

City Administrator Report to Mayor & City Council

May 8, 2015, Edition No. 172

WEEKLY UPDATE:

1. Fire Department: Attached is the draft flyer for the EMS Day at Farm & Fleet.
2. Flood Maps: The City received preliminary Flood Insurance Rates Maps this past week and is reviewing this maps at this point. One glaring issue is showing on the map - several portions of HNI's campus downtown are included. These are low lying areas that often flood in heavy rain and this is not related to the Mad Creek Levee improvements. Staff will coordinate with HNI to see how best to tackle this issue and that may include an appeal with FEMA.
3. MUSCOM: As an option, The city and county could likely just adopt a side agreement or amendment to the 28E agreement that solely deals with the budget rather than dealing with broader changes to the agreement at this point. Correction: I want to be clear on the meeting invite for the May 16th meeting. My recollection was that the email invite came through the MUSCOM Board. I was not correct. The email went to 51 people in Muscatine County, including council and myself. It was sent by Sarah Downey at 4:02 on 4/28. I sent this correction to the Journal and Nancy Schreiber at the County Administrative Offices.
4. China: Our Friends from China arrived in town this week. Their focus is on creating a Muscatine Center in two locations in China, tourism generation, and they will be participating in the hotel announcement to come later in May.
5. Bi-State: Attached please find a copy of the Commission in Review for April 2015. Please forward this report to each of the elected Board or Council members in your jurisdiction, as applicable. The Commission in Review is intended to assist the over 400 elected officials from our member governments in being better informed of their Commission's activities. If you have any questions or suggestions regarding the content or format of this report, please do not hesitate to contact me. Sarah Grabowski, Bi-State Regional Commission.
6. MMGC: We will be holding an Open House for the new Golf Pro on May 20th in the afternoon from 3-7PM at the Club House. There is also a Calloway Demo Day that afternoon.
7. Blue Zones: Andrew and I attended the First Annual Blue Zones Summit in Des Moines with Dan Buettner and Dan Burden which was hosted by Wellmark and Healthways. Great event and an opportunity for communities to share ideas, accomplishments and find new resources.
8. Rayfield installed the 3 temp repeaters at the tower sites. These have been put in place until Motorola fixes the software issues with the ones we have. Portables were gone over one more time to fine tune programming.

9. Des Moines Register Request: Requests for public information are on the rise and historically it has been our understanding that cities are not required to create reports, but simply hand over the information in the formats that we currently have or control. We have also asked for clarification from IPIB as to how we may charge for these items. A recent request from the Register would require around 10 hours of research and report creating by Asst. Chief Sargent. Please see the attached request.

ADDITIONAL INFORMATION

Per P&R Staff: Listed below you will find an update on the projects, events, and programs as requested:

Recreation Programs - City wide sign up for all of our park and recreation summer programs starts on Tuesday, May 5th. The 2015 Brochure was distributed to the community the last week of April and is available on-line.

Disc Golf Tournament - The Disc Golf Club sponsored the seasons first Disc Golf Tournament on the weekend of May 2nd/3rd. Attendance was very strong and we heard many positive comments!

JDRF Car Show - The Annual JDRF Car show took place on Sunday, May 3rd on the Riverfront in front of Pearl City Station. The group was very pleased with attendance and the amount of cars that entered the event.

Soccer Tournament - The Iowa Soccer League hosted a U11/12 boys and girls soccer event on May 2nd and 3rd. There were around 60 teams that participated. We heard many positive comments about the facility. Due to the large attendance numbers parking overflow was needed.

Cardinal Baseball Tournament - The Cardinal youth baseball organization sponsored a small tournament the weekend of May 2nd and 3rd. This was their second tournament of the season. The leader of the group reported that he had many positive comments from the teams. The next Cardinal event will be May 16th and 17th with 50 teams anticipated to be in attendance.

Farmers Market - The Annual Farmers Market Saturday morning program started for the season on May 2nd. There were many vendors with no complaints received to date.

Sister Cities Park - The Sister Cities Park located at 8th and Cedar is under development with many volunteer and staff support hours being used this past week. The site will be a positive aesthetic addition to that intersection once completed.

March of Dimes - The current Miss Pearl City sponsored a March of Dimes fund raising event on the Riverfront at Pearl City Station on May 2nd. She was very

pleased with the event and they raised nearly \$900.00 for their cause.

Art Center Weddings - This past week the Park Maintenance Staff prepared the Art Center grounds for a wedding that took place on May 2nd. This was the first of many weddings that are scheduled at the Art Center this year. The grounds looked great!

Tree ReLeaf Program - On Saturday, May 2nd the DNR in collaboration with Muscatine Parks and Recreation sponsored our first tree distribution day for the community. There were nearly 200 trees that were distributed to interested citizens. There was also a tree planting demonstration provided at the event. There were about 250 people involved in the event.

Pool Staff Orientation - Monday, May 4th starts the process of training our pool staff. We have roughly 40 life guards this year which is more than we have had in past years. We have had to turn some guards away this season. Total seasonal staff at the pool with slide attendants and cashiers will be roughly 60 people. Water will be put in the pool the week of May 11th with the Aquatic Center opening for the season on Saturday, May 23rd!

DNR Tree Grant - The next phase in our community tree grant program will take place on Tuesday, May 5th with a course in tree identification and proper tree planting techniques.

Midwest Regional Soccer Tournament - On May 9th and 10th we will host the Spring MRL Soccer Tournament at the Muscatine Soccer Complex. There will be roughly 60 teams representing 8 states.

Muscatine Softball Boosters - On May 9th and 10th Kent Stein Park will host the Annual Muscatine Softball Boosters Softball Tournament. There are currently 48 teams from our region registered for this event ranging in age from 10 to 18.

Muscatine Youth Baseball - The local Muscatine Youth Baseball organization will have their season kickoff on Friday, May 8th with a Home Run Derby with games to start on Saturday, May 9th.

Mississippi Mist - The Riverfront interactive fountain will be turned on during the week of May 4th. It will be in operation from May through October weather permitting.

Bruner Field Netting - The foul ball safety netting at Bruner Field should be installed soon. MP&W has the net and is currently meeting with utility support services in the park with the intent of installing the system as soon as possible.

Golf Professional - Matt Romer our new Golf Professional will be attending Rotary, Lions Club, and Kiwanis as soon as he can get on their schedules. He will attend and be introduced at the next YPN event and at the next Chambers Member to Member event. I will introduce him to the City Council at the May 14th meeting. The Open House is scheduled to take place at the May 20th Callaway

Demonstration Day.

Cemetery Steps Project - The agreement was presented to the group last week for their concurrence.

Boat Harbor/Marina - Registration is under way for the 2015 Boating Season. The gas dock will be available for the Memorial Day weekend.

Golf Course - Through the end of April we are roughly 500 rounds ahead of last year at this time. Season Pass sales have been strong but not overwhelmingly better than last year. We continue to hear many positive comments about course conditions. The maintenance staff is doing a really good job in caring for the facility!

Kent Stein Park/Soccer Complex - The parks are in full swing for the season. The schedules are as full as I have ever seen them! The maintenance staff has done a great job so far in preparing the facilities for play.

Greenwood Cemetery - The grounds look incredible in the cemetery. I think the maintenance staff is doing a really good job! The big push will be for Memorial Day weekend!

Park Maintenance - In reviewing overall park conditions I think we are in good shape. I have heard many many positive comments from citizens on the conditions of the parks. Right of Way mowing, public property mowing and street tree care combined with system wide planting bed care will be a focal point as the growing season is here! I think the maintenance staff is also doing a good job!



24TH ANNUAL
MUSCATINE COUNTY EMERGENCY MEDICAL SERVICES ASSOCIATION
CHILD/FAMILY SAFETY DAY
SATURDAY, MAY 9, 2015 • 10:00AM-2:00PM

30 Children
Million
Receive Emergency Care Each Year
Is Your Community Prepared?



Blain's FARM & FLEET®
PARKING LOT

VISIT DISPLAYS BY:

MUSCATINE FIRE DEPT: AMBULANCE/ENGINE/AERIAL

FIRE SAFETY HOUSE FOR CHILDREN - EXPERIENCE A REAL SMOKY HOUSE AND LEARN HOW TO ESCAPE SAFELY!!

FREE BLOOD PRESSURE

WILTON FIRE & EMS

LOUISA COUNTY AMBULANCE

ATALISSA FIRE & EMS

DURANT AMBULANCE

WEST LIBERTY FIRE DEPT AMBULANCE

MUSCATINE SEARCH & RESCUE

FRUITLAND FIRE DEPARTMENT

NICHOLS FIRST RESPONDERS



MEDFORCE HELICOPTER LANDING
BETWEEN 11:00-12:00 PM
(Time Estimate Only)



CAR SAFETY SEAT INSPECTIONS
BY DARREN BROOKE-MUSCATINE FIRE DEPARTMENT

CHILD FINGER PRINT IDENTIFICATION KIT
COURTESY OF MIKE GAETA-PRUDENTIAL

PET SAFETY & INFO
BY CANINE ACTIVITY CENTER OF MUSCATINE (CACM)

PHOTO ID KITS
PROVIDED BY
MAILBOX AND PARCEL DEPOT

PROUDLY SPONSORED BY:

- BLAIN'S FARM & FLEET
- WESTER DRUG
- THE SICILIAN AND ALSO:
- SAM VITALE & SON'S PIZZERIA COMING SOON!
- FLOWERS ON THE AVENUE
- RALPH J WITTICH-RILEY-FREERS FUNERAL HOME
- TACO JOHN'S
- STATE FARM - BRENDA GARCIA
- TRINITY PUBLIC HEALTH
- RICH HINES
- STATE FARM - BOB KEIG
- STATE FARM- AMANDA BUENEMANN
- FAMILY EYE AND CONTACT LENS CENTER
- ARTHUR J GALLAGHER INSURANCE-MUSCATINE (FORMALLY MILLER & HARRISON)
- FIRST NATIONAL BANK OF MUSCATINE
- KRIEGER AUTO GROUP
- BREWER HEATING AND COOLING
- IOWA MEMORIAL GRANITE CO.
- BECKEY INSURANCE AND FINANCIAL SERVICES
- MIKE GAETA-PRUDENTIAL
- CARTRIDGE WORLD - TIM REED
- MUSCATINE MEDICAL SURGICAL ASSOCIATES
- DR. CAL ATWELL - EMS MEDICAL DIRECTOR
- RACHEL CREAMER, ARNP/FNP
- JENNIFER MEYER, ARNP/FNP
- D & L PROPERTIES LLC- DARREN & LORI BROOKE
- SPOUSE DISTRIBUTING
- MAILBOX AND PARCEL DEPOT
- CINDY BURR, ARNP
- RETIREMENT RESOURCE GROUP - BECKEY, SMITH, AND BOWER
- RIVER REHABILITATION PHYSICAL THERAPY
- MUSCATINE JOURNAL

Muscatine County EMS Assn would like to thank these businesses and individuals for their continued support of this annual community event!

 **EMS** MORE THAN A JOB. A CALLING.

AD NUMBER: OCT201505
CUSTOMER: SPOUSE DISTRIBUTING
SALES REP: BEN ROBERSON
DATE: 5/22/15 11:42:10
FPO



Muscatine
Journal



Commission in Review

April 2015

Serving local governments in Muscatine and Scott Counties, Iowa;
Henry, Mercer, and Rock Island Counties, Illinois.

NEXT COMMISSION MEETING:

Wed., May. 27, 2015
3:30 p.m.

Scott Co. Admin Bldg.
6th Floor Conf. Room
600 West 4th Street
Davenport, Iowa

APA TRAINING SERIES

"The Planning Office of
the Future"

Wed., Jun. 3, 2015
3-4:30 p.m.

Third Floor Conf. Room
1504 Third Ave., R.I.

Call (309) 793-6302,
Ext. 138 or e-mail
pearson@bistateonline.org
to register.

CIR VIA E- MAIL

Would you like to get
this report via e-mail?
Let us know at
info@bistateonline.org

Mission Statement:

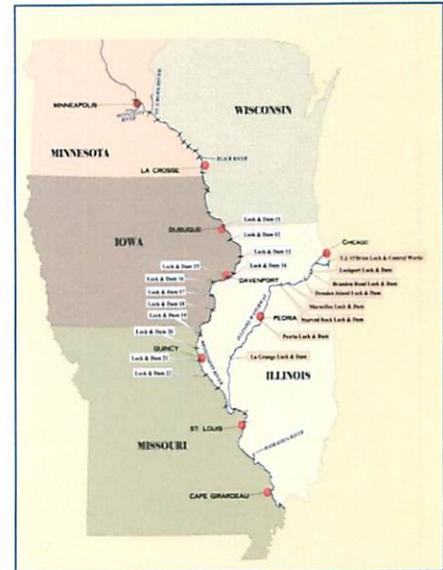
To serve as a forum
for intergovernmental
cooperation and
delivery of regional
programs and to
assist member local
governments in
planning and project
development.

Challenges and Opportunities for Mississippi River Navigation Infrastructure

Tom Heinhold, Deputy Chief, Operations Division at the U.S. Army Corps of Engineers (COE) - Rock Island District, spoke on the challenges and opportunities for maintaining and improving the infrastructure on the Mississippi River. On the 1,200 mile Mississippi River navigation system, there are 37 lock sites predominately built between 1930 and 1945. Aging and decaying infrastructure coupled with limited federal appropriations presents a number of challenges in maintaining this vital marine highway system.

The Upper Mississippi River (UMR) carries more than 600 million tons of cargo each year. With the completion of improvements to the Panama Canal in 2016/17, opportunities may be present to increase river navigation and move more products. Barge transportation is the least expensive mode for bulk commodities and the most green transportation option. Mr. Heinhold cited the cost savings for industry as \$23.74 per ton for traffic moving through the UMR.

U.S. Inland Waterway Trust Fund supports a portion of the system. In 2014, the navigation fuel tax was raised from \$0.20 to \$0.29 per gallon. The last increase was in 1984. Mr. Heinhold explained there are three main programs to fund projects - operation and maintenance, major rehabilitation, and future improvements. Only operations and maintenance has been funded but not to its fullest extent.



Why should we care about inland navigation?

Because our international competitiveness depends on it!

Costs of transporting soybeans: U.S. vs. Brazil
(per metric ton; 4th quarter, 2010)

	Davenport to Shanghai	Sioux Falls to Shanghai	N. Mato Grosso to Shanghai
Land: Truck	\$8.94	\$8.94	\$120.12
Land: Barge/Rail	\$31.85 (Barge)	\$50.31 (Rail)	-----
Ocean	\$55.46	\$29.25	\$31.67
Total Transport	\$96.25	\$88.50	\$151.79
Total Landed Cost	\$495.41	\$474.06	\$566.25

NOTE: After new Panama Canal Locks open (2015/2016), Davenport shipping costs To China are expected to decrease by \$12.00 per metric ton

Source: USDA

6

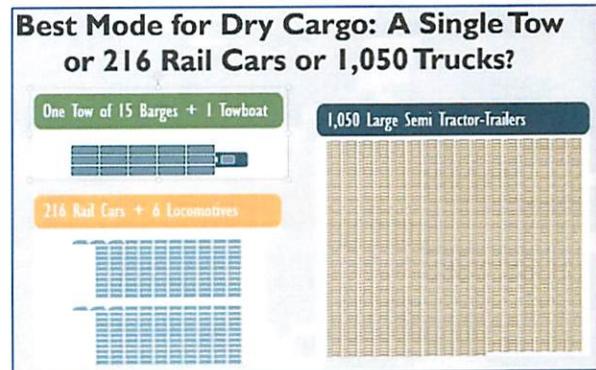


River, from Page 1

Mr. Heinhold noted upcoming work on the river navigation system, as well as spoke of the backlog of projects. Work in FFY 2015-16 includes:

- Lock 9 winter 2016 dewatering
- Lock 13 winter 2016 dewatering
- Locks 14-17 bulkhead recesses FY 15-16
- Lock 21 winter 2016 dewatering
- Locks 12, 14, 15 Miter Gates FY 15-16
- Dam 18 Concrete Repairs FY16
- Lock 15 and 21 Guidewall Repairs FY16

The result of delayed maintenance and new project implementation affects system reliability and contributes to congestion within the river navigation system. This will be further strained when improvements to the Panama Canal increase demand to transport agricultural projects from the Midwest to foreign ports. However, the Water Resources Reform and Development Act (June 2014) made provisions to allow public-private partnerships (P3). P3s may encourage more innovative partnerships and solutions to the nation's navigation system. Mr. Heinhold concluded the presentation emphasizing the need for recognizing the value and opportunities of the inland waterway system.



CEDS Progress Report 2015 to EDA April 30, 2015

Denise Bulat, Executive Director, presented the final draft of the *Bi-State Region Comprehensive Economic Development Strategy (CEDS) 2015 Progress Report*. She highlighted items from sections of the document, including the progress on goals, data/demographics, analysis on current economic conditions, and a projects list from the Bi-State Region.

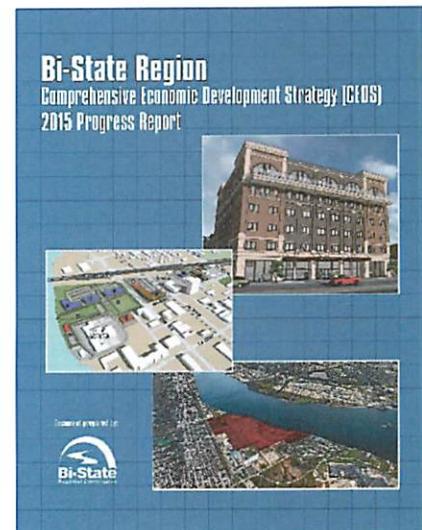
She noted that the CEDS progress reports are produced in interim years with a full plan created every five years, as required to receive federal funds.

Bi-State Region governments and development organizations self-reported 66 economic development related projects completed between July 1, 2014 and April 2015. Projects in the list included sewer, water, roads, housing, and business expansions that had public assistance of some kind. The estimated jobs created was 469 with 882 retained jobs and a total of \$234 million in investment.

The top three business expansions since July 1, 2014 were Heinz in Muscatine with 130 jobs created; Hill & Valley Inc. in Rock Island with 25 jobs created and 150 retained; and Bridgestone Bandag in Muscatine with 138 jobs retained.

The top three losses in the same time period were John Deere in the Quad Cities with 545 jobs lost; Jacobson Warehouse in Rock Island with 137 jobs lost; and Country Stone in Rock Island with 74 jobs lost.

Commissioners approved a resolution to adopt the 2015 CEDS Progress Report, and the report was submitted to the Economic Development Administration.



FY2016 Work Programs for Quad Cities and Iowa Region 9 Underway

Prior to the Bi-State Regional Commission budgeting process, staff annually prepares the Transportation Planning Work Programs (TPWP) for the Quad Cities metropolitan planning area (MPA) and Region 9, serving rural Scott and Muscatine Counties. The work programs reflect staff work tasks/activities for the upcoming fiscal year.



The TPWPs include budgets for transportation planning short and long-range activities and delineate federal, state, and local planning funds. Activities include staffing transportation meetings, technical assistance, such as grant writing and traffic or trail studies/analysis, as well as the development of various modal plans and transportation funding programming. As an example, \$5.1 million dollars was programmed to roadway projects in the Quad Cities and Region 9 during the current fiscal year.

In the Bi-State Region, major transportation efforts furthered by these federal planning dollars include:

- Improve River Crossing Capacity
- Reduce Congestion and Improve Mobility Choices
- Coordinate Modes for Sustainability
- Implement Long-Range Projects and Develop Long-Range Plans
- Coordinate Passenger Transportation Opportunities
- Integrate Safety and Security
- Implement New Planning Regulations (Performance Measures, Transportation Alternatives) and Monitor Transportation Act Reauthorization



The total planning effort for urban transportation planning amounts to \$830,321 in the urban area and \$61,582 in Region 9. The Commission approved resolutions to authorize application of the federal planning grants and execute the respective grant agreements. The Region 9 program utilizes \$10,000 in local Surface Transportation Program (STP) funds to support the planning effort.

**BI-STATE REGIONAL COMMISSION
FY 2014-15 Program Budget Status Report
Through Month of March – 75% of Year**

ADOPTED BUDGET:	\$2,137,763.00	EXPLANATION:
EXPENDED THROUGH MARCH:	\$1,554,981.50 (72.7%)	
STAFF LEVEL BUDGETED:	25.25 F.T.E.	
STAFF LEVEL MAINTAINED:	22.75 F.T.E.	

MEMBER GOVERNMENTS SERVED DIRECTLY AND ACTIVITIES DURING MARCH:

ALEDO – RLF Coord.; Transit Mobility/HSTP Planning; Website Support.
ALPHA – HCEDP Participation; Transit Mobility/HSTP Planning; Enterprise Zone.
ANDALUSIA – RICWMA Staffing; Riverfront Council; Website Support; Zoning Map update.
ANDOVER – HCEDP Participation; Transit Mobility/HSTP Planning; Enterprise Zone.
ATKINSON – HCEDP Participation; Transit Mobility/HSTP Planning; Website Support; Enterprise Zone.
BETTENDORF – Air Quality Asst.; Drug/Alcohol Testing Consort.; I-74 Bridge Coord.; IAQC Transit Planner Coord. & Transit Support; Joint Purchasing; QCICNet; Riverfront Council; RLF Loan Admin./Marketing; Scott Co. Housing Council; Solid Waste Coord.; Trail Coord.; Aerial Photo Coord. Asst.; REAP Plan Update; TIP Project Coord.; Park/Rec Plan Update Agreement; RISE grant asst.; Retail sales req.
BLUE GRASS – Reg. 9 Transp. Coord., LRTP & STP-TAP /Inquiries; Solid Waste Coord.; Website Support; Aerial Photo Coord. Asst.; Grant Research & Apps; Zoning Map Update.
BUFFALO – Riverfront Council; Solid Waste Coord.; Trail Planning Asst.; Aerial Photo Coord. Asst.; Grant Research.
CAMBRIDGE – HCEDP Participation; Transit Mobility/HSTP Planning; Website Support; Enterprise Zone; Grant Research.
CARBON CLIFF – Joint Purchasing; RICWMA Staffing; Trail Planning; Aerial Photo Coord. Asst.
COAL VALLEY – Joint Purchasing; MUNICES Coord.; RICWMA Staffing; Aerial Photo Coord. Asst.; Floodplain; Zoning Map Update.
COLONA – Joint Purchasing; Floodplain; Enterprise Zone; Official Orientation.
CORDOVA – RICWMA Staffing; Riverfront Council & Riverfront Planning; Website Support.
DAVENPORT – Air Quality Asst.; IAQC Transit Planner Coord., Transit Support, Data for Comp Route Analysis, and TIP/TPMS orientation; Joint Purchasing; QCICNet; Riverfront Cnd.; RiverVision; RLF Loan Admin.; Scott Co. Housing Cnd.; Solid Waste Coord.; Transit Funding & NTD Asst.; Dav. Schools Haz. Mit. Plan; IMCP/EDA Grant w/ QC Chamber; Aerial Photo Coord. Asst.; Trails Planning & Counter Data Analysis; REAP Plan Update; Population Forecast Request; RISE Grant letter.
EAST MOLINE – Air Quality Asst.; E9-1-1 Coord.; IL QC Intergov. Comm.; Joint Purchasing; MUNICES Coord.; QCICNet; RICWMA Staffing; Riverfront Council; RLF Admin.; RMS Coord.; Interoperability Project; Trail Planning; Consol. Dispatch Study Asst.; Floodplain; Aerial Photo Coord. Asst.
ELDRIDGE – Drug & Alcohol Consort.; Solid Waste Coord.; Web Support; Aerial Photo Coord. Asst.; Strategic Trails Plan.
GALVA – Broadband Coord.; HCEDP Participation; Transit Mobility/HSTP Planning.
GENESEO – HCEDP Part.; Website Support; Transit Mobility/HSTP Planning; Strategic Planning Proposal; Residency Map & Voting Map Development; Grant Research.
HAMPTON – MUNICES Coord.; RICWMA Staffing; Riverfront Council.
HENRY COUNTY – HCEDP Participation; Joint Purchasing; Transit Mobility/HSTP Planning; Trail Coord.; Legislative Priorities Asst.; Zoning/LESA Reviews; EDA/USDA Grant; Aerial Photo Coord. Asst.; Floodplain Coord. Efforts; Enterprise Zone; Econ. Dev. Impact Study Req.
HILLSDALE – Transit Mobility/HSTP Planning; Floodplain.
KEWANEE – Transit Mobility/HSTP Planning.
LECLAIRE – Joint Purchasing; Riverfront Council; Solid Waste Coord.; Trail Planning; Aerial Photo Coord. Asst.; Comprehensive Plan Proposal.
LONG GROVE – Reg. 9 Trans. Coord.; LRTP; Solid Waste Coord.; Website Support; Aerial Photo Coord. Asst.
MCCAUSLAND – Reg. 9 Trans. Coord.; Solid Waste Coord.; Grant Applications.
MILAN – E9-1-1 Coord.; IL QC Intergov. Comm.; Joint Purchasing; MUNICES Coord.; QCICNet; RICWMA Staffing; RLF Admin.; RMS Coord.; Interoperability Project; Cons. Dispatch Study Asst.; Aerial Photo Coord. Asst.; Fact Sheet Update.
MOLINE – Air Quality Asst.; E9-1-1 Coord.; Joint Purchasing; I-74 Bridge Coord.; IL QC Intergov. Comm.; MUNICES Coord.; QCICNet; RICWMA Staffing; Riverfront Cnd.; RLF Adm.; RMS Coord.; Trails Coord.; Interop. Proj.; Rail Coord.; Cons. Disp. Study Asst.; Aerial Photo Coord. Asst.
MUSCATINE CITY – Air Quality Asst.; Joint Purchasing; Reg. 9 Transportation Coord., LRTP and STP-TAP Solicitations/Inquiries; RLF Coord.; Solid Waste Coord.; Trail Planning/ADT Coordination; Sidewalk Policy; Aerial Photo Coord. Asst.; Fact Sheet Update.
MUSCATINE COUNTY – Air Quality Asst.; Joint Purchasing; Reg. 9 Coord. LRTP and STP-TAP Solicitations/Inquiries; Solid Waste Coord.; Trails Planning/ADT Coordination; Transit Mobility Coord.; Website Support; Hazard Mitigation Plan; EDA RLF Coord.; Aerial Photo Coord. Asst.
NEW BOSTON – Transit Mobility Coord./HSTP Planning; Website Support; OSLAD Grant App Follow-up.
OAK GROVE – E9-1-1 Coord.
ORION – HCEDP Participation; Website Support; Transit Mobility/HSTP Planning; Enterprise Zone.
PORT BYRON – RICWMA Staffing; Riverfront Council; Zoning Map req.
PRINCETON – Riverfront Council; Solid Waste Coord.; Trail Planning; Aerial Photo Coord. Asst.
RAPIDS CITY – RICWMA Staffing; Riverfront Council.
RIVERDALE – Riverfront Council; Solid Waste Coord.; Trail Coord.; Website Support.
ROCK ISLAND CITY – Air Quality Asst.; E9-1-1 Coord.; IL QC Intergov. Comm.; Joint Purch.; MUNICES Coord.; QCICNet; Riverfront Cnd.; RiverVision; RICWMA Stfg.; RLF Loan Admin.; RMS Coord.; Interop. Proj.; Consol. Dispatch Study App.; Aerial Photo Coord. Asst.; Trail Count; Enterprise Zone; Advanced Tech & Sustain Committee; Daytime Pop. Req.
ROCK ISLAND COUNTY – Air Quality Asst.; E9-1-1 Coord.; IL QC Intergov. Comm.; Joint Purchasing; LEPC Committee; MUNICES Coord.; QCICNet; RICWMA Stfg & Website Support; RMS Coord.; Trail Coord.; Transit Mobility/HSTP Planning; Passenger Rail; Floodplain Coord. Efforts; Hazard Mitigation Planning Coord.; QC Health Initiative; LRTP TAZ Projections; Highway Safety Planning; Forest Preserve Map Map Update; Graphics Asst.- Business Cards.
SCOTT COUNTY – Financial Management – Scott Co. KIDS and Scott Co. Hsg. Cnd.; Scott Co. Kids Community Plan; Air Quality Coord.; I-74 Bridge Coord.; Joint Purch.; QCICNet; Reg. 9 Transportation Coord., LRTP & STP-TAP Solicitation; RLF Admin.; Solid Waste Coord.; Trail Planning/ADT Coord.; REAP Plan Update; Transit Mobility/HSTP Planning; Interop. Project; Aerial Photo Coord. Asst.; QC Health Initiative; FEMA Safe Room Grant Asst.; Countywide IT Survey; Future Land Use Map req.; Conservation Dept. Buffalo Bill Scenic Byways Map.
SHERRARD – Joint Purchasing; Transit Mobility/HSTP Planning; Website Support; Grants Inquiries.
SILVS – E9-1-1 Coord.; IL Intergov. Comm. Coord.; Joint Purchasing; MUNICES Coord.; QCICNet; RICWMA Stfg.; RMS Coord.; Trails Plan.; Aerial Photo Coord. Asst.
VIOLA – Transit Mobility/HSTP Planning; CDAP Grant Asst.
WALCOTT – Reg. 9 Transportation Coord., RLF Admin; Solid Waste Coord.; Trail Coord.; Aerial Photo Coord. Asst.
WEST LIBERTY – Air Qual. Coord.; Reg. 9 Transp.; Trails Plan/ADT Coord. Solid Waste Coord.; Musc. Co. Haz Mit Plan; Fact Sheet Update; MMRLF Bus. Loan Docs.
WILTON – Air Qual. Coord.; Reg. 9 Transp. Coord. LRTP & STP-TAP Solicit; Solid Waste Coord.; Muscatine Co. Haz Mit Plan; Fact Sheet Devel.; MMRLF Mktng Asst.; RISE grant App.
WINDSOR – Transit Mobility/HSTP Planning; CDAP Grant Asst./Mapping
WOODHULL – HCEDP Asst.; Transit Mobility/HSTP Planning; Enterprise Zone.

Bi-State Report – March

COMMUNITY/ECONOMIC DEVELOPMENT: Provided information to Henry County Economic Development Partnership (HCEDP) staff & board. Continued administration of Economic Development Administration/United States Department of Agriculture Rural Jobs and Innovation Challenge Grant Program on behalf of multiple member governments in Henry, Mercer, and Rock Island Counties. Attended IA RELAT meetings. Attended Iowa Regional Council and Illinois Regional Council meetings. Assisted members with legislative priorities. Collected data for *Bi-State Region Comprehensive Economic Development Strategy (CEDS) 2015 Progress Report*. Met with Mercer and Muscatine Counties' economic development officials to discuss development efforts and strategies. Hosted American Planning Association (APA) audio-conference on subdivision regulations.

DATA/GRAPHICS/MAPPING/ON-LINE SERVICES

Data Center: Staff responded to approximately 14 data and map requests in March 2015 including 6 from local governments, 4 from businesses, 1 from the federal government, 1 from a non-profit, 1 from a private citizen, and 1 from state government. The data section of the Bi-State website had 111 page views. The data warehouse site (www.greaterqcregion.org) had 353 visits and 578 page views. Staff continued work on the *2045 Quad Cities Long Range Transportation Plan (LRTP)* and the *Bi-State Region Comprehensive Economic Development Strategy (CEDS) 2015 Progress Report*.

Graphics/GIS/Mapping: 2014 Aerial Photo Flyover Coordination; *2045 Quad Cities Long Range Transportation Plan (LRTP)* coordination, data, and GIS/mapping; American Discovery Trail Mapping; Be Healthy QC (PICH) Grant; IL DOT req. for Trails GIS & I-74 info; QC Chamber Sites Assistance – GIS/Floodplains/Community Photos; QC Street Map (Folded & Wall Versions) Update; Urban Travel Model Data and GIS Assistance; Update/Maintain GIS Data for Street Centerlines, Traffic Counts, MPA Boundary, Federal Functional Class Routes, Urban Areas, Corporate Limits, Landmarks, Rail, Trails, and other layers.

WWW.BISTATEONLINE.ORG: Total pages viewed for March 2015 was 2,631 and top pages viewed included: Home Page (1,093); Search Page (123); Our Staff (96); Documents (61); Joint Purchasing Council (53); Careers (52); Who We Are (51); Contact Us (47); and I-74 Iowa-Illinois Bridge Corridor (39).

ENVIRONMENTAL, RECREATION, RIVERFRONT SERVICES: Responded to inquiries & assisted with trail/recreation project funding assistance/grants. Served Rock Island County Waste Management Agency (RICWMA) with coordination of meetings, oversight, and management of waste disposal and recycling programs; reporting; and overall agency administration. Responded to RICWMA telephone inquiries from general public & media concerning solid waste and recycling issues. Organized RICWMA electronic collection event with new vendor. Continued coordination of issues related to Bi-State Region Clean Air Partnership and strategies for emission reduction. Continued multi-jurisdictional hazard mitigation planning. Attended RiverVision and River Action meetings. Attended planning meetings for Upper Mississippi River conference. Attended Mississippi River National Geographic Geotourism Workshop. Organized bi-monthly meeting of Quad City Riverfront Council.

INTERGOVERNMENTAL FORUMS AND REGIONAL SERVICES: Continued assistance to the Joint Purchasing Council (JPC). Worked on the following bids: Turf Chemicals; Janitorial Supplies/Canliners/Food Services; Plotter Paper; Printer/Fax Supplies; and Winter Paper. Staffed Quad Cities Area intergovernmental forums and meetings of area recreation directors, managers and administrators, and chief elected officials. Continued coordination and planning for the awarded Department of Justice interoperability grant. Assisted with Rock Island Arsenal issues.

REVOLVING LOAN FUND (RLF): Administered Bi-State RLF Program: Prepared meeting cancellation notice and financial summary report. Closed on Davenport company loan. Provided information to potential applicants. Continued receiving job creation information from active companies. Administered Mercer/Muscatine RLF Program (MMRLF): Prepared financial summary report. Closed on Muscatine company loan. Provided information to potential applicants. Worked with Aledo, Muscatine City and County, West Liberty, and Wilton to identify potential projects for gap financing.

TRANSPORTATION PLANNING, PROGRAMMING AND PROJECT DEVELOPMENT: Attended related meetings, presented information, and continued staff coordination of river crossing issues. Updated MPA bridge restrictions for CY15. Worked on *2045 Quad Cities Long Range Transportation Plan (LRTP)* chapters, travel model calibration/validation, household survey data analysis, and TAZ level projections. Completed *Bi-State Region Transit Development Plan* update. Held joint interdisciplinary traffic safety meeting. Prepared monthly reports of federal transportation programs and coordinated related funding/reporting. Monitored air quality emission issues and exceedances. Continued "Make Air Quality Visible" strategic plan implementation. Worked on connections of American Discovery Trail (ADT)/Grand Illinois Trail and Mississippi River Trail, and attended related meetings, as well as other trail planning and grant assistance. Facilitated issues related to Bi-State Regional Trails Committee, including "Get Out and Trail-GOAT" coordination. Participated in Partnership in Community Health (PICH) grant work plan development. Coordinated Bi-State Drug and Alcohol Testing Consortium and continued random testing program. Monitored MPO and Iowa Region 9 FY15 Transportation Planning Work Programs and continued FY2016 TPWP development. Monitored FFY15-18 Transportation Improvement Programs (TIP) including facilitating TIP revisions, and maintenance of data entry in Iowa TPMS as part of transportation improvement programming. Initiated MPO FFY16-19 TIP development. Administered IAQC and Illinois Region 2 transit coordinator positions. Administered Bi-State Region Freight Flow Commodity Study and participated in meetings, document review, and coordination. Attended ILDOT Performance Measures Advisory Group meeting. Reviewed transit funding balances and monitored FTA grantee requirements. Monitored status of implementation of passenger rail service to Chicago. Participated in transportation webinars, workshops, or conferences on various topics, including MPO/RPA Directors meeting.

May 7, 2015

Charles Smithson
Iowa Public Information Board
Wallace Building, Third Floor
502 East 9th Street
Des Moines, Iowa 50319
IPIB @iowa.gov

FILED

MAY 07 2015

**IOWA PUBLIC
INFORMATION BOARD**

Re: City of Muscatine's Request for Board Advisory Opinion

Dear Mr. Smithson:

Pursuant to Iowa Code §23.6(3) and Iowa Administrative Code §497-1.2, the City of Muscatine requests an advisory opinion pertaining to Iowa Code Chapter 22—Iowa's Open Records law. Specifically, we request an opinion with regard to: (1) the obligation of a public entity to create a public record that does not exist; (2) the obligation of a public entity to compile public documents into an alternate format that does not exist; and (3) if these types of documents are so required, is the City allowed, in accordance with its Open Records Policy (see attached) and the Police Department's Records Fee Schedule (see attached) to charge the identified fees to recover the time spent creating or compiling the public records. The specific facts relating to these questions are set forth below.

I. Facts

On or about April 30, 2015, the City of Muscatine, Iowa ("City") received a request for information regarding the City's automatic traffic enforcement ("ATE") cameras. The FOIA request requested the following information:

- (i) The number of citations - by year and location - issued from the City's enforcement cameras;
- (ii) The amount of money collected – by year and location – from citations issued from the city's enforcement cameras;
- (iii) The number of appeals – by year – that have been filed for enforcement camera citations; the number of appeals that were successful and number that were unsuccessful, by year;
- (iv) A list of people and/or businesses who filed appeals – and their cases' disposition – in calendar year 2014;

May 6, 2015

City of Muscatine Request for Opinion

Page 2 of 4

- (v) How many citations remain unpaid, by year, and the dollar amount, by year, of the unpaid citations; and
- (vi) How much money the city has spent, by year, on collecting the unpaid citations.

Much of this information is not collected or kept by the City. For example, the City does not track the amount of money collected based on ATE *location* as it only tracks the total amount of money collected on a City-wide basis. However, via considerable research and having a staff member compile the research data, the City may be able to create a report that would satisfy this request. In addition, the City only tracks the dollar amounts that are unpaid by year, not the *number of citations* that are unpaid; however, through research, calculation of data, and additional information from the City's contracted collection agency, the City may be able to create an accurate response to this request. Finally, the City does not maintain the appellate information in a document; however, the data is accessible on the City's computer system and staff could compile reports responsive to these requests—although it would be expected to take approximately ten hours to compile this information and create the document.

The records request at issue in this opinion is not unique as the City is familiar with similar requests that have been made in the past seeking a compilation of data or creation of documents in a format not actually kept by a public entity. As such, the City is seeking guidance on how to comply with the current requested, as well as how to comply with similar requests in the future.

II. Relevant Law on Record Compilation and/or Creation

The City was unable to locate controlling authority regarding the duty of a public entity to create and/or compile documents in response to public records requests and was unable to locate any secondary authority from other jurisdictions. However, given the plain language of Iowa Code Chapter 22, the City takes the position that it has no obligation to create and/or compile any documents in response to a public records request. Specifically, Iowa Code §22.2 provides that "Every person shall have the right to *examine and copy a public record* and to publish or otherwise disseminate a public record or the information contained in a public record;" however, that section does not place an obligation on a public entity to create public records for examination and copying. For example, a sheriff is not required to keep copies of weapon permits or make a compilation of said permits prior to disposing of the permit. *See Clark v. Banks*, 515 N.W.2d 5 (Iowa 1994).

The Attorney General has taken the position that public records may take many forms—for example: city addressograph plates (1982 Op.Att'y.Gen. 212); magnetic tapes or cards (1982 Op.Att'y.Gen. 207); and copies of computer tape or other computer readable medium (1980 Op.Att'y.Gen. 378). Again, however, there is nothing in those Attorney General Opinions that require a public entity to create or compile records responsive to a request.

With regard to databases and data processing software, the Code does provide guidance. For example, Iowa Code Section 22.2(3) states that a government body is not required to permit access to or use of a geographic computer data base or data processing software; however, the government body shall

May 6, 2015

City of Muscatine Request for Opinion

Page 3 of 4

establish reasonable rates and procedures for retrieval of specific records which are not confidential. With regard to data processing software, Iowa Code Section 22.3A states that a government body may provide, restrict, or prohibit access to data processing software developed by the government body, regardless of whether the data processing software is separated or combined with a public record. However, that section also requires a government body to establish policies and procedures to provide access to public records which are combined with its data processing software.

Iowa Code Section 22.3A goes on to allow a public entity to establish payment rates and procedures to provide access to data processing software and to make a record of the data but requires the public entity to bear the cost of separating the public record from the software. That code section also prohibits the use of any electronic data processing system that impairs a public entity's ability to permit examination and copying of a public record in either written or electronic form.

In the present case, some of the responses to requests would be contained in data processing software—and Iowa Code Section 22.3A would presumably apply to those responses—however, the remainder of the requests would not. Specifically, the City does not have a record identifying the number of citations - by year and location - issued from the City's enforcement cameras; the City does not have a record identifying the amount of money collected – by *location* – from citations issued from the city's enforcement cameras; the City does not have a record identifying the number of appeals – by year – that have been filed for enforcement camera citations nor does the City have a record identifying the number of appeals that were successful and number that were unsuccessful, by year. In addition, the City does not maintain a list of people and/or businesses who filed appeals – and their cases' disposition – in calendar year 2014; a record identifying how many citations remain unpaid, by year; nor does the City have any direct costs of collection as all such fees are passed on to the violators.

To the extent the City has information responsive to the current request, the data is contained within numerous documents, databases and records across several departments. The City could generally provide all the documents that contain information responsive to the request; however, without actually directing staff to create documents—there are no records currently in existence that specifically answer the request. Therefore, the City seeks guidance regarding its obligation to respond to the current request and, in general, similar requests in the future.

III. Relevant law on Fees

Iowa Code §22.3(2) provides that “All expenses of the examination and copying shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful custodian or the custodian's authorized designee in supervising the examination and copying of the records.” In accordance with this law, the City has a Policy for Examination or Copying of Records, a copy of which is attached hereto, which provides, *inter alia*, as follows:

“if the number of pages to be copied exceeds twenty-five (25) pages, or if the staff time involved in providing the records exceeds thirty (30) minutes, the following additional fee schedule shall apply:

- *Hourly rate for clerical time needed to make photocopies or copying to a CD--\$24.00 (prorated to the nearest fifteen (15) minutes)*
- *Hourly rate for professional staff time—effective hourly rate of staff member for time needed to produce or review the documents (prorated to the nearest fifteen (15) minutes)...*

The City's Police Department Records Fee Schedule, a copy of which is attached hereto, provides that requests which require research taking more than fifteen minutes will be assessed a fee based on the hourly wage of the staff member, charged in thirty minute increments.

The law is clear that the fee for copying service shall not exceed the actual cost of providing the service as "actual costs" can only include those expenses directly attributable to supervising the examination of and making and providing copies of public records—"actual costs" shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian. *See Iowa Code § 22.3 (2011); see also Op. Att'y Gen. #96-2-1.* In addition, the law allows a retrieval fee to cover the costs of retrieving public records. *See Rathmann v. Board of Directors, 580 N.W.2d 773 (Iowa 1998).* Furthermore, a fee may be charged to cover actual costs of making available to requesters information in electronic storage systems. *See 1982 Op. Att'y Gen. 207.* Finally, providing copies of public records may be made contingent on receipt of payment for expenses to be incurred in fulfilling the request with the estimated expenses communicated to the requester. *See Iowa Code § 22.3.*

We request an advisory opinion on whether or not the City, if required to create records that it does not otherwise maintain, can it charge the fees identified in the City's Policy for its time spent creating the records. In addition, the City seeks an opinion on whether it is allowed to charge the fees identified in the Policy in response to requests where there actually are records responsive to a public records request.

If you need any additional information to respond to this request, please let us know.

Sincerely,



Erin M. Clanton



Matthew S. Brick

Enc.: Open Records Policy
Police Department's Records Fee Schedule

**CITY OF MUSCATINE
POLICY FOR EXAMINATION OR COPYING OF RECORDS**

GENERAL POLICY:

It is the policy of the City of Muscatine to meet all reasonable requests for information and documents within the constraints of Iowa Code Chapter 22. The purpose of this policy is to fix fees for public examination and photocopying.

CUSTODIAN OF RECORDS:

While the overall custodian of the City's records is the City Administrator, a request to view or a request for a copy of a public record shall be directed to the custodian of the public records for the applicable City department. They are as follows:

<i>Department:</i>	<i>Custodian:</i>	<i>Location</i>
Fire Department	Fire Chief	312 E 5 th Street
Police Department	Police Chief	312 E 5 th Street
Public Works	Director of Public Works	1459 Washington Street
All other City Departments	City Administrator	215 Sycamore Street

PROVISIONS:

- This policy is not intended to preclude verbal responses to routine requests for information.
- This policy applies to all municipal records except requests for police department accident reports, medical and fire reports, and fire investigation reports, which are subject to separate policies.
- If the number of photocopies does not exceed twenty-five (25) pages, or if staff time for responding to the request does not exceed thirty (30) minutes, the following fee schedule shall apply:
 - a. Fees for photocopies: **\$.25** per page for black and white copies and **\$1.00** per page for color copies.
 - b. Fee for records provided on a CD is \$10.00.
- 4. If the number of pages to be copied exceeds twenty-five (25) pages, or if the staff time involved in providing the records exceeds thirty (30) minutes, the following additional fee schedule shall apply:
 - Hourly rate for clerical time needed to make photocopies or copying to a CD - **\$24.00** (prorated to the nearest fifteen (15) minutes)

- Hourly rate for professional staff time - Effective hourly rate of staff member for time needed to produce or review the documents (prorated to the nearest fifteen (15) minutes)
 - Routinely prepared or bound reports - Actual cost to produce
 - Special requests for records mapping requests, and other non-traditional methods of providing information may incur additional costs.
5. The person requesting the information shall be provided a bill, which shall be paid before the photocopies will be released. If the cost of responding to a request is estimated to exceed \$10.00, the person requesting the records will be provided with an estimate of costs, which the person will need to agree to pay prior to the copies being made. If the cost of responding to a request exceeds \$50, the person requesting the records will need to pay the estimated costs prior to the copies being made.
 6. The custodian of the requested records will attempt to fill record requests in a timely manner, not to exceed fourteen (14) working days, unless an issue arising concerning the disclosure of records exempt from Chapter 22. These records include, but are not limited to: medical records, personnel or employee-related files, documents concerning litigation or claims, and/or names and addresses of complainants.
 7. All open records requests that are responded to by electronic media shall be provided in a format that prevents the document from being altered.

**CITY OF MUSCATINE
REQUEST FORM TO EXAMINE OR COPY RECORDS**

Description of Record Requested:

Requester and Record Identification*

Name of Requester	Address	Telephone No.
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Signature of Requester*

If the cost of responding to a request is estimated to exceed \$10.00, the person requesting the records will be provided with an estimate of costs, which the person will need to agree to pay prior to the copies being made. If the cost of responding to a request exceeds \$50, the person requesting the records will need to pay the estimated costs prior to the copies being made.

*This information is not required but will be used to provide a response and/or in the event clarification is needed.

**CITY OF MUSCATINE
RESPONSE TO REQUEST TO EXAMINE OR COPY RECORDS**

Date of Response: _____

____ Your request has been received and is being processed. The City will respond within fourteen (14) days.

____ The estimated cost of your request is \$_____.
If less than \$50, please sign below if you agree to pay these costs.
If more than \$50, the above amount must be paid prior to copies being made.

Signature

Date

____ The response to your request is attached. The cost is \$_____.

____ The City has located a response to your request. For a copy of said response, please submit a fee of \$_____.

____ The record you have requested is exempt from disclosure under Iowa law. Please see the response below.

____ The City does not have any documents responsive to your request.

____ The City needs additional information to respond to your request. Please provide the following:

For City Use Only

Request received by: _____

On: _____

Action assigned to: _____

Response due date: _____

Fee Amount due: \$ _____

Date fee received: _____

**MUSCATINE POLICE DEPARTMENT
POLICY AND PROCEDURE DIRECTIVE -J-1**

APPENDIX "A"

RECORDS FEE SCHEDULE

**Accident/Arrest/
Incident Reports:**

\$5.00 first two pages/\$0.25 per pg
Research fee after first 15 min-hourly wage in 30 min
increments.

CD/DVD:

CD's \$10/DVD's \$15
Research fee after first 15 min-hourly wage in 30 min
increments.

Research/Statistics:

\$5.00 first two pages/\$0.25 per pg
Research fee after first 15 min-hourly wage in 30 min
increments.

Background Check:

\$5.00 first two pages/\$0.25 per pg
Research fee after first 15 min-hourly wage in 30 min
increments.

Government Agency Request - No Charge