

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers - April 1, 1993 - 7:30 p.m.

Mayor Pro Tem Larry Kemp called the meeting to order.

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

Councilmember Freese gave the opening prayer.

The Pledge of Allegiance was given.

#13618. Councilmember Phillips moved to approve the minutes of the March 18, 1993 Regular City Council meeting. Seconded by Councilmember Gary Gray.

Councilmember Freese, referring to the 10th paragraph on page 7 of the minutes, stated that he had spoken with people on the Cable Advisory Commission who are not in favor of raising the franchise fee. He asked that the minutes be amended to reflect this change.

#13619. Councilmember Dan Gray moved the Consent Agenda be approved as follows: Tabling of a request for a new Class C liquor license for Rockers, 516 East 2nd Street (subject to receipt of insurance certificate and inspections); renewal of Class C liquor license and Sunday sales permit for Creekside Community Center, 736 Lake Park Boulevard; renewal of Class B beer and Sunday sales permit for Hy-Vee Food Store, 1903 Park Avenue; filing of Communications A-F; and bills totaling \$539,902.12. Seconded by Councilmember Moench. All ayes; motion carried.

PUBLIC HEARING

Mayor Pro Tem Kemp stated that a public hearing was being held concerning the proposed exchange of 78.7 acres of farm land located on Highway 61, and owned by the City, for approximately 105.12 acres of property owned by Stockton Realty Company and currently used by the Muscatine Solid Waste Management Agency as a landfill operation and the proposed sale of the property acquired in the exchange to the Muscatine Solid Waste Management Agency for \$140,000.

Lavene Payne, Environmental Coordinator, presented an overhead of the property in question. He gave a brief history of the landfill site, which went into operation in 1975. He told Councilmembers that the landfill is being operated on leased land and the

lease agreement with the landowner stipulated that the slopes not exceed 5%. He stated that the opportunity to purchase this property would allow mounding of the slopes. Mounding of the slopes will greatly extend the life of the landfill.

Mr. Payne stated that the City would propose trading three equipment storage sheds in exchange for easements onto the property.

Mr. Payne told Councilmembers that the second phase of tonight's proposal would be to sell the landfill property to the Muscatine Solid Waste Management Agency for \$140,000. He stated that there are many advantages to keeping the landfill at its current site, noting that acquiring this property will add about 20 years to the span of the landfill. He pointed out that the City will have the option to purchase adjoining property in the future if it is sold.

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

#13620. Councilmember Gary Gray moved the public hearing be closed. Seconded by Councilmember Freese. All ayes; motion carried.

#13621. Councilmember Phillips moved the proclamations be approved declaring April 18-24, 1993 as "National Library Week; April 30, 1993 as "Arbor Day"; April 12-16, 1993 as "Building Safety Week"; and April 11-17, 1993 as "National Telecommunications Week". Seconded by Councilmember Moench. All ayes; motion carried.

#13622. Councilmember Dan Gray moved the ordinance be approved on final reading vacating a portion of the platted Cherry Street right-of-way in the City of Muscatine and that it be published in the Muscatine Journal as required by law. Seconded by Councilmember Phillips. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and ordinance approved on final reading.

#13623. Councilmember Freese moved the ordinance be approved on second reading approving the sewer rate increase for residential, industrial and commercial customers, effective July 1, 1993. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and ordinance approved on second reading.

#13624. Councilmember Phillips moved to approve the resolution authorizing the sale of 4,200 square feet of the platted Cherry Street right-of-way to Mr. and Mrs. Gene Paxton in the amount of \$1,530. Seconded by Councilmember Freese. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

#13625. Councilmember Phillips moved to approve the resolution authorizing the sale of 4,200 square feet of the platted Cherry Street right-of-way to Mr. and Mrs. Michael Brangoccio in the amount of \$1,530. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

#13626. Councilmember Phillips moved to approve the resolution authorizing the sale of 8,400 square feet of the platted Cherry Street right-of-way to Ms. Charlotte Luellen in the amount of \$1,260. Seconded by Councilmember Gary Gray.

Councilmember Moench stated that the value of the land being purchased by Ms. Luellen is lower because the property is sloped.

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

#13627. Councilmember Dan Gray moved to adopt the resolution approving an executed deed between the City of Muscatine and Mr. and Mrs. Gene Paxton. Seconded by Councilmember Moench. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

#13628. Councilmember Phillips moved to adopt the resolution approving an executed deed between the City of Muscatine and Mr. and Mrs. Michael Brangoccio. Seconded by Councilmember Moench. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

#13629. Councilmember Phillips moved to adopt the resolution approving an executed deed between the City of Muscatine and Ms. Charlotte Luellen. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench and Dan Gray. Motion carried and resolution duly adopted.

#13630. Councilmember Moench moved the resolution be adopted approving the sale of property located at 506 Park Avenue to Harold Loos in the amount of \$1,001. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

City Attorney Harvey Allbee Jr. stated that there is also a resolution approving the executed deed and he asked that it be approved.

#13631. Councilmember Moench moved the resolution be adopted approving the executed deed between the City of Muscatine and Harold Loos. Seconded by Councilmember Phillips. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

#13632. Councilmember Phillips moved the resolution be adopted approving the contract and bond from Sulzberger Excavating in the amount of \$749,871.45 for the Mulberry Avenue Sidewalk Improvement Project. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

#13633. Councilmember Ralph Freese moved to approve the request for the exchange of property between the City of Muscatine and the Stockton Realty Company. Seconded by Councilmember Phillips.

Mr. Allbee stated that resolutions approving the deeds in this property exchange will be submitted at a later date.

Vote - All ayes; motion carried.

#13634. Councilmember Phillips moved to approve the sale of public property from the City of Muscatine to the Muscatine Solid Waste Management Agency. Seconded by Councilmember Moench. All ayes; motion carried.

#13635. Councilmember Phillips moved to approve a one-year farm lease between the City of Muscatine and Dick Bartenhagen in the amount of \$420 for 16 acres. Seconded by Councilmember Freese. All ayes; motion carried.

City Administrator A.J. Johnson, speaking in reference to the fiscal year 1992/93 street striping contract, stated that three bids had been received for the project. He stated that the low bid was from Twin City Striping in the amount of \$7,010.21. He pointed out that this amount does not include the riverfront parking area and that City staff will probably obtain a cost estimate from Twin City Striping for the parking area.

#13636. Councilmember Moench moved to approve the low bid from Twin City Striping in the amount of \$7,010.21 for the fiscal year 1992/93 street striping project. Seconded by Councilmember Phillips. All ayes; motion carried.

#13637. Councilmember Dan Gray moved to approve the request to designate the City Engineer as engineer for the proposed Bonnie Drive Sidewalk Improvement Project. Seconded by Councilmember Phillips. All ayes; motion carried.

#13638. Councilmember Gary Gray moved to adopt the resolution ordering the preliminary plans, specifications, plat, schedule and estimates for the proposed Bonnie Drive Sidewalk Improvement Project. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

#13639. Councilmember Phillips moved the resolution be adopted approving the preliminary plans, specifications, plat, schedule, and cost estimates for the proposed Bonnie Drive Sidewalk Improvement Project. Seconded by Councilmember Moench. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

#13640. Councilmember Gary Gray moved to approve the resolution setting a public hearing on May 6, 1993 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed Bonnie Drive Sidewalk Improvement Project. Seconded by Councilmember Moench. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

Councilmember Freese reminded residents of Spring Cleanup Week scheduled for the last week in April.

Councilmember Moench congratulated the Police and Fire departments for the March 17, 1993 conviction in their recent first degree arson case. He said that he was glad to see more police officers participating in the DARE program.

Councilmember Moench stated that on March 17, 1993 he had received a tour of the Sheltered Workshop. He stated that he felt the Workshop provided an excellent service for the community.

Councilmember Dan Gray asked for an explanation on how an individual could apply for a special burning permit.

City Administrator Johnson stated that individuals who feel their circumstances warrant a special burning permit should submit an application to the Fire Department. He stated that once the application has been submitted the Fire Department will review it to determine if it meets the provisions under the current City ordinance that allows burning outside the designated burning times. He stated that if there are questions, people are asked to contact the Fire Department.

City Attorney Harvey Allbee Jr. told Councilmembers that they have on their desk two resolutions concerning the property located at 2nd Street and Iowa Avenue. He stated that the first resolution was to authorize the sale of the property and that the second one was to approve the executed deed. He asked for their approval.

#13641. Councilmember Moench moved the resolution be approved authorizing the sale of City property located at the intersection of 2nd Street and Iowa Avenue to the Roy J. Carver Charitable Trust in the amount of \$40,000. Seconded by Councilmember Phillips. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

#13642. Councilmember Freese moved to adopt the resolution approving an executed deed for the sale of real estate to the Roy J. Carver Charitable Trust. Seconded by Councilmember Phillips. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, and Dan Gray. Motion carried and resolution duly adopted.

City Administrator Johnson stated that the county attorney has asked for approval of a letter confirming the City's continued support of the G.A.S.A. application for the drug task force in Muscatine. He asked that the letter be approved, noting that City staff does support this activity.

#13643. Councilmember Gary Gray moved the letter be approved. Seconded by Councilmember Dan Gray. All ayes; motion carried.

City Administrator Johnson requested authorization from City Council for the use of profits obtained from surplus metals gathered during cleanup week for future cleanup promotions.

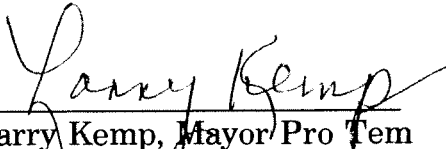
#13644. Councilmember Moench moved to authorize City staff to use revenues obtained from surplus metals for future cleanup promotions. Seconded by Councilmember Gary Gray. All ayes; motion carried.

Councilmember Freese asked when the compost site would be opened.


Randy Hill, Public Works Director, stated that the compost site would be opening this weekend and the hours would be noon to 6:00 p.m., Saturday through Sunday, with hours on Wednesday to be from 1:00 to 7:00 p.m.

#13645. Councilmember Freese moved the meeting be adjourned. Seconded by Councilmember Phillips. All ayes; motion carried.

The meeting adjourned at 8:15 p.m.


Larry Kemp, Mayor Pro Tem

ATTEST:


A.J. Johnson, City Administrator