

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers - 7:30 p.m. - March 16, 1995

Mayor Jeanette Phillips called the meeting to order.

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

Councilmember Moench gave the opening prayer.

The Pledge of Allegiance was given.

#14066. Councilmember Kevin Fitzgerald moved to approve the minutes of the March 2, 1995 Regular City Council meeting, the March 9, 1995 In-Depth Council meeting and the February 23, 1995 Special Council meeting. Seconded by Councilmember Phil Fitzgerald. All ayes; motion carried.

#14067. Councilmember Moench moved to approve the Consent Agenda as follows: Renewal of Class A liquor license and Sunday sales permit for American Legion Club, 110 South Houser Street; renewal of Class C liquor license and Sunday sales permit for Diamond Dave's, 1903 Park Avenue (pending inspections); renewal of Class C liquor license for Edward's Tavern, 207 Mulberry Avenue (pending inspections); renewal of Class C beer and Sunday sales permit for C-Mart #1065, Clay and Gobble streets; renewal of Class E beer and Sunday sales permit for Econofoods #468, 501 Bypass #61; renewal of Class E beer and Sunday sales permit for Hy-Vee, 1903 Park Avenue (pending inspections); filing of Communications A-K; and bills totaling \$1,292,044.47. Seconded by Councilmember O'Brien. All ayes; motion carried.

PUBLIC HEARING

Mayor Phillips stated that a public hearing was being held concerning the proposed vacation of a utility easement on Lot 28/29 of the Par Four Subdivision.

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

#14068. Councilmember Dan Gray moved the public hearing be closed. Seconded by Councilmember Freese. All ayes; motion carried.

PUBLIC HEARING

Mayor Phillips stated that a public hearing was being held concerning the proposed annexation and zoning change for the voluntary annexation request of real estate adjacent to the east side of Stewart Road and south of MG Industries.

There were no oral or written petitions for or against the proposed annexation and zoning change.

#14069. Councilmember Kevin Fitzgerald moved the public hearing be closed. Seconded by Councilmember O'Brien. All ayes; motion carried.

PUBLIC HEARING

Mayor Phillips stated that a public hearing was being held concerning the proposed promenade/pier project for the Muscatine Riverfront.

Jay Logel, 2266 Ridgeview, representing the Vision Coordinating Council, asked Councilmembers to look upon this issue favorably, noting that the project is an important step in the efforts being made to bring improvements to Muscatine.

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

#14070. Councilmember Freese moved the public hearing be closed. Seconded by Councilmember Dan Gray. All ayes; motion carried.

PUBLIC HEARING

Mayor Phillips stated that a public hearing was being held concerning the proposed application for 1995/96 federal and state assistance for transit operations.

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

#14071. Councilmember Gary Gray moved the public hearing be closed. Seconded by Councilmember Freese. All ayes; motion carried.

PUBLIC HEARING

Mayor Phillips stated that a public hearing was being held concerning the proposed sidewalk assessments for the Mulberry Avenue/Bonnie Drive sidewalk improvement project.

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

#14072. Councilmember Phil Fitzgerald moved the public hearing be closed. Seconded by Councilmember O'Brien. All ayes; motion carried.

#14073. Councilmember Moench moved the proclamations be approved declaring March 18, 1995 as "National Quilting Day", and April as "Child Abuse Prevention Month". Seconded by Councilmember Phil Fitzgerald. All ayes; motion carried.

Mayor Phillips stated that Item 11A had been deleted from the agenda.

#14074. Councilmember Gary Gray moved the resolution be adopted approving the plat for the DD&L Subdivision. 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.

#14075. Councilmember O'Brien moved the resolution be adopted relating to the financing of certain proposed projects to be undertaken by the City of Muscatine, establishing compliance with reimbursement bond regulations under the Internal Revenue Code. 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.

#14076. Councilmember Moench moved the resolution be adopted authorizing the submission of the application for the 1995/96 federal and state transit funds. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14077. Councilmember O'Brien moved the resolution be adopted vacating an existing easement between Lots 28 and 29 of the Par Four Subdivision. Seconded by Councilmember Freese.

City Administrator A.J. Johnson stated that as a point of clarification this resolution vacates a current utility easement and accepts a new easement.

City Attorney Harvey Allbee Jr. stated that a motion to amend this resolution would be in order.

#14078. Councilmember Kevin Fitzgerald moved the resolution be amended to allow for the acceptance of a new utility easement between Lots 28 and 29 in the Par Four Addition consistent with the lot configuration. Seconded by Councilmember Phil Fitzgerald. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and amendment approved.

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

#14079. Councilmember Dan Gray moved the resolution be adopted allowing for the voluntary annexing of real estate adjacent to the east side of Stewart Road and south of MG Industries. Seconded by Councilmember Freese. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald.

#14080. Councilmember Gary Gray moved the ordinance be adopted on first reading amending the City's zoning ordinance in conjunction with the City's approval of the voluntary annexation of property on Stewart Road to allow for the establishment of an M-2 Heavy Industrial Zone on this property. Seconded by Councilmember O'Brien. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and ordinance approved on first reading.

#14081. Councilmember Dan Gray moved the resolution be adopted confirming the special assessments for sidewalks on Mulberry Avenue and Bonnie Drive. 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.

#14082. Councilmember Moench moved the resolution be adopted approving the bid from ESI for a five-year contract for the transportation of waste from the Muscatine Recycling Facility and Transfer Station to the Muscatine County Landfill. Seconded by Councilmember Phil Fitzgerald.

City Administrator Johnson told Councilmembers that the City had solicited bids for the hauling of waste from the Transfer Station to the landfill and that eight bids were received. He stated that it was determined that the bid submitted by Browning-Ferris Inc. (BFI) was the apparent low bidder. He emphasized to Councilmember's that staff's recommendation would be approval of the bid from BFI.

Councilmember Gary Gray stated that his interpretation of the bid proposal indicates that Roger's Backhoe would be the low bidder.

#14083. Councilmember Gary Gray moved that this matter be tabled until the April 20, 1995 Regular City Council meeting. Seconded by Councilmember Freese. Four nays: Councilmembers Moench, O'Brien, Kevin Fitzgerald, and Phil Fitzgerald. Three ayes: Councilmembers Dan Gray, Freese, and Gary Gray. Motion to table defeated.

Councilmember Dan Gray stated that he had questions he needed answered about the bid proposals that were submitted.

Councilmember Kevin Fitzgerald stated that he supported his motion based on the clarity of the ESI bid. He stated that he felt it was a comprehensive bid and that there was no ambiguity in the bid.

Councilmember Moench stated that he felt the ESI bid was a clear bid, noting that he did not choose Roger's Backhoe because the firm has no track record or sufficient backup equipment.

Councilmember Gary Gray pointed out that ESI is a new firm and that Roger's Backhoe has been in operation for more than 20 years.

Councilmember Gary Gray stated that he feels this matter needs to be tabled until all the bids have been clarified.

Councilmember O'Brien stated that it was his understanding that Councilmembers are not bound to accept the low bidder on bids of this type.

City Attorney Allbee stated that Councilmember O'Brien was correct, noting that Councilmembers are required to approve the low bid only public improvements. He stated that a hauling contract provides a service and Councilmembers can choose any bidder they feel is best suited to provide the service.

#14084. Councilmember Phil Fitzgerald moved to call for the question. Seconded by Councilmember Kevin Fitzgerald. Six ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. One nay: Councilmember Gary Gray.

Vote on original motion to approve the bid from ESI - Five ayes: Councilmembers Freese, Moench, Phil Fitzgerald, and Kevin Fitzgerald. Two nays: Councilmembers Gary Gray and Dan Gray. Motion carried.

#14085. Councilmember Phil Fitzgerald moved the resolution be adopted awarding the bid to Tiger Striping in the amount of \$5,577.30 for the City's 1995 Street Striping 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.

#14086. Councilmember O'Brien moved the resolution be adopted setting a public hearing on April 6, 1995 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed changes to the animal control ordinance. Seconded by Councilmember Phil Fitzgerald.

There was discussion on this issue.

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

#14087. Councilmember Moench moved that the resolution be adopted setting a public hearing on April 20, 1995 at 7:30 p.m. in the City Hall Council Chambers concerning the assessment of sidewalk costs to private property owners. Seconded by Councilmember O'Brien. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14088. Councilmember Kevin Fitzgerald moved that the resolution be adopted amending the pay and classification plan for non-union employees of the City. 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.

#14089. Councilmember Moench moved to approve the request for the removal of a stop sign on Monroe Street at First Avenue and for the establishment of a speed limit of 35 miles per hour on 57th Street South from Grandview Avenue to the City. Seconded by Councilmember Freese. All ayes; motion carried.

#14090. Councilmember O'Brien moved to approve the contract between the City and Theater in the Sky Productions for an air show to be held at the municipal airport on June 9-11, 1995. Seconded by Councilmember Kevin Fitzgerald.

City Attorney Allbee stated that in paragraph #7 of the contract, the total insurance coverage amount should read \$5 million.

City Administrator Johnson stated that there had been concerns about the company insuring this event, and after investigation it was found that the firm is very reputable and deals with special aviation-related events.

Vote - All ayes; motion carried.

Councilmember Moench asked how the street was holding up that the City had put fly ash on a couple of years ago.

City Engineer Ray Childs stated that some buckling occurred last summer, noting that asphalt has nothing to bond to when overlaid onto fly ash. He stated that overall the fly ash is working out fine.

City Administrator Johnson stated that Councilmembers had on their desks a Resolution Amending the Assessment Roll for the Mulberry Avenue Sidewalk Extension Project pertaining to Leona Sissel's assessment.

#14091. Councilmember Kevin Fitzgerald moved the resolution be adopted. 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.


City Administrator Johnson stated that a change order had been received for the Clark House window replacement project in the amount of \$368.00 and he asked that it be approved.

#14092. Councilmember Dan Gray moved the change order be approved. Seconded by Councilmember Freese. All ayes; motion carried.

#14093. Councilmember Freese moved the meeting be adjourned. Seconded by Councilmember O'Brien. All ayes; motion carried.


Jeanette Phillips, Mayor

ATTEST:


A.J. Johnson, City Administrator