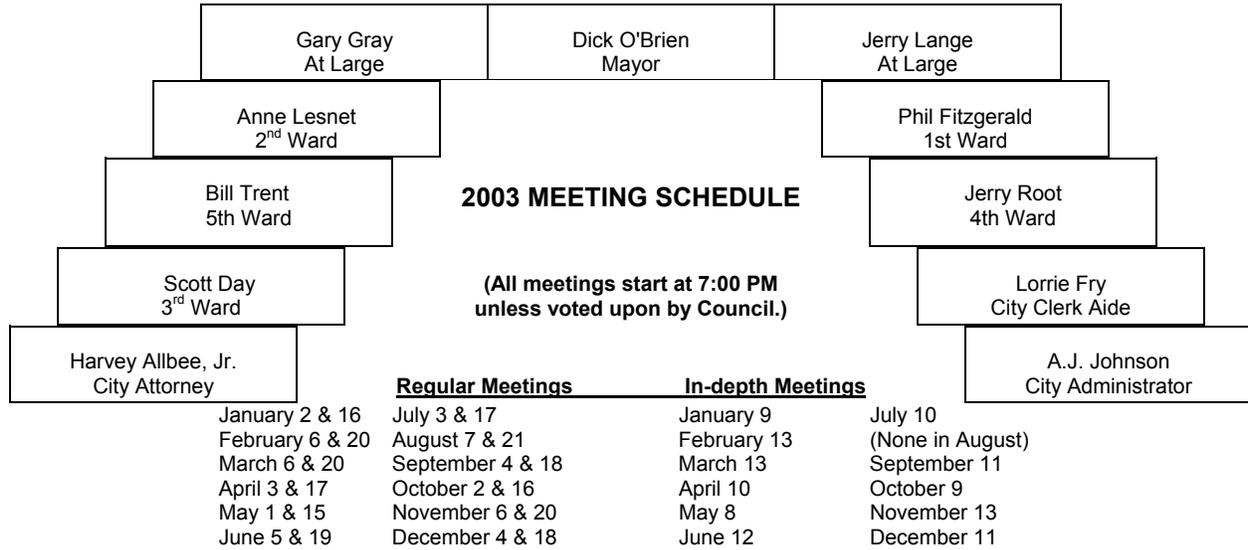


# MUSCATINE CITY COUNCIL



## AGENDA

**THURSDAY, AUGUST 7, 2003, 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 – July 17, 2003
- B. Joint City Council/Board of County Supervisors – July 24, 2003

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-L
- \* Bills\*

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

## 8. **PUBLIC HEARING**

### A. Proposed Zoning Change

Previously the City Council took action to establish a public hearing to review a proposed rezoning request from the Cedar Development, LLC. The request is to rezone approximately 92.615 acres of residential real estate east of the city limits and adjacent to University Drive and Highway 61 North to a mixed use development (S-3) district. The rezoning request is based on the land use concept plan that indicates a mixture of residential, office, retail/commercial, light industrial and open space. This matter has been reviewed and approved by the city's Planning & Zoning Commission. Prior to any formal action on this matter, a public hearing is required.

Now is the time for the public to comment on the proposed rezoning change.

### B. Proposed 2003 Central Business District Streetscape Project]

Previously the City Council took action to establish a public hearing to receive public comment on the proposed 2003 Central Business District Streetscape Project. The City Council has allocated \$75,000 for the current fiscal year for streetscaping activities on 2<sup>nd</sup> Street. The improvements would include the removal of planters, sidewalk bricks and utility strips between Iowa Avenue and Cedar Street on 2<sup>nd</sup> Street. This is a continuation of improvements that were completed last year on 2<sup>nd</sup> Street. The city will be partnering with Muscatine Power & Water and other civic organizations for the establishment of other features such as period lighting, tree removal and the continuation of the hanging flower basket project. Prior to any formal action by Council, a public hearing is required.

Now is the time for the public to comment on the proposed 2003 Central Business District Streetscape Project.

## 9. **PETITIONS AND COMMUNICATIONS**

- ### A. 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 Corporation (subject to inspections)

- B. 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 Corporation (subject to inspections)
- C. Request for renewal of a Class B Beer and Sunday Sales Permit for The Legends Golf & Family Fun Center, 3901 N. Hwy 38 – White Wolf Inc.
- D. Request for renewal of a Class LE Liquor License for Wholesale Food Outlet #312, 807 Grandview Avenue – Nash-Finch Company (subject to inspections)

E. Community Art Review

At this time the Community Art Subcommittee of the Pearl of the Mississippi Project Team will make a presentation to Council concerning community art opportunities.

F. Request from Library to Use City Property – Iowa Avenue

Presented for City Council's consideration is a request from the Musser Public Library for the use of city property for the recognition of Mexican Independence Day. The request would be for the closure of Iowa Avenue between 3<sup>rd</sup> and 4<sup>th</sup> streets on Tuesday, September 16, 2003, between the hours of 5:00 p.m. and 8:00 p.m. Food vendors and entertainment will be available to the general public.

At this time City Council could take action to approve the request from the library for the closure of Iowa Avenue between 3<sup>rd</sup> and 4<sup>th</sup> streets in observance of Mexican Independence Day on September 16, 2003 between the hours of 5:00 p.m. and 8:00 p.m.

G. Request from Performing Arts Muscatine to Use City Property – 2<sup>nd</sup> Street

**10. FROM THE MAYOR**

- A. Proclamation Declaring August 16, 2003 as "What's Your Number? Hypertension Screening Day"
- B. Proclamation Declaring August as "Downtown Month"
- C. Proclamation Declaring August 14-16, 2003 as "Knights of Columbus Days for the Mentally Challenged"

The above proclamations have been submitted for City Council's consideration and approval.

D. Establishment of Trick or Treat Night

At this time City Council could take action to confirm the establishment of Trick or Treat Night for Friday, October 31, 2003, from 5:30 to 7:30 p.m.

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

A. Resolution Voluntarily Annexing Real Estate Into the City of Muscatine

Presented for City Council's consideration is a resolution voluntarily annexing real estate into the City of Muscatine. As has been previously reviewed with City Council, Cedar Development, LLC, intends to voluntarily annex 105.227 acres east of the city limits and both sides of Highway 61 North. In conjunction with this proposed action, the Council previously held a public hearing to receive public comment on a proposed rezoning request on this particular property. The city's Planning & Zoning Commission has approved the voluntary annexation and rezoning request for the property. Upon approval of a resolution to voluntarily annex the real estate, appropriate notification will be sent to state representatives and officials of this action for their review and action as well.

At this time City Council could take action by resolution voluntarily annexing certain real estate into the City of Muscatine.

**12. FROM THE CITY ADMINISTRATOR**

A. Final Reading of an Ordinance Amending Title 4 General Provisions, Chapter 1 Animal Regulations, Section 8 Animal Care

Presented for City Council's consideration is the final reading of an ordinance amending Title 4 General Provisions, Chapter 1 Animal Regulations, Section 8 Animal Care. This matter was tabled at the July 17<sup>th</sup> 2003 City Council meeting. A three-member subcommittee, appointed by the Mayor with the concurrence of City Council, reviewed the proposed changes in this ordinance relating to the tethering of animals. A recommendation will be presented at the City Council meeting concerning this matter. Following the review, the City Council will have an opportunity to take further action on this proposed amendment to the Animal Control Ordinance.

At this time City Council could take action to consider recommendations from the subcommittee concerning the proposed amendments to Title 4 General Provisions, Chapter 1 Animal Regulations, Section 8 Animal Care of the Muscatine City Code.

B. First Reading of an Ordinance Rezoning Property Within the City of Muscatine

Presented for City Council's consideration is the first reading of an ordinance rezoning property within the City of Muscatine. Previously a public hearing was held to consider the rezoning of 105.227 acres of real estate that is being voluntarily annexed into the city. Cedar Development, LLC, presented a rezoning proposal to the city's Planning & Zoning Commission to rezone the acreage from residential to a mixed use (S-3) district. This request is being made concurrently with the annexation request. The city's Planning & Zoning Commission has approved this request and is recommending that City Council take similar action.

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

C. Resolution Setting the Time and Place of a Public Hearing on the Airport Terminal Building Project

Presented for City Council's consideration is a resolution setting the time and place of a public hearing on the Airport Terminal Building Project. City staff, members of the Airport Advisory Commission and an outside architect have been working on developing final plans and specifications for the construction of a new airport terminal at the city's municipal airport. Prior to any further action on this matter, it is necessary that a public hearing be held for this project.

At this time City Council could take action by resolution setting the time and place of a public hearing on the Airport Terminal Building Project for Thursday, August 21, 2003, at 7:00 p.m.

D. Resolution Approving the Final Plat for the Country Court Two-Lot Subdivision Located in Northwood Estates

Presented for City Council's consideration is a resolution approving the final plat for the Country Court two-lot subdivision located in Northwood Estates. Mr. Charles Myers, who lives in a dwelling on 2.5 acres within the Country Court two-lot residential subdivision located within Northwood Estates, submitted a request to have the property subdivided to create a one-acre site and a 1.5-acre parcel. The lots conform to the dimensional requirements as outlined by the county and have received the County Board of Supervisors approval. Because it is within the two-mile limit of the city boundaries, City Council action is required.

At this time City Council could take action by resolution approving the final plat for the Country Court two-lot subdivision located in Northwood Estates.

E. Resolution Authorizing the Assessment of Unpaid Abatement Costs to Private Properties

Presented for City Council's consideration is a resolution authorizing the assessment of unpaid abatement costs to private properties. Periodically the City Council takes action to assess abatement costs for nuisances and other public improvements to the affected property owners that have remained unpaid to this date. Nine properties and property owners are submitted for Council's consideration representing a total of \$2,203.54. Following action by City Council, the list and the dollar amounts will be submitted to the County to be assessed against the appropriate properties.

At this time City Council could take action authorizing the assessment of unpaid abatement costs to private properties.

F. Resolution Awarding the Contract for the Weed Park Aquatic Center

Presented for City Council's consideration is a resolution accepting the low bid for the Muscatine Weed Park Aquatic Center Construction Project. Two bids were received with the low apparent bidder being that of Carl A. Nelson Co. of Burlington, Iowa, in the amount of \$3,489,500. The bid has been reviewed by both city staff and by the city's consultant, Water's Edge, to ensure compliance with the specifications as outlined in the bid document. Following the review of the bid document, both the city and the consultant are in concurrence that the bid should be awarded to Carl A. Nelson Co.

At this time City Council could take action to accept the bid for the Muscatine Aquatic Center from Carl A. Nelson Co. of Burlington, Iowa, in the amount of \$3,489,500.

G. Resolution Approving the Plans and Specifications and Setting the Bid Opening Date for the 2003 Central Business District Streetscape Project

Presented for City Council's consideration is a resolution approving the plans and specifications and setting the bid opening date for the 2003 Central Business District Streetscape Project. For fiscal year 2003/2004 the City Council has set aside \$75,000 to assist in streetscaping activities within the city's central business district. The area impacted will be 2<sup>nd</sup> Street between Iowa Avenue and Cedar Street and alleys #1 and #2. The scope of the work defined in this project includes the removal of sidewalks, benches, planters and curbing. Where taken out, new sidewalks and curbing will be replaced. The estimated project cost is \$106,869.29.

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 for the 2003 Central Business District Streetscape Project.

H. Resolution Approving the Contract and Bond for the Muscatine Hot Mix Asphalt Paving Project for 2003

Presented for City Council's consideration is a resolution approving the contract and bond for the Muscatine Hot Mix Asphalt Paving Project for 2003. Previously the City Council took action to award the contract for this project to Illowa Investments Inc. in the amount of \$521,818.75. At this time the appropriate contracts and insurance documents have been provided and approved by staff.

At this time City Council could take action by resolution approving the contract and bond for the Muscatine 2003 Hot Mix Asphalt Paving Project between the City of Muscatine and Illowa Investment Inc.

I. Resolution Approving the Contract and Bond for the W. 7<sup>th</sup> Street Sewer Replacement Project

Presented for City Council's consideration is a resolution approving the contract and bond for the W. 7<sup>th</sup> Street Sewer Replacement Project. Previously the City Council took action to award the contract for this project to Sulzberger Excavating in the amount of \$72,981.50. The appropriate contract and bond has been submitted and approved by staff at this time.

At this time City Council could take action by resolution approving the contract and bond for the W. 7<sup>th</sup> Street Sewer Replacement Project.

J. Request Authorization to Construct Radio Tower on the Knights of Columbus Property on Houser Street

Presented for City Council's consideration is a request for authorization to construct a radio tower on the Knights of Columbus property on Houser Street. The city has received a request from Joe Flanders, Chancellor of the Laurent Knights of Columbus located at 2011 Houser Street for the construction of a 55' tower to be located outside the east (back) side of the frame building located at this address. The nearest property lines are 135' to the south and 120' north of the tower location. The purpose of the local radio station is to provide various local educational programs. The height of the tower exceeds that which is permissible without City Council approval.

At this time City Council could take action to approve the request for the construction of a radio tower on the Knights of Columbus property located at 2011 Houser Street.

K. Request Approval of Various Improvements to Diamond #4 in Kent Stein Park by Muscatine Community College and Muscatine High School

Presented for City Council's consideration is a request to approve various improvements to Diamond #4 in Kent Stein Park by Muscatine Community College and Muscatine High School. The city has received a request from MCC and MHS for various improvements to Diamond #4 located in Kent Stein Park. This would include the moving of the outfield fence to accommodate college tournaments and the addition of foul poles. In addition, the irrigation system must be made to accommodate the additional space and also to replace the infield playing surface. There will be no cost to the city for this project that will be undertaken jointly by MCC and MHS.

At this time City Council could take action to authorize the improvements at Diamond #4 in Kent Stein Park by MCC and MHS.

L. Request to Purchase Mower for the Soccer Complex and an Infield Grooming Machine for Kent Stein Park

Presented for City Council's consideration is a request to purchase a mower for the soccer complex and an infield grooming machine for Kent Stein Park. Included in this fiscal year's budget are monies for the replacement of these two pieces of equipment. A total of four bids were received from two bidders for the mower and three bids from three bidders for the infield grooming machine. After reviewing the bids submitted, it is staff's recommendation that the mower and infield grooming machine both be purchased from Sun Turf Equipment for \$27,990 for the mower and \$6,990 for the infield grooming machine for a total bid package price of \$34,890. The total budgeted amount for the two pieces of equipment is \$30,800 representing a \$4,090 overage.

At this time City Council could take action to approve the purchase of a mower for the soccer complex and infield grooming machine for Kent Stein Park from Sun Turf Equipment for a total bid package amount of \$34,890.

M. Request Approval from the Muscatine Little League to Construct Batting Cages at Kent Stein Park

Presented for City Council's consideration is a request for approval from the Muscatine Little League to construct batting cages at Kent Stein Park. The city has received a request from the Muscatine Little League Association to construct two batting cages at Kent Stein Park. If approved, the cages will go between Diamonds #2 and #3. The Muscatine Little League Association will pay for the costs to construct the cages.

At this time City Council could take action to approve the request from the Muscatine Little League Association to construct batting cages at Kent Stein Park.

N. Request Authorization to Submit an Application for Local Law Enforcement Block Grant Funds

Presented for City Council's consideration is a request for authorization to submit an application for Local Law Enforcement Block Grant Funds. The city has been receiving grant funding since 1996 under this program, and, if approved, this would be the eighth application. Grant periods are for two years and require a 10% match. In the past, grant proceeds have been used to purchase items such as computers, radar, weapons, in-car video systems, overtime for community policing and crime prevention activities. Available for fiscal year 2003 through 2005 will be \$33,842 from federal sources to be matched by \$3,760 from the City of Muscatine for a total grant program of \$37,602.

At this time City Council could take action to authorize the submission of a grant application for Local Law Enforcement Block Grant Funds.

O. Resolution Setting the Time and Place of a Public Hearing on the Police Department's Proposed Use of Local Law Enforcement Block Grant Funds

Presented for City Council's consideration is a resolution setting the time and place of a public hearing on the Police Department's proposed use of Local Law Enforcement Block Grant Funds. Previously the City Council took action to consider the submission of a grant application for such funds for fiscal years 2003 through 2004. To comply with the U.S. Department of Justice requirements, a public hearing is required for the proposed use of these funds.

At this time City Council could take action by resolution setting the time and place of a public hearing for the Police Department's use of Local Law Enforcement Block Grant Funds for Thursday, August 21, 2003, at 7:00 p.m.

P. Request Approval of the Joint Participation Agreement Between the City and the Iowa Department of Transportation for the Job Access/Reverse Commute Project

Presented for City Council's consideration is a request to approve a joint participation agreement between the city and the Iowa Department of Transportation for the Job Access/Reverse Commute Project. For fiscal year 2003/2004, the funding ceiling has been raised from \$50,000 to \$55,000 for this project. If approved, the \$55,000 project cost would be split equally by the state and the city at \$27,500. The program provides job related transportation and some general public transportation for evening and weekend services. On an average, we have 500 rides per month.

At this time City Council could take action to approve the joint participation agreement between the City of Muscatine and the Iowa Department of Transportation for the Job Access/Reverse Commute Project.

- Q. Request Approval of the Joint Participation Agreement Between the City and the Iowa Department of Transportation for the Non-Urban Capital Assistance Program

Presented for City Council's consideration is a request to approve the joint participation agreement between the City of Muscatine and the Iowa Department of Transportation for the non-urban capital assistance program. With Council's approval, the program will allow for \$144,420 of federal funds to be used for the purchase of three of the four buses programmed for the transit operation for fiscal year 2003/2004.

At this time City Council could take action to approve a joint participation agreement between the City of Muscatine and the Iowa Department of Transportation for the non-urban capital assistance program.

- R. Request Approval of the Joint Participation Agreement Between the City and the Iowa Department of Transportation for State Transit Assistance

Presented for City Council's consideration is a request to approve a joint participation agreement between the City of Muscatine and the Iowa Department of Transportation for state transit assistance. Each year the city receives assistance from the State of Iowa for transit-related activities. This year \$137,980 is available to the city for operation expenses for 2003/2004.

At this time City Council could take action to approve the joint participation agreement between the City of Muscatine and the Iowa Department of Transportation for state transit assistance.

- S. Request Approval of the Joint Participation Agreement Between the City and the Iowa Department of Transportation for Federal Non-Urban Operating Assistance

Presented for City Council's consideration is a request to approve a joint participation agreement between the City of Muscatine and the Iowa Department of Transportation for federal non-urban operating assistance. Each year the city receives federal funds through the Iowa Department of Transportation to assist in operational expenses for the transit operation. This year the city anticipates receiving \$105,912 for fiscal year 2003/2004.

At this time City Council could take action to approve the joint participation agreement between the city and the Iowa Department of Transportation for federal non-urban operating assistance.

- T. Request Authorization to Issue a Purchase Order for Painting of the Public

## Works Quonset Hut and Storage Shed

Presented for City Council's consideration is a request for authorization to issue a purchase order for painting of the Quonset hut and storage shed at Public Works. Included in this year's fiscal budget is \$15,000 for this improvement. A total of five bids were received with the low bid being submitted by Grace Painting of Columbus Junction, Iowa, in the amount of \$8,700.

At this time City Council could take action to authorize the issuance of a purchase order to Grace Painting in the amount of \$8,700 for painting of the Quonset hut and storage shed at Public Works.

### U. Request Approval of an Agreement Between the City and the Iowa Department of Transportation for a State Recreational Trails Project

Presented for City Council's consideration is a request to approve an agreement between the city and the Iowa Department of Transportation for a state recreational trails project. Previously the City Council received an update from staff and approved the submittal of a concept statement to the IDOT for trail construction assistance. At this time the city has received notification from the state that it will be authorizing \$54,800 of recreational trail grant funds to be used for this project. The estimated cost for the project is \$114,968. The remaining \$60,168 will be the responsibility of the city, with \$40,000 being provided through in-kind services. This would leave approximately \$20,000 of expenses as yet to be identified but would be the responsibility of the city. If approved by Council, this project would facilitate the construction of a hiking/biking trail from Houser Street through Kent Stein Park to Division Street. The trail would be one mile in length and 10' to 12' wide.

At this time City Council could take action to approve the agreement between the City of Muscatine and the Iowa Department of Transportation for a state recreational trails project.

### V. Request Approval to Purchase a Police Vehicle

Presented for City Council's consideration is a request to purchase a police vehicle. Included in this year's fiscal budget are monies to purchase a replacement vehicle for the department's SUV. The city received two bids with one bidder meeting the specifications as outlined in the bid document. Krieger Motors has submitted a bid of \$30,533 with a trade-in allowance of \$5,000 bringing the total price of the vehicle to \$25,533. A total of \$28,400 was budgeted. Staff is recommending the purchase of this vehicle.

At this time City Council could take action to award the bid to Krieger Motors for the purchase of a 2004 Chevy Tahoe special service vehicle for the Police Department for a total cost of \$25,533.

W. Request Approval to Purchase Community Clock for Placement on the Riverfront

Presented for City Council's consideration is a request to approve the purchase of a community clock for placement on the riverfront. Working in conjunction with private individuals, monies have been secured for the purchase and placement of a community clock on the Muscatine riverfront. The clock will stand 16' 6" and will have four clock faces and each face will have the inscription "Pearl of the Mississippi". The clock will be located in the round planter in front of the Pearl City Station. The existing flagpoles will be relocated next to Pearl City Station. Private donations will cover the entire cost of the purchase and installation of the clock. It is necessary for the Council to authorize the issuance of a purchase order for the clock to be purchased through the City of Muscatine.

At this time City Council could take action to approve the purchase of a community clock for placement on the Muscatine Riverfront.

X. Request Approval of 28E Agreement Between the City and the City of Fruitland for Law Enforcement and Emergency Services by the Muscatine Police Department

Presented for City Council's consideration is a request to approve a 28E Agreement between the City of Muscatine and the City of Fruitland for law enforcement emergency services. Last year the City Council approved a one-year contract between the City of Muscatine and the City of Fruitland for these services on a trial basis. The first year was successful for both entities and a new contract is being recommended at this time. The contract will be effective July 1, 2003 through June 30, 2004. The contract has been adjusted to reflect the increased cost of service as linked to the city's recently negotiated contract settlement with the police department union. Overall the city will receive \$30,340 to be paid in quarterly payments.

At this time City Council could take action to approve the 28E agreement between the City of Muscatine and the City of Fruitland for law enforcement and emergency services by the Muscatine Police Department.

**13. COMMUNICATIONS - RECEIVE AND FILE**

- A. Muscatine County Board of Supervisors – July 7 & 14, 2003
- B. Art Center Board of Trustees – July 17, 2003
- C. Library Board of Trustees – June 18, 2003
- D. Muscatine Community School District – July 14, 2003
- E. Bi-State Regional Commission
- F. Zoning Board of Adjustment – May 6, 2003
- G. Board of Water, Electric, and Communications Trustees – June 24, 2003
- H. MP&W Operating Reports – Communications Utility – June 2003
- I. MP&W Operating Reports – Water Utility – June 2003

- J. MP&W Operating Reports – Electric Utility – June 2003
- K. MP&W Year-to-Date Operating Results – June 30, 2003
- L. NFPA Fire Survey Results – April and May 2003

**14. APPROVAL OF BILLS**

It is recommended bills totaling \$1,418,841.14 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 for Litigation Updates

**17. ADJOURNMENT**