

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

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

The meeting began with the Pledge of Allegiance.

Miss Muscatine Outstanding Teen Sophia Aguirre read the proclamation for “Muscatine Volunteer Week”.

Eva McBride, 903 Newell Avenue, stated she feels 3rd Street should become a one-way street rather than making 2nd Street a two-way street and explained her reasoning.

#23347. Councilmember Spread, seconded by Councilmember Harvey, moved the Consent Agenda be approved as follows:

- Regular City Council Minutes – March 17, 2016
- First reading for a Class “C” Liquor License and Outdoor Service for Clamshell, 406 Mississippi Drive – Gerardo Vasquez (pending inspections and insurance); renewal of a Class “C” Beer Permit and Sunday Sales for Casey’s General Store #2944, 3010 University Drive – Casey’s Marketing Company (pending inspections); and renewal of a Class “C” Liquor License and Outdoor Service for La Guadalajara Restaurant, 208 East 2nd Street – La Guadalajara Restaurant LLC (pending inspections and insurance)
- Request from the Convention and Visitors Bureau for use of 2nd Street between Pine and Cedar streets for a Street Fest on Saturdays, June 11th, July 9th, August 13, September 10th, and October 8th from 3:30 to 9:30 p.m.
- Request for use of city parking lot and alley between Sycamore and Cedar Streets/Mississippi Drive for RAGBRAI activities beginning at 6:00 p.m. on July 29, 2016 through 6:00 p.m. on July 30, 2016
- Request from Calacci Construction Company for closure of Oak Street beginning at 7:00 a.m. April 9, 2016 and ending the afternoon of April 10, 2016
- Proclamation Declaring April 3, 2016 as “ Sister City Day”
- Filing of Communications 12A-E
- Bills for Approval totaling \$5,071.958.06, which includes receipt summaries and journal entries for February 2016

Vote – All ayes; motion carried.

At this time, Mayor Broderson read the Sister Cities proclamation. She thanked John Dabeet for the work he has done with the Sister Cities organization. She then presented the proclamation to him.

PUBLIC HEARING

Mayor Broderson stated this public hearing concerns the proposed application for state and federal transit funding.

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

#23348. Councilmember Rehwaldt moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

#23349. Councilmember Natvig moved to approve the first reading of the RAGBRAI Ordinance. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23350. Councilmember Fitzgerald moved the resolution be adopted approving the base bid and Alternates #1 and #3 in the amount of \$1,590,520 from the Crawford Company for the Muscatine Art Center/Museum HVAC Replacement and Miscellaneous Window Renovations Project to Crawford Company. Seconded by Councilmember Spread.

Councilmember Saucedo asked if only one bid was received.

City Administrator Gregg Mandsager stated that two bids were received but one was received late and could not be opened. He stated that Vic Amaroso of A&J Associates was present tonight to answer questions about the project and the bids received.

Councilmember Rehwaldt asked if the project could be rebid.

Mr. Amaroso stated there were two bids received for the project. He stated that after the bid was opened he talked to the contractor submitting the late bid and was told his bid was not lower than the bid received. He stated the bid received was within the estimate for the project.

Mr. Amaroso stated that if the project were rebid, the scope of the project would have to be changed. He stated the upcoming weather is excellent for this project and if the project is rebid, this window of opportunity would be lost and work could not begin until 2017.

Councilmember Fitzgerald asked Mr. Amaroso if he was satisfied with the bid, and he stated he was very satisfied.

Councilmember Saucedo asked who the consultant was for the geothermal project for the Public Safety Building.

Mr. Amaroso stated he had provided the professional services and Hometown Plumbing did the work.

Councilmember Rehwaldt asked for a description of Alternates #2 and #4 which are being deferred.

Mr. Amaroso stated it is being proposed work on the Carriage House be deferred. He stated the Carriage House was selected because it was easier to break out of the entire project.

Councilmember Rehwaldt asked what other project was being deferred, and Mr. Amaroso stated it was the pipe organ.

Councilmember Rehwaldt stated one of the major reasons for this project is to protect the Art Center's collection. He asked Mr. Amaroso to explain the rationale behind deferring the Carriage House upgrades.

Mr. Amaroso stated the contractor has agreed to hold his bid amount until September 1, 2016 to allow the Art Center Board to secure additional funding to complete Alternates #2 and #4.

Councilmember Saucedo stated it was his understanding the Art Center Board will be reaching out for the additional funding to include Alternates #2 and #4.

Art Center Director Melanie Alexander stated the Board has been working on this project for several years. She stated the Carriage House is one of the better performing buildings as far as temperature control is concerned. She stated the Board is committed to making sure the contractor can move forward with the full scope of the project.

Ms. Alexander stated her Board is hopefully going to come up with a variety of sources for the remaining funds needed which is approximately \$360,000.

There was further discussion on the amount the Board is seeking to raise.

Councilmember Rehwaldt asked how much the windows will cost to replace.

Mr. Amaroso stated that portion of the project is approximately \$250,000.

Councilmember Rehwaldt asked why that money cannot be put toward the Carriage House upgrades.

Mr. Amaroso stated that if money is going to be spent on the HVAC system, good windows are needed.

Councilmember Fitzgerald suggested City Council be provided with an update in August on the amount of outside funding that has been received. He stated he is not opposed to the city meeting the balance of the money required. He stated the issues at the Art Center have been a problem for a long time and the city should just bite the bullet and help with the funding.

Mr. Amaroso reminded City Council the contractor has agreed to hold his bid until September 1, 2016.

There was further discussion on possible funding sources.

Councilmember Saucedo asked how long it will take to complete the project.

Mr. Amaroso stated the project completion if the Carriage House is included should be February 2017. He stated the Carriage House will be done last.

Councilmember Rehwaldt asked if the Art Center Board had a specific fund raising plan.

Clair Penner, a member of the Art Center Board, stated the Board is committed to raising the additional funds needed to allow completion of Alternates #2 and #4.

Councilmember Rehwaldt asked if the city is committed to A&J Associates for construction management.

Councilmember Fitzgerald stated that A&J Associates has been around the city for quite a while and there have never been any issues with them.

Ms. Alexander stated she will be meeting with the Art Center Support Foundation in May to see if they can offer some type of support.

Councilmember Rehwaldt asked why she was waiting until May, and Ms. Alexander stated they are a non-profit organization and meet on a quarterly basis.

Councilmember Fitzgerald asked what citizens should write on their check if they are interested in donating funds for the project.

Ms. Alexander stated the check should be written to the City of Muscatine. She stated any funds received will be put into the Art Center's general trust.

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

#23351. Councilmember Spread moved the resolution be adopted accepting the dedication of right-of-way and public street improvements for the extension of Sevig Street. Seconded by Councilmember Bynum.

Councilmember Rehwaldt asked where Sevig Street was located.

City Administrator Mandsager stated it is associated with the Wal-View warehouses.

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

#23352. Councilmember Fitzgerald moved the resolution be adopted approving the official pay plan for non-union employees effective July 1, 2016. Seconded by Councilmember Natvig. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23353. Councilmember Fitzgerald moved the resolution be adopted approving a mortgage release under the 2009 Community Development Block Grant Housing Rehabilitation Program for 312 Green Street. Seconded by Councilmember Spread.

Councilmember Rehwaldt asked if the city would be repaid from the proceeds of the sale.

Councilmember Spread answered no because it was a forgivable loan.

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

#23354. Councilmember Harvey moved the resolution be adopted accepting completed work for the Muscatine Slough Rip-Rap Project and authorizing final payment to Brauns Excavating. Seconded by Councilmember Rehwaldt. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23355. Councilmember Bynum moved the resolution be adopted setting a public hearing for Thursday, April 21, 2016, at 7:00 p.m. to declare property at 1202 Indiana Street as surplus property. Seconded by Councilmember Harvey.

Councilmember Harvey asked if the lots were buildable.

City Planner Andrew Fangman stated they are both smaller lots. He stated the adjoining property owners have expressed an interest in the properties.

Councilmember Fitzgerald asked if they will be listed for sale.

Mr. Fangman stated he will be bringing back a formal proposal at the April 21, 2016 City Council meeting.

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

#23356. Councilmember Natvig moved the resolution be adopted setting a public hearing for Thursday, April 21, 2016, at 7:00 p.m. to declare property at 1111 Nebraska Street as surplus. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23357. Councilmember Harvey moved to approve settlement agreements from Casey's General Store #1484 and Wholesale Food Outlet #312 for violation of Iowa Code Section 453A.2 (selling tobacco to a minor). Seconded by Councilmember Spread. All ayes; motion carried.

#23358. Councilmember Harvey moved to approve the professional services agreement with Short Elliott Hendrickson Inc. in the amount of \$40,000 for update of the Master Plan for Riverside Park. Seconded by Councilmember Natvig.

Councilmember Rehwaldt asked what the city hopes to accomplish with the update of the Master Plan.

Former Public Works Director Randy Hill stated the current plan is 30 to 40 years old. He stated a new Master Plan will allow the city to see what opportunities exist for the riverfront.

City Administrator Mandsager explained some of the things that will be looked at for the riverfront. He stated it will also compliment the Mississippi Drive Corridor Project.

Mr. Hill stated this agreement is almost identical to the one the city had approved with Smith-GroupJJR. He stated that once the agreement was signed, the city did not hear anything from them and during that same time frame, the primary principle left and went to SEH. He stated no feedback was received from Smith-GroupJJR so the agreement was cancelled.

Councilmember Saucedo asked why not go further down the riverfront to McKee Button since it is just bare ground there.

Mr. Hill stated that area could be included in the update.

Vote – All ayes; motion carried.

#23359. Councilmember Spread moved to authorize the issuance of a Letter of Opposition to the annexation of certain city property by Joint Drainage District #13. Seconded by Councilmember Harvey.

Councilmember Harvey stated it looks like the drainage district did not meet its legal obligation by notifying everyone that would be affected by the proposed annexation.

City Administrator Mandsager stated the city's notification was received at the Water Pollution Control Plant. He stated it still does not change our recommendation to object to the proposed annexation. He stated that Muscatine County's letter simply stated its objection to the proposed annexation and the affected properties.

Vote – All ayes; motion carried.

Under comments, Councilmember Rehwaldt, speaking in reference to the release of mortgages by the city, asked if mortgage insurance should be required in the future.

City Administrator Mandsager stated they are forgivable loans provided through federal dollars.

Mayor Broderson stated she had received a recommendation from a citizen to change the direction of the one way on 2nd Street so that traffic coming from the west could go eastbound down to Mulberry Avenue and to change 3rd Street to a one way.

She also received a call from Ms. Smyers concerning the condition of properties on W. 3rd Street.

#23360. Councilmember Rehwaldt moved to go into Closed Session at 8:00 p.m. per Iowa Code 21.5.1.c as well as the case law on attorney/client privilege as codified in Iowa Code Section 622.10, to discuss strategy with counsel in matters that presently involve legal action and/or where legal action is imminent with potential action to follow. Seconded by Councilmember Spread. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

Mayor Broderson called the Closed Session to order at 8:07 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Also present were City Administrator Gregg Mandsager and City Attorney Matt Brick.

#23361. Councilmember Fitzgerald moved to leave the Closed Session at 8:32 p.m. Seconded by Councilmember Rehwaldt. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, and Spread. Motion carried.

#23362. Councilmember Fitzgerald moved to go into Closed Session at 8:32 p.m. per Iowa Code 21.5.1.i to evaluate the professional competency of an individual who has requested a closed session with potential action to follow. Seconded by Councilmember Spread. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

Mayor Broderson called the Closed Session to order at 8:32 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Also present were City Administrator Gregg Mandsager and City Attorney Matt Brick.

#23363. Councilmember Fitzgerald moved to leave Closed Session at 9:46 p.m. Seconded by Councilmember Rehwaldt. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

The meeting adjourned at 9:47 p.m.

Diana Broderson, Mayor

ATTEST:

Gregg Mandsager, City Administrator