

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – June 2, 2011

Mayor Dick O'Brien called the City Council meeting for Thursday, June 2, 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.

#21619. Councilmember Fitzgerald moved to approve the minutes of the May 19, 2011 City Council meeting. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21620. Councilmember Lange moved the Consent Agenda be approved as follows: First reading for a new Class BW Beer/Wine and Sunday Sales Permit for Muscatine Family Restaurant, 1903 Park Avenue #3 – Filiz Inc. (pending inspections and receipt of final paperwork); renewal of a Class C Liquor License and Sunday Sales Permit for Krug'z Pool Hall, 218 Walnut Street – Krug'z Pool Hall Inc. (pending inspections); renewal of a Class C Liquor License and Sunday Sales Permit for MVP Lounge, 214 Iowa Avenue – Daniel McFate (pending inspections); renewal of a Class C Liquor License and Sunday Sales Permit for El Allende, 1107 Grandview Avenue – El Allende Inc. (pending inspections); renewal of a Class B Beer and Sunday Sales Permit for China Buffet, 1903 Park Avenue #48 – China Buffet of Muscatine Inc. (pending inspections); renewal of a Class C Beer and Sunday Sales Permit for Fast Avenue One Stop, 2111 Park Avenue – JBC LLC (pending inspections); renewal of a Class C Beer/Wine and Sunday Sales Permit for Walgreen's #5885, 1703 Park Avenue – Walgreen Co. (pending inspections); filing of Communications A-B; and Bills for Approval totaling \$1,633,161.62. Seconded by Councilmember Natvig. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning a proposed voluntary annexation into the City of Muscatine.

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

#21621. Councilmember Bynum moved the public hearing be closed. Seconded by Councilmember Roby. All ayes; motion carried.

#21622. Councilmember Roby moved to approve the closure of E. 3rd Street between Mulberry Avenue and Walnut Street on June 11-12, 2011 to accommodate the delivery of the Civil War Memorial. Seconded by Councilmember LeRette. All ayes; motion carried.

#21623. Councilmember Natvig moved to approve the second reading of an ordinance amending floodplain regulations. Seconded by Councilmember Bynum. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and second reading of the ordinance approved.

#21624. Councilmember LeRette moved the resolution be adopted voluntarily annexing 62.05 acres of agricultural property generally bounded by Menards to the west, Highway 61 to the north and Solomon Avenue to the east into the City of Muscatine. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21625. Councilmember Lange moved the resolution be adopted setting a public hearing for Thursday, June 16, 2011, to amend Title 1, Chapter 4 of the City Code pertaining to precinct and ward boundaries. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21626. Councilmember Natvig moved the resolution be adopted approving the contract and bond from Illowa Investments Inc. in the amount of \$451,409.61 for the 2011 Street Improvements Project. Seconded by Councilmember Lange. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21627. Councilmember Fitzgerald moved to approve the settlement agreement and release as well as the landfill operations contract with Dick Doyle Excavating for July 1, 2011 through June 30, 2016. Seconded by Councilmember LeRette.

Councilmember Fitzgerald stated the contract indicated compaction would be in accordance with industry standards. He asked if that specific standard should be included in the contract.

City Administrator Gregg Mandsager stated the industry standards are referenced in the contract. He stated by referencing the industry standards, if they should change, the contract would change as well.

Councilmember LeRette asked if the city is expecting a difference in what was paid under the previous contract for this service.

City Administrator Mandsager stated it is an increase over our current monthly payment but a savings over the Flow Control Committee's projections of approximately \$50,000.

Councilmember Roby asked if there will be improvements in the quality of work.

City Administrator Mandsager stated that operational improvements will be expected as part of the contract.

Vote – All ayes; motion carried.

#21628. Councilmember Bynum moved to authorize the purchase of a Rubber Tire Loader-Backhoe from Titan Machinery of Davenport, Iowa, in the amount of \$88,950. Seconded by Councilmember Roby. All ayes; motion carried.

#21629. Councilmember Roby moved to approve the update to the city's Equal Employment Opportunity Policy. Seconded by Councilmember Fitzgerald.

#21630. Councilmember Natvig moved to amend the original motion changing the wording in the second paragraph of the policy to say that the City Administrator has the ultimate responsibility for the overall administration of this policy. Seconded by Councilmember Fitzgerald.

Vote on amendment – All ayes; motion carried.

Vote on original motion as amended – All ayes; motion carried.

#21631. Councilmember Roby moved to approve Change Order #4 for Phase II of the Mad Creek Levee Project. Seconded by Councilmember Shihadeh. All ayes; motion carried.

Speaking in reference to Grain Processing Corporation's request for construction height allowances, Mayor O'Brien asked Community Development Steve Boka to provide an update on that request.

Mr. Boka stated that GPC has been making plans for upgrades at their facility for a long time. He stated that as late as last fall they came to the Zoning Board of Adjustment asking permission to construct an 8' fence in front of the facility that will be built to compliment improvements along the riverfront. He stated that at the main entryway GPC will be constructing a 16' structural wall with a decorative pattern that is intended to help reduce noise and control dust related to the construction of this proposed facility. He stated that plans for this proposed project were submitted to the Site Plan Review Committee for approval and this is the final step required before building permits can be issued.

Mr. Boka stated GPC has secured all the regulatory permits from the state that are needed to construct this facility. He stated they are now asking for an exception to Title 1, Chapter 20, Section 1 of the City Code which gives City Council to make adjustments where necessary. He stated the proposed project involves the construction of a stack and the dryer house which will house the equipment. He stated the dryer house is proposed to be approximately 106' and the stack approximately 155'. He stated these elevations are not any higher than facilities already located on the GPC campus. He stated City Council's authorization is required before the project can move forward. He stated John Kuhl from GPC's legal department is available to answer questions.

Councilmember Bynum asked when this ordinance was adopted, and Mr. Boka stated it was adopted July 19, 1973.

There was further discussion concerning this ordinance.

Councilmember Bynum asked if the current units would be replaced with this new one.

Mr. Boka stated that once the new facility is completed, seven of the dryer units will be retired.

Councilmember Roby stated she recently took a tour of the GPC campus and found it to be very informative. She stated GPC has already done a lot of work and they are continuing to move forward. She stated this proposed project will not be completed until 2015.

Mr. Boka stated GPC will be spending approximately \$100 million over the next several years and this project is part of that expenditure.

Mr. Kuhl thanked City Council for their support.

Sandy Stanley, 918 Acorn Lane, stated she is a member of the Clean Air Muscatine group. She applauded GPC's position on this project. She stated the group will continue to address air quality in Muscatine.

Helen VanHoozen, 3302 Mackinac Court, stated she is also a member of the Clean Air Muscatine group. She stated she is also glad to see this project moving forward. She asked that the project be completed as quickly as possible. She then gave a brief explanation of the illnesses stemming from the pollutants coming from GPC.

Sherry Leonard, 102 Grover Street, stated she was also glad to see this project moving forward. She asked why the new facilities were going to be constructed so close to the residential area. She voiced her concerns about the length of time for completion of the project.

Mr. Kuhl, speaking in reference to the height adjustments, stated it was his understanding it was necessary to construct the facilities over the 75' restriction to meet the standards approved by the Iowa Department of Natural Resources. He stated what is important about this project is the equipment that will be

housed inside the structure and how it will reduce emissions. Speaking in reference to the proposed location, he stated the intent of this location is to maximize the efficiency of this environmental project.

Councilmember Fitzgerald stated the proposed location would be the most efficient.

Shari Leader, 1012 Nebraska Street, stated she does not understand why the project will take so long to complete. She stated she had heard that Garfield School was closed because of the pollution. She then stated she does not believe GPC cares about the residents who live in the south end of town.

Mayor O'Brien asked Ms. Leader if she was aware that GPC was going to be spending \$100 million over the next several years to correct the pollution issues.

Ms. Leader asked if the cost of the project is why it was going to take so long to complete.

Mr. Kuhl stated this is a very significant project and will take many years to complete.

Councilmember Fitzgerald stated that construction of the Louisa Generating Station took many years to complete. He stated that construction of the stack and dryer house is a very sizable project.

Ms. Leader asked about the readings.

Mayor O'Brien stated he did not believe the closing of Garfield School had anything to do with the air quality.

Ms. Leader stated the readings still show high emissions. She ended by saying she was very concerned about the neighborhood.

#21632. Councilmember Fitzgerald moved to approve the request from Grain Processing Corporation for construction height allowances. Seconded by Councilmember Lange.

Councilmember Lange stated the closure of Garfield School was due to low enrollment and had nothing to do with the high readings. He stated he appreciated hearing from the citizens who voiced their concerns about the air quality and who also expressed their support of the proposed project. He stated that four years seems like a long time; however, it will go fast. He stated this is a major project and will take time to complete; however, it will take care of the problem that exists in that area.

Vote – All ayes; motion carried.

Mayor O'Brien then recognized Boy Scout Troop #114 whose members were present at the meeting.

Councilmember Lange stated the approval of the request from GPC shows their support of the City of Muscatine.

City Administrator Mandsager reminded City Councilmembers about the upcoming Iowa League of Cities Conference. He stated that anyone interested in attending, should make hotel reservations as soon as possible.

#21633. Councilmember Shihadeh moved the meeting be adjourned at 7:45 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

Richard W. O'Brien, Mayor

ATTEST:

Gregg Mandsager, City Administrator