

COUNCIL

Osama Shihadeh At Large		Dick O'Brien Mayor		Scott Natvig At Large																					
Robert Bynum 4 th Ward		<div>2010 MEETING SCHEDULE</div> <div>(All meetings start at 7:00 PM unless voted upon by Council.)</div> <table><thead><tr><th><u>Regular Meetings</u></th><th><u>In-depth Meetings</u></th></tr></thead><tbody><tr><td>January 7 & 21</td><td>January 14</td></tr><tr><td>February 4 & 18</td><td>February 11</td></tr><tr><td>March 4 & 18</td><td>March 11</td></tr><tr><td>April 1 & 15</td><td>April 8</td></tr><tr><td>May 6 & 20</td><td>May 13</td></tr><tr><td>June 3 & 17</td><td>June 10</td></tr></tbody></table> <table><tbody><tr><td>July 8</td></tr><tr><td>(None in August)</td></tr><tr><td>September 9</td></tr><tr><td>October 14</td></tr><tr><td>November 11</td></tr><tr><td>December 9</td></tr></tbody></table>				<u>Regular Meetings</u>	<u>In-depth Meetings</u>	January 7 & 21	January 14	February 4 & 18	February 11	March 4 & 18	March 11	April 1 & 15	April 8	May 6 & 20	May 13	June 3 & 17	June 10	July 8	(None in August)	September 9	October 14	November 11	December 9
<u>Regular Meetings</u>	<u>In-depth Meetings</u>																								
January 7 & 21	January 14																								
February 4 & 18	February 11																								
March 4 & 18	March 11																								
April 1 & 15	April 8																								
May 6 & 20	May 13																								
June 3 & 17	June 10																								
July 8																									
(None in August)																									
September 9																									
October 14																									
November 11																									
December 9																									
Dyann Roby 5 th Ward		Phil Fitzgerald 1 st Ward																							
Jerry Lange 3 rd Ward		Mark LeRette 2 nd Ward																							
Harvey Allbee, Jr. City Attorney		Fran Donelson Administrative Secretary																							
		Gregg Mandsager City Administrator																							

AGENDA

THURSDAY, MAY 6, 2010 COUNCIL CHAMBERS - CITY HALL

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE**
5. **COMMUNICATIONS – CITIZENS**
 - A. Public Appeal of Nuisance Abatement Concerning Property Located at 517-519 Walnut Street (New Covenant Full Gospel Baptist Church)
6. **MINUTES - APPROVAL**
 - A. City Council Meeting – April 15, 2010
 - B. Joint City/County Meeting – April 22, 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-E
- * 13 – A-G
- * Bills*

* Approval of attached Bills for Approval totaling \$1,734,139.10, as well as receipt summaries and journal entries for November and December 2009 and January 2010, is subject to the approval of any related agenda item(s).

8. PUBLIC HEARING

9. PETITIONS AND COMMUNICATIONS

- A. Second reading on a new Class C Beer and Sunday Sales Permit for Highway 61 Fuels, 3103 Highway 61 North – Highway 61 Fuels LLC (pending inspections)
- B. First reading on a new Class C Liquor License with Sunday Sales for Tropicana NC, 1919 Grandview Avenue – Roberto Avala (pending inspections)
- C. Request for a new Class BW Beer/Wine with Sunday Sales for Happy Joe's Pizza, 203 Lake Park Blvd. – Max Brewer Corp.
- D. Request for renewal of a Class E Liquor License with Sunday Sales Permit for Wal-Mart Supercenter #559, 3003 N. Highway 61 – Wal-Mart Stores Inc.
- E. Request for renewal of a Class C Liquor License with Sunday Sales and Outdoor Service for Mike's Hilltop Tap, 929 Lucas Street – Mike's Hilltop Inc.
- F. Request Approval for Use of City Property for St. Mary's/St. Mathias Religious Procession

Presented for City Council's consideration is a request from the St. Mary's/St. Mathias Parish to hold a religious procession. The procession, which will take place on June 6, 2010 from 11:30 a.m. to 12:30 p.m., will travel down 8th Street to Iowa Avenue travel up 5th Street to Pine Street and end back on 8th Street. The event is expected to have approximately 400 participants.

Is there a motion to approve the request as submitted?

G. Request Approval for Use of City Property for 4th of July Activities

Presented for City Council's consideration is a request from the Greater Muscatine Chamber of Commerce and Industry for the use of city property for the annual 4th of July fireworks and parade. The fireworks celebration will begin at dusk on Sunday, July 4, 2010. The parade will take place earlier that day. Staging will begin at 3 p.m. at Fulliam and Iowa with a 5 p.m. start time. It will follow Iowa Avenue to 2nd Street, travel up Walnut to 5th Street, ending in front of the Public Safety Building.

Is there a motion to approve the request as submitted?

H. Update on Recent Police Activities

10. FROM THE MAYOR

A. Proclamation Declaring May 17-21, 2010 as "Bike to Work Week"

B. Proclamation Declaring May 28-29, 2010 as "Poppy Days"

C. Proclamation Declaring May 9-15, 2010 as "Peace Officers' Memorial Week" and May 12, 2010 as "Peace Officers' Memorial Day"

D. Proclamation Declaring May 9-15, 2010 as "National Nursing Home Week"

Is there a motion to adopt the proclamations as submitted?

11. FROM THE PLANNING AND ZONING COMMISSION

A. Resolution Approving the Final Plat of the Muscatine Mall Second Addition in the City of Muscatine

Presented for City Council's consideration is a resolution approving the final plat for the Muscatine Mall Second Addition in the City of Muscatine. City staff has been working with representatives of the Muscatine Mall, owners of 29.43 acres of real estate located at 1903 Park Avenue, to create a single-lot 5.484 acre subdivision for residential development. If approved, the owner's intend to develop a mixture of townhouses and apartments on this lot. The Planning and Zoning Commission is recommending the approval of the final plat.

Is there a motion to adopt the resolution as submitted?

12. FROM THE CITY ADMINISTRATOR

A. Resolution Awarding the Sale of General Obligation Corporate Purpose Bonds

Presented for City Council's consideration is a resolution awarding the sale of General Obligation Corporate Purpose Bonds. This bond issue will provide funding for \$1,535,000 of Downtown TIF area improvements with the remaining \$5,890,000 of the bond proceeds used for various street, parks, public building, airport, and trail projects. The city's financial advisor will be reviewing the bids received and making a recommendation for the award of this issue.

Is there a motion to adopt the resolution as submitted?

B. First Reading of an Ordinance Amending Title 3 Public Way and Property Chapter 9 Street Obstruction

Presented for City Council's consideration is the first reading of an ordinance amending Title 3 Public Way and Property Chapter 9 Street Obstruction. At the April 8, 2010 In-Depth meeting this matter was reviewed with City Council. The proposed ordinance amendment will address snow removal and its placement on city streets and public right-of-ways. The Police Department will enforce the ordinance assisted by Public Works staff who will identify the offenders.

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

C. First Reading of an Ordinance Amending Title 7 Police Regulations Chapter 18 Snow Emergency Regulations

Presented for City Council's consideration is the first reading of an ordinance amending Title 7 Police Regulations Chapter 18 Snow Emergency Regulations. The proposed ordinance amendment will designate staff members who will work with the Police Department in enforcement of the ordinance.

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

D. Resolution Setting a Public Hearing on a Development Agreement with Heinz Company, Including Tax Increment Payments in an Amount Not to Exceed \$375,000

Presented for City Council's consideration is a resolution setting a public hearing on a development agreement with Heinz Company, including tax increment payments in an amount not to exceed \$375,000. In January 2010 City Council adopted an Urban Renewal Plan for the 2010 Industrial Urban Renewal Area to facilitate the use of tax increment financing incentives in support of the improvements that are being made at the Heinz facility. Prior to approval of the development agreement, a public hearing is required. The public hearing has been set for Thursday, May 20, 2010, at 7 p.m.

Is there a motion to adopt the resolution as submitted?

E. Resolution Accepting Low Bid for a Snow Removal Tractor for the Municipal Airport

Presented for City Council's consideration is a resolution accepting the low bid for a snow removal tractor for the municipal airport. Bids were solicited for this purchase with the only bid from Elder Implement Company in the amount of \$122,727.68. The cost estimate for this purchase, which includes acquisition, engineering, and bid preparation, was \$136,250. The purchase is 95% federally funded with a 5% local share.

Is there a motion to adopt the resolution as submitted?

F. Resolution Setting Public Hearing on the Plans, Specifications, Form of Contract, Cost Estimate and Setting Bid Opening Date for the Hangar Access Road at the Airport

Presented for City Council's consideration is a resolution setting a public hearing on the plans, specifications, form of contract, cost estimate and setting the bid opening date for the hangar access road at the airport. On July 14, 2009, the city was awarded funding by the Iowa Department of Transportation's Division Aviation for the construction of a hangar access road at the airport. The construction of this access road will allow access to HNI Hangar #2, provide road access for future hangar development, and serve the area intended for the construction of an armory facility on the southeast corner of the airport property. The project estimate of \$98,528 will be cost shared at 85% state funding and 15% local funding.

Is there a motion to adopt the resolution as submitted?

G. Resolution Releasing a Real Estate Mortgage Under the 2003 CDBG Owner-Occupied Residential Rehabilitation Program

Presented for City Council's consideration is a resolution releasing a real estate mortgage under the 2003 CDBG Owner-Occupied Residential Rehabilitation Program for property located at 615 E. 8th Street. The property owner received the maximum \$24,999 funding assistance through a five-year forgivable loan with the entire debt now forgiven. This is the fifth of 11 mortgages that eventually are expected to be released under the 2003 program.

Is there a motion to adopt the resolution as submitted?

H. Resolution Setting a Public Hearing on the Clay Street Bridge Rehabilitation Project

Presented for City Council's consideration is a resolution setting a public hearing on the Clay Street Bridge Rehabilitation Project. During the Clay Street Reconstruction

Project that took place in 2009, it was found the concrete deck was severely deteriorated. Clay Street is a truck route and carries other heavy traffic including city maintenance vehicles; therefore, immediate repair is warranted to serve businesses who utilize the street. Prior to moving forward on this project, a public hearing is required. The public hearing has been set for Thursday, May 20, 2010, at 7 p.m.

Is there a motion to adopt the resolution as submitted?

I. Resolution Setting a Public Hearing on the 2010 Curb and Gutter and Street Maintenance Program

Presented for City Council's consideration is a resolution setting a public hearing on the 2010 Curb and Gutter and Street Maintenance Program. This year's project will focus on full-depth patching of Lowe Street from Bridgeman to Longhurst Street and Longhurst Lane from Lowe Street to the cul-de-sac. There will be some curb repair on these streets as well on Newell Avenue. This work must be done prior to the asphalt overlay work. Prior to moving forward on this project, a public hearing is required. This public hearing will be held on Thursday, May 20, 2010, at 7 p.m.

Is there a motion to adopt the resolution as submitted?

J. Resolution Amending and Approving the Official Pay Plan for Non-Union Employees Effective May 10, 2010

Presented for City Council's consideration is a resolution amending and approving the official pay plan for non-union employees effective May 10, 2010. This action will add the Assistant WPCP Director/Environmental Coordinator position to the non-union pay plan. This position was approved by City Council during its budget review sessions.

Is there a motion to adopt the resolution as submitted?

K. Resolution Supporting a Local Housing Trust Fund for Muscatine County

Presented for City Council's consideration is a resolution supporting a Local Housing Trust Fund (LHTF) for Muscatine County. The Iowa Finance Authority awards grants to approved LHTFs throughout the State of Iowa. During the past year, the Housing Department, Muscatine County Community Service Program, MCSA and United Way have been involved in a planning process that could allow a LHTF to be established for residents in Muscatine County. If established, the mission of LHTF would be to provide resources to sustain and expand affordable housing opportunities for low-income families of Muscatine County. It is staff's recommendation City Council support the development of a LHTF for Muscatine County in the form of a partnership with the Scott County Housing Council LHTF.

Is there a motion to adopt the resolution as submitted?

L. Resolution Setting a Public Hearing on Amendment #2 to the 2009/2010 City Budget

Presented for City Council's consideration is a resolution setting a public hearing on Amendment #2 to the 2009/2010 city budget. Each year the city takes two separate actions to amend the current fiscal year budget. The first amendment to the 2009/2010 budget took place on March 11, 2010 and amended the budget to the revised estimate level established during the budget review sessions. The second opportunity comes in May and/or June prior to the end of the fiscal year. Information has been solicited from the various departments that propose to make adjustments in either expenditures or revenues within their departments. Prior to any formal action by City Council, a public hearing is required. The public hearing will be held on Thursday, May 20, 2010, at 7 p.m.

Is there a motion to adopt the resolution as submitted?

M. Request to Approve the Amended City of Muscatine Snow and Ice Control Policy

Presented for City Council's consideration is a request to approve the amended City of Muscatine Snow and Ice Control Policy. This policy was adopted more than 25 years ago to set a standard of addressing snow and ice related storms. The city's methodology has been altered when addressing snow and ice control. Tonight's action would amend the policy to reflect current operations.

Is there a motion to approve the request as submitted?

N. Request to Approve 28E Agreement with the City of Fruitland for Refuse Collection Services

Presented for City Council's consideration is a request to approve the 28E agreement with the City of Fruitland for refuse collection services. In June 2009 the city entered into an agreement with the City of Fruitland to provide refuse and recycling collection services. That contract expires on June 30, 2010, and the City of Fruitland is requesting approval of another contract beginning July 1, 2010 and ending June 30, 2011.

Is there a motion to approve the request as submitted?

- O. Request to Approve Height Exception from U.S. Cellular for a Cell Tower on the Muscatine Community Y Property

Presented for City Council's consideration is a request to approve a height exception from U.S. Cellular for a cell tower on the Muscatine Community Y property located at 1823 Logan Street. The city has received a request from U.S. Cellular to allow the construction of a 120' monopole communications tower at this location. This request has been reviewed by the Site Plan Review Committee and now requires approval by City Council. It is staff's recommendation this request be approved.

Is there a motion to approve the request as submitted?

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – April 5, 12 & 19, 2010
- B. Senior Resources – March 23, 2010
- C. Board of Water, Electric, and Communications Trustees – March 30, 2010
- D. MP&W Communications Utility – March 2010
- E. MP&W Electric Utility – March 2010
- F. MP&W Water Utility – March 2010

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,734,139.10, as well as receipt summaries and journal entries for November and December 2009 and January 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