

# COUNCIL



## AGENDA

**THURSDAY APRIL 4, 2019**  
**COUNCIL CHAMBERS - CITY HALL – 7:00 P.M.**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **COMMUNICATIONS – CITIZENS**
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. In-Depth Council Meeting Minutes – March 14, 2019
  - B. Regular Council Meeting Minutes – March 21, 2019

\* **Items 8A-K- Petitions and Communications**

- A. Request to approve application for Revitalization Property Tax Abatement for Bisesi 1912 LLC – Downtown Blighted.
- B. Request to approve application for Revitalization Property Tax Abatement for Muscatine Downtown Investors – Washington School
- C. Request on first reading for a new Class “B” Native Wine Permit, Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Lazy River Beverage and More, 2116 Park Avenue – D & R Endeavors LLC (pending inspections)
- D. Request on first reading for a new Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Super Savor Liquor of Muscatine, 1510 Isett Avenue – Taranjeet Sing, LLC (pending inspections)
- E. Request for a temporary transfer for the rendezvous, 3127 Lucas Street to 1314 Mulberry Avenue on April 25, 2019 (pending inspections)
- F. 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)
- G. Request for renewal of a Special Class “C” Liquor License and Sunday Sales for Happy Joe’s Pizza & Ice Cream Parlor, 203 Lake Park Blvd – Max Brewer Corp. (pending inspections and insurance)
- H. Request for Use of City Property from Ss Mary & Mathias Catholic School on April 13, 2019, for a 5K Color Run
- I. Request for Use of City Property from Muscatine Second Saturday starting May 11, 2019 through October 12, 2019, for the Second Saturday arts and music festival.
- J. Request for use of City Property from Senior Resources on May 8, 2019, for a community cookout.
- K. Request for use of City Property from Bradley Bark with Point Above on July 12, 2019, for Rockin on Sycamore.

\* **Item 9A – From the Mayor**

- A. Proclamation Declaring April 4, 2019 as Junior Achievement Day

\* **Items 12A-C – Receive and File**

- A. Muscatine County Board of Supervisors Minutes – Feb 25, 2019
- B. Muscatine County Board of Supervisors Minutes – Mar 18, 2019
- C. MP&W Financials – February 2019

\* **Bills\***

- \* Approval of attached Bills for Approval totaling \$6,078,667.61, which includes receipt summaries and journal entries for February 2019, subject to the approval of any related agenda item(s).

6. **MINUTES – APPROVAL**

7. **PUBLIC HEARING**

A. Franchise Fee Increase

The City Council of the City of Muscatine, Iowa, established a utility franchise fee for Interstate Power & Light Company for the natural gas distribution system within the city limits of the City of Muscatine with the adoption of Ordinance 91191-0410 in April of 2010. Section 7 of that ordinance provided that the franchise fee may be increased or decreased by giving a 90-day notice to the utility with the fee limited to a maximum of five percent (5%). The franchise fee rates have been increased and decreased by the City Council since originally implemented with the most recent franchise fee set by Ordinance 94331-0618 at two percent (2%). The City of Muscatine budget for the fiscal year beginning July 1, 2019 includes an increase in the utility franchise fee from the current 2% to 5% effective July 1, 2019

(Due to hearing not being held March 21, 2019, Council needs to hold hearing and reconsider the Franchise Fee Ordinance)

Now is the time for the public to comment.

B. Utility Easement Vacation at 3435 Clermont Drive

A request to vacate certain utility easements has been submitted to the City of Muscatine. This plat is composed of two utility easements located on Lots 45 and Out Lot A of the Riverbend second Edition (3435 Clermont)

Now is the time for the public to comment.

8. **PETITIONS AND COMMUNICATIONS**

9. **FROM THE MAYOR**

Reading and Presentation of Proclamation Declaring April 4, 2019 as Junior Achievement Day.

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

11. **FROM THE CITY ADMINISTRATOR**

A. Ordinance – First & Final Reading of an Ordinance Amendment to Increase the Utility Franchise Fee for Interstate Power & Light Company. (Public Hearing A)

Presented for City Council's consideration is the first reading of an ordinance to increase the Utility Franchise Fee for Interstate Power & Light Company from 2% to 5%. The City of Muscatine budget for the fiscal year beginning July 1, 2019, includes an increase in the utility franchise fee from the current 2% to 5% effective July 1, 2019. It is also requested that the City Council consider waiving the 2nd and 3rd readings, and approve the ordinance amendment on first and final reading.

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 be finally passed?

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

B. First Reading of an Ordinance Amending Title 2, Boards and Commissions, to Include Chapter 14 Public Art Advisory Commission

Presented for City Council's consideration is the first reading of an ordinance amending title 2, Boards and Commissions to include Chapter 14 Public Art Advisory Commission.

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

C. Resolution to Vacate Utility Easements (Public Hearing B)

Presented for City Council's consideration is a resolution to approve vacating certain utility easements at lot 45 and outlot A of Riverbend Second Addition (3435 Clermont Drive).

Is there a motion to adopt this resolution as submitted?

D. Resolution Approving Sidewalk or Street Café Easement Agreement

Presented for City Council's consideration is a Resolution Approving a Sidewalk or Street Café Easement Agreement with Boonie's on the Avenue. This Agreement would allow outdoor dining under the provision of Section 3-1-6 of City Code.

Is there a motion to adopt this resolution as submitted?

E. Resolution to Rescind Resolution #2019-0031 approving TSIP funding Agreement for the Houser-Fulliam mini roundabout.

Presented for City Council's consideration is a resolution to rescind the resolution to accept the Traffic Safety Improvement Program (TSIP) grant. Because of the recent vote to not proceed with this project, the Iowa DOT has asked for a copy of the resolution to rescind the agreement. This documentation is also needed to close out the project.

Is there a motion to adopt this resolution as submitted?

- F. Resolution Approving Amended Development Agreement with JNB Oak Park, LP and TIF Oak Park Inc.

Presented for City Council's consideration is a resolution approving an amended development agreement with JNB Oak Park L.P. The City had previously authorized and executed a development agreement with TIF Oak Park in connections with the development of a senior living complex. It is now requested that a new amended agreement be approved by City Council.

Is there a motion to adopt this resolution as submitted?

- G. Resolution to Accept Dedication of Road Right of Way and Grant of Sidewalk Easement

Presented for City Council's consideration is a resolution accepting the dedication of right of way and a grant of easement for a public sidewalk. In accordance with the approved development plan, the developer of the Oak Park Apartments has submitted a dedication of right of way along Isett Avenue and a grant of easement for a portion public sidewalk along Blaine Street.

Is there a motion to adopt this resolution as submitted?

- H. Resolution Setting Public Hearing for Full Depth Concrete Patching Project

Presented for City Council's consideration is a resolution setting a public hearing on April 18, 2019, for the 2019 Full Depth Concrete Patch Project. Public Works Department has compiled a list of streets to be full-depth concrete patched during Fiscal Year 2020. Prior to awarding bids, a public hearing is required.

Is there a motion to adopt this resolution as submitted?

- I. Resolution Rejecting all Bids for HSW Project

Presented for City Council's consideration is a resolution rejecting all bids received for the High Strength Waste Receiving Station Project at the Water & Resource Recovery Facility. The bids have come in over budget by a significant amount, and staff has determined that cost reductions alone will not allow the project to move forward.

Is there a motion to adopt this resolution as submitted?

J. Resolution setting public hearing on the High Strength Waste Project

Presented for City Council's consideration is a resolution setting a public hearing on April 18<sup>th</sup>, 2019 for the High Strength Waste Receiving Project. This public hearing will concern the revised plans, specifications, form of contract and estimated cost.

Is there a motion to adopt this resolution as submitted?

K. Request to Approve Issuance of Purchase Order for Construction Staking

Presented for City Council's consideration is a request to approve the issuance of a purchase order in the amount of \$65,000, to Martin & Whitacre, for the construction staking and Record Drawing for Phase 4B West Hill Sewer Separation Project.

Is there a motion to approve this request as submitted?

L. Request to Approve Spring Clean Up Dates

Presented for City Council's consideration is a request to approve setting the week of Spring Clean Up for April 22-26, 2019. Large household items may be left curbside for pick up this week. Tires can be dropped off free of charge the week of May 6<sup>th</sup> and electronics can be dropped off free of charge the week of May 13<sup>th</sup> at the Transfer Station.

Is there a motion to approve this request as submitted?

M. Request to Review Possible Alternatives for new Airport Hangar Construction

Presented for City Council's consideration is a request to review possible alternatives for new airport hangar construction. On October 10, 2018 the City received bids for the new Airport Hangar project, and the Airport Apron project related to the new hangars. Due to issues with the outside funding for the Hangar project, it was determined to be in the best interest of the City to reject all bids received. City staff, working with Bolton & Menk, have provided two alternatives to consider if the City is interested in proceeding with construction of new hangars.

N. Discussion Regarding Carver Corner RFP

**12. COMMUNICATIONS - RECEIVE AND FILE**

**13. APPROVAL OF BILLS**

It is recommended bills totaling \$6,078,667.61, which includes receipt summaries and journal entries for February 2019, 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.

**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.

**16. ADJOURNMENT**