

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers - May 20, 1993 - 7:30 p.m.

Mayor John Keig called the meeting to order.

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

Louis Williams, chaplain for the Police Department and Muscatine County, gave the opening prayer.

The Pledge of Allegiance was given.

Ginger Dahms, introduced herself as the new director of the Muscatine Visitors and Convention Bureau for Muscatine County. Ms. Dahms replaced E. Jane Caraway.

#13182. Councilmember Dan Gray moved to approve the minutes of the May 6, 1993 Regular City Council meeting and the May 13, 1993 In-Depth Council meeting. Seconded by Councilmember Freese. All ayes; motion carried.

#13183. Councilmember Kemp moved to approve the Consent Agenda as follows: New Class BW liquor license and Sunday sales permit for Salvatore's Pizzeria (subject to inspections and receipt of insurance certificate); renewal of Class C liquor license and Sunday sales permit for Beaver's East, 1903 Park Avenue (subject to receipt of insurance certificate); renewal of Class C liquor license for Rajun Cajun Club, 133 West 2nd Street (subject to correction of fire violations); renewal of Class B beer and Sunday sales permit for Happy Times, 525 Mulberry Avenue (subject to inspections); filing of Communications A-H; and approval of bills totaling \$642,254.94. Seconded by Councilmember Moench. All ayes; motion carried.

PUBLIC HEARING

Mayor Keig stated that a public hearing was being held concerning the proposed budget amendments for the City of Muscatine's 1992/93 budget.

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

#13184. Councilmember Kemp moved the public hearing be closed. Seconded by Councilmember Dan Gray. All ayes; motion carried.

PUBLIC HEARING

Mayor Keig stated that a public hearing was being held concerning the proposed riverfront trail project.

City Administrator A.J. Johnson stated that Randy Hill, Public Works Director, was present to give a brief overview of the project and to discuss the result of his recent conversation with Senator Harkin.

Mr. Hill told Councilmembers that the proposed trail would begin at the Pearl City Station and would extend down the levee to Musser Park where the trail would end and at that point would be made handicapped accessible. He pointed out that a canopy would be placed over the trail at Continental Grain. He explained what materials would be used and how the work for the trail would be accomplished.

Mr. Hill stated that City Council had allocated approximately \$100,000 for the proposed project; however, the estimate has been revised down to approximately \$70,000 and could possibly be lower. He stated that he would be asking Councilmembers to approve the issuance of three purchase orders for materials, use of equipment and labor.

Mr. Hill informed Councilmembers that he had met with Senator Harkin on Sunday to discuss issues concerning the levee improvement project. He stated that City staff's recommendation to move ahead with the project remains for the following reasons: 1) The Corps has not yet finished the design for the proposed levee improvements; 2) property for the project has not yet been acquired; and 3) the \$8.7 million required for the project has not yet been funded by the federal government. He stated that Senator Harkin is not sure when a response might be received concerning the authorization of \$400,000 as starting money for the project. He pointed out that at this point in time no money has been allocated by the federal government for this project.

Mr. Hill told Councilmembers that the proposed levee improvement project has been on the books since 1978. He stated that he felt the trail could be used for approximately two or three years, and the City would probably negotiate with the Corps for a new trail once levee improvements are completed.

Mr. Hill stated that the City's recommendation is to issue the purchase orders and proceed with the project after June 10 following a meeting with the Corps of Engineers.

Councilmember Moench stated that he felt Senator Harkin has no control over the appropriation of the starting money.

Councilmember Kemp stated that he felt the trail would be in use for quite a while before levee improvements get underway.

Councilmember Dan Gray asked if there would be any type of penalty if the purchase orders are cancelled.

Mr. Hill stated that there would be no penalty if they are cancelled.

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

#13185. Councilmember Moench moved the public hearing be closed. Seconded by Councilmember Freese. All ayes; motion carried.

PUBLIC HEARING

Mayor Keig stated that a public hearing was being held concerning the proposed extension of the downtown revitalization district.

Kevin Whittaker, Community Development Director, presented a map showing the area involved in the revitalization district, noting that it involves approximately 66 square blocks. He pointed out that property owners in the district who make improvements to their property are eligible for partial tax exemptions. He stated that the availability of a partial tax exemption is an incentive to increase investment in the downtown area. Tonight's request would extend the revitalization district another five years.

Councilmember Freese asked if this program involves Muscatine County, the school board and the City.

Mr. Whittaker answered yes.

There was further discussion on the tax exemption.

There were no oral or written petitions for or against the proposed extension of the downtown revitalization district.

#13186. Councilmember Freese moved the public hearing be closed. Seconded by Councilmember Moench. All ayes; motion carried.

Councilmember Phillips arrived at the meeting at 7:58 p.m.

#13187. Councilmember Kemp moved the proclamations be approved declaring May 28 and 29, 1993 as Poppy Days and May 23-29, 1993 as Emergency Medical Services Week. Seconded by Councilmember Dan Gray. All ayes; motion carried.

#13188. Councilmember Moench moved the resolution be adopted approving the final plat for Lot 1 and part of Lot 2 into Lot A and B of the Park Ridge Addition. Seconded by Councilmember Freese. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

#13189. Councilmember Kemp moved the resolution be adopted setting a public hearing on June 3, 1993 at 7:30 p.m. in the City Hall Council Chambers concerning the vacation of a utility easement in the Park Ridge Addition. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

#13190. Councilmember Dan Gray moved to approve the final reading of the ordinance amending the various sections of the City Code to change the beginning dates for terms of board and commission members and that it be published in the Muscatine Journal as required by law. Seconded by Councilmember Freese. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and ordinance approved on final reading.

#13191. Councilmember Dan Gray moved the resolution be adopted approving the amendments to the City of Muscatine's Annual Budget for the fiscal year ending June 30, 1993. Seconded by Councilmember Moench. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

#13192. Councilmember Phillips moved the resolution be adopted approving the amendments to the 1992/93 HUD Public Housing Budget. Seconded by Councilmember Kemp. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

#13193. Councilmember Dan Gray moved the resolution be adopted setting a public hearing on June 17, 1993 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed route revisions under the City's Transit System. Seconded by Councilmember Phillips. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

#13194. Councilmember Freese moved the resolution be adopted approving the contract for professional engineering services for the municipal airport improvement project with Anderson Bogart Engineering and Surveyors of Cedar Rapids, Iowa. Seconded by Councilmember Phillips.

There was discussion and clarification on the total cost of the airport improvement project.

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

#13195. Councilmember Dan Gray moved to approve the request for the issuance of the following purchase orders in association with the riverfront trail improvement project: Bituminous Materials and Supply, \$10,780; Illowa Investment, Inc., \$10,400; and Ziegler, \$13,740. Seconded by Councilmember Kemp. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried.

#13196. Councilmember Freese moved to adopt the resolution approving the extension of the Downtown Revitalization District for an additional five-year period. Seconded by Councilmember Phillips. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

#13197. Councilmember Kemp moved the resolution be adopted approving the City's annual contribution contract with the Department of Housing and Urban Development to include the 15 single-family units currently under consideration. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

Councilmember Freese stated that he has received many complaints from people concerning messy, overgrown properties. He asked that residents take the initiative to clean up their properties.

Councilmember Phillips asked the City Attorney what the correct procedure would be to change the City's policy to allow the City Administrator to hire the police chief and fire chief with City Council approval.

City Attorney Harvey Allbee Jr. stated that a change in the current policy would have to be done by ordinance. He stated that the ordinance would go through the required three readings to allow the public to comment and once adopted and published in the Muscatine Journal it would become law.

Councilmember Phillips stated that she felt it would be a good topic for discussion.

City Attorney Allbee stated that he would be willing to draft the appropriate document and submit it for City Council's consideration.

There was further discussion on this issue.

Councilmember Phillips asked the City Attorney to give a brief synopsis of the outcome of the situation between the City and the Muscatine Journal.

City Attorney Allbee stated that approximately 1 1/2 years ago the Muscatine Journal requested from the Police Department all documents concerning complaints against Police Department employees, whether or not the complaints were founded or unfounded, whether or not discipline was imposed, and if so, what type of discipline was imposed. He told Councilmembers that the request had been reviewed and City staff had determined that some of this information was confidential. He stated that the newspaper continued to press the issue and there was concern that the release of some information would be a violation of state statutes. He then stated that the decision was made to file a declaratory judgment to determine what information should be released and what information should remain confidential. He told Councilmembers that during the preliminary process it was determined that under state statutes the time, place and circumstance of any type of complaint is a matter of public information and should be released, noting that the Police Department began keeping a logbook for recording such information.

City Attorney Allbee told Councilmembers that the hearing on this issue was held in April and that on May 11, 1993 a ruling was entered supporting the City's position. He stated that the determination was made that the time, place, circumstance and identity of the employee involved in a complaint is public information; however, the investigative report, interviews and results of the investigation, including any disciplinary action, should remain confidential.

Councilmember Kemp stated that anyone reading the article published in the newspaper would think that the Muscatine Journal won the case.

Councilmember Phillips asked the Mayor if he could set the date for trick or treat night this year by June 1, 1993.

Mayor Keig stated that the issue was still under advisement.

Councilmember Kemp stated that he has received complaints regarding the condition of Leroy Street. He asked if he could get an update on the plans for repairing the street. He then stated that he is concerned about the weeds growing up between buildings and cracks in the sidewalks, particularly along Park Avenue and Grandview Avenue, noting that it does not present a good image for the City.

City Administrator Johnson stated that Henry Tober could give a brief update on the plans for Leroy Street.

Mr. Tober stated that Leroy Street is in bad shape, especially the north side of the street. He told Councilmembers that this year the City will widen the north side

of the street by approximately three feet, install curb and gutter and remove the existing asphalt and resurface it. He pointed out that both sides of the street cannot be done because there is a need for a new storm sewer on the other side of the street. He stated that the south side of the street will be widened when the storm sewer is installed.

Councilmember Moench, speaking in reference to the televising of the In-Depth Council meetings, stated that due to the fact that two Councilmembers were missing from tonight's meeting, he would delay making his motion to televise the meetings until the June 3, 1993 Regular City Council meeting.

Councilmember Moench stated that a meeting concerning the gang situation in Muscatine has been scheduled for May 25, 1993 at Central Middle School. He stated that he felt the meeting would be beneficial, and he encouraged people to attend.

There was discussion on the cancellation of the July and August In-Depth meetings.

City Administrator Johnson asked Councilmembers to look at their calendars and let him know when it would be most convenient for everyone to attend a Spring/Summer tour.

Councilmember Freese, speaking in reference to the City's hazardous waste situation, asked if there was anyway to determine if the firm chosen for disposal of this waste is a reputable firm.

City Administrator Johnson told Councilmembers that the City is obligated under a consent order to dispose of the hazardous waste once a disposal site has been approved. He stated that this waste is currently being stored at the Water Pollution Control Plant in an unlicensed facility. He stated that negotiations are underway to have the waste transferred to a Kansas facility. He told Councilmembers that the cost is high; however, he pointed out that this is the only facility in the Continental United States at this time equipped to take this type of material.

Councilmember Freese asked if there was any way the City could negotiate on the disposal of this waste.

Councilmember Kemp asked why the materials could not remain in storage until another facility is located.

City Administrator Johnson stated that the EPA has allowed the storing of the waste in an unlicensed storage area until a facility could be located for its disposal.

He stated that after talking with the EPA it has become clear that all materials will have to be transported to the Kansas facility.

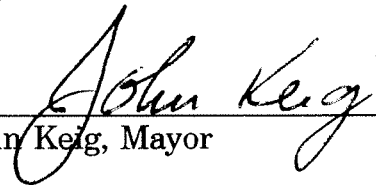
Councilmember Moench asked if the chemical storage tank has been removed.

City Administrator Johnson answered no, noting that the City is waiting for approval of the final closure plan.

There was further discussion on this issue.

#13198. Councilmember Freese moved the meeting be adjourned. Seconded by Councilmember Kemp. All ayes; motion carried.

The meeting adjourned at 8:40 p.m.



John Keig, Mayor

ATTEST:



A.J. Johnson, City Administrator