

# COUNCIL



## AGENDA

**THURSDAY MAY 16, 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. Regular Council Meeting Minutes – May 2, 2019
  - B. In-Depth Council Meeting Minutes – May 9, 2019

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

- A. Request to approve settlement and accept payment for Super Saver Liquor of Muscatine, LLC d/b/a Super Saver Liquor, for first offense cigarette permit violation.
- B. Request on first 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, insurance, and ordinance change)
- C. Request for Outdoor Service for Mississippi Brewing Co., 107 Iowa Avenue, from July 3, 2019, through July 7, 2019 – R&D Operations (pending inspections)
- D. Request for Outdoor Service for Mississippi Brewing Co., 107 Iowa Avenue, from August 10, 2019, through August 11, 2019 – R&D Operations (pending inspections)
- E. Request for Outdoor Service for Mississippi Brewing Co., 107 Iowa Avenue, from September 20, 2019, through September 22, 2019 – R&D Operations (pending inspections)
- F. Request for use of City Property from National Pearl Button Museum & the History and Industry Center for their event on August 31, 2019. This request is to close 2<sup>nd</sup> Street between Iowa and Chestnut.

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

- A. Proclamation declaring May 24-25, 2019 as Poppy Days for the City of Muscatine

\* **Items 12A-B – Receive and File**

- A. Muscatine County Board of Supervisors Minutes – April 29, 2019
- B. Muscatine County Board of Supervisors Minutes – May 6, 2019
- C. MPW Financial Statements– March 2019

\* **Bills\***

- \* Approval of attached Bills for Approval totaling \$1,994,409.66, subject to the approval of any related agenda item(s).

**6. MINUTES – APPROVAL**

**7. PUBLIC HEARING**

- A. Proposed Amendment #2 to the City of Muscatine Budget for 2018/2019.

This public hearing concerns the proposed Amendment #2 to the Fiscal Year 2018/2019 City Budget. This proposed amendment will increase total budgeted

expenditures for the city by \$594,000, and transfers out will increase by \$225,500, Budgeted revenues are proposed to be amended by \$2,500 and transfers in amended by \$225,500. The revenue amendments of \$2,500, is for a Branching Out grant for trees in the Park Maintenance budget. Of the overall requested expenditure increase, General fund amendments total \$326,500, enterprise fund amendments total \$144,000, special revenue \$2,800, trust funds \$1,700 and capital projects funds \$119,000. Prior to any formal action by City Council a public hearing is required.

Now is the time for the public to comment.

B. Proposed Imposition of Civil Penalties for Cigarette Permit Holders Violating Iowa Code Chapter 453A

A public hearing has been set for the proposed imposition of civil penalties for cigarette permit holders violating Iowa Code Chapter 453A. At the time the public hearing was established, three vendors were noted to be in violation of Iowa Code. Since that time, two vendors have settled leaving one vendor to present his position at the time of this public hearing. Appropriate public notices have been sent to those vendors leaving the one complainant to be considered at this time. The vendor is presented this opportunity for a formal presentation concerning his or her position on this matter. No public comment will be received at this time.

8. **PETITIONS AND COMMUNICATIONS**

9. **FROM THE MAYOR**

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

11. **FROM THE CITY ADMINISTRATOR**

A. Ordinance Approving Residential Refuse Collection Rates

Presented for City Council's consideration is the third and final reading of an ordinance to approve residential refuse collection rates effective July 1, 2019. The recently adopted City Budget for Fiscal Year 2019/2020 includes an increase in the residential refuse collection rates of \$.50 per month

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

Presented for City Council's consideration is the second 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 approve the second reading of this ordinance as submitted?

- C. Resolution Approving Amendment #2 to the 2018/2019 City Budget (Public Hearing A)

Is there a motion to adopt this resolution as submitted?

- D. Resolution Consenting to Assignment of Trustee Agent Agreements; Escrow Agent Agreement; and/or Paying and Registrar and Transfer Agent Agreements

Presented for City Council's consideration is a resolution consenting to Assignment of Trustee Agent Agreements; Escrow Agent Agreement; and/or Paying and Registrar and Transfer Agent Agreements. UMB Bank, n.a. will be acquiring the corporate trust business of Bankers Trust which includes any existing Trustee Agent Agreements, Escrow Agent Agreements, and/or Paying Agent and Registrar and Transfer Agent Agreements. This assignment will be effective July 9, 2019. Dorsey and Whitney, the City's bond attorney, has prepared the attached resolution which will give the City's formal consent to the assignment of the current agreements from Bankers Trust to UMB Bank

Is there a motion to adopt this resolution as submitted?

- E. Resolution Setting Public Hearing on the 2019 Asphalt Alley Program

Presented for City Council's consideration is a resolution setting a public hearing for June 6, 2019, on the 2019 Asphalt Alley Project.

Is there a motion to adopt this resolution as submitted?

- F. Resolution to Write off Debts of Former Housing Tenants

Presented for City Council's consideration is a resolution writing off debts of former Public Housing tenants. Every effort is made to collect rental payments and other monies owed to the Muscatine Municipal Housing Agency. However, there are times when people leave owing a debt. As a matter of good accounting, the City of Muscatine is directed to write off debts that are doubtful for collection. The total amount proposed to be written off is \$6,852.84. Records of these amounts will be maintained and will have to be paid back by these individuals before any future housing assistance would be made available to them. These debts will also be turned over to MCOA, the City's collection agent.

Is there a motion to adopt this resolution as submitted?

G. Resolution Approving Project Acceptance and Closeout for the Mississippi Drive Corridor Project Phase 1

Presented for City Council's consideration is a resolution approving the acceptance and closeout for the Mississippi Drive Corridor Project Phase 1. The construction has been completed and passed final inspection of the City.

Is there a motion to adopt this resolution as submitted?

H. Resolution Authorizing the Assessment of Unpaid Abatement Costs and Unpaid Rental Inspection Fees to Private Properties

Presented for City Council's consideration is a resolution authorizing the assessment of unpaid abatement costs and unpaid rental inspection fees to private properties. Periodically the city takes action to assess unpaid nuisance abatement costs and unpaid rental inspection fees to private properties. The nuisance abatement costs for snow, junk, and tree removal total \$2,913.55. The administrative fees are \$1,475.00 and the assessment fees are \$1,100.00. The total fee being requested for assessment at this time totals \$5,488.55.

Is there a motion to adopt this resolution as submitted?

I. Resolution Setting a Public Hearing for the Rezoning of Property

Presented for City Council's consideration is a resolution setting a public hearing on June 6, 2019, for 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.

Is there a motion to adopt this resolution as submitted?

J. Resolution to Award Contract for the High Strength Waste Receiving Station Project

Presented for City Council's consideration is a resolution awarding the Contract for the High Strength Waste Receiving Facility to Leander Construction Inc. Two bids were received and the lower of the two was Leander Construction in the amount of \$1,728,000.00.

Is there a motion to adopt this resolution as submitted?

K. Request to approve Cooperative Agreement for Primary Road Project with the IDOT for the Park Avenue Lane Conversion

Presented for City Council's consideration is a request to approve and sign the Cooperative Agreement with the IDOT for grant funding for the Park Avenue improvements including the 4 to 3 Lane Conversion Project from the Mississippi River Bridge to Colorado Street.

Is there a motion to approve this request as submitted?

L. Request to Issue Purchase Order for Art Center Parking Lot Concrete Replacement

Presented for City Council's consideration is a request to approve the issuance of a purchase order in the amount of \$33,000, to BMW Builders, for the replacement of concrete in the Art Center parking lot. There is \$35,233 in the budget for this project.

Is there a motion to approve this request as submitted?

M. Request to Issue Purchase Order for Fire Department Concrete Apron Replacement

Presented for City Council's consideration is a request to approve the issuance of a purchase order in the amount of \$25,000, to BMW Builders, for the replacement of concrete for the fire station apron area. There is \$28,738, in the budget for this project.

Is there a motion to approve this request as submitted?

12. **COMMUNICATIONS - RECEIVE AND FILE**

13. **APPROVAL OF BILLS**

It is recommended bills totaling \$1,994,409.66, 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**