

CITY OF MUSCATINE  
REGULAR CITY COUNCIL MINUTES  
Council Chambers – 7:00 p.m. – October 7, 2010

Mayor Pro Tem Dyann Roby called the City Council meeting for Thursday, October 7, 2010, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange.

Councilmember Lange gave the opening prayer which was followed by the Pledge of Allegiance.

Rachel Anderson, 107 W. 7<sup>th</sup> Street, presented a request to City Council for the closure of E. 2<sup>nd</sup> Street between Cedar and Sycamore streets in conjunction with the Fall Festival on Saturday, October 9, 2010.

City Administrator Gregg Mandsager asked that City Council's motion be subject to review by the required city departments.

#20294. Councilmember Fitzgerald moved to approve the request pending review and approval by the required city departments and approval by the City Administrator. Seconded by Councilmember LeRette. All ayes; motion carried.

Councilmember Lange pointed out it is important requests such as this be submitted in a timely fashion.

The next item on the agenda was the presentation of "Life Saving" medals to Police Sgt. Chad Said and Police Officer Josh Cummings.

Beth Posey, representing her family, publicly thanked Sgt. Said and Officer Cummings for saving their father's life.

Mayor Pro Tem Roby then presented the medals to the officers and thanked them both for their positive representation of our city.

#20295. Councilmember Fitzgerald moved to approve the minutes of the September 16, 2010 City Council meeting. Seconded by Councilmember Natvig. All ayes; motion carried.

#20296. Councilmember Lange moved to approve the Consent Agenda as follow: Filing of Communications A-E and approval of the Bills for Approval totaling \$2,199,230.06 as well as journal entries and receipt summaries for June 2010. Seconded by Councilmember Bynum. All ayes; motion carried.

#20297. Councilmember Fitzgerald moved to adopt the proclamation declaring October 24, 2010 as "United Nations Day". Seconded by Councilmember Natvig. All ayes; motion carried.

#20298. Councilmember Natvig moved the resolution be adopted amending industrial contract provisions for the Muscatine Transfer Station. Seconded by Councilmember Lange.

Councilmember Bynum stated he will vote in favor of this action tonight; however, he is doing so with hesitancy. He stated his concern is spending \$1.1 million on a new cell once the three year period is over. He stated it his hope this proposal will help reduce the debt at the landfill. He thanked the committee members for their hard work.

Councilmember Natvig asked if the effect of recycling was factored into the numbers provided to City Council.

Gary Carlson of HNI and a member of the committee stated the city's recycling efforts were taken into consideration. He stated the numbers provided on the spreadsheet are net numbers.

Councilmember Natvig stated recycling could become a bigger success than expected and asked if that possibility was taken into consideration.

Mr. Carlson stated it had been. He stated there are a couple of other companies that may add their volume under this proposal. He also stated the economy could get stronger and the existing companies could increase their volume.

Councilmember Natvig commended the committee for their hard work.

Mr. Carlson stated everyone was delighted to get something accomplished. He stated there is a long history of the city and its industries working together.

Mayor Pro Tem Roby stated it is important to remember this proposal is for a three-year trial period and will be reviewed as needed and updates given during this timeframe. She also thanked the committee for their work.

Councilmember Lange thanked the committee as well as the industries that are going to help the city meet the goal of reducing the landfill debt. He stated it is important that ongoing evaluations take place during the three-year time period.

Vote – All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20299. Councilmember Fitzgerald moved the resolution be adopted awarding and approving the contract for the Papoose Creek Trash Rack Structure to Muscatine Bridge Company in the amount of \$107,744. Seconded by Councilmember LeRette.

Finance Director Nancy Lueck stated there was a change in the scope of the project which resulted in an increased cost. She stated the additional cost of approximately \$40,000 will not be funded by FEMA; however, it is being proposed the local share be divided equally between the Water Pollution Control fund and the Collection and Drainage fund. She pointed out that FEMA will be paying a substantial portion of the project.

Vote – All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20300. Councilmember Bynum moved the resolution be adopted authorizing the assessment of unpaid abatement costs in the amount of \$36,132.57 to private properties. Seconded by Councilmember Natvig.

Councilmember Lange stated the assessment lists seem to be growing longer. He asked if there are repeat offenders on the list or if the offenders are new.

Community Development Director Steve Boka stated the list contains some of both. He stated a good example of the repeat offenders is the properties that have gone into foreclosure. He also stated the list is longer because of the growing season it represents.

Mr. Boka reminded Council they had authorized an adjustment to the administrative fee and that amount is reflected in the fees that are charged.

Vote – All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20301. Councilmember Lange moved the resolution be adopted authorizing changes to the Muscatine Municipal Housing Agency Administrative Plan for the Section 8 Tenant Based Housing Choice Voucher Program. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20302. Councilmember Fitzgerald moved the resolution be adopted establishing temporary and permanent easements located on real property owned by the City of Muscatine for the Mad Creek Levee and Floodwall Improvement Project. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20303. Councilmember Bynum moved the resolution be adopted establishing temporary and permanent easements located on real property owned by HNI Corporation for the Mad Creek Levee and Floodwall Improvement Project. Seconded by Councilmember LeRette. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20304. Councilmember LeRette moved the resolution be adopted establishing temporary and permanent easements located on real property owned by RMI Investments (Contract Buyer) and David J. Bird and Linda L. Bird (Contract Sellers) for the Mad Creek Levee and Floodwall Improvement Project. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20305. Councilmember Natvig moved the resolution be adopted establishing temporary and permanent easements located on real property owned by Robert P. and Rosemary Bryant for the Mad Creek Levee and Floodwall Improvement Project. Seconded by Councilmember Lange.

Councilmember Lange asked if obtaining easements for the project was starting to wind down.

City Administrator Mandsager stated that easements are required from the railroad and that once those are received, the city will be able to move forward on the project.

Mr. Boka stated the city is now in negotiations with the railroad to obtain the easements required for this phase of the project.

Councilmember Fitzgerald stated that some of these improvements are obviously benefiting the homeowners and asked if there was any cost to them.

Mr. Boka pointed out that HNI had donated their property.

Mr. Boka stated there is no additional cost to the property owner. He stated that if the city removes something, it is replaced.

Councilmember Natvig asked what the timeframe was for the temporary easements.

Mr. Boka stated the easements will end 60 days following the completion of the project. He stated the ongoing easements will allow the city to gain access to property for maintenance purposes.

Councilmember Natvig asked when the project is expected to be finished.

Mr. Boka stated that once all of the easements are received, the project will be ready for the bidding process. He stated it will take approximately 12 to 18 months to complete.

There was further discussion on the floodwalls that are being installed.

Vote – All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20306. Councilmember Fitzgerald moved to declare the Police Department K-9 as surplus property and grant the dog handler permission to take it as the family pet and assume all expenses for its care. Seconded by Councilmember LeRette. All ayes; motion carried.

#20307. Councilmember Fitzgerald moved to approve Change Order #5 totaling \$29,601 for the Water Pollution Control Plant Renovation Project. Seconded by Councilmember Lange.

There was discussion concerning the total cost of the project as well as the completion date which is September 2011. Staff hopes to have the facility up and running in May 2011.

Vote – All ayes; motion carried.

#20308. Councilmember Lange moved to approve the joint participation agreements with the Iowa Department of Transportation to implement a State Transit Assistance Operating Project. Seconded by Councilmember Natvig. All ayes; motion carried.

#20309. Councilmember Fitzgerald moved to approve the change order in the amount of \$4,020 for the Sunset Park Resident Center Project. Seconded by Councilmember Natvig. All ayes; motion carried.

Under comments, Councilmember Fitzgerald thanked the committee for their work on the landfill issue. He stated they spent a lot of time and energy putting together the proposal that was voted on earlier in the meeting. He then stated he hopes this proposal is a good resolution.

Councilmember Natvig also thanked the committee for their work.

Councilmember Lange encouraged everyone to vote on November 2, 2010.

Councilmember Bynum asked about the status of Mississippi Drive and Hershey Avenue and the meeting scheduled for next Tuesday concerning Hershey Avenue.

Public Works Director Randy Hill stated that on Tuesday, October 12, 2010, there will be a neighborhood meeting for residents on Hershey Avenue. He stated it will be held at Mulford Church and will begin at 5:30 p.m.

He then stated the project will involve Hershey Avenue from Clinton Street to Houser Street and will cost approximately \$1.5 million. He stated staff hopes to have the bid opening in February.

Mr. Hill stated the contractor is aware of the city's tremendous desire to have Mississippi Drive and Hershey Avenue paved before winter. He stated there is a possibility the work may be done yet late this fall.

Councilmember Bynum stated he has been hearing positive comments from people in the neighborhood concerning the work that has been done.

Mr. Hill recognized everyone that has been working to make this project happen. He noted that Grandview Avenue is receiving an overlay.

Mr. Hill, speaking in reference to the Clay Street bridge, stated it is on schedule to be completed on November 15, 2010.

City Administrator Mandsager stated that Councilmembers have on their desks information from Finance Director Nancy Lueck that will be discussed at next week's in-depth meeting. Speaking in reference to the National Citizen Survey, City Administrator Mandsager encouraged Councilmembers to provide him with ideas for the open-ended questions which could pertain to annexation, non-resident fees or aid to outside agencies. He stated he did receive a suggestion about monthly donations for cultural activities. He asked Councilmembers to e-mail their suggestions to him.

City Administrator Mandsager stated it is time for his evaluation. He suggested the dates of October 21<sup>st</sup>, 28<sup>th</sup> (special meeting) or November 4th. He asked Councilmembers to check their calendars and then let him know what date will work.

City Administrator then asked for a motion to go into Closed Session to discuss pending litigation and union negotiations.

#20310. Councilmember Natvig moved to go into Closed Session at 7:55 p.m. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried.

The Muscatine City Council went into Closed Session at 8:02 p.m. to discuss pending litigation and union negotiations. Present were Mayor Pro Tem Dyann Roby and Councilmembers LeRette, Fitzgerald, Natvig, Bynum, and Lange. Also present were City Administrator Gregg Mandsager and Assistant Police Chief Phil Sargent who was present for the pending litigation matter.

#20311. Councilmember Fitzgerald moved to leave the Closed Session at 8:33 p.m. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried.

#20312. Councilmember Lange moved the meeting be at 8:34 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

---

Dyann Roby, Mayor Pro Tem

ATTEST:

---

Gregg Mandsager, City Administrator