



City of Muscatine

CITY COUNCIL MINUTES

Thursday, November 16, 2023

1. **CALL TO ORDER**

Mayor Bark called the City Council meeting for November 16, 2023 to order at 6:00 PM.

2. **INVOCATION- Pam Saturnia, First Presbyterian Church**

3. **ROLL CALL**

Councilmembers Present: Nadine Brockert, John Jindrich, Jeff Osborne, Peggy Gordon(virtually), 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**

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

Councilmember Angie Lewis, seconded by Councilmember Jeff Osborne moved to approve the agenda as presented. Vote: Ayes -7, Nays - 0, Motion Passed.

7. **COMMUNICATIONS - CITIZENS**

Jim Elias - 2629 Canterbury Rd was present to share regarding the installation of the new "Zenith" structure at the 2nd Street and Mulberry Roundabout. Mr. Elias thanked all involved in making this happen.

Karl Reichert-3402 Tipton Rd. was present to share his recommendations regarding City Officials. Mr. Reichert stated this is the most positive City Council he has seen in years. Mr. Reichert suggested to City Council that they return the powers to the Mayor that were stripped from the position by a former City Council. He also stated the City Councilmembers should be paid equal to the Muscatine Board of Supervisors Members and that the City should do whatever it takes to keep the current City Administrator.

8. COUNCILMEMBER FOLLOW UP TO CITIZEN COMMUNICATION

Councilmember Lewis questioned what powers had been taken away from the mayor. City Administrator Webb stated she would look into that and get back to council with the information.

9. CONSENT AGENDA * (ITEMS 10-14)

Councilmember Angie Lewis, seconded by Councilmember DeWayne Hopkins, 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. November 2, 2023 City Council Regular Meeting Minutes
- B. November 9, 2023 City Council In-Depth Meeting Minutes

11. * PETITIONS AND COMMUNICATIONS

- A. Request for Renewal of a Class "E" Retail Alcohol License for Kum & Go #1436, 416 Cedar Street – Kum & Go LC (pending inspections)
- B. Request for Renewal of a Class "C" Retail Alcohol License and Outdoor Service for Contrary Brewing Company, 411 West Mississippi Drive – Contrary Brewing LLC (pending inspections)
- C. Request for Renewal of a Class "E" Retail Alcohol License for Westside Store, 2201 Houser Street – West Side Houser Mart LLC (pending inspections)
- D. Request on First Reading on a New Class "C" Retail Alcohol License for The OB, 101 West Mississippi Drive – The OB LLC (pending inspections and insurance)
- E. Request for a Class "C" Retail Alcohol Permit (5-day Alcohol Permit) for The Tipsy Traveler's LLC, 2107 Stewart Road – The Tipsy Traveler's LLC (pending inspections)
- F. Request for Renewal of a Class "C" Retail Alcohol License for Flaming Embers, 131 West 2nd Street – Flaming Embers Inc. (pending inspections and insurance)
- G. Request for Renewal of a Class "C" Retail Alcohol License for Hubble's Tap, 214 East 2nd Street – Hubble's Glenda LLC (pending inspections and insurance)
- H. Request for renewal of a Class "C" Beer Permit for New York Dollar Store, 109 East 2nd Street – Antonio Sosa (pending inspections and insurance)

12. * COMMUNICATION – RECEIVE AND FILE

- A. November 2, 2023 County Board of Supervisors Meeting Minutes
- B. November 6, 2023 County Board of Supervisors Meeting Minutes

C. October 30, 2023 Board of Supervisors Meeting Minutes

13. *** PURCHASE ORDERS**

14. *** APPROVAL OF BILLS**

A. November 16, 2023 Bills for Approval

15. **PUBLIC HEARING**

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
Councilmember Angie Lewis, seconded by Councilmember Jeff Osborne, moved to approve the second reading of the ordinance.

Don Becker, 1306 New Hampshire Street, was present to share his support for the changes to code that would allow for certain types of snakes to be kept by residents in the city limits. Mr. Becker states that limiting constrictors is unfounded, as several types of constrictors are native to Muscatine and can be found in the wild.

Kevin Madsen, 2605 Dawson St, was present to state he is not opposed to pet snakes but is opposed to having a business of breeding and selling snakes in a residential area. Mr. Madsen brought a petition signed by 177 residents opposing the breeding and selling of snakes in a residential zoned area.

Shanda Good, 1716 Bandag Dr. was present to share her support of the code changes that would allow for snakes to be kept by residents.

Andrew Keefe, 1209 Vista Court was present to share his support of the code changes allowing for snakes to be kept as pets by residents.

Sara Mullins, 921 W.3rd Street was present to state she is in support of the keeping of snakes as pets. She stated having a law to ban snakes that are smaller than many of the native wild snakes is arbitrary.

City Administrator Webb made clarification to what the vote was concerning for this item and that the home based business issue was not part of the code being voted on.

Councilmember Dennis Froelich made a motion to amend the ordinance by removing the proposed changes to section 6-8-1-L -3 i and j and to retain the changes to 6-8-1-L-3 g and h, 6-8-1 P and V, and 6-8-3 B. Seconded by Councilmember Jindrich.

Councilmember Osborne stated the public concern is not against snakes but against business in residential areas and the volume of snakes and/or rats. Mr. Osborne suggested limiting the number of snakes a person can keep.

Councilmember Jindrich is in favor of amendment and stated he feels the number of snakes in the resident is excessive. He stated he feels the number of snakes in this home is detrimental to the neighborhood.

Councilmember Lewis stated she is not opposed to the snakes but as a councilmember she needs to vote regarding what the people want and feels that the citizens are against this many snakes in a residential area.

Councilmember Froelich stated he has received many phone calls and emails from residents stating this is not the appropriate place to house the amount of snakes and rats that are being housed.

Councilmember Brockert does not agree with the breeding of snakes and rats in a residential area.

Councilmember Osborne stated he was not happy with the amendment but feels he needs to vote with the majority of the residents.

Vote: Ayes - 6, Nays - 1,(Gordon) Amdendment to the Motion Passed.

Vote to approve the original motion as amended.

Vote Ayes - 7, Nays - 0 Motion passed.

City Administrator Webb stated the amended ordinance voted on tonight would be considered the first reading and would be brought back to council for 2 additional readings prior to being passed.

B. Third and Final Reading of an Ordinance Creating a Construction Appeal & Advisory Board

Councilmember Dennis Froelich, 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.

C. Resolutions (15) Approving Annual Appropriations for TIF Rebates for Fiscal Year 2024/2025:

- I Resolution Providing for the Appropriation of an Amount not to Exceed \$320,000 for the Wal-View Developments Project #1 TIF Rebate for the Fiscal Year Beginning July 1, 2024.

Councilmember Angie Lewis, seconded by Councilmember Dennis Froelich

moved to Adopt the Resolution.

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

- II Resolution Providing for the Appropriation of an Amount not to Exceed \$175,000 for the Wal-View Developments Project #2 TIF Rebate for the Fiscal Year Beginning July 1, 2024.

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

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

- III Resolution Providing for the Appropriation of an Amount not to Exceed \$60,000 for the Musco Sports Lighting Project #2 TIF Rebate for the Fiscal Year Beginning July 1, 2024.

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

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

- IV Resolution Providing for the Appropriation of an Amount not to Exceed \$38,000 for the Harrison Lofts, LLC TIF Rebate for the Fiscal Year Beginning July 1, 2024.

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

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

- V Resolution Providing for the Appropriation of an Amount not to Exceed \$400,000 for the Riverview Hotel Development TIF Rebate for the Fiscal Year Beginning July 1, 2024.

Councilmember Dennis Froelich, seconded by Councilmember DeWayne Hopkins moved to Adopt the Resolution.

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

- VI Resolution Providing for the Appropriation of an Amount not to Exceed \$107,000 for the HNI Corporation TIF Rebate for the Fiscal Year Beginning July 1, 2024.

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

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

- VII Resolution Providing for the Appropriation of an Amount not to Exceed \$78,000 for the White Distribution & Supply LLC TIF Rebate for the Fiscal Year Beginning July 1, 2024.

Councilmember DeWayne Hopkins, seconded by Councilmember Dennis Froelich moved to Adopt the Resolution.

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

- VIII Resolution Providing for the Appropriation of an Amount not to Exceed \$73,000 for the Bush Development, LLC/ Hershey Development LLC TIF Rebate for the Fiscal Year Beginning July 1, 2024.

Councilmember John Jindrich, seconded by Councilmember Nadine Brockert

moved to Adopt the Resolution.

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

- IX Resolution Providing for the Appropriation of an Amount not to Exceed \$30,000 for the JNB Oak Park, LP TIF Rebate for the Fiscal year Beginning July 1, 2024.
Councilmember Angie Lewis, seconded by Councilmember Dennis Froelich moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- X Resolution Providing for the Appropriation of an Amount not to Exceed \$40,000 for the NPSW Enterprises, LLC TIF Rebate for the First Phase of the Arbor Commons Development for the Fiscal year Beginning July 1, 2024.
Councilmember Dennis Froelich, seconded by Councilmember Angie Lewis moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- XI Resolution Providing for the Appropriation of an Amount not to Exceed \$14,000 for the FridleyTheatres Outlot #1 Development for the Fiscal Year Beginning July 1, 2024.
Councilmember Angie Lewis, seconded by Councilmember DeWayne Hopkins moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- XII Resolution Providing for the Appropriation of an Amount not to Exceed \$40,000 for the Colorado Senior Lofts LLC TIF Rebate for the Fiscal Year Beginning July 1, 2024.
Councilmember John Jindrich, seconded by Councilmember Dennis Froelich moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- XIII Resolution Providing for the Appropriation of an Amount not to Exceed \$36,000 for the Grandview Senior Lofts LLC TIF Rebate for the Fiscal Year Beginning July 1, 2024.

Councilmember Angie Lewis, seconded by Councilmember Peggy Gordon moved to Approve the Request.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- XIV Resolution Providing for the Appropriation of an Amount not to Exceed \$30,000 for the JNB Family 1 LP (Steamboat Apartments) TIF Rebate for the Fiscal Year Beginning July 1, 2024.
Councilmember John Jindrich, seconded by Councilmember Nadine Brockert moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- XV Resolution Providing for the Appropriation of an Amount not to Exceed \$70,000 for the Love's Travel Stops & Country Stores, Inc. TIF Rebate for the Fiscal Year beginning July 1, 2024.

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

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

D. Resolutions (4) Approving Internal Advances of Funds for Tax Increment Urban Renewal Projects

I Resolution Authorizing Internal Advance of Funds for the 2023-2024 Urban Renewal Administration and Professional Support Program

Councilmember Jeff Osborne, seconded by Councilmember Angie Lewis moved to Adopt the Resolution.

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

II Resolution Authorizing Internal Advance of Funds for the Economic Development Grant for the Greater Muscatine Chamber of Commerce and Industry (GMCCI) Support Program

Councilmember Angie Lewis, seconded by Councilmember Jeff Osborne moved to Adopt the Resolution.

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

III Resolution Authorizing the Internal Advance of Funds for the Small Business Forgivable Loan Program

Councilmember DeWayne Hopkins, seconded by Councilmember Dennis Froelich moved to Adopt the Resolution.

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

IV Resolution Authorizing the Internal Advance of Funds for the Downtown Façade Improvements Forgivable Loan Program

Councilmember Angie Lewis, seconded by Councilmember Jeff Osborne moved to Adopt the Resolution.

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

Councilmember Lewis had questions regarding what constitutes downtown that were addressed by City Administrator Webb. Ms. Webb stated all of 2nd Street is considered the downtown area.

E. Resolution Recognizing Muscatine Community Heart & Soul and the Discovery of What Matters Most to the Residents of Our Town

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

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

F. Resolution Amending Abatement Administrative Fee in Appendix D of City Code
Councilmember Angie Lewis, seconded by Councilmember Nadine Brockert moved to Adopt the Resolution.

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

- G. Resolution Reaffirming the Ambulance Service Fee Schedule Effective July 1, 2020 and Reaffirming the City's Legal Authority to Collect Such Fees
Councilmember DeWayne Hopkins, seconded by Councilmember Angie Lewis moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- H. Resolution Awarding Contract to Heuer Construction in the Amount \$13,001 for the Demolition of a Structure and Removal of Cargo Containers Located at 1522 Grand Ave
Councilmember John Jindrich, seconded by Councilmember Nadine Brockert moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- I. Resolution Authorizing Special Assessments for Unpaid Abatement Service Fees to Private Properties
Councilmember DeWayne Hopkins, seconded by Councilmember Angie Lewis moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- J. Resolution Setting a Public Hearing on the Plans, Specifications, Form of Contract, and Cost Estimate and Setting the Bid Opening for the Sunset Park Lighting Project
Councilmember Angie Lewis, seconded by Councilmember Dennis Froelich moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- K. Request to Accept Lead Hazard Reduction and Healthy Homes Grant for \$2,956,932.31.
Councilmember Angie Lewis, seconded by Councilmember Nadine Brockert moved to Approve the Request.
Vote: Ayes - 7, Nays - 0, Motion Passed.
Councilmember Jindrich had Questions regarding the use of tax dollars to do what a land lord should be doing.
Community Development Director, Jodi Royal-Goodwin, stated that any owner or renter occupied home visited or occupied by a child 6 or under is eligible for this program. She states there is a cost share of 15% to the owner for the lead remediation of the home and the home has to be occupied by a low income family and remain a low income home for the next 5 years.
Councilmember Gordon had questions regarding the completion of the 65 targeted homes.
Ms. Royal-Goodwin stated this is a 4 year grant and should be started the first of the year.
- L. Resolution Amending the Non-Union Pay Plan to add two staff positions fully funded through the Lead Hazard Reduction and Healthy Homes Grant
Councilmember Angie Lewis, seconded by Councilmember Nadine Brockert moved to Adopt the Resolution.

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

Councilmember Froelich asked for clarification regarding the length of service that these staff members would provide that were addressed by City Administrator Webb. she stated they would be employed for the duration of the grant and then would be terminated of that position.

- M. Request to Approve Annual Urban Renewal Report for Fiscal Year 2022/2023
Councilmember Angie Lewis, seconded by Councilmember John Jindrich moved to Approve the Request.

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

- N. Request to sign the Preservation Easement agreement with the Iowa State Historic Preservation Office for the purpose of preserving the Japanese Garden at the Laura Musser McColm Historic District / Muscatine Art Center following the conditions of the Paul Bruhn Historic Preservation Program grant award for the Japanese Garden,
Councilmember DeWayne Hopkins, seconded by Councilmember Dennis Froelich moved to Approve the Request.

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

18. MAYOR AND COUNCIL REPORTS

Councilmembers gave updates on activities in the Muscatine area and wished all the residents of Muscatine a Happy Thanksgiving.

Councilmember Osborne asked staff to bring back to an in-depth meeting a discussion regarding limiting the number of pets a residence can have and if limited could snakes be allowed.

City Administrator Webb gave a shout out to the Finance Department for their hard work on the TIF Resolutions.

19. ADJOURNMENT

Councilmember None moved the meeting be adjourned at 7:03 PM.