

MUSCATINE CITY COUNCIL

Gary Gray At Large		Dick O'Brien Mayor		Jerry Lange At Large	
Anne Lesnet 2 nd Ward				Phil Fitzgerald 1st Ward	
Bill Trent 5th Ward		2003 MEETING SCHEDULE		Jerry Root 4th Ward	
		(All meetings start at 7:00 PM unless voted upon by Council.)			
Scott Day 3 rd Ward				Lorrie Fry City Clerk Aide	
Harvey Allbee, Jr. City Attorney				A.J. Johnson City Administrator	
		<u>Regular Meetings</u>	<u>In-depth Meetings</u>		
January 2 & 16		July 3 & 17	January 9	July 10	
February 6 & 20		August 7 & 21	February 13	(None in August)	
March 6 & 20		September 4 & 18	March 13	September 11	
April 3 & 17		October 2 & 16	April 10	October 9	
May 1 & 15		November 6 & 20	May 8	November 13	
June 5 & 19		December 4 & 18	June 12	December 11	

AGENDA

**THURSDAY, JULY 17, 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 3, 2003
 - B. In-Depth City Council Meeting – July 10, 2003
 - C. Joint City Council/Board of County Supervisors – July 14, 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-G
- * Bills*

*Approval of attached Bills for Approval totaling \$1,207,940.10 is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed Runway 6/24 Safety Area and Pavement Marking Projects at the Municipal Airport

Previously the City Council took action to establish a public hearing on the proposed runway 6/24 safety area and pavement marking projects at the municipal airport in anticipation of the installation of the instrument lighting system (ILS). The Federal Aviation Administration (FAA) is requiring the improvements to the Runway 6/24 safety area and also the repainting of the pavement markings. The estimated cost for the project will be \$160,000 with 90% coming from the FAA (\$144,000) and 10% coming from the city (\$16,000).

Now is the time for the public to comment on the proposed public improvements at the municipal airport.

B. Proposed Lease-Purchase Agreement for Office Equipment

Previously City Council took action to authorize the entering into a lease-purchase agreement for office equipment for the city's Finance Department that was authorized by the Muscatine City Council. After this matter was reviewed during preparation of our annual audit, it was determined that a public hearing should have been held. This action is being taken retrospectively at the direction of the city's auditing firm.

Now is the time for the public to comment on the proposed lease-purchase agreement for office equipment for the City of Muscatine.

9. **PETITIONS AND COMMUNICATIONS**

- A. Request for renewal of a Class C Liquor License and Sunday Sales Permit for Applebee's Neighborhood Grill & Bar, 306 Cleveland Street – Apple Corps L.P.
- B. Request for renewal of a Class B Beer and Sunday Sales Permit for Good Earth Restaurant, 5900 Grandview Avenue – George and Mary Ann Schmidt
- C. Request for renewal of a Class C Beer and Sunday Sales Permit for Babe's Sinclair, 2307 Lucas Street – Rodney Yocom.
- D. Request Approval of Cigarette Permit for BK Food and Gas L.L.C., 704 Clay Street, for July 2003 through June 30, 2004.

- E. Request on first reading for a new Class C Beer Permit for BK Food and Gas L.L.C., 704 Clay Street – Baldev Singh.
- F. Request for a five-day Class B Beer Permit for Great River Days from the Muscatine Quarterback Club – Riverside Park (pending inspections)

Presented for City Council's consideration is a request for a five-day Class B Beer Permit for Great River Days from the Muscatine Quarterback Club. Representatives of the organization will be present at Thursday night's meeting to answer questions from City Council.

At this time City Council could take action on the request for a five-day Class B Beer Permit for Great River Days from the Muscatine Quarterback Club.

10. FROM THE MAYOR

11. FROM THE PLANNING AND ZONING COMMISSION

- A. Resolution Setting Time and Place of a Public Hearing on a Proposed Zoning Change Within the City of Muscatine

Representatives of Cedar Development, L.L.C., presented a rezoning proposal to the city's Planning & Zoning Commission to rezone 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 district (S-3). The rezoning request is based on a 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 and is being forwarded for City Council's consideration to establish a public hearing.

At this time City Council could take action by resolution establishing a public hearing for a proposed zoning change within the City of Muscatine for Thursday, August 7, 2003, beginning at 7:00 p.m.

- B. Resolution Approving the Final Plat Part of Lot 7 of North Point Subdivision in the City of Muscatine

Presented for City Council's consideration is a resolution approving the final plat part of Lot 7 of the North Point Subdivision in the City of Muscatine. The Planning & Zoning Commission has reviewed a request to split Lot 7A of the North Point Subdivision located at the intersection of Cleveland Street and Highway 61 North. This lot is currently occupied by the Auto Zone business, and additional construction is underway for two additional businesses, Radio Shack and Quizno's Restaurant. The purpose of creating the separate lot of record is to satisfy the requirements of the city's sign code for the proposed businesses.

At this time City Council could take action by resolution approving the final plat part of Lot of the North Point Subdivision in the City of Muscatine.

12. FROM THE CITY ADMINISTRATOR

A. Final Reading of an Ordinance Amending the Zoning Ordinance

Presented for City Council's consideration is the final reading of an ordinance amending the zoning ordinance. The city's Planning & Zoning Commission has recommended and approved the rezoning of 5.397 acres of real estate located in the 3200 block of Highway 61 North from residential (R-1) to light industrial (M-1). The proposed zoning change is consistent with the city's Comprehensive Plan and land use outline.

At this time City Council could take action on the third and final reading of an ordinance amending the zoning ordinance for the City of Muscatine and direct for its publication in the Muscatine Journal.

B. Final Reading of an Ordinance Amending the Animal Control Ordinance

Presented for City Council's consideration is the final reading of an ordinance amending the animal control ordinance. Previously the City Council took action to table until the July 17, 2003 City Council meeting final action concerning a proposed amendment to Title 4 General Provisions, Chapter 1 Animal Regulations, Section 8 Animal Care. More specifically, the action was tabled to consider the provision referencing "tethering restrictions" as proposed in that amendment. The mayor has appointed a subcommittee to review and make recommendations for proposed changes to this language.

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.

C. Resolution Approving the Plans, Specifications, Form of Contract and Setting Bid Opening Date for the Runway Safety Area Construction Project

Presented for City Council's consideration is a resolution approving the plans, specifications, form of contract and setting the bid opening date for the Runway Safety Area Construction Project. In anticipation of the ILS project, the city has to improve the runway safety area at the end of Runway 6/24. This includes but is not limited to the removal of trees, relocation of farm access road, installation of new fencing and painting runway markings. The engineering estimate for the project is \$100,000 with the FAA providing 90% funding of the bid amount. With Council approval, a bid opening date will be set for August 12, 2003.

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 Runway Safety Area Construction Project.

D. Resolution Approving an Administrative Plan for Muscatine's 2003 Housing Rehabilitation Program

Presented for City Council's consideration is a resolution approving an Administrative Plan for the Muscatine 2003 Housing Rehabilitation Program. The Iowa Department of Economic Development has awarded Muscatine a \$392,862 housing rehabilitation grant to be made available to owner-occupied homes in a targeted area of Muscatine to promote rehabilitation of those homes. The city has recently completed a similar project and was successful with its application for additional funding for additional homes. Like the first program, an Administrative Plan is required. The plan has been submitted for City Council's consideration.

At this time City Council could take action by resolution approving an Administrative Plan for Muscatine's 2003 Housing Rehabilitation Program.

E. Resolution Establishing a Residential Anti-Displacement and Relocation Assistance Plan Under Section 10-4 (d) of the Housing and Community Development Act of 1974, as Amended

Presented for City Council's consideration is a resolution establishing a Residential Anti-Displacement and Relocation Plan under Section 10-4(d) of the Housing and Community Development Act of 1974, as amended. As a recipient of federal funding through the Iowa Community Development Block Grant Program, the city is required by resolution to establish a residential anti-displacement and relocation assistance plan to assist those who might be affected by our rehabilitation activities. It is not anticipated that this plan will be implemented but again it is required for receipt of federal funds. The Housing Rehabilitation Program is not designed to displace people but is designed to assist those who own and occupy their homes and who qualify to rehabilitate their homes.

At this time City Council could take action by resolution to establish a Residential Anti-Displacement and Relocation Assistance Plan.

F. Resolution Establishing a Policy on the Prohibition of the Use of Excessive Force Within the City of Muscatine

Presented for City Council's consideration is a resolution establishing a policy on the prohibition of the use of excessive force within the City of Muscatine. As a recipient of federal funding through the Iowa Community Development Block Grant Program for housing rehabilitation, the city is required to establish by resolution a policy on the prohibition of use of excessive force within the City of

Muscatine. Specifically, this prohibition is targeted against individuals engaged in non-violent civil rights demonstrations.

At this time City Council could take action by resolution to establish a policy on the prohibition of the use of excessive force within the City of Muscatine.

- G. Resolution Establishing the Muscatine Rehabilitation Committee as an Ad-Hoc Committee to Provide Oversight for the City's CDBG Rehabilitation Project and to Appoint the Membership of that Committee

Presented for City Council's consideration is a resolution establishing the Muscatine Rehabilitation Committee as an ad-hoc committee to provide oversight for the city's CDBG Rehabilitation Project and to appoint the membership of that committee. As a recipient of federal funding through the Iowa Community Development Block Grant Program for housing rehabilitation activities, the city is required to establish such an ad-hoc committee to provide oversight on this project. Recommended for Council's consideration are Kas Kelly, the Rev. Lewis Williams, and Muscatine Building & Zoning Administrator Steve Boka and/or his designated representative.

At this time City Council could take action by resolution establishing the Muscatine Rehabilitation Committee as an ad-hoc committee to provide oversight for the city's CDBG Rehabilitation Project and to appoint the membership of that committee.

- H. Resolution Setting the Time and Place of a Public Hearing on the 2003 Central Business District Streetscape Project

Presented for City Council's consideration is a resolution setting the time and place of a public hearing on the 2003 Central Business District Streetscape Project. The City Council has allocated \$75,000 in the fiscal year 2003/2004 budget for streetscaping activities on 2nd Street. Improvements would include the removal of planters, sidewalk bricks and utility strips between Iowa Avenue and Cedar Street on 2nd Street. This is a continuation of improvements that were completed last year between Pine Street and Iowa Avenue on 2nd 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 baskets. Prior to any formal action by City Council, a public hearing is required for the project.

At this time City Council could take action by resolution to establish a public hearing for Thursday, August 7, 2003, at 7:00 p.m. for the 2003 CBD Streetscape Improvement Project.

I. Resolution Awarding the Contract for the W. 7th Street Sewer Replacement Project

Presented for City Council's consideration is a resolution awarding the contract for the W. 7th Street Sewer Replacement Project. As part of the 1% sales tax sanitary storm sewer project, the city had previously identified the W. 7th Street Sewer Replacement Project as one to be completed in calendar year 2003. Bids were solicited with four bids being submitted for the project. Sulzberger Excavating is the apparent low bidder with a bid of \$72,981.50. The engineering estimate for the project was \$95,094.97.

At this time City Council could take action by resolution awarding the contract for the W. 7th Street Sewer Replacement Project to Sulzberger Excavating in the amount of \$72,981.50.

J. Resolution Awarding the Contract for the 2003 Hot Mix Asphalt Paving Project

Presented for City Council's consideration is a resolution awarding the contract for the 2003 Hot Mix Asphalt Paving Project. The city solicited bids for the 2003 asphalt project with the lowest responsible bidder being that of Illowa Investment Inc. of Blue Grass, Iowa, in the amount of \$521,818.75. With the award of this contract, the city will be entering into its final phase of an extensive overlay program on behalf of the city.

At this time City Council could take action by resolution awarding the contract for the 2003 Hot Mix Asphalt Paving Project to Illowa Investment Inc. in the amount of \$521,818.75.

K. Resolution Approving the Release of a Real Estate Contract

Presented for City Council's consideration is a resolution approving the release of a real estate contract. Under the city's public housing home ownership program, the city previously entered into an agreement with Robert Brugman and Gwendolyn Willits for the home they occupy at 2211 Demorest Street. In 1996 a seven-year 0% forgivable loan in the amount of \$18,250 was entered into with the owners of the property. All requirements of the program have been met and it is appropriate at this time for the city to release the mortgage under the program guidelines.

At this time City Council could take action by resolution releasing the real estate mortgage under the public housing home ownership program.

L. Resolution Authorizing Lease-Purchase Agreement for Office Equipment

Presented for City Council's consideration is a resolution authorizing a lease-purchase agreement for a copier/printer in the Finance Department that we already have. We are doing this to satisfy our auditors and our bond counsel so the public knows that no debt instrument has been used in this agreement. We should have done this before we entered into the lease-purchase agreement but since the agreement contained a "non-appropriation clause", we believed it was not required. Our auditors and bond counsel advised us to go ahead and have the public hearing and the resolution even though the agreement is already in place to document our intent.

At this time City Council could take action to authorize the lease-purchase agreement for office equipment.

M. Request Approval of the Annual Maintenance Contract Between the City and the Iowa Department of Transportation

Presented for City Council's consideration is a request to approve the annual maintenance contract between the city and the Iowa Department of Transportation. Each year the city enters into a maintenance agreement with the IDOT that allows for the city to maintain certain State of Iowa public roadways within the City of Muscatine and to be reimbursed for those costs. The agreement calls for a payment of \$16,286 to be made to the City of Muscatine for maintenance activities beginning July 1, 2003 through June 30, 2004.

At this time City Council could take action to approve authorization of the annual maintenance contract between the City of Muscatine and the IDOT.

N. Request Approval of Agreement with the PGA Golf Professional at the Municipal Golf Course

Presented for City Council's consideration is a request to approve an agreement with the PGA golf professional at the municipal golf course. The current agreement for golf professional services at the golf course expires December 31, 2003. In 2000, when the services of the current golf professional were acquired through an RFP process, it was indicated to all prospective candidates that upon successful completion of the three-year agreement, then a four-year extension would be available to the PGA golf professional. Brad Thompson, the current golf professional, has successfully completed three years with the City of Muscatine. Staff has reviewed the contract and made minor changes and is forwarding it on for Council's consideration and approval.

At this time City Council could take action to approve the agreement the city and the PGA golf professional for municipal golf course activities and services.

O. Request Approval to Issue Purchase Order for Custom-Cast Street Signs for the Central Business District

The city has received a request for authorization to purchase custom-cast street signs in the Central Business District. Representatives of the “MAPs” group have been researching the potential for new period street signage within the Central Business District. This organization has met with the city’s Traffic Committee regarding the acquisition and installation of the customized street signs. They are proposing at this time 35 signs and support poles be purchased to accomplish this goal. The total price for the project is \$10,344.07. This matter is being presented for Council’s consideration in conjunction with other projects within the downtown area under consideration at this time. Additional information and discussion will take place at this time concerning this request.

P. Request Approval of Professional Services Agreement with Stanley Consultants

Presented for City Council’s consideration is a request to approve a professional services agreement with Stanley Consultants. City staff is requesting City Council allow for a professional service agreement in an amount not to exceed \$5,000 to be entered into to assist in the assessment and design review of Musser and Baker streets in association with railroad crossing enhancements. The city previously had made application to the State of Iowa for railroad crossing improvements at both Day and Musser streets. Before any work is undertaken on either one of these locations, city staff feels it is appropriate to look and assess the implications and potential for improvements at Musser Street to enhance safety for both rail and vehicular traffic.

At this time City Council could take action to authorize the acquisition of professional services from Stanley Consultants concerning the Musser and Baker streets crossing review in an amount not exceed \$5,000.

Q. Request Approval of Traffic Items

The following traffic items are submitted for City Council’s consideration:

- Request authorization to change the traffic signals and 2nd and Cedar streets to three way flashing stop signs.
- Request authorization to remove a handicap parking stall in the Sycamore Street parking lot.
- Request authorization to remove loading zone on W. 3rd Street by the Upper Chestnut parking.
- Request authorization to remove handicap parking stall at 4th Street and Mulberry Avenue.
- Request authorization to remove “no parking bus stop” sign at 5th Street and Mulberry Avenue.

At this time City Council could take action on the requested traffic related items.

A. Request Approval of Agreement with IDOT for Traffic Safety Improvement Funding from the Iowa Department of Transportation

Presented for City Council's consideration is a request to approve an agreement with IDOT for traffic safety improvement funding from the Iowa Department of Transportation. In August 2002, the City Council approved an application to the IDOT for safety funding regarding the elimination of a high probability utility pole/vehicular collision on Leroy Street. Working in conjunction with Muscatine Power & Water, a plan was developed to eliminate this hazard. The IDOT has reviewed and authorized \$60,000 from the State Safety Fund to improve the clear zone on Leroy Street. There is no local match required from the city for this project at this time. MP&W will work in conjunction with the scope of work as outlined by the IDOT to mitigate this hazard.

At this time City Council could take action to approve an agreement with the IDOT for traffic safety improvement funding from the IDOT.

B. Request Approval of Revised Agreement with the Iowa Department of Transportation for Railroad Crossing Signals at Day and Musser Streets

Presented for City Council's consideration is a request to approve the revised agreement with the Iowa Department of Transportation for railroad crossing signals at Day and Musser streets. City Council had previously authorized the submission of an application to the IDOT for funding for crossing improvements at both Musser and Day streets within the City of Muscatine. Monies have been set aside by the IDOT to assist in this matter. Ninety percent of the total estimated cost will be provided by the state with the remaining 10% being the local responsibility. Previously the City Council reviewed a request for authorization for a separate design study for Baker Street for possible enhancement of the flow of traffic connected with the railroad crossing as well. With approval of these agreements, the Council is acting to officially reserve the funds set aside by the state on both of these crossings. If there are recommendations or adjustments on the status of either one of these crossings, the contracts can be modified to account for these changes.

At this time City Council could take action to approve a revised agreement with the IDOT for railroad crossing signals at Day and Musser streets.

C. Request Approval to Award Street Striping Contract

Presented for City Council's consideration is a request to award the street striping contract. The city has budgeted \$45,000 for street striping for fiscal year 2003/2004. Bids were solicited with one bidder responding. Peterson Parking Lot Striping of Carbon Cliff, Illinois, submitted a bid in the amount of \$43,990.41.

At this time City Council could take action to award the street striping contract for 2003/2004 to Peterson Parking Lot Striping in the amount of \$43,990.41.

D. Request Approval to Purchase Ambulance Service Equipment

Presented for City Council's consideration is a request to approve the purchase of ambulance service equipment. In order to take advantage of advance training that the City of Muscatine paramedics have completed, the Fire Department is requesting authorization to purchase a portable ventilator to supplement this training. The availability of the training in this request came after the formal budget process but it is intended to be included in the amendment, if approved by Council, that will take place in February 2004. In order to facilitate and to support the training that has already been received, it is being requested that authorization to purchase this piece of equipment be made at this time.

At this time City Council could take action to authorize the purchase of a portable ventilator for the Muscatine Ambulance Service.

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – June 16 & 30, 2003
- B. Library Board of Trustees – May 21, 2003
- C. Art Center Board of Trustees – June 19, 2003
- D. Senior Resources – June 17, 2003
- E. NFPA Fire Experience Survey – February 2003
- F. NFPA Fire Experience Survey – March 2003
- G. Police Department Activity Report – June 2003

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,207,940.10 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