

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

Mayor Broderson called the City Council meeting for Thursday, July 21, 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.

Jean Clark, 1221 Mulberry Avenue, stated she feels everyone deserves everyone should be able to serve on the Board of Water, Electric, and Water Trustees and explained her reasoning.

Bill Albright, who resides in the county, talked about the importance of volunteering.

Roger Roth, who resides at the Clark House, read a letter he had written to the Department of Housing and Urban Development concerning a City Council member who brings his dog onto the Clark House property.

Greg Jenkins of the Greater Muscatine Chamber of Commerce and Industry stated he was present tonight to ask residents of Muscatine to consider volunteering to assist with RAGBRAI on Saturday, July 30, 2016. He stated that approximately 100 more people are needed.

Councilmember Fitzgerald asked who folks should contact.

Mr. Jenkins stated anyone interested can go to ragbraimuscatine.com.

Mayor Broderson stated that folks could contact the United Way as well.

Councilmember Rehwaldt requested that Items 9D and 9J be removed from the Consent Agenda.

#23480. Councilmember Spread, seconded by Councilmember Fitzgerald, moved the Consent Agenda be approved as follows:

- Regular City Council Minutes – June 16, 2016
- Special City Council Minutes – June 23, 2016
- Reappointments of Scott Natvig and Stacy Lewis to the Airport Advisory Commission; Rochelle Conway and James Burr to the Art Center Board of Trustees; Robert Bahn, Beth Johnson, and Anthony Loconsole to the Convention and Visitors Board; Bret Olson to the Library Board of Trustees; Dr. Bradley Bark and Dana Kraft to the Recreation Advisory Commission; and Tom Curry to the Transportation Advisory Commission
- New Appointments of Keith Porter to the Board of Water, Electric, and Communications Trustees; Wendi Ingram to the Planning and Zoning Commission; and Kraig Reed to the Transportation Advisory Commission

Vote – Six ayes and one nay (Councilmember Bynum); motion carried.

#23481. Councilmember Natvig moved that Items 9D and 9J from the Consent Agenda be tabled. Seconded by Councilmember Fitzgerald. Five ayes and two nays (Councilmembers Bynum and Harvey); motion carried.

At this time there was discussion by City Attorney Matt Brick relating to the appointment and removal powers of the Mayor as contained in the City Code.

Mr. Brick stated that his presentation tonight is a follow up from the motion made by Councilmember Spread in April and from the June 23, 2016 Special meeting. He stated he would be reviewing the items contained in the agenda packet.

Mr. Brick, speaking in reference to the Rules of City Council, stated that under 1.2 (Special Meetings) of the rules, a change was made to make them consistent with the updated City Code. He stated there is a provision that allows City Council and the City Administrator to call a special meeting. He stated the change being made is not a significant one.

Mr. Brick then touched on the resolution to create a Nominating Committee as was proposed by City Council. He stated that depending on the decision tonight, there may be a reason to act on it as written or modified or to not act on it at all. He recommended City Council take no action on the resolution until a decision is made on the proposed ordinance.

Mr. Brick then gave an overview of the proposed changes to the City Code amending the appointment and removal powers in Title 1, Chapter 11, Title 2, Chapters 1, 2, 3, 4, 6, 7, 8, and 9, Title 6, Chapter 1; and adding Chapters 11 and 12 to Title 2.

There were questions and comments from City Council that were answered or addressed by the City Attorney.

Mr. Brick stated that he did want to point out the Mayor's right to veto. He stated that once the ordinance is adopted, the Mayor could choose to veto it within 14 days. He then stated that City Council could override that veto with a 2/3 majority vote within 30 days after the Mayor's veto.

The Mayor had questions concerning the veto process that were answered by the City Attorney. She then asked if there would be any consequences on the Boards that are not full and the City Attorney addressed her concerns.

#23482. Councilmember Natvig moved to approve the first reading of the ordinance amending appointment and removal powers in Title 1, Chapter 11, Title 2, Chapters 1, 2, 3, 4, 6, 7, 8, and 9 and Title 6, Chapter 1; and adding Chapters 11 and 12 to Title 2. Seconded by Councilmember Rehwaldt. Five ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, and Spread. Two nays: Councilmembers Harvey and Bynum. Motion carried.

The next item on the agenda for discussion was a presentation on the amendment to the Rules of City Council which was not necessary because the changes had been addressed earlier in the meeting by the City Attorney.

#23483. Councilmember Rehwaldt moved to approve the second reading of an ordinance amending the zoning ordinance for property located at 1409 Wisconsin Street (formerly Garfield School). Seconded by Councilmember Spread.

Councilmember Harvey stated the rezoning is for S-1 Institutional Office and there will be no M-1 Light Industrial zoning of the property in question.

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

#23484. Councilmember Harvey moved the resolution be adopted approving the purchase of 201 Green Street related to the Mississippi Drive Corridor Project and accepting the quit claim deed. Seconded

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

At this time the Mayor invited residents to speak concerning the proposed ordinance amending appointment and removal powers of the Mayor.

Those who spoke in favor of leaving the City Code as it is were Hal Green, 1821 Hammann, Jean Clark, 1221 Mulberry Avenue, and Mrs. Smith of 913 Newell Avenue. Linda Reichert of 3402 Tipton Road and Mrs. Smith of 913 Newell Avenue were both in agreement that someone other than the City Administrator should serve on the proposed Nominating Committee.

Referencing Councilmember Fitzgerald's statements concerning the Nominating Committee, City Administrator Mandsager stated the language as proposed states that the City Administrator or his or her designee can serve on the committee.

23485. Councilmember Bynum moved the resolution be adopted releasing a real estate mortgage under the 2009 Community Development Block Grant Owner-Occupied Rehabilitation Program for 1828 New Hampshire Street. Seconded by Councilmember Natvig. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23486. Councilmember Spread moved to accept the low from Bushman Excavating of Fairfax, Iowa, to provide concrete crushing services at \$5.47 per ton and not to exceed \$50,000. Seconded by Councilmember Fitzgerald.

Councilmember Rehwaldt asked about the mounds of material at the airport.

City Engineer Jim Edgmond stated the large pile is not part of this program and will be trucked from the site. He stated that some of the remaining material will be used for the t-hangar upgrades and for road repairs at the airport.

Vote – All ayes; motion carried.

#23487. Councilmember Rehwaldt moved to approve the request from the Traffic Committee to replace the traffic signal at W. 8th Street and Roscoe Avenue with a stop sign. Seconded by Councilmember Spread. All ayes; motion carried.

#23488. Councilmember Fitzgerald moved to authorize the issuance of a purchase order to Krieger Motor Company in the amount of \$54,164 for a pickup truck for Park Maintenance. Seconded by Councilmember Natvig. All ayes; motion carried.

#23489. Councilmember Spread moved to authorize the issuance of a purchase order to Iowa Farm Equipment in the amount of \$8,499 for a mower for the cemetery. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#23490. Councilmember Fitzgerald moved to approve an amendment to the Retail Sales and Service Agreement and Lease with Peter Troost Monument Company Inc., doing business as Iowa Memorial Granite Company, for Greenwood Cemetery extending the agreement for another two years (July 1, 2016 through June 30, 2018). Seconded by Councilmember Natvig. All ayes; motion carried.

#23491. Councilmember Bynum moved to approve the amendment to the Business Office Operations Agreement for Greenwood Cemetery with Peter Troost Monument Company Inc., doing business as Iowa Memorial Granite Company extending the agreement for another two years (July 1, 2016 through June 30, 2018). Seconded by Councilmember Natvig. All ayes; motion carried.

#23492. Councilmember Fitzgerald moved to approve the 2016/2017 Deer Hunt within the City of Muscatine. Seconded by Councilmember Spread.

Councilmember Harvey asked if these hunts have been beneficial to the city, and Parks & Recreation Director Rich Klimes answered yes.

Vote – All ayes; motion carried.

#23493. Councilmember Fitzgerald moved to approve the purchase of a video server for the Interview Room at the Police Department from FSS Inc. in the amount of \$8,854.50 which includes the cost of moving the camera/mic system and the ability to switch the microphone on and off. Seconded by Councilmember Natvig.

Councilmember Harvey asked why a server was needed.

Assistant Police Chief Phil Fitzgerald stated this piece of equipment provides redundancy so that if the hard drive fails, a backup will still be created.

Vote – All ayes; motion carried.

#23494. Councilmember Spread moved to approve the contract settlement and termination agreement for the Muscatine Mall Development Agreement. Seconded by Councilmember Natvig. All ayes; motion carried.

#23495. Councilmember Fitzgerald moved to approve the recommendation from the Chamber Commercial Dumpster Committee. Seconded by Councilmember Bynum.

#23496. Councilmember Rehwaldt moved to amend the original motion to remove the city from the commercial business. It was later seconded by Councilmember Saucedo. (There was no vote taken on this amendment).

He stated his reason for the amendment is because he feels the city should be concentrating on its residential customers and not competing with other waste hauling firms. He stated the city will want to protect its waste stream so he recommended some type of licensing arrangement to ensure the waste collected continues to go to our landfill.

There were questions and concerns from Councilmembers concerning the licensing process that were addressed by City Attorney Matt Brick and City Administrator Gregg Mandsager.

#23497. Councilmember Spread offered a second amendment approving the recommended rate guidelines and directing the City Administrator to look into the licensing process. Seconded by Councilmember Saucedo. Six ayes: Councilmembers Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. One nay: Councilmember Rehwaldt. Motion carried.

Vote on original motion as amended – All ayes; motion carried.

Councilmember Saucedo asked that City Council be kept up to speed on this matter.

#23498. Councilmember Fitzgerald moved to accept the remaining bid alternates for the Art Center HVAC and Building Envelope Improvement Project. Seconded by Councilmember Spread.

There were questions and comments from City Council that were addressed by Art Center Director Melanie Alexander.

Vote – All ayes; motion carried.

#23499. Councilmember Spread moved to approve Change Order #1 for the Art Center HVAC Building Envelope Project totaling \$51,500.75. Seconded by Councilmember Natvig.

There were questions and concerns from City Council concerning deferred maintenance items and funding for the cost of the change order that were addressed by staff as well as Vic Amaroso from A&J Associates.

Vote – All ayes; motion carried.

Under comments, Councilmember Tom Spread, speaking in reference to the Zoning Board of Adjustment appointments that were tabled earlier in the meeting, stated there seems to be a gender balance issue.

Mayor Broderson stated she had talked with the Community Development Director and was told that his department could make things work with the proposed appointments.

Councilmember Spread asked if there was some type of gender balance requirement.

City Administrator Mandsager stated there is a 90 day requirement for making a good faith effort in meeting the gender balance of a board. He stated that if after 90 days the gender balance cannot be met, then an appointment can be approved.

Councilmember Natvig stated he moved to table Item 9J because of the gender balance issue. He stated he did not have an issue with the proposed candidates.

City Administrator Mandsager stated that Jon Koch had provided him a copy of a proclamation issued by the State of Iowa proclaiming July 17-23, 2016 as Water and Wastewater Workers of Iowa Week. He stated the proclamation recognizes the water and wastewater workforce of Iowa and all of their efforts.

Mayor Broderson congratulated Lutheran Social Services on their new location at Grace Lutheran Church. She stated that LSI has been in our community for 25 years.

Mayor Broderson then reminded everyone of Coffee with the Mayor on Saturday, July 23, 2016, at Happy Joe's on Lake Park Boulevard beginning at 9:00 a.m.

Mayor Broderson apologized to the candidates who were not appointed to the Zoning Board of Adjustment and Civil Service Commission. She then offered her thoughts on the importance of the common man.

The Mayor called for a 10 minute recess at 8:50 p.m. She called the meeting back to order at 9:08 p.m.

#23500. Councilmember Spread moved to go into Closed Session at 9:09 p.m. per Iowa Code 21.5(c) for pending litigation. Seconded by Councilmember Harvey. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

Mayor Broderson called the Closed Session to order at 8:30 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Saucedo, Bynum, Harvey, and Spread. Also present were City Administrator Gregg Mandsager, City Attorney Matt Brick, Fire Chief Jerry Ewers, and Finance Director Nancy Lueck.

#23501. Councilmember Harvey moved to leave Closed Session at 9:16 p.m. Seconded by Councilmember Bynum. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23502. Councilmember Harvey moved to accept the settlement for the Fire Station #2 Project and directed the city attorney to settle the 573 lawsuit. Seconded by Councilmember Natvig. All ayes; motion carried.

Councilmember Saucedo moved the meeting be adjourned at 9:19 p.m.

Diana Broderson, Mayor

ATTEST:

Gregg Mandsager, City Administrator