

CITY OF MUSCATINE  
REGULAR CITY COUNCIL MINUTES  
Council Chambers – 7:00 p.m. –May 2, 2019

Mayor Broderon called the City Council meeting for Thursday, May 2, 2019, to order at 7:00 p.m. Present were: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald and Malcolm.

The meeting began with the Pledge of Allegiance.

**Communications-Citizens**

Mayor Broderon Swore in Firefighter Reece Hall, and Police Officers Quinton Whittaker, Cesar Cabrera and Albert Dabit.

Mayor Broderon recognized Bosch Pest Control for receiving the Better Business Bureau’s Torch Award for Ethics. Sandra Bowden of the Quad Cities Better Business Bureau was here to give the award to Bosch Pest Control owners Jeff Cochran, LeMar Miller and Kenlyn Miller.

**Consent Agenda**

Councilmember Saucedo, Seconded by Councilmember Brackett, moved the Consent Agenda be approved as follows:

- Items 6 A-B: Approval of City Council Minutes
- Items 8 A-N: Petitions and Communications
- Item 9 A-E: From the Mayor
- Items 12 A-C: Receive and File
- Bills for Approval totaling \$2,137,718.97

Vote – Ayes 7  
Nays 0  
Motion carried

**Public Hearing**

A. Mayor Broderon stated this public hearing concerns the proposed 2020 Annual Plan and Amendments to the Section 8 Housing Choice Voucher Administrative Plan and Public Housing Admissions and Continued Occupancy Policy

There were no comments, oral or written, from citizens regarding this public hearing.

Councilmember Saucedo moved the public hearing to be closed, seconded by Councilmember Spread.

Vote – Ayes 7  
Nays 0  
Motion carried

B. Mayor Broderon stated this public hearing concerns the proposed development agreement

with Bush Development, LLC and Hershey Development, LLC. The City proposed to enter into an agreement in connection with the redevelopment of the former Hershey Building into a mixed-use building, including multi-residential units and commercial/retail units.

There were no comments, oral or written, from citizens regarding this public hearing.

Councilmember Saucedo moved the public hearing to be closed, seconded by Councilmember Brackett

Vote – Ayes 7  
Nays 0  
Motion carried

### **From the Mayor**

Mayor Broderson read and signed a proclamation for Kids to Parks Day

Mayor Broderson read and signed a proclamation for Drinking Water Week and presented the proclamation to Brian Butler of Muscatine Power and Water. Mr. Butler thanked the City for recognizing the work Muscatine Power and Water does daily to ensure safe drinking water for the citizens.

Mayor Broderson read and signed a proclamation for Emergency Medical Services Week and presented the proclamation to Fire Department Chief Jerry Ewers.

Mayor Broderson read and signed a proclamation for National Police Week

Mayor Broderson read and signed a proclamation for Nation Bike Month and presented the proclamation to Greg Harper of Melon City Bike Club. Mr. Harper reminded citizens of the upcoming Melon City Criterium Bike Ride on May 26<sup>th</sup>, 2019.

### **Item 11A**

Councilmember Brackett moved to adopt Ordinance #2019-0078, amending Title 2, Boards and Commissions, to include Chapter 14 Public Art Advisory on third and final reading and to direct for its publication as required by law. Seconded by Councilmember Spread.

Vote – Ayes 7  
Nays 0  
Motion carried

### **Item 11B**

Councilmember Spread moved to waive the statutory rule requiring said ordinance to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to finally pass. Seconded by Councilmember Fitzgerald.

There were questions from City Council regarding the reasons for waiving the readings before passage that were addressed by City Administrator Gregg Mandsager. Mr. Mandsager stated that in the past it has been the practice to pass ordinances on second reading unless it was a change to City Code. He stated there had been delays for other reasons in this project and in order to move forward they were requesting to get this passed on second and final reading.

Councilmember Brackett and Councilmember Harvey stated that going forward if an ordinance was going to be passed on less than three readings a detailed reason be given at the time it is presented to City Council.

Vote – Ayes 7  
Nays 0  
Motion carried

Councilmember Brackett moved to adopt Ordinance #2019-0103, providing for the division of taxes levied on taxable property in the Consolidated Muscatine Urban Renewal Area, on second and final reading and to direct for its publication as required by law. Seconded by Spread.

Vote – Ayes 7  
Nays 0  
Motion carried

**Item 11C**

Councilmember Fitzgerald moved to approve the second reading of Ordinance #2019-0104, establishing refuse collection rate fees. Seconded by Councilmember Harvey.

There were questions from City Council regarding when the rates had been raised in the past, that were addressed by Finance Director Nancy Lueck. Ms. Lueck stated that the rates had been raised \$.50 in 2018, and before that it was 2011. Ms. Lueck stated that the rates are evaluated yearly and are raised to accommodate repairs and replacement of collection vehicles.

Vote – Ayes 7  
Nays 0  
Motion carried

**Item 11D**

Councilmember Fitzgerald moved to approve the first reading of Ordinance #2019-0105-0123, Amending Title 3, Chapter 5, Section 10 Subsection N of the City Code to extend the portion of the Riverfront in which alcohol is permitted at Special Events approved by Council. Seconded by Councilmember Brackett.

Councilmember Brackett stated that he wanted it to be clear to citizens this change would only be for special events approved by City Council, and does not mean that alcohol can be consumed anytime at this location.

Vote – Ayes 7  
Nays 0  
Motion carried

**Item 11E**

Councilmember Harvey moved to adopt Resolution #2019-0124, approving revisions to the Housing Choice Voucher Program Administrative Plan of the Muscatine Municipal Housing Agency. Seconded by Councilmember Brockert.

Vote – Ayes 7  
Nays 0  
Motion carried

**Item 11F**

Councilmember Brackett moved to adopt Resolution #2019-0125, approving revisions to the Public Housing Admissions and Continued Occupancy Policy of the Muscatine Municipal Housing Agency. Seconded by Councilmember Harvey.

Vote – Ayes 7  
Nays 0  
Motion carried

**Item 11G**

Councilmember Brackett moved to adopt resolution #2019-0126, approving the Annual Plan, approving the capital Fund Program Budget, and authorizing the Mayor to sign the Certification of Compliance with PHA Plan and related regulations. Seconded by Councilmember Malcolm.

Vote – Ayes 7  
Nays 0  
Motion carried

**Item 11H**

Councilmember Spread moved to adopt Resolution #2019-0127, approving a Development Agreement with Bush Development, LLC and Hershey Development, LLC, Authorizing Annual Appropriation Tax Increment Payments and pledging certain Tax Increment Revenues to the payment of the agreement. Seconded by Councilmember Brackett.

There were questions from City Council concerning verification of the dollar amount put into the project by the developer to qualify for the amount of the TIF Agreement. City Administrator Mandsager stated that at the end of the project, the assessor would assess the property value. Mr. Mandsager stated the City is also given a detailed explanation of the cost prior to the project beginning.

Vote – Ayes 7  
Nays 0  
Motion carried

**Item 11I**

Councilmember Brackett moved to adopt Resolution #2019-0128, setting a public hearing on May 16, 2019 for budget amendment #2, for fiscal year ending June 30, 2019. Seconded by Councilmember Harvey.

Vote – Ayes 7  
Nays 0  
Motion carried

**Item 11J**

Councilmember Brackett moved to approve request #2019-0129, approving Ambulance service fee schedule increase effective July 1, 2019. Seconded by Councilmember Saucedo.

Vote – Ayes 7  
Nays 0  
Motion carried

**Item 11K**

Councilmember Harvey moved to approve request #2019-0130, approving an increase in the speed limit on Bidwell Road from U.S. Hwy 61 to the existing 25 MPH speed sign West of Geneva Creek. Seconded by Councilmember Brackett.

There were questions from City Council regarding reasons for raising the speed limit and if other streets coming off the bypass were going to be considered that were addressed by Public Works Director Brian Stineman. Mr. Stineman stated that it is a better transition to slow down gradually coming off the bypass, and that other streets are being studied and considered for similar changes.

Vote – Ayes 7  
Nays 0  
Motion carried

**Item 11L**

Councilmember Fitzgerald moved to approve Request #2019-0131, approving the issuance of a purchase order to Brad Deery Maquoketa Ford, in the amount of \$24,976.80, for the purchase of a ¾ ton pickup truck for Public Works. Seconded by Councilmember Brackett.

There were questions and comments from City Council regarding being consistent with one brand of vehicle for the use of parts, that were addressed by Public Works Director Brian Stineman. Mr. Stineman stated he would look into the rules for placing bids and if that would be something that could be considered.

Vote – Ayes 7  
Nays 0  
Motion carried

**Item 11M**

Councilmember Brackett moved to approve Request #2019-0132, approving the issuance of a purchase order to Solar Traffic Systems, in the amount of \$6,085.20, for the purchase of 4 bike/pedestrian blinker signs for two trail crossings. Seconded by Councilmember Saucedo.

There were questions from City Council regarding the placement of these blinkers that were addressed by Public Works Director Brian Stineman. Mr. Stineman stated they would be placed on Hwy 22 crossing and Dick Drake Way Crossing.

Vote – Ayes 7  
Nays 0  
Motion carried

**Item 11N**

Councilmember Spread moved to approve Request #2019-2133, accepting Federal funding from the Iowa Department of Transportation, for the purchase of a light duty bus. The Funding is at 85% leaving the City responsible for the remaining 15%. Seconded by Councilmember Saucedo.

Vote – Ayes 7  
Nays 0  
Motion carried

**Item 11O**

Councilmember Harvey moved to approve Request #2019-0134, approving an amendment to the Water Quality Initiative Urban Conservation Project Grant. Because of recent flooding the project has been delayed and this amendment extends the agreement until December 31, 2019. Seconded by Councilmember Brackett.

Vote – Ayes 7  
Nays 0  
Motion carried

**Communication-Council Members**

Councilmember Brockert Thanked Police, Fire and Public Works Departments for hard work keeping the community safe during the flood we are experiencing.

Councilmember Saucedo Requested update from Public Works Director Stineman on flood conditions.

Mr. Stineman stated the City has implemented most phases of flood plan and that everything is working as expected. He stated Washington Street had to be closed today due to water over the road and that Public Works was working to resolve that issue. Mr. Stineman also stated that the Muscatine Levee was holding up and that it was being monitored continuously. Mr. Stineman stated that the railroad had been raising the rails on the tracks and that it would not affect the new crossings installed at the riverfront.

Councilmember Brackett requested an update from Community Development Director Jodi-Royal Goodwin about the HVAC system at Hershey Manor. Ms. Royal-Goodwin stated that the City manages Hershey Manor but decisions are made by the Hershey Manor Board. She stated the chiller had not yet been turned on and would be when the criteria for turning it on was met. She stated she had not had any calls from residents at this point asking for it to be turned on due to excessive heat in the building.

Councilmember Malcolm Thanked the Public Works Department for the long hours they have put in on flood and traffic control. Mr. Malcolm also stated the Salvation Army was holding its annual fundraiser dinner on May 17<sup>th</sup> and encouraged citizens to attend.

Mayor Broderson stated she had been asked by residents if stop signs could be placed at the intersection of Houser and Fulliam.

Mr. Stineman stated that had been discussed by the traffic committee and was not recommended but that it was City Council's decision.

Mayor Broderson thanked those that came to Coffee with the Mayor on Saturday, congratulated the 31<sup>st</sup> graduating class from Leadership Muscatine and stated that Second Saturday starts on May 11<sup>th</sup>. Mayor Broderson stated the guests on Our City this week would be Ann Meeker discussing the Peace Park Proposal and Scott Dalby discussing the Muscatine Food Pantry.

At this time City Council took a short recess to prepare for closed session.

Councilmember Fitzgerald moved to go into closed session per Iowa Code Section 21.5(1)(c) to discuss strategy with counsel on a personal injury/property damage lawsuit that is presently in litigation where its disclosure would likely to prejudice or disadvantage the position of the governmental body in that litigation, Seconded by Councilmember Saucedo.

Vote: Ayes 7  
Nays 0  
Motion carried

Closed session was called to order at 8:20 p.m. Councilmembers Present were Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald and Malcolm. Also present were Mayor Broderson, City Administrator Mandsager and Administrative Secretary Cinda Hilger. Attorney Amy Reasner was present via speakerphone.

Councilmember Harvey moved to leave closed session at 8:25 p.m. Seconded by Councilmember Brackett.

Vote: Ayes 7  
Nays 0  
Motion carried

Request to approve settlement agreement as recommended by ICAP and their legal council

Councilmember Fitzgerald moved to go into closed session per Iowa Code Section 21.5(1)(c) to discuss strategy with counsel on a personal injury/property damage lawsuit that is presently in litigation where its disclosure would likely to prejudice or disadvantage the position of the governmental body in that litigation, Seconded by Councilmember Saucedo.

Vote: Ayes 7  
Nays 0  
Motion carried

Closed session was called to order at 8:32 p.m. Councilmembers Present were Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald and Malcolm. Attorney Amy Reasner was present via speakerphone.

Councilmember Fitzgerald moved to leave closed session at 8:41 p.m. Seconded by Councilmember Spread.

Vote: Ayes 7  
Nays 0  
Motion carried

Request to approve settlement agreement as recommended by ICAP and their legal council and to allow for Mayor Pro Tem to sign documents on behalf of the City of Muscatine.

Meeting adjourned at 8:45 p.m.

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Mayor Diana Broderson

Attest:

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City Administrator, Gregg Mandsager