

CITY OF MUSCATINE
REGULAR MONTHLY SESSION OF CITY COUNCIL
Council Chambers - July 5, 1984 - 7:30 p.m.

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

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

The opening prayer was given by Councilmember York.

The Pledge of Allegiance was given.

Public Hearing

Mayor Platt announced the hearing was being held to receive public comment on the proposal to sell Prime-Mover facility to HON Industries - Close of Industrial Development Revenue Bonds.

There were no oral comments for or against.

There were no written petitions for or against.

#7272. Councilmember Sayles moved to close the public hearing. Seconded by Councilmember Kite. All ayes; motion carried.

Public Hearing

Mayor Platt announced the hearing was being held to receive public comment on the Cypress Street Sewer Project - Mad Creek Stage II.

There were no oral comments for or against.

There were no written petitions for or against.

#7273. Councilmember Kemp moved to close the hearing. Seconded by Councilmember Waltman. All ayes; motion carried.

#7274. Councilmember York moved to approve the Minutes of June 14, 1984 In-Depth Council Meeting. Seconded by Councilmember Kite. All ayes; motion carried.

#7275. Councilmember Waltman moved to approve the Minutes of June 21, 1984 Regular Council Meeting. Seconded by Councilmember Sayles. All ayes; motion carried.

John Fifer, 1005 Iowa Avenue, stated there were various locations in the City where branches were hanging over sidewalks in violation of City ordinance. He noted specifically 7th and Sycamore where branches were two feet from the ground. He suggested publishing notice in the newspaper to make persons

were in violation.

Soren Wolff, City Administrator, stated that this ordinance has been enforced on a complaint basis and also noted the traffic committee has recommended the trees be trimmed at locations where they obstruct the view of stop signs and traffic signals.

There was consensus of Council to implement a program to alleviate the problems with low-hanging branches.

Councilmember Kemp noted in some locations the trees blocked the light from street lights.

Soren Wolff, City Administrator, noted that Muscatine Power and Water generally keeps branches trimmed around the street lights.

Councilmember York suggested calling the Postmaster and requesting the mail carriers report areas which need trees trimmed.

#7276. Councilmember Kemp moved to approve the request for new Class B Beer Permit for Jolie's Tap, 525 Mulberry - Jolie Ann Thorndyke. Seconded by Councilmember Sayles. All ayes; motion carried.

#7277. Councilmember Powell moved to approve the renewal of the following permits: (1) Renewal of Class C Liquor License for Triangle Inn, 201 W 2nd Street - Mary Ellen Beck and (2) Renewal of Class B Beer and Sunday Sales Permit for Happy Joe's, 203 Lake Park Blvd. - Max Brewer Corporation. Seconded by Councilmember York. All ayes; motion carried.

#7278. Councilmember Waltman moved to approve the resolution for six (6) Cigarette Permits. Seconded by Councilmember Kite. All ayes: Councilmembers Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried and resolution duly adopted.

Mayor Platt submitted the name of Mr. John McLane, of Bandag Flight Operations, to fill the unexpired term of Mr. Dave Utley, who resigned from the Airport Commission.

#7279. Councilmember Kemp moved to approve the appointment. Seconded by Councilmember Waltman. All ayes; motion carried.

Mayor Platt also submitted the names for consideration as trustees of the Muscatine Art Center, of Mr. Pat Madden; Ms. Norma Lewis and Dr. John Sleichter with terms expiring June 30, 1987.

#7280. Councilmember Waltman moved to approve the appointments. Seconded by Councilmember Powell. All ayes; motion carried.

Mayor Platt read a proclamation naming the month of July 1984 as "Human Rights Month".

#7281. Councilmember Kite moved the Proclamation be approved. Seconded by Councilmember Sayles. All ayes; motion carried.

#7282. Councilmember Powell 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 York.

Councilmember Kemp questioned procedures in tabling this item for the past several meetings.

Soren Wolff, City Administrator, noted that by next Council meeting, the Muscatine Development Commission expects to be prepared to proceed with the purchase of the property.

Vote - All ayes; motion carried.

#7283. Councilmember Waltman moved to approve the ordinance to approve the Urban Revitalization Plan Phase II on final reading and it be published in the Muscatine Journal as required. Seconded by Councilmember Kemp. All ayes: Councilmembers Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried and ordinance adopted on third and final reading.

#7284. Councilmember Powell moved the Ordinance to rezone property near Lake Park Blvd from R-3 to M-1 be approved on third and final reading and be published in the Muscatine Journal as required. Seconded by Councilmember Kite. All ayes: Councilmembers Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried and ordinance adopted on third and final reading.

#7285. Councilmember York moved to approve the ordinance to vacate Third Avenue on third and final reading and it be published in the Muscatine Journal as required. Seconded by Councilmember Sayles. All ayes: Councilmembers Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried and ordinance adopted on third and final reading.

#7286. Councilmember Waltman moved the resolution be adopted setting a public hearing for July 19, 1984 for the sale of Third Avenue right-of-way to Ring King Visibles. Seconded by Councilmember Kite. All ayes: Councilmembers Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried and resolution duly adopted.

#7287. Councilmember Powell moved the Ordinance to amend the S-2 Industrial Office District for conditional uses be approved on second reading. Seconded by Councilmember York. Five ayes: Councilmembers Sayles, York, Powell, Waltman and Kemp. One nay: Councilmember Kite. Motion carried and ordinance approved on second reading.

#7288. Councilmember Kite moved the ordinance be approved on first reading to establish hours at Greenwood Cemetery. Seconded by Councilmember Kemp. All ayes: Councilmembers Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried and ordinance approved on first reading.

#7289. Councilmember Waltman moved the ordinance be approved on first reading to establish regulations for the operation of golf carts in the public right-of-way. Seconded by Councilmember Powell.

Councilmember York questioned if operators of golf carts would be required to have a driver's license. He stated he knew of people who drove golf carts without a driver's license but drove them with caution.

Soren Wolff, City Administrator, noted the license requirement was in the State Code.

Harvey Allbee, City Attorney, concurred that the state law required an operator's license to drive golf carts on streets.

Vote - All ayes: Councilmembers Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried and ordinance approved on first reading.

#7290. Councilmember Kemp moved to approve the Ordinance on first reading to prohibit the operation of vehicles crossing private property to avoid traffic control devices. Seconded by Councilmember Powell.

Soren Wolff, City Administrator, commented that people were also cutting through public property to avoid traffic devices. He stated that there would be a report submitted by the second reading of the ordinance to address this problem.

Vote - All ayes: Councilmembers Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried and ordinance approved on first reading.

#7291. Councilmember Waltman moved the resolution be adopted approving the contracts for state and federal public transit assistance in the amount of \$89,500. Seconded by Councilmember Kite.

Norma Todd, Transit Supervisor, gave a presentation on City transit system for fiscal year 1983/84. She noted the City exceeded previous ridership and revenue figures with 121,904 passengers and revenues of \$104,000 while operating less hours and less miles.

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

#7292. Councilmember Powell moved the resolution authorizing the sale of Prime-Mover facility to HON Industries be approved in the amount of \$1,001. Seconded by Councilmember York. All ayes: Councilmembers Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried and resolution duly adopted.

#7293. Councilmember Kemp moved the resolution be adopted approving the executed deed and the Mayor and City Clerk be authorized to execute and deliver the Special Warranty Deed for the sale of Prime-Mover facility to HON Industries. Seconded by Councilmember Kite. All ayes: Councilmember Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried and resolution duly adopted.

#7294. Councilmember Sayles moved the resolution be adopted approving the plans and specifications for the Cypress Street Sewer Project with a bid opening date of July 31, 1984. Seconded by Councilmember York. All ayes: Councilmembers Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried and resolution duly adopted.

#7295. Councilmember Waltman moved the resolution be adopted awarding the contract for the Golf Course Cart Path Improvements to General Asphalt Construction Company in the amount of \$18,407 with the amount to be paid from the Golf Course Enterprise Fund. Seconded by Councilmember Sayles.

Councilmember Waltman made note that the funds would be from the Golf Course revenues and not paid by public taxes.

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

#7296. Councilmember Powell moved the resolution be adopted accepting the work completed by Struck and Irvin Paving, Inc. in the amount of \$116,866.15 with final payments as outlined in the resolution. Seconded by Councilmember Sayles. All ayes: Councilmembers Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried and resolution duly adopted.

#7297. Councilmember Kite moved to approve the agreement with the Iowa Department of Transportation for the maintenance of the state highway system. Seconded by Councilmember Sayles.

Councilmember Waltman questioned if there would be changes in the highways listed upon completion of the U.S. 61 By-Pass.

Soren Wolff, City Administrator, stated the change would not be until next fall.

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

#7298. Councilmember Sayles moved to approve the agreement with the Muscatine Emergency Rescue Unit. Seconded by Councilmember York. All ayes: motion carried.

#7299. Councilmember Waltman moved to approve the agreement with Great River Days Limited to conduct the annual Great River Days Festival. Seconded by Councilmember Powell.

Councilmember Kemp stated that he was still opposed to charging admission at Riverside Park during Great River Days. He also noted that the Council had previously denied a request for liquor license to TIMarina and permitting a beer garden during Great River Days would seem to contradict a decision previously made by the Council.

Vote - Five ayes: Councilmembers Kite, Sayles, York, Powell and Waltman. One Nay: Councilmember Kemp. Motion carried.

#7300. Councilmember Sayles moved to approve the resolution to release the real estate mortgage for applicant number 096. Seconded by Councilmember Kite. All ayes: Councilmembers Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried and resolution duly adopted.

#7301. Councilmember Kite moved to approve the resolution releasing real estate mortgage for applicant number 093. Seconded by Councilmember Waltman. All ayes: Councilmembers Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried and resolution duly adopted.

#7302. Councilmember Waltman moved to approve the list of surplus property including the additional list submitted and the Staff be authorized to sell the same at public auction. Seconded by Councilmember Kemp. All ayes; motion carried.

Jack Paetz, Housing Administrator, outlined current financing procedures and the effect of the proposed changes in the financing agreement for the Clark House. He noted that the amendment to Finance Agreement was not approved at the regular Housing Advisory Board meeting for lack of quorum, but that he had contacted the members and they had recommended approval.

#7303. Councilmember Powell moved the resolution be approved authorizing the execution of an amendment to Finance Agreement - Clark House. Seconded by Councilmember Sayles. All ayes: Councilmembers Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried and resolution duly adopted.

#7304. Councilmember Kemp moved to receive and file Communications A through G. Seconded by Councilmember Kite. All ayes; motion carried.

#7305. Councilmember Waltman moved to approve bills totaling \$685,567.24 by City Council and authorize the Mayor and City Clerk to issue warrants of the same. Seconded by Councilmember Kite. All ayes; motion carried.

Councilmember Kite expressed his thanks to the Jaycees for

the 4th of July Parade.

Councilmember York questioned the closing of the gate at the railroad crossing at Mulberry Avenue.

Soren Wolff, City Administrator, stated that after the train derailment, the opening was not replaced. He noted there was no real pedestrian crossing, no signals at this location, and it was a potential liability to the City and the railroad.

Larry Wolf, Parks and Recreation Director, stated that since the flood in 1965, there was no pedestrian crossing.

Councilmember Waltman expressed his thanks to Randy Elder for the improvements on the park at Second and Iowa. He also questioned the status of the barb wire fences at the Golf Course.

Larry Wolf, Parks and Recreation Director, stated that a survey will be conducted and for a report given on the location and status of the fence.

Soren Wolff, City Administrator, noted that there was a claim against the City for an accident at the Railroad crossing at Oregon Street. He recommended it be referred over to the City's insurance carrier and the City Attorney.

#7306. Councilmember Sayles moved to refer this claim as recommended. Seconded by Councilmember York. All ayes; motion carried.

Councilmember Waltman questioned if any action had been taken towards the Senate File 2228.

Soren Wolff, City Administrator, reviewed the report from Steve Boka, Building and Zoning Administrator concerning Senate File 2228 noting per the City interpretation that mobile homes do not meet requirements of a modular home, therefore, they are not permitted in the City except as specifically allowed in the Zoning Ordinance.

City Attorney Allbee concurred with the report given, but noted there are differences of opinion on this matter.

Mayor Platt noted the Communication received from the Ground Zero organization.

Mayor Platt commended the Police Department on a "job well done" on recent cases. He stated that the Police Department and the Chief had his appreciation.

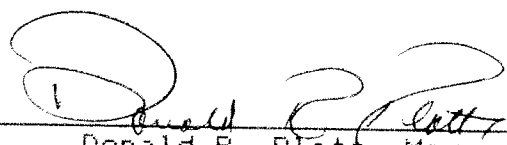
#7307. Councilmember Sayles moved the Council go into Executive Session to establish fair market value for purchase of property in Mad Creek Target Area. Seconded by Councilmember Kite. All ayes; Councilmembers Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried.

Waltman and Kemp. Motion carried.

#7308. Councilmember Waltman moved to go out of Executive Session. Seconded by Councilmember Kemp. All ayes; Councilmembers Kite, Sayles, York, Powell, Waltman and Kemp. Motion carried.

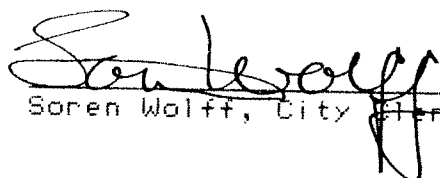
No actions were taken as the result of the Executive Session.

#7209. Councilmember Waltman moved to adjourn the meeting. Seconded by Councilmember Kemp. All ayes; motion carried.



Donald R. Platt, Mayor

ATTEST:



Soren Wolff, City Clerk