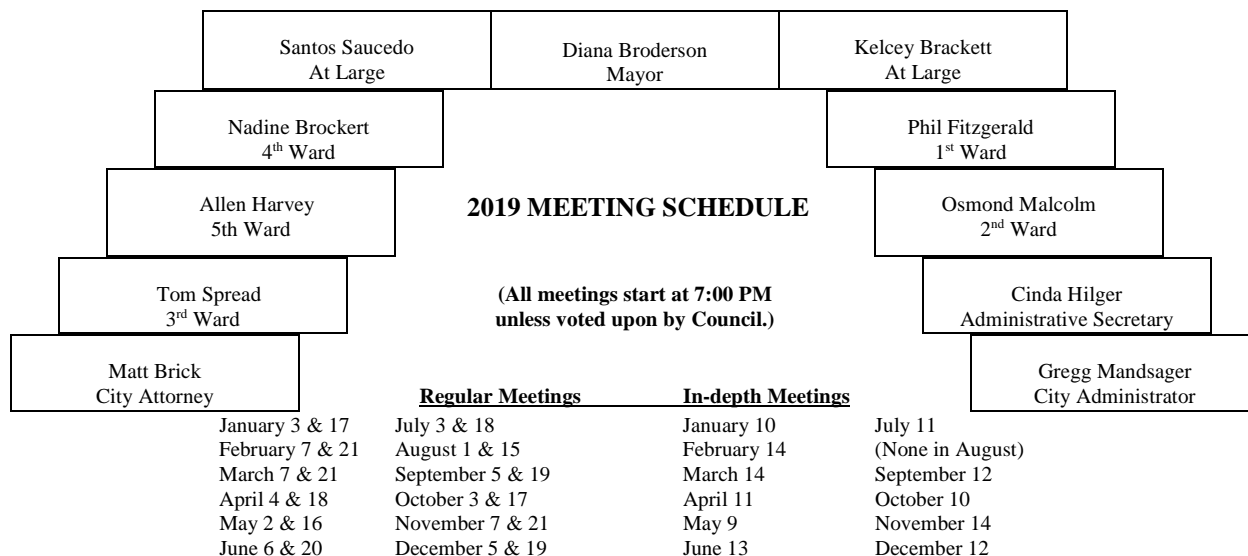


# COUNCIL



## AGENDA

**THURSDAY JULY 18, 2019  
COUNCIL CHAMBERS - CITY HALL – 7:00 P.M.**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **COMMUNICATIONS – CITIZENS**
  - A. Swearing in of Firefighter Michael Collins
  - B. Swearing in of Firefighter Isaac Linder

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.

\* **Item 6A-C Approval of City Council Minutes**

- A. Regular City Council Meeting Minutes – July 3, 2019

- B. Special Council Meeting Minutes – July 8, 2019
- C. In-Depth Council Meeting Minutes – July 11, 2019

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

- A. Request to close 3<sup>rd</sup> Street from Sycamore Street to Iowa for work to Hershey Building
- B. Request approving application for Revitalization Property Tax Abatement – Konrad & Susan Wilke
- C. Request for renewal of a Class “C” Liquor License for Port City Underground, 208 West 2<sup>nd</sup> Street – Lacey Henderson-Mueller (pending inspections)
- D. Request for renewal of a Class “C” Liquor License, Catering Privilege and Sunday Sales for Hy-Vee Market Café, 2400 – 2<sup>nd</sup> Avenue – HyVee, Inc. (pending inspection)
- E. Request on first and second reading for a new Special Class “C” Liquor License and Sunday Sales for a 5-Day Permit for Keep Muscatine Beautiful, Harbor Drive from Pearl City Station to Millennium Plaza on Thursday July 25, 2019 – Keep Muscatine Beautiful (pending inspections)
- F. Request on first and second reading for a new Special Class “C” Liquor License and Sunday Sales for a 5-Day Permit for Keep Muscatine Beautiful, Harbor Drive From Pearl City Station to Millennium Plaza on Thursday August 22, 2019 – Keep Muscatine Beautiful (pending inspections)
- G. Request on first and second reading for a new Special Class “C” Liquor License and Sunday Sales for a 5-Day Permit for Keep Muscatine Beautiful, Harbor Drive from Pearl City Station to Millennium Plaza on Thursday Sept 26, 2019 – Keep Muscatine Beautiful (pending inspections)
- H. Request for renewal of a Class “B” Beer Permit and Sunday Sales for China Garden, 2016 Cedar Plaza Drive #3 – China Garden at Cedar (pending inspections and insurance)
- I. Request for renewal of a Class “B” Beer Permit for AJ’s Garage LLC, 1206 East 2<sup>nd</sup> Street – AJ’s Garage LLC (pending inspections and insurance)
- J. Request for renewal of a Special Class “C” Liquor License and Outdoor Service for Yacky Shack, 163 Colorado Street – Yacky Shack LLC (pending inspection and insurance)
- K. Request for renewal of a Class “C” Liquor License and Sunday Sales for Osaka Sushi Steak House, 1903 Park Avenue – Osaka Sushi Steakhouse (pending inspections and insurance)
- L. Request for renewal of a Class “B” Wine Permit, Class “C” Beer Permit, Class “E” Liquor License and Sunday Sales for Pearl City Tobacco & Liquor Outlet, 200 Green Street – BGA LLC (pending inspections and insurance)
- M. Request for the use of city property from Chris and Nancy Foxen for “MHS Boys Muscatine Cross Country” 5k run on Saturday, September 2, 2019.

**\* Items 12A-C – Receive and File**

- A. Muscatine County Board of Supervisors Minutes – July -01-2019
- B. Muscatine County Board of Supervisors Minutes – July – 08-2019
- C. Muscatine Power and Water Financial Statements – May 2019

**\* Bills\***

- \* Approval of attached Bills for Approval totaling \$2,052,968.73, subject to the approval of any related agenda item(s).

**6. MINUTES – APPROVAL**

**7. PUBLIC HEARING**

A. Proposed Sale of Surplus Property

This Public Hearing concerns declaring real estate located in Scholten’s Addition for sale and authorizing the sale of said property. City Staff has negotiated a purchase price of \$250.00 with an adjoining property owner.

Now is the time for the public to comment.

**8. PETITIONS AND COMMUNICATIONS**

**9. FROM THE MAYOR**

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

**11. FROM THE CITY ADMINISTRATOR**

A. Resolution Authorizing the Sale of City Property to Robert Wilson (Public Hearing A)

Presented for City Council’s consideration is a resolution authorizing the sale of lots 5 and 10 of Scholten’s Addition to the City of Muscatine to Robert Wilson for \$250.00. This property is landlocked and only accessible by crossing another parcel. Mr. Wilson is the only adjoining land owner that showed interest in the purchase of this property.

Is there a motion to adopt this resolution as submitted?

B. Resolution Setting a Public Hearing for Amendment of Title 8, Chapter 7 of the City Code, Building Regulations, Mechanical Code

Presented for City Council’s consideration is a resolution setting a public hearing regarding the proposed amendment of Title 8, Chapter 7 building regulations, mechanical code. This public hearing will be held on August 1, 2019 at 7:00 p.m.

in the City Hall Council Chambers.

Is there a motion to adopt this resolution as submitted?

- C. Resolution Setting a Public Hearing for Amending Title 8, Chapter 9 of the City Code Building Regulations, Plumbing Code

Presented for City Council's consideration is a resolution setting a public hearing regarding the proposed amendment of Title 8, Chapter 9 building regulations, plumbing code. This public hearing will be held on August 1, 2019 at 7:00 p.m. in the City Hall Council Chambers.

Is there a motion to adopt this resolution as submitted?

- D. Resolution Setting Public Hearing Amending Title 10, Chapter 4, Section 11 of City Code

Presented for City Council's consideration is a resolution setting a public hearing regarding the proposed amendment of Title 10, Chapter 4, Section 11 of the City Code regarding floodplain regulations and definitions. This public hearing will be held on August 1, 2019 at 7:00 p.m. in the City Hall Council Chambers.

Is there a motion to adopt this resolution as submitted?

- E. Resolution Authorizing the Assessment of Unpaid Nuisance Abatement Costs to Private Properties

Presented for City Council's consideration is a resolution authorizing the assessment of unpaid abatement costs to private properties. The nuisance abatement costs total \$3,863.20, the administrative fees are \$600.00 and the assessment fees are \$1,150.00. The total fees being requested for assessment at this time totals \$5,613.20.

Is there a motion to adopt this resolution as submitted?

- F. Resolution Awarding Contract for the 2019 Asphalt Alley Program

Presented for City Council's consideration is a resolution awarding the contract for the 2019 Asphalt Alley Program to Taylor Ridge Paving and Construction in the amount of \$208,459.59. Five bids were received and the low bidder does not meet the bid specifications, staff recommends awarding bid to the second lowest bidder, Taylor Ridge Paving and Construction.

Is there a motion to adopt this resolution as submitted?

- G. Request for Purchase of Road Salt

Presented for City Council's consideration is a request to accept the bid price of \$59.98 per ton for road salt from the City of Davenport. Because of the brutal winter and the low stockpile of rock salt we have ordered 3 barges full totaling \$269,910.00. There is \$220,000 budgeted for this purchase.

Is there a motion to approve this request as submitted?

- H. Request to Approve Contract with Barker-Lemar for the Preparation of the Assessment of Corrective Measures.

Presented for City Council's consideration is a request for the approval of a contract with Barker Lemar Engineering Consultants for the preparation of the Assessment of Corrective Measures for the Muscatine County Sanitary Landfill.

Is there a motion to approve this request as submitted?

- I. Request to approve the issuance of a purchase order for replacement of Trailer #13 walking floor.

Presented for City Council's consideration is a request to approve the issuance of a purchase order to Jim Hawk Trailer, in the amount of \$23,552.46 plus freight cost, for the replacement of walking floor in trailer #13. This is not a budgeted item, but is necessary for transfer station operations. This will be included in the revised estimate for the 2019/2020 budget.

Is there a motion to approve this request as submitted?

- J. Request to approve the issuance of a purchase order for painting the Aquatic Center Pool Basin

Presented for City Council's consideration is a request to approve the issuance of a purchase order to Terry and Sons Painting, in the amount of \$27,484.00, for painting of the Muscatine Aquatic Center pool basin. Three Bids were received and Terry and Sons was the lowest bid. There is \$30,000 budgeted for this expense.

Is there a motion to approve this resolution as submitted?

- K. Request to approve the issuance of a purchase order for a Riding Rotary Mower for the Muscatine Soccer Complex

Presented for City Council's consideration is a request to approve the issuance of a purchase order to MTI Distributing, in the amount of \$73,360.53, for the purchase of a Toro 4700D Riding Rotary Mower for the soccer complex. There is \$82,000.00 budgeted for this purchase.

Is there a motion to approve this request as submitted?

- L. Request to approve the issuance of a purchase order for purchase of a tractor for Greenwood Cemetery

Presented for City Council's consideration is a request to approve the issuance of a purchase order to Sinclair Tractor, in the amount of \$44,072.32, for the purchase of a John Deere tractor for Greenwood Cemetery. Five bids were received and the lowest bid that met the specifications was from Sinclair Tractor in Muscatine. There is \$42,000 budgeted for this purchase. The overage will be paid out of the savings on the mower purchase.

- M. Request to Approve City of Muscatine's General Contractor Agreement

Presented for City Council's consideration is a request to approve the City of Muscatine's General Contractor Agreement. Two bids were received with the low bid from BMW Builders II. The agreement would be in effect from July 2019 through June 30, 2022, with a possible one-year extension.

Is there a motion to approve the request as submitted?

- N. Discussion on potential code revision to Title 1, Chapter 10, Section 2 E1b

12. **COMMUNICATIONS - RECEIVE AND FILE**

13. **APPROVAL OF BILLS**

It is recommended bills totaling \$2,052,968.73, 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**

CITY OF MUSCATINE  
REGULAR CITY COUNCIL MINUTES  
Council Chambers – 7:00 p.m. –July 18, 2019

Mayor Broderson called the City Council meeting for Thursday, July 18, 2019, to order at 7:00 p.m. Present were: Councilmembers Spread, Harvey, Brockert, Saucedo, Brackett and Fitzgerald.

The meeting began with the Pledge of Allegiance.

**Communications-Citizens**

Mayor Broderson swore in new firefighters Michael Collins and Isaac Linder.

Ralph Burr, 3015 Allen Street asked that a city staff member explain to the residents what is going to be done with the sewer problems at Houser and Dawson Streets.

**Consent Agenda**

Councilmember Fitzgerald, Seconded by Councilmember Brackett, moved the Consent Agenda be approved as follows:

- Items 6 A-B - Approval of City Council Minutes
  - Items 8 A-M: Petitions and Communications
  - Items 12 A-C: Receive and File
  - Bills for Approval totaling \$2,052,968.73
- Vote – Ayes 6, Nays 0, Motion carried

**Public Hearing**

A. Mayor Broderson stated this public hearing concerns declaring real estate located in Scholten's Addition for sale and authorizing the sale of said property.

There were no comments, oral or written, from citizens regarding this public hearing.

Councilmember Brackett moved the public hearing to be closed, seconded by Councilmember Spread.

Vote – Ayes 6, Nays 0, Motion carried

**Item 11A**

Councilmember Harvey moved to adopt Resolution #2019-0209, authorizing the sale of lots 5 and 10 of Scholten's Addition to the City of Muscatine, to Robert Wilson in the amount of \$250.00. Seconded by Councilmember Brackett.

Vote – Ayes 6, Nays 0, Motion carried

**Item 11B**

Councilmember Brackett moved to adopt Resolution #2019-0210A, setting a public hearing on August 1, 2019, regarding the amendment of Title 8, Chapter 7 of the City Code, Building Regulations, Mechanical Code. Seconded by Councilmember Harvey.

Vote – Ayes 6, Nays 0, Motion carried

**Item 11C**

Councilmember Harvey moved to adopt Resolution #2019-0210B, setting a public hearing on August 1, 2019, regarding the amendment of Title 8, Chapter 7 Building Regulations, Plumbing Code. Seconded by Councilmember Brackett.

Vote – Ayes 6, Nays 0, Motion carried

**Item 11D**

Councilmember Brackett moved to adopt Resolution #2019-0211, setting a public hearing on August 1, 2019, regarding the amendment of Title 10, Chapter 4, Section 11 of City Code.6

Vote – Ayes 6, Nays 0, Motion carried

**Item 11E**

Councilmember Spread moved to adopt Resolution #2019-0212, authorizing the assessment of unpaid nuisance abatement costs to private properties. Seconded by Councilmember Harvey.

There were questions from City Council regarding one of the properties being a church and if the City would be able to recover those fees.

Councilmember Brockert stated she has talked to that church and they would like to set up a payment plan to be able to pay the fines.

Councilmember Brackett moved to amend original motion by pulling parcel# 1310229002 from the list of properties and allow Musserville United Methodist Church one month to set up a payment plan and to adjust amounts accordingly on original list of assessments. Seconded by Councilmember Harvey.

Vote – Ayes 6, Nays 0, Motion carried

Councilmembers voted on original resolution with amendment.

Vote – Ayes 6, Nays 0, Motion Carried

**Item 11F**

Councilmember Brackett moved to adopt Resolution #2019-0213, awarding the contract for the 2019 Asphalt Alley Program to Taylor Ridge Paving and Construction. Seconded by Councilmember Fitzgerald.

There were questions from City Council regarding the total amount to be spent on this project that were addressed by City Administrator Gregg Mandsager.

Vote – Ayes 6, Nays 0, Motion carried

**Item 11G**

Councilmember Brackett moved to approve Request #2019-0214, for the purchase of 3 barges of road salt. Seconded by Councilmember Harvey.

There were questions from City Council regarding cost and storage that were addressed by City Administrator Gregg Mandsager.

Vote – Ayes 6, Nays 0, Motion carried

**Item 11H**

Councilmember Saucedo moved approve Request #2019-0215, for a contract with Barker-Lemar for the preparation of the Assessment of Corrective Measures at the Muscatine County Landfill. Seconded by Councilmember Brackett.

City Administrator Gregg Mandsager stated the amount of progress that has been made with the landfill is very positive.



Vote – Ayes 6, Nays 0, Motion carried

**Item 11I**

Councilmember Fitzgerald moved to approve Request #2019-0216, for the issuance of a purchase order in the amount of \$23,552.46, to Jim Hawk Trailer for the repairs of the walking floor in trailer #13. Seconded by Councilmember Saucedo.

There were questions from City Council regarding who was doing the repairs and where the money for this expense would come from that were addressed by City Administrator Gregg Mandsager.

Vote – Ayes 6, Nays 0, Motion carried

**Item 11J**

Councilmember Fitzgerald moved to approve Request # 2019-0218, for the issuance of a purchase order in the amount of \$27,484.00 to Terry and Sons for painting the Aquatic Center pool basin. Seconded by Councilmember Brockert.

There were questions from City Council regarding mill checks to ensure proper thickness that were addressed by Parks and Recreation Director Rich Klimes.

Vote – Ayes 6, Nays 0, Motion carried

**Item 11K**

Councilmember Brackett moved to approve Request #2019-0219, for the issuance of a purchase order in the amount of \$73,360.53 to MTI Distributing for the purchase of a Toro 4700D Riding Rotary Mower for the Soccer Complex. Seconded by Councilmember Brockert.

Vote – Ayes 6, Nays 0, Motion carried

**Item 11L**

Councilmember Brackett moved to approve Request #2019-0217, for the issuance of a purchase order in the amount of \$44,072.32 to John Deere Tractor for the purchase of a John Deere tractor for Greenwood Cemetery. Seconded by Councilmember Brockert.

There were questions from City Council regarding what attachments were included with the tractor, that were addressed by Parks Superintendent Nick Gow.

Vote – Ayes 6, Nays 0, Motion Carried

**Item 11M**

Councilmember Spread moved to approve Request #2019-0225, for a three-year agreement with BMW Builders II for the City of Muscatine’s General Contractor. Seconded by Councilmember Fitzgerald.

There were questions from City Council regarding the length of the contract that were addressed by Public Works Director Brian Stineman.

Vote - Ayes 6, Nays 0, Motion Carried

**Item 11N**

Councilmember Saucedo requested a discussion regarding a change in City Code Title 1, Chapter 10, Section 2 E1b. He stated that current code does not allow for Councilmembers to discuss projects, progress and purchases with department heads or staff members.

Councilmember Brackett stated he supports this change, not to give orders to staff but to be able to communicate and receive feedback.

Mayor Broderson read a letter submitted by Councilmember Malcolm stating he is in support of this change.

Councilmember Spread stated he does not feel this change is necessary. He stated that if transparency is the issue how is a one on one conversation transparent.

Councilmember Brockert stated that she supports the change.

Councilmember Spread stated that he does not support the change. He stated that he has not had any trouble with the current code and communication during his time on City Council.

City Administrator Mandsager stated that by changing this code there are other issues that would be affected and the City would need to work with City Attorney on the changes.

There was other discussion between City Council members and staff regarding the change.

There was a consensus with City Council to bring this issue back to Council on August 15, 2019, and to discuss the changes with the City Attorney at said meeting.

### **Communication-Council Members**

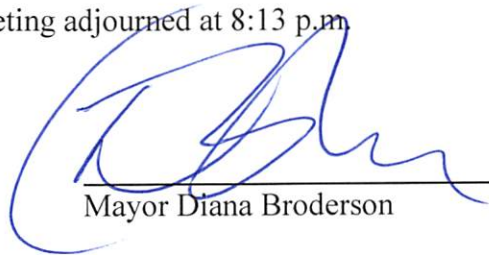
Councilmember Harvey reminded businesses that it is City Staff's obligation to enforce rules and regulations and not to change them.

Councilmember Saucedo thanked everyone that made the first Almost Friday Fest a success.

Councilmember Brackett thanked everyone involved in Rockin on Sycamore for raising money for Shop with a Cop.

Mayor Broderson stated Coffee with the Mayor has been cancelled due to the heat and that she will be on vacation for the next week. Mayor Broderson reminded citizens to check on family members and neighbors during this heat spell.

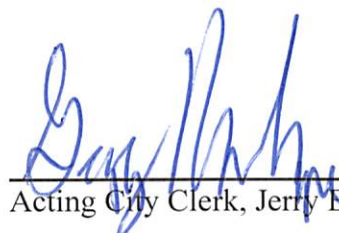
Councilmember Harvey motioned meeting adjourned at 8:13 p.m.



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Mayor Diana Broderson

Attest:



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Acting City Clerk, Jerry Ewers

**\*\*\* Proof of Publication \*\*\***

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE MUSCATINE JOURNAL, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the dates listed below.

CITY OF MUSCATINE- Legals account

215 Sycamore Street  
MUSCATINE, IA 52761

ORDER NUMBER 47657

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.



Section: Notices & Legals

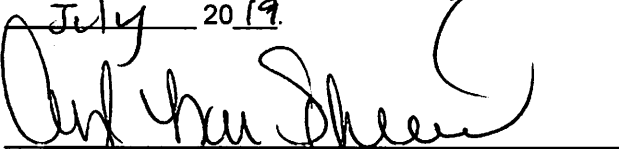
Category: 2520 Miscellaneous Notice

PUBLISHED ON: 07/31/2019

TOTAL AD COST: 365.88

FILED ON: 7/31/2019

Subscribed and sworn to before me by said affiant this 31 day of July 2019.



Notary Public in and for Scott County, Iowa

