

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – January 20, 2011

Mayor Dick O'Brien called the City Council meeting for Thursday, January 20, 2011, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange.

The meeting began with the Pledge of Allegiance.

Mayor O'Brien welcomed the Leadership Muscatine class.

Greg Jenkins of the Greater Muscatine Chamber of Commerce and Industry stated that Bridgestone Bandag was awarded \$700,000 through the Iowa Department of Economic Development's High Quality Job Program. He stated this financial assistance to Bridgestone Bandag represents a \$1.6 capital investment which is expected to retain 138 jobs. He stated it is good for the City of Muscatine to hold onto a business like Bridgestone Bandag.

#20426. Councilmember Bynum moved to approve the minutes of the January 6, 2011 City Council meeting and the January 13, 2011 In-Depth Council meeting. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#20427. Councilmember Lange moved to approve the Consent Agenda as follows: Second reading for a new Class B Beer and Sunday Sales Permit for Hong Kong Buffet, 2046 Park Avenue – Yan Fei Yang (pending receipt of final paperwork); renewal of a Class C Beer and Sunday Sales Permit for West Side Store, 2201 Houser Street – DJMB LLC; renewal of a Class C Liquor License and Sunday Sales Permit for Mami's Mexican Restaurant, 201-205 W. 2nd Street – Elsa de la Paz (pending receipt of dram shop insurance); filing of Communications A-G; and Bills for Approval totaling \$1,882,873. Seconded by Councilmember Natvig. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning a proposed development agreement with A&E Convenience LLC.

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

#20428. Councilmember Fitzgerald moved the public hearing be closed. Seconded by Councilmember Roby. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning a proposed development agreement with the Villas at MCC LLC (formerly known as Oxbow Development Corporation LLC).

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

#20429. Councilmember Shihadeh moved the public hearing be closed. Seconded by Councilmember Lange. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning the proposed Hershey Avenue Reconstruction Project.

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

#20430. Councilmember Natvig moved the public hearing be closed. Seconded by Councilmember Bynum. All ayes; motion carried.

#20431. Councilmember Roby moved to adopt the ordinance on final reading adopting the Code of Ordinances and Supplement #8 and directed for its publication as required by law. Seconded by Councilmember Bynum. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and ordinance adopted on final reading.

#20432. Councilmember Lange moved the resolution be adopted approving the development agreement between the City of Muscatine and A&E Convenience LLC. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20433. Councilmember LeRette moved the resolution be adopted approving the development agreement between the City of Muscatine and the Villas at MCC LLC. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20434. Councilmember Bynum moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate and setting the bid opening date for the Hershey Avenue Reconstruction Project. Seconded by Councilmember Shihadeh.

City Administrator Gregg Mandsager stated representatives from Stanley Consultants were present to provide a presentation on the proposed project.

Barb Veal introduced herself and stated she was part of Mike Knott's team from Stanley Consultants who was responsible for designing this project. She stated the project will provide for numerous improvements with the majority of them to the roadway area. She stated the roadways will have an asphalt surface with a crown in the middle of the street to allow for better water runoff. She stated that curb and gutters will be concrete and that deteriorated pipes for the sanitary sewer system will be replaced.

Ms. Veal stated sidewalks will be installed on the south side of Hershey Avenue from Houser Street to the Newcomb property. She stated that from Houser Street to Charles Street curb and gutter and sidewalks will be installed. She stated that from Charles Street to Clinton Street pavement will consist of two lanes and there will be paved parking on the south side of the street. In addition, sidewalks will be replaced on the south side of the street.

Ms. Veal stated there will be three sections of retaining wall on the north side of Hershey Avenue with a maximum height of 3' to 4'. She stated landscaping will be more than the minimum and that one area planned for landscaping is on the southeast quadrant of Hershey Avenue at Houser Street. She stated the city is considering the possibility of installing a sign in that area.

Ms. Veal then explained how traffic will be handled during this project.

Councilmember Fitzgerald asked why there was landscaping included as part of this project.

Ms. Veal stated that landscaping was included as part of the project per the guidance of the city.

Councilmember Bynum stated there have been multiple complaints received from that area concerning pipes that have undesirable minerals in them. He asked if those water pipes would be changed at the same time.

Ms. Veal stated she has been talking with the resident concerning this issue and that plans are to replace the water pipes during this project.

Councilmember Natvig asked about the current width of the street.

Ms. Veal stated it is currently 10' wide and that under this project, streets will be widened to 12'.

Councilmember LeRette asked if the project provided for any lighting, and Ms. Veal answered no.

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

#20435. Councilmember Lange moved the resolution be adopted approving the contract and bond from Sulzberger Excavating in the amount of \$448,578.90 for the Weed Park to Wildcat Den Trail Project. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20436. Councilmember Natvig moved the resolution be adopted accepting the completed work for the Papoose Creek Trash Rack Structure and authorized final payment to Muscatine Bridge Company. Seconded by Councilmember LeRette. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20437. Councilmember LeRette moved the resolution be adopted authorizing the assessment of unpaid abatement costs to private properties. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20438. Councilmember Roby moved the resolution be adopted setting a public hearing for Thursday, February 3, 2011, at 7 p.m. for the plans, specifications, form of contract, cost estimate, and setting the bid opening date for the New South End Fire Station Project. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20439. Councilmember LeRette moved to approve Change Order #4 for the Sunset Park Resident Center Project. Seconded by Councilmember Fitzgerald.

Councilmember Roby thanked the housing staff for the reduction in the cost of the project.

Vote – All ayes; motion carried.

#20440. Councilmember Natvig moved the resolution be adopted accepting the completed work performed under the Sunset Park Resident Center Project and authorized final payment to North Construction. Seconded by Councilmember Lange.

Councilmember Fitzgerald asked if someone went with the architect when he made his final inspection.

Housing Administrator Dick Yerington stated that a member of staff as well as the architect and contractor were present at the final inspection.

Councilmember Fitzgerald asked if everything was done according to the checklist.

Mr. Yerington stated items on the punch list were completed. He pointed out the retainage will not be paid to the contractor for 30 days.

Councilmember Roby stated the facility will be an asset to the community.

Mr. Yerington stated the main purpose of the building is to provide an academic opportunity for children residing at Sunset Park.

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

#20441. Councilmember Fitzgerald moved to declare city items as surplus to allow for their disposal on the Public Surplus auction site. Seconded by Councilmember Shihadeh.

Councilmember Bynum asked for an explanation of what Public Surplus is and how it benefits the city.

City Administrator Mandsager stated that essentially Public Surplus is an online auction service that the city utilizes. He stated individuals can bid and purchase items offered on the site.

Councilmember Bynum asked what the website address is.

Vehicle Maintenance Supervisor Gale Fry stated it is www.publicsurplus.com.

Councilmember Fitzgerald stated he had concerns about the light bars included on the surplus list being sold to the general public.

Assistant Fire Chief Gary Lee stated restrictions can be placed on who may purchase the light bars. He stated that in the past, items such as the light bars are offered to other volunteer Fire Departments.

Councilmember Fitzgerald stated he would like to see the bars to either go to another Fire Department or to the scrap pile.

Vote – All ayes; motion carried.

#20442. Councilmember Lange moved to amend the purchase of the Police Radio System to include the purchase from Motorola of a pair of repeaters in the amount of \$1,644.42, an additional repeater and FCC licensing in the amount of \$8,837.55 and portable radio holders in the amount of \$2,587.50 for a total amendment price of \$13,069.47. Seconded by Councilmember Natvig.

Councilmember LeRette stated the information provided to City Council indicates an additional amplifier will not be required for the repeaters. He asked how much the amplifiers cost.

Assistant Police Chief Phil Sargent stated he did not know the answer to that question because the original cost was included as part of the quote.

Councilmember LeRette then questioned the decision for a separate talker for the two code officers.

Assistant Chief Sargent stated the third repeater will allow the code officers to communicate with each other without interrupting anyone on the police frequencies.

Vote – All ayes; motion carried.

#20443. Councilmember Roby moved to approve the contracts with the Muscatine Association of Firefighters Local #608, the Chauffeurs, Teamsters, and Helpers Local #238 (Police), and the Chauffeurs, Teamsters, and Helpers Local #238 (BW). Seconded by Councilmember Fitzgerald.

Councilmember Roby stated she was pleased with the outcome of the contracts.

Vote – All ayes; motion carried.

Under comments, Councilmember Natvig encouraged citizens to contact their state legislators requesting that something be done to lessen the burden of the state pension program on local communities.

Councilmember Bynum thanked the Muscatine Journal and Parks and Recreation staff for recognizing Danny Bean who has been voluntarily taking care of Taylor Park. He stated he felt sure the Parks Department would appreciate having volunteers for other city parks.

Councilmember Bynum then asked for an update on the traffic control cameras.

City Administrator Mandsager stated it is hoped there will be one to two cameras operational by the end of the month weather permitting.

Assistant Chief Sargent stated the weather has slowed the progress down; however, Gatso plans on having one to two cameras in operation by the end of the month or shortly thereafter. He stated that as the cameras go up, temporary stop bars will be installed until the intersections can be painted in the spring.

Councilmember Bynum asked if the warning program will be in effect as the cameras are installed or if it will take place when all the cameras are operating.

Assistant Chief Sargent stated it is the city's intent that the 30-day warning period will go into effect when each camera goes into operation.

Councilmember Roby welcomed the Leadership Muscatine group.

City Administrator Mandsager stated the draft copy of the National Citizen Survey results has been received and that he hopes to have the final copy by January 21, 2011.

City Administrator Mandsager then reminded Council of the first budget meeting scheduled for Thursday, January 27, 2011, at 5:30 p.m. He stated this meeting will be held in the City Council Chambers; however, the remaining meetings will be held in the lower level conference room.

City Administrator Mandsager stated the Iowa League of Cities will be holding its Legislative Day on Tuesday, January 25, 2011, and that he will be attending. He listed the topics that will be discussed.

City Administrator Mandsager stated he had received information concerning the prohibition of firearms on city property and asked if this would be something City Council would be interested in discussing at a future in-depth meeting.

Council did not express an interest in discussing the firearms matter.

City Administrator Mandsager stated interviews for the Police Chief begin on Friday and that a reception will be held on Friday at the Art Center from 5:30 to 7:30 p.m. He stated the final interviews would be held on Saturday.

#20444. Councilmember Shihadeh moved the meeting be adjourned at 7:48 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

Richard W. O'Brien, Mayor

ATTEST:

Gregg Mandsager, City Administrator