2009-18, PIP 2009-1, HAPPY HOLLOW CULVERT:** Rink MOVED and Randolph SECONDED to approve a resolution ordering construction, setting public hearing and bid letting for Public Improvement Project 2009-1, Happy Hollow Box Culvert Repair.

This project is replacing a culvert in that area that has been needed for several years.

MOTION PASSED 7 AYES

**RESOLUTION NO. 2009-20, AMENDING NON-BARGAINING RESOLUTION:** Lair MOVED and Randolph SECONDED to adopt changes to the Non-Bargaining Resolution No. 86-27 in order to eliminate compensatory time for department heads attending City Council meetings.

City Manager Smith stated this was to formalize a directive Council gave last year during budget work sessions to clarify department heads comp time and attending Council meetings. Randolph indicated he thought the document should also state that department heads would attend every Council meeting whether they had something on the agenda or not. Mr. Smith thought this was unnecessary as it is understood and they are expected to be here. City Attorney Johnson brought up that the agenda had indicated a change to Resolution No. 86-77 and his information was Resolution No. 86-27. The Clerk was directed to check the number. (Note: it was verified the Resolution was in fact 86-27 as was on the resolution prepared for signatures).

MOTION PASSED 7 AYES

**RESOLUTION NO. 2009-19, WAIVING SUBDIVISION REVIEW:** Rink MOVED and Greenwald SECONDED to approve a resolution granting waiver from Title 11 of the Municipal Code regarding review of subdivisions within two miles of the corporate limits for River Channel Cabin Subdivision.

Doug Krogmeier, Planning & Zoning, explained he was recommending this request. The only way to get to the area was by boat. It is similar to the Rabbit Island Subdivision before Council

recently. Ameren owns the property and they want to sell and sub-divide. They are not expecting utilities or services but the area falls within the 2-mile review requirement.

MOTION PASSED 7 AYES

### **OTHER**

**CITY'S TORT LIABILITY INSURANCE:** Chesnut MOVED and Greenwald SECONDED to approve the bid of Two Rivers Insurance in the amount of \$90,707 for the City's Tort Liability Insurance.

Matt Morris, representing Fort Madison Bank & Trust, said their company had also put a bid in for insurance. He introduced Jim Lane of EMC Insurance. Mr. Lane spoke of IAMU (Iowa Association of Municipal Utilities) and what that program was about. He was disappointed to not insure the City this year. There are currently 451 cities insured through IAMU and they work with agents to make sure those cities have the correct coverage. Continental Western through Two Rivers indicates who is insured – appointees, staff, boards and commissions (except the airport and housing authority). EMC insures the airport and housing authority. His question to Council was were they sure they wanted to go with Continental Western and possibly have problems with these exclusion issues.

Chesnut asked if there were any other major differences as the bids are \$22,000 apart. Was there anything to make up that difference? Mr. Lane answered that he works on safety control and gives a dividend of approximately 15% each year. The difference is he has 30 years experience.

Dave Poland, representing Two Rivers Insurance, indicated two endorsements had been added to the policy to cover the aforementioned groups. There followed a short discussion with Mr. Poland. Chesnut concluded that he felt it was awkward voting on this issue.

Mayor Ireland asked Mr. Smith if he had reviewed both policies. Mr. Smith stated he had. The issue of the two boards had been brought up at 3 PM today. He had seen the endorsement for the two boards in Two Rivers proposal, but did not have a lot of time to analyze it. He did feel the coverage was equal.

It was asked about an estimated dividend. In approximately one year the dividend paid to the City should amount to about \$18,000. The City has had good experience with EMC in past years but has had a good year with Continental Western

MOTION PASSED 7 AYES

**MAIN STREET BBQ FUNDS:** Greenwald MOVED and Fraise SECONDED to approve an expenditure of \$1,000 from the Hotel/Motel Tax Fund for the Main Street BBQ on May 9, 2009, at the corner of 9<sup>th</sup> Street and Avenue G.

Lair asked a representative from the BBQ when the event first started. This will be the 5<sup>th</sup> or 6<sup>th</sup> year. Lair continued that he thought the grant money was for start-up events. Greenwald added

that he thought perhaps the established events were looking to grow into something bigger and this would be an excellent investment to get them to the next level.

MOTION PASSED 7 AYES

**REDNECK RODEO FUNDS:** Greenwald MOVED and Lair SECONDED to approve an expenditure of \$1,500 from the Hotel/Motel Tax Fund for the Redneck Rodeo on April 25, 2009, at Rodeo Park.

Nicole Prado, representing the Redneck Rodeo, stated this was her fourth year for the event. She was trying to get more people involved and this year had a national act with David Allen Coe. She would like to see the rodeo ground facilities used more. The PRCA has voted Fort Madison as the number one arena. She has sold many tickets already but wanted to advertise outside the area to bring in more people. One difference pointed out for the Redneck Rodeo was that participants did not have to be members of the PRCA to ride.

MOTION PASSED 7 AYES

**COPS GRANT:** Rink MOVED and Greenwald SECONDED to authorize staff to apply for the COPS grant program for one additional police officer.

Police Chief Bruce Niggemeyer indicated he had sent a memo to Mr. Smith about the grant program details. If approved, this would not go into effect until October 2009, and end in October 2013. He realized the City was short on funds but was hoping by that time the tax base would be better and could support a \$70,000 salary. In addition, the City would have to make up any small wage increases given at the beginning of a contract year. Years ago the City's match was 75/50/25 and was not as good as this program. It's a good time to take advantage of the stimulus package money. The window for this program is open for only four weeks.

Mayor Ireland asked if this would add an additional officer. It would, the department is allowed 18 and this would make 19. He would like to use the 19<sup>th</sup> person as a full-time investigator on an administrative schedule.

Chesnut inquired if someone were to retire from the department, would the COPS grant allow that person to go into the retiree's position. He had a problem with this grant as we asked voters to reallocate the sales tax to maintain a position and now we're adding another. He was not comfortable with spending money we don't have in the future. He agreed an investigator was needed but was uneasy about throwing another officer in.

Greenwald agreed, but said he had talked to Loeb's aids and this money might not be available in four years when we're ready for it. He felt it was appropriate to go after the grant money now.

Randolph continued that the people understood to keep the level of staffing we had to change the tax. If the people knew we had this opportunity they would agree it's a good deal. Ms. Fraise interjected that the grant states in the fourth year we have to pay. In the fifth year if there is no

money that person would have to be let go. Lair also questioned the fourth year if there was no money available.

MOTION PASSED 6 AYES  
1 NAY (Chesnut)

**CVB LEASE FOR BURLINGTON NORTHERN DEPOT:** Rink MOVED and Fraise SECONDED to approve the provisions in a lease with the CVB for the Burlington Northern Depot for use as a Tourist Information Center.

Mr. Smith pointed out this was the final version before Council. It is a straightforward lease from April 1 to October 31. The building is to be used only for the Tourist Information Center. The City will maintain the building and the CVB will clean and pay utilities.

MOTION PASSED 7 AYES

At 8:05 P.M., Council took a short recess prior to going into closed session.

**CLOSED SESSION**

At 8:12 P.M., Chesnut MOVED and Randolph SECONDED to go into closed session under Section 21.5(1)(c) of the Iowa Code (pending litigation).

MOTION PASSED 7 AYES

At 8:33 P.M., Randolph MOVED and Chesnut SECONDED to come out of closed session.

MOTION PASSED 7 AYES

**EPA CONSENT DECREE:** Chesnut MOVED and Boeding SECONDED to approve and authorize the Mayor and Clerk's signatures on an EPA Consent Decree.

MOTION PASSED 7 AYES

**PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS**

Nothing remarkable to report.

**ADJOURNMENT**

At 8:35 P.M., Chesnut MOVED and Randolph SECONDED to adjourn until Tuesday, April 7, 2009, at 7:00 P.M.

VOICE VOTE APPROVAL

