

**CITY OF MUSCATINE**  
**REGULAR CITY COUNCIL MINUTES**  
Council Chambers – 7:00 p.m. – July 6, 2017

Mayor Diana Broderson called the City Council meeting for Thursday, July 6, 2017, to order at 7:00 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread.

The meeting began with the Pledge of Allegiance.

Derek Lentz, 3110 Peartree Lane, stated he was present to ask that the ordinance be left as is and then explained the reasoning for his request.

Jean Moss, 1816 Duncan Drive, stated she was present to voice her opposition to the ordinance and then explained why.

Norma Dwyer, 3407 Clermont Drive, stated she was present to ask for leniency in parking for people visiting the Community Services building which houses the Food Pantry. She stated that volunteers working at the Food Pantry are getting tickets as are the people who come to pick up food. She stated she would like to propose that the city provide parking for the volunteers and possibly provide parking in front of the building for those utilizing the Food Pantry.

Mayor Broderson thanked Ms. Dwyer for coming tonight with her concerns noting that she has also voiced the same concerns.

Melissa Martin of 504 Evans Street and Sue George of 827 Leroy Street both were present to voice their opposition to the fireworks ordinance.

Roger Roth, a resident of the Clark House, speaking in reference to the fireworks, stated the Police Department can only do so much when it comes to violators of the ordinance. He then voiced his concern about the smoking shelter at the Clark House.

#23904. Councilmember Spread, seconded by Councilmember Rehwaldt, moved the Consent Agenda be approved as follows:

- Regular City Council Minutes – June 15, 2017
- Renewal of a Special Class “C” Liquor License and Outdoor Sales for Yacky Shack, 163 Colorado Street – Yacky Shack LLC (pending inspections); renewal of a Class “C” Liquor License and Sunday Sales for Hy-Vee Market Café, 2400 Second Avenue – Hy-Vee, Inc. (pending inspections); catering privilege for Pete’s Tap, 1820 Angle Street – Oscars LLC (pending inspections); transfer of license for Creation by Oz, 215 East 2<sup>nd</sup> Street (pending inspections); and renewal of a Special Class “C” Liquor License and Sunday Sales for Dabeets Bistro, 128 East 2<sup>nd</sup> Street – Dabeets Bistro, LLC (pending inspections and insurance)
- Request Approved for Use of City Property for Muscatine Running Club Race for August 19, 2017
- Application Approved for Revitalization Property Tax Abatement for John F. and Katherine S. Witte
- Receive and File of Communications 12A-B
- Bills for Approval totaling \$1,997,462.46

Vote – All ayes; motion carried.

#23905. Councilmember Fitzgerald moved the resolution be adopted rescinding Resolution No. 93879-0617 and adopting the revised resolution accepting completed work performed under the West Hill Sewer Separation Project Phase 3A. Seconded by Councilmember Spread. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

#23906. Councilmember Spread moved the resolution be adopted rescinding Resolution No. 93880-0617 and adopting the revised resolution accepting completed work performed under the West Hill Sewer Separation Project Phase 3B. Seconded by Councilmember Harvey. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

#23907. Councilmember Natvig moved the resolution be adopted awarding the contract for the Landfill Cell 5 and Leachate Lagoon Construction to Rittmer Inc. in the amount of \$622,608. Seconded by Councilmember Harvey.

There were questions from City Council that were answered by City Administrator Gregg Mandsager.

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

#23908. Councilmember Spread moved the resolution be adopted awarding the contract for the 2017 Cleveland Avenue Reconstruction Project. Seconded by Councilmember Harvey. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

#23909. Councilmember Harvey moved the resolution be adopted awarding the contract for the 2017 Asphalt Overlay Project to Illowa Investments Inc. in the amount of \$519,250.10. Seconded by Councilmember Fitzgerald.

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

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

#23910. Councilmember Spread moved the resolution be adopted authorizing the submission of an application to the Iowa Department of Economic Development Community Attraction & Tourism program for funding for the Pearls of Progress Project. Seconded by Councilmember Saucedo.

Gary Carlson, 104 Deer Path Lane, and Rich Dwyer, 3407 Clermont, both of whom volunteer for the Community Improvement Action Team, were present to support the submission of the grant application.

Mr. Carlson encouraged City Council to adopted the resolution because he feels it will help strengthen the application.

Mr. Dwyer stated the next step will be to ask the community to sponsor and support the Pearls of Progress Project.

Mr. Carlson took a moment to explain why this funding opportunity may not be available in the future.

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

#23911. Councilmember Natvig moved to authorize the issuance of a purchase order to Truck Country of Davenport, Iowa, in the amount of \$103,438 for a 2017 60,000 GVW Truck. Seconded by Councilmember Harvey.

There were questions from City Council that were addressed by Street Maintenance Supervisor Randy Howell.

Vote – All ayes; motion carried.

#23912. Councilmember Fitzgerald moved to authorize the issuance of a purchase order to Henderson Manufacturing in the amount of \$42,410 for a dump body and hydraulic hoist for a 60,000 GVW Truck. Seconded by Councilmember Harvey. All ayes; motion carried.

#23913. Councilmember Fitzgerald moved to authorize the issuance of a purchase order to Henderson Manufacturing in the amount of \$30,481 for a dump body and hydraulic hoist for a 33,000 GVW Truck. Seconded by Councilmember Spread. All ayes; motion carried.

#23014. Councilmember Harvey moved to authorize the issuance of a purchase order to Bushman Excavating in the amount of \$75,200 for pavement crushing. Seconded by Councilmember Saucedo. All ayes; motion carried.

#23015. Councilmember Natvig moved to authorize the issuance of a purchase order to Sulzberger Excavating in the amount of \$49,800 for removal of the Puritan Ice building and TeStrake silos and building. Seconded by Councilmember Harvey. All ayes; motion carried.

#23016. Councilmember Fitzgerald moved to approve the Order Accepting Acknowledgement and Settlement Agreement for a first violation (tobacco) from Hy-Vee Inc. d/b/a Hy-Vee Gas which includes a \$300 civil penalty. Seconded by Councilmember Spread. All ayes; motion carried.

#23017. Councilmember Fitzgerald moved to approve the Order Accepting Acknowledgement and Settlement Agreement for a third violation (tobacco) for Kum & Go LC d/b/a Kum & Go #436 which includes a \$1,500 civil penalty and 30-day permit suspension. Seconded by Councilmember Harvey.

There were questions from City Council that were answered by Assistant County Attorney Dan Williamson.

Vote – All ayes; motion carried.

Under comments, Councilmember Rehwaldt requested an update on the Mississippi Drive Corridor Project.

City Engineer Jim Edgmond stated the project is about 11% complete. He stated that the entire picture as designed, which includes Chestnut Street, will not be completed by August 31, 2017. He stated staff will have a better idea of the completion date once the sanitary sewer is completed. He stated the completion date will hopefully be in September.

Mr. Edgmond stated that daily communications are taking place with the hotel. He stated that one thing delaying Chestnut Street is that the hotel is still taking delivery of materials.

Mr. Edgmond stated that Mississippi Drive is paved between Iowa Avenue and Sycamore Street because that area could be worked on when the water was up.

Mr. Edgmond stated the West Hill Storm Sewer Project is 40% complete, the trail is 16% complete, and the Mississippi Drive Corridor Project is 11% complete.

Councilmember Harvey reminded everyone of Second Saturday of the Month. He invited everyone to downtown Muscatine to enjoy the activities.

Councilmember Natvig stated there were a number of people present tonight concerning the fireworks issue. He stated City Council intends to take a hard look at the ordinance in the near future.

Councilmember Saucedo echoed Councilmember Natvig's comments. He stated the City of Muscatine cannot regulate the sale of fireworks because it was authorized by state law. He stated City Council does want to get everyone's input on the matter and also wants to make a rational decision.

Councilmember Saucedo commented on the quick turnaround for the Dick Drake Way closure for railroad repairs.

Mayor Broderson thanked everyone for attending the meeting. She said it was great to be back.

The Mayor called for a break at 8:00 p.m.

#23018. Councilmember Harvey moved to go into Closed Session per Iowa Code Section 21.5.1.c to (j) discuss proposed property acquisition at 8:05 p.m. Seconded by Saucedo. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

Mayor Broderson called the Closed Session to order at 8:06 p.m. Councilmembers present were Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Also present were City Administrator Gregg Mandsager, Public Works Director Brian Stineman, and Community Development Director Dave Gobin.

#23019. Councilmember Rehwaldt moved to leave Closed Session at 8:20 p.m. Seconded by Councilmember Saucedo. All ayes: Councilmembers Rehwaldt, Fitzgerald, Natvig, Saucedo, Harvey, and Spread. Motion carried.

Councilmember Spread moved the meeting be adjourned at 8:21 p.m.

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Diana Broderson, Mayor

ATTEST:

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Gregg Mandsager, City Administrator