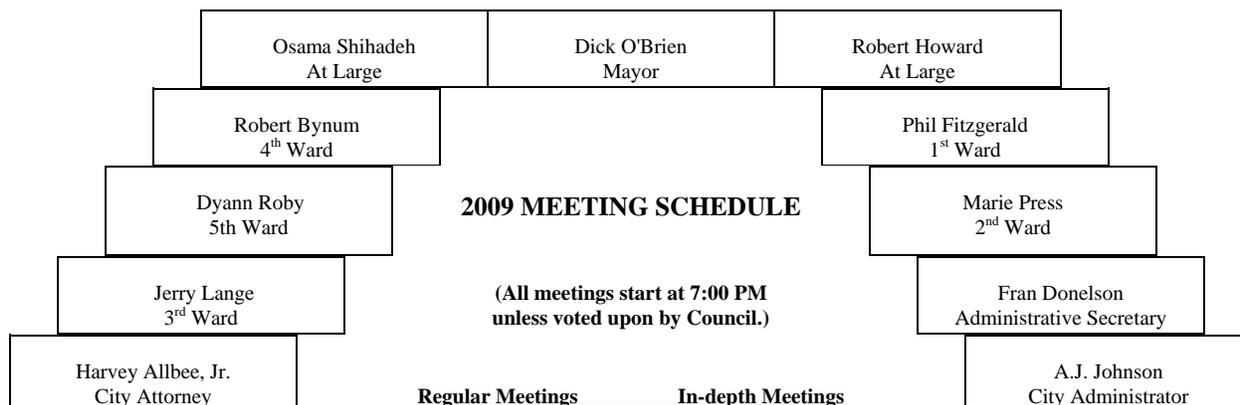


COUNCIL



	<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, APRIL 2, 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 – March 19, 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-C
- * 13 – A-D
- * Bills*

* Approval of attached Bills for Approval totaling \$1,135,841.82 is subject to the approval of any related agenda item(s).

8. PUBLIC HEARING

A. Proposed Vacation and Transfer of City Real Estate for the Unimproved McClellan Street Right-of-Way

Previously City Council took action to establish a public hearing on the proposed vacation and transfer of city real estate for the unimproved McClellan Street right-of-way. The city received a request from the Muscatine School District and the adjacent property owners to vacate the unimproved portion of the McClellan Street right-of-way south of McArthur Street. The right-of-way runs parallel to the property line located west of Madison Elementary School. Prior to any formal action by City Council, a public hearing is required.

Now is the time for the public to comment on the proposed vacation and transfer of city real estate for the unimproved McClellan Street right-of-way.

B. Proposed 2009 Curb and Gutter and Street Maintenance Program

Previously City Council took action to establish a public hearing on the proposed 2009 Curb and Gutter and Street Maintenance Program. As a component but independent of the street resurfacing program, the city will be engaging in the replacement and repair of a number of curb and gutter and street maintenance related activities for 2009. Projects will include full-depth patching on Kindler Avenue, curb and gutter replacement on E. 3rd Street, and the installation of 88 handicapped ramps at 13 different locations. Prior to any formal action by City Council, a public hearing is required.

Now is the time for the public to comment on the proposed 2009 Curb and Gutter and Street Maintenance Program.

C. Proposed Imposition of Civil Penalties Against Cigarette Permit Holders Violating Iowa Code Chapter 453A

Previously City Council took action to establish the proposed imposition of civil penalties against cigarette permit holders violating Iowa Code Chapter 453A. Periodically the city conducts compliance checks with local vendors as it pertains to the sale of tobacco products to minors. When vendors are found to be in violation of the Iowa Code, the city proceeds with the imposition of a civil penalty, which is \$300 for the first violation. In order to impose the penalty, the city is required to hold a public hearing.

Now is the time for the public to comment on the proposed imposition of civil penalties against cigarette permit holders violating Iowa Code Chapter 453A.

D. Proposed Installation of Handicap Parking Stall at 1606 Indiana Street

Previously City Council took action to establish a public hearing on the proposed installation of a handicap parking stall at 1606 Indiana Street. The applicant is the owner/occupant of the residence and has the required handicap tags for her vehicle. If approved by City Council, a handicap parking stall would be established in front of the residence. Any vehicle with the appropriate handicap insignia will be eligible to park at this location. If and when the current occupant vacates the property, the handicap parking sign would be removed as well. Prior to any formal action by City Council, a public hearing is required.

Now is the time for the public to comment on the proposed installation of a handicap parking stall at 1606 Indiana Street.

E. Proposed Amendments to Public Housing Administrative Plan for Fiscal Year 2008/2009 and the Annual Five-Year Plan

Previously City Council took action to establish a public hearing on the proposed amendments to the Public Housing Administrative Plan for fiscal year 2008/2009 and the annual five-year plan. The city was recently notified of the requirement to amend the city's public housing five-year capital program plan in order to receive funding from the National Recovery Act. Funding made available to this program will allow the city to move forward with various capital projects that were not previously budgeted in the five-year capital replacement program. The public hearing also covers the amendments to the 2008/2009 Administrative Plan covering such capital improvements as well.

Now is the time for the public to comment on the proposed amendments to the Public Housing Administrative Plan for fiscal year 2008/2009 and the annual five-year plan.

9. PETITIONS AND COMMUNICATIONS

- A. Request for renewal of a Class A Liquor License and Sunday Sales Permit for Muscatine Moose Lodge #388, 207 Lake Park Boulevard
- B. Request for renewal of a Class A Liquor License and Sunday Sales Permit for Edward H. Bitzer Post #27 of the American Legion Club, 110 Houser Street
- C. Request for renewal of a Class B Beer and Sunday Sales Permit for Pizza Hut of Muscatine Inc., 2512 Park Avenue

10. FROM THE MAYOR

- A. Proclamation Declaring April 22, 2009 as “Earth Day” in the City of Muscatine

Is there a motion to approve the proclamation as submitted?

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

- A. Final 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 third and final reading of an ordinance amending Title 1, Administrative, Chapter 6, Mayor and City Council, Section 2, Salary of Mayor. During the recent budget review sessions, the City Council determined they wished to adjust the salary for the position of Mayor by \$1,000. In accordance with state code, this action must take place prior to the next general election and will not be effective until January 1, 2010.

Is there a motion to adopt on third and final reading an ordinance amending Title 1, Administrative, Chapter 6, Mayor and City Council, Section 2, Salary of Mayor and direct for its publication?

- B. Final reading of an Ordinance Amending Title 9, Chapter 4, Section 3 of the City Code.

Presented for City Council’s consideration is the third and final reading of an ordinance amending Title 9, Chapter 4, Section 3 of the City Code. The proposed amendment to this ordinance will clarify and enhance the existing appeal process available to residents and property owners when cited for nuisance related code violations.

Is there a motion to adopt on third and final reading an ordinance amending Title 9, Chapter 4, Section 3 of the City Code and direct for its publication?

C. Second Reading of an Ordinance Adopting the Code of Ordinances and Supplement for the City of Muscatine

Presented for City Council's consideration is the second reading of an ordinance adopting the Code of Ordinances and Supplement for the City of Muscatine. Periodically the City Council takes action to update the City Code due to changes made by City Council. This supplement includes ordinances and amendments to ordinances adopted through action by City Council on or prior to December 31, 2008.

Is there a motion to approve the second reading of an ordinance adopting the Code of Ordinances and Supplement for the City of Muscatine?

D. First Reading of an Ordinance Vacating City Real Estate – Unimproved McClellan Street Right-of-Way

Presented for City Council's consideration is the first reading of an ordinance vacating city real estate for the unimproved McClellan Street right-of-way. Previously a public hearing was held to receive comment on the proposed vacation of an unimproved right-of-way. The city has been petitioned by the Muscatine School District and an adjacent neighbor. If approved, the school district would purchase 7,290 square feet of the unimproved right-of-way and the adjacent property owner would purchase 2,439 square feet. The current charge for unimproved right-of-way is \$1.05 per square foot.

Is there a motion to approve the first reading of an ordinance vacating city real estate for the unimproved McClellan Street right-of-way?

E. Resolution Approving Order Accepting Acknowledgement/Settlement Agreements and Imposing Civil Penalties Against Cigarette Permit Holders in Violation of Iowa Code 453A

Presented for City Council's consideration is a resolution approving the order accepting the acknowledgement/settlement agreements and imposing civil penalties against cigarette permit holders in violation of Iowa Code 453A. Previously a public hearing was held to receive public comment on the proposed violations. Iowa Code allows for communities where violations occur to impose civil penalties against establishments that illegally sell tobacco products to minors. Following any type of appeal submitted for Council's consideration, Council can take action to impose the appropriate civil penalties based on the violations.

Is there a motion to adopt the resolution accepting acknowledgements/settlement agreements and imposing civil penalties against cigarette permit holders in violation of Iowa Code 453A?

- F. Resolution Approving Order Assessing Civil Penalties with Regard to Cigarette Permit Holders Violating Iowa Code 453A.2

- G. Request to Approve a Handicap Parking Stall at 1606 Indiana Street

Presented for City Council's consideration is a request to approve a handicap parking stall at 1606 Indiana Street. Previously a public hearing was held to receive public comment on the proposed installation of a handicap parking stall at this location. If approved by City Council, there would be an annual \$5 fee for such a stall and it would be removed once the current owner vacates the property.

Is there a motion to approve the installation of a handicap parking stall at 1606 Indiana Street?

- H. Resolution Approving Modifications to the Five-Year PHA Action Plan and Authorizing Execution of Certifications as Required

Presented for City Council's consideration is a resolution approving modifications to the five year PHA Action Plan and authorizing execution of certifications as required. Previously a public hearing was held to receive public comment on the proposed amendments to the annual five-year plan for capital improvements for the Public Housing Agency. The city will be a recipient of funding from the American Recovery Reinvestment Act which necessitated the changes and amendments to the current capital program. It is anticipated that with these funds the city will make improvements to the Sunset Park housing units which include the installation of air conditioning and the replacement of existing furnaces.

Is there a motion to adopt the resolution approving the modifications to the five-year PHA Action Plan and authorizing execution of certifications as required?

- I. Resolution Accepting the ARRA Capital Funding Grant and Authorizing the Housing Administrator to Sign on Behalf of the City Council

Presented for City Council's consideration is a resolution accepting the ARRA capital funding grant and authorizing the Housing Administrator to sign on behalf of the City Council. Previously City Council took action to amend the current five-year plan for capital improvements for public housing facilities. At this time it is required that a more specific resolution be enacted accepting monies from the American Recovery and Reinvestment Act in the amount of \$256,366 for capital improvements and management activities.

Is there a motion to adopt the resolution accepting the ARRA capital funding grant and authorizing the Housing Administrator to sign on behalf of the City Council?

J. Resolution Setting Public Hearing on Clay Street Inlay Project

Presented for City Council's consideration is a resolution setting a public hearing on the Clay Street Inlay Project. The City of Muscatine was recently notified it would be receiving economic stimulus dollars for improvements to Clay Street. This project includes the reconstruction of Clay Street from Isett Avenue to Park Avenue. The construction will include the removal and replacement of pavement, curb, and storm sewer inlet. The city will receive approximately \$733,000 in funding to assist in this project. Prior to any formal action by City Council, a public hearing is required.

Is there a motion to adopt the resolution setting the time and place for a public hearing on the Clay Street Inlay Project for Thursday, April 16, 2009, at 7 p.m.?

K. Resolution Awarding the Contract for the 2009 Street Improvements Project

Presented for City Council's consideration is a resolution awarding the contract for the 2009 Street Improvements Project. Two bids were submitted with the lowest responsible bid being that of Illowa Investments Inc. of Blue Grass at \$2,557,601.61. The engineer's estimate for the project was \$2,879,951.26. Included in this project are numerous streets, alleys, parking lots, and cemetery roadways.

Is there a motion to adopt the resolution awarding the contract for the 2009 Street Improvements Project to Illowa Investments Inc. at \$2,557,601.61?

L. Resolution Relating to Financing Certain Proposed Projects to be Undertaken by the City of Muscatine and Establishing Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code

Presented for City Council's consideration is a resolution relating to financing certain proposed projects to be undertaken by the City of Muscatine and establishing compliance with reimbursement bond regulations under the Internal Revenue Code. IRS regulations require that cities identify projects that may be financed in whole or in part through the issuance of general obligation bonding before the projects incur significant expenses. The city's 2008/2009 revised estimate and 2009/2010 budget include various capital projects to be financed from the city's next general obligation bond issue planned for the spring of 2010.

Is there a motion to adopt the resolution relating to Financing Certain Proposed Projects to be Undertaken by the City of Muscatine and Establishing Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code?

M. Resolution Releasing a Real Estate Mortgage Under the 2003 CDBG Owner-Occupied Residential Rehabilitation Program

Presented for City Council's consideration is a resolution releasing a real estate mortgage under the 2003 CDBG Owner-Occupied Residential Rehabilitation Program. Wendy Hanssen of 503 E. 7th Street participated in the 2003 CDBG Housing Rehab Program. The work was completed April 1, 2004, and under the five-year forgivable loan program, the mortgage is now eligible for release.

Is there a motion to adopt the resolution releasing a real estate mortgage under the 2003 CDBG Owner-Occupied Residential Rehabilitation Program?

N. Resolution Setting Public Hearing for the Use of a Department of Justice Assistance Grant by the Police Department

Presented for City Council's consideration is a resolution setting a public hearing for the use of a Department of Justice Assistance Grant by the Police Department. Under the American Recovery and Reinvestment Act of 2009, a new formula was devised for distribution of funds under the Byrne Justice Assistance Grant. It is this funding mechanism that the city has relied upon to purchase items for law enforcement purposes that have not been budgeted for. These monies are split equally between the city and the county, and it is estimated at this time each agency would receive \$54,062.20. No local match is required. Prior to any formal application for the receipt of funds, a public hearing is required.

Is there a motion to adopt the resolution setting a public hearing for the use of a Department of Justice Assistance Grant by the Police Department for Thursday, April 16, 2009, at 7 p.m.?

O. Request Approval to Set Spring Cleanup Week

Presented for City Council's consideration is a request to set Spring Cleanup Week. In conjunction with Keep America Beautiful Month, city staff is requesting the annual cleanup week be set for April 20-24, 2009. As in the past, city crews will work throughout the week to remove items that have been discarded by area residents. This will include up to eight tires per residence, four appliances, and electronic waste.

Is there a motion to approve the request to set Spring Cleanup Week for April 20-24, 2009?

P. Request Approval to Enter Into an Engineering Design Agreement for the W. 3rd Street Retaining Wall Improvements

Presented for City Council's consideration is a request to enter into an engineering design agreement for the W. 3rd Street retaining wall improvements. The city has solicited proposals for engineering services from Shoemaker-Haaland for the reconstruction of the W. 3rd Street retaining wall and parking lot improvement. The scope of services will include site evaluation, preliminary and final design specifications, and all bid phase services. The proposed fee will be \$55,800 plus reimbursable expenses estimated at \$25,011.

Is there a motion to authorize the contract between the City of Muscatine and Shoemaker-Haaland for design services for the W. 3rd Street retaining wall improvements?

Q. Request to Issue a Purchase Order for the Purchase of Three Transit Buses

Presented for City Council's consideration is a request to issue a purchase order for the purchase of three transit buses. MuscaBus has received advance authority to purchase three light duty transit buses. Two of the buses will be purchased with 80% participation from STP funding and the other bus will be provided 100% from ICAP federal funds. The STP funded buses total \$123,061.40 with a local share of \$24,612.28. The ICAP bus funded at 100% will be purchased for \$65,826.70.

Is there a motion to approve the issuance of a purchase order for three transit buses?

R. Request Authorization to Purchase Road Rock Salt

Presented for City Council's consideration is a request to authorize the purchase of road rock salt. In advance of the 2009/2010 winter season, the City of Muscatine has partnered with other eastern Iowa communities to solicit proposals for road rock salt. This effort is being accelerated in advance of anticipated purchases from the State of Illinois and State of Iowa and to lock in favorable pricing. A total of eight bids were received with the lowest responsible bid being that of Central Salt LLC in the amount of \$59.82 per ton. The city has \$60 per ton budgeted for this purchase. It is anticipated the city will purchase 4,500 tons of salt at a total cost of \$269,190.

Is there a motion to authorize the purchase of road rock salt from Central Salt LLC?

S. Request Approval of Change Orders #2 and #3 for the Geothermal Project

Presented for City Council's consideration is a request to approve Change Orders #2 and #3 for the Geothermal Project. The city's Geothermal Committee has been working with the city's consultant on investigating viable options to proceed with geothermal installation to address HVAC concerns at the Public Safety Building. A

variety of options were explored and after due consideration, it is recommended that City Council take action to approve Change Orders #2 and #3 for this project. Change Order #2 is a \$5,274 deduction for the new well site field. Change Order #3 is for the removal and replacement of concrete parking lots, sidewalks, and curb as needed for the well fields in the amount of \$48,156.90. Overall, the total change orders will be an additional \$47,063.

Is there a motion to approve Change Orders #2 and #3 for the Geothermal Project?

T. Request to Reject Bids for the Water Pollution Control Plant Storage Building

Presented for City Council's consideration is a request to reject bids for the Water Pollution Control Plant Storage Building. On March 24, 2009 bids were received by the city for the WPCP maintenance building project. Three bids were received. However, after a review of the bids submitted, a number of irregularities were noted and it is the recommendation from city staff that the bids be rejected and the project be reevaluated and rebid at a later date.

Is there a motion to reject bids for the Water Pollution Control Plant Storage Building?

U. Request Approval of COPS Grant Application

Presented for City Council's consideration is a request to approve a COPS grant application. Incorporated in the American Recovery and Reinvestment Act for 2009, monies have been set aside for public safety activities including a program known as COPS Hiring Recovery Program. Based upon the COPS program introduced in 1994, this program will provide for 100% funding to retain or hire new police officers. Unlike the previous COPS program, jurisdictions are not restricted to the use of these officers if grants are awarded. With Council's concurrence, the city would apply for funding for two officers for the next three years.

Is there a motion to authorize the application to the COPS Hiring Recovery Program?

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – March 9 & 16, 2009
- B. Art Center Board of Trustees – February 19, 2009
- C. Historic Preservation Commission – February 18, 2009
- D. City of Muscatine Financial Reports – February 2009

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,135,841.82 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