

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers - May 6, 1993 - 7:30 p.m.

Mayor John Keig called the meeting to order.

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

Mayor Keig gave the opening prayer.

The Pledge of Allegiance was given.

Wayne Schroeder, 11 Brookview Road, a representative for the Leadership Muscatine program, thanked Councilmembers and City staff for the opportunity to visit City Hall and attend a City Council meeting. He stated that a question asked by one of the members of the program was whether or not the City will be annexing any more property outside of the City limits.

Councilmember Moench asked when the last annexation of property took place.

City Administrator A.J. Johnson stated that the last annexation was for airport property. He told Councilmembers that laws have changed over the past two years and it is now more difficult to annex property.

#13159. Councilmember Kemp moved to approve the minutes of the April 15, 1993 Regular City Council meeting. Seconded by Councilmember Phillips. All ayes; motion carried.

#13156. Councilmember Phillips moved to approve the Consent Agenda as follows: New Class C liquor license and Sunday sales permit for Wallbangers, 1212 Hershey Avenue (pending correction of fire violations); new Class C liquor license for Cielito Bar, 500 Mulberry Avenue (subject to receipt of insurance and correction of fire violations); renewal of Class A liquor license and Sunday sales permit for Loyal Order of Moose Lodge #388, 207 Lake Park Boulevard; renewal of Class C liquor license for Hilltop Tap, 929 Lucas Street (subject to inspections); renewal of Class B beer and Sunday sales permit for Happy Joe's Pizza and Ice Cream Parlor, 927 Grandview Avenue; renewal of Class B beer and Sunday sales permit for Pizza Hut, 2512 Park Avenue (subject to inspections); renewal of Class C beer and Sunday sales permit for Walgreens, 1903 Park Avenue (subject to inspections); renewal of Class C beer and Sunday sales permit for Petro-N-Provisions, 709 Grandview Avenue (subject to inspections); cigarette permit for Cielito Bar, 500 Mulberry Avenue, expiring June 30,

1993; approval of taxicab license for Shirley's Cab, 1602 Earl Avenue; filing of Communications A-N; and bills totaling \$665,410.52. Seconded by Councilmember Moench.

Councilmember Freese asked that the bills be pulled from the Consent Agenda for discussion later in the meeting.

Councilmembers Phillips and Moench agreed to amend their motion to exclude the Bills for Approval from the Consent Agenda.

Vote - All ayes; motion carried.

PUBLIC HEARING

Mayor Keig stated that a public hearing was being held concerning the proposed improvements associated with the Bonnie Drive Sidewalk Project.

Jack Richards, 2914 Bonnie Drive, stated that residents on Bonnie Drive recently held a meeting to discuss the proposed installation of sidewalks on Bonnie Drive and that they were in agreement that sidewalks should be installed on the east side of the street because it is flat and would adjoin the sidewalk leading into the high school. He pointed out that the west side of the street is a dead end.

Barb Bublitz, 2918 Bonnie Drive, stated that residents also agreed that installation of a sidewalk on the east side of the street would be less expensive because there would be less work involved, noting that the west side of the street has a steep ditch as well as utility poles, trees and bushes. She asked that Councilmembers consider installing sidewalks on the east side of Bonnie Drive.

Bob Ferreira, 2911 Bonnie Drive, stated that for safety reasons he feels a sidewalk should be installed on the east side of Bonnie Drive.

There were no written petitions for or against the proposed installation of sidewalks on Bonnie Drive.

#13157. Councilmember Kemp moved the public hearing be closed. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

PUBLIC HEARING

Mayor Keig stated that a public hearing was being held concerning the proposed plans and specifications for the golf course clubhouse project.

City Administrator Johnson stated that Wil Helmick, representing the LZT architectural firm, was present to answer any questions Councilmembers might have about the clubhouse.

Mr. Helmick told Councilmembers that the development of the proposed clubhouse has been a detailed process, noting that numerous review sessions have been held since November and since the approval of the preliminary plans. He stated that the first review was a design development review and also an overall review beyond the preliminary design phase. He stated that approximately three weeks later a 50% review of the documents took place and that LZT looked at the layout of the concession area and equipment and walked through every space in the building. He told Councilmembers that a 95% review held recently involved both City staff members and concerned citizens. He stated that approval of the plans and specifications is needed so that the bidding process can begin.

Mr. Helmick told Councilmembers that the existing utilities will be temporarily relocated in order to allow for construction of the clubhouse. He pointed out that the existing golf cart path will have to be regraded in order to allow for handicap accessibility.

Mr. Helmick stated that the building is a simple residential construction type building. He told Councilmembers that the roof system, which is a pre-manufactured wood truss system, will be installed by the designer under the direction of the architectural firm. Mr. Helmick stated that the interior finishing of the building will be golf course specific.

He explained what type of flooring would be installed. He told Councilmembers that the bathroom areas will have a quarry tile floor with a non-skid surface. A hard surface flooring will be easier to maintain.

Mr. Helmick stated that the slot wall system will hold racks for display of products for the Pro Shop.

Mr. Helmick stated that the mechanical system will be a standard residential type system. He stated that two furnaces will be zoned to accommodate the seating area and the remainder of the building. The electrical system will be a standard residential type system. He explained the plumbing system that would be used.

Mr. Helmick stated that there would be alternate bid items, which would allow for changes during construction. He explained the base bids and what items would be included as alternate bids.

Councilmember Fitzgerald asked what the "R" value would be for the insulation.

Mr. Helmick stated that it was approximately 32.

Councilmember Fitzgerald asked what type of windows would be used.

Mr. Helmick stated that residential type windows would be installed.

Councilmember Fitzgerald asked what type of interior surface would be used on the cupola.

Mr. Helmick stated that the cupola will have a metal surface and will be insulated.

Councilmember Fitzgerald asked if a foam insulation would be used.

Mr. Helmick stated that a rigid insulation would be installed.

Councilmember Fitzgerald asked what the "R" value would be, and Mr. Helmick stated that he did not know.

Councilmember Kemp asked what color would be used on the roof.

Mr. Helmick stated that the specifications will allow a color to be chosen during the bidding process.

There was discussion on the type of material to be used for the clubhouse roof.

Councilmember Freese stated that it was his understanding that 1/3 of the facility would be for the Pro Shop.

Mr. Helmick stated that approximately 800 square feet would be used in the Pro Shop area, noting that the Pro Shop is an active area and size is important.

Mayor Keig asked why golfers will have to travel so far into the building to pay their greens fees.

Mr. Helmick stated that the pay counter will be located on the southeast end of the building to allow employees behind the counter to also monitor the outside area.

Mayor Keig asked why the golfers must pass through so many obstacles to get to the counter.

Mr. Helmick stated that from a sales standpoint it is advantageous to have people walking through the merchandise area.

Councilmember Kemp stated that he feels an effort should be made to make it easier for golfers to pay their greens fees.

There was further discussion on what could be done to make it easier for golfers to pay their greens fees.

Mayor Keig asked if the wall that stops the golfers from entering the pay area could be removed.

Mr. Helmick stated that structurally, the wall could be removed; however, the purpose of the wall is to allow the Pro Shop to be closed off so that the building could be used when the Pro Shop is not open.

There was discussion on the restroom facilities.

Councilmember Freese asked what the cost for construction of the building is going to be per square foot.

Mr. Helmick stated that the preliminary cost estimate for the building was approved at approximately \$364,000, which figures out to be about \$100 per square foot. He explained why the cost was so high, noting that the increase in the cost of wood is one factor. He pointed out that it appears the project is still within the budgeted amount.

There was discussion on the value of the current clubhouse.

Councilmember Freese asked Councilmember Fitzgerald if he was satisfied with the cost per square foot.

Councilmember Fitzgerald stated he does not have a problem with the cost per square foot; however, he is concerned about the cupola and feels it should be bid as an alternate.

Mr. Helmick stated that his firm feels that the cupola is an important amenity of the project.

Councilmember Fitzgerald stated that he is concerned that there might be a problem with condensation.

Mr. Helmick stated that he felt his firm was confident the design would not contribute to condensation.

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

#13158. Councilmember Kemp moved the public hearing be closed. Seconded by Councilmember Moench. All ayes; motion carried.

PUBLIC HEARING

Mayor Keig stated that a public hearing was being held concerning the proposed assessment of weed mowing costs to private property owners.

Wayne Schaapveld, 2232 215th Street, who takes care of property owned by Harold Hammond, stated that he feels his client should not be charged the assessment, noting that he has supplied City staff with enough information to justify his reasons. He stated that he was told by his client that he had never received notice from the City that his property needed to be mowed.

Councilmember Kemp pointed out that a majority of complaints received come from the public.

Mr. Schaapveld stated that he was not aware that someone had complained about the property.

City Administrator Johnson stated that City staff responds to both complaints from the public as well as visual inspections.

Councilmember Phillips asked if the property was an empty lot.

Mr. Schaapveld stated the lot is empty; however, it is never neglected.

Councilmember Kemp asked if the property owner should have received the notice.

Mr. Schaapveld stated his client should have received a notice but claims he did not.

City Administrator Johnson stated that letters are sent to property owners informing them that a property needs to be mowed; however, these letters are not required to be sent by registered mail.

Councilmember Moench asked if it was possible that Mr. Schaapveld mowed the grass and then the City in turn mowed the property six days later. He asked if the property is checked prior to the City mowing it.

Steve Boka, Building and Zoning Administrator, stated that when a complaint is received, a member of his staff makes an inspection of the property and if it is found to be in violation of the City ordinance, the property owner is notified by mail

to correct the violation. He stated that if the property owner does not respond within five days, another inspection is done prior to sending someone out to mow the property. He noted that the inspector does a final inspection to ensure that the property was mowed.

Councilmember Phillips asked if it would be costly to send the letters out by registered mail.

Mr. Boka stated that it would be expensive, noting that 100's of letters are sent. He pointed out that it takes up to 21 days before proof of service is received from the Post Office. He told Councilmembers that the ordinance was amended to provide for the publication of a notice to property owners that they are in violation of the City ordinance. He pointed out that the notice is published two times.

Councilmember Kemp supported the City's procedure in this matter; noting that he felt the letter was sent to the property owner.

Mr. Schaapveld stated that he is not arguing about the City's procedure but that he is arguing about the fact that he takes care of the Hammond property and has been for approximately 10 years.

Councilmember Fitzgerald asked Mr. Schaapveld how often he mows the property.

Mr. Schaapveld stated that the property is mowed approximately four to five times a year or more if the weather is wet. He pointed out that he had mowed his client's property approximately six days prior to the City having it mowed.

Councilmember Moench asked if pictures could be taken as a precautionary measure.

City Administrator Johnson stated that a photograph may not capture the problem. He upheld the City's procedure, pointing out that most of the people in violation of the City's ordinance pay for the weed mowing charges.

Councilmember Fitzgerald asked if any complaints similar to Mr. Schaapveld's had been received.

City Administrator Johnson stated that this is the first time a complaint such as Mr. Schaapveld's has been brought to the City's attention.

Councilmember Fitzgerald asked if it would be possible to notify the person maintaining the property that it is in violation of the City ordinance.

City Administrator Johnson stated that legally the notice must be sent to the property owner.

Councilmember Dan Gray stated that he is not opposed to exempting Mr. Hammond's weed mowing assessment charge; however, he is concerned about people using this excuse in the future.

Mayor Keig stated that a five minute recess would be taken.

The meeting reconvened at 8:40 p.m.

Greg Johnston, 1119 Mulberry Avenue, stated that his name is also on the list of property owners to be assessed charges for weed mowing. He told Councilmembers that he did receive a notice from the City; however, rain had hindered him from getting the property mowed. He pointed out that the property in question is a pasture and has never been mowed for the 10 years that he has owned it.

Mr. Johnston stated that he owns the first 200 feet of the property. He questioned why his property was mowed and the rest of the pasture was left untouched. He stated that he felt notices should have been sent to all the property owners.

Mr. Johnston then stated that he felt the amount of \$210 that was charged for the weed mowing services was unreasonable.

There was discussion on the location of the property.

Councilmember Kemp stated that it was his understanding that Mr. Johnston's property was mowed but that the other properties were left alone.

Mr. Johnston stated that Councilmember Kemp was correct, noting that he felt all property owners in the area should have been required to remove the weeds on their properties as well.

Mr. Boka stated that a complaint was received from an abutting property owner who has a child that has a child with health problems. He explained why Mr. Johnston's property was the only one mowed. He stated that weed mowing services for the property were more expensive because there was a lot of handwork involved as well as the need for removal of debris on the property.

Mr. Johnston stated he does feel it was wrong to mow just his piece of property and leave the rest alone.

There were no written petitions for or against the proposed assessment of weed mowing costs to private property owners.

#13159. Councilmember Moench moved the public hearing be closed. Seconded by Councilmember Kemp. All ayes; motion carried.

#13160. Councilmember Phillips moved the proclamations be approved declaring May 10-16, 1993 as Police Week and May 15, 1993 as Peace Officer's Memorial Day. Seconded by Councilmember Gary Gray. All ayes; motion carried.

#13161. Councilmember Kemp moved the proclamations be approved declaring May 9-15, 1993 as School Board Recognition Week; May 16-22, 1993 as National Public Works Week; and May 9-15, 1993 as National Nursing Home Week. Seconded by Councilmember Fitzgerald. All ayes; motion carried.

#13162. Councilmember Kemp moved the resolution be adopted setting a public hearing on May 20, 1993 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed extension of the downtown revitalization district plan. Seconded by Councilmember Fitzgerald. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13163. Councilmember Phillips moved the ordinance be approved on second reading amending various sections of the City Code changing the beginning dates for terms for boards and commission members. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and ordinance approved on second reading.

#13164. Councilmember Kemp moved the resolution be adopted overruling objections to the Bonnie Drive Sidewalk Improvement Project. Seconded by Councilmember Fitzgerald.

Councilmember Phillips stated that it was her understanding that approval of sidewalks on just the east side of Bonnie Drive would be accomplished by adopting the other resolution, a resolution amending the resolution of necessity for the Bonnie Drive sidewalk improvement project.

City Administrator Johnson stated that Councilmember Phillips was correct.

Ray Childs, City Engineer, stated that if Councilmembers agree that sidewalks should just be installed on only the east side of Bonnie Drive then they should adopt the resolution to amend the resolution of necessity, not now under discussion.

Councilmember Moench asked if the original motion would need to be withdrawn, and City Attorney Harvey Allbee Jr. answered yes.

Councilmember Kemp stated he would be willing to withdraw his motion, noting that he felt it would be more reasonable to install sidewalks on the east side of Bonnie Drive.

Councilmember Fitzgerald stated that he felt sidewalks should be installed on both sides of Bonnie Drive in order to avoid the need to install sidewalks on the west side of the street at a later date.

Mr. Childs stated that it would be more feasible to install sidewalks on both sides of the street. He pointed out that installing a sidewalk on the west side will be awkward; however, it can be done.

Councilmember Freese asked the City Engineer how he felt about this issue.

Mr. Childs stated that the driving force behind the installation of sidewalks on Bonnie Drive is access to the schools. He stated that the installation of sidewalks on the west side would not fall into that category.

Councilmember Dan Gray asked if it would be possible to exempt residents on the west side of Bonnie Drive until the need arises for sidewalks on that side of the street.

Councilmember Kemp stated that a problem could occur in the future if there is a change in ownership.

There was discussion on the deferral given to John Timm, who lives on the corner of Mulberry Avenue and Tipton Road.

Councilmember Fitzgerald stated that there is one property on the west side of Bonnie Drive that does have a driveway. He asked if that driveway would be replaced when sidewalks are installed.

Mr. Childs stated that if sidewalks are installed on the west side of Bonnie Drive, they would meet the existing driveway. He pointed out that if the property owner did want the driveway replaced, it could be done if the assessment was raised to allow for the replacement of the lower level of the driveway.

Councilmember Phillips stated that it was her understanding that it would be necessary to vote against the resolution overruling objections to the Bonnie Drive sidewalk improvement project now being considered if sidewalks are wanted on only the east side of Bonnie Drive.

City Administrator Johnson stated that she was correct.

Clyde Gill, 2915 Bonnie Drive, stated that he felt it would be dangerous for walkers to cross from the west side of Bonnie Drive to the east side at the entrance to the high school because it will be difficult to see any oncoming traffic. He pointed out that there are trees growing along the west side of the entrance to the school.

Councilmember Moench asked who the trees belong to, and Mr. Gill stated that he thought they belong to the school.

Councilmember Kemp stated that he was still in favor of installing sidewalks on the east side of Bonnie Drive.

Vote - Four ayes: Councilmembers Fitzgerald, Gary Gray, Glenn Moench, and Ralph Freese. Three nays: Councilmembers Phillips, Dan Gray, and Kemp. Motion carried.

#13165. Councilmember Phillips moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate and setting the date for receipt of bids for the golf course clubhouse project. Seconded by Councilmember Gary Gray. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13166. Councilmember Phillips moved the resolution be adopted authorizing the assessment of weed mowing costs to private property owners with the exclusion of Harold Hammond. Seconded by Councilmember Fitzgerald.

#13167. Councilmember Kemp moved to amend the original motion to include the exclusion of Greg Johnston. Seconded by Councilmember Gary Gray.

Vote on the amendment - Four nays: Councilmembers Freese, Moench, Fitzgerald, and Phillips. Three ayes: Councilmembers Gary Gray, Kemp, and Dan Gray. Amendment defeated.

Vote on original motion - Five ayes: Councilmembers Gary Gray, Phillips, Moench, Fitzgerald, and Dan Gray. Two nays: Councilmembers Freese and Kemp. Motion carried.

#13168. Councilmember Phillips moved the resolution be adopted setting a public hearing on May 20, 1993 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed budget amendments to the City of Muscatine's budget for fiscal year 1992/93. Seconded by Councilmember Kemp.

There was discussion on the pistols/vests portion of the proposed budget amendments.

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

#13169. Councilmember Kemp moved the resolution be adopted setting a public hearing on May 20, 1993 at 7:30 p.m. in the City Hall Council Chambers concerning the Riverfront Trail Project. Seconded by Councilmember Dan Gray.

Councilmember Kemp stated that he felt it was important that people interested in this project attend the public hearing and show their support.

There was discussion on the bidding process as well as the process for installing the walkway.

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

#13170. Councilmember Phillips moved the resolution be adopted approving the revised grievance policy and procedure for public housing. Seconded by Councilmember Kemp.

There was discussion on the policy.

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

#13171. Councilmember Phillips moved to approve the resolution authorizing the execution of the annual contributions contract pertaining to the housing programs administered by HUD. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

#13172. Councilmember Dan Gray moved to approve the application for the 1993 Comprehensive Improvement Assistance Program (CIAP). Seconded by Councilmember Freese. All ayes; motion carried.

#13173. Councilmember Phillips moved to approve the request for a single room occupancy (SRO) program on behalf of the City of Muscatine Housing Authority. Seconded by Councilmember Moench.

There was discussion on the requirements that must be met in order to participate in the SRO program.

Vote - All ayes; motion carried.

#13174. Councilmember Phillips moved that the Mayor and City Clerk be authorized to enter into an agreement with the Iowa Department of Transportation Aviation Department for the automated weather observation system (AWOS) at the municipal airport. Seconded by Councilmember Gary Gray. All ayes; motion carried.

City Administrator Johnson asked that Councilmembers approve and accept the permanent construction and maintenance easement from the Seventh Day Adventist Church in connection with the Mulberry Avenue Sidewalk Improvement Project.

#13175. Councilmember Phillips moved that the resolution be adopted approving the permanent maintenance easement from the Seventh Day Adventist Church for the Mulberry Avenue Sidewalk Improvement Project. Seconded by Councilmember Kemp. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried and resolution duly adopted.

Councilmember Freese, speaking in reference to the Bills for Approval, asked why the electric bill for the Clark House was so much higher than the gas bill, noting that it was his understanding that the building was being heated with gas.

Wayne Taylor, Housing Administrator, stated that after the pipes had broken at the Clark House, the City had reverted back to the electrical heating system.

#13176. Councilmember Phillips moved to approve the Bills for Approval totaling \$665,410.52. Seconded by Councilmember Freese. All ayes; motion carried.

Councilmember Moench, speaking in reference to the ordinance relating to fees charged by the Building and Zoning Department, stated that the ordinance has not been updated since 1986. He stated that he felt discussion should get underway in the future concerning the updating of the ordinance.

Councilmember Moench stated that he would be making a motion at the May 20, 1993 Regular City Council meeting, with a recommendation from the Cable Advisory Commission, to begin televising the In-Depth Council meetings.

Councilmember Gary Gray stated that he felt the parking situation on the Riverfront needs to be corrected.

City Administrator Johnson stated that this matter would be discussed at the next In-Depth Council meeting.

Councilmember Fitzgerald asked about the progress of the greenhouse at Weed Park.

Larry Wolf, Director of Parks and Recreation, stated that the foundation has been contracted out; however, nothing has been done yet because of the weather.

City Administrator Johnson told Councilmembers that the City has determined that Riverside Park is considered to be a health hazard at this time due to the raw sewage that is leaking into that area. He asked that Councilmembers take action to close the park until it can be cleaned up.

Councilmember Kemp asked how long the park would be closed.

City Administrator Johnson stated that he was not sure.

Mr. Childs told Councilmembers that there is a sewer problem between the basketball courts and the swing sets, noting that the sewer is backing up and flowing out into that area of the park. He stated that the Board of Health will be asked to help in the process. He stated that the area will have to be cleaned out completely and a new cushion of sand put down.

#13177. Councilmember Kemp moved to approve the request from the City Administrator to declare the Riverside Park area as a health hazard and that it be closed until the area can be cleaned up. Seconded by Councilmember Phillips. All ayes; motion carried.

City Administrator Johnson, speaking in reference to the \$5,000 allocation taken from the Parking Fund for costs associated with studies for development in the downtown area, asked that City Council authorize the increase of that amount to \$10,000.

#13178. Councilmember Kemp moved that the item be placed on the agenda for the May 13, 1993 In-Depth Council meeting. Seconded by Councilmember Phillips. All ayes; motion carried.

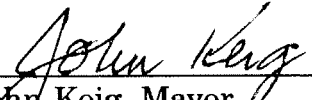
#13179. Councilmember Phillips moved to go into Executive Session to discuss pending litigation. Seconded by Councilmember Kemp. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried.

#13180. Councilmember Dan Gray moved to go out of Executive Session. Seconded by Councilmember Moench. All ayes: Councilmembers Gary Gray, Freese, Phillips, Kemp, Moench, Fitzgerald, and Dan Gray. Motion carried.

There was no action taken as a result of the Executive Session.

#13181. Councilmember Kemp moved the meeting be adjourned. Seconded by Councilmember Moench. All ayes; motion carried.

The meeting adjourned at 10:48 p.m.



John Keig, Mayor

ATTEST:



A.J. Johnson, City Administrator