



City of Muscatine

CITY COUNCIL MINUTES

Thursday, September 1, 2022

1. **CALL TO ORDER**

Pastor Ty Thomas, Calvary Church, was present to give the invocation.

2. **ROLL CALL**

Councilmembers Present: Nadine Brockert, John Jindrich(by phone), Jeff Osborne, Peggy Gordon, Angie Lewis, Dennis Froelich, DeWayne Hopkins. Mayor Brad Bark, City Administrator Carol Webb and Administrative Professional Cinda Hilger were also present.

3. **PLEDGE OF ALLEGIANCE**

The Muscatine High School Softball Team was present to lead Council in their Pledge of Allegiance.

Mayor Brad Bark congratulated the team on placing third at State for 5A Softball.

4. **COMMUNICATIONS - CITIZENS**

Max Kaufmann - 1609 Foster Street, was present to share his concerns regarding railroad merger and blocking traffic from crossing tracks in an emergency.

5. **CONSENT AGENDA**

Councilmember Peggy Gordon, seconded by Councilmember Nadine Brockert, moved the Consent Agenda be approved as follows.

Passed Ayes - 7 Nays -None

Items 6A-B Approval of City Council Minutes

A. August 16, 2022 City Council Special Meeting Minutes

B. August 18, 2022 City Council Regular Meeting Minutes

Items 8A-H Petitions and Communications

A. Request on second reading for a Class "C" Beer Permit, Class "B" Wine Permit and Sunday Sales for Love's Travel Stop #882, 2417 Grandview Avenue – Love's

Travel Stops & Country Stores, Inc. (pending inspections)

- B. Request on second reading for a Class “C” Liquor License for Food Truck Fight, Harbor Drive – BRB Live, LLC (pending inspections)
- C. Request on first reading for a Class “E” Liquor License, Class “C” Beer Permit, Class “B” Wine Permit and Sunday Sales for Express Mart, 4804 U.S. 61 – RP Brothers LLC (pending inspections)
- D. Request for renewal of a Class “E” Liquor License, Class “C” Beer Permit, Class “B” Wine Permit and Sunday Sales for Fast Avenue One Stop, 2111 Park Avenue – Gurung LLC (pending inspections)
- E. Request for renewal of a Class “B” Beer Permit and Sunday Sales for China Garden, 2016 Cedar Plaza Drive – China Garden At Cedar Plaza Inc. (pending inspection and insurance)
- F. Request for Outdoor Service for Proof Social, 208 West 2nd Street from October 7, 2022 through October 8, 2022 (pending inspections and insurance)
- G. Request for Use of City Property from Alzheimer’s Association for a walk on September 23, 2022
- H. Cigarette/Tobacco Permits
 - 1. Loves Travel Stop #882, 2417 Grandview Avenue - Love's Travel Stops & Country Store's. Inc.
 - 2. Express Mart, 4804 U.S. 61 - RP Brothers LLC

Items 9A From the Mayor

- A. Request to Approve New Appointments Steven Truitt, Jr. and Mary Odell to the Library Board of Trustees

Items 12A Receive and File

- A. Muscatine County Board of Supervisors Meeting Minutes 8-15-2022

Items 13A-B Purchase Orders (Consent Agenda)

- A. Request to Approve the Issuance of a Purchase Order for a Fire Hose RollIN Rack System
- B. Request to Issue Purchase Order for Curbside Residential Refuse Containers

Items 14 Bills

- A. It is recommended bills totaling \$2,256,818.50, be approved and that the City Council authorize the Mayor and City Clerk to issue warrants for the same. It should be noted that this listing is subject to the approval of any related agenda

item(s).

6. MINUTES – APPROVAL

7. PUBLIC HEARING

A. ATV/UTV Ordinance Revisions

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 - Nadine Brockert, John Jindrich, Jeff Osborne, Peggy Gordon, Angie Lewis, Dennis Froelich, DeWayne Hopkins, Nays - None, Motion Passed.

8. PETITIONS AND COMMUNICATIONS

9. FROM THE MAYOR

A. Proclamation for National Direct Support Professionals Recognition Week

Marc Hines Ceo Crossroads was present to share about direct support professionals and how they improve the life of the people in their care.

10. FROM THE PLANNING AND ZONING COMMISSION

11. FROM THE CITY ADMINISTRATOR

A. First Reading of an Ordinance Revising Title 7, Chapter 2 of the City Code of Muscatine Regarding All-Terrain Vehicles

Councilmember DeWayne Hopkins, Seconded by Councilmember Jeff Osborne, moved to Approve the Motion

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

City Council had questions regarding clarification of the three roads that are restricted.

Captain Kies stated the three restricted roads are Hwy 61 Bypass, Dick Drake Way and Park Avenue. Mr. Kies stated these roads were restricted for safety issues.

Councilmember Gordon stated she would like to see information passed on to local UTV Retailers to help educate the citizens of the rules and regulations when purchasing UTV's.

- B. Second Reading of an Ordinance Revising Title 7, Chapter 10 of City Code regarding Snow Emergency Routes
Councilmember Nadine Brockert, Seconded by Councilmember DeWayne Hopkins, moved to Approve the Motion
Vote: Ayes - 6, Nays - 1 (John Jindrich,) Motion Passed.
Councilmember Jindrich had questions regarding the residential push back policy for snow emergencies. Mr. Jindrich stated the odd/even parking policy has gotten the streets cleared better than any other policy in the past and does not want to see this changed.
Brian Stineman, Public Works Director, stated the push back policy has not been brought to the Council yet and will be addressed once the Snow Emergency Policy is in place. Mr. Stineman states that the odd/even may continue for the push back of snow after the Snow Emergency Routes are cleared but they are still working out the details of that at this time.
- C. Resolution Approving Development Agreement with Kent Corporation, Authorizing Annual Appropriation Tax Increment Payments, and Pledging Certain Tax Revenues to the Payment of this Agreement
Councilmember Peggy Gordon, seconded by Councilmember Dennis Froelich moved to Approve the Motion.
Vote: Ayes - 7, Nays - 0 None, Motion Passed.
- D. Resolution Approving a Mutual Settlement Agreement and Release with Republic Services
Councilmember DeWayne Hopkins, seconded by Councilmember Nadine Brockert moved to Approve the Motion.
Vote: Ayes - 7, Nays - 0 None, Motion Passed.
- E. Request to Approve Development Agreement with Muscatine Downtown Investors LLC
Councilmember Jeff Osborne, seconded by Councilmember Angie Lewis moved to Approve the Motion,.
Vote: Ayes - 7, Nays - 0, Motion Passed.
- F. Request to Enter into a Supplemental Agreement with the Iowa Department of Transportation for Maintenance of Primary Roads in Municipalities

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

12. COMMUNICATION – RECEIVE AND FILE

13. PURCHASE ORDERS (Consent Agenda)

14. APPROVAL OF BILLS

15. COMMUNICATIONS - COUNCIL MEMBERS

16. OTHER BUSINESS

Councilmember Froelich moved to enter closed session, seconded by Councilmember Lewis per Iowa Code 21.5.1.j to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property

Mayor Bark called the closed session to order at 7:30 pm. Present were Councilmember Jindrich(phone), Hopkins, Lewis, Gordon, Froelich, Osborne and Brockert. Also present were Solid Waste Manager David Popp, Finance Director Nancy Lueck, Public Works Director Brian Stineman, City Administrator Carol Webb, Administrative Secretary Cinda Hilger and Attorney Brent Hinders(phone).

Councilmember Froelich moved to exit closed session at 7:46, seconded by Councilmember Hopkins

17. ADJOURNMENT

Councilmember Hopkins moved to adjourn meeting at 7:47 p.m.

Mayor Brad Bark

Attest:

City Administrator Carol Webb

Submitted by:

Administrative Secretary Cinda Hilger

