

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

Mayor Jeanette Phillips called the meeting to order.

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

Councilmember O'Brien gave the opening prayer.

The Pledge of Allegiance was given.

John Stevens, an attorney representing Marie Peck, former owner of property located at the corner of East 4th and Walnut streets, formerly Bob's Mobile Station, read a letter he had prepared for Mrs. Peck concerning corrective action for the site. He explained the two options that were available, noting that the second option, which would avoid the area of contamination, would save the Veterans' Plaza Authority approximately \$15,000.

Mr. Stevens stated that Mrs. Peck is requesting that City staff review the two options and submit a recommendation to Geotechnical Services, Mrs. Peck's professional consultant.

He explained the various diagrams that had been presented to Councilmembers prior to the meeting.

Rich Phillips, representing Leadership Muscatine for 1994, stated that he felt the leadership program is extremely important to the City.

#13545. Councilmember Dan Gray moved to approve the minutes of the March 17, 1994 Regular City Council meeting. Seconded by Councilmember O'Brien. All ayes; motion carried.

#13546. Councilmember Kevin Fitzgerald moved the Consent Agenda be approved as follows: Approval on first reading for new Class C liquor license and Sunday sales permit for Cielito Bar, 500 Mulberry Avenue (subject to inspections and receipt of insurance certificate); renewal of Class C beer and Sunday sales permit for Meerdink's Amoco Service Center, 2111 Park Avenue; renewal of Class E beer and Sunday sales permit for Hy-Vee Food Store, 1903 Park Avenue (pending inspections); approval of taxicab license for Shirley's Cab from April 1994 to March 1995 (subject to receipt of insurance); filing of Communications A-M; and bills totaling \$765,357.67. Seconded by Councilmember Phil Fitzgerald. All ayes; motion carried.

### PUBLIC HEARING

Mayor Phillips stated that a public hearing was being held concerning the proposed riverfront promenade project.

Larry Wolf, Parks and Recreation Director, presented an overview of the proposed project. He stated that members of the Riverfront Development Committee, as well as other staff members, were instrumental in developing this project. He told Councilmembers that it was necessary to redesign the walk to make it level with the pier.

Mr. Wolf stated that the Engineering Department is still working on the documents, and it has been determined that the construction cost for the project will remain in the \$200,000 to \$300,000 range. He then stated that a resolution approving the plans and specifications and setting the bid opening date will be presented at the April 21, 1994 Regular City Council meeting.

Mr. Wolf stated that he feels the City can be proud of this project.

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

#13547. Councilmember Gary Gray moved the public hearing be closed. Seconded by Councilmember Freese. All ayes: Councilmembers Gary Gray, 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 zoning ordinance amendment to the agricultural district of the City Code.

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

#13548. Councilmember Moench moved the public hearing be closed. Seconded by Councilmember Phil Fitzgerald. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried.

### PUBLIC HEARING

Mayor Phillips stated that a public hearing was being held concerning the proposed ordinance amendment to the Fire Code allowing for the recovery of costs associated with hazardous materials incidents.

#13549. Councilmember Gary Gray moved the public hearing be closed. Seconded by Councilmember O'Brien. All ayes: Councilmembers Phil Fitzgerald, Kevin Fitzgerald, O'Brien, Moench, Dan Gray, Freese, and Gary Gray. Motion carried.

### PUBLIC HEARING

Mayor Phillips stated that a public hearing was being held concerning the proposed transfer station facility improvement project.

City Administrator A.J. Johnson asked Lavene Payne, the City's Solid Waste Manager, to give an overview of how the project has progressed to date. He pointed out that a neighborhood meeting was held Tuesday at the Water Pollution Control Plant.

Mr. Payne briefly explained the architect's rendition of the facility. He told Councilmembers that the facility will be built on top of sand, noting that pilings will be used. He stated that the sand will serve as a platform for the building as well as the base for the roads. He stated that the peak of the building will be approximately 44 feet high and went into further detail about how the building will look when it is finished.

Mr. Payne stated that a resolution approving the plans and specifications for the project and setting a May 24, 1994 bid opening date will be submitted at the April 21, 1994 Regular City Council meeting. He stated that a resolution awarding the contract will be presented at the June 2, 1994 Regular City Council meeting and that a resolution approving the contract and bond will be presented at the June 16, 1994 Regular City Council meeting. He stated that approval of the contract and bond will allow construction of the project to begin, noting that it is estimated the project will take approximately 12 months to complete. He pointed out that the plans and specifications are available for public view at the Public Works Facility.

Councilmember Moench stated that it was his understanding that garbage trucks will be emptied into semi-trailers as they come into the facility.

Mr. Payne stated that Councilmember Moench was correct.

Councilmember Moench asked how many semi's are anticipated to go in and out of the facility each day.

Mr. Payne stated that it is estimated that there will be approximately three semi's per day.

Councilmember Moench asked who would own the semi's.

Mr. Payne stated that the trailers will be owned by the facility; however, the City has been discussing the possibility of contracting for the tractor portion of the semi.

Councilmember Moench asked if this facility would become the centerpoint of recycling in the community.

Mr. Payne stated that it is hoped the transfer station will become a full scale recycling facility, noting that the compost site is extremely successful.

Councilmember Moench asked if people will be able to view the operation once the facility is completed.

Mr. Payne stated that the conference room on the second floor will have a glass wall which will allow people to view the operation of the facility.

Councilmember Freese asked if refuse would be kept overnight at the facility.

Mr. Payne answered no, stating that all refuse will be immediately loaded onto a trailer and taken to the landfill.

Councilmember Dan Gray asked how citizens will be trained on the use of the facility.

Mr. Payne stated that as the completion date draws near, a media campaign will take place and information will be distributed concerning the use of the facility.

Councilmember O'Brien asked how waste from private citizens will be handled.

Mr. Payne stated that it would depend on the kind of waste brought into the facility.

Councilmember Moench asked how much longer sand will be hauled to the site.

Mr. Payne stated that sand will be hauled for approximately three more weeks.

Councilmember Moench asked if the compost facility would be open on Wednesdays once the sand delivery is completed, and Mr. Payne answered yes.

Councilmember Dan Gray thanked the Building Committee members who were present at the meeting. Members of the committee are Randy Hill, Public Works Director; James Harder; Ray Childs, City Engineer; Phyllis Anderson; and Steve Boka, Building and Zoning Administrator.

Del Jones, 202 W. 11th Street, asked if the new building would help reduce the flow of refuse into the landfill.

Mr. Payne stated that the building will give the City an opportunity to reduce the use of the landfill in the future.

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

#13550. Councilmember Moench moved the public hearing be closed. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried.

Police Chief Gary Coderoni introduced Police Officer Matthew J. Schwarz who was to be sworn in by Mayor Phillips. He stated that while at the Police Academy Officer Schwarz had received awards for his academic achievement and his shooting abilities.

Mayor Phillips administered the oath of office to Officer Schwarz.

#13551. Councilmember Moench moved to approve the appointment of John Tobin to the Civil Service Commission, term expiring April 2000, and the following proclamations: Infant Immunization Week, April 23-29, 1994; Arbor Day, April 24, 1994; National Library Week, April 17-23, 1994; National Secretaries Week, April 24-30, 1994 and Secretary's Day, April 27, 1994; and National Public Safety Telecommunications Week, April 10-16, 1994. Seconded by Councilmember Dan Gray. All ayes; motion carried.

City Administrator Johnson, speaking in reference to Infant Immunization Week, explained what services would be available to the public during that week.

#13552. Councilmember Moench moved the ordinance be approved on first reading to amend the Agricultural Ordinance of the City Code. Seconded by Councilmember O'Brien. All ayes: Councilmembers Phil Fitzgerald, Kevin Fitzgerald, O'Brien, Moench, Dan Gray, Freese, and Gary Gray. Motion carried and ordinance approved on first reading.

#13553. Councilmember Dan Gray moved the ordinance be approved on first reading to amend the ordinance to amend the Fire Code allowing for cost recovery related to hazardous materials incidents. Seconded by Councilmember Phil Fitzgerald. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and ordinance approved on first reading.

#13554. Councilmember Gary Gray moved to approve the application for funding for the DARE program for the middle schools. Seconded by Councilmember Freese. All ayes; motion carried.

#13555. Councilmember O'Brien moved to approve the extension of the Airport Farm Lease agreement between the City and Richard K. Bartenhagen for the 1994 growing season at \$25 per acre. Seconded by Councilmember Phil Fitzgerald. All ayes; motion carried.

#13556. Councilmember Moench moved to approve the resolution releasing real estate mortgage Case #173. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#13557. Councilmember Dan Gray moved to approve the resolution releasing real estate mortgage Case #174. Seconded by Councilmember O'Brien. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#13558. Councilmember Dan Gray moved the resolution be adopted releasing real estate mortgage Case #175. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#13559. Councilmember O'Brien moved the resolution be adopted releasing real estate mortgage Case #176. Seconded by Councilmember Phil Fitzgerald. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#13560. Councilmember Gary Gray moved the resolution be adopted releasing real estate mortgage Case #177. Seconded by Councilmember Freese. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#13561. Councilmember Freese moved the resolution be adopted releasing real estate mortgage Case #178. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#13562. Councilmember Moench moved the resolution be adopted releasing real estate mortgage Case #179. Seconded by Councilmember O'Brien. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#13563. Councilmember Phil Fitzgerald moved the resolution be adopted approving the corporate reorganization of Telecommunications Inc. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#13564. Councilmember Kevin Fitzgerald moved to approve the bid from Gasaway and Associates in the amount of \$11,805 for the purchase of bleachers for Kent Stein Park. Seconded by Councilmember Phil Fitzgerald.

Councilmember Moench asked if we had purchased the dugout benches from this firm, and Larry Wolf, Parks and Recreation Director, answered yes.

Councilmember Gary Gray asked if the bleachers would be portable, and Mr. Wolf answered yes.

Vote - All ayes; motion carried.

Councilmember Moench reminded citizens of the Iowa Department of Transportation public hearing scheduled for April 21, 1994 at the Muscatine High School concerning U.S. 61/92.

#13565. Councilmember Dan Gray moved that page 7 of the March 17, 1994 Regular City Council minutes be approved to read "the April 14, 1994 In-Depth Council meeting..." Seconded by Councilmember Freese. All ayes; motion carried.


Mayor Phillips stated that Councilmember Kevin Fitzgerald would be serving as Mayor Pro Tem for the June 2, 1994 Regular City Council meeting.

#13566. Councilmember Freese moved the meeting be adjourned. Seconded by Councilmember Gary Gray. All ayes; motion carried.

The meeting adjourned at 8:30 p.m.

  
Jeanette Phillips, Mayor

ATTEST:

  
A.J. Johnson, City Administrator