

MAQUOKETA CITY COUNCIL MEETING

Monday, June 3, 2019

Mayor Schwenker called the regular session of the Maquoketa City Council to order at 7:00 p.m. with seven members present.

Present: Kean, Baker, Lyon, Collister, Kuhlman, Barker, Horan

The group recited the Pledge of Allegiance.

Motion by Lyon, seconded by Kuhlman approving the consent agenda consisting of the agenda, May 30th minutes, bills, FY 19/20 cigarette permits for Can City, Casey's Marketing #2578, Casey's Marketing #2846, Fareway Stores #639, KJ's Convenience And Deli, Kwik Star #212, Kwik Star #894, Perxactly's Bar and Grill and Walmart Inc. #1509, renewal Class "E" Liquor license and Sunday Sales filed by B&C Liquor, new beer permit, outdoor sales and Sunday sales filed by Jackson County Fair Association, renewal wine permit filed by Ohnward Fine Arts Center, new Class "B" beer and outdoor service area filed by Maquoketa Firefighter's Association and Event Application filed by Karen Wells for Relay for Life.

Motion Carried 7-0

Richard Eugene Stimmel spoke in the audience requesting council read the letter he provided them related to constructive criticism.

Motion by Collister, seconded by Horan approving the second reading of Ordinance No. 1154, entitled, "An Ordinance To Amend The Official Zoning Map Of The City Of Maquoketa, Iowa, By Rezoning And Changing The District Classification Of Certain Real Property Located South Of 17th Street And North Of Highway 61, From "A-1" Agricultural To "B-1" General Business. Motion Carried 7-0

Julie Furne, Area Substance Abuse, spoke regarding the proposed ordinance to limit alcohol outlet density. She reported that this is a strategy from the State to protect kids from alcohol marketing. She stated Jackson County has passed the ordinance and so has the City of Miles. The City of Bellevue excluded short term events from the ordinance.

Wendy McCartt of the Chamber expressed concern with how this will impact current businesses and possible new businesses. She questioned what would happen if a current business was sold. Sarah Davenport informed Wendy that Hillcrest will be considered a school and this will affect the downtown area.

Furne stated that restaurants were excluded from the ordinance.

Wendy stated this ordinance would limit the number of businesses that could have a native wine permit.

Horan questioned if the radius could be increased to 500 feet or if the Platt Street Corridor could be excluded and Furne replied that the proposed ordinance is just a starting point. Council can make is more restrictive.

Mayor Schwenker stated kids are going to get alcohol if they want it. He expressed concern about limiting economic growth and he struggles to see how this ordinance will work.

Baker agreed with Schwenker.

Kuhlman questioned if this should be talked about at a committee. He stated he does not want to limit economic development.

Horan questioned if tobacco and nicotine could be included.

Motion by Baker, seconded by Lyon to table discussion regarding the alcohol outlet density ordinance.
Motion Failed 3-4 Ayes: Baker, Lyon, Barker Nay: Kean, Collister, Kuhlman, Horan

Schwenker questioned when it would be discussed.

Motion by Collister, seconded by Horan referring ordinance regarding alcohol outlet density to the Public Safety Committee. Motion Carried 7-0

Motion by Collister, seconded by Horan approving application for waiver concerning the construction of a "sidewalk to nowhere" for property at 607 Pershing Road. Motion Carried 7-0

Carl Reiner and a representative of Burrington Group gave an update about the Pocket Neighborhood. They stated that the water and sewer needs permitting from the DNR. Smith stated that the City has to request the permit.

Smith stated that he is also seeking authorization to go out for RFP's for the infrastructure work for the pocket neighborhood.

Schwenker stated Council could take a consensus but he has concerns with Council voting on an item that is not on the agenda. Smith stated he could check with the attorney.

Motion by Lyon, seconded by Barker to proceed with submitting application to Iowa DNR for utility work for the pocket neighborhood. Motion Carried 5-2 Nay: Collister, Horan

Baker stated he would rather just put it in a motion now since the attorney said it was okay. Motion by Baker to issue RFP's for infrastructure work for the pocket neighborhood.

Schwenker stated he is not comfortable making a motion about something that is not on the agenda and he would not recommend this.

Kuhlman stated he would agree with Schwenker.

Schwenker questioned if we would miss a deadline by waiting until the next meeting and the representative from Burrington said two weeks would be okay.

Baker withdrew his motion.

Schwenker reported that six engineers were interviewed for the Highway64/Platt Street Project and the Committee is recommending Bolton And Menk for the preliminary engineering.

Adrian Holmes from Bolton And Menk stated the firm is very excited to be selected and this will be a great opportunity.

Ellenz stated the motion should not be to award a contract but to negotiate.

Motion by Lyon, seconded by Horan to negotiation a professional engineering services contract for the Iowa Highway 64/Platt Street Project With Bolton and Menk for preliminary engineering design, NEPA services, final engineering design and minimal construction engineering (CE) services to review shop drawings and address questions regarding design/plan issues.

Schwenker stated this is not the motion on the agenda. He stated it is a tight deadline and the City will have to figure out how to proceed. He thinks there will have to be a special meeting.

Chandra, ECIA, stated the City cannot award a contract without negotiations due to Federal regulations.

Smith stated the motion could be amended to include negotiate and contract with confirmation from the attorney.

Chandra stated the motion should be to negotiate a professional engineering contract pending legal opinion.

Sheri Melvold stated the attorney might be okay with this but she feels it violates the open meetings law.

Lyon withdrew his motion and Horan withdrew his second.

Council scheduled a special meeting for Wednesday, June 5th at 7:00 a.m.

Motion by Collister, seconded by Kuhlman tabling discussion regarding award of professional engineering services contract for the Iowa Highway 64/Platt Street Project.

Motion Carried 7-0

Motion by Barker, seconded by Kean designating Library computers as surplus property.

Motion Carried 7-0

Motion by Barker, seconded by Kuhlman approving purchase of pump from Mississippi Valley Pump in the amount of \$7,841. Motion Carried 7-0

The item related to an emergency pump for South Slope Lift Station will be added to the Special City Council agenda.

Horan reported there will be a meeting about Crawford Park. He also stated the City is not entitled to federal funds for 5th Ward Park but MMEU may do a study and fund the project.

Kuhlman reported that Danny from MMEU has some extra lights and he is willing to put up 4-6 for the Skate Park. MMEU will install them in between their other projects. He questioned if Council is willing to have the lights installed and pay for the electricity.

Motion by Horan, seconded by Kuhlman adjourning at 7:52 p.m. All Ayes

Don Schwenker, Mayor

ATTEST:

Gerald Smith, City Manager