



City of Muscatine

CITY COUNCIL MINUTES

Thursday, June 1, 2023

1. **CALL TO ORDER**

Mayor Bark called the City Council meeting for June 1, 2023 to order at 06:00 PM.

2. **INVOCATION- Pastor Wood, Walnut Park Baptist 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, City Attorney Brent Hinders, and Administrative Secretary Cinda Hilger were also present.

4. **PLEDGE OF ALLEGIANCE**

5. **FROM THE MAYOR**

A. Swearing In of Officer William Reddick

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

Councilmember Peggy Gordon, seconded by Councilmember Jeff Osborne moved to Approve the Agenda as submitted.

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

7. **COMMUNICATIONS - CITIZENS**

Don Lampe - 3423 Clermont and Lisa Heckman1816 Hammann St. - were present to share information with City Council regarding Habitat for Humanity and the services provided by the organization.

8. **COUNCILMEMBER FOLLOW UP TO CITIZEN COMMUNICATION**

9. CONSENT AGENDA * (ITEMS 10-14)

Councilmember Jeff Osborne, seconded by Councilmember Angie Lewis, moved to approve the Consent Agenda including Items 10-14. Ayes - 7 , Nays - 0, Motion Passed.

10. * REVIEW AND POTENTIAL VOTE TO APPROVE MINUTES

- A. May 18, 2023 Regular Meeting Minutes

11. * PETITIONS AND COMMUNICATIONS

- A. Request for renewal of a Class “C” Retail Alcohol License for Jody’s Corner Tap, Inc., 226 Walnut Street – Jody’s Corner Tap, Inc. (pending inspections)
- B. Request for renewal of a Class “C” Retail Alcohol License for El Allende, 1107 Grandview Avenue – El Allende, Inc. (pending inspections and insurance)
- C. Request for Use of City Property from Daniel Cassidy with Russell Construction Co. Inc. to set construction materials on City property from late June to early July 2023
- D. Cigarette/Tobacco Permits July 1, 2023-June 30, 2024
 - 1. Alex Tobacco & Vape, 839 Park Avenue – Alex Tobacco & Vape
 - 2. Bullpen Sports Bar, 1201 Grandview Avenue – Bullpen Sports Bar
 - 3. Casey’s General Store #1484, 1111 Oregon Street – Casey’s Marketing Company
 - 4. Casey’s General Store #2906, 3509 Steamboat Way – Casey’s Marketing Company
 - 5. Casey’s General Store #2944, 3010 University Drive – Casey’s Marketing Company
 - 6. Casey’s General Store #4025, 4701 South Highway 61 – Casey’s Marketing Company
 - 7. Circle K #6600, 802 Cypress Street – Mac’s Convenience Stores LLC
 - 8. Dollar General Store #7027, 2000 Cedar Plaza Drive – DolgenCorp, LLC
 - 9. Dollar General Store #21855, 901 Cypress Street – DolgenCorp, LLC
 - 10. Dollar General Store #19625, 807 A Grandview Avenue – DolgenCorp, LLC
 - 11. Dollar General Store #18711, 3614 Grandview Avenue – DolgenCorp, LLC
 - 12. Express Mart, 4804 S. Grandview Avenue – RP Brothers LLC
 - 13. Fareway Stores, Inc. #998, 2100 Cedar Plaza Drive – Fareway Stores, Inc.
 - 14. Fast Avenue One Stop, 2111 Park Avenue – Gurung, LLC
 - 15. GM Food Mart, 1814 E Avenue, Thapa Investment LLC
 - 16. GM Mini Mart, 2307 Lucas Street – Malka 13, Inc.
 - 17. Grandview Mart, 714 Grandview Avenue – Malka 13, Inc.
 - 18. Greenleaf Tobacco & Vapor, 3414 Northport Drive #7 – IA Trade, Inc.
 - 19. Hubble’s Tap, 214 East 2 nd Street – Hubble’s Glenda LLC

- 20. Hy-Vee Food Store, 2400 Second Avenue – Hy-Vee, Inc.
- 21. Hy-Vee Fast & Fresh, 2600 Second Avenue – Hy-Vee, Inc.
- 22. Hy-Vee Mainstreet, 510 E. 6 th Street – Hy-Vee, Inc.
- 23. Hy-Vee Mainstreet Wine & Spirits, 522 Mulberry Avenue, Suite A – Hy-Vee, Inc.
- 24. Jayde’s Vapor Lounge, 2110-B Park Avenue – Jayde’s Vapor Lounge Inc.
- 25. Kum & Go #1436, 416 Cedar Street – Kum & Go LC
- 26. Kum & Go #438, 1429 Park Avenue – Kum & Go LC
- 27. KWIK Star #1064, 3605 University Drive – KWIK Trip, Inc.
- 28. Loos’ Inc., 711 Park Avenue – Loos Inc.
- 29. Love’s Travel Stop #882, 2417 Grandview Avenue – Love’s Travel Stops & Country Store’s, Inc
- 30. Muscatine Citgo Fast Break, 2603 Second Avenue – Reif Oil Company
- 31. Muscatine County Sheriff’s Office, 400 Walnut Street – Muscatine County Sheriff
- 32. New York Dollar Store, 109 East 2 nd Street – Antonio Sosa
- 33. No More Butts Vapor Lounge, 127 East 2 nd Street – No More Butts Vapor Lounge LLC
- 34. Pearl City Tobacco and Liquor Outlet, 200 Green Street – Shaurya, LLC
- 35. The Smoke Stop, 211 East 2 nd Street – TAR, LLC
- 36. Smokin Things, 2506 Park Avenue – TAR, LLC
- 37. Smokin Joe’s #16, 1504 Park Avenue – The Outlet Inc.

- 38. Super Saver Liquor of Muscatine, 1510 Isett Avenue, Suite A – Taranjeet Singh, LLC
- 39. Wal-Mart Supercenter #559, 3003 N. Highway 61 – Wal-Mart Stores, Inc.
- 40. Walgreens #5885, 1703 Park Avenue – Walgreen Co.
- 41. West Side Houser Mart, 2201 Houser Street – West Side Houser Mart, LLC
- E. Request for a Road Closure on Grand Avenue between Lake Park Boulevard and McArthur Street from June 19 to July 1
- F. Request for Road Closure of Dick Drake Way From June 2 to June 12, 2023

12. * COMMUNICATION – RECEIVE AND FILE

13. * PURCHASE ORDERS

- A. Request to Approve the Issuance of a Purchase Order for \$5,465.70 to ScanTastik for a Large Format Scanner

14. * APPROVAL OF BILLS

- A. Bills for Approval June 1, 2023

15. PUBLIC HEARING

16. BOARDS AND COMMISSIONS

17. FROM THE CITY ADMINISTRATOR

- A. Second Reading of an Ordinance Governing Disposal of City-Owned Surplus Real Property
Councilmember Angie Lewis, Seconded by Councilmember Peggy Gordon, moved to Approve the second reading of this ordinance.
Vote: Ayes - 7, Nays - 0, Motion .
- B. Resolution Setting a Public Hearing for June 15, 2023 for the Muscatine Soccer Complex Irrigation Project
- C. Resolution Setting June 15, 2023 as the Date for a Public Hearing on a Proposal to Enter into a General Obligation Sewer Improvement Loan and Disbursement Agreement and to Borrow Money Thereunder in a Principal Amount not to Exceed \$8,500,000
Councilmember DeWayne Hopkins, seconded by Councilmember Nadine Brockert moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- D. Resolution Accepting Completed Work - Southend Playground Development Project
There were questions from City Council regarding any remaining work to be completed that were addressed by Parks and Recreation Director Rich Klimes. Mr. Klimes stated this is just one component of the Southend project and this one is completed.
There were questions regarding when the splashpad that would be open that were addressed by Mr. Klimes.
Councilmember Jeff Osborne, seconded by Councilmember DeWayne Hopkins moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- E. Resolution Awarding a Contract for the West Hill Sewer Separation Phase 6 A&B to KE Flatwork of Eldridge, Iowa in the Amount of \$6,543,100.
Councilmember Peggy Gordon, Seconded by Councilmember John Jindrich, moved to Adopt the Resolution
Councilmember Brockert had questions as to why KE Flatworks came in so much lower than other companies.
Public Works Director Brian Stineman stated he did not have an answer other than they bid lower.
Councilmember Brockert asked if the City can be assured that they will not have issues like in the past from KE Flatworks that were addressed by Mr. Stineman.

Councilmember Osborne stated he also had concerns with KE Flatworks and the work that has been done in the past. Mr. Osborne stated he does not agree with this award of contract.

Council and staff had discussion regarding how the contractor score card works and if this has been implemented with KE Flatworks.

Vote: Ayes -6 Nays - 1(Osborne) Motion Passed.

- F. Resolution Approving Submission of Grant Application to the Iowa Economic Development Authority Nuisance Remediation Program for \$100,000 for the Mulberry Neighborhood Revitalization Project

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

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

- G. Resolution Endorsing an Application to the Iowa Department of Transportation for a State Recreational Trails Program Grant for the Taylor Park to Kent-Stein Park Trail

Councilmember Angie Lewis, seconded by Councilmember DeWayne Hopkins moved to Adopt the Resolution.

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

- H. Resolution Authorizing the Execution of a Special Warranty Deed for City Owned Real Estate located at the Hershey and Houser Street Intersection.

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

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

- I. Request to approve a purchase order for Silberhorn Concrete and Masonry LLC in the amount of \$75,278.79 for the Greenwood Cemetery Chapel Restoration Project
- Councilmember Brockert had questions regarding access to the cemetery during the restoration of the chapel that were addressed by Parks and Recreation Director Rich Klimes. Mr. Klimes stated all access points will remain open.

Councilmember DeWayne Hopkins, seconded by Councilmember Peggy Gordon moved to Approve the Request.

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

- J. Request to issue a purchase order in the amount of \$124,873 to MacQueen Equipment for an EnviroSight Mainline Sewer Camera

Councilmember Nadine Brockert, seconded by Councilmember Angie Lewis moved to Approve the Request.

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

- K. Request to Accept RAISE Grant Funding for Planning of the Isett Avenue Corridor Reconstruction Project

Councilmember Dennis Froelich, seconded by Councilmember Peggy Gordon moved to Approve the Request.

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

18. MAYOR AND COUNCIL REPORTS

19. CLOSED SESSION MEETING

- A. Request to enter Closed Session per Iowa Code 21.5.1.j to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property

Councilmember Peggy Gordon, seconded by Councilmember Dennis Froelich moved to To enter Closed Session 1 at 6:38 p.m.

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

Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis moved to exit closed session at 7:07 p.m.

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

- B. Request to enter closed session closed session per Iowa Code Section 21.5.1.c to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent and where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in the litigation, and in accordance with Iowa Code Section 622.10 to discuss attorney/client privileged and attorney work product matters with legal counsel.

Councilmember Angie Lewis, seconded by Councilmember Jeff Osborne moved to enter closed session 2 at 7:10 p.m.

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

Councilmember Dennis Froelich, seconded by Councilmember Peggy Gordon moved to exit closed session at 7:20 p.m.

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

- C. Request to enter closed session closed session per Iowa Code Section 21.5.1.c to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent and where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in the litigation, and in accordance with Iowa Code Section 622.10 to discuss attorney/client privileged and attorney work product matters with legal counsel.

Councilmember Dennis Froelich, seconded by Councilmember DeWayne Hopkins moved to enter closed session 3 at 7:25 p.m.

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

Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis moved to exit closed session at 8:25 p.m.

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

- D. Request to enter closed session per Iowa Code Section 21.9 to discuss strategy with counsel in matters related to employment conditions of employees of the

governmental body who are not covered by a bargaining agreement.
Council entered into exempt session to discuss terms of contract of an individual.

20. ADJOURNMENT

Councilmember Dennis Froelich moved the meeting be adjourned at 9:05 p.m.