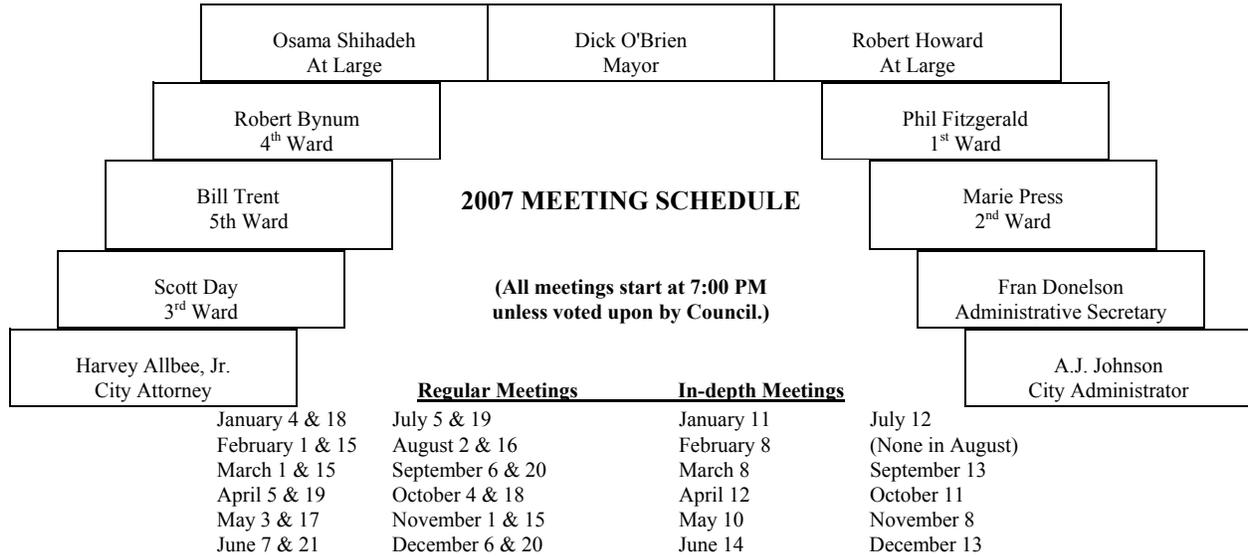


CITY COUNCIL



AGENDA

**THURSDAY, JULY 19, 2007
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. City Council Meeting – July 5, 2007
- B. In-Depth Session – July 14, 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-B
- * Bills*

* Approval of attached Bills for Approval totaling \$1,575,996.16 is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed Amendment of City Code Pertaining to Existing Cemeteries

Previously City Council took action to establish a public hearing to receive comment on the proposed change to the ordinance allowing for the installation of a crematorium at Memorial Park Cemetery in Muscatine. The city was recently approached by a representative of Memorial Park Cemetery requesting an amendment to this ordinance. Appropriate notification has been made to the neighbors and this matter has been reviewed by the city's Planning and Zoning Commission. Prior to any formal action by City Council on this matter, a public hearing is required.

Now is the time for the public to comment on the proposed amendment to the city ordinance pertaining to existing cemeteries in the City of Muscatine.

9. **PETITIONS AND COMMUNICATIONS**

- A. Request to extend Outdoor Service Area for Rumors, 1415 Grandview Avenue – August 17-19, 2007
- B. 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. (pending receipt of final paperwork)
- C. Request for renewal of a Class B Beer and Sunday Sales Permit for Happy Joe's Pizza & Ice Cream Parlor, 203 Lake Park Boulevard – Max Brewer Corp. (pending receipt of final paperwork)
- D. Request for renewal of a Class C Beer and Sunday Sales Permit for Hyink's Service, 1206 E. 2nd Street – Hyink Service Inc.
- E. Request approval of Cigarette Permit for Missipi Brewing Co., 107 Iowa Avenue, July 2007

through June 30, 2008

F. Request Approval from Muscatine Association of Firefighters #1672 for Use of City Streets for MDA Boot Drive

Presented for City Council's consideration is a request to approve the request from the Muscatine Association of Firefighters #1672 for the use of city streets for the MDA Boot Drive. Representatives of the Association will be present Thursday night to make their request for City Council's consideration.

G. Request to Close Weed Park to Vehicular Traffic for HNI Picnic

Presented for City Council's consideration is a request for the closure of Weed Park on August 19, 2007 for the Annual HNI Employee Picnic. This event involves thousands of participants and in the past has caused public safety concerns. If Council concurs, the park will be closed to the public as well as the adjoining streets to vehicular traffic on Sunday, August 19, 2007, from 9 a.m. until 4 p.m.

Is there a motion to take action to close Weed Park and adjoining streets on Sunday, August 19, 2007, from 9 a.m. until 4 p.m. for the Annual HNI Employee Picnic?

H. Request for Use of City Streets for Watermelon Stampede

Presented for City Council's consideration is a request to hold the Annual Watermelon Stampede. The race will take place on Saturday, August 18, 2007, beginning at 8:30 a.m. The route will take runners from the First Baptist Church located at 3003 Mulberry Avenue to Parham Street down to Cedar Street and from Cedar Street to the high school. Once at the high school, runners will go out Bonnie Drive to Mulberry Avenue and back to the church. This event has been successfully conducted for a number of years and the city expects no problems with this event.

Is there a motion to take action to authorize the use of city streets for the Annual Watermelon Stampede on Saturday, August 18, 2007, beginning at 8:30 a.m.?

10. FROM THE MAYOR

11. FROM THE PLANNING AND ZONING COMMISSION

A. Resolution Approving the Combined Preliminary/Final Plat for the Musser Street First Addition in the City of Muscatine

Presented for City Council's consideration is a resolution approving the combined preliminary/final plat for the Musser Street First Addition in the City of Muscatine. This two-lot subdivision contains 23.077 acres and is located at the intersection of Musser and Houser streets. Lot 2 of the subdivision contains 4.414 acres and is the site of On-Time Delivery, an existing light industrial user. The property is being divided to comply with requirements of

the lender and will allow the real estate to transfer from one LLC to another. The subdivision does not require the extension of any public improvements. This matter has been reviewed and approved by the Planning and Zoning Commission.

Is there a motion to take action by resolution approving the combined preliminary/final plat for the Musser Street First Addition in the City of Muscatine?

12. FROM THE CITY ADMINISTRATOR

A. First Reading of an Ordinance Amending the Ordinance Allowing Bow Hunting within the City Limits

Presented for City Council's consideration is the first reading of an ordinance amending the ordinance allowing bow hunting within the city limits. As a result of the discussion that took place at last week's in-depth meeting, it was the consensus of City Council to make two changes in the current bow hunting ordinance. The first change would allow for hunters to hunt deer on parcels of two acres or more. Property owners with adjoining lot lines will be permitted to combine properties to reach the minimum two acres required and there will be no zoning restrictions. The second change will allow for hunting to occur with 150' of any residence, church, or occupied structure or park ground.

Is there a motion to take action on the first reading of an ordinance amending Title 7 Police Regulations, Chapter 24 Weapons, Section 5 Bow Hunting of Deer?

B. First Reading of an Ordinance Amending Title 10, Chapter 19, Section 6 of the City Code

Presented for City Council's consideration is an ordinance amending Title 10, Chapter 19, Section 6 of the City Code. Previously a public hearing was held to receive public comment on the proposed alterations of this ordinance that would allow for the placement of a crematorium within Memorial Park Cemetery in the City of Muscatine. This issue was forwarded to the Planning and Zoning Commission and to the City of Muscatine at the request of the owner/operator of Memorial Park Cemetery.

Is there a motion to take action on the first reading of an ordinance amending Title 10, Chapter 19, Section 6 of the City Code?

C. Resolution Approving Contract and Bond for the Isett Avenue Force Main Improvement Project – Phase 2

Presented for City Council's consideration is a resolution approving the contract and bond for the Isett Avenue Force Main Improvement Project – Phase 2. Previously the City Council took action to accept the bid from Sulzberger Excavating Inc. in the amount of \$527,113.55 for the project. The engineer's estimate for the project was \$705,300. The contract and bond have been reviewed by city staff and it is recommended they be approved by City Council at this time.

Is there a motion to take action by resolution approving the contract and bond from Sulzberger Excavating Inc. for the Isett Avenue Force Main Improvement Project – Phase 2?

D. Resolution Setting Public Hearing on W. 2nd Street Retaining Wall Improvement Project

Presented for City Council's consideration is a resolution setting a public hearing on the W. 2nd Street Retaining Wall Improvement Project. Recently the City Council directed staff to retain engineering services to assist in the assessment and design for the rebuilding of the W. 2nd Street retaining wall. There are a number of components to this project that would be incorporated into the final design and construction. Prior to any formal action by City Council on this matter, a public hearing is required.

Is there a motion to take action by resolution setting the time and place of a public hearing on the W. 2nd Street Retaining Wall Improvement Project for Thursday, August 2, 2007, at 7:00 p.m.?

E. Resolution Setting Public Hearing on the Horizontal Expansion at the Landfill – Phase 2

Presented for City Council's consideration is a resolution setting a public hearing on Phase 2 of the Horizontal Expansion at the landfill. The city recently secured the services of Fox Engineering to assist in the development of the horizontal expansion of the Muscatine County Landfill. Prior to any formal work on this project by the city, a public hearing is required.

Is there a motion to take action by resolution setting the time and place of a public hearing on Phase 2 of the Horizontal Expansion at the landfill for Thursday, August 2, 2007, at 7:00 p.m.?

F. Resolution Awarding the Contract for the Municipal Airport Improvements Identified as "Parallel Taxiway to Runway 12/30"

Presented for City Council's consideration is a resolution awarding the contract for municipal airport improvements identified as "Parallel Taxiway to Runway 12/30". Recently the city solicited bids from qualified vendors for work to be done on the crosswind runway taxiway project. Five bids were received with the lowest responsible bid being submitted by All American Concrete Inc. of West Liberty in the amount of \$946,934.20. The engineer's estimate for the project was \$1,225,000. The project is under final review by the FAA and any approval by the City of Muscatine would be subject to funding availability and concurrence of the award by the FAA.

Is there a motion to take action by resolution accepting the low bid and awarding the contract for municipal airport improvements identified as "Parallel Taxiway to Runway 12/30" to All American Concrete Inc. in the amount of \$946,934.20?

G. Request Approval to Submit an Application to the Iowa Department of Transportation on Behalf of Leadership Muscatine

Presented for City Council's consideration is a request for authorization to submit an application to the Iowa Department of Transportation on behalf of Leadership Muscatine. Continuing its tradition in working with the Leadership Muscatine program, city staff is now forwarding for Council's consideration a request for a grant application that must be done through the City of Muscatine to assist in the identified project for this class. The project that has been identified is a Cross Alert System to assist those using the trail system at roadway intersections. The IDOT's traffic safety improvement program is available for applications for such items. The projected amount of funds needed for this project is \$60,000. No matching funds would be required from the city.

Is there a motion to take action to approve the submission of an application to the IDOT on behalf of the Leadership Muscatine class?

H. Request Approval to Enter Into an Agreement for General Contractor Services

Presented for City Council's consideration is a request to authorize entering into an agreement for general contractor services. Recently the City of Muscatine solicited bids for this service. One bid was received from BMW Contractors. Prices for their services have not risen for the last four years other than electrician fees. The city contractor is one option for departments to consider when looking at approved improvements to facilities or other related projects.

Is there a motion to take action to approve the general contractor services of BMW Contractors?

I. Request Approval of Supplemental Agreement for Maintenance of Primary Roads with the Iowa Department of Transportation

Presented for City Council's consideration is a request to approve the supplemental agreement for maintenance of primary roads with the Iowa Department of Transportation. Annually the city is asked to enter into an agreement with the IDOT for maintenance of primary roads inside the City of Muscatine. This current agreement will run from July 1, 2007 through June 30, 2008. Maintenance is targeted for state highways that are within the city limits. The agreement will pay the city \$16,286.

Is there a motion to take action to approve the supplemental agreement with the IDOT for maintenance of primary roads within the City of Muscatine?

J. Request Approval to Replace Storm Damaged Benches and Bleachers at Kent Stein Park

Presented for City Council's consideration is a request for authorization to replace storm damaged benches and bleachers at Kent Stein Park. During the June 2007 tornado, several bleachers and benches were damaged beyond repair. Several quotes were solicited from qualified vendors for replacement of the storm damaged items. At this time we are proposing to replace four 5-row bleachers, one 10-row bleacher, and four 15' benches. These items are covered by insurance net the overall event insurance deductible in the amount of \$5,000. This request will be broken into two items with the first purchase order to Anthem Sports in the amount of \$21,834 for the bleachers. The second purchase order will be issued to Gopher in the amount of \$2,199 for the benches.

Is there a motion to take action to approve the issuance of a purchase order to Anthem Sports in the amount of \$21,834 for the replacement of damaged bleachers and a purchase order to Gopher in the amount of \$2,199 for the replacement of damaged benches?

K. Request Approval to Purchase SCBA Upgrades Fire Department

Presented for City Council's consideration is the request to approve the purchase of self-contained breathing apparatus (SCBA) upgrades for the Fire Department. Two bids were solicited with the low apparent bid being from Ed M. Feld Company of Carroll, Iowa, in the amount of \$64,960. This purchase is part of the assistance to Fire Departments grant award the city received. The federal share is 90% with the city responsible for 10% or \$6,496.

Is there a motion to accept the bid received from Ed M. Feld Company in the amount of \$64,960 for the SCBA upgrades for the Fire Department?

L. Request Approval to Purchase Breathing Air Compressor for Fire Department

Presented for City Council's consideration is a request to approve the purchase of a breathing air compressor for the Fire Department. As part of the assistance to Fire Departments grant award, the city took bids for a new breathing air compressor unit. Four bids were received. After reviewing the bids, it is recommended that the bid submitted by Midwest Breathing Air of Wapello in the amount of \$34,635.88 be accepted. This purchase is part of the assistance to Fire Department grant award that the city received. The federal share is 90% with the city responsible for 10% or \$3,464.

Is there a motion to take action to authorize the purchase of a new breathing air compressor for the Fire Department from Midwest Breathing Air in the amount of \$34,635.88?

M. Request Approval to Purchase Scanner for Police Department

Presented for City Council's consideration is a request to approve the issuance of a purchase order for a scanner for the Police Department. Included in this year's budget is \$6,800 for the purchase of this unit. After reviewing models available, it is recommended that Council take action to approve the purchase of a Canon CD4070NW from Koch Brothers of Des Moines in the amount of \$6,500. The city is not recommending the service agreement at this time.

Is there a motion to take action to approve the issuance of a purchase to Koch Brothers in the amount of \$6,500 for the purchase of a scanner for the Police Department?

N. Resolution Setting Public Hearing on the Pearl City Trail and Riverfront Improvement Project

Presented for City Council's consideration is a resolution setting a public hearing on the Pearl City Trail and Riverfront Improvement Project. The city was awarded \$100,000 of Enhancement funds and has been working with the Iowa Department of Transportation to build a trail on the riverfront from Chestnut to Cedar streets. As a stipulation for this project to move forward, the city will be allowed to let the bid as long as we are willing to meet certain required IDOT criteria. This project will develop 1,000' of separated-corridor trail between Chestnut and Cedar streets along the Mississippi riverfront. The trail will be 12' wide and will include a barrier fence similar to what currently exists west of Chestnut Street. It will also feature period lighting. The trail project fills a gap in the American Discovery Trail (ADT) and the Mississippi River Trail (MRT) both of which utilize the Muscatine riverfront trail alignment and completes a continuous four-mile trail connection between Musser Park and Weed Park. Prior to this project being undertaken, a public hearing is required.

Is there a motion to take action by resolution setting a public hearing for Thursday, August 2, 2007, at 7 p.m. for the Pearl City Trail and Riverfront Improvement Project?

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – June 18 & 25, 2007 and July 2, 2007
- B. Library Board of Trustees – May 16, 2007 and June 20, 2007

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,575,996.16 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**