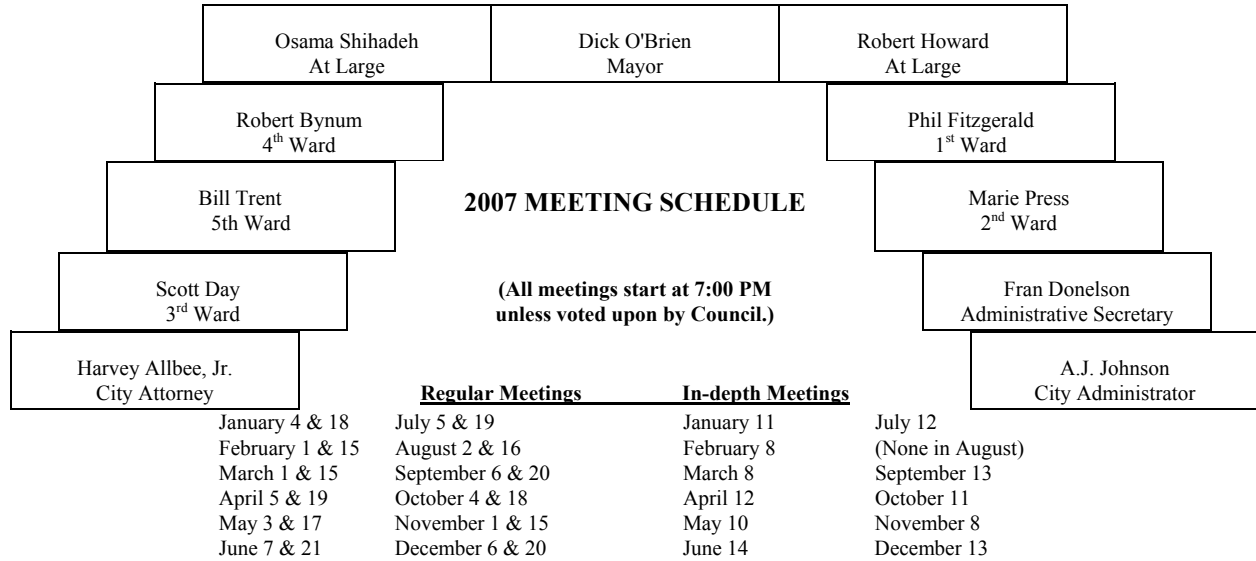


CITY COUNCIL



AGENDA

**THURSDAY, JUNE 21, 2007
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. City Council Meeting – June 7, 2007
- B. In-Depth Council Meeting – June 14, 2007

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-B
- * Bills*

* Approval of attached Bills for Approval totaling \$1,320,136.52 is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed Usage of Justice Assistance Grant by the Police Department

Previously City Council took action to establish a public hearing on the proposed usage of a Justice Assistant Grant (JAG) by the Police Department. The city has been a past recipient of this grant program that provides funding for technology and equipment purchases. This year it is anticipated the city will receive \$15,205.50. Prior to the formal grant award, a public hearing is required.

Now is the time for the public to comment on the proposed usage of a Justice Assistance Grant by the Police Department.

B. Assessment of Status of Housing Rehabilitation Activities Under the 2006 CDBG Program

Previously City Council took action to establish a public hearing to assess the status of housing rehabilitation activities under the 2006 CDBG program. The city is currently involved in its third CDBG housing assistance program. As a condition of participation in the program, the city is required to hold a public hearing to receive public comment on any issues associated with that program's activity. The current program has funds available for 12 projects that provides for assistance for physical improvements to the property of up to \$24,999 for qualifying owner-occupied home sites. There are additional funds available for lead-based paint abatement if necessary. To date 7 of the 12 properties have been completed or are under construction.

Now is the time for the public to comment on the status of housing rehabilitation activities under the 2006 CDBG program.

C. Proposed Airport Improvements

Previously City Council took action to establish a public hearing on proposed airport improvements. The city is currently engaged in a project that will allow for the construction of a parallel taxi runway on the crosswind runway 12/30 at the municipal airport. Applications had previously been submitted for federal assistance that will provide for 95% of the costs associated with this project. The estimated cost of the project will be \$1,400,000. A public hearing is now required prior to the receipt of any federal assistance.

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

D. Proposed Lease of Two Parcels of Real Estate Acquired Under the 1993 Flood Relief Program

Previously City Council took action to establish a public hearing on the proposed lease of two parcels of real estate acquired under the 1993 flood relief program. These properties were acquired using FEMA funds. There are restrictions concerning the usage of the property which prohibits any structural improvements to the property. It does allow the properties to be used for open green space, gardens, etc. In 1996 the city entered into two separate lease agreements for the property owners located at 311 Palm Street and 310 Canon Avenue. These leases were for 10 years at \$10 per year. Those leases have expired and the property owners have indicated a willingness to enter into a new lease agreement for these properties. Prior to any formal action by Council, a public hearing is required.

Now is the time for the public to comment on the proposed lease of two parcels of real estate acquired under the 1993 flood relief program.

E. Proposed Imposition of Civil Penalties Against Cigarette Permit Holders

Previously City Council took action to establish a public hearing for the proposed imposition of civil penalties against cigarette permit holders found to be in violation of Iowa Code 453A. During a recent compliance check with local cigarette vendors, two vendors were cited for selling cigarettes to individuals under the legal. Prior to taking formal action against the violators, a public hearing is required.

Now is the time for the public to comment on the proposed imposition of civil penalties against cigarette permit holders found to be in violation of Iowa Code 453A.

F. Proposed Amendment #3 to the 2006/2007 City Budget

Previously City Council took action to establish a public hearing for Amendment #3 to the 2006/2007 city budget. Following a fire at the municipal golf course that destroyed storage buildings and equipment and tornado damage incurred June 1, 2007, it is necessary for the city to amend its current fiscal year budget to reflect additional revenues and expenditures because of these two particular events. The total amendment, including transfers out, will be

\$1,013,800. Revenue amendments will be \$739,300. The city is awaiting word for a federal declaration that will provide additional funding assistance for any shortfall not covered by insurance or other state or federal assistance.

Now is the time for the public to comment on proposed Amendment #3 to the 2006/2007 city budget.

G. Proposed Vacation of a Utility Easement in the Reuben and Sarah Baker Addition – Phase IV

Previously City Council took action to establish a public hearing on the proposed vacation of a utility easement in the Reuben and Sarah Baker Addition – Phase IV. The Muscatine Welfare Association, owners of Lots 43 and 44 of this subdivision, have requested that the existing utility easement located between the lots be vacated for development of a five bedroom group home for the medically fragile. Prior to any formal action for the vacation of this utility easement, a public hearing is required.

Now is the time for the public to comment on the proposed vacation of a utility easement in the Reuben and Sarah Baker Addition – Phase IV.

9. PETITIONS AND COMMUNICATIONS

- A. Request on second reading for a new Class BW Beer and Wine Permit with Outdoor Service Area for The Pearl, 101 W. Mississippi Drive – The Pearl LLC (pending inspections)
- B. Request on second reading for a new Class BW Beer and Wine and Sunday Sales Permit for Tantra Thai Bistro, 101 W. Mississippi Drive – Siam American Inc. (pending inspections)
- C. Request on second reading for a new Class C Liquor License and Sunday Sales for Escorpions Bar, 500 Mulberry Avenue – Martha Murillo (pending inspections)
- D. Request for a new six-month liquor license with outdoor service and Sunday sales for Geneva Golf & Country Club, 3100 Bidwell Road – Geneva Golf & Country Club Inc. (pending receipt of final paperwork)
- E. Request for renewal of a Class A Liquor License for Veterans of Foreign Wars Club, 421 Mulberry Avenue – Veterans of Foreign Wars Club Inc.
- F. Request for renewal of a Class C Liquor License for Jody’s Corner Tap, 226 Walnut Street – Jody’s Corner Tap Inc.
- G. Request for renewal of a Class C Liquor License and Sunday Sales Permit for Tailgater’s, 214 Iowa Avenue – RST Investments LLC

- H. Request for renewal of a Class LE Liquor License and Sunday Sales Permit for Cigarette Outlet #16, 1504 Park Avenue – Cigarette Outlet Inc. (pending inspections)
- I. Request approval of Cigarette Permits for July 1, 2007 to June 30, 2008
- J. Request from Geneva Golf & Country Club to Dispense Fireworks

Presented for City Council's consideration is a request from the Geneva Golf & Country Club to dispense fireworks on August 11, 2007. The firm hired to oversee the display, J&M Displays, has worked within the city in the past. This request has been granted over the last several years with no problems associated with the event.

Is there a motion to approve the request from the Geneva Golf & Country Club to dispense fireworks on August 11, 2007?

- K. Presentation by Holmes Murphy for Insurance Renewal

At this time a presentation from the city's insurance representative will take place concerning general liability insurance coverage for the city beginning July 1, 2007 and ending June 30, 2008. Following the presentation, Council will be asked to approve the insurance program for the next fiscal year.

Is there a motion to approve the city's insurance program beginning July 1, 2007 through June 30, 2008?

10. FROM THE MAYOR

- A. Appointments/Reappointments to the City's Various Boards and Commissions

Is there a motion to approve the appointments and reappointments to the city's various Boards and Commissions?

11. FROM THE PLANNING AND ZONING COMMISSION

- A. Resolution Approving the Replat of Lots 2, 3, and 4 of Bloomington Hollow

Presented for City Council's consideration is a resolution approving the replat of Lots 2, 3, and 4 of Bloomington Hollow. During its June 12, 2007 meeting, the Planning and Zoning Commission reviewed and approved the revised preliminary/final replat for Lots 2, 3, and 4 in Bloomington Hollow. The subdivision located west of North Isett Avenue off Bayfield Road would permit a single lot to be divided into two parcels and sold to the adjacent property owners. The three existing lots would become two larger lots. Since the property had been subdivided by prior action in 2004, any alterations require further City Council approval.

Is there a motion to take action by resolution approving the replat of Lots 2, 3, and 4 of Bloomington Hollow Subdivision?

12. FROM THE CITY ADMINISTRATOR

A. First Reading of an Ordinance Amending Title 7, Chapter 15, Parking Meters and Lots

Presented for City Council's consideration is the first reading of an ordinance amending Title 7 Chapter 15 – Parking Meters and Lots. During last week's in-depth meeting, recommendations from the Mayor's Parking Task Force were presented for City Council's consideration and review. A number of the Task Force's recommendations require changes to the Parking Ordinance. Other changes can be approved by Council resolution or motion which will be presented at a future meeting. The items requiring ordinance amendments include (1) changing the parking "zones" established in the ordinance, (2) increasing the fine rate for expired meters from \$3.00 if paid within 72 hours to \$5.00 and increasing the fine rate if paid after 72 hours from \$5.00 to \$10.00, (3) the fine rate for parking over the time limit would remain at \$5.00 if paid within 72 hours but will increase to \$10.00 if paid after 72 hours, (4) eliminating the free holiday parking between Thanksgiving and Christmas, (5) changing the meter enforcement period from 9:00 a.m. to 5:00 p.m. to 8:00 a.m. to 5:00 p.m., and (6) increasing the ticket rate to \$25.00 per ticket after the 20th ticket in a calendar year. One additional change to the ordinance is proposed for the composition of the Parking Appeals Board. Currently the ordinance specifies the board is made up of a member of the Police Department, Community Development Department and a citizen at-large. It is proposed that a representative of the Finance Department be designated in lieu of the Community Development Department representative due to the staff reductions in recent years in the Community Development department.

Is there a motion to take action on the first reading of an ordinance amending Title 7, Chapter 15, Parking Meters and Lots?

B. Resolution Authorizing Usage of Justice Assistance Grant by the Police Department

Presented for City Council's consideration is a resolution authorizing the usage of the Justice Assistance Grant by the Police Department. Previously a public hearing was held to receive public comment on the use of these funds for technology upgrades and equipment purchases. This year's grant funds total \$15,205.50.

Is there a motion to take action by resolution authorizing the usage of JAG funds by the Police Department?

C. Resolution Approving the Plans, Specifications, Form of Contract, Cost Estimate, and Establishing Bid Opening Date for 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 airport improvements. Previously a public hearing was held to receive public comment on the plans and specifications for the parallel taxiway for the crosswind runway at the municipal airport. The engineer's estimate for the project is \$1,250,000 with the total price being \$1,400,000 which includes design and engineering costs. Bids are scheduled to be open on July 9, 2007. Construction should start on or about August 6, 2007 with a completion date scheduled for November 16, 2007. An FAA grant is expected to be allocated to cover 95% of the final cost of the project.

Is there a motion to take action by resolution approving the plans, specifications, form of contract, cost estimate, and establishing a bid opening date for Monday, July 9, 2007, for the Municipal Airport Improvement Project Identified as "Parallel Taxiway to Runway 12/30"?

D. Resolution Approving Two Leases of Consolidated Parcels of Real Estate Acquired with FEMA Flood Relief Funds

Presented for City Council's consideration is a resolution approving two leases of individual consolidated parcels of real estate acquired with FEMA flood relief funds. Previously a public hearing was held to receive public comment on these proposed lease arrangements. The leases would be with Freddie E. Job of 311 Palm Street and Scott and Nancy Briles of 310 Canon Avenue. Previously both parties had leased the properties from the city for a 10-year period for \$10 per year. The current lease proposals would be for \$10 per year and would be in effect until such time that a 30-day notice of cancellation of the lease is given by either the city or the lease holders.

Is there a motion to take action by resolution approving two leases for individual consolidated parcels of real estate acquired with FEMA flood relief funds?

E. Resolution Approving the Acknowledgement/Settlement Agreement for Cigarette Permit Holder in Violation of Iowa Code 453A

Information will be presented at Thursday night's meeting.

F. Resolution Authorizing the Imposition of Civil Penalties Against Cigarette Permit Holders Violating Iowa Code 453A

Information will be presented at Thursday night's meeting.

G. Resolution Approving Amendment #3 for the City Budget for FYE June 30, 2007

Presented for City Council's consideration is a resolution approving Amendment #3 for the 2006/2007 city budget. Previously a public hearing was held to receive public comment on the proposed amendment of the city budget. Recent events which include a fire at the municipal golf course and tornado damage are requiring the city to amend its current fiscal year budget to reflect additional revenues and expenditures associated with these two events. The estimate for additional expenditures including expenditures within the General Fund and appropriate Enterprise Funds is \$1,013,800. Anticipated revenues predominantly from insurance settlements will be \$739,300. This amendment is required by state statute in order to ensure that all revenues and expenditures are accounted for throughout the fiscal year.

Is there a motion to take action by resolution approving Amendment #3 for the city budget for fiscal year ending June 30, 2007?

H. Resolution Approving the Vacation of a Utility Easement in the Reuben and Sarah Baker Addition – Phase IV

Presented for City Council's consideration is a resolution approving the vacation of a utility easement in the Reuben and Sarah Baker Addition – Phase IV. Previously a public hearing was held to receive public comment on this proposed action. The Muscatine Welfare Association purchased the two lots located off of West Fulliam Avenue and are proposing to construct a five bedroom residential structure for the medically fragile. The new structure will straddle both lots, which requires the utility easement between the two lots to be vacated.

Is there a motion to take action by resolution approving the vacation of a utility easement in the Reuben and Sarah Baker Addition – Phase IV?

I. Resolution Accepting Low Bid for Muscatine Owner-Occupied Housing Rehab Program

Presented for City Council's consideration is a resolution accepting the low bid for the Muscatine Owner-Occupied Housing Rehab Program for property located at 106 Taylor Street. A total of four bids were submitted for the project. The Muscatine Rehabilitation Committee met on June 18, 2007 to review the bids submitted and it is their recommendation to accept the low bid submitted by Bilmar Construction in the amount of \$38,101. This will be the seventh project under the 2006 housing rehabilitation program.

Is there a motion to take action by resolution accepting the low bid from Bilmar Construction in the amount of \$38,101 for rehabilitation of the property located at 106 Taylor Street?

J. Request to Approve a Transit Joint Participation Agreement Between the City of Muscatine and the Iowa Department of Transportation to Implement a State Transit Assistance (STA) Formula Project

Presented for City Council's consideration is a request to approve a Transit Joint Participation Agreement between the City of Muscatine and the Iowa Department of Transportation to implement a State Transit Assistance Formula Project. The city's transit operation which provides the MuscaBus service to the community has received a joint participation agreement from the State of Iowa. The state's formula for funding operations for the next fiscal year will be \$185,569. This money will be used for operating expenses required to support the Muscatine public transportation system.

Is there a motion to approve the Transit Joint Participation Agreement between the City of Muscatine and the IDOT to implement a State Transit Assistance Formula Project?

K. Request to Authorize the Issuance of a Purchase Order for a Salt Spreader

Presented for City Council's consideration is a request to authorize the issuance of a purchase order for a salt spreader. Included in this fiscal year's budget are funds to purchase a salt spreader for the ice control operation. Three bids plus an alternate were received by the city. After a review of the bids and the alternate submitted, it is the recommendation that the bid from Henderson Truck Equipment with options in the amount of \$7,119 be accepted. There was \$11,000 budgeted for this purchase.

Is there a motion to authorize the issuance of a purchase order to Henderson Truck Equipment in the amount of \$7,119 for a salt spreader?

L. Request from Fire Department to Submit a Grant Application

Presented for City Council's consideration is a request from the Fire Department to submit a grant application. The Fire Department has an opportunity to receive grant funding through the Carver Charitable Trust for medical equipment. This would include four Capnocheck handheld capnograph/oximeters. This equipment is critical to the city's ability to provide for critical care paramedic service. If approved, the grant will provide for total funding of \$8,462.05 with no city match required.

Is there a motion to approve the request from the Fire Department to submit a grant application to the Carver Charitable Trust?

M. Request for Authorization to Issue Purchase Order to Musco Sports Lighting

Presented for City Council's consideration is a request to issue a purchase order to Musco Sports Lighting for the replacement of light fixtures and Kent Stein Park that were damaged by the recent tornado. The purchase order contains two parts. The first is for authorization to spend \$68,298 for repair and replacement of lights and fixtures and the second is for authorization to spend \$200,345 for the replacement and upgrade of lights and fixtures at Kent Stein Park as well.

Is there a motion to approve the issuance of a purchase order to Musco Sports Lighting in the amount of \$268,643 for repair and replacement of lights and fixtures as well as upgrades of lights and fixtures at Kent Stein Park?

13. **COMMUNICATIONS - RECEIVE AND FILE**

- A. Muscatine County Board of Supervisors – June 4, 2007
- B. Planning & Zoning Commission – May 8, 2007

14. **APPROVAL OF BILLS**

It is recommended bills totaling \$1,320,136.52 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**