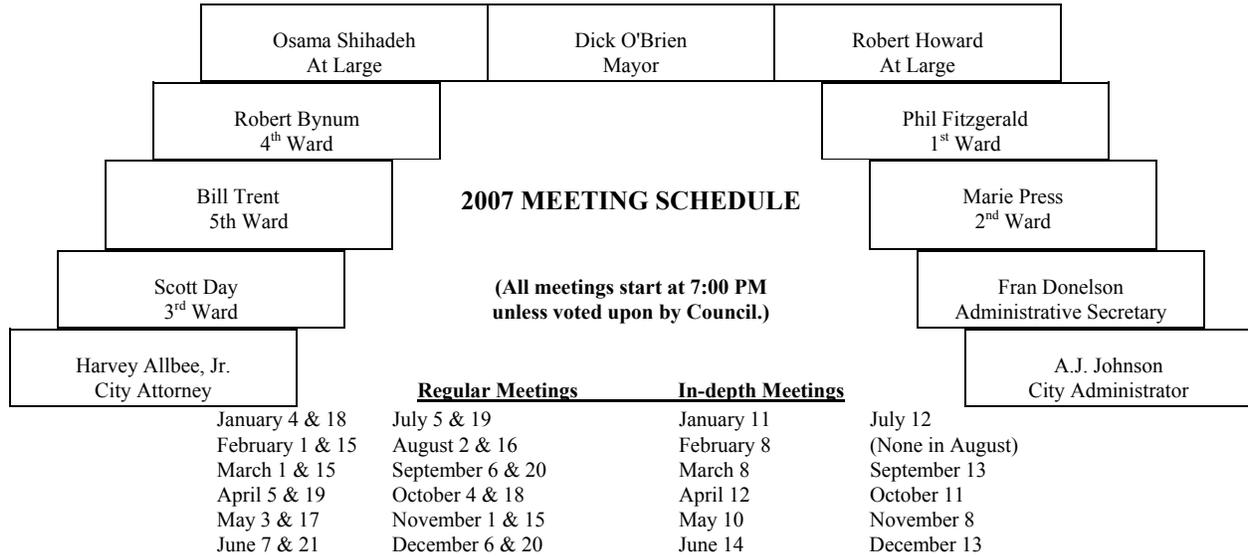


CITY COUNCIL



AGENDA

**THURSDAY, APRIL 5, 2007
COUNCIL CHAMBERS - CITY HALL**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OPENING PRAYER**
4. **PLEDGE OF ALLEGIANCE**
5. **COMMUNICATIONS – CITIZENS**
 - A. Presentation of Life Saving Awards

At this time there will be a presentation of Life Saving Awards to five of the City of Muscatine’s police officers.

6. **MINUTES - APPROVAL**

A. Regular City Council Meeting – March 15, 2007

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-E
- * 13 – A-D
- * Bills*

* Approval of attached Bills for Approval totaling \$1,145,714.13 is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed 2007 Street Improvements Project

Previously City Council took action to establish a public hearing for the proposed 2007 Street Improvements Project. City Council has authorized the implementation of a pavement management plan that supports the management planning and programming needs of the city's transportation infrastructure. Over the next three years it is anticipated that upwards to \$5 million will be spent in accomplishing this goal. Prior to the formal implementation of this plan for 2007, a public hearing is required.

Now is the time for the public to comment on the proposed 2007 Street Improvements Project.

B. Proposed 2007 Curb and Gutter and Street Maintenance Program

Previously City Council took action to establish a public hearing for the proposed 2007 Curb and Gutter and Street Maintenance Program. As a companion piece but separate from the pavement management program, this program will be utilized in conjunction with the pavement management program to make improvements to curb and gutters and other street maintenance activities in the City of Muscatine. There has been \$100,000 budgeted for this activity. Prior to any formal implementation of such a program, a public hearing is required.

Now is the time for the public to comment on the proposed 2007 Curb and Gutter and Street Maintenance Program.

C. Proposed Imposition of Civil Penalties for Cigarette Permit Holders in Violation of Iowa

Code Chapter 453A

Previously City Council took action to establish a public hearing concerning complaints against Cigarette Permit Holders for violation of Iowa Code Chapter 453A and seeking imposition of civil penalties. The public hearing allows for comments to be made concerning the noted violations of the state statute. In the event that settlement agreements are reached prior to the public hearing, it will no longer be necessary.

Now is the time for the public to comment on the notice of complaints and violations of Iowa Code Chapter 453A and seeking the imposition of civil penalties.

9. PETITIONS AND COMMUNICATIONS

- A. Request on first reading for a new Class C Liquor License and Sunday Sales Permit for Tailgaters, 214 Iowa Avenue – B.R.C. LLC (pending inspections)
- B. Request for renewal of a Class A Liquor License and Sunday Sales Permit for American Legion Club, 110 Houser Street – Edward H. Bitzer Post #27 (pending inspections and receipt of dram shop insurance)
- C. Request for renewal of a Class E Liquor License and Sunday Sales Permit for Hy-Vee Food Store, 2400 2nd Avenue – Hy-Vee Inc.
- D. Request for renewal of a Class B Beer and Sunday Sales Permit for Pizza Ranch, 106 Ford Avenue – Psychodog Enterprises Inc. (pending receipt of dram shop insurance)
- E. Request for Cigarette Permit for Tailgaters, 214 Iowa Avenue – B.R.C. LLC from April through June 30, 2007

10. FROM THE MAYOR

- A. Proclamation Declaring April 15-21, 2007 as “National Volunteers Week:

Is there a motion to approve the above proclamation declaring April 15-21, 2007 as “National Volunteers Week”?

11. FROM THE PLANNING AND ZONING COMMISSION

- A. Resolution Approving the Final Plat for Phase I of the Sandstone Crossing Subdivision in the City of Muscatine

Presented for City Council’s consideration is a resolution approving the final plat for Phase I of the Sandstone Crossing Subdivision in the City of Muscatine. Phase I of this subdivision will allow for the development of 24 residential homes, construction of a small portion of Kennedy Drive, and the construction of Sandstone Drive. All lots have access to utilities, and the subdivision will be served by the installation of public sidewalks on both sides of

Sandstone Drive. It is also recommended that the requirement for individual culverts to each building site be waived provided a percolation test is conducted by the engineer that supports adequate drains throughout the residential portion of the development. The city's Planning & Zoning Commission has conducted an onsite review of this development activity and recommends its approval.

Is there a motion to take action by resolution approving the final plat for Phase I of the Sandstone Crossing Subdivision in the City of Muscatine?

12. FROM THE CITY ADMINISTRATOR

A. Resolution Approving the Plans, Specifications, Form of Contract, and Setting a Bid Opening Date for the 2007 Street Improvements Project

Presented for City Council's consideration is a resolution approving the plans, specifications, form of contract, and setting a bid opening date for the 2007 Street Improvements Project. Previously a public hearing was held to receive public comment on the proposed improvements. During the City Council budget review sessions held in February 2007, a plan was laid out for Council's consideration totaling \$5 million. The 2007 Street Improvements Program consists of profile milling along with hot mix asphalt overlay on specified streets throughout the city. It will also include the adjustment of existing manholes to fit the newly overlaid surfaces. The completion date is anticipated for October 31, 2007. Receipt of bids for the project will take place on April 27, 2007.

Is there a motion to take action by resolution approving the plans, specifications, form of contract, cost estimate, and setting a bid opening date for the receipt of bids for the 2007 Street Improvements Project for April 27, 2007?

B. Resolution approving the Plans, Specifications, Form of Contract, and Setting a Bid Opening Date for the 2007 Curb and Gutter and Street Maintenance Program

Presented for City Council's consideration is a resolution approving the plans, specifications, form of contract, and setting the bid opening date for the 2007 Curb and Gutter and Street Maintenance Program. This program consists of constructing PC concrete curb and gutter, full-depth patching, and driveway, sidewalks, and handicap ramps. This project will be done in conjunction with the 2007 Street Improvements Project. The anticipated completion date will be October 31, 2007 with the exception of Leroy Street which must be completed prior to July 15, 2007.

Is there a motion to take action by resolution approving the plans, specifications, form of contract, cost estimate, and setting the date for receipt of bids for the 2007 Curb and Gutter and Street Maintenance Program for April 27, 2007?

C. Resolution Approving the Imposition of Civil Penalties for Cigarette Permit Holders in Violation of Iowa Code Chapter 453A.2

Presented for City Council's consideration is a resolution assessing a civil penalty to the Nash Finch Company for violation of Iowa Code 453A.2 regarding the sale of cigarettes to minors. During a recent compliance check, the Nash Finch Company d/b/a Wholesale Food Outlet was found to be in violation of the state code. A public hearing was previously held to receive comment on this issue. It is now appropriate for the City Council to take action to assess a \$300 fine for the first violation of the Iowa Code by this distribution outlet.

Is there a motion to take action by resolution approving assessing a civil penalty with regard to a Cigarette Permit Holder's violation of Iowa Code Chapter 453A.2?

D. Resolution Approving Orders Accepting Acknowledgement/Settlement Agreements and Imposing Civil Penalty with Regard to Cigarette Permit Holders Violating Iowa Code 453A.2

Presented for City Council's consideration is a resolution approving the imposition of civil penalties for Cigarette Permit Holders in violation of Iowa Code Chapter 453A. During a recent compliance check with local cigarette vendors, three vendors were cited for selling cigarettes to individuals under the legal age. This resolution will approve the acknowledgement/settlement agreements between the city and those vendors under the provisions as outlined in Iowa Code Chapter 453A. The following settlement agreements have been reached:

1. Downtown Variety and Hardware, 2nd violation, 30 day suspension of permit.
2. General Outdoors Inc. d/b/a Scott's Outdoors, 1st violation, \$300 fine.

Is there a motion to take action by resolution approving the orders accepting acknowledgement/settlement agreements and imposing civil penalties with regard to Cigarette Permit Holders in violation of Iowa Code Chapter 453A.2?

E. Resolution Relating to Financing of Certain Proposed Projects to be Undertaken by the City of Muscatine; Establishing Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code

Presented for City Council's consideration is a resolution relating to financing of certain proposed projects to be undertaken by the City of Muscatine; establishing compliance with reimbursement bond regulations under the Internal Revenue Code. In conjunction with the city's next anticipated bond issue for June 2008, the city is required to identify projects that may be financed in full or in part through the issuance of general obligation bonding before the project incurs significant expense. This will include projects that are scheduled for construction in 2007 and 2008. These projects were reviewed and approved with the amendment to the 2006/2007 city budget and with the adoption of the 2007/2008 city budget.

Is there a motion to take action by resolution relating to financing of certain proposed projects to be undertaken by the City of Muscatine; establishing compliance with reimbursement bond regulations under the Internal Revenue Code?

- F. Resolution Approving the Acceptance of Public Street, Sanitary, and Storm Sewer Installation for Phase II of the Cobblestone Ridge Subdivision

Presented for City Council's consideration is a resolution approving the acceptance of public streets, sanitary, and storm sewer installation for Phase II of the Cobblestone Ridge Subdivision. The public streets, storm sewer, and sanitary sewer within Phase II of this subdivision have been installed according to the submitted plans and specifications and are recommended for acceptance by the city's engineering department.

Is there a motion to take action by resolution accepting public streets, sanitary, and storm sewer installation for Phase II of the Cobblestone Ridge Subdivision?

- G. Resolution Awarding the Bid Under the CDBG Housing Rehabilitation Project for 1820 Schiller Street

Presented for City Council's consideration is a resolution awarding the bid under the CDBG Housing Rehabilitation Project for 1820 Schiller Street. Three bids for this project were opened on Friday, March 30, 2007, with the low bid being that of Schmidt Design & Build of Muscatine in the amount of \$21,285. The Muscatine Rehabilitation Committee met on April 3, 2007 to review the bids and have recommended the approval of the low bid. This property represents the sixth project under the 2006 CDBG Housing Rehabilitation Program.

Is there a motion to approve the low bid from Schmidt Design & Build in the amount of \$21,285 for improvements to property located at 1820 Schiller Street?

- H. Resolution Setting the Time and Place of a Public Hearing Concerning Complaints of Cigarette Permit Holders in Violation of Iowa Code Chapter 453A and Seeking Imposition of Civil Penalties

Presented for City Council's consideration is a resolution setting the time and place of a public hearing concerning complaints of Cigarette Permit Holders in Violation of Iowa Code Chapter 453A and seeking imposition of civil penalties. Periodically the city conducts compliance checks of local vendors concerning the sale of cigarette and tobacco products to minors. When a notice of violation has been issued to vendors, in order for the imposition of civil penalties to take place, a public hearing must be conducted.

Is there a motion to take action by resolution setting the time and place of a public hearing concerning complaints of Cigarette Permit Holders in Violation of Iowa code Chapter 453A and seeking imposition of civil penalties for Thursday, April, 19, 2007 at 7 p.m.?

I. Resolution of Support for “Time 21”

Presented for City Council’s consideration is a resolution of support for the “Time 21” program. Driven by the need to identify and prioritize transportation related infrastructure projects throughout the state, the consortium of a number of public and private organizations has endorsed the concept of “Time 21”. The program would earmark an additional \$200 million to the Road Use Tax Fund that would be committed to roadway infrastructure projects throughout the state. This concept is being supported by the Iowa Good Roads Association, the Iowa League of Cities, the Iowa County Engineers Association, the Iowa County Supervisors Association, and a consortium of additional public and private individuals and organizations that have promoted this issue?

Is there a motion to take action by resolution to recognize and encourage the legislature to increase revenues to the Road Use Tax Fund and to support the “Time 21” program?

J. Request Approval to Establish “Spring Cleanup Week” for April 23-27, 2007

Presented for City Council’s consideration is a request to approve the establishment of “Spring Cleanup Week” for April 23-27, 2007. April is “Keep America Beautiful Month” and as in the past, the City Council has established its annual spring cleanup to coincide with this celebration.

Is there a motion to approve the establishment of “Spring Cleanup Week” for April 23-27, 2007?

K. Request Authorization to Approve Agreement for the Landfill Operation

Presented for City Council’s consideration is a request to authorize an agreement for landfill operations. The city received bids for the landfill operation on Wednesday, March 28, 2007. Two bids were received with the lowest responsible bid being that of Dick Doyle Excavating. The low bid of \$6.19 a ton would equate to \$272,360 a year or \$1,361,800 for five years based on anticipated tonnage.

Is there a motion to take action to award the bid for landfill operations to Dick Doyle Excavating for the next five-year period?

L. Request Authorization to Approve Agreement for the Solid Waste Hauling Program

Presented for City Council's consideration is a request to approve an agreement for the solid waste hauling program. Bids for the city's solid waste hauling program were received on Wednesday, March 28, 2007. Two bids were received with the low apparent bid being that of Dick Doyle Excavating. Based upon the anticipated volume and a tiered system, the annual anticipated expenditure for hauling will be \$226,807 compared to the \$226,865 submitted by A.J. Transportation LLC.

Is there a motion to approve the agreement with Dick Doyle Excavating for the solid waste hauling program in the amount of \$226,807?

M. Request Approval of Traffic Items

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

1. Request to permit "Do Not Enter" signage in #4 alley between Cedar and Walnut streets.
2. Request approval to remove two stop signs at Maple Grove Road and the Industrial Connector.
3. Request approval to add streets to snow emergency routes.

Is there a motion to take to approve the traffic items as submitted?

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – March 5, 2007
- B. Airport Advisory Commission – November 28, 2006
- C. Art Center Board of Trustees – March 15, 2007
- D. City of Muscatine Financial Reports – February 2007

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,145,714.13 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