City of Muscatine

CITY COUNCIL MINUTES
Thursday, March 7, 2024

1. **CALL TO ORDER**
   Mayor Bark called the City Council meeting for March 7, 2024 to order at 06:00 PM.

2. **INVOCATION- Pastor Kevin Powell**

3. **ROLL CALL**
   Councilmembers Present: Nadine Brockert, John Jindrich, Jeff Osborne, Peggy Gordon, Angie Lewis, Don Lampe, Matt Conard. 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. Request to Appoint Councilmember Matt Conard to the Audit Committee
   Councilmember Angie Lewis, seconded by Councilmember Peggy Gordon moved to Approve the Request.
   Vote: Ayes - 7, Nays - 0, Motion Passed.

   B. Request to Appoint Nora Dwyer to the Library Board of Trustees
   Councilmember Peggy Gordon, seconded by Councilmember Matt Conard moved to Approve the Request.
   Vote: Ayes - 7, Nays - 0, Motion Passed.

   C. Request to Appoint the Following to the Construction Appeal and Advisory Board - Contingent on Approval of Item 17B
   Devin Abel - 5 year term
   Tim Kelly - 5 year term
   James Miller - 3 year term
   James Noble - 4 year term
   Councilmember Angie Lewis, seconded by Councilmember Nadine Brockert moved to Approve the Request.
   Vote: Ayes - 7, Nays - 0, Motion Passed.

D. Request to approve the appointment of the following to the Tourism and Hospitality Board:
Melanie Alexander - 3 year term
Nick Gow - 2 year term
Dustin Joy - 1 year term
Councilmember Don Lampe, seconded by Councilmember John Jindrich moved to Approve the Request.
Vote: Ayes - 7, Nays - 0, Motion Passed.

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

Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis moved to Approve the Request.
Vote: Ayes - 7, Nays - 0, Motion Passed.

7. COMMUNICATIONS - CITIZENS

David Davis 1501 Devitt Avenue, Ben Eversmeyer 1737 Devitt Avenue, Mark Eversmeyer 1733 Devitt Avenue, Victor Flores 1513 Devitt Avenue were present to share their concerns with the Devitt Avenue Sidewalk Project to include: the cost of the project and who would pay for it, sidewalks taking away their yards and driveways, increased parking on street due to the sidewalk and safety issues with the increase in on street parking.

8. COUNCILMEMBER FOLLOW UP TO CITIZEN COMMUNICATION

Mayor Bark stated that there would be a public meeting on Marc 13th at City Hall at 5:30 for the discussion regarding the Devitt Avenue Sidewalk Project. He encouraged all citizens to come and share their thoughts and concerns.
Councilmember Osborne stated that this project is still in the very early stages and no plans have been designed at this time.
Councilmembers Osborne and Brockert stated they were opposed to the residents paying for the installation of the sidewalks.
Councilmember Gordon suggested including the School Board in on the discussion due to Devitt Avenue being a major drop off point for McKinley School.

9. CONSENT AGENDA * (ITEMS 10-14)

Councilmember Peggy Gordon, seconded by Councilmember Nadine Brockert, 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. February 13, 2024 City Council Budget Review Session

B. February 15, 2024 Regular City Council Meeting Minutes

C. February 20, 2024 City Council Budget Review Session Minutes

D. February 21, 2024 Joint Meeting of School Board, County Board of Supervisors and City Council Minutes

E. February 23, 2024 Special Council Meeting Minutes

11. * PETITIONS AND COMMUNICATIONS

A. Request for renewal of a Class “B” Retail Alcohol License for Loos Inc., 711 Park Avenue –
Loos, Inc. (pending inspections)

B. Request for renewal of a Special Class “C” Retail Alcohol License and Special Class “A”
Beer Permit for Hong Kong Buffet Inc, 2406 Park Avenue – Hong Kong Buffett Inc.
(pending inspections and insurance)

C. Request for Use of City Property from Merrill Lebron with The Merrill Soap Company
event for the Girls Getaway Weekend to be held Saturday, April 6, 2024.

D. Request to Approve an Application for Revitalization Property Tax Abatement - 618 E. 7th Street

12. * COMMUNICATION – RECEIVE AND FILE

A. February 5, 2024 County Board of Supervisors Meeting Minutes

B. February 19, 2024 County Board of Supervisors Meeting Minutes

C. February 26, 2024 County Board of Supervisors Meeting Minutes

13. * PURCHASE ORDERS

A. Request to Approve the Issuance of a Purchase Order to the Henley Group in the Amount of $17,200.00, for the Installation of Concrete Pads and Security Fencing with an Interior Gravel Bed for Taylor Park Restroom Project as part of the Southend Improvement Project

B. Request to Approve the Issuance of a Purchase Order in the amount of $15,000.00, to Cedar Creek Kennels for a Dual Purpose Canine with 10 week K9 Handler Training

C. Request to Approve the Issuance of a Purchase Order to Range Servant of America, in the Amount of $5665.00, for a Ball Dispensing Machine for the Driving Range

14. * APPROVAL OF BILLS

A. March 7, 2024 Bills for Approval

15. PUBLIC HEARING

A. Public Hearing Regarding the Plans, Specifications, Form of Contract and Cost Estimate, and Setting a Bid Date, for the Airport Lighting Project
There were no written or oral comments regarding this public hearing.
Councilmember Don Lampe, seconded by Councilmember John Jindrich, moved for the public hearing to be closed. Vote: Ayes - 7, Nays - None, Motion Passed.

B. Public Hearing Regarding the Plans, Specifications, Form of Contract and Cost Estimate and Setting a Bid Date for the West Hill Sewer Separation Phase 6C Project
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.

C. Public Hearing Regarding an Ordinance Amending Title 2, Chapter 13, Section 3, Subsection C of City Code – Construction Appeal & Advisory Board - Appointment
There were no written or oral comments regarding this public hearing.
Councilmember Angie Lewis, seconded by Councilmember Jeff Osborne, moved for the public hearing to be closed. Vote: Ayes - 7, Nays - None, Motion Passed.

D. Public Hearing Regarding instituting proceedings and taking action on a proposal to enter into a loan agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed $3,200,000 for the purpose of paying the costs, to that extent, of (a) undertaking lagoon-bank stabilization improvements; (b) undertaking improvements to, and acquiring equipment for, the municipal airport; (c) acquiring a fire truck; (d) acquiring an ambulance; (e) undertaking nuisance abatement and demolition projects for dangerous and dilapidated properties; and (f) constructing and equipping replacement training facilities for the municipal police department resulting from disaster damage to existing facilities.
Max Kaufman had questions regarding interest rates, time of the loan, why the City needs to borrow money for projects and questions regarding items purchased in the budget.
Councilmember Jeff Osborne, seconded by Councilmember Matt Conard, moved for the public hearing to be closed. Vote: Ayes - 7, Nays - None, Motion Passed.

E. Public Hearing Regarding instituting proceedings and taking action on a proposal to enter into a loan agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed $500,000 for the purpose of paying the costs, to that extent, of installing fuel tank and pump replacements for the municipal public works department.
Max Kaufman had questions regarding interest rates, time of the loan, why the City needs to borrow money for projects and questions regarding items purchased in the budget.
Councilmember Jeff Osborne, seconded by Councilmember Peggy Gordon, moved for the public hearing to be closed. Vote: Ayes - 0, Nays - None, Motion Passed.

F. Public Hearing Regarding instituting proceedings and taking action on a proposal to enter into a loan agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed $700,000 for the purpose of paying the costs, to that extent, of constructing, furnishing and equipping the Indoor Sports Dome, a municipal parks and recreation facility.
Max Kaufman had questions regarding interest rates, time of the loan, why the City needs to borrow money for projects and questions regarding items purchased in the budget.
Councilmember Jeff Osborne, seconded by Councilmember Don Lampe, moved for the public hearing to be closed. Vote: Ayes - 7, Nays - None, Motion Passed.

G. Public Hearing Regarding instituting proceedings and taking action on a proposal to enter into a loan agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed $700,000 for the purpose of paying the costs, to that extent, of (a) undertaking irrigation improvements to the Sports Field Complex, a municipal parks and recreation facility; (b) constructing repairs and improvements to municipal buildings (including roofing, windows and doors); and (c) constructing a vehicle wash-bay for the municipal public works department.
Max Kaufman had questions regarding interest rates, time of the loan, why the City needs to borrow money for projects and questions regarding items purchased in the budget.
Councilmember Jeff Osborne, seconded by Councilmember Angie Lewis, moved for the public hearing to be closed. Vote: Ayes - 7, Nays - None, Motion Passed.

16. <u>BOARDS AND COMMISSIONS</u>

17. <u>FROM THE CITY ADMINISTRATOR</u>

A. Third and Final Reading of an Ordinance Amending Title 7, Chapter 2, Section 6 of City Code Regarding the Use of UTVs (Utility Vehicles) on City Streets
Councilmember John Jindrich, Seconded by Councilmember Matt Conard, 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.

B. Request to Waive Second and Third Reading and Adopt on First Reading, an Ordinance Amending Title 2, Chapter 13, Section 3, Subsection C of City Code - Construction Appeal & Advisory Board - Appointment - Allowing One County Resident to Serve on the Board (Public Hearing C)
Councilmember Angie Lewis, seconded by Councilmember Jeff Osborne, moved to Adopt the Ordinance on first reading and to direct for its publication as required by law.
Vote: Ayes - 7, Nays - 0, Motion Passed.

C. First Reading of an Ordinance Amending Title 3, Chapter 1, Section 2, Subsection D of City Code – Sidewalk Installation and Repair; Right-of-Way Maintenance, Duty of Owner to Repair and Maintain
Councilmember John Jindrich, Seconded by Councilmember Angie Lewis, moved to Approve the first reading of this Ordinance.
Vote: Ayes - 7, Nays - 0, Motion Passed.

D. Resolution Approving the Plans and Specifications for the Airport Lighting Project - (Public Hearing A)
Councilmember Don Lampe, seconded by Councilmember Peggy Gordon moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.

E. Resolution Approving Plans and Specifications and Setting Bid Date for the West Hill Sanitary and Storm Sewer Separation Project - Phase 6C -(Public Hearing B)
Councilmember Nadine Brockert, seconded by Councilmember Jeff Osborne moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.

F. Resolution Authorizing and Combining Loan Agreements, Approving the Future Issuance of General Obligation Corporate Purpose Bonds, and Providing for the Levy of Taxes to Pay the Same (Public Hearings D, E, F, and G)
Councilmember Peggy Gordon, seconded by Councilmember Matt Conard moved to Adopt the Resolution.
Councilmember Jindrich stated he still had concerns with some of the items on the budget being purchased and still wanted to have discussion regarding such.
Councilmember Gordon addressed Max Kaufmans concerns.
Finance Director Nancy Lueck reviewed the bond issue procedures and how it affects the tax rate for the City.
Fire Chief Ewers addressed the issue of giving away of the fire truck and

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

G. Resolution Setting a Public Hearing on March 21, 2024, at 6:00 p.m. regarding a Building Encroachment Easement (John Duncan Park/American Legion)
Councilmember Peggy Gordon, seconded by Councilmember John Jindrich moved to Adopt the Resolution.
Vote: Ayes - 0, Nays - 0, Motion Passed.

H. Resolution Amending City Code Appendix D – Schedule of Building Related Permit Fees and Other Requirements, by Adding a Fee for the Reinspection of Previously Inaccessible Areas
Councilmember John Jindrich, seconded by Councilmember Peggy Gordon moved to Adopt the Resolution.
Councilmember Jindrich had questions regarding the fee structure for multiple return visits that was addressed by Andrew Fangman, Assistant Community Development Director.
Vote: Ayes - 7, Nays - 0, Motion Passed.

I. Resolution Awarding a Contract for the Grandview Ave Sidewalk Extension Project to Heuer Construction, Inc. in the amount of $166,859.50.
Councilmember Jeff Osborne, seconded by Councilmember Peggy Gordon moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.

J. Resolution Supporting Submission of a Request to the Office of the Honorable Congresswoman Miller-Meeks for $2,923,549.00 in Congressionally Directed Spending Funds for the Redundant Force Main Project.
Councilmember Peggy Gordon, seconded by Councilmember Nadine Brockert moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.

K. Resolution Setting a Public Hearing for April 4, 2024, at 5:30 p.m. in City Council Chambers, on the Property Tax Levy for the Fiscal Year 2024/2025 Budget and Taxpayer Statements
Councilmember Angie Lewis, seconded by Councilmember Don Lampe moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.

L. A Request to Approve a Cost Sharing Agreement with Kent Shared Services, LLC in the amount of $42,954.26 for the Joint Execution of Improvements to the McKee Button Factory Storm Sewer Connection onto Green Street.
Councilmember Angie Lewis, seconded by Councilmember Jeff Osborne moved to Approve the Request.
Councilmember Brockert had questions regarding if the sewer connections would fit in with the Merge project.
Vote: Ayes - 7, Nays - 0, Motion Passed.

M. Request to Approve a Professional Services Agreement with Stanley Consultants in the amount of $11,775.00 for Design Services for the Installation of Odor Control Equipment at the Water & Resource Recovery Facility.
Councilmember Nadine Brockert, seconded by Councilmember Angie Lewis moved to Approve the Request.
Vote: Ayes - 7, Nays - 0, Motion Passed.

N. Request to Approve the Issuance of a Purchase Order in the Amount of $377,372.00 to Hoglund Bus Company, Inc. for Two Light Duty Buses.
Councilmember Peggy Gordon, seconded by Councilmember Don Lampe moved to Approve the Request.
Councilmember Brockret clarified that 80% of this purchase would be covered by grants.
Vote: Ayes - 7, Nays - 0, Motion Passed.

O. Request to Approve the Issuance of a Purchase Order to Stivers Ford, in the amount of $180,000, for the purchase of three (3) 2024 Ford Interceptor Police Vehicles.
Councilmember Matt Conard, seconded by Councilmember Angie Lewis moved to Approve the Request.
Vote: Ayes - 7, Nays - 0, Motion Passed.

P. Request to Approve the Issuance of a Purchase Order in the Amount of $94,997.00 to Henderson Products for the Purchase of a Dump Body, Hydraulic Hoist, and Front Snow Plow.
Councilmember Peggy Gordon, seconded by Councilmember Nadine Brockert moved to Approve the Request.
Vote: Ayes - 7, Nays - 0, Motion Passed.

Q. Request To Approve the Issuance of a Purchase Order To JL Brady, Co., In The Amount Of $53,990.00, for the Purchase of Two Mechanical Air Units For The Water & Resource Recovery Facility Grit Building
Councilmember Peggy Gordon, seconded by Councilmember Angie Lewis moved to Approve the Request.
Vote: Ayes - 7, Nays - 0, Motion Passed.

R. Request to Approve the Issuance of a Purchase Order to Riddell Roofing, Inc, in the amount of $80,510.00 for Emergency Roof Replacement at the Water and Resource Recovery Facility Diffused Air Flotation Building.
Councilmember Peggy Gordon, seconded by Councilmember Don Lampe moved to Approve the Request.
Councilmember Jindrich had questions regarding if an asset management program could have helped to prevent this situation.
Vote: Ayes - 7, Nays - 0, Motion Passed.

S. Request to Approve the Issuance of a Purchase Order to Riddell Roofing, Inc., in the amount of $30,101.00, for Emergency Roof Replacement to the Water and Resource Recovery Facility Digester Control Building.

Councilmember Nadine Brockert, seconded by Councilmember Peggy Gordon moved to Approve the Request.
Vote: Ayes - 7, Nays - 0, Motion Passed.

18. **MAYOR AND COUNCIL REPORTS**

A. Request by Councilmember Jindrich to discuss the sale of the City-owned Brook Street Lots Parcel #s - 0836184030 and 0836184031
Councilmember Jindrich asked that Council would consider removing the Brooke Street lots from the property bid list. Mr. Jindrich feels that the value of the property is not worth taking away the green space that is used by the neighborhood families.
Councilmember Osborne stated the goal of the City is to get rid of properties the City has no use for and this property could be developed and put on the tax roll.
Councilmember Gordon stated she is in favor of moving forward with the bid and evaluate the plan that a winning bid would present.
Councilmember Conard had questions regarding the property previously being a landfill that were addressed by Assistant Community Development Director Andrew Fangman.
Councilmemer Brockert stated she would not recommend development on this property because of water drainage issues that already exist.
Councilmember Lampe had questions bout timeline for work to be completed if a bid was recieved. He stated he did nto want to see the property sit vacant and run down.

Councilmember Jindrich made a motion to remove the property from the bid list. Seconded by Councilmember Lewis.
Vote: Ayes 4(Jindrich, Brockert, Lewis, Conard) Nays - 3(Gordon, Brockert, Lampe) Motion passed.

B. Discussion Regarding the Rescheduling of the July 4th City Council Meeting.
Due to the 1st meeting in July being scheduled for the July 4th Holiday, the meeting will be moved back to June 27th. This will be a regular meeting but will be held virtually.

19. **ADJOURNMENT**

Councilmember Peggy Gordon moved the meeting be adjourned at 07:40 PM.

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