

COUNCIL



AGENDA

THURSDAY, AUGUST 19, 2010 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 – October 15, 2009
 - B. City Council Meeting – August 5, 2010

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 on the Agenda.

- * 9 – A-F
- * 13 – A-E
- * Bills*

* Approval of attached Bills for Approval totaling \$2,034,050.49 is subject to the approval of any related agenda item(s).

8. PUBLIC HEARING

9. PETITIONS AND COMMUNICATIONS

- A. Request to approve the first reading of a new Class C Liquor License and Sunday Sales Permit for China Garden, 2016 Cedar Plaza Ste. #3 – China Garden at Cedar Plaza Inc. (pending receipt of final paperwork)
- B. Request to approve Outdoor Service Permit for MVP Lounge at 214 Iowa Avenue on September 11, 2010
- C. Request to approve addition of Native Wine Permit for Express Mart, 4804 Grandview Avenue – E Mart Inc.
- D. Request for renewal of a Class BW Beer/Wine with Sunday Sales Permit and Outdoor Service for Wine-Nutz, 208 W. 2nd Street – Pearl Plaza – BMBMG LLC
- E. Request for renewal of a Class C Liquor License for One More Round, 209 E. 2nd Street – Ruth Ann Wilson (pending inspections)
- F. Request for renewal of a Class C Liquor License for Port City Underground, 208 W. 2nd Street – Lacey Henderson (pending inspections)
- G. Request to Approve Use of City Property by MVP Lounge for Street Dance

Presented for City Council’s consideration is a request from the MVP Lounge located at 214 Iowa Avenue to hold an outdoor concert/street dance on September 11, 2010. If approved, this event, which is a fund raiser for the Quarterback Club, will take place from 2 p.m. until midnight. The proposed location is on Iowa Avenue between 3rd Street and the alley. Of the four affected businesses, two have acknowledged they are aware of the event. The Roy J. Carver Charitable Trust was notified but did not

sign the acknowledgement. In addition, organizers of the event have not yet been able to reach a representative of the Welch Apartments.

Is there a motion to approve the request as submitted?

H. Request to Approve Use of City Property for Outdoor Family Movie Night at Riverside Park

Presented for City Council's consideration is a request from the Downtown Action Alliance to approve the use of city property for an outdoor family movie night at Riverside Park. The event will take place on September 16, 2010. Setup will begin at 6 p.m. with the movie playing from 7:30 to 9:30 p.m.

Is there a motion to approve the request as submitted?

I. Request to Approve Use of City Property for Homecoming Parade

Presented for City Council's consideration is a request for use of city property for the Muscatine High School Homecoming Parade. The parade will take place on September 23, 2010 from 5:30 to 6:30 p.m. It will begin at Grant School on Barry Avenue and go out Mulberry Avenue to the high school.

Is there a motion to approve the request as submitted?

J. Request to Approve Use of City Property for Senior March

Presented for City Council's consideration is a request to approve the use of city property for the Muscatine High School Senior March. The march will take place September 24, 2010 from 10 a.m. to noon. Students will leave the high school and go down Mulberry Avenue to 8th, down 8th to Cedar and from Cedar travel down to the Red Brick Building on the riverfront.

Is there a motion to approve the request as submitted?

10. FROM THE MAYOR

A. Appointments of Rochelle Conway and Jane Reischauer to the Zoning Board of Adjustment and Devin Pettit to the Historic Preservation Commission

Is there a motion to approve the appointments as submitted?

11. FROM THE PLANNING AND ZONING COMMISSION

A. Resolution Setting Public Hearing on Proposed Vacation of Easements and Rights-of-Way Within the City of Muscatine

Presented for City Council's consideration is a resolution setting a public hearing on the proposed vacation of easements and rights-of-ways within the City of Muscatine. A request has been received from VMI North Port Commons LLC to vacate portions of existing easements and rights-of-way in the Cedars First Addition and North Port Commons that will provide a 2.5 acre site for construction of a new retail business and parking lot. The Planning and Zoning Commission conducted an on-site viewing of the proposed subdivision and vacation request and voted unanimously to approve the request as submitted. Prior to any formal action by City Council, a public hearing is required. The public hearing will be held on Thursday, September 2, 2010, at 7 p.m.

Is there a motion to adopt the resolution as submitted?

B. Resolution Setting Public Hearing on the Proposed Vacation of a Sanitary Sewer and Easement for Carrington Place

Presented for City Council's consideration is a resolution setting a public hearing on the proposed vacation of a sanitary sewer and easement for Carrington Place located at 3440 Mulberry Avenue. Carrington Place has agreed to make modifications to the sewer located on their property in an effort to reduce residential sewer backups in the area caused by debris being flushed into the line. Since the sewer was originally dedicated to the city, it is necessary for the city to vacate the easement and sewer to Carrington so the modifications can be made. The Planning and Zoning Commission has reviewed the request and voted unanimously to recommend its approval. Prior to any formal action by City Council, a public hearing is required. The public hearing will be held on Thursday, September 2, 2010, at 7 p.m.

Is there a motion to adopt the resolution as submitted?

12. FROM THE CITY ADMINISTRATOR

A. Survey Findings Presentation and First Reading of the Automated Traffic Enforcement Ordinance

Presented for City Council's consideration is the first reading of the Automated Traffic Enforcement Ordinance. On December 17, 2009, City Council took action to award the contract for the ATE control system to Gatso USA. As a provision of that contract, surveys were to be conducted at proposed intersections for red light violators and speed violators. Those surveys have been completed. A representative of Gatso is present to review the survey results.

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

B. Second Reading of an Ordinance Rezoning the Lincolnshire Professional Plaza Addition

Presented for City Council's consideration is the second reading of an ordinance rezoning the Lincolnshire Professional Plaza. City staff has been working with Joseph's Int'l Pack-N-Ship located at 200 Cleveland Street concerning plans to expand the existing business located within the Lincolnshire Professional Plaza. To facilitate the expansion, it is necessary to change the zoning from RL (Large Scale Residential) to C-3 (Planned Commercial). It is staff's recommendation that City Council take action to approve the first reading of the ordinance changing the zoning for the Lincolnshire Professional Plaza.

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

C. Final Reading of an Ordinance Amending Title 1, Chapter 2, Section 7 of the City Code of Muscatine Pertaining to Municipal Infractions

Presented for City Council's consideration is the final reading of an ordinance amending Title 1, Chapter 2, Section 7 of the City Code of Muscatine pertaining to municipal infractions. The purpose of this ordinance is to update the city's municipal infraction fees.

Is there a motion to adopt the ordinance as submitted on final reading and authorize its publication as required by law?

D. Resolution Accepting Completed Work for the Hershey Avenue Area Sanitary and Storm Sewer Separation – Contract 1 and Authorizing Final Payment

Presented for City Council's consideration is a resolution accepting completed work for the Hershey Avenue Area Sanitary and Storm Sewer Separation – Contract 1 and authorizing final payment. In February 2009, City Council took action to award the contract for this project to Sulzberger Excavating in the amount of \$2,002,651.27. There were three change orders bringing the total contract amount to \$2,036,151.18. All the work under the contract has been completed and approved and accepted by the city engineer. It is staff's recommendation the completed work be accepted and final payment made to Sulzberger Excavating.

Is there a motion to adopt the resolution as submitted?

E. Resolution Awarding and Approving the Contract and Bond for the Muscatine County Landfill Closure of Ravines 2, 3 and 4

Presented for City Council's consideration is a resolution awarding and approving the contract and bond for the Muscatine County Landfill Closure of Ravines 2, 3 and 4. Under the regulations of the Iowa Department of Natural Resources, old landfills are to be closed with adequate coverage by January 31, 2011. Bids were solicited for the closure of Ravines 2, 3 and 4. Six bids were received with the low bid from Sulzberger Excavating in the amount of \$66,239. There is \$150,000 budgeted for this project. Staff and the HLW engineering firm worked with the IDNR to meet the regulations while realizing a savings of \$83,761 in capital improvement expenses for the landfill budget.

Is there a motion to adopt the resolution as submitted?

F. Resolution Awarding Contract for the Construction of the Resident Center at Sunset Park

Presented for City Council's consideration is a resolution awarding the contract for the construction of the resident center at Sunset Park. Fourteen bids were submitted with the low bid from North Construction in the amount of \$113,725. As part of the fiscal year 2010 Capital Improvement Budget for Sunset Park, the Muscatine Municipal Housing Agency budgeted \$174,000 for the construction of this addition.

Is there a motion to adopt the resolution as submitted?

G. Request to Support "Iowa Smart Cities Project" HUD Community Planning Challenge Grant Application

Presented for City Council's consideration is a request to support the "Iowa Smart Cities Project" HUD Community Planning Challenge Grant Application. If approved, the city, as a project partner with the Iowa Department of Economic Development, would submit a support letter for this grant application. If the IDEED is awarded the grant, the city would enter into a Memorandum of Understanding with the IDEED specifically outlining responsibilities and expectations.

Is there a motion to approve the request as submitted?

H. Request to Approve Airport Manager's Agreement with Carver Aero

Presented for City Council's consideration is a request to approve an Airport Manager's Agreement with Carver Aero. For many years the city has engaged the services of a professional Airport Manager. The manager's agreement provides for hours of operation, maintenance of the buildings and grounds, mowing, snow removal, insurance coverage and related management responsibilities as outlined in

the agreement. The proposed agreement has been reviewed by the current manager (Carver Aero) who has given their approval. In addition, the Airport Advisory Commission recommends the continuation of the agreement. If approved, the agreement will have a five-year term and be subject to annual review of the terms and conditions of the lease by the Airport Advisory Commission each January. It is staff's recommendation the agreement be approved.

Is there a motion to approve the request as submitted?

I. Request to Approve Fixed Base Operator (FBO) Lease with Carver Aero

Presented for City Council's consideration is a request to approve the Fixed Base Operator (FBO) Lease with Carver Aero. For many years the city has engaged the services of a professional FBO to conduct airport operations under lease. The lease provides for lease terms, payment to the city, FBO responsibilities, insurance coverage and termination clauses, among others outlined in the document. The proposed lease has been reviewed with the current lessee (Carver Aero) who has given their approval. The Airport Advisory Commission recommends the continuation of the lease. If approved, the lease will have a five-year term and be subject to an annual review of the terms and conditions of the lease by the Airport Advisory Commission each January.

Is there a motion to approve the request as submitted?

J. Request to Approve Professional Services Agreement for Mississippi Drive Corridor Project

Presented for City Council's consideration is a request to approve a professional services agreement for the Mississippi Drive Corridor Project. Subsequent to the Mississippi Drive Corridor Plan that was completed in 2007, city staff initiated efforts to seek outside funding needed for environmental clearance, design, and ultimately construction. Through a series of applications, direct contact, and presentations made to a variety of state and federal partners, a funding package has been obtained that will permit the city to move into the environmental clearance and preliminary design phase for the 1.6 mile corridor project. The city has completed successful negotiations with Stanley Consultants for the professional services agreement in the amount of \$1,016,043. As a result, the cost share will be \$812,834 (state and federal) and \$203,209 (city). Once the IDOT receives the fully executed agreement, the city will be authorized to expend the funds available for the completion of the environmental clearances and preliminary design for the corridor project. The city's portion of this project is included in the budget and will be paid by future bond proceeds. It is staff's recommendation the professional services agreement with Stanley Consultants be approved.

Is there a motion to approve the request as submitted?

K. Request to Approve Agreement with New Labor Attorney

Presented for City Council's consideration is a request to approve an agreement with the new labor attorney. Due to the retirement of the city's labor attorney, staff sent out a request for qualifications to legal firms specializing in public sector labor laws. Four responses were received with three of the respondents interviewed by an Interview Committee. It is the Committee's recommendation the city enter into an agreement with Matthew Brick from the Brick Gentry P.C. law firm of West Des Moines, Iowa.

Is there a motion to approve the request as submitted?

L. Request to Approve Agreement for Compensation Specialist

Presented for City Council's consideration is a request to approve an agreement for a compensation specialist to assist with the non-union pay plan review. A request for proposal was sent to select compensation firms specializing in compensation issues. Four responses were received with three of the four respondents interviewed. It is staff's recommendation the city enter into an agreement with Keller Consulting. The Human Resources Department's budget included \$5,000 for this purpose.

Is there a motion to approve the request as submitted?

M. Request Authorization to Issue Purchase Order for Erosion Control on Phase I at the Muscatine County Landfill

Presented for City Council's consideration is a request to authorize the issuance of a purchase order for erosion control on Phase I at the Muscatine County Landfill. In December 2007 the Iowa Department of Natural Resources requested the city submit an erosion control plan for the landfill. In the summer of 2009, Mulchscapers of Davenport repaired and seeded the steep slope of Phase I facing Highway 61 North. Therefore, city staff is once again requesting the issuance of a purchase order to Mulchscapers in the amount of \$14,693 for erosion repair on the south side of Phase I. There is \$26,000 budgeted for this project.

Is there a motion to approve the request as submitted?

N. Request Approval of Change Orders #1, #4 and #5 for the Hershey Avenue Area Sanitary and Storm Sewer Separation – Contract 2

Presented for City Council's consideration is a request to approve Change Orders #1, #4 and #5 for the Hershey Avenue Area Sanitary and Storm Sewer Separation – Contract 2. On October 1, 2009, the city entered into a cooperative agreement with the Iowa Department of Transportation to remove and replace significant portions of the pavement on the extension of Highway 92 (Hershey Avenue/Mississippi Drive)

from Green Street to Broadway Street. The estimated cost for this work is \$973,009 with \$738,579 to be paid by the city and \$234,930 by the IDOT. Change Order #1 in the amount of \$90,765 reflects the first installment of the \$973,009. Change Order #4 (\$3,955.15) is necessary because of the rock excavation required on the east slope of Broadway and Change Order #5 (\$7,594.70) is for the sub-drain system installed under Broadway similar to what was placed under Mississippi Drive.

Is there a motion to approve the request as submitted?

- O. Request to Approve “No Parking” on the North Side of W. 2nd Street from Locust to Ash

Presented for City Council’s consideration is a request to approve “no parking” on the north side of W. 2nd Street from Locust to Ash streets. The city’s Traffic Committee reviewed a request to post no parking on the north side of W. 2nd Street where it narrows considerably at mid-block between Locust and Broadway. Past observation of this stretch of roadway indicates that very few, if any, individuals park their vehicles in the proposed “no parking” portion of W. 2nd Street.

Is there a motion to approve the request as submitted?

- P. Request from Fire Department for Purchase of a New Copier

Presented for City Council’s consideration is a request from the Fire Department to purchase a new copier. Three quotes were received with the low bid from Advanced Business Systems in the amount of \$7,593 for a Sharp MX-M363N Imager (copier/fax/scanner/printer). There is \$10,000 budgeted for this purchase.

Is there a motion to approve the request as submitted?

- Q. Request Approval of National Citizen Survey Participation

Presented for City Council’s consideration is a request to approve the city’s participation in a National Citizen Survey (NCS). This survey can be repeated every three years or as needed. Staff can use the results of the survey to improve service delivery, elected officials can use the results to set spending priorities and the City Administrator can use the results to measure progress and chart future steps. As part of the City Administrator’s budget for fiscal year 2010/2011, City Council budgeted \$3,000 to begin a survey program. The library has set aside \$6,000 to measure library performance and ask additional custom questions. The remaining \$600 will come from the WPCP and Refuse Collection funds.

Is there a motion to approve the request as submitted?

R. Muscatine Local Housing Trust Fund Grant Application

Presented as an update for City Council is information concerning a Muscatine Local Housing Trust Fund Grant application. The deadline for submission of the application was August 12, 2010. There is no action required.

S. Request from Fire Department to Approve Application for SAFER Grant

Presented for City Council's consideration is a request from the Fire Department to approve the application for a Staffing for Adequate Fire and Emergency Response (SAFER) grant. This grant provides funding directly to fire departments in order to help them increase the number of trained, "frontline" firefighters available in their communities. If received, the Fire Department will be requesting authorization to hire three new firefighters. The grant pays 100% of the salary and benefits for the first two years for newly hired firefighters and requires the city commit to retaining them for one full year after the two year period of performance. The city is not obligated to accept the grant if approved.

Is there a motion to approve the request as submitted?

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – July 26, 2010 and August 2, 2010
- B. Board of Water, Electric, and Communications Trustees – June 29, 2010
- C. MP&W Communications Utility – June 2010
- D. MP&W Electric Utility – June 2010
- E. MP&W Water Utility – June 2010

14. APPROVAL OF BILLS

It is recommended bills totaling \$2,034,050.49 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. Request to Enter Closed Session for Pending Legal Matters

17. ADJOURNMENT