

MUSCATINE CITY COUNCIL

Osama Shihadeh At Large	Dick O'Brien Mayor	Robert Howard At Large																									
Robert Bynum 4 th Ward	2006 MEETING SCHEDULE (All meetings start at 7:00 PM unless voted upon by Council.)	Phil Fitzgerald 1 st Ward																									
Bill Trent 5 th Ward		Marie Press 2 nd Ward																									
Scott Day 3 rd Ward		Fran Donelson Administrative Secretary																									
Harvey Allbee, Jr. City Attorney		A.J. Johnson City Administrator																									
<table><tr><td><u>Regular Meetings</u></td><td><u>In-depth Meetings</u></td></tr><tr><td>January 5 & 19</td><td>January 12</td></tr><tr><td>February 2 & 16</td><td>February 9</td></tr><tr><td>March 2 & 16</td><td>March 9</td></tr><tr><td>April 6 & 20</td><td>April 13</td></tr><tr><td>May 4 & 18</td><td>May 11</td></tr><tr><td>June 1 & 15</td><td>June 8</td></tr><tr><td>July 6 & 20</td><td>July 13</td></tr><tr><td>August 3 & 17</td><td>(None in August)</td></tr><tr><td>September 7 & 21</td><td>September 14</td></tr><tr><td>October 5 & 19</td><td>October 12</td></tr><tr><td>November 2 & 16</td><td>November 9</td></tr><tr><td>December 7 & 21</td><td>December 14</td></tr></table>		<u>Regular Meetings</u>	<u>In-depth Meetings</u>	January 5 & 19	January 12	February 2 & 16	February 9	March 2 & 16	March 9	April 6 & 20	April 13	May 4 & 18	May 11	June 1 & 15	June 8	July 6 & 20	July 13	August 3 & 17	(None in August)	September 7 & 21	September 14	October 5 & 19	October 12	November 2 & 16	November 9	December 7 & 21	December 14
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AGENDA

THURSDAY, MARCH 16, 2006
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 – March 2, 2006
- B. In-Depth City Council Meeting – March 9, 2006

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-I
- * 13 – A-G
- * Bills*

* Approval of attached Bills for Approval totaling \$953,362.19 is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed Riverfront Force Main Improvement Project

Previously the City Council took action to establish a public hearing for the proposed Riverfront Force Main Improvement Project. This project will be an open trench excavation replacing ductile iron force mains. The project will be routed through the riverfront parking lot and along the north side of the public restrooms and basketball courts. West of the basketball courts, the route will be in the open grass area between the paved paths. For the section located between McKee Button and Franklin Street, the existing 24” ductile iron pipe will be removed and a new HDPE pipe installed in the same location. These routes will keep the new force main on city property and within the existing easements within the railroad. Stanley Consultants’ engineering staff will provide cost estimates and a timetable at the public hearing.

Now is the time for the public to comment on the proposed Riverfront Force Main Improvement Project.

B. Proposed Zoning Change at the Intersection of Tipton Road and the U.S. 61 Bypass

Previously the City Council took action to establish a public hearing on the proposed zoning change at the intersection of Tipton Road and the U.S. 61 Bypass. Recently a request was filed by Robert Simmering, agent for Cedar Plaza LLC, with the city’s Planning and Zoning Commission for a change of zoning for the 12.254 acre parcel of real estate located at the southeast intersection of Tipton Road and the U.S. 61 Bypass. The request is to change the current zoning from a single family residential (R-1) to large scale residential (R-L). This will allow for the construction of 29 duplexes (58 units) of residential structures for owner occupied housing. This matter has been reviewed and approved by the city’s Planning and Zoning Commission and is being forwarded for Council’s consideration and approval. Prior to any formal action by City Council, a public hearing is required.

Now is the time for the public to comment on the proposed zoning change at the intersection of Tipton Road and the U.S. 61 Bypass.

9. PETITIONS AND COMMUNICATIONS

- A. Request for renewal of a Class C Liquor License for the Clam Shell Café, 101 W. Mississippi Drive – Philip John Wiese (pending inspections and receipt of dram shop certificate)
- B. Request for renewal of a Class C Liquor License for The Elms, 2108 Grandview Avenue – Elms Inc.
- C. Request for renewal of a Class E Liquor License for Hy-Vee Food Store, 2400 2nd Avenue – Hy-Vee Inc.
- D. Request for renewal of a Class C Beer and Sunday Sales Permit for Kum & Go #437, 709 Grandview Avenue – Kum & Go LC
- E. Request for renewal of a Class C Beer and Sunday Sales Permit for Kum & Go #438, 1010 Park Avenue – Kum & Go LC
- F. Request for renewal of a Class C Beer and Sunday Sales Permit for Kum & Go #436, 501 Cedar Street – Kum & Go LC
- G. Request for renewal of a Class C Beer and Sunday Sales Permit for Loos 66 Station, 711 Park Avenue – Loos Inc.
- H. Request for renewal of a Class C Beer and Sunday Sales Permit for Steamboat Landing, 3509 Steamboat Way – Steamboat Landing LLC
- I. Request for renewal of a Class C Liquor License and Sunday Sales Permit for Diamond Dave's Taco Co. – 2608 2nd Avenue – South of the Border Inc.
- J. Request from Muscatine Symphony Orchestra Guild to Host Fly-In Breakfast at Airport

Presented for City Council's consideration is a request from the Muscatine Symphony Orchestra Guild to host a fly-in breakfast at the Muscatine Municipal Airport. The fly-in breakfast is scheduled for Saturday, May 6, 2006, from 6 a.m. to 1 p.m. The organizers of the event will use a private hangar facility to host the breakfast as a fund raiser for the Orchestra Guild.

At this time City Council could take action to approve the request for use of city property for the Muscatine Symphony Orchestra Guild's fly-in breakfast at the Muscatine Municipal Airport on Saturday, May 6, 2006, from 6 a.m. to 1 p.m.

10. FROM THE MAYOR

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

- A. Resolution Approving the Outline Development Plan for Aspen Villas Development in the City of Muscatine

Presented for City Council's consideration is a resolution approving the outline development plan for the Aspen Villas Development in the City of Muscatine. Previously the City Council conducted a public hearing on the proposed change of zoning for the 12.254 acre parcel of real estate located at the southwest intersection of Tipton Road and the U.S. Highway 61 Bypass. The property is currently owned by Cedar Street Plaza LLC. The owner has requested that the zoning be changed from single family residential (R-1) to large scale residential (R-L). City Council is being asked to consider two separate items. First will be the resolution approving the outline development plan for this project and second will be the request to amend the zoning ordinance for the City of Muscatine to allow for the change from R-1 to R-L.

At this time City Council could take action by resolution approving the outline development plan for the Aspen Villas Development in the City of Muscatine.

- B. First Reading of an Ordinance Amending the Zoning Ordinance of the City of Muscatine at the Intersection of Tipton Road and the U.S. 61 Bypass

Presented for City Council's consideration is the first reading of an ordinance amending the zoning ordinance of the City of Muscatine at the intersection of Tipton Road and the U.S. 61 Bypass. Previous action included a public hearing and a resolution approving the outline development plan for Aspen Villas Development in the City of Muscatine. At this time City Council is being asked to consider an ordinance amendment to the zoning ordinance for the City of Muscatine allowing for the change of zoning for this development from single family residential (R-1) to large scale residential (R-L) development. If approved by City Council, there will be two more readings of the ordinance before the proposed change would take place.

At this time City Council could take action to approve the first reading of an ordinance amending the zoning ordinance of the City of Muscatine at the intersection of Tipton Road and the U.S. 61 Bypass.

C. Resolution Approving the Plans, Specifications, Form of Contract and Cost Estimate and Setting a Bid Opening Date for the Riverfront Force Main Improvement Project

Presented for City Council's consideration is a resolution approving the plans, specifications, form of contract, cost estimate and setting the bid opening date for the Riverfront Force Main Improvement Project. Previously a public hearing was held to receive public comment on the proposed improvement. The project will be an open trench excavation replacing ductile iron force mains along the Muscatine riverfront. The project will be routed through the riverfront parking lot and along the north side of the public restrooms and basketball courts. West of the basketball courts the routes will be in the open grass area between the paved paths. The routes will keep the new force main on city property and within existing easements within the railroad.

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 Riverfront Force Main Improvement Project.

D. Resolution Awarding a Contract for the 2006 Muscatine Hot Mix Asphalt Paving Project

Presented for City Council's consideration is a resolution awarding a contract for the 2006 Muscatine Hot Mix Asphalt Paving Project. Bids were accepted on March 10, 2006 with two bids being submitted for this project. The bids were from Illowa Investment in the amount of \$619,870.40 and Brandt Construction in the amount of \$601,242.65. The engineer's estimate was \$604,207.98.

At this time City Council could take action by resolution awarding the contract for the 2006 Muscatine Hot Mix Asphalt Paving Project to Brandt Construction of Milan, Illinois, in the amount of \$601,242.65.

E. Resolution Approving the Contract and Bond for the E. 5th Street Bridge Project

Presented for City Council's consideration is a resolution approving the contract and bond for the E. 5th Street Bridge Project. Previously the City Council awarded the contract for this project to Iowa Bridge & Culvert LC in the amount of \$1,159,396.89. The appropriate contract and bond have been submitted for final review and have been approved by city staff.

At this time City Council could take action by resolution approving the contract and bond for the E. 5th Street Bridge Project from Iowa Bridge & Culvert LC in the amount of \$1,159,396.89.

F. Resolution Setting the Time and Place of a Public Hearing Concerning Complaints Against Cigarette Permit Holders for Violating Iowa Code Chapter 453A and Seeking Imposition of a Civil Penalty

Presented for City Council's consideration is a resolution setting a public hearing on

complaints concerning retail cigarette permit holder violations for employees selling tobacco products to those underage. Recently the City of Muscatine conducted a tobacco compliance check. Three retail facilities were found to be in violation of the state law for selling tobacco products to those underage. Prior to a public hearing be held, those retailers in question have an opportunity to enter into a settlement agreement to pay the civil penalty of \$300 to avoid the public hearing. However, in case the settlements are not reached, a public hearing will be required.

At this time City Council could take action by resolution setting a public hearing concerning complaints against cigarette permit holders for violating Iowa Code Chapter 453A and seeking imposition of a civil penalty for Thursday, April 6, 2006, at 7 p.m.

G. Resolution Accepting the Bid for the Pearl of the Mississippi Project – Phase II

Presented for City Council's consideration is a resolution accepting the bid for the Pearl of the Mississippi II Project. The city recently received two bids for the project with the lowest bid submitted being that of Muscatine Bridge Inc. in the amount of \$949,255. The other bid submitted by Hy-Brand Industrial Contractors was for \$1,045,000. The estimated cost for the project was \$813,000. The project will be paid for through a combination of private dollars (approximately 52%) and public funds (approximately 48%).

At this time City Council could take action by resolution accepting the low bid for the Pearl of the Mississippi Project – Phase II from Muscatine Bridge Inc. in the amount of \$949,255.

H. Resolution Authorizing the Mayor and City Clerk to Execute a Contract for the Construction of Pearl II Upon Receipt of the Required Bond

Presented for City Council's consideration is a resolution authorizing the Mayor and City Clerk to execute a contract for the construction of Pearl II upon receipt of the required bond document. Previously the City Council had taken action to award the low bid for construction of Pearl II to Muscatine Bridge Inc. in the amount of \$949,255. In order to meet a very aggressive timetable for construction Council is being asked to pre-authorize the Mayor and City Clerk to execute the contract once all the appropriate documents and bond assurances have been submitted to the city. The form of contract had been previously submitted in the bid documents and therefore the city is now waiting for the appropriate bond documentation.

At this time City Council could take action by resolution authorizing the Mayor and City Clerk to execute a contract for the construction of Pearl II upon receipt of the required bond.

I. Request Approval to Enter Into Agreement with Shoemaker-Haaland for Study Services for the Marquette Street New Sanitary Sewer System

Presented for City Council's consideration is a request to enter into an agreement with Shoemaker-Haaland for study services for the Marquette Street sanitary sewer system. The City of Muscatine has recently requested a proposal from Shoemaker-Haaland for an engineering study of the Marquette Street neighborhood new sanitary sewer system. The new public sanitary sewer system will most likely be a combination of gravity, sewer main, and manholes as well as a new municipal lift station on the east of Marquette Street. The initial concept study phase will study the various alternatives and combinations of lift station, force main and gravity sewers to determine and recommend the optimum layout of a new system. Funding for this study will be provided through the local option sales tax as pre-identified under the Marquette Street sewer improvement program. The cost of the study is estimated to be a \$9,440.

At this time City Council could take action to approve an agreement between the City of Muscatine and Shoemaker-Haaland in the amount of \$9,440 for the Marquette Street sanitary sewer system review.

J. Request Approval to Enter Into a Pre-Design Agreement with the Iowa Department of Transportation for the Mississippi Drive Corridor Study

Presented for City Council's consideration is a request to enter into a pre-design agreement with the Iowa Department of Transportation for the Mississippi Drive Corridor Study. Previously the City of Muscatine had been awarded \$60,000 from the Region 9 Federal Service Transportation Program for the study. The funds require 20% non-federal matching funds (\$15,000) to be provided by the City of Muscatine. This study will provide a detailed analysis and develop recommendations for improvements to the U.S. 61/Iowa 92 business corridor. Elements of the study are to include transportation planning, flood plain development, and pedestrian and vehicular linkage between the Central Business District and the riverfront areas that are separated by the U.S. 61/Iowa 92 and the IC&E Railroad. The Mississippi Drive Corridor planning study may also include final design and construction management. The study area will range from the Norman Beckey Bridge to the intersection of Green Street where it merges with Grandview Avenue just south of Hershey Avenue. Prior to a formal solicitation for proposals from qualified consultants, a pre-design agreement between the State of Iowa and the City of Muscatine must be entered into.

At this time City Council could take action to approve the pre-design agreement between the City of Muscatine and the Iowa Department of Transportation for the Mississippi Drive Corridor Study.

K. Request Approval to Extend Leachate Hauling Contract

Presented for City Council's consideration is a request to extend the leachate hauling contract. The contract between the City of Muscatine and Dick Doyle Excavating Inc. to haul leachate from the Muscatine Landfill to the Water Pollution Control Plant is due to expire June 30, 2006. A request is being submitted to extend this contract under the current terms through June 30, 2007. This will coincide with the anticipated expiration of the current contract to haul solid waste from the transfer station to the landfill. At that time it would be recommended to combine the two hauling jobs into one contract. Ultimately the anticipated savings would be passed on to the City of Muscatine.

At this time City Council could take action to approve the contract extension between the City of Muscatine and Dick Doyle Excavating Inc. to haul leachate from the Muscatine Landfill to the Water Pollution Control Plant from June 30, 2006 to June 30, 2007.

L. Request Approval of Partial Tax Exemptions

Presented for City Council's consideration is a request to approve partial tax exemptions. The city currently has three designated urban revitalization districts. If structures located within one of the designated areas have made eligible improvements, the property qualifies for a partial real estate tax exemption for a 10 year period. Recently Hoffmann Inc. located within Progress Park became aware of the requirement to make requests to City Council for the opportunity to file for the partial exemption. The County Assessor has agreed to accept the application at this time pending Council approval. A total improvement for Hoffmann Inc. located at 6001 49th Street South was \$1,022,790.

At this time City Council could take action to approve the application for the partial tax exemption from Hoffmann Inc. located at 6001 49th Street South.

M. Request Approval of Agreement for 2006 General Aviation Vertical Infrastructure Program

Presented for City Council's consideration is a request to approve an agreement for the 2006 General Aviation Vertical Infrastructure Program. Previously staff reviewed with Council the opportunity to make application to the General Aviation Vertical Infrastructure Beacon Tower Rehabilitation Program that will provide 70% funding from the State of Iowa for repairs and improvements to vertical infrastructure located on a municipal airport. It is anticipated that the state will enter into a statewide contract to provide maintenance services including the painting of the beacon tower at the municipal airport and at other such airports throughout the state. The state has allocated up to \$15,000 total for each project that will require the city's share to be 30% or \$4,500.

At this time City Council could take action to approve the application to the Iowa Department of Transportation for the 2006 General Aviation Vertical Infrastructure Program for the Muscatine Municipal Airport.

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – February 20 & 27, 2006
- B. Art Center Board of Trustees – February 16, 2006
- C. MP&W Board of Water, Electric, and Communications Trustees – January 31, 2006
- D. MP&W – Communications Utility – January 2006
- E. MP&W – Water Utility – January 2006
- F. MP&W – Electric Utility – January 2006
- G. Police Department Monthly Report – February 2006

14. APPROVAL OF BILLS

It is recommended bills totaling \$953,362.19 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