

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – February 2, 2012

Mayor DeWayne Hopkins called the City Council meeting for Thursday, February 2, 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.

Mayor Hopkins welcomed Scout Troop #406 to the meeting.

Anthony Wolfmueller, 2422 Park Avenue #16, stated he was present to appeal the surrendering of his two pet ball pythons. He stated he had not been aware that ownership of the snakes was in violation of the city ordinance pertaining to dangerous animals.

He stated the ball pythons are the smallest of the python breed and they could never overpower a human being. He stated he does understand the city's concern.

He stated he was at the meeting to ask City Council to allow him to keep his two ball pythons.

City Administrator Gregg Mandsager stated there are two items City Council could consider. First, City Council could disagree with the definition that states the two ball pythons are constrictors and second, they could consider giving Mr. Wolfmueller an additional length of time to remove the pythons from the city limits.

Councilmember Fitzgerald pointed out they are constrictors.

Mr. Wolfmueller stated that Councilmember Fitzgerald was correct. He stated there are only two classes of snakes and they are venomous and constrictors.

Councilmember Bynum asked how old the ordinance was, and Police Chief Brett Talkington stated it is 20+ years old.

City Administrator Mandsager stated this is the first appeal the city has had regarding pythons.

Councilmember Bynum asked Mr. Wolfmueller how long he has had the pythons.

Mr. Wolfmueller stated he has had them for roughly three years.

Councilmember Bynum asked Mr. Wolfmueller if he had been aware of the city's ordinance.

Mr. Wolfmueller stated he had been aware of the state law but had not been aware of the city's ordinance.

Councilmember LeRette asked Mr. Wolfmueller where he had gotten the snakes.

Mr. Wolfmueller stated one was from Davenport and the other from his ex-wife.

Councilmember LeRette asked about the size of the snakes.

Mr. Wolfmueller stated the small one is approximately 3' and the larger one approximately 5 ½'.

Councilmember Phillips stated she had been contacted by a woman who stated she wants the snakes exterminated.

City Administrator Mandsager stated the pet owner is required to remove the pet from the city limits as part of the city's ordinance.

Councilmember Shihadeh stated he respected Mr. Wolfmueller's decision to have exotic animals as pets and the fact he is a good caretaker of the animals. He stated the ordinance on the books is not for him but for those who do not take care of their pets. He stated he would be voting in favor of the ordinance.

Councilmember Natvig agreed with Councilmember Shihadeh. He stated City Council would have to be very careful about making exceptions to the ordinance.

Councilmember Fitzgerald asked Mr. Wolfmueller how much time he had been given to dispose of the snakes, and he answered three days.

Councilmember Fitzgerald asked Mr. Wolfmueller if 30 days would be sufficient time to find a suitable place for the snakes, and Mr. Wolfmueller stated that 30 days would be adequate.

Councilmember LeRette stated that he felt the ordinance might need to be more descriptive. He then stated that because there is an ordinance in place, City Council is in agreement on what needs to be done.

#21910. Councilmember Fitzgerald moved to give Mr. Wolfmueller an additional 30 days to remove the snakes from the city limits. Seconded by Councilmember Natvig. Five ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, and Spread. Two nays: Councilmembers Bynum and Phillips. Motion carried.

#21911. Councilmember Spread moved to approve the minutes of the January 19, 2012 City Council meeting, the January 26, 2012 General Fund Overview, and the January 28, 2012 Budget meeting. Seconded by Councilmember Phillips. All ayes; motion carried.

#21912. Councilmember LeRette moved the Consent Agenda be approved as follows: Filing of Communications A-C and approval of Bills for Approval totaling \$1,554,711.03. Seconded by Councilmember Spread. All ayes; motion carried.

#21913. Councilmember Bynum moved to approve the use of city property for the Annual Great River Days Community Celebration on July 23-29, 2012. Seconded by Councilmember Natvig. All ayes; motion carried.

#21914. Councilmember Shihadeh moved the proclamation be adopted declaring January 27, 2012 as "Muscatine Blue Zones Day". Seconded by Councilmember LeRette. All ayes; motion carried.

#21915. Councilmember Natvig moved to approve the appointment of Dyann Roby to the Planning and Zoning Commission. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21916. Councilmember Bynum moved the resolution be adopted setting a public hearing for the West Hill Phase I Sewer Separation Project for Thursday, February 16, 2012, at 7:00 p.m. Seconded by Councilmember LeRette. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#21917. Councilmember Fitzgerald moved the resolution be adopted authorizing the assessment of unpaid abatement costs to private properties. Seconded by Councilmember Natvig.

Councilmember Natvig asked Community Development Director Steve Boka if he was seeing a trend in the assessment of unpaid abatement costs.

Mr. Boka stated he didn't think so. He pointed out that many of the assessments involve vacated properties which create repeat type actions.

Councilmember Spread stated the agenda verbiage states assessments are submitted periodically for action by City Council. He asked Mr. Boka to explain what that means.

Mr. Boka stated that his department tries to deal with the assessments on a quarterly basis. He stated that bills are sent to property owners giving them the opportunity to pay for the services rendered before it reaches the point for tonight's action.

Councilmember Spread stated that from time to time this issue comes up when property is being sold. He asked if there was some way to communicate there are assessments against properties being sold.

Mr. Boka stated the big orange stickers placed on the doors let people know there is money owed against a property. He stated that if a buyer looks at a property, the information is there on the sticker.

There was further discussion on the assessment process.

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

#21918. Councilmember Spread moved to approve the updated policy for the examination/copying of public records. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21919. Councilmember Phillips moved to approve Amendment #1 to the Mississippi Drive Corridor Project. Seconded by Councilmember Fitzgerald.

Councilmember LeRette asked if the survey would still be required if the option was chosen that did not touch the Puritan Ice property.

Mr. Boka answered yes and then explained why. He stated the project cannot move forward without the 4(f) statement. He stated that if City Council chooses not to pursue the 4(f), then the state and federal participation is off the table and the city would not be able to go back for funding which means only local dollars could be used for the project.

Councilmember Spread stated the actual project extends from Carver Corner to the Norbert Beckey Bridge. He asked if the survey is restricted to Carver Corner or if it was for the entire corridor.

Mr. Boka stated the study will include Carver Corner to the Norbert Beckey Bridge.

Councilmember Fitzgerald asked if the Iowa Department of Transportation could override the option selected by City Council.

Mr. Boka stated that his experience with the IDOT is that they would work with the community if they felt another option would be better. He stated he was sure they would explain their reasoning to City Council.

Councilmember LeRette asked what the timeframe was for having the survey completed.

Mr. Boka stated we are probably looking at a six-month timeframe.

Vote – All ayes; motion carried.

#21920. Councilmember Natvig moved to approve Change Order #1 for the “Rehabilitate Runway Lighting” at the Municipal Airport. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21921. Councilmember Spread moved to approve the master agreement for engineering services with Anderson-Bogert Engineers and Surveyors Inc. in the amount of \$12,684.04 for the Obstruction Survey and Removal Project at the Municipal Airport. Seconded by Councilmember Bynum. All ayes; motion carried.

#21922. Councilmember Fitzgerald moved to approve the amended and restated security fence agreement with Grain Processing Corporation for the Muscatine Island Levee. Seconded by Councilmember LeRette. All ayes; motion carried.

#21923. Councilmember Fitzgerald moved to approve the engineering services agreement with Snyder & Associates in the amount of \$45,000 for the Connector Location Study from U.S. 61 to Iowa 38. Seconded by Councilmember Natvig.

Councilmember Fitzgerald asked about the findings of the study Snyder & Associates had done in 2005.

Public Works Director Randy Hill stated that study dealt with the development occurring with Walmart, University Drive and the potential traffic control devices. He stated the study, which was initiated by the IDOT, is available for review.

Councilmember Fitzgerald asked if there was any discussion about a connecting road at that time, and Mr. Hill answered no.

Councilmember Natvig asked if other bids had been received.

Mr. Hill stated the city does not normally solicit bids for professional services. He stated staff is comfortable with the draft agreement being submitted for consideration.

Councilmember LeRette asked if this survey would impact potential annexation.

Mr. Hill stated the results of the study will determine how this area could potentially grow.

Councilmember Fitzgerald asked if the study would have a shelf life, and Mr. Hill answered yes.

Vote – All ayes; motion carried.

Under comments, Councilmember Spread stated that in the early morning hours of December 18, 2011 there was a drive-by shooting on Orange Street. He stated that arrests have been made. He thanked the Police Department for doing an extraordinary job.

Police Chief Brett Talkington expressed his appreciation for the recognition of his department.

City Administrator Mandsager stated that at the February In-Depth meeting he would be reviewing the City Council rules. He asked folks to contact him if they have any items they would like considered.

#21924. Councilmember Fitzgerald moved to declare city property as surplus prior to listing the items on Public Surplus. Seconded by Councilmember Phillips. All ayes; motion carried.

#21925. Councilmember Shihadeh moved to go into Closed Session at 7:50 p.m. to discuss pending litigation. Seconded by Councilmember Spread. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

Mayor Hopkins called the Closed Session to order at 8:02 p.m. Councilmembers present were LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Also present were City Administrator Mandsager, Fire Chief Jerry Ewers, and Attorney Pat Burke via telephone.

#21926. Councilmember Shihadeh moved to leave the Closed Session at 8:21 p.m. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Phillips, and Spread. Motion carried.

#21927. Councilmember Shihadeh moved the meeting be adjourned at 8:22 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.




Gregg Mandsager, City Administrator


DeWayne Hopkins, Mayor