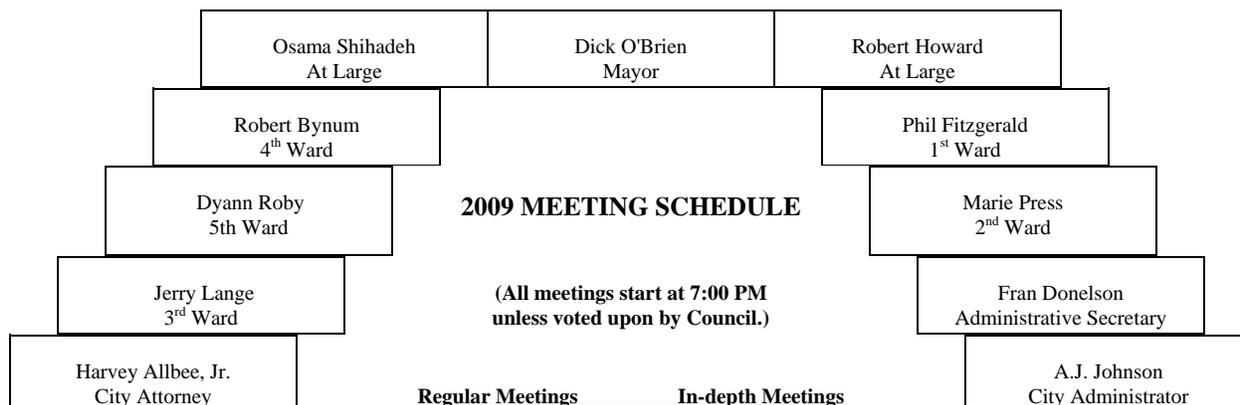


COUNCIL



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

AGENDA

THURSDAY, MARCH 5, 2009 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 – February 19, 2009
 - B. Budget Meetings – February 11, 12 & 18, 2009

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-E
- * 13 – A-J
- * Bills*

* Approval of attached Bills for Approval totaling \$1,127,029.68, as well as journal entries for October, November, and December 2008, is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed Construction of Water Pollution Control Plant Storage Building

Previously City Council took action to establish a public hearing on the proposed construction of a Water Pollution Control Plant Storage Building. This storage building is to be considered a separate activity from the ongoing renovation. It is being proposed to construct a 105' x 60' x 16' sidewall pre-engineered post frame building. The facility will be used to store equipment utilized by the WPCP operation for field applications for its biosolids program. Prior to any formal action on this request, a public hearing is required.

Now is the time for the public to comment on the proposed construction of a WPCP Storage Building.

B. Proposed 2009 Street Improvements Project

Previously City Council took action to establish a public hearing for the proposed 2009 Street Improvements Project. This will represent the third year of a three-year program for significant overlay projects within the community. The 2009 project involves nearly seven miles of city streets. In addition, the city will be including two parking lots, Central Business District alleys, and the cemetery road in the plans and specifications. The original cost estimate for the 2009 overlay program was \$2 million. With the additional work being incorporated into this program, the cost estimate is now \$2,850,000. Funding for the additional improvements will be independent from the original cost estimate. Prior to any formal action on this request, a public hearing is required.

Now is the time for the public to comment on the proposed 2009 Street Improvements Project.

C. Proposed Amendment #1 to the 2008/2009 City Budget

Previously City Council took action to establish a public hearing for the proposed Amendment #1 to the 2008/2009 city budget. The first amendment to the current fiscal year budget takes into consideration revisions to revenues, expenditures, capital outlay, and other extenuating circumstances that occurred during this fiscal year. This includes amendments for additional expenditures due to the 2008 flood and windstorm and related FEMA reimbursement. Prior to any formal action on this request, a public hearing is required.

Now is the time for the public to comment on the proposed Amendment #1 to the 2008/2009 city budget.

D. Proposed Adoption of Budget and Certification of Taxes for Fiscal Year 2009/2010

Previously City Council took action to establish a public hearing on the proposed adoption of the budget and certification of taxes for fiscal year 2009/2010. Recently the city concluded its budget review process for the fiscal year beginning July 1, 2009 through June 30, 2010. Following the City Council's review and adjustments, the 2009/2010 city budget represents a 3.7% reduction in the city's overall tax rate which equates to a reduction of .5974 per \$1,000 of assessed evaluation for Muscatine property owners. Prior to any formal action on this request, a public hearing is required.

Now is the time for the public to comment on the proposed adoption of the budget and certification of taxes for fiscal year 2009/2010.

9. PETITIONS AND COMMUNICATIONS

- A. Request on second reading for a new six month Class C Liquor License for One More Round, 211 E. 2nd Street – Ruth A. Wilson (pending inspections)
- B. Request for renewal of a Class C Liquor License and Sunday Sales Permit for Diamond Dave's Taco Co., 2608 2nd Avenue – South of the Border Inc.
- C. Request for renewal of a Class C Liquor License with Outdoor Service and Sunday Sales Permit for Rumors, 1415 Grandview Avenue – Fluff LLC
- D. Request for renewal of a Class E Liquor License and Sunday Sales Permit for Hy-Vee Food Store, 2400 2nd Avenue – Hy-Vee Inc.
- E. Request for renewal of a Class C Beer and Sunday Sales Permit for Steamboat

Landing, 3509 Steamboat Way – Steamboat Landing LLC

10. FROM THE MAYOR

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

- A. First Reading of an Ordinance Amending Title 1, Administrative, Chapter 6, Mayor and City Council, Section 2, Salary of Mayor

Presented for City Council's consideration is the first reading of an ordinance amending Title 1, Administrative, Chapter 6, Mayor and City Council, Section 2, Salary of Mayor. Included in the proposed fiscal year budget for 2009/2010 are funds to accommodate a proposed increase in the base salary of the position of Mayor for the City of Muscatine. Currently the position is compensated at \$5,500 per year. In accordance with state statutes, any alteration to the compensation for the positions of Mayor or City Council members needs to take place in advance of the next scheduled election. Therefore, if approved, this change in salary will not go into effect until January 1, 2010 which follows the November 2009 general city election.

Is there a motion to adopt on first reading an ordinance amending Title 1, Administrative, Chapter 6, Mayor and City Council, Section 2, Salary of Mayor?

- B. Resolution Approving the Plans, Specifications, Form of Contract, and Establishing Bid Opening Date for the Water Pollution Control Plant Storage Building

Presented for City Council's consideration is a resolution approving the plans, specifications, form of contract, and establishing a bid opening date for the Water Pollution Control Plant Storage Building. The facility will measure 105' x 60' x 16' and will cost approximately \$115,000. In accordance with state regulations, the building has been engineered and is now ready for the bid letting phase. If approved by Council, the bid opening date will be Tuesday, March 17, 2009, at 2:05 p.m.

Is there a motion to adopt the resolution approving the plans, specifications, form of contract and establishing a bid opening date for the WPCP Storage Building?

- C. Resolution Approving the Plans, Specifications, Form of Contract, Cost Estimate, and Establishing Bid Opening Date for the 2009 Street Improvements Project

Presented for City Council's consideration is a resolution approving the plans, specifications, form of contract, cost estimate, and establishing a bid opening date for the 2009 Street Improvements Project. Previously a public hearing was held to receive comment on this proposed project. The 2009 Street Improvements Project is the third and final year of an aggressive overlay campaign by the City of Muscatine. Included in this year's approximate seven miles of overlay project, are improvements

to various alleys within the Central Business District, parking lots within the downtown, and approximately three miles of roadway surfaces within Greenwood Cemetery. The estimated cost for the project will be \$2,850,000.

Is there a motion to adopt the resolution approving the plans, specifications, form of contract, cost estimate, and setting the bid opening date for the 2009 Street Improvements Project for March 20, 2009 at 10 a.m.?

D. Resolution Approving Amendment #1 to the 2008/2009 City Budget

Presented for City Council's consideration is a resolution approving Amendment #1 to the 2008/2009 city budget. Previously a public hearing was held to receive public comment on the proposed Amendment #1 to this document. The first amendment to the current fiscal year budget incorporates changes in revenues, expenditures, capital projects, and additional expenditures due to the 2008 flood, windstorm and other FEMA-related reimbursement projects.

Is there a motion to adopt the resolution approving Amendment #1 to the 2008/2009 city budget?

E. Resolution Adopting the Annual Budget for the Fiscal Year 2009/2010

Presented for City Council's consideration is a resolution adopting the budget and certification of taxes for fiscal year 2009/2010. Previously City Council conducted a public hearing to receive public comment on this proposed action. The recently completed budget review sessions held by City Council resulted in the reduction of the city's tax rate by 3.7% or an equivalent of .5974 per \$1,000 of assessed valuation for properties. If approved, the new fiscal year budget will go into effect July 1, 2009.

Is there a motion to adopt the budget and certification of taxes for fiscal year 2009/2010?

F. Resolution Approving Contract and Bond for the Hershey Avenue Area Sanitary and Storm Sewer Separation – Contract 1

Presented for City Council's consideration is a resolution approving the contract and bond for the Hershey Avenue Area Sanitary and Storm Sewer Separation – Contract 1. Previously City Council took action to approve the contract for this project. That contract amount was \$2,005,151.27. Following that action by City Council, the city's consulting engineer for the project has identified two numerical change orders that will follow once the work is underway. Those change orders include a \$2,500.07 arithmetical error (deduct) and a \$25,000 cost for mobilization that was inadvertently omitted from Sulzberger's bid (addition). These changes will be addressed later on in the process. Therefore the approval of the contract and bond is being submitted with the anticipation of change orders in the very near future to cover these errors.

Is there a motion to adopt the resolution approving the contract and bond from Sulzberger Excavating in the amount of \$2,005,151.27 for the Hershey Avenue Area Sanitary and Storm Sewer Separation – Contract 1?

G. Resolution Approving Orders Accepting Acknowledgement/Settlement Agreements and Imposing Civil Penalties Regarding Liquor Control License Violations

Presented for City Council's consideration is a resolution approving orders accepting acknowledgements/settlement agreements and imposing civil penalties regarding liquor control license violations. In December 2008 and again in January 2009, the Muscatine Police Department conducted compliance checks at businesses holding liquor control licenses with regard to the sale of alcoholic beverages to patrons under age 21. As a result, citations were issued to employees of various establishments for violation of state code. In lieu of a public hearing, those establishments and individuals cited have agreed to pay a civil penalty to the City of Muscatine in the amount of \$500. Prior to this action becoming finalized, it is necessary for Council to adopt a resolution imposing the civil penalty in the amount of \$500 against the liquor control licensees.

Is there a motion to adopt the resolution approving orders accepting acknowledgement/settlement agreements and imposing civil penalties regarding liquor control license violations of Iowa Code 123.49?

H. Resolution Setting Public Hearing on Loan Agreement for Downtown Urban Renewal Area Projects

Presented for City Council's consideration is a resolution setting a public hearing on a loan agreement for Downtown Urban Renewal Area Projects. During the recently completed budget review sessions, City Council discussed a number of public improvement projects in the Downtown Urban Renewal Area proposed to be funded from tax increment bond proceeds. These projects include improvements to parking lots, handicap access ramps, alley improvements, and the resurfacing of Cedar Street between Mississippi Drive and 6th Street. The amount discussed during budget review sessions totaled \$1.3 million. The city has an established Tax Increment Finance District which encompasses properties within the downtown area. It is this program that the city will be able to utilize to help fund these projects. In addition to these projects, additional funding will be required to cover costs associated with flood-damaged municipal properties that were not reimbursable by FEMA. The city has also received notification from the State of Iowa that they are eligible to receive \$82,796.19 to assist in these project costs as well. There are a number of projects for which no cost estimate has been established yet; therefore, the amount of the loan agreement for Downtown Urban Renewal Area Projects is estimated at a total of \$1,750,000. Prior to any formal action by Council to utilize this funding source, a public hearing is required.

Is there a motion to adopt the resolution setting a public hearing on a loan agreement

for Downtown Urban Renewal Area Projects for Thursday, March 19, 2009, at 7 p.m.?

I. Resolution Authorizing Administrative Policy Changes to the Section 8 Tenant Based Housing Choice Voucher Program

Presented for City Council's consideration is a resolution authorizing Administrative Policy changes to the Section 8 Tenant Based Housing Choice Voucher Program. Periodically the city receives updates from the Department of Housing and Urban Development concerning required policies for the Section 8 Tenant Based Housing Choice Voucher Program. Those changes necessitate a change in the city's Administrative Plan as well. The proposed changes are related to an individual's eligibility to continue to participate in the Section 8 Housing Choice Voucher Program.

Is there a motion to adopt the resolution authorizing Administrative Policy changes to the Section 8 Tenant Based Housing Choice Voucher Program?

J. Request to Approve Change Order #5 for the Mad Creek Sanitary and Storm Sewer Separation Project

Presented for City Council's consideration is a request to approve Change Order #5 for the Mad Creek Sanitary and Storm Sewer Separation Project. This change order covers the additional storm sewer work on Orange Street from Mississippi Drive to E. 2nd Street. The total cost of the project is \$77,001.75. This work is necessary to complete the total separation of the Mad Creek area. In order to complete the project, it is necessary to bore underneath the railroad tracks in order to get the storm water from the inlets to the collection structure. The city is currently under an EPA Consent Order which directs for the separation of the storm and sanitary lines. Once this work is completed, this project eliminates one of the four combined sewer overflows within the city.

Is there a motion to approve Change Order # for the Mad Creek Sanitary and Storm Sewer Separation Project?

K. Request to Approve Traffic Item

Presented for City Council's consideration is a request to approve a traffic item. Various city departments have received numerous complaints concerning parking along Day Street between Grandview Avenue and the railroad crossing. These issues are exasperated by an auto sales and repair shop at this location. After reviewing the circumstances surrounding the parking issues, it is the recommendation from the Traffic Committee that both sides of Day Street between Grandview Avenue and the railroad crossing be posted "no parking".

Is there a motion to approve the request to post "no parking" on both sides of Day

Street from the intersection of Grandview Avenue to the intersection of the railroad crossing?

L. Request Approval to Extend Police Services Agreement Between the City of Fruitland and the City of Muscatine

Presented for City Council's consideration is a request to approve an extension of the Police Services Agreement between the City of Muscatine and the City of Fruitland. The City of Fruitland is requesting a multi-year contract agreement be put in place for the annual police contract. It is suggested that a three-year contract be entered into incorporating a 3 ½% increase for the first year and the remaining two years be based upon wage increases through the union negotiations with a maximum amount of a 4% adjustment each year. City staff has been involved in these negotiations and supports this recommendation.

Is there a motion to approve an extension of the Police Services Agreement between the City of Muscatine and the City of Fruitland?

M. Request to Approve Professional Services Agreement for Riverfront Flood Damage Repairs

Presented for City Council's consideration is a request to approve a professional services agreement for riverfront flood damage repairs. As a result of the flood of 2008, there are still significant engineering based activities yet to be completed in order to finalize repairs and replacement activities. The city's facility known as the Pearl City Station and the surrounding plaza area as well as the bulkhead and seawall sustained significant damages. Repairs will involve application for permits, grant applications, remediation concepts, and identification of appropriate design parameters. It is suggested that a professional services agreement for these activities be entered into with Red Barn Design and Engineering. The project will consist of five separate tasks, and the professional fees associated with this will be \$105,670 plus reimbursable expenses not to exceed \$4,500. Funding for these services will be partially through FEMA with the balance to be funded through the Pearl City Station Area Structural Improvement Fund which is part of the downtown TIF.

Is there a motion to approve the professional services agreement with Red Barn Design and Engineering for riverfront flood damage repairs?

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – February 2, 9 & 16, 2009
- B. Art Center Board of Trustees – January 14, 2009
- C. Library Board of Trustees – January 21, 2009
- D. Airport Advisory Commission – September 22, 2008
- E. Historic Preservation Commission – January 21, 2009
- F. Board of Water, Electric, and Communications Trustees – January 27, 2009
- G. MP&W Communications Utility – January 2009
- H. MP&W Electric Utility – January 2009
- I. MP&W Water Utility – January 2009
- J. City of Muscatine Financial Reports – January 2009

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,127,029.68, as well as journal entries for October, November, and December 2008, 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

- A. Request approval to go into Closed Session to review pending/impending litigation.

17. ADJOURNMENT