

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers - 7:30 p.m. - January 23, 1996

Mayor Richard O'Brien called the meeting to order.

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

Councilmember Churchill gave the opening prayer.

The Pledge of Allegiance was given.

Melvin Ngwayah, formerly of Liberia, read a statement expressing his gratitude to the citizens of Muscatine for making him and his family feel welcome in Muscatine. He and his wife, Martha, presented the City with gifts from their home country. The gifts were given in appreciation for the kindness the Ngwayah's have received from the people of Muscatine.

#14504. Councilmember Gary Gray moved to approve the minutes of the January 4, 1996 Regular City Council meeting and the January 11, 1996 In-Depth meeting. Seconded by Councilmember Dan Gray. All ayes; motion carried.

#14505. Councilmember Kevin Fitzgerald moved that the Consent Agenda be approved as follows: Renewal of Class C liquor license for Ina Mae's, 403 West Mississippi Drive (pending inspections); cigarette permits for Wal-Mart, 1903 Park Avenue, for July 1994 to June 1995 and July 1995 to June 1996; and filing of Communications A-H. Seconded by Councilmember Phil Fitzgerald. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated that a public hearing was being held concerning the proposed ADA Paratransit Plan Update.

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

#14506. Councilmember Churchill moved the public hearing be closed. Seconded by Councilmember Heckenliable. All ayes; motion carried.

#14507. Councilmember Gary Gray moved the proclamation be approved declaring January as "Blood Donor Month". Seconded by Councilmember Freese. All ayes; motion carried.

#14508. Councilmember Kevin Fitzgerald moved the resolution be adopted setting a public hearing on February 1, 1996 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed Country Oaks Residential Development. Seconded by Councilmember Heckenliable.

Councilmember Churchill stated that it was his understanding that the name for this development was going to be changed.

Kevin Whittaker, Community Development Director, stated that there is a good possibility that the name will be changed. He stated that he would know more on Wednesday. He asked that Councilmembers

approve the resolution, noting that if Councilmembers were in agreement, the public notice would be changed to include the corrected name.

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

#14509. Councilmember Dan Gray moved the resolution be adopted approving the City's ADA Paratransit Plan Update for the transit system. Seconded by Councilmember Churchill.

Councilmember Dan Gray recognized Kathy Meier, Transit Supervisor, for her efforts.

Mrs. Meier stated that the City was able to implement the regulations so quickly because the City has been in compliance with ADA requirements for the past several years.

Councilmember Freese stated that it has been said that reductions will be made in federal funding of transit systems, and he asked if the City had contingency plans should this happen.

Mrs. Meier stated that the reduction of funds has already started. She told Councilmembers that during the upcoming budget review sessions all options for funding the City's transit system will be studied, noting that the City is dependent on state and federal funding for approximately one-fourth (1/4) of its operating costs.

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

#14510. Councilmember Kevin Fitzgerald moved the resolution be adopted setting a public hearing on February 1, 1996 at 7:30 p.m. in the City Hall Council Chambers concerning the downtown traffic signal review. 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.

#14511. Councilmember Churchill moved the resolution be adopted setting a public hearing on February 1, 1996 at 7:30 p.m. in the City Hall Council Chambers concerning the Webster Street Paving Project. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Churchill, Freese, Gary Gray, Dan Gray, Heckenliable, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14512. Councilmember Freese moved the resolution be adopted setting a public hearing on February 1, 1996 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed Kent Stein Park Maintenance Building Project. 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.

#14513. Councilmember Kevin Fitzgerald moved the resolution be adopted accepting the work performed under the Muscatine Recycling Center and Transfer Station Phase II and authorizing final payment to Carl A. Nelson and Company in the amount of \$181,980. Seconded by Councilmember Phil Fitzgerald.

Councilmember Phil Fitzgerald asked if the allocation of \$3,500 for landscaping activities would be sufficient.

Lavene Payne, Solid Waste Manager, stated that the \$3,500 will be an adequate amount, noting that a majority of the seeding took place last fall. He pointed out that the company doing the landscaping is a local company.

Mr. Payne gave an update on the drop-off points for recyclable products.

#14514. Councilmember Freese moved to approve a flood relief contract extension request between the City and the Bi-State Regional Commission. Seconded by Councilmember Phil Fitzgerald.

There was discussion on this issue.

Vote - All ayes; motion carried.

#14515. Councilmember Gary Gray moved the resolution be adopted setting a public hearing on February 1, 1996 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed exchange of property between the City and Muscatine Power & Water. Seconded by Councilmember Dan Gray.

City Administrator A.J. Johnson clarified for Councilmembers the property that would be involved in this exchange.

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

#14516. Councilmember Kevin Fitzgerald moved the resolution be adopted setting a public hearing on February 1, 1996 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed submission of an application to the Iowa Department of Corrections for the placement of a medium security facility in Muscatine. Seconded by Councilmember Phil Fitzgerald.

Councilmember Churchill stated that he did not receive one call in favor of this facility. He stated that he was opposed to such a facility and that he would not support holding a public hearing.

City Administrator Johnson told Councilmembers that before a prisoner is placed in a medium security facility he must first pass a medium security assessment process. He stated that there are two sites that could be used to accommodate this facility, noting that there is property available on the airport property as well as the cemetery farm property. He pointed out that there are other sites available that could accommodate a facility of this size.

Councilmember Phil Fitzgerald asked if there were other communities applying for this facility.

City Administrator Johnson stated that Wilton had withdrawn its application; however, Councilmembers for West Liberty have endorsed that City's efforts to pursue this facility.

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

#14517. Councilmember Churchill moved that the City Administrator be directed to notify the Iowa Department of Corrections that the City of Muscatine is not interested in submitting an application for the placement of a medium security facility in this community. Seconded by Councilmember Heckenliable.

Councilmember Dan Gray stated that he was not necessarily in favor of a medium security facility in Muscatine; however, he felt the public hearing should be held to give residents an opportunity to voice their opinions on this matter.

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

#14518. Councilmember Heckenliable moved that the request from Muscatine Power & Water and Grain Processing Corporation for the placement of an environmental and weather monitoring station within Musser Park be approved. Seconded by Councilmember Gary Gray. All ayes; motion carried.

#14519. Councilmember Phil Fitzgerald moved that lease agreement with Theater in the Sky Productions be terminated and that the City Administrator be authorized to request final payment on all expenses associated with the 1995 air show. Seconded by Councilmember Churchill.

There was discussion on whether or not the City could help vendors who had not been paid obtain the money owed them.

Vote - All ayes; motion carried.

Councilmember Kevin Fitzgerald commended Police Officer Mike Yocom for his community policing efforts.

City Administrator Johnson told Councilmembers that last week Carver Aero had notified the City that the community hangar at the airport is in dire need of repairs, especially the roof. He stated that the airplanes were taken out of the building and arrangements made to secure the services of Stanley Consultants to perform a structural investigation of the hangar, noting that it is a wooden structure. He stated that the study will cost approximately \$5,000. He asked that Councilmembers approve the proposal from Stanley Consultants for the structural investigation.

Councilmember Kevin Fitzgerald asked if any compensation would be received from Carver Aero.

City Administrator Johnson stated that the building is owned and maintained by the City and that Carver Aero leases areas within the hangar to airplane owners.

Councilmember Kevin Fitzgerald asked if the City shared in the revenues generated from the leasing of the building, and City Administrator Johnson answered.

There was discussion on the cost for building a new structure.

City Engineer Ray Childs stated that the building is of 1920s vintage and that construction of a new facility, which would be about the size of the transfer station, could cost approximately \$2 million. He stated that it would be to the City's advantage to have the structural analysis done before making the decision to rebuild.

#14520. Councilmember Phil Fitzgerald moved to approve the proposal from Stanley Consultants in the amount of \$5,000 for the structural investigation of the community hangar at the municipal airport. Seconded by Councilmember Heckenliable. All ayes; motion carried.

City Administrator Johnson stated that Councilmembers have on their desks a copy of the proposed schedule for the budget review sessions. He stated that a number of Councilmembers had problems with the February 13 and 14 dates, noting that topics scheduled for discussion on those dates included capital projects, debt service, landfill, transfer station, etc. He stated that he has scheduled Saturday, February 10, 1996 from 8:00 a.m. to 4:00 p.m. as the date to begin tackling as many of these items as possible. He stated that February 12, 1996 from 4:30 to 9:00 p.m. will be used for further discussion and, if necessary, February 17, 1996 will also be used. He asked Councilmembers to check their schedules and notify his office of any other conflicts.


#14521. Councilmember Phil Fitzgerald moved to go into Executive Session at 8:31 p.m. to discuss pending litigation. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried.

#14522. Councilmember Kevin Fitzgerald moved to go out of Executive Session at 8:35 p.m. Seconded by Councilmember Churchill. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried.

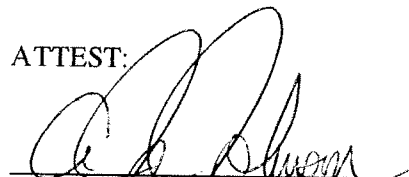
There was no action taken as a result of the Executive Session.

#14523. Councilmember Heckenliable moved the meeting be adjourned. Seconded by Councilmember Churchill. All ayes; motion carried.

The meeting adjourned at 8:36 p.m.


Richard W. O'Brien, Mayor

ATTEST:


A.J. Johnson, City Administrator