



City of Muscatine

CITY COUNCIL MINUTES

Thursday, September 7, 2023

1. **CALL TO ORDER**

Mayor Bark called the City Council meeting for September 7, 2023 to order at 06:00 PM.

2. **INVOCATION**

Bruce Martin was present to give the invocation.

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 were also present.

4. **PLEDGE OF ALLEGIANCE**

5. **FROM THE MAYOR**

A. Swearing in of Officer Zachary Mullen

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

Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis moved to Approve the Agenda .

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

7. **COMMUNICATIONS - CITIZENS**

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 including Items 10-14. Ayes - 7 , Nays - 0, Motion Passed.

10. *** REVIEW AND POTENTIAL VOTE TO APPROVE MINUTES**

- A. August 17, 2023 City Council Regular Meeting Minutes
- B. August 30, 2023 City Council Special Meeting Minutes

11. * PETITIONS AND COMMUNICATIONS

- A. Request for Use of City Property from Chris Anderson with Pearl City Media for the Annual Jingle & Mingle to be held on December 1, 2023
- B. Request on first and second reading on a new Class “B” Retail Alcohol License for Love’s Travel Stop #882, 2417 Grandview Avenue – Love’s Travel Stops & Country Stores, Inc. (pending inspections)
- C. Request for renewal of a Special Class “B” Retail Native Wine License for Flowers on the Avenue, 1138 East 9th Street – Flowers on the Avenue (pending inspections)
- D. Request on first reading on a new Class “C” Retail Alcohol License for Tacos Jaliscience JEGL, 1608 Grandview Avenue – Tacos Jaliscience JEGL, LLC (pending inspections and insurance)
- E. Request for renewal of a Class “C” Retail Alcohol License for American Legion Club, 110 So. Houser Street – Edward H Bitzer Post No. 27 of the American Legion (pending inspections and insurance)
- F. Request to Approve the Use of City Property from Jefferson PTO/Jefferson Elementary for Back to school Event.

12. * COMMUNICATION – RECEIVE AND FILE

- A. Board of Water, Electric and Communication Meeting Minutes - July 25, 2023
- B. Muscatine County Board of Supervisors Meeting Minutes - August 14, 2023

13. * PURCHASE ORDERS

- A. Request to Approve the Issuance of a Purchase Order to Feld Fire, in the Amount of \$19,640.00, for 2 Sets of Paratech Maxforce Lift Bag Kits.
- B. Request to Approve the Issuance of a Purchase Order to Sulzco, LLC., in the amount of \$16,950.00, for the Pedestrian Bridge Railing Installation at the Pollinator Park.
- C. Request to Approve the Issuance of a Purchase Order to Zimmer & Francescon, in the amount of \$7,722.00, for the Purchase of Two Replacement Check Valve Bodies for the Progress Park Lift Station.
- D. Request to Approve the Issuance of a Purchase Order to Hinckley Medical, in the amount of \$ 17,500.00, for five ambulance cot scales.

14. * APPROVAL OF BILLS

- A. Bills for Approval - September 7, 2023

15. PUBLIC HEARING

- A. Public Hearing to Declare Certain Real Estate Owned by the City (891 W. 8th Street and Adjacent Parcel) as surplus and Authorizing the sale of Property by Sealed Bid Process.

There were no written or oral comments regarding this public hearing.

Councilmember Dennis Froelich, seconded by Councilmember John Jindrich, moved for the public hearing to be closed. Vote: Ayes - 7, Nays - None, Motion Passed.

- B. Public Hearing on the Plans and Specifications, Cost Estimate and Form of Contract for the UV Replacement Project at the Water Resource and Recovery Facility.

There were no written or oral comments regarding this public hearing.

Councilmember DeWayne Hopkins, seconded by Councilmember Angie Lewis, moved for the public hearing to be closed. Vote: Ayes - 7, Nays - None, Motion Passed.

- C. Public Hearing on the Amendments to the *Section 8 Housing Choice Voucher Administrative Plan*

There were no written or oral comments regarding this public hearing.

Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis, 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. A Resolution Declaring Certain Described Real Estate Owned By the City (Vacant Parcel Adjacent to 891 W. 8th Street) as Surplus and Authorizing the Sale of Said Certain Real Estate by Sealed Bid Process. - Public Hearing A

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

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

- B. A Resolution Approving An Easement for the West Hill Sewer Separation Project For Parcel "X", adjacent to 891 W 8th St

Councilmember Dennis Froelich, seconded by Councilmember Peggy Gordon

moved to Adopt the Resolution.

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

- C. A Resolution Declaring Certain Described Real Estate Owned By the City (891 W 8th Street) as Surplus and Authorizing the Sale of Said Certain Real Estate by Sealed Bid Process. - Public Hearing A
Councilmember Nadine Brockert, seconded by Councilmember John Jindrich moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- D. A Resolution Approving An Easement For The West Hill Sewer Separation For Parcel "W", Also Known As 891 W 8th St
Councilmember Peggy Gordon, seconded by Councilmember Dennis Froelich moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- E. Resolution Approving the Plans, Specifications, Form of Contract, Cost Estimates and Setting a Bid Opening for the UV Replacement Project. - Public Hearing B
Councilmember Angie Lewis, seconded by Councilmember DeWayne Hopkins moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- F. Request to Approve an Amendment to the *Section 8 Housing Choice Voucher Administrative Plan*. - Public Hearing C
Councilmember Peggy Gordon, seconded by Councilmember Jeff Osborne moved to Approve the Request.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- G. Third and Final Reading of an Ordinance Amending Nuisance Regulations Contained Within City Code Title 9, Chapter 3.
Councilmember Dennis Froelich, Seconded by Councilmember John Jindrich, 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.
- H. Third and Final Reading of an Ordinance Amending Title 10, Chapter 20, Section 4 of City Code - Home Occupations
Councilmember Angie Lewis, Seconded by Councilmember Nadine Brockert, 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.
- I. Second Reading of an Ordinance Amending Title 3, Chapter 2 of City Code - Use of City Right of Way
Councilmember John Jindrich, Seconded by Councilmember Peggy Gordon, moved to approve the second reading of the Ordinance
Vote: Ayes - 7, Nays - 0, Motion Passed.

- J. Second Reading of an Ordinance Amending Title 11, Chapter 4 of City Code - Inspections
Councilmember Jeff Osborne, Seconded by Councilmember Dennis Froelich, moved to approve the 2nd reading of this ordinance.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- K. Second Reading of an Ordinance Amending the Airport District Zoning Ordinance Contained within Title 10, Chapter 19 of the City Code
Councilmember Dennis Froelich, Seconded by Councilmember Angie Lewis, moved to approve the 2nd reading of this ordinance.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- L. A Resolution Authorizing the Execution of a Special Warranty Deed to Said Described Real Estate located at 619 Hope Ave (Parcel No. 0826454008)
Councilmember Angie Lewis, seconded by Councilmember Peggy Gordon moved to Adopt the Resolution.
Max Kaufman - 1609 Foster Street was present to discuss his concerns with the bidding process for this property. Mr. Kauffman stated he submitted a closed bid that was 4x the amount of the winning bid and was not awarded the bid due to him not being informed of the correct process. Mr. Kauffman has submitted the required information at this point and requests the bids to be re-evaluated. Councilmember Osborne stated that in his opinion the council should take time to look over Mr. Kauffman's proposal and reevaluate the award of the bid for 619 Hope. Councilmember Osborne stated this is a new bidding process for the City and there are kinks that need to be worked out and that should be given some consideration in this case.
There was discussion with Council regarding the bid process and the councils preference for awarding the bid to a non-profit organization.
Vote: Ayes - 5, Nays - 2 (Brockert, Osborne), Motion Passed.
- M. Resolution Awarding a Contract for the Vehicle Wash Bay to Bill Bruce Builders, Inc. in the Amount of \$1,295,000
Councilmember Nadine Brockert, seconded by Councilmember Peggy Gordon moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- N. Resolution Setting a Public Hearing on September 14, 2023 at 6:00 pm on the Plans, Specifications, Cost Estimation and Form of Contract for the Downtown Revitalization Project.
Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- O. Resolution Amending Nuisance Abatement Administrative Fee in Schedule of Permit And Licensing Requirements in Appendix D of City Code
Councilmember Dennis Froelich, seconded by Councilmember John Jindrich moved to .

There was discussion among Council regarding how the new policy would be delivered to residents. City Administrator Webb stated the repeat offenders would receive a letter in the mail with the new rates and first time offenders would get a letter with a warning for their first offense.

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

- P. Request to enter into a contract in the amount of \$5785.00 with Yohan Umana for artistic work related to the public art installation, "Muscatine - World's Largest Watermelon Slice", to be installed on the Muscatine Riverfront adjacent to Millennium Plaza.

Councilmember Jeff Osborne, seconded by Councilmember Angie Lewis moved to Approve the Request.

Councilmember Osborne asked staff to clarify the reason for the contract with the City when no City funds are being spent on the project.

Finance Director Nancy Lueck explained the process for donated funds being run through the city with purchase orders.

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

- Q. Request to Approve the Issuance of a Purchase Order in the Amount of \$50,827.00 to Ed Morse Muscatine for the Purchase of a 3/4 Ton Pickup Truck for the Water & Resource Recovery Facility Maintenance Department.

Councilmember Jeff Osborne, seconded by Councilmember Peggy Gordon moved to Approve the Request.

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

- R. Request to Approve the Issuance of a Purchase Order to Ed Morse Muscatine in the Amount of \$64,047.00 for the Purchase of a 3/4 ton Pickup Truck with Service Body for the Biosolids Department at the Water & Resource Recovery Facility.

Councilmember Peggy Gordon, seconded by Councilmember Jeff Osborne moved to Approve the Request.

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

- S. Request to Approve the Issuance of a Purchase Order to Feld Fire, in the Amount of \$279,772.00, for the Purchase of an Ambulance with a Powerload system.

Councilmember Nadine Brockert, seconded by Councilmember Jeff Osborne moved to Approve the Request.

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

- T. Request to Approve the Issuance of a Purchase Order to Titan Machinery, in the amount of \$131,945.00, for the purchase of a 4x4 Rubber Tire Backhoe Loader.

Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis moved to Approve the Request.

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

- U. Request to Approve the Issuance of a Purchase Order in the Amount of \$78,775.00 to Bushman Excavating for Pavement Crushing.

Councilmember John Jindrich, seconded by Councilmember Dennis Froelich

moved to Approve the Request.

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

- V. Request to Approve a Purchase Agreement between the City of Muscatine and Muscatine County (Buyers) and J&S Deahr Farms, LLC (Seller) in the amount of \$420,000 for the Purchase of Real Estate described in Exhibit A (Parcel ID 0334300007) for the use of a Law Enforcement Shooting Range & Training Facility.

Laura Kramer - 1670 N. Mulberry Rd. was present to share her opposition to this item stating that the shooting range should not be in a quiet country setting it should be in a commercial/industrial area. Ms. Kramer also stated the price the City is offering to pay for this land is twice the average price for land in the area.

John Kramer - 1670 N. Mulberry Rd. was present to share his opposition to this item stating he lives in the country to enjoy the quiet area. Mr. Kramer stated there is already a trap shooting range nearby that disturbs their quiet 4-5 days/week. He is also concerned with noise pollution affecting his property value.

Kristine Schroeder - 2400 155th Street - was present to share her opposition to this item stating she lives behind the Isaac Walton League and continually hears shooting now. She stated is does not want more noise pollution and does not agree with taking up farmland for the shooting range.

Bill Clevenger - 2516 150th St - was present to share his concerns regarding his livestock in this area as well as safety issues arising from stray bullets.

Carla Clevenger - 2516 150th St. - was present to share her opposition to this project stating this would make the area where they live unsafe for people and their animals.

Aaron Steffens - 2528 150th St. - was present to state his opposition to this project due to it would be in his backyard and he has concerns for his four children as well as his cattle and horses. He also states this would decrease the value of his property. Mr. Steffens also stated the City is paying too high of a price for this land.

Ted Dickey - 1744 Tipton Road - stated he is opposed to this project and that it would make two shooting ranges on the corners of his property. He states he already does not go home on nights that they are shooting at the Isaac Walton League due to the noise. Mr. Dickey also stated he believes this sale of property is unethical. and underhanded.

Tim Maxwell - 1444 N. Isett -stated he is opposed due to his family lives all around this location and he was unable to build on agriculture land due to the Corn Suitability rate and the same rules should apply for this land.

Todd Kraklio - 2505 155th St. - Stated he is concerned with the safety of his grandkids, pets and livestock. He states he bought this property for the peace and quiet it provided.

Fred Satterthwaite - 1624 N. Tipton Rd. - shared his concerns regarding noise

pollution and lead contamination.

Charlie Lewis - 112 VanHorne St. - stated he owns acreage adjacent to this property and they would be shooting into his property that is used by his kids and friends for camping. He also stated lead contamination lawsuits could be possible in the future. \

Kyle Shepperd - 1589 Isett - Stated her animals are scared by gunshot and her chickens will quit laying eggs due to the noise. She is opposed to having a bugle facility built on such a beautiful location.

Ed Lindel - 1692 Lindle Ave - stated the City needs to think about how many houses and livestock this will affect. States a less populated area needs to be located for the site of the shooting range.

Mike Marson - 2484 150th - stated his concerns regarding the water drainage and lead contamination, he stated the houses are too close to the range and it is not safe. Also feels it is too much money to spend for the facility.

City Councilmembers asked Chief Kies to come and speak on some of these issues. Mr. Kies addressed the residents and stated they are willing to work with the neighbors on this project. He states he is aware that the neighbors do not want it and that there would be strict procedures put in place and enforced for the facility.

Chief Kies stated that there would be a meeting at the County on Friday Sept 8 that would explain a lot more in detail the safety issues being put into place for the facility and encouraged the residents to attend.

There was discussion among City Councilmembers regarding the shooting range. Councilmember Froelich stated he would like to motion to table this discussion until the next Council meeting on Sept 14, 2023. There was a second by Councilmember Hopkins.

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

W. Review and Discussion of Proposed Amendment #2 to the Development Agreement with R. L. Fridley Theatres, Inc. and Fridley Properties, LLC

City Administrator Webb stated this item was just a discussion regarding a proposed amendment to the Development Agreement with R.L.Fridley Theatres. Ms.Webb stated Fridley is asking for a change in the percent of rebate they would receive in order to be able to incentivize the outlying properties for development. Ms. Webb stated the maximum amount of rebate would not change.

There were no questions from the Council and Ms. Webb stated it would be brought back for a vote at the Sept 14, 2023 meeting.

18. MAYOR AND COUNCIL REPORTS

19. **ADJOURNMENT**

Councilmember Froelich moved the meeting be adjourned at 07:30 PM.