

CITY OF MUSCATINE
REGULAR MONTHLY SESSION OF CITY COUNCIL
Council Chambers - June 21, 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.

Absent - Councilmember Kite.

The opening prayer was given by Pastor Jay Turner.

The Pledge of Allegiance was given.

Public Hearing

Mayor Platt announced the hearing was being held to receive public comment on the proposed Fiscal Year 1983-84 Budget Amendments.

There were no oral comments for or against.

There were no written petitions for or against.

#7229. Councilmember Amerine moved to close the public hearing. Seconded by Councilmember Sayles. All ayes; motion carried.

#7230. Councilmember Waltman moved to approve the Minutes of the June 7, 1984 Regular Council Meeting. Seconded by Councilmember Kemp. All ayes; motion carried.

#7231. Councilmember Kemp moved to table the request for new Class B Beer Permit for Jolie's Tap, 525 Mulberry - Jolie Ann Thorndyke, until the next Council Meeting. Seconded by Councilmember Amerine. All ayes; motion carried.

#7232. Councilmember Powell moved to approve requests for renewals of liquor licenses and beer permits as follows: 1) Class C Beer and Sunday Sales Permit for Dick's Kerr McGee, 1508 Park Avenue - Richard F. Burhop; 2) Class B Beer Permit for Pete's Tap, 1820 Angle Street - Curtis and Coletta Logel; 3) Class A Liquor License and Sunday Sales Permit for Veterans of Foreign Wars Club, 421 Mulberry Avenue - Veterans of Foreign Wars Club, Inc.; 4) Class A Liquor License and Sunday Sales Permit for Loyal Order of Moose, 207 Lake Park Blvd., Loyal Order of Moose #388. Seconded by Councilmember York. All ayes; motion carried.

#7233. Councilmember Amerine moved the resolution be adopted approving 55 applications submitted for Cigarette permits. Seconded by Councilmember Sayles. All ayes; Councilmembers Sayles, York, Amerine, Powell, Waltman, and Kemp.

Motion carried and resolution duly adopted.

#7234. Councilmember Waltman moved to approve the request for Parade Permit for the 4th of July by the Muscatine Jaycees, subject to coordination of traffic control with the Police Department. Seconded by Councilmember Kemp. All ayes; motion carried.

#7235. Councilmember Powell moved to approve the appointment of Brenda Fikes to the Library Board submitted by Mayor Platt. Seconded by Councilmember Waltman. All ayes; motion carried.

#7236. Councilmember York moved the resolution be adopted approving the four (4) lot Strawberry Field Estates subdivision plat. Seconded by Councilmember Amerine. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

Kevin Whittaker, Planning Administrator, gave a presentation showing the location of property at 67th Avenue West proposed for rezoning from R-1 to R-2.

#7237. Councilmember Amerine moved the resolution be adopted setting a Public Hearing on the proposed rezoning of the property on 67th Avenue West, for July 19, 1984 at 7:30 p.m. Seconded by Councilmember Powell. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

#7238. Councilmember Waltman moved 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 Amerine. All ayes: motion carried.

#7239. Councilmember Kemp moved the ordinance be approved on final reading to extend the Industrial Tax Exemption Program for an additional five (5) years to July 1, 1989 and the ordinance be published in the Muscatine Journal as required. Seconded by Councilmember Powell. All ayes: Councilmembers Sayles, York, Amerine, Waltman, Powell and Kemp. Motion carried and ordinance adopted on third and final reading.

#7240. Councilmember Waltman moved the ordinance to approve the Urban Revitalization Plan - Phase II be approved on second reading. Seconded by Councilmember Amerine. All ayes; Councilmembers Sayles, York, Amerine, Waltman, Powell and Kemp. Motion carried and ordinance approved on second reading.

#7241. Councilmember Powell moved the ordinance to rezone property near Lake Park Blvd. from R-3 to M-1 be approved on second reading. Seconded by Councilmember Kemp. All ayes: Councilmembers Sayles, York, Amerine, Waltman, Powell and Kemp. Motion carried and ordinance approved on second reading.

#7242. Councilmember York moved the ordinance to vacate Third Avenue right-of-way be approved on second reading. Seconded by Councilmember Sayles. All ayes: Councilmembers Sayles, York, Amerine, Waltman, Powell and Kemp. Motion carried and ordinance approved on second reading.

John Hintermeister, Attorney representing Jerry Sulzberger, questioned the status of the request for rezoning of property on Houser Street from AG to M-1. He stated that a developer of property is not legally bound to specific site plans if the proposed rezoning is approved as long as they complied with requirements of the M-1 zoning district. He also stated that Mr. Sulzberger did not have definite plans for the equipment rental business at this time and the plans submitted for the equipment storage business represent his intentions at the present time.

Discussion occurred concerning the landscaping and the screening of property and its appearance.

Mr. Hintermeister stated his client's intent is to comply with the site plan submitted and the screening on that plan, but not to extend screening to the extent previously discussed. He noted that actual construction is dependent on how his business is this year.

Harvey Allbee, Jr., City Attorney, noted it is not uncommon to specify additional requirements in rezoning but it is a voluntary commitment and cannot be enforced after a rezoning is approved.

Soren Wolff, City Administrator, noted that the main concerns were on the appearance of the property under the proposed plan and with Mr. Sulzberger's plans not being definite at this time. He noted potential problems in the rezoning due to the wide range of uses permitted in the M-1 district.

Mr. Hintermeister stated that Mr. Sulzberger's intent is to buy the property and build this facility but it is dependent on the economy and the weather this summer.

Kevin Whittaker, Planning Administrator, stated that the Planning and Zoning Commission had recommended approval of the rezoning if the site plan was approved by Council.

Councilmember York questioned if the Planning and Zoning Commission had addressed the use of the property if rezoned.

Soren Wolff, City Administrator, stated that when any property is rezoned, it is entitled to all uses in that district, and it is not a normal procedure by the Planning and Zoning Commission to put conditions on a rezoning.

Councilmember Powell requested a list of M-1 uses.

Harvey Allbee, Jr., City Attorney, reviewed permitted uses in an M-1 zoning district.

#7243. Councilmember Sayles moved the ordinance on first reading to rezone property on Houser Street from AG to M-1 be denied. Seconded by Councilmember York. All ayes: Councilmembers Sayles, York, Kemp, Waltman, Powell and Amerine. Ordinance denied.

Soren Wolff, City Administrator, noted the proposed ordinance on first reading to amend the S-2 district for retail sales contains ten conditions and requirements which must be met.

Kevin Whittaker, Planning Administrator, reviewed the joint recommendation of the Planning and Zoning Commission and Zoning Board of Adjustment and reviewed the ten requirements which must be met. He noted that any requests under this proposed ordinance would be limited to existing non-conforming use of property.

Mayor Platt stated concerns if this would allow for businesses to be open 24 hours per day.

It was noted the requirement for change in traffic pattern would address this type of operation.

#7244. Councilmember Powell moved to approve the ordinance on first reading to amend S-2 District for Retail sales. Seconded by Councilmember Sayles. All ayes: Councilmembers Sayles, York, Amerine, Powell, Kemp and Waltman. Motion carried and ordinance approved on first reading.

#7245. Councilmember Kemp moved the ordinance on second reading to vacate approximately the north 60 feet of the alley between Dewey and Schley Streets be denied. Seconded by Councilmember York. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and ordinance denied on second reading.

#7246. Councilmember Powell moved the alley between Dewey and Schley Streets be closed at the railroad tracks and proper signing be erected stating no-through traffic, and the alley not be vacated. Seconded by Councilmember Amerine.

There were several comments from the audience opposed to closing the alley.

Councilmember Sayles noted the alley has been used as a thoroughfare when persons should be utilizing the streets in this area.

Vote Four ayes: Councilmembers Sayles, Amerine, Powell, and Waltman. Two nays: Councilmembers York and Kemp. Motion carried.

#7247. Councilmember Amerine moved the resolution be adopted approving the 1983-84 Budget Amendments for the General Fund, Enterprise Funds, and Federal Revenue Sharing Funds. Seconded by Councilmember Powell. All ayes: Councilmembers Sayles, York, Amerine, Powell, Kemp and Waltman. Motion carried and resolution duly adopted.

City Administrator Wolff noted the resolution proposed for approval does not specify a deadline for connection to the water main. He also noted that the provision discussed to allow persons to add connection fees to the special assessment costs for the project may be considered closer to the completion of the project when a better indication of actual costs of the project were available. He noted the connection deadline could also be set at that time.

#7248. Councilmember Powell moved the resolution be adopted for the amendments to four existing continuing appropriations and eight new continuing appropriations for various Capital Improvement projects as outlined. Seconded by Councilmember Sayles. All ayes: Councilmembers Sayles, York, Amerine, Powell, Kemp and Waltman. Motion carried and resolution duly adopted.

#7249. Councilmember Sayles moved the resolution amending the Resolution of Necessity approved on April 5, 1984 be approved with the change of reducing the Roe property from two to one benefit. Seconded by Councilmember York. All ayes: Councilmembers Sayles, York, Amerine, Powell, Kemp and Waltman. Motion carried and resolution duly adopted.

#7250. Councilmember Kemp moved the resolution overruling all other objections be approved. Seconded by Councilmember Waltman.

Mr. Frank Hahn, 4107 Grandview Avenue, asked for a clarification of the motion and stated his opposition to the project.

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

#7251. Councilmember Powell moved the resolution be adopted approving the agreement with Muscatine Power and Water for the installation of the water main. Seconded by Councilmember Amerine. All ayes: Councilmembers Sayles, York, Amerine, Powell, Kemp and Waltman. Motion carried and resolution duly adopted.

#7252. Councilmember Amerine moved that the resolution to approve Contract and Performance Bond for the Water Pollution Control Plant Renovation Project - Phase I be approved. Seconded by Councilmember Waltman. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman and Kemp. Motion carried and resolution duly adopted.

City Administrator Wolff referred Council to copies of reports they received on the proposed Cypress Street Storm Sewer Project - Mad Creek Target area.

Ray Childs, City Engineer, reviewed the proposed location of this sewer project and the portions of the project to be completed this year and next year. He noted that the area of the HON Company loading facility is proposed to be done during their annual shutdown late June and early July.

There was discussion on the specific plans for the sewer system. It was noted the deadline for completion of the project would be November 30, 1984.

#7253. Councilmember Powell moved the resolution be adopted setting a public hearing for July 5, 1984 for the proposed Cypress Street Sewer Project - Mad Creek Target Area. Seconded by Councilmember Sayles. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman and Kemp. Motion carried and resolution duly adopted.

City Administrator Wolff reported on the three quotations received for the portion of this project in the area of 4th Street and Spring Street near the HON loading facility. He noted the low quotation was from Chalupa Brothers in the amount of \$416,970.86. An error in the extensions on one of the other quotations was also noted.

#7254. Councilmember York moved to proceed with the sewer project at 4th and Spring Street and award the contract for this project to Chalupa Brothers in the amount of \$16,970.86 with funding from the Community Block Grant Mad Creek Target Area Program Year #2 funds. Seconded by Councilmember Amerine. All ayes: motion carried.

#7255. Councilmember Waltman moved the resolution be adopted setting a public hearing for July 5, 1984 for the sale of the Prime Mover property to HON Industries. Seconded by Councilmember Powell. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman and Kemp. Motion carried and resolution duly adopted.

There was a five minute recess.

Soren Wolff, City Administrator, noted a correction on the proposed pay plans. The Art Center Registrar position on Pay Plan 3 - Pay Range 11 should be Pay Range 16.

#7256. Councilmember Powell moved the resolution be adopted approving Pay Plans 1, 2 and 3 for 1984-85. Seconded by Councilmember Amerine. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman and Kemp. Motion carried and resolution duly adopted.

#7257. Councilmember Amerine moved the resolution be

adopted amending the employee rules and regulations for medical insurance and residency requirements for the police and fire officers. Seconded by Councilmember Waltman. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

#7258. Councilmember Sayles moved the resolution be adopted authorizing the continuation of the Retro Insurance program for one additional year and retaining the King-Leuck Agency as the City's insurance agent. Seconded by Councilmember York.

Soren Wolff, City Administrator, noted that the estimated costs for the Retro Policy had been estimated at \$190,000 for FY 1984/85 but specific figures had now been received showing actual costs at \$168,624.

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

#7259. Councilmember Amerine moved the amount of \$1,000 be appropriated for the American Wind Symphony Orchestra with the amount to be appropriated from the 1984-85 City Council Contingency Fund. Seconded by Councilmember Kemp. All ayes: motion carried.

#7260. Councilmember Waltman moved the Certification List for Treatment Plant Operator II be approved. Seconded by Councilmember Powell. All ayes: motion carried.

#7261. Councilmember Amerine moved the agreement between the City and the Great River Substance Abuse Center for financial subsidy and services for 1984-85 be approved. Seconded by Councilmember Sayles. All ayes: motion carried.

#7262. Councilmember Waltman moved the construction easement from Armira Company be received and accepted. Seconded by Councilmember Kemp. All ayes: motion carried.

#7263. Councilmember Powell moved the Housing Rehabilitation applications No. OB.7 and No. 135 A and B be approved. Seconded by Councilmember Amerine. All ayes: motion carried.

#7264. Councilmember Amerine moved the Iowa Department of Transportation be authorized to reduce the speed limit on Grandview Avenue approaching the Houser-Sampson Street intersection as requested. Seconded by Councilmember Sayles. All ayes: motion carried.

#7265. Councilmember Kemp moved that Items A through M be received and filed. Seconded by Councilmember Amerine. All ayes: motion carried.

Soren Wolff, City Administrator, noted that \$7,654.86 should be added to the bills to include a refund of the Cable TV deposit to American Television and Communications Corporations making the

total bills \$686,352.47.

#7266. Councilmember Waltman moved that the bills in the amount of \$686,352.47 be approved by City Council and authorize the Mayor and City Clerk to issue warrants of the same. Seconded by Councilmember Powell. All ayes: motion carried.

Harvey Allbee, City Attorney, presented a proposed resolution approving a Recognition Agreement between Prudential Insurance Company of America, Keller Industries, Inc., and the City of Muscatine.

#7267. Councilmember York moved the resolution approving Recognition Agreement between Prudential Insurance company of America, Keller Industries, Inc. and the City of Muscatine be adopted. Seconded by Councilmember Amerine. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and resolution duly adopted.

Councilmember Powell stated the railroad crossings on 9th and 5th Street are hazardous with the lack of signals and railroad personnel not warning traffic approaching the crossings as required.

Soren Wolff stated that an agreement had been signed with the railroad to install signals at each crossing. He noted the funding would be on a 90-10 (federal - city) basis and would also include the Second Street crossing.

Soren Wolff, City Administrator, reported on a meeting with Scott Young, Chairman of the Legal Aid Commission in regard to the addition of a second attorney for that organization. He stated the Council currently has \$8,700 budgeted for 1984-85 and if a second lawyer is hired, the cost to the City would be \$12,000. He noted this additional staff would be contingent on other funding sources.

There was concensus of Council to increase the Legal Aid Subsidy for the additional attorney.

#7268. Councilmember Powell moved to go into Executive Session to conduct the annual evaluation of the City Administrator. Seconded by Councilmember Amerine. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman and Kemp. Motion carried.

#7269. Councilmember Powell moved to go out of Executive Session. Seconded by Councilman Kemp. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman and Kemp. Motion carried.

#7270. Councilmember Powell moved to approve the resolution amending Employment Agreement with City Administrator Soren Wolff and setting annual salary at \$44,950 and monthly auto allowance at \$175. Seconded by Councilmember Amerine. All ayes: Councilmembers Sayles, York, Amerine, Powell, Waltman and Kemp. Motion

carried and resolution duly adopted.

#7271. Councilmember Waltman moved to adjourn the meeting.
Seconded by Councilmember Kemp. All ayes: motion carried.


Donald R. Platt, Mayor

ATTEST:


Soren Wolff, City Clerk