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CITY OF MUSCATINE
REGULAR MONTHLY SESSION OF CITY COUNCIL
Council Chambers - March 19, 1992 - 7:30 p.m.

Mayor John Keig called the meeting to order.

Roll Call: Councilmembers Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray present. Councilmember Gary Gray absent.

The opening prayer was given by Councilmember Freese.

The Pledge of Allegiance was given.

Cheryl Kopf, 1812 Hammann Street, read a letter she had sent to the City concerning the Wesley United Methodist Church's unit meeting scheduled for April 2, 1992. The letter was requesting that parking be blocked off on the west side of Iowa Avenue from 4th to 5th streets and on the north side of West 4th Street from Iowa Avenue to Chestnut Street.

City Administrator A.J. Johnson told Councilmembers that the request is for a limited area, noting that City staff does not object to the request since it is for a short time period.

#13160. Councilmember Phillips moved the request from the Wesley United Methodist Church be approved. Seconded by Councilmember Dan Gray. All ayes; motion carried.

#13161. Councilmember Kemp moved to approve the minutes of the March 5, 1992 Regular City Council meeting, February 27, 1992 Special Council meeting and the budget review session minutes for February 10, 12, 13, 15 and 19, 1992. Seconded by Councilmember Freese.

Councilmember Moench, speaking in reference to page 1 of the March 5 minutes, stated that the 10th paragraph on the page should be amended to read "Mayor Keig and Councilmember Moench..."

Councilmember Moench then stated that the 12th paragraph on page 9 of the March 5 minutes should be amended to read "\$56,000 this last year for salt and will probably spend \$25,000 this coming year..."

Councilmember Moench, speaking in reference to the February 10, 1992 budget review session, stated that his name was omitted from the list of those present at the meeting.

Councilmember Dan Gray stated the 8th paragraph on page 3 of the March 5 minutes should be amended to read "Councilmember Gary Gray..."

Councilmember Dan Gray, speaking in reference to the 7th paragraph on page 5 of the March 5 minutes, stated that he did not withdraw his vote.

City Administrator Johnson told Councilmembers that he and Councilmember Gray had discussed this matter and that Councilmember Gray would not be directly involved with this project and that he would be able

to vote as he so chooses. He pointed out that there is an item on tonight's agenda involving Davenport Electric.

Vote - All ayes; motion carried.

#13162. Councilmember Moench moved the Consent Agenda be approved as follows: New Class C liquor license for Sassy's, 1209 Hershey Avenue (subject to inspections and receipt of dram shop certificate); renewal of Class C liquor license for Edward's Tavern, 207 Mulberry Avenue (pending inspections); renewal of Class C liquor license for The Elms, 2108 Grandview Avenue; renewal of Class B beer permit for 2nd Street Saloon, 202 West 2nd Street (subject to inspections); renewal of Class C beer and Sunday sales permit for Meerdink's Amoco, 2111 Park Avenue; filing of Communications A-L; and bills totaling \$700,474.05. Seconded by Councilmember Freese. All ayes; motion carried.

PUBLIC HEARING

Mayor Keig stated that a public hearing was being held concerning the proposed amendment to the zoning definition for Title 10, Chapters 14 and 23 of the City Code to provide for a solid waste transfer station in an M-1 light industrial district.

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

#13163. Councilmember Phillips moved the public hearing be closed. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#13164. Councilmember Freese moved the ordinances be approved on final reading amending Title 8, Chapters 1, 7 and 9 of the Building Code by adopting and amending the 1991 edition of the Uniform Building Code and that they be published in the Muscatine Journal as required by law. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and ordinance approved on final reading.

#13165. Councilmember Phillips moved the ordinance be approved on first reading to amend the sanitary sewer rates effective May 1, 1992. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and ordinance approved on first reading.

#13166. Councilmember Dan Gray moved the resolution be adopted approving the plans, specifications, form of contract and cost estimate and setting the bid opening date for the renovation of the men and women's restroom facilities within City Hall to make them compatible with ADA requirements for accessibility by handicapped individuals. Seconded by Councilmember Kemp.

Councilmember Moench asked if the restroom at the transit terminal on Iowa Avenue is handicapped accessible.

Randy Hill, Public Works Director, stated that he thought the facility is handicapped accessible; however, he pointed out that the facility is for the bus drivers and is kept locked.

Vote - All ayes: Councilmembers Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13167. Councilmember Phillips moved the ordinance be approved on first reading amending the zoning ordinance, Title 10, Chapters 14 and 23, Section I, to allow for the incorporation of the definition of a transfer station within an M-1 Light Industrial zoned district. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13168. Councilmember Freese moved the resolution be adopted approving the contract and bond with Sulzberger Excavating for the Geneva Creek Sanitary Sewer Project. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13169. Councilmember Kemp moved the resolution be adopted approving the contract and bond with Davenport Electric Company for the Kent Stein lighting project. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13170. Councilmember Phillips moved the resolution be adopted accepting the work performed at the Clark House by AAA Mechanical Contractors under CIAP 1987 and authorizing final payment in the amount of \$16,079.67. Seconded by Councilmember Fitzgerald.

Councilmember Dan Gray asked if the architect would now become responsible for the work completed by the above-mentioned firm.

City Administrator Johnson stated that the contractor performed the work and was monitored by the architect; therefore, the architect now becomes the responsible party.

Vote - All ayes: Councilmembers Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

City Administrator A.J. Johnson, speaking in reference to the Kent Stein Fencing Project, told Councilmembers that four bids had been received. He stated that the low bid was from the D&N Fence Co. of Cedar Rapids, Iowa, in the amount of \$192,000, and it was staff's recommendation that this bid be accepted.

#13171. Councilmember Kemp moved the resolution be adopted awarding the contract for the installation of fencing at Kent Stein Park to the D&N Fence Co. of Cedar Rapids, Iowa, in the amount of \$192,000. Seconded by Councilmember Phillips. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13172. Councilmember Fitzgerald moved the resolution be adopted accepting the work performed by Hy-Brand Industrial Contractors and Thornton Hometown Plumbing and Heating for work performed at the Clark House and Sunset Park under CIAP 1990 and authorizing final payment to Hy-Brand in the amount of \$16,445.12 and to Thornton in the amount of \$4,134. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13173. Councilmember Phillips moved the resolution be adopted awarding the contract to the Ragan Company of Davenport, Iowa, for installation of boilers and exhaust flue work at the Clark House under CIAP 1992. Seconded by Councilmember Freese. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13174. Councilmember Kemp moved to approve the preapplication for an airport improvement grant for the Federal Aviation Administration (FAA). Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried.

#13175. Councilmember Dan Gray moved to approve the application for an "All American City" award by the City of Muscatine. Seconded by Councilmember Freese.

Councilmember Freese asked if the information provided in the Council agenda was the final draft.

City Administrator Johnson stated that the information submitted in the agenda packet was a rough draft, noting that a final copy will be provided to Councilmembers prior to the April 9 deadline.

Councilmember Freese pointed out that the Kent Stein Foundation had been omitted from the application.

Councilmember Phillips asked if there was enough money in the travel account to pay for the application fee, and City Administrator Johnson answered yes.

Vote - All ayes; motion carried.

#13176. Councilmember Dan Gray moved the resolution be adopted approving the submission of the CIAP 1992 application for improvements at the Clark House and Sunset Park. Seconded by Councilmember Kemp. All ayes: Councilmembers Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13177. Councilmember Phillips moved to approve the labor contract between the City of Muscatine and the Muscatine Association of Fire Fighters Local #1672. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

Councilmember Kemp, speaking in reference to the proposal to move the transit terminal, stated that he has received letters from business owners in that area who may be forced to move if the terminal is not relocated. He further stated that he felt that businesses need to be kept in the downtown area and that this issue needs to be resolved as soon as possible.

City Administrator Johnson stated that a decision to move the terminal would require staff recommendation, noting that plans had been to provide a full report at the May In-Depth meeting combining this issue with other Transit issues requiring Council's review.

City Administrator Johnson told Councilmembers that this matter was reviewed during the budget sessions and it was felt that moving the terminal to the Clark House had merit. He stated that staff members met with members of the resident council at the Clark House and they felt locating the terminal at the Clark House was a good choice because it would provide residents with easier access to the City buses.

City Administrator Johnson stated that he would see about the possibility of placing this item on the agenda for the April In-Depth meeting.

Councilmember Kemp asked if the exhaust pipes on buses could be moved or if the buses could stop across from the terminal.

City Administrator Johnson stated that he felt moving the buses across the street would cause confusion for some of the riders, noting that if the terminal is moved, staff would like to make a smooth transition.

Randy Hill stated that all buses except for one have had their exhaust pipes turned. He further stated that he felt everyone should be patient and allow staff an opportunity to submit a report at the April In-Depth meeting.

Councilmember Kemp asked if the diesel engines on the buses could be shut off, and Mr. Hill answered no because sometimes they will not start.

Councilmember Dan Gray stated that he felt Councilmembers should wait until the April In-Depth meeting.

Councilmember Moench stated that he felt an informational meeting should be held at a time when people who ride the buses can attend.

City Administrator Johnson stated that he felt an informational meeting could be held in the late afternoon as an addition to an In-Depth meeting.

Councilmember Freese commended the Finance Department for the budget award it recently received.

Councilmember Phillips asked what procedure residents should follow to have sidewalks installed in front of their house.

City Administrator Johnson stated that anyone wishing to install sidewalks on their property should contact the Engineering Department. He pointed out that sidewalks would be installed at the homeowners expense.

City Administrator Johnson stated that the City's Risk Management Program, under the direction of Randy Hill, was presented with a dividend check in the amount of \$42,000. He further stated that the City has received dividend checks for the past three years.

City Administrator Johnson informed Councilmembers that effective with the April agendas, they would not be receiving duplicate material unless changes are made to the information originally received.

City Administrator Johnson told Councilmembers that the Police Department would like to get out of the business of unlocking vehicle doors. Reasons for this decision include the manhours used and the liability involved when unlocking a car. He told Councilmembers they could establish a cutoff time for this service, noting that the public would receive proper notification.

Councilmember Kemp asked if local locksmiths and towing services were contacted to see if 24-hour service would be available, and City Administrator Johnson answered yes.

Councilmember Fitzgerald asked if the services would be provided on an emergency basis, and City Administrator Johnson answered yes.

Councilmember Moench asked if the Police Department would call a locksmith should someone lock their keys in the car.

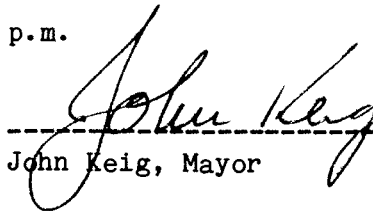
City Administrator Johnson answered no, stating that would put the Police Department in the position of selecting a locksmith or towing service.

There was further discussion on this issue.

#13178. Councilmember Fitzgerald moved that effective May 1, 1992, the Police Department would no longer be available for unlocking vehicles unless it is determined to be an emergency. Seconded by Councilmember Kemp. All ayes; motion carried.

#13179. Councilmember Kemp moved the meeting be adjourned. Seconded by Councilmember Phillips. All ayes; motion carried.

The meeting adjourned at 8:25 p.m.



John Keig, Mayor

ATTEST:



A.J. Johnson, City Administrator