

CITY OF MUSCATINE  
REGULAR CITY COUNCIL MINUTES  
Council Chambers – 7:00 p.m. – June 18, 2015

Mayor Hopkins called the City Council meeting for Thursday, June 18, 2015, to order at 7:00 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Natvig, Bynum, Phillips, and Spread.

The meeting began with the Pledge of Allegiance.

Mayor Hopkins swore in Firefighter Andrew McSorley.

Roger Roth, a resident of the Clark House, stated that during the last representatives meeting, there was discussion about returning the computers back to their 24 hour status rather than the current 12 hour status. He stated there is a trained weather spotter at the Clark House who needs to monitor the weather when it is bad and there also in-house college students that need the use of a computer. He stated an alternative to be considered is to convert the Clark House system to the Musser Public Library system where the system will automatically turn off then reboot itself keeping the Privacy Act intact and stopping tower damage. He also said that tenants at Hershey Manor would like their computer returned as well.

Autumn Harris, 819 Cedar Street, stated that changing 9<sup>th</sup> Street to a one-way street will create difficulties for her and her husband.

Councilmember Fitzgerald asked how close the school parking lot was to their garage.

Mrs. Harris stated the lot is 200 yards from their house and that there is a drainage field between her property and the parking lot.

Councilmember Natvig asked if she had talked to anyone else about this issue.

Mrs. Harris stated she had talked to the school board and that they have been very helpful.

Public Works Director Randy Hill stated the city is aware of the situation. He stated there is on-street parking on Cedar Street but it is crowded. He stated the Traffic Committee met on Tuesday and the school board made the determination it does have the option to expand the parking for the Harris family on their property.

City Administrator Gregg Mandsager stated the school board has agreed to install a second spot on their property.

Councilmember Fitzgerald stated that if 9<sup>th</sup> Street is to become a one-way street then the residents affected by the change need to be accommodated otherwise he will not approve the request.

Jim Miller who works in Facilities and Maintenance for the school district stated he was going to address the issue with Mrs. Austin at the Traffic Committee meeting; however, she was not there. He stated the school board has given the okay to sit down and talk with them. He stated the school board is ready to move forward if they are willing to accept its offer.

Councilmember Fitzgerald asked about the other property owner that will be affected by the one way designation.

Mr. Miller stated he has no problem with the one way.

Mr. Harris stated he wants to see this matter resolved at tonight's meeting. He stated that he appreciates the offer for an additional parking spot but that he and his wife would like additional parking for guests.

Mrs. Harris pointed out that the resident at the other end of the street has enough parking in their driveway for three to four cars. She stated the one-way would put her and her husband at a disadvantage.

Mayor Hopkins suggested that Mr. Miller meet with these folks and share the Traffic Committee's notes and see if an agreement can be reached this evening.

Mrs. Austin noted that she could not attend Tuesday's Traffic Committee meeting because she did not have a babysitter and her husband works.

#23024. Councilmember Bynum, seconded by Councilmember Rehwaldt, moved the Consent Agenda be approved as follows:

- Regular City Council Minutes for June 4, 2015 and In-Depth Council Minutes for June 11, 2015
- Renewal of a Class 'B' Beer Permit and Sunday Sales for Happy Joe's Pizza & Ice Cream Parlor, 927 Grandview Avenue – Max Brewer Corporation (pending inspections); Outdoor Service Permit for Contrary Brewing Company, 411 West Mississippi Drive – Contrary Brewing LLC (pending inspections); renewal of a Class "C" Liquor License for Jody's Corner Tap Inc., 226 Walnut Street – Jody's Corner Tap Inc. (pending inspections and insurance); and renewal of a Class "C" Liquor License, Outdoor Sales and Sunday Sales for The Pearl, 101 West Mississippi Drive – The Pearl, LLC (pending inspections and insurance)
- Request to Approve the Following Cigarette Permits for July 1, 2015 through June 30, 2016:
  - A & E Convenience LLC, 4701 South Highway 61 – A & E Convenience, LLC
  - Casey's General Store #1484, 1111 Oregon Street – Casey's Marketing Company
  - Casey's General Store #2906, 3509 Steamboat Way – Casey's Marketing Company
  - Casey's General Store #2944, 3010 University Drive – Casey's Marketing Company
  - Circle K #6600, 8<sup>th</sup> and Cypress Streets – Mac's Convenience Stores LLC
  - Curry's Express Mart, 4804 Grandview Avenue – Curry's Express Mart, Inc.
  - Dollar General Store #7027, 2000 Cedar Plaza Drive – DolgenCorp, LLC
  - Family Dollar Stores of Iowa #1820, 725 East 2<sup>nd</sup> Street – Family Dollar Stores of Iowa, Inc.
  - Fareway Stores, Inc. #998, 2100 Cedar Plaza Drive – Fareway Stores, Inc.
  - Fast Avenue One Stop, 2111 Park Avenue – BGA LLC
  - GM Mini Mart, 2307 Lucas Street – Nanak Express LLC
  - Hubble's Cigar Store, 214 East 2<sup>nd</sup> Street – Steve Hyink
  - Hy-Vee Food Store, 2400 Second Avenue – Hy-Vee, Inc.
  - Hy-Vee Gas, 2600 Second Avenue – Hy-Vee, Inc.
  - Hy-Vee Mainstreet, 510 E. 6<sup>th</sup> Street – Hy-Vee, Inc.
  - Hy-Vee Wine & Spirits, 522 Mulberry Avenue, Suite A – Hy-Vee, Inc.
  - Hyink's Service, 1206 East 2<sup>nd</sup> Street – Royce Hyink
  - Kum & Go #436, 501 Cedar Street – Kum & Go LC
  - Kum & Go #437, 709 Grandview Avenue – Kum & Go LC
  - Kum & Go #438, 1429 Park Avenue – Kum & Go LC
  - Loos' Inc., 711 Park Avenue – Norbert L. Loos
  - Missipi Brewing Company, 107 Iowa Avenue – Dave Armstrong
  - Muscatine Citgo Fast Break, 2603 Second Avenue – Reif Oil Company
  - New York Dollar Store, 109 East 2<sup>nd</sup> Street – Antonio Sosa
  - No More Butts Vapor Lounge, 108 East 2<sup>nd</sup> Street – Margaret Haller
  - Smokin Joe's #16, 1504 Park Avenue – The Outlet Inc.
  - Walgreens #5885, 1703 Park Avenue – Walgreen Co.

West Side Store, 2201 Houser Street – DJMB Enterprises Inc.

Wholesale Food Outlet #312, 807 Grandview Avenue – Nash Finch Company

- Request Approved for Use of City Property (Weed Park) for Muscatine Boys Cross Country Team on September 7, 2015 from 6 a.m. to 10 a.m.
- Appointments and Reappointments to the City’s Various Boards and Commissions Approved
- Filing of Communication 12A Approved
- Bills for Approval Totaling \$2,847,975.24 Approved

Vote – All ayes; motion carried.

### **PUBLIC HEARING**

Mayor Hopkins stated a public hearing was being held concerning the proposed T-Hangar Road Connector Project at the Municipal Airport.

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

#23025. Councilmember Natvig moved the public hearing be closed. Seconded by Councilmember Spread. All ayes; motion carried.

#23026. Councilmember Spread moved to approve the new Ambulance Service Fee Schedule. Seconded by Councilmember Phillips. All ayes; motion carried.

#23027. Councilmember Natvig moved to approve the first reading of an ordinance amending Title 2 Boards and Commissions to include Chapter 11 Convention and Visitors Board. Seconded by Councilmember Rehwaldt. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#23028. Councilmember Rehwaldt moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate and setting the bid opening date for the T-Hangar Connector Road Project. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#23029. Councilmember Bynum moved the resolution be adopted setting a public hearing for the Diana Queen Drive Construction Project. Seconded by Councilmember Phillips. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#23030. Councilmember Spread moved the resolution be adopted awarding the contract for the 2015 Asphalt Overlay Program to Illowa Investment Inc. in the amount of \$548,070.80. Seconded by Councilmember Natvig. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#23031. Councilmember Fitzgerald moved the resolution be adopted awarding the contract for the 2015 Sidewalk Construction Project to All American Concrete in the amount of \$149,762. Seconded by Councilmember Natvig. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#23032. Councilmember Phillips moved the resolution be adopted authorizing the assessment of unpaid abatement costs to private properties. Seconded by Councilmember Bynum. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#23033. Councilmember Natvig moved the resolution be adopted releasing a real estate mortgage for 104 George Street under the 2009 Community Development Block Grant Owner-Occupied Residential

Rehabilitation Program. Seconded by Councilmember Spread. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#23034. Councilmember Spread moved to approve the city's insurance renewal for fiscal year 2015/2016. Seconded by Councilmember Phillips.

City Administrator Gregg Mandsager stated the primary package lines will be renewed with ICAP with two recommended enhancements. He stated the excess coverage will be increased from \$10 million to \$15 million to allow for extra protection in the event of a catastrophic claim and there will be additional crime coverage for electronic transfer of funds. He added the city is switching from United Heartland to Iowa Municipalities Workers' Compensation Association which will result in approximately \$40,000 in premium savings.

Vote – All ayes; motion carried.

#23035. Councilmember Fitzgerald moved to approve the issuance of a purchase order to Weikert Contracting in the amount of \$45,545.70 for the 2015 Street Striping Project. Seconded by Councilmember Bynum. All ayes; motion carried.

#23036. Councilmember Spread moved to approve the purchase of two lots from John Lazio as part of the Mulberry Reconstruction Project. Seconded by Councilmember Phillips. All ayes; motion carried.

#23037. Councilmember Natvig moved to approve the Memorandum of Understanding transferring property from Sodarock Properties LLC to the City of Muscatine for the Mulberry Reconstruction Project. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#23038. Councilmember Fitzgerald moved to approve the request to designate E. 9<sup>th</sup> Street from Mulberry Avenue to Cedar Street as a one-way street. Seconded by Councilmember Spread.

Councilmember Rehwaldt asked if an agreement had been reached with Mr. and Mrs. Harris.

Mr. Harris stated he and his wife did not agree with the school district's offer of only one additional parking spot. He stated that Mr. Miller told them their request for two parking spots would need to be taken to the School Board for consideration. He stated he would like to see this matter settled tonight.

Mrs. Harris stated that she and her husband are not trying to be greedy but there is no parking out there. She stated the neighbors almost always park in front of their house.

Mr. Harris stated there had been parking on 9<sup>th</sup> Street but if it becomes a one way street, there will be no parking.

#23039. Councilmember Fitzgerald moved this matter be tabled until the July 2, 2015 City Council meeting to allow the school district time to take appropriate action on the couple's request. Seconded by Councilmember Phillips.

Mr. Miller explained why he felt the matter should not be tabled. He stated he does not see the school district moving forward on the installation of another parking stall.

Councilmember Fitzgerald called for the question.

Vote – Five ayes: Councilmembers Fitzgerald, Rehwaldt, Spread, Phillips, and Natvig. One nay: Councilmember Bynum. The matter was tabled to the July 2, 2015 City Council meeting.

#23040. Councilmember Fitzgerald moved to approve the issuance of a purchase order to Tapco in the amount of \$19,616.50 for the purchase of barricades and sawhorses. Seconded by Councilmember Natvig. All ayes; motion carried.

#23041. Councilmember Spread moved to approve the proposal submitted by Martin & Whitacre in the amount of \$11,300 for design work for the Diana Queen Drive Project. Seconded by Councilmember Fitzgerald.

Councilmember Fitzgerald asked if sidewalks would be included as part of the project design.

City Engineer Jim Edgmond answered yes. He stated the sidewalks would be 5' wide. He then stated it is the city's intent to install sidewalks on the side shown on the map. He stated that Steamboat Way is part of the 2016 sidewalk program and that only one side will have a sidewalk. He stated there really is no need to install a sidewalk on the other side. He pointed out that there will be sidewalks on both sides of Diana Queen Drive.

Mr. Edgmond stated the installation of sidewalk on both sides of Steamboat Way could be written into the contract.

Councilmember Spread stated the proposal being approved tonight is for the design of the project. He asked if the additional sidewalk could be bid as an alternate and then Council could decide whether to proceed when the contract is awarded.

Councilmember Fitzgerald asked if there would be sidewalks across from the nursing home, and Mr. Edgmond answered yes.

Councilmember Fitzgerald stated that he agrees that installation of the additional sidewalk should be bid as an alternate. He stated he would like it brought back to City Council so that we can make that decision.

Vote – All ayes; motion carried.

#23042. Councilmember Bynum moved to approve the Cemetery Steps Agreement. Seconded by Councilmember Rehwaldt. All ayes; motion carried.

#23043. Councilmember Rehwaldt moved to approve the Cemetery Trust Fund Agreement. Seconded by Councilmember Bynum. All ayes; motion carried.

Under comments, Councilmember Rehwaldt asked if anything else is needed to ensure that our computer system is secure.

City Administrator Mandsager stated he feels it would be appropriate to have better electrical coverage.

City Administrator Mandsager reminded City Council of the Closed Session.

#23044. Councilmember Natvig moved to enter Closed Session at 7:50 p.m. per Iowa Code 21.5 to discuss potential litigation. Seconded by Councilmember Spread. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

Mayor Hopkins called the Closed Session to order at 7:58 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Natvig, Bynum, Phillips, and Spread. Also present were City Administrator Gregg Mandsager, Public Works Director Randy, and Community Development Director Dave Gobin.

#23045. Councilmember Spread moved to leave Closed Session at 8:14 p.m. Seconded by Councilmember Natvig. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#23046. Councilmember Spread moved the meeting be adjourned at 8:15 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

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DeWayne Hopkins, Mayor

ATTEST:

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Gregg Mandsager, City Administrator