

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – June 3, 2010

Mayor Dick O'Brien called the City Council meeting for Thursday, June 3, 2010, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange.

The meeting opened with the Pledge of Allegiance.

Anna Masonguard, Miss Linn County's Outstanding Teen, spoke to City Council about the importance of protecting one's skin from the sun. She also talked about melanoma which is one of the worst forms of skin cancer. She then presented the Mayor with two bottles of suntan lotion and asked that they be given to the lifeguards at the Aquatic Center.

Chuck Geertz, 210 W. 11th Street, Tipton, Iowa, stated the VFW located at 421 Mulberry Avenue would like to host an ice cream social at the VFW site in conjunction with the 4th of July parade. He asked for City Council's approval.

Councilmember Shihadeh stated it would be appropriate for Mr. Geertz to fill out the appropriate paperwork allowing for the use of city property for this event. Once this paperwork has been received, it will be submitted for City Council's consideration and action.

#21083. Councilmember Shihadeh moved to approve the minutes of the May 20, 2010 City Council meeting. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21084. Councilmember Lange moved the Consent Agenda be approved as follows: Second 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); first reading on a new Class C Liquor License and Sunday Sales Permit for Krug's Pool Hall Inc., 218 Walnut Street – Steve Krueger (pending receipt of final paperwork); first reading on a new Class C Liquor License for Jack's Bar, 500 Mulberry Avenue – Isaac Fernandez (pending receipt of final paperwork); renewal of a Class C Liquor License and Sunday Sales Permit for El Allende Inc., 1107 Grandview Avenue – Alfonso Rojas; renewal of a Class B Beer and Sunday Sales Permit for China Buffet of Muscatine Inc., 1903 Park Avenue – Fa Ni; renewal of a Class C Beer and Sunday Sales Permit for Fast Avenue One Stop, 2111 Park Avenue – JBC LLC; renewal of a Class C Beer and Sunday Sales Permit for Walgreens #5885, 1703 Park Avenue – Walgreen Co.; filing of Communications A-I; and Bills for Approval totaling \$4,057,805.58, as well as February 2010 journal entries and receipt summaries. Seconded by Councilmember Bynum. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated a public hearing was being held concerning the proposed partial vacation of a utility easement in Cobblestone Ridge Replat of Phase II.

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

#21085. Councilmember Shihadeh moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

#21086. Councilmember Roby moved the ordinance be adopted on final reading amending Title 3 Public Way and Property, Chapter 9 Street Obstruction and directed for its publication as required by law. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and ordinance adopted on final reading.

#21087. Councilmember LeRette moved the ordinance be adopted on final reading amending Title 7 Police Regulations, Chapter 18 Snow Emergency Regulations and directed for its publication as required by law. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and ordinance adopted on final reading.

#21088. Councilmember Shihadeh moved the resolution be adopted approving the partial vacation of an existing utility easement in the Cobblestone Ridge Replat of Phase II in the City of Muscatine. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21089. Councilmember Lange moved the resolution be adopted setting a public hearing on a proposed development agreement with H.J. Heinz Company LP for Thursday, June 17, 2010, at 7 p.m. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21090. Councilmember Fitzgerald moved the resolution be adopted approving a grant agreement with the Federal Aviation Administration for the acquisition of snow removal equipment for the municipal airport. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21091. Councilmember LeRette moved the resolution be adopted accepting completed work performed under the W. 3rd/Chestnut Street Parking Lot Project and authorizing final payment to Sulzberger Excavating. Seconded by Councilmember Natvig.

Councilmember Shihadeh asked if the black fencing was for safety or for decoration. He also asked how much it cost.

Public Works Director Randy Hill stated it is for both safety and decoration noting it was extended back to the alley for additional protection.

City Engineer Jon Lutz stated he did not have an exact breakdown on the cost of the fence.

Councilmember Shihadeh asked if it was on city property.

Mr. Hill stated it is on the city's side of the wall.

Vote – All ayes; motion carried.

#21092. Councilmember Roby moved the resolution be adopted accepting completed work performed under the Clay Street Inlay Project and authorizing final payment to Vieth Construction. Seconded by Councilmember LeRette.

Councilmember Roby stated that the cost of this project had been kept down due to the use of recycled materials.

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

#21093. Councilmember LeRette moved the resolution be adopted setting a public hearing on the proposed automated curbside recycling program for Thursday, June 17, 2010, at 7 p.m. Seconded by Councilmember Bynum.

Councilmember Fitzgerald asked how curbside recycling would affect City Carton.

City Administrator Gregg Mandsager stated City Carton will have the opportunity to respond to the RFP. He stated City Carton is being kept in the loop as this program moves forward. He stated other questions raised at the last meeting will be answered prior to the public hearing. He stated that if anyone has questions or concerns, they should e-mail him.

There was discussion concerning senior citizens and the need for smaller containers to accommodate their needs.

City Administrator Mandsager stated this issue will be addressed in the RFP.

Councilmember Roby stated she wants to continue hearing from citizens concerning the proposed curbside recycling program.

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

#21094. Councilmember Shihadeh moved the resolution be adopted approving a new bank account at Central State Bank. Seconded by Councilmember Lange. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21095. Councilmember Lange moved the resolution be adopted setting a public hearing on the plans, specifications, form of contract, cost estimate and setting the bid opening date for the Sunset Park Resident Addition for Thursday, June 17, 2010, at 7 p.m. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21096. Councilmember Roby moved to approve the city's insurance renewal effective July 1, 2010. Seconded by Councilmember LeRette.

Jim Kapsch of Holmes Murphy provided an update on their recommendation that the city renew its property/casualty policy with Traveler's Insurance and Workers' Compensation coverage with United Heartland.

Vote – All ayes; motion carried.

#21097. Councilmember Bynum moved to approve the contract renewal between the City of Muscatine and Genesis Employee Assistance Program. Seconded by Councilmember LeRette.

Councilmember Roby stated she had contacted the City Administrator about using Trinity Muscatine; however, they do not offer this type of program.

Councilmember Shihadeh asked if this program provides any insurance relief.

Human Resources Manager Stephanie Romagnoli stated it did not have a direct effect because it is not tied in with the health insurance.

Vote – All ayes; motion carried.

#21098. Councilmember Natvig moved to approve the contract between the Teamsters, Chauffeurs, and Helpers Local #238 and the City of Muscatine covering the Blue/White Bargaining Unit. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21099. Councilmember Roby moved to approve the agreement with Shoemaker-Haaland for the design of Colorado Street from Park Avenue to University Drive. Seconded by Councilmember Lange.

Councilmember Bynum asked about the term collector street.

Mr. Hill stated that Colorado Street has now become a main street and is taking on a lot of traffic. He stated it has gone from a rural road to a major collector street.

Councilmember Natvig asked if there would be some flexibility on when the project is done if the proposed design agreement is approved.

Mr. Hill stated the cost for the design of the project is not coming out of the \$1.2 million federal monies available for this project. He stated the design could be done and then shelved until a later date; however, that \$1.2 million will not stay in limbo. He pointed out this project has already been extended out four years from the original plan. He also pointed out that the design will not be done for approximately 13 months. This project will be let by the IDOT and can be pulled if the decision is made to do so.

City Administrator Mandsager stated it could be pushed out another year.

Councilmember Natvig asked if the \$1.2 million would be jeopardized.

Mr. Hill stated he did not know. He stated that because the money is earmarked it would probably not be taken back; however, the state does expect the project to be completed.

Councilmember Lange asked if this project is scheduled for 2012, and Mr. Hill stated the letting is scheduled for 2011 and construction for 2012.

Councilmember Lange then asked about Cedar Street, and Mr. Hill stated it is scheduled for 2012 as well.

Mr. Hill pointed out that the big difference between the two projects is that design costs for Colorado Street will be \$190,000 and for Cedar Street there are no design costs because they are being done in-house.

Councilmember Lange emphasized that he feels Cedar Street should be the city's first priority.

Mr. Hill pointed out they are both separate projects.

City Administrator Mandsager stated the difference between the two projects is that City Council has already given the go ahead on Cedar Street. He stated the design work needs to be done on Colorado Street and that funding for the project will be discussed during the budget process next year.

Councilmember Fitzgerald asked what the estimated costs were for Colorado Street, and Mr. Hill stated \$2.1 to \$2.5 million.

Councilmember Lange stated he feels there is a much greater need to do Cedar Street.

Mr. Hill stated a traffic count will be taken to determine the volume of traffic on Colorado Street. He further stated he feels both projects are important.

Councilmember Shihadeh brought City Administrator Mandsager up to speed on the condominiums on Colorado Street that are still in the county. He stated it might be a good idea to visit with them about voluntary annexation.

City Administrator Mandsager stated in September he would be meeting with City Council concerning annexation/infill.

Mr. Hill stated a portion of Colorado Street is in the county and that issue will have to be addressed before moving forward on the project.

Councilmember Fitzgerald asked if there would be any participation from the county.

Mr. Hill stated he had met with county representatives and the conclusion was that the agreement has always been that the city would always maintain Colorado Street. He stated there has never been any kind of agreement showing the county would help with funding the reconstruction of the street. He stated that if the area is annexed into the city, it would complement the project and resolve this particular issue.

Councilmember Fitzgerald stated that perhaps the county could assess the condominium owners for construction costs which might make coming into the city more desirable.

There was further discussion concerning the annexation of the condominiums.

Councilmember Bynum asked Mr. Hill what was happening with Hershey Avenue.

Mr. Hill stated that project is slated to be let in January or February and construction should be underway about this time next year.

Councilmember Shihadeh asked for a quick update on Mississippi Drive.

Mr. Hill stated that Mr. Lutz had met with the contractors today and they were told they could not move on to the intersection at Hershey Avenue and Main Street until Mississippi Drive is opened up.

Mr. Lutz stated the contractor was told the city wants Mississippi Drive opened up for traffic to Grandview Avenue on or before the 4th of July. He stated the contractor is bringing in another crew to see that this is done.

Vote – All ayes; motion carried.

#21100. Councilmember Bynum moved to approve the request to purchase a TKN Digestion Unit for the Water Pollution Control Plant from SCP Science in the amount of \$8,415. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21101. Councilmember Shihadeh moved to approve the agreement between the city and F&J Hahn and George B. Hahn Inc. for the application of liquid biosolids on agricultural land. Seconded by Councilmember Natvig. All ayes; motion carried.

#21102. Councilmember Fitzgerald moved to approve the agreement between the Eastern Iowa Community College District/Muscatine Community College and the city for video/cablecast services. Seconded by Councilmember Lange. All ayes; motion carried.

#21103. Councilmember Natvig moved to approve the request from the Police Department to submit a grant application for the 2010 COPS Hiring Program. Seconded by Councilmember Fitzgerald.

Councilmember Bynum asked when the city could expect an answer.

City Administrator Mandsager stated it would be September 30, 2010 at the earliest. He stated that if approved, the officers would be attending the Law Enforcement Academy in January and would begin patrolling in August.

Councilmember Shihadeh stated he is glad to see the submission of this application because the safety and security of our community is essential.

Councilmember Lange asked if the city is responsible for what happens after the fourth year.

City Administrator Mandsager answered yes. He stated the grant pays for three years but does not pay for increases or the fourth year.

Vote – All ayes; motion carried.

#21104. Councilmember Lange moved to authorize an agreement with the Iowa Department of Transportation for an earmark funded project: New Era Road from Highway 22 at Wild Cat Den Avenue to Weed Park. Seconded by Councilmember Roby. All ayes; motion carried.

Under comments, Councilmember LeRette encouraged everyone to get out and vote next Tuesday for the primary elections.

Councilmember Natvig encouraged citizens to offer input concerning the proposed curbside recycling program.

Councilmember Bynum provided an update on events that took place in his ward on Saturday, May 22, 2010. He stated that Rebuilding Muscatine did a great job on the playground equipment at Franklin School. He then stated that about 15 people provided approximately 60 hours of volunteer labor to clean up the slough. He stated that approximately 12 dump trucks of debris were removed that day.

Councilmember Roby wished Councilmember Fitzgerald a happy retirement.

Councilmember Lange echoed Councilmember LeRette's comments about the primary elections.

Councilmember Lange then stated he has received comments both ways concerning the proposed recycling program. He stated that most of the concerns were voiced by senior citizens. He stated he still feels this is an issue that should be voted on by the public.

City Administrator Mandsager stated Councilmembers had on their desks CD's containing the Mississippi Drive Corridor Study that was done a few years ago. He also stated the agenda is now on the city's website in http format.

Administrative Secretary Fran Donelson asked Councilmembers to contact her if they are interested in attending the Iowa League of Cities 2010 Conference in Coralville, Iowa, on September 22-24, 2010.

#21105. Councilmember Shihadeh moved to go into Closed Session at 8:10 p.m. to discuss union negotiations. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, 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, Shihadeh, Bynum, Roby, and Lange. Also present were City Administrator Gregg Mandsager and Human Resources Manager Stephanie Romagnoli.

#21106. Councilmember Shihadeh moved to leave the Closed Session at 8:28 p.m. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried.

#21107. Councilmember Shihadeh moved the meeting be adjourned at 8:29 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