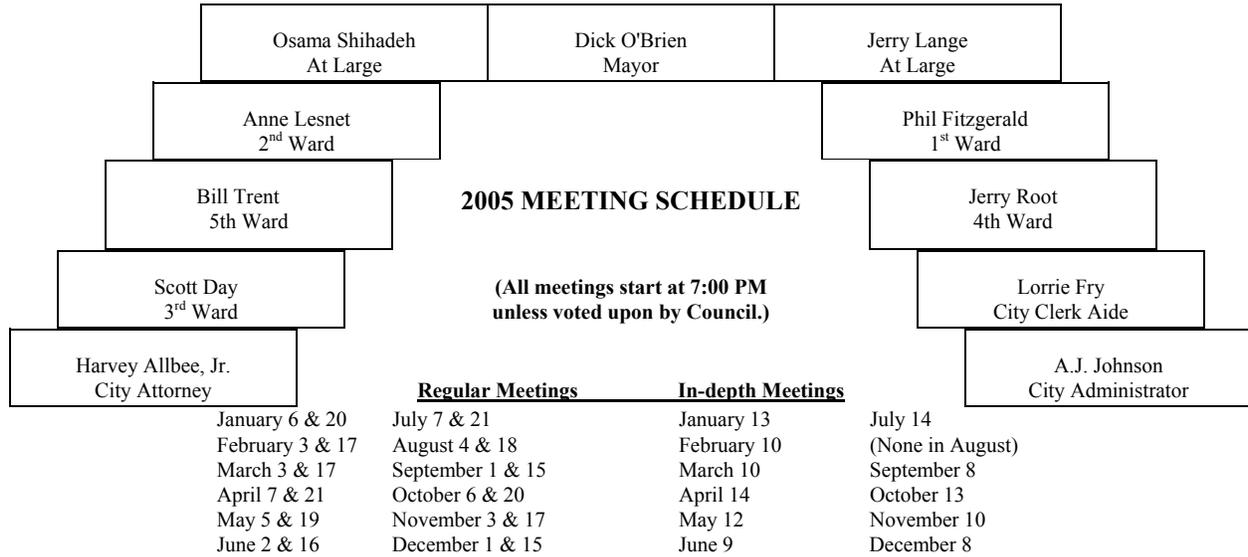


# MUSCATINE CITY COUNCIL



## AGENDA

**THURSDAY, JULY 7, 2005, 7:00 P.M.  
COUNCIL CHAMBERS - CITY HALL**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OPENING PRAYER**
4. **PLEDGE OF ALLEGIANCE**
5. **COMMUNICATIONS – CITIZENS**
6. **MINUTES - APPROVAL**

A. Regular City Council Meeting – June 16, 2005

7. **CONSENT AGENDA**

The following items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence from the Agenda.

- \* 9 – B-E
- \* 13 – A-G
- \* Bills\*

\* Approval of attached Bills for Approval totaling \$1,969,135.60 is subject to the approval of any related agenda item(s).

## **8. PUBLIC HEARING**

### A. Proposed Demolition of Vacant Warehouse

Previously the City Council took action to establish a public hearing on the proposed demolition of a vacant warehouse located at 1004 E. 5<sup>th</sup> Street. The warehouse has been acquired by the City of Muscatine as part of the E. 5<sup>th</sup> Street Bridge Project. Originally it was intended for city staff to remove the building but due to scheduled conflicts, this could not be accomplished. In addition, the removal of asbestos has become a concern and it was determined it should be dealt with by a company that deals with demolition activities. Following the public hearing, the Council will also be asked to approve the plans, specifications and setting the bid opening date for the demolition of the property itself.

Now is the time for the public to comment on the proposed demolition of the vacant warehouse at 1004 E. 5<sup>th</sup> Street.

## **9. PETITIONS AND COMMUNICATIONS**

- A. Request on first reading for a new Class B Liquor License and Sunday Sales Permit for Econo Lodge, 2402 Park Avenue – Kesi Investments Inc. (pending receipt of insurance)
- B. Request approval on second reading of a new Class B Beer and Sunday Sales Permit for Got Lips?, 2114 Park Avenue – Michael Raushenberger (pending receipt of dram shop certificate and inspections)
- C. Request for renewal of a Class C Liquor License and Sunday Sales Permit for The Fiesta, 1919 Grandview Avenue – Fiesta Inc.
- D. Request for renewal of a Class B Beer and Sunday Sales Permit for Pete’s Tap, 1820 Angle Street – Curtis and Colette Logel (pending receipt of dram shop certificate)
- E. Request approval of Cigarette Permits effective July 2005 through June 30, 2006

**10. FROM THE MAYOR**

- A. Proclamation Declaring July 28-30, 2005 as “Knights of Columbus Days for the Mentally Challenged”

The above proclamation has been submitted for City Council’s consideration and approval.

- B. Request Approval of New Appointments/Reappointments to the City’s Boards and Commissions

At this time City Council could take action to approve the new appointments and reappointments to the city’s boards and commissions.

**11. FROM THE PLANNING AND ZONING COMMISSION**

- A. Resolution Setting Time and Place of Public Hearing on Proposed Zoning Change Within the City of Muscatine

Presented for City Council’s consideration is a resolution setting the time and place of a public hearing on a proposed zoning change within the City of Muscatine. The city has received a request from four separate property owners to rezone their properties to the S-3 mixed use development (MXD). This request was handled by the city’s Planning & Zoning Commission at their June 14, 2005 meeting. Three of the property owners in question are requesting that the current agricultural zoning be changed to S-3 and the final property owner would request the R-2 and R-3 zoning to be changed to S-3. A variety of projects and activities are planned for this area that would best be served by the S-3 zoning. Prior to any formal action by Council, a public hearing is required.

At this time City Council could take action by resolution setting the time and place of a public hearing on the proposed zoning change within the City of Muscatine for Thursday, July 21, 2005, at 7 p.m.

- B. Resolution Setting Time and Place of a Public Hearing on Proposed Amendment to the Subdivision Regulations of the City of Muscatine

Presented for City Council’s consideration is a resolution setting the time and place of a public hearing on a proposed amendment to the subdivision regulations of the City of Muscatine. The Planning & Zoning Commission has reviewed and recommended the adoption of an ordinance amendment to the subdivision regulations of the City Code that would require that consideration be given to the platting of easements for the construction of trails within those subdivisions. Prior to any formal action by City Council, a public hearing is required.

At this time City Council could take action by resolution setting the time and place of a public hearing on the proposed amendment to the subdivision regulations of the City of Muscatine for Thursday, July 21, 2005, at 7 p.m.

12. **FROM THE CITY ADMINISTRATOR**

A. Final Reading of an Ordinance Amending the Sewer Use Regulation Ordinance

Presented for City Council's consideration is the final reading of an ordinance amending the sewer use regulation ordinance. The changes proposed in this amendment would incorporate language that would be more restrictive concerning the introduction of fats, oils, and grease into the system. In addition, provisions of the ordinance would establish parameters and timeframes in which city officials would work with the sanitary sewer users who have been identified as contributors of these problems to the system. The city would work to gain compliance with the provisions of this ordinance for all affected users.

At this time City Council could take action on the third and final reading of an ordinance amending the sewer use regulation ordinance and direct for its publication.

B. Resolution Approving Plans and Specifications and Setting Bid Opening Date for Demolition of Vacant Warehouse at 1004 E. 5<sup>th</sup> Street

Presented for City Council's consideration is a resolution approving the plans and specifications and setting the bid opening date for the demolition of a vacant warehouse at 1004 E. 5<sup>th</sup> Street. Previously a public hearing was held to receive public comment on this proposed action. In accordance with State Code, any project or public improvement that exceeds \$25,000 is subject to approval of plans, specifications and formalizing a bid opening date for those improvements. The estimated cost for this activity exceeds that threshold amount. The bid date will be established for July 22, 2005.

At this time City Council could take action by resolution approving the plans, specifications, form of contract, cost estimate and setting the date for the receipt of bids on the project to demolish a vacant warehouse at 1004 E. 5<sup>th</sup> Street.

C. Resolution Approving Contract and Bond for CBD Miscellaneous and W. 3<sup>rd</sup> Street Sanitary and Storm Sewer Improvement Project

Presented for City Council's consideration is a resolution approving the contract and bond for the CBD Miscellaneous and W. 3<sup>rd</sup> Street Sanitary and Storm Sewer Improvement Project. Previously the City Council had taken action to approve the contract between the City of Muscatine and Sulzberger Excavating Inc. in the amount of \$2,832,216 for this project. All appropriate documentation has been submitted and approved by staff.

At this time City Council could take action by resolution approving the contract and bond for the CBD Miscellaneous and W. 3<sup>rd</sup> Street Sanitary and Storm Sewer Improvement Project.

D. Resolution Awarding Contract for Deceleration Lane – U.S. Highway 61 Project

Presented for City Council's consideration is a resolution awarding the contract for the deceleration lane for the U.S. Highway 61 Project. On Wednesday, June 29, 2005, bids were opened for the deceleration lane on Highway 61 at the entrance of the Municipal Airport. Two bids were received with the low apparent bid being that of Muscatine Bridge in the amount of \$64,267.10. The engineer's estimate for the work was \$72,958, and the city has budgeted \$85,000 for this project.

At this time City Council could take action by resolution awarding the contract for the deceleration lane for the U.S. Highway 61 Project to Muscatine Bridge in the amount of \$64,267.10.

E. Request to Approve Change Order #4 for the Riverview Center

Presented for City Council's consideration is a request to approve Change Order #4 for the Riverview Center. The renovation of the Riverview Center has been completed and we are now ready to close out this contract under the Pearl of the Mississippi Project. One final change order is being submitted to City Council at this time for consideration in the amount of \$1,045. This involved the additional bracing of the rail on the deck that was required to meet Code requirements. The work has now been completed and has addressed previously noted safety concerns. The original contract amount for this project was \$769,000. Council had previously approved change orders in the amount of \$12,256.80. With this additional change order, it brings the total contract price to \$782,301.80.

At this time City Council could take action to approve Change Order #4 for the Riverview Center.

F. Resolution Accepting Completed Work and Authorizing Final Payment for Riverview Center

Presented for City Council's consideration is a resolution accepting completed work and authorizing final payment for the Riverview Center. Previously the city entered into a contract with Hy-Brand Industrial Contractors of Muscatine for this project in the amount of \$769,000. Four change orders were presented and approved by City Council raising the final contract price to \$782,301.80. To date \$743,146.47 has been paid to the contractor leaving the final payment of \$40.24 plus the retainage of \$39,115.09 due and payable. Staff and the city's architect on the project have reviewed the work completed and have accepted it.

At this time City Council could take action by resolution accepting the completed work on the Riverview Center and authorizing final payment to Hy-Brand Industrial Contractors.

G. Request to approve Change Order #5 for the Boat Launch and Sanitary Sewer Project on the Riverfront

Presented for City Council's consideration is a request to approve Change Order #5 for the boat launch and sanitary sewer project on the riverfront. A final change order is being submitted for Council's consideration and approval to close out the combined Pearl of the Mississippi Project and the 1% sales tax project. This change order totals \$16,197.33 and includes a number of "field" related changes that were required to keep the project on schedule.

At this time City Council could take action to approve Change Order #5 for the boat launch and sanitary sewer project on the riverfront.

H. Resolution Accepting Completed Work and Authorizing Final Payment for Boat Launch and Sanitary Sewer Project on Riverfront

Presented for City Council's consideration is a resolution accepting the completed work and authorizing final payment for the boat launch and sanitary sewer project. Previously the city had issued a contract to Muscatine Bridge of Muscatine in the amount of \$2,893,835 for this project. A total of five change orders were processed including one deduction for a total contract price of \$2,868,939.10. The project has been inspected by the city and project engineer and has been completed at this time. A total of \$2,725,492.15 has been paid to the contractor for this project leaving a retainage of \$143,446.95 remaining due and payable.

At this time City Council could take action by resolution accepting the completed work on the boat launch and sanitary sewer project and authorizing final payment to Muscatine Bridge.

I. Resolution Authorizing Submission of New Capital Investment Program Amendment to the Iowa Department of Economic Development on Behalf of Hoffmann Inc.

Presented for City Council's consideration is a resolution authorizing submission of a New Capital Investment Program Amendment to the Iowa Department of Economic Development on behalf of Hoffmann Inc. Previously the City Council took action to make application to the IDED for a number of economic development incentives to assist Hoffmann Inc. of Muscatine in a planned expansion. Among those programs was participation in the New Capital Investment Program. Since the original application was submitted and approved, Hoffmann Inc. has exceeded their expected capital investment and job creation for this project thereby making them eligible for an amendment to receive additional state benefits under this program. Due to the timing, the state approved the application prior to the end of the fiscal year (June 30, 2005). It is still necessary for the City Council to take action to formalize this request to make this company eligible for additional benefits.

At this time City Council could take action by resolution authorizing the submission of a New Capital Investment Program Amendment to the IDED on behalf of Hoffmann Inc.

J. Resolution Approving Low Bid for Removal/Replacement of Dry Pipe System at Clark House Garage

Presented for City Council's consideration is a resolution approving the low bid for removal/replacement of the dry pipe system (sprinkler system) at the Clark House garage. The city received three bids for this project with the low bid being that of Continental of Davenport, Iowa, in the amount \$17,732. There was \$20,000 budgeted for this project.

At this time City Council could take action by resolution approving the low bid from Continental of Davenport, Iowa, in the amount of \$17,732 for repairs to the dry pipe system at the Clark House garage.

K. Resolution Approving Low Bid for Removal/Replacement of Screen Doors at Sunset Park

Presented for City Council's consideration is a resolution approving the low bid for removal/replacement of screen doors at Sunset Park. The city received two bids for this project with the low bid being that of I.C. Home Improvements of Muscatine in the amount of \$24,608.65. The city had budgeted \$30,000 for this project.

At this time City Council could take action by resolution approving the low bid from I.C. Home Improvement in the amount of \$24,608.65 for removal/replacement of screen doors at Sunset Park.

L. Request Approval of Departmental Reorganization

Presented for City Council's consideration is a request for approval of a departmental reorganization involving the city's finance and records operation. Information has been submitted to City Council to consider the reorganization of various operational issues associated with the Department of Finance and Records. Among those recommendations will be the elimination of the Director of Administrative Services position, the re-creation of the Finance Director, the creation of a supervisory accountant's position and for the additional funding for assistance for the city's computer operations. After an extensive review of the department, these recommendations are being forwarded by the city's consultant, Triumph Consulting. They are supported by the administrative staff. If approved by Council, the position of Director of Administrative Services would be eliminated officially on November 10, 2005 while the other proposed changes would go into effect immediately. Projected savings for the reorganization will allow for the city to hire the supervisory accountant in lieu of the Director of Administrative Services position and also afford the city latitude to direct more financial resources to assist the computer support operations for the city.

At this time City Council could take action to approve the departmental reorganization submitted by the City Administrator.

M. Request Approval of Real Estate Contract Between the City of Muscatine and Robert D. Jensen for Purchase of Property Known as Lincolnshire Park

Presented for City Council's consideration is a request to approve the real estate contract between the City of Muscatine and Robert D. Jensen for the purchase of property known as Lincolnshire Park. At its May 19, 2005 City Council meeting, City Council took action authorizing the sale of this property through a closed auction bid. Four bids were submitted for the June 20, 2005 closed auction. Robert D. Jensen was the successful high bidder at \$255,000. Mr. Jensen intends to build a one story brick office building of approximately 5,000 to 6,000 square feet for occupation by his business, Temp Associates.

At this time City Council could take action to approve the real estate contract between the City of Muscatine and Robert D. Jensen for purchase of the property known as Lincolnshire Park.

N. Request Approval of Contract Extension for Consulting Services for Downtown Survey

Presented for City Council's consideration is a request to approve a contract extension for consulting services for the downtown survey. A grant between the city and the State Historical Society of Iowa (SHSI) was executed on February 20, 2004. The agreement established the conditions for the Historic Preservation Commission (HPC) to conduct an intensive survey and evaluation of approximately 130 buildings in the downtown. The agreement provided \$11,245 in grant revenue to fund the survey cost. Two provisions in the grant agreement now need to be addressed. The first is that the grant agreement expired on June 30, 2005 and work has not been completed. The second is that a qualified consultant must be hired by the city to develop a project design, review all work, and provide a certified report to the SHSI upon completion of the project. The SHSI has agreed to extend the contract through July 31, 2005 at an additional cost not to exceed \$2,000. The HPC requests Council approve the contract extension within the cost listed.

At this time City Council could take action to approve the extension for consulting services for the downtown survey to July 31, 2005 at a cost not to exceed \$2,000.

O. Request Approval of Rate Increase for Hauling Contractor

Presented for City Council's consideration is a request to approve a rate increase for the city's hauling contractor. The city's hauling contractor, Dick Doyle Excavating Inc., has requested an increase of \$10.80 per truckload of garbage to the Muscatine Landfill. He is also requesting an increase of \$8.80 per truckload of leachate hauling. The request for the increase is based on increased diesel fuel prices.

At this time City Council could take action to approve the request for a rate increase from

Dick Doyle Excavating Inc. effective July 1, 2005.

P. Request Approval to Issue of Purchase Order for Project Inspection Services for the CBD Miscellaneous and W. 3<sup>rd</sup> Street Sanitary and Storm Sewer Improvement Project

Presented for City Council's consideration is a request to approve the issuance of a purchase order for project inspection services for the CBD Miscellaneous and W. 3<sup>rd</sup> Street Sanitary and Storm Sewer Improvement Project. The city is requesting the approval of a contract between the city and Dennis Kistenmacher, P.E., for his services as project inspector for this project at a cost of \$35.00 per hour plus expenses.

At this time City Council could take action to approve the contract agreement between the city and Dennis Kistenmacher, P.E., for his services as project inspector for the abovementioned project.

Q. Request Approval to Issue Purchase Order for Purchase of One Ton Truck

Presented for City Council's consideration is a request to issue a purchase order for the purchase of a one ton truck. The city received one bid for the truck chassis and four bids for equipment to be installed on the truck. It is recommended that the city purchase the one ton truck chassis from Krieger's in the amount of \$20,947.22 and the equipment from Henderson Truck Equipment in the amount of \$7,288 for a total cost of \$28,235.22. There was \$35,000 budgeted for this purchase.

At this time City Council could take action to approve the bid from Krieger's in the amount of \$20,947.22 for the truck chassis and the low bid from Henderson Truck Equipment in the amount of \$7,288 for equipment for a total cost of \$28,235.22.

R. Request Approval to Issue Purchase Order for Fiscal Year 2005/2006 Crack and Joint Seal Program

Presented for City Council's consideration is a request to issue a purchase order for the fiscal year 2005/2006 crack and joint seal program. The city received only one bid for the crack and joint seal program. This bid was from Illowa Investment Inc. in the amount of \$39,200. The budgeted amount was \$50,000. The Public Works Director would also like to ask Illowa Investment if they would extend their price quote per foot so that we could look at sealing two additional streets and stay within the \$50,000 budgeted amount.

At this time City Council could take action to approve the bid from Illowa Investment Inc. in the amount of \$39,200 for the 2005/2006 crack and joint seal program and also grant the Public Works Director authorization to request an extension of Illowa's price quote per foot for additional crack and joint sealing not to exceed the \$50,000 budgeted amount.

S. Request Approval of Traffic Item

Presented for City Council's consideration is a request to install a stop sign to replace the yield sign at Harbor Drive and Cedar Street Extended. Currently a yield sign is located on Harbor Drive for traffic going west. Complaints have been received from motorists about close calls with this intersection. We anticipate a greater volume of traffic at this intersection because of improvements to the riverfront.

At this time City Council could take action to approve the installation of a stop sign at the intersection of Harbor Drive and Cedar Street Extended.

**13. COMMUNICATIONS - RECEIVE AND FILE**

- A. Muscatine County Board of Supervisors – June 6, 13 & 20, 2005
- B. Muscatine School Board – June 13, 2005
- C. Historic Preservation Commission – May 10, 2003
- D. Airport Advisory Commission – May 23, 2005
- E. Library Board of Trustees – April 20, 2005
- F. Police Department Monthly Report – May 2005
- G. City of Muscatine Financial Reports – May 2005

**14. APPROVAL OF BILLS**

It is recommended bills totaling \$1,969,135.60 be approved and that the City Council authorize the Mayor and City Clerk to issue warrants for the same. It should be noted that this listing is subject to the approval of any related agenda item(s).

**15. COMMUNICATIONS - COUNCIL MEMBERS**

**16. OTHER BUSINESS**

- A. Request approval to go into Closed Session to discuss pending litigation and property acquisition

**17. ADJOURNMENT**