

CITY OF MUSCATINE  
REGULAR CITY COUNCIL MINUTES  
Council Chambers – 7:00 p.m. – April 7, 2011

Mayor Pro-Tem Dyann Roby called the City Council meeting for Thursday, April 7, 2011, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange.

The meeting began with the Pledge of Allegiance.

#21519. Councilmember Shihadeh moved to approve the minutes of the March 17, 2011 City Council meeting. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21520. Councilmember Lange moved the Consent Agenda be approved as follows: First reading for a new Class C Beer and Sunday Sales Permit for Casey's General Store #2944, 3010 University Drive – Casey's Marketing Co. (pending inspections); first reading for a new Class E Liquor License and Sunday Sales Permit for Discount Mart, 216 Green Street – Goroya Inc. (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.; renewal of a Class A Liquor License and Sunday Sales Permit for American Legion Club, 110 Houser Street – Edward H. Bitzer Post #27 of the American Legion Club; renewal of a Class B Beer and Sunday Sales Permit for Pizza Ranch of Muscatine, 105 Ford Avenue – Psychodog Enterprises Inc.; Cigarette Permit for Discount Mart at 216 Green Street – Goraya Inc.; filing of Communications A-F; and Bills for Approval totaling \$1,587,565.91. Seconded by Councilmember Bynum. All ayes; motion carried.

**PUBLIC HEARING**

Mayor Pro-Tem Roby stated a public hearing was being held concerning the vacation of certain rights-of-way as it pertains to Elm Street and the alley right-of-way in Block 42 of Original Town. Seconded by Councilmember Natvig.

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

#21521. Councilmember Fitzgerald moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

**PUBLIC HEARING**

Mayor Pro-Tem Roby stated a public hearing was being held concerning the proposed Cedar Street Utility Project.

Paul Kraushaar, 1737 Arbor Oaks Drive, whose property is adjacent to Cedar Street, stated he would like to know more about the phases of this project. He stated he did not realize that some of the property required for the project will be purchased or donated. He stated he does not know enough about the project to respond to the information he has received.

City Engineer Jon Lutz stated that in the next couple of weeks Jim Rudisill from the city's Community Development Department will be visiting residents whose property will be affected by this project. He stated the 2011 phase of the project will be culvert work. He stated that in 2012 utility work will take place and in 2013 the paving will be done. He stated that Mr. Rudisill will be discussing the project with property owners. He then stated that individuals are welcome to call Public Works to schedule a meeting with him either at their home or in his office.

Councilmember Shihadeh asked about the timeframe for this phase of the project.

Mr. Lutz stated the goal is to have the documents for the bid letting finished in May and bids solicited in early June.

Mr. Kraushaar, speaking in reference to the 2013 paving portion of the project, stated his business is located on Cedar Street as well. He stated he travels up and down Cedar Street a lot. He asked if any interim repairs will be made to the roadway surface prior to paving in 2013.

Mr. Lutz stated Cedar Street was re-asphalted from Houser Street to the bypass and that the city will try and limp along with cold patch until the paving takes place in 2013.

Councilmember Fitzgerald asked if the potholes will be patched.

Mr. Lutz answered yes. He explained why cold patch would be used.

Tim Smith, 1741 Arbor Oaks Drive, asked where the street was going to go exactly.

Mr. Lutz stated the alignment of the street pretty much has to follow where it is now. He stated it will be necessary to put the sidewalk on the south side of Cedar Street and that City Council has indicated they want the trail on the north side of the street. He pointed out it will not be necessary to remove the timber.

There was discussion concerning the elevation of the trail.

Mayor Pro-Tem Roby stated she feels this is a topic that should be discussed at an in-depth meeting.

Mr. Lutz stated that a lot of the details can be handled individually with the residents.

Mr. Smith stated he feels it would be more expensive to do the Cedar Street project as planned.

City Administrator Gregg Mandsager stated that tonight's discussion concerns strictly the utility portion of the project. He stated that construction does not begin until 2013. He stated that between now and then individual meetings and neighborhood meetings will be held.

Mr. Kraushaar stated that currently Muscatine Power & Water's lines are above ground. He asked if they would remain on poles.

City Administrator Mandsager stated that discussions are underway with Muscatine Power & Water concerning this issue.

Mayor Pro-Tem Roby asked residents to call Mr. Lutz if they have questions or concerns.

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

#21522. Councilmember Lange moved the public hearing be closed. Seconded by Councilmember LeRette.

Councilmember Shihadeh stated he felt it would be good for the community to keep residents on Cedar Street informed every step of the way.

Vote - All ayes; motion carried.

#21523. Councilmember LeRette moved to approve the request from Pete's Tap, 1820 Angle Street, for use of the city-owned parking lot behind the facility on Saturday, May 21, 2011, from noon to 2 p.m. Seconded by Councilmember Fitzgerald.

Councilmember LeRette asked if there was a precedence for the fencing either way.

Community Development Director Steve Boka stated the fencing provides a way to control events.

Vote – All ayes; motion carried.

#21524. Councilmember Lange moved to approve the use of city property for the Hayes Hustle 5K Race on April 16, 2011 beginning at 9 a.m. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21525. Councilmember Natvig moved to approve the request from the Greater Muscatine Chamber of Commerce & Industry for the use of city property for a State Historical Society of Iowa Civil War Traveling Exhibit on June 30, 2011 from July 5, 2011. Seconded by Councilmember Shihadeh.

Jane Daufeldt, representing the GMCCI, stated that because of the need for power to accommodate the trailer, she is asking for flexibility from staff if it becomes necessary to relocate it.

Vote – All ayes; motion carried.

#21526. Councilmember Shihadeh moved to approve the request from the Greater Muscatine Chamber of Commerce & Industry for the use of city property for 4<sup>th</sup> of July activities. Seconded by Councilmember Bynum.

Ms. Daufeldt stated the GMCCI is really excited about the city's endorsement of the upcoming 4<sup>th</sup> of July activities which also includes the Civil War traveling exhibit.

Vote – All ayes; motion carried.

#21527. Councilmember LeRette moved the proclamations be adopted declaring April 22, 2011 as "Earth Day 2011"; April 18-23, 2011 as "Plug Into Your Family Week"; and April 2011 as "Child Abuse Prevention Month". Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21528. Councilmember Natvig moved to approve the first reading of an ordinance vacating certain rights-of-way in the City of Muscatine as it pertains to Elm Street and the alley right-of-way in Block 42 of Original Town. Seconded by Councilmember Fitzgerald.

Councilmember Lange asked how much revenue would be generated from this vacation request.

Community Development Director Boka stated the total area involved is approximately 12,000 square feet and should generate approximately \$13,000.

Vote – All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and first reading of the ordinance approved.

#21529. Councilmember Bynum moved to approve the second reading of an ordinance amending Title 6 Fire Regulations, Chapter 1 Fire Department Regulations, Chapter 2 Open Burning, Chapter 4 Fireworks and Explosives, and Chapter 5 Fire Inspections. Seconded by Councilmember Lange.

Councilmember LeRette stated that he does not have a problem with 6-1 (Fire Department Regulations) and 6-5 (Fire Inspections); however, he does have a problem with 6-2 (Open Burning), and Chapter 4 (Fireworks

and Explosives), particularly as it pertains to the proposed burn permit for fire pits and the \$200 permit fee for fireworks. He stated he feels that now is not the time to add additional charges for private citizens. He stated he feels the permit fee for fire pits should be removed and the fee for fireworks reduced.

Mayor Pro-Tem Roby asked how the fee will be implemented if this ordinance moves forward because the fee is for the calendar year and the city operates on a fiscal year. She asked if the fee will be pro-rated.

City Administrator Mandsager stated it will probably have to be pro-rated for the first year. He stated that the fees being proposed are comparable to what other communities in Iowa charge. He asked Fire Chief Jerry Ewers what services are provided during a fireworks display.

Chief Ewers stated the Fire Department provides an engine with two to three firefighters for approximately four hours. He stated there is no reimbursement for the overtime cost and that \$200 is pretty cheap for the service provided. Speaking in reference to the burn permit fee, he stated that \$25 per year is pretty reasonable. He pointed out that the city does have a "no burning" ordinance.

City Administrator Mandsager stated the city does respond to calls. He stated that if residents are going to burn, they need to make sure they notify the Fire Department.

Chief Ewers stated there is a lot of administrative time involved. He stated the department also works with MUSCOM when it comes to the burn permits.

Vote – Six ayes: Councilmembers Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. One nay: Councilmember LeRette. Motion carried and ordinance approved on second reading.

#21530. Councilmember Shihadeh moved the resolution be adopted setting a public hearing for the 2011 Pavement Management Program for Thursday, April 21, 2011, at 7 p.m. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21531. Councilmember Fitzgerald moved the resolution be adopted approving the contract and bond from Sulzberger Excavating in the amount of \$1,078,751.93 for the Hershey Avenue Reconstruction Project. Seconded by Councilmember Shihadeh.

Mayor Pro-Tem Roby stated the streets continue to improve thanks to the 1% Local Option Sales Tax.

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

#21532. Councilmember Fitzgerald moved the resolution be adopted approving the pay plan for non-union employees. Seconded by Councilmember Bynum. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21533. Councilmember LeRette moved the resolution be adopted authorizing the assessment of unpaid abatement costs to private properties. Seconded by Councilmember Fitzgerald.

Councilmember Lange asked if all the assessments stemmed from snow removal.

Community Development Director Boka stated that some of the assessments were from snow removal but not all of them.

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

#21534. Councilmember Lange moved the resolution be adopted authorizing the acceptance of an Iowa Finance Authority Housing Counseling Program Grant. Seconded by Councilmember Fitzgerald.

Councilmember Fitzgerald asked if this program is open to anyone or if it was for people on public housing assistance.

Housing Administrator Dick Yerington stated it is open to anyone at 80% of the median income.

Councilmember Fitzgerald asked if someone residing at the Muscatine Center for Social Action would fit the bill.

Housing Administrator Yerington answered yes. He stated the Housing Department does provide an education course. He stated the GMCCI has a grant program available to those that finish the course that provides a \$2,000 down payment for closing cost assistance.

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

#21535. Councilmember Natvig moved the resolution be adopted setting a public hearing on the consolidation of the Muscatine Urban Renewal Areas and corresponding Urban Renewal Plan amendment for Thursday, May 5, 2011, at 7 p.m. Seconded by Councilmember Fitzgerald.

City Administrator Mandsager stated that additional information will be provided at the April In-Depth meeting.

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

#21536. Councilmember Shihadeh moved the resolution be adopted accepting change orders totaling \$11,325 for a Community Development Block Grant project at 104 George Street. Seconded by Councilmember LeRette. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21537. Councilmember Fitzgerald moved to approve Change Order #4 for the Clay Street Reconstruction Project. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21538. Councilmember Lange moved to approve the purchase of road rock salt from Morton Salt Inc. in the amount of \$59.27 per ton. Seconded by Councilmember LeRette. All ayes; motion carried.

#21539. Councilmember LeRette moved to authorize an agreement with Shoemaker-Haaland in an amount not to exceed \$12,744 for construction administrative services pertaining to the Weed Park to Wildcat Den Trail Project and the Hershey Avenue Reconstruction Project. Seconded by Councilmember Natvig. All ayes; motion carried.

#21540. Councilmember Fitzgerald moved to approve change orders for the Hershey Avenue Storm and Sanitary Sewer Construction Project 2. Seconded by Councilmember Natvig.

Councilmember Fitzgerald inquired about the \$8,200 for the late date of paving of Hershey Avenue.

City Administrator Mandsager stated that cost is related to the winter weather and keeping the concrete at the proper temperature.

Public Works Director Randy Hill stated the city had requested a timetable from the contractor regarding Hershey Avenue and the fact the city wanted a surface down before cold weather moved in. They had suggested laying down rock but city staff did not agree. He stated staff felt the roadway could be paved before the start of cold weather. He stated that because the city wanted the roadway paved, the subcontractor requested \$26,000 for the work but staff did not agree. He stated the city expected the contractor to pour the concrete. He stated that once it was poured, the base had to be warmed and cured. He stated the \$8,000 is what the city paid for the blankets to cover the concrete.

Councilmember Fitzgerald asked why the city is expected to pay the contractor this money when the work was part of the requirement to do the job.

Public Works Director Hill stated the city does not have to pay the \$8,000; however, it would be better to have a street that works now instead of having Hershey Avenue torn up.

Councilmember LeRette asked if the project is on schedule.

Public Works Director Hill stated that overall the project is on schedule. He stated Main Street is now ready for concrete; however, asphalt plants do not open until May. He stated the city will not allow the closing of Green and Main streets at the same time. He stated for the most part everything is on schedule. He stated that part of the delays on this project had to do with the design of Mississippi Drive which had to be approved by the Iowa Department of Transportation.

City Administrator Mandsager stated this amount does not have to be paid; however, it is a reasonable cost to get the road open for winter.

Vote – Five ayes: Councilmembers LeRette, Natvig, Shihadeh, Roby, and Lange. Two nays: Councilmembers Fitzgerald and Bynum. Motion carried.

#21541. Councilmember Fitzgerald moved to approve Change Order #3 for the Mad Creek Levee Project. Seconded by Councilmember Lange. All ayes; motion carried.

#21542. Councilmember Shihadeh moved to approve engineering services for the renovation of the municipal hangar and t-hangar roofs. Seconded by Councilmember LeRette. All ayes; motion carried.

#21543. Councilmember Lange moved to approve the issuance of two purchase orders to Konecranes with the first in the amount of \$97,232 for a new crane system for the Papoose Lift Station and the second in the amount of \$37,478 for the removal and replacement of the existing crane. Seconded by Councilmember Natvig. All ayes; motion carried.

#21544. Councilmember LeRette moved to approve Change Order #7 in the amount of \$32,814 for the Water Pollution Control Plant Renovation Project. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21545. Councilmember Shihadeh moved to approve the fire protection agreement for the HNI Warehouse at 2918 Highway 22 East. Seconded by Councilmember LeRette. All ayes; motion carried.

#21546. Councilmember Shihadeh moved to approve the pre-annexation agreement with the Parkview Condominium Association. Seconded by Councilmember Bynum.

Councilmember Fitzgerald asked if there are requirements that must be met when closing out the septic systems. He also asked if someone from the city will be making sure the work is being done correctly.

Community Development Director Boka stated the city will be present throughout the process. He stated the Association has hired Sulzberger Excavating for the closure or removal of the septic systems.

Vote – All ayes; motion carried.

Under comments, City Administrator Mandsager stated he had received a late request for the approval of a resolution setting a public hearing on the plans, specifications, form of contract, cost estimate, and setting a bid opening date for the project identified as “Rehabilitate Runway Lighting” at the municipal airport. He stated the public hearing will be held Thursday, April 21, 2011, at 7 p.m. He asked that Council take action to adopt the resolution.

#21547. Councilmember Fitzgerald moved the resolution be adopted. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

City Administrator Mandsager, speaking in reference to the automatic traffic enforcement devices, stated the cameras at Cedar and Houser streets will go live on April 10, 2011 and the remainder will go live on April 18, 2011. Speaking in reference to the Park Avenue and Washington Street intersection, he stated a survey will be done on April 18, 2011 to determine the exact location for the camera and whether or not Gatso will have to acquire a small portion of property.

Councilmember LeRette commended Solid Waste Manager Laura Liegois for her work on rolling out the curbside recycling program.

Ms. Liegois stated there have been a few minor glitches but overall the first week has gone smoothly. She stated the majority of people are excited about the program. She stated the tonnage brought in this week has been reduced.

Mayor Pro-Tem Roby stated that staff has done a great job getting the recycling program underway.

Councilmember LeRette stated he has gotten requests from people about obtaining different sized containers.

Ms. Liegois stated if someone would like to obtain a different size container, they should contact the transfer station at 263-9689.

Councilmember Shihadeh asked if information will be provided in the future to see if the program is on the right track.

Ms. Liegois stated she will probably do so in approximately six months to allow for a more accurate review of the results.

Councilmember Natvig echoed the previous compliments to Laura Liegois and staff for the recycling program. He also extended kudos to Dick Yerington for the new Sunset Park Addition.

#21548. Councilmember Shihadeh moved the meeting be adjourned at 8:15 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.



  
Dyann Roby, Mayor Pro-Tem

  
Gregg Mandsager, City Administrator