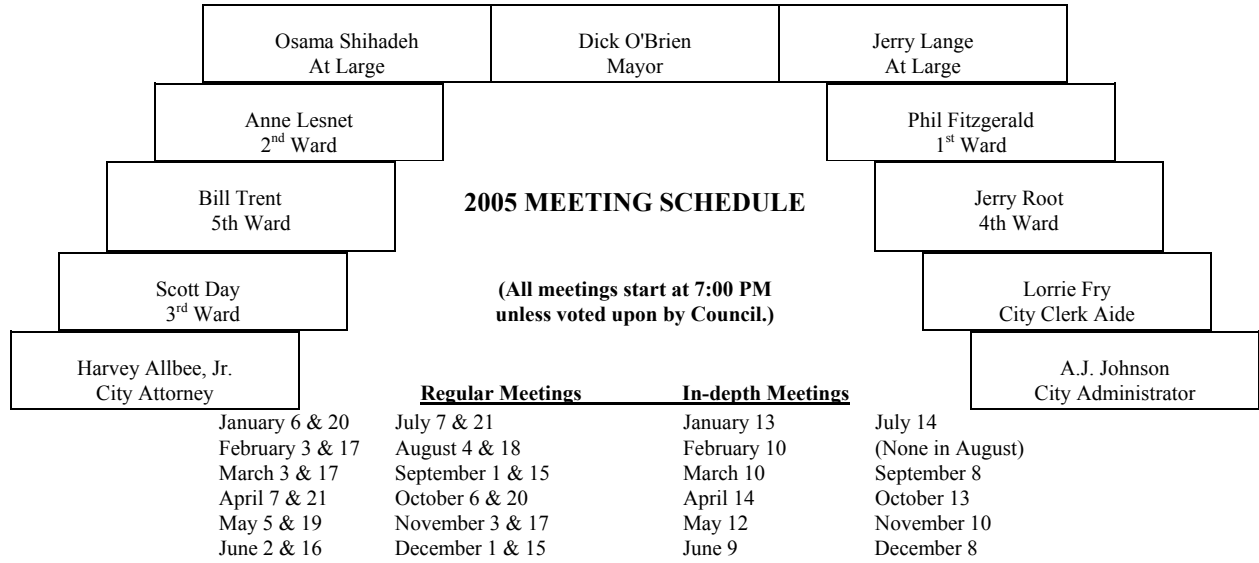


MUSCATINE CITY COUNCIL



AGENDA

**THURSDAY, JUNE 16, 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 – June 2, 2005
- B. In-Depth City Council Meeting – June 9, 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-J
- * 13 – A-G
- * Bills*

* Approval of attached Bills for Approval totaling \$1,554,372.06 is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed Vacation of Utility Easement in Rueben and Sarah Baker Addition – Phase III

Previously the City Council took action to establish a public hearing for the proposed vacation of a utility easement in the Rueben and Sarah Baker Addition – Phase III. The Muscatine Welfare Association, owners of Lots 1MA and 1MB, have requested that the existing utility easement located between the two lots be vacated. This will allow for the development of a two-story structure containing 20 units for learning disabled residents. Prior to any formal action 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 the Rueben and Sarah Baker Addition – Phase III.

B. Proposed Sale of City Property

Previously the City Council took action to establish a public hearing for the sale of city property located at 1829 Lucas Street. Previous action by City Council concerning the disposal of this property was void because of an incomplete property description. This public hearing and subsequent action by City Council will allow for the authorized sale of the property to Allan and Jeanette Phillips, Brian Phillips and Ryan Crumly.

Now is the time for the public to comment on the proposed sale of city property.

9. **PETITIONS AND COMMUNICATIONS**

A. Request approval on first reading of a new Class C Liquor License for the Tailgater’s Sports Bar, 214, Iowa Avenue – Tailgater’s, LLC – (pending inspections and receipt of insurance certificate)

B. Request approval of Outdoor Service Area for June 18, 2005 for the Habanero Grill, 201-

203-205 W. 2nd Street – Moody International Inc. (pending receipt of dram shop certificate and inspection)

- C. Request approval of Class C Liquor License and Sunday Sales Permit for the Habanero Grill, 201-205 W. 2nd Street – Moody International Inc.
- D. Request Approval of Outdoor Extended Service Area from June 23-26, 2005 for Missipi Brewing Company, 107 Iowa Avenue – R&D Operations Ltd.
- E. Request Approval of a Class C Liquor License and Sunday Sales Permit for the Escorpion Bar, 500 Mulberry Avenue – Sylvia Alicia Garcia
- F. Request Approval of Class A Liquor License and Sunday Sales Permit for the Geneva Golf and Country Club, 3100 Bidwell Road – Geneva Golf and Country Club (pending receipt of dram shop certificate)
- G. Request Approval of Class BW Beer and Wine and Sunday Sales Permit for the Peking Restaurant, 1700 Park Avenue – Peking Chinese Restaurant Inc.
- H. Request Approval of Class C Beer and Sunday Sales Permit for Babe’s Sinclair, 2307 Lucas Street – Rodney L. Yocom.
- I. Request Approval of Class C Beer Permit for Hyink’s Service, 1206 E. 2nd Street – Hyink Service Inc.
- J. Request Approval of Cigarette Permits
- K. Request Approval to Close Weed Park to Vehicular Traffic for Electric Car Race

Presented for City Council’s consideration is a request to close Weed Park on September 9-10, 2005 for the Annual Muscatine Electrathon electric car race. Over the past several years, Weed Park has served as a racetrack and showcase for electric car technology. It is being requested the park be closed on September 9, 2005 beginning at 6 p.m. and then reopened on September 10, 2005 at 6 p.m. Approximately 25 electric vehicles are anticipated to take part in this event.

At this time City Council could take action to approve the request to close Weed Park to vehicular traffic for an electric car race on September 9-10, 2005.

L. Review of Smoking Policy

Presented for City Council's consideration is an opportunity to review the city's smoking policy as it pertains to city property. The discussion on this matter was tabled from a previous City Council meeting to this date for some determination as to what, if any, action the City Council will take regarding this matter.

At this time City Council could determine what, if any, action should be taken regarding smoking restrictions on public property they wish to consider.

10. FROM THE MAYOR

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

A. Second Reading of an Ordinance Amending the Sewer Use Regulation Ordinance

Presented for City Council's consideration is the second reading of an ordinance amending the sewer use regulation ordinance. The changes proposed in this amendment would incorporate language that would be more restrictive concerning the introduction of fats, oils and grease into the system. In addition, provisions of the ordinance would establish parameters and time frames in which city officials would work with sanitary sewer users who have been identified as contributors of these products into the system. The city will work to gain compliance with the provisions of this ordinance with all affected users.

At this time City Council could take action on the second reading of an ordinance amending the sewer use regulation ordinance.

B. Resolution Approving Vacation of Utility Easement in Rueben and Sarah Baker Addition – Phase III

Presented for City Council's consideration is a resolution approving the vacation of a utility easement in the Rueben and Sarah Baker Addition – Phase III. Previously a public hearing was held to receive public comment on the proposed vacation of a utility easement between existing Lots 1MA and 1MB. The purpose of the vacation of the utility easement is to allow for the construction of a two-story structure containing 20 units for learning disabled residents.

At this time City Council could take action by resolution approving the vacation of a utility easement in the Rueben and Sarah Baker Addition – Phase III.

C. Resolution Approving the Final Plat of Riverbend Fourth Addition

Presented for City Council's consideration is a resolution approving the final plat of the Riverbend Fourth Addition. The final plat for this addition has been presented to the City Council for consideration. Previously a public hearing was held to receive public comment on the replatting of Lots 25, 26, 27, 28 and 29 within this addition. The final plat will take these six existing lots and create four new lots.

At this time City Council could take action by resolution approving the final plat of the Riverbend Fourth Addition in the City of Muscatine.

D. Resolution Approving Write Off of Debts of Certain Public Housing Tenants

Presented for City Council's consideration is a resolution to write off debts of former housing tenants. Each year City Council is presented with a request for the writing off of debt of former public housing tenants. As a procedural matter, these individuals have been identified as owing the city's Public Housing Authority funds from Sunset Park, the scattered sites, or the Clark House. In total, there is \$8,743.22 worth of debt to be written off involving 14 separate incidences. Every attempt to date has been made to collect this outstanding debt.

At this time City Council could take action by resolution to write off debts of certain former public housing tenants.

E. Resolution Awarding Contract for Central Business District Miscellaneous and W. 3rd Street Sanitary and Storm Sewer Improvement Project

Presented for City Council's consideration is a resolution awarding the contract for the Central Business District Miscellaneous and W. 3rd Street Sanitary and Storm Sewer Improvement Project. On June 9, 2005 the city opened sealed bids for the CBD and W. 3rd Street sewer improvement project. One bid was received from Sulzberger Excavating Inc. in the amount of \$2,832,216. The engineering estimate for the project was \$2,736,000. Stanley Consultants, representing the City of Muscatine on this project, has completed their review and found no errors and is recommending the contract be awarded at this time.

At this time City Council could take action by resolution awarding the bid for the CBD and W. 3rd Street Sanitary and Storm Sewer Improvement Project to Sulzberger Excavating Inc. in the amount of \$2,832,216.

F. Resolution Accepting Completed Work for the Weed Park Aquatic Center and Authorizing Final Payment

Presented for City Council's consideration is a resolution accepting the completed work for the Weed Park Aquatic Center and authorizing final payment. On August 7, 2003 the contract for the construction of the aquatic center was let in the amount of \$3,489,500. Contract change orders resulted in a net deduction of \$44,761.34 for a final contract price of

\$3,444,738.66. Substantial completion of the project was obtained on June 3, 2004. A total of \$3,361,395 has been paid on the project to date with a retainage of 5% or \$83,343.66 now due. All work under the contract has been completed by the contractor and approved and accepted by the project architect and city staff.

At this time City Council could take action to approve the resolution accepting the completed work for the Weed Park Aquatic Center and authorizing final payment.

G. Resolution Setting the Time and Place of a Public Hearing on Demolition of Vacant Warehouse at 1004 E. 5th Street

Presented for City Council's consideration is a resolution setting the time and place of a public hearing on demolition of a vacant warehouse at 1004 E. 5th Street. As part of the E. 5th Street Bridge Project, property has been acquired and needs to be removed in order to facilitate the project. The warehouse at this location was acquired for this project. Prior to any formal action for demolition, a public hearing is required.

At this time City Council could take action by resolution establishing a public hearing for the demolition of the vacant warehouse at 1004 E. 5th Street for Thursday, July 7, 2005, at 7 p.m.

H. Request Authorization to Write Off Outstanding Receivables

Presented for City Council's consideration is a request to write off certain outstanding receivables. Annually the city reviews receivables in all areas to determine which ones, if any, are to be considered uncollectible and removed from our records. A total of 14 separate actions totaling \$448.24 are being presented at this time for consideration.

At this time City Council could take action to authorize the writing off of outstanding receivables for the City of Muscatine.

I. Request Approval of Annual Insurance Renewal

Presented for City Council's consideration is a request to approve the annual insurance renewal. The city's insurance program is reviewed annually by the city's volunteer Insurance Committee and by the city's agent of record as well as city staff. Renewal of these documents and recommendations will be presented at a meeting on Wednesday, June 15, 2005. Recommendations from that meeting will be presented at Thursday night's meeting.

J. Request Approval of 28E Agreement Between City of Muscatine and City of Fruitland for Police and Animal Control Services

Presented for City Council's consideration is a request to approve a 28E agreement between the City of Muscatine and the City of Fruitland for police and animal control services. This agreement is for a one-year period beginning July 1, 2005 and continuing through June 30, 2006. For police and animal control services, the city receives an annual sum of \$33,920. This contract has been in place successfully for the last several years.

At this time City Council could take action to approve the 28E agreement between the City of Muscatine and the City of Fruitland for police and animal control services beginning July 1, 2005 through June 30, 2006.

K. Request Approval of Annual Maintenance Agreement Between the City and Iowa Department of Transportation

Presented for City Council's consideration is a request to approve the annual maintenance agreement between the City of Muscatine and the Iowa Department of Transportation. Each year the city enters into a maintenance agreement with the IDOT that allows 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. The service agreement is from July 1, 2005 through June 30, 2006.

At this time City Council could take action to approve the annual maintenance agreement between the City of Muscatine and the Iowa Department of Transportation.

L. Request to Approve Amendment to Greenwood Cemetery Retail Sales and Service Agreement and Lease

Presented for City Council's consideration is a request to approve an amendment to the Greenwood Cemetery retail sales and service agreement and lease. The city has received a request from Randy Geurink, manager of Peter Troost Monument Co., doing business as the Iowa Memorial Granite Company, to extend the current agreement for operations of the retail sales and service operation lease at Greenwood Cemetery. The request would be for an extension of one year beginning July 1, 2005 through June 30, 2006. The agreement would call for a payment to the city of 10% of gross receipts of all items priced under \$500, 25% of gross receipts of all items priced over \$500, and 10% for all mausoleum and columbarium and retail services generated by the lessee. Staff has reviewed the request and would recommend its passage by City Council.

At this time City Council could take action to approve the amendment to the Greenwood Cemetery retail sales and service agreement and lease.

M. Request to Approve Amendment to Greenwood Cemetery Business Office Operations Agreement

Presented for City Council's consideration is a request to approve an amendment to the Greenwood Cemetery business office operations agreement. The city has received a request from Randy Geurink, manager of Peter Troost Monument Co., to amend the Greenwood Cemetery business office operations agreement. The amendment would extend the contract for one calendar year beginning July 1, 2005 and ending June 30, 2006. All other terms and conditions of the current agreement would remain in place. Staff has reviewed this request and is recommending its approval at this time.

At this time City Council could take action to approve the amendment to the Greenwood Cemetery business office operations agreement.

N. Request Approval to Purchase Cemetery Utility Vehicle

Presented for City Council's consideration is a request to purchase a cemetery utility vehicle. The fiscal year 2004/2005 budget was revised to allow for the purchase of a utility vehicle for cemetery operations. A total of \$9,000 was budgeted for this activity. Three bids were received for this utility vehicle with the lowest responsible bid being that of Elder Implement of Muscatine in the amount of \$5,447.57. After a review of the bids submitted, it is staff's recommendation that the low bid be accepted.

At this time City Council could take action authorizing the purchase of a cemetery utility vehicle from Elder Implement in the amount of \$5,447.57.

O. Request Approval from Fire Department for Submission of Grant Application

Presented for City Council's consideration is a request to approve the submission of a grant application by the Fire Department. The grant application under the SAFER program is to allow grantees to enhance their ability to maintain a 24-hour staffing capability within fire services. The program covers a five-year time period and allocates a total of \$100,000 per position over that time period. If the grant is accepted, the grantee must commit to the entire five-year time period for this position. At the end of the time period, the grantee is free to make whatever adjustments it feels are necessary. The deadline for the application is June 28, 2005.

At this time City Council could take action to consider the submission of a grant application by the Fire Department for the SAFER grant funding program.

P. Request Approval to Submit Letter to County for Assignment of Tax Sale Certificate

Presented for City Council's consideration is a request for approval to submit a letter to Muscatine County for the assignment of a tax sale certificate. Previously the city has taken action against the property located at 1015 Hill Avenue to have a house and garage removed. The adjoining neighbor would like to purchase the property and has been providing maintenance activities for the past several years. The county has requested that the request an assignment of a tax sale certificate from the county to the city with the city agreeing to render to the county any proceeds from the eventual sale of the property in excess of the property demolition liens.

At this time City Council could take action authorizing the submittal of a letter to Muscatine County for an assignment of tax sale certificate.

Q. Request Approval to Write Off FY2002/2003 Ambulance Receivable Balances

Presented for City Council's consideration is a request to write off fiscal year 2002/2003

ambulance receivable balances. Total charges for ambulance activities were \$945,798 for this year. Of that amount, \$129,421 represents mandated losses for Medicare/Medicaid accounts paid for from fee schedules, which leaves possible collectable charges for the year of \$816,377. Working through and with the city's billing and collection agency, there still remains an unpaid balance of \$15,087 which is requested to be written off as uncollectible. If approved by Council, writing off these accounts will not have an adverse impact on the ambulance fund balance.

At this time City Council could take action to authorize the write offs for the fiscal year 2002/2003 ambulance receivable balances.

R. Request Approval of Holiday Rates

Presented for City Council's consideration is a request to establish a separate process for making the Riverview Center and Pearl City Station available for the 4th of July holiday. Staff is requesting a special auction be held to raise money to fund the second phase of the Pearl Project for riverfront development. Further staff report will be presented Thursday night.

S. Resolution Authorizing Sale of City Property

Presented for City Council's consideration is a resolution authorizing the sale of city property to Allan and Jeanette Phillips, Brian Phillips, and Ryan Crumly. Previously a public hearing was held to receive public comment on this transaction. The Phillips' have already submitted a successful bid of \$21,100 for the property. An incomplete property description has required the city to formalize this transaction through this resolution.

At this time City Council could take action by resolution authorizing the sale of city property to Allan and Jeanette Phillips, Brian Phillips, and Ryan Crumly.

T. Resolution Approving Executed Deed

Presented for City Council's consideration is a resolution approving an executed deed. Previously the City Council took action to finalize the sale of city property to Allan and Jeanette Phillips, Brian Phillips, and Ryan Crumly. Subsequently a resolution approving an executed deed is required to finalize this transaction.

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, Brian Phillips, and Ryan Crumly.

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – May 23, 2005
- B. Muscatine School Board – May 23, 2005
- C. Board of Water, Electric and Communications Trustees – April 26, 2005
- D. NFPA Fire Survey – April 2005
- E. MP&W Operating Statements – Water Utility – April 2005
- F. MP&W Operating Statements – Communications Utility – April 2005
- G. MP&W Operating Statements – Electric Utility – April 2005

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,554,372.06 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