

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

Mayor Dick O'Brien called the City Council meeting for Thursday, July 21, 2011, to order at 7 p.m. Councilmembers present were Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange.

The meeting began with the Pledge of Allegiance.

#21688. Councilmember Bynum moved to approve the minutes of the July 7, 2011 City Council meeting and the July 14, 2011 In-Depth meeting. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21689. Councilmember Lange moved the Consent Agenda be approved as follows: Request for Outdoor Service Area from Pete's Tap, 1820 Angle, on August 6, 2011; filing of Communications A-B; and Bills for Approval totaling \$2,374,888.91. Seconded by Councilmember Natvig. All ayes; motion carried.

**PUBLIC HEARING**

Mayor O'Brien stated a public hearing was being held concerning the proposed zoning change within the City of Muscatine pertaining to the National Guard Armory property at 1421 Park Avenue.

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

#21690. Councilmember Roby 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 vacation of an alley right-of-way remnant.

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

#21691. Councilmember Shihadeh moved the public hearing be closed. Seconded by Councilmember Bynum. All ayes; motion carried.

**PUBLIC HEARING**

Mayor O'Brien stated a public hearing was being held concerning the proposed renovation of the municipal hangar and t-hangar roofs at the airport.

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

#21692. Councilmember Natvig moved the public hearing be closed. Seconded by Councilmember Lange. All ayes; motion carried.

#21693. Councilmember Bynum moved to approve the request from Pete's Tap, 1820 Angle Street, for the use of city property for a catfish contest/fish fry on Saturday, August 6, 2011, from noon to 2 a.m. Seconded by Councilmember Roby.

Councilmember Fitzgerald asked if any thought had been given to the potential liability if someone fell into the slough.

Acting City Administrator Randy Hill answered yes; however, he noted they had held a similar event earlier this year without any problems.

Vote – All ayes; motion carried.

#21694. Councilmember Shihadeh moved the proclamation be adopted declaring August 1-7, 2011 as “Friendship Week”. Seconded by Councilmember Lange. All ayes; motion carried.

#21695. Councilmember Lange moved to adopt on final reading an ordinance amending Title 1, Chapter 4 of the City Code pertaining to precinct and ward boundaries and directed for its publication as required by law. Seconded by Councilmember Roby. All ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

#21696. Councilmember Roby moved to approve the first reading of an ordinance changing the zoning designation for the National Guard Armory property at 1421 Park Avenue. Seconded by Councilmember Natvig. All ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

#21697. Councilmember Shihadeh moved to approve the first reading of an ordinance vacating an alley right-of-way. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

#21698. Councilmember Natvig moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate, and establishing a bid opening date for the renovation of the municipal hangar and t-hangar roofs at the airport. Seconded by Councilmember Lange. All ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

#21699. Councilmember Shihadeh moved the resolution be adopted accepting completed work for a Community Development Block Grant Housing Rehabilitation Project at 305 Pond Street and authorizing final payment to Daniels Construction. Seconded by Councilmember Roby. All ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

#21700. Councilmember Shihadeh moved the resolution be adopted accepting temporary and permanent easements from the Dakota, Minnesota and Eastern Railroad d/b/a Canadian Pacific Railroad for Phase II of the Mad Creek Levee Improvement Project. Seconded by Councilmember Natvig. All ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

#21701. Councilmember Lange moved the resolution be adopted approving the purchase of property from the Dakota, Minnesota and Eastern Railroad Corporation d/b/a Canadian Pacific Railroad related to the Mad Creek Levee Improvement Project. Seconded by Councilmember Shihadeh. All ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

#21702. Councilmember Fitzgerald moved the resolution be adopted approving the grant agreement for improvements at the municipal airport. Seconded by Councilmember Shihadeh. All ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

#21703. Councilmember Roby moved the resolution be adopted approving the plans, specifications, form of contract, and cost estimate for the Heatherlynn Sewer Project. Seconded by Councilmember Shihadeh.

Councilmember Natvig stated he had talked with Randy Hill and was told the cost estimate was approximately \$60,000. He asked City Engineer Jon Lutz if that was correct, and he answered yes.

Councilmember Natvig then asked if this had been part of the budget. Mr. Hill answered no but stated it will be paid from the Collection and Drainage fund balance.

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

#21704. Councilmember Lange moved the resolution be adopted approving changes to the Muscatine Municipal Housing Agency's Five-Year Plan and accepting a capital funds grant. Seconded by Councilmember Roby. All ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

#21705. Councilmember Roby moved the resolution be adopted setting a public hearing for the sale of city property at 2210 Wallace Street on Thursday, August 4, 2011, at 7 p.m. Seconded by Councilmember Bynum. All ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

#21706. Councilmember Natvig moved the resolution be adopted accepting the low bid for the replacement of fencing at Sunset Park. Seconded by Councilmember Lange.

Housing Administrator Dick Yerington stated this project will be paid by federal dollars from the capital funding program.

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

#21707. Councilmember Roby moved that vehicles and equipment be declared as surplus property and be placed on the Public Surplus online auction service. Seconded by Councilmember Bynum.

Councilmember Roby asked if monies generated from the auction would go back into the General Fund.

Acting City Administrator Hill stated money will go back into the fund of the department the surplus property belonged to.

Vote – All ayes; motion carried.

#21708. Councilmember Lange moved to approve the issuance of a purchase order to Cahoy Well and Pump Service of Fredericksburg, Iowa, in the amount of \$5,795 for the installation of monitoring wells at the landfill. Seconded by Councilmember Natvig.

Councilmember Roby asked what types of wells were being installed.

Solid Waste Manager Laura Liegois stated there are different types of wells throughout the landfill. She stated that some are for groundwater and some for leachate. She stated these wells are for groundwater in the area where they are located.

Councilmember Roby asked how close the new wells would be to the old ones.

Ms. Liegois stated it would be in the 15-20' range. She stated the placement of these wells is regulated by the Iowa Department of Natural Resources which is more stringent than the Environmental Protection Agency.

Councilmember Shihadeh asked who determines if the wells are needed.

Ms. Liegois stated that the city submits testing results to the IDNR. She stated the IDNR then makes the determination on what the city needs to do based on those results.

Vote – All ayes; motion carried.

#21709. Councilmember Shihadeh moved to approve an agreement with Klingner & Associates of Burlington, Iowa, in the amount of \$21,500 for the Mad Creek Levee Certification. Seconded by Councilmember Natvig. All ayes; motion carried.

#21710. Councilmember Lange moved to approve the issuance of a purchase order to Illowa Investment Inc. in an amount not to exceed \$100,000 for the 2011 Joint Sealing Program. Seconded by Councilmember Roby.

Councilmember Lange asked why there was a large discrepancy between the bid submitted and what the city budgeted.

Mr. Hill stated it has been a while since the city has entered into an agreement for this program. He stated when the specifications were put together, older information was probably used resulting in the amount budgeted. He stated that Randy Howell will be working with Illowa representatives with the focus on specific areas. He stated City Council will probably be seeing similar allocations over the next few years.

Councilmember Roby asked if this something that has never been done before.

Mr. Hill stated it is a project that has not been done for a few years.

Councilmember Natvig asked if Mississippi Drive is the state's responsibility and Mr. Hill stated it was. Councilmember Natvig asked if the city could expect any kind of improvements by the state. Mr. Hill answered no. He stated the state has not come forward with any type of plan or proposal.

Vote – All ayes; motion carried.

#21711. Councilmember Natvig moved to approve the purchase of a new speed trailer for the Police Department from MPH Industries in the amount of \$8,068. Seconded by Councilmember Shihadeh.

Councilmember Roby asked what would happen to the old one.

Mr. Hill stated it still works and the Police Department will continue to use it to flash a vehicle's speed.

Vote – All ayes; motion carried.

#21712. Councilmember Roby moved to approve the purchase of a replacement squad care for the Police Department from Ed Stiver's Ford Inc. of Waukee, Iowa, in the amount of \$23,596. Seconded by Councilmember Natvig. All ayes; motion carried.

#21713. Councilmember Bynum moved to approve Change Order #2 for the police radio system in the amount of \$4,683.75. Seconded by Councilmember Roby.

Police Chief Brett Talkington stated this change order will allow all 10 squad cars to be compatible with the radio system.

Vote – All ayes; motion carried.

#21714. Councilmember Bynum moved to approve Change Order #4 for the Hershey Avenue Reconstruction Project. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21715. Councilmember Lange moved to approve the contract with Terracon for the Hershey Avenue Reconstruction Project. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21716. Councilmember Shihadeh moved to approve the agreement with the Louisa County Solid Waste Management Agency for household hazardous waste services. Seconded by Councilmember Roby. All ayes; motion carried.

Under comments, Councilmember Roby reminded everyone that Great River Days will be starting soon. She encouraged everyone to pick up after themselves.

Mayor O'Brien stated he had gone over to see the new MCSA building. He encouraged Councilmembers to stop by to see what is happening there.

#21717. Councilmember Shihadeh moved the meeting be adjourned at 7:50 p.m. Seconded by Councilmember Fitzgerald. All ayes.

---

Richard W. O'Brien, Mayor

ATTEST:

---

Randy Hill, Acting City Administrator