

CITY OF MUSCATINE

REGULAR MONTHLY SESSION OF CITY COUNCIL

Council Chambers - June 4, 1981 - 7:30 p.m.

The meeting was called to order by Her Honor, Mayor Evelyn L. Schauland.

Roll Call: Ald. Platt, Rada, Hilton, Kemp, Duncan and Waltman present.  
Ald. Koehrsen absent.

The Opening Prayer was given by Pastor Julius Rechtermann.

The Pledge of Allegiance was given.

PUBLIC HEARING

Mayor Schauland announced the purpose of the public hearing was to receive public comment on the proposal to vacate an easement on the proposed housing site north of the Muscatine Slough.

There were no oral appearances for or against.

There were no written petitions for or against.

#5505. Ald. Kemp moved to close the public hearing. Second by Ald. Rada. All ayes; motion carried.

PUBLIC HEARING

Mayor Schauland announced the public hearing was being held to hear public comment on the request to annex and rezone a parcel of property on the north City limits on the east side of Highway 38 for R.J. Dick, Inc.

Atty. Robert Lande, representing R.J. Dick, Inc., spoke in favor of the proposed annexation and rezoning. He stated that R.J. Dick, Inc., is willing to annex only the 13 acres required for their building site and that Mr. and Mrs. Hoag are in agreement with this proposal.

Mr. Alpha Morehouse, R.R. 1, Box 177, stated that he is concerned about future development in this area adding that the proposed plant could lead to additional commercial development in the area.

Mr. Del White, representing Muscatine Development Corporation, stated that they support the annexation and rezoning of the 13 acres. He stated that Council should consider that this plant will create about 150 new jobs for Muscatine.

Ms. Karen White, R.R. 1, Box 165, stated that she feels this plant will be a detriment aesthetically to the City and that this location will be dangerous in relation to traffic. She added that she feels this land should be preserved for farming purposes.

Atty. Lande stated that Mr. Hoag has not farmed this land for 12 years.

A letter was received from the Muscatine County Board of Supervisors objecting to the annexation and rezoning of this property.

#5506. Ald. Waltman moved to close the public hearing. Second by Ald. Hilton. All ayes; motion carried.

City Attorney Harvey Allbee, Jr., stated that he had received a letter from Atty. Robert DeKock requesting that the public hearing on the revocation of the Sunday Sales Permit for Drinks, Inc., d/b/a Dew Drop Inn be postponed until the July 2, 1981, Council meeting in order for them to be represented by their attorney, and that they will refrain from selling beer and liquor on Sunday until the public hearing is held.

#5507. Ald. Duncan moved to postpone the public hearing on the revocation of the Sunday Sales Permit for Drinks, Inc., d/b/a Dew Drop Inn until the July 2, 1981, Council meeting, and that they should refrain from selling beer and liquor on Sunday until the public hearing is held. Second by Ald. Platt. All ayes; motion carried.

#### PUBLIC HEARING

Mayor Schauland announced the purpose of the public hearing was to receive public comment on the proposed amendments to the 1980-81 budget.

There were no oral appearances for or against.

There were no written petitions for or against.

#5508. Ald. Duncan moved to close the public hearing. Second by Ald. Platt. All ayes; motion carried.

#5509. Ald. Kemp moved to approve the Minutes of the In-Depth Council Meeting of May 14, 1981. Second by Ald. Waltman. All ayes; motion carried.

#5510. Ald. Waltman moved to approve the Minutes of the Regular Council Meeting of May 21, 1981. Second by Ald. Rada. All ayes; motion carried.

#5511. Ald. Rada moved to approve the Minutes of the In-Depth Council Meeting of May 27, 1981. Second by Ald. Hilton. All ayes; motion carried.

Mr. Malvern Green, 304 W. 7th Street, stated that the author of the book "Calling God's Tower . . . Come In Please!" is sending 150 copies of this book for the Clark House.

#5512. Ald. Duncan moved to approve the renewal of a Class "A" Beer/Liquor License and Sunday Sales Permit for Loyal Order of Moose, 207 Lake Park Blvd.; Class "B" Beer Permit for Clyde Hubble, d/b/a Hubble's, 214 E. 2nd Street; and Class "A" Beer/Liquor License and Sunday Sales Permit for Veterans of Foreign Wars Club, 421 Mulberry Avenue. Second by Ald. Kemp. All ayes; motion carried.

#5513. Ald. Rada moved to approve the Resolution approving Cigarette Permits for the following: Nash Finch Co., d/b/a Sun Mart, 1413 Park Avenue; Nash Finch Co., d/b/a Sun Mart, 407 Sycamore Street; Nash Finch Co., d/b/a Sun Mart, 907 Grandview Avenue; Pester Marketing Co., d/b/a Pester Service Station, Clay and Gobble Streets; Nash Finch Co., d/b/a Warehouse Market, 1708 Park Avenue; Casey's General Store, 913 Mississippi Drive; Cedar Falls Oil Co., d/b/a Holiday Stationstore, 503 Grandview Avenue; Loos Inc., d/b/a Loos' Service Station, 711 Park Avenue; and Hy-Vee Food Store, 1903 Park Avenue. Second by Ald. Hilton. All ayes: Ald. Platt, Rada, Hilton, Kemp, Duncan and Waltman. Motion carried and Resolution duly adopted.

Mayor Schauland announced the "Honored Citizen of the Month" is Mr. George Long, Sr., for many years service as a Muscatine Red Sox executive.

Mayor Schauland read a Proclamation declaring June 7 - 14, 1981, as "Care Week."

#5514. Ald. Duncan moved to approve the Proclamation declaring June 7 - 14, 1981, as "Care Week." Second by Ald. Waltman. All ayes; motion carried.

Mr. Bill Myers, 1108 W. 8th Street, spoke regarding the ordinance requiring owners of all residential rental properties to register with the City. He stated that the required inspections could lead to even greater fees. He proposed that no charge be made for the initial inspection, only for call-back inspections. He stated that he felt this would be fair since landlords should not be penalized if they are in compliance with the Housing Code.

#5515. Ald. Duncan moved to approve the Ordinance on second reading to require owners of all residential rental properties to register with the City. Second by Ald. Platt. All ayes: Ald. Platt, Rada, Hilton, Kemp, Duncan and Waltman. Motion carried and Ordinance approved on second reading.

Steve Boka, Building and Zoning Administrator, reviewed the amendments to the proposed Housing Code as proposed by City staff.

Mr. Bill Myers stated that he did not feel the requirement to have fire extinguishers in each unit was fair due to the fact that they are easily stolen. He added that he had been asked to review the proposed Housing Code objectively and that he agrees with the requirements. He added that there is nothing required in the proposed Housing Code that he would not intend to do.

#5516. Ald. Platt moved to approve the amendments to the proposed Housing Code as presented by the Building and Zoning Administrator. Second by Ald. Hilton. All ayes: Ald. Platt, Rada, Hilton, Kemp, Duncan and Waltman. Motion carried.

#5517. Ald. Duncan moved to approve the Ordinance on second reading as amended to adopt the new Housing Code. Second by Ald. Kemp. All ayes: Ald. Platt, Rada, Hilton, Kemp, Duncan and Waltman. Motion carried and Ordinance approved on second reading.

#5518. Ald. Hilton moved to approve the Resolution vacating the easement on the proposed public housing project site located north of the Muscatine Slough on the east side of Houser Street. Second by Ald. Waltman. All ayes: Ald. Platt, Rada, Hilton, Kemp, Duncan and Waltman. Motion carried and Resolution duly adopted.

#5519. Ald. Waltman moved to approve the Resolution annexing 13 acres on the east side of Highway 38 north of the City limits. Second by Ald. Rada. Ayes: Ald. Rada, Hilton, Kemp, Duncan and Waltman. Nays: Ald. Platt. Motion carried and Resolution duly adopted.

#5520. Ald. Waltman moved to approve the Ordinance on first reading rezoning approximately 13 acres on the east side of Highway 38 north of the City limits to M-1 Light Industrial to be utilized by R.J. Dick, Inc. Second by Ald. Duncan. Ayes: Ald. Rada, Hilton, Kemp, Duncan and Waltman. Nays: Ald. Platt. Motion carried and Ordinance approved on first reading.

Item 11. E. on the agenda was deleted.

#5521. Ald. Hilton moved to approve the Resolution amending the 1980-81 City budget. Second by Ald. Kemp. All ayes: Ald. Platt, Rada, Hilton, Kemp, Duncan and Waltman. Motion carried and Resolution duly adopted.

A discussion was held between City Council and Dr. Amir Arbisser regarding the proposed medical facility and the request to issue \$500,000 Industrial Revenue Bonds.

#5522. Ald. Platt moved to approve the Resolution approving the Memorandum of Agreement to issue Industrial Revenue Bonds in the amount not to exceed \$500,000 for Dr. Arbisser and Dr. Kealey. Second by Ald. Rada.

#5523. Ald. Duncan moved to amend the Memorandum of Agreement for the issuance of Industrial Revenue Bonds in the amount not to exceed \$500,000 by changing the word "equipment" to "fixtures" in Section 1.a. Second by Ald. Kemp. All ayes: Ald. Platt, Rada, Hilton, Kemp, Duncan and Waltman. Motion carried.

Vote on #5522 - All ayes: Ald. Platt, Rada, Hilton, Kemp, Duncan and Waltman. Motion carried and Resolution duly adopted as amended.

#5524. Ald. Platt moved to approve the Resolution awarding contract for the Robin Road Storm Sewer Project to Deane Frye, Inc., in the amount of \$48,357.85. Second by Ald. Rada. All ayes: Ald. Platt, Rada, Hilton, Kemp, Duncan and Waltman. Motion carried and Resolution duly adopted.

#5525. Ald. Duncan moved to approve the Resolution awarding contract for the Houser Street Sanitary Sewer Lift Station to Smith & Loveless Division of Ecodyne in the amount of \$79,348.00. Second by Ald. Hilton. All ayes: Ald. Platt, Rada, Hilton, Kemp, Duncan and Waltman. Motion carried and Resolution duly adopted.

#5526. Ald. Waltman moved to approve the agreement with the Iowa Department of Social Services for Sheltered Workshop assistance in the amount of \$15,000. Second by Ald. Kemp. Five ayes; one abstention (Ald. Hilton). Motion carried.

#5527. Ald. Kemp moved to approve the IDOT utility permit for installation of a gas main on Cedar Street from Houser Street to Parham Street by Iowa Electric Light and Power Company. Second by Ald. Platt. All ayes; motion carried.

#5528. Ald. Duncan moved to accept the bid of Heiman Fire Equipment Company in the amount of \$36,695.00 for the purchase of a new rescue and attack vehicle for the Fire Department. Second by Ald. Rada. All ayes; motion carried.

#5529. Ald. Duncan moved to authorize City staff to proceed with the necessary steps in developing a fair market appraisal of the property at Elm and Second Streets and request a recommendation from the Planning and Zoning Commission as to whether or not the City should dispose of the property. Second by Ald. Hilton. All ayes; motion carried.

Mr. Robert Page, President of the Great River Days Board of Directors, outlined the plans for closing off Riverview Park and charging admission during Great River Days.

#5530. Ald. Waltman moved to approve the request by the Great River Days Committee to close Riverview Park and charge admission during Great River Days after 5:00 p.m. on Wednesday, Thursday and Friday, and all day on Saturday and Sunday from August 19 - 23, 1981. Second by Ald. Duncan. All ayes; motion carried.

#5531. Ald. Hilton moved to approve the lease agreement with Muscatine Migrant Committee for use of property on Houser Street as a garden project. Second by Ald. Platt. All ayes; motion carried.

#5532. Ald. Rada moved to approve the easement from Mrs. M.G. Brown at 513 E. 11th Street for sanitary sewer repairs for the sewer in the 11th and Orange Street area. Second by Ald. Kemp. All ayes; motion carried.

#5533. Ald. Duncan moved to receive and file items A through J. Second by Ald. Platt. All ayes; motion carried.

#5534. Ald. Kemp moved to approve bills totaling \$981,823.06 and authorize the Mayor and City Clerk to issue warrants of the same. Second by Ald. Waltman. All ayes; motion carried.

Ald. Platt reported he had received a request to have the Health Inspector perform an inspection at 611 W. 6th Street.

Ald. Rada reported that boards are laying on the ground from the fence at Bruner Field.

#5535. Ald. Duncan moved to reconsider motion #5486 from the May 21, 1981, Council meeting. Second by Ald. Kemp. Four ayes; two nays (Ald. Platt and Rada). Motion carried.

Revote on #5486 - Four ayes; two nays (Ald. Kemp and Duncan). Motion carried.

#5536. Ald. Rada moved to delete the public hearing which was to be held on the issuance of Industrial Revenue Bonds for Carver Foundry Co. Second by Ald. Platt. All ayes: Ald. Platt, Rada, Hilton, Kemp, Duncan and Waltman. Motion carried.

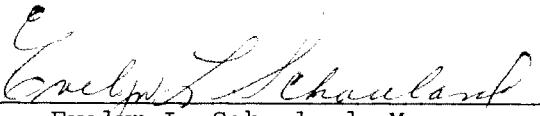
City Administrator Wolff requested Council to hold an executive session at the end of the meeting to discuss litigation with legal counsel.

Mayor Schauland stated that she had received a request for Council to look at the property at the corner of Iowa Avenue and East 2nd Street and make a decision.

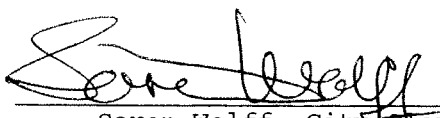
#5537. Ald. Hilton moved to go into Executive Session to discuss litigation with legal counsel. Second by Ald. Platt. All ayes: Ald. Platt, Rada, Hilton, Kemp, Duncan and Waltman. Motion carried.

#5538. Ald. Waltman moved to go out of Executive Session. Second by Ald. Rada. All ayes: Ald. Platt, Rada, Hilton, Kemp, Duncan and Waltman. Motion carried.

#5539. Ald. Platt moved to adjourn the meeting. Second by Ald. Kemp. All ayes; motion carried.

  
Evelyn L. Schauland, Mayor

Attest:

  
Soren Wolff, City Clerk