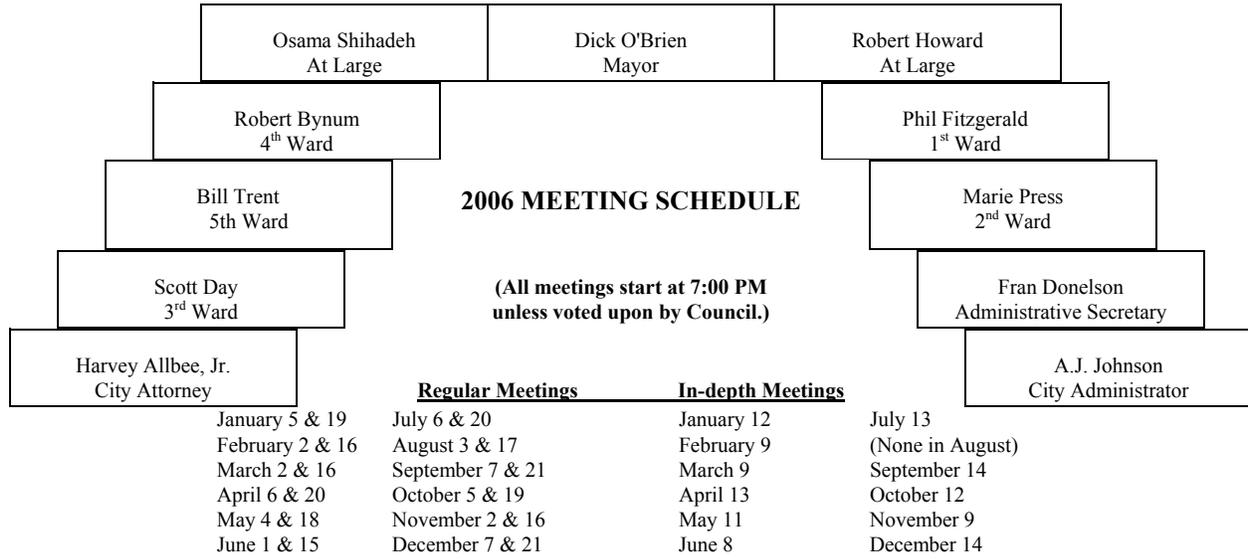


MUSCATINE CITY COUNCIL



AGENDA

THURSDAY, FEBRUARY 2, 2006 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 – January 19, 2006
- B. General Fund Overview Meeting – January 26, 2006
- C. Budget Review Session – January 28, 2006

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-D
- * 13 – A-F
- * Bills*

* Approval of attached Bills for Approval totaling \$982,141.63, as well as receipt summaries for December 2005, is subject to the approval of any related agenda item(s).

8. PUBLIC HEARING

A. Proposed Concessions Agreement

Previously the City Council took action to establish a public hearing for a proposed concession agreement between the City of Muscatine and Hy-Vee Inc. for concession services at the city’s Aquatic Center and athletic facilities. The proposed contract would be five years in length and would provide the city a commission of 20% of the gross receipts (total sales net of applicable sales tax). Hy-Vee Inc. would be responsible for providing for personnel and product at the facilities. There will be a 30-day notification provision within the contract which would allow for either party to terminate the agreement. Because the proposed contract is in excess of three years, state statute requires a public hearing.

Now is the time for the public to comment on the proposed concession agreement between the City of Muscatine and Hy-Vee Inc.

9. PETITIONS AND COMMUNICATIONS

- A. Request on final reading for a new Class C Liquor License and Sunday Sales Permit for The Rendezvous, 3127 Lucas Street – Cindy’s Rendezvous LC (pending receipt of dram shop insurance and sketch)
- B. Request for renewal of a Class C Beer and Sunday Sales Permit for the Cigarette Outlet #16, 1504 Park Avenue – Cigarette Outlet Inc.
- C. Request for renewal of a Class C Beer and Sunday Sales Permit for Hy-Vee Drugstore, 510 E. 6th Street – Hy-Vee Inc.
- D. Request for renewal of a Class C Beer and Sunday Sales Permit for Hy-Vee Gas, 2600 2nd Avenue – Hy-Vee Inc.

E. Request Approval to Close Weed Park to Vehicular Traffic for the 28th Annual Melon City Criterium Bike Race

The city has received a request from Greg Harper, representing the Melon City Criterium Committee, to close Weed Park to vehicular traffic on Sunday, May 28, 2006, for the 28th Annual Melon City Criterium Bike Race. He is asking for the closure of the park from 6:30 a.m. to 5:30 p.m. This matter has already been presented and endorsed by the Parks and Recreation Advisory Commission.

At this time City Council could take action to approve the request from the Melon City Criterium Committee for the closing of Weed Park to vehicular traffic on Sunday, May 28, 2006, from 6:30 a.m. to 5:30 p.m. for the 28th Annual Melon City Criterium Bike Race.

F. Request from the Muscatine Quarterback Club for the Use of City Property for the 2006 Great River Days Celebration

Presented for City Council's consideration is a request from the Muscatine Quarterback Club for the use of city property for the 2006 Great River Days Celebration. The Quarterback Club is requesting to reserve the riverfront from July 24-31, 2006 for this event. In the past, the city has worked with the Quarterback Club for specific designated areas to be used. In light of the recent announcement for the 34th Annual RAGBRAI, which is ending in Muscatine, city staff would request that City Council approve the use of the riverfront by the Quarterback Club with final approval by city staff in conjunction with the coordinating of both events.

At this time City Council could take action to approve the Muscatine Quarterback Club's request for the use of city property for the 2006 Great River Days Celebration from July 24-31, 2006 to be coordinated with RAGBRAI activities.

10. FROM THE MAYOR

A. Request Approval of Proclamation Declaring February 3, 2006 as "Wear Red for Women Day"

The above proclamation has been presented for City Council's consideration and approval.

B. Request Approval of Appointment of Jerry Coffman to Library Board of Trustees

At this time City Council could take action to approve the appointment of Jerry Coffman to the Library Board of Trustees.

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

A. Resolution Setting Time and Place of Public Hearing on Pearl II Project

Presented for City Council's consideration is a resolution setting the time and place of a public hearing on the Pearl II Project. Previously the City Council had authorized staff to work with an outside consultant to develop the plans and specifications and prepare documents for the solicitation of bids for the completion of the Pearl II Project. This project will include enhanced landscaping and the development of an interactive water feature along the Muscatine riverfront. In accordance with State Code, public improvements valued over \$25,000 must be subject to a public hearing before any formal action by Council.

At this time City Council could take action by resolution establishing the time and place of a public hearing on the plans, specifications, form of contract, cost estimate, and establishing a bid opening date for the construction of improvements known as the Pearl II Project for Thursday, February 16, 2006, at 7 p.m.

B. Resolution Setting Time and Place of Public Hearing on 2006 Asphalt Overlay Program

Presented for City Council's consideration is a resolution setting the time and place of a public hearing on the 2006 Hot Asphalt Overlay Program. As part of the 2006 construction season, the city staff is proposing a significant asphalt overlay program. Much of the work is related and will be paid from the 1% sewer project fund. This will include work on W. 3rd Street within the Central Business District and Poplar Street and Marquette Streets as well as Washington Street. The engineer's estimate for this work is \$571,117.98. In accordance with State Code, public improvements valued over \$25,000 must be subject to a public hearing before any formal action by Council.

At this time City Council could take action by resolution establishing the time and place of a public hearing on the 2006 Hot Asphalt Overlay Program for Thursday, February 16, 2006, at 7 p.m.

C. Request Approval of Agreement Between the City of Muscatine and Hy-Vee Inc. for Concession Services

Presented for City Council's consideration is a request to approve an agreement between the City of Muscatine and Hy-Vee Inc. for concession services. In 2005 the city received notice from the then current concession vendor of his desire to exit the contractual arrangements between the city and himself for these services. City staff solicited proposals from interested parties to provide concession services at Kent Stein Park, the Soccer Complex, and the Aquatic Center. A total of six proposals were received. In advance of the proposals being submitted, a review matrix was developed and all six proposals were reviewed using the criteria outlined in that matrix. Following that review, it is recommended that the City of Muscatine enter into a five-year lease agreement between the city and Hy-Vee Inc. for these concession services. The proposed agreement calls for the lessee to pay the City of

Muscatine a minimum of 20% of the gross receipts (total sales net of applicable sales tax) from sales at Kent Stein Park, the Soccer Complex, and the Aquatic Center.

At this time City Council could take action to approve an agreement between the City of Muscatine and Hy-Vee Inc. for concession services for a five-year time period for Kent Stein Park, the Soccer Complex, and the Aquatic Center.

D. Request Authorization to Enter Into a Construction Administration Agreement with Shoemaker-Haaland for the E. 5th Street Bridge Replacement Project

Presented for City Council's consideration is a request to enter into a construction administration agreement with Shoemaker-Haaland for the E. 5th Street Bridge Replacement Project. As this project prepares to move forward, city staff is recommending the city secure the services of Shoemaker-Haaland to provide a full range of construction management services. These services will range from general construction oversight to ensuring that compliance with state and federal regulations due to their funding participation are met by the general contractor and subcontractors. Also included in the proposal is funding for Terracon Consultants on the project. The total project cost through the completion of the construction of the E. 5th Street Bridge is estimated at \$92,284.

At this time City Council could take action to authorize a construction administration agreement between the City of Muscatine and Shoemaker-Haaland for the E. 5th Street Bridge Replacement Project.

E. Request Approval of Right-of-Entry Conveyed by the City of Muscatine to Muscatine Power and Water for the Cedar Street Parking Lot

Presented for City Council's consideration is a request to approve a right-of-entry conveyed by the City of Muscatine to Muscatine Power and Water for the Cedar Street parking lot. In the past, the city has entered into other right-of-entries between the City of Muscatine and Muscatine Power and Water to allow for appropriate utility work to be conducted and to prepare for future improvements associated with utilities. This particular work would allow for entrance into the public parking lot located at the intersection of 3rd and Cedar streets. This documentation indicates the right-of-entry for the property in question. The right-of-entry point would be adjacent to the existing storage facility located on the lot and it is not anticipated that the city will lose any parking spaces with this agreement.

At this time City Council could take action to approve a right-of-entry conveyance by the City of Muscatine to Muscatine Power and Water for the Cedar Street parking lot.

F. Request from the Iowa Department of Transportation for the Approval of Adopt-A-Highway Applications

Presented for City Council's consideration is a request from the Iowa Department of Transportation for the approval of adopt-a-highway applications. The IDOT has forwarded on for City Council's consideration applications from the Lions Club of Muscatine to do litter control on U.S. 61 northbound and southbound from Mile Post 90.55 to Mile Post 91.5 which includes the Muscatine city limits. Because a portion of this route is within the city limits, City Council must approve these agreements prior to their formal adoption by the IDOT.

At this time City Council could take action to approve the adopt-a-highway applications for the Muscatine Lions Club.

G. Request Approval of Offers to Purchase Real Estate from the Iowa Department of Transportation as Part of the Building Restriction Line (BRL)

Presented for City Council's consideration is a request to approve offers to purchase real estate from the Iowa Department of Transportation as part of the Building Restriction Line (BRL) program. City staff has been working with representatives from the IDOT to acquire three separate pieces of real estate adjacent from the Muscatine Municipal Airport property. These three parcels are the remnants of the Highway 61 four-lane construction project. The city has already acquired one large parcel from the IDOT as part of the BRL program. With the acquisition of these parcels, we would complete the acquisition of all property needed from the IDOT as part of this overall BRL program. The parcels represent 1.462 acres, 9.494 acres, and 3.147 acres, respectively. The total purchase price would be \$25,000 with 95% of the funding acquisition available from the Federal Aviation Administration.

At this time City Council could take action to authorize the acquisition of three parcels from the Iowa Department of Transportation as part of the Building Restriction Line property acquisition program for the Muscatine Municipal Airport.

H. Request Approval of Partial Tax Exemption Requests

Presented for City Council's consideration is a request to approve a partial tax exemption request. Currently the city has designated three urban revitalization districts, Progress Park, Downtown, and Park Avenue. If a structure is located within one of the designated areas that has made eligible improvements, then the property qualifies for a partial real estate tax exemption over a 10-year period. The city has already forwarded over to the Muscatine County Assessor's Office a number of properties that qualify. At this time the city would also be forwarding over Welch Hotel LP located at 220 Iowa Avenue for consideration.

At this time City Council could take action to approve a partial tax exemption request from Welch Hotel LP located at 220 Iowa Avenue.

I. Request Approval to Issue Purchase Order for Roofing Project for the Greenwood Cemetery Chapel Building

Presented for City Council's consideration is a request to approve the issuance of a purchase order for the roofing project for the Greenwood Cemetery Chapel Building. Monies have been included in the revised 2005/2006 budget totaling \$25,000 for this project. Bids were solicited with two bids being submitted. The lowest responsible bid appears to be that of Bryant Roofing in the amount of \$24,786. Recently a portion of the chapel's roof was damaged due to weather events.

At this time City Council could take action approve the issuance of a purchase order to Bryant Roofing in the amount of \$24,786 for the roofing of the Greenwood Cemetery Chapel Building.

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – January 9 & 16, 2006
- B. Muscatine School Board – January 23, 2006
- C. Library Board of Trustees – November 16, 2005
- D. Senior Resources – December 13, 2005
- E. NFPA Fire Survey – December 2005
- F. City of Muscatine Monthly Report – December 2005

14. APPROVAL OF BILLS

It is recommended bills totaling \$982,141.63, as well as receipt summaries for December 2005, 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