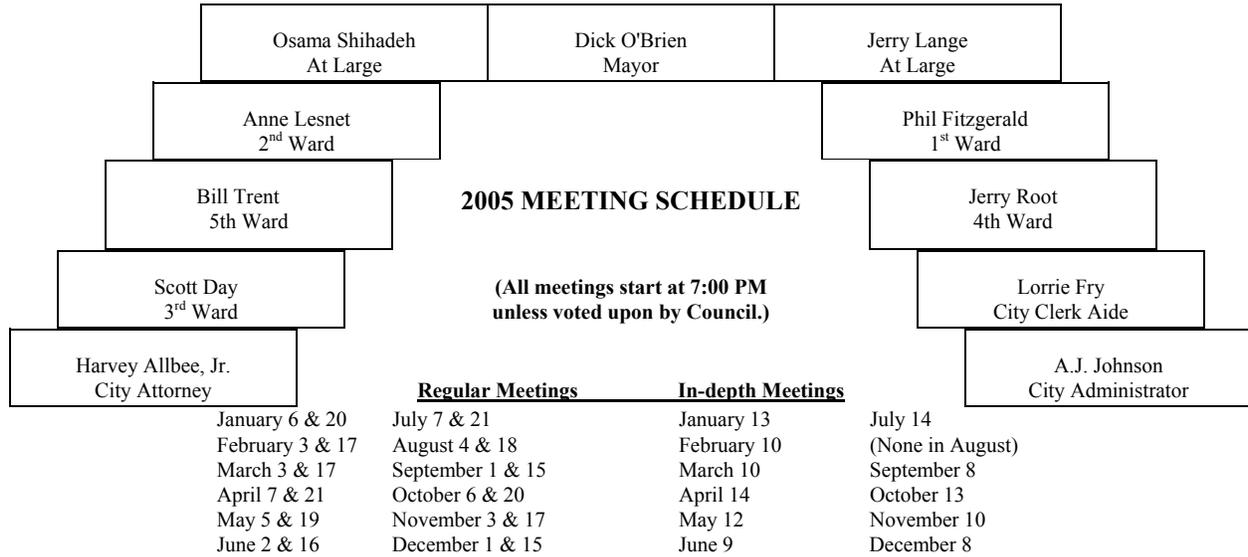


MUSCATINE CITY COUNCIL



AGENDA

THURSDAY, FEBRUARY 17, 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 – February 3, 2005
 - B. Budget Meetings – February 1, 2, 5, 8 & 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 – B-D
- * 13 – A-F
- * Bills*

* Approval of attached Bills for Approval totaling \$1,278,027.27 is subject to the approval of any related agenda item(s).

8. PUBLIC HEARING

A. Proposed Annexation of Approximately 32.141 Acres of Real Estate

The City of Muscatine has been working with Gary Karkosh, owner of said real estate, as part of the voluntary annexation of this property into the city limits. The annexation has been reviewed and approved by the Planning & Zoning Commission and prior to any formal action by Council, a public hearing is required.

Now is the time for the public to comment on the proposed annexation of approximately 32.141 acres of real estate into the City of Muscatine.

9. PETITIONS AND COMMUNICATIONS

A. Request on second reading for a new Class C Beer and Sunday Sales Permit for Lange’s Marine, 608 E. Harbor Drive – D&C Werner, LLC (pending inspections)

Presented for City Council’s consideration is the second reading for a new Class C Beer and Sunday Sales Permit for Lange’s Marine, 608 E. Harbor Drive – D&C Werner, LLC (pending inspections). If approved by Council, this would allow for packaged sales for consumption off premise. It is intended that other convenience items will be made available for sale to accommodate boater needs.

At this time City Council could take action on the second reading for a new Class C Beer and Sunday Sales Permit for Lange’s Marine, 608 E. Harbor Drive – D&C Werner, LLC (pending inspections).

B. Request for renewal of a Class C Liquor License for Floodwaters Spirits & Provisions, 101 W. Mississippi Drive – Floodwaters Inc.

C. Request for renewal of a Class E Liquor License and Sunday Sales Permit for Wholesale Food Outlet #312, 807 Grandview Avenue – Nash Finch Co. (pending inspections)

D. Request for renewal of a Class C Beer Permit for Fareway Store #998, 2100 Cedar Plaza Drive – Fareway Stores Inc. (pending inspections)

E. Request Approval to Move a House

The city has received a request from Barry Sulzberger to move a house that is currently located at 1411 Cedar Street to 3025 W. Fulliam Avenue. The site of the relocated building will be on Lot 35 of the Reuben and Sarah Baker Addition – Phase IV. The owners of the property will notify the city a minimum of 48 hours prior to the move as required by the City Code.

At this time City Council could take action to approve the request for the move of a house from 1411 Cedar Street to 3025 W. Fulliam Avenue as submitted by Barry Sulzberger, 1500 S. Houser Street.

10. FROM THE MAYOR

11. FROM THE PLANNING AND ZONING COMMISSION

A. Resolution Setting Time and Place of a Public Hearing on a Proposed Zoning Change within the City of Muscatine

Presented for City Council's consideration is a resolution setting the time and place of a public hearing on a proposed zoning change within the City of Muscatine. In accordance with the pre-annexation agreement between the City of Muscatine and Gary Karkosh, developer of the River's Edge Industrial Park, the city agreed to make the appropriate zoning change to match the county's I-1 (light industrial) to the city's M-1 (light industrial) zoning designation. The rezoning request has been reviewed and recommended for approval by the Planning & Zoning Commission. Once approved, the owner intends to develop the River's Edge Industrial Park with business condominiums.

At this time City Council could take action by resolution setting the time and place of a public hearing on a proposed zoning change within the City of Muscatine for Thursday, March 3, 2005, at 7:00 p.m.

B. Resolution Approving the Final Plat for the Meyer-Manjoine Subdivision in the City of Muscatine

Presented for City Council's consideration is a resolution approving the final plat for the Meyer-Manjoine Subdivision in the City of Muscatine. Meyer-Manjoine Inc., a land holding company, is in the process of selling assets held by the corporation. To complete the sale and transfer property, a subdivision is required. Once approved, the subdivision will allow for the division of real estate into lots for existing commercial and light industrial uses along Grandview Avenue and Musser Street. The city's Planning & Zoning Commission reviewed and approved this seven-lot industrial subdivision as submitted.

At this time City Council could take action by resolution approving the final plat for the Meyer-Manjoine Subdivision in the City of Muscatine.

12. FROM THE CITY ADMINISTRATOR

A. Resolution Approving Voluntary Annexation of Real Estate to the City of Muscatine

Presented for City Council's consideration is a resolution approving the voluntary annexation of real estate into the City of Muscatine. Previously the City Council conducted a public hearing to receive public comment on the proposed annexation of approximately 32.141 acres of real estate within the City of Muscatine. The property is adjacent to Highway 22 and the intersection of University Drive. Prior to this formal action, the City Council approved a pre-annexation agreement with Gary Karkosh, owner of the property, which provided for the extension of sanitary sewer to this property and other property that had recently been annexed into the city as well as a commitment for rezoning actions for the property to continue with a like zoning designation that it is currently classified within the county. Appropriate notification to all other entities has been made concerning this proposed voluntary annexation.

At this time City Council could take action by resolution voluntarily annexing certain real estate into the City of Muscatine.

B. Resolution Setting the Time and Place of a Public Hearing on the Mad Creek and Hershey Avenue Pumping Stations

Presented for City Council's consideration is a resolution setting the time and place of a public hearing on the plans, specifications and form of contract for the rehabilitation of the Mad Creek and Hershey Avenue pumping stations. The city has been working with Stanley Consultants Inc. to prepare the plans and specifications for the rehabilitation work at these pumping stations. In accordance with state code, public improvement projects over \$25,000 must be subjected to a public hearing and approval of the plans and specifications.

At this time City Council could take action by resolution to establish a public hearing for rehabilitation of the Mad Creek and Hershey Avenue pumping stations for Thursday, March 3, 2005, at 7:00 p.m.

C. Resolution Approving Contract and Bond for the Mississippi River Trail Project

Presented for City Council's consideration is a resolution approving the contract and bond for the Mississippi River HMA Trail Project. Previously the City Council took action to award the contract to Brandt Construction & Subsidiary of Milan, Illinois, in the amount of \$718,300.75. The appropriate contract and bond have been submitted for consideration and approval by city staff at this time.

At this time City Council could take action by resolution approving the contract and bond for

the Mississippi River HMA Trail Project between the City of Muscatine and Brandt Construction & Subsidiary of Milan, Illinois, in the amount of \$718,300.75.

D. Resolution Accepting Completed Work for the Muscatine Art Center Exterior Restoration Project and Authorizing Final Payment

Presented for City Council's consideration is a resolution accepting the completed work for the Muscatine Art Center Exterior Restoration Project and authorizing final payment. In the fall of 2003, the city awarded a contract to E&H Restoration for the restoration project. The work included cleaning, repairing, re-pointing masonry, and sealing stone work, painting trim, re-glazing windows, replacing rotted wood, and replacing 76 storm windows. Additional work was added to the project including work on the elevator shaft within the building. The final cost of the project was \$89,324. The cost of the project was split equally between the City of Muscatine and various art center trusts. The work has been successfully completed and accepted by the city at this time.

At this time City Council could take action by resolution accepting the completed work performed under the Muscatine Art Center Exterior Restoration Project and authorizing final payment of \$4,466.20 to E&H Restoration, LLC.

E. Resolution Setting Time and Place of Public Hearing on the Sale of City Property

Presented for City Council's consideration is a resolution setting the time and place of a public hearing on the sale of city property. The property in question is the city park known as Lincolnshire Village City Park consisting of approximately 1.65 acres located at the southeasterly corner of 2nd Avenue and Cleveland Street within the City of Muscatine. Prior to any formal action to offer the property for sale, the city is required to conduct a public hearing.

At this time City Council could take action by resolution establishing a public hearing for the vacation and declaration of real estate as surplus and offering said real estate for sale for Thursday, March 3, 2005, at 7:00 p.m.

F. Resolution Setting the Time and Place of a Public Hearing for the Annual Transit Funding Application

Presented for City Council's consideration is a resolution setting the time and place of a public hearing for an annual transit funding application. Each year the city submits an application for state and federal operational and capital support for the transit operation. This year's application is applying for \$164,257 of state transit assistance and \$108,708 for federal transit assistance for operational activities in fiscal year 2005/2006. In addition, the city will be seeking \$116,640 in federal capital assistance for two new buses and 10 rear vision cameras and a vehicle maintenance scanner tool. Prior to the formal application being submitted to the State of Iowa, a public hearing is required.

At this time City Council could take action by resolution setting the time and place of a

public hearing for operating and capital financial assistance from the Federal Transit Administration and Iowa State Transit Assistance for fiscal year 2005/2006 for Thursday, March 17, 2005, at 7:00 p.m.

G. Resolution Accepting the Agreement with the State Historical Society of Iowa for the FY2005 Certified Local Government Grant #2005-05

Presented for City Council's consideration is a resolution accepting the agreement with the State Historical Society of Iowa for the fiscal year 2005 Certified Local Government Grant #2005-05. Previously the City Council authorized the submission of a grant application to provide funding to hire a consultant and complete an intensive survey and evaluation of the West Hill area of Muscatine. This survey will complement a similar survey that is now being completed at this time in the downtown area. Both the downtown and West Hill surveys were included as recommendations in a planning for preservation project that was completed in 2002 by the City of Muscatine. The grant will be in the amount of \$13,941 with \$9,400 being applied in in-kind services as a match by the City of Muscatine.

At this time City Council could take action by resolution accepting the agreement with the State Historical Society of Iowa for the fiscal year 2005 Certified Local Government Grant #2005-05.

H. Request to Rescind Assignment of Interest

Presented for City Council's consideration is a request to rescind an assignment of interest. In December 2004, the City Council took action to approve the assignment of interest between CCSD Inc. and Memorial's by Michel for operations at the Greenwood Cemetery. At the request of Randall Geurink, owner of CCSD Inc., the city is formally being requested to rescind the previous agreement due to the inability of the parties to finalize their arrangement for that transaction to move forward.

At this time City Council could take action to rescind the assignment of interest previously enacted on December 9, 2004 between the City of Muscatine, CCSD Inc., and Memorial's by Michel.

I. Request to Approve Change Order #2 for the Riverview Center

Presented for City Council's consideration is a request to approve Change Order #2 for the Riverview Center. The second change order for Council's consideration on this project will add an additional \$6,585.50 to the project cost. The change order would consist of five additions and two deductions from the total project. With the approval of Change Order #2, the total project cost will be \$778,561.10.

At this time City Council could take action to approve Change Order #2 for the Riverview Center.

J. Request Authorization to Enter into a Construction Management Agreement with Shoemaker & Haaland for the Mississippi River Trail Project

Presented for City Council's consideration is a request for authorization to enter into a construction management agreement with Shoemaker & Haaland for the Mississippi River Trail Project. The City of Muscatine is seeking outside assistance to provide construction administration, observation and staking services for the Mississippi River Trail Project. The city has worked with this firm for the design of the trail, and city staff at this time is recommending securing their services for these additional services. The estimated cost for the project will be \$52,900. The fee schedule is based on 110 working days allowed by Iowa Department of Transportation for the contractor to complete the work.

At this time City Council could take action to approve the construction management agreement between the City of Muscatine and Shoemaker & Haaland in an amount not to exceed \$52,900 for construction administration, observation and staking services for the riverfront trail project.

K. Request Authorization to Enter into a Design Engineering Agreement with Shoemaker & Haaland for the E. 5th Street Bridge Replacement Project

Presented for City Council's consideration is a request for authorization to enter into a design engineering agreement with Shoemaker & Haaland for the E. 5th Street Bridge Replacement Project. The city's E. 5th Street Bridge Project has gone through a number of phases to move the project toward construction. Additional assistance is being requested for design and bidding for the project. It is anticipated that the project will be ready for an IDOT bid letting on August 16, 2005. Activities under the contract would include the coordination of project for design and bidding, review and design of bridge structural items as noted by the IDOT, and an aesthetic review and design of bridge barrier rails. For purposes of this agreement, it is being recommended that the fee should not exceed the figure of \$42,450.

At this time City Council could take action to approve the E. 5th Street Bridge engineering contract between the City of Muscatine and Shoemaker & Haaland in an amount not to exceed \$42,450.

L. Request to Declare City Property as Surplus

Presented for City Council's consideration is a request to declare city property as surplus. The city has approximately 267' of four-inch field drag hose that it wishes to offer for sale. Prior to any formal action for the sale of the property, it must first be declared as surplus. A prospective bidder has been identified at this time.

At this time City Council could take action to declare approximately 267' of four-inch field drag hose as surplus.

M. Request Authorization to Purchase Digital In-Car Video System

Presented for City Council's consideration is a request for authorization to purchase a digital in-car video system. The Muscatine Police Department is in the process of updating the video equipment in the city's squad cars. The current system utilizes the VHS system and would be replaced with a fully digital system for six squad cars. Along with the in-vehicle equipment, the system will include a server/PC, two wireless access antennas, and an automated DVD writer printer. Funding for the project will be supplied by the two Local Law Enforcement Block Grants that have already been secured. The total project cost will be \$42,182.

At this time City Council could take action to authorize the purchase of digital video equipment for squad cars.

N. Request to Approve Labor Contract

Presented for City Council's consideration is a request to approve a labor contract between the City of Muscatine and Firefighter's Local #1672. The agreement is for a three-year time period beginning July 1, 2005 through June 30, 2008. The agreement includes across-the-board increases of 2 ½, 3 ½ and 3 ½%.

At this time City Council could take action to approve the three-year labor agreement between the City of Muscatine and Firefighter's Local #1672.

O. Request to Approve Airport Sign Purchase

Presented for City Council's consideration is a request to approve an airport sign purchase. The City of Muscatine through its Airport Improvement Project solicited bids from three companies for a new sign for the airport. The lowest responsible price submitted was that of Parker Signs & Graphics of Indianola, Iowa, in the amount of \$9,397.15. The sign will be a double faced internally illuminated cabinet sign and will be visible from Highway 61.

At this time City Council could take action to approve the bid submitted by Parker Signs & Graphics of Indianola, Iowa, in the amount of \$9,397.15 for an airport sign.

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – January 17, 24 & 31, 2005
- B. Muscatine School Board – January 19 & 24, 2005
- C. Planning & Zoning Commission – January 11, 2005
- D. Historic Preservation Commission – January 18, 2005
- E. Art Center Board of Trustees – January 20, 2005
- F. Police Department Monthly Report – January 2005

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,278,027.27 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