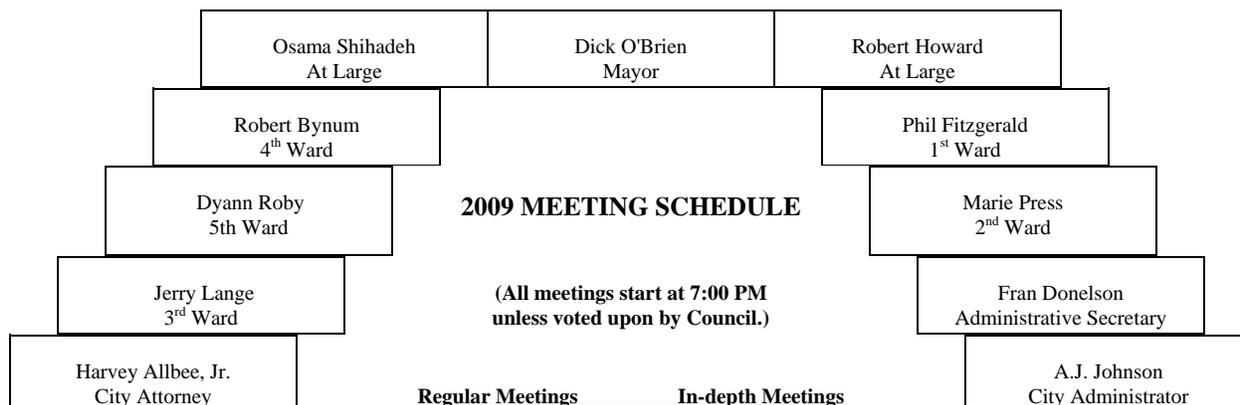


COUNCIL



2009 MEETING SCHEDULE

(All meetings start at 7:00 PM
unless voted upon by 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, JUNE 4, 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 – May 21, 2009
- B. Joint City Council/County Board of Supervisors Meeting – May 28, 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-G
- * 13 – A-F
- * Bills*

* Approval of attached Bills for Approval totaling \$4,891,024.77 is subject to the approval of any related agenda item(s).

8. PUBLIC HEARING

A. Proposed Muscatine Bridge Tribute Plaza and Bike Trail Kiosk Projects

Previously City Council took action to establish a public hearing on the proposed Muscatine Bridge Tribute Plaza and Bike Trail Kiosk Projects. Working in conjunction with two separate Leadership Muscatine projects, city staff has helped coordinate efforts to make these projects a reality on the riverfront. The city has secured IDOT funding on behalf of Leadership Muscatine for both of these projects. The estimated cost for the two projects is \$94,000. Prior to any formal action by City Council on this matter, a public hearing is required.

Now is the time for the public to comment on the proposed Muscatine Bridge Tribute Plaza and Bike Trail Kiosk Projects.

B. Proposed Housing ARRA Capital Projects

Previously City Council took action to establish a public hearing on the proposed Housing ARRA Capital Projects. The city has received funding from the American Recovery and Reinvestment Act of 2009 to make improvements at the Sunset Park housing facility. The original intent was to use the funds made available through the program to make certain facility upgrades at Sunset Park. However, due to a more favorable bidding climate, the city has additional funds within that original allocation of ARRA monies to make other improvements. It is anticipated the additional funds will be used to make further capital improvements at Sunset Park which would include the installation of on-demand high efficiency water heaters. Prior to making any alterations to the original capital improvement program listing, a public hearing is required.

Now is the time for the public to comment on the proposed Housing ARRA Capital Projects.

9. PETITIONS AND COMMUNICATIONS

- A. Request on second reading for a new Class BW Beer/Wine Permit with Outdoor Service for Elly's Tea & Coffee House LLC, 208 W. 2nd Street #8 – Elouise M. Lloyd (pending inspections and receipt of final paperwork)
- B. Request for renewal of a Class A Liquor License and Sunday Sales Permit for Veterans of Foreign Wars Club Inc., 421 Mulberry Avenue
- C. Request for renewal of a Class E Liquor License and Sunday Sales Permit for Cigarette Outlet #16, 1504 Park Avenue – Cigarette Outlet Inc.
- D. Request for renewal of a Class B Beer and Sunday Sales Permit for China Buffet of Muscatine Inc., 1903 Park Avenue #48
- E. Request for renewal of a Class C Beer and Sunday Sales Permit for Scott's Outdoors, 1907 Stewart Road – General Outdoors Inc.
- F. Request for renewal of a Class BW Beer/Wine and Sunday Sales Permit for Peking Chinese Restaurant Inc., 1700 Park Avenue #C
- G. Request from Missipi Brewing Co., 107 Iowa Avenue to extend their Outdoor Service Area into the parking lot on June 12-15, June 26-29, July 3-6, July 17-20, and August 14-17, 2009 (pending review by Muscatine Police Department)
- H. Request from Zion Lutheran Church to Approve Neighborhood Block Party

The city has received a request from Zion Lutheran Church to conduct a neighborhood block party on Wednesday, June 10, 2009, from 5 to 7 p.m. The church is requesting the use of Sycamore Street from the alley to 6th Street. Setup would begin at 3 p.m. and the event would be completed by 8 p.m. with the reopening of the street.

Is there a motion to approve the request from Zion Lutheran Church to approve a neighborhood block party?

10. FROM THE MAYOR

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

- A. Resolution Approving the Plans, Specifications, Form of Contract, Cost Estimate and Establishing Bid Opening Date for the Muscatine Bridge Tribute Plaza and Bike Trail Kiosk Projects

Presented for City Council's consideration is a resolution approving the plans, specifications, form of contract, cost estimate and establishing a bid opening date for the Muscatine Bridge Tribute Plaza and Bike Trail Kiosk Projects. Previously a public hearing was held to receive public comment on the proposed projects. The city has been assisting two Leadership Muscatine groups who have been pursuing these improvements along the riverfront. The estimated cost of the project is \$94,000.

Is there a motion to adopt the resolution approving the plans, specifications, form of contract, cost estimate and establishing a bid opening date for the Muscatine Bridge Tribute Plaza and Bike Trail Kiosk Projects?

- B. Resolution Authorizing Mayor to Sign Subordination Agreement for 1821 Schiller Street

Presented for City Council's consideration is a resolution authorizing the Mayor to sign a subordination agreement for 1821 Schiller Street. Cruz and Maria Leza, who reside at this location, are participants in the 2006 housing rehabilitation program. As part of the program, they signed a mortgage agreement with the city which was recorded in April 2007. They now wish to refinance the property to take advantage of lower interest rates. The city has in the past, and anticipates continuing, taken subordinate positions within the housing rehabilitation program to facilitate lower interest rates for homeowners.

Is there a motion to adopt the resolution authorizing the Mayor to sign a subordination agreement for Cruz and Maria Leza of 1821 Schiller Street?

- C. Resolution Approving Changes to Housing Five-Year and Annual Plans

Presented for City Council's consideration is a resolution approving changes to the Housing Five-Year and Annual Plans. Previously a public hearing was held to receive public comment on the proposed changes. The changes were made to reflect modifications to the capital funding ARRA grant that now includes but is not limited to 30 new water heaters for the two bedroom units at Sunset Park.

Is there a motion to adopt the resolution approving changes to the Housing Five-Year and Annual Plans?

D. Resolution Authorizing the Sale of 407 McKinley Street

Presented for City Council's consideration is a resolution authorizing the sale of 407 McKinley Street. Previously City Council took action to declare this property as surplus and offer it for sale to a qualified individual under the first-time home buyer's Section 8 program. Unfortunately, the local economic situation resulted in the participant not qualifying for further participation in the program. At this time no other eligible Section 8 family has been found and it is the recommendation of staff to allow the sale of this home to a qualified purchaser outside the Section 8 program.

Is there a motion to adopt the resolution authorizing the sale of 407 McKinley Street?

E. Resolution Approving Changes to the Section 8 Administrative Plan

Presented for City Council's consideration is a resolution approving changes to the Section 8 Administrative Plan. Recently the city received notification from HUD that funding would be severely restricted within the city's Section 8 program. In order to maximize the dollars that will be made available and to help as many families as possible, staff is recommending a policy change within the Section 8 Administrative Plan to conduct interim reexamination and rent adjustments to families whose incomes increase more than \$200 per month. This will allow the funding to provide continued assistance to as many families in this jurisdiction as possible.

Is there a motion to adopt the resolution approving changes to the Section 8 Administrative Plan?

F. Resolution Accepting Completed Work Performed Under the Mad Creek Area Sanitary and Storm Sewer Separation Project and Authorizing Final Payment

Presented for City Council's consideration is a resolution accepting completed work performed under the Mad Creek Area Sanitary and Storm Sewer Separation Project and authorizing final payment. In 2008 the City Council awarded the contract for this project to Sulzberger Excavating in the amount of \$2,396,799.05. The project included separating sewers, street reconstruction, curb and gutter replacement, sidewalk installation, and the burying of period lighting infrastructure. Six change orders for this project were processed totaling \$176,860.28. An additional cost of \$414,779.92 was associated with additional material quantities. All the work under the contract has been completed with the remaining amount of \$149,421.96 including the 5% retainage now due and payable.

Is there a motion to adopt the resolution accepting the completed work performed under the Mad Creek Area Sanitary and Storm Sewer Separation Project and authorizing final payment to Sulzberger Excavating?

G. Resolution Approving the Contract and Bond for the Clay Street Inlay Project

Presented for City Council's consideration is a resolution approving the contract and bond for the Clay Street Inlay Project. Previously City Council took action to approve the contract with Vieth Construction in the amount of \$912,267.20 for this project. At this time the appropriate contract and bond have been submitted for staff review and have been approved and are now being forwarded for Council's final approval.

Is there a motion to adopt the resolution approving the contract and bond from Vieth Construction in the amount of \$912,267.20 for the Clay Street Inlay Project?

H. Resolution Setting Public Hearing on a Proposed Zoning Change Within the City of Muscatine – Bermel Property

Presented for City Council's consideration is a resolution setting a public hearing on a proposed zoning change within the City of Muscatine. Previously City Council took action to approve the voluntary annexation of approximately 144 acres of real estate. As part of the pre-annexation arrangement, once the property was voluntarily annexed, a rezoning action would take place. Prior to any formal action by Council at this time, a public hearing is required.

Is there a motion to adopt the resolution setting a public hearing on a proposed zoning change within the City of Muscatine for Thursday, June 18, 2009, at 7 p.m.?

I. Resolution Setting Set Public Hearing on Proposed Zoning Change Within the City of Muscatine – Ripley's Development Corporation

Presented for City Council's consideration is a resolution setting a public hearing on a proposed zoning change within the City of Muscatine. Previously City Council took action to approve the voluntary annexation of approximately 42 acres of real estate. As part of the pre-annexation arrangement, once the property was voluntarily annexed, a rezoning action would take place. Prior to any formal action by Council at this time, a public hearing is required.

Is there a motion to adopt the resolution setting a public hearing on a proposed zoning change within the City of Muscatine for Thursday, June 18, 2009, at 7 p.m.?

J. Resolution Approving Contract for HVAC Systems at Sunset Park

Presented for City Council's consideration is a resolution approving the contract for the HVAC systems at Sunset Park. Under the American Recovery and Reinvestment Act of 2009, monies were made available to the Public Housing Agency to purchase new energy efficient forced air furnaces and central air conditioning for Sunset Park. A total of seven bids were received with the lowest responsible bid being that of J.L. Brady Co. of Moline, Illinois, in the amount of \$185,406. The engineer's estimate for the project was \$300,000.

Is there a motion to adopt the resolution awarding the contract for the installation of HVAC systems at Sunset Park to J.L. Brady Co. in the amount of \$185,406?

K. Request to Approve Easement from Eastern Iowa Community College District for Tennis Court Construction Project at Weed Park

Presented for City Council's consideration is a request to approve an easement from the Eastern Iowa Community College District for the Tennis Court Construction Project at Weed Park. In developing this project, it was discovered the two-court tennis court pod which is to be rebuilt is sitting roughly on 11' of community college owned land. Contacts were made with the college and they have agreed to grant a construction easement as well as a permanent easement for the use of these courts by the city. All the necessary documentation has been prepared at this time and is subject to Council approval.

Is there a motion to approve an easement from the EICCD for the Tennis Court Construction Project at Weed Park?

L. Request Approval of City Carton Recycling Contract

Presented for City Council's consideration is a request to approve the City Carton Recycling Contract. The current contract for services provided by City Carton to the City of Muscatine for recycling activities expires June 30, 2009. A renewal contract is being submitted for Council's consideration that would run from July 1, 2009 through June 30, 2014. The city has been in partnership with City Carton since the inception of the recycling program. If approved by Council, the terms and conditions of the contract would remain the same.

Is there a motion to approve the renewal of the City Carton Recycling Contract?

M. Request Authorization to Provide Cardboard Curbside Recycling Program

Presented for City Council's consideration is a request for authorization to provide a cardboard curbside recycling program. Following numerous reviews with City Council, a formal request for the implementation of a cardboard curbside recycling program is being presented for City Council's consideration. If the program is approved, a new refuse collection driver will be hired to meet the demands of the additional program. This will also assist the city in the anticipated contract with the City of Fruitland for those additional services as well. If approved by Council, the program would be implemented beginning July 1, 2009.

Is there a motion to approve the cardboard curbside recycling program?

N. Request to Approve Offers/Donations Related to the Mad Creek Levee Improvement Project

Presented for City Council's consideration is a request to approve offers/donations related to the Mad Creek Levee Improvement Project. As the city proceeds with the improvements along Mad Creek, we will at some point take possession of property necessary for the construction project. Possession will occur either through acquisition or through donation. The city already has received indications from HNI Corporation that they are willing to donate property they own for the project. At this time no final documents have been prepared, but on the advice of legal counsel, it is appropriate for Council to approve the offers/donations related to this project and prepare documentation for signature by the Mayor.

Is there a motion to approve the offers/donations related to the Mad Creek Levee Improvement Project?

O. Request from Police Department to Submit Justice Assistance Grant Application

Presented for City Council's consideration is a request from the Police Department to submit a Justice Assistance Grant application. Recently the city received notification from the federal government that additional funds may be made available through the Justice Assistance Grant program. Previously City Council authorized the application on behalf of the city to this program for funds that would be made available for non-budgeted capital items for the Police Department. With the second round of grant allocations available, the city and Muscatine County could be allocated an additional \$28,566 or \$14,283 to each agency.

Is there a motion to approve the request from the Police Department to submit a Justice Assistance Grant application?

P. Request Approval of IDOT Agreement

Presented for City Council's consideration is a request to approve a joint participation agreement from the Iowa Department of Transportation. With funds provided through the American Recovery and Reinvestment Act of 2009, \$100,000 has been allocated to the City of Muscatine to assist in the reconstruction of the parking lot at Public Works. No local match is required.

Is there a motion to approve the joint participation agreement with the IDOT?

Q. Request Approval of "PAL" Agreement

Presented for City Council's consideration is a request to approve a PAL agreement. Following a review with the County Board of Supervisors, the City Council is being asked to participate in a Provisional Accredited Levee program that allows the city two years to certify levees within its jurisdiction that they meet FEMA requirements for flood protection. Once the agreement is signed, the city will have a two-year grace period in which to certify the levees in order to receive full coverage.

Is there a motion to approve the "PAL" agreement?

R. Request Approval of MUSCOM Amendment

Presented for City Council's consideration is a request to approve a MUSCOM amendment. Presented at last week's joint City Council/County Board of Supervisors meeting, the amended and restated articles of agreement between the city and Muscatine County for the Muscatine County Joint Communication Commission were presented. Those proposed changes relate to the funding of the MUSCOM operation only. In February 2009, Muscatine County agreed to levy a countywide Emergency Management Levy to fund the operation of MUSCOM. Based on that action, it is necessary to amend the agreement?

Is there a motion to approve the MUSCOM amendment?

S. Request Approval of MAGIC Software Purchase

Presented for City Council's consideration is a request to approve a MAGIC software purchase. The GIS software used by MAGIC and its partner organization is produced by ESRI. Recent changes in software licensing procedures by ESRI require changes in the current contract. Based on population, the city, Muscatine Power & Water and MAGIC will split the full cost of the changes three ways. That contract change results in a fee of \$25,000 per year.

Is there a motion to approve the MAGIC software contract purchase?

14. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – May 11, 2009
- B. Historic Preservation Commission – April 15, 2009
- C. Art Center Board of Trustees – April 16, 2009
- D. MP&W – Communications Utility – April 2009
- E. MP&W – Electric Utility – April 2009
- F. MP&W – Water Utility – April 2009

14. APPROVAL OF BILLS

It is recommended bills totaling \$4,891,024.77 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