

**MINUTES
FORT MADISON CITY COUNCIL
Tuesday, May 7, 2019**

Mayor Bradley A. Randolph presided with Council Members Chris Greenwald, Bob Morawitz, Kevin Rink, Rusty Andrews and Mark Lair present. Council Members Matt Mohrfeld and Chad Cangas were absent.

VISITORS AND APPEARANCE REQUESTS

Andy Andrews, 2603 Avenue G, thanked City workers for their assistance in sandbagging the C.B. & Q. Depot.

Response to Request from Todd Oetken: Mayor Randolph addressed a request made by Todd Oetken, 413 Maple Street, Burlington, at the April 17 Council meeting. Oetken wanted several police officers be disciplined. Mayor Randolph informed Oetken the matter has been investigated and the officers involved were interviewed. The matter has been handled administratively. Anything related to the alleged misconduct is at least a partially confidential personnel matter under Iowa Code 22.7(11) and is not subject to disclosure. Under Iowa Code 21.5(i) any evaluation of these officers would normally be held in closed session at the officers' request. It is noted that while officers did ask Mr. Oetken to leave the scene this did not result in the loss of any of Mr. Oetken's civil liberties. The officers have been counseled on the matter and the incident is considered closed.

Oetken said they violated his civil rights, broke federal law and he wanted them all fired. He continued by saying they are corrupt cops, tyrants, he would file a federal lawsuit. He wanted them gone immediately.

Randolph said the Council's response is what was just given. If you are not satisfied with that response Randolph suggested he seek legal representation. Oetken continued to speak. Randolph informed Oetken he had reached his time limit. Oetken then left.

AGENDA

Randolph noted Item #3 "Sewerage Rate Change" would be moved to Discussion Items. Morawitz MOVED and Lair SECONDED to approve the agenda.

MOTION PASSED 5-0

CONSENT AGENDA

Rink MOVED and Greenwald SECONDED to approve the Consent Agenda:

- Minutes of April 16, 2019;
- Liquor License Renewal: Moose Lodge, 624 Avenue G, effective May 1, 2019 – Class A Liquor with Sunday Sales;
- Outdoor Service Privilege for Main Street BBQ (Faeth's), 832 Avenue G, effective May 11, 2019;
- Sunday Sales Privilege for River Rocks Bar and Grill, 709 Avenue H, effective May 7, 2019;
- Setting public hearing for May 21, 2019, at 5:30 P.M., on the Fiscal Year 2018-19 Budget Amendments;
- April Financial Report; and
- Payment of Claims.

MOTION PASSED 5-0

ORDINANCE AND RESOLUTIONS

RESOLUTION NO. 2019-32, APPROVE \$226,230 FROM WATER O & M FUND TO GENERAL FUND: Greenwald MOVED and Rink SECONDED to adopt a resolution approving a transfer of \$113,115 in FY 2018/19 and \$113,115 in FY 2019/20 from the Water Operations and Maintenance Fund to the General Fund for reimbursement of construction costs for the Bluff Road Booster Station.

Lair expressed concern regarding the transfer. Randolph noted it originally was done as an economic incentive which is why it came out of the general fund.

ROLL CALL: AYES: Greenwald, Morawitz, Rink, Andrews, Lair
 NAYES: None

MOTION PASSED 5-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 7th day of May, 2019.

SEVER 2208 – 48TH STREET: Greenwald MOVED and Andrews SECONDED to adopt a resolution severing territory located at 2208 – 48th Street located within the City of Fort Madison.

City Manager Varley said this property is not getting all the services the average citizen has. He did not know how long it had been in City limits. During Council's discussion regarding the request, Public Works Director Larry Driscoll said City water and sewer were not currently available on that side of the railroad tracks but it would be at least \$15,000 to get under those tracks. The owners are in a sandpoint area where they can have a well. Driscoll said an estimate to connect to the City sewer would be all of \$20,000 because this is a high-pressure zone and then to connect to water would be less than \$5,000. The final cost would be negotiated between the two parties. The max the City would assess a property owner for hook up would be \$10,000 for the sewer.

Randolph asked the owner, Mary Hitchcock, if the City were to offer these services if she would reconsider. She responded she has beautiful well water and has a working septic. She has county property on both sides. Greenwald questioned who bladed the road. Driscoll said the City has an agreement with the County to maintain 48th Street to the railroad tracks. Hitchcock lives on the other side and the road in front of her is county. She receives city police and fire services but sometimes Montrose Fire Department also shows up. She has checked on her insurance rates and understands her insurance will increase.

ROLL CALL: AYES: Greenwald, Rink, Andrews
 NAYES: Morawitz, Lair

MOTION FAILED 3-2

RESOLUTION NO. 2019-33, ACCEPT POLICE CHIEF RETIREMENT: Lair MOVED and Greenwald SECONDED to adopt a resolution accepting the retirement of Police Chief Tim Sittig.

ROLL CALL: AYES: Greenwald, Morawitz, Rink, Andrews, Lair
 NAYES: None

MOTION PASSED 5-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 7th day of May, 2019.

OTHER

HOUSING AUTHORITY APPOINTMENT: Morawitz MOVED and Greenwald SECONDED to approve the appointment of Shirley Hoenig to the Fort Madison Housing Authority Board, term expiring June 3, 2019.

MOTION PASSED 5-0

AMENDMENT TO IDOT FUNDING AGREEMENT FOR AMTRAK DEPOT: Rink MOVED and Greenwald SECONDED to approve the Mayor's signature on an Addendum to the Agreement between the City of Fort Madison and the Iowa Department of Transportation recognizing the award of funds toward the Amtrak Depot project from the Passenger Rail Service Revolving Fund.

MOTION PASSED 5-0

PURCHASE USED BUCKET TRUCK: Rink MOVED and Greenwald SECONDED to approve the Public Works Director spend up to \$35,000 for a used bucket truck for the Traffic Safety Department.

MOTION PASSED 5-0

DISCUSSION ITEMS

FORMER RASHID LIBRARY BUILDING: Varley said a gentleman came to him with a \$50,000 offer for the building. He asked Council how to proceed. The City is unable to give the Food Pantry the building as they are a non-governmental entity. Council Member Mohrfeld spoke to Robert Johnson who said the property could be given to the County and they could donate it to the Food Pantry. While cities are unable to donate property the law allows counties to do so. The Food Pantry could also enter into a long-term lease, purchase the property or the City could put the property on the market or negotiate with the United Way again. Randolph felt Council should stay the course and find a way to give the property to the Food Pantry.

USING SRF FUNDS FOR PARKING LOTS: It was questioned if, instead of using the funds for the City-owned parking lots at 8th Street and Avenue F and behind City Hall, that the funds be used to help with the west end of the depot parking lot. Randolph questioned if there would be a way to raise that park so it does not flood. Driscoll said the temporary rock road that has been discussed would be better. Anytime something is raised in the flood plain something else must be lowered. Driscoll was to look into the matter.

REVIEW OF SMITH GROUP PLAN: Varley said this plan has been revised a few times. Viking has agreed to contribute \$500,000 for the construction of the facility. It is estimated this will then cost the City approximately \$1.2 million. As those funds are not readily available, ways to fund the project will need to be looked at. If this proceeds, Viking will not have exclusive use of the property, other ships could dock there if Viking is not scheduled to be there. Varley said there are 11 places Viking plans to stop at, Fort Madison is the only stop they plan to commit any money too. Randolph said an activity at every stop is included with the cost of a ticket. This is designed to keep passengers in town. There will be other activities passengers can choose but will have to pay extra for.

SEWAGE SYSTEM RATES: Morawitz expressed concern over the increase. Varley noted the City is getting hit with the perfect storm, an old sewer system and also being forced by the EPA and DNR to make improvements to the wastewater treatment plan and separate the combined sewer system. The average homeowner will see a \$6 a month increase. There was a

a raise in 2014 but there were cost overruns on projects so more money is needed. The overruns were taken out of the reserve which was being used to fund CSO separation. In addition, sewer was run to Blackhawk Heights, High Point and Silgan. Unless the money is replenished, the remaining CSO projects cannot be done. The City signed a Consent Order with the EPA and if the City doesn't comply with the deadlines, the EPA can fine the City \$10,000 per day.

Morawitz asked Driscoll if there would be a way to spread the increase out a little bit.

DEPARTMENT HEAD REPORTS: Two officers attended interview school. The Fire Department did confined space work at the prison last week. Spring Clean Up vouchers were sent out.

LIASON REPORTS: Randolph said GRRWA secured 71 acres between the landfill and the prison for future development. This will extend the life of the landfill for a minimum of 40 years. The Airport Commission met last night and turned over fueling and fencing issues to engineering for options. Mike Killoren is making some promotional videos for the Tourism Commission.

POSSIBLE ITEMS TO BE CONSIDERED AT FUTURE COUNCIL MEETINGS

- ◆ Viking Cruise Line Agreement
- ◆ Update of Title 4, Business

ADJOURNMENT

At 7:40 P.M., Rink MOVED and Morawitz SECONDED to adjourn until Tuesday, May 21, 2019, at 5:30 P.M.

VOICE VOTE APPROVAL

MANUAL CLAIMS & WARRANTS: See Manual Claims dated April 30, 2019, in the amount of \$202,228.12; Claims dated May 2, 2019, in the amount of \$155,298.28; and Library Claims dated April 17, 2019, in the amount of \$7,113.57.

PAYROLL	4/26/2019
General	\$177,038.24
Spec. Revenues	9,899.93
Road use	22,749.76
Water	29,362.70
Sewer	38,295.97
Solid Waste	11,400.18
Airport	486.54
Storm Water	3,490.79
	\$292,724.11

Mayor Bradley A. Randolph

ATTEST:

Melinda L. Blind, City Clerk