

PROCEEDINGS OF THE CITY COUNCIL

MINUTES FORT MADISON CITY COUNCIL Tuesday, August 18, 2020

The City Council met in adjourned session at 5:30 P.M. on Tuesday, August 18, 2020, at City Hall, 811 Avenue E, Fort Madison. Mayor Matt Mohrfeld presided with Council Members Mark Lair, Bob Morawitz, Kevin Rink, Rusty Andrews, Rebecca Bowker, Tyler Miller and Chad Cangas present. Cangas participated electronically.

The meeting was held with Council, the Mayor, staff and some members of the public present. The meeting was also available electronically (pursuant to Iowa Code Section 21.8) due to social distancing issues because of COVID-19.

VISITORS

Chris Sorrentino, 412 Avenue D, requested the police department be given some latitude to inform callers who continually complain that there is no valid complaint and they should stop calling. (Rusty Andrews arrived at 5:35 p.m.)

Doug Abolt, 1502 – 255th Street, Donnellson, said at the last City Council meeting the Mayor said he would meet with him. Since then he has been told Council has been advised not to talk to him. At that meeting he informed Council of issues with the Avenue H project in front of his property at 301 Avenue H. He said he has been abused online by a City Council member. He felt it was time to meet and resolve these issues. He asked why, since 1962 there have been three driveways (onto Avenue H at 301 Avenue H) and why he lost one of the driveways. He believed there were other properties in the City that have the same issue and have driveways. He felt the City has injured his property. He wanted to know the code section that allows the City to remove private driveway.

Carol Foss, 412 Avenue F, questioned why Avenue F from 3rd Street to 11 Street has not been paved. She said Avenue F is constantly in use and goes past two of the City's most beautiful parks and the courthouse.

Rebecca Holt, 807 Avenue G, #3, expressed concerns regarding parties going on until 3 or 4 a.m. at a neighboring property. She believed this type of use brings problems and hopes this will not be allowed to continue. She said the businesses downtown had to clean up the mess that was left following these parties.

Tom Older, 808 Avenue G, owner of *The Schnitzelbank*, said there has been a considerable amount of loud music at a neighboring property until 4 a.m. for the last two weekends. He called the police. After the officer left, he called the police back as the music was cranked up after the officer left. He stayed up all night and took pictures of what occurred. There were a "ton" of people outside and supposedly the owners of the business did not have enough crowd control. He said the downtown businesses have picked up empty bottles of alcohol for two weeks in a row as well as a catheter bag full of urine. He asked if this type of event should be occurring during a pandemic. He asked if the City could enact a rental code that would require a written lease with any tenants.

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AGENDA

Lair MOVED and Rink SECONDED to approve the agenda.

**MOTION PASSED 7-0
VOICE VOTE**

CONSENT AGENDA

Cangas MOVED and Miller SECONDED to approve the Consent Agenda:

- Minutes of August 4, 2020;
- Liquor License Renewal: Fort Madison Sports Complex, 909 – 48th Street, effective August 10, 2020 – Class B Beer, Class C Native Wine with Outdoor Service and Sunday Sales;
- Liquor License Renewal: Tena's, 4602 Avenue O, effective September 8, 2020 – Class C Liquor with Sunday Sales;
- Outdoor Service Extension for September 12, 2020 – Faeth's, 832 Avenue G (pending dram shop endorsement and Request to Block Right-of-Way);
- 14-Day License: Holy Trinity Catholic School for Tri-State Rodeo, effective September 2, 2020 – Class C Liquor with Outdoor Service and Sunday Sales;
- Claims dated August 13, Manual Claims dated July 31, and the July Financial Report; and
- Payroll: August 14, 2020.

**MOTION PASSED 7-0
VOICE VOTE**

DEPARTMENT REPORTS: Fire Department trained with BNSF last week. The City has the possibility of receiving being reimbursed for \$245,000 from the COVID-19 Cares Act. Activity in the Police Department is up. In conjunction with the nuisance department, the Police Department is beginning another round of vehicle abatement to remove trailers from the streets. The Storms Court project is completed. There is some follow up and replacement of sidewalks and driveways that will be contracted out. The Parks Department is preparing Rodeo Park for the Tri-State Rodeo. Cemetery cleanup is this week. The fire department will be training at the public swimming pool. The pool is now closed for the season. The contractor has begun to remove the parking lot behind City Hall. The seal coating company hopes to start this week. The first meeting for the vacant property ordinance will be September 10. There were some questions over who has access to items submitted on the nuisance app. Some citizens have expressed concern that if they submit a complaint their names will be given out. Planning Director Doug Krogmeier said complainant's names are not logged. Persons who submit photos through the app will receive feedback about the process if they submit their contact information.

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PUBLIC HEARINGS:

Concerning Public Improvement Project 2020-04, Henry Laydn Sewer Relocation

The Mayor opened the public hearing at 6:20 P.M.

With no written or oral comments, the Mayor closed the public hearing at 6:21 P.M.

RESOLUTION NO. 2020-47, APPROVE PLANS: Bowker MOVED and Morawitz SECONDED to adopt a resolution approving plans, specifications, form of contract and estimate of cost for Public Improvement Contract 2020-04, Henry Laydn Sewer Relocation.

ROLL CALL: AYES: Bowker, Morawitz, Miller, Lair, Cangas, Andrews, Rink
NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED and ENACTED, this 18th day of August, 2020.

RESOLUTION NO. 2020-48, AWARD CONTRACT: Cangas MOVED and Rink SECONDED to adopt a resolution awarding construction contract for the project in the amount of \$329,043.75 to Meyers Driveway & Septic Service of Keokuk, Iowa, and approving contract and bonds of Meyers Driveway & Septic Service, pending receipt of the documents.

ROLL CALL: AYES: Bowker, Morawitz, Miller, Lair, Cangas, Andrews, Rink
NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED and ENACTED, this 18th day of August, 2020.

Concerning Public Improvement Project 2019-03, Connecting Fort Madison! Phase 3 Hospital Connector

Mayor opened the public hearing at 6:22 P.M.

With no oral or written comments, the Mayor closed the public hearing at 6:23 P.M.

RESOLUTION NO. 2020-49, APPROVE PLANS: Cangas MOVED and Lair SECONDED to adopt a resolution approving plans, specifications, form of contract and estimate of cost for Public Improvement Contract 2019-03, Connecting Fort Madison! Phase 3 Hospital Connector.

ROLL CALL: AYES: Bowker, Morawitz, Miller, Lair, Cangas, Andrews, Rink
NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED and ENACTED, this 18th day of August, 2020.

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RESOLUTION NO. 2020-50, AWARD CONTRACT: Cangas MOVED and Lair SECONDED to adopt a resolution awarding construction contract for the project in the amount of \$332,500 to Jones Contracting Corp., of West Point, Iowa, and approving contract and bonds of Jones Contracting Corp., pending receipt of the documents.

ROLL CALL: AYES: Bowker, Morawitz, Miller, Lair, Cangas, Andrews, Rink
NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED and ENACTED, this 18th day of August, 2020.

ORDINANCES/RESOLUTIONS

1st READING, AMEND 2-7-21, DISORDERLY CONDUCT: Cangas MOVED and Rink SECONDED to approve the first reading of an ordinance amending Title 7, Police, Chapter 2, Misdemeanors, Section 21, Disorderly Conduct, to revise the language defining noise and public urination violations.

Police Chief Mark Rohloff said there are some discrepancies in the City Code regarding disorderly conduct. Part of this suggested change was prompted by a Supreme Court ruling that had a chilling effect on the ability to enforce nuisance violations. The proposed ordinance was drafted with assistance from the City Attorney's office. Bowker questioned how soon this could be applied for the situations in the 1400 block of Avenue F and 800 block of Avenue G. Rohloff explained some situations involving crowds are very difficult to manage. The proposed changes deal with a very common issue and give the department some enforcement ability. Morawitz questioned a paragraph regarding the American flag. Rohloff noted the wording does not impede free speech, but does not allow someone to burn a flag with the intent to provoke someone to commit an offense.

ROLL CALL: AYES: Bowker, Morawitz, Miller, Lair, Cangas, Andrews, Rink
NAYES: None

MOTION PASSED 7-0

The Mayor then declared the first reading of said Ordinance PASSED and APPROVED, this 18th day of August, 2020.

Construction Board of Appeals

WAIVE 2ND READING: Cangas MOVED and Bowker SECONDED to suspend the statutory rules so as to pass an ordinance amending Title 2, Boards and Commissions, by amending Title 1, General Provisions, Section 1, Terms and Term Limits; adding a new Chapter 2, Boards and Commission, Chapter 11, Construction Board of Appeals and amending Title 3, Building, by adding a new Chapter 8, Appeals on its third reading.

ROLL CALL: AYES: Bowker, Morawitz, Miller, Lair, Cangas, Andrews, Rink
NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Motion PASSED and APPROVED, this 18th day of August, 2020.

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ORDINANCE NO. D-065, CONSTRUCTION BOARD OF APPEALS: Cangas MOVED and Bowker SECONDED to approve the third and final reading of an ordinance amending Title 2, Boards and Commissions, by amending Title 1, General Provisions, Section 1, Terms and Term Limits; adding a new Chapter 2, Boards and Commission, Chapter 11, Construction Board of Appeals and amending Title 3, Building, by adding a new Chapter 8, Appeals.

ROLL CALL: AYES: Bowker, Morawitz, Miller, Lair, Cangas, Andrews, Rink
NAYES: None

MOTION PASSED 7-0

The Mayor then declared the third reading of said Ordinance PASSED and APPROVED, this 18th day of August, 2020.

Published in the Daily Democrat on the 24th day of August, 2020.

2nd READING, RESIDENCE REQUIREMENTS: Rink MOVED and Lair SECONDED to approve the second reading of an ordinance amending Title 1, Administration, Chapter 13, Employees; Benefits, Regulations and Residence Requirements; Section 3, Residence Requirements.

ROLL CALL: AYES: Bowker, Morawitz, Miller, Lair, Cangas, Andrews, Rink
NAYES: None

MOTION PASSED 7-0

The Mayor then declared the second reading of said Ordinance PASSED and APPROVED, this 18th day of August, 2020.

ORDINANCE NO. D-066, READING, SIDEWALKS: Morawitz MOVED and Miller SECONDED to approve the third and final reading of an ordinance amending Title 8, Public Ways and Property, Chapter 4, Sidewalks.

ROLL CALL: AYES: Bowker, Morawitz, Miller, Lair, Cangas, Andrews, Rink
NAYES: None

MOTION PASSED 7-0

The Mayor then declared the third reading of said Ordinance PASSED and APPROVED, this 18th day of August, 2020.

Published in the Daily Democrat on the _____ day of August, 2020.

RESOLUTION NO. 2020-46, COVID-19 RELIEF: Miller MOVED and Lair SECONDED to adopt a resolution requesting reimbursement for eligible costs related to the COVID-19 public health emergency from the Iowa COVID-19 Government Relief Fund.

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ROLL CALL: AYES: Bowker, Morawitz, Miller, Lair, Cangas, Andrews, Rink
NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED and ENACTED, this 18th day of August, 2020.

Pool 19 National Wildlife Refuge

Nathan Unsworth, Lee County Conservation (LCC), reported LCC owns approximately 2,500 acres in and along Pool 19. Several of these were islands that were submerged when the dam was created. The goal is to create fish and wildlife habitats which will drive eco-tourism and improve the local ecosystem. The hope is to transfer these properties to the National Fish and Wildlife Service.

RESOLUTION NO. 2020-46, NATIONAL WILDLIFE REFUGE: Cangas MOVED and Morawitz SECONDED to adopt a resolution encouraging Iowa's elected officials to advocate for a National Wildlife Refuge in Pool 19.

ROLL CALL: AYES: Bowker, Morawitz, Miller, Lair, Cangas, Andrews, Rink
NAYES: None

MOTION PASSED 7-0

The Mayor then declared said Resolution ADOPTED and ENACTED, this 18th day of August, 2020.

OTHER

STBG SWAP AGREEMENT: Lair MOVED and Morawitz SECONDED to approve the Mayor's signature on an Agreement for a Surface Transportation Block Grant Program Federal-Aid Swap Project with the Iowa Department of Transportation for Public Improvement Project 2020-05, Reconstruction of Old Highway 61 – 6th to 10th Streets.

MOTION PASSED 7-0

ADMINISTRATION CONTRACT: Cangas MOVED and Rink SECONDED to approve the Mayor's signature on a Contract for Services with Southeast Iowa Regional Planning Commission for grant administration services for Public Improvement Project 2020-05, Reconstruction of Old Highway 61 – 6th to 10th Streets, in an amount not to exceed \$6,000.

MOTION PASSED 7-0

PURCHASE GARBAGE TRUCK: Cangas MOVED and Morawitz SECONDED to approve the purchase of a 2021 Freightliner garbage truck in the amount of \$149,945.81 from Elliott Equipment of Davenport, Iowa.

MOTION PASSED 7-0

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COUNCIL MEMBER COMMUNICATIONS: Bowker wanted to make sure the concerns of the individuals in some problem areas are not dismissed. She questioned if the City needed to look at curfews downtown and believed Council needed to empower landlords and police officers. The Airport Commission met last week and approved a new water line and a new hangar door. The Historic Preservation Commission is beginning a new comprehensive plan and is setting some 5-10 year goals.

MAYOR ANNOUNCEMENTS: The Ambassador Club went to the YMCA's downtown location.

ADJOURNMENT

At 7:08 P.M., the regular meeting adjourned until Tuesday, September 1, 2020, at 5:30 P.M.

MANUAL CLAIMS & WARRANTS: See Claims dated July 30 in the amount of \$600,411.90.

PAYROLL

General	\$174,205.90
Marina	632.99
Old Fort	4,644.30
Road Use	25,912.33
Tourism	1,314.50
Water	29,460.29
Sewer	39,768.11
Solid Waste	12,075.11
Airport	469.15
Storm Water	<u>3,734.51</u>
	\$292,217.19

Matt J. Mohrfeld, Mayor

ATTEST:

Melinda L. Blind, City Clerk