

**CITY OF MUSCATINE**  
**REGULAR CITY COUNCIL MINUTES**  
Council Chambers – 7:00 p.m. – June 17, 2010

Mayor Dick O'Brien called the City Council meeting for Thursday, June 17, 2010, to order at 7 p.m. Councilmembers present were LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange.

Councilmember LeRette gave the invocation which was followed by the Pledge of Allegiance.

Mayor O'Brien introduced Little Miss Muscatine Alexandria Steele.

A gentleman from the audience asked why Park Avenue intersections are not handicap accessible.

Public Works Director Randy Hill stated cities are now required to make intersections handicap accessible when road repairs take place. He stated that Park Avenue is a state highway and under their jurisdiction. He stated that once Colorado Street repairs are made, the intersection at Park Avenue will be handicap accessible.

#21111. Councilmember Bynum moved to approve the minutes of the June 3, 2010 City Council meeting and the June 10, 2010 In-Depth meeting. Seconded by Councilmember LeRette. All ayes; motion carried.

#21112. Councilmember Lange moved the Consent Agenda be approved as follows: Second reading on a new Class C Liquor License and Sunday Sales Permit for Krug's Pool Hall, 218 Walnut Street – Steve Krueger (pending receipt of final paperwork); second reading on a new Class C Liquor License for Jack's Bar, 500 Mulberry Avenue – Isaac Fernandez (pending receipt of final paperwork); first reading on a new Class BW Beer/Wine Permit for Tantra Thai Bistro, 101 W. Mississippi Drive #L01 – CNY Group Inc. (pending inspections); transfer of Class C Liquor License for La Guadalajara Restaurant LLC at 203 E. 2<sup>nd</sup> Street to 208 E. 2<sup>nd</sup> Street; renewal of a Class A Liquor License and Sunday Sales Permit for VFW Post #1565, 421 Mulberry Avenue – Veterans of Foreign Wars Club Inc.; renewal of a Class C Liquor License for Jody's Corner Tap Inc., 226 Walnut Street – Joseph Manjoine; renewal of a Class C Liquor License and Sunday Sales Permit for The Pearl LLC, 101 W. Mississippi Drive – Sally Bryant; renewal of a Class E Liquor License and Sunday Sales Permit for Cigarette Outlet #16, 1504 Park Avenue – Cigarette Outlet Inc.; renewal of a Class BW Beer/Wine and Sunday Sales Permit for Peking Chinese Restaurant Inc., 1700 Park Avenue – James Moo; extension of Outdoor Service Privileges for Missipi Brewing Co., 107 Iowa Avenue for June 25-27, 2010, July 2-5, 2010, August 13-15, 2010, and September 10-12, 2010 – R&D Operations Ltd.; 25 cigarette/tobacco permits from July 1, 2010 through June 30, 2010; filing of Communications A-K; and Bills for Approval totaling \$1,926,923.91 as well as receipt summaries and journal entries for March 2010. Seconded by Councilmember Roby. All ayes; motion carried.

**PUBLIC HEARING**

Mayor O'Brien stated a public hearing was being held concerning the proposed development agreement with H.J. Heinz Company LP.

Bill Phelan, President of the Greater Muscatine Chamber of Commerce and Industry, complimented City Council for having the foresight to approve this development agreement.

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

#21113. Councilmember Roby moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

### **PUBLIC HEARING**

Mayor O'Brien stated a public hearing was being held concerning the proposed automated curbside recycling program.

Michael Meharry, 207 Broadway Street, stated he very much supports the proposed recycling program; however, he suggested that as a compromise, leave in place the recycling trailer located on E. 5<sup>th</sup> Street. He thought that leaving this trailer in place would assist those folks who may not have space for a container.

Ralph Burr, 3015 Allen Street, voiced his opposition to the proposed recycling program.

Larry Koehrsen, 510 W. 2<sup>nd</sup> Street, stated he was in support of the proposed recycling program. He stated he feels the increased cost is very reasonable. He pointed out that recycling is an environmental savings to the community as well. He suggested that the proposed RFP's allow for an alternate bid to look at privatizing the rest of the refuse collection operation.

Janelle Castle, 1715 Houser Street, stated she was representing Leadership Muscatine and the group supports curbside recycling. She stated the group feels it will be an environmental benefit for the city.

Frank Kelly, 1305 Mulberry Avenue, speaking in support of the proposed recycling program, stated that not having a recycling program will be an added cost to the landfill.

Brad Spratt, 3406 Baton Rouge, stated he supports the proposed program; however, he has concerns about causing a decline in refuse taken to the landfill.

Sue Johannsen, 2020 Crestline Drive, stated she was glad to see curbside recycling coming before City Council. She stated she is a member of the League of Women Voters and that last year the group had conducted a survey of League groups through the State of Iowa and found out everyone has some form of curbside recycling. She stated that in the long term, the city will realize a savings.

Marsha Bennett, 911 Leroy Street, stated she lives on a steep hill and has concerns about the container that will be provided.

Joann Wintermute, 2508 Dawson Street, asked if the container on display was the only size available.

Mayor O'Brien stated there will be three sizes available and that Solid Waste Manager Laura Liegois would be answering questions once everyone is done speaking.

Ms. Wintermute then asked if this container would be used for garbage and recycling.

Ms. Liegois thanked everyone in the audience for attending the meeting. The first issue she addressed had to do with the size of the recycling containers. She stated the standard container will be 65 gallons; however, there will be 45 gallon and 95 gallon containers available as well. She stated the containers are very sturdy. She then stated that the containers will hold items that are currently being recycled. She stated that the RFP will include the recycling of glass items as well.

Ms. Liegois stated that flow control has been a concern and had been discussed during the budget sessions and during joint meetings with the city and County Board of Supervisors. She stated this topic will be discussed

further in July. She stated this program will not hurt the landfill. She stated the city's goal is to save the landfill for materials that cannot be recycled.

Ms. Liegois stated that in July those cities that are part of the Muscatine County Solid Waste Management Agency will be asked to adopt ordinances committing them to the use of the landfill.

Ms. Wintermute asked how often the recycled items would be picked up.

Ms. Liegois stated collection will be every other week.

Ms. Wintermute then asked if there will still be garbage pickup.

Ms. Liegois stated that the Code of Iowa stipulates that garbage must be picked up.

Mr. Burr asked what the city would be doing with the money that is going to be saved under this program.

Ms. Liegois explained that the savings will help reduce the monthly fee to residents.

Mr. Meharry, speaking in reference to weather concerns, stated the containers do not have to be set out every other week.

Ms. Liegois stated he was correct. She stated that residents can choose when they want to put the containers out for pickup as long as it falls on their regularly scheduled garbage pickup day.

City Administrator Gregg Mandsager asked her to address apartments.

Ms. Liegois stated that as a condition of the RFP, each individual apartment would be supplied with a smaller inside container and a larger container outside. Apartment dwellers could then place their recycled items in the larger container.

Councilmember Bynum stated that residents of the 4<sup>th</sup> Ward believe this is a very progressive move but they do have concerns. The first concern has to do with keeping the rate at \$1.69. He asked if there will be a contract that will keep the price firm. He stated some of the residents want to keep a recycling trailer in the 4<sup>th</sup> Ward. He stated residents are still concerned about the 45 gallon containers and whether or not they can be carried to the curb. He stated there were also concerns about cars parking and interfering with the curbside pickup. He stated a final concern had to do with the loss of employees if this program is instituted.

Ms. Liegois stated a contract would be set up for a five-year period. Speaking in reference to parked cars, city staff and the contractors will work with residents on this issue. She stated that containers that are stolen or damaged will be the responsibility of the company. In addition, the size of the containers will be addressed in the RFP. Speaking in reference to the loss of employees, she stated that one full-time position would be eliminated.

Councilmember Bynum then stated he was not in favor of an outside firm taking over the refuse collection operation.

Councilmember Lange stated that everyone seems to be in support of this proposed recycling program; however, he has had numerous calls from elderly residents who are concerned about the size of the containers. He stated the entire concept is somewhat controversial and reiterated that he feels this proposal should be voted on by the citizens of Muscatine.

City Administrator Mandsager reminded City Council this is not the final action on this issue but just begins the process of moving it forward.

Councilmember Shihadeh stated he and his wife strongly support the proposed recycling program. Speaking in reference to the proposed \$1.69 monthly fee, he stated this is just a proposed number and that it will probably be \$3.50 to \$4 monthly. He stated increased recycling will affect the landfill and transfer station and that deficit will have to be made up somehow. He stated this is something City Council will have to evaluate as well. He ended by saying he would like proof that the contractor is actually recycling everything and not taking it to another landfill.

Councilmember Natvig stated he has also received a lot of input on this issue. He wanted to clarify that the gross cost is \$3.50 to \$4 monthly; however, the net cost is \$1.69 per month. He also stated that he felt an additional trailer or two would be a reasonable compromise.

Councilmember Fitzgerald asked if the proposed \$1.69 fee included the cost of the current cardboard recycling.

Ms. Liegois answered yes. She stated the cardboard recycling program would be eliminated because the proposed program would be all inclusive.

Councilmember Roby stated it is obvious the majority of the citizens want an all-inclusive recycling program. She stated the container sizes are very important. She agreed with Councilmember Shihadeh's comment that the city needs to make sure items collected are actually recycled. She stated that all in all, the city cannot go wrong with the institution of a full service recycling program. She added that it will be important to secure a five year contract. She ended by saying the proposed recycling program will have many environmental benefits.

Mayor O'Brien stated that the parked car issue is one that will have to be looked into.

Ms. Liegois stated the issue would be addressed.

City Administrator Mandsager stated he would like the RFP to include a provision for increases in recycling (tonnage) to offset future city increases.

Councilmember Lange stated he was in favor of the proposed program; however, he expects the cost to remain at the level being proposed at this time.

#21114. Councilmember LeRette moved the public hearing be closed. Seconded by Councilmember Roby. All ayes; motion carried.

#21115. Councilmember Fitzgerald moved to approve the request from the VFW #1565 for the use of city property for an ice cream social and barbecue on July 4, 2010 from 11 a.m. to 6 p.m. Seconded by Councilmember Lange. All ayes; motion carried.

#21116. Councilmember Natvig moved to approve the appointments and reappointments to the city's various boards and commissions as follows: **Art Center Board of Trustees** – Appointment of Douglas M. Krieger and reappointment of Jan Henderson; **Board of Water, Electric and Communications Trustees** – Warren Heidbreder; **Historic Preservation Commission** – Appointment of Anna Mack and reappointment of Jane Reischauer; **Library Board of Trustees** – Bret Olson; **New Construction Appeal and Advisory Board** – Appointment of Tom Bankhead; **Planning and Zoning Commission** – Appointment of Rochelle Conway; **Plumbers Board of Examiners** – Reappointment of Perry Othmer; **Recreation Advisory Commission** – Appointments of Larry Buster and Kim Seligman and reappointment of Steven Brown; and **Transit Advisory**

**Commission – Appointments of Sue George, Angie Nelson, Kevin Duncan, Jason Miller, and Maggie Curry.** Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21117. Councilmember Lange moved to approve the appointment of Ronald Monahan to the Mercer-Muscatine RLF Loan Administration Board. Seconded by Councilmember Bynum. All ayes; motion carried.

#21118. Councilmember Roby moved the resolution be adopted approving the combined preliminary/final plat for Van Acker's First Addition. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21119. Councilmember Fitzgerald moved the resolution be adopted approving the Kory and Tony Kies Subdivision. Seconded by Councilmember Shihadeh. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21120. Councilmember Lange moved the resolution be adopted approving the development agreement with H.J. Heinz Company LP. Seconded by Councilmember Bynum.

City Administrator Mandsager stated that under Section A(3) of the development agreement, he would be entering 90 employees which is the number Heinz is required to maintain under the terms of the agreement.

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

#21121. Councilmember Roby moved the resolution be adopted awarding the contract for the Clay Street Bridge Improvement Project to Hy-Brand Industrial Contractors in the amount of \$340,450.53. Seconded by Councilmember Shihadeh.

Councilmember Bynum, speaking in reference to the \$250,000 budgeted for this project, asked how the difference would be made up.

City Administrator Mandsager stated it would be included in a future bond issue.

There was discussion on whether or not the beams for the bridge would need to be replaced and the start and end date for the project.

A representative of Shoemaker-Haaland stated the bridge beams are from the 1950's and are commensurate with the life of the bridge.

City Engineer Lutz then stated construction is expected to begin in late July or early August and should be completed by November 15, 2010.

Councilmember Shihadeh then asked for an update on Mississippi Drive.

Mr. Lutz stated that due to the rain, things are not looking very good. He stated the contractor is doing the best he can to get the street opened.

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

#21122. Councilmember Shihadeh moved the resolution be adopted releasing a real estate mortgage under the 2003 CDBG Owner-Occupied Residential Rehabilitation Program for 918 E. 7<sup>th</sup> Street. Seconded by Councilmember Natvig. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21123. Councilmember Bynum moved the resolution be adopted accepting the low bid and awarding the contract for the hangar access road at the municipal airport to Muscatine Bridge in the amount of \$88,431.75. Seconded by Councilmember Roby. All ayes: Councilmembers LeRette, Fitzgerald, Natvig, Shihadeh, Bynum, Roby, and Lange. Motion carried and resolution duly adopted.

#21124. Councilmember Lange moved to approve the union contract between the City of Muscatine and the Muscatine Association of Firefighters #608. Seconded by Councilmember LeRette. All ayes; motion carried.

#21125. Councilmember Natvig moved to approve Change Orders #2 and #3 for the Hershey Avenue Area Sewer Contract 2. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#21126. Councilmember LeRette moved to authorize the submission of the RFP for automated curbside recycling. Seconded by Councilmember Natvig.

Councilmember Lange asked if the \$1.69 per month was an estimated cost.

City Administrator Mandsager stated it is an estimated cost based on discussions with vendors to date. He stated that once bids have been received, they will be submitted for Council's consideration.

Vote – All ayes; motion carried.

#21127. Councilmember Roby moved to authorize the purchase of a single axle 32,000 GVW truck chassis from Henderson Truck Equipment in the amount of \$25,363. Seconded by Councilmember Shihadeh. All ayes; motion carried.

#21128. Councilmember LeRette moved to accept the bid from Peterson Parking Lot Striping in the amount of \$48,663.34 for the 2010 Street Striping Contract. Seconded by Councilmember Lange. All ayes; motion carried.

#21129. Councilmember Roby moved to approve the request from the Police Department to purchase six automatic electronic defibrillators in the amount of \$19,882.56. Seconded by Councilmember Bynum. All ayes; motion carried.

#21130. Councilmember Natvig moved to approve the request from the Police Department to purchase a Polaris Ranger 800 EFI Crew ATV from Kromminga Motors of Monticello in the amount of \$12,270. Seconded by Councilmember Bynum. All ayes; motion carried.

#21131. Councilmember Fitzgerald moved to approve the Website Content Management System with CivicPlus. Seconded by Councilmember Roby. All ayes; motion carried.

City Administrator Mandsager stated that Captain Brett Talkington was present to review the memo sent to City Council concerning the Street Crimes Unit. He stated the Police Department will have two people on task full time which is felt to be a better short-term approach rather than utilizing overtime and multiple officers. He stated the city should know the results from the COPS grant application by September 30th.

City Administrator Mandsager stated the cost for reinstituting this program is approximately \$7,500 per month in overtime costs. He then asked Gary Carlson of HNI to come to the lectern.

Gary Carlson of HNI stated the gang issues are a community problem. He stated that three employers in Muscatine (HNI, Muscatine Foods and Bridgestone-Bandag) have pledged \$5,000 each for a total of \$15,000 to offset the city's cost to reinstitute the Street Crimes Unit.

City Administrator Mandsager echoed Chief Coderoni's past comments that this is a community problem and not a police problem. He stated it is important that the citizens keep their eyes and ears open. He then stated that City Council's support is also important.

Under comments, Councilmember LeRette thanked the people in the audience for coming to the meeting. He then stated it was good that City Council had the opportunity to vote unanimously on the RFP to add another service for the citizens of Muscatine.

Councilmember Natvig stated it was good to see so many citizens at the meeting who were willing to offer their input on curbside recycling.

Councilmember Lange reminded everyone that Sunday is Father's Day.

City Administrator Mandsager stated he had received a request from the Muscatine History and Industry Center to close 2<sup>nd</sup> Street in front of their building for sewer repairs beginning June 21, 2010. He stated the work will take approximately four days to complete.

#21132. Councilmember Lange moved the request be approved. Seconded by Councilmember Natvig. All ayes; motion carried.

#21133. Councilmember Shihadeh moved the meeting be adjourned at 8:25 p.m. Seconded by Councilmember Fitzgerald. All ayes; motion carried.



Richard W. O'Brien  
Richard W. O'Brien, Mayor



Gregg Mandsager, City Administrator