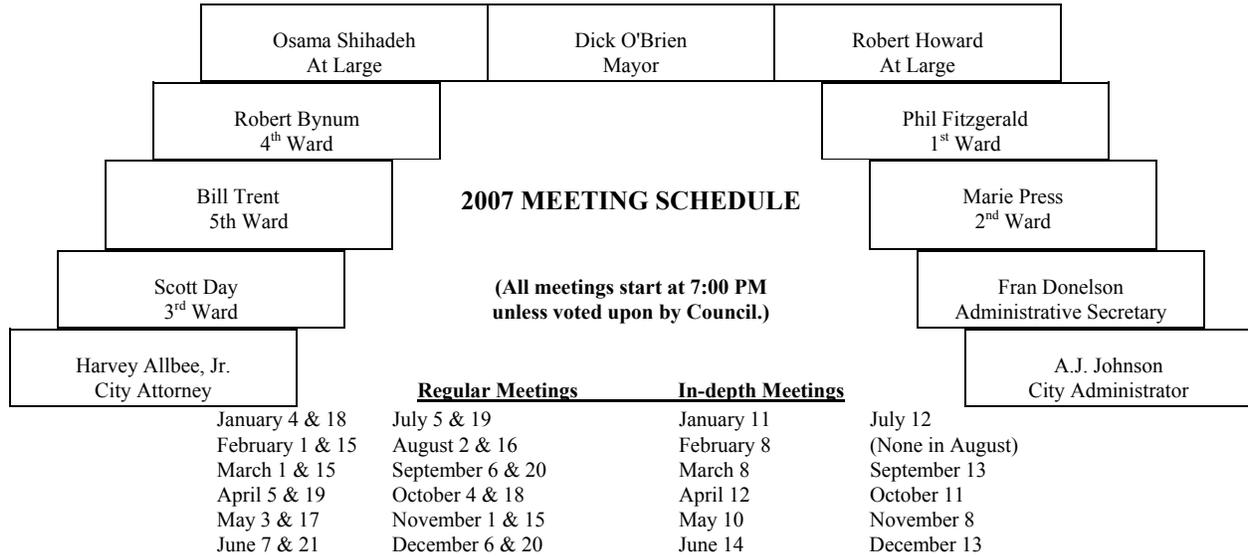


# CITY COUNCIL



## AGENDA

### **THURSDAY, JANUARY 18, 2007 COUNCIL CHAMBERS - CITY HALL**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OPENING PRAYER**
4. **PLEDGE OF ALLEGIANCE**
5. **COMMUNICATIONS – CITIZENS**
6. **MINUTES - APPROVAL**

- A. Regular City Council Meeting – January 4, 2007
- B. In-Depth City Council Meeting – January 11, 2007
- C. Goals & Objectives Session – January 13, 2007

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

- \* 9 – A-B
- \* 13 – A-D
- \* Bills\*

\* Approval of attached Bills for Approval totaling \$1,148,788.30 is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed Amendment to Current TIF Agreement with Musco Sports Lighting

Previously the City Council took action to establish a public hearing to amend the current TIF agreement with Musco Sports Lighting. The original TIF agreement was entered into in April 2003 and provided for a 15-year benefit in which the company received 67% of the net property tax increment related to the project. That benefit was received in a rebate form whereas the company paid the required property taxes and the pre-determined percentage was then rebated twice a year to the company. All of the commitments that were required of the company have been met or exceeded at this time. Musco plans additional expansion at this location and is requesting to capture that additional valuation increase under the terms of the original agreement. It is anticipated that the additional valuation increase will be \$1.8 million over the next several years. It is the request of the company that the current agreement be amended to allow for this additional incremental growth to be captured under the terms and conditions of that agreement. Prior to any formal action by City Council, a public hearing is required.

Now is the time for the public to comment on the proposed amendment to the current tax rebate agreement between the City of Muscatine and Musco Sports Lighting.

B. Proposed TIF Agreement with Musco Sports Lighting

Previously the City Council took action to establish a public hearing on a TIF agreement with Musco Sports Lighting. The proposed agreement would be for a new project that is anticipated to take place in the City of Muscatine at or about the intersection of Musser and Houser streets. As part of a planned expansion of Musco operations over the next several years in Muscatine, the anticipated increase in valuation will be approximately \$1.8 million. The TIF agreement will be in a rebate form which will require the company to pay its property taxes and then the city will rebate a portion of those taxes based on the valuation on a semi-annual basis. The TIF agreement would be for a 10-year period with 50% of the

incremental increases being rebated back to the company. Prior to any formal action by City Council, a public hearing is required.

Now is the time for the public to comment on the proposed TIF agreement between the City of Muscatine and Musco Sports Lighting.

**9. PETITIONS AND COMMUNICATIONS**

- A. Request for renewal of a Class LC Liquor License and Sunday Sales Permit for Mami's Mexican Restaurant, 201-205 W. 2<sup>nd</sup> Street – Elsa de la Paz (pending receipt of dram shop insurance)
- B. Request for renewal of a Class BC Beer and Sunday Sales Permit for West Side Store, 2201 Houser Street – DJMB LLC
- C. Request Endorsement for MSO Application to Cultural Affairs

The city has received a request from the Muscatine Symphony Orchestra for an endorsement to an application to the Iowa Department of Cultural Affairs. This endorsement comes without any financial obligation to the city and is similar to one that was provided to the organization last year. It is hoped that with this endorsement the MSO will be eligible for state funding to support their operation.

Is there a motion to authorize a letter to be sent on behalf of the Muscatine Symphony Orchestra endorsing their application to the Iowa Department of Cultural Affairs?

- D. Request Authorization to Utilize the Muscatine Airport as an Emergency Control Center

The city has received a request from Monsanto inquiring as to whether or not the airport terminal facility could be used in cases of emergency as an off site command and information center for the Muscatine based plant. The Monsanto operation here in Muscatine has put together an extensive and comprehensive emergency program in the very unlikely case of a problem at their plant. The recent request would facilitate an off site meeting location for Monsanto employees to assess and address any emergency conditions that may arise at the facility. This matter has been reviewed and endorsed by the Muscatine Airport Advisory Commission.

Is there a motion to authorize the use of the Muscatine Municipal Airport terminal building as an emergency off site command and information center for the Monsanto Company?

**10. FROM THE MAYOR**

A. Appointment of Marilyn Slatin Wick to the Art Center Board of Trustees

Is there a motion to approve this appointment?

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

A. Resolution Approving Final Plat for Cedar Hills Subdivision

Presented for City Council's consideration is a resolution approving the revised final plat for the Cedar Hills Subdivision. In June 2005 a plat of Cedar Hills, a 24-lot residential subdivision, was submitted for review. As originally submitted, the plat included approximately nine acres of real estate located within the City of Muscatine and 16.5 acres in Muscatine County. It was the recommendation from both the city and the county that the developer choose either to have all of the property either in the county or inside the city limits for development purposes. The developer decided to move forward with his project for development within the county, excluding any development opportunities within the city limits. The developer also placed an access road off an existing private drive that has been a point of contention between the developer and the homeowners association. Subsequently a new plat was presented for review by the county and approved. A new single point of access has been developed and was approved by both the city and county engineering staff. The final plat has been reviewed by the city's Planning & Zoning Commission.

Is there a motion to take action by resolution approving the revised final plat for the Cedar Hills Subdivision?

B. Resolution Setting Time and Place of a Public Hearing to Consider the Partial Vacation of Phase II in the Cobblestone Ridge Subdivision

Presented for City Council's consideration is a resolution setting the time and place of a public hearing to consider the partial vacation of Phase II in the Cobblestone Ridge Subdivision. On June 7, 2004 the City Council approved the final plat for Phase II of this subdivision. Phase II created 21 building lots for single family development within the RL zoning district. However, due to changing market conditions, the owner wishes to abandon the detached single family concept in favor of developing condominiums that would consist of attached duplex structures. The Planning & Zoning Commission has approved the change in the plan and the request to approve the replat of Phase II. In order to avoid title confusion for potential future property owners, the attorney for the developer has requested to have a portion of the original plat of Phase II vacated. The vacation request will not require alteration of the existing road serving this subdivision nor will it alter exterior boundaries of Phase II.

Is there a motion to take action by resolution a public hearing to consider the partial vacation of Phase II of the Cobblestone Ridge Subdivision for Thursday, February 15, 2007, at 7 p.m.?

**12. FROM THE CITY ADMINISTRATOR**

A. First Reading of an Ordinance Amending Title 9, Chapter 4, Section 1 of the City Code for Muscatine

Presented for City Council's consideration is the first reading of an ordinance amending Title 9, Chapter 4, Section 1 of the City Code. During last week's in-depth meeting, an overview of a request from a citizen concerning "unwanted light pollution" was reviewed with City Council. This matter had been previously reviewed by the city's Planning & Zoning Commission based on the request from this citizen. The request is essentially to regulate exterior light that creates unwanted spillage onto adjacent properties. This matter had also been referred to city staff by a number of Councilmembers who received similar complaints from this individual. After reviewing the matter thoroughly, city staff established recommendations for a revision of the current ordinance that allows for any such unwanted light spillage to be considered a nuisance and handled as such. The intent of the ordinance change is to address the concerns that have been raised by the citizens but also ensures the ability of private property owners to sufficiently light their property without creating a nuisance to neighboring property owners.

Is there a motion to take action on the first reading of an ordinance amending Title 9, Chapter 4, Section 1 of the City Code?

B. First Reading of an Ordinance Amending Title 12, Chapter 2, Section 3(E) of the City Code for Muscatine

Presented for City Council's consideration is the first reading of an ordinance amending Title 12, Chapter 2, Section 3(E) of the City Code. As presented at last week's City Council meeting, the proposed change in the ordinance would allow for the requirement of sidewalks within rural residential areas within the City of Muscatine and within the two mile limit of the City of Muscatine as well. The ordinance provides for the specifications for the installation of sidewalks and also provides for the latitude for the City Council to provide for other specifications or conditions associated with the installation of sidewalks within these areas.

Is there a motion to take action on the first reading of an ordinance amending Title 12, Chapter 2, Section 3(E) of the City Code?

C. Second Reading of an Ordinance Rezoning 12.766 Acres in the Sandstone Crossing Subdivision

Presented for City Council's consideration is the second reading of an ordinance rezoning 12.766 acres in the Sandstone Crossing Subdivision. The request for rezoning will be from AG and C-1 to C-1 (neighborhood and general commercial). This zoning change will permit the expansion of existing commercial property from approximately nine acres to 12.766 acres. In 1999 the city authorized the zoning change of approximately nine acres from AG to C-1 to replace commercially zoned property that was required by the IDOT as part of the Highway 61 four-lane project. If approved, the current proposal would expand the zoning by an additional 3.5 acres and would permit a clear zoning line to be established for the property.

Is there a motion to take action on the second reading of an ordinance rezoning 12.766 acres in the Sandstone Crossing Subdivision?

D. Second Reading of an Ordinance Rezoning 24.549 Acres in the Sandstone Crossing Subdivision

Presented for City Council's consideration is the second reading of an ordinance rezoning 24.549 acres in the Sandstone Crossing Subdivision. The change in zoning would be from AG to RL (large scale residential).

Is there a motion to take action on the second reading of an ordinance rezoning 24.549 acres in the Sandstone Crossing Subdivision?

E. Final Reading of an Ordinance Vacating City Right-of-Way in the City of Muscatine

Presented for City Council's consideration is the final reading of an ordinance vacating city right-of-way in the City of Muscatine. The proposed action would vacate an alley right-of-way remnant and eventually allow for the property to be sold to Musco Sports Lighting. The company recently purchased approximately 75 acres of property generally bounded by Musser street to the north, Grandview Avenue to the east and Houser Street to the west. This alley vacation will allow the company to restore private access to the truck docks serving the existing warehouse at this location.

Is there a motion to take action on the third and final reading of an ordinance vacating city right-of-way in the City of Muscatine and directing for its publication?

F. Resolution Authorizing the Sale of City Property to Musco Sports Lighting LLC

Presented for City Council's consideration is a resolution authorizing the sale of city property to Musco Sports Lighting. Previous action by City Council vacated a portion of the alley right-of-way remnant located in the 1200 block of Grandview Avenue. In association with an anticipated development of this property by Musco Sports Lighting, the city is

responding to a request to vacate and to authorize the sale of this property to Musco Sports Lighting. The alley right-of-way contains approximately 2,122 square feet. Based upon recent comparable sales of city right-of-way, the fair market value has been established at \$2,228.10 (\$1.05 per square foot).

Is there a motion to take action by resolution authorizing the sale of city property to Musco Sports Lighting LLC in the amount of \$2,228.10?

G. Resolution Approving an Executed Deed Between the City and Musco Sports Lighting LLC

Presented for City Council's consideration is a resolution approving an executed deed between the City of Muscatine and Musco Sports Lighting LLC. Previously City Council took action to authorize the sale of a remnant alley right-of-way to Musco. It would be appropriate at this time to take action approving an executed deed for this transaction.

Is there a motion to take action by resolution approving an executed deed between the City of Muscatine and Musco Sports Lighting LLC for the sale of city property?

H. Resolution Authorizing the Assessment of Unpaid Abatement Costs to Private Properties

Presented for City Council's consideration is a resolution authorizing the assessment of unpaid abatement costs to private properties. Periodically city staff forwards to City Council for consideration and action authorization for the assessment of unpaid abatement costs to private properties that have been subject to city action. This particular request involves 49 properties within the City of Muscatine totaling \$14,743.85 of unpaid assessments. If approved by City Council, these assessments will be placed against the property tax roles of the affected properties.

Is there a motion to take action by resolution authorizing the assessment of unpaid abatement costs to private properties?

I. Resolution Setting Time and Place of a Public Hearing on Annual Application for State and Federal Transit Funds

Presented for City Council's consideration is a resolution setting the time and place of a public hearing on the annual application for state and federal transit funds. Each year the city makes a submittal for annual operating and capital funds from both state and federal sources for the city's transit operation. This year's application will involve operating funds totaling \$368,542 and capital funds totaling \$49,714. Prior to the formal application being submitted, a public hearing is required.

Is there a motion to take action by resolution setting a public hearing on the annual application for state and federal transit funding for fiscal year 2007/2008 for Thursday, February 15, 2007, at 7 p.m.?

J. Resolution Approving the Amending of TIF Agreement with Musco Sports Lighting

This information will be supplied prior to Thursday night's meeting.

K. Resolution Approving a New TIF Agreement with Musco Sports Lighting

This information will be supplied prior to Thursday night's meeting.

L. Request Approval of New Freedom Operating Assistance Agreement with the Iowa Department of Transportation

Presented for City Council's consideration is a request to approve a New Freedom Operating Assistance Agreement with the Iowa Department of Transportation. This new project will provide 50% funding for the cost of operating the program that will allow for expanded service on Tuesday and Thursday evening between the hours of 5:30 p.m. and 9:30 p.m. The total cost of the project would be \$6,500 with the city being responsible for \$3,250.

Is there a motion to authorize the execution of a joint participation agreement between the City of Muscatine and the IDOT for the New Freedom transportation project?

M. Request Authorization to Declare CDBG Housing Rehab Furniture as Surplus

Presented for City Council's consideration is a request to declare CDBG housing rehab furniture as surplus. Due to a recent change in how the City of Muscatine must provide temporary housing for people displaced during housing rehabilitation activities, the city will no longer be able to utilize the facility at Sunset Park. As part of that previous utilization, the city had purchased furniture to accommodate dislocated residents due to rehab projects. In order to close out this project, the city must take action to declare this furniture as surplus and to make arrangements for its final disposition. The original cost of the furnishings was \$1,570. The furniture will be offered at the city auction and the proceeds returned to the housing rehab program.

Is there a motion to declare CDBG housing rehab furniture as surplus?

**13. COMMUNICATIONS - RECEIVE AND FILE**

- A. Muscatine County Board of Supervisors – December 18, 2006 & January 2, 2007
- B. Planning & Zoning Commission – December 12, 2006
- C. Historic Preservation Commission – December 20, 2006
- D. Police Department Monthly Report – November 2006

**14. APPROVAL OF BILLS**

It is recommended bills totaling \$1,148,788.30 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).

**15. COMMUNICATIONS - COUNCIL MEMBERS**

**16. OTHER BUSINESS**

**17. ADJOURNMENT**