

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – April 19, 2012

Mayor DeWayne Hopkins called the City Council meeting for Thursday, April 19, 2012, to order at 7 p.m. Councilmembers present were Fitzgerald, Natvig, Bynum, Phillips, and Spread.

The meeting began with the Pledge of Allegiance.

Mayor Hopkins swore in Police Officers Andrew Fry and Minnat Patel.

Mayor Hopkins then asked former Mayor Dick O'Brien to come to the lectern. Mayor Hopkins, along with Administrative Secretary Fran Donelson, presented him with a replica of the street sign that will rename Harbor Drive to O'Brien Parkway.

Former Mayor O'Brien thanked everyone for this honor bestowed upon him this evening. He then recognized the members of the original Riverfront Improvement Team which included Jeff Fick, Jay McKee, Van Bell, Larry Wolf, Steve Boka, and Bill Trent.

He stated it is still hard for him to believe that a skinny kid who grew up on the south side of Muscatine could even become the Mayor of this city.

He stated he was truly honored to have been a part of this city's government for so many years. He stated he was proud of the citizens of Muscatine for the things that have been accomplished in this community.

#22029. Councilmember Bynum moved, seconded by Councilmember Spread, that the Consent Agenda be approved as follows:

- Approval of minutes for the April 5, 2012 Regular meeting and the April 12, 2012 In-Depth meeting.
- Renewal of a Class C Liquor License, Outdoor Service, and Sunday Sales Permit for Mike's Hilltop Tap, 929 Lucas Street – Mike's Hilltop Tap Inc. (pending inspections) and renewal of a Class C Beer Permit and Sunday Sales Permit for Highway 61 Fuels LLC, 3103 Highway 61 North – Highway 61 Fuels LLC (pending inspections)
- **Item 8C (Request for Issuance of a Burn Permit) pulled from Consent Agenda for separate action**
- Proclamation declaring May 2012 as "Motorcycle Safety Awareness Month"
- Filing of Communications A-B
- Approval of Bills for Approval totaling \$1,350,731.78

Vote – All ayes; motion carried.

#22030. Councilmember Spread moved to approve the issuance of a burn permit to Chad McDaniel and Eric Wagner to burn deadfall behind their properties at 895 and 897 Newell Avenue. Seconded by Councilmember Natvig.

Councilmember Phillips asked how the Fire Department handles these types of requests.

Assistant Fire Chief Brian Abbott stated that under the city's current ordinance, property owners with one or more acres do not require City Council's approval for a burn permit. He stated in this case, the property owners are combining two lots to equal one acre which means City Council approval is required before a burn permit can be issued. He stated that in the past City Council has granted burn

permits to two adjacent properties. He stated there will be no open burning without the issuance of a burn permit.

Councilmember Phillips asked how many requests of this type have been received over the last several years.

Assistant Chief Abbott stated he did not know that information, but they have been approved by City Council in the past.

Councilmember Fitzgerald stated there was a resident at the meeting earlier who stated he was opposed to the issuance of the burn permit.

Mayor Hopkins asked what the cost was for a burn permit, and Assistant Chief Abbott stated it was \$25.

Councilmember Fitzgerald stated that because of air quality issues the city has stopped burning at the compost site. He stated that past councils have chosen not to allow open burning. He stated he would like to think this City Council would like to help with air quality issues and would not allow for the burning. He stated there are other ways to eliminate the dead trees.

City Administrator Gregg Mandsager stated there are two areas that do burn and they are the Golf Course and the Mark Twain Overlook.

Councilmember Fitzgerald pointed out that The Overlook is not owned by the city.

Councilmember Bynum asked if the surrounding neighbors have been notified of this proposed burn permit request.

Public Works Director Randy Hill stated Mr. McDaniel had contacted him concerning the approval of burn permit and that he had talked with Fire Chief Ewers concerning the correct procedure for requests of this type. He stated he does not know if the neighbors have been notified. He stated that there was a gentleman here earlier that stated he would like to visit with Mr. McDaniel before the burn permit is approved. He stated this item could be pulled from the agenda and acted upon at a later date.

Mayor Hopkins asked if there were any other viable options rather than the issuance of a burn permit.

Mr. Hill stated it is going to be very expensive for the property owners to get the debris out and to the road.

Councilmember Spread stated there is an inherent risk of fire if the deadfall is not burned. He stated that to do nothing is not exactly desirable.

Councilmember Bynum stated that with the issues currently taking place in Muscatine, he is not in favor of approving the issuance of the burn permit.

City Administrator Mandsager stated City Council could do one of three things tonight which would include tabling the request until more information can be received, granting the request, or denying the request.

Mayor Hopkins stated he feels more information is needed.

Councilmember Phillips asked what their source of water would be.

Assistant Chief Abbott stated that in order for the Fire Department to grant a burn permit, a controlled burn would be required.

Councilmember Natvig stated he would be fine with denying the request tonight but would also be willing to wait until more information is received.

Councilmember Fitzgerald stated he would be willing to wait as well but stated he is not interested in allowing the burn to take place.

#22031. Councilmember Fitzgerald moved this matter be tabled until further information can be received. Seconded by Councilmember Spread. Four ayes: Councilmembers Fitzgerald, Natvig, Phillips, and Spread. One nay: Councilmember Bynum. Motion carried.

PUBLIC HEARING

Mayor Hopkins stated a public hearing was being held concerning the proposed project identified as “Rehabilitate Airfield Pavements” at the Municipal Airport.

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

#22032. Councilmember Fitzgerald moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

PUBLIC HEARING

Mayor Hopkins stated a public hearing was being held concerning the proposed sale of the former National Guard Armory property at 1421 Park Avenue to Kum & Go L.C. of West Des Moines, Iowa, in the amount of \$350,000.

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

#22033. Councilmember Spread moved the public hearing be closed. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

PUBLIC HEARING

Mayor Hopkins stated a public hearing was being held concerning the proposed General Obligation refunding loan agreements, setting date for sale of General Obligation Corporate Purpose and Refunding Bonds Series 2012, authorizing the use of the Preliminary Official Statement in connection therewith, and authorizing the call of outstanding bonds.

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

#22034. Councilmember Natvig moved the public hearing be closed. Seconded by Councilmember Phillips. All ayes; motion carried.

PUBLIC HEARING

Mayor Hopkins stated a public hearing was being held concerning the proposed development agreement with R.L. Fridley Theatres Inc. Seconded by Councilmember Spread.

City Administrator Mandsager stated that Fridley Theatres has requested that City Council postpone taking action on the development agreement at this time. He stated the bond counsel recommended holding the public hearing but adjourn action to approve the agreement until the next City Council meeting and continue to do so until Fridley Theatres is ready to proceed.

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

#22035. Councilmember Fitzgerald moved the public hearing be closed. Seconded by Councilmember Spread. All ayes; motion carried.

PUBLIC HEARING

Mayor Hopkins stated a public hearing was being held concerning the proposed Harrison Street Construction Project.

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

#22036. Councilmember Spread moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

PUBLIC HEARING

Mayor Hopkins stated a public hearing was being held concerning the proposed Cedar Street Utility Project.

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

#22037. Councilmember Phillips moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

#22038. Councilmember Bynum moved to approve the first reading of an ordinance providing for the division of taxes levied on taxable property in the May 2012 Addition to the Consolidated Muscatine Urban Renewal Area. Seconded by Councilmember Natvig. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#22039. Councilmember Spread moved to approve the final reading of an ordinance providing for the division of taxes levied on taxable property in the 2012 Addition to the Consolidated Urban Renewal Area as it relates to the R.L. Fridley Theatres Development Project and directed for its publication as required by law. Seconded by Councilmember Fitzgerald.

Councilmember Fitzgerald asked if this action was still necessary.

City Administrator Mandsager answered yes stating this was the ordinance establishing the TIF district.

Councilmember Fitzgerald asked what would happen if the project did not move forward.

City Administrator Mandsager stated it could be left as is for possible future development.

Vote – All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#22040. Councilmember Natvig moved to approve the final reading of an ordinance amending Title 2 Boards and Commissions, Chapter 19 Board of Water, Electric and Communications Trustees, Section 5 Trustee Requirements and directed for its publication as required by law. Seconded by Councilmember Spread. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#22041. Councilmember Fitzgerald moved to approve the final reading of an ordinance amending Title 1 Administrative, Chapter 6 Mayor and City Council, Section 7 Qualifications of the Mayor and Council Members and directed for its publication as required by law. Seconded by Councilmember Spread. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#22042. Councilmember Bynum moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate, and setting the bid opening date for the project identified as "Rehabilitate Airfield Pavements" at the Municipal Airport. Seconded by Councilmember Natvig. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#22043. Councilmember Natvig moved the resolution be adopted authorizing the sale of the former National Guard Armory property located at 1421 Park Avenue to Kum & Go L.C. of West Des Moines, Iowa, in the amount of \$350,000. Seconded by Councilmember Phillips. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#22044. Councilmember Bynum moved the resolution be adopted approving an executed deed to Kum & Go L.C. of West Des Moines, Iowa, for the former National Guard Armory property located at 1421 Park Avenue. Seconded by Councilmember Spread. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#22045. Councilmember Natvig moved the resolution be adopted taking additional action on the General Obligation refunding loan agreements, setting date for the sale of General Obligation Corporate Purpose and Refunding Bonds Series 2012, authorizing the use of the Preliminary Official Statement in connection therewith, and authorizing the call of outstanding bonds. Seconded by Councilmember Spread. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

City Administrator Mandsager, speaking in reference to Item 11I pertaining to the proposed development agreement with R.L. Fridley Theatres Inc., stated bids for the construction of the theatre complex came in higher than expected and they are requesting City Council postpone approval of the development agreement. He stated the bond counsel has recommended that City Council take action to adjourn action on this request until the next regular City Council meeting. He stated if Fridley Theatres is not ready to proceed at that time then the same motion could be made. He stated that if the amount contained in the proposed development changes, then a new public hearing would be required.

#22046. Councilmember Spread moved to adjourn Item 11I pertaining to the proposed development agreement with R.L. Fridley Theatres Inc. until the May 3, 2012 City Council meeting. Seconded by Councilmember Natvig. All ayes; motion carried.

#22047. Councilmember Fitzgerald moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate and setting the bid opening date for the Harrison Street Extension Project. Seconded by Councilmember Natvig. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#22048. Councilmember Spread moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate and setting the bid opening date for the Cedar Street Utility Project. Seconded by Councilmember Phillips. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#22049. Councilmember Natvig moved the resolution be adopted setting a public hearing for the Mad Creek Sewer Extension Project for Thursday, May 3, 2012, at 7 p.m. Seconded by Councilmember Bynum. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#22050. Councilmember Spread moved the resolution be adopted awarding the contract for the West Hill Sewer Project – Phase I to Langman Construction in the amount of \$3,688,235.27. Seconded by Councilmember Bynum. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#22051. Councilmember Phillips moved the resolution be adopted authorizing the assessment of unpaid abatement costs to private properties. Seconded by Councilmember Natvig. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#22052. Councilmember Fitzgerald moved the resolution be adopted setting a public hearing on the Tree Obstruction Project at the Municipal Airport Thursday, May 3, 2012, at 7 p.m. Seconded by Councilmember Spread. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#22053. Councilmember Fitzgerald moved the resolution be adopted approving the Non-Union Pay Plan for fiscal year 2012/2013. Seconded by Councilmember Phillips. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Phillips, and Spread. Motion carried.

#22054. Councilmember Spread moved to approve the updated Drug Policy. Seconded by Councilmember Natvig. All ayes; motion carried.

#22055. Councilmember Fitzgerald moved to authorize the purchase of a mower for the Golf Course from Turf Werks of Johnston, Iowa, in the amount of \$13,530. Seconded by Councilmember Spread.

Councilmember Fitzgerald asked that the bids that did not meet the city's specifications be e-mailed to City Council members.

City Administrator Mandsager stated the information would be sent to everyone.

Vote – All ayes; motion carried.

#22056. Councilmember Natvig moved to approve the submission of a grant application to the Muscatine Health Support Foundation in the amount of \$18,500 for outfitting Police Officers with C50 respirators. Seconded by Councilmember Bynum. All ayes; motion carried.

Under comments, Councilmember Natvig stated that Friday is Earth Day in the City of Muscatine. He asked how residents could help with the cleanup that will be taking place at the Riverfront on Saturday.

Solid Waste Manager Laura Liegois stated they can just show up at the Riverfront that day.

Councilmember Bynum stated that it was his understanding that the citywide Earth Day celebration is Friday, April 20, 2012.

City Administrator Mandsager stated he was correct. He stated this year's event is a joint city, county, and MP&W program and it will be held from 4 to 7 p.m. on Friday at the Discovery Center.

Councilmember Fitzgerald asked if next week was Cleanup Week, and City Administrator Mandsager answered yes.

Solid Waste Manager Liegois listed the items that could be placed out for pickup during next week's Spring Cleanup.

Mayor Hopkins asked if this information had been in the newspaper, and Ms. Liegois stated that ads have been running.

#22057. Councilmember Spread moved the meeting be adjourned at 7:58 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

DeWayne Hopkins, Mayor

ATTEST:

Gregg Mandsager, City Clerk