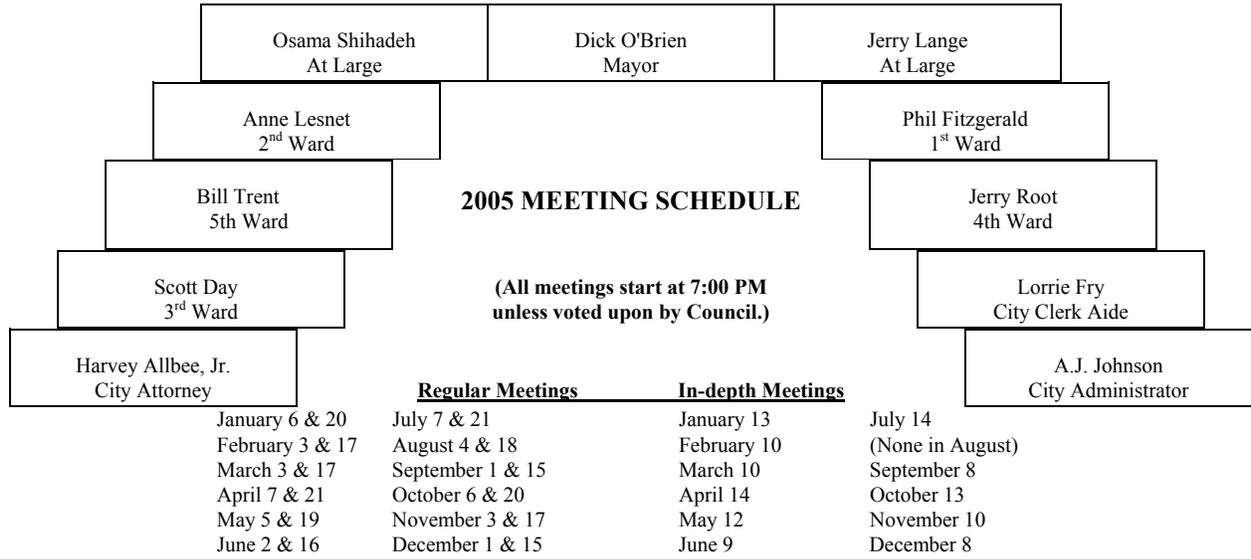


MUSCATINE CITY COUNCIL



AGENDA

**THURSDAY, APRIL 7, 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**
6. **MINUTES - APPROVAL**

A. Regular City Council Meeting – March 17, 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
- * 13 – A-K
- * Bills*

* Approval of attached Bills for Approval totaling \$1,514,907.37 is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed Rezoning of City Property

Previously the City Council took action to establish a public hearing for the proposed rezoning of city property. The property commonly known as “Lincolnshire Village City Park”, located at the southeasterly corner of 2nd Avenue and Cleveland Street, has been deemed by the City Council to be of no further benefit as a city park. The property has been declared surplus and City Council has approved of its disposal. As part of the disposal process, Council also wishes to rezone the property from its current R-L (large scale residential) designation to a C-3 (commercial) designation. The city’s Planning & Zoning Commission has reviewed and approved this zoning change as well. Prior to any formal action being taken on this rezoning request, a public hearing is required.

Now is the time for the public to comment on the proposed rezoning of city property known as “Lincolnshire Village City Park” from R-L (large scale residential) to C-3 (commercial).

9. **PETITIONS AND COMMUNICATIONS**

A. Request for renewal of a Class E Liquor License and Sunday Sales Permit for Hy-Vee Food Store, 2400 2nd Avenue – Hy-Vee Inc. (pending inspections)

B. Request to Approve Revocation of Dance Permit

Presented for City Council’s consideration is an opportunity to review the possible revocation of a dance permit for the “Fiesta Inc.” located at 1919 Grandview Avenue. The City Council has previously reviewed the issue associated with the original request for revocation of the dance permit with the subsequent revocation and reinstatement of the permit. At this time the outstanding citations against the owner of the facility have been adjudicated and this matter is once again before City Council for consideration and action.

At this time City Council could take action to consider the revocation of the dance permit for

the “Fiesta Inc.” located at 1919 Grandview Avenue.

C. Request Approval to Move House

Presented for City Council’s consideration is a request to relocate an existing home from 511 E. 11th Street to a vacant lot of record at 717 E. 11th Street or a distance of approximately 2 ½ blocks. If approved, the owners will have to provide the city with a minimum 48 hour notice of the move of the home as well as make arrangements with the appropriate utility companies, etc. All costs associated with the move of the home will be the responsibility of the owners.

At this time City Council could take action to approve the request to move an existing home from 511 E. 11th Street to 717 E. 11th Street.

D. Request to Improve City Property

Presented for City Council’s consideration is a request to improve city property. In conjunction with the current renovation project at the Welch Apartments, the Signature Holding Company has requested that the city approve the following public improvements to support and enhance their renovation activities. The first is to allow for the placement of planters separating the public parking lot and the Welch courtyard, replacing a parking space along Iowa Avenue with a concrete planter, and replacing a no parking zone along 3rd Street with a concrete planter. In addition, there is an additional request for the replacement of existing light poles and lights along Iowa Avenue and 3rd Street and finally for the removal of a section of the existing sidewalk along Iowa Avenue to be replaced with the same engineering sidewalk to match the original treatment.

At this time City Council could take action to approve the request from Signature Holding to make public improvements associated with the Welch Apartments Renovation Project.

E. Request Approval to Use City Property for Farmer’s Market

Presented for City Council’s consideration is a request for the use of the riverfront city parking lot for a Tuesday Farmer’s Market. The event would utilize the parking lot between Iowa Avenue and the Pearl City Station. The dates would be from May 31, 2005 through the end of September on every Tuesday from 3 to 6 p.m.

At this time City Council could take action on a request from the Greater Downtown Muscatine Association to allow for a Tuesday Farmer’s Market between May 31, 2005 through the end of September on city property.

10. FROM THE MAYOR

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

Presented for City Council's consideration is the final reading of an ordinance amending the zoning ordinance of the City of Muscatine. As part of a recent voluntary annexation project, the city has agreed to rezone 32.14 acres of real estate from the county's I-1 (light industry) to the city's M-1 (light industrial). The property, owned by Gary Karkosh, is intended to be developed as a business condominium park.

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 and to direct for its publication in the Muscatine Journal.

B. First Reading of an Ordinance Amending the Zoning Ordinance of the City of Muscatine

Presented for City Council's consideration is the first reading of an ordinance amending the zoning ordinance of the City of Muscatine. Previously a public hearing was held to receive public comment on the proposed rezoning of the city property known as the "Lincolnshire Village City Park" from R-L (large scale residential) to C-3 (commercial).

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

C. Resolution Setting the Time and Place of a Public Hearing on the Vacation of a Utility Easement in the North Park Addition

Presented for City Council's consideration is a resolution setting the time and place of a public hearing on the vacation of a utility easement in the North Park Addition. Clark Johnson, owner of Lots 11 and 12 of this subdivision, has requested that the existing utility easement located between these two lots be vacated for development purposes. The request has been reviewed and approved by all affected utilities. Prior to any formal action by City Council, a public hearing is required.

At this time City Council could take action by resolution setting the time and place of a public hearing on the vacation of a utility easement in the North Park Subdivision for Thursday, April 21, 2005, at 7 p.m.

D. Resolution Accepting Northland II Sanitary Sewer

Presented for City Council's consideration is a resolution accepting the Northland II Sanitary Sewer. The public sanitary sewer improvements associated with the Northland II sanitary sewer extension had been installed according to the submitted plans and specifications and have been recommended for acceptance by the city's engineering department. The sewer consists of 1,050' of 8" truss pipe located on the east side of University Drive between Ford Avenue extended and Oak Grove Drive.

At this time City Council could take action by resolution accepting the sanitary sewer extension for Northland Development in the City of Muscatine.

E. Resolution Approving the Sale of W. 3rd Street Properties

Presented for City Council's consideration is a resolution approving the sale of the W. 3rd Street properties. The city accepted bids until 5 p.m. on March 18, 2005 for the properties located at 124 and 126 W. 3rd Street. One bid was received in the amount of \$25,100 from the non-profit corporation Muscatine – Beyond 2000. In accordance with our agreement with the Department of Housing and Urban Development, that agency must now concur with the recommendation for sale. Representatives of HUD have been contacted and the city is currently awaiting their recommendation on this sale. In advance of receiving formal notification from HUD on this matter, City Council could consider approval of this sale that would be subject to final authorization from HUD.

At this time City Council could take action by resolution approving the sale of the properties located at 124 and 126 W. 3rd Street to Muscatine – Beyond 2000 (pending final authorization by HUD) for \$25,100.

F. Resolution Approving the Executed Deed for the W. 3rd Street Properties

Presented for City Council's consideration is a resolution approving the executed deed for the W. 3rd Street properties. Previously the City Council took action to authorize the sale of 124 and 126 W. 3rd Street in the amount of \$25,100 to the non-profit organization Muscatine – Beyond 2000. In conjunction with that action, the Department of Housing and Urban Development is required to approve the sale of the property and this action is pending that approval. In conjunction with that sale, it is also necessary that City Council take action to approve an executed deed. Approval of the executed deed would also be subject to final approval from HUD.

At this time City Council could take action by resolution approving the executed deed for the W. 3rd Street properties pending final authorization for the sale of the properties from the Department of Housing and Urban Development.

G. Resolution Accepting Low Bid for Housing Rehabilitation Program

Presented for City Council's consideration is a resolution accepting the low bid for the housing rehabilitation program. Bids on a single CDBG housing rehabilitation project located at 918 E. 7th Street are scheduled to be open on April 5, 2005. Following the opening and evaluation of the bids, the presentation will be made to City Council.

H. Resolution Approving the Sale of Cemetery Property

Presented for City Council's consideration is a resolution authorizing the sale of city real estate to Allan and Jeanette Phillips. Recently the City Council declared city property (1829 Lucas Street) as surplus and offered it for public sale. The city received nine bids for the property with the highest bid being that of Allan Phillips in the amount of \$21,110. The City Council had previously taken action to declare the property as surplus.

At this time City Council could take action by resolution authorizing the sale of city property to Allan and Jeanette Phillips in the amount of \$21,100.

I. Resolution Approving an Executed Deed for Sale of Cemetery Property

Presented for City Council's consideration is a resolution approving an executed deed for the sale of the cemetery property. Previously the City Council took action to authorize the sale of city property (1829 Lucas Street) to Allan and Jeanette Phillips in the amount of \$21,110. At this time it would be appropriate for Council to approve the executed deed for this sale.

At this time City Council could take action by resolution approving an executed deed for the sale of city property to Allan and Jeanette Phillips.

J. Resolution Setting Time and Place of a Public Hearing Authorizing Submission of Public Housing Agency Plan to the Department of Housing and Urban Development

Presented for City Council's consideration is a resolution setting the time and place of a public hearing for the Public Housing Agency Plan. Periodically the city's housing operations are required to update the Public Housing Agency Plan that affects public housing activities within the City of Muscatine. Opinions and information are gathered from residents and resident councils, city staff, and other affected individuals. In addition, a public hearing is established to receive other public comments on the Plan itself. The Plan is required for the city to continue receiving federal dollars for housing assistance.

At this time City Council could take action by resolution establishing a public hearing for the Public Housing Agency Plan review for Thursday, April 14, 2005, at 7 p.m.

K. Resolution Setting the Time and Place of a Public Hearing Concerning a Complaint Against a Cigarette Permit Holder

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. Periodically the city, through the Police Department, conducts cigarette sales information activities that monitor local establishments to ensure they sell cigarette and tobacco products only to those of legal age. On or about February 10, 2005, the operators of DrugTown violated Iowa Code by allegedly selling cigarettes to minors. In accordance with city and state statutes, a public hearing can be set concerning the complaint against the cigarette permit holder for violation

of Iowa Code and to seek an imposition of a 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 violation of Iowa Code Chapter 453A and seeking the imposition of a civil penalty for Thursday, April 21, 2005, at 7 p.m.

L. Request to Approve Change Order #4 for the Riverfront Pearl Project

Presented for City Council's consideration is a request to approve Change Order #4 for the Riverfront Pearl Project. Previously staff reviewed with City Council the request for approval of a change order to incorporate additional work as part of the Pearl of the Mississippi Project associated with the Riverview Center restoration. All the particular details have been reviewed and are being submitted for City Council's consideration which takes the total project cost not to exceed \$29,500.

At this time City Council could take action to approve Change Order #4 for the Riverfront Pearl Project in an amount not to exceed \$29,500.

M. Request to Approve Nuisance Abatement Contract Agreement

Presented for City Council's consideration is a request to approve a nuisance abatement contract agreement. In 2003 the City Council approved an agreement with Kellor & Kellor Landscaping Inc. to perform nuisance abatement activities as directed by the city. Within the agreement was a clause that allowed for an additional two year extension upon successful completion of the first two year time period. This has been a successful relationship. They have requested a 10% adjustment in the amount they charge for the use of their equipment due to the increase in fuel costs. The labor costs will remain the same. Over a four year period this represents a 2 ½% increase for each year for the contract.

At this time City Council could take action to approve the nuisance abatement contract agreement between the City of Muscatine and Kellor & Kellor Landscaping Inc. including a 10% adjustment for the amount charged for the use of equipment.

N. Request Approval of Traffic Items

Presented for City Council's consideration is a request to approve traffic items. The following items have been submitted for City Council's consideration and approval:

1. Stop sign at the intersection of Oak Valley Drive and University Drive

The city is in the process of installing street signs and markers in this area, and we have been requested to place a stop sign on Oak Valley Drive at the University Avenue intersection. This is a “T” intersection that accesses a very busy arterial street (University Avenue) that has a speed limit of 45 miles per hour. The Traffic Committee has reviewed and concurs with this request.

2. No parking between signs at McKinley School.

This request is for signs to indicate no parking between signs on the street side of the island in front of McKinley School. The Traffic Committee has reviewed this request and agrees that the signs are needed.

At this time City Council could take action to approve the request for a stop sign at the intersection of Oak Valley Drive and University Drive as well as the installation of no parking between signs at McKinley School

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – March 7, 14 & 21, 2005
- B. Muscatine School District – March 7, 14 & 28, 2005
- C. Library Board of Trustees – February 23, 2005
- D. Art Center Board of Trustees – February 17, 2005
- E. Airport Advisory Commission – February 28, 2005
- F. Historic Preservation Commission – March 1, 2005
- G. NFPA Fire Survey – January 2005
- H. MP&W Operating Statements – February 2005 – Electric Utility
- I. MP&W Operating Statements – February 2005 – Water Utility
- J. MP&W Operating Statements – January 2005 – Communications Utility
- K. City of Muscatine Financial Statements – February 2005

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,514,907.37 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