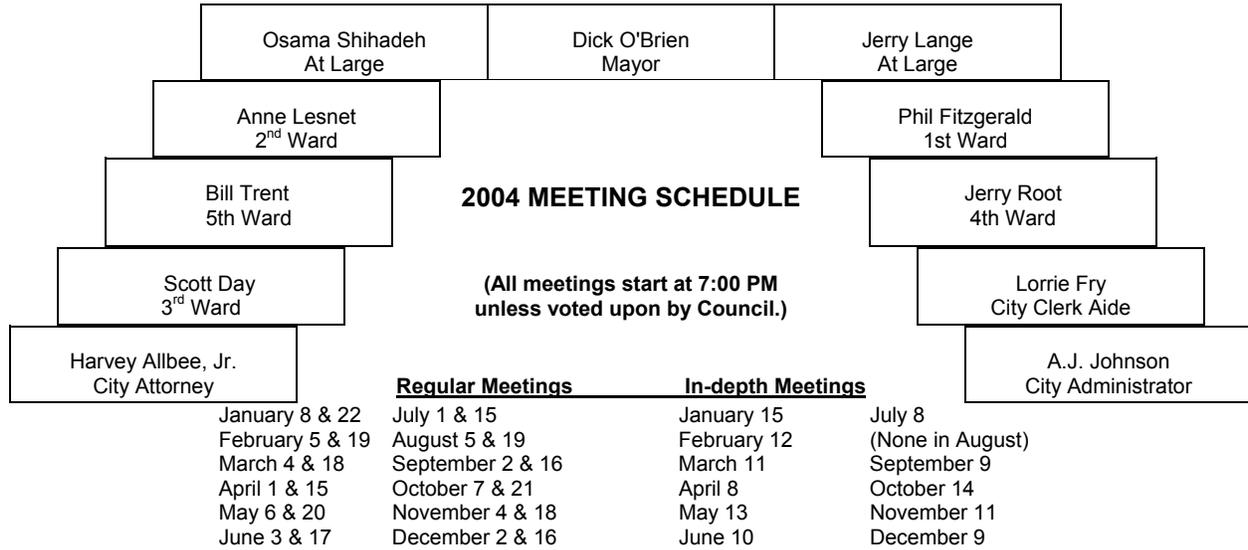


MUSCATINE CITY COUNCIL



AGENDA

**THURSDAY, JUNE 3, 2004, 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 – May 20, 2004
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-M
- * Bills*

*Approval of attached Bills for Approval totaling \$4,225,614.87 is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed Remodeling of the Riverview Center

Previously the City Council took action to establish a public hearing for public comments on the proposed Riverview Center. As part of the Pearl of the Mississippi Project, the remodeling efforts for the Riverview Center will include both interior and exterior changes. Included in the changes are making the building fully handicap accessible, interior remodeling of public space and kitchen area as well as restrooms and exterior improvements that include new windows and decking. This matter had been previously reviewed with City Council and the public at an in-depth meeting.

Now is the time for the public to comment on the proposed remodeling of the Riverview Center as part of the Pearl of the Mississippi Project.

B. Proposed Tipton Road Sewer Improvements

Previously the City Council took action to establish a public hearing for the proposed Tipton Road Sewer Improvements. This project consists of three lengths of sanitary sewer extending from existing sewers in the Tipton Road area. The extensions will make sanitary sewer available within a reasonable distance to the unserved houses and churches located between Mulberry Avenue and the U.S. 61 Bypass. Also included is the construction of a storm sewer intake and storm sewer extension south of the existing pump station.

Now is the time for the public to comment on the proposed Tipton Road Sewer Improvement Project.

9. **PETITIONS AND COMMUNICATIONS**

A. Request on first reading for a new Class B Beer and Sunday Sales Permit for China Buffet, 1903 Park Avenue – China Buffet of Muscatine Inc. (pending inspections and receipt of dram shop insurance)

B. Request on second reading for a new Class C Liquor License and Sunday Sales Permit for Escorpion Bar, 500 Mulberry Avenue – Sylvia Alicia Garcia

C. Request for renewal of a Class C Liquor License and Sunday Sales Permit for

Habanero Grill, 201 W. 2nd Street – Moody International Inc.

- D. Request for renewal of a Class E Liquor License and Sunday Sales Permit for Liquor Depot of Muscatine, 1700 Park Avenue – Express Depot Inc.
- E. Request for renewal of a Class C Beer and Sunday Sales Permit for Cigarette Outlet #8, 426 E. 2nd Street – Cigarette Outlet Inc.

10. FROM THE MAYOR

- A. Proclamation Declaring July 10, 2004 as “Miss Iowa National Preteen and Preteen Petite Day”
- B. Proclamation Declaring June 19, 2004 as “Juneteenth Day”

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

11. FROM THE PLANNING AND ZONING COMMISSION

- A. Resolution Approving the Final Plat for the Cemetery Lane Subdivision in the City of Muscatine

Presented for City Council’s consideration is a resolution approving the final plat for the Cemetery Lane Subdivision in the City of Muscatine. The city’s Planning & Zoning Commission has reviewed and approved a subdivision consisting of 4+ acres of land off of Logan Street and Cemetery Lane. The subdivision will consist of five lots with four having frontage off of Logan Street. The fifth lot already has an existing residential structure on it. This matter was tabled from the May 20, 2004 City Council meeting for action at this time.

At this time City Council could take action by resolution approving the final plat for the Cemetery Lane Subdivision in the City of Muscatine.

12. FROM THE CITY ADMINISTRATOR

- A. Second Reading of an Ordinance Amending Title 10, Chapter 2, Section 7(1)2 of the City Code Regarding the Site Plan Review Committee

Presented for City Council’s consideration is the second reading of an ordinance amending Title 10, Chapter 2, Section 7(1)2 of the City Code regarding the Site Plan Review Committee. The proposed change in this ordinance would allow for the city’s Site Plan Review Committee to be made up of representatives of the Public Works Department, Building & Zoning and Planning & Zoning as appointed by the City Administrator. Currently the ordinance is position specific as far as membership on the Site Plan Review Committee. This will allow greater flexibility in the future when reviewing site plans submitted to the city.

At this time City Council could take action on the second reading of an ordinance amending Title 10, Chapter 2, Section 7(1)2 of the City Code regarding the Site Plan Review Committee.

- B. Second Reading of an Ordinance Amending Title 7, Chapter 14 of the City Code Regarding Drug Paraphernalia and Title 7, Chapter 9 Regarding Misdemeanor Assault and Misdemeanor Theft

Presented for City Council's consideration is the second reading of an ordinance amending Title 7, Chapter 14 of the City Code regarding drug paraphernalia and Title 7, Chapter 9 regarding misdemeanor assault and misdemeanor theft. The proposed changes in the ordinance would allow for the city's police department to charge individuals under a city ordinance versus state statutes. This allows for the revenues generated from the fines and penalties to be directed to the City of Muscatine versus the State of Iowa. There would be no other changes in enforcement activities associated with these infractions with these changes.

At this time City Council could take action on the second reading of an ordinance amending Title 7, Chapter 14 of the City Code regarding drug paraphernalia and Title 7, Chapter 9 regarding misdemeanor assault and misdemeanor theft.

- C. Resolution Approving the Plans, Specifications, Form of Contract and Establishing a Bid Opening Date for the Remodeling of the Riverview Center

Presented for City Council's consideration is a resolution approving the plans, specifications, form of contract and establishing a bid opening date for the remodeling of the Riverview Center. Previously a public hearing was held to receive public comments concerning these proposed improvements as part of the Pearl of the Mississippi Project. With this action, City Council will establish a bid opening date for June 29, 2004 at 2:05 p.m.

At this time City Council could take action by resolution approving the plans, specifications, form of contract and establishing a bid opening date for the remodeling of the Riverview Center.

- D. Resolution Accepting a Low Bid for Muscatine Owner-Occupied Housing Rehabilitation Program

Presented for City Council's consideration is a resolution accepting a low bid for the Muscatine Owner-Occupied Housing Rehabilitation Program for 407 E. 6th Street. Two bids were submitted for the project with the low bid being submitted by North Construction Company of Muscatine in the amount of \$26,815. The program allows for \$24,999 to be utilized for the rehabilitation, and any amount over that amount will have to be paid by the homeowner. This program also includes funding for lead based paint control as well.

At this time City Council could take action by resolution accepting the low bid from North Construction Company in the amount of \$26,815 for 407 E. 6th Street.

E. Resolution Authorizing the Mayor to Sign a Subordination Agreement for 707 Oak Street

Presented for City Council's consideration is a resolution authorizing the Mayor to sign a subordination agreement for 707 Oak Street. Imelda Luna participated in the city's 2000 rehabilitation program with a five year forgivable loan to complete a variety of rehabilitation projects. At this time the owner wishes to refinance the property which would require the city to sign a subordinate agreement to the new lender. The city has taken this action before at the request of homeowners.

At this time City Council could take action by resolution authorizing the Mayor to sign a subordination agreement for 707 Oak Street.

F. Resolution Setting the Time and Place for a Public Hearing on the 2004 CBD Streetscape Improvement Project

Presented for City Council's consideration is a resolution setting the time and place of a public hearing on the 2004 CBD Streetscape Improvement Project. Included in the fiscal year 2004/2005 budget is \$75,000 to complete the streetscaping project on 2nd Street from Cedar Street to Mulberry Avenue. The city will be working in conjunction with Muscatine Power & Water who will be replacing and installing street lights at the same time. Prior to any other action by Council, a public hearing is required.

At this time City Council could take action by resolution establishing a public hearing for the 2004 CBD Streetscape Improvement Project for Thursday, June 17, 2004, at 7:00 p.m.

G. Resolution Approving the Plans and Specifications and Setting the Bid Opening Date for the Tipton Road Sewer Extension Project

Presented for City Council's consideration is a resolution approving the plans and specifications and setting the bid opening date for the Tipton Road Sewer Extension Project. Previously a public hearing was held to receive public comment on this proposed improvement. The project consists of three lengths of sanitary sewer extending from existing sewers in the Tipton Road area. The extensions make sanitary sewer available within a reasonable distance to the unserved houses and churches located between Mulberry Avenue and the U.S. 61 Bypass. If approved by Council, a bid opening date would be set for July 8, 2004 at 10:00 a.m.

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 Tipton Road Sewer Extension Project.

H. Resolution Accepting the Lowest Responsible Bid for the Construction of Riverfront Development Projects

Presented for City Council's consideration is a resolution accepting the lowest responsible bid for the construction of riverfront development projects. As has been previously reviewed with City Council and as part of the Pearl of the Mississippi Project, the city had previously accepted bids for construction of riverfront development projects. There were two bids were received. After evaluating the bids submitted, Council is being asked to consider rejecting the low bid from Sulzberger Excavating Inc. as not being responsible and accepting the bid from Muscatine Bridge in the amount of \$2,893,835. This price includes the one alternate, which is the use of concrete in place of asphalt at an extra cost of \$85,000.

At this time City Council could take action by resolution accepting the lowest responsible for the construction of riverfront development projects by first rejecting the bid submitted by Sulzberger Excavating Inc. and accepting the bid from Muscatine Bridge Inc. in the amount of \$2,893,835.

I. Request Approval of an Agreement with the Iowa Department of Transportation Authorizing the Use of STP Funds for Trail Construction

Presented for City Council's consideration is a request to approve an agreement with the Iowa Department of Transportation Authorizing the Use of STP Funds for trail construction. The City of Muscatine has received an agreement from the IDOT authorizing the use of federal STP enhancement funds to build the trail on the Iowa Highway 92 bridge easterly to Spillway Lane. Enhancement money in the amount of \$120,000 has been earmarked for this project and an additional \$246,000 has been requested. In order for these funds to be used, the city must have an agreement signed by the IDOT regarding the allocation of monies.

At this time City Council could take action to approve the agreement with the Iowa Department of Transportation authorizing the use of STP Funds for trail construction.

- J. Request Authorization to Issue a Purchase Order to Bryant Roofing Company for Roof Replacement at the Musser Museum.

Presented for City Council's consideration is a request to approve the issuance of a purchase order to Bryant Roofing Company for roof replacement at the Musser Museum. The facility is currently undergoing restoration work that had previously been authorized by City Council. There is \$6,068 left from the \$42,000 committed for the project from the city and this would be used toward the city's share of the funds necessary to proceed with the roof repair project. The city received a bid for \$27,500 from the Bryant Roofing Company. The balance of \$21,432 will be provided from the Art Center Trust.

At this time City Council could take action to authorize the issuance of a purchase order to Bryant Roofing Company in the amount of \$27,500 for roof replacement at the Musser Museum.

- K. Request Approval of a Purchase Order to the Conservation Land Stewardship for Phase I of the Restoration of the Mark Twain Overlook

Presented for City Council's consideration is a request to approve the issuance of a purchase order to the Conservation Land Stewardship for Phase I of the restoration of the Mark Twain Overlook. City Council has received numerous reports on the restoration of the Mark Twain Overlook from a community based group that has raised monies from local contributors as well as monies from the IDOT/IDNR. The purchase order would be in the amount of \$52,548. Of that \$53,000 is being provided for this program through the IDOT/IDNR grant on a reimbursement basis.

At this time City Council could take action to approve the issuance of a purchase order to the Conservation Land Stewardship for Phase I of the restoration of the Mark Twain Overlook in the amount of \$52,548.

- L. Request Approval to Support Capital Expenditures for Joint Communications

Presented for City Council's consideration is a request to approve the support of capital expenditures for joint communications. During the numerous discussions of joint communications and the city's level of participation for that project, it has been assumed that the city will provide for up to 50% of the capital costs required for the project. In order to formalize this commitment, it has been requested that this item be placed on the agenda for formal confirmation by City Council of this previously stated position.

At this time City Council could take action to reaffirm its decision to cost share with Muscatine County for capital expenditures for the joint communication project for up to 50% of those expenses.

M. Request to Purchase State Right-of-Way

The city has received notification from the Iowa Department of Transportation of the availability of state right-of-way adjacent to the municipal airport for sale. Approximately .42 acres of surplus land adjacent to the airport and U.S. Highway 61 is being made available at a cost of \$100.

At this time City Council could take action to approve the purchase of property from the Iowa Department of Transportation in an amount not to exceed \$100.

N. Approval of Change Order #6 for the Municipal Airport Project

The following change order is submitted for Council's approval for the Municipal Airport Project. This change order includes additional concrete work totaling \$15,919. This includes additional concrete work near the fueling storage building as well as the area in between the GPC and HNI Corporation hangars. In addition to the concrete work, additional work was contracted through Bi-State telesource in the amount of \$1,921.86 for relocation of communication lines to corporate hangars. The total for Change Order #6 will be \$17,840.

At this time City Council could take action to approve Change Order #6 in the amount of \$17,840 for the Municipal Airport Project.

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – May 10 & 17, 2004
- B. Muscatine School Board – May 10, 2004
- C. Art Center Board of Trustees – April 15, 2004 & May 20, 2004
- D. Senior Resources – March 23, 2004 & April 27, 2004
- E. Board of Water, Electric, and Communications Trustees – April 27, 2004
- F. Zoning Board of Adjustment – May 4, 2004
- G. Bi-State Regional Commission – April 28, 2004
- H. Airport Advisory Commission – April 26, 2004
- I. NFPA Fire Survey – March 2004
- J. MP&W Operating Statements – Communications Utility – April 2004
- K. MP&W Operating Statements – Water Utility – April 2004
- L. MP&W Operating Statements – Electric Utility – April 2004
- M. City of Muscatine Financial Statements – April 2004

14. APPROVAL OF BILLS

It is recommended bills totaling \$4,225,614.87 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