

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers - 7:30 p.m. - April 6, 1995

Mayor Jeanette Phillips called the meeting to order.

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

There was a moment of silence for Ron Hansen, former Mayor of Muscatine, who passed away the previous week.

City Attorney Harvey Allbee Jr. gave the opening prayer.

The Pledge of Allegiance was given.

Rich Phillips, Muscatine County Attorney, stated that Wednesday the court handed down an arson conviction. He commended the Police and Fire departments for their assistance in solving this very serious crime. He stated that credit should be given to Fire Chief Steve Dalbey and Police Chief Gary Coderoni, as well as the firefighters and police officers who were involved in solving this case.

#14094. Councilmember Moench moved to approve the minutes of the March 16, 1995 Regular City Council meeting. Seconded by Councilmember O'Brien. All ayes; motion carried.

#14095. Councilmember Dan Gray moved that the Consent Agenda be approved as follows: Renewal of a Class C beer and Sunday sales permit for Meerdink's Amoco, 211 Park Avenue (pending inspections); filing of Communications A-N; and bills totaling \$1,625,559.50. Seconded by Councilmember Freese. All ayes; motion carried.

PUBLIC HEARING

Mayor Phillips stated that a public hearing was being held concerning amendments to the animal control ordinance.

City Administrator A.J. Johnson stated that this public hearing has been scheduled for the consideration of alterations to the current animal control ordinance. He stated that this topic was discussed at the March In-Depth meeting and was on the agenda this evening for the first reading of the ordinance.

Bill Hasty, 530 Maple Avenue, stated that he had two items he felt should be included with the proposed ordinance. He told Councilmembers that he felt the word "complaint" should be clarified as to when talking about a citizen making a complaint as opposed to an actual complaint being filed. He then stated that he felt the new ordinance should be amended to allow the dog to be removed from the city limits, either by the owner or by a city official, once it is found to be a nuisance. He asked that these two items be reviewed before approving the ordinance.

Mayor Phillips asked how much a person pays in fines if they have been cited five or six times.

Mr. Hasty stated that the fees will be increased to approximately \$100 under the new ordinance but he pointed out that there are people who will continue to allow the dog to bark and just pay the fine.

City Attorney Allbee stated that he could develop the necessary criteria to justify the action of having the dog removed from the city limits.

Councilmember O'Brien asked if this particular issue has been discussed, and City Attorney Allbee answered no.

Marsha McGill, 2124 Bidwell Road, told Councilmembers that she and her husband raise purebred hunting dogs and that she has a problem with paying a \$25 fee for her dogs because they are unaltered. The dogs are used for breeding purposes. She stated that her dogs are kept in a kennel and receive excellent care. She stated that she felt there should be a stipulation in the ordinance for dogs that are kept for breeding purposes.

Mrs. McGill told Councilmembers that she and her husband have lost money in the past on the dogs and are no longer allowed to claim the kennel for income tax purposes. She asked Councilmembers if they would consider a kennel fee.

There was further discussion on this issue.

Councilmember Moench stated that this matter would probably be tabled until the April 20, 1995 Regular City Council meeting which would allow for further discussion at the April 13, 1995 In-Depth meeting. He encouraged Mrs. McGill to attend the In-Depth meeting to voice her concerns, noting that the City Attorney will then be instructed on how the ordinance should be amended.

Mayor Phillips pointed out that the ordinance does require three readings.

City Attorney Allbee stated that amendments can always be made during this approval process.

City Administrator Johnson stated that a number of items were discussed tonight and that Councilmembers may want to consider approving the ordinance on first reading at the April 20, 1995 Regular City Council meeting.

Councilmember Dan Gray stated that he felt this issue should be turned back over to the committee appointed to this study issue to allow them ample time to make a recommendation on how they feel the issues discussed tonight should be handled.

Marco Laviada, 2706 Spinning Wheel Court, stated that he was in favor of the proposed changes to the animal control ordinance.

Tom Hayne, 1108 Mulberry Avenue, stated that he was also in favor of the proposed changes to the ordinance; however, he felt that the City should consider licensing all animals that can contract rabies, not just dogs. He stated that he felt the fee for an unaltered animal was steep, noting that Iowa City charges \$5 for altered animals and \$15 for unaltered animals. He asked City Council to consider these changes.

There were no written petitions for or against the proposed changes to the animal control ordinance.

#14096. Councilmember Moench moved the public hearing be closed. Seconded by Councilmember Dan Gray. All ayes; motion carried.

#14097. Councilmember Moench moved to approve the request on first reading for a new Class C liquor license and Sunday sales permit for the El Cielito, 500 Mulberry Avenue (pending inspections and receipt of insurance certificate). Seconded by Councilmember O'Brien.

#14098. Councilmember Freese moved this matter be tabled to allow for further review of this request. Seconded by Councilmember Dan Gray. All ayes; motion carried.

Ray Lasalle, 2210 Imperial Oaks, stated that Councilmembers had on their desks a copy of a letter from him explaining why he was opposed to having a casino riverboat in Muscatine. He urged Councilmembers to give careful consideration to this issue.

Roger Roth, 312 Iowa Avenue, stated that he was also opposed to having a casino riverboat in Muscatine.

Mayor Phillips pointed out that nothing can be done until this issue is voted on by residents of Muscatine County.

Mayor Phillips commended Larry Wolf, Parks and Recreation Director, who recently received the 1995 Richard J. Slattery Professional Award. She then stated that the City of Muscatine has once again received the Distinguished Budget Presentation Award for its 1994/95 budget, noting that this is the 10th year the City has received this award.

#14099. Councilmember Moench moved that proclamations be approved declaring April 24-28, 1995 AS "Professional Secretaries Week"; April 26, 1995 as "Professional Secretaries Day; April 23, 1995 as "Catholic Daughters of America's Alzheimer's Association Safe Return Program"; April 20, 1995 as "DARE Day"; and April 9-15, 1995 as "National Library Week". Seconded by Councilmember Freese. All ayes; motion carried.

#14100. Councilmember O'Brien moved the ordinance be approved on second reading amending the City's zoning ordinance which would allow for the establishment of an M-2 Heavy Industrial Zone for property owned by Payne Enterprises. Seconded by Councilmember Moench. All ayes: Councilmembers Freese, Dan Gray, Moench, and O'Brien. Motion carried and ordinance approved on second reading.

#14101. Councilmember O'Brien moved the ordinance amending the City's animal control ordinance be approved on first reading. Seconded by Councilmember Dan Gray.

#14102. Councilmember Freese moved that this matter be tabled to a later date to allow the Subcommittee ample time to submit their findings to City Council. Seconded by Councilmember Dan Gray. All ayes; motion carried.

#14103. Councilmember Dan Gray moved the resolution be adopted approving the public housing budget in HUD format. Seconded by Councilmember O'Brien. All ayes: Councilmembers Freese, Dan Gray, Moench, and O'Brien. Motion carried and resolution duly adopted.

#14104. Councilmember Dan Gray moved the resolution be adopted approving the IDOT Agreement for Phase I of the Pearl City Promenade Project. Seconded by Councilmember Moench.

Councilmember Freese asked if the City would be guaranteed to receive these funds.

City Engineer Ray Childs stated that City staff completed all the necessary steps with the Bi-State Regional Commission and Department of Transportation to bring it to the point where the plans and specifications can be reviewed by the state. He stated that the City will be placed on the State letting schedule, noting that commitments are usually not made until a few weeks before the letting date.

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

#14105. Councilmember O'Brien moved the resolution be adopted approving the plans and specifications and setting the bid opening date for the 1995 Hot Mix Asphalt Maintenance Contract. Seconded by Councilmember Freese. All ayes: Councilmembers Freese, Dan Gray, Moench, and O'Brien. Motion carried and resolution duly adopted.

Jim Harder, speaking in reference to the request to purchase a pedestal-mounted tamping crane for the transfer station facility, told Councilmembers that the crane will be manufactured specifically to meet the needs of the City's transfer station. He gave a videotape presentation showing the crane in operation. The purpose of the crane is to evenly distribute the waste being put in the trucks for hauling to the landfill.

Mr. Harder stated that the crane being proposed for purchase is a heavier duty unit and will be modified specifically for our site. He pointed out that representatives from Northshore Manufacturing, the manufacturer of this crane, would help install the unit, as well as train City employees to correctly operate the unit. He pointed out that the proposed purchase would include a wall-mounted control unit.

Mr. Harder told Councilmembers that the unit does have a good warranty and excellent references.

There was discussion on when the crane would be received and become operational. There was also discussion on maintenance of the unit.

#14106. Councilmember Moench moved to approve the purchase of a pedestal-mounted tamping crane from Northshore Manufacturing in the amount of \$82,500. Seconded by Councilmember Dan Gray. All ayes; motion carried.

City Administrator Johnson, speaking in reference to the proposed purchase of three transfer trailers, stated that five bids were received and reviewed by Lavene Payne, the City's Solid Waste Manager. He stated that the low bid was submitted by CPS Trailer Company at a cost of \$36,060 for each trailer for a total cost of \$108,180. He pointed out that the City had estimated the trailers would cost approximately \$40,000 each.

#14107. Councilmember Dan Gray moved to approve the purchase of three transfer trailers from CPS Trailer Company in the amount of \$108,180. Seconded by Councilmember O'Brien. All ayes; motion carried.

#14108. Councilmember Moench moved to approve and authorize a five-year contract with City Carton for recycling services. Seconded by Councilmember Dan Gray.

Councilmember Moench asked if the City would be including office space for this operation.

Lavene Payne, Solid Waste Manager, stated that the inclusion of office space would be negotiated before the contract is signed, noting that there will be vacant space available. He pointed out that providing office space is not part of the agreement being approved tonight.

Vote - All ayes; motion carried.

#14109. Councilmember Moench moved to approve the GASA application for continued funding of a formally organized drug task force in Muscatine County. Seconded by Councilmember O'Brien. All ayes; motion carried.

City Administrator Johnson, speaking in reference to the request for approval of a rail yard salvage contract, stated that seven bids were received. He stated that after reviewing the bids, the City would recommend the approval of the bid from Brandt Construction Company in the amount of \$71,233.

#14110. Councilmember Moench moved that the bid from Brandt Construction Company be approved. Seconded by Councilmember Dan Gray.

Councilmember Dan Gray asked if all the rails would be removed.

City Administrator Johnson stated that the contract calls for the removal of all materials except for the ballast, which the City will remove.

Councilmember Moench asked if the work would be completed by the end of May, and City Administrator Johnson stated that was the City's target date for completion.

Vote - All ayes; motion carried.

#14111. Councilmember Dan Gray moved the resolution be adopted authorizing the execution of an agreement between the City of Muscatine, State of Iowa, and the Iowa Department of Education for the 1995 Park and Institutional Road Program Construction and Repair at Muscatine Community College. Seconded by Councilmember O'Brien.

City Engineer Ray Childs explained to Councilmembers the location of the proposed entryway and how it would work.

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

#14112. Councilmember Freese moved the resolution be adopted supporting the efforts of the City of Davenport and all other interested parties to expand airline service at the Quad City Airport. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Freese, Dan Gray, Moench, and O'Brien. Motion carried and resolution duly adopted.

#14113. Councilmember Moench moved that the request to approve bids for the construction of the restroom and concession facilities at the Kent Stein Park be tabled until the April 20, 1995 Regular City Council meeting. Seconded by Councilmember O'Brien. All ayes; motion carried.

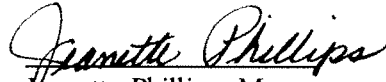
City Administrator Johnson stated Councilmembers had on their desk a resolution approving the Parkview Subdivision, and he asked that it be approved.

#14114. Councilmember Freese moved the resolution be adopted approving the Parkview Subdivision. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Freese, Dan Gray, Moench, and O'Brien. Motion carried and resolution duly adopted.


City Administrator Johnson stated that Councilmembers had on their desk a copy of the proposed concession agreement between the City and Big 10 Concessions for concession stand services at the Soccer Complex, Kent Stein Park and Weed Park. He recommended its approval.

#14115. Councilmember O'Brien moved the concession agreement between the City and Big 10 Concessions be approved. Seconded by Councilmember Moench. All ayes; motion carried.

#14116. Councilmember Freese moved the meeting be adjourned. Seconded by Councilmember Moench. All ayes; motion carried.


Jeanette Phillips, Mayor

ATTEST:


A.J. Johnson, City Administrator