

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – January 21, 2016

Mayor Broderson called the City Council meeting for Thursday, January 21, 2016, to order at 7:00 p.m. Councilmembers present were Fitzgerald, Natvig, Saucedo, Bynum, and Harvey.

The meeting began with the Pledge of Allegiance.

Under Communications from Citizens, there were several residents present concerning the city's current pit bull ordinance. Those voicing their opposition to the ordinance were Paige Sauer of 319 Green Street, Sarah Peters of 3408 Steamboat Way, Roger Roth of the Clark House, John Meyer of 106 E. 9th Street, Jackie Petty of 3399 Water Street, Felicia Petty who resides on 6th Street, and Dustin Trimble of 710 Liberty Street. Ms. Sauer submitted a petition from residents opposed to the ordinance.

Kerry Dennis of 2105 Ridgeway Avenue stated he was in support of the current ordinance and explained why.

Mayor Broderson asked City Council for a consensus to bring the ordinance back for further review.

Those in favor of bringing the ordinance back for discussion were Councilmembers Natvig and Saucedo. Those opposed were Councilmembers Harvey, Bynum, and Fitzgerald.

City Administrator Mandsager stated he had two comments to share concerning the current ordinance. He stated he had heard from a gentleman who resides in Muscatine County but whose dog was allegedly attacked by the pit bull belonging to Ms. Sauer and her boyfriend. The gentleman stated the alleged attack took place at the Kent Stein ball park. He stated his dog required treatment at the Sunset View Animal Hospital. City Administrator Mandsager stated information was also provided by Brenda Bowman who was in favor of the current ordinance.

Shannon Aguirre of 321 Green Street stated her dogs were attacked by the dogs belonging to the residents at 319 Green Street who brought this matter forward at tonight's meeting. If this ordinance is revisited by City Council, she asked they make pit bull owners absolutely responsible for their dogs. She stated both the animals belonging to the residents at 319 Green Street are absolutely aggressive.

Councilmember Bynum stated he would like to hear from Police Chief Brett Talkington concerning this issue.

Chief Talkington stated he did not have any statistics with him but he could only address the event that happened at 319 Green Street. He stated the dog owners were cited for two violations of vicious animals.

Councilmember Bynum asked Chief Talkington if there were dog bite instances in the last 12 months.

Chief Talkington stated that dog bites occur all the time. He stated he could provide statistics at another time.

Mayor Broderson stated this item would not be addressed at a later date since there was not a consensus from City Council to do so.

A short break was taken to allow residents to leave the Council Chambers.

Under the Consent Agenda, Councilmember Natvig asked that Items 8L and 8M be removed from the Consent Agenda to allow for further discussion. Both items concern Great River Days activities.

#23261. Councilmember Fitzgerald, seconded by Councilmember Natvig, moved the Consent Agenda be approved as follows:

- Regular City Council Minutes – January 7, 2016
- In-Depth City Council Minutes – January 14, 2016
- Request on First Reading for a Class “C” Liquor License and Sunday Sales for Club Inc., 2402 Park Avenue – Club Inc. (pending inspections and insurance); first and second reading for a new Class “B” Beer Permit for Chicharo’s Mexican Grill, 600 Park Avenue – Chicharos LLC (pending inspections); renewal of a Class “B” Wine Permit, Class “C” Beer Permit and Class “E” Liquor License for Fareway Stores Inc. #998, 2100 Cedar Plaza Drive – Fareway Stores Inc. (pending inspections); renewal of a Special Class “C” Liquor License and Sunday Sales for Pizza Hut, 2512 Park Avenue – Pizza Hut of Muscatine Inc. (pending inspections); renewal of a Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Wholesale Food Outlet #312, 807 Grandview Avenue – Nash- Finch Company (pending inspections); renewal of a Special Class “C” Liquor License for Sal Vitale’s Pizzeria & Pasta, 1010 Park Avenue – The Sicilian Pizza and Subs LLC (pending inspections and insurance); renewal of a Class “B” Native Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Curry’s Express Mart, 4804 Hwy 61 South – Curry’s Express Mart Inc. (pending inspections and insurance); and Taxicab Licenses for Non-Emergency Medical Transport Inc. and Royal Taxi Cab Service LLC.
- Request approved from Ss. Mary & Mathias Catholic School for Use of City Property for Hustle 5K on April 2, 2016 beginning at 9:00 a.m.
- Request approved from Kent Corporation Relay for Life for Use of City Property for Fun Run/Walk on April 23, 2016 from 8:30 a.m. to 10:00 a.m.
- Request approved for Use of City Property for HNI Corporation Family Fun Day and Picnic on August 21, 2016 at Weed Park from 8:00 a.m. to 4:00 p.m. including use of the Aquatic Center
- Filing of Communications 12A-F
- Approval of attached Bills for Approval totaling \$1,467,371.39

Vote – All ayes; motion carried.

PUBLIC HEARING

Mayor Broderson stated this public hearing concerns the proposed lease agreement with US Cellular for the placement of communications equipment on the Clark House rooftop.

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

#23262. Councilmember Natvig moved the public hearing be closed. Seconded by Councilmember Harvey. All ayes; motion carried.

PUBLIC HEARING

Mayor Broderson stated this public hearing concerns the proposed building façade improvements related to the CDBG Downtown Revitalization Project.

Kelly Dennis of 2105 Ridgeway asked what CDBG meant, and City Administrator Mandsager stated it stood for Community Development Block Grant. He then gave a brief history of the buildings involved in the revitalization project.

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

#23263. Councilmember Natvig moved the public hearing be closed. Seconded by Councilmember Bynum. All ayes; motion carried.

PUBLIC HEARING

Mayor Broderson stated this public hearing concerns stormwater infiltration improvements related to the CDBG Downtown Revitalization Project.

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

#23264. Councilmember Fitzgerald moved the public hearing be closed. Seconded by Councilmember Harvey. All ayes; motion carried.

At this time, there was discussion concerning Items 8L and 8M pertaining to Great River Days activities.

Councilmember Natvig voiced his concerns about activities associated with RAGBRAI and Great River Days should the city be selected as the final point for the bike ride.

Greg Jenkins of GMCCI stated that July 30th is the ending date of the RAGBRAI bike ride. He asked if City Council would consider tabling the event to allow for further discussion.

Kerry Dennis who is on the Great River Days Board stated the Board is willing to work with folks on the RAGBRAI event if the city is selected for the stopping point.

#23265. Councilmember Natvig moved that Items 8L and 8M be tabled until the February 4, 2016 City Council meeting. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#23266. Councilmember Fitzgerald moved the resolution be adopted approving the replat of Lots 16, 17 and 23 of the Ramsgate Replat of Kent Estates. Seconded by Councilmember Harvey. All ayes: Councilmembers Fitzgerald, Natvig, Saucedo, Bynum, and Harvey. Motion carried.

#23267. Councilmember Harvey moved the resolution be adopted setting a public hearing on the vacation of a utility easement on Lot 1 in the Muscatine Pointe Subdivision for Thursday, February 4, 2016, at 7:00 p.m. Seconded by Councilmember Natvig. All ayes: Councilmembers Fitzgerald, Natvig, Saucedo, Bynum, and Harvey. Motion carried.

#23268. Councilmember Fitzgerald moved the resolution be adopted approving the lease agreement between the City of Muscatine and USCOC of Greater Iowa Inc. (US Cellular) for the placement of communication equipment on the Clark House rooftop. Seconded by Councilmember Bynum. All ayes: Fitzgerald, Natvig, Saucedo, Bynum, and Harvey. Motion carried.

#23269. Councilmember Natvig moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate, and setting the bid opening date for the Building Façade Improvements related to the CDBG Downtown Revitalization Project. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Fitzgerald, Natvig, Saucedo, Bynum, and Harvey. Motion carried.

#23270. Councilmember Harvey moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate, and setting the bid opening date for the Stormwater Infiltration Improvements related to the CDBG Downtown Revitalization Project. Seconded by Councilmember Bynum. All ayes: Councilmembers Fitzgerald, Natvig, Saucedo, Bynum, and Harvey. Motion carried.

#23271. Councilmember Natvig moved to approve the second reading of the ordinance vacating a right-of-way remnant in the City of Muscatine. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Fitzgerald, Natvig, Saucedo, Bynum, and Harvey. Motion carried.

#23272. Councilmember Fitzgerald moved the resolution be adopted authorizing the assessment of unpaid abatement costs and rental inspection fees to private properties. Seconded by Councilmember Natvig.

Councilmember Harvey asked what the success rate was on collecting these unpaid fees.

City Administrator Mandsager stated unpaid fees are added to a property owner's property taxes and collected when the house is sold.

Councilmember Harvey stated it could be a while before the fees are collected, and City Administrator Mandsager stated that was correct.

Finance Director Nancy Lueck stated the outstanding fees are collected regularly.

Councilmember Harvey asked what the advantage would be of using the Iowa Income Offset Program to collect these fees.

City Administrator Mandsager stated the offset program is used for the collection of ATE and ambulance outstanding fees.

Ms. Lueck stated the assessments would be eligible for collection by the offset program; however, the city has a good success rate when collecting the unpaid assessment fees.

Councilmember Fitzgerald stated he received a call from a resident who is on the assessment list who stated he had just received the bill for \$120 and now the assessed amount has an additional administrative fee.

City Administrator Mandsager stated he will check into the matter.

Vote – All ayes: Councilmembers Fitzgerald, Natvig, Saucedo, Bynum, and Harvey. Motion carried.

#23273. Councilmember Harvey moved the resolution be adopted setting a public hearing on the City of Muscatine's Capital Improvement Plan for fiscal years 2016 through 2020 for Thursday, February 4, 2016, at 7:00 p.m. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Fitzgerald, Natvig, Saucedo, Bynum, and Harvey. Motion carried.

#23274. Councilmember Natvig moved to approve the refuse collection services contract with the City of Fruitland. Seconded by Councilmember Bynum.

Councilmember Saucedo asked what the changes in the contract were income wise.

City Administrator Mandsager stated the City of Fruitland has the same services that are provided to the residents of Muscatine so there is no fee adjustment.

Councilmember Fitzgerald asked if the city is in competition with private haulers.

City Administrator Mandsager stated 28E allows for agreements between two communities.

Councilmember Fitzgerald asked if this could be a budget issue.

City Administrator Mandsager asked if he was referring to 2020.

Councilmember Fitzgerald asked if there was a reopener in the contract.

Solid Waste Manager Laura Liegois stated the residents in Fruitland pay the same base rate and senior rate as the citizens of Muscatine. She stated this service brings approximately \$80,400 into the city's budget.

Councilmember Fitzgerald asked if the city is actually covering our costs when providing this service.

Ms. Liegois stated the city has been providing this service to Fruitland since 2009. She stated Fruitland has approximately 345 residents serviced under this contract. She stated that with the new automated equipment staff can provide collection services in less than two hours.

Councilmember Fitzgerald asked again if the contract had a reopener clause.

Mayor Broderson stated only if costs go up.

City Administrator Mandsager then read the section of the contract pertaining to fee adjustments.

Councilmember Saucedo asked who provided Fruitland's collection services prior to 2009.

Ms. Liegois stated they had a private hauler. She then gave a brief history of Fruitland's problems with the hauler. She stated the City of Fruitland went out for bids for refuse collection services and also visited the City of Muscatine. She stated that 28E agreements between two municipalities is not unheard of.

Vote – All ayes; motion carried.

#23275. Councilmember Fitzgerald moved to approve a lease agreement with FP-USA-COM for a new folding/stuffing machine for the Finance Department in the amount of \$99 per month (\$1,188 annually) which includes maintenance. Seconded by Councilmember Bynum.

There was discussion concerning the advantages of purchasing or buying this piece of equipment.

Finance Director Lueck stated this piece of equipment receives a lot of use by Finance staff and that a lease agreement would allow the city to receive it sooner rather than waiting until the new fiscal year if purchased.

Vote – All ayes; motion carried.

Under comments, Councilmember Natvig encouraged the public to attend the upcoming budget sessions which begin on January 30, 2016 and are held in the lower level conference room of City Hall.

Councilmember Fitzgerald stated it was his understanding there would be no future discussion about the pit bull ordinance.

City Administrator Mandsager stated it was his understanding City Council chose not to bring it back for future discussion. He stated that staff can provide information concerning dog bites that have taken place in the city.

Councilmember Fitzgerald stated he has a concern about the number of pit bulls in town. He stated if it looks like a pit bull it is a pit bull. He reminded residents that the City Code states that pit bulls are not allowed in the city limits.

Mayor Broderson stated that the consensus of City Council was to not have the pit bull ordinance brought back in the future.

A motion was made by Councilmember Harvey to adjourn the meeting at 8:15 p.m.

Diana Broderson, Mayor

ATTEST:

Gregg Mandsager, City Administrator