

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – September 2, 2010

Mayor Dick O'Brien called the City Council meeting for Thursday, September 2, 2010, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, and Lange.

City Attorney Harvey Allbee Jr. gave the opening prayer which was followed by the Pledge of Allegiance.

#21250. Councilmember LeRette moved to approve the minutes of the August 19, 2010 City Council meeting and the August 26, 2010 Special City Council meeting. Seconded by Councilmember Bynum. All ayes; motion carried.

#21251. Councilmember Lange moved the Consent Agenda be approved as follows: First reading on a new Class B Beer and Sunday Sales Permit for Pete's Tap, 1820 Angle Street – Oscar's LLC (pending inspections); second reading on 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); filing of Communications A-B; and Bills for Approval totaling \$980,913.10. Seconded by Councilmember Shihadeh. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning the proposed vacation of easements and rights-of-way in the Cedars First and North Port Commons Additions.

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

#21252. Councilmember Shihadeh moved the public hearing be closed. Seconded by Councilmember Bynum. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning the proposed vacation of a sanitary sewer and easement for Carrington Place.

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

#21253. Councilmember Natvig moved the public hearing be closed. Seconded by Councilmember Lange. All ayes; motion carried.

At this time, Kas Kelly of Safe Streets located at 614 Mulberry Avenue, stated her purpose for being at the meeting was to discuss a proposed Crime Free Lease Addendum. She stated the intent of the proposed addendum is to keep illegal activities out of rental properties. She then highlighted a few of the sections included in the proposed addendum.

Ms. Kelly stated she would like to see discussion concerning this proposal with the end result being consensus from City Council to have the Mayor appoint a committee that will review this matter and bring a recommendation back for approval.

Dan Ramsey, Executive Director of the Muscatine Center for Social Action, stated that anytime you talk about people losing their homes, they usually end up at MCSA. He stated he had numerous questions; however, his real concern is crime migration to the MCSA.

Councilmember Shihadeh asked what the city would gain from this proposed addendum and then asked about its legality.

Ms. Kelly stated items contained in the addendum are already in the Code of Iowa. She stated it is hoped tenants will be a lot more careful and will try not to break the law.

There was further discussion concerning the legality of the proposed addendum.

Councilmember Bynum stated he would be in favor of appointing a committee to investigate this matter further.

Ms. Kelly stated she feels a committee is needed so that an investigation can be done.

Mayor O'Brien asked who and how many members she was recommending for the committee.

Ms. Kelly stated she felt it should be comprised of a member of Safe Streets, Dan Ramsey (who expressed an interest), two City Council members and perhaps another citizen or landlord.

Councilmember Shihadeh asked how the proposed addendum would impact the HUD program.

Housing Administrator Dick Yerington stated he did not feel there would be an impact unless there was a fair housing issue. He stated there are federal laws that have to be complied with and one of those is the Violence Against Women Act. He stated if there is a domestic dispute, federal law stipulates that the battered party cannot be evicted. He asked if this proposed addendum would affect the tenant or the landlord because it seems like a landlord/tenant issue and not a tenant/ordinance issue. He pointed out that in Rock Island, the landlord's license is revoked if there is a violation.

Councilmember Shihadeh asked Ms. Kelly if the proposed addendum would be presented as a policy or as an ordinance.

Ms. Kelly stated would be a committee decision.

Mayor O'Brien stated that prior to appointing a committee, he would like visit with Ms. Kelly and City Administrator Mandsager.

Councilmember LeRette recommended that specific criminal actions be included in the proposed addendum as opposed to general descriptions.

Councilmember Bynum volunteered to serve on the committee.

Mayor O'Brien told Ms. Kelly the meeting will probably scheduled for the early part of next week.

#21254. Councilmember Shihadeh moved to adopt the proclamations declaring September 12-18, 2010 as "National Assisted Living Week"; and September 19-25, 2010 as "National Adult Services Week". Seconded by Councilmember Bynum. All ayes; motion carried.

#21255. Councilmember Bynum moved to approve the first reading of an ordinance approving the partial vacation of rights-of-way and easements located within the Cedars First and North Port Commons additions. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, and Lange. Motion carried and first reading of ordinance approved.

#21256. Councilmember LeRette moved to approve the second reading of an ordinance amending Title 7 Police Regulations, Chapter 20 Traffic, adding a new Section 10 Automated Traffic Enforcement. Seconded by Councilmember Natvig.

Councilmember Bynum stated he would like to put forth concerns that have been voiced from constituents in his ward. He first asked how the amber lights will be regulated.

Assistant Police Chief Phil Sargent stated that following the study by Gatso, the recommendation was made to increase the length of the amber light located at Cedar and Houser streets.

There was further discussion concerning the amber lights, and City Administrator Gregg Mandsager pointed out the setting of the amber lights is done by national engineering standards. He stated if there are concerns in the future, MP&W could be asked to check those concerns out.

Councilmember Bynum then asked if there would be an increase in rear-end collisions once the cameras are installed.

Assistant Chief Sargent stated studies have shown there is no correlation between rear-end collisions and ATE's.

Councilmember Shihadeh stated he is disturbed by the fact that no two studies are the same. He further stated he feels it would be in the city's best interest to move forward with the installation of the ATE's and adjust them accordingly.

Mayor O'Brien pointed out it is a needed safety feature for the city.

There was discussion concerning the length of the contract and stipulations that must be followed if it is terminated early.

Councilmember Lange asked how soon the cameras will be installed after the ordinance is adopted on final reading.

Assistant Chief Sargent stated it would be approximately two weeks following the adoption of the ordinance. The plan is to have them up and running before the first snowfall.

Following discussion of the speed threshold, it was City Administrator Mandsager's recommendation City Council adopt the ordinance as drafted and amendments made later if they are needed.

Vote – Five ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, and Lange. One nay: Councilmember Bynum. Motion carried and second reading of ordinance approved.

#21257. Councilmember Lange moved to approve the final reading of the ordinance rezoning the Lincolnshire Professional Plaza Addition from RL (Large Scale Residential) to C-3 (Planned Commercial) and directed for its publication as required by law. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, and Lange. Motion carried and ordinance adopted on final reading.

#21258. Councilmember Shihadeh moved the resolution be adopted approving the vacation and transfer of the sanitary sewer and easement to Carrington Place. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, and Lange. Motion carried and resolution duly adopted.

#21259. Councilmember Natvig moved the resolution be adopted approving the contract and bond for the resident addition at Sunset Park from North Construction in the amount of \$113,725. Seconded by Councilmember Bynum.

Councilmember Shihadeh asked about the type of bond, and Mr. Yerington stated it was 100%.

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

#21260. Councilmember Bynum moved the resolution be adopted accepting the low bid, awarding the contract and approving the contract and bond for the removal of a diesel tank and replacement of concrete at the Clark House from Triple B Construction of Wilton in the amount of \$27,152.35. Seconded by Councilmember LeRette.

Housing Administrator Yerington explained why the tank is being removed at this time.

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

#21261. Councilmember Shihadeh moved the resolution be adopted supporting the continuation of the AirTran Airways Service to the Bi-State Region. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, and Lange. Motion carried and resolution duly adopted.

#21262. Councilmember Fitzgerald moved to authorize the purchase of a Ferris Zero Turn IS3100 mower for the cemetery from Turfwerks of Johnson in the amount of \$9,650. Seconded by Councilmember LeRette. All ayes; motion carried.

#21263. Councilmember Fitzgerald moved to approve the purchase of property from the Iowa Department of Transportation for Phase II of the Mad Creek Levee Improvement Project. Seconded by Councilmember Lange. All ayes; motion carried.

#21264. Councilmember Natvig moved to approve the request to accept the donation of permanent and temporary easements from HNI for Phase II of the Mad Creek Levee Improvement Project. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21265. Councilmember Lange moved to approve the renovations to the Slough Pump Station and completion of a design build project for renovations to buildings at the Bond and Schley lift stations. Seconded by Councilmember Bynum. All ayes; motion carried.

Councilmember Lange asked how the work will be paid for if it had not been budgeted.

City Administrator Mandsager, referring to the memo included in City Council's agenda packet, stated that in the 2009/2010 budget, \$300,000 had been allocated out of reserves for a new lift station at the slough. He stated this money would be used for the renovations being proposed.

Vote – All ayes; motion carried.

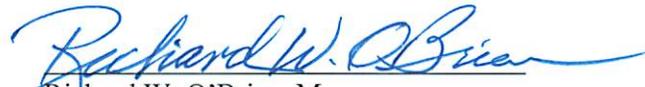
Under comments, City Administrator Mandsager stated that Fire Chief Jerry Ewers was notified by the IJOBS Board that Item #3 on the Department's application had been recommended for approval. He stated the levee project for \$1.5 million was not denied but made the deferred list.

Councilmember Fitzgerald asked how much was awarded for the Fire Station, and City Administrator Mandsager stated \$850,250.

City Administrator Mandsager stated the award is not final; however, it is moving in the right direction.

#20266. Councilmember Shihadeh moved the meeting be adjourned at 8:05 p.m. Seconded by Councilmember Fitzgerald.




Richard W. O'Brien, Mayor


Gregg Mandsager, City Administrator