

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers - 7:30 p.m. - April 20, 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.

There was a moment of silence for those men, women, and children killed earlier this week in the Oklahoma City bombing.

Councilmember Freese gave the opening prayer.

The Pledge of Allegiance was given.

Andrew Peine, representing Classic Limousine Service, stated that while applying for a business license for this service, he and his partner were told that the business would fall under the part of the City Code written for taxicabs. He told Councilmembers that he has had no problem meeting most of the requirements; however, he stated that he does have a problem with posting a rate schedule in the limousines and with having meters in the vehicles, noting that rates will be charged on an hourly basis.

City Attorney Harvey Allbee Jr. stated that as long as the limousine service was transporting people from place to place, it would be governed by the City's ordinance dealing with taxicabs. He pointed out that he felt a meter would not be necessary; however, he stated that rates would need to be posted but that he felt this could be accomplished without offending the riders. He stated that he would be willing to meet with the owners of the limousine service concerning these two requirements.

Kathy Chalupa, representing the Branching Out program, stated that the City recently received awards for its tree planting and conservation efforts. She stated that Branching Out is a volunteer program that promotes tree planting and conservation in Muscatine County.

Chris Ockenfels, representing City Carton Company Inc. of Iowa City, presented the City with an Earth Day 25th anniversary special edition print and read a proclamation recognizing the City's recycling efforts.

#14117. Councilmember Freese moved to approve the minutes of the April 6, 1995 Regular City Council meeting and the April 13, 1995 In-Depth Council meeting. Seconded by Councilmember Dan Gray. All ayes; motion carried.

#14118. Councilmember O'Brien moved to approve the Consent Agenda as follows: Approval on first reading of a new Class C liquor license for Mike's Hilltop Tap Inc., 929 Lucas Street (pending inspections); renewal of Class C liquor license and Sunday sales permit for Wallbangers, 1212 Hershey Avenue (pending inspections); renewal of Class A liquor license and Sunday sales permit for Loyal Order of Moose, 207 Lake Park Boulevard (pending correction of fire violations); renewal of Class B beer and Sunday sales permit for Pizza Hut, 2512 Park Avenue; filing of Communications A-J; and bills totaling \$1,380,656.25. Seconded by Councilmember Dan Gray. All ayes; motion carried.

PUBLIC HEARING

Mayor Phillips stated that a public hearing was being held concerning the proposed assessment of sidewalk installation charges to private property owners for the Mulberry Avenue and Bonnie Drive sidewalk installation project.

City Administrator A.J. Johnson stated that property owners on Bonnie Drive were not notified of the proposed sidewalk assessment charges and that the proposed assessment is just for the residents on Mulberry Avenue.

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

#14119. Councilmember Dan Gray moved the public hearing be closed. Seconded by Councilmember Gary Gray. All ayes; motion carried.

#14120. Councilmember O'Brien moved to approve the request from the Muscatine Center for Strategic Action to allow for vending activities to take place on the riverfront beginning June 1995 in conjunction with the Leadership Muscatine's effort to create a junior achievement style program for the MuscaTeen Center. Seconded by Councilmember Phil Fitzgerald.

Councilmember Kevin Fitzgerald asked if there is a business plan or any type of organizational chart showing how this program would be operated or funded.

Steve Love, 1369 70th, New Boston, Illinois, stated that development of a business plan is still in its early stages, noting that plans are being made to solicit for funds.

Councilmember Kevin Fitzgerald asked how this activity would work in conjunction with community events.

Mr. Love stated that this issue has not been addressed yet.

Councilmember Kevin Fitzgerald asked how this activity would be insured.

Mark Patten, representing the Muscatine Center for Strategic Action (MCSA), stated that the organization would be insured through MCSA. Speaking in reference to a business plan, he told Councilmembers that he is currently working with teachers at the high school and the extension service, noting that students will be enrolled in the City's food handling class.

Councilmember Kevin Fitzgerald asked how this activity will comply with special events in Muscatine.

Larry Wolf, Parks and Recreation Director, stated that the group will be required to abide by the rules of the special events ordinance.

Councilmember Kevin Fitzgerald stated that he supports this activity; however, he would like to see some type of business plan before approving this request.

There was discussion on the number of vendors allowed on the riverfront during special events.

#14121. Councilmember Phil Fitzgerald moved to table this matter until the May 4, 1995 Regular City Council meeting. Seconded by Councilmember Freese.

Councilmember Moench asked when the next food handling course would be held, and Mr. Patten stated that he thought it would be held in mid-June.

Vote - All ayes; motion carried.

#14122. Councilmember Moench moved proclamations be approved declaring May 1995 as "Older Americans Month" and April 30, 1995 as "Arbor Day". Seconded by Councilmember Dan Gray. All ayes; motion carried.

#14123. Councilmember Dan Gray moved the resolution be adopted setting a public hearing on May 4, 1995 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed vacation of the unimproved Smalley right-of-way over the bluff to River Road. 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.

#14124. Councilmember Gary Gray moved the resolution be adopted setting a public hearing on May 4, 1995 at 7:30 p.m. in the City Hall Council Chambers concerning the rezoning of lots #39 and 40 in Block 34 of Park Place Addition from R-3 (Residential) to M-1 (Light Industrial). Seconded by Councilmember Moench.

Councilmember Kevin Fitzgerald asked if there are residential neighbors bordering this property, and City Administrator Johnson answered yes.

Councilmember Kevin Fitzgerald then asked if some type of buffer would be required on the property proposed for rezoning.

Kevin Whittaker, Community Development Director, stated that the purpose of the rezoning is for the installation of a parking lot and that a landscape review would be held prior to its installation.

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

#14125. Councilmember O'Brien moved the ordinance be adopted on final reading amending the City's zoning ordinance and that it be published in the Muscatine Journal as provided by law. Seconded by Councilmember Freese. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and ordinance approved on final reading.

#14126. Councilmember Kevin Fitzgerald moved the resolution be adopted approving the bid submitted by Nelson Construction Company in the amount of \$399,719.20 for the construction of two restroom and concession stand facilities at Kent Stein Park. Seconded by Councilmember Dan Gray. Five ayes: Councilmembers Gary Gray, Dan Gray, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Two nays: Councilmembers Freese and Moench. Motion carried and resolution duly adopted.

#14127. Councilmember Dan Gray moved the resolution be adopted authorizing the advertisement for notice to bidders for the 1995 curb replacement project. Seconded by Councilmember Kevin Fitzgerald. All ayes: Councilmember Gary Gray, Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14128. Councilmember Phil Fitzgerald moved to approve Change Order #1 for the scattered site housing units in the amount of \$16,160. Seconded by Councilmember Kevin Fitzgerald.

Councilmember Phil Fitzgerald asked if this amount would be paid by the City or by HUD funds.

City Administrator Johnson stated that HUD funds would be used.

Councilmember Gary Gray asked if the other eight houses would require overhangs.

Wayne Taylor, Housing Administrator, stated that the seven houses referenced in tonight's agenda have gable roofs and the remaining eight houses will have hip roofs and will already have overhangs.

Vote - All ayes; motion carried.

Mayor Phillips stated that Item 12E concerning the proposed agreement with F/S Service Company for operation of the gas barge, was deleted from the agenda and should be ready for approval at the May 4, 1995 Regular City Council meeting.

#14129. Councilmember Dan Gray moved to approve the continuation of the agreement between the City and Kleen Sweep for snow removal and lawn care services. Seconded by Councilmember Phil Fitzgerald. All ayes; motion carried.

#14130. Councilmember Kevin Fitzgerald moved to approve the labor agreement between the City and the Muscatine Fire Department's bargaining unit. Seconded by Councilmember O'Brien. All ayes; motion carried.

#14131. Councilmember Kevin Fitzgerald moved the resolution be adopted approving the five-year street construction program. 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.

#14132. Councilmember Moench moved the resolution be adopted setting a public hearing on May 18, 1995 at 7:30 p.m. in the City Hall Council Chambers concerning the approval of 15 units under the Section 8 Voucher program. Seconded by Councilmember Gary Gray.

Councilmember Freese stated that it was his understanding that vouchers can be used anywhere in the United States, and Mr. Taylor stated that he was correct.

#14133. Councilmember Moench moved the resolution be adopted approving the application for 15 additional Section 8 Voucher units. 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.

#14134. Councilmember Phil Fitzgerald moved the resolution be adopted authorizing the assessment of sidewalk construction costs to private property owners on Mulberry Avenue. Seconded by Councilmember Freese. All ayes: Councilmembers Gary Gray, Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

Councilmember Kevin Fitzgerald stated that he has received calls from residents concerning the speed of the trains on the riverfront and the train whistle, noting that it seems to be sounded for a longer period of time.

City Administrator Johnson stated that he would check into this issue.

Councilmember Gary Gray asked when the removal of the tracks would begin.

City Administrator Johnson stated that track removal should begin next week.

#14135. Councilmember Gary Gray moved that long boat dock users be given full credit for their boat slip rental if they paid the slip rental and were not refunded that fee. Seconded by Councilmember Phil Fitzgerald.

Councilmember Moench stated that he would vote against this issue, pointing out that the Boat Harbor Fund is in debt right now and approval of this full credit would increase that debt.

Vote - Six ayes: Councilmembers Gary Gray, Freese, Dan Gray, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. One nay: Councilmember Moench. Motion carried.

City Administrator Johnson stated that Councilmembers have on their desks a schedule for sidewalk closures associated with the Central State Bank project, noting that there will be times that the sidewalk on East 3rd Street will need to be closed for construction activities. He asked that the schedule be approved.

#14136. Councilmember Gary Gray moved the sidewalk closure schedule be approved. Seconded by Councilmember Phil Fitzgerald. All ayes; motion carried.

City Administrator Johnson stated that Councilmembers had a copy of a letter addressed to the Corps of Engineer concerning the Muscatine Island Flood Control Project. He stated that the purpose of the letter is to indicate that the City has the legal authority to enter into the Project Cooperation Agreement and fulfill all financial obligations for completion of this project. He asked that the letter be approved.

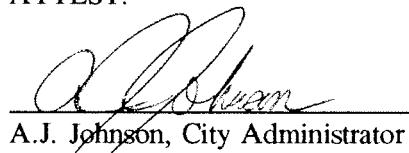
#14137. Councilmember Phil Fitzgerald moved that the letter be approved. Seconded by Councilmember Kevin Fitzgerald. All ayes; motion carried.

#14138. Councilmember Freese moved the meeting be adjourned. Seconded by Councilmember O'Brien. All ayes; motion carried.

The meeting adjourned at 8:25 p.m.


Jeanette Phillips, Mayor

ATTEST:


A.J. Johnson, City Administrator