



City of Muscatine

CITY COUNCIL MINUTES

Thursday, May 18, 2023

1. **CALL TO ORDER**

Mayor Bark called the City Council meeting for May 18, 2023 to order at 06:00 PM.

2. **INVOCATION- Aleese Kenitzer - Shepherd of the Cross Lutheran Church**

3. **ROLL CALL**

Councilmembers present: Nadine Brockert, John Jindrich, Jeff Osborne, Peggy Gordon, Angie Lewis, Dennis Froelich, DeWayne Hopkins. Mayor Dr. Brad Bark, City Administrator Carol Webb and Administrative Secretary Cinda Hilger and Attorney Brent HInders were also present.

4. **PLEDGE OF ALLEGIANCE**

5. **FROM THE MAYOR**

- A. Proclamation Declaring May 21-27, 2023 as "National Public Works Week"
Public Works Director, Brian Stineman, was present to accept the proclamation and recognize staff in the following divisions in the Public Works Department: Transfer Station, Transit, Engineering, Building and Grounds, Vehicle Maintenance, Roadway Maintenance, Collection and Drainage, and Administration.
- B. Proclamation Declaring May 21-27 as Emergency Medical Services Week
Battallian Chief Ronzheimer was present to accept the proclamation and to thank all the EMS workers for their hard work and dedication to the City of Muscatine.

6. **APPROVAL OF AGENDA AS PRESENTED AND/OR AS AMENDED**

City Administrator Webb shared changes to items 17I and 17O. In 17I there was a job title change was misprinted and corrected and on item 17O there were changes made regarding the contract being contingent on the receipt of certain documentation. Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis moved to

approve the agenda as amended.

Vote: Ayes - 7, Nays - 0, Motion Passed.

7. COMMUNICATIONS - CITIZENS

Max Kauffman, 1609 Foster Street was present to share his concerns regarding a previous survey that was sent to citizens and what happened to the results of how the Muscatine Police Dept was doing.

City Administrator Webb addressed this issue by stating the results were listed on the city website and shared the results regarding the Police Department.

8. COUNCILMEMBER FOLLOW UP TO CITIZEN COMMUNICATION

9. CONSENT AGENDA * (ITEMS 10-14)

Councilmember Peggy Gordon, seconded by Councilmember Jeff Osborne moved to approve the consent agenda.

Vote: Ayes - 7, Nays - 0, Motion passed.

10. * REVIEW AND POTENTIAL VOTE TO APPROVE MINUTES

- A. May 4, 2023 City Council Regular Meeting Minutes
- B. May 11, 2023 City Council In-Depth Meeting Minutes

11. * PETITIONS AND COMMUNICATIONS

- A. Request for renewal of a Class "E" Retail Alcohol License for Casey's General Store #2944,
3010 University Drive – Casey's Marketing Company (pending inspections)
- B. Request for renewal of a Class "E" Retail Alcohol License for Casey's General Store #2906,
3509 Steamboat Way – Casey's Marketing Company (pending inspections)
- C. Request on first and second reading on a Class "B" Retail Alcohol License for Hy-Vee
Mainstreet, 510 East 6 th Street – Hy-Vee, Inc. (pending inspections)
- D. Request on first and second reading on a Special Class "C" Retail Alcohol License for Keep
Muscatine Beautiful, Harbor Drive – Community Foundation of Iowa (pending inspections)
and insurance
- E. Request for Use of City Property from Keep Muscatine Beautiful hosting beverage tent
during Ballet performance to be held on June 9, 2023

- F. Request for Use of City Property from Ryan Buss/Muscatine Police Department for the National Night Out to be held on August 1, 2023
- G. Request for Use of City Property from Alex Nagy/Twisted Cat for the Catfishing Tournament to be held on August 5, 2023
- H. Request for Use of City Property from Caleb Mann/Calvary Church for a 5K and 1 mile run to be held on September 30, 2023

12. * COMMUNICATION – RECEIVE AND FILE

- A. May 1, 2023 County Board of Supervisors Meeting Minutes
- B. May 8, 2023 County Board of Supervisors Meeting Minutes

13. * PURCHASE ORDERS

14. * APPROVAL OF BILLS

- A. It is recommended that bills totaling \$ 3,668,885.21 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. PUBLIC HEARING

- A. Public Hearing Concerning Amendment #2 to the Fiscal Year 2022/2023 City Budget

There were no written or oral comments regarding this public hearing.
Councilmember Angie Lewis, seconded by Councilmember Nadine Brockert, moved for the public hearing to be closed. Vote: Ayes - 7, Nays - None, Motion Passed.

16. BOARDS AND COMMISSIONS

17. FROM THE CITY ADMINISTRATOR

- A. Request to Waive Third Reading and to Adopt on Second and Final Reading, an Ordinance Temporarily Amending City Code to Address Public Health and Safety Issues related to the July 29, 2023 visit of the Registers Annual Great Bike Ride Across Iowa (RAGBRAI) to Muscatine
Councilmember DeWayne Hopkins, seconded by Councilmember John Jindrich,

moved to waive the third reading and to adopt the ordinance on the second and final reading and to direct for its publication as required by law.

Vote: Ayes - 7, Nays - 0, Motion Passed.

- B. Third and Final Reading of an Ordinance Establishing Refuse Collection Monthly Fees for Class I and Class III Domestic Waste Effective July 1, 2023.

Councilmember John Jindrich, Seconded by Councilmember Jeff Osborne, moved to Adopt the Ordinance on third and final reading and to direct for its publication as required by law.

Vote: Ayes - 7, Nays - 0, Motion Passed.

- C. Third and Final Reading of an Ordinance Amending Title 13, Chapter 5, Section 4 Collection and Drainage and Title 13, Chapter 5, Section 5, Subsection A, Sewerage Rate Component to Set Collection and Drainage and Sewer Rates
Councilmember Angie Lewis, Seconded by Councilmember Peggy Gordon, moved to Adopt the Ordinance on third and final reading and to direct for its publication as required by law.

Vote: Ayes - 7, Nays - 0, Motion Passed.

- D. First Reading of an Ordinance Governing Disposal of City-Owned Surplus Real Property

Councilmember Jeff Osborne, seconded by Councilmember DeWayne Hopkins moved to approve the first reading of the ordinance.

Vote: Ayes - 7, Nays - 0, Motion Passed.

- E. Resolution Awarding a Contract to Sulzco in the Amount of \$5,000 for the Demolition of a Garage Located at 205 W 7th St

Councilmember John Jindrich, seconded by Councilmember Jeff Osborne moved to Adopt the Resolution.

Vote: Ayes - 7, Nays - 0, Motion Passed.

- F. Resolution Authorizing Special Assessments to Private Properties

Councilmember John Jindrich, seconded by Councilmember Angie Lewis moved to Adopt the Resolution.

Vote: Ayes - 7, Nays - 0, Motion Passed.

- G. Resolution Approving Amendment #2 to the Fiscal Year 2022/2023 City Budget
Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis moved to Adopt the Resolution.

Vote: Ayes - 7, Nays - 0, Motion Passed.

- H. Resolution Accepting Completed Work for the Transfer Station Tipping Floor Resurfacing Project and Authorizing Release of Payment.

Councilmember DeWayne Hopkins, seconded by Councilmember Nadine Brockert moved to Adopt the Resolution.

Vote: Ayes - 7, Nays - 0, Motion Passed.

- I. Resolution Amending the Non-Union Pay Plan

Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis

moved to Adopt the Resolution.

Gordon - Confirm that the cost savings go back into the Parks and Recreation wages budget.

Carol - It is budgeted that way currently but could be changed in the next year budget during budget evaluations.

Vote: Ayes - 7, Nays - 0, Motion Passed.

J. Resolution to Write Off Debts of Former Housing Tenants

Councilmember Jeff Osborne, seconded by Councilmember DeWayne Hopkins moved to Adopt the Resolution.

Vote: Ayes - 7, Nays - 0, Motion Passed.

K. Resolution Accepting Completed Work for the 2nd Street Reconstruction Project and Authorizing Release of Retainage in the Amount of \$139,769.59.

Councilmember Dennis Froelich, Seconded by Councilmember Peggy Gordon, moved to Adopt the Resolution.

Vote: Ayes - 7, Nays - 0, Motion .

L. Resolution Accepting Completed Work for the Rehabilitation of Underground Pipes to Insituform Technologies in the amount of \$112,500.00

Councilmember Peggy Gordon, seconded by Councilmember Jeff Osborne moved to Adopt the Resolution.

Vote: Ayes - 7, Nays - 0, Motion Passed.

M. Request to Approve the Issuance of a Purchase Order in the Amount of \$29,170.00 to Martin Equipment for a Grapple Bucket for the Transfer Station.

Councilmember John Jindrich, seconded by Councilmember Jeff Osborne moved to Approve the Request.

Vote: Ayes - 7, Nays - 0, Motion Passed.

N. Request to Enter into a Contract with Bolton & Menk to Provide Construction Survey for Fulliam Avenue Reconstruction Phase I for an Amount Not to Exceed \$7,796.00.

Councilmember Dennis Froelich, seconded by Councilmember Angie Lewis moved to Approve the Request.

Councilmember Lewis had questions regarding the section of Fulliam being addressed in phase 1.

Public Works Director Brian Stineman stated Kindler to Green acres Drive.

Vote: Ayes - 7, Nays - 0, Motion Passed.

O. Request to Approve a Purchase Order and Associated Terms & Conditions with Hoffman, Inc. for \$40,000 to construct a Riverfront Watermelon Slice Public Art Installation

Due to a conflict of Interest at this time Councilmember Froelich stepped in as Mayor Pro Tem for the following Item.

Councilmember Jeff Osborne, seconded by Councilmember John Jindrich moved to Approve the Request.

Shelly Sevadio 2629 Canterbury Road Concerns with no public input being sought

regarding the installation of the watermelon art piece. Ms Sevadio also shared information on how she felt the project should be handled moving forward.

Jim Elias - Member of Muscatine Public Art Advisory Commission was present to share his opinion regarding the watermelon art project. Mr. Elias stated he feels

this project goes against the process the public art commission has been working on for four years to establish. Mr. Elias also asked for clarification as to why this is being presented as a purchase order if there are no City funds being used.

City Administrator Webb stated the City will enter into a contract with fabricator and the city set guidelines to be assured that the city would not be financially responsible for the project.

Councilmember Osborne asked Mr. Elias what were his exact concerns regarding the project to which Mr. Elias stated that there had not been a chance for public input on the project.

City Administrator Webb replied by stating the only guidelines in place at this time is the current code and read the city code 2-14-7 Duties of Professional Art Commission.

Councilmember Osborne had questions as to why, if the public art commission endorsed the project, why are you here now against the project?

Mr. Elias stated he believes no one in the group wants to stop the project, but feels this project does not fulfill the plans and processes being designed by the group. Mr. Elias stated this could set a precedent and does not want that to happen.

Mr. Elias stated members of the group feel there may be opportunity costs that have not been looked at for the location of the project on the riverfront.

Councilmember Lewis agreed there needs to be a process in place, but does not feel we should kick this project down the road because we don't have a process. She stated that going forward it would be great to have guidelines to move forward with.

Councilmember Osborne stated he relied on the advisory councils and they voted unanimously on the project and has heard nothing but good from the citizens, so he does not see how he could vote against this project.

Councilmember Gordon stated she is looking forward to the indepth meeting to hear from the Art Commission regarding the policy.

Andrew Fangman, Assistant Community Development Director, was asked to come forward and explain the exact location proposed for the watermelon.

Councilmember Gordan requested a friendly amendment to approve the motion contingent on the receipt of the staff requested documents.

Vote: Ayes - 7, Nays - 0. Motion Passed.

18. MAYOR AND COUNCIL REPORTS

19. CLOSED SESSION MEETING

- A. Request to enter closed session pursuant to Iowa Code Section 21.5.1.i, to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

Councilmember Dennis Froelich, seconded by Councilmember Nadine Brockert moved to enter Closed Session at 7:12 pm.

Vote: Ayes - 7, Nays - 0, Motion Passed.

Councilmember Osborne, seconded by Councilmember Lewis moved to leave closed session at 9:02 pm.

Vote: Ayes - 7, Nays - 0, Motion passed.

20. ADJOURNMENT

Councilmember Froelich moved the meeting be adjourned at 9:03 pm.