

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – August 1, 2013

Mayor DeWayne Hopkins called the City Council meeting for Thursday, August 1, 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.

Councilmember Fitzgerald, speaking in reference to the Consent Agenda, requested that Item 8C be pulled from the Consent Agenda for separate action.

#22577. Councilmember Fitzgerald, seconded by Councilmember Spread, moved the Consent Agenda be approved as follows:

- Approval of July 18, 2013 City Council minutes
- Second reading of a new Class “C” Liquor License and Sunday Sales for Pearl City Chop House, 215 West Mississippi Drive – Jasy LLC (pending inspections and receipt of insurance)
- Approval of Taxicab Permit for Delia’s Muscatine Taxicab, 2402 Park Avenue – Shelia Thompson (pending receipt of insurance and bond)
- Approval of proclamation declaring August 31, 2013 as “Mid-American Chin Christian Fellowship Day”
- Filing of Communications A-B
- Approval of Bills for Approval totaling \$1,066,666.20

Vote – All ayes; motion carried.

#22578. Councilmember Fitzgerald moved to deny the request from the Firefighters Union to conduct the MDA Boot Drive on August 31, 2013 through September 2, 2013 at the Muscatine Soccer Complex during the Muscatine Soccer Club’s Fall Classic Tournament. Motion died for lack of a second.

Councilmember LeRette stated a letter from the Soccer Club was included with the agenda information indicated they were not in support of holding the Boot Drive at the soccer complex during their event. He stated the problem he is having with this request is that it has been going on for the past three years.

City Administrator Gregg Mandsager clarified that the dates being requested tonight are August 31, 2013 through September 2, 2013 which is during the Soccer Club’s Fall Classic Tournament. He pointed out the dates approved at the July 18th City Council meeting were July 25-28, 2013.

Councilmember LeRette stated he is part of the Knights of Columbus and last week (Friday, Saturday, and Sunday) they were able to raise a pretty good amount of money through their tootsie roll drive. He stated the Fire Department is dedicated to the Boot Drive and he is sure the money could be raised if better plans had been made for this year.

#22579. Councilmember LeRette moved to amend the original motion to allow the Fire Department to conduct this year’s Boot Drive on city streets with the contingency being that next year it takes place on private property.

Mayor Hopkins asked why this year was any different from last year when the Fire Department was told they could no longer use city streets for the Boot Drive. He stated his hat is off to the Fire Department for their efforts during this very important fund raising event.

Councilmember LeRette stated he thought a compromise for the Boot Drive had been reached at the last City Council meeting. He stated he does not understand why this request is before City Council for action since the Soccer Club does not want the Boot Drive at the soccer complex during their event and the Union does not really want to be there.

Mayor Hopkins stated he had contacted the Hy-Vee Food Store and asked the store manager if he would be in favor of the Union using the parking lot for the Boot Drive. He stated the store manager indicated he was in favor of the Union using the lot and that he immediately offered to help. He asked if anyone from the Union had followed up with Hy-Vee concerning the use of their parking lot for the Boot Drive.

Darren Brooke, President of the Union, stated they are looking at different ways to raise the additional funds that will be lost by not having the Boot Drive on city streets.

Mayor Hopkins pointed out there are other stores in the community that would probably jump on the band wagon as well. He stated he does not understand why the Union has not moved forward on this.

Mr. Brooke stated the Union was unable to hold the Boot Drive at the college search tournament that was approved by City Council at its last meeting because of out-of-town training. He stated there was no one available to conduct the Boot Drive at that time. He stated the date approved at the last meeting was a miscommunication.

Mayor Hopkins suggested the Union contact Hy-Vee, Fairway, and Walmart, and Mr. Brooke stated they have been contacted.

Councilmember LeRette stated that due to the preparations needed for the Boot Drive, he would be willing to allow it on city streets for one more year with the stipulation that next year it is off the streets.

At this time Councilmember Bynum seconded Councilmember LeRette's motion to amend the original motion and he then called for the question.

Councilmember LeRette clarified his motion to allow the Fire Department to conduct this year's Boot Drive on city streets with the contingency being that next year it takes place on private property.

Councilmember Fitzgerald stated advertising is not a major problem because the Boot Drive is so well known. He stated he feels the Union should be able to pull the Boot Drive off at Hy-Vee and other grocery stores here in town.

Councilmember Bynum pointed out that he had called for the question when seconding Councilmember LeRette's motion to amend the original request.

Mayor Hopkins stated he felt the dates should be included as part of the motion.

Councilmember Bynum stated City Council has been receiving negative comments concerning their stance on the Boot Drive.

Councilmember Natvig stated he was disappointed that the Union had not come up with other fund raising options since they knew last year would be the last year the Boot Drive was to be held on city

streets. He stated he could support Councilmember LeRette's amendment because he wants to see this issue move forward. He once again stated he was disappointed that a better alternative had not been developed by the Union.

Councilmember LeRette once again clarified his motion to allow the Fire Department to conduct this year's Boot Drive on city streets on August 14-16, 2013 with the stipulation this is the last year the Boot Drive will be conducted on city streets and that this request does not come back to City Council.

Mr. Brooke asked about the flashing lights.

City Administrator Mandsager stated the flashing lights would be coordinated with Muscatine Power & Water. He stated that if the Union has any further questions, he would meet with representatives of the Union to address them.

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

Mayor Hopkins then introduced Kent Ferris who is the Director of Catholic Charities, Diocese of Davenport. Mr. Ferris provided background information for the proclamation City Council approved under the Consent Agenda proclaiming August 31, 2013 as "Mid-American Chin Christian Fellowship Day".

Mayor Hopkins then read the proclamation.

PUBLIC HEARING

Mayor Hopkins stated a public hearing was being held concerning the proposed vacation of public right-of-way in the City of Muscatine.

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

#22580. 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 vacation of utility easements in the Riverbend Second Addition.

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

#22581. Councilmember Natvig moved the public hearing be closed. Seconded by Councilmember Bynum. All ayes; motion carried.

#22582. Councilmember Phillips moved to approve the first reading of an ordinance vacating public right-of-way (Burnside Avenue) in the City of Muscatine. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22583. Councilmember Spread moved the resolution be adopted approving the vacation of utility easements in the Riverbend Second Addition. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22584. Councilmember Fitzgerald moved the resolution be adopted approving the cost estimate and setting the bid opening date for t-hangar drainage improvements at the Municipal Airport. Seconded by Councilmember LeRette. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22585. Councilmember Natvig moved the resolution be adopted awarding the contract for the Dawson Street Reconstruction Project to All American Concrete in the amount of \$195,607.52. Seconded by Councilmember Spread.

Councilmember Spread asked why there was such a difference between All American's bid and the other bids submitted.

City Engineer Jon Lutz stated All American's bid was a solid one. He stated they don't have a lot of projects coming up right now and it allowed them to bid lower on the project.

Alice Hughes, 215 Brook Street, asked if the bidding process was over.

Councilmember Fitzgerald told her the process was over. He then pointed out that this particular reconstruction project did not include the installation of sidewalks. He stated there will be no sidewalks on Dawson from Houser Street to the new addition. He stated that the installation of sidewalks on Dawson Street would facilitate children walking to West.

Councilmember Fitzgerald stated his concern is how sidewalks are going to be paid for since residents are not being pushed to install sidewalks anymore. He stated that since All American's bid came in much lower than the engineer's estimate, perhaps the leeway could be used to install sidewalks on both sides of the street. He stated this is another street reconstruction project that does not include the installation of sidewalks because City Council cannot decide who will pay for installation.

Councilmember Spread stated it was his understanding City Council had adopted a resolution using the "Complete Streets" concept.

City Administrator Mandsager stated all of the aspects of "Complete Streets" will be considered but not necessarily implemented.

Councilmember Spread stated the city needs to have a policy on sidewalks that is used every time.

Ms. Hughes talked about the importance of installing streets that are properly done for the safety of pedestrians.

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

#22586. Councilmember Phillips moved the resolution be adopted accepting completed work for the Mad Creek Sewer Extension Project and authorizing final payment to Cornerstone Excavating. Seconded by Councilmember LeRette. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22587. Councilmember Bynum moved the resolution be adopted approving a mortgage release for 1812 Schiller Street. Seconded by Councilmember Phillips. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22588. Councilmember Spread moved the resolution be adopted setting a public hearing on the Colorado Street Improvement Project for Thursday, August 15, 2013, at 7:00 p.m. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

Bob Veenstra of Veenstra & Kimm gave an overview of the recently completed sewer rate study and explained the history behind the establishment of the city's sewer rates.

Mr. Veenstra stated the last sewer rate increase was July 1, 2012. He stated that during the last two years, expenses have exceeded revenues and explained why. He stated there are three components to the rate study which include operations, debt service, and transfers. He stated the city has two fundamental choices. One is to reduce expenditures and the other is looking at how revenues can be adjusted.

Mr. Veenstra, speaking in reference to the Sanitary Sewer Fund, stated two scenarios were looked at. The first was a larger increase for the current fiscal year and the second was to continue with the 3% annual increases. He stated the fund will realize a loss for the first three years, break even in the fourth year and gain in the fifth year. He stated that because there is a fund balance, rates could increase slowly. He stated the expenditure risks are much lower because of the completion of the larger projects. He stated the current average rate is \$20.95 per month which is very competitive. He stated his recommendation would be the 3% rate increase over the next five years.

Mr. Veenstra touched on the Collection & Drainage Fund. He explained how these funds are used. He then stated the fund is doing fairly well with the rate of \$11.00 per month. He stated if nothing is done, the fund will become dangerously low. He then presented three scenarios which included 1) leaving the \$11.00 rate alone; 2) increasing the rate by 2% keeping the fund balance stable over the next five years; or 3) increasing the rate by 3% to create a larger fund balance.

Mr. Veenstra stated that as part of tonight's overview, he is suggesting sewer rates be increased by 3% over the next five years and Collection & Drainage be increased by 2%.

#22589. Councilmember Spread moved to approve Amendment #2 to the contract with the Iowa Department of Natural Resources for diesel emission reductions. Seconded by Councilmember Natvig. All ayes; motion carried.

#22590. Councilmember Phillips moved to authorize the issuance of a purchase order to Northshore Manufacturing in the amount of \$177,370 for the purchase of a crane for the transfer station. Seconded by Councilmember Natvig.

Councilmember Shihadeh asked if this matter was discussed during this fiscal year's budget sessions.

Solid Waste Manager Laura Liegois stated the \$171,500 was discussed.

Councilmember Natvig asked if the crane was original to the transfer station, and Ms. Liegois answered yes.

Vote – All ayes; motion carried.

#22591. Councilmember Natvig moved to approve Supplemental Agreement #1 with Stanley Consultants for the West Hill Sewer Separation Project. Seconded by Councilmember LeRette. All ayes; motion carried.

#22592. Councilmember Bynum moved to approve Change Order #2 for the Bond/Schley Pump Station Renovation Project. Seconded by Councilmember Phillips. All ayes; motion carried.

#22593. Councilmember Fitzgerald moved to approve the Urban Renewal Agreement with Muscatine County. Seconded by Councilmember Shihadeh. All ayes; motion carried.

Under comments, Councilmember LeRette referred back to the MDA Boot Drive discussion that took place earlier in the evening. He stated he was disappointed in the organizers of the event who have had the last three years to come up with a different plan for the Boot Drive. He stated he understands the Union's desire to collect as much money as possible for a cause they are devoted to.

Councilmember LeRette then referred to an editorial written by Publisher Steve Jameson that was published in the July 27, 2013 edition of the Muscatine Journal. He read a portion of the editorial. He stated that members of City Council are not trying to "peeve off the firefighters" but rather do not want them taking unnecessary risks.

Councilmember LeRette stated a recent survey indicated only 27% of readers believe what is published in a newspaper. He stated this editorial gives credence to that number. He then challenged Mr. Jameson to actually attend a City Council meeting. He ended by saying the Boot Drive has always been a very sensitive issue and that you would expect someone writing for the local newspaper to cross check and verify their facts.

Councilmember Fitzgerald, speaking in reference to the Dawson Street Reconstruction Project, stated the city needs to establish a sidewalk policy for the installation of sidewalks within the city.

Councilmember Shihadeh wished Councilmember Bynum a happy birthday.

Councilmember Spread said that earlier in the meeting had said a sidewalk policy is needed; however, he meant a sidewalk plan. He said this plan could be part of the city's Comprehensive Plan.

City Administrator Mandsager referring to the sidewalk issue stated staff has been discussing this matter. He stated City Council should see the process moving forward shortly.

Mayor Hopkins stated he had a brief email conversation with Mr. Jameson concerning the editorial in which he invited him to be part of the process. He stated that Mr. Jameson indicated that his opinions expressed in his editorial are part of the process.

#22594. Councilmember Shihadeh moved the meeting be adjourned at 8:20 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

DeWayne Hopkins, Mayor

ATTEST:

Gregg Mandsager, City Administrator