



City of Muscatine

CITY COUNCIL MINUTES

Thursday, June 15, 2023

1. **CALL TO ORDER**

Mayor Bark called the City Council meeting for June 15, 2023 to order at 06:00 PM.

2. **INVOCATION**

Police Chief Tony Kies was present to give the invocation.

3. **ROLL CALL**

Councilmembers Present: Nadine Brockert, Jeff Osborne, Peggy Gordon, Angie Lewis, Dennis Froelich, DeWayne Hopkins. Councilmembers Absent: John Jindrich. Mayor Dr. Brad Bark, Acting City Administrator Jerry Ewers and Administrative Secretary Cinda Hilger were also present.

4. **PLEDGE OF ALLEGIANCE**

5. **FROM THE MAYOR**

- A. Request to reappoint Mahammad Pasha and Andrea Kreitner to the Airport Advisory Commission.
Request to approve the appointment of Ann McCarthy and Kathleen Haltmeyer to the Art Center Board of Directors
Request to approve the reappointment of Jeff Cochran to the Civil Service Commission.
Request to approve the reappointment of Moriah Ellis to the Historic Preservation Commission.
Request to approve the appointment of Diana Boeding and Kevin Knox to the Library Board of Trustees.
Request to approve the appointment of Kent Jurgensen to the Planning and Zoning Commission.
Request to approve the appointment of Delmar Kuhlers to the Parks and Recreations Advisory Commission.
Request to approve the appointment of Paul Minicucci to the Public Art Advisory Commission.

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

Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis moved to approve the agenda as presented. Vote: Ayes -6, Nays - 0, Motion Passed.

7. COMMUNICATIONS - CITIZENS

A. Dangerous Animal Appeal Hearing-Thomas Phillip, Cynthia Cortez

Thomas Phillips and Cynthia Cortez 2829 Highland Court were present to Appeal A Dangerous Animal Notice.

Mr. Phillips stated they were unaware at the time of moving to Muscatine that the City Code did not allow residents to have any type of snake considered a restrictor on their property. He states that these animals are not pets and they are his business and therefore should be exempt from that code. Ms. Cortez shared information regarding the Ball pythons and that they are legal in Iowa, available in all pet stores, harmless to humans and small animals and they have been the most rapidly growing reptile pet since the 1990's. Ms. Cortez stated there are no recorded incidences of a ball python causing harm to humans.

Mr. Phillips and Ms. Cortez stated they would like to see the City Ordinance changed to be more specific as to what is and is not allowed and stated they feel it is very vague at this point.

The City Council had questions regarding when the business was created, the condition of the area where animals are being held, the safety measures in place to keep the animals from escaping, the breeding process and number of snakes expected in the upcoming years, and what the animals are fed that were addressed by Mr. Phillips and Ms. Cortez.

City Councilmembers asked for Jeff Jlrak and Courtney Patel (Police Dept and Animal Control) to come share their thoughts on this situation.

Mr. Jlrak stated that his job is to enforce the City Code and that this is a violation of the City Code. Mr. Jlrak stated if the Council would like to change the code, he has no problem with that but at this time they are in violation. Mr. Jlrak stated he had not had any complaints or problems with Mr. Phillips and Ms. Cortez and they have been very professional and the animals are being kept in a very organized and clean environment.

Councilmember Brockert asked for input from City Attorney Brent Hinders. Mr. Hinders stated he could look into changing the ordinance but it would have to be at another meeting as that was not on the agenda for this meeting.

Councilmember Gordon made a motion to delay the decision for 90 days to allow City Council to have more discussion and do more research on this topic, seconded by Councilmember Osborne.

Vote: Ayes - 6, Nays - 0 Motion passed.

This item will be added to the September in-depth meeting for further discussion.

8. COUNCILMEMBER FOLLOW UP TO CITIZEN COMMUNICATION

9. CONSENT AGENDA * (ITEMS 5 and 10-14)

Councilmember Osborne requested item 11c be removed from the consent agenda and voted on separately as he would like to abstain from the vote due to a conflict of interest.

Councilmember Angie Lewis, seconded by Councilmember Jeff Osborne moved to Approve the Consent Agenda as amended.

Vote: Ayes - 6, Nays - 0, Motion Passed.

Councilmember Peggy Gordon, seconded by Councilmember Nadine Brockert moved to Approve item 11C.

Vote: Ayes - 5, nays - 0, Abstention - 1, Motion Passed.

10. * REVIEW AND POTENTIAL VOTE TO APPROVE MINUTES

- A. June 1, 2023 Regular City Council Meeting Minutes
- B. June 8, 2023 In-depth City Council Meeting Minutes

11. * PETITIONS AND COMMUNICATIONS

- A. Request for Street Closure on Fairview Avenue to Repair Sewer Lateral
- B. Cigarette/Tobacco Permits July 1, 2023 - June 30, 2024
 - 1. Home Base LLC, 1201 Grandview Avenue - Home Base LLC
- C. Request for renewal of a Class "C" Retail Alcohol License for Creations by Oz, 110 East 2 nd Street – Melissa Osborne (pending inspections)
- D. Request for renewal of a Special Class "C" Retail Alcohol License for GeoJohnz, LLC, 203 East 2 nd Street – GeoJohnz, LLC (pending inspections)
- E. Request for renewal of a Class "C" Retail Alcohol License for The Pearl, 101 West Mississippi Drive – The Pearl, LLC (pending inspections and insurance)
- F. Request on first and second reading on a new Special Class "C" Retail Alcohol License and Outdoor Service for Keep Muscatine Beautiful, Harbor Drive – Community Foundation of Greater Muscatine (pending inspections)
- G. Request on first reading on a new Class "C" Retail Alcohol License for Home Base LLC, 1201 Grandview Avenue – Tonia McCullough (pending inspections and insurance)

- H. Request on first reading on a new Class “C” Retail Alcohol License for BigBear’s, 218 Walnut Street – BigBear’s LLC (pending inspections and insurance)
- I. Request for Use of City Property from Chance Kleist with Boonies on the Avenue for Acoustic Music in the Street to be held June 30, 2023
- J. Request for Use of City Property from Muscatine Public Library for the Children’s 4 th of July Parade to be held on July 4, 2023
- K. Request for Use of City Property from Chris and Nancy Foxen with Muscatine Cross Country Team for a 5K race to be held on September 4, 2023
- L. Request for Use of City Property from Becky Huot with Muscatine High School Student Council for the Homecoming Parade to be held on September 21, 2023
- M. Request for Use of City Property from Becky Huot with Muscatine High School Student Council for the Senior March to be held on September 22, 2023
- N. Request for Outdoor Service for Boonie's on the Avenue, 214 Iowa Avenue, for event to be held June 30, 2023 - Michael Kleist - (pending inspections and insurance)

12. * COMMUNICATION – RECEIVE AND FILE

13. * PURCHASE ORDERS

- A. Request to Approve the Issuance of a Purchase Order to Sulzco, LLC., in the Amount of \$8,000, to Complete Hauling of Material and Site Grading at the Northwest Corner of Houser and Grandview.
- B. Request to Approve the Issuance of a Purchase Order to Goddard Heating & Cooling, in the Amount of \$14,471.28, for the Replacement of the Rooftop HVAC Unit for the Police Department
- C. Request to approve the Issuance of a Purchase Order to Zimmer & Francescon, Inc, in the amount of \$14,450.00, for the emergency purchase of a Fairbanks 4" submersible pump for the 57th St Lift Station.
- D. Request to Approve the Issuance of a Purchase Order to Thompson-Hopps Pumps for Transfer Station Lift Station Pumps in the Amount of \$15,640.00.

14. * APPROVAL OF BILLS

- A. Bills for Approval - June 15, 2023

15. PUBLIC HEARING

- A. Public Hearing Regarding the Muscatine Soccer Complex Irrigation Project
There were no written or oral comments regarding this public hearing.
Councilmember Dennis Froelich, seconded by Councilmember Angie Lewis, moved for the public hearing to be closed. Vote: Ayes - 6, Nays - None, Motion Passed.

- B. 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 \$8,500,000.00.
There were no written or oral comments regarding this public hearing.
Councilmember Peggy Gordon, seconded by Councilmember Jeff Osborne, moved for the public hearing to be closed. Vote: Ayes - 6, Nays - None, Motion Passed.

16. BOARDS AND COMMISSIONS

17. FROM THE CITY ADMINISTRATOR

- A. Third and Final Reading of an Ordinance Governing Disposal of City-Owned Surplus Real Property
Councilmember Nadine Brockert, 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 - 6, Nays - 0, Motion Passed.

- B. Resolution Approving the Contract and Bond for West Hill Sewer Separation Phase 6 A&B for KE Flatwork of Eldridge, Iowa in the Amount of \$6,543,100.
Councilmember Angie Lewis, seconded by Councilmember Peggy Gordon moved to Adopt the Resolution.
Vote: Ayes - 6, Nays - 0, Motion Passed.

- C. Resolution Approving Plans, Specifications, Form of Contract, Cost Estimate and Setting the Bid Opening Date for the Muscatine Soccer Complex Irrigation Replacement Project.
Councilmember Dennis Froelich, seconded by Councilmember Angie Lewis moved to Adopt the Resolution.
Vote: Ayes - 6, Nays - 0, Motion Passed.

- D. Resolution Taking Additional Action on a Proposal to Enter into a General Obligation Sewer Improvement Loan and Disbursement Agreement
Councilmember Peggy Gordon, seconded by Councilmember Jeff Osborne moved to Adopt the Resolution.
Vote: Ayes - 6, Nays - 0, Motion Passed.

- E. A Resolution Awarding Contract to Brauns Excavating,LLC in the amount of \$17,800 for the Demolition of a Structure Located at 1905 Hershey Ave
Councilmember DeWayne Hopkins, seconded by Councilmember Dennis Froelich moved to Adopt the Resolution.
There were questions from City Council regarding safety measures being used because of structure being on a steep hill that were addressed by City Planner April Limburg. Ms. Limburg stated that the contractor would have to have the proper insurance to protect any damage caused by the demolition.
City Councilmembers also had discussion regarding a retaining wall that will be removed at this location due to it failing.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- F. A Resolution Accepting the Quit Claim Deed From Several Grantors to the City of Muscatine, Iowa for the property located at 713 Locust Street
Councilmember Angie Lewis, seconded by Councilmember Peggy Gordon, moved to Adopt the Resolution.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- G. Resolution Setting a Public Hearing for July 6, 2023 on an Ordinance Amending Title 10, Chapter 20, Section 4 of City Code - Home Occupations
Councilmember Nadine Brockert, seconded by Councilmember Angie Lewis, moved to Adopt the Resolution.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- H. Resolution Setting a Public Hearing for July 6, 2023 on Vacating and Disposing of a Certain Right Of Way Adjoining Tom Bruner Field.
Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis moved to Adopt the Resolution.
Vote: Ayes - 6, Nays - 0, Motion .
- I. A Resolution Setting a Public Hearing for July 6, 2023 on Vacating Certain Sewer Easements Located at 2417 Grandview Avenue
Councilmember Dennis Froelich, seconded by Councilmember Nadine Brockert moved to Adopt the Resolution.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- J. Resolution Setting a Public Hearing for July 6, 2023 Regarding an Easement Agreement Allowing for the Encroachment of Tom Bruner Field on an adjoining City-Owned Parcel
Councilmember DeWayne Hopkins, seconded by Councilmember Peggy Gordon moved to Adopt the Resolution.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- K. Resolution to Set a Public Hearing for July 20, 2023 on Urban Renewal Plan Amendments
Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis moved to Adopt the Resolution.
Vote: Ayes - 6, Nays - 0, Motion Passed.

- L. Request to Declare Two Transit Buses as Surplus and Authorize the Sale of Said Buses at Public Surplus Auction
Councilmember Nadine Brockert, seconded by Councilmember Jeff Osborne moved to Approve the Request.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- M. A Request to Approve an Agreement between the City of Muscatine and Senior Resources to support the provision of Senior Resident Services in the amount of \$30,000 for Fiscal Year 2023/2024
Councilmember Peggy Gordon, seconded by Councilmember Dennis Froelich moved to Approve the Request.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- N. A Request to Approve an Agreement between the City of Muscatine and the Greater Muscatine Chamber of Commerce (GMCCI) to provide Tourism and Marketing Services in the amount of \$135,000 annually for Fiscal Years 2023/2024 and 2024/2025.
Councilmember Jeff Osborne, seconded by Councilmember Peggy Gordon moved to Approve the Request.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- O. Request to Approve the City's Insurance Renewal, including property, casualty, and liability insurance, worker's compensation coverage, and various lines of other specialty coverage.
Councilmember Jeff Osborne, seconded by Councilmember Angie Lewis moved to Approve the Request.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- P. Request to enter into a contract in the amount of \$62,872 with Nathan Pierce for the sculpture "Zenith" to be installed in the roundabout at Mulberry and Second.
Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis moved to Approve the Request.
There were questions from City Councilmembers regarding the sculpture obstructing the view of drivers that were addressed by Public Works Director Brian Stineman.
Mr. Stineman stated that in the roundabout the only direction drivers need to be aware of is to their left and the sculpture would not block that vision.
Councilmember Osborne addressed several questions that had been brought up regarding the sculpture by sharing the funding sources used for the sculpture.
Mr. Osborne stated that 60% was privately funded while the other 40% was federally funded.
There were also questions regarding when the project would be finished and Library Director Melanie Alexander stated the contract states the finish date of April of 2024.
Vote: Ayes - 6, Nays - 0, Motion Passed.

- Q. Request to Approve the Issuance of a Purchase Order for Construction of an Art Installation Foundation in the Mulberry and 2nd Street Roundabout to Heuer Construction for an Amount not to Exceed \$22,165.
Councilmember Peggy Gordon, seconded by Councilmember Nadine Brockert moved to Approve the Request.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- R. Request to Approve the Issuance of a Purchase Order for Airport Hangars Roof Replacement to Bryant Roofing Co in the Amount of \$96,883
Councilmember Dennis Froelich, seconded by Councilmember Peggy Gordon moved to Approve the Request.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- S. Request for Authorization to Issue a Purchase Order to Hoglund Bus Company for a New Low Floor Bus in the Amount of \$194,606.00
Councilmember Nadine Brockert, seconded by Councilmember Peggy Gordon moved to Approve the Request.
Vote: Ayes - 6, Nays - 0, Motion Passed.

18. MAYOR AND COUNCIL REPORTS

Councilmember Lewis stated it is CNA week and thanked all the CNA's for their hard work and support to nurses.

Councilmember Gordon shared information regarding the library's 5th year anniversary celebration.

Councilmember Brockert shared information regarding a human trafficking event being held.

Councilmember Osborner shared information regarding upcoming local events

19. ADJOURNMENT

Councilmember Dennis Froelich moved the meeting be adjourned at 7:20 p.m.