



City of Muscatine

CITY COUNCIL MINUTES

Thursday, October 19, 2023

1. **CALL TO ORDER**

Mayor Bark called the City Council meeting for October 19, 2023 to order at 06:00 PM.

2. **INVOCATION - Bruce Martin, Calvary 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 were also present. Councilmember Jindrich left the council meeting after item 17A and did not return.

4. **PLEDGE OF ALLEGIANCE**

5. **FROM THE MAYOR**

- A. Swearing In of Officer Justin Orbaker
- B. Swearing in of Officer Nathan Nardini

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

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

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

7. **COMMUNICATIONS - CITIZENS**

Brian Niepert was present to share his concerns with City Council regarding housing issues in the City of Muscatine.

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

9. CONSENT AGENDA * (ITEMS 10-14)

Councilmember Peggy Gordon, seconded by Councilmember Dennis Froelich, 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. October 5, 2023 City Council Meeting Minutes
- B. October 12, 2023 City Council Meeting Minutes

11. * PETITIONS AND COMMUNICATIONS

- A. Request for renewal of a Class "C" Retail Alcohol License, Outdoor Service and Sunday Service for Bridgeside Pub LLC, 1005 East 2 nd Street – Bridgeside Pub LLC (pending inspections and insurance)
- B. Request for renewal of a Class "C" Retail Alcohol License and Outdoor Service for Missipi Brewing Company, 107 Iowa Avenue – R&D Operations, Limited (pending inspections and insurance)

12. * COMMUNICATION – RECEIVE AND FILE

- A. October 9, 2023 Muscatine County Board of Supervisors Meeting Minutes
- B. October 2, 2023 Muscatine County Board of Supervisors Minutes

13. * PURCHASE ORDERS

14. * APPROVAL OF BILLS

- A. Bills for Approval - October 19, 2023

15. PUBLIC HEARING

- A. Public Hearing Regarding a Proposed Ordinance Creating a Construction Appeal & Advisory Board.
There were no written or oral comments regarding this public hearing.
Councilmember Nadine Brockert, seconded by Councilmember Angie Lewis, moved for the public hearing to be closed. Vote: Ayes - 7, Nays - None, Motion Passed.
- B. Public Hearing Regarding the Declaration of Certain Real Estate Owned by the City as Surplus, and Authorizing the Sale of Said Property Through a Closed Bid Process.
There were no written or oral comments regarding this public hearing.
Councilmember Peggy Gordon, seconded by Councilmember Dennis Froelich, 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. Second Reading of Ordinance Amending Title 6, Chapter 8 of the Code of the City of Muscatine, Regarding Animal Regulations

Jerri Robison-2504 Dawson Street was present to share her concerns with the licensing, breeding and selling of snakes in her neighborhood. Ms. Robison had questions concerning rezoning, property taxes, and other regulations that would apply to a business rather than a home.

Kevin Madsen - 2605 Dawson was present to state his thoughts regarding the citizens breaking the City Code by having snakes in their home and shared that he does not feel the city should make an exception to this situation.

Angie OBrien - 2103 University was present to share support for allowing snakes to be kept in homes with regulations in place. Ms OBrien stated that snakes should be treated like any other pet and if there is a valid complaint it can be monitored by officials.

Jack Wolf - 2806 Dawson Street shared his concerns with the snakes and rats escaping the home and becoming a nuisance in the neighborhood.

Michael Kurrigor, 2609 Dawson Street shared his concerns with the animal waste generated from the business and had questions regarding disposal of said waste. Mr. Kurrigor also had questions regarding the possibility of snakes bringing in parasites to the neighborhood.

Sandy Eichelberger 2914 Dawson was present to share her concerns for the safety of children in the neighborhood if the snakes were to escape.

Cynthia Cortez and Thomas Phillips - 2829 Highland Court, were present to answer questions related to their snakes and to encourage neighbors and council to talk to them regarding questions. They also invited neighbors and councilmembers to come to the house to view the snake set up to see how secure and clean the area is.

Councilmember Froelich made a motion to postpone this item to allow time for City Councilmembers to review the new data prior to approving the ordinance. Seconded by Councilmember Brockert. Vote: Ayes - 7, Nays - 0, Motion carried.

At this time Councilmember Jindrich left the council meeting.

- B. First Reading of an Ordinance Creating a Construction Appeal & Advisory Board (Public Hearing A)
Councilmember Peggy Gordon, Seconded by Councilmember Angie Lewis, moved to approve the first reading of this ordinance as submitted.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- C. Resolution Declaring Certain Real Estate Owned by the City as Surplus, and Authorizing the Sale of Said Property Through a Closed Bid Process. (Public Hearing B)
Councilmember Angie Lewis, seconded by Councilmember Jeff Osborne moved to Adopt the Resolution.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- D. Resolution Setting a Public Hearing for West Hill Phase 6C Discussion of Potential Environmental Impacts
Councilmember Dennis Froelich, seconded by Councilmember Angie Lewis moved to Adopt the Resolution.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- E. Resolution Approving the Contract and Bond with General Contractors, Inc., in the Amount of \$545,000.00, for the Replacement UV Disinfection System Project.
Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis moved to Adopt the Resolution.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- F. Resolution Authorizing Special Assessments for Unpaid Abatement Service Fees and Rental Housing Fees to Private Properties
Councilmember Peggy Gordon, seconded by Councilmember Dennis Froelich moved to Adopt the Resolution.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- G. Resolution Conveying Vacated Right-of-Way (a Portion of Brier Street) in the City of Muscatine, Iowa to Off Grid Spartan LLC
Councilmember Angie Lewis, seconded by Councilmember Jeff Osborne moved to Adopt the Resolution.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- H. Resolution Awarding a Contract for the Downtown Revitalization Project to Cornerstone Commercial Contractors, Inc. in the Amount of \$1,320,023.00
Councilmember Peggy Gordon, seconded by Councilmember Dennis Froelich moved to Adopt the Resolution.
Councilmember Brockert stated she had received messages from Muscatine Businesses stating that they felt like the downtown area was getting all the grants and city improvements and the outlying small businesses were being left out.
City Administrator Webb stated the city had worked with the Grandview Avenue business and will be working in other areas of town in the near future. She also

stated that the Chamber of Commerce has facade grants for any businesses in Muscatine.

Councilmember Osborne stated the downtown is the center of the center and that the improvements to this area benefit everyone equally.

Councilmember Gordon stated that moving forward the city needs to be more prepared to help the business owners during road construction in their area.

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

- I. Request to Enter Into Contract with BMW Builders II as the City General Contractor for Minor City Construction Projects

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

There were questions from councilmembers regarding what projects this contract would cover. Public Works Director Brian Stineman stated that it could cover anything up to \$25,000.

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

- J. Request to Approve Purchase Order to Midwest Irrigation LLC in the Amount of \$34,420.00 for a New Irrigation Control Panel for the Irrigation Pump House at the Golf Course.

Councilmember Dennis Froelich, seconded by Councilmember DeWayne Hopkins moved to Approve the Request.

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

- K. Request to Approve a Proposal from SCS Engineers, in the amount of \$12,500, for Completion of an Assessment of Corrective Measures Mandated by the Iowa DNR for the Muscatine County Sanitary Landfill.

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

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

- L. Request to Approve the Issuance of a Purchase Order to Holmes Roofing and Construction in the Amount of \$32,275.00 for the Replacement of the Metal Roof at the Transfer Station.

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

Councilmember Froelich had questions regarding what part of the roof was being replaced that was addressed by Solid Waste Manager Dave Popp.

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

- M. Request to Approve Purchase of a Temporary Easement for West Hill Sewer Separation Project Phase 6 - 1107 Sycamore Street in the amount of \$695.33.

Councilmember Dennis Froelich, seconded by Councilmember DeWayne Hopkins moved to Approve the Request.

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

- N. Request to Approve Entering into a Professional Services Agreement with Martin & Whitacre Surveyors & Engineers, Inc. for the amount of \$65,950.00 for the Weed Park Lagoon Project.
Councilmember DeWayne Hopkins, seconded by Councilmember Angie Lewis moved to Approve the Request.
Vote: Ayes - 6, Nays - 0, Motion .
- O. Request to Accept a Paul Bruhn Grant in the amount of \$747,148 to Support the Preservation and Rehabilitation of the Downtown Historic District.
Councilmember Dennis Froelich, seconded by Councilmember Nadine Brockert moved to Approve the Request.
Councilmember Gordon had questions regarding staff management of the grants that were addressed by CD Director Jodi Royal-Goodwin. Ms. Goodwin stated that, if needed, they could be managed by an outside source.
Vote: Ayes - 6, Nays - 0, Motion Passed.
- P. Request to Approve Procurement Policy for Select Federally Funded Grants
Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis moved to Approve the Request.
Vote: Ayes - 6, Nays - 0, Motion Passed.

18. MAYOR AND COUNCIL REPORTS

19. CLOSED SESSION MEETING

Meeting not held

- A. 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.

20. ADJOURNMENT

Councilmember Froelich moved the meeting be adjourned at 06:55 PM.