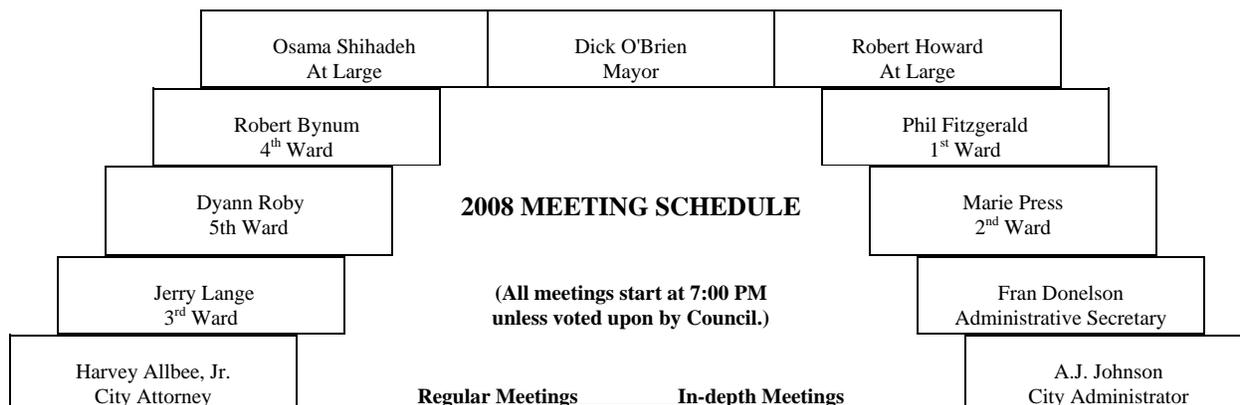


CITY COUNCIL



	<u>Regular Meetings</u>	<u>In-depth Meetings</u>	
January 10 & 17	July 3 & 17	January 10	July 10
February 7 & 21	August 7 & 21	February 14	(None in August)
March 6 & 20	September 4 & 18	March 13	September 11
April 3 & 17	October 2 & 16	April 10	October 9
May 1 & 15	November 6 & 20	May 8	November 13
June 5 & 19	December 4 & 18	June 12	December 11

AGENDA

**THURSDAY, APRIL 3, 2008
COUNCIL CHAMBERS - CITY HALL**

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

A. Sister Cities Update

At this time John Dabeet will present an update of Sister City activities to City Council.

6. **MINUTES - APPROVAL**

A. City Council Meeting – March 20, 2008

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 – A-C
- * 13 – A-D
- * Bills*

* Approval of attached Bills for Approval totaling \$1,273,090.64 is subject to the approval of any related agenda item(s).

8. PUBLIC HEARING

A. Proposed 2008 Curb and Gutter and Street Maintenance Program

Previously the City Council took action to establish a public hearing for the 2008 Curb and Gutter and Street Maintenance Program. Annually the city sets aside funds to address curb and gutter replacement matters within the City of Muscatine. This year, in conjunction with the second year of the pavement management program, funds have been allocated for this project along with full-depth patching. Combined, the programs are designed to be complimentary of the separate type of work that is brought together under the umbrella of the curb and gutter and street maintenance program. Prior to any formal action on these components of the project, a public hearing is required.

Now is the time for the public to comment on the proposed 2008 Curb and Gutter and Street Maintenance Program.

B. Proposed Submission of 2008-2009 Public Housing Agency Plan to the Department of Housing and Urban Development

Previously the City Council took action to establish a public hearing on the proposed submission of the 2008-2009 Public Housing Agency Plan to the Department of Housing and Urban Development. Periodically the city, as the Housing Authority, is required to update the plan for the housing operation. Included in that update is solicitation of comments from the public concerning the city's public housing activities including but not limited to comments from the residents of the city's public housing facilities. To date those comments have been very positive. Prior to any formal action on the adoption of the plan, a public hearing is required.

Now is the time for the public to comment on the proposed submission of the 2008-2009 Public Housing Agency Plan to the Department of Housing and Urban Development.

9. PETITIONS AND COMMUNICATIONS

- A. First reading for a new Class C Beer/Wine Permit for Green's Tea & Coffee, 208 W. 2nd Street, Suite 8 – Green's Tea Company LLC (pending final paperwork)
- B. Request for renewal of a Class LA Liquor License and Sunday Sales Permit for American Legion Club, 110 Houser Street – Edward H. Bitzer Post #27 of the America (pending receipt of dram shop insurance)
- C. Request for renewal of a Class LE Liquor License and Sunday Sales Permit for Hy-Vee Food Store, 2400 2nd Avenue – Hy-Vee Inc.
- D. Request for Use of City Property for Tent Revival

Presented for City Council's consideration is a request for the use of city property by the Revs. Lamb and Ed Meyer. As Council may recall, this request was presented last year for the use of city property for a tent revival. The city offered property for use, and the organizers of the event chose to go to private property. The city has once again received a request for the use of the riverfront on May 24-31, 2008 from the hours of 7 p.m. to 10 p.m. each evening. There are no specific requirements for the city to be involved with in this event except for authorizing permission for the placement of the tent at the upstream portion of the Riverfront Park. There will be no fees associated with this event. However, it would be appropriate for Council to debate the length for which the request has been made.

At this time City Council could consider the request for the use of the Muscatine Riverfront for a tent revival.

10. FROM THE MAYOR

- A. Proclamation Declaring April 2008 as "Insect Month"

Is there a motion to approve the proclamation declaring April 2008 as "Insect Month"?

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

- A. Second Reading of an Ordinance Amending Title 7 Police Regulations, Chapter 9 General Offenses, Section 3 Disturbing the Peace, Section 4 Permitting Disturbing the Peace, and Section 5 Disturbing the Peace by a Person, Association, Firm, or Corporation Legally Holding an Outdoor Commercial Entertainment Establishment Permit

Presented for City Council's consideration is the second reading of an ordinance amending Title 7 Police Regulations, Chapter 9 General Offenses, Section 3 Disturbing the Peace, Section 4 Permitting Disturbing the Peace, and Section 5 Disturbing the Peace by a Person, Association, Firm, or Corporation Legally Holding an Outdoor Commercial Entertainment Establishment Permit. Earlier this year the city was informed through the court system that the previously worded ordinance was not enforceable. Changes were made to that ordinance to include more descriptive language. It is anticipated that these changes will allow for the ordinance to be effectively applied to the necessary situations it was created to address.

Is there a motion to approve the second reading of an ordinance amending Title 7 Police Regulations, Chapter 9 General Offenses, Section 3 Disturbing the Peace, Section 4 Permitting Disturbing the Peace, and Section 5 Disturbing the Peace by a Person, Association, Firm, or Corporation Legally Holding an Outdoor Commercial Entertainment Establishment Permit?

- B. Resolution Approving Plans, Specifications, Form of Contract, Cost Estimate and Setting Date for Receipt of Bids for the 2008 Curb and Gutter and Street Maintenance Program

Presented for City Council's consideration is a resolution approving the plans, specifications, form of contract, cost estimate and setting the date for receipt of bids for the 2008 Curb and Gutter and Street Maintenance Program. Previously a public hearing was held to receive public comment on these programs. The city has budgeted \$100,000 for both the curb and gutter and full-depth patching program associated with the street maintenance program. If approved by City Council, the bid date of April 23, 2008 will be established to receive bids for the program.

Is there a motion to adopt the resolution approving the plans, specifications, form of contract, cost estimate and setting date for receipt of bids for Wednesday, April 23, 2008, for the 2008 Curb and Gutter and Street Maintenance Program?

C. Resolution Approving Submission of 2008-2009 Public Housing Agency Plan and Attachments as Modified to HUD

Presented for City Council's consideration is a resolution approving the submission of the 2008-2009 Public Housing Agency Plan and attachments as modified to HUD. Previously a public hearing was held to receive public comment on this proposed action. Annually the city is required to update its housing plan to more accurately reflect the current and anticipated housing needs for qualified individuals within the City of Muscatine. Once approved by City Council, the plan will be submitted to HUD.

Is there a motion to adopt the resolution authorizing the submission of the 2008-2009 Public Housing Agency Plan and attachments as modified to HUD?

D. Resolution Rescinding Resolution Setting a Public Hearing Concerning the Application for a State Revolving Fund Loan for Water Pollution Control Plant Improvements

Presented for City Council's consideration is a resolution rescinding the resolution setting a public hearing concerning the application for a state revolving fund loan for Water Pollution Control Plant improvements. Previously City Council had taken action to establish a public hearing to receive comment on the application for a state revolving fund loan for WPCP improvements. Unfortunately the city did not meet the deadline for publication and therefore staff is requesting Council to take action to rescind the previous action establishing a public hearing for April 17, 2008. A subsequent action by City Council will establish a new public hearing date for this project.

Is there a motion to adopt the resolution rescinding the resolution setting a public hearing concerning the application for a state revolving fund loan for WPCP improvements?

E. Resolution Setting a Public Hearing Concerning the Application for a State Revolving Fund Loan for Water Pollution Control Plant Improvements

Presented for City Council's consideration is a resolution setting a public hearing concerning the application for a state revolving fund loan for Water Pollution Control Plant improvements. Previously City Council took action to rescind previous action establishing a public hearing for April 17, 2008. A new date is being requested to be established for Thursday, May 1, 2008, at 7 p.m. to conduct this public hearing. The city will still be well within the timeframe allowed for the public hearing requirement for the state revolving fund loan program.

Is there a motion to adopt the resolution setting a public hearing concerning the application for a state revolving fund loan for WPCP improvements for Thursday, May 1, 2008, at 7 p.m.?

F. Resolution Setting a Public Hearing on a Loan Agreement Including an Increase in General Obligation Bonds and the Issuance of Refunding Bonds

Presented for City Council's consideration is a resolution setting a public hearing on a loan agreement including an increase in general obligation bonds and the issuance of refunding bonds. In advance of the city's anticipated issuance of general obligation bonds to pay for current and anticipated capital projects, a public hearing will need to be established to receive public comment on such an action. The city is anticipating issuing an amount not to exceed \$6,825,000 for this purpose. This amount also includes an additional \$255,000 in funding for the 2008 Pavement Management Program to be added to the \$4,865,000 previously approved and \$6,570,000 in refunding bonds. The refunding bonds would refund four of the city's currently outstanding debt issues. The estimated savings per year range from \$44,000 to \$50,000. Prior to any further action by Council, a public hearing is required.

Is there a motion to adopt the resolution setting a public hearing on a loan agreement in a principal amount not to exceed \$6,825,000 for Thursday, April 17, 2008, at 7 p.m.?

G. Resolution Awarding Contract for the 2008 Street Improvements Project

Presented for City Council's consideration is a resolution awarding the contract for the 2008 Street Improvement Project. Two bids were received for the project with the lowest responsible bid being that of Illowa Investment Inc. in the amount of \$2,252,884.40. The bid reflects resurfacing 9.2 miles of roadway, incorporating 35 streets, and 146 manholes. If approved by Council, the city would embark on the second year of the pavement management program. It is anticipated that the work will begin as soon as asphalt plants are available to begin production and will last until the end of November.

Is there a motion to adopt the resolution awarding the contract for the 2008 Street Improvement Project to Illowa Investment Inc. in the amount of \$2,252,884.40?

H. Resolution Awarding Contract for the 2008 Maiden Lane Sanitary Sewer Project

Presented for City Council's consideration is a resolution awarding the contract for the 2008 Maiden Lane Sanitary Sewer Project. The project involves the replacement of orange berg pipe that provides sanitary sewer service to a number of homes on Maiden Lane. Five bids were received for the project with the lowest responsible bid being that of Hagerty Earthworks LLC in the amount of \$99,491.81. The city's design engineering firm for the project has reviewed the specifications, requirements,

and credentials of this firm and concurs with the recommendation to accept the bid.

Is there a motion to adopt the resolution awarding the contract for the 2008 Maiden Lane Sanitary Sewer Project to Hagerty Earthworks LLC in the amount of \$99,491.81?

I. Resolution Approving Orders Accepting Acknowledgement/Settlement Agreements and Imposing Civil Penalties with Regard to Cigarette Permit Holders in Violation of Iowa Code 453A.2

Presented for City Council's consideration is a resolution approving orders accepting acknowledgement/settlement agreements and imposing civil penalties with regard to cigarette permit holders in violation of Iowa Code 453A.2. As a result of a recent tobacco compliance check, six retail establishments in the City of Muscatine were cited for tobacco compliance violations. In accordance with State Code, retailers who stand accused of violating the tobacco compliance regulations have the right to a public hearing. They also have the opportunity to waive that public hearing and to enter into a settlement agreement with the local municipality regarding these violations. Five of the retail outlets have agreed to enter into a settlement agreement for those violations. The penalties include for one retail outlet a 30-day suspension of their cigarette permit and the other four retailers will be subject to a \$300 fine.

Is there a motion to adopt the resolution approving the orders accepting acknowledgement/settlement agreements and imposing civil penalties with regard to cigarette permit holders in violation of Iowa Code 453A.2?

J. Resolution Setting Public Hearing on the Golf Course Maintenance Facility

Presented for City Council's consideration is a resolution setting a public hearing on the golf course maintenance facility. Following the removal of the previous maintenance facility at the Muscatine Golf Course that was damaged by fire, city staff has been working to replace the previous structure with a new one to address maintenance and operational needs at the golf course. Also, following state regulations concerning the process in which a project like this be completed, the city secured engineering and design services to assist in this process. City staff is now at a point to present to Council a recommendation to establish a public hearing on this project in accordance with state law.

Is there a motion to adopt the resolution setting a public hearing on the golf course maintenance facility for Thursday, April 17, 2008, at 7 p.m.?

K. Request to Approve Insurance Broker for the City

Presented for City Council's consideration is a request to approve the selection of an insurance broker for the City of Muscatine. Recently the city's Insurance Committee conducted interviews of firms solicited to provide insurance brokerage services for the city. It is the recommendation from that committee to continue the insurance brokerage relationship with Holmes Murphy of West Des Moines. A total of five proposals were submitted to the committee for review. A number of factors were taken into consideration that served as the basis of the recommendation for securing this service. Included in those considerations were pricing, service, resources to meet the insurance needs, access to insurance markets, number of hours committed to providing local service, and previous experience with the city.

Is there a motion to approve Holmes Murphy as the city's insurance broker?

L. Request Approval to Install Handicapped Parking Stalls in Two Locations in the Downtown Area

Presented for City Council's consideration is a request to approve the installation of handicapped parking stalls in two locations in the downtown area. The city has received two separate requests for additional handicapped parking spaces. The requests are from Trinity Church for a space on Walnut Street near their office entrance and the other is from Muscatine County Community Services for an additional space on 4th Street near Iowa Avenue. These requests have been reviewed and are supported by staff at this time.

Is there a motion to approve the request for the installation of handicapped parking stalls in two locations in the downtown area?

M. Request Authorization to Submit Request to the IDNR to Hold Urban Deer Management Hunt During 2008/09 Deer Season

Presented for City Council's consideration is a request to authorize the submission of a request to the IDNR to hold an Urban Deer Management Hunt during the 2008/2009 deer season. At the request of the Natural Resources Commission, municipalities wishing to hold an Urban Deer Management Hunt during the 2008/2009 season are required to submit a letter of intent to the IDNR on or before May 31, 2008. Recently the city successfully completed its second sanctioned deer management hunt. With this request, we also have the opportunity to designate our intention to hold an Urban Deer Management Hunt for multiple years.

Is there a motion to take action to authorize the submittal of a request to the IDNR to hold an Urban Deer Management Hunt during the 2008/09 deer season?

N. Request to Approve Agreement for Project Management of the 2008 Pavement

Management Program

Presented for City Council's consideration is a request to approve an agreement for project management for the 2008 Pavement Management Program. The city had solicited a proposal from Tech Consulting LLC to provide project management services for the 2008 street improvement program. The work will be performed by Jim Harder or his designated associate. Jim has worked with the city previously on several other successful projects. Due to the unavailability of city staff to perform this function, the city has found it necessary to subcontract these services out at various times for projects and activities. The fee for this service will be \$38.00 per hour with a \$.40 per mile reimbursement.

Is there a motion to approve a 2008 project management agreement between the City of Muscatine and Tech Consulting LLC for the 2008 Pavement Management Program?

O. Request to Approve Agreement for the Project Management of the Mad Creek Area Sanitary and Storm Sewer Separation Project

Presented for City Council's consideration is a request to approve an agreement for project management for the Mad Creek Area Sanitary and Storm Sewer Separation Project. Previously the city had engaged the services of Dennis Kistenmacher to provide project management services for various projects. Due to the unavailability of city staff to perform this function, Mr. Kistenmacher was solicited to provide these services. His fee will be \$38 per hour with a \$.40 per mile reimbursement.

Is there a motion to approve the 2008 project management agreement between the City of Muscatine and Dennis Kistenmacher for the Mad Creek Area Sanitary and Storm Sewer Separation Project?

P. Request from Police Department to Declare K-9 Cages as Surplus

Presented for City Council's consideration is a request from the Police Department to declare K-9 cages as surplus. After a review of departmental needs, it was determined that these two cages are no longer of use to the Police Department. Prior to solicitation for the sale of these items, it is necessary for City Council to declare them as surplus.

Is there a motion to declare K-9 cages from the Police Department as surplus?

Q. Request Authorization to Approve Sound Equipment

Presented for City Council's consideration is a request to purchase sound equipment for the Muscatine Riverfront. In association with recent improvements made to the riverfront, the city has agreed to partner with private and other public organizations to include the installation of a permanent sound system on the riverfront. These partners

include Muscatine Power & Water, representatives of the Muscatine Boat Show, and other private and philanthropic organizations that represent financial contributions to the project. Additional information will be provided at Thursday night's City Council meeting.

Is there a motion to authorize the purchase of sound equipment for the Muscatine Riverfront?

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – March 10 & 17, 2008
- B. Historic Preservation Commission – February 20, 2008
- C. Library Board of Trustees – February 20, 2008
- D. NFPA Fire Survey – February 2008

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,273,090.64 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