

CITY OF MUSCATINE

REGULAR MONTHLY SESSION OF CITY COUNCIL

Council Chambers - May 17, 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 City Attorney Allbee.

The Pledge of Allegiance was given.

Public Hearing

Mayor Platt announced the hearing was being held to receive public comment on the City's Public Transportation Development Plan for 1984-85 and the submittal of funding application.

There were no oral comments for or against.

There were no written petitions for or against.

#7145. Councilmember Waltman moved to close the public hearing. Seconded by Councilmember Kite. All ayes; motion carried.

Public Hearing

Mayor Platt announced the hearing was being held to receive public comment on the proposal to install water mains in the Olive Branch Addition - 41st and 42nd Street South.

City Administrator Wolff reviewed how the total project cost was derived and the "per benefit" method of allocating the costs to benefited property as proposed. He showed locations of property proposed for more than one assessment under the "per benefit" method. He noted that property owners would have the option of paying these assessments over a ten year period in equal installments at an interest rate to be determined by City Council.

Frank Hahn, 4107 Grandview Avenue, questioned the necessity of extension of City water to this area.

City Administrator Wolff stated that all water samples from wells in this area exceeded the State nitrate level standard of 45 mg/l.

Mr. Hahn stated that his restaurant was closed three years ago by the Health Department because of nitrate levels and he was not permitted to hook on to the water main across the street. He also stated that per his analysis of the City's water that it did not meet the State's requirements for nitrates and he saw no health benefit to him for the City water extension. He further stated that at this time he and others can ill afford economically to pay these assessments and questioned procedures if persons do not make these payments. He also commented on the dust problem due to the roads in this area.

Jeff Voorhees, 6010 41st Street South, questioned why homeowners were required to pay for the water main extension.

City Administrator Wolff stated that the water system is not supported by property taxes and that individual property owners pay for expansions to the system. He noted that in most cases it is a cost to the developer and is passed on to property owners at the time of property purchase.

Mr. Voorhees questioned if it could be proven that his water supply did meet State standards if he would still be required to hook on to the proposed extension. He also questioned the 90 day hookup requirement proposed and stated his concerns for safety of children in the area due to the dust from the streets.

City Administrator Wolff stated that all the wells in this area have equalled or exceeded the State standard for nitrates but that these levels do vary depending on the times the samples are taken.

Mayor Platt stated that property owners not meeting the 90 day hookup requirements would be subject to enforcement action.

City Administrator Wolff stated that he has requested information on calcium chloride application for streets which have dust problems in the City. He stated that this application would be at City expense but any hard surfacing of streets would need to be paid for by property owners as required in other areas of the City.

Mr. Voorhees questioned why this area was not served by the City's electric service.

Councilmember Waltman stated that electric service areas are established by the State Utility Commission and in the past Muscatine Power and Water has requested to serve all areas within the City limits but this request was not approved.

Mr. Voorhees questioned why his property was proposed for two assessments and stated that due to the location of his house this property could not be subdivided.

City Administrator Wolff stated this property could be surveyed to check if the two benefit assessment is justified.

Councilmember Waltman questioned if it could be determined house by house which properties would be required to hook on to City water.

City Administrator Wolff reported that nitrates have been found to be fatal for some infants primarily one year and younger in age and it is not known what the effect is on older children and adults but there are some indications that they could be harmful to the health of individuals. He stated that Council has some responsibility to provide safe water to residents of the City and noted his concerns for the liability of the City if nothing is done for the water system in this area.

Mrs. Frank Hahn, 4107 Grandview Avenue, stated that the City's Health Inspector had given them 24 hours to correct the water problems in their restaurant or it would be closed down. She stated no infants were served in this establishment and questioned why others in the area were not notified of the health hazard at that time.

City Administrator Wolff stated that the City's Health Inspector is required to inspect establishments for their compliance to State standards.

Councilmember Kemp agreed that neighboring property owners should have been informed of the nitrate levels in the water supply. He also noted that during the time he served on the Board of Health, the City water supply had never been mentioned as not meeting State requirements but the problems of the water supply in the Olive Branch Addition had been noted.

Richard Castle, 4117 Grandview, stated that his property is close to Highway 61 and that for his property, it would be closer to hook up to the water line on the other side of the highway. He stated that during the time his children were under the age of one, they did not consume any of the water from the well but after that time they were told by the State that it was safe to use. He also noted he had been informed that by drilling a new well and using a different type of casing, the nitrate problem could be eliminated. He also questioned the three benefit assessment on his property noting he had no plans to subdivide this property.

David Roe, 6304 41st Street South, questioned his two benefit assessment and how it was derived.

City Administrator Wolff reviewed the derivation of the assessment amounts noting it was the total cost of the project divided by the number of potential connections.

Mr. Roe questioned if there were a legal way to restrict his property that it could not be built on in the future.

City Attorney Allbee stated that it was possible to have a restrictive covenant on property that it could not be developed.

Mr. Roe requested Council to consider an alternative to the 90 day hookup requirement and requested an extension to next year for financial reasons.

City Administrator Wolff stated that it would be possible to have the connection fees added to the assessment to property owners interested in paying the total cost over the 10 year period. He stated that the specific requirements could be investigated by City staff and a report be given at a future meeting.

There was discussion of "per benefit" assessments if restrictive covenants were obtained for any of these properties. It was noted that this would change the per benefit allocations but the individual assessments may need to be adjusted to reflect this change.

Councilmember Kite asked Mr. Roe if making the provision to add connection fees to the assessment to be paid over 10 years would be of assistance to him.

Mr. Roe stated that it would perhaps help.

Claude Stigers, 6302 41st Street South, referenced statements concerning wells being located close to septic systems and increasing nitrate problems. He stated that one of the City's wells is located over an industrial park which has no sanitary sewer system. He stated the City should investigate constructing sewers in that area.

Pat Castle, 4117 Grandview Avenue, stated she had concerns on this issue both as a homeowner and as a health care professional. She noted that she was aware of the nitrate level of the water when their home was purchased and during the time her children were under one year of age, water was brought in for their use. She stated that the costs of this project would be a hardship for many persons in this area and requested more time be given to consideration of other alternatives.

Frank Hahn, 4107 Grandview, stated he was not aware of the nitrate problem when his property was purchased in 1977 and it was not brought to his attention when he purchased a building permit at that time. He stated he should have had more protection before construction.

There was discussion if deep wells could be an alternative to the City water main extension.

City Administrator Wolff noted a distribution system would still be needed and the pressure would not be adequate for fire protection.

Greg Kirchner, 6106 41st Street South, questioned how the estimated cost was derived and if it would be the same cost if done in a different area.

City Administrator Wolff stated that this was actual construction cost as estimated less estimated credits from Muscatine Power and Water per their policy to be given over a 10 year period. He also noted that the same formula would be used if this would be done at a different location.

Written statements were filed by Greg and Jodee Kirchner, 6106 41st Street South, David W. Roe, 6304 41st Street South, and Jeffrey S. Voorhees, 6010 41st Street South against the proposed water main extension.

#7146. Councilmember Kite moved to close the public hearing. Seconded by Councilmember Kemp. All ayes; motion carried.

#7147. Councilmember Waltman moved to approve the Minutes of the May 3, 1984 Regular Council Meeting. Seconded by Councilmember Amerine. All ayes; motion carried.

Don Hecht, 620 Fairview, representing the Muscatine Elks, thanked the Mayor and Council, Administrator Wolff, Randy Hill, Chief Tesmond, and the police officers for their cooperation during the State Elks Convention held on May 4th and 5th.

#7148. Councilmember Amerine moved to approve the requests for new permits as follows: (1) New Class "C" Beer and Sunday Sales Permit for C.G. C Stores for Petro N Provisions, 501 Cedar Street - C.G. C Stores, (2) New Class "C" Beer and Sunday Sales Permit for C.G. C Stores for Petro N Provisions, 709 Grandview Avenue - C.G. C Stores, and (3) New Class "C" Liquor License for Sandmound Restaurant, 3409 Grandview Avenue - Kenneth McKinney. Seconded by Councilmember York. All ayes; motion carried.

#7149. Councilmember Kite moved to approve the renewal of the following permits: (1) Renewal of Class "B" Beer and Sunday Sales Permit for Happy Joe's South, 927 Grandview - Max Brewer Corporation, (2) Renewal of Class "C" Beer and Sunday Sales Permit for Walgreen's, Muscatine Mall - Walgreen Company, and (3) Renewal of Class "B" Beer and Sunday Sales Permit for Ken's Pizza, 2515 Park Avenue - Ken's Restaurant Systems, Inc. Seconded by Councilmember Sayles. All ayes; motion carried.

#7150. Councilmember Waltman moved to approve the renewal of Class "C" Beer and Sunday Sales Permit subject to correction of four violations as noted by the Fire Department for M & H Service Center - Highway 61 South - Kinsey M. Cox and Russell L. Marler. Seconded by Councilmember Amerine. All ayes; motion carried.

#7151. Councilmember Kemp moved to table until the next Council meeting the request for new Class "C" Beer and Sunday Sales Permit for Big Ten Tacos, 209 Mulberry - Terry Koppe and Tom Stoats. Seconded by Councilmember Kite. All ayes; motion carried.

City Administrator Wolff noted the next application was for premises on City property leased to applicant and requested application be referred to the Park and Recreation Commission for their recommendation.

#7152. Councilmember York moved to table the request for new Class "C" Beer and Sunday Sales Permit for TiMarina, Harbor Drive - Duane I. Timmons, to the next Council meeting and refer application to the Parks and Recreation Commission for their recommendation. Seconded by Councilmember Sayles.

Councilmember Kite questioned how this application could be considered for approval since City ordinance forbids sale of alcoholic beverages on City property.

City Administrator Wolff stated the City Attorney has been requested to give an opinion on this concern by the next Council meeting.

Vote - All ayes; motion carried.

#7153. Councilmember Kemp moved to approve the request for renewal of Class "B" Liquor and Sunday Sales Permit for Hotel Muscatine, 101 W. Mississippi Drive - Muscatine Hotel Co. Seconded by Councilmember Kite. All ayes; motion carried.

#7154. Councilmember Waltman moved to approve the request for new Class "C" Liquor License for George's Steak House, 1510 Isett Avenue - Lee-Michael, Inc. Seconded by Councilmember Amerine. All ayes; motion carried.

#7155. Councilmember Amerine moved to approve the resolution for cigarette permits for the following: M&H Service Center, R.R. #6 Box 595, C.G. C Stores, 501 Cedar, and C.G. C Stores, 709 Grandview Avenue. Seconded by Councilmember Sayles. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

#7156. Councilmember York moved to approve the request from Stan's Ice Cream to sell on City streets with the provision that sales in Weed Park and Kent Stein Park be excluded. Seconded by Councilmember Kite. All ayes; motion carried.

#7157. Councilmember Powell moved to approve the request from the American Legion to sell poppies on City property on May 25-26, 1984. Seconded by Councilmember York. All ayes; motion carried.

#7158. Councilmember Sayles moved to approve the request from the Greater Downtown Muscatine Association to close Second Street on May 26, 1984 for their annual Memorial Day Street Sale. Seconded by Councilmember Kemp. All ayes; motion carried.

#7159. Councilmember Sayles moved to approve the request to reserve four on-street parking places on Iowa Avenue from First Christian Church for June 11-15, 1984 for their vacation church school. Seconded by Councilmember Kite.

There was discussion whether four spaces were necessary.

Vote - All ayes; motion carried.

#7160. Councilmember Waltman moved to approve the proclamation from the Mayor declaring May 25-26, 1984 as "Poppy Days." Seconded by Councilmember Kemp. All ayes; motion carried.

#7161. Councilmember Kite moved to approve the proclamation from the Mayor declaring May 21-26, 1984 as "Reading is Fun Week." Seconded by Councilmember York. All ayes; motion carried.

Mayor Platt submitted the name of Gloria Mills for appointment to the Parks and Recreation Advisory Commission replacing Bev Delveau.

#7162. Councilmember Waltman moved to approve this appointment. Seconded by Councilmember Kite. All ayes; motion carried.

Mayor Platt presented Certificates of Award for their services in video productions on Cable Channels 29 and 15 to Renae Britt, Mike Butler, Rudy Calderon, Brian Childs, Raul Joseph, and Rohan Joseph.

#7163. Councilmember Amerine moved the resolution be adopted setting a public hearing for June 7, 1984 for the proposal to vacate and sell a portion of alley between Dewey and Schley Streets. Seconded by Councilmember Sayles. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

#7164. Councilmember Kite moved the resolution be adopted setting a public hearing for June 7, 1984 on the request to rezone approximately 2.19 acres of property on Houser Street from AG Agricultural to M-1 Light Industrial. Seconded by Councilmember Amerine. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

#7165. Councilmember Powell moved the resolution be adopted setting a public hearing for June 7, 1984 to consider amending the S-2 Zoning District to establish "Conditional Uses." Seconded by Councilmember Kemp. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

Mayor Platt reported a request had been received to table until the next Council meeting Item 11A on the agenda.

#7166. Councilmember Kemp moved to table until the next Council meeting consideration of the ordinance on final reading to rezone approximately 100 acres of land from AG Agricultural to M-1 Light Industrial at Hershey and Houser Streets. Seconded by Councilmember Waltman. All ayes; motion carried.

#7167. Councilmember York moved the ordinance to amend Title 5, Chapter 19 Cable Television Franchise, Section 6, be approve on second reading. Seconded by Councilmember Amerine. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and ordinance approved on second reading.

#7168. Councilmember Kite moved the ordinance on first reading be approved to extend the Industrial Tax Exemption program for an additional five years to July 1, 1989. Seconded by Councilmember Sayles. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and ordinance approved on first reading.

Written petitions were filed by (1) residents of the Logan Street area against the proposed sidewalk installation on either the east or west sides of Logan Street - 20 signatures, and (2) Heinz, U.S.A. against the proposed sidewalks on the north side of Clay Street in front of the Heinz warehouse.

#7169. Councilmember York moved to amend the Resolution of Necessity for the 1984 New Sidewalk Program to change Sidewalk Item #5 to have no sidewalk on Clay Street from Isett Avenue to the bridge on the north side.

Councilmember Amerine stated he had concerns about traffic at entrances to the service station and the trucks crossing the sidewalks if they would be installed on the north side of Clay Street. He noted that while he observed this area, the majority of pedestrians walked on the south side of this street.

Motion died for lack of a second.

#7170. Councilmember York moved that Sidewalk Item #5 in the Resolution of Necessity be amended to install sidewalk on Clay Street from Isett Avenue to Highway 61 on the south side. Seconded by Councilmember Sayles.

There was discussion on making a change at this time since a concensus was reached at prior meetings.

Vote - Ayes: Councilmembers Kite, Sayles, York, Amerine, Waltman, and Kemp.  
Nays: Councilmember Powell. Motion carried.

#7171. Councilmember Kemp moved to adopt the Amending Resolution of Necessity as amended for the 1984-85 New Sidewalk Program for the areas outlined. Seconded by Councilmember Kite. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

#7172. Councilmember Amerine moved the resolution be approved overruling all other objections to the 1984-85 New Sidewalk Program. Seconded by Councilmember York. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

#7173. Councilmember Sayles moved the resolution adopting the City of Muscatine Sidewalk Policy dated May 1, 1984 be approved. Seconded by Councilmember Kite. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

#7174. Councilmember York moved that property owners be given 30 days after notification by the City to indicate whether they will install their own sidewalks on their property. Seconded by Councilmember Amerine. All ayes; motion carried.

#7175. Councilmember Powell moved to have a five minute recess. Seconded by Councilmember Amerine. All ayes; motion carried.

Mayor Platt called the meeting back to order (9:38 p.m.)

City Administrator Wolff stated that staff will need time to investigate some of the questions raised at the public hearing on the proposed Olive Branch Water Main Extension Project concerning restrictive covenants, inclusion of connection fees in the assessments to property owners, and a survey of one of the properties.

Administrator Wolff reported that from contact with the Assistant Manager of Muscatine Power and Water the City water supply has a nitrate level of 7-10 mg/l in other areas and a level of 22 mg/l in the Progress Park area. He noted the Progress Park nitrate level has not changed since 1974.

#7176. Councilmember York moved to table until the next Council meeting consideration of the Resolution of Necessity for the Olive Branch Water Main Extension Project to allow for more investigation by staff. Seconded by Councilmember Kemp. All ayes; motion carried.

#7177. Councilmember Waltman moved the resolution be adopted approving the 1984 Transit Development Plan and staff be authorized to submit funding application

for the amounts indicated. Seconded by Councilmember Powell. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

#7178. Councilmember Powell moved the resolution be adopted accepting the dedication of Third Avenue and alley and confirming no acceptance of dedication of a portion of Cleveland Street and alley was previously made. Seconded by Councilmember York. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

#7179. Councilmember Waltman moved the resolution be adopted setting a public hearing for June 7, 1984 on the proposal to vacate and sell the Third Avenue right-of-way and alley in Park Place Addition. Seconded by Councilmember Kite. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

#7180. Councilmember Sayles moved the resolution be adopted approving the Highway 61 By-Pass Land Use Plan. Seconded by Councilmember York. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

#7181. Councilmember Amerine moved the resolution be adopted naming the street adjacent to the Sunset Park Housing Project as Bloomington Lane. Seconded by Councilmember York. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

#7182. Councilmember Kite moved the resolution be adopted amending the 1983-84 Clark House Budget in the amounts indicated. Seconded by Councilmember Sayles. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

#7183. Councilmember Powell moved the Rehabilitation Applications be approved for Applicants No. 131B, No. 133 A & B, No. 134, and Outbuilding No. 6. Seconded by Councilmember York. All ayes; motion carried.

#7184. Councilmember Kite moved to approve the Civil Service Certification List for Equipment Operator I. Seconded by Councilmember Amerine. All ayes; motion carried.

#7185. Councilmember Kemp moved that the residential home at the Muscatine Municipal Airport be declared as surplus property and be sold through the public bidding process. Seconded by Councilmember Amerine. All ayes; motion carried.

There was a question on the procedures for this sale. City Administrator Wolff stated it would sold by giving public notice.

#7186. Councilmember York moved to approve Supplement #3 to the Master Site Lease with the FAA to permit the installation of a VASI system for Runway 23 at the Municipal Airport. Seconded by Councilmember Amerine. All ayes; motion carried.

#7187. Councilmember York moved to receive and file Communications A through E. Seconded by Councilmember Sayles. All ayes; motion carried.

#7188. Councilmember Waltman moved to approve bills totalling \$677,062.05 and authorize the Mayor and City Clerk to issue warrants of the same. Seconded by Councilmember Kemp. All ayes; motion carried.



Councilmember Kite reported receiving calls concerning dogs allowed to run at large and allowed on other persons lawns. He requested animal owners to be courteous with their pets and keep them off other persons property.

Councilmember York reported receiving a complaint of traffic in excess of speed limit on Woodlawn Hill. He requested signs be posted and the Police Chief be requested to monitor the speed in this area.

City Administrator Wolff referred Council to copies of letter from CH2M Hill and the list of pre-qualified bidders for the general contract for Phase I of the Water Pollution Control Plant Renovation Project.

#7189. Councilmember Powell moved to accept the list submitted by CH2M Hill as the list of contractors being pre-qualified for the Water Pollution Control Plant Renovation Project - Phase I. Seconded by Councilmember Sayles. All ayes; motion carried.

Larry Wolf, Parks and Recreation Director, reported receiving a request from the River City Cruisers Car Club, to use the east end of the loop at Riverside Park for their car show this coming weekend, if inclement weather would not allow use of Power and Water Park as planned. He stated it would be held on Saturday, May 19, 1984 from 10:00 a.m. to 4:00 p.m.

#7190. Councilmember Amerine moved to approve this request. Seconded by Councilmember Waltman. All ayes; motion carried.

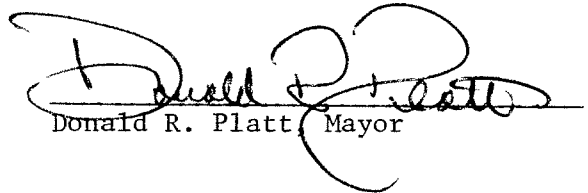
City Administrator Wolff referred Council to copies of a report from Police Chief Tesmond on the arrests made the prior weekend in the downtown area.

Mayor Platt referred Council to copies of the Ring King Visibles newsletter they received and stated that Councilmembers have been extended an invitation from Ring King President Craig Drake to participate in their fitness event to be held on May 19, 1984 at 9:00 a.m.

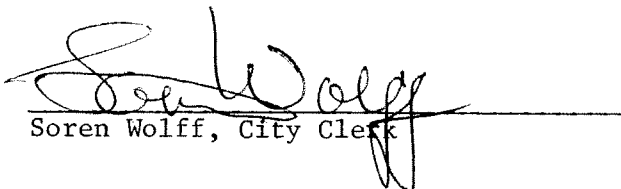
Mayor Platt announced the Southeast Iowa League meeting would be held on May 30, 1984 and requested Councilmembers to make their reservations by May 25, 1984.

Mayor Platt reported that the new fence has been installed by the railroad tracks and extended his thanks to the railroad for funding half of the cost of the project.

#7191. Councilmember Amerine moved to adjourn the meeting. Seconded by Councilmember Kite. All ayes; motion carried.

  
Donald R. Platt, Mayor

Attest:

  
Soren Wolff, City Clerk