

OF MUSCATINE  
REGULAR CITY COUNCIL MINUTES  
Council Chambers – 7:00 p.m. – May 5, 2011

Mayor Dick O'Brien called the City Council meeting for Thursday, May 5, 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.

#21576. Councilmember Bynum moved to approve the minutes of the April 21, 2011 City Council meeting. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21577. Councilmember Shihadeh moved the Consent Agenda be approved as follows: Renewal of a Class LB Liquor License and Sunday Sales Permit for Muscatine Clarion, 2915 North Highway 61 – Jelms Hotel Company LLC (pending inspections); renewal of a Class LE Liquor License and Sunday Sales Permit for Wal-Mart Supercenter, 3003 North Highway 61 – Wal-Mart Stores Inc. (pending inspections); Cigarette Permit for Casey's General Store #2944, 3010 University Drive – Casey's Marketing Co.; filing of Communications A-C; and Bills for Approval totaling \$882,992.65. Seconded by Councilmember Lange. All ayes; motion carried.

**PUBLIC HEARING**

Mayor O'Brien stated a public hearing was being held concerning the proposed 2011 Curb and Gutter and Street Maintenance Program.

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

#21578. Councilmember Natvig 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 the proposed expansion and consolidation of the Urban Renewal Plan.

There were no oral or written petitions for or against the proposed expansion and consolidation of the Urban Renewal Plan.

#21579. Councilmember Shihadeh moved the public hearing be closed. Seconded by Councilmember LeRette. All ayes; motion carried.

**PUBLIC HEARING**

Mayor O'Brien stated a public hearing was being held concerning the proposed designation of an Enterprise Zone and related tax abatement schedule.

There were no oral or written petitions for or against the proposed designation of an Enterprise Zone.

#21580. Councilmember Lange moved the public hearing be closed. Seconded by Councilmember Roby. All ayes; motion carried.

#21581. Councilmember Fitzgerald moved to approve the request from the Geneva Golf & Country Club to dispense fireworks on Saturday, August 13, 2011, with the stipulation that public notice be provided two to five days prior to the event by radio and newspaper. Seconded by Councilmember LeRette.

Councilmember Lange asked if the country club would be required to pay the new \$200 fireworks permit fee.

City Administrator Gregg Mandsager answered no.

Vote – All ayes; motion carried.

#21582. Councilmember Shihadeh moved the proclamations be approved declaring May 15-21, 2011 as “National Police Week” and “EMS Week” and May 18, 2011 as “Peace Officer’s Memorial Day”. Seconded by Councilmember Natvig. All ayes; motion carried.

#21583. 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 Curb and Gutter and Street Maintenance Program. Seconded by Councilmember Lange. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21584. Councilmember Fitzgerald moved the resolution be adopted approving an amendment expanding and consolidating the Urban Renewal Plan. Seconded by Councilmember Bynum.

Councilmember Lange stated he does not agree with the term “blighted area” stating he felt it was not defined in the best way.

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

#21585. Councilmember Natvig moved the resolution be adopted approving the designation of an Enterprise Zone and approving the related tax abatement schedule. Seconded by Councilmember Fitzgerald. Six ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, and Roby. One nay: Councilmember Lange. Motion carried and resolution duly adopted.

#21586. Councilmember Roby moved the resolution be adopted accepting completed housing rehabilitation work for 104 George Street and authorizing final payment to S&H Construction. Seconded by Councilmember LeRette.

Councilmember Roby asked what program this fell under.

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

#21587. Councilmember LeRette moved the resolution be adopted setting a public hearing to amend the flood plain ordinance for Thursday, May 19, 2011, at 7 p.m. Seconded by Councilmember Natvig.

City Administrator Mandsager stated this item will also be discussed at the May 12, 2011 In-Depth meeting.

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

#21588. Councilmember Lange moved the resolution be adopted setting a public hearing on the voluntary annexation of agricultural property into the city for Thursday, June 2, 2011, at 7 p.m. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21589. Councilmember Natvig moved the resolution be adopted setting a public hearing on Amendment #2 to the 2010/2011 City Budget for Thursday, May 19, 2011, at 7 p.m. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21590. Councilmember Roby moved the resolution be adopted authorizing an internal TIF advance and economic development grant. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21591. Councilmember Shihadeh moved the resolution be adopted setting a public hearing on the Muscatine Municipal Housing Agency Five-Year Plan (2010-2104) for Thursday, July 7, 2011, at 7 p.m. Seconded by Councilmember Lange. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21592. Councilmember Lange moved to approve the new ambulance fee schedule. Seconded by Councilmember LeRette. All ayes; motion carried.

#21593. Councilmember Fitzgerald moved to approve railroad agreements for the repair of 11 railroad crossings in the City of Muscatine. Seconded by Councilmember Roby.

Councilmember Roby stated she has received numerous complaints about the railroad crossings and tonight's action means the city is moving in the right direction.

Mayor O'Brien asked if the crossing on Houser Street was included in tonight's action.

City Administrator Mandsager stated it will be repaired but not removed. He stated there was \$200,000 budgeted for this project which will be done over two fiscal years.

Public Works Director Randy Hill stated there are 15 crossings that need to be repaired within the city with four of them budgeted in 2010. He stated the 11 remaining crossings are part of tonight's action.

City Administrator Mandsager stated the guesstimate for the railroad repairs was \$800,000.

Councilmember Shihadeh asked if the railroad was agreeable to paying 20% of the project cost, and Public Works Director Hill answered yes.

Councilmember Shihadeh then noted that the DM&E Railroad no longer exists in Muscatine.

Public Works Director Hill stated the DM&E is the railroad used in the documents that were sent to him by the Iowa Department of Transportation.

Councilmember Shihadeh stated the railroad in Muscatine is now Canadian Pacific.

Public Works Director Hill stated he did not disagree with Councilmember Shihadeh; however, DM&E is what was used in the contract documents.

Community Development Director Steve Boka stated DM&E is part of a subsidiary purchased by Canadian Pacific and it does still have a presence in Muscatine.

Vote – All ayes; motion carried.

#21594. Councilmember Natvig moved to approve the five-year refuse collection services agreement with the City of Fruitland. Seconded by Councilmember LeRette. All ayes; motion carried.

#21595. Councilmember Lange moved to authorize an agreement with A&J Associates in the amount of \$6,900 for construction drawings, specifications, grant application assistance, project management, and other related administrative requirements pertaining to the replacement of the city hall boiler. Seconded by Councilmember Roby. All ayes; motion carried.

#21596. Councilmember Bynum moved to approve the submission of a grant application for the 2011 COPS Hiring Program. Seconded by Councilmember Roby.

City Administrator Mandsager stated this grant opportunity just became available. He stated the two proposed positions, should the funding be received, would include a Student Resource Officer and an officer for the Street Crime Unit. He stated this is only the application process and does not require any commitment by the city.

Councilmember Lange stated he is concerned about committing to the fourth year since the economic conditions are unknown.

Councilmember Fitzgerald asked if the one officer would be used as a School Resource Officer.

City Administrator Mandsager answered yes. He stated that at one time there had been two resource officers. He stated the other officer would be part of the Street Crime Unit. He stated that City Council had listed this as a priority. He once again stated this application does not require a commitment by the city.

Councilmember Roby agreed that an additional officer is needed for the Street Crime Unit. She stated she feels the application process should be moved forward.

Vote – All ayes; motion carried.

Under comments, Councilmember Natvig asked Solid Waste Manager Laura Liegois to provide information on an activity that was taking place on Saturday.

Ms. Liegois stated that Keep Muscatine Beautiful was hosting a cleanup event on Saturday and that volunteers are still needed. She stated that participants will be meeting at the high school. She stated the event will be followed by a luncheon at the high school.

Councilmember Roby, speaking in reference to the proclamations approved earlier in the meeting concerning “National Police Week” and “EMS Week”, stated they both provide an excellent service to our community. She then stated that the Muscatine Health Support Foundation has provided funding for new defibrillators for the ambulances.

City Administrator Mandsager speaking in reference to the acceptance of the rehabilitation work for 104 George Street stated this was a Community Development Block Grant project. Councilmember Roby had made an inquiry earlier in the meeting.

City Administrator Mandsager stated that topics to be discussed at next week's in-depth meeting include a recycling update, a Collection & Drainage update, a flood plain update, and also an update on the redistricting that is currently underway.

Mayor O'Brien reminded everyone to keep the grass clippings out of the street.

#21596. Councilmember Shihadeh moved the meeting be adjourned at 7:40 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

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Richard W. O'Brien, Mayor

ATTEST:

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Gregg Mandsager, City Administrator