

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers - 7:30 p.m. - March 17, 1994

Mayor Jeanette Phillips called the meeting to order.

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

Councilmember Freese gave the opening prayer.

The Pledge of Allegiance was given.

John Stevens, representing Marie Peck, owner of property located at the corner of East 4th and Walnut streets, formerly Bob's Mobile Station, stated that his client has been accused of delaying the new jail facility, noting that these accusations have been unfair.

Mr. Stevens told Councilmembers that two underground tanks, which were located in the 4th Street right-of-way, have been removed and that the Iowa Department of Natural Resources has signed off on the tanks.

Mr. Stevens stated that the major problem for remediation of the Bob's Mobile Station property is the relocation of sanitary sewer lines as proposed by the Veterans' Plaza Authority. He noted that the Authority was deliberately running the sewer line through the area of contamination instead of avoiding the area of groundwater contamination. He pointed out that no consideration has been given to designing the relocation of these sewers to avoid the area of either soil or groundwater contamination.

Mr. Stevens stated that the cost of remediation as presently proposed by the Veterans' Plaza Authority could easily exceed several hundred thousand dollars and that communications from the Authority over the last two years have been to impose this burden on Mrs. Peck. He pointed out that Mrs. Peck does not have this kind of money.

Mr. Stevens stated that he felt the total expense to remediate the site to a low risk site that will meet the regulations of the Iowa Department of Natural Resources can be accomplished for approximately \$55,000.

Mr. Stevens pointed out that the Veterans' Plaza Authority, in order to reduce the cost for the construction of the new jail facility, has had to change the plans for construction of the facility. He stated that the plan of remediation being proposed by Mrs. Peck could save the Authority a substantial sum of money.

Mr. Stevens stated that his client is requesting that the City take no action at this time to approve the Authority's present plans and specifications for relocation of City utilities. He then stated that his client is requesting that City Council authorize the City Engineer and Fire Chief to meet with her professionals to consider her plan of remediation for the site, at a substantial cost savings to the City, Muscatine Power & Water, and the Veterans' Plaza Authority. Following the meeting with the City Engineer and the Fire Chief, Mrs. Peck will be asking the City to officially approve her plan so it can be submitted to the Iowa Department of Natural Resources.

#13521. Councilmember Kevin Fitzgerald moved to approve the minutes of the March 3, 1994 Regular City Council meeting, the March 10, 1994 In-Depth Council meeting, and the February 22, 1994 Special City Council meeting. Seconded by Councilmember O'Brien. All ayes; motion carried.

#13522. Councilmember Dan Gray moved the Consent Agenda be approved as follows: Renewal of Class C liquor license and Sunday sales permit for Diamond Dave's Taco Co., 1903 Park Avenue (pending inspections); renewal of Class C liquor license for Edward's Tavern, 207 Mulberry Avenue (pending inspections); renewal of Class C liquor license for The Elms, 2108 Grandview Avenue; renewal of Class A liquor license and Sunday sales permit for American Legion Club, 110 S. Houser Street; renewal of Class E beer and Sunday sales permit for Econofoods #468, 502 West Bypass 61 (pending inspections); cigarette permit for Mulberry Recreation Center, 519 Mulberry Avenue, expiring June 30, 1994; taxicab license for City Cab, 118 W. 3rd Street, Ottumwa, Iowa, expiring December 31, 1994; filing of Communications A-K; and bills totaling \$736,495.20. Seconded by Councilmember Freese. All ayes; motion carried.

PUBLIC HEARING

Mayor Phillips stated that a public hearing was being held concerning the 1994/95 application for transit funding.

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

#13523. Councilmember Phil Fitzgerald moved the public hearing be closed. Seconded by Councilmember Kevin Fitzgerald. All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried.

PUBLIC HEARING

Mayor Phillips stated that a public hearing was being held concerning the proposed application to the State of Iowa's highway safety fund for improvements to the intersection of Hershey Avenue and U.S. Highway 61 Bypass.

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

#13524. Councilmember Phil Fitzgerald moved the public hearing be closed. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried.

PUBLIC HEARING

Mayor Phillips stated that a public hearing was being held concerning the proposed utility easement between the City of Muscatine and U.S. West Communications.

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

#13525. Councilmember Dan Gray moved the public hearing be closed. Seconded by Councilmember Moench. All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried.

#13526. Councilmember Kevin Fitzgerald moved to approve the appointment of Richard Pilcher to the Library Board, with his term to expire on July 1, 1999. Seconded by Councilmember Phil Fitzgerald. All ayes; motion carried.

#13527. Councilmember O'Brien moved the resolution be adopted setting a public hearing on April 7, 1994 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed zoning ordinance amendment to the Agricultural District of the City Code. Seconded by Councilmember Freese. All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#13528. Councilmember Dan Gray moved the resolution be adopted setting a public hearing on April 7, 1994 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed ordinance amendment to the City's current Fire Code which would allow for cost recovery in dealing with hazardous materials incidents. Seconded by Councilmember Freese. All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#13529. Councilmember Freese moved that the resolution be adopted authorizing the 1994/95 application for state and federal transit funding. Seconded by Councilmember O'Brien. All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#13530. Councilmember Phil Fitzgerald moved the resolution be adopted approving the application to the State of Iowa Safety Fund for construction of two deceleration lanes on the U.S. Highway 61 Bypass and the Hershey Avenue intersection. Seconded by Councilmember Moench. All ayes: Councilmembers Dan Gray, Freese, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#13531. Councilmember Dan Gray moved the resolution be adopted approving the utility easement between the City of Muscatine and U.S. West Communications for an easement to cross the Muscatine Soccer Complex. Seconded by Councilmember Phil Fitzgerald. All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#13532. Councilmember Dan Gray moved the resolution be adopted authorizing the submittal of a grant to the Economic Development Administration for improvements to the sanitary sewer line from the Papoose Lift Station to Musser Park. Seconded by Councilmember Freese.

Councilmember Moench asked how much preparation time would be involved with this particular application or if the City already has the information on hand.

City Administrator A.J. Johnson stated that the City Engineer has already compiled the information and that it should take about one day to complete the three-page application.

Councilmember Dan Gray pointed out that this project needs to be done even if the 1% local option sales tax is not approved.

City Administrator Johnson stated that Councilmember Dan Gray was correct. He told Councilmembers that 80% of the project, if approved by the Economic Development Administration, would be eligible for funding. He stated that the 1% local option sales tax would provide the City with a funding opportunity for the remaining 20%. He stated that approval of this funding request would save the City 80% of funds that could be directed towards other projects.

Vote - All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#13533. Councilmember Kevin Fitzgerald moved the resolution be adopted awarding the contract for leachate control and vertical expansion at the landfill to Fox Engineering in the amount of \$83,150. Seconded by Councilmember Phil Fitzgerald. All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#13534. Councilmember Moench moved that the resolution be approved establishing a public hearing on April 7, 1994 at 7:30 p.m. in the City Hall Council Chambers concerning Phase II of the Transfer Station and Recycling Facility Improvement Project. Seconded by Councilmember Freese.

City Administrator Johnson stated that a neighborhood meeting would be held on April 5, 1994 at 7:00 p.m. in the conference room of the Water Pollution Control Plant. He stated that the purpose of the meeting is to answer any questions people might have regarding the facility.

Vote - All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#13535. Councilmember O'Brien moved that the resolution be adopted accepting the work for the expansion of the Clark House sprinkler system and authorizing final payment to Frye Builders and Associates in the amount of \$15,973.40. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#13536. Councilmember Kevin Fitzgerald moved to approve the removal of curb, sidewalk and street material at the proposed site of the new jail facility at an estimated cost of \$23,256. Seconded by Councilmember Dan Gray. All ayes; motion carried.

#13537. Councilmember Freese moved to authorize the issuance of a purchase order to Dennis Parking Lot Maintenance in the amount of \$9,967.17 for the 1994 Street Striping Program. Seconded by Councilmember Dan Gray. All ayes; motion carried.

#13538. Councilmember Dan Gray moved to approve establish Spring Cleanup during the week of April 25-29, 1994. Seconded by Councilmember O'Brien. All ayes; motion carried.

#13539. Councilmember Phil Fitzgerald moved to approve the issuance of purchase orders totaling \$23,275.75 for the purchase of fuel dispensing equipment for the Muscatine riverfront. Seconded by Councilmember Dan Gray.

Fred Brown, who resides on the Illinois side of the Mississippi River, stated that several years ago a contract was initiated with his father to move the gas dispensing facility from the riverfront to the Illinois side of the river which is owned by him. He stated that he has taken over the operation of the business.

Mr. Brown told Councilmembers that he was not present at the March 10, 1994 Council meeting when this topic was discussed and that he had not been contacted regarding the City's intention to have gas dispensing facilities on the riverfront once again. He told Councilmembers that it is not easy to operate a marina; however, he would be willing to assist in any way he can.

Councilmember Freese asked Mr. Brown if he would be willing to run the operation.

Mr. Brown stated that he has not had an opportunity to talk with Larry Wolf about this matter. He stated that he would offer his assistance if needed; however, he pointed out that he was retired and he wanted to remain that way.

Councilmember Phil Fitzgerald asked Mr. Brown if anyone from the City had contacted him regarding the gas barge, and Mr. Brown answered no.

Mayor Phillips asked the Councilmembers if they felt comfortable voting on this issue tonight.

Councilmember Phil Fitzgerald stated that the request tonight was for the purchase of the equipment and that the barge is just a necessary extra.

Councilmember Dan Gray stated that there is a need to supply gas for the boaters and that he felt tonight's request should be approved.

Vote - All ayes; motion carried.

#13540. Councilmember Phil Fitzgerald moved to approve the labor contracts between Local #238 Police Bargaining Unit, Local #238 Blue/White Collar Bargaining Unit, and Local #1672 of the Muscatine Association of Fire Fighters. Seconded by Councilmember Kevin Fitzgerald.

Councilmember Phil Fitzgerald asked about the outcome of the final settlement.

City Administrator Johnson stated that the total wage package for the Blue/White Collar Bargaining Unit was 2.8%. He stated that the Police and Fire Fighter units roughed out at approximately 3%. He pointed out that these were wage increases only.

Vote - All ayes; motion carried.

#13541. Councilmember Dan Gray moved to authorize the contract between the City and Stanley Consultants Inc. in the amount of \$13,850 plus incidental expenses for investigative engineering analysis of the Papoose Sewer. Seconded by Councilmember O'Brien. All ayes; motion carried.

Councilmember Dan Gray asked how Mrs. Peck's request would be handled.

City Administrator Johnson stated that the request will be reviewed by the City Engineer and City Attorney to see what the request involves and how it should be approached and that once this is done, Mrs. Peck's attorney will be contacted.

Councilmember Phil Fitzgerald encouraged City staff to work with Fred Brown when setting up the gas dispensing facility on the riverfront.

Kevin Whittaker, Director of Planning and Community Development, asked Councilmembers to approve a resolution accepting utility easements in conjunction with the Veterans Plaza Authority. He stated that approximately one year ago the City vacated East 4th Street and the alley behind the Muscatine County annex building and the existing county jail. He stated that a utility easement would be necessary to repair or extend any utilities.

#13542. Councilmember Kevin Fitzgerald moved the resolution be adopted accepting utility easements in the vicinity of the Muscatine County Jail Site. Seconded by Councilmember Phil Fitzgerald.

Councilmember Phil Fitzgerald asked if Mrs. Peck's request will have an affect on this resolution.

Mr. Whittaker pointed out that earlier in the meeting Councilmembers authorized City staff to begin the removal of curb, sidewalk, and street material, noting that this resolution should be approved before this work begins.

There was discussion on Mrs. Peck's request.

Mr. Whittaker pointed out that the easements are outside the area involved in Mrs. Peck's request.

Vote - All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

City Administrator Johnson asked that Councilmembers take action to begin the April 14, 1994 In-Depth Council meeting at 7:00 p.m. in order to allow for a presentation on the Downtown Visualization Program.

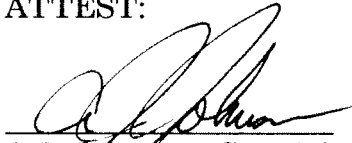
#13543. Councilmember Phil Fitzgerald moved that the April 7, 1994 In-Depth meeting begin at 7:00 p.m. Seconded by Councilmember Dan Gray. All ayes; motion carried.

#13544. Councilmember Freese moved that the meeting be adjourned. Seconded by Councilmember O'Brien. All ayes; motion carried.

The meeting adjourned at 8:20 p.m.


Jeanette Phillips, Mayor

ATTEST:


A.J. Johnson, City Administrator