

CITY OF MUSCATINE  
REGULAR MONTHLY SESSION OF CITY COUNCIL  
Council Chambers - April 21, 1988 - 7:30 p.m.

The meeting was called to order by Mayor Don LeMar.

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

The opening prayer was given by Roger Miller of the First Christian Church.

The Pledge of Allegiance was given.

PUBLIC HEARING

Mayor LeMar announced the hearing was being held to receive public comment on the request to grant utility easements for the Natural Gas Pipeline Company on Oregon and Cantaloupe Streets.

Soren Wolff, City Administrator, referred Councilmembers to maps showing the locations of the proposed easements.

Councilmember Harder asked if these easements would affect the construction of Phase II of the Industrial Connector.

City Administrator Wolff stated these easements will cross the existing roadway, however plans are to just overlay that street. He also noted the agreement provides the cost for any future improvements to be paid by the gas company.

There were no oral comments for or against.

There were no written petitions for or against.

#10906. Councilmember Kemp moved to close the hearing. Seconded by Councilmember Amerine. All ayes; motion carried.

#10907. Councilmember York moved to approve the Minutes of the April 7, 1988 Regular City Council meeting. Seconded by Councilmember Harder. All ayes; motion carried.

#10908. Councilmember Amerine moved to approve the Minutes of the April 14, 1988 In Depth Council meeting. Seconded by Councilmember Sayles. All ayes; motion carried.

City Administrator Wolff stated the fire violations noted have all been corrected on the requests for renewal of liquor licenses.

#10909. Councilmember York moved to approve the following: (1) Renewal of Class "C" Beer and Sunday Sales Permit for Scott's Bait & Tackle Shop, 2017 Stewart Road - Scott's Bait & Tackle Shop Corp., (2) Renewal of Class "C" Beer and Sunday Sales Permit for Petro-N-Provisions, 709 Grandview Avenue -

CGC Stores, Inc., (3) Renewal of Class "E" Beer and Sunday Sales Permit for Petro-N-Provisions, 501 Cedar - CGC Stores, Inc., (4) Renewal of Class "C" Beer and Sunday Sales Permit for Midtown 66, 321 Mulberry - Steve Shenk, (5) Renewal of Class "C" Beer and Sunday Sales Permit for Muscatine Mulberry Mobil Service, Inc., 506 Mulberry - Muscatine Mulberry Mobil Service, Inc., (6) Renewal of Class "B" Beer and Sunday Sales Permit for Happy Joe's South, 927 Grandview Avenue - Max Brewer Corporation, and (7) Renewal of Class "C" Liquor License for Hilltop Tap, 929 Lucas - Hilltop Tap, Inc. Seconded by Councilmember Amerine. All ayes; motion carried.

#10910. Councilmember Phillips moved to approve the request from the American Legion Auxiliary to distribute poppies for their annual fund raising event on May 20-21, 1988 throughout the community. Seconded by Councilmember Sayles. All ayes; motion carried.

#10911. Councilmember York moved to set leaf burning dates for April 23 through May 8, 1988. Seconded by Councilmember Brewer.

Councilmember Kemp asked if advertising would be done in regard to times for burning and materials allowed to be burned.

It was noted advertising would be done in the newspaper and on the local radio station.

Vote - All ayes; motion carried.

City Administrator Wolff referred Councilmembers to the draft of the policies on open burning prepared by the Fire Chief. He noted that Items A through D were prepared based on Council discussions at the In Depth meeting.

Jim Pumfrey, Fire Chief, stated Item E of the proposed policy was based on previous incidents during the open leaf burning periods during which the Fire Department received 15% of their calls in the last two years. He stated this open burning period has been misinterpreted by individuals as a period when any items can be burned. In the proposed Item E, he noted, the Fire Department would inspect all requests for burning in the City, including leaves.

Councilmember Harder stated he felt there would not be a difference between the open burning period and other times of the year if a permit was needed at all times.

City Administrator Wolff stated it was his opinion the proposed Item E would require additional discussion before possible implementation and recommended it not be considered for the Spring open burning period but given consideration for the fall after the new refuse pickup program is in place.

There was discussion of specific locations where burning of non-leaf materials appears to be needed.

City Administrator Wolff noted a program is under consideration for the pickup of tree limbs to be processed by a chipping machine, but until this program is implemented, the limbs are required to be placed in bundles to be picked up by refuse collection personnel.

Roxie Plenmons, 2905 W. Fulliam, stated the leaves at her residence were not picked up during the leaf collection program last fall. She noted there are no curbs along the street at this location but the leaves were placed as close to the street as possible. She also stated she had been in contact with the Public Works Department concerning a tree that had fallen on her property and was instructed to bundle this material for the refuse collection department.

City Administrator Wolff stated the chipping program is not in place and tree materials are still required to be bundled at this time.

Councilmember Kemp noted he did not receive any complaints this past fall on the leaf pickup program.

Councilmember Harder requested the City Administrator meet with the Acting Public Works Director to see why the leaves were not collected from the Plenmons residence.

#10912. Councilmember Sayles moved the Open Burning Policy Items A through D be adopted as proposed. Seconded by Councilmember Amerine. All ayes; motion carried.

Mayor LeMar submitted the following proclamations: (1) April 24-30, 1988 as American Home Week, (2) April 22, 1988 as Girl Scout Leader Day, (3) April 27, 1988 as Professional Secretaries Day, (4) the month of May as Motorcycle Awareness Month, (5) the month of May as Better Hearing and Speech Month, (6) May 1-7, 1988 as "Respect for Law Week", and (7) May 5, 1988 as "Day of Prayer".

#10913. Councilmember Amerine moved to approve the above proclamations. Seconded by Councilmember Kemp. All ayes; motion carried.

Mayor LeMar submitted the name of Roxie Plenmons to replace Susan Moore, who has resigned from the Human Rights Commission.

#10914. Councilmember Amerine moved to approve the appointment. Seconded by Councilmember Sayles. All ayes; motion carried.

#10915. Councilmember York moved the resolution be adopted approving the final plat for Wood Creek Subdivision and accept the dedication of easements. Seconded by Councilmember Brewer.

Councilmember Harder asked for the location of the fifty foot easement for a potential greenbelt.

Kevin Whittaker, Director of Planning and Community Development, described the location of each lot of the proposed subdivision, the location of the easement, and accesses to the subdivision and lots.

Vote - All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Kemp, and Brewer. Motion carried and resolution duly adopted.

#10916. Councilmember Amerine moved the resolution be adopted approving and authorizing execution of the two right-of-way easements for the Natural Gas Pipeline Company of North America. Seconded by Councilmember Sayles.

Councilmember Harder questioned the funding source for any future improvements on the Industrial Connector in relation to these easements.

City Administrator Wolff stated these easements would not cross the Industrial Connector, but there is a third easement in this area from Muscatine Power and Water with the same language as the City's which requires the Natural Gas Pipeline Company to fund the cost of any future improvements.

Vote - All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Kemp, and Brewer. Motion carried and resolution duly adopted.

City Administrator Wolff reported there was only one bid received for the Golf Course Irrigation Project from Midwest Irrigation in the amount of \$67,800. He noted this was the same firm that has completed the first portion of the project and the performance bond has been filed as required.

#10917. Councilmember Kemp moved the resolution be adopted awarding the contract for the Golf Course Irrigation Project to Midwest Irrigation in the amount of \$67,800. Seconded by Councilmember Amerine. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Kemp, and Brewer. Motion carried and resolution duly adopted.

#10918. Councilmember Amerine moved the resolution be adopted setting a public hearing for Thursday May 5, 1988 on the proposed changes to the Downtown Parking System. Seconded by Councilmember Sayles.

Councilmember York asked the difference between "overtime parking" and "meter violations".

City Administrator Wolff stated the overtime parking referred to vehicles parked over two hours and the meter violation was for meters on which the time has expired.

Vote - All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Kemp, and Brewer. Motion carried and resolution duly adopted.

City Administrator Wolff reported the City was able to obtain only one quote for the carpet for the Library. He stated the Library Board is interested in matching the carpet installed a few years ago and this pattern may be discontinued in the near future by the manufacturer. He noted the quoted cost quoted was \$16,579.95, with the provision City staff remove the current carpeting, and is proposed to be funded by \$8,000 from a transfer from the FY 1988/89 General Fund budget and the remaining \$8,579.95 from the Library Trust Fund.

#10919. Councilmember Brewer moved to approve the purchase of carpet for the Library from the Carriage House in the amount of \$16,579.95 with the funding to be \$8,000.00 from the General Fund and \$8,579.95 from the Library Trust Fund. Seconded by Councilmember Sayles. All ayes; motion carried.

#10920. Councilmember Phillips moved to award the bid for the purchase of a new tractor for the Public Works Department to General Diesel Sales and Service in the amount of \$22,150. Seconded by Councilmember Brewer. All ayes; motion carried.

#10921. Councilmember Phillips moved to award the bids for the purchase of one (1) 3/4 ton pickup and one (1) four wheel drive truck from Doug Bemis in the amount of \$27,242.73. Seconded by Councilmember Kemp. All ayes; motion carried.

City Administrator Wolff referred Councilmembers to draft copies of the rules and regulations for use of the Pearl City Station which incorporate the provisions for the serving of beer and/or wine at this location as preliminarily discussed at the April In Depth Council Meeting. He noted these rules and regulations include only the proposed changes which deal with the serving of these beverages with the other requirements remaining the same. He indicated kegs of beer would be specifically prohibited and parties applying for use of this facility would be required to sign an indemnification agreement holding the City harmless from any claims. He also noted all requests to serve these beverages are proposed to be approved on the staff level, no one under the legal age would be permitted to consume these beverages, there would be an additional \$50.00 fee if these beverages are served, and security would be required to be either provided by the City with the cost funded by the applicant or the applicant would be required to provide their own security. He also noted the beverages must be kept inside the facility and not carried to the patio area.

Councilmember Sayles stated she was in favor of permitting wine only, to be served at this facility. She noted this would allow for the serving of champagne at events such as wedding receptions.

Councilmember Phillips stated she also was in favor of permitting wine only at this time.

Councilmember Brewer stated he was opposed to serving any alcoholic beverages at this facility. He stated he felt the City could be held liable even with the indemnification agreement in the event a person became intoxicated at this location. He stated he would prefer a restaurant be established in the former Timarina building that would be required to obtain a liquor license to serve any alcoholic beverages.

Councilmember Kemp stated he was also opposed to permitting alcoholic beverages to be served at this location and noted he had previously voted against allowing alcoholic beverages to be served on public property.

Councilmember York stated he was also opposed to permitting these beverages to be served at this location.

#10922. Councilmember Harder moved the rules and regulations for the Pearl City Station be approved as proposed but permitting only wine which would include champagne and wine coolers. Seconded by Councilmember Sayles.

Mayor LeMar questioned the different fees charged for use of this facility.

City Administrator Wolff noted fees were based on the type of function whether commercial or non-commercial, private or semi-private. He stated non-commercial uses would include events such as wedding receptions or family reunions while the commercial uses would include such things as sales

functions. He noted under the semi-private arrangements, other parties would be allowed to also use the facility.

Larry Wolf, Director of Parks and Recreation, noted under the semi-private arrangement, there have been occasions where two functions have both been conducted in the facility and it worked out well.

Vote - Four ayes: Councilmembers Sayles, Harder, Phillips, and Amerine. Three nays: Councilmembers Brewer, York, and Kemp. Motion carried.

#10923. Councilmember Amerine moved to have one parking meter removed at the intersection of Second and Cedar and a bus stop installed. Seconded by Councilmember York.

Bob Whitlock, 5212 67th Avenue West, asked if a study had been done in regard to creating a bus stop at this location.

City Administrator Wolff stated this has been proposed based on both rider and merchants' requests for the bus stop.

There was discussion of other locations for the buses to stop. It was noted this request has been made to accommodate elderly persons using the bus system.

City Administrator Wolff noted that Stiles Drug Store has been very accommodating to the bus riders and many wait inside this store for the buses. He noted this bus stop is also requested to assist in eliminating traffic congestion in this area.

Vote - All ayes; motion carried.

#10924. Councilmember York moved to adopt the resolution to subordinate the City mortgage to Central State Bank on Rehabilitation Loan 163A and B. Seconded by Councilmember Amerine. All ayes: Councilmembers York, Harder, Sayles, Phillips, Amerine, Kemp, and Brewer. Motion carried and resolution duly adopted.

#10925. Councilmember Amerine moved to receive and file Communication Items A through I. Seconded by Councilmember Brewer. All ayes; motion carried.

#10926. Councilmember Kemp moved to approve bills totaling \$430,254.19 and the Mayor and City Clerk be authorized to issue warrants for the same. Seconded by Councilmember Sayles. All ayes; motion carried.

Councilmember Brewer reported receiving a request from Russell Hepker, manager of Park Plaza Homes trailer park, that consideration be given to installation of a speed limit sign on the street leading into the trailer park which is also used by persons going to Prime Mover. He requested the Traffic Committee review this request.

Councilmember Phillips announced the ward meeting for the Third Ward would be at 7:00 p.m. on April 25th at Grant School.

Harvey Allbee, City Attorney, referred Councilmembers to copies of a report in regard to the license for boat mooring to Williams Marine Enterprises, Inc. He stated that in 1984 the mooring location was moved to a location near Canal Street, but payments continued to be made to the City for this permit. He noted it was later discovered that Leon and Janet Kardux had the right to mooring at this new location and the payment was no longer required to be made by Williams Marine to the City. He stated it was his opinion Williams Marine was entitled to a refund of \$2,160.00 as a return of these over-payments.

#10927. Councilmember Kemp moved to authorize a refund be made to Williams Marine Enterprises, Inc., in the amount of \$2,160. Seconded by Councilmember Harder. All ayes; motion carried.


City Administrator Wolff referred Councilmembers to copies of a memo from Larry Wolf in regard to the tee signs at the Municipal Golf Course. He noted that from previous Council direction both Golf Advisory Commission and City Council approval was requested for the list of advertisers.

Larry Wolf, Director of Parks and Recreation, reviewed the list with Councilmembers. He noted eighteen (18) commitments have been received from various businesses for advertising, but the location for each business has not yet been determined due to receiving more than one request for the center tees. He stated the final locations will be chosen by drawing from the businesses requesting these tees. He also stated there may be several others added at a later time for the ladies tees. He stated he has contacted four of the five Golf Advisory Commission members who have indicated approval of this list.

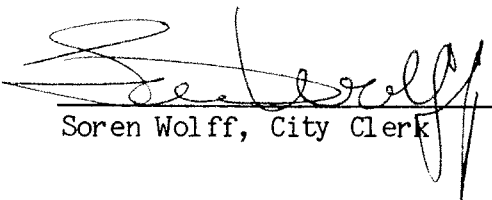
#10928. Councilmember Kemp moved to approve the list of advertisers for the Golf Course tee signs. Seconded by Councilmember York. All ayes; motion carried.

#10929. Councilmember Kemp moved to adjourn the meeting. Seconded by Councilmember Brewer. All ayes; motion carried.

The meeting adjourned at 8:55 p.m.

  
Don LeMar, Mayor

Attest:

  
Soren Wolff, City Clerk