



# City of Muscatine



CITY COUNCIL  
Thursday December 2, 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/957933357>

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

United States: 1-872-240-3412

**Access Code: 957-933-357**

## **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 6 A Approval of City Council Minutes**

**A. [November 18, 2021 Regular City Council Meeting Minutes](#)**

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

- A. Request for renewal of a Class "E" Liquor License, Class "C" Beer Permit, Class "B" Wine Permit and Sunday Sales for Kum & Go #1436, 416 Cedar Street – Kum & Go LLC (pending inspections)
- B. Request for renewal of a Class "C" Liquor License and Class "B" Wine for Chicharo's Mexican Grill, 1903 Park Avenue – Chicharo's, LLC (pending inspections and insurance)
- C. Request for renewal of a Class "A" Liquor License, Outdoor Service and Sunday Sales for Geneva Golf & Country Club, 3100 Bidwell Road – Geneva Golf & Country Club (pending inspections and insurance)
- D. Request for renewal of a Class "C" Liquor License and Sunday Sales for Flaming Embers, 131 West 2nd Street – Flaming Embers Inc. (pending inspections and insurance)
- E. Request for renewal of a Class "E" Liquor License, Class "C" Beer Permit, Class "B" Wine Permit and Sunday Sales for Westside Houser Mart, 2201 Houser Street – West Side Houser Mart LLC (pending inspections and insurance)
- F. Request for renewal of a Class "C" Liquor License, Outdoor Service and Sunday Sales for Las Lomas, 1519 Park Avenue – Juan, Inc. (pending inspections and insurance)
- G. Request for renewal of a Class "C" Beer Permit, Class "B" Wine Permit and Sunday Sales for GM Food Mart, 2881 Highway 61 – Nanak Express LLC (pending inspections and insurance)
- H. Request for renewal of a Class "B" Beer Permit, Class "C" Native Wine Permit and Sunday Sales for Hong Kong Buffett, 2406 Park Avenue – Hong Kong Buffet Inc. (pending inspections and insurance)
- I. Request for renewal of a Class "E" Liquor License, Class "C" Beer Permit, Class "B" Wine Permit and Sunday Sales for GM Mini Mart, 2307 Lucas Street – Malka 13, Inc. (pending inspections and insurance)
- J. Request for renewal of a Class "C" Liquor License and Sunday Sales for Guadalajara Restaurant, 208 East 2nd Street – Vazquez Enterprise Inc. (pending inspections and insurance)
- K. [Request to Approve Application for Revitalization Property Tax Abatement, 707 Aspen Trail, William Wolford](#)
- L.

[Request to Approve Application for Revitalization Property Tax Abatement, 703 Aspen Trail, Vickie Honson](#)

M. [Request to Approve Application for Revitalization Property Tax Abatement, 701 Aspen Trail, Carla R. Belzer](#)

- \* **Item 9 From the Mayor**
- \* **Items 12 A-D Receive and File**

- A. [Muscatine County Board of Supervisors Meeting Minutes November 15, 2021](#)
- B. [Muscatine County Board of Supervisors Meeting Minutes November 22, 2021](#)
- C. [Abstract of Votes – Election held November 2021](#)
- D. [Audit Committee Meeting Minutes 11-29-2021](#)

- \* **Bills\***
  - \* Approval of attached Bills for Approval totaling \$2,181,752.75, subject to the approval of any related agenda item(s).

**6. MINUTES – APPROVAL**

**7. PUBLIC HEARING**

**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 an Ordinance Vacating Alley Right of Way Located Between 1248 and 1300 E. 5<sup>th</sup> Street \(April Limburg, Planner\)](#)

Presented for City Council Consideration is the third and final reading of an ordinance vacating the right of way between 1248 and 1300 E. 5<sup>th</sup> Street. The City of Muscatine has submitted a request to vacate the alley right of way, and deed said right of way to the adjoining property owners.

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

B. [Second Reading of an Ordinance Amending City Code Title 1, Chapter 5 Precinct and Ward Boundaries - \(Andrew Fangman, Assistant Community Development Director\)](#)

At this time, there will be a brief presentation by Andrew Fangman, Assistant Community Development Director.

State law requires that upon release of the new decennial census information that ward and precinct boundaries be adjusted, to ensure that they comply with the standards contained in state law, the attached ordinance makes these required adjustments to ward precinct boundaries. Three Readings of this ordinance are required prior to Council taking action.

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

C. [Resolution Authorizing Establishing an Easement in the Alley Right of Way Between 1248 and 1300 E. 5<sup>th</sup> Street \(April Limburg, Planner\)](#)

Presented for City Council's consideration is a resolution establishing a utility easement in the alley between 1248 and 1300 E. 5th Street right of way, to allow for the continued use and maintenance of the water main or other utilities. This alleyway has been vacated and an easement must be established prior to the deeding of this right of way to the adjoining property owners.

Is there a motion to adopt this resolution as submitted?

D. [Resolution Deeding Vacated Right of Way between 1248 and 1300 E. 5<sup>th</sup> Street to the Adjoining Property Owners \(April Limburg, Planner\)](#)

Presented for City Council's consideration is a Resolution deeding over to the adjoining property owners the vacated alley right of way between 1248 and 1300 E 5th Street.

1. Resolution Deeding Right of Way to Jeffery A. Dean

Is there a motion to adopt this resolution as submitted?

2. Resolution Deeding Right of Way to Richard and Velma Mills

Is there a motion to adopt this resolution as submitted?

E. [Resolution Setting a Public Hearing for the Southend Playground Development Project \(Rich Klimes, Parks and Recreation Director\)](#)

The City of Muscatine Parks and Recreation Department has developed the plans and specifications for the Southend Playground Development Project. Prior to approving the plans and specifications and soliciting bids, a public hearing is required. The requested date for this Public Hearing is December 16, 2021 at 7:00 pm in Council Chambers.

Is there a motion to adopt this resolution as submitted?

F. [Resolution Setting a Public Hearing on a Decrease in the Utility Franchise Fee Rate \(Nancy Lueck, Finance Director\)](#)

At the November 18, 2021 regular Council meeting, the City Council discussed the information in the Background/Discussion section of this agenda item summary. After that discussion, there was a consensus of City Council that the Utility Franchise Fee rate be decreased from the current five percent (5%) to three percent (3%) effective February 1, 2022, or as soon thereafter that it can be implemented by the utility. An ordinance amendment is needed to implement the franchise fee rate reduction, and a public hearing is required prior to consideration of the first reading of the ordinance amendment. The attached resolution will set this public hearing for December 9, 2021 at 7:00 in the City Council Chambers. After the public hearing, the City Council can consider the first reading of the ordinance amending the franchise fee rate.

Is there a motion to adopt this resolution as submitted?

G. [Request to Approve Landfill Operations Contract](#)

Presented for City Council's consideration is a request to approve a Landfill Operations Contract with Rittmer Inc. for the daily operation at the Muscatine County Sanitary Landfill. The proposal is for \$40,150.00 monthly with a \$2.00/ton additional payment for waste hauled in excess of 50,000 tons in a fiscal year. This proposal also included a fuel surcharge payment for fuel costs that exceed \$2.92/gallon for off road diesel fuel. Rittmer was the only bidder for the 42-month contract.

Is there a motion to approve this request as submitted?

H. [Request to Approve the Purchase of Three \(3\) Shelters as part of the Southend Community Improvement Funds Project](#)

Presented for City Council's consideration is a request to approve a purchase order to Premium Park Products, LLC for the purchase of three (3) 24' x 24' commercial grade steel park shelters for a total of \$64,520. Funds are approved for these three shelters as part of the Southend Community Improvement Fund Project. Seven bids were received with the lowest bid from Premium Park Products, LLC.

Is there a motion to approve this request as submitted?

I. [Request to Approve the Purchase of a Modular Restroom for Taylor Park as Part of the Southend Community Improvement Funds Project](#)

Presented for City Council's consideration is a request to approve a purchase order to McCann Concrete Products for the purchase of a Skyline 1222 Model EASI-SET Precast Concrete Restroom Building for \$99,370. Three bids were received with the lowest bid received from McCann Concrete Products.

Is there a motion to approve this request as submitted?

J. [Request to Approve the Annual Comprehensive Financial Report and Audit for the Year Ended June 30, 2021](#)

The annual comprehensive financial report and audit for the City of Muscatine for the year ended June 30, 2021 was completed mid-November 2021. The City's Audit Committee met with Sarah Bohnsack of Bohnsack & Frommelt LLP, the City's auditing firm, on November 29<sup>th</sup>. At this meeting, Ms. Bohnsack reviewed the City's Annual Comprehensive Financial Report (ACFR), the management letter, and summary report. She reported that the City received an unmodified ("clean") opinion and that there were no audit findings again this year.

Is there a motion to approve this request as submitted?

**12. COMMUNICATION – RECEIVE AND FILE**

**13. APPROVAL OF BILLS**

It is recommended bills totaling \$2,181,752.75, 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 Closed Session per Iowa Code Section 21.5.1.c to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation and in accordance with Iowa Code Section 622.10 to discuss attorney/client privileged and attorney work product matters with legal counsel.

**16. ADJOURNMENT**