

MINUTES
REGULAR MONTHLY SESSION OF CITY COUNCIL
Council Chambers February 1, 1979 7:30 P.M.

The meeting was called to order by Her Honor, Mayor Evelyn L. Schauland.

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

The opening prayer was given by Pastor Clifford Lott.

The Pledge of Allegiance was given.

#3536. Ald. Rada moved to approve the minutes of the In Depth Council meeting of January 11, 1979. Second by Ald. Waltman. All ayes; motion carried.

#3537. Ald. Platt moved to approve the minutes of the Regular Council meeting of January 18, 1979. Second by Ald. Koehrsen. All ayes; motion carried.

#3538. Ald. Koehrsen moved to approve the minutes of the Special City Council/ Board of Supervisors meeting of January 22, 1979, as corrected. Second by Ald. Kemp. All ayes; motion carried.

Members of the 4-H Cropbusters Club were present to request permission to use the land which they used last year for their corn crop. Eloisa Yzagierre spoke for the group outlining the Club's plans for improvements at Kent-Stein Park.

#3539. Ald. Platt moved to approve the request of the 4-H Cropbusters Club to use land for their corn crop. Second by Ald. Rada. All ayes; motion carried.

#3540. Ald. Waltman moved to approve the renewal of a Class C beer/liquor license for Carolyn L. Ballenger, d/b/a Chet's Play Time, 1209 Hershey Avenue. Second by Ald. Rada. All ayes; motion carried.

Mayor Schauland submitted the names of Ald. Koehrsen and City Administrator Karl Nollenberger to serve on the Muscatine Community Emergency Medical Services Council.

#3541. Ald. Kemp moved to approve the names of Ald. Koehrsen and City Administrator Karl Nollenberger to serve on the Muscatine Community Emergency Medical Services Council. Second by Ald. Waltman. All ayes; motion carried.

City Administrator Nollenberger spoke regarding the letter from Chicago, Rock Island and Pacific Railroad Company concerning reconstruction of the grade crossing at Oregon Street. He explained that this project would be funded one-third by the State, one-third by the City, and one-third by the railroad companies. He added that the U.S. 61 (Grandview Avenue) crossing would be totally funded by the State.

#3542. Ald. Platt moved to wait until after discussion of the Capital Improvements Program before making any commitment to the reconstruction of the grade crossing on Oregon Street. Second by Ald. Koehrsen. All ayes; motion carried.

#3543. Ald. Waltman moved to table until the next in depth meeting the ordinance adding Title X, Chapter 2, Section 3 to the Municipal Code to require smoke detectors in all commercial and residential buildings in the City of Muscatine. Second by Ald. Platt. All ayes: Ald. Platt, Waltman, Rada, Hilton, Kemp and Koehrsen. Motion carried.

Ald. Koehrsen stated that the intent of this ordinance was to transfer some of the costs of fire protection to individual citizens to provide tax relief.

Mr. Britt questioned how this ordinance could save taxes since it would be adding further expense to all citizens. (Ald. Robinson arrived at 8:07 p.m.)

Ald. Koehrsen stated that it was not the original intent of Council for the costs associated with this ordinance to be so high but that when the commercial aspects of

the ordinance were investigated the costs became apparent.

Fire Chief Paul Ziegenhorn stated that the sooner the Fire Department receives the alert the sooner the fire could be put out and this would prevent loss.

Mr. Britt stated that in studies done on this subject, more calls were turned in to fire departments which would mean more cost to taxpayers.

Chief Ziegenhorn stated that other studies showed that a 72% reduction in property loss, 71 - 80% reduction in deaths and 85 - 92% reduction in injuries had been realized.

#3544. Ald. Platt moved to approve the ordinance on first reading amending Title V, Chapter 5, Section 32, of the Municipal Code entitled, "Persons under Legal Age Frequenting Taverns" to permit persons under legal age to frequent or be in and about licensed premises at times when alcoholic liquor or beer is not being dispensed. Second by Ald. Kemp. All ayes: Ald. Platt, Waltman, Rada, Hilton, Kemp, Koehrsen and Robinson. Motion carried and ordinance approved on first reading.

City Attorney Gary Allison spoke regarding the ordinance adding Article VII, Chapter 2, Section 10 adopting the State law pertaining to the operation of snowmobiles. He stated that according to State law, cities cannot regulate snowmobiles and that it is his opinion that cities cannot adopt the State code. He added that he felt cities may merely decide where to allow snowmobiles or not to allow them.

City Administrator Nollenberger questioned if the City could adopt the State Code, would the City police write tickets for violations and receive the revenue from these violations. Attorney Allison stated that he was not sure the City could adopt the State Code, but if they could, the revenue would go to the City.

City Attorney Allison then stated that he felt the City could either designate streets where snowmobiles could be ridden or designate "no streets".

#3545. Ald. Platt moved to request more study of the proposed snowmobile ordinance by legal counsel to see if the City can adopt the State code, to receive opinions on the City's liability if snowmobiles are permitted in the City, and for the Parks and Recreation Advisory Commission to suggest snowmobile accesses to the City. Second by Ald. Rada. All ayes: Ald. Platt, Waltman, Rada, Hilton, Kemp, Koehrsen and Robinson. Motion carried.

#3546. Ald. Kemp moved to approve the ordinance on first reading amending the Zoning Ordinance from R-5 (Residential District) to C-2 (Central Commercial District) for a parcel of property on Iowa Avenue at Fifth Street. Second by Ald. Waltman. All ayes: Ald. Platt, Waltman, Rada, Hilton, Kemp, Koehrsen and Robinson. Motion carried and ordinance approved on first reading.

#3547. Ald. Platt moved to approve the ordinance on second reading adding Title VII, Chapter 18 to the Municipal Code authorizing weight embargoes and truck routes in the City of Muscatine. Second by Ald. Kemp. All ayes: Ald. Platt, Waltman, Rada, Hilton, Kemp, Koehrsen and Robinson. Motion carried and ordinance approved on second reading.

#3548. Ald. Waltman moved to approve the ordinance on third reading adding Title X, Chapter 2, Section 2 to regulate open burning and to provide for the burning of leaves during certain portions of the year to the City Code, and direct it to be published in the Muscatine Journal. Second by Ald. Koehrsen. Motion carried and ordinance adopted on third and final reading.

#3549. Ald. Kemp moved to approve the ordinance on third reading amending the Zoning Ordinance from M-1 (Light Industrial) to R-L (Large Scale Residential) District, and direct it to be published in the Muscatine Journal. Second by Ald. Hilton. All ayes: Ald. Platt, Waltman, Rada, Hilton, Kemp, Koehrsen and Robinson. Motion carried and ordinance adopted on third and final reading.

#3550. Ald. Platt moved to approve the ordinance on third and final reading vacating a part of an alley in the Joseph E. Hoopes 2nd Addition and authorizing and directing the sale, and direct it to be published in the Muscatine Journal. Second by Ald. Robinson. All ayes: Ald. Platt, Waltman, Rada, Hilton, Kemp, Koehrsen and Robinson. Motion carried and ordinance adopted on third and final reading.

#3551. Ald. Hilton moved to approve the resolution approving the deed for certain real estate. Second by Ald. Kemp. All ayes: Ald. Platt, Waltman, Rada, Hilton, Kemp, Koehrsen and Robinson. Motion carried and resolution duly adopted.

City Administrator Nollenberger reported on the meeting held at Garfield School regarding the dedication of streets in the 1975 annexation area.

#3552. Ald. Hilton moved to approve the City taking over of the maintenance of the streets in the McIntire Second Addition - McIntire Road, Reynolds Road, Island Road and Island Court. Second by Ald. Rada. All ayes; motion carried.

#3553. Ald. Platt moved to approve the resolution approving an agreement between the City of Muscatine and the Department of Transportation for the Muscatine By-Pass right-of-way purchase. Second by Ald. Waltman. All ayes: Ald. Platt, Waltman, Rada, Hilton, Kemp, Koehrsen and Robinson. Motion carried and resolution duly adopted.

City Administrator Nollenberger gave a report concerning progress on some of the legislation of interest to the City Council. He also announced that a meeting would be held on February 10 at 9 a.m. at Muscatine Community College which would be attended by State Legislators at which time Council could further discuss their legislative priorities.

#3554. Ald. Koehrsen moved to have Council go on file supporting Senate File 75 concerning an amendment to the Civil Service laws. Second by Ald. Platt. All ayes; motion carried.

#3555. Ald. Waltman moved to approve the certification of the examination for a Master Plumber's License to Lawrence Kaska. Second by Ald. Hilton. All ayes; motion carried.

Ald. Rada questioned in what year the Liberty Street paving project would be done. Community Development Director Arlen Wiggs stated that it was included in the second year of the present Block Grant Program.

Ald. Kemp questioned why federal funds were to be used instead of assessing the taxpayers. Mr. Nollenberger stated that Block Grant funds must be used to upgrade neighborhoods that are economically depressed and that the efforts must be concentrated on target neighborhoods.

#3556. Ald. Waltman moved to approve the budget modifications for the Community Development Block Grant Program. Second by Ald. Hilton. Six ayes; one nay (Kemp). Motion carried.

Mr. Wiggs explained the background on the case of a condemnation award appeal by the City against Hahn Brothers Investment Company.

#3557. Ald. Koehrsen moved to drop the appeal on the condemnation award on the Hahn Brothers Investment Company. Second by Ald. Kemp. All ayes; motion carried.

#3558. Ald. Platt moved to approve the 300 foot stack for the new electric generating plant. Second by Ald. Robinson. All ayes; motion carried.

#3559. Ald. Waltman moved to receive and file communications received. Second by Ald. Rada. All ayes; motion carried.

#3560. Ald. Kemp moved to approve bills totaling \$347,144.04 and authorize the Mayor and City Clerk to issue warrants for the same. Second by Ald. Hilton. All ayes; motion carried.

Ald. Robinson questioned whether the Police Department is providing rides to people who need them in emergency situations.

Police Chief Don Hogan stated that the Police Department had been taking persons to the hospital during the recent snowstorm but that this would only be done in snow emergencies.

Ald. Koehrsen reported that a meeting had been held this morning as a follow-up of the meeting between the Board of Supervisors and the City Council. She stated that the Board of Supervisors and members of Council had discussed further the requests for funding from area agencies and that a further report would be given when the full Council discussed these requests.

Ald. Koehrsen also reported that the conference on state and local government finance which the Mayor, City Administrator and herself had attended had been very informative.

#3561. Ald. Kemp moved to approve the Traffic Committee recommendation and take parking off both sides of the street at the corner of Burnside Avenue and Burnside Drive and at Mulberry Avenue and Burnside. Second by Ald. Koehrsen. All ayes; motion carried.

#3562. Ald. Kemp moved to approve the Traffic Committee recommendation to take parking off both sides of Leroy Street from the crest of the hill to Bidwell Road. Second by Ald. Waltman. Six ayes; one nay (Rada). Motion carried.

Ald. Rada reported that Mr. J.W. Meyers had called him to report that a snow plow had turned around in his yard. He also reported that the sidewalks adjacent to the Public Safety Building need to be shoveled as well as other sidewalks in the City and requested that something be done to get these sidewalks cleared.

Ald. Waltman questioned why the YWCA had held their cross-country skiing at the Golf Course and the City held theirs at Salisbury Recreation Area. City Administrator Nollenberger stated that the YWCA had also held theirs at Salisbury Recreation Area as the Golf Course was not a good place for beginning cross-country skiers.

#3563. Ald. Kemp moved to approve the resolution providing for the transfer of City property to Florence Estabrook. Second by Ald. Waltman. All ayes: Ald. Platt, Waltman, Rada, Hilton, Kemp, Koehrsen and Robinson. Motion carried and resolution duly adopted.

City Administrator Nollenberger announced that the Street Department will be clearing streets and that the Police Department will be enforcing the no parking on snow routes. He added that an announcement will be published informing citizens where they should not park so that the crews can clean the streets.

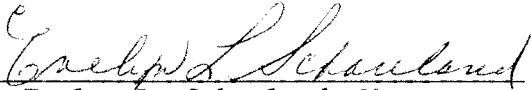
City Administrator Nollenberger also reported that four qualified applications for the position of City Engineer have been turned in to the City and that they should have a City Engineer hired by mid-February.

Mayor Schauland questioned when something would be done about the corner of Mulberry Avenue and Wier Street. City Administrator Nollenberger stated that this intersection was scheduled to be rebuilt in the summer of 1979.

Mayor Schauland announced that a reception would be held for Joe Baker, who is leaving City employment for another position, at the Library on February 11 from 2:30 - 4 p.m.

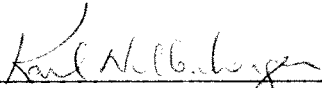
Mayor Schauland announced that she would be out of town and that Ald. Robinson would be the Mayor Pro-tem while she is gone.

#3564. Ald. Platt moved to adjourn the meeting. Second by Ald. Hilton. All ayes; motion carried.



Evelyn L. Schauland, Mayor

Attest:



Karl Nollenberger, City Clerk