

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

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

City Attorney Harvey Allbee Jr. gave the invocation which was followed by the Pledge of Allegiance.

Solid Waste Manager Laura Liegois stated Enviro Awards were being presented to Henry Meyer and Mulford Church for coordination of the 4th Ward Neighborhood Challenge Cleanup Event on May 22, 2010. Her presentation outlined the accomplishments of the cleanup event.

Mayor O'Brien then presented the awards to Henry Meyer.

John Robinson, 812 W. 3rd Street, representing the Muscatine Red Sox, stated that on July 11, 2010 there will be a ceremony held at Tom Bruner Field for its 100th year anniversary. He invited everyone to come down to the event that begins at 11 a.m. He then presented Mayor O'Brien with a Red Sox ball cap.

Mayor O'Brien took a moment to recognize Laura Liegois for all of her efforts to keep Muscatine beautiful.

#21134. Councilmember Shihadeh moved the Consent Agenda be approved as follows: Second reading on a new Class BW Beer/Wine Permit for Tantra Thai Bistro, 101 W. Mississippi Drive #L01 – CNY Group Inc. (pending inspections); approval of a five-day Beer Permit for Great River Days Inc. at Riverside Park for July 29, 2010 through August 1, 2010; approval of Outdoor Service Permit for One More Round at 209 E. 2nd Street for August 14, 2010 – Ruth A. Wilson; renewal of a Class C Liquor License and Sunday Sales Permit for Applebee's Neighborhood Grill & Bar, 306 Cleveland Street – Apple Corps LP; renewal of a Class WB Native Wine and Sunday Sales Permit for The Flower Gallery, 131 E. 2nd Street – Karen Diercks; renewal of a Class C Beer and Sunday Sales Permit for Babe's Sinclair, 2307 Lucas Street – Rodney Yocom; renewal of a Class C Beer and Sunday Sales Permit for Express Mart, 4804 Grandview Avenue – E-Mart Inc.; renewal of a Class C Beer and Sunday Sales Permit for Hyink's Service Inc., 1206 E. 2nd Street – Royce Hyink; approval of two cigarette permits effective July 1, 2010 through June 30, 2011; filing of Communications A-D; and Bills for Approval totaling \$1,035,214.57 as well as receipt summaries and journal entries for April and May 2010. Seconded by Councilmember LeRette. All ayes; motion carried.

#21135. Councilmember LeRette moved to approve the request from One More Round, 209 E. 2nd Street, for use of city property for a street dance on August 14, 2010 from 3 p.m. to midnight. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21136. Councilmember Roby moved to approve the first reading of an ordinance amending Title 5, Business Regulations, Chapter 10, Salvage, Junk Dealers, and Refuse Haulers (flow control ordinance). Seconded by Councilmember LeRette.

Councilmember Natvig stated he had concerns about the impact of this ordinance on local businesses. He stated he talked with City Administrator Gregg Mandsager concerning this matter and asked him to share his comments with everyone.

City Administrator Mandsager stated that from the city's perspective, there are two issues. The first is keeping recyclable materials out of the landfill. He stated the second is improved capacity and long-term capital costs involving the landfill. He stated the landfill fund is operating at a deficit and the city is now looking at flow control to help with the reduced tonnage that is occurring.

City Administrator Mandsager stated flow control would ensure proper waste is going into the landfill, would increase revenues, and would potentially bring in approximately \$600,000 in revenue if an additional 10,000 tons of waste goes into the landfill. He stated that \$400,000 could be used to offset the debt at the landfill.

City Administrator Mandsager stated flow control will keep waste in Muscatine. He stated that in the long term, the city could see a savings to our community in the operation and future capital improvements at the landfill.

Councilmember Fitzgerald pointed out the City Administrator is talking about Muscatine County.

City Administrator Mandsager stated the communities who are members of the Muscatine Solid Waste Management Agency will issue the permits and be responsible for their enforcement. He stated Laura Liegois will be asking each community to enact an ordinance giving them the authority to enforce flow control.

Ms. Liegois stated the biggest concern is the deficit at the landfill. She stated the city is looking at ways to keep waste generated by the city and county at the facility. She pointed out the Muscatine Solid Waste Management Agency has taken the lead on this issue.

Councilmember Shihadeh stated the landfill has been in the red for a long time and that imposing this cost upon businesses will ultimately be paid by the taxpayer. He asked when the city would stop going after these businesses to make sure we are operating in the black. He asked when the bond for the landfill will be paid off, and Finance Director Nancy Lueck answered 2014.

Councilmember Shihadeh questioned the possibility of privatizing this operation if the city is unable to run it. He suggested this possibility be looked at carefully during the next fiscal year budget review sessions.

Bill Phelan, President of the Greater Muscatine Chamber of Commerce and Industry, voiced his concern about how flow control would affect existing businesses and new businesses coming to town. He stated that before taking this avenue, he feels this option needs to be investigated thoroughly before being placed on the backs of local businesses both large and small. He questioned if now is the right time to be doing this. He further stated that employers can only go so far until they have to start laying people off. He ended by saying he would like to meet with the City Administrator and Ms. Liegois to get a better understanding of this proposal.

Terry Mealy, whose law office is located at 301 E. 2nd Street, stated he feels if the city wants to increase tonnage at the landfill, they should be more competitive. He stated the city has to look at other ways to cut costs. He ended by stating City Council should visit with local businesses and obtain their input on ways to increase revenues.

Councilmember Natvig questioned the legality of the flow control ordinance.

Ms. Liegois stated this is being done in other communities across the nation. She then stated that the Iowa Department of Natural Resources will now allow the city to walk away from our responsibility of operating the landfill. She stated she does not recommend getting out of the landfill business.

Councilmember LeRette asked what the average tonnage is for small and large businesses.

Ms. Liegois stated it varies. She stated that smaller businesses can generate 5 to 10 tons per month and commercial businesses 15 to 20 tons per month. She then provided numbers showing the decrease in tonnage over the years.

There was discussion on fees charged in Illinois.

City Administrator Mandsager stated we do not offer our residents the opportunity to opt out of services we provide and that costs for those services are evenly distributed amongst them. In the case of the landfill, businesses have opted not to use the landfill and it is not working. He stated waste needs to be taken to the Muscatine County landfill.

City Administrator Mandsager stated communities are typically to have either a transfer station or landfill and that the City of Muscatine operates both by state mandate.

Councilmember Shihadeh stated that as a city we are service centered and not profit centered.

City Administrator Mandsager stated the city wants to capture revenue from those who have opted out of using the system. He stated the city is here to provide services and capture revenue needed to operate and maintain the landfill.

Councilmember Natvig stated something needs to be done about the deficit; however, there are not a lot of options available to accomplish this.

City Administrator Mandsager stated this topic has been discussed and flow control appears to be a good option to capture the revenue that is leaving the community. If this revenue can be captured, it will allow the debt to be paid down and the operation appropriately funded.

There was discussion on municipal infractions should haulers operate without a permit.

Councilmember O'Brien asked about the dates for the second and third readings of the proposed ordinance.

City Administrator Mandsager stated the second reading would be at the July 15, 2010 City Council meeting and the third reading at the first meeting in August.

Mr. Phelan asked if this matter could be tabled to allow discussion with local business owners.

City Attorney Allbee stated it can be tabled; however, the ordinance does require three readings which will allow time for discussion.

#21137. Councilmember Shihadeh moved the first reading of the ordinance be tabled until the July 8, 2010 In-Depth Council meeting. Seconded by Councilmember Bynum: Three ayes: Councilmembers Bynum, Shihadeh and Natvig. Three nays: Councilmembers Roby, LeRette and Fitzgerald. Motion failed.

City Administrator Mandsager stated there is no reason a meeting cannot be set up with the business community between now and the second and third readings of the proposed ordinance. He stated that if City Council is not comfortable with the ordinance at the third reading, it can be tabled at that time. He encouraged Councilmembers to move this process forward.

Councilmember Fitzgerald pointed out the second reading of the ordinance does not take place until July 15, 2010.

Councilmember Roby stated there is plenty of time for open discussion.

Vote on original motion – Four ayes: Councilmembers LeRette, Fitzgerald, Natvig, and Roby. Two nays: Councilmembers Shihadeh and Bynum. Motion carried and first reading of the ordinance approved.

#21138. Councilmember Fitzgerald moved the resolution be adopted approving the contract and bond from Muscatine Bridge Inc. in the amount of \$88,431.75 for the hangar access road at the municipal airport. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, and Roby. Motion carried and resolution duly adopted.

#21139. Councilmember Roby moved the resolution be adopted renaming the preliminary/final plat of the Kory and Tony Kies Subdivision to William Walker Way Subdivision in the County of Muscatine. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, and Roby. Motion carried and resolution duly adopted.

#21140. Councilmember Shihadeh moved the resolution be adopted accepting the low bid from Daniels Construction in the amount of \$22,400 for the Muscatine Owner-Occupied Housing Rehabilitation Program for 212 Grover Street. Seconded by Councilmember Bynum. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, and Roby. Motion carried and resolution duly adopted.

#21141. Councilmember Fitzgerald moved the resolution be adopted releasing a real estate mortgage under the 2003 CDBG Program for 313 E. 6th Street. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, and Roby. Motion carried and resolution duly adopted.

#21142. Councilmember Fitzgerald moved the resolution be adopted authorizing the assessment of abatement costs to private properties in the amount of \$19,225.05. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, and Roby. Motion carried and resolution duly adopted.

#21143. Councilmember Roby moved the resolution be adopted approving the contract and bond from Hy-Brand Industrial Contractors in the amount of \$340,450.53 for the Clay Street Bridge Improvements. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, and Roby. Motion carried and resolution duly adopted.

#21144. Councilmember Natvig moved the resolution be adopted awarding the contract for the 2010 Curb and Gutter and Street Maintenance Program to BMW Builders II in the amount of \$106,544.10. Seconded by Councilmember LeRette.

There was discussion on the difference between the low bid and the engineer's estimate for the project.

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

#21145. Councilmember LeRette moved the resolution be adopted accepting the completed work performed under the Geothermal HVAC Public Safety Building Project and authorizing final payment to Hometown Plumbing and Heating. Seconded by Councilmember Roby.

Councilmember Fitzgerald asked if the system is working as it should be.

Victor Amoroso, the consulting engineer, stated there were some problems with the cooling unit; however, they are being worked out. He stated there is a one-year warranty that begins in July.

Mr. Amoroso stated it usually takes about one year to adjust the heating and cooling. He added the geothermal is working very well.

Councilmember Fitzgerald asked if the air conditioning unit was under warranty.

Mr. Amoroso stated it goes into effect one year after substantial completion of the project.

Councilmember Fitzgerald asked Mr. Amoroso if this type of unit has been used before, and Mr. Amoroso answered yes.

There was further discussion on monitoring capabilities.

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

#21146. Councilmember Shihadeh moved the resolution be adopted setting a public hearing on the plans, specifications, form of contract and cost estimate for the Sunset Park Resident Center. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, and Roby. Motion carried and resolution duly adopted.

#21147. Councilmember Bynum moved the resolution be adopted accepting a Capital Funding Grant for 2010 along with revisions to the annual statements and authorizing the Housing Administrator to execute the annual contributions contracts on behalf of the Board of Commissioners. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, and Roby. Motion carried and resolution duly adopted.

#21148. Councilmember Roby moved the resolution be adopted accepting completed work performed under the Weed Park Tennis Court Project and authorizing final payment. Seconded by Councilmember LeRette.

There was discussion concerning usage and the lifespan of the new courts.

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

#21149. Councilmember Natvig moved the resolution be adopted relating to the financing of certain proposed projects and establishing compliance with reimbursement bond regulations under the Internal Revenue Code. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21150. Councilmember Shihadeh moved to approve the engineering and design services Agreement with McClure Engineering Company of North Liberty for sanitary sewer for the Clearview Mobile Home Park. Seconded by Councilmember Roby. All ayes; motion carried.

#21151. Councilmember Bynum moved to authorize the purchase of a GM 4100-D Toro mower for Kent Stein Park from MTI of Bettendorf in the amount of \$49,036.05. Seconded by Councilmember LeRette. All ayes; motion carried.

#21152. Councilmember LeRette moved to approve an amendment to the retail sales and service agreement and lease with Iowa Memorial Granite Company for Greenwood Cemetery. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21153. Councilmember Fitzgerald moved to approve an amendment to the business office operations agreement with Iowa Memorial Granite Company for Greenwood Cemetery. Seconded by Councilmember Natvig. All ayes; motion carried.

#21154. Councilmember Natvig moved to approve the purchase of two high speed scanners for the Police Department from Advanced Systems Inc. in the amount of \$5,256.36. Seconded by Councilmember Roby. All ayes; motion carried.

#21155. Councilmember Shihadeh moved to authorize the purchase of solid waste dumpster containers from Gregory Container of Kahoka, Missouri, in the amount of \$9,938. Seconded by Councilmember LeRette. All ayes; motion carried.

#21156. Councilmember Roby moved to approve the agreement with Anderson-Bogert Engineers & Surveyors Inc. for engineering and/or land surveying services for the municipal airport in an amount not to exceed \$14,212. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21157. Councilmember Natvig moved to approve the annual roadway maintenance agreement with the Iowa Department of Transportation. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21158. Councilmember LeRette moved to approve the purchase of a reversible snow plow from Bonnell Industries in the amount of \$7,599. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21159. Councilmember Fitzgerald moved to approve Change Order #3 for a certified plant inspection on the Clay Street Reconstruction Project. Seconded by Councilmember Roby.

City Engineer Jon Lutz stated this was an IDOT requirement which, if not done, could result in the loss of the stimulus monies (\$733,000) awarded by the state for this project.

Vote – All ayes; motion carried.

#21160. Councilmember Shihadeh moved to approve Change Order #4 for the Water Pollution Control Plant Renovation Project. Seconded by Councilmember Natvig. All ayes; motion carried.

Under comments, Mayor O'Brien asked Mr. Lutz about the opening of Mississippi Drive.

Mr. Lutz stated the contractors are working on it daily. He stated two of the three lanes are done and that they will be paving the third lane on Saturday. He stated his projected date for opening is July 12, 2010.

Mayor O'Brien then encouraged everyone to participate in the Patri-Art activities that will take place over the 4th of July weekend. He then announced the parade will take place rain or shine.

Councilmember LeRette wished everyone a safe and happy 4th of July.

Councilmember Bynum, speaking in reference to the civil defense sirens at Garfield school, asked when they would be repaired.

City Administrator Mandsager stated the parts have been ordered and they should be repaired once they are received.

Police Chief Gary Coderoni also stated they will be repaired when the parts are received.

Councilmember Bynum asked if the city has a backup plan for sirens that are out of service.

Chief Coderoni stated there is no backup plan; however, the Police Department does have the capability to break into the television and radio stations if necessary. In addition, they do have a system where they call a company in Florida that has the ability to landline telephones with a recorded message.

Councilmember Bynum stated the citizens in his ward are concerned and also angry with the city.

Chief Coderoni stated the sirens are not the city's responsibility and that citizens should be directing their anger to the party responsible for them. He stated that if sirens malfunction they are checked immediately.

Councilmember Bynum asked if they are getting to the point where they should be replaced.

Chief Coderoni stated that is why they are tested on a monthly basis.

City Administrator Mandsager stated he would see about obtaining the date the parts are expected to be received.

Councilmember Bynum then voiced his concerns about the video/audio system for the Council Chambers. He asked when Council would be discussing this issue.

City Administrator Mandsager stated the college has received three quotes for the replacement of the equipment. He stated discussion could take place as early as the next meeting.

There was discussion on the need to upgrade the audio system as well.

Councilmember Roby stated there would be a lot of 4th of July activities taking place in the downtown area. She asked that everyone pick up their litter.

Councilmember Roby then stated that the Declaration of Independence will be read at 7:30 p.m. at the Pearl City Station on July 4th which will be followed by the Muscatine Symphony performance at 8 p.m.

#21161. Councilmember Shihadeh moved the meeting be adjourned at 8:35 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.




Richard W. O'Brien, Mayor


Gregg Mandsager, City Administrator