

CITY OF MUSCATINE  
REGULAR CITY COUNCIL MINUTES  
Council Chambers – 7:00 p.m. – May 20, 2010

Mayor Dick O'Brien called the City Council meeting for Thursday, May 20, 2010, to order at 7 p.m. Councilmembers present were Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange.

The opening prayer was given by Pastor Jeffrey Pautz of Our Savior Lutheran Church which was followed by the Pledge of Allegiance.

Mayor O'Brien welcomed the high school students to the meeting.

Bill Phelan of the Greater Muscatine Chamber of Commerce and Industry and also a member of the Board for the Muscatine Center for Social Action introduced Dan Ramsey. Mr. Ramsey is the new Executive Director of MCSA.

Mr. Ramsey thanked City Council for the opportunity to introduce himself. Formerly of Des Moines, he stated that Muscatine has been a very welcoming community. He stated the MCSA has been changing lives over the last 10 years. He stated it is an honor to help people change their lives. He ended by saying he has a very dedicated staff and he hopes to remain in the community for years to come.

#21056. Councilmember Bynum moved the minutes be approved for the May 6, 2010 City Council meeting and the May 13, 2010 In-Depth meeting. Seconded by Councilmember Natvig. All ayes; motion carried.

#21057. Councilmember Lange moved the Consent Agenda be approved as follows: Second reading on a new Class C Liquor License with Sunday Sales for Tropicana NC, 1919 Grandview Avenue – Roberto Avala (pending inspections); first reading on a new Class C Liquor License and Sunday Sales Permit for MVP Lounge, 214 Iowa Avenue – Daniel McFate (pending receipt of dram shop insurance and inspections); renewal of a Class BW Beer/Wine Permit with Sunday Sales and Outdoor Service for Elly's Tea & Coffee House LLC, 308 W. 2<sup>nd</sup> Street #8; renewal of a Class B Liquor License and Sunday Sales Permit for Holiday Inn of Muscatine, 2915 North Highway 61 – Jelms Hotel Company LLC; renewal of a Class C Liquor License and Sunday Sales Permit for La Guadalajara Restaurant LLC, 203 E. 2<sup>nd</sup> Street; filing of Communications A-D; and Bills for Approval totaling \$2,390,742.56. Seconded by Councilmember Roby. All ayes; motion carried.

**PUBLIC HEARING**

Mayor O'Brien stated a public hearing was being held on the proposed plans, specifications, form of contract, cost estimate and setting the bid opening date for the hangar access road at the airport.

There were no oral or written petitions for or against the proposed plans, specifications, form of contract, cost estimate and setting the bid opening date for the hangar access road at the airport.

#21058. 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 plans, specifications, form of contract, cost estimate and setting the bid opening date for the Clay Street Bridge Rehabilitation Project.

There were no oral or written petitions for or against the proposed plans, specifications, form of contract, cost estimate and setting the bid opening date for the Clay Street Bridge Rehabilitation Project.

#21059. Councilmember Natvig moved the public hearing be closed. Seconded by Councilmember Shihadeh. 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 the 2010 Curb and Gutter and Street Maintenance Program.

There were no oral or written petitions for or against the proposed plans, specifications, form of contract, cost estimate and setting the bid opening date for the 2010 Curb and Gutter and Street Maintenance Program.

#21060. Councilmember Lange moved the public hearing be closed. Seconded by Councilmember Bynum. All ayes; motion carried.

#### **PUBLIC HEARING**

Mayor O'Brien stated a public hearing was being held on the proposed Amendment #2 to the 2009/2010 city budget.

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

#21061. Councilmember Shihadeh moved the public hearing be closed. Seconded by Councilmember Roby. All ayes; motion carried.

#21062. Councilmember Fitzgerald moved to approve the request to close Weed Park and portions of city streets on Sunday, August 15, 2010, from 9 a.m. to 4 p.m. for the 2010 HNI Corporation Company Picnic as well as to close the Aquatic Center for that day. Seconded by Councilmember Lange. All ayes; motion carried.

#21063. Councilmember Fitzgerald moved to approve the request from the Geneva Golf & Country Club to dispense fireworks on Saturday, August 14, 2010, with the stipulation the public is notified two to five days prior to the event by radio and newspaper. Seconded by Councilmember Roby. All ayes; motion carried.

#21064. Councilmember Natvig moved to approve the request from Zion Lutheran Church for the use of city property for a block party on Wednesday, June 9, 2010, from 5 to 7 p.m. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21065. Councilmember Bynum moved the proclamation be adopted declaring May as "Tennis Month". Seconded by Councilmember Natvig.

Councilmember Shihadeh stated he felt it should be referred to as Tennis Activity Month.

Vote – All ayes; motion carried.

#21066. Councilmember Roby moved the resolution be adopted setting a public hearing upon the partial vacation of a utility easement in Cobblestone Ridge Replatting of Phase II for Thursday, June 3, 2010, at 7 p.m. Seconded by Councilmember Natvig. All ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21067. Councilmember Shihadeh moved to approve the second reading of an ordinance amending Title 3 Public Way and Property, Chapter 9 Street Obstruction. Seconded by Councilmember Lange. All ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and ordinance approved on second reading.

#21068. Councilmember Shihadeh moved to approve the second reading of an ordinance amending Title 7 Police Regulations, Chapter 18 Snow Emergency Regulations. Seconded by Councilmember Roby. All ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and ordinance approved on second reading.

#21069. Councilmember Bynum moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate and setting the bid opening date for the hangar access road at the airport for June 7, 2010. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21070. Councilmember Lange moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate and setting the bid opening date for the Clay Street Bridge Improvement Project for June 10, 2010. Seconded by Councilmember Roby.

Councilmember Shihadeh asked how long Clay Street would be closed.

City Engineer Jon Lutz stated it is estimated to be closed for two months; however, it could be longer. He stated the bid letting date is June 10, 2010 and the contract is expected to be submitted for approval at the first meeting in July with construction to begin in August. He stated that because the work involves the bridge, there could be some preliminary measurements taken which could push the completion date further into fall.

Mr. Lutz stated the scheduled finish date is November 15, 2010.

Councilmember Natvig asked if the project could be completed one lane at a time.

Mr. Lutz stated it would be much more expensive to do the lanes one at a time.

City Administrator Gregg Mandsager stated staff will be working with other businesses affected by this project. He stated Heinz has been contacted as well but they do not have a problem with the project because they use the Bypass.

Councilmember Shihadeh stated he questioned the completion date because of the fact that it took much longer than expected to complete the Clay Street upgrade.

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

#21071. Councilmember Fitzgerald moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate and setting the bid opening date for the 2010 Curb and Gutter and Street Maintenance Program for June 21, 2010. Seconded by Councilmember Natvig.

Councilmember Roby stated it seems as if bids are starting later and asked if her observation was correct.

Public Works Director Randy Hill stated the projects are starting later because they are not budgeted until the next fiscal year.

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

#21072. Councilmember Natvig moved the resolution be adopted approving Amendment #2 to the 2009/2010 city budget. Seconded by Councilmember Shihadeh. All ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21073. Councilmember Roby moved the resolution be adopted approving the 2010/2011 Non-Union Pay Plan. Seconded by Councilmember Lange.

City Administrator Mandsager stated this pay plan is as was discussed during the budget process.

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

#21074. Councilmember Bynum moved the resolution be adopted accepting completed work for the Muscatine Bridge Tribute Plaza and Bike Trail Kiosk Project and authorizing final payment to Muscatine Bridge Company. Seconded by Councilmember Natvig.

Councilmember Bynum stated this plaza is an attribute to the riverfront.

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

#21075. Councilmember Roby moved the resolution be adopted approving the preliminary design agreement with Stanley Consultants for the Mississippi Drive Corridor Environmental Study and Preliminary Design. Seconded by Councilmember Shihadeh.

Councilmember Shihadeh asked what the plan entails and what the approximately \$1 million will cover.

Steve Boka, the city's Planning, Zoning & Building Safety Director, stated the plan addresses traffic control, pedestrian safety, infrastructure, flood protection improvements, connectivity between the riverfront and the central business district, wayfinding and aesthetics. He stated there are two major elements that must first be initiated and they are environmental clearance and preliminary design plans. He stated if the city had met these two elements earlier, this would have been an excellent stimulus project.

Councilmembers expressed their concerns over the possible need for bonding, cost of the project and the use of a roundabout at Carver Corner.

Mr. Boka stated the project will be expensive but staff believes funding is available. He stated the estimated cost of the project five to six years ago was \$8.5 million. He stated that estimate is likely to be higher. Speaking in reference to the roundabout, he stated this came up at a stakeholders meeting and is just a concept. There are other avenues to investigate.

There was discussion concerning the possibility of doing the project in phases and the configuration of the traffic lanes.

Councilmember Lange asked if there were drawings available.

Mr. Boka stated the plan that was adopted by City Council in 2007 is available in his office.

Councilmember Lange asked when the project will get underway.

Mr. Boka stated it is driven by the city's success in securing outside funding. He stated that he and Randy Hill have made two presentations to the Iowa Department of Transportation. He stated they know the city will be back when they have project costs. He stated he feels the federal partners are ready to help. He stated construction will probably begin in the three to five year range.

Councilmember Lange stated he hopes bonding for this project won't interfere with the Cedar Street project because they are both going to be expensive.

Mr. Boka stated there is a 20% match for this project as well as for Cedar Street, Hershey Avenue and Colorado Street. He ended by saying that in order to move this project forward, the city first has to get the environmental clearance and preliminary design services.

Councilmember Roby stated this is a long and arduous project that needs to be moved forward.

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

#21076. Councilmember Natvig moved to approve the purchase of a LUCAS Chest Compression System from Physio Control in the amount of \$13,624. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21077. Councilmember Roby moved to approve the request from the Fire Department for submission of an Assistance to Firefighters Grant offered through the Department of Homeland Security in the amount of \$468,000 for the purchase of a new fire engine. Seconded by Councilmember Shihadeh.

There was discussion concerning the current fire truck, the timeframe for notification of the grant award, and whether the 10% match required by the city had been budgeted.

Assistant Fire Chief Gary Lee stated that if the grant award were received, the current truck would be kept as a reserve pump truck. He estimated it would take approximately six months before word is received on the results of the grant application.

City Administrator Mandsager stated that staff had planned to include the purchase of this fire truck in the 2011/2012 budget.

Vote – All ayes; motion carried.

#21078. Councilmember Natvig moved to approve the credit card policy. Seconded by Councilmember Lange. All ayes; motion carried.

#21079. Councilmember Shihadeh moved to approve the maintenance contract with Kone Inc. in the amount of \$7,140 for the Clark House elevators. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21080. Councilmember Lange moved to approve the contract with Neumann Monson Architects of Iowa City at a fixed rate not to exceed \$10,000 for a 1,200 square foot addition to the Sunset Park office building. Seconded by Councilmember Roby.

Councilmember Fitzgerald asked if hiring an architect was a HUD requirement.

Housing Administrator Dick Yerington stated there are federal, state and local requirements and in order to cover all the bases, staff decided to hire an architect. He stated the cost for this service was included in the cost estimate.

Vote – All ayes; motion carried.

#21081. Councilmember Fitzgerald moved to approve the Memorandum of Understanding for Justice Assistance Grant (JAG) funding for the Police Department. Seconded by Councilmember Roby. All ayes; motion carried.

Under comments, Councilmember Natvig stated Councilmember LeRette had asked him to remind everyone of the Weed Park Zoo Garden's open house on Sunday from 1 to 3 p.m.

Councilmember Bynum reminded everyone that the 4<sup>th</sup> Ward's cleanup of the slough is this Saturday, May 22, 2010. Interested participants should meet at Mulford Church at 8 a.m. and should dress appropriately.

Councilmember Bynum stated the Rebuilding Muscatine group will be staining the playground equipment at Franklin School on Saturday, May 22, 2010, at 9 a.m. Those interested in participating are asked to bring along paint brushes.

Councilmember Bynum then asked if the city is making a dent in the graffiti issue.

City Administrator Mandsager stated he had received only one complaint over the past four weeks. He stated the Police Department has handouts available for the public.

Councilmember Bynum told Police Chief Gary Coderoni there is a bulletin board on Mississippi Drive that has been spray painted.

Chief Coderoni stated the handouts have been very successful. He stated he feels things are better but the graffiti is still out there.

Councilmember Bynum then brought up the issue about the panhandlers that seem to be flooding our community.

Chief Coderoni stated it is very difficult to prohibit people from collecting money on public property. He stated there is no permit required. He pointed out that panhandlers cannot be standing in the street.

City Administrator Mandsager stated he has contacted several other communities and panhandling is a free speech issue. He stated if they step into the street it must be seen by a police officer or someone must issue a complaint. He pointed out they cannot place their signs in the ground.

Councilmember Roby asked what should be done if they are seen in the right-of-way.

Chief Coderoni stated it would be considered an infraction and can be acted upon; however, someone has to make the complaint.

Councilmember Roby invited everyone to the open house for the Weed Park Zoo Garden on Sunday from 1 to 3 p.m. and also pointed out the Fire Department's Safety Day scheduled for May 28<sup>th</sup> at Blaine's Farm & Fleet.

Councilmember Lange asked the citizens to remember the purpose of Memorial Day.

City Administrator Mandsager stated he had three items to bring up. First is the 2010 Iowa League of Cities Conference scheduled for September 22-24, 2010 in Coralville. He stated registration begins in June and stated that anyone interested in attending should contact his office.

City Administrator Mandsager stated the second item had to do with a request received from the Bike Club for the placement of racks throughout the downtown area. He stated the group will be coming back to discuss possible locations. They are willing to maintain the racks and remove them during the winter months.

City Administrator Mandsager stated his final item concerned his six-month evaluation. He suggested the dates of June 3<sup>rd</sup>, June 10<sup>th</sup> or June 17<sup>th</sup> and asked that Council let him know the best date.

Mayor O'Brien reminded the listening audience that grass clippings should not be swept into the street.

#21082. Councilmember Shihadeh moved the meeting be adjourned at 8:12 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