

**MINUTES  
FORT MADISON CITY COUNCIL  
Tuesday, March 5, 2019**

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

**VISITORS AND APPEARANCE REQUESTS**

**AGENDA**

Rink MOVED and Morawitz SECONDED to approve the agenda.

**MOTION PASSED 7-0**

**CONSENT AGENDA**

Cangas MOVED and Andrews SECONDED to approve the Consent Agenda:

- Minutes of February 19, 2019; and
- Payment of Claims.

**MOTION PASSED 7-0**

**PUBLIC HEARING**

***Concerning the Fiscal Year 2019-20 Budget***

Mayor Randolph opened the public hearing at 5:35 P.M. There being no oral or written comments, Morawitz MOVED and Greenwald SECONDED to close the public hearing.

**MOTION PASSED 7-0**

**RESOLUTION NO. 2019-24, ADOPT FY 2019-20 BUDGET:** Lair MOVED and Cangas SECONDED to approve a resolution adopting the Fiscal Year 2019-20 Budget, and directing the appropriate filings be made as required by law.

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

**MOTION PASSED 6-1**

The Mayor then declared said Resolution ADOPTED and ENACTED this 5th day of March, 2019.

**ORDINANCE AND RESOLUTIONS**

**2nd READING, AMEND CHAPTER 10, ZONING, CHAPTERS 1 & 10:** Mohrfeld MOVED and Rink SECONDED to approve the second reading of an ordinance amending the Fort Madison Zoning Code, Title 10, Zoning, Chapter 1, Title: Purpose, and Chapter 10, Administration.

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

**MOTION PASSED 7-0**

The Mayor then declared said Ordinance PASSED and APPROVED this 5th day of March, 2019.

Greenwald exited Council Chambers.

**RESOLUTION NO. 2019-25, SEVER 3023 TIMBERLANE DRIVE:** Rink MOVED and Mohrfeld SECONDED to adopt a resolution severing territory located at 3023 Timberlane Drive located within the City of Fort Madison.

City Manager David Varley reported this house was voluntarily annexed into the City. It is the only house in the subdivision in City Limits. While it really doesn't make sense to have only one property in a subdivision in the City, the other concern is that other persons on the fringe might want to sever also.

Cangas was concerned Council might be setting a precedent. He also had concerns with ethical issues as well. He noted there are always accusations about the "good old boy" system and cronyism. Council is constantly trying to say that is not how they do business. He felt even considering this request validates that.

Randolph said this was based on Greenwald wanting to continue to serve as a Council member and also because Council was looking at way to increase the City's boundaries through annexation. Part of the thought was that by someone volunteering to annex in it could start others wanting to do so. This hasn't happened.

Lair said he was on Council at that time and the City was looking at enlarging the City's size with the new highway going through. He was also concerned about setting a precedent and losing more properties.

Randolph did not feel this would set precedent as this is about someone who came in and now wants out. Mohrfeld noted he voluntarily annexed his business in. In his case, he felt the benefit outweighed the expense, services aren't just water and sewer, fire and police are also important. Morawitz agreed with Cangas and noted Greenwald opted in for the benefits and now wants out.

Richard Fehseke, Fehseke & Gray Law Offices, said he was engaged to determine if this (annexation) was done properly. He said it does not appear this property was properly annexed as sewer has not been provided. He said instead of going the hard way and challenging this annexation a request to sever was made. He believed this is a challengeable annexation.

Morawitz asked if Greenwald specifically requested these services. Randolph remembers some discussion of possibility bringing a sewer line to that area. Morawitz asked if any time between now and then if Greenwald requested sewer. Fehseke said he had some conversations with Varley a couple months ago regarding the likelihood of the services being run or not. Morawitz again asked if Greenwald made a request asking where his service is? Fehseke said that to his knowledge, no, but he did make the request to the City on behalf of the landowner well in advance of this request.

Sue Andrews, 2603 Avenue G, said the annexation was done because Greenwald wanted to stay serving as a council member. She felt the Council should ask for his resignation. She understood he has asked because he wants to sell his house, so he has asked the City to lose tax money because he wants to sell his house, a special favor. She felt that was unethical.

Mohrfeld said you have a servant who paid \$20,000 in additional tax dollars (by annexing in) to stay on the Council. He said he didn't like anything about this. He didn't think enough thought was put into bringing it in but see the spirit in how it happened. Council is going to have to make an uneasy decision it's not going to be popular with 100% of the people. This is an uncomfortable situation.

Jon Heyland, 3005 Timberlane, defended Greenwald, and said he hoped Council would vote in favor of this as he would love to see his son and daughter-in-law move to Fort Madison.

At a question from Jan Garza, 2023 Avenue H, it was noted the property is charged for City water and also receives fire and police services. Cangas noted the City is not required to supply all city services to all City properties.

ROLL CALL:           AYES: Rink, Andrews, Mohrfeld, Lair  
                              NAYES: Cangas, Morawitz

**MOTION PASSED 4-2**

The Mayor then declared said Resolution ADOPTED and ENACTED this 5th day of March, 2019.

Following the vote, Greenwald to Council Chambers.

OTHER

**APPOINTMENTS/REAPPOINTMENTS:** Cangas MOVED and Morawitz SECONDED to approve the Mayor's appointment of Kathy Burkhardt to the Library Board, to fill an unexpired term, term expiring June 30, 2020; and reappointment of Richar Abel to the Old Fort Commission, term expiring March 31, 2022.

**MOTION PASSED 7-0**

**PURCHASE FIRE/RESCUE BOAT:** Rink MOVED and Mohrfeld SECONDED to approve the purchase of a Fire/Rescue boat in the amount of \$21,223.90, from Dave's Riverview Marine of Fort Madison.

Fire Chief Herren said the current boat is 17 years old. The Fire Department has had issues with finding places to store it in the wintertime. The boat does not have reverse and is unable to tow boats. The purchase will be funded using money from the fire gift fund, emergency fund and a portion out of the Fire Department's budget. Mohrfeld said he was surprised by the number of water rescues the Fire Department does.

**MOTION PASSED 7-0**

**VIKING STUDY:** Greenwald MOVED and Cangas SECONDED to approve the proposal from SmithGroup to conduct a feasibility study and design for a dock that could be used by Viking Cruise Lines for a stop in Fort Madison with the option to modify the proposed charette.

Morawitz was concerned about the cost of intangibles such as travel that could be added. Varley said with a contract such as this they generally ask before incurring an additional expense. He said this firm is one of the top one or two firms in the nation for something like this. In checking their references everyone spoke highly of them and their experience.

**MOTION PASSED 6-1**  
**NAY - Morawitz**

DISCUSSION ITEMS - None

POSSIBLE ITEMS TO BE CONSIDERED AT FUTURE COUNCIL MEETINGS

- ◆ Accept PIP 2016-03, Phase 2 WWTP Rehab
- ◆ Update of Title 4, Business
- ◆ Housing and Building Code Updates

**DEPARTMENT HEAD REPORTS**

The Fire Department responded to a fire last week in a two-unit apartment building. The Library received an AmeriCorps grant for an associate for their summer reading program. HR Green will give a presentation on the old Highway project at the next meeting.

**LIASON REPORTS**

The Airport Commission met and discussed the selection of an engineer for the next five years. Mohrfeld and Randolph will attend Southeast Iowa Days in Des Moines.

**ADJOURNMENT**

At 6:38 P.M., Cangas MOVED and Rink SECONDED to adjourn until Tuesday, March 19, 2019, at 5:30 P.M.

**VOICE VOTE APPROVAL**

**MANUAL CLAIMS & WARRANTS:** See Claims dated February 28, 2019, in the amount of \$108,827.66; Manual Claims dated February 28, 2019, in the amount of \$305,793.80, and Library Claims dated February 20, 2019, in the amount of \$9,854.92.

<b><u>PAYROLL</u></b>	3/1/2019
General	\$173,061.85
Spec. Revenues	3,873.80
Road use	26,852.89
Water	29,224.36
Sewer	41,087.41
Solid Waste	11,720.41
Airport	486.54
Storm Water	3,345.11
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	\$289,652.37

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Mayor Bradley A. Randolph

ATTEST:

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Melinda L. Blind, City Clerk