



City of Muscatine

CITY COUNCIL MINUTES

Thursday, December 7, 2023

1. **CALL TO ORDER**

2. **INVOCATION**

Councilmember Angie Lewis gave the opening invocation.

3. **ROLL CALL**

Councilmembers Present: Nadine Brockert, John Jindrich, Jeff Osborne, Peggy Gordon, Angie Lewis, Dennis Froelich, DeWayne Hopkins. Councilmembers. 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 Firefighter Eric Joslyn
- B. Swearing in Firefighter Drake Hotz
- C. Presentation of Check from the Muscatine Fire department Boot Drive to Jillian Harper from the MDA.

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

Councilmember Peggy Gordon, seconded by Councilmember Dennis Froelich moved to approve the agenda as presented. Vote: Ayes -7, Nays - 0, Motion Passed.

7. **COMMUNICATIONS - CITIZENS**

Sandy Grady, 1503 Houser Street was present to share her concerns regarding residents being able to retrieve their belongings from the Welch Apartments. Ms. Grady stated the former residents are not being communicated with regarding the status of the building.

Brian Neipert, Streets of Muscatine, was present to share concerns with the housing in Muscatine.

8. COUNCILMEMBER FOLLOW UP TO CITIZEN COMMUNICATION

Andrew Fangman stated the Welch Apartments are being worked on to make it safe for residents to be able to reenter to retrieve their belongings. He stated he did not have a timeline for the completion of the work.

There were questions from City Council regarding why the engineers and workers could go into the building, but they wouldn't allow anyone to retrieve the residents' belongings. Mr. Fangman stated that the owner has control of access and believes he is trying to limit liability by not allowing more than necessary to enter.

Councilmember Gordon asked for better communication with the residents regarding updates on the progress of work on the apartment building.

Councilmember Osborne responded regarding the conditions of the rental properties in Muscatine and told Mr. Neipert if he would like to discuss further to contact him directly.

9. CONSENT AGENDA * (ITEMS 10-14)

Councilmember Peggy Gordon, 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. November 16, 2023 City Council Meeting Minutes

11. * PETITIONS AND COMMUNICATIONS

- A. Request on second reading on a new Class "C" Retail Alcohol License for The OB, 101 West Mississippi Drive – The OB LLC (pending inspections and insurance)
- B. Request for Use of City Property from Alex Nagy with Twisted Cat for a Catfishing Tournament to be held on August 3, 2024
- C. Request for Use of City Property from Dena Ferreira with Greater Muscatine Chamber of Commerce & Industry for the Annual Pearl City Vintage Market to be held on October 12, 2024

12. * COMMUNICATION – RECEIVE AND FILE

- A. Muscatine County Board of Supervisors Meeting Minutes - November 13, 2023
- B. Muscatine County Board of Supervisors Meeting Minutes - November 14, 2023
- C. County Board of Supervisors Meeting Minutes November 20, 2023
- D. Muscatine County Board of Supervisors Meeting Minutes November 27, 2023
- E. Muscatine County Board of Supervisors Meeting Minutes November 28, 2023
- F. Muscatine County Board of Supervisors Meeting Minutes - November 30, 2023

- G. Muscatine Power and Water Adopted Budget
- H. Board of Water, Electric and Communications Meeting Minutes - October 2023

13. * PURCHASE ORDERS

- A. Request to Approve the Issuance of a Purchase Order in the Amount of \$5,495.00 to Hinkley Medical for the One Dose Software System.
- B. Request to Approve the Issuance of a Purchase Order to Bobcat of the Quad Cities, in the Amount of \$15,069, for a Trailer for Greenwood Cemetery.

14. * APPROVAL OF BILLS

- A. December 7, 2023 Bills for Approval

15. PUBLIC HEARING

- A. Public Hearing for West Hill Phase 6C Discussion of Potential Environmental Impacts
There were no written or oral comments regarding this public hearing.
Councilmember John Jindrich, seconded by Councilmember Jeff Osborne, moved for the public hearing to be closed. Vote: Ayes - 7, Nays - None, Motion Passed.
- B. Public Hearing on the Plans, Specifications, Form of Contract, and Cost Estimate and Setting the Bid Opening for the Sunset Park Lighting Project
There were no written or oral comments regarding this public hearing.
Councilmember Dennis Froelich, seconded by Councilmember Nadine Brockert, 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 an Amended ordinance Amending Title 6, Chapter 8 of the Code of the City of Muscatine, Regarding Animal Regulations. The amended ordinance presented for a second reading removes the proposed changes to section 6-8-1-L -3, i and j and retains the changes to 6-8-1-L-3, g and h, 6-8-1, P and V, and 6-8-3 B. The amended ordinance presented retains the prohibition of all snakes that are venomous or constrictors.

Councilmember Dennis Froelich, seconded by Councilmember John Jindrich, moved to Approve the second reading of ordinance.

Councilmember Gordon suggested an extension of 5-6 months for the residents to remove the inventory of snakes due to the temperatures and the sensitive nature of the snakes.

Chief Kies came forward to state he had agreed with the residents to give them 6 months to have the snakes removed.

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

- B. Resolution Approving the Plans, Specifications, Form of Contract, and Cost Estimate and Setting the Bid Opening for the Sunset Park Lighting Project (Public Hearing - B)

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

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

- C. Resolution Approving the Contract and Bond for the Downtown Revitalization Program to Cornerstone Commercial Contractors, Inc. in the Amount up to \$1,320,023.00

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

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

- D. Resolution Accepting Completed Work Performed by Mid-American Golf & Landscape for the Soccer Complex Irrigation Replacement Project, Approving a Change Order in the amount of \$13,133.96, and Authorizing Final Payment of \$192,892.48, including 5% retainage to be released 30 days from the date of this acceptance.

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

There were questions about the testing of the work prior to the end of the season that was addressed by Jeff Limburg, Parks and Recreation Dept.

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

- E. Resolution Accepting Completed Work Performed by the Henley Group, LLC. for the Taylor Park Splashpad Project and Authorizing Final Payment of \$37,052.21, including 5% retainage to be released 30 days from the date of this acceptance. Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis moved to Adopt the Resolution.

Parks and Recreation Director Rich Klimes was present to share information regarding the discoloration of the water at the Taylor Park Splash Pad. Mr. Klimes stated the City is working with Muscating Power and Water to take care of this issue.

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

- F. Resolution Accepting Completed Work by Heuer Construction, Inc. for the Fulliam Avenue Reconstruction Project - Phase 1 in the Amount of \$989,980.26.

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

Councilmembers had questions regarding avoiding the large change orders that was addressed by Mr. Stineman, Public Works Director. Mr. Stineman stated this change order was due to an unforeseen issue with the subsoil conditions. Mr. Stineman states that moving forward with the rest of the project they will prepare for this issue to avoid large change orders moving forward.

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

- G. Resolution to Approve a Contract and Bond with Central Petroleum Equipment Company for the Fuel System Replacement Project at the Public Works Facility, in the Amount of \$468,386.32.

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

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

- H. Resolution Accepting Dedications of Right of Way; Sanitary Sewer Easement; Public Street Improvements; and Public Sanitary Sewer Improvements from Love's Travel Stops & Country Stores.

Councilmember Dennis Froelich, seconded by Councilmember Nadine Brockert moved to Adopt the Resolution.

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

- I. Resolution Approving Amended Development Agreement with Love's Travel Stops & Country Stores, Inc.

Councilmember Angie Lewis, seconded by Councilmember Nadine Brockert moved to Adopt the Resolution.

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

- J. Request to Approve Amendment #2 to the Lease Agreement for Agriculture Land on the Muscatine Municipal Airport Property

Councilmember Angie Lewis, seconded by Councilmember Dennis Froelich moved to Approve the Request.

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

- K. Request for Authorization to Submit a Certified Local Government Grant Application on Behalf of the Muscatine Historic Preservation Commission for funding to Conduct an Intensive Underground Railroad Survey and Host the 2025 Preserve Iowa Summit

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

Councilmember Gordon had questions regarding the funding and reimbursement of funds for this Grant that were addressed by City Planner April Limburg.

Ms. Gordon asked that staff create a grant score card to allow better understanding to City Council regarding the benefits and risks associated with each grant prior to accepting.

There was a consensus with Council for staff to create a grant scoring process. Councilmember Froelich asked what exactly the City would have to show following the project that was addressed by Ms. Limburg.

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

- L. Request to Approve the Issuance of a Purchase Order in the amount of \$27,925.00 to Star Equipment for the Purchase of a Portable Air Compressor. Councilmember Peggy Gordon, seconded by Councilmember Jeff Osborne moved to Approve the Request.

There were questions from City Council regarding what staff is currently using that was addressed by Public Works director Stineman. Mr. Stineman stated they are using a 20 year old air compressor that is failing.

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

- M. Request to approve a Purchase Order to Van Wall Equipment in the amount of \$32,000 for a Triplex Mower for Golf Course Operations.

Councilmember Dennis Froelich, seconded by Councilmember Jeff Osborne moved to Approve the Request.

There were positive comments from City Councilmembers regarding the amount saved by purchasing a one year old used mower.

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

- N. Request to Enter Into an Engineering Services Agreement with McClure Engineering Company for a Feasibility Study for the Relocation of the Dredge Dewatering Site for \$9,500

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

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

- O. Request to Approve a Purchase Order to Bobcat of the Quad Cities in the amount of \$51,497.01 For The Purchase of A Compact Excavator For Greenwood Cemetery

Councilmember John Jindrich, seconded by Councilmember Peggy Gordon moved to Approve the Request.

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

- P. Request to approve purchase order to Van Wall Equipment for \$45,250 for a spray rig at the golf course.

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

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

18. MAYOR AND COUNCIL REPORTS

Councilmember Osborne stated he would like the Welch Apartment residents to receive a copy of notes each week from the meeting held with Andrew Frangman and the Welch Apartment Owners.

Councilmember Gordon stated this time of the meeting should be used to bring up new

topics that need to be discussed to let residents be aware of what is being discussed.

19. ADJOURNMENT

20. OTHER BUSINESS-

- A. Exempt Session - Exempt Session Pursuant to Iowa code 20.17(3) and Iowa Code 21.9 to Discuss Collective Bargaining Strategy and Employment Conditions.