

**MINUTES
FORT MADISON CITY COUNCIL
Tuesday, April 1, 2014**

The Fort Madison City Council met in regular session on Tuesday, April 1, 2014, at 7:00 P.M. at City Hall, 811 Avenue E, Fort Madison. Presiding was Mayor Bradley A. Randolph with Council Members Chris Greenwald, Brian Wright, Kevin Rink, Rusty Andrews, Travis Seidel, Jason Huppert and Mark Lair.

PROCLAMATION

Mayor Randolph read a proclamation for City of Fort Madison Employee Appreciation Day on April 15, 2014, and presented it to Fort Madison Safety Committee members Todd Shields, Brian Morehouse and Dawn Helling.

MAIN STREET UPDATE

Amy Hull, Fort Madison Main Street Director, reported on the program's activities, including updates on the 2013 Wine Walk, Mistletoe on Main Street, First Fridays and a new event, Mayhem on the Mississippi to be held May 10. Work is 85-90% complete on CDBG Façade Grant, Historic Downtown Guidelines have been approved and the new downtown directories are ready to distribute. Hull is working with Jean Peiton, the City's Tourism/Marketing Coordinator.

VISITORS AND APPEARANCE REQUESTS

There were none.

AGENDA

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

MOTION PASSED 7-0

CONSENT AGENDA

Lair MOVED and Greenwald SECONDED to approve:

- Minutes of March 18, 2014, as written;

- Liquor License Renewal: Walgreens, 2639 Avenue L – Class E Liquor with Class B Wine, Class C Beer and Sunday Sales;
- Mayor’s appointment of Neal Boeding, 6 Tammy Lane, to the Planning and Zoning Commission, term expiring March 18, 2019;
- Set public hearing for April 15, 2014, at 7:00 P.M. on rezoning property located at 1225 – 37th Street, from R-6, Multiple Family Dwelling District, to B-3, Service and Wholesale District, and
- Payment of Claims.

MOTION PASSED 7-0

ORDINANCES AND RESOLUTIONS

1st READING, ADOPT NEW CITY SEAL: Seidel MOVED and Huppert SECONDED to approve the first reading of an ordinance amending Title 1, Chapter 15, Section 3, of the City Code of Fort Madison by adopting a new City Seal.

City Manager Byron Smith said a few months ago Council chose this design for a new city seal and recommended some changes. The artist made the changes as requested and this is the final product. This design modernizes the seal while at the same time recognizes the history of Fort Madison.

ROLL CALL: AYES: Greenwald, Wright, Rink, Andrews, Seidel, Huppert, Lair
 NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Ordinance PASSED and APPROVED this 1st day of April, 2014.

1st READING, ENACT NEW CHAPTER “GOLF CARTS”: Greenwald MOVED and Andrews SECONDED to approve the first reading of an ordinance enacting a new Title 9, Chapter 15, of the City Code of Fort Madison entitled “Golf Carts”.

Smith said this was discussed two years ago and there has been renewed interest in this from Council members as well as citizens. In addition to state requirements, the ordinance requires safety measures such as a slow moving vehicle sign, bicycle safety flag, reflectors on the front and rear, limited hours of use and limited usage on Business 61, Avenue E and Avenue A from 21st Street west to city limits. The carts would not be allowed on sidewalks or walking trails. A \$50 permit fee would be required and the police department would inspect the carts yearly.

Wright was concerned about accidents and felt there should only be two riders to a golf cart. Greenwald noted some carts are made for 4-6 riders and businesses might use a larger golf cart. Wright suggested limiting the larger carts to businesses.

At a question from Lair regarding the City's liability if the City is inspecting the carts, City Attorney Robert Johnson said if the cause of the accident is something that has been inspected by the city and the city inspected it wrongly or not thoroughly enough, then there is an issue.

Bob Morawitz, 1405 Avenue D, questioned if ATVs would be allowed. Smith said the definition in the ordinance requires 4 wheels, less than 25 mph, on golf cart chassis and drive mechanism with tires furnished or recommended by original golf cart manufacturer. The State does not allow ATVs on City streets.

Wright thought horns should be required. Morawitz said he would like to see a restriction only allowing adults in the carts. Lair proposed requiring safety belts for young children and turn and/or brake lights to the ordinance.

Jan Garza, 2023 Avenue H, was concerned cars would try to drive around a slow moving golf cart and could cause an accident.

Dave Woodley, 2133 Avenue J, was present representing a group of citizens who had presented a request with 116 signatures asking for a golf cart ordinance. The group suggested rear view mirrors be required as other communities require golf carts to pull over if a vehicle is behind them. Woodley did not believe an inspection was needed and compared this to when a car is licensed and not inspected. He said golf carts are cheap to operate, have low emissions and provide for another mode of transportation.

Lair found that some insurance companies will insure golf carts as an RV.

Police Chief Niggemeyer said the police would be able to enforce violations just as they would an automobile.

Wright wanted to see restrictions on the pulling of any items behind the cart, limiting the seating to the manufacturer recommendation and requires everyone to be in seated position in the cart.

Mike Chapman, 1617 Avenue B, said he "t-boned" a car last year and it would have been much worse if it was a golf cart. He asked about the legality of ATVs on secondary roads.

Greenwald suggested passing the first reading, doing additional research and then making changes at the next meeting.

ROLL CALL: AYES: Greenwald, Rink, Andrews, Huppert
 NAYES: Wright, Seidel, Lair

MOTION PASSED 4-3

The Mayor then declared said Ordinance PASSED and APPROVED this 1st day of April, 2014.

RESOLUTION NO. 2014-13, SET P.H. DATE D.A. MM REAL ESTATE: Lair MOVED and Andrews SECONDED to adopt a resolution fixing date for a public hearing on the proposal to enter into a Development Agreement with MM Real Estate, LLC, and providing for publication of notice thereof.

ROLL CALL: AYES: Greenwald, Wright, Rink, Andrews, Seidel, Huppert, Lair
 NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 1st day of April, 2014.

OTHER

APPROVE GOAL SETTING REPORT: Wright MOVED and Greenwald SECONDED to approve the Goal Setting Report.

Smith said staff and Council participated in goal setting sessions earlier this year. This includes all the top priority items.

MOTION PASSED 7 AYES

APPROVE M.U. WITH FMCH: Lair MOVED and Greenwald SECONDED to approve the Mayor and Clerk's signatures on a Memorandum of Understanding with Fort Madison Community Hospital.

Brad Kokjohn, Chief Financial Officer of FMCH, said the hospital has now reached the threshold that allows them to participate in a 340B drug pricing program established by the federal government in 1992. The program requires drug manufacturers to discount their drugs and he estimates FMCH could save \$200,000 to \$250,000 a year. A requirement is that they have an agreement with the local government to treat indigent patients. He said this is a formality and is nothing different than they are doing now. He said last year FMCH provided \$2.5 million in charity care. He believed the M.U. is perpetual.

**MOTION PASSED 6 AYES
1 ABSTAIN (RINK)**

APPROVE SIDELINES LIQUOR LICENSE RENEWAL: Rink MOVED and Lair SECONDED to approve a liquor license renewal with conditions to Sidelines Bar LLC, 1128 Avenue I, effective May 1, 2014 – Class C Liquor with Outdoor Service and Sunday Sales (pending dram shop endorsement).

Smith said Sidelines is again requesting to have outdoor concerts but is also asking to have live music at an outside patio this year. The main stage events are the same number as in the past. Jason Huppert, owner of Sidelines, said the patio area will have a casual atmosphere and seat 100 people. He would like to have 1-2 man groups play there. Huppert then left the Council Chambers at 8:02 p.m.

Council members, following a short discussion, were in agreement that Huppert would work with the City on any issues.

MOTION PASSED 6 AYES

Huppert returned to Council Chambers at 8:07 p.m.

DISCUSSION ITEMS

There were none.

REPORTS BY DEPARTMENT HEADS

Herren reported that a firefighter has a non-work injury and will be off work for some time. Because of the fire department's overtime budget is tight this year, they will roll back to a three man minimum at times. This will be monitored on a monthly basis.

Clendineng said National Library Week is April 14-18 and there are special events planned at the library.

Krogmeier reported nuisances are picking up and he will be sending out notices soon.

Driscoll, Luna and Smith have visited Willow Patch area where BNSF has been working and using the area for their equipment. BNSF has been told Willow Patch needs to be accessible to the residents as well. The work and equipment are having an effect on the streets and area.

Luna said the Parks Board will look at updating policies concerning park vendors. He is getting cost estimates to install a credit card system at the marina fuel pumps.

PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS

Rink reported the crew filming a documentary for Siemens was present at the Planning and Zoning Commission meeting last week.

ADJOURNMENT

At 8:20 P.M., Seidel MOVED and Andrews SECONDED to adjourn until Tuesday, April 15, 2014, at 7:00 P.M.

VOICE VOTE APPROVAL

MANUAL CLAIMS AND WARRANTS: See Claims dated March 27, 2014, in the amount of \$253,015.43 and Library Claims dated March 19, 2014 in the amount of \$9,561.96.

<u>PAYROLL</u>	<u>3/21/2014</u>
General	\$156,847.36
RSVP	1,267.79
Old Fort	2,313.91
Road Use	19,156.65
Hotel/Motel	1,351.75
Water	29,286.03
Sewer	33,145.39
Solid Waste	18,678.86
Storm Water	3,317.39
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	\$265,365.13

Mayor Bradley A. Randolph
City of Fort Madison

ATTEST:

Melinda L. Blind, City Clerk