

MINUTES
FORT MADISON CITY COUNCIL
Tuesday, October 20, 2009 6:30 P.M.
Municipal Building, 811 Avenue E, Fort Madison, Iowa

The Fort Madison City Council met in adjourned session on Tuesday, October 20, 2009, at 6:30 P.M. in the Council Chambers of the Municipal Building, 811 Avenue E, Fort Madison, Iowa. Present were Councilors Carrie Fraise, Chris Greenwald, Kevin Rink, Brad Randolph, Bob Chesnut, Neal Boeding and Mark Lair.

CLOSED SESSION

At 6:30 P.M. Randolph MOVED and Lair SECONDED to go into closed session under Section 21.9 of the *Iowa Code* (Union Negotiations).

MOTION PASSED 7 AYES

With no action taken, at 7:00 P.M. Randolph MOVED and Rink SECONDED to come out of closed session.

MOTION PASSED 7 AYES

REGULAR MEETING

At 7:00 P.M., Mayor Steven J. Ireland presided and called the meeting to order with all Councilors present. Mayor Ireland presented a proclamation for Red Ribbon Week.

VISITORS AND APPEARANCE REQUESTS

None.

AGENDA

With it so noted that Agenda Item #8 was being pulled pending more information, Rink MOVED and Lair SECONDED to approve the agenda, as written.

MOTION PASSED 7 AYES

CONSENT AGENDA

Chesnut MOVED and Fraise SECONDED to approve:

- Minutes of October 6, 2009;
- Renewal of a Class C Native Wine Permit to Meier's Den, 801 Avenue G, effective October 27, 2009;
- Renewal of a Class B Beer Permit to Pizza Hut, 1123 6 24th Street, effective December 8, 2009;

- Mayor's appointment of Sam Lozano, 638 ó 34th Street, to the Housing Authority, term expiring June 3, 2011;
- Mayor's reappointments of Susan Andrews and Steve Morey to the Board of Adjustment & Appeals, terms expiring September 11, 2012;
- Resolution No. 2009-72 granting application for an URTEC to Matt Mohrfeld, dba Matt's Greenhouse, 2094 ó 303rd Avenue; and
- Payment of Claims.

MOTION PASSED 7 AYES

PUBLIC HEARINGS

Concerning rezoning property located at 1807-1811-1815 Avenue H:

Mayor Ireland opened the public hearing at 7:07 P.M. concerning rezoning property located at 1807-1811-1815 Avenue H. There being no oral or written comments, Lair MOVED and Chesnut SECONDED to close the public hearing.

MOTION PASSED 7 AYES

1ST READING, REZONING PROPERTY: Greenwald MOVED and Fraise SECONDED to approve the 1st reading of an ordinance rezoning property located at 1807-1811-1815 Avenue H from R-4, Single Family Dwelling District, to B-2, Business District-General Retail.

MOTION PASSED 7 AYES

Concerning Public Improvement Project 2009-9, Water Transmission Main:

Mayor Ireland opened the public hearing at 7:09 P.M. concerning Public Improvement Project 2009-9, Water Transmission Main.

Greg Naylor of the Whitfield & Eddy Law Firm of Des Moines, Iowa, was present as representing R & R Excavating of Hutchinson, Minnesota. He raised objections to the City's consideration of awarding construction contract for the project to Merryman Excavating of Woodstock, Illinois. Merryman's bid did not meet the requirements of the Invitation to Bid. Should the City continue to consider this bid, they would be in violation of the Iowa Competitive Bidding Law. He stated he had earlier sent a letter to our City Attorney raising these objections due to the fact some of the DB attachments were not prepared and submitted appropriately. R & R Excavating intends to pursue action against the City if the award is made to Merryman. City Manager Smith followed with the comment the award was not on the agenda tonight due to DNR requirements.

With no further oral or written comments, Chesnut MOVED and Rink SECONDED to close the public hearing.

MOTION PASSED 7 AYES

ORDINANCES AND RESOLUTIONS

1ST READING, ORDINANCE CREATING 3-WAY STOPS: Chesnut MOVED and Boeding SECONDED to approve the 1st reading of an ordinance amending City Code Section 9-10-1 entitled "Stop, Yield Intersections" so as to create three-way stop intersections at 7th, 8th, and 9th Streets and Avenue G.

Mr. Smith explained that Main Street had approached the City to remove these signals as well as making Avenue G a two-way street again. The Traffic Safety Committee met and chose to separate the two issues until a further study could be conducted dealing with two-way traffic.

Randolph questioned the merits of going from a three-way stop with two-way traffic to a four-way. An engineer has looked at these intersections and the traffic counts/volume of traffic do not warrant signalization. It is very expensive to upgrade the signals as they are old and parts are getting unattainable. One of the signals is inoperable at the present time. Chesnut voiced a concern about pedestrian traffic but felt this would be more of an issue if the two-way traffic was approved.

MOTION PASSED 7 AYES

RESOLUTION NO. 2009-73, ACCEPTING WATER MAIN PROJECT: Lair MOVED and Rink SECONDED to approve a resolution accepting Public Improvement Project 2008-5, Water Main Replacement, Highway 2 Intersection.

Larry Dinwiddie advised everything went well with the project. There is some grading in the ditch to do but this won't be done until paving for the new highway goes in.

MOTION PASSED 7 AYES

RESOLUTION NO. 2009-74, ACCEPTING 10TH STREET SEWER: Greenwald MOVED and Lair SECONDED to approve a resolution accepting Public Improvement Project 2005-8, 10th Street Sanitary Pump Rehabilitation.

Rick Kuhljuergen explained the total payment to the contractor had been reduced by \$10,000 due to liquidated damages because the project had not been completed on time.

MOTION PASSED 7 AYES

RESOLUTION NO. 2009-75, ACCEPTING WASTEWATER PARKING LOT: Lair MOVED and Chesnut SECONDED to approve a resolution accepting Public Improvement Project 2009-11, Wastewater Treatment Plant Parking Lot Replacement.

Lair questioned if there were any anticipated problems like we encountered on the cemetery road. Kuhljuergen answered no, and then reviewed the replacement aspects of the project.

MOTION PASSED 7 AYES

RESOLUTION NO. 2009-76, BID LETTING FOR CSO PROJECT: Randolph MOVED and Greenwald SECONDED to approve a resolution ordering construction, setting public hearing and bid letting for Public Improvement Project 2009-12, Combined Sewer Overflow Disinfection Pilot System.

Fraise asked about the size of the building which will be in Riverview Park. Kuhljuergen said that just today he had received the final plans. The building will be approximately 38ø X 26øøö. Most of the construction will be around 6th Street and the parking lot to the west of 6th Street. The City has one year to make this pilot program work, if not, we will have to look at separation. In 1999, the numbers to separate the combined sewers was twenty million dollars. Randolph wondered what it would cost to separate the sewers to just 13th Street. Kuhjuergen said he didn't have those numbers but if he had to pick he would think in the neighborhood of fifteen to sixteen million dollars. He further asked Council if they would like to have the engineer present at the November 2nd meeting to go over the project now that we have more information. Chesnut felt a short presentation would be a good idea.

MOTION PASSED 7 AYES

OTHER

CITY AUDIT: Chesnut MOVED and Randolph SECONDED to receive and file the audit for Fiscal Year ending June 30, 2009.

MOTION PASSED 7 AYES

GOAL SETTING UPDATE: Mr. Smith wanted to update Council on what has occurred since the goal setting sessions. He will continue to focus on the four top priorities consisting of an annexation study, the nuisance ordinance, examine part-time/full-time fire department, and develop an employee handbook. More information will be forthcoming.

ADDITIONAL CAPITAL REPLACEMENT: Mr. Smith began discussion by stating this extra money was brought about by the stimulus money received for the 48th Street project. The money budgeted for that project has now become available for other projects. His hand-out presented some of the needs and what we have for funding. He further asked for direction for this budget year as to what to put in next year's budget.

Several Councilors visited the various locations on the list. Avenue M was at the top along with the Avenue F parking lot. Chesnut felt 24th Street from Avenue E to Highway 61 should be looked at as it is in really bad shape and he thought it worth mentioning. We completed the Avenue E project from 2nd Street to 24th Street which is wonderful, but he believed turning south on 24th Street to Highway 61 was utilized a great deal and it is terrible.

Lair thought putting railing around the Avenue F parking lot was a better idea. Ms. Fraise said the City should be good neighbors and because we own the lot should make the necessary

repairs. The estimate for removal of the steps only is \$4,000. To fix the lot all the way is estimated at \$49,000 (would repair drainage, stairs, retaining wall, and new sidewalks).

Randolph inquired if he was asking Council to pick projects. Mr. Smith answered that he was asking if there were projects they wanted to move forward on now or wait and put into a comprehensive plan. It was asked what was actually doable this year. The Avenue F parking lot and Country Club guard rail are the most feasible to be completed. Greenwald stated he was in favor of putting the projects into a five-year comprehensive plan, but complete the couple projects we can do. Rink asked if we could sell Carl Saunders the parking lot since his rental building received the most benefits from the lot. Mr. Smith felt the City should keep the lot. Greenwald asked who uses the lot: people going downtown or tenants of the building? Mr. Smith said the latter is probably true. He has never approached Saunders with cost sharing and agreed Saunders would receive a large degree of the benefits. Randolph felt if the City owns the lot they should maintain it. Also, if the lot is used for downtown, how can we control who parks there, tenants or shoppers, there could be a conflict there. Greenwald felt this item deserved further discussion.

The guard rail was a high priority with Randolph as the road gets slick there.

Mayor Ireland added we have to consider the Workforce Development office. They have been here a long time and he would hate to have them leave. The consensus was to fix the guard rail and parking lot.

Fraise MOVED and Lair SECONDED to go forward with the Avenue F parking lot and Country Club guard rail projects this year, and put the remainder into a long-range plan.

MOTION PASSED 6 AYES
1 NAY (Greenwald)

PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS

Greenwald reported on the Parks Board meeting. He said we need to repeatedly thank the Rotary Club for all they do. Boeding talked about the Old Fort post/wall replacement currently going on.

ADJOURNMENT

At 8:00 P.M., Lair MOVED and Randolph SECONDED to adjourn until Monday, November 2, 209, at 7:00 P.M. due to the election on Tuesday, November 3.

VOICE VOTE APPROVAL