

CITY OF MUSCATINE  
IN-DEPTH CITY COUNCIL MINUTES  
Council Chambers – 7:00 p.m. – July 10, 2014

Mayor DeWayne Hopkins called the In-Depth City Council meeting for Thursday, July 10, 2014, to order at 7 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Shihadeh, Bynum, Phillips, and Spread. Also present were City Administrator Gregg Mandsager, Community Development Director Steve Boka, and Finance Director Nancy Lueck.

The first item on the agenda was a Blue Zones Update. Joni Axel, who resides at 208 W. 2<sup>nd</sup> Street and who has been actively involved with Blue Zones in Muscatine, gave a status report on the Blue Zones certification that took place on Jun 24-25, 2014. She thanked staff, City Council, and all those involved in the certification process.

Mayor Hopkins asked what will happen to the Blue Zones staff.

Ms. Axel stated that she and her team will no longer be with Healthways; however, Jodi Hanson will continue under the Chamber's umbrella. She stated a celebration will be held on July 29, 2014 from 5-7 p.m. in the First National Bank parking lot.

The next item on the agenda was a review of Titles 1, 2, 8 and 9 of the City Code.

City Administrator Gregg Mandsager introduced the topic stating that he and Finance Director Nancy Lueck would be reviewing major changes to Titles 1 and 2 and Community Development Director Steve Boka the major changes to Titles 8 and 9.

City Administrator Mandsager stated the City Code was shortened and cites the State Code where possible. He stated the Appendix is forthcoming as is the Fine and Fee Schedule which City Council will adopt by resolution. Under Title 1, Finance Director Lueck reviewed municipal infractions and the Mayor and City Council wages and elections. Under Title 2, she reviewed the active and required Boards and Commissions and pointed out that the City Code does address gender balance.

Community Development Director Steve Boka then reviewed changes to Titles 8 and 9. Speaking in reference to Title 8, he stated the International Building Code, 2012 Edition, has been adopted by reference as the Building Code for the City of Muscatine and the most recent edition of the National Electric Code has been adopted by reference as the Electrical Code for the City of Muscatine. He stated the Fuel Gas Code was updated from 1959. He then gave an overview of major changes made to the Housing Code.

Mr. Boka then reviewed Title 9 entitled Health and Sanitary Regulations. He stated that damages caused by the Emerald Ash Borer are now part of the City Code.

There was further discussion on the City Code update.

City Administrator Mandsager asked Council to contact either him, Nancy Lueck, or Steve Boka with any questions or comments they might have concerning the City Code update.

The final item on the agenda was a request to approve the use of city streets for the MDA Boot Drive.

#22891. Councilmember Bynum moved the request be approved. Seconded by Councilmember Rehwaldt.

Councilmember Fitzgerald stated he is still not in favor of this activity. He stated several offers have been made to get the firefighters off the city streets. He stated he feels they should take advantage of the other offers that have been made.

Councilmember Rehwaldt stated they will also be soliciting at Walmart.

City Administrator Mandsager summarized the opinion from the City Attorney. He stated clarification is needed on whether this activity will take place on street corners or in city streets. He stated the City Attorney's opinion indicates this activity cannot take place on city streets. He stated that allowing the use of city streets would be in violation of both the State Code and City Code. He pointed out that it could be done in the city right-of-way. He stated that allowing the Boot Drive to take place on city streets increases the city's risk and liability should something happen.

Councilmember Spread stated the City Council does not have the ability to change the State Code but can change the City Code. He stated this request involves more than just approving an application. He stated it also involves modifying the City Code. He said he does not see this activity happening unless the City Code is modified. He pointed out that if City Council chooses to approve this request in spite of the State Code, it could invalidate the insurance policy.

City Administrator Mandsager once again stated the City Attorney's opinion states that if City Council authorizes this activity, it will increase the city's risk and liability.

Councilmember Spread stated insurance is a risk management tool and does not stop anyone from filing a lawsuit.

Councilmember Bynum reviewed the information contained on the use of city property application received for the Boot Drive. He stated all of the money raised stays within the community and that insurance has been provided by MDA.

Councilmember Fitzgerald stated the discussion tonight is not about the merits of MDA. He stated that everyone is in agreement it is a wonderful organization. The issue tonight is whether or not we violate the State Code.

Councilmember Rehwaldt suggested City Council take action to suspend Section 5-14-1 of the City Code for three days to allow for this activity.

Councilmember Spread stated he does not feel the City Code should be suspended at all. He stated he received a call from a resident who feels this opportunity should be available to all charities and not just one charity. He stated he feels City Council would need to do the same for everyone. He stated the only way around this issue is to allow for solicitation in the right-of-way.

City Administrator Mandsager stated he feels the simple solution is to require that the Boot Drive take place in the city right-of-way. He stated he feels the city will be going down a slippery slope if we allow the Boot Drive to take place on city streets.

Councilmember Fitzgerald stated this request cannot be limited to just one organization.

Councilmember Phillips stated she liked the idea of using Hy-Vee and Walmart for the Boot Drive.

Mayor Hopkins asked for a roll call vote on the request to approve the use of city streets for the MDA Boot Drive.

Councilmember Rehwaldt asked how the run/walks are allowed on city streets and he was told the streets are shut down while the activities take place.

#22892. Councilmember Shihadeh moved to amend the original motion to allow the Boot Drive to be held on the city right-of-way. Seconded by Councilmember Spread.

City Administrator Mandsager suggested the motion approve the request for the Boot Drive using the city right-of-way (not the city streets) subject to a \$2,000,000 insurance policy and the conditions outlined in the proposed City Code amendments.

Vote – All ayes: Councilmembers Rehwaldt, Fitzgerald, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22893. Councilmember Shihadeh moved the meeting be adjourned at 7:54 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

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Gregg Mandsager, City Administrator