

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – May 7, 2015

Mayor Hopkins called the City Council meeting for Thursday, May 7, 2015, to order at 7:00 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread.

The meeting began with the Pledge of Allegiance.

#22968. Councilmember Shihadeh, seconded by Councilmember Spread, moved the Consent Agenda be approved as follows:

- Regular City Council Minutes for April 16, 2015
- Renewal of a Class “C” Liquor License, Outdoor Service and Sunday Sales for Mike’s Hilltop Tap, 929 Lucas Street – Mike’s Hilltop Tap Inc. (pending inspections); renewal of a Class “C” Liquor License, Outdoor Service and Sunday Sales for El Allende, 1107 Grandview Avenue – El Allende Inc. (pending inspections); approval of Outdoor Service Permit from April 17, 2015 through October 31, 2015 for Boonie’s on the Avenue, LLC (pending inspections); renewal of a Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Smokin’ Joe’s Tobacco and Liquor Outlet #16, 1504 Park Avenue – The Outlet Inc. (pending inspections); renewal of a Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Kum & Go #438, 1429 Park Avenue – Kum and Go LC (pending inspections); renewal of a Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Circle K #6600, 802 Cypress Street – Mac’s Convenience Stores LLC (pending inspections); renewal of a Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Walgreens #05885, 1703 Park Avenue – Walgreens Co. (pending inspections); renewal of a Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Hy-Vee Wine & Spirits, 522 Mulberry Avenue, Suite A – Hy-Vee Inc. (pending inspections); and renewal of a Class “B” Beer Permit and Sunday Sales for China Buffett, 1903 Park Avenue – China Buffet of Muscatine Inc. (pending inspections and insurance)
- Request approved from Lyndsey El Bahi for Use of City Property for Bicycle Ride on June 27, 2015
- Request approved from Chris Anderson for Neighborhood Marketing for Iowa City Children’s Hospital for Use of City Property for 5K Race on July 17, 2015 and July 18, 2015
- Approval of Outdoor Dining Applications
- Reappointment of Doyle Tubandt to the Board of Water, Electric, and Communications Trustees
- Appointment of Pat Hagens to the Transportation Advisory Commission
- Proclamation Declaring May 17-23, 2015 as “EMS Week”
- Proclamation Declaring May 10-16, 2015 as “National Police Week” and May 13, 2015 as “Peace Officer’s Memorial Day”
- Bills for Approval totaling \$1,495,931.22

Vote – All ayes; motion carried.

PUBLIC HEARING

Mayor Hopkins stated a public hearing was being held concerning the adoption of the Municipal Code of Revised Ordinances.

There were no oral or written petitions for or against the proposed adoption of the Municipal Code of Revised Ordinances.

#22969. Councilmember Shihadeh moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

PUBLIC HEARING

Mayor Hopkins stated a public hearing was being held concerning the proposed 5 Year Public Housing Agency Plan.

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

#22970. Councilmember Natvig moved the public hearing be closed. Seconded by Councilmember Spread. All ayes; motion carried.

PUBLIC HEARING

Mayor Hopkins stated a public hearing was being held concerning the proposed 2015 Sidewalk Construction Program.

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

#22971. Councilmember Spread moved the public hearing be closed. Seconded by Councilmember Rehwaldt. All ayes; motion carried.

#22972. Councilmember Bynum moved to approve the first reading of an ordinance adopting the Municipal Code of Revised Ordinances. Seconded by Councilmember Rehwaldt.

Councilmember Shihadeh asked if there is a final copy available.

City Administrator Gregg Mandsager stated it could be found on the website.

Vote – All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22973. Councilmember Spread moved the ordinance be adopted rezoning property in the City of Muscatine from R-3 Single Family Residential to R-5 Multi-Family and directed for its publication as required by law. Seconded by Councilmember Phillips.

Councilmember Bynum asked what the next step would be following the adoption of this ordinance.

City Administrator Mandsager stated that once the rezoning is complete, before any development can take place, the developer must submit their building plans to the Site Plan Review Committee who will make the required changes before development can move forward.

Vote – All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22974. Councilmember Phillips moved the resolution be adopted approving the 5 Year Public Housing Agency Plan and authorizing its submission to HUD. Seconded by Councilmember Natvig. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22975. Councilmember Natvig moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate and setting the bid opening date for the 2015 Sidewalk Construction Program. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22976. Councilmember Rehwaldt moved the resolution be adopted setting a public hearing for the 2015 Asphalt Overlay Program for Thursday, May 21, 2015, at 7:00 p.m. Seconded by Councilmember Phillips.

Councilmember Shihadeh asked if it would be possible to use the additional revenue from the gas tax to do more streets.

City Administrator Mandsager stated staff is currently evaluating other streets in the community.

Councilmember Shihadeh asked how many streets \$500,000 would cover.

Councilmember Phillips asked if there are any bridges in need of repair, and City Administrator Mandsager answered not at this time.

Public Works Director Randy Hill stated the bridges in Muscatine are all in good shape. He stated staff has every intention of putting the additional \$400,000 into the streets. He stated more streets are going to be done at this time than have been done in the past because of the additional revenue.

City Administrator Mandsager stated staff is evaluating some of the connector projects that will be brought forward for City Council's authorization.

Public Works Director Hill stated it is hard to determine how many streets could be done with an additional \$500,000.

Vote – All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22977. Councilmember Fitzgerald moved the resolution be adopted accepting completed work for the Geneva Creek Channel Shaping Project and authorizing final payment to Sulzberger Excavating. Seconded by Councilmember Spread.

Councilmember Fitzgerald stated the final project looks really nice.

Councilmember Shihadeh asked about the possibility of putting a guard rail up.

Public Works Director Hill stated that that a guard rail was a good idea. He stated staff is looking at the placement of a barrier at the end of Kindler Avenue for the same reason.

Vote – All ayes; motion carried.

#22978. Councilmember Spread moved the resolution be adopted setting a public hearing on Amendment #2 to the fiscal year 2014/2015 City Budget for Thursday, May 21, 2015, at 7:00 p.m. Seconded by Councilmember Natvig.

Councilmember Rehwaldt asked what this resolution was for.

City Administrator Mandsager stated the city is allowed two amendments of the city budget during the current fiscal. He stated the first one took place at the time the fiscal year 2015/2016 budget was adopted and this is the second one.

Vote – All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22979. Councilmember Shihadeh moved the resolution be adopted setting a public hearing on the plans, specifications, form of contract, cost estimate, and setting a bid opening date for the Runway 6/24 Reconstruction Project at the Municipal Airport for Thursday, May 21, 2015, at 7:00 p.m. Seconded by Councilmember Natvig. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22980. Councilmember Shihadeh moved the resolution be adopted endorsing airport projects for the Iowa Department of Transportation grant application and certifying the availability of matching funds. Seconded by Councilmember Bynum. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22981. Councilmember Fitzgerald moved to approve the audit services agreement with Bohnsack & Frommelt LLP for audit services for fiscal years 2014/2015 through 2018/2019. Seconded by Councilmember Bynum. All ayes; motion carried.

#22982. Councilmember Fitzgerald moved to authorize the purchase of a drag line hose for the Water Pollution Control Plant from Hydro Engineering in the amount of \$6,600. Seconded by Councilmember Rehwaldt. All ayes; motion carried.

#22983. Councilmember Natvig moved to approve the extension of the current 28E Agreement with the Iowa Department of Inspection and Appeals. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

The final item on the agenda was discussion concerning the 28E Agreement with MUSCOM.

City Administrator Mandsager stated that included in the agenda packet was a meeting notice set by the Muscatine County Board of Supervisors for May 16, 2015, the Disaster Services constitution and by-laws approved in 1978, the original MUSCOM contract, a proposed contract prepared by the City staff and County Attorney, a later revised draft agreement put together by the County Board of Supervisors and staff comments.

City Administrator Mandsager stated that approximately three months staff and the County Attorney had prepared a draft agreement which was then revised by the County Board of Supervisors. He then outlined the changes that had been made to the original draft by the Board.

He stated one issue of concern involves the budget process. He stated that currently the budget request is adopted by both the city and the county. He said the second issue involves the supervision of staff and equipment ownership. He stated the revised draft needs to state that any equipment purchased stays with the agency it was purchased for.

City Administrator Mandsager stated at this point in time, he is looking for direction on how to move the draft agreement forward. He stated that City Council has been invited to attend a meeting with the County Board of Supervisors on May 16, 2015. He stated he would like to see City Council and staff along with the Muscatine County Board of Supervisors meet to hash out the terms and get the agreement done.

Councilmember Shihadeh stated he has a few concerns. He asked what was wrong with the current agreement that requires an amendment. He asked what was wrong with the MUSCOM Board. He stated that it looks like the county wants to have full control of MUSCOM which he stated needs to be a win-win situation for both the county and the city. He stated it also needs to be a win-win situation for the citizens as well. He stated he cannot support an agreement based on what is being proposed at this time. He asked what is broken right now that requires this course of action.

Councilmember Spread stated there is a perpetual agreement that has been functioning 10 years. He asked why we are rewriting an agreement that has been working for 10 years.

City Administrator Mandsager stated the original trigger of the contract change is due to the countywide levy.

Councilmember Fitzgerald stated the countywide levy was approved in 2009. He stated the county would also like to see more participation from other cities.

Councilmember Shihadeh stated the changes were initiated by the county and they are the ones who need to answer City Council's questions.

City Administrator Mandsager stated there is no need to change the original agreement; however, the funding issue has triggered the changes.

Councilmember Fitzgerald referencing the EMC Agreement for Scott County stated he had hoped a new 28E agreement could be patterned after their agreement. He stated that his major concern with the agreement has to do with personnel issues. He stated he feels the county is trying to give Matt Shook more control of MUSCOM and that he has stepped over his boundaries.

Councilmember Shihadeh asked if he was qualified to manage MUSCOM.

Councilmember Fitzgerald stated the manager has to be certified and be able to step in and dispatch if necessary.

City Administrator Mandsager stated there are a lot of questions. He stated he feels a joint meeting should be held between City Council and the Muscatine County Board of Supervisors.

Councilmember Shihadeh asked if City Council is committed to attend the meeting on May 16, 2015.

City Administrator Mandsager stated it would be his recommendation that City Council not attend the meeting and that a joint meeting between City Council and the County Board of Supervisors be scheduled instead.

Councilmember Shihadeh stated if they have answers to City Council's questions, he is willing to listen. He stated if the county wants this agreement to fly, they should be willing to compromise.

There was further discussion concerning the agreement.

City Administrator Mandsager made the suggestion that Mayor Hopkins be delegated to contact the Chairman of the County Board of Supervisors to coordinate a joint meeting between the two bodies.

Mayor Hopkins asked if it was the consensus of City Council not to attend the meeting on May 16, 2015. City Council was in agreement.

Under comments, Mayor Hopkins reminded everyone that EMS Day is Saturday, May 9, 2015, at Blaine's Farm and Fleet.

#22984. Councilmember Fitzgerald moved to go into Closed Session at 7:55 p.m. to discuss potential litigation with possible action to follow. Seconded by Councilmember Spread. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

Mayor Hopkins called the Closed Session to order at 8:00 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Natvig, Shihadeh, Bynum, and Spread. Also present were City Administrator Gregg Mandsager, Fire Chief Jerry Ewers, and Finance Director Nancy Lueck.

#22985. Councilmember Natvig moved to leave the Closed Session at 8:15 p.m. Seconded by Councilmember Bynum. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Shihadeh, Bynum, and Spread. Motion carried.

#22986. Councilmember Shihadeh moved the meeting be adjourned at 8:16 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

DeWayne Hopkins, Mayor

ATTEST:

Gregg Mandsager, City Administrator