

MAQUOKETA CITY COUNCIL MEETING
Monday, July 6, 2020

Mayor Schwenker called the regular session of the Maquoketa City Council to order at 6:00 p.m. with six members present via Zoom Chat.

Present: Kean, Woodward, Lyon, Collister, Barker and Holm Absent: Kuhlman

Motion by Collister, seconded by Lyon approving the consent agenda consisting of the agenda, June 15th Minutes, June 17th Finance Committee Minutes, bills and Renewal of Cigarette Permit filed by B & C Liquors, LLC. Motion Carried 6-0

Motion by Barker, seconded by Lyon approving Ordinance No. 1174 – entitled, “An ordinance amending Title III, Chapter 10 of the City of Maquoketa Code of Ordinances – Junk Dealers”
Motion Carried 5-1 Ayes: Kean, Woodward, Lyon, Barker and Holm Nay: Collister

Motion by Barker, seconded by Lyon approving Ordinance No. 1171 – entitled, “An Ordinance amending Ordinance No’s. 727, 739, 851, 910, 912, 933, 935, 942, 945, 971, 997, 1018, 1026, and 1151 providing that general property taxes levied and collected each year on all property located within the amended Maquoketa amended and restated unified urban renewal area, in the City of Maquoketa, County of Jackson State of Iowa by and for the benefit of the State of Iowa, City of Maquoketa, County of Jackson, Maquoketa Community School District and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City in connection with the amended Maquoketa amended and restated unified Urban Renewal Area (Amendment No. 3 to the Maquoketa amended and restated unified Urban Renewal Plan)”
Motion Carried: 5-1 Ayes: Kean, Woodward, Lyon, Barker and Holm Nay: Collister

Motion by Lyon, seconded by Kean approving Ordinance No. 1172 – entitled “An Ordinance providing that general property taxes levied and collected each year on certain property located within the Western Avenue Residential Urban Renewal Area, in City of Maquoketa, County of Jackson State of Iowa, by and for the benefit of the State of Iowa, City of Maquoketa, County of Jackson, Maquoketa Community School District, and other taxing districts, be paid to a special fund for payments of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City in connection with the Western Avenue Residential Urban Renewal Area (Lot 1 Parcel)” Motion Carried: 5-1 Ayes: Kean, Woodward, Lyon, Barker and Holm Nay: Collister

Woodward questioned the language of the ordinance. Woodward understands that the city needs to keep safe buildings but the wording of the ordinance “that the city would be able to enter a building without permission” is over stepping and what the city would consider an emergency.

Mallory Smith stated the city would have the ability to enter a building for emergency reasons. Currently there is a building that is vacant that has a water leak and the city is unsure of how bad the leak is. The ordinance would grant permission for the city to enter to assess the situation and labeled them as unsafe buildings.

Don Schwenker questioned how the city would contact the owner.

Mallory Smith stated the point of the vacant building registration would provide contact information and list who is responsible for the building. Currently it is difficult to contact the owners or find someone who is responsible for that building. The county’s site doesn’t provide contact information, owners don’t answer letters or registered mail.

Woodward opinion was that a lack of contact information does not grant the city permission to enter private property.

Mallory Smith stated the current unsafe building code is similar to this ordinance. It states if contact can not be made with property owner then the city government, for the safety of the public, may step in and make it safe.

Barker stated the ordinance will give property owners accountability and be responsible for their properties.

Woodward questioned from the outside looking in, how can you tell a building is unsafe.

Mallory Smith stated the buildings that have water leaks, unsecured openings, broken doors and windows, parts of buildings falling in, falling off foundations and leaning.

Gerald Smith stated an example is the water leak. At a particular address there is a water leak and water running freely. There is an obligation to the State, IDNR and EPA to account for all missing water. There could also be a health and safety issue, due to mold and the city will need to access the situation. There could be variety of circumstances of why the city would need access if no one can be reached. Entering the home would be the last resort if no one can be reached.

Schwenker gave an example of a house that a couple years ago had a water leak of 14,000 gallons water.

Bodenhofer stated there have been situations where a water leak occurred and water was coming out of the foundation because the basement was full. The current house could have connection back to the water system. If there were to be a fire down the street there could be a back flow of water needed. It comes down to a health and safety issue.

Schwenker stated this ordinance will not take affect first it will be a last resort. All attempts will be made before entering the building.

Mallory Smith stated the idea of the registry is to avoid worst case scenarios and be a proactive measure.

Motion by Lyon, seconded by Kean approving Ordinance No. 1173 – entitled “An ordinance amending the code of ordinances of the City of Maquoketa, Iowa to establish a vacant building registration” Motion Carried 5-1
Ayes: Kean, Lyon, Collister, Barker and Holm Nay: Woodward

Motion by Collister seconded by Lyon approving Ordinance No. 1175 – entitled “An ordinance amending Title II policy and administration, Chapter 3 powers and duties of municipal officers’ section 8 meetings of the City Code of ordinances” Motion Carried 6-0

Motion by Lyon, seconded by Holm granting the Public Utility Easement of Parcel 1-2019, being part of the Northwest Quarter of the Southeast Quarter of Section 19, Township 84 North, Range 3 East of the 5th P.M. and also being part of Outlot 73 in the City of Maquoketa, Jackson County, Iowa, as shown on Plat of Survey recorded May 15, 2019 as Document No 19-1369 in the Office of the Recorder, Jackson County, Iowa, containing 10.50 acres. Motion Carried 6-0

Motion by Collister, seconded by Holm authorizing the sale of the 1995 Fire Tanker to Daryl's Mobile Service for \$6,500.00. Motion Carried 6-0

Motion by Collister, seconded by Barker authorizing the payment to Mississippi Valley Pump for the exchange of the NW Lift grinder in the amount of \$8,793.91. Motion Carried 6-0

Motion by Lyon, seconded by Barker approving the Façade Grant Application for repair and replacement of the awning at 140 S Main in the amount of \$871.09. Motion Carried 6-0

Motion by Lyon, seconded by Holm approving the Upper Story Housing Grant Application for renovations of a downtown property located at 107 N Main Street in the amount of \$7,500.00 Motion Carried 6-0

Motion by Lyon, seconded by Woodward approving Resolution 2020-40, Resolution setting Public Hearing on Monday July 20, 2020 at 6:00 p.m. regarding community development block grant (CDGB) DTR application, East of Main Street. Motion Carried 6-0

Motion by Lyon, seconded by Woodward approving Resolution 2020-41, Resolution setting Public Hearing on Monday July 20, 2020 at 6:00 p.m. regarding CDGB application Upper Story Rental Housing, Conversion Grant.
Motion Carried 6-0

Gerald Smith stated the easement referring the Thomas Ave easement was missed on the agenda and Gerald will hold a special meeting to address the easement.

Lyon stated the Garbage/Recycling survey is available on the city's website and Facebook. All citizens are encouraged to complete the survey to choose their size. 95 Gallons will be the default.

Collister stated he would like Public Safety to look into the Firework Ordinance. There were several police calls this past week regarding people setting fireworks off in streets and intersections.

Holm stated he received complaints in 1st ward of the length of time citizens are allowed to set fireworks off. The suggestion he received that the number of days are shortened.

Kean stated she received complaints regarding street signs being rusted and fading. Some of the signs are hard to read and can pose an emergency issue.

Frank Ellenz stated public works has installed \$2,000 worth of signs so far this year and another 15 signs that need to go up and will work on getting them installed.

Motion by Barker, seconded by Holm adjourning at 6:30 p.m. All Ayes

Don Schwenker, Mayor

ATTEST:

Gerald Smith, City Manager