



City of Muscatine

CITY COUNCIL MINUTES

Thursday, May 1, 2025

1. **CALL TO ORDER**

Mayor Bark called the City Council meeting for May 1, 2025, to order at 06:00 PM.

2. **INVOCATION-Jonathan Cox-Island United Methodist Church**

3. **ROLL CALL**

Councilmembers Present: Nadine Brockert, John Jindrich, Jeff Osborne, Peggy Gordon, Angie Lewis, Don Lampe, Matt Conard.

4. **PLEDGE OF ALLEGIANCE**

5. **FROM THE MAYOR**

A. Proclamation Declaring May 11th-17th, 2025 as National Police Week

Lt. Ryan Buss was present to accept the Proclamation.

B. Proclamation Declaring May 11-17, 2025 as Food Allergy Awareness Week

Junior Miss Pearl City Harper Wittmer was present to accept the proclamation.

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

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

7. **COMMUNICATIONS - CITIZENS**

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

9. **CONSENT AGENDA * (ITEMS 10-14)**

Councilmember Matt Conard, 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. April 17, 2025 City Council Regular Meeting Minutes

11. * PETITIONS AND COMMUNICATIONS

- A. Request for Road Closure on Grand Avenue for the Connection of a New Sanitary Sewer Service
- B. Request for renewal of a Special Class "C" Retail Alcohol License for Salvatores by Papa Reno & Family, 313 East 2nd Street – Salvatores by Papa Reno & Family, LLC (pending inspections)
- C. Request for renewal of a Class "E" Retail Alcohol License for Casey's General Store #1484, 1111 Oregon Street – Casey's Marketing Company (pending inspections)
- D. Request for renewal of a Class "E" Retail Alcohol License for Casey's General Store #2906, 3509 Steamboat Way – Casey's Marketing Company (pending inspections)
- E. Request for renewal of a Class "E" Retail Alcohol License for Casey's General Store #2944, 3010 University Drive – Casey's Marketing Company (pending inspections)
- F. Request for renewal of a Class "E" Retail Alcohol License for Walgreens #05885, 1703 Park Avenue – Walgreen Co. (pending inspections)
- G. Request for renewal of a Class "E" Retail Alcohol License for Hy-Vee Wine & Spirits, 522 Mulberry Avenue – Hy-Vee, Inc. (pending inspections)
- H. Request for renewal of a Class "E" Retail Alcohol License for Kum & Go #438, 1429 Park Avenue – Kum & Go LC (pending inspections)
- I. Request for renewal of a Special Class "C" Retail Alcohol License for Happy Joe's Pizza & Ice Cream Parlor, 203 Lake Park Blvd – Max Brewer Corp. (pending inspections and insurance)
- J. Request for renewal of a Class "B" Retail Alcohol License for Sal Vitale's Take & Bake, 128 East 2 nd Street – Sal Vitale and Sons Pizza Factory LLC (pending inspections and insurance)
- K. Request for renewal of a Class "C" Retail Alcohol License for Jody's Corner Tap, Inc. 226 Walnut Street – Jody's Corner Tap Inc (pending inspections and insurance)
- L. Request for Use of City Property from Lisa Wolf with The Theo Wolf Foundation for Charity Walk and Family Fundraiser to be held on June 7, 2025
- M. Request for Use of City Property from Greater Muscatine Chamber of Commerce & Industry for the 4th of July Events to be held on July 4, 2025
- N. Request for Use of City Property from Greater Muscatine Chamber of Commerce & Industry for the 4 th of July Parade to be held on July 4, 2025

12. * COMMUNICATION – RECEIVE AND FILE

- A. April 14, 2025 Muscatine County Board of Supervisors Minutes
- B. March 25, 2025 Board of Water, Electric and Communications Trustees Minutes
- C. April 21, 2025 Muscatine County Board of Supervisors Meeting Minutes

13. * PURCHASE ORDERS AND AGREEMENTS

- A. Request To Approve The Issuance of A Purchase Order To KLM Solutions In the Amount of \$8,833.30, for the Purchase of 3 Pond Fountains.
- B. Request to Approve the Issuance of A Purchase Order to ZWB General Construction in the amount of \$6,120.00, for Installation of Electrical Services for Pond Fountains.

14. * APPROVAL OF BILLS

- A. May 1, 2025, Bills for Approval

15. PUBLIC HEARING

16. BOARDS AND COMMISSIONS

17. FROM THE CITY ADMINISTRATOR

- A. Third and Final Reading of an Ordinance Amending Title 10, Chapter 26, Section 2 of City Code to Promote Residential Infill by Relaxing Side-Yard Setback Requirements for Certain Preexisting Very Narrow Residential Parcels.
Councilmember Don Lampe, Seconded by Councilmember Peggy Gordon, moved to adopt the ordinance on third and final reading. Vote: Ayes - 7, Nays - 0, Motion Passed.
- B. Third and Final Reading of an Ordinance Amending Title 8, Chapter 1, Section 4 and Title 8, Chapter 10, Section 2 of the City Building Code that Would Remove the Need for the Submission of Engineered Plans for Post-Framed Buildings that are Less 1,440 Square Feet in Size.
Councilmember John Jindrich, Seconded by Councilmember Nadine Brockert, moved to adopt the ordinance on third and final reading. Vote: Ayes - 7, Nays - 0, Motion Passed.
- C. Resolution Approving Appointment of Interim Fire Chief for the City of Muscatine Fire Department, Effective May 1, 2025.
Councilmember Nadine Brockert, seconded by Councilmember Angie Lewis moved to Adopt the Resolution. Vote: Ayes - 7, Nays - 0, Motion Passed.
Mayor Bark Swore in Mike Hartman as the Interim Fire Chief.

- D. A Resolution Authorizing the Execution of a Special Warranty Deed to Said Described Real Estate located at 1246 E 5th Street and Parcel 0836179005 to Muscatine County Area Habitat for Humanity, Inc
Councilmember Lewis, seconded by Councilmember Osborne moved to adopt the Resolution. Councilmember Lampe abstained from the vote due to his connection with Habitat for Humanity. Vote: Ayes - 6, Nays - 0, Motion passed.
- E. Resolution Approving Contract and Bond with KE Flatwork, Inc. in the amount of \$4,263,028.47, for the West Hill Sewer Separation Phase 6D Project.
Councilmember Angie Lewis, seconded by Councilmember Jeff Osborne moved to Adopt the Resolution.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- F. Resolution Awarding a Contract to Heuer Construction, in the amount of \$463,626.30, for the Fulliam Avenue Reconstruction - Phase 3 Project.
Councilmember Angie Lewis, seconded by Councilmember Don Lampe moved to Adopt the Resolution. Vote: Ayes - 7, Nays - 0, Motion Passed.
- G. Resolution Setting a Public Hearing for May 15, 2025, Regarding an Application to the Iowa Economic Development Authority for Community Development Block Grant Funds.
Councilmember Nadine Brockert, seconded by Councilmember John Jindrich moved to Adopt the Resolution. Vote: Ayes - 7, Nays - 0, Motion Passed.
- H. Resolution Setting a Public Hearing for May 15, 2025, at 6:00 pm for the Mulberry Avenue Sidewalk Reconstruction Project.
Councilmember Angie Lewis, seconded by Councilmember John Jindrich moved to Adopt the Resolution. Vote: Ayes - 7, Nays - 0, Motion Passed.
- I. Resolution Setting a Public Hearing for May 15, 2025, on an Amendment to City Code Title 6, Chapter 8, Section 8 - Rabies Suspects and Animal Bites - to Reflect Iowa State Code.
Councilmember Angie Lewis, seconded by Councilmember Jeff Osborne moved to Adopt the Resolution. Vote: Ayes - 7, Nays - 0, Motion Passed.
- J. Resolution Setting a Public Hearing on May 15, 2025, for Amendment #2 to the City's Fiscal Year 2024/2025 Budget.

Councilmember Matt Conard, seconded by Councilmember Don Lampe moved to Adopt the Resolution. Vote: Ayes - 7, Nays - 0, Motion Passed.

- K. **Resolution Expressing Intent to Provide Financial Support to Project Togo**
Councilmember Matt Conard, seconded by Councilmember Angie Lewis moved to Adopt the Resolution. Vote: Ayes - 7, Nays - 0, Motion Passed.
- L. Request to Approve Entering into a Agreement with the Iowa DOT to Accept the FY 2025 Transit Joint Participation Agreement to Implement a Federal Transit Administration (FTA) Operating Assistance Contract in the Amount of

\$170,390.00 to be used for Transit Operating Expenses.

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

- M. Request to Approve Entering into an Agreement with the Iowa DOT, to Accept a Federal Transit Administration (FTA) Capital Assistance Contract in the Amount of \$335,816.00 for Two Light Duty Buses.
Councilmember Jeff Osborne, seconded by Councilmember John Jindrich moved to Approve the Request. Vote: Ayes - 7, Nays - 0, Motion Passed.
- N. Request to Approve the Submission of a Grant Application to the Iowa DOT for Multiple Projects at the Muscatine Municipal Airport.
Councilmember Nadine Brockert, seconded by Councilmember Don Lampe moved to Approve the Request. Vote: Ayes - 7, Nays - 0, Motion Passed.
- O. Request to Approve Change Order #3 for the Muscatine Indoor Sports Complex Project in the amount of a deduction of \$438,871.00.
Councilmember Jeff Osborne, seconded by Councilmember Angie Lewis moved to Approve the Request. Vote: Ayes - 7, Nays - 0, Motion Passed.
- P. Request to Approve a Purchase Order to Merit Construction in the Amount Not to Exceed \$123,528.00 for Technology and Low Voltage Installation for the Muscatine Indoor Sports Complex Project.
Councilmember Angie Lewis, seconded by Councilmember Jeff Osborne moved to Approve the Request. Vote: Ayes - 7, Nays - 0, Motion Passed.
- Q. Request to Approve A Letter of Understanding with Bohnsack and Frommelt LLP for the Fiscal Year 2024/2025 City Audit.
Councilmember John Jindrich, seconded by Councilmember Matt Conard moved to Approve the Request. Vote: Ayes - 7, Nays - 0, Motion Passed.
- R. Request to Approve Change Order Number 4 for the West Hill Sewer Separation Project Phase 6A/B in the Amount of \$110,059.88.
Councilmember Angie Lewis, seconded by Councilmember Don Lampe moved to Approve the Request.
Vote: Ayes - 7, Nays - 0, Motion Passed.

18. MAYOR AND COUNCIL REPORTS

City Councilmembers shared information on upcoming events in the community. Councilmember Lampe asked for the status of speed bumps on Clermont Street, City Administrator Mardesen shared that the City Engineer would be giving a presentation at the May 8th In Depth Meeting regarding a policy change on speed bumps.

19. CLOSED SESSION MEETING

- A. Request to enter closed session closed session with potential for action to follow, 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.

Councilmember Angie Lewis, seconded by Councilmember Don Lampe moved to enter Closed Session at 6:43 pm. Vote: Ayes - 7, Nays - 0, Motion Passed.

Councilmember Matt Conard, seconded by Councilmember Angie Lewis moved to exit Closed Session at 6:51 pm. Vote: Ayes - 7, Nays - 0, Motion Passed.

- B. Request to enter closed session with potential action to follow, 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.

Councilmember Nadine Brockert, seconded by Councilmember John Jindrich moved to To enter Closed Session at 6:53 pm. Vote: Ayes - 7, Nays - 0, Motion Passed.

Councilmember Angie Lewis, seconded by Councilmember Don Lampe moved to exit closed session at 7:14 pm. Vote - Ayes 7, Nays - 0, Motion passed.

20. OTHER BUSINESS

- A. Possible Discussion and Request to allow Iowa Communities Assurance Pool to Pay for Settlement of Iowa District Court Case LACV025982.
Councilmember Jeff Osborne, seconded by Councilmember Peggy Gordon moved to Approve the Request. Vote: Ayes - 7, Nays - 0, Motion Passed.
- B. Possbile Discussion and Request to Allow Iowa Communities Assurance Pool to Pay for Settlement of ICAP File No. 040555-070356-EP-01.
Councilmember Matt Conard, seconded by Councilmember Angie Lewis moved to Approve the Request. Vote: Ayes - 7, Nays - 0, Motion Passed.

21. ADJOURNMENT

Councilmember Lampe moved to adjourn the meeting at 7:16 pm.