

CITY OF MUSCATINE  
REGULAR CITY COUNCIL MINUTES  
Council Chambers – 7:00 p.m. – September 15, 2011

Mayor Dick O'Brien called the City Council meeting for Thursday, September 15, 2011, to order at 7 p.m. Councilmembers present were LeRette, Natvig, Shihadeh, Roby, and Lange.

The meeting began with the Pledge of Allegiance.

Councilmember Fitzgerald joined the meeting at 7:05 p.m.

#21783. Councilmember Shihadeh moved to approve the minutes of the September 1, 2011 City Council meeting and the September 8, 2011 In-Depth meeting. Seconded by Councilmember Roby. All ayes; motion carried.

#27184. Councilmember Lange moved the Consent Agenda be approved as follows: First reading for a new Class B Beer and Sunday Sales Permit for Yacky Shack, 114 E. 2<sup>nd</sup> Street – Sony Johnson (pending inspections); renewal of a Class C Beer and Sunday Sales Permit for Casey's General Store #1484, 1111 Oregon Street – Casey's Marketing Co. (pending inspections); filing of Communications A-F; and Bills for Approval totaling \$1,806,021.20. Seconded by Councilmember LeRette. All ayes; motion carried.

#21785. Councilmember Roby moved to approve the request from the Muscatine High School Student Council for use of city property for the 2011 Homecoming Senior March on Friday, September 30, 2011, leaving the high school at 11:45 a.m. and traveling down Cedar Street to the Riverview Center on the riverfront. Seconded by Councilmember Natvig. All ayes; motion carried.

#21786. Councilmember Shihadeh moved to approve the request from the Muscatine High School Student Council for use of city property for the 2011 Homecoming Parade on Thursday, September 29, 2011, beginning at 6 p.m. at Grant Elementary School, turning right onto Mulberry Avenue and ending at the high school. Seconded by Councilmember Lange. All ayes; motion carried.

#21787. Councilmember LeRette moved to approve the request from Pete's Tap, 1820 Angle Street, for use of city property (parking lot) on September 17, 2011 from 11 a.m. to 2 p.m., October 1, 2011 from 11 a.m. until noon, and October 22, 2011 from 3 p.m. to 2 a.m. Seconded by Councilmember Roby. All ayes; motion carried.

#21788. Councilmember Natvig moved the proclamations be adopted declaring September 18-24, 2011 as "City of Muscatine Support of the Guard and Reserve Week" and "National Adult Services Week", October 2, 2011 as "CROP Walk for Hunger Day", and October 2-8, 2011 as "Mental Health Awareness Week" and May 2012 as "Mental Health Awareness Month". Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21789. Councilmember Fitzgerald moved the resolution be adopted authorizing the Internal Advance of Funds and TIF Repayment Agreement for the Bridge Lighting Repair Project. Seconded by Councilmember Roby.

Councilmember LeRette stated this matter was discussed at last week's In-Depth meeting with three Councilmembers in favor of spending the \$40,000 for repair of the bridge lights and three Councilmembers opposed. He stated information received with this week's agenda packet included a portion of the grant agreement with the Iowa Department of Transportation containing a clause stating that the city would have a risk of losing the \$100,000 grant if the bridge lighting project is not funded. He stated he was concerned about the fact the lights have been out since last year and the matter is just now coming to Council's attention. He stated he feels there is

an assumption the \$100,000 grant would be at risk. He stated he feels it is a perceived risk. He then stated he feels this matter should be discussed with the city attorney.

Councilmember Fitzgerald stated the lights have been out for quite a while and the reason it was not brought to Council's attention right away is because city staff, Muscatine Power & Water, and Musco have been trying to get the problem resolved. He stated that postponing the project does not make any sense because colder weather is just around the corner. He stated he feels TIF funds should be used. He then pointed out that the \$40,000 being requested is about 10% of the total cost of the project. He ended by stating he feels the request being made is not out of line.

Councilmember Shihadeh stated that Councilmember LeRette has made some valid points; however, he feels City Council should proceed with what is on tonight's agenda. He stated he also feels Leadership Muscatine should be contacted to see if they could raise money that could be used to offset what the city is going to pay for this project. He stated he does not feel the project should be delayed another year.

Councilmember Natvig stated he feels the bridge lighting is a city asset and that the city has an obligation to contribute to the funding of the repairs. He stated that to date the city's investment to the bridge lighting has been very small.

Councilmember Lange stated he finds himself in an untenable position. He stated that either he accepts the \$40,000 expenditure or he faces public criticism because the city might have to reimburse the IDOT in the amount of \$100,000. He stated he does not believe the repairs needed fall under routine bridge maintenance. He stated he does not fully buy the idea that the bridge lighting is the city's responsibility. He stated that repairs could add up to quite a bit in the long run. He ended by saying he agrees with Councilmember Shihadeh's comment concerning Leadership Muscatine.

Councilmember Fitzgerald stated Muscatine Power & Water cannot be expected to pay 100% of the repairs. He stated that once the bridge was dedicated to the city, Muscatine Power & Water did agree to pay for the routine maintenance. He stated this repair project goes beyond routine maintenance, and it is the city's responsibility to contribute to the costs.

Councilmember Natvig stated the LED lights are supposed to have a longer lifespan. He stated he felt the bridge lighting was a good decision and now it is time to deal with the needed repairs.

Councilmember Roby stated that at the In-Depth meeting she had stated the lights would enhance tourism in Muscatine. She stated that in retrospect, she stated her comment was probably not a true fact; however, if someone is visiting the city, the bridge lighting will enhance their visit. She stated that with all that was donated for the bridge lighting project, \$50,000 is a minimum expenditure. She stated she feels this project needs to be moved forward.

Councilmember LeRette stated the bridge lighting has only been in operation for just three years. He stated there is no guarantee that problems will not occur again down the road. He stated he is concerned that providing funding for the repairs will set a precedent for the future. He stated that as mentioned by Councilmember Natvig, the lights are supposed to have a longer lifespan. He stated he is hesitant about spending \$40,000 this time only to have issues arise in the future.

Councilmember Roby stated it was her understanding that Muscatine Power & Water budgets \$20,000 each year for maintenance costs for the bridge lighting.

City Administrator Gregg Mandsager stated that to date Muscatine Power & Water has budgeted \$20,000 per year for bridge lighting maintenance.

Councilmember Natvig stated he does not believe the city will be setting a precedent by participating in the funding of the bridge lighting repairs.

Councilmember LeRette stated that if the decision is made to fund the repairs, he feels it is not an economic development issue and that funding from TIF is not appropriate. He stated he feels it should be funded from the General Fund because this is not a project that enhances property values or creates jobs. He stated that if anything, it should be considered as equipment replacement.

City Administrator Mandsager stated that as a point of clarification, TIF funds are not strictly economic development funds. They can be used for economic development, infrastructure, cultural amenities, parks improvements, and multiple other purposes. He stated the funds being suggested for use are economic development funds that were not used by Bridgestone-Bandag. He stated that he sees the approval of this expenditure as a good precedent for the city and yet another example of a public/private partnership working together to fix a problem. He stated that nobody thought we would be in this position three years down the road. He ended by stating he would like to see the lights fixed and running.

Vote: Four ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, and Roby. Two nays: Councilmembers LeRette and Lange. Motion carried.

#21790. Councilmember Shihadeh moved the resolution be adopted approving the Annual Street Finance Report for the fiscal year ended June 30, 2011. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Roby, and Lange. Motion carried.

#21791. Councilmember Fitzgerald moved to authorize the issuance of a purchase order to Triple B in the amount of \$35,587 for the relocation of a water main in the vicinity of 2<sup>nd</sup> Street and the bridge at Mad Creek. Seconded by Councilmember Roby. All ayes; motion carried.

#21792. Councilmember Natvig moved to approve the engineering and surveying services agreement for the municipal airport with Anderson-Bogert Engineers & Surveyors Inc. in an amount not to exceed \$16,162. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21793. Councilmember LeRette moved to approve the agreement with the Muscatine-Louisa Drainage District #13. Seconded by Councilmember Lange. All ayes; motion carried.

#21794. Councilmember Fitzgerald moved to authorize the purchase of two 10' stainless steel v-box salt spreaders from Henderson Truck Equipment in the amount of \$25,482. Seconded by Councilmember LeRette.

Councilmember Roby stated that of the four bids received, one of the bids was for 304 stainless steel and the other three were for 201 stainless steel. She asked if there was a difference.

Councilmember Fitzgerald stated it probably pertains to the makeup of the alloys found in the stainless steel.

Councilmember Natvig asked how close the city was to having all stainless steel salt spreaders.

Public Works Director Randy Hill stated he was not positive but thought there may be a couple more that need to be replaced.

#21795. Councilmember Natvig moved to authorize the purchase of a 13' stainless steel v-box salt spreader from Monroe Truck Equipment in the amount of \$14,974. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

Vote – All ayes; motion carried.

#21796. Councilmember Roby moved to approve the second amendment of the engineering services agreement with V&K in an amount not to exceed \$64,000 for the Water Pollution Control Plant Renovation Project. Seconded by Councilmember LeRette.

Councilmember Shihadeh asked when the project will be completed.

Jon Koch, the city's Assistant Water Pollution Control Director, stated it should be done by the end of September. He stated there will be ongoing items to finish up but the engineer's portion will be done by the end of September.

Councilmember Lange stated he felt \$64,000 was quite a bit of money for the amendment.

Councilmember Natvig stated this is the amount Council was told to expect when Bob Veenstra made his presentation at the September 1, 2011 City Council meeting.

City Administrator Mandsager stated that as Mr. Veenstra had indicated during his presentation, there will be one more change order which is still being discussed.

Vote – All ayes; motion carried.

#21797. Councilmember Lange moved to authorize the purchase of a single axle dump truck for the Water Pollution Control Plant from Truck Country Quad Cities in the amount of \$72,308. Seconded by Councilmember Roby.

Councilmember Natvig asked what the vehicle will be used for.

Mr. Koch stated it will be used for hauling sand and grit from the grit chamber. He stated the current vehicle is from the 1990s.

Councilmember Natvig asked how many trips a day the vehicle would be making and if the hauling could be outsourced.

Mr. Koch stated the vehicle will be used for several things and could be used by other departments as well. He stated the truck, which is water tight, is used one to two times per week.

Vote – Five ayes: Councilmembers LeRette, Fitzgerald, Shihadeh, Roby, and Lange. One nay: Councilmember Natvig.

#21798. Councilmember Shihadeh moved to approve the construction of a new firing range. Seconded by Councilmember Fitzgerald.

Councilmember Fitzgerald asked if the problems with the neighbors concerning the noise issue had been resolved and if moving the range to higher ground will aggravate the situation.

Police Chief Brett Talkington stated there have been no issues over the last few years and that he does not foresee any problems placing the range on higher ground.

Vote – All ayes; motion carried.

#21799. Councilmember Natvig moved to approve the fiscal year 2011/2012 General Fund budget amendments. Seconded by Councilmember Lange. All ayes; motion carried.

Under comments, Councilmember LeRette, speaking in reference to the recent Muscatine School Board election, congratulated the four new school board members. He also thanked the individuals who ran but did not win.

Councilmember Roby stated that on Wednesday she toured Muscatine Power & Water's generating plant. She stated it was very informative.

Councilmember Lange echoed Councilmember LeRette's comments concerning the recent school board election.

City Administrator Mandsager stated he recently attended a meeting with Hy-Vee and Fareway concerning "The Healthiest State Initiative" and the "Start Somewhere Walk". He stated the 1K walk will take place at noon on October 7, 2011 at various locations around town. He stated a location is planned for City Hall. He stated that as part of the program, there is the potential for a \$20 million grant to be divided between communities around the state. He encouraged everyone to participate in the walk.

#21800. Councilmember Shihadeh moved the meeting be adjourned at 8:43 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