



City of Muscatine



CITY COUNCIL
Thursday August 5, 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/276428757>

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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 Approval of City Council Minutes**

A. July 15, 2021 Regular Meeting Minutes

* **Item 8A-F Petitions and Communications**

- A. Request to Approve Cigarette/Tobacco Permit for Casey’s General Store #4025, 4701 Hwy 61 – Casey’s Marketing Company
- B. Request for use of City Property –Vintage market on Riverfront Request on first reading on a new Class “E” Liquor License, Class “B” Wine Permit, Class “C” Beer Permit and Sunday Sales for Casey’s General Store #4025, 4701 Hwy 61 – Casey’s Marketing Company (pending inspections)
- C. 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 inspections and insurance)
- D. Request for renewal of a Special Class “C” Liquor License and Outdoor Service for Yacky Shack, 163 Colorado Street – Yacky Shack LLC (pending inspections and insurance)
- E. Request on an existing license for a permanent premise transfer for Chicharos Mexican Grill, 1903 Park Avenue – Chicharos, LLC (pending inspections)
- F. Request for Use of City Property from Greater Muscatine Chamber of Commerce for a Vintage Market at the Riverfront on October 9, 2021
- G. Request for Use of City Property from BRB Live LLC (Bobby Ray Bunch) for a Food Truck Fight at the Riverfront on September 18, 2021

* **Item 9A From the Mayor**

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

- A. Muscatine County Board of Supervisors Meeting Minutes 7-12-2021
- B. Muscatine County Board of Supervisors Meeting Minutes 7-19-2021
- C. Muscatine County Board of Supervisors Meeting Minutes 7-26-2021
- D. Muscatine Power and Water Financial Statements – June 2021
- E. Board of Water, Electric and Communications Meeting Minutes 6-29-2021

* **Bills***

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

6. **MINUTES – APPROVAL**

7. **PUBLIC HEARING**

A. Request to vacate and sell right of way adjoining 1820 Angle Street

This public hearing concerns a request to vacate and then sell to the adjoining property owner, certain right of way adjoining 1820 Angle Street.

Now is the time for the public to comment.

- B. Request to vacate certain utility easements at Lot 1 of Arbor Commons Subdivision – 1613 Duncan Drive

This public hearing concerns a request by Todd Hackett to vacate public utility easements at 1613 Duncan Drive. The intent of this request is to allow for more room of the construction of a single family home.

Now is the time for the public to comment.

8. PETITIONS AND COMMUNICATIONS

- H. Appeal by Greg Johnston Concerning a Notice to Abate Nuisance

9. FROM THE MAYOR

10. FROM THE PLANNING AND ZONING COMMISSION

11. FROM THE CITY ADMINISTRATOR

- A. Second Reading of an Ordinance Prohibiting Parking of Semi-Trailers on Residential Parcels (Andrew Fangman, Assistant Community Development Director)

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 would 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 that junked or unregistered vehicles are abated. The proposed ordinance is narrowly tailored to larger semitrailers (longer than 22 feet in length) 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 that are being actively used to move a household in or out of a dwelling.

Is there a motion to approve the second reading of this ordinance as submitted?

- B. First Reading of an Ordinance Adding Section 15, Chronic Nuisance Property, to Title 9, Health and Safety Regulations, Chapter 3 Nuisance (Andrew Fangman, Assistant Community Development Director)

The purpose of this item is to add a new section of City Code - Section 15, Title 9, Chapter 3, to address chronic nuisance properties. Adding this section will

provide additional tools for remedying properties upon which nuisances are chronically found to exist. Existing code is effective in allowing the City to recover the direct costs of hiring a contractor to abate these nuisances. However, the cost of the large amounts of staff time that chronic nuisance properties consume are not currently being fully recovered. Additionally, for properties upon which nuisance conditions are chronically being allowed to develop, the property having to pay the City for the cost to abate these nuisances has not been effective deterrent.

The proposed code defines a chronic nuisance property as one on which three or more nuisance activities occur or exist within a twelve (12) month period and allows the City, upon notice to the owner of the property and any tenant, that future nuisance service calls may be subject to a special assessment over and above the costs of any abatement. Such special assessments are intended solely to recover the City costs.

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

- C. First Reading of Ordinance Vacating an Undeveloped Right of Way Adjoining 1820 Angle Street – Public Hearing A (Andrew Fangman, Assistant Community Development Director)

A request to vacate and then sell to the adjoining property owner certain right of way adjoining 1820 Angle Street has been submitted by Paul Neff, owner of Pete’s Tap. Mr. Neff desires to make improvements to his business, but is somewhat constrained by the small size of the current parcel and has requested this vacation and sale. The attached ordinance vacates this right of way.

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

- D. Resolution Vacating Certain Utility Easements at lot 1 of Arbor Commons Subdivision – 1613 Duncan Drive – Public Hearing B (Andrew Fangman, Assistant Community Development Director)

A request to vacate certain public utility easements at 1613 Duncan Drive has been submitted by Todd Hackett, to allow for room of the construction of a single family home. This has been approved by the Planning and Zoning Commission.

Is there a motion to adopt this resolution as submitted?

- E. Resolution to enter into a contract with Martine Garner Architecture for architectural services related to the Downtown Revitalization Program (Jodi Royal-Goodwin, Community Development Director)

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. The grant requires the applicant procure architectural services prior to submittal. The attached resolution awards the contract for architectural services to Martin Gardner Architecture.

Is there a motion to adopt this resolution as submitted?

- F. Resolution Accepting Completed Work for the 2020/2021 Hot Mix Asphalt Alley Overlay Project (Pat Lynch, City Engineer)

The City has completed final inspection of the 2020/2021 Hot Mix Asphalt Alley Overlay Project. There are no items remaining on the final punch list. The project closeout cost of the 2020/2021 Hot Mix Alley Overlay Project is \$203,521.46. The retainage on this project is \$10,176.07.

Is there a motion to adopt this resolution as submitted?

- G. Resolution Accepting Completed Work for the 2020/2021 Hot Mix Asphalt Street Overlay project (Pat Lynch, City Engineer)

The City has completed final inspection of the 2020/2021 Hot Mix Asphalt Street Overlay Project. There are no items remaining on the final punch list. The project closeout cost of the 2020/2021 Hot Mix Alley Overlay Project is \$424,336.11. The retainage on this project is \$21,216.81.

Is there a motion to adopt this resolution as submitted?

- H. Resolution Accepting Completed Work for 2020/2021 Patching Program (Pat Lynch, City Engineer)

The City has completed final inspection of the 2020/2021 Patching Program. There are no items remaining on the final punch list. The project closeout cost of the 2020/2021 Patching Program is \$407,818.10. The retainage on this project is \$14,156.99.

Is there a motion to adopt this resolution as submitted?

- I. Resolution Setting a Public Hearing for the 2021/2022 Hot Mix Asphalt Overlay Project (Pat Lynch, City Engineer)

The City of Muscatine Public Works Department has compiled a list of streets and alleys to be overlaid with hot mix asphalt during Fiscal Year 2021/2022. Prior to approving the plans and specifications and soliciting bids, a public hearing is required. The requested date for this Public Hearing is August 19, 2021 at 7:00 pm in Council Chambers.

Is there a motion to adopt this resolution as submitted?

- J. Resolution Accepting the Quit Claim Deed from Several Grantors to the City of Muscatine, Iowa for 1246 E. 5th Street (April Limburg, Planner)

In order to facilitate the demolition of a dangerous and unsafe building, the City of Muscatine will be taking title to the parcel located at 1246 E 5th Street from Residential Equity Partners. The long-term City ownership of this parcel serves no public purpose, and will be declared as surplus to be redeveloped once the structure is demolished.

Is there a motion to adopt this resolution as submitted?

- K. Resolution Accepting the Quit Claim Deed from Several Grantors to the City of Muscatine for 1114 Nebraska Street (April Limburg, Planner)

In order to facilitate the demolition of a dangerous and unsafe building, the City of Muscatine will be taking title to the parcel located at 1114 Nebraska Street from Wesley Morse. The long-term City ownership of this parcel serves no public purpose and will be declared as surplus to be redeveloped once the structure is demolished.

Is there a motion to adopt this resolution as submitted?

- L. Resolution Awarding Contract for the Demolition of a Structure at 409 E 6th Street (April Limburg, Planner)

As part of an effort to remove abandoned and dilapidated homes that are a hazard to public safety, the City of Muscatine desires to remove the abandoned structure at 409 E 6th Street and return the parcel to a state in which it can be redeveloped. The City received three bids to remove the structures at 409 E. 6th Street. Maple Valley Tree Service submitted the lowest bid in the amount of \$18,000.

Is there a motion to adopt this resolution as submitted?

- M. Resolution Awarding Contract for the Demolition of a Structure at 512 Liberty St. (April Limburg, Planner)

As part of an effort to remove abandoned and dilapidated homes that are a hazard to public safety, the City of Muscatine desires to remove the abandoned structure at 512 Liberty Street and return the parcel to a state in which it can be redeveloped. The City received three bids to remove the structures at 512 Liberty Street. Maple Valley Tree Service submitted the lowest bid in the amount of \$14,500.

Is there a motion to adopt this resolution as submitted?

- N. Resolution Awarding Contract for the Demolition of a Structure at 1114 Nebraska Street (April Limburg, Planner)

As part of an effort to remove abandoned and dilapidated homes that are a hazard to public safety, the City of Muscatine desires to remove the abandoned structure at 1114 Nebraska Street and return the parcel to a state in which it can be redeveloped. The City received three bids to remove the structures at 1114 Nebraska. Maple Valley Tree Service submitted the lowest bid in the amount of \$12,500.

Is there a motion to adopt this resolution as submitted?

- O. Request to Approve Application for JAG Grant Funding (Brett Talkington, Police Chief)

The Department of Justice just recently notified staff that the City of Muscatine and the County of Muscatine have been awarded \$14,308.00 for the Edwin Byrne Justice Assistance Grant. The Police Department is required, as part of the application process, to submit for review, details of the application for the direct award part of this grant. It must be reviewed and completed at least 30 days prior to submission of the grant application.

Is there a motion to approve this request as submitted?

- P. Request to Approve the Replacement of Eleven Rock River Arms AR-15 Duty Rifles (Brett Talkington, Police Chief)

The Muscatine Police Department is requesting replacement of the department's aging duty rifles to ensure continued reliability and functionality. The City Council has already approved a capital outlay of \$3000 towards this purchase. The department intends to use an additional \$6305 in 2020 JAG grant funding to purchase eleven (11) rifles. Total cost of the rifles is \$9460 plus shipping (\$110) for a total of \$9570. The purchase is \$265 over the budgeted amount, which will be absorbed in the department budget.

Is there a motion to approve this request as submitted?

- Q. Request to Approve Agreement with Enviromark Industrial for Lead Soil Remediation Services at the Former MPW Police Firing Range Site (Captain Anthony Kies)

Due to frequent flooding at the Police Firing Range located on Muscatine Power and Water (MPW) property and that an agreement with MPW for use of the property is expiring, the City has chosen not to repair the facility and the building

has been demolished. The City is now obligated to conduct lead soil remediation to restore the site.

It is recommended that the City enter into an agreement with Enviromark Industrial for this service in the amount of \$94,576. Enviromark is the sole vendor for lead remediation in this area and was recommended by Iowa Department of Natural Resources (DNR). Enviromark will provide all labor, equipment, materials, supplies, insurance and supervision necessary to perform this project.

Is there a motion to approve this request as submitted?

- R. Request to Issue a Purchase Order for Concrete Replacement at the old Kum & Go Property on 5th and Cedar Street (Stan O'Brien, Building and Grounds Supervisor, Brian Stineman, Public Works Director)

The Building & Grounds Division of Public Works, requests to issue a purchase order for concrete replacement at the old Kum & Go property. Three quotes were received and BMW Builders II was the low bidder at \$94,000. Funding is available from the sale of the old Library. \$120,900 was budgeted for the concrete and building remodel. Plans for the building are still being decided.

Is there a motion to approve this request as submitted?

- S. Request to Approve the Issuance of a Purchase for Two Chevrolet Silverado 1500 Pick Up Trucks for the Engineering Department (Pat Lynch, City Engineer)

Staff requests approval of a purchase order in the amount of \$57,076.40 to Krieger's of Muscatine for the purchase of two (2) 2022 Chevrolet Silverado 1500 pickup trucks. Three bids were received and Krieger's submitted the low bid. There is \$47,400.00 budgeted in the Engineering Budget for this purchase. The remaining \$9,676.40 will be absorbed by the remaining Engineering Budget.

Is there a motion to approve this request as submitted?

- T. Request to Issue a Purchase Order for Blocking up Doors, Windows, Tuck Pointing and Sealing the Old Morgan Building, located at 1201 E. 5th Street, in the Lower Lot of Public Works (Stan O'Brien, Building and Grounds Supervisor, Brian Stineman, Public Works Director)

Staff requests to issue a purchase order for the blocking up of some doors, windows, grinding out joints, tuck pointing and sealing of the former Morgan Trucking Building (1201 E. 5th Street) in the lower lot at Public Works. Four quotes were requested and two were received. Silberhorn Concrete & Masonry, LLC was the low bidder at \$17,442.60. Funding is available from the deferred maintenance capital project fund.

Is there a motion to approve this request as submitted?

- U. Request to issue a purchase order for siding, soffit, fascia, gutters, downspouts, and windows on the former Morgan Trucking Building, 1201 E. 5th Street, in the lower lot at Public Works (Stan O'Brien, Building and Grounds Supervisor, Brian Stineman, Public Works Director)

Staff requests to issue a purchase order for siding, soffit, fascia, gutters, downspouts, and windows on the former Morgan Trucking Building (1201 E. 5th Street) in the lower lot at Public Works. Three quotes were received and ZWB General Construction, LLC. submitted the lowest bid at \$20,275. Funding is available from the deferred maintenance capital project fund. \$27,000 was budgeted for this project.

Is there a motion to approve this request as submitted?

- V. Request to Approve the Issuance of a Purchase Order for The 2021 Pavement Crushing Contract (Brian Stineman, Public Works Director, Randy Howell, Roadway Maintenance Supervisor)

Public Works requests to issue a purchase order to Bushman Excavating in the amount of \$75,000.00 for the 2021 Pavement Crushing Contract. Two bids were received for this project with the bid from Bushman Excavating determined to be the lowest responsible bid. There is \$75,000 budgeted for this project in the Road Maintenance Budget.

Is there a motion to approve this request as submitted?

- W. Request to Approve 2021 Road Salt Purchase Through the City of Davenport – Including a Corrected Request and Supplemental Purchase (Randy Howell, Roadway Maintenance Supervisor)

At the City Council meeting on 7/1/2021, City Council was asked to approve the purchase of salt from the City of Davenport in the amount of \$61.77/ton. The price should have been listed as \$62.07/ton for 3,000 tons. In addition, Public Works is requesting approval to issue an additional purchase for supplemental salt of 375 tons @ \$81.53/ton. The supplemental salt is a reserve that would be delivered via trucks in the middle of winter in the event our salt supply is low. Funding is from the Road Use Tax Fund. This was approved as part of the Snow and Ice Control fund during the 2021/22 budget meeting

Is there a motion to approve this request as submitted?

- X. Request to Approve the Issuance of a Purchase Order for the 2021 Paint Striping Contract (Brian Stineman, Public Works Director, Randy Howell, Roadway Maintenance Supervisor)

Public Works requests to issue a purchase order to Ostrom Painting & Sandblasting, Inc. in the amount of \$65,298.72 for the 2021 Paint Striping Contract. Contracted paint striping includes street markings, RR Crossings, Traffic Arrows, and Traffic Islands. Three bids were received with Ostrom being the low bidder. Funding for this service is available in the Traffic Control Budget.

Is there a motion to approve this request as submitted?

- Y. Request to Approve Issuance of a Purchase Order for a One Ton Dump Body Purchase (Brian Stineman, Public Works Director, Randy Howell, Roadway Maintenance Supervisor)

Public Works requests to issue a purchase order to Henderson Manufacturing Inc., in the amount of \$19,658.00 for the purchase of a stainless steel dump body for the recently ordered 2022 one ton truck chassis. City Staff received four bids on July 15, 2021. The low bid was from Henderson Manufacturing Inc., of Manchester, Iowa. Funding for this equipment is available in the Roadway Maintenance Budget.

Is there a motion to approve this request as submitted?

- Z. Request to Approve the Issuance of a Purchase Order for a 2022 Chevrolet 1500 Pickup truck for use at the Transfer Station (David Popp, Solid Waste Manager; Brian Stineman, Public Works Director)

Staff requests the approval of a purchase order in the amount of \$28,538.20 to Krieger's of Muscatine for a 2022 Chevrolet 1500 pickup truck for the Solid Waste Division. Three bids were received with Krieger's submitting the low bid. \$30,000.00 has been budgeted for the replacement of this vehicle in the Transfer Station FY 2022 budget.

Is there a motion to adopt this request as submitted?

- AA. Request to Approve the Issuance of a Purchase Order for Forty-Five Radio Direct Interface Voice Amplifiers (Jerry Ewers, Fire Chief; Darrell Janssen, Battalion Chief)

Presented for City Council's consideration is a request to approve the issuance of a purchase order in the amount of \$26,942.85 to Feld Fire for the purchase of 45 Radio Direct Interface Voice Amplifiers. Two bids were received and Feld Fire was the low bid. There is \$32,000.00 budgeted for this purchase.

Is there a motion to approve this request as submitted?

BB.

Request to Accept a Federal Aviation Administration Airport Rescue Grant and Authorize the Execution of Grant Documents (Jodi Royal-Goodwin, Community Development Director)

Presented for City Council's consideration is a request to accept a grant and authorize execution of related grant documents. The City has been awarded a \$32,000 Airport Rescue Grant by the Federal Aviation Administration to support operation of the Muscatine Municipal Airport. The City must accept the grant and execute the documents by August 25, 2021.

Is there a motion to approve this request as submitted?

CC.

Request to Accept the Community Heart and Soul Grant from the Orton Foundation and Execution of the Grant Agreement (Jodi Royal-Goodwin, Community Development Director)

Presented for City Council's consideration is a request to accept a grant and authorize execution of the grant agreement. The City has been awarded a \$10,000 seed grant from the Orton Foundation. Funds will support the Community Heart and Soul community engagement initiative.

Is there a motion to approve this request as submitted?

DD.

Request to Approve the Issuance of a Purchase Order for a 2022 Chevy Equinox for the Community Development Department (Jodi Royal-Goodwin, Community Development Director)

Presented for City Council's consideration is a request to approve the issuance of a purchase order in the amount of \$23,212.00 to Krieger's of Muscatine for the purchase of a 2022 Chevy Equinox for the Community Development Department. Nine bids were received. After applying a 2% local preference, Krieger's of Muscatine is the lowest bidder. There is \$24,000 budgeted for this purchase.

Is there a motion to approve this request as submitted?

EE.

Request to Approve Order Assessing Penalty to Rasta Lion LLC. Assessing Penalty for Third Tobacco Violation

Is there a motion to approve this request as submitted?

12. **COMMUNICATION – RECEIVE AND FILE**

13. **APPROVAL OF BILLS**

It is recommended bills totaling \$, 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**

- A. Discussion Regarding Guidelines for Public Process for Potential Changes in Title 6, Chapter 9, Keeping of Pit Bull Dogs (Carol Webb)
- B. Request to enter closed session 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.

16. **ADJOURNMENT**