

CITY OF MUSCATINE  
REGULAR CITY COUNCIL MINUTES  
Council Chambers – 7:00 p.m. – April 21, 2016

Mayor Broderson called the City Council meeting for Thursday, April 21, 2016, to order at 7:00 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread.

The meeting began with the Pledge of Allegiance.

Mayor Broderson swore in Firefighters Evan Conklin, Dave Jansen, and Spencer Ripperger and Police Officers Andrew Roberts and James Vick.

Councilmember Rehwaldt asked that Item 9A on the Consent Agenda be removed and acted on separately.

#23365. Councilmember Spread, seconded by Councilmember Natvig, moved the Consent Agenda be approved as follows:

- Regular City Council Minutes – April 7, 2016 and In-Depth City Council minutes for April 14, 2016
- Second reading for a Class “C” Liquor License and Outdoor Service for Clamshell, 406 Mississippi Drive – Gerardo Vasquez (pending inspections and insurance); renewal of a Class “B” Wine Permit, Class “C” Beer Permit and Sunday Sales for Creations by Oz, 110 East 2<sup>nd</sup> Street – Jeff and Melissa Osborne (pending inspections and insurance); first and second reading for a Class “C” Liquor License for GM Mini Mart, 2307 Lucas Street – Nanak Express LLC (pending inspections); first and second reading for a Class “C” Liquor License for GM Food Mart, 2881 Highway 61 – Nanak Express LLC (pending inspections); renewal of a Class “C” Liquor License, Outdoor Service and Sunday Sales for Mike’s Hilltop Tap, 929 Lucas Street – Mike’s Hilltop Tap Inc. (pending inspections); renewal of a Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Wal-Mart Supercenter #559, 3003 North Highway 61 – Wal-Mart Stores Inc. (pending inspections); renewal of a Class “E” Liquor License for Walgreens #05885, 1703 Park Avenue – Walgreen Co. (pending inspections); renewal of a Class “C” Liquor License, Outdoor Service and Sunday Sales for El Allende, 1107 Grandview Avenue – El Allende Inc. (pending inspections and insurance); renewal of a Class “B” Beer Permit and Sunday Sales for China Buffet, 1903 Park Avenue #48 – China Buffet of Muscatine Inc. (pending inspections and insurance)
- Request Approved for Use of City Property for the Safety Inspections and Race Packet Pickup for the Muscatine Soapbox Derby on Saturday, June 18, 2016, from noon to 3 p.m. and Tuesday, June 21, 2016, from 5:30 to 7:30 p.m.
- Proclamation Declaring May 1-7, 2016 as “Drinking Water Week”
- Filing of Communications 12A-B
- Approval of Bills for Approval totaling \$2,818,194.68

Vote – All ayes; motion carried.

**PUBLIC HEARING**

Mayor Broderson stated this public hearing was to receive public comment on the Muscatine Municipal Housing Agency Annual Plan and Capital Funding.

There were no public comments concerning the MMHA Annual Plan and Capital Funding.

#23366. Councilmember Fitzgerald moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

### **PUBLIC HEARING**

Mayor Broderson stated this public hearing concerns the proposed declaration of 1202 Indiana Street as surplus property and authorizing its disposal.

There were no oral or written petitions for or against the proposed declaration of said property as surplus and authorizing its disposal.

#23367. Councilmember Fitzgerald moved the public hearing be closed. Seconded by Councilmember Rehwaldt. All ayes; motion carried.

### **PUBLIC HEARING**

Mayor Broderson stated this public hearing concerns the proposed declaration of 1111 Nebraska Street as surplus property and authorizing its disposal.

There were no oral or written petitions for or against the proposed declaration of said property as surplus and authorizing its disposal.

#23368. Councilmember Natvig moved the public hearing be closed. Seconded by Councilmember Harvey. All ayes; motion carried.

#23369. Councilmember Harvey moved the resolution be adopted approving the final plat for Walker Way. Seconded by Councilmember Spread. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

At this time, Mayor Broderson request the approval of Kent Ferris to the Civil Service Commission. There was no action by City Council. Motion failed.

#23370. Councilmember Natvig moved the RAGBRAI Ordinance be adopted and directed for its publication as required by law. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23371. Councilmember Bynum moved the resolution be adopted declaring 1202 Indiana Street as surplus property and authorizing disposal of said property. Seconded by Councilmember Harvey.

Councilmember Fitzgerald asked how the property would be disposed of.

City Administrator Gregg Mandsager stated that staff would be coming back to City Council with a proposed plan for disposing of the surplus property.

Vote – All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23372. Councilmember Bynum moved the resolution be adopted declaring 1111 Nebraska Street as surplus property and authorizing disposal of said property. Seconded by Councilmember Harvey. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23373. Councilmember Spread moved the resolution be adopted setting a public hearing for Thursday, May 5, 2016, at 7:00 p.m. to declare real estate at 303 Brook Street as surplus property and offering said real estate for sale. Seconded by Councilmember Natvig. All ayes; motion carried.

#23374. Councilmember Spread moved the resolution be adopted setting a public hearing for Thursday, May 5, 2016, at 7:00 p.m. to declare real estate at 307 Brook Street as surplus property and offering said real estate for sale. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23375. Councilmember Harvey moved the resolution be adopted setting the date of May 5, 2016 for the sale of General Obligation Corporate Purpose and Refunding Bonds Series 2016 and authorizing the use of the Preliminary Official Statement in connection therewith. Seconded by Councilmember Bynum. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23376. Councilmember Bynum moved the resolution be adopted awarding the bid and approving the contract and bond from Legacy Corporation in the amount of \$98,980 for the Harbor Rip-Rap Maintenance Project. Seconded by Councilmember Natvig.

There was discussion concerning the bid amounts.

Vote – Six ayes: Councilmembers Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. One nay: Councilmember Rehwaldt. Motion carried.

#23377. Councilmember Spread moved the resolution be adopted approving the contract and bond from the Crawford Company in the amount of \$1,590,520 which includes the base bid of \$1,252,870 and Alternates #1 and #3 totaling \$337,650. Seconded by Councilmember Harvey.

Councilmember Rehwaldt stated it was his understanding that tonight's action will obligate the contractor to do Alternates #1 and #3.

City Administrator Mandsager stated he was correct. He stated the city is not obligated to do Alternates #2.

Art Center Director Melanie Anderson stated the decision will be made on September 1, 2016 on whether Alternate #2 will be done by the contractor.

There was further discussion concerning the HVAC project at the Art Center.

Vote – All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23378. Councilmember Fitzgerald moved the resolution be adopted awarding the contract for the Community Development Block Grant Storm Water Project to Triple B Construction Corporation in the amount of \$69,558. Seconded by Councilmember Rehwaldt.

Councilmember Harvey asked for an explanation on the differences between the original bid document and the second bid document.

City Administrator Mandsager stated there were several reasons why the decision was made to rebid the project. He stated the scope of the project was changed to a smaller program.

Community Development Coordinator Adam Thompson explained changes were made prior to going out for bids the second time. He stated the cost of the project was reduced by approximately \$35,000.

There were further questions from City Council which were answered by staff.

City Administrator Mandsager stated this process was recommended by the State of Iowa.

Vote – All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23379. Councilmember Natvig moved to authorize the submission of a grant application for funding of the T-Hangar Apron Expansion Project at the Municipal Airport. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#23380. Councilmember Rehwaldt moved to approve the proposed Urban Chicken Pilot Program. Seconded by Councilmember Bynum.

Councilmember Natvig stated the Egg Gatherers group did a good job during their presentations in favor of the proposed program. He stated he has received many calls from citizens voicing their concerns about allowing chickens within the city limits.

Al Morgan, representing the recently opened chicken hatchery in Wilton, voiced his company's opposition to the program. He stated the primary reason for the opposition is the disease factor.

There were questions from City Council that were answered by Mr. Morgan.

Angie Oveson of 714 West Fulliam Avenue spoke in favor of the proposed pilot program.

Kurt Piper of 216 Roscoe Avenue also spoke in favor the proposed pilot program.

Gary Mowl of 609 Monroe Street voiced his opposition to the pilot program.

Jay Brady 417 Kindler Avenue, representing the Egg Gatherers group, stated he understands the concerns voiced by Mr. Morgan. He then stated backyard flocks have not been an issue in real world risks. He stated the purpose of the proposed pilot program is to ensure the chickens are kept in a clean environment.

Councilmember Harvey stated he had talked with 20 citizens concerning the proposed program and that 11 were in favor of the program and 9 were not.

Councilmember Bynum stated he had talked to numerous citizens as well. He stated he feels the proposed program should be allowed but for a 12-month period instead of 24 months.

Councilmember Natvig stated he received many calls from residents opposed to the proposed program.

Councilmember Spread stated he had received calls from residents as well who are opposed to the proposed program. He stated he is concerned about the money that will be spent regulating it.

Councilmember Saucedo stated it was his understanding that residents owning two acres of land do not have to be part of the proposed pilot program. He stated he has received many calls from residents who are opposed to it. He stated he is not comfortable with a 24-month program.

Mayor Broderon stated she had received many positive calls.

Councilmember Bynum asked how participants will be educated.

City Administrator Mandsager stated they will be required to take a class provided by the Iowa State Extension Office.

Mr. Brady stated that prior to the development of the proposed program, a petition had been signed by 500 residents who were in favor of it.

#23381. Councilmember Saucedo moved to amend the original motion changing the 24-month trial period to an 18-month trial period. Seconded by Councilmember Bynum. Four nays: Councilmembers Fitzgerald, Natvig, Harvey, and Spread. Three ayes: Councilmembers Saucedo, Bynum, and Rehwaldt. Motion failed.

Vote on original motion: Three ayes: Councilmembers Saucedo, Bynum, and Rehwaldt. Four nays: Councilmembers Fitzgerald, Harvey, Spread, and Natvig. Motion failed.

#23382. Councilmember Fitzgerald moved to approve the conversion of E. 2<sup>nd</sup> Street from a one-way to a two-way street between Pine Street and Mulberry Avenue. Seconded by Councilmember Rehwaldt.

Ava McBride of 903 Newell Avenue voiced her opposition to the street conversion and suggested making 3<sup>rd</sup> Street a one-way street instead which she feels would be more cost effective.

Flynn Collier of 229 Fairway Drive spoke in favor of the conversion of E. 2<sup>nd</sup> Street and offered his suggestions as well.

Cindy Hartley, who resides at the 3093 M&W Lane, asked about the cost for the street conversion.

City Engineer Jim Edmond stated the cost for the conversion would be less than \$10,000.

There was further discussion concerning the street conversion.

Clair Martin of 1574 Washington Street voiced her concerns about the street conversion and the affect it would have on her business.

Dan Stein, who serves on the Hotel Development Board, stated the board would like to see a decision made tonight in order to proceed with its development plans.

Vote – Five ayes: Councilmembers Rehwaldt, Fitzgerald, Saucedo, Harvey, and Spread. Two nays: Councilmembers Bynum and Natvig. Motion carried.

#23383. Councilmember Fitzgerald moved to approve the operations contract with Dick Doyle Excavating for the Muscatine County Landfill. Seconded by Councilmember Harvey. All ayes; motion carried.

#23384. Councilmember Rehwaldt moved to approve the lease agreement with Xerox for a new copier for the Community Development Department. Seconded by Councilmember Harvey. All ayes; motion carried.

#23385. Councilmember Natvig moved to approve the purchase of two thermal imager cameras from Sandry Fire Supply in the amount of \$16,398. Seconded by Councilmember Spread. All ayes; motion

carried.

#23386. Councilmember Fitzgerald moved to approve the 2017 Annual Plan and Capital Fund Annual Statement and to authorize the Mayor to sign PHA Certification of Compliance with PHA Plans and related regulations including Civil Rights and PHA Plan Elements that have changed and Civil Rights Certification. Seconded by Councilmember Rehwaldt. All ayes; motion carried.

#23387. Councilmember Natvig moved to approve acceptance of the United Way grant for operation of the Sunset Park Education Center and authorizing Mayor and Housing Administrator to sign the Partner Agency Agreement. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#23388. Councilmember Spread, seconded by Councilmember Rehwaldt, moved to have City Council hereby direct the City Attorney to prepare any appropriate draft amendments to the City Code Sections and as follows:

- Title 2, Chapters 1-10 – Boards and Commissions: Changing the appointing authority for all boards and commissions to the City Council
- Title 1-11-2: Changing the appointment and removal authority for the Fire Chief and Police Chief to the City Administrator subject to approval of the City Council
- All appropriate City Code, Title and Chapter requiring the City Council to hold an organization meeting at the first regular meeting in January wherein the City Council shall allocate Mayoral and City Council representation on boards, commissions and committees, except as provided by law or as determined by the bylaws of outside agencies

The City Council further directs the City Attorney to work with the City Administrator and notify the City Administrator when the draft amendments are available for discussion at a future in-depth session that the City Attorney shall attend.

Vote – All ayes; motion carried.

Mayor Broderson stated she was going to veto this action but was told by City Council she would not be able to do so because it was a motion and not a resolution.

#23389. Councilmember Natvig moved to approve the purchase of two new Stalker radar units in the amount of \$5,732. Seconded by Councilmember Harvey. All ayes; motion carried.

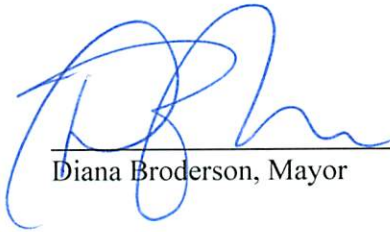
#23390. Councilmember Rehwaldt moved to approve the LIFTS grant agreement for a Multi-Modal Port Facility Feasibility Study. Seconded by Councilmember Spread. All ayes; motion carried.

Under comments, Councilmember Spread stated that Mayor Broderson's parking concerns have been provided to the Traffic Committee who will be addressing the issues.

Mayor Broderson invited everyone to attend her Coffee with the Mayor this Saturday at Happy Joe's.

#23391. Councilmember Harvey moved the meeting be adjourned at 8:40 p.m. Seconded by Councilmember Rehwaldt. All ayes; motion carried.



  
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Diana Broderson, Mayor

ATTEST:

  
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Gregg Mandsager, City Administrator