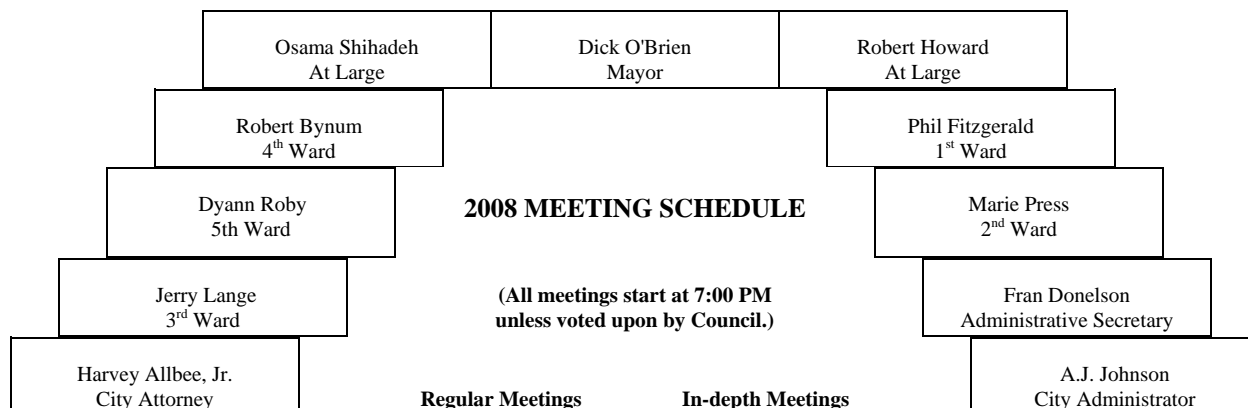


CITY COUNCIL



Regular Meetings	In-depth Meetings
January 10 & 17	January 10
February 7 & 21	February 14
March 6 & 20	March 13
April 3 & 17	April 10
May 1 & 15	May 8
June 5 & 19	June 12
July 3 & 17	July 10
August 7 & 21	(None in August)
September 4 & 18	September 11
October 2 & 16	October 9
November 6 & 20	November 13
December 4 & 18	December 11

AGENDA

THURSDAY, MAY 1, 2008 COUNCIL CHAMBERS - CITY HALL

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OPENING PRAYER**
4. **PLEDGE OF ALLEGIANCE**
5. **COMMUNICATIONS – CITIZENS**
 - A. Presentation of Keep Muscatine Beautiful Awards

At this time awards will be made by the Keep Muscatine Beautiful Committee.
6. **MINUTES - APPROVAL**
 - A. City Council Meeting – April 17, 2008

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
- * 13 – A-G
- * Bills*

* Approval of attached Bills for Approval totaling \$1,094,152.13 is subject to the approval of any related agenda item(s).

8. PUBLIC HEARING

A. Proposed Utility Easement Across City Property

Previously City Council took action to establish a public hearing to consider a utility easement crossing city property. The city has received a request from Muscatine Power & Water to consider the granting of an easement for the construction and maintenance of a water main crossing the corner of the property behind the #2 Fire Station on Oregon Street. Prior to any such action, a public hearing is required.

Now is the time for the public to comment on the proposed utility easement across city property.

B. Proposed Application for a State Revolving Fund Loan for Water Pollution Control Plant Improvements

Previously City Council took action to establish a public hearing concerning the proposed application for a State Revolving Fund loan for Water Pollution Control Plant improvements. The city is embarking on a multi-million dollar investment for upgrades at the current Water Pollution Control Plant. To assist in financing these improvements, the city will be utilizing the SRF loan program that is available for improvements at water pollution control plants. There will be a fixed interest rate of 3.25% for the life of the loan. As funds are drawn down, the city will then begin to accrue interest on those funds. Prior to the formal application being submitted, a public hearing is required.

Now is the time for the public to comment on the proposed application for a State Revolving Fund loan for Water Pollution Control Plant improvements.

9. PETITIONS AND COMMUNICATIONS

- A. Request for renewal of a Class BW Beer/Wine and Sunday Sales Permit for Piazza Bella, 3901 Highway 38 North – Piazza Bella LLC
- B. Request from the Greater Muscatine Chamber of Commerce and Industry for the Use of City Property for 4th of July Activities

Presented for City Council’s consideration is a request for the use of city property from the Greater Muscatine Chamber of Commerce and Industry for the use of city property for July 4th activities. This request includes the parade to be held on the 4th of July as well as the Muscatine riverfront for fireworks and other related activities. Staging time for the parade will begin at 3 p.m. with the parade beginning at 5 p.m. Other riverfront activities include Performing Arts Muscatine, the Muscatine Symphony Orchestra, and the annual fireworks display.

Is there a motion to approve the request from the GMCCI for the use of city property for 4th of July activities?

10. FROM THE MAYOR

- A. Proclamation Declaring May 2008 as “National Historic Preservation Month”
- B. Proclamation Declaring May 11-17, 2008 as “Iowa School Board Recognition Week”
- C. Proclamation Declaring May 12-16, 2008 as “Bike-to-Work Week”
- D. Proclamation Declaring May 12-28, 2008 as “Salvation Army Week”
- E. Proclamation Declaring May 11-17, 2008 as “National Police Week” and May 15, 2008 as “Peace Officers’ Memorial Day”

Is there a motion to approve the proclamations as submitted?

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

- A. Resolution Approving Utility Easement Permitting Construction of a Water Main Across a Portion of the Southeast Corner of the #2 Fire Station on Oregon Street

Presented for City Council’s consideration is a resolution approving a utility easement permitting construction of a water main across a portion of the southeast corner of the #2 Fire Station on Oregon Street. Previously a public hearing was held to receive public comment on this planned improvement. The easement will not only

allow for the improvement to be made but will also provide a pathway for future maintenance as well.

Is there a motion to adopt the resolution approving a utility easement permitting construction of a water main across a portion of the southeast corner of the #2 Fire Station on Oregon Street?

B. Request to Approve the Application for a State Revolving Fund Loan for Water Pollution Control Plant Improvements

Presented for City Council's consideration is a resolution approving the application for a State Revolving Fund loan for Water Pollution Control Plant improvements. Previously a public hearing was held concerning the application for this fund. Procedurally, the next step is for the Council to approve the signature of the formal application by the Mayor and then submitting it prior to May 1, 2008. The SRF will provide funding for this project at a set interest rate of 3.25%.

Is there a motion to adopt the resolution approving the application for an SRF loan for Water Pollution Control Plant improvements?

C. Resolution Awarding Loan Agreement and \$5,120,000 General Obligation Corporate Purpose Bonds, Series 2008A

Presented for City Council's consideration is a resolution awarding a loan agreement and \$5,120,000 General Obligation Corporate Purpose Bonds, Series 2008A. Bids for this sale will be accepted on Thursday, May 1, 2008. Following the submittal and review of bids, a report will be prepared for City Council's consideration and presented at Thursday night's meeting.

Is there a motion to adopt the resolution awarding the loan agreement and \$5,120,000 General Obligation Corporate Purpose Bonds, Series 2008A?

D. Resolution Awarding Loan Agreement and \$6,560,000 General Obligation Refunding Bonds, Series 2008B

Presented for City Council's consideration is a resolution awarding a loan agreement and \$6,560,000 General Obligation Refunding Bonds, 2008B. Bids for this sale will be accepted on Thursday, May 1, 2008. Following the submittal and review of bids, a report will be prepared for City Council's consideration and presented at Thursday night's meeting.

Is there a motion to adopt the resolution awarding the loan agreement and \$6,560,000 General Obligation Refunding Bonds, Series 2008B?

E. Resolution Setting Public Hearing on Amendment #3 to the 2007/2008 City Budget

Presented for City Council's consideration is a resolution setting a public hearing on Amendment #3 to the 2007/2008 city budget. This proposed third amendment will increase total budget expenditures by the city by \$528,100 with budget transfers to increase by \$268,648 for a total expenditure change of \$796,748. The city budgeted revenues are proposed to be amended by \$305,548 which includes \$268,648 of funding transfers in. The General Fund expenditures from transfers out are proposed to be amended by \$293,100. A significant portion of that amount is due to increased costs for snow and ice control and increased costs for fuel. General Fund revenues are proposed to be amended by \$219,800 which includes \$180,200 in funding transfers from the Road Use Tax and \$23,300 in transfers from the Employee Benefits Fund. Prior to any formal action on the third and final amendment to this fiscal year's budget, a public hearing is required.

Is there a motion to adopt the resolution establishing a public hearing for May 15, 2008 at 7 p.m. for the third amendment to the city's fiscal year 2007/2008 budget?

F. Resolution Approving the Official Pay Plan for Non-Union Employees for Fiscal Year 2008/2009

Presented for City Council's consideration is a resolution approving the official pay plan for non-union employees for fiscal year 2008/2009. The attached pay plan for non-union employees reflects a 3% increase in the existing pay ranges and steps that were included in the city's annual budget. It also reflects the pay classification adjustments as recommended by the Employee Compensation Committee for the Art Center Aide, Library Technician, and Assistant Fire Chief positions. These changes were also incorporated in the budget approved by City Council earlier this year. Another adjustment includes the new position of Accountant in the Finance Department. This change reflects a current vacancy within the department and an opportunity to reorganize allowing two accounting positions to be created. The final change reflects an adjustment of the pay classifications for the City Engineer's position.

Is there a motion to adopt the resolution approving the official pay plan for non-union employees for the City of Muscatine effective July 1, 2008?

G. Resolution Setting Public Hearing on the Vacation of a Utility Easement in the Riverbend First Addition

Presented for City Council's consideration is a resolution setting a public hearing on the vacation of a utility easement in the Riverbend First Addition. The owners of Lots 5 and 6 of the addition have agreed to sell and transfer a portion of Lot 5 to James and Robin Avery, owners of Lot 6. As part of the acquisition, the owner is requesting the existing utility easements be vacated for development purposes. A new easement has been prepared adjacent to the new property line between the affected property owners. The request has been reviewed and approved by all affected utilities. Prior to any formal action by Council, a public hearing is required.

Is there a motion to adopt the resolution setting a public hearing on the vacation of a utility easement in the Riverbend First Addition for Thursday, May 15, 2008, at 7 p.m.?

H. Resolution Approving the Grant Agreement to Acquire Snow Removal Equipment for the Municipal Airport

Presented for City Council's consideration is a resolution approving the grant agreement to acquire snow removal equipment for the municipal airport. The grant agreement will be between the City of Muscatine and the Federal Aviation Administration and will provide for funding for the purchase of the truck and snow plow for the airport. An alternative bid for an additional snow plow was reviewed but due to funding reductions at the federal level, monies are not available at this time to make that purchase.

Is there a motion to adopt the resolution approving the grant agreement to acquire snow removal equipment for the municipal airport?

I. Resolution Awarding Contract for the 2008 Curb and Gutter and Street Maintenance Program

Presented for City Council's consideration is a resolution awarding the contract for the 2008 Curb and Gutter and Street Maintenance Program. Included in the 2008 Curb and Gutter and Street Maintenance Program is \$200,000 for this work. Bids were recently solicited for this work with three bids being received. The lowest responsible bid submitted was that from BMW Builders LLC of Muscatine in the amount of \$144,359.07.

Is there a motion to adopt the resolution awarding the contract for the 2008 Curb and Gutter and Street Maintenance Program to BMW Builders LLC in the amount of \$144,359.07?

J. Resolution Setting Public Hearing Concerning Complaints Against Cigarette Permit Holders for Violating Iowa Code Chapter 453A and Seeking Imposition of Civil Penalties

Presented for City Council's consideration is a resolution setting a public hearing concerning complaints against cigarette permit holders for violating Iowa Code Chapter 453A and seeking imposition of civil penalties. As a result of a recent cigarette compliance check, three cigarette permit holders were found to be in violation of state law. In accordance with state statutes, a public hearing is required before penalties can be imposed against permit holders.

Is there a motion to adopt the resolution setting a public hearing concerning complaints against cigarette permit holders for violating Iowa Code Chapter 453A and seeking imposition of civil penalties for Thursday, May 15, 2008, at 7 p.m.?

K. Request to Approve Street Detours Due to Mad Creek Storm and Sanitary Sewer Project

Presented for City Council's consideration is a request to approve street detours due to the Mad Creek Storm and Sanitary Sewer Project. Earlier this year the City Council approved this project. This project will have a temporary adverse affect on traffic flow in the area where the project is to be completed. Working with affected industries, the city has designed a system to reroute truck and vehicular traffic during the construction of this project.

Is there a motion to approve the street detours required due to the Mad Creek Storm and Sanitary Sewer Project?

L. Request for Deviation of Hard Surfacing Requirement

The city has received a request from Jason Curry of Curry Transportation to gain permission to deviate from the city's current hard surface policy requirement for new construction. Mr. Curry is presently in the process of finalizing the rebuilding and consolidation of business activities that were disrupted by the June 1, 2007 tornado. Due to unexpected costs, Mr. Curry is asking that he be given five years to finish the entire paving requirement for his business as required by City Code. If permitted by Council, city staff would recommend that this extension of time be linked directly to the tax increment financing agreement that is currently being developed that was being offered to Mr. Curry. The agreement would stipulate the improvements be made over a five-year period incrementally or that the tax increment financing benefit for that particular year in which the goal was not met be withheld.

Is there a motion to approve the request for deviation from the city's current hard surface policy and allow for a five-year extension to Curry Transportation with the stipulation that it be tied directly to the TIF benefit received?

M. Request Approval of Letter of Support

The City of Muscatine has received a request to support the proposed acquisition of the Dakota, Minnesota & Eastern Railroad Corporation and the Iowa, Chicago & Eastern Railroad by the Canadian Pacific Railway Company. Currently the DM&E and IC&E railroads are to be acquired by the Canadian Pacific Railway Company which affects rail traffic in Muscatine. Numerous City of Muscatine and Muscatine County businesses are served by rail and this acquisition is anticipated to maintain and/or improve service to these existing customers.

Is there a motion to authorize the issuance of a Letter of Support on behalf of the Canadian Pacific Railway Company?

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – April 7 & 14, 2008
- B. Library Board of Trustees – March 19, 2008
- C. Historic Preservation Commission – March 19, 2008
- D. Airport Advisory Commission – March 24, 2008
- E. Art Center Board of Trustees – March 20, 2008
- F. NFPA Fire Survey – March 2008
- G. City of Muscatine Financial Reports – March 2008

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,094,152.13 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

- A. Request Approval to Go into Closed Session to Discuss Labor Negotiation Strategies

17. ADJOURNMENT