

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – April 1, 2010

Mayor Dick O'Brien called the City Council meeting for Thursday, April 1, 2010, to order at 7 p.m. Councilmembers present were Fitzgerald, Natvig, Bynum, Roby, and Lange.

Councilmember Lange gave the opening prayer which was followed by the Pledge of Allegiance.

#20985. Councilmember Fitzgerald moved to approve the minutes of the March 15, 2010 Special City Council meeting and the March 18, 2010 City Council meeting. Seconded by Councilmember Bynum. All ayes; motion carried.

#20986. Councilmember Lange moved to approve the Consent Agenda as follows: Renewal of a Class A Liquor License and Sunday Sales Permit for American Legion Club, 110 Houser Street – Edward H. Bitzer Post #27 of the American Legion Club (pending receipt of dram shop insurance); renewal of a Class A Liquor License and Sunday Sales Permit for Muscatine Moose Lodge #388, 207 Lake Park Blvd.; renewal of a Class B Beer and Sunday Sales Permit for Pizza Hut of Muscatine Inc., 2512 Park Avenue; filing of Communications A-H; and Bills for Approval totaling \$1,185,613.45. Seconded by Councilmember Natvig. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning the proposed establishment of a gas franchise ordinance which includes the establishment of a utility franchise fee.

Bob Barkema, 1209 Northwood Lane, was present to voice his concerns about the proposed utility franchise fees. He asked how industrial users would be handled.

City Administrator Gregg Mandsager, speaking in reference to industrial users, stated the city attorney would be looking into the matter and it would be brought back for further discussion. He stated the proposed franchise fee would generate \$180,000 which would reduce the Emergency Levy portion of the city's property tax rate by \$139,736 creating an overall impact from the franchise fee to the city's budget of \$40,264. He further stated that the Local Option Sales Tax has multiple exemptions under the State Code; however, the gas franchise fee is not subject to those same exemptions.

City Administrator Mandsager stated that during the budget process, it was necessary for the City Council to look at multiple options to generate revenue. He stated the City Council chose not to raise property taxes and yet maintain city services.

Councilmember Fitzgerald stated that by utilizing the franchise fee, more people will be contributing toward the revenue which is how the local option sales tax works.

Councilmember Natvig stated the franchise fee has less permanence. He stated that as the city moves forward into the new year, it will be looking for more efficiency in its operation.

Councilmember Roby pointed out this franchise fee can be up to 5%; however, the city has chosen to limit it to 2%.

There were no oral or written petitions for or against the proposed establishment of a franchise ordinance.

#20987. Councilmember Fitzgerald moved the public hearing be closed. Seconded by Councilmember Roby. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning the proposed establishment of the proposed Revenue Purpose Statement related to the utility franchise fee.

There were no oral or written petitions for or against the proposed establishment of the Revenue Purpose Statement.

#20988. Councilmember Bynum moved the public hearing be closed. Seconded by Councilmember Lange. All ayes; motion carried.

#20989. Councilmember Fitzgerald moved the proclamations be approved declaring April 30, 2010 as "Arbor Day" and April 4, 2010 through May 15, 2010 as the "40 Days of Earth Day". Seconded by Councilmember Roby. All ayes; motion carried.

City Administrator Mandsager, speaking in reference to Item 12A pertaining to the proposed establishment of the gas franchise ordinance, stated that tonight's action would be the first of three readings with the final reading taking place on April 15, 2010. At that time Council will also be asked to take action on the establishment of the Revenue Purpose Statement. He stated the proposed ordinance does give the city the opportunity to modify the percentage from 0 to 5%. He stated the city would be required to provide 90 days notice to Alliant Energy before modifications can take place. He stated that tonight's action would require at least four votes to pass.

#20990. Councilmember Roby moved to approve the first reading of the proposed gas franchise ordinance which includes the establishment of a utility franchise fee. Seconded by Councilmember Fitzgerald.

There was discussion on the termination of the agreement which was not recommended due to the need for natural gas service in Muscatine.

Councilmember Lange stated he personally considers this a temporary fee and hopes it will not be ongoing.

Councilmember Natvig stated he would prefer to see savings within the operating departments.

Vote – Four ayes: Councilmembers Fitzgerald, Natvig, Roby, and Lange. One nay: Councilmember Bynum. Motion carried and ordinance approved on first reading.

#20991. Councilmember Natvig moved the resolution be adopted naming depositories for the City of Muscatine and increasing the maximum dollar amount from \$15,000,000 to \$20,000,000. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20992. Councilmember Fitzgerald moved the resolution be adopted endorsing the Muscatine Municipal Airport Projects for Fiscal Year 2011 and certifying the availability of matching funds. Seconded by Councilmember Roby. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20993. Councilmember Bynum moved the resolution be adopted setting a public hearing on the plans, specifications, form of contract, cost estimate, and establishing a bid opening date for the purchase of snow removal equipment for the municipal airport. Seconded by Councilmember Roby. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20994. Councilmember Lange moved the resolution be adopted setting a public hearing to consider a sewer revenue loan disbursement agreement for Thursday, April 15, 2010, at 7 p.m. Seconded by Councilmember Natvig. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20995. Councilmember Roby moved to approve the request from the Fire Department to purchase four mobile-data capable laptop computers, docking stations, mounting hardware and printers for city ambulances. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#20996. Councilmember Fitzgerald moved to approve Change Order #4 for the W. 3rd/Chestnut Street Parking Lot Project. Seconded by Councilmember Roby.

There were questions from Council concerning the ornamental fencing and the winter protection that was used for the concrete.

Jon Lutz, the city's engineer, stated the ornamental fencing currently at the site is sufficient for safety fencing. He stated that for safety reasons the city has chosen to fence all along the wall even though it is private property. He then stated the decision was made to use concrete rather than asphalt which meant it needed to be protected from the cold weather. He stated the lot was heated and that blankets provided further protection from heat loss and allowed for the parking lot to be opened up sooner.

There was further discussion on this matter.

Vote – All ayes; motion carried.

#20997. Councilmember Fitzgerald moved to approve an agreement with Klingner & Associates for the Muscatine Island Levee Certification. Seconded by Councilmember Natvig. All ayes; motion carried.

#20998. Councilmember Lange moved to approve the issuance of a purchase order to Martin Equipment of Rock Island, Illinois, in the amount of \$145,850 for the purchase of an end loader. Seconded by Councilmember Bynum. All ayes; motion carried.

#20999. Councilmember Natvig moved to approve the purchase of a 2010 Kawasaki Mule for the Police Department from Krieger Kawasaki of Muscatine in the amount of \$9,990. Seconded by Councilmember Roby.

There was discussion on the usage of this piece of equipment.

Vote – All ayes; motion carried.

Under comments, Councilmember Bynum wished everyone a happy holiday.

Councilmember Roby stated that recent efforts between the City and the Bermel family resulted in the cleaning of the ditch along Grant and Washington streets.

Councilmember Lange wished everyone a nice Easter.

City Administrator Mandsager stated the GIS aerial photography was completed and that the RFP was sent out for the city's website. He stated that as of last Friday, there had been 1,200 rounds of golf played. He stated the moving of the Jayne house went pretty well with only a few glitches. Any needed repairs will be done by the home owner. He stated there was emergency electrical work required at the airport which will receive 70/30 emergency funding with the city's share being \$1,500. He then stated the recent deer hunt was successful and the flyover that took place in February showed 108 deer in the city which is down from the 175 two years ago. He stated 205 deer have been taken out since the deer hunting program's inception. He stated that Officer Tim Hull has taken out 30 deer with 22 of those donated to feed the hungry.

City Administrator Mandsager stated that a meeting was held recently with Langman Construction concerning Mississippi Drive. He stated it will be closed beginning April 12, 2010 from Broadway to Carver corner; however, the intersection at Green Street will still be opened. He stated it will be opened intermittently during the summer with the public being properly notified.

City Administrator Mandsager stated the Iowa Department of Transportation will be working on Mississippi Drive and Grandview Avenue for a full-depth patching project. He stated detours have been determined for truck traffic and that everything should be opened by the end of August.

Councilmember Fitzgerald, speaking in reference to the city's deer hunt, asked if the deer hunters could be surveyed to determine what steps the city could take to make this activity easier.

City Administrator Mandsager stated he would check into this request.

#21000. Councilmember Fitzgerald moved to go into Closed Session at 7:50 p.m. to discuss union negotiations. Seconded by Councilmember Bynum. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried.

City Council entered the Closed Session to discuss union negotiations. Present were Mayor Richard W. O'Brien and Councilmembers Fitzgerald, Natvig, Bynum, Roby, and Lange. Also present were City Administrator Gregg Mandsager, Human Resources Manager Stephanie Romagnoli, and Fire Chief Jerry Ewers.

#21001. Councilmember Fitzgerald moved to leave the Closed Session at 8:07 p.m. Seconded by Councilmember Natvig. All ayes: Councilmembers Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried.

#21002. Councilmember Lange moved the meeting be adjourned at 8:07 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.



Richard W. O'Brien
Richard W. O'Brien, Mayor

Gregg Mandsager
Gregg Mandsager, City Administrator