

CITY OF MUSCATINE  
REGULAR MONTHLY SESSION OF CITY COUNCIL  
Council Chambers - January 3, 1991 - 7:30 p.m.

Larry Kemp, Mayor Pro Tem, called the meeting to order.

Roll Call: Councilmembers Brewer, Freese, Phillips, Kemp, York, Harder, and Gray present.

Marlin Rempfer, pastor of Our Savior Lutheran Church, gave the opening prayer.

The Pledge of Allegiance was given.

Councilmember Harder, speaking in reference to the December 20, 1990 Regular City Council minutes, stated that on page 7, the 11th full paragraph should be amended to read "One nay: Councilmember Harder."

Councilmember Phillips stated that on page 2 of the December 20 minutes, her intention in the ninth paragraph was to ask why Councilmember York would want to suspend the rules.

#12614. Councilmember Phillips moved to approve the minutes of the December 20, 1990 Regular Council meeting as amended, the December 13, 1990 In-Depth minutes, and the December 10, 1990 minutes for the Goals and Objectives Session. Seconded by Councilmember York. All ayes; motion carried.

Wayne Schaapveld, Route 4, Box 378, stated that he had tried to obtain a burning permit through the Fire Department; however, his request was denied. He told Councilmembers that he had cleared approximately 30 acres of land in the area off of Myrtle Lane, and he would like to burn the accumulated brush. He asked that Councilmembers approve the issuance of a burning permit so that the brush can be burned.

Councilmember Harder asked if Mr. Schaapveld was referring to the four-lot parcel of property off Myrtle Lane.

Mr. Schaapveld stated that Councilmember Harder was correct, noting that the property is located between Myrtle Lane and the By-Pass. He stated that he could either pay to have the brush removed or burn it on the property.

Councilmember York asked if emergency vehicles could reach the property should the need arise.

Mr. Schaapveld stated that the property is accessible.

Councilmember Kemp asked why the brush could not be hauled away.

Mr. Schaapveld stated the brush would be awkward to move.

Councilmember Harder stated that the City does haul brush, and he suggested that Mr. Schaapveld contact Randy Hill at the Public Works Department to see if this could be done.

Mr. Schaapveld stated that he would contact Mr. Hill; however, if the brush cannot be hauled away, he will once again seek a burning permit.

#12615. Councilmember Brewer moved the Consent Agenda be approved as follows: Filing of Communications A-F and approval of bills totaling \$464,891.45. Seconded by Councilmember Freese. All ayes; motion carried.

#### PUBLIC HEARING

Mayor Pro Tem Kemp stated that a public hearing was being held concerning the vacation of a utility easement off of Logan Street.

There were no written or oral petitions for or against the proposed vacation of the utility easement.

#12616. Councilmember Phillips moved the public hearing be closed. Seconded by Councilmember York. All ayes; motion carried.

#### PUBLIC HEARING

Mayor Pro Tem Kemp stated that a public hearing was being held concerning the proposed rezoning of land located on Lucas Street from R-3 to Agricultural. He pointed out that in 1987 the City ordinance was updated to allow this type of farm and equipment business to operate in an agricultural zone.

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

#12617. Councilmember Brewer moved the public hearing be closed. Seconded by Councilmember Gray. All ayes; motion carried.

#### PUBLIC HEARING

Mayor Pro Tem Kemp stated that a public hearing was being held concerning the proposed voluntary annexation and rezoning of real estate adjacent to the Eagle Ridge Development located off of Highway 22 East.

There were no written or oral petitions for or against the proposed voluntary annexation and rezoning request.

#12618. Councilmember Phillips moved the public hearing be closed. Seconded by Councilmember York. All ayes; motion carried.

#### PUBLIC HEARING

Mayor Pro Tem Kemp stated that a public hearing was being held concerning the City's proposed Capital Improvement Program (CIP) for fiscal years 1991/95.

There were no written or oral petitions for or against the proposed Capital Improvement Program.

#12619. Councilmember York moved the public hearing be closed. Seconded by Councilmember Brewer. All ayes; motion carried.

#### PUBLIC HEARING

Mayor Pro Tem Kemp stated that a public hearing was being held concerning the proposed application to the Department of Housing and Urban Development for funds to construct new residential units to assist housing needs of low and moderate income individuals.

John Haskins, 5502 Island Road, stated that as both a landlord and taxpayer it is his opinion that there is sufficient housing available in the community to meet the needs of the people. He told Councilmembers that he had driven through Muscatine earlier today and had counted five single family units that were not occupied. He stated that it was his opinion that the properties were not rented because they do not meet City Code requirements. He further stated that he felt Councilmembers should first talk with the landlords and property owners in the community, and he asked for an extension on the voting for the application funding in order to allow interested parties to respond.

Councilmember Kemp asked if Mr. Haskins feels the feedback from interested parties should include whether or not the private sector felt it could provide housing for low and moderate income families.

Mr. Haskins answered yes, noting that if the City can afford to build five new homes, it can afford to rehabilitate five existing homes.

Councilmember Brewer stated that it was his understanding that HUD does not finance the remodeling of homes in disrepair.

Jack Paetz, Housing Administrator, told Councilmembers that there is a program which does allow for rehabilitation of existing properties. He stated that rehabilitation costs would almost equal the costs for construction of new units.

Councilmember Kemp stated that he has received comments from residents who feel the housing units would receive better management if located closer together.

Mr. Paetz stated that in the City there is a tendency to find low income families in specific areas. He agreed that the units would be easier to manage if located closer together; however, he feels that scattered units could be managed just as well as the City's other housing units.

Councilmember York pointed out that the City had lost two properties in the past due to poor management.

Mr. Paetz pointed out that the properties were older and they probably did not get proper attention.

Councilmember York stated that one of the properties was in fairly good condition, noting that it could have been renovated.

Councilmember Kemp stated that the property was originally renovated by the renters; however, it soon fell into disrepair.

Councilmember York stated that a local contractor moved the building to another location and renovated it, noting that it is now being rented. He further stated that he does not want to see the City's money used for this type of operation.

Mr. Paetz pointed out that only five units are being proposed for construction.

Councilmember Kemp asked which wards would be selected for construction of these units, noting that the City has a tendency to construct housing units in certain wards.

Mr. Paetz told Councilmembers that the City would acquire property that would meet the guidelines, and he explained the guidelines to them. He stated that one item that would play a major role in choosing a site would be school population. He further stated that the City would like to construct units in areas that were traditionally not chosen in the past for this type of housing.

Councilmember Phillips stated that it sounds like an excellent program; however, she is concerned about annual maintenance and upkeep costs and how projected costs will affect the taxpayers in the future.

Mr. Paetz stated that he feels the City can look into the future on the basis of the past. He told Councilmembers that the housing projects in Muscatine are federally funded, and he sees no reason why that funding will not continue. He noted that local costs are not expected.

Councilmember Freese stated that he was concerned about how the units would affect the City's tax dollars.

Mr. Paetz told Councilmembers that operation and maintenance of the units will be funded either federally or through rental income.

Councilmember Freese asked if that would always be the case.

Mr. Paetz stated that no local tax dollars will be involved. He told Councilmembers that housing for low income families is rapidly disappearing and that the mechanism for helping these people is through the City's public housing programs. He stated that he feels the housing programs have been very successful, noting that they are also federally supported. He further stated that he does not feel the private sector can meet the needs of low income families.

Councilmember Kemp agreed that the housing units operated by the City are much better than those under the Section 8 program.

Steve Welk, 2122 Mulberry Avenue, told Councilmembers that he intends to submit a construction bid if the proposed development is approved. He stated that as a real estate broker he sees the need in Muscatine for low income housing. He told Councilmembers that a person interested in constructing a home through a bank would be responsible for 30% of the cash required to construct the home, and the loan would be financed at an approximate 12% interest rate. He stated that the private sector currently cannot construct homes to meet the needs of low income families. He further stated that he felt the City should take advantage of this funding opportunity.

Mike Johannsen, Community Services Director, stated that he supports the proposed public housing development, noting that he sees the need for this type of housing on a daily basis. He stated that it is not unusual to find 20 people living in a one bedroom unit. He noted that in the past week he had dealt with five homeless families. He stated that this type of housing would provide affordable housing and safe living conditions. He further stated that he felt the City's housing projects are well managed and attractive.

Councilmember Phillips asked if the people Mr. Johannsen made reference to were Muscatine residents or newcomers to the City.

Mr. Johannsen stated that he has both; however, the greatest majority of people are Muscatine residents that have become homeless for one reason or another.

Wayne Schaapveld asked where these people come from.

Mr. Johannsen stated that many of them were born and raised in Muscatine, and they are now being forced to live in overcrowded conditions for a variety of reasons.

Mr. Haskins asked how the City could allow this to happen, noting it is in violation of the City ordinance.

City Administrator A.J. Johnson stated that the City does have regulations concerning occupancy of rental properties; however, some overcrowded situations occur without the City's knowledge. He further stated that the City does take an aggressive approach to correcting these problems when they are discovered.

Mr. Haskins stated that he feels that every time the City uses federal funds for a project someone is going to pay for it, mainly the taxpayers.

Mr. Johannsen stated that he feels the proposed housing development is a positive approach to solving the housing problem in Muscatine. He noted that the City does have a transient society.

Mr. Welk, in explaining why such a need has arisen, stated that during the first quarter of 1990 many of the rental properties were sold. He noted that there are fewer properties for sale now than he has seen in the past 10 years. He noted that he has seen a rental crunch all year long and not just for low income properties.

Roger Roth, P.O. Box 474, pointed out that once the construction of the YMCA complex has been completed, people residing at its present location will be forced to move, adding to the need for low income housing. He further stated that even with the construction of these units there will still be a need for low income housing.

Councilmember Kemp asked Mr. Roth if he was in favor of the proposal and Mr. Roth answered yes.

Petitions favoring the proposed housing development were received from Katrina Wisniewski, Director of the Voluntary Action Center, Nancy J. Thornton, principal at Mulberry Elementary School, and Martha Garner, Program Director for the Parenting Programs at the YWCA.

#12620. Councilmember Brewer moved the public hearing be closed. Seconded by Councilmember Freese. All ayes; motion carried.

Mayor Pro Tem Kemp stated that Mayor Keig was attending an enhanced 911 meeting.

#12621. Councilmember York moved to approve the appointment of Dave Elliott, 518 Adams Street, to the Fire Code Board of Appeals. Seconded by Councilmember Phillips. All ayes; motion carried.

#12622. Councilmember York moved the resolution be adopted authorizing the sale and transfer of City property to Frank L. Kemper in the amount of \$915.85. Seconded by Councilmember Freese. All ayes: Councilmembers Brewer, Freese, Phillips, Kemp, York, Harder, and Gray. Motion carried and resolution duly adopted.

#12623. Councilmember Freese moved the resolution be adopted approving the 1991/92 through 1995/96 Fiscal Year Capital Improvement Program for the City of Muscatine. Seconded by Councilmember Phillips.

Councilmember Brewer stated that the information under the public hearing portion of the agenda indicated the program would be through fiscal years 1991/1995 and that Item 12E indicates fiscal years 1991/1996. He asked which was correct.

City Administrator Johnson stated that it should read through fiscal year 1995/96.

Vote - All ayes: Councilmembers Brewer, Freese, Phillips, Kemp, York, Harder, and Gray. Motion carried and resolution duly adopted.

#12624. Councilmember Phillips moved the ordinance be approved on first reading to amend the zoning ordinance for land adjacent to 3309 Lucas Street from R-3 to Agricultural to allow for business expansion at that location. Seconded by Councilmember Harder. All ayes: Councilmembers Brewer, Freese, Phillips, Kemp, York, Harder, and Gray. Motion carried and ordinance approved on first reading.

#12625. Councilmember Phillips moved the ordinance be approved on first reading to amend the zoning ordinance from Agricultural to R-L (Eagle Ridge Subdivision). Seconded by Councilmember York. All ayes: Councilmembers Brewer, Freese, Phillips, Kemp, York, Harder, and Gray. Motion carried and ordinance approved on first reading.

#12626. Councilmember York moved to approve the right-of-way assurance statement between the City of Muscatine and the Iowa Department of Transportation. Seconded by Councilmember Phillips. All ayes; motion carried.

#12627. Councilmember York moved to approve the housing application for federal funds for construction of five single family dwellings as well as one four-plex unit and to certify the City as a drug-free work place and anti-lobbying activities. Seconded by Councilmember Kemp.

Councilmember Kemp asked if the application could be approved with the understanding that the units be constructed in one area or if that decision could be made at a later date.

Mr. Paetz stated that the application was prepared on a scattered site basis.

Councilmember York stated that he will support the application but with reservations.

Councilmember Kemp stated that a suggestion made during the public hearing was to delay the issue to allow time for further input. He further stated that he would like additional input from other Councilmembers regarding their feelings on this issue.

Councilmember Phillips stated that she had received calls from people who were opposed to the proposed development.

Mr. Paetz stated that the application process is very competitive. He told Councilmembers that if the application does not receive a high ranking, the funding would not be received at this time.

Councilmember Phillips asked if the City has ever had a funding request denied.

Mr. Paetz told Councilmembers that the City has had a good track record. He stated that a few years ago the City had been denied certificates under the Section 8 program.

Councilmember Kemp agreed that the City has had a good track record. He stated that an unfortunate aspect of this funding process is the fact that if Muscatine chooses not to accept the money it will be awarded to someone else.

Councilmember Gray stated that he does support the proposed development; however, he voiced his concern about the fact that sometime in the future there may no longer be federal funds available.

Mr. Paetz told Councilmembers that the HUD budget during the 1980s was approximately \$31 billion and in 1990 was \$9 billion. He stated that it has been approximately 15 years since construction has taken place to meet the City's housing needs.

Councilmember Brewer stated that Sunset Park is a good example of a housing project and that he would prefer the development of this type of housing.

Mr. Paetz told Councilmembers that all of the City's housing programs have long waiting lists, noting that there is very little turnover in the three bedroom units.

Councilmember Brewer asked if the City owned the property located across from Sunset Park. City Administrator Johnson stated that he would find out if the City owns the property.

Councilmember Kemp asked if there would be room to expand Sunset Park if the City acquired more land. Mr. Paetz answered no. Councilmember Kemp stated that it was his understanding that the application, if approved as is, would be for construction of dwellings on scattered sites. Mr. Paetz stated that Councilmember Kemp was correct.

Councilmember Freese stated that he felt the City is encouraging low income families to remain on the housing programs.

Councilmember Harder stated that Councilmembers have inherited many responsibilities, and one is addressing the housing issue. He further stated that he felt constructing dwellings on scattered sites would not be economical and that he could not support the application as such. He noted that he was not sure he could support the construction of dwellings side by side.

Councilmember Kemp stated that the cost for construction of the units would be borne by the HUD program. He further stated that he could not support the approval of the application as is because he does not favor using scattered sites. He noted that he would be willing to move that the application be rewritten for non-scattered sites.

Vote - All nays: Councilmembers Brewer, Freese, Phillips, Kemp, York, Harder, and Gray. Motion defeated.

#12628. Councilmember Kemp moved that the application be approved with the exception that the housing units be constructed in one area. Seconded by Councilmember York.

Mr. Welk stated that from the buying/selling aspect, the proposed dwellings would probably sell faster if constructed on scattered sites.

Councilmember Brewer asked what would happen to the money should the City decide to sell the properties.

Mr. Paetz stated that the money would revert back to the City and would be used to develop more housing.

There was discussion on the home ownership program that is now available.

Vote - Five ayes: Councilmembers Brewer, Freese, Kemp, York, and Gray. Two nays: Councilmembers Phillips and Harder. Motion carried.

City Attorney Harvey Allbee, Jr., speaking in reference to Item 12D in the agenda packet, stated that Councilmembers must approve the resolution annexing certain lands to the City of Muscatine for the purpose of amending the boundaries of Lot 7 of the Eagle Ridge Development.

#12629. Councilmember Phillips moved the resolution be approved. Seconded by Councilmember Freese. All ayes: Councilmembers Brewer, Freese, Phillips, Kemp, York, Harder, and Gray. Motion carried and resolution duly adopted.

City Administrator Johnson, speaking in reference to the public hearing on the proposed vacation of a utility easement in the Schultz Addition off of Logan Street, stated that Councilmembers must approve the resolution vacating the utility easement.

#12630. Councilmember York moved the resolution be approved. Seconded by Councilmember Freese. All ayes: Councilmembers Brewer, Freese, Phillips, Kemp, York, Harder, and Gray. Motion carried and resolution duly adopted.

City Administrator Johnson, speaking in reference to the sale and transfer of City property to Frank Kemper, stated that a resolution must be adopted approving the executed warranty deed.

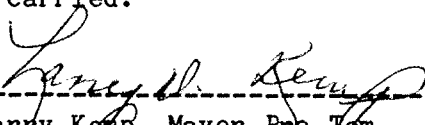
#12631. Councilmember Freese moved the resolution be approved. Seconded by Councilmember Harder. All ayes: Councilmembers Brewer, Freese, Phillips, Kemp, York, Harder, and Gray. Motion carried and resolution duly adopted.

Councilmember York, speaking in reference to the approval of the housing application, asked if resolutions must be approved certifying the City as a drug-free workplace and designating anti-lobbying activities.

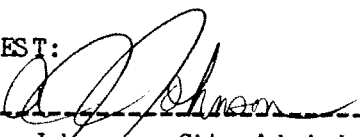
City Administrator Johnson stated that these resolutions were included as part of the housing application.

City Administrator Johnson stated that Councilmembers had before them a proposed schedule for the upcoming budget review sessions. He asked that he be notified of any conflicts they might have with the schedule.

#12632. Councilmember Gray moved the meeting be adjourned. Seconded by Councilmember York. All ayes; motion carried.

  
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Larry Kemp, Mayor Pro Tem

ATTEST:

  
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A.J. Johnson, City Administrator