

**CITY OF MUSCATINE**  
**REGULAR CITY COUNCIL MINUTES**  
Council Chambers – 7:00 p.m. – January 4, 2018

Mayor Diana Broderson called the City Council meeting for Thursday, January 4, 2018, to order at 7:00 p.m. Councilmembers present were Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm.

The meeting began with the Pledge of Allegiance.

Jacob Walker was sworn in as a new Police Officer by Mayor Broderson.

Several members of Leadership Muscatine came forward to share with City Council their student projects they are working on for 2018. Included were: Digitalizing information at MCC, reviving Phase 3 at Kent Stein Park, a fundraiser for Flickinger Learning Center, and working with at risk students at Muscatine High School on job opportunities.

#23206. Councilmember Saucedo, seconded by Councilmember Brackett, moved the Consent Agenda be approved as follows:

- Regular City Council Minutes – December 21, 2017
- Request for renewal of Class “C” Liquor License and Sunday Sales for Flaming Embers, 131 West 2<sup>nd</sup> Street – Flaming Embers Inc. (pending inspection) Request for renewal of a Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Fast Avenue One Stop, 2111 Park Avenue – BGA, LLC. (pending inspection) Request for renewal of a Class “C” Liquor License for Hy-Vee Clubroom, 2400-2<sup>nd</sup> Avenue – Hy-Vee, Inc. (pending inspections and insurance) Request for renewal of a Class “B” Wine Permit, Class “C” Beer Permit and Sunday Sales for West Side Store, 2201 Houser Street – DJMB LLC. (pending inspections and insurance) Request for renewal of a Class “B” Native Wine Permit, Class “C” liquor License and Sunday Sales for Sal Vitale’s Pizzeria & Pasta, 1010 Park Avenue – The Sicilian Pizza and Subs LLC. (pending inspections and insurance) Request for renewal of a Class “C” Liquor License, Outdoor Service and Sunday Sales for Rose Bowl, 1141 Grandview Avenue - Rosebros, LLC (pending inspections and insurance)
- Filing of Communication 12A-B
- Bills for Approval totaling \$296,585.29

Vote - All ayes; motion carried.

#23207. Councilmember Spread moved to approve the second reading of an ordinance amending Title 10, Chapter 20, and Title 10, Chapter 31, Section 1 of the City Codes Home Occupation Regulations. Seconded by Councilmember Saucedo. All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm. Motion carried.

#23208. Councilmember Brackett moved to approve the second reading of an ordinance amending Title 10, Chapter 21, and Title 5, Chapter 11 of the City Code for Sign Regulations.

There were questions and concerns from City Council that were addressed by City Planner Andrew Fangman.

Vote – All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm. Motion Carried.

#23209. Councilmember Fitzgerald moved to approve the second reading of an ordinance amending Title 8, Chapter 5, Section 2 and Title 8, Chapter 5, Section 4 of the City Code for Rental Facilities and Units. Seconded by Councilmember Spread. All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm. Motion carried.

#23210. Councilmember Harvey moved to approve the first reading of an ordinance amending various provisions of the City Code of Muscatine to remove the possibility of imprisonment for City Code violations. Seconded by Councilmember Saucedo.

There were questions and concerns from City Council that were addressed by City Administrator Gregg Mandsager.

Vote – All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm. Motion carried.

#23211. Councilmember Saucedo moved to adopt the resolution approving the release of a real estate mortgage under the 2009 Community Development Block Rehabilitation Program. Seconded by Councilmember Spread. All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm. Motion carried.

#23212. Councilmember Harvey moved to adopt the resolution setting a public hearing for Thursday, January 18, 2018, concerning the declaration of the Southerly 30.6 feet of Lot 47 of Terrace Heights Addition to the City of Muscatine, as surplus property. Seconded by Councilmember Brackett.

There was a question regarding an outbuilding currently on this property that was addressed by Community Development Director Dave Gobin.

Vote: - All ayes; Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm. Motion carried.

#23213. Councilmember Malcolm moved to adopt the resolution authorizing the release of a lien under the Small Business Forgivable Loan Program. Seconded by Councilmember Brackett. All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm. Motion carried.

#23214. Councilmember Saucedo moved to approve the submission of a DHS/AFG grant application for the purchase of 42 SCBA airpacks for the Fire Department. Seconded by Councilmember Harvey.

There were questions and comments regarding the airpacks that were addressed by Assistant Fire Chief Mike Hartman.

Vote - All ayes; motion carried

#23215. Councilmember Harvey moved to approve the purchase of two Stalker Radar Units for the Police Department in the amount of \$5732. Seconded by Councilmember Spread.

There were questions from City Council that were addressed by Police Chief Brett Talkington.

Vote - All ayes; motion carried.

#23216. Councilmember Fitzgerald moved to approve the purchase of two Whelan Inner Edge emergency light bars for the Police Department from Keltec Inc. in the amount of \$6454.68.

There were questions from City Council that were addressed by Police Chief Brett Talkington.

Vote - All ayes; motion carried.

#23217. Councilmember Saucedo moved to approve the purchase of a stainless-steel salt spreader for the Streets Department from Henderson Truck Equipment in the amount of \$18,862. Seconded by Councilmember Brockert.

There were questions from City Council that were address by Public Works Director Brian Stineman.

Vote – All ayes; motion carried.

#23218. Councilmember Brockert moved to approve change orders 007-013, 015-018, and 020-033 for the Mississippi Drive Corridor Reconstruction Project. Seconded by Councilmember Spread.

There were questions from City Council that were address by City Engineer Jim Edgmond.

Vote – All ayes; motion carried.

#23219. Councilmember Brackett moved to approve a five-year lease agreement with Yamaha Motor Corporation for the lease of 47 golf carts in the amount of \$521.58 annually for each cart, and a maintenance agreement with Harris Golf Carts in the amount of \$110.04 annually per cart. Seconded by Councilmember Spread.

There were questions from City Council that were address by Parks and Recreation Director Rich Klimes.

Vote – All ayes; motion carried.

At this time there was discussion among the City Council Members regarding the appointment of a councilmember to the Nominating Committee for Boards and Commissions. Mayor Broderson suggested that councilmember Brackett be appointed so that both councilmember representatives were at-large councilmembers and would represent all wards.

There was discussion regarding the other boards that would need to be filled with councilmembers and it was suggested that if they were interested in a particular board to email Mayor Broderson no later than close of business Monday, January 8, 2018 to be considered by the Nominating Committee.

#23220. Councilmember Fitzgerald moved to approve the appointment of Councilmember Brackett to the Nominating Committee. Seconded by Councilmember Harvey. All ayes; motion carried.

Under comments: Councilmember Saucedo welcomed new councilmembers and asked Public Works Director Brian Stineman to explain the policy for issuing a snow emergency.

Public Works Director Stineman stated that he had met with staff Friday morning in anticipation of the snow event. The snow emergency was issued at 8:30 am with a warning period and no tickets issued for the following four hours. He stated there had been a glitch in getting the phone message set up and that this has been taken care of and will not happen again. He stated that that considering there hasn't been a snow emergency in two years, he feels things went very well.

City Administrator Mandsager stated that the best way to be aware of a snow emergency as well as other things is to use the City's "Notify Me" option available on the city's website.

There was further discussion on the snow emergency issue rules and policies.

Councilmember Brockert asked Public Works Director Stineman for an update on the sewer repair project at Musser Street.

Mr. Stineman stated that the sewer pipe has arrived, the sections are being welded together by the contractor and that the pipe puller should arrive Friday or Monday. He stated that they should start pulling the pipe by Tuesday and should have it finished by the end of the week. He explained that due to the fires in California burning up part of the pipe that had been ordered, it had delayed the process.

Councilmember Brackett thanked the voters for coming out and voting.

Councilmember Brackett then asked about the status of Mr. Kauffman being removed from City Hall for a time period of six months. He stated he would like to see the six months ban reduced or done away with.

City Administrator Mandsager stated that it stands and that it is done several times a year at various City locations for misconduct.

Councilmember Brackett stated he would like to see something put together for citizens to read so that they understand what is and what is not acceptable at a City Council Meeting. He stated he feels that if people understood better what was allowed that this kind of thing could have been avoided.

City Administrator Mandsager stated that there is a copy of the Council Rules posted on the City Hall bulletin board adjacent to the agenda. He then stated that he would look into how we could improve the web site to include this information.

Mayor Broderson stated she had several calls from concerned citizens regarding the six months ban for Mr. Kauffman. She stated comments were made stating the Mayor should have been in charge of declaring a ban and questioning if the City Administrator had the authority to issue a ban during a council meeting.

Councilmember Spread stated that he had received comments stating that six months was not long enough for Mr. Kauffman to be banned and that there are always two sides to every situation.

City Administrator Mandsager stated that there had been discussion with the Police Department on different types of security we could set up to prevent future incidents.

Councilmember Malcolm asked that council take into consideration the six months ban of Mr. Kauffman and ask him to write a letter of apology and then as a council decide what action should be taken concerning the ban.

Mayor Broderson stated City Administrator Mandsager was out of order in ordering a ban during a council meeting and that she was in charge. She stated that according to the City Code, the Mayor keeps the order at a meeting. City Administrator Mandsager disagreed stating that on city Property the City Administrator does have that authority.

Councilmember Spread stated that going forward, it is important to maintain order at the City Council meetings.

Councilmember Brackett agreed with Councilmember Spread's comment and stated he would like to have clarification on who would have the authority to issue such a penalty.

City Administrator Mandsager stated that there is dual authority. The Mayor, City Council and City Administrator would all have authority.

Councilmember Brackett stated he would like to meet with the City Administrator to discuss this issue further.

Councilmember Malcolm asked if a letter of apology could be requested and the penalty reduced to 30 days. It was discussed by Council that they would like to see the letter first before making any decisions.

Mayor Broderson thanked the Leadership Muscatine group for attending tonight's meeting.

Councilmember Saucedo moved the meeting be adjourned at 8:40 p.m.

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Diana Broderson, Mayor

ATTEST:

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Gregg Mandsager, City Administrator