

# COUNCIL



## AGENDA

**THURSDAY, APRIL 7, 2016  
COUNCIL CHAMBERS - CITY HALL – 7:00 P.M.**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE**

**4. COMMUNICATIONS – CITIZENS**

A. Reading of “Muscatine Volunteer Week” Proclamation by Miss Muscatine Outstanding Teen Sophia Aguirre

**5. 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 so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

\* **Items 6A- Approval of City Council Minutes**

- A. Regular City Council Minutes – March 17, 2016

\* **Items 8A-F – Petitions and Communications**

- A. First reading for a Class “C” Liquor License and Outdoor Service for Clamshell, 406 Mississippi Drive – Gerardo Vasquez (pending inspections and insurance)
- B. Request for renewal of a Class “C” Beer Permit and Sunday Sales for Casey’s General Store #2944, 3010 University Drive – Casey’s Marketing Company (pending inspections)
- C. Request for renewal of a Class “C” Liquor License and Outdoor Service for La Guadalajara Restaurant, 208 East 2<sup>nd</sup> Street – La Guadalajara Restaurant LLC (pending inspections and insurance)
- D. Request from the Convention and Visitors Bureau for the Use of City Property for a Street Fest

This request is for the use of 2<sup>nd</sup> Street between Pine and Cedar streets every Saturday beginning June 11, 2016 and ending October 8, 2016. The Street Fest event will take place from 3:30 p.m. to 9:30 p.m.

- E. Request for Use of City Property for RAGBRAI Muscatine 2016 Activities

This request is for use of the city parking lot and alley between Sycamore and Cedar Streets/Mississippi Drive for three official RAGBRAI luggage trucks to offload luggage for cyclists to pick up. The requested area will be needed beginning at 6:00 p.m. on Friday, July 29, 2016, through 6:00 p.m. on Saturday, July 30, 2016

- F. Request for Street Closure

This request is from Calacci Construction Company Inc. and is for the closure of Oak Street at the location of the new conveyor bridge being constructed for HNI. The closure would begin at 7:00 a.m. on Saturday, April 9, 2016, and would end on Sunday afternoon.

\* **Items 9A – From the Mayor**

- A. Proclamation Declaring April 3, 2016 as “ Sister City Day”

\* **Items 12A-E – Receive and File**

- A. Muscatine County Board of Supervisors – February 29, 2016 and March 7, 14 & 21, 2016
- B. MP&W Board of Water, Electric, and Communications Trustees – February 23, 2016
- C. MP&W Communications Utility – February 2016
- D. MP&W Electric Utility – February 2016
- E. MP&W Water Utility – February 2016

**\* Bills\***

- \* Approval of attached Bills for Approval totaling \$9,071,958.06, which includes receipt summaries and journal entries for February 2016, is subject to the approval of any related agenda item(s).

**6. MINUTES – APPROVAL**

**7. PUBLIC HEARING**

- A. Proposed Application for State and Federal Transit Funding

This public hearing concerns the submission of a proposed application for state and federal transit funding. Annually, the city is required to submit an application to the Iowa Department of Transportation to request state and federal transit funds. It is anticipated the city will receive \$399,718 in federal assistance and \$236,140 in state assistance for FFY 2017. Prior to any formal action by City Council, a public hearing is required.

Now is the time for the public to comment.

**8. PETITIONS AND COMMUNICATIONS**

**9. FROM THE MAYOR**

**10. FROM THE PLANNING AND ZONING COMMISSION**

**11. FROM THE CITY ADMINISTRATOR**

- A. First Reading of RAGBRAI Ordinance

Presented for City Council’s consideration is the first reading of a RAGBRAI Ordinance. This ordinance is temporary in nature and will not be printed as part of the City of Muscatine’s Code of Ordinances. The provisions of this ordinance shall be in

effect upon passage by City Council and will remain in effect until 5:00 p.m. on July 31, 2016.

Is there a motion to approve the first reading of the RAGBRAI Ordinance?

B. Resolution Awarding Contract for the Muscatine Art Center/Museum HVAC Replacement and Miscellaneous Window Renovations Project

Presented for City Council's consideration is a resolution awarding the contract for the Muscatine Art Center/Museum HVAC Replacement and Miscellaneous Window Renovations Project. One bid was received for the project. It is recommended the base bid and Alternates #1 and #3 in the amount of \$1,590,520 be awarded to Crawford Company. The Art Center Board of Trustees is seeking funds for Alternates #2 and #4 which total \$147,075. The contractor has agreed to hold the costs for these two alternates until September 1, 2016 subject to the Art Center Board of Trustees securing funding for them.

Is there a motion to adopt the resolution as submitted?

C. Resolution Accepting Dedication of Right-of-Way and Public Street Improvements to Extension of Sevig Street

Presented for City Council's consideration is a resolution accepting the dedication of right-of-way and public street improvements to the extension of Sevig Street. Wal-View Developments LLC has submitted a request for the City of Muscatine to accept an extension to Sevig Street, a publically maintained street, and to accept the dedication of a small amount of right-of-way needed for this extension of Sevig Street. This extension meets all of the City of Muscatine's applicable standards.

Is there a motion to adopt the resolution as submitted?

D. Resolution Approving the Official Pay Plan for Non-Union Employees Effective July 1, 2016

Presented for City Council's consideration is a resolution approving the official pay plan for non-union employees effective July 1, 2016. The proposed pay plan includes a request to remove the Health and Housing Coordinator position and also applies the budgeted 2.75% across-the-board increase to all pay grades.

Is there a motion to adopt the resolution as submitted?

E. Resolution Approving Mortgage Release Under the 2009 Community Development Housing Rehabilitation Program for 312 Green Street

Presented for City Council's consideration is a resolution approving a mortgage release under the 2009 Community Development Housing Rehabilitation Program for 312 Green Street. The property owner entered into a five-year forgivable loan in the amount of \$24,999 on May 21, 2011. The loan term ends on May 18, 2016. The property owner passed away on September 2, 2015, and her son would like to sell the property. Staff is recommending City Council take action to release the mortgage to allow the sale to move forward.

Is there a motion to adopt the resolution as submitted?

F. Resolution Accepting Completed Work for the Muscatine Slough Rip-Rap Project and Authorizing Final Payment

Presented for City Council's consideration is a resolution accepting completed work for the Muscatine Slough Rip-Rap Project and authorizing final payment. The contract for this project was awarded to Brauns Excavating on February 18, 2016 in the amount of \$39,627. There was one change order resulting in a deduction of \$1,376 for a final contract price of \$38,251. Staff is recommending the acceptance of the work completed for the project and authorizing final payment to the contractor.

Is there a motion to adopt the resolution as submitted?

G. Resolution Setting Public Hearing to Declare Property at 1202 Indiana Street as Surplus Property

Presented for City Council's consideration is a resolution setting a public hearing to declare property at 1202 Indiana Street as surplus property. This property was acquired by the City of Muscatine in 2014 for back taxes. Since that time, the city has been maintaining the property through the nuisance abatement program. Prior to declaring this property as surplus, a public hearing is required. This hearing will take place on Thursday, April 21, 2016, at 7:00 p.m.

Is there a motion to adopt the resolution as submitted?

H. Resolution Setting Public Hearing to Declare Property at 1111 Nebraska Street as Surplus Property

Presented for City Council's consideration is a resolution setting a public hearing to declare property at 1111 Nebraska Street as surplus property. This property was acquired by the City of Muscatine in 2014 for back taxes. Since that time, the city has been maintaining the property through the nuisance abatement program. Prior to declaring this property as surplus, a public hearing is required. This hearing will take

place on Thursday, April 21, 2016, at 7:00 p.m.

Is there a motion to adopt the resolution as submitted?

- I. Request to Approve Settlement Agreements for Violation of Iowa Code Section 453A.2 (Selling Tobacco to a Minor)

Presented for City Council's consideration is a request to approve settle agreements for violation of Iowa Code Section 453A.2 (selling tobacco to a minor). Settlement agreements were received from Casey's General Store #1484 and Wholesale Food Outlet #312. The civil penalty of \$300 has been paid by each store.

Is there a motion to approve the request as submitted?

- J. Request to Approve Professional Services Agreement for Update of the Master Plan for Riverside Park

Presented for City Council's consideration is a request to approve a professional services agreement for the update of the Master Plan for Riverside Park. The timing of this update is ideal as it will dovetail with the upcoming Mississippi Drive Corridor Project. The engineering firm of Short Elliott Hendrickson Inc. (SEH) has submitted a proposal for the Master Plan update in the amount of \$40,000. Using the resources of SEH coupled with Bolton-Menk (MDCP), the city will be establishing a well-conceived and well-designed plan for the Central Business District. It is staff's recommendation the professional services agreement with SEH be approved.

Is there a motion to approve the request as submitted?

- K. Request to Authorize Letter of Opposition to the Annexation of Certain City Property by Joint Drainage District #13

Presented for City Council's consideration to authorize a Letter of Opposition to the annexation of certain city property by Joint Drainage District #13 (JDD#13). Completion of this annexation would make all property in the proposed addition liable for annual drainage assessment. Because the potential impacts of the proposed annexation could be quite significant and a lack of information from JDD#13, staff is recommending City Council direct a Letter of Opposition be prepared with legal advice from the City Attorney and submitted to JDD#13 prior to the April 15<sup>th</sup> deadline/public hearing.

Is there a motion to approve the request as submitted?

**12. COMMUNICATIONS - RECEIVE AND FILE**

**13. APPROVAL OF BILLS**

It is recommended bills totaling \$5,071,958.06, which includes receipt summaries and journal entries for February 2016, 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).

**14. COMMUNICATIONS - COUNCIL MEMBERS**

**15. OTHER BUSINESS**

A. Request to enter Closed Session per Iowa Code 21.5.1.c, as well as the case law on attorney/client privilege as codified in Iowa Code Section 622.10, to discuss strategy with counsel in matters that presently involve legal action and/or where legal action is imminent (potential action to follow)

B. Request to enter Closed Session per Iowa Code 21.5.1.i to evaluate the professional competency of an individual who has requested a closed session (potential action to follow)

**16. ADJOURNMENT**