

**MINUTES
FORT MADISON CITY COUNCIL
Tuesday, October 15, 2013- 7:00 P.M.**

The Fort Madison City Council met in adjourned session on Tuesday, October 15, 2013, at 7:00 P.M. at the Municipal Building, 811 Avenue E, Fort Madison. Presiding was Mayor Bradley A. Randolph with Council Members Chris Greenwald, Brian Wright, Kevin Rink, Neal Boeding, Travis Seidel, Jason Huppert and Mark Lair present.

VISITORS AND APPEARANCE REQUESTS

There were none.

AGENDA

Lair MOVED and Boeding SECONDED to approve the agenda.

MOTION PASSED 7 AYES

CONSENT AGENDA

Seidel MOVED and Greenwald SECONDED to approve:

- Minutes of October 1, 2013, as written;
- Liquor License Renewal: The Flower Cottage LLC, 717 Avenue G, effective October 1, 2013 – Class B Native Wine with Sunday Sales;
- Liquor License Renewal with conditions: Kinnick South, 1310 – 14th Street, effective November 7, 2013 – Class C Liquor with Outdoor Service and Sunday Sales, pending dram shop endorsement;
- New Liquor License: Ivy Downtown, 622 – 7th Street, effective October 15, 2013 – Special Class C Liquor (Beer/Wine), pending dram shop endorsement; and
- Payment of Claims.

MOTION PASSED 7 AYES

PUBLIC HEARINGS

The public hearings that were scheduled for tonight have been postponed.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. D-008, AMEND 9-7-6 AND 9-7-20(L): Greenwald MOVED and Rink SECONDED to approve the third reading of an ordinance amending City Code Section

9-7-6 restricting parking on Avenue E 150 feet west of the centerline of 13th Street and City Code Section 9-7-20 removing Paragraph L to remove the no parking designation on the north side of Avenue G in the 1800 block.

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
NAYES: None

MOTION PASSED 7 AYES

The Mayor then declared said Ordinance PASSED and APPROVED this 15th day of October, 2013.

Published in the Daily Democrat on October ____, 2013.

AMEND 9-7-13(B), ABANDONED VEHICLES: Seidel MOVED and Wright SECONDED to approve the first reading of an ordinance amending City Code Section 9-7-13(B) entitled "Abandoned Vehicles" to set impoundment and storage fees.

Chief Niggemeyer said the fees were last changed in 1978. Greenwald asked if the abandoned cars could be a revenue source for the City. Smith said this could be looked into.

ROLL CALL: AYES: Greenwald, Wright, Rink, Boeding, Seidel, Huppert, Lair
NAYES: None

MOTION PASSED 7 AYES

The Mayor then declared said Ordinance PASSED and APPROVED this 15th day of October, 2013.

OTHER

None.

DISCUSSION ITEMS

HISTORIC PRISON: Randolph reported that when the City started talks with Iowa State Penitentiary to supply water to the new prison three years ago, a conversation began about what would be the best kind of reuse for the old prison. He believed there were several possibilities for reuse. There is a track, basketball courts, ball fields, gym and auditorium. These could be used as a community center, museum, and the possible use by Southeastern Community College. It is still unknown what buildings will be demolished and what buildings the prison will still be using

Randolph is meeting with the Governor and members of the Department of Corrections on October 30. It is unknown if the State of Iowa would be willing to assist with funding for reuse.

Smith said the former Missouri State Penitentiary holds tours and had 18,000 visitors in the last three years. Former prison guards are the guides. The most popular is the paranormal tours held in the evenings. It was pointed out that Fort Madison's prison is the oldest prison west of the Mississippi River and Cellblock 19 is listed on the National Historic Register.

Michael Chapman, 1617 Avenue B, a current ISP employee, had some concerns. He said there are currently ball fields in existing City parks that need attention. Parts of the prison are nearly 200 years old and there are asbestos issues. He believed upkeep of the historic prison would be a money pit. He questioned if the prison is not fit for prisoners, is it fit for citizens?

Questions were raised regarding maintenance costs. Smith and Randolph said experts will be needed to review the remaining structures and determine the condition, what could be done and the costs. Randolph noted there are many things that are fluid concerning this and more information will be needed before a decision is made. This item will be on the next Council agenda for an update and discussion.

ALLOWING HUNTING WITHIN CITY LIMITS: Smith reported Zach Pieper approached the City last summer regarding a number of parcels he purchased along the river on what is commonly known as Rabbit Island. Pieper would like set up a hunting program in that area, such as waterfowl hunting which would require shotguns. Currently it is illegal to discharge a firearm within City limits. Smith contacted other communities in Iowa regarding their regulations. There are three options that City staff sees as viable possibilities:

1. Modify the City Code to allow some form of hunting within City Limits. A special use permit could be required that would allow hunting in certain situations with limitations. There could be an increased liability for the city.
2. De-annexation of the property. The property is on the edge of the City. Some of the property is submerged depending upon the time of year and there is little potential for development. However these parcels are how Fort Madison connects to industries such as Siemens, Climax and Dial. A strip of the property would have to stay within City limits if de-annexation were chosen.
3. Do nothing. Smith acknowledged this is probably not the safest or best way since the City now has knowledge hunting has been occurring in that area within City limits. He said this is probably not a viable option.

Smith said if the property were to be de-annexed it would have to include other properties on Rabbit Island. Lost property tax revenue would be approximately \$1,800 per year.

Zach Pieper, 7 Tammy Lane, said shortly after purchasing the property he was approached by two people who wanted to hunt there. He said people from all over the country hunt on properties such as his father's in the Green Bay bottoms.

Questions were raised over who had jurisdiction for hunting on the river. Smith said some of the river is within City limits. The Department of Natural Resources regulates hunting. The Coast Guard and Corps of Engineers also have authority over the river.

Randolph went to the site as he had concerns regarding the direction of the shoot and radius of fire safety for the cabins that are down there. Pieper showed him a "buffer zone". Pieper said he has researched distance and safety and did not see any safety issues outside the buffer zone. Shotgun slugs shot from a deer stand might be an issue but he said deer would not be hunted from a stand. The cabins are on the east end and he plans to use the west end of the island. He has spoken to some of the owners there. He added it would be in his best interests to have responsible hunters.

Pieper has spoken to some of the owners there.

If the area was de-annexed, Greenwald said he would prefer to leave as much of the property in City limits as possible. Pieper said it cost \$17,000 just to survey the property when he purchased it. While he would be happy to leave as much possible in the City he was concerned the costs would not make this viable.

Smith said there is one small area above the 500 year flood plain. Pieper would have to get a flood plain permit from the City in order to do any grading or construction. Pieper does have plans to put in gates on the east end as that is the only true access.

Mike Pulis, 216 – 12th Street, questioned if the City was liable as they now have knowledge hunting is occurring there. He felt either the hunting needs to be made legal or it has to stop.

Michael Chapman said Davenport and Des Moines allow bow hunting and asked what their liability was. He felt if Fort Madison had aspirations to annex to the bypass now might be the time to find out figure out how to allow hunting as it does occur between here and the bypass. He suggested the issuance of permits on a case by case basis.

City Attorney Robert Johnson said the City's liability could be reduced by how tightly an ordinance would be written. Smith said it is not required to have a de-annexation go through the Planning and Zoning Commission and Board of Adjustment but it would be good practice to do so.

Bob Morawitz, 1405 Avenue D, said he was concerned that allowing the de-annexation would set precedent for other persons who want to do something the city doesn't allow.

Johnson said there is a question of liability with everything. He felt a properly written ordinance could set limits so hunting is done in a way that reduces the risk of harm to other people. He did not see discharging firearms within city limits increasing the City's liability limits. Pieper said he has already included the City on his insurance as an additional insured.

Smith said other cities that staff has researched allow hunting but it is specific such as the hunting of geese in parks or bow hunting with restrictions. He felt an ordinance could be put together. Randolph believed the property owners down there should have

an opportunity to speak. The property owners would have to sign off on the de-annexation process.

Randolph said he was inclined to address the issue of hunting in City limits instead of waiting until someone wanted to annex in and continue to hunt on their land. Smith said the City could propose an application process with a special use permit.

PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS

The Sister City Commission is looking for a new Sister City. It has been difficult getting a response from the existing Sister City of Prum, Germany. The Tourism Commission hired a Tourism/Marketing Coordinator. The Commission will be coming to Council to ask for the Old Fort's share of the hotel/motel tax fund to be re-evaluated.

ADJOURNMENT

At 8:27 P.M., Seidel MOVED And Boeding SECONDED to adjourn until to adjourn until **Monday, November 4, 2013**, at 7:00 P.M.

VOICE VOTE APPROVAL

MANUAL CLAIMS AND WARRANTS: See Claims dated October 10, 2013 in the amount of \$394,901.51 and Manuals dated September 30 2013 in the amount of \$233,279.05.

<u>PAYROLL</u>	<u>10/4/2013</u>
General	\$148,997.07
RSVP	1,297.23
Docks	671.79
Old Fort	3,798.30
Merschon Trust	2,542.99
Road Use	18,003.76
Water	29,785.89
Sewer	30,289.43
Solid Waste	16,238.70
Storm Water	<u>2,832.74</u>
	\$254,457.90

Mayor Bradley A. Randolph
City of Fort Madison

ATTEST:

Melinda L. Blind, City Clerk