

CITY OF MUSCATINE  
REGULAR MONTHLY SESSION OF CITY COUNCIL  
Council Chambers - June 7, 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 Pastor Jim Rahenkamp of the Bloomington Friends Church.

The Pledge of Allegiance was given.

Public Hearing

Mayor Platt announced the hearing was being held to receive public comment on the proposed Urban Revitalization Plan - Phase II Grandview Avenue.

Kevin Whittaker, Planning Administrator, gave a presentation showing the area involved. He noted the two major benefits to property owners are eligibility for property tax exemptions and industrial revenue bonds. Whittaker then reviewed seven public improvement items which the City has under consideration for this area.

There were no oral comments for or against.

There were no written petitions for or against.

#7192. Councilmember Waltman moved to close the public hearing. Seconded by Councilmember Amerine. All ayes; motion carried.

Public Hearing

Mayor Platt announced the hearing was being held to receive public comment on the request to rezone approximately 11 acres from R-3 to M-1 for Ring King Visibles.

Kevin Whittaker, Planning Administrator, gave a presentation showing the location and proposed buffer zones for this property.

Joan Axel, Attorney representing Ring King Visibles, noted the land was being purchased for future expansion and offered to answer any questions from Council.

Councilmember Sayles questioned if there was a need for a buffer to the west of the Third Avenue right-of-way.

Kevin Whittaker, Planning Administrator, stated that there is a ditch at this location.

There were no written petitions for or against.

#7193. Councilmember Kite moved to close the public hearing. Seconded by Councilmember Kemp. All ayes; motion carried.

#### Public Hearing

Mayor Platt announced the hearing was being held to receive public comment on the request to vacate and sell to Ring King Visibles the Third Avenue right-of-way.

There were no oral comments for or against.

There were no written petitions for or against.

#7194. Councilmember Amerine moved to close the public hearing. Seconded by Councilmember Sayles. All ayes; motion carried.

#### Public Hearing

Mayor Platt announced the hearing was being held to receive public comment on the proposal to amend S-2 zoning district to permit conditional uses.

Kevin Whittaker, Planning Administrator, gave a presentation showing the general area of the S-2 district. He noted with the opening of the Highway 61 By-Pass, traffic is expected to decrease in this area which will have an effect on the current businesses in the area. He stated the proposed amendment is intended to provide a transitional use for the existing commercial district.

Gary Karkosh, RR 3 Box 30, Representative for Petro-N-Provisions, outlined current status and plans for development of the DX property on Park Avenue which has lead to the proposed S-2 zoning amendment. He stated the proposed new building would enhance the looks of the property, allow adequate parking, create new jobs and generate more taxes. Mr. Karkosh requested the Council's consideration of the zoning amendment to assist in making this conversion.

Councilmember Kemp questioned if there was a need for more stores of this kind in the area.

Mr. Karkosh commented that he was looking for the best use of this property and from an analysis completed, the area could support another store of this type.

Councilmember Kite questioned proposed hours of operation.

Mr. Karkosh stated that the hours of business for their other neighborhood stores is 6:00 a.m. to 10:00 p.m.

There were no written petitions for or against.

#7195. Councilmember York 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 request to rezone property from AG to M-1 on Houser Street.

Kevin Whittaker, Planning Administrator, gave an overhead presentation of the general location of property noting it was proposed for use by an excavation firm with large pieces of equipment and may at a later date include an equipment rental business. He reviewed the proposed tree and fence boundaries of the property.

There was discussion if this would be the best use of this property, the specific fencing proposed and the uses allowed in an M-1 zone.

Tim Sulzberger, representing property owner, Mr. Alvin Lohse, outlined the proposed plans for the property. He stated plans are to locate offices in one corner of the building, allow adequate area for parking, have the area nicely landscaped, install chain linked fence on three sides with this fence screened on the north side, and proposed to install a septic system until sewer system is available.

There was discussion concerning the trees and fencing.

There were no written petitions for or against.

#7196. Councilmember Amerine moved to close the public hearing. Seconded by Councilmember Powell. All ayes; motion carried.

Public Hearing

Mayor Platt announced the hearing was being held to receive public comment on the proposal to close and sell a portion of alley between Dewey and Schley Street.

Kevin Whittaker, Planning Administrator, gave a presentation on the general location and traffic patterns in the area. He noted the proposal being considered is to blockade the alley, but allow use of the alley by property owners. He stated that Mike Walker, property owner at Dewey Street, was willing to purchase the portion of the alley at the Dewey Street entrance.

Councilmember Kemp questioned if making the alley one-way, not allowing semi-tractor trailers, and having extra police patrol, might solve the traffic problems in this area. He also noted the problems in the trains blocking the crossings for an excess length of time.

Eugene Rochholz, 4 Brookview Road, representing lot's 1 and 3 on the map of the area, stated he was opposed to closing the alley. He stated traffic was not sufficient to warrant this closing.

Michael Walker, 1708 Dewey, stated that most of the traffic problem occurs on Saturdays and Sundays. He noted problems with persons driving fast to beat the train and also vehicles crossing lawns when meeting on the two-way alley. He stated that if the alley was closed, it may be inconvenient for persons but he feels the safety of persons in the area has more importance.

Murry Estabrook, 1301 Oregon, stated he was opposed to closing the alley and selling a portion of the property. He noted there is only a problem when the trains are in the area and the closing could have a harmful affect on his business. He stated he felt fences, if constructed, could keep persons off private property and he would like to see the alley left open for all users in the area.

There were no written petitions filed for or against the proposed closing of the alley.

#7197. Councilmember Kemp moved to close the public hearing. Seconded by Councilmember Kite.

It was noted that letters were received from both Iowa Electric and Muscatine Power and Water concerning utilities in this area if the request for closing the alley was approved.

Vote - All ayes; motion carried.

#7198. Councilmember Waltman moved to approve the Minutes of May 10, 1984, In-Depth Council Meeting. Seconded by Councilmember Amerine. All ayes; motion carried.

#7199. Councilmember Amerine moved to approve the Minutes of May 17, 1984, Regular Council Meeting. Seconded by Councilmember Kite. All ayes; motion carried.

Dan Williams, 1804 Mulberry, spoke on behalf of the Board of Directors of the Muscatine Jaycees. He stated the Jaycees, as in the past, were sponsoring activities for the 4th of July celebration and noted a parade route is being developed and they wish to request the use of Riverside Park for five days around the 4th of July. He noted that the park would not be closed to the public and more specific information would be forwarded by the next Council Meeting.

#7200. Councilmember Waltman moved to approve the request for new Class B Beer and Sunday Sales Permit for Big Ten Tacos - 209 Mulberry - Jerry and Jeff Koppe and Garry Staats. Seconded by Councilmember Amerine. All ayes; motion carried.

#7201. Councilmember Kite moved that the request for New Class C Beer and Sunday Sales Permit for TIMarina, Harbor Drive - Duane Timmons, be denied. Seconded by Councilmember Amerine.

Councilmember Kemp noted sale of alcoholic beverages is not permissible under the present lease. He also stated his concerns if beer were available close to public parks.

Councilmember Waltman stated he would like to table this request until a future meeting.

Vote - Six ayes: Councilmembers Kite, Sayles, York, Amerine, Powell and Kemp. One nay: Councilmember Waltman. Motion carried.

#7202. Councilmember Kite moved to approve requests for renewals of liquor licenses and beer permits as follows: 1) Class C Liquor License for Manjoine's Corner Tavern, 226 Walnut - John Paul Manjoine; 2) Class A Liquor License and Sunday Sales Permit for Geneva

Country Club; 3) Class B Beer Permit for Hubble's, 214 East Second Street - Clyde W. Hubble and 4) Class A Liquor License for Elks Lodge, 413 East Mississippi Drive - Elks Lodge #304. Seconded by Councilmember Amerine. All ayes; motion carried.

#7203. Councilmember York moved the resolution be adopted approving the 11 applications submitted for cigarette permits. Seconded by Councilmember Kemp. All ayes; Councilmembers York, Sayles, Kite, Kemp, Amerine, Powell and Waltman. Motion carried and resolution duly adopted.

#7204. Councilmember Sayles moved the request be approved from the Muscatine Running Club to use City right-of-way for the annual Watermelon Stampede during Great River Days, with the provision the Club coordinate traffic control with the Police department. Seconded by Councilmember Kite. All ayes; motion carried.

#7205. Councilmember Amerine moved that the claim filed by Danny J. Leavee be referred to the City Attorney and the City's insurance carrier. Seconded by Councilman York. All ayes; motion carried.

#7206. Councilmember Waltman recommended that the ordinance on final reading to approve rezoning of approximately 100 acres of land from AG to M-1 at Hershey and Houser Street be tabled until the next Council Meeting. Seconded by Councilmember York. All ayes; motion carried.

#7207. Councilman Powell moved the ordinance to amend Title 5, Chapter 19, Cable Television Franchise, Section 6, be approved on final reading and published in the Muscatine Journal as required. Seconded by Councilmember Sayles. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and ordinance adopted on third and final reading.

#7208. Councilman Kite moved the ordinance to extend for an additional five years to July 1, 1989 the Industrial Tax Exemption Program be approved 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.

#7209. Councilmember Waltman moved the ordinance to approve the Urban Revitalization Plan - Phase II be approved on first reading. Seconded by Councilmember Amerine. All ayes; Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman and Kemp. Motion carried and ordinance approved on first reading.

#7210. Councilmember York moved the ordinance to rezone property near Lake Park Blvd. from R-3 to M-1 be approved on first reading. Seconded by Councilmember Sayles. All ayes; Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and ordinance approved on first reading.

#7211. Councilmember Powell moved that the ordinance to vacate the Third Avenue Right-of-Way be approved on first reading. Seconded by Councilmember Kite. All ayes; Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and ordinance approved on first reading.

#7212. Councilmember York moved the proposed ordinance on first reading to amend S-2 zoning district to allow "Conditional Uses" be referred back to the Planning Commission and Zoning Board of Adjustment for additional input prior to Council action. Seconded by Councilmember Sayles. All ayes; motion carried.

There was discussion as to procedures for Council to follow in consideration of the Ordinance on first reading to rezone property on Houser Street from AG to M-1.

Soren Wolff, City Administrator, reported that the Planning and Zoning Commission had recommended approval of the rezoning subject to receipt of the site plan for this property and noted this plan has now been received.

There was discussion concerning the screening currently proposed for this property.

Tim Sulzberger, representing the current property owner, reported the current plans include screening on the north side of the property as recommended by the Planning and Zoning Commission. The plans for the west and south side include chain linked fence without a nylon screening.

City Administrator Wolff stated that if Council so desired, they could require screening on the fence on the south side of the property also.

Councilmember Kemp questioned what types of equipment would be displayed at this site.

Mr. Sulzberger reported excavation equipment would be stored at this location under the short-term plans and if rental equipment business is implemented, equipment would include backhoes, air compressors, and similar types of equipment.

There was discussion on the public water supply which is available to the premises and the plans to connect to the sewer if one is installed in that area.

Mayor Platt stated his concerns about this rezoning noting the plans for this property are not firm at this date.

#7213. Councilmember Amerine moved to refer the rezoning request back to Planning and Zoning Commission for more detailed information, specifically as to possibly more screening on the Musser Street side of the property. Seconded by Councilmember Waltman.

There was discussion as to other possible uses of this property if it was approved to change the zoning to M-1. Councilmembers stated their concerns over possible unsightliness of the proposed uses at this location.

Tim Sulzberger stated that the current property owner, Mr. Lohse, would like to see this property rezoned regardless if the Contractor currently considering purchasing this property completes this purchase. He stated if this rezoning was approved subject to certain requirements, they would comply with those requirements.

Councilmember Kemp questioned when plans were to start construction on this property.

Tim Sulzberger reported that they had wanted to start this past Spring.

Councilmember Kite questioned if this could be discussed in more depth at the In-Depth Council Meeting.

Vote - 5 ayes, 2 Nays (Kemp and Kite) motion carried.

#7214. Councilmember Waltman moved to deny the ordinance to vacate a portion of alley between Dewey and Schley Street. Seconded by Councilmember York. Ayes: Councilmembers York and Waltman. Nays: Councilmembers Powell, Amerine, Kemp, Kite and Sayles. Motion defeated.

#7215. Councilmember Sayles moved to approve ordinance on first reading to vacate a portion of alley between Dewey and Schley Street. Seconded by Councilmember Kite. Ayes: Councilmembers Kite, Sayles, Powell, and Amerine. Nays: Councilmembers Kemp, York and Waltman. Motion carried and ordinance approved on first reading.

#7216. Councilmember Waltman moved that consideration of the water main extension project for Olive Branch Addition, 41st and 42nd Street South be tabled until the June 21, 1984 Council Meeting and be discussed further at the In-Depth Meeting at which time Muscatine Power and Water staff will be available. Seconded by Councilmember Powell. All ayes; motion carried.

Harvey Allbee, Jr., City Attorney, gave a report on the legal questions which had arisen in awarding of bids on Phase I of the Water Pollution Control Renovation Project. He stated that the questions concerned the Iowa Preference Law in award of bids to out-of-state firms, bids not returned in tact as required under the bid specifications, and the low bidder listing themselves as mechanical sub-contractor for the project. He reviewed the written opinion he submitted on this question and noted the bid return item and the contractor naming themselves as the mechanical sub-contractor can be considered technicalities which can be waived by the City Council.

#7217. Councilmember Powell moved to waive the irregularities in the requirements of return of bid in tact and the listing of the contractor as the mechanical sub-contractor. Seconded by Councilmember Kite. All ayes; motion carried.

#7218. Councilmember York moved to approve the resolution to award the low bid in the amount of \$1,974,000.00 to Knutson Construction Company for the renovation of Phase I of the Water Pollution Control Plant. Seconded by Councilmember Powell. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

#7219. Councilmember Amerine moved the agreement with Eastern Iowa Community College District for the 1984 JTPA Program be approved. Seconded by Councilmember Sayles. All ayes; motion carried.

City Administrator Wolff noted the proposed amendments to the 1983-84 Budget include a proposed change in Federal Revenue Sharing Funds for use for purchase of mobile radios for the Police Department. He requested Council's directions whether to continue procedures to purchase these radios.

There was consensus of the City Council to proceed with the purchase of the radio units.

#7220. Councilmember Waltman moved a public hearing be set for June 21, 1984 on the 1983-84 Budget, Federal Revenue Sharing and Capital Improvements amendments. Seconded by Councilmember Powell. All ayes; motion carried.

#7221. Councilmember Sayles moved that the agreement with Carver, Michaels, Taylor and Company to perform the 1983-84 audit including the first year of the Community Development Block Grant Program be approved. Seconded by Councilmember York. All ayes; motion carried.

#7222. Councilmember Amerine moved to approve settlement with Treiber Construction in the amount of \$9,545.22, with the money funded from the City's Insurance Trust Fund. Seconded by Councilmember Powell. All ayes; motion carried.

#7223. Councilmember Waltman moved that the agreement with GPC for their airport hangar be amended to expire on June 10, 2001. Seconded by Councilmember Kite. All ayes; motion carried.

#7224. Councilmember York moved to receive and file Communications A through J. Seconded by Councilmember Kite. All ayes; motion carried.

#7225. Councilmember Waltman moved to approve bills totalling \$1,690,808.83 and authorize the Mayor and City Clerk to issue warrants of the same. Seconded by Councilmember Amerine. All ayes; motion carried.

Councilmember Kite reported receiving questions from the public on 1) the fence on Mulberry crossing, 2) need for a boat ramp for use for short periods of time at the River-front harbor and 3) potential for persons to fall into storm gutters on 8th and 9th Street at Cedar Street.

Larry Wolf, Parks and Recreation Director, stated the boat ramp for short term use was planned to be established as soon as the water level of the river permitted.

Craig Olson, Water Pollution Control Director, reported the storm sewer drains were in the process of being renovated. He stated those on 8th and 9th Streets and Cedar could be placed higher on the schedule and be completed this summer.

Councilmember Kemp stated that he has concerns also with the catch basin on Harrison Street at Park Avenue.

Councilmember Sayles stated she was glad to see the Civil Defense sirens tested again but requested the time be changed back to 3:00 p.m. on the first Monday of the month as has been done in the past.

City Administrator Wolff stated he would investigate this time change if Council so desired.

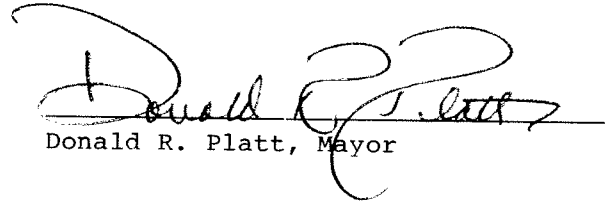
There was a consensus of Council to have the time changed back to 3:00 p.m. on the first Monday of each month.

Councilmember Powell requested the City investigate installation of better signs directing the one-way traffic in Weed Park.

Councilmember Waltman stated he had concerns on the drop-off on Cedar and Houser Streets created by trucks going around this corner.


#7226. Councilmember York moved to adjourn the meeting. Seconded by Councilmember Sayles. All ayes; motion carried.





Donald R. Platt, Mayor

Attest:



Soren Wolff, City Clerk