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CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers - 7:30 p.m. - January 20, 1994

Mayor Jeanette Phillips called the meeting to order.

Roll Call: Councilmembers Gary Gray, Freese, O'Brien, Dan Gray, Moench, Phil Fitzgerald, and Kevin Fitzgerald present.

Councilmember Freese gave the opening prayer.

The Pledge of Allegiance was given.

Henry Marquard, 108 Eagle Ridge Road, stated that since the 1980 annexation of the property developed by Jerry Sulzberger as Eagle Ridge Subdivision, the subdivision has been serviced by a series of out-of-state cable companies. He stated that the subdivision was most recently serviced by Douglas Communications, an Illinois-based company, and that the service to date has been unreliable.

Mr. Marquard told Councilmembers that the subdivision's Homeowners Association would like to see the subdivision join the TCI franchise. He stated that since the franchise is coming up for renewal, the Association felt it would be an excellent time for City Council to assist in obtaining services for the Eagle Ridge Subdivision. He pointed out that services provided by Heritage Cablevision currently extend to the condominiums on Colorado Street, noting that he felt there would be very little economic difficulty in extending the service on out to Eagle Ridge.

Mr. Marquard stated that he felt there are measurements in the present ordinance that indicate that cable services should be provided to Eagle Ridge and that the City could require the cable company to provide services to Eagle Ridge. He told Councilmembers that he had talked with representatives of TCI and he was told that plans are underway to wire the Eagle Ridge area sometime in 1995, noting that he felt this was a long time to wait for cable services. He asked for the City's assistance in bringing cable services to the subdivision.

City Administrator A.J. Johnson suggested that he and Mr. Marquard meet with the City Attorney and Marsha Tate to review the options and map out a plan of action before approaching the cable company.

Councilmember Gary Gray asked if TCI was the company that had opposed another cable company coming into Muscatine because the community was under their jurisdiction.

City Administrator Johnson stated that cable companies do have a tendency to become protective of an area due to the capital expense of installing the wiring.

Mr. Marquard stated that when residents of the Eagle Ridge began looking into cable services, they were told by Heritage Cablevision that there were no plans to provide services to the subdivision; however, they would not be opposed to another company servicing that area.

#13457. Councilmember Phil Fitzgerald moved to approve the minutes of the January 6, 1994 Regular City Council meeting, January 13, 1994 In-Depth Council meeting and the January 11, 1994 Special Council meeting. Seconded by Councilmember O'Brien. All ayes; motion carried.

#13458. Councilmember Kevin Fitzgerald moved to approve the Consent Agenda as follows: Renewal of Class C liquor license for Ina Mae's, 401 West Mississippi Drive; cigarette permit for Larry & Earl's Pit Stop, 1201 Grandview Avenue, expiring June 1994; filing of Communications A-J; and bills totaling \$816,647.84. Seconded by Councilmember Dan Gray. All ayes; motion carried.

Richard Hines, president of Great River Days Ltd. (GRD), stated that the organization is requesting the use of Weed Park for this year's Great River Days activities. He stated that it would be necessary to know if this request has been approved by February 3, 1994 to allow ample time for signing contracts.

Mr. Hines told Councilmembers that conditions for the closure of Weed Park would include closing the park to the general public in order to charge an admission fee; providing entertainment; establishment and maintenance of carnival; permission to lift park restrictions to allow for a beer tent on August 19-20, 1994; possible use of the pool for a teen event on August 21, 1994; and use of City Parks and Recreation staff for the installation of fencing. He stated that Great River Days Ltd. is also requesting the use of City streets in the downtown area for a parade, sidewalk sales, the Watermelon Stampede and other related activities.

Councilmember O'Brien asked what arrangements would be made for parking during this event.

Mr. Hines stated that it is GRD's intention to leave one lane of traffic open to provide access for emergency vehicles and for handicapped citizens. He stated that GRD is willing to work with the community, Muscatine Mall, Muscatine Community College and neighbors to provide adequate parking.

Councilmember Gary Gray asked Mr. Hines if he had approached Muscatine Community College about the possibility of using Heinz Field for parking, noting that there could be a problem with people parking on the residential streets surrounding the park.

Mr. Hines stated that there are many details that must be worked out and that GRD will be contacting the college concerning the use of their parking lot as well as use of Heinz Field.

Councilmember O'Brien, speaking in reference to the bands that perform during Great River Days, asked how the noise levels would be handled.

Mr. Hines stated that entertainment would be located in the lighted ball diamond area where there is a natural noise barrier. He also stated that GRD has acquired a new sound system which should help direct the noise toward the riverfront area.

Councilmember Freese asked Mr. Hines if he felt a beer tent was necessary.

Mr. Hines stated that he felt Great River Days would suffer a substantial loss without the beer tent.

Councilmember Freese asked where the revenues generated from the beer tent would be going.

Mr. Hines stated that the revenues are directed back into the community.

Councilmember Freese stated that he felt a precedent would be set if this request were approved.

Councilmember Kevin Fitzgerald asked what the average attendance was during Great River Days.

Mr. Hines stated that there are approximately 10,000 people per night.

Mayor Phillips asked if this request was for 1994 only.

Mr. Hines answered yes, noting that it will not be possible to use the riverfront area this year due to improvements taking place and repair of damages caused by last year's flooding.

Councilmember O'Brien asked what type of security would be provided around the beer tent.

Mr. Hines stated that the beer tent would be contained to a small designated area and that everyone entering the tent will be required to provide identification.

Councilmember Dan Gray asked if Mr. Hines had talked with City staff concerning the affect this request would have on the City financially.

City Administrator Johnson answered no, stating that the Weed Park location will present some challenges but that they probably would not be insurmountable. He stated that the riverfront will be undergoing some major changes this summer and will not be usable for this event. He stated that it is going to be necessary to meet with everyone involved with Great River Days, noting that there is some concern about the electricity that will be required for this event.

Mr. Hill stated that GRD will be meeting with Muscatine Power & Water and that they do have a portable generator.

Councilmember Gary Gray stated he felt Weed Park was probably the best location; however, he would support City staff's recommendation.

Mr. Hines stated that GRD will work with City staff, the Police Department, Muscatine County personnel and residents of the community in an effort to make this event a success.

Councilmember Phil Fitzgerald asked how much of the park would be fenced off.

Mr. Hines stated that it is unknown at this time how much fencing will be required.

Councilmember O'Brien asked if a decision was necessary by February 3, 1994.

Mr. Hines stated that GRD would appreciate an answer by that time in order to enter into necessary contracts for the event.

City Administrator Johnson played a five-minute video tape regarding the American Wind Symphony Orchestra. He stated that the orchestra would be coming through Muscatine on July 24, 1994, and if allowed to dock in Muscatine, would be providing a free orchestra for area residents. He told Councilmembers that in the past they have docked at the boat ramp near the Pearl City Station. At this point the City has not been asked to participate financially in this activity.

#13459. Councilmember O'Brien moved the resolution be adopted accepting the completed work for delinquent sidewalk repairs and authorizing final payment to Hinman Contractors of Muscatine in the amount of \$796.12. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Gary Gray, Freese, O'Brien, Dan Gray, Moench, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#13460. Councilmember Moench moved that the resolution be adopted approving the five-year Capital Improvement Projects (CIP) for fiscal year 1994/95 through fiscal year 1998/99. Seconded by Councilmember Freese. All ayes: Councilmembers Gary Gray, Dan Gray, Freese, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#13461. Councilmember Moench moved the resolution be approved vacating former plats in Block 43 of the Park Place Addition. Seconded by Councilmember O'Brien. All ayes: Councilmembers Gary Gray, Freese, O'Brien, Dan Gray, Moench, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#13462. Councilmember Gary Gray moved to approve the partial tax exemption request for properties located at 507 through 513 East 2nd Street. Seconded by Councilmember Phil Fitzgerald.

There was discussion on this request.

Vote - All ayes; motion carried.

Mayor Phillips stated that meetings will be held Sunday at Madison and Franklin schools regarding the local option sales tax issue, and she asked if these meetings could be televised.

City Administrator Johnson stated that he would look into that possibility.

Councilmember Moench, speaking in reference to the stop light located at the intersection of 8th Street and Roscoe Avenue, stated that he had received a complaint from someone who felt the time allowed for crossing the street is too short. He asked if it would be possible to determine if the light is in compliance with ADA requirements, noting that it may be necessary to add additional time to the light.

City Administrator Johnson stated that he would look into the matter.

Councilmember Kevin Fitzgerald stated that he recently talked with Gary Vallem of the Bi-State Planning Commission. He told Councilmembers that Mr. Vallem attended the Rotary Club meeting this week and witnessed the interaction between members of City staff and the audience concerning the local option sales tax issue. He stated that Mr. Vallum felt that A.J. Johnson, Kevin Whittaker, Randy Hill and David Casstevens did an excellent job in presenting the sales tax issue.

Councilmember Phil Fitzgerald stated that he recently talked with someone who was concerned about door to door sales people. He asked if the City has received any complaints.

City Administrator Johnson stated that the Police Chief may have received one or two calls; however, City Hall has not received complaints. He stated that there is a youth group in Muscatine at the present time that did go through the proper permitting process to solicit for donations in Muscatine. He pointed out that the Police Department will be letting the group know that it would be better not to solicit for donations after dark.

Councilmember Phil Fitzgerald suggested the possibility of instituting a 6:00 p.m. curfew when soliciting for donations.

Mayor Phillips asked if there was curfew requirement in effect.

Police Chief Gary Coderoni stated that there is nothing in the ordinance that covers the time or days of the week for soliciting for donations. He pointed out that he felt this might be an issue that should be addressed.

There was further discussion on this matter.

City Attorney Harvey Allbee Jr., speaking in reference to the riverfront changes, stated that during the process of establishing a "no wake" area on the riverfront it was determined that the Mississippi River is under the jurisdiction of the Iowa Department of Natural Resources. He stated that the City could put up the signs designating a "no wake" area.

City Attorney Allbee stated that he is in the process of drafting an ordinance concerning the docking of barges on the riverfront and that he expects to have everything completed before the boating season this summer.

City Administrator Johnson, speaking in reference to the raw sewage that was being deposited in Mad Creek from the West Cleveland Street sanitary sewer, stated that a low bid had been received from Sulzberger Excavating in the amount of \$36,758.50 for repairs to the sewer line. He pointed out that this amount is considerably higher than originally anticipated. He asked that Councilmembers approve the low bid from Sulzberger Excavating so that work can begin to correct this problem.

There was discussion on the City's sewer hookup policy.

#13463. Councilmember Phil Fitzgerald moved the low bid from Sulzberger Excavating in the amount of \$36,758.50 be approved. Seconded by Councilmember Gary Gray. All ayes; motion carried.

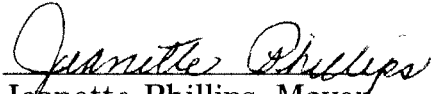
#13464. Councilmember Kevin Fitzgerald moved to go into Executive Session at 8:44 p.m. to discuss labor negotiations. Seconded by Councilmember O'Brien. All ayes: Councilmembers Gary Gray, Freese, O'Brien, Dan Gray, Moench, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried.

#13465. Councilmember Gary Gray moved to go out of Executive Session at 9:00 p.m. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Gary Gray, Freese, O'Brien, Dan Gray, Moench, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried.

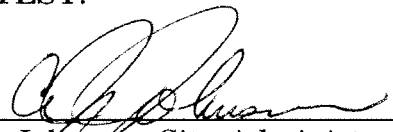
There was no action taken as a result of the Executive Session.

#13466. Councilmember Kevin Fitzgerald moved that the meeting be adjourned. Seconded by Councilmember Dan Gray. All ayes; motion carried.

The meeting adjourned at 9:02 p.m.


Jeanette Phillips, Mayor

ATTEST:


A.J. Johnson, City Administrator