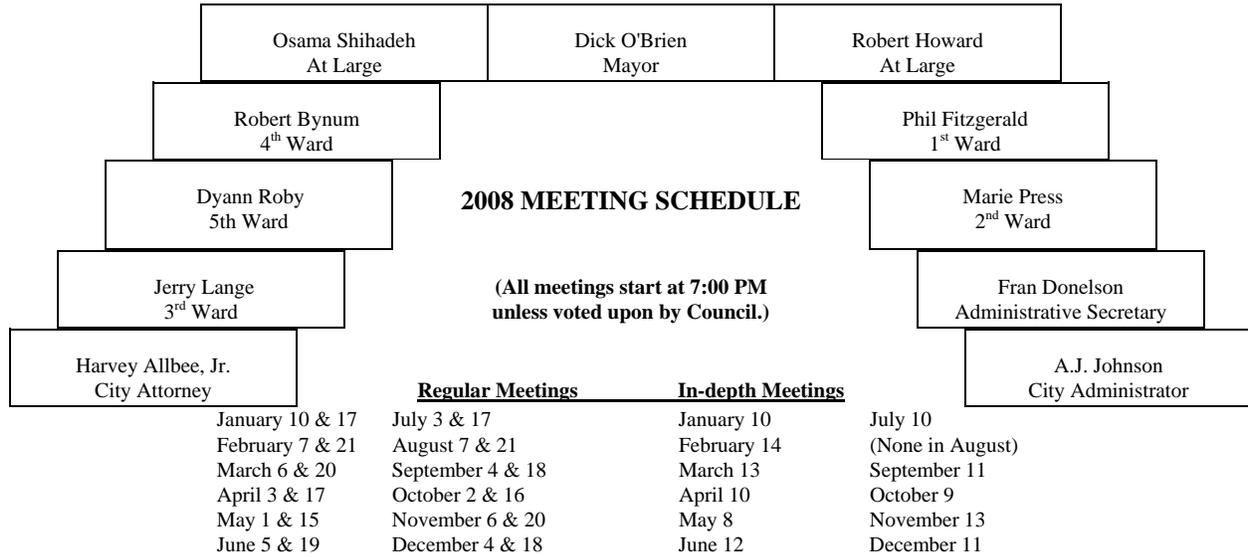


# CITY COUNCIL



## AGENDA

**THURSDAY, MAY 15, 2008  
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 1, 2008
- B. May 8, 2008 In-Depth Meeting

**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-G
- \* Bills\*

\* Approval of attached Bills for Approval totaling \$1,275,473.49 is subject to the approval of any related agenda item(s).

**8. PUBLIC HEARING**

A. Proposed Amendment #3 to City Budget for Fiscal Year 2007/2008

Previously City Council took action to establish a public hearing for the proposed Amendment #3 to the city budget for fiscal year 2007/2008. This proposed third amendment will increase total budget expenditures for the city by \$528,100 with budget transfers to increase by \$268,648 for a total expenditure change of \$796,748. City budgeted revenues were proposed to be amended by \$305,548 which includes \$268,648 of funding transfers in. General Fund expenditures and transfers out are proposed to be amended by \$293,100 and General Fund Revenues are proposed to be amended by \$219,800 which includes \$180,200 in transfers from the Road Use Tax Fund and \$23,300 in transfers from the Employee Benefit Fund. These proposed amendments will have the affect of reducing the projected General Fund balance by \$73,300 if other revenues and expenditures are as budgeted. There will also be a \$180,200 decrease in Road Use Tax Fund balances due to the increased snow and ice and roadway maintenance costs. Prior to any formal action by City Council on the third proposed budget amendment, a public hearing is required.

Now is the time for the public to comment on the proposed Amendment #3 to the 2007/2008 city budget.

B. Proposed Vacation of Utility Easement in Riverbend First Addition

Previously City Council took action to establish a public hearing on the proposed 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 portions of Lot 5 to James and Robin Avery, owners of Lot 6. As part of the acquisition, the owner is requesting the existing utility easement 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 City Council, a public hearing is required.

Now is the time for the public to comment on the proposed vacation of a utility easement in the Riverbend First Addition.

C. Proposed Imposition of Civil Penalties for Cigarette Permit Holders Violating Iowa Code Chapter 453A

Previously City Council took action to establish a public hearing for the proposed imposition of civil penalties for cigarette permit holders violating Iowa Code Chapter 453A. At the time when the public hearing was established, three vendors were noted to be in violation of Iowa Code. Since that time, two vendors have settled leaving one vendor to present his position at the time of this public hearing. Appropriate public notices have been sent to those vendors leaving the one complainant to be considered at this time. The vendor is presented an opportunity for a formal presentation concerning his or her position on this matter. No public comment will be received at this time.

**9. PETITIONS AND COMMUNICATIONS**

- A. Request on first reading for a new Class B Beer and Sunday Sales Permit for Izalco, 825 Oregon Street – Ana Herrera (pending inspections and receipt of dram shop insurance)
- B. Request from Missipi Brewing Company, 107 Iowa Avenue, for extension of their Outdoor Service Area for May 16-18, 2008, June 27-29, 2008, July 3-6, 2008, and August 22-24, 2008
- 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 LLC (pending inspections and receipt of dram shop insurance)
- D. Request for renewal of a Class LE Liquor License and Sunday Sales Permit for Wal-Mart Supercenter #559, 3003 North Highway 61 – Wal-Mart Stores Inc.
- E. Request from Zion Lutheran Church for Use of City Property for Block Party

Presented for City Council's consideration is a request from Zion Lutheran Church for the use of city property for their neighborhood block party. The city has received a request from the church to utilize approximately half a block of Sycamore Street between the alley and 6<sup>th</sup> Street for their annual block party. This event will be for June 11, 2008 between 5 p.m. and 7 p.m. City staff has reviewed this request and has no objections at this time.

Is there a motion to approve the request from the Zion Lutheran Church for the use of a half block of Sycamore Street between 6<sup>th</sup> Street and the alley for their annual block

party?

F. Request from Tailgaters for Use of City Property to Serve Lunches

Presented for City Council's consideration is a request from Tailgaters to allow lunches to be served on the sidewalk in front of their building. This experiment would run from June 8, 2008 through September 8, 2008 and would be from 11 a.m. to 2 p.m. Tables would be set back from the edge of the curb to allow access by pedestrians and will be delineated by a rope or small chained off area. If Council is so inclined to grant the use of city sidewalks for this purpose, it should be on the condition that alterations and changes as required by the city are made in order to ensure public safety.

Is there a motion to approve the request from Tailgaters for the use of city property to serve lunches from June 8, 2008 through September 8, 2008 from 11 a.m. to 2 p.m.?

**10. FROM THE MAYOR**

A. Proclamation Declaring June 10-19, 2008 as "National Nursing Assistant's Week"

B. Proclamation Declaring May 23-24, 2008 as "Poppy Days"

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 Amendment #3 to the Fiscal Year 2007/2008 City Budget

Presented for City Council's consideration is a resolution approving Amendment #3 to the fiscal year 2007/2008 city budget. Previously a public hearing was scheduled to receive comments on the proposed Amendment #3 to the fiscal year 2007/2008 budget. This proposed third amendment will increase total budget expenditures for the city by \$528,100 with budget transfers to increase by \$268,648 for a total expenditure change of \$796,748. City budgeted revenues were proposed to be amended by \$305,548 which includes \$268,648 of funding transfers in. General Fund expenditures and transfers out are proposed to be amended by \$293,100 and General Fund Revenues are proposed to be amended by \$219,800 which includes \$180,200 in transfers from the Road Use Tax Fund and \$23,300 in transfers from the Employee Benefit Fund. These proposed amendments will have the affect of reducing the projected General Fund balance by \$73,300 if other revenues and expenditures are as budgeted. There will also be decrease of \$180,200 in Road Use Tax Fund balances due to the increased snow and ice and roadway maintenance costs.

Is there a motion to adopt the resolution approving Amendment #3 to the 2007/2008 city budget?

B. Resolution Approving Utility Easement in Riverbend First Addition

Presented for City Council's consideration is a resolution approving a utility easement in the Riverbend First Addition. Previously a public hearing was held to consider the vacation of an existing utility easement between Lots 4 and 5 and Lots 5 and 6 in the Riverbend First Addition. As part of the acquisition, the owner is requesting that the existing utility easement be vacated. A new easement has been prepared and reviewed by all affected utilities.

Is there a motion to adopt the resolution approving the vacation of a utility easement in the Riverbend First Addition?

C. Resolution Approving the Order Assessing a Civil Penalty with Regard to Cigarette Permit Holder's Violating Iowa Code 453A.2

Presented for City Council's consideration is a resolution approving the order assessing a civil penalty with regard to cigarette permit holders violating Iowa Code 453A.2. Previously a public hearing was held to receive comment from the violator of the state chapter provision concerning this issue. Following those comments, if any, the City Council now is in the position to approve an order assessing a civil penalty with regard to the cigarette permit holder's violation of Iowa Code 453A.2.

Is there a motion to take action by resolution approving the order assessing a civil penalty with regard to a cigarette permit holder violating Iowa Code 453A.2?

D. Resolution Authorizing and Approving a Loan Agreement and Providing for the Issuance of \$5,120,000 General Obligation Corporate Purpose Bonds, Series 2008A, and Providing for the Levy of Taxes to Pay Same

Presented for City Council's consideration is a resolution authorizing and approving a loan agreement and providing for the issuance of \$5,120,000 in general obligation corporate purpose bonds, Series 2008A, and providing for the levy of taxes to pay same. At the May 1<sup>st</sup> City Council meeting, the City Council adopted a resolution awarding a loan agreement for the \$5,120,000 of General Obligation Corporate Purpose Bonds, Series 2008A, to M&I Bank of Milwaukee, Wisconsin. The issuance of G.O. bonds will cover expenses the city has incurred for recently completed projects or projects that are due to be completed soon.

Is there a motion to adopt the resolution authorizing and approving a loan agreement with M&I Bank of Milwaukee, Wisconsin, and providing for the issuance of \$5,120,000 General Obligation Corporate Purpose Bonds, Series 2008A, and providing for the levy of taxes to pay same?

E. Resolution Authorizing and Approving a Loan Agreement and Providing for the Issuance of \$6,560,000 General Obligation Refunding Bonds, Series 2008B, and Providing for the Levy of Taxes to Pay Same

Presented for City Council's consideration is a resolution authorizing and approving a loan agreement for the issuance of \$6,560,000 in General Obligation Refunding Bonds, Series 2008B. On May 1<sup>st</sup> the City Council accepted bids for the issuance of \$6,560,000 for refunding purposes from M&I Bank of Milwaukee, Wisconsin. The city is able to refund existing debt and to issue new debt at a lower interest rate thereby saving the affected funds total interest costs for the project. The original expiration dates will remain the same as the original issuance. The estimated savings in interest costs alone will be approximately \$300,000.

Is there a motion to adopt the resolution authorizing and approving a loan agreement with M&I Bank of Milwaukee, Wisconsin, and providing for the issuance of \$6,560,000 General Obligation Refunding Bonds, Series 2008B and providing for the levy of taxes to pay the same?

F. Resolution Approving the Contract and Bond for the 2008 Curb and Gutter and Street Maintenance Program

Presented for City Council's consideration is a resolution approving the contract and bond for the 2008 Curb and Gutter and Street Maintenance Program. Previously City Council took action to approve the bid submitted by BMW Builders LLC of Muscatine in the amount of \$144,359.07 for this project. The appropriate bond and contract information have been supplied and approved by city staff at this time.

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

G. Resolution Changing the Name of the Right-of-Way within Burnside 2nd Addition to Burnside Drive

Presented for City Council's consideration is a resolution changing the name of the right-of-way with Burnside 2<sup>nd</sup> Addition to Burnside Drive. City staff has been working with the Muscatine County Auditor's Office to correct some plat maps that have changed over a period of years. Original plats show that Burnside Drive is shown as Knight Avenue. The city officially changed the name in the 1960's; however, there was no official documentation of that change. In order to update all of the appropriate documents, it is appropriate for Council to take this formal action at this time.

Is there a motion to adopt the resolution changing the name of the right-of-way within Burnside 2<sup>nd</sup> Addition to Burnside Drive?

H. Request Approving the Project Cooperation Agreement Between the City of Muscatine and the Corps of Engineers for the Mad Creek Levee Project

Presented for City Council's consideration is a request to approve the Project Cooperation Agreement between the City of Muscatine and the Army Corps of Engineers for the Mad Creek Levee Project. Previously city staff as well as representatives of the Army Corps of Engineers provided overviews of the project and the PCA to City Council. A PCA is the next necessary step that must be taken for the city to formalize an agreement between the City of Muscatine and the Army Corps of Engineers for the improvements on Mad Creek. Once the PCA has been approved, the city will be able to move forward to finalize land acquisition and other related activities associated with this project. The Corps of Engineers will then complete the design work and prepare documents for review and bidding later this calendar year. This document legally commits the City of Muscatine to the Mad Creek Improvement Project.

Is there a motion to approve the Project Cooperation Agreement between the City of Muscatine and the Army Corps of Engineers for the Mad Creek Levee Project?

I. Request to Declare Property as Surplus

Presented for City Council's consideration is a request to declare property as surplus. The Water Pollution Control Plant has a fuel tank and pump budgeted to be replaced the next fiscal year. The current tank is a 10,000 tank and is approximately 30 years old. There are no other uses for the tank within the city at this time. It is staff's recommendation to declare the property as surplus and offer it for sale.

Is there a motion to approve the request to declare a fuel tank and pump from the WPCP as surplus and authorize the advertising for its sale?

J. Request Approval of EMS Service Billing Manager Position

Presented for City Council's consideration is a request to approve an EMS Billing Service Manager position. Presented at last week's in-depth meeting was an explanation of a proposal to alter the current EMS Coordinator position to that of an EMS Service Billing Manager position within the city's ambulance operation. This position would be responsible for the processing of all bills associated with the ambulance operation. This is included but not limited to requests for payments for Medicare and Medicaid reimbursement, insurance reimbursement, and other billing activities. Based upon the actual dollars spent for this service at this time, it is staff's estimate and recommendation that an internal position would be more cost effective for the city to pursue.

Is there a motion to approve the establishment of the EMS Service Billing Manager position for the City of Muscatine?

K. Resolution Approving FAA Agreement for 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. City staff is currently awaiting confirmation from the FAA concerning the recently solicited proposals for snow removal equipment at the municipal airport. If approved by the FAA, this matter will be presented to City Council for their consideration and approval at Thursday night's meeting. If documentation is not presented prior to Thursday night's meeting, this item will be deleted.

**13. COMMUNICATIONS - RECEIVE AND FILE**

- A. Muscatine County Board of Supervisors – April 21 & 28, 2008
- B. Board of Water, Electric, and Communications Trustees – March 31, 2008
- C. Planning and Zoning – April 8, 2008
- D. MP&W – Communications Utility – March 2008
- E. MP&W – Electric Utility – March 2008
- F. MP&W – Water Utility – March 2008
- G. NFPA Survey – April 2008

**14. APPROVAL OF BILLS**

It is recommended bills totaling \$1,275,473.49 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 to go into Closed Session to discuss labor negotiation strategies

**17. ADJOURNMENT**