

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – October 21, 2010

Mayor Dick O'Brien called the City Council meeting for Thursday, October 21, 2010, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange.

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

Mayor O'Brien presented Steve Boka, the city's Planning, Zoning and Building Safety Director, with a plaque from the U.S. Census Bureau for the city's assistance in this year's census.

#20316. Councilmember Fitzgerald moved to approve the minutes of the October 7, 2010 Regular City Council meeting and the October 14, 2010 In-Depth Council meeting. Seconded by Councilmember LeRette. All ayes; motion carried.

#20317. Councilmember Lange moved the Consent Agenda be approved as follows: First reading for a new Class C Beer and Sunday Sales Permit for A&E Convenience, 4701 South Highway #61 – A&E Convenience LLC (pending inspections and final paperwork); first reading for a new Class WBN Native Wine Permit for Past Time Antiques & Uniques, 1003 Park Avenue – Jeff and Sharon Schnedler (pending inspections and final paperwork); renewal of a Class WBN Native Wine Permit for Flowers on the Avenue, 1138 E. 9th Street – Karen Garrett and Julia Schildt; filing of Communications A-E; and Bills for Approval totaling \$2,214,869.97. Seconded by Councilmember Roby. All ayes; motion carried.

John Dabeet, representing Muscatine Sister Cities, thanked the Mayor, City Council, and City Administrator for the opportunity to talk about Ramallah, Palestine, which is the newest sister city. He introduced Sister Cities Board members Marshall McDonald, Dan Clark, and Deb Hutton and then read the Sister Cities' mission statement.

Mr. Dabeet gave a power point presentation on Ramallah, which means "The Height of God" in English. He stated that Ramallah is fast becoming the cultural capital of the Mideast. He stated it is the Muscatine Sister Cities' goal to develop relationships with Ramallah in a variety of areas including industries, schools, hospitals, etc.

Mayor O'Brien thanked Mr. Dabeet for his presentation.

#20318. Councilmember Fitzgerald moved the resolution be adopted releasing a real estate mortgage under the 2003 CDBG owner-occupied residential rehabilitation program for 507 E. 6th Street. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20319. Councilmember Natvig 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 Bynum.

Councilmember Bynum asked if there was a waiting list for this program.

Housing Administrator Dick Yerington stated the waiting list for the Section 8 program is currently closed; however, it is anticipated it will be opening back up in December 2010.

Councilmember Lange asked the Housing Administrator if he felt tenants could handle both the rent payment as well as the debt repayment.

Mr. Yerington explained the formula that will be used for paying back debt that has accrued.

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

#20320. Councilmember Roby moved the resolution be adopted setting a public hearing for Wednesday, October 27, 2010, at 7 p.m. concerning the submission of a CDBG application for the Clearview Mobile Home Community. Seconded by Councilmember Lange.

City Administrator Gregg Mandsager stated this is a re-application of the application that failed in November 2010. He stated this is a late request and that is why the hearing must be held next week. He stated Mr. Boka will be conducting the public hearing in conjunction with the Bi-State Regional Commission.

Mr. Boka stated this application is a duplicate of last year's effort. He stated everything is the same except for the name change. He stated the deadline for submission is November 3, 2010. He stated the application is essentially the same as last year's.

Councilmember Fitzgerald asked if there was a reason why the last application was not successful.

Mr. Boka stated this is a very competitive process and the state felt there were other funding opportunities that could be explored before using CDBG funds.

Councilmember Lange pointed out there is no financial liability to the city for this project.

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

#20321. Councilmember Roby moved to approve the contract with Matthew Brick from the Brick-Gentry Law Firm to provide city attorney services and to retain Jennifer Lerner to provide prosecution services at a rate of \$85 per hour. Seconded by Councilmember Fitzgerald.

Councilmember Shihadeh asked how having an attorney who is not local is going to work.

City Administrator Mandsager stated that an Interview Committee interviewed four applicants and is recommending that services be split between a city attorney and prosecutor. He stated that Ms. Lerner is local. He stated it was the Committee's feeling that since Brick-Gentry Law Firm is located in Des Moines, Mr. Brick could be notified in advance if his presence is necessary at a City Council meeting or the telephone could be utilized. He stated the group felt the travel issue would not make a big difference. He pointed out that Mr. Brick is the city's labor attorney and is doing an excellent job. He stated this is an experienced firm, and the Committee feels Mr. Brick will provide good legal services.

Mayor O'Brien stated he will be very uneasy when the city attorney's chair isn't filled. He thanked Harvey Allbee for his years of service.

Councilmember Fitzgerald stated the Committee did have concerns about not having an attorney present at the City Council meetings; however, it was the consensus to try holding the meetings without a city attorney present. He stated if legal advice is required, City Council could take action to table items until a legal opinion has been rendered. He stated he has been a Councilmember for 19 years and has enjoyed working with Harvey Allbee during that timeframe.

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

#20322. Councilmember Lange moved to approve the submission of the 2009/2010 Annual Financial Report to the State of Iowa. Seconded by Councilmember LeRette. All ayes; motion carried.

#20323. Councilmember Bynum moved to approve the purchase of a golf simulator from TRUGolf Inc. of Centerville, Utah, in the amount of \$19,950. Seconded by Councilmember Natvig.

Councilmember Shihadeh asked what the payback would be on this piece of equipment.

City Administrator Mandsager stated that during budget sessions, a two-year payback was discussed. He stated this is a revenue generating idea.

Dan McGinn, the city's Golf Professional, stated the simulator will be an asset to the golf course. He stated it will be used for league play, open golf and lessons and will allow usage of the clubhouse during the off season. He then explained how the simulator will work.

Councilmember Shihadeh asked if it wouldn't be better to invest this \$20,000 into a new sprinkler system for the golf course.

Mr. McGinn stated he could not speak directly about the sprinkler system; however, he pointed out the simulator will be a revenue source and will pay for itself.

Councilmember Shihadeh stated the golf course is an Enterprise Fund which means it funds itself.

There was discussion on the \$30 per hour fee and the fact the simulator will be used mainly during the winter months.

Vote – All ayes; motion carried.

#20324. Councilmember Fitzgerald moved to approve the submission of a grant application to the Muscatine Health Support Foundation in the amount of \$19,650 for Automated External Defibrillator's (AED's). Seconded by Councilmember Natvig. All ayes; motion carried.

#20325. Councilmember Bynum moved to approve the submission of a grant application to the Muscatine Health Support Foundation in the amount of \$12,473 for upgrades to the Fire Department's LifePak 12's. Seconded by Councilmember Roby. All ayes; motion carried.

#20326. Councilmember LeRette moved to award the contract for curbside recycling services to Allied Waste at \$3.05 per customer per month for the first year of collection. Seconded by Councilmember Lange.

City Administrator Mandsager stated the contract Council received is the most up-to-date contract.

Councilmember Shihadeh stated he did not receive the contract or proposal from Allied Waste until tonight. He stated it was his understanding the initial cost per month will be \$3.05 for the first year and top out at \$3.43 per month for the fifth year. He asked what the incentive program involved.

Solid Waste Manager Laura Liegois stated residents could receive credits to receive coupons from local and national vendors as an incentive to recycle. This option is not available at this time.

There was discussion on the cost of recycling as well as the proposal from ESI that had been sent to Councilmembers.

City Administrator Mandsager stated the proposal indicates that anything over and above ESI's costs will be rebated back to the city. He stated that in ESI's case, they would have to overcome a \$2.74 difference per customer which would be difficult to do. He stated the ESI proposal is based on speculation and the proposal from Allied Waste is guaranteed.

John Axel, President of ESI, thanked City Council for the opportunity to talk about this subject. He stated the proposal before Council tonight is to hire Allied Waste for the city's curbside recycling program. He stated under his proposal the city would receive 100% of the net proceeds which he believes is the maximum incentive that could be given to residents to participate in recycling. He pointed out that Allied Waste's proposal offers no incentive.

Mr. Axel then explained the waste hauling and recycling benefits his company could offer. He stated that elimination of waste hauling would result in a significant savings to the city. He explained why a private waste hauler would be more advantageous. He stated he feels City Council should table tonight's action and look more closely at ESI's proposal to provide waste hauling and recycling services.

Mr. Axel asked that Council either table or reject the proposal from Allied Waste until further information can be obtained.

There was discussion concerning ESI's proposal.

City Administrator Mandsager pointed out the ESI proposal is speculative and vague. He stated waste hauling and curbside recycling are two separate issues. He stated the city has a five-year guaranteed contract to work with Allied Waste.

There were questions from Council concerning glass recycling.

Ms. Liegois stated that all recyclable materials, including glass, will be placed in the recycling containers and will be handled at Allied's facility.

City Administrator Mandsager stated that as part of the RFP, the city can receive confirmation that all materials are being recycled.

Councilmember Fitzgerald pointed out that whether there is a market or not, everything gets recycled.

Councilmember Bynum stated there are a lot of issues being discussed tonight. He stated he felt the matter should be tabled until further information has been gathered.

City Administrator Mandsager stated all of the recycling information has been received. He stated the garbage issue can be tackled further down the road.

Councilmember Fitzgerald stated he did not see any errors in the RFP process and could see no reason to reject the current bid. He stated that everyone followed the procedure and the city has a low responsible bid. He stated it is the city's goal to make sure everything is recycled.

There was discussion on the possible contamination of the recycling containers.

Ray Carter, General Manager for Allied Waste, stated that once items go into the truck, they have to be processed. He stated that if a container is contaminated, it will be tagged so that the customer knows the contamination took place. He stated a "do and don't" list is molded into the lid of each container. He stated his company does a good job in avoiding contamination.

He stated Allied is a good partner and there is a five-year guarantee. He then explained the services offered to the city for this program. He stated Allied is responsible for the containers. He stated the company's recycling incentive program is a proven program and perhaps one the city can get into at a later date.

Councilmember Shihadeh, speaking in reference to Allied's experience, asked what percentage tonnage goes up each year.

Mr. Carter stated it depends on the commodity mix. He stated it can be up one year and down the next; however, Allied has provided the city with a five-year guarantee. He stated Allied has a dedicated service staff and does a good job on its education process. He pointed out that each of the containers will have an information packet.

Councilmember Natvig asked how the automated trucks will work.

Mr. Carter stated the trucks are side loaded. He stated they are more efficient and much safer. He stated if there are parked vehicles blocking containers, the containers are moved so the truck can unload them. He stated Allied has not had an accessibility problem.

Councilmember Shihadeh stated both companies made good presentations. He stated it might be a good idea to table this matter and look at all the numbers again.

#20327. Councilmember Shihadeh moved this matter be tabled until the November 4, 2010 City Council meeting. Seconded by Councilmember Bynum. Three ayes: Councilmembers Shihadeh, Bynum, and Natvig. Four nays: Councilmembers LeRette, Fitzgerald, Roby, and Lange. Motion failed.

Vote on original motion – Four ayes: Councilmembers LeRette, Fitzgerald, Roby, and Lange. Three nays: Councilmembers Shihadeh, Bynum, and Natvig. Motion carried.

#20328. Councilmember Fitzgerald moved to authorize the issuance of a purchase order to Rock Hard Concrete Recycling for the 2010 Public Works Pavement Crushing. Seconded by Councilmember Shihadeh.

Councilmember Roby asked if this has been done before.

City Administrator Mandsager stated it was done once before. He stated the crushed product can be used in other street projects.

City Engineer Jon Lutz stated this crushed concrete saves the city approximately \$75,000.

Councilmember Roby asked if the equipment is expensive, and Mr. Lutz stated it is very expensive.

Vote – All ayes; motion carried.

#20329. Councilmember LeRette moved to approve the city's mission statement and goals and priorities. Seconded by Councilmember Shihadeh.

Councilmember Lange asked about the additional items for consideration.

City Administrator Mandsager stated he tried to take everyone's comments into consideration when preparing the goals and priorities. He stated the five additional items did not seem to have a consensus from Council. He stated that items can be added if Council chooses to do so.

#20330. Councilmember Lange moved to amend the goals and priorities to include Additional Item #3 pertaining to the support of regulatory efforts to address air quality within the corporate limits of Muscatine. Motion failed for lack of a second.

Councilmember Lange explained why he felt the addition of this item was important.

Vote – Six ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, and Roby. One nay: Councilmember Lange.

#20331. Councilmember Fitzgerald moved to adopt the resolution of support and commitment of funds for the CDBG funding for the Clearview Mobile Home Community. Seconded by Councilmember Bynum. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

Under comments, Councilmember LeRette reminded everyone that leaf collection starts on Friday, October 22, 2010. He stated the pickup schedule can be found on the city's website.

Councilmember Roby stated she had 846 people respond on her Facebook in favor of recycling in Muscatine. She stated Shoe Sensation will be opening at the Muscatine Mall on October 28, 2010. She welcomed them to Muscatine.

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

Councilmember Lange, speaking to City Attorney Harvey Allbee, stated he appreciated everything he has done for the city.

City Attorney Allbee stated he had told City Council and the City Administrator it was his intention to retire by the end of this year. He stated it appears he will be done on November 1, 2010.

City Attorney Allbee stated he accepted the position as City Attorney on July 1, 1972 not realizing he would be in the position for so long. He stated it has been an enjoyable experience but he is looking forward to retirement.

City Administrator Mandsager stated a reception will be held in November for Harvey.

#20332. Councilmember Shihadeh moved the meeting be adjourned at 8:35 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

Richard W. O'Brien, Mayor

ATTEST:

Gregg Mandsager, City Administrator