

CITY OF MUSCATINE

REGULAR MONTHLY SESSION OF CITY COUNCIL

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

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

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

The opening prayer was given by City Attorney Allbee.

The Pledge of Allegiance was given.

#6522. Councilmember Kemp moved to adopt the proposed Rules of Council. Seconded by Councilmember Powell. All ayes; motion carried.

PUBLIC HEARING

Mayor Platt announced the Public Hearing was being held on the request for renewal of the Class "C" Liquor License for Harry's Tap, 525 Mulberry Avenue - Harry Koch.

Harvey Allbee Jr., City Attorney reported that Notice of Hearing had been served on January 9, 1984 to Mr. Koch's attorney and that the notice had been filed with the City Clerk.

Attorney William Creasey representing Mr. Koch, reported that the hearing on the September 14, 1983 incident was held at the Iowa Beer and Liquor Control Department and a thirty (30) day suspension was given to this establishment. He stated that the fines and suspensions were a severe enough penalty for the incidents which have occurred.

Mr. Harry Koch stated he was guilty of only part of these charges against him. He reported he has new personnel employed and a new policy that he will be in the establishment every night of the week.

Deborah Whitmore, 523½ Mulberry, reported that she was one of the individuals involved in the September 14, 1983 incident. She stated that the fight was over before Mr. Koch could reach the area in the establishment where it occurred.

Larry Lyman, Lot 27 Gas Lantern Trailer Court, reported he had been present when the incident occurred on September 14, 1983. He stated that the incident involved an argument and pushing and when it was over he shut the curtains in the establishment to prevent minors from looking inside.

Barry Whitmore, 523½ Mulberry, reported that incident on September 14th began and ended while he was entering the establishment. In regard to the November 12, 1982 incident he stated that the individuals in the establishment after hours were helping him clean and that there was open beer under the bar but no one was drinking. He reported that he had plead guilty to save costs of defending his case. He added that his employment was terminated after that incident.

Bill Hepker, 123 Walter Street, stated he was one of the individuals in the establishment on November 12, 1982 and that no one was drinking when the police entered.

Attorney Creasey presented a petition with signatures of individuals wishing Mr. Koch's license to be renewed.

Councilmember Kemp stated that the policy has been in effect for several years that the police department should be called for all incidents occurring in drinking establishments with the number of calls not to be held against these establishments.

Attorney Creasey reported he felt Mr. Koch was not really aware of this policy.

Councilmember Kemp questioned why the individuals involved in these incidents plead guilty if in fact they were not guilty.

Councilmember Waltman stated that the license holder is responsible for the acts of his employees and affirmed that it has been the policy of Council not to hold the number of police calls against the establishment.

Soren Wolff, City Administrator, commented that although these were all simple misdemeanors, that these were serious charges and that all four incidents occurred within a two year period.

Police Chief Jerome Tesmond reported he had met with Mr. Koch on September 8, 1983. During this discussion Mr. Koch stated it was his policy during a fight to close the drapes and lock the doors to the establishment. Chief Tesmond reported he had advised Mr. Koch of the effect of continuing this policy and was assured by Mr. Koch that he would cease and desist in actions of that kind. Chief Tesmond also stated that he had encouraged Mr. Koch to call the police department with no "black marks" for the number of calls to be held against the establishment. In the September 14, 1983 incident, Tesmond reported, Mr. Koch had condoned the fight, and that incidents of this nature can result in more serious problems.

#6523. Councilmember Waltman moved to close the public hearing. Seconded by Councilmember Kemp. All ayes; motion carried.

#6524. Councilmember ~~Sayles~~ moved to approve the Minutes of the January 5, 1984 Regular Council Meeting as corrected. Seconded by Councilmember Kite. All ayes; motion carried.

There was discussion on procedures to be followed if the request for renewal of liquor license by Harry Koch was not approved. City Attorney Allbee reported that it could be appealed to the Iowa Beer and Liquor Control Department and further appealed to the court system. While the appeal is in process the individual could operate under the old license.

#6525. Councilmember Waltman moved that the Class "C" Liquor License for Harry's Tap, 525 Mulberry - Harry Koch not be renewed. Seconded by Councilmember Sayles. Ayes: Councilmembers Waltman, Amerine, Kemp, Kite, Sayles, and York. Nays: Councilmember Powell. Motion carried and request for renewal denied.

#6526. Councilmember Kemp moved to approve the request for renewal of the Class "C" Liquor License for Ina Mae's, 403 W. Mississippi Drive - Robert C. and Gaylie V. Doerres. Seconded by Councilmember Kite. All ayes; motion carried.

#6527. Councilmember Kite moved to approve the request for renewal of the Class "C" Liquor License for the Golden Spike, 516 E. 2nd Street - James Edward Burmeister. Seconded by Councilmember Sayles. All ayes; motion carried.

Soren Wolff, City Administrator, reported that the license application and fee for taxi license for the Port City Yellow Cab Company had been received but required insurance certificates and bond had not been filed at this time.

#6528. Councilmember Waltman moved to table until the next meeting the request for Taxi Cab License for the Port City Yellow Cab Company. Seconded by Councilmember Amerine. All ayes; motion carried.

#6529. Councilmember York moved to approve the Proclamation declaring the month of February, 1984 as American History Month. Seconded by Councilmember Kite. All ayes; motion carried.

Mayor Platt submitted the names of Wayne McCullough, 113 Deer Path Lane, to serve on the New Construction Appeals Board, Glen Stelzner (Journeyman), Marty Thornton (Master), and Gerald Powell (Councilmember), to serve on the Plumbers Board of Examiners, and Joan Hilton, 2103 Hershey, to serve on the Zoning Board of Adjustment.

#6530. Councilmember Sayles moved to approve the above appointments. Seconded by Councilmember York. All ayes; motion carried.

Soren Wolff, City Administrator, reported he had received a call from the General Manager of Muscatine Power and Water concerning one section of the proposed ordinance to require deep wells in new subdivisions where no public water supply is available. He recommended the ordinance on final reading be tabled to the next meeting so this section can be further reviewed.

#6531. Councilmember Kemp moved to table until the first meeting in February the ordinance on final reading to require deep wells in new subdivisions where no public water supply is available. Seconded by Councilmember York. All ayes; motion carried.

City Attorney Allbee reviewed the provisions of the proposed ordinance to establish procedures and fines for enforcing handicapped parking spaces on private property, noting the handicapped identification devices are either the handicapped license plates or the card which hangs from the rear-view mirror.

Councilmember Sayles questioned how these parking stalls were to be designated, citing a need for marking these stalls both on the ground and above ground, especially when the ground signs were snow-covered.

There was further discussion if one above-ground sign could be used to designate more than one parking stall.

Soren Wolff, City Administrator, stated he would report by the second reading of the proposed ordinance what types of signs can be required according to the Uniform Traffic Code.

#6532. Councilmember Sayles moved to approve the ordinance on first reading to adopt the handicapped parking provision of the City Code to establish the procedures and fines for enforcing handicapped parking on private property. Seconded by Councilmember Kemp. All ayes: Councilmembers Kite, Sayles, York, Amerine, Powell, Waltman, and Kemp. Motion carried and ordinance approved on first reading.

Councilmember Kite questioned if Council should give some direction to the Planning and Zoning Commission for their consideration of the request from the Milwaukee Railroad to consider closing the Day, Musser, Schley, and/or Sampson Street railroad crossings.

#6533. Councilmember Amerine moved to refer to the Planning and Zoning Commission the request from the Milwaukee Railroad to consider closing the Day, Musser, Schley, and/or Sampson Street railroad crossings with a recommendation to be forwarded to the City Council. Seconded by Councilmember Powell. Six ayes, one nay (Councilmember Kite); motion carried.

#6534. Councilmember York moved to approve the three (3) housing rehabilitation applications for the Mad Creek Target Area. Seconded by Councilmember Amerine. All ayes; motion carried.

#6535. Councilmember Kite moved to approve the Civil Service certification list for Maintenance Repairperson. Seconded by Councilmember Amerine. All ayes; motion carried.

#6536. Councilmember York moved to approve the permit for Northwestern Bell to install a fiber telephone conductor cable along the north side of U.S. 61 By-Pass between Mulberry Avenue and Tipton Road. Seconded by Councilmember Sayles. All ayes; motion carried.

#6537. Councilmember Kite moved to receive and file communications A through N. Seconded by Councilmember Kemp. All ayes; motion carried.

#6538. Councilmember Waltman moved to approve bills totaling \$630,956.19 and authorize the Mayor and the City Clerk to issue warrants of the same. Seconded by Councilmember York. All ayes; motion carried.

Councilmember Kite reported receiving a call concerning the Police Cadet program and requested a conference with the Police Chief on the same.

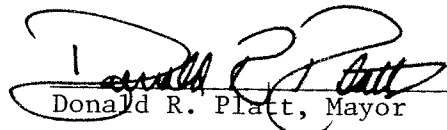
Councilmember Waltman reported receiving comments that the ramps at the intersections where the new curbing and sidewalks have been installed should be rougher to prevent persons from slipping or falling.

Mayor Platt announced that the Effective Council Leadership and Teamwork seminar would be held on February 11, 1984.

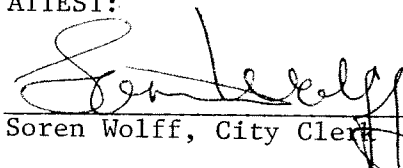
Mayor Platt announced that the Southeast Iowa Municipal League meeting would be held on February 8, 1984 at Ottumwa.

Mayor Platt commended the Council on facing the issues before them and setting the tone for Council policies.

#6539. Councilmember Kite moved to adjourn the meeting. Seconded by Councilmember Kemp. All ayes; motion carried.


Donald R. Platt, Mayor

ATTEST:


Soren Wolff, City Clerk