

CITY OF MUSCATINE  
REGULAR CITY COUNCIL MINUTES  
Council Chambers – 7:00 p.m. – October 20, 2016

Mayor Broderson called the City Council meeting for Thursday, October 20, 2016, to order at 7:00 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Natvig, Bynum, Harvey, and Spread. Councilmember Saucedo joined the meeting for the Closed Session.

The meeting began with the Pledge of Allegiance.

#23586. Councilmember Fitzgerald, seconded by Councilmember Bynum, moved the Consent Agenda be approved as follows:

- Regular City Council Minutes – October 6, 2016
- In-Depth Council Minutes – October 13, 2016
- Second reading for a new Class “C” Beer Permit, Class “B” Wine Permit, Class “E” Liquor License and Sunday Sales for Express Mart, 4804 S Highway 61 – AVIYA LLC (pending inspections) and Cigarette Permit for Express Mart, 4804 South Highway 61
- Appointment of Gary Mowl to the Planning & Zoning Commission and Robert McFadden to the Zoning Board of Adjustment
- Filing of Communications 12A-F
- Bills for Approval totaling \$4,405,815.46

Vote – All ayes; motion carried.

**PUBLIC HEARING**

Mayor Broderson stated this public hearing concerns the proposed Urban Renewal Plan Amendment for the Consolidated Muscatine Urban Renewal Area.

There were no oral or written petitions for or against the proposed amendment.

#23587. Councilmember Fitzgerald moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

**PUBLIC HEARING**

Mayor Broderson stated this public hearing concerns a proposed Development Agreement with Harrison Lofts LLC, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement.

There were no oral or written petitions for or against the proposed Development Agreement.

#23588. Councilmember Fitzgerald moved the public hearing be closed. Seconded by Councilmember Spread. All ayes; motion carried.

**PUBLIC HEARING**

Mayor Broderson stated this public hearing concerns a proposed Development Agreement with KRE LLC, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement.

There were no oral or written petitions for or against the proposed Development Agreement.

#23589. Councilmember Natvig moved the public hearing be closed. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

### **PUBLIC HEARING**

Mayor Broderson stated this public hearing concerns the proposed lease of certain premises located at the Municipal Airport for Fixed Base Operations.

There were no oral or written petitions for or against the proposed lease.

#23590. Councilmember Fitzgerald moved the public hearing be closed. Seconded by Councilmember Rehwaldt. All ayes; motion carried.

### **PUBLIC HEARING**

Mayor Broderson stated this public hearing concerns the proposed vacation of utility easements in the Riverbend South Addition (3222 Clermont Drive).

There were no oral or written petitions for or against the proposed vacation of the utility easements.

#23591. Councilmember Fitzgerald moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

#23592. Councilmember Fitzgerald moved the resolution be adopted approving the Urban Renewal Plan Amendment for the Consolidated Muscatine Urban Renewal Area. Seconded by Councilmember Rehwaldt. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Bynum, Harvey, and Spread. Motion carried.

#23953. Councilmember Natvig moved the resolution be adopted approving the Development Agreement with Harrison Lofts LLC, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement. Seconded by Councilmember Spread. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Bynum, Harvey, and Spread. Motion carried.

#23594. Councilmember Spread moved the resolution be adopted approving the Development Agreement with KRE LLC, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Bynum, Harvey, and Spread. Motion carried.

#23595. Councilmember Rehwaldt moved to accept the property donated by Carver Riverfront Real Estate Inc. Seconded by Councilmember Harvey. All ayes; motion carried.

#23596. Councilmember Natvig moved the resolution be adopted approving the lease of certain premises located at the Muscatine Airport for Fixed Base Operations. Seconded by Councilmember Fitzgerald.

There was a question from City Council concerning the ability to negotiate the lease that was answered by City Administrator Gregg Mandsager.

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

#23597. Councilmember Rehwaldt moved to approve the Airport Manager's Agreement with Carver Aero. Seconded by Councilmember Spread. All ayes; motion carried.

#23598. Councilmember Fitzgerald moved the resolution be adopted approving the vacation of utility easements in the Riverbend Second Addition (3220 Clermont Drive). Seconded by Councilmember Spread. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Bynum, Harvey, and Spread. Motion carried.

#23599. Councilmember Natvig moved the resolution be adopted approving the final plat of the Shultz Acres Subdivision. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Bynum, Harvey, and Spread. Motion carried.

#23600. Councilmember Harvey moved the resolution be adopted authorizing the assessment of unpaid abatement costs and unpaid rental inspection fees to private properties. Seconded by Councilmember Bynum.

There were questions from City Council that were addressed by Community Development Director David Gobin.

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

#23601. Councilmember Fitzgerald moved to approve the submission of the Fiscal Year 2015/2016 Annual Financial Report to the State of Iowa. Seconded by Councilmember Natvig. All ayes; motion carried.

#23602. Councilmember Natvig moved to approve the application form as proposed by the Nominating Committee for appoints to the city's various boards and commissions. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#23603. Councilmember Fitzgerald moved to approve the grant agreement with the Iowa Department of Transportation for the T-Hangar Design and Apron Expansion Project at the Municipal Airport. Seconded by Councilmember Harvey. All ayes; motion carried.

#23604. Councilmember Harvey moved to approve Contract Modification #4 for the Community Development Block Grant Façade Renovation Project. Seconded by Councilmember Spread. All ayes; motion carried.

#23605. Councilmember Spread moved to approve the Quiet Zone Funding Agreement. Seconded by Councilmember Fitzgerald.

Councilmember Rehwaldt took the opportunity to recognize the Howe family for offering this additional funding.

Vote – All ayes; motion carried.

#23606. Councilmember Fitzgerald moved to approve the request from the Police Department to declare squad light bars as surplus property. Seconded by Councilmember Natvig. All ayes; motion carried.

#23607. Councilmember Fitzgerald moved the request be approved changing the alley located next to 1420 Park Avenue from a one-way to a two-way alley. Seconded by Councilmember Harvey.

Public Works Director Brian Stineman explained this alley is located on the back side of the vacant building and ends at the parking lot.

Vote – All ayes; motion carried.

#23608. Councilmember Natvig moved to approve the request eliminating parking on the north and south sides of Sunset Drive near the intersection of Sunrise Circle. Seconded by Councilmember Spread.

Lori Costas, 500 Sunset Drive, explained why she felt this proposed change was not necessary. She asked that City Council not move forward with the proposal.

Kathy Metcalf, 507 Sunrise Circle, explained she felt the change was necessary for safety reasons.

Meagan Koehler, 1512 Bidwell Road, explained why she was opposed to this proposal.

There were questions and comments from City Council that were addressed by Public Works Director Brian Stineman and City Administrator Gregg Mandsager.

Joel Krashaar, 3403 Baton Rouge Road, explained why he felt the proposed change was not necessary.

#23609. Councilmember Fitzgerald moved this matter be tabled to allow time for temporary measures to take place. Seconded by Councilmember Spread. All ayes; motion carried.

Mayor Broderson, speaking in reference to the update that was to be provided concerning the Muscatine County Sanitary Landfill Consent Order/Project Status, was going to be done by Barker Lemar in January.

Under comments, Councilmember Harvey stated he has learned that the CP Rail Holiday Train will be in the City of Muscatine on December 2, 2016, at 7:30 p.m. He stated the train is an awesome site to see.

Mayor Broderson stated she recently joined other mayors in Iowa for the Iowa Water and Land Legacy called “I Will”. She explained its purpose and encouraged all Iowans to support “I Will”.

Mayor Broderson stated Coffee with the Mayor will be held at 9:00 a.m. on October 29, 2016 at the Riverside Café.

#23610. Councilmember Natvig moved that the Mayor be excluded from the Closed Session pursuant to provisions of the Iowa Code Section 21.5.3A because the City Council finds that her presence at this meeting creates a conflict of interest as she is a potential adverse party to the pending/threatened litigation and her presence could waive the city’s attorney/client privilege. Seconded by Councilmember Fitzgerald. Five ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Harvey, and Spread. One nay: Councilmember Bynum. Motion carried.

The Mayor called for a short recess at 7:55 p.m.

#23611. Councilmember Fitzgerald moved to enter Closed Session at 8:04 p.m. pursuant to: (a) Iowa Code Section 21.5.1.c, to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position

of the governmental body in that litigation; and (b) Iowa Code Section 622.10 to discuss attorney/client privileged and attorney work product matters with legal counsel. Seconded by Councilmember Rehwaldt. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23612. Councilmember Fitzgerald moved to leave Closed Session at 9:28 p.m. Seconded by Councilmember Spread. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23613. Councilmember Spread moved to adjourn the meeting at 9:29 p.m. Seconded by Councilmember Harvey. All ayes; motion carried.

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Diana Broderson, Mayor

ATTEST:

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Gregg Mandsager, City Administrator