

CITY OF MUSCATINE
 REGULAR CITY COUNCIL MINUTES
 Council Chambers – 7:00 p.m. – May 16, 2013

Mayor DeWayne Hopkins called the City Council meeting for Thursday, May 16, 2013, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread.

The meeting began with the Pledge of Allegiance.

Teresa Chavarria and Amy Justus, both teachers at West Middle School, stated they have been working with 7th grade G2 students on proposals to make the City of Muscatine a better place to live. Ms. Justus stated there were 83 students involved in the project which was then narrowed down to five students who will be presenting their proposals to City Council tonight.

Hunter Stoll stated he feels the construction of a skate park in the north side of town would be a great improvement to the city. He stated that Eversmeyer Park would be a good location for the skate park.

Jaisey Yerington stated she feels that crosswalks placed on Oregon Street at Musser Park would provide better safety to residents trying to cross the street at that location.

Gage Faust stated he feels storm shelters are needed on both sides of town and he suggested they be placed at Longview Park and Musser Park.

Kyle Kilburn stated he feels an ice skating rink is needed at Weed Park.

Kortney Kuhlenbeck stated that the parks in the city need more swings.

Ms. Justus then presented a notebook to the city containing all of the proposals.

Mayor Hopkins praised the students and pointed out they are the city's leaders of tomorrow.

#22487. Councilmember Bynum, seconded by Councilmember LeRette, moved the Consent Agenda be approved as follows:

- Minutes approved for the May 2, 2013 City Council meeting and the May 9, 2013 In-Depth meeting
- Renewal of a Class "A" Liquor License, Sunday Sales and Outdoor Service for Veterans Of Foreign Wars Club, Inc. – Veterans Of Foreign Wars Club Inc., (pending inspections); approval of Outdoor Service Area for Missipi Brewing Company, 107 Iowa Avenue from May 23, 2013 through September 22, 2013 – R & D Operations, Limited (pending inspections and insurance); renewal of a Class "B" Beer Permit and Sunday Sales Class "E" Liquor for El Sombrero, 801 Oregon Street – Rosa Rojas (pending inspections and insurance); renewal of a Special Class "C" Liquor License and Sunday Sales for Peking Restaurant, 1700 Park Avenue – Peking Chinese Restaurant Inc. (pending inspections and insurance); approval of Outdoor Service Area for Las Lomas, 1519 Park Avenue from May 17, 2013 through January 19, 2014 – Juan Inc. (pending inspections and insurance)
- Approval of proclamation declaring May 24-25, 2013 as "Poppy Days"
- Filing of Communications 12A-G
- Approval of Bills for Approval totaling \$1,501,734.49

PUBLIC HEARING

Mayor Hopkins stated a public hearing was being held concerning the proposed Amendment #2 to the city budget for the fiscal year ending June 30, 2013.

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

#22488. Councilmember Shihadeh moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

#22489. Councilmember Spread moved to approve the second reading of an ordinance rezoning property at 3205 Cedar Street (Muscatine Power & Water). Seconded by Councilmember Phillips. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22490. Councilmember Fitzgerald moved to approve the final reading of an ordinance approving the 2013 Muscatine Housing Urban Revitalization Area and directed for its publication as required by law. Seconded by Councilmember Phillips. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22491. Councilmember LeRette moved the resolution be adopted approving the Urban Revitalization Plan for the 2013 Muscatine Housing Urban Revitalization Area. Seconded by Councilmember Spread.

#22492. Councilmember Fitzgerald moved to amend the motion changing the assessed valuation of new residential facilities from \$200,000 to \$175,000. Seconded by Councilmember Phillips.

Councilmember Shihadeh asked where the \$200,000 amount came from.

Community Development Director Steve Boka stated that number was derived from the most recent building permit data.

Councilmember LeRette asked if the ordinance would have to be done again if this amendment is approved, and Public Works Director Randy Hill answered no.

Vote on amendment – All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

Vote on original motion as amended – All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22493. Councilmember Natvig moved the resolution be adopted approving Amendment #2 to the 2012/2013 City Budget. Seconded by Councilmember LeRette.

Councilmember Shihadeh asked where this amendment puts the General Fund.

Finance Director Nancy Lueck stated if going by just the amendment, it will decrease the General Fund by \$81,600; however, in years past the city has come in under budgeted amounts and revenues have come in higher.

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

#22494. Councilmember Shihadeh moved the resolution be adopted accepting completed work for the Rehabilitate Runway Lighting Project at the Municipal Airport and authorizing final payment to Kimrey Electric. Seconded by Councilmember Spread. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22495. Councilmember Fitzgerald moved the resolution be adopted setting a public hearing on an Urban Renewal Plan Amendment for Thursday, June 20, 2013, at 7:00 p.m. Seconded by Councilmember Spread. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22496. Councilmember Phillips moved the resolution be adopted approving the operation and maintenance manual for the Mad Creek Levee Improvement Project. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22497. Councilmember Spread moved the resolution be adopted authorizing smoking rule changes for Public Housing. Seconded by Councilmember Natvig.

Councilmember Spread stated he had sent out an email earlier this week with a proposed amendment to clarify the smoking guidelines.

#22498. Councilmember Spread moved to amend the smoking rules as follows:

1. Tenants that presently smoke in their apartments as of May 3, 2013 will be allowed to do so through June 30, 2014 subject to the following terms and conditions:
 - Tenants agree to pursue a smoking discontinuation plan or other qualified medical assistance.
 - Tenants must provide quarterly assessments documenting their participation in a smoking cessation program.
 - Residents that have tenancy and are in good standing under the terms and conditions of their lease agreement as of May 3, 2013 are not subject to revocation of their lease solely for violating these smoking rules.
 - Designated smoking areas will be created immediately; however, those tenants who do smoke in their apartment will be allowed to do so until June 30, 2014.
 - After June 30, 2014 qualified tenants (those who identified themselves as smokers effective May 3, 2013) will be permitted to “smoke” e-cigarettes or like devices in their apartments.

Housing Administrator Dick Yerington stated he had seen Councilmember Spread’s memo concerning his proposed amendments and that his proposed changes are acceptable. He stated it is staff’s desire to create a safe environment especially for the young people who reside at Sunset Park.

Councilmember LeRette asked Councilmember Spread to strike his proposed amendment requiring tenants to enter into a smoking cessation program. He stated he feels it is not appropriate for the city to require tenants to attend type of medical program. He stated he feels that giving tenants a year to prepare is sufficient.

Councilmember Spread stated he was agreeable to Councilmember LeRette’s suggestion.

Councilmember Shihadeh asked if this is a HUD requirement.

Mr. Yerington stated HUD is not mandating the changes but is strongly recommending them.

Councilmember Fitzgerald asked what the turnover rate was for the Clark House and Sunset Park.

Mr. Yerington stated the turnover rate for Sunset Park is 30% and approximately 20 to 23% at the Clark House.

Councilmember Fitzgerald stated he feels it is the right of a tenant to smoke in their apartment until they leave and then smoking rules enforced for the new tenants.

Councilmember Shihadeh stated it is his understanding that when HUD mandates no smoking, the city will be required to follow their policy.

Mr. Yerington stated he believes Councilmember Shihadeh is correct. He pointed out that there are residents who have already quit smoking. He stated staff will do whatever City Council directs them to do. He stated he wants to move forward with residents that are moving in. He then stated that apartment complexes now being constructed do not allow smoking and that landlords do have the right to require that tenants not smoke on the premises.

Councilmember Fitzgerald stated he has no problem with requiring that new tenants not smoke; however, he does have a problem with forcing these changes on the current residents.

Mayor Hopkins stated he feels areas that are designated for smoking need to be kept clean of cigarette butts.

Roger Roth, a resident of the Clark House, explained why he was in favor of the smoking rules.

#22499. Councilmember LeRette moved to amend Councilmember Spread's original amendment by removing the requirement that tenants must participate in a smoking cessation plan. Seconded by Councilmember Phillips.

Councilmember Spread read the corrected amendment as follows:

- Residents that have tenancy and are in good standing under the terms and conditions of their lease agreement as of May 3, 2013 are not subject to revocation of their lease solely for violating these smoking rules.
- Designated smoking areas will be created immediately; however, those tenants who do smoke in their apartment will be allowed to do so until June 30, 2014.
- After June 30, 2014 qualified tenants (those who identified themselves as smokers effective May 3, 2013) will be permitted to "smoke" e-cigarettes or like devices in their apartments.

Vote on amendment – Six ayes: Councilmembers LeRette, Natvig, Shihadeh, Bynum, Phillips, and Spread. One nay: Councilmember Fitzgerald. Motion carried.

Vote on original motion as amended – Six ayes: Councilmembers LeRette, Natvig, Shihadeh, Bynum, Phillips, and Spread. One nay: Councilmember Fitzgerald. Motion carried.

#22500. Councilmember Bynum moved the resolution be adopted writing off certain debts of former public housing tenants. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22501. Councilmember LeRette moved the resolution be adopted approving easements for the Colorado Street Improvement Project. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22502. Councilmember Bynum moved to adopt the resolution of support for the Blue Zones Community Policy Pledge Actions. Seconded by Councilmember Spread.

Councilmember Bynum asked when the next Blue Zones meeting would take place.

Blue Zones Community Program Manager Joni Axel stated the next meeting is going to be held on June 4, 2013 at the Muscatine School Board Office at 2900 Mulberry Avenue.

Councilmember Fitzgerald asked for an explanation of a “complete street”.

Ms. Axel stated the vision of the Complete Street Program is to accommodate all users and takes into consideration the streets location and how it is used.

Public Works Director Randy Hill stated the Cedar Street and Colorado Street are being designed as complete streets. He also stated that the proposed 38 Connector was designed as a complete street.

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

#22503. Councilmember Natvig moved to authorize the issue to Sulzberger Excavating in the amount of \$15,000 for the demolition of the Pierce Mattress Store. Seconded by Councilmember Phillips.

Councilmember Fitzgerald asked why the slab flooring was being left in place.,

Mr. Hill stated it will allow parking for the Pierce business before construction actually begins.

Vote – All ayes; motion carried.

Under comments, Councilmember LeRette stated he felt the students from West Middle School had given a nice presentation.

Councilmember Bynum asked about the flood conditions.

Mr. Hill stated that right now the water is still somewhat high but there hasn't been anything in the forecast to indicate a second spike in the water level. He stated that staff is ready if that spike does occur.

Mayor Hopkins stated that Saturday is Armed Forces Day. He thanked those in the armed forces for what they do.

#22504. Councilmember Shihadeh moved the meeting be adjourned at 7:48 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

DeWayne Hopkins, Mayor

ATTEST:

Randy Hill, Acting City Administrator