

**MINUTES  
FORT MADISON CITY COUNCIL  
Monday, November 5, 2018**

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

**VISITORS AND APPEARANCE REQUESTS**

Craig Pieper of Group Benefit Partners, gave an update on City employees' health insurance plans and overall benefits.

**AGENDA**

Lair MOVED and Rink SECONDED to approve the agenda.

**MOTION PASSED 6-0**

**CONSENT AGENDA**

Mohrfeld MOVED and Andrews SECONDED to approve the Consent Agenda:

- Minutes of October 16, 2018;
- Liquor License Renewal: Quicker Liquor Store, 1414 – 48<sup>th</sup> Street, effective November 1, 2018 – Class E Liquor, Class B Wine, Class C Beer with Sunday Sales;
- Liquor License Renewal: Chuong Garden, 712 – 9<sup>th</sup> Street, effective November 1, 2018 – Special Class C Liquor with Living Quarters, Sunday Sales and Outdoor Service;
- Liquor License Renewal: Kinnick South, 1310 – 4<sup>th</sup> Street, effective November 1, 2018 – Class C Liquor with Sunday Sales;
- Liquor License Renewal: Smokin' Joe's Tobacco and Liquor Outlet #3, 1735 Avenue H, effective January 1, 2019 – Class B Wine, Class C Beer, Class E Liquor with Sunday Sales;
- The 2018 Financial Report for Fiscal Year ending June 30, 2018;
- Resolution No. 2018-53, approving the Fiscal Year ending 2018 Annual Urban Renewal Area Report; and
- Payment of Claims.

**MOTION PASSED 6-0**

**ORDINANCE AND RESOLUTIONS**

**ORDINANCE D-49, AMEND TITLE 1, ADMINISTRATIVE:** Morawitz MOVED and Lair SECONDED to approve the third reading of an ordinance amending Title 1, Administrative, of the Fort Madison City Code.

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

**MOTION PASSED 6-0**

The Mayor then declared said Ordinance PASSED and APPROVED this 5<sup>th</sup> day of November, 2018.

**RESOLUTION NO. 2018-54, SEWER REVENUE LOAN AMENDMENT:** Greenwald MOVED and Andrews SECONDED to adopt a resolution approving and authorizing a Loan and Disbursement Agreement by and between the City of Fort Madison and the Iowa Finance Authority, and authorizing and providing for the reissuance of the \$2,000,000 Sewer Revenue Capital Loan Note, Series 2008, of the City.

City Manager David Varley reported this bond is now 10 years old and the City can refinance at a lower rate. The rate will drop from 3% to 1.75% and will save the City approximately \$55,000 in interest.

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

**MOTION PASSED 6-0**

The Mayor then declared said Resolution ADOPTED and ENACTED this 5<sup>th</sup> day of November, 2018.

**RESOLUTION NO. 2018-55, SEWER REVENUE LOAN AMENDMENT:** Morawitz MOVED and Mohrfeld SECONDED to adopt a resolution authorizing the redemption of outstanding General Obligation Capital Loan Notes, Series 2008, of the City of Fort Madison, State of Iowa, dated June 1, 2018, and directing notice be given.

Varley reported funds are available to pay the bonds offs.

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

**MOTION PASSED 6-0**

The Mayor then declared said Resolution ADOPTED and ENACTED this 5<sup>th</sup> day of November, 2018.

**OTHER**

**RATHBURN WATER PURCHASE CONTRACT:** Lair MOVED and Morawitz SECONDED to approve the Mayor's signature on a Water Purchase Contract for a 20-year term between the City of Fort Madison and Rathbun Regional Water Association, Inc.

Public Works Director Larry Driscoll reported the contracts calls for the City to sell water to Rathbun for \$1.89 per 1,000 gallons. A yearly cost of living raise is included. City residents pay \$5.92 per 1,000 gallons which includes distribution costs. Rathbun pays just for the treatment plant cost as it does not go through the City's distribution system. Rathbun also purchases from Keokuk, Burlington and Mount Pleasant. Fort Madison supplies Rathbun with an average of 750,000 gallons per day.

**MOTION PASSED 5-1**  
(Mohrfeld Opposed)

**TRUCK PURCHASE:** Rink MOVED and Mohrfeld SECONDED to approve the purchase of one ¾-ton super cab truck and two ¾-ton 4 x 4 regular cab trucks in the amount of \$79,992 from Jim Baier, Inc., of Fort Madison, for the Public Works Department.

**MOTION PASSED 6-0**

**YMCA POOL MANAGEMENT AGREEMENT:** Greenwald MOVED and Rink SECONDED to approve the Mayor's signature on a Pool Management Agreement with the YMCA.

Ryan Wilson, Executive Director of the Fort Madison YMCA, said the first year of the YMCA managing the pool went well with the exception of a break in. Mohrfeld noted the contract does not cover utilities. Varley said it was a conscious decision to not address utilities and this will probably be addressed next year.

**MOTION PASSED 6-0**

**DISCUSSION ITEMS**

**Fireworks Ordinance:** Varley said the proposed ordinance is very simple. There are two issues for the Council to address: first, should the City allow fireworks to be discharged within the city limits? If the answer is no, then no further discussion is required. Second, if Council wants to keep the discharge of fireworks legal, Council can limit the days and hours when fireworks can be discharged. He said what staff has put together is similar to what other communities are doing.

Greenwald said he wanted to make it simple and go with the first choice. He did not believe the discharge of fireworks have a place in residential neighborhoods. At a question regarding public fireworks displays, such as the Chamber of Commerce 4<sup>th</sup> of July display, Mohrfeld said he would like to still see that as an option. Fire Chief Herren said these displays require a permit from the Fire Chief.

It was noted it is legal to possess fireworks by the State Code and the State also regulates the sale of fireworks within City limits. If the Police Department sees someone setting off fireworks they can confiscate them.

Morawitz felt that as long as fireworks, such as sparklers or snakes, stay on your property and do not make noise then they should be allowable. okay. The Fire Chief believed these would be considered as Class C fireworks under State law.

Don Mallinger, 2501 Avenue I, asked if juveniles are ticketed if their parent or guardian could be held financially responsible for paying the fine. City Attorney Robert Johnson believed they could under the Parent Responsibility Act.

During a discussion if Council should wait until the next meeting for staff to prepare a revised ordinance, some audience members were concerned the timeline would be cut too short before the next time fireworks can be discharged according to State Code.

Morawitz MOVED and Mohrfeld SECONDED to amend the proposed ordinance to allow that no fireworks be discharged within Fort Madison City Limits other than Class C fireworks and those may only be ignited on private property. Public displays of fireworks by regulated pyrotechnicians will be allowed by permit only.

**MOTION CARRIED 6-0**

### **POSSIBLE ITEMS TO BE CONSIDERED AT FUTURE COUNCIL MEETINGS**

- ◆ Accept PIP 2017-03, Phase 2 WWTP Rehab
- ◆ Downtown Sidewalk Project
- ◆ Agreement with Amtrak for Passenger Platform
- ◆ Receive and file the City's Audit
- ◆ Update of Title 4, Business
- ◆ BNSF Bridge Study
- ◆ Title 3, Building Code Update (Housing)

### **DEPARTMENT HEADS REPORTS**

The West Point/Donnellson and Fort Madison police, as well as the Lee County Sheriff's Department, served several search warrants on a band of thieves and burglars last week. A large quantity of stolen property was discovered. The Fire Department will hold an open house to determine if there is interest to start a Fire Club for 6-8<sup>th</sup> graders. The Library had a haunted maze last week with 220 kids and adults going through it.

**PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS**

The Tourism Commission met last week and had a long discussion regarding their application process.

**ADJOURNMENT**

At 6:22 P.M., Rink MOVED and Mohrfeld SECONDED to adjourn until Tuesday, November 20, 2018 at 5:30 P.M.

**VOICE VOTE APPROVAL**

**MANUAL CLAIMS & WARRANTS:** See Manual Claims dated October 31, 2018, in the amount of \$777,133.71; Claims dated November 1, 2018, in the amount of \$1,832,364.64; and Library Claims dated October 17, 2018, in the amount of \$38,277.78.

Payroll	10/26/2018
General	\$183,570.77
Special Rev.	10,598.87
Road Use	27,184.82
Water	28,082.60
Sewer	40,876.48
Solid Waste	11,920.09
Airport	489.54
Storm Water	3,470.37
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	\$306,193.54

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Mayor Bradley A. Randolph

ATTEST:

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Melinda L. Blind, City Clerk