

COUNCIL



AGENDA

THURSDAY MAY 2, 2019
COUNCIL CHAMBERS - CITY HALL – 7:00 P.M.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **COMMUNICATIONS – CITIZENS**
 - A. Swearing in of Firefighter Reece Hall
 - B. Swearing in of Police Officer Quintin Whittaker
 - C. Swearing in of Police Officer Cesar Cabrera
 - D. Swearing in of Police Officer Albert Dabit
 - E. Recognition of Bosch Pest Control for Receiving the Better Business Bureau’s Torch Award for Ethics
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-B Approval of City Council Minutes**

- A. Special Council Meeting Minutes – April 18, 2019
- B. Regular Council Meeting Minutes – April 18, 2019

*** Items 8A-N Petitions and Communications**

- A. Request on a new Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Casey’s General Store #1484, 1111 Oregon Street – Casey’s Marketing (pending inspections)
- B. Request on a new Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Casey’s General Store #2906, 3509 Steamboat Way – Casey’s Marketing (pending inspections)
- C. Request on a new Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Casey’s General Store #2944, 3010 University Drive – Casey’s Marketing (pending inspections)
- D. Request for renewal of a Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Wal-Mart Supercenter #559, 3003 North Highway 61 – Wal-Mart, Inc. (pending inspections)
- E. Request for renewal of a Class “C” Liquor License, Outdoor Service and Sunday Sales for The Pearl, 101 West Mississippi Drive – The Pearl, LLC (pending inspections and insurance)
- F. Request for renewal of a Class “C” Liquor License, Outdoor Service and Sunday Sales for El Allende, 1107 Grandview Avenue – El Allende, Inc. (pending inspections and insurance)
- G. Request for renewal of a Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Walgreens #05885, 1703 Park Avenue – Walgreen Co. (pending inspections and insurance)
- H. Request for renewal of a Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Kum & Go #438, 1429 Park Avenue – Kum & Go LLC (pending inspections and insurance)
- I. Request for renewal of a Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Circle K #6600, 802 Cypress Street – Mac’s Convenience Stores LLC (pending inspections and insurance)
- J. Request for renewal of a Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Hy-Vee Mainstreet Wine & Spirits, 522 Mulberry Avenue, Suite A – Hy-Vee, Inc. (pending inspections and insurance)
- K. Request for renewal of a Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Smokin’ Joe’s Tobacco and Liquor Outlet #16, 1504 Park Avenue – The Outlet, Inc. (pending inspections and insurance)
- L. Request for Use of City Property from Muscatine Chamber of Commerce Foundation (partnership with Big Brothers/Big Sisters and Special Olympics) for “Over the Edge” event on September 20, 2019 through September 22, 2019

- M. Request for Use of City Property from Missipi Brewing Company in conjunction with the Muscatine 2nd Saturday event on May 11, 2019 closing Iowa Avenue from Mississippi Drive to 2nd Street
- N. Cigarette/Tobacco Permit – Super Savor Liquor of Muscatine, 1510 Isett Avenue – Tararjeet Singh LLC

*** Item 9A-E From the Mayor**

- A. Proclamation declaring May 18, 2019, as Kids to Parks Day
- B. Proclamation declaring May 5-11, 2019, as Drinking Water Week
- C. Proclamation declaring May 19-25, 2019 as Emergency Medical Services Week
- D. Proclamation declaring May 12-18, 2019 as National Police Week, and Wednesday May 15, 2019 as Peace Officer’s Memorial Day.
- E. Proclamation declaring May 2019, as National Bike Month, May 13-19, 2019, as National Bike to Work Week, and May 17, 2019, as National Bike to Work Day

*** Items 12A-C – Receive and File**

- A. Muscatine County Board of Supervisors Minutes – April 15, 2019
- B. Muscatine County Board of Supervisors Minutes – April 22, 2019
- C. City of Muscatine Financial Reports – March 2019

*** Bills***

- * Approval of attached Bills for Approval totaling \$2,137,718.97, subject to the approval of any related agenda item(s).

6. MINUTES – APPROVAL

7. PUBLIC HEARING

- A. Proposed 2020 Annual Plan and Amendments to the Section 8 Housing Choice Voucher Administrative Plan and Public Housing Admissions and Continued Occupancy Policy

This public hearing concerns the proposed 2020 Annual Plan and amendments to the Section 8 Housing Choice Voucher Administrative Plan and the Public Housing Admissions and Continued Occupancy Policy. Under federal regulations, qualified public housing authorities (PHAs), including the Muscatine Municipal Housing Agency, are required to have a resident advisory board to review PHA policies and budgets as well as conduct an annual public hearing to receive comment on proposed goals, policy changes and the use of public funds. This public comment/public hearing is required prior to adoption of the Annual Plan and policy amendments.

Now is the time for the public to comment.

- B. Proposed Development Agreement with Bush Development, LLC. and Hershey Development, LLC

This public hearing concerns the proposed development agreement with Bush Development, LLC and Hershey Development, LLC. The City proposes to enter into an agreement in connection with the redevelopment of the former Hershey Building into a mixed-use building, including multi-residential units and commercial/retail units.

Now is the time for the public to comment.

8. **PETITIONS AND COMMUNICATIONS**

9. **FROM THE MAYOR**

Reading and Presentation of Proclamations

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

11. **FROM THE CITY ADMINISTRATOR**

- A. Ordinance Amending Title 2, Boards and Commissions, to Include Chapter 14, Public Art Advisory Commission

Presented for City Council's consideration is the third and final reading of an Ordinance Amending Title 2, Boards and Commissions, to Include Chapter 14, Public Art Advisory Commission.

Is there a motion to adopt this ordinance on third and final reading and to direct for its publication as required by law?

- B. Ordinance Establishing a Tax Increment Financing District

Presented for City Council's consideration is the second reading of an ordinance providing for the division of taxes levied on taxable property in the Consolidated Muscatine Urban Renewal Area. This Ordinance will establish the TIF district for the property at 216 Sycamore Street owned by Hershey Development, LLC.

Is there a motion to waive the statutory rule requiring said ordinance to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to finally pass?

Is there a motion to adopt this ordinance on second and final reading and to direct

for its publication as required by law?

C. Ordinance Approving Residential Refuse Collection Rates

Presented for City Council's consideration is the Second reading of an ordinance to approve residential refuse collection rates to be effective July 1, 2019. The recently adopted City Budget for Fiscal Year 2019/2020 includes an increase in the monthly residential rates.

Is there a motion to approve the 2nd reading of this ordinance as submitted?

D. Ordinance Amending Title 3, Chapter 5, Section 10, Subsection N of the City Code

Presented for City Council's consideration is the first reading of an ordinance Amending Title 3 Public Ways and Property, Chapter 5 Public Parks, Section 10, Subsection 10. This Ordinance will extend the portion of the Riverfront in which alcohol is permitted at special events approved by City Council. In order to move forward with the Almost Friday Fest this ordinance needs to be amended.

Is there a motion to approve the first reading of this ordinance as submitted?

E. Resolution Approving Revisions to the Housing Choice Voucher Program Administrative Plan of the Muscatine Municipal Housing Agency. (Public Hearing A)

Is there a motion to adopt this resolution as submitted?

F. Resolution Approving Revisions to the Public Housing Admissions and Continued Occupancy Policy of the Muscatine Municipal Housing Agency (Public Hearing A)

Is there a motion to adopt this resolution as submitted?

G. Resolution Approving the Annual Plan, Approving the Capital Fund Program Budget and Authorizing the Mayor to Sign the Certification of Compliance with PHA Plan and Related Regulations (Public Hearing A)

Is there a motion to adopt this resolution as submitted?

H. Resolution Approving a Development Agreement with Bush Development, LLC and Hershey Development, LLC, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement. (Public Hearing B)

Is there a motion to adopt this resolution as submitted?

I. Resolution Setting Public Hearing on Budget Amendment #2

Presented for City Council's consideration is a resolution setting the date and time for a public hearing concerning amendment #2 to the City Budget for Fiscal Year Ending June 30, 2019 for the City of Muscatine, Iowa.

Is there a motion to adopt this resolution as submitted?

J. Request to Approve Ambulance Service Fee Schedule Increase Effective July 1, 2019

Presented for City Council's consideration is a request to approve Ambulance Service Fee Schedule Increase effective July 1, 2019. This schedule is reviewed each year during budget and changed in accordance with Wellmark's Maximum Allowable Fee.

Is there a motion to adopt this request as submitted?

K. Request to Increase Speed Limit

Presented for City Council's consideration is a request to increase the speed limit on Bidwell Road from U.S. Highway 61 to the Existing 25 MPH Speed Sign West of Geneva Creek. City Staff have evaluated the speed limit and feel it makes sense and is safe to increase this speed limit.

Is there a motion to approve this request as submitted?

L. Request for the Issuance of a Purchase Order for the Purchase of 2019, ¾ Ton Pickup Truck

Presented for City Council's consideration is a request for the issuance of a purchase order in the amount of \$24,976.80, to Brad Deery Maquoketa Ford, for the purchase of a 2019 ¾ ton pick up truck to replace truck #932. Five bids were received and the low bid was from Brad Deery Maquoketa Ford. There is \$30,000 budgeted for this purchase.

Is there a motion to approve this request as submitted?

M. Request for the Issuance of a Purchase Order for Bike/Pedestrian Blinker Signs

Presented for City Council's consideration is a request for the issuance of a purchase order in the amount of \$6,085.20, to Solar Traffic Systems, for the purchase of 4 Bike/Pedestrian Blinker signs for two trail crossings. The City received two bids and the low bid was from Solar Traffic Systems. There is

\$8,000 budgeted for this expense.

Is there a motion to approve this request as submitted?

N. Request to Accept Federal Funding for Purchase of a Light Duty Bus

Presented for City Council's consideration is a request to approve funding for the purchase of one light duty transit bus. This funding was acquired through the Iowa DOT on behalf of public transit. Funding is at 85%, leaving the City responsible for the remaining 15% (\$15,900). Staff recommends City Council accept the \$90,100.00 of federal funds offered.

Is there a motion to accept this request as submitted?

O. Request to Approve Amendment to the Water Quality Initiative Urban Conservation Projects Grant from the Iowa Department of Agriculture and Land Stewardship

Presented for City Council's consideration is a request to amend a grant with the Iowa Department of Agriculture and Land Stewardship for the Water Quality Initiative Urban Conservation Project. Due to recent flooding the project has been delayed. This amendment will grant an extension for the project until December 31, 2019. No other changes have been made to contract.

Is there a motion to approve this request as submitted?

12. **COMMUNICATIONS - RECEIVE AND FILE**

13. **APPROVAL OF BILLS**

It is recommended bills totaling \$2,137,718.97, 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**

Closed session #1- closed pursuant to Iowa Code Section 21.5(1)(c) To discuss strategy with counsel a personal injury/property damage lawsuit that is presently in litigation where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. (Potential action to follow)

Request to Approve Settlement Agreement as Recommended by ICAP and their Legal Counsel.

Closed session #2- closed pursuant to Iowa Code Section 21.5(1)(c) To discuss strategy with counsel on employment related lawsuit matters that is presently in litigation where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. (Potential action to follow)

Legal

Request to Approve Settlement Agreement as Recommended by ICAP and their Counsel.

16. **ADJOURNMENT**