

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – July 18, 2013

Mayor DeWayne Hopkins called the City Council meeting for Thursday, July 18, 2013, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread.

The meeting began with the Pledge of Allegiance.

The first item on the agenda was a request from Jason and Hope Curry to appeal a Notice to Abate Nuisance.

City Administrator Gregg Mandsager stated this appeal involves a 1985 Camaro out of several junk and junk vehicle violations. He stated that earlier today he learned Mr. Curry has complied with the order to abate the nuisance and that no further action is required. He stated that Mr. Curry is welcome to speak.

Christopher Surls of Norton, Baumann & Surls of Lowden, Iowa, stated he was the attorney for Mr. Curry and that he was not aware the issue had been resolved.

Councilmember Shihadeh recommended that City Council move on through the agenda since this issue has been resolved.

#22548. Councilmember Fitzgerald, seconded by Councilmember Spread, moved the Consent Agenda be approved as follows with the exclusion of Item 8H:

- Approval of June 20, 2013 City Council minutes and July 11, 2013 Regular/In-Depth minutes
- Second reading of a new Class “C” Liquor License, Outdoor Service and Sunday Sales for Buffalo Wild Wings, 2608 2nd Avenue – Blazin’ Wings Inc. (pending inspections); first reading of a new Class “C” Liquor License and Sunday Sales for Cellar on the Mississippi, 215 West Mississippi Drive – Jasy LLC (pending inspections and receipt of insurance); renewal of a Class “C” Liquor License and Sunday Sales for Applebee’s Neighborhood Grill & Bar, 306 Cleveland Street – Apple Corps L.P. (pending inspections); renewal of a Class “B” Wine Permit, Special Class “C” Liquor License, Outdoor Service and Sunday Sales for Wine-Nutz, 208 West Second Street, Pearl Plaza – BMBMG LLC (pending inspections and receipt of insurance)
- Cigarette and Tobacco Permits effective July 1, 2013 through June 30, 2014 for Bullpen Sports Bar, 1201 Grandview Avenue – Bullpen Sports Bar; Circle K #6600, 8th and Cypress Streets – Mac’s Convenience Stores, LLC; E-Mart Inc. d/b/a Shell Express Mart, 4804 S Hwy. 61 – E-Mart Inc.; GM Food Mart, 1127 Ripley Court – Nanek Express; Wholesale Food Outlet #312, 807 Grandview Avenue – Nash Finch Company; Missipi Brewing Co, 107 Iowa Avenue – Dave Armstrong; Hubble’s, 214 East Second Street – Steven Hyink
- Use of city property approved for the Jesus Mission/Pearl City Outreach for a Block Party on August 10, 2013 from 11:00 a.m. to 9:00 p.m.
- Use of City Property for the 36th Annual Watermelon Stampede on August 17, 2013 from 7:00 a.m. to 10:00 a.m.
- Filing of Communications A-C
- Approval of Bills for Approval totaling \$650,486.74

Vote – All ayes; motion carried.

#22549. Councilmember Bynum moved to approve the request from the Muscatine Firefighters Association #608 to conduct the MDA Boot Drive at the Soccer Complex on July 25-28, 2013 during the College Search Soccer Tournament. Seconded by Councilmember Spread.

Councilmember Fitzgerald stated he likes the idea of not doing the boot drive on city streets and applauded the Union for coming up with another alternative. He stated he does have a problem with using the soccer complex for the boot drive during an event paid for by an outside group. He stated that allowing the boot drive at the soccer complex during this paid event could cause the group to move elsewhere next year.

Councilmember Bynum read City Code 5-16-3 entitled "Sales on City Property" which states this activity is allowed if approved by City Council. He stated last year the MDA Boot Drive raised approximately \$14,000, and all of the money stays local to help those individuals who need it. He stated he would like to see the boot drive remain on city streets.

#22549. Councilmember Bynum moved the original motion be amended to allow the MDA Boot Drive to be held on city streets.

Mayor Hopkins then asked for City Council's input on the proposed compromise.

Councilmember Spread states that he fully supports the Union's efforts; however, he was in agreement with the compromise.

Councilmember Phillips stated she was in favor of the compromise.

Councilmember Shihadeh stated this event has been taking place for the last 20 years and questioned why the rules are changing now. He pointed out the soccer complex is also city owned property.

City Administrator Mandsager stated this issue has been discussed with the Union for almost three years and it was agreed that last year was to be the last time the boot drive took place on city streets. He stated there are multiple issues with this activity as it pertains to safety, panhandling and both the State Code and City Code. He stated everyone agrees the boot drive is a great thing; however, at issue is the methodology which is the use of city streets.

City Administrator Mandsager stated panhandling is essentially the same thing. He stated there are some communities that still allow the boot drive to take place in the streets and there are some communities that do not. He stated that if City Council is going to enforce panhandling, he does not see how this activity can be supported. He stated there is a safety issue and that the compromise is a good one.

Councilmember Shihadeh stated the soccer community is very generous but he feels the Union will not achieve the same results as past years. He stated that based on the history of this activity, he sees no problem with the event taking place on city streets.

Councilmember Natvig stated he also supports the compromise.

Councilmember Fitzgerald stated that allowing the boot drive at the soccer complex could cause the tournament to be held elsewhere in the future.

Councilmember LeRette asked how the boot drive would be handled at the soccer complex.

City Administrator Mandsager stated the Union will either work with the event sponsor or Parks & Recreation staff.

Darren Brooke, President of Muscatine Firefighters Association #608, stated that over the past 20 years, the boot drive has raised anywhere from \$10,000 to \$14,000. He stated history shows when the boot drive is taken off the streets, proceeds are only about 10% of what they used to be.

Mayor Hopkins asked if the money raised stays in the community.

Mr. Brooke stated every dime raised stays locally. He stated Union members would love to be on the streets for the boot drive. He stated participants in the boot drive are constantly concerned about safety and they do not make people give. He stated the residents of Muscatine are very generous. He stated the Union is going to try the boot drive at the soccer complex this year.

Councilmember Shihadeh stated he feels that jeopardizing one event is going to jeopardize another event.

Councilmember LeRette asked when the soccer tournament was being held, and City Administrator Mandsager answered July 25-28, 2013.

A representative from the MDA office in Cedar Rapids stated all the money raised locally stays in the community.

Councilmember Shihadeh seconded the motion made by Councilmember Bynum to amend the original motion to allow the boot drive to be held on city streets.

Vote on amendment – Five nays: Councilmembers Natvig, LeRette, Fitzgerald, Spread, and Philips. Two ayes: Councilmembers Bynum and Shihadeh. Amendment failed.

Vote on original motion – Six ayes: Councilmembers LeRette, Natvig, Shihadeh, Bynum, Phillips and Spread. One nay: Councilmember Fitzgerald. Motion carried.

PUBLIC HEARING

Mayor Hopkins stated a public hearing was being held concerning the proposed Laboratory Annex Project at the Water Pollution Control Plant.

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

#22550. Councilmember LeRette moved to close the public hearing. Seconded by Councilmember Natvig. All ayes; motion carried.

#22551. Councilmember Phillips moved the resolution be adopted setting a public hearing on the vacation of a utility easement in the Riverbend Second Addition for Thursday, August 1, 2013, at 7:00 p.m. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22552. Councilmember Spread moved the resolution be adopted setting a public hearing on the vacation of a public right-of-way remnant in the City of Muscatine for Thursday, August 1, 2013, at 7:00 p.m. Seconded by Councilmember Bynum. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22553. Councilmember LeRette moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate, and setting the bid opening date for the Water Pollution Control Lab Annex Project. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22554. Councilmember Bynum moved the resolution be adopted rescinding Resolution 87315-0699 authorizing the use of the Park and Recreation Trust Fund for the Weed Park Playground Surface Repair Project. Seconded by Councilmember Spread. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22555. Councilmember Natvig moved the resolution be adopted approving the grant agreement with the State Department of Transportation for security improvements at the Muscatine Municipal Airport. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22556. Councilmember Bynum moved the resolution be adopted approving the grant agreement with the State Department of Transportation for t-hangar apron drainage improvements at the Muscatine Municipal Airport. Seconded by Councilmember Phillips. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22557. Councilmember Shihadeh moved the resolution be adopted accepting improvements under Airport Project – Obstruction Removal (Trees) and authorizing final payment to Dickey Farms Excavating. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22558. Councilmember LeRette moved the resolution be adopted accepting easements and property acquisitions for the West Hill Sewer Separation Project – Phase II. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22559. Councilmember Spread moved the resolution be adopted authorizing the building official to proceed with specified work on the premises located at 2003 Breese Street. Seconded by Councilmember Natvig.

Councilmember Bynum asked what was found when the building was inspected.

Community Development Director Steve Boka stated that overall, the property was found to be in a very dilapidated condition.

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

#22560. Councilmember LeRette moved to approve the agreement with Anderson-Bogert Engineers & Surveyors for engineering and land surveying activities at the Muscatine Municipal Airport in an amount not to exceed \$23,307. Seconded by Councilmember Shihadeh.

Councilmember Fitzgerald stated this group has been associated with the city for quite a number of years and has been instrumental in getting access to grant funding for airport projects. He stated money is being spent at the airport but local money is minimal because of this group.

Councilmember Natvig agreed with Councilmember Fitzgerald.

Vote – All ayes; motion carried.

#22561. Councilmember Spread moved to approve the professional services agreement with Thomas McInerney Architect in the amount of \$19,900 for design and engineering services for the Park Maintenance Building Project. Seconded by Councilmember Natvig. All ayes; motion carried.

#22562. Councilmember Natvig moved to approve the purchase of a John Deere TX Gator for Golf Maintenance from Precision Equipment Company in an amount not to exceed \$7,511.31. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#22563. Councilmember Fitzgerald moved to approve the purchase of an F450 dump truck for the cemetery from Mincer Ford in an amount not to exceed \$48,564. Seconded by Councilmember LeRette. All ayes; motion carried.

#22564. Councilmember Spread moved to approve the purchase of two Buffalo Turbine KB4 blowers from VanWall Equipment Company at \$5,995 each for a total of \$11,990. Seconded by Councilmember Natvig.

Councilmember LeRette asked how much was budgeted for these blowers, and City Administrator Mandsager answered \$13,400.

Vote – All ayes; motion carried.

#22565. Councilmember Phillips moved to approve the purchase and installation of the Weed Park Rose Garden Playground Safety Surface from Boland Recreation in an amount not to exceed \$57,750. Seconded by Councilmember Bynum. All ayes; motion carried.

#22566. Councilmember Fitzgerald moved to approve the issuance of a purchase order to Silberhorn Concrete & Masonry LLC in the amount of \$16,262.53 for repair of the Morgan Building. Seconded by Councilmember Natvig.

Councilmember Natvig asked what the building was used for.

Roadway Maintenance Supervisor Randy Howell stated it is used for equipment storage.

Councilmember Shihadeh asked if the building will need other repairs.

Mr. Howell stated the building needs to be insulated and a new ceiling installed but other than that is in good shape.

Vote – All ayes; motion carried.

#22567. Councilmember Shihadeh moved to approve the issuance of a purchase order to Quad City Peterbilt in the amount of \$67,968 for a 36,200 pound GVW truck chassis. Seconded by Councilmember Natvig. All ayes; motion carried.

#22568. Councilmember Shihadeh moved to authorize the issuance of a purchase order to Henderson Manufacturing in the amount of \$56,585 for Roadway Maintenance equipment. Seconded by Councilmember LeRette. All ayes; motion carried.

#22569. Councilmember Bynum moved to approve a property exchange agreement that allows the donation of Bosch land along Hershey Avenue near Houser Street to the city for future use. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#22570. Councilmember Phillips moved to approve an agreement with the Louisa Regional Solid Waste Agency for household hazardous waste disposal services. Seconded by Councilmember LeRette. All ayes; motion carried.

#22571. Councilmember Natvig moved to approve the annual agreement with the Iowa Department of Transportation for the maintenance and repair of primary roads in municipalities. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#22572. Councilmember LeRette moved to approve the issuance of a purchase order to Gregory Container in the amount of \$9,985 for refuse collection dumpsters. Seconded by Councilmember Bynum. All ayes; motion carried.

#22573. Councilmember Fitzgerald moved to approve the issuance of a purchase order to Team Services in the amount of \$5,380 for the installation of two monitoring wells at the Muscatine County Landfill. Seconded by Councilmember Natvig. All ayes; motion carried.

#22574. Councilmember Fitzgerald moved to declare the irrigation heads and controllers at the Municipal Golf Course as surplus. Seconded by Councilmember Spread. All ayes; motion carried.

#22575. Councilmember Natvig moved to approve the request from the Water Pollution Control Plant for the purchase of a demo model ISCO 2150 Flow Module, Flowlink software upgrade and street level installation tools from GPM Sales in the amount of \$5,668.50. Seconded by Councilmember LeRette. All ayes; motion carried.

Under comments, Councilmember Bynum stated he was deeply moved that the Firefighters Union accepted the compromise for their boot drive. He stated he is sure the Union will be back if the compromise does not meet their expectations. He then asked the City Administrator to provide in writing all the reasons why the Union should not be allowed to conduct the boot drive on city streets.

#22576. Councilmember Shihadeh 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 Administrator