

MINUTES
FORT MADISON CITY COUNCIL
Tuesday, November 19, 2013- 7:00 P.M.

The Fort Madison City Council met in adjourned session on Tuesday, November 19, 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.

VISITORS AND APPEARANCE REQUESTS

Nancy Snaadt, Alliant Energy, gave an update on Alliant Energy's local activities during the past year. This includes a remodel of Alliant's Fort Madison office at 3621 Avenue L. Alliant also has supported community organizations and activities.

AGENDA

Seidel MOVED and Wright ECONDED to approve the agenda.

MOTION PASSED 7 AYES

CONSENT AGENDA

Rink MOVED and Greenwald SECONDED to approve:

- Minutes of November 4, 2013, as written:
- Resolution No. 2013-78 approving the Fiscal Year Ending 2013 Annual Urban Renewal Area Report;
- The 2013 Financial Report for Fiscal Year ending June 30, 2013;
- Liquor License Renewal: Haley's Comet, 1736 Avenue G, effective December 8, 2013 – Class B Native Wine Permit and Sunday Sales;
- Liquor License Renewal: Smokin' Joe's Tobacco and Liquor Outlet, 1737 Avenue, effective January 1, 2014 - Class E Liquor, Class C Beer, Class B Wine and Sunday Sales;
- Liquor License Renewal: Vel's Amigo's, 1226 – 37th Street, effective December 15, 2013 – Class C Liquor with Sunday Sales;
- Liquor License Renewal: Garner Foods, 2236 Avenue L, effective December 15, 2013 – Class C Beer with Sunday Sales;
- Partial Refund of a Class C Liquor License to: Frankie's, 709 Avenue H, in the amount of \$422.50;
- Resolution No. 2013-79, granting URTED to Craig/Linda J Tomfeld, 3624 Avenue L (garage, driveway, landscaping) Minutes of October 15, 2013, as written; and,
- Payment of Claims.

MOTION PASSED 7 AYES

ORDINANCES AND RESOLUTIONS

Concerning an Ordinance Amending Title 10, Chapter 31 to Allow Hunting Grounds as Special Uses

Mayor Randolph opened the public hearing at 7:09 P.M. Zach Pieper, #7 Tammy Lane, the owner of the property, said the adjoining property owners had received letters from the City regarding the matter and he had been in contact with all of them. The only concern raised was with an increase in traffic and he is working to address that by having the hunters carpool.

Bob Manka, #35 Alta Drive, was opposed to this change. He felt this was opening up the door. Pieper said the ordinance requires an 80 acre minimum property before anyone can apply. In addition, the City has to approve all stand and blind locations. He felt this was a common sense approach.

Doug Krogmeier, Planning & Zoning Director, said there are a few properties within City limits that meet the 80 acre criteria. Mayor Randolph noted a written comment from Steve Rippeteau who was also opposed to the ordinance change.

Wright MOVED and Boeding SECONDED to close the public hearing.

MOTION PASSED 7 AYES

1st READING, ADD 10-7-31, AMEND 7-2-43: Seidel MOVED and Boeding SECONDED to **amend Title 10, Zoning, by enacting a new Chapter 31, entitled "Hunting Grounds" and amending Title 7, Chapter 2, Section 43, entitled "Firearms; Discharging" to allow hunting grounds within City Limits as a Special Use and allowing for the discharge of firearms for the purpose of hunting under certain conditions.**

Krogmeier said many months of review and looking at other possibilities have gone into this. The staff, city attorney and Planning and Zoning Commission have put in many conditions. The following limitations apply:

- Minimum of 80 acres of land;
- Shotgun and archery hunting only;
- Hunting from blind or stand only;
- Increased DNR restriction regarding discharge of a weapon with 200 yards of a structure to 400 yards;
- Each hunter must carry a permission form at all times, **reviewable by peace officers in the field;**
- Each permission form will have a map of the allowed hunting area on it.

The permit is good for one year and then must be reviewed. Following this one year review, the Board of Adjustment can extend the permit for three more years or require yearly reviews.

Krogmeier said the Planning and Zoning Commission will hold a hearing at their next meeting if Council approves tonight's first reading. Pieper has asked if Council would waive the 2nd reading and approve the 3rd reading at Council's next meeting.

Seidel has looked at other cities who have done this and he felt this is stricter than most. Boeding asked if City Attorney Johnson and City Manager Smith were comfortable with the proposed ordinance. Johnson said he made some changes to the ordinance. He felt parts of the ordinance effectively take care of liability concerns and any concerns that he had. Smith said he was more comfortable with this than deannexation. He added the City's insurer is comfortable with this.

The property owner is accountable if there are violation and can have the special use permit revoked and/or a simple misdemeanor. Hunters can also be cited. Hunters can also lose their hunting license.

Boeding wanted each and every application to go through the same scrutiny this application has. Smith said the Board of Adjustment can turn down applications. Krogmeier said the Board of Adjustment cannot approve the permit until the Police Chief must approve the location of the blinds and stands.

At a question from Joe Heinrich, 1335 Avenue C, Smith said this special use is for the landowner and the landowner has complete say over who hunts on his property.

Mike Chapman, 1617 Avenue B, expressed concern over a felon hunting within city limits. Pieper pointed out the county has open hunting areas and do not do background checks. Krogmeier said Pieper must supply a permission form to each hunter and he is required to verify the hunter is legal to hunt.

Krogmeier said Council can remove the code section allowing hunting if they did not feel this was going the way they expected.

If a complaint is raised **Krogmeier** can bring the matter back before the Board of Adjustment before the permit expiration date. For example, if they were to drive deer, **Board of Adjustment could review the special use permit and if they chose to revoke the SUP**, the revocation would be effective immediately.

Council members can show up at the Board of Adjustment meeting and voice their opinion regarding any application. Krogmeier said the Board of Adjustment can add extenuating conditions or deny the request if they do not feel it is safe.

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 19th day of November, 2013.

Gathering Input about a Proposed Application for an Owner-Occupied Housing Rehabilitation Program in a Targeted Area in Fort Madison

Mayor Randolph opened up public hearing at 7:45 p.m.

Dan Eberhart, Southeast Iowa Regional Planning Commission, said the City had applied for this same grant last year, a Community Development Block Grant (CDBG) Housing Fund through the Iowa Economic Development Authority, were denied. The need for this project was originally identified through a housing needs assessment completed for the city indicating that this area was in potential need of rehabilitation. The application for the Fort Madison CDBG Owner Occupied Rehabilitation Program will be submitted Wednesday, December 11, 2013.

The request is for \$283,992 from the Iowa Department of Economic Development for an owner occupied rehabilitation program. All households assisted through this program will qualify based on income guidelines not to exceed 80% of county median income.

COUNTY	%MFI	1 person	2 person	3 person	4 person	5 person	6 person
Lee	80%	\$33,500	\$38,300	\$43,100	\$47,850	\$51,700	\$55,550

The owner occupied rehabilitated activity will take part in a targeted neighborhood roughly bounded by Avenue H to Avenue L and from 24th Street to 31st Street.

Under rehabilitation processes, households will not be displaced. In some instances some households could be asked to move temporarily while such things as plumbing, electrical, or lead based paint need to be dealt with. Proper coordination between the contractor and homeowner can prevent displacement. Any household asked to leave their premises will be told to do so for their own safety. This will be paid for out of "administrative costs" of the program.

Owner occupied rehabilitation means just that. Items covered are things such as electrical, plumbing, heating and venting, windows, roof, siding, and foundation. The program does not cover things such as air-conditioning and appliances. All code violations will be corrected.

There were no other oral or written comments.

Greenwald MOVED and Boeding SECONDED to close the public hearing at 7:50 P.M.

MOTION PASSED 7 AYES

RESOLUTION NO. 2013-80, APPLY FOR CDBG OWNER OCCUPIED HOUSING REHAB GRANT: Rink MOVED and Wright SECONDED to adopt a resolution authorizing the Mayor's signature on a grant application for a Community Development Block Grant (CDBG) Owner-Occupied Rehabilitation Program that will allow the rehabilitation of up to eight existing housing units within a designated area of Fort Madison.

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

MOTION PASSED 7 AYES

The Mayor then declared said Resolution ADOPTED and ENACTED this 19th day of November, 2013.

ORDINANCES AND RESOLUTIONS:

ORDINANCE NO. D-009, AMEND 9-7-13(B), ABANDONED VEHICLES: Lair MOVED and Greenwald SECONDED to approve the third reading of an ordinance amending City Code Section 9-7-13(B) entitled "Abandoned Vehicles" to set impoundment and storage fees.

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 19th day of November, 2013.

Published in *The Daily Democrat* on _____, 2013.

RESOLUTION NO. 2013-81, FIX DATE FOR PH FOR 801 AVENUE G: Greenwald MOVED and Huppert SECONDED to adopt a resolution fixing date for a public hearing on the proposal to enter into a Development Agreement with Fort Madison Bank Building, L.L.C. (801 Avenue G).

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 19th day of November, 2013.

RESOLUTION NO. 2013-82, FIX DATE FOR PH FOR 702 AVENUE G: Rink MOVED and Seidel SECONDED to adopt a resolution fixing date for a public hearing on the proposal to enter into a Development Agreement with Fort Madison Sears Building, L.L.C. (702 Avenue G).

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 19th day of November, 2013.

RESOLUTION NO. 2013-83, NAME DEPOSITORIES: Boeding MOVED and Lair SECONDED to adopt a resolution naming depositories.

City Treasurer Peggy Steffensmeier said the City needed to increase the amounts that can be deposited because of the amount the City will receive from the State of Iowa for Business Highway 61.

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 19th day of November, 2013.

REQUEST TO DESIGNATE AN OFFICIAL CITY SIGN: There was no action taken on this item because of an issue regarding the location of the sign and Iowa Department of Transportation sign regulations.

OTHER

APPROVE SUPPLEMENTAL AGREEMENT W/KLINGNER: Greenwald MOVED and Boeding SECONDED a motion to approve a Supplemental Professional Services Agreement Amendment No. 1 to the Santa Fe Depot Architect/Engineer Contract.

Smith said this agreement dates to 2007 when the depot project began. The scope of the project has expanded and the State is requiring a different level of inspection than

what was originally agreed upon with Klingner. The increase will be no more than \$37,916 to provide construction inspection and oversight for the platform.

MOTION PASSED 7 AYES

CONTRACT WITH SEIRPC TO MANAGE FM RLF: Greenwald MOVED and Seidel SECONDED to approve the Mayor's signature on the contract for managing and operating the Fort Madison Revolving Loan Fund (RLF) with Southeast Iowa Regional Planning Commission.

Smith said this matter came before Council a few weeks ago and Council requested changes be made to the contract. The original proposal was \$5,796 per year less interest. The new proposal has a base fee of \$2,900, plus an \$800 fee for each application. Any interest accrued on the funds would reduce the amount of the base fee.

Jeff Hannum, SEIRPC, said SEIRPC partners with local banks to provide gap financing. The banks have to approve the applicant first and only legitimate applications are processed by SEIRPC. Since 2010 only one application has been processed.

Smith said the funds being loaned are funds the City set aside for this purpose approximately 10 years ago. The City set the terms for the loans then and Council can review and adjust the terms if they choose to. Council members said they would like to review the terms.

MOTION PASSED 7 AYES

TRUCK PURCHASE, PUBLIC WORKS: Rink MOVED and Seidel SECONDED to approve the State Truck bid from Deery Brothers of West Burlington, Iowa, in the amount of \$35,488.00 for a 2013 Ford F350 4x4 truck for the Public Works Department.

Public Works Director Larry Driscoll said this will replace a 1999 Ford truck that will be sold at City auction. There is no plow for the 1999 truck and this would add another snow plow to the fleet.

MOTION PASSED 7 AYES

DISCUSSION ITEMS

There were none.

PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS

Smith reported he met with the Parks Board regarding the bond funds to be used for park projects. Randolph reported GRRWA is looking at reviving the shredder system and adopting a different landfill philosophy.

ADJOURNMENT

At 7:24 P.M., Rink MOVED and Boeding SECONDED to adjourn until to adjourn until Tuesday, December 3, 2013, at 7:00 P.M.

VOICE VOTE APPROVAL

MANUAL CLAIMS AND WARRANTS: See Claims dated November 14, 2013, in the amount of \$352,335.48.

<u>PAYROLL</u>	<u>11/15/2013</u>
General	\$160,553.26
RSVP	1,437.03
Old Fort	2,317.40
Road Use	18,202.69
Hotel/Motel	1,344.87
Water	27,861.89
Sewer	33,215.65
Solid Waste	18,298.76
Storm Water	2,926.44
	<hr/>
	\$266,157.99

Mayor Bradley A. Randolph
City of Fort Madison

ATTEST:

Melinda L. Blind, City Clerk