

CITY OF MUSCATINE

REGULAR MONTHLY SESSION OF CITY COUNCIL

Council Chambers - April 19, 1984 - 7:30 p.m.

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

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

The opening prayer was given by Pastor Meyer.

The Pledge of Allegiance was given.

Public Hearing

Mayor Platt announced the hearing was being held to receive public comment on the plans, specifications, and cost estimate for Phase I of the Renovation Project for the Water Pollution Control Plant.

Craig Olson, Director of Water Pollution Control, outlined the projects to be included in each phase of the renovation project and the estimated schedule for completion of each phase of the project.

Councilmember Kemp questioned if any problems were anticipated in finding off-site storage sites which are proposed to be included in Phase III of the project.

Craig Olson stated that one of the locations would be the land at the airport which was purchased for purposes of sludge disposal. He added that no major problems are anticipated in finding another site.

Councilmember Kemp also questioned the impact of the storage site at the airport on persons flying in to the community and whether odor would be a problem at these locations.

Olson reported that the anaerobic sludge is less odorous and that well-designed, well-maintained, and well-kept storage facilities can exist close to other facilities, noting facilities in Madison, Wisconsin as an example. He added that they can be designed with aesthetics in mind.

John Bird, 1312 Houser, stated that citizens in other communities are working to keep their water clean and sewer rates down by using soaps and detergents with low phosphate content. He presented a brochure to Mayor Platt for review.

Craig Olson reported that phosphates are a problem in many communities, especially when the communities are discharging into lakes. He noted that when discharging into rivers, cities like Muscatine do not need to remove phosphates. He noted that there are things citizens can do, however, to help do their part for their environment and suggested this be discussed in the future.

There were no written petitions for or against.

#7076. Councilmember Waltman moved to close the hearing. Seconded by Councilmember York. All ayes; motion carried.

#7077. Councilmember Amerine moved to approve the Minutes of the April 5, 1984 Regular Council Meeting. Seconded by Councilmember Sayles. All ayes; motion carried.

Marlyn Schepers, 413 W. 3rd, of the local chapter of the World Federalists, addressed Council on the Sister City Program of establishing a sister relationship with another city in another country. He encouraged Council to consider this program.

Soren Wolff, City Administrator, stated that more information can be obtained from cities participating in the program and further consideration can be given at a later date.

There was a concensus to discuss this program at the May 10, 1984 In Depth Council Meeting.

Roger Roth, YMCA, seasonal employee at Greenwood Cemetery, addressed Council on his concern for the vandalism at the cemetery. He suggested a program be implemented with the school system to meet with students to attempt to stop the vandalism which has been occurring.

#7078. Councilmember Kemp moved to approve the request for a new Sunday Sales Permit for Elks Lodge, 413 E. Mississippi Drive - Elks Lodge #304. Seconded by Councilmember York. All ayes; motion carried.

#7079. Councilmember Waltman moved to approve the following: (1) Renewal of Class "C" Beer and Sunday Sales Permit for Mulberry Mobil Service, Inc., 506 Mulberry - Daryl D. Kiddoo, (2) Renewal of Class "B" Beer and Sunday Sales Permit for Pizza Hut, 2512 Park Avenue - Pizza Hut, Inc., (3) Renewal of Class "C" Liquor License for Octagon Place, 2610 Park Avenue - Deal Enterprise, Ltd., (4) Renewal of Class "C" Liquor License for Hilltop Tap, 929 Lucas - Duane H. Hartman, and (5) Renewal of Class "B" Beer and Sunday Sales Permit for Godfather's Pizza, Muscatine Mall. Seconded by Councilmember Sayles. All ayes; motion carried.

#7080. Councilmember Sayles moved to table until the next Council meeting the request for a new Sunday Sales Permit for Bloomington Journal, 214 Iowa Avenue - Journal Enterprises. Seconded by Councilmember York. All ayes; motion carried.

Mayor Platt appointed Councilmembers Powell, Sayles, and York to the Audit Committee.

Mayor Platt read proclamations declaring April 19-25, 1984 as "Sign Up America Week", the Month of April, 1984 as "Child Abuse Prevention Month", April 22-28, 1984 as "National YWCA Week", April 22-28, 1984 as "Professional Secretaries Week", and April 22-28, 1984 as "Youth Temperance Education Week".

#7081. Councilmember Kemp moved to approve the above proclamations. Seconded by Councilmember Waltman. All ayes; motion carried.

Kevin Whittaker, Planning Administrator, reviewed the property at 1611 Cedar which has been requested to be rezoned from R-3 to R-5. He noted the Planning and Zoning Commission has recommended the request be denied due to the lot size and parking requirements.

7082 Councilmember Waltman moved the resolution be adopted setting a public hearing on May 3, 1984 on the request to rezone the property at 1611 Cedar Street from R-3 to R-5 Multi-family. Seconded by Councilmember Sayles. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and Resolution duly adopted.

Kevin Whittaker reviewed the location of the property requested to be rezoned from R-3 to M-1 for Ring King Visibles and the location of the Third Avenue right-of-way which has been requested to be vacated and sold. He noted that a fifty (50) foot buffer has been recommended along the Mad Creek Greenbelt and along the rear lot lines of Lake Park Boulevard.

Attorney Joan Axel, representing Ring King Visibles, offered to answer any questions concerning these requests.

#7083. Councilmember Waltman moved the resolution be adopted setting a public hearing on May 3, 1984 on the request to rezone property from R-3 to M-1. Seconded by Councilmember Sayles. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and Resolution duly adopted.

#7084. Councilmember Powell moved the resolution be adopted setting a public hearing for May 3, 1984 for the request to vacate and sell Third Avenue right-of-way, north of Lake Park Boulevard. Seconded by Councilmember Kemp. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and Resolution duly adopted.

#7085. Councilmember Kemp moved the request to approve the Highway 61 By-Pass Land Use Plan be tabled until the May 10, 1984 In-Depth Council Meeting at which time it will be reviewed in detail with the City Council and the City Planner. Seconded by Councilmember York. All ayes; motion carried.

Mayor Platt deleted for reading the report on request for Development Plan modification by Gary Holmes.

#7086. Councilmember York moved the ordinance to amend Section 5-13-18 of the City Code be approved on third and final reading and published in the Muscatine Journal as required. Seconded by Councilmember Sayles. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and ordinance adopted on third and final reading.

#7087. Councilmember Amerine moved the ordinance to rezone approximately 100 acres of property from AG Agricultural to M-1 Light Industrial at Hershey and Houser Streets be approved on second reading. Seconded by Councilmember Powell.

John Bird, 1312 Houser, asked about traffic flow from the proposed new industrial area in connection with the new Highway 61 By-Pass.

Mayor Platt stated the intent is to have the traffic use Hershey Avenue and Grandview Avenue.

Craig Olson, Water Pollution Control Director, reviewed the survey of sewer rates of cities in Iowa compiled by the City of Ames, Iowa.

#7088. Councilmember Powell moved to suspend the rules and approve the ordinance to increase the Waste Water Treatment rates as outlined on second and final reading and the ordinance be published in the Muscatine Journal with the rates to be effective April 1, 1984. Seconded by Councilmember York. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and ordinance adopted on second and final reading.

#7089. Councilmember York moved the resolution be adopted approving the plans, specifications, form of contract, cost estimate, and setting the bid opening date for May 24, 1984 for the Waste Water Treatment System Improvements - Phase I. Seconded

by Councilmember Sayles. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

City Administrator Wolff requested item 11E on the agenda for approval of the agreement with CH2M Hill for engineering services for the Water Pollution Control Plant Project be delayed until a future meeting until more details could be worked out.

Larry Wolf, Director of Parks and Recreation, reviewed the changes over the past several years in the operation of the concession stands at Kent-Stein Park and Weed Park. He reported that only one bid had been received for this year's operations for each location. He noted the City may want to consider extension of these leases at the end of each season without re-bidding if both parties can negotiate an extension to this lease.

Councilmember Kemp questioned if the City might be losing money by using the percentage of gross sales bid method since the stands might tend to not stay open as many hours.

Larry Wolf stated the hours of operation for the Weed Park Stand are dictated by the hours the pool is open. He also noted the decrease in other park traffic compared to several years ago.

#7090. Councilmember Sayles moved to award the bid for concession operations for Weed Park to Larry or Justine Nelson. Seconded by Councilmember Waltman. All ayes; motion carried.

Harvey Allbee, Jr., City Attorney, pointed out the apparent inversion of concession stands and bidders on the bid report.

#7091. Councilmember Sayles moved to rescind the previous motion. Seconded by Councilmember York. All ayes; motion carried.

#7092. Councilmember Sayles moved to award the bid for operation of concession stand at Kent Stein Park to Larry or Justine Nelson. Seconded by Councilmember Waltman. All ayes; motion carried.

#7093. Councilmember Powell moved to award the bid for operation of the Weed Park concession stand to Richard L. or Sarah V. Lord. Seconded by Councilmember Kemp. All ayes; motion carried.

City Administrator Wolff stated that consideration of extension of these leases for additional years can be considered at the end of this year's operations if both parties are interested.

#7094. Councilmember Waltman moved the resolution be adopted approving the Equal Employment Policy and Affirmative Action Program for the City of Muscatine. Seconded by Councilmember Powell. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

#7095. Councilmember York moved the Housing Rehabilitation Loan Application No. 132 in the Mad Creek Target Area be approved with the amount funded from the Community Development Program. Seconded by Councilmember Kemp. All ayes; motion carried.

#7096. Councilmember Kemp moved to approve the recommendation to remove the One Way in Alley #1 between Pine and Linn Street. Seconded by Councilmember Sayles. All ayes; motion carried.

Councilmember Powell submitted a letter and petition signed by 11 of the 13 residents in the 100 block of Canon Avenue against the proposal for implementation of no parking on the south side of Canon Avenue from Park Avenue to River Road.

Robert Scott, 300 Canon Avenue, spoke in favor of the proposal noting serious problems due to parked cars where Canon Avenue meets Park Avenue.

Mayor Platt read the letter submitted by the residents of the 100 block of Canon Avenue protesting the implementation of the parking change.

City Administrator Wolff concurred that there is a serious problem at the corner of Canon Avenue and Park Avenue and suggested painting the curb yellow and installation of "No Parking Here to Corner" signs as a first step to alleviate this problem.

#7097. Councilmember Powell moved to not implement the proposal to have no parking on the south side of Canon Avenue but to paint the curb yellow and install signs at the intersection of Canon Avenue and Park Avenue in accordance with traffic rules and regulations now in effect. Seconded by Councilmember Sayles. All ayes; motion carried.

#7098. Councilmember Kemp moved to forward to the Iowa Department of Transportation recommendations for speed limit changes on Cedar Street Highway 22 that the speed limit be 45 mph from the City limits east to Logan Street, 30 mph to Fulliam, and 25 mph to Mississippi Drive, and also that the speed limit from Park Avenue east to the City limits on Highway 22 be increased from 25 to 35 mph. Seconded by Councilmember Powell. All ayes; motion carried.

Greg Johnston, representing Great River Days, Ltd. outlined the request by that organization to use various park facilities during Great River Days.

Councilmember Kemp asked if fireworks would again be part of the program.

Johnston indicated that this was a programming decision and depended on funds available.

Councilmember Kemp stated he felt that the firework display was a duplication of the July 4th program. He also indicated that the admission charged per person was a hardship on families who wished to attend and that family rates should be considered.

Johnston indicated that this suggestion can be considered.

Councilmember Sayles commented she felt it was a good decision to not close the park until 6:00 p.m. on Friday which allows persons to use the park during the day.

#7099. Councilmember Sayles moved that Great River Days, Ltd. be authorized to use the park facilities as outlined and be granted to charge admission at Riverside Park. Seconded by Councilmember Amerine. Five ayes, one nay (Kemp); motion carried.

#7100. Councilmember Amerine moved the request be approved to purchase alarm monitoring equipment at the Water Pollution Control Plant from Automatic Systems in the amount of \$2,445. Seconded by Councilmember York.

Councilmember Kemp questioned if any less costly alternatives were available.

City Administrator Wolff indicated he was not aware of any other system which would accomplish this purpose. He noted that with the elimination of four operators that this would be needed for safety purposes and that fatalities are not uncommon at wastewater treatment plants.

Vote - All ayes; motion carried.

#7101. Councilmember Sayles moved to receive and file Items A through L. Seconded by Councilmember Amerine. All ayes; motion carried.

#7102. Councilmember Waltman moved that bills totalling \$345,746.35 be approved and authorize the Mayor and City Clerk to issue warrants of the same. Seconded by Councilmember Powell. All ayes; motion carried.

City Attorney Allbee reported that the denial of liquor license for Harry's Tap was upheld by the Iowa Beer and Liquor Control Department Hearing Board. He stated that Mr. Koch has been notified of this and has 30 days to file for a re-hearing or file a petition for judicial review. He noted that his current license can extend until May 19, 1984 to allow for these actions.

Councilmember York reported receiving a complaint about the dumpsters used by R.J. Dick at 5th and Cypress extending too far out into the intersection so persons at corner cannot see traffic coming at intersection.

Steve Boka, Building and Zoning Administrator, reported that they had been notified of this earlier in the day.

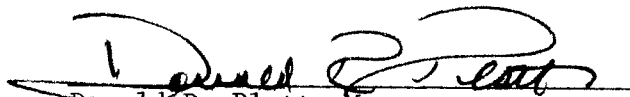
City Administrator Wolff reported that according to the Cable Television Ordinance City Council approval is needed to transfer ownership of the cable system from Muscatine Television and Communications Corporation to Heritage Cablevision and that a public hearing is required to consider this transfer.

7103. Councilmember Kemp moved the resolution be adopted setting a public hearing on May 3, 1984 on the transfer of cable television franchise. Seconded by Councilmember Waltman. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and Resolution duly adopted.


City Administrator Wolff reported receiving notification from Attorney Jon Pearce that a decision had been reached on the lawsuit by Knudson Construction for the Sunset Park Housing Project. He stated the Judge had awarded \$8,165 to Treiber Construction Co., Inc. and that no awards were given to Knudson Construction, Inc. or Shay Electric Services, Inc. He added that any appeal would be to the Supreme Court. He thanked Attorney Pearce for his excellent work on this lawsuit.

Mayor Platt announced the Southeast Iowa League meeting would be held on April 25, 1984 at Coralville.

7104. Councilmember Waltman moved to adjourn the meeting. Seconded by Councilmember Kemp. All ayes; motion carried.


Donald R. Platt, Mayor

Attest:


Soren Wolff, City Clerk