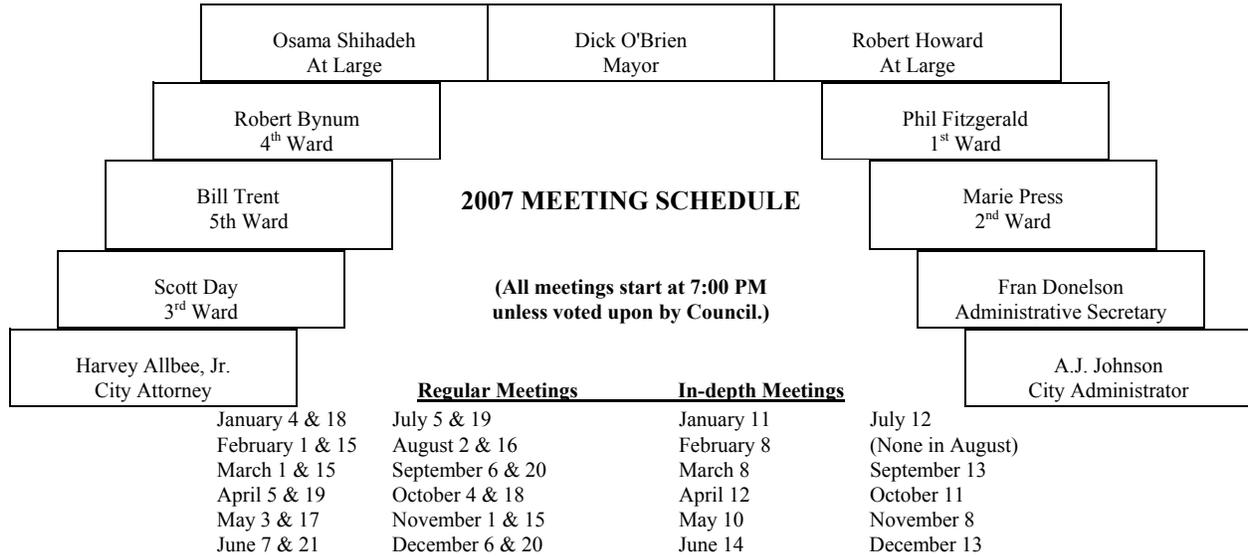


CITY COUNCIL



AGENDA

**THURSDAY, JUNE 7, 2007
COUNCIL CHAMBERS - CITY HALL**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OPENING PRAYER**
4. **PLEDGE OF ALLEGIANCE**
5. **COMMUNICATIONS – CITIZENS**
6. **MINUTES - APPROVAL**

- A. City Council Meeting – May 17, 2007
- B. Special Budget Review Session – May 24, 2007

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 from the Agenda.

- * 9 – B-J
- * 13 – A-I
- * Bills*

* Approval of attached Bills for Approval totaling \$4,158,273.96, as well as April 2007 receipt summaries, is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed State Revolving Loan Fund Application for Planned Improvements at the Water Pollution Control Plant

Previously City Council took action to establish a public hearing for the proposed state revolving loan fund application for planned improvements at the Water Pollution Control Plant. The City Council had previously authorized the submission of an application for a state revolving loan fund up to \$900,000 for planning and design costs related to the planned improvements at the WPCP. Before entering into a loan agreement, a public hearing is required.

Now is the time for the public to comment on the proposed state revolving loan fund application for planned improvements at the Water Pollution Control Plant.

B. Proposed Isett Avenue Force Main Improvement Project – Phase II

Previously City Council took action to establish a public hearing on the proposed Isett Avenue Force Main Improvement Project – Phase II. As part of the city’s 1% sales tax program to support improvements to storm and sanitary sewer infrastructure, this project has been identified and presented for consideration. Phase II will include the lining of the main from Oak Street to Cedar Street. Plans, specifications, and cost estimates are available at the city’s Public Works Facility. Prior to any formal authorization to proceed with the project, a public hearing is required.

Now is the time for the public to comment on the proposed Isett Avenue Force Main Improvement Project – Phase II.

C. Proposed Lease Agreement with the Iowa National Guard for Airport Property

Previously City Council took action to establish a public hearing for the proposed lease agreement with the Iowa National Guard for airport property. The city has been working with the Iowa National Guard which involves exchanging 19 acres of land owned by the city at the municipal airport for the current National Guard facility located on Park Avenue. The Iowa National Guard has offered to lease the 19 acres for a time period of no less than 75 years in exchange for a clear title to the property on Park Avenue. In accordance with State Code, any time a municipality considers leasing property over a three-year time period, a public hearing is required.

Now is the time for the public to comment on the proposed lease agreement with the Iowa National Guard for airport property.

9. PETITIONS AND COMMUNICATIONS

- A. Request for a new five-day Class B Beer Permit for GMCCI for Riverside Park on June 30, 2007 – Young Professionals Network (pending final paperwork and inspections)

The City of Muscatine has received a request for a new five-day Class B Beer Permit for the GMCCI for Riverside Park on June 30, 2007 as part of the week long 4th of July celebration. Requests for dispensing beer on public property require Council's approval.

Is there a motion to approve the request for a new five-day Class B Beer Permit for GMCCI for Riverside Park on June 30, 2007?

- B. Request for an Outdoor Service Area for Mike's Hilltop Tap, 929 Lucas Street – June 23, 2007 (rain date June 30, 2007)
- C. Request on first reading for a new Class BW Beer and Wine Permit with Outdoor Service Area for The Pearl, 101 W. Mississippi Drive – The Pearl LLC (pending inspections)
- D. Request on first reading for a new Class BW Beer and Wine and Sunday Sales Permit for Tantra Thai Bistro, 101 W. Mississippi Drive – Siam American Inc. (pending inspections and receipt of dram shop insurance)
- E. Request on first reading for a new Class C Liquor License and Sunday Sales for Escorpions Bar, 500 Mulberry Avenue – Martha Murillo (pending inspections and receipt of dram shop insurance)
- F. Request for renewal of a Class B Beer and Sunday Sales Permit for China Buffet, 1903 Park Avenue #48 – China Buffet of Muscatine Inc. (pending inspections)

- G. Request for renewal of a Class C Beer and Sunday Sales Permit for Fast Avenue One Stop, 2111 Park Avenue – JBC LLC (pending final paperwork)
- H. Request for renewal of a Class C Beer and Sunday Sales Permit for Scott’s Outdoor, 1907 Stewart Road – General Outdoors Inc. (pending inspections)
- I. Request for renewal of a Class C Liquor License and Sunday Sales Permit for El Allende, 1107 Grandview Avenue – El Allende Inc.
- J. Request Approval of Taxicab License for Five Stars Taxi, LLC, 1803 Grantwood, Iowa City (pending receipt of insurance certificate)

10. FROM THE MAYOR

- A. Proclamation Declaring June 7, 2007 as “Muscatine Toastmasters Day”

Is there a motion to approve the proclamation declaring June 7, 2007 as “Muscatine Toastmasters Day”?

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

- A. Second Reading of an Ordinance Amending Title 7, Police Regulations, Chapters 21 and 22

Presented for City Council’s consideration is the second reading of an ordinance amending Title 7, Police Regulations, Chapters 21 and 22. Based on discussions that took place during the City Council’s budget review sessions in February of this year, there was a consensus to make changes to the parking regulations as monitored by the Police Department. Those changes include the increasing of fines for parking violations such as parking in a prohibited zone, parking over 24 hours, parking on the wrong side of the street, and junk and obsolete vehicles. It is proposed that the rate for junk or obsolete vehicles be raised from \$10 to \$20 and that other violations be raised from \$5 to \$10.

Is there a motion to take action on the second reading of an ordinance amending Title 7, Police Regulations, Chapters 21 and 22?

- B. Resolution Authorizing, Approving and Securing the Payment of \$900,000 Interim Loan and Disbursement Agreement Pursuant to Section 76.13 of the Code of Iowa

Presented for City Council’s consideration is a resolution authorizing, approving and securing the payment of a \$900,000 interim loan and disbursement agreement pursuant to Section 76.13 of the Code of Iowa. Previously a public hearing was held to receive public comment on the proposed loan agreement that will assist the city in WPCP renovations. The State of Iowa has established a revolving loan fund for the purpose of improving or building

WPCP facilities.

Is there a motion to take action by resolution authorizing, approving and securing the interim loan and disbursement agreement in the amount of \$900,000 pursuant to Section 76.13 of the Code of Iowa for improvements at the WPCP?

C. Resolution Approving Plans, Specifications, Form of Contract, Cost Estimate and Setting the Bid Opening Date for the Isett Avenue Force Main Improvement Project – Phase II

Presented for City Council's consideration is a resolution approving the plans, specifications, form of contract, cost estimate, and setting the bid opening date for the Isett Avenue Force Main Improvement Project – Phase II. This project includes the removal of existing ductile iron pipe and replacing it with high density polyethylene pipe. The work also includes the removal of approximately 871' of existing sewer to be replaced with new lines. Surface restoration of pavement and lawns is also part of the project. The cost estimate for the project is \$705,300.

Is there a motion to take action by resolution approving the plans, specifications, form of contract, cost estimate, and setting the date for receipt of bids for the Isett Avenue Force Main Improvement Project – Phase II?

D. Resolution Accepting the Completed Work and Authorizing Final Payment for the Riverfront Force Main Improvement Project

Presented for City Council's consideration is a resolution accepting the completed work and authorizing final payment for the Riverfront Force Main Improvement Project. The city is now prepared to accept the completed work for the Riverfront Force Main Project. The project consisted of removing existing 16 and 24" diameter casts and ductile iron sanitary force mains and replacing them with new 24" high density polyethylene pipe. The contract amount was for \$788,944.50. There were five change orders and quantity reductions resulted in a final price of \$701,250.52. It is recommended that City Council take action to accept the work.

Is there a motion to take action by resolution accepting the completed work and authorizing final payment for the Riverfront Force Main Improvement Project?

E. Resolution Accepting the Completed Work and Authorizing Final Payment for the Cedar Street Storm Sewer Replacement Project

Presented for City Council's consideration is a resolution accepting the completed work and authorizing final payment for the Cedar Street Storm Sewer Replacement Project. The original contract was for \$47,242.24. The actual cost without change orders was \$49,928.69 and reflects actual quantities used for the project. Three change orders bring this project's cost to \$62,260.73. The largest of these change orders is for \$11,000 for the relocation of a water main. A separate contract for the landscaping in the amount of \$1,677.44 is still outstanding as well.

Is there a motion to take action by resolution accepting the completed work and authorizing final payment for the Cedar Street Storm Sewer Replacement Project?

F. Resolution Setting a Public Hearing on the City of Muscatine's 2007-08 Disadvantaged Business Enterprise (DBE) Goal

Presented for City Council's consideration is a resolution setting a public hearing on the City of Muscatine's 2007-08 Disadvantaged Business Enterprise (DBE) Goal. The city is actively involved with an airport parallel taxiway improvement project. Federal Aviation Administration guidelines require federal grant recipients who spend more than \$250,000 in a fiscal year develop and submit to the FAA a DBE Goal for that year. The City of Muscatine anticipates it will exceed this threshold for the parallel taxiway runway project. The city has therefore established a proposed DBE Goal of 5% for this project. Procedures used to establish that goal are included in the goal document. Establishing 5% means that 5% of the total \$1.4 million project cost or \$70,000 will be targeted to DBE. In addition, a public hearing is required for this program.

Is there a motion to take action by resolution setting a public hearing for the City of Muscatine's 2007-08 DBE Goal for Thursday, June 14, 2007, at 7:00 p.m.?

G. Resolution Setting Public Hearing for the Police Departments Usage of a Justice Assistance Grant

Presented for City Council's consideration is a resolution setting a public hearing for the Police Departments usage of a Justice Assistance Grant. The city has been the recipient of this grant program previously which provides funding for technology and equipment purchases for the Police Department. This year it is anticipated that the city will receive \$15,205.50. Prior to the formal award of the grant, a public hearing is required.

Is there a motion to take action by resolution setting a public hearing for the Police Department's use of a JAG grant for Thursday, June 21, 2007, at 7:00 p.m.?

H. Resolution Setting Public Hearing to Assess Status of Housing Rehabilitation Activities Funded Through the 2006 CDBG Program

Presented for City Council's consideration is a resolution setting a public hearing to assess the status of housing rehabilitation activities funded through the 2006 CDBG program. The city has been in receipt of funds from the CDBG program for housing rehabilitation activities and is required to hold at least one public hearing to review the status of the funded activities. It is expected by that the date the city will have participated in the rehabilitation of 7 of the 12 funded projects that have either been started or completed. The deadline for project completion is March 31, 2008.

Is there a motion to take action by resolution setting a public hearing for the CDBG housing rehab update for Thursday, June 21, 2007 at 7:00 p.m.?

I. Resolution Setting Public Hearing on Plans, Specifications, Form of Contract, Cost Estimate, and Establishing Bid Opening Date for Airport Improvements

Presented for City Council's consideration is a resolution setting a public hearing on plans, specifications, form of contract, cost estimate, and establishing a bid opening date for airport improvements. The city, working in conjunction with the FAA, plans to construct a parallel taxiway to Runway 12/30 at the municipal airport. Applications have previously been submitted for federal assistance that will provide for 95% of the costs associated with this project. The city, working in conjunction with its consultant, has established the specifications and form of contract, estimated construction costs for the project, which is now subject to a public hearing. The estimated cost of the project will be \$1,400,000.

Is there a motion to take action by resolution setting a public hearing for Thursday, June 21, 2007, at 7 p.m. concerning the plans, specifications, form of contract, cost estimate, and setting the bid opening date for airport improvements?

J. Resolution Setting Public Hearing on Lease of Two Consolidated Parcels of Real Estate Acquired Under the 1993 Flood Relief Program

Presented for City Council's consideration is a resolution setting a public hearing on the lease of two consolidated parcels of real estate acquired under the 1993 Flood Relief Program. Following the flood of 1993, the city participated with FEMA to buy out several flooded and damaged residential structures. As a condition of the buyout, the city was to prohibit any structural improvements to the property but it does allow for them to be used for green space, open space, gardens, etc. In 1996 the city entered into two separate lease agreements for property owners located at 311 Palm Street and 310 Canon Avenue to lease the properties adjacent to their homes for additional yard space. At that time a 10-year lease at \$10 per year was approved. Those leases have expired and the property owners wish to extend those leases for an additional 10 years. Prior to any formal action by Council, a public hearing is required.

Is there a motion to take action by resolution setting a public hearing for the lease of two consolidated parcels of real estate acquired under the 1993 Flood Relief Program for Thursday, June 21, 2007, at 7:00 p.m.?

K. Resolution Accepting Completed Work Performed Under the South End Sewer Extension – Phase I – Contract #3 – Wastewater Treatment Plant Modifications

Presented for City Council's consideration is a resolution accepting the completed work performed under the South End Sewer Extension – Phase I – Contract #3 – Wastewater Treatment Plant Modifications. The city originally entered into a contract with Hy-Brand Industrial Contractors in the amount of \$4,260,000. Change orders have taken that total contract amount to \$4,148,904.71. The project has now been closed out and a final payment is due to the contractor in the amount of \$14,450 including all retainage.

Is there a motion to take action by resolution accepting the completed work performed under the South End Sewer Extension – Phase I – Contract #3 – Wastewater Treatment Plan Modifications and authorizing the payment of the retainage to Hy-Brand Industrial Contractors?

L. Resolution Accepting Completed Work Performed Under the Roughing Filter Renovation Project and Authorizing Final Payment

Presented for City Council's consideration is a resolution accepting completed work performed under the Roughing Filter Renovation Project and authorizing final payment. Previously the city entered into a contract with Story Construction in the amount of \$1,034,500 for the renovation of the roughing filter at the WPCP. Two change orders have been processed for a total contract price of \$1,047,204. The work has been completed and accepted by the city's engineer for the project and the roughing filter is now in operation. A total balance of \$74,812, including the 5% retainage, remains due and payable.

Is there a motion to take action by resolution accepting the completed work performed under the Roughing Filter Renovation Project and authorizing final payment?

M. Resolution Setting Public Hearing on Cigarette Permit Holders Violating Iowa Code Chapter 453A and Seeking Imposition of Civil Penalties

Presented for City Council's consideration is a resolution setting a public hearing on Cigarette Permit Holders violating Iowa Code Chapter 453A and seeking the imposition of civil penalties. Periodically the city conducts spot checks for compliance with the State of Iowa's requirement that tobacco products not be sold to any individual under the age of 18. During a recent compliance check, businesses were found to be in violation of the state statute. As a required by the state statute, a public hearing is necessary concerning the complaints against Cigarette Permit Holders.

Is there a motion to take action by resolution setting a public hearing concerning complaints against Cigarette Permit Holders for violating Iowa Code Chapter 453A and seeking the imposition of civil penalties for Thursday, June 21, 2007, at 7:00 p.m.?

N. Resolution Setting a Public Hearing on Amendment #3 to the 2006/2007 City Budget

Presented for City Council's consideration is a resolution setting a public hearing on Amendment #3 for the 2006/2007 city budget. Due to the recent storm damage and cleanup efforts exercised by the City of Muscatine, the city will be submitting a revision to its current fiscal year budget to the State of Iowa. Those numbers are currently being put together and will be presented at the meeting Thursday night.

O. Resolution Setting a Public Hearing on the Vacation of a Utility Easement in the Reuben and Sarah Baker Addition – Phase IV

Presented for City Council's consideration is a resolution setting a public hearing on the vacation of a utility easement in the Reuben and Sarah Baker Addition – Phase IV. The Muscatine Welfare Association, owners of Lots 43 and 44 of this subdivision, have requested that the existing utility easement located between the lots be vacated for development of a five bedroom group home for the medically fragile. Prior to any formal action for the vacation of this utility easement, a public hearing is required.

Is there a motion to take action by resolution setting a public hearing for the vacation of a utility easement in the Reuben and Sarah Baker Addition for Thursday, June 21, 2007, at 7:00 p.m.?

P. Request to Approve Renewal of Contract with the City of Fruitland for Police Services

Presented for City Council's consideration is a request to approve the renewal of a contract with the City of Fruitland for police services. For the past several years, the City of Muscatine has provided police services on a contract basis with the City of Fruitland. The annual contract, which begins July 1, 2007 and ends June 30, 2008, will be in the amount of \$36,300. Services provided for the contract are highlighted in the document itself.

Is there a motion to approve the renewal of a contract with the City of Fruitland for police services for July 1, 2007 through June 30, 2008?

Q. Request to Approve Change Order #1 for the 2007 Curb and Gutter and Street Maintenance Program

Presented for City Council's consideration is a request to approve Change Order #1 for the 2007 Curb and Gutter and Street Maintenance Program. Previously the City Council approved a contract for this program in the amount of \$278,917. A change order is being submitted to reduce that amount by \$61,740 or a total of \$217,177.

Is there a motion to approve Change Order #1 resulting in a reduction of \$61,740 for the 2007 Curb and Gutter and Street Maintenance Program?

R. Request Approval to Write Off Parking Tickets for Calendar Year 2005

Presented for City Council's consideration is a request to write off parking tickets for calendar year 2005. Periodically city staff brings to Council's attention parking tickets that need to be written off due to their inability to be collected. Every effort is expended by the city to collect outstanding parking violations. In total there was 14,860 tickets issued in 2005. Of that amount, 12,915 were paid in full, in part, or dismissed. This computes to an 86.9% overall collection rate. Unpaid tickets for this time period total \$1,945 which includes 233 have been forwarded to the court system. Tickets that are deemed to be uncollectible total \$10,211.79. It is now necessary for City Council to authorize the writing off of these tickets.

Is there a motion to take action to write off uncollectible parking tickets for the calendar year 2005?

S. Request Approval to Purchase Breathing Air Compressor for Fire Department

Presented for City Council's consideration is a request to purchase a breathing air compressor for the Fire Department. The city has received a Federal Department of Homeland Security grant in the amount of \$114,200 for the purchase of a new breathing air compressor and the upgrade of our self-contained breathing apparatus. A portion of the amount set aside for the breathing air compressor is \$35,000. Specifications for the purchase of the air compressor have been developed and await City Council's approval. The bid submission period would be extended until June 28, 2007 with formal Council action required at the first meeting in July.

Is there a motion to take action to approve the purchase of a breathing air compressor for the Fire Department?

T. Request Approval of Contract Extension for the Girls State Soccer Tournament

Presented for City Council's consideration is a request to approve a contract extension between the City of Muscatine and the Iowa Girls High School Athletic Union for the girls state soccer tournament. This year represents the final year of a three-year contract for the IGHSA to conduct their state soccer tournaments in Muscatine. Communication has been made with this association and a requested five-year extension has been made by city representatives. This request has been reviewed by the IGHSA and they are agreeable to the five-year extension.

Is there a motion to approve the five-year extension with the IGHSA for the girls state soccer tournament?

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – May 7 & 14, 2007
- B. Art Center Board of Trustees – April 19, 2007
- C. HPC – April 18, 2007
- D. Senior Resources – April 24, 2007
- E. MP&W Board – April 24, 2007
- F. City of Muscatine Financial Reports – April 2007
- G. MP&W – Electric Utility – April 2007
- H. MP&W – Water Utility – April 2007
- I. MP&W – Communications Utility – April 2007

14. APPROVAL OF BILLS

It is recommended bills totaling \$4,158,273.96, as well as April 2007 receipt summaries, 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