

MINUTES

REGULAR MONTHLY SESSION OF CITY COUNCIL

Council Chambers - March 15, 1979 - 7:30 P.M.

The meeting was called to order by Mayor Pro Tem Larry Kemp.

Roll Call: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson present. Ald. Koehrsen absent.

The opening prayer was given by Pastor Gary House of the Four Square Church.

The Pledge of Allegiance was given.

#3554. Ald. Platt moved to approve the minutes of the Special Council meeting of February 26, 1979. Second by Ald. Hilton. All ayes; motion carried.

#3555. Ald. Rada moved to approve the minutes of the Regular Council meeting of March 1, 1979. Second by Ald. Waltman. All ayes; motion carried.

Mr. Ballard J. Kersey, Director of Public Works Planning for the Rock Island Railroad, introduced Mr. Donald L. Johnson, Signal Engineer. Mr. Johnson explained how the railroad crossing signalization on Oregon Street functions and the causes of some of the problems experienced in the operation of this system. He also outlined some of the things which will be done to correct these problems. Mr. Kersey explained further the plans to correct some of the problems and other things which can be done to prevent them from occurring.

Mr. Richard Melson, 1410 Mulberry Avenue, representing C K Processing, questioned whether the City has a hangar-keeper's liability insurance policy for the hangars which are leased at the municipal airport. City Administrator Nollenberger stated that an application for this insurance coverage has been submitted to the City's insurance company and this coverage should be on the books in the near future.

Mr. Melson also spoke regarding the failure of the City to remove ice in front of the hangars so that airplanes can go in and out of the airport. City Administrator Nollenberger stated that this problem should be discussed with the Airport Commission. Dr. Fick, member of the Airport Commission stated that the Commission would encourage owners of airplanes using the airport discuss any problems encountered in their dealings with the airport.

Mr. Del White, representing Muscatine Development Corporation, questioned whether the Council wished to discuss the request to place the road at Progress Park on the Capital Improvements Program. Council agreed to request staff to do preliminary work relating to costs of this project and refer discussion of this matter to the March 29 Special Council meeting.

Mr. Hinchee, General Manager of Muscatine Power and Water, spoke regarding the service area assigned to the municipal utility by the Iowa Commerce Commission. He explained the boundaries as assigned and outlined the boundaries as proposed in the resolution to be considered by Council.

#3556. Ald. Platt moved to approve the resolution concerning municipal utility assigned service area. Second by Ald. Hilton. All ayes: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson. Motion carried and resolution duly adopted.

#3557. Ald. Hilton moved to approve the application for a new Class C beer permit for Casey's General Stores, Inc., d/b/a Casey's General Store, Hershey Avenue and Elm Street. Second by Ald. Rada. All ayes; motion carried.

#3558. Ald. Waltman moved to approve the application for a Sunday Sales permit for Casey's General Stores, Inc., d/b/a Casey's General Store, Hershey Avenue and Elm Street. Second by Ald. Platt. All ayes; motion carried.

#3559. Ald. Rada moved to approve the application for a new Class C beer permit for Norbert Leo Loos, d/b/a Loos' Clark Super 100, 711 Park Avenue. Second by Ald. Waltman. All ayes; motion carried.

#3560. Ald. Waltman moved to approve the application for a Sunday Sales permit for Norbert Leo Loos, d/b/a Loos' Clark Super 100, 711 Park Avenue. Second by Ald. Platt. All ayes; motion carried.

#3561. Ald. Robinson moved to approve the renewal of a Class C beer/liquor license for Marlene Anderson, d/b/a Edward Tavern, 207 Mulberry Avenue. Second by Ald. Rada. All ayes; motion carried.

#3562. Ald. Waltman moved to approve the renewal of a beer/liquor license for Peggy Schenkel, d/b/a Lindy's, 1415 Grandview Avenue. Second by Ald. Rada. All ayes; motion carried.

#3563. Ald. Waltman moved to approve the resolution approving a cigarette permit for F.W. Woolworth Company #961, Muscatine Mall. Second by Ald. Robinson. All ayes: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson. Motion carried and resolution duly adopted.

#3564. Ald. Platt moved to approve the request from Hoover District Boy Scouts to hold a parade prior to their annual Scout-O-Rama on May 5, 1979. Second by Ald. Rada. All ayes; motion carried.

#3565. Ald. Waltman moved to approve the request to allow free utilization of the landfill on May 5, 1979 for the Great Iowa Clean-Up. Second by Ald. Rada. All ayes; motion carried.

#3566. Ald. Waltman moved to approve the proclamation proclaiming the week of March 18 - 24, 1979, as "Substance Abuse Prevention Week." Second by Ald. Rada. All ayes; motion carried.

#3567. Ald. Hilton moved to approve the certification list for the position of Refuse Truck Driver I. Second by Ald. Robinson. All ayes; motion carried.

#3568. Ald. Platt moved to approve the request for approval of funding for the upgrading of electric service and funding to begin the engineering of the harbor improvement project. Second by Ald. Waltman. All ayes; motion carried.

#3569. Ald. Waltman moved to approve the ordinance on second reading as amended repealing Title VI, Chapter 2, entitled "Dogs" and enacting in lieu, thereof a new Chapter entitled "Animal Control." Second by Ald. Rada. All ayes: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson. Motion carried and ordinance approved on second reading.

#3570. Ald. Platt moved to suspend the rules and pass the ordinance on third and final reading repealing Title VI, Chapter 2, entitled "Dogs" and enacting in lieu, thereof a new Chapter entitled "Animal Control." Second by Ald. Hilton. All ayes: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson. Motion carried and ordinance adopted on third and final reading.

Corporation Counsel Harvey Allbee, Jr., stated that according to State law, the City does have the authority to regulate new subdivision within the two-mile limit.

Mayor Pro Tem Kemp suggested that the following be included in the ordinance providing for minimum street and roadway improvements within two miles of the corporate limits: "Council may require other improvements as it deems requisite for protection of the public interest."

#3571. Ald. Waltman moved to approve the ordinance on first reading amending the subdivision ordinance to provide for minimum street and roadway improvements within two miles of the corporate limits including the addition as suggested by Mayor Pro Tem Kemp. Second by Ald. Robinson. All ayes: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson. Motion carried and ordinance approved on first reading.

#3572. Ald. Platt moved to approve the ordinance on first reading making it a misdemeanor to park a motor vehicle upon real property without the consent of the owner or possessor and to provide for the removal of such motor vehicle. Second by Ald. Rada. All ayes: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson. Motion carried and ordinance approved on first reading.

#3573. Ald. Waltman moved to approve the ordinance on first reading repealing Title II, Chapter 6, Sections 10 - 20, inclusive, and enacting Sections 10, 11 and 12 in lieu thereof governing the inspection of food-service establishments, the issuance, suspension and revocation of permits to operate food-service establishments, prohibiting the sale of adulterated or misbranded food or drink and the enforcement of such regulations. Second by Ald. Rada. All ayes: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson. Motion carried and ordinance approved on first reading.

Ald. Robinson questioned whether the hiring of a full time City Attorney would eventually result in the elimination of the Corporation Counsel position. Corporation Counsel Harvey Allbee, Jr., stated that the Corporation Counsel would handle any circumstances which are outside the capabilities of the City Attorney which would result in the Corporation Counsel doing less work as the City Attorney is able to take on more of the responsibility with acquired experience.

Ald. Platt questioned whether the City Administrator would be responsible for the hiring and firing of the City Attorney. Corporation Counsel Allbee stated that the City Administrator would recommend someone to fill the position of City Attorney and also recommend the firing of this person. The City Council would hire the Corporation Counsel directly.

Ald. Hilton requested that the word his be changed to read his/her in the third line of Section 1-9-2.

#3574. Ald. Waltman moved to approve the ordinance on first reading establishing the office of a full time City Attorney and providing for the retainer of a Corporation Counsel and prescribing the powers, duties and compensation of the City Attorney and Corporation Counsel. Second by Ald. Rada. All ayes: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson. Motion carried and ordinance approved on first reading.

#3575. Ald. Hilton moved to approve the resolution amending the pay plan for the City of Muscatine for the City Attorney position. Second by Ald. Platt. All ayes: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson. Motion carried and resolution duly adopted.

#3576. Ald. Platt moved to approve the resolution setting March 29 at 7 p.m. to take action for the issuance of \$1,460,000 General Obligation Sanitary Sewer Improvement Bonds. Second by Ald. Waltman. All ayes: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson. Motion carried and resolution duly adopted.

#3577. Ald. Waltman moved to set April 5, 1979, at 7:15 p.m. as the time and place for receiving and canvassing bids and considering and passing a resolution for the award of \$1,460,000 General Obligation Sanitary Sewer Improvement Bonds. Second by Ald. Rada. All ayes; motion carried.

#3578. Ald. Platt moved to approve the resolution accepting completed work performed by the Chicago, Rock Island and Pacific Railroad Company and authorizing final payment for the Oregon Street railroad crossing. Second by Ald. Hilton. All ayes: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson. Motion carried and resolution duly adopted.

#3579. Ald. Platt moved to approve the resolution accepting completed work performed by Port-A-Port for the construction of the hangars at the Muscatine Municipal Airport. Second by Ald. Robinson. All ayes: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson. Motion carried and resolution duly adopted.

#3580. Ald. Hilton moved to approve the resolution approving the temporary pay plan for the City of Muscatine for the period April 9, 1979 - March 30, 1980. Second by Ald. Waltman. All ayes: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson. Motion carried and resolution duly adopted.

#3581. Ald. Rada moved to approve the resolution amending the pay plan for the City of Muscatine for the groundskeeper position. Second by Ald. Waltman. All ayes: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson. Motion carried and resolution duly adopted.

#3582. Ald. Hilton moved to approve the resolution approving the plans, specifications and form of contract, setting April 3 at 12:00 noon for receipt of bids, setting April 5 at 7:25 p.m. for a hearing and ordering publication of Notice of Public Hearing and Notice to Bidders for the Mill-Evans Street Improvement Project. Second by Ald. Robinson. All ayes: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson. Motion carried and resolution duly adopted.

#3583. Ald. Waltman moved to approve the resolution concerning dedication of Cleveland Street. Second by Ald. Platt. All ayes: Mayor Pro Tem Kemp, Ald. Platt, Waltman, Rada, Hilton and Robinson. Motion carried and resolution duly adopted.

#3584. Ald. Platt moved to approve the billings for snow and ice removal. Second by Ald. Hilton. All ayes; motion carried.

#3585. Ald. Platt moved to direct Corporation Counsel to draft an ordinance embodying the recommendations enclosed in the report in the Council packet regarding permit fees for building, etc. and approve fees as proposed in that report. Second by Ald. Robinson. All ayes; motion carried.

Craig Olson, Director of Wastewater Treatment, gave a report concerning the odor control problem at the Water Pollution Control Plant. He indicated that a proposal would be available at the next Council meeting for Council consideration in order to correct problems in the ventilation system.

#3586. Ald. Rada moved to authorize the sale of books of tickets for senior transportation limousine service at \$4.00 instead of the regular \$4.20. Second by Ald. Waltman. All ayes; motion carried.

#3587. Ald. Platt moved to receive and file communications received. Second by Ald. Rada. All ayes; motion carried.

#3588. Ald. Waltman moved to approve bills totaling \$407,103.23 and authorize the Mayor and City Clerk to issue warrants for the same. Second by Ald. Robinson. All ayes; motion carried.

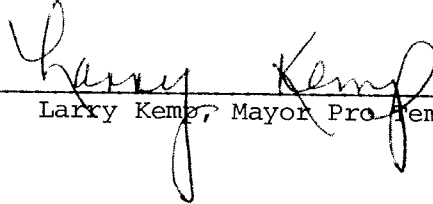
Mayor Pro Tem Kemp requested Larry Mills, Golf Course Superintendent, to say a few words to Council since his last day with the City would be March 16 after which Mayor Pro Tem Kemp introduced John Wieskamp and announced that he had been promoted

from Golf Course Leadworker to Golf Course Superintendent and would be replacing Larry Mills.

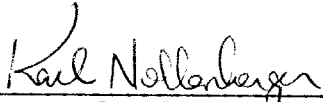
City Administrator Nollenberger requested Council approval to eliminate Fifth Street from the asphalt overlay program due to potential sewer problems. Council agreed.

Ald. Robinson requested that the Parks and Recreation Department get the ball diamonds ready as soon as possible so that they can be used.

#3589. Ald. Platt moved to adjourn the meeting. Second by Ald. Waltman. All ayes; motion carried.


Larry Kemp, Mayor Pro Tem

Attest:



Karl Nollenberger, City Clerk