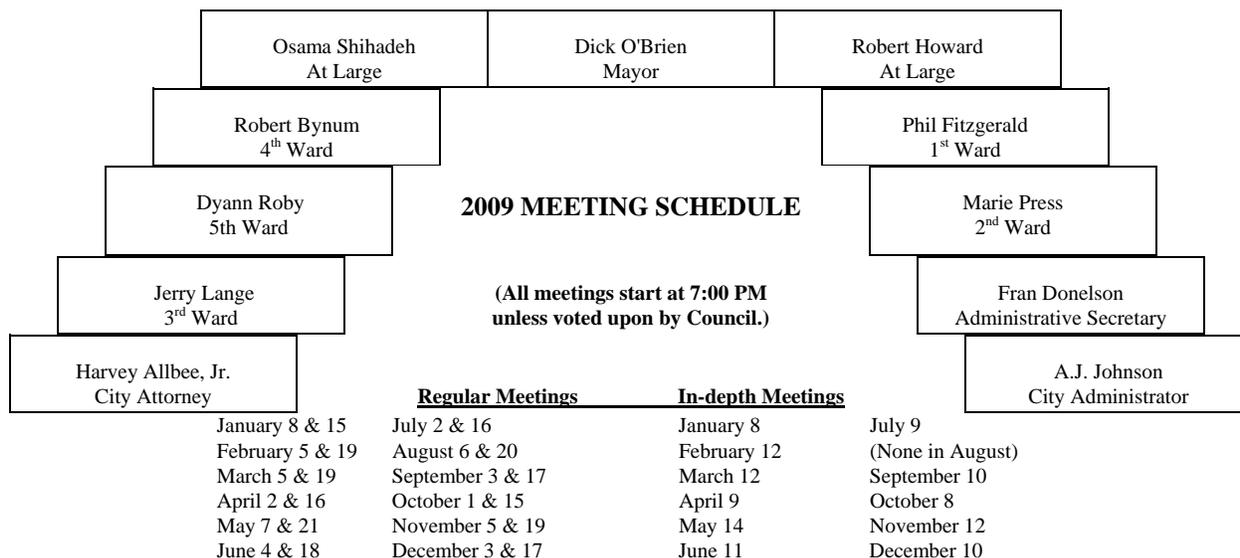


COUNCIL



AGENDA

THURSDAY, MAY 21, 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 – May 7, 2009
- B. In-Depth Council Meeting – May 14, 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-D
- * 13 – A-B
- * Bills*

* Approval of attached Bills for Approval totaling \$1,944,614.50, as well as February 2009 receipt summaries and journal entries, is subject to the approval of any related agenda item(s).

8. PUBLIC HEARING

A. Proposed 2009/2010 Disadvantaged Business Enterprise Goals

Previously City Council took action to establish a public hearing for the proposed 2009/2010 Disadvantaged Business Enterprise goals. As a recipient of federal funds, the city is required to establish goals under the DBE program to promote the hiring and usage of qualifying firms. Previous DBE goals now need to be revised based upon the city's experience in successfully soliciting firms that qualify to bid on federally funded projects. Based on previous experience, it is being recommended that the 2009/2010 fiscal year DBE for Federal Aviation Administration funds and 3.3% for Federal Highway funds. Prior to any formal action by Council, a public hearing is required.

Now is the time for the public to comment on the proposed 2009/2010 DBE goals.

B. Proposed Amendment #2 to the 2008/2009 City Budget

Presented for City Council's consideration is the proposed Amendment #2 to the 2008/2009 city budget. Each fiscal year the City Council takes the opportunity to amend the current fiscal year budget twice. At this time that second amendment is being submitted for City Council review and public comment. The proposed amendment will increase the total budgeted expenditures to the city by \$1,272,800 with budgeted transfers to increase by \$162,300 for a total expenditure change of \$1,435,100. City budgeted revenues are proposed to be amended by \$289,300 which includes \$162,300 of funding transfers in. Of the total requested amendment, \$870,000 relates to capital projects. General Fund revenues are proposed to be amended by \$140,700 which includes transfers from the Road Use Tax, Ambulance Fund, Health Insurance Fund, and the Employee Benefit Fund. 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 Amendment #2 to the 2008/2009 city budget.

C. Proposed Tennis Court Construction Project

Previously City Council took action to set a public hearing on the proposed Tennis Court Construction Project. City Council had taken action to authorize this project to move forward and outside design services were secured to assist the city staff in establishing parameters of the project and other separate guidelines. If approved, it is anticipated this will be a summer construction project with a September 2009 completion date. The project will consist of replacing the two court system in the west side of Weed Park and building two new courts adjacent to the courts to be replaced. Prior to any formal action, a public hearing is required.

Now is the time for the public to comment on the proposed Tennis Court Construction Project.

9. PETITIONS AND COMMUNICATIONS

- A. Request on first reading for a new Class BW Beer/Wine Permit with Outdoor Service for Elly's Tea & Coffee House LLC, 208 W. 2nd Street #8 – Elouise M. Lloyd (pending inspections and receipt of final paperwork)
- B. Request on second reading for a new Class C Liquor License and Sunday Sales Permit for La Guadalajara, 203 E. 2nd Street – La Guadalajara Restaurant LLC
- C. Request for renewal of a Class C Liquor License and Sunday Sales Permit for El Allende, 1107 Grandview Avenue – El Allende Inc.
- D. Request for renewal of a Class B Liquor License and Sunday Sales Permit for Holiday Inn Muscatine, 2915 North Highway 61 – Jelms Hotel Company LLC
- E. Request for new Cigarette/Tobacco Permit for Highway 61 Fuels LLC, 3103 Highway 61 North

10. FROM THE MAYOR

11. FROM THE PLANNING AND ZONING COMMISSION

- A. Resolution Setting a Public Hearing on the Voluntary Annexation for Frank and Cleo Bermel

Presented for City Council's consideration is a resolution setting a public hearing on the voluntary annexation for Frank and Cleo Bermel. In December 2008 the City Council approved a pre-annexation agreement with Frank and Cleo Bermel and Ripley's Development Corporation to facilitate the voluntary annexation of approximately 144 acres. The pre-annexation agreement stipulates the city will participate in the design of a new public sanitary sewer line extension, lift station, permitting Ripley's Mobile Home Court to connect to the new sewer line, zoning change for both properties, and providing for hard surfacing for a portion of the

Bermel driveway that is used by the Muscatine schools as a turnaround point. In May the city's Planning and Zoning Commission had reviewed and recommended for approval this action by City Council. Prior to any formal action by City Council, a public hearing is required.

Is there a motion to adopt the resolution setting a public hearing on the voluntary annexation for Frank and Cleo Bermel for Thursday, June 18, 2009, at 7 p.m.?

B. Resolution Setting a Public Hearing on the Voluntary Annexation for Ripley's Land Development

Presented for City Council's consideration is a resolution setting a public hearing on the voluntary annexation for the Ripley's Land Development Corporation. In December 2008 the City Council approved a pre-annexation agreement with Ripley's Land Development Corporation to facilitate the voluntary annexation of approximately 42 acres. The pre-annexation agreement stipulates the city will participate in the design of a new public sanitary sewer line extension, lift station, permitting Ripley's Mobile Home Court to connect to the new sewer line, and zoning change. In May the city's Planning and Zoning Commission had reviewed and recommended for approval this action by City Council. Prior to any formal action by City Council, a public hearing is required.

Is there a motion to adopt the resolution setting a public hearing on the voluntary annexation for the Ripley's Land Development Corporation for Thursday, June 18, 2009, at 7 p.m.?

12. FROM THE CITY ADMINISTRATOR

A. Resolution Approving the City of Muscatine's 2009/2010 Disadvantaged Business Enterprise Goals

Presented for City Council's consideration is a resolution approving the City of Muscatine's 2009/2010 Disadvantaged Business Enterprise goals. Previously a public hearing was held to receive comment on the reestablishment of the city's DBE goals for both Federal Aviation Association and Federal Highway Administration projects. The new goals, if adopted, will require a goal of 3.8% participation by qualifying firms for FAA projects and a goal of 3.3% for qualifying firms for the FHWA programs.

Is there a motion to adopt the resolution approving the City of Muscatine's 2009/2010 DBE goals?

B. Resolution Approving Amendment #2 to the 2008/2009 City Budget

Presented for City Council's consideration is a resolution approving Amendment #2 for the 2008/2009 city budget. Each fiscal year the City Council takes the opportunity to amend the current fiscal year budget twice. At this time that second amendment is being submitted for City Council review and public comment. The proposed amendment will increase the total budgeted expenditures to the city by \$1,272,800 with budgeted transfers to increase by \$162,300 for a total expenditure change of \$1,435,100. City budgeted revenues are proposed to be amended by \$289,300 which includes \$162,300 of funding transfers in. Of the total requested amendment \$870,000 relates to capital projects. General fund revenues and proposed to be amended by \$140,700 which includes transfers from the Road Use Tax, Ambulance Fund, Health Insurance Fund, and the Employee Benefit Fund.

Is there a motion to adopt the resolution approving Amendment #2 to the 2008/2009 city budget?

C. Resolution Approving Plans, Specifications, Form of Contract, Cost Estimate and Setting the Bid Opening Date for the Tennis Court Construction Project

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 Tennis Court Construction Project. Previously a public hearing was held to receive comment on the proposed project. It includes the construction of four new tennis courts consisting of cast-in-place concrete court, chain link fencing, and all court amenities including markings, hitting walls, and site grading. The estimated cost of the project is \$276,308.

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 Tennis Court Construction Project for Friday, June 12, 2009?

D. Resolution Authorizing Mayor to Sign Subordination Agreement for 312 Gilbert Street

Presented for City Council's consideration is a resolution authorizing the Mayor to sign a subordination agreement for 312 Gilbert Street. Alvin and Sandra Halpain have participated in the city's 2006 housing fund rehabilitation program. As part of the program, a mortgage agreement between the city and the Halpains was recorded in January 2007. The Halpains now wish to refinance the property. In the past the city has taken a subordinate position when requested to do so for refinancing purposes. The Council is being petitioned at this time for that action.

Is there a motion to adopt the resolution authorizing the Mayor to sign a subordination agreement for 312 Gilbert Street?

E. Resolution Releasing 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. Abelino and Enedina Fernandez participated in the 2003 CDBG program. The project was completed May 14, 2004. As part of the terms of the agreement, the final 20% of the loan is now eligible to be forgiven. This is the third of 11 mortgages that are eventually expected to be released by the city under the 2003 housing rehabilitation program.

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

F. Resolution Setting Public Hearing to Approve Plans, Specifications, Form of Contract, Cost Estimate and Establish a Bid Opening Date for the Muscatine Bridge Tribute Plaza and Bike Trail Kiosk

Presented for City Council's consideration is a resolution setting a public hearing to approve plans, specifications, form of contract, cost estimate and establishing a bid opening date for the Muscatine Bridge Tribute Plaza and Bike Trail Kiosk. Previously the city applied and secured IDOT funding on behalf of Leadership Muscatine for both of the referenced projects. As the two projects moved through the review process, it was decided they should be combined on a single site. As a result, the city now has the combined project that has to be referred to individually for accounting purposes. The city secured outside engineering services to assist in this process. The next step would include the establishment of a public hearing to receive public comment prior to bids being solicited.

Is there a motion to adopt the resolution setting a public hearing to approve the plans, specifications, form of contract, cost estimate and establishing a bid opening date for the Muscatine Bridge Tribute Plaza and Bike Trail Kiosk for Thursday, June 4, 2009, at 7 p.m.?

G. Resolution Approving the 2009/2010 Non-Union Pay Plan

Presented for City Council's consideration is a resolution approving the 2009/2010 Non-Union Pay Plan. Each year, prior to the beginning of the new fiscal year, Council takes action to establish a new pay plan for those individuals not covered under union contracts. This year's plan reflects a 2% increase to the existing pay ranges and steps included in the city's budget.

Is there a motion to adopt the resolution approving the 2009/2010 Non-Union Pay Plan?

H. Resolution Approving the Plans, Specifications, Form of Contract, Cost Estimate and Setting Bid Opening Date for the 2009 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 bid opening date for the 2009 Curb and Gutter and Street Maintenance Program. This year's program will focus on full depth patching and curb and gutter replacement primarily on Kindler Avenue. The city will also be installing handicap ramps at 20 intersections. In addition, ancillary sidewalk replacement will be required. Funding for this project will be from the 2009 Pavement Management Program and CBD TIF District.

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 Curb and Gutter and Street Maintenance Program for June 5, 2009?

I. Resolution Awarding the Contract for the Clay Street Inlay Project

Additional information will be supplied at Thursday night's meeting.

J. Resolution Authorizing the Assessment of Unpaid Abatement Costs to Private Property Owners

Presented for City Council's consideration is a resolution authorizing the assessment of unpaid abatement costs to private property owners. Periodically city staff provides City Council with an update and a request for authorization to assess unpaid abatement costs to private property owners for action taken over the last several months. This particular request involves 29 separate incidences where nuisances had to be abated. The total request for these actions is \$5,036.83.

Is there a motion to adopt the resolution authorizing the assessment of unpaid abatement costs to private property owners?

K. Resolution Writing Off Debts of Certain Former Public Housing Tenants

Presented for City Council's consideration is a resolution writing off debts of certain former public housing tenants. Each year the city is presented with a list of individuals who have outstanding and uncollectible debts from the city's public housing units. This year a total of \$2,141.97 is owed through the city's housing operation. Prior to this action being forwarded for Council's consideration, all attempts are made to collect these debts. In addition, all outstanding debts must be reconciled with the housing department before any individual who owes money is allowed to participate in the program again.

Is there a motion to adopt the resolution writing off debts of certain former public housing tenants?

L. Resolution Approving the Final Plat for the Subdivision of Lot 3 in Taylor Land Development

Presented for City Council's consideration is a resolution approving the final plat for the subdivision of Lot 3 in Taylor Land Development. On May 12, 2009 the city's Planning and Zoning Commission reviewed and approved the subdivision of Lot 3 in Taylor Land Development, a light industrial subdivision off of Highway 61. The purpose of the subdivision request is to allow for a 1.25 acre parcel intended for commercial use.

Is there a motion to adopt the resolution approving the final plat for the subdivision of Lot 3 in Taylor Land Development?

M. Resolution Approving the Final Plat for The Meadows for Ripley's Land Development

Presented for City Council's consideration is a resolution approving the final plat for The Meadows for Ripley's Land Development. On May 12, 2009 the city's Planning and Zoning Commission reviewed and approved the combination preliminary/final plat for The Meadows, a one lot residential subdivision located in Muscatine County within two miles of the corporate limits of the City of Muscatine. This subdivision is part of the Bermel and Ripley's voluntary annexation proposal. Once the annexation is approved, the owner intends to transfer the property to a developer for future residential development.

Is there a motion to take action by resolution approving the final plat for The Meadows for Ripley's Land Development?

N. 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. On May 8, 2009 the city received the new calendar year 2009 housing assistance payment budget from HUD. The budget is comparable to prior projections but HUD has chosen to reduce the reserve by \$50,000. The unexpected reduction in reserves is needed to ensure housing assistance payments do not exceed the calendar year's budgeted authority. In light of this unexpected action, city staff is requesting that the payment standard from 110% to 100% of HUD determined fair market value rent be established. This step will help reduce our total monthly payment throughout the next 24 month period.

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

O. Resolution Approving Preliminary/Final Plat for the Wilson Acres

Presented for City Council's consideration is a resolution approving the preliminary/final plat for the Wilson Acres. On May 13, 2009 the city's Planning and Zoning Commission reviewed and approved the combined preliminary/final plat for Wilson Acres, a one-lot industrial subdivision located within the two mile corporate limits of the City of Muscatine. The Commission did not recommend the installation of sidewalks because the subdivision does not involve new construction and is located in the middle of a large agricultural area which is not likely to be developed as residential in the foreseeable future.

Is there a motion to adopt the resolution approving the preliminary/final plat for the Wilson Acres?

P. Resolution Setting Public Hearing for ARRA Capital Projects

Presented for City Council's consideration is a resolution setting a public hearing for ARRA Capital Projects. With the passage of the American Recovery and Reinvestment Act of 2009, monies were made available to public housing units for energy efficient upgrades. The city received funding to conduct such upgrades at the Sunset Park housing facility. Bids received for furnaces and air conditioners were much more competitive than anticipated which allowed for the ability to add new energy efficient hot water heaters for the same original budgeted cost estimate. Prior to any formal action to pursue these improvements, a public hearing is required.

Is there a motion to adopt the resolution setting a public hearing for adjustments to the public housing capital funding plan for Thursday, June 4, 2009, at 7 p.m.?

Q. Request Approval of the Construction Administration Agreement with Fox Engineering for the Phase 4 Landfill Cell Expansion

Presented for City Council's consideration is a request to approve the construction administration agreement with Fox Engineering for the Phase 4 Landfill Cell Expansion. As the city prepares to move forward with the landfill expansion plan, it is being recommended that outside engineering services to assist with construction administration, resident project representation, and construction staking be accepted from Fox Engineering. A total amount not-to-exceed \$44,000 has been identified. Of the project, \$26,000 is estimated at this time and is anticipated to be lower than the estimate.

Is there a motion to approve the construction administration agreement with Fox Engineering for the Phase 4 Landfill Cell Expansion?

R. Request Approval of 28E Agreement with the City of Fruitland for Refuse Collection Services

Presented for City Council's consideration is a request to approve a 28E agreement with the City of Fruitland for refuse collection services. As was presented previously, the City of Fruitland wishes to contract with the City of Muscatine for refuse collection services. An agreement for such services has been prepared and reviewed by both city attorneys. The contract calls for refuse collection services in the City of Fruitland. In addition, residents will receive other services excluding leaf pickup services under the terms and conditions of this contract. A single point of billing to the City of Fruitland is provided. Residents will pay the current rate that was approved for city residents at \$18.25 per month for residential customers.

Is there a motion to approve the 28E agreement with the City of Fruitland for refuse collection services?

S. Request Authorization to Enter Into a Joint Participation Agreement to Implement a Federal Transit Administration Non-Urban Operating Assistance Project

Presented for City Council's consideration is a request for authorization to enter into a joint participation agreement too implement a Federal Transit Administration Non-Urban Operating Assistance Project. MuscaBus has received a joint participation agreement in the amount of \$276,275 from the Iowa Department of Transportation to purchase three buses. One bus will be 100% funded and the remaining two will receive 80% funding. In addition, the agreement also includes \$52,475 for approximately two years of operating expenses for a Muscatine/Wilton shuttle.

Is there a motion to authorize a joint participation agreement with the IDOT to implement a FTA Non-Urban Operating Assistance Project?

T. Request to Use Sunset Park Parking Lot for Residents Association Fundraising

Presented for City Council's consideration is a request to use the Sunset Park parking lot for Residents Association Fundraising. The Residents Association has approached city staff to inquire as to the possibility of pursuing fundraising events which would allow for them to charge for parking for patrons using the soccer complex who wish to park at the Sunset Park complex. Prior to this request, the Sunset Park housing area has been restricted to residents only during soccer events. The Residents Association has identified dates in June and August when they would like to undertake this activity. Prior to the implementation of this program, Council authorization is required.

Is there a motion to approve the use of the Sunset Park parking lot for the Residents Association fundraising?

U. Request to Declare Police Department Vehicle as Surplus

Presented for City Council's consideration is a request to declare a Police Department vehicle as surplus. Working through the area Drug Taskforce, the city has titled to it a vehicle for use by the taskforce. The city provides the insurance and maintenance of the vehicle. At this time the taskforce would request the vehicle be declared surplus in order to purchase a new vehicle for this activity. The new purchase price will be the responsibility of the Drug Taskforce. Once purchased, the new vehicle will be titled to the City of Muscatine who will provide insurance and maintenance.

Is there a motion to declare the Police Department vehicle as surplus?

V. Request Approval of RFQ for Selection of City Administrator

Presented for City Council's consideration is a request to approve an RFQ for the selection of a City Administrator. At last week's in-depth meeting, an overview was provided to Council concerning the selection of a new City Administrator. Following that discussion, City Council agreed to formally authorize the solicitation of proposals from qualified public sector executive recruiting firms to assist the city in the selection process. These activities would be coordinated by the Human Resources Manager.

Is there a motion to approve the solicitation of RFQ's for the selection of a City Administrator?

W. Request Approval to Appoint Interim City Administrator

Presented for City Council's consideration is a request to approve the appointment of an Interim City Administrator. With the resignation of the current City Administrator, it is necessary for Council to appoint an Interim City Administrator until a permanent replacement has been found. It is being recommended that Public Works Director Randy Hill who currently serves in an Acting City Administrator capacity be appointed to this position. This appointment would be effective June 27, 2009

through the time a permanent replacement is found. If Council concurs with this recommendation, a salary adjustment of 15% would also be recommended to take place. In addition, there would be a segregation of other duties to assist in the transition period that would be assigned to Planning, Zoning and Building Safety Director Steve Boka. It is recommended that his salary be adjusted by 7 ½%.

Is there a motion to approve the appointment of Randy Hill as the Interim City Administrator and to make adjustments in the segregation of duties as well as salary adjustments?

X. Request Approval of New Park Shelter

Presented for City Council's consideration is a request to approve a new park shelter. The shelter to be replaced was damaged during the 2009 wind storm. Funding to replace the shelter will be provided through FEMA and through the city's insurance program. There was \$12,000 included in the budget cycle for this replacement. After a solicitation of proposals for the shelter, it is recommended the shelter be replaced by Premier Recreation in the amount of \$9,490.

Is there a motion to approve the issuance of a purchase order to Premier Recreation for the replacement of the West Shelter at Weed Park?

Y. Request Authorization to Apply for Trail Grants

Following the discussion at last week's in-depth meeting, City Council authorized staff to proceed with the grant application for trails as part of the Cedar Street Reconstruction Project. In all, four grants will be prepared for submittal to state and federal sources for grant dollars. Of the four grants, one is 100% federally funded, one will require a 30% match, one a 25% match, and the final one a 20% match.

Is there a motion to approve making application for trail funding for the Cedar Street Reconstruction Project?

14. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – April 23 & 27, 2009 and May 4, 2009
- B. Planning and Zoning Commission – March 10, 2009

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,944,614.50, as well as February 2009 receipt summaries and journal entries, 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