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COMMUNITY DEVELOPMENT

**Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement**

Date: October 4, 2016
To: Mayor and City Council
From: Dave Gobin, Community Development Director
Cc: Gregg Mandsager, City Administrator
Re: Request to accept a Quiet Zone Funding Agreement

INTRODUCTION: On July 14, 2016, the City Council accepted a Funding Agreement with the Stanley Howe Revocable Trust to pay for a Quiet Zone (QZ) study to be performed by a qualified consultant.

BACKGROUND: It has been calculated that the train horns impact about 33% of the City's population. Over the last several weeks the City has begun the process of conducting the Study. It is expected to conclude sometime before the end of the year.

Ahead of the Study's completion, The Howe Foundation has stepped in with their willingness to pay for any safety equipment and installation if the Study supports the need for a QZ. They have committed up to \$1,000,000 in funds without additional approvals from Foundation and more should we need it.

Attached is a copy of the new QZ Funding Agreement. This new funding agreement is addition to the funding of the Studies.

RECOMMENDATION: Staff is requesting Council approve the acceptance of the new QZ Funding Agreement.

QUIET ZONE FUNDING AGREEMENT

This Agreement (the "Agreement") is entered into this _____ day of _____, 2016, by and between the City of Muscatine (CITY) and the Howe Foundation (FOUNDATION).

WHEREAS, the FOUNDATION desires to establish a safe Railroad Quiet Zone (QZ) to lower horn noise generated by the railroad to the downtown area of the CITY; and

WHEREAS, the CITY is willing to administrate the process with State and Federal agencies for installing a QZ adjacent to Mississippi Drive, from Mad Creek to the Hershey Avenue lift station, (QZ AREA) including but not limited to, all existing crossings both vehicular and pedestrian; and

WHEREAS, the FOUNDATION is willing to fund the cost of the QZ up to \$1,000,000 (\$1MM), without additional approval. The City will obtain further approval from the FOUNDATION before costs exceed the \$1MM limit,

NOW THEREFORE, The FOUNDATION will fund any application, study and equipment required to establish and install a permanent QZ for the rail that operates within the QZ AREA and the CITY will work with the FOUNDATION to organize a diagnostic team and file or declare a QZ per the regulations and rules of the Federal Railroad Administration and Iowa Department of Transportation's Office of Rail.

HOWE FOUNDATION

By: 
James E. Howe
Its: Trustee

THE CITY OF MUSCATINE

Diana Broderson,
Mayor, City of Muscatine

Attest:

Gregg Mandsager
City Administrator, City of Muscatine