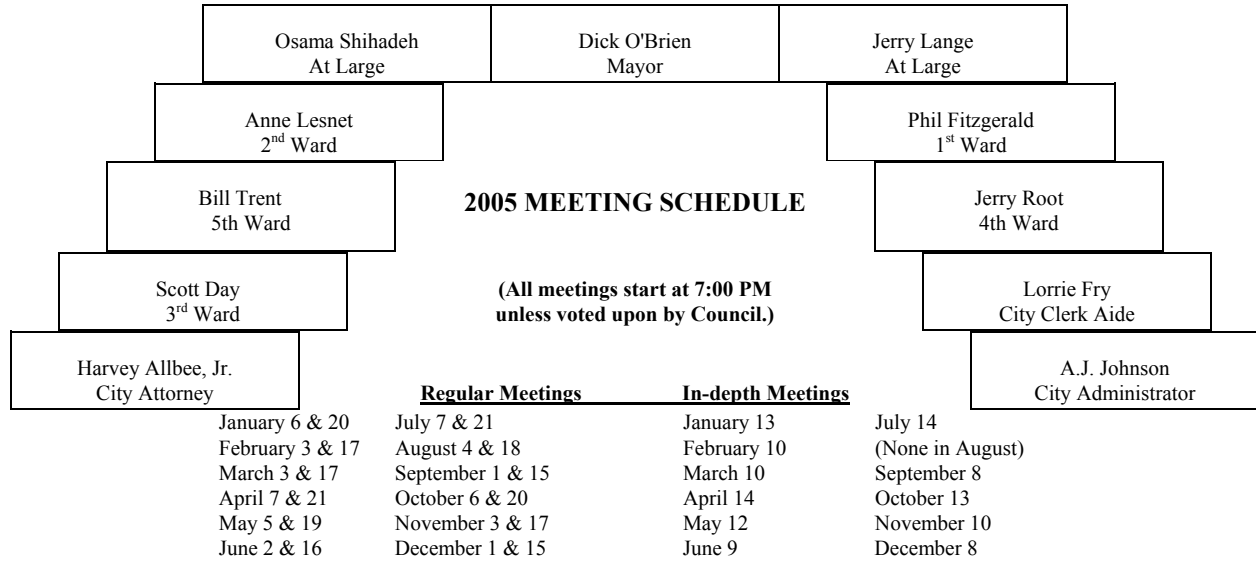


MUSCATINE CITY COUNCIL



AGENDA

**THURSDAY, APRIL 21, 2005, 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**

A. Swearing In of Police Officers

At this time Officers Colin Ward and Brandy Lighton will be sworn in as Muscatine police officers.

6. **MINUTES - APPROVAL**

- A. Regular City Council Meeting – April 7, 2005
- B. In-Depth City Council Meeting – April 14, 2005

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-E
- * Bills*

* Approval of attached Bills for Approval totaling \$1,192,902.58 is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed Vacation of Utility Easement

Previously City Council took action to establish a public hearing on a proposed vacation of a utility easement in the North Park Addition. The owner of Lots 11 and 12 of this subdivision has requested the existing utility easement located between the lots be vacated for development purposes. The request has been reviewed and approved by all affected utilities. Prior to any formal action being taken by Council, a public hearing is required.

Now is the time for the public to comment on the proposed vacation of a utility easement in North Park Addition.

B. Proposed Submission of the Public Housing Agency Plan

Previously the City Council took action to establish a public hearing on the proposed submission of the Public Housing Agency Plan. Periodically the city, acting as the Public Housing Authority, is required by the Department of Housing & Urban Development to submit a Public Housing Agency Plan. This plan outlines the procedures and policies of the Public Housing Agency as it pertains to public housing opportunities. Comments have been incorporated that have been solicited from individual residents, resident advisory groups, and now the public at large.

Now is the time for the public comment on the proposed submission of a Public Housing Agency Plan.

9. **PETITIONS AND COMMUNICATIONS**

A. Request on first reading for a new Class B Beer and Sunday Sales Permit for Pockets, 817 Oregon Street – Anthon Kim-Sang Luu (pending inspections)

- B. Request for renewal of a Class C Liquor License for Mike’s Hilltop Tap, 929 Lucas Street – Michael Blaesing (pending receipt of dram shop certificate)
- C. Request for renewal of a Class C Liquor License and Sunday Sales Permit for Angus at the Legends – Angus at the Legends, LLC
- D. Request for renewal of a Class B Beer and Sunday Sales Permit for Pizza Hut of Muscatine, 2512 Park Avenue – Pizza Hut of Muscatine Inc.
- E. Request for renewal of a Class A Liquor License for the Muscatine Moose Lodge No. 388, 207 Lake Park Boulevard

10. FROM THE MAYOR

- A. Proclamation Declaring May 1-7, 2005 as “Motorcycle Awareness Week”

Presented for City Council’s consideration and approval is a proclamation declaring May 1-7, 2005 as “Motorcycle Awareness Week”.

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

- A. Second Reading of an Ordinance Amending the Zoning Ordinance of the City of Muscatine

Presented for City Council’s consideration is the second reading of an ordinance amending the zoning ordinance for the City of Muscatine. In conjunction with the city’s intention to authorize sale of the property known as “Lincolnshire Village City Park”, it is being requested that the property be rezoned from its current R-L (large scale residential) to C-3 (planned commercial).

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

- B. Resolution Authorizing the Submission of the 2005-2006 Public Housing Agency Plan and Attachments

Presented for City Council’s consideration is a resolution authorizing the submission of the 2005-2006 Public Housing Agency Plan and attachments. Previously a public hearing was held to receive public comment on the proposed 2005-2006 Public Housing Agency Plan. As required by the Department of Housing & Urban Development, this plan has been submitted for public comment as well as for comments from affected residents and resident groups. With the approval by City Council of this plan, it will then be submitted to HUD as required.

At this time City Council could take action by resolution authorizing the submission of the 2005-2006 Public Housing Agency Plan and attachments as modified to HUD.

C. Resolution Approving Vacation of Existing Utility Easement in North Park Subdivision

Presented for City Council's consideration is a resolution approving the vacation of an existing utility easement in the North Park Subdivision. Previously a public hearing was held to receive public comment on the proposed vacation of a utility easement for Lots 11 and 12 of the North Park Subdivision in the City of Muscatine. The current owner of the property wishes to develop the property as one and therefore needs authorization to vacate the existing utility easement.

At this time City Council could take action by resolution authorizing the vacation of the existing utility easement in the North Park Subdivision.

D. Resolution Authorizing the Assessment of Unpaid Nuisance Abatement Costs

Presented for City Council's consideration is a resolution authorizing the assessment of unpaid nuisance abatement costs. Periodically the City Council is presented with a listing of costs for unpaid assessments for nuisance abatement. Up until this point the city has been unsuccessful in its attempts to collect these outstanding debts. This request covers 12 properties with 21 separate service related issues totaling \$6,537.17.

At this time City Council could take action by resolution authorizing the assessment of unpaid nuisance abatement costs to private property owners.

E. Resolution Setting the Time and Place of a Public Hearing on the Central Business District Miscellaneous and W. 3rd Street Sanitary and Storm Sewer Improvements Project

Presented for City Council's consideration is a resolution setting the time and place of a public hearing on the Central Business District Miscellaneous and W. 3rd Street Sanitary and Storm Sewer Improvements Project. As part of the 1% sales tax sanitary sewer improvement project encompassing the Central Business District, the Council is hereby requested to establish a public hearing for these improvements. The construction schedule includes:

1. Replace sanitary sewer on W. 3rd Street between Chestnut and Cherry streets.
2. Eliminate storm sewer outfall and redirect to Papoose Lift Station
3. Install flood and odor control structures at Sycamore Street and Mississippi Drive.
4. Install odor control structure on E. 3rd Street across from City Hall.
5. Separate sewers and install new where needed between Cedar, Orange, E. 5th & E. 9th streets.

At this time City Council could take action to establish a public hearing for the Central Business District Miscellaneous and W. 3rd Street Sanitary and Storm Sewer Improvement Project for Thursday, May 5, 2005, at 7 p.m.

F. Resolution Authorizing City Clerk and Mayor to Approve Additional Housing Rehabilitation Bids and Contracts

Presented for City Council's consideration is a resolution authorizing the City Clerk and Mayor to approve additional housing rehabilitation bids and contracts. Earlier this year the City Council took action to pre-authorize the Mayor and City Clerk to enter into contracts under the CDBG Housing Rehabilitation Program in advance of a City Council meeting. In order to accomplish the rehabilitation of the pre-identified homes under the CDBG program, it would be appropriate for this pre-authorization to allow for these contracts to be entered into during time when Council does meet. It is anticipated that projects will be ready for consideration in advance of the May 5, 2005 meeting and that is why this request is being submitted.

At this time City Council could take action by resolution granting temporary authorization to accept the low bid for Muscatine owner-occupied housing rehabilitation program.

G. Resolution Accepting the Low Bid for the Construction of the Sanitary Pump Station Modification Project

Presented for City Council's consideration is a resolution accepting the lowest responsible bid and authorizing the Mayor and City Clerk to enter into a contract for the construction of the Sanitary Pump Station Modification Project. Council had previously authorized the design and bidding of the sanitary pump station modification project that includes the pump stations known as Mad Creek, Hershey, Papoose, and Canon. Bids were solicited with bids being received from Hometown Plumbing & Heating and Ragan Mechanical Inc., both of Davenport, Iowa. After a review of the bids by the city's consultant (Stanley Consultants), it is being recommended that the bid submitted by Hometown Plumbing & Heating in the amount of \$971,324 be accepted. Funding for the project will be provided through the sanitary sewer depreciation reserve account as well as 1% sales tax proceeds.

At this time City Council could take action by resolution accepting the low bid from Hometown Plumbing & Heating for the construction of the Sanitary Pump Station Modification Project in the amount of \$971,324.

H. Request to Approve Acknowledgement/Settlement Agreements for Cigarette Permit Violations

Presented for City Council's consideration is a request to approve acknowledgement/settlement agreements for cigarette permit violations. Previously the City Council had taken action to establish a public hearing on the review of cigarette permit violations. Since that time, Hy-Vee, d/b/a as DrugTown, has signed and returned the acknowledgement/settlement agreement along with the check payable to the City of Muscatine in the amount of \$300 in full payment of the civil penalty for a first violation for an employee selling tobacco products to a minor. In addition, the city has also received an acknowledgement/settlement and check in the amount of \$1,500 from JBC, LLC, d/b/a as Fast Avenue One Stop, for a second violation of an employee selling tobacco products to a minor. It would be appropriate through a "motion" that the agreements be offered for consideration and acceptance by the City Council and the Mayor authorized to sign the settlement agreements.

At this time City Council could take action accepting the settlement agreements between the City of Muscatine and Hy-Vee, d/b/a as DrugTown, and JBC, LLC, d/b/a as Fast Avenue One Stop, for violation of the State Code of employees selling cigarettes to minors.

I. Request to Approve Assignment of Interest for Greenwood Cemetery Business Office Operation and Retail Sales and Service Agreements and Lease

Presented for City Council's consideration is a request to approve an assignment of interest for the Greenwood Cemetery business office operation and retail sales and service agreements and lease with the City of Muscatine. Currently the city has a contract for services with Iowa Memorial Granite Company. Randy Geurink, president of the Iowa Memorial Granite Company, has requested that City Council approve the assignment of interest for the Greenwood Cemetery business office operation and retail sales and service agreements to Peter Troost Monument Company. The current terms and conditions of the agreement will remain in effect through June 30, 2005. After that time, a new contract will be negotiated with the new operator.

At this time City Council could take action to approve the assignment of interest for the Greenwood Cemetery business office operation and retail sales and service agreements and lease with the City of Muscatine.

J. Request Approval of Reorganization of Solid Waste Division

Presented for City Council's consideration is a request for the realignment of positions within the Solid Waste Division of the City of Muscatine. The request is for the replacement of the Refuse Disposal Supervisor with that of an Equipment Operator I. The current supervisor has recently retired and at the recommendation of the Solid Waste Manager, this position would not be filled and a new Equipment Operator I would be added. It is also proposed that the retired supervisor, who currently holds a landfill certification, be utilized to assist in the oversight of landfill operations. If approved by Council, the total cost savings for this recommended change will be \$25,529.

At this time City Council could take action to authorize the addition of an Equipment Operator I position for the Solid Waste Division for the City of Muscatine.

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – April 4, 2005
- B. Senior Resources – February 22, 2005
- C. Board of Water, Electric, and Communications Trustees – February 22, 2005
- D. NFPA Fire Survey – February 2005
- E. Police Department Monthly Report – March 2005

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,192,902.58 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**