

COUNCIL

Santos Saucedo At Large	Diana Broderson Mayor	Scott Natvig At Large		
Robert Bynum 4 th Ward		Phil Fitzgerald 1 st Ward		
Allen Harvey 5 th Ward	2017 MEETING SCHEDULE			
(All meetings start at 7:00 PM unless voted upon by Council.)				
Tom Spread 3 rd Ward	Regular Meetings			
Matt Brick City Attorney	January 5 & 19	July 6 & 20	January 12	July 13
	February 2 & 16	August 3 & 17	February 9	(None in August)
	March 2 & 16	September 7 & 21	March 9	September 14
	April 6 & 20	October 5 & 19	April 13	October 12
	May 4 & 18	November 2 & 16	May 11	November 9
	June 1 & 15	December 7 & 21	June 8	December 14
In-depth Meetings			Fran Donelson Administrative Secretary	
			Gregg Mandsager City Administrator	

AGENDA

THURSDAY, MARCH 2, 2017 COUNCIL CHAMBERS - CITY HALL – 7:00 P.M.

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

- A. Swearing in of Three Firefighters

At this time, Mayor Broderson will swear in Firefighters Benjamin Quick, Mike Lintz, and Craig Chelf.

5. **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 so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

*** Items 6A - Approval of City Council Minutes**

A. Regular City Council Minutes – February 16, 2017

*** Items 8A-E – Petitions and Communications**

A. Request for renewal of a Class “B” Wine Permit, Class “C” Beer permit, Class “E” Liquor License and Sunday Sales for Hy-Vee Food Store, 2400 – 2nd Avenue – Hy-Vee Inc. (pending inspections)

B. Request to Approve Use of City Property for Saint Mary & Mathias Catholic School on April 8, 2017

C. Request to Approve Use of City Property for April Run Against Cancer on April 22, 2017

D. Request to Approve Use of City Property for Muscatine Power & Water 5K on June 10, 2017

E. Request to Approve Use of City Property from the HNI Corporation on August 20, 2017

*** Items 12A-C – Receive and File**

A. Muscatine County Board of Supervisors Minutes – February 6 & 13, 2017

B. Zoning Board of Adjustment Minutes - January 3, 2017

C. Board of Water, Electric & Communications Trustees Minutes – January 31, 2017

*** Bills***

* Approval of attached Bills for Approval totaling \$2,431,052.92, which includes journal entries and receipt summaries for January 2017, is subject to the approval of any related agenda item(s).

6. MINUTES – APPROVAL

7. PUBLIC HEARING

A. Proposed Ordinance Amending Title 10 (Zoning Ordinance) of the City Code

This public hearing concerns a proposed ordinance amending Title 10 (Zoning Ordinance) of the City Code. Rewriting the zoning ordinance is the most important step in implementing the vision of the new Comprehensive Plan. The revised zoning

ordinance will have sufficient flexibility to be adapted to unique and difficult site conditions to preserve the character of individual neighborhoods and will be more user friendly. Prior to any formal action by City Council, a public hearing is required.

Now is the time for the public to comment.

B. Proposed Amendment #1 to the City Budget for the Fiscal Year Ending June 30, 2017

This public hearing concerns proposed Amendment #1 to the City Budget for the Fiscal Year Ending June 30, 2017. This amendment includes amending both revenues and expenditures to the currently estimated amounts. Amendments also reflect updated capital project construction schedules. Prior to any action by City Council, a public hearing is required.

Now is the time for the public to comment.

C. Proposed Adoption of Budget and Certification of Taxes for Fiscal Year 2017/2018

This public hearing concerns the proposed Adoption of the City's Budget and Certification of Taxes for Fiscal Year 2017/2018. The amounts included in the public hearing notice and budget adoption resolution reflect the budget amounts approved by City Council during their budget review sessions and are in the format required by the State of Iowa. The final budget documents must be filed with the state on or before March 15th of each year. Prior to any formal action by City Council, a public hearing is required.

Now is the time for the public to comment.

8. PETITIONS AND COMMUNICATIONS

9. FROM THE MAYOR

10. FROM THE PLANNING AND ZONING COMMISSION

11. FROM THE CITY ADMINISTRATOR

A. First Reading of Ordinance Amending Title 10 (Zoning Ordinance) of the City Code

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

B. Second Reading of an Ordinance Vacating City Right-of-Way (old Sun Mart alley)

Presented for City Council's consideration is the second reading of an ordinance vacating city right-of-way (old Sun Mart alley). Kum & Go has acquired the old Sun Mart site located at the northeast corner of 4th and Cedar streets. Their intent is to relocate their existing store at the northwest corner of 5th and Cedar streets to this

location. Kum & Go is requesting the alley running through this block be vacated.

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

C. Resolution Approving Amendment #1 to the 2016/2017 City Budget

Is there a motion to adopt the resolution as submitted?

D. Resolution Adopting Budget and Certification of Taxes for Fiscal Year 2017/2018

Is there a motion to adopt the resolution as submitted?

E. Resolution Awarding Contract for the Mississippi Drive Corridor Project

Presented for City Council's consideration is a resolution awarding the contract for the Mississippi Drive Corridor Project. Five bids were received for the project. KE Flatwork submitted a bid that appeared to be lower but following a review of the bid, it was determined by staff that the bid was irregular and nonresponsive. Therefore, staff is requesting City Council take action to award the bid to Langman Construction in the amount of \$8,787,676.34.

Is there a motion to adopt the resolution as submitted?

F. Resolution Setting Public Hearing for the Sale of Real Property to the HNI Corporation

Presented for City Council's consideration is a resolution setting a public hearing for the sale of real property to the HNI Corporation. In February 2016, City Council approved the exchange of 1.53 acres of vacated right-of-way, primarily in Block 70 of Original Town, made up of portions of Spring Street, E. 4th Street, and Poplar Street for 1.63 acres of property currently owned by HNI along Mad Creek between 5th and Washington streets. Due to a drafting error in the resolution approving this exchange, it is necessary to redo the process in order to produce the documents necessary to close this transaction. Prior to any formal action by City Council, a public hearing is necessary. This public hearing will be held on Thursday, March 16, 2017, at 7:00 p.m.

Is there a motion to adopt the resolution as submitted?

G. Request to Approve Security Fence and Maintenance Agreement Between City and Grain Processing Corporation

Presented for City Council's consideration is a request to approve a Security Fence and Maintenance Agreement between the city and Grain Processing Corporation. The U.S. Army Corps of Engineers has requested, as part of their annual inspection, that a maintenance agreement be completed between the city and other entities that own

property where the Mississippi River Levee has been constructed. The Public Works Department has taken on the responsibility of managing the levee within the city limits to meet all Corps requirements. This agreement with Grain Processing Corporation will set forth the requirements of each entity with regard to access to the levee and maintenance of the security fencing that GPC has installed on the levee.

Is there a motion to approve the request as submitted?

H. Request to Purchase Dump Box and Lift Gate for Sewer Truck

Presented for City Council's consideration is a request to purchase a dump box and lift gate for a sewer truck. Three quotes were solicited with two vendors responding. Staff is recommending approval of the low quote from Knapheide Truck Equipment in the amount of \$9,641 for replacement of a 10' dump box and lift gate for a one-ton dump truck. There is \$11,000 budgeted for this purchase.

Is there a motion to approve the request as submitted?

I. Request to Approve Change Order #5 for the Mulberry Avenue Reconstruction Project

Presented for City Council's consideration is a request to approve Change Order #5 for the Mulberry Avenue Reconstruction Project. Through the Iowa Department of Transportation specifications for this project, the city was required to evaluate the thickness of the newly constructed pavement and to pay a Thickness Incentive Payment to the contractor if the pavement passes the test. Cores were taken at random locations along the street and random offsets from the project centerline and were found to meet the thickness incentive requirements. This change order is to pay the contractor \$13,441.33 for the thickness incentive.

Is there a motion to approve the request as submitted?

J. Request to Approve the Issuance of a Purchase Order for a Fire Bunker Gear Washer

Presented for City Council's consideration is a request to approve the issuance of a purchase order for a fire bunker gear washer. Three quotes were received with the low quote being from Century Laundry Distributing in the amount of \$6,968 for a Dexter 40 LB C-Series washer/extractor. Staff is requesting City Council authorize the issuance of a purchase order for this equipment. There is \$9,000 budgeted for this purchase.

Is there a motion to approve the request as submitted?

K. Request to Approve Settlement Agreements for Violation of Iowa Code Section 453A.2 (Selling Tobacco to a Minor)

Presented for City Council's consideration is a request to approve settlement agreements for violation of Iowa Code Section 453A.2 (Selling Tobacco to a Minor). Agreements were received from Kum & Go and Nash Finch Company, dba Wholesale Food Outlet #312, with civil penalties totaling \$1,500 each. Agreements were also received from D.J.M.B. Enterprises, dba as Westside Store, Casey's General Stores, Hyink Standard Service, and Aviya LLC, dba as Express Mart, with civil penalties totaling \$300 each.

Is there a motion to approve the request as submitted?

L. Request to Approve Agreement with the Greater Muscatine Chamber of Commerce & Industry for Staffing of the CVB

Presented for City Council's consideration is a request to approve an agreement with the Greater Muscatine Chamber of Commerce & Industry for staffing of the CVB.

Is there a motion to adopt the request as submitted?

M. Request to Approve Change Order #3 for the Art Center HVAC Replacement and Window Improvement Project

Presented for City Council's consideration is a request to approve Change Order #3 for the Art Center HVAC Replacement and Window Improvement Project. The contractor has presented 13 additional Change Authorization Requests (CARs). Of these requests, only two have an additional cost of \$4,743.70. The remaining CARs are at no cost to the city.

Is there a motion to approve the request as submitted?

N. Request to Approve Abatement of Asbestos Containing Materials for Beach Lumber

Presented for City Council's consideration is a request to approve the asbestos abatement for Beach Lumber. Proposals were solicited from four firms with only two responding. Staff is recommending the proposal from Advance Environmental in the amount of \$5,200 be approved. Funds for this work are budgeted for in the Mississippi Drive Corridor Project.

Is there a motion to approve the request as submitted?

12. COMMUNICATIONS - RECEIVE AND FILE

13. APPROVAL OF BILLS

It is recommended bills totaling \$2,431,052.92, which includes journal entries and receipt summaries for January 2017, 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).

14. COMMUNICATIONS - COUNCIL MEMBERS

15. OTHER BUSINESS

16. ADJOURNMENT