

**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.

VISITORS

Mayor Randolph presented a proclamation to Kristy VanPhair of the Domestic Violence Intervention Program (DVIP). She gave a brief presentation regarding services provided to the area. It was noted that each year the number of persons reaching out to DVIP have increased.

AGENDA

Cangas MOVED and Morawitz SECONDED to approve the agenda.

MOTION PASSED 7-0

CONSENT AGENDA

Rink MOVED and Greenwald SECONDED to approve the Consent Agenda:

- Minutes of October 1, 2019;
- Liquor License Renewal: Chuong Garden, 712 – 9th Street, effective November 9, 2019 – Special Class C Liquor, Living Quarters, Sunday Sales and Outdoor Service;
- New Five-Day Liquor License: Palms Supper Club for the Women’s Conference, 415 – 11th Street (McAleer Hall), effective October 21, 2019 – Class C Liquor (pending dram shop endorsement);
- September Financial Report; and
- Payment of Claims.

MOTION PASSED 7-0

PUBLIC HEARINGS

Concerning the Sale of City Property Located at 1225- 25th Street

Mayor Randolph opened the public hearing at 5:42 P.M. There were no written or oral comments.

Cangas MOVED and Mohrfeld SECONDED to close the public hearing.

MOTION PASSED 7-0

RESOLUTION NO. 2019-66, SELL CITY PROPERTY: Cangas MOVED and Rink SECONDED to adopt a resolution selling and authorizing execution of a Quit Claim Deed for City-owned property located at 1225 – 25th Street to Mary Westfall in the amount of \$2,700.

Rink said he was contacted by someone in the neighborhood who was also interested in the property but this lot was not adjacent to his property. At a question from Randolph, Planning and Zoning Director Doug Krogmeier said the City has had a policy in place for 30 years where the City first offers a property to the adjoining property owner. Westfall owns property on both sides of this lot and she has been maintaining it for the City. It was noted this lot is also a substandard size and Westfall offered more than the real estate evaluation suggested.

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 15th day of October, 2019.

Concerning Public Improvement Project 2019-05, Amtrak Station Platform Improvements

Randolph opened the public hearing at 5:47 P.M. There were no oral or written comments.

Morawitz MOVED and Cangas SECONDED to close the public hearing.

MOTION PASSED 7-0

RESOLUTION NO. 2019-67, ADOPT PLANS: Rink MOVED and Greenwald SECONDED to approve a resolution adopting plans, specifications and form of contract for the project.

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

MOTION PASSED 6-1

The Mayor then declared said Resolution ADOPTED and ENACTED this 15th day of October, 2019.

RESOLUTION NO. 2019-68, REJECT BIDS AND RE-BID: Greenwald MOVED and Mohrfeld SECONDED to adopt a resolution to reject the bid of Iowa Bridge and Culvert, LLC, and re-bid the project.

Randolph said City officials were part of a phone conference with Amtrak, IDOT, SEIRPC and Burlington-Northern. A very frank discussion was held regarding going forward with this project. It was decided it was best to reject the bid with the option to rebid with some construction alternatives or to find new money in the near future. There is another call scheduled next week. The thought is to re-bid next spring.

Greenwald noted the three biggest players in the call still want this to happen. He said BNSF is talking to Amtrak and IDOT and that things being looked at include if the platform can be shortened. It's either finding the funds or changing the plans. Morawitz asked if Amtrak offered a guarantee that they will stay. Greenwald said they have offered a 10-year commitment to pay the help at the station. Morawitz was concerned as the current president of Amtrak is not strong on the interstate routes.

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 15th day of October, 2019.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. D-55 – GOLF CARTS, ATVS AND UTVS: Rink MOVED and Mohrfeld SECONDED to approve the third 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 felt there should be a licensing fee going to the City if this goes forward.

Mohrfeld MOVED and Cangas SECONDED to amend the ordinance to require that the vehicles be certified by the manufacturer for road use.

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

MOTION FAILED 3-4

City Attorney Robert Johnson noted if this amendment is approved Council will have to go back through three readings of the ordinance.

Greenwald said the City has tried to approve this before and then did not move forward with it. Since that time, 50% of Iowa counties now allow UTVs and golf carts and also numerous communities. He felt those are two big differences between then and now.

Mayor Randolph opened the floor to the public. He noted a limit of five minutes per person.

Joseph Helmick, 2515 Avenue I, was opposed. He works at Fareway and talks to customers every day. Not one person has said they are in favor of this. He believed this will make more work for our police officers.

Jim Posz, 919 Old Denmark Hill, was opposed. He said golf manufacturers say the golf carts are not made to be run on city streets.

David VanGinkel, 711 Avenue D, did not believe this is going to work. He felt too many people are distracted by cell phones and he has even seen police officers on their cell phones as they drive.

Judy Johnson, (no address given, spoke from the floor) offered to give Vorhies additional time by donating the time she would have spoken. Mayor Randolph noted this was not allowed.

Julie Vorhies, 2817 River Hills, read some statistics regarding golf carts, ATVs and UTVs. She was opposed to golf carts within city limits. She informed Mohrfeld he was wrong when he said Fairfield approved golf carts as they do not. She believed there were conflicts of interest with Council Members Mohrfeld, Andrews and Greenwald and pointed those out. Randolph advised persons present to not make accusations unless they have factual evidence. In responding to Vorhies, Mohrfeld said he was told Fairfield allowed golf carts.

Vorhies presented another petition opposed to this ordinance.

Lois Mooney, 3031 Avenue L, said she has seen golf carts being driven in West Point, Donnellson and Denmark with kids in them. She was concerned with safety. Mohrfeld said the City's ordinance has an age limit of 18.

Andrews said he has listened at the meetings and listened to the phone calls and emails. He said he works for an electrical company. He noted 668 signatures on a petition is great but that still leaves 9,000 people in Fort Madison that didn't say anything. He noted a report from the National Highway Transportation Safety Administration report the following deaths for last year: 6,000 pedestrian, 783 bicycle, 350 ATV and more than 7,000 motorcycle-related deaths. He said he thinks the City would be okay as a community with somebody driving a golf cart down the road.

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Joyce Ellis, 21 Cindy Drive, was opposed. She said Fort Madison is not in the same category as West Point. She pointed out there is an election coming up. Mohrfeld said Oskaloosa is Fort Madison's size and segments of St. Louis have approved this.

Cangas said he was a little non-committal but believed the City would be okay. He felt the issue was what does the public want that elected us to this position?

Cindy Krogmeier, 3099 County Road 103, was opposed to golf carts. She said there are too many obstacles already in our city.

Mary Jane Niggmeyer, 3030 Avenue K, noted a poll in the Pen City Current with 64% opposed. She asked the Council to vote according to the calls they received.

Jerry Hamelton, 1714 Avenue I, said he has personally been to accident scenes involving golf carts. One in particular was a 20 m.p.h. collision with a fatality. He said cities that succeed with golf carts have wide streets and some have golf cart lanes.

Morawitz said he was here to represent his constituents. He was concerned with approving something the manufacturer does not recommend. Mohrfeld said this is something that will make Fort Madison relatable to a younger generation. He said Fort Madison needs running paths and dog parks. If it is trending across the state there is a reason. He said we have to stay relatable.

Nancy Booten, 3020 Timberlane Drive, said the County does not approve them except on gravel roads. The definition of the ATVs, UTVs and golf carts require them to have non-highway tires, intended for use on gravel roads, farms and in county parks, not concrete streets.

Lair said if this passes he believed it will come back later and be appealed.

Mohrfeld noted Michael Mohrfeld is his nephew and he did not have any financial investments in any of Michael's ventures, or his boards. He also stated he did not own golf cart, ATV or UTV.

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

MOTION PASSED 4-3

The Mayor then declared the third reading of said Ordinance PASSED and APPROVED this 15th day of October, 2019.

2nd READING – ADD SCHOOLS AS PERMITTED USE IN B-1: Greenwald MOVED and Morawitz SECONDED to approve the second 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.

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Lair felt this ordinance was a band aid and the Council should direct Zoning to get this fixed. Krogmeier said the Planning and Zoning Commission is working on this. At a question from Randolph, Krogmeier believed it will take two months to get this issue resolved.

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

MOTION PASSED 7-0

The Mayor then declared the second reading of said Ordinance PASSED and APPROVED this 15th day of October, 2019.

OTHER

ONE WAY PAIR AGREEMENT: Mohrfeld MOVED and Cangas SECONDED to approve the Mayor's signature on a Professional Services Agreement with HR Green for the One-way Pair Reconstruction Project.

Larry Driscoll, Public Works Director, said this will be for the complete reconstruction of 18th Street between Avenues H and L, and Avenue L from 18th to 20th Street. The cost for the entire project is estimated to be four million dollars. The entire project will include 20th Street between Avenues H and L, and Avenue H from 18th to 20th Street. HR Green will design and inspect the project.

Tim Cutsforth, HR Green, said there will still be some streetscaping on this segment but it will be less than 2nd to 10th Street. Sidewalks will be widened on both sides. This should go out for bid in mid-February or March. The 2nd to 6th Street project will rebid in January. A discussion was held on how to get more contractors to bid.

MOTION PASSED 7-0

PERMISSION TO PURCHASE USED BUCKET TRUCK: Rink MOVED and Cangas SECONDED to approve the Public Works Director spend up to \$70,000 for a used bucket truck for the Traffic Safety Department.

Driscoll said he originally thought he could find a used bucket truck for \$35,000 but has been unable to do so. Nearly \$90,000 has been budgeted for this, a new one would be \$150,000. He hopes to find one for \$70,000.

MOTION PASSED 7-0

CRACK SEAL LOWER HALF OF 48TH STREET: Cangas MOVED and Morawitz SECONDED to crack seal the lower half of 48th Street to Scott's Manufacturing.

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The cost will be approximately \$25,000 and be done this fall. Driscoll hoped the City would seal coat the road and then the projected life of the road would be another 15 years. At question from Lair, Driscoll said he felt the road would work with heavy traffic.

MOTION PASSED 7-0

DISCUSSIONS/PRESENTATIONS

VIKING CRUISE LINES LETTER OF INTENT: Randolph reported he was told Viking needed 10 ½ feet of water to dock. It has recently been learned they need 8 ½ feet, just as American Cruise Lines does. Randolph said this is a game changer in terms of infrastructure. Driscoll reported during the low water levels on the Mississippi recently the depth was 8 ½ to 9 feet at the barge. The City would not have to extend the pier but could do something similar to what is being used for American Cruise Lines. Viking has offered \$500,000 for their docking infrastructure. Randolph was hopeful the project could be achieved for that. A Letter of Intent should come before Council for approval in November and would ultimately be replaced by a docking agreement.

DEPARTMENT HEAD REPORTS

The Police Department is working with the City's legal counsel on updating policies and also to facilitate the city electronic citation process. There was a mobile home fire in Levi Trailer Court. The yearly Library Report was discussed. The Planning and Zoning Commission will meet Tuesday regarding schools in the B-1 Downtown District.

PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS

The ATV/UTV/Golf Cart ordinance will not take effect until published in the newspaper.

ADJOURNMENT

At 7:49 P.M., Cangas MOVED and Morawitz SECONDED to adjourn until Monday, November 4, 2019, at 5:30 P.M.

VOICE VOTE APPROVAL

MANUAL CLAIMS & WARRANTS: See Claims dated October 10, 2019, in the amount of \$423,674.06, and Manual Claims dated October 1, 2019, in the amount of \$196,063.85.

Bradley A. Randolph, Mayor

ATTEST:

Melinda L. Blind, City Clerk