

**MINUTES
FORT MADISON CITY COUNCIL
Tuesday, August 5, 2014**

The Fort Madison City Council met in regular session on Tuesday, August, 5, 2014, at 7:00 P.M. at City Hall, 811 Avenue E, Fort Madison. Presiding was Mayor Bradley Randolph with Council Members Brian Wright, Kevin Rink, Rusty Andrews, Travis Seidel, Jason Huppert and Mark Lair. Council Member Chris Greenwald was absent.

VISITORS AND APPEARANCE REQUESTS

There were none.

AGENDA

Lair MOVED and Seidel SECONDED to approve the agenda, as amended.

MOTION PASSED 6-0

CONSENT AGENDA

Seidel MOVED and Rink SECONDED to approve:

- Minutes of July 15, 2014, as written;
- Mayor's Appointment of B. Marie Brady –Whitcanack, 422 Avenue F to the Historic Preservation Commission term expiring December 31, 2015, filling the unexpired term of Linda Bruce;
- Mayor's appointment of Michael Chapman, 1617 Avenue B, to the Parks Board, term expiring April 1, 2018, filling the unexpired term of Mike Pulis;
- Mayor's appointment of Brenda Graham, 2401 Avenue I, to the Library Board, term expiring July 1, 2018, filling the unexpired term of Jarred Reed;
- Mayor's appointment of Candice Smrt, 1933 Avenue I, to the Library Board, term expiring July 1, 2020;
- Mayor's reappointment of Ray McKee to the Airport Commission, term expiring November 11, 2019;
- Liquor License Renewal for Fort Madison Fast Break, 5002 Avenue O, effective September 20, 2014 – Class E Liquor, Class C Beer, Class B Wine with Sunday Sales;
- New Five Day Liquor License for Holy Trinity Catholic Schools, Tri-State Rodeo Complex, effective September 3, 2014 – Class C Liquor with Outdoor Service and Sunday Sales;
- One Day Outdoor Service Privilege with conditions to Faeths LLC, 832 Avenue G, effective September 19, 2014;
- Setting Public Hearing for August 19, 2014 at 7:00 P.M. on amending Title 10 – Zoning, concerning parking lot regulations;

- Cigarette Permit Renewal for Vinnie's Santa Fe Avenue Tap; and
- Payment of Claims.

MOTION PASSED 6-0

PUBLIC HEARINGS

Concerning the Voluntary Annexation and Rezoning of 6001 Avenue O

At 7:04 P.M. Mayor Randolph opened the public hearing. There being no oral or written comments, Lair MOVED and Wright SECONDED to close the public hearing.

MOTION PASSED 6-0

RESOLUTION NO. 2014-35, VOLUNTARY ANNEXATION: Seidel MOVED and Andrews SECONDED to adopt a resolution approving the voluntary annexation petition of MRR Investments, Inc. of territory to the City of Fort Madison.

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

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 5th day of August, 2014.

APPROVE ANNEXATION AGREEMENT: Rink MOVED and Lair SECONDED to approve the Mayor's and Clerk's signatures on an Annexation Agreement with MRR Investments, Inc. for property located at 6001 Avenue O.

MOTION PASSED 6-0

1ST READING, REZONE 6001 AVENUE O: Wright MOVED and Seidel SECONDED to approve the first reading of an ordinance rezoning property at 6001 Avenue O, from R-1, Single Family Dwelling District, to B-2, Business District, General Retail.

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

MOTION PASSED 6-0

The Mayor then declared said Ordinance PASSED and APPROVED on its 1st reading this 5th day of August, 2014.

ORDINANCES AND RESOLUTIONS

2ND READING, REZONE 5701 AVENUE O: Wright MOVED and Andrews SECONDED to approve the second reading of an ordinance rezoning property at 5701 Avenue O, from R-1, Single Family Dwelling District, to B-2, Business District, General Retail.

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

MOTION PASSED 6-0

The Mayor then declared said Ordinance PASSED and APPROVED on its 2nd reading this 5th day of August, 2014.

PARKING LOT REGULATIONS: Wright MOVED and Lair SECONDED to approve the first reading of an ordinance repealing portions of Title 10, Zoning, concerning parking lot regulations.

Smith said following the last meeting where Council requested that the Code section requiring paved parking lots within the City be repealed, he was approached by some Council members and asked to look at a compromise that would deal with grandfathered properties without paved lots. The motion just made, if approved, will repeal that section and allow all commercial parking lots to be gravel.

He added that the next motion on the agenda is a compromise which will require all new commercial parking lots to pave their off-street parking with either asphalt, cement or some of the new permeable surfaces. Businesses in existence before July 1, 2012 will be allowed time to pave or seal coat whatever areas are required by Code for parking. There is an exemption for areas where there is temporary parking for special events if those areas are used for less than one week per year. Planning & Zoning Director Krogmeier explained there is a formula to determine the number of parking spaces required and is based upon the type of use and square footage of the structure.

At a question from Huppert, Smith explained that if a business is grandfathered and sold, unless the use was changed drastically or expanded, the grandfather clause would still apply going forward. Smith encouraged the combination approach with businesses being given a time frame so they would have a five year or three year window. This window would also include City parking areas. He said other communities around Fort Madison also have some form of parking lot requirements.

William Faeth, 2609 Avenue D, has a store at Avenue G with a vacant gravel lot next to the building. He was opposed to any hard paving due to the run off from heavy rains.

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

**MOTION FAILED 0-5
1 ABSTAIN**

1st READING, AMEND CHAPTER 10, PARKING LOT REQUIREMENTS: Lair MOVED and Seidel SECONDED to approve the first reading of an ordinance amending Title 10, Zoning, concerning parking lot regulations.

Krogmeier felt this was a pretty good compromise. The standards for new business will be the same as what the City has been requiring and he said it is the grandfather clause that has been struggled with. Wright questioned the amount of time for businesses to comply. Smith said that will be up to the Council to determine a deadline. Andrews said he understood this would only affect 15-20 businesses that are not in compliance. Smith said with this compromise it will probably be less than that as most meet the minimum requirements. Fire Chief Herren said most of the problems are with businesses that have grown over time or changed the type of business.

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

**MOTION PASSED 4-1
1 ABSTAIN**

The Mayor then declared said Ordinance PASSED and APPROVED this 5th day of August, 2014.

Wright left the room at 7:45 p.m.

\$95,075 GENERAL OBLIGATION CAPITAL LOAN NOTES (ENERGY IMPROVEMENTS), SERIES 2014

APPROVE FORM OF TAX EXEMPTION CERTIFICATE: Seidel MOVED and Lair SECONDED to approve the form of Tax Exemption Certificate.

Smith said this was approved previously but the attorneys requested this process. This is for the lighting efficiency project.

MOTION PASSED 5-0

RESOLUTION NO. 2014-36, AUTHORIZE LOAN AGREEMENT: Rink MOVED and Lair SECONDED to adopt a resolution approving and authorizing a form of Loan and Disbursement Agreement by and between the City of Fort Madison, Iowa, and the Iowa Finance Authority, and authorizing and providing for the issuance and securing the payment of \$95,075 General Obligation Capital Loan Notes (Energy Improvements), Series 2014, and providing for a method of payment of said Notes.

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

MOTION PASSED 5-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 5th day of August, 2014.

Wright returned at 7:48 p.m.

RESOLUTION NO. 2014-37, ORDER CONSTRUCTION PIP 2013-03, DRY CREEK REHAB: Rink MOVED and Andrews SECONDED to approve a resolution ordering construction, setting public and bid letting for Public Improvement Project 2013-03, Dry Creek Rehab.

Smith said this is a FEMA project for Dry Creek from Avenue A to Richards Drive. This will not involve every property on Dry Creek. FEMA will pay 75%, the State 10% and a State Revolving Loan Fund 15%.

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

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 5th day of August, 2014.

RESOLUTION NO. 2014-38, ORDER CONSTRUCTION PIP 2014-03, SW SEWER EXPANSION: Seidel MOVED and Lair SECONDED to approve a resolution ordering construction, setting public and bid letting for PIP 2014-03, Southwest Sewer Expansion.

Smith said this was put out to bid previously but the bids came in over budget. The engineers went back and retooled the plans.

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

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 5th day of August, 2014.

RESOLUTION NO. 2014-39, APPLY FOR REAP GRANT: Andrews MOVED and Wright SECONDED to approve a resolution authorizing the Mayor's signature on a grant

application for a State Resource Enhancement and Protection (REAP) Grant through the Iowa Department of Natural Resources for a recreational trail

Smith said this is another grant application for the Bluff Road to Ivanhoe Park Trail. This grant is a fully funded grant and has no match.

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

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 5th day of August, 2014.

RESOLUTION NO. 2014-40, FINAL PLAT RSBR DOLLAR SUBDIVISION: Wright MOVED and Seidel SECONDED to adopt a resolution accepting the Final Plat for RSBR Subdivision.

Smith reported this is the former Sheaffer parking lot in the 500 block between Avenues G and H. Dollar General would like to build a store on the west one-third of the lot and would like to have the property subdivided. All the requirements have been met and the Planning & Zoning Commission recommends approval. The action before Council tonight is only for subdividing the property.

Larry Cooper, 1560 Elm Street, Hamilton, Illinois, of the Standing Bear Council and representing the family of Chief Keokuk, recommended an archeological study be done. Smith said he has a report from the State Archeologist from a dig on the property in 2009. The report says the eastern two-thirds of the lot where the potential battlefield could be is the most valuable from an archeological standpoint. The proposal from Dollar General is to build on roughly the western two fifths of the lot.

Dr. Marie Brady Whitcanack, 422 Avenue F, was opposed. She outlined the immense historic potential of the area and asked that this be tabled in the interest of the public good.

Becky Whitefeather Cooper, 221 N 14th Street, Hamilton, Illinois, was also opposed. She felt the test digs on the lot do not show everything. As a member of the Oglala Nation, she said she knows there are bodies of her ancestors there.

Joshua Eagle Claw Young, 868 Johnson Street Road, Keokuk, said he was a direct descendent of Chief Keokuk, a member of the Sauk Fox Nation. He asked this be tabled until further discussion can happen. He said they cannot stand by and let the desecration of their ancestry occur. Blood was spilled on that ground.

Nick Colbert, 1329 Avenue C, said he was involved for 20 years with Old Fort Madison and has done extensive research. He had a letter from archives written by Lt. Hamilton

regarding the battle that indicates the dead soldiers were buried at what would now be Old Settlers Park. He said there is no reference to any Indians being killed.

Christopher Campbell, 221 N 14th Street, Hamilton, Illinois, a member of the Winnebago and Santee tribes, said he knew a lot about the history of that war and the records would not show any Indians that were killed as they weren't considered human beings. He has been told there were natives killed in that battle. He added there are protections for burial sites in Iowa and it would be a criminal offense to touch this ground.

Dave Moehn, 503 Avenue D, Chairperson of the Old Fort Commission, questioned what would happen to the eastern part of the lot as the Old Fort Commission wants to preserve the site. He added the dig in 2009 was very limited and the western half was not looked at.

Glen Meisner, MMS Consultants in Iowa City, said the potential owners of the property have considered donating the eastern half if it becomes feasible that they can do so. They have been talking to a Conservancy regarding the donation but lot must be subdivided in order to do so.

As it concerns the portion of the lot Dollar General wishes to build on, Smith said the archeological report shows there were a number of buildings that used to exist on there. This was another factor in the archeologists report as they felt the ground had been so disturbed in the past there would be less chance of any substantial finds.

Bob Morawitz, 1405 Avenue D, said there has been a lot of work to get the downtown on the National Historic Register. He felt putting a non-historic building in that area would change the aesthetic entirely.

Smith said staff has already asked the developer for some upgrades to the structure and they indicated they would be willing to do that. It was pointed out there was no provision in the City Code to require builders to build in a manner conducive to the surrounding buildings but the City can ask.

Jim Noll, 2641 Clearview Heights, said if this store isn't built on this lot then let's do something that will help a lot more, such as a hotel.

Wright left the room at 8:47 p.m.

Campbell said it is the bodies of his ancestors that lay on that property and it is his opinion that this is a graveyard.

Linda Smith, 2019 - 327th Avenue, thought the issue is too important to rush into a judgment.

Richard Dunn, 607 – 8th Street, was in favor. He said it is needed. Gary Turnbull, 3012 Avenue J, was in favor of approval. Chantal Martinez, 1608 Avenue L, said it was time to look to future and felt the store would create jobs. Jeannette Ramsey, 2982 – County Road 103, was in favor of passage.

Wright returned at 8:50 p.m.

Eagle Claw Young said blood was spilled on that battlefield. These are pieces of our ancestry and your own that needs to be protected.

Becky Whitefeather Cooper argued that she knows her people died there. She said they do not want a museum there or anything else there.

Carrie Fraise, 434 Avenue F, Fraise Auction and Real Estate, said she represents both Holy Trinity Schools, the owner of the property, and the development company working with Dollar General. She said the developer is working with the Iowa Archeological Society and a conservancy group that would take the property. She added that the action before Council tonight is only for subdividing the property.

Council Member Wright Called The Question.

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

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 5th day of August, 2014.

RESOLUTION NO. 2014-41, ACCEPT FINAL PLAT HOENIG SUBDIVISION: Rink MOVED and Lair SECONDED to adopt a resolution accepting the Final Plat for Hoenig Subdivision.

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

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 5th day of August, 2014.

RESOLUTION NO. 2014-42, URBAN RENEWAL PROJECT, URBAN RENEWAL AREA #13: Seidel MOVED and Wright SECONDED to adopt a resolution approving an Urban Renewal Project in the Urban Renewal Area #13 and Authorizing Reimbursement of Expenses Incurred by the City for Payment under Iowa Code 403.19.

Smith said this is an in-house loan for the rebate of the tax increment for Boulders Inn.

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

MOTION PASSED 4-2

The Mayor then declared said Resolution ADOPTED and ENACTED this 5th day of August, 2014.

RESOLUTION NO. 2014-43, FORT MADISON SEARS BUILDING, L.L.C. (702 AVENUE G): Lair MOVED and Seidel SECONDED approving and authorizing execution of a First Amended and Restated Agreement for Private Development by and between the City of Fort Madison and Fort Madison Sears Building L.L.C. (702 Avenue G).

Smith said this and the next two resolutions are updating the names and dates in the development agreements as the company changed after the agreements were signed. The company has asked for another letter on the project and the City has been in discussion with them regarding that. This motion is only to update the development agreement.

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

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 5th day of August, 2014.

RESOLUTION NO. 2014-44, FORT MADISON 801 AVENUE G BUILDING, L.L.C.: Seidel MOVED and Lair SECONDED adopted a resolution approving and authorizing execution of a First Amended and Restated Agreement for Private Development by and between the City of Fort Madison and Fort Madison 801 Avenue G L.L.C. (801 Avenue G).

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

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 5th day of August, 2014.

RESOLUTION NO. 2014-45, CATTERMOLE LIBRARY L.L.C.: Rink MOVED and Lair SECONDED adopted a resolution approving and authorizing execution of a First Amended and Restated Agreement for Private Development by and between the City of Fort Madison and Cattermole Library L.L.C.

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

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 5th day of August, 2014.

OTHER

AMENDMENT WITH HR GREEN FOR PIP 2013-03: Lair MOVED and Rink SECONDED to approve Amendment No. 8.1 with HR Green for design and permitting of an aerial water main on the Richards Drive bridge, and bidding, construction, permitting and surveying services for Public Improvement Project 2013-03, Dry Creek Rehab.

MOTION PASSED 6-0

AMENDMENT WITH STANLEY FOR WWTP REHAB: Seidel MOVED and Andrews SECONDED to approve Supplemental Agreement No. 1 with Stanley Consultants, Inc. for design services for the Wastewater Treatment Plant Rehab Project.

MOTION PASSED 6-0

5 YEAR COMMITMENT LCEDG CAPITAL CAMPAIGN: Lair MOVED and Wright SECONDED to approve a five-year commitment to support LCEDG's "Lee County 2018" Capital Campaign.

Dennis Fraise, Lee County Economic Development Group (LCEDG) said the LCEDG began a capital campaign in late 2013. A survey was done and identified issues that are hindering economic development. A five year plan was made to serve as a roadmap that will result in increased job creation, retention and capital investment in Lee County. The funds requested will help fund these initiatives. The City of Keokuk has approved the same commitment that is being asked of Fort Madison.

Alan Hecht, Jim Baier, Inc., said this is the first time in the history of Lee County that the public and private sectors of the county have come together to work for economic development. Michael Mohrfeld, Mohrfeld Electric and Green Oak Development, said there is a lot of momentum with Siemens and the new fertilizer plant locating here. He believed this will be the final piece to the puzzle and will bring more progress.

Fraise asked the City for a five year commitment of \$50,000 per year. LCEDG will come back to the Council every year to report and Council can determine yearly if it can continue with the commitment. Fraise said the group has very specific and measurable goals.

MOTION PASSED 6-0

ACCEPT ELIGIBILITY LIST, HIRE TWO OFFICERS: Seidel MOVED and Lair SECONDED to accept the Civil Service Commission's Police Officer Eligibility List and to approve the hiring of two police officers.

MOTION PASSED 6-0

WATER DEPT. UNION CONTRACT: Andrews MOVED and Seidel SECONDED to approve a Union Contract with the Chauffeurs, Teamster and Helpers Local Union No. 238 (Water Department) effective July 1, 2014 to June 30, 2015.

MOTION PASSED 6-0

HIRE PUBLIC WORKS EMPLOYEE: Rink MOVED and Wright SECONDED to approve the hiring of one full-time Public Works employee.

MOTION PASSED 6-0

PURCHASE 6-INCH TRASH PUMP: Wright MOVED and Andrews SECONDED to approve the purchase of a 6-inch trash pump in the amount of \$36,870 from Quality Flow Iowa, Inc of Ankeny for the Wastewater Department.

MOTION PASSED 6-0

DISCUSSION ITEMS

RETIRED SENIOR VOLUNTEER PROGRAM: Since the last meeting, Smith and RSVP Director Jimmy Wendorf have met with the United Way. The United Way has proposed that they will submit a letter of intent to apply for Fort Madison's RSVP program if the City will commit \$30,000 per year for three years to the United Way. They would also like to take over the program on October 1 instead of waiting until the City's grant for the program is up.

Smith said under the grant requirements the City is unable to turn the program over on October 1 but could allow Wendorf to work with them. He recommended subsidizing the program \$10,000 per year for three years but he added that the United Way did not like that proposal. Smith recommended continuing to operate the program until June 30, 2015 and not reapplying for the grant.

The United Way will meet with some City representatives on Thursday night to see if a compromise can be reached before Friday's deadline to submit a letter of intent. Wendorf asked if any financial agreement with the United Way regarding the program would be extended to any other group who might be interested in submitting a letter of intent. He suggested Community Gardens might be willing. Mayor Randolph said if another organization wanted to compete for it, as long as the program is viable, the same offer would be extended.

Wright MOVED and Seidel SECONDED to not submit a grant application for re-competition for the Retired Senior Volunteer Program Grant.

REPORTS BY DEPARTMENT HEADS

Finance Director Steffensmeier said the auditors were in to perform the City’s annual audit last week.

PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS

Mayor Randolph and Council Members noted this was Smith’s last City Council meeting, thanked him for his work as City Manager and wished him well in his new position in Oregon.

ADJOURNMENT

At 10:15 P.M., Wright MOVED and Lair SECONDED to adjourn until Tuesday, August 19, 2014, at 7:00 P.M.

VOICE VOTE APPROVAL

MANUAL CLAIMS AND WARRANTS: See Claims dated July 31, 2014, in the amount of \$826,867.99; Manual Claims dated July 31, 2014, in the amount of \$128,192.15 and Library Claims dated July 16, 2014 in the amount of \$13,828.38.

<u>PAYROLL</u>	<u>7/25/2014</u>
General	\$182,924.70
RSVP	1,335.66
Old Fort	4,499.80
Road Use	17,061.42
Hotel/Motel	1,344.87
Water	25,180.60
Sewer	33,516.07
Solid Waste	19,567.64
Storm Water	3,224.04
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	\$288,654.80

Mayor Bradley A. Randolph
City of Fort Madison

ATTEST:

Melinda L. Blind, City Clerk