

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – April 15, 2010

Mayor Dick O'Brien called the City Council meeting for Thursday, April 15, 2010, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange.

The opening prayer was given which was followed by the Pledge of Allegiance.

Bob Barkema, 1209 Northwood Lane, speaking in reference to the proposed utility franchise fee, voiced his concerns about voting on this matter before questions concerning industrial users are handled.

City Administrator Gregg Mandsager stated this is a gray area that needs to be explored further.

Darrell Stalzer, representing Alliant Energy, stated the 2% tax pertains to transported gas on sales in Muscatine and that the third party supplier is still in question.

#21007. Councilmember Bynum moved to approve the minutes of the April 1, 2010 City Council meeting and the April 8, 2010 In-Depth meeting. Seconded by Councilmember Natvig. All ayes; motion carried.

#21008. Councilmember Lange moved to approve the Consent Agenda as follows: First reading on a new Class B Beer and Sunday Sales Permit for Highway 61 Fuels, 3103 Highway 61 North – Highway 61 Fuels LLC (pending inspections); renewal of a Class B Beer and Sunday Sales Permit for Pizza Ranch Muscatine, 106 Ford Avenue – Psychodog Enterprises Inc.; filing of Communications A-C; and Bills for Approval totaling \$2,222,451.37. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning the proposed plans, specifications, form of contract, cost estimate and setting the bid opening date for Municipal Airport improvements identified as Potential AIP Project No. 3-19-0063-16.

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

#21009. Councilmember Roby moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning a proposed sewer revenue loan and disbursement agreement (\$108,000).

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

#21010. 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 Municipal Housing Agency Five-Year Plan (2010-2014).

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

#21011. Councilmember Lange moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

#21012. Councilmember LeRette moved to approve the request from the Downtown Action Alliance for use of city property for the weekly farmers market on Saturday mornings from May through October 2010. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21013. Councilmember Fitzgerald moved to approve the use of city property for a tent revival on June 18-28, 2010 at the intersection of Grandview and Hershey avenues (former Carver Pump property) subject to staff's ability to move the event to a suitable location should issues arise with street improvements. Seconded by Councilmember LeRette.

There were concerns voiced by Council concerning parking and construction in that area.

City Administrator Mandsager stated this event went well last year and should work even with the construction going on.

Public Works Director Randy Hill stated that if projects in the area stay on schedule, the requested dates should work.

Police Chief Gary Coderoni stated that past tent revivals did not create any problems.

Councilmember Natvig asked if it would interfere with businesses, and Mr. Hill answered it should not since it doesn't start until 7 p.m.

Vote - All ayes; motion carried.

#21014. Councilmember Roby moved to approve the proclamation declaring April 2010 as "Child Abuse Prevention and Mandatory Reporter Appreciation Month". Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21015. Councilmember Roby moved to approve the final reading of the gas franchise ordinance which includes the establishment of a utility franchise fee and directed for its publication as required by law. Seconded by Councilmember Fitzgerald.

City Administrator Mandsager reminded Council they do have the ability to adjust the tax from 0 to 5%.

Councilmember Fitzgerald asked what type of action would be necessary to change the percentage.

City Attorney Harvey Allbee Jr. stated the ordinance would have to be amended and would require three readings.

Councilmember Natvig stated the priority is to bring the 2% down to 0%.

Councilmember Lange stated he feels this is a temporary measure.

Vote – Four ayes: Councilmembers Fitzgerald, Natvig, Roby, and Lange. Two nays: Councilmembers LeRette and Bynum. Motion carried and ordinance adopted on final reading.

#21016. Councilmember Roby moved the resolution be adopted approving the Revenue Purpose Statement relating to the utility franchise fee. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21017. Councilmember Lange moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate and establishing a bid opening date for the municipal airport improvements identified as Potential AIP Project No. 3-19-0063-16. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21018. Councilmember Bynum moved the resolution be adopted approving the sewer revenue loan and disbursement agreement and securing payment of a \$108,000 Sewer Revenue Loan and Disbursement Agreement Anticipation Project Note (IFA Interim Loan and Disbursement Agreement). Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21019. Councilmember Fitzgerald moved the resolution be adopted approving the 2010-2014 Public Housing Agency Five-Year Plan and attachments as modified and authorizing submittal of the plan to the Department of Housing and Urban Development. Seconded by Councilmember LeRette. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21020. Councilmember Lange moved the resolution be adopted accepting the Family Self Sufficiency Grant from the Department of Housing and Urban Development and authorizing execution of the agreement. Seconded by Councilmember Natvig.

Housing Administrator Dick Yerington stated the application for this grant funding was submitted in the fall of 2009 and was for a full-time position. He stated the one-year funding goes through December; however, an application for further funding will have to be done in October. This position has not yet been filled.

#21021. Councilmember Natvig moved the resolution be adopted establishing fees related to rental housing inspection, re-inspection, administrative services, and various Planning and Zoning review and processing fees for the City of Muscatine. Seconded by Councilmember Roby.

Steve Boka, the city's Planning, Zoning and Building Safety Director, reviewed information that had been presented at the April 8, 2010 In-Depth meeting.

Vote – All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21022. Councilmember LeRette moved the resolution be adopted authorizing contract, rates and fees for permit-required confined space rescue by the Fire Department. Seconded by Councilmember Lange. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21023. Councilmember Fitzgerald moved to approve the new ambulance fee schedule. Seconded by Councilmember Lange. All ayes; motion carried.

#21024. Councilmember Roby moved to approve fees for the Columbarium Niches at Greenwood Cemetery. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21025. Councilmember Fitzgerald moved to approve Change Order #3 for the Water Pollution Control Plant Improvements. Seconded by Councilmember Natvig. All ayes; motion carried.

#21026. Councilmember Lange moved to approve Change Orders #1 and #2 for the Clay Street Pavement Replacement Project. Seconded by Councilmember Bynum. All ayes; motion carried.

#21027. Councilmember Fitzgerald moved to declare vehicles and equipment as surplus property. Seconded by Councilmember Lange. All ayes; motion carried.

#21028. Councilmember Natvig moved to enter into a professional services agreement with Stanley Consultants for the Hershey Avenue Reconstruction Project at a cost of \$98,500 with an additional \$29,500 for surveying. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

Under comments, Councilmember Fitzgerald stated that spring cleanup is coming up April 26-30, 2010. He stated the high school is looking for three to six horsepower gas engines that can be donated to the school for students to work on.

Councilmember Natvig commended the Leadership graduates for their work on retail and recycling projects.

Councilmember Roby stated Muscatine is a beautiful city and she asked residents not to litter.

Councilmember Lange asked that regulations for used car lots be discussed at the next in-depth meeting.

City Administrator Mandsager reminded everyone of the joint meeting with the Muscatine County Supervisors to be held on Thursday, April 22, 2010, at 5:30 p.m. in the lower level conference room of city hall.

Mayor O'Brien reminded everyone to submit their census forms.

#21029. Councilmember Fitzgerald moved to go into Closed Session at 8:05 p.m. to discuss union negotiations. Seconded by Councilmember Lange. All ayes: Councilmember LeRette, 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 LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Also present was City Administrator Gregg Mandsager.

#21030. Councilmember Lange moved to leave the Closed Session at 8:13 p.m. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Bynum, Roby, and Lange. Motion carried.

The meeting adjourned at 8:14 p.m.



ATTEST


Gregg Mandsager, City Administrator


Richard W. O'Brien, Mayor