

**MINUTES  
FORT MADISON CITY COUNCIL  
Tuesday, March 1, 2016**

The Fort Madison City Council met in regular session at 7:00 P.M. on Tuesday, March 1, 2016, at City Hall, 811 Avenue E. Mayor Bradley A. Randolph presided with Council Members Chris Greenwald, Brian Wright, Kevin Rink, Rusty Andrews, Travis Seidel, Mark Lair and Chad Cangas present.

**VISITORS AND APPEARANCE REQUESTS**

There were none.

**AGENDA**

Cangas MOVED and Wright SECONDED to approve the agenda as written.

**MOTION PASSED 7-0**

**CONSENT AGENDA**

Seidel MOVED and Rink SECONDED to approve:

- ♦ Minutes of February 16, 2016, as written;
- ♦ Mayor's reappointment of Charles Ford to the Old Fort Commission, term expiring March 21, 2019;
- ♦ Mayor's appointment of Marie Brady-Whitcanack to the Old Fort Commission, term expiring March 21, 2019; and
- ♦ Payment of Claims.

**MOTION PASSED 7-0**

**PUBLIC HEARINGS**

***Concerning the Fiscal Year 2016-17 Budget***

Mayor Randolph opened the public hearing at 7:05 p.m. There were no oral or written comments.

Wright MOVED and Seidel SECONDED to close the public hearing.

**MOTION PASSED 7-0**

**RESOLUTION NO. 2016-17, ADOPT FY 2016-17 BUDGET:** Rink MOVED and Andrews SECONDED to adopt a resolution approving the Fiscal Year 2016-17 Budget, and directing the appropriate filings be made as required by law.

ROLL CALL:           AYES: Greenwald, Wright, Rink, Andrews, Lair, Cangas, Seidel  
                          NAYES: None

**MOTION PASSED 7-0**

The Mayor then declared said Resolution ADOPTED and ENACTED this 1st day of March, 2016.

***Concerning an Amendment to Title 10, Zoning, Chapter 12, B-1 Limited Retail, by adding a new Section 10, "Sidewalk Cafes"***

Mayor Randolph opened the public hearing at 7:08 p.m. There were no oral or written comments.

Wright MOVED and Cangas SECONDED to close the public hearing.

**MOTION PASSED 7-0**

**1<sup>st</sup> READING, AMEND 10-12-10 SIDEWALK CAFES:** Cangas MOVED and Lair SECONDED to approve the first reading of an ordinance amending Title 10, Zoning, Chapter 12, B-1 Limited Retail, by adding a new Section 10, "Sidewalk Cafes".

Planning and Zoning Director Doug Krogmeier said staff began working on this last year as someone had requested to do this. Staff reviewed several other city codes and used what is best for Fort Madison. This will leave five foot of walking space between the dining area and the curb.

ROLL CALL:           AYES: Greenwald, Wright, Rink, Andrews, Lair, Cangas, Seidel  
                          NAYES: None

**MOTION PASSED 7-0**

The Mayor then declared this Ordinance PASSED and APPROVED on it's first reading this 1st day of March, 2016.

**ORDINANCES AND RESOLUTIONS**

**1<sup>ST</sup> READING AMEND WATER RATES:** Lair MOVED and Seidel SECONDED to approve the first reading of an ordinance amending Title 6, Chapter 5, Section 66 and 68 of the City Code by adopting new Water Basic Monthly Service Charges and Monthly Rates and amending Title 6, Chapter 5, Section 69, Annual Adjustment of Base Charges.

ROLL CALL: AYES: Greenwald, Wright, Rink, Andrews, Lair, Cangas, Seidel  
NAYES: None

**MOTION PASSED 7-0**

The Mayor then declared this Ordinance PASSED and APPROVED on it's first reading this 1st day of March, 2016.

**1<sup>ST</sup> READING VACATE 1300 BLOCK AVENUE A:** Lair MOVED and Seidel SECONDED to approve the first reading of an ordinance vacating the platted "Avenue A" between the east line of 13<sup>th</sup> Street to a point approximately 316 feet west.

Krogmeier reported this is a strip of ground south of Skyline Drive. Staff has been going through all properties owned by the City and offering it to neighboring property owners if the City has no use for the section. This property must be vacated before it can be sold.

ROLL CALL: AYES: Greenwald, Wright, Rink, Andrews, Lair, Cangas, Seidel  
NAYES: None

**MOTION PASSED 7-0**

The Mayor then declared this Ordinance PASSED and APPROVED on it's first reading this 1st day of March, 2016.

**RESOLUTION NO. 2016-18, ORDER CONSTRUCTION PIP 2016-03, PHASE 2 WWTP REHAB:** Wright MOVED and Seidel SECONDED to adopt a resolution ordering construction, setting public hearing and bid letting for Public Improvement Project 2016-03, Phase 2 Wastewater Treatment Plant Rehab.

Public Works Director Larry Driscoll said the engineer's estimate for this project is higher than what was budgeted. Two alternates were added to the project. If necessary these can be removed now and addressed in about 10 years.

ROLL CALL: AYES: Greenwald, Wright, Rink, Andrews, Lair, Cangas, Seidel  
NAYES: None

**MOTION PASSED 7-0**

The Mayor then declared said Resolution ADOPTED and ENACTED this 1st day of March, 2016.

**RESOLUTION NO. 2016-\_\_\_\_, PROHIBIT ELECTIVE CITY OFFICE HOLDERS' FROM SERVING AS RESERVE POLICE:** Seidel MOVED and Cangas SECONDED to adopt a resolution establishing City Policy that no person holding an elective City office can serve as a reserve officer within the Fort Madison Police Department.

Wright said he contacted the Iowa Attorney General's office and has opinions from them regarding matters such as this. The State Code allows city employees and council members to serve simultaneously as reserve officers for the city.

Cangas said the information also says an elected official cannot hold a compensated position with the city as well. Wright said the information talks about hourly compensation. (Note: Fort Madison Reserve Officers are to be paid \$1.00 per year). Finance Director Peggy Steffensmeier said in 20 years she has never paid the reserve officers.

Andrews said he saw support for this from other city employees. He said someone in the fire department thought the fire department should be included also. He asked if this should be broadened. Seidel said he had discussed this possibility with the city manager.

Cangas said the City Attorney felt restricting this was allowable by Home Rule.

Wright asked why is this an issue now? Cangas said it was something he has questioned since becoming a Council member. He added this is not an issue with the mayor or councilman doing a bad job, he felt it was the appearance of a conflict of interest.

Seidel also had issues with this and the public had come to him with their concerns. Rink questioned why Seidel didn't bring it up earlier. Seidel said over time, for whatever reason, he got more phone calls, people stopping him the grocery store about this matter.

Greenwald said while the City Attorney quotes Home Rule in this, from his research the City can make guidelines tighter if something is being prohibited. However if the State Code allows something, then he did not believe the City has the right to change it. This is putting a restriction on people running for Council. The State of Iowa allows elected officials to serve as reserve officers. Rink noted that the City is trying to fill quite a few board and commission seats and this would kick volunteers off the police force.

It was clarified city employees are unable to serve on City Council as they would receive compensation as City employees. Steffensmeier pointed out John Luna was Council Member and was hired by the Parks Department. He had to resign from Council.

Randolph said as long as the conflict is recognized you can decide to vote or abstain. In 2005 when he first ran for office, the Attorney General said he was able to do both (council and reserve officer). The question becomes whether Home Rule would apply and there is a difference of opinion. In the 19 years he has been a reserve officer, no one, including the police department, have said they think it is a conflict of interest. He questioned the timing and the motive behind this.

Cangas said he felt it looks bad. His issue is whether people on the council who are also members of the police reserve are capable of making an unbiased decision and he believed that opens the City up to the appearance of a conflict.

Randolph believed Cangas just clarified his motive - this has to do with the hiring of a new police chief and wanting to create an unbiased decision.

Cangas felt it was inappropriate for someone to be subordinate to someone who is their subordinate. Randolph there is a mechanism in place where the police chief has the ability to terminate a reserve officer's appointment without justification. He would rather have the police department vote on this matter. He pointed out that he made a commitment and has expended a considerable amount of family time and his own money to do so.

Randolph said every time he has run for office it has either been for At-Large or Mayor and the entire community can vote for those seats. No one ever approached him with concerns that this was a conflict.

Greenwald said the only reason he ran again was nobody would run for this seat and now you are trying to place restrictions on running for the Council. He felt this was dancing around the real problems, and a lot of those problems can't be discussed in public. He recommended stepping back and fixing those problems. He would rather have every able-bodied Council member be a reserve. He added he has taken a leave of absence from the police department to remove any inference of a conflict of interest. It will be up to the police chief to determine if he can go back.

Wright felt the Council needed to let the department determine the best course of action.

Greenwald said if Council passes anything concerning Council, salaries, etc., it would not take effect until the next election. He felt this can be fixed but felt this was not the right way to do so.

Sherri Yasenchok, 1008 Old Denmark Hill, she agrees with both sides but think this is wasting the public's time and felt this needed to be addressed but in a more appropriate manner. She recommended Council look at the National Conference for State Legislators.

Jon Deen, a police officer with the Lee County Narcotics Task Force and Union President for the Police Union, said he has seen and heard of different conflicts. He said the officers involved in these conflicts are no longer on the police department and they won't speak up because they fear repercussion. He also fears repercussion from elected officials. He said they (police) walk around on pins and needles. He said if city employees are not elected officials, then elected officials should not be city employees. He added that if you make (Acting Chief) Gustafson make that decision, then he will not be the next chief of police.

Deen didn't believe it would be a good idea to leave the decision up to the officers. This is a very young department and only 6-8 officers have experience with these reserve officers on a professional level. He believed it should be a council vote.

Wright said City Code 7-10-3 required all reserve officers to be appointed by the Chief of Police and subject to City Council approval.

Chuck Osmanski, 3324 Timber Ridge, said he sees two problems. If the resolution is passed as it reads it slaps all volunteers in the community in the face. How many volunteers actually help in this community? He felt as a businessperson there is a choice. Sometimes the pressure is from inside, from fellow employees. He said now you are going through a change and you have to find someone who is strong enough to make those decisions. He felt this was micromanaging. What you really need is that leader to come up to you and say these are my problems and these are my recommendations to you. This is a two-sided thing, you are discrediting all the volunteers because you are picking on just one group and it could potentially be more. The other thing is you have an opportunity to correct a problem that exists in the department.

Cangas Called the Question.

ROLL CALL:           AYES: Andrews, Lair, Cangas, Seidel  
                          NAYES: Greenwald, Wright, Rink None

**MOTION PASSED 4-3**

**OTHER**

**APPROVE PURCHASE OF TRUCK UTILITY BOX:** Rink MOVED and Cangas SECONDED to approve the purchase of a truck utility box in the amount of \$10,327 from Knapheide Truck Equipment, Quincy, Illinois, for the Water Department.

**MOTION PASSED 7-0**

**HIRE WWTP LAB TECH/OPERATOR:** Rink MOVED and Cangas SECONDED to approve hiring a lab technician/operator at the Wastewater Treatment Plant.

Driscoll said an employee retired. This will fill that vacant position.

**MOTION PASSED 7-0**

**HR GREEN AGREEMENT/DRY CREEK STABLIZATION:** Cangas MOVED and Wright SECONDED to approve the Mayor and Clerk's signatures on Amendment No. 23 of an Engineering Agreement with HR Green for a project to stabilize the Dry Creek stream channel north of Avenue A.

Driscoll said the City was granted the use of the interest from a current SRF loan for this project. There are some private retaining walls that are failing. The City will use the funds to purchase the ground and repair the retaining walls.

**MOTION PASSED 7-0**

**TELEPHONE SYSTEM FOR CITY HALL:** Lair MOVED and Seidel SECONDED to approve the purchase of a telephone system for City Hall in an amount not to exceed \$22,000 from J & S Electronic Business Systems, Inc., of Burlington, Iowa.

Krogmeier said the City has been looking for a new phone system for several months. Staff has been reviewing the nine bids that were received. Of the three top bids, the bid from J & S Electronics had the best warranty.

**MOTION PASSED 7-0**

**DISCUSSION ITEMS**

There were none.

**DEPARTMENT HEAD REPORTS**

The Fire Department met with a National Guard team out of Des Moines to learn of National Guard resources available to the City. The Guard can be here within three hours following a disaster and within six hours have a communication center set up.

**PRESENTATIONS BY LIAISONS TO BOARDS AND COMMISSIONS**

The Board of Adjustment will meet next Wednesday to review a variance request. Varley attended a meeting of the Southeast Iowa Regional Planning Commission.

**ADJOURNMENT**

At 8:38 P.M., Wright MOVED and Cangas SECONDED to adjourn until Tuesday, March 15, 2016, at 7:00 P.M.

**VOICE VOTE APPROVAL**

**MANUAL CLAIMS AND WARRANTS:** See Manual Claims dated February 25, 2016, in the amount of \$455,958.64.

<b>PAYROLL</b>	2/5/2016
General	\$163,924.29
Special Revenue	4,532.82
Road Use	19,999.88
Water	26,382.84
Sewer	33,727.63
Solid Waste	15,045.18
Storm Water	2,756.07
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	\$266,368.71

<b>PAYROLL</b>	2/19/2016
General	\$164,559.72
Special Revenue	10,106.86
Road Use	21,487.58
Water	25,920.05
Sewer	37,011.81
Solid Waste	15,114.64
Storm Water	2,888.12
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	\$277,088.78

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Mayor Bradley A. Randolph  
City of Fort Madison

ATTEST:

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Melinda L. Blind, City Clerk