

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – September 16, 2010

Mayor Dick O'Brien called the City Council meeting for Thursday, September 16, 2010, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange.

Councilmember Roby gave the opening prayer which was followed by the Pledge of Allegiance.

#20268. Councilmember Bynum moved to approve the minutes of the September 2, 2010 City Council meeting and the September 9, 2010 In-Depth Council meeting. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#20269. Councilmember Lange moved the Consent Agenda be approved as follows: Second reading on a new Class B Beer and Sunday Sales Permit for Pete's Tap, 1820 Angle Street – Oscar's LLC (pending inspections); renewal of a Class C Beer and Sunday Sales Permit for Casey's General Store #1484, 1111 Oregon Street – Casey's Marketing Company (pending inspections); renewal of a Class B Liquor License and Sunday Sales Permit for Econolodge, 2402 Park Avenue – Kesi Investments Inc. (pending receipt of final paperwork); filing of Communications A-B; and Bills for Approval totaling \$1,831,721.84. Seconded by Councilmember Roby. All ayes; motion carried.

#20270. Councilmember Shihadeh moved to approve the request from the Downtown Action Alliance for the use of city property for a Fall Festival on October 9, 2010. Seconded by Councilmember Bynum. All ayes; motion carried.

#20271. Councilmember Natvig moved to approve the request from the Muskie Cheer Booster Club to display fireworks after the Muscatine High School homecoming game on Friday, September 24, 2010. Seconded by Councilmember Roby.

Councilmember Shihadeh asked about insurance for this event.

Councilmember Lange, speaking on behalf of the Muscatine School District, stated the school district would cover it.

Councilmember Fitzgerald stated the public must be notified the fireworks will be taking place.

Administrative Secretary Fran Donelson stated she would contact the Muskie Cheer Club and let them know it must be publicized.

Councilmember Bynum asked where the display would be taking place.

Councilmember Lange stated the display would be in the area of the high school grounds.

City Administrator Gregg Mandsager stated the Fire Department will be present.

Councilmember Bynum asked if Mr. Garrison is licensed.

Assistant Fire Chief Garry Lee stated the display will take place behind the visitor's bleachers. He stated Mr. Garrison must be licensed and insured in order to obtain the permit.

#20272. Councilmember Shihadeh moved the original motion be amended to include the stipulation that the public be notified of the event and that proof of insurance be provided. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

Vote on original motion as amended – All ayes; motion carried.

#20273. Councilmember Roby moved to set Trick or Treat Night for Saturday, October 30, 2010, from 5 to 7 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#20274. Councilmember Roby moved the proclamations be adopted declaring October as “Domestic Violence Awareness Month”; October 3, 2010 as “CROP Walk for Hunger Day”; and October 3-9, 2010 as “Public Power Week”. Seconded by Councilmember Natvig. All ayes; motion carried.

#20275. Councilmember Fitzgerald moved to waive the rules and adopt on final reading an ordinance approving the partial vacation of rights-of-way and easements located within the Cedars First and North Port Commons Additions and directed for its publication as required by law. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and ordinance adopted on final reading.

#20276. Councilmember Fitzgerald moved the resolution be adopted approving the final plat for the Cedars Second Addition in the City of Muscatine. Seconded by Councilmember Lange.

Councilmember Shihadeh asked when construction would begin.

Jason Harder stated work will begin as soon as possible.

Vote – 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 ordinance amending Title 7 Police Regulations, Chapter 20 Traffic, adding a new Section 10 Automated Traffic Enforcement, stated he was prepared to address any questions Council might have. He recommended Council adopt the ordinance as drafted so that it can be moved forward. He stated if there are issues that arise, they can be addressed at a later date.

Councilmember Fitzgerald asked if an additional reading would be required if the ordinance is amended.

City Attorney Harvey Allbee Jr. stated that technically, a fourth reading is not required; however, it would require a $\frac{3}{4}$ majority vote.

#20277. Councilmember Lange moved the ordinance be adopted as submitted and directed for its publication as required by law. Seconded by Councilmember Roby.

#20278. Councilmember Fitzgerald moved the motion be amended to change the fine for the 1 through 10 mile per hour over the speed limit to \$50 and to waive the rules and adopt the ordinance on final reading.

The motion died for lack of a second.

Councilmember Shihadeh asked if the digitized signs that are on Cedar Street could be used at the intersections having the cameras.

Public Works Director Randy Hill stated the signs on Cedar Street are a result of Phase I of the Hershey Avenue Sewer Separation Project. He stated they were going to be placed on Bond Street; however, that street does not go anywhere so the decision was made to put the signs on Cedar Street. He stated the IDOT had nothing to do with the placement of the signs. Mr. Hill stated the signs cost approximately \$4,000 each.

Police Chief Gary Coderoni stated each intersection will have signs stating they are red light controlled.

#20279. Councilmember Lange moved the original motion be amended to change the 1 to 10 mile per hour threshold to 6 to 10 miles per hour with a fine of \$50. Seconded by Councilmember Fitzgerald. Five nays: Councilmembers LeRette, Natvig, Shihadeh, Bynum, and Roby. Two ayes: Councilmembers Lange and Fitzgerald. Motion failed.

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

#20280. Councilmember Roby moved the resolution be adopted accepting easements for the Weed Park to Wildcat Den State Park Trail Project from the Eastern Iowa Community College District and HNI Corporation. Seconded by Councilmember LeRette. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20281. Councilmember Bynum moved the resolution be adopted accepting easements for the Hershey Avenue Sewer Separation Project from Rick and Karon Rubendall and Lindley L. Schenkel and Jocelyn J. Paxton. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20282. Councilmember Lange moved the resolution be adopted accepting easements for the Papoose Creek Sewer Structure Access Project from Sally Potter and Trinity Muscatine. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20283. Councilmember Bynum moved the resolution be adopted accepting completed work for 212 Grover Street and authorizing final payment to Daniels Construction. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20284. Councilmember Shihadeh moved the resolution be adopted approving the Annual Street Finance Report for the fiscal year ending June 30, 2010. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#20285. Councilmember Shihadeh moved to approve the request to accept the bid from the Krieger Motor Company in the amount of \$26,224 for the purchase of an ambulance chassis. Seconded by Councilmember LeRette. All ayes; motion carried.

#20286. Councilmember Bynum moved to accept the I-JOBS II grant agreement for Fire Station #2. Seconded by Councilmember Lange.

Councilmember Roby stated that during Governor Culver's announcement on Wednesday, Fire Chief Jerry Ewers was recognized for the quality of his grant application. She complimented Chief Ewers for doing such a good job.

Vote – All ayes; motion carried.

City Administrator Mandsager, speaking in reference to the request to approve the professional services agreement with Invision Architectural for Fire Station #2, stated City Council actually approved the agreement in January 2010 and this request is a continuation of that agreement.

#20287. Councilmember Bynum moved to approve the continuation of the professional services agreement with Invision Architectural for Fire Station #2. Seconded by Councilmember Roby.

There was discussion on the square footage of the central fire station.

Vote – All ayes; motion carried.

#20288. Councilmember Shihadeh moved to approve the purchase of easements from RMI Investments and David J. Bird and Linda J. Bird in the amount of \$19,000 for Phase II of the Mad Creek Levee Improvement Project. Seconded by Councilmember Natvig. All ayes; motion carried.

#20289. Councilmember Lange moved to approve the purchase of easements from Robert P. Bryant and Rosemary Bryant in the amount of \$700 for Phase II of the Mad Creek Levee Improvement Project. Seconded by Councilmember Roby. All ayes; motion carried.

#20290. Councilmember LeRette moved to approve the design contract with Stanley Consultants for the West Hill Sewer Separation Project. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#20291. Councilmember LeRette moved to approve the installation of bicycle racks in the downtown area. Seconded by Councilmember Shihadeh.

Lindsay El Bahi, 1232 Park Avenue, showed the pictures of the proposed bicycle racks.

Councilmember Roby asked if all the designs shown would be used, and Ms. El Bahi answered yes.

Councilmember Roby then asked if the racks would be removed in the fall and also asked who would maintain them.

Mr. Hill wanted City Council to know the city is not paying for these racks. He stated it is in the bike club's best interest to donate them to the city because otherwise they would have to supply insurance and would be responsible for liability. He stated the city will see they are installed and removed.

Councilmember Natvig asked if they would be installed on a concrete base and bolted down.

Mr. Hill stated they will slip into sleeves. He stated the city would assist in the initial installation to ensure ADA requirements are met.

Peg Heither, secretary for the Melon City Bike Club, stated the racks are coated with a galvanized rubber. She stated the Keep Muscatine Beautiful group is going to purchase a rack and it is hoped that others follow suit.

Ms. El Bahi stated the bike club hopes to get the community involved.

Councilmember Lange asked if they would be placed on the sidewalks, and Mr. Hill answered yes.

Ms. Heither stated that hopefully the installation of these racks will draw more people to the downtown area.

Vote – All ayes; motion carried.

#20292. Councilmember Lange moved to approve the purchase of emergency lights for three police squad cars from CEC in the amount of \$6,077.50. Seconded by Councilmember Shihadeh. All ayes; motion carried.

Under comments, Councilmember Natvig stated he was involved with Keep Muscatine Beautiful's painting of the railroad building on the riverfront. He stated it was a great project. He encouraged citizens to contact the Keep Muscatine Beautiful organization or Laura Liegois if they are interested in learning more information.

Councilmember Bynum stated the paint used for the building was provided by the Keep Muscatine Beautiful organization.

Councilmember Roby stated she and Councilmember Fitzgerald will be attending the Iowa League of Cities conference in Coralville next week.

Councilmember Lange stated he was very much in favor of the I-JOBS program. He then explained how the costs will escalate over time.

City Administrator Mandsager stated the Police Department open house is Saturday from 11 a.m. to 3 p.m. and the Fire Department open house is Sunday from noon to 4 p.m. He stated the next flow control meeting is scheduled for Friday at 7 a.m.

City Administrator Mandsager stated the November In-Depth meeting date will fall on Veterans Day this year. He asked if there are any objections from Council to cancel the meeting and there were none.

City Administrator Mandsager stated he had sent City Council information concerning the League conference next week. He then stated that the goal session has been scheduled for October 5, 2010 beginning at 5:30 p.m.

City Administrator Mandsager stated the United Way's "Day of Caring" took place on Wednesday, September 15, 2010. He thanked everyone for their efforts.

#20293. Councilmember Shihadeh moved the meeting be adjourned at 7:55 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.




Gregg Mandsager, City Administrator


Richard W. O'Brien, Mayor