

**CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – February 1, 2018**

Mayor Diana Broderson called the City Council meeting for Thursday, February 1, 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.

#23238. Councilmember Brackett, seconded by Councilmember Saucedo, moved the Consent Agenda be approved as follows:

- Regular City Council Minutes – January 18, 2018
- Budget Review Minutes – January 25, January 27, and January 29, 2018
- Request on second reading for a new Class “B” Liquor License, Outdoor Service, and Sunday Sales for the Merrill Hotel and Conference Center, 119 Mississippi Drive – Riverview Hotel Development, LLC. (pending inspections and insurance). Request on second reading for a new Class “B” Wine Permit, Class “C” Beer Permit, and Sunday Sales for Dollar General Store #19625, 807 Grandview Avenue – Dolgencorp LLC, (pending inspection). Request for renewal of Class “B” Wine Permit, Class “C” Beer Permit and Class “E” Liquor License for Fareway Stores, Inc. #998, 2100 Cedar Plaza Drive – Fareway Stores, Inc. (pending Inspections). Request for use of City Property from Daphne Donald, Muscatine Community Schools for a 5K on May 5, 2018. Cigarette Permits for July 1-June 30, 2018. Dollar General Store 19625, 807 Grandview Avenue – Dolgencorp.
- Filing of Communication 12A-B
- Bills for Approval totaling \$1,441,143.52

Vote - All ayes; motion carried.

PUBLIC HEARING

Mayor Broderson stated this public hearing concerns an amendment to Title 10, Chapter 20; and Title 10, Chapter 31, Section 1 of the City Code, Home Occupation Regulations.

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

#23239. Councilmember Spread motioned that the public hearing be closed. Seconded by Councilmember Harvey. All ayes: motion carried.

PUBLIC HEARING

Mayor Broderson stated the public hearing scheduled for tonight regarding the West Hill Sewer Separation plans, specifications, form of contracts and cost estimate, has been cancelled and rescheduled for February 15, 2018.

#23240. Councilmember Fitzgerald moved to adopt on final reading an Ordinance amending Title 10, Chapter 20; and Title 10, Chapter 31, Section 1 of the City Code, Home Occupation Regulations. Seconded by Councilmember Brackett. All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm. Motion carried.

#23241. Councilmember Fitzgerald moved to adopt an ordinance amending various provisions of the City Code of Muscatine removing the possibility of imprisonment for city code violations. Seconded by Councilmember Spread. All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm. Motion carried.

#23242. Councilmember Harvey moved to adopt a resolution accepting the completion of the Cleveland Street 2017 Project, and authorizing final payment. Seconded by Councilmember Brockert. All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm. Motion carried.

#23243. Councilmember Fitzgerald moved to adopt a resolution accepting the completion of the Mulberry Avenue Construction Project and authorizing final payment. Seconded by Councilmember Harvey. All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm. Motion carried.

#23244. Councilmember Brackett moved to adopt a resolution setting a public hearing on April 5, 2018 for the Muscatine Municipal Housing 2019 Annual Plan. Seconded by Councilmember Spread. All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm. Motion carried.

#23245. Councilmember Harvey moved to adopt a resolution setting a public hearing on February 15, 2018 for the Sale of real estate described as: the easterly 30.6 feet of Lot 47 of Terrace Heights Addition to the City of Muscatine, Ia. Seconded by Councilmember Brockert. All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm. Motion carried.

#23246. Councilmember Spread moved to adopt the resolution setting a public hearing for Thursday, February 15th, 2018, for the West Hill Area Sanitary and Storm Sewer Separation – Phase 4. Seconded by Councilmember Saucedo. All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm. Motion carried.

#23247. Councilmember Brockert moved to approve a Law Enforcement Agreement between the City of Muscatine, Iowa and the City of Fruitland Iowa. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#23248. Councilmember Fitzgerald moved to approve an interagency agreement between the Iowa Department of Inspections and Appeals and the Muscatine Municipal Housing Agency. Seconded by Councilmember Brackett.

There were questions and concerns from City Council that were addressed by the Housing Administrator Jodi Royal-Goodwin.

Vote - All ayes; motion carried.

#23249. Councilmember Bracket moved to approve the purchase of property adjacent to the Sewer Separation Ravine Fill Area. Seconded by Councilmember Saucedo.

There were questions and concerns from City Council that were addressed by the City Engineer Jim Edgmond.

Vote – All ayes; motion carried.

#23250. Councilmember Brackett moved to approve a bio-gas production study to be performed by Iowa State University. Seconded by Councilmember Brockert

Water Pollution Control Director Jon Koch came forward to give an update on how the study would be done and what information we would gain through this study. Mr. Koch also encouraged everyone to stop down to the Water Pollution Control Plant for a tour.

Vote – All ayes; motion carried.

#23251. Councilmember Malcolm moved to approve the purchase of RFID Self Check, security gates and the opening day collection for the library. Seconded by Councilmember Spread. All ayes; motion carried.

#23252. Councilmember Fitzgerald moved to approve a request for City Council to support and sign on to an advocacy letter in support of the ATE's. Seconded by Councilmember Saucedo.

City Administrator, Gregg Mandsager, stated that there is no revenue from the ATE's unless someone is breaking the law. A driver will not be issued a violation unless they are more than ten miles an hour over the limit. If you don't break the law you won't get a ticket.

Councilmember Brackett stated he is not in favor of item because he doesn't agree with the documentation presented.

Vote – Six ayes, 1 Nay; motion carried.

Next on the agenda was discussion on enforcing City Council rules.

City Administrator Mandsager stated that the letter presented from Attorney Matt Brick was a nice summary for council to use going forward.

Councilmember Brackett stated that in the letter it states during a council meeting the mayor is the one to enforce the removal of an individual from a council meeting, or if the mayor does not act, the council could move for individual to be removed. In addition, the Sargent at arms or Chief of Police could remove an individual if the issue is of safety.

Mr. Brackett then stated the letter also stated the City Administrator could ban individuals from city property but cannot remove an individual while council meeting is ongoing.

Councilmember Fitzgerald states that the City Administrator has the right to ban from City Hall and you can't attend a council meeting if you are banned from City Hall. He then stated the chief of police is the one that intervened and removed the individual from city Hall and Mr. Mandsager just gave the Police Chief a number on how long he should be banned.

Councilmember Brackett Stated that in the video of the December 21st meeting the mayor was in process of addressing the individual and the City Administrator intervened and asked the Police Chief to come forward

City Administrator Mandsager stated the chief was already in the process of coming up to approach the individual in question.

Chief talking came forward and stated that the individual violated city ordinance with disorderly conduct by disrupting a public meeting and he could have been arrested for what he did.

Brackett states he does not agree with the way the ban was handled and would like more clarification on whether banning someone from city hall can keep them from a city council meeting.

Councilmember Spread stated the Mr. Brackett's questions were answered on the memo then stated the ban can apply to council chambers, City Hall, or other city property as circumstances warrant.

Councilmember Malcom stated that since it is a council meeting the ban should be made by the council not the City Administrator

Councilmember Brackett Stated he does not agree because odd behavior had been going from this person in other instances and had never been addressed.

Mayor Broderson stated that the Police Chief's decision should not be questioned

Mayor Broderson stated that their needs to be a set of guidelines for the public on what is and what is not acceptable if they are going to speak at a council meeting.

Councilmember Brackett moved that the ban for Mr. Kauffman be lifted, seconded by Councilmember Malcom.

There was discussion by City Council concerning the ban.

Councilmember Brackett moved to amend the motion for the ban stating that he would like to include that Mr. Kauffman sign a document stating that he has read and understands the code of conduct before the ban is lifted, seconded by Councilmember Malcom.

There was discussion by City Council concerning the amended ban.

Vote on amended motion - Two ayes: Councilmembers Brackett and Malcom. Five nays: Councilmembers Spread, Harvey, Brockert, Saucedo, Fitzgerald. Motion failed.

Vote on original motion - Two ayes: Councilmembers Brackett and Malcom. Five nays: Councilmembers Spread, Harvey, Brockert, Saucedo, Fitzgerald. Motion failed.

Under Comments, Councilmember Malcom stated he is concerned that the council couldn't give forgiveness to Mr. Kauffman.

Under Comments, Councilmembers Saucedo, Spread and Harvey all commented that budget meetings were ongoing and encouraged citizens to attend.

Mayor Broderson Stated there was a public hearing at the WPCP Thursday from 5-6:30 regarding the Mississippi Corridor project finishing down Grandview.

Councilmember Harvey moved the meeting be adjourned at 7.54 p.m.

Diana Broderson, Mayor

ATTEST:

Gregg Mandsager, City Administrator