

CITY OF MUSCATINE  
REGULAR CITY COUNCIL MINUTES  
Council Chambers – 7:00 p.m. – August 19, 2010

Mayor Dick O'Brien called the City Council meeting for Thursday, August 19, 2010, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Natvig, Shihadeh, 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.

#21218. Councilmember Roby moved to approve the minutes of the October 15, 2009 and August 5, 2010 City Council meetings. Seconded by Councilmember LeRette. All ayes; motion carried.

#21219. Councilmember Lange moved the Consent Agenda be approved as follows: First reading of a new Class C Liquor License and Sunday Sales Permit for China Garden, 2016 Cedar Plaza Ste. #3 – China Garden at Cedar Plaza Inc. (pending receipt of final paperwork); Outdoor Service Permit for MVP Lounge at 214 Iowa Avenue on September 11, 2010; Native Wine Permit for Express Mart, 4804 Grandview Avenue – E Mart Inc.; renewal of a Class BW Beer/Wine with Sunday Sales Permit and Outdoor Service for Wine-Nutz, 208 W. 2<sup>nd</sup> Street – Pearl Plaza – BMBMG LLC; renewal of a Class C Liquor License for One More Round, 209 E. 2<sup>nd</sup> Street – Ruth Ann Wilson (pending inspections); renewal of a Class C Liquor License for Port City Underground, 208 W. 2<sup>nd</sup> Street – Lacey Henderson (pending inspections); filing of Communications A-E; and Bills for Approval totaling \$2,034,050.49. Seconded by Councilmember Natvig. All ayes; motion carried.

#21220. Councilmember Shihadeh moved to approve the request from the MVP Lounge, 214 Iowa Avenue, to hold a street dance on September 11, 2010 from 2 p.m. until midnight on Iowa Avenue between 3<sup>rd</sup> Street and the alley. Seconded by Councilmember Fitzgerald.

Councilmember Roby stated she wanted the citizens to know that the overtime wages for the police officers providing security for the event will be paid by the vendor.

Vote – All ayes; motion carried.

#21221. Councilmember LeRette moved to approve the request for use of Riverside Park for an outdoor family movie night on September 16, 2010 from 6:30 to 9:30 p.m. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21222. Councilmember Lange moved to approve the request from the Muscatine High School to hold its homecoming parade on September 23, 2010 from 5:30 to 6:30 p.m. Seconded by Councilmember Fitzgerald.

Councilmember Fitzgerald stated that if the high school makes changes to the route, they will need to submit that change to City Council.

Vote – All ayes; motion carried.

#21223. Councilmember Shihadeh moved to approve the request from the Muscatine High School for its Senior March on September 24, 2010 from 10 a.m. until noon. Seconded by Councilmember Natvig.

Councilmember Lange stated the students should be using the sidewalks, and Councilmember Shihadeh agreed.

Mayor O'Brien stated this is something the city should follow up on.

Councilmember Fitzgerald asked if the Pearl City Station will be done in time for usage by Senior March participants.

City Administrator Gregg Mandsager stated a walk through was done recently, and there are a few items that need to be corrected. He also stated staff is waiting for the installation of the small metal fencing. He stated completion is close.

Vote – All ayes; motion carried.

#21224. Councilmember LeRette moved to approve the appointments of Rochelle Conway and Jane Reischauer to the Zoning Board of Adjustment and Devin Pettit to the Historic Preservation Commission. Seconded by Councilmember Natvig. All ayes; motion carried.

#21225. Councilmember Roby moved the resolution be adopted setting a public hearing for Thursday, September 2, 2010, at 7 p.m. on the proposed vacation of easements and rights-of way in the Cedars First Addition and North Port Commons. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Roby, and Lange. Motion carried and resolution duly adopted.

#21226. Councilmember Shihadeh moved the resolution be adopted setting a public hearing for Thursday, September 2, 2010, at 7 p.m. on the proposed vacation of a sanitary sewer and easement for Carrington Place. Seconded by Councilmember Natvig.

Councilmember Lange asked if Carrington Place would be financially responsible for the modifications.

Steve Boka, the city's Planning, Zoning and Building Safety Director, answered yes. He stated the purpose of this action is to transfer ownership to Carrington Place so the modifications can be made.

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

#21227. Councilmember Lange moved to approve the first reading of the Automated Traffic Enforcement Ordinance. Seconded by Councilmember Roby.

Rich Kosina of Gatso USA stated his firm selected six locations for the placement of cameras: 1) Houser and Cedar Streets (westbound and eastbound); 2) Park Avenue and 61 (southbound); 3) Park Avenue and Cleveland Street (northbound and southbound); and Park Avenue at Washington Street (southbound). Speaking in reference to the Houser and Cedar intersection, Mr. Kosina stated Muscatine Power & Water will be contacted concerning the length of the amber light going east and west.

Mr. Kosina stated the survey was performed by Anderson-Bogert a state licensed surveying firm.

There was discussion on the speed threshold (1 to 10 mph over the speed limit) used by police officers.

Councilmember LeRette, speaking in reference to the changing of the length of the amber light at Houser and Cedar streets, asked if these lights needed changed at any of the other intersections surveyed.

Mr. Kosina answered no. He added that some of the lights are much longer than they need to be.

Councilmember Natvig stated it was his understanding there is a scientific measure used to determine the duration of the amber lights.

Mr. Kosina explained that method to City Council.

There was discussion on the Cedar Street study and when it took place.

Councilmember Lange, speaking in reference to the speed threshold, stated he feels it should be reduced to 1 to 7 miles per hour rather than the 1 to 10 mph.

Police Chief Gary Coderoni, speaking in reference to the speed threshold, stated that in the older vehicles speedometers are not as accurate as the radar in the squad cars; therefore, the 1 to 10 mph threshold allows drivers some leeway. He stated newer vehicles are now digitized and are more accurate.

There was discussion on the signage that will be used warning motorists of the upcoming cameras.

Councilmember Shihadeh asked about the length of the contract with Gatso.

Police Chief Coderoni stated it is a three-year contract.

Councilmember Shihadeh stated he feels accidents should be monitored at the designated intersections over that three-year period.

Police Chief Coderoni stated the cameras will allow that information to be captured.

Councilmember Shihadeh then asked where the money will go that is generated from the use of the cameras.

Police Chief Coderoni stated it will go back into the General Fund.

City Administrator Mandsager stated the Police Chief was correct and the money will go back into the General Fund. He then asked Mr. Kosina to talk about the Amber Alert.

Mr. Kosina stated an important element of the traffic enforcement cameras is the Amber Alert. He stated the Police Department will be able to go into the software and insert a license plate number and the cameras will start focusing on the license plates of every vehicle that goes through the intersection. He stated the Amber Alert will run for 30 minutes at no cost to the city and then will revert back to normal operation.

He stated the cameras also have a video stream and anyone can look through the video portion of the camera anytime they want. He stated the camera runs 24/7 and data is stored in 15 minute increments. He stated if there is an accident, the information can be obtained from the archives.

Police Chief Coderoni, speaking in reference to traffic accidents, stated the cameras will allow the Police Department to determine how an accident happened. Speaking in reference to the Amber Alert, he stated information can go directly to the squad cars.

Councilmember Natvig asked how a camera-generated violation can be contested.

Police Chief Coderoni stated that if a violation is not 100% clear, there is no citation issued. He stated if someone has an issue with a citation, they can go to the Police Department and meet with the person who determined the violation and view the archived video. If a person is not satisfied, they have the opportunity file an appeal through the court system.

Councilmember LeRette stated that one of the stipulations of the red light violation is being beyond the stop line. He stated that on Park Avenue the stop lines are not visible. He stated it would behoove the city to make them clearly visible.

Police Chief Coderoni stated the stop lines will be painted if needed.

There was discussion on the fees that will be charged.

Police Chief Coderoni pointed out that these citations will not go against a person's driving record or insurance.

Councilmember Lange asked about offering an amendment changing the speed threshold from 1 to 10 miles per hour to 1 to 8 miles per hour.

City Attorney Harvey Allbee stated he could make the amendment; however, he pointed out there are two more readings.

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

#21228. Councilmember Roby moved to approve the second reading of an ordinance rezoning the Lincolnshire Professional Plaza Addition. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Roby, and Lange. Motion carried and second reading of the ordinance approved.

#21229. Councilmember Natvig moved to approve the final reading of an ordinance amending Title 1, Chapter 2, Section 7 of the City Code of Muscatine pertaining to municipal infractions and authorized its publication as required by law. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Roby, and Lange. Motion carried and ordinance adopted on final reading.

#21230. Councilmember Roby moved the resolution be adopted accepting completed work for the Hershey Avenue Area Sanitary and Storm Sewer Separation – Contract 1 and authorizing final payment to Sulzberger Excavating. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Roby, and Lange. Motion carried and resolution duly adopted.

#21231. Councilmember LeRette moved the resolution be adopted awarding and approving the contract and bond for the Muscatine County Landfill Closure of Ravines 2, 3 and 4. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Roby, and Lange. Motion carried and resolution duly adopted.

#21232. Councilmember Shihadeh moved the resolution be adopted awarding the contract for the construction of the Resident Center at Sunset Park to North Construction in the amount of \$113,725. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Roby, and Lange. Motion carried and resolution duly adopted.

#21233. Councilmember Fitzgerald moved to approve the request to support the "Iowa Smart Cities Project" HUD Community Planning Challenge Grant application. Seconded by Councilmember Roby.

Bill Phelan, representing the Greater Muscatine Chamber of Commerce and Industry, stated he would be remiss if he did not recognize Steve Boka and city staff for working on these types of grant opportunities.

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

#21234. Councilmember Natvig moved to approve the Airport Manager's Agreement with Carver Aero. Seconded by Councilmember Lange.

Councilmember Natvig asked if the snow removal was new to the agreement.

Mr. Boka stated it was not new; however, the language has been modified to read the city will make a good faith effort to assist with snow removal.

Vote – All ayes; motion carried.

#21235. Councilmember Shihadeh moved to approve the Fixed Base Operator (FBO) lease with Carver Aero. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21236. Councilmember LeRette moved to approve the professional services agreement with Stanley Consultants for the Mississippi Drive Corridor Project. Seconded by Councilmember Roby.

Mr. Phelan once again recognized Steve Boka and city staff for their work. He stated that receiving these types of funds does not come easy and there is a lot of work involved.

Councilmember Fitzgerald asked if the preliminary design would include a roundabout.

Mr. Boka stated the roundabout will be one of the design considerations; however, other alternates will be looked at as well. He pointed out this is only a preliminary design.

Councilmember Lange asked why the raising of the bridge on 2<sup>nd</sup> Street was not included.

Mr. Boka stated it was part of the original plan; however, following a benefit analysis, it was determined it would not be eligible for funding since no major events have occurred at the bridge.

There was discussion about keeping an ongoing dialogue with Council.

Mr. Boka stated the preliminary design will take approximately 18 months to two years to complete. He stated the major expenditure will be the environmental study because it is not known what will be found.

Councilmember Lange asked about the funding for the project itself.

Mr. Boka stated it is difficult to request funding until the preliminary plan is completed.

Councilmember Shihadeh stated the city's share of \$203,000 is not for the final design.

Mr. Boka stated that money will take the city through the preliminary design. He stated the environmental study will set the tone for the final design. He stated the preliminary design needs to be completed before the city can seek funding for the final design.

Vote – All ayes; motion carried.

#21237. Councilmember Lange moved to approve the agreement with Matthew Brick from the Brick Gentry P.C. law firm of West Des Moines, Iowa, as the city's new labor attorney. Seconded by Councilmember Roby. All ayes; motion carried.

#21238. Councilmember Fitzgerald moved to approve the agreement with Keller Consulting to assist with the non-union pay plan review. Seconded by Councilmember LeRette.

Councilmember Shihadeh asked if the city had worked with a consulting firm in the past on this issue.

Human Resources Manager Stephanie Romagnoli stated the city had worked with a consulting firm in 1989.

Councilmember Shihadeh then asked what the cost would be.

City Administrator Mandsager stated the cost is \$5,000.

Councilmember Roby stated this study is long overdue.

Vote – All ayes; motion carried.

#21239. Councilmember LeRette moved to approve the issuance of a purchase order to Mulchscapers of Davenport in the amount of \$14,693 for erosion control on Phase I at the Muscatine County Landfill. Seconded by Councilmember Roby. All ayes; motion carried.

#21240. Councilmember Fitzgerald moved to approve Change Orders #1, #4 and #5 for the Hershey Avenue Area Sanitary and Storm Sewer Separation – Contract 2. Seconded by Councilmember Roby. All ayes; motion carried.

#21241. Councilmember LeRette moved to approve the posting of “no parking” on the north side of W. 2<sup>nd</sup> Street from Locust Street to Ash Street. Seconded by Councilmember Lange. All ayes; motion carried.

#21242. Councilmember Natvig moved to approve the request from the Fire Department to purchase a Sharp MX-M363N Imager from Advanced Business Systems in the amount of \$7,593. Seconded by Councilmember Roby. All ayes; motion carried.

#21243. Councilmember Lange moved to approve the city’s participation in a National Citizen Survey. Seconded by Councilmember Roby.

Councilmember Natvig stated the City Administrator will be discussing this matter with Council; however, he feels this money could be used better elsewhere in the city’s overall budget.

City Administrator Mandsager gave an overview of his memo that was included in Council’s agenda packet. He stated this survey is designed for municipalities and will be an excellent tool for city staff as well as City Council. He stated that once the survey has been completed, the city will receive a detailed report containing the results.

Councilmember Shihadeh stated this type of survey can be completed online without spending money. Speaking in reference to the \$6,000 being provided by the library, he feels there are more efficient ways to use this money.

City Administrator Mandsager pointed out the \$6,000 is leftover from the 2009/2010 library budget. He stated the \$9,900 is not just for the survey. He stated there is a lot of work that goes into the survey as well as providing the results.

Councilmember Fitzgerald asked if the \$3,000 had been budgeted, and the City Administrator answered yes. He stated the University of Iowa has a survey; however, the national comparison would be lost.

Councilmember Fitzgerald stated the \$9,900 covers the total cost of the survey. He stated he was initially opposed to the survey; however, since the library is willing to spend \$6,000, he feels City Council should support it.

There was further discussion on the \$6,000 left in the library's budget from the last fiscal year.

Councilmember Roby asked who would be selecting the questions.

City Administrator Mandsager stated there is a general portion that all communities utilize and there will be three questions specific to Muscatine.

Councilmember Roby stated the information will help city staff and City Council.

Councilmember Lange asked if he has ever had a survey done, and City Administrator Mandsager stated he didn't think so.

City Administrator Mandsager stated the final results of the survey will tell us how the city is performing.

Vote – Four ayes: Councilmembers LeRette, Fitzgerald, Roby, and Lange. Two nays: Councilmembers Natvig and Shihadeh. Motion carried.

Mayor O'Brien stated the next item on the agenda pertaining to the Muscatine Local Housing Trust Fund grant application was not an action item but was being presented as an update.

Mr. Boka stated typically staff would come to City Council for authorization to submit an application. He stated the Housing Administrator only recently became aware of this opportunity, which will help support our housing program. He stated if the grant is received, it will require approval by City Council.

City Administrator Mandsager pointed out that no additional funds are required under this grant application.

#21244. Councilmember Fitzgerald moved to approve the request from the Fire Department to submit a Staffing for Adequate Fire and Emergency Response (SAFER) grant application. Seconded by Councilmember LeRette.

Councilmember Roby stated this is just a motion to allow the Fire Department to submit the grant.

Councilmember Lange stated we are not obligated to accept the grant if it is approved. He stated his concern is where the city will be standing financially in two years.

Vote – All ayes; motion carried.

Under comments, Councilmember Roby stated she had been informed by the GMCCI that the Muscatine Mall will be getting a new shoe store which will be utilizing up to 5,000 square feet in the Menard's area. She stated it will be employing local people and it is hope it will be open later this fall.

Councilmember Lange voiced his concerns about the political signs that are showing up so early.

Councilmember Mandsager stated he had received an e-mail from Randy Hill stating Alliant Energy will be closing a portion of Isett Avenue at Woodlawn Avenue on August 23, 2010. He stated they will be responsible for letting everyone now and setting the detour route. He stated the area should be reopened on Wednesday.

Administrative Secretary Fran Donelson asked Councilmembers if they were comfortable with the arrangement of the podium which was moved in preparation for the upgrades to the cable casting and audio equipment. Everyone agreed to the moving of the podium. Ms. Donelson stated she would let Chad Bishop at Muscatine Community College know so that the upgrades can get underway.

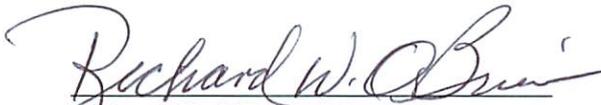
#21245. Councilmember Shihadeh moved to go into Closed Session at 8:40 p.m. to discuss strategies where litigation is imminent, Chapter 21.5.1 subparagraph C. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Roby, and Lange. Motion carried.

The Muscatine City Council went into closed session at 8:51 p.m. on Thursday, August 19, 2010 to discuss strategies where litigation is imminent, Chapter 21.5.1 subparagraph C. Present were Mayor Dick O'Brien and Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Roby, and Lange. Also present were City Administrator Gregg Mandsager, Police Chief Gary Coderoni, and City Attorney Harvey Allbee Jr.

#21246. Councilmember Fitzgerald moved to leave the closed session at 9:14 p.m. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Roby, and Lange. Motion carried.

#21247. Councilmember Shihadeh moved the meeting be adjourned at 9:14 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.



  
Richard W. O'Brien, Mayor

  
Gregg Mandsager, City Administrator