

# COUNCIL



## AGENDA

### THURSDAY, JUNE 17, 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 – June 3, 2010

B. In-Depth Meeting – June 10, 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-K
- \* 13 – A-B
- \* Bills\*

\* Approval of attached Bills for Approval totaling \$1,926,923.91, as well as receipt summaries and journal entries for March 2010, is subject to the approval of any related agenda item(s).

**8. PUBLIC HEARING**

A. Proposed Development Agreement with H.J. Heinz Company LP

This public hearing concerns a proposed development agreement with H.J. Heinz Company LP. On January 21, 2010, City Council adopted an Urban Renewal Plan for the 2010 Industrial Urban Renewal Area. At this time, the city is proposing the approval of a development agreement with H.J. Heinz Company LP with respect to the construction of new facilities for the company’s business operations. The proposed development agreement would provide financial incentives to the company in the form of incremental property tax payments in an amount not to exceed \$425,000. Prior to the approval of the development agreement, a public hearing is required.

Now is the time for the public to comment on the proposed development agreement.

B. Proposed Automated Recycling Program

This public hearing concerns a proposed automated curbside recycling program. At the May In-Depth meeting, city staff gave a presentation on the implementation of automated curbside recycling and the costs associated with the program. The proposed cost per resident would be \$1.69 per month. If the program is approved by Council, recycling trailers would be removed from locations around the City of Muscatine with one recycling drop-off location at the Muscatine Recycling Center and Transfer Station. 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 automated recycling program.

**9. PETITIONS AND COMMUNICATIONS**

- A. Second reading on a new Class C Liquor License and Sunday Sales Permit for Krug's Pool Hall Inc., 218 Walnut Street – Steve Krueger (pending receipt of final paperwork)
- B. Second reading on a new Class C Liquor License for Jack's Bar, 500 Mulberry Avenue – Isaac Fernandez (pending receipt of final paperwork)
- C. Request on first reading for a new Class BW Beer/Wine Permit for Tantra Thai Bistro, 101 W. Mississippi Drive #L01 – CNY Group Inc. (pending inspections)
- D. Request to transfer Class C Liquor License for La Guadalajara Restaurant LLC at 203 E. 2<sup>nd</sup> Street to 208 E. 2<sup>nd</sup> Street
- E. Request for renewal of a Class A Liquor License and Sunday Sales Permit for VFW Post #1565, 421 Mulberry Avenue – Veterans of Foreign Wars Club Inc.
- F. Request for renewal of a Class C Liquor License for Jody's Corner Tap Inc., 226 Walnut Street – Joseph Manjoine
- G. Request for renewal of a Class C Liquor License and Sunday Sales Permit for The Pearl LLC, 101 W. Mississippi Drive – Sally Bryant
- H. Request for renewal of a Class E Liquor License and Sunday Sales Permit for Cigarette Outlet #16, 1504 Park Avenue – Cigarette Outlet Inc.
- I. Request for renewal of a Class BW Beer/Wine and Sunday Sales Permit for Peking Chinese Restaurant Inc., 1700 Park Avenue – James Moo
- J. Request for Extension of Outdoor Service Privileges for Missipi Brewing Co., 107 Iowa Avenue for June 25-27, 2010, July 2-5, 2010, August 13-15, 2010, and September 10-12, 2010 – R&D Operations Ltd.
- K. Request for 25 Cigarette/Tobacco Permits from July 1, 2010 through June 30, 2011

- L. Request from the VFW #1565 for Use of City Property for an Ice Cream Social and Barbecue

Presented for City Council's Consideration is a request from VFW #1565 located at 421 Mulberry Avenue to hold an ice cream social and barbecue in front of its facility and in the loading zone adjacent to the building on E. 5<sup>th</sup> Street. The event would take place on the 4<sup>th</sup> of July from 11 a.m. to 6 p.m.

Is there a motion to approve the request as submitted?

**10. FROM THE MAYOR**

- A. Appointments/Reappointments to the City's Various Boards and Commissions

Is there a motion to approve the appointments and reappointments as submitted?

- B. Appointment of Ronald Monahan to the Mercer-Muscatine RLF Loan Administration Board

Is there a motion to approve the appointment to the Mercer-Muscatine RLF Loan Administrator Board as submitted?

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

- A. Resolution Approving the Combined Preliminary/Final Plat for Van Acker's First Addition

Presented for City Council's consideration is a resolution approving the combined preliminary/final plat for Van Acker's First Addition. This request involves 10.903 acres of real estate located at 3415 Grandview Avenue. The owner of the property is interested in dividing the property in order to separate his dwelling from the commercial business located on the same site. The Planning and Zoning Commission conducted an on-site viewing of the property on June 2, 2010, and during that showing, the engineer for the property owner was advised to show a requirement for hard surfacing the access easement for Lot 2. That required change has been incorporated into the plat. The Planning and Zoning Commission recommends the approval of the Van Acker's First Addition.

Is there a motion to adopt the resolution as submitted?

B. Resolution Approving the Kory and Tony Kies Subdivision

Presented for City Council's consideration is a resolution approving the Kory and Tony Kies Subdivision. The Kies have purchased 1.074 acres of real estate located at 1866 Highway 38 in Muscatine County which is within two miles of the Muscatine corporate limits. The Planning and Zoning Commission conducted an on-site viewing of the property on June 2, 2010. The Commission reviewed the proposal and determined the property could not reasonably accommodate the installation of sidewalks due to the existing access road, its relationship to traffic on Highway 38, and the fact the adjacent property is already developed. Therefore, they concluded the sidewalk policy for rural subdivisions should not be applied in this situation. The Planning and Zoning Commission recommends the approval of the subdivision as submitted.

Is there a motion to adopt the resolution as submitted?

12. **FROM THE CITY ADMINISTRATOR**

A. Resolution Approving Development Agreement with H.J. Heinz Company LP

Presented for City Council's consideration is a resolution approving a proposed development agreement with H.J. Heinz Company LP. On January 21, 2010, City Council adopted an Urban Renewal Plan for the 2010 Industrial Urban Renewal Area. At this time, the city is proposing the approval of a development agreement with H.J. Heinz Company LP with respect to the construction of new facilities for the company's business operations. The proposed development agreement would provide financial incentives to the company in the form of incremental property tax payments in an amount not to exceed \$425,000.

Is there a motion to adopt the resolution as submitted?

B. Resolution Accepting Completed Work Performed Under the Geothermal HVAC at the Public Safety Building and Authorizing Final Payment

Presented for City Council's consideration is a resolution accepting completed work performed under the Geothermal HVAC at the Public Safety Building and authorizing final payment. On January 15, 2009, City Council took action to award the contract for this project to Hometown Plumbing and Heating in the amount of \$789,965. The work has been completed and inspected by the city's consulting engineers for the project. Therefore, it is staff's recommendation the completed work performed under this project be accepted and final payment made to Hometown Plumbing and Heating.

Is there a motion to adopt the resolution as submitted?

C. Resolution Awarding the Contract for the Clay Street Bridge Improvement Project

Presented for City Council's consideration is a resolution awarding the contract for the Clay Street Bridge Improvement Project. Three bids were received for this project with the low base bid from Hy-Brand Industrial Contractors in the amount of \$340,450.53. Muscatine Power & Water will reimburse the city \$29,583.50 for water main replacement costs leaving a total project cost of \$310,876.03. There was \$250,000 budgeted for this project. Completion date is scheduled for November 15, 2010.

Is there a motion to adopt the resolution as submitted?

D. Resolution Releasing a Real Estate Mortgage Under the 2003 CDBG Owner-Occupied Residential Rehabilitation Program for 918 E. 7<sup>th</sup> Street

Presented for City Council's consideration is a resolution releasing a real estate mortgage under the 2003 CDBG Owner-Occupied Residential Rehabilitation Program for 918 E. 7<sup>th</sup> Street. The property owner received the maximum of \$24,999 in funding assistance through a five-year forgivable loan. Twenty percent (20%) of the loan has been forgiven annually with the final 20% forgiven on June 9, 2010. This is the sixth of 11 mortgages that are expected to be released by the city under the 2003 Housing Rehabilitation Program.

Is there a motion to adopt the resolution as submitted?

E. Resolution Accepting the Low Bid and Awarding the Contract for the Hangar Access Road at the Municipal Airport

Presented for City Council's consideration is a resolution accepting the low bid and awarding the contract for the hangar access road at the municipal airport. A total of five bids were received for this project with the low bid from Muscatine Bridge of Muscatine in the amount of \$88,431.75. If approved, the low bid for the construction portion of this project will be shared at 85% state and 15% local funding. The engineer's estimate for this project was \$105,000.

Is there a motion to adopt the resolution as submitted?

F. Request Approval of Firefighters Union Contract

Presented for City Council's consideration is a request to approve the union contract between the City of Muscatine and the Muscatine Association of Firefighters #608.

Is there a motion to approve the request as submitted?

G. Request to Approve Change Orders #2 and #3 for the Hershey Avenue Area Sewer Contract 2

Presented for City Council's consideration is a request to approve Change Orders #2 and #3 for the Hershey Avenue Area Sewer Contract 2. On October 2, 2009, City Council took action to award the contract for this project to Langman Construction in the amount of \$5,055,900.23. Change Order #1 is not ready for Council's consideration and action at this time. Change Order #2 in the amount of \$3,955.15 is for rock excavation encountered on Ash Street and Broadway Avenue. There was a significant amount of rock encountered, and Change Order #2 is for the time and materials accounting for the rock removal. Change Order #3 in the amount of \$11,189.99 is for a new wall at the top of Ash Street. One of the purposes of the wall is to prevent loaded salt trucks and snow plows from sliding over the hill during maintenance in the winter.

Is there a motion to approve the request as submitted?

H. Request Authorization to Submit RFP for Automated Curbside Recycling

Presented for City Council's consideration is a request to submit RFP's for automated curbside recycling services. At the May In-Depth meeting, city staff gave a presentation on the implementation of automated curbside recycling and the costs associated with the program. The proposed cost per resident would be \$1.69 per month. If the program is approved by Council, recycling trailers would be removed from locations around the City of Muscatine with one recycling drop-off location at the Muscatine Recycling Center and Transfer Station.

Is there a motion to approve the request as submitted?

I. Request Authorization to Purchase Dump Body

Presented for City Council's consideration is a request to authorize the purchase of a dump body. One bid was received from Henderson Truck Equipment of Manchester, Iowa, in the amount of \$25,363 for a dump body with a hydraulic hoist to be used on a single axle 32,000 GVW truck chassis. There was \$27,500 budgeted for this purchase.

Is there a motion to approve the request as submitted?

J. Request to Accept Bid for the 2010 Street Striping Contract

Presented for City Council's consideration is a request to accept the bid for the 2010 Street Striping Contract. One bid was received from Peterson Parking Lot Striping of Carbon Cliff, Illinois, in the amount of \$48,663.35. There was \$50,000 budgeted for this project.

Is there a motion to approve the request as submitted?

K. Request from Police Department to Approve Purchase of Automatic Electronic Defibrillators

Presented for City Council's consideration is a request from the Police Department to approve the purchase of Automatic Electronic Defibrillators (AEDs). The Police Department has been awarded a grant in the amount of \$19,882.56 to fund the purchase of six Lifepak 1000 AEDs with graphical display. The Lifepak models are the newer model of the units currently carried in the line squads. They include a service agreement for the first year and are compatible with the units the Fire Department currently uses. It is important that personnel from both departments receive training on the same units. There is no match required by the city.

Is there a motion to approve the request as submitted?

L. Request from Police Department to Purchase All Terrain Vehicle

Presented for City Council's consideration is a request from the Police Department to purchase an All Terrain Vehicle (ATV). Three bids were received for this piece of equipment. The lowest responsible bid was from Kromminga Motors of Monticello in the amount of \$12,270 for a Polaris Ranger 800 EFI Crew ATV. The department was able to obtain funding through a Justice Assistance Grant so there will be no matching funds required by the city.

Is there a motion to approve the request as submitted?

M. Request to Approve Website Content Management System

Presented for City Council's consideration is a request to approve the Website Content Management System (CMS). Four vendors responded to the RFP's that were sent out in March 2010. The firm of CivicPlus of Manhattan, Kansas, met each of the review points established by the city. Staff is proposing to enter into a license and service agreement with CivicPlus for creating, supporting and hosting the proposed website. It is being proposed that the development fee of \$22,969 be internally financed at an annual payment of \$4,593.80 for five years. In addition, at the beginning of the "go-live" date, there will be an annual fee of \$3,402 for support, maintenance and hosting. The "go-live" date is typically 18 to 22 weeks after the completion of the license and service agreement.

Is there a motion to approve the request as submitted?

N. Police Department Update: Street Crimes Unit Temporary Assignment

The Police Department has been trying to resurrect the Street Crimes Unit in order to curtail the resurgence of gangs and gang-related activities in the City of Muscatine. Until the outcome of the COPS grant application is known, it is the Police Department's intention to create a "temporary" Street Crime Unit assignment. This assignment is necessary in order to deal with gangs yet this summer.

There is no action required at this time.

**13. COMMUNICATIONS - RECEIVE AND FILE**

- A. Muscatine County Board of Supervisors – May 24, 2010
- B. Art Center Board of Trustees – April 15, 2010

**14. APPROVAL OF BILLS**

It is recommended bills totaling \$1,926,923.91, as well as receipt summaries and journal entries for March 2010, 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**