

CITY OF MUSCATINE
IN-DEPTH CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – April 14, 2016

Mayor Broderson called the City Council meeting for Thursday, April 14, 2016, to order at 7:00 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread.

The first item on the agenda was an Automated Traffic Enforcement presentation by Assistant Police Chief Phil Sargent.

Assistant Chief Sargent began his power point presentation with a history of the ATE program in Muscatine. He stated that Gatso USA was awarded the contract in March 2010, and the ATE Ordinance was adopted in September 2010.

Assistant Chief Sargent stated the following intersections were chosen for the location of the ATE devices:

- US Highway 61 at University Avenue (westbound approach)
- US Highway 61 at Mulberry Avenue (westbound approach)
- Park Avenue at Cleveland Street (north and south approaches)
- Park Avenue at Washington Street (north and south approaches)
- Cedar Street at Houser Street (east and west approaches)

Assistant Chief Sargent stated the two devices located on US 61 are for speed enforcement. He stated the approaches were activated in March 2011 except for the approach at Park Avenue and Washington Street which was activated in May 2011.

Assistant Chief Sargent stated staff worked with the Iowa Department of Transportation on the installation of the ATE devices and that the IDOT was responsible for the installation of the warning signs.

Assistant Chief Sargent gave an overview of motor vehicle crashes involving personal injuries and property damage from 2010 through 2015. He then gave an overview of citations issued from 2011 through 2015.

Mayor Broderson asked how numbers stack up at the different sites.

Assistant Chief Sargent stated the device at Cedar and Houser streets has more red light violations and the devices at University Drive and Mulberry Avenue have a lot of violations due to the sheer volume of traffic every day.

There was further discussion on the current ATE devices.

Assistant Chief Sargent then began his presentation on the plans to move the program forward. He stated the Police Department would like to look at the use of mobile speed enforcement which would include a mobile speed enforcement vehicle or trailer and hand held laser radar photo enforcement device. He explained how the mobile speed enforcement vehicle and the mobile speed enforcement trailer would work. He stated his preference would be the trailer because of its easy placement.

Assistant Chief Sargent then gave an overview of the hand held laser photo radar system. He provided the following information:

- Laser radar system that has been modified and equipped with photo enforcement equipment.
- Unit run by a sworn officer in similar manner as the laser radars the city already possesses.
- Violations will be processed through the Gatso processing center and would constitute a civil infraction as opposed to a criminal violation.
- Officer calibrates the laser and uses it during normal patrol duty time.
- Officer would not have to stop the offending vehicle making his/her job safer.

There was discussion concerning both devices.

Assistant Chief Sargent stated the current contract with Gatso USA is on a year to year contract extension. He stated the addition of mobile speed enforcement would require changes to the current contract.

Councilmember Spread asked how many of the units would be purchased if the decision is made to move forward with mobile units.

Assistant Chief Sargent stated the department would start with the purchase of one each of the devices.

Assistant Chief Sargent stated that if the decision is made to move forward with the mobile devices, it will be necessary to amend the ATE Ordinance. He stated the amendment would include language for the mobile speed enforcement option and also include a new speed violation category for 6-10 mph for school zone and construction zone enforcement with the use of mobile enforcement equipment.

There were further questions from City Council and citizens that were addressed by Assistant Chief Sargent.

The next item on the agenda was a review of Airport Operations with a power point presentation by Community Development Coordinator Adam Thompson.

Mr. Thompson stated the City of Muscatine as the sponsor/owner of the Municipal Airport has the ability to obtain funding, manage improvement projects, and manage leases of the airport facilities and land. He stated the Airport Advisory Commission assists the city in the operation of the airport facility.

Mr. Thompson stated the city has had a long-term relationship with Anderson-Bogert who provides engineering services for the airport projects. He stated the engineer determines FAA compliance and state compliance, provides project planning and preparation, and design and project management. He stated staff is looking at other firms that may help with future funding opportunities.

Mr. Thompson stated Carver Aero serves as the Fixed Base Operator (FBO). He explained the role of the FBO.

Mr. Thompson stated the airport facility in its entirety includes the terminal building, Runway 6/24 (main runway), Runway 12/30 (crosswind runway), corporate hangars, t-hangars, and the municipal building. He stated there is going to be a public meeting held this coming Saturday to talk about the runway reconstruction project and to talk about possible hangar improvements.

Mr. Thompson stated the terminal building at the airport is a great facility. He stated it provides a rest area for pilots, is the location of the FBO office, and has a conference room that the general public can use for open meetings.

Mr. Thompson then showed the location of Runway 12/30 which is 4,000' long and 75' wide and Runway 6/24 which is 5,500' long and 100' wide. He stated the airport is equipped to handle large jets. He then showed the location of the hangars at the airport. He stated two of the corporate hangars are privately owned. He stated the investments made in the structures basically determine the length of their lease. He stated the two corporate hangars owned by the city are rented by the FBO for storing of their private aircraft.

Mr. Thompson then talked about the t-hangars which are 40+ years old. He stated there are currently 18 people on the waiting list for a hangar and 12 people on the waiting list for a hangar upgrade. He then explained the city's policy for selecting tenants.

Mr. Thompson stated the municipal building (formerly the HON hangar) at the airport is used to store city equipment and upon occasion small aircraft.

Mr. Thompson stated the airport is a very busy facility with an average 39 planes per day. He stated 47% of that number is transient general aviation, 47% local general aviation, and 6% air taxi. He stated the Glider Club is very active at the airport.

Mr. Thompson then gave an overview of the five-year CIP/AIP for fiscal years 2016/2017, 2017/2018, 2018/2019, 2019/2020, and 2020/2021. He stated that in 10+ years the city's goal is to support quality infrastructure improvements, encourage and support aviation business development and corporate aviation program growth, increase airport traffic to better compete for state and federal infrastructure funding, build additional t-hangar facilities to support small business aviation programs, aviation clubs, and regional pilots, and to become 100% self-sufficient which means no subsidy from the General Fund.

Mr. Thompson then explained the proposed t-hangar expansion project.

There was discussion on how to make the municipal airport more competitive.

Community Development Director David Gobin stated one important item that needs to be known about the airport is the significant amount of air traffic that will be generated once the hotel is completed. He stated the FAA looks at everything by the numbers and the more aircraft using the facility the better. He stated he feels the FBO could charter flights out of Muscatine.

Councilmember Saucedo stated he would like to see more flights coming to Muscatine rather than going to Burlington.

Councilmember Natvig stated our local government stays in close contact with the FAA which has allowed us to get funding other cities cannot.

Mr. Thompson stated staff meets annually with the FAA and has regular contact with our state representatives as well. He stated they can see the city has a vision and are willing to put money into our airport.

The next item on the agenda was a review of the proposed Urban Chicken Pilot Program.

Community Development Coordinator Adam Thompson introduced Jay Brady to start the presentation off.

Mr. Brady, who resides at 417 Kindler Avenue, stated he was speaking on behalf of the local Muscatine Egg Gatherers group. He stated there are folks in the audience who may also want to speak.

Mr. Brady stated that in 2015, a group of citizens came to City Council asking for authorization to keep chickens on parcels smaller than two acres which is how this proposed pilot program came to be. He stated he has been working with city staff to come up with a program for City Council's consideration.

Mr. Brady stated the proposed pilot program would be good for the community, would provide a local food source supply, and is consistent with national and state trends. He also stated it would provide a great family activity and would be a socially just approach for those who cannot afford two acres of property in town. He stated everyone will be given an opportunity to participate in the proposed program which will allow the city to look at the impact of urban chickens.

Mr. Brady asked that City Council give the proposed pilot program a chance and then thanked them for their time.

Mr. Thompson then provided highlights to the proposed program. He stated the enrollment program will have the following requirements:

- 25 permits on a first-come basis for qualifying participants.
- Completion of mandatory "chicken rearing" class provided by the Muscatine ISU Extension office.
- Permit limit of no more than four hens.
- Application submitted to the Community Development office, reviewed by staff, and approved if all qualifications are met.

He stated eligibility for the program would mean a single family residence, no history of nuisance issues, no history of animal violations, no multi-family or rental properties, and completion of the educational chicken rearing class.

Mr. Thompson stated enclosures for the chickens must meet the following requirements:

- Enclosures must be located 15' from property lines and not located in the front yard.
- Must be built with solid walls and roof suitable for year round housing of hens.
- Must be built of appropriate building materials and well ventilated as determined by the Community Development Department.
- Must be lockable to keep chickens in and predators out.
- Must be secured to prevent release of hens.
- Must be kept in a sanitary condition and free of offensive odors and accumulation of waste.
- Must provide two square feet and two vertical feet of clearance per hen.

Mr. Thompson then provided examples of what the coops should look like. He stated that hens must be banded with numbered leg bands, have access to clean food and water at all times, and have access to an outdoor enclosure. He stated no roosters or other fowl are allowed and outdoor slaughtering is not allowed.

Mr. Thompson stated the Animal Control officer will respond to first complaints and then staff will address issues thereafter. He stated that participants in the program will give city staff the right to enter their yard to investigate complaints or abate any nuisance conditions. He stated the city may utilize various

means of enforcement such as warnings and then ultimately revoking the permit and removing the hens. He stated the city will have the right to revoke any permits and cancel the program at any time for any reason. He stated that because this is a pilot program and does go against the City Code, the city will have maximum flexibility in addressing all issues.

Mr. Thompson stated the annual permit fee is \$25 for the first permit with a \$10 annual renewal fee. He stated participants do receive free leg bands with the first permit, and any additional bands will be \$5 each.

Mr. Thompson stated hens cannot be kept in the home and enclosures cannot be part of or attached to the dwelling or an accessory structure. He stated coops are considered accessory buildings and will have to meet the requirements of the City Code.

Councilmember Fitzgerald asked if the leg bands were numbered.

Mr. Thompson stated they were numbered and will be integrated into the new inspection software so that Community Development and the Police Department are on the same page.

Councilmember Natvig asked how long other communities have had their urban chicken programs. He stated he had received a call from a resident who was concerned about the odor.

Mr. Brady stated a number of communities have had their programs for many years. He stated there are and have been chickens in Muscatine for a number of years. He stated that part of the genesis of this program is to have a program that is monitored and regulated.

Mr. Brady stated some folks might think of having urban chickens as a romantic idea and that is why the chicken rearing class is so important. He stated there are upfront costs that include construction of the coop, enclosures, purchase of the chickens, bedding, food, etc.

Mr. Brady stated he does not feel a large number of people are going to put chickens in their backyard. He stated if there is a large demand, it can be reported back to staff and a determination made on where they want to go with the program.

Councilmember Fitzgerald stated that 15' from the property line could put coops in the side yard.

Mr. Thompson stated the requirement would be 15' from the side property line and 15' from the rear property line but not in the front yard. He stated if the setback cannot be met, the property owner would not be eligible for the program.

Councilmember Harvey voiced his concerns about coops being visible by neighboring property owners and about the disposal of waste. He stated he feels these are concerns that should be addressed.

Councilmember Bynum asked who would be telling property owners that the maximum is four hens.

Mr. Thompson stated if the pilot program goes into effect, enforcement will be much stricter. He stated issues will be addressed on a complaint basis.

Councilmember Saucedo asked if other cities have a four chicken limit. He also asked how long the pilot program will last.

Mr. Thompson stated other communities have anywhere from four to six hens. He stated from a staff standpoint, the city is neutral in the proposed program and all decisions and changes made will be done by City Council. He said staff can provide an update to City Council in six months if they so desire.

Councilmember Spread asked why a two-year program.

Mr. Brady stated the first reason is the investment and the second reason is the fact that chicks are not fully grown until they are six months old. He stated the slow start to the program is why two years was selected.

Councilmember Saucedo asked how many were in the Egg Gathering Group, and Alice Spoto stated there are approximately 25 members.

Councilmember Saucedo asked if there will be any trouble filling the permits.

Mr. Brady stated he does not feel a lot of people will be participating in the program.

Councilmember Fitzgerald stated he is not necessarily excited about the program and thought it would only be for a one-year trial period. He stated he was still on the fence about the program basically because of the odor issue.

Councilmember Saucedo stated he was hesitant about a two-year program.

There was discussion on the time frame for a formal presentation on the program.

City Administrator Mandsager stated that as a pilot program, City Council will have a lot of flexibility. He stated that tonight staff is looking for a consensus to bring the proposed pilot program back for City Council approval.

Councilmember Harvey asked if the Animal Control officer knows they will be involved with the pilot program, and City Administrator Mandsager answered yes.

Kurt Pieper of 211 Roscoe Avenue stated that most urban chicken growers are very responsible. He asked that City Council give them a chance to prove they will take care of their chickens.

Angie Oveson of 714 Roscoe Avenue stated she feels the opportunity to raise chickens would be great therapy for her father who lost his wife of 25 years. Speaking in reference to the waste, she stated it would be great as fertilizer in gardens. She stated that during the winter months chickens do not roost so she asked that City Council please consider the two-year time frame. She asked City Council to please consider approving the pilot program.

The last item on the agenda was a request from Calacci Construction for the closure of E. 2nd Street at the 600 block beginning the morning of April 18, 2016. The street would reopen on April 22, 2016.

#23364. Councilmember Rehwaldt moved the request be approved. Seconded by Councilmember Natvig. All ayes; motion carried.

Under comments, Councilmember Natvig reminded everyone that Spring Cleanup Week is April 25-29, 2016.

Mayor Broderson congratulated Solid Waste Manager Laura Liegois for being named Volunteer of the Year by the Greater Muscatine Chamber of Commerce and Industry. She stated she had received a request to start pickle ball up on the courts behind Muscatine Community College. She also stated she had received letters from children who are opposed to the pit bull ban. She asked that the city provide hooded parking meters when the food pantry is in operation and to provide assigned parking for veterans visiting the Community Services building.

Mayor Broderson then stated she was going to create a special taskforce to look into the form of our local government. She also stated she will begin having a “Coffee with the Mayor” on the last Saturday of the month at Happy Joe’s from 9 to 10 a.m. to discuss a variety of issues.

Councilmember Harvey moved the meeting be adjourned at 8:50 p.m.

Gregg, Mandsager, City Administrator