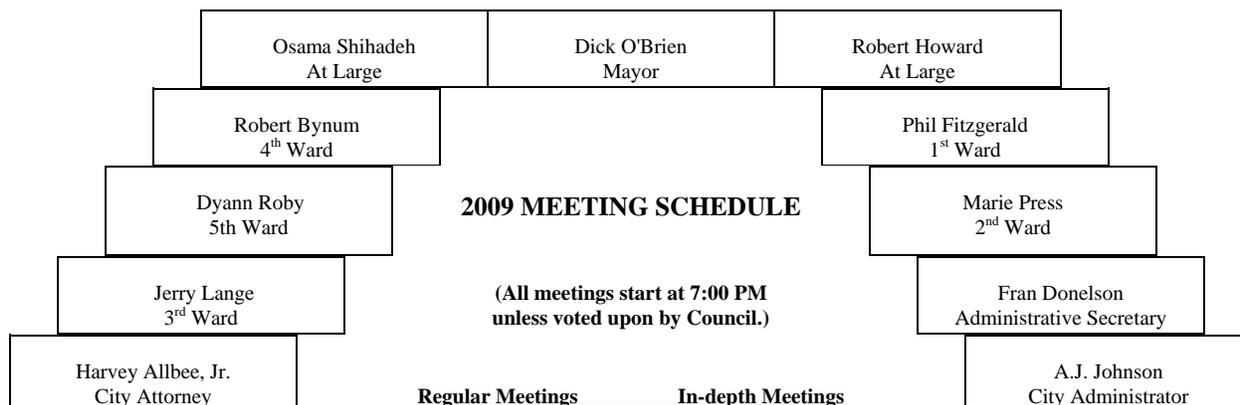


# COUNCIL



	<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, MARCH 19, 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 – March 5, 2009
- B. In-Depth Council Meeting – March 12, 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 –
- \* 13 – A-B
- \* Bills\*

\* Approval of attached Bills for Approval totaling \$1,577,183.50, as well as receipt summaries for October through December 2008 and January 2009 and journal entries for January 2009, is subject to the approval of any related agenda item(s).

**8. PUBLIC HEARING**

A. Proposed Loan Agreement for Downtown Urban Renewal Area Projects

Previously City Council took action to establish a public hearing to receive public comment on the proposed loan agreement for Downtown Urban Renewal Area Projects. These projects will include a number of public improvements in the Downtown Urban Renewal Area proposed to be funded from tax increment bond proceeds. The projects include improvements to parking lots, handicap access ramps, alley improvements, and the resurfacing of Cedar Street between Mississippi Drive and 6<sup>th</sup> Street. Additionally there will be funds built into this loan agreement to assist in flood recovery that was not covered by the State of Iowa or by FEMA. The estimated loan agreement is estimated at \$1,750,000. Prior to any formal Council action, a public hearing is required.

Now is the time for the public to comment on the proposed loan agreement for Downtown Urban Renewal Area Projects.

**9. PETITIONS AND COMMUNICATIONS**

A. Request for Use of City Property for Farmers Market

Presented for City Council's consideration is a request to use city property for the Farmers Market for 2009. Annually the city receives a request from the Muscatine Farmers Market through the Downtown Action Alliance to conduct their Saturday morning market beginning May 2, 2009 and ending October 31, 2009. The hours of operation are 7:30 to 11:30 a.m. The location for the market is the parking lot between Sycamore and Cedar streets along Mississippi Drive.

Is there a motion to approve the request for the use of city property for the annual Farmers Market?

B. Request for Use of City Property for Bishop Hayes 5K Road Race

Presented for City Council's consideration is a request to approve the use of city property for the annual Bishop Hayes 5K Road Race. The road race, which will be held on April 18, 2009, will follow a route on Cedar Street from Bishop Hayes School to Houser Street, down to Fulliam Avenue, back to Cedar Street and will conclude at the school. It is estimated that approximately 500 people will be participating in this event. The time of the event will be from 8 to 10 a.m.

Is there a motion to approve the use of city property for the Bishop Hayes 5K Road Race?

**10. FROM THE MAYOR**

**11. FROM THE PLANNING AND ZONING COMMISSION**

A. Resolution Setting a Public Hearing to Consider the Vacation and Transfer of City Real Estate – Unimproved McClellan Street Right-of-Way

Presented for City Council's consideration is a resolution setting a public hearing to consider the vacation and transfer of city real estate – the unimproved McClellan Street right-of-way. The city has received a vacation request from the Muscatine School District to have the city vacate and transfer a portion of the unimproved McClellan Street right-of-way south of McArthur Street. This right-of-way runs parallel to the property line located west of Madison Elementary School. The purpose of this request is to allow the district to develop and expand a proposed parking lot as part of the expansion/remodeling of the school. The remaining portion of the alley right-of-way will be sold and transferred to Linda and Gary Newcomb, owners of an adjacent lot. Prior to any formal action by Council, a public hearing is required.

Is there a motion to adopt the resolution setting a public hearing for Thursday, April 2, 2009, at 7 p.m. concerning the vacation and transfer of city real estate?

**12. FROM THE CITY ADMINISTRATOR**

A. Second Reading of an Ordinance Amending Title 1, Administrative, Chapter 6, Mayor and City Council, Section 2, Salary of Mayor

Presented for City Council's consideration is the second reading of an ordinance amending Title 1, Administrative, Chapter 6, Mayor and City Council, Section 2, Salary of Mayor. During the recent budget review sessions, the City Council determined they wish to adjust the salary of the position of Mayor by \$1,000. In

accordance with State Code, this action must be taken prior to the next general election and will not become effective until January 1, 2010.

Is there a motion to approve the second reading of an ordinance amending Title 1, Administrative, Chapter 6, Mayor and City Council, Section 2, Salary of Mayor?

- B. Second reading of an ordinance amending Title 9, Chapter 4, Section 3 of the City Code.

Presented for City Council's consideration is the second reading of an ordinance amending Title 9, Chapter 4, Section 3 of the City Code. The proposed amendment to the ordinance will clarify and enhance the existing appeal process available to residents and property owners when cited for nuisance-related code violations. This change has been necessitated by a recent lawsuit involving the city and changes based upon a recent Supreme Court ruling in the State of Iowa clarifying appeal processes for nuisance abatements in cities.

Is there a motion to approve the second reading of an ordinance amending Title 9, Chapter 4, Section 3 of the City Code?

- C. First Reading of an Ordinance Adopting the Code of Ordinances and Supplement for the City of Muscatine

Presented for City Council's consideration is the first reading of an ordinance adopting the Code of Ordinances and supplement for the City of Muscatine. Periodically the City Council takes action to update its City Code due to changes made by Council. This supplement includes ordinances and amendments to ordinances adopted through action by City Council on or prior to December 31, 2008. At this time this ordinance adopting the Code of Ordinances and supplement is presented for Council's consideration.

Is there a motion to approve the first reading of an ordinance adopting the Code of Ordinances and supplement for the City of Muscatine?

- D. Resolution Taking Additional Action to Enter Into a Loan Agreement for Downtown Urban Renewal Projects

Presented for City Council's consideration is a resolution taking additional action to enter into a loan agreement for Downtown Urban Renewal Projects. Previously a public hearing was held to receive public comment on the proposed improvements in the Downtown Urban Renewal Area. It is proposed to use the Downtown Urban Renewal Tax Increment Finance District to fund the approximate \$1,750,000 improvements. The attached resolution authorizes the loan agreement for these projects to be entered into.

Is there a motion to adopt the resolution taking additional action to enter into a loan

agreement for the Downtown Urban Renewal Projects?

E. Resolution Authorizing Demolition of Property Located at 905 Oregon Street

Presented for City Council's consideration is a resolution authorizing the demolition of property located at 905 Oregon Street. The city has been working with the owners of this property for the last several years to abate a number of nuisances. To date those nuisances have not been addressed and the property has fallen into further disrepair. Appropriate notices for action have been given to the property owner and no action or appeal has been filed at this time. After exhausting all reasonable remedies to address the nuisances at this property, it is now the recommendation of city staff that the Council take action to abate the nuisance and demolish the home.

Is there a motion to adopt the resolution authorizing the building official to proceed with the specified work on the premises located at 905 Oregon Street?

F. Resolution Authorizing Demolition of Property Located at 1810 Earl Avenue

Presented for City Council's consideration is a resolution authorizing the demolition of property located at 1810 Earl Avenue. The city has been working with the owners of this property for the last several years to abate a number of nuisances. To date those nuisances have not been addressed and the property has fallen into further disrepair. Appropriate notices for action have been given to the property owner and no action or appeal has been filed at this time. After exhausting all reasonable remedies to address the nuisances at this property, it is now the recommendation of city staff that the Council take action to abate the nuisance and demolish the home.

Is there a motion to adopt the resolution authorizing the building official to proceed with the specified work on the premises located at 1810 Earl Avenue?

G. Resolution approving 28E Agreement with Muscatine County for Parking Fine Collections

Presented for City Council's consideration is a resolution approving the 28E agreement with Muscatine County for parking fine collections. The city was recently notified by the County Treasurer's Office that a system is now available that will allow the city to require payment of unpaid parking fines as part of vehicle registration renewals. In order for the city to use this collection mechanism, a 28E agreement is needed between the City of Muscatine and Muscatine County. This agreement has been reviewed with City Council at their recent in-depth meeting and reviewed by the appropriate legal staff. The agreement will allow for the city to send lists of unpaid fines by license plate number to the Treasurer's Office. That office will add this charge plus an administrative allowance of \$5 as part of the charges required to be paid in order for an individual to renew their vehicle registration.

Is there a motion to adopt the resolution approving the Chapter 28E Agreement between the City of Muscatine and Muscatine County for parking fine collections?

H. Resolution Setting a Public Hearing for the 2009 Curb and Gutter and Street Maintenance Program

Presented for City Council's consideration is a resolution setting a public hearing for the 2009 Curb and Gutter and Street Maintenance Program. As a component to but independent of the street resurfacing program, the city will be engaging in replacement and repair of a number of curb and gutter and street maintenance related activities for 2009. Prior to any formal action by Council, a public hearing is required.

Is there a motion to adopt the resolution setting a public hearing for Thursday, April 2, 2009, at 7 p.m. for the 2009 Curb and Gutter and Street Maintenance Program?

I. Resolution Setting a Public Hearing on the Expanded Highway 38 Northeast Urban Renewal Area and Urban Renewal Plan Amendment

Presented for City Council's consideration is a resolution setting a public hearing on the expanded Highway 38 Northeast Urban Renewal Area and Urban Renewal Plan Amendment. Through this action, the Northeast Urban Renewal Area will be expanded to include the public right-of-ways on Colorado and Clay streets. This will allow for remaining funds in the Northeast TIF Fund and possibly future incremental tax funds to be used toward the local portion of the cost on one or both of these upcoming street improvement projects. 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 for Thursday, April 16, 2009, at 7 p.m. on the expanded Highway 38 Northeast Urban Renewal Area and Urban Renewal Plan Amendment?

J. Resolution Setting a Public Hearing Concerning Complaints Against Cigarette Permit Holders in Violation of 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 in violation of Iowa Code Chapter 453A and seeking imposition of civil penalties. Periodically the city conducts compliance checks with local vendors as it pertains to the sale of tobacco products to minors. When certain cigarette retail sales permit holders within the city violate the Iowa Code, the city proceeds with the imposition of a civil penalty in the amount of \$300 for the first violation. In order to impose the penalty, the city will hold a public hearing on April 2, 2009 at 7 p.m.

Is there a motion to adopt the resolution setting a public hearing concerning complaints against cigarette permit holders found to be in violation of Iowa code Chapter 453A and seeking imposition of civil penalties for Thursday, April 2, 2009, at 7 p.m.?

K. Resolution Setting a Public Hearing on the Installation of a Handicap Parking Stall at 1606 Indiana Street

Presented for City Council's consideration is a resolution setting a public hearing on the installation of a handicap parking stall at 1606 Indiana Street. The applicant is the owner/occupant of the residence and has the required handicap tag for her vehicle. Council has previously taken action to establish handicap parking stalls in front of residences that are in effect until such time the resident moves from that property. Also, there is no exclusivity to the handicap parking stall and anyone with the appropriate handicap tags can use that stall. 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 installation of a handicap parking stall at 1606 Indiana Street for Thursday, April 2, 2009, at 7 p.m.?

L. Request to Approve Agreement with the Iowa Department of Transportation for the Federal Highway Stimulus Program Project

Presented for City Council's consideration is a request to approve an agreement with the Iowa Department of Transportation for the Federal Highway Stimulus Program Project. Earlier this year the city was notified that it would be sharing funds from the Federal Highway Stimulus Program in the amount of \$2.2 million with rural Muscatine and rural Scott County. An equitable split was made, and the city will be receiving approximately \$733,000 to assist with the reconstruction of Clay Street which was previously identified under the Federal Economic Stimulus Program. In advance of the work to be undertaken, it is required that the city enter into an agreement with the IDOT who is facilitating the distribution of the Federal Highway Stimulus dollars.

Is there a motion to approve the agreement between the City of Muscatine and the IDOT for the Federal Highway Stimulus Program Project?

M. Request Approval with Silverstone Group for Actuarial Services for GASB Statement 45

Presented for City Council's consideration is a request for approval with the Silverstone Group for actuarial services for GASB Statement 45. In order for the city to be in compliance with national accounting standards for public entities, the city is required to secure the services of an actuary in order to comply with those standards. This requirement is linked to "Other Post Employment Benefits" as offered by the city and focuses only on health and dental insurance coverage for retirees who elect

to stay on the city's health and dental plans. The League of Iowa Cities along with several similar entities solicited request for proposals for GASB 45 actuarial services on behalf of various local government entities. From that solicitation, the city has reviewed the proposal submitted by the Silverstone Group for actuarial services. The core GASB 45 services would be \$3,250 plus \$3 per active and retired employees or, in the case of the city, an additional \$690. The total cost for the service would be \$3,940. The optional service costing \$1,500 to have the actuary meet with the Audit Committee is also included in the recommendation. The total cost would be \$5,440. There was \$8,000 included in this year's budget for this service. This matter has been reviewed and approved by the city's Audit Committee.

Is there a motion to authorize the city to enter into an agreement with the Silverstone Group for actuarial services for the GASB Statement 45?

N. Request to Approve Issuance of Purchase Order for Computer Upgrades

Presented for City Council's consideration is a request to approve the issuance of a purchase order for computer upgrades. During the recent budget review sessions, City Council approved a revision in the 2008/2009 budget for the Finance Department to replace the current AS400 computer hardware. This is needed in order to continue to keep the city's financial software up to date with periodic upgrades. The request includes hardware and software upgrades to the system. The city's IT Manager has been working with vendors on this project and is recommending the city authorize the issuance of a purchase order to ACS in the amount of \$33,441.08.

Is there a motion to approve the issuance of a purchase order to ACS in the amount of \$33,441.08 for computer upgrades?

O. Request Approval of Change Order #5 for the Parallel Taxiway to the Crosswind Runway at the Airport

Presented for City Council's consideration is a request to approve Change Order #5 for the parallel taxiway to the crosswind runway at the airport. Change Order #5 is reflective of the difference/adjustment for actual construction costs based on DOT qualified materials. At the time the contract was let, both parties agreed to delay construction until warmer and drier weather. Under federal regulations, the contractor is allowed to adjust his contract price for material costs based on DOT revisions. This change order is reflective of those increased costs. These changes have been reviewed and approved by the FAA at a total cost of \$40,312.96. Based on the 5% local match requirement, the city will have an additional \$2,015.65 for costs.

Is there a motion to approve Change Order #5 for the construction of the parallel taxiway to the crosswind runway at the airport?

P. Request to Approve Dock Agreement

Presented for City Council's consideration is a request to approve a dock agreement. As presented at the March in-depth meeting, the dock agreement will be between the City of Muscatine and Pearl Button – The Boat LLC of Muscatine. The agreement will be a 15-year period and will allow for the construction of a private dock along the Muscatine Riverfront and to utilize and access public facilities for this activity. The agreement outlines the charges and expenses associated with the project and what each party will be responsible for.

Is there a motion to approve the dock agreement between the City of Muscatine and Pearl Button – The Boat LLC?

Q. Resolution Setting a Public Hearing for Public Comment on the 2008-2009 Public Housing Administrative Plan

Presented for City Council's consideration is a resolution setting a public hearing for public comment on the 2008-2009 Public Housing Administrative Plan. Recent changes from the Department of Housing and Urban Development require less updates but they still require an annual public hearing to receive comments on the existing Administrative Plan in place.

Is there a motion to adopt the resolution to set a public hearing for Thursday, May 7, 2009, at 7 p.m. for public comment on the 2008-2009 Public Housing Administrative Plan?

**13. COMMUNICATIONS - RECEIVE AND FILE**

- A. Muscatine County Board of Supervisors – February 23, 2009 & March 2, 2009
- B. January 2009 NFPA Survey

**14. APPROVAL OF BILLS**

It is recommended bills totaling \$\$1,577,183.50, as well as receipt summaries for October through December 2008 and January 2009 and journal entries for January 2009, 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**