

**MINUTES  
FORT MADISON CITY COUNCIL  
Tuesday, August 20, 2019**

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

**VISITORS AND APPEARANCE REQUESTS**

Nancy Snaadt, Alliant Energy, reported on Alliant Energy's activities, infrastructure and charitable activities.

**AGENDA**

Rink MOVED and Lair SECONDED to approve the agenda.

**MOTION PASSED 7-0**

**CONSENT AGENDA**

Mohrfeld MOVED and Morawitz SECONDED to approve the Consent Agenda:

- Minutes of August 20, 2019;
- Resolution No. 2019-52, approving property tax exemption for Randal E Ough, 1422 Avenue I (new garage);
- Liquor License Renewal: AnD Amigos, Inc., 1226 – 37<sup>th</sup> Street, effective September 22, 2019 – Class C Liquor with Sunday Sales;
- Liquor License Renewal: Fort Madison Fast Break, 5002 Avenue O, effective September 20, 2019 – Class C Beer, Class E Liquor with Sunday Sales;
- Liquor License Renewal: Tena's, 4602 Avenue O, effective September 8, 2019 - Class C Liquor with Sunday Sales;
- Outdoor Service Area: Buffalo61 Bar & Grille, 6111 Reve Court, effective August 24 and 25, 2019;
- July Financial Report; and
- Payment of Claims.

**MOTION PASSED 7-0**

**PUBLIC HEARINGS**

***Concerning Public Improvement Project 2018-04, Reconstruction of Old Highway 61 – 2<sup>nd</sup> to 6<sup>th</sup> Street***

Mayor Randolph opened the public hearing at 5:38 P.M.

Pat Jones, of Jones Contracting Corp., questioned what would change if Council rejected the bid and rebid the project. Tim Cutsforth, HR Green, said the bid was 20% over the engineer's estimate. He said traditionally projects bid in July run higher. The plan was to have the project bid earlier in the year. He recommended rejecting the bid and IDOT will rebid the project in December for an April 2020 start date.

When asked if the City could sit down with the contractor to discuss this, Cutsforth said this is an Iowa Department of Transportation project and the City cannot talk to the contractor until after the bid is approved or rejected.

Council expressed concern regarding the disparity in HR Green's estimates. Cutsforth said Jones was the only bidder and is a good contractor. He added IDOT has specific rules and all notifications and questions have to be run through IDOT. He suggested there could be some changes to the lighting as the lighting is what the Chamber chose for the downtown and is expensive. A different, less expensive decorative lighting style could be chosen which would lower the cost. In addition, the time frame could be opened up and also the \$75,000 welcome sign could be removed.

Council expressed concerned if the project were to be rebid that the cost would come in higher than Jones' current bid.

Cangas MOVED and Mohrfeld SECONDED to close the public hearing.

#### **MOTION PASSED 7-0**

The scheduled motion to reject the bid of \$3,325,777 from Jones Contracting Corp., of West Point, Iowa, for the project and to rebid the project this fall, died for lack of motion.

#### **ORDINANCES AND RESOLUTIONS**

**1<sup>ST</sup> READING, GOLF CARTS/ATVS/UTVS:** Mohrfeld MOVED and Greenwald SECONDED to approve the first reading of an ordinance enacting a new Chapter 15, entitled "Golf Carts, ATVS and UTVS" to Title 9, Traffic, , of the Fort Madison City Code to allow for the use of Golf Carts, All Terrain Vehicles and Utility Task Vehicles on City streets.

At a question from Cangas, City Manager David Varley acknowledged an error in the proposed ordinance where two different ages are listed. The intention of the ordinance is to only allow persons age 18 or over to operate these vehicles. Lair questioned why there are no definitions. Varley said the State Code and Iowa Department of Natural Resources provides definitions.

Mohrfeld noted a large number of counties and communities in Iowa, such as Fairfield and Oskaloosa, that allow these on City streets. He recently visited Wisconsin and their use is seen as a function of tourism and agriculture. He said there are no statistics proving a public safety hazard and this pales in comparison to a 14-year old on a moped.

Cangas questioned if blinkers should be added. He said he was more apt to support this ordinance if they were restricted to streets with 25 mph or less speeds. He added he has received more phone calls on this item than he has received throughout his term on Council. He has yet to hear one constituent with a positive argument on why this should be done. Morawitz and Lair said more citizens have spoken against this than those in favor while Mohrfeld said he has only heard from the positive side. Morawitz pointed out ATVs have stickers saying that they should not be used on paved roads. Cars have national safety standards they have to meet and golf carts do not.

Mohrfeld felt everyone shouldered a certain responsibility when getting on motorcycles.

Cangas said he must ethically consider the safety aspects. He added he did not know why a city fee was not part of this ordinance. Mohrfeld believed the permitting process was going to be taken over by the state soon anyway.

Brian Wright, 1121 Avenue C, said a few years ago this was voted down by Council and the main reason was safety. He asked if this was going to raise his insurance rates. He felt there were a lot of questions that need to be answered including what is in the best interest of the public as a whole.

Jan Garza, 2023 Avenue H, also disagreed with the ordinance.

Cangas asked the audience to raise their hands if they were here in favor of this ordinance. A show of hands revealed 4-5 persons. He then asked how many persons were against the ordinance and 8-10 persons raised their hands.

Carl Hierstein, 2804 Avenue C, was disappointed in the Council members who didn't care what the citizens thought. He felt this needed to go for a public vote.

Diana Holmes, 313 Vica Lane, questioned if this could be restricted to a certain area for tourism only. The City's Historic District runs between 4<sup>th</sup> and 12<sup>th</sup> Streets and this could be set as the boundaries for them. She believed this could be very vital for tourism.

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

Cangas abstained because he wished for more discussion on the matter.

**MOTION PASSED 4-2  
 1 ABSTAIN**

The Mayor then declared said Ordinance PASSED and APPROVED this 20<sup>th</sup> day of August, 2019.

**RESOLUTION NO. 2019-53, SET P.H. HEARING FOR SALE OF PROPERTY:**

Cangas MOVED and Lair SECONDED to adopt a resolution setting public hearing on the proposed sale of property located at 930 – 15<sup>th</sup> Street and 916 – 15<sup>th</sup> Street (Lee County Parcel Numbers 024715055090120, 024715055090080 and 024715055090180).

At a question from Lair, it was noted the double wide on the west side of 15<sup>th</sup> Street was not included in this. The proposed reuse of the property is to be a fenced in lot for the storage of equipment. It was pointed out there are two squatters on the property.

Lair questioned if citizens would question why they weren't offered this opportunity. City Planning Director Doug Krogmeier said people weren't beating on the City's door wanting to handle the clean-up of the property. This has been a very large nuisance for the City.

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

NAYES: None

**MOTION PASSED 7-0**

The Mayor then declared said Resolution ADOPTED and ENACTED this 20th day of August, 2019.

**OTHER**

**REAPPOINTMENT:** Morawitz MOVED and Rink SECONDED to approve the Mayor's reappointment of Lyle Brown to the Planning and Zoning Commission, term expiring March 31, 2022.

**MOTION PASSED 7-0**

**ENGINEERING AGREEMENT PORT TRAIL:** Cangas MOVED and Mohrfeld SECONDED to approve the Mayor's signature on an Agreement for Engineering Services with Poepping, Stone, Bach and Associates for PORT Trail – Fort Madison Community Hospital Recreational Trail that will not exceed \$48,000.

**MOTION PASSED 7-0**

**DISCUSSION/PRESENTATIONS**

**AIRPORT COMMISSION:** Bob Chesnut, a member of the Airport Commission, requested the funds the Airport received as compensation from the Great River Regional Waste Authority for the closure of the grass runway be placed into a "grant opportunity" account which would be separate from the Airport's general operations account.

Following receipt of the money, the funds were placed into a trust and agency account and the general operations account was made part of the trust and agency account.

Chesnut admitted the Airport has had several years of poor management and has not been able to operate within their revenue stream. It was his understanding that the current chairman had requested the money be placed into a separate account. He felt the Airport Commission had not been as involved in the budget process recently as much as they had been in the past. The Commission is currently looking at ways to cut their budget by cutting back on their part-time worker's hours, raising hangar rent and identifying some issues. They are also looking for a fixed base operator for the Airport.

He did not feel it was fair for the Airport to work within a budget that was based on their income.

Randolph told Chesnut the Airport Commission needed to get the Airport's expenditures closer to budget neutral. He realized it would take time to accomplish that. The City has in the past made up the negative balances. He said the question is if the City Council is willing to accept a compromise and won't spend anymore of the grant opportunity money if, in two years, the Commission can show progress towards that goal. Chesnut said if you want an Airport you are going to have to pay a little more. Finance Director Peggy Steffensmeier said the deficit last fiscal year was \$6,930.

Chesnut said they are working hard to change the atmosphere of the Commission. It's going to be run the way it should be. Varley said the Airport Commission came to the City and wanted the money to be put in a separate fund, it was not explained it was to be just for projects. He added the General Fund is in the same boat, all the general fund departments have to cut expenses too.

Steffensmeier pointed out this gives the Airport Commission an incentive to be conservative because their fund balance is going down.

Randolph asked Council to bring their thoughts on this matter to either Varley or himself. He encouraged Chesnut to have a plan that is meetable and shows the Commission is making strides to reduce costs.

#### **NORTH LEE COUNTY HISTORICAL SOCIETY AUDIT:**

Varley reported the City engaged the services of the auditor who performs the City audits. He reviewed the auditor's recommendations and findings. Cangas questioned if there was any evidence of wrongdoing or nefarious actions. Varley said there is no indication of that. Andrews admitted this was on him as he was acting as the treasurer for the group. He said he volunteered to do this and had no accounting knowledge. He said there are changes that need to be made and this group needs to be run more professionally.

Varley suggested the group was small enough they may just need to follow the guidelines as set out. Lair noted the battlefield site property tax matter cost the group money and woke everybody up. He felt they were working to correct that.

**POSSIBLE ITEMS TO BE CONSIDERED AT FUTURE COUNCIL MEETINGS** - None

**DEPARTMENT HEAD REPORTS:** The new Police Chief was sworn in yesterday and the transition from management by the Sheriff’s office should end later this week. The Fire Department responded to a boat rescue and a house fire last week.

**LIAISON REPORTS:** GRRWA is looking at a major rehab of the Keokuk transfer station. They also completed a purchase of land to the east of the landfill for an expansion.

**ADJOURNMENT**

At 8:14 P.M., Cargas MOVED and Lair SECONDED to adjourn until Tuesday, September 3, 2019, at 5:30 P.M.

**VOICE VOTE APPROVAL**

**MANUAL CLAIMS & WARRANTS:** See Claims dated August 15, 2019, in the amount of \$232,423.74; and Library Claims dated August 14, 2019, in the amount of \$9,089.73.

<u>PAYROLL</u>	8/16/2019	
General	\$210,336.70	
Spec. Revenues	14,159.36	
Road Use	25,828.38	
Water	28,664.39	
Sewer	38,558.07	
Solid Waste	12,115.60	
Airport	486.54	
Storm Water	3,557.56	
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	\$333,706.60	

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Mayor Bradley A. Randolph

ATTEST:

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Melinda L. Blind, City Clerk