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CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers - 7:30 p.m. - March 7, 1996

Mayor Richard W. O'Brien called the meeting to order.

Roll Call: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, and Phil Fitzgerald present. Councilmember Kevin Fitzgerald absent.

Councilmember Dan Gray gave the opening prayer.

The Pledge of Allegiance was given.

#14561. Councilmember Heckenliable moved to approve the minutes of the February 15, 1996 Regular City Council Meeting, the February 21, 1996 Special City Council meeting and budget sessions for February 10, 12, and 17, 1996. Seconded by Councilmember Phil Fitzgerald. All ayes; motion carried.

#14562. Councilmember Gary Gray moved the Consent Agenda be approved as follows: Renewal of Class C liquor license and Sunday sales permit for Los Arcos Ltd., 1107 Grandview Avenue (pending inspections and receipt of insurance); renewal of Class C liquor license for Elms Inc., 2108 Grandview Avenue; renewal of Class B beer and Sunday sales permit for Pizza Hut, 710 Grandview Avenue (pending inspections); renewal of Class C beer and Sunday sales permit for Petro-N-Provisions, 1010 Park Avenue (pending inspections); renewal of Class C beer and Sunday sales permit for Loos Inc., 711 Park Avenue; filing of Communications A-L; and bills totaling \$1,098,184.99. Seconded by Councilmember Churchill. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated that a public hearing was being held concerning the proposed application for state and federal operating assistance for the City's transit System.

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

#14563. Councilmember Phil Fitzgerald moved the public hearing be closed. Seconded by Councilmember Dan Gray. All ayes; motion carried.

PUBLIC HEARING

Mayor O'Brien stated that a public hearing was being held concerning the City of Muscatine's proposed budget for fiscal year 1996/97.

City Administrator A.J. Johnson gave a brief overview of the proposed fiscal year 1996/97 budget. He stated that once approved the budget will be filed with the Muscatine County Auditor's Office prior to the March 15, 1996 deadline.

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

#14564. Councilmember Gary Gray moved the public hearing be closed. Seconded by Councilmember Freese. All ayes; motion carried.

#14565. Councilmember Phil Fitzgerald moved the request from the Madison School PTO for the closure of First Avenue between Harrison and McArthur streets on May 3, 1996 between the hours of 5:00 and 8:00 p.m. be approved. Seconded by Councilmember Churchill. All ayes; motion carried.

#14566. Councilmember Gary Gray moved to approve the listing of the individuals for the licensing of master plumber and journeyman. Seconded by Councilmember Freese. All ayes; motion carried.

#14567. Councilmember Dan Gray moved the resolution be adopted authorizing the submission of an application for federal funding for the City's transit system. Seconded by Councilmember Heckenliable. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, and Phil Fitzgerald. Motion carried and resolution duly adopted.

City Administrator Johnson stated that Councilmembers had on their desk a copy of the bid results for the Kent Stein Maintenance Building Project. He stated that the low bid was received from Hy-Brand Industrial Contractors in the amount of \$113,238.50, and he recommended its approval.

There was discussion on the alternate bid for painting the steel structure.

Vote - All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14568. Councilmember Phil Fitzgerald moved the resolution be adopted awarding the contract to Sulzberger Excavating in the amount of \$80,479.90 for the Webster Street Paving Project. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14569. Councilmember Dan Gray moved that the request for removal of the weight embargo restrictions on Lucas Street and Mulberry Avenue from the Highway 61 Bypass to Houser Street be approved. Seconded by Councilmember Churchill.

Councilmember Phil Fitzgerald explained why he was opposed to removal of the weight embargo on Mulberry Avenue.

Randy Hill, Public Works Director, stated that the original request was for removal of the weight embargo on Lucas Street. He stated that Mulberry Avenue was included in the request because it does have a good surface and could probably withstand truck traffic.

There was further discussion on this issue.

#14570. Councilmember Gary Gray moved that the original motion be amended to not include the removal of the weight embargo on Mulberry Avenue. Seconded by Councilmember Heckenliable.

Councilmember Churchill stated that he feels the weight embargo should not go into effect until May 1, 1996 to allow for the spring thaw.

Mr. Hill stated that City Council could choose to have an effective date of May 1, 1996.

There was discussion on the possibility of truck traffic increasing due to the removal of the weight embargo.

Vote on amendment for removal of Mulberry Avenue from the request - All ayes; motion carried.

#14571. Councilmember Churchill moved that the original motion be amended to include an effective date of May 1, 1996. Seconded by Councilmember Phil Fitzgerald. All ayes; motion carried.

Vote on original motion - All ayes; motion carried.

#14572. Councilmember Dan Gray moved to approve the request to install "No Parking" signs on both sides of Gobble Street. Seconded by Councilmember Phil Fitzgerald.

#14573. Councilmember Gary Gray moved that the above motion be amended to make parking available on the west side of Gobble Street and to establish a 12-foot fire lane. No second to the motion.

Councilmember Heckenliable asked Councilmember Gary Gray if he had met with the owners of Muscatine Tire and Wheel.

Councilmember Gary Gray stated that he had met with the property owners and that they were not opposed to the establishment of parking on the west side of the street and the establishment of a 12-foot fire lane.

Jerry Conway, an attorney representing Muscatine Tire and Wheel, stated that his clients were not opposed to the amendment; however, he asked if this matter could be delayed for 60 days to allow time to find a better solution to the parking problems that exist on Gobble Street.

Councilmember Gary Gray stated that he feels a fire lane needs to be established as soon as possible.

Mr. Conway stated his clients will cooperate fully with the establishment of a fire lane.

#14574. Councilmember Gary Gray moved that the request to establish no parking on Gobble Street be tabled for 60 days. Seconded by Councilmember Phil Fitzgerald. All ayes; motion carried.

City Administrator Johnson, speaking in reference to the temporary traffic signalization in the central business district, told Councilmembers that very few comments have been received. He stated that a call was received concerning the flashing light at the intersection of Sycamore Street and Mississippi Drive, noting that the individual stated that it was more difficult to get across Mississippi Drive.

Councilmember Dan Gray stated that he had received a call from an individual concerned about the flashing light at the intersection of Sycamore and East 5th streets.

Mr. Hill stated that calls had been received concerning visibility at this intersection. He told Councilmembers that barricades were installed to keep vehicles from parking up to that intersection. He stated that the City Administrator had mentioned the intersection at Sycamore Street and Mississippi Drive, and he stated that he would still suggest leaving the flashing yellow light as it is.

Mr. Hill told Councilmembers that he has had numerous calls from people who would like to see the four-way stop at East 5th Street and Iowa Avenue changed to a two-way stop with vehicles stopping on East 5th Street. He stated that he was not opposed to trying this two-way stop for 30 days.

Mr. Hill stated that Councilmember Heckenliable had wanted an update on the number of traffic citations and accidents that have occurred at the intersections where the signalization has been temporarily changed. He stated that from February 6-16 there were no tickets issued or accidents reported.

Councilmember Gary Gray stated that he has also received calls from people wanting a two-way stop at the East 5th Street and Iowa Avenue intersection, noting that he would like to see this done on a 30-day trial basis.

Councilmember Heckenliable stated that he had received calls from individuals wanting the traffic lights left alone and better synchronized. He stated that he had also received a call from an individual concerned about the cost for removing the lights.

Councilmember Gary Gray stated that he feels additional signage will be needed at the corner of East 5th Street and Iowa Avenue if it is changed to a two-way stop.

Mr. Hill stated that measures will be taken to alleviate confusion at that intersection.

Mayor O'Brien stated that there seems to be a lot of confusion caused by the flashing red lights and flashing amber lights. He stated that he had received eight telephone calls and that they were all negative.

#14575. Councilmember Gary Gray moved that the intersection at East 5th Street and Iowa Avenue be changed to a two-way stop for a 30-day time period. Seconded by Councilmember Freese. All ayes; motion carried.

#14576. Councilmember Dan Gray moved the resolution be adopted restricting parking on Oak Street between the #4 alley and East 5th Street and on Spring Street between East 4th and East 5th streets. Seconded by Councilmember Phil Fitzgerald.

Councilmember Gary Gray stated that he would like to see Spring Street between East 4th and East 5th streets and Poplar Street between East 4th and East 5th streets be deeded over to HON Industries since they are the only ones using this property.

Councilmember Freese asked if this would be for compensation, and Councilmember Gary Gray answered yes.

Vote - Five ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, and Phil Fitzgerald. Councilmember Heckenliable abstained from voting. Motion carried and resolution duly adopted.

#14577. Councilmember Heckenliable moved the resolution be adopted setting a public hearing on March 21, 1996 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed Upper Orange/Oak Street Sewer Separation Project. Seconded by Councilmember Phil Fitzgerald.

Councilmember Freese asked the City Engineer to explain what will be happening with this project.

Ray Childs, City Engineer, told Councilmembers that one provision of the project will be not to cut across Cedar Street and Mulberry Avenue at the same time. He explained what the project would entail, noting that it will be a difficult time for residents in this area.

There was further discussion on this issue.

Vote - All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14578. Councilmember Phil Fitzgerald moved to declare hose from the Water Pollution Control Plant as surplus property and authorizing its sale to Nutri-Jet Systems in the amount of \$12,175. Seconded by Councilmember Heckenliable. All ayes; motion carried.

#14579. Councilmember Gary Gray moved the resolution be adopted setting a minimum rent for assisted housing programs with \$50 per month being the minimum amount a tenant can pay. Seconded by Councilmember Phil Fitzgerald.

Councilmember Freese asked Wayne Taylor, Housing Administrator, to explain the purpose of this resolution.

Mr. Taylor stated that this resolution was HUD stimulated, noting that they are trying to reduce the amount of subsidies they pay out. He stated that he feels this resolution will affect larger communities.

Vote - All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14580. Councilmember Phil Fitzgerald moved the resolution be adopted approving the annual budget for the City of Muscatine for the fiscal year ending June 30, 1997. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14581. Councilmember Churchill moved to approve the change in contract with Stanley Consultants Inc. to allow for professional services for engineering and design work for the waste water treatment plant modification. Seconded by Councilmember Dan Gray.

Councilmember Heckenliable thanked Charles Meyer of Stanley Consultants for answering the questions that he had asked. He stated that he feels this is a lot of money to spend, noting that he also feels that the City needs to keep a tight control on these maintenance and repair costs.

Vote - All ayes; motion carried.

#14582. Councilmember Dan Gray moved that the resolution be adopted authorizing the financing of certain projects to comply with reimbursement bond regulations under the Internal Revenue Code. Seconded by Councilmember Heckenliable. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14583. Councilmember Freese moved the resolution be adopted establishing sewerage charges effective July 1, 1996. Seconded by Councilmember Heckenliable. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14584. Councilmember Churchill moved to approve the Corporate Authorization Resolution between the City of Muscatine and Central State Bank. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14585. Councilmember Gary Gray moved to approve the Corporate Authorization Resolution between the City of Muscatine and First National Bank. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, Heckenliable, and Phil Fitzgerald. Motion carried and resolution duly adopted.

#14586. Councilmember Gary Gray moved the resolution be adopted setting a public hearing on March 21, 1996 at 7:30 p.m. in the City Hall Council Chambers concerning the vacation of a utility easement for Stonebrook Addition. Seconded by Councilmember Churchill. Five ayes: Councilmembers Churchill, Freese, Dan Gray, Gary Gray, and Phil Fitzgerald. Mark Heckenliable abstained from voting. Motion carried and resolution duly adopted.

City Administrator Johnson stated that a request had been received from James Shyrock for a Class B beer permit for 500 Mulberry Avenue. He asked that this matter be tabled until the March 21, 1996 Regular City Council meeting.

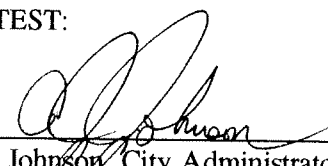
#14587. Councilmember Phil Fitzgerald moved that this matter be tabled until the March 21, 1996 Regular City Council meeting. Seconded by Councilmember Gary Gray. All ayes; motion carried.

#14588. Councilmember Freese moved the meeting be adjourned. Seconded by Councilmember Heckenliable. All ayes; motion carried.

The meeting adjourned at 8:40 p.m.


Richard W. O'Brien, Mayor

ATTEST:


A.J. Johnson, City Administrator