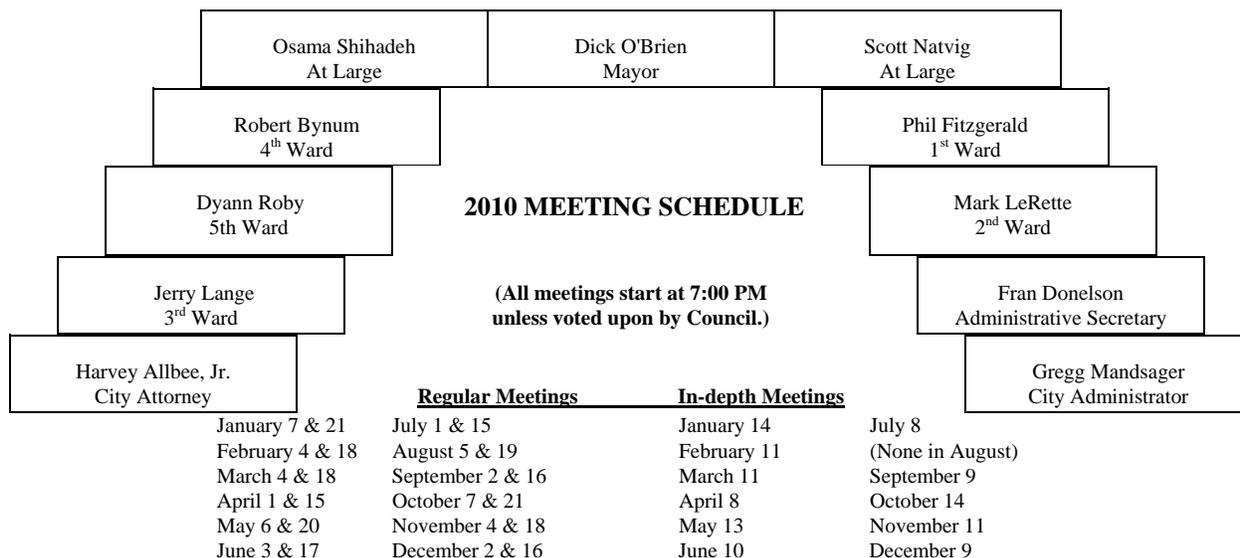


COUNCIL



AGENDA

**THURSDAY, MARCH 4, 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 – February 18, 2010
- B. Budget Meetings – January 28 & 30, 2010 and February 1, 2, 3, 6, 10, 11 & 16, 2010
- C. Executive Session Minutes – February 11, 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-C
- * 13 – A-I
- * Bills*

* Approval of attached Bills for Approval totaling \$909,664.13, as well as the receipt summary and journal entries for October 2009, is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

- A. Proposed Complaint Against Retail Cigarette Permit Holder Violating Iowa Code Chapter 453A

This public hearing will be handled by City Attorney Harvey Allbee Jr.

9. **PETITIONS AND COMMUNICATIONS**

- A. Request for renewal of a Class C Liquor License with Sunday Sales and Outdoor Service for The Rendezvous, 3127 Lucas Street – Cindy’s Rendezvous LLC
- B. Request for renewal of a Class C Liquor License with Sunday Sales for Diamond Dave’s Taco Co., 2608 2nd Avenue – South of the Border Inc.
- C. First reading for a new Class B Beer and Sunday Sales Permit for Supreme Fitness LLC, 303 Cleveland Street (pending inspections and receipt of final paperwork)
- D. Request Approval for Use of City Property for Mississippi Valley Child Protection Center Walk/Run

Presented for City Council’s consideration is a request from the Mississippi Valley Child Protection Center (MVCPC) for a Walk/Run on Saturday, May 15, 2010. This activity is scheduled to begin at 9 a.m. and last approximately one hour. The proposed route begins at 1600 Mulberry Avenue and travels to 3rd Street to Iowa Avenue and ends back at the point of origin. This is a statewide event and is a fund raiser for the MVCPC.

Is there a motion to approve the request as submitted?

10. FROM THE MAYOR

A. Reappointment of Brandy Dulceak Olson to the Civil Service Commission

Is there a motion to approve the reappointment of Brandy Dulceak Olson to the Civil Service Commission?

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

A. Final Reading of an Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Muscatine 2010 Industrial Urban Renewal Area Pursuant to Section 403.19 of the Code of Iowa

Presented for City Council's consideration is the final reading of an ordinance providing for the division of taxes levied on taxable property in the Muscatine 2010 Industrial Urban Renewal Area Pursuant to Section 403.19 of the Code of Iowa. Previous action by Council included a public hearing and a resolution establishing the Muscatine 2010 Industrial Urban Renewal Area and adopting the urban renewal plan. The next step for City Council to take is to establish by ordinance the legislation necessary to capture the incremental property tax growth known as "tax increment financing". By state statute, the length of a TIF area is limited to 20 years.

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

B. Resolution Approving the Order Accepting Acknowledgement/Settlement Agreements and Imposing a Civil Penalty with Regard to Cigarette Permit Holders Violating Iowa Code 453A.2

Presented for City Council's consideration is a resolution approving the order accepting acknowledgement/settlement agreements and imposing a civil penalty with regard to cigarette permit holders violating Iowa Code 453A.2. Previously a public hearing was held to receive public comment on this matter. If in advance of this requested action the permit holders have not yet agreed to an acknowledgement/settlement agreement, this action will allow the city to assess a civil penalty against said cigarette permit holders.

Is there a motion to adopt the resolution as submitted?

C. Resolution Approving Modification of Airport Hangar Lease Agreement

Presented for City Council's consideration is a resolution approving modifications to an airport hangar lease agreement. The city has received a request from Bridgestone Americas Inc. (BSAM) to amend the lease agreement with Bandag Inc. The current owner of the airplane being housed in the hangar owned by the city is BSAM; therefore, it would be appropriate to approve the modification to the lease agreement.

Is there a motion to adopt the resolution as submitted?

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

Presented for City Council's consideration is a resolution accepting the low bid for the Muscatine Owner-Occupied Housing Rehabilitation Program for 1407 Mill Street. The city has entered into a grant agreement with the Iowa Department of Economic Development for owner-occupied housing rehabilitation within portions of the Riverbend and 4th Street Park neighborhoods. The grant agreement will fund up to \$24,999 for housing rehabilitation and additional funding for lead-based paint control for each eligible residence. This property represents the first project under the 2009 program. Four bids were received with the low being from North Construction in the amount of \$34,987. The Muscatine Rehabilitation Committee reviewed the bids and is recommending the acceptance of the bid from North Construction.

Is there a motion to adopt the resolution as submitted?

E. Request Authorization to Enter Into a Professional Agreement with HLW Engineering Group for Solid Waste Services

Presented for City Council's consideration is a request for authorization to enter into a professional agreement with HLW Engineering Group for solid waste services. The city was recently notified that Fox Engineering is discontinuing its solid waste services. Therefore, bids were solicited for professional engineering services for the Muscatine County Landfill, Muscatine Recycling Center and Transfer Station, and Muscatine Construction and Demolition Closed Landfill. Three bids were received with the low bid from HLW Engineering Group. Services included in this agreement are inspections, ground water testing, financial assurance, and other items required in order to comply with the Iowa Department of Natural Resources. It is staff's recommendation the city enter into a professional services agreement with HLW Engineering Group for solid waste services.

Is there a motion to approve the request as submitted?

F. Request Approval of the State of Iowa Federal-Aid Grade Crossing Surface Repair Force Account Agreements

Presented for City Council's consideration is a request to approve the State of Iowa Federal-Aid Grade Crossing Surface Repair Force Account Agreements. There are four agreements with the Dakota, Minnesota & Eastern Railroad and the Iowa Department of Transportation requiring Council action. The city, the DM&E Railroad and the IDOT will be repairing the railroad crossings at Sampson Street, Oregon Street, 9th Street and 5th Street during the 2010 calendar year. The extent of the work to be performed was determined by the city's Roadway Maintenance Supervisor, representatives of the railroad and the IDOT in 2009. The overall estimated cost for the project is \$835,000 with the city responsible for 20% of the cost. There is \$200,000 budgeted for these improvements.

Is there a motion to approve the request as submitted?

G. Request to Approve Spring Cleanup Week

Presented for City Council's consideration is a request to set Spring Cleanup Week for April 26-30, 2010. April is "Keep America Beautiful" month and April 22, 2010 is "Earth Day". Spring Cleanup Week is established to coincide with these two events. The purpose of this activity is to encourage residents to clean up their homes, yards, and neighborhoods for the upcoming spring and summer season.

Is there a motion to approve the request as submitted?

H. Request from Police Department to Declare Items as Surplus Property

Presented for City Council's consideration is a request from the Police Department to declare items as surplus property. The Police Department currently has two vehicles that have become unreliable for police service. It is staff's recommendation these vehicles be declared as surplus and traded in on a 2010 Chevrolet Impala. The trade-in value for both vehicles is \$3,900. The remainder of the purchase (\$17,000) will come from drug forfeiture funds.

Is there a motion to approve the request as submitted?

I. Request Approval of Police Contract Effective July 1, 2010 to June 30, 2011

Presented for City Council's consideration is a request to approve the Police contract effective July 1, 2010 through June 30, 2011. The city has reached a tentative agreement with the Chauffeurs, Teamsters, and Helpers Local #238 covering the Police Bargaining Unit. As was recently outlined to City Council, this agreement includes some language clarifications, an increase to \$800 for the uniform allowance, and a 2% across the board pay increase. The Police Bargaining Unit has ratified the

agreement and it is staff's recommendation it be approved.

Is there a motion to approve the request as submitted?

J. Request Approval of City Council 2010 Goals and Objectives

Presented for City Council's consideration is a request to approve the City Council 2010 Goals and Objectives. In January of this year, City Council met to create their goals and objectives for 2010. They are now being submitted for final consideration and adoption by City Council.

Is there a motion to approve the request as submitted?

K. Request to Approve Contract with Gatso USA for the Automated Traffic Enforcement Project

Presented for City Council's consideration is a request to approve a contract with Gatso USA for the Automated Traffic Enforcement Project. At its December 17, 2009 meeting, City Council took action to award this contract to Gatso USA. The contract has been reviewed by both the city attorney and the city's insurance carrier. Following its approval, the next step will be a survey to gauge exactly how much of a problem there is with vehicles ignoring traffic control devices and what intersections would be the best target for cameras. There is no cost to the city for this survey. If the survey indicates there is not a large problem in Muscatine, the contract may be terminated at no cost to the city.

Is there a motion to approve the request as submitted?

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – February 8 & 15, 2010
- B. Historic Preservation Commission – January 26, 2010
- C. Iowa Certified Local Government – 2009 Annual Report
- D. Senior Resources – January 26, 2010
- E. Board of Water, Electric, and Communications Trustees
- F. MP&W Communications Utility – January 2010
- G. MP&W Electric Utility – January 2010
- H. MP&W Water Utility – January 2010
- I. City of Muscatine Financial Reports – December 2009 and January 2010

14. APPROVAL OF BILLS

It is recommended bills totaling \$909,664.13, as well as the receipt summary and journal entries for October 2009, 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