

CITY OF MUSCATINE  
REGULAR CITY COUNCIL MINUTES  
Council Chambers – 7:00 p.m. – June 4, 2015

Mayor Hopkins called the City Council meeting for Thursday, June 4, 2015, to order at 7:00 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Shihadeh, Bynum, and Spread.

The meeting began with the Pledge of Allegiance.

#23011. Councilmember Shihadeh, seconded by Councilmember Spread, moved the Consent Agenda be approved as follows:

- Regular City Council Minutes for May 21, 2015
- First and second reading for a Class “B” Beer Permit, Outdoor Service and Sunday Sales for Great River Days Inc., 101 Harbor Drive – Great River Days, Inc. (pending inspections and insurance); renewal of a Class “B” Native Wine Permit, Class “C” Beer Permit and Sunday Sales for Casey’s General Store #2906, 3509 Steamboat Way – Casey’s Marketing Company (pending inspections); renewal of a Class “B” Wine Permit, Class “C” Beer Permit and Sunday Sales for Hy-Vee Mainstreet, 510 East 6<sup>th</sup> Street – Hy-Vee Inc. (pending inspections); renewal of a Class “B” Native Wine Permit and Special Class “C” Liquor License for Tantra Thai Bistro, 101 West Mississippi Drive – CNY Group Inc. (pending inspections); renewal of a Class “C” Liquor License and Sunday Sales for Applebee’s Neighborhood Grill & Bar, 306 Cleveland Street – Apple Corps L.P. (pending inspections); renewal of a Class “C” Liquor License and Sunday Sales for Sticks N’ Stones Bar and Billiards 218 Walnut Street – Sticks N’ Stones Bar and Billiards (pending inspections); renewal of a Special Class “C” Liquor License and Sunday Sales for Peking Restaurant, 1700 Park Avenue, Suite C – Peking Chinese Restaurant Inc. (pending inspections and insurance); renewal of a Special Class “C” Liquor License, Outdoor Service and Sunday Sales for Elly’s Tea & Coffee House, LLC, 208 West 2<sup>nd</sup> Street, #8 – Elly’s Tea & Coffee House, LLC (pending inspections and insurance); and renewal of a Class “B” Wine Permit, Special Class “C” Liquor License, Outdoor Service and Sunday Sales for Wine Nutz, 208 West 2<sup>nd</sup> Street, #217 – Wine Nutz LLC (pending inspections and insurance)
- Approval of request from La Parallita/Fernando Pinon for use of city property for the summer season
- Approval of request for use of city property for The Onion Shoppe from 11 a.m. to 2 p.m. either in front of Stanley Consultants or on the riverfront
- Approval of request from Sts. Mary Mathias Catholic Church for use of city property for street procession on June 7, 2015 from 10:45 a.m. to 11:30 a.m.
- Filing of Communications 12A-F
- Bills for Approval totaling \$3,011,976.79

Vote – All ayes; motion carried.

#23012. Councilmember Rehwaldt moved to adopt the ordinance providing for the establishment of the Muscatine Riverview Reinvestment District pursuant to Section 15J.4 of the Code of Iowa and directed for its publication as required by law. Seconded by Councilmember Bynum. All ayes: Councilmembers Rehwaldt, Fitzgerald, Shihadeh, Bynum, and Spread. Motion carried.

#23013. Councilmember Fitzgerald moved the ordinance be adopted adopting the Municipal Code of Ordinances. Seconded by Councilmember Spread.

Andrew Anderson, 217 W. 4<sup>th</sup> Street, stated he had questions about the rental code changes.

Councilmember Fitzgerald asked what Mr. Anderson wanted addressed specifically.

Mr. Anderson stated his questions would probably be answered during City Council's discussion.

Councilmember Shihadeh asked Community Development Director Dave Gobin to elaborate on the nuisance abatement fees and police and fire department responses.

Mr. Gobin stated that for nuisance abatements, the property owner is given the opportunity to correct the nuisance and if they do not do so, the city does it for a fee. He stated there will be a fee for excessive fire/police calls. He stated staff will coordinate with both departments to make sure there is no double charging.

Councilmember Shihadeh asked about the rental inspection fees.

Mr. Gobin stated that currently the city issues a Certificate of Structural Compliance to the landlords but is now proposing to issue a license that will be effective for three years. He stated that currently each unit is charged \$60 for three years of inspections. He stated it is being proposed the property pay a registration fee of \$30 for the first year, \$30 for the second year, and \$30 third year. He stated the units will be inspected by the city the first year and then the landlord will inspect the units for the second and third years. He stated this is basically the biggest change in the inspection program.

Councilmember Shihadeh asked if staff has met with the Landlord Association.

Mr. Gobin stated he met with Steve Welk, president of the Landlord Association, and that he had asked the same questions Council has been asking tonight. He stated there are numerous rumors going around that can be cleared up with a presentation to the Landlord Association.

Mayor Hopkins asked when the presentation will take place, and Mr. Gobin answered June 16, 2015.

Mr. Gobin stated that if owners want to do background checks on potential tenants, it can be done through the Police Department at a much lower cost. He stated there are approximately 3,000 units in the city and they will be done in phases.

Councilmember Bynum asked Mr. Gobin if he had people lining up looking for answers, and Mr. Gobin answered no. He stated that no one has voiced opposition to the proposed ordinance changes.

Councilmember Fitzgerald asked if the public can attend the Landlord Association meeting being held on June 16, 2015.

Mr. Anderson stated the meeting is open to anyone who wants to attend.

City Administrator Gregg Mandsager stated the process of updating the Housing Code began in 2014 following a presentation by Mr. Boom of Davenport. He stated the Housing Code is just one piece of the puzzle and that tonight City Council is being asked to adopt the entire Code of Ordinances. He stated a lot of the questions and concerns voiced tonight can be handled on a one-by-one basis.

Councilmember Shihadeh asked if any portion of the City Code can be amended, and City Administrator Mandsager answered yes.

Councilmember Spread stated the current fee is a per unit fee, and Mr. Gobin stated it has always been a per unit charge.

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

#23014. Councilmember Spread moved the resolution be adopted setting a public hearing for the Airport T-Hangar Connector Road Project for Thursday, June 18, 2015, at 7:00 p.m. Seconded by Councilmember Shihadeh. All ayes: Councilmembers Rehwaldt, Fitzgerald, Shihadeh, Bynum, and Spread. Motion carried.

#23015. Councilmember Fitzgerald moved to approve the request from the Police Department to approve the Memorandum of Agreement for the use of Justice Assistance Grant (JAG) funds. Seconded by Councilmember Bynum.

Councilmember Shihadeh stated it was good to see the Police Department and the Sheriff's Department working together.

Vote – All ayes; motion carried.

#23016. Councilmember Bynum moved to approve the purchase of a leaf box from Bonnell Industries of Dixon, Illinois, in the amount of \$8,017. Seconded by Councilmember Spread. All ayes; motion carried.

#23017. Councilmember Fitzgerald moved to approve the purchase of a leaf vacuum loader from Elliott Equipment in the amount of \$26,716. Seconded by Councilmember Rehwaldt. All ayes; motion carried.

#23018. Councilmember Fitzgerald moved to approve the purchase of a double drum vibratory ride-on roller from Logan Contractors Supply in the amount of \$35,976.47. Seconded by Councilmember Spread. All ayes; motion carried.

#23019. Councilmember Spread moved to approve the restriction of on-street parking on Plaza Place back 136' from Colorado Street. Seconded by Councilmember Bynum.

Councilmember Shihadeh asked if the speed limit would remain at 25 mph.

Public Works Director Randy Hill stated the 25 mph speed limit would remain in effect down to Bandag Drive and then will increase to 30 mph from that point on down to University Avenue. He stated that the speed limit on Cedar Street has not been given a lot of thought.

City Administrator Mandsager stated the 25 mph speed limit is the construction speed and school speed.

Councilmember Rehwaldt asked when Cedar Street would be opening up.

Mr. Hill stated that tomorrow lasts until 11:59 p.m. but that it will be opening sometime tomorrow. He stated that MP&W still has some work to do.

Mayor Hopkins asked Mr. Hill when he thought the project would be completely done.

Mr. Hill stated it should be done in July or the first part of August.

Councilmember Shihadeh asked if the light would be flashing until school starts, and Mr. Hill stated it will be changed to a working light.

Vote – All ayes; motion carried.

The final item on the agenda was discussion concerning the draft MUSCOM 28E agreement.

City Administrator Mandsager thanked Councilmembers Spread and Fitzgerald and County Board member Jeff Sorenson for working together on a draft document for City Council's action. He stated staff is recommending approval of the draft agreement with a few minor changes.

Councilmember Fitzgerald stated the most recent additions are highlighted in boldface and are as follows:

- The auditing firm will be selected by the Muscatine County Board of Supervisors for auditing services.
- All radio equipment purchased will be public safety grade equipment that meets the P25 Phase I and II national standards.
- The MCJCC will comply with accreditation guidelines or standard set forth by the accrediting agency for communications and operations for the Muscatine Police and Fire departments.

Councilmember Fitzgerald stated the County Board's questions were answered through Mr. Sorenson.

Councilmember Spread stated he agreed with Councilmember Fitzgerald's comments and pointed out the meeting had lasted 2 ½ hours.

Councilmember Shihadeh thanked Councilmembers Spread and Fitzgerald for their help in getting an agreement ironed out. He stated it is a very important document.

Councilmember Rehwaldt also thanked Councilmembers Spread and Fitzgerald for their work.

Councilmember Bynum stated he was just glad it was over.

#23020. Councilmember Fitzgerald moved to accept the proposed MUSCOM 28E agreement as presented. Seconded by Councilmember Spread. All ayes; motion carried.

Under comments, Councilmember Fitzgerald thanked Jeff Sorenson and Matt Bonebrake for their assistance in completing the draft MUSCOM agreement.

Councilmember Bynum also thanked everyone for their efforts in getting this agreement approved.

City Administrator Mandsager stated that coming around the table was a copy of the city's new Community Profile.

Mayor Hopkins thanked Councilmembers Spread and Fitzgerald as well as Jeff Sorenson and Matt Bonebrake for doing such a great job.

#23020. Councilmember Shihadeh moved to adjourn the meeting at 7:33 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

---

DeWayne Hopkins, Mayor

ATTEST:

---

Gregg Mandsager, City Administrator