

COUNCIL

Osama Shihadeh At Large	Dick O'Brien Mayor	Robert Howard At Large																									
Robert Bynum 4 th Ward	2009 MEETING SCHEDULE (All meetings start at 7:00 PM unless voted upon by Council.)	Phil Fitzgerald 1 st Ward																									
Dyann Roby 5 th Ward		Marie Press 2 nd Ward																									
Jerry Lange 3 rd Ward		Fran Donelson Administrative Secretary																									
Harvey Allbee, Jr. City Attorney		A.J. Johnson City Administrator																									
<table><tr><td><u>Regular Meetings</u></td><td><u>In-depth Meetings</u></td></tr><tr><td>January 8 & 15</td><td>January 8</td></tr><tr><td>February 5 & 19</td><td>February 12</td></tr><tr><td>March 5 & 19</td><td>March 12</td></tr><tr><td>April 2 & 16</td><td>April 9</td></tr><tr><td>May 7 & 21</td><td>May 14</td></tr><tr><td>June 4 & 18</td><td>June 11</td></tr><tr><td>July 2 & 16</td><td>July 9</td></tr><tr><td>August 6 & 20</td><td>(None in August)</td></tr><tr><td>September 3 & 17</td><td>September 10</td></tr><tr><td>October 1 & 15</td><td>October 8</td></tr><tr><td>November 5 & 19</td><td>November 12</td></tr><tr><td>December 3 & 17</td><td>December 10</td></tr></table>		<u>Regular Meetings</u>	<u>In-depth Meetings</u>	January 8 & 15	January 8	February 5 & 19	February 12	March 5 & 19	March 12	April 2 & 16	April 9	May 7 & 21	May 14	June 4 & 18	June 11	July 2 & 16	July 9	August 6 & 20	(None in August)	September 3 & 17	September 10	October 1 & 15	October 8	November 5 & 19	November 12	December 3 & 17	December 10
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AGENDA

THURSDAY, JUNE 18, 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 – June 4, 2009
- B. In-Depth Council Meeting – June 11, 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-F
- * 13 – A-D
- * Bills*

* Approval of attached Bills for Approval totaling \$2,324,235.23, as well as April and May 2009 journal entries, is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed Voluntary Annexation for Frank and Cleo Bermel

Previously City Council took action to establish a public hearing on the proposed voluntary annexation for Frank and Cleo Bermel. This proposed voluntary annexation encompasses approximately 144 acres of real estate. 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 voluntary annexation.

B. Proposed Voluntary Annexation for Ripley's Land Development Corporation

Previously City Council took action to establish a public hearing on the proposed voluntary annexation for Ripley's Land Development Corporation. This proposed voluntary annexation encompasses approximately 42 acres of real estate. 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 voluntary annexation.

C. Proposed Zoning Change Within the City of Muscatine – Bermel Property

Previously City Council took action to establish a public hearing on the proposed zoning change within the City of Muscatine for the Bermel property. As part of the pre-annexation agreement, the city has agreed to rezone approximately 144 acres of real estate from County A-1 (agricultural) to City R-3 (single family residential). The rezoning request has been reviewed and is recommended for approval by the city's Planning and Zoning Commission. 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 zoning change.

D. Proposed Zoning Change Within the City of Muscatine – Ripley’s Land Development Corporation

Previously City Council took action to establish a public hearing on the proposed zoning change within the City of Muscatine for the Ripley’s Land Development Corporation. As part of the pre-annexation agreement, the city has agreed to rezone approximately 42 acres of real estate from County A-1 (agricultural) to City R-3 (single family residential). The rezoning request has been reviewed and is recommended for approval by the city’s Planning and Zoning Commission. 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 zoning change.

9. **PETITIONS AND COMMUNICATIONS**

- A. First reading for a new Class C Beer Permit for Walgreens #5885, 1703 Park Avenue – Walgreen Co.
- B. Request for Five-Day Class B Beer Permit for Great River Days for July 29, 2009 through August 1, 2009 at Riverfront Park
- C. Request for renewal of a Class C Liquor License with Outdoor Service for Jody’s Corner Tap Inc., 226 Walnut Street
- D. Request for renewal of a Class C Liquor License and Sunday Sales Permit for Palenque Bar, 500 Mulberry Avenue – Maria Garcia (pending receipt of final paperwork)
- E. Request for renewal of a Class C Liquor License and Sunday Sales with Outdoor Service for The Pearl LLC, 101 W. Mississippi Drive
- F. Request for 26 cigarette/tobacco permits for July 1, 2009 through June 30, 2010
- G. Request from Geneva Golf & Country Club to Dispense Fireworks

Presented for City Council’s consideration is a request from the Geneva Golf & Country Club to dispense fireworks. The date of the request is August 15, 2009 and will coincide with Family Day held at the country club. J&M Displays has been hired to conduct the fireworks. They have worked at the club for a number of years and have been used under other venues in the community. No objections have been raised by staff at this time.

Is there a motion to approve the request from Geneva Golf & Country Club to dispense fireworks on August 15, 2009?

H. Request to Approve Great River Days Parade

Presented for City Council's consideration is a request to approve the Great River Days Parade. Previously City Council took action to approve the use of city property for Great River Days activities; however, the parade route was not submitted at that time and it is now being submitted for consideration. If approved, the parade would take place on August 1, 2009 at 11:00 a.m. The organizers of the parade have selected Parade Route #1. Staging for the parade will take place on Iowa Avenue in advance of the determined start time.

Is there a motion to approve the Great River Days Parade for August 1, 2009?

10. FROM THE MAYOR

A. Reappointment of Doyle Tubandt to the Board of Water, Electric, and Communications Trustees

Is there a motion to approve the reappointment of Doyle Tubandt to the Board of Water, Electric, and Communications Trustees?

11. FROM THE PLANNING AND ZONING COMMISSION

A. Resolution Approving the Final Plat for the Island Grove Subdivision

Presented for City Council's consideration is a resolution approving the final plat for the Island Grove Subdivision. The city's Planning and Zoning Commission has reviewed and approved this subdivision, a two-lot commercial subdivision located in the 4700 block of Grandview Avenue. The property is currently developed with the former Melon Shed and Convenience Store located on two lots and sharing a single entrance. Previously both lots were under one owner and now are being proposed to be sold separately. In order to complete the sale and transfer of the property, the existing property lines must be altered to comply with ordinance requirements.

Is there a motion to adopt the resolution approving the final plat for the Island Grove Subdivision?

12. **FROM THE CITY ADMINISTRATOR**

A. Resolution Approving the Frank and Cleo Bermel Voluntary Annexation

Presented for City Council's consideration is a resolution approving the Frank and Cleo Bermel voluntary annexation. Previously a public hearing was held to receive public comment on the proposed voluntary annexation of approximately 144 acres owned by Frank and Cleo Bermel into the City of Muscatine. This process began in December 2008 with a pre-annexation agreement being approved by City Council to facilitate this voluntary annexation. As part of this process, the city will participate in the design and approval of a new public sanitary sewer line extension and lift station and agree to assist in a zoning change for the property.

Is there a motion to adopt the resolution approving the Frank and Cleo Bermel voluntary annexation?

B. Resolution Approving the Ripley's Land Development Corporation Voluntary Annexation

Presented for City Council's consideration is a resolution approving the Ripley's Land Development Corporation voluntary annexation. Previously a public hearing was held to receive public comment on the proposed voluntary annexation of approximately 42 acres owned by Ripley Land Development Corporation into the City of Muscatine. This process began in December 2008 with a pre-annexation agreement being approved by City Council to facilitate this voluntary annexation. As part of this process, the city will participate in the design and approval of a new public sanitary sewer line extension and lift station and agree to assist in a zoning change for the property.

Is there a motion to adopt the resolution approving the Ripley Development Corporation voluntary annexation?

C. First 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 first reading of an ordinance amending the zoning ordinance for the City of Muscatine. Previously a public hearing was held to receive comment on the proposed rezoning of approximately 144 acres of property that is voluntarily being annexed into the city. If approved, the zoning change would be from County A-1 (agricultural) to City R-3 (single family residential). This rezoning action is taking place in conjunction with a pre-annexation agreement for the voluntary annexation of this property.

Is there a motion to approve the first reading of an ordinance amending the zoning ordinance for the City of Muscatine?

D. First 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 first reading of an ordinance amending the zoning ordinance for the City of Muscatine. Previously a public hearing was held to receive comment on the proposed rezoning of approximately 42 acres of property that is voluntarily being annexed into the city. If approved, the zoning change would be from County A-1 (agricultural) to City R-3 (single family residential). This rezoning action is taking place in conjunction with a pre-annexation agreement for the voluntary annexation of this property.

Is there a motion to approve the first reading of an ordinance amending the zoning ordinance for the City of Muscatine?

E. Resolution Awarding Contract for the Tennis Court Construction Project

Presented for City Council's consideration is a resolution awarding the contract for the Tennis Court Construction Project. This project has been under consideration and review for the past several years. The review focused on the replacement and repair of tennis courts at Weed Park. Following those reviews, the city moved forward with the development of plans and specifications to replace and rebuild the identified courts. Four proposals were submitted for consideration by the city. Of the four, the lowest responsible bid was from Hy-Brand Industrial Contractors in the amount of \$274,250. There was \$280,000 budgeted for the project. If accepted, the total cost for the project would be \$308,950 which includes all concept design and professional engineering services provided to date. Given the current condition of tennis facilities owned by the city, it is the recommendation of staff to proceed with this project.

Is there a motion to adopt the resolution awarding the contract for the Tennis Court Construction Project to Hy-Brand Industrial Contractors?

F. Resolution Setting Public Hearing on the Pearl City Station Bulkhead Repairs and Plaza Reconstruction Project

Presented for City Council's consideration is a resolution setting a public hearing on the 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. An extensive review by FEMA and by the city's consulting engineer was completed which resulted in the identification of items that need to be repaired. Those items were shared in detail with City Council at the June 11, 2009 In-Depth Meeting. The 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 installing an entry sign. Proceeds to facilitate the repairs will be provided through FEMA and through the city's use of TIF proceeds. 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 Pearl City Station Bulkhead Repairs and Plaza Reconstruction Project for Thursday, July 2, 2009, at 7 p.m.?

G. Resolution Awarding Contract for the 2009 Curb and Gutter and Street Maintenance Program

Presented for City Council's consideration is a resolution awarding the contract for the 2009 Curb and Gutter and Street Maintenance Program. Three bids were received for the program with the lowest responsible bid being that of Heuer Construction in the amount of \$192,069.50. The engineer's estimate for the project was \$261,514.50 and the budgeted amount was \$250,000.

Is there a motion to adopt the resolution awarding the contract for the 2009 Curb and Gutter and Street Maintenance Program to Heuer Construction in the amount of \$192,069.50?

H. Resolution Setting a Public Hearing on the W. 3rd/Chestnut Street Parking Lot Project

Presented for City Council's consideration is a resolution setting a public hearing on the W. 3rd/Chestnut Street Parking Lot Project. This project had been previously identified for repairs by City Council during budget review sessions. The project incorporates improvements to retaining walls, parking lot surfaces, and other safety issues. 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 W. 3rd/Chestnut Street Parking Lot Project for Thursday, July 2, 2009, at 7 p.m.?

I. Resolution Setting a Public Hearing on the Public Works Parking Lot Project

Presented for City Council's consideration is a resolution setting a public hearing on the Public Works Parking Lot Project. Previously the city had been notified of the receipt of a grant in the amount of \$100,000 for the replacement of the Public Works parking lot surface. 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 Public Works Parking Lot Project for Thursday, July 2, 2009, at 7 p.m.?

J. Resolution Awarding Contract for the Installation of Water Heaters at Sunset Park

Presented for City Council's consideration is a resolution awarding the contract for the installation of water heaters at Sunset Park. The city received three qualified bids for the project. A total of \$65,000 was budgeted for 30 units with an option to purchase 20 additional units to complete the entire changeover of water heaters at this facility. The bid received for 50 "on-demand" tankless water heaters was \$96,745. The city has received \$65,000 in American Recovery and Reinvestment Act funds with the remaining \$31,745 being provided through the capital reserve account for housing activities.

Is there a motion to adopt the resolution awarding the contract for the installation of "on-demand" tankless water heaters for Sunset Park to J.L. Brady LLC in the amount of \$96,745?

K. Resolution Approving Installation of Carpet in Common Hallways at Clark House

Presented for City Council's consideration is a resolution approving the installation of carpet in common hallways at the Clark House. The city had intended to replace carpeting on the first two floors of this facility in the amount of \$8,000. The remaining eight floors were to be spread out through fiscal years 2010 through 2012. Additional ARRA funds provide the opportunity to complete the entire job at this time. Two bids for the project were received with the lowest responsible bid being that of Carriage House Carpet One in the amount of \$25,982.84.

Is there a motion to take action by resolution awarding the contract for the removal and replacement of hallway carpeting at the Clark House to Carriage House Carpet One in the amount of \$25,982.84?

L. Resolution Authorizing Assessment of Nuisance Abatement Costs Against Private Properties

Presented for City Council's consideration is a resolution authorizing the assessment of nuisance abatement costs against private properties. Periodically city staff provides to City Council a request for the assessment of nuisance abatement costs against private property owners. At this time staff is forwarding the assessment list for unpaid abatement costs for 1810 Earl Avenue and 905 Oregon Street both of which were building demolitions. The total request is for \$31,342.49.

Is there a motion to adopt the resolution authorizing the assessment of nuisance abatement costs against private properties?

M. Resolution Approving the Preliminary/Final Plat for Northgate Subdivision

Presented for City Council's consideration is a resolution approving the preliminary/final plat for the Northgate Subdivision. Previously the city's Planning and Zoning Commission reviewed and approved the combined preliminary plat for the Meadows, a one-lot residential subdivision located in the county. The City Council subsequently approved the subdivision during their May 21, 2009 meeting. During a review of the proposal by the Muscatine County Auditor, it was discovered that a subdivision named Meadows already exists in the county. Since the filing and recording of this subdivision has not taken place, the owner has agreed to change the name of the subdivision to Northgate.

Is there a motion to adopt the resolution approving the preliminary/final plat for Northgate Subdivision?

N. Request to Approve a Joint Participation Agreement with the Iowa Department of Transportation to Implement a State Transit Assistance Operating Project

Presented for City Council's consideration is a request to approve a joint participation agreement with the IDOT to implement a State Transit Assistance Operating Project. Each year the city receives notification from the IDOT pertaining to the operating assistance they will receive for the next fiscal year for the transit operation. During the budget sessions held in February, Council approved an amount of \$186,858 for STA assistance for the fiscal year 2009/2010. That final figure has been provided to the city and at this time the assistance from that program will be \$184,759. This money will be used for operating expenses required to support the MuscaBus operation.

Is there a motion to approve a joint participation agreement with the IDOT to implement a State Transit Assistance Operating Project?

O. Request to Approve Official Endorsement of the City of Muscatine for Responsibility of the Maintenance and Operation of the Cedar Street Trail System

Presented for City Council's consideration is a request to approve an official endorsement of the City of Muscatine for responsibility for the maintenance and operation of the Cedar Street Trail System. As part of the Iowa State Recreational Trails Grant program, the city must provide an official endorsement of all the trail proposals from the authority to be responsible for the maintenance and operation. This authority (city) must provide written assurances that it will adequately maintain the trail for its intended use for a minimum of 20 years following the project completion.

Is there a motion to approve the official endorsement of the city for responsibility for the maintenance and operation of the Cedar Street Trail System?

P. Request to Approve Traffic Item

Presented for City Council's consideration is a request for the establishment of "no parking" on the west side of Fairview Avenue between E. 4th Street and Lord Avenue. This would be consistent with no parking that already exists on the west side of Fairview from E. 4th Street to Holly Street and the north side of Lord Avenue from Park Avenue to Fairview Avenue. City operations, including snow removal and emergency services, have difficulty in negotiating the narrow street when cars are parked on both sides.

Is there a motion to approve the request for "no parking" on the west side of Fairview Avenue between E. 4th Street and Lord Avenue?

Q. Request to Approve Easement with Muscatine Power & Water for Tennis Court Construction Project

Presented for City Council's consideration is a request to approve an easement with Muscatine Power & Water for the Tennis Court Construction Project. In developing this project, the old water tower site owned by Muscatine Power & Water was identified as a key location. The area would provide for the most cost effective and functional way to replace and build tennis courts in the Parks system. A recreational use easement has been drawn up and presented for your consideration at this time.

Is there a motion to approve an easement with Muscatine Power & Water for the Tennis Court Project?

R. Request to Approve Low Bid for Purchase of Mower for the Water Pollution Control Plant

Presented for City Council's consideration is a request to approve the low bid for the purchase of a mower for the Water Pollution Control Plant. The current mower used to maintain the facility at the airport is no longer operational. Services for mowing are provided through the WPCP because of existing equipment and expertise on hand. Four bids were received with the lowest responsible bid being that of Elder Implement in the amount of \$11,160.86.

Is there a motion to approve the low bid from Elder Implement in the amount of \$11,160.86 for a 20' rotary mower for the WPCP?

S. Request to Approve Change Order #1 for the Water Pollution Control Plant Improvements Project

Presented for City Council's consideration is a request to approve Change Order #1 for the Water Pollution Control Plant Improvements Project. Change Order #1 documents ten modifications to the construction contract for the project. This change

order includes a decrease of \$45,451 in contract price and a revised substantial and final completion date of June 28, 2011 and July 28, 2011, respectively, due to unforeseen weather conditions that have taken place to date.

Is there a motion to approve Change Order #1 for the WPCP Improvements Project?

T. Request to Approve Purchase of Security Cameras for the Water Pollution Control Plant

Presented for City Council's consideration is a request to approve the purchase of security cameras for the Water Pollution Control Plant. Included in this year's budget is \$15,000 for the replacement and addition of security cameras at the WPCP. It is being proposed to purchase three cameras to adequately monitor the septic haulers/campers site, the front gate, and the third to use as a portable camera to be moved around the plant to monitor different areas of operation. Two bids were received with the low bid being that of FSS Inc. of Muscatine in the amount of \$11,063.90.

Is there a motion to approve the purchase of security cameras for the WPCP Plant from FSS Inc. in the amount of \$11,063.90?

U. Request to Approve Supplemental Agreement #3 Between the City of Muscatine and Stanley Consultants to Provide Services for the Hershey Avenue CSO

Presented for City Council's consideration is a request to approve supplemental agreement #3 between the City of Muscatine and Stanley Consultants to provide services for the Hershey Avenue CSO. Stanley Consultants had been secured to provide engineering services for the second phase of the Hershey Avenue combined sanitary and storm sewer overflow remediation project. With the review of staff, it is being recommended that additional services be contracted for to assist in this process. Overall, additional fees amount to \$66,775. The original agreement was entered into in 2004.

Is there a motion to approve supplemental agreement #3 between the City of Muscatine and Stanley Consultants to provide services for the Hershey Avenue CSO?

V. Request to Approve Memorandum of Understanding for Use of JAG Funds

Presented for City Council's consideration is a request to approve a memorandum of understanding for the use of Justice Assistance Grant funds. This memorandum will be entered into between the city and Muscatine County for the receipt of these dollars. The total award of JAG dollars for fiscal year 2009 will be \$28,566. It indicates these monies will be split equally between the two jurisdictions.

Is there a motion to approve the memorandum of understanding for the use of JAG funds?

W. Request to Approve Insurance Quote for 2009/2010

Presented for City Council's consideration is a request to approve the insurance quote for 2009/2010. Recently the city's Insurance Review Committee met to receive the proposals for the new insurance coverage quotes for the 2009/2010 fiscal year. Aside from the traditional lines of insurance coverage the city secures, the city has also agreed to insure three facilities as required by FEMA and has added two additional facilities for coverage as well. The total cost for the two additional facilities (City Hall and Public Safety Building) will be \$5,845.

Is there a motion to approve the insurance quote for 2009/2010?

X. Resolution Approving the Authorization of a Signatory for City Accounts

Presented for City Council's consideration is a resolution authorizing a new signatory for all city accounts at financial institutions within the community. With the appointment of the Interim City Administrator, it is necessary for that individual to be authorized by resolution by City Council to be a signatory on the city's bank accounts where required. This will also have to occur once the city determines who the new City Administrator will be.

Is there a motion to adopt the resolution approving the authorization of a signatory for city accounts?

14. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – May 18 & 20, 2009 and June 1, 2009
- B. Planning and Zoning Commission – May 12, 2009
- C. Board of Water, Electric, and Communications Trustees – April 28, 2009
- D. NFPA Survey – April and May 2009

14. APPROVAL OF BILLS

It is recommended bills totaling \$2,324,235.23, as well as April and May 2009 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