

CITY OF MUSCATINE
REGULAR MONTHLY SESSION OF CITY COUNCIL
Council Chambers - March 20, 1986 - 7:30 p.m.

The meeting was called to order by Mayor Richard Waltman.

Roll Call: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp.

Mayor Waltman gave the opening prayer.

The Pledge of Allegiance was given.

Harvey Allbee, Jr., City Attorney, swore in Clair York as Councilmember At-Large.

Public Hearing

Mayor Waltman stated the public hearing was being held on the proposed Riverfront Warehouse Renovation Project.

Roger Caudron, Community Development Planning Coordinator, presented a summary of the project. He stated the building to be renovated is located next to the boat landing facility, and was built in approximately 1917. He told Councilmembers the exterior of the building would be surrounded by concrete and street brick, as well as wooden decking. He stated an area will be created where passengers can enter the facility from the river. There will also be an area for the display of items from the City's pearl button industry and tourism information.

Mr. Caudron stated the building would be divided into two sections. The service area would consist of restrooms and a storage facility, and the remainder would contain the displays and serve as the main traffic area. He informed Councilmembers that the exterior of the west end of the building would have a deck that could be utilized as a small stage. He added that the inside of the building would carry the warehouse theme.

Randy Elder, Landscape Gardener, who assisted Mr. Caudron with the development of the plans, stated that the existing elevation of the floor is approximately two feet higher than the exterior. He told Councilmembers that decking and ramps will be utilized to bridge the elevation.

Soren Wolff, City Administrator, stated that the facility will be accessible to the handicapped.

Bill Schneider, 423 Parkington Drive, questioned if the building would be protected from floods. Mr. Caudron stated that the Flood Plain Ordinance minimizes what changes can be made to the building. He added that the structure will be made as flood proof as possible through the use of materials that will not be destroyed by high waters. If flooding is moderate, repairs would be minimal. Mr. Caudron noted that all displays would be removed from the building.

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

#9457. Councilmember Kemp moved the public hearing be closed. Seconded by Councilmember Powell. All ayes; motion carried.

#9458. Councilmember York moved to approve the minutes of the February 13th, 17th, 18th, 19th, 20th and 24th Budget Sessions. Seconded by Councilmember Sayles.

Councilmember Harder, referring to the third paragraph of the February 13th minutes, felt the paragraph should read that the City had 240 to 245 full-time employees in 1980.

City Administrator Wolff stated it should read 245 full-time employees.

Vote - All ayes; motion carried.

#9459. Councilmember Powell moved the Minutes of the March 6, 1986 Regular Council Meeting be approved. Seconded by Councilmember Sayles. All ayes; motion carried.

#9460. Councilmember Kemp moved the Minutes of the March 13, 1986 In-Depth Council Meeting be approved. Seconded by Councilmember Sayles.

Councilmember Sayles, referring to the last paragraph on the second page of the In-Depth Minutes, questioned if Mr. Kemp was questioning the advisability of increasing the button fee by \$1.00. Mr. Kemp stated he was.

Vote - All ayes; motion carried.

Councilmember Powell stated he had received a petition concerning the condition of Gobble Street, noting that two pictures were included with it.

Jim Lowe, 625 Sub VanBuren St., who owns a business on Gobble Street, stated that water from Gobble Street is no longer draining to the creek. He added that residents will not drive their cars down the street. Mr. Lowe questioned the possibility of correcting the drainage problem, and also having gravel applied to the street.

Mayor Waltman stated that the lot between the Derby Station and Bean's Body Shop contains a large amount of fill. City Administrator Wolff stated the lot is full of junk, which interferes with the drainage. He noted that the drainage system is on private property.

Mr. Lowe questioned the possibility of contacting the owners about installing a new drainage system. City Administrator Wolff thought the property was owned by the Derby Station. He felt that applying gravel to the street would not help with drainage. He stated that petitions had been sent to property owners on Gobble Street; and when they are returned, the City could obtain cost estimates on improving the street.

Councilmember Kemp questioned if there was a temporary solution. City Administrator Wolff stated that before any improvements can be made, it would be necessary to remove the junk from the ditches.

There was further discussion regarding junk dumped in that area.

City Administrator Wolff stated it would be necessary to have ditches installed at the street level.

Councilmember Kemp questioned what steps should be taken to start the process of correcting the drainage problem. City Administrator Wolff stated that neighbors would need to make a joint effort in cleaning the area. He added that permission from adjacent property owners would be needed before the City could go in and do any backhoeing.

Mr. Lowe thought that everyone had signed the petitions City Administrator Wolff had referred to earlier.

#9461. Councilmember Powell moved the following renewals be approved: 1) Class E Beer and Sunday Sales Permit for Loo's, Inc., 711 Park Ave. - Norbert L. Loos; 2) Class C Liquor License for Edward's Tavern, 207 Mulberry Ave. - Marlene Anderson; 3) Class C Liquor License for Elms, 2108 Grandview Ave. - Elms, Inc. Seconded by Councilmember Phillips. All ayes; motion carried.

#9462. Councilmember Sayles moved the request from the Muscatine Lions Club to conduct a benefit run on June 7, 1986, be approved with the provision that traffic control be coordinated with the Police Department. Seconded by Councilmember York. All ayes; motion carried.

City Administrator Wolff, speaking in reference to the City's Spring Clean Up, stated that dumpsters are available to citizens at no charge.

Councilmember Kemp questioned if an advertisement could be published in order to make people aware of the fact that the dumpsters are available. City Administrator stated this information was added to the notice for Spring Clean Up, which will be advertised in the paper and on the radio. He thought the advertisements could be larger. Mr. Kemp felt an advertisement should also be included in the Muskie Trading Post.

Mayor Waltman told Councilmembers that the possibility of having collection areas throughout the year to allow people to dispose of excess junk had been discussed. He added there would be a small charge.

#9463. Councilmember Powell moved the request to hold the Annual Spring Clean Up Week from April 7 through April 11 be approved. Seconded by Councilmember Kemp. All ayes; motion carried.

#9464. Councilmember Sayles moved the resolution be adopted approving the cigarette permit for Jupiter Discount Store, 109 E. 2nd St. Seconded by Councilmember York. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp. Motion carried and resolution duly adopted.

Mayor Waltman stated that on March 28, the Pony Express Rider of Iowa, Inc., would come to Muscatine to collect donations for Easter Seals. He told Councilmembers the horse and rider would leave the Riverfront and travel to the Public Safety Building to pick up the donations.

#9465. Councilmember York moved the Pony Express Rider of Iowa request be approved. Seconded by Councilmember Phillips. All ayes; motion carried.

Mayor Waltman then announced that the League of Women Voters would be meeting at the Hotel Muscatine from 4:30 to 6 p.m. on April 15 to discuss upcoming projects. He stated that Councilmembers would receive letters from the organization.

Kevin Whittaker, Director of Planning and Community Development, gave a presentation on the proposed North Park Subdivision Two. He stated the proposal is to subdivide the parcel of property adjacent to the lot presently occupied by the Muscatine Veterinary Clinic. He informed Councilmembers that Frontage Road would be extended to allow access to the subdivision; however, the road would not be extended to Lake Park Boulevard. He added that any future development would be subject to site plan review.

#9466. Councilmember Powell moved the resolution be adopted approving the North Park Subdivision Two. Seconded by Councilmember York. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp. Motion carried and resolution duly adopted.

#9467. Councilmember Kemp moved the ordinance to change the speed limit on Houser Street from Mulberry Avenue to Lucas Street to 30 miles per hour be approved on second reading. Seconded by Councilmember Powell.

John Bird, 1312 Houser St., stated he had lived on Houser Street since 1966. He told Councilmembers that on Houser Street from the corner of Allen Street to the other side of the county farm there are a number of exits. He felt that increasing the speed limit, especially in that area, could be dangerous. Mr. Bird also felt that if the speed limit is going to be changed, it should be 25 miles per hour from Mulberry Avenue down to Lucas Street. He stated that if the speed limit is increased, motorists will drive even faster. Mr. Bird stated the sidewalks on Houser Street are probably the finest in town, adding they are used constantly by joggers, walkers and children on bicycles. He felt increasing the speed limit would endanger these people. Mr. Bird felt the speed should not be increased due to safety reasons.

City Administrator Wolff stated a letter had been received from the McKinley PTO expressing opposition to the proposed increased.

Vote - Four ayes: Councilmembers Kemp, Powell, Phillips, and Amerine; Three nays: Councilmembers York, Harder, and Sayles. Motion carried and ordinance approved on second reading.

#9468. Councilmember Powell moved the ordinance to increase the base landfill charge from \$1.35 to \$1.50 be approved. Seconded by Councilmember Sayles. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp. Motion carried and ordinance approved on first reading.

Mayor Waltman stated the neighborhood meeting to review the proposed public improvement projects for the McIntire Addition and 63rd and 65th Streets was held March 19 at Garfield School. City Administrator Wolff presented the proposed plans to be utilized for hard surfacing the streets and correcting drainage problems in the area. He also explained how the City had determined the assessment amounts. Mayor Waltman stated that assessment figures for completing 63rd and 65th Streets have not been received.

City Administrator Wolff stated a letter had been received from 18 property owners in the McIntire Addition who are opposed to the street improvements and special assessment charges. He told Councilmembers that the figures on the sample special assessment payment schedule were based on a ten-year assessment plan. He stated that as an alternative, Council could consider a fifteen year assessment plan at 7% interest.

Councilmember Kemp stated that the majority of residents are opposed to the amount of the assessment. He questioned the possibility of lowering the interest rate. City Administrator Wolff stated that 7% was low. City Administrator Wolff stated that in the past, interest rates attached to the assessments were at a level the City had to pay when borrowing the money for improvements.

Mayor Waltman stated that once the total package of figures is received, Council will need to adopt a resolution of necessity.

Councilmember York questioned the possibility of making improvements to the McIntire Addition only, and if it would be more costly to residents in the addition. City Administrator Wolff stated the assessment district was made as large as possible. He added that under state law, once the assessments are established, the assessment district cannot be increased; however, it can be decreased.

Mayor Waltman stated he had received several complaints concerning the grading of the streets.

There was further discussion on objections to the proposed project.

City Administrator Wolff pointed out that many of the residents want only the water problem solved. He stated that if the streets are not hard surfaced, water will not drain properly. He added that without the hard surfacing, the storm sewer would probably have to be replaced within a few years due to clogging from sediment and gravel.

#9469. Councilmember York moved the resolution be adopted approving the plans, specifications, cost estimates and setting bid opening date for April 25, 1986 for the Warehouse Renovation Project. Seconded by Councilmember Sayles.

Councilmember Harder felt careful consideration should be given when choosing the railing to be used along the river since there will be a sheer drop. He stated he supports the project.

Vote - All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp. Motion carried and resolution duly adopted.

#9470. Councilmember Sayles moved the four parcels of property conveyed by the Iowa Department of Transportation to the City of Muscatine for the Cedar Street Culvert Improvement Project be accepted. Seconded by Councilmember Harder.

Councilmember Sayles questioned when the project will be completed. Ray Childs, City Engineer, stated that the slopes still need to be graded in order to avoid the need for a guard rail.

Vote - All ayes; motion carried.

#9471. Councilmember Powell moved the agreement with Great River Days, Ltd., be approved for the use of the Riverfront for the Great River Days Festival to be held from August 13-17. Seconded by Councilmember York. Six ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, and Powell. One nay: Councilmember Kemp. Motion carried.

Craig Olson, Director of Water Pollution Control, requested that Council approve the bid from Yankee Plastic for forty (40) fiberglass troughs in the amount of \$34,400.

#9472. Councilmember Powell moved the bid be approved. Seconded by Councilmember Sayles. All ayes; motion carried.

Mr. Olson stated he had contacted the Moor Quip Company, supplier for the Mixing Equipment Company, and asked for an estimate not to exceed \$28,500 for installation of the equipment to modify the digester mixers. He told Council that the company had submitted an estimate of \$28,500. He also asked for a time frame when the work could be completed. The project will be completed in two stages. Mr. Olson stated it would take approximately 60 days for each project.

#9473. Councilmember York moved to accept the bid of \$28,500 for installation of the equipment to modify the digester mixers with the addition of the phrase "not to exceed". Seconded by Councilmember Harder. All ayes; motion carried.

City Administrator Wolff stated that Councilmembers had on their desk memos, summaries and letters regarding the opening of one-lane traffic on the Washington Street Bridge.

City Attorney Allbee stated that the current contract with Fox Construction requires that the bridge remain closed until all work is completed. He informed Councilmembers that opening the bridge to one-lane traffic would require mutual agreement between the City, Fox Construction and the Iowa Department of Transportation. Mr. Allbee stated it was his understanding that before the bridge could be opened, certain minimum standards would be required. In his opinion, the City has the legal right to modify the contract, as long as the other parties concur with the modification. He stated that he contacted the City's insurance company and found that the City would be covered for any liability claims; however, due to the City's type of insurance, any claims could affect future premiums. Mr. Allbee told Council that the construction company has required that they be held harmless from any claims, and that they be insured by the City's policy. He stated the insurance company agreed to this provision, as long as the bridge is opened during the daylight hours only and flagmen are posted at both ends of construction. He noted that the contractor's insurance company stated that if the City could not provide insurance coverage, they could not concur with opening the bridge until the company reviewed the situation. Fox Construction stated the review process could take approximately two to three weeks.

Councilmember Harder questioned when the provisions for daylight hours and flagmen were requested. City Attorney Allbee stated the requirement was made earlier in the afternoon by the City's insurance company, if the City was to include the contractor as a named insured under its policy.

City Administrator Wolff stated the Department of Transportation and the Federal Highway Department have indicated the bridge could be opened if all standards and safety requirements are met. He told Councilmembers that all materials necessary for a temporary opening could be supplied by Fox Construction. He added that the City had contacted Muscatine Power & Water about providing signalization at both ends of construction. The company does have the signals; however, it does not have the proper controllers.

City Administrator Wolff outlined the process of opening the bridge to one-lane traffic. He stated the Department of Transportation and the Federal Highway Department indicated the bridge could be opened if the City installed barricades, concrete and steel barriers, paved striping and traffic signals. He noted that Fox Construction has all the necessary materials. Mr. Wolff added that Fox Construction will not take responsibility for graveling the approaches. He stated that the estimate of \$4,800 for graveling the road surface does not include labor charges.

City Administrator Wolff stated the last item on the cost estimate is an \$8,400 amount which would be the contractor's cost for additional manpower required to complete the bridge in steps if it is opened to one-lane traffic.

City Administrator Wolff informed Councilmembers that Fox Construction has requested that the penalty charge be stopped immediately if the contract is modified. He felt the Department of Transportation and Federal Highway Department would probably support this request. Mr. Wolff stated that the total project was bid at \$234,701.54. He told Councilmembers that 20% of that cost is the City's share of \$46,940. The remaining Federal share would be \$187,761. Mr. Wolff stated there have been 37 penalty days at \$140 per day, totaling \$5,180. He wanted Councilmembers to understand that \$1,036 of that amount would be deducted from the City's share, and the remaining \$4,144 would be deducted from the Federal. He noted that as part of the contractual agreement with the Department of Transportation, the City must pay for all engineering, inspection, and administrative costs estimated at approximately \$20,000. He added that the bridge could be opened to one-lane traffic on March 26th.

Mayor Waltman questioned how the bridge work is progressing. City Administrator Wolff stated that the workers are ready to pour the concrete, noting the work is slightly ahead of schedule. He added that if the weather permits, the bridge should be completed in about three weeks.

Councilmember Kemp commented on the fact that work was being performed on the bridge on Saturday and Sunday. City Administrator Wolff stated that if the weather permits, the company will work on Saturday and Sunday.

Councilmember Amerine questioned if the length of time for completing the bridge would be extended if the bridge were opened to one-lane traffic. City Administrator Wolff stated it would take approximately three to four additional weeks to complete the bridge.

Councilmember York felt that if the company is not charged the penalty fee, it will not hurry to complete the bridge.

There was further discussion on the penalty fee.

Councilmember Harder felt he could not support the \$33,000 amount that would be required to open the bridge to one-lane traffic.

Bill Schneider, 423 Parkington Drive, questioned if anything could be gained by extending the working hours of the construction company.

Councilmember York felt this would be infringing on the contract. City Administrator Wolff felt that the contractor is making a sincere effort to complete the work.

Phyllis McBride, 2615 Bidwell Road, felt that someone should take the responsibility for the delay in completing the bridge. She stated that the Washington Street merchants would be glad to have the bridge open during daylight hours. She also felt that \$33,000 was not a large amount when you take into consideration the losses suffered by merchants on that street.

Mayor Waltman felt there would be traffic problems if one lane of the bridge is opened, noting that flagmen will be required to stop traffic beyond the railroad tracks. He stated this could create problems for customers trying to leave businesses in that area.

Charles McBride, 2615 Bidwell Road, questioned when the bridge would be completed. City Administrator Wolff stated it would be approximately three weeks.

Councilmember Harder questioned if three weeks is a realistic time frame. City Administrator Wolff felt it was.

Councilmember Kemp felt there should be some type of notice published to announce the opening of the bridge.

#9474. Councilmember York moved that items A-N be received and filed. Seconded by Councilmember Amerine. All ayes; motion carried.

#9475. Councilmember Kemp moved that bills totaling \$372,466.88 be approved and the Mayor and City Clerk be authorized to issue warrants for the same. Seconded by Councilmember Powell. All ayes; motion carried.

#9476. Councilmember York moved that the ordinance concerning the City's election process be reviewed at the In-Depth Council Meeting in either May or June. Seconded by Councilmember Kemp. All ayes; motion carried.

Councilmember Powell stated that Sheridan Street is in poor condition. He questioned if staff could take steps to remedy the situation.

Councilmember Harder questioned if the portable stop signs are legal. Mr. Allbee stated they can be enforced.

Mayor Waltman stated he had attended the yearly meeting of the Flood Control Commission on March 19th. He stated that duties are assigned to various individuals in case of a flood. He told Councilmembers that Muscatine Power & Water had installed a new meter at its power plant which checks the river's water level. Mayor Waltman stated that the Corps of Engineers has indicated the river could crest around eighteen feet within the next 30 days, noting that Muscatine's flood level is sixteen feet.

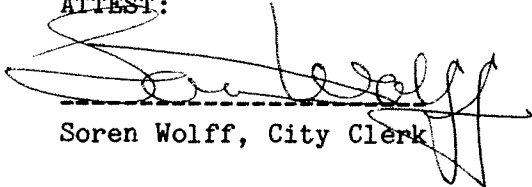
#9477. Councilmember Powell moved the meeting be adjourned. Seconded by Councilmember York. All ayes; motion carried.

The meeting adjourned at 9:15 p.m.



Richard Waltman, Mayor

ATTEST:



Soren Wolff, City Clerk