

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – June 16, 2011

Mayor Dick O'Brien called the City Council meeting for Thursday, June 16, 2011, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Shihadeh, Bynum, Roby, and Lange.

The meeting began with the Pledge of Allegiance.

Troy Sievert, 503 E. 8th Street, stated he is employed by the county as maintenance supervisor. He stated that in the performance of his job, he must use his own personal vehicle when addressing issues at the various county facilities within the city. He stated that in doing so, he is continually feeding parking meters around town. He stated he had come to city hall to discuss the matter but was told the city does not issue permits to county employees. He asked if this is an actual policy. He stated if it is not a policy, then he would like the city's assistance in receiving a permit. He stated that if it is an actual policy, City Council may want to look into it.

City Administrator Gregg Mandsager asked Finance Director Nancy Lueck to address this issue.

Ms. Lueck stated this policy went into effect in July 2009. She stated she had suggested to Mr. Sievert that he park in the county lot and the lot at Community Services. She stated this is the first complaint she has received concerning this policy. She pointed out that city vehicles and law enforcement vehicles are not ticketed but everyone else is.

Councilmember Roby asked Mr. Sievert if he used only his personal vehicle in the performance of his duties, and Mr. Sievert answered yes. Councilmember Roby recommended he speak to the county to see if they would supply money for the meters.

Councilmember Fitzgerald stated he recently spoke to a county employee who was under the assumption they could park anywhere in the city.

Mayor O'Brien asked why Mr. Sievert felt he shouldn't be ticketed.

Councilmember Fitzgerald stated that prior to changing the policy in 2009, vehicles with official county plates would have their tickets waived.

Ms. Lueck stated that is how the tickets for county vehicles were handled prior to 2009.

Councilmember LeRette asked if there was a problem with too many spots being taken by county vehicles.

Ms. Lueck stated that in certain areas it is a problem, especially around the courthouse.

Councilmember Fitzgerald stated this policy could be re-addressed; however, Mr. Sievert's problem is that he drives his own personal vehicle.

Councilmember Shihadeh asked Mr. Sievert if he was reimbursed for fuel and mileage.

Mr. Sievert stated he does not claim the fuel and mileage for his in-town driving but does so for out-of-town travel.

Councilmember Roby recommended he submit his mileage and expenses for reimbursement.

Mayor O'Brien stated that a request for mileage reimbursement will not take care of Mr. Sievert's parking expenses.

Councilmember Roby stated that if he submits a mileage and expense report, he will be reimbursed for money spent paying the meters.

Mr. Sievert stated it would be really convenient if he did not have to continually feed the meters.

Mayor O'Brien asked the City Administrator if it would help to discuss this issue further.

City Administrator Mandsager stated he will contact the county and discuss this matter with them.

#21635. Councilmember Bynum moved to approve the minutes of the July 2, 2011 City Council meeting and the July 9, 2011 In-Depth meeting. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21636. Councilmember Lange moved the Consent Agenda be approved as follows: Second 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); addition of a Class E Liquor License for Kum & Go #438, 1010 Park Avenue – Kum & Go LLC; addition of a Class E Liquor License for Circle K #6600, 8th & Cypress – Mac's Convenience Stores LLC; renewal of a Class BW Beer/Wine and Sunday Sales Permit with Outdoor Service Area for Elly's Tea & Coffee House, 208 W. 2nd Street #8 – Elly's Tea & Coffee House LLC (pending inspections); renewal of a Class BW Beer/Wine Permit for Tantra Thai Bistro, 101 W. Mississippi Drive #101 – CNY Group Inc. (pending inspections); renewal of a Class BW Beer/Wine and Sunday Sales Permit for Peking Restaurant, 1700 Park Avenue, Suite #C – Peking Chinese Restaurant Inc. (pending inspections); renewal of a Class A Liquor License and Sunday Sales Permit for VFW Post #1565, 421 Mulberry Avenue – Veterans of Foreign Wars Club Inc. (pending inspections); renewal of a Class C Liquor License for La Guadalajara Restaurant, 208 E. 2nd Street – La Guadalajara Restaurant LLC (pending inspections); renewal of a Class C Liquor License for Jody's Corner Tap, 226 Walnut Street – Jody's Corner Tap Inc. (pending inspections); renewal of a Class C Liquor License with Outdoor Service for The Pearl, 101 W. Mississippi Drive – The Pearl LLC (pending inspections); renewal of a Class E Liquor License and Sunday Sales Permit for Cigarette Outlet #16, 1504 Park Avenue – The Outlet Inc. (pending inspections); request for 28 Cigarette Permits from July 1, 2011 through June 30, 2012; request for extension of Outdoor Service Area for The Missipi Brewing Company, 107 Iowa Avenue, for June 24-26, 2011 and July 1-5, 2011; filing of Communications A-E; and Bills for Approval totaling \$1,747,953.38 as well as receipt summaries and journal entries for April 2011. Seconded by Councilmember Roby. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning the proposed amendment of Title 1, Chapter 4 of the City Code pertaining to precinct and ward boundaries.

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

#21637. Councilmember Fitzgerald moved the public hearing be closed. Seconded by Councilmember Roby. All ayes; motion carried.

#21638. Councilmember Fitzgerald moved to approve the request from VFW Post #1565 for the use of city property for a barbeque and ice cream social on the 4th of July from 11 a.m. to 6 p.m. at 421 Mulberry Avenue and the adjacent parking lot. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21639. Councilmember LeRette moved to approve the request from Ruth Wilson, owner of One More Round, to close E. 2nd Street between Cedar and Sycamore streets for a street dance on August 13, 2011 beginning at 8 a.m. to allow for setup with the actual event taking place from 3 p.m. to midnight. Seconded by Councilmember Fitzgerald.

Councilmember Shihadeh asked if previous street dances had been allowed to operate until midnight, and Councilmember Fitzgerald answered yes.

Vote – All ayes; motion carried.

#21640. Councilmember Lange moved to approve the request for use of E. 3rd Street between Mulberry Avenue and Walnut Street for the Civil War Memorial Dedication on July 2, 2011, from 6 a.m. to 6 p.m. Seconded by Councilmember LeRette. All ayes; motion carried.

#21641. Councilmember Fitzgerald moved to approve the appointments and reappointments to the city's various boards and commissions as follows: **Airport Advisory Commission** – Appointment of Scott Natvig; **Art Center Board of Trustees** – Appointment of Steve Jameson and reappointments of Tom Spread, Caren Luke, and Becky Wichers; **Electrical Licensing Advisory Board** – Appointments of Cliff Lanfier and Nick Nietzel; **Historical Preservation Commission** – Appointment of Gina Chesling; **Housing Advisory and Appeals Board** – Reappointments of Sam Curry and Mike Allenbaugh and appointments of Alan Rusher, Ed Hogan, and Kyle Eller; **Library Board of Trustees** – Appointments of Peggy Gordon, Jon Moravec, and Krista Regennitter; **Plumbers Board of Examiners** – Appointment of Tim Kelly; and **Recreation Advisory Commission** – Appointments of Greg Harper, Janell Kassel, and Tim Riley. Seconded by Councilmember Roby.

Councilmember Roby asked citizens who are interested in serving on one of the city's boards or commissions, to visit the website to see a listing of what is available should they be interested.

Vote – All ayes; motion carried.

#21642. Councilmember Bynum moved to adopt on final reading an ordinance amending floodplain regulations and directed for its publication as required by law. Seconded by Councilmember Lange. All ayes: Councilmembers LeRette, Fitzgerald, Shihadeh, Bynum, Roby, and Lange. Motion carried and ordinance adopted on final reading.

#21643. Councilmember Roby moved to approve the first reading of an ordinance amending Title 1, Chapter 4 of the City Code pertaining to precinct and ward boundaries. Seconded by Councilmember LeRette.

Councilmember Bynum asked why this amendment does not go in effect until 2012.

City Planner Andrew Fangman stated it goes into effect on January 15, 2012.

Councilmember Bynum asked why it wouldn't go into effect once the ordinance is adopted.

Mr. Fangman stated the effective date is set by the State Code.

Vote – All ayes: Councilmembers LeRette, Fitzgerald, Shihadeh, Bynum, Roby, and Lange. Motion carried and first reading of the ordinance approved.

#21644. Councilmember Fitzgerald moved the resolution be adopted accepting the low bid and awarding the contract for the airport runway lighting improvements to Kimrey Electric of Urbandale, Iowa, in the amount of \$325,005.30. Seconded by Councilmember Shihadeh.

Councilmember Lange stated that by his calculations, the city's share is approximately \$16,250.

City Administrator Mandsager stated that was correct.

Councilmember Lange asked if this money had been budgeted.

City Administrator Mandsager answered yes. He pointed out the city would not be proceeding with this project until final word is received from Senator Grassley's office that the federal budget has been approved. He stated this project involves approximately five miles of wiring. He stated that any problems with the wiring would have serious ramifications for the airport.

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

#21645. Councilmember Shihadeh moved the resolution be adopted setting a public hearing on the 2nd Street Apartments Parking Lot Improvements for Thursday, July 7, 2011, at 7 p.m. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21646. Councilmember Bynum moved to approve the request to reject all bids submitted for the 2011 Curb and Gutter and Street Maintenance Program. Seconded by Councilmember Fitzgerald.

Councilmember Lange asked about the status of this project and if it would be carried over into next year.

City Administrator Mandsager stated that portions of Logan Street will be addressed with the remaining portions addressed during the upcoming budget season.

Councilmember Fitzgerald asked if staff was narrowing the scope of the project.

City Administrator Mandsager answered yes. He stated there are ADA ramps that have to be done.

Councilmember Fitzgerald asked if they could be done in-house.

Public Works Director Randy Hill stated that for the most part, the city has been contracting this type of work out. He stated that on Logan Street, quite a bit of the work will be done but not all of it with the remaining carried over into 2012.

Vote – All ayes; motion carried.

#21647. Councilmember Lange moved to approve the extension of the completion date for the Hershey Avenue Area Sewer Separation Project Contract II to August 19, 2011. Seconded by Councilmember LeRette.

City Administrator Mandsager stated the memo contained in the agenda packet lists the reasons why there were delays in this project.

Councilmember Lange asked if the contract has any late penalties in it.

City Administrator Mandsager answered no. He stated that Randy Hill asked the contractor to give the city a realistic date on when they feel the project can be completed so that City Council does not have to revisit this issue.

Vote – All ayes; motion carried.

#21648. Councilmember Fitzgerald moved to approve the general contractor agreement with BMW II effective July 1, 2011 through June 30, 2014 with a possible one-year extension. Seconded by Councilmember Roby. All ayes; motion carried.

#21649. Councilmember Shihadeh moved to approve the Memorandum of Understanding for Justice Assistance Grant funding for the Police Department. Seconded by Councilmember LeRette. All ayes; motion carried.

#21650. Councilmember Roby moved to approve the city's insurance renewal for 2011/2012. Seconded by Councilmember Lange.

Councilmember Roby stated that she and Councilmember Shihadeh had attended the recent insurance meeting. Speaking in reference to Worker's Compensation insurance, the city and employees were able to keep those costs down which resulted in United Heartland providing the city with a \$104,000 dividend check. She thanked city employees for staying safe and working healthy.

Vote – All ayes; motion carried.

#21651. Councilmember Shihadeh moved to go into Closed Session at 7:35 p.m. to discuss pending litigation. Seconded by Councilmember LeRette. All ayes: Councilmembers LeRette, Fitzgerald, Shihadeh, Bynum, Roby, and Lange. Motion carried.

The Muscatine City Council went into Closed Session at 7:44 p.m. Thursday, June 16, 2011, to discuss pending litigation. Present were Mayor Dick O'Brien and Councilmembers LeRette, Fitzgerald, Shihadeh, Bynum, Roby, and Lange. Also present were City Administrator Gregg Mandsager and Public Works Director Randy Hill.

#21652. Councilmember LeRette moved to leave the Closed Session at 8:04 p.m. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Shihadeh, Bynum, Roby, and Lange. Motion carried.

#20653. Councilmember Shihadeh moved the meeting be adjourned at 8:08 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

Richard W. O'Brien, Mayor

ATTEST:

Gregg Mandsager, City Administrator