

CITY OF MUSCATINE
REGULAR MONTHLY SESSION OF CITY COUNCIL
Council Chambers - May 15, 1986 - 7:30 p.m.

The meeting was called to order by Mayor Richard Waltman.

Roll Call: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp present.

Mayor Waltman gave the opening prayer.

The Pledge of Allegiance was given.

Public Hearing

Mayor Waltman stated the public hearing was being held on the proposal to increase Public Transit fares.

There were no oral comments for or against the proposal to increase the fares.

There were no written petitions for or against.

#9656. Councilmember Kemp moved the public hearing be closed. Seconded by Councilmember Amerine. All ayes; motion carried.

Public Hearing

Mayor Waltman stated the public hearing was being held on the proposal to adopt an Electrical Licensing Ordinance.

There were no oral comments for or against the proposal.

There were no written petitions for or against.

#9657. Councilmember York moved the public hearing be closed. Seconded by Councilmember Powell. All ayes; motion carried.

Public Hearing

Mayor Waltman stated the public hearing was being held on the proposal to assess demolition costs to property owners for 605 and 611 W. 6th St.

There were no oral comments for or against the proposal to assess the property owners.

There were no written petitions for or against.

#9658. Councilmember Powell moved the public hearing be closed. Seconded by Councilmember Sayles. All ayes; motion carried.

be funded if the operating money is there.

City Administrator Wolff stated the total operating amount would be about \$258,075. He recommended the resolution be adopted approving the consolidated housing budget for fiscal year ending June 30, 1987.

#9675. Councilmember Amerine moved the resolution be adopted approving the consolidated housing operating budgets for Fiscal Year 1987 for the Clark House and Sunset Park. Seconded by Councilmember Powell. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp. Motion carried and resolution duly adopted.

#9676. Councilmember Powell moved the Public Transit fares be increased as outlined in the agenda, effective July 1, 1986. Seconded by Councilmember Phillips. All ayes; motion carried.

#9677. Councilmember Kemp moved the request to consider the extension of the lease with Duane and Carole Timmons for Waterfront Property be tabled indefinitely. Seconded by Councilmember Sayles. All ayes; motion carried.

#9678. Councilmember York moved a public hearing be set for June 19, 1986, on the proposal to adopt new City election procedures. Seconded by Councilmember Harder. All ayes; motion carried.

#9679. Councilmember Amerine moved the Muscatine Water & Light Board of Trustees be requested to install a traffic signal at the intersection of Stewart Road and the Industrial Connector. Seconded by Councilmember Sayles.

Councilmember Harder questioned if arrangements had been made concerning traffic on Stewart Road stopping on the railroad tracks.

Ray Childs, City Engineer, stated the signals would be wired in such a way that the railroad signal would preempt anything that takes place at the intersection.

Vote - All ayes; motion carried.

#9680. Councilmember Kemp moved the resolution assessing the sidewalk replacement cost to the property owners be approved. Seconded by Councilmember York. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp. Motion carried and resolution duly adopted.

#9681. Councilmember York moved that items A-M be received and filed. Seconded by Councilmember Amerine.

Councilmember Harder stated that some of the minutes to be received and filed dated back as far as March 25, 1986. He felt the information should be received in a more timely manner. City Administrator Wolff stated that some of the minutes are received later due to the fact that they are normally approved before being received and filed.

Vote - All ayes; motion carried.

#9682. Councilmember Kemp moved that bills totaling \$756,997.60 be approved and the Mayor and City Clerk be authorized to issue warrants for the same. Seconded by Councilmember Powell.

Public Hearing

Mayor Waltman stated the public hearing was being held on the proposal to extend the lease with Duane and Carole Timmons for Waterfront Property.

Robert L. Logel, 2007 Oneida Ave., a member of the Levee Advisory Commission, told Councilmembers he has been a boater for approximately twenty-nine years. He stated Levee Commission members voted unanimously to keep the rent at \$175 with the reason for maintaining this figure being due to gas prices. Mr. Logel stated raising the rent could put the Timmons out of business. He told Councilmembers small boaters could obtain fuel from local gas stations; however, the larger boats cannot. He requested the City reconsider the proposed rental rate.

Mike Allenbaugh, 1609 Hershey Ave., who works in the downtown area, voiced his concerns about the Riverfront. He stated the Parks and Recreation Department has done a fine job of maintaining the Riverfront area. Mr. Allenbaugh stated he was concerned about eliminating commercial business from the Riverfront and questioned if parking would also be eliminated. He noted there are a number of private property owners on the Riverfront who look after this area. He noted there is little possibility of problems occurring on the Riverfront because of the number of people watching their own property. Mr. Allenbaugh noted elimination of TIMarina would mean elimination of the fuel facilities. He stated TIMarina should be given a continuing long-term lease, and that the City should make an effort to help make the marina more profitable to operate.

Robert Klein, 807 Leroy St., stated he was a member of the Levee Advisory Commission when the City operated the gas docks and stated the Timmons provide a service to Muscatine. He told Councilmembers Mr. Timmons could not stay in business if he is charged \$330 a month for rent. Mr. Klein stated that Muscatine has been promoting tourism, and without the marina the City could lose business. He requested that Council consider a fair price for the rent.

Chuck Howard, 1216 Northwood Lane, stated Mr. Timmons went into business in 1976, and provides a useful service to the City. He told Councilmembers due to economic conditions in the past few years, Mr. Timmons' business has suffered and he felt additional expenses could put the Timmons out of business. He reported people throughout the state of Iowa come to Muscatine to purchase boats from the TIMarina. He requested Council reconsider the amount of money Mr. Timmons would be charged for rent.

There were no written petitions for or against the proposal to extend the lease with Carol and Duane Timmons for Waterfront property.

#9659. Councilmember Amerine moved the public hearing be closed. Seconded by Councilmember York. All ayes; motion carried.

#9660. Councilmember York moved the minutes of the May 1, 1986 Regular Council Meeting be approved. Seconded by Councilmember Powell. All ayes; motion carried.

#9661. Councilmember Sayles moved the minutes of the May 8, 1986 In-Depth Council Meeting be approved. Seconded by Councilmember Phillips. All ayes; motion carried.

City Administrator Wolff stated applications had been received after completion of the agenda from Mazzio's Pizza, 2515 Park Ave. - Ken's Restaurant for renewal of

a Class B Beer and Sunday Sales Permit and from George's Steak House, 1510 Isett Ave. - Lee-Michael, Inc. for renewal of a Class C Liquor and Sunday Sales Permit. He recommended their approval.

#9662. Councilmember Amerine moved the following requests be approved: 1) Renewal of Class C Beer and Sunday Sales Permit for Fastbreak, 201 Green St. - Richard F. Burhop; 2) renewal of Class B Beer and Sunday Sales Permit for Happy Joe's Pizza, 927 Grandview Ave. - Max Brewer Corp.; 3) renewal of Class B Beer Permit for Happy Times, 525 Mulberry Ave. - David Clausen; 4) renewal of Class C Liquor and Sunday Sales Permit for the Bullpen, 821 Oregon St. - Steven J. Roelle; 5) renewal of Class B Beer and Sunday Sales Permit for Mazzio's Pizza, 2515 Park Ave. - Ken's Restaurant; and 6) renewal of Class C Liquor and Sunday Sales Permit for George's Steak House, 1510 Isett Ave. - Lee-Michael, Inc. Seconded by Councilmember Kemp. All ayes; motion carried.

City Administrator Wolff stated the fire inspection report for the Hotel Muscatine, 101 W. Mississippi Drive - Anson Enterprises indicated five items had not been resolved. He recommended the request for a new Class B Liquor and Sunday Sales Permit be approved with the provision that the items be corrected by May 21, 1986.

#9663. Councilmember York moved the request for a new Class B Liquor and Sunday Sales Permit for Hotel Muscatine be approved with the provision that the items indicated in the fire inspection report be corrected by May 21st. Seconded by Councilmember Sayles. All ayes; motion carried.

#9664. Councilmember Sayles moved the request to close the alley between 3rd and 4th Streets between Chestnut and Pine Streets for a block party be approved. Seconded by Councilmember York. All ayes; motion carried.

#9665. Councilmember Kemp moved the request to close 2nd Street from Iowa Avenue to Walnut Street on Saturday, May 24, 1986, for the Annual Memorial Day Street Sale be approved. Seconded by Councilmember York. All ayes; motion carried.

Councilmember Kemp, speaking in reference to the request from RAGBRAI and the Muscatine Quarterback Club for a special beer permit, stated that the Muscatine County Board of Supervisors approves the liquor license applications for the Municipal Golf.

Mayor Waltman stated he had talked with City Administrator Wolff concerning this issue and told Councilmembers if the City did not want beer sold at the golf course, it could choose not to do so. City Administrator Wolff stated the City Council dictates whether beer can be sold at the golf course. Mayor Waltman read the proposed amendment to the ordinance clarifying the City's past practice and policies on issuing liquor licenses on public property.

#9666. Councilmember Powell moved the request from RAGBRAI and the Muscatine Quarterback Club be approved with the provision that the proposed amendment to the ordinance be approved. Seconded by Councilmember Amerine.

Councilmember Sayles stated she felt a motion was in order approving the ordinance amendment on first reading.

Mayor Waltman concurred that Councilmembers should first act on the first reading of the proposed ordinance amendment.

Councilmember Powell withdrew his motion to approve the request. Councilmember Amerine withdrew the second to the motion.

#9667. Councilmember Powell moved the ordinance amendment be approved on first reading. Seconded by Councilmember Amerine.

City Administrator Wolff stated he had talked with City Attorney Harvey Allbee, Jr., regarding this issue. He told Councilmembers the ordinance amendment would need to be approved on first reading, and then they could deal with the RAGBRAI issue. He noted if Councilmembers could show intent to approve the request for the beer tent, the RAGBRAI Committee and Muscatine Quarterback Club could begin planning procedures. The approval of the request would become final when the ordinance amendment is adopted on final reading.

Councilmember Harder stated he did not want the area limited to just the Riverfront and proposed the "on the Riverfront" section should be deleted from the proposed ordinance amendment.

Councilmember Kemp stated he felt problems could arise with persons wanting to have beer tents in other City parks.

Councilmember Harder agreed with Mr. Kemp but stated he felt Council should have the choice on whether or not such requests should be approved.

City Administrator Wolff noted the ordinance, under Section 7-10-2 of the City Code, does allow Council to issue liquor licenses on any public property with the exception of park properties. He stated this amendment would strictly limit beer tents to the Riverfront.

Councilmember Sayles stated she would prefer to narrow the location down to the Riverfront. She noted the City had been violating the old ordinance by allowing beer tents on the Riverfront.

Mayor Waltman noted a major event would be one that attracted a large number of people, and would require expenses for acquiring the insurance, tent, and necessary licenses. He stated that such an event would need to generate a large amount of business.

Councilmember Harder stated if a request was received for a beer tent on property other than the Riverfront, Council would need to go through the ordinance procedure. He stated he felt "on the Riverfront" should be deleted from the ordinance.

Mick Byrne, 316 E. 9th St., representing the Tavern Association of Muscatine and the state tavern organization, stated that two years ago he had requested a beer tent at Kent Stein Park, with proceeds going to the Special Olympics. He that the request was turned down since Kent Stein is a City park. Mr. Byrne told Councilmembers he was not against the Quarterback Club but felt the Tavern Association should be given the same consideration as the Quarterback Club. He stated he felt it was wrong to limit beer tents to the Riverfront.

Mayor Waltman questioned if the Tavern Association could realize sufficient income from the beer tent to afford the necessary insurance and permits. Mr. Byrne stated he felt it could.

There was further discussion on the Tavern Association's ability to acquire the necessary insurance and licenses.

I.H. "Pete" Petersen, 218 W. 3rd St., representing the Chamber of Commerce, requested Councilmembers vote in favor of the amendment to the ordinance. He stated that adoption of the amendment would help alleviate the yearly problems encountered during preparations for Great River Days. Mr. Petersen, speaking in reference to RAGBRAI, stated Councilmembers and the RAGBRAI Committee have one common goal and that is to make a lasting impression on the visitors coming to Muscatine on July 26th.

Bill Keller, 1546 West Acre Drive, presented a letter from the Muscatine Ministerial Association opposing the proposed beer tent to be held on July 26th. He stated a number of high school students would be participating in RAGBRAI and noted that students under the drinking age could find ways to get into the beer tent. Mr. Keller stated he felt the Police Department is not large enough to effectively control this type of situation. He reported that many family members will be participating in the event, noting that many of them may not want to end the trip at a beer tent. He added there could potentially be a number of drunk drivers on the road and requested Council not approve the request.

Mayor Waltman stated he had received a letter from John Mathews of the 7th Day Adventist Church opposing the beer tent.

Jim Villhauer, 25 Samuel Clemens Road, a representative of the Muscatine Quarterback Club, stated that the RAGBRAI Committee had requested a beer garden with live entertainment. He noted RAGBRAI had not come to Muscatine since 1977, and efforts are being made by the group to recognize Iowa. He told Councilmembers a closing ceremony will be held with the media present. Mr. Villhauer informed Councilmembers that mayors from other host cities will be present as well as the national media. He added that participants of the bike ride are being urged to stay overnight.

Mr. Villhauer stated the beer tent is improved upon every year. He informed Councilmembers that camping would be at the east end of the park. The beer tent would be located next to the TIMarina. He stated the insurance for this event could exceed \$700 a day, and the cost for the tent would be \$675. He told Councilmembers there will be two entrances to the beer tent. Security will be provided at the gates, identification will be required, and no beer will leave the tent.

Thomas Bankhead, 404 W. 3rd St., agreed with Bill Keller, noting he was not enthusiastic about the idea of selling beer; however, the beer tent could help with crowd control. He stated as co-chairman of RAGBRAI, it is his responsibility to see that participants leave Muscatine with a good image. He stated he felt that without the beer tent, many of them would go to the local taverns.

Vote - Five ayes: Councilmembers Powell, Amerine, Phillips, Harder, and Sayles. Two nays: Councilmembers York, and Kemp. Amended ordinance adopted on first reading.

City Administrator Wolff stated Council could consider approving the Muscatine Quarterback Club's request to operate the beer tent during RAGBRAI on the condition the ordinance amendment is adopted.

#9668. Councilmember Amerine moved the request be approved on the condition the ordinance amendment is adopted. Seconded by Councilmember Powell. Five ayes: Councilmembers Harder, Sayles, Phillips, Amerine, and Powell. Two nays: Councilmembers Kemp and York. Motion carried.

Mayor Waltman presented Stanley Howe, President and Chairman of the Board of HON Industries, with a Certificate of Merit for HON as Muscatine's first Fortune 500 Company.

Mr. Howe stated the City has played an instrumental part in helping HON Industries expand its business.

Mayor Waltman stated a request had been received from the American Legion Auxiliary to sell poppies on May 23-24, 1986. He recommended the request be approved.

#9669. Councilmember Amerine moved the request be approved. Seconded by Councilmember Kemp. All ayes; motion carried.

Mayor Waltman recommended the proclamation from the American Legion and American Legion Auxiliary and VFW declaring May 23-24, 1986 as "Poppy Days" and "Buddy Poppy Days", respectively, be approved.

#9670. Councilmember Amerine moved the proclamations be approved. Seconded by Councilmember York. All ayes; motion carried.

Kevin Whittaker, Director of Planning and Community Development, told Councilmembers the Planning and Zoning Commission had met on May 13th to review the proposal to rezone property for the Bethesda Care Center from R-1 to S-1. He stated the ordinance adopted in the 1970's listed the items that had to be put on the site plan to provide information which would help reach decisions on rezoning requests.

Mr. Whittaker stated that those persons opposed to the rezoning indicated that the site plan did not show adjacent structures within 200 feet. He told Councilmembers that the City is aware of the structures, noting there are two such structures. The City now has topographical maps indicating contour intervals of two feet for the entire City. Mr. Whittaker stated this site is naturally sloped toward Mulberry Avenue, and there are no plans to install a storm sewer system. He told Councilmembers that an additional item discussed was the hiring of a registered engineer by the people requesting the rezoning to do a traffic analysis. Mr. Whittaker stated the Planning and Zoning Commission felt the addition of the eighteen units would not require the installation of traffic control devices. The Commission also felt it would not be necessary to hire an engineer to conduct the traffic analysis.

Mr. Whittaker stated that in order to comply with the City Code as written, the petitioner did agree to locate the structures on the site map, put in the contour intervals, indicate the direction of water run-off on the map, and hire a traffic engineer to conduct a traffic study. He informed Councilmembers that the commission felt the public hearing could be held on the proposed rezoning request, noting if the report by the traffic engineer indicates any adverse traffic developments it could reconsider the rezoning. He added that the commission had voted unanimously to schedule the public hearing for June 5th.

Councilmember Kemp stated he was concerned about the possibility of future development beyond the eighteen units. Mr. Whittaker stated that any future development would require approval from the Planning and Zoning Commission and City Council. Mr. Kemp questioned if the units would be converted into a nursing home if the care center is unable to rent the apartments. Mr. Whittaker stated that regional approval would be required before the nursing home could be expanded.

Joe Schulte, Administrator at the Bethesda Care Center, stated that approval would be needed before the nursing home could be expanded.

Councilmember Kemp stated he had received a complaint from a property owner regarding persons parking on his property. Mr. Schulte stated he was aware of the problem, noting the property owner had given permission to use his drive during a special event being held at the care center.

There was discussion on the parking space available at the care center.

Councilmember Phillips questioned if parking would be sufficient for any additional employees hired. Mr. Schulte stated that only one additional employee would be hired.

Councilmember Kemp questioned if the units would be for independent living. Mr. Schulte stated they would.

Mr. Whittaker stated the site plan would be presented at the public hearing.

#9671. Councilmember Sayles moved the resolution be adopted setting a public hearing to consider rezoning property for Bethesda Care Center from R-1 to S-1 to permit the construction of 18 elderly retirement units. Seconded by Councilmember Kemp. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp. Motion carried and resolution duly adopted.

#9672. Councilmember Powell moved the ordinance to increase sewer rates be approved on second reading. Seconded by Councilmember Harder. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp. Motion carried and ordinance approved on second reading.

#9673. Councilmember York moved the ordinance to adopt the electrical ordinance and licensing procedures be adopted on first reading. Seconded by Councilmember Sayles. Six ayes: Councilmembers York, Harder, Sayles, Amerine, Powell, and Kemp. One nay: Councilmember Phillips. Motion carried and ordinance approved on first reading.

#9674. Councilmember Sayles moved the resolution be adopted assessing demolition costs for properties at 605 and 611 W. 6th St. to the property owners. Seconded by Councilmember Amerine. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp. Motion carried and resolution duly adopted.

Jack Paetz, Housing Administrator, speaking in reference to the memo in the Councilmembers packets, stated that a HUD engineer had visited his office and as a result of that meeting, it was recommended that approximately \$7,000 in new items be placed in the non-routine division of the budget. He noted these new items were not included during budget preparations. The total of non-routine expenditures would be approximately \$25,000. Mr. Paetz stated these are desirable expenses and would only

Councilmember Harder questioned what the refund of \$30 to the Iowan was for. City Administrator Wolff stated he would check on this payment. Mr. Harder questioned the bills on pages seven and nine for airfare to be paid to the Muscatine Flying Service. City Administrator Wolff stated the airfare paid under the Capital Improvement Fund was for a chartered flight to Madison, Wisconsin. Representatives from the Water Pollution Control Plant and Lutheran Homes flew there to look at Madison's sludge disposal program. He stated the airfare paid under the Enterprise Fund was for the Airport Advisory Commission to attend the annual conference in Ames. Councilmember Harder asked if the commission normally charters a plane. Mr. Wolff stated it does.

Vote - All ayes; motion carried.

Councilmember York questioned why non-profit organizations are charged for shelter usage at the park. Larry Wolf, Director of Parks and Recreation, stated that the shelters are reserved by non-profit organizations. The greatest majority of the shelters are used by families. Mr. York questioned why they must be charged a fee. Mr. Wolf stated a reservation fee is charged which is basically for maintenance and cleaning charges. Councilmember York felt this issue should be reviewed by the Park Board.

Councilmember Powell questioned what was being done about the old antique store located on Park Avenue next to Alpine Partners. Steve Boka, Building and Zoning Administrator, stated that he spoke with the owner this week and plans are underway to upgrade the building.

Councilmember Kemp stated he felt there is a problem with getting sidewalks repaired, noting there are some homeowners who have not done so. He also stated he felt that the sidewalks which have been marked for repair at this point should be repaired before looking at new sidewalk programs.

There was discussion on the areas marked.

Ray Childs, City Engineer, stated the Engineering Department has approximately 250 notices ready to send to property owners for this year's program. He told Mr. Kemp that notices were sent to those property owners who did not comply with last year's notices. Mr. Childs stated that homeowners will have until June 15th to repair the sidewalks. After that date the Street Department will make the repairs. He noted that some sidewalks are missed simply because they are done on a part-time basis. If the sidewalks are not completed, property owners then receive a final notice. Mr. Childs stated that property owners are given a full season plus the following spring rollover to install the sidewalks.

Councilmember Sayles questioned if a visual check is done. Mr. Childs stated it is.

City Administrator Wolff stated that if complaints are received, they should be forwarded to him.

City Administrator Wolff stated it would be necessary for Councilmembers to go into Executive Session to discuss the purchase of property.

Mayor Waltman questioned if there had been any accidents reported at the West

Fulliam Avenue and Logan Street intersection. Police Chief Jerome Tesmond stated there had not been.

Councilmember Kemp questioned if the "no parking" signs had been installed. City Administrator Wolff stated that the park sign has been moved and that the "no parking" signs are up.

#9683. Councilmember Powell moved to go into Executive Session to discuss the purchase of property. Seconded by Councilmember York. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp. Motion carried.


#9684. Councilmember Kemp moved to go out of Executive Session. Seconded by Councilmember Powell. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell, and Kemp. Motion carried.

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

The meeting adjourned.


Richard Waltman, Mayor

ATTEST:


Soren Wolff, City Clerk