

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. –April 4, 2019

Mayor Broderson called the City Council meeting for Thursday, April 4, 2019, 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.

Consent Agenda

Councilmember Brockert, Seconded by Councilmember Saucedo moved the Consent Agenda be approved as follows:

- Items 6 A-B: Approval of City Council Minutes
- Items 8 A-K Petitions and Communications
- Item 9 A: From the Mayor
- Items 12 A-C: Receive and File
- Bills for Approval totaling \$6,078,667.61

Vote – 7 ayes, motion carried.

Public Hearing

A. Mayor Broderson stated this public hearing concerns the Utility Franchise Fee Increase.

There were no comments, oral or written, from citizens regarding this public hearing.

Councilmember Spread moved the public hearing to be closed, seconded by Councilmember Brockert.

Vote – All Ayes; motion carried.

B. Mayor Broderson stated this public hearing concerns the Utility Easement Vacation at 3435 Clermont Drive.

There were no comments, oral or written, from citizens regarding this public hearing.

Councilmember Brackett moved the public hearing to be closed, seconded by Councilmember Brockert.

Vote – All Ayes; motion carried.

From the Mayor

Mayor Broderson read and signed a proclamation declaring April 4, 2019 as Junior Achievement Day. She then presented the proclamation to Jim Nepple who came and gave a summary of Junior Achievement accomplishments over the years.

Item 11A

Councilmember Spread moved to waive the statutory rule requiring ordinances to be considered and voted on for passage at two Council meetings prior to the meeting at which said Franchise Fee Ordinance is to be finally passed. Seconded by Councilmember Fitzgerald.

Councilmember Brackett stated he feels the process should be followed through with all readings, to allow public to give their input and response.

Vote – 6 Ayes, 1 Nay (Brackett); motion carried.

Councilmember Fitzgerald moved to Adopt Ordinance # 2019-0064, Increasing Utility Franchise Fee on first and final reading and directed for its publication as required by law. Seconded by Councilmember Saucedo.

Vote – 7 Ayes; motion carried.

Item 11B

Councilmember Brackett, moved to approve the first reading of Ordinance #2019-0078, amending Title 2, Boards and Commissions, to include Chapter 14 Public Art Advisory Commission. Seconded by Councilmember Brockert.

There were questions from City Council that were addressed by City Administrator Gregg Mandsager regarding the process of nominating the members of the commission.

Vote – 7 ayes; motion carried.

Item 11C

Councilmember Fitzgerald, moved to adopt Resolution #2019-0088, approving the vacation of utility easements at 3435 Clermont Drive. Seconded by Councilmember Spread.

Vote – 7 ayes; motion carried.

Item 11D

Councilmember Brackett moved to adopt Resolution #2019-0089, approving a Sidewalk and Street Café Agreement for Boonies on the Avenue. Seconded by Councilmember Brockert.

There were questions from City Council regarding safety measures that should be taken to protect citizens from traffic that were addressed by City Engineer Jim Edgmond and City Administrator Gregg Mandsager. A decision was made to review the agreement and the possibility of including safety requirements as part of the agreement.

Vote – 7 ayes; motion carried

Item 11E

Councilmember Malcolm moved to adopt Resolution #2019-0090 rescinding Resolution 2019-0031 approving TSIP funding agreement for the Houser-Fulliam mini roundabout. Seconded by Councilmember Harvey.

Councilmember Harvey proposed an amendment to the resolution adding March 7, 2019 as the date of rejection

Vote – 7 ayes-2 nays (Fitzgerald, Spread); motion carried.

Councilmember Fitzgerald asked if any of the councilmembers that voted against the mini roundabout would reconsider before the city passes up the money for the roundabout.

There were no Councilmembers that wanted to reconsider.

Vote – 5 ayes – 2 nays (Fitzgerald, Spread); motion carried.

Item 11F

Councilmember Harvey moved to adopt Resolution #2019-0091 approving an amended development agreement with JNB Oak Park L.P. Seconded by Councilmember Spread.

There were questions from City Council as to what changes had been made to the agreement that were answered by City Administrator Gregg Mandsager. Mr. Mandsager stated the only changes was the name had been changed for tax purposes.

Vote – 7 ayes; motion carried.

Item 11G

Councilmember Brackett moved to adopt Resolution #2019-0092, accepting the dedication of road right of way along Isett Avenue and grant of sidewalk easement along Blaine Street. Seconded by Councilmember Harvey.

Vote – 7 ayes; motion carried.

Item 11H

Councilmember Brackett moved to adopt resolution #2019-0093, setting a public hearing on April 18th, 2019 for the Full Depth Concrete Patching Project. Seconded by Councilmember Harvey.

Councilmember Harvey requested that a list of streets to be considered be provided to City Council and the public prior to the public hearing.

City Engineer Jim Edgmond stated they had been given to the City Administrator for distribution and to be place on City Website.

Vote – 7 ayes; motion carried.

Item 11I

Councilmember Malcolm moved to adopt resolution #2019-0094, rejecting all bids for the High Strength Waste Receiving Project. Seconded by Councilmember Spread.

Vote – 7 ayes; motion carried.

Item 11J

Councilmember Saucedo moved to adopt resolution #2019-0095, setting a public hearing on April 18th, 2019 for the High Strength Waste Receiving Project revised plans, specifications, form of contract and estimated costs. Seconded by Councilmember Harvey.

Councilmember Harvey asked if the information could be provided to Council members as early as possible so they would have time for reviewing the material.

City Administrator Gregg Mandsager stated that Jon Koch would be presenting on this at the April 11th in-depth council meeting.

Vote – 7 ayes; motion carried.

Item 11K

Councilmember Brackett moved to approve request #2019-0096, for the issuance of a purchase order in the amount of \$65,000, to Martin & Whitacre, for construction staking and record drawing for the Phase 4B West Hill Sewer Separation Project. Seconded by Councilmember Brockert.

There were questions from City Council regarding why this was not put out for bid that were answered by City Engineer Jim Edgmond. Mr. Edgmond stated that Martin and Whitacre have been involved in the design of the project from the start so it would be in the best interest of the City to use them for this part of the project as well.

Vote – 7 ayes; motion carried.

Item 11L

Councilmember Brackett moved to approve request #2019-0097 approving the week of April 22-26, 2019 as Spring Clean Up. Seconded by Councilmember Spread.

Vote – 7 ayes; motion carried.

At this time City Administrator Gregg Mandsager brought for discussion the possibility of reviewing alternative options for the new airport hangar construction. Mr. Mandsager stated several options that the Airport Commission and Engineers and suggested and asked council for a consensus to move forward with the possibility of the construction of new hangars.

There was a consensus with City Council to move forward.

At this time Community Development Director Jodi Royal-Goodwin presented a proposal to City Council to review regarding Carver Corner. Ms. Royal-Goodwin stated this would be discussed at the in-depth meeting on April 11th.

Councilmember Brackett stated he would like to hear from Frank Kelly at the in-depth meeting as well regarding an idea for a peace park in this location.

Communication-Council Members

Councilmember Saucedo asked Muscatine EMS Manager Brian Wright to update City Council on the flood status. Mr. Wright stated flooding is forecast to continue through May with the forecasted crest to be 21.6.

City Engineer Jim Edgmond stated that an emergency repair would be made to the Culvert at Musser and Houser. This will cause traffic to be detoured.

Councilmember Brackett asked if the Right of Ways were sodded on 7th Street.

Mr. Edgmond stated that they have pulverized the top soil and it would be hydro seeded within the next month.

Councilmember Brackett asked that the water on Grand Ave off of Park Avenue be watched. He stated that residents have had water in garage because of the water coming down alley.

City Administrator Mandsager stated Public Works has addressed this area a couple of years ago and that there is not a lot the City can do. The drainage was increased under the street to promote faster drainage.

Mr. Brackett would also like the non-standard sewer drains to be looked into. He feels these are unsafe for small children in the area.

Mr. Edgmond stated this is scheduled to be looked into.

Councilmember Brackett stated he had a complaint that the Clark House no longer has a cleaning person.

Community Development Director Jodi Royal-Goodwin stated that they have a part time custodian at the Clark House. She stated that in the past they have had an AARP but have not been able to get one for several months. She also stated with all of the bad weather it has been very hard to keep up with the work.

City Administrator Gregg Mandsager stated Kevin Jenison has started something new on youtube and on facebook that you can comment during council meetings on subjects being discussed. This is a way to encourage more citizens to become involved.

Mayor Broderon stated she had a call regarding getting a temporary speed bump placed on their street.

City Administrator Gregg Mandsager stated the City no longer does the speed bumps, but they can call and request the ATE car to be parked on their street.

Mayor Broderon stated tomorrow is blue out day and encouraged everyone to wear blue in support of child abuse prevention.

Mayor Broderon stated that April 15, 2019 is the Mayor's youth job fair at the Muscatine High School.

Mayor Broderson gave a shout out to the volunteers that make meals on wheels a success.

At this time there was a short break to prepare for City Council to enter into closed session.

Councilmember Brackett moved to go into closed session at 8:29 p.m. per Iowa Code Section 21.5(1)(c) to discuss strategy with counsel a personal injury/property damage lawsuit that is presently in litigation where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. Seconded by Councilmember Harvey.

Vote – All ayes; motion carried.

Mayor Broderson called the closed session to order at 8:29 p.m. Present were Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald and Malcolm. Also present were City Administrator Gregg Mandsager, Administrative Secretary Cinda Hilger, Human Resource Director Stephanie Romagnoli and via phone Attorney Amy Reasner.

Councilmember Harvey moved to leave close session at 8:49 p.m. Seconded by Councilmember Spread.

Vote – All ayes; motion carried.

At this time Mayor Broderson stated she would like it on record that she objects to any City Staff being allowed in the following Closed Session Meeting.

At this time there was a short break to prepare for City Council to enter into a second closed session.

Councilmember Spread moved to go into closed session at 8:50 p.m. per Iowa Code Section 21.5(1)(c) to discuss strategy with counsel a personal injury/property damage lawsuit that is presently in litigation where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. Seconded by Councilmember Fitzgerald.

Mayor Pro Tem Brackett called the closed session to order at 8:50 p.m. Present were Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald and Malcolm. Also present were Human Resource Director Stephanie Romagnoli and via phone Attorney Amy Reasner.

Councilmember Fitzgerald moved to leave close session at 9:40 p.m. Seconded by Councilmember Spread.

Councilmember Harvey motioned for meeting to be adjourned at 9:41 p.m.

Mayor Diana Broderson

City Administrator, Gregg Mandsager