

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – May 17th, 2018

Mayor Diana Broderson called the City Council meeting for Thursday, May 17th, 2018, to order at 7:00 p.m. Present were: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm.

The meeting began with the Pledge of Allegiance.

First on the Agenda was the presentation of the Patriotic Employer Award to Fire Chief Jerry Ewers and the Muscatine Fire Department by Captain Gary Ronzheimer and Firefighter Brett Becker. Mr. Ronzheimer thanked Chief Ewers and the entire Fire Department for their support when members of the Fire Department have been deployed with the military.

Next on the agenda was an appeal regarding the removal of a dog from the City of Muscatine.

James and Natalie Allen, 609 Iowa Avenue, came forward to discuss why they feel their dog is not vicious and to ask that City Council consider appealing the decision to remove the dog.

Mr. & Mrs. Allen stated that the bite incidents do not apply to the City Code rules because all incidents happened on their personal property. They state in the first incident the dog was provoked by a teen age boy that was taunting him over the privacy fence, the second and third incident they feel the dog was protecting their children. The Allen's stated they would do whatever City Council asks them to do as an alternative to having to remove the dog.

Chief of Police Brett Talkington and Animal Control Officer Nicole Ashby came to answer questions from City Council regarding the police reports of the biting incidents.

There was discussion among City Council members regarding the language used in the City Code pertaining to the classification of a vicious animal and discussion regarding getting a legal opinion on the language as well as the possibility of changing the language.

Shannon Morris, 103 E 6th Street, came forward on behalf of the Allen's and stated they have connecting yards and that her kids play with the Allen kids and the dog daily. She also stated she witnessed the teen age boy taunting the dog and had asked him to please stop and leave. She stated she was there when the dog bit the mailman and that she felt the dog was protecting the child from a stranger.

Rachel Shoppa, 1905 Pinefield, came to read a statement she had written stating the dog is not a threat and asked to please consider letting them keep the dog.

There was a motion by Councilmember Brackett to accept the appeal and allow the Allen family to retain their dog. Seconded by Councilmember Brockert. There was a friendly amendment stating the Allen's would add mesh fencing to the inside of the privacy fence as a stipulation to this motion. Vote –Ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett and Malcolm. Nays: Councilmember Fitzgerald. Motion Carried.

Christopher Foss, 803 Whicher St., came forward to state that the community is against the reopening of Whicher Street. He states that the City needs to give the property that was formerly Whicher Street to the adjacent homeowners that owned it prior to the street being built.

John Koch, 1441 Magnolia Street, Water Pollution Control Plant Director, extended an invitation to the public to the opening and ribbon cutting ceremony for the Muscatine Pollinator Park. He stated at

10:30 a.m. citizens will have the opportunity to help plant the new plants, at 11:30 a.m. refreshments will be served, and at 12:00 p.m. the ribbon cutting ceremony will be performed.

Roger Chapman, 1012 E 8th Street, asked for prayers for the family of the man that was killed when hit by a Semi Truck.

#24261 Councilmember Brackett, seconded by Councilmember Spread, moved the Consent Agenda be approved as follows:

- Regular City Council Minutes – May 3, 2018
- In Depth City Council Minutes – May 10, 2018
- Request for approval for Geneva County Club to hold fireworks display, performed by J & M Displays on August 11th, 2018. Permit has been submitted and approved by the Muscatine Fire Department.
- Request on first reading for a new Class “C” Beer Permit for AJ’s Garage LLC, 1206 East 2nd Street – Alex Shoppa (pending inspections)
- Request for renewal of a Class “C” Liquor License, Outdoor Services and Sunday Sales for Missterssippi’s 2108 Grandview Avenue – Missterssippi’s LLC (pending inspections)
- Request for use of City Property from Ss. Mary Mathias Catholic Church for Annual “Feast of Corpus Christi” Procession
- Request for Use of City Property from Muscatine Second Saturday for their Saturday events being held June 9, July 13, August 11, September 8, and October 13, 2019.
- Request for use of City Property from Muscatine Chamber of Commerce Foundation (partnership with Big Brothers and Big Sisters Special Olympics) to be held Thursday, October 18, 2018 through Saturday, October 20, 2018.
- Cigarette Permits: Dollar General Store, 3614 Grandview Avenue, - Dolgencorp LLC
- Proclamation Declaring May 20-26, 2018 as Public Works Week
- Proclamation Declaring May 18-19, 2018 as Poppy Days
- Proclamation Declaring May 20-26, 2018 as EMS Week
- Muscatine County Board of Supervisors Minutes – April 30, 2018
- Muscatine County Board of Supervisors Minutes – May 7, 2018
- Approval of bills totaling \$2,671,979.77
Vote - All ayes; motion carried.

Mayor Broderson presented proclamations for the declaration of Public Works Week, Poppy Days and EMS Week.

#24262. Councilmember Spread moved to adopt a resolution approving the release of a real estate mortgage for 305 Pond Street. Seconded by Councilmember Fitzgerald. Vote - All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald, and Malcolm. Motion carried.

#24263. Councilmember Brackett moved to adopt a resolution setting a public hearing for June 7, 2018, regarding the sale and transfer of public property. Seconded by Councilmember Harvey. Vote – All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald and Malcolm. Motion carried.

#24264. Councilmember Malcolm moved to adopt a resolution approving write-off debts of former housing tenants. Seconded by Councilmember Brockert. Vote – All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald and Malcolm. Motion carried.

#24265. Councilmember Saucedo moved to approve a courtesy motion for local Option Sales and Services Tax Election for the City of Stockton. Seconded by Councilmember Brackett.

Councilmember Brackett stated he would like to stress the importance of citizens showing up at the polls to vote. He stated that not one person voted for or against this at the last election and had one person voted this could have been avoided.

Vote – All ayes: Motion carried.

#24266. Councilmember Harvey moved to approve a request for an exchange agreement with DG Partners LLC (Dollar General). Seconded by Councilmember Spread. Vote – All ayes: Motion carried.

#24267. Councilmember Brackett moved to approve a request for the proposed sidewalk agreement. Seconded by Councilmember Harvey.

There were questions and comments from City Council regarding which side of Tanglefoot the sidewalk would be constructed that were address by City Planner Andrew Fangman.

Vote –All ayes. Motion carried.

#24268. Councilmember Fitzgerald moved to approve a request for the Avalon Subdivision Preliminary/Final Plat. Seconded by Councilmember Brackett. Vote - All ayes: Motion carried.

#24269. Councilmember Brackett moved to approve a request for Change Order #1 for the West Hill Sewer Separation Phase 4A Project. Seconded by Councilmember Brockert. Vote - All ayes: Motion carried.

#24270. Councilmember Brackett moved to approve a request for the issuance of a purchase order for a digital microfilm machine for the library. Seconded by Councilmember Brockert. Vote - All ayes: Motion carried.

#24271. Councilmember Harvey moved to approve a request for the issuance of a purchase order to Per Mar Security for door access and security. Seconded by Councilmember Fitzgerald. Vote - All ayes: Motion carried.

#24272. Councilmember Harvey moved to approve a request for the issuance of a Purchase Order to Krieger's Auto Group for the purchase of a truck for the Kent Stein Park Division. Seconded by Councilmember Brackett.

There were questions and comments from City Council regarding the funding for the vehicle that was addressed by Finance Director Nancy Lueck.

Vote - All ayes: Motion carried.

#24273. Councilmember Saucedo moved to approve a request for the issuance of a purchase order to MUSCO Lighting for the purchase of Control Link Lighting System for Kent Stein Park. Seconded by Councilmember Brackett.

There were questions and comments from City Council regarding who would have authority to call Musco to have lights turned on and off and questions regarding the type of lights being used.

Parks and Recreation Director Rick Klimes stated there would be a specific list of those who would have access to call Musco and he stated that this request was for the control panels only and not the lights.

Vote – All ayes: Motion carried.

#24274. Councilmember Brockert moved to approve a request for the issuance of a purchase order to Century Fence for the Muscatine Dog Park fencing project. Seconded by Councilmember Spread. Vote – All ayes: Motion carried.

#24275. Councilmember Brackett moved to approve a request for an engineering services agreement with Bolten & Menk for the airport hangar apron design. Seconded by Councilmember Malcolm. Vote – All ayes: Motion carried.

#24276. Councilmember Saucedo moved to approve a request for the issuance of a purchase order for the purchase of a new water purification system for the Water Pollution Control Plant lab. Seconded by Councilmember Brackett. Vote – All ayes: Motion carried.

#24277. Councilmember Brockert moved to approve a request for the issuance of a purchase order to Hogle Bus Co. for the purchase of a conversion van for the Transit Department. Seconded by Councilmember Harvey.

There were questions and comments from City Council that were addressed by Public Works Director Brian Stineman.

Vote – All ayes: Motion carried.

Under comments:

Mayor Broderson stated that the Follow the Music Celebration in honor of Dick and MaryJo Stanley had been moved to the High School Auditorium due to the weather forecast.

Councilmember Harvey stated the Second Saturday events would be starting soon and he would encourage the public to come out and enjoy what they have to offer.

Councilmember Spread shared the passing of former Councilmember Osama Shihadeh and stated that he would be greatly missed by his family and the community.

Councilmember Fitzgerald and Councilmember Saucedo also stated that former Councilmember Shihadeh would be greatly missed.

Councilmember Malcolm stated he had attended a nuisance abatement conference with the staff from Community Development and was able to learn a great deal and enjoyed sharing ideas with the staff.

Councilmember Brackett expressed his condolences to the Shihadeh family and stated that the Soap Box Derby Committee was looking for vendor sponsors.

City Administrator Gregg Mandsager stated he had enjoyed working with Osama Shihadeh and that he will be missed by the community.

Mayor Broderson reminded the public of the Pollinator Project, the upcoming Independence Day Celebrations and the Pancake breakfast being held to help fund supplies for kids to participate in activities they otherwise would not be able to.

Mayor Broderson stated the guest for this week on “Our City” would be Bob Bromwell discussing the new cemetery steps and Chief Jerry Ewers from the Muscatine Fire Department.

Mayor Broderson called for a short recess at 8:32 p.m.

#24278. Councilmember Fitzgerald moved to go into Closed Session at 8:40 p.m. per Iowa Code 21.5.1.j concerning acquisition and sale of property. Seconded by Councilmember Brackett. Vote – All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald and Malcolm. Motion carried.

Mayor Broderson called the Closed Session meeting to order at 8:40 p.m. Present were Councilmembers Fitzgerald, Malcolm, Brackett, Saucedo, Brockert, Harvey and Spread. Also present were City Administrator Gregg Mandsager, Administrative Secretary Cinda Hilger, Finance Director Nancy Lueck, Community Development Director Dave Gobin, City Planner Andrew Fangman, Public Works Director Brian Stineman and Steve Boka. Present on conference call were Attorney Matt Brick and Attorney Pat Burk.

#24279. Councilmember Harvey moved to leave Closed Session at 9:02 p.m. Seconded by Councilmember Brockert. Vote – All ayes: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald and Malcolm. Motion carried.

Councilmember Spread moved the meeting be adjourned at 9:02 p.m.

Diana Broderson, Mayor

ATTEST:

Gregg Mandsager, City Administrator