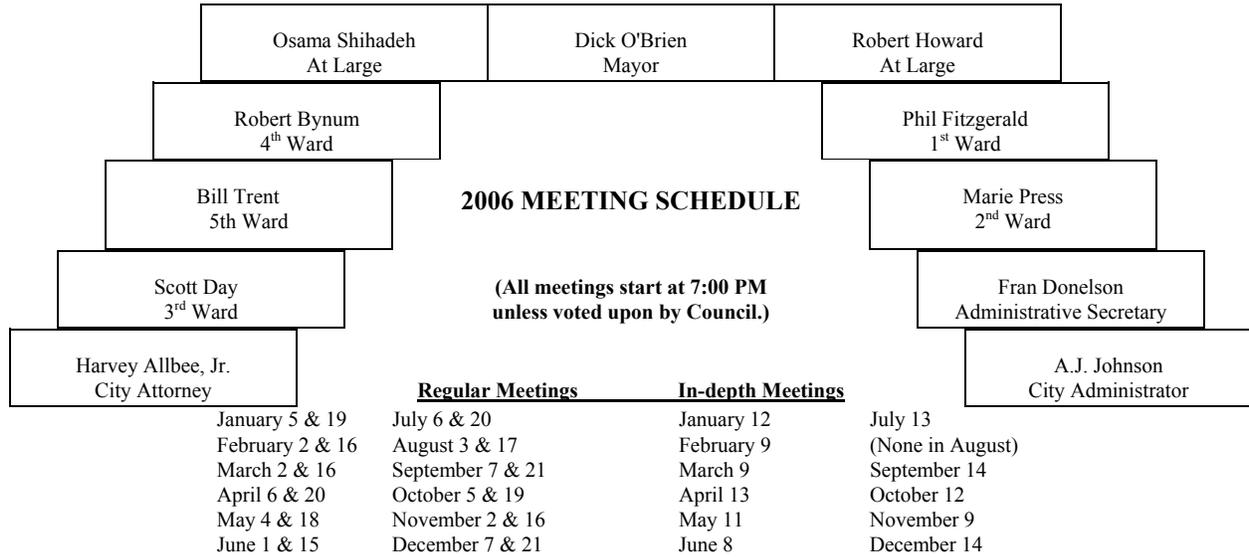


CITY COUNCIL



AGENDA

THURSDAY, MAY 18, 2006
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. Regular City Council Meeting – May 4, 2006
- B. In-Depth City Council Meeting – May 11, 2006

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-H
- * 13 – A-D
- * Bills*

* Approval of attached Bills for Approval totaling \$1,095,729.02 is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed Repairs to Industrial Connector Railroad Crossing at MPW Gate #2

Previously the City Council took action to establish a public hearing on the proposed repairs to the Industrial Connector Railroad Crossing at MPW Gate #2. The city has the responsibility for repair and maintenance of this railroad crossing. With the establishment of this public hearing, the process for the eventual repair of this crossing will begin. The project will, at a minimum, involve the replacement of roadway approaches, rubber panels and rails as well as additional ballast at that area. There was \$60,000 budgeted for this project. Prior to any formal action being taken on this improvement, a public hearing is required.

Now is the time for the public to comment on the proposed repairs to the Industrial Connector Railroad Crossing at MPW Gate #2.

B. Proposed Amendment of FY2005/2006 City Budget

Previously the City Council took action to establish a public hearing for the proposed amendment to the fiscal year 2005/2006 city budget. This proposed second amendment will increase total budget expenditures for the city by \$328,500 with budgeted transfers to increase by \$26,800 for a total expenditure change of \$355,300. City budget revenues are proposed to be amended by \$121,800 which includes \$26,800 in funding transfers. Included in this amendment are Enterprise Fund adjustments that include parking, golf course, airport, and landfill operations. In addition, capital projects will be amended by both revenues and expenditures to reflect actual expenses within the projects that are anticipated to be completed this calendar year. Prior to any formal action by Council in adoption of the second amendment for the fiscal year 2005/2006 city budget, a public hearing is required.

Now is the time for the public to comment on the proposed amendment #2 to the fiscal year 2005/2006 city budget.

9. PETITIONS AND COMMUNICATIONS

- A. Request on first reading for a new Class BW Beer/Wine Permit with Outdoor Services for Salvatore's Italian Restaurant LLC, 3901 North Highway 38
- B. Request for a Five Day Class B Beer Permit for Muscatine Quarterback Club Inc. for Great River Days at Riverside Park, July 26-29, 2006 (pending inspections)
- C. Request for renewal of a Class LB Liquor License and Sunday Sales Permit for Holiday Inn Muscatine, 2915 North Highway 61 – Jelms Hotel Company (pending receipt of dram shop certificate)
- D. Request for renewal of a Class LC Liquor License and Sunday Sales Permit for El Allende Inc., 1107 Grandview Avenue
- E. Request for renewal of a Class BB Beer and Sunday Sales Permit for Pockets, 817 Oregon Street – Anthony Kin-Sang Luu
- F. Request for renewal of a Class BC Beer and Sunday Sales Permit for Fast Avenue One Stop, 2111 Park Avenue – JBC LLC
- G. Request for renewal of a Class BW Beer/Wine and Sunday Sales Permit for Salvatore's Pizzeria Inc. 313 E. 2nd Street (pending receipt of dram shop certificate)
- H. Request for an Outdoor Service Permit for The Bull Pen Sports Bar, 1201 Grandview Avenue – Bull Pen Sports Inc.
- I. Request for Use of City Property for Family Fun Fest

The Muscatine Journal has submitted a request for use of city property for their annual Muscatine Family Fun Fest carnival. The event will be held June 19-25, 2006 on the Muscatine riverfront from Walnut Street to Iowa Avenue. It is anticipated, aside from the carnival activities, that entertainment will be provided as well. Funds generated from this activity are used to support the Newspaper's in Education program here in Muscatine and throughout Muscatine County.

At this time City Council could take action to approve the use of the Muscatine riverfront by the Muscatine Journal for their annual Family Fun Fest with the final location and specific details to be negotiated with city staff.

J. Presentation of Check to the City of Muscatine

At this time a presentation of a check for reimbursement for planting materials will be presented to the City of Muscatine.

10. FROM THE MAYOR

- A. Proclamation Declaring June 2006 as “Youth Soccer Month”.
- B. Proclamation Declaring May 20-26, 2006 as “Emergency Medical Services Week”
- C. Proclamation Declaring May 26-27, 2006 as “Poppy Days”
- D. Proclamation Declaring May 2006 as “National Historic Preservation Month”
- E. Proclamation Declaring May 21-27, 2006 as “National Public Works Week”

The above proclamations have been submitted for City Council’s consideration and approval.

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

A. Second Reading of an Ordinance to Amend Sign Regulations in the City of Muscatine

Presented for City Council’s consideration is the second reading of an ordinance to amend the sign regulations in the City of Muscatine. The proposed changes pertain to electronic message centers (EMC’s). The change would include a definition of such signs and the appropriate placement of those signs in the various zoning districts within the City of Muscatine. Finally, the terms and conditions for the use of these signs within the various districts would also be outlined in the proposed changes.

At this time City Council could take action on the second reading of an ordinance amending Title 10 of the City Code pertaining to sign regulations within the City of Muscatine.

B. First Reading of an Ordinance Adopting the Code of Ordinances and Supplement of the City of Muscatine

Presented for City Council’s consideration is the first reading of an ordinance adopting the Code of Ordinances and Supplement of the City of Muscatine. Recently the city attorney completed the update of the city’s ordinances and appropriate supplements. Pursuant to Iowa Code, Section 380.8, the city does need to adopt the City Code of Muscatine and Supplement #6 to include such ordinances and amendments to ordinances adopted through action by City Council on or prior to December 31, 2005.

At this time City Council could take action on the first reading of an ordinance adopting the Code of Ordinances and supplements of the City of Muscatine.

C. Resolution approving the Plans, Specifications, and Setting Bid Opening Date for Repairs to the Industrial Connector Railroad Crossing at MPW Gate #2

Presented for City Council's consideration is a resolution approving the plans, specifications, and setting the bid opening date for repairs to the Industrial Connector Railroad Crossing at MPW Gate #2. Previously a public hearing was held to receive public comment on this proposed project. The project will, at a minimum, involve the replacement of roadway approaches, rubber panels and rails as well as additional ballast at that area. A total of \$60,000 has been budgeted for this project.

At this time City Council could take action by resolution approving the plans, specifications, and setting the bid opening date for repairs to the Industrial Connector Railroad Crossing at MPW Gate #2 for June 29, 2006 at 10:05 a.m.

D. Resolution Approving Amendment #2 of the FY2005/2006 City Budget

Presented for City Council's consideration is a resolution approving Amendment #2 of the fiscal year 2005/2006 city budget. Previously a public hearing was held to receive public comment on proposed Amendment #2 for the fiscal year 2005/2006 city budget. The changes submitted at this time reflect changes both in revenues and expenditures for the City of Muscatine pertaining to its operations to cover the General Fund, Enterprise Fund, and capital operations.

At this time City Council could take action by resolution approving Amendment #2 of the fiscal year 2005/2006 city budget.

E. Resolution Providing for the Award of \$2,990,000 General Obligation Corporate Purpose Bonds

Presented for City Council's consideration is a resolution providing for the award of \$2,990,000 general obligation corporate purpose bonds. The city took bids for these bonds earlier in the day and the results and recommendations from that bid letting will be presented at this time.

At this time City Council could take action by resolution providing for the award of the \$2,990,000 general obligation corporate purpose bonds.

F. Resolution Setting Time/Place of Public Hearing on Bonded Inlay and Patching Project for 2006

Presented for City Council's consideration is a resolution setting the time and place of a public hearing on the bonded inlay and patching project for 2006. In conjunction with the E. 5th Street Bridge Project, it is proposed that the city proceed with a bonded inlay and patching project from the bridge up E. 5th Street to Park Avenue. This project involves the removal of the center portion of the road so that it can be repoured with concrete. There was \$100,000 budgeted for this work. Prior to any formal action by City Council, a public hearing is required.

At this time City Council could take action by resolution setting the time and place of a public hearing on the Muscatine PCC Bonded Inlay and Patching Project for 2006 for Thursday, June 1, 2006, at 7 p.m.

G. Resolution approving the 2006/2007 City Pay Plan for Non-Union Employees

Presented for City Council's consideration is a resolution approving the 2006/2007 city pay plan for non-union employees. Funds have been incorporated in the 2006/2007 budget to allow for a 3.5% pay increase for non-union city employees. This pay increase is similar to that granted through union negotiations for unionized city employees. The 3.5% salary increase will be to existing ranges and steps within the non-union pay plan.

At this time City Council could take action by resolution approving the 2006/2007 city pay plan for non-union employees.

H. Resolution Awarding the Contract for the Municipal Airport Improvements Identified as Rehabilitation of Runway 6/24

Presented for City Council's consideration is a resolution awarding the contract for the municipal airport improvements identified as "Rehabilitation of Runway 6/24". Previously the City Council authorized the city to move forward with an application through the Federal Aviation Administration for improvements at the Muscatine Municipal Airport to include joint cleaning, sealing and pavement repairs to Runway 6/24. Bids were opened on May 11, 2006 with one bid being received in the amount of \$33,920 from Illowa Investment Inc. of Blue Grass, Iowa. A total of \$37,000 had been budgeted for this project. This project will be paid for through a grant from the FAA which provides 95% federal funding and a 5% local match.

At this time City Council could take action by resolution awarding the contract for municipal airport improvements identified as Rehabilitation of Runway 6/24 to Illowa Investments Inc. in the amount of \$33,920.

I. Resolution Establishing Monthly Refuse Collection Fees

Presented for City Council's consideration is a resolution establishing the monthly refuse collection fees. In conjunction with action taken during the City Council's budget review session in February of this year, City Council has elected to raise refuse collection rates from the current \$13.00 to \$13.50, and Senior Citizen rates will increase from \$8.75 to \$9.00 per month. Commercial rates would increase by 3.5% compared to the residential increase. Rate increases will take effect July 1, 2006.

At this time City Council could take action by resolution establishing the refuse collection monthly fees for Class I and Class III domestic waste and guidelines for collection fees for Class II domestic and commercial accounts.

J. Request Authorization to Approve an Agreement with Dennis Kistenmacher for the Project Management of the Levee Force Main Replacement Project

Presented for City Council's consideration is a request for authorization to approve an agreement with Dennis Kistenmacher for project management of the Levee Force Main Replacement Project. In order to monitor and maintain effective communications between the contractor and the city, the city has utilized project managers for a variety of public improvement projects in the past. At this time city staff is requesting authorization to enter into a contract with Mr. Kistenmacher to provide these services for the Levee Force Main Replacement Project. The rate for these services will be \$35 per hour. There will also be a mileage reimbursement of \$.40 per mile and a monthly fee of \$50 to cover computer expenses and office supplies. Mr. Kistenmacher currently is currently providing these services for the CBD/W. 3rd Street Project that will run currently with the levee force main project.

At this time City Council could take action to authorize approval of an agreement with Dennis Kistenmacher for project management of the Levee Force Main Replacement Project.

K. Request Authorization to Approve an Agreement with Shoemaker-Haaland for the Project Management of the Public Safety Building Remediation Project

Presented for City Council's consideration is a request to authorize an agreement with Shoemaker-Haaland for project management of the Public Safety Building Remediation Project. Complete information has not been received from the engineering firm at this time and will be provided to City Council as soon as possible.

L. Request Authorization to Issue Purchase Order to the Judy Company for the Public Safety Building Remediation Project

Presented for City Council's consideration is a request for authorization to issue a purchase order to the Judy Company for the Public Safety Building Remediation Project. As reported during the City Council's budget review sessions in February, the Public Safety Building is

experiencing severe settling particularly along the northeast area of the facility. Visible signs of cracking on several interior masonry walls have been observed along with areas of damaged floor and wall finishes. A soil engineering firm was secured to provide soil investigations to determine the cause of the settling problem. Following the collection of that data, the city hired the engineering firm of Shoemaker-Haaland to analyze the data and to propose a solution to the problem. The recommended solution is a slab jacking technique. Proposals were received from two contractors to perform this work with the low bid being that from the Judy Company of Kansas City, Missouri, in the amount of \$68,240. At the time of the preparation of this material for budget review, it was felt that this project, although unidentified at the time, could reach upwards to \$250,000. The project will consist of the installation of approximately 27 primary spaced holes on a 9' x 9' grid followed by secondary placed holes spaced on the diagonal. The fill will extend to a maximum depth of 15'.

At this time City Council could take action to authorize the issuance of a purchase order to the Judy Company in the amount of \$68,240 for remediation work at the Public Safety Building.

M. Request Approval of Cooperative Agreement Between the City and the Bi-State Joint Purchasing Council

Presented for City Council's consideration is a request to approve a cooperative agreement between the city and the Bi-State Joint Purchasing Council. Previously the City Council received an update and program review of the Joint Purchasing Council as administered by the Bi-State Regional Commission. The Joint Purchasing Council brings together governmental entities to jointly purchase goods that are used in delivery of municipal services and support functions. The city attorney has reviewed the contract and notes that it is a voluntary action as to when the city will take advantage of the opportunity to participate in the actual joint purchasing activity. This agreement merely allows the city to participate when it feels it is advantageous for them to do so. Once the city has made a commitment to participate during a specific bid letting period, the city would be committed to purchase the goods through that particular contract period.

At this time City Council could take action to approve the cooperative agreement between the city and the Bi-State Joint Purchasing Council.

N. Request Approval of Change Order #2 for Relocation of Farm Access Road and Fence at Municipal Airport

Presented for City Council's consideration is a request to approve Change Order 2 for the relocation of a farm access road and a fence at the municipal airport. Working with the city's engineering consultant on airport projects, the design and relocation of the farm access road and the relocation of the fence surrounding that portion of the airport through FAA has been identified. During the course of the design project, the FAA added a change in scope, the road around the outside of the airport fence to the adjacent farm. These proposed changes will allow for access to the farmer's property without violating the security and integrity of

the airport property through the existing fence line. In addition, the relocation of the farm access road will minimize any potential interference with navigational equipment located on the airport property. All other safety guidelines from the FAA will be observed in the relocation activity. Funding for the project will be provided through a 95% FAA grant with the remaining 5% provided by a local match.

At this time City Council could take action to approve Change Order #2 between the City of Muscatine and Anderson-Bogert Engineering Surveyors for the design and relocation of a farm access road and the relocation of the fence surrounding the portion of the airport through an FAA project.

O. Request Authorization to Submit Grant Application

Presented for City Council's consideration is a request to authorize the submission of an application for STP candidate projects. The Bi-State Regional Commission is currently requesting submittals of candidate projects for the Region IX Non-Urbanized Area Surface Transportation Program (STP funds). It is estimated there is approximately \$2,648,044 in funds available to be programmed for Region IX. STP funds are required to be matched by at least 20% non-federal funds. At this time the city staff would like to submit two projects for Council's considerations for the submittal process. They include improvements to Colorado Street from Park Avenue to University Drive and property acquisition at Grandview Avenue and Mississippi Drive Corridor. Both projects would be eligible for STP funding. The Region IX Transportation Technical Committee will then rank candidate projects and recommend programming to the Region IX Transportation Policy Committee. From there, the selection of projects will occur at the July or August meetings.

At this time City Council could take action to submit an application to the Bi-State Regional Commission for two projects for the Region IX Non-Urbanized Area Surface Transportation Program funds.

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – April 24, 2006 & May 1, 2006
- B. Art Center Board of Trustees – April 20, 2006
- C. Board of Water, Electric, and Communications Trustees – March 30, 2006
- D. Withdrawal of Request for the Belle Ridge Condominium Development

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,095,729.02 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**