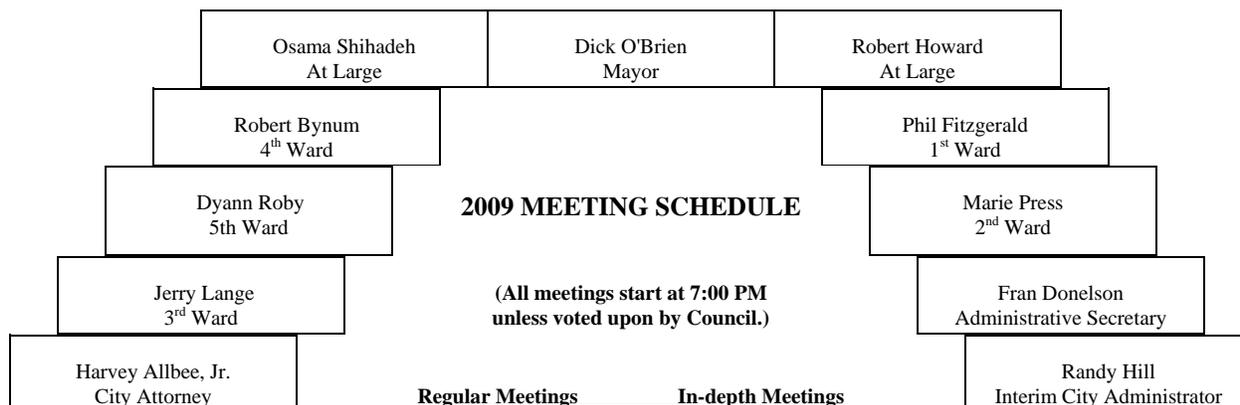


COUNCIL



	<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, JULY 2, 2009 COUNCIL CHAMBERS - CITY HALL

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE**
5. **COMMUNICATIONS – CITIZENS**
 - A. Swearing in of Police Officer Josh Cummings

At this time Police Officer Josh Cummings will be sworn in.
6. **MINUTES - APPROVAL**
 - A. City Council Meeting – June 18, 2009
 - B. Special City Council Meeting – June 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-E
- * Bills*

* Approval of attached Bills for Approval totaling \$990,253.05 is subject to the approval of any related agenda item(s).

8. PUBLIC HEARING

A. Proposed Pearl City Station Bulkhead Repairs and Plaza Reconstruction Project

As a result of the second flood of 2008, there was damage to the bulkhead/seawall in front of the Pearl City Station as well as the surrounding plaza area. Items needing repaired were reviewed with City Council at its June In-Depth meeting. Proceeds to facilitate the repairs will be provided through FEMA funds and through the use of TIF receipts. Prior to any formal action by City Council, a public hearing is required.

Now is the time for the public to comment on this proposed project.

B. Proposed W. 3rd/Chestnut Street Parking Lot Project

This project had previously been identified for reconstruction by City Council during its budget review sessions. This project includes improvements to retaining walls, parking lot surfaces, and other safety issues. Prior to any formal action by City Council, a public hearing is required.

Now is the time for the public to comment on this proposed project.

C. Proposed Public Works Parking Lot Project

City Council recently approved a joint participation agreement with the Iowa Department of Transportation for funds provided through the American Recovery and Reinvestment Action of 2009. The amount of the award is \$100,000 and will be used for the reconstruction of the Public Works parking lot surface. There is no local match required. Prior to any formal action by City Council, a public hearing is required.

Now is the time for the public to comment on this proposed project.

9. PETITIONS AND COMMUNICATIONS

- A. Request for renewal of a Class C Liquor License and Sunday Sales Permit for The Fiesta Inc., 1919 Grandview Avenue (pending receipt of final paperwork)
- B. Request for renewal of a Class WB Native Wine and Sunday Sales Permit for The Flower Gallery, 131 E. 2nd Street – Karen Diercks
- C. Request for renewal of a Class C Beer and Sunday Sales Permit for Babe’s Sinclair, 2307 Lucas Street – Rodney Yocom
- D. Request for renewal of a Class C Beer and Sunday Sales Permit for Hyink’s Service Inc., 1206 E. 2nd Street
- E. Request for Cigarette/Tobacco Permits for Wholesale Food Outlet #312, 807 Grandview Avenue – Nash Finch Co. and Circle K #6600, 8th and Cypress streets – Mac’s Convenience Stores LLC effective July 2009 through June 30, 2010
- F. Request for Use of City Property for the Watermelon Stampede

Presented for City Council’s consideration is a request for the use of city property for the Watermelon Stampede. This event is being sponsored by the Muscatine Running Club and is planned for Saturday, August 15, 2009, from 7:00 a.m. to 9:30 a.m.

Is there a motion to approve the request as submitted?

- G. Request for Use of City Property by the Muscatine Community Y

Presented for City Council’s consideration is a request for use of city property by the Muscatine Community Y. This request is in association with the Y’s triathlon scheduled for Saturday, August 1, 2009. As part of this event, participants will be riding bicycles on Logan Street. Y staff volunteers will monitor this event.

Is there a motion to approve the request as submitted?

10. FROM THE MAYOR

- A. Appointments and Reappointments to the City’s Various Boards and Commissions

Is there a motion to approve the appointments and reappointments to the city’s various Boards and Commissions?

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

- A. Second Reading of an Ordinance Amending the Zoning Ordinance for the City of Muscatine – Frank and Cleo Bermel

Presented for City Council’s consideration is the second reading of an ordinance amending the zoning ordinance for the City of Muscatine. Approximately 144 acres of property was voluntarily annexed into the City of Muscatine by Frank and Cleo Bermel. The proposed zoning change would be from County A-1 (agricultural) to City R-3 (single family residential). This action is taking place in conjunction with a pre-annexation agreement for the voluntary annexation.

Is there a motion to approve the ordinance on second reading?

- B. Second Reading of an Ordinance Amending the Zoning Ordinance for the City of Muscatine – Ripley Land Development Corporation

Presented for City Council’s consideration is the second reading of an ordinance amending the zoning ordinance for the City of Muscatine. Approximately 42 acres of property was voluntarily annexed into the City of Muscatine by the Ripley’s Development Corporation. The proposed zoning change would be from County A-1 (agricultural) to City R-3 (single family residential). This action is taking place in conjunction with a pre-annexation agreement for the voluntary annexation.

Is there a motion to approve the ordinance on second reading?

- C. Resolution Approving the Plans, Specifications, Form of Contract, Cost Estimate and Setting the Bid Opening Date for the Pearl City Station Bulkhead Repairs and Plaza Reconstruction 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 Pearl City Station Bulkhead Repairs and Plaza Reconstruction Project. This project will consist of repairing the river bulkhead, pinning a corner of the Pearl City Station, replacing the boardwalk, replacing uplifted concrete slabs, installing a seating wall and an entry sign. The bid opening date has been set for Thursday, July 30, 2009.

Is there a motion to adopt the resolution as submitted?

- D. Resolution Approving the Plans, Specifications, Form of Contract, Cost Estimate and Setting the Bid Opening Date for the W. 3rd/Chestnut Street Parking Lot 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 W. 3rd/Chestnut Street Parking Lot Project. This project, which was previously

identified for repairs by City Council, incorporates improvements as outlined in the public hearing. The bid opening date has been set for Wednesday, July 29, 2009.

Is there a motion to adopt the resolution as submitted?

E. Resolution Approving the Contract and Bond for the Tennis Court Construction Project

Presented for City Council's consideration is a resolution approving the contract and bond for the Tennis Court Construction Project. Recently City Council took action to award the low bid for this project to Hy-Brand Industrial Contractors in the amount of \$274,250. The total cost for the project would be \$308,950 which also includes all concept design and professional engineering services provided to date.

Is there a motion to adopt the resolution as submitted?

F. Resolution Awarding the Contract for the Bridge Tribute Plaza and Bike Trail Kiosk Projects

Presented for City Council's consideration is a resolution awarding the contract for the Bridge Tribute Plaza and Bike Trail Kiosk Projects. The City of Muscatine had secured funding from the Iowa Department of Transportation for this project on behalf of Leadership Muscatine for these projects. Bids were solicited for this project with one bid being received from Muscatine Bridge Inc. in the amount of \$95,374. The bid was reviewed by the IDOT for compliance and they concur with awarding the bid to Muscatine Bridge Inc. The engineer's estimate for the project was \$98,623.

Is there a motion to adopt the resolution as submitted?

G. Resolution Accepting Offers and Donations of Property and Authorizing Payments for the Mad Creek Levee Improvement Project

Presented for City Council's consideration is a resolution accepting offers and donations of property and authorizing payments for the Mad Creek Levee Improvement Project. As part of this project, it is necessary for the city to obtain permanent and/or temporary easements from public and private property owners. At this time staff is recommending the acceptance of the offers of sale and donation from property owners and authorizing payment for the temporary and permanent easements. Once this process is completed, the Corps of Engineers will then solicit bids for Phase I of the project.

Is there a motion to adopt the resolution as submitted?

H. Resolution Accepting Easements for the Hershey Avenue Storm Sewer Separation Project – Phase I

Presented for City Council's consideration is a resolution accepting easements for the Hershey Avenue Storm Sewer Separation Project – Phase I. Those properties requiring both permanent and temporary easements are the Muscatine School District (Franklin School, 210 Taylor Street); Simmering Home Builders, 220 Taylor Street; and Danny and Wilma Keller, 401 Evans Street. A fourth property, owned by Robert Seiler, 207 Liberty Street, required only a permanent easement. Three of the properties (Muscatine School District, Robert Seiler, and Danny and Wilma Keller) did not require any additional releases because there were no liens attached to those parcels. The Simmering property required a Consent of Mortgagee form to be signed by the mortgage holder and recorded with the easement. This signed form as been provided.

Is there a motion to adopt the resolution accepting the easements as submitted and authorizing their recording?

I. Resolution Accepting Easement for the Hershey Avenue Storm Sewer Separation Project – Phase I

Presented for City Council's consideration is a resolution accepting easements for the Hershey Avenue Storm Sewer Separation Project – Phase I. Easements are required for an additional property owned by Juan and Erika Martinez, 409 Evans Street. This property requires a Consent of Mortgagee form to be signed by the mortgage holder and recorded with the easement. The consent form from the mortgage holder of the Martinez property has not yet been received. It is staff's recommendation that City Council accept the Martinez easements and authorize their recording subject to the receipt of the Consent of Mortgagee from the mortgage holder.

Is there a motion to adopt the resolution accepting the easements as submitted and authorizing their recording subject to the receipt of the Consent of Mortgagee form from the mortgage holder?

J. Resolution Approving the Contract and Bond for the 2009 Curb and Gutter and Street Maintenance Program

Presented for City Council's consideration is a resolution approving the contract and bond for the 2009 Curb and Gutter and Street Maintenance Program. Recently City Council took action to award the contract for this project to Heuer Construction in the amount of \$192,069.50. The appropriate contract and bond have been received and reviewed and it is staff's recommendation they be approved.

Is there a motion to adopt the resolution as submitted?

K. Resolution Accepting the Completed Work Performed Under the Methane Gas Vent System in Ravine #4 at the Muscatine County Landfill and Authorizing Final Payment

Presented for City Council's consideration is a resolution accepting completed work performed under the Methane Gas Vent System in Ravine #4 at the Muscatine County Landfill and authorizing final payment. This project, which was completed in May 2009, was awarded to Terra Construction for the installation of 11 vents for venting the methane out of Ravine #4. There were no change orders.

Is there a motion to adopt the resolution as submitted?

L. Resolution Setting Public Hearing for the Police Department Usage of a Justice Assistance Grant

Presented for City Council's consideration is a resolution setting a public hearing for the Police Department's usage of a Justice Assistance Grant received from the U.S. Department of Justice. If approved, the public hearing would be held Thursday, July 16, 2009, at 7 p.m.

Is there a motion to adopt the resolution as submitted?

M. Resolution Setting Public Hearing to Approve Proposed Development Agreement for the Newcomb Properties Project

Presented for City Council's consideration is a resolution setting a public hearing to approve a proposed development agreement for the Newcomb Properties Project. This proposed agreement is in association with the construction of a new facility at 3606 Grandview Avenue in the South End Urban Renewal Area for leasing to Newcomb Warehouse Inc. The agreement would provide financial incentives in the form of incremental property tax payments. If approved, the public hearing would be held Thursday, July 16, 2009, at 7 p.m.

Is there a motion to adopt the resolution as submitted?

N. Resolution Setting Public Hearing to Approve Proposed Development Agreement for the Curry Transportation Service Inc. Project

Presented for City Council's consideration is a resolution setting a public hearing to approve a proposed development agreement for the Curry Transportation Service Inc. Project. This proposed agreement is in association with the construction of their new facility in the South End Urban Renewal Area. The agreement would provide financial incentives in the form of incremental property tax payments. If approved, the public hearing would be held Thursday, July 16, 2009, at 7 p.m.

Is there a motion to adopt the resolution as submitted?

O. Request Approval of Household Hazardous Materials Service Agreement Between Louisa County Solid Waste Management Agency and City of Muscatine

Presented for City Council's consideration is a request to approve a Household Hazardous Materials Service Agreement between the Louisa County Solid Waste Management Agency and the City of Muscatine. Previously the city had entered into an agreement to provide services for the proper handling and disposal of household hazardous materials for Louisa County residents. There are no changes to the previous agreement, which is proposed for renewal. It will take effect August 1, 2009 through July 31, 2010. There is a \$35 per household fee with an amount not to exceed \$4,750.

Is there a motion to approve the request as submitted?

P. Request Approval to Purchase Compact Pickup Truck for the Planning, Zoning and Building Safety Department

Presented for City Council's consideration is a request to purchase a compact pickup truck for the Planning, Zoning and Building Safety Department. Two bids were received from the Krieger Auto Group of Muscatine. They submitted a low bid of \$17,850 for a 2009 Ford Ranger Super Cab. There was \$20,000 budgeted for this purchase.

Is there a motion to approve the request as submitted?

Q. Request Approval to Purchase ½ Ton Pickup Truck and One Ton Dump Truck for the Collection and Drainage Division of the Public Works Department

Presented for City Council's consideration is a request to purchase a ½ ton pickup truck and one-ton dump truck for the Collection and Drainage Division. Three bids were received for the ½ ton truck with the low bid from Krieger Auto Group in the amount of \$17,050 for a 2010 Ford F-150. There were four bids submitted for the one-ton dump truck. The two low bids were identical. With the 2% local preference formula, Krieger Auto Group is the low bid. The amounts budgeted for these vehicles are \$23,000 and \$33,000, respectively.

Is there a motion to approve the request as submitted?

R. Request Authorization to Enter Into a Joint Participation Agreement with the Iowa Department of Transportation to Implement a Federal Transit Administration Non-Urban Operating Assistance Project

Presented for City Council's consideration is a request to enter into a joint participation agreement with the Iowa Department of Transportation to implement a Federal Transit Administration Non-Urban Operating Assistance Project. The

MuscaBus operation will receive \$273,429 from the IDOT to support this public transit service. The money will be used for operating expenses for the 2009/2010 fiscal year. The projected budget for fiscal year 2009/2010 for the FTA funds was \$271,862.

Is there a motion to approve the request as submitted?

S. Request Approval to Purchase Pickup Truck for Kent Stein Park

Presented for City Council's consideration is a request to approve the purchase of a truck for Kent Stein Park. Bids were solicited from 12 vendors; however, only two bids were received. River City Ford of Davenport submitted a bid of \$19,395 and Krieger Motor Company a bid of \$19,400. With the 2% local preference formula, the bid from Krieger's is found to be the low bid. There is \$25,000 budgeted for this purchase.

Is there a motion to approve the request as submitted?

T. Request to Declare Police Vehicle as Surplus

Presented for City Council's consideration is a request to declare a police vehicle as surplus. The 1998 Jeep Cherokee (Unit 708) currently being used by the investigative division of the Police Department is in poor condition and in need of several repairs. It is the Police Department's intent to trade this vehicle in on a new, similar vehicle for continued use by the investigative division.

Is there a motion to approve the request as submitted?

U. Request Approval to Purchase Police Vehicle

Presented for City Council's consideration is a request to approve the purchase of a vehicle for the Police Department. Three bids were received with the low bid being that of Krieger Motors in the amount of \$11,990 for a 2005 Chevrolet Trailblazer. The final purchase price includes the trade in of the 1998 Jeep Cherokee (Unit 708) currently in use by the investigative division. There was \$12,000 budgeted for this purchase.

Is there a motion to approve the request as submitted?

V. Request to Approve Low Bid for pontoons for Dredge Located at the Sludge Storage Lagoon

Presented for City Council's consideration is a request to approve the low bid for pontoons for the dredge located at the sludge storage lagoon. The dredge was purchased in 1986, and the pontoons are weathered, cracked, and starting to retain water. Two bids were received with the low bid being that of Rotonics in the amount of \$8,872. There was \$13,300 budgeted for replacement of the pontoons.

Is there a motion to approve the request as submitted?

W. Request Authorization to Enter Into a Professional Services Agreement for Recruitment Services

A presentation and recommendation will be given at this time.

X. Request Approval from Fire Department to Submit Grant Application for the South End Fire Station

Presented for City Council's consideration is a request to approve the submission of a grant application for the South End Fire Station. The City of Muscatine has received notice of a \$200,000 award from the Iowa Department of Economic Development for replacing Fire Station #2. The estimated cost for this project is \$1.2 million. At the federal level, a FEMA grant is available specifically for fire station construction projects. City staff requests approval to apply for this FEMA grant to further help financing the replacement of Fire Station #2.

Is there a motion to approve the request as submitted?

14. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – June 3, 5, 8 & 15, 2009
- B. Airport Advisory Commission – February 23, 2009
- C. MP&W Communications Utility – May 2009
- D. MP&W Electric Utility – May 2009
- E. MP&W Water Utility – May 2009

14. APPROVAL OF BILLS

It is recommended bills totaling \$990,253.05 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**