

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.) <table><thead><tr><th>Regular Meetings</th><th>In-depth Meetings</th></tr></thead><tbody><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></td><td>July 13</td></tr><tr><td></td><td>(None in August)</td></tr><tr><td></td><td>September 14</td></tr><tr><td></td><td>October 12</td></tr><tr><td></td><td>November 9</td></tr><tr><td></td><td>December 14</td></tr></tbody></table>				Regular Meetings	In-depth Meetings	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 13		(None in August)		September 14		October 12		November 9		December 14	Phil Fitzgerald 1 st Ward	
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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																															

AGENDA

THURSDAY, APRIL 20, 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 – April 6, 2006
- B. In-Depth City Council Meeting – April 13, 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-E
- * 13 – A-C
- * Bills*

* Approval of attached Bills for Approval totaling \$1,186,580.55, as well as receipt summaries for February 2006, is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed Issuance of \$475,000 General Obligation Riverfront Improvement Bonds

Previously the City Council took action to establish a public hearing concerning the proposed issuance of \$475,000 of General Obligation Riverfront Improvement Bonds. Previous Council action established an amount not to exceed \$475,000 for the city's portion of the Pearl Project – Phase II. The contribution of these funds from the city for this project will be provided for through a General Obligation Riverfront Improvement Bond. This bond will be in conjunction with the city's other general obligation offering scheduled for May 2006. Prior to the issuance of said bonds, a public hearing is required.

Now is the time for the public to comment on the proposed issuance of \$475,000 of General Obligation Riverfront Improvement Bonds for the Pearl Project – Phase II.

B. Proposed Muscatine Municipal Airport Improvements

Previously City Council took action to establish a public hearing for the proposed Muscatine Municipal Airport Improvements. In 2005 the City Council had approved a grant application to the Federal Aviation Administration for funding to undertake runway maintenance activities known as the "Rehabilitation Runway 6/24". This will include crack and joint sealing and cleaning and pavement repair to the runway apron and taxiway. The estimated cost of the project is \$37,000 with 95% of the funding coming from federal sources and the remaining 5% from local funding sources. Prior to the improvements taking place, a public hearing is required.

Now is the time for the public to comment on the proposed Muscatine Municipal Airport Improvements.

9. **PETITIONS AND COMMUNICATIONS**

- A. First reading for a new Class C Liquor License and Sunday Sales Permit for Casey's Landing, 101 W. Mississippi Drive – Herbert Creighton (pending inspections and receipt of dram shop certificate)
- B. Request on second reading for a new Class B Beer and Sunday Sales Permit for Pizza Ranch Muscatine, 106 Ford Avenue – Psychodog Enterprises Inc.
- C. Request for renewal of a Class A Liquor License and Sunday Sales Permit for Muscatine Moose Lodge #388, 207 Lake Park Blvd. – Loyal Order of Moose Lodge (pending receipt of dram shop certificate)
- D. Request for renewal of a Class C Beer and Sunday Sales Permit for Bend City Marine, 608 East Harbor Drive – D&C Werner LLC
- E. Request for renewal of a Class C Liquor License and Sunday Sales Permit for Mike's Hilltop Tap, 929 Lucas Street – Mike's Hilltop Tap Inc.
- F. Request for Use of City Property for 4th of July Celebration

Presented for City Council's consideration is a request for the use of city property for the 4th of July celebration. The city has received a request from the Greater Muscatine Chamber of Commerce and Industry for the use of city property for Muscatine's 4th of July celebration. GMCCI has requested the use of the riverfront to facilitate and host this year's 4th of July activities. The request for the closure will be on the 4th of July from 5:30 a.m. to 10:30 p.m. on a portion of the riverfront yet to be designated due to the number of activities that are still under consideration. It is recommended that City Council take action to allow staff to finalize negotiations with the GMCCI for placement of these various community based activities on the riverfront.

At this time City Council could take action to approve the request from the GMCCI for the use of the riverfront on the 4th of July from 5:30 a.m. to 10:30 p.m. for community based activities.

- G. Request for Use of City Property for 4th of July Parade

Presented for City Council's consideration is a request from the GMCCI for the 4th of July parade route. The parade will be held on the 4th of July beginning with a 3 p.m. staging time with a designated 5 p.m. start time. The staging area will be on Iowa Avenue between 8th and 6th streets and on 6th Street between Iowa Avenue and Chestnut Street. The parade route will proceed down Iowa Avenue from 6th Street to 3rd Street. From there the participants will turn right on 3rd Street to Chestnut Street, proceed on Chestnut Street down to 2nd Street and 2nd Street to Walnut Street. Participants will turn left on Walnut Street to 3rd Street, turning right on 3rd Street, proceeding to Mulberry Avenue and from Mulberry Avenue to 5th Street,

turning left and proceeding on 5th Street. Past that point, the parade will begin to disband. This parade route has been used successfully by the GMCCI in past years.

At this time City Council could take action to approve the request for the parade route for the 4th of July parade as submitted by the Greater Muscatine Chamber of Commerce and Industry.

H. Request for Use of City Property for RAGBRAI Activities

Presented for City Council's consideration is a request for use of city property for RAGBRAI activities. At the April In-Depth meeting, a presentation for RAGBRAI activities scheduled for July 29, 2006 was presented to City Council. Included in that presentation were numerous requests for use of city facilities, parking lots, streets, etc., to accommodate this activity.

At this time City Council could take action to approve the request for use of city property for RAGBRAI activities for Saturday, July 29, 2006.

I. Request for Use of City Streets/Street Closure for Ramblin Rodders Car Club

Presented for City Council's consideration is a request from the Ramblin Rodders Car Club of Muscatine for the use of 2nd Street from Cedar to Pine streets on Friday nights dating May 5, 2006, June 2, 2006, August 4, 2006, and September 1, 2006. The request for street closure would be from 5 p.m. to 9 p.m. and would be used to showcase participants in the car club.

At this time City Council could take action to approve the request submitted from the Ramblin Rodders Car Club for the 2nd Street closure from Cedar to Pine streets on the above noted dates.

10. FROM THE MAYOR

A. Request Approval of Proclamation Declaring April 23-29, 2006 as "National Volunteer Week"

B. Request Approval of Proclamation Declaring April 28, 2006 as "Arbor Day"

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

C. Request Approval of Appointment of Matt Martin to the Library Board of Trustees

The above appointment has been submitted for City Council's consideration and approval.

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

- A. Final 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 final 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. The request is to change the zoning for the 12.254 acre parcel of real estate located at the southeast intersection of Tipton Road and the U.S. 61 Bypass from single family residential (R-1) to large scale residential (R-L).

At this time City Council could take action on the third and final 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.

- B. Resolution Approving the Plans, Specifications, Form of Contract, Cost Estimate, and Establishing a Bid Opening Date for Muscatine Municipal Airport Improvements

Presented for City Council's consideration is a resolution approving the plans, specifications, form of contract, cost estimate and establishing a bid opening date for the Muscatine Municipal Airport Improvements. Previously a public hearing was held to receive public comment on this proposed improvement. The improvement will include crack and joint sealing and cleaning and pavement repair to the runway apron and taxiway. The estimated cost of \$37,000 will be paid through 95% federal funding and 5% from local funding.

At this time City Council could take action by resolution approving the plans, specifications, form of contract, cost estimate, and establishing a bid opening date for May 11, 2006 at 10 a.m. for the Muscatine Municipal Airport Improvements identified as "Rehabilitation Runway 6/24".

- C. Resolution Setting Time/Place of Public Hearing on the Sale of \$2,990,000 General Obligation Corporate Purpose Bonds

Presented for City Council's consideration is a resolution to proceed with the General Obligation Riverfront Improvement Bonds and setting the date for the sale of \$2,990,000 of general obligation corporate purpose bonds for the City of Muscatine. Previously a public hearing was held on the \$475,000 in General Obligation Riverfront Improvement Bonds for the Pearl Project – Phase II. The resolution for Council's consideration at this time would authorize the issuance of the \$475,000 as well as combining the essential corporate purpose bonds, art center bonds, park improvement bonds, and riverfront bonds into a total of \$2,990,000 of general obligation corporate purpose bonds and set a May 18, 2006 date for the sale of this issue.

At this time City Council could take action by resolution to proceed with the General Obligation Riverfront Improvement Bonds and setting the date for the sale of \$2,990,000 of general corporate purpose bonds.

D. Resolution Establishing a Public Hearing for the 2006-2007 Public Housing Agency Plan and Attachments as Modified and Authorizing Submittal of Plan to HUD

Presented for City Council's consideration is a resolution establishing a public hearing for the 2006-2007 Public Housing Agency Plan and attachments as modified and authorizing submittal of plan to HUD. In accordance with HUD requirements, the city must periodically update and modify its Public Housing Agency Plan. The Muscatine City Council acting as the Public Housing Agency for the city is responsible for such updates. Those updates are currently being finalized by staff. Prior to any formal adoption by the City Council, a public hearing is required.

At this time City Council could take action by resolution establishing a public hearing for the Public Housing Agency Plan and modifications as required by the Department of Housing and Urban Development for Thursday, May 4, 2006, at 7 p.m.

E. Resolution Authorizing the Issuance of a Purchase Order for Exterior Painting of Sunset Park

Presented for City Council's consideration is a resolution authorizing the issuance of a purchase order for the exterior painting of Sunset Park. Included in this year's budget are funds to repaint the exterior of six buildings at Sunset Park. Three bids were received with the lowest responsible bid being that of Terry & Sons of Muscatine in the amount of \$29,160. There was \$30,000 set aside for this project.

At this time City Council could take action by resolution authorizing the issuance of a purchase order to Terry & Sons in the amount of \$29,160 for exterior painting at Sunset Park.

F. Resolution Setting the Time and Place of a Public Hearing to Amend the Sign Regulations of the City of Muscatine

Presented for City Council's consideration is a resolution setting the time and place of a public hearing to amend the sign regulations of the City of Muscatine. In 2005 the city's Zoning Board of Adjustment reviewed proposals for the installation of electronic messaging centers (EMC's) at the Muscatine Community Y and the Muscatine High School. Through subsequent reviews, the placement of both signs were granted with certain limitations and restrictions placed on the operation of the signs. Late in 2005 additional sign requests were submitted for the same type of signs at other locations in the community. The city's Planning and Zoning Commission has reviewed a first draft for proposed changes in the sign ordinance that would allow for the placement of such signs in our community. The change in the ordinance would address the definition of EMC's, where they may be located and on

what conditions. At the Planning and Zoning Commission's April meeting, the final review of the ordinance changes was conducted by the Commission and they have now been forwarded on for Council's consideration. Prior to any formal action on any such changes, a public hearing is required.

At this time City Council could take action by resolution setting the time and place for a public hearing to amend the sign regulations for the City of Muscatine for Thursday, May 4, 2006, at 7 p.m.

G. Resolution Approving the Final Development Plan for Aspen Villas Development

Presented for City Council's consideration is a resolution approving the final development plan for the Aspen Villas development located at the southeast intersection of Tipton Road and U.S. 61 Bypass. Recently the city's Planning and Zoning Commission unanimously approved the final development plan for Aspen Villas.

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

H. Resolution Awarding Contract for the Riverfront Force Main Improvement Project

Presented for City Council's consideration is a resolution awarding the contract for the Riverfront Force Main Improvement Project. The city is currently working to replace portions of the sanitary sewer force main that travels between the Papoose Creek Lift Station and Musser Park. Services with Stanley Consultants were secured to develop the plans and specifications and to conduct a bid letting for this project. The engineer's estimate for the project was \$1.3 million. Recently a bid process was conducted with three bids being received. The lowest responsible bid was that of Sulzberger Excavating Inc. in the amount of \$788,944.50. After a review of the bids submitted, it is the recommendation from Stanley Consultants that the city accept the bid as submitted by Sulzberger Excavating.

At this time City Council could take action by resolution awarding the contract for the Riverfront Force Main Improvement Project to Sulzberger Excavating in the amount of \$788,944.50.

I. Resolution Approving Orders Accepting Acknowledgement/Settlement Agreements and Imposing Civil Penalty with Regard to Cigarette Permit Holders' Violations of Iowa Code 453A.2

Presented for City Council's consideration is a resolution approving orders accepting acknowledgement/settlement agreements and imposing civil penalty with regard to cigarette permit holders' violations of Iowa Code 453A.2. Previous action by City Council had established public hearings for violators of Iowa Code 453A.2 concerning the illegal sale of tobacco products to minors. Two tobacco outlets were recently cited during a recent police department tobacco compliance review. As outlined in the state statute, until such time that a settlement is reached between the local entity and the offender, a public hearing will be

required to review this matter. Since the time of setting the public hearing at the last Council meeting, the two entities have agreed to a settlement of \$300 apiece.

At this time City Council could take action by resolution approving orders accepting acknowledgement/settlement agreements and imposing civil penalty with regard to cigarette permit holders' violations of Iowa Code 453A.2 in the amount of \$300 for violations that occurred at 131 W. 2nd Street and 709 Grandview Avenue.

J. Resolution Setting Time and Place of a Public Hearing Concerning Complaint Against Cigarette Permit Holder for Violating Iowa Code Chapter 453A and Seeking Imposition of a Civil Penalty

Presented for City Council's consideration is a resolution setting the time and place of a public hearing concerning a complaint against a cigarette permit holder for violating Iowa Code Chapter 453A and seeking imposition of a civil penalty. City Council has recently dealt with a number of retail outlets that have violated Iowa Code Chapter 453A concerning the sale of tobacco products to minors. At this time it is recommended that City Council take action by resolution establishing a public hearing seeking the imposition of a civil penalty against a retail outlet for the sale of tobacco products to minors. Prior to the imposition of the civil penalty, a public hearing is required. If a settlement can be reached in advance of that public hearing, it will be cancelled and the subsequent action will be placed on the Council's agenda for acceptance of that civil penalty.

At this time City Council could take action by resolution setting a public hearing concerning a complaint against a cigarette permit holder for violating Iowa Code Chapter 453A and seeking imposition of a civil penalty.

K. Request Approval of Financial Agreement with Piper Jaffrey & Co.

Presented for City Council's consideration is a request to approve a financial agreement between the City of Muscatine and Piper Jaffrey & Co. These services will be related to the city's upcoming \$2,990,000 general obligation bond issuance scheduled to be sold on May 18, 2006. The standard agreement form that details the scope of services, compensation and other general contract provisions has been attached for your consideration. Compensation for this service is detailed in sections 2 and 3. The calculated fee in section 2 totals \$7,862.50. In addition, to this base fee will be associated expenses for preparation, printing, etc., in an amount not to exceed \$2,500.

At this time City Council could take action to approve the financial advisory service agreement between the City of Muscatine and Piper Jaffrey & Co. for the upcoming general obligation bond issue.

L. Request Approval of Compensation Plan Review Committee's Recommendation for Pay Increases

Presented for City Council's consideration is a request to approve the Compensation Plan Review Committee's recommendation for pay increases. This matter was previously tabled by the City Council for clarification on the number of individuals that would be affected by this action and the total dollar amount that would be adjusted in the city's budget. As part of the clarification, it should be noted that this request affects seven employees including five police lieutenants, one Building and Grounds Supervisor, and one Art Center Director. The total requested is \$14,835.63 and reflects a 3.5% increase for the new fiscal year as well.

At this time City Council could take action to accept the Compensation Plan Review Committee's request for pay adjustments for the above noted positions effective July 1, 2006.

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – April 3, 2006
- B. Board of Water, Electric, and Communications Trustees – February 28, 2006
- C. NFPA Survey – March 2006

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,186,580.55, as well as receipt summaries for February 2006, 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