

CITY OF MUSCATINE
REGULAR MONTHLY SESSION OF CITY COUNCIL
Council Chambers - 7:30 p.m. - February 18, 1993

Larry Kemp, Mayor Pro Tem, called the meeting to order.

Roll Call: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray present.

Councilmember Freese gave the opening prayer.

The Pledge of Allegiance was given.

City Administrator A.J. Johnson stated that he had received a request from Wayne Schaapveld concerning the City's weed mowing program. He stated that Mr. Schaapveld has a request that should be acted upon when Council takes action on the weed mowing assessments.

Wayne Schaapveld, 2232 215th Street, stated that his complaint concerns the weed mowing inspection program and work performed under the program. He told Councilmembers that he has a bill showing that he performed weed mowing services for his client on August 6, 1992 and that an inspection was done on August 10, 1992. He told Councilmembers that he felt the billing for the August 10, 1992 services was not justified. He stated that his client told him that a notice had not been received stating that the property in question needed mowing. He also stated that his client informed him that a bill for the weed mowing had not been received until January.

Councilmember Phillips asked if the weeds must be a certain height before the City has the property mowed.

City Administrator Johnson stated that according to City ordinance, weeds can be no taller than eight inches.

Mr. Schaapveld stated that his client does take care of her property, noting that he has been mowing it for the past 10 years. He then stated that his client feels she should not be responsible for both bills.

Councilmember Phillips asked if people are notified in advance that weed mowing will take place.

City Administrator Johnson stated that the City does notify the property owner that they are in violation of the City ordinance.

Councilmember Kemp asked if property owners are notified by registered mail.

City Administrator Johnson answered no. He pointed out that there is no action being requested tonight; however, at the appropriate time Councilmembers will need to decide whether weed mowing charges should be assessed against this property.

Councilmember Kemp asked if Mr. Schaapveld would be notified of the meeting date when property assessments will be on the agenda, and City Administrator Johnson answered yes.

#13548. Councilmember Phillips moved to approve the minutes of the February 4, 1993 Regular City Council meeting. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#13549. Councilmember Freese moved to approve the Consent Agenda as follows: Renewal of Class C liquor license for the Elm's, 2108 Grandview Avenue (subject to inspections and receipt of insurance certificates); renewal of Class C beer and Sunday sales permit for Holiday Stationstore #10, 502 Grandview Avenue (subject to inspections); renewal of Class C beer and Sunday sales permit for C-Mart #1065, Clay & Gobble streets (subject to inspections); renewal of Class C beer and Sunday sales permit for Loos' Inc., 711 Park Avenue; new Class B beer permit for Salvatore's Pizzeria, 313 East 2nd Street; renewal of Class B beer and Sunday sales permit for Pizza Hut, 710 Grandview Avenue; filing of Communications A-1; and bills totaling \$586,932.01. Seconded by Councilmember Dan Gray. All ayes; motion carried.

PUBLIC HEARING

Mayor Pro Tem Kemp stated that a public hearing was being held concerning the proposed Mulberry Avenue Improvement Project.

John Timm, 2901 Mulberry Avenue, stated that he had no objections to the program, noting that he felt the improvements are needed in the neighborhood. He stated that the objection he does have is the fact that he will be assessed \$5,338.40 for the installation of sidewalks on Mulberry Avenue and \$4,575 for the installation of sidewalks on Tipton Road. He stated that he had talked with the City Engineer about the necessity of installing sidewalks on Tipton Road. He then asked if the City would allow him to install his own sidewalks, noting that he is a contractor and is capable of installing these sidewalks.

City Engineer Ray Childs stated that he had talked with Mr. Timm at the neighborhood meeting concerning the need for sidewalks on Tipton Road. He stated that Tipton Road was included with the program; however, City Council can make the decision to either delete or defer the installation of the sidewalk on Tipton Road.

Mr. Childs stated that there had been some difficulty with Mr. Timm's deed regarding the amount of frontage he had. He told Councilmembers that Mr. Timm's assessment has been reduced to approximate \$4,650 on the Mulberry Avenue side. He stated that he is concerned about people wanting to install their own sidewalks; however, he told Councilmembers he would agree to Mr. Timm installing his own sidewalks if

there is a Letter of Agreement between him and the City. He asked that the Letter of Agreement stipulate that sidewalks be installed prior to August 20, 1992.

Mr. Childs told Councilmembers that it will be necessary to shave out a small ledge of property west of Mr. Timm's property in order to avoid the ponding of water due to drainage on that portion of his property. He recommended that the sidewalk installation on Tipton Road be deferred until a public need is determined.

Councilmember Phillips asked if it would be proper to amend the resolution when it comes up for discussion later in the meeting, and Mr. Childs answered yes.

Mr. Childs stated that he was requesting the assessment be increased for Lot #28, owned by the First Baptist Church, noting that they have asked sidewalks be increased from a four foot width to a six foot width to allow for mechanical cleaning. He stated that the assessment would be increased to approximately \$4,618.95.

Councilmember Dan Gray asked if this request would create problems for the adjoining property owners.

Mr. Childs stated that the sidewalks in front of Mulberry Elementary School are already six foot wide.

There was discussion on the possibility of installing sidewalks on Bonnie Drive.

Lee Nelson, 2806 Mulberry Avenue, stated that he was in favor of the proposed program. He stated that he was concerned about the accuracy of his assessment and asked how that amount was determined.

Mr. Childs explained to Mr. Nelson how his assessment amount was determined.

Mr. Timm, speaking in reference to the grader ditches, stated that he was concerned by the fact that sidewalks would begin cracking once the fill dirt starts settling. He asked how this would be avoided.

Mr. Childs stated that the fill would be hammered in.

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

#13550. Councilmember Fitzgerald moved the public hearing be closed. Seconded by Councilmember Gary Gray. All ayes; motion carried.

PUBLIC HEARING

Mayor Pro Tem Kemp stated that a public hearing was being held concerning the proposed establishment of an urban renewal area and establishment of an urban renewal plan.

Kevin Whittaker, Community Development Director, presented an overhead map of the area in question. He told Councilmembers that the Planning and Zoning Commission reviewed the request at its last meeting and recommended its approval. He stated that in 1985 the State Code was changed to allow the establishment of urban renewal areas for economic development purposes, noting that this proposed urban renewal plan was established under this provision.

Mr. Whittaker stated that the area involved is an open area and would not require any relocations. He then stated that the Planning and Zoning Commission feels this would be an opportunity to assist the railroad in relocating the switchyard currently located on the riverfront. He told Councilmembers that the switchyard would be located to the area south of town, which is just east of Progress Park.

Mayor Pro Tem Kemp stated that the current location of the switchyard is inconvenient to many people, noting that he felt it was a wise decision to move it to the proposed location.

City Administrator Johnson, speaking in reference to an article published in the Muscatine Journal, stated that the 5% property tax increase for fiscal year 1993/94 would not be solely connected to the relocation project. He stated that the urban renewal project would be one component in the overall increase.

Mayor Pro Tem Kemp pointed out that there will be some private funding.

City Administrator Johnson stated that 55% of the project would be funded by the City with the remaining 45% funded through private and other non-City donations.

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

#13551. Councilmember Phillips moved the public hearing be closed. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

PUBLIC HEARING

Mayor Pro Tem Kemp stated that a public hearing was being held concerning the proposed sale of public property located at the intersection of Second Street and Iowa Avenue.

There were no oral or written petitions for or against the proposed sale of the property.

#13552. Councilmember Fitzgerald moved the public hearing be closed. Seconded by Councilmember Gary Gray. All ayes; motion carried.

#13553. Councilmember Phillips moved the proclamation be approved declaring March 1993 as "Women's History Month". Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#13554. Councilmember Dan Gray moved the resolution be adopted setting a public hearing on March 4, 1993 at 7:30 p.m. in the City Hall Council Chambers concerning the vacation and sale of a portion of the Cherry Street right-of-way in the City of Muscatine. Seconded by Councilmember Freese. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13555. Councilmember Phillips moved that the ordinance be adopted on final reading approved the special events ordinance and that it be published in the Muscatine Journal as required by law. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and ordinance approved on final reading.

#13556. Councilmember Phillips moved the resolution be approved adopting the resolution of necessity for the Mulberry Avenue Sidewalk Extension Project with the amendment that John Timm be allowed to install his own sidewalks, the installation of sidewalks on Tipton Road be excluded from the project and that sidewalks for Lot #28, owned by the First Baptist Church, be increased to a six foot width. Seconded by Councilmember Fitzgerald.

Mr. Childs asked that a time limit for the installation of sidewalks by Mr. Timm be included in the motion, noting that he would like the work completed before school starts.

Both Councilmembers agreed to amend their original motion setting August 15, 1993 as the date when sidewalk installation must be completed.

Councilmember Fitzgerald stated that he was concerned about excluding the installation of sidewalks on Tipton Road from the project, noting that future development could necessitate the installation of sidewalks.

Councilmember Dan Gray suggested that the motion be amended to defer the installation of sidewalks on Tipton Road until future development takes place.

Councilmembers Phillips and Fitzgerald both agreed to amend the original motion to allow for the deferral of sidewalk installation on Tipton Road until future development takes place.

City Administrator Johnson told Councilmembers that he had received a request from someone who would like permission to install his own sidewalks, noting that he does have the knowledge to do so. He stated that Councilmembers may want to include language that would allow those people who are qualified to install their own sidewalks.

Mayor Pro Tem Kemp stated that he felt that should be the City Engineer's decision.

Councilmember Fitzgerald stated that he was concerned that by allowing John Timm to install his own sidewalks the City might be discriminating against others who would also be qualified to install their own sidewalks.

Councilmember Gary Gray asked if this matter could be settled by inserting language that states that a person must be a registered contractor.

Mr. Childs stated that the individual the City Administrator was speaking about works with an organization qualified to install sidewalks. He stated that he would not have a problem with sidewalk installation if it is done by a qualified professional.

City Administrator Johnson stated that he raised this issue because he felt there might be others in that area qualified to install their own sidewalks.

Councilmember Phillips asked if the original motion should be amended to read that John Timm, a qualified contractor, and other registered contractors be allowed to install their own sidewalks.

Mayor Pro Tem Kemp stated that he felt the original motion should be amended to read that all registered contractors living in the project area be allowed to install their own sidewalks.

Councilmember Gary Gray stated that he felt John Timm's name should be eliminated from the original motion and the original motion amended to read that all registered contractors living in the project area be allowed to install their own sidewalks.

There was discussion on the possibility of a contractor living in the project area bidding on the Mulberry Avenue Improvement Project.

Councilmembers Phillips and Fitzgerald both agreed that Mr. Timm's name should be removed from the original motion.

Vote - All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution adopted as amended.

#13557. Councilmember Gary Gray moved the resolution be adopted ordering the preparation of detailed plans, specifications, notice of hearing and notice to bidders and form of contract. Seconded by Councilmember Freese. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13558. Councilmember Fitzgerald moved the resolution be adopted approving the detailed plans and specifications notice of hearing, notice to bidders and form of contract for the Mulberry Avenue Improvement Project. Seconded by Councilmember Phillips. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13559. Councilmember Phillips moved the resolution be adopted relating to financing of certain proposed projects to be undertaken by the City of Muscatine and establishing compliance with reimbursement bond regulations under the Internal Revenue Service Code. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13560. Councilmember Fitzgerald moved that the resolution be adopted setting public hearings on March 4, 1993 at 7:30 p.m. in the City Hall Council Chambers concerning the issuance of \$2,920,000 of general obligation essential corporate purpose bonds; \$65,000, general obligation police department pistol range bonds; \$65,000, general obligation fire station bonds; and \$2.2 million, general obligation economic development bonds. Seconded by Councilmember Phillips. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13561. Councilmember Dan Gray moved the resolution be adopted declaring a necessity and establishing an urban renewal area pursuant to Section 403.4 of the Code of Iowa and approving the urban renewal plan and a project for the railroad switchyard urban renewal area. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13562. Councilmember Moench moved to adopt the resolution awarding the contract to Sulzberger Excavating in the amount of \$130,725.70 for the water distribution and drainage project at Kent Stein Park. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13563. Councilmember Fitzgerald moved the resolution be adopted approving the contract and bond from Hinman Contractors and Builders in the amount of \$61,376 for improvements to the Oregon Street Fire Station. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13564. Councilmember Phillips moved to approve the request for the purchase of two 25-passenger buses from Minnesota Body and Equipment Company in the amount of \$97,152. Seconded by Councilmember Freese. All ayes; motion carried.

#13565. Councilmember Gary Gray moved to approve the request for the purchase of a truck chassis from River City Ford in the amount of \$40,086, a collection body from New Method Equipment in the amount of \$26,020 and a back-up viewer system from New Method Equipment for \$2,240. Seconded by Councilmember Dan Gray.

Councilmember Moench asked if this would be the first City-owned truck equipment with this type of camera.

City Administrator Johnson answered yes. He stated that the use of a camera on the truck is an experiment; however, he felt that it would be a worthwhile venture due to the safety involved. The camera will allow the driver of the truck to have a complete view of what is behind the truck.

Mayor Pro Tem Kemp asked for further clarification.

Lavene Payne, Solid Waste Manager, stated that the black and white monitor is approximately five inches square and will be installed either on or under the dash. He stated that he felt the camera will pick up anything that cannot be seen by the mirrors.

There was discussion concerning the location of the camera.

Vote - All ayes; motion carried.

#13567. Councilmember Phillips moved to approve the request for the purchase of a Toro GM 3,000 greens mower and double point adjustment cutting unit in the amount of \$11,549, including trade-in, from the Tri State Turf Company. Seconded by Councilmember Gary Gray.

Councilmember Fitzgerald asked about the double point cutting edge.

Larry Wolf, Parks and Recreation Director, stated that he was told that the double point cutting edge would allow for better job performance.

Vote - All ayes; motion carried.

City Administrator Johnson, speaking in reference to the designation of municipal representatives for lobbying purposes, explained the reason why it was necessary to approve the list.

#13568. Councilmember Dan Gray moved the lobbyist registration list be approved. Seconded by Councilmember Fitzgerald.

There was discussion on what the responsibilities would be for the people on the list.

Vote - All ayes; motion.

#13569. Councilmember Phillips moved the resolution be adopted setting a public hearing on March 4, 1993 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed sale of public property. Seconded by Councilmember Dan Gray.

Councilmember Dan Gray asked where the property was located.

City Administrator Johnson stated that the property is next to the old Ice House, which is currently being used as a used car lot.

Vote - All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13570. Councilmember Freese moved to approve the sale of the Detroit Armor range equipment to the City of Moline, Illinois, in the amount of \$8,000. Seconded by Councilmember Fitzgerald.

Councilmember Moench asked if the room would be empty once this equipment is removed.

City Administrator Johnson stated that there is some miscellaneous equipment in the room; however, once the range equipment is removed, the room will not resemble a pistol range.

Councilmember Fitzgerald stated that he wanted the public to know that this equipment was not useable at the range because it could not be used outside.

Police Chief Gary Coderoni stated that there is still some material remaining in the basement at the Public Safety Building; however, it will be taken to the new range to used for deflecting ricochets.

Vote - All ayes; motion carried.

#13571. Councilmember Phillips moved to approve the authorization to advertise the sale of surplus property, solicit bids and prepare a recommendation to be forwarded to City Council for further action. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

Councilmember Gary Gray, speaking in reference to the letter received from the City Attorney, regarding the procedure to be followed for City Council meetings, stated that he felt in the future these rules should be followed.

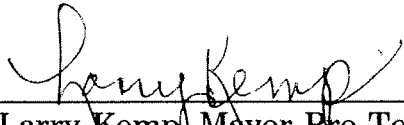
City Administrator Johnson stated that a request had been received from The Vintage Choice, 426 East 2nd Street, for renewal of its Class E liquor license. He asked that Councilmembers approve this request.

#13572. Councilmember Fitzgerald moved the request be approved. Seconded by Councilmember Gary Gray. All ayes; motion carried.

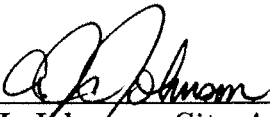
City Administrator Johnson thanked Councilmembers for the work they did during the budget review sessions.

#13573. Councilmember Freese moved the meeting be adjourned. Seconded by Councilmember Moench. All ayes; motion carried.

The meeting adjourned at 9:00 a.m.


Larry Kemp, Mayor Pro Tem

ATTEST:


A.J. Johnson, City Administrator