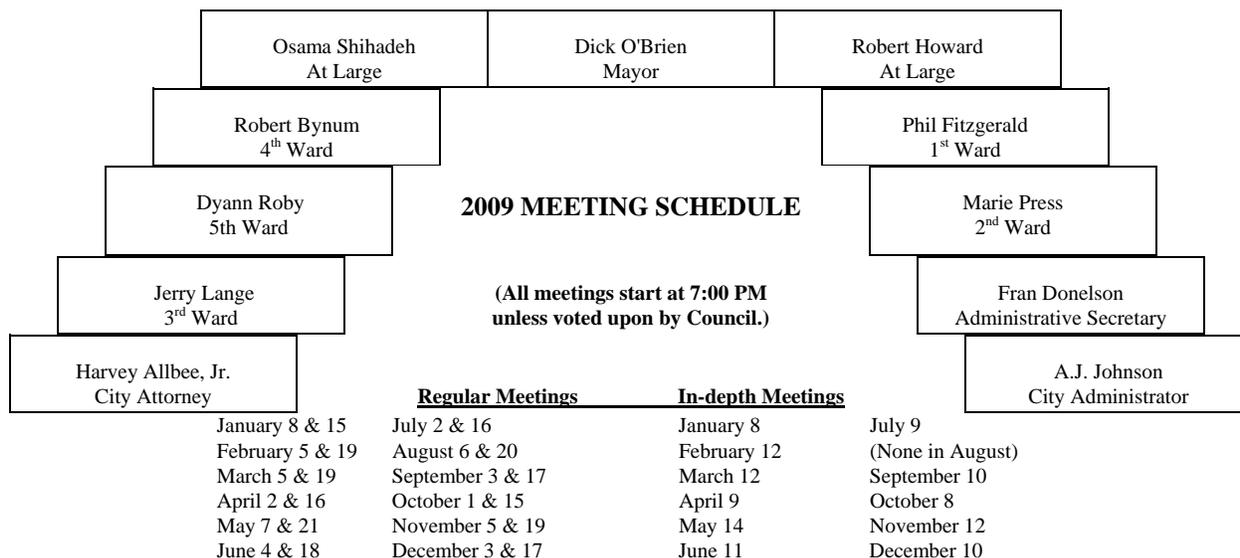


COUNCIL



AGENDA

THURSDAY, APRIL 16, 2009 COUNCIL CHAMBERS - CITY HALL

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OPENING PRAYER**
4. **PLEDGE OF ALLEGIANCE**
5. **COMMUNICATIONS – CITIZENS**

A. Swearing in of Police Officer Jeff Conard

At this time Police Officer Jeff Conard will be sworn in.

6. **MINUTES - APPROVAL**
 - A. City Council Meeting – April 2, 2009
 - B. In-Depth City Council Meeting – April 16, 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-C
- * 13 – A-J
- * Bills*

* Approval of attached Bills for Approval totaling \$2,044,950.48 is subject to the approval of any related agenda item(s).

8. PUBLIC HEARING

A. Proposed Clay Street Inlay Project

Previously City Council took action to establish a public hearing on the proposed Clay Street Inlay Project. This project includes the reconstruction of Clay Street from Isett Avenue to Park Avenue. The construction will include the removal and replacement of pavement, curb, and storm sewer inlets. The city will receive approximately \$733,000 to assist in the funding of this project from the American Recovery and Reinvestment Act of 2009. Prior to any formal action by Council, a public hearing is required.

Now is the time for the public to comment on the proposed Clay Street Inlay Project.

B. Proposed Use of a Department of Justice Assistance Grant by the Police Department

Previously City Council took action to establish a public hearing on the proposed use of a Department of Justice Assistance Grant by the Police Department. Under the American Recovery and Reinvestment Act of 2009, a new formula was devised for distribution of funds under the Byrne Justice Assistance Grant. It is this funding mechanism the city has relied upon to purchase items for law enforcement that have not been budgeted. The city will receive \$54,062.20 with no local match is required. It is anticipated that funds from the program will be used to upgrade technology related needs for the department along with other capital items. Prior to any formal application for the receipt of funds, a public hearing is required.

Now is the time for the public to comment on the proposed use of a Department of Justice Assistance Grant by the Police Department.

- C. Proposed Establishment of an Urban Renewal Area and Approval of the Urban Renewal Plan Amendment to the 2009 Addition to the Highway 38 Northeast Urban Renewal Area

Previously City Council took action to establish a public hearing on the proposed establishment of an Urban Renewal Area and approval of the Urban Renewal Plan Amendment to the 2009 Addition to the Highway 38 Northeast Urban Renewal Area. In order to provide the city with additional financial options for future public improvements, it is being proposed that the Northeast Urban Renewal Area be expanded to include the public right-of-ways on Colorado and Clay streets. This will allow for remaining funds from the Northeast TIF and possibly future incremental tax funds to be used toward the local portion of the cost on one or both of the upcoming street improvements projects. 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 establishment of an Urban Renewal Area and approval of the Urban Renewal Plan Amendment to the 2009 Addition to the Highway 38 Northeast Urban Renewal Area.

9. PETITIONS AND COMMUNICATIONS

- A. Request for renewal of a Class B Beer and Sunday Sales Permit for Pizza Ranch Muscatine, 106 Ford Avenue – Psychodog Enterprises Inc.
- B. Request for renewal of a Class BW Beer/Wine Permit for Green’s Tea & Coffee, 208 W. 2nd Street – Green’s Tea Company LLC
- C. Request for renewal of a Class C Liquor License with Outdoor Service and Sunday Sales Permit for Mike’s Hilltop Tap Inc., 929 Lucas Street
- D. Request Approval to Close Weed Park/Streets for HNI Corporation Company Picnic

Presented for City Council’s consideration is a request for approval to close Weed Park and portions of city streets for the 2009 HNI Corporation Company Picnic. The city has received a request to close Weed Park and portions of streets surrounding the park for the annual HNI company picnic for Sunday, August 16, 2009, between the hours of 9 a.m. and 4 p.m. In addition to the closure of Weed Park, the Aquatic Center will also be closed that day. Setup will begin Saturday afternoon, August 15, 2009, but the park will not be closed and the Aquatic Center will still be open to the general public.

Is there a motion to approve the request to close Weed Park and surrounding streets for the HNI Corporation Company Picnic for Sunday, August 16, 2009, from 9 a.m. to 4 p.m.?

- E. Request for Use of City Property for Cinco de Mayo Celebration

Presented for City Council's consideration is a request to use city property for a Cinco de Mayo Celebration. The city has received a request from Mami's Authentic Mexican Food Services, 201 W. 2nd Street, for the use of the parking lot at 2nd and Pine streets for this activity. The date of the event is Saturday, May 2, 2009, from noon to 5 p.m.

Is there a motion to approve the request for the use of city property for the Cinco de Mayo Celebration on May 2, 2009?

F. Request from Muscatine Quarterback Club for Use of City Property

10. FROM THE MAYOR

A. Proclamation Declaring April 24, 2009 as "Arbor Day" in the City of Muscatine

B. Proclamation Declaring May 11-15, 2009 as "Bike-to-Work Week" in the City of Muscatine

Is there a motion to approve the proclamations as submitted?

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

A. Final Reading of an Ordinance Adopting the Code of Ordinances and Supplement for the City of Muscatine

Presented for City Council's consideration is the final reading of an ordinance adopting the Code of Ordinances and Supplement for the City of Muscatine. Periodically the City Council takes action to update the City Code due to changes made by the Council. The supplement includes ordinances and amendments to the ordinances adopted on or prior to December 31, 2008.

Is there a motion to adopt on final reading an ordinance adopting the Code of Ordinances and Supplement for the City of Muscatine and direct for its publication?

B. Second Reading of an Ordinance Vacating City Real Estate – Unimproved McClellan Street Right-of-Way

Presented for City Council's consideration is the second reading of an ordinance vacating city real estate for the unimproved McCellan Street right-of-way. The city has been petitioned by the Muscatine School District and an adjacent neighbor to vacate portions of this right-of-way. If approved, the school district would purchase 7,290 square feet of the unimproved right-of-way and the adjacent property owner would purchase 2,439 square feet.

Is there a motion to approve the second reading of an ordinance vacating city real estate for the unimproved McClellan Street right-of-way?

C. Resolution Approving the Plans, Specifications, Form of Contract and Setting Bid Opening Date for the Clay Street Inlay Project

Presented for City Council's consideration is a resolution approving the plans, specifications, form of contract, and setting the bid opening date for the Clay Street Inlay Project. Previously City Council took action to receive public comment on the proposed project that will be funded partially through monies available through the American Recovery and Reinvestment Act of 2009 in the amount of \$733,000. The balance of the project cost will be provided by the City of Muscatine. The bid letting for this project will be coordinated by the state and is anticipated to occur in mid-May. The total estimated cost of the project is approximately \$1 to \$1.2 million.

Is there a motion to adopt the resolution approving the plans, specifications, form of contract, and setting the bid opening date for the Clay Street Inlay Project?

D. Resolution Authorizing the Use of a Justice Assistance Grant by the Police Department

Presented for City Council's consideration is a resolution authorizing the use of a Justice Assistance Grant by the Police Department. Previously a public hearing was held to receive public comment on the receipt of funding through the American Recovery and Reinvestment Act of 2009 for grant monies totaling \$54,062.20. These funds can be utilized by law enforcement agencies to purchase capital items that have not been budgeted.

Is there a motion to adopt the resolution authorizing the use of a Justice Assistance Grant by the Police Department?

E. Resolution to Approve Refuse Collection Rates Effective July 1, 2009

Presented for City Council's consideration is a resolution to approve the refuse collection rates effective July 1, 2009. Included in the 2009/2010 budget are increases in refuse collection fees. This will increase rates from the current \$15.50 per month to \$18.25 per month for regular residential customers and \$10.50 to \$13.25 per month for senior citizens. Rates for commercial customers will be increased by approximately 15%. The increase in fees is required to offset significant increases in the transfer station tipping fees as well as increased personnel and fuel costs. Also the increased fees will fund the additional recycling trailers budgeted for 2009/2010.

Is there a motion to adopt the resolution approving refuse collection rates effective July 1, 2009?

F. Resolution to Approve Transfer Station Rates Effective July 1, 2009

Presented for City Council's consideration is a resolution to approve transfer station rates effective July 1, 2009. Included in the 2009/2010 budget are increases in transfer station fees. The increased rates will be from \$41 per ton to \$60 per ton for regular waste and from \$43 to \$62 per ton for special waste. The increase is primarily related to the significant cost of constructing new cells at the landfill.

Is there a motion to adopt the resolution approving transfer station rates effective July 1, 2009?

G. Resolution to Approve Sewer and Collection and Drainage Fees Effective July 1, 2009

Presented for City Council's consideration is a resolution to approve sewer and collection and drainage fees effective July 1, 2009. In conjunction with the renovations underway at the Water Pollution Control Plant, the City Council tentatively approved rate adjustments for the next four years to cover the cost of improvements. The rate adjustments will result in a \$1 per month increase in sewer fees for each of the next four years for the average residential customer. The average residential bill is currently \$20.48 per month and will increase over the next four years to \$24.48 per month. Collection and drainage fees are also proposed to increase over the same four year period. These fees are currently \$9.25 per month and will increase to \$9.70 effective July 1, 2009, \$10.15 effective July 1, 2010, \$10.60 effective July 1, 2011, and \$11 effective July 1, 2012.

Is there a motion to adopt the resolution approving sewer and collection and drainage fees effective July 1, 2009?

H. Resolution Approving Contract and Bond for the 2009 Street Improvements Project

Presented for City Council's consideration is a resolution approving the contract and bond for the 2009 Street Improvements Project. Previously City Council took action to award this contract to Illowa Investment Inc. in the amount of \$2,557, 601.61. All appropriate documentation has been submitted and approved by city staff at this time.

Is there a motion to adopt the resolution approving the contract and bond for the 2009 Street Improvements Project?

I. Resolution Accepting Completed Work Under the 2008 Street Improvements Project and Authorizing Final Payment

Presented for City Council's consideration is a resolution accepting completed work performed under the 2008 Street Improvements Project and authorizing final payment. In 2008 the city entered into a contract with Illowa Investment Inc. in the amount of \$2,252,884.40. No change orders were submitted. Based upon the work completed, the total project cost was \$2,001,582.07. To date, \$1,901,502.97 has been paid with the remaining balance of \$100,079.10 remaining to be paid including the 5% retainage. All work has been completed at this time.

Is there a motion to adopt the resolution accepting completed work performed under the 2008 Street Improvements Project and authorizing final payment to Illowa Investment Inc.?

J. Request to Certify the City's Commitment for the Matching Fund Portion of the Municipal Hangar/Snow Removal Equipment Building at Municipal Airport

Presented for City Council's consideration is a request to certify the city's commitment for the matching fund portion of the Municipal Hangar/Snow Removal Equipment Building at the Municipal Airport. Each year the city submits to the FAA a revised five-year capital improvement program listing for anticipated projects at the airport. This is done to secure funding that may be available from federal or state sources. Previously the city had submitted a request for the construction of this type of building to accommodate the new snow removal equipment that was delivered this year. It appears the city may be able to take advantage of additional state funding being made available for such projects at this time. In order to do so, it is the recommendation of the engineer and city staff that the Council commit to a percentage greater than the 15% required for state funded projects. The original estimate for the project was \$639,000. Additional funding requirements of \$45,000 will bring the total project cost to \$784,000. If approved by Council and affirmed by the FAA and the State Division of Aviation, the city's overall cost share would be \$70,450. If approved by City Council, the city's match requirement will be provided through future bond proceeds.

Is there a motion to approve the certification of the city's commitment for the matching fund portion of the Municipal Hangar/Snow Removal Equipment Building at the Municipal Airport?

K. Request Authorization to Extend Heinz Agreement

Presented for City Council's consideration is a request for authorization to extend the Heinz agreement. The current contract for services with H.J. Heinz Company for wastewater services expires April 30, 2009. A new contract for services has been negotiated which will be effective May 1, 2009 through April 30, 2013. For the next four years, the contract calls for a 1% fee adjustment for the first year and a 3% adjustment for the remaining three years. No other changes in the contract provisions are proposed at this time.

Is there a motion to authorize the extension of the Heinz agreement?

L. Request Approval of Copier/Printer Lease Agreement

Presented for City Council's consideration is a request to approve a copier/printer lease agreement. The city currently has a five-year operating lease for its main copier that will expire in November 2010. The city has been approached by Xerox representatives with an option of converting the existing lease to a new five-year lease for a new machine with a monthly savings of approximately \$59.52 (\$714.24 annually). The machine will have the same basic features and capabilities. Staff is recommending the upgrade at this time.

Is there a motion to approve the copier/printer lease agreement?

M. Request to Use Public Surplus for Disposal of Surplus Items

Presented for City Council's consideration is a request to use an online public surplus disposal site for surplus city property. There is no agreement or commitment to participate on this online service that is currently used by a number of public entities in Iowa. There is a 7% fee for utilizing the system of which 6% is paid by the buyer and 1% by the city. If approved by Council, the city will advertise the availability of this website for the disposal of surplus property to the general public.

Is there a motion to approve the request to use publics surplus.com for the disposal of surplus items?

N. Request to Declare Property as Surplus

Presented for City Council's consideration is a request to declare city property as surplus. Periodically city staff gathers surplus city material for disposal. Each department is given the opportunity to review these items before offered for public sale. This year the city will be utilizing a web-based system "publicsurplus.com" for the disposal of city property. Prior to release of that list, Council must declare this property as surplus.

Is there a motion to declare property as surplus and authorize its sale?

O. Request to Approve Amendments to Personnel Policies

Presented for City Council's consideration is a request to approve amendments to personnel policies. At last week's in-depth meeting, a review was made of proposed changes in the city's personnel policies. They are changes to the family medical leave policy, cell phone usage policy, privacy of city equipment and lockers policy, and vacation accrual policy.

Is there a motion to take action to approve amendments to personnel policies?

P. Request to Issue Purchase Order for Zoo Garden

Presented for City Council's consideration is a request to issue a purchase order for the Zoo Garden Project. In 2007 the City Council approved the concept plan of the Weed Park Zoo Garden Project. This is subject to 100% outside funding. Since that time, a volunteer group has been working with Parks and Recreation staff to finalize the plans and specifications and to secure funding for the project from outside sources. At this time that has been accomplished and city staff is requesting that City Council take action to approve the bid submitted by Kellor & Kellor in the amount of \$73,892 to provide the work for the project. A substantial amount of volunteer hours will also be utilized to assist in this project.

Is there a motion to approve the issuance of a purchase order for the Weed Park Zoo Garden Project?

Q. Resolution to Establish an Urban Renewal Area and Approval of the Urban Renewal Plan Amendment to the 2009 Addition to the Highway 38 Northeast Urban Renewal Area

Presented for City Council's consideration is a resolution to establish an Urban Renewal Area and approval of the Urban Renewal Plan Amendment to the 2009 Addition to the Highway 38 Northeast Urban Renewal Area. Previously a public hearing was held to receive public comment on the proposed changes to the Highway 38 Northeast Urban Renewal Area Plan. If approved by City Council, the plan would

be expanded to incorporate Clay Street from Park Avenue to Isett Avenue and Colorado Street from Park Avenue to University Drive. By expanding the Urban Renewal Area, the city will be able to utilize tax increment financing dollars to assist in providing financial assistance and improvements on these two roadways.

Is there a motion to adopt the resolution establishing an Urban Renewal Area and Approving of the Urban Renewal Plan Amendment to the 2009 Addition to the Highway 38 Northeast Urban Renewal Area?

R. Request Approval of Change Order #4 for the Parallel Taxiway Project at the Municipal Airport.

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – March 23 & 30, 2009
- B. Board of Water, Electric, and Communications Trustees – February 24, 2009
- C. MP&W Communications Utility – December 2008 (Final)
- D. MP&W Electric Utility – December 2008 (Final)
- E. MP&W Water Utility – December 2008 (Final)
- F. MP&W Communications Utility – February 2009
- G. MP&W Electric Utility – February 2009
- H. MP&W Water Utility – February 2009
- I. NFPA Fire Survey – February and March 2009
- J. NFPA Fire Survey – Y-T-D

14. APPROVAL OF BILLS

It is recommended bills totaling \$2,044,950.48 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