

CITY OF MUSCATINE
REGULAR MONTHLY SESSION OF CITY COUNCIL
Council Chambers - May 5, 1988 - 7:30 p.m.

The meeting was called to order by Mayor Don LeMar.

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

The opening prayer was given by Richard Corwin of the Nichols Christian Church.

The Pledge of Allegiance was given.

Mayor LeMar stated that during the past week he had attended the High School Athletic Awards Program and the gathering when the Muscatine High School Band left for Washington D.C. He congratulated the students on their awards and accomplishments.

PUBLIC HEARING

Mayor LeMar announced the hearing was being held to receive public comment on the proposed changes to the Downtown Parking System.

Craig Hunter, Coordinator of the Main Street Program of the Central Business District, reviewed the goals of the Main Street Program including creating economic development, increasing cooperation between organizations, and increasing business in an effort to revitalize the downtown area. He stated there is general consensus that parking has been a problem for this area and changes need to be implemented to improve the system. He stated that in addressing these problems, input was sought from merchants, service and professional businesses, landlords and tenants, in addition to consideration given to the losses occurring in the City's Parking Enterprise Fund. He noted after a survey conducted in July of 1987, a group was formed from the Greater Downtown Muscatine Association, to discuss parking issues, meet with City staff and review data from the parking system for the last several years. He stated a petition had been submitted to this organization containing 850 signatures of persons interested in removal of the parking meters in this area and noted the original proposal of this group was to remove all parking meters and make the attendant lots into leased parking areas. He stated, however, the current proposal is a compromise proposal based on facts and compromise between all people involved. He noted there is not a clearcut answer to all the parking issues but changes are needed to improve the current system. He stated it was likely more changes would be recommended in the future, and his organization would work with City staff in implementing the changes currently proposed and developing proposals for future changes if warranted.

Gladys Mosier, Lot 18 Ripley's Trailer Court, stated she was a City lot attendant, and that she had talked with workers in the Downtown area who stated they would not want to be committed to one parking place in the proposed leased parking system. She also stated she received comments that workers prefer a place where someone is watching their cars. She indicated

she had talked with twelve merchants who were opposed to the proposed change in the parking system. She stated a petition has been filed with the City requesting the change not be made to the attendant lots and that the rate for all-day parking be lowered to \$1.00 per day. She then reviewed her estimates of the financial results of this alternate proposal. She also noted problems in enforcing the two hour parking limit of the on-street parking meters.

Fred Estabrook, 630 Jackson, stated he was also a City lot attendant and was opposed to the proposed parking change. He noted individuals have been parking on the street all day and going out and "feeding" the meters. He stated he was in favor of lowering the all-day rate at the lots to \$1.00.

Larry Koehrsen, 102 Walnut Street, owner of River's Edge Gallery, spoke in support of the proposed parking change. He stated from review of financial statements the current system is not working and changes are needed. He indicated the changes proposed are positive changes in improving the parking system and additional changes may be needed in the future to continue to work toward achieving the objectives of the majority of the people using the downtown area.

Jerry Kleindolph, owner of Neal's Sewing Center, 309 E. Second, stated he supported the proposed parking changes. He also stated a majority of members of the Greater Downtown Muscatine Association also support this proposal. He noted this association will maintain a committee to work with City staff for any additional changes which may be determined to be needed.

Councilmember Kemp asked Mr. Kleindolph if he would be in support of a compromise proposal of changing only one attendant lot at this time.

Mr. Kleindolph stated he would be willing to consider any plan, but noted the current proposal now under consideration is based on input from various persons using the downtown area. He noted customers using his store have indicated they want to park on the street in front of the store and prefer to park free but are willing to use the parking meters if they can park close by. He noted there are not easy solutions to the current parking problems, but from review of the financial statements, changes are needed and are inevitable.

#10930. Councilmember Amerine moved to receive and file the petition opposing the proposed plan to change the attendant parking lots. Seconded by Councilmember Brewer. All ayes; motion carried.

#10931. Councilmember Kemp moved to close the public hearing. Seconded by Councilmember Amerine. All ayes; motion carried.

#10932. Councilmember York moved to approve the Minutes of the April 21, 1988 Regular City Council meeting. Seconded by Councilmember Sayles. All ayes; motion carried.

#10933. Councilmember Amerine moved to consider Item 14 on the Agenda at this time. Seconded by Councilmember Kemp. All ayes; motion carried.

#10934. Councilmember Kemp moved to amend the ordinance on third reading on procedures for appointing the Police and Fire Chiefs to be appointment and

removal by Mayor subject to City Council approval effective January 2, 1990. Seconded by Councilmember Brewer. Two ayes: Councilmembers Kemp and Brewer. Five nays: Councilmembers York, Harder, Sayles, Phillips, and Amerine. Motion defeated.

#10935. Councilmember Amerine moved that the current ordinance be retained with appointment and removal of Police and Fire Chiefs by Mayor only. Seconded by Councilmember Brewer. Three ayes: Councilmembers Kemp, Amerine, and Brewer. Four nays: Councilmembers Phillips, York, Harder, and Sayles. Motion defeated.

#10936. Councilmember Kemp moved to amend the ordinance on third reading on procedures for appointing and removing the Police and Fire Chiefs to be appointment and removal by Mayor subject to City Council approval effective at noon on January 2, 1989. Seconded by Councilmember York. Two ayes: Councilmembers York and Kemp. Five nays: Councilmembers Harder, Sayles, Phillips, Amerine, and Brewer. Motion defeated.

Mayor LeMar stated he would entertain a motion to table this item until 1990.

#10937. Councilmember Sayles moved to amend the ordinance on third reading on procedures for appointing and removing the Police and Fire Chiefs to be appointment and removal by Mayor subject to City Council approval. Seconded by Councilmember Phillips. Four ayes: Councilmembers York, Harder, Sayles, and Phillips. Three nays: Councilmembers Kemp, Amerine, and Brewer. Motion carried and ordinance amendment approved.

City Attorney Harvey Allbee, Jr., stated since the proposed ordinance change was material in nature, a fourth reading of the ordinance would be appropriate.

#10938. Councilmember Sayles moved to approve the ordinance on third reading as amended on the procedures for appointment and removal of Police and Fire Chiefs to be appointment and removal by Mayor subject to City Council approval. Seconded by Councilmember Phillips. Four ayes: Councilmembers York, Harder, Sayles, and Phillips. Three nays: Councilmembers Kemp, Amerine, and Brewer. Motion carried and ordinance approved as amended on third reading.

Mayor LeMar noted the fourth reading of the ordinance would be at the May 19, 1988 Regular Council meeting.

#10939. Councilmember Amerine moved to approve the requests for renewal of (1) Class "B" Beer and Sunday Sales Permit for Pizza Hut of Muscatine, Inc., 2512 Park Avenue - Pizza Hut of Muscatine, Inc., and (2) Class "E" Beer and Sunday Sales Permit for Petro-N-Provisions, 2206 Lucas - CGC Stores, Inc., both subject to correction of fire violations. Seconded by Councilmember Phillips. All ayes; motion carried.

#10940. Councilmember Amerine moved to approve the resolution for Cigarette Permit for Fiddle Stick Restaurant, 2120 Stewart Road - Kathie Fread. Seconded by Councilmember Kemp. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Kemp, and Brewer. Motion carried and resolution duly adopted.

Connie Fuller, representing Muscatine Parents for the Hearing Impaired, read a proclamation from Mayor LeMar from the April 21st Council Meeting declaring the Month of May as National Hearing and Speech Month.

Nick Hindahl and Bradley Stecher presented Mayor LeMar with a poster on National Hearing and Speech Month to post in City Hall.

Chad Yerington, a student at Central Middle School, presented a pin to Mayor LeMar.

Mayor LeMar submitted proclamations declaring (1) May 15th as "Police Memorial Day" and that week as "National Police Week" and (2) the week of May 15th as "National Public Works Week".

#10941. Councilmember Sayles moved to approve the above proclamations. Seconded by Councilmember Kemp. All ayes; motion carried.

Councilmember Harder noted the information included in the agenda packet on the two Police Officers of Muscatine who died in the line of duty. He noted Patrolman Thomas D. Moore was struck by lightning on July 2, 1869 and that the other was Patrolman Theodore E. Gerischer who died November 26, 1911.

Ron King, Acting Police Chief, stated that Patrolman Gerischer was killed while responding to a disturbance call. He noted the offender was subsequently apprehended and imprisoned. He also stated both officers will be included on a plaque to be located at the State Historical Building which will be dedicated by the Governor on May 12, 1988.

#10941. Councilmember Phillips moved to approve on first reading the ordinance to change the Downtown Parking System. Seconded by Councilmember Sayles.

City Administrator Soren Wolff reported some of the proposed changes to the parking system will be done by the ordinance currently under discussion and some are proposed to be considered by resolution at the time the ordinance is considered on third reading. He requested the City Attorney to review the proposed changes to the ordinance.

City Attorney Harvey Allbee reviewed the provisions of the proposed ordinance. He noted the change in ordinance definitions adding "leased or reserved parking spaces", the provision for making parking in any municipal parking facility over 24 hours unlawful and subject to the vehicle being removed with the costs assessed to the vehicle owner, provisions that unauthorized vehicles in leased spaces would be subject to removal with the cost assessed to the owner, the enforcement period for parking meters to be from 9:00 a.m. to 5:00 p.m. except for Saturdays, Sundays, and holidays, and the provisions that City Council may by resolution change the length of time permitted for parking at metered spaces, free spaces, and off-street parking lots. He also noted the provision in Section 4 of the \$3.00 fine for parking at meters for which the time has expired, except that the fine would be \$1.00 if paid within 72 hours. He noted the wording of this section was required for statutory reasons. He further noted if a vehicle is parked longer than the time limit set for that parking space the penalty would be \$5.00. He

noted one change in the draft ordinance in Section 3 Part D deleting that portion of Part D after the reference to Section 7-15-8(C).

Councilmember Harder asked in reference to Section 3 Part A, the hours the proposed three (3) hour free parking would begin to be enforced in the former attendant lot.

City Attorney Allbee noted the time limit would be enforced for these spaces beginning at 8:00 a.m.

City Administrator Wolff noted the proposed ordinance does not specify which spaces in the lots would be designated as free spaces and this would be done later by resolution.

Councilmember York stated he had concerns with enforcement of the proposed three (3) hour free parking time limit and five (5) hour parking meters. He stated he felt the 5 hour limit would not be enough time for some of the office workers and stated they should be permitted to use an additional 5 hours or have 10 hour meters also available.

City Administrator Wolff stated Council could choose any combination of 5 hour or 10 hour meters and this could be further changed if a need is determined for these longer length times. He noted this could be done on third reading of the ordinance or later. He also noted the proposed 100 free spaces also could be increased or decreased if warranted.

Councilmember Brewer asked if the leased spaces would be reserved for 24 hours a day or for daytime use only.

City Administrator Wolff noted this is currently being considered for the period from 7:00 a.m. to 7:00 p.m. Monday through Friday. He also noted anyone is free to park in the current attendant lots without charge after 6:00 p.m. which accommodates individuals living in the downtown area.

Councilmember Brewer asked if consideration could be given to keeping one of the lots as an attendant lot and making the other a combination of leased and free parking to see the results of each.

City Administrator Wolff noted this would offset part of the expected benefits of elimination of personnel costs from these lots.

There was further discussion of keeping one of the lots as an attendant lot.

Councilmember Kemp stated it was not clear from the petition submitted if persons signed because they felt there is a benefit to having the lot attendant watch their cars or the request in the petition to lower the all-day rate to \$1.00.

Councilmember Sayles stated she felt the proposal should be accepted as submitted. She noted this proposal has been extensively reviewed by the Greater Downtown Muscatine Association and City staff. She also noted changes could be made after implementation if problems are found in the current proposal.

Councilmember Brewer noted that since he took office just three weeks ago, he has not had the benefit of being involved in the previous discussions on the parking concerns. He stated it does not appear there are clearcut answers to the problems under discussion.

Mayor LeMar stated he felt the City should subsidize the parking system similar to subsidies given to the ambulance service. He stated the proposed change would put individuals out of work and asked Council to find a better way of addressing the parking problems.

City Administrator Wolff noted the discussions which have occurred over the past year which have lead to the current proposal. He also noted the Parking Enterprise Fund has been able to fund the costs of operating the parking system in the past and he would not advocate using tax monies to subsidize these operations.

Councilmember Harder stated he would support the proposal as submitted to see if the expected benefits will be realized. He noted from review of the finances, he did not feel the benefits would be realized from the alternate proposal suggested by Mrs. Mosier to decrease the all-day rate at the attendant lots to \$1.00. He stated he felt the City should consider the allocation of spaces to free parking as requested. He also noted there probably would be further changes to the system in the future.

Mayor LeMar stated he felt increasing the number of free spaces would penalize people who purchased areas for parking by their businesses.

Councilmember Harder noted these individuals have already made commitments for these costs.

Councilmember Kemp stated there still would be a benefit to the businesses that have purchased parking areas in that their customers would have a convenient place to park.

Councilmember Harder stated provisions of the proposed ordinance will be more difficult to enforce but enforcement would be the key to the success of this program.

Councilmember Kemp stated he would like to see changes in the parking system begin and noted he would also be willing to make changes in the future if warranted.

Councilmember Sayles stated she has served on committees which reviewed the parking concerns. She further stated she did not feel this proposal was a panacea for all the parking problems but it was a start in addressing these concerns.

Councilmember Brewer stated he felt the \$5.00 fine which would result from parking longer than the three (3) hour limit in the free parking area may be a deterrent to individuals again using the downtown area.

City Administrator Wolff stated the \$5.00 fine was not intended to be a revenue generator, but more of a deterrent to individuals parking in these spaces for longer than permitted.

Councilmember Brewer noted innocent people may be caught in this situation.

Councilmember Kemp concurred this may occur but the intent of the limit would be to create movement of vehicles so there would be adequate spaces for shoppers to park.

City Administrator Wolff noted the current \$2.00 ticket for this offense is not a sufficient deterrent for overtime parking and may be part of the problem in enforcing the overtime parking limits currently in effect. He noted a number of individuals that accumulate parking tickets and wait to be billed before payment. He also noted there have been problems in the computer system during the last several months which have resulted in notices not being issued on a routine basis. He stated he agreed there may be persons who get angry at the \$5.00 ticket, but stated the increased fine is felt to be needed to deter the overtime offenders.

Mayor LeMar asked how this would prevent individuals from "feeding the meters".

City Administrator Wolff stated the increased fine from \$2.00 to \$5.00 for overtime parking should be a deterrent. He noted options of marking tires or recording license numbers as methods of enforcing the time limit. He noted with weather conditions and other factors, parking personnel will not be able to enforce this requirement at all times, but when individuals receive the increased fine it should be a deterrent to further overtime parking.

Councilmember Kemp suggested consideration of a program for merchants turning in parking violators.

City Administrator Wolff noted if this proposal is successful, more individuals will be using the leased spaces and eventually the number of leased spaces may be increased. He indicated that unless the leased parking program is successful, there may not be sufficient funds for the enforcement program. He noted the results will need to be evaluated to see how successful the program will be.

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

#10942. Councilmember Amerine moved to approve the following four resolutions for Phase IV of the Water Pollution Control Plant Renovation Project: (1) Resolution awarding the bid to Hawkeye Contractors, Ltd. in the amount of \$23,720 for the concrete work, (2) Resolution awarding the bid to Thornton Home Town Plumbing and Heating in the amount of \$24,828, (3) Resolution awarding the bid to Hy-Brand Industrial Contractors in the amount of \$49,700 for the masonry work, and (4) Resolution awarding the bid to Muscatine Electric in the amount of \$28,570 for the electrical work. Seconded by Councilmember Brewer.

Mayor LeMar stated it appeared the total cost of the project was increasing and asked what would occur if the bids for the HVAC portion of the project were over the cost estimate.

City Administrator Wolff stated there was no indication that this portion of the project would not be bid in line with the cost estimate. He noted the original cost estimate by the engineering firm was over \$300,000 for this phase of the project but by the City acting as their own general contractor, the project was estimated at between \$200,000 and \$250,000. He noted the cost is expected to still be in this range. He noted several other contracts will be needed for this project but are less than \$25,000 and will be arranged using the City's purchasing procedures.

Don Freel, Wastewater Treatment Chief, stated he had talked with individuals at local firms who now have indicated they would submit bids for the HVAC contract. He stated some of these firms had indicated a lack of manpower and the timing of the project as the reason for not submitting bids at the first request.

Mayor LeMar stated it was his opinion there has been an open-ended checkbook for this project.

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

City Administrator Wolff stated there was not open-ended funding for this project. He stated the project has been progressing within the cost estimates, and City Council has been aware of all costs and financing requirements for this project. He stated the City can take pride in this project and the individuals involved.

Councilmember York stated he toured the Water Pollution Control Plant with Don Freel who served as the local engineer for the renovation. He stated Mr. Freel was to be congratulated for a job well done and for the money the City was able to save by his work on this project.

Councilmember Sayles also noted the engineering firm had indicated that City staff did an excellent job on this project.

Mayor LeMar stated many employees do excellent work for the City and commended each for their efforts.

#10943. Councilmember Sayles moved the resolution be adopted approving the plans and specifications and setting bid opening date for May 18, 1988 on the HVAC work for Phase IV of the Water Pollution Control Plant Renovation Project. Seconded by Councilmember Amerine. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Kemp, and Brewer. Motion carried and resolution duly adopted.

#10944. Councilmember York moved the resolution be adopted setting a public hearing for Phase I of the Public Housing Improvement Project for May 19, 1988 at 7:30 p.m. Seconded by Councilmember Phillips. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Kemp, and Brewer. Motion carried and resolution duly adopted.

#10945. Councilmember Brewer moved the resolution be adopted awarding contracts for snow removal and weed cutting to Marshall Epperly and Tim Shiech and Home Care Inc. Seconded by Councilmember Kemp. All ayes: Councilmembers

York, Harder, Sayles, Phillips, Amerine, Kemp, and Brewer. Motion carried and resolution duly adopted.

#10946. Councilmember Amerine moved to submit the application to the State of Iowa for the 1988 Summer Youth Breakfast and Lunch Program and to approve the agreement with the public schools to prepare the meals. Seconded by Councilmember Brewer. All ayes; motion carried.

#10947. Councilmember York moved the resolution be adopted approving the contract and performance bond with Mid-West Irrigation to complete the fairway sprinkling project at the Municipal Golf Course. Seconded by Councilmember Sayles. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Kemp, and Brewer. Motion carried and resolution duly adopted.

#10948. Councilmember Brewer moved to accept the low bid from Marsten Landscaping in the amount of \$23,336 to complete the sodding and seeding work in the Madison School Target Area. Seconded by Councilmember Phillips.

Councilmember Kemp asked if there was a reason Kellor Landscape Services did not submit a bid on the sodding portion of the project.

City Administrator Wolff stated the reasons noted were time considerations and having an adequate supply of sod available.

Councilmember Kemp noted this sod will need to be watered by property owners and asked if the owners will be notified of the care needed.

City Administrator Wolff stated this was discussed by City staff and it is proposed information be placed on the door handles of homes in this area on the proper care for the new sodding. He also noted the contractor will provide the initial care for the sod.

Vote - All ayes; motion carried.

#10949. Councilmember Amerine moved to receive and file Items A through J. Seconded by Councilmember Brewer. All ayes; motion carried.

#10950. Councilmember Kemp moved to approve bills totaling \$440,401.45 and the Mayor and City Clerk be authorized to issue warrants for the same. Seconded by Councilmember York. All ayes; motion carried.

Councilmember Harder reported that the shoulder of the Industrial Connector near Stewart Road has deteriorated, probably due to the turning truck traffic.

Councilmember Kemp reported visibility problems of the traffic on Parham attempting to turn left on Mulberry and requested the Traffic Committee review the distance that parking is permitted from the intersection.

City Administrator Wolff stated parking requirements at this location would be reviewed.

Councilmember Kemp requested a master plan for Kent Stein Park be developed addressing dust control and lighting. He requested that the dust problem be addressed as soon as possible.

City Administrator Wolff stated the Engineering Department is in the early stages of developing a proposal for review by the Parks and Recreation Advisory Commission for this area and noted there may be a potential funding source for a portion of the cost of the project.

Councilmember Brewer reported a comment from a resident on Washington Street concerning blowing dust after trucks pass, and that the street sweeper has only been on the opposite side of the street of this residence.

Councilmember Brewer further stated he had been contacted by Mrs. Coder who resides on River Road concerning dust. He stated there are two blocks of gravel in this area, and individuals are traveling faster than permitted which compounds the dust problem. He inquired if the City had a dust control program.

Randy Hill, Acting Public Works Director, stated there was \$6,000 budgeted for calcium chloride for dust control but noted this would wash away with rain.

City Administrator Wolff noted this was normally planned to be used during the month of August.

City Administrator Wolff reported receiving a request for sales on City property at Kent Stein Park in conjunction with the planned horse shows.


Larry Wolf, Director of Parks and Recreation, reviewed this request and noted this would be the first year the sponsors of the horse shows have arranged for a private concession operator for these events. He noted this area is excluded from the other concession lease the City has for this park.

#10951. Councilmember Sayles moved to approve the request from the Eat Shack to operate a concession stand at Kent Stein Park on May 8, June 3, and July 3-4, 1988. Seconded by Councilmember York. All ayes; motion carried.

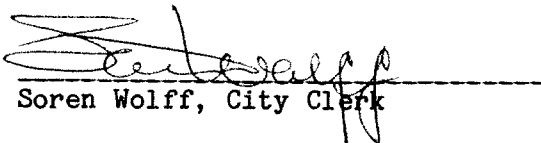
Councilmember Brewer reported there is shrubbery at the intersection of Jackson and First Avenue and requested staff to check this location.

#10952. Councilmember York moved to adjourn the meeting. Seconded by Councilmember Amerine. All ayes; motion carried.

The meeting adjourned approximately 9:20.


Don LeMar, Mayor

Attest:


Soren Wolff, City Clerk