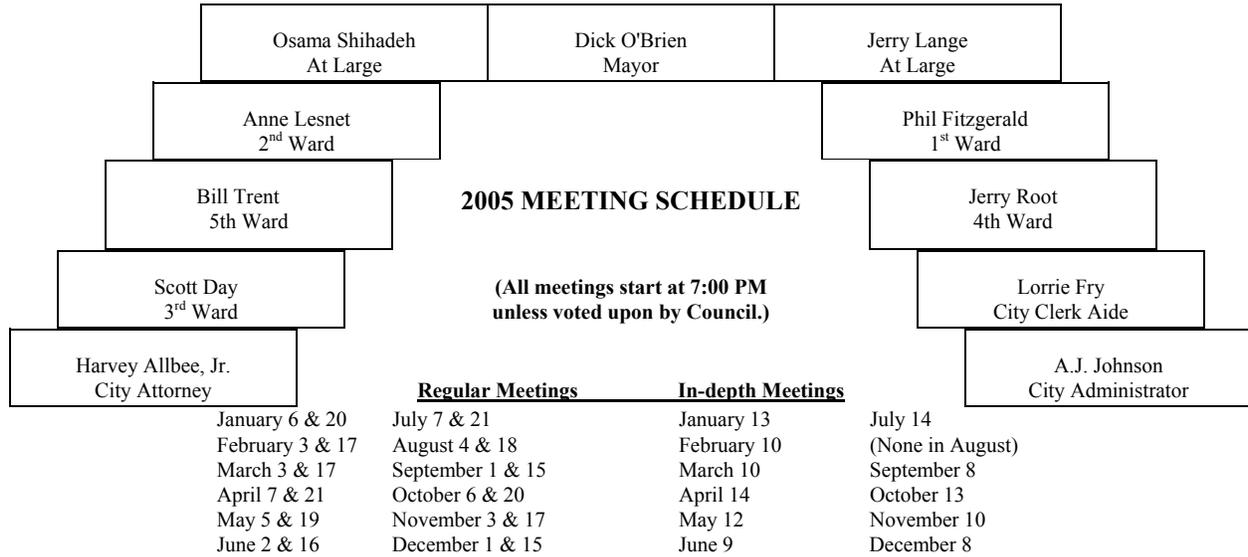


MUSCATINE CITY COUNCIL



AGENDA

**THURSDAY, JULY 21, 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**

A. Swearing In of Police Officers

At this time David L. O’Connor and Ryan R. Buss will be sworn in as new police officers for the City of Muscatine.

6. **MINUTES - APPROVAL**

A. Regular City Council Meeting – July 7, 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 – A-H
- * 13 – A-H
- * Bills*

* Approval of attached Bills for Approval totaling \$1,148,276.80 is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed Zoning Change Within the City of Muscatine

Previously City Council took action to establish a public hearing on a proposed rezoning change within the City of Muscatine. The city received requests from four separate property owners to rezone their properties to the S-3 mixed used development (MXD). Three of the property owners are requesting that the current agricultural zone be changed to S-3 and the final property owner is requesting the R-2 and R-3 zonings 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.

Now is the time for the public to comment on the proposed rezoning change within the City of Muscatine.

B. Proposed Amendment to Subdivision Regulations

Previously City Council took action to establish a public hearing on a proposed amendment to the subdivision regulations of the City of Muscatine. The city's Planning & Zoning Commission has 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 new subdivisions.

Now is the time for the public to comment on the proposed amendment to the subdivision regulations of the City of Muscatine.

9. **PETITIONS AND COMMUNICATIONS**

- A. Request on second reading for a new Class A Liquor License and Sunday Sales Permit for Econo Lodge, 2402 Park Avenue – Kesi Investments Inc. (pending receipt of insurance certificate and inspections)
- B. Request for renewal of a Class C Liquor License and Sunday Sales Permit for Applebee's

Neighborhood Grill & Bar, 306 Cleveland Street – Apple Corps LP

- C. Request for renewal of a Class B Beer and Sunday Sales Permit for Happy Joe's Pizza & Ice Cream Parlor, 203 Lake Park Blvd. – Max Brewer Corp.
- D. Request for renewal of a Class B Beer and Sunday Sales Permit for Happy Joe's Pizza & Ice Cream Parlor, 927 Grandview Avenue – Max Brewer Corp.
- E. Request for renewal of a Class B Beer and Sunday Sales Permit for Good Earth Restaurant, 5900 Grandview Avenue – George and Mary Ann Schmidt
- F. Request for renewal of a Class C Beer and Sunday Sales Permit for Circle K #6600, 8th & Cypress – Mac's Convenience Stores LLC
- G. Request for renewal of a Class C Beer and Sunday Sales Permit for Express Mart, 4804 Grandview Avenue – E-Mart Inc.
- H. Request approval of Cigarette Permits for Herky's, 1415 Grandview Avenue – Blanchard Enterprises Inc., effective July 2005 to June 30, 2006
- I. Request Approval of Annual MDA Boot Drive

The city has received a request from the Muscatine Association of Fire Fighters #1672 to hold its annual Muscatine Dystrophy Association Boot Drive. The firefighters would like to hold a three-day "Boot Block" from August 31, 2005 through September 2, 2005 at the intersections of Lake Park Boulevard and Park Avenue and Cedar and 8th streets. The hours would be from 10 a.m. to 1 p.m. and 4 p.m. to 7 p.m. each day. City Council has taken action to approve this request in the past.

At this time City Council could take action to approve the request from the Muscatine Association of Fire Fighters #1672 to hold its annual MDA Boot Drive on August 31, 2005 through September 2, 2005 at the intersections of Lake Park Boulevard and Park Avenue and Cedar and 8th Streets from 10 a.m. to 1 p.m. and 4 p.m. to 7 p.m. each day.

- J. Request Approval to Relocate Communications Tower

The city has received a request from David Colton, Director of Facilities for the Muscatine Community School System, to relocate a communication tower from its current location at 1403 Park Avenue to the main campus of the high school. The tower is used for communications with and between buses as well as other district related communication functions. The 100' tower will be located well within the property lines of the district and will be suitably fenced. According to City Code, City Council is required to approve this request.

At this time City Council could take action to approve the request from the Muscatine Community School System to relocate its communication tower from 1403 Park Avenue to

the main campus of the high school.

10. FROM THE MAYOR

B. Request Approval of Appointment of David Meloy to the Art Center Board of Trustees

At this time City Council could approve the appointment of David Meloy to the Art Center Board of Trustees.

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. A request has been received from Robert Miller and Joseph Clark of Cedar Street Plaza, LLC, to change the zoning of a 12.254-acre parcel of real estate located at the southeast intersection of Tipton Road with the U.S. 61 Bypass from residential (R-1) to planned commercial (C-3) to allow for the construction of a restaurant, outdoor terraced seating, flower and herb sales, and vineyard. 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 a proposed zoning change within the City of Muscatine for Thursday, August 4, 2005, at 7 p.m.

12. FROM THE CITY ADMINISTRATOR

A. First Reading of an Ordinance Amending Title 11, Chapter 1, Section 3 of the City Code for the City of Muscatine

Presented for City Council's consideration is the first reading of an ordinance amending Title 11, Chapter 1, Section 3 of the City Code for the City of Muscatine. The city's current ordinance would be amended to add that suitable public right-of-way for bicycle/pedestrian paths be carefully considered and required on the preliminary plat when compared with the Comprehensive Plan or designated as part of the Running River Trail system. All such paths as indicated on the final plat would be installed by the city when funds are available.

At this time City Council could take action on the first reading of an ordinance amending Title 11, Chapter 11, Chapter 1, Section 3 of the City Code for the City of Muscatine.

B. First Reading of an Ordinance Amending the Zoning Ordinance of the City of Muscatine

Presented for City Council's consideration is the first reading of an ordinance amending the zoning ordinance for the City of Muscatine. The city received requests from four separate property owners to rezone their properties to the S-3 mixed used development (MXD). Three of the property owners are requesting that the current agricultural zone be changed to S-3. The properties are located at 3127 Lucas Street, 3119 Lucas Street, and 3309 Lucas Street. It is also being requested that the final property, located at the intersection of Lucas Street and the Highway 61 Bypass, be changed from the R-2 and R-3 zonings to S-3. A variety of projects and activities are planned for this area that would best be served by the S-3 zoning.

At this time City Council could take action on the first reading of an ordinance amending the zoning ordinance of the City of Muscatine.

C. Resolution Accepting the Low Bid for the Muscatine Owner-Occupied Housing Rehabilitation Program

Presented for City Council's consideration is a resolution accepting the low bid for the Muscatine Owner-Occupied Housing Rehabilitation Program for property located at 606 Walnut Street. A total of five bids were submitted with the successful low bidder being that of Schmidt Design & Build of Muscatine for \$23,135.50. This property represents the 11th and final project of the 2003 Housing Rehabilitation Program.

At this time City Council could take action by resolution accepting the low bid from Schmidt Design & Building in the amount of \$23,135.50 for rehabilitation of the property located at 606 Walnut Street.

D. Resolution Approving Low Bid for Clark House Security System Upgrade

Presented for City Council's consideration is a resolution approving the low bid for the Clark House security system upgrade. Two bids were received for this project with the successful bid being that of CEC of Davenport in the amount of \$12,200. This is part of an ongoing capital improvement program, and \$12,000 was allocated in the fiscal year 2005/2006 budget for this project.

At this time City Council could take action by resolution approving the low bid from CEC of Davenport in the amount of \$12,200 for a security system upgrade at the Clark House.

E. Resolution Approving Low Bid for Concrete Work at Sunset Park

Presented for City Council's consideration is a resolution approving the low bid for concrete work at Sunset Park. Two bids were received for this project with the successful bidder being that of Shelangoski Construction of Muscatine in the amount of \$6,945. A total of \$10,000 had been budgeted for this project.

At this time City Council could take action by resolution approving the low bid from Shelangoski Construction of Muscatine in the amount of \$6,945 for concrete work at Sunset Park.

F. Resolution Establishing Policy Procedures for HUD Enterprise Income Verification/Upfront Income Verification

Presented for City Council's consideration is a resolution establishing policy procedures for the Department of Housing and Urban Development's Enterprise Income Verification/Upfront Income Verification (EIV/UIV). HUD has implemented and established the EIV/UIV system to help housing authorities determine participant income. The Muscatine Municipal Housing Agency is required to adopt and implement the use of this system. In addition, the Housing Agency's administrative plan will be amended to reflect this policy.

At this time City Council could take action by resolution establishing policy procedures for HUD Enterprise Income Verification/Upfront Income Verification.

G. Resolution Authorizing Sale of City Property to Robert D. Jensen

Presented for City Council's consideration is a resolution authorizing the sale of city property to Robert D. Jensen. Previously the City Council had taken action to hold a closed bid auction for the sale of city property known as the Lincolnshire Village City Park. Four bids were submitted with the successful high bidder being that of Robert D. Jensen in the amount of \$255,000. Mr. Jensen intends to build a one story brick office building for his business, Temp Associates. At the July 7, 2005 City Council meeting, Council took action to approve the real estate contract between the City of Muscatine and Mr. Jensen for the purchase of this property.

At this time City Council could take action by resolution authorizing the sale of the Lincolnshire Village City Park property to Robert D. Jensen in the amount of \$255,000.

H. Resolution Approving Executed Deed

Presented for City Council's consideration is a resolution approving an executed deed between the City of Muscatine and Robert D. Jensen for the sale of city property known as the Lincolnshire Village City Park to Mr. Jensen in the amount of \$255,000.

At this time City Council could take action by resolution approving an executed deed between the City of Muscatine and Robert D. Jensen for the purchase of the property known as the Lincolnshire Village City Park by Mr. Jensen in the amount of \$255,000.

I. Resolution Accepting Completed Work Performed Under the Tipton Road Sewer Extension Project and Authorizing Final Payment

Presented for City Council's consideration is a resolution accepting the completed work

performed under the Tipton Road Sewer Extension Project and authorizing final payment. Previously a contract for this project was entered into with DeLong-Keith Construction Inc. in the amount of \$94,369.60. The final cost for this project, which includes three change orders, was \$107,974.08. At this time, all work under the contract has been substantially completed by the contractor and has been approved and accepted by the city engineer and appears to meet the requirements of the plans and specifications as adopted by City Council. A balance of \$8,961.39 remains due and payable at this time. It is being recommended that a payment of \$3,602.69 be made to the contractor with the retainage fee of \$5,358.70 due 30 days from the date of acceptance of this project.

At this time City Council could take action accepting the completed work performed under the Tipton Road Sewer Extension Project and authorizing final payment to DeLong-Keith Construction.

J. Resolution Approving Contract and Bond for the Deceleration Lane – U.S. Highway 61 Project

Presented for City Council's consideration is a resolution approving the contract and bond for the deceleration lane for the U.S. Highway 61 Project. At the July 7, 2005 City Council meeting, Council took action to award the contract for this project to Muscatine Bridge in the amount of \$64,267.10. All necessary documents have been reviewed by city staff and are recommended for approval at this time.

At this time City Council could take action approving the contract and bond for the deceleration lane for the U.S. Highway 61 Project from Muscatine Bridge in the amount of \$64,267.10.

K. Resolution Authorizing the Designation of Boat Trailer Parking on Riverfront

Presented for City Council's consideration is a resolution authorizing the designation of boat trailer parking on the riverfront. The installation of the new boat launch on the east end of the riverfront has been completed and it is now time to direct boaters to the east end of the riverfront to launch their boats into the river and to park their trailers. City staff is requesting that Council take action at this time authorizing the city to proceed with the installation of appropriate signage and striping on the riverfront to direct boat trailers to the east end of the riverfront and to direct vehicles to other areas of the riverfront that were previously designated for boat trailers.

At this time City Council could take action by resolution authorizing the designation of boat trailer parking on the riverfront.

L. Resolution Approving Amended Pay Plan

Information will be presented at Thursday night's City Council meeting.

M. Request to Approve the Appointment to Finance Director Position

Presented for City Council's consideration is a request to approve the appointment to the Finance Director Position. At the July 7, 2005 City Council meeting, Council took action to approve a departmental reorganization in the Finance and Records Department as submitted by the City Administrator. Following an extensive review of this department by the city's consultant, Triumph Consulting, it was recommended that the Director of Administrative Services position be eliminated and that the Finance Director position be recreated. Per City Code requirements (Title 1, Chapter 9, Section 2), it is now necessary to approve the appointment to that position.

At this time City Council could take action by to approve the appointment to the Finance Director position.

N. Request Approval of Traffic Items

The following traffic items have been presented for City Council's consideration and approval:

1. The prohibiting of semi truck traffic on Colorado Street. This street has a grade school, a community college, a city park, a church, and several residential areas located on or adjacent to it. With the exception of the Bandag Learning Center, there are no industrial complexes of any kind on this street. In addition, there are no sidewalks long this roadway and the surface is not designed to carry heavy loads.
2. The placement of eight (8) Cultural District signs in the Melon City and Pearl City Cultural Districts.
3. The reduction of the speed limit on Highway 22 at the northeastern entrance to the city.

At this time City Council could take action to approve the traffic items as submitted.

O. Request Approval to Purchase Portable Paint Machine

Presented for City Council's consideration and approval is a request to purchase a portable paint striping machine. A total of three bids were submitted for the purchase of this machine with the successful bid being that of Sherwin-Williams of Muscatine in the amount of \$7,300. Additional options of a light kit and larger paint dispenser increased the total bid amount to \$7,610. The amount budgeted for the purchase of this machine was \$12,000.

At this time City Council could take action to approve the purchase of a portable paint striping machine from Sherwin-Williams of Muscatine in the amount of \$7,610.

P. Request Approval to Purchase Golf Course Greens Mower

Presented for City Council's consideration is a request to purchase a golf course greens mower. A total of two bids were submitted for the greens mower with the lowest responsible bid being that of Tri State Company of Bettendorf, Iowa, for a Toro Greensmaster 3150 in the amount of \$21,250. The total net bid price does include the trade-in of a 1992 rotary mower. The fiscal year 2005/2006 budget included an allocation of \$22,000 for the purchase of this mower.

At this time City Council could take action to approve the purchase of a Toro Greensmaster 3150 for the golf course from Tri State Company of Bettendorf, Iowa, in the amount of \$21,250.

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – June 27, 2005
- B. Muscatine School Board – July 11, 2005
- C. Muscatine Board of Water, Electric, and Communications Trustees
- D. Planning & Zoning Commission – June 14, 2005
- E. Muscatine Fire Department NFPA – May 2005
- F. MP&W Operating Statement – Electric Utility – May 2005
- G. MP&W Operating Statement – Communication Utility – May 2005
- H. MP&W Operating Statement – Water Utility – May 2005

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,148,276.80 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

17. ADJOURNMENT