

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – February 17, 2011

Mayor Dick O'Brien called the City Council meeting for Thursday, February 17, 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 Boy Scout Troops #783 and #161 to the City Council meeting.

Mayor O'Brien then swore in Police Officer Sheridan Billhorn.

#21462. Councilmember Fitzgerald moved to approve the minutes of the February 3, 2011 City Council meeting. Seconded by Councilmember Roby. All ayes; motion carried.

#21463. Councilmember Lange moved the Consent Agenda be approved as follows: Request to add a Native Wine Permit for Casey's General Store #2906, 3509 Steamboat Way – Casey's Marketing Company; renewal of a Class E Liquor License with Sunday Sales Permit for Wholesale Food Outlet #312, 807 Grandview Avenue – Nash Finch Company (pending inspections); Bills for Approval totaling \$1,460,841.22, as well as the receipt summary and journal entries for July 2010; and filing of Communications A-B. Seconded by Councilmember Natvig. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning a proposed concession agreement with Plamor Lanes.

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

#21464. Councilmember Shihadeh moved the public hearing be closed. Seconded by Councilmember Bynum. All ayes; motion carried.

#21465. Councilmember Shihadeh moved to approve the request to close Weed Park, Park Drive, and the Aquatic Center for the HNI Corporation Company Picnic on August 21, 2011 from 9 a.m. to 4 p.m. Seconded by Councilmember Roby. All ayes; motion carried.

#21466. Councilmember LeRette moved to adopt the proclamation declaring February 20-26, 2011 as "Alexander G. Clark Week". Seconded by Councilmember Lange. All ayes; motion carried.

#21467. Councilmember Lange moved the resolution be adopted establishing refuse collection monthly fees for Class I and Class III domestic waste effective April 1, 2011. Seconded by Councilmember LeRette.

Councilmember Bynum asked for a definition of Class I and Class III domestic waste.

Solid Waste Manager Laura Liegois stated Class I and Class III domestic waste is basically residential services and includes the division of the residential and senior citizen rates. She stated Class II is commercial waste.

Councilmember Shihadeh stated it was his understanding this five-year contract would see no fee increases.

Ms. Liegois stated it is a five-year contract; however, under the contract, the first year will see an increase to \$3.05 and an increase to \$3.43 for the last year.

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

#21468. Councilmember Bynum moved the resolution be adopted approving new hangar rental fees for the Municipal Airport. Seconded by Councilmember Fitzgerald.

Councilmember Roby asked for background information on how the rates were determined.

Community Development Director Steve Boka stated a number of items concerning the airport have been discussed at the Airport Advisory Commission level. He stated a number of items were looked at during the process of adjusting the lease rates. He stated a survey was done from surrounding airports that are similar in size and scope. He stated the size of the hangars was taken into consideration as was the overall condition of the hangars. He stated some of the hangars are in poor condition because of their age and this has been reflected in the rates. He stated those rates could change as the hangars are upgraded.

Clyde Evans, 2015 West Bay Drive, stated he has been flying out of the municipal airport since 1973. He stated he is glad to see efforts being made to upgrade the facility. He described some of the changes he and Noel Hoopes have made to Hangar #12. He stated other tenants have made upgrades to their hangars as well. He asked these upgrades be taken into consideration when establishing the rental fees.

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

#21469. Councilmember Fitzgerald moved to approve the Hangar Use Policy for the Municipal Airport. Seconded by Councilmember Natvig. All ayes; motion carried.

#21470. Councilmember LeRette moved to approve the five-year concession agreement between the City of Muscatine and Plamor Lanes for Kent Stein Park, the Soccer Complex, and the Aquatic Center. Seconded by Councilmember Natvig.

Councilmember LeRette asked for clarification on what the city would be receiving under the contract.

Parks and Recreation Director Rich Klimes stated the city would receive 20% of the gross sales.

Councilmember Lange stated that of the 13 proposals sent out only one timely proposal was received. He asked if others came in late.

Mr. Klimes stated no other responses were received.

Councilmember Lange asked if this was unusual.

Mr. Klimes stated that in the 15 years he has worked for the city, this is the first time only one response was received. He stated staff is very happy with Plamor Lanes. He stated they have met the minimum requirements as requested in the proposal.

Vote – All ayes; motion carried.

#21471. Councilmember Roby moved to approve the refuse collection services contract addendum for the City of Fruitland. Seconded by Councilmember Natvig. All ayes; motion carried.

#21472. Councilmember Roby moved the request be approved to authorize the purchase of a utility vehicle for the Water Pollution Control Plant from Elder Implement in the amount of \$8,969.80. Seconded by Councilmember Fitzgerald.

Councilmember Roby stated she thought it was interesting that an occupational therapist come to the plant to determine what preventative measures can be taken to prevent accidents and injuries.

Water Pollution Control Director Roger Kirby stated part of the reason an occupational therapist was brought in was due to the distances operators are going around the entire perimeter of the plant. He stated it was particularly difficult right now due to icy and muddy conditions. He stated another reason the occupational therapist was brought it was to work with one employee who has a prosthesis on one leg. He stated the employee needs to be able to get around and stay off that leg as much as possible. He stated a utility vehicle would help transport up to two people as well as haul tools around to the various sites at the plant. He stated he feels a utility vehicle will be an advantage to the plant operators.

Vote – All ayes; motion carried.

#21473. Councilmember LeRette moved to approve Change Order #6 in the amount of \$53,784 for the Water Pollution Control Plant Renovation Project. Seconded by Councilmember Bynum. All ayes; motion carried.

The next item on the agenda was discussion concerning the Muscatine Humane Society.

City Administrator Mandsager stated the memo he provided in the agenda packet included four options City Council could consider. He stated that during the budget process, the Humane Society originally requested \$140,000 to maintain their current operations. He stated that amount was reduced to \$90,000 and that this week a letter was received dropping that request to \$84,996. He reviewed the options that were included in the memo. He then stated that he and Finance Director Nancy Lueck met with members of the Humane Society Board last Friday.

City Administrator Mandsager stated that if Council chooses to provide services in-house, then staff can come back with a full plan in a couple of months showing the location and providing a better cost estimate.

Councilmember Fitzgerald asked if the city would utilize Option #2 (no longer picking up strays) if services are temporarily halted and asked if RFP's would be sent out during that two or three month period.

City Administrator Mandsager answered yes. He stated the Animal Control Officer will continue matching up dogs with their owners.

Councilmember Fitzgerald asked about dogs considered dangerous or vicious.

City Administrator Mandsager stated staff will have to come up with some type of location to handle these types of animals.

Councilmember Fitzgerald stated he is opposed to \$140,000, \$90,000 or \$80,000. He stated the Humane Society has done a fantastic job over the years; however, by state law the level of service provided by the Humane Society is not required. He stated when costs start escalating, it is time to provide only what is required. He suggested going with Option #2 at this time, temporarily halting services, and going with the RFP process. He stated if there are no responses, then the city should look at providing in-house services.

Councilmember Shihadeh stated he disagreed with Councilmember Fitzgerald and explained why. He stated the Humane Society provides an outstanding service to the community. He stated he feels the city should accept the one-year offer of \$85,996 and then look at other options for the next fiscal year.

Councilmember Bynum stated City Council just completed budget sessions for the 2011/2012 fiscal year. He stated Council had great success but with a very slim margin. He stated the Humane Society is one of the best in the State of Iowa; however, our residents take priority over animals.

Councilmember Lange stated that so far the Humane Society has provided an excellent service. He stated it seems like they are trying to lower the amount requested and that he would like to see the city continue its negotiations with them to see if some type of compromise can be reached.

Councilmember Natvig stated he feels City Council should consider supporting the Humane Society to the extent the funding request be granted as submitted with the understanding the city cannot provide that type of support on an ongoing basis.

Mayor O'Brien asked what amount Councilmember Natvig was suggesting.

Councilmember Natvig stated he was recommending the amount contained in the Humane Society's latest request.

Councilmember Roby stated it was her understanding that Councilmember Natvig was recommending that beginning with the next fiscal year the Humane Society receive funding support in the amount of \$85,000 even though they have not provided the city with any financial information. She pointed out that the other agencies receiving funding from the city have submitted the required profit and loss statements.

Councilmember Natvig stated it was his understanding this information had been received.

City Administrator Mandsager stated that Council has received copies of all the public materials that have been received from the Humane Society to date.

City Administrator Mandsager stated calls were made to Humane Societies in comparably communities and it was found their funding was comparable to what the city now provides.

Councilmember Fitzgerald stated Scott County has 12 kennels and the Muscatine Humane Society has 45 kennels. He stated it is not necessary for the city to provide for that level of funding. He stated City Council failed to provide the \$2,900 that was requested by Senior Resources and yet now is considering a \$43,000 increase to the Humane Society to take care of animals.

Councilmember Roby stated the city does not really know the Humane Society's dilemma.

Councilmember Fitzgerald stated that is because they are not sharing information with the city. He stated they have not provided a budget or a profit and loss statement.

Councilmember Roby stated it was her understanding the city will have services provided by the Humane Society through July 1, 2011.

Councilmember Mandsager stated those services will be provided only if the city enters into a contract through the next fiscal year.

Councilmember Roby stated she has no doubt the Humane Society has provided a wonderful service to the community; however, she cannot support this request without the required financial information.

Councilmember LeRette stated if this \$85,000 funding request is approved, that means the additional \$43,000 will have to be made up somewhere else.

Councilmember Natvig stated the \$43,000 funding is already provided for in the proposed budget.

City Administrator Mandsager stated that Councilmember Natvig was correct. He stated that \$48,000 was included in the budget for some type of service, not specifically for the Humane Society.

Councilmember Fitzgerald stated he was concerned about the effect funding this request would have on the city's bond rating.

Councilmember LeRette voiced his concern about the cost estimates outlined in the options provided in the agenda information.

Councilmember Shihadeh stated the Humane Society is no different than any other organization that provides services to a community. He stated everyone is in agreement that the Humane Society does an outstanding job; therefore, it is time to pay for it. He stated either we use them or we don't.

Councilmember Lange stated he feels a compromise is needed and the required financial information is necessary.

City Administrator Mandsager stated if Council chooses to contract with the Humane Society, they will be asked to provide the necessary financial information and provide a written plan addressing the combining of operations, efficiencies, etc., no later than December 1, 2011.

Councilmember Natvig stated he feels the city needs to help the Humane Society for the upcoming year.

There was discussion concerning the increased calls to the Police Department.

Mayor O'Brien stated he has said that good things are happening in Muscatine; however, the issue with the Humane Society is not one of those good things. He stated he is not convinced action should be taken tonight and that it would be better to wait until the next City Council meeting. He stated both parties must use this time to come up with a solution.

Councilmember Lange asked that staff provide this additional information to the Humane Society.

Mayor O'Brien stated the city has made several offers to the Humane Society with no definite answers from them. He stated he does not know how many times meetings can be held to try and work something out.

City Administrator Mandsager stated the Humane Society has given the city a definite answer. He stated he can certainly share the results of tonight's meeting with them. He stated this matter can be brought back before City Council at the next meeting.

Councilmember Natvig asked that the information discussed tonight be communicated to the Humane Society to see if they are agreeable to the conditions.

Councilmember LeRette stated his only concern is what their funding request will be next year.

Councilmember Fitzgerald pointed out that twice during the budget sessions he had offered a different dollar amount; however, both times the Humane Society rejected his offer. He stated he did not know if it would be worth having another meeting to discuss this issue.

Mayor O'Brien stated the financial statements are necessary because the city needs to know what it will be paying for.

Councilmember LeRette stated he would like to have a better understanding of the cost to bring this service in-house because he feels it is the only what the city can control the costs.

Mayor O'Brien asked if this matter could be brought up at the next regular City Council meeting.

City Administrator Mandsager answered yes.

Councilmember LeRette asked when the budget must be certified.

City Administrator Mandsager stated it must be submitted to the state by March 15th. He stated that if nothing is done with the additional monies that have been set aside in the proposed budget, it will fall back into the fund balance.

Under comments, Councilmember Bynum asked about the progress of the traffic cameras.

Police Chief Brett Talkington stated the city is currently waiting on right-of-way authorization from the state which should happen once the weather gets warmer.

City Administrator Mandsager stated he will let Council know as soon as he hears anything.

City Administrator Mandsager stated he met with the Art Center Board of Trustees to talk about the weapons policy. He stated the Board members will be discussing the matter further. He stated the Library and Art Center may come back for further direction from City Council.

#21474. Councilmember Shihadeh moved the meeting be adjourned at 8 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

Richard W. O'Brien, Mayor

ATTEST:

Gregg Mandsager, City Administrator