

COUNCIL



AGENDA

THURSDAY, JULY 1, 2010 COUNCIL CHAMBERS - CITY HALL

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

A. Public Appeal Concerning Property Located at 417 Liberty Street (fence placement)

At this time Angela Villegas will address a fencing issue on her property at 417 Liberty Street.

B. Presentation of Enviro Award to Henry Meyer for the 4th Ward Neighborhood Challenge Cleanup Event

At this time Solid Waste Manager Laura Liegois will present Henry Meyer with the Enviro Award for his coordination of the 4th Ward Neighborhood Challenge Cleanup Event.

6. MINUTES - APPROVAL

A. City Council Meeting – June 17, 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-I
* 13 – A-D
* Bills*

* Approval of attached Bills for Approval totaling \$1,035,214.57, as well as receipt summaries and journal entries for April and May 2010, is subject to the approval of any related agenda item(s).

8. PUBLIC HEARING

9. PETITIONS AND COMMUNICATIONS

A. Second reading for a new Class BW Beer/Wine Permit for Tantra Thai Bistro, 101 W. Mississippi Drive #L01 – CNY Group Inc. (pending inspections)

B. Request for a five day Beer Permit for Great River Days Inc. at Riverside Park, July 29, 2010 through August 1, 2010 – Kerry Keller

C. Request for Outdoor Service Permit for One More Round at 209 E. 2nd Street for August 14, 2010 – Ruth A. Wilson

D. 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

E. Request for renewal of a Class WB Native Wine and Sunday Sales Permit for The Flower Gallery, 131 E. 2nd Street – Karen Diercks

- F. Request for renewal of a Class C Beer and Sunday Sales Permit for Babe's Sinclair, 2307 Lucas Street – Rodney Yocom
- G. Request for renewal of a Class C Beer and Sunday Sales Permit for Express Mart, 4804 Grandview Avenue – E-Mart Inc.
- H. Request for renewal of a Class C Beer and Sunday Sales Permit for Hyink's Service Inc., 1206 E. 2nd Street – Royce Hyink
- I. Request Approval of Two Cigarette Permits Effective July 1, 2010 through June 30, 2011
- J. Request from One More Round, 209 E. 2nd Street, for Use of City Property for a Street Dance on August 14, 2010

Presented for City Council's consideration is a request from Ruth A. Wilson, owner of One More Round located at 211 E. 2nd Street, to hold a concert/street dance on E. 2nd Street between the blocks of Sycamore and Cedar streets. If approved, the event would be held on August 14, 2010 from 3 p.m. to midnight. Businesses affected by this event have been notified.

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. First Reading of an Ordinance Amending Title 5, Business Regulations, Chapter 10, Salvage, Junk Dealers, and Refuse Haulers (Flow Control Ordinance)

Presented for City Council's consideration is the first reading of an ordinance amending Title 5, Business Regulations, Chapter 10, Salvage, Junk Dealers, and Refuse Haulers. The purpose of this proposed ordinance is to create flow control of solid waste to the city's facilities to offset the lack of tonnage caused by the economic downturn and waste that is leaving our service area. The revenue received will assist in paying down the deficit at the Muscatine County Landfill.

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

B. Resolution Approving Contract and Bond for the Hangar Access Road at the Municipal Airport

Presented for City Council's consideration is a resolution approving the contract and bond for the hangar access road at the municipal airport. On June 17, 2010, Council took action to award the contract for this project to Muscatine Bridge Inc. in the amount of \$88,431.75. Staff has reviewed the contract and bond and is recommending their approval.

Is there a motion to adopt the resolution as submitted?

C. Resolution Renaming the Preliminary/Final Plat of Kory and Tony Kies Subdivision to William Walker Way Subdivision in the County of Muscatine

Presented for City Council's consideration is a resolution renaming the preliminary/final plat for the Kory and Tony Kies Subdivision to the William Walker Way Subdivision in the County of Muscatine. On June 17, 2010 City Council took action to approve the one-lot preliminary/final plat for the Kory and Tony Kies Subdivision. During a concurrent review by Muscatine County, the owner is requesting the subdivision be named William Walker Way. As a result, the prior action to approve the subdivision must be altered to reflect the name change so it may be recorded by the County Recorder.

Is there a motion to adopt the resolution as submitted?

D. Resolution Accepting the Low Bid for the Muscatine Owner-Occupied Housing Rehabilitation Program for 212 Grover Street

Presented for City Council's consideration is a resolution accepting the low bid for the Muscatine Owner-Occupied Housing Rehabilitation Program for 212 Grover Street. Four bids were submitted for this project with the low bid from Daniels Construction of Muscatine in the amount of \$22,400. The Muscatine Rehabilitation Committee has reviewed the bid document and recommends its approval. The city's estimate was \$29,995. This represents the second project under the 2009 Housing Rehabilitation Program.

Is there a motion to adopt the resolution as submitted?

E. Resolution Releasing Real Estate Mortgage Under the 2003 CDBG Program for 313 E. 6th Street

Presented for City Council's consideration is a resolution releasing a real estate mortgage under the 2003 CDBG Housing Rehabilitation Program for 313 E. 6th Street. The property owner received the maximum \$24,999 in funding assistance through a five-year forgivable loan. The project was completed on June 29, 2005 and

since that time, 20% of the loan has been forgiven annually with the final amount forgiven on June 29, 2010. This is the seventh of 11 mortgages that are expected to be released under the 2003 program.

Is there a motion to adopt the resolution as submitted?

F. Resolution Authorizing the Assessment of 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 provides to City Council a request for the assessment of nuisance abatement costs against private property owners. At this time staff is forwarding the assessment list for unpaid abatement costs totaling \$19,225.05.

Is there a motion to adopt the resolution as submitted?

G. Resolution Approving the Contract and Bond for the Clay Street Bridge Improvements

Presented for City Council's consideration is a resolution approving the contract and bond for the Clay Street Bridge Improvement Project. On June 17, 2010, Council took action to award the contract for this project to Hy-Brand Industrial Contractors in the amount of \$340,450.53. City staff has reviewed the appropriate contract and bond and is recommending their approval.

Is there a motion to adopt the resolution as submitted?

H. Resolution Awarding the Contract for the 2010 Curb and Gutter and Street Maintenance Program

Presented for City Council's consideration is a resolution awarding the contract for the 2010 Curb and Gutter and Street Maintenance Program. There were five bids submitted for this project with the low bid from BMW Builders II in the amount of \$106,544.10. The engineer's estimate was \$172,510.46, and there was \$200,000 budgeted for this project.

Is there a motion to adopt the resolution as submitted?

I. Resolution Accepting Completed Work Performed Under the Geothermal HVAC Public Safety Building Project 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?

J. Resolution Setting a Public Hearing on the Plans, Specifications, Form of Contract and Cost Estimate for the Sunset Park Resident Center

Presented for City Council's consideration is a resolution setting a public hearing on the plans, specifications, form of contract and cost estimate for the Sunset Park Resident Center. On May 20, 2010, City Council authorized a professional planning and design service contract with Neumann Monson Architects for a 1,200 square foot Resident Center addition to the existing Sunset Park office building. Prior to any formal action by Council, a public hearing is required. This public hearing is scheduled for Thursday, July 15, 2010, at 7 p.m.

Is there a motion to adopt the resolution as submitted?

K. Resolution Accepting a Capital Funding Grant for 2010 Along with Revisions to the Annual Statements and Authorizing the Housing Administrator to Execute the Annual Contributions Contracts on Behalf of the Board of Commissioners

Presented for City Council's consideration is a resolution accepting a capital funding grant for 2010 along with revisions to the annual statements and authorizing the Housing Administrator to execute the annual contributions contracts on behalf of the Board of Commissioners. The Muscatine Municipal Housing Agency (MMHA) receives Capital Funding Program Formula Grants (CFP) annually for the purpose of improving living conditions at Sunset Park and the Clark House. Earlier this month, the city was informed that the allocation for fiscal year 2010 will be \$196,691 which is \$8,009 less than projected during the budget planning process earlier this year. Another round of CFP will be offered in a few months for high performing housing authorities and it is expected the \$8,009 will be funded at that time.

Is there a motion to adopt the resolution as submitted?

L. Resolution Accepting Completed Work Performed Under the Weed Park Tennis Court Project and Authorizing Final Payment

Presented for City Council's consideration is a resolution accepting the completed work performed under the Weed Park Tennis Court Project. On June 18, 2009, City Council awarded the contract to Hy-Brand Industrial Contractors in the amount of \$274,250 for the construction of four tennis courts in Weed Park. There were two change orders totaling \$7,795 which resulted in a final contract price of \$282,045. The contractor has satisfied the contract requirements and it is staff's recommendation the work be accepted and final payment made to the contractor.

Is there a motion to adopt the resolution as submitted?

M. Resolution Relating to the Financing of Certain Proposed Projects and Establishing Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code

Presented for City Council's consideration is a resolution relating to the financing of certain proposed projects and establishing compliance with reimbursement bond regulations under the Internal Revenue Code. The IRS requires that cities identify projects that may be financed in whole or in part through the issuance of general obligation bonds which is normally done near the time the construction contract is approved for a project. In June 2010, the city issued bonds for projects completed or in progress from prior years.

Is there a motion to adopt the resolution as submitted?

N. Request Approving an Engineering and Design Services Agreement for Sanitary Sewer for the Clearview Mobile Home Park

Presented for City Council's consideration is a request to approve an engineering and design services agreement for sanitary sewer for the Clearview Mobile Home Park. On June 18, 2009, City Council completed the voluntary annexation of approximately 180 acres of real estate generally located north of Savannah Avenue, south of 180th Street and west of Ripley's Mobile Home Community now known as the Clearview Mobile Home Park. As part of the pre-annexation agreement, the developer for the property agreed to extend sanitary sewer to the area at their expense and the city agreed to allow Clearview to connect to the new sewer provided they pay a surcharge for that service. It is now necessary for City Council to approve the agreement for engineering services with McClure Engineering Company of North Liberty, Iowa. Payment for these services will be through a planning and design loan (\$108,000) under the Iowa Revolving Loan Fund Program.

Is there a motion to approve the request as submitted?

O. Request Authorization to Purchase Mower for Kent Stein Park

Presented for City Council's consideration is a request for approval to purchase a mower for Kent Stein Park. Three bids were received with the bid from MTI of Bettendorf for a GM 4100-D Toro in the amount of \$49,036.05 meeting the city's specifications. There was \$50,000 budgeted for this purchase. It is staff's recommendation that City Council authorize the purchase of the mower from MTI.

Is there a motion to approve the request as submitted?

P. Request to Approve Amendment to Retail Sales and Service Agreement and Lease for Greenwood Cemetery

Presented for City Council's consideration is a request to approve the amendment to the retail sales and service agreement and lease for Greenwood Cemetery. The requested changes include extending the agreement by two years (July 1, 2010 through June 30, 2012) and lowering the percentage of commissions paid to the city for gross receipts over \$500 from 25% to 23%. Since the inception of this agreement on July 1, 2001, the city has received an average of between \$12,000 and \$15,000 annually. This service is provided out of the Greenwood Cemetery Chapel building.

Is there a motion to approve the request as submitted?

Q. Request to Approve Amendment to Business Office Operations Agreement at Greenwood Cemetery

Presented for City Council's consideration is a request to approve the amendment to the business office operations agreement at Greenwood Cemetery. The only requested change is to add two additional years to the agreement (July 1, 2010 through June 30, 2012). The current service provider is paid \$600 per month and has met the expectations of the agreement.

Is there a motion to approve the request as submitted?

R. Request Approval to Purchase High Speed Scanners for the Police Department

Presented for City Council's consideration is a request to approve the purchase of two high speed scanners for the Police Department. These scanners, which are used in the Records Division, were both damaged by lightning strikes in the month of June. Advanced Systems Inc. had the lowest price of \$2,628.18 each for a total purchase price of \$5,256.36. These scanners capture reporting documents and place them on a separate server that is accessible by department employees, the County Attorney's office, Adult Probation and Juvenile Probation 24 hours a day. Staff is requesting authorization to purchase the two scanners.

Is there a motion to approve the request as submitted?

S. Request Authorization to Purchase Solid Waste Dumpster Containers

Presented for City Council's consideration is a request to purchase solid waste dumpster containers. Three bids were received from two vendors with the low bid from Gregory Container of Kahoka, Missouri, in the amount of \$9,938. These dumpsters will replace older ones being used by numerous business and commercial accounts. There was \$10,000 budgeted for this purchase.

Is there a motion to approve the request as submitted?

T. Request to Approve Agreement for Engineering and/or Land Surveying Services for the Municipal Airport

Presented for City Council's consideration is a request to approve an agreement for engineering and/or land surveying services for the municipal airport. The agreement with Anderson-Bogert Engineers & Surveyors Inc. will provide for a variety of design and consulting services for the airport. The cost for these services will be an amount not to exceed \$14,212.

Is there a motion to approve the request as submitted?

U. Request to Approve Annual Roadway Maintenance Agreement with the Iowa Department of Transportation

Presented for City Council's consideration is a request to approve the annual roadway maintenance agreement with the Iowa Department of Transportation. Annually the city enters into an agreement with the IDOT for the maintenance and repair of primary roads within the city limits. Included in the agreement for July 1, 2010 through June 30, 2011 are Highways 92, 38 and 22 with the IDOT paying the city \$1,050 per lane mile for the work. The city has 19.16 lane miles which totals \$20,118.

Is there a motion to approve the request as submitted?

V. Request Authorization to Purchase Snow Plow

Presented for City Council's consideration is a request to authorize the purchase of a reversible snow plow. Four bids were submitted with the low bid from Bonnell Industries in the amount of \$7,599. There was \$11,000 budgeted for this purchase.

Is there a motion to approve the request as submitted?

W. Request Approval of Change Order #3 for Certified Plant Inspection on Clay Street Reconstruction Project

Presented for City Council's consideration is a request to approve Change Order #3 for certified plant inspection on the Clay Street Reconstruction Project. An audit by the Iowa Department of Transportation required the construction specifications to require the contractor (Vieth Construction Corporation) to provide certified plant inspection for the concrete pavement. This change order in the amount of \$917.50 satisfies that requirement. The new contract total for this project will be \$929,615.98.

Is there a motion to approve the request as submitted?

X. Request to Approve Change Order #4 for the Water Pollution Control Plant Renovation Project

Presented for City Council's consideration is a request to approve Change Order #4 for the Water Pollution Control Plant Renovation Project. This change order represents a credit in the amount of \$41,929. The credits under this change order total \$49,848 and include the deletion of part of the erosion control mat at the biosolids lagoon, elimination of a belt conveyor and compensation to the city for electrical power used by the contractor from January 8, 2010 through May 30, 2010. The other two items totaling \$7,919 are for electrical items that had not been anticipated during the design of the project. It is staff's recommendation that this change order be approved.

Is there a motion to approve the request as submitted?

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – June 7 & 14, 2010
- B. Art Center Board of Trustees – May 20, 2010
- C. City of Muscatine Financial Reports – March, April and May 2010
- D. NFPA Survey – April 2010

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,035,214.57, as well as receipt summaries and journal entries for April and May 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