

6-B

CITY OF MUSCATINE
IN-DEPTH COUNCIL MEETING
MINUTES

January 8, 1987

7:00 p.m.

CITY HALL COUNCIL CHAMBERS

PRESENT: Mayor Waltman; Councilmembers York, Harder, Sayles, Phillips, Amerine, Powell and Kemp

ALSO PRESENT: Soren Wolff, City Administrator; Harvey Allbee, Jr., City Attorney; Randy Hill, Acting Public Works Director; Jerome Tesmond, Police Chief; Kevin Whittaker, Director of Planning & Community Development

The Mayor indicated Rev. Gary Howse, representing the Muscatine Area Chaplain Corps Program, had requested to address the City Council concerning their organization and services. Rev. Howse stated the purpose of the organization was designed to support the efforts of the law enforcement agencies in Muscatine County by offering spiritual guidance and assistance to persons confronted with crisis experience. Rev. Howse then outlined the qualifications for membership in the Muscatine Area Chaplain Corps and showed the identification and type of communication equipment which is utilized by the members. It was further noted, the purpose of the presentation to Council was to provide a public announcement as to the availability of the Chaplaincy Program and as recognition as an organization. Rev. Howse also stated the organization would be requesting to become part of the budget process through both the County and the City. Such funding would involve the possible need of two way radio communication equipment, patch identification items and funding for training. It was noted the future goal of the organization is to provide additional training to the members in crisis Chaplaincy and develop a trust and training for law enforcement officers to use the services of the organization.

Councilmember Kemp raised a question concerning insurance coverage. Rev. House indicated that each member has signed a release form and Police Tesmond addressed that special caution was taken in the procedures for transporting, when necessary, members of the Chaplain organization.

Police Chief Tesmond indicated the Chaplaincy Program can be of tremendous benefit in assisting Police Officers in dealing with crisis situations, but also noted they can be of assistance to Police Officers in case they encounter personal problems in dealing with their duties.

The Mayor thanked Rev. Howse for his effort and the organization for establishing the program to assist the community and the county's law enforcement agencies.

The Mayor indicated Attorney John Hintermeister had requested to address the City Council concerning the status of the Hansen Subdivision. Mr. Hintermeister stated he would like to avoid a legal confrontation and hoped that it would be possible to develop a solution to the proposed subdivision. It was noted that Mr. Hansen purchased the land in approximately 1971 and shortly thereafter the land was zoned to Industrial. It was also pointed out that the IDOT had provided the access points as part of the U.S. 61 By-Pass project. Mr. Hintermeister noted that the majority of the land is located in the County with a small portion located in the City which included that land Mr. Hansen had purchased from the IDOT as excess R-O-W. It was further stated the subdivision requirements were dictated by Chapter 409 of the State Code. Mr. Hintermeister indicated the County has taken the position that Industrial zoned land does not have to go through the subdivision process. It was further indicated that Mr. Hansen was not interested in developing the property but simply wanted to sell the land in order to maximize his profits. Attorney Hintermeister then provided a chronological review of the steps which had been taken with the City Staff, the Planning Commission and City Council in reviewing the proposed subdivision.

Mr. Hintermeister then indicated that unless a resolution could be developed on the subdivision his client would have to proceed through the court system by requesting a writ of certiorari or file for damages against the City for taking of property. Mr. Hintermeister then asked the Council if there were any proposals for modifying the subdivision which would meet with Council's approval or whether Council would reconsider voting on the subdivision as previously submitted for Council consideration. There was no action by the Council for reconsideration. Councilmember Sayles asked if consideration had been given to use just one access point instead of two. Mr. Hintermeister indicated that had not been considered and that would limit how the property could be subdivided.

Councilmember Harder questioned how Mr. Hansen had received the access points. Mr. Hintermeister indicated he was not involved with his client at that time. The City Administrator stated that no R-O-W had been purchased from the Hansens for the By-Pass, but the access points had been designated in accordance with the IDOT policy and were lined up with the access points given to the property owner on the east side of the By-Pass.

Councilmember Kemp questioned what type of development would take place on the property. Mr. Hintermeister indicated he could not address that issue as Mr. Hansen only planned to subdivide the land and sell it, but not develop it.

The City Administrator questioned Mr. Hintermeister concerning the statements that the County did not require subdivisions for Industrial zoned property and that it was his opinion the State statute made no differentiation on subdivision requirements based on what the land was zoned. Mr. Hintermeister responded it was his understanding this was the position of the County. The City Administrator also questioned the statement made by Mr. Hintermeister that the initial subdivision submitted which showed future street R-O-W on the Hansen Subdivision was better planning and land use. The City Administrator indicated this was in direct contradiction with the City's U.S. 61

By-Pass Plan which discouraged such development.

The City Council did not take any action concerning the Hansen Subdivision.

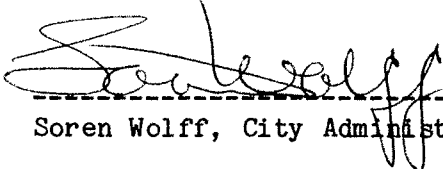
#10082 On motion by Councilmember Amerine, seconded by Councilmember Powell, it was moved to approve the renewal of the Class B Beer Permit for Steve's Dugout at 1212 Hershey Avenue. The motion was approved unanimously.

#10083 On motion by Councilmember Powell, seconded by Councilmember Sayles, it was moved to table the request for a new Class C Liquor License for Rudy's Taco at 2220 Park Avenue and a request for a Sunday Sales Permit. The motion was approved unanimously.


#10084 On motion by Councilmember Kemp, seconded by Councilmember Powell, it was moved to approve the bills in the amount of \$681,519.99. The motion was approved unanimously.

Councilmember Harder questioned whether the Council could consider going into Executive Session to possibly consider purchasing the Hansen Subdivision property. The City Administrator indicated his comment in relation to purchasing was made based on his knowledge of the purchase price of the property in 1971 and what approximately two (2) acres of the property had sold for in 1985, and he was not recommending to purchase the property. It was further indicated that due to the fact that Mr. Hintermeister had indicated if the subdivision was not approved, a lawsuit would be filed against the City, that the Council could go into Executive Session to discuss the matter. The City Attorney stated that Council could consider going into Executive Session, but due to the fact that Attorney Hintermeister had indicated a new subdivision would be submitted for Council consideration, it did not appear that any action at this time would be needed by the City Council.

#10085 On motion by Councilmember Amerine, seconded by Councilmember Powell, it was moved to adjourn the meeting. The motion was approved unanimously.



Soren Wolff, City Administrator



Richard Waltman, Mayor