

**City of Muscatine  
State and Federal Mandates  
2012-12-10**

The following is a list of current state and federal mandates. Costs have been identified where readily available. The goal here has been to provide a general background on the issue of mandates (areas where we have direct mandates/costs or a lack of local control) that the City of Muscatine must deal with on a regular basis. We will plan to keep the list updated and to continue to identify associated costs. Some "mandates" may be considered the right or appropriate thing to do, i.e. audits, dram shop requirements or even pensions. However with items such as pensions (MFPRSI, IPERS), the City has no control over regulations, rates, or how the plans are administered.

**General Items**

The cost for publications, not including capital projects, was \$14,059.40 for fiscal year 2011 and \$12,616.77 for fiscal year 2012.

**Public Works**

(Many do not have a specific dollar amount either because it is relatively small or difficult to determine.)

Roadway Maintenance

ADA Ramps for Muscatine	Approx. \$838,080.00
Retroreflectivity requirements (Sign replacement costs) \$175,000 previously identified.	Approx. \$100,000.00
Traffic Control Certification (Each employee must be certified every 4 years)	Per Person 75.00

Transit

Transit has only a few unfunded mandates currently such as \$150 costs for required Muscabus signage. There has been a shift in the manner in which federal funds are allocated, which has affected our vehicle replacement schedule, and ultimately our bottom line.

Vehicle Maintenance

Paint Booth Certification (4 employees have been certified)	\$200.00
Underground Fuel Tank Training (2 employees have been certified)	0
Removal of Paint Booth Filters	\$536.98
Paint Gun Service	\$655.96
Removal of Parts Cleaner Fluid	\$752.93
Removal of Used Oil Filters	\$1,020.00

Building & Grounds

- Pest Control Applicator Certification
- Water Backflow Prevention Valve Testing Certifications
- Elevator Inspection Certification
- ADA Doors
- OSHA Building Codes
- Boiler certification

## Collection & Drainage

### Sewer Separation Projects

Approx. 70 million

Nine Minimum Control Requirements: Elimination of all combined sewer overflows (sewer separation projects), Proper operation/maintenance programs for collection system (flushing, televising, FOG, root control), Control of solids and floatable materials in CSOs (street sweeping, clean storm intakes, leaf pickup), Pollution prevention programs to eliminate contaminants in CSOs, OSHA competent person training for confined space entry and trench safety, Participation in Iowa One Call, Future storm water regulations, Removal of lead water services when exposed by construction

## Engineering

Bridge inspection (required by IDOT)

1,200.00

Levee Certification (required by FEMA)

55,000.00

*The USACE requires levee inspection 2 times per year by the local government.*

Wetland Mitigation

10,000.00

*Investigation, permitting and mitigation measures are required to satisfy Federal regulations protecting wetland areas along construction projects.*

Endangered Species

5,000.00

*Investigation and mitigation for protection of the Indiana bat and other threatened and endangered species.*

Archaeological Investigation (required by federally funded projects)

7,000.00

*Federally funded projects require Phase 1 and possibly phase 2 archeological investigations. If historical houses (prior to 1950's) or other cultural or archeological evidence of historical value is discovered, mitigation measures are required.*

Land Acquisition (construction projects - must be in accordance to federal regulations)

10,000.00

*When federal funds are used on a construction project, land acquisition must be according to federal regulations. This requires additional staff time and consultant costs as well as delays to the project timeline.*

Construction Contracts

40,000.00

*When federal and state funds are used on a roadway project, the construction must be according to the Iowa DOT standard specifications. The city has suitable material on hand which is not categorized as an approved material and may not be able to be used for construction. (Asphalt millings for base on Cedar Street)*

Lead Water Service Replacement

15,000.00

*When lead water services are exposed during construction projects, MPW has required that they be replaced. There is an EPA, DNR or MPW regulation requiring this work. To date, the city (taxpayers) has funded this work instead of individual property owners or MPW.*

Landfill:

Changes in landfill liner type (Plastic liner doubles the cost of construction)  
Closure of landfills  
Ground water regulations  
Storm water regulations  
Erosion control regulations

Landfill - Air Quality

Green House Gas Reporting and measures  
Air Quality Construction Permits

Transfer Station/ Landfill: Special Waste/ Recycling

Electronic Recycling  
Motor Oil  
Antifreeze  
Oil Filters  
Lead Acid Batteries  
Florescent Light Recycling  
Household Hazardous Waste Disposal  
Tires  
Appliances

Refuse Collection:

DOT Regulations - (No recent items that have caused the City to have unfunded mandates, except for clean air issues)

Projects:

CSO project: \$50 million sanitary and storm sewer separation project with a newly revised deadline of 2028 (versus 2024).

**Water Pollution Control Plant**

The WPCP has numerous mandates dealing with process or handling of wastewater (EPA, IDNR, etc.). These items are translated in to capital projects to add treatment capabilities, operational budgets for numerous processes and testing requirements. Again, we have limited local control over the methods and manner in which we operate.

The Iowa DNR has recently released their long awaited report on nutrient removal requirements for 102 of Iowa's largest wastewater facilities. Muscatine is included in this list. Although no numbers have been put to it, they are promising new limits for nitrogen and phosphorus which have never been present in discharge permits before. This will require new technology installations and continuous costs for operation of this technology. The report says attaining permit limits for nitrogen and phosphorus "...is estimated to have a total present worth cost (includes capital cost and operation and maintenance cost over a 20 year period) of approximately \$1.5 billion if implemented in full. The annual cost...is approximately \$114 million."

That is for all point sources in the state so our share will be a portion of that. We are anticipating new monitoring requirements only for the new permit to be issued in 2014, but within the next 5 to 10 years actual limits will become a reality. Hopefully, federal dollars will follow this sweeping mandate, but funds are neither identified nor guaranteed at this time.

### **Parks and Recreation**

There are several charges to the Golf Course budget that are mandated by the Government or required that we must pay annually, they are as follows:

- 1) DNR- quarterly water samples for our public drinking water supply. (well) \$73.00
- 2) DNR- well permit fee. \$95.00
- 3) DNR- Public water Supply permit. \$25.00
- 4) DNR- Backflow preventers (one time cost) (CH and Maintenance). \$678.00
- 5) DNR- Postage for water samples. \$15.00
- 6) IDALS -Pesticide applicator license fees. \$105.00
- 7) Auditors fees. \$600.00
- 8) Fire inspection service. \$31.50

One mandate that is used and enforced within Parks and Recreation is pesticide usage, training, certification and documentation. Anyone who applies fertilizers/pesticides to public property is required to be certified by the Iowa Department of Agriculture and Land Stewardship. A basic core test and a category test, for the proper locations and types of applications, need to be passed to receive an applicator license and then the applicator has the option of attending a pesticide training class every year, or by re-testing every three years. The public locations also need to be certified by the State. Soccer/Kent Stein, the golf course, and park maintenance all have a yearly certification that needs to be updated on a yearly basis.

All pesticides that are applied must be properly documented and the records must be kept for a minimum of three years and available to the public at anytime. All documentation must include certain information as directed by IDALS. Pesticide regulation requires that all pesticides be applied according to the label including but not limited to: following OSHA rules and regulations, proper personal protective equipment, applying the proper rates, etc. Any location storing pesticides must have a proper storage facility with proper signage.

### **Parks and Recreation**

#### Swimming Pools

1. Pool Chemicals (required by health code to keep water chemistry in balance). \$14,000
2. Lifeguards (health code requires a certain number of staff members supervising the facility based on the number of patrons, as well as certain training for staff members). \$76,335
3. Lifesaving equipment (health code requires lifesaving equipment to be provided). \$240

4. Permits (state code requires permits to operate the aquatic center each year).  
\$210
  5. Sales tax. \$8,950
- Total Swimming Pools = \$99,755

Recreation Division

1. Sales tax. \$550
- Total Recreation = \$550

Other Recreation

<u>Unfunded mandate</u>	<u>Initial Cost</u>	<u>Annual cost</u>
Annual Elevator inspection		550
Fire Extinguisher inspections		375
Certified Pool Operator Licensing	735	600
Grease trap installation	826	
Backflow prevention	769	
Fuel Tank Licensing		80
Dredge bags		12500
Spill Kit for Marina	115	
Virginia Graham Baker Pool Covers	725	

- Dram Shop Insurance \$4,600
- Alcohol sales permit \$360
- Food Service permit \$236.25
- Sales Tax \$28,400
- Alcohol training \$25 per employee (about \$500 per year)

**Human Resources**

1. DOT Drug Testing requirements - The City has spent \$1,527 during this FY for random drug testing and post accident testing as required by the DOT.
2. Medical Expenses - Police and Fire who have retired on a disability (presumptions only) - The City has spent \$24,326 this FY for police and fire retirees who retired on a presumed disability.
3. IPERS/MFPRSI (Fire/Police Pension): The required city contribution rate to the statewide Municipal Fire and Police Retirement Systems of Iowa (MFPRSI) increased from 24.76% in 2011/2012 to 26.12% for 2012/2013, which resulted in an increase of \$95,400 in the contribution required. While this increase is significant, it compares favorably to the originally projected pension contribution rate for the year of 29.31%, which would have resulted in an increase of \$257,200 in city pension contribution costs. This lower than projected contribution rate was possible due to a change in the actuarial method adopted

by the MFPRSI Board effective for the 2012/2013 year. Police and fire pension contributions are funded annually from the Employee Benefits tax levy. For 2012/2013 the tax levy rate for Police and Fire pension costs increased to \$1.43566/\$1,000 of valuation from \$1.34977/\$1,000 for 2011/2012. The City chose to fund a portion of FICA and IPERS costs for General Fund employees from the General Fund balance instead of the Employee Benefits levy in order to avoid an increase in the City's total tax levy for 2012/2013. If there are increases in the Police and Fire pension contribution rate in upcoming years, however, increases in the City's total tax levy rate will likely be necessary. The City has been notified the rate will increase to 30.12%.

4. PERB: Labor disputes before the board are often times found in favor of employees. Cities could argue that this board is formed in a manner that places a bias against Cities and in favor of employees. We have a similar situation with arbitration in Iowa. Cities are limited to how they argue employment or union matters. Ability to pay is not a factor. Comparables with other communities are the only real measure used to determine success in arbitration.

### **Police Department**

1. All State criminal charges filed are recorded digitally and with audio if the crime is a serious misdemeanor or above. We are then required to copy a DVD or CD to the County Attorney's office. They do not reimburse the city for either the cost of an employee taking the time to copy it or the cost of the CD or DVD's. The average time per week for the records clerk to copy a CD or DVD's for the County Attorney's is approx. 10 hours at \$15.00 an hour (\$150 a week for 52 weeks is approx. \$7800 a year). The costs of the DVD's (Approx. 20 a week) would be approx. \$1000. This is just for squad video. If you included all the recorded interviews on CD's you could reasonably add another \$1000 a year in CD's.
2. The department is required to take fingerprints of persons requesting us to do so if they live in the city limits for a variety of reasons. This has become more frequent in the last couple of years with more and more companies and state laws requiring employees fingerprinted. The state mandates that coaches, day care operators, teachers, nurses, and many more professionals have their fingerprints for background purposes. On average for the year we may do one set of prints a day taking about 15 minutes. The cost of that would be approx. \$2900 a year at one a day.
3. Annually, police officers must qualify with their handguns, shotguns, and rifles. Normally the department uses up the \$15,000 budget for ammunition. This cost does not reflect the training, earplugs, cleaning equipment, targets, staples, etc. This adds up to around \$17,000-\$18,000 a year. Additionally, the department has yearly training in other areas such as CPR. The department normally tries to utilize overlaps in shifts as much as possible. There are some instances where we have no other choice other than to use overtime to cover and back fill manpower.

## Fire Department

Most Fire Department mandates are related to Federal laws, Occupational Safety and Health Administration (OSHA) regulations and various state laws specific to our activities. For every emergency activity we undertake there is some type of law or standard (i.e. each type of rescue has different requirements – water vs. ice vs. trench, etc.). Some National Fire Protection Association (NFPA) standards are entrenched to the degree that they are viewed as law (i.e. it is extremely difficult to purchase a fire engine that does not meet NFPA 1901). Other NFPA standards are met as completely as we can with our resources. Although many NFPA standards are not adopted as law, they are commonly referenced in any type of liability or negligence legal action and are the accepted standard of care in many cases.

Costs for compliance are either unknown or they vary from year to year based on our training schedule, the number of new employees we hire, the life span of equipment, and the ability to meet needs in house vs. outsourcing activities and training.

	NFPA	Standard	Varies
NFPA 1901- Apparatus standards (safety, equipment, etc.)			
Emissions Tier 4 (Federal emissions requirements causing design changes for engines) - Apparatus engine - 2013	Federal	Law	\$5000+
Emissions Tier 5 (Federal emissions requirements causing design changes for engines) - Additional apparatus requirements in 2014	Federal	Law	Unknown
Iowa Cares (medical treatment and transport for indigents) - no cost recovery for transports	State	Law	\$123,622
Retiree health care - related costs borne by cities	State	Law	Varies
2 in 2 out – staffing requirements (for operating at fires and in dangerous atmospheres)	OSHA	Law	Staff cost
71 Fed. Reg. 20925 - traffic control vests, cones, signs	Federal	Law	\$5800
Various training regulations – staff time and travel/training budget impact	OSHA	Law	Varies
Respiratory protection (self contained breathing apparatus) – initial cost about \$300,000	OSHA	Law	~\$2000 annual
EMS-CPR-AED continuing education (60 hrs per person staff time [not included] plus recertification costs)	State	Other	~\$1000 annual
State certification of ambulance service - annual	State	Law	~\$1000
Ryan White Act (protection from body fluids)	OSHA	Law	Varies
Fire Investigations required for all fires	State/case	Law	Varies
29CFR1910.120 – Hazardous Materials response, equipment, training and education - varies	OSHA	Law	~\$3000 annual
Personal protective equipment – varies	OSHA	Law	~\$8000 annual
Confined Space - 29CFR19110.146 – equipment and	OSHA	Law	Varies

training			
Lock out tag out	OSHA	Law	\$500
29CFR1910.1030 Blood-borne pathogens	OSHA	Law	~\$4000 annual
29CFR1910.1200 - Hazard Communications training requirements	OSHA	Law	Varies
29CFR1926.650 - Trench Rescue – equipment and training	OSHA	Law	Varies
DOT 49CFR178 – Cylinder safety and maintenance for air cylinders	DOT	Law	Varies
NFPA 471, 472 – Hazardous materials training and staffing requirements – staffing costs	NFPA	Standard	Varies
NFPA 1403 - Live Fire Training, increases cost of training fires	NFPA	Standard	Varies
NFPA 1404 – Self Contained Breathing Apparatus equipment and maintenance	NFPA	Standard	~\$1000 annual
NFPA 1410 - Initial fire attack training – staff costs	NFPA	Standard	Varies
NFPA 1470 - Search and rescue training for structural collapse – staff costs	NFPA	Standard	Varies
NFPA 1500 - Occupational safety and health – training and equipment	NFPA	Standard	Varies
NFPA 1521 - Safety Officer staffing requirements	NFPA	Standard	Varies
NFPA 1561 - Incident Management staffing and equipment requirements	NFPA	Standard	Varies
NFPA 1581 - Infection Control equipment and training	NFPA	Standard	Varies
NFPA 1670 - Technical Rescue equipment and training	NFPA	Standard	Varies

### **Library**

The Library has no federal or state mandates. There are standards to be accredited, but the standards are very low and libraries do not have to be accredited. Accreditation is strictly voluntary. Iowa is not a strong library state. We actually have more libraries than Texas because any volunteer fire station with a shelf of books counts as a library. It's an issue for the library community.

### **Art Center**

No current state or federal mandates for the Art Center. The Art Center is accredited by the American Alliance of Museums, which does have standards and a rigorous accreditation process. The Art Center is one of 17 museums in Iowa that is accredited.

### **Community Development**

Following are the three most significant P&Z related mandates.

(Please note a side or related issue - the requirement for a resolution to set a public hearing could be significant state mandate is the practice based on requirements in state law. Iowa is first state where I (City Planner Andrew Fangman) have encountered where it's necessary for city council to pass a resolution to establish a

public hearing. In some other states a public hearing can be, with the proper public notification, be placed on the agenda the same as any other agenda item. There is a monetary cost to taking this extra step of passing a resolution to set a public hearing, but more significant is that it adds at least 2 weeks to a large number of things that move through council.)

**Flood Planning Regulations** - In order for City of Muscatine residents and businesses to be able to continue to participate in the National Flood Insurance Program, the City of Muscatine was required adopt legally enforceable floodplain management regulations that are compliant with Title 44 Code of Federal Regulations 60.3, and use the Flood Insurance Rate Maps issued by FEMA. The City of Muscatine's current floodplain management regulations can be found in Chapters 4 and 5 of Title 10 of the City Code of Muscatine. Prior to adoption of a revised flood plain regulations last year they were submitted to the Iowa Department of Natural Resources for their review and determination that they are compliant with Title 44 Code of Federal Regulations 60.3

**The Airport Zoning District** - In order to continue to receive FAA funding for the airport, specific land use regulations in the immediate vicinity of the airport are required. These requirements are contained within and applied through the airport zoning district. These land use requirements are intended ensure that land use surrounding the airport does not interfere with its safe operation

**The Comprehensive Plan** - The Iowa Smart Planning Act was signed into law on April 26, 2010. The legislation, found in Iowa State Code Chapter 18B: Land Use – Smart Planning, has three components two of which directly impact the creation of the City of Muscatine's new comprehensive plan:

- The legislation articulates ten Iowa Smart Planning Principles for application in local comprehensive plan development and public investment decision-making, and
- It provides comprehensive planning guidance for cities and counties.

The Iowa Smart Planning Act does not mandate how communities plan or the content of a community's comprehensive plan, rather it articulates ten smart planning principles that consideration must be given to, but are not required for adoption. It also contains 13 elements that a community may but not is required to include in its comprehensive plan.

The first major section of the Iowa Smart Planning Act outlines ten Iowa Smart Planning Principles. These principles must be considered and may be applied when local governments and state agencies deliberate all appropriate planning, zoning, development, and resource management decisions. Application of these principles is intended to produce greater economic opportunity, enhance environmental integrity, improve public health outcomes, and safeguard Iowa's quality of life. The principles also address the need for fair and equitable decision-making processes. Language was included in the Act stipulating that application of Smart Planning Principles does not expand nor reduce the authority of state and local governments

and other public entities to exercise eminent domain. The Iowa Smart Planning Principles are as follows:

1. Collaboration
2. Efficiency, Transparency, and Consistency
3. Clean, Renewable, and Efficient Energy
4. Occupational Diversity
5. Revitalization
6. Housing Diversity
7. Community Character
8. Natural Resources and Agricultural Protection
9. Sustainable Design
10. Transportation Diversity.