

MINUTES
FORT MADISON CITY COUNCIL
Tuesday, July 6, 2010 7:00 P.M.

The Fort Madison City Council met in regular session on Tuesday, July 6, 2010, 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 Councilors Tim Waggoner, Chris Greenwald, Kevin Rink, Bob Chesnut, Jason Huppert and Mark Lair present. Council Member Brad Randolph was absent.

VISITORS AND APPEARANCE REQUESTS

None.

AGENDA

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

MOTION PASSED 6 AYES

CONSENT AGENDA

Greenwald MOVED and Waggoner SECONDED to approve:

- Minutes of June 15, 2010, as written;
- Renewal of a Class “C” Liquor License to JOEDEES, 1828 Avenue L, effective August 1, 2010;
- Renewal of a Class “B” Beer Permit to Chuong Garden, 712 – 9th Street, effective July 20, 2010;
- New 6-month Class “B” Wine Permit to Fort Madison Area Convention and Visitors Bureau, 614 – 9th Street, effective July 1, 2010;
- Full refund in the amount of \$633.75 to Fort Madison Hospitality Group, dba Comfort Inn & Suites, 6169 Reve Court (this is a refund to the former corporation; last Council meeting the ownership change application to the Comfort Inn was approved);
- Mayor’s appointment of Jill Johnson, 107 Cherokee Lane, to the Planning & Zoning Commission, filling the unexpired term of John Ault, term expiring March 18, 2013; and
- Payment of Claims.

MOTION PASSED 6 AYES

ORDINANCES AND RESOLUTIONS

2ND READING, REZONING PROPERTY SOUTH OF 1125 – 48TH STREET: Rink MOVED and Greenwald SECONDED to approve the 2nd reading of an ordinance rezoning

property south of 1125 – 48th Street from R-1, One-Family Dwelling District, to R-4, One-Family Dwelling District.

MOTION PASSED 6 AYES

2ND READING AMENDING TITLE 10, CHAPTER 12, SECTIONS 3(A), 3(B) AND 4(B); Chesnut MOVED and Waggoner SECONDED to approve the 2nd reading of an ordinance amending Title 10, Chapter 12, Sections 3(A), 3(B), and 4(B) of the Zoning Code concerning dwellings within the B-1 zoning classifications and the area included in the B-1 Limited Retail District.

Rebecca Bowker, 1909 Avenue E, spoke concerning property she owns at 827 Avenue H. She has invested a lot of money in the property and has plans for two apartments on the alley. She is not prepared to finish the apartments within a month when this ordinance goes into effect at which time the apartments wouldn't be allowed with the ordinance amendment. She asked that allowances be made for alley apartments not located on the main street. Doug Krogmeier advised her if she would get the permit for the apartments now, they would be grandfathered in for six months. Extensions could be given if work was progressing. Byron Smith also suggested another option to take care of problems like this would be to go on square footage so that a certain percentage would have to be devoted to retail.

MOTION PASSED 6 AYES

1ST READING RAISING GARBAGE FEES: Greenwald MOVED and Waggoner SECONDED to approve the 1st reading of an ordinance amending Section 6-3-15(B) so as to increase monthly residential garbage fees from \$12.50 per month to \$15.00 per month for two 40-gallon containers.

MOTION PASSED 6 AYES

RESOLUTION NO. 2010-42, APPROVING SIEMENS APPLICATION: Rink MOVED and Huppert SECONDED to approve a resolution in support of an application for a direct assistance grant from the Iowa Department of Economic Development to assist with construction of a new rail spur at Siemens.

MOTION PASSED 6 AYES

OTHER

TRANSFERRING HOTEL/MOTEL TAXES: Greenwald MOVED and Waggoner SECONDED to approve a resolution and agreement allocating the Hotel/Motel Tax to the Fort Madison Partners.

Byron Smith began by stating this item came from discussions with SSMID. He went over the contents of his Council Report as to allocations and percentages. Since fiscal year 2002, the average tax has been \$140,000 a year (before taking out the \$15,000 operating expenses for the

City). The bullets on his report are his recommendations of the agreement drawn up between Fort Madison and Partners. Huppert questioned why there were no changes to the disbursements. Mr. Smith stated the first year would be left as is. Chesnut felt the City should have a full voting member on the board. Lair said he was in favor of supporting the Old Fort but not with letting the other three recipients be decided by someone else. Mr. Smith advised the Old Fort is owned by the City but not the other entities. Greenwald questioned the initial agreement for three years with either group opting out. Does this mean there is a provision that before the three years are up anyone can opt out? That is correct. Rink reaffirmed that the City would continue to retain the \$15,000 to cover expenses.

Tom Schultz, 723 ½ Avenue G, stated that the Partners was a fine organization. Over time it will prove its value to the community; however, it is a newly formed group, non-elected, and not under the open meetings law. He felt Partners should act as an advisory group with Council approval. If this is voted on as is tonight, it is a breach of responsibility to the taxpayers.

Matt Morris, 2791 – 220th Street, representing Partners, mentioned that this issue came about for accountability and transparency. He felt by taking it over it would be a service to the City. The group would still be required to submit a budget and would come back annually and show where the money went and the value given. Lair asked Morris if he had a plan. Not really, the first year the figures will be left alone. Lair was concerned how the different entities would receive the money in the future with no plan in place.

Waggoner asked if this budget would go under public scrutiny. Mr. Smith advised we could make it part of the City budget process. Chesnut added that if we have concerns over where the money is going, this will provide documentation. There will still be guidelines where the money can go, same as now.

Huppert asked if there was a time line that we have to make a decision right now? Waggoner answered that is why there is a status quo for one year with the ability to opt out.

Mayor Ireland asked City Attorney Johnson if legally the City would have the judicial responsibility to transfer these tax dollars to another entity. Can we hand the funds over to someone else to disburse? Mr. Johnson responded there was no legal prohibition to delegate the funds to this group of people. Lair continued that approximately one year ago a committee was formed to review applications for funds. The committee has not been given a chance to prove themselves. Do that first before turning the funds over to someone else.

Steve Rippeteau, 1108 Avenue G, and member of the Historical Society, said they have provided financial reports. How big a burden is it for the City to maintain these funds? The funds need to be in the hands of the people accountable for them.

Andy Andrews, 2020 Avenue G, President of the Historical Society, is aware of the problem we've been having with distribution of the money. He makes good use of the money he receives. No one has shown him why the City should give the money up to the Partners.

Dr. Tim Wondra, 1731 Avenue F, agreed with Mr. Andrews and Mr. Schultz regarding not turning the money over to Partners. In 2-3 years let them come back, but get a track record established first. The Partners has already jeopardized the Main Street Program and there is a very good chance we will lose it. They have an uneven track record and he had concerns the Historical Museum might close if funds weren't monitored.

Greenwald MOVED and Chesnut SECONDED to table this agenda item.

MOTION PASSED 5 AYES
1 NAY (Lair)

CONTRACT FOR TRANSPORTATION SERVICES: Chesnut MOVED and Rink SECONDED to approve the Mayor's signature on a Contract for Transportation Services between the City and Southeast Iowa Regional Planning Commission effective July 1, 2010, through June 30, 2011.

MOTION PASSED 6 AYES

APPROVE BID FOR PAVILION PAINTING: Waggoner MOVED and Lair SECONDED to approve the bid of Janice's Interior Design to paint and repair the exterior of the pavilion building (\$19,000).

It was asked if FEMA will reimburse us for these repairs. Andy Andrews advised the State is not writing anymore checks until more money is appropriated.

MOTION PASSED 6 AYES

PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS

Nothing remarkable to report by Councilors.

REPORTS BY DEPARTMENT HEADS

Employee training is scheduled for Water Department employees, August 9th is set for open house for the new plant; the pool is having a good season; Parks is looking for an inmate Supervisor and Parks/Cemetery Laborer; the Summer Reading Program is going well.

ADJOURNMENT

At 7:50 P.M., Lair MOVED and Chesnut SECONDED to adjourn until Tuesday, July 20, 2010, at 7:00 P.M.

VOICE VOTE APPROVAL

MANUAL CLAIMS AND WARRANTS: See Claims dated July 1, 2010, in the amount of \$1,156,177.99; Manual Claims dated June 30, 2010, in the amount of \$327,451.74; and Library Claims dated June 18, 2010, in the amount of \$10,292.58.

| <u>PAYROLL –</u> | <u>June 18, 2010</u> | <u>July 2, 2010</u> |
|------------------|----------------------|---------------------|
| General | 146,994.36 | 154,039.46 |
| Library County | 421.60 | 414.35 |
| RSVP | 1,295.45 | 1,295.45 |
| Insurance | 319.17 | 0.00 |
| Docks | 605.64 | 648.08 |
| Old Fort | 3,980.84 | 3,971.79 |
| Road Use | 21,272.18 | 31,522.39 |
| Water | 38,187.12 | 36,342.72 |
| Sewer | 31,855.89 | 30,540.26 |
| Solid Waste | 15,226.28 | 17,535.96 |
| Storm Water | <u>3,690.46</u> | <u>3,097.43</u> |
| | 253,848.99 | 279,407.89 |

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

ATTEST:

Suellen M. Mead, City Clerk