

CA

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers - 7:30 p.m. - March 21, 1996

Mayor Richard W. O'Brien called the meeting to order.

Roll Call: Councilmembers Churchill, Freese, Gary Gray, Dan Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald present.

The Rev. Jim Trosen of Faith United Church of Christ gave the opening prayer.

The Pledge of Allegiance was given.

John Lindsey, 417 West 4th Street, requested that the two-way stop at the corner of East 5th Street and Iowa Avenue be changed back to a four-way stop. He explained why he felt a four-way stop was needed.

#14589. Councilmember Gary Gray moved to approve the minutes of the March 7, 1996 Regular City Council meeting and the March 14, 1996 In-Depth Council meeting. Seconded by Councilmember Freese. All ayes; motion carried.

#14590. Councilmember Kevin Fitzgerald moved that the Consent Agenda be approved as follows: New Class B beer and Sunday sales permit for Buelitos Inc., 500 Mulberry Avenue (pending inspections); renewal of Class A liquor license and Sunday sales permit for American Legion Club, 110 South Houser Street; renewal of Class C liquor license for Edward's Tavern, 207 Mulberry Avenue (pending inspections); renewal of Class C liquor license and Sunday sales permit for Diamond Dave's Taco Company, 1903 Park Avenue (pending inspections); renewal of Class E beer and Sunday sales permit for Hy-Vee Food Store, 1903 Park Avenue (pending inspections); renewal of Class C beer and Sunday sales permit for Meerdink's Amoco, 2111 Park Avenue; renewal of Class E beer and Sunday sales permit for Econofoods #468, 501 West By-Pass #61; filing of Communications A-J; and bills totaling \$756,688.00. Seconded by Councilmember Churchill. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated that a public hearing was being held concerning the proposed Upper Orange/Oak Street Sewer Separation Project.

City Administrator A.J. Johnson stated that as a point of clarification, the estimated total project cost should read \$2,530,000.

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

#14591. Councilmember Kevin Fitzgerald moved the public hearing be closed. Seconded by Councilmember Phil Fitzgerald.

Carl Tiecke, 504 East 11th Street, explained why he felt this project is so important.

Elma Baldwin, 1223 Oak Street, also explained why this project is necessary.

Vote - All ayes; motion carried. Public hearing closed.

PUBLIC HEARING

Mayor O'Brien stated that a public hearing was being held concerning the proposed utility vacation request for lots 24 and 25 of the Stonebrook Addition.

There were no oral or written petitions for or against the proposed utility vacation request.

#14592. Councilmember Phil Fitzgerald moved the public hearing be closed. Seconded by Councilmember Gary Gray. All ayes; motion carried.

#14593. Councilmember Churchill moved to approve the proclamation declaring April 21-27, 1996 as Secretaries' Week". Seconded by Councilmember Freese. All ayes; motion carried.

#14594. Councilmember Dan Gray moved to approve the appointment of Bob Jensen to the Civil Service Commission. Seconded by Councilmember Heckenliable. All ayes; motion carried.

#14595. Councilmember Kevin Fitzgerald moved the resolution be adopted setting a public hearing on April 4, 1996 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed vacation and transfer of City real estate (Johnson Street right-of-way and Western Avenue). Seconded by Councilmember Phil Fitzgerald. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14596. Councilmember Churchill moved the resolution be adopted vacating a portion of an existing utility easement in the Stonebrook Addition. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14597. Councilmember Gary Gray moved the resolution be adopted setting a public hearing on April 4, 1996 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed zoning change for property located at Cedar and Houser streets. Seconded by Councilmember Kevin Fitzgerald. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14598. Councilmember Heckenliable moved the resolution be adopted setting a public hearing on April 4, 1996 at 7:30 p.m. in the City Hall Council Chambers concerning the granting of easements and property acquisitions for the Iowa Department of Transportation (IDOT). Seconded by Councilmember Freese. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14599. Councilmember Kevin Fitzgerald moved the resolution be adopted setting a public hearing on April 4, 1996 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed downtown street scaping project. Seconded by Councilmember Heckenliable. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14600. Councilmember Dan Gray moved that the airport hangar be declared as surplus property and that the City be authorized to solicit bids for removal of the building. Seconded by Councilmember Phil Fitzgerald.

Councilmember Phil Fitzgerald stated that after reading the report it would seem that the building could be removed down to the foundation and that the foundation could be used for another building. He asked if this possibility had been taken into consideration.

City Administrator Johnson told Councilmembers that the structure would be removed flush with the foundation to allow for future development.

Cal Purdy, 920 Webster Street, explained why he felt the money should be spent to remodel the existing structure.

Vote - All ayes; motion carried.

#14601. Councilmember Kevin Fitzgerald moved to approve the increase in rental fees at the Pearl City Station from \$15.00 to \$25.00 for a six-hour time period. Seconded by Councilmember Dan Gray.

Councilmember Heckenliable stated that he feels \$25.00 is a very reasonable amount, noting that he may have it put back on the agenda in the future for an additional increase.

Vote - All ayes; motion carried.

#14602. Councilmember Kevin Fitzgerald moved to approve the authorization to expand alcohol use at the Pearl City Station. Seconded by Councilmember Phil Fitzgerald.

Councilmember Churchill stated that the City already allows champagne and wine at the facility and that he would be reluctant to allow beer at the facility.

Councilmember Freese agreed with Councilmember Churchill, noting that he feels champagne and wine should not be allowed at the facility.

There was discussion on the action that would be necessary to eliminate the serving of champagne and wine at the facility.

Councilmember Gary Gray stated that he feels beer should be allowed at the facility, noting that if problems do arise then action could be taken to discontinue allowing beer at the facility.

Councilmember Heckenliable asked if any arrests have been made stemming from events at the Pearl City Station where champagne and wine had been made available.

Police Chief Gary Coderoni stated that since 1992 there have been no alcohol-related problems at the Pearl City Station.

Fred Altman, 2106 Sampson Street, stated that he feels beer should be allowed at the Pearl City Station in pony kegs rather than cans. He stated that he feels allowing pony kegs would keep underage drinking and litter at bay.

Cal Purdy, 920 Webster Street, stated that he was not opposed to allowing beer at the Pearl City Station. He then stated that he feels the City should study the fee structure for the facility.

Mayor O'Brien stated that it normally takes about 1 1/2 hours to clean the facility, noting that the rental fee just about pays for the cleanup.

City Administrator Johnson pointed out that the fee for renting the facility when alcohol is being served is \$50.00.

Councilmember Phil Fitzgerald asked if the \$50.00 fee would be in addition to the \$25.00 rental fee.

City Administrator Johnson answered yes, noting that the total fee would be \$75.00.

Vote - Five ayes: Councilmembers Dan Gray, Gary Gray, Heckenliable, Kevin Fitzgerald, and Phil Fitzgerald. Two nays: Councilmembers Churchill and Freese. Motion carried.

#14603. Councilmember Freese moved to eliminate the serving of all alcoholic beverages at the Pearl City Station. Seconded by Councilmember Churchill. Two ayes: Councilmembers Churchill and Freese. Five nays: Councilmembers Dan Gray, Gary Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald. Motion failed.

#14604. Councilmember Churchill moved the resolution be adopted approving the plans and specifications and setting a bid opening date for the Upper Orange/Oak Street Sewer Separation Project. Seconded by Councilmember Dan Gray.

There was discussion on the actual bid opening date.

Councilmember Heckenliable asked how far into the winter season work would take place.

Ray Childs, City Engineer, stated that it would probably be somewhere around Thanksgiving if the weather allows.

Vote - All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14605. Councilmember Gary Gray moved the resolution be adopted approving the contract and bond from Hy-Brand Industrial Contractors in the amount of \$113,238.50 for the Kent Stein Maintenance Building Project. Seconded by Councilmember Heckenliable. All ayes: Councilmembers Churchill, Freese, Gary Gray, Dan Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14606. Councilmember Dan Gray moved the resolution be adopted approving the contract and bond from Sulzberger Excavating in the amount of \$80,479 for the Webster Street Paving Project. Seconded by Councilmember Churchill. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14607. Councilmember Dan Gray moved the resolution be adopted accepting the completion of the sewer diagnostic study report and authorizing final payment to ADS Environmental Services in the amount of \$5,352.40. Seconded by Councilmember Heckenliable. All ayes: Councilmembers Churchill, Freese, Gary Gray, Dan Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14608. Councilmember Gary Gray moved to approve the request to establish spring cleanup week for April 22-26, 1996. Seconded by Councilmember Dan Gray. All ayes; motion carried.

City Administrator Johnson, speaking in reference to the request to change the one-way alley between Sheridan and Magnolia streets to a two-way alley, stated that two petitions were submitted. The first was in support of the proposed change and the second was in opposition.

Councilmember Churchill stated that he has talked with both parties regarding this issue and that he feels the Traffic Committee should study this issue further.

#14609. Councilmember Churchill moved that this issue be tabled until the April 4, 1996 Regular City Council meeting to give the Traffic Committee more time to study this issue. Seconded by Councilmember Dan Gray. All ayes; motion carried.

Kathleen Tammenga, 110 Sheridan Street, stated that she and her husband were responsible for the petition asking for the change from a one-way alley to a two-way alley. She explained why she was in favor of the change.

Delores Stecher, 108 Sheridan Street, stated that she was responsible for the second petition opposing the change. She explained why she was opposed, and she asked that the Traffic Committee study this request thoroughly before making a recommendation.

#14610. Councilmember Dan Gray moved to approve the request to purchase two tractors for the Parks and Recreation Department from Muscatine Farm & Equipment in the amount of \$25,918, as well as the purchase of two flail mowers from Farmers Supply of West Liberty, Iowa, in the amount of \$5,090.32. Seconded by Councilmember Gary Gray. All ayes; motion carried.

#14611. Councilmember Churchill moved that the resolution be adopted authorizing the sale of City property at 2206 Wallace Street to Ricky and Patricia Bowers in the amount of \$56,000. Seconded by Councilmember Heckenliable. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14612. Councilmember Kevin Fitzgerald moved the resolution be adopted authorizing the sale of City property at 2211 Demorest Avenue to Robert Brugman and Gwendolyn Willits in the amount of \$52,000. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14613. Councilmember Heckenliable moved the resolution be adopted authorizing the sale of City property at 1548 Grant Street to Kelly L. Muehleemann in the amount of \$55,000. Seconded by Councilmember Phil Fitzgerald. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14614. Councilmember Gary Gray moved the resolution be adopted approving an executed deed between the City of Muscatine and Ricky and Patricia Bowers for property located at 2206 Wallace Street. Seconded by Councilmember Phil Fitzgerald. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14615. Councilmember Dan Gray moved the resolution be adopted approving an executed deed between the City of Muscatine and Kelly L. Muehleemann for property located at 1548 Grant Street. Seconded by Councilmember Churchill. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14616. Councilmember Heckenliable moved the resolution be adopted approving an executed deed between the City of Muscatine and Robert Brugman and Gwendolyn Willits for property located at 2211 Demorest Avenue. Seconded by Councilmember Kevin Fitzgerald. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14617. Councilmember Gary Gray moved the resolution be adopted approving the fiscal year 1996/97 HUD budget. Seconded by Councilmember Heckenliable. All ayes: Councilmembers Churchill, Freese, Gary Gray, Dan Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14618. Councilmember Kevin Fitzgerald moved to approve the resolution setting a public hearing on April 4, 1996 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed parking lot development. Seconded by Councilmember Phil Fitzgerald. All ayes: Councilmembers Freese, Churchill, Dan Gray, Gary Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14619. Councilmember Phil Fitzgerald moved that the resolution be adopted to establish a special election on May 7, 1996 for the City's gas franchise. Seconded by Councilmember Dan Gray.

There was discussion on this issue.

Vote - All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

Councilmember Kevin Fitzgerald asked that the Traffic Committee take a look at the intersection of East 5th Street and Iowa Avenue, noting that he has received many calls about this intersection.

Randy Hill, Public Works Director, stated that he has received a number of calls concerning this intersection. He stated that if the intersection remains a two-way it will be necessary to strip a lot of parking in order to make visibility better. He pointed out that this is the only intersection that has generated any feedback from the public.

Councilmember Kevin Fitzgerald asked if the City should change the intersection back to a four-way stop.

Mr. Hill stated that the question here is whether you want to jeopardize the safety of the citizens or allow them to adjust to the change. He stated that due to the number of calls that have been received he would recommend that it be changed back to a four-way stop.

Councilmember Churchill asked about the possibility of going back to the stop light at the intersection.

Mr. Hill stated that a four-way stop sign tends to keep the traffic moving better.

Councilmember Dan Gray stated that he feels the intersection should be changed back to a four-way stop.

#14620. Councilmember Kevin Fitzgerald moved that the intersection of East 5th Street and Iowa Avenue be changed back to a four-way stop. Seconded by Councilmember Heckenliable. All ayes; motion carried.

Councilmember Heckenliable stated that he feels time should be increased on the light located at the McDonald's intersection.

City Administrator Johnson stated that Councilmember Heckenliable's request would be forwarded to Muscatine Power & Water since they control the stop lights in the City.

Councilmember Freese stated that he has received calls from people upset with dogs in the cemetery. He asked if there is something that can be done about this matter.

Larry Wolf, Parks & Recreation Director, stated that keeping the dogs out of the cemetery is difficult to enforce, noting that the City monitors the cemetery as best it can.

There was further discussion on this issue.

City Administrator Johnson, speaking in reference to the City's survey on whether or not residents are interested in obtaining recycling bins for their homes, stated that the deadline is drawing near and asked that residents interested in receiving the bins respond as soon as possible. He pointed out that to date only 550 responses have been received.

Councilmember Kevin Fitzgerald asked if the City could submit a press release to the newspaper as well as air the deadline date on the cable channel.

City Administrator Johnson stated this could be done.

Councilmember Kevin Fitzgerald asked if a form could be put in the paper that people could cut out and mail back to the transfer facility.

Mr. Hill pointed out that the City needs at least 2,000 responses to make the recycling bins a reality, noting that there has not been an overwhelming response. He stated that the City could make the recycling bins a mandatory option or continue with the drop-off points, noting that money has been budgeted for the purchase of three more trailers. He pointed out that eventually the City will probably go to a volume-based rate.

There was further discussion on this issue.

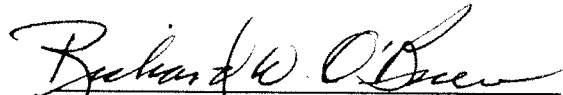
#14621. Councilmember Gary Gray moved to go into closed session at 9:07 p.m. to discuss property acquisition. Seconded by Councilmember Churchill. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried.

#14622. Councilmember Churchill moved to go out of closed session. Seconded by Councilmember Freese. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald.

After leaving closed session there was discussion concerning the request from I.E.S. Utilities for a franchise vote to be held in May 1996. A representative from the utility noted there had been a misunderstanding in his initial request and that he would like City Council to adopt an ordinance approving a 25-year re-franchising agreement between I.E.S. Utilities and the City of Muscatine. He then asked City Council to suspend its rules and adopt the ordinance with one reading.


#14623. Councilmember Phil Fitzgerald moved to suspend the rules and adopt on one reading the ordinance authorizing the re-franchising of services as provided by I.E.S. Utilities and that it be published in the Muscatine Journal as provided by law. Seconded by Councilmember Churchill. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and ordinance approved on one reading.

#14624. Councilmember Freese moved that the meeting be adjourned. Seconded by Councilmember Gary Gray. All ayes; motion carried.



Mayor Richard W. O'Brien

ATTEST:



City Administrator A.J. Johnson