

CITY OF MUSCATINE
REGULAR MONTHLY SESSION OF CITY COUNCIL
Council Chambers - January 15, 1987 - 7:30 p.m.

The meeting was called to order by Mayor Richard Waltman.

Roll Call: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp present.

The opening prayer was given by Mayor Waltman.

The Pledge of Allegiance was given.

PUBLIC HEARING

Mayor Waltman announced the hearing was being held to receive public comment on the proposed adoption of the Uniform Building Code regulations.

Don Appell, Deputy State Building Code Commissioner of the State Department of Public Safety, addressed Council on the proposed Building Code change. He stated the function of the State Building Code Commission is to adopt model codes and designate them as the State Code. He noted the State has recently adopted the 1985 Uniform Building Code and its 1986 Supplement. He added this Code includes the Uniform Mechanical Code, Uniform Plumbing Code, and the National Electrical Code. He noted two mandatory state-wide requirements are included in the State Code for (1) handicap and (2) energy requirements.

Mr. Appell stated when the City of Muscatine adopted the State Building Code, it also adopted the Mechanical, Plumbing, and Electrical Code sections and any separate such codes would be duplicates and may be void. He stated local communities cannot amend the State Building Code but can suggest changes to the State Building Code Advisory Council. He noted the enforcement of the Code and establishment of fees is a function of the local community.

He stated he felt an advantage of designating the State Building Code as the local Code was the State would go through the amendment process for Code changes, and these changes would automatically be in effect in the local community without the local community also going through the amendment process. He noted the State Building Code also takes into consideration regulations of other State Departments or Agencies so conflicts in regulations can be avoided. He stated he would encourage the City to remain under the State Building Code.

There was discussion concerning procedures required for updating codes under both the State Building Code and under direct adoption of the national Building codes.

Soren Wolff, City Administrator, stated the intent when the City Code was recodified in 1981 was to adopt the most recent editions of the national Mechanical, Plumbing, and Electrical codes and to have amendments become automatically effective as they were approved by the national conference.

Mr. Appell stated the State and any local community must go through the amendment process for changes to the national codes by adopting specific editions of the Codes. He noted changes cannot be adopted by general statements referencing future code changes.

City Attorney Harvey Allbee Jr., concurred with Mr. Appell that the City must amend the City Code for changes in the national codes if these national codes are directly adopted by the City. He stated the City can implement changes quicker than the changes can be implemented on the State level, noting the 1985 changes in the national codes have been made effective in January of 1987 under the State Code.

Steve Boka, Building and Zoning Administrator, stated the City by referencing future changes in the national codes, has in effect attempted to implement the same changes only sooner. He noted the City has been working with the 1985 changes since they were available and the State has implemented these changes in January, 1987.

Mr. Appell noted the national codes are amended each year but published entirely only every three years. He stated annual supplements are issued each year but are not in effect unless the State or local communities act to implement these supplements. He noted the State included the 1986 supplement in the State Code issued in January of 1987.

City Attorney Allbee stated if the City chooses to adopt the national codes directly, changes could be done quicker because of elimination of one level of government. He added the City is also attempting to implement decriminalization of some types of Code violations, but the State statute states violations of this Code are simple misdemeanors and as such could not be enforced under the non-criminal sanction process.

Mr. Appell concurred that currently violations of this Code are classified as misdemeanors. He stated this apparent conflict in State requirements may be considered an unreconcilable condition as a result of the recent act of the legislature in permitting decriminalized enforcement of code violations. He stated a request can be made to the Attorney General for an opinion on the apparent conflict or an amendment can be considered to the State Building Code to allow for this enforcement option.

Councilmember Harder questioned the length of time normally required for the State to implement changes in the national codes.

Mr. Appell stated the most recent State Building Code was delayed due to a controversial change in the electrical code and also due to considering several changes at one time to hold down costs. He stated the International Conference of Building Officials holds their meeting in September and the amendments are usually available the following March or April. At that time the State or local government must go through the process to implement these amendments. He noted the State normally does not adopt the annual supplements but waits for the new edition to be compiled every three years.

Councilmember Harder questioned if the proposed change to directly adopt the national codes would have an effect on the City's insurance.

City Administrator Wolff stated the City's insurance agent had not been contacted prior to the meeting.

There were no written petitions for or against.

#10086. Councilmember Powell moved to close the public hearing. Seconded by Councilmember Kemp. All ayes; motion carried.

#10087. Councilmember Amerine moved to approve the Minutes of the December 18, 1986 Regular Council meeting as corrected. Seconded by Councilmember Sayles. All ayes; motion carried.

#10088. Councilmember York moved to approve the Minutes of the January 8, 1987 In-Depth Council meeting. Seconded by Councilmember Phillips. All ayes; motion carried.

#10089. Councilmember Powell moved to approve the request for new Class "C" Liquor License and Sunday Sales Permit for Rudy's Tacos, 2220 Park Avenue - J.R.R. Enterprises Corporation. Seconded by Councilmember Amerine. All ayes; motion carried.

The request for new Sunday Sales Permit for Happy Times, 525 Mulberry, was withdrawn.

#10090. Councilmember Kemp moved to approve the requests for (1) New Class "C" Beer and Sunday Sales Permit for Petro-n-Provisions, 1010 Park Avenue - C.G.C. Stores, Inc., (2) Renewal of Class "C" Liquor License for Ina Mae's, 403 W. Mississippi Drive - Robert C. and Gaylie V. Doerres, and (3) Renewal of Class "C" Liquor License for the Loading Dock, 228 W. 2nd - Dejco, Inc. Seconded by Councilmember Amerine. All ayes; motion carried.

City Administrator Wolff reported a lawsuit has been filed against the City by Zimmer and Francescon, Inc. and Art-O-Lite Electric Company for payment on Phase I of the Water Pollution Control Renovation Project. He stated this lawsuit was a result of non-payment by the General Contractor to the subcontractors. He requested this matter be referred to the City Attorney.

#10091. Councilmember Amerine moved to refer this lawsuit to the City Attorney. Seconded by Councilmember Harder. All ayes; motion carried.

Mayor Waltman submitted a list of twenty-one (21) appointments to various City Advisory Boards and Commissions (copy attached).

#10092. Councilmember Powell moved to approve the above appointments. Seconded by Councilmember Sayles. All ayes; motion carried.

#10093. Councilmember Amerine moved to approve the ordinance on third and final reading to adopt Electrical Licensing fees and regulations and it be published in the Muscatine Journal as required. Seconded by Councilmember York. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp. Motion carried and ordinance adopted on third and final reading.

City Administrator Wolff questioned the City Attorney as to procedures to follow to update the building code types which have been adopted directly by the City.

City Attorney Allbee stated the amendments to those code sections can be done on successive readings of this ordinance, beginning at the next meeting, if Council would choose to directly adopt the national codes.

#10094. Councilmember Amerine moved to approve the ordinance on first reading to adopt the Uniform Building Code as established by the International Conference of Building Officials. Seconded by Councilmember Phillips.

Councilmember Harder requested the Building and Zoning Administrator to comment on the information presented at the public hearing.

Steve Boka, Building and Zoning Administrator, stated the intent of the proposed change to directly adopt the national code is not to lessen any building standards but is to have a local adoption process of the national codes that is not circumvented by an action the State might take. He noted the State supercedes any action by the local government and the State codes prohibit local governments from making any requirement more restrictive than the State Code. He stated by adopting the national codes directly, the City could consider decriminalization of code violations and could control how rapidly code changes are implemented. He stated the intent would still be to abide by State requirements, but these changes would allow the City to have more control of what is being done locally.

Councilmember Harder questioned if the City could have lesser standards than the State if national changes are adopted locally before adopted by the State.

Steve Boka stated it was possible this could occur. He noted that he and the State's representatives are voting members on changes considered by the International Conference of Building Officials and several hundred changes are considered each year with many of these being minor in nature. He stated the Code education development process is important to him and his staff and with the delayed implementation of changes when using the State Code, it can be confusing to both staff and contractors.

Councilmember Kemp noted that under the national codes, the City is not prohibited from having a higher standard than the national codes, but under the State Code this would be prohibited.

Vote - All ayes: Councilmember York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp. Motion carried and ordinance approved on first reading.

#10095. Councilmember York moved the resolution be adopted setting a public hearing for February 19, 1987 on the Annual Transit Development Plan for the City of Muscatine. Seconded by Councilmember Amerine. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp. Motion carried and resolution duly adopted.

#10096. Councilmember Sayles moved the resolution be adopted approving the final work for roof repairs at the Public Safety Building and the Art

Center in the amount of \$31,667 and final payments be made in accordance with the schedule outlined in the agenda. Seconded by Councilmember York.

Councilmember Harder commended the engineers and contractors for the project noting no change orders were necessary.

Vote - All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp. Motion carried and resolution duly adopted.

#10097. Councilmember Amerine moved to approve the Resolution Authorizing Amendment to the Annual Contribution Contract and Issuance of Project Loan and Permanent Notes and the related Amendments to the Consolidated Annual Contributions Contract be approved and the certificates be signed and sent to HUD for execution and returned to the City. Seconded by Councilmember Powell. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp. Motion carried and resolution duly adopted.

#10098. Councilmember Sayles moved the Right of Way Assurance Statement be approved and submitted to the Iowa Department of Transportation. Seconded by Councilmember York. All ayes; motion carried.

#10099. Councilmember Amerine moved to award the bid for two sludge pumps to Liquid Waste Technology in the amount of \$7,726. Seconded by Councilmember Kemp.

Councilmember Harder questioned the amount of the other bid.

City Administrator Wolff stated this bid was in the amount of \$7,906.

Vote - All ayes; motion carried.

#10100. Councilmember Powell moved to authorize a contract be executed with Ryan and Associates in an amount not to exceed \$17,000 to perform mechanical work on a time and materials basis to complete the plumbing work for the sludge distribution system and to approve an amount up to \$15,000 in change orders with the general contractor to complete the rest of the work. Seconded by Councilmember Amerine. All ayes; motion carried.

#10101. Councilmember Amerine moved that Items A through Q be received and filed. Seconded by Councilmember York. All ayes; motion carried.

#10102. Councilmember Powell moved to approve bills totaling \$371,944.49 and the City Council authorize the Mayor and City Clerk to issue warrants for the same. Seconded by Councilmember Kemp. All ayes; motion carried.

Councilmember Kemp reported that traffic signals have not been working properly on Mulberry Avenue and along Second Street.

Councilmember Kemp suggested Council go together to the proposed Hansen Subdivision to look at this area.

Mayor Waltman stated he would contact members to arrange a time.

City Administrator Wolff reported bids were received for a small truck for the Water Pollution Control Plant. He stated the low bid was received from M & M Ford in the amount of \$6,760.92, with the State bid at \$7,128.50, and another local bid received after the deadline.

#10103. Councilmember Powell moved to award the bid for a small truck to M & M Ford in the amount of \$6,760.92. Seconded by Councilmember Amerine. All ayes; motion carried.

City Administrator Wolff referred Councilmembers to copies of a memo on the concerns of the Cable Advisory Commission regarding staffing levels at Heritage Cablevision.

Councilmember Kemp questioned if equipment levels have also been reviewed.

City Administrator Wolff stated the Advisory Commission can also be requested to review this issue.


City Administrator Wolff also noted the memo distributed in regard to regulations at gas stations.

Mayor Waltman announced the Boy Scouts would be attending the first Council meeting in February.

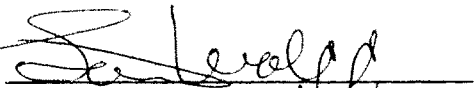
Mayor Waltman thanked individuals who applied to positions on various City boards and commissions. He stated he regretted not being able to use all applicants and the applications would be kept on file for future vacancies.

#10104. Councilmember Kemp moved to adjourn the meeting. Seconded by Councilmember Sayles. All ayes; motion carried.

Meeting adjourned at 8:45 p.m.


Richard Waltman, Mayor

Attest:


Soren Wolff, City Clerk

Board Appointments - January 15, 1986

R - reappointment
N - new appointment

Airport -

R - Roger Lande 12-31-86 to 12-31-91

Board of Health

R - Gayle Sayles 12-31-86 to 12-31-89

Cable Television

R - Mary Mills 12-31-86 to 12-31-91

Cemetery

R - Dorothy Forrester 12-31-86 to 12-31-90

N - Joe Wright 12-31-86 to 12-31-90

515 Woodland Way 263-0891

Golf Course Advisory

R - Albert Church 12-31-86 to 12-31-90

R - Robert Vetter 12-31-86 to 12-31-90

N - Joyce Gordy 12-31-86 to 12-31-90

1710 Cedar Street - phone 263-5908

Housing Advisory and Appeals Board

R - Paul Ruden 12-31-86 to 12-31-88

R - Mark Gillett 12-31-86 to 12-31-88

Human Rights

R - Mary Caparoon 12-31-86 to 12-31-89

R - William Clark 12-31-86 to 12-31-89

R - Cal Rowe 12-31-86 to 12-31-89

Muscantine Housing Advisory

N - Jeff Martin 12-31-86 to 12-3-92

1234 Vista Court H - 264-5404

W - 264-1500

N - Robert Minter 12-31-86 to 12-31-92

2102 West Bay Drive H - 263-4164

W - 262-1400

Parks and Recreation Advisory

R - Rebecca Strella 12-31-86 to 12-31-90

R - Chuck Van Hecke 12-31-86 to 12-31-90

Planning and Zoning

R - M. D. "Don" Jones 12-31-86 to 12-31-91

Plumbers Board of Examiners

R - Rich Jones 12-31-86 to 12-31-88