

CITY OF MUSCATINE

REGULAR MONTHLY SESSION OF CITY COUNCIL

Council Chambers - February 2, 1984 - 7:30 p.m.

The meeting was called to order by Mayor Donald R. Platt.

Roll Call: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp present.

The opening prayer was given by Councilmember York.

The Pledge of Allegiance was given.

#6540. Councilmember Kemp moved to approve the Minutes of the January 12, 1984 In-Depth Council meeting. Seconded by Councilmember Kite. All ayes; motion carried.

#6541. Councilmember Amerine moved to approve the Minutes of the January 19, 1984 Regular Council meeting. Seconded by Councilmember York. All ayes; motion carried.

#6542. Councilmember Sayles moved to approve the Minutes of the January 26, 1984 Special Council meeting. Seconded by Councilmember York. All ayes; motion carried.

#6543. Councilmember Waltman moved to approve the request for renewal of Class "C" Liquor License for Muscatine Labor Activities, Inc., 222 W. 2nd Street. Seconded by Councilmember Kite. All ayes; motion carried.

City Administrator Soren Wolff reported that notice had been received from the State that the request for liquor license for Harry's Tap had been denied. He added that this establishment will be allowed to re-open however after the 30 day suspension on February 23, 1984 until a decision has been reached on the appeal of this denial.

#6544. Councilmember Kemp moved to approve the Resolution for Cigarette Permit for Howard Music Company, d/b/a B.J. Stubbs Bar and Deli, 214 Iowa Avenue. Seconded by Councilmember Sayles. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and Resolution duly adopted.

#6545. Councilmember York moved to approve the request for Taxi Cab License from Port City Yellow Cab. Seconded by Councilmember Amerine. All ayes; motion carried.

There was discussion on the submittal of rate increase by Muscatine Cablevision for the twenty-seven (27) converter service.

City Attorney Harvey Allbee reported the ordinance requires notice of rate increases to be filed and persons be given a chance to object to the proposed increase.

Bruce Bole, General Manager of Muscatine Cablevision addressed Council and stated this was the first request for increase for the twenty-seven converter service since the cable service was implemented in 1980. He reported that an analysis from his corporate office for Return on Investment was as follows: 1982 - 3.8 per cent, 1983 - 3.6 per cent, 1984 (without proposed increase) - 5.0 per cent, and 1984 (with the proposed \$1.55 increase) - 6.0 per cent.

Councilmember Kemp reported receiving comments on the wording of the notice of rate increase on the last Cablevision bill stating that it was misunderstood by many individuals. He requested Muscatine Cablevision to notify customers of the proposed new rates and the effect it will have on the total bill with the various optional services.

City Administrator Wolff reported that a notice of this rate increase would be published in the Muscatine Journal and that City Council or the Cable Television Advisory Commission can set a public hearing within 90 days to allow the public to comment on the proposed increase.

Mayor Platt submitted the names of Cal Rowe for reappointment to the Human Rights Commission and Steve McFarland for appointment to the Cable Television Advisory Commission.

#6546. Councilmember Sayles moved to approve the above appointments. Seconded by Councilmember Kemp. All ayes; motion carried.

City Administrator Wolff reported that the Ordinance to amend subdivision ordinance to require deep wells in new subdivisions where no public water supply is available has been revised to clarify the requirement of drilling to the limestone layer and limits the ordinance to areas in south Muscatine. He recommended due to this change that this ordinance be considered on third but not final reading.

#6547. Councilmember Waltman moved to approve the Ordinance on third reading as amended to require deep wells in new subdivisions where no public water supply is available. Seconded by Councilmember Amerine. All ayes: Councilmembers Kite, Sayles, York, Powell, Amerine, Waltman, and Kemp. Motion carried and Ordinance approved on third reading.

#6548. Councilmember Sayles moved to approve the Ordinance on second reading as amended to authorize the City to enforce handicapped parking on private property. Seconded by Councilmember Kite. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and Ordinance approved on second reading.

There was discussion on the implementation of this ordinance as to notice to property owners of handicapped sign requirements. City Administrator Wolff stated that the City can notify those known about and rely on the Police Department for others.

#6549. Councilmember Amerine moved to approve the Ordinance on first reading to amend the City Code to prohibit possession of open containers or consumption of beer or alcohol on public property. Seconded by Councilmember Powell.

There was discussion if unsealed but closed containers would be in violation of this proposed ordinance. City Attorney Allbee reported that they would be in violation.

Councilmember Kite stated he felt that the wording in this proposed ordinance was nebulous and it would not allow for carrying closed but unsealed containers from one location to another.

Police Chief Jerome Tesmond stated that there is a problem with open containers on the City streets and that with the current ordinance this problem is very difficult to address.

Vote - Ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman, and Kemp. Nays: Councilmember Kite. Motion carried and Ordinance approved on first reading.

#6550. Councilmember Powell moved to approve the Ordinance to amend Section 5-18-35 regulating Cable Television systems on first reading. Seconded by Councilmember York. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and Ordinance approved on first reading.

#6551. Councilmember Waltman moved to set a public hearing for March 15, 1984 on the proposed corridor and Environmental Assessment Statement for the proposed Industrial Connector Project and a public notice be published on the same. Seconded by Councilmember Sayles. All ayes; motion carried.

#6552. Councilmember Kite moved to approve the Resolution accepting the final work on the Clark House Renovation Project and that the final payment be made in accordance with the provisions of the Resolution. Seconded by Councilmember Powell. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and Resolution duly adopted.

#6553. Councilmember Powell moved to approve the Resolution setting a public hearing on February 16, 1984 at 7:30 p.m. on the proposed public improvements in the second year of the Mad Creek Target Area project. Seconded by Councilmember Kemp. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and Resolution duly adopted.

#6554. Councilmember Sayles moved to approve the Resolution releasing the real estate mortgage for Applicant No. 84 under the Residential Rehabilitation Program. Seconded by Councilmember Amerine. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and Resolution duly adopted.

#6555. Councilmember Kite moved to approve the Resolution releasing the real estate mortgage for Applicant No. 85 for the Residential Rehabilitation Program. Seconded by Councilmember Kemp. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and Resolution duly adopted.

#6556. Councilmember Amerine moved to approve the request for approval of Housing Rehabilitation Applications No. 128 and No. 129 A and B. Seconded by Councilmember York. All ayes; motion carried.

#6557. Councilmember Waltman moved to approve the agreements with Iowa Appraisal and Research Corporation and Arthur J. Frahm & Associates for the amounts not-to-exceed \$6,000 and \$8,500 respectively for acquisition appraisals for the Industrial Connector Project. Seconded by Councilmember Amerine. All ayes; motion carried.

#6558. Councilmember York moved to approve the agreements with the Iowa Department of Transportation (IDOT) for the installation of advanced railroad crossing warning signals. Seconded by Councilmember Kite. All ayes; motion carried.

#6559. Councilmember Amerine moved to approve the Industrial Treatment Agreement with Lithcote and forward it to the Iowa Department of Air, Water, and Waste Management. Seconded by Councilmember Powell. All ayes; motion carried.

#6660. Councilmember Kite moved to accept the bid from Hendersen's Chevrolet in the amount of \$10,053 for the purchase on a squad car for the Police Department. Seconded by Councilmember Sayles. All ayes; motion carried.

#6661. Councilmember York moved to receive and file items A through G. Seconded by Councilmember Amerine. All ayes; motion carried.

#6662. Councilmember Waltman moved to approve bills totalling \$485,696.19 and that the Mayor and City Clerk be authorized to issue warrants of the same. Seconded

by Councilmember Amerine. All ayes; motion carried.

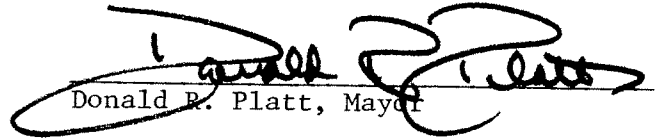
Councilmember Waltman reported receiving a request from Dennis Sander for the relocation of a street light on the corner of Lorenz and Roscoe. He requested this be referred to Muscatine Power and Water.

Councilmember Waltman also thanked Fire Chief Paul Ziegenhorn for the interesting and informative annual report.

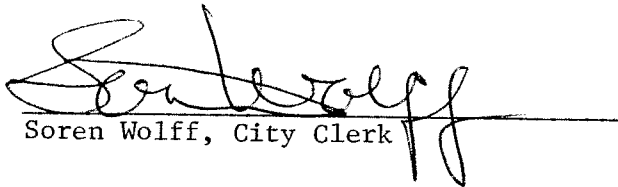
City Administrator Wolff reported that the speed limit on Hershey Avenue had been discussed with appropriate parties and it has been increased to 35 m.p.h.

Mayor Platt announced to Southeast Iowa League meeting would be held on February 8, 1984 in Ottumwa.

Councilmember Kemp moved to adjourn the meeting. Seconded by Councilmember Powell. All ayes; motion carried.


Donald R. Platt, Mayor

Attest:


Soren Wolff, City Clerk