



City of Muscatine



CITY COUNCIL Thursday May 6, 2021

Diana Broderson, Mayor

Dennis Froelich, 1st Ward
Osmond Malcolm, 2nd Ward
Peggy Gordon, 3rd Ward
Nadine Brockert, 4th Ward
John Jindrich, 5th Ward

Kelcey Brackett, At Large
DeWayne Hopkins, At Large
Carol Webb, City Administrator
Cinda Hilger, Admin. Professional
Matt Brick, City Attorney

City Council meetings are held on the 1st and 3rd Thursday of each month, In-depth sessions on the 2nd Thursday of each month. All meetings are available for review on the City of Muscatine youtube page.

Pursuant to Iowa Code section 21.8, an electronic City Council meeting is being held on Thursday May 6, 2021 because a meeting in person is impossible or impractical due to concerns for the health and safety of council members, staff, and the public presented by COVID-19. The public is welcome to attend virtually using the information below.

<https://global.gotomeeting.com/join/850269709>

Phone: 1 (571)317-3122

Access Code 850-269-709

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **COMMUNICATIONS – CITIZENS**

[Swearing in of Police Officer Demitri Wheeler](#)
[Swearing in of Police Officer Dakota Mullen](#)

5. **CONSENT AGENDA**

The following items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

* **Items 6A-K Approval of City Council Minutes**

- A. [Regular Council Meeting Minutes– April 15, 2021](#)
- B. [Joint City Council/County Board of Supervisor/ School Board Minutes](#)

* **Item 8 Petitions and Communications**

- A. Request for renewal of a Class “E” Liquor License and Sunday Sales for Casey’s General Store #2906, 3509 Steamboat Way – Casey’s General Store (pending inspections)
- B. Request for renewal of a Class “E” Liquor License and Sunday Sales for Casey’s General Store #2944, 3010 University Drive – Casey’s General Store (pending inspections)
- C. Request for renewal of a Class “E” Liquor License and Sunday Sales for Casey’s General Store #1484, 1111 Oregon Street – Casey’s General Store (pending inspections)
- D. Request for renewal of a Class “B” Wine Permit, Class “C” Beer Permit and Sunday Sales for Dollar General Store #18711, 3614 Grandview Avenue – DOLGENCORP, LLC (pending inspections)
- E. Request for renewal of a Class “C” Liquor License, Outdoor Service and Sunday Sales for El Allende, 1107 Grandview Avenue – El Allende (pending inspections)
- F. Request for renewal of a Class “E” Liquor License, Class “B” Wine Permit, Class “C” Beer Permit, Outdoor Service and Sunday Sales for Hy-Vee Wine & Spirits, 522 Mulberry Avenue – Hy-Vee, Inc. (pending inspections)
- G. Request for renewal of a Class “C” Liquor License, Outdoor Service and Sunday Sales for Pete’s Tap, 1820 Angle Street – Oscar’s LLC (pending inspections)
- H. Request for renewal of a Class “C” Liquor License, Outdoor Service and Sunday Sales for Mike’s Hilltop Tap, 929 Lucas Street – Mike’s Hilltop Tap, Inc. (pending inspections and insurance)
- I. Request for renewal of a Class “B” Wine Permit, Class “C” Beer Permit and Sunday Sales for Wal-Mart Supercenter #559, 3003 Hwy 61 North – Wal-Mart, Inc. (pending inspections and insurance)
- J. Request for renewal of a Class “C” Liquor License and Sunday Sales for Sticks N’ Stones Bar and Billiards, 218 Walnut Street – Sticks N’ Stones Bar and Billiards (pending inspections and insurance)
- K. Request for Use of City Property from The Greater Muscatine Chamber of Commerce & Industry on July 4, 2021
- L. Request for Use of City Property from Nick Averbek with Eats in the Streets from May 7, 2021 through December 31, 2021
- M. Request for Use of City Property from Keep Muscatine Beautiful on May 27, June 24, July 22, August 26, and September 23-25 2021
- N. Request for Use of City Property from Theo Wolf Foundation on June 5, 2021

O. Request to approve Tobacco Violation settlements.

*** Item 9A-C From the Mayor**

- A. [Bike to Work Week Proclamation](#)
- B. [Public Works Week Proclamation](#)
- C. [National Police Week Proclamation](#)
- D. [EMS Week Proclamation](#)

*** Items 12A-D Receive and File**

- A. [Muscatine County Board of Supervisors Minutes April 12, 2021](#)
- B. [Muscatine County Board of Supervisors Minutes April 19, 2021](#)
- C. [Muscatine County Board of Supervisors Minutes April 26, 2021](#)
- D. [City of Muscatine Financials – March 2021](#)
- E. [Muscatine Power and Water Financials – March 2021](#)

*** Bills***

- * Approval of attached Bills for Approval totaling \$5,288,127.97, which include journal entries and receipt summaries for March, subject to the approval of any related agenda item(s).

6. MINUTES – APPROVAL

7. PUBLIC HEARING

- A. Public Hearing on proposed disbursement of Community Development Block Grant Funds

[Presentation by Jodi Royal-Goodwin-Community Development Director](#)

Now is the time for the Public to comment.

- B. [Proposed Imposition of Civil Penalties for Violation of Tobacco Law](#)
 - 1. Rasta Lion LLC/Tyler Ralfs d/b/a Rasta Lion Smoke Shop (2nd Violation)
 - 2. Malka 13, Inc./Partap Singh d/b/a Grandview Mart
 - 3. Aviya LLC d/b/a Express Mart
 - 4. Reif Oil Company d/b/a Muscatine Fast Break
 - 5. Hy-Vee, Inc. d/b/a Hy-Vee Gas
 - 6. Nanak Express LLC d/b/a GM Foodmart
 - 7. Gerung, LLC d/b/a Fast Avenue One Stop
 - 8. Hy-Vee Inc. d/b/a Hy-Vee Wine & Spirits
 - 9. Mac's Conveniences Stores, LLC d/b/a Circle K #6600

8. PETITIONS AND COMMUNICATIONS

9. FROM THE MAYOR

- A. [Presentation of Bike to Work Week Proclamation](#)
- B. [Presentation of Public Works Week Proclamation](#)
- C. [Presentation of National Police Week Proclamation](#)
- D. [Presentation of EMS Week Proclamation](#)

10. FROM THE PLANNING AND ZONING COMMISSION

11. FROM THE CITY ADMINISTRATOR

- A. [Resolution to Approve the Muscatine Municipal Housing Agency Annual Plan and Related Documents \(Jodi Royal-Goodwin, Community Development Director\)](#)

Each year the Muscatine Municipal Housing Agency must develop an Annual Plan regarding the administration of the Section 8 Housing Choice Voucher and Public Housing programs. City Council, acting as the Board of Commissioners must approve the Annual Plan and related documents, including required certifications and the proposed uses of the Capital Fund Grant, following a 45 day public comment period and a public hearing.

Is there a motion to adopt this Resolution as submitted?

- B. [Resolutions to Approve Muscatine Municipal Housing Policies \(Jodi Royal-Goodwin, Community Development Director\)](#)

- 1. Revisions to the Housing Choice Voucher Administrative Plan
- 2. Revisions to the Public Housing Admissions and Continued Occupancy Policy

Muscatine Municipal Housing Agency operates the Housing Choice Voucher Program, Section 8, and Public Housing under regulations promulgated by the U.S. Department of Housing and Urban Development and implemented under policies adopted in the Administrative Plan and Admissions and Continued Occupancy Policy, respectively. The documents must be reviewed periodically and revised to reflect regulatory changes and local circumstances. Attached is a summary of proposed revisions to each policy document, which must be approved by City Council acting as the Board of Commissioners.

Is there a motion to adopt this Resolution as submitted?

- C. [Resolution Committing to Support an Application to the Iowa Finance Authority by Northport Apartments LLC, for Housing Tax Credits for the Proposed Northport Apartments \(Andrew Fangman, Assistant Community Development Director\)](#)

The City of Muscatine has received a request from Northport Apartments, LLC, for financial assistance to support an application to the Iowa Finance Authority for Housing Tax Credits for the proposed Northport Apartments.

Is there a motion to adopt this Resolution as submitted?

- D. [Resolution Approving a Sanitary Sewer Easement for the Grandview Senior Lofts – 1925 Grandview Avenue \(Andrew Fangman, Assistant Community Development Director\)](#)

Grandview Senior Lofts LLC, an Iowa Limited Liability Company, is requesting that the City grant an easement to allow for the construction of a private sewer service lateral that will cross a 1.97-acre City-owned parcel located at the southwest corner of the Mittman Road and Houser Street intersection. The private sewer service will serve the Grandview Senior Lofts, a 51-unit apartment building, to be constructed at 1925 Grandview Avenue.

Is there a motion to adopt this resolution as submitted?

- E. [Resolution Accepting Completed Work Performed Under the West Side Trail Project and Authorizing Final Payment \(Pat Lynch, City Engineer\)](#)

The City has completed final inspection of the West Side Trail Project and the contractor has addressed identified items. The original contract with Heuer Construction, Inc. was for the amount of \$1,221,380.28. There were five Change Orders to the contract totaling \$18,289.53. The total adjusted contract amount was \$1,239,669.81. The actual construction cost for this project was \$1,206,693.02, which is 98.8% of the original contract. The retainage on this project is \$21,565.55.

Is there a motion to adopt this resolution as submitted?

- F. [Resolution Declaring Parcel Located at 616 Jackson Street as Surplus Property and Authorizing the Execution of a Quit Claim Deed to Said Described Real Estate \(April Limburg, Planner\)](#)

The City of Muscatine has accumulated a number of excess parcels of land no longer required for the discharge of public responsibilities. City Council has declared a number of these parcels as surplus and directed City Staff to actively pursue their disposal. Kathy M McCallister has made an offer to purchase the property for \$2,000.

Is there a motion to adopt this Resolution as submitted?

- G. [A resolution setting a public hearing to be held on May 20th to consider a request](#)

to vacate and deed over, to the adjoining property owner, a 3,339 sq. Ft. Portion of the Mulberry Avenue right of way that adjoins 204 Mulberry. (April Limburg, Planner)

This resolution sets a public hearing from the adjoining property owner to vacate and then deed over 3,339 sq. ft. of the Mulberry Avenue right of way adjoining 204 Mulberry Ave property.

Is there a motion to adopt this Resolution as submitted?

H. Resolution Setting a Public Hearing for May 20, 2021, on Amendment #2 to the Fiscal Year 2020/2021 City Budget

City Council approved the first amendment to the 2020/2021 budget on March 18, 2021. That action amended the budget to the Revised Estimate amounts established at the budget review sessions. This second amendment includes additional proposed amendments since that time. These proposed amendments will increase total budgeted expenditures for the City by \$867,200 and transfers out will increase by \$390,000. Budgeted revenues are proposed to be amended by \$375,200 and transfers in amended by \$390,000. The public hearing on the proposed Budget Amendment #2 will be held on May 20, 2021 at 7:00 p.m.

Is there a motion to adopt this Resolution as submitted?

I. Resolution Endorsing an Application to the Iowa Department of Transportation for a COVID-19 Relief Recreational Trails Program Grant for the Northside Trail (Phase I) (Andrew Fangman, Assistant Community Development Director)

The Iowa Transportation Commission has approved a one-time, \$5 million allocation of funding to partially offset COVID-19 related reductions in the State Recreational Trail Program. COVID-19 Relief Recreational Trails program funds may pay for up to 100 percent of eligible project costs. Applications for this grant are due on May 17, 2021.

The attached resolution endorses the City of Muscatine applying for a grant of \$1.25 million in order to construct the Northside Trail (Phase I). This trail will be a 1.66-mile trail, connecting to the existing trail network at each of its termini at the U.S. 61 Bypass crossing of Mad Creek and the intersection of University Drive and 24th Street.

Is there a motion to adopt this Resolution as submitted?

J. Request to Approve Right of way Purchase Agreement (Andrew Fangman, Assistant Community Development Director)

A purchase agreement has been negotiated with Blackhawk Capital Investments

LLC, for the City to purchase approximately 0.84 acres of land as right of way necessary for the construction of a new public street, which provide access to areas east of the U.S. 61 Bypass, approximately 850 feet north of the U.S. 61/Grandview intersection. The purchase price is \$110,000. The purchase agreement also calls for a public street to be constructed within this acquired right of way and for utilities to be extended along it.

Is there a motion to approve this request as submitted?

K. [Request to Approve Agreement between the City of Muscatine and Senior Resources to support the provision of Senior Resident Services](#)

The purpose of this item is to recommend approval of a Senior Services Agreement between the City of Muscatine and Senior Resources. This agreement provides Senior Resources with an allocation of \$25,000 for fiscal year 2021/2022 to support their mission of promoting and providing programs to enhance the quality life of seniors in Muscatine.

Is there a motion to approve this request as submitted?

L. [Request Approval of Purchase Orders for Muscatine Aquatic Center Canopy Replacements](#)

The Parks and Recreation Department requests to issue two purchase orders for replacement shade canopies for the Muscatine Aquatic Center. Quotes were received from two vendors. The lowest quote for five of the eight canopies was received from Boland Recreation in the amount of \$7,489.00. The lowest quote for the remaining three canopies was received from Waterloo Tent in the amount of \$5,580.44. Quotes for all eight products were received from each vendor, as these companies are the only two possible vendors for these canopies.

Is there a motion to approve this request as submitted?

M. [Request to Approve Change Order #1 for the Grandview Avenue Reconstruction Project Contract with Heuer Construction, Inc.](#)

Bolton-Menk, Inc., the design consultant on this project, has been retained by the City to assist with Construction Administration of the Grandview Avenue Reconstruction Project. However, the Contractor had also contracted with Bolton-Menk, Inc. to perform the Construction Survey work as well. This creates a conflict of interest. Therefore, at the advice of the Iowa DOT Auditor, the Construction Survey is to be removed from the contract via change order. It will be added to the Bolton-Menk, Inc. contract for Construction Administration services with the City. This project was let by the Iowa DOT, therefore the City is obligated to follow their processes and procedures.

Is there a motion to approve this request as submitted?

N. [Request to Amend the Contract to Assist with Construction Services for Grandview Avenue Reconstruction Project](#)

The Grandview Avenue Reconstruction Project includes funding from the Iowa DOT and their processes for Construction Phase Services must be followed. During the Preconstruction Meeting, it was discovered that Bolton & Menk was selected by the contractor to perform the construction survey work for this project. Bolton & Menk are already under contract with the City to perform Construction Administration causing a conflict of interest. To avoid this conflict, the Construction Survey pay item will be removed from the Construction Project and added to Bolton & Menk's contract with the City. The contract amendment will be on an hourly basis with a "not to exceed" total of \$82,460.00. This contract will be for the duration of the entire project and includes Construction Survey and Layout

Is there a motion to adopt this Request as submitted?

O. [Request for Direction from City Council to Proceed with the Preparation of a Lease on a Portion of the Muscatine Municipal Airport Property for the Development of a Solar Generating Facility](#)

In March of 2021, Muscatine Power and Water released a request for proposals (RFP) to solar developers for the development of a 30 Megawatt solar generation facility. As part of a response to this RFP, the City has been approached by SolarStone Development LLC, about leasing a portion of the Muscatine Municipal Airport property, as a site for the development of a solar generation facility.

This area is currently not used for airport operations and is leased out for agriculture purposes. This lease expires in 2022. SolarStone is offering to pay the City an annual rent of \$1,500 per acre per year, with an annual escalator of 1% over the term of the proposed 35-year lease. If there were consensus of Council, that such a lease on these terms would be beneficial to the City, a lease agreement and resolution approving said lease would be brought before City Council for approval at a later date.

P. [Staff Report – Safety Protocols for Muscatine Aquatic Center 2021 Season](#)

12. COMMUNICATION – RECEIVE AND FILE

13. APPROVAL OF BILLS

It is recommended bills totaling \$5,288,127.97, which include receipt summary and journal entries for March, 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).

14. COMMUNICATIONS - COUNCIL MEMBERS

15. OTHER BUSINESS

Request to enter "A closed session pursuant to Iowa Code Subsection 21.5.1.k to discuss information exempt from disclosure, including information and records concerning cyber security; Iowa Code Subsection 21.5.1.g to avoid disclosure of specific enforcement matters, which if disclosed would assist law violators

16. ADJOURNMENT