

CITY OF MUSCATINE
REGULAR CITY COUNCIL MINUTES
Council Chambers - 7:30 p.m. - February 16, 1995

Mayor Jeanette Phillips called the meeting to order.

Roll Call: Councilmembers Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald present. Councilmember Gary Gray absent.

Councilmember Dan Gray gave the opening prayer.

The Pledge of Allegiance was given.

Georgia McClure, 2825 Highland Court, stated that she feels Crossroads should not be receiving City funding. She explained why she felt this way.

Bob Torgerson, 1021 Stone Street, speaking for the Muscatine Police Department, asked City Council to consider the possibility of designating parking on the west side of Walnut Street between the alley and East 5th Street as parking for the Public Safety Building.

Police Chief Gary Coderoni stated that Paul Weeks, Public Safety Commissioner for the State of Iowa, was present at tonight's meeting to present Police Officer Timothy Hull with the Governor's Certificate of Commendation.

Mr. Weeks, joined by Leo Beechum, a retired firefighter from Washington, Iowa, stated that it was a pleasure to honor Officer Timothy Hull for actions performed during the course of his duties. He stated that the purpose of this award is to recognize police officers or firefighters who distinguish themselves for a heroic act performed during the course of their normal demand for services even though there is a threat to his or her safety. He explained what Officer Hull had done to deserve this award.

Officer Hull was then presented with the Governor's Certificate of Commendation.

#14023. Councilmember Dan Gray moved to approve the minutes of the February 2, 1995 Regular City Council meeting and budget session minutes for February 4, 6 and 7, 1995. Seconded by Councilmember Freese. All ayes; motion carried.

#14024. Councilmember Kevin Fitzgerald moved the Consent Agenda be approved as follows: New Class C liquor license for Broken Spoke Lounge, 516 East 2nd Street (pending receipt of insurance and completion of inspections); new Class C liquor license and Sunday sales permit for Los Arcos, 1107 Grandview Avenue (pending receipt of insurance certificate and completion of inspections); filing of Communications A-J; and bills totaling \$713,035.25. Seconded by Councilmember Phil Fitzgerald. All ayes; motion carried.

#14025. Councilmember O'Brien moved to approve the request from Midwest Transit Inc. (formerly known as City Cab), 406 Grandview, Ottumwa, Iowa. Seconded by Councilmember Phil Fitzgerald. All ayes; motion carried.

#14026. Councilmember Freese moved that proclamations be approved declaring March as "Women's History Month"; February 13-18, 1995 as "National DECA Week"; and February 19-26, 1995 as "National Engineering Week". Seconded by Councilmember Dan Gray. All ayes; motion carried.

#14027. Councilmember Kevin Fitzgerald moved that the ordinance be adopted on third and final reading vacating City real estate in the City of Muscatine and that it be published in the Muscatine Journal as required by law. Seconded by Councilmember O'Brien. All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and ordinance approved on final reading.

#14028. Councilmember Dan Gray moved the ordinance be adopted on second reading for the proposed rezoning of property on 4th Street from R-2 to C-2. Seconded by Councilmember Freese. All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and ordinance approved on second reading.

#14029. Councilmember O'Brien moved the ordinance be approved on second reading amending the zoning ordinance pertaining to the flood plain regulations. Seconded by Councilmember Phil Fitzgerald. All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and ordinance approved on second reading.

#14030. Councilmember Freese moved the resolution be adopted authorizing the transfer and sale of real estate to Central State Bank. Seconded by Councilmember O'Brien. All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14031. Councilmember Kevin Fitzgerald moved that the resolution be adopted approving an executed deed between the City and Central State Bank for the sale and transfer of real estate to the bank. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14032. Councilmember Phil Fitzgerald moved the resolution be adopted setting a public hearing on March 16, 1995 at 7:30 p.m. in the City Hall Council Chambers concerning the proposed sidewalk assessments for the Mulberry Avenue Paving Project. Seconded by Councilmember Dan Gray. All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14033. Councilmember Dan Gray moved the resolution be adopted setting a public hearing on March 16, 1995 at 7:30 p.m. in the City Hall Council Chambers concerning the submittal of the annual transit funding application. Seconded by Councilmember Freese. All ayes: Councilmembers Freese, Dan Gray, Moench, O'Brien, Phil Fitzgerald, and Kevin Fitzgerald. Motion carried and resolution duly adopted.

#14034. Councilmember O'Brien moved to approve Change Order #4 for the municipal airport project. Seconded by Councilmember Phil Fitzgerald. All ayes; motion carried.

#14035. Councilmember Moench moved to authorize the acceptance of the Iowa Department of Transportation (IDOT) grant award for the airport windsock installation project. Seconded by Councilmember O'Brien. All ayes; motion carried.

City Administrator Johnson, speaking in reference to the RCRA Phase II Investigation, stated that this issue involves the discovery in 1989 of two underground storage tanks at the intersection of 2nd and Orange streets. He stated that the tanks had contained a hazardous and toxic waste that had been used as a wood preservative for a previous business located in that area. He stated that the tanks became the City's responsibility because they were found to be located in City right-of-way. He pointed out that the City has been placed under a Consent Order issued by the Environmental Protection Agency (EPA) and must abide by this order.

Otavio Silva, Ecology & Environment of Kansas City, reviewed with Councilmembers what has taken place since May 21, 1991. He stated that the Consent Agenda encompasses four storage sites as well as the site where the tanks are located.

Mr. Silva explained what would be happening in Phase II of this project, noting that costs for the new budget have skyrocketed.

City Administrator Johnson stated that the cost for Phase II has been budgeted at \$276,984, noting that steps are being taken to minimize the drilling sites which could reduce the budgeted amount.

Councilmember Kevin Fitzgerald asked if this was a not to exceed amount.

Mr. Silva answered yes, noting that if it becomes necessary to exceed this amount, City Council would be provided with an explanation as to why the amount must be exceeded.

There was discussion on the bonding of the costs incurred for this project.

City Administrator Johnson pointed out that the City is not eligible for federal funding.

Mr. Silva explained why the City was not eligible for federal funding, noting that by EPA standards the City of Muscatine was responsible for the illegal handling and storage of this hazardous waste material. He stated that RCRA is the most stringent of the EPA Consent Orders.

City Administrator Johnson stated that the City was given no choice in this matter, noting that the City has done everything that the EPA has asked.

Councilmember Moench asked if the City could appeal the EPA's findings.

Mr. Silva answered no.

There was further discussion on this issue.

#14036. Councilmember Phil Fitzgerald moved to approve Phase II of the RCRA investigation for the 2nd and Orange streets environmental project at an amount not to exceed \$276,984. Seconded by Councilmember Kevin Fitzgerald. All ayes; motion carried.

#14037. Councilmember Phil Fitzgerald moved to approve the contract between the City of Muscatine and Teamsters Local #238 covering the police bargaining unit for contract period July 1, 1995 through June 30, 1997. Seconded by Councilmember Dan Gray. All ayes; motion carried.

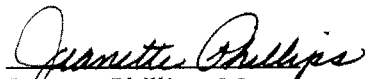
City Administrator Johnson stated that a request had been received from Rick Hartsock to move the Central State Bank drive-up building to 4804 Grandview Avenue which is behind the Texaco gas station. He stated that Mr. Hartsock has done everything required to have the building moved and will be doing so at 9:00 a.m. on Friday. He pointed out that the site on Grandview Avenue is zoned for this type of building, noting that Mr. Hartsock has assured City staff that an upgrade of the building will take place within 30 days.

#14038. Councilmember Phil Fitzgerald moved that Mr. Hartsock be given permission to move the Central State Bank building to the site on Grandview Avenue with the necessary upgrade of the building taking place within 30 days. Seconded by Councilmember Freese. All ayes; motion carried.

City Administrator Johnson stated that a request had been received from the Police Department for approval of a grant application to the Governor's Traffic Safety Bureau for the 1995/96 fiscal year, noting the focus would be for OWI monitoring. The grant would be for \$8,500.

#14039. Councilmember O'Brien moved to approve the submission of the grant application. Seconded by Councilmember Moench. All ayes; motion carried.

#14039. Councilmember Freese moved the meeting be adjourned. Seconded by Councilmember Dan Gray. All ayes; motion carried.


Jeanette Phillips, Mayor

ATTEST:


A.J. Johnson, City Administrator