

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers - 7:30 p.m. - April 21, 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.

Mayor Phillips requested a moment of silence for former Muscatine County Sheriff Dick Oppelt who passed away this past Saturday.

Councilmember Moench gave the opening prayer.

The Pledge of Allegiance was given.

#13567. Councilmember Phil Fitzgerald moved to approve the minutes of the April 7, 1994 Regular City Council meeting and the April 14, 1994 In-Depth Council meeting. Seconded by Councilmember Kevin Fitzgerald. All ayes; motion carried.

#13568. Councilmember Moench moved the Consent Agenda be approved as follows: Approval on first reading for a Class B beer and Sunday sales permit for El Paraiso Restaurant, 506 Mulberry Avenue (subject to receipt of insurance certificate and inspections); approval on second reading for a Class C liquor license and Sunday sales permit for Cielito Bar, 500 Mulberry Avenue (subject to receipt of insurance certificate); renewal of Class A liquor license and Sunday sales permit for Loyal Order of Moose Lodge #388, 207 Lake Park Boulevard (pending inspections); renewal of Class C liquor license and Sunday sales permit for Creekside Community Center Inc., 736 Lake Park Boulevard (subject to receipt of insurance certificate); filing of Communications A-I; and bills totaling \$652,566.06. Seconded by Councilmember O'Brien. All ayes; motion carried.

#13569. Councilmember Gary Gray moved to approve the following proclamations: National Police Week and Peace Officer's Memorial Day; National Teacher Day; Older Americans Month; Motorcycle Awareness Month; National Nursing Home Week; Tourism Week; and School Board Recognition Week, May 8-14, 1994. Seconded by Councilmember Freese. All ayes; motion carried.

#13570. Councilmember O'Brien moved that the resolution be adopted approving a two-lot subdivision on Bayfield Road within Muscatine County. Seconded by Councilmember Phil Fitzgerald. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#13571. Councilmember Phil Fitzgerald moved to suspend the rules to allow for the adoption on second reading of the ordinance amending the agricultural ordinance of the City Code. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried.

#13572. Councilmember Freese moved to adopt on final reading the ordinance amending the agricultural ordinance of the City Code and that it be published in the Muscatine Journal as required by law. Seconded by Councilmember Moench. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Motion carried and ordinance approved on final reading.

#13573. Councilmember Phil Fitzgerald moved the ordinance be approved on second reading to amend the Fire Code to allow for the recovery of costs related to hazardous materials incidents. Seconded by Councilmember Kevin Fitzgerald.

Councilmember Moench stated that he recently received comments from citizens concerning this ordinance. He pointed out that there is one more reading before this ordinance is approved and that interested citizens still have ample time to voice any concerns they might have about this issue.

Vote - All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and ordinance approved on second reading.

#13574. Councilmember Dan Gray moved to approve the resolution setting a public hearing on May 5, 1994 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed amendment to the City's sewer use ordinance. 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.

#13575. Councilmember Phil Fitzgerald moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate, and setting the date of May 26, 1994 for receipt of bids for the Pearl City Promenade Project. 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.

#13576. Councilmember Moench moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate and setting the date of May 24, 1994 for the receipt of bids for the transfer station facility project. Seconded by Councilmember Kevin Fitzgerald. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#13577. Councilmember Freese moved that the resolution be adopted approving the annual road use tax five-year program. Seconded by Councilmember Kevin Fitzgerald. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#13578. Councilmember O'Brien moved that the resolution be adopted setting a public hearing on May 19, 1994 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed assessment of sidewalk costs to private property owners. Seconded by Councilmember Phil Fitzgerald.

Councilmember Freese asked why this matter was coming up at this time.

City Administrator A.J. Johnson stated that the City would like to proceed with this proposed assessment before the end of the fiscal year, noting that this is done periodically with improvement programs of this type. He pointed out that it is anticipated that a majority of people on the list will pay the costs before they are assessed against their property.

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

#13579. Councilmember Dan Gray moved the resolution be adopted approving the release of Real Estate Mortgage Case #193 under the Community Development Residential Rehabilitation and Conservation Grant Program. Seconded by Councilmember Phil Fitzgerald. All ayes: Councilmembers Dan Gray, Freese, Gary Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#13580. Councilmember Kevin Fitzgerald moved that the resolution be adopted authorizing the issuance of a purchase order in the amount of \$24,400 to Illowa Investment Inc. for the placement of a two-inch thick asphalt overlay on the levee between Pearl City Station and Musser Park. Seconded by Councilmember Moench.

Ray Childs, City Engineer, stated that the overlay would not begin at Pearl City Station but further down where the sand levee begins. He pointed out that once this project is completed there will still be approximately 1/4 of a mile of the levee that will require asphalt overlay sometime in the future.

Councilmember Moench asked how difficult it will be for pedestrians or bicyclists to get off of the levee once this project is completed.

Mr. Childs stated that there will be a ramp available for people to use when coming down off the levee.

There was discussion on the time frame for completion of this project.

Councilmembers Kevin Fitzgerald and Moench both agreed to the change pointed out by the City Engineer.

Vote - All ayes; motion carried.

#13581. Councilmember Moench moved to approve the contract change order approval policy. Seconded by Councilmember O'Brien. All ayes; motion carried.

#13582. Councilmember Gary Gray moved to approve the request from the Muscatine County Sheriff's office for the construction of a 180 foot tower on county owned property. Seconded by Councilmember Dan Gray. All ayes; motion carried.

Councilmember Freese stated that he had received a call earlier in the evening from a citizen who stated that he was told his cable services could not be hooked up until the first part of May. The caller had been in Arizona for three months and had his cable services disconnected for that time frame.

Mayor Phillips stated that she has received numerous complaints about the cable services and that she refers the callers to Marsha Tate, who services on the Cable Advisory Commission.

City Administrator Johnson stated that people should contact Marsha Tate; however, he asked that people also be told to provide a written complaint so that it can be kept on file.

Councilmember Gary Gray asked the City Administrator if he had been contacted by the railroad concerning the unfinished condition of the tracks on the riverfront.

City Administrator Johnson stated that he would be contacting the railroad on Friday.

City Administrator Johnson stated that members of his staff, as well as the City Attorney, met last week with Attorney John Stevens to review Marie Peck's request. He told Councilmembers that he and Henry Tober and Lavene Payne had met with Stanley Consultants, the engineering consultant for the Veterans' Plaza Authority, and that the firm will be reviewing the situation and submitting its findings to the Iowa Department of Natural Resources. The Department of Natural Resources will then make a recommendation on how the property formerly owned by Mr. Stevens' client should be dealt with. He stated that he felt it would be prudent to wait for the findings from the Department of Natural Resources.

Councilmember Phil Fitzgerald asked if this would hold up the construction of the new jail facility.

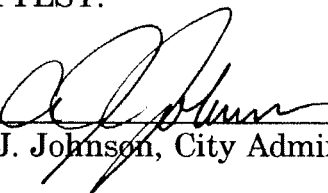
City Administrator Johnson stated that Stanley Consultants does not feel the project will be deterred; however, he will continue to monitor the situation.

#13583. Councilmember Freese moved the meeting be adjourned. Seconded by Councilmember Dan Gray. All ayes; motion carried.

The meeting adjourned at 8:00 p.m.


Jeanette Phillips, Mayor

ATTEST:


A.J. Johnson, City Administrator