

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – August 5, 2010

Mayor Dick O'Brien called the City Council meeting for Thursday, August 5, 2010, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange.

Henry Meyers, Associate Pastor at the Mulford Evangelical Free Church, gave the opening prayer. This was followed by the Pledge of Allegiance.

Joe Meyers, 2844 Rolling Meadow Lane, shared with City Council his wife's experience with automated traffic control devices. He asked City Council to take into consideration the private citizen's rights when it comes to the devices being proposed for the city.

#21192. Councilmember Shihadeh moved to approve the minutes of the July 15, 2010 City Council meeting. Seconded by Councilmember Bynum. All ayes; motion carried.

#21193. Councilmember Lange moved the Consent Agenda be approved as follows: New Class C Beer and Sunday Sales Permit for Casey's General Store #2906 at 3509 Steamboat Way – Casey's Marketing Company; extended Outdoor Service Area for Rumors on August 21, 2010, 1415 Grandview Avenue – Fluff Inc.; extended Outdoor Service Area for Pla-Mor Lanes, 1411 Grandview Avenue for August 20, 2010 (pending receipt of final paperwork); Cigarette Permit for Casey's General Store #2906, 3509 Steamboat Way – Casey's Marketing Co.; filing of Communications A-G; and Bills for Approval totaling \$1,655,453.45. Seconded by Councilmember Roby. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning the proposed West Hill Sewer Separation Project.

Karmen Heim, representing Stanley Consultants, gave a power point presentation concerning the West Hill Sewer Separation Plan. She provided background information concerning combined sewers, what regulations apply, and the requirements of the EPA's Consent Order. She defined combined sewers and the problems they cause to sewer systems.

Ms. Heim stated in 2007 the city entered into a Consent Order with the EPA that requires all combined sewers and overflows be eliminated. She stated that in 1975 the city had 20 overflows and bypasses in operation and that currently there are four permitted CSOs. They are Washington Street, Papoose Creek, Hershey Avenue, and Mad Creek. She stated three of them have been eliminated and the fourth is located at the Papoose Creek Lift Station which collects combined sewers in the West Hill Area.

Ms. Heim stated the EPA's deadline for separation of the combined sewers is December 31, 2024. She stated the West Hill Sewer Separation Plan is due to the EPA on or before December 31, 2010, and the Hershey Avenue sewer separation must be completed by December 31, 2011. She further stated all remaining projects must be completed by December 31, 2024.

Mike Knott, also representing Stanley Consultants, stated the sewer separation plan is ready to finalize and can be viewed at the Public Works Department. He stated it will be submitted to the EPA before the end of this month.

Mr. Knott stated the West Hill improvements will be done in four phases and outlined what those phases will be. He stated the estimated cost for all four phases is \$40 to \$60 million. He stated that currently funding options include the local option sales tax, bonding, possible grants, and possibly a State Revolving Fund loan.

There was further discussion concerning the structural condition of the Papoose Creek sewer.

Mike Knott, speaking in reference to the "city family", stated he has enjoyed working with Randy Howell and Matt Chandler who have had some trying times over the last few weeks. He stated that Stanley Consultants has them in their thoughts. He stated Matt has some tough days ahead of him.

Mayor O'Brien asked if there was any action associated with this item.

Acting City Administrator Randy Hill stated there will be no action required this evening.

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

#21194. Councilmember Roby moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning the proposed zoning change for the Lincolnshire Professional Plaza.

David Meloy, the attorney for Tony Joseph of Joseph's Int'l Pack-N-Ship located in the Lincolnshire Professional Plaza, stated he was available to answer questions from Council.

Councilmember Bynum asked when construction would begin and what type of expansion is planned.

Mr. Joseph stated he would like to have construction underway by December 1, 2010. He stated the expansion will be approximately 1,200 square feet and will house the packaging operation.

There were no oral or written petitions for or against the proposed zoning change.

#21195. Councilmember Bynum moved the public hearing be closed. Seconded by Councilmember Lange. All ayes; motion carried.

#21196. Councilmember Natvig moved to approve the use of Riverfront Park on September 22, 2010 for a Ballet West II Performance beginning at 6 p.m. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21197. Councilmember Lange moved to approve the use of city property for the 33rd Annual Watermelon Stampede on August 21, 2010 beginning at 7 a.m. Seconded by Councilmember Roby. All ayes; motion carried.

#21198. Councilmember Roby moved the resolution be adopted approving the final plat for the Hoag Subdivision. Seconded by Councilmember Bynum. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21199. Councilmember Bynum move to approve the first reading of the ordinance rezoning the Lincolnshire Professional Plaza from RL (Large Scale Residential) to C-3 (Planned Commercial). Seconded by

Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and first reading of ordinance approved.

#21200. Councilmember LeRette moved to approve the second reading of an ordinance amending Title 1, Chapter 2, Section 7 of the City Code of Muscatine pertaining to municipal infractions. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and second reading of ordinance approved.

#21201. Councilmember Lange moved the resolution be adopted accepting the low bid from Daniels Construction of Muscatine in the amount of \$19,805 for the rehabilitation of property located at 1828 New Hampshire Street. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21202. Councilmember Shihadeh moved the resolution be adopted releasing a real estate mortgage under the 2003 CDBG Owner-Occupied Residential Rehabilitation Program for 1105 E. 8th Street. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21203. Councilmember Natvig moved the resolution be adopted accepting a grant offer for municipal airport improvements. Seconded by Councilmember Fitzgerald.

Councilmember Lange asked if the local share for the project had been budgeted, and Steve Boka, the city's Planning, Zoning and Building Safety Director, answered yes.

Vote – All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21204. Councilmember Shihadeh moved the resolution be adopted supporting the approval and adoption of the Muscatine County Multi-Jurisdiction Local Hazard Mitigation Plan. Seconded by Councilmember Roby.

Councilmember Roby asked for an example of what might be considered a hazard.

Fire Chief Jerry Ewers introduced Laura Berkley of the Bi-State Regional Commission.

Ms. Berkley stated two examples would be river flooding and flash flooding. She stated there are 16 natural hazards. The one manmade hazard is hazardous materials. She explained the importance of the plan.

Vote – All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21205. Councilmember Fitzgerald moved to approve the issuance of a purchase order to Lewis Industrial Services in the amount of \$37,820 plus the cost of crane rental for the clarifier truss arm replacement at the Water Pollution Control Plant. Seconded by Councilmember Natvig. All ayes; motion carried.

#21206. Councilmember LeRette moved to approve the issuance of a purchase order to Eldon Stutsman Inc. in the amount of \$8,290 for replacement of a pump at the biosolids storage lagoon. Seconded by Councilmember Lange.

Councilmember Bynum asked if this was a budgeted expense.

Acting City Administrator Hill answered yes.

Councilmember Bynum asked what was being used since the pump has been out of service since last year.

John Koch, WPCP Assistant Administrator, stated there are normally two pumps; however, only one is in use at this time.

Vote – All ayes; motion carried.

#21207. Councilmember Fitzgerald moved to approve the purchase of a power washer from Tipton Electric Motors in the amount of \$6,085. Seconded by Councilmember Roby.

There was discussion on the fact two bids were received from the same vendor.

Vote – All ayes; motion carried.

#21208. Councilmember LeRette moved to approve Change Order #1 for the Pearl City Station Bulkhead Repair and Plaza Reconstruction Project. Seconded by Councilmember Fitzgerald.

City Engineer Jon Lutz outlined the items included in the change order.

Councilmember Natvig asked about the status of the project.

Mr. Lutz stated the majority of the work is done and the project should be completed by the end of the month.

Councilmember Fitzgerald asked if there was a penalty clause and Acting City Administrator Hill stated there was not.

Councilmember Fitzgerald stated there never seems to be a lot going on when he drives by.

Acting City Administrator Hill stated the contract was awarded in November 2009 and it was thought work would begin on the project that winter and here it is, nine months later and it is still not done.

Mr. Lutz pointed out the high water levels experienced last year and earlier this spring.

Councilmember Fitzgerald stated the contractor is going a nice job but it just seems like it is taking forever.

Councilmember Lange asked if the recent flooding affected the work that has been completed, and Acting City Administrator Hill answered no.

Councilmember Lange asked if there was any guarantee that FEMA would fund a portion of the change order costs.

Finance Director Nancy Lueck stated that generally change orders can be tied into agreements that have been approved. In the event these costs are not paid by FEMA, downtown TIF monies would be used.

Vote – All ayes; motion carried.

#21209. Councilmember Fitzgerald moved to approve the request from the Police Department to purchase a police radio system from Communications Engineering Company in the amount of \$108,756.79. Seconded by Councilmember Bynum. All ayes; motion carried.

#21210. Councilmember Lange moved to approve the new ambulance billing agreement with TriTech with a fee of \$30 per billable calls and \$5 per non-billable calls. Seconded by Councilmember Shihadeh.

Councilmember Lange asked if this new agreement would raise or lower costs.

Fire Chief Ewers stated it is estimated there will be a \$9,000 savings by switching to a flat fee.

Vote – All ayes; motion carried.

#21211. Councilmember LeRette moved to approve the purchase of a bariatric cot from Stryker in the amount of \$6,789.05 and a ramp and winch system from MedProUS in the amount of \$4,600. Seconded by Councilmember Roby. All ayes; motion carried.

#21212. Councilmember Roby moved to approve Supplemental Agreement #5 for additional consultant services for the Hershey Avenue Contract II Project. Seconded by Councilmember LeRette.

Councilmember Natvig asked how many more supplemental agreements can be expected for this project.

Acting City Administrator Hill stated the improvements to Mississippi Drive turned out to be an addition to the projects original design. He stated the city is partnering with the Iowa Department of Transportation for the costs of the improvements. He stated Stanley Consultants has been asked to redesign the project to allow for complete replacement of Mississippi Drive from Broadway to Green Street. He stated there will be no more supplemental agreements required for this project.

Vote – All ayes; motion carried.

Under comments, Councilmember LeRette reminded everyone that the City of Muscatine will have representation at the Iowa State Fair that begins next week. He stated if anyone is interested in volunteering for a shift at the fair, they should contact Heather Shoppa at GMCCI.

Councilmember LeRette, speaking in reference to earlier comments made under “Communications from Citizens” concerning the red light cameras, stated the survey has been done but no information has been received about having the cameras installed.

Police Chief Gary Coderoni stated the surveys of the intersections are done.

Councilmember LeRette stated it was his understanding no decision has been made to have them installed.

Chief Coderoni stated City Council has made the decision to have them installed but not where to have them installed.

Councilmember Lange stated it was his understanding it must be decided if the cameras would be feasible.

Chief Coderoni stated that is why the surveys were done. He stated the 15 to 18 intersections that were surveyed were whittled down to five to six intersections based on traffic patterns. He stated the agreement was approved to move forward with the installation of the cameras just not where to put them. He stated the surveys indicate there are six intersections that should be monitored.

Councilmember Shihadeh asked if this was for red light violations only.

Chief Coderoni stated it would be for red light and speed on green violations.

Councilmember Fitzgerald asked if the West Hill Sewer Separation Plan is digitized so that it can be placed on the city's website.

Ms. Heim stated it was. She stated it is a pretty thick report; however, some of the figures could be put on the website.

Acting City Administrator Hill stated the plan could be placed on the Public Works Department's collection and drainage site.

Councilmember Bynum asked about the status of Mississippi Drive, Main Street and Hershey Avenue.

Acting City Administrator Hill stated the project is going slower than anticipated. He stated the area of Mississippi Drive at Green Street is taking longer because of the utilities. He pointed out this project is not scheduled for completion until next spring. He stated the contractor has talked about bringing in a second crew; however, there is not enough room to have two crews working right now. He stated the storm water work is now connected to the Hershey Avenue Contract 1 Project. He then stated the contractor and subcontractor will begin pouring concrete on Broadway and also on Mississippi Drive on the portion between the bluff and where it was recently poured. This should be done within the next week. He stated this is the best update he can give at this time.

He stated he did visit with the project manager and encouraged him to make sure the contractor is aware this has to be a priority because citizens are not going to want this work going on this winter. He stated the contractors are doing a very good job and the city is pleased with the work so far.

Councilmember Roby, speaking in reference to all the construction work and other activities taking place in the community, stated there has been a lot of teamwork. She stated the city's dedicated employees continue to enhance our community.

Acting City Administrator Hill stated that at its July 15, 2010 City Council meeting, Council had taken action to authorize the upgrade of cable casting equipment for \$17,323.60 with an additional amount not to exceed \$2,000 for upgrading the audio equipment as well for a total cost of \$19,323.60. He stated an updated bid has been received from ECS for replacement of the cable casting equipment as well as sound equipment in the amount of \$20,690.50. He asked for City Council's consideration and approval of this request.

#21213. Councilmember Bynum moved to approve the updated bid from ECS for the replacement of cable casting and audio equipment in the amount of \$20,690.50. Seconded by Councilmember Fitzgerald.

Councilmember Fitzgerald stated the memo from the college indicates there will be a \$350 installation fee and asked if this is a one-time occurrence or a quarterly occurrence. He also stated the memo indicates there could be some minor fees associated with the installation of the equipment.

Finance Director Lueck stated it will be a one-time expense that will be added to the city's quarterly billing.

#21214. Councilmember Fitzgerald moved to amend the original motion to authorize an amount not to exceed \$21,000 to allow for additional expenditures. Seconded by Councilmember Roby.

Vote on amendment – All ayes; motion carried.

Vote on original motion as amended – All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

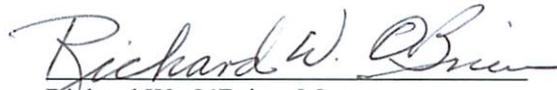
#21215. Councilmember Lange moved to go into Closed Session at 8:20 p.m. to discuss pending litigation. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

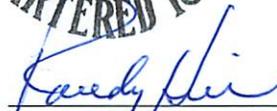
The Muscatine City Council went into Closed Session at 8:20 p.m. to discuss pending litigation. Present were Mayor Richard W. O'Brien and Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Also present were Acting City Administrator Randy Hill, Finance Director Nancy Lueck, and Attorney Craig Oppel.

#21216. Councilmember Shihadeh moved to leave the Closed Session at 9:20 p.m. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

#21217. Councilmember Shihadeh moved the meeting be adjourned at 9:20 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.




Richard W. O'Brien, Mayor


Randy Hill, Acting City Administrator