



City Hall, 215 Sycamore St.  
Muscatine, IA 52761-3840  
(563) 262-4141  
Fax (563) 262-4142

**COMMUNITY DEVELOPMENT**

**Planning,  
Zoning,  
Building Safety,  
Construction Inspection Services,  
Public Health,  
Housing Inspections,  
Code Enforcement**

**MEMORANDUM**

**To:** Mayor and City Council Members  
**Cc:** Gregg Mandsager, City Administrator  
**From:** Dave Gobin, Community Development Director  
**Date:** November 1, 2016  
**Re:** Request to Move a Building

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**INTRODUCTION:** Title 8, Chapter 8 of the City Code requires that persons moving buildings across city streets obtain permission to do so from the City Council.

**BACKGROUND:** Sulzco, LLC has purchased a pole building from the City of Muscatine public surplus auction. The building is located at the Water Pollution Control Plant. They would like to move it to the adjoining property on the east side of the treatment plant, which they have recently purchased. The property is parcel #1303457005, zoned M-2 Heavy Industrial.

Zack Sulzberger of Sulzco, LLC, has provided the attached letter outlining his plan and has contacted the appropriate utility companies and regulatory agencies. He has supplied the necessary proof of insurance naming the city as an additional insured with respect to the moving project.

Jon Koch of Water Pollution Control Plant has authorized the use of city property to access the building site.

**RECOMMENDATION/RATIONALE:** It is recommended that the City Council approve the request to move the building from 1202 Musser Street to the adjacent property (Parcel #1303457005), on November 4, 2016, as requested.

**BACKUP INFORMATION:**

1. Sulzberger letter
2. Certificate of Insurance & Bond
3. Email from Jon Koch

**"I remember Muscatine for its sunsets. I have never seen any on either side of the ocean that equaled them" — Mark Twain**

P.O. Box 1639  
Muscatine, IA 52761



T: 563.447.1977  
F: 563.447.1973

**November 1, 2016**

City Hall  
215 Sycamore St.  
Muscatine, Ia. 52761

Re: Requesting permission to move a pole building.

I have purchased a pole building from the city of Muscatine public surplus auction. The building is 42' wide x 68' long x 18' High. Located at the Muscatine Treatment Plant. I would like to move it to the adjoining property on the east side of the treatment plant. The property is parcel #1303457005, zoned M-2 Heavy Industrial. I have recently bought this property. (See attached plat & buy/sell agreements.)

Barry Sulzberger is in charge of the moving operations. The building is to be raised up on a semi-trailer and moved. The route that will be taken is from the central gate location of the treatment plant, east down Musser st. to the designated property. (See attached route description) The entrance gate/fencing of the treatment plant will be removed and placed back within the same day.

Upon moving, Barry Sulzberger will be contacting the police department and MPW for their assistance. There will be one guide wire to be taken down by MPW along the route.

All insurance has been applied for and is active to move the pole building. All the utility companies have been notified and are prepared to stand by when we are ready to move. The exact date of moving the pole building is going to be set for Nov. 4<sup>th</sup>, 2016. Baring permission is granted by city council.

Sincerely,

A handwritten signature in black ink, appearing to read "Zack Sulzberger", is written over the word "Sincerely,".

Zack Sulzberger  
2410 Imperial Oaks Dr.  
Muscatine, IA. 52761  
(563) 272-8052

P.O. Box 1639  
Muscatine, IA 52761



T: 563.447.1977  
F: 563.447.1973

Proposed Use of Site:

The proposed use of this site is to place a 42' x 68' pole building on the property. This building will be used for possible storage, rental building or future business location of SulzCo LLC. The site will eventually be cleared of all trees, tires, old cars and garbage. Making the site a suitable area for future business uses.

Traffic:

The estimated traffic for this location will be low. 1-5 possible vehicles driving onto the property per day. Peak time would be from 6:30am – 7:30am and 3:30pm to 4:00pm.

Construction Schedule:

Clearing of Trees – Sept. 26<sup>th</sup> – Oct. 20<sup>th</sup> 2016.  
Building Footings & Pad – Oct. 28<sup>th</sup> – Nov. 10<sup>th</sup> 2016.  
Moving of Building – Nov. 4<sup>th</sup>  
Building Construction – Nov. 4<sup>th</sup> – 30<sup>th</sup>  
Sewer & Water – Spring 2017.  
Electrical - Spring 2017.  
Entrance Drive & Parking – Spring 2017.  
Landscaping - Spring 2017.

# Beacon™ Muscatine Area Geographic Information Consortium (MAGIC)





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
10/27/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Holmes Murphy & Assoc - CR  500 1st Avenue NE, Suite 300  Cedar Rapids, IA 52401	1-800-300-0325	CONTACT NAME: Shelby Fagen PHONE (A/C No, Ext): 319-896-7702 FAX (A/C No): E-MAIL ADDRESS: sfagen@holmesmurphy.com
INSURED SulzCo, LLC  2410 Imperial Oaks Dr  Muscatine, IA 52761		INSURER(S) AFFORDING COVERAGE INSURER A: SELECTIVE INS CO OF THE SOUTHEAST NAIC # 39926 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES CERTIFICATE NUMBER: 48334430 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			S2167324	05/05/16	05/05/17	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 \$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			S2167324	05/05/16	05/05/17	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			S2167324	05/05/16	05/05/17	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			WC9022492	05/05/16	05/05/17	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	Installation Floater			S2167324	05/05/16	05/05/17	Per Occurrence 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
The City of Muscatine is an additional insured on the General Liability as required by written contract with the insured, per policy terms and conditions.

<b>CERTIFICATE HOLDER</b>  City of Muscatine  215 Sycamore St.  Muscatine, IA 52761  USA	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE  

LICENSE OR PERMIT BOND

Bond Number: 4995668

KNOW ALL PERSONS BY THESE PRESENTS, That we SulzCo, LLC of P.O. Box 1639, Muscatine, IA 52761, hereinafter referred to as the Principal, and Westfield Insurance Company, City of Muscatine of 215 Sycamore Street, Muscatine, IA 52761, hereinafter referred to as the Oblige, in the sum of Five Thousand And No/100THS Dollars (\$ 5,000.00 ), for the payment of which we bind ourselves, our legal representatives, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas, the Principal has made application for a license or permit to the Oblige for the purpose of, or to exercise the vocation of Moving Buildings.

NOW, THEREFORE, if Principal shall faithfully comply with all ordinances, rules and regulations which have been or may hereafter be in force concerning said License or Permit, and shall save and keep harmless the Oblige from all loss or damage which it may sustain or for which it may become liable on account of the issuance of said license or permit to the Principal, then this obligation shall be void; otherwise, to remain in full force and effect.

THIS BOND WILL EXPIRE the 31st day of October, 2017, but may be continued by continuation certificate signed by the Principal and Surety. The Surety may at any time terminate its liability by giving thirty (30) days written notice to the Oblige, and the Surety shall not be liable for any default after such thirty day notice period, except for defaults occurring prior thereto.

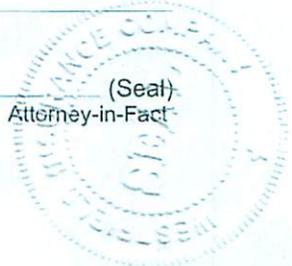
SIGNED, SEALED AND DATED this 31st day of October, 2016.

SulzCo, LLC (Principal)

By [Signature] (Seal)

Westfield Insurance Company (Surety)

By [Signature] (Seal) Anne Crowner, Attorney-in-Fact



General  
Power  
of Attorney

CERTIFIED COPY

POWER NO. 1429262 00

**Westfield Insurance Co.  
Westfield National Insurance Co.  
Ohio Farmers Insurance Co.**  
Westfield Center, Ohio

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint  
**CRAIG E. HANSEN, JAY D. FREIERMUTH, BRIAN M. DEIMERLY, CINDY BENNETT, ANNE CROWNER, TIM MCCULLOH, STACY VENN, SHIRLEY S. BARTENHAGEN, LACEY CRAMBLIT, LAURE GUISSINGER, DIONE R. YOUNG, JOINTLY OR SEVERALLY**

of WEST DES MOINES and State of IA its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship-

**LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.**

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

"Be It Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be it Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their National Surety Leader and Senior Executive and their corporate seals to be hereto affixed this 21st day of MARCH A.D., 2014 .

Corporate  
Seals  
Affixed



WESTFIELD INSURANCE COMPANY  
WESTFIELD NATIONAL INSURANCE COMPANY  
OHIO FARMERS INSURANCE COMPANY

By: *Dennis P. Baus*

Dennis P. Baus, National Surety Leader and Senior Executive

State of Ohio  
County of Medina ss.:

On this 21st day of MARCH A.D., 2014 , before me personally came Dennis P. Baus to me known, who, being by me duly sworn, did depose and say, that he resides in Wooster, Ohio; that he is National Surety Leader and Senior Executive of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial  
Seal  
Affixed



*David A. Kotnik*

David A. Kotnik, Attorney at Law, Notary Public  
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio  
County of Medina ss.:

I, Frank A. Carrino, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this 31st day of October A.D. 2016



*Frank A. Carrino*  
Frank A. Carrino, Secretary



Oien, Stephanie <soien@muscatineiowa.gov>

## building move

Koch, Jon <jkoch@muscatineiowa.gov>  
To: "Oien, Stephanie" <soien@muscatineiowa.gov>

Tue, Nov 1, 2016 at 12:06 PM

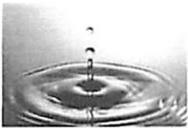
WPCP has granted permission to Sulzco to temporarily remove gate 3 and set up a temporary secure fence the day before the move. The day of the move Sulzco is required to have the gate replaced that same day exactly as it was set prior to removal, no exceptions. They also have permission to cross the south east portion of the WPCP property to move the building onto their property. They may temporarily place dirt across the turf from the road to the prairie grass area. They may drive over the prairie grass area but may not cover it with dirt or tear the ground with equipment. Any dirt placed on the turf area needs to be removed and the turf area smoothed of any tracks, tearing, etc. as soon as the building has crossed. No other equipment other than the moving truck and trailer may cross the prairie grass area. No other equipment shall cross City property once this is completed without express written permission from the Director of the WPCP.

How's that? More than expected probably but thank you for letting me get it down in writing. We pretty much have this as a verbal agreement. Any way to get them to sign off on these terms? Thanks.

[Quoted text hidden]

--

**Jon Koch**  
**Director-City of Muscatine**  
**Water Pollution Control Plant**  
**1202 Musser St.**  
**Muscatine, IA 52761**  
**563-263-2752 office**  
**563-554-4051 cell**  
 jkoch@muscatineiowa.gov  
 muscatineiowa.gov



Clean Water,  
Renewable Resources

*[Handwritten signature]*  
 Zoltan Sulzburger  
 11/1/16