

**CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers – 7:00 p.m. – March 2, 2017**

Mayor Broderson called the City Council meeting for Thursday, March 2, 2017, to order at 7:00 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, Bynum, and Spread.

The meeting began with the Pledge of Allegiance.

Mayor Broderson swore in Firefighters Benjamin Quick, Mike Lintz, and Craig Chelf.

#23742. Councilmember Saucedo, seconded by Councilmember Spread, moved the Consent Agenda be approved as follows:

- Regular City Council Minutes – February 16, 2017
- Request for renewal of a Class “B” Wine Permit, Class “C” Beer permit, Class “E” Liquor License and Sunday Sales for Hy-Vee Food Store, 2400 – 2nd Avenue – Hy-Vee Inc. (pending inspections)
- Request Approved for Use of City Property for Saint Mary & Mathias Catholic School on April 8, 2017
- Request Approved for Use of City Property for April Run Against Cancer on April 22, 2017
- Request Approved for Use of City Property for Muscatine Power & Water 5K on June 10, 2017
- Request Approved for Use of City Property from the HNI Corporation on August 20, 2017
- Filing of Communications 12A-C
- Bills for Approval totaling \$2,431,052.92

Vote – All ayes; motion carried.

PUBLIC HEARING

Mayor Broderson stated this public hearing concerns the proposed ordinance amending Title 10 (Zoning Ordinance) of the City Code.

Ray Bracket, 2817 Mulberry Avenue, asked that the city consider making the raising of chickens more accessible to the citizens of Muscatine.

Jay Brady, 417 Kindler Avenue, agreed with Mr. Bracket. He stated he would like to see a chicken program brought back in the future.

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

#23743. Councilmember Natvig 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 Amendment #1 to the City Budget for the Fiscal Year Ending June 30, 2017.

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

Finance Director Nancy Lueck clarified the departments that fall under “General Government”.

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

#23744. Councilmember Harvey moved the public hearing be closed. Seconded by Councilmember Rehwaldt. All ayes; motion carried.

PUBLIC HEARING

Mayor Broderson stated this public hearing concerns the adoption of the Budget and Certification of Taxes for Fiscal Year 2017/2018.

City Administrator Mandsager gave a brief overview of the budget. He stated it will be placed on the city's website.

There were no oral or written petitions for or against the proposed adoption of the Budget and Certification of Taxes for Fiscal Year 2017/2018.

#23745. Councilmember Spread moved the public hearing be closed. Seconded by Councilmember Natvig. All ayes; motion carried.

#23746. Councilmember Fitzgerald moved to approve the first reading of an ordinance amending Title 10 (Zoning Ordinance) of the City Code. Seconded by Councilmember Bynum. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23747. Councilmember Harvey moved to approve the second reading of an ordinance vacating city right-of-way (old Sun Mart alley). Seconded by Councilmember Spread.

#23748. Councilmember Saucedo moved to waive the Rules of Council and adopt the ordinance on final reading 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.

Vote on original motion as amended – All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23749. Councilmember Natvig moved the resolution be adopted approving Amendment #1 to the 2016/2017 City Budget. Seconded by Councilmember Saucedo. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23750. Councilmember Fitzgerald moved the resolution be adopted adopting the Budget and Certification of Taxes for Fiscal Year 2017/2018. Seconded by Councilmember Harvey.

Councilmembers Natvig and Saucedo thanked everyone for the hard work that went into this budget process.

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

#23751. Councilmember Fitzgerald moved the resolution be adopted awarding the contract for the Mississippi Drive Corridor Project to Langman Construction in the amount of \$8,787,676.34. Seconded by Councilmember Spread.

Calla Parochetti, attorney for K.E. Flatwork, stated she was present along with her client, Lucas Cleaver, to voice her concerns about the bidding process. She also asked for clarification of the statement “irregular and non-responsive”. She and Mr. Cleaver also questioned the line items for penny bids.

There were questions and comments from City Council concerning Mr. Cleaver’s bid that Ms. Parochetti addressed.

City Engineer Jim Edgmond gave a brief explanation why the city was recommending the approval of the bid from Langman Construction.

There were questions and comments from City Council that were addressed by City Engineer Edgmond.

#23752. Councilmember Saucedo moved to table this matter until the March 9, 2017 In-Depth meeting. Seconded by Councilmember Phillips. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23753. Councilmember Spread moved the resolution be adopted setting a public hearing for the sale of real property to the HNI Corporation for Thursday, March 16, 2017, at 7:00 p.m. Seconded by Councilmember Natvig. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Bynum, Harvey, and Spread. Motion carried.

#23754. Councilmember Fitzgerald move to approve a security fence and maintenance agreement between the City of Muscatine and Grain Processing Corporation. Seconded by Councilmember Bynum. All ayes; motion carried.

#23755. Councilmember Saucedo moved to approve the purchase of a dump box and lift gate for a one-ton dump truck from Knapheide Truck Equipment in the amount of \$9,641. Seconded by Councilmember Natvig. All ayes; motion carried.

#23756. Councilmember Rehwaldt moved to approve Change Order #5 for the Mulberry Avenue Reconstruction Project. Seconded by Councilmember Spread. All ayes; motion carried.

#23757. Councilmember Natvig moved to approve the issuance of a purchase order to Century Laundry Distributing in the amount of \$6,968 for a fire bunker gear washer. Seconded by Councilmember Harvey. All ayes; motion carried.

#23758. Councilmember Spread moved to approve Settlement Agreements for Violation of Iowa Code Section 453A.2 (Selling Tobacco to a Minor) from Kum & Go and Nash Finch Company dba as Wholesale Food Outlet #312, with civil penalties totaling \$1,500 each, and from D.J.M.B. Enterprises dba as Westside Store, Casey’s General Stores, Hyink Standard Service, and Aviya LLC dba Express Mart, with civil penalties totaling \$300 each. Seconded by Councilmember Harvey.

Assistant County Attorney Dan Williamson explained the differences in the civil penalty amounts. He stated those businesses with first offenses were fined \$300. He stated the civil penalty for the second offense is \$1,500 or suspension of the tobacco license for 30 days.

Vote – All ayes; motion carried.

#23759. Councilmember Natvig moved to approve the agreement with the Greater Muscatine Chamber of Commerce & Industry for staff of the CVB. Seconded by Councilmember Rehwaldt. All ayes; motion carried.

#23760. Councilmember Spread moved to approve Change Order #3 for the Art Center HVAC Replacement and Window Improvement Project. Seconded by Councilmember Bynum.

There were questions and comments from City Council that were addressed by Public Works Director Brian Stineman.

Vote – All ayes; motion carried.

#23761. Councilmember Saucedo moved to approve the abatement of asbestos containing materials for Beach Lumber. Seconded by Councilmember Spread. All ayes; motion carried.

Under comments, Mayor Broderson stated she recently attended ribbon cuttings for Muscatine Community College, Dabeet's Bistro, and the Coffee Belt. She then stated that earlier in the day she had participated in Jefferson School's reading event.

Mayor Broderson stated the United Way is close to reaching its goal for this campaign.

Councilmember Harvey moved the meeting be adjourned at 8:11 p.m.

Diana Broderson, Mayor

ATTEST:

Gregg Mandsager, City Administrator