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# MAQUOKETA

# SENTINEL-PRESS

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MSP photo by Kelly Gerlach

## Mobile mocha-maker makes stop in Maquoketa

**Area residents** didn't even have to walk into the Maquoketa McDonald's for coffee beverages early Thursday morning. The McCafé Bus parked in the adjoining lot and its crew handed out samples of the fast food restaurant's new line of specialty coffee beverages, including cappuccinos, mochas and lattes. Hot or iced and made to order the free drinks were impossible to turn down for passersby. The new beverage offerings also include hot and iced Premium Roast brewed coffees and hot chocolate.

# Unpaved parking lot causes disagreement

**By DOUGLAS MELVOLD**

The Maquoketa City Council and a commercial real estate developer may be headed to court to settle a disagreement over an unpaved parking lot.

The council's Finance Committee recommended Thursday, June 4, that the council withhold a \$60,000 tax-increment financing payment until the paving is done.

The committee made the recommendation after a lengthy and at times contentious discussion with developer Robert Rehm of Carlisle Real Estate Group LLC. Rehm is the developer of the Prairie Creek Center commercial development at the south edge of the city.

At issue is a parking lot at the Timber City Travel Plaza at 102 David St. in the Prairie Creek development. The 40,000-square-foot lot north of the fuel pumps at the travel plaza has a gravel surface and is used for parking semi tractor-trailer rigs.

A development agreement between the city and Rehm requires that the developer comply with all city ordinances. City Attorney Mark Lawson told the committee that Rehm is in violation of the agreement because a city ordinance requires that all commercial parking lots be paved. Rehm also is in violation because he did not submit a site plan for the parking lot before it was developed, Lawson said.

The committee voted 3-0 to recommend to the council that the city withhold from Rehm a payment of just under \$60,000 that Rehm would be due under a tax-increment financing agreement he has with the city, as a penalty for not having the parking lot paved.

The council will consider the committee's recommendation at its next meeting on June 15.

City Public Works Director David Popp has told the council that semi traffic entering Carlisle Street from the parking lot carries gravel onto the paved street and the grinding action is causing undue wear and tear on the street surface.

Popp also said the storm sewer on the street is filled with gravel that was carried onto the street, then washed by rains into the storm sewer drains. The gravel lot also is a source of dust in the area, city officials have said.

Rehm argued at the Finance Committee meeting that it's the responsibility of the owners of the travel plaza property—not him as the developer, who merely sold the property to the travel plaza owners—to pave the parking lot.

"I'm not arguing the parking lot shouldn't be paved. So go to the owners of the travel plaza and work out a deal with them," Rehm said. "They're responsible; I'm not. I agree that the parking lot should be paved."

When Rehm asked where the development agreement states that he is required to pave the parking lot, Lawson pointed out clauses in the agreement that require the developer to meet the city ordinances. He noted that the development agreement also requires "subsequent purchasers" of lots to meet city ordinances, but said that doesn't absolve Rehm of that responsibility.

"That's a commitment the developer (Rehm) signed to get public funds" to help develop the property," Lawson told Rehm. He said Rehm "knew or should have known" that he was still responsible to meet the city ordinances even after he sold the property to Greg Devens of rural Bellevue and Brian Hintgen of Maquoketa, the travel plaza owners.

"The city is well within its rights to withhold (the TIF) payment," Lawson said.

Rehm argued that it's unreasonable to expect him to continue to be held responsible for meeting city ordinances on property that he sold in the past.

"It's up to the city to enforce the ordinance with the parties that own the land," Rehm told the committee. "You shouldn't enforce it on the developer if you have a problem. I have nothing to do with that. I can't take a gun to their head and tell them to pave it. How can I be responsible for them not paving their parking lot?"

City Manager Brian Wagner noted that other commercial parking lots in the city remain unpaved in violation of the ordinance.

He said, however, that the council felt strongly about enforcing the ordinance on the travel plaza because it is part of a development agreement and because of the city's large investment in public infrastructure in the development.

The meeting grew heated several times as Rehm and committee members, Lawson and Mayor Tom Messerli accused each other of interrupting while the other was speaking or expressed disagreement with each other.

Committee member Galen Saunders asked if Rehm were willing to negotiate a settlement. When Rehm said he wasn't proposing anything, Saunders said the two sides seemed to be at an impasse and may as well have the matter decided by a judge.

The committee indicated that it may continue to withhold tax-increment financing payments until enough money is accumulated to pave the lot. Rehm said the estimated cost of paving the lot is \$120,000. He said he was told the travel plaza owners don't have the funds to pave the parking lot at once.

He added that it would be unfair for the city to withhold the \$60,000 tax-increment financing payment he is due from the city.

"If you withhold payment, I'll start a lawsuit,"

■ **PARKING LOT,**  
Please turn to page 3