

CITY OF MUSCATINE  
REGULAR CITY COUNCIL MINUTES  
Council Chambers – 7:00 p.m. – April 5, 2012

Mayor DeWayne Hopkins called the City Council meeting for Thursday, April 5, 2012, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread.

The meeting began with the Pledge of Allegiance.

A presentation of the Biosolids of the Year Award was made to Mayor Hopkins by Jay Brady. Mr. Brady is past president of the Iowa Water Environmental Association (IAWEA).

Mayor Hopkins thanked him for the award.

Mr. Brady then asked Water Pollution Control Director Roger Kirby to address City Council concerning this award.

Mr. Kirby stated that typically wastewater businesses do not receive many awards. He stated that to be picked for this award is quite a feat for staff. He then recognized the employees in the audience who are involved with the biosolids operation at the plant. He introduced Biosolids Leadworker Ron Lacina who orchestrated the program.

Mr. Kirby then recognized the owners of the two properties that have the biosolids umbilical system. He stated that Lutheran Homes has two lagoons. He recognized Dave Armstrong and Loryann Eis who were representing Lutheran Homes. He then recognized Jim Hahn who recently came back into the biosolids program.

Mr. Kirby stated both of the farmers, Bill Onken and Jerry Timm, could tell you the benefits of the biosolids program.

Mr. Brady stated it is a very cooperative effort. He then introduced Roger Lande who is the Director of the Iowa Department of Natural Resources.

Mr. Lande stated he was pleased to be at tonight's meeting. He stated he was delighted that Muscatine received this award. He commended previous City Councils as well as the current City Council for what has been accomplished at the Water Pollution Control Plant. He also commended the city on its progress in separating the storm and sanitary sewers. He stated that Muscatine is ahead of all the other river city towns in Iowa. He stated it took courage for City Council to stay the course and pay for the infrastructure that is needed. He stated it makes him proud to say his city is a performer.

Mr. Brady ended by congratulating the City of Muscatine.

Councilmember Phillips asked each of the employees from the Water Pollution Control to stand up and identify themselves, and they did so.

#21994. Councilmember Spread, seconded by Councilmember Natvig, moved the Consent Agenda be approved as follows:

- Approval of March 15, 2012 City Council minutes
- Renewal of a Class B Beer and Sunday Sales Permit for Pizza Ranch Muscatine, 106 Ford Avenue – Psychodog Enterprises Inc. (pending inspections); renewal of a Class A Liquor License and Sunday Sales Permit for Muscatine Lodge No. 388, 207 Lake Park Blvd. – Muscatine Lodge #388 (pending inspections); renewal of a Class E Liquor License and Sunday Sales Permit for Hy-Vee Food Store, 2400 2<sup>nd</sup> Avenue – Hy-Vee Inc. (pending inspections); renewal of a Class A Liquor License and Sunday Sales Permit for American Legion Club, 110 Houser Street – Edward H. Bitzer Post No. 27 of the American Legion; Outdoor Service Permit for El Allende, 1107 Grandview Avenue – El Allende Inc.; and Outdoor Service Permit for Elm Tree Dining and Lounge, 2108 Grandview Avenue – Elm Tree Dining and Lounge LLC
- Approval of use of city property for the 4<sup>th</sup> of July Parade
- Approval of use of city property (riverfront) for 4<sup>th</sup> of July Fireworks and Muscatine Symphony performance
- Approval of use of city property for American Heart Association Walk/Run on June 2, 2012
- Approval of use of city property for the Eliza Lions Club Antique Tractor Ride on July 21, 2012
- Approval of proclamations declaring April 27, 2012 as “Arbor Day”, “April 30, 2012 to May 6, 2012 as “Plug Into Your Family Week”, April 22, 2012 as “Earth Day”, and April 2012 as “Child Abuse Prevention Month”
- Filing of Communications A-C
- Approval of Bills for Approval totaling \$1,693,122.64

Vote on Consent Agenda – All ayes; motion carried.

### **PUBLIC HEARING**

Mayor Hopkins stated a public hearing was being held concerning the Muscatine Municipal Housing Agency Plan’s annual public hearing.

There were no oral or written petitions for or against the MMHA Plan.

#21995. Councilmember Shihadeh moved the public hearing be closed. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

### **PUBLIC HEARING**

Mayor Hopkins stated a public hearing was being held concerning the proposed voluntary annexation of municipal airport property.

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

#21996. Councilmember Bynum moved the public hearing be closed. Seconded by Councilmember Phillips. All ayes; motion carried.

### **PUBLIC HEARING**

Mayor Hopkins stated a public hearing was being held concerning the proposed voluntary annexation of property relating to the R.L. Fridley Theatres Development Project.

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

#21997. Councilmember LeRette moved the public hearing be closed. Seconded by Councilmember Spread. All ayes; motion carried.

### **PUBLIC HEARING**

Mayor Hopkins stated a public hearing was being held concerning the proposed voluntary annexation of Parkview Condominiums, Irish Ivy Subdivision, and municipally owned property.

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

#21998. Councilmember Natvig moved the public hearing be closed. Seconded by Councilmember Bynum. All ayes; motion carried.

#21999. Councilmember Natvig moved the resolution be adopted approving the final plat for the Fridley Subdivision. Seconded by Councilmember Spread. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22000. Councilmember Bynum moved to approve the second reading of an ordinance providing for the division of taxes levied on taxable property in the 2012 Addition to the Consolidated Urban Renewal Area as it relates to the R.L. Fridley Theatres Development Project. Seconded by Councilmember Phillips. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22001. Councilmember Spread moved to approve the second reading of an ordinance amending Title 2 Boards and Commissions, Chapter 19 Board of Water, Electric and Communications Trustees, Section 5 Trustee Requirements. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22002. Councilmember Phillips moved to approve the second reading of an ordinance amending Title 1 Administrative, Chapter 6 Mayor and City Council, Section 7 Qualifications of the Mayor and Council Members. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22003. Councilmember Natvig moved to approve the final reading of an ordinance on a proposed zoning change within the City of Muscatine as it relates to the R.L. Fridley Theatres Development Project and directed for its publication as required by law. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22004. Councilmember Shihadeh moved the resolution be adopted approving the voluntary annexation of the Municipal Airport property. Seconded by Councilmember Spread. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22005. Councilmember LeRette moved the resolution be adopted approving the voluntary annexation of property relating to the R.L. Fridley Theatres Development Project. Seconded by Councilmember Phillips. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22006. Councilmember Natvig moved the resolution be adopted approving the voluntary annexation of Parkview Condominiums, Irish Ivy Subdivision, and municipally owned property. Seconded by Councilmember Spread. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22007. Councilmember Shihadeh moved the resolution be adopted setting a public hearing for Thursday, April 19, 2012, at 7 p.m. on the sale of the former National Guard Armory property at 1421 Park Avenue. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22008. Councilmember Fitzgerald moved the resolution be adopted setting a public hearing for Thursday, April 19, 2012, at 7 p.m. on a General Obligation Refunding Loan Agreement and borrowing money in a principal amount not to exceed \$230,000. Seconded by Councilmember LeRette. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22009. Councilmember Fitzgerald moved the resolution be adopted setting a public hearing for Thursday, April 19, 2012, at 7 p.m. on the Harrison Street Construction Project. Seconded by Councilmember Spread. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22010. Councilmember Phillips moved the resolution be adopted setting a public hearing for Thursday, April 19, 2012, at 7 p.m. on the Cedar Street Utility Project. Seconded by Councilmember LeRette. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22011. Councilmember Natvig moved the resolution be adopted awarding the contract to J.L. Brady in the amount of \$122, 279 for the City Hall Boiler Project. Seconded by Councilmember Fitzgerald.

Councilmember LeRette asked if this had been a budgeted line item.

City Administrator Gregg Mandsager stated this is a prior year budget item. He stated staff was successful in receiving grants for the boiler at City Hall as well as the Art Center. He stated the bid for the Art Center boiler came in higher than expected.

Councilmember LeRette stated the project seemed higher than numbers presented previously.

City Administrator Mandsager stated the project did come in higher but that it will be paid through TIF proceeds and the grant monies that were received. He stated staff will be looking at ways to fund the replacement of the Art Center boiler, including funding from the Army Corps reimbursement of flood expenditures.

Vote – All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22012. Councilmember Shihadeh moved the resolution be adopted authorizing the submission of a grant application to the Iowa Department of Transportation for the All Town Sign Replacement Program. Seconded by Councilmember Spread.

Councilmember Natvig asked Public Works Director Randy Hill if he had any idea what the total replacement cost will be to the city.

Mr. Hill stated staff has been able to provide a list to the Iowa Department of Transportation for this grant application. He stated that the overall replacement cost is going to be significant and that staff is looking for other funding sources.

Vote – All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22013. Councilmember Bynum moved the resolution be adopted approving the mortgage release for 312 Gilbert Street. Seconded by Councilmember Phillips. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22014. Councilmember Spread moved the resolution be adopted approving the mortgage release for 111 Clinton Street. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#22015. Councilmember Fitzgerald moved to authorize an agreement with Shoemaker-Haaland in the amount of \$76,300 plus \$3,800 reimbursable for the design of the Mad Creek Sewer Extension Project. Seconded by Councilmember Natvig. All ayes; motion carried.

#22016. Councilmember Natvig moved to authorize an agreement for the geotechnical investigation with Team Services in the amount of \$8,290 with additional borings at \$275 each for the Mad Creek Sewer Extension Project. Seconded by Councilmember Phillips.

Councilmember Spread asked if there will be any type of cap on the additional borings.

Mr. Hill stated there are going to be 23 borings as part of the proposal but there could be a need for additional borings.

Councilmember Fitzgerald asked what could happen that would warrant additional borings.

Mr. Hill stated that hitting shale would require an additional boring.

Vote – All ayes; motion carried.

#22017. Councilmember Bynum moved to authorize the renaming of Harbor Drive to O'Brien Parkway. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#22018. Councilmember Shihadeh moved to authorize a 28E Agreement with the State of Iowa relating to the enforcement of the health inspection program. Seconded by Councilmember LeRette. All ayes; motion carried.

#22019. Councilmember Natvig moved to authorize the issuance of a purchase order to Insight Public Sector in the amount of \$6,964.99 for a high end network firewall. Seconded by Councilmember Spread.

IT Manager John Kreuzenstein gave an explanation on the need for updating the city's current network firewall.

Vote – All ayes; motion carried.

#22020. Councilmember Phillips moved to enter into a lease agreement with Xerox for a new City Hall copier at a rate of \$748.71 per month. Seconded by Councilmember LeRette. All ayes; motion carried.

#22021. Councilmember Natvig moved to approve the submission of an EMS grant to the Muscatine Health Support Foundation in the amount of \$18,949 for equipment to conduct cardiac enzyme testing in the field. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#22022. Councilmember LeRette moved to approve Change Order #5 in the amount of \$4,303 for the South End Fire Station. Seconded by Councilmember Spread.

Councilmember Spread asked for a clarification on the 2.5% contingency fee.

City Administrator Mandsager stated that initially a 2.5% contingency fee was provided for the construction of the South End Fire Station; however, bids came in higher than anticipated which used up that contingency fee. He stated there was \$35,000 included in the Ambulance budget for the purchase of furniture and equipment and since HNI donated a large portion of the furniture for the fire station, any extra costs are being taken from that budgeted amount.

Vote – All ayes; motion carried.

#22023. Councilmember Fitzgerald moved to approve the Rules of City Council. Seconded by Councilmember Natvig.

#22024. Councilmember Fitzgerald moved to amend his motion to combine Items 12.1 and 12.2, pertaining to the cablecasting of the regular City Council meetings and the In-Depth City Council meetings, into one paragraph. Seconded by Councilmember Natvig.

Councilmember LeRette asked why the titles of the items contained in the Consent Agenda were still included as part of the agenda.

City Administrator Mandsager stated the consensus was to keep the titles in the agenda so that should an item be pulled from the Consent Agenda, it can be acted upon at the appropriate place in the agenda. He stated that no action is required to remove an item from the Consent Agenda for separate discussion and action.

There was discussion on the need for alphabetizing items on the Consent Agenda.

Councilmember Fitzgerald stated his was a motion for a friendly amendment. He asked if everyone was in agreement.

Vote – All ayes; motion carried.

Under comments, Councilmember LeRette wished everyone a happy Easter.

Councilmember Shihadeh echoed Councilmember LeRette's Easter wishes.

Councilmember Bynum, speaking in reference to the bridge lighting, asked who would be responsible for the maintenance of the lights now that they are operational.

City Administrator Mandsager stated Muscatine Power & Water would be providing the maintenance.

Councilmember Bynum asked if the city would have any other responsibilities for the lighting, and City Administrator Mandsager answered no.

City Administrator Mandsager stated that last week staff began working on updating the City Code. He encouraged City Council to bring items they would like to see changed to his attention.

Councilmember Fitzgerald asked the City Administrator if he was referring to the entire City Code, and City Administrator Mandsager stated everything but zoning.

#22025. Councilmember Shihadeh moved the meeting be adjourned at 8:05 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

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DeWayne Hopkins, Mayor

ATTEST:

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Gregg Mandsager, City Clerk