



# City of Muscatine



## CITY COUNCIL

Thursday October 7, 2021

Diana Broderson, Mayor

Dennis Froelich, 1<sup>st</sup> Ward  
Osmond Malcolm, 2<sup>nd</sup> Ward  
Peggy Gordon, 3<sup>rd</sup> Ward  
Nadine Brockert, 4<sup>th</sup> Ward  
John Jindrich, 5<sup>th</sup> 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 1<sup>st</sup> and 3<sup>rd</sup> Thursday of each month, In-depth sessions on the 2<sup>nd</sup> 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.

**Please join my meeting from your computer, tablet or smartphone.**

<https://global.gotomeeting.com/join/948835981>

**You can also dial in using your phone.**

United States: [1 \(571\) 317-3122](tel:1(571)317-3122)

**Access Code:** 948-835-981

## **AGENDA**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **COMMUNICATIONS – CITIZENS**
  - A. [Citizen Appeal – Nuisance Abatement – Phyllis Phillips](#)
  - B. John Koch presentation of the ACEC and APWA awards

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. [September 16, 2021 Regular Meeting Minutes](#)

\* **Item 8A-L Petitions and Communications**

- A. [Request to Approve Application for Revitalization Property Tax Abatement – Zellers – 3209 Majestic Drive](#)
- B. [Request to Approve Application for Revitalization Property Tax Abatement – Osborne – 970 Lucas Street](#)
- C. Request for renewal of a Class “C” Liquor License, Outdoor Service and Sunday Sales for Buffalo Wild Wings, 2608 – 2<sup>nd</sup> Avenue – Blazin Wings, Inc. (Pending Inspections)
- D. Request for renewal of a Class “C” Beer Permit and Sunday Sales for Muscatine Fast Break, 2603 Second Avenue – Reif Oil Company (pending inspections)
- E. Request for renewal of a Class “C” Beer Permit, Class “B” Wine Permit and Sunday Sales for Aldi, Inc. #05, 3200 Northport Drive – Aldi, Inc. (pending inspections)
- F. Request for renewal of a Class “C” Liquor License, Outdoor Service and Sunday Sales for VFW, 1415 Grandview Avenue – Veterans of Foreign Wars Club Inc. (pending inspections and insurance)
- G. Request for renewal of a Class “C” Liquor License, Outdoor Service and Sunday Sales for Bridgeside Pub, 1005 East 2<sup>nd</sup> Street – Bridgeside Pub LLC (pending inspections and insurance)
- H. Request for renewal of a Class “B” Native Wine Permit for Flowers on the Avenue, 1138 East 9<sup>th</sup> Street – Flowers on the Avenue (pending inspections and insurance)

- I. Request for renewal of a Class "C" Liquor License, Outdoor Service and Sunday Sales for Missipi Brewing Company, 107 Iowa Avenue – R & D Operations (pending inspections and insurance)
- J. Request for renewal of a Class "C" Liquor License, Class "B" Wine Permit, Outdoor Service and Sunday Sales for Salvatores, 313 East 2<sup>nd</sup> Street – Salvatore's By Papa Reno, LLC (pending inspections and insurance)
- K. [Request for Use of City Property from Matthew Weiland on October 9, 2021 and October 10, 2021](#)
- L. [Request to close Colorado Street to install water services to the Colorado Senior Lofts Project](#)

\* **Item 9A From the Mayor**

- A. United Nations Day Proclamation

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

- A. [Board of Water, Electric and Communication Minutes – August 31, 2021](#)
- B. [Board of Water, Electric and Communications Minutes – September 17, 2021](#)
- C. [Muscatine Power and Water Financial Statements August, 2021](#)
- D. [Muscatine County Board of Supervisors Minutes – September 13, 2021](#)
- E. [Muscatine County Board of Supervisors Minutes – September 20, 2021](#)
- F. [Muscatine County Board of Supervisors Minutes – September 27, 2021](#)

\* **Bills\***

- \* Approval of attached Bills for Approval totaling \$3,259,397.76, subject to the approval of any related agenda item(s).

**6. MINUTES – APPROVAL**

**7. PUBLIC HEARING**

- A. [Public Hearing regarding the Declaration of Certain Real Estate Owned by the City as Surplus and Authorizing the Sale of Said Certain Real Estate. Parcel #0821100019 located on North Mulberry.](#)

Now is the time for the public to comment.

**8. PETITIONS AND COMMUNICATIONS**

**9. FROM THE MAYOR**

- A. Reading and Presentation of the United Nations Day Proclamation

**10. FROM THE PLANNING AND ZONING COMMISSION**

**11. FROM THE CITY ADMINISTRATOR**

- A. [Resolution Approving Contract for the 2021/2022 Hot Mix Asphalt Overlay Project with Brandt Construction for the amount of \\$485,305.00- Pat Lynch, City Engineer](#)

The City of Muscatine Public Works Department has compiled a list of streets and alleys to be overlayed with hot mix asphalt during Fiscal Year 2021/2022. Bids were received on September 7, 2021 at 10:00 am and have been tabulated. Brandt Construction Company was the apparent low responsive, responsible bidder with a bid of \$485,305.00 and was awarded the Contract at the September 16 Council Meeting. A resolution approving the contract and bond is necessary to allow for the start of the project.

Is there a motion to adopt this Resolution as submitted?

- B. [Resolution Accepting the Quit Claim Deed from Several Grantors to the City of Muscatine, Iowa for Property Located at 619 Hope 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 619 Hope Ave from End Of The Road LLC. 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?

- C. [Resolution Setting a Public Hearing to be Held on October 21, 2021 to Consider a Request to Vacate and Deed Over to the Adjoining Property Owner, Located at 1100 E. 7<sup>th</sup> Street, the Undeveloped Lombard Street Right of Way – April Limburg, Planner](#)

Presented for City Council's consideration is a Resolution setting a public hearing for October 21, 2021 to consider the vacation and deeding of the undeveloped Lombard Street Right of Way to the adjoining property owner at 1100 E. 7<sup>th</sup>

street. The Planning and Zoning Commission recommended approval of vacating this right of way.

Is there a motion to adopt this Resolution as submitted?

D. [Resolution Authorizing the Sale of Surplus Property to J.L.Winter, L.L.C.](#)

Andrew Fangman, Assistant Community Development Director

A purchase agreement for the purchase by J.L. Winter LCC of two surplus City owned parcels on 41<sup>st</sup> Street in unincorporated Muscatine County has been negotiated and is presented for Council Action. The resolution authorizes the execution of a deed as per the terms of this purchase agreement.

Is there a motion to adopt this Resolution as submitted?

E. [Resolution Rescinding Resolution 2021-0266 and Approving Corrected Resolution Accepting Completed Work Performed Under the HMA Alley Overlay Project 2020/2021 and Authorizing Additional Payment](#) – Brian Stineman, Public Works Director/ Pat Lynch, City Engineer/ Nancy Lueck, Finance Director

On August 5, 2021, City Council approved Resolution 2021-0266 accepting the completed work by Manatt's Inc. on the HMA Alley Overlay project based on material quantities provided by the contractor at that time. Subsequent to the approval of Resolution 2021-0266, the contractor identified errors in the material quantities they submitted with the actual quantity being 242.86 tons higher than the original quantity, which resulted in an increase in the final actual contract amount of \$20,035.95. The contractor's request for additional funds under this contract has been reviewed by the City Engineer and is recommended for approval.

The attached Resolution reflects acceptance of the final costs for this project based on the actual quantity of materials used by the contractor for this project. This Resolution also rescinds the previous Resolution 2021-0266 and provides for the City to make immediate payment of \$20,035.95 to Manatt's Inc. for the corrected quantity of materials used for this project

Is there a motion to adopt this Resolution as submitted?

F. [Request to Approve the Issuance of a Purchase Order to Polco/National Research Center \(NRC\) in the Amount of \\$13,500.00 for the Administration of a Community Survey](#) – Carol Webb

City staff requests the approval of a purchase order in the amount \$13,500 to Polco/National Research Center (NRC) for the administration of a community survey. NRC will collaborate with City staff to conduct a survey that provides

Muscatine residents with an opportunity to rate the quality of life in Muscatine and their satisfaction with community amenities and their local government. The survey results will be compared to national benchmarks. Polco/NRC is the preferred vendor for the International City/County Managers Association for scientific benchmarking community surveys for local governments. \$14,000 was budgeted in the City Administrator FY2021/2022 budget for completion of the community survey.

Is there a motion to approve this request as submitted?

G. [Request Authorization to Proceed with South End Community Improvement Fund Project](#) Rich Klimes, Parks and Recreation Director/Nick Gow, Superintendent of Parks

Presented for City Council's consideration is a request to approve the Southend Community Improvement Fund Projects Concept Plan to improve a select street crossing and designated park improvements in the South End of Muscatine. A steering committee has worked with City staff to develop a scope of projects that are intended to improve the quality of life in the South End of Muscatine. The improvements were vetted through public meetings, park and recreation advisory commission meetings and past project requests received from the Muscatine Community. The projects will be funded through a \$2,000,000.00 private donation.

Is there a motion to approve this request as submitted?

H. [Request to Approve Change Order #4 for the Grandview Avenue Reconstruction Project](#) Pat Lynch, City Engineer

Presented for City Council's consideration is a request to approve Change Order #4 for the Grandview Avenue Reconstruction Project Contract with Heuer Construction for the amount of \$21,052.90. This change order covers two minor changes to the contract. The changes include changing from a standard subdrain to a subdrain with a filter sock and changing from brick pavers to stamped colored concrete for the crosswalks.

Is there a motion to approve this request as submitted?

I. [Request to Approve Change Order #2 for the Park Avenue 4 to 3 Lane Conversion Project](#) Pat Lynch, City Engineer

Presented for City Council's consideration is a request to approve change order #2 for the Park Avenue 4 to 3 Lane Conversion Project contract with Manatts, Inc. for the amount of \$36,822.50. This Change order covers replacement of buried manholes that were not anticipated to be replaced. Due to the condition of the manholes, once uncovered, it was determined that replacement was the best and safest solution.

Is there a motion to approve this request as submitted?

J. [Request to Approve Change Order #3 for the Park Avenue 4 to 3 Lane Conversion Project](#) Pat Lynch, City Engineer

Presented for City Council's consideration is a request to approve change order #3 for the Park Avenue 4 to 3 Lane Conversion Project Contract with Manatts, Inc. for the amount of \$32,500.00. This change order covers replacement of four storm sewer intakes that were not anticipated to be replaced. The construction plans directed the contractor to remove the tops of the existing intakes and adjust them to the newly paved surface. However, after exposing the boxes, it was found that four of the intakes needed replacement.

Is there a motion to approve this request as submitted?

K. [Request to Approve a Change Order to the Current Siding, Soffit, Fascia, Gutters, Downspouts and Windows Contract for the Morgan Building](#) Stan O'Brien, Building and Grounds Supervisor/Brian Stineman, Public Works Director

During the August 5, 2021 council meeting the city council approved siding, soffit, fascia, gutters, downspouts, and windows on the old Morgan building in the lower lot at Public Works. Part of the project was to have the overhead main power disconnected from the building so the new siding could be installed. After looking at the existing wiring it was determined that the existing service does not meet code for several reasons and needs to be replaced. This will make the building more usable as the existing service is not adequate for the work staff needs to do at this location. Staff requests to issue a change order to ZWB General Construction, LLC for \$15,300 for materials and installation of new underground electrical service and panel. Funds for this project are available from the deferred maintenance Capital Project Fund.

Is there a motion to approve this request as submitted?

L. [Request to Approve the Issuance of a Purchase Order for Public Works Parking Lot Lighting](#) Stan O'Brien, Building and Grounds Supervisor/Brian Stineman, Public Works Director

Presented for City Council's consideration is a request to approve the issuance of a purchase order to Musco Lighting, in the amount of \$69,472, for lighting improvements to the Public Works parking lot. Three quotes were received with Musco Lighting and Pearl City Maintenance providing the installation being the lowest bid. Funds for this project are available in the Road Use Tax Fund.

Is there a motion to approve this request as submitted?

M. [Request to Approve the Issuance of a Purchase order for Electrical Gate and Installation for the Public Works Lower Lot](#) Stan O'Brien, Building and Grounds Supervisor/Brian Stineman, Public Works Director

The Building & Grounds Department of Public Works requests to issue a purchase order for the installation of an electronic gate for the lower lot at Public Works. Two quotes were received with C.R Landscaping as the low quote for \$28,700. Funding for this project is available from Road Use Tax Funds.

Is there a motion to approve this request as submitted?

N. [Request to Approve the Issuance of a Purchase Order for Replacement of Ten \(10\) Stop Sticks for the Police Department](#) Brett Talkington, Police Chief

The Police Department requests approval of a purchase order in the amount of \$5,148 to Stop Stick, Ltd. This purchase will be for the replacement of the department's aging tire deflation devices, which are over 20 years old, to ensure continued reliability, functionality, and for officer safety deploying them. The Fiscal Year Budget includes \$4800 for the replacement of these stop sticks.

Is there a motion to approve this request as submitted?

**12. COMMUNICATION – RECEIVE AND FILE**

**13. APPROVAL OF BILLS**

It is recommended bills totaling \$3,259,397.76, 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. Consideration of City Administrators Annual Merit Increase
- B. Request to enter closed session pursuant to 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**