

# COUNCIL



## AGENDA

**THURSDAY JUNE 6, 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 6 Approval of City Council Minutes**
  - A. Regular Council Meeting Minutes – May 16, 2019

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

- A. Request to approve application for Revitalization Property Tax Abatement for Brad Bark – Point Above Medical Arts Building
- B. Request for road closure of Chestnut Street between 8<sup>th</sup> and 9<sup>th</sup> for paving restoration.
- C. Request on second reading for a new Special Class “C” Liquor License and Sunday Sales for a 5-Day Permit for Keep Muscatine Beautiful, Harbor Drive from Pearl City Station to Millennium Plaza – Keep Muscatine Beautiful (pending inspections and subject to adoption of Ordinance (11B))
- D. Request for renewal of a Class “B” Wine Permit, Class “C” Beer Permit, Outdoor Service and Sunday Sales for Hy-Vee Mainstreet, 510 East 6th Street – Hy-Vee, Inc. (pending inspections)
- E. Request for Outdoor Service for Hy-Vee Mainstreet, 510 East 6th Street from July 2, 2019 to July 4, 2019 – Hy-Vee, Inc. (pending inspections)
- F. Request for renewal of a Class “B” Wine Permit, Special Class “C” Liquor License, Outdoor Service and Sunday Sales for Wine Nutz, 208 West 2nd Street – Wine Nutz LLC – (pending inspections and insurance)
- G. Request for additional new privilege for a Class “C” Liquor and Catering for Wine Nutz, 208 West 2nd Street – Wine Nutz LLC – (pending inspections and insurance)
- H. Request for renewal of a Class “C” Liquor License for Jody’s Corner Tap, Inc., 226 Walnut Street – Jody’s Corner Tap, Inc. (pending inspections and insurance)
- I. Request for renewal of a Special Class “C” Liquor License and Sunday Sales for Peking Restaurant, 1700 Park Avenue – Peking Chinese Restaurant, Inc. (pending inspections and insurance)
- J. Request for renewal of a Class “B” Native Wine Permit and Sunday Sales for The Flower Gallery, 131 East Second Street – Karen J. Diercks (pending inspections and insurance)
- K. Request for renewal of a Class “B” Beer Permit and Sunday Sales for Happy Joe’s Pizza & Ice Cream Parlor, 927 Grandview Avenue – Max Brewer Corporation (pending inspections and insurance)
- L. Request for renewal of a Class “C” Liquor License and Sunday Sales for Applebee’s Neighborhood Grill & Bar, 306 Cleveland Street – Apple Corps L.P. (pending inspections and insurance)
- M. Request for Use of City Property from Muscatine Power & Water for a 5K on June 15, 2019
- N. Request for Use of City Property from Muscatine 2nd Saturday to change the date from September 14, 2019 to September 21, 2019 in conjunction with the “Over the Edge Event”
- O. Request for Use of City Property from SS Mary Mathias Catholic Church for the annual “Feast of Corpus Christi” Procession on June 23, 2019

**\* Items 12A-B – Receive and File**

- A. Muscatine County Board of Supervisors Minutes – 5-13-2019
- B. Muscatine County Board of Supervisors Minutes – 5-20-2019

**\* Bills\***

- \* Approval of attached Bills for Approval totaling \$3,217,601.95, subject to the approval of any related agenda item(s).

**6. MINUTES – APPROVAL**

**7. PUBLIC HEARING**

A. Proposed Rezoning of property

This public hearing concerns the rezoning of 1.5 acres located along 5<sup>th</sup> Street between Walnut Street and Mulberry Avenue. This resolution will change the property from a C-1 Neighborhood & General Commercial and R-5 Multi-Family Residence to C-2 Central Commercial.

Now is the time for the public to comment.

B. Proposed 2019 Asphalt Alley Project.

This public hearing concerns the proposed 2019 Asphalt Alley Project. The City of Muscatine Public Works Department has compiled a list of alleys to be asphalt overlaid. The alleys have been measured and an estimate has been created along with the plans and specifications.

Now is the time for the public to comment.

C. Sale of Surplus Property

This public hearing concerns the sale of surplus property located at 500 Mulberry Ave. to Ramiro Vazquez. Under the terms of the agreement the developer will have six months to secure and stabilize the property.

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. Ordinance Amending the Zoning Ordinance of the City of Muscatine

Presented for City Council's consideration is the first reading of an ordinance amending the zoning ordinance to rezone 1.5 acres located along 5th Street between Walnut Street and Mulberry Avenue. This resolution will change the property from a C-1 Neighborhood & General Commercial and R-5 Multi-Family Residence to C-2 Central Commercial. (Public Hearing A)

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

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

Presented for City Council's consideration is the third and final reading of an ordinance Amending Title 3 Public Ways and Property, Chapter 5 Public Parks, Section 10, Subsection N. 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 adopt this ordinance on third and final reading and to direct for its publication as required by law?

C. Ordinance Amending Title 7 Vehicles and Traffic, Chapter 5 Automated Traffic Enforcement

Presented for City Council's consideration is the first reading of an ordinance amending Title 7, Vehicles and Traffic, Chapter 5 Automated Traffic Enforcement. This amendment will clarify that ATE speed violations are not limited to marked intersections.

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

D. Ordinance adding Title 8 Chapter 11 Private Wells to the City Code

Presented for City Council's consideration is the first reading of an ordinance adding Title 8 Building Regulation, Chapter 11 Private Wells to the Muscatine City Code. The purpose of this ordinance is to protect public health and safety by regulating the construction of new wells and reuse of old wells for private use.

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

E. Ordinance Amending Chapter 1, Title 8 Storm Shelter Requirements

Presented for City Council's consideration is the first reading of an ordinance amending storm shelter requirements in City Code. Staff recommends amending the code to maintain the safety aspects of the code while minimizing the costs.

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

F. Ordinance Amending Title 9 Health and Sanitary Regulations, Chapter 3 Nuisance

Presented for City Council's consideration is the first reading of an ordinance amending Title 9, Chapter 3 of City Code. Iowa Legislature drafted and passed Senate File 93, which included various amendments to Iowa Code chapter 657a. These amendments created additional mechanisms for private parties to seek court intervention and require corrections and improvements to abandoned structures within City limits. In order for private parties to be able to avail themselves of the new private remedies available cities must opt in, via ordinance, to allow these new remedies to exist within city limits.

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

G. Resolution Approving Plans, Specifications, Form of Contract, Cost Estimate and Setting a Date for Receipt of Bids for the 2019 Asphalt Alley Program (Public Hearing B)

Presented for City Council's consideration is a resolution approving the plans, specifications, form of contract, cost estimate and setting a date of June 20, 2019, for receipt of bids for the 2019 Asphalt Alley program.

Is there a motion to adopt this resolution as submitted?

H. Resolution Authorizing the Sale of City Property (500 Mulberry) to Ramiro Vazquez

Presented for City Council's consideration is a resolution approving a real estate purchase and development agreement for surplus city property located at 500 Mulberry Ave. In 2018 the City secured the deed for this property and proposals were solicited for its development. Staff recommends City Council approve the Real Estate Purchase and Development Agreement with Ramiro Vazquez and approve the execution of Deed for Surplus Property. (Public Hearing C)

Is there a motion to adopt this resolution as submitted?

I. Resolution Accepting Property Easements for Construction of the Westside Trail

Presented for City Council's consideration is a resolution to approve easement agreements which cover the route of the Westside Trail between Houser Street and Discovery Park. These agreements will complete the process of acquiring property and easements necessary for the construction of this project.

Is there a motion to adopt this resolution as submitted?

- J. Resolution Approving a Ramp and Encroachment Easement Agreement with Hershey Property LLC at 216 Sycamore Street

Presented for City Council's consideration is a resolution approving an Easement Agreement between the City of Muscatine and Hershey Property LLC. Hershey Property LLC has requested a permanent easement to encroach into the right of way adjacent to their property at 216 Sycamore Street.

Is there a motion to adopt this resolution as submitted?

- K. Resolution Setting Public Hearing on the Intent to Acquire or Condemn if Necessary, all or a Portion of Property or an Interest in Property for Street Improvements Included in the Mississippi Drive Corridor Project.

Presented for City Council's consideration is a resolution setting a public hearing on June 20, 2019, to authorize the City Attorney to initiate condemnation proceedings for the acquisition of real property owned by Gregory A. Johnston, located at 515 E. 2<sup>nd</sup> Street.

Is there a motion to adopt this resolution as submitted?

- L. Resolution Approving the Completed Work for the 2018 PCC Full Depth Patching Project

Presented for City Council's consideration is a resolution approving the completed work for the 2018 PCC Full Depth Patching Project. All of the work under the contract has been completed, approved by the City Engineer and appears to meet the requirements of the Plans and Specifications. Staff recommends making payments of \$8,485.97 immediately for completed and accepted work and \$31,099.29 for retainage thirty days from this acceptance, to All American Concrete to close out this project.

Is there a motion to adopt this resolution as submitted?

- M. Resolution Approving Award for 2019 PCC Patching Contract to Heuer Construction

Presented for City Councils consideration is a resolution approving the award for the 2019 PCC Patching Contract to Heuer Construction. Bids were received May 23, 2019 and the low bid was from Heuer Construction in the amount of \$919,875.00. It is staff's recommendation to award the project to Heuer Construction.

Is there a motion to adopt this resolution as submitted?

N. Resolution Accepting the Warranty Deed from Grantor to the City of Muscatine, Iowa

Presented for City Council's consideration is a resolution accepting a warranty deed for property located at 104 Clinton Street. This home was damaged beyond repair by a fire on February 25, 2019. What remains of the structure needs to be demolished as it is a public safety hazard.

Is there a motion to adopt this resolution as submitted?

O. Resolution Setting Public Hearing Regarding the Airport Apron and Airport Hangar Construction Project

Presented for City Council's Consideration is a resolution setting a public hearing on June 20, 2019, for the approval of Plans, Specifications and Form of Contract for the Municipal Airport Apron and Municipal Airport Hangar Construction Project.

Is there a motion to adopt this resolution as submitted?

P. Request to Approve Local Access TV/Online Communications Agreement

Presented for City Council's consideration is a request to approve a contract with MCC Video for a Local Access TV/Online Communications Agreement. This agreement will continue the previous partnership with a few adjustments to reflect new services now being offered and fee schedule updates.

Is there a motion to approve this request as submitted?

Q. Request to Approve Purchase Agreement for Sale of Surplus Property Parcel #083518225

Presented for City Council's consideration is a request to approve a purchase agreement for the sale of surplus property (lots 5 and 10 of Sholten's Addition). City staff has determined this property no longer serves a useful purpose and have negotiated a selling price with adjacent property owners.

Is there a motion to approve this request as submitted?

R. Request to Limit On-Street Parking

Presented for City Council's consideration is a request to limit on-street parking in the circle area of West Acre Drive to the even numbered side only. City staff currently have difficulty accessing the length of the street due to the narrowness

of it when cars are parked on both sides.

Is there a motion to approve this request as submitted?

S. Request to Increase Speed Limit on Isett Avenue

Presented for City Council's consideration is a request to increase the speed limit on Isett Avenue from U.S. Highway 61 to Blaine Street. The current speed limit is 25 MPH and staff is proposing it be raised to 35 MPH.

Is there a motion to approve this request as submitted?

T. Request to Approve Contract for Tree Trimming and Removal Services for Nuisance Abatement

Presented for City Council's consideration is a request to approve a contract with Freers & Sons Tree Service for trimming and removal of trees. Community Development put out a request for bids and only one bid was received. Staff recommends Council approve the two-year contract with Freers & Sons.

Is there a motion to approve this request as submitted?

U. Request to Approve Issuance of a Purchase Order for Elevator Upgrades

Presented for City Council's consideration is a request to approve the issuance of a purchase order to Kone Elevators, in the amount of \$34,840, for elevator updates to meet the 2020 state mandated upgrades. There is \$36,592 budgeted for this expense.

Is there a motion to approve this request as submitted?

12. **COMMUNICATIONS - RECEIVE AND FILE**

13. **APPROVAL OF BILLS**

It is recommended bills totaling \$3,217,601.95, 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**

16. **ADJOURNMENT**