



City of Muscatine



CITY COUNCIL
Thursday July 15, 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.

The public is welcome to attend virtually using the information below.

<https://global.gotomeeting.com/join/612415397>

Phone: 1-646-749-3122
Access Code 612-415-397

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **COMMUNICATIONS – CITIZENS**
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-B Approval of City Council Minutes**
 - A. July 1, 2021 Regular Meeting Minutes
 - B. July 8 , 2021 In-Depth Meeting Minutes
- * **Item 8A-E Petitions and Communications**
 - A. Request for Outdoor Service for Rose Bowl, 1411 Grandview Avenue on July 31, 2021 – Rosebros, LLC (pending inspections and insurance)
 - B. Request for renewal of a Class “C” Liquor License, Class “B” Wine Permit, Catering, Outdoor Service and Sunday Sales for Proof Social, 208 West 2nd Street – Wine-Nutz, LLC (pending inspections and insurance)
 - C. Request for renewal of a Class “C” Liquor License for Port City Underground, 208 West 2nd Street (lower level) – Lacey Henderson-Mueller (pending inspections and insurance)
 - D. Request for renewal of a Class “C” Liquor License, Catering and Sunday Sales for Osaka Sushi and Steakhouse, 1903 Park Avenue – Kume Sushi and Steak House LLC (pending inspections and insurance)
 - E. Request for Use of City Property from Dell Wagner with the Annual Watermelon Stampede on August 21, 2021

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

- A. [Proclamation Muscabus Driver Appreciation Day](#)

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

- A. [Muscatine County Board of Supervisors Minutes June 28, 2021](#)

- * **Bills***

- * Approval of attached Bills for Approval totaling \$2,643,824.89, subject to the approval of any related agenda item(s).

6. MINUTES – APPROVAL

7. PUBLIC HEARING

- A. [Public Hearing on the Declaration of Real Estate \(704 Spring Street\) Owned by the City as Surplus.](#)

Now is the time for the public to comment.

B.

Hearing on Rasta Lion Third Tobacco Violation

8. PETITIONS AND COMMUNICATIONS

9. FROM THE MAYOR

10. FROM THE PLANNING AND ZONING COMMISSION

11. FROM THE CITY ADMINISTRATOR

A. [Third and Final Reading of Ordinance Updating the Regulations of Nuisance Vehicles, Chapter 3 – Nuisance of Title 9 – Health and Sanitary Regulations, Of City Code \(Andrew Fangman\)](#)

At the February in-depth meeting, as part of a continuing effort to improve City Code, with the intent of making City Code easier to understand and enforce, City Council reviewed a draft ordinance which would make changes to City Code as it pertains to nuisance vehicles, including both junked and unregistered vehicles. The intent of the proposed changes is not to radically change how nuisance vehicles are regulated, but rather to improve on the current approach.

Is there a motion to adopt this Ordinance on third and final reading and to direct for its publication as required by law?

B. [First Reading of Ordinance Prohibiting Parking of Semi-Trailers on Residential Parcels \(Andrew Fangman\)](#)

Staff has prepared an ordinance that adds semitrailers parked on residential parcels as an enumerated nuisance to Chapter 3 of Title 9. The proposed ordinance will address a gap in City Code by listing semitrailers parked on residential parcels as a specifically enumerated nuisance which allow them to be abated in the same manner as junked or unregistered vehicles. The proposed ordinance is narrowly tailored to larger semitrailers, and would not apply to the wide range of other type of trailers that are appropriate in a residential setting. The proposed ordinance also contains an exception for semitrailers which are being actively used to move a household in or out of a dwelling.

Is there a motion to approve the first reading of this Ordinance as submitted?

C. [Resolution Setting the Time and Place to Conduct a Public Hearing on A Request to Vacate Certain Utility Easements at Lot 1 Of Arbor Commons Subdivision-1613 Duncan Drive \(Andrew Fangman\)](#)

A request to vacate certain public utility easements at 1613 Duncan Drive has been submitted. The attached resolution sets a public hearing, which is required prior to Council action on this request, for August 5, 2021.

Is there a motion to adopt this Resolution as submitted?

D. [Resolution Setting the Time and Place to Conduct a Public Hearing to Consider the Vacation and Sale of Right-Of-Way Adjoining 1820 Angle Street \(Andrew Fangman\)](#)

A request to vacate and then sell to the adjoining property owner certain right of way adjoining 1820 Angle Street has been submitted. The attached resolution sets a public hearing, which is required prior to Council action on this request, for August 5, 2021.

Is there a motion to adopt this Resolution as submitted?

E. [Resolution Authorizing Assessments to Private Properties \(Jodi Royal-Goodwin\)](#)

Presented for City Council's consideration is a resolution authorizing the assessment of unpaid nuisance abatement fees to private properties. The nuisance abatement costs total \$1,679.35, the administrative fees are \$300.00, and the assessment fees are \$550.00. The total amount being requested for assessment at this time total \$2,529.35.

Is there a motion to adopt this Resolution as submitted?

F. [Resolution Authorizing Establishing an Easement on 3,339 Square Feet of the Mulberry Avenue Right of Way \(April Limburg\)](#)

The owner of 204 Mulberry Avenue has requested the City deed over 3,339 square feet of the Mulberry Avenue right-of-way that is no longer necessary for City operations now that the roundabout is complete. Prior to conveying this property, a sewer easement must be established to allow continued access to maintain the service.

Is there a motion to adopt this Resolution as submitted?

G. [Resolution Deeding Vacated Right of Way to an Adjacent Property Owner at 204 Mulberry \(April Limburg\)](#)

Presented for City Council's consideration is a resolution approving the execution

of a Deed for vacated right of way located at 204 Mulberry Avenue to the adjacent Property Owner. This right of way was vacated by ordinance on June 17, 2021.

Is there a motion to adopt this Resolution as submitted?

H. [Resolution Setting a Public Hearing Concerning an Application for Community Development Block Grant Funds under the Iowa Economic Development Authority's Downtown Revitalization Program for August 5 at 7:00 p.m. during the regular meeting of City Council \(Jodi Royal-Goodwin\)](#)

Staff anticipates requesting approval to submit a grant application to the Iowa Economic Development Authority's Downtown Revitalization Program, which is funded with Community Development Block Grant funds. Prior to submitting an application, the City must hold a public hearing to discuss the project and provide information about the CDBG application. Staff is requesting a public hearing be set for August 5, 2021 at 7:00 P.M.

Is there a motion to adopt this Resolution as submitted?

I. [Resolution Accepting a Quit Claim Deed from Several Grantors to the City of Muscatine, Iowa, for 704 Spring Street \(April Limburg\)](#)

Owners of the property at 704 Spring Street, John and Ann Giovanazzi, have executed a quitclaim deed in favor of the City of Muscatine to facilitate the demolition of a dangerous and unsafe building.

Is there a motion to adopt this Resolution as submitted?

J. [Resolution Declaring 704 Spring Street as Surplus Property and Authorizing the Donation of Said City Property to the Community Foundation of Greater Muscatine \(April Limburg\)](#)

In order to facilitate the demolition of a dangerous and unsafe building and to return the property to a beneficial use, the City of Muscatine has taken title to the parcel located at 704 Spring St from John and Ann Giovanazzi. The long-term City ownership of this parcel serves no public purpose, and in order to dispose of this parcel and return it to beneficial use it must be declared surplus. The property will then be donated to the Community Foundation of Greater Muscatine for a Homes for Iowa Project.

Is there a motion to adopt this Resolution as submitted?

K. [Request to Approve Development Agreement with the Community Foundation of Greater Muscatine \(April Limburg\)](#)

The City has taken ownership of 704 Spring Street as the result of a notice to abate an unsafe structure. This property has been donated to the Community Foundation of Greater Muscatine for the development of a single-family home to be sold to a moderate-income family. The attached development agreement provides \$10,000 to offset the costs of demolition of the unsafe structure.

Is there a motion to approve this Request as submitted?

L. [Request to Approve a Development Plan for the Southeast Corner of Park Avenue West and Peachtree Street \(3014 Park Avenue West\) \(Andrew Fangman\)](#)

KLJB, LCC, has submitted a development plan for the 0.81-acre parcel located at the southeast corner of Park Avenue West and Peachtree Street (3014 Park Avenue West). The applicant is proposing to construct a 5,290 square foot building to house a computer data center, employing two people.

Is there a motion to adopt this Request as submitted?

M. [Request to approve September 11, 2021 through Monday January 10, 2022 as the dates for the 2021-2022 City Deer Hunt. \(Rich Klimes\)](#)

Prior to each deer-hunting season and according to City Code Title 6 Police and Public Safety Regulations, Chapter 3 Weapons, Section 6-3-20 Bow Hunting Deer, Item A “The hunt shall be authorized by action of the Muscatine City Council prior to October 1st of each year.

Is there a motion to approve this Request as submitted?

N. [Request to Approve the Issuance of a Purchase Order for a Rear Refuse Collection Truck \(Brian Stineman, David Popp\)](#)

Staff requests the approval of a purchase order in the amount of \$175,400.00 to Elliott Equipment Company of Davenport Iowa for a 2022 Freightliner cab and chassis and New Way rear load packer body. Only one bid was received and one “no bid” letter was received. There is \$170,000.00 budgeted in the Refuse capital budget. The remaining \$5400.00 will be covered by the sale of the old equipment at auction later this year and/or the Refuse operating budget.

Is there a motion to approve this Request as submitted?

- O. [Request to Approve the Issuance of a Purchase Order for a 2021 Aluminum Transfer Trailer \(Brian Stineman, David Popp\)](#)

Staff requests the approval of a purchase order in the amount of \$81,095.00 to ILoca Services Inc. of Davenport Iowa for a 2021 aluminum transfer trailer. The request for bids to purchase a new trailer was advertised and one bid was received. There is \$78,000.00 budgeted in the Transfer Station capital budget. The remaining \$3,095.00 will be covered by the sale of the old equipment at auction later this year and/or the Transfer Station operating budget.

Is there a motion to approve this Request as submitted?

- P. [Request to Approve the Issuance of a Purchase Order for the Purchase of 170 95 Gallon Curbside Refuse Carts \(Brian Stineman, David Popp\)](#)

Staff requests the approval of a purchase order in the amount of \$11,919.50 to Rehrig Pacific Company for the purchase additional 95-gallon refuse carts to be used in the residential refuse collection operation. These carts are for the replacement of lost or damaged carts and to use where residents wish to request a larger cart than the one that they are currently issued. All of the carts that the City owns are from Rehrig Pacific in order to maintain consistency, warranty, durability and for ensuring repair parts are available.

Is there a motion to approve this Request as submitted?

- Q. [Request to Approve a Memorandum of Understanding between the Iowa Department of Natural Resources and the City of Muscatine \(Jon Koch\)](#)

The Memorandum of Understanding (MOU) between the Iowa Department of Natural Resources (IDNR) and the City of Muscatine (City) establishes a framework for the City to engage in watershed support within Muscatine County. In exchange for utilizing this framework, the City will receive certainty from the IDNR regarding compliance with future nutrient reduction permit requirements. Now is the time to formally approve this MOU for signature and delivery to the IDNR.

Is there a motion to approve this Request as submitted?

- R. [Request Approval of land Application Agreement with F&J Hahn Inc. and George B. Hahn, Inc. \(Jon Koch\)](#)

The City of Muscatine has had an agreement with F&J Hahn, Inc. and George B. Hahn, Inc. (Hahn) since 2008 to apply biosolids to agricultural ground they own in Muscatine County. It is time to renew the agreement to ensure the City has the land available for applying annual biosolids produced by the treatment plant. This agreement will be for 10 years. It is mutually beneficial for the City in reducing costs and for the farmer to receive free fertilizer. The land application program is estimated to save the City approximately \$100,000.00 a year from not driving the biosolids to an application site by tankers.

Is there a motion to approve this Request as submitted?

- S. [Request to Enter into a Contract With RDG Planning & Design for an Amount not to Exceed \\$50,000, for Preliminary Design of a Riverfront Amphitheater](#)

In April of 2021 staff requested proposals from firms to design an amphitheater on the Muscatine Riverfront as a continuation of the Riverfront Master Plan. A selection committee comprised of city staff, citizens, and elected officials, reviewed all of the proposals, conducted interviews of the top four, and now recommends contracting with RDG Planning & Design to design the structure. Council approved a budget of \$50,000 for this project in the FY2022 budget.

Is there a motion to approve this Request as submitted?

- T. [Resolution Approving the Internal Advance of Funds for the Preliminary Design for the Riverfront Amphitheater Project \(Nancy Lueck\)](#)

Cities in Iowa are required to certify the amount of TIF funds to be claimed for each TIF district no later than December 1 of the year prior to the fiscal year for which the funds will be collected. The City must have incurred debt in order to claim the TIF funds to be certified. Debt certified can be in the form of general obligation bonds, tax increment revenue bonds, TIF rebate agreements, or internal advances (loans).

At the July 15 meeting, the City will be considering entering into an agreement in the amount of \$50,000 for the preliminary design of an amphitheater on the Riverfront. The Riverside Park Improvement project was included in the March 2018 Urban Renewal Plan Amendment, which makes the amphitheater preliminary design eligible for TIF funding. The Urban Renewal Amendment specifically included the amphitheater project as one of the improvements in the Riverside Park Improvement Project.

It is recommended that the City Council adopts the Resolution Approving the Internal Advance of \$50,000 for the Riverfront Amphitheater Preliminary Design so these design costs can be funded from future TIF (Tax Increment Financing) funds.

Is there a motion to adopt this Resolution as submitted?

- U. [Request to enter into a contract with Watersmith Engineering for an amount not to exceed \\$33,200 for watershed study of the Lake Park Boulevard area. \(Brian Stineman\)](#)

Street flooding has been a recurring issue in the 700 block of Lake Park Boulevard. Part of the acquisition of the former DOT facility on Lake Park Boulevard was to aid in alleviating or eliminating some of these flooding issues. This study will help us understand the root causes of the storm water issues and provide possible solutions to remedy them.

Is there a motion to approve this Request as submitted?

- V. [Request to Approve a Purchase Agreement for the Purchase by J.L. Winter, LLC of Two Surplus City Owned Parcels on 41st Street in Incorporated Muscatine County. \(Andrew Fangman\)](#)

A purchase agreement for the purchase by J.L. Winter LCC of two surplus City owned parcels on 41st Street in unincorporated Muscatine County has been negotiated and is presented for Council Action.

Is there a motion to approve this Request as submitted?

- W. [Request for Approval to Submit the Neighborhood Revitalization Pilot Project Proposal \(Jodi Royal-Goodwin - presentation\)](#)

Following the Housing Summit, the Director of the Iowa Economic Development Authority requested the Collaborative submit a proposal for a pilot project to revitalize a distressed block within the community that met identified criteria. The selected block is adjacent to Mulberry Avenue between 6th and 7th streets and will be targeted with a variety of activities intended to improve the housing quality, aesthetics, and quality of life. Submitting the proposal will allow the team to continue evaluating programs and resources to support the pilot project with state staff.

Is there a motion to approve this Request as submitted?

12. COMMUNICATION – RECEIVE AND FILE

13. APPROVAL OF BILLS

It is recommended bills totaling \$2,643,824.89, 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

16. ADJOURNMENT