

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – April 21, 2011

Mayor Dick O'Brien called the City Council meeting for Thursday, April 21, 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 swore in Police Officers John Hesseling and Matthew Horton.

#21550. Councilmember LeRette moved to approve the minutes for the January 27, 29 & 31, 2011, February 3 & 5, 2011, and February 7-10, 2011 budget meetings, the April 7, 2011 City Council meeting, and the April 14, 2011 In-Depth meeting. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21551. Councilmember Lange moved the Consent Agenda be approved as follows: Second reading for a new Class C Beer and Sunday Sales Permit for Casey's General Store #2944, 3010 University Drive – Casey's Marketing Co. (pending inspections); Outdoor Service Permit for Pete's Tap, 1820 Angle Street on May 21, 2011 (pending receipt of dram shop insurance); renewal of a Class A Liquor License and Sunday Sales Permit for Muscatine Moose Lodge #388, 207 Lake Park Blvd. (pending inspections); renewal of a Class C Liquor License and Sunday Sales Permit with Outdoor Service for Mike's Hilltop Tap Inc., 929 Lucas Street (pending inspections); renewal of a Class B Beer and Sunday Sales Permit for Pizza Hut of Muscatine Inc., 2512 Park Avenue (pending inspections); renewal of a Class C Beer and Sunday Sales Permit for Highway 61 Fuels LLC, 3103 Highway 61 North (pending inspections); renewal of a Class BW Beer/Wine Permit with Sunday Sales Permit for Happy Joe's Pizza & Ice Cream Parlor, 203 Lake Park Blvd. – Max Brewer Corporation (pending inspections); filing of Communications A-C; and Bills for Approval totaling \$2,945,854.77. Seconded by Councilmember Roby. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning the proposed Airport Lighting Project.

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

#21552. Councilmember Fitzgerald moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning the proposed 2011 Pavement Management Program.

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

#21553. Councilmember Roby moved the public hearing be closed. Seconded by Councilmember Bynum. All ayes; motion carried.

#21554. Councilmember Natvig moved to approve the use of Lot #7 for a weekly farmers market beginning May 7, 2011 and ending in October 2011 from 7 a.m. to noon. Seconded by Councilmember Bynum.

Councilmember Lange asked if this is the same location as last year's event.

City Administrator Gregg Mandsager stated it was a new location.

Vote – All ayes; motion carried.

#21555. Councilmember Bynum moved the proclamations be adopted declaring April 29, 2011 as “Arbor Day”, May 14, 2011 as “Iowa Museum Day”, and May 1-8, 2011 as “Days of Remembrance”. Seconded by Councilmember LeRette. All ayes; motion carried.

#21556. Councilmember Lange moved to waive the rules and adopt on final reading an ordinance vacating certain rights-of-way in the City of Muscatine as it pertains to Elm Street and the alley right-of-way in Block 42 of Original Town and directed for its publication as required by law. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and ordinance adopted on final reading.

#21557. Councilmember Natvig moved to adopt on final reading an ordinance amending Title 6 Fire Regulations, Chapter 1 Fire Department Regulations, Chapter 2 Open Burning, Chapter 4 Fireworks and Explosives, and Chapter 5 Fire Inspections and directed for its publication as required by law. Seconded by Councilmember Fitzgerald.

#21558. Councilmember Shihadeh moved to amend the original motion to waive the \$25 permit fee for fire pits and to implement a \$25 fine for those found to have unregistered fire pits. Seconded by Councilmember Fitzgerald.

City Administrator Mandsager stated it was his understanding the \$25 permit fee for fire pits will be deleted from Exhibit A. He suggested the ordinance be amended at a later date to include the proper language for imposing the fine.

Councilmember LeRette asked how fire pit complaints would be separated from false alarm charges.

Fire Chief Jerry Ewers stated the false alarm system pertains to fire alarm calls.

Councilmember Lange asked if enforcement would be an issue.

Chief Ewers stated the Fire Department averages about 60 to 65 permits per year which is not a lot to deal with.

Councilmember Shihadeh stated that issuing the permit is not really costly for personnel. He stated he feels the cost probably comes from taking the calls and going to the site.

Chief Ewers stated it is probably a little bit of both.

City Administrator Mandsager stated the biggest portion of the cost comes from sending an engine out.

Councilmember Roby asked if citizens could register their fire pits online.

City Administrator Mandsager stated if they cannot, they will be able to soon.

Councilmember Natvig stated he agrees with Councilmember Shihadeh’s amendment.

Councilmember Roby stated she agrees with Councilmember Shihadeh as well.

Councilmember Lange stated it was his understanding that residents will not be fined if they have a permit, and Chief Ewers stated he was correct.

Councilmember Shihadeh asked if the permit applies to both in ground and above ground fire pits, and Chief Ewers stated it does.

Councilmember Fitzgerald stated it was his understanding that Councilmember Shihadeh's amendment means that a \$25 fine will be charged to a resident who has not registered their fire pit.

He asked if the resident would get another fine if they failed to get a permit.

City Administrator Mandsager stated this matter would be dealt with when the ordinance is amended at a later date.

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

Vote on original motion – All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Ordinance adopted on final reading as amended.

#21559. Councilmember LeRette moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate, and setting the bid opening date for the Airport Lighting Project. Seconded by Councilmember Shihadeh.

Councilmember Natvig asked if the costs provided in the agenda material included the cost for labor as well.

Community Development Director Steve Boka stated the costs shown do include the labor. He stated the engineering costs are for the design work.

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

#21560. Councilmember Roby moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate, and setting the bid opening date for the 2011 Pavement Management Program. Seconded by Councilmember Lange. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21561. Councilmember Natvig moved the resolution be adopted setting a public hearing on the 2011 Curb and Gutter and Street Maintenance Program for Thursday, May 5, 2011, at 7 p.m. Seconded by Councilmember Bynum. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21562. Councilmember Roby moved the resolution be adopted authorizing the sale of city property located in the alley right-of-way in Block 42 of Original Town to Bill G. and Marci A. Stephens. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21563. Councilmember Bynum moved the resolution be adopted approving an executed deed to Bill G. and Marci A. Stephens. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21564. Councilmember Roby moved the resolution be adopted authorizing the sale of city property located in the alley right-of-way in Block 42 of Original Town to David Armstrong. Seconded by Councilmember LeRette.

Councilmember Roby asked if the proceeds from the sale of these properties would go back into the General Fund, and Community Development Director Boka answered yes.

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

#21565. Councilmember Shihadeh moved the resolution be adopted approving an executed deed to David A. Armstrong. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21566. Councilmember Lange moved the resolution be adopted authorizing the sale of city property located in the alley right-of-way in Block 42 of Original Town to David A. Bauerbach. Seconded by Councilmember Bynum. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21567. Councilmember LeRette moved the resolution be adopted approving an executed deed to David A. Bauerbach. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21568. Councilmember Fitzgerald moved the resolution be adopted endorsing Muscatine Municipal Airport Projects for Fiscal Year 2012 and certifying the availability of matching funds. Seconded by Councilmember Roby.

Councilmember Lange asked what the city's share would be for the projects listed in the agenda material and where the monies would come from.

City Administrator Mandsager stated the local share will be \$10,500 for the obstruction removal/clearing of trees between Highway 61 and Runway 24, \$12,000 for the t-hangar apron drainage improvements, and \$3,000 for the hangar access road security project.

Councilmember Lange asked what fund these monies would come from.

City Administrator Mandsager stated they will be paid through general obligation bonds.

Councilmember Lange asked for an explanation.

Finance Director Nancy Lueck stated that actually these projects were included in budget discussions and as part of the bond listing for the 2012 issue.

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

#21569. Councilmember Roby moved the resolution be adopted releasing a real estate mortgage under the 2006 Community Development Block Grant Owner-Occupied Residential Program for 108 Pond Street. Seconded by Councilmember LeRette. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21570. Councilmember Fitzgerald moved the resolution be adopted supporting the Enterprise Zone application. Seconded by Councilmember Natvig.

City Administrator Mandsager, speaking in reference to the current tax abatement schedule, stated that as a point of clarification, the city could consider individual applications if the determination was made an application deserved further consideration for more than the base program schedule.

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

#21571. Councilmember Bynum moved the resolution be adopted setting a public hearing to consider the designation of an Enterprise Zone and approval of related tax abatement schedule. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21572. Councilmember Lange moved the resolution be adopted providing for the early redemption of Urban Renewal Tax Increment Revenue Bonds. Seconded by Councilmember Natvig.

Councilmember Lange stated it is good for the city any time there is an opportunity to redeem bonds early.

Councilmember Roby stated she had visited with Finance Director Lueck earlier in the day about this matter. She stated she found out during that discussion that a local bank was the lender.

Finance Director Lueck stated the city has three tax increment areas where local banks actually purchase bonds. She stated this bond issue is for the 3rd Street parking lot.

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

#21573. Councilmember Roby moved to approve the collection services agreement with Municipal Collections of America for unpaid fines stemming from the automated traffic enforcement system in the city. Seconded by Councilmember LeRette.

Councilmember Lange stated he thought it would be helpful for citizens to know what the collection process will be.

City Administrator Mandsager stated that initially GATSO will send vehicle owners a notice of the violation allowing them 30 days to pay the fine. He stated that following that 30-day notice, a second notice will be sent and will include a \$35 late fee. He stated that if the fine is not paid within 30 day, it will be turned over to the collection agency. He pointed out that during the first 30-day notice, vehicle owners will have the option of appealing the ticket to the Police Department. He stated they will also have the opportunity to appeal the ticket through the court system. He stated the collection agency does not receive notification until after the appeal process is completed.

Councilmember Lange asked what happens if the collection agency is unable to collect the fine.

Finance Director Lueck stated it will vary depending on how many of the vehicle owners are Iowa residents and how many are out of state. For Iowa residents, she stated the collection agency can forward unpaid violations to the state under the Income Offset Program. She stated the Fire Department has collected quite a few past due debts through this process. She stated that eventually, if the debt is not collected, it will go against the violator's credit record.

Councilmember Lange stated it was not easy to ignore these tickets.

Finance Director Lueck stated staff hopes people will pay the tickets when they are received.

Councilmember Fitzgerald asked if there was any association between the collection agency and GATSO.

Finance Director Lueck stated they are two separate entities.

Vote – All ayes; motion carried.

#21574. Councilmember Shihadeh moved to approve the amendment to the Fixed Base Operator agreement for the municipal airport. Seconded by Councilmember Roby.

Councilmember Lange asked how Carver Aero will use the vacated hangar facility.

City Administrator Mandsager stated it will remain a hangar rental facility but will be under their management. He stated the General Fund will realize a savings estimated between \$2,000 and \$3,000.

Vote – All ayes; motion carried.

Under comments, Councilmember LeRette reminded everyone that next week is Spring Cleanup Week. He then wished everyone a Happy Easter.

Councilmember Natvig asked for an update on river level projections.

Roadway Maintenance Supervisor Randy Howell stated it was projected the river would be cresting at approximately 22' by late Saturday or early Sunday morning. He stated that everything is looking good.

Councilmember Lange asked what the current level was, and Mr. Howell stated it was 21.8'.

Councilmember Bynum commended the staff for doing a great job at all hours of the night.

Councilmember Roby commended all city departments that have been involved with flood-related projects.

Councilmember Lange echoed the other City Council comments concerning the flooding. He stated he regrets seeing the Riverview Center and Pearl City Station surrounded by water. He then wished everyone a Happy Easter.

City Administrator Mandsager reminded everyone about the ground break for the South End Fire Station on April 28, 2011 at 11 a.m.

#21575. Councilmember Shihadeh moved the meeting be adjourned at 7:55 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

Richard W. O'Brien, Mayor

ATTEST:

Gregg Mandsager, City Administrator