

6A

CITY OF MUSCATINE
REGULAR MONTHLY SESSION OF CITY COUNCIL
Council Chambers - April 16, 1992 - 7:30 p.m.

Mayor John Keig called the meeting to order.

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

Councilmember Phillips gave the opening prayer.

The Pledge of Allegiance was given.

Max Churchill, 164 Sherman Street, stated that he was speaking on behalf of his stepson, who is an avid skateboarder. He told Councilmembers that there are many boys in the community who enjoy skateboarding; however, there is no place in Muscatine where these boys can gather for this sport. He asked Councilmembers for their assistance in finding a building or part of a building (approximately 60 feet to 100 feet) to house this activity. He stated that he felt it would benefit both the boys and their parents if this could be solved with a community effort. He pointed out that there is a place in the Quad Cities called Rampage where many Muscatine boys go to skateboard.

Bill Moomey, 1115 Iowa Avenue, stated that his boys are also avid skateboarders and that he felt a skateboarding facility would benefit the youngsters in this community.

Rollin Swailes, 1013 East 7th Street, told Councilmembers that he has been looking into the possibility of opening a skateboarding facility in Muscatine, noting that he had looked at a building on Highway 61. He told Councilmembers that he felt a skateboarding facility in Muscatine is needed for the safety of those using the skateboards.

#13194. Councilmember Moench moved the minutes of the April 2, 1992 Regular Council meeting be approved. Seconded by Councilmember Freese. All ayes; motion carried.

Councilmember Freese, speaking in reference to Item 9B of the Consent Agenda, asked that it be acted upon separately.

#13195. Councilmember Phillips moved the Consent Agenda be approved as follows: New Class C liquor license for the Pit Stop, 1201 Grandview Avenue (subject to inspections and receipt of insurance certificate); renewal of Class C liquor license for Creekside Community Center, 736 Lake Park Boulevard; renewal of Class B beer and Sunday sales permit for Rudy's Taco, 2220 Park Avenue (subject to inspections); renewal of Class C liquor license for Hilltop Tap, Inc., 929 Lucas Street; filing of Communications A-J; and bills totaling \$700,586.66. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

PUBLIC HEARING

Mayor Keig stated that a public hearing was being held concerning the proposed enactment of an ordinance which would require the televising of sanitary and storm sewer lines within new residential subdivisions within the community.

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

#13196. Councilmember Dan Gray moved the public hearing be closed. Seconded by Councilmember Phillips. All ayes; motion carried.

#13197. Councilmember Phillips moved the request be approved from Karen Sulzberger for use of Riverside Park for a boxing match on July 11, 1992 from noon to 2:00 a.m. Seconded by Councilmember Fitzgerald.

Councilmember Freese stated that he was opposed to a beer tent, noting that he did not feel it was necessary to approve this request tonight.

#13198. Councilmember Freese moved that this matter be tabled.

Motion died for lack of second.

Councilmember Freese asked if he would be allowed to voice his feelings about having a beer tent on the riverfront.

City Administrator A.J. Johnson answered yes, pointing out that the request for a beer tent would require separate action by Council. He pointed out that tonight's request was to reserve the park. He stated that there are still a number of items that must be resolved.

City Administrator Johnson told Councilmembers that the organizer of this activity has been working with a group out of Cedar Rapids and that this event would be sanctioned with the Iowa Boxing Association.

Councilmember Moench stated that he felt the beer tent should be required to stop selling beer at 1:00 a.m.

City Administrator Johnson stated that City Council has the right to decide when the beer tent should be closed.

Councilmember Gary Gray asked what time the tent closed last year during Great River Days, and he was told 1:00 a.m.

Councilmember Moench asked if the Tourism Bureau had been contacted, and E. Jane Caraway of the Tourism Bureau answered yes.

Larry Wolf, Director of Parks and Recreation, stated that it was his understanding that the approval of the request tonight would include the beer tent and the providing of the food and entertainment.

Mayor Keig stated that motion is for use of the riverfront only.

Councilmember Fitzgerald stated that he felt activities such as this should be approved as soon as possible in order to allow for planning.

#13199. Councilmember Fitzgerald moved to amend the motion to include the approval of the beer tent and the providing of food and entertainment. Seconded by Councilmember Moench.

Councilmember Gary Gray asked that the motion include the stipulation that the beer tent remain in the loop area of the riverfront.

Both agreed to amend the motion to include the stipulation that the beer tent be kept in the recreation area.

Councilmember Moench stated that he felt the beer tent should be closed at 1:00 a.m. in keeping with time limits set in the past for Great River Days.

Councilmember Freese asked how a request for serving beer at the Kent Stein Park would be handled.

City Administrator Johnson stated that the City's ordinance stipulates that beer tents are allowed only in the recreation area of the riverfront.

Mayor Keig stated that it was his understanding that the beer tent would remain open until 1:00 a.m., and he was told that was correct.

City Administrator Johnson told Councilmembers that the beer tent would be limited to a specific area and would be cordoned off by fencing.

Vote on amendment - Five ayes: Councilmembers Gary Gray, Phillips, Moench, Fitzgerald and Dan Gray. One nay: Councilmember Freese. Motion carried.

Vote on original motion - Five ayes: Councilmembers Gary Gray, Phillips, Moench, Fitzgerald, and Dan Gray. One nay: Councilmember Freese. Motion carried.

#13200. Councilmember Phillips moved that the proclamations be approved declaring April 19-25, 1992 as "Professional Secretaries Week"; April 22, 1992, "Professional Secretaries Day"; April 19-25, 1992, "Earth Week"; April 24, 1992, "Arbor Day"; April 13-17, 1992, "Building Safety Week"; May, 1992, "Tourism Month"; May 11-15, 1992, "Wellness Week"; and May, 1992, "Miracle Network Month". Seconded by Councilmember Gary Gray. All ayes; motion carried.

Mayor Keig asked that Councilmembers approve the proclamation declaring May 7 as the "Day of Prayer". He further stated that a prayer will take place at City Hall on that day from 12:20 to 12:40 p.m. and everyone is welcome to participate.

#13201. Councilmember Phillips moved the proclamation be approved declaring May 7 as "Day of Prayer". Seconded by Councilmember Freese. All ayes; motion carried.

#13202. Councilmember Gary Gray moved to approve the Certificate of Merit to be presented to Robert Page for his years of service to the community and the Civil Service Commission. Seconded by Councilmember Freese. All ayes; motion carried.

Mayor Keig presented the certificate to Mr. Page.

#13203. Councilmember Freese moved to approve on first reading an ordinance to amend the City Code abolishing the Cemetery Advisory Commission, Golf Course Advisory Commission, Levee Advisory Commission, and the Parks and Recreation Advisory Commission and establishing a new Recreation Advisory Commission with members serving on the commission for a three-year term. Seconded by Councilmember Fitzgerald.

There was discussion on how long the term of office should last.

Councilmember Phillips asked if anyone has shown an interest in serving on the new commission, and Mr. Wolf answered yes.

Vote - All ayes: Councilmembers Gary Gray, Freese, Phillips, Moench, Fitzgerald, and Dan Gray. Motion carried and ordinance approved on first reading.

#13204. Councilmember Dan Gray moved the ordinance be approved on first reading to amend the subdivision regulations to include the stipulation that sanitary sewer lines in new residential subdivisions be televised. Seconded by Councilmember Fitzgerald.

Councilmember Fitzgerald asked whether new commercial and industrial subdivisions would be televised.

Kevin Whittaker, Director of Planning and Community Development, stated that the ordinance is worded so that it pertains to all subdivisions, commercial, residential or industrial. He pointed out that the primary concern at this point is the development of residential subdivisions because there is more activity.

Councilmember Fitzgerald asked if the storm sewers would be televised.

Mr. Whittaker stated that the purpose of the ordinance is to televise the sanitary sewer systems in order to determine where laterals from houses in a subdivision would tie into the system.

Councilmember Fitzgerald stated he felt the same thing should be done with the storm sewers.

Ray Childs, City Engineer, stated that most storm sewer systems are much larger than a sanitary sewer line, noting that they are easier to access. He further stated that he felt televising the sanitary sewer lines will be advantageous to both the City and the developer of a subdivision. He pointed out that if this ordinance is approved, televising will be incorporated into the City's specifications.

Councilmember Fitzgerald asked if the wording could be amended to include televising of a storm sewer "if deemed necessary by the City".

Mr. Childs stated that if Councilmembers choose to amend the ordinance then he would recommend that anything less than 18 inches in diameter be televised.

There was further discussion on the televising of sanitary sewer lines.

#13205. Councilmember Fitzgerald moved to amend the ordinance to include the wording that storm sewers with a diameter of 18 inches or less be televised. Seconded by Councilmember Moench. All ayes: Councilmembers Gary Gray, Freese, Phillips, Moench, Fitzgerald, and Dan Gray. Motion carried and amendment approved.

Vote on original motion - All ayes: Councilmembers Freese, Gary Gray, Phillips, Moench, Fitzgerald, and Dan Gray. Motion carried and ordinance approved on first reading.

#13206. Councilmember Moench moved the ordinance be approved on final reading to increase sanitary sewer fees effective May 1, 1992 and that the ordinance be published in the Muscatine Journal as required by law. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Gary Gray, Freese, Phillips, Moench, Fitzgerald, and Dan Gray. Motion carried and ordinance approved on final reading.

#13207. Councilmember Phillips moved the ordinance be approved on final reading amending the zoning ordinance, Title 10, Chapters 14 and 23, Section 1, incorporating the definition of a transfer station with the M-1 light industrial district and that it be published in the Muscatine Journal as required by law. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Gary Gray, Freese, Phillips, Moench, Fitzgerald, and Dan Gray. Motion carried and ordinance approved on final reading.

#13208. Councilmember Dan Gray moved the ordinance be approved on second reading amending the ordinance pertaining to peddler's licenses. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Gary Gray, Freese, Phillips, Moench, Fitzgerald, and Dan Gray. Motion carried and ordinance approved on second reading.

#13209. Councilmember Freese moved to approve the concession agreements between the City of Muscatine and Jerry Koppe from Big 10 Concessions for a three-year time period for Kent Stein Park and Weed Park. Seconded by Councilmember Gary Gray. All ayes; motion carried.

#13210. Councilmember Dan Gray moved the resolution be adopted setting a public hearing on May 7, 1992 at 7:30 p.m. in the City Hall Council Chambers concerning the final assessments for sidewalk installation on Fulliam Avenue. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Gary Gray, Freese, Phillips, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13211. Councilmember Phillips moved the resolution be approved adopting the City's five-year comprehensive street construction program. Seconded by Councilmember Moench. All ayes: Councilmembers Gary Gray, Freese, Phillips, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13212. Councilmember Phillips moved the resolution be adopted setting a public hearing on May 7, 1992 at 7:30 p.m. in the City Hall Council Chambers concerning the City's fiscal year 1991/92 slurry seal program. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Gary Gray, Freese, Phillips, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13213. Councilmember Fitzgerald moved to award the three-year towing and storage contract to Hyink's Standard Service. Seconded by Councilmember Freese.

Keith Lange, 3128 47th Avenue, stated that it was his understanding that Hyink's bid was the only one collected.

City Administrator Johnson stated that Hyink's was the only bid received, noting that the City had solicited for a number of bids.

Mr. Lange stated that he had turned in a proposal but that it was not on the bid list.

City Administrator Johnson stated that Mr. Lange's letter dated April 6, 1992 had been received and was taken into consideration when staff made its recommendation.

Mr. Lange then asked if the City was still planning to use the rotating method for towing services.

City Administrator Johnson stated that the rotating method was started three years ago and is still in effect.

Gary Coderoni, Police Chief, stated that the Police Department will still continue to use the rotating method. He pointed out that the contract tonight has to do only with the impounding and storage of vehicles.

Vote - All ayes; motion carried.

#13214. Councilmember Fitzgerald moved to approve the removal and relocation of parking stalls on East 3rd Street between Cedar and Sycamore streets to accommodate transit parking and for the creation of three parking stalls on Iowa Avenue from Alley #2 to 2nd Street. Seconded by Councilmember Dan Gray. All ayes; motion carried.

#13215. Councilmember Phillips moved to approve the bid from Muscatine Farm and Equipment for the purchase of a self-contained out-front rotary mower for Kent Stein Park in the amount of \$8,779.50. Seconded by Councilmember Moench. All ayes; motion carried.

#13216. Councilmember Moench moved the resolutions be adopted accepting the bid from Hinman Contractors and Builders in the amount of \$27,592 for renovation of City Hall restrooms to allow for handicapped accessibility and also approving the contract and bond from Hinman's for the project. Seconded by Councilmember Freese. All ayes: Councilmembers Gary Gray, Freese, Phillips, Moench, Fitzgerald, and Dan Gray. Motion carried and resolutions duly adopted.

Councilmember Fitzgerald asked who had prepared the drawings and specifications.

City Administrator Johnson stated that everything was done in-house.

Councilmember Fitzgerald asked if the bids received had exceeded the City's estimate for the project.

City Administrator Johnson stated that the bids had exceeded the City's estimate by approximately \$3,000.

Councilmember Gary Gray asked if there was a timeframe for this project.

City Attorney Harvey Allbee, Jr., stated that the project must be completed within 45 days of the starting date.

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

Councilmember Gary Gray stated that he had talked with Dick Haring, director of the bass tournament held recently in Muscatine, who commended the City for its cooperation in the event.

Councilmember Gary Gray stated that the temporary patch on East 2nd Street above the bridge is in bad shape and asked that it be repaired.

Councilmember Freese asked if there was anything that could be done to Miller's Hill.

Mr. Childs stated there will be very little done between now and June.

Councilmember Freese asked if he could tell residents that something will be done sometime after July.

Mr. Childs stated that he did not want to make any commitments on what is going to be done but that he would pass the information on to Henry Tober concerning the condition of Miller's Hill.

Councilmember Moench stated that recently the Supreme Court of Iowa had made rulings on curfew laws and he asked if the City was in compliance.

Gary Coderoni, Police Chief, stated that he has forwarded information to the City Administrator and that plans are underway to study our ordinance to determine if it is in compliance or can be brought into compliance. He pointed out that the ruling does not apply to every city's ordinance.

Councilmember Fitzgerald stated that he had received a call from someone questioning why the landfill was not open after 3:00 p.m.

Randy Hill, Public Works Director, stated that the landfill hours are 8:00 a.m. to 3:30 p.m. during the week and it is not open on Saturdays. These hours have been in effect for a number of years.

Councilmember Fitzgerald stated that the person he spoke with had some construction materials and he asked if this material could be picked up during cleanup week.

Mr. Hill stated that the City is fairly liberal, noting that the City will pick up construction materials so long as there are not massive amounts.

Mr. Hill pointed out that the Transfer Station will be open on Saturdays and that it is possible that cleanup week may be eliminated.

Councilmember Freese asked how people can be made to clean up their front yards.

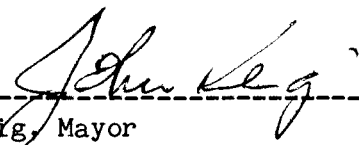
Mr. Hill stated that he has found that many times if a landlord is notified about a property needing to be cleaned up, they are usually fairly cooperative in seeing that it is done. He stated that the City also has a review process that is followed when dealing with complaints of this type, noting that this process takes a little longer but usually works.

Councilmember Freese asked if someone could call to have furniture removed from property other than their own.

Mr. Hill stated that nothing can be taken from a property without the owner's consent.

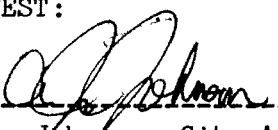
#13217. Councilmember Gary Gray moved the meeting be adjourned. Seconded by Councilmember Phillips. All ayes; motion carried.

The meeting adjourned at 9:00 a.m.



John Keig, Mayor

ATTEST:



A.J. Johnson, City Administrator