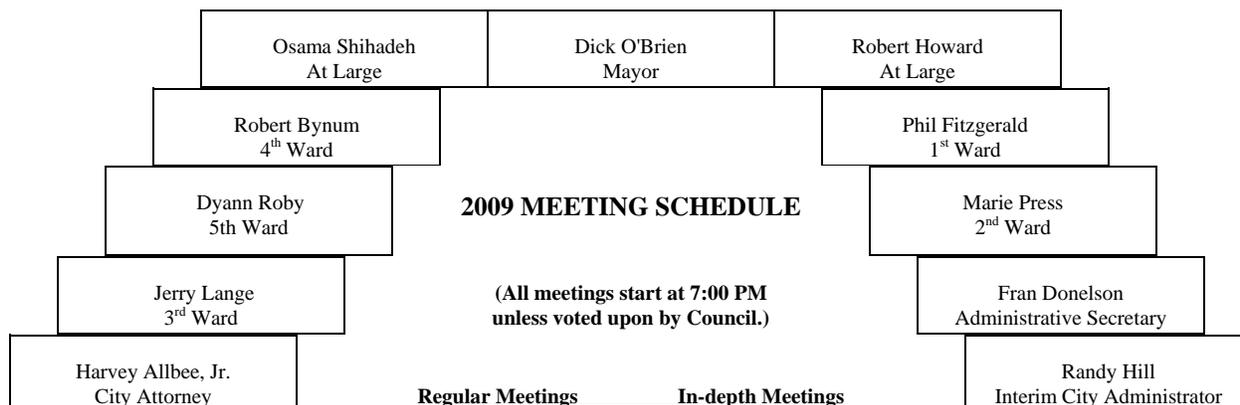


COUNCIL



	<u>Regular Meetings</u>	<u>In-depth Meetings</u>	
January 8 & 15 February 5 & 19 March 5 & 19 April 2 & 16 May 7 & 21 June 4 & 18	July 2 & 16 August 6 & 20 September 3 & 17 October 1 & 15 November 5 & 19 December 3 & 17	January 8 February 12 March 12 April 9 May 14 June 11	July 9 (None in August) September 10 October 8 November 12 December 10

AGENDA

**THURSDAY, JULY 16, 2009
COUNCIL CHAMBERS - CITY HALL**

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

- A. City Council Meeting – July 2, 2009
- B. City Council In-Depth Meeting – July 9, 2009

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-H
- * 13 – A-D
- * Bills*

* Approval of attached Bills for Approval totaling \$3,344,137.79 is subject to the approval of any related agenda item(s).

8. PUBLIC HEARING

A. Public Hearing on Proposed Usage of Justice Assistance Grant by the Police Department

The Police Department was recently awarded a Justice Assistance Grant in the amount of \$14,283. They are proposing to use the funds for non-budgeted items such as technology, equipment, local initiatives, etc. Prior to the use of these local enforcement block grant funds, a public hearing is required.

Now is the time for the public to comment.

B. Proposed Development Agreement for the Newcomb Properties Project

The proposed development agreement for the Newcomb Properties Project is in association with the construction of a new facility at 3606 Grandview Avenue in the South End Urban Renewal Area for leasing to Newcomb Warehouse Inc. The agreement would provide financial incentives in the form of incremental property tax payments. Prior to any formal action by City Council on this agreement, a public hearing is required.

Now is the time for the public to comment.

C. Proposed Development Agreement for the Curry's Transportation Service Inc. Project

The proposed development agreement for the Curry Transportation Service Inc. Project is in association with the construction of a new facility at 4200 Highway 61 South in the South End Urban Renewal Area. The agreement would provide financial incentives in the form of incremental property tax payments. Prior to any formal action by City Council on this agreement, a public hearing is required.

Now is the time for the public to comment.

9. PETITIONS AND COMMUNICATIONS

- A. First reading for a new Class C Liquor License and Sunday Sales Permit for Tailgaters, 214 Iowa Avenue – Michaelen Gomez (pending inspections and final paperwork)
- B. First reading for a new Class BW Beer/Wine Permit with Sunday Sales and Outdoor Services for Wine-Nutz, 208 W. 2nd Street, 3rd Floor of Pearl Plaza – BMBMG LLC (pending inspections)
- C. Request for a one day Outdoor Service Area for The Pearl, 101 W. Mississippi Drive on Saturday, August 8, 2009 (pending receipt of sketch)
- D. Request for a one day Outdoor Service Area for Rumors, 1415 Grandview Avenue on Saturday, August 15, 2009 (pending receipt of sketch)
- E. Request for renewal of a Class C Liquor License and Sunday Sales Permit for Applebee's Neighborhood Grill & Bar, 306 Cleveland Street – Apple Corps LP
- F. Request for renewal of a Class B Beer and Sunday Sales Permit for Happy Joe's Pizza & Ice Cream Parlor, 927 Grandview Avenue – Max Brewer Corp.
- G. Request for renewal of a Class C Beer and Sunday Sales Permit for Circle K #6600, 8th and Cypress streets – Mac's Convenience Stores LLC
- H. Request for renewal of a Class C Beer and Sunday Sales Permit for Express Mart, 4804 Grandview Avenue – E-Mart Inc.

- I. First reading for a new Class C Liquor License and Sunday Sales Permit with Outdoor Service for Piazza Bella R, 3901 38 North – Piazza Bella Roos (pending inspections and final paperwork)

The new owners of Piazza Bella R are asking that the second reading be waived and this request be approved on first reading.

Is there a motion to approve this request?

- J. Request for Use of City Property for Annual MDA “Fill the Boot” Fundraiser

A request has been received from the Muscatine Association of Firefighters Local #608 to hold this year’s 18th Annual Muscular Dystrophy’s “Fill the Boot” fundraiser on August 26-28, 2009. If approved, the locations would be at the intersections of 8th and Cedar streets and Park Avenue and Lake Park Boulevard from 10 a.m. to 1 p.m. and from 4 p.m. to 7 p.m. The fundraiser will be conducted by off-duty firefighters, and liability insurance will be provided by the MDA.

Is there a motion to approve the request as submitted?

10. FROM THE MAYOR

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

- A. Final Reading of an Ordinance Amending the Zoning Ordinance for the City of Muscatine – Frank and Cleo Bermel

Presented for City Council’s consideration is the third and final reading of an ordinance amending the zoning ordinance for the City of Muscatine. Approximately 144 acres of property was voluntarily annexed into the City of Muscatine by Frank and Cleo Bermel. The proposed zoning change would be from County A-1 (agricultural) to City R-3 (single family residential). This action is taking place in conjunction with a pre-annexation agreement for the voluntary annexation.

Is there a motion to approve the ordinance on third and final reading and to direct for its publication?

- B. Final Reading of an Ordinance Amending the Zoning Ordinance for the City of Muscatine – Ripley Land Development Corporation

Presented for City Council’s consideration is the third and final reading of an ordinance amending the zoning ordinance for the City of Muscatine. Approximately 42 acres of property was voluntarily annexed into the City of Muscatine by the

Ripley's Development Corporation. The proposed zoning change would be from County A-1 (agricultural) to City R-3 (single family residential). This action is taking place in conjunction with a pre-annexation agreement for the voluntary annexation.

Is there a motion to approve the ordinance on third and final reading and to direct for its publication?

C. Resolution Authorizing the Use of Justice Assistance Grant by the Police Department

Presented for City Council's consideration is a resolution authorizing the use of a Justice Assistance Grant by the Police Department. The local law enforcement grant funds in the amount of \$14,283 will be used for non-budgeted items such as technology, equipment, local initiatives, etc.

Is there a motion to adopt the resolution as submitted?

D. Resolution Approving a Development Agreement Between the City of Muscatine and Newcomb Properties

Presented for City Council's consideration is a resolution approving a development agreement between the City of Muscatine and Newcomb Properties. The development agreement is in association with the construction of a new facility at 3606 Grandview Avenue in the South End Urban Renewal Area for leasing to Newcomb Warehouse Inc. The agreement would provide financial incentives in the form of incremental property tax payments.

Is there a motion to adopt the resolution as submitted?

E. Resolution Approving a Development Agreement Between the City of Muscatine and Curry's Transportation Service Inc.

Presented for City Council's consideration is a resolution approving a development agreement between the City of Muscatine and Curry's Transportation Service Inc. The development agreement is in association with the construction of a new facility at 4200 Highway 61 South in the South End Urban Renewal Area. The agreement would provide financial incentives in the form of incremental property tax payments.

Is there a motion to adopt the resolution as submitted?

F. Resolution of City Council Authorizing Submittal of High Quality Job Creation Program Application for H.J. Heinz

Presented for City Council's consideration is a resolution authorizing the submittal of a High Quality Job Creation program application for H.J. Heinz. Heinz is currently evaluating making a significant investment to replace aged equipment at their facility. The application will be made to the Iowa Department of Economic Development

through the HQJC program. This resolution will show the city's support of this application and the related project.

Is there a motion to adopt the resolution as submitted?

G. Resolution Approving the Contract and Bond for the Bridge Tribute Plaza and Bike Trail Kiosk Projects

Presented for City Council's consideration is a resolution approving the contract and bond for the Bridge Tribute Plaza and Bike Trail Kiosk Projects. Recently City Council took action to award the low bid for this project to Muscatine Bridge Inc. in the amount of \$95,374. Staff has reviewed the contract and bond and it is their recommendation they be approved.

Is there a motion to adopt the resolution as submitted?

H. Resolution Setting Public Hearing for the Hershey Avenue Area Sanitary and Storm Sewer Separation – Contract 2

Presented for City Council's consideration is a resolution setting a public hearing for the Hershey Avenue Area Sanitary and Storm Sewer Separation – Contract 2. To be funded by the 1% local option sales tax, the project will include the general construction of approximately 8,600' of new sanitary sewer and 7,150' of new storm sewer and will include street removal and replacement. It includes the areas of Hershey Avenue from Clinton to Green streets, Mississippi Drive from Green Street to Broadway, and portions of Main Street, 8th Street, W. 3rd Street, W. 2nd Street, Elm Street, Ash Street, and Bush Street. The public hearing will be held on Thursday, August 6, 2009, at 7 p.m.

Is there a motion to adopt the resolution as submitted?

I. Resolution Approving the Plans, Specifications, Form of Contract, Cost Estimate and Setting the Bid Opening Date for the Public Works Parking Lot Project

Presented for City Council's consideration is a resolution approving the plans, specifications, form of contract, cost estimate and setting the bid opening date for the Public Works Parking Lot Project. City Council recently approved a joint participation with the Iowa Department of Transportation for funds provided through the American Recovery and Reinvestment Act of 2009. The amount of the award is \$100,000 and is to be used for the reconstruction of the Public Works parking lot surface. The bid opening date has been set August 6, 2009.

Is there a motion to adopt the resolution as submitted?

J. Resolution Authorizing the Mayor to Sign a Subordination Agreement for 1812 Schiller Street

Presented for City Council's consideration is a resolution authorizing the Mayor to sign a subordination agreement for 1812 Schiller Street. Under the 2006 Housing Fund Rehabilitation Program, the city provided a \$24,999 five-year, forgivable loan to complete a variety of rehabilitative services to the property at this location. The homeowner refinanced the property in 2008 but now wishes to refinance again in order to reduce the monthly payment. Under the terms of the initial contract between the city and the Iowa Department of Economic Development, the city may consider all housing fund mortgages to be secondary to any other property mortgage; therefore, the mortgage company is requesting the city provide a formal subordination agreement. The city has provided similar documents for subordination requests in the past and did approve the initial subordination request last year.

Is there a motion to adopt the resolution as submitted?

K. Request Approval of Change Order #2 for the Geothermal and HVAC Project at the Public Safety Building

Presented for City Council's consideration is a request to approve a change order for the Geothermal and HVAC Project at the Public Safety Building. Hometown Plumbing, contractor for the project, has submitted four Change Authorization Requests which have been compiled into Change Order #2. The total cost is \$8,397.40. This project is nearing completion.

Is there a motion to approve the request as submitted?

L. Request Approval to Purchase a Drag Hose Direct Injector for the Water Pollution Control Plant

Presented for City Council's consideration is a request to purchase a drag hose direct injector for the Water Pollution Control Plant. Three bids were received with the low bid being that of Jim Hodel Inc. in the amount of \$20,700. The vendor recommended an addition of an adapter for the hydraulic motor at a cost of \$280 bringing the total amount to \$20,980. The budgeted amount for this purchase is \$36,000.

Is there a motion to approve the request as submitted?

M. Request to Approve Upgrade of Phone System at the Water Pollution Control Plant

Presented for City Council's consideration is a request to approve the upgrade to the phone system at the Water Pollution Control Plant. As part of the improvements at this facility, telephones are being added to the new buildings that are being constructed. There are currently 14 phones; however, a total of 19 phones will be

needed when the improvements have been completed. Three bids were received with the low bid being that of Midland Communications in the amount of \$5,600.52. The current phone system is through Midland. This upgrade will be funded through the city's portion of the plant renovation project.

Is there a motion to approve the request as submitted?

N. Request Approval to Purchase Utility Vehicles for Park Maintenance and Golf Course

Presented for City Council's consideration is a request to purchase utility vehicles for Park Maintenance and the Golf Course. Three bids were received with the low bid from the John Deere Corporation represented by Elder Implement of Muscatine in the amount of \$8,682.11 per vehicle for a total amount of \$17,364.22. The Park Maintenance vehicle will be used primarily on the riverfront. There is \$10,000 budgeted for each vehicle.

Is there a motion to approve the request as submitted?

O. Request Approval to Purchase Sand Bunker Grooming Machine for the Golf Course

Presented for City Council's consideration is a request to approve the purchase of a sand bunker grooming machine for the golf course. Three bids were received with the low bid being that of Turf Werks of Johnston, Iowa, in the amount of \$13,200 less a \$5,000 trade in for a sand pro, aerifier and bed knife grinder for a net cost of \$8,200. There is \$9,000 budgeted for this purchase.

Is there a motion to approve the request as submitted?

P. Request to Approve Change Order #1 for the Sunset Park HVAC Project

Presented for City Council's consideration is Change Order #1 for the Sunset Park HVAC Project. A contract was entered into with J.L. Brady for this project. The original contract called for patching holes in each unit's mechanical room ceilings as needed; however, it has become apparent that the ceilings will need to be replaced. The change order, totaling \$5,500, will include sheet rocking, finishing, and painting the ceilings in each mechanical room of the 50 apartments. This change order brings the new contract amount to \$190,906. This will be funded from available public housing funds.

Is there a motion to approve the request as submitted?

Q. Request Approval to Purchase Portable Radios for the Police Department

Presented for City Council's consideration is a request to purchase portable radios for the Police Department. The department is requesting authorization to purchase three

Motorola portable radios from Motorola who is the sole source supplier of the radios for the department's 800 MHz system. The cost for the equipment is \$7,258.95. There is \$7,200 budgeted for this purchase.

Is there a motion to approve the request as submitted?

R. Request Approval to Purchase Mobile Vision Server/PC for the Police Department

Presented for City Council's consideration is a request to approve the purchase of a Mobile Vision Server/PC for the Police Department. The department is requesting authorization to purchase the Mobile Vision Server/PC from Mobile Vision who is the sole supplier of equipment that works with the squad video system. Without the new server the department will be unable to replace any of the squad camera systems. There is \$10,000 budgeted for this purchase; however, the department is asking for an additional \$980 due to higher travel costs for the installation personnel and to upgrade to a better server. Also included in the upgraded server is better software for case and video management. The \$10,980 cost for the equipment includes the cost for installation and training on the new software.

Is there a motion to approve the request as submitted?

S. Request to Approve Change Order #1 for the Phase 4 Expansion at the Muscatine County Landfill

Presented for City Council's consideration is a request to approve Change Order #1 for the Phase 4 Expansion at the Muscatine County Landfill. The Phase 4 expansion scheduled to begin in the spring of 2009 will now begin in July. The change order being requested by JB Holland, contractor for the project, totals \$14,972 and is for outside rental of equipment for trucks caused by the time change of the project and previously scheduled jobs.

Is there a motion to approve the request as submitted?

14. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – June 22 & 29, 2009
- B. Art Center Board of Trustees – May 21, 2009
- C. MP&W Board – May 26, 2009
- D. Planning and Zoning Commission – June 9, 2009

14. APPROVAL OF BILLS

It is recommended bills totaling \$3,344,137.79 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

A. Reconsideration of the Pearl City Station Project

17. ADJOURNMENT