

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

Mayor Dick O'Brien called the City Council meeting for Thursday, July 7, 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.

#21654. Councilmember Bynum moved to approve the minutes of the June 16, 2011 City Council meeting. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21655. Councilmember Lange moved the Consent Agenda be approved as follows: Request for a five-day Beer Permit for Great River Days Inc. at Riverside Park from July 26-31, 2011; Request for an Outdoor Service Permit to extend patio area for Missipi Brewing Co., 107 Iowa Avenue on August 19-21, 2011 and September 16-18, 2011; request for renewal of a Class C Liquor License and Sunday Sales Permit for Applebee's Neighborhood Grill & Bar, 306 Cleveland Street – Apple Corps LP (pending inspections); request for renewal of a Class B Beer and Sunday Sales Permit for Happy Joe's Pizza & Ice Cream Parlor, 927 Grandview Avenue – Max Brewer Corporation (pending inspections); request for renewal of a Class C Beer and Sunday Sales Permit for Hyink's Service, 1206 E. 2<sup>nd</sup> Street – Hyink's Service Inc. (pending inspections); request for renewal of a Class C Beer and Sunday Sales Permit for Babe's Sinclair, 2307 Lucas Street – Rodney Yocom (pending inspections); request for renewal of a Class C Beer and Sunday Sales Permit for Express Mart, 4804 Grandview Avenue – E-Mart Inc. (pending inspections); request for renewal of a Class C Beer and Sunday Sales Permit for Casey's General Store #2906, 3509 Steamboat Way – Casey's Marketing Co. (pending inspections); request for renewal of a Class WBN Native Wine and Sunday Sales Permit for The Flower Gallery, 131 E. 2<sup>nd</sup> Street – Karen Diercks (pending inspections); request for a Cigarette/Tobacco Permit for Hyink's Service Inc. at 1206 E. 2<sup>nd</sup> Street; filing of Communications A-G; and Bills for Approval totaling \$1,696,267.65. Seconded by Councilmember Roby. All ayes; motion carried.

**PUBLIC HEARING**

Mayor O'Brien stated a public hearing was being held concerning proposed changes to the Muscatine Municipal Housing Agency Five-Year Capital Improvement Plan.

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

#21656. Councilmember Shihadeh 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 2<sup>nd</sup> Street Apartments Parking Lot Improvements.

There were no oral or written comments for or against the proposed improvements.

#21657. Councilmember LeRette moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

#21658. Councilmember LeRette moved to approve the request from the Downtown Action Alliance to close 2<sup>nd</sup> Street from Walnut Street to Pine Street for a sidewalk sale on July 30, 2011 from 9 a.m. to 6 p.m. Seconded by Councilmember Natvig.

Kerry Keller, representing the Great River Days organization, stated the Great River Days parade is scheduled to be on 2<sup>nd</sup> Street that day. He stated he feels there will be a major conflict if the parade takes place while sidewalk sales are underway.

Councilmember Roby asked what time the parade would take place.

Mr. Keller stated the requested closure for the parade is 9 a.m. to 1 p.m. with the parade scheduled to begin at 11 a.m.

Councilmember Fitzgerald asked if this issue will be addressed by staff.

City Administrator Gregg Mandsager stated staff will make sure this issue is addressed at the pre-event meeting.

Vote – All ayes; motion carried.

#21659. Councilmember Roby moved to approve the closure of 2<sup>nd</sup> Street from Iowa Avenue to Pine Street on September 9, 2011 from 5 p.m. to midnight and September 10, 2011 from 10:30 a.m. to midnight for the 1<sup>st</sup> Annual Back to School Chill & Grill/Taste of Muscatine. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21660. Councilmember Bynum moved to approve the use of city property for the MDA “Fill the Boot” fundraiser on August 10-12, 2011 at the intersections of 8<sup>th</sup> and Cedar streets and Lake Park Boulevard and Park Avenue from 10 a.m. to 1 p.m. and 4 to 7 p.m. with rain dates of August 19 and 26, 2011. Seconded by Councilmember Fitzgerald.

Mayor O’Brien stated there were a number of firefighters in the audience this evening.

Tom Summitt stated he is a firefighter with the city and is also Chairman of the MDA Boot Drive. He thanked Mayor O’Brien for his years of service to the community and his support of the boot drive over the years. He stated his shoes would be hard to fill. He then introduced Deb Witford.

Ms. Witford stated she is the Executive Director for MDA for eastern Iowa and western Illinois. She thanked the Fire Department for their support of the MDA. She stated the Muscatine Fire Department has been holding boot drives since 1992. She stated that without the support of the firefighters and the families who help with the collection there would be no other source of income for MDA. She thanked City Council on behalf of the MDA for their support.

Vote – All ayes; motion carried.

Mayor O’Brien stated that he hopes next year city officials and representatives of Muscatine Association of Firefighters Local #608 will work together for the good of MDA.

#21661. Councilmember Lange moved to approve the appointment of Ramiro Vazquez to the Historic Preservation Commission and Stacy Lewis to the Airport Advisory Commission. Seconded by Councilmember Roby. All ayes; motion carried.

#21662. Councilmember Shihadeh moved the resolution be adopted setting a public hearing on a proposed zoning change within the City of Muscatine pertaining to the National Guard Armory property located at 1421 Park Avenue for Thursday, July 21, 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.

#21663. Councilmember Natvig moved the resolution be adopted setting a public hearing to consider the vacation of an alley right-of-way remnant generally bounded by Main, Pearl, Liberty, and Mill streets for Thursday, July 21, 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.

#21664. Councilmember Roby moved to approve the second reading of an ordinance amending Title 1, Chapter 4 of the City Code pertaining to precinct and ward boundaries. Seconded by Councilmember Lange. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and second reading of the ordinance approved.

#21665. Councilmember Lange moved the resolution be adopted approving changes to the Muscatine Municipal Housing Agency Five-Year Plan (2010-2014). Seconded by Councilmember Bynum. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21666. Councilmember Shihadeh moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate, and setting the bid opening date for the 2<sup>nd</sup> Street Apartment Parking Lot Improvement Project. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21667. Councilmember Shihadeh moved the resolution be adopted setting a public hearing on the renovation of the municipal hangar and t-hangar roofs at the airport for Thursday, July 21, 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.

#21668. Councilmember Fitzgerald moved the resolution be adopted authorizing the assessment of unpaid abatement costs to private properties in the amount of \$57,878.35. Seconded by Councilmember LeRette.

Councilmember Roby asked how many of the assessments involved properties in foreclosure.

Community Development Director Steve Boka stated that of the 77 properties involved in this action, 47 are foreclosures that must be maintained by the city. He stated that 28 involve properties where the owners failed to respond to the city's nuisance notification. He stated that tonight's action also includes the demolition of the properties on Orange and VanHorne streets.

Councilmember Lange asked what types of nuisances are being addressed.

Mr. Boka stated that most are for weed abatement; however, some could involve property cleanup.

Councilmember Roby stated this is a process that continues to help clean up the city.

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

#21669. Councilmember Lange moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate, and setting the bid opening date for the Cedar Street Culvert Extensions.

Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21670. Councilmember Natvig moved the resolution be adopted accepting easements for Phase I of the Cedar Street Reconstruction Project. Seconded by Councilmember Fitzgerald.

Councilmember Lange stated that on the easement information under Special Features some of the property owners had riparian listed. He asked for a definition of the word.

City Engineer Jon Lutz stated that riparian is the low growing plants and brush that have to be removed. He stated the city will be responsible for the removal of the riparian as well as the trees. He stated the dollar amounts shown as part of the easements are the costs of purchasing the right to take the trees down and removal of the riparian.

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

#21671. Councilmember Fitzgerald moved the resolution be adopted adjusting sewage rates for private sewer system waste. Seconded by Councilmember Roby.

Councilmember LeRette asked what affect this increase will have on the people utilizing the facility.

Water Pollution Control Director Roger Kirby stated that in the past the revenue generated was approximately \$6,000 to \$10,000 per fiscal year. He stated that after the 2008 flood in Cedar Rapids, people started coming to Muscatine and many have continued to utilize the city's facility. He stated that in 2008/2009, revenue was up to \$54,000; however, revenues are now down in the \$23,000 to \$30,000 range. He stated the increase from \$.01 to \$.03 is a reasonable amount. He stated people have been made aware of the proposed increase.

Councilmember Natvig asked Mr. Kirby if he had considered a little higher rate increase.

WPCP Director Kirby stated he would prefer to gradually increase the rates. He then stated that campers are not charged to dispose of their waste at the facility.

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

#21672. Councilmember LeRette moved to approve the bid from Electric Pumps in the amount of \$96,500 for upgrade to SCADA systems for five existing lift stations. Seconded by Councilmember Natvig.

Councilmember Fitzgerald asked if there could be any issues for the city by not accepting the low bid.

City Administrator Mandsager stated that Mr. Kirby adequately laid out the reasons why he was recommending the approval of the bid from Electric Pump.

Vote – All ayes; motion carried.

#21673. Councilmember Roby moved to approve the quote from Konecranes in the amount of \$12,000 for repairs to the crane bucket at the Papoose Lift Station. Seconded by Councilmember Natvig.

Councilmember Shihadeh stated the renovation of the Water Pollution Control Plant will be about \$16 million and yet we are still spending more money. He asked how the renovation project is coming along.

WPCP Director Kirby stated that project is nearing completion. He stated that even with the change orders, the project is under the total amount budgeted. He stated the Papoose Creek Lift Station is vintage 1960 and that flooding has taken its toll. He stated \$175,000 had been budgeted for the lift station crane and with the addition of the cost for repairs to the bucket (\$12,000) the final cost will be approximately \$135,000.

Councilmember Shihadeh asked if the contractor is on target to meet the completion date.

WPCP Director Kirby answered no. He stated the contractor will be looking for a contract extension although he has not done so officially. He stated he does not have a problem with the extension because he would rather see the job done correctly.

City Administrator Mandsager stated that as a point of clarification, the lift station is separate from the WPCP renovation.

Vote – All ayes; motion carried.

#21674. Councilmember Roby moved to approve the low bid from VanMeter Industrial in the amount of \$5,914.63 for the purchase of courtyard light poles for the Clark House. Seconded by Councilmember LeRette. All ayes; motion carried.

#21675. Councilmember Lange moved to approve Change Order #2 for the South End Fire Station. Seconded by Councilmember Bynum. All ayes; motion carried.

#21676. Councilmember Shihadeh moved to approve the purchase of a special services vehicle for the Police Department from Karl Chevrolet in the amount of \$31,165. Seconded by Councilmember Natvig.

Councilmember Bynum asked about the usage of a special services vehicle.

Lieutenant Jeff Jirak stated this SUV will replace the old Tahoe. He stated it is primarily a supervisory vehicle. He stated it is also used during inclement weather.

Councilmember Bynum asked if it had been included in the Police Department's budget.

Lt. Jirak stated \$35,000 was budgeted and the cost of the vehicle was \$31,165.

City Administrator Mandsager stated the vehicle is essentially used 24/7 on all three shifts.

Vote – All ayes; motion carried.

#21677. Councilmember Natvig moved to authorize a professional services agreement with A&J Associates in the amount of \$6,900 related to the Musser Museum boiler. Seconded by Councilmember Fitzgerald.

Councilmember Phillips asked what the \$6,900 would cover.

City Administrator Mandsager stated the city had entered into a similar agreement with A&J Associates for the city hall boiler. He stated that two grant opportunities have been identified.

Public Works Director Randy Hill stated the \$6,900 will include grant application assistance, construction drawings, specifications, project management, and other related administrative requirements if funding is received. He stated the grant applications will be prototypes of the city hall grant.

Mr. Hill stated the museum boiler is older than the city hall boiler. He stated that an energy audit was done on all city facilities and it was found that the city hall and museum boilers were only performing at 60 to 65%. He stated grants of this type are not as available as they used to be and so staff would like to submit applications while the money is still available.

Councilmember Roby asked if it would be more cost effective to combine the city hall and museum boilers.

City Administrator Mandsager stated it is the city's intent to have each application stand on its own merit. He stated costs for the city hall boiler will come from TIF proceeds. He stated that A&J Associates is also knowledgeable about the different rebate opportunities.

Councilmember Fitzgerald asked if there were two boilers since there is the museum and the gallery.

Mr. Hill answered yes. He stated that tonight's action involves the boiler in the museum portion of the art center.

Councilmember LeRette asked why this boiler replacement wasn't addressed during budget sessions.

Mr. Hill stated that both systems were discussed during the budget sessions but quite frankly it came down to being an economic matter and what the city could afford. He stated it will cost approximately \$75,000 for the boiler replacement. He stated the boiler itself will cost approximately \$20,000 to \$30,000 with the remaining costs associated with installation work.

WPCP Director Kirby stated that with the completion of the new digester, the plant is using its own methane to heat the digester. He stated staff is contemplating the use of the methane in the future.

Vote – All ayes; motion carried.

#21678. Councilmember Lange moved to approve the Iowa Department of Transportation's annual agreement for the maintenance and repair of primary roads in municipalities. Seconded by Councilmember Roby. All ayes; motion carried.

#21679. Councilmember Fitzgerald moved to approve Change Orders 1-3 for the Hershey Avenue Reconstruction Project. Seconded by Councilmember Natvig. All ayes; motion carried.

#21680. Councilmember Roby moved to approve the purchase of a mini-excavator for the cemetery from Bobcat of the Quad Cities in the amount of \$38,783.30. Seconded by Councilmember LeRette. All ayes; motion carried.

#21681. Councilmember Natvig moved to approve the purchase of a skid steer for the Park Maintenance Division from Bobcat of the Quad Cities in the amount of \$45,067.67. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21682. Councilmember LeRette moved to approve the 2009 Community Development Block Grant extension date to September 30, 2011. Seconded by Councilmember Lange. All ayes; motion carried.

#21683. Councilmember Shihadeh moved to approve the agreement between the city and between the city and the Dakota Minnesota & Eastern Railroad Corporation d/b/a Canadian Pacific covering the railroad corporation work required for the new railroad closure structure and raising of the existing system of levees as part of the Mad Creek Local Floodwall Protection Project Phase II. Seconded by Councilmember Roby. All ayes; motion carried.

Under comments, Councilmember Natvig commended the Art Center for its Civil War exhibit. He encouraged the citizens to visit the art center to view the exhibit.

Councilmember Bynum asked the City Administrator for an explanation on the legalities of posting the City Council agendas.

City Administrator Mandsager stated that the agenda, once it is completed, is posted on the website and at city hall. He stated it needs to be posted 24 hours in advance of the meeting. He stated the agendas and respective documentation are posted on the website. He stated that folks can sign up to receive notification when the agenda has been posted. This is the same information the City Council receives.

Councilmember Bynum asked if the newspaper prints a summary of the agenda, and City Administrator Mandsager answered yes.

#21684. Councilmember Shihadeh moved to go into Closed Session at 8:12 p.m. to discuss pending litigation and property acquisition. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

The Muscatine City Council went into Closed Session at 8:20 Thursday, July 7, 2011, to discuss pending litigation and property acquisition. Present were Mayor Dick O'Brien and Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Also present were City Administrator Gregg Mandsager, Public Works Director Randy Hill, City Engineer Jon Lutz, and Community Development Director Steve Boka.

#21685. Councilmember Fitzgerald moved to leave the Closed Session at 9:03 p.m. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

#21686. Councilmember Shihadeh moved the meeting be adjourned at 9:04 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