

6-A

CITY OF MUSCATINE
REGULAR MONTHLY SESSION OF CITY COUNCIL
Council Chambers - May 7, 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 Pastor Ed Meyer of the Mt. Zion Church.

The Pledge of Allegiance was given.

Mayor Waltman announced that this was the time for the public hearing to hear comments regarding the proposed rezoning of two blocks of Oregon Street, south of Musser Park.

Kevin Whittaker, Director of Planning and Community Development, reviewed the proposed rezoning of the area. He described the location and indicated that although a survey of all property in the area had been completed prior to 1973, this two block area was left out for unknown reasons.

Councilmember Amerine questioned the reasoning for rezoning the five block area to M-1 and leaving the two block area as R-3.

Kevin Whittaker stated this two block area was left out by default and was just neglected.

Jerry Stark, a realtor representing Mr. Douglas Drake, stated the major reason for the rezoning was to bring it to conformity with the surrounding area. He indicated that by rezoning this area light industrial, it would give the residents more than one selling option. He stated there was a national company that wants to demolish the 4-plex building and construct a convenience store.

Councilmember Kemp questioned the hours of the proposed convenience store.

Mr. Stark stated the hours for the convenience store were unknown at this time.

Councilmember Harder asked which individuals had signed the petition and where they lived.

Mr. Stark stated everyone listed on the petition resided in this area. He stated the owner of the rental units was an absentee owner.

Councilmember Amerine questioned the number of residents in this area.

Mr. Stark stated there were twelve (12) homeowners in which he had eight approvals.

Councilmember Kemp asked if Mr. Stark had contacted the pastor at the Musserville Methodist Church.

Mr. Stark stated he had only contacted homeowners who were directly involved with the zoning change. Mr. Stark indicated the church was already zoned industrial. He also stated the church is primarily concerned with traffic problems connected with the proposed convenience store.

Councilmember Amerine stated although he felt truck traffic would diminish in the area in the near future, he was concerned that the convenience store would create more traffic problems.

Mayor Waltman asked if a home would burn down and this area was zoned M-1 would it have to be sold as industrial property.

Kevin Whittaker, Director of Planning and Community Development, stated that if more than 50% of the home was destroyed, then the homeowner would have to apply for a variance from the Board of Adjustments within a year before rebuilding the residential home.

Pastor Berlin of the Musserville United Methodist Church, stated he was concerned with traffic problems in this area. He stated there were parking problems now, especially around Musser Park, the church, and the mall. He felt a convenience store would only create more traffic and parking problems.

Councilmember Kemp asked if this was Pastor Berlin's viewpoint or that of the Church Board.

Pastor Berlin stated it was the Church Board's position to oppose this rezoning.

Richard Hohenadel, R. R. 4, member of the Musserville United Methodist Church, stated he was also concerned with the traffic increasing in regards to the proposed convenience store.

#10273. Councilmember Amerine moved to close the Public Hearing on rezoning of two (2) blocks of Oregon Street south of Musser Park. Seconded by Councilmember Kemp. All ayes; motion carried.

#10274. Councilmember York moved to approve the Minutes of the April 16, 1987 Regular Council Meeting. Seconded by Councilmember Sayles. All ayes; motion carried.

#10275. Councilmember Amerine moved to approve the request for renewal of Class "B" Beer and Sunday Sales Permit for Happy Joe's Pizza and Ice Cream Parlor, 927 Grandview Avenue - Max Brewer Corporation. Seconded by Councilmember Powell. All ayes; motion carried.

Soren Wolff, City Administrator, stated there were four fire violations at Muscatine Mulberry Mobil Service, Inc., 506 Mulberry - Muscatine Mobil Service, Inc.

#10276. Councilmember Powell moved to approve the request for renewal of Class "C" Beer and Sunday Sales Permit for Muscatine Mulberry Mobil Service, Inc., 506 Mulberry - Muscatine Mobil Service subject to correction of the four fire violations. Seconded by Councilmember York. All ayes; motion carried.

#10277. Councilmember Amerine moved to approve the request for new Class "C" Liquor and Sunday Sales permit for El Charro Restaurant, 821 Oregon Street - Dennis E. Dilts. Seconded by Councilmember Phillips. All ayes; motion carried.

#10278. Councilmember Sayles moved to approve the request from the Muscatine Running Club to use Public Right-of-Way for the annual Watermelon Stampede on August 22nd during Great River Days. Seconded by Councilmember Kemp. All ayes; motion carried.

Mayor Waltman announced the following suggested names for the Red Brick Building on the Riverfront: Riverfront Station, River City Landing, River Center, Pearl City Station, Port of Muscatine, Bloomington Stop, and Port City Landing. The Mayor asked the Councilmembers to review these names and have a choice made by the dedication on June 6th.

Mary Steinmaus, President of Muscatine Sister Cities Association, reported on the acceptance of two sister cities, one being Rasario, Argentina and the other Paysandu, Uruguay. She stated she would request Council's approval and support on adopting these two sister cities. She also stated that Muscatine Sister Cities Association would like to become officially affiliated with the Sister Cities International. She reported that in November, 1984, the City of Muscatine contributed \$150 (half the annual dues) to Sister Cities International and the second installment needed to be made as soon as Muscatine Sister Cities Association become affiliated with a city in another part of the globe. She stated after the first year the group would reassess the benefits if any from Sister Cities International and make a recommendation for next year. She indicated annual dues are based on the size of the city, not the number of sister cities.

Mayor Waltman asked Ms. Steinmaus for information regarding the Young Ambassadors program.

Ms. Steinmaus reported the Young Ambassadors were a group of Muscatine High School students who are currently attempting to travel to Japan in order to formulate a relationship with a city in Japan. She stated if the students are not able to finance the trip to Japan, they would like to use their funds to attend the First Annual Sister Cities International Conference to be held in July. She stated that Muscatine Sister Cities would have to be officially affiliated with Sister Cities International in order for them to participate.

#10279. Councilmember Amerine moved to approve the payment of \$150 for dues to the Sister Cities International and to reassess this membership after one year. Seconded by Councilmember Powell. All ayes; motion carried.

#10280. Councilmember Sayles moved to approve the request from Greater Downtown Merchants to close Second Street from Iowa Avenue to Walnut Street on Saturday, May 23, 1987 for annual the Memorial Day Street Sale. Seconded by Councilmember York. All ayes; motion carried.

#10281. Councilmember Powell moved to approve proclamations for (1) May 22nd and 23rd as Poppy Days; (2) the month of May as Motorcycle Awareness Month; (3) HON Industries 40th Anniversary; (4) the month of May as Better Hearing and Speech month; and (5) the week of May 10th as National Nursing Home week. Seconded by Councilmember Kemp.

Mayor Waltman read the proclamation for HON Industries 40th Anniversary, stating that the City of Muscatine was proud to have HON Industries here in Muscatine.

Vote - All ayes; motion carried.

Kevin Whittaker, Director of Planning and Community Development, reported on the location of City property in Sunrise View Addition which is proposed to be considered for sale by the City. He stated this piece of real estate was transferred to the City in 1957 for future extension of a street between Barry Avenue and Centre Drive. He stated the Planning Commission reviewed this request and at this time has recommended the property not be sold.

Councilmember Harder indicated that Mr. Ray Korschot has paid taxes on this property and felt Mr. Korschot should receive a refund.

Kevin Whittaker stated the Planning Commission has been notified regarding the tax matter and is in favor of such a refund.

Councilmember Kemp stated this area also has a drainage problem.

Mr. Whittaker concurred, but stated this problem could be solved.

#10282. Councilmember Amerine moved the resolution be adopted setting a public hearing for May 21, 1987 on the request to sell a portion of City property adjacent to Lot 9 of to Sunrise View Addition. Seconded by Councilmember Phillips. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell and Kemp. Motion carried and resolution duly adopted.

#10283. Councilmember Powell moved to approve the Ordinance on the first reading to consider rezoning two blocks of Oregon Street and south of Musser Park. Seconded by Councilmember Sayles.

Councilmember Harder questioned if property owners in the two block area of Oregon Street and south of Musser Park had been notified of the ordinance proposing the rezoning of this area. He stated he was concerned that no residents appeared at the public hearing and indicated he was interested in their responses.

Kevin Whittaker, Director of Planning and Community Development, stated there was an on-site meeting. He stated all residents within 200 feet are notified of any rezoning when under consideration by Planning & Zoning Commission.

Councilmember Amerine asked the number of church board members living in this area.

Pastor Berlin, stated four to five families lived in the area. He also stated there was an announcement on the rezoning made during church services and a few weeks later the matter was discussed by church members.

Councilmember Kemp questioned if church members opposed the rezoning and/or the convenience store.

Pastor Berlin, stated they were opposed primarily to the rezoning.

Councilmember Powell stated he felt traffic control should not deter progress.

Mayor Waltman indicated the residents on the same side of the road as the church did not realize the area had been changed from residential to M-1 because notices were not sent out when it was rezoned in 1972-73.

Vote - Five ayes: Councilmembers York, Harder, Sayles, Phillips, and Powell. Two nays: Councilmembers Amerine and Kemp. Motion carried. Ordinance approved on first reading.

Soren Wolff, City Administrator, stated the plans on the Papoose Creek Sewer Separation project have not been finalized. He stated this project would be funded from the Water Pollution Control Fund with 100% user fees and no tax monies involved. He also stated rates would not be increased.

Craig Olson, Director of Water Pollution Control, discussed the location of this sewer project with two options of constructing the sewer system, one as an open trench and the other was to bore the sewer line underground from intersection to intersection. He stated there will only be two blocks and three intersections under construction at one time. He also indicated they hoped to start at the Central Junior High School area at end of the project which would cause minimum disruption of school activities. He stated they hoped to have this project 90% completed before school began in the fall, with the other 10% representing the actual connection of the sewer line to the sewer system to be completed by October or November.

Soren Wolff, City Administrator, stated normally a project of this type would start at the low grade end, but to prevent disruption of school, it was planned to start at the school's location.

Ray Child, City Engineer, concurred that normal procedure was to start at the low grade, but there should be no problem with starting at the school area first.

Councilmember Kemp questioned if this project could be completed in one construction year. He asked if the project could be completed next summer when school was not in session.

Craig Olson, Director of Water Pollution Control, stated Stanley Consultants indicated it would be a four month construction project and the contractor should be on-site in late July.

Mr. Wolff indicated that until the City gets final word from the school, the specs would indicate the school end to be completed first.

Councilmember Phillips asked how the Public Safety Building would be affected during this construction.

Craig Olson, Director of Water Pollution Control, stated the road by the Public Safety Building road would be torn up for a time during construction, but length of time depended on whether the project called for trenching or boring.

Councilmember Harder stated concern on the access to residential dwellings.

Craig Olson stated this problem would have to be worked out. He indicated this project has accelerated very quickly, and it is anticipated that construction will be completed by winter.

#10284. Councilmember Amerine moved the resolution be adopted setting a public hearing for May 21, 1987 on the Papoose Creek Sewer Separation Project. Seconded by Councilmember Powell. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell and Kemp. Motion carried and resolution duly adopted.

#10285. Councilmember Powell moved the resolution be adopted approving the contract with Manatt, Inc. for Madison School Community Development Block Grant project. Seconded by Councilmember Kemp. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell and Kemp. Motion carried and resolution duly adopted.

Ray Childs, City Engineer, described the area to be improved in the Madison School Target Area and the location of Gobble Street. He explained the problem on Gobble Street and that part of Sub Van Buren Street would also have to be improved.

Soren Wolff, City Administrator, stated the property owner's portion of the cost of improvements could be placed on a 10 year assessment basis with the City's portion funded from a bond issue. He suggested a neighborhood meeting be scheduled within the next ten to fourteen days in order to obtain

the resident's comments by next Council meeting. He informed the Council that a change order could be later attached to the contract if the Council decided to do these improvements. He stated he would not recommend a public hearing until a meeting has been held with the residents.

Councilmember Powell stated Gobble Street has been a on-going problem and would like to hear from the public and City Council.

Scott Johnson, Community Development/Planning Coordinator, stated the contractor planned to complete this project by early September.

Soren Wolff, City Administrator, stated if Council had no objection a meeting with property owners would be held and comments would be ready by the next Council meeting.

#10286. Councilmember Amerine moved the resolution be adopted accepting the agreement with the Department of Natural Resources (DNR) for the Parking Lot Expansion Program. Seconded by Councilmember Sayles. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell and Kemp. Motion carried and resolution duly adopted.

Soren Wolff, City Administrator, stated the documents and contract have not been received on the auxiliary courtesy dock, but the City has received information that the application has been approved from the Department of Natural Resources. He stated the City would bid the parking lot expansion program, the auxiliary courtesy dock, and the boat launch ramp together as one project, but due to Department of Natural Resources' regulations and conflicts regarding the amount of bonding, staff is requesting that three separate hearings be held on the three phases of this project.

Larry Wolf, Parks & Recreation Director, reviewed the site plan and how these three projects tie together. He stated the proposed boat launch ramp will be comparable to the existing ramp, and plans have been drawn up and are awaiting signatures on the auxiliary boat dock. He also stated the agreement for the auxiliary boat dock should be received by the next Council meeting. He indicated, however, that the City will be soliciting bids for only the concrete work of this project. He further stated the actual dock construction would be performed in-house. He noted that all boats will be able to use this dock. Mr. Wolf described the final phase of this project, the parking area. He noted a turn-around has been added which will lead to the Red Brick Building for truck and auto access.

Councilmember Phillips questioned the traffic pattern on this turn-around and if vehicles pulling boats will be using it.

Mr. Wolf stated there will be an elevated full curb and enough space for vehicles/boats on this turn-around.

Councilmember Sayles stated she was pleased to see the sidewalk installation between Mississippi Drive and the railroad tracks.

#10287. Councilmember Amerine moved the resolution be adopted setting a public hearing on the boat launch ramp for May 21, 1987. Seconded by Councilmember Kemp. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell and Kemp. Motion carried and resolution duly adopted.

#10288. Councilmember Kemp moved the resolution be adopted setting a public hearing on the auxiliary courtesy dock for May 21, 1987. Seconded by Councilmember Harder. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell and Kemp. Motion carried and resolution duly adopted.

#10289. Councilmember Powell moved the resolution be adopted setting a public hearing on the parking lot renovation for May 21, 1987. Seconded by Councilmember Sayles.

Councilmember Harder asked if the parking lot renovation involved an additional \$20,000 to \$25,000 for the turn-around or did it need to be added to the bond issue.

Soren Wolff, City Administrator, stated the project included the turn around in front of the Red Brick Building which costs between \$13,000 and \$25,000, but the parking renovation can be done within the initial cost amount.

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

#10290. Councilmember Amerine moved the resolution be adopted to set public hearing for May 21, 1987 on vacating the permanent construction easement granted by William E. and Barabara S. Schoenig at Cedar and Parham Streets. Seconded by Councilmember York. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell and Kemp. Motion carried and resolution duly adopted.

Jack Paetz, Housing Administrator, explained the proposed amended Public Housing Budget for Fiscal Year 1986/87 and the proposed Fiscal Year 1987/88 Budget. He stated increased insurance and audit costs were reflected in both budgets with only small changes in other operating expenses.

#10291. Councilmember York moved the resolution be adopted amending the Fiscal Year 1986/1987 Consolidated Public Housing Budget. Seconded by Councilmember Amerine. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell and Kemp. Motion carried and resolution duly adopted.

#10292. Councilmember Powell moved the resolution be adopted approving the revised Section 8 budget for Fiscal Year 1986/87 which sets rental revenue at 26% of total income. Seconded by Councilmember Kemp. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell and Kemp. Motion carried and resolution duly adopted.

#10293. Councilmember Sayles moved the resolution be adopted approving the Consolidated Public Housing Budget for Fiscal Year 1987/88. Seconded by Councilmember York. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell and Kemp. Motion carried and resolution duly adopted.

#10294. Councilmember Kemp moved the resolution be adopted approving the Section 8 budget for Fiscal Year 1987/88 which sets rental revenue at 26% of total income. Seconded by Councilmember Phillips. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell and Kemp. Motion carried and resolution duly adopted.

#10295. Councilmember Powell moved the request be approved to purchase the 1970 Caterpillar scraper in the amount of \$48,000 from Gibbs/Cook. Seconded by Councilmember Amerine.

Soren Wolff, City Administrator, stated Councilmember Harder received a pamphlet on auctions that will be held in this area which include four to five scrapers. Mr. Wolff noted the City reviewed these scrapers and concluded that they did not meet the City's needs.

Randy Hill, Acting Public Works Director, discussed the difference between other scrapers evaluated by staff and needs of the landfill. He stated those reviewed were single engine paddle wheel scrapers with a capacity of fourteen cubic yards and the age and condition were not known. Additionally, he stated they were too small, maintenance on the paddle wheel scraper was complicated, and the equipment was designed to be used as a finish type scraper.

Councilmember Kemp questioned if the City's staff would be able to repair the Caterpillar scraper.

Mr. Hill, noted the City has performed preventive maintenance work, but the Caterpillar dealership should be contacted for a proposal on major work.

Soren Wolff, City Administrator, concurred stating the City is not equipped to perform major maintenance on the scraper; therefore, major repairs would need to be contracted out.

Vote - All ayes; motion carried.

#10296. Councilmember Amerine moved to approve the purchase of the 65 h.p. concrete saw from Concrete Materials Inc. in the amount of \$5,081.52. Seconded by Councilmember York.

Councilmember York questioned the \$3,000 difference between the bids, and if the same type of equipment was included in each bid.

Randy Hill, Acting Public Works Director, stated there was no specific answer for the range of bids, except that possibly one contractor needed work more than the other.

Soren Wolff, City Administrator, stated that all equipment met the City's specifications.

Councilmember Harder asked if this equipment was made by the same manufacturer.

Randy Hill stated Concrete Materials Inc.'s bid included a Cimline model and Alter and Sons Inc. bid on the Flipper model.

Councilmember Harder inquired about the safety of the Cimline model.

Randy Hill stated the specifications indicated a blade guard was to be placed on this piece of equipment for safety reasons.

Vote - All ayes; motion carried.

#10297. Councilmember York moved to approve the low bid from Line Masters in the amount of \$16,128.88 for the 1987 Street Pavement Painting Program. Seconded by Councilmember Sayles. All ayes; motion carried.

#10298. Councilmember Amerine moved to approve the low bid from Marsten Landscaping in the amount of \$14,735 for the landscaping and seeding of McIntire, 63rd and 65th Street Improvement Project. Seconded by Councilmember York.

Councilmember Harder asked the source of funding and whether this would be assessed against the homeowners.

Ray Childs, City Engineer, stated seeding was not assessed to property owners. He stated there was \$20,000 in construction savings but over the last three to four years, with the cost for redesigning this project several times, the City may be \$2,000 to \$3,000 short of the original budget.

Councilmember Harder questioned if this \$2,000 to \$3,000 shortage was an addition to the \$14,000. He also questioned the transplanting of a tree.

Mr. Childs stated on 65th Street there was one resident who indicated the City had removed a tree from his property; therefore, the City will replace it.

Councilmember Harder questioned if the City was going to lower the driveways for drainage purposes. He stated the residents feel the ponding on the road has now been transferred to their yards.

Ray Childs stated there was one place on Cheryl Street where landscaping is needed for drainage.

Councilmember Harder also asked if there were plans to add culverts to these driveways.

Mr. Childs stated there was one incident where a resident was asked if he wanted a ditch or culvert at their secondary driveway, and the resident decided on the culvert and later he wanted to change to a ditch. Mr. Childs stated this could not be done at this time.

Vote - All ayes; motion carried.

Steve Boka, Building and Zoning Administrator, reported on the clean-up activity at 1301 Washington Street. He stated that a great deal had been cleaned up on the front portion of this property, although there were a couple of vehicles yet to be removed. He stated the lumber mill was planning a sale, and after this sale another update would be presented to Council.

Soren Wolff, City Administrator, stated the back portion, where the buildings are located, is still in bad condition. He indicated an estimated cost of between \$30,000 and \$40,000 would be needed to clean-up this property, and the City would be funding that cost for three to four years before property would go on tax sale. He noted that even then the City may never recover that cost. He stated he felt Council should tour the site and make a decision on the extent of cleaning of this site.

#10299. Councilmember York moved to receive and file Communication Items A through K. Seconded by Councilmember Sayles. All ayes; motion carried.

#10300. Councilmember Kemp moved to approve bills totaling \$730,309.30 and authorize the Mayor and City Clerk to issue warrants for the same. Seconded by Councilmember Phillips. All ayes; motion carried.

Councilmember Harder requested the status of the gas pumps on the river.

Larry Wolf, Parks and Recreation Director, stated the gas pumps have been tested, and one pump is leaking but the two 500 gallon pumps will be in operation this weekend. He stated there were a few items in regards to the electrical code that still needed attention.

Councilmember Powell related a concern of a citizen in regards to the building at the corner of Mulberry and 5th Streets, the former location of Starkey's Hutch. He indicated the chimney was pulling away vertically and in danger of falling onto the sidewalk.

Mayor Waltman thanked the Women's Federated Club and all volunteers that assisted in the plantings at the Red Brick Building last Saturday.

#10301. Councilmember Powell moved to go into Executive Session to review a personnel discharge settlement and the status of Labor Negotiations with the Firefighters Union. Seconded by Councilmember York. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell and Kemp. Motion carried.

#10302. Councilmember Harder moved to go out of Executive Session. Seconded by Councilmember York. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell and Kemp. Motion carried.

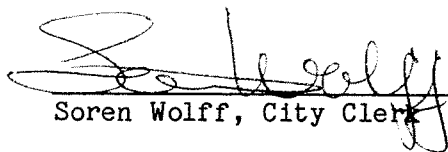
#10303. Councilmember Amerine moved to approve the settlement involving the termination of Police Officer Kristy Bacon. Seconded by Councilmember Sayles. All ayes; motion carried.

#10304. Councilmember York moved to approve the Labor Contract with the Firefighter's Union for the period effective July 1, 1987 through June 30, 1989. Seconded by Councilmember Kemp. All ayes; motion carried.

#10305. Councilmember Amerine moved to adjourn the meeting. Seconded by Councilmember Powell. All ayes; motion carried.


Richard Waltman, Mayor

Attest:


Soren Wolff, City Clerk