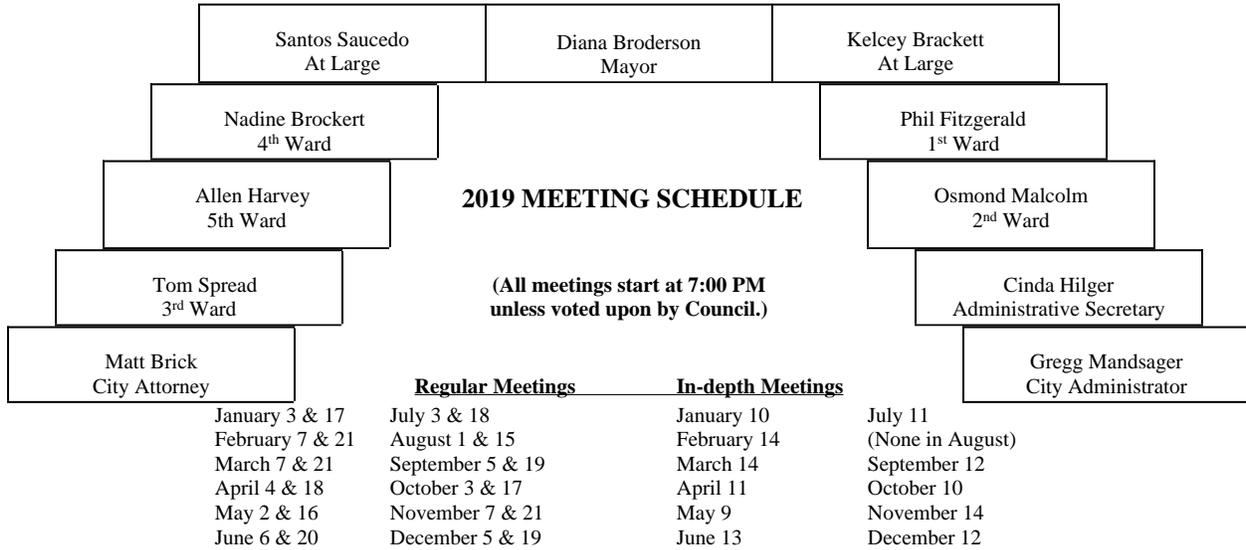


# COUNCIL



## AGENDA

### **THURSDAY SEPTEMBER 5, 2019 COUNCIL CHAMBERS - CITY HALL – 7:00 P.M.**

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

A. Presentation of Civilian Meritorious Award

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.

**\* Item 6A-B Approval of City Council Minutes**

- A. Regular City Council Meeting Minutes – August 15, 2019
- B. Closed Session City Council Meeting Minutes – August 15, 2019

\* **Items 8A-G Petitions and Communications**

- A. Request for a five-day permit for Hubble's Tap, 5901 US-61 South (for event to be held at the Armory) on September 21, 2019 – Hubbles Glenda, LLC (pending inspections)
- B. Request for renewal of Class "C" Beer Permit and Sunday Sales for Muscatine Fast Break, 2603 Second Avenue – Reif Oil Company (Pending Inspections)
- C. Request for Outdoor Service for Hy-Vee Wine and Spirits, 522 Mulberry Avenue from September 11, 2019, through September 12, 2019 – Hy-Vee, Inc. (pending inspections and insurance)
- D. Request for renewal of Class "B" Wine Permit, Class "C" Beer Permit and Class "E" Liquor License and Sunday Sales for Express Mart, 4804 S. Highway 61 – Aviya, LLC (Pending inspections.
- E. Request for renewal of Class "C" Liquor License, Outdoor service and Sunday Sales for American Legion Club, 110 South Houser Street – Edward h Blitzer Post N0 27(pending inspections and Insurance)
- F. Request for renewal of Class "B" Native Wine Permit for Flowers on the Avenue, 1139 9<sup>th</sup> Street – Flowers on the Avenue (pending inspections and insurance)
- G. Request for use of City Property from Vineyard Christian Fellowship for their 25<sup>th</sup> Anniversary Celebration on September 28, 2019.

\* **Items 9A-B From the Mayor**

- A. Presentation of Proclamation for Constitution Week
- B. Request to approve new appointment Ann Meeker to the CVB Board

\* **Items 12A-C Receive and File**

- A. Muscatine County Board of Supervisors Minutes – August 12, 2019
- B. Muscatine County Board of Supervisors Minutes – August 19, 2019
- C. MPW Financial Statements – July 2019

\* **Bills\***

- \* Approval of attached Bills for Approval totaling \$1,852,451.47, subject to the approval of any related agenda item(s).

**6. MINUTES – APPROVAL**

**7. PUBLIC HEARING**

- A. Sale of City Owned Surplus Property – Roby Avenue

This public hearing concerns the declaration of property located on Roby Avenue

as surplus property and offering said property for sale to adjoining property owners, Clint and Dana Church, for the purchase price of \$8,828.00.

Now is the time for the public to comment.

B. Proposed 2019 Asphalt Alley Project.

This public hearing concerns the proposed 2019 Asphalt Alley Project. The City of Muscatine Public Works Department has compiled a list of alleys to be asphalt overlaid. The alleys have been measured and an estimate has been created along with the plans and specifications.

Now is the time for the public to comment.

**8. PETITIONS AND COMMUNICATIONS**

**9. FROM THE MAYOR**

Presentation of Proclamation

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

**11. FROM THE CITY ADMINISTRATOR**

A. Ordinance Amending Title 8, Chapter 7 of the City Code, Building Regulations, Mechanical Code

Presented for City Council's consideration is the third and final reading of an Ordinance on the proposed amendment to Title 8, Chapter 7 Building Regulations, Mechanical Code. The Iowa Department of Public Health has adopted new codes and to stay in compliance with state laws the City must adopt the new standards.

Is there a motion to adopt this Ordinance on third and final reading and to direct for its publication as required by law?

B. Ordinance Amending Title 10, Chapter 4, Section 11 of City Code Floodplain Regulations

Presented for City Council's consideration is the third and final reading of an Ordinance on the proposed amendment to Title 10, Chapter 4, Section 11 of City Code, Floodplain Regulations. The Iowa Department of Natural Resources has requested the City of Muscatine add six definitions to the City's floodplain management regulations.

Is there a motion to adopt this Ordinance on third and final reading and to direct for its publication as required by law?

- C. Ordinance Amending Title 1 Administrative, Chapter 10 City Officers and Employees, 2 City Administrator E Duties and Responsibilities, Section 1b

Presented for City Council's consideration is the first reading of an Ordinance amending Title 1, Chapter 10, Section 2 E,1,b.

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

- D. Resolution Declaring Real Estate Owned by the City as Surplus and Authorizing the Sale of Said Property – Roby Avenue (Public Hearing A)

Presented for City Council's consideration is a Resolution declaring property located on Roby Avenue as surplus and authorizing the sale of said property to the adjoining property owners, Clint and Dana Church, in the amount of \$8828.00.

Is there a motion to adopt this Resolution as submitted?

- E. Resolution Approving Revised Plans, Specifications, Form of Contract, Cost Estimate and Setting the Date for Receipt of Bids for the 2019 Asphalt Alley Program (Public Hearing B)

Presented for City Council's consideration is a Resolution approving the revised plans, specifications, form of contract, cost estimate and setting a date of September 19, 2019, for receipt of bids for the 2019 Asphalt Alley Program. This project was previously bid and all bids were rejected.

Is there a motion to adopt this Resolution as submitted?

- F. Resolution approving Contract and Bond for the Mulberry and 2<sup>nd</sup> Street Roundabout Project

Presented for City Council's considerations is a Resolution approving the Contract and Bond for the Mulberry Ave and 2<sup>nd</sup> Street Roundabout Project. On August 15, 2019, the project was awarded to Heuer Construction for \$2,114,738.00. Staff now recommends the approval of the Contract and Bond for this project.

Is there a motion to adopt this Resolution as submitted?

- G. Resolution Approving Combined Preliminary/Final Plat for Tulip Subdivision

Presented for City Council's Consideration is a Resolution to approve the combined preliminary/final plat for Tulip Subdivision. The Current parcel,

located at 2300 Park Avenue, contains two buildings with separate businesses. This will create separate lots for each business.

Is there a motion to adopt this Resolution as submitted?

H. Resolution Awarding Contract for the Westside Trail Project

Presented for City Council's consideration is a Resolution awarding the Contract for the Westside Trail to Heuer Construction for bid amount of \$1,221,380.29. The engineering estimate for this project was \$986,000.00. There are funds available in the bond issue to cover the cost that exceeds the estimated amount due to changes in the airport hangar project.

Is there a motion to approve this Resolution as submitted?

I. Resolution Setting Public Hearing for Utility Easement Vacation - 3702 and 3811 Park Avenue West

Presented for City Council's Consideration is a Resolution setting a public hearing on Sept 19, 2019, concerning the vacation of Utility Easements at 3702 and 3811 Park Avenue West. This request was submitted by White Distribution to vacate unused and unneeded utility easements that encroach on existing buildings.

Is there a motion to adopt this resolution as submitted?

J. Resolution Setting Public Hearing for Utility Easement Vacation – University Storage

Presented for City Council's consideration is a Resolution setting a public hearing on Sept 19, 2019, concerning the vacation of Utility Easements on lots 4B and 4C in Sunrise Subdivision for development by University Storage. University Storage is proposing to dedicate an easement along the South Edge of Lot 4C to accommodate the construction of a storm sewer and other potential utility extensions.

Is there a motion to adopt this resolution as submitted?

K. Resolution Setting Public Hearing for Right of Way Vacation located on Lake Park Avenue and Hancock Street adjacent to 922 Hancock Street.

Presented for City Council's consideration is a Resolution setting a public hearing on Sept 19, 2019, concerning the vacation of Right of Way located adjacent to the property of Ken and Dana LaRue at 922 Hancock Street. The LaRues plan to purchase the property from the City and construct a new building and other improvements that would accommodate their business vehicles for Non-Emergency Medical Transport

Is there a motion to adopt this resolution as submitted?

L. Resolution Setting Public Hearing for Right of Way Vacation – Various Property Owners Brier Street and Adjoining Alley

Presented for City Council's consideration is a Resolution Setting a Public Hearing on September 19, 2019, Concerning the vacation of Right Away for Brier Street and portions of the adjoining Alley. Brier Street no longer serves an interest to anyone beyond the adjoining property owners.

Is there a motion to adopt this Resolution as submitted?

M. Resolution Creating and Setting a Late Fee for Grease Discharge Renewal Applications

Presented for City Council's consideration is a Resolution creating and setting a late fee for Grease Renewal Applications. The WRRF sends reminder letters to all establishments 120 days prior to expiration of their grease discharge permit. There are annually 10-20 establishments that do not renew until 3-12 months past their expiration date. The reminder letters and follow up visits takes up staff time that could be used more efficiently in other areas.

Is there a motion to adopt this Resolution as submitted?

N. Request to Approve two additions to the City of Muscatine Employee Handbook

Presented for City Council's consideration is a request to approve two additions to the City of Muscatine Employee Handbook.

1. Retaliation Policy
2. "Pursuant to Iowa Code Chapter 20, the City Attorney is the designated representative for union negotiation matters. As such, it is a violation of Iowa law for any employee to negotiate or attempt to negotiate directly about union matters with any elected official."

Is there a motion to approve this request as submitted?

O. Request to Change Compost Facility Operations

Presented for City Council's consideration is a request to change the compost facility site operations. This change would incorporate a fee for non-city residence and commercial services using the facility. Estimated costs for this change are \$15,102.74. This item is not budgeted but it is expected that the revenue would cover the cost by end of Fiscal Year 2020.

Is there a motion to approve this request as submitted?

P. Request to Approve Issuance of a Purchase Order for Membrane Disc Diffusers Purchase

Presented for City Council's Consideration is a request to approve the Issuance of a Purchase Order to Xylem Water Solutions, in the amount of \$22,750.00, for the purchase of 5,000 nine inch membrane disc diffusers for use in the aeration tanks. Xylem is the only manufacturer of these membranes so no other quotes are available. This expense will be paid for out of unused budget funds from the Roughing Filter Top-Layer.

Is there a motion to approve this request as submitted?

Q. Request to Approve Issuance of a Purchase Order for Overhead doors at Public Works Dept

Presented for City Council's consideration is a request to approve the issuance of a purchase order to Raynor Door in the amount of \$51,956.00, for the purchase and installation of overhead doors at the Public Works Department. Three bids were received with Raynor Door being the low bid. There is \$53,500 budgeted for this purchase.

Is there a motion to approve this request as submitted?

R. Request to Approve Issuance of a Purchase Order for Single Axle Dump Truck

Presented for City Council's consideration is a request to approve the issuance of a purchase order to Truck Country, in the amount of \$70,254.00, for a #36,200 G.V.W. Truck Chassis. Four bids were received with Truck Country being the low bid.

Is there a motion to approve this request as submitted?

S. Request to Restrict On-Street parking on the South Side of Hershey Avenue from Charles Street to the End of Pavement Taper at 2216 Hershey

Presented for City Council's consideration is a request to restrict parking on the South side of Hershey Avenue from Charles Street to the end of the pavement taper at 2216 Hershey. Currently the pavement is not wide enough to accommodate parking without impeding into the travel lane.

T. Request to Approve the Issuance of a Purchase Order for Demolition of 507 East 2<sup>nd</sup> Street

Presented for City Council's consideration is a request to approve the issuance of

a purchase order to Valley Construction, in the amount of \$45,750.00, for the demolition of 507 East 2<sup>nd</sup> Street. Two bids were received with Valley Construction being the low bidder. This purchase order is contingent on the City gaining possession of the building.

Is there a motion to approve this request as submitted?

U. Request to Approve Airspace Analysis and Staking Proposal

Presented for City Council's consideration is a request to approve the proposal from Barker Lemar Engineering in the amount of \$4,500.00 for the airspace/staking survey and the ravine survey in the amount of \$1,650.00 for a total of \$6,150.00. Funds for this project are available in the Landfill Operations budget.

Is there a motion to approve this request as submitted?

V. Request to Approve Purchase Order for Hwy 61 & Grandview Sewer Study

Presented for City Council's consideration is a request to approve the issuance of a purchase order to Watersmith Engineering, in the amount of \$24,540.00, for the Highway 61 and Grandview Sewer Study. The goal of this study will provide a plan that will service current request as well as expansion possibilities around this intersection.

Is there a motion to approve this request as submitted?

W. Request to Approve Issuance of a Purchase Order for Life Pack 15

Presented for City Council's consideration is a request to approve the issuance of a purchase order in the amount of \$23,781.32, to Physio Control for the purchase of Life Pack 15 for the Fire Department. Two grants have been secured for the purchase of this equipment.

Is there a motion to approve this request as submitted?

X. Request to Approve Issuance of a Purchase Order for 2020 Pickup Truck for Animal Control

Presented for City Council's consideration is a request to approve the issuance of a purchase order in the amount of \$24,554.00 to Mincer Ford for the purchase of a 2020 Ford Pickup Truck to be used by the Animal Control Officer. There is \$30,000 budgeted for this expense.

Is there a motion to approve this request as submitted?

Y. Request to Approve Change Order #1 for HSW Project

Presented for City Council's consideration is a request to approve Change Order #1 for the HSW Project for unknown conditions found during the project. Leander Construction has submitted a change order request for extra items needed for the HSW Project. These items total \$21,219.79.

Is there a motion to approve this request as submitted?

**12. COMMUNICATIONS - RECEIVE AND FILE**

**13. APPROVAL OF BILLS**

It is recommended bills totaling \$1,852,451.47, 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**