

**MINUTES
FORT MADISON CITY COUNCIL
Tuesday, May 17, 2016**

The Fort Madison City Council met in adjourned session at 7:00 P.M. on Tuesday, May 17, 2016, at City Hall, 811 Avenue E. Mayor Bradley A. Randolph presided with Council Members Brian Wright, Kevin Rink, Rusty Andrews, Mark Lair, Travis Seidel and Chad Cangas present. Council Member Chris Greenwald was absent.

VISITORS AND APPEARANCE REQUESTS

George Shields, 2803 Avenue J, accepted a proclamation from Mayor Randolph naming May 20 and 21 as **American Legion Poppy Days**.

Andy Andrews, 2603 Avenue G, gave an **update on fundraising efforts** for removing the concrete at the Battlefield Site and turning it into a grass park. So far the group has raised \$12,000 out of the \$30,000 needed.

Tom Barr, 1323 Avenue B, speaking on behalf of Charlotte Barr in the matter of the City's previously **proposed sale of the platted Avenue A west of 13th Street**, pointed out Iowa Code 306.23(2) (*Establishment, Alteration, and Vacation of Highways*). Barr questioned why Council did not give preference to the high bidder in this matter and quoted a memo from City staff stating the "City had a financial obligation to accept the high bid".

Barr asked if this item could be put back on the agenda for the next Council meeting so it could be resolved. Randolph felt the way Council interpreted the Code or the way the Code was portrayed in the sale left some ambiguity. He has asked staff to review the policy and set specific parameters.

Barr said the City can ignore the issue or do it over, but it looks rigged, like the City is saying 'we didn't get the result we want the first time so we are going to ignore it or have a do over'. He felt this was cronyism politics. He believed the high bid still had merit.

Randolph said having preference in the bid does not automatically mean Council will accept that. It means it will be given due consideration as the winning bid but it does not have to be accepted. Council can go against department recommendation.

Barr said he believed there are other instances where persons are encroaching on city property and in this instance the Council is saying it is okay to encroach on city property. He said Council was setting an example. Barr also felt some of the questions Council asked at the meeting influenced the votes. As to the question of when the Barrs became interested in the property, he said that does not matter and should not have had any influence on the vote.

He asked again to have this item put back on the agenda. Randolph said he would not be inclined to put it back into back until the issue was solved. He explained there is a process to put an item back on the agenda.

Barr said an offer has been made through the Holtkamps' attorney to divide the property. He added they did not place the bid with the intention of dividing the property but they were trying to find an amicable way for the sale to happen.

Wright questioned if Martin Graber, the third bidder, was included. Barr said they were not offering a portion of the property to Graber and that they did not consider the bid competitive. He added that Graber has a plan to build a wall in the easement area in the future and he (Barr) did not think it was feasible.

Kim Auge, legal counsel for Barrs, said the Barrs are in negotiations with the Holtkamps to resolve this. She asked if the City revises the policy, would the new policy be retroactive to this matter or would the policy just be to move forward. Randolph said this would be something for the City Attorney to answer.

AGENDA

Cangas MOVED and Seidel SECONDED to approve the agenda as written.

MOTION PASSED 6-0

CONSENT AGENDA

Seidel MOVED and Wright SECONDED to approve:

- ♦ Minutes of May 3, 2016, as written;
- ♦ Liquor License Renewal: Elks Lodge #374, 719 Avenue H, effective July 1, 2016 – Class A with Sunday Sales;
- ♦ Appointment of Police Reserve Members – Kevin Riggs, Maria Sandoval, Cory Hamelton;
- ♦ Setting Public Hearing for June 6, 2016, at 7:00 P.M. on rezoning property located at 1115-23rd Street, from R-4, Single Family Dwelling District, to B-4, Highway Business District;
- ♦ April Financial Report; and
- ♦ Payment of Claims.

MOTION PASSED 6-0

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PUBLIC HEARINGS

Concerning the Fiscal Year 2015-16 Budget Amendments

Mayor Randolph opened the public hearing at 7:55 p.m.. There were no oral or written comments.

Lair MOVED and Cangas SECONDED to close the public hearing.

MOTION PASSED 6-0

RESOLUTION NO. 2016-41, AMEND BUDGET: Wright MOVED and Cangas SECONDED to adopt a resolution amending the 2015-16 Budget for the Fiscal Year ending June 30, 2016.

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

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 17th day of May, 2016.

Concerning Public Improvement Project 2016-03, Phase 2 Wastewater Treatment Plant Rehab

Mayor Randolph opened the public hearing at 7:57 p.m. Driscoll said he made an error on the amount of award, it should be \$16,254,900. There were no other oral or written comments.

Wright MOVED and Seidel SECONDED to close the public hearing.

MOTION PASSED 6-0

RESOLUTION NO. 2016-42, ADOPT PLANS/SPECS: Cangas MOVED and Rink SECONDED to approve a resolution adopting plans, specifications and form of contract for the project.

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

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 17th day of May, 2016.

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RESOLUTION NO. 2016-43, AWARD CONTRACT: Cangas MOVED and Wright SECONDED to approve a resolution awarding construction contract for the project to Leander Construction, Inc. of Canton, Illinois, in the amount of \$16,264,900.

MOTION PASSED 6-0

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

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 17th day of May, 2016.

RESOLUTION NO. 2016-37, APPROVE CONTRACT/BONDS: Cangas MOVED and Wright SECONDED to approve a resolution approving contract and bonds of Leander Construction, Inc., pending receipt of the documents.

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

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 17th day of May, 2016.

Concerning the Review of an Application for a State Revolving Fund Loan

The Mayor opened the public hearing at 7:59 P.M.

Jay Brady, Stanley Consultants, said the purpose of this Public Hearing is to allow public comment on the Fort Madison Wastewater Treatment Plant Phase 2 Renovation Project and associated Environmental Information Document.

The City of Fort Madison currently operates and maintains a wastewater collections system with one wastewater treatment plant discharging into the Mississippi River. With the exception of a new influent screening facility in 2000, the treatment plant has not been upgraded. The facilities have been well maintained with most of the original (1960-1970) equipment operating beyond its expected service life.

Equipment maintenance costs have increased dramatically with increased frequency of unscheduled repairs as mechanical equipment breaks due to age, fatigue, and corrosion. The increased frequency of equipment problems has increased staff attention and created potential treatment reliability problems. Equipment is becoming increasingly difficult to repair

due to lack of spare parts and overall condition of the equipment. A more permanent solution to these issues is desirable.

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The plant site along the Mississippi River is also subject to periodic flooding. As needed, the City erects temporary sandbag levees to minimize damage from flooding. A permanent flood protection solution is sought.

Purpose: The purpose of this project is to make improvements to the wastewater treatment facilities to enhance their reliability, increase capacity and to replace obsolete system to better safely and reliably operate the City of Fort Madison's wastewater system for at least the next 20 years.

Proposed Improvements: The project scope includes replacement of aging and deteriorating equipment, replacement of the grit removal system, implementation of biological nutrient removal and chemical phosphorus removal systems, addition of biosolids storage tank, and miscellaneous improvements including replacement of the electrical systems and new process control system. Construction of a combination of earthen levee, permanent flood wall, and removable flood wall will be used to prevent flooding within the WWTP.

Treatment Improvement Alternatives include

- A. Replacement of existing equipment only with new grit system, new WAS thickening system, and additional sludge holding tanks.
- B. Upgrade of treatment process for nutrient removal for existing loads and flows with new grit system, new WAS thickening system and additional sludge holding tanks.
- C. Upgrade of treatment process for nutrient removal for plant design loads and flows with new grit system, new WAS thickening system and additional sludge holding tanks.

Alternative B was selected as cost effective and positions the City for nutrient reduction requirements that will be in the City's next permit cycle.

In addition to treatment alternatives, the project also considered alternatives for providing permanent flood protection instead of the temporary minimal level of protection being provided during flood fights. Alternatives included flood wall only, levee only, flood proofing, and combination floodwall and levee which was the selected alternative.

Project as bid with proposed accepted alternates deleting the new grit system and refurbishing the existing grit system is \$16,264,900. Overall cost is higher than programmed, but rearranging sewer fund capital projects and use of both 20 and 30 year loans to finance the project should allow project to proceed without further adjustment of wastewater rates beyond what is already budgeted.

Floodplain – No filling in river is planned during the project. Flood protection will take a small portion of the total floodplain width out of the flood volume; however, there will not be any meaningful increase in the flood crest that results in reduced floodplain volume.

No adverse impacts to threatened and endangered species and habitats, wetlands, wild and scenic rivers, water quantity or quality, existing populations, farmlands, and historic/cultural resources.

Temporary impacts local to the plant site related to construction such as noise, dust, and fuel combustion would be anticipated.

Net environmental impact will be positive through maintaining an improving treatment performance, viability, and reliability.

The EID concludes the project will have no significant environmental impact.

With no other oral or written comments, Seidel MOVED and Cangas SECONDED to close the public hearing.

MOTION PASSED 6-0

APPROVE MAYOR'S SIGNATURE: Lair MOVED and Rink SECONDED to approve the Mayor's signature on an Environmental Information Document.

MOTION PASSED 6-0

Concerning a proposed Development Agreement with Gregory Manufacturing Company, Michael Walker and Shelly Walker

Mayor Randolph opened the public hearing at 8:08 p.m. There were no oral or written comments.

Seidel MOVED and Rink SECONDED to close the public hearing.

MOTION PASSED 6-0

RESOLUTION NO. 2016-45, APPROVE AGREEMENT: Seidel MOVED and Lair SECONDED to adopt a resolution approving and authorizing execution of a Development Agreement by and between the City of Fort Madison and Gregory Manufacturing Company, Michael Walker and Shelly Walker.

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

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 17th day of May, 2016.

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Concerning a Lease with Outside In Aviation, LLC

Mayor Randolph opened the public hearing at 8:10 p.m. There were no oral or written comments.

Cangas MOVED and Seidel SECONDED to close the public hearing.

MOTION PASSED 6-0

RESOLUTION NO. 2016-46, APPROVE LEASE: Seidel MOVED and Wright SECONDED to adopt a resolution approving a nine year lease for a hangar with Outside In Aviation, LLC in exchange for a lump sum payment of \$28,229.

Randolph said this is actually the third year of the lease action, this action will formally approve it.

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

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 17th day of May, 2016.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 2016-47, FIX DATE FOR MEETING FOR SRF LOAN: Cangas MOVED and Wright SECONDED to adopt a resolution fixing date for a meeting on the proposition to authorize a Loan and Disbursement Agreement and the issuance of Notes to evidence the obligations of the City thereunder.

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

The Mayor then declared said Resolution ADOPTED and ENACTED this 17th of May, 2016.

RESOLUTION NO. 2016-48, SET P.H. FOR PROPOSED URBAN RENEWAL AREA: Rink MOVED and Wright SECONDED to adopt a resolution determining the necessity and setting dates of a consultation and a public hearing on a proposed Urban Renewal Area in the City of Fort Madison, State of Iowa.

City Manager David Varley said this will cover an area from 11th to 20th Street and be 2 ½ blocks wide.

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

MOTION PASSED 6-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 17th day of May, 2016.

OTHER

STANLEY CONSULTANTS, SUPPLEMENTAL AGREEMENT NO. 1: Cangas MOVED and Seidel SECONDED to approve Supplemental Agreement No. 1 with Stanley Consultants, Inc. for construction staking, shop drawing review and inspection services for Public Improvement Project 2016-03, Silgan Sewer Extension.

MOTION PASSED 6-0

PURCHASE TRAFFIC LIGHTS: Lair MOVED and Cangas SECONDED to approve a the purchase of Interceptor Equipment for the traffic lights at 15th Street and Avenue H for a cost of \$19,390 plus freight from Mobotrex of Davenport, Iowa.

MOTION PASSED 6-0

FIRE FIGHTER ELIGIBILITY LIST: Rink MOVED and Cangas SECONDED to accept a Fire Fighter Eligibility List as recommended by the Civil Service Commission.

MOTION PASSED 6-0

DISCUSSION ITEMS

There were none.

DEPARTMENT HEAD REPORTS

The first Fort Madison High School Building Trades house located in the 3100 block of Avenue E had it's final inspection and was approved for occupancy last week. The Denmark Hill sewer project was completed. Concrete floors for the Old Lions, New Lions and Coffey's Corner shelter houses were completed last week. New pet waste stations were installed at Rodeo Park and will soon be installed in other parks.

PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS

The ribbon cutting for the Iowa Fertilizer Plant road was today.

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ADJOURNMENT

At 8:22 P.M., Cangas MOVED and Wright SECONDED to adjourn until Monday, June 6, 2016, at 7:00 P.M.

VOICE VOTE APPROVAL

MANUAL CLAIMS AND WARRANTS: See Claims dated April 28, 2016, in the amount of \$256,706.87, Manual Claims dated April 29, 2016, in the amount of \$420,262.10 and Library Claims dated April 20, 2016, in the amount of \$10,346.74.

PAYROLL	4/19/2016
General	\$138,822.37
Special Revenue	3,468.63
Road Use	15,493.50
Water	19,457.64
Sewer	26,282.29
Solid Waste	11,313.27
Storm Water	2,392.37
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	\$217,230.07

Mayor Bradley A. Randolph
City of Fort Madison

ATTEST:

Melinda L. Blind, City Clerk