

**MINUTES
FORT MADISON CITY COUNCIL
Tuesday, October 1, 2019**

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

Rick Fraise, Lee County Economic Development, gave an update on their activities including Grow Lee and KidTech.

Jeraine Hofer, 2611 Avenue L, noticed gas prices are about 30 cents higher and questioned if Fort Madison was being gouged.

David Van Ginkle, 711 Avenue D, heard the police department was being micromanaged by the City Council. He felt if the City Council hired them, let them do their job and don't micro manage them or second guess them.

AGENDA

Cangas MOVED and Rink SECONDED to approve the amended agenda

MOTION PASSED 7-0

CONSENT AGENDA

Lair MOVED and Morawitz SECONDED to approve the Consent Agenda:

- Minutes of September 17, 2019;
- New Five-Day License: Holy Trinity Catholic Schools, Inc., 2600 Avenue A, effective October 24, 2019 – Class C Liquor with Sunday Sales;
- Liquor License Renewal: Quicker Liquor, 1414 – 48th Street, effective November 1, 2019 – Class E Liquor, Class C Beer, Class B Wine with Sunday Sales; and
- Payment of Claims.

MOTION PASSED 7-0

PUBLIC HEARINGS

Concerning an Amendment to Title 10, Zoning, Chapter 12, B-1, Business District, Limited Retail, Section 3, Permitted Uses, to add "Schools" as a Permitted Use, excepting the area bordered by 6th Street on the east, 10th Street on the west, the alley between Avenues G and F on the north, and Avenue H on the south

Mayor Randolph opened the public hearing at 5:41 P.M.

There were no oral or written comments.

Morawitz MOVED and Andrews SECONDED to close the public hearing.

MOTION PASSED 7-0

1st READING – ADD SCHOOLS AS PERMITTED USE IN B-1: Greenwald MOVED and Rink SECONDED to approve the first reading of an ordinance to amend the Fort Madison City Code, Title 10, Zoning, Chapter 12, B-1, Business District, Limited Retail, Section 3, Permitted Uses, to add “Schools” as a Permitted Use.

Lair felt Council was amending a code that is not being enforced. The downtown business district is not supposed to have schools on the ground level and there is a martial arts school, yoga school, dance schools and the art center teaches piano, guitar and painting.

Planning Director Doug Krogmeier said there was a request to allow a school outside of the downtown business district. The B-1 District is composed of two separate areas, one is the downtown business area and then there is the remainder of the B-1 District. The Planning and Zoning Commission has been working on the issue of schools on the main floor of the downtown business area. The downtown business owners were overwhelmingly against having a school in the downtown business area when it was brought up previously. The Planning and Zoning Commission is looking to update the definition of “school”. So far they have not come to a consensus on the downtown.

Lair asked why have a code if we can't enforce it? Krogmeier said the business owners are not balking at the businesses that Lair is bringing up.

At a question from Mohrfeld, Krogmeier said the Commission felt adding “Schools” as a permitted use in that section of the district was felt to be the most effective way to do this as opposed to a special use.

Dr. Ash, Southeastern Community College President, gave a short presentation on what the property will look like following the remodeling. He said due to time line issues, the SCC Board will go out to bid on the remodeling in October.

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

MOTION PASSED 7-0

The Mayor then declared the first reading of said Ordinance PASSED and APPROVED this 1st day of October, 2019.

ORDINANCES AND RESOLUTIONS

2ND READING – GOLF CARTS, ATVS AND UTVS: Mohrfeld MOVED and Andrews SECONDED to approve the second reading of an ordinance to 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.

Cangas said he did some research and found relatively recent articles and studies backed by scientific fact-finding. All of the studies or papers show they don't meet safety standards and are not meant to be used on roads. The safety manuals from the manufacturers all caution to not use these vehicles on paved or unpaved roadways. He felt there is a way for this idea to move forward but does not believe it is as written. Cangas said he has had three people contact him who support this, and 100 in opposition. Mohrfeld said he has only had six in opposition and a many in favor.

Mohrfeld said he does not think a governing body can insulate people from all personal risk. He felt using them at a low speed was safer and a good thing for a small town. He noted over 50% of the counties in Iowa have adopted their use.

Tom Schultz, 1207 Avenue C, pointed out discrepancies with Cangas' facts. He was in favor of the ordinance. He believed the definition of a school should be the same as state code.

Julie Vorhies, 2817 River Hills, was opposed to the proposed ordinance. She said the Council is putting the persons who don't live in city limits in jeopardy when they come to Fort Madison for business or shopping. She asked if it was fair to put the needs of a few who want to have fun above others. She felt this was not West Point, but Fort Madison. She has heard from a lot of people who are afraid to come forward.

Bob Watson, 2421 Avenue D, asked why is the City taking his rights away?

Jeraine Hofer, 4611 Avenue L, asked if Fort Madison was considered a small town. He considers Fort Madison to be a large town. Montrose is a small town that has golf carts. He was considered about safety issues also.

Diana Garrett, 2022 Avenue H, said she has a UTV and she guaranteed it was safer than 90% of the cars in town. She felt it didn't matter what rule or what law you pass people will break it. She questioned if passengers on the cruise boats would be interested in renting golf carts when they are here.

Morawitz said he talked to the cruise ship directors and they said their passengers will not be renting golf carts during the stops.

Bob Orozco, 819 – 30th Street, referred to an accident by FMCH today. He said people run stop signs. How is a child going to be secured in a golf cart or ATV?

Rodney Garrett, 2022 Avenue H, noted Germany allows ATVs and UTVs. At Sturgis, South Dakota, he noted the ATV and UTV drivers were most respectful. He felt people who drive these are going to be on the defensive.

Brian Wright, 1121 Avenue C, felt the City was already strapped when it comes to enforcing ordinances. He was concerned regarding what would happen to his insurance rates if someone else has an accident with one of these vehicles.

Floyd Krogmeier, 2212 Avenue B, said he knows ATVs and UTVs are safer than golf carts. Golf carts have no safety features and run slower. He felt the rules for golf carts need to be thought out more or not be allowed.

Cangas said one of his concerns is the financial side and that the City is slowly sinking financially. One thing he questions is why these are being permitted through the County and not the City. He felt it needed more attention. Randolph said the intent was to run this through the County as the County has everything in place. Doing so would not tax the current staff with inspections and permitting. Mohrfeld did not feel the administrative burden would be worth the net gain. He felt the state might be taking over registrations soon anyway.

Mary Jane Niggemeier, 3030 Avenue K, noted a statement Greenwald made previously. Greenwald said he made the statement “it was not the Council’s responsibility to vote the will of the people” but was interrupted before he could finish. He questioned what the will of the people is when sometimes people are divided 50/50. The will isn’t the loudest person, the nastiest person, it is an election. But not a lot of people show up to an election. So you just have to take everything you know and make the best decision you can.

Vorhies suggested Council look at the number of yes and nos they have heard from the citizens and vote that way. She asked what is at the core of this? Greenwald said the biggest responsibility of a Council is to either allow or prohibit something. He felt the Council should work hard to allow things.

At a question if this issue could be put to a vote of the people, Morawitz said the County Auditor it is not a voteable matter.

Dave Bohnenkamp 1412 Avenue F, said he has been against this from the beginning. He believed the vote would 4-3 and two of the four in favor of it will not be on the Council in January.

At a question from Wright, City Attorney Robert Johnson said the ordinance could be repealed in January.

Vorhies noted Pen City Current took a poll and 65% of the people were against it.

Lair said most of his ward is against this. For most people it's a safety issue. Morawitz said he is in the middle, he has heard arguments on both sides. But he was here to represent his ward and they are saying no. No one has explained how this will benefit the City or make it progressive.

Doug Berquist, 3013 Timberlane Drive, asked why was this even brought up? He was an avid motorcycle and ATV rider and he felt it would make it easier for him to be legal when he brings his ATV into Fort Madison instead of hoping he didn't get stopped or get a ticket when he comes in to plow snow.

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

MOTION PASSED 4-3

The Mayor then declared the second reading of said Ordinance PASSED and APPROVED this 1st day of October, 2019.

RESOLUTION NO. 2019-63, RESCHEDULE P.H.: Rink MOVED and Greenwald SECONDED to adopt a resolution rescheduling the public hearing for approval of the plans, specifications and form of contract for Public Improvement Project 2019-05, Amtrak Station Platform Improvements to October 15, 2019, at 5:30 P.M.

Randolph reported the public hearing was being scheduled to allow him time to talk with the Iowa Department of Transportation regarding possible additional funding for the project. The bid was double the estimate.

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 1st day of October, 2019.

RESOLUTION NO. 2019-64, CLOSE REVOLVING LOAN FUND: Cangas MOVED and Lair SECONDED to adopt a resolution approving the closure of the Fort Madison Revolving Loan Fund and providing notice to Southeast Iowa Regional Planning Commission (SEIRPC) of the City's wish to terminate the contract to administer the plan.

City Manager David Varley reported during budget discussions it was suggested this be brought back to the City. Council can determine what the funds will be used for. Randolph said the funds were originally from the grant opportunity fund using riverboat revenues. There has only been one loan application within the last five years. Mohrfeld questioned why more businesses are not applying for this loan. Mohrfeld noted he used this for his business in 2002. In 2002 there was an interest rate advantage, that is no longer true.

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

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 1st day of October, 2019.

RESOLUTION NO. 2019-65, SET P.H. ON SALE OF PROPERTY: Cargas MOVED and Lair SECONDED to adopt a resolution setting public hearing for October 15, 2019, at 5:30 P.M. on the sale of City-owned property at 1225 – 25th Street to Mary Westfall.

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

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED and ENACTED this 1st day of October, 2019.

OTHER

NEW SCADA SYSTEM: Lair MOVED and Cargas SECONDED to approve the purchase of a new SCADA System for the Water Treatment Plant.

MOTION PASSED 7-0

IDOT AGREEMENT - 27TH STREET BRIDGE: Cargas MOVED and Andrews SECONDED to approve the Mayor's signature on an Agreement between the City of Fort Madison and the Iowa Department of Transportation for funding through the Federal-Aid Swap City Highway Bridge Program for replacement of the 27th Street bridge over Dry Creek.

MOTION PASSED 7-0

DISCUSSIONS/PRESENTATIONS

Discussion and Possible Action concerning the possible removal of the traffic lights at 5th Street and Avenue E:

Randolph said he had been contacted by several people regarding this light. DPublic Works Director Larry Driscoll said there are some modules to change and within the next five years these will have to be replaced at an approximate cost of \$60,000. He suggested turning the lights off and seeing what happened. Lair asked if there were any grants available to upgrade. He said a lot of children use that stop light to get across Avenue E.

Driscoll said every year the City has applied for traffic lights through a grant program and have not received any of the grants. He could apply for traffic safety for foot traffic.

Greenwald MOVED and Cangas SECONDED to turn the lights off for one month and then review.

MOTION PASSED 7-0

Discussion and Possible Action concerning 2019 Flood Damage and repairs:

Driscoll gave a report on damages from the 2019 flooding and FEMA. Some projects will require 25% match on behalf of the City. Other projects, such as those considered to be improved projects will require a 50% match. He needed to know, with the shortage of funds the City is facing, if he should move forward with these projects. He admitted that some of the projects have already been started.

Driscoll questioned if the City just did the basic projects and not the improved projects, such as the jetty wall. After some discussion, Cangas did not feel Council was going to come to a well-measured and rational response tonight. Randolph said the City is already committed to half of the \$1 million coming out of the General Fund because they have already started. He felt the only topics are the expanded and improved jetty walls and the rehabilitation of the Kuhlmeier Fountain. Driscoll said the City should know more about the dredging in December. It is a 50% project right now but FEMA might pay 75%.

Mohrfeld noted this is still going to cost \$600,000 for these projects and the City doesn't have it. Randolph said the dredging is not going to happen this year, it's just delaying. That puts the City at having to come up with \$286,769. Mohrfeld asked if the City has that. Varley said a lot of this can be squeezed from the budget.

Randolph questioned about applying the RLF funds to this but noted that would take away from beautification. Cangas asked if we are beautifying or are we doing what is necessary to keep us going. Mohrfeld said at this point we need to start prioritizing, is it an essential function? Andrews pointed out the marina is the only things providing a service.

Randolph asked Council for ideas and suggested removing the improved jetty wall since everything else is already started. Mohrfeld was not comfortable obligating funds that were not budgeted.

DEPARTMENT HEAD REPORTS

October is Fire Prevention Month. Floyd's cannot provide containers for fall clean up. Driscoll is looking at other options as Fall Clean Up is already scheduled. A follow up budget workshop will be held on October 29.

PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS

Nothing remarkable to report.

ADJOURNMENT

At 8:40 P.M., Lair MOVED and Cangas SECONDED to adjourn until Tuesday, October 15, 2019, at 5:30 P.M.

VOICE VOTE APPROVAL

MANUAL CLAIMS & WARRANTS: See Claims dated September 26, 2019, in the amount of \$477,325.83, and Library Claims dated September 18, 2019, in the amount of \$12,604.07.

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| <u>PAYROLL</u> | 9/27/2019 |
| General | \$182,317.57 |
| Spec. Rev. | 12,471.43 |
| Road Use | 25,874.66 |
| Water | 28,627.45 |
| Sewer | 38,131.65 |
| Solid Waste | 12,574.59 |
| Airport | 489.44 |
| Storm Water | 3,563.80 |
| | <hr/> |
| | \$304,050.59 |

Bradley A. Randolph, Mayor

ATTEST:

Melinda L. Blind, City Clerk